

## What Victim Advocates Can and Can't Do in Court

### ADVOCATES CANNOT GIVE LEGAL ADVICE.

#### ***Only a licensed attorney is allowed to:***

- *Interpret* any aspect of the law, court rules, or court procedures.
- *Apply* the law to the individual person's specific factual circumstances.
- *Recommend* a specific course of action a person should take in a legal proceeding based on their circumstances.
- Draft legal documents that affect the person's legal rights. (In some jurisdictions, however, advocates ordinarily help victims complete order of protection petitions before they ever see the judge or talk to an attorney.)

#### ***This means that advocates are not allowed to:***

- Advise victims on how the law applies to their specific situation.
- Recommend what to include in a petition or who to file against.
- Recommend what legal remedies to request, including what type of order of protection to seek.
- Coach victims on what words to use or what arguments to make in court.
- Represent victims in court.
- Negotiate settlements on victims' behalf.

### ADVOCATES CAN PROVIDE LEGAL INFORMATION.

#### ***Anyone who is knowledgeable about the law can:***

- State what the law is, without applying it to the person's specific situation.
  - OPDV maintains [updated information on NYS laws](#).
- Give a general explanation of court schedules and procedures, who is involved, what their roles are, etc.
- Help victims fill out forms.
- Inform victims of their constitutional and statutory rights.
- Explain how orders of protection work, and that they place obligations on the abuser, not the victim. Make victims aware of how local courts and law enforcement typically approach enforcement of orders of protection.
- Discuss the possible consequences of going forward with a legal case.
- Suggest that victims raise specific issues with their attorneys.
- Provide domestic violence education to an attorney at the victim's request.

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