

## Civil Case Study 1: Lisa Hanover v. Philip Hanover

## Civil Case Study 1, Part 1

You are the intake judge in the Protective Orders Part of Family Court. A woman appears before you seeking a temporary order of protection based on the following petition:

STATE FAMILY COURT  
COUNTY OF **SMITH**

.....  
**LISA HANOVER,**

Petitioner                      Docket No. **O-3529/07**

-against-                      PETITION

**PHILIP HANOVER,** Respondent  
.....

TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that:

1. Petitioner resides at **14 Periwinkle Drive, County of Smith**, and is the spouse of Respondent.

2. Respondent resides at **14 Periwinkle Drive, County of Smith**.

3. On or about the **5th day of November, 2007**, at **14 Periwinkle Drive**, the Respondent committed an act or acts which constitute (aggravated harassment in the second degree) (harassment in the first degree)(harassment in the second degree) (menacing in the second degree)(menacing in the third degree) (reckless endangerment) (assault in the second degree) (assault in the third degree) (attempted assault) (stalking in the first degree)(stalking in the second degree) (stalking in the third degree)(stalking in the fourth degree) toward **LISA HANOVER**, who is a **spouse** of said Respondent in that the Respondent:

**Arrived home from work at two a.m. intoxicated, and pulled Petitioner from her bed, where she was sleeping. Respondent told her that she needed to come with him now to watch a new movie. Petitioner believed from prior incidents with respondent that the movie would show explicit sex. Petitioner declined to accompany him. He slapped her across the cheek, loosening a tooth and causing bleeding inside the mouth. Respondent then pushed petitioner back on to the bed and bit her ear, causing lacerations and pain.**

**The next morning Petitioner stated to Respondent that she was in pain and that she was tiring of his violent conduct. Respondent replied that if Petitioner tried to tell anyone, he would "tell everyone the filthy things you did to me," that "no judge would let a whore like you keep the children" and that the family "would be better off dead than broken."**

4. The following are the names, ages and relationships to the Petitioner and/or Respondent of each and every child in the family household:

i. Name of child **Christina**  
Age **6**  
Relationship to Petitioner and Respondent: **daughter**

ii. Name of child **Sam**  
Age **3**  
Relationship to Petitioner and Respondent: **son**

5. The following aggravating circumstances, if any, are present in this case

["Aggravating circumstances" shall mean physical injury or serious physical injury to the petitioner caused by the respondent, the use of a dangerous instrument against petitioner by the respondent, a history of repeated violations of orders of protection by the respondent, prior convictions for crimes against the petitioner by the respondent or the exposure of any family or household member to physical injury by the respondent and like incidents, behavior and occurrences which constitute an immediate and ongoing danger to the petitioner or any member of the petitioner's family or household]:

**Respondent threatened to kill himself, petitioner and their children.**

6. (Upon information and belief) The following criminal, matrimonial or Family Court proceeding(s) involving the respondent (has) (have) been filed [indicate the court, date and status]:

None.

7. Indicate whether a previous application has been made to any court or judge for the relief requested herein and, if so, the relief, if any, granted and the date of such relief.

None.

8. (Upon information and belief) Respondent is licensed or has a license application pending to carry, possess, repair, sell or otherwise dispose of the following firearms [if known, specify type of firearms, type of license(s), date of issuance of license(s) and expiration date(s), whether license has been suspended or revoked and, if so, the date of such action and, if not currently licensed, whether license application is pending]:

**Respondent is licensed to possess a hunting rifle.**

9. (Upon information and belief) Respondent is in possession of the following licensed and unlicensed firearms [specify number and type of firearms and whether licensed or unlicensed, if known]:

**Respondent has a hunting rifle.**

10. (a) (Upon information and belief), Respondent has been convicted of the following violent felony offenses [specify conviction charge and year of conviction, if known]:

None.

b) (Upon information and belief), Respondent has previously been found to have willfully failed to obey an order of protection and such willful failure involved (infliction of serious physical injury) (use or threatened use of a deadly weapon or dangerous instrument) (and)(behavior constituting a violent felony offense), as follows [specify finding or conviction and year, if known; delete inapplicable provision(s)]:

**N/A**

c) (Upon information and belief) The following facts and circumstances create a substantial risk that Respondent may use or threaten to use a firearm unlawfully against Petitioner or members of Petitioner's family or household:

**Respondent stated that the family would be "better off dead than broken."**

WHEREFORE, Petitioner prays

- (a) that the Respondent be adjudged to have committed the family offense(s) alleged;
  - (b) that the Court enter an order of protection, specifying conditions of behavior to be observed by the Respondent in accordance with Section 842 of the Family Court Act;
  - (c) that the Court enter a temporary order of custody to petitioner.
- and for such other and further relief as to the Court seems just and proper.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Signature of Attorney, if any

\_\_\_\_\_  
Attorney's Name (Print or Type)

\_\_\_\_\_  
\_\_\_\_\_  
Attorney's Address and Telephone Number