



SPECIAL REPORT

Without Restraint: The Use and Abuse of Domestic Restraining Orders

COALITION TO END DOMESTIC VIOLENCE

A restraining order is a law enforcement tool that is granted to provide emergency relief in the event of imminent or actual serious physical harm. Restraining orders (also known as “orders of protection” or “emergency protective orders” in some states) are typically issued according to a two-step process:

1. A claimant seeks a temporary restraining order.
2. Ten to fourteen days later, a hearing is held to determine whether to continue the order against the accused.

The original idea behind restraining orders was sound. But as the following example illustrates, restraining orders are now issued on even the most specious grounds:

Santa Fe District Court Judge Daniel Sanchez issued a temporary restraining order to protect Colleen Nestler. According to Nestler, for the past 11 years a man had been sending her unwanted coded messages over the airwaves expressing his desire to marry her. Her alleged harasser: CBS talk show host David Letterman. Asked to explain why he had issued a restraining order on the basis of such an unusual complaint, Judge Sanchez answered that Ms. Nestler had filled out the restraining order request form correctly.¹

If this case represented an unusual occurrence, it would simply become fodder for another late-night comedy routine. But as this Special Report documents, Letterman’s unfortunate experience reveals a serious civil liberties violation currently affecting hundreds of thousands of American citizens.

Temporary Restraining Orders

Temporary restraining orders (TROs) are usually issued on an emergency *ex parte* basis. The judge issues the order without the accused having legal representation, being allowed to present opposing evidence, or even being aware of the allegation. It has been estimated that about 85% of such orders are issued against men, with the remaining 15% issued against women.²

Clearly, *ex parte* orders violate several of the recognized elements of due process, including advance notice of the proposed action, the right to present evidence, and the opportunity to present reasons why the proposed action should not be taken.

Police intervention often accompanies a restraining order. One study interviewed 227 Massachusetts women who had experienced interpersonal violence within the previous 5 years. Of those women, 34.4% had requested a restraining order. In three-quarters of those cases, the woman had also summoned the police.³

Restraining orders have serious consequences for the respondent. First, they require the person to immediately vacate the house, allowing the claimant to take possession of the

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property. When children are involved, TROs usually have the effect of separating them from one of their parents.

Nonetheless, restraining orders have long been considered lawful when there is a need for emergency relief in the presence of a direct threat of physical harm. Proponents assert that within 2 weeks the man will have the opportunity to present his case and justice can be served.

But the David Letterman saga raises the question, How could the New Mexico judge issue an order in the absence of any direct threat of physical harm? After all, Mr. Letterman lived thousands of miles away and had never met Ms. Nestler.

The answer is simple: restraining orders are easy to obtain because state laws define domestic violence so broadly.⁴

In Massachusetts, the legal definition of “abuse” includes “placing another in fear of imminent serious physical harm.”⁵ But judges seldom request any objective proof of “fear” or “imminent serious physical harm,” so requests for orders are routinely granted. Likewise, in Oregon, merely claiming a “fear” of violence is considered grounds for issuance of the order.⁶

In New Jersey, a judge may issue a restraining order “when necessary to protect the life, health, or well-being of a victim.”⁷ Obviously, any lover’s quarrel or marital tiff could be interpreted as causing “emotional distress” or somehow affecting a person’s “well-being.” That broad definition led to the following unfortunate case:

*A New Jersey woman repeatedly voiced her disapproval of her estranged husband’s new-found romantic interest, which resulted in the imposition of a restraining order on her. When she later called the new girlfriend a “slut,” that was ruled to be a violation of the restraining order. She was sentenced to 6 months probation and community service.*⁸

The relevant Michigan law is similarly broad, and contains a troubling loophole. The law describes domestic violence as:

“(i) Causing or attempting to cause physical or mental harm to a family or household member.

(ii) Placing a family or household member in fear of physical or mental harm.”

The statute then goes on to exclude any “act of self-defense” from its definition. Thus, if one party made a remark that caused any sort of *mental* harm, the second party could presumably retaliate with legal immunity.⁹

Once the law defines almost any interpersonal maladjustment as “domestic violence,” the courts then establish procedures to expedite the issuance of these orders. For example,

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in California, getting a restraining order is as easy as procuring a hunting or fishing license. The Sacramento Superior Court's website instructs TRO applicants as follows:

Please present the completed domestic violence forms to the Family Law Filing Window in Room 100 of the William R. Ridgeway Family Relations Courthouse. The clerk will conduct a mini-interview with you to clarify your request and to ensure that you filled out the forms correctly.¹⁰

Final Restraining Orders

In most states a temporary order is followed by a full hearing 10–14 days later; at that time, a final determination is reached. In theory, the person accused of domestic violence is entitled to full due process protections. But in practice, it may not work out that way.

In modern America, the mere accusation of domestic violence serves to stigmatize and demoralize a person. It becomes the modern-day equivalent of the old joke, “So when did you stop beating your wife?”

The man, now homeless and distraught, has only a few days to find a lawyer and prepare his defense (assuming that he has the money for a lawyer). He may find it difficult to pay his bills, since the protective order may have precluded his taking his checkbook with him. He may have evidence in the family home that supports his case, but access to that evidence is now difficult, or perhaps that evidence simply becomes “lost.”

If he requests a continuance to prepare for the hearing, that means he is separated from his home and children for an even longer period of time.

Since the incident is addressed under civil proceedings, he has no right to be provided with free counsel if he cannot afford an attorney. In contrast, the woman may enjoy the benefit of free legal assistance that is underwritten by domestic violence programs.

Attorney Miriam Altman observes that the deck is often stacked against the man because “the mere allegation of domestic abuse...may shift the burden of proof to the defendant.”¹¹

In Washington State, for example, the Temporary Order for Protection reads as follows:

IT IS THEREFORE ORDERED THAT...The respondent is directed to appear *and show cause why this temporary order should not be made effective for one year or more and why the court should not order the relief requested by the petitioner* or other relief which may include electronic monitoring, payment of costs, and treatment. [emphasis added]

The wording of the Order is clear: the burden of proof rests on the respondent to prove that the order should not be extended for a full year. In other words, guilty until proven innocent.

In New Jersey, the defendant is not allowed to depose the alleged victim because, according to the statutory wording, this “perpetuates the cycle of power and control whereby the perpetrator remains the one with the power and the victim remains powerless.”¹² It is troubling that the law itself does not use the word “alleged” to qualify the terms “perpetrator” and “victim.”

In some cases, the plaintiff may introduce hearsay evidence and examples of prior actions that should not be allowed under the rules of evidence. But if the man is representing himself, he is unlikely to object. Although the woman may have had months to prepare for the case, the man may have only two weeks.

This guilty-unless-proven-innocent logic becomes rooted in judicial thinking as well. It has been one family attorney’s experience that the first question a judge sometimes asks is, “Well, why *shouldn’t* I enter this order against your client?”¹³

This is the court transcript from a Massachusetts hearing in which the respondent’s attorney requested the court to vacate (i.e., discontinue) the order:¹⁴

Mr. Hession: “Can you please state your name and your address for the record?”
[The Court argues with counsel as to whether Mr. L can testify.]

The Court: “I don’t believe I need to hear any evidence from your client. I’m going to deny your request to vacate the restraining order.”

Attorney David Heleniak sums up the process this way: “In ten days, the hypothetical husband has gone from having a normal life with a wife, children and home to being a social pariah, homeless, poor, and alone, trapped in a Kafkaesque nightmare.”¹⁵

Sex Bias in the Issuance of Restraining Orders

If a man has been assaulted by his intimate partner, he should be able to obtain an order of protection. But a double standard may thwart this request.

This is borne out by research. In Massachusetts, one analysis examined all domestic ex-parte hearings held in the Gardner District Court in 1997. The analysis found that 34% of requests from men were deferred or turned down, compared to only 10% of requests from women.¹⁶

According to Oregon attorney Ron Johnston, “I believe many general practice attorneys who don’t specialize in domestic relations would hesitate before trying to get a restraining order for a man, whereas there would be no hesitation at all for a woman under the same set of circumstances.”¹⁷

Mr. Johnston’s statement is based on the fact that in Portland, the protective orders once featured the following gender-biased language: The respondent in this order is the natural/legal *father* of the below named minor children” [emphasis added].¹⁸

A father suffered repeated assaults by his wife, on one occasion requiring medical treatment for his injuries at the local emergency room. Afraid for his children and for himself, he sought a restraining order. At the time of court hearing, he brought photographs of his injuries, medical documentation of his emergency room visit, and a copy of the police report. The judge's explanation for denying the man's request was: "Well, you have to expect one knock-down drag-out fight per divorce." ¹⁹

When Abuse Victims Themselves Are Accused of Being Perpetrators

Legal bias is not the only reason that male victims are often reluctant to seek restraining orders. There have been reports of abused men who, upon requesting help from law enforcement officials, found themselves accused of being the perpetrator.

In one case, a woman severely bit her husband on the shoulder and chest. After showing the judge pictures of his injuries, the man was granted a restraining order. The next day the woman went before the same judge and, even though she had suffered no injuries, she claimed to be in "fear" for her life, saying that the man was the real abuser. On the basis of that unsubstantiated allegation, the judge reversed the original order against the wife and issued an order against the *husband*.²⁰

A Washington State attorney gives this advice with regard to domestic violence: "Don't call 911 unless you are bleeding and she still has a weapon in her hand. Too many men who have called 911 for help have ended up being arrested for DV."²¹

When government programs ignore the actions of *perpetrators* and encourage the arrest of *victims*, that's the sign of a justice system turned upside down.

Restraining Orders Break Up Families

Allegations of abuse and restraining orders are often used as "part of the gamesmanship of divorce"²²—a tactic that is generally unavailable, however, to men. Indeed, divorce attorneys have been known to offer to drop the allegation of abuse in exchange for financial concessions.²³ This section of the Report uses two actual cases from Illinois to illustrate how restraining orders serve to disrupt normal family bonds.

The problem begins with the legal definition. The Illinois Domestic Violence Act's definition of domestic violence encompasses any type of "emotional distress."²⁴ How does that play out in the event of a marital conflict?

An actual Order of Protection issued in Illinois is shown in Exhibit A (the red markings were added later).²⁵ In this case, there was not even an allegation of physical assault. Rather, the wife accused her husband of "harassment" and "interference with personal liberty" (box #1). Both allegations are subjective and vague.

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On the basis of those claims, the petitioner was granted physical custody of the children (box #5). Additionally, the children were removed from their father and allowed to see him only every other weekend until 6:00 p.m. on Sunday (box #7).

Another Illinois case reveals how these restraining orders soon become the legal foundation for long-term family disruption. The following case is recounted from the perspective of Mrs. Arlene Soucie, a grandmother:²⁶

Mrs. Soucie's daughter-in-law moved out of the family home, taking her 9-month-old son with her. For more than 3 months, the father, who worked in law enforcement, and the grandmother were not informed about the child's whereabouts.

They were finally granted child visitation rights, but even though the two were careful to be considerate when picking up and returning the child, the mother apparently became irate. So the mother went to a judge and claimed that she was experiencing "emotional distress" when the father and grandmother picked up the child. As a result, Mrs. Soucie and her son were placed under an order of protection prohibiting them from having any contact with the child. "The mother has learned the system and uses it to her advantage," concluded the distraught grandmother.

How Common are Frivolous Restraining Orders?

Concerns that restraining orders violate due process protections have been voiced in the legal community for years.²⁷

- Elaine Epstein, former president of the Massachusetts Bar Association, admitted, "Everyone knows that restraining orders and orders to vacate are granted to virtually all who apply...In many cases, allegations of abuse are now used for tactical advantage."²⁸
- In Connecticut, attorney Arnold Rutkin charged that many judges view temporary restraining orders as a "rubber-stamping exercise" and that subsequent hearings "are usually a sham."²⁹
- In Missouri, a survey of judges and attorneys yielded many complaints of blatant disregard for due process and noted that allegations of domestic violence were widely used as a "litigation strategy."³⁰
- Nationally, "domestic violence has become whatever the woman wants to allege, with or without evidence."³¹

But how many restraining orders are indeed issued without good cause? To answer that question, an estimate is made of the total number of restraining orders issued each year. Then the proportion of those that are frivolous is calculated.

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Annual number of restraining orders

Analyst Neal Miller compiled data on *final* restraining orders (mostly in 2002) from 29 state court systems, and found that rates varied widely across the states. Florida issued such orders more than four times more often (504 per 100,000 population) than in Tennessee (115 per 100,000 persons).

On average, Miller found that 342 final restraining orders were issued per 100,000 persons. When extrapolated to the entire US population, an estimated 860,000 final orders were granted.³²

That number parallels data from the FBI National Crime Information Center (NCIC), which includes a national registry of restraining orders. Each year 600,000 to 700,000 permanent orders are entered into the registry.

However, eight states do not participate in the NCIC registry at all, and many other states have incomplete coverage. In Texas, for example, 25 counties do not report. In California, 17 counties do not have a reliable procedure to enter orders into their database.

Given the trend to increasing numbers of restraining orders, the best estimate of final restraining orders now issued each year is 900,000.

The national number of *temporary* restraining orders is unknown. But break-downs on temporary vs. final orders are available from three states:

- In Connecticut, 9,390 restraining orders were issued in 2004, of which 66.5% were temporary and the remaining 33.5% were permanent.³³
- In Pennsylvania, 57,316 Protection From Abuse orders were issued in 2004, consisting of 39,997 temporary orders and 17,319 final orders, either by stipulation/agreement or after a hearing.³⁴
- In Virginia, 84% of all restraining orders are emergency or temporary, 16% are permanent.³⁵

In Connecticut and Pennsylvania, two temporary restraining orders are issued for every final order. In Virginia, the ratio is over five to one. On the basis of that information, *we estimate that 2-3 million temporary restraining orders are issued each year in the United States.*

Non-meritorious orders

What percentage of all restraining orders are issued without sound basis? Restraining orders were originally designed to protect individuals from physical harm. So, by any reasonable standard, a restraining order—especially when issued on an *ex parte* basis—

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that does not even *allege* violence is non-meritorious. Four studies have addressed this question:

- A study conducted by the Massachusetts Trial Court reviewed the domestic restraining orders issued in that state. The study found that less than half of the orders involved even an *allegation* of violence.³⁶ In other words, the order was issued solely on the basis of alleged fear or emotional distress, not because of actual or imminent violence.
- Dorothy Wright, a New Jersey attorney and former board member of a women's shelter, estimated that 40%–50% of all restraining orders are requested purely as a legal maneuver.³⁷
- One analysis examined the allegations listed in 288 abuse prevention orders issued in the Massachusetts Gardner District Court that were requested by women. In 41% of these cases, fear was the sole allegation listed. Furthermore, in only 34% of the 288 orders did the woman claim that any harm had occurred.³⁸
- An analysis of domestic violence restraining orders issued in Campbell County, West Virginia concluded 81% were unnecessary or false.³⁹

Based on those reports, it is estimated that at least half of all restraining orders are issued in the absence of direct injury or physical harm.

Orders Issued with an Evil Eye or a Heavy Hand

The original idea behind domestic restraining orders may have been sound. But over the years, state definitions of abuse were widened, the types of partner relationships were broadened to include co-habiting and dating couples, and evidentiary requirements relaxed.

The Fourth Amendment affirms, “The right of the people to be *secure in their* persons, *houses*, papers, and effects, *against unreasonable* searches and *seizures*, shall not be violated” [emphasis added]. It is those rights to be secure in their houses and to be protected from unreasonable seizures that are violated by unjustified restraining orders.

The U.S. Supreme Court once commented that the Fourteenth Amendment is violated by legal procedures that appear “fair on their faces,” but are administered “with an evil eye or a heavy hand.”⁴⁰ The same could be said about restraining orders that are freely granted without even an allegation of physical violence.

Order of Protection from Illinois

ORDER OF PROTECTION (CONT.)

Case No. [REDACTED]

BASED ON THE FINDINGS OF THIS COURT, ☐ WHICH WERE MADE ORALLY FOR TRANSCRIPTIONS, OR ☒ WHICH ARE SET OUT IN A SEPARATE INSTRUMENT FILED WITH THE COURT, AND WITH THE COURT HAVING JURISDICTION OF THE SUBJECT MATTER AND OVER ALL NECESSARY PARTIES, IT IS HEREBY ORDERED THAT:

☒ 1. With respect to all Protected Persons, Respondent is prohibited from committing the following:

<input type="checkbox"/> Physical abuse;	<input checked="" type="checkbox"/> Harassment;	<input checked="" type="checkbox"/> Interference with personal liberty;	<input type="checkbox"/> Stalking
<input type="checkbox"/> Willful deprivation;	<input type="checkbox"/> Neglect;	<input type="checkbox"/> Intimidation of a dependent;	<input type="checkbox"/> Exploitation.

☐ 2. Petitioner is granted exclusive possession of the residence and Respondent shall not enter or remain in the household or premises located at: _____ (This remedy does not affect title to property)

☐ 3. ☐ a. Respondent is ordered to stay away from Petitioner and other protected persons; and/or **BOLB**

☐ b. Respondent is prohibited from entering or remaining at _____ while any Protected Person is present; and/or

☐ c. Respondent is allowed access to the residence on (date) _____ at (time) _____ in the presence of (name) _____ to remove items of clothing, personal adornments, medications used exclusively by the Respondent and other items, as follows: _____

MOM

☐ 4. Respondent is ordered to undergo counseling at _____ for a duration of _____

☒ 5. ☒ a. Petitioner is granted physical care and possession of the minor child/ren; and/or

☐ b. Respondent is ordered to;

☐ Return the minor child/ren _____ to the physical care of _____; and/or

☐ Not remove the minor child/ren _____ from the physical care of Petitioner or _____

DAD

☐ 6. Petitioner is granted temporary legal custody of the minor child/ren _____

☒ 7. ☒ a. Respondent is awarded visitation rights on the following dates and times or under the following conditions or parameters: (No order shall merely refer to the term "reasonable visitation")

per local court rules - standard visitation to Sunday 6:00 PM. commencing 11-02-02.

☐ b. Respondent's visitation is restricted as follows: _____

☐ c. Respondent's visitation is denied. _____

(Petitioner may deny Respondent access to the minor child/ren if, when Respondent arrives for visitation, Respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of Petitioner or Petitioner's minor child/ren or is behaving in a violent or abusive manner.)

☐ 8. Respondent is prohibited from removing the minor child/ren from Illinois or concealing them within Illinois.

☐ 9. Respondent is ordered to appear in Courtroom _____ at the _____ on _____ at _____ m., with or without the minor child/ren.

☐ 10. Petitioner is granted exclusive possession of the following personal property and the Respondent is ordered to promptly make available to Petitioner said property that is in Respondent's possession or control, to wit: _____

(This remedy does not affect title to property)

☐ 11. Respondent is prohibited from taking, encumbering, concealing, damaging or otherwise disposing of the following personal property: _____, except as explicitly authorized by the Court

☐ Further, Respondent is prohibited from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of Respondent or any other person.

☒ 12. Respondent is ordered to pay temporary support for ☐ Petitioner and/or ☐ the minor child/ren of the parties as follows: \$ _____ per _____, starting _____, payable ☐ through the Clerk of the Circuit Court, or ☐ directly to Petitioner.

☒ 13. Respondent is ordered to pay _____ as actual compensation for loss(es) to _____ on or before _____

☐ Further, Respondent is ordered to pay court costs in the amount of \$ _____ and attorney fees in the amount of \$ _____ in connection with any action to obtain, modify, enforce, appeal, or reopen any order of protection, on or before _____

P2-D-30B (11/96) Page 2 of 3 WHITE: FILE GREEN: PETITIONER YELLOW: SHERIFF PINK: RESPONDENT GOLD:

References

- ¹ McElroy W. Abuse of temporary restraining orders endangers real victims. *FoxNews.com*, December 27, 2005. <http://www.ifeminists.net/introduction/editorials/2005/1228.html>
- ² Young C. Domestic violence: An in-depth analysis. Washington, DC: Independent Women's Forum, 2005, p. 25.
- ³ Morbidity and Mortality Monthly Report. Use of medical care, police assistance, and restraining orders by women reporting intimate partner violence – Massachusetts, 1996-1997. Atlanta, GA: Centers for Disease Control. Vol. 49, pp. 484–488. June 9, 2000. www.cdc.gov/mmwr/preview/mmwrhtml/mm4922a1.htm
- ⁴ Stop Abusive and Violent Environments: Without restraint: The use and abuse of domestic restraining orders. Rockville, MD: 2010. <http://www.radarsvcs.org/docs/RADARreport-VAWA-Restraining-Orders.pdf>
- ⁵ Massachusetts General Laws, Chapter 209A, Section 1.
- ⁶ Stephens CS. Restraining orders. July 17, 2004. www.divorcenet.com/states/oregon/orart_08
- ⁷ N.J.S.A. 2C:25–28
- ⁸ State v. L.C., Appellate Division 1995 (reversed).
- ⁹ Domestic Violence Act 389 of 1978. [http://www.legislature.mi.gov/\(wg5m4srzcq12kb45w40awo55\)/mileg.aspx?page=GetMCLDocument&objectname=mcl-Act-389-of-1978&queryid=12540889&highlight=domestic%20Violence](http://www.legislature.mi.gov/(wg5m4srzcq12kb45w40awo55)/mileg.aspx?page=GetMCLDocument&objectname=mcl-Act-389-of-1978&queryid=12540889&highlight=domestic%20Violence)
- ¹⁰ Superior Court of California. Domestic violence restraining order. www.saccourt.com/restorder/dom_violence/domestic.asp
- ¹¹ Altman MG. Litigating domestic abuse cases under ch. 209A. *Massachusetts Lawyers Weekly*, Oct. 23, 1995, p. B6
- ¹² Heleniak DN. The new Star Chamber: The New Jersey family court and the prevention of Domestic Violence Act. *Rutgers Law Review*, Spring 2005, pp. 1009–1042. <http://www.acfc.org/site/DocServer/newstarchamber.pdf?docID=401&JServSessionIdr006=104p181r91.app2a>
- ¹³ Personal communication from Lisa Scott, January 25, 2006.
- ¹⁴ Hession GA. Restraining orders out of control. *The New American* August 4, 2008.
- ¹⁵ Heleniak DN. *ibid.*
- ¹⁶ Basile S. A measure of court response to requests for protection. *Journal of Family Violence*, Vol. 20, June 2005. pp. 171–179. <http://www.mensnewsdaily.com/archive/cc/charalambous/2005/charalambous072505.htm>
- ¹⁷ Cook P. *Abused Men: The Hidden Side of Domestic Violence*. Westport, CT: Praeger, 1997. pp. 83–84.
- ¹⁸ *Ibid.*, p. 137.
- ¹⁹ *Ibid.*, p. 66.
- ²⁰ *Ibid.*, pp. 81–83.
- ²¹ Scott L. What to do before the restraining order comes. *Real Family Law*, August 4, 2004. www.realfamilylaw.com
- ²² Kasper T. Obtaining and defending against an order of protection. *Illinois Bar Journal*, June 2005. http://www.ancpr.org/obtaining_and_defending_against_.htm
- ²³ Cited in Young C. Hitting below the belt. *Salon.com*, October 25, 1999. http://www.salon.com/mwt/feature/1999/10/25/restraining_orders/
- ²⁴ Kasper T. *ibid.*
- ²⁵ Wikipedia. Typical parenting order. No date. http://en.wikipedia.org/wiki/Image:Typical_Parenting_Order_0001.jpg
- ²⁶ Roberts C. Restraining orders for abusive grandmas? *Ifeminists.net*. August 10, 2005. <http://www.ifeminists.net/introduction/editorials/2005/0810roberts.html>

²⁷ Quinn DC. Ex parte protection orders: Is due process locked out? *Temple Law Quarterly* Vol. 58, Winter 1985.

²⁸ Epstein E. Speaking the unspeakable, *Massachusetts Bar Association Newsletter*, 1993.

²⁹ Rutkin A. From the editor. *Family Advocate*, Vol. 18, Winter 1996.

³⁰ Dunlap DH. The Adult Abuse Act: Theory vs. practice. *UMKC Law Review*, April 24, 1995.

³¹ Schlafly P. Time to defund the hate-men law. *Eagle Forum*, October 2005.

www.eagleforum.org/psr/2005/oct05/psroct05.html

³² Miller N. What does research and evaluation say about domestic violence laws? A compendium of justice system laws and related research assessments. Alexandria, VA: Institute for Law and Justice, 2006. pp. 39-40.

<http://www.ilj.org/publications/dv/DomesticViolenceLegislationEvaluation.pdf>

³³ Norman-Eady S. Restraining orders. *OLR Research Report* 2005-R-0861. December 8, 2005.

³⁴ Pines ZA. 2004 Caseload statistics of the Unified Judicial System of Pennsylvania. December 13, 2005. <http://www.aopc.org/Index/Aopc/Research/caseloads/2004report.pdf>

³⁵ Virginia Crime Commission. Protective orders in Virginia: FY 2003. A data collection project by the Crime Commission Family Violence Sub-committee, November 2003.

³⁶ Office of the Commissioner of Probation, Massachusetts Trial Court: The tragedies of domestic violence: A qualitative analysis of civil restraining orders. October 12, 1995.

³⁷ Cited in Young C. Hitting below the belt.

³⁸ Basile S. Comparison of abuse alleged by same- and opposite-gender litigants as cited in requests for abuse prevention orders. *Journal of Family Violence* Vol. 19, February 2004. pp. 59-68.

³⁹ Foster BP. Analyzing the cost and effectiveness of governmental policies. *Cost Management*, Vol. 22, No. 3, 2008.

⁴⁰ Yick Wo v. Hopkins, 18 US 356, 1886.