

JBLM: FAQ for Victims of Domestic Violence

Is it possible to qualify for some programs and not others?

Yes. Different programs have different standards for eligibility, it is possible that victims qualify for all, some, or none of the programs. Some programs are self-referred, some are referred by command or another stakeholder. If you have questions about qualifications, or believe that you may qualify as an exception to policy, please reach out to the offices at the phone numbers provided above.

Is it possible for both people in an intimate relationship to get help from the same service?

Programs each have their own rules. If each partner is eligible for a program, each can access services, but will likely not have the same provider. For legal assistance, if one partner is seen as JBLM Main, the other partner may still receive services at McChord Legal Assistance. For Family Advocacy Program, one partner may receive services individually, unless the program specifically is designed for both to get services together. If there is a question regarding one partner accessing the same services as the other partner, reach out to the program manager or service provider to find out how both eligible people can be helped.

What are my rights as a victim?

Pursuant to 10 U.S.C. § 806b and Article 6b, UCMJ, a victim has the following rights:

- 1) Right to be reasonably protected from accused
- 2) Right to reasonable, accurate, and timely notice of certain hearings: pretrial confinement hearing, preliminary hearing, court martial, and clemency and parole board hearing
- 3) Right not to be excluded from any public hearing or certain proceedings listed above
- 4) Right to be reasonably heard at these hearings
- 5) Reasonable right to confer with Government counsel
- 6) Right to receive restitution as provided
- 7) Right to proceedings free from unreasonable delay
- 8) Right to be treated with dignity and respect

What if I need help with stuff off-post?

Some programs, like Special Victims Counsel and FAP victim advocates can provide limited assistance for off-post matters such as a Civilian Protection order. Attorneys can advise generally about legal process and victims' rights. McChord Legal Assistance has a wraparound approach and may be able to connect you with programs which specialize in the area you want help in. The knowledgeable professionals who are part of the presented programs may be able to help you navigate civilian systems.

How do I know if I qualify for an SVC as a DV victim?

There are three things to consider regarding eligibility for SVC services: the status of the victim, the status of the accused, and the type of offense. Victims must be eligible to receive legal service from Judge Advocates. SVCs represent victims throughout the military justice process. Thus, the military must have jurisdiction over the offender. DV offenses which qualify independent of sexual offenses, are violent physical offenses. This includes attempted murder, strangulation or suffocation, aggravated assault, and other crimes involving serious physical violence which will be adjudicated through the UCMJ process. Please reach out to the Legal

Assistance Office who can offer legal counseling, and refer your case to a SVC if it meets the eligibility requirements. If a DV victim does not meet eligibility requirements, the victim can request an Exception to Policy (ETP) through the Legal Assistance Office and Senior SVC.

The eligibility requirements for Air Force SVC representation may be found in DAFI 51-201, *Administration of Military Justice*. (Air National Guard (ANG) personnel are normally referred to the National Guard SVC Program). Persons qualifying for Air Force legal assistance services in accordance with 10 U.S.C. § 1044 may also qualify if the qualifying offense was alleged to have been committed by a person subject to the UCMJ at the time of the offense, and the alleged perpetrator is currently subject to the UCMJ. Other persons may also qualify and can request information if they believe they do. An Exceptional Circumstances Request (ECR) may be routed in cases where a victim does not appear to meet the initial qualifying criteria for representation.

Programs, such as FAP or Criminal Investigation Division (CID), may also evaluate eligibility and refer you to a SVC. Qualified personnel within the SVC program will determine if you are eligible for their services, or request an ETP on your behalf.

What is Transitional Compensation and how do I know if I qualify?

Transitional Compensation (Trans Comp) is a 36 month transitional compensation program which provides temporary financial assistance to eligible dependents after service members are separated.

Eligibility: For a dependent to be eligible and considered for compensation, the soldier:

- a. Must have been on active duty for more than 30 days;
- b. Must have been administratively separated from the military for a dependent abuse offense; or, the service member has been court-martialed with a qualifying sentence (forfeiture of all pay and allowances, or bad conduct discharge, or dishonorable discharge, or in the instance of officers and commissioned warrant officers, dismissal from the Service) and
- c. Must have committed at least one dependent abuse related offense.

What if I do not know what program I need?

If you are unsure of where to turn for help, contact the program that sounds closest to what you need and they can determine eligibility for their program, or refer you to a program that may be able to provide assistance where you need it. Each of the above named programs are staffed with caring professionals who work together to ensure effective and aligned services for victims.

What about getting help at a different installation?

If you are getting assistance from a similar program at a different installation, contact your provider there and discuss coordination of services. Likewise, if you go somewhere else from JBLM, communicate with your provider here for coordination of services. Some programs, like FAP or VWAP, may be able to assist with moves for safety reasons. The goal of these programs presented above is to help meet victims' needs as part of an interdisciplinary team.

**FOR OTHER QUESTIONS OR ADDITIONAL HELP
CALL THE **JBLM SAFELINE** AT **253-966-SAFE (7233)****