

[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

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-

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



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

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.

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,



>>> 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 OBVI



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

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

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?



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

>>> 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,





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?BT-2(C)10(T)8(M)9(S)N' TJETBT05[FIL)4E)2 EMC /P #MCID 2>> E

>>> 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 >>1 72.024 515D 344 515D 344 515D 344 515D ANI1 K1 T



>>> 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

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 T

>>> I HAVE A QUESTION FROM WAIKALKA, AND IT'S, WHEN DOING THE



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 WAN1 0CA1INS4 294.89 T18

>>> 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.]