

DOMESTIC ABUSE



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I. The Problem of Domestic Abuse

Domestic abuse occurs throughout society, regardless of social status, race, or religious preference. Spouses, significant others, and children are often victims. Military members are subject to many of the stresses that may trigger abusive episodes, but help is available - don't let the pressure build into an explosive situation.

II. The Law

Abuse or criminal neglect of a child is a felony under Colorado law. Every person who has reasonable cause to believe or suspect that a child has been abused or neglected is required by law to report the suspected abuse immediately to a child protective agency or local law enforcement agency. A person reporting suspected child abuse is protected from civil and criminal liability if the report is made in good faith. Domestic assault and battery is unlawful under both Colorado law and the Uniform Code of Military Justice. In other words, the abuser may be criminally prosecuted. Victims may seek immediate relief and obtain an order of protection under Colorado law. This includes persons who are married to each other; living together as if married; formerly married to each other; formerly living together as if married; parents and their adult children; other adults sharing common living quarters; and parents of a child who are not living together. Protection orders are court orders that may require the accused not to contact the victim for a specified period of time. The protection order also may grant sole possession of the residence to the victim, award temporary child custody, award temporary support, require payment of the victim's medical costs that resulted from the abuse, and protect joint property. A victim of domestic abuse should seek assistance immediately and not be reluctant to seek aid.

III. Lautenberg Amendment

The Lautenberg Amendment prohibits anyone convicted of a crime involving domestic abuse from possessing or using a firearm. The same restriction applies to anyone who is subject to a protective order. There is no military exception to this law, so service members subject to Lautenberg will not legally be able to operate or possess firearms (but they may be able to obtain an expungement or pardon).¹ Air Force members may be discharged if they commit an act of domestic abuse under Lautenberg and if possessing a firearm is an integral part of their job and they are unable to cross train or get an expungement.

¹ http://www.monterey.army.mil/legal/criminal_law/lautenberg_inprocessing.pdf

III. How To Find Help

The Family Advocacy Office, 556-8943, provides many services to assist victims of domestic violence and abuse. Family Advocacy will assess the situation and assist victims regarding necessary medical and psychological treatment. If a threat of future abuse exists, every effort will be made to protect the victim(s) from the abuser. Counseling and other treatment programs are available to assist victims and families in resolving issues of domestic abuse.

The Legal Office, through the Victim / Witness Protection Program (VWAP) Representative, can assist victims of domestic abuse to understand their rights under the legal system. Financial assistance may be available to victims of domestic abuse.

IV. Reporting Abuse

Victims and their children may wish to contact:

- IN AN EMERGENCY, DIAL 911
- Peterson AFB Mental Health Office, 556-7804
- USAFA Mental Health Office, 333-5177
- Fort Carson Army Base Mental Health Office, 526-7155

If you have specific questions not addressed in this handout, please call the Peterson Legal Office Victim Witness Representative Liliya Britten at 556-9432.

The information provided in this document is meant for the sole use of Active Duty service members, retirees, and their families. The information is general in nature and meant only to provide a brief overview of various legal matters. Rights and responsibilities vary widely according to the facts and circumstances in each case. Laws can vary across states, services, and civilian jurisdictions. Do not rely upon the general restatements of background information presented here without discussing your specific situation with a legal professional.