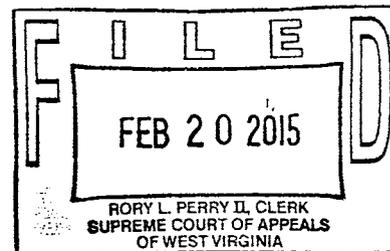


**ARGUMENT
DOCKET****IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA****DOCKET NO. 14-0042****DAVID J. RIFFLE,**

Respondent,

v.

SHIRLEY I. MILLER,

Petitioner.

**BRIEF *AMICUS CURIAE* OF THE WEST VIRGINIA UNIVERSITY COLLEGE
OF LAW CLINICAL LAW PROGRAM**

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I. INTEREST OF THE *AMICUS CURIAE*

The West Virginia University College of Law Clinical Law Program appears in this matter as *amicus curiae* at the invitation of this Court. The Clinic provides legal services to children and families of limited income in civil matters. The *amicus* has represented many victims seeking protection from domestic violence and divorce from their abusive spouses. The question of whether a mutual restraining order is appropriate in a final divorce decree is of particular importance to the clients we serve and to vulnerable *pro se* litigants in West Virginia.

II. INTRODUCTION

This case involves the issuance of a mutual restraining order in a divorce proceeding where neither party substantiated allegations of abuse by a preponderance of the evidence. *Riffle v. Miller*, No. 14-0042, 2014 WL 6634469 (Nov. 24, 2014).¹ Following its rescission of the Memorandum Decision entered on November 24, 2014, this Court invited the West Virginia Clinical Law Program, Legal Aid of West Virginia and the Family Law Committee of The West Virginia State Bar to file *amicus curiae* briefs.² The Supreme Court's directive to the *amici* was "to address the circumstances where *mutual restraining orders* are appropriate in divorce decrees." Order Inviting *Amicus* Br. 1-2, Jan. 8, 2015 (emphasis added).

It is the view of the *amicus*, in response to the Court's question, that under existing West Virginia statutes, West Virginia Code § 48-5-509 and West Virginia § 48-

¹ *Riffle v. Miller*, No. 12-D-459 at 8.

² Order Inviting *Amicus* Br., Jan. 8, 2015.

5-608, and sound public policy, mutual *restraining* orders cannot be issued without proof of some sort of abuse by each party that would support such an order.

While often used interchangeably, restraining orders and protective orders are not the same under West Virginia law.³ Both West Virginia Code § 48-5-509 and West Virginia § 48-5-608 distinguish between injunctive or restraining orders in subsections (a) and protective orders in subsections (b) and (c). W. Va. Code Ann. §§ 48-5-509(a) to (c); W. Va. Code Ann. § 48-5-608(a) to (c).

During the pendency of divorce proceedings, family courts are authorized to issue temporary *restraining* orders to “enjoin the *offending party* from molesting or interfering with the other, or otherwise imposing any restraint on the personal liberty of the other, or interfering with the custodial or visitation rights of the other.” W. Va. Code Ann. § 48-5-509(a) (emphasis added).

In final decrees, “[w]hen allegations of abuse are proved,” family courts are authorized to issue *restraining* orders in the final divorce decree to “enjoin the *offending party* from molesting or interfering with the other, or otherwise imposing any restraint on the personal liberty of the other, or interfering with the custodial or visitation rights of the other.” W. Va. Code Ann. § 48-5-608(a) (emphasis added).

The plain language of both *restraining* order provisions, West Virginia Code § 48-5-509(a) and West Virginia § 48-5-608(a), refers only to enjoining or restraining the “offending party” and does not authorize the issuance of restraining orders against any party except where an offense has been proven.

By contrast, in West Virginia Code §§ 48-5-509(b) and (c) and West Virginia §§

³ It is clear that the Circuit Court understood this distinction as it relied on the statutory language from West Virginia Code §48-5-608(a) in ruling that the mutual orders were unlawful in this case.

48-5-608(b) and (c), the family courts have authority to issue *protective* orders only as authorized by West Virginia Code §§48-27-101 *et seq.* Subsections (b) and (c) of West Virginia Code §48-5-509 and West Virginia Code §48-5-608 incorporate into temporary and final divorce orders the provisions of those protective orders. West Virginia Code §48-27-507 specifically bars mutual protective orders except those that meet the requirements of that provision.

III. ARGUMENT

A. There is a clear distinction between a restraining order and a protective order.

i. Statutory interpretation

This area of the law is complicated by the use of the terms *protective* order and *restraining* order interchangeably in much of the literature and by the inclusion of both types of orders in the relevant West Virginia statute: West Virginia Code §48-5-608. It is important to distinguish these separate orders here.

Protective orders are distinguishable from restraining orders, and these differences are articulated throughout the West Virginia Code. Most significantly, protective orders are more limited in terms of the serious behaviors they address, whom they can be issued against, and, once issued, the behaviors that they prohibit and how violators may be punished. Whether issued within or outside of a divorce decree, all protective orders are governed by Chapter 48, Article 27 of the Code. In order to obtain a protective order under Article 27, the party must prove allegations of domestic violence.

The Code limits the definition of domestic violence to include causing physical harm, placing another person in apprehension of physical harm, creating a fear of

physical harm, committing sexual assault or sexual abuse, and confining a person against his or her will. W. Va. Code Ann. § 48-27-202. Protective orders are also limited in terms of whom they may be issued against. Protective orders may only be issued against "household members," which is also narrowly defined and excludes a "casual acquaintance or ordinary fraternization between persons in a business or social context."⁴

Protective orders prohibit a list of behaviors detailed in the Code. W. Va. Code Ann. § 48-27-502. The Code also distinguishes between mandatory and permissive provisions of a protective order. W. Va. Code Ann. §§ 48-27-502; 48-27-503. Under § 48-27-502, all protective orders prohibit "abusing, harassing, stalking, threatening or otherwise intimidating the petitioner . . . or . . . plac[ing] the petitioner . . . in reasonable fear of bodily injury." Therefore, protective orders prohibit the respondent from committing further acts of domestic violence as previously defined in the Code.

Moreover, all protective orders prohibit the respondent from possessing firearms. W. Va. Code Ann. § 48-27-502. Protective orders may also grant the petitioner possession of a joint household, temporary custody of the children, and other permissive relief.⁵ W. Va. Code Ann. § 48-27-503.

⁴ W. Va. Code Ann. § 48-27-204 ("Family or household members" means persons who:(1) Are or were married to each other;(2) Are or were living together as spouses;(3) Are or were sexual or intimate partners;(4) Are or were dating; Provided, That a casual acquaintance or ordinary fraternization between persons in a business or social context does not establish a dating relationship;(5) Are or were residing together in the same household;(6) Have a child in common regardless of whether they have ever married or lived together;(7) Have the following relationships to another person:(A) Parent;(B) Stepparent;(C) Brother or sister;(D) Half-brother or half-sister;(E) Stepbrother or stepsister;(F) Father-in-law or mother-in-law;(G) Stepfather-in-law or stepmother-in-law;(H) Child or stepchild;(I) Daughter-in-law or son-in-law;(J) Stepdaughter-in-law or stepson-in-law;(K) Grandparent;(L) Step grandparent;(M) Aunt, aunt-in-law or step aunt;(N) Uncle, uncle-in-law or step uncle;(O) Niece or nephew;(P) First or second cousin; or(8) Have the relationships set forth in paragraphs (A) through (P), subdivision (7) of this section to a family or household member, as defined in subdivisions (1) through (6) of this section.)

⁵ W. Va. Code Ann. § 48-27-503. ("The terms of a protective order may include: (1) Granting

Additionally, once a protective order is issued, it is placed on the national domestic violence registry so that law enforcement can confirm the existence of the order twenty-four hours a day, seven days a week. W. Va. R. Dom. Viol. And Civil P. Rule 9a. If violated, a protective order is punishable by "confinement in a regional jail for as long as one year and by a fine of as much as \$2,000." W. Va. Code Ann. § 48-27-502. Violating a protective order contained within a divorce decree may be a misdemeanor. W. Va. Code Ann. § 48-27-903 (a)(1)(C). Protective orders also carry federal enforcement provisions such as a prohibition against possessing firearms and federal criminal penalties for certain violations.⁶

possession to the petitioner of the residence or household jointly resided in at the time the abuse occurred; (2) Ordering the respondent to refrain from entering or being present in the immediate environs of the residence of the petitioner; (3) Awarding temporary custody of or establishing temporary visitation rights with regard to minor children named in the order; (4) Establishing terms of temporary visitation with regard to the minor children named in the order including, but not limited to, requiring third party supervision of visitations if necessary to protect the petitioner and/or the minor children; (5) Ordering the noncustodial parent to pay to the caretaker parent a sum for temporary support and maintenance of the petitioner and children, if any; (6) Ordering the respondent to pay to the petitioner a sum for temporary support and maintenance of the petitioner, where appropriate; (7) Ordering the respondent to refrain from entering the school, business or place of employment of the petitioner or household or family members for the purpose of violating the protective order; (8) Ordering the respondent to participate in an intervention program for perpetrators; (9) Ordering the respondent to refrain from contacting, telephoning, communicating, harassing or verbally abusing the petitioner; (10) Providing for either party to obtain personal property or other items from a location, including granting temporary possession of motor vehicles owned by either or both of the parties, and providing for the safety of the parties while this occurs, including ordering a law-enforcement officer to accompany one or both of the parties; (11) Ordering the respondent to reimburse the petitioner or other person for any expenses incurred as a result of the domestic violence, including, but not limited to, medical expenses, transportation and shelter; (12) Ordering the petitioner and respondent to refrain from transferring, conveying, alienating, encumbering or otherwise dealing with property which could otherwise be subject to the jurisdiction of the court or another court in an action for divorce or support, partition or in any other action affecting their interests in property; (13) Awarding the petitioner the exclusive care, possession, or control of any animal owned, possessed, leased, kept or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and prohibiting the respondent from taking, concealing, molesting, physically injuring, killing or otherwise disposing of the animal and limiting or precluding contact by the respondent with the animal; and (14) Ordering any other relief the court deems necessary to protect the physical safety of petitioner or those persons for whom a petition may be filed as provided in subdivision (2), section three hundred five of this article.")

⁶ See 18 U.S.C. § 922(g)(9) (firearms), 18 U.S.C. § 2265 (full faith and credit), 8 U.S.C. § 1227

As a final matter, “*mutual* protective orders are prohibited unless both parties have each filed a [separate] petition under part 3 of this article and have proven the allegations of domestic violence by a preponderance of the evidence.” W. Va. Code Ann. § 48-27-507. The court has the discretion to “consolidate two or more petitions if he or she determines that consolidation will further the interest of justice and judicial economy [.]” but it is required to “enter a separate order for each petition filed.” W. Va. Code Ann. § 48-27-507.

In contrast, a restraining order is limited to spouses and differs in the behaviors it addresses. Once issued, a restraining order also differs in the behavior it prohibits and in the repercussions for violating it. As discussed above, a temporary restraining order may be issued when a divorce is pending, and a permanent restraining order may be issued in a final divorce decree. W. Va. Code Ann. §§ 48-5-509; 48-5-608. Both require proof of offensive conduct. Family courts may issue restraining orders to address behaviors that do not meet the statutory definition of domestic violence, but that conduct must be abusive.⁷

Restraining orders also differ in the behaviors that they prohibit. The relief granted in a restraining order does not afford the same protections as a protective order, (deportation).

⁷ The Circuit Court specifically found that no abusive conduct occurred in this case:

In reviewing the record before the Court allegations of abuse have not been proven by either party by a preponderance of the evidence. The record merely provides allegations of non-abusive contact by Ms. Miller such as a voice mail message to Mr. Riffle and attempted contact through a mutual colleague. Such conduct does not rise to the level of abuse so as to justify the issuance of a restraining order. As such, a proper evidentiary showing of abuse has not been sufficiently made to support the issuance of a mutual restraining order.

Riffle, No. 12-D-459 at *8.

and the respondent is only subject to the contempt power of the court. Once issued, the restraining order is not placed on the national registry, the offending party is not prohibited from possessing firearms, and the offending party's violation of the order is not a punishable crime.

Protective orders and restraining orders are clearly different and should be identified as such. This difference is codified by the express language of West Virginia Code § 48-5-509 and West Virginia Code § 48-5-608. In both of these provisions, the Code distinguishes between restraining orders in subsections (a) and protective orders in subsections (b) and (c). W. Va. Code Ann. § 48-5-509(a) to (c); W. Va. Code Ann. §§ 48-5-608(a) to (c). Blurring the distinction between protective and restraining orders by continuing to use the terms interchangeably only further confuses parties, advocates, law enforcement, and courts as to what standard should be applied to the given circumstances.

ii. Legislative History

When the legislature first enacted West Virginia Code § 48-5-608, its title was "Court may enjoin abuse" and its only provision was subsection (a).⁸ In 2003, the legislature amended the statute and changed its title to "Injunctive relief or protective orders."⁹ The 2003 amendment also added subsection (b), which addressed protective

⁸ W. Va. Code Ann. § 48-5-608 (West 2001). ("When allegations of abuse have been proved, the court shall enjoin the offending party from molesting or interfering with the other, or otherwise imposing any restraint on the personal liberty of the other or interfering with the custodial or visitation rights of the other. The order may permanently enjoin the offending party from entering the school, business or place of employment of the other for the purpose of molesting or harassing the other; or from contacting the other, in person or by telephone, for the purpose of harassment or threats; or from harassing or verbally abusing the other in a public place.")

⁹ W. Va. Code Ann. § 48-5-608 (West 2003). ("(a) When allegations of abuse have been proved, the court shall enjoin the offending party from molesting or interfering with the other, or otherwise imposing any restraint on the personal liberty of the other or interfering with the custodial or

orders for the first time. Then, in 2004, the legislature amended subsection (b) to replace "relief pursuant to the provision of article twenty-seven of this chapter" with "any other relief authorized to be awarded by the provisions of article twenty-seven of this chapter, if the party seeking the relief has established the grounds for that relief as required by the provisions of said article."¹⁰ The 2004 amendment also added subsection (c),¹¹ and a subsequent amendment in 2005 added (c)(A) and (c)(B).¹²

visitation rights of the other. The order may permanently enjoin the offending party from entering the school, business or place of employment of the other for the purpose of molesting or harassing the other; or from contacting the other, in person or by telephone, for the purpose of harassment or threats; or from harassing or verbally abusing the other in a public place. (b) Any order entered by the court to protect a party from abuse may grant relief pursuant to the provisions of article twenty-seven of this chapter.")

¹⁰ W. Va. Code § 48-5-608 (West 2004). ("(a) When allegations of abuse have been proved, the court shall enjoin the offending party from molesting or interfering with the other, or otherwise imposing any restraint on the personal liberty of the other or interfering with the custodial or visitation rights of the other. The order may permanently enjoin the offending party from entering the school, business or place of employment of the other for the purpose of molesting or harassing the other; or from contacting the other, in person or by telephone, for the purpose of harassment or threats; or from harassing or verbally abusing the other in a public place. (b) Any order entered by the court to protect a party from abuse may grant any other relief authorized to be awarded by the provisions of article twenty-seven of this chapter, if the party seeking the relief has established the grounds for that relief as required by the provisions of said article.")

¹¹ *Id.* ("(c) The court, in its discretion, may enter a protective order, as provided by the provisions of article twenty-seven of this chapter, as part of the final relief in a divorce action, either as a part of an order for final relief or in a separate order. A protective order entered pursuant to the provisions of this subsection shall remain in effect for the period of time ordered by the court not to exceed one hundred eighty days: *Provided*, That if the court determines that a violation of a domestic violence protective order entered during or extended by the divorce action has occurred, it may extend the protective order for whatever period the court deems necessary to protect the safety of the petitioner and others threatened or at risk.")

¹² *Id.* ("(c) The court, in its discretion, may enter a protective order, as provided by the provisions of article twenty-seven of this chapter, as part of the final relief in a divorce action, either as a part of an order for final relief or in a separate written order. A protective order entered pursuant to the provisions of this subsection shall remain in effect for the period of time ordered by the court not to exceed one hundred eighty days: *Provided*, That the court may extend the protective order for whatever period the court deems necessary to protect the safety of the petitioner and others threatened or at risk, if the court determines: (A) That a violation of a protective order entered during or extended by the divorce action has occurred; or (B) Upon a motion for modification, that a violation of a provision of a final order entered pursuant to this section has occurred.")

The legislature's decision to expand the code section to incorporate domestic violence protective orders shows that it did not intend for sections (b) and (c) to address the issuance of restraining orders in final divorce decrees. Thus, the only provision of the West Virginia Code §48-5-608 that addresses the issuance of restraining orders in final divorce decrees is subsection (a).¹³

B. West Virginia § 48-5-608(a) does not authorize the grant of any restraining order absent a showing of abuse.

West Virginia Code § 48-5-608(a) governs the issuance of a restraining order in a final divorce decree against an offending party "when allegations of abuse have been proved." W. Va. Code Ann. § 48-5-608(a).¹⁴

This Court has already held that issuing a restraining order pursuant to that statute requires a finding of abuse. *See* the holding in *Pearson v. Pearson*, 200 W. Va. 139, 149, 488 S.E.2d 414, 423 (1997):

In the instant proceeding the lower courts made no finding of abuse by either the plaintiff or the defendant. Therefore, based upon a plain reading of the statute, the circuit court committed error in issuing restraining orders without a finding of abuse.

That decision is consistent with the plain language of West Virginia Code § 48-5-

¹³ When allegations of abuse have been proved, the court shall enjoin the offending party from molesting or interfering with the other, or otherwise imposing any restraint on the personal liberty of the other or interfering with the custodial or visitation rights of the other. The order may permanently enjoin the offending party from entering the school, business or place of employment of the other for the purpose of molesting or harassing the other or from entering or being present in the immediate environs of the residence of the petitioner or from contacting the other, in person or by telephone, for the purpose of harassment or threats; or from harassing or verbally abusing the other. The relief afforded by the provisions of this subsection may be ordered whether or not there are grounds for relief under subsection (c) of this section and whether or not an order is entered pursuant to such subsection.

¹⁴ *See* Footnote 7 above. No such conduct occurred in this case.

608(a) which allows the restraint of an *offending party* when the allegations of abuse are proven, which indicates that the legislature did not authorize the issuance of a mutual restraining order within a divorce decree absent such proof of abuse.¹⁵

While Petitioner has argued that spouses should have the right to enter into an agreed mutual restraining order without a hearing and adjudication by the court, West Virginia Code § 48-5-608(a) does not give the court the discretion to enter such an order.¹⁶ Indeed, West Virginia Code §48-5-608(a) is unique in the final relief Article in that it requires a specific finding before relief may be granted. West Virginia Code §§ 48-5-601 through 48-5-607 and West Virginia §§ 48-5-609 through 48-5-613 empower the court with discretion in entering certain provisions within the final divorce decree. The only provision under Article 5, part 6 that requires a specific finding as a prerequisite to an order is West Virginia Code § 48-5-608(a), which clearly requires the court to hold a hearing and to enter findings and conclusions of abuse before entering a restraining order in the final divorce decree.

In footnote 10 in *Pearson*, 200 W. Va. 139, 149; 488 S.E. 2d 414, 424, this Court left open the general equity power of the *Circuit* Court to issue a restraining order where there was not statutory abuse. But West Virginia Code §51-2A-2(d) limits the power of the Family Court:

¹⁵ This Court has consistently recognized that “[p]lain statutory language does not need to be construed. In other words, “[w]here the language of a statute is clear and without ambiguity the plain meaning is to be accepted without resorting to the rules of interpretation.” *Tribeca Lending Corp. v. McCormick*, 231 W. Va. 455, 460, 745 S.E.2d 493, 498 (2013) (quoting Syl. Pt. 2, *State v. Elder*, 152 W. Va. 571, 165 S.E.2d 108 (1968)).

¹⁶ Petitioner suggests that the family court can find a power to give mutual restraining orders from the general power to grant relief pursuant to a divorce found in West Virginia Code §48-5-601. There are two objections to this argument. The first is that, where a specific statute is on point, a general power should not be used to undermine it. The second is that the Family Courts, unlike the Circuit Courts are not general courts of equity. *See* discussion below.

A family court may not exercise the powers given courts of record in section one, article five, chapter fifty-one of this code or exercise any other powers provided by courts of record in this code unless specifically authorized by the Legislature.

This Court has held similarly that the Family Court is a court of limited jurisdiction. *See Allen v Allen*, 226 W.Va. 384, 701 S.E.2d 106, Syl. Pt. 2–3 (2009); *Burton v. Burton*, 223 W. Va. 191, 193, 672 S.E.2d 327, 329 (2008); *Deitz v. Deitz*, 222 W. Va. 46, 659 S.E.2d 331, Syl. Pt. 2–3 (2008) (quoting *Lindsie D. L. v. Richard W. S.*, 214 W. Va. 750, 591 S.E.2d 308, Syl. Pt. 5 (2003)).

C. Sound public policy disfavors the issuance of mutual restraining orders where allegations of abuse have not been proved.

i. Mutual restraining orders shift blame to an unoffending spouse.

Public policy also dictates that mutual restraining orders should not be prohibited where there is no evidence of abuse against one or both of the spouses.

Because of the statutory requirement that abuse be proven before such orders are issued,¹⁷ mutual restraining orders mislead law enforcement officials and courts with the understanding that both spouses share responsibility for abuse. If subsequent issues arise after the divorce, a mutual restraining order could cause a court to question the fitness of an innocent spouse, who has essentially admitted to committing acts of abuse by agreeing to the mutual restraining order.

Moreover, when there are children born in the marriage, the non-abusive spouse would have to advise the children's school of the permanent mutual restraining order in the event the abusing spouse appears at the school to pick-up the children and interfere

¹⁷ See discussion above section B.

with the non-offending spouse's custodial or visitation rights. W. Va. Code Ann. § 48-5-608(a). This could cause confusion for school administrators when the non-abusing spouse must admit that the abusing spouse also has a restraining order against him or her as part of the agreed order.

Because of the fact that divorce decree restraining orders are found in the same Code section as are divorce decree protective orders, law enforcement personnel and others may be misled into believing that an unoffending spouse is subject to the strictures which pertain to those protective orders. See discussion in Section A above. This creates the very confusion which Justice Workman predicted in *Pearson v. Pearson*, 200 W. Va. 139, 153, 488 S.E. 2d 414, 428 (1997) (Workman, J, dissenting).

ii. Mutual restraining orders adversely impact *pro se* litigants.

Mutual restraining orders have several risks for *pro se* litigants because they are at particular risk of making uninformed decisions when presented with the option of agreeing to such a mutual restraining order. The *amicus* is not only concerned about the ramifications mutual restraining orders would have on the clients it serves, but also those *pro se* spouses who do not have access to counsel who would help them to understand the consequences of agreeing to such an order. The concept of a mutual restraining order generally presupposes that abused spouses have competent lawyers who possess an understanding of the law and take the time to go over these important decisions with them. Therefore, mutual restraining orders should be disfavored to protect those who must go through the process of divorce without the benefit of counsel.

A recent example occurred in the *amicus* practice in representing J.W. in her

domestic violence and divorce proceedings.¹⁸ J.W. applied for representation with the clinic after she obtained an emergency protective order against her estranged husband and filed for divorce. J.W. had been the victim of repeated acts of abuse, having previously obtained emergency protective orders against her husband that she ultimately was persuaded to dismiss. During the most recent altercation for which she sought the clinic's help, her husband had fractured her nose and faced criminal charges for his actions.

Before the domestic violence proceeding, J.W. expressed her fear of testifying in court, and she viewed the circumstances surrounding her abusive relationship as embarrassing and shameful. Before the hearing, opposing counsel strongly encouraged J.W. to agree to a mutual protective order. Realizing that she could avoid having to disclose her history of abuse in court, she was initially eager to agree to a mutual protective order. However, she did not have a clear understanding as to what a mutual order would entail. After learning of all the consequences associated with a mutual order from her clinic counsel, she decided not to agree to it. She would not have been able to make this informed decision without the benefit of counsel to answer her questions.

This is a prime example of how *pro se* litigants will quickly agree to the issuance of a mutual restraining order with no knowledge of its implications. Most victims, like J.W., are anxious, embarrassed and fearful of their abusers. More so, they are afraid to testify in court and confront their abuser. *Pro se* litigants will make an uninformed decision by agreeing to a mutual protective order to avoid the anxiety associated with testifying in court. These litigants are unaware of the long-term implications of mutual

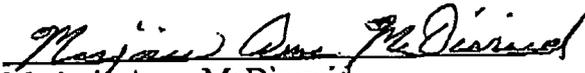
¹⁸ J.W. has given amicus permission to use her story here. While her case involved a protective order rather than the restraining order at issue here, it nevertheless serves to illustrate why a *pro se* party

protective orders and instead, are focused on the short-term relief of not having to share their intimate story in a courtroom. For these reasons, the *amicus* respectfully requests that the court consider these *pro se* litigants when reaching its decision in this matter.

IV. CONCLUSION

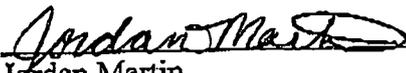
It is the view of *amicus* that mutual restraining orders violate the provisions of the West Virginia Code. It is further our view that they create harm in ascribing blame where there is none. The risk that unrepresented parties will be particularly vulnerable to such harm confirms our belief that they should not be employed.

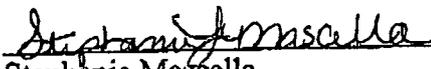
Respectfully submitted:


Marjorie Anne McDiarmid


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Kasey Fields


Jordan Martin


Stephanie Mascella

might be led to agree to a mutual order which was not in his or her best interest.