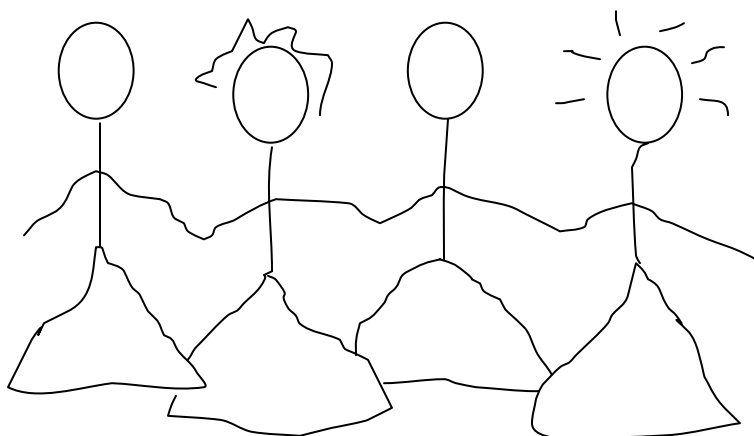


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# Women's Handbook on Domestic Violence



Prepared by Peace Corps Volunteer Jamie Lee Ganger  
for the  
Women's Department,  
Ministry of Human Development and Housing

November 25<sup>th</sup>, 2005

## **The Women's Department, 2005**

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## **Preface**

Domestic violence is an issue that affects societies in every corner of the world. Across cultures, violence against women produces similar consequences for a community. Abuse weakens the concept of equality between the sexes, creates long-term emotional effects on women and children and forces families to live in fear.

A lot can be said about the social order of a culture by looking at how it chooses to address the issue of domestic violence. By creating well-coordinated support services, advocating for effective legislative policies and actively promoting public awareness the vision of a violence free community begins to become a reality.

In Belize, government departments, non-profit organizations and individual community members are working together to achieve this goal. There is still a long way to go before domestic violence is eradicated. Yet each step that we take forward, however big or small, brings us one-step closer to a violence free Belize.

Producing this handbook was just one-step forward. If you, as the reader, are able to use and share this information, that is one more step forward. It is only together, as a country, a community and a neighborhood that we will be successful in making Belize a safe place to be a woman.

Jamie Lee Ganger  
Belize City  
November 29, 2005

## Foreword

The Women's Department, Ministry of Human Development and Housing is extremely pleased to introduce this *Women's Handbook on Domestic Violence* which focuses on clearly defining domestic violence and discussing key issues that relate to this problem that continues to affect the lives of so many women and children throughout our country. Domestic Violence continues to be one of the priority areas of our Department as we work in partnership with the National Women's Commission and other key organizations for the advancement of women, the pursuit of gender equality and women's access to justice.

The idea for this Handbook came out of our weekly discussions with the Support Group for Women, which was formed through our department on August 9<sup>th</sup>, 2005. These women come from varied, backgrounds, ethnicities, educational levels, and religions but there is one commonality – they are all survivors of domestic violence or have close family members who are suffering from domestic violence. The strong bond shared between each of them has become an incredible force of support and activism that has spread like wild fire. The women have taken it upon themselves to focus their energy on helping other women. Each week they bring stories from newspaper articles or they bring friends and neighbors who want to share their stories with the group. They visit victims at the hospital or in their homes offering words of encouragement and hope. Their messages are strong and positive as they speak about zero tolerance. One message we at the department heard loud and clear was that there was a need for a *Women's Handbook on Domestic Violence*. We listened.

It is our hope that women throughout our country will use this Handbook to empower themselves with knowledge which could one day help to save their life or the life of someone they know. It offers practical information on the various types of domestic violence, the cycle of violence, myths about domestic violence, warning signs of abuse, and the effects of domestic violence on children. Most importantly, this Handbook gives information on how women can keep themselves and their children safe. It provides important information on the legal system as it relates to getting protection and occupation orders, pressing charges and going to court. Also included is a list of important numbers that women can call to get help.

The Women's Department takes this opportunity to express its sincere appreciation to Peace Corps Volunteer, Jamie Lee Ganger, as well as all those persons who contributed to assisting us in achieving another goal in our efforts to ensure that women have access to information on domestic violence. We take this opportunity as well to thank all our partners who continue to support us as we work towards our ultimate goal of eliminating gender-based violence throughout Belize. Special thanks to the United Nations Population Fund (UNFPA) and Canadian International Development Agency (CIDA) Gender Equity Fund for providing us with the funds to publish this Handbook.

Carol Fonseca, Ph.D  
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## Introduction

This handbook was designed to be a guide for women who have experienced abuse at the hands of their partner or for anyone who knows someone that has been abused. It is intended to help bring about a clearer understanding of *what domestic violence is* and to acknowledge the fact that all forms of abuse are wrong!

The handbook is divided into five sections:

### **Section I:**

The first section defines some of the frequently used terms in this handbook.

### **Section II:**

Section two defines what domestic violence is and discusses the different forms of abuse.

### **Section III:**

This section talks about safety planning and what to do if you or someone that you know is in an abusive relationship.

### **Section IV:**

The fourth section offers a general overview of the legal options that are available including Protection Orders, Legal Separation, Child and Spousal Maintenance and criminal charges.

### **Section V:**

The last section provides a list of phone numbers that may be helpful.



## Section I: Definitions

### **Domestic Violence, Battering, Domestic Abuse:**

These terms are used to describe a pattern of abusive behavior that one person uses to maintain power and control over their partner. Some of these controlling behaviors include physical abuse, economic abuse, sexual abuse and verbal abuse.

### **Survivor:**

A survivor is any person who has been hit, abused or controlled by their partner.

### **Batterer or Assailant:**

A batterer or assailant is the person in the relationship who is hitting, abusing and controlling their partner. This can be a woman or a man.

### **Partner:**

The definition of a partner as used in this handbook means:

- Husband or wife
- Ex-husband or wife
- Boyfriend or girlfriend
- Ex- boyfriend or girlfriend
- Common Law
- Ex- common law
- A person who is the mother or father of your child

### **Women's Development Officer (WDO):**

A WDO is a trained advocate who works at the Women's Department. One important role she plays is to provide women with support and information about their options in relation to domestic violence.

**Intake Welfare Officer:**

The Intake Welfare Officers are trained mediators that work at the Family Court. Their job is to help a person file the proper paperwork with the court for Protection Orders, Legal Separations, Custody and Maintenance matters.

**Applicant:** The applicant is the person who is applying for an order from the court.

**Respondent:** The respondent is the person whom a court order or an application for a court order is filed.

**Summons:** A summons is a notice from the court that lets a person know that they are to appear before the court. The summons will include the reason for the hearing as well as the date and time of the hearing.

**Common-law:** A common-law relationship is when the couple is not legally married but has been living together in a relationship for several years.

**Clerk of the Court:** The Clerk of the Court is the person who schedules court hearings and processes court documents including the summons. In the districts, the clerk is the person who will assist a person in filing an application for any of the orders discussed in this handbook.

**Adjournment:** When a hearing is adjourned, it simply means that it has been rescheduled.

**Defendant:** In a criminal case, the defendant is the person that is being accused of a crime.

**Arraignment:** The initial appearance before the magistrate in a criminal case. At the arraignment, the charges against the defendant are read and the defendant enters a plea.

## **Section II: Information About Domestic Violence**

### **I. What is Domestic Violence?**

Domestic violence is a term used to describe a *pattern* of abusive behavior that one partner uses to maintain power and control their partner. Domestic Violence is not only physical abuse. Batterers often use a variety of tactics to maintain control over their partners including verbal, emotional, sexual and economic abuse.

### **II. Types of Domestic Violence**

Many people often feel that if their partner has not physically abused them, they are not in a domestic violence relationship. The truth is that there are many forms of abuse.

In addition to using physical force, the assailant may use some of the following tactics to scare, terrorize and control a person.

You may be able to identify with some of these tactics or you may know someone else who is.

### **Emotional and Verbal Abuse**

Over time, emotional and verbal abuse can be equally as damaging as physical abuse. By putting you down and making you feel bad about yourself, your partner is attacking your self-worth and making you believe that you are incapable of surviving without them.

Some signs of emotional abuse include:

- name calling and belittling
- making you feel guilty
- humiliating you
- making you feel like you are crazy
- playing mind games

## **Intimidation**

Abusers know that their partner can be afraid of them. They are often able to scare their partner through their actions, body language and other gestures. This is called intimidation.

Some examples of intimidation include:

- smashing things
- slamming doors
- displaying weapons
- using threatening looks and body language

## **Economic Abuse**

One tactic that abusers often use to maintain power over their partner is to control access to or knowledge about the families finances. By controlling access to money, the abuser is limiting his partner's ability to make decisions about herself, her home or her children. He may also be sabotaging her efforts to leave the relationship.

Some examples of economic abuse are:

- preventing partner from getting or keeping a job
- making partner ask for money
- making partner show him everything she purchased
- taking partner's money
- withholding information about family income

## **Threats**

Making threats is a common tactic that abusers may use to scare their partner. They may express an intent to harm you or try to control you by making you think that they will do something to hurt you.

Some abusers may threaten to:

- physically hurt their partner
- leave the relationship
- take the children
- call Human Services
- commit suicide or harm themselves
- hurt your family
- kill their partner

### **Isolation**

Keeping women away from other people is another way that abusers maintain control. By sabotaging relationships with friends, family and colleagues, the abuser is weakening his partner's ability to build a healthy support system. This may allow the abuser to have more control over their partner.

Some ways that abusers isolate their partners are:

- limiting outside involvement
- using jealousy to justify actions
- controlling where their partner goes
- interfering with relationships at work or school
- interfering with his partner's relationships with her family

### **Using Privilege**

Some men feel that the man of the house should be the decision-maker and that his wife and children have to respect his "authority".

Not all men feel this way. Most healthy relationships involve a shared responsibility and equal decision-making between men and women.

Some examples of using privilege are:

- treating their partner like a servant or a child
- making all of the decisions
- telling the woman how she should act
- creating a double- standard about personal time

### Using Children

Abusers often make threats about the children to scare their partners. They may realize that their partner will do anything to protect her children and will use this to their advantage to control her.

Some examples of using the children are:

- threatening to take them away
- threatening to hurt them
- threatening to call Human Services
- making partner feel guilty about the children
- using the children to relay messages

### Minimizing, Denying and Blaming

It is common for abusers to shift the responsibility of their abuse onto their partner. Abusers almost never take full accountability for their actions and usually blame the abuse on someone or something else. By making their partner feel that they did something to cause the abuse or by denying the abuse altogether, the abuser is making it seem like what he did was not wrong and that his partner is crazy or stupid for feeling hurt. Wrong is wrong! ***Remember that you are not crazy or in any way responsible for the abuse.***

Some examples of this tactic are:

- saying that the abuse did not happen
- saying that she started the argument and caused the abuse
- lying about what actually happened
- telling other people a different story

## **Sexual Abuse**

This can be a difficult subject to talk about for many women. However, sexual abuse is common in many domestic violence relationships. Often abusers will threaten abuse if his partner does not have sex with him. Women may feel pressured to engage in a sexual activity against their will in order to avoid an assault. In some cases, it may be difficult to recognize sexual abuse or to identify that you have been a survivor of marital or partner rape.

Some ways that abusers sexually abuse their partners are:

- forcing partner to perform a sexual act against her will
- comparing her to other women and degrading her sexuality
- forcing her to watch pornographic material or act it out
- deliberately giving partner a sexually transmitted infection
- taking sexual pictures of partner and threatening to use them against her
- accusing you of having sex with someone else and demanding to “examine” your private areas

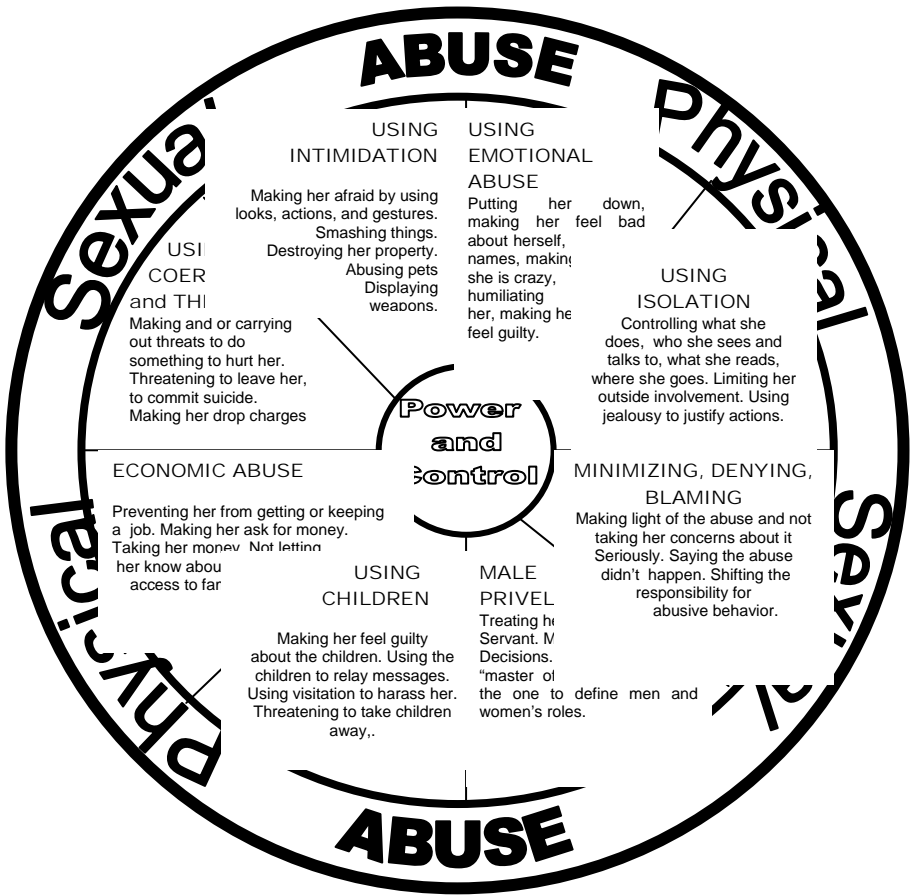
Not all situations are the same. Each relationship is different and may not include all of the tactics mentioned above. However, by reading these examples you may be able to identify some aspects of your own relationship that are similar.

### ***Abuse of any kind is WRONG!***

It is important to remember that the abuse is not your fault. You should not feel guilty, ashamed or embarrassed about what has happened to you. Nothing that you did *caused* the abuse to happen. Your partner is the one who made the decision to be abusive.

## The Power and Control Wheel

Many women's organizations use a diagram to show some of the things that abusers do to maintain power and control over their partners. Below is a diagram that was designed by a group of survivors of domestic violence from Minnesota.



\* Duluth Abuse Intervention Project. Duluth, MN



### III. The Cycle of Violence

Domestic violence is never one assault. Many women who have been in an abusive relationship have identified a pattern of violence. You may recognize a pattern in *your* partner's behavior.

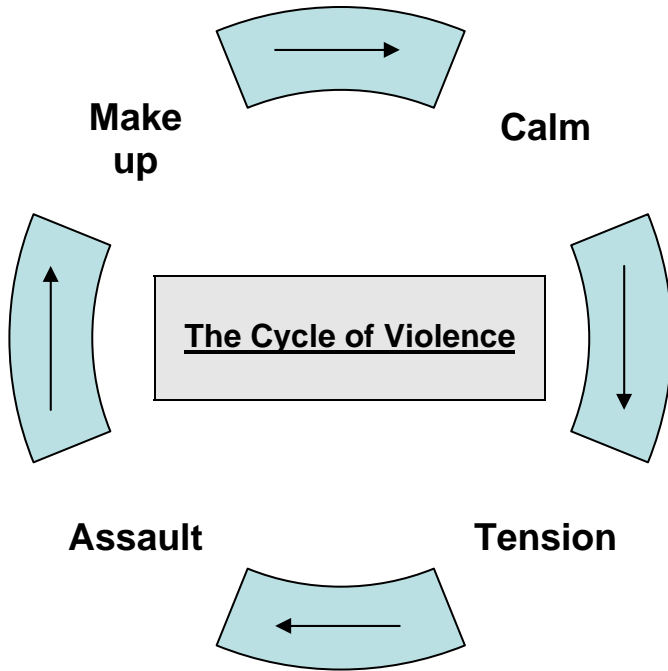
Not all abusers are aggressive all of the time. They can be very charming and do things to make you feel that the relationship is going well. This may be the side of your partner that attracted you to him in the first place.

Over time, you may feel a sense of tension building within the relationship. During this period, you might feel a lot of anxiety or feel as though you are walking on eggshells. Some women have said they feel that their partner is like a "ticking time bomb". This tension usually happens right before an assault.

After an assault, it is common for the abuser to apologize for his behavior. He may try to make it up to you by giving you gifts, doing nice things for you and promising that it will never happen again. He may also choose to deny the abuse or try to minimize the abuse by saying that it was not that bad. All abuse is wrong and feeling confused, depressed and angry after being hurt by someone that you love is normal.

After this period of reconciliation or making-up, things may be calm for a while. Eventually, the tension begins to build and the cycle begins over again. This cycle of violence might happen over a period of days or weeks OR it could happen all in one day.

## The Cycle of Violence



### IV. Myths about Domestic Violence

**Myth #1:** Domestic Violence is a private problem. People should not interfere with another person's relationship.

**Truth:** Domestic Violence is society's problem. Everyone is responsible for making sure that abuse is not tolerated in his or her community. As a country, we **MUST** begin to recognize and acknowledge that hitting, choking, pushing, scaring and threatening your partner is a crime.

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**Myth #2:** If she really wanted the abuse to end, she would leave.

**Truth:** The reasons why women stay in abusive relationships are very complex and are usually rooted in fear. It is easy for many people who have not lived with this type of fear to pass judgment. This is so damaging to survivors because it perpetuates the message that the abuser has already instilled; that she is weak and incapable of making decisions on her own.

She may stay because she is afraid to leave. Leaving an abusive relationship can be a dangerous time. Domestic violence is about power and control. When the abuser feels that he is losing the control he may threaten to hurt or even kill his partner or her children. His threats to hurt her or to find her wherever she tries to hide can be very real.

She may stay because she has no place to go. Many times, it is not easy to find or afford safe housing. It may be difficult for her to find a place to stay where he will not find her and she may be concerned about putting her family in jeopardy.

She may stay because of her children. Many women feel that they should stay and “try to work it out” in order to keep their family together. Leaving may mean that the children will have to leave behind their neighborhood, their friends and their home. This is an extremely difficult decision to make especially if you are living in fear of your partner.

She may feel that there is no protection. Often times the process of applying for a protection order or pursuing criminal charges can be time consuming. In many cases, a protection order alone is not enough to stop an abuser from coming after his partner. However, it can serve as a deterrent.

She may stay because she believes what her abuser has told her. Emotional and verbal abuse is a big part of a domestic violence relationship. Many times an abuser will degrade his partner and say things to her like, “You are stupid, no one else would want you”, “You could never survive without me” or “No one will believe you”. The abuser’s effort to destroy his partner’s self-esteem are very intentional and often play a big part in affecting her courage to leave.

She may stay because she cannot financially afford to leave. Many women in abusive relationships have been forced to stay out of the work force. The abuser may have prevented her from getting or keeping a job. If she does work, he may have control over her personal finances making it difficult for her to save money.

There are many reasons why women stay in abusive relationships. No one can *tell* a woman to leave. Every person must make their OWN decision to go.

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**Myth #3:** People who experience domestic violence should go to couples counseling.

**Truth:** Couples counseling assumes that there is a problem with the “relationship” and that both partners are responsible for making the situation change. The survivor may feel that couples counseling will help him change his behavior and stop the abuse. This is rarely the case. This approach once again reinforces blaming the survivor and does not hold the abuser accountable for his behavior. Couples counseling may even be dangerous for the survivor. She may be afraid

to talk openly about the abuse in front of the person who has abused her for fear of later retaliation.

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**Myth #4:** Abusers become violent because they cannot control their temper.

**Truth:** Abusers are often very good at controlling their anger. Men who assault women do so because they know that they can. They know that there is little or no consequence for terrorizing their partner in their own home. Abusers do not batter their bosses, they do not threaten to kidnap the police officer's children and they do not beat up the clerk at the bank. Men know that these are not socially acceptable behaviors and that they could go to jail for these crimes. Abusers are often very skilled at controlling their anger until they are in the privacy of their own homes where they know that their victim is defenseless.

Battering is a conscious decision to control another person.

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**Myth #5:** Domestic violence only happens to people who are poor.

**Truth:** Domestic Violence can happen to anyone. Women from all economic and educational backgrounds have been survivors of domestic violence relationships. Domestic Violence happens all over the world to all kinds of people.

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## **V. Warning Signs of Abuse**

There are many ways that your partner can be abusive. Below are a few signs that may indicate that you or someone you know could be in an abusive situation.

- Does your partner get jealous a lot? Does he wrongfully accuse you of sleeping with other men?
- Does your partner say things to make you feel bad about yourself or to hurt your feelings?
- Has your partner ever threaten to hurt you or your family?
- Is your partner cruel to animals?
- Does your partner monitor where you go or who you spend time with?
- Does your partner go through your purse or other personal things?
- Has your partner ever destroyed your property?
- Has he ever grabbed, pushed or shaken you?
- Has your partner ever demanded sex from you?
- Does he withhold money from you?
- Has he ever threatened you with a weapon?
- Has he threatened to take your children?
- Has he ever forced you into doing something that you did not want to do?
- Has your partner ever thrown anything at you?

If you answered yes to any of the questions above, you may be experiencing domestic violence. Know that you are not alone. There are other women, in your own community who have experienced many of the same things. There are steps that you can take to help keep yourself safe. The next few sections of this handbook will provide you with information that may help you decide what steps are right for you.

## **Children and Domestic Violence**

The effects of domestic violence on children are long lasting. Even if children are not directly abused, witnessing family violence can be emotionally damaging.

### Children who witness domestic violence may:

- Become more aggressive as adults and continue the abuse within their own families.
- Become more passive and susceptible to abuse in their personal relationships.
- Become timid, shy and emotionally withdrawn
- Grow up believing that abuse is normal
- Develop mental and emotional problems that could last forever

### Some signs that children are living in an abusive home are:

- Problems at school
- Difficulty focusing
- Use of violence to solve conflicts
- Depression or low self-esteem
- Trouble sleeping

## **Section III: What Can I Do To Keep Myself Safe?**

If you feel that you are experiencing domestic violence, you are not alone. It is not fair that you are living with this abuse. You do not deserve to be treated this way by your partner.

There are steps that you can take to keep yourself safe and people available to support you through your journey as you make the decisions that are best for you.

If you have been assaulted or are living in fear of your partner:

### **I. Call the Police**

Find out where the closest Police station is to your house. Make sure that you have the phone number to the station in a handy place. If you have a cell phone, you can save the number to the police in your phone under a different name. The last section of this handbook contains a list of important numbers; you may decide to highlight the ones that you would use in an emergency.

If your partner has assaulted you or if your partner has threatened to hurt you, call the Police. The law states that the Police have a duty to protect you if you have been assaulted or are in danger of being assaulted. It is part of their job to protect you.

The police can:

- Take you to the hospital.
- Escort you to a place of safety.
- Take you to safely retrieve your personal things from your home.
- Enforce your Protection Order



If you have a Protection Order against your abuser – have a copy ready to show the police when they arrive. The officers may ask you to come into the station to give a statement about the assault. Try to give as much detail as possible including the time of the assault, any physical injuries or damaged property. You may want to ask the police to take pictures of your injuries. You may also want to note the time that it takes for the police to respond to your call. This information will be helpful if you decide to press charges against your assailant.

## **II. Apply for a Protection Order**

A Protection Order is an order of the court that makes it illegal for your assailant to come near you or to harm you in anyway. A Protection Order also gives the police the authority to arrest your assailant for violating the order. See Section IV to find out more about how to apply for a Protection Order.

## **III. Keep Records**

Often, the trauma of being assaulted and the pain and confusion that accompanies the abuse can make it difficult to remember exact dates and times that an assault occurred. At some point, you may decide to take legal action against your assailant. You may decide to press charges against him for hurting you, you may make a decision to file for a legal separation or you might want to apply for a protection order. Having a record of all incidents of abuse will be helpful to your court case.

Important information to record is:

- Time and date of assault
- Details of assault (injuries, threats, length of time)
- Location of assault
- All Police contact
- Photographs of injuries
- Medical records
- Any unwanted contact
- Phone messages
- A copy of your statement from the police
- Court dates and papers

#### **IV. Safety Plan**

One of the most important things that you can do to keep yourself safe is to develop a SAFETY PLAN! A safety plan is a list of things that you can do to keep yourself safe from your abuser and to help you prepare for situations where you may need to leave in a hurry.

Each person's safety plan will be very different depending on the situation. You should develop a safety plan if you are living with your assailant or if you are planning to leave.

The following are some suggestions that might be helpful:

- Make sure that you have access to important phone numbers
- Try to identify "warning signs" that come before an assault. This may give you extra time to escape.
- Talk to your neighbors about calling the police if they see your assailant coming onto your property. (This applies if you have a Protection Order)
- Develop a code or signal with your children or neighbors that would let them know you need help or that you need them to call the police. An example of

this might be a code word or a signal such as flicking your porch light on and off.

- If you have a car, have a spare set of keys made. Hide them in a safe place.
- Pack an emergency kit in case you need to leave in a hurry. This could include money, birth certificates, medication, extra diapers, change of clothes, phone card, passports, and important numbers.
- Try hiding important papers or numbers in a place where your assailant is not likely to look such as a diaper bag or a tampon box.
- If you are in the same room with your assailant and you feel that he is about to assault you – try to move into a room that has two exits in case you need to run.
- Get a dog that will warn you when someone is coming near your house.
- Change your locks.
- Move your bed away from the window.
- Have a friend or neighbor call or come by to check on you periodically.
- If you have a Protection Order, keep a copy with you at all times.
- If you have recently left your home – be careful who you tell where you are staying.

## **V. Get Out**

Making the decision to go can be terrifying. Assailants often make threats to their partners about what will happen if they try to leave. Your fears are completely normal and very real. However, many women in the same situation as you have left and are now able to live a life free of fear and abuse.

Only you can make the decision to leave.

The first step in getting out is finding a safe place to go. You may have friends or family members that you can stay with until you get back on your feet. You may also decide to stay in the shelter.

Belize currently has one shelter for women and their children who are escaping abusive relationships. It is called the Haven House. The exact location has been kept confidential for the safety of the women who stay there. Women from any district in Belize can stay there. The shelter provides food and a safe place to sleep. The Haven House can provide shelter for up to 21 days. They also provide counseling and information about your rights and can help you develop a plan for staying safe when you leave. In order to stay at Haven House you will need to contact the Women's Department or call the Haven House hotline number. They will help you decide if the shelter is right for you.

## **VI. Identify Support System**

Having a strong support system can be very important when you are deciding the best way to escape the abuse. During this time, you may need to rely on the help of other people while you make this difficult transition.

Your assailant may intentionally make this hard for you. Abusers often try to ruin your relationships with other people. They may cause a scene, tell lies about you or do whatever they can to destroy your interactions with friends, family or colleagues. When you are considering leaving an abusive relationship, it may be helpful to identify the people who you feel will be supportive to you. You may want to make contact

with friends or family members, explain the situation and let them know that you may be in danger.

You may also find support from other women who have gone through what you are going through. The Women's Department offers a support group for women. They are here to help you.

Remember that the abuse is not your fault. You should not feel ashamed or embarrassed about asking for assistance. What you are doing is extremely courageous and is a reflection of your inner strength.

## **VII. Go to the Women's Department**

The Women's Department is a resource and support center for women who are experiencing domestic violence. The women who work at the department are there to help you. They can assist you with safety planning, legal information, staying at the shelter and working with the police. They are also there to provide emotional support to you and to help you make important decisions about your safety.

The Women's Department, in Belize City, offers a weekly support group for women who have been affected by domestic violence. The support group offers emotional support, a safe place for women to share their stories or to listen to other women talk about their experiences and provides skills training. There are currently plans to begin support groups in other districts.

Other services available at the Women's Department countrywide include public education about domestic violence and a variety of classes for women including

computer training, cake decorating, sewing, arts & crafts and relaxation techniques.

Joining a class can be a way to network with other women and a good way to build self-esteem. You may also decide to volunteer your time to helping other women who are going through the same situations that you have.

Each district has a representative from the Women's Department called a Women's Development Officer or WDO.

They are there to help you.

## Section IV: The Legal System

Many women choose to seek legal action against their abuser.

This section will provide you with some basic information about the legal options that may be available to you. You are entitled to know what your rights are. Being persistent and asking questions is okay. Remember that you know your situation better than anyone else does and when it comes to making decisions about your safety – you are the expert.

Here is a list of some of the Laws of Belize that the Magistrates may use when hearing your case. Remember that you are your best advocate! You can read these laws online at [www.belize-law.org](http://www.belize-law.org) or you can talk to a Women's Development Officer at the Women's Department for more information.

- The Domestic Violence Act
- The Families and Children Act
- The Married Persons Act
- The Criminal Code of Belize

### **The Domestic Violence Act**

The Domestic Violence Act Chapter 178 is one of the Laws of Belize. The law is designed to provide better protection to individuals, especially women and children, who are being affected by Domestic Violence. Written in 1992, the Domestic Violence Act was last revised in 2000.

A review of the Domestic Violence Act was spearheaded by the Women's Department from February to June 2005. Efforts are currently being made to make amendments and additions to the act.

Contact the Women's Department for more information about the efforts being made to improve this act.

## Overview

If your partner has assaulted you, there are several legal courses of action that you can take.

You can decide to:

- Apply for a Protection Order (Family Court)
- Press Criminal Charges against your abuser (Magistrate Court)

You may also decide to apply for:

- Legal Separation (Family Court)
- Spousal or Child Maintenance (Family Court)

*Note: Some of the legal information below may vary from district to district. The number of each district court is listed in the back of this handbook. You can call the court in your district for specific information about your district.*

## Protection Orders and Occupation Orders

### What is a Protection Order?

A Protection Order is an order, granted by the Family Court, which can make some of the things that your abuser does to scare you or hurt you against the law. A Protection Order can make it so that your assailant can be arrested if he tries to harass you.

The order can be issued for a period of one year.

A Protection Order may prohibit your assailant from:

- Going to your place of work
- Going to your place of education



- Going to a certain place that you often frequent. (i.e. your mother's house) You will need to ask the magistrate to include this in the order.
- Being within a certain distance of you
- Speaking to you or sending unwelcomed messages
- Taking possession of your personal property
  
- Engaging in "Conduct of an offensive or harassing nature"
  - o Intimidating you through threatening language
  - o Damaging or hiding your property
  - o Persistently following you
  - o Watching your house, school or place of work

### **What is an Interim Protection Order?**

An Interim Protection Order is an order of protection that is granted in an emergency, usually on the same day that you apply. In cases where the court feels an immediate order is necessary to ensure the safety of a survivor, a magistrate may issue a temporary Protection Order for a period of 14 days. This type of protection order can be granted without your assailant being present.

### **Who can apply for a Protection Order?**

- Husband or Wife
- A former husband or wife
- Common Law Partner
- A person with whom you have a child in common
- A parent or guardian or grandparent
- A step-child or an adopted child

The law currently does not allow a Protection Order to be granted to individuals in a short term dating relationship or to individuals in a same-sex relationship. Efforts to change this are currently underway.

## **How can I get a Protection Order?**

You can apply for a Protection Order by going to the Family Court.

**In Belize City** - the Family Court is located on the third floor of the Commercial Center building downtown. When you arrive at the court, you should tell the Clerk of the Court or the secretary that you have come to apply for a Protection Order. You will be directed to meet with an Intake Welfare Officer who will help you complete the application form required.

**In the Districts** - the Family Court is located in the Magistrate Court. When you arrive at the court, you can go directly to the Clerk of the Court and let her know that you are there to apply for a Protection Order. The Clerk of the Court will assist you in filling out the required application form.

The Intake Welfare Officer or the Clerk of the Court will meet with clients on a “first come, first serve” basis. You will probably be asked to wait in the lobby until your name is called. Not everyone waiting is there for a Protection Order so nobody else will know why you are there.

When you meet with the Intake Welfare Officer or clerk, they will ask you to explain the reasons why you feel that a Protection Order is necessary. It may be helpful if you have specific details about recent assaults or threats. The Intake Welfare Officer or clerk will explain more about what a Protection Order is and will sit with you while they fill out the actual form that is the application to the court. At this time, you will have an opportunity to ask any specific questions that you may have about the process.

Once the application form has been completed you will be directed to the Cashier's office where you will need to pay a fee of \$2.50. This fee is for the service of the hearing notice that will be delivered by the court to your assailant.

At this point, you will be assigned a time and date for your hearing. The first Protection Order hearing should be scheduled within a week from the date that you applied.

**\*\*Important:** In order for the court to serve the hearing notice to your assailant, the Court will need to have an address where he can be found. This could be where he works, lives or hangs out.

**When and how will my assailant be notified about the hearing date?**

The bailiff of the court (or in some cases a police officer) will serve the respondent with the hearing notice. This will inform the respondent of when they need to appear in court for a Protection Order hearing. The respondent will receive the notice within 1-4 days after you file the application with the court.

This time could be especially dangerous for you. Your assailant may become angry when they realize that you have applied for an order against them. He or she may try to talk you out of following through with the order by threatening you or by promising you that they will not hurt you again.

During this time, it is important that you have a safety plan for how to deal with this situation if it arises.

## What will happen at the Protection Order Hearing?

You should ensure that you arrive early on the date of your hearing. On arrival, check with the Clerk of the Court to notify them of your presence. Once this is done, you will have to wait on the benches outside of the courtroom until your case is called. Your assailant may be waiting in the same lobby, so you may consider asking a friend or relative to accompany you to the court for emotional support. The Women's Department can provide an advocate to assist you on the day of your hearing. Once your case is called you will have to go into the courtroom alone, any friend/relative or advocate will need to wait outside in the lobby.

At the Protection Order hearing, the magistrate will review your file and decide whether to grant the order. In order to make the decision the magistrate will:

- Read your application
- Give the respondent the opportunity to contest the application
- Ask you to swear on the Bible that you will tell the truth
- Ask you to explain why you are applying for a Protection Order

It is important to remember that although it can be daunting being asked questions and talking in the courtroom, the magistrate simply wants to know all of the facts, so they can **help you**. Therefore, try to remain calm, speak clearly and slowly and answer all the questions as fully as possible. If asked about a specific incident try to recall how you felt when the incident occurred, for example, you may have been scared and crying. Relate this information in your answer. This will assist the magistrate greatly.

If the magistrate **grants the order** then they will:

- Inform your assailant of the conditions of the order
- Give you a copy of the order
- Give your assailant a copy of the order
- Give a copy of the order to the Domestic Violence Unit at the police station

You may want to make copies of the order for your own records.

### **What if he does not show up to the hearing?**

If your assailant has received a notice to appear in court and does not show up on the date set for your hearing the magistrate may choose to adjourn the hearing. If this happens, the magistrate will set another date to hear your case. The court will then send another notice to your assailant.

The magistrate may also choose to grant the order in the absence of your assailant. If this happens, the court will notify your assailant that an order has been issued against him/her.

### **What if I change my mind or decide that I no longer need a Protection Order?**

If you have filled out an application for a Protection Order and you decide that you no longer want to proceed, you may withdraw your application in several ways:

- Write a letter to the Court explaining your decision to withdraw the application and deliver it to the Clerk of the Court as soon as possible.

- At the hearing, let the magistrate know that you have decided not to follow through with the application.

If you have already been granted a Protection Order and you decide that you no longer wish to have an order against this person you can:

- Write a letter to the court expressing your desire to terminate the order.
- File an application to have the order discharged. (In this case, you will be asked to come into the court on a scheduled hearing date and explain to the magistrate the reason for your decision.)
- You can also simply not call the police to enforce the order.

## **What should I do if he violates the Protection Order?**

Call the Police. Activate Safety Plan.

As part of your safety plan, you may want to inform your friends, neighbors and employer that you have an order against your assailant. You may also want to develop a plan for how you will respond if he/she attempts to harass or assault you.

It may be helpful to deliver a copy of the Protection Order to your local police station yourself. This way they will be familiar with your situation and where you live and will be able to respond quicker in case of an emergency. Make sure that you have a copy of the order to show to the police when they arrive.

If your assailant is still on the premises when the police arrive, they should arrest him. If he is no longer on the premises, the police should try to locate him. Once he is

arrested, he will be taken into custody where he will be held until he is arraigned and issued a court date for the violation of the order. This generally takes about 24-72hrs.

**If you are unsure whether your assailant is in custody you can call the police station to find out.**

It is important to keep a clear record of any violations of the order. It may be helpful to keep a journal of any threats, assaults, phone calls or any other type of harassment by your assailant. Make sure to write down the date and time of the incidents and to record any contact with the police.

### **What are the consequences of breaching an order?**

The Domestic Violence Act of Belize states that a person who violates a Protection Order of the Court may receive:

- a fine up to \$5,000
- imprisonment up to 6 months
- probation through a Rehabilitation Order

The sentence for violating a Protection Order can vary depending on the individual magistrate, the severity of the violation and the history of abuse.

### **What is an Occupation Order?**

An Occupation Order is an order of the court that grants the applicant the right to remain living in the home that is shared with the respondent. This order is granted only in conjunction with a Protection Order. The order will allow the applicant to remain in the house for a specified time even if the residence is owned or rented in the respondent's name. The order may also require that the respondent continue to pay the rent for the time specified in the order. The respondent will not be

allowed to live in the household during the time that the order is valid.

If you decide that you need to apply for an Occupation Order you should speak with the Intake Welfare Officer (or the Clerk of the Court in the districts) at the same time that you apply for a Protection Order.

### **Pressing Charges**

If your assailant has physically assaulted you, you may decide to pursue criminal charges. This means that you can report the assault to the police and the police will investigate to determine whether there is enough evidence to lay criminal charges against the assailant. The law that makes it possible to press charges for a physical assault is the Criminal Code Act.

Below is a general outline of the criminal process.

#### Making a Statement:

If you have decided to report the assault to the police, you will be asked to come into the station to make a statement. This is where the officer will ask you to give a detailed account of what happened. It is important that you provide as much information as possible. Include details about *how* you were assaulted and any threats that your assailant may have made. This information will be helpful to your case later on.



### Gathering Evidence:

After you have given your statement, the police will begin to gather evidence for your case. Important evidence can include:

- Witnesses to the assault
- Pictures of any physical marks on your body or destruction of property
- Your police statement
- Medical documentation of your injuries

Once the officer has collected the evidence, he or she will create a formal police report. You have the right to request a copy of your statement and a copy of the police report.

**After you have made your statement and the necessary evidence has been gathered, the police can make a decision to arrest your assailant.**

### Arraignment:

If the accused has been arrested, they will remain in police custody until they are arraigned. This should be within 72 hours of the arrest and will take place at the Magistrate Court.

At the arraignment, the magistrate will read the charges to the assailant (in the court of law this person is called the *defendant*). The defendant will have the option to plead GUILTY or NOT GUILTY.

If the defendant chooses to plead Guilty: The case will go directly to sentencing. The magistrate can sentence the defendant at the arraignment **OR** the case can be adjourned and a separate hearing will be set for sentencing.

If the defendant chooses to plead Not Guilty: The case will be set for trial.

Remember that you are your best advocate. It is likely that no one will contact you to let you know the outcome of the arraignment. You have the right to call the public prosecutor and request this information. The number of the prosecutor's office is listed in the back of this handbook and in the phone book.

After the arraignment, your assailant may be released on bond.

You can call the police station to find out if your assailant has been released.

### The Trial:

If the defendant pleads not guilty to the charges against them, the magistrate will set a date for the trial. This should be within one month of the arraignment. The purpose of the trial is to bring all of the evidence from both sides of the case before the magistrate who will determine the outcome of the case based on the evidence presented.

The trial can often be a very tense and emotional time. You will be required to appear at the trial to present the evidence supporting your case.

At the hearing, the magistrate may ask you to explain the events that occurred on the day of the assault. The defendant (the person who assaulted you) will have a copy of the original statement that you made at the police station. After reviewing the statement, the defendant will be given the chance to cross-examine you or ask you questions. You and the prosecutor assigned to your case will also have the opportunity to ask the defendant questions.

Working with the Prosecutor: When you decide to press charges, your case will be assigned to a public prosecutor. This person's job is to help you present the evidence to prove your case at the trial. In Belize, there is a small number of prosecutors to handle a large number of cases. This may mean that the prosecutor assigned to your case will have a limited amount of time to work with you before your hearing date. Remember that you are your best advocate!

It will be very helpful for you to keep your own record of events. Some things that may be useful in proving your case are:

- Copies of your statement and of the police report
- Any important dates including:
  - Date of the assault
  - Any police contact
  - Any attempts that the defendant has made to contact you since the assault
- Copies of medical treatment received as a result of the assault
- Pictures of your injuries or of damaged property resulting from the assault
- Names of people who witnessed the assault
- Clear and chronological details of the assault

After the magistrate has heard all of the evidence from both sides, he or she will make a decision to find the defendant GUILTY or NOT GUILTY. If the magistrate finds the defendant GUILTY, then a next hearing date will be set for sentencing. The sentencing hearing should be set within one month of the last trial hearing.

### Sentencing:

At the sentencing, the Magistrate will determine a punishment for the crime according to the law. This can include jail time and/or fines.

You are not required to attend the sentencing. However, to learn the outcome of the sentencing hearing, you can contact the prosecutor assigned to your case.

Making the decision to press criminal charges may seem overwhelming. However, the abuse that you have suffered is wrong and your assailant deserves to be held accountable for his actions. Remember that the Women's Department is here to support you.

## **Legal Separation and Maintenance**

### **What is a Legal Separation?**

If you are married to your assailant, you may choose to apply for a Legal Separation. A Legal Separation is an order of the court that can:

- Allow you to legally live separate from your husband.
- Grant you (the applicant) legal custody of your children if they are under 16 and order that your ex-partner pay child maintenance of up to \$50.00 a week per child.
- Order that your ex-partner (the respondent) pay spousal maintenance to you of up to \$100.00 per week.

### **How is a Legal Separation different from a Divorce?**

Getting a legal separation is not the same thing as getting a divorce. If you have a legal separation, you *cannot* re-marry. In a legal separation, no shared assets or properties are given directly to you or your ex-partner.

You do not have to have an attorney to get a legal separation. However, if you have access to legal counsel, you may wish to discuss your case with an attorney so that you feel well informed about your options.

Divorce cases are handled in the Supreme Court. This process can be lengthy and does require that you have an attorney.

## **How do I apply for a Legal Separation?**

### Step 1: Go to the Family Court.

Let the Clerk of the Court know that you have come to apply for a Legal Separation.

### Step 2: Choose a ground.

The law states that there are several grounds or reasons that the court will grant a separation. The Intake Welfare Officer or the Clerk of the Court will ask you why you feel that you need a legal separation. The grounds for separation include:

- Husband has been convicted of aggravated assault
- Husband has deserted wife
- Husband has been guilty of persistent cruelty to wife and/or children
- Husband has not provided reasonable maintenance to wife and/or child
- Husband is a drunkard
- Husband, while knowing he carried a venereal disease, insisted on having sex with his wife
- Husband has forced his wife into prostitution
- Husband is guilty of adultery (this can be the most difficult to prove)

The Court will send a notice to your husband that you are applying for a separation. The notice will request that the two of you meet with an Intake Welfare Officer or the Clerk of the Court and will specify a time and date to return to the courthouse.

### Step 3: Meeting with your husband and the Intake Welfare Officer (or Clerk of the Court ).

The purpose of this meeting is to agree upon the grounds for separation and to try to come to an agreement about custody and maintenance issues (if possible). At this meeting, you will be asked to pay the \$2.50 summons fee and the Clerk of the Court will assign a date for your legal separation hearing.

### Step 4: Legal Separation Hearing

At the hearing, the Magistrate will review the details of your case. He or she will ask you to swear in and then will give you a chance to explain the grounds for the separation.

It is important that you are ready for this step and that you feel well organized and prepared to speak to the Magistrate. It may be helpful to write down what you want to say so that you can practice it a few times before the hearing. Remember, that the Women's Department may be able to help you prepare for your hearing.

After you have spoken to the Magistrate, your husband will have a chance to speak. He may ask you questions. You do not have to answer anything that you do not want to. It will be helpful for you to have as much proof as possible for your case. Some things that will be helpful in proving your grounds for separation may be:

- A copy of a Protection Order that you have against him
- Dates of any past police involvement he has had with the police (especially reports of violence)

- Pictures of any bruises, marks or scars that he has inflicted on you
- A copy of any police reports or statements that you have made to the police about your partners abuse
- Any dates of past or recent assaults.
- A person who has witnessed his violence toward you or your children and is willing to tell the court about it

If the Magistrate makes a decision to grant the separation, he or she will also consider the matter of maintenance and child custody. Sometimes, the married partners are able to come to some agreement about these issues before the hearing. If they cannot agree on child maintenance or child custody issues at the initial hearing the case may be adjourned to allow each person more time to consider an agreement.

### **What if my assailant will not agree to a separation?**

If your assailant decides that he does NOT want a legal separation, you may go ahead with the application anyway. However, you will have to prove to the court that your husband is guilty of one of the grounds for separation listed above. After you make an application, the court will send a notice to your husband to appear in court for a legal separation hearing. If he does not appear the first time then the case *may* be adjourned to give him one more chance to appear. The Magistrate will not hear a legal separation case if both partners are not present.

If he does not appear a second time, the court *may* order a warrant for his arrest. If he is arrested, he can be brought to the hearing by the police.

## **Spousal Maintenance**

Spousal maintenance is a specified amount of money that one partner is ordered to pay to the other. The law says that the amount cannot exceed \$100.00 a week. The Magistrate usually determines the exact amount to be paid. The process of collecting spousal maintenance is similar to that of child maintenance (see next section).

## **Child Custody and Maintenance**

Any mother, who has children to a man out of wedlock, automatically has sole custody of her children. Having custody means that you are the sole person responsible for making decisions about your children.

### **What is Child Maintenance?**

According to the Families and Children Act of Belize, every man and woman is required to maintain their children. If either the mother or the father fails to maintain their children then one parent or guardian, with whom the child lives, may apply to the court for a Maintenance Order.

A Child Maintenance Order is an order of the court for one parent to pay money to the other parent for the care of their child or children. This amount cannot exceed \$50.00 a week per child.

### **How can I apply for Child Maintenance?**

To apply for maintenance of your children, follow the same procedure as filing for a legal separation or a protection order. Go to the Family Court and meet with the clerk or an Intake Welfare Officer who will assist in filing an application. You will then receive a hearing date. If you are also applying



for legal separation, the issue of child maintenance may be addressed at the same hearing.

**How long does the order last?**

The Maintenance Order lasts until the child is eighteen years old OR until the order expires. When the order expires, you can apply to the court for an extension.

**When will I begin to receive payments?**

The Court will deliver the Maintenance Order to the parent who is being ordered to pay. The person is expected to begin making payments directly to the Family Court immediately after they receive the notice. If the ordered parent does not make any payments within 14 days of receiving notice of the order, (or hearing) the Court may issue a warrant for that parent's arrest.

If the person who has been ordered to pay has a consistent job, the payment may be automatically deducted from his paycheck.

**What if I do not receive any payments?**

If several weeks have gone by and you have not received any maintenance, you can go back to the Family Court and file a complaint. This is sometimes called an application for recovery of arrears.

The court will send a summons to the respondent. If the respondent does not respond to the summons, the Magistrate may order a warrant for his arrest.

## Going to Court

Going to court can seem scary and intimidating to some people. Knowing what to expect when you go to your hearing can help to ease the anxiety a little.

Tips for going to Court:

- Be prepared to wait. In all of the districts, going to court can be time-consuming. You might be waiting for several hours before your case is called.
- Bring any important documents. If you have kept a journal of the abuse and/or any relevant events such as police contact or records of court dates, bring it. If you have any pictures, police statements or any documents that relate to your case this information could be helpful to the magistrate during your hearing.
- Dress for success. All of the Courts in Belize have a dress code. Women are required to wear a long skirt or slacks and a shirt that covers the shoulders. Dressing up shows the magistrate that you respect their court and may make you feel more confident in the courtroom.
- Be prepared to see your Assailant. While you are waiting at the courthouse for your cases to be called, you may be asked to wait in the same area as the person who assaulted you. Your assailant may use this opportunity to try to talk to you or to threaten you with looks or stares. Try to ignore him. You may want to position yourself in a part of the waiting area that is close to a security guard and to other people. This might make it more difficult for your assailant to harass you.

- Bring Support. This can be a very emotional time for you. Bringing a supportive friend or family member to talk with you or to just sit next to you while you wait can be helpful.

Ask questions. If you are unsure about where to go or who to speak to or if you feel that you have been waiting for a long time with no explanation – ask someone. You have the right to be informed about what is happening with your case. The Clerk of the Court or the secretaries may be able to answer your questions. Remember – You are your best advocate!

## Section V: Important Numbers

EMERGENCY.....	911
HAVEN HOUSE Hotline.....	222-4343

### **Belize District**

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Women's Department .....	227-7397
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#### Police Stations

Queen Street Police Station.....	227-2222, 2223 or 2224
#9 Queen St., Belize City	
Domestic Violence Unit.....	ext. 118

Caye Caulker.....	226-0179
Hattieville.....	225-6107
Ladyville.....	225-2022
Sandhill.....	225-5051
San Pedro.....	226-2022
Burrell Boom.....	225-9095
Maskal.....	220-1006

Family Court.....	227-4114
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Magistrate Court.....	227-7164
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Public Prosecutor's Office.....	227-7387
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Legal Aide .....	223-3443
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Counseling Center .....	227-5179
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## **Cayo District**

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Women's Department..... 824-2098

### Police Stations

San Ignacio Police Station..... 824-2022  
#1 King St., San Ignacio

Belmopan..... 822-2220

Benque Viejo..... 823-2022

Roaring Creek..... 822-2301

Valley of Peace..... 820-2004

Succotz..... 823-2329

Spanish Lookout..... 820-0050

### Magistrate (Family) Court

San Ignacio..... 824-2515

Belmopan..... 822-2445

Benque Viejo..... 823-2631

### Prosecution Branch

San Ignacio..... 824-2022

Belmopan..... 822-2445

## **Corozal District**

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Women's Department..... 422-2120

### Police Stations

Corozal..... 422-2022

First Street North, Corozal

Caledonia..... 420-6032

Patchakan..... 423-5080

Progreso..... 423-6179

San Narciso..... 423-3222

Sarteneja.....	423-2022
Magistrate (Family) Court.....	422-2340
Prosecution Branch.....	422-2022

**Orange Walk District**

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Women’s Department.....	322-2283
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Police Stations

Orange Walk.....	322-2022
Queen Victoria Ave., Orange Walk Town	

Blue Creek.....	323-0347
Douglas.....	309-5067
Guinea Grass.....	323-1173
San Estevan .....	323-4187
San Roma .....	320-5046

Magistrate (Family) Court.....	322-2265
Prosecution Branch.....	322-2022

**Stann Creek District**

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Women’s Department.....	522-2089
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Police Stations

Dangriga.....	522-2022
Commerce St , Dangriga	

Independence.....	523-2022
Placencia.....	523-3018
Hopkins.....	520-7064
Pomona.....	522-2891

Silk Grass.....	520-7063
San Juan.....	520-3059
Seine Bight.....	523-3086
Magistrate (Family) Court.....	522-2251
Prosecution Branch.....	522-2022

**Toledo District**

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Women's Department.....	722-2021
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Police Stations

Punta Gorda.....	722-2022
Front Street, Punta Gorda	

Barranco.....	720-2013
Pueblo Viejo.....	702-0073
San Antonio.....	702-0152
San Pedro Columbia.....	702-2017

Magistrate (Family Court) Court.....	722-2017
Prosecution Branch.....	722-2022

NOTE: You may want to *memorize* any important numbers such as the police station or the numbers of friends or family members that can help you in an emergency.

Above all, remember...

Being abused by someone that you love is NOT okay. It is not fair and you do not deserve to be treated that way. Remember that you have done nothing wrong. Know that you are a strong woman, and that you do have inside you the courage to leave the abuse. Know that you have what it takes to achieve your goals and to live a life that is happy, safe and free of violence. Remind yourself what a wonderful mother, sister, daughter and friend you are. Acknowledge your own strengths and run with them.

Consider the fact that you are not alone. There are other women out there who understand what you are going through and who are there to help. You also have something to offer to them. By working together, we can help to support each other and to lend strength to one another as we take a stand against violence.

Together, we are stronger. Together, we can make Belize a safer and happier place for women and children to live.



# Another Woman

Today there is fear that another woman will die.

Today another woman will cry.

Not of natural causes but of violence, fear, bruises and scars  
that many live in secret for years.

We now see it as a tear in another woman's eyes,  
Who silently cries.

Her spouse is a free man without a single charge,  
He flees from the scene of this brutal crime without the time  
to think that this is another woman he dreamed of.

She wanted to be loved and give love  
But her chance was thin within her violent life of strife.

Another woman cried today  
Not far from you.

Her face and her back was the target of his violent attack.

In honor of Ms. Delvorine Duheaney and Ms. Lorna Wade  
with unconditional love and super dynamic kisses!

- By Angela Francis