



Client Information Manual

Copyright © 2010

by

National Family Justice Center Alliance

All Rights Reserved

Manual created by Lynn R. Freeman on behalf of the National Family Justice Center

Alliance.

TABLE OF CONTENTS

| | |
|--|----|
| Acknowledgements | 6 |
| Welcome Letter | 7 |
| Services Available at the FJC Legal Network..... | 8 |
| Chapter 1 - Your Rights | 10 |
| Rights After Your Abuser Has Been Arrested | 10 |
| Marsy’s Law (Victim’s Bill of Rights) | 10 |
| The Right to be Heard | 11 |
| The Right to be Informed..... | 11 |
| The Right to be Present..... | 13 |
| The Right to be Protected..... | 13 |
| The Right to Notice..... | 17 |
| The Right to Obtain or Review Reports/Records..... | 19 |
| The Right to Privacy..... | 19 |
| The Right to Restitution | 20 |
| The Right to Return of Property | 21 |
| The Right to Support | 21 |
| Rights When You Are Seeking Civil/Non-Criminal Protections | 21 |
| The Right to be Protected..... | 22 |
| The Right to Restitution | 23 |
| The Right to Support | 23 |
| Chapter 2 - Restraining Orders | 25 |
| Types of Restraining Orders | 25 |
| Should You Obtain a Restraining Order? | 26 |
| How to File for a Restraining Order | 26 |
| Service of Process..... | 28 |
| Finding Your Hearing Date/Time (and other Information) on the Internet..... | 29 |
| Whether a Restraining Order or Protective Order has been Served on Your Abuser..... | 30 |

| | |
|---|-----------|
| Expiration Date of Restraining Order or Protective Order | 30 |
| How to Enforce Your Restraining Order | 30 |
| Renewing Your Restraining Order | 31 |
| Chapter 3 - Evidence | 33 |
| Types of Evidence..... | 33 |
| How to File Evidence with the Court..... | 34 |
| Chapter 4 – Court | 38 |
| Court Support..... | 38 |
| Court Locations..... | 39 |
| What to Expect..... | 46 |
| Tips on Court Etiquette | 48 |
| Child Care During Hearing..... | 49 |
| Translator Services | 50 |
| How to Prepare for the Hearing | 50 |
| Chapter 5 - Mediation | 52 |
| Tips | 52 |
| Mediation Support..... | 54 |
| Child Custody Options Checklist..... | 54 |
| Chapter 6 - Child Welfare Services | 57 |
| How CWS Becomes Involved in a DV Case | 57 |
| Will My Children be Removed? | 57 |
| Mandated Reporting Laws..... | 58 |
| Meeting CWS Requirements..... | 58 |
| Chapter 7 - Divorce, Child Custody, and Other Civil Legal Issues | 60 |
| Divorce and Separation..... | 60 |
| Child Custody..... | 62 |
| Child/Spousal Support | 63 |
| Immigration Services | 64 |
| Chapter 8 - Information about the Criminal Legal System | 66 |
| Court Locations..... | 66 |
| Central Courthouse Information | 67 |

| | |
|--|-----------|
| Criminal Process | 68 |
| Advocate Services..... | 69 |
| Interpreter Services..... | 70 |
| Children’s Waiting Room..... | 70 |
| Marsy’s Law | 70 |
| Information Available on the Internet..... | 70 |
| Chapter 9 - Domestic Violence Information..... | 73 |
| Facts and Statistics..... | 73 |
| Power and Control Wheel | 75 |
| Children in Violent Homes..... | 76 |
| Domestic Violence and the Military | 77 |
| Teen Dating Violence | 79 |
| Stalking..... | 80 |
| Strangulation..... | 82 |
| Danger Assessment..... | 84 |
| Safety Plan & Safety Tips | 88 |
| Safety Checklist..... | 88 |
| Measures You Can Take in Various Situations to Increase Your Safety | 90 |
| Additional Programs to Increase Your Safety..... | 93 |
| Safe-at-Home Confidential Mailing Address Program..... | 94 |
| Lease Termination Law..... | 94 |
| Electronic Safety Deposit Box (E-Box)..... | 95 |
| Rancho Coastal Humane Society Animal Safehouse Program..... | 96 |
| Chapter 10 - Other Assistance Programs That You May Qualify For | 97 |
| Cash Aid Programs..... | 97 |
| Child Care Programs..... | 98 |
| Food and Nutrition Programs..... | 99 |
| Medical Assistance Programs | 100 |
| Employment Programs | 101 |
| Housing Programs..... | 102 |
| Homeless Resources..... | 106 |

| | |
|--|-----|
| SDG&E Utility Discount Programs | 107 |
| Glossary of Terms..... | 109 |
| DV Resources in San Diego County | 111 |

ACKNOWLEDGEMENTS

This manual was made possible by the support and dedication of numerous individuals at the National Family Justice Center Alliance and beyond. Together, the Alliance team spent numerous hours reviewing the content of the manual, making suggestions for improvements, and identifying helpful resources. Jennifer Anderson, Brenda Lugo, and Yvonne Coiner were instrumental throughout this process. Diane McGrogan, L.C.S.W., serves as a consultant for the NFJCA. She provided valuable feedback on necessary information to include and how to present this information to best meet clients' needs.

Gael Strack, C.E.O., and Casey Gwinn, President, were the driving forces behind the creation of the NFJCA Legal Network and identified the need for an all-inclusive information manual for clients. This manual could not have been completed without their guidance and expertise.

Yvonne Coiner, the Court Support Advocate for the Legal Network, graciously assisted in formatting the manual. Organizing this much information into an easy-to-use format is no easy task. Thank you so much for your help.

Finally, the NFJCA would like to thank the YWCA of San Diego and Soroptimist International of Coronado. The YWCA was generous in providing many of their materials and information sources to the Legal Network when it initially opened in July 2009. Soroptimist International of Coronado provided funding for this project, which enabled the NFJCA to provide this manual to clients. We appreciate both of these organizations for their generosity and for their dedication to the fight against domestic violence.



SOROPTIMIST

Best for Women



WELCOME LETTER

Welcome to the Family Justice Center's Legal Network. The Legal Network is here to provide assistance to you in obtaining a temporary restraining order, explain the court system, and answer legal questions. We realize that the criminal and civil process can be overwhelming and scary at times. To help you through this difficult time, we have prepared this manual to help you to understand the process and to assist you in making an informed decision about what is best for you and your family.

This manual also includes information about domestic violence in general. Please read through the Domestic Violence Information section to learn about the prevalence and manifestations of domestic violence. This section also includes tools (power and control wheel, risk assessment, safety plan) to help you identify and protect against the dangers specific to your situation.

Please note that we have included a domestic violence resources list at the end of this manual. Many services that you may be interested in are offered directly through the Family Justice Center. The resource list includes all Family Justice Center services offered, as well as services offered from different agencies around San Diego County. The Legal Network is not currently able to provide attorney representation to all clients. Should you need representation, the resources list includes contact information for San Diego attorneys who may provide reduced-rate or *pro bono* legal services to you as a victim of family violence.

Thank you for contacting us. You deserve to be safe from violence and we are here to help.

Sincerely,

SERVICES AVAILABLE AT THE FJC LEGAL NETWORK

The Legal Network offers the following services to clients:

Temporary Restraining Orders (TRO): Legal Network staff and volunteers are fully trained and able to aid clients in preparing the paperwork necessary to request a TRO from the courts. The Legal Network also offers fax filing services to the central (downtown) family court. TRO services are offered to domestic violence victims and elder abuse victims.

Court Hearing Preparation: For clients who have upcoming restraining order hearings, the Legal Network staff is available to meet and discuss how to prepare adequately for the hearing. During this meeting, staff will discuss what will happen before/during/after the hearing, what information the judge will likely ask about, and proper courtroom etiquette.

Court Support: The Legal Network offers clients the option of having a support person accompany her/him to the restraining order hearing. The support person can meet the client at the Family Justice Center (FJC) before the hearing or at the courthouse. Clients often request support people to accompany them to court to help locate the courthouse and courtroom, help ease the client's nerves, explain court procedures, and provide debriefing and referral services after the hearing.

Court Representation: Our Legal Network attorneys have limited availability to provide representation to clients. Clients who will receive representation will be decided on a case-by-case basis.

Electronic Safety Deposit Box (E-Box): The Legal Network can provide you with an e-box which allows you to store all of your documents that you accumulate in a password-protected electronic format. The e-box is a flash-drive (also known as a jump drive, USB drive, thumb drive) that you can easily carry with you.

Safe-at-Home Confidential Address: The Safe-At-Home program will give you a substitute mailing address to use on official documents. Additionally, any first-class or government mail sent to you at that address will be forwarded to you within 48 hours. The Legal Network is an enrolling agency for the Safe-at-Home program, so our staff can assist you in registering with the program.

Education about Court System: Legal Network staff can provide an overview of the court system to help clients understand the legal processes that they may go through. Staff can answer questions about all different aspects of the San Diego courts, including the roles of court personnel, the difference between civil and criminal courts, court locations and hours of operation, and any other questions that clients might have.

Referrals: The Legal Network provides clients with referrals to many different services, both legal and non-legal (e.g., mental health practitioners, military liaisons, dental services, legal clinics, crisis counseling, housing services, etc.). Please also see the list of San Diego County resources at the end of this manual.

CHAPTER 1 - YOUR RIGHTS¹

You are afforded certain rights as a victim of domestic violence (DV). This section will inform you of many rights that you may not be aware of and will explain how these rights can help protect you from further abuse. Please note that some rights apply both in the civil and criminal systems. Also, the glossary of terms in the back of the book (page 109) contains the definitions of many words that you may not be familiar with.

All references to California code² sections are as follows:

| | |
|-------------------------------|-----------------------------|
| CC = Civil Code | GC = Government Code |
| CCP = Code of Civil Procedure | HS = Health and Safety Code |
| EC = Evidence Code | LC = Labor Code |
| FC = Family Code | PC = Penal Code |

RIGHTS AFTER YOUR ABUSER HAS BEEN ARRESTED

These rights apply when there is a criminal case against your abuser (your abuser is being prosecuted for DV).

MARSY'S LAW (VICTIM'S BILL OF RIGHTS)³

The California Constitution contains a Victim's Bill of Rights (known as Marsy's Law), which guarantees certain rights to all crime victims. Here are the rights that Marsy's law guarantees to you as a DV victim as your abuser is going through the criminal process:

- To be treated with fairness and respect and be free from intimidation, harassment and abuse.
- To be protected from your abuser (the defendant) and persons acting on the defendant's behalf.

¹ The Riverside County District Attorney's Office Victim Rights Manual provided significant guidance in the creation of this section.

² A "code" is a series of laws that are grouped together by category. Knowing the code in which a law is in will allow you to locate that specific law.

³ Information for this section was obtained from the San Diego County District Attorney's Office website at <http://www.sdcda.org/helping/victims/marsy-law.html>, accessed on 1/5/2010. The Victim's Bill of Rights is Article I, section 28(b) of the California Constitution. Marsy's law is codified as PC 679.026.

- To have your safety and your family’s safety considered in fixing bail amounts and conditions for the defendant’s release.
- To have your contact information held confidentially away from the defendant, defendant’s attorney, or person acting on behalf of the defendant.
- To refuse an interview, deposition, or discovery request.
- To receive reasonable notice and reasonable contact with the prosecuting agency, upon request.
- To receive reasonable notice of all public, parole, and release proceedings regarding the defendant.
- To have a speedy trial and a prompt and final conclusion.
- To receive a pre-sentence report if one is available and upon your request.
- To be informed of the conviction, sentence, incarceration, scheduled release date, or escape of the defendant, upon request.
- To receive restitution from the defendant for any losses caused by the abuse.
- To have property returned promptly.
- To be informed of all parole procedures.
- To have your safety considered before any parole or other release decision is made.

THE RIGHT TO BE HEARD

If your abuser is convicted of DV, you have a right to make a statement (called a “victim impact statement”) at the sentencing and parole hearings. This statement may be audio-taped, written, or stored on a CD or DVD. Your statement can include your views on your abuser, the abuse you suffered from, and how severe you think the sentencing should be. If available, your statement may be made through video-conferencing. If used during a parole hearing (i.e., your statement is used to help determine if your abuser should be let out on parole), you can include reasons and rationale for why you think your abuser should or should not be released.⁴

THE RIGHT TO BE INFORMED

⁴ PC 679.02(a)(3) & (5), PC 1191.10 et seq., PC 3043.25

DV victims have a right to be informed of their rights. There is a statewide victim legal resource center that victims can contact to get information (called the Victims of Crime Resource Center). As a DV victim, you may be entitled to compensation or restitution for the harm that you've suffered. You can reach the Center at the toll-free phone number 1-800-VICTIMS or 1-800-842-8467, or at www.1800victims.org.⁵

Other ways that you can stay informed include:

- If you are contacted by either the prosecution or the defense they must identify themselves to you.⁶
- If the probation department prepares a sentencing report, it must be made available for the victim to review. The victim must be informed if the abuser is going to receive any "good time or work credits" that may reduce the actual time the abuser spends in custody.⁷
- Victims also have the right to be notified of a state prisoner's release.⁸
- Courts are required to make the DV protection order forms available in languages other than English.⁹
- Upon request, victims will be notified regarding the final outcome of a case and information regarding the final outcome will be provided by letter within 60 days of the conclusion of the case.¹⁰
- Prior to any interviews by law enforcement, the prosecution or the defense, you must be notified of your right to have a DV counselor and a support person at the interview. This right does not apply to the initial report to law enforcement.¹¹ Law enforcement must provide DV victims with a copy of the report number, an information card, and information about emergency assistance (medical care, safe

⁵ PC 13897-13897.3, PC 13835.5(a)

⁶ PC 1054.8.

⁷ PC 1203d, PC 1191.3(b)

⁸ PC 11155

⁹ CCP 185(b)

¹⁰ PC 679.02(a)(2), PC 11116.10

¹¹ PC 679.05

passage from residence, transportation to shelter, security while collecting personal property).¹²

- If you have been sexually assaulted, you have the right to have a sexual assault counselor as well as a support person present during any physical examination. If the examination occurs at the county hospital, the hospital must advise you of the availability of financial assistance.¹³

THE RIGHT TO BE PRESENT

Victims have a right to be present at all court proceedings. The victim may bring one other person with her/him. Victims also have the right to attend sentencing proceedings and parole eligibility hearings. Under some circumstances, you may be able to appear via video-conferencing or through a recorded statement.¹⁴

THE RIGHT TO BE PROTECTED

There are many different mechanisms available to protect DV victims. However, different protections are available depending on your specific situation. Below is a list of protections sorted by context:

General Protections:

- The rights of victims are to be protected to the same extent as defendants' rights.¹⁵ As a victim, you are to be treated with respect and dignity throughout the legal process.
- The California Constitution contains a Victims' Bill of Rights (known as Marsy's Law) that guarantees certain rights to all crime victims.¹⁶ These rights include provisions that enhance your protection, including:
 - A right to keep your address confidential.

¹² PC 13701, PC 264.2(a)

¹³ PC 264.2(b), HS 1492

¹⁴ PC 1102.6, PC 1191.1, PC 679.02(a)(5)

¹⁵ PC 679 et seq.

¹⁶ More information on these rights can be obtained by visiting the Office of the Attorney General's website at <http://ag.ca.gov/victimservices/overview.php>, and see section 1 of this manual under *Rights After Your Abuser has been Arrested*.

- A right not to be threatened or intimidated.
- A right to be present at sentencing and parole hearings.
- A right to be informed of the sentence recommended by the probation officer.
- A right to restitution and return of property.

Law Enforcement Protections:

- During a lawful search, law enforcement will take custody of firearms and other deadly weapons.¹⁷

Protections in Criminal Legal System:

- Protections While in the Courthouse:
 - Victims may have an advocate help them navigate through the legal system.
 - Victims are entitled to a separate waiting area away from the defendants' waiting area.
 - Victims may qualify for assistance in obtaining transportation to the court.¹⁸
- Bail Hearings¹⁹:
 - All defendants may be released on bail, unless the offense committed is a capital crime (i.e., murder).
 - The primary consideration when setting the bail amount is public safety.
 - The court must hold a hearing before deviating from the scheduled bail for a violent felony or DV case where the defendant threatened a witness.

Release of Abuser from Custody²⁰:

- ***Upon request:***
 - Victims may be notified when the abuser is released from state prison into a work furlough or reentry program.
 - The victim will be notified immediately if the inmate escapes.
 - If a reasonable need is found, inmates convicted of murder, voluntary manslaughter, stalking, or where the inmate inflicted

¹⁷ PC 12028.5

¹⁸ PC 13835.5(b)

¹⁹ PC 1270.1, PC 1275, California Constitution Article 1 Section 28

²⁰ PC 679.02(a)(6), PC 11155

great bodily injury, cannot be released on parole within 35 miles of a victim or witness.²¹

- To receive these protections, it is important that you keep your request and current address on file. The appropriate forms can be obtained through the California Department of Corrections & Rehabilitation (CDCR) Office of Victim's Services at 1-877-256-6877, or visiting <http://www.cdcr.ca.gov/>
- Violent Felony Cases
 - The District Attorney's office, CDCR Office of Victim Services, and the probation department are responsible for notifying victims of their right to be notified of the defendant's release (see above for more information).

Identity Protection:

- Criminal Protective Orders which prohibit the defendant from obtaining the address or contact information of the victim may be issued by the court.²²
- A victim's phone number or address cannot be disclosed to the defendant/arrested person (under most circumstances). Additionally, a defense attorney (the arrested person's attorney) may not disclose this information to the defendant.²³
- Victims of sex offenses have a right to be informed that they can keep their names confidential. If desired, the victim's name will not be referred to in court proceedings or paperwork.²⁴
- DV victims may establish a confidential address.²⁵ Our Legal Network staff can assist you in registering for the Safe-at-Home program which provides you with a substitute mailing address to use on all official documents. For more information, please see page 94. Victims may also have their names changed through a streamlined process.²⁶
- Under certain circumstances, the prosecutor can request that a hearing be closed to the public while a victim testifies.²⁷ This usually happens when the victim is a child, a cognitively impaired sexual assault victim, or a victim whose life is in danger.

²¹ PC 3003

²² FC 6252.5

²³ PC 841.5, PC 1054.2(a)

²⁴ PC 293, PC 293.5, EC 352.1

²⁵ GC 6205-6211

²⁶ CCP 1277

²⁷ PC 859.1, 868.7, 868.8

- DV victims may change their license plate.²⁸

Protective Orders:

- Criminal courts may issue Criminal Protective Orders (CPOs) to prohibit the abuser from contacting the victim in any way. Once a protective order is issued, the court clerk will provide the victim with 5 certified copies of the order.²⁹
- **WARNING:** Your CPO is no longer effective after your abuser's probation has been terminated. This is true even if the Sheriff's computerized system indicates that your CPO is still in effect. If you feel like you need further protection, please consider applying for a Domestic Violence Restraining Order (DVRO). See the Restraining Order section below, page 25.
- There are various other protective orders for victims. Please see the Restraining Order section (page 25) in this manual for further information.

Employment Protections:

- Your employer cannot discipline you for taking time off to comply with a court order or subpoena.³⁰ Additionally, employers must allow victims to attend judicial proceedings related to the crime. The employee may use paid vacation leave, personal leave, sick leave, or unpaid leave to attend the proceedings.³¹
- You have the right to take time off to obtain relief or assistance, including a restraining order, without being disciplined by your employer.³²
- If more than 25 employees are at your place of work, your employer cannot discriminate against you for seeking medical attention or counseling.³³
- Employers must also allow employees who are family members of the victim to attend court proceedings. The employee may use sick leave, vacation time, personal leave or unpaid time. Employers cannot discriminate against the employee for these absences.³⁴

²⁸ Vehicle Code 4467

²⁹ FC 6387

³⁰ LC 230(b)

³¹ LC 230.2

³² LC 230(c)

³³ LC 230.1

³⁴ LC 230.2, LC 230(b)

- If your employer violates these rights, you can find out how to file a complaint at the Department of Labor website, <http://www.dir.ca.gov/dlse/HowToFileDiscriminationComplaint.htm>.

Other Protections:

- No sexual assault victim may be ordered to submit to a psychiatric/psychological evaluation to assess her/his truthfulness.³⁵
- Insurers may not deny or modify an insurance contract based on the applicant's status as a DV victim. This does not apply to auto or worker's compensation insurers. Additionally, health care insurers cannot consider the applicant's status as a DV victim when determining whether to accept or renew a contract.³⁶
- County hospitals must provide free venereal disease and pregnancy testing to sexual assault victims.³⁷
- If you feel that you need to move to increase your safety, you may be legally allowed to end your current lease early without having to pay additional rent to your landlord. The Lease Termination Law allows DV victims who have either a restraining order or a police report to move out without paying additional rent or penalty fees. See the Additional Programs to Increase Your Safety section below for more information (page 93).

THE RIGHT TO NOTICE

As a DV victim, you have the right to be notified of various status changes in the case against your abuser. Below is a list of the points during the criminal process for which you have the right to notice:

- If you have been subpoenaed to testify at a court proceeding, you have the right to be notified by the Office of Victim Services if that court proceeding has been rescheduled or cancelled.³⁸
- If your abuser is being charged with a violent felony, and upon your request, the district attorney's office will notify you and other witnesses of the pending outcome of the case before your abuser

³⁵ PC 1112

³⁶ Insurance Code 10144.3, 676.9 & 10144.2, HS 1374.75

³⁷ HS 1491

³⁸ PC 679.02(a)(1)

pleads guilty.³⁹ Also, if the sheriff or chief of police is notified of the upcoming release of a violent felon, they may notify the upcoming release to anyone that they believe is an appropriate recipient of this information.⁴⁰

- You have the right to be notified of all sentencing proceedings. You also must be notified of your right to attend and be heard at the sentencing proceedings and parole eligibility proceedings (see The Right to Be Heard for more information).⁴¹
- Sex crime victims must be notified of DNA testing and its results. They also must be notified if law enforcement chooses not to do DNA testing.⁴²
- **Upon request**, you may be notified of your abuser’s release from custody. The appropriate forms to request this service can be obtained through the California Department of Corrections & Rehabilitation (CDCR) Office of Victim’s Services at 1-877-256-6877, or visiting <http://www.cdcr.ca.gov/>. VINE is a service that you can register with to receive notifications of all changes in your abuser’s status. VINE stands for Victim Information and Notification Everyday. For more information about VINE, please see page 71.

For Juvenile Cases (if the abuser is a juvenile):

- You have a right to notice of any juvenile sentencing hearing (called a disposition hearing) for any case which would have been a felony if committed by an adult.⁴³
- If the case requires a “fitness hearing,” you have a right to be notified of all court dates and continuances. You also have a right to court documents.⁴⁴
- You have a right to be notified of the disposition date of the juvenile abuser’s case, to be present at the hearing, and to make a statement.⁴⁵
- The Division of Juvenile Justice must provide 30 days written notice to the victim of any inmate released on parole. As a victim, you may appear at the parole hearing and make a statement.⁴⁶

³⁹ PC 679.02(a)12

⁴⁰ PC 3058.7

⁴¹ PC 679.02(a)(3) & (5), PC 679.03(a), PC 3043

⁴² PC 680

⁴³ PC 679.03

⁴⁴ WIC 656.2(c)

⁴⁵ WIC 656.2

⁴⁶ WIC 1767

THE RIGHT TO OBTAIN OR REVIEW REPORTS/RECORDS

Generally:

- As a DV victim, you are entitled to one free copy of any DV incident report. Your request for the report must be fulfilled within 5 business days.⁴⁷ If your request for the report is denied, you can ask the court to review the decision.⁴⁸ If a criminal protective order is issued, the court clerk will provide you with 5 court-certified copies of the protective order.⁴⁹ If the abuser is a juvenile, you have the right to obtain all court documents related to the proceedings.⁵⁰

Probation reports:

- You also have the right to review the recommendation of a probation officer regarding the abuser's sentence, and the district attorney's office may provide a copy of the probation report to you.⁵¹ Additionally, you may review the probation report within 60 days of the sentencing date.⁵²

Accessing Records to Enforce Restitution Orders:

- You have the right to utilize every resource available to enforce restitution orders. This includes reviewing your abuser's financial records, wage garnishment, lien procedures, and obtaining information regarding your abuser's assets.⁵³

THE RIGHT TO PRIVACY

In most criminal cases, much of the information involved becomes public record. DV victims have the right to limit the public's access to some information that would otherwise be public record.

- ***Upon request***, you may have your name kept confidential in records.⁵⁴
- You have the right to streamlined name-change procedures. You may also establish a confidential address through the Secretary of State.⁵⁵

⁴⁷ FC 6228

⁴⁸ GC 6259

⁴⁹ FC 6387

⁵⁰ WIC 656.2(c)

⁵¹ PC 1203d

⁵² PC 1203.05

⁵³ PC 1214

⁵⁴ GC 6254(f)(2)&(3)

The Legal Network is an enrolling agency for the Safe-at-Home Confidential Address program. For more information about the Safe-at-Home program, please see page 94.

- If you meet certain criteria (you are a minor or have a cognitive impairment), the court can hold a hearing to determine whether your testimony should occur privately.⁵⁶

Other privacy rights:

- Law enforcement and defense attorneys cannot release contact information of victims to a defendant in a criminal case.⁵⁷
- The defense in a sexual assault case must follow very specific rules in order to question the victim about past sexual behavior.⁵⁸
- If you have consulted a DV counselor, the counselor may usually keep your communications private. This is called “asserting the privilege,” which is a legal right given to DV counselors and their clients. Once the privilege is asserted, the court may hold a hearing to determine if there is a special need to allow these communications into the proceeding.⁵⁹

THE RIGHT TO RESTITUTION

Restitution is the legal process for reimbursing crime victims for financial losses that result from the crime committed against them. Restitution aims at restoring the victim’s financial position from before the crime. If a victim can show a financial loss, the court may order restitution to be provided by either the abuser or the Victim Compensation Fund. You must submit a claim within one year of the crime to the Victims Compensation Government Claims Board (VCGCB), and the Office of Victim Services may assist you in filing this claim (call 1-877-256-6877, or visit <http://www.cdcr.ca.gov/>).⁶⁰ An application for a claim based on DV may not be denied solely because no police report was made. If your request is denied, you may request a hearing to contest the decision.⁶¹

⁵⁵ CCP 1277, GC 6205-6211

⁵⁶ PC 859.1

⁵⁷ PC 841.5, PC 1054.2(a)

⁵⁸ EC 782

⁵⁹ EC 1037.5, EC 1037.2, EC 1037.6

⁶⁰ Cal. Constitution Article 1 Section 28(b)(13), PC 13835.5(a)(14), PC 13852.2, GC 13970-13973, PC 679.02(a)(8), GC 13952.5, GC 13955

⁶¹ GC 13958-139560

THE RIGHT TO RETURN OF PROPERTY

If law enforcement obtained your property during an investigation or to be used as evidence, you have the right to the return of that property once it is no longer needed. You also have the right to the return of stolen property. The Office of Victim Services may assist you in obtaining the return of property (call 1-877-256-6877, or visit <http://www.cdcr.ca.gov/>).⁶²

THE RIGHT TO SUPPORT

You are entitled to various support services to assist you in accessing the legal system and accessing community resources.

The Office of Victim Services (1-877-256-6877 or <http://www.cdcr.ca.gov/>) may provide you with:

- Crisis intervention, counseling/counseling referrals, assistance in filing claims with the Victims Compensation Government Claims Board (VCGCB), explanation of the criminal justice system, court escort, notification, translation services, follow up contact, field visits, services for special needs victims, employer intervention, creditor intervention, child care, funeral arrangements, crime prevention information, transportation, and witness protection. Many of these services are available even if no suspect can be located.⁶³

Other Sources of Support:

- DV victims may have a support person accompany them to all criminal proceedings where the victim will be in close proximity to the alleged abuser. Victims also have the right to a DV counselor and a support person at any interview by law enforcement, the prosecution, or defense.⁶⁴

RIGHTS WHEN YOU ARE SEEKING CIVIL/NON-CRIMINAL PROTECTIONS

⁶² PC 679.02(a)(9), PC 1408, PC 1409

⁶³ PC 13897

⁶⁴ FC 6303, PC679.05

These rights apply regardless of whether there is a criminal case against your abuser.

THE RIGHT TO BE PROTECTED

When you are pursuing civil measures (domestic violence restraining orders, divorces, child custody and visitation, child/spousal support, civil harassment orders, etc.), there are certain protections in place to ensure that you are safe while pursuing these options.

In the Courthouse:

- As a DV victim, you have the right to have a support person present with you at all court proceedings where you will be in close proximity to the abuser (for more information see *The Right to Support*, at page 23).⁶⁵
- The court bailiffs are also present to maintain peace and order in the courthouse. If you at any time feel threatened by the abuser, you may ask a bailiff to assist you.

Employment Protections:

- An employer cannot discipline you for taking time off to obtain relief or assistance, including to obtain a restraining order. Employers with more than 25 employees may not discriminate against an employee for seeking medical or counseling services.⁶⁶

Restraining Orders:

- DV victims may obtain a variety of orders designed to safeguard themselves from further abuse. These orders can come in the form of an Emergency Protective Order (EPO), Domestic Violence Restraining Order (DVRO), or a Civil Harassment Order. Please see the Restraining Order section in this manual for more information on these protections.

Other Protections:

- You may qualify to have an expedited process for a name change and to establish a confidential address.⁶⁷

⁶⁵ FC 6303 (a) & (b)

⁶⁶ LC 230(c) & 230.1

⁶⁷ GC 6205-6211, CCP 1277

- Law enforcement will confiscate firearms and other deadly weapons in plain sight or discovered during a lawful search in order to protect the officer and others present.⁶⁸ If a restraining order is issued, the order will also require the abuser to give up any firearms.
- Insurers may not deny or modify an insurance contract because you are a victim of DV.⁶⁹
- If you feel that you need to move to increase your safety, you may be legally allowed to end your current lease early without having to pay additional rent to your landlord. The Lease Termination Law allows DV victims who have either a restraining order or a police report to move out without paying additional rent or penalty fees. See the Additional Programs to Increase Your Safety section below for more information (page 93).

THE RIGHT TO RESTITUTION

Restitution is the legal process for reimbursing you for financial losses that you have incurred as a result of the abuse. Restitution aims at restoring you to the financial position you were in from before the abuse. The court may order restitution to you for all losses and out of pocket expenses that you have incurred as a result of the abuse (including loss of earnings, medical expenses and temporary housing). You can request reimbursement in your restraining order application, or by notifying the prosecuting attorney about your losses. The abuser may also be ordered to reimburse agencies that provided services to you.⁷⁰

THE RIGHT TO SUPPORT

DV victims may have a support person attend all family law proceedings where the victim will be in close proximity to the alleged abuser. The support person may also sit at the table with the victim during the proceeding.⁷¹ Additionally, if you have a protective order, you are allowed to have a support person accompany you to mediation. The Legal Network can provide you with court support services, including accompaniment to court hearings (see page 38). For more information about mediation, see page 52.

⁶⁸ PC 12028.5

⁶⁹ IC 10144.2 & 3, IC 676.9

⁷⁰ FC 6342

⁷¹ FC 6303 (a) & (b)

Note, however, that the support persons in these instances are present solely to provide emotional and moral support. They may not give advice or otherwise participate in the proceedings. If the support person tries to participate or disrupt the proceeding, then the judge or mediator may exclude the support person.⁷²

⁷² FC 6303 (c) & (e)

CHAPTER 2 - RESTRAINING ORDERS⁷³

A restraining order is a court order that prohibits a person from contacting certain people, visiting certain locations, and/or behaving in certain ways. A restraining order is awarded through the courts, and violating a restraining order results in criminal penalties. As a DV victim, obtaining a restraining order against your abuser may be an effective way to increase your safety. This section discusses whether you should obtain a restraining order, how to file for a restraining order, and how to enforce the order once you've obtained one.

TYPES OF RESTRAINING ORDERS⁷⁴

Emergency Protective Order (EPO): An EPO is a protective order that a police officer will obtain for a victim after the officer has been called to the scene of a DV situation. An EPO serves a similar function as a restraining order, however it only remains in effect for 5 days. A police officer can ask a judge to award an EPO 24 hours a day, 7 days a week.

Temporary Restraining Order (TRO): A TRO is an initial restraining order that a judge issues the same day of the TRO forms being filed (unless the forms are filed after 3:30pm). A judge will issue a TRO if the evidence reasonably proves past act(s) of abuse. The TRO includes all of the same protections that a DVRO includes. The only difference is that the TRO is only effective until the court hearing (usually within 2-3 weeks).

Domestic Violence Restraining Order (DVRO): A DVRO is the restraining order that a judge issues after reviewing the evidence filed with the court and hearing both parties present their case. The judge may either adopt the protections as set forth in the TRO or modify the included protections as the judge sees fit. Typical protections include forbidding the abuser from contacting the victim in any way, requiring that the abuser stay at least 100 yards away from the victim at all times, and forbidding the abuser from using/taking the victims car, furniture, or other possessions (even if jointly owned). A DVRO remains in effect for a length of time determined by the judge (typically 1-3 years).

⁷⁴ Information in this section has been adapted from both the Riverside County D.A.'s Office Victim Rights Manual and the California Attorney General Crime and Violence Prevention Center's Domestic Violence Handbook.

Civil Harassment Order: If a DVRO is not available to you, you may be able to obtain a civil harassment order if your abuser has subjected you to continual harassment. These orders are obtained in civil court rather than family court.⁷⁵

Criminal Protective Order (CPO): If the abuser is involved with a criminal case for DV, the criminal court may issue the victim a CPO. A CPO involves the same protections as the other types of restraining orders, but can also require that the CPO be effective as a part of the abuser's probation.

SHOULD YOU OBTAIN A RESTRAINING ORDER?

When determining whether you should file for a restraining order, it is essential to weigh the safety and risk factors involved in the process. Restraining orders can provide much needed protections, but they may also put you more at risk if your abuser is not likely to be deterred by the order. You are in the best position to predict how your abuser will react to having a restraining order issued against him/her. Here are a few questions to consider before filing for a restraining order:

1. Does my abuser respect authority?
2. Does my abuser have particular reasons why he/she would not want to be arrested (a job, children, a good image to protect)?
3. Is my abuser capable of lethal violence?
4. Is my abuser likely to become so angry because of the restraining order that he/she will retaliate, regardless of the repercussions of violating the order?

If, after considering these questions, you believe that a restraining order will increase your safety, then filing for a restraining order may be in your best interests.

HOW TO FILE FOR A RESTRAINING ORDER⁷⁶

The FJC Legal Network staff is available to help you complete the necessary forms to file for a DVRO. However, you may access all of the forms necessary to file for a DVRO on your own at www.sdcourt.ca.gov (go to the Family tab, and

⁷⁵ CCP 527.6

⁷⁶ Adapted from the YWCA of San Diego County's Legal Advocacy for Domestic Violence Victims Manual

then click on Domestic Violence Restraining Orders). Additionally, filing for DVROs and service of the DVROs is free, but **you need to request free service!**⁷⁷ The form to request free service can be accessed by visiting www.sdcourt.ca.gov, clicking on the Civil tab at the top of the screen, then clicking on the Forms page. Locate Form CIV-046 (entitled “Request for Free Service of the Order and Injunctions”). For more information on completing service of the TRO and the DVRO, see below at page 28.

Filing for a DVRO requires you to complete various forms and file them with the appropriate court. To determine which court to file with, see the Court Locations section of this manual on page 39. Additionally, your abuser will need to be served with the TRO and DVRO in a timely manner. This can be a very confusing and time-consuming process. Our Legal Network staff members are trained in properly completing the forms and compiling evidence to support your case. They will also be able to file your forms via fax if your case is being handled by one of the downtown courthouses. Additionally, if you are pursuing a divorce, child/spousal support, child custody and visitation, or other proceedings at the same time, our staff can answer questions on how the cases may affect the restraining order process. Please do not hesitate to come into our office to obtain assistance. For information about other legal clinics that provide divorce, child/spousal support, child custody, and other civil services (beyond restraining orders) please see the DV Resources Guide beginning on page 111.

The judge will either grant or deny a DVRO based on the supporting evidence that accompanies the DVRO forms. The evidence that you are able to provide is the key to obtaining a DVRO, because the judge will only grant the DVRO if you prove by the “preponderance of the evidence” that you have been abused by the respondent. This means that you must prove that it is more likely than not that your account of the facts is the truth. The more evidence that you can submit with your application, the more likely it is that the judge will believe your side of the story. Please read the Evidence section below (page 33) for more information on types of evidence that are helpful and the proper ways to file the evidence with the court.

IMPORTANT NOTE: If you come into our office for assistance with a DVRO, please be aware that the process **will take over 2 hours** to complete the paperwork, plus additional time to receive the order back from the court. Additionally, we serve clients on a first-come first-serve basis, so you may need

⁷⁷ CCP 527.6

to wait if the Legal Network is serving other clients when you come in. As a result, you should **plan on spending an entire day** at the Family Justice Center, to ensure that you have enough time to finish the process. If you will be bringing your children, we have a children's play room available for your convenience.

SERVICE OF PROCESS

“Service” refers to notifying the respondent (your abuser) about the court proceedings and any orders issued by the court. Service is required by law, and a judge cannot issue a restraining order until proof of service is obtained. ***Copies of all restraining orders issued against a respondent must be served on that respondent before he/she is legally bound by the order.***

The TRO petition, notice of hearing, all supporting documents (evidence, etc.), all granted TRO/DVROs must be personally served on the respondent by someone who is not protected by the order (i.e. you cannot personally serve your abuser).

Because you are a DV victim, you may qualify for free service. You must request free service when you file papers with the court. The form to request free service can be accessed by visiting www.sdcourt.ca.gov, clicking on the Civil tab at the top of the screen, then clicking on the Forms page. Locate Form CIV-046 (entitled “Request for Free Service of the Order and Injunctions”).

Here are the steps that you should follow to serve your abuser properly:

1. Request Free Service:
 - a. If you would like the Sheriff to serve your respondent for free, complete the “Request for Free Service of the Order and Injunctions” Form and submit it to the court. The form to request free service can be accessed by visiting www.sdcourt.ca.gov, clicking on the Civil tab at the top of the screen, then clicking on the Forms page. Locate Form CIV-046 (entitled “Request for Free Service of the Order and Injunctions”).
 - b. If the Sheriff successfully serves the respondent you do not have to provide proof of service to the court, because the Sheriff will notify the court for you.
2. Service by Someone Other than the Sheriff:
 - a. If the Sheriff is unable to serve the respondent, or if you would rather have someone else serve the respondent, you will need to follow these steps:

- i. Ask someone you know to serve your respondent with the appropriate paperwork. The person must be over 18 and not be protected by the order (thus, you cannot serve the respondent yourself). Additionally, you must provide the person with a “Proof of Service” Form.
 1. You can obtain this form by going to www.courtinfo.ca.gov, clicking on the Forms tab at the top of the screen, selecting the group “Domestic Violence Prevention” in your appropriate language from the drop down menu, and then clicking on the DV-200 form from the list.
- ii. Instruct the person to:
 1. Walk up to your respondent.
 2. Say the respondent’s name, “Are you John Doe?” or “Hi, John Doe.”
 3. Give him/her copies of all of the paperwork.
 4. Fill out and sign the “Proof of Service” Form (Form DV-200)
 5. Give the signed “Proof of Service” form back to you (the petitioner).
- iii. Make 5 copies of the completed “Proof of Service” form.
- iv. File the *original* “Proof of Service” form with the court at least 2 days before your hearing.
- v. Always keep an extra copy of the “Proof of Service” form with you for safety.

For more information about service, please visit www.courtinfo.ca.gov and click on the “Forms” tab at the top of the screen. Then, from the pull down menu click on Domestic Violence Prevention in your preferred language. Click on the form DV-210-INFO.

FINDING YOUR HEARING DATE/TIME (AND OTHER INFORMATION) ON THE INTERNET

You can find the date and time of your restraining order hearing on the internet through the San Diego Superior Court website (www.sdcourt.ca.gov), by following these steps:

1. Go to www.sdcourt.ca.gov
2. Click on “Court Calendar” (in the Quick Links area on the screen), there is a picture of a calendar next to the link.

3. Click on the “Calendar Search” at the top left corner of the screen
4. Check “Domestic” for the Division
5. Enter your ***last name*** in the “Party” section
6. Click “Start Search”
7. The date, time, and courtroom of your hearing will appear on the next screen

You can also find out whether the DVRO has been served on your abuser, and the expiration date of the DVRO, by following these steps:

WHETHER A RESTRAINING ORDER OR PROTECTIVE ORDER HAS BEEN SERVED ON YOUR ABUSER

1. Go to www.sdsheriff.net
2. Click the “Restraining Orders” link in the gray section of the screen
3. Enter your abuser’s last name
4. Click “Look Up”
5. Browse the names until you find your abuser’s name. The date that the order was served will be listed.
6. Click on your abuser’s name for more information

EXPIRATION DATE OF RESTRAINING ORDER OR PROTECTIVE ORDER

1. Follow the same steps as above; the expiration date will be listed as well.

HOW TO ENFORCE YOUR RESTRAINING ORDER

If your abuser violates your DVRO in person, immediately call 911 and wait for the police to arrive. Inform the 911 operator if you feel you’re in immediate physical danger.

When the police arrive show them your DVRO. Explain in detail what has happened that caused you to call 911. If the abuser has not been served, inform the police and ask them to serve him at the scene. Be sure to obtain the police report or incident number. Also write down the name of the officer who responded to your call.

If your abuser violates your DVRO by telephone, call the police. They will not respond in person, but they will take a report by phone. If the abuser leaves a

message on your answering machine, voicemail or e-mail, save those tapes and a hard copy of the e-mail. **Keep a log of all DVRO violations** with dates, times, and details of the violations.

If a third person witnesses a violation of your DVRO, try to obtain a statement in writing as to what the person saw or heard. This is very helpful in proving to the Court that a violation has taken place.

Make sure your workplace, child's school, day care, etc., have a copy of your DVRO and instructions on what to do if it is violated.

TWO IMPORTANT NOTES:

1. Your DVRO is violated even if you allow your abuser to come over. Giving your consent for your abuser to violate the order does NOT authorize your abuser to actually do so. If you no longer feel that you need a DVRO, then you must petition the court to remove it.
2. If you have a Criminal Protective Order (CPO) that was granted when your abuser was being prosecuted, the CPO will no longer be effective after your abuser's probation has been terminated. The sheriff's computerized system may not show that the CPO is no longer effective. If you still need protection, consider applying for a DVRO. Our Legal Network staff can help.

RENEWING YOUR RESTRAINING ORDER

DVROs are typically granted for a maximum period of 5 years. However, you may request the court to renew the DVRO at anytime during the 3 months before your DVRO expires.⁷⁸ To request a renewal, you will have to file a "Request to Renew Restraining Order" (DV-700) form and a "Notice of Hearing to Renew Restraining Order" (DV-710) form with the court clerk. Our Legal Network staff may assist you in completing and filing the appropriate paperwork to request a DVRO renewal. However, you can access all necessary forms online by going to www.courtinfo.ca.gov, clicking on the Forms tab at the top of the screen, selecting the Domestic Violence Prevention group in your preferred language from the drop down menu, and clicking on the DV-700 and DV-710 forms. You may also select the DV-720-INFO form for more information about renewing a DVRO.

⁷⁸ CCP 527.6(d)

You will also be required to personally serve your abuser (the restrained person/your abuser) with the following forms: DV-700 (Request to Renew Restraining Order), DV-710 (Notice of Hearing to Renew Restraining Order), DV-130 (your current DVRO), and a blank MC-030 (a declaration form). After serving these forms, you will have to file a Proof of Service form with the court (DV-200). If the judge does renew your DVRO, you will also have to serve the respondent with a copy of the renewed DVRO and then file a Proof of Service form with the court. For more information about serving the respondent, please see page 28 above.

Note: If you do not make your request to renew your DVRO before your current DVRO expires, you will have to file another DVRO petition in the same manner as you did for initially obtaining the DVRO.

CHAPTER 3 - EVIDENCE

At the hearing to obtain a DV restraining order (DVRO), the judge will base his/her decision on the evidence that has been filed for both sides. Therefore, the more evidence that you can provide to prove to the judge that you are a DV victim and that your abuser (the respondent) is responsible for the abuse, the more likely you are to successfully obtain a DVRO. The judge will only order a DVRO against your abuser if the “preponderance of the evidence” indicates that you experienced abuse and that the respondent is responsible for the abuse. The “preponderance of the evidence” is in your favor if the judge believes that you were more likely than not abused by the respondent. You have not met this burden solely because the judge granted you a temporary restraining order (which requires a lower standard of proof). Consequently, it is extremely important for you to consider all possible sources of evidence and to file all evidence with the court in a timely manner. The following sections will aid you in identifying evidence and will explain how to file the evidence with the court.

TYPES OF EVIDENCE⁷⁹

There are many different sources of evidence that can be helpful to the court in determining whether to grant you a DVRO. Here is a checklist of items that you may be able to produce for evidence, if you have access to them and believe they will be helpful to the judge. This list is not exhaustive, so be sure to think of other sources of evidence that are not included on this list. Be creative!

- Police reports/records of phone calls
- Reports/recommendations/business cards from Child Welfare Services
- Other restraining orders or past restraining orders against your abuser
- Documentation of violations of a restraining order
- Medical records/bills
- Bank records
- Phone records
- DV shelter records (but do NOT reveal the location of the shelter!)
- Counseling/mental health records
- Witnesses (neighbors, friends, family, priest, teachers, other witnesses that can testify to the abuse in the form of a declaration, see page 34)

⁷⁹ The YWCA Legal Advocacy Program Restraining Orders presentation and the West Tennessee Legal Services, Inc., Legal Need Assessment were both used to develop this checklist.

- Photographs of injuries and/or damaged property
- Batterer’s criminal court records/convictions and probation records
- Voicemails, letters, emails or text messages from batterer or person speaking on behalf of batterer
- Documentation of batterer’s use of weapons
- Documentation of batterer’s previous violence with other victims
- Documentation of batterer’s drug/alcohol abuse (DUIs, failed rehabilitation, etc.)
- Batterer’s mental health records or other documentation (e.g. diagnosis of depression, history of suicide attempts/threats, etc.)

HOW TO FILE EVIDENCE WITH THE COURT

There are two ways that you may file evidence with the court. The first (and preferred) method is to ***attach evidence to the temporary restraining order (TRO) request*** that is filed with the court. If the Legal Network staff is assisting you in filing for a TRO, the staff member working with you will ask you for any evidence that is available to attach to the request before it is sent by fax to the court.⁸⁰ Attaching evidence to your TRO petition is much easier than filing additional evidence with the court after the TRO has been filed.

If you retrieve additional evidence after the TRO request has been filed, then you may file the evidence as exhibits as long as certain timelines and service requirements are met:

- Timeline:
 - All additional evidence (exhibits) must be filed with the court and personally given to the respondent ***at least 5 days before the hearing***.⁸¹ This is called “serving” the respondent or “service of process.”
 - If your exhibits are ***more than 10 pages long***, you may not temporarily file (see below) them with the court more than 10 days before the hearing, except by court order.⁸²
 - NOTE: After being notified of the additional evidence that you filed, the respondent may file a supplemental declaration and personally

⁸⁰ If your case is not in the San Diego Central Court (downtown – either Madge Bradley or Family Court), then our staff will not be able to file your request by fax. However, they still may help you prepare all necessary forms and give you instructions on how to personally file the request in the appropriate courthouse.

⁸¹ San Diego County Superior Court Rules § 5.5.3, see also FC 243

⁸² San Diego County Superior Court Rules § 5.5.2

serve you with that declaration before 10:00 a.m. two court calendar days before the hearing.⁸³ Thus, if the respondent attempts to discuss any additional evidence at the hearing about which you have not been notified, you may object to the evidence being admitted and request that the court not consider it.

- Service:
 - “Service” refers to notifying the respondent about the court proceedings. Service is required by law, and a judge cannot issue a restraining order until proof of service is obtained. For more information about service, please visit www.courtinfo.ca.gov and click on the “Forms” tab at the top of the screen. Then, from the pull down menu click on Domestic Violence Prevention in your preferred language. Click on the form DV-210-INFO.
 - The TRO petition, notice of hearing, and all supporting documents must be personally served on the respondent by someone who is not protected by the order (i.e. you cannot personally serve your abuser). Because you are a DV victim, you may qualify for free service. **You must request free service** when you file papers with the court.
- How to File:
 - If you are filing **multiple exhibits** (any document or piece of evidence), you must label each exhibit consecutively (starting at 1, 2, 3, etc.).
 - If your exhibits are **more than 10 pages long**, you must temporarily file (“lodge”) it with the court (as opposed to “filing” it with the court). You must include a paper entitled “Notice of Lodgment” which lists the documents included. The notice must be filed with the court and served on the respondent. Documents temporarily filed with the court must be tabbed and highlighted to correlate the notice of lodgment, and each document must be marked in a manner that calls attention to the relevant portions.⁸⁴ The court will stamp the lodgment as “received” and return it to you.
 - For each exhibit, you must provide a declaration identifying the exhibit, stating that you have personal knowledge of the facts contained in the exhibit and that all facts are true and correct. This is called **authentication** of the exhibit. Here are a few examples of how to authenticate exhibits:

⁸³ San Diego County Superior Court Rules § 5.5.3

⁸⁴ San Diego County Superior Court Rules § 5.5.2

- AUTHENTICATION OF DECLARATIONS (if you are filing a written statement about events that you personally experienced/observed):

EXHIBIT 1

I, [Your Name], have personal knowledge of the following facts and could competently testify thereto, except as to those matters which are stated upon information and belief.

[Insert your written statement here.....]

I declare that the foregoing is true and correct under penalty of perjury under the laws of the state of California.

Date: [Month and day], 20XX

By: [your signature]
[Type your name]

[page number]

- AUTHENTICATION OF OTHER EVIDENCE (bank records, photographs, etc.) You must file a declaration along with the evidence simply stating what is included in the exhibit and authenticating the evidence. Here is an example:

I, [Your Name], declare:

1. I am the petitioner and I have personal knowledge of each fact stated in this declaration.
2. Exhibit 1 is a true and correct copy of my bank records for July 2009 through October 2009.
3. Exhibit 2 is a true and correct copy of photographs taken of respondent outside of my home on January 1, 2010.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: [Month and day], 20XX

By: [your signature]

[Type your name]

[page number]

CHAPTER 4 – COURT

This section will help answer questions you may have about the court process, give you tips to help you prepare for going to court, and discuss our Court Support services that may be available to you.

COURT SUPPORT

As a DV victim, you have the right to have a support person with you during your DVRO hearing. This support person may sit at the table with you if you are not represented by an attorney.⁸⁵ Our ***Court Support Program*** consists of trained Court Support Advocates who are available to accompany you to your hearing at the downtown family courts. If you would like a court support advocate, we will assign one of our advocates to you on the day that you file your TRO request. The advocate will contact you within a few days to introduce themselves and discuss what services you would like from them.

Here is a list of the services that the Court Support Program can offer you:

- ***Emotional support*** before the hearing, during the hearing, and after the hearing. The DVRO process can be very confusing, frightening, and overwhelming. Our Court Advocates can discuss any fears or worries that you may have and can help you decide whether obtaining a DVRO is in your best interests.
- ***Accompaniment*** through the legal system.
It is very likely that you will have to see your abuser at your hearing (unless he/she does not show up). This can be very uncomfortable and intimidating. Our Court Advocates can accompany you to the courthouse and sit with you during the hearing to ensure that you are not alone.
- ***Referrals*** to community resources.
Although our Legal Network staff will offer referrals to you when you initially file for the TRO, you may discover that you need other services as you proceed through the process. The Court Advocates will discuss services that may benefit you and will provide referrals to those resources.
- ***Answer questions*** or help you find answers to questions.

⁸⁵ FC 6303 (a) & (b)

Court Advocates are familiar with the courthouse, logistical issues surrounding your hearing, the hearing protocol, and community resources available. They will either answer any questions you have directly or help find someone who can.

- ***Court preparation***

Every Legal Network client may attend a court preparation session during the week before their hearing. These sessions will 1) inform you about how to locate the court, 2) give you tips on parking and childcare, 3) discuss security issues, 4) discuss expectations of the judge, proper dress attire, and 4) answer additional questions that you may have. Our Court Advocates may be available to attend the court preparation session with you.

- ***Follow-Up***

Our Court Advocates will contact you through a safe phone number or email address after your hearing to ensure that you are still safe and to inquire about any additional services that you may be interested in.

NOTE: Court Advocates and other support people ***can not participate in the hearing*** or offer you legal advice. Their role is simply to offer you support and non-legal assistance.

COURT LOCATIONS

There are 5 different locations for Family Courts in San Diego County⁸⁶:

1. Family Court – 1555 Sixth Ave., San Diego, CA 92101; (619)450-7777
2. Madge Bradley – 1409 Fourth Ave., San Diego, CA 92101; (619)450-7575
3. East County Regional Center–250 East Main St., El Cajon, CA 92020; (619)456-4100
4. North County Regional Center – 325 South Melrose, Vista, CA 92081; (760)201-8600
5. South County Regional Center – 500 3rd Ave., Chula Vista, CA 91910; (619)746-6200

To identify the court in which you should file your TRO request, use the zip code directory at www.sdcourt.ca.gov, click on the Family tab, and click on Filing Your

⁸⁶ You can obtain additional information about each court by visiting www.sdcourt.ca.gov, clicking on the Family tab at the top of the screen, and going to the Locations link.

Case. Generally, however, the court that you live closest to will most likely be the court that you will file with.

Here are some pictures of the Family Court and Madge Bradley buildings to help familiarize you with what the court and courtroom will look like.

Aerial View of Madge Bradley and Family Courthouses:



Family Court:

1555 6th Ave. (between Beech & Cedar), 619-450-7888



Madge Bradley:

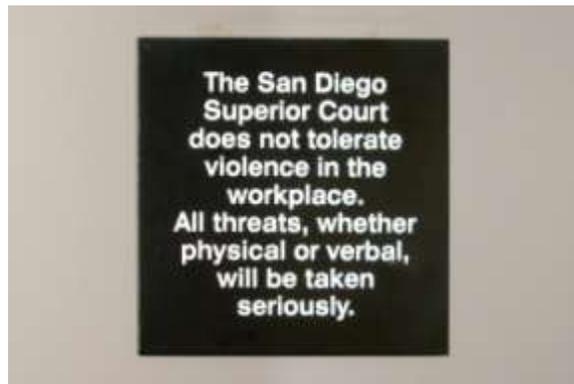
1409 Fourth Ave. (between Beech & Ash), 619-450-7676:



Entrance sign and Building Directory:



Elevator:



3rd Floor Business Office (go here to obtain records, file evidence/court papers):



4th Floor Domestic Violence Clinic (can obtain assistance in filling out forms here):



4th Floor Children's Waiting Room (call courthouse in advance! 619-450-7676):



6th Floor Family Law Court Lobby, Courtroom Entrance and Calendar:





6th Floor Family Courtroom:





WHAT TO EXPECT

On the day of your hearing, your case will likely be one of many cases on the docket for the day. You will need to sit in the courtroom until the judge calls you to the table. On your temporary restraining order (TRO), you will notice the hearing date, time and courtroom on the first page. Be sure to get to the courtroom at least 10 minutes early! Your case may be called right away, or you may need to wait in the courtroom for a few hours.

When the judge calls your name, you will proceed to the petitioner's table. The judge will then begin with your hearing. If the **respondent is present** at the hearing, the judge will likely ask both you and the respondent questions about the abuse and review all papers filed with the court in an attempt to determine whether to grant the Domestic Violence Restraining Order. Be prepared for the respondent to ask for a continuance for any of the following reasons: to get an attorney, respondent is not ready to proceed, respondent has a criminal case pending, or respondent needs additional time to review new evidence. The judge will likely grant the first request for a continuance. If this happens, your TRO will be extended until the next hearing date.

NOTE: If the respondent shows up with an attorney or attempts to discuss new evidence that you have not seen, you can object to the admission of the evidence

and request a continuance to either get an attorney of your own and/or review the new evidence.

If the **respondent does not show up**, the judge will verify that the respondent was served, check to see if any response has been filed, and consider **only** the papers that were filed with the court when granting or denying the order. If the respondent was served and no response was filed, then the judge will likely grant the order.

If the **respondent was not served**, it is important for you to request a reissuance. The court will give you a new form to fill out which you should give to the bailiff after you have completed it. You will receive a new hearing date. The Legal Network can then help you serve the respondent in time for the new hearing.

Here is a list of possible outcomes of your hearing and what you should do for each:

1. Order Granted:

You will be asked to stay after the hearing to obtain a copy of the DVRO. Be sure to keep a copy of the order with you at all times by ensuring that a copy is in your car, purse, child's school, briefcase, workplace, etc. Be sure to mark your calendar for the date when the order will expire and calculate 3 months before that time to consider whether you should ask the court for a reissuance.

2. Order Denied:

You may request a second hearing if you would like another opportunity to plead your case to the court. Regardless, be sure to take additional steps to ensure your safety! We can help with safety planning. Also, please see the Safety Planning section in this manual at page 87.

3. Hearing Continued:

Your hearing may be continued for a number of reasons. Your TRO will be extended until your next hearing. Your hearing will likely be continued if:

- The respondent has not been served. Our Legal Network staff can help you find a way to serve the respondent before your next hearing.
- Additional evidence has been submitted. If either party has not had sufficient time to review new evidence, then the court may continue the hearing until a later date. If you requested the continuance for this reason, take the additional time to look over the new evidence and ask us if you have any questions or would like to file rebutting

evidence (evidence that will challenge the validity of your abuser's new evidence).

- If you have children with the respondent, the judge may continue the hearing and order you to go to mediation (see page 52 below). This likely will happen if the DVRO request concerns the visitation and custody of your children.

TIPS ON COURT ETIQUETTE⁸⁷

- Do not bring your children with you to the hearing. They are not allowed in the courtroom. In an emergency situation where you must bring your children, bring a friend to watch them while you are in the courtroom. If your hearing is in the Family Court in downtown San Diego (on 6th Avenue), there is a Children's Waiting Room that you can use. See the next section below for more information.
- Dress appropriately and professionally for court. For example, do not wear tank tops, see through clothing, jeans, shorts, or thong sandals. Dress as if you were going to church, temple, a funeral or job interview. Here are examples of what is and is not appropriate for court:



- Show appropriate respect for the court while waiting for the hearing. For example, do not chew gum, eat or talk in the courtroom.

⁸⁷ Portions of this section were drawn from the YWCA Legal Advocacy Program Restraining Orders presentation.

- Be on time for the hearing. The judge can make orders without you if you are not on time. Make sure you let the judge know you are present when your name is called.
- During the hearing itself, act in a manner which is respectful. Under no circumstances should you lose control, curse, yell, give dirty looks, argue with the judge or the other party, or do anything inappropriate. If your batterer should accuse you of using drugs, being a bad mother/father, or sleeping with numerous partners, ignore him/her. Do not yell at him/her or respond directly. Focus on the judge and direct your comments to the judge.
- Be aware of your body language! Do not fidget or make unnecessary movements. Sit straight and face the judge directly. Slouching and fidgeting can be distracting to the judge and detract his/her attention from what you are saying.
- When speaking to the judge use “please,” “thank you” and “your honor.” Make sure you speak loudly enough so that the judge can hear you. You can move the microphone close to you before you speak.

CHILD CARE DURING HEARING

As a general rule, you should arrange child care before you come to your hearing. Most courts do not allow children in the courtrooms, although most of the Superior Courthouses in San Diego County have Children’s Waiting Rooms.⁸⁸ If you cannot find outside childcare, you may use the Children’s Waiting Room if your child is at least 2 months old, you are the parent or legal guardian, and if there is available space in the room. The Children’s Waiting Rooms are available on a **first come first served** basis, and can often be at full capacity. If at all possible, it is much better to find other arrangements for your children.

If you are going to use the Children’s Waiting Room, **arrive at least 15 minutes early** to allow time to fill out all necessary paperwork and ensure that your child is properly situated before your hearing.

⁸⁸ There are seven courts that have Children’s Waiting Rooms: Central, North County, East County, South County, Juvenile, Family, and Madge Bradley. For questions, you may contact Julia Meyers, the program manager, at 619-450-7176.



TRANSLATOR SERVICES

Translator services are available to you during your hearing. The initial TRO petition that you filed with the court likely indicated the need for an interpreter. Regardless, you should call the court that is handling your case in advance (at least 1 day before your hearing) and notify them that you will need an interpreter for your hearing. The phone numbers for all of the Family Courts in San Diego County are listed on page 39. Additionally, you should tell the bailiff when you check in that you need an interpreter.

The courts offer interpreters in many different languages beyond Spanish. If they do not have an interpreter on site that speaks your language, they will bring somebody in specifically to interpret for you. It is very important for you to notify the court ahead of time so that arrangements can be made for your hearing.

HOW TO PREPARE FOR THE HEARING

It is very important for you to thoroughly prepare for your hearing. Being prepared will ease feelings of anxiety and will allow the hearing to run more smoothly. Here is a list of things that you should do before your hearing to be sure that you are adequately prepared:

BEFORE HEARING:

1. **Create a folder with copies of your TRO**, proof of service, and any exhibits (supporting evidence) that were either attached to your petition or filed separately.
2. **Read your declaration and review your exhibits** so that all of the information is fresh in your mind for the hearing.
3. **Identify a support person** for the hearing (either through our Court Support Program, see page 38, or a close friend or family member that you trust). Make a plan for where and when you will meet up with the support person before your hearing.
4. If you have children, make a **plan for childcare** during the hearing. If you need to use the Children's Waiting Room, call the court to ensure that your child meets the requirements and that they will be open on the day of your hearing.
5. If at all possible, **go to court and observe other hearings** before the day of your hearing. This will familiarize you with the hearing process.
6. **Plan in advance what you will wear** to your hearing.
7. **Plan to be at court for 3 hours**. You may need to notify your employer ahead of time.
8. Get plenty of rest, drink lots of water, and eat properly.
9. **Avoid contact with your abuser!**

ON THE DAY OF YOUR HEARING:

1. Do not be under the influence of drugs or alcohol.
2. **Be prepared to be searched** (no weapons or pepper spray are allowed in court).
3. Take a **support person** with you.
4. **Bring cash for public parking** (probably at least \$8.00).
5. **Arrive early**, we recommend that you arrive at least 30 minutes before your hearing (earlier if you have children who need to be dropped off at the Children's Waiting Room).
6. Sit away from your abuser. **Report any direct contact from your abuser** to a bailiff (any of the sheriffs in uniform in the courthouse).
7. Remember to bring your court packet that contains copies of your paperwork.
8. **Bring a bottle of water**.

CHAPTER 5 - MEDIATION⁸⁹

Mediation is a process through which you and your abuser will negotiate an agreement regarding custody and parenting issues with the help of a professional mediator. The mediators in San Diego County are experienced Family Court Counselors who have specialized training in conflict resolution, parenting, child development, domestic violence, substance abuse, and child abuse and neglect.

In San Diego County, mediation is handled by Family Court Services (FCS, a division of the Family Court) or, if you can afford it, by a private mediator. The main concern in mediation is the *best interest of the child*. Do not bring up child support/money issues. If you do not agree with the father/mother of your child about custody and visitation, you will be required to attend mediation. The mediator will try to help you and the child's father/mother reach an agreement. Do not sign an agreement unless you really do agree with it. It is very difficult to change it after you agree. If you do not reach an agreement, the mediator will make a recommendation to the court. This recommendation will probably be made into an order by the judge. Mediation is your opportunity to tell the court what you believe is in your child's best interest and why.

The mediator is NOT your advocate or counselor. The mediator is a court employee and is assigned by Family Justice Court Services to listen to your parenting plan and that of the child's other parent. The primary job of the mediator is to help the parents reach an agreement about custody and visitation. If there is no agreement, as is often the case in domestic violence situations, the mediator will make a recommendation to the court.

TIPS

Do I have to go in with my abuser?

As a victim of domestic violence you are entitled by law to see the mediator separately and to have a support person accompany you in mediation. The support person may not talk or interfere with the mediator. When you make your appointment or when you arrive, let the clerk know that you want separate mediation. If you feel pressure, you can ask to speak to the mediator's supervisor.

⁸⁹ Adapted from the YWCA of San Diego County's Legal Advocacy for Domestic Violence Victims Manual and from information available at www.sdcourt.ca.gov. For more information on mediation, please go to www.sdcourt.ca.gov, click on the Family Tab and then go to the Custody & Visitation Mediation link.

Appointments

Arrive 10 minutes early to relax and organize your thoughts. Mediation can take up to a few hours. If the abuser is intimidating you, avoid eye contact or talking with him. You can also let the clerk or bailiff know you have a restraining order and that he is harassing you.

Spanish Speaking Mediator & Interpreter

Call the Mediator Office as soon as possible and let them know if you need an interpreter or Spanish-speaking mediator. Here is the contact information for all FCS locations in San Diego County:

- San Diego, (619) 450-7888 1555 Sixth Avenue San Diego, CA 92101
- El Cajon, (619) 456-4181 250 E. Main St. El Cajon, CA 92020
- Vista, (760) 201-8300 325 S. Melrose Drive, Vista, CA 92081
- South County, (619) 746-6097 500 Third Ave., Chula Vista, CA 91910

Declaration

You may give the mediator the declaration contained in your restraining order application only ***if it was properly served and is accompanied by a cover letter and proof of service.*** The mediator does have access to your court file, but does not have to read it or any other documents.

Prepare a Parenting or Visitation Plan

It is important to have a specific visitation plan in writing so you, the other parent and the police if need be, are clear on when and with whom the child is supposed to be. See the Child Custody Options Checklist below at page 54 to assist you in preparing a visitation plan.

About Yourself

Make sure you explain why it is in the best interest of the child for your parenting plan to be implemented. You may want to point out that you are:

- The primary caretaker for the child
- Providing good housing and quality day care
- Involved with the child's education
- Providing stability for your child

If you have issues that might affect your credibility with the mediator make sure you show how you have changed. Examples are:

- Attending AA meeting
- In counseling or taking parenting classes
- Tested clean for drugs and dates of last test
- Enrolled in school or employed

MEDIATION SUPPORT

As a DV victim, you have the right to have a support person of your choice accompany you to mediation.⁹⁰ This can be a close friend, family member, or someone that you trust. A mediator may, however, exclude a support person from a mediation session if the support person participates in the mediation session, acts as an advocate, or is disruptive. The presence of the support person does not waive the confidentiality of the mediation, and the support person is bound by the confidentiality of the mediation.

CHILD CUSTODY OPTIONS CHECKLIST

You can use this checklist to assist you in preparing a visitation plan for your mediation session. Read the questions, consider what answer will be in the best interest of your child, and then check the appropriate boxes. It may be helpful to make notes about the reasons why each answer is in the best interest of your child.

a) Legal Custody- Who is to make decisions about child`s schooling, medical needs, etc.?

- Legal Custody to Mom because Dad:
 - abuses, endangers or neglects child (Child Welfare Services involved)
 - has history of DV
 - has criminal record
 - has threatened to take children away
 - abuses drugs or alcohol
 - other
- Joint-Legal Custody

b) Physical Custody - Where is the child going to live?

- Primary Physical Custody to victim: Kids live with victim.
- Visitation to other parent
 - Unsupervised Visitation: Other parent can be alone with kids.
 - Supervised Visitation: Other parent not to be alone with kids.
 - Nonprofessional supervision: Family or friend to supervise visits.
 - Professional supervision: Visits take place at local social service agency.

⁹⁰ FC 6303(c)

- No Visitation to other parent⁹¹
- Parent of custody to move with kids out of the county or state.

c) Transportation/Exchange

- Pick-up/Drop-off at victim`s location; abuser remains outside (curb side exchange).
- Pick-up/Drop-off at abuser`s location.
- Pick-up/Drop-off at home of family member or friend or at child`s school.
- Pick-up/Drop-off inside police station (during business hours only).
- Pick-up/Drop-off to be professional supervised (supervised exchanges).

d) Safety Issues

- Abuser to wait at pick-up/drop-off location for 15 minutes after victim leaves with kids.
- Abuser to take Batterer`s Counseling/Anger Management.
- Abuser to undergo drug and/or alcohol treatment and/or provide proof of negative drug/alcohol test.
- Abuser and/ or victim take Parenting Classes
- Abuser must not travel outside of San Diego County with the kids/to Mexico with the kids.
- Abuser must not be left alone with the kids (supervises visitation).
- Victim`s home address to remain confidential and not known to abuser.
- Abuser must not drive with kids
- Abuser to learn proper car seat procedure at police station prior to driving with kids.

e) Financial Issues

- Abuser to pay for supervised visitation/supervised exchanges.
- Mom and Dad to share costs of professional supervision/exchanges

f) Visitation Schedule

- Abuser to visit with kids one night during week 5-8 p.m. and every other weekend.
- Abuser to visit with kids on weekend from 9 a.m. Saturday to 5 p.a. Sunday.
- Abuser to visit with kids during week; Abuser pick up kids from school.
- Abuser to have or not to have overnight visits.
- Address holidays, birthdays and special occasions.

g) Restraining Orders

⁹¹ FC 3044: In California, there is a presumption that the non-abusing parent (the victim) having sole custody of the child is in the child`s best interest. This presumption, however, can be rebutted if your abuser provides the proper evidence to show that you are an unfit parent. Please talk to our Legal Network Staff for more information.

- Domestic Violence Restraining Order is in effect against abuser.
- Criminal Stay-Away-Order is in effect against abuser.
- Children are protected by a restraining order.

CHAPTER 6 - CHILD WELFARE SERVICES⁹²

This section will discuss ways in which Child Welfare Services (CWS) may become involved in your case, mandated reporting laws, and ways to ensure that you meet the requirements of CWS if they are involved. For more general information about CWS, please visit http://www.sdcounty.ca.gov/hhsa/programs/cs/child_welfare_services/.

HOW CWS BECOMES INVOLVED IN A DV CASE

CWS becomes involved in a DV case after a referral to the Child Abuse Hotline has been made. A “referral” is when a person calls the Hotline to report that he/she has suspicions that a child has been physically, emotionally, psychologically, or sexually abused. The referral can be made by anybody, although frequently mandated reporters are the source of the calls. More information on mandated reporters is found on page 58.

California’s definition of child abuse includes instances where children observe domestic violence in their homes.⁹³ Children witnessing DV is considered emotional abuse because of the harmful emotional/psychological effects that this can have on children’s development and because other types of abuse are frequently present in families experiencing DV.

Once a referral has been received by the Child Abuse Hotline, social workers or law enforcement will investigate whether a CWS case should be opened. If the initial investigation supports the suspicions of abuse, then CWS will officially open a case and immediately begin intervening with the family.

WILL MY CHILDREN BE REMOVED?

The goal of CWS is to keep children with their families if possible. However, if parents do not take adequate steps to remove the risk of abuse then CWS will remove children as a last resort to protect them. Thus, it is imperative that you cooperate with the social worker that is assigned to your case and actively work to create a safe and healthy environment for your children. As a DV victim you

⁹² Information for this section was drawn from the California Department of Social Services Office of Child Abuse Prevention’s booklet entitled *The California Child Abuse & Neglect Reporting Law*, and the San Diego County Child Welfare Service’s Powerpoint presentation entitled *Child Abuse Mandated Reporter Training*.

⁹³ See PC 11166.05

may be deemed “unfit” (i.e., incapable of providing a safe and healthy environment for your children) if your abuser continues to be largely present in their lives. Thus, you may have to work with your social worker to determine the appropriate steps that you must take to show that you are capable of protecting your children. If your social worker does not feel like you can achieve this, then he/she may recommend that your children be removed until the risk of abuse is removed.

MANDATED REPORTING LAWS

A “mandated reporter” is someone who is required by law to report suspicions of child abuse to the CWS Child Abuse Hotline. If a mandated reporter fails to report reasonable suspicions of abuse, he/she will face criminal penalties.⁹⁴ A mandated reporter must report all reasonable suspicions of abuse when acting within the scope of their jobs (i.e., when they are at work or providing services).

Here is a list of people who are mandated reporters (and therefore must report suspicions of child abuse)⁹⁵:

- School Employees (teachers, administrators, etc.)
- Childcare Providers
- Health Practitioners (doctors, nurses, etc.)
- Therapists/ Counselors
- Law Enforcement Officers
- Clergy (spiritual advisors)
- Court Appointed Special Advocates
- Child Visitation Monitors
- Social Services Employees (social workers)
- Firefighters
- Animal Control Officers
- Commercial Film and Photo Processors

MEETING CWS REQUIREMENTS

If CWS has opened a case on your family, you (as the non-abusing parent) will be required to remove the risk of further abuse before CWS will close your case.

⁹⁴ PC 11165

⁹⁵ PC 11165.7

You will need to actively work toward meeting CWS requirements and be respectful and cooperative with the social worker. The social worker will require different things depending on the unique circumstances of your case. However, frequent requirements include living away from the abuser, obtaining a restraining order against the abuser, and seeking counseling for yourself and your children. The Family Justice Center can assist you in meeting many of these requirements.

CHAPTER 7 - DIVORCE, CHILD CUSTODY, AND OTHER CIVIL LEGAL ISSUES

This section will discuss various other legal issues that are commonly experienced by DV victims. If you have further questions about these issues, or are in need of services to address these issues, our staff can provide you with the appropriate referrals.

DIVORCE AND SEPARATION⁹⁶

If you are married to your abuser, and are trying to leave him/her, you may decide that you want to get a legal separation or dissolve the marriage (get a divorce). This section will discuss some basic information about obtaining a divorce in San Diego County. It will also discuss the difference between divorce and a legal separation. It is highly recommended that you get the assistance of an attorney to assist you with either process. Our office can refer you to attorneys who can assist you pro bono (for free) or on a sliding fee scale if needed.

LEGAL SEPARATION V. DIVORCE:⁹⁷ Legal separation is when a married person wishes to completely separate from the spouse (live apart, divide property, etc.), but not completely dissolve the marriage. A divorce is when a married person wishes to completely end the marital relationship and be restored to single status.

DIVORCE ELIGIBILITY: To be eligible to get a divorce you must be a resident of California for 6 months prior to filing for divorce. Additionally, you must be a resident of San Diego County for 3 months prior to filing.

DIVORCE PROCESS: The divorce process can be time consuming and confusing. Here is a list of the different steps that may be involved in a divorce:

1. Prepare dissolution petition/forms
2. File with Family Court Filing Office (usually the business office)
3. Pay filing fee or fill out fee waiver request

⁹⁶ Some information in this section about divorce eligibility and process came from the YWCA of San Diego County Legal Advocacy Program's presentation entitled *General Training on DV and Legal Issues for Community Agency Staff and Volunteers*. For more information, please go to www.sdcourt.ca.gov, or come in to our office.

⁹⁷ For more information, please go to www.sdcourt.ca.gov and click on the Family tab at the top of the screen. Then click on Divorce & Paternity.

4. The respondent (your abuser) is personally served with the dissolution petition
5. Respondent files a response with the court
6. The Court holds a hearing for child custody, visitation and support (if applicable)
7. You may be ordered to attend mediation to determine custody and visitation matters
8. Parties prepare and serve Preliminary Declarations of Disclosure
9. Case Classification Conference
10. Case Management Conference
11. Settlement conference and/or Trial

COMPLETING THE DISSOLUTION PETITION: This is the first step toward getting a divorce. All of the forms necessary to file for divorce are available on the San Diego Courts website at www.sdcourt.ca.gov (click on the Family tab at the top of the page, then Divorce & Paternity). You will need to file the following forms:

- **Petition** (Form # FL-100): This is the form that notifies the courts that you want a divorce from your spouse. You will have to provide information about the date when you were married, any children you have with your spouse, all property that you own with your spouse or by yourself, and the reason why you want a divorce.
- **Summons** (Form # FL-110): This will be served on your spouse and will notify him/her that he/she has 30 days to respond to your petition. It also will include restraining orders that are automatically binding on both spouses (concerning each spouse's ability to move children, transfer funds and property, etc.). Note, however, that if you are fearful of your spouse, you also may want to pursue a domestic violence restraining order (DVRO, see page 25).
- **Certificate of Assignment** (Form # D-49): This form tells the court that you are within the jurisdiction of the court (that you or your spouse reside within San Diego).
- **Declaration under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)** (Form # FL-105): This form is filled out only if you have children with your spouse.

FILING THE PETITION/FORMS WITH THE COURT: You should make **2 additional copies** of all of the forms listed above. Bring the originals and 2 copies to the court for filing. There is usually a **\$350** fee to file the petition. If you are unable to pay the filing fee, you may complete an **Application for Waiver**

of Court Fees and Costs (Form # FW-001). You will be required to provide information regarding your income and financial status.

The court will take the originals and stamp the 2 copies of the forms. One set of copies is for your records, and the other set is to serve on your spouse.

SERVING YOUR ABUSER/SPOUSE: You must serve a copy of all of the forms on your spouse. You also must serve him/her with a blank **Response** (Form # FL-120). If children are involved, you must also include a blank **UCCJEA** form (Form # FL-105 – see above). A person who is over 18 years old and who is not involved in the case must serve the papers on your spouse. You then must provide the court with **Proof of Service of Summons** (Form #FL-115). This form must be filled out by the person who served the papers on your spouse.

ITEMS TO PREPARE BEFORE MEETING WITH YOUR ATTORNEY: We highly recommend that you get the assistance of an attorney if you are seeking a divorce or legal separation. When you meet with the attorney, you will need to have certain information on hand:

- Financial Records (bank records, account numbers, check books, bank book, etc.).
- Pay Stubs and W-2s for both you and your spouse.
- Copy of previously filed joint tax returns (you can request this from the IRS – Form 4506).
- List of all debts.
- List all real estate and personal property (copies of deeds to houses, cars, boats, etc.)
- Copies of all insurance policies

NOTE: If you think that you may want a divorce in the future, you should go ahead and start collecting as many of the items listed above as you can. Then, put all of the documents in a safe place (like a safe deposit box), where you can access them easily in the future.

CHILD CUSTODY

Here is a list of legal terms⁹⁸ that relate to child custody:

- **Visitation:** The designated time in which the non-custodial parent shall have responsibility of the children.

⁹⁸ This list was obtained from www.sdcourt.ca.gov, on 1/6/10.

- **Legal Custody:** The rights and responsibilities of parents to make decisions relating to the health, education and welfare of their children.
- **Joint Legal Custody:** Both parents share in the right and responsibility to make decisions relating to the health, education and welfare of a child.
- **Sole Legal Custody:** One parent has the right and responsibility to make decisions relating to the health, education and welfare of a child.
- **Physical Custody:** How much time the children spend with each parent; where the children live; how day-to-day responsibilities are fulfilled.
- **Joint Physical Custody:** Children spend a significant amount of time with each parent

If you and your abuser have joint custody over your children, you may want to consider filing with the court for sole custody/supervised visitation rights. You can also ask the court to modify currently existing custody/visitation schedules. The court will award custody/visitation as it sees fit to ensure the best interests of the child. The Court may refer you to mediation to determine an appropriate custody/visitation plan. For more information on mediation, please see page 52.

You will have to make a motion with the court by filing an **Order to Show Cause** (OSC). We recommend obtaining assistance from an attorney for help with this process, and we can provide appropriate referrals to you. However, all of the forms necessary are available online. The following forms must be filed with the court⁹⁹:

- **Order to Show Cause** (Form #FL-300)
- **Application for Order and Supporting Declaration** (Form #FL-310)
- **Attached Declaration** (Form #MC-031)
- **Family Court Services Screening Form** (Form #FCS-046)

CHILD/SPOUSAL SUPPORT

If you would like to change existing child or spousal support orders, you can make a motion with the court to do so. This process is very similar to that of changing a child custody/visitation schedule (see above). You will have to file an Order to Show Cause with the court. The assistance of an attorney is recommended, and we can give you referrals to attorneys that may be able to help you. All of the necessary forms, however, are available to you online at

⁹⁹ You can download copies of all of these forms by going to www.sdcourt.ca.gov, clicking on the Family tab at the top of the screen, and then clicking on the Forms link.

www.sdcourt.ca.gov. Here is a list of the forms that you will need to file with the court to change child/spousal support:

- **Order to Show Cause** (Form #FL-300)
- **Application for Order and Supporting Declaration** (Form #FL-310)
- **Attached Declaration** (Form #MC-031)
- **Income and Expense Declaration** (Form #FL-150 – plus you will need to attach copies of your pay stubs for the last 2 months and prove your year-to-date income.

IMMIGRATION SERVICES¹⁰⁰

If you are an immigrant and are either in the country legally through a relative petition made by your abuser (who is either a U.S. citizen or permanent resident), or you are present illegally, there are options for you to obtain legal status without the assistance of your abuser. Our staff can refer you to legal resources in the community to assist you in pursuing the following options:

VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONS:

If you meet the eligibility guidelines, you may file a self-petition to obtain permanent resident status without the knowledge or cooperation of your abuser. To be eligible, show that you are of good moral character, you are married or formerly married to a citizen or permanent resident, and that the citizen or permanent resident subjected you to battery or extreme cruelty. If you have experienced psychological abuse, you may still be eligible to apply for a self-petition.

VAWA CANCELLATION OF REMOVAL:

This option is available to DV victims who are in the removal (deportation) process. If approved, this process suspends deportation to allow the DV victim to obtain lawful permanent resident status. To be eligible for cancellation of removal, you must show that you have resided continuously in the U.S. for 3 years, you are of good moral character, you or your child would suffer extreme hardship if returned to your country, and you were subjected to battery or extreme cruelty by a citizen or lawful permanent resident.

¹⁰⁰ The information in this section was drawn from the following sources:

Shetty, S. & Kaguyutan, J. (2002, February). Immigrant Victims of Domestic Violence: Cultural challenges and available legal protections. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence/Pennsylvania Coalition Against Domestic Violence. Retrieved 1/6/10, from: <http://www.vawnet.org>

Pendleton, G. & Sheedy, E. (2009, October, San Diego County Bar Association). *Building Collaborations to Help Immigrant Survivors of Domestic Violence, Sexual Assault & Trafficking* (powerpoint presentation).

U VISA:

If you do not qualify for either the VAWA self-petition or cancellation of removal, you may be able to obtain permanent resident status by filing for a U Visa. The U Visa may be available to you if you have suffered substantial physical or emotional injury as a result of crimes committed against you in the U.S. You should consider the U Visa if you were abused by your boyfriend/girlfriend, spouse, or work-visa holder. A law enforcement official must certify that you have been helpful or are likely to be helpful in an investigation or prosecution of the crime. Only a limited number of U Visas are awarded each year. Your U Visa will be effective for 4 years, and you will be able to apply to become a permanent resident after living in the U.S. for 3 years.

GENDER-BASED ASYLUM:

You may apply for gender-based asylum in the U.S. if you fear that returning to your country will result in persecution for one of 5 reasons: your 1) race, 2) religion, 3) nationality, 4) political opinion or 5) social group (i.e., gender). You must show that your fear of persecution is clearly connected to one of these 5 reasons.

CHAPTER 8 - INFORMATION ABOUT THE CRIMINAL LEGAL SYSTEM

If your abuser is being criminally prosecuted for domestic violence, then you have the right to be present during all of your abuser's criminal hearings. Additionally, the prosecuting attorney may ask you to be a witness and testify or make a statement during the hearing. Even if you are not participating in the hearing, you may attend and observe the hearing.

This section will tell you about court locations, criminal process regarding your abuser's hearings, court services available to you, and other information about the criminal legal system.

COURT LOCATIONS

There are four criminal court locations in San Diego County. Information about each location is provided below:

DOWNTOWN (CENTRAL COURTHOUSE):

Address: 220 W. Broadway, San Diego, CA 92101

Business Offices (open 8:30 am – 3:30 pm, excluding court holidays):

Misdemeanors – First Floor, Room 1001

Records, Felonies – Second Floor, Room 2005

Mental Health, Appeals – Third Floor, Room 3005

Phone:

Domestic Violence – 619-450-5600

Felonies and Misdemeanors – 619-450-5400

Fine Payment – 619-450-7153

Note: More information about the Central Courthouse is available in the next section.

EAST COUNTY REGIONAL CENTER:

Address: 250 East Main Street, El Cajon, CA 92020

Business Office: 1st floor (open 8:30 am – 3:30 pm, excluding court holidays)

Phone: 619-456-4100

NORTH COUNTY REGIONAL CENTER:

Address: 325 South Melrose, Vista, CA 92081

Business Office: First Floor, Suite 500 (open 8:30 am – 3:30 pm excluding court holidays)

Phone: 760-201-8600

SOUTH COUNTY REGIONAL CENTER:

Address: 500 3rd Avenue, Chula Vista, CA 91910

Business Office: Second Floor (open 8:30 am to 3:30 pm, excluding court holidays)

Phone: 619-746-6200

CENTRAL COURTHOUSE INFORMATION

The Central Courthouse can be very confusing. This section will discuss parking and tell you where to go if you need additional assistance in the courthouse.



PARKING INFORMATION:

There are multiple pay lots just north of the courthouse (ranging from \$10 - \$20 for the day). Unfortunately, free parking is not close by. Two hour metered parking is also available on the streets (you will need \$1.25 in quarters for every hour). If you park at a meter, be sure to watch the clock to make sure that you do not run over the 2 hour time limit without putting more money in the meter!

WHERE TO GO FOR MORE INFORMATION:

The Information Desk (located directly beyond the entrance to the courthouse) is always staffed with a sheriff who can answer any questions that you may have. The sheriff can help you find the appropriate courtroom, and direct you to other departments as necessary. If you are confused, do not hesitate to go to the Information Desk or ask any sheriff for assistance.

This section will explain the different steps that are involved in the criminal process, including all of the hearings that are typically involved. As a DV victim, you are entitled to be present (and often to make a statement) at several of your abuser's hearings.

PROCESS FOR MISDEMEANORS:

1. Arrest
2. Defendant (your abuser) is taken to jail, then either:
 - a. Defendant posts bail and is released,
 - b. Defendant is released with date for future hearing, or
 - c. Defendant remains in custody until court hearing (arraignment).
3. Arraignment
 - a. Defendant is informed of the charges,
 - b. Defendant is advised of his/her constitutional rights,
 - c. Defendant is appointed an attorney,
 - d. A plea is entered (Not guilty, Guilty, No Contest), and
 - e. Bail is set or Defendant is released pending next hearing.
4. Pretrial/Readiness Hearing
 - a. Discovery (information) is exchanged between both sides,
 - b. Pretrial motions may be filed, and
 - c. Defendant's plea may be changed.
5. Trial (either jury trial or bench trial with no jury)
 - a. Defendant is either found not-guilty and released, or
 - b. Defendant is found guilty and arrangements are made for sentencing.
6. Sentencing for misdemeanors can include probation, court ordered programs, county jail term of one year or less, or maximum of \$6,000 fine.

PROCESS FOR FELONIES:

1. Arrest is made.
2. Defendant (your abuser) is taken to jail, where he/she is either
 - a. Released with no charges,
 - b. Released after posting bail until future court date,
 - c. Released without bail until future court date, or
 - d. Remains in custody until court date.
3. Arraignment
 - a. Defendant is informed of charges,

¹⁰¹ The information for this section was drawn from the San Diego Superior Court website, www.sdcourt.ca.gov, on 1/7/2010.

- b. Defendant is advised of his constitutional rights,
 - c. Defendant is appointed an attorney,
 - d. A plea is entered by defendant (either not guilty, guilty, or no contest), and
 - e. Bail is set, and defendant is remanded to custody, or defendant is released without bail until future court date.
4. Preliminary Hearing
- a. Prosecuting agency files an information document,
 - b. Judge determines if there is sufficient evidence to hold the defendant for trial.
5. Readiness Conference
- a. Discovery (information) is exchanged between both sides,
 - b. Pretrial motions may be filed, and
 - c. Defendant's plea may be changed to Guilty or No Contest.
6. Trial (either jury trial or bench trial with no jury)
- a. Evidence is tried by either the jury or the judge,
 - b. The defendant is found either guilty or not guilty,
 - c. If the defendant is found guilty, the defendant is either sentenced immediately or a date is set for sentencing.
 - i. Sentencing for felonies can be for probation, local custody, state prison, or death.
 - d. If the defendant is found not guilty, the defendant is released.

ADVOCATE SERVICES

Both the City Attorney's and District Attorney's office will provide a Victim/Witness Advocate to assist you during your abuser's prosecution.¹⁰² The advocate will be able to explain the court process to you, provide updates about your abuser's case, and connect you with other services available.

If your abuser is being prosecuted for a felony, your advocate will be provided by the District Attorney's office. If your abuser is being prosecuted for a misdemeanor, your advocate will be from the City Attorney's office. Here is the contact information for both offices:

City Attorney's Office (DV Unit): 619-533-5500
District Attorney's Office: 619-531-4041

¹⁰² This service is subject to certain limitations. For example, an advocate will not be provided if a victim is hostile to the prosecution (not willingly answering questions or being forthright).

INTERPRETER SERVICES

Interpreter services are available to you during your abuser's criminal proceedings if you are participating in some way (i.e. testifying or making a statement). You can request interpreter services from the attorney prosecuting your case and from the Victim Advocate who is working with you.

CHILDREN'S WAITING ROOM

If at all possible, you should arrange child care before coming to the courthouse. However, the courthouse will likely have a Children's Waiting Room available for parents/legal guardians of children who cannot make other arrangements for childcare. This service is available on a **first come first served** basis, and limited space is available. Your child must be at least 2 months old to be eligible to stay in the Children's Waiting room. For more information, you may contact the program manager (Julia Meyers) at 619-450-7176.

There are seven court locations with Children's Waiting Room locations in San Diego County: Central (Downtown), East County (El Cajon), North County (Vista), South County (Chula Vista), Juvenile Court, Family Court and Madge Bradley.

Note: The Children's Waiting Room in the **Central Courthouse** is located on the 4th floor of the South Tower in room 4002.

MARSY'S LAW

Marsy's Law (also known as the Victim's Bill of Rights) guarantees all crime victims certain rights and protections. A list of these protections is located in section 1 of the *Rights After Your Abuser Has Been Arrested* portion of this manual, page 10.

INFORMATION AVAILABLE ON THE INTERNET

A lot of information about the criminal system, the San Diego courts, and specific cases is available on the internet. Listed below are steps to find information that you may be interested in:

DATE, TIME AND LOCATION OF YOUR ABUSER'S HEARINGS:

1. Go to www.sdcourt.ca.gov
2. Click on "Court Calendar" (in the Quick Links area on the screen), there is a picture of a calendar next to the link.

3. Click on the “Calendar Search” at the top left corner of the screen
4. Check “Criminal” for the Division
5. Enter your abuser’s **last name** in the “Party” section
6. Click “Start Search”
7. The date, time, and courtroom of your abuser’s hearings will appear on the next screen

TO FIND OUT WHETHER YOUR ABUSER IS IN JAIL:

1. Go to www.sdsheriff.net
 2. Click the “Who’s In Jail” link in the gray section of the screen
 3. Enter your abuser’s last name
 4. Click “Look Up”
 5. Browse the names until you locate your abuser’s name
 6. Click on your abuser’s name for more information
- *Note: You can register with the sheriff’s office to be notified of changes in your abuser’s status (i.e., if he/she is scheduled for release) by clicking on the “Register with VineLink” option (see more about VINELink below).

TO FIND OUT WHETHER A RESTRAINING ORDER OR PROTECTIVE ORDER HAS BEEN SERVED ON YOUR ABUSER:

1. Go to www.sdsheriff.net
2. Click the “Restraining Orders” link in the gray section of the screen
3. Enter your abuser’s last name
4. Click “Look Up”
5. Browse the names until you find your abuser’s name. The date that the order was served will be listed.
6. Click on your abuser’s name for more information

EXPIRATION DATE OF RESTRAINING ORDER OR PROTECTIVE ORDER:

1. Follow the same steps as above, the expiration date will be listed as well.

VICTIM’S SERVICES AVAILABLE/NOTIFICATION OF ABUSER’S RELEASE REGISTRATION (VINE):

1. Go to www.sdsheriff.net
2. Click on “Victim’s Services” in the gray section of the screen
3. You will see a list of services that are available to you as a victim of domestic violence, including steps to register with VINE (Victim Information and Notification Everyday) to be notified of changes in your abuser’s status, including release dates. You can register with VINE for free.

*Note: You can also register with VINELink (the online version of VINE), which will send you timely notifications concerning your abuser's status by email, text message, or phone. VINELink is a free service! You can learn more about VINELink by visiting www.vinelink.com or calling 1-877-411-5588. You can also see a video demonstration at <http://www.appriss.com/VINEDemo.html>.

MORE INFORMATION ABOUT VINE¹⁰³:

- Your abuser will not know that you are registered with VINE.
- VINE stands for Victim Information and Notification Everyday. By registering with VINE, you will be notified if your abuser is in jail, is being released or transferred, or escapes.
- When you register, you will need to enter a four-digit Personal Identification Number (PIN). Make sure you use a PIN that you will remember easily, and keep your PIN recorded in a safe place. VINE will ask for the PIN when it calls you.
- If you are not home, VINE will leave a message on an answering machine or continue to call for up to 48 hours.
- VINE calls automatically when your abuser's custody status changes. As a result, you may be called in the middle of the night.
- You can leave more than one phone number with VINE.
- Incorporate VINE into your safety plan. Do not rely on VINE alone to protect you.

¹⁰³Information in this section was obtained from the VINE brochure by the California State Victim Notification Service.

CHAPTER 9 - DOMESTIC VIOLENCE INFORMATION

This section will discuss general facts and statistics about domestic violence, explain the Power and Control wheel, discuss dangers and symptoms of strangulation, and aid you in completing a risk assessment and safety plan. Our Legal Network Staff can answer any further questions that you may have about domestic violence generally or about the specifics of your situation.

FACTS AND STATISTICS¹⁰⁴

Domestic Violence is defined as “the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior perpetrated by an intimate partner against another.” Emotional abuse, controlling behavior, and psychological abuse are often present. Domestic violence often occurs in multiple generations in the same family, and has lasting psychological and physical effects on victims.

Domestic violence knows no boundaries. It affects people of all races, cultures, religions, socio-economic statuses, and sexual orientations.

¹⁰⁴ The information in this section was drawn from the National Coalition Against Domestic Violence (NCADV) handout entitled *Domestic Violence Facts*.

IMPORTANT STATISTICS:

Generally:

- 1 in 4 women will experience DV
- 1.3 million women are estimated to be victimized by an intimate partner each year
- 85% of DV victims are women
- Females between the ages of 20-24 are at the greatest risk of nonfatal DV
- Most cases of DV are never reported to the police
- 1 in 6 women and 1 in 33 men have experienced an attempted or completed rape
- Sexual assault or forced sex occurs in around 40-45% of battering relationships
- 1 in 12 women and 1 in 45 men have been stalked
- 81% of women stalked by a current or former partner are also physically assaulted by that partner

DV and Children:

- Witnessing DV between parents is the strongest risk factor of transmitting violent behavior between generations
- Boys who witness DV are twice as likely to abuse their own partners
- 30-60% of abusers also abuse children in the household

Homicide and Injury:

- Almost 1/3 of female homicide victims reported in police records are killed by an intimate partner
- Less than 1/5 of victims reporting an injury from DV sought medical treatment
- DV results in more than 18.5 million mental health care visits per year.

Economic Impact:

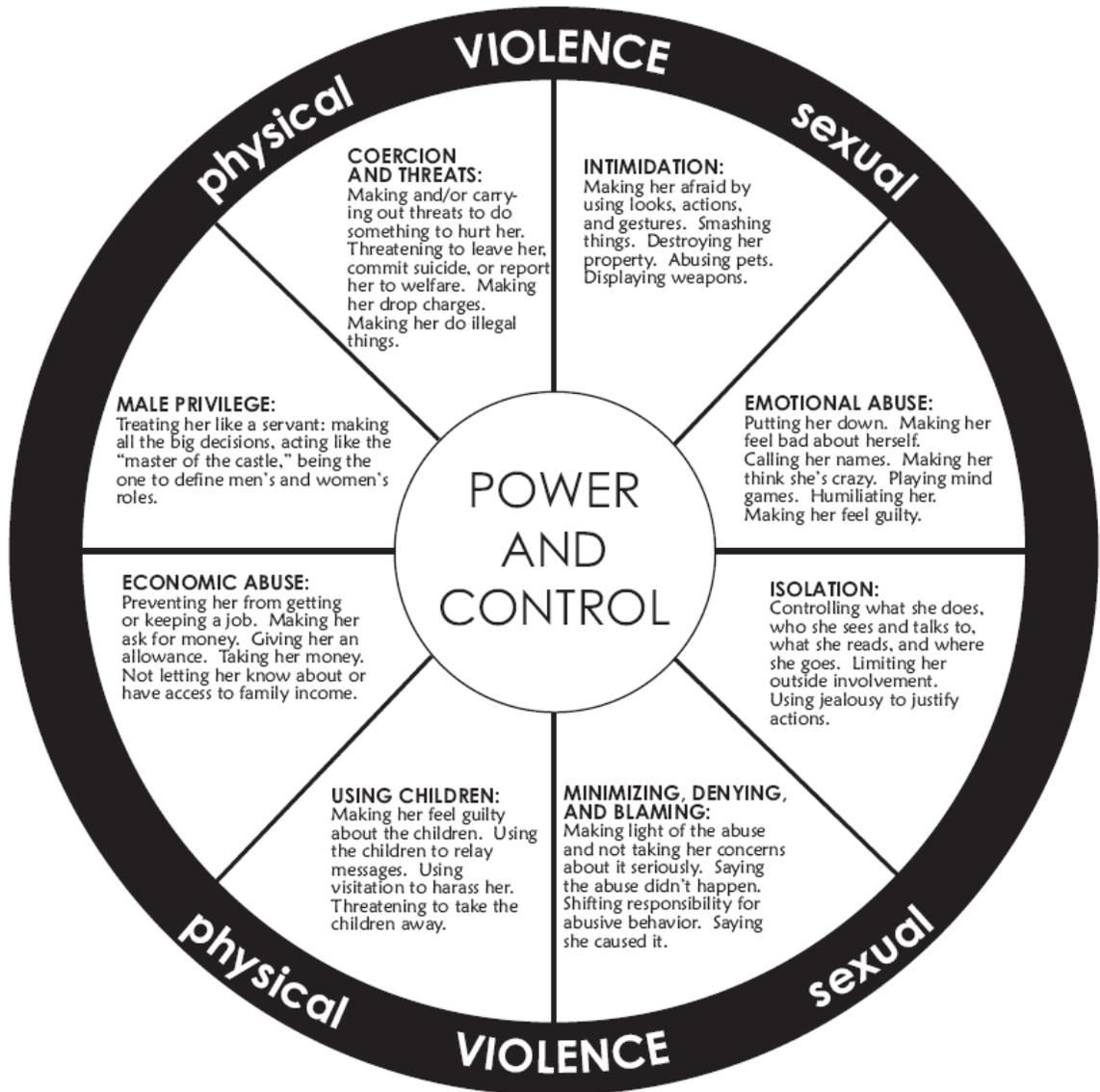
- The cost of DV annually exceeds \$5.8 billion, \$4.1 billion of which is for direct medical and mental health services
- DV victims lose almost 8 million days of paid work annually because of the violence they experience
- There are 16,800 homicides and \$2.2 million medically treated injuries due to DV each year, which costs \$37 billion

Protection Orders:

- About 1/5 of the 1.5 million people who experience DV annually obtain a civil protection order
- About 1/2 of the orders obtained by women are violated
- More than 2/3 of the restraining orders against partners who raped or stalked the victim were violated

POWER AND CONTROL WHEEL

Domestic violence involves many different forms of abuse beyond physical abuse. The Power and Control Wheel¹⁰⁵ (below) is a tool to help identify various types of abusive behaviors that may be present in your relationship. All of the types of abuse included are ways in which an abuser will control his/her partner.



¹⁰⁵ Developed by the Domestic Abuse Intervention Project in Duluth, MN

Children are often the unintended victims of DV. Children in violent homes can witness traumatic events and are threatened with physical assault. Children of abused parents may:

- Be injured during an incident of parental violence;
- Be traumatized by fear for their mother/father and their own helplessness in protecting her/him;
- Blame themselves for not preventing the violence or for causing it;
- Identify with the abuser and abuse others;
- Be abused or neglected themselves

The risk of child abuse is significantly higher when partner assault is also reported.

- Nearly half of men who abuse their female partners also abuse their children
- Nationally, 75 % of battered women say that their children are also battered.
- Woman being battered are less able to care for their children. Eight times as many women report using physical discipline on their children while with their batterer than when living alone or in a non-battering relationship.

Witnessing Parental Violence

- Over 3 million children are at risk of exposure to parental violence each year.
- Children from violent families can provide clinicians with detailed accounts of abusive incidents that their parents never realized they had witnessed.

The Impact on Children

The damage inflicted by living in a home with severe parent-to-parent violence is often overlooked. The immediate impact of this exposure can be traumatic, and result in fear for their self, for their parent`s safety, and self-blame.

- The range of problems among children who witness parental violence includes psychosomatic disorders, such as stuttering, anxiety, fear, sleep disruption, and school problems.
- Children older than five or six have a tendency to identify with the aggressor and to lose respect for the victim.

¹⁰⁶ Adapted from *Courts and Communities: Confronting Violence in the Family*, State Justice Institute Conference. San Francisco, CA: March 25-28, 1993.

Over a longer period of time, the child's exposure to violence may lead her/him to become violent and to have other serious emotional and behavioral problems.

- Violence witnessed at home is often repeated later in life. Violent parental conflict has been found in 20 to 40 % of the families of chronically violent adolescents. Seventy-five percent of boys who witness parental abuse have demonstrable behavioral problems.
- A comparison of delinquent and non-delinquent youth found that a history of family violence or abuse was the most significant difference between the two groups.
- Child and adult victims of abuse are more likely to commit violent acts outside the family than those not abused. Abused children are arrested by the police four times more often than non-abused children.

Courts should consider the effects of parental violence in custody and visitation cases. Counseling should be available to help children from violent homes to avoid the serious consequences of abuse.

DOMESTIC VIOLENCE AND THE MILITARY¹⁰⁷

Active duty military personnel, military families, and veterans, are more likely to experience various risk factors that increase the likelihood that domestic violence (DV) will be present in their lives. Specifically, members of the military are more likely to experience Post-Traumatic Stress Disorder (PTSD), depression, substance abuse, chronic health problems, and anger/emotional problems as a result of their service. All of these issues have been shown to be risk factors for DV. For example, veterans with PTSD have been shown to be two to three times more likely to be involved in a DV relationship. Furthermore, service members who experience one of these issues are likely to experience others at the same time, which increases the risk of abusing others or experiencing abuse themselves.

If present, the abuse may manifest in different ways than it frequently does in the civilian population. For example, military DV often involves isolating the victim in various ways (controlling access to military I.D. cards, living off base, using

¹⁰⁷ The information in this section was drawn from a variety of sources, including: Stephanie Moles' (Oct., 29, 2009) article *Domestic violence can be a dangerous enemy following combat*, www.graceafterfire.org; and Jillian Carrick's (Military Liaison, San Diego Family Justice Center) presentation *Domestic Violence and the Military*.

dependent status as control mechanism, etc.), restricting allotments during deployment, and using weapons to intimidate the victim.¹⁰⁸

The military (and other community agencies) recognize the unique aspects of military DV. Thus, there are services available specifically for military families and individuals who are experiencing DV. Our Legal Network Staff can provide the appropriate referrals for you, and can connect you with the FJC Military Liaison. There are also Military Protective Orders that you may apply for that are issued by the commanding officer (usually in collaboration with the Family Advocacy Program, see below). Here is a list of services available to you if you are a service member, veteran, member of a military family, or person being abused by a service member:

- ***Family Justice Center Military Liaison:***

Address: 707 Broadway, Suite 200, San Diego CA 92101

Phone: (619)533-3592 or (619)533-5317

Website: www.sandiego.gov/sandiegofamilyjusticecenter/

Services: communication classes, stress management classes, parenting classes, financial counseling, anger management, individual and family counseling, substance abuse counseling, legal assistance, referrals

- ***Family Advocacy Program:***

Locations and Phone Numbers:

Regional Navy Family Advocacy (619)556-8809

MCRD (619)524-0465

Miramar (858)577-6585

Pendleton (760)725-9051

Services: screening and referrals, court facilitation and support, crisis intervention and safety planning, treatment and counseling, ongoing case management and victim advocacy, transitional compensation, child counseling, support groups, and new parent support program

- ***After-Hours Victim Advocacy (Navy Medical Center San Diego):***

Services: victim advocates are available after-hours in the Emergency Room for support, advocacy, information and referrals.

Advocates will respond within an hour of an incident.

Hours: Monday-Sunday 5:00pm-7:30am; Holidays 24-hour coverage

- ***Important Numbers and Websites***

¹⁰⁸ See the *Military Power and Control Wheel*, National Center on Domestic and Sexual Violence, www.ncdsv.org.

Naval Medical (Emergency Room): (619)532-8274
Military One Source 24 Hour Hotline: 1-800-540-4123;
www.militaryonesource.com
Operation Homefront: (866)424-5210
National Center for PTSD: www.ncptsd.va.gov
Military Spouse Career Center: www.military.com/spouse
Armed Services YMCA: (858)751-5755

TEEN DATING VIOLENCE¹⁰⁹

Teen dating violence can start as young as age 11 and continues through age 20 for young adults who do not live with their partner. Teen dating violence is very similar to domestic violence, but teens often face different types of barriers when trying to find safety. For example, many teens are dependent on parents for basic needs (housing, clothes, etc.) and have little control over the school they attend. Additionally, many states do not allow minors to apply for restraining orders by themselves, although some states allow minors to apply through a parent or guardian. All of these factors can serve as barriers that keep teens in violent relationships, or make teens feel like they cannot report the abuse.

Research indicates that around 32% of teens experience teen dating violence, with estimates that 1.5 million teens have experienced physical dating violence. This high rate of teen dating violence is often unknown to parents.

In addition to frequent behaviors found in domestic violence (physical, sexual, and emotional abuse), teen dating violence is often committed through frequent/inappropriate text messaging, instant messaging, or postings on social networking sites (MySpace, Facebook, etc.). The effects of teen dating violence can often lead to lower grade point averages, lower self-esteem, and a lower ability to learn. A unique characteristic of teen dating violence is that the abuser and victim often attend the same school, which may make avoiding the abuser very difficult.

Safety Tips for Teens¹¹⁰:

¹⁰⁹ The factual information in this section is from the Violence Against Women Online Resources' article entitled The Facts About Teen Dating Violence, retrieved

¹¹⁰ These safety tips are from the American Bar Association's National Teen Dating Violence Prevention Initiative's article entitled Teen Dating Violence Prevention Recommendations, retrieved February 25, 2010 from <http://www.safeyouth.org>.

- You do not deserve to be treated this way, and you deserve respect!
- Identify a friend or family member that you trust, and talk to them about your relationship.
- Talk to a guidance counselor or school teacher that you trust for help.
- Identify a safe place that you can go to if needed.
- Always keep a cell phone with you, if possible.
- Keep a set of clothes at a friend's house.

Safety Tips for Parents:

- Spend quality time with your teen.
- Keep asking questions, even if your teen gets mad.
- Give your teen positive feedback and help them build confidence.
- Talk about sex, relationships, and other “uncomfortable” situations.
- Teach your teen that both sexes are equal.
- Be a good role model about drug/alcohol use and relationships.
- Talk with your teen about negative life experiences and how to avoid them.
- Do not assume that your teen's relationship is healthy, always keep your eyes and ears open.
- Educate yourself on an on-going basis about the warning signs of teen dating violence (depression, self-mutilation, suicidal thoughts, etc.).
- Consider counseling for both you and your teen.

STALKING¹¹¹

Stalking can be defined as “a course of conduct directed at a specific person that would cause a reasonable person to feel fear.” Stalking is a crime in all 50 states. Seventy-seven percent of female and 64% of male victims know their stalker. The stalker is often an intimate partner, and other forms of abuse frequently also occur (including physical abuse, sexual abuse, etc.). Stalking can have detrimental effects on the victim's life, including fear, lost time from work, and even lethal violence.

If you are being stalked by your abuser, please consider reporting it to the police. If you are interested in obtaining a restraining order, be sure to include a

¹¹¹ All of the factual information in this section was drawn from the Stalking Fact Sheet from the National Center for Victims of Crime Stalking Resource Center, www.ncvc.org/src.

detailed account of the stalking behavior that your abuser has exhibited. It may be helpful to keep a log/journal of your abuser’s stalking behavior, noting the date, time, and type of behaviors. See below for a chart that you can use to log your abuser’s stalking behaviors.

Common stalking behaviors include unwanted and/or frequent phone calls or text messages, unwanted letters or other items, vandalized property, killing/threatening to kill a family pet, and unannounced visits. This list is not exhaustive. Be sure to note all behaviors that make you feel fear.

Monitor and Log Your Abuser’s Stalking Behaviors

Here is a log that you can use to document your abuser’s stalking behaviors. Feel free to create your own log if you need more room or wish to add/change the categories to meet your needs:

| Date and Time | Location | Stalking Behavior | Other Comments |
|---------------|----------|-------------------|----------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

STRANGULATION¹¹²

Strangulation has only recently been identified as one of the most lethal forms of domestic violence: ***unconsciousness may occur within seconds and death within minutes.*** When domestic violence perpetrators choke (strangle) their victims, not only is this felonious assault, but it may be an attempted homicide. Strangulation is an ultimate form of power and control, where the batterer can demonstrate control over the victim's next breath, which has devastating psychological effects or a potentially fatal outcome.

Sober and conscious victims of strangulation will first feel terror and severe pain. If strangulation persists, unconsciousness will follow. Before lapsing into unconsciousness, a strangulation victim will usually resist violently, often producing injuries of their own neck in an effort to claw off the assailant, and frequently also producing injury on the face or hands of their assailant. These defensive injuries may not be present if the victim is physically or chemically restrained before the assault. Victims may lose consciousness by any one of the following methods: blocking of the carotid arteries in the neck (depriving the brain of oxygen), blocking of the jugular veins (preventing deoxygenated blood from exiting the brain), and closing off the airway, making breathing impossible.

Very little pressure on both the carotid arteries and/or veins for ten seconds is necessary to cause unconsciousness. However, if the pressure is immediately released, consciousness will be regained within ten seconds. To completely close off the trachea (windpipe), three times as much pressure (33 lbs.) is required. Brain death will occur in 4 to 5 minutes if strangulation persists.

Symptoms and Consequences:

- difficulty breathing
- raspy, hoarse or loss of voice
- coughing
- difficulty swallowing
- drooling
- nausea and/or vomiting
- changes in behavior
- hallucinations
- headaches
- light headedness or dizziness

¹¹² All of the information in this section, including the symptom log, came from the fact sheet entitled Facts Victims of Choking (Strangulation) Need to Know! online from the Bexar County Family Justice Center at www.bcfjc.org/.../victim%20brochure%20and%20log%20Sept%202007.pdf, on 1/7/10.

- urination or defecation
- miscarriage
- swollen tongue or lips

These symptoms may be an early indication of an internal injury such as swelling, bleeding, fractured larynx ("voice box") or hyoid bone, seizures, pulmonary edema (lungs filled with fluid) or death within 36 hours due to progressive internal injuries and/or complications. ***It is possible to survive the assault, regain consciousness, refuse medical treatment, and then die later from undiagnosed or unsuspected fatal injury.***

Victims should look for injuries on their face, eyes, ears, nose, mouth, chin, neck, head, scalp, chest and shoulders, including: redness, scratches or abrasions, fingernail impressions in the skin, deep fingernail claw marks, ligature marks ("rope burns"), thumbprint-shaped bruises, blood-red eyes, pinpoint red spots called "petechiae" or blue fingernails. All of these injuries change in appearance over time after the assault. Some injuries, like redness, may persist for only a few minutes. Others, like petechiae, persist for days. Observation of the changes in these signs over time can greatly facilitate determination of the nature and scope of internal damage produced during the assault, and lend credibility to witness accounts of the force and duration of the assault. ***Documentation by photographs*** sequentially for a period of days after the assault is very helpful in establishing a journal of physical evidence.

Victims should also seek medical attention if they experience difficulty breathing, speaking, swallowing or experience nausea, vomiting, light headedness, headache, involuntary urination and/or defecation. Although most victims may suffer no visible injuries, and many fully recover from being strangled, all victims, especially pregnant victims, should be encouraged to seek immediate medical attention. A medical evaluation may be crucial in detecting internal injuries and saving a life.

Monitor and Log Your Signs and/or Symptoms

Here is a log that you can use to document the signs and symptoms of being strangled. Feel free to create your own log if you need more room or need to document your symptoms for a longer time period:

| Date and Time | Signs of Strangulation (e.g. red spots, scratch marks, bruising, swelling to face, neck, ears, mouth, chin, scalp, chest or shoulders) | Symptoms (e.g. voice changes, swallowing changes, behavioral changes, dizziness, headaches, fainting, urination or defecation) | Other Sensations |
|---------------|--|--|------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

DANGER ASSESSMENT

Below is the Danger Assessment created by Dr. Jacquelyn Campbell. This tool will help you identify your level of risk for experiencing further violence (particularly lethal violence). The Danger Assessment has been validated for accuracy by researchers and professionals in the field. Each question has been carefully created to accurately estimate different risk levels in violent situations. As a result, the Danger Assessment questions should be answered in the order they are presented without any changes or modifications.

The Danger Assessment is best used by people who have been certified to interpret its results. Our staff is trained and certified to discuss your completed Danger Assessment with you and to help you identify measures that you can take to better protect yourself. After you complete the Danger Assessment, please come in to our offices to discuss the results with one of our trained staff members. However, if you cannot come back in to our office, a summary scoring sheet has been provided for you so that you can gain an understanding of how dangerous your situation may be.

The Danger Assessment contains two parts: (1) a questionnaire; and (2) a calendar. Please complete the questionnaire and then mark on the calendar the incidents in the past year when you were abused by your partner.

DANGER ASSESSMENT

Jacquelyn C. Campbell, Ph.D., R.N.
Copyright © 2003, www.dangerassessment.com

Several risk factors have been associated with increased risk of homicides (murders) of women and men in violent relationships. We cannot predict what will happen in your case, but we would like you to be aware of the danger of homicide in situations of abuse and for you to see how many of the risk factors apply to your situation.

Using the calendar, please mark the approximate dates during the past year when you were abused by your partner or ex partner. Write on that date how bad the incident was according to the following scale:

1. Slapping, pushing; no injuries and/or lasting pain
2. Punching, kicking; bruises, cuts, and/or continuing pain
3. "Beating up"; severe contusions, burns, broken bones
4. Threat to use weapon; head injury, internal injury, permanent injury
5. Use of weapon; wounds from weapon

(If any of the descriptions for the higher number apply, use the higher number.)

Mark **Yes** or **No** for each of the following. ("He" refers to your husband, partner, ex-husband, ex-partner, or whoever is currently physically hurting you.)

1. Has the physical violence increased in severity or frequency over the past year?
2. Does he own a gun?
3. Have you left him after living together during the past year?
3a. (If have *never* lived with him, check here)
4. Is he unemployed?
5. Has he ever used a weapon against you or threatened you with a lethal weapon?
(If yes, was the weapon a gun?)
6. Does he threaten to kill you?
7. Has he avoided being arrested for domestic violence?
8. Do you have a child that is not his?
9. Has he ever forced you to have sex when you did not wish to do so?
10. Does he ever try to choke you?
11. Does he use illegal drugs? By drugs, I mean "uppers" or amphetamines, "meth", speed, angel dust, cocaine, "crack", street drugs or mixtures.
12. Is he an alcoholic or problem drinker?
13. Does he control most or all of your daily activities? For instance: does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car? (If he tries, but you do not let him, check here:)
14. Is he violently and constantly jealous of you? (For instance, does he say "If I can't have you, no one can.")
15. Have you ever been beaten by him while you were pregnant? (If you have never been pregnant by him, check here:)
16. Has he ever threatened or tried to commit suicide?
17. Does he threaten to harm your children?
18. Do you believe he is capable of killing you?
19. Does he follow or spy on you, leave threatening notes or messages on answering machine, destroy your property, or call you when you don't want him to?
20. Have you ever threatened or tried to commit suicide?
- Total "Yes" Answers

Thank you. Please talk to your nurse, advocate or counselor about what the Danger Assessment means in terms of your situation.

| January 2010 | | | | | | | February 2010 | | | | | | | March 2010 | | | | | | | Instructions |
|--------------|----|----|----|----|----|----|---------------|----|----|----|----|----|----|----------------|----|----|----|----|----|----|---|
| M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | <p>Using the calendar, please mark the approximate dates during the past year when you were abused by your partner or ex partner. Write on that date how bad the incident was according to the following scale:</p> <p>1. Slapping, pushing; no injuries and/or lasting pain</p> <p>2. Punching, kicking; bruises, cuts, and/or continuing pain</p> <p>3. "Beating up"; severe contusions, bumps, broken bones</p> <p>4. Threat to use weapon; head injury, internal injury, permanent injury</p> <p>5. Use of weapon; wounds from weapon</p> <p>(If any of the descriptions for the higher number apply, use the higher number.)</p> |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | |
| | | | | | | | 29 | 30 | 31 | | | | | 29 | 30 | 31 | | | | | |
| April 2010 | | | | | | | May 2010 | | | | | | | June 2010 | | | | | | | |
| M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 1 | 2 | 3 | 4 | 5 | 6 | | |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | |
| 26 | 27 | 28 | 29 | 30 | | | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | |
| | | | | | | | 31 | | | | | | | 28 | 29 | 30 | | | | | |
| July 2010 | | | | | | | August 2010 | | | | | | | September 2010 | | | | | | | |
| M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | |
| 26 | 27 | 28 | 29 | 30 | 31 | | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 27 | 28 | 29 | 30 | | | | |
| | | | | | | | 30 | 31 | | | | | | | | | | | | | |
| October 2010 | | | | | | | November 2010 | | | | | | | December 2010 | | | | | | | |
| M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 27 | 28 | 29 | 30 | 31 | | | |
| | | | | | | | 29 | 30 | | | | | | | | | | | | | |

Scoring Summary:

Please come in to see the Legal Network staff to discuss your results. We are certified to evaluate your Danger Assessment scores. If you cannot make it back to our office, here is a summary of what your results mean:

1. Add total number of "Yes" responses, 1 through 19 _____
2. Add 4 points for a "Yes" to question 2 _____
3. Add 3 points for *each* "Yes" to questions 3 and 4 _____
4. Add 2 points for *each* "Yes" to questions 5, 6 and 7 _____
5. Add 1 point for *each* "Yes" to questions 8 and 9 _____
6. Subtract 3 points if 3a is checked _____
7. Calculate your Total _____

8. Compare your score to the following to evaluate your level of danger:

Less than 8: Variable Danger (you have a lower risk of danger)

8 to 13: Increased Danger (you are at an increased risk for danger)

14 to 17: Severe Danger (you are at a severe risk for danger)

18 or more: Extreme Danger (you are at an extreme risk for danger)

SAFETY PLAN & SAFETY TIPS

It is important that you create a safety plan to ensure that you are prepared for any emergencies/violent situations that you may encounter. Below is a safety plan that you can prepare that will help you to be ready for future risks posed by your abuser. Our staff can help you complete the safety plan and can discuss safety plans with you if you have questions.

After the safety plan is a list of other measures you can take to increase your safety in a variety of situations.

Safety Checklist¹¹³

Here is a checklist that you can complete to identify safe places where you can go, important documents that you should gather, and people you can trust in the event that you need to leave your home and/or obtain emergency assistance. You can either write directly in this manual, or copy the pages. Once completed, keep your safety plan in a safe place:

➤ ***Important number I can call for help:***

- Emergency: 911
- Police/Sheriff: _____
- Hotline: 1-800-DV-LINKS
- Shelter: _____

➤ ***People I can call for support:***

- Family: _____
- Friend: _____
- Counselor: _____

¹¹³ This checklist was created by using the “Plan Ahead Checklist” from the California Attorney General’s Crime and Violence Prevention Center Domestic Violence Handbook: A Survivor’s Guide.

- Family Justice Center: (866) 933-4673
- Other: _____

➤ ***Safe places I can go:***

*Write so you can identify the location, but **DO NOT WRITE ADDRESSES!!***

- _____
- _____
- _____
- _____

➤ ***Things I will take if I need to leave:***

- Money
- Keys
- Driver's license
- Car registration
- Checkbooks
- Credit cards
- Medications
- Address book
- Green card(s)
- Cell phone
- Other _____
- Other _____

➤ ***Things I will take if I have the time:***

- My birth certificate
- My children's birth certificates
- Automobile pink slip
- Lease, rental agreement or house deed
- Bankbooks
- Insurance papers
- Pictures and personal items of importance
- Family medical records
- Social security cards
- Welfare identification
- School records
- Work permits
- Passport
- Divorce papers
- Jewelry
- Other _____

Other _____

➤ **Preparations to make in advance:**

- Pack a bag with clothing, toiletries and medications for myself and my children and keep it in a safe place.
- Have extra money, keys, identification and copies of important papers in a safe place in case I need them.
- Keep extra clothing, toiletries, money and copies of important documents with someone I trust.
- Know the location of a family violence shelter or other safe place and how to get there.
- Alert my neighbors to call 911 if they hear any suspicious sounds coming from my home.
- Practice making an emergency escape (with my children) and traveling to the location I have chosen as a safe place.
- Join a support group or talk with a counselor.
- Read about domestic violence and learn about my legal rights (located in other sections of this manual)
- Get a P.O. Box through the Safe-at-Home Program, see Other Assistance Programs You May Qualify For below at page 97
- Make a list of other preparations I may want to consider:
 - _____
 - _____
 - _____

MEASURES YOU CAN TAKE IN VARIOUS SITUATIONS TO INCREASE YOUR SAFETY

LIVING WITH YOUR ABUSER:

- Avoid arguing in a closed place with no exits
- Avoid arguing in the kitchen where there are possible weapons (knives, pans, etc.)
- Practice escape routes
- Place a copy of birth certificate, insurance papers, school records, credit cards, money, medications, welfare papers, immigration papers, ATM card with a friend or family member you can trust
- Identify people to call in case of an emergency
- Notify neighbors of your situation and ask them to call the police if they hear angry or violent noises

- Practice ways to get out of your house safely
- Know the nearest locations of bus stops, trolley stops, police stations and fire departments
- Develop and memorize an escape plan
- Try to remove weapons from the house safely

LIVING AWAY FROM YOUR ABUSER:

- Vary driving routes and times when I complete my errands
- Change locks
- Locate community shelters
- Find legal assistance
- Develop a plan to travel safely to and from work
- Do not frequent areas visited by your abuser
- Make plans for pets
- Identify a person you trust who will hold personal items for you
- Open up a checking account in your own name
- Keep a charged cell phone with you at all times
- Change home telephone number and get it unlisted (call your phone service provider for more information)
- Keep a copy of the restraining order with you, and put copies in your car, office, purse, etc.
- Go to the nearest police station, introduce yourself, show them your restraining order, and ask for their advice on what to do if your abuser shows up
- Consider getting a P.O. Box (see Safe-at-Home Program info in checklist above)
- Notify neighbors of your situation, and ask them to call police if they see the abuser
- Keep a record of all emails, calls, texts, letters, stalking behaviors, etc. of your abuser.

AT WORK:

- Save threatening or intimidating emails or calls
- Park close to entrances/exits
- Screen your calls
- Include workplace on restraining orders
- Provide a picture of your abuser to security/receptionists
- Inform employer about a person to call in case you are absent
- Look at alternate work hours or locations
- Ask security/employee to walk you to your car

TAKING CARE OF CHILDREN:

- Minimize children's exposure to fighting
 - Refrain from discussing your abuser with children
 - Provide day care/school with copy of restraining order and a photo
 - Develop custody and visitation orders that keep you and your children safe
 - Teach children how to dial 911
 - Teach children whom they should call for help
 - Obtain assessments and/or counseling for children
 - Teach children not to get in the middle if your abuser is becoming hostile with you
 - Develop a plan for how/when you can take children with you safely
- *Note: There are times when taking your children with you may put all of your lives in danger. You need to protect yourself to be able to protect your children!

PROTECTING YOURSELF ON THE INTERNET AND WHEN USING A COMPUTER:

- Internet:
 - Change passwords to email, social networking sites, banking sites, etc.
 - Try to avoid visiting shared networks that require you to input personal information (Ebay, Craigslist), etc. If you do use these sites, use anonymous settings as much as possible.
 - Delete your web history
 - Update profiles settings to protect your privacy:
 - Facebook:
 1. Log in to your Facebook account
 2. Click on "Settings" at the top of the screen
 3. Click the "Manage" link next to Privacy option
 4. Adjust settings to prevent others from accessing your information without your approval
 - Block your abuser/abuser's friends and family
 - Restrict information that people can see when they search for you
 - LinkedIn:
 1. Log in to our LinkedIn account
 2. Click on "Settings" at the top of the screen
 3. Click on the various settings to restrict information that people can access

- Restrict your Profile Views (restrict what people see when they look you up)
 - Restrict how your various network connections can access your information
- 4. Click on the Notification Settings to restrict how people contact you
 - Do not receive emails, but rather messages through LinkedIn
 - Restrict what types of invitations you receive
- MySpace:
 1. Log in to your MySpace account
 2. Click on “My Account” at the top right of the screen
 3. Click on “Privacy”
 4. Adjust settings to increase your privacy
 - Restrict who can view your profile, comments, photos, and updates
- Twitter:
 1. Log in to your Twitter account
 2. Click on “Settings” at the top right of the screen
 3. Under “Account” click:
 - “Delete all location data,” and
 - “Protect my tweets”
 4. Consider removing your picture
- Request to be unlisted from Yellow Pages websites and directory pages. In general, search for your own name, then click on the “delete listing” or “is this you?” link. Here is a list of sites that you can go to and request to remove your information:
 - Yellowpages.com
 - Whitepages.com
 - Intelius.com
- When Using a Computer:
 - Try to use a public computer if your abuser has access to your private computer
 - Change your passwords

ADDITIONAL PROGRAMS TO INCREASE YOUR SAFETY

This section contains information about various programs that you may qualify for and that may help increase your safety and resources. If you are interested in any of these programs, our Legal Network staff can give you the appropriate referrals. You

can also contact the programs directly, as phone numbers and websites are provided for each below.

SAFE-AT-HOME CONFIDENTIAL MAILING ADDRESS PROGRAM¹¹⁴

A victim-survivor of domestic violence may apply for the Safe-At-Home program, which is run by the Secretary of State's office in California. The Legal Network is an enrolling agency for the Safe-at-Home program, so our staff can assist you in registering with the program.

The Safe-At-Home program will give you a substitute mailing address to use on official documents, including:

- your court papers
- your driver's license
- your voter registration papers, and,
- if you decide to get married while on the program, your address will remain confidential on those documents as well.

Any first-class or government mail sent to you at that address will be forwarded within 48 hours.

- Any Service of Process delivered to the address also will be passed on to you.
- If you follow the rules, you can use the address for up to four (4) years. For more information about enrolling in this no-cost mail forwarding service, talk to our Legal Network staff, call the program toll-free at 1-877-322-5227, or go to the <http://www.casafeathome.org>.

LEASE TERMINATION LAW¹¹⁵

If you feel that you need to move to increase your safety, you may be legally allowed to end your current lease early without having to pay additional rent to your landlord. The Lease Termination Law allows victims of DV, sexual assault, and stalking, who have either a restraining order, emergency protective order or a police report to move out without paying additional rent or penalty fees. Additionally, your security deposit will be treated the same way as if you had moved out at the end of your lease.

¹¹⁴ This information was drawn from the Superior Court of California website at www.sdcourt.ca.gov.

¹¹⁵ The information on the Lease Termination Law was obtained from the handout entitled *New Law Allows Victims to Break Their Leases to Escape Violence*, by the National Housing Law Project, Oakland, CA.

You must notify your landlord in writing of your intention to move out, give your landlord 30 days notice before you leave, and provide the landlord with proof of your restraining order or police report. Our Legal Network staff will be happy to discuss this law in more detail with you and assist you in using the law to end your lease. However, here is a sample 30-day notice that you can use to notify your landlord:

| |
|--|
| <p>(Date)</p> <p>Dear (insert landlord's name):</p> <p>I am a tenant at (insert your address). I am a victim of domestic violence, sexual assault, or stalking within the past 60 days. Pursuant to new changes to the California Civil Code, this is my 30-day notice that I will end my rental agreement on (enter a date 30 days from today).</p> <p>I have enclosed a copy of my restraining order (or police report) showing that I was the victim of an act of domestic violence, sexual assault or stalking.</p> <p>Sincerely,</p> <p>(Your name and address)</p> |
|--|

ELECTRONIC SAFETY DEPOSIT BOX (E-BOX)

The Legal Network can provide you with an e-box which allows you to store all of your documents that you accumulate in a password-protected electronic format. The e-box is a flash-drive (also known as a jump drive, USB drive, thumb drive) that you can easily carry with you. If you need to access a document, you simply plug the flash drive into a computer, type in your password, and then all of your documents can be accessed. If you are interested in receiving an e-box, then please contact our Legal Network staff.

Victims of domestic violence and their children will often stay with a batterer because they fear their pet will be neglected, injured or killed if left behind. The Safehouse Program provides temporary shelter for the pets of victims of domestic violence, allowing battered individuals to escape abuse and seek safety. With help from the Animal Safehouse Program, survivors and their children can seek shelter, medical treatment and counseling, knowing their pets are safe.

For more information, visit the Rancho Coastal Human Society website at <http://www.rchumanesociety.org/programs/safehouse.asp>, or call 760-753-6413.

¹¹⁶ Information about the Rancho Coastal Human Society Animal Safehouse Program was retrieved from <http://www.rchumanesociety.org/programs/safehouse.asp> on March 3, 2010.

CHAPTER 10 - OTHER ASSISTANCE PROGRAMS THAT YOU MAY QUALIFY FOR

There are various government assistance programs for which you may be qualified. Below is a list of assistance programs and eligibility requirements. For more information, you can go to the Health and Human Services Agency (HHS) website at <http://sdpublic.sdcounty.ca.gov>, or call the ACCESS Customer Service Center at 1-866-262-9881.

CASH AID PROGRAMS

General Relief Program:

- Provides temporary cash assistance for eligible county residents who have no other means of support. Any aid received must be repaid to the county. Completed hours of required Job Training may count toward repayment of the debt.
- Eligibility Requirements:
 - Be a San Diego County resident for at least 15 days and intend to reside in San Diego County
 - Have a valid photo ID, such as California Department of Motor Vehicles license/ID card
 - Have a Social Security Number (SSN) or proof of application for SSN
 - Be age 18 through 64, with some rare exceptions
 - Be a U.S. Citizen, Legal Permanent Resident or Amnesty Alien
 - Have income less than \$264 per week
 - Property limits cannot exceed
 - \$1,000 personal;
 - \$250 personal effects;
 - \$5 liquid assets;
 - up to \$1,500 vehicle value;
 - 1 burial arrangement per person;
 - no real property allowed
- For more information call the ACCESS Customer Service Center at 1-866-262-9881.

CalWORKS (Welfare):

- CalWORKS is designed to transition people from welfare to work. It provides temporary cash assistance to eligible families with minor children, to move families with children from dependency to self-sufficiency through employment.

- Eligibility Requirements:
 - Have age qualified dependent children (up to 18 years of age)
 - Have dependent children who lack the parental support and care as a result of one or both parents being absent, deceased, incapacitated or unemployed
 - Be a resident of San Diego County
 - Be a U.S. Citizen, Legal Permanent Resident or other specific non-citizen
 - Have valid photo identification (ID), such as a California driver's license or ID card
 - Have a Social Security Number (SSN) or proof of application for SSN
 - Have school age children enrolled and attending school
 - Have current immunization records for children below the age of 6
 - Your personal property cannot exceed \$2,000 (or \$3,000 for families who have a member age 60 or older)
 - Your income (earned and unearned) must not exceed program limits
 - You must meet program requirements
- Call the ACCESS Customer Service Center (1-866-262-9881) for more information

Cash Assistance Program for Immigrants:

- The Cash Assistance Program for Immigrants (CAPI) is a state-funded cash aid program for certain immigrants who are not eligible for the federally funded Supplemental Security Income/State Supplementary Payment (SSI/SSP) program.
- Call the ACCESS Customer Service Center (1-866-262-9881) for more information

CHILD CARE PROGRAMS

Head Start:

- Project Head Start is a federally funded child development program designed to help break the cycle of poverty by providing preschool children of low-income families with a comprehensive program to meet their emotional, social, health, nutritional and psychological needs.
- Children from 3 to 5 years old (including children with disabilities) are eligible.
- For more information and eligibility requirements, please call 1-888-873-5145, or visit www.sandiegoheadstart.org.

Child Care Assistance:

- Your family must be participating in CalWORKS Welfare-to-Work activities, or
- Have limited financial resources
- Call the ACCESS Customer Service Center (1-866-262-9881) for more information

FOOD AND NUTRITION PROGRAMS

Women, Infants, and Children (WIC) Program:

- WIC offers checks for nutritious food, nutrition counseling, and other services to eligible participants (pregnant women, new mothers, young children).
- Eligibility requirements:
 - WIC Serves:
 - Pregnant women
 - Breastfeeding women up to one year postpartum
 - Non-breastfeeding women up to six months postpartum
 - Infants and children under five years old
 - All foster children under five years old
 - Single fathers may receive vouchers for eligible infants/children
 - Families living in the U.S. undocumented or who have applied for citizenship (Their application or legal status will not be jeopardized in any way).
 - To get WIC you need to:
 - Meet the WIC income guidelines
 - Get medical checkups – referrals to healthcare / medical care can be provided
 - Have a nutritional need
 - Live in California
 - For more information, call 1-800-500-6411 or visit www.sandiegowic.org.

Commodity Supplemental Food Program:

- This program provides food and nutrition education to eligible participants.
- Eligibility requirements:
 - You must be one of the following:
 - Low-income pregnant woman
 - Woman 12 months postpartum
 - Breast-feeding mother

- Parent with children under 6
- Senior over 60
- You must also:
 - Reside in San Diego County
 - Be a low-income household
 - Not be receiving WIC benefits (participants may only receive either WIC or CSFP).
- For more information, call 858-527-1419 or 1-866-350-3663, or visit www.sandiegofoodbank.org.

Food Stamps (also known as SNAP):

- The Food Stamp Program is a federal supplemental nutrition program for families and individuals that meet certain income and asset guidelines. Food stamp benefits help supplement your food budget and allow families to buy nutritious food. You can be working and still qualify for food stamps. If you qualify for food stamps you can use these benefits to purchase food at most grocery stores, convenience stores and food markets.
- Eligibility is determined based on your household size, income, assets, and various other factors.
- Call the ACCESS Customer Service Center (1-866-262-9881) for more information

Free and Reduced Lunch Program:

- San Diego Unified School District participates in the National School Lunch and Breakfast Programs.
- This program is a federally subsidized program and your child(ren) may be eligible to receive free or reduced-price meals.
- If you would like to apply for the program, please complete a Free & Reduced-Price Meal Application Packet available at your child's school office, cafeteria, or the central Food Services office located at Revere Center, 6735 Gifford Way, San Diego, CA 92111.
- If you have any questions regarding this program please call (858) 627-7328.

MEDICAL ASSISTANCE PROGRAMS

Medi-Cal

- Medi-Cal is California's Medicaid health care program. This program helps pay for a variety of medical services for both adults and children if they have limited income and resources.
- Families of any size are eligible if they meet income guidelines. The following persons may be eligible:
 - Children under 21 years of age
 - Persons 65 years of age and older
 - Disabled and blind persons
 - Pregnant women
 - Families where at least one child is under 21 and at least one parent is absent, disabled, unemployed or working (depending on hours worked and income earned)
 - Anyone who is eligible for CalWORKS; Supplemental Security Income and State Supplemental Program (SSI/SSP); Entrant or Refugee Cash Assistance (ECA or RCA); or In-Home Supportive Services (IHSS)
 - Families with working parents may also qualify. They may have to pay a share of their medical expenses.

County Medical Services (CMS):

- CMS is a program that funds medical care for uninsured poor adult county residents. While not a health insurance program, CMS funds services through a network of community health centers, private physicians and hospitals.
- CMS Minimum Eligibility Criteria:
 - To be eligible for County Medical Services (CMS) a person must meet the minimum eligibility criteria:
 - Have an immediate or long-term medical need
 - Be 21 through 64 years of age
 - Be a U.S. citizen or an eligible alien, and be able to provide documentation of U.S. citizenship or legal alien status.
 - Be a resident of San Diego County
 - Sign lien forms for services covered by CMS
 - Meet CMS financial requirements or receive General Relief
- How to apply:
 - Call 1-800-587-8118 to request an appointment and apply for CMS.

EMPLOYMENT PROGRAMS

Family Self-Sufficiency Services:

- This is a program of the Community Action Partnership which enables individuals and families who meet the federal poverty level guidelines to achieve and sustain self-sufficiency by overcoming barriers to employment and eliminating behaviors that result in dependency. Services include transportation, child care, and expenses for work-related training.
- For more information and eligibility requirements, call 619-338-2799

HOUSING PROGRAMS

Section 8 Rental Assistance Programs

- Qualified families have a portion of their rent paid to the landlord by the Housing Authority.
- To apply, go to http://www.sdcounty.ca.gov/sdhcd/renters/renter_information.html and click on “Waiting List Application”
- Eligibility:
 - Applicants who live or work in the jurisdiction of the Housing Authority of the County of San Diego and are at least one of the following:
 - Families with children.
 - Working Applicants- (Must have worked at least 32 + hours per week for the previous six months. Applicants may combine job training or an academic program as part of the previous 12-month requirement. Applicants receiving Unemployment, Disability, or Workman's Compensation Benefits will be considered qualifying under the preference if those benefits were the result of 12 continuous months of employment at 32 + hours per week up to the start of the above referenced benefits.)
 - Elderly families.
 - Disabled families.
 - Veterans or surviving spouses of veterans (other than dishonorable discharge)

Public Housing:

- The County of San Diego Housing Authority administers several publicly-owned rental housing units within San Diego County. These rental units are available to low-income families, senior citizens, and disabled persons.
- Eligibility:
 - You must be a senior citizen (62 years of age or older), a disabled individual, or a low-income family.

- You must either live in an unincorporated area of San Diego County, or in the cities of Chula Vista, Coronado, Del Mar, El Cajon, Escondido, Imperial Beach, La Mesa, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, or Vista.
- Your household's annual gross income must be at or below 50% of San Diego's Average Median Income (AMI):
 - Here is the AMI chart from March 2009:

| Family Size | 80% of AMI | 50% of AMI | 30% of AMI |
|-------------|------------|------------|------------|
| 1 | \$46,250 | \$28,900 | \$17,350 |
| 2 | \$52,900 | \$33,050 | \$19,850 |
| 3 | \$59,500 | \$37,150 | \$22,300 |
| 4 | \$66,100 | \$41,300 | \$24,800 |
| 5 | \$71,400 | \$44,600 | \$26,800 |
| 6 | \$76,700 | \$47,900 | \$28,750 |
| 7 | \$81,950 | \$51,200 | \$30,750 |
| 8 | \$87,250 | \$54,500 | \$32,750 |

- If you meet the above requirements and wish to apply for Public Housing, you may submit an application online at www.sdhcd.org. If you require specific accommodation to complete the application, please contact (858) 694-4801 or toll free at (877) 478-LIST.

Home Repair Program:

- The Home Repair Program for Owner-Occupied Property provides loans and grants for the repair of owner-occupied homes.
- Deferred Loan - Deferred loans are offered at three percent simple interest and calculated annually on the unpaid principal. The total amount borrowed must be repaid when the property changes hands or the recipient moves from the property. Owners may borrow up to \$25,000 for a single-family home or \$8,000 for a mobile home.
- Grant - A non-repayable grant is available to eligible Mobile Home owners of up to \$8,000.
- Eligibility
 - This program assists single-family homeowners or mobile home owners. You must live in the residence you would like to repair.
 - You must either live in an unincorporated area of San Diego County, or in the cities of Coronado, Del Mar, Imperial Beach, Lemon Grove, Poway, or Solana Beach.

- Your household's annual gross income must be at or below 80% of San Diego's AMI (see chart above)
- Please call (858) 694-4810, for information on the Home Repair Loan/Grant Program, or visit http://www.sdcounty.ca.gov/sdhcd/homeowners/repair_loan.html to download an application

Down Payment and Closing Cost Program:

- The County of San Diego offers low-interest deferred payment loans of up to \$35,000 or 33% of the purchase price whichever is less for low-income first-time homebuyers. The loan funds may be used to pay the down payment and closing costs on the purchase of a new or re-sale home. Properties eligible for assistance include single-family homes, condominiums, townhomes and manufactured homes on a permanent foundation. The appraised value of the property may not exceed \$451,250. Participants must contribute a minimum of one percent of the purchase price from their personal funds.
- Eligibility:
 - The total gross annual income of the entire household must not exceed 80% of the San Diego County Area Median Income AMI (see chart above).
 - The home that you purchase must be in an unincorporated area of San Diego County or in the city of Coronado, Del Mar, Imperial Beach, Lemon Grove, Poway or Solana Beach.
 - Select a lender and schedule an appointment. Inform the lender that you are interested in both the DCCA and Mortgage Credit Certificate (MCC) Programs. The lender will prepare and submit your applications.
- For more information, please call (858) 694-4810.

Mortgage Credit Certificate Program:

- The San Diego Regional Mortgage Credit Certificate Program allows qualified first-time homebuyers to reduce their federal income tax by up to 20 percent of the annual interest paid on a mortgage loan. With less being paid in taxes, the homebuyer's net earnings increase, enabling him/her to more easily qualify for a mortgage loan. Purchasing property in designated areas increases the income eligibility and purchase price limits, as well as removes the first-time homebuyer requirement. An MCC may only be used to purchase single-family detached homes, condominiums, townhomes and manufactured homes on a permanent foundation.

- The property to be purchased must be located within an unincorporated area of San Diego County, or in the cities of Carlsbad, Chula Vista, Coronado, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Marcos, Santee, or Vista. The cities of San Diego and Oceanside operate their own individual MCC programs.

| MCC Income Eligibility Limits | | |
|-------------------------------|---------------------|-----------------|
| Number of Persons | Non-Designated Area | Designated Area |
| 1-2 Persons | \$94,800 | \$113,780 |
| 3+ Persons | \$109,020 | \$132,720 |

- For more information, please visit the www.ahahousing.com website, or call (619) 469-0270.

Shared Housing Program (East County):

- The County's Shared Housing Program provides funding to a nonprofit agency to match persons in need of housing with homeowners who have space in their homes to share. If you are an eligible renter (see eligibility requirements below), you can benefit from this home referral program by being matched to a homeowner who has a room available to rent, in exchange for rent paid, care giving or other services performed. If you are an eligible homeowner with extra rooms available in your home, you can benefit by finding someone who wishes to share space in your home, in exchange for rent, services performed or a combination of the above.
- All homeowners and applicants undergo screening to determine appropriate matches and will participate in follow up visits and support services through the program agency.
- Eligibility Requirements:
 - You must be a senior citizen, a disabled person, a victim of domestic violence, a homeless person, an illiterate person, a migrant farm worker, and/or a low or moderate income person.
 - You must either live in an unincorporated area of East San Diego County, or in the city of Lemon Grove.
- Certain program restrictions and conditions apply, so please contact Crisis House for more information at 619-444-1194 ext. 304 or visit www.crisishouse.org.

NSP Homeownership Assistance Program:

- The Neighborhood Stabilization Program (NSP) Homeownership Assistance Program creates homebuyer opportunities for income eligible households to purchase foreclosed and abandoned homes that could otherwise be sources of blight within the community. The program offers 15 year silent loans at 3% simple interest up to a maximum of \$50,000 for income eligible homebuyers. The loans are forgivable after 15 years. The property must be located in a targeted census tract and the purchase price for the property may not exceed \$451,250. The sales price must be a minimum of 1% under current appraised value.
- Eligibility Requirements:
 - The total gross annual income of the entire household must not exceed 120% of the San Diego County Area Median Income (see chart above).
 - The property must be located within the designated NSP Target Areas within the County of Diego’s jurisdiction.
 - It is mandatory that you complete a HUD approved Homebuyer Education course to participate in the program. Please call (619) 961-8750, for a schedule of upcoming courses.
- Participants are pre-approved (for a period of three months following close of escrow) for a grant up to \$12,500 for energy efficiency/conservation improvements to your newly purchased home.
- When you have found an eligible property and your offer has been accepted select a lender and schedule an appointment with the lender. Inform the lender that you are interested in the County NSP loan program and refer the lender to our website. The lender will pre-qualify you and submit your application.
- For more information, call (858) 694-4810

HOMELESS RESOURCES

2-1-1 San Diego:

- You may dial 2-1-1 to talk to a person who can link you to various homeless shelters and other services to meet your needs. You can also visit the 211 website at www.211sandiego.org to search for resources yourself. Assistance is available in more than 150 languages.

Cold Weather Shelter Voucher Program:

- The program typically runs from late November through April and provides vouchers for hotel/motel rooms for families with children, the disabled, and the elderly during the winter season. Catholic Charities administers that program for the County, coordinating with various community based homeless service agencies from around the region.
- This regional voucher program is a flexible supplement to winter shelter facilities provided by various cities and allows the County to provide for winter shelter needs where such facilities are unavailable. Major funding for the program comes from the County's Health and Human Services Agency (HHS) with contributions from HCD on behalf of the Urban County and additional contributions from many of the region's cities.
- For more information on the Cold Weather Shelter Voucher Program, please contact Catholic Charities at (619) 231-2828.

SDG&E UTILITY DISCOUNT PROGRAMS

Energy Team Program:

- Customers who meet income guidelines may be eligible for the Energy Team to come to your home and make home improvements that will help you save money on your energy bill. To apply and find out more information, go to <http://www.sdge.com/residential/assistance/energyTeam.shtml>, or call 1-866-597-0597.

CARE Program:

- Customers enrolled in the California Alternate Rates for Energy (CARE) program get an automatic 20% discount on their bill every month.

FERA Program:

- Customers enrolled in the Family Electric Rate Assistance (FERA) program are billed at a lower rate for electricity within certain levels of usage.

Eligibility for CARE and FERA:

- Eligibility is based either on total household income and household size or participation in public assistance programs. If eligible, you will be enrolled in only one program, and the discount will become effective within 30 days of receiving your completed application.

- Your household is currently receiving benefits from one of the listed public assistance programs.
- OR-
- Your total yearly household income before deductions is no more than the income level guidelines of the program.
- If eligible, you will be enrolled in only one program, and the discount will become effective within 30 days of receiving your completed application.
- For more information and program updates, visit <http://www.sdge.com/residential/assistance/assistServCare.shtml>, call 1-800-411-7343 or email billdiscount@sdge.com.

GLOSSARY OF TERMS¹¹⁷

Code: a systematic collection of laws, rules, or regulations.

Continuance: the adjournment or postponement of a trial or other proceeding to a future date.

Deposition: (1) a session where a witness' out-of-court testimony is obtained; (2) a witness' out-of-court testimony that is reduced to writing for later use in court or for discovery purposes.

Discovery: compulsory disclosure, at a party's request, of information that relates to a case proceeding to trial.

Exhibit: (1) a document, record, or other tangible object formally introduced as evidence in court; (2) a document attached to and made part of a pleading, motion, contract, or other instrument.

Incarceration: the act of imprisoning someone or putting someone in jail.¹¹⁸

Lien: a legal right or interest that a creditor has in another's property, lasting usually until a debt or duty is satisfied.

Lodge: to put or bring information before a court.¹¹⁹

Privilege: a special legal right, exemption, or immunity granted to a person (e.g., the right not to disclose matters within the witness' knowledge).

Rebut: To refute, oppose, or counteract something by evidence, argument, or contrary proof.

Restitution: Return or restoration of some specific thing to its rightful owner or status.

Service: The formal delivery of some legal notice, such as a pleading or summons.

¹¹⁷ These definitions are from the Black's Law Dictionary (3rd pocket ed.), Bryan A. Garner (editor in chief), St. Paul, MN: Thompson/West.

¹¹⁸ This definition was obtained from <http://dictionary.reference.com> on March 3, 2010.

¹¹⁹ This definition was obtained from <http://dictionary.reference.com> on March 3, 2010.

Subpoena: A writ commanding a person to appear before a court, subject to a penalty for failing to comply.

DV RESOURCES IN SAN DIEGO COUNTY

24-Hour Hotlines – General and Shelter Information

| | |
|--|----------------|
| YWCA (Metro) | (619) 234-3164 |
| Center for Community Solutions (rape also) | (888) 272-1767 |
| LIBRE (North County) | (760) 633-1111 |
| So. Bay Community Services | (619) 420-3620 |
| Women`s Resource Center (Oceanside) | (760) 757-3500 |
| San Diego County DV Hotline | (888) 385-4657 |
| National DV Crisis Hotline | (800) 799-SAFE |

Children

| | |
|--|----------------|
| Catholic Charities | (619) 231-2828 |
| Children`s Hospital Trauma Counseling | (858) 966-4011 |
| Family Support Program | (858) 966-8584 |
| Forensic & Med. Services | (858) 966-5980 |
| Children`s Protective Services (24hr.) | (800) 344-6000 |
| Department of Child Support Services | (619) 236-7600 |
| Planned Parenthood | (800) 230-PLAN |
| Welfare Info | (858) 514-6885 |

Counseling Centers

| | |
|---------------------------------------|----------------|
| YWCA | (619) 239-0355 |
| Center for Community Solutions | (888) 272-1767 |
| Community Resource Center (Encinitas) | (760) 753-8300 |
| South Bay Community Services | (619) 420-3620 |
| Women`s Resource Center (Oceanside) | (760) 757-3500 |

Court

| | |
|-----------------------------------|----------------|
| East County (El Cajon) | (619) 441-6770 |
| Family Court (Downtown) | (619) 236-0189 |
| Files | (619) 557-2073 |
| Calendar | (619) 557-2020 |
| FCS | (619) 236-2681 |
| Interpreter | (619) 531-3310 |
| Madge Bradley Building (Downtown) | (619) 687-2292 |
| North County (Vista) | (760) 726-9595 |
| South Bay (Chula Vista) | (619) 691-4875 |

Criminal Justice Information

| | |
|--|----------------|
| City Attorney`s DV Unit | (619) 533-5500 |
| District Attorney`s Child Abduction Unit | (619) 531-4345 |
| District Attorney Victim Witness | |
| San Diego | (619) 531-4041 |
| East County | (619) 441-4538 |

| | |
|--|----------------|
| South Bay | (619) 691-4539 |
| North County | (760) 806-4079 |
| Jail Info – Central Detention Center | (619) 615-2700 |
| Prison Inmate Locator | (916) 445-6713 |
| Probation Dept. | (619) 515-8202 |
| Immigration Advocates | |
| ACCESS | (858) 560-0871 |
| Casa Cornelia | (619) 231-7788 |
| Catholic Charities | (619) 231-2828 |
| Law Enforcement Non – Emergency Numbers | |
| Carlsbad Police | (760) 931-2197 |
| Chula Vista Police | (619) 691-5151 |
| Coronado Police | (619) 522-7350 |
| El Cajon Police | (619) 579-3311 |
| Encinitas Sheriff | (760) 966-3500 |
| Escondido Police | (760) 839-4722 |
| Imperial Beach Sheriff | (619) 498-2400 |
| La Mesa Police | (619) 469-6111 |
| Lemon Grove Sheriff | (619) 337-2000 |
| National City Police | (619) 336-4411 |
| Oceanside Police | (760) 435-4900 |
| San Diego County Sheriff | (858) 565-5200 |
| Downtown | (619) 544-6401 |
| San Diego Police | (619) 531-2000 |
| DV Unit | (619) 533-3500 |
| Santee Sheriff | (619) 956-4000 |
| Legal – Restraining Orders, Custody, Divorces | |
| YWCA (County-wide) | (619) 239-2341 |
| Center For Community Solutions | (858) 272-1574 |
| Lawyer Referral Service/Modest Means | (619) 231-8585 |
| San Diego Volunteer Lawyer Program | (619) 235-5656 |
| USD Legal Clinic | (619) 260-7470 |
| Military Resources | |
| MCRD Legal Assistance Office | (619) 524-4110 |
| Military Family Liason (Family Justice Ctr.) | (619) 533-3592 |
| Navy Family Advocacy | (619) 556-8809 |
| Navy Legal Assistance Office | (619) 566-2211 |
| Other | |
| Crisis Tram (24hr. – Suicide) | (800) 479-3339 |
| Consumer Credit Counseling | (800) 873-CCCS |
| DV Employment Project Info line | (888) 864-8335 |

| | |
|---|----------------------|
| Elder Abuse | (800) 510-2020 |
| Lesbian/Gay – The Center | (619) 692-2077 |
| Southern Indian Health Council | (619) 445-1188x383/4 |
| Protection & Advocacy (disabilities) | (800) 766-5746 |
| Real Solutions (supervised visitation) | (619) 294-9852 |
| Rancho Coastal Humane Society (Pets) | (760) 753-6413 |
| Renter`s Law Line (Free Info) | (858) 571-1166 |
| Safe-at-Home Confidential Mailing Address | (877) 322-5227 |
| www.casafeathome.org (for local enrolling agencies) | |
| Senior Legal Services (Free) | (858) 565-1392 |
| Small Claims Advisor | (619) 236-2700 |
| Social Security | (800) 772-1213 |
| United Way Infoline | (619) 230-0997 |
| Union Plan Asian Communities-DV | (619)229-2999 |

Family Justice Centers in San Diego County:

| | |
|--|----------------|
| San Diego Family Justice Center (707 Broadway, Downtown San Diego) | (866) 933-4673 |
| East County Family Justice Center (131 Avocado, El Cajon) | (619) 456-9609 |
| North County Family Violence Center (330 Rancheros Dr. San Marcos) | (760) 798-2835 |

For information about a shelter, you may contact:

| | |
|---|--------------------------|
| North County Interfaith Council | (760) 489-6380 |
| Saint Clare’s Home (Escondido) | (760) 741-0122 |
| Becky’s House/YWCA (24 hour hotline) | (619) 234-3164 |
| Center for Community Solutions (Rape/Domestic Violence 24 hour hotline) | (619) 272-1767 |
| Community Resource Center (Encinitas) | (877) 633-1112 |
| Crisis House (El Cajon) | (619) 444-1194 |
| Center for Community Solutions- Project Safehouse | (619) 267-8023 |
| Rachel’s Women’s Center & Night Shelter | (619) 696-0873 |
| Salvation Army Family Development Center | (619) 239-6221 |
| San Diego Rescue Mission Women & Children’s Center | (619) 687-3720 ext. 36 |
| South Bay Community Services | (800) 640-2933 |
| St. Vincent de Paul | (619) 233-8500 ext. 1214 |
| Women’s Resource Center (North County) | (760) 757-3500 |
| Animal Safe House Hotline (Temporary housing for pets of victims) | (888) 305-7233 |

Services for Victims of Rape or Sexual Assault:

| | |
|---------------------------------|----------------|
| National Sexual Assault Hotline | (888) 656-4673 |
| San Diego County | (888) 385-4657 |
| Coastal Location | (858) 272-5777 |
| La Mesa Location | (619) 697-7477 |
| North County Location | (760) 747-6282 |

Hospitals Providing Sexual Assault Services

| | |
|-------------------------------|---------------|
| Balboa Naval Medical | (619)532-8275 |
| Children's Hospital | (858)576-5803 |
| Palomar Hospital | (760)739-3800 |
| Pomerado Hospital | (858)613-4457 |
| Villa View Community Hospital | (619)582-3516 |

For information about Elder Abuse Services in the community, you may contact:

| | |
|------------------------------------|----------------|
| Adult Protective Services (City) | (619) 283-5731 |
| Adult Protective Services (County) | (858) 495-5660 |

For information about Civil Legal Services for victims of domestic violence (including restraining orders, child support orders, and divorces, you may contact:

| | |
|--|----------------|
| YWCA/Becky's House Legal Services | (619) 239-2341 |
| Center for Community Solutions, TRO/Legal Clinic | (858) 272-1574 |
| Legal Aid Society | (619) 262-0896 |
| San Diego Volunteer Lawyers Program | (619) 235-5656 |

(The Volunteer Lawyer Program provides legal services to undocumented immigrants)

To Report Child Abuse, you may contact:

| | |
|---------------------|----------------|
| Child Abuse Hotline | (858) 560-2191 |
|---------------------|----------------|

For information about the prosecution of domestic violence cases, you may contact:

| | |
|--|----------------|
| San Diego City Attorney's Office (Domestic Violence Unit) | (619) 533-5620 |
| San Diego County District Attorney's Office- Family Protection Division | (619) 531-4062 |
| - (Domestic Violence and Child Abuse) | |
| District Attorney's Office- Superior Court (Sexual assaults not qualifying as Domestic Violence or Child Abuse) | (619) 531-4040 |
| *Family Court Services- Downtown | (619) 236-0189 |
| *Family Court Services- East County | (619) 441-4387 |
| *Family Court Services- North County | (760) 940-4433 |
| *Family Court Services - South County | (619) 691-4780 |

*** Indicates Restraining Order Information**

Other Services

| | |
|--|----------------|
| Camp HOPE (Camp HOPE is a special camp for children exposed to domestic violence. It is operated in partnership with the San Diego Family Justice Center) | (619) 533-3509 |
| Indochinese Storefront | (619) 531-1590 |
| Lesbian & Gay Men's Community Center | (619) 692-2077 |
| Somalian Storefront | (619) 287-6422 |

Spanish Speaking Agencies

| | |
|--------------------------|----------------|
| Casa Familiar | (619) 428-1115 |
| Crisis Team | (800) 479-3339 |
| Chicano Federation | (619) 236-1228 |
| YWCA of San Diego County | (619)234-3164 |

| | |
|--|----------------|
| San Diego County District Attorney - Victim/Witness Assistance | (619) 531-4041 |
| Men's Legal Center | (619) 239-5100 |

Asian Cultural Services

| | |
|--------------------------------|----------------|
| Union of Pan-Asian Communities | (619) 235-4262 |
|--------------------------------|----------------|

National Domestic Violence Hotline (800)799-SAFE or (800)787-3224 (TDD)

Effective July 1, 2009, for 24-hour custody status of a domestic violence offender, call VINE (Victim Information and Notification Everyday).

Call Toll Free (877) 411-5588.

Law Enforcement Agencies (Non-Emergency)

| | |
|--|----------------|
| Carlsbad Police Department | (760) 931-2197 |
| Chula Vista Police Department | (619) 691-5151 |
| Coronado Police Department | (619) 522-7350 |
| El Cajon Police Department | (619) 579-3311 |
| Escondido Police Department | (760) 839-4722 |
| La Mesa Police Department | (619) 469-6111 |
| National City Police Department | (619) 336-4411 |
| Naval Criminal Investigative Services | (619) 556-1364 |
| Oceanside Police Department | (760) 966-4909 |
| San Diego Police Department Domestic Violence Unit | (619) 531-2387 |
| San Diego Police Department Communications | (619) 531-2000 |
| San Diego Sheriff's Dept. Domestic Violence Unit | (858) 467-4576 |
| * San Diego Sheriff's Department Communications | (858) 565-5200 |

***Covers unincorporated areas of the County, and contract cities of: Del Mar, San Marcos, Encinitas, Santee, Vista, Solana Beach, Lemon Grove, Imperial Beach and Poway.**

International Law Enforcement Liaisons for Sexual Assaults

| | |
|--|----------------|
| San Diego County Sheriff's Department | (858) 495-5590 |
| San Diego Police Department, Criminal Intelligence (Liaison to | (619) 531-2518 |

Mexico)

Useful Links:

San Diego Superior Court: www.sdcourt.ca.gov

(For general information about the courts and court process.)

San Diego Sheriff Department: www.sdsheriff.net

(To find out if your abuser is in jail, look up restraining order status, and find other important phone numbers.)

Tenant's Legal Center of San Diego: <http://www.tenantslegalcenter.com/>

(For information about your rights as a tenant and resources available to you if you have a problem with your landlord.)