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## INCREASED LEGAL PROTECTIONS AVAILABLE TO VICTIMS OF RELATIONSHIP ABUSE

MORE victims of domestic violence and dating abuse in New York State can now get Orders of Protection in Family Court.

### WHAT DOES THE LAW SAY?

As of July 22, 2008, Family Court is open to many more victims of domestic violence seeking Orders of Protection, including:

- People who have or had an “intimate relationship” with their abuser, including people in dating relationships, cohabitants and same-sex couples\*

### The following people can still go to Family Court:

- People who are married or divorced
- People who are related by blood
- People who have a child in common

### ADVICE FOR VICTIMS OF DOMESTIC VIOLENCE WHO MIGHT QUALIFY FOR ASSISTANCE:

- All victims are permitted to file in Family Court and have a judge determine if they are eligible to access help in Family Court. The clerks may not turn anyone away.
- Bring an advocate familiar with the new law. **Day One** offers legal representation to young victims of abuse between 12 and 24 years old in New York City.
- Speak to a lawyer before going to court.
- All victims may still contact the police and go to Criminal Court for Orders of Protection.

### HOW IS “INTIMATE RELATIONSHIP” DEFINED?

The court will consider several factors in deciding if an intimate relationship exists, including, but not limited to, “The nature or type of relationship, *regardless* of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship.”

### WHAT IS NOT DEFINED AS AN “INTIMATE RELATIONSHIP?”

“Intimate relationship” does NOT include a “casual acquaintance nor ordinary fraternization between two individuals in business or social contexts.” In other words, it does not include friends or people working together who are not dating, platonic roommates, acquaintances, etc.

FOR MORE INFORMATION, CONTACT **DAY ONE**  
800.214.4150 or [info@dayoneny.org](mailto:info@dayoneny.org)

If you are 12-24 years old and have been in an abusive relationship, Day One can provide free and confidential legal help.

\*See other side for the exact language of the law.

## AS OF JULY 2008 THE LAW PROTECTS MORE VICTIMS OF DOMESTIC VIOLENCE

**According to Section 812(1) of the Family Court Act, the following people can seek an Order of Protection in Family Court:**

- (a) persons related by consanguinity or affinity;
- (b) persons legally married to one another;
- (c) persons formerly married to one another regardless of whether they still reside in the same household;
- (d) persons who have a child in common regardless of whether such persons have been married or have lived together at any time.

**NEW → (e) persons who ... are or have been in an intimate relationship regardless of whether such persons have lived together at any time.**

**Factors the court may consider in determining whether a relationship is an 'intimate relationship' include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an 'intimate relationship....'**

\* The law also allows Referees and Judicial Hearing Officers to decide order of protection cases at any time of day. (Judiciary Law, Article 7A, § 212(2)(n).)

**IMPORTANT: There is no age restriction on who can apply for an Order of Protection in Family Court. Individuals under 18 are allowed to file independently without a parent. Please call Day One at 1-800-214-4150 if your client is turned away or told an adult must file on his or her behalf.**