

[2:06 P.M.]

>> OKAY, I'M READY NOW. IS THAT OKAY NOW?

ALSO, PLEASE NOTE THAT YOU WILL NEED TO SAVE THE TEXT FILE AT THE CONCLUSION OF THE WEBINAR AS I AM UNABLE TO ON MY SCREEN. THANK YOU.

>> OKAY, CAN YOU SEE THE FIRST SLIDES NOW?

CAN EVERYBODY SEE THE FIRST SLIDE?

>> I CAN. YES, IT APPEARS WE'RE GOOD.

>> SO, IF I MOVE THE SLIDE, CAN EVERYBODY SEE THE SECOND SLIDE?

>> NO, I'M STILL ON THE FIRST SLIDE. THAT'S THE LAST SLIDE. [SPEAKER NOT UNDERSTOOD].

>> OKAY. I GUESS PROBABLY MOST PEOPLE ALREADY DOWNLOAD THE SLIDE. PROBABLY WE CAN JUST GO AHEAD AND MOVE THE SLIDES THEMSELVES.

>> OKAY. HAS EVERYONE HAD A CHANCE TO DOWNLOAD THE POWERPOINT? YOU CAN PUT THE WEBSITE BACK IN THE CHAT ROOM. I THINK IT PROBABLY WENT TOO FAST FOR PEOPLE TO GET, AND THERE IT IS. SO, JUST TO RECAP, WE'RE GOING TO DOWNLOAD THE POWERPOINT FROM THE LINK THAT'S IN THE CHAT BOX. AND THEN WE'LL GO THROUGH THE PRESENTATION WITH YOU LOOKING AT THE POWERPOINT ON YOUR OWN EQUIPMENT.

>> IS SOMEONE MOVING THE SLIDES?

LET'S JUST TAKE THE SLIDE OF THE FIRST ONE SO THAT EVERYBODY CAN SEE THE FIRST SLIDE.

>> I PULLED UP THE FIRST SLIDE AND YOU'LL BE FOLLOWING ALONG ON THE POWERPOINT AND WE'LL JUST, YOU KNOW, TURN THE PAGES WHEN I SAY. SO, TERRY, IT'S ALL YOURS WHENEVER YOU'RE READY.

>> OKAY. LET ME KNOW WHEN YOU'RE READY SO I WILL START RECORD.

>> I'M READY WHENEVER YOU ARE. JUST LET ME KNOW.

>> WELL, I'M READY.

>> HELLO, EVERYBODY. I GUESS YOU ALL HAD ENOUGH TIME TO GET INTO THE ROOM AND HOPEFULLY EVERYONE HAS DOWNLOADED THE POWERPOINT AND WE'RE READY TO GO. FOR OUR WEBINAR FOR INTERPRETING IN DOMESTIC VIOLENCE MATTERS. MANY OF YOU HAVE ALREADY SENT ME SIGN-IN SHEETS. I DO NOT NEED THE SIGN-IN SHEETS UNLESS YOU ARE IN A GROUP OF PEOPLE WATCHING ON ONE COMPUTER. AT THE END OF THIS WEBINAR, WHEN YOU CLOSE OUT OF THE WEBINAR, A SURVEY WILL POPULATE, NOT JUST FOR SATISFACTION SURVEY, BUT ALSO FOR YOU TO PROVIDE YOUR CEU INFORMATION. THAT WAY ALL OF THE INFORMATION IS SENT TO ME ELECTRONICALLY AND WE'LL KNOW IT IS ACCURATE. ALSO, CAPTIONING AND INTERPRETERS ARE PROVIDED. THE STREAMING WINDOW OPENS AUTOMATICALLY. THERE IS THE TAB FOR THE AUDIO AND VIDEO ON THE FAR RIGHT. CLICK ON THE BOTTOM CORNER AND A MENU WILL DROP DOWN. CLICK PATCH PANEL. THEN YOU CAN RESIZE THE VIDEO BOX. TO OPEN THE CAPTIONING, CLICK ON THE CAPTIONING ICON ON

THE TOOL BAR. WINDOWS CAN BE CLOSED OR SIZED TO CREATE YOUR PERSONAL VIEWING ENVIRONMENT. THE CHAT WINDOW CAN ALSO BE MADE BIGGER BY PULLING IT OUT. CLICK ON THE ICON BOX IN THE UPPER RIGHT-HAND CORNER OF THE CHAT BOX TO ACCESS THE MENU AND MAKE THE CHAT FONT BIGGER. IF YOU HAVE TECHNICAL ISSUES, USE THE CHAT FUNCTION AND A MEMBER OF THE CLEARINGHOUSE STAFF WILL AIDE. QUESTIONS FOR THE PRESENTER WILL BE IN THE CHAT FUNCTION, AND SHE WILL HOLD TIMES FOR QUESTIONS AND ANSWER TIME THROUGHOUT THE WEBINAR. PLEASE WRITE DOWN YOUR QUESTIONS AND WAIT FOR CARLA TO ASK FOR THEM. THEN YOU MAY TYPE THEM IN THE CHAT BOX. AND I DIDN'T INTRODUCE MYSELF BEFORE. I AM KERRY WHITE. AND IF YOU HAVE ANY ISSUES OR QUESTIONS ABOUT CEUs OR FUTURE WEBINARS, PLEASE E-MAIL ME. NOW I'D LIKE TO TURN IT OVER TO CARLA MATHERS. THANK YOU, CARLA.

>> THANK YOU, KERRY. THANKS, EVERYONE, FOR YOUR INDULGENCE AS WE GET STARTED. I CAN TELL THAT PEOPLE ARE CONTINUING TO JOIN. SO, AS LONG AS I CAN KEEP SEEING THEM POP UP IN MY CORNER, I'M GOING TO REPEAT THAT IN THE CHAT BOX THERE IS A LINK TO THE POWERPOINT BECAUSE THE POWERPOINT IS NOT WORKING ON THIS PARTICULAR WEBINAR. SO, YOU NEED TO DOWNLOAD IT AND OPEN IT, AND WE'LL GO THROUGH THE POWERPOINT AND I'LL TELL US WHEN WE'RE GOING TO NEED TO TURN THE PAGES. AGAIN, I STAND IN AWE OF TECHNOLOGY AND PEOPLE LIKE JESSIE WHO UNDERSTAND HOW THIS WORKS. BUT ANY TIME YOU GET 177 INTERPRETERS TOGETHER, THERE'S GOT TO BE JUST A LITTLE BIT OF

DRAMA. SO, THAT'S OURS. NO MORE. I WANT TO THANK AGAIN THE MARIE CENTER AND THE UNIVERSITY OF NORTHERN COLORADO FOR SPONSORING THE SERIES THIS SUMMER. IN PARTICULAR, JESSIE ZHU, KERRY WHITE, ANNA WOOD AND MATTHEW, THE LONNIE JOHNSON. AND OUR INTERPRETERS TODAY, KIRK AND DARLENE. SO, THIS IS THE FOURTH WEBINAR IN A SERIES OF FIVE, AND WE'RE FOCUSING ON INTERPRETING IN DOMESTIC VIOLENCE MATTERS. I DO, AS I HAVE EACH SEMINAR, WANT TO PUT MY DISCLAIMER IN AND MY APOLOGIES TO MY DEAF COLLEAGUES BECAUSE IN THE LEGAL INTERPRETING FIELD, WE TRY TO PRESENT EVEN OUR SHARED LANGUAGE. AND BECAUSE OF THE TECHNOLOGY WE'RE UNABLE TO DO THAT WITH THIS SERIES. BUT THE CENTER IS WORKING ON A DIFFERENT APPROACH SO THAT WE CAN ALL BE USING THE SAME LANGUAGE. I HAVE ANOTHER DISCLAIMER, THIS ONE ABOUT LEGAL RIGHTS. THE CONTENT IN DOMESTIC VIOLENCE MATTERS IS STRONGLY DEPENDENT UPON THE STATE IN WHICH YOU ARE LOCATED. AND, SO, NO PART OF THIS DISCUSSION CAN BE RELIED UPON AS LEGAL ADVICE, NOR IS ANY ATTORNEY/CLIENT RELATIONSHIP CREATED BY VIRTUE OF THIS DISCUSSION. THAT PART IS TO PROTECT ME. AND WITH THAT, I WANT TO TALK GENERALLY ABOUT DOMESTIC VIOLENCE FIRST AND SOME OF THE POLICIES AND THE REASONS WHY SO MANY STATES HAVE TAKEN THE KIND OF EXTREME STATUTORY ACTION THAT THEY'VE TAKEN TO PROTECT VICTIMS OF DOMESTIC VIOLENCE. I ALSO WILL TEND TO SAY THINGS LIKE VICTIM AND I KNOW THERE ARE TERMS THAT ARE PREFERRED IN THE DOMESTIC VIOLENCE COMMUNITY THAT MIGHT BE DIFFERENT FOR

SURVIVORS OR COMPLAINING WITNESSES IS WHAT WE USE IN THE LEGAL ARENA. I ALSO WILL TALK GENERALLY ABOUT DOMESTIC VIOLENCE BEING MALE TO FEMALE, BUT AS WE ALL KNOW, IT CAN BE -- IT KNOWS NO GENDER AND WE'LL TALK ABOUT THAT A LITTLE BIT MORE. SO, I BEG YOUR INDULGENCE IF I AM USING HE AND SHE AND IT OFFENDS IN ANY MANNER.

>>> DOMESTIC VIOLENCE IS SERIOUS AND IT CAN BE LIFE-THREATENING AND THE RESEARCH SHOWS THAT MORE WOMEN TEND TO BE KILLED OR SERIOUSLY INJURED BY INTIMATE PARTNERS THAN BY ANY OTHER CAUSE. PEOPLE GOING THROUGH DIVORCES MAYBE THAT CAME ABOUT AS A RESULT OF DOMESTIC VIOLENCE, THEY HAVE THIS MISCONCEPTION THAT ONCE THE PARTIES SEPARATE IN ANTICIPATION OF THE DIVORCE, THAT THE CHANCES OF DOMESTIC VIOLENCE GO AWAY. AND, IN FACT, THEY ESCALATE. SO, WE OFTEN SEE DOMESTIC VIOLENCE ISSUES IN OTHER FAMILY LAW MATTERS WHICH IS WHY WE TOUCHED ON IT LAST TIME, BUT WE'LL LOOK AT IT MORE CAREFULLY TONIGHT.

>>> I'M GOING ON TO THE SECOND SLIDE ENTITLED DOMESTIC VIOLENCE. I'M GOING TO TRY TO MOVE THE SCREEN, BUT IT WILL PROBABLY GO AWAY. LOOK AT THAT. SO, WE HAVE THE SECOND SLIDE UP AND YOU ALSO HAVE YOUR POWERPOINT. IT'S HARD TO REALLY KNOW THE EXACT NUMBERS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT THAT GOES ON IN THE UNITED STATES. BUT PEOPLE WHO STUDY IT SAY THAT BETWEEN 2 TO 4 MILLION WOMEN ARE BATTERED ANNUALLY BY INTIMATE PARTNERS. IT'S HARD TO KNOW HOW MANY MEN ARE BATTERED, BUT WE KNOW THEY ARE. IT'S HARD

TO ESTIMATE ALSO THE NUMBER OF DEAF PEOPLE THAT ARE BATTERED BY PARTNERS. BUT DVSA THE ACRONYM FOR DOMESTIC VIOLENCE SEXUAL ASSAULT, AFFECTS ALL SOCIOECONOMIC CLASSES AND DISCRIMINATES AGAINST NO ONE. WE'RE VERY FORTUNATE IN THE DEAF COMMUNITY TO HAVE A NATIONAL NETWORK OF DVSA ADVOCATES THAT WAS ORGANIZED YEARS AGO BY ABUSED DEAF WOMEN'S ADVOCACY SERVICES. I ALWAYS CALLED IT AD WASH. HARD TO REMEMBER WHAT IT STANDS FOR. WE'LL TALK MORE ABOUT THAT LATER. BUT SOME OF WHAT THEY HAVE SAID ABOUT THE NUMBERS WITHIN THE DEAF COMMUNITY FROM THE DEAF HOPE WEBSITE, THEY SAY THAT THEY DID AN EIGHT YEAR SURVEY, COLLEGE STUDENTS OF RIT, AND THAT IT INDICATED THAT DEAF AND HARD OF HEARING PEOPLE ARE 1-1/2 MORE TIMES LIKELY TO BE THE VICTIMS OF RELATIONSHIP VIOLENCE AND THAT INCLUDED SEXUAL HARASSMENT, SEXUAL ASSAULT, AND PSYCHOLOGICAL AND PHYSICAL ABUSE. SOME PEOPLE HAVE SUGGESTED, IN PARTICULAR MHIT, WHICH IS THE MENTAL HEALTH INTERPRETER TRAINING PROGRAM, THAT IT MAY BE MORE A PROBLEM IN THE DEAF COMMUNITY BECAUSE IT'S VERY DIFFICULT -- IT'S EASIER TO GET ISOLATED AND DIFFICULT TO LEAVE AN ABUSIVE RELATIONSHIP AND THEN TO GO OUT INTO THE DEAF COMMUNITY AND INTERACT WITH COMMUNITY MEMBERS AFTER YOU LEAVE IT. SO, INTERPRETERS SEE A LOT IN LEGAL SETTINGS AS WELL AS MEDICAL AND THERAPEUTIC SETTINGS. AND IT CAN CAUSE A VICARIOUS TRAUMA. SO, HEALTH CARE IS REALLY IMPORTANT FOR INTERPRETERS IF WE'RE GOING TO

BE WORKING IN THIS SETTING. SO, THERE'S A QUOTE THAT I READ THAT I LIKED AND IT SAID, THE INTERPRETERS HOLD THE KEY TO THE WOMAN'S VOICE, TO HER OPPORTUNITY IN OBTAINING THE PERMANENT RESTRAINING ORDER, AND HER PROBABILITY OF KEEPING HER CHILDREN.

>>> I AM STATES HAVE MADE IT PRIORITY PUBLIC POLICY TO PROTECT VICTIMS OF DOMESTIC VIOLENCE. IN MARYLAND OUR GENERAL ASSEMBLY SET FORTH OUR POLICY ADS BECAUSE OF AN INCREASING NUMBER OF VICTIMS OF DOMESTIC VIOLENCE ARE FORCED TO LEAVE THEIR HOMES, TO ENSURE THEIR RIGHTS, SAFETY, AND WELFARE. AND THAT VICTIMS OF DOMESTIC VIOLENCE AND THEIR CHILDREN ARE OFTEN ECONOMICALLY DEPENDENT UPON THE ABUSER AND THEY HAVE NO OTHER PLACE TO LIVE OUTSIDE OF THE HOUSEHOLD. AND IN THE PAST DOMESTIC VIOLENCE HAD BEEN IGNORED AND, THEREFORE, IS A LACK OF SERVICES, COUNSELING, AND QUALITY EMERGENCY PUBLIC OR PRIVATE HOUSING TO PROVIDE A PLACE TO LIVE. AS A RESULT, THE MARYLAND GENERAL ASSEMBLY ENACTED OUR STATUTES PROVIDING PROTECTION TO VICTIMS OF DOMESTIC VIOLENCE. THAT PUBLIC POLICY FAVORS THE INITIAL PROTECTION OF THE PETITIONER, THE PERSON SEEKING PROTECTION. SO, THE BURDEN FOR GETTING AN INITIAL PROTECTIVE ORDER IS VERY, VERY LOW AND I'LL GO THROUGH WHAT THE BURDENS ARE. IN MARYLAND ALSO PUBLIC POLICY REQUIRES THAT YOU CAN GET A PROTECTIVE ORDER 24 HOURS A DAY 7 DAYS A WEEK, AND THAT CAN BE ISSUED WITHOUT THE OTHER PARTY BEING THERE, WHICH IS WHAT WE CALL AN EX-PARTE ORDER. THEN, ONCE NOTICE IS GIVEN TO THE

RESPONDENT, A FULL EVIDENTIARY HEARING IS HELD TO DETERMINE AT A MUCH HIGHER BURDEN WHETHER OR NOT THERE IS A LIKELIHOOD THAT DOMESTIC VIOLENCE DID OCCUR. SO, IN MARYLAND YOU CAN FILE WHAT WE CALL A DVPO, DOMESTIC VIOLENCE PROTECTIVE ORDER, IN ANY COURT IN THE COUNTY, IN THE STATE. YOU CAN FILE IT IN ANY CLERK'S OFFICE IN THE STATE. IF THE CLERK'S OFFICE IS CLOSED THEN WE HAVE COMMISSIONERS AVAILABLE 24/7. SO, EVERY PROCEDURE, EVERY STATE IS GOING TO HAVE A DIFFERENT PARTICULAR PROCEDURE, BUT THEY ALL HAVE SOME SIMILARITIES. WE'LL GO THROUGH THE SIMILARITIES IN THE NEXT COUPLE OF SLIDES.

>>> I'M GOING ON TO THE NEXT SLIDE, WHICH IS BLANK. SO, IN YOUR -- I'LL GO BACK AND SEE -- IF I LEAVE IT THERE, MAYBE IT WILL UP LOAD. IN YOUR POWERPOINT IT'S CALLED UNDERSTANDING DV PROCEDURE AND THEN THERE ARE TWO BULLETS. ONE WAS CIVIL SYSTEM AND ONE WAS CRIMINAL SYSTEM. SO, IN DOMESTIC VIOLENCE SITUATIONS YOU CAN HAVE A CRIMINAL AND A CIVIL MATTER GOING ON SIMULTANEOUSLY. AND THEY CAN BE THE RESULT OF THE SAME VIOLENT ACTS. SO, A PERSON WHO EXPERIENCED DOMESTIC VIOLENCE HAS TWO DIFFERENT REMEDIES AND SOMETIMES MORE. IN A CIVIL DV ACTION, THE PERSON WHO IS ASKING THE COURT FOR PROTECTION, YOU'RE NOT ASKING -- THE PERSON IS NOT ASKING THE COURT TO SEND THE PERSON TO JAIL, SEND THE RESPONDENT TO JAIL, BUT IF THE ABUSER VIOLATES THE CIVIL COURT ORDER, HE MAY BE SENT TO JAIL FOR THAT VIOLATION. SO, IN A CIVIL CASE IT'S THE VICTIM BRINGING THE CASE



AGAINST THE ABUSER. SO, IN MOST CIRCUMSTANCES THAT PERSON ALSO HAS THE RIGHT TO WITHDRAW THE CASE AND DROP IT. THE MAIN DIFFERENCE BETWEEN THE CIVIL AND CRIMINAL DOMESTIC VIOLENCE IS WHO TAKES THE CASE TO COURT AND THE REASON FOR THE CASE. SO, IN THE CRIMINAL LAW SYSTEM, OBVIOUSLY CRIMINAL LAW HANDLES ALL VIOLATIONS OF THE LAW, SUCH AS HARASSMENT, ASSAULT, MURDER, THEFT. A CRIMINAL COMPLAINT IS FILED AND THE ABUSER IS CHARGED WITH A CRIME. SO, IN A CRIMINAL CASE IT'S THE PROSECUTOR AND IN SOME PLACES THAT PERSON IS CALLED A DISTRICT ATTORNEY OR A STATE'S ATTORNEY. BUT THAT'S THE PERSON WHO HAS CONTROL OVER THE CASE SO, IT'S NOT UP TO THE VICTIM TO DETERMINE WHETHER THE CASE GOES. THEY CAN'T JUST CHANGE THEIR MIND AND DROP THE CASE. SO, SOMETIMES IT'S POSSIBLE EVEN IN CRIMINAL SETTING DEPENDING ON THE STATE THAT THE VICTIM DOESN'T WANT TO PRESS CHARGES, AND THE PROSECUTOR MIGHT DROP THE CASE. YOU MIGHT ALSO SEE ISSUES RELATED TO ASSERTING A PRIVILEGE, A MARITAL COMMUNICATIONS PRIVILEGE. AND, AGAIN, IT'S HEAVILY DEPENDENT UPON YOUR STATE LAW. YOU CAN'T BE FORCED UNDER THAT PRIVILEGE, YOU CAN'T BE FORCED TO TESTIFY AGAINST YOUR SPOUSE. SO, IF A VICTIM OF DOMESTIC VIOLENCE CHANGED HER MIND AND RECANTED HER STORY OR DEPTH WANT TO TESTIFY, THE STATE COULDN'T FORCE HER. WHAT WE DID IN MARYLAND WAS OUR -- IN MARYLAND OUR STATUTE SAYS YOU CAN ASSERT THAT PRIVILEGE ONCE AND THEN THEREAFTER THE STATE CAN FORCE YOU TO TESTIFY AGAINST YOURSELF. THAT IS PART OF THE PUBLIC

POLICY AGAINST OR IN FAVOR OF SUPPORTING OR PROTECTING VICTIMS OF ABUSE. SO, WE'LL COME BACK A LITTLE BIT LATER TO SOME OF THE OVERLAY BETWEEN DOMESTIC VIOLENCE AND OTHER TYPES OF MATTERS.

>>> I'M GOING TO SEE IF I CAN GET TO THE THIRD SLIDE, WHICH IS WHAT WE JUST DID, UNDERSTANDING CIVIL PROCEDURES, [SPEAKER NOT UNDERSTOOD], AND WE'RE DONE WITH IT. WE'LL GO ON HOPEFULLY TO THE FOURTH SLIDE. ALL RIGHT, WE'LL LEAVE IT BLANK AND SEE IF IT POPS UP. THIS SLIDE IS -- THE FOURTH SLIDE IS CALLED DEFINITIONS. IT SAYS DOMESTIC VIOLENCE, SEXUAL ASSAULT, RELATIONSHIP RAPE, STALKING, CYBER STALKING, PROTECTIVE ORDERS, AND DOMESTIC VIOLENCE COURT. SO, DOMESTIC VIOLENCE IN LAYMAN'S TERMS IS ASSAULTIVE BEHAVIOR INVOLVING ADULTS IN AN INTIMATE, SEXUAL, AND USUALLY COHABITATING RELATIONSHIP. A MORE LEGAL DEFINITION, TAKING FROM THE MARYLAND STATUTE, A VICTIM OF DOMESTIC VIOLENCE MEANS A PERSON WHO HAS RECEIVED DELIBERATE, SEVERE, AND DEMONSTRABLE PHYSICAL INJURY, OR IS IN FEAR OF IMMINENT, DELIBERATE, SEVERE, AND DEMONSTRABLE PHYSICAL INJURY. FROM A CURRENT OR FORMER SPOUSE OR A CURRENT OR FORMER CO-HABITANT. IT'S OFTEN A PATTERN OF ABUSE, A PATTERN OF PHYSICAL ASSAULT, THREAT, COERCIVE BEHAVIORS, PRIMARILY USED TO MAINTAIN CONTROL OVER THE OTHER PERSON. ABUSIVE BEHAVIOR CAN BE ONGOING VERBAL, EMOTIONAL, SEXUAL, PHYSICAL, PSYCHOLOGICAL, AND ECONOMIC ABUSE. SO, AS I GO THROUGH THIS LIST OF ITEMS THAT THE NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, WHICH IS ESTIMATED

THAT UP TO 30% OF WOMEN WILL EXPERIENCE DURING THEIR LIFETIME, AS WE GO THROUGH THIS LIST OF ITEMS, THINK ABOUT AS AN INTERPRETER THE IMPLICATION OF DEFINED CHOICES, PARTICULARLY IF YOU HAVE NO CONTEXT, THERE ISN'T A LIST, THERE ISN'T ANY TO DO. AND THINK ALSO ABOUT THE TIME NECESSARY TO CREATE OR CONVEY THE CONCEPTS. SO, EXAMPLES OF ABUSIVE TECHNIQUES INCLUDE HITTING, KICKING, AND PUNCHING. PREVENTING ACCESS TO OR KNOWLEDGE OF FAMILY FINANCES. THREATENING TO TAKE CUSTODY OF CHILDREN OR THREATENING TO TAKE CHILDREN AWAY. HARMING CHILDREN AS A PUNISHMENT TO THE SPOUSE OR PARTNER. IF JOINT PROPERTY, HARMING PETS, BERATING IN FRONT OF CHILDREN OR FAMILY AND FRIENDS, THREATENING VIOLENCE, MONITORING WHERE YOUR PARTNER GOES AND WHO SHE SEES, OR RESTRICTING ACCESS TO FAMILY AND FRIENDS. ACCUSING HER OF INFIDELITY, OR FORCING HER TO PERFORM SEXUAL ACTS OR BEHAVIOR SHE DOES NOT WANT TO DO. SO, THAT LIST, JUST LOOKING AT THAT LIST, MANY OF THOSE ARE ALSO CRIMES. SEXUAL ASSAULT OR RAPE IS ANY FORM OF NONCONSENSUAL SEXUAL ACTIVITY ENCOMPASSING ALL UNWANTED ACTS FROM INTIMIDATION TO PENETRATION. IT'S A FORM OF VIOLENCE USED TO HUMILIATE AND INTIMIDATE, CONTROL, OR INSTILL FEAR IN ANOTHER PERSON. INCLUDING FORCING UNWANTED SEXUAL ACTIVITY, RAPE, INCEST, AND SEXUAL ABUSE. THINK ABOUT THE COMMON LAW DEFINITION OF ASSAULT, ASSAULT DOESN'T -- COMMON LAW IN THE OLDEN DAYS IS WHAT WE MEAN WHEN WE SAY COMMON LAW, USUALLY DIDN'T INVOLVE TOUCHING,

BUT IT ALWAYS INVOLVED -- ALWAYS INCLUDED INSTILLING FEAR. SO, THIS IS USING SEX OR THREAT OF SEX OR FORCED TO MAKE ANOTHER PERSON BE AFRAID. SO, THE LEGAL DEFINITIONS ARE GOING TO VARY BY STATE. BUT IT CAN BE -- SEXUAL ASSAULT CAN BE VERBAL, VISUAL, ANYTHING THAT FORCES UNWANTED SEXUAL CONTACT OR ATTENTION. EXAMPLES MIGHT BE VOYEURISM WHEN SOMEONE WATCHES PRIVATE SEXUAL ACTS. EXHIBITIONISM, WHICH IS WHEN SOMEONE EXPOSES HIMSELF OR HERSELF IN PUBLIC. INCEST, WHICH IS SEX BETWEEN FAMILY MEMBERS, AND SEXUAL HARASSMENT. SO, SEXUAL ASSAULT IS A CRIME AS WELL AS A BASIS FOR DOMESTIC VIOLENCE PROTECTIVE ORDER IN ALL 50 STATES, ALTHOUGH THE LAWS VARY IN OTHER JURISDICTIONS.

>>> RELATIONSHIP RAPE. DATE RAPE, YOU MIGHT HAVE HEARD IT CALLED. ESSENTIALLY, ACCORDING TO SOME OF THE RESEARCH I DID, IT'S NOT UNCOMMON, AND THAT AT LEAST 7.7 WOMEN WILL BE SEXUALLY ASSAULTED -- I THINK THAT MEANT -- EXCUSE ME, 77% OF WOMEN WILL BE SEXUALLY ASSAULTED BY AN INTIMATE PARTNER. AND THAT'S NOT ASSAULTED AND THEN IT'S REPORTED AND THEN IT GOES TO COURT, BECAUSE IT HAPPENS FREQUENTLY BUT PEOPLE ARE AFRAID TO TALK ABOUT IT SO IT'S VERY UNDER REPORTED. SOMETIMES PEOPLE ARE SEXUALLY ASSAULTED BY STRANGERS, BUT MORE OFTEN THEY'RE ASSAULTED BY SOMEONE THEY KNOW. SO, THEY'RE ON A DATE OR A FRIEND OR A RELATIVE OR AN ACQUAINTS, OR EVEN A LONG-TIME PARTNER OR SPOUSE.

>>> SO, MARITAL RAPE IS, IN FACT, ILLEGAL IN ALL 50 STATES AND THE DISTRICT OF COLUMBIA, BUT IT MIGHT BE TREATED DIFFERENTLY THAN NONSPOUSAL RAPE IN SOME WAYS. SO, YOU MIGHT HAVE A SHORTER PERIOD OF TIME TO REPORT THE ACT THAN IF YOU WERE NOT MARRIED TO THE PERSON. YOU ALSO MIGHT HAVE TO IN SOME JURISDICTIONS SHOW MORE FORCE WAS USED THAN IF YOU HAD NOT BEEN MARRIED TO THAT PERSON. ANOTHER THING THAT'S PROTECTED BY DOMESTIC VIOLENCE LAWS IS STALKING AND CYBER STALKING. AGAIN, IT DEPENDS ON YOUR STATE, BUT STALKING GENERALLY INVOLVES REPEATED ACTS THAT WOULD CAUSE A REASONABLE PERSON TO FEAR FOR HIS OR HER SAFETY. AND IN SOME PLACES IT COULD ALSO INCLUDE FAMILY MEMBERS' SAFETY. SO, PROTECTIVE ORDERS ARE THE REMEDIES FOR DOMESTIC VIOLENCE. AND DEPENDING ON WHERE YOU LIVE, THEY COULD BE CALLED A RESTRAINING ORDER, AN ORDER OF PROTECTION, A CIVIL PROTECTION ORDER OR PROTECTIVE ORDER, OR AN EX-PARTE, TEMPORARY OR PERMANENT RESTRAINING ORDER. SO, EACH STATE IS GOING TO HAVE A LAW THAT EXPLAINS WHO IS ELIGIBLE FOR RELEASE UNDER THESE STATUTES AND WHAT KINDS OF ACTS ARE PROTECTED. AND SOMETIMES DOMESTIC VIOLENCE CASES ARE CENTERED IN SPECIALIZED COURTS CALLED DOMESTIC VIOLENCE COURTS, AND THEY HANDLE ALL ASPECTS OF DOMESTIC VIOLENCE CASE, INCLUDING THE RESTRAINING ORDER, GETTING VIOLATIONS OF THE ORDER, RELATED FAMILY LAW MATTERS, AND SOMETIMES PURELY CRIMINAL ACTIONS SUCH AS THE ASSAULT CHARGES

THAT MIGHT STEM FROM A DV CASE. AND OBVIOUSLY THERE IS A BENEFIT THERE BECAUSE YOU'VE GOT SPECIALIZATION OF PROFESSIONALS. JUDGES SIT ON THESE BENCHES AND THEY BECOME EXPERTS AT WORKING WITH VICTIMS AND PERPETRATORS, AS WELL AS WITH THE LOCAL LAWS AND THE AVAILABLE RESOURCES. THE ATTORNEYS WHO PRACTICE IN THOSE COURTS, BOTH PROSECUTORS AND DEFENSE ATTORNEYS, HANDLE A CASE VERTICALLY, MEANING THAT THE ATTORNEY DEALS WITH THE CASE FROM A TO Z, FROM START TO FINISH. I THINK IT WOULD BE AN INTERESTING CONCEPT TO TALK ABOUT APPLYING THE SAME VERTICALITY TO INTERPRETERS. SO, IF THERE WERE ONE DOMESTIC VIOLENCE COURT, ONE COURT INTERPRETER WOULD WORK WITH THE LITIGANT AND I'M TALKING ABOUT A PROCEEDINGS INTERPRETER. THEY WOULD WORK ALL PHASES OF THAT LITIGANT'S PROCEEDINGS WITH ALL PHASES OF THE CIVIL CASES, THE DOMESTIC VIOLENCE MATTERS, AND THE CRIMINAL CASES. I THINK THAT THE LITIGANT MIGHT HAVE MORE TRUST IN THE INTERPRETER, BECOME MORE FORTHCOMING, CERTAINLY THE PREPARATION ISSUES WOULD BE LESS CHALLENGING BECAUSE YOU'VE SEEN THE STORY A NUMBER OF DIFFERENT TIMES AS HAS THE JUDGE, AS HAS THE ATTORNEYS. CONSEQUENTLY, I THINK THERE WOULD BE SIMPLY MORE ACCURATE INFORMATION THAT THE COURT CAN RELY ON.

>>> ALL RIGHT. FOR THOSE OF YOU WHO JOINED US LATE AND KEEPS GETTING ANNOUNCED, THE POWERPOINT SOMETIMES WORKS HERE AND

OTHERWISE YOU CAN DOWNLOAD IT. AND THEN WE CAN GO THROUGH IT TURNING PAGES AS WE GO. THE LINK IS IN THE CHAT COLUMN AT 5:18 P.M. IF YOU WANT TO SCROLL UP AND DOWN LOAD IT. AND WHAT I'M GOING TO DO, WE'RE GOING TO GO MORE THOROUGHLY SOME OF THE PROCEDURES TO FILE PROTECTIVE ORDERS, BUT I'D LIKE TO STOP NOW AND SEE IF ANYONE NEEDS CLARIFICATION OR IF THERE ARE QUESTIONS ABOUT DEFINITIONS AND THE GENERAL PUBLIC POLICY THAT WE'VE GONE THROUGH.

>>> I'M LOOKING FOR QUESTIONS AND I SEE THAT SOME PEOPLE ARE STILL EXPERIENCING TECHNICAL DIFFICULTIES. WE DO HAVE A QUESTION. I'M NOT SURE I UNDERSTAND RELATIONSHIP RAPE, AND I'M HAPPY TO, YES. RELATIONSHIP RAPE IS WHEN YOU ARE FORCED TO HAVE UNWANTED SEXUAL CONTACT WITH SOMEONE WHO IS NOT A STRANGER, RIGHT. SO, A BOYFRIEND -- IT'S ALSO CALLED DATE RAPE AND IT'S ALSO CALLED ACQUAINTANCE RAPE. SO, IT'S SOMEONE THAT YOU KNOW OR IT'S NOT A COMPLETE STRANGER. AND I THINK THAT THAT GOES BACK TO PEOPLE FEELING LIKE YOU CAN'T BE RAPED IF YOU'RE IN A RELATIONSHIP. BUT IF THE DEFINITION OF RAPE IS UNWANTED SEXUAL CONTACT, THEN IT DOESN'T MATTER IF IT'S YOUR HUSBAND. AND, YES, MARITAL RAPE IS AGAINST THE LAW IN ALL 50 STATES. SO, YOU CAN DEFINITELY BE PROSECUTED FOR RAPING YOUR WIFE. I JUST WANT TO READ YOU CYBER STALKING IS WHEN YOU'RE HARASSING SOMEONE AND THEY ARE FRIGHTENED AND YOU'RE DOING IT VIA ELECTRONIC MAIL ON THE INTERNET OR USING THE COMPUTER

SOMEHOW. STALKING IS TYPICALLY FOLLOWING SOMEONE, PHYSICALLY FOLLOWING THEM. THERE ARE OTHER INSTANCES OF ABUSE THAT CAN BE PROTECTED UNDER -- IN A DOMESTIC VIOLENCE SETTING OTHER THAN THESE, AND WE'LL GO THROUGH SOME OF THEM. ALL RIGHT. SO, I'M GOING BACK UP TO QUESTIONS. GIVE ME A MOMENT TO READ SOME OF THESE. THERE IS A QUESTION ABOUT WHETHER A SPOUSE CAN BE SERVED WITH A SUBPOENA TO TESTIFY FOR THE STATE ATTORNEY'S CRIMINAL CHARGE AGAINST HIS OR HER SPOUSE. IF THE STATE IN WHICH THAT OCCURS HAS A PRIVILEGE PROTECTING SPOUSES FROM BEING CALLED TO TESTIFY, THEN SHE CAN BE CALLED. SHE CAN BE SUBPOENAED. SHE COULD BE SERVED. SHE CAN GO AND THEN SHE WOULD ASSERT THE PRIVILEGE AND REFUSE TO TESTIFY. BUT YOU STILL HAVE TO GO. RIGHT, JUST DEPENDS ON THE STATE AS TO WHETHER OR NOT THE SPOUSE HAS TO TESTIFY.

>>> OKAY. SO, I SAW SOME COMMENTS. I'M NOT ENTIRELY SURE THEY WERE QUESTIONS. DENISE HAS ASKED, HOW DO YOU DEAL WITH THE DICEY SITUATION OF OLDER CHILDREN WHO HAVE WITNESSED THE ABUSE? SUPPOSE YOU HAVE A 12 TO 13 YEAR OLD. CAN THEY BE CALLED TO TESTIFY?

YES, THEY CAN BE CALLED TO TESTIFY. IF IT'S A CRIMINAL CASE, THEN THEY ABSOLUTELY CAN BE CALLED AND THE DEFENDANT HAS A RIGHT TO CONFRONT THE WITNESSES AGAINST HIM. SO, THE CHILDREN WOULD EITHER HAVE TO TESTIFY IN PERSON OR SOMETIMES THEY ALLOW THE CHILDREN TO TESTIFY BY CLOSED CIRCUIT TV OR OUTSIDE OF THE



PRESENCE, THEY MIGHT CLEAR THE COURTROOM TO MAKE IT A LITTLE BIT MORE PRIVATE. IN A DOMESTIC VIOLENCE MATTER OR CERTAINLY IN A FAMILY LAW MATTER, OFTENTIMES THE CHILDREN ARE INTERVIEWED BY THE JUDGE EITHER ALONE OR BY THE JUDGE AND THE ATTORNEYS, BUT NOT WITH THE PARENT. I DON'T THINK THERE IS A GENERAL CONSENSUS. AS LONG AS THE CHILD IS COMPETENT, WHICH IS WHY WHEN YOU'RE INTERPRETING YOU HEAR THE QUESTIONS, DO YOU KNOW THE DIFFERENCE BETWEEN THE TRUTH AND A LIE. AS LONG AS THE CHILD IS COMPETENT, THEN THEY CAN BE CALLED. IT JUST MAY NOT BE IN FRONT OF THE PUBLIC, BUT IF IT'S IN CRIMINAL CASE AND THE CHILD IS TESTIFYING TO A CRIMINAL ACTIVITY IT, THEN DEFENDANT HAS THE RIGHT TO SEE THAT TESTIMONY.

>>> WE HAVE A QUESTION FROM STEFANIAN [SPEAKER NOT UNDERSTOOD]. IF YOU'RE MARRIED, WOULD IT STILL BE CALLED RELATIONSHIP RAPE? WHAT IS THE CORRECT TERM AS IT RELATES TO JARGON?

THE CORRECT TERM IS MARITAL RAPE. AND AS I SAID, IT'S A CRIME IN ALL 50 STATES AND THE DISTRICT OF COLUMBIA, WHICH IS WHAT YOU HAVE TO PROVE VARIES.

>>> DO WE HAVE A COPY OF THE LEGAL DEFINITIONS THAT WERE VIEWED? I COULDN'T KEEP UP WITH MY NOTE TAKING.

>>> THE ABSOLUTE BEST THING YOU SHOULD DO -- THAT WAS FROM SUMMER CARLTON. THE BEST THING YOU CAN DO IS GO INTO YOUR COURT, STATE COURT WEBSITE SO THAT YOU CAN PULL UP YOUR DEFINITIONS. AND WE'RE GOING TO TALK ABOUT PREPARING AS AN INTERPRETER, BUT ONE OF THE

THINGS THAT YOU CAN MAKE MUCH USE OF IS THE COURT'S WEBSITE BECAUSE IT WILL HAVE A NUMBER OF THE FORMS THAT YOU WANT TO REVIEW, TO RESEARCH. IT WILL ALSO HAVE YOUR STATE LAW. AND I'M PROBABLY GETTING AHEAD OF MYSELF BUT BECAUSE WE HAVE THE QUESTION -- I JUST LOST MY RESPONSE. HATE IT WHEN THAT HAPPENS. WELL, SINCE I THOUGHT I WAS GETTING AHEAD OF MYSELF, IT WILL PROBABLY SHOW UP LATER IN THE PRESENTATION.

>>> OKAY, I HAVE A QUESTION FROM TRACY HEFFERNAN. YOU HAVE A NUMBER OF PEOPLE WHO ARE HURT OR KILLED AFTER PUT ON A RESTRAINING ORDER. NO, I DON'T, BUT I KNOW THERE ARE GOING TO BE STATISTICS AVAILABLE. CERTAINLY WE'VE HAD HIGH PROFILE ISSUES HERE IN MARYLAND WHERE A JUDGE HEARING ACTUALLY IN MY DISTRICT, TWO BLOCKS FROM MY HOUSE, REFUSED TO GIVE A WOMAN A PROTECTIVE ORDER AND IT WASN'T VERY LONG AFTER THAT, BUT A GENTLEMAN -- THE PERPETRATOR THREW ACID IN HER FACE. SHE'S ALIVE, AND SHE BURNED THROUGHOUT HER FACE, HER SHOULDERS, HER CHEST WITH THIS TERRIBLE, TERRIBLE ACID, AND SHE NOW WORKS NATIONALLY IN THE AREA EDUCATING JUDGES ON DOMESTIC VIOLENCE AND PARTNER VIOLENCE. SO, THERE'S A WEBSITE I'M GOING TO TELL YOU THAT I LOOKED -- AND I'M GOING TO TELL YOU BECAUSE IT RELATES TO ASKING FOR THE LEGAL DEFINITION. IT'S WOMEN'S LAW, ALL ONE WORD, WOMENSLAW.ORG. AND THERE IS A TAB IN THERE THAT YOU CAN LOOK UP YOUR OWN STATE LAW. AND, SO, THE

DEFINITIONS THAT I GAVE YOU -- AND WHEN I CITED MARYLAND -- WILL BE THERE UNDER YOUR SPECIFIC STATE.

>>> OKAY. SO, AMBER ASKS, IS THE STATUTE OF LIMITATIONS LONGER FOR MARITAL RAPE THAN RELATIONSHIP RAPE?

NO, IT IS SHORTER. IT IS SHORTER. IT IS AT LEAST ONE OF THE THINGS THAT CAN BE DONE AND SOMETIMES YOU HAVE TO SHOW THAT THERE WAS MORE FORCE INVOLVED. AND THAT MAKES SENSE, RIGHT?

YOU DON'T WANT, YOU KNOW, A HUSBAND AND A WIFE WHO FIGHT AND THEN RECONCILE, AND THEN SOMETIME LATER THERE'S A DIVORCE AND SOMETIME LATER THERE'S ALLEGATIONS OF RAPE. IF IT REALLY IS RAPE, IT NEEDS TO BE REPORTED AS IF IT WERE STRANGER RAPE, BUT A LITTLE BIT SHORTER PERIOD OF TIME.

>>> ALL RIGHT. SO, WE'RE GOING TO GO THROUGH -- WE'RE GOING TO GO TO THE NEXT SLIDE, WHICH IS SAID DEFINE PERSON ELIGIBLE FOR RELEASE. THIS IS PARTICULARLY MARYLAND, BUT YOU'RE GOING TO SEE MANY OF THE SIMILAR CONCEPTS IN YOUR STATE STATUTES. SO, IN MARYLAND WE CALL THE QUOTE-UNQUOTE VICTIM A PERSON ELIGIBLE FOR RELEASE. THEY CAN FILE FOR PETITION FROM DOMESTIC VIOLENCE. AND THEY'RE ELIGIBLE IF THEY'RE FILING AGAINST A CURRENT OR FORMER -- IF THEY ARE A CURRENT OR FORMER SPOUSE. OR IF THEY ARE A CO-HABITANT, OR IF THEY'RE FILING AGAINST A PERSON RELATED BY BLOOD, MARRIAGE, OR ADOPTION. IF THE PERSON THEY'RE FILING AGAINST IS A PARENT -- IF THE PERSON FILING -- I APOLOGIZE -- IS A PARENT, STEPPARENT, CHILD, OR STEPCHILD OF THE

RESPONDENT -- THIS IS A LITTLE BIT CONFUSING. ESSENTIALLY, YOU'RE A FAMILY MEMBER AND AT SOMETIME IN THE PAST ONE YEAR YOU LIVED WITH THE ABUSER FOR AT LEAST 90 DAYS, DOESN'T HAVE TO BE THE MOST RECENT 90 DAYS, BUT SOME 90-DAY PERIOD WITHIN THE LAST YEAR AND YOU ARE THE ABUSER'S PARENT, STEPPARENT, CHILD, OR STEPCHILD. OR WHAT WE CALL A VULNERABLE ADULT, AND THAT JUST MEANS AN OLDER PERSON. THAT'S THE SOFT TERM THAT MARYLAND CHOSE TO USE. OR YOU'RE A PERSON WHO HAS A CHILD IN COMMON. YOU HAVE A CHILD WITH THE PERSON YOU'RE ALLEGING ABUSED YOU. SO, THAT'S CALLED A PERSON ELIGIBLE FOR RELEASE. MARYLAND DEFINES ABUSE AS ONE OF THE FOLLOWING ACTS. AN ACT THAT EITHER CAUSES SERIOUS BODILY HARM OR PLACES THE PETITIONER IN FEAR OF SERIOUS BODILY HARM. AGAIN, THINKING ABOUT HOW WE DEFINE THESE CAN BE REALLY CHALLENGING. WE'LL COME BACK TO THAT. ASSAULT IN ANY DEGREE -- AND TODAY, AT LEAST IN MARYLAND ASSAULT STATUTE INCLUDES WHAT WE TYPICALLY THINK OF AS BATTERY. SO, OUR ASSAULT CAN BE EITHER PUTTING SOMEONE IN FEAR OF SERIOUS BODILY HARM OR PUTTING SOMEONE IN FEAR AND ACTUALLY TOUCHING THEM WITHOUT CONSENT. IT COULD ALSO BE RAPE, SEXUAL OFFENSE, OR ATTEMPTED RAPE OR ATTEMPTED SEXUAL OFFENSE. ABUSE CAN BE FALSE IMPRISONMENT. ABUSE CAN BE ABUSE OF A CHILD. OR ABUSE OF A VULNERABLE ADULT. SO, THE CURRENT SPOUSE MIGHT FILE A PETITION FOR RELEASE AGAINST HER HUSBAND FOR FALSE IMPRISONMENT. THOSE ARE THE ITEMS THAT GIVE YOU WHAT WE CALL

STANDING TO FILE A COMPLAINT. SO, THE NEXT SLIDE IS SLIDE 6. IT'S CALLED PROVISION AND ESSENTIALLY WHAT IT IS, WHAT'S GOING TO BE IN THE PROTECTIVE ORDER.

>>> AND THE VOCABULARY, THIS IS WHAT THE SLIDE SAYS. VOCABULARY IS DEPENDENT ON THE STATE. THEN THERE ARE CEASE ABUSE PROVISIONS. AND I'LL GO THROUGH EACH OF THESE. STAY AWAY PROVISIONS. NO CONTACT PROVISIONS. RESTITUTION PROVISIONS. [SPEAKER NOT UNDERSTOOD] FIREARM PROVISIONS. CUSTODY, VISITATION, AND SUPPORT PROVISIONS. AND THEN SOME POINTS ABOUT ENFORCEMENT. SO, OBVIOUSLY CEASE ABUSE MEANS THE PROTECTIVE -- THE CEASE ABUSE PROVISION MEANS THE PROTECTIVE ORDER SAYS THAT THE RESPONDENT HAS TO STOP ABUSING THE PETITIONER. STOP WHATEVER HURTING OR THREATENING THE PERSON IS DOING. THE STAY AWAY PROVISION CAN INCLUDE STAYING AWAY FROM THE PETITIONER, FROM THEIR HOME, THEIR WORKPLACE, OR THEIR SCHOOL. THE NO CONTACT PROVISIONS INCLUDE ALL CONTACT. COULD BE TELEPHONE, VP, TEXT MESSAGES, NOTES, MAIL. REMEMBER THAT THING CALLED A FAX?

E-MAIL, OR THIRD PARTIES. SO, YOU CAN'T HAVE YOUR BUDDY CONTACT THE PERSON THAT'S IN THE PROTECTIVE ORDER. EVEN THINGS LIKE DELIVERING FLOWERS IS PROHIBITED UNDER THE NO CONTACT PROVISION. THERE CAN BE RESTITUTION PROVISIONS, MEANING YOU MAY HAVE HAD MEDICAL COSTS OR PROPERTY DAMAGE SO THE COURT CAN ORDER THE RESPONDENT TO PAY THOSE. THE RELINQUISH FIREARMS PROVISION IS ONE WE HAVE IN

MARYLAND, AND THAT'S AN ORDER REQUIRING THE RESPONDENT TO TURN OVER ANY GUNS OR RIFLES OR AMMUNITION. THEY MIGHT ALSO REQUIRE THEM TO GO TO A BATTERERS TREATMENT PROGRAM. OR AN ALCOHOL OR ABUSE COUNSELING TREATMENT PROGRAM. THE CUSTODY, VISITATION, AND SUPPORT PROVISIONS, THAT'S THE OVERLAP BETWEEN FAMILY LAW THAT WE SAW. SO, THE COURT CAN ORDER TEMPORARY CUSTODY. THEY CAN ORDER VISITATION. AND IF IT'S NOT IN THE BEST INTEREST OF THE CHILD, THEY CAN ORDER SUPERVISED. AND SUPPORT, SUPPORT ORDERS.

>>> SO, ONCE YOU HAVE THE ORDER, OFTENTIMES WE TELL CLIENTS THEY SHOULD TAKE IT WITH THEM EVERYWHERE THEY GO BECAUSE THEY NEVER KNOW WHERE YOU'RE GOING TO RUN INTO THIS PERSON AND MAY NEED TO CALL THE POLICE AND SHOW THEM THAT YOU HAVE A VALID ORDER. SO, IF YOU HAVE A VALID ORDER, YOU CAN GET IT ENFORCED EITHER THROUGH THE POLICE OR THROUGH THE COURT, DEPENDING ON WHAT PROVISIONS YOU'RE ASKING BE ENFORCED. AND SOMETIMES BOTH. SO, THE POLICE CAN ENFORCE THE THINGS LIKE STAY AWAY, NO CONTACTS, CEASE ABUSE PROVISIONS. SOMETIMES YOU SEE POSSESSION OF THE HOME PROVISIONS AND CUSTODY PROVISIONS. THAT'S A SLIDE OR SO BEHIND, SO, IT'S COMING. THOSE ARE GOOD WHEN YOU NEED AN IMMEDIATE RESPONSE, YOU CALL THE POLICE. BUT THERE ARE OTHER KINDS OF [SPEAKER NOT UNDERSTOOD] IF THEY'RE FOUND TO HAVE VIOLATED THE ORDER, THEN IT CAN BE EITHER A MISDEMEANOR OR FELONY DEPENDING ON THE STATE.

>>> OTHER VIOLATIONS OF SPECIFIC PROVISION ARE REALLY NOT VERY EASY FOR THE POLICE TO ENFORCE. LIKE THOSE REQUIRING A PERSON TO PAY CHILD SUPPORT, OR PAY OR ATTEND A TREATMENT PROGRAM. THOSE ARE ENFORCED BY FILING A MOTION FOR CONTEMPT AND EXPLAIN HOW THE ORDER WAS VIOLATED. AND THEN THERE'S A HEARING TO DETERMINE WHETHER OR NOT THE PERSON VIOLATED THE ORDER. AND THEN THE JUDGE DETERMINES THE PENALTY. AND THE PENALTY CAN BE CONTEMPT, AND CONTEMPT COULD RESULT EITHER IN FINE OR PERIOD OF IMPRISONMENT OR BOTH. AND YOU MIGHT ALSO WANT TO GET THE PETITIONER MAY ALSO WANT TO GET THE PROTECTIVE ORDER MODIFIED OR EXTENDED IN SOME WAY UPON A SHOWING OF THIS PERSON HAVING VIOLATED THE ORDER. THAT IS -- THAT'S WHAT I WANTED TO SAY, THE CONTENTS OF THE PROTECTIVE ORDER, WE'RE GOING TO TALK ABOUT PROCEDURE NEXT AND THEN WE'RE GOING TO GO INTO SOME OF INTERPRETING ISSUES. SO, ARE THERE ANY QUESTIONS JUST ABOUT WHO IS ELIGIBLE -- I'M SORRY, JUST ABOUT -- RIGHT, WHO IS ELIGIBLE AND THE KINDS OF ABUSES THERE ARE?

AND THE CONTENTS OF THE PROTECTIVE ORDER.

>>> SOMEONE ASKED ARE WE SAYING RELIEF OR RELEASE, AND IT IS RELIEF. THAT MEANS WHAT YOU'RE ASKING THE COURT TO DO FOR YOU. IT'S ELIGIBLE FOR RELIEF, F AS IN FRANK.

>>> I'M ASKED ABOUT THE DEFINITION OF VULNERABLE ADULT AND IT MAY OR MAY NOT INCLUDE SOMEONE WITH A PHYSICAL DISABILITY. YOU HAVE TO

REALLY LOOK AT THE STATE STATUTE TO SEE WHAT IT SAID. NOW IN THE 90 DAYS, I THINK NEEDS TO BE CONTINUOUS. I HAVEN'T DONE THIS IN A WHILE, SO, I THINK BARBARA, YOU'LL HAVE TO CHECK YOUR STATE STATUTE.

>>> CRISSY ASKS ARE THERE ANY CHARGES FOR PLAINTIFF TO DO PETITION TO STAY AWAY OR NO CONTACT?

THEY CAN REACH OUT TO THE ABUSER OR THE DEFENDANT. THAT'S A GOOD QUESTION. WHAT WE ASK THEM TO RECORD IS MUTUAL PROTECTIVE ORDERS. IN OTHER WORDS, PEOPLE FILING AGAINST EACH OTHER, AND IT CAN GET REALLY STICKY BECAUSE IF YOU GET A PROTECTIVE ORDER AND YOU INITIATE AS THE PETITIONER, YOU INITIATE CONTACT, THEN TURN AROUND AND CLAIM THAT THE RESPONDENT VIOLATED THE PROTECTIVE ORDER, YOU COULD SEE THE POTENTIAL FOR ABUSE WITH THESE. SO, THE RESPONDENT DEFINITELY, AND I SEE THAT OVER AND OVER AND OVER WHERE BOTH SIDES ARE HAVING MUTUAL PROTECTIVE ORDERS, AND THEY CONSENT TO THEM. THAT'S ONE OF THE OPTIONS.

>>> AND CRISSY CONTINUES WITH REALLY GOOD QUESTIONS. THE QUESTION IS WHAT ARE THE CONDITIONS FOR STAY AWAY PROVISIONS IF BOTH PARTIES WORK AT THE SAME PLACE, WORKPLACE, OR GO TO THE SAME SCHOOL?

I DON'T THINK THAT A COURT IS GOING TO DENY SOMEONE EMPLOYMENT OR THE RIGHT TO GET AN EDUCATION BY TELLING THEM THAT THEY CANNOT GO TO WORK OR CANNOT GO TO SCHOOL. THEY WOULD HAVE TO BE SOME COMPROMISE REACHED THAT THEY BOTH AGREED THAT THEY'LL SHARE



SCHEDULE -- IN OTHER WORDS, INFORM EACH OTHER OF THEIR SCHEDULES AND NOT BE THERE AT THE SAME TIME. OR IF THEY HAVE TO BE THERE AT THE SAME TIME, MAYBE THERE IS SOME THIRD-PARTY VISITATION -- I'M SORRY, THIRD-PARTY SUPERVISION.

>>> OKAY, ALL RIGHT. SO, I'M GOING TO CONTINUE ON. JUST TO GIVE YOU AN IDEA OF THE BASIC PROCEDURE. HERE NOW WE HAD THREE-PART POLICY. THERE'S INTERIM RELIEF, TEMPORARY RELIEF, AND FINAL RELIEF. SO, IF YOU'RE ABUSED ON A SATURDAY NIGHT, YOU CAN GO TO A COURT COMMISSIONER AT ANY POLICE STATION AND YOU CAN GET AN ORDER THAT USUALLY LASTS THREE DAYS. WE CALL IT AN INTERIM ORDER. IT GOES INTO EFFECT ONCE THE RESPONDENT IS SERVED WITH THE PAPERWORK AND IT LASTS ONLY UNTIL A JUDGE CAN HOLD A TEMPORARY HEARING AND THAT'S USUALLY IN A COUPLE OF DAYS AND IT'S DESIGNED FOR THAT GAP BETWEEN FRIDAY AND MONDAY MORNING. THEN WE HAVE TEMPORARY PROTECTIVE ORDERS, AND THAT'S WHEN YOU GO TO COURT DURING A NORMAL HOUR, A NORMAL COURT HOUR AND YOU FILE PROTECTIVE ORDER AND THEY ISSUE IT ON THE SAME DAY. IT'S ISSUED EX PARTE WHICH MEANS THE ABUSER IS NOT PRESENT AND THERE IS NOT A FULL HEARING. THAT ORDER IN MARYLAND LASTS UP TO SEVEN DAYS AFTER SERVICE, ALTHOUGH IT CAN BE EXTENDED. BUT THE BURDEN IS STILL VERY LOW. IT'S ONLY -- YOU DON'T HAVE TO SHOW REASONABLE GROUNDS TO BELIEVE THAT ABUSE OCCURRED. IT'S MUCH LESS THAN PREPONDERANCE OF THE EVIDENCE OR REASONABLE DOUBT OR SOME OF THE OTHER STANDARDS OF PROOF OR BURDENS OF PROOF THAT

YOU'VE HEARD OF. SO, AFTER THE TEMPORARY ORDER, THEN THERE'S A FULL EVIDENTIARY HEARING CALLED A FINAL PROTECTIVE ORDER HEARING AND IT CAN ONLY BE ISSUED AFTER BOTH SIDES HAVE HAD THE OPPORTUNITY TO PRESENT FULL TESTIMONY AT A COURT HEARING. AND ALTHOUGH A JUDGE, IF HE BELIEVES THAT ABUSE OCCURRED, HE CAN GRANT THE ORDER, OR BOTH PARTIES CAN CONSENT TO THE ENTRY OF A PROTECTIVE ORDER. IN MARYLAND CAN LAST A YEAR AND CAN BE EXTENDED TWO YEARS.

>>> AND FINALLY, A FINAL ORDER CAN BE PERMANENT AND THAT DOESN'T HAPPEN OFTEN AND IT USUALLY INVOLVES IF THE PERSON -- THE ABUSER HAS HAD ONE OR MORE INSTANCES OF ABUSING THE PETITIONER IN THE PAST AND HAS GONE TO PRISON FOR THOSE ACTS OF VIOLENCE. THEN HAS SERVED IN PRISON FOR A PERIOD UPON, THEN PETITIONER CAN GET A PERMANENT ORDER IN MARYLAND. IN A FINAL PROTECTIVE ORDER HEARING, THE BURDEN IS CLEAR AND CONVINCING EVIDENCE THAT THE ABUSE OCCURRED. THAT'S THE STANDARD OF PROOF AND THAT'S HIGHER THAN PREPONDERANCE OF EVIDENCE AND BELOW REASONABLE DOUBT. CLEAR AND CONVINCING EVIDENCE IS AN IN BETWEEN KIND OF STANDARD OF PROOF.

>>> ALL RIGHT, SO, I'M ON THE NEXT SLIDE. AND IT ESSENTIALLY TALKS ABOUT PROCEDURE, BUT REALLY MORE, THIS IS KIND OF A SEGUE INTO INTERPRETING ISSUES. IF YOU THINK ABOUT THE STATUTORY LANGUAGE, AND IF YOU DON'T HAVE ANY CONTEXT, IT'S VERY DIFFICULT TO KNOW HOW

TO CHOOSE THE APPROPRIATE VOCABULARY IN BOTH LANGUAGES FOR SOME OF THE STATUTORY FEATURES, LIKE REFRAIN FROM FURTHER ABUSE OR TYPES OF ABUSE. WHAT DOES THAT LOOK LIKE IN SIGN?

AND IF YOU CAN'T DO IT WELL WITHOUT CONTEXT, HOW DO WE GET THE CONTEXT?

AND YOU CAN DO SOME MEASURE OF PREDICTING, BUT AGAIN, HOW YOU PREPARE AND HOW YOU FIRST SEE THE STORY DEPENDING UPON WHO YOU SEE THE STORY FROM IS GOING TO AFFECT HOW YOU SIGN IT. AND THERE'S ALWAYS TWO SIDES TO A STORY. AND GENERALLY IN THIS KIND OF CONTEXT THEY'RE NOT ALIGNED. SO, THE NARRATIVE IS GOING TO BE FRAMED BY WHETHER THEY'RE COMING FROM THE PERSPECTIVE OF THE PETITIONER OR THE RESPONDENT. SO, YOU HEAR -- YOU'RE TO REFRAIN FROM CONTACTING, ATTEMPTING TO CONTACT, OR HARASSING ELIGIBLE PERSON. AGAIN, WE CAN GIVE EXAMPLES. WE CAN DO THAT, BUT IT'S VERY DIFFICULT -- IT'S DIFFICULT TO KEEP THEM ABSTRACT IF THEY NEED TO BE ABSTRACT. AND IT'S DIFFICULT TO USE THE CONTEXT IF YOU HAVE TWO PEOPLE LOOKING AT YOU WHO HAVE WILDLY DIFFERENT VISIONS OF WHAT HAPPENED. IT'S ONE PARTY IS SAYING, I WAS VIOLENTLY ASSAULTED AND RAPED. AND THE RESPONDENT WAS SAYING, WE WERE ON A DATE, IT WAS CONSENSUAL, I THOUGHT SHE WANTED IT. HOW YOU WOULD SIGN THOSE TWO PERSPECTIVES WOULD BE VERY DIFFERENT DEPENDING ON WHO IS DOING THE TALKING.

>>> SO, OTHER INTERPRETING ISSUES. I MENTIONED TO YOU THE STATE COURT WEBSITE. YOU CAN GET ALMOST ALL OF THE FORMS TO FILL OUT -- WELL, I SHOULD BACK UP -- TO FILE A DOMESTIC VIOLENCE PROTECTIVE ORDER, YOU FILL OUT A FORM. YOU DON'T HAVE TO HAVE AN ATTORNEY, AND MANY, MANY PEOPLE DON'T HAVE ATTORNEYS. BUT YOU FILL OUT THIS FORM AND IT GOES THROUGH THE STATUTORY FACTORS IN YOUR STATE TO SEE IF YOU QUALIFY FOR PROTECTION. GO TO YOUR STATE COURT WEBSITE. YOU CAN DOWNLOAD THE FORM THERE. YOU CAN SEE WHAT KINDS OF ITEMS HAVE TO BE ESTABLISHED. THEY'RE GREAT PRACTICE FORMS. YOU CAN RESEARCH UNFAMILIAR TECHNOLOGY. AND EVEN IF YOU ARE ACTUALLY DOING AN INTAKE FOR A DOMESTIC VIOLENCE CASE, YOU CAN OFFER TO DO A SITE TRANSLATION IF THE PERSON [SPEAKER NOT UNDERSTOOD] FILLING OUT AND UNDERSTANDING THE FORM.

>>> SO, I'M ON THE NEXT SLIDE. IT'S CALLED PEACE ORDERS. BRIEFLY, THE ONLY THING I WANT TO SAY IS THAT IN MARYLAND, DOMESTIC VIOLENCE PROTECTIVE ORDERS ARE FOR THOSE SPECIFIC CATEGORIES OF PEOPLE THAT I MENTIONED UNDER PERSONS ELIGIBLE FOR RELIEF. BUT IF YOU DON'T FALL INTO THAT CATEGORY, THAT'S WHAT A PEACE ORDER IS. IT PROTECTS PEOPLE WHO DON'T QUALIFY FOR DVPOs. SO, A COUPLE OF EXAMPLES MIGHT BE A BOYFRIEND OR GIRLFRIEND WHO DON'T HAVE A CHILD IN COMMON, OR A NEIGHBOR A COWORKER, OR A STRANGER. SO, WE HAVE A WAY TO TAKE CARE OF -- ACTUALLY, I THINK THIS CAME INTO EFFECT AS A RESULT PRIMARILY TO PROTECT VIOLENCE WITHIN THE GAY AND LESBIAN

COMMUNITY. BUT IT PROTECTS PEOPLE WHO ARE NOT MARRIED, WHO DON'T HAVE KIDS IN COMMON, AND THAT KIND OF THING. THEY ALSO HAVE THE SAME PROCESS, TEMPORARY INTERIM AND FINAL PEACE ORDERS.

>>> SO, I'M ON SLIDE 10, RELATIONSHIP TO OTHER PROCEEDINGS, SLIDE 10 ON THE POWERPOINT. I ALREADY MENTIONED HOW THE SAME CONDUCT CAN FORM THE BASIS OF A CRIMINAL VIOLATION OR CHARGE AS WELL AS A DOMESTIC VIOLENCE MATTER. BUT SOME -- CERTAIN ACTS ALSO QUALIFY AS A CIVIL CAUSE OF ACTION. SO, IF YOU'VE BEEN ASSAULTED, YOU COULD FILE A DOMESTIC VIOLENCE CASE. YOU COULD HAVE CRIMINAL CHARGES AND YOU CAN SUE FOR MONEY DAMAGES IF NECESSARY. A COUPLE OF CRIMES THAT ARE ALSO DOMESTIC VIOLENCE ABUSE, INCLUDING RAPE, SEXUAL OFFENSES, STALKING. IN MARYLAND WE HAVE MISUSE OF TELEPHONE FACILITIES. SO, THAT'S TELEPHONE HARASSMENT. AND WE HAVE MISUSE OF ELECTRONIC MAIL, WHICH IS CYBER STALKING OR E-MAIL HARASSMENT. AND WE HAVE MALICIOUS DESTRUCTION OF PROPERTY, AMONG OTHERS.

>>> SO, PEOPLE OFTEN TRY TO USE THE DOMESTIC VIOLENCE PETITION AS A WAY TO START THAT ONE IN THEIR SEPARATION, THAT THEY NEED IN MARYLAND TO GET A DIVORCE, OR CUSTODY. SO, WE OFTEN -- SO, OUR COURTS HAVE THE POWER TO ORDER TEMPORARY CUSTODY, CHILD SUPPORT, AND VISITATION. AGAIN, DEPENDING ON WHAT A VISITATION SUPERVISE OR NOT IS GOING TO BE SAFE FOR A CHILD. THEY CAN ALSO ORDER FAMILY MAINTENANCE, WHICH IS A MONTHLY AMOUNT OF MONEY DIFFERENT FROM CHILD SUPPORT THAT IS TO LIKE FOR MORTGAGE, FOOD,

BILLS OR UTILITIES SO THE FAMILY UNIT CAN CONTINUE TO LIVE WHERE THEY ARE. IF YOU DO HAVE AN ORDER, A PROTECTIVE ORDER IS GOOD ANYWHERE IN THE UNITED STATES AS LONG AS IT WAS GOOD IN THE STATE THAT YOU RECEIVE IT. AND A COUPLE OF OTHER REQUIREMENTS AS WELL.

>>> I'M MOVING ON TO PREPARATION FOR INTERPRETING BECAUSE I WANT TO STOP AFTER HERE, HAVE SOME MORE DISCUSSION AFTER THIS SLIDE AND AS WELL AS THE NEXT SLIDE. SO, PREPARATION FOR INTERPRETING. IT HAS FOUR BULLET POINTS. IT'S A CASE FILE, EVIDENCE, PRO SE PARTY, AND LINGUISTIC CHOICES. SO, IN TERMS OF THE CASE FILES WHEN YOU'RE PREPARING TO INTERPRET A DOMESTIC VIOLENCE MATTER, THE EXTENT OF THE FILES GIVEN DEPEND ON THE NATURE OF THE CASE. YOU'VE ALREADY DOWNLOADED THE FORMS IN BLANK AND SO YOU SHOULD EXPECT TO SEE THOSE AS THE COMPLAINT. AND YOU WOULD BE FAMILIAR WITH THOSE AS WELL, BOTH BECAUSE THEY'RE IN BLANK AND THEN YOU EITHER FILLED THEM OUT OR REVIEWED THEM WITH THE PETITIONER. BUT THEN YOU NEED THE DETAILS. AND SOMETIMES THE CASES ARE EXTENSIVE. SO, IF IT WAS -- IF THERE WERE NUMEROUS PETITIONS FILED, AND THEN IF THERE WERE TEMPORARY CUSTODY AND VISITATION PROCEEDINGS, IT BECAME A DIVORCE, AND IF THERE WAS DOMESTIC VIOLENCE THAT HAPPENED AT VISITATIONS, CASE FILES CAN BE KIND OF EXTENSIVE. WHEN THEY'RE THAT EXTENSIVE, THOUGH, THERE'S USUALLY AN ATTORNEY. AND THAT ATTORNEY CAN REFER YOU TO THE PERTINENT DOCUMENTS AND THE RELEVANT HISTORY SO THAT YOU CAN BE AS PREPARED AS POSSIBLE FOR

WHATEVER THE PARTIES WITH THIS LONG HISTORY ARE DEALING WITH ON THAT DAY. AND THE ATTORNEY CAN ALSO GIVE YOU A FACTUAL OVERVIEW WHICH WILL ASSIST IN PREDICTING AND PRODUCING [SPEAKER NOT UNDERSTOOD]. I'M JUMPING TO PRO SE AND I'LL COME BACK TO EVIDENCE. MANY, MANY OF THE CASES THAT I DO IN DOMESTIC VIOLENCE [INAUDIBLE] COURTS ARE PRO SE AND PRO SE DOESN'T MEAN DON'T HAVE A LAWYER. IT MEANS YOU'RE ACTING AS YOUR OWN LAWYER. AND THAT CAN CAUSE MANY, MANY PROBLEMS. BUT IN TERMS OF PREPARATION, WHAT IT MEANS IS YOU HAVE TO PREPARE WITH BOTH OF THE PARTIES AS IF THEY ARE LAWYERS. SO, YOU WILL BE GETTING SOME OF THE FACTUAL DETAILS. YOU DO A SHORT INTERVIEW WITH THEM TO FIND OUT WHY WE'RE HERE TODAY, WHAT ARE WE GOING TO BE TALKING ABOUT. THOSE ARE THE CONVERSATIONS WE DON'T HAVE WITH DEAF PEOPLE WHEN THEY HAVE AN ATTORNEY RETAINED. BUT IF THEY ARE FUNCTIONING AS THEIR OWN ATTORNEY, THEN WE DO HAVE A SHORT CONVERSATION WITH THEM.

>>> IN TERMS OF BEING PRO SE, YOU'RE GOING TO HAVE THE SAME ISSUES THAT HEARING PRO SE LITIGANTS HAVE AS IT DOES AS THE DEAF LITIGANTS HAVE, AND THAT MEANS THEY DON'T KNOW HOW TO WIN A QUESTION. THEY DON'T KNOW HOW TO QUESTION EACH OTHER. THEY DON'T KNOW THEY'RE SUPPOSED TO ASK QUESTIONS AND NOT GIVE SPEECHES. AND, SO, ALL OF THAT IMPLICATES WHAT WE CAN EXPECT TO HE SEE WHEN WE'RE INTERPRETING FOR THEM. THEY'LL BE ADDRESSING EACH OTHER IN COURT, EXAMINING EACH OTHER. THERE WILL BE CONVERSATIONS BETWEEN

THEM THAT SHOULDN'T HAPPEN AND YOU MAY BE THE ONLY PERSON WHO CAN SEE THAT THEY ARE COMMUNICATING WITH EACH OTHER WHEN THEY'RE NOT SUPPOSED TO BE COMMUNICATING WITH EACH OTHER. THE COURT NEEDS TO BE AWARE OF THIS.

>>> GOING BACK TO EVIDENCE IN A DOMESTIC VIOLENCE CASE, EVIDENCE WILL OBVIOUSLY INCLUDE TESTIMONY FROM THE PARTIES, BUT YOU CAN ALSO ANTICIPATE THAT IT MIGHT INCLUDE MEDICAL REPORTS OF ANY INJURIES, POLICE REPORTS, PHOTOGRAPH OF INJURIES, MAYBE THINGS THAT WERE DESTROYED, HOUSEHOLD OBJECTS THAT WERE BROKEN, PHOTOGRAPHS WHEREVER THE INCIDENT TOOK PLACE. IF IT WAS INSIDE THE HOUSE, IT MIGHT BE DISARRAY IN THE PHOTOGRAPH. PICTURES OF WEAPONS, TAPES OF 911 CALLS, CERTIFIED COPIES OF RELEVANT CRIMINAL CONVICTIONS. OFTEN ABUSED WOMEN OR MEN, I SUPPOSE, THEY'RE ADVISED TO KEEP A JOURNAL OR DIARY SO THE DIARIES MIGHT BE INTRODUCED, MAYBE A CALENDAR. ANYTHING ELSE THAT MIGHT HELP THE PERSON CONVINCING THE COURT COULD BE CONSIDERED AS EVIDENCE.

>>> IN TERMS OF LINGUISTIC CHOICES, AGAIN AS I SAID, WHEN YOU HEAR THE STORY FROM THE PETITIONER, USUALLY FIRST, IT MIGHT AFFECT HOW YOU PREP WITH THE OTHER SIDE. SO, YOU HAVE TO BE REALLY COGNIZANT OF YOUR CHOICES SO THAT YOU DON'T INFLUENCE THE OTHER SIDE. IF SHE'S FILED A COMPLAINT FOR A SERIOUS BODILY HARM -- I'M SORRY, LIKE I SAID BEFORE, A VIOLENT RAPE AND HIS PERSPECTIVE IS THAT IT WAS CONSENSUAL, THEN YOU HAVE TO SPEAK ABOUT THE FIRST TIME YOU SEE



THE STORIES FROM HER, YOU HAVE TO BE VERY COGNIZANT THAT THAT DOESN'T AFFECT HOW YOU INTERACT WITH HIM. THOSE PREPARATION SESSIONS SHOULD BE PRIVATE. IF THERE ARE DEAF PEOPLE ON BOTH SIDES, THEN YOU SHOULD FIND A WITNESS ROOM OR GO SOMEWHERE THE PERSON CAN FEEL SAFE AND CAN FEEL THEY CAN PREPARE WITH YOU WITHOUT HAVING THE PERSON THAT THEY'RE FILING AGAINST WATCH. AND IF THERE IS AN ATTORNEY PRESENT, OBVIOUSLY YOU HAVE THE ATTORNEY THERE WITH YOU OR AN ADVOCATE, WHOEVER HAPPENS TO BE WITH YOU. >>> ALL RIGHT. SO, DOES ANYONE HAVE ANY QUESTIONS OR COMMENTS OR THOUGHTS IN REGARDS TO PREPARATION?

LIZ ASKED, DO YOU EVER RUN INTO PROBLEMS GETTING ACCESS TO CASE FILES IF THE VICTIM IS A MINOR?

I HAVE NOT. I HAVE IN THE PAST GONE TO THE JUDGE'S SECRETARY WHEN I WAS HAVING -- ACTUALLY, THAT WAS A DETERMINATION OF FINAL RIGHTS CASE. THERE WAS -- ONE RESOURCE FOR YOU IS TO GO TO THE JUDGE'S SECRETARY. IF YOU HAVE A CASE NO. AND IT'S THE -- THE DEFENDANT IS AN ADULT, THEN YOU CAN GET THE CASE FILE FROM THE CLERK'S OFFICE REGARDLESS OF THE AGE OF THE VICTIM UNLESS THERE'S SOME KIND OF PROTECTIVE ORDER ON FILE THAT -- I HAVEN'T EVER SEEN THAT. YOU SHOULDN'T HAVE ANY PROBLEM GETTING IT AS LONG AS YOU HAVE A CASE NO.. AND THEN IF YOU DO, YOU CAN ALWAYS GO TO THE JUDGE THROUGH EITHER A SECRETARY OR LAW CLERK.

>>> AMBER ASKED, DOES THAT INCLUDE ATTORNEY/CLIENT PRIVILEGE WHEN A DEAF PERSON REPRESENTS THEM SELF-?

THAT'S A GOOD QUESTION, AMBER. THERE IS NO PRIVILEGE WHEN THE DEAF PERSON IS FUNCTIONING PRO SE BECAUSE HE IS HIS OWN CLIENT. SO, ANY CONVERSATIONS THAT THEY HAVE DON'T NEED TO BE INTERPRETED.

>>> OKAY. LESLIE ASKED, ANY SITES THAT HELP?

I'M NOT SURE WHAT YOU MEAN BY THAT.

>>> ALL RIGHT. SO, I'M GOING TO MOVE ON TO THE NEXT SLIDE, INTERPRETING PROTOCOL. KERRY, I NEED TO ASK A CLARIFYING QUESTION. DO WE HAVE A LITTLE BIT MORE TIME?

BECAUSE I'M NOT SURE ENTIRELY WHAT TIME WE STARTED, BUT I KNOW IT WASN'T AT 6:00.

>> ONE OF THE INTERPRETERS HAS AGREED TO STAY. IT'S UP TO JESSIE IF WE CAN EXTEND THE TIME OR NOT.

>> OKAY. SO, LET ME KNOW. I'LL GO TO THE SUPERVISE CHAT ROOM, I GUESS, OR LET ME KNOW ONE WAY OR THE OTHER.

>>> THE INTERPRETING PROTOCOL SLIDE HAS FOUR BULLETS. APPEARANCE CONFLICT, VISUAL LANGUAGE ISSUES, PROVIDING RESOURCES, AND ADVOCACY. WHEN I SAY APPEARANCE CONFLICTS, I THINK THE THING MAY BE MORE PRONOUNCED, MEANING THAT AS A PROCEEDINGS INTERPRETER, YOU NEED TO BE MORE CAREFUL IN PREPARING WITH BOTH SIDES WHEN THEY ARRIVE, TO THE APPEARANCES OF WHAT IT LOOKS LIKE, IF YOU'RE HUDDLING WITH THE PETITIONER AND THEN THE RESPONDENT WANTS AND

HOW THEY FEEL, OR VICE VERSA, YOU JUST NEED TO BE HYPER AWARE OF WHAT YOU LOOK LIKE EVEN IF YOU'RE DOING SOMETHING INNOCUOUS. SO, DO YOU HAVE TO DO THAT SHORT INTERVIEW, AS I SAID, AND YOU HAVE TO BE CAREFUL THAT YOU DON'T GET TOO MUCH INFORMATION, BUT YOU DO WANT TO KNOW SEXUALLY WHAT HAPPENED, WHERE DID IT HAPPEN, AND WHAT IT LOOKED LIKE SO THAT YOU CAN GET AN IDEA OF HOW THE PARTIES TALK ABOUT IT.

>>> QUESTION, THE QUESTION IS WHO DO YOU GO TO FIRST, HIM OR HER. BUT IT MAY BE THAT THAT IS HANDLED BY THE FACT THAT PETITIONER, PETITIONER ACTUALLY PROBABLY GO TO PETITIONER FIRST.

>>> SOME VISUAL LANGUAGE ISSUES, YOU MAY WANT TO SUGGEST BETWEEN COUNSEL TABLE, IF THERE ARE DEAF PEOPLE AT BOTH TABLES, THAT SCREENS BE PROVIDED TO PREVENT THEM FROM VIEWING EACH OTHER IF THEY HAVE COUNSEL AND THEY ARE HAVING PRIVILEGED COMMUNICATIONS. IF THERE IS AN ATTORNEY PRESENT. ADDITIONALLY, IN THE HIGH PROFILE CASES OR OTHER CASES, FOR EXAMPLE, IN D.C. WE HAVE DEAF ADVOCATES WHO COME TO COURT WITH THEIR CLIENTS, AND THEY MAY BE SITTING IN THE AUDIENCE. AND YOU MAY WANT TO SUGGEST SCREENS SO THAT AUDIENCE MEMBERS CAN'T SEE PRIVILEGED COMMUNICATIONS AT THE TABLE. SOME COURT ROOMS IT'S NOT AN ISSUE. IT'S A NATURAL BARRIER THERE BETWEEN THE AUDIENCE AND THE WELL OF THE COURTROOM. YOU HAVE KIND OF A SENSE THING. SO, BUT THESE ARE ITEMS YOU CAN SUGGEST.

>>> SO, AGAIN, YOU WANT TO KEEP THE CONVERSATIONS AT THE TABLE PRIVATE, BUT YOU DON'T WANT THE PROCEEDINGS TO BE PRIVATE. SO, IF THERE ARE DEAF PEOPLE IN THE AUDIENCE, THEY HAVE A RIGHT TO HAVE ACCESS TO JUSTICE, WHICH MEANS GOING INTO THE COURT AND WATCH. AND THE COURT HAS AN OBLIGATION TO MAKE THAT ACCOMMODATION. SO, THE PROCEEDINGS INTERPRETERS WHO ARE USUALLY FOCUSING PRIMARILY ON THE DEAF LITIGANT, BUT YOU CAN'T LOSE SIGHT OF THE FACT THAT THE COURT HAS AN OBLIGATION TO PROVIDE ACCOMMODATIONS TO DEAF AUDIENCE MEMBERS AND YOU ARE THAT ACCOMMODATION. SOMETIMES WHAT I DO IS HAVE PEOPLE MOVE, IF THEY CAN'T SEE ME -- THROUGH THE COURT, OF COURSE. AND THE COURT IS GENERALLY PRETTY FLEXIBLE ABOUT THAT. THEY'D RATHER MOVE THINGS AROUND A BIT THAN HIRE TWO MORE INTERPRETERS TO COME IN AND TAKE CARE OF THE AUDIENCE. SO, AGAIN, YOU NEED TO BE ULTRA COGNIZANT OF WHAT YOU'RE DOING AND HOW YOU LOOK.

>>> I'M GOING TO GIVE YOU A REALLY SAD EXAMPLE. AND IT HAPPENED A NUMBER OF YEARS AGO IN A DOMESTIC VIOLENCE CASE. AND THERE WERE TWO COURT INTERPRETERS AND EACH PARTY HAD COUNSEL AND EACH PARTY HAD THEIR OWN TABLE INTERPRETERS. AND WHEN THE TABLE INTERPRETERS INTERPRETED THE CONVERSATION AT THE TABLE, THE INTERPRETERS WERE SITTING -- THE COURT INTERPRETERS, THE PIs, WERE SITTING IN SWIVEL CHAIRS IN FRONT OF THE WITNESSES. SO, THEY WOULD SWIVEL AND PHYSICALLY TURN THEIR BACK TO THE CONVERSATION THAT

WAS GOING ON AT THE TABLE. THEY KNEW IT WAS PRIVILEGED. AND DURING ONE OF THE WITNESS' TESTIMONY, THEY WERE TALKING ABOUT THIS EVENT WHERE THE PETITIONER HAD SEEN A CONVERSATION ABOUT SOME CHILDREN THEY HAD IN COMMON AND THE PETITIONER GOT VERY UPSET. SO, THAT'S WAS THE TESTIMONY, THIS CONVERSATION HAD BEEN OVERSEEN. WHEN ALL THE TESTIMONY AND ALL THE WITNESSES WERE FINISHED, THE JUDGE WAS ENTERING HIS FINDING OF FACTS AT THE END OF THE CASE. THE PROOF PORTION OF THE CASE WAS OVER AND IT WAS SIMPLY READING HIS DECISION. WHAT HE DID WAS HE USED THE INTERPRETERS, THE PROCEEDINGS INTERPRETERS' BEHAVIOR IN SWIVELING AWAY FROM THE TABLE INTERPRETERS' INTERPRETED CONVERSATION, HE USED THAT AS EVIDENCE THAT ONE SPOUSE ACTED IMPROPERLY IN, "OVERSEEING" THE CONVERSATION OF THE OTHER SPOUSE. HE HAD SURMISED BY THE PROCEEDINGS INTERPRETERS PHYSICALLY MOVING AWAY FROM THE CONVERSATION THAT THERE WAS A RULE IN DEAF CULTURE THAT YOU'RE NOT SUPPOSED TO LOOK AT OTHER SIGNED CONVERSATION. ANYHOW, LITIGANTS, ONE OF THE SPOUSES. SO, I SAY THAT TO SAY HE DIDN'T KNOW ABOUT THE CULTURAL RULE OF FREE EYES. IF YOU HAVE A CONVERSATION IN PUBLIC IN SIGN LANGUAGE, YOU DON'T HAVE AN EXPECTATION OF PRIVACY IN THAT CONVERSATION. YET HE USED THIS BEHAVIOR OF THE INTERPRETER CONDUCT AS THE INTERPRETERS TO HURT THE -- TO BOLSTER HIS DECISION AGAINST ONE PARTY. SO, AT THAT POINT HE MADE HIS RULING. THE INTERPRETERS COULDN'T STOP AND SAY, NO,

JUDGE, YOU GOT IT WRONG. BUT THE MORAL OF THE STORY IS YOU HAVE TO BE AWARE OF YOUR BEHAVIOR, MAKE IT MINIMAL SO THAT YOU DON'T IMPACT THE PROCEEDINGS.

>>> A COUPLE OTHER VISUAL ISSUES. IF YOU HAVE A CASE WHERE THERE ARE A LOT OF DEAF WITNESSES, KEEP IN MIND THAT THEY'RE WITNESSES AND MOST OF THEM MANY TIMES WILL BE WAITING OUTSIDE IN A WITNESS ROOM OR OUTSIDE IN THE HALLWAY BEFORE THEY CAN COME INTO THE COURTROOM AND BE CALLED. THEY LOOK THROUGH THE WINDOWS. SOME COURT DOORS, THEY HAVE THESE COLUMN NEAR WINDOWS. IF THE COURT INTERPRETER SEES A DEAF PERSON STANDING, LOOKING INTO THE COURTROOM ACCESSING THE INTERPRETATION, THE COURT INTERPRETERS HOLD THAT INFORMATION AND HAVE AN OBLIGATION TO LET THE COURT KNOW THAT THE RULE ON WITNESSES IS BEING VIOLATED HOWEVER INTENTIONALLY.

>>> SO, AS A PROCEEDINGS INTERPRETER, YOU'RE A GOOD RESOURCE FOR KNOWLEDGE ABOUT WHAT'S IN THE LOCAL COMMUNITY. YOU MAY KNOW OF BATTERER INTERVENTION PROGRAMS, SHELTERS, RESTRAINING ORDER CLINIC. I THINK SOMETIMES INTERPRETERS DON'T FEEL COMFORTABLE PROVIDING RESOURCES, BUT I DO THINK IT'S APPROPRIATE PARTICULARLY IF THERE'S NOT AN ADVOCATE PRESENT. IF AN ADVOCATE IS PRESENT, THEY'RE ALREADY GOING TO HAVE THOSE RESOURCES AND THAT'S -- THAT'S FOR THE ADVOCATE TO PROVIDE. WE ARE FORTUNATE THAT WE HAVE THIS GREAT NETWORK OF ADVOCACY SERVICES. THERE ARE 15 OR THERE WERE

15 SPECIFIC ADVOCACY SERVICES UNDER THE UMBRELLA OF AD ONE. IN 1998 IT WAS AWARDED A \$300,000 GRANT FROM THE DEPARTMENT OF JUSTICE TO TRAIN DEAF PEOPLE FROM 15 CITIES ACROSS AMERICA TO REPLICATE THEIR MODEL, THE [SPEAKER NOT UNDERSTOOD] MODEL. IN TOTAL 75 DEAF WOMEN RECEIVED THE TRAINING OVER THREE YEARS. HERE MY NOTES TAKE MORE TO READ THE SLIDE. BUT THE CITIES ARE AUSTIN, DENVER, MINNEAPOLIS, DETROIT, FLINT, BOSTON, BURLINGTON, VERMONT, ROCHESTER, NEW YORK, COLUMBUS, OHIO, SAN FRANCISCO, HONOLULU, SALT LAKE CITY, PHILADELPHIA, CHICAGO, DES MOINES, AND WASHINGTON, D.C.

>>> SO, IF THOSE ARE ANYWHERE NEAR YOUR AREA, THOSE ARE THE PLACES YOU CAN GO OR YOU CAN LOOK ON THEIR WEBSITES. THE AD WATCH WEBSITE HAS A LIST OF THEM. THE ONE IN D.C. IS CALLED DARN. THERE IS DOVE. THERE'S DEAF WOMEN AGAINST DOMESTIC VIOLENCE OF WISCONSIN, A VARIETY OF DIFFERENT NAMES OF THEM. SOME MAY NOT STILL BE IN EXISTENCE, BUT THEY ARE VERY GOOD RESOURCES. AND AT LEAST IN D.C. I WAS FORTUNATE TO BE ON THE BOARD OF DIRECTORS OF DAWN FOR A COUPLE OF YEARS AND THEY WORK REALLY HARD TO ENSURE THAT DEAF VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT HAVE ADVOCATES WITH THEM WHEN THEY GO TO COURT PROCEEDINGS.

>>> NOW, MY NEXT SLIDE IS OUR FINAL SLIDE AND IT MIGHT COME UP. AND WHILE IT DOES COME UP, I WILL CHECK AND SEE IF THERE ARE ANY QUESTIONS.

>>> I HAVE A QUESTION FROM WAIKALKA, AND IT'S, WHEN DOING THE RESTRAINING ORDER SITE INTERPRETATION, SHOULD WE HAVE A LAWYER PRESENT SO WE DON'T LOOK LIKE WE ARE AN EXPERT?

YES. I CAN TELL YOU, THOUGH, IF A DEAF WOMAN SHOWS UP AT THE CLERK'S OFFICE AT 9 O'CLOCK OR SATURDAY NIGHT TO GET A RESTRAINING ORDER, SHE WON'T HAVE A LAWYER AND SHE WON'T HAVE AN INTERPRETER. THAT'S A PROBLEM AND THAT'S PROBABLY A GOOD AREA WHERE YOU OR I MIGHT BE UTILIZED. BUT IF YOU ARE -- IF YOU DO HAPPEN TO BE THERE AND SHE DOES HAVE COUNSEL, WE WOULDN'T WANT YOU TO DO ANY SITE TRANSLATION OR ANY OTHER TRANSLATION WITHOUT THE ATTORNEY PRESENT.

>>> I SEE SHELLY HER GOLD HAS A COMMENT/QUESTION. SHE HAD THE SAME PROBLEM WITH ACCESS TO A CASE FILE WHEN THE VICTIM OR DEFENDANT WAS A MINOR. MOST OF THE TIME THE LAWYER WOULDN'T ALLOW ME TO TAKE A QUICK REVIEW WHEN I ARRIVE OR EXPLAIN THE CASE BEFORE WE GO IN, NOT MUCH PREPARATION. SO, JUST A COUPLE THINGS ABOUT THAT. IF YOUR VICTIM IS A MINOR AND THE DEFENDANT IS AN ADULT AND YOU HAVE THE CASE NO., YOU DON'T NEED ANYBODY'S PERMISSION TO VIEW THE CASE FOR PUBLIC, RIGHT. SO, WHAT YOU DO NEED TO DO IS GO DOWN TO THE COURT AND REVIEW THE CASE OR AN HOUR BEFORE. IF YOU SHOW UP THE SAME DAY, THAT CASE FILE IS NOT GOING TO BE IN THE CLERK'S OFFICE. IT'S GOING TO BE IN THE COURTROOM. AND YOU CAN STILL ASK THE COURT CLERK, THE ONE IN THE COURTROOM, TO SEE THE FILE.



SOMETIMES THEY GET A LITTLE FUNKY, BUT THE BEST WAY TO DO IT IS TO GET IT WELL AHEAD OF TIME. IF THE DEFENDANT IS MINOR, IS A MINOR, IT DEPENDS ON THE STATE AS TO WHETHER OR NOT THOSE ARE PUBLIC OR NOT. IN MARYLAND THEY ARE PUBLIC. IN OTHER STATES I'M AWARE THAT THEY ARE NOT. YOU SHOULD ALSO HAVE A LAWYER -- ASK THE LAWYER TO SEE THEIR CASE FILE IF THEY DON'T ALLOW YOU THIS QUICK REVIEW, AND TO EXPLAIN THE CASE. SO, THERE IS NEVER AS MUCH AS WE LIKE, BUT WE DEFINITELY HAVE TO TAKE A PROACTIVE APPROACH IN GETTING AS MUCH INFORMATION AS WE CAN.

>>> THERESA IS ASKING, YOU MENTIONED ABOUT GIVING EXAMPLES OF BEING CAREFUL TO SIGN BECAUSE OF DIFFERENT PERSPECTIVES. IS IT ALWAYS OKAY TO EXPAND OR IS IT SOMETHING WE HAVE TO BE CAREFUL ABOUT IN COURT?

IF BY EXPAND YOU MEAN INCLUDING CONTEXTUALIZATION IN YOUR INTERPRETATION, THEN IT IS OKAY AND YOU HAVE TO BE CAREFUL. JUST LIKE YOU HAVE TO BE CAREFUL ABOUT ALL OF YOUR INTERPRETING SO THAT IT'S NOT -- THIS IS DIFFICULT. IT'S NOT TOO MUCH, NOT ENOUGH, IT'S JUST RIGHT. IT'S THAT MUCH. YOU DON'T WANT TO BE -- YOU DON'T WANT TO BE SUGGESTING ANSWERS TO THE WITNESS. YOU WANT TO MAKE SURE THAT THEY'RE ABLE TO CHOOSE FROM AMONG YOUR EXAMPLES AS WELL AS COME UP WITH LIKE ITEMS THAT ARE NOT IN YOUR LIST ON THEIR OWN.

>>> OKAY. BRENDA ASKED, THINKING ABOUT PRO SE PARTIES, ONE DEAF AND ONE HEARING, WOULD IT BE AWKWARD -- IT WOULD BE AWKWARD TO WALK UP TO A HEARING PERSON AND ASK THEM WHAT HAPPENED, NO? YES, I AGREE, THAT WOULD BE AWKWARD. I WOULD FIND OUT [SPEAKER NOT UNDERSTOOD]. IF THAT'S THE HEARING PERSON, I WOULD ASK TO READ A COPY OF THEIR PETITION. I WOULDN'T ASK THEM WHAT HAPPENED. AND I WOULD LET THE DEAF PERSON KNOW WHAT I'M DOING BEFORE I DID IT. LIKEWISE, IF THE DEAF PERSON IS THE PETITIONER, I WOULD LET THE HEARING PERSON KNOW THAT I WAS THE COURT'S INTERPRETER AND I NEEDED TO REVIEW THE PETITION. AND THAT'S ALL I WOULD TELL THEM. AND THEN I WOULD ASK FOR -- ASK THE DEAF PERSON IN PRIVATE TO SEE THEIR PETITION. AND IF I WASN'T ENTIRELY CLEAR OR THERE WERE OBVIOUS THINGS LIKE CLASSIFIED I KNEW I WAS GOING TO NEED, I MIGHT ASK THEM TO SHOW ME HOW THEY TALKED ABOUT IT.

>>> OKAY. I DON'T UNDERSTAND TERRY WHITE'S COMMENT. AND RIGHT UP AT THE LAST SITE, LET ME SEE IF I CAN FIND ANY OF THESE THAT I CAN ANSWER REALLY QUICKLY. BARBARA ASKED ABOUT WHETHER OR NOT THE DECISION WAS APPEALED, WOULD THE INTERPRETER WHO SWIVELED? NO, NOT ON THAT BASIS. I DON'T KNOW WHAT HAPPENED WITH THAT AFTER IT HAPPENED.

>>> ALL RIGHT. YOU CAN SEE THE FINAL SLIDE ON IS OUR NEXT STEP. AND NEXT STEP IS OUR FINAL WEBINAR ON SEPTEMBER 21ST, I THINK IT'S A SATURDAY -- NO, THAT'S AUGUST. I'M CHECKING THE DATE. IT IS IN FACT

SATURDAY AND IT WILL BE 1:00 TO 2:30 EASTERN STANDARD TIME AND WE'LL BE TALKING ABOUT INTERPRETING FOR DEPOSITIONS. THIS SLIDE ALSO GIVES YOU ACCESS TO THE ARCHIVED SESSION AND HOW TO GET TO VIEW. I KNOW THAT CAROLYN IS GOING TO TALK TO YOU ABOUT THAT RIGHT NOW AND SO I'D JUST LIKE TO SAY THANK YOU FOR YOUR TIME. I APOLOGIZE FOR THE TECHNICAL DIFFICULTY, BUT GLAD IT WAS THE FOURTH ONE AND NOT THE FIRST ONE THAT HAPPENED ON BECAUSE WE KNOW WE CAN DO IT RIGHT. SO, THANK YOU VERY MUCH AND I'LL GIVE IT BACK TO CAROLYN.

>> FIRST, BEFORE YOU GUYS START CLOSING OUT, WHEN YOU CLOSE OUT, A SURVEY SHOULD POPULATE. IT IS A SATISFACTION SURVEY. IT WILL ALSO ASK YOU FOR YOUR CEU INFORMATION. IF THIS SURVEY DOES NOT POPULATE, PLEASE E-MAIL ME AT [CAROLYN.WHITE@UNCO.EDU](mailto:CAROLYN.WHITE@UNCO.EDU). PLEASE, FILL OUT THE SURVEY IF YOU ARE WATCHING THIS INDIVIDUALLY. IF YOU HAVE SEVERAL PEOPLE WATCHING THE GROUP, THEN PLEASE FILL OUT THE SIGN-IN SHEET THAT WAS ATTACHED TO THE WEBINAR LINK AND YOU CAN E-MAIL THAT TO ME, FAX IT, OR SCAN IT, SNAIL MAIL IT, WHATEVER YOU NEED TO DO, AND I WILL TAKE CARE OF YOUR CEUs. I WANT TO THANK CARLA FOR ALL THE AMAZING WEBINARS SHE'S GIVEN US. I'D LIKE TO THANK KIRK AND DARLENE, OUR INTERPRETERS, AND OUR CAPTIONIST SHARON. AND, OF COURSE, JESSIE AND HER AMAZING CLEARINGHOUSE TEAM. WE WOULDN'T BE HERE WITHOUT THEM.

THERE IS A LIST SERVE ASSOCIATED WITH THESE WEBINARS. I WILL SEND OUT AN E-MAIL TOMORROW GIVING YOU THE INFORMATION FOR THAT. IF THE

LIST SERVES ARE NOT FOR CEUs THIS TIME, BUT THEY ARE AN EXCELLENT WAY FOR YOU TO CONTACT CARLA AND ASK QUESTIONS AND INTERACT WITH YOUR PEERS. IF YOU HAVE ANY QUESTIONS ABOUT UPCOMING WEBINARS, YOU MAY VISIT THE MARIE WEBSITE OR YOU MAY CONTACT ME AT MY E-MAIL ADDRESS THAT I JUST SENT YOU OR JUST TOLD YOU ABOUT. ANYWAY, THANK YOU VERY MUCH FOR ALL OF YOU COMING AND I HOPE TO SEE YOU AGAIN SEPTEMBER 21ST. THANK YOU.

[3:37 P.M.]