



## LEGAL OPTIONS CLASS

### Types of Restraining Orders

1. **Emergency Protective Order (EPO)**- Good for five days only. Granted by police or sheriff at the time of incident. Can include orders for custody, residence kick-out orders, or stay away orders. The person seeking protection must be in immediate or present danger of violence or threat of serious harm has been made towards victim or family member. EPO's are free and a Judge authorizes the officer to issue it.

**NOTE:** Law requires that police officers arrest the "Dominant" aggressor in domestic violence cases. A victim may be arrested if he/she leaves physical marks on his/her abuser when attempting to fight back in self-defense.

2. **Family Law & Civil Domestic Violence Temporary Restraining Order (DVTRO)**- An order is usually granted for 25 days and can include custody, use of car, or home, stay away orders and/or kick-out orders. DVTRO's must be served on the party at least 5 days before the hearing and a "Proof of Service" must be on file at the law enforcement agency to be enforced. (Form DV-200) You MUST bring the Proof of Service to court. You cannot ask for anything at the hearing that you did not ask for in your initial paperwork.

Any copies of EPO's, DV Police Reports, or medical records concerning DV should be attached to initial papers or filed as exhibits to prove that domestic violence has occurred. Documentation is very important to prove that DV has occurred.

You can obtain papers needed to file a DV/TRO from the clerk's office in the courthouse and prepare your papers independently (staff at the clerk's office does not provide assistance in preparing a DV/TRO). You can use a computer at home or the following agencies to complete a DV/TRO. The website is [www.icandocs.org](http://www.icandocs.org).

Or call:

San Luis Obispo Women's Shelter Program (Legal Department 805-781-6418)  
Family Law Facilitator Office, on Friday's to set an appointment, 805-788-3418  
Paralegal Assistance Unlimited, 805-305-1044

There is never a filing fee.



Recent acts or threats of violence against the victim or family member are required to have a DVTRO granted. These orders can include other family or household members. You must keep track of what happens and when. Police reports about acts or threats of violence can help to obtain a DVTRO. The court will not grant a restraining order if there are no “fresh facts” (“fresh facts” means that the abuse should have occurred within the last 30-60 days). Your declaration must contain information about specific acts or acts with threats on specific dates. You do not need a police report to get a Restraining Order! It is best to report abuse but victims can obtain a Restraining Order even if they have not called the police.

The initial order is good until the time of the court hearing (25 days). You must attend the hearing to have the permanent restraining order granted. This will usually be good for three years. Custody and visitation orders will be made and you may be referred to mediation for a custody/visitation recommendation after the hearing.

**Separate Mediation:** A requirement by law in domestic violence cases is; the victim should meet separately with the mediator without the abuser being present. The custody/visitation orders do not expire and will remain in effect until a new order is made. You can always take a support person with you to mediation or court. Mediation can occur before the hearing (self referral) or after court (court referral).

**NEVER LEAVE THE COURTROOM WITHOUT YOUR “ORDERS”! BE SURE TO GET YOUR MINUTE ORDER AND THE ORDER AFTER HEARING PREPARED. THE ORDER AFTER HEARING MUST BE FILED WITH LAW ENFORCEMENT AFTER THE COURT HEARING! KEEP A COPY WITH YOU AT ALL TIMES. .**

If you are not able to have the abuser served with the initial restraining order 5 days before the hearing, you may have it extended for an additional 25 days (two times) but you must file the form “Re-issuance” before the court date, or ask for it at the time of the hearing.

- Criminal Protective Order (CPO)**-This restraining order can be granted by the judge at the time of any hearing on a criminal domestic violence case. You must let the DA know that you want a CPO. You can call Victim Witness to ask them if you can have a CPO granted. This order can include provisions for stay away from children but it does not grant custody/visitation (you must file for a DVTRO to establish custody/visitation orders). The CPO is free and is good until the case is over or for a maximum of ten years. If the abuser is sentenced 3 years probation, the restraining order will be good for those three years. You will be mailed a copy of the CPO if you are not in court when it is granted. If the criminal case is dismissed, the restraining order will be vacated. All victims should seek a family law DVTRO for her/his protection and to establish custody/visitation orders if there are minor children. Cooperation with the District Attorney in prosecuting the abuser for domestic violence is the best way to help the abuser get into and stay with batterer’s treatment. The cycle of violence can only be broken with treatment and batterer accountability.



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4. **Civil Order Prohibiting Harassment (OPH)**- This is a restraining order for parties not involved in a close relationship, or where there is no “physical” abuse. (Neighbors, ex-spouses, co-workers, etc.) Forms are available from the clerk at the courthouse. (See Attached Info on Domestic Violence/Civil Harassment Restraining Orders)

You can never have too many Restraining Orders. You should apply for any you may qualify for and obtain protective orders in Family Court and Criminal Court.

A Restraining Order is important in breaking the cycle of violence but it is a piece of paper and may not keep you safe. Your safety is the most important issue so please take time to make a safety plan.

**YOU CAN HAVE YOUR PROTECTIVE ORDER RENEWED PRIOR TO THE EXPIRATION IF YOU FEEL YOU ARE STILL AT RISK. NO NEW VIOLENCE IS NECESSARY BUT A REASONABLE FEAR OF HARM IS. THIS IS A SIMPLE PROCESS AND YOUR RESTRAINING ORDER CAN BECOME PERMANENT. PLEASE TALK WITH AN ADVOCATE IF YOUR RESTRAINING ORDER IS ABOUT TO EXPIRE. ONLY NUMBER TWO CAN BE RENEWED!**

**ONLY A CIVIL/FAMILY LAW DV/TRO CAN BE RENEWED WITH THIS PROCESS**



**DOMESTIC VIOLENCE**  
**RESTRAINING ORDERS**

***TYPE OF HARM PROTECTED AGAINST:***

- Actual or threatened violence
- Physical injury or attempt to injure
- Property destruction
- Serious molestation, harassment or stalking that put you in fear of your safety

***WHO YOU CAN GET ORDER AGAINST:***

Must be someone with whom you have a “Close personal relationship”

- Spouse or former spouse
- Person you are dating or used to date
- Person with whom you’ve had a child
- Related to you by blood, marriage or adoption (parent, sibling, child, grandparent, grandchild, in-law)
- “Cohabitant” (person who regularly resides or used to reside in you home)

***KINDS OF ORDERS AVAILABLE:***

- Personal Conduct Orders
- Stay Away Orders
- Residence Exclusion Orders
- Custody & Visitation Orders
- Child Support Orders
- Orders re: Use & Possession of Property
- Orders re: Payment of Debts
- Surrender of Firearms
- Attorneys Fees if you use an attorney

***LIMITATIONS ON RELIEF:***

- You must show both a “close personal relationship” and violence or threats of violence
- The conduct must have been “recent” (i.e. within the past month)

**CIVIL HARASSMENT**  
**RESTRAINING ORDERS**

***TYPE OF HARM PROTECTED AGAINST:***

- May include acts or threats of violence, but not necessary
- Acts which a “reasonable person” should not have to endure
- Must be a series of acts (more than one)

***WHO YOU CAN GET ORDER AGAINST:***

No “close personal relationship” required: You can get a civil harassment restraining order against all of the people you can get a domestic violence restraining order against **AND** any other person who commits a series of acts against you, whether or not you have a “close personal relationship” (e.g. neighbors, co-workers, acquaintances, relatives of someone you are dating, etc.)

***KINDS OF ORDERS AVAILABLE:***

- Personal Conduct Orders
- Stay Away Orders
- Attorneys Fees if you use an attorney

***LIMITATIONS ON RELIEF:***

- You must show a series of acts; a single act, no matter how serious, is not sufficient
- You cannot get a “kick-out” order removing someone from your home
- You cannot get custody, visitation or support orders
- You must pay a filing fee (unless you are eligible for a fee waiver or the conduct involved acts of violence)



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**If you are in need of help immediately and are in San Luis Obispo County, please call **HOTLINE** at 1-800-549-8989 or 211.**

**If you are not in San Luis Obispo County, call your local women's shelter or call 1-800-799-SAFE for a shelter in your area.**

**If you are in immediate danger, dial 911. If 911 services are not available in your area, call your local police department.**

**If you are an American in a foreign country and need help immediately, please contact the nearest U.S. Consulate.**

**If you are in crisis or need help with an abusive relationship, it is imperative that you speak directly with a trained domestic violence counselor. Counselors may be available at the Women's Shelter or the Hot-Line**

**Protect yourself - [Make sure you go to:](http://www.womensshelterslo.org/helpnow_yourself.htm#CoverTracks)  
[http://www.womensshelterslo.org/helpnow\\_yourself.htm#CoverTracks](http://www.womensshelterslo.org/helpnow_yourself.htm#CoverTracks) for  
information on how to cover your tracks after viewing a website!**

**Culturally competent services are provided to all qualifying individuals with sensitivity to race, national origin, age, gender, sexual orientation, primary language or disability.**



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## Referrals

### Safety Programs:

- **Confidential Address Program (AKA Safe at Home Program).** A free program to provide DV victim confidential address. It is administered through the San Luis Obispo County Victim Witness Program or Women's Shelter Program in conjunction with the Secretary of State's office. They forward your mail to you and you use their address for legal or personal needs. You can also apply for up to \$2000.00 reimbursement for relocating. Victim Witness Service Center is located at------. Free counseling is available for DV Victims and their children through the Victim/Witness Program. Other services may be available.
  
- **Supervised Visitation:** Supervised exchanges, supervised visitation, parenting classes, etc.
  - 3<sup>rd</sup> Party or Safe Exchange (Public places such as McDonalds or a Law Enforcement agency)

## Legal Resources

There are several low cost "**Legal Document Assistants**" (Formerly Paralegals) who can assist with the preparation of documents for other types of cases or for those parties who cannot wait for the free services to be available. The list below is partial and the telephone book contains others.

### 1. Paralegal Assistance Unlimited

Irene Zupko  
1305 2<sup>nd</sup> St., Los Osos, CA 93402  
805-305-1044

Services: Divorce, Custody, Guardianships, name changes, adoptions, conservatorships, grandparent rights, landlord/tenant, etc. And all family law actions. Never charge for info.

### 2. Tracy Nelson LDA #2001-09

ESC Legal Documents  
P.O. Box 1475  
Morro Bay, CA 93442  
209-444-0444

\*\*\* Always check with the Better Business Bureau 805-963-8657



## **Important Phone Numbers**

***"911" - Emergency situations threatening human life or property and demands immediate attention.***

### ***Police Department (Non-Emergency Calls)***

Arroyo Grande.....	473-5100
Atascadero.....	461-5051
Baywood/Los Osos.....	528-6083
California Polytechnic State University Police Dept.....	756-2281
Grover Beach.....	473-4511
Morro Bay.....	772-6225
Oceano.....	543-7082
Paso Robles.....	237-6464
Pismo Beach.....	773-2208
San Luis Obispo.....	781-7317

### **Crisis Intervention/Referrals**

Hotline of San Luis Obispo County..... 549-8989 or 211  
(24 hours) or 1-800-549-8989

### **Domestic Violence Shelters/Related Programs**

San Luis Obispo County Women's Shelter Program .....781-6401  
(after hours and weekends 549-8989)

North County Women's Resource Center.....461-1338  
(after hours and weekends 549-8989)

### **Counseling & Support Services**

Center for Alternatives to Domestic Violence.....473-6507  
(San Luis Obispo & Grover Beach)

ADAPT - Aid in Divorce Adjustment Problems Today.....543-0388

Adults Molested as Children Support Group.....545-8888

Mommies Meeting Mommies.....543-2061

Rape Crisis Center.....545-8888/1-800-656-HOPE

Women's Resource Centers San Luis Obispo.....544-9313

### **Drug & Alcohol Support/Recovery Programs**

AL-ANON.....534-9204

Alcoholics Anonymous San Luis Obispo..... 541-3211

Casa Solana .....481-8555

Drug & Alcohol Services .....781-4753



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Family Support; Child Care; Parenting Skills  
 Community Counseling Center.....543-7969  
 HeadStart, EOC San Luis Obispo.....544-4355

**Legal Assistance**

Family Court Services.....781-5423  
 Family Support Division, District Attorney's Office.....781-5734  
 Temporary Restraining Order Clinic (domestic violence).....781-6418  
 Victim/Witness Assistance Center.....781-5875

**Women's Health Services**

ALPA - Teen Pregnancy Counseling & Support.....541-3367  
 EOC Health Services.....544-2478  
 Planned Parenthood - San Luis Obispo.....549-9446

**Social Service Organizations**

Child Welfare Services (CWS).....781-5437  
 Mental Health Services - San Luis Obispo.....781-4700

**Other Important Information:**

**Domestic Violence = Child Abuse**

1. You are at risk of having your children removed from your custody if you remain in a violent, abusive relationship. You could be charged with failure to protect them.
2. No one with a restraining order against them can own posses or purchase a gun. You should tell an officer issuing an EPO about any guns and have them removed from the abuser's control.
3. It is very important to document any domestic violence and keep track of what happens and when.
4. Both parents have equal rights to custody until there is a court order establishing a custody/visitation plan. It is very important to protect your custody rights and obtain an order as soon as possible. You should notify Child Abduction Unit, Isabel Furnaro (#) or local law enforcement if you are in hiding with the children due to violence! (Good Cause Report- Penal Code 278.5)

**Selected Laws Related to Domestic Violence:**

1. **Family Code Sec. 3044-** Creates a rebuttal presumption that no custody either legal or physical should be given to a person found to have perpetrated domestic violence against co-parent,



child or sibling within the last five years. Presumption can be rebutted. If both parents are found to be perpetrators of DV, this section does not apply.

2. **3044.** Presumption against persons perpetrating domestic violence.
  1. Upon a finding by the court, that a party seeking custody of a child, has perpetrated domestic violence against the other party seeking custody of the child, or against the child or the child's siblings within the previous five years. There is a rebuttal presumption that an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence is detrimental to the best interest of the child, pursuant to Section 3011. This presumption may (only) be rebutted by a preponderance of the evidence.
  2. In determining whether the presumption set forth in subdivision (a) has been overcome, the court shall consider all of the following factors:
  3. Whether the perpetrator of domestic violence has demonstrated that giving sole or joint physical custody of a child to the perpetrator is in the best interest of the child.
  4. Whether the perpetrator has successfully completed a batterers class treatment program that meets the criteria outlined in subdivision (c) of Section 1203.097 of the Penal Code.
  5. Whether the perpetrator has successfully completed a program of alcohol or drug counseling if the court determines that counseling is appropriate.
  6. Whether the perpetrator has successfully completed a parenting class if the court determines the class to be appropriate.
  7. If the perpetrator is on probation or parole, whether he/she is restrained by a protective order granted after a hearing, whether he/she has complied with its terms and conditions.
  8. Whether the perpetrator of domestic violence has committed any further acts of domestic violence.
  9. In cases in which both parents are perpetrators of domestic violence, this presumption shall not be applicable.
  10. For purpose of this section, a person has "perpetrated domestic violence" when he/she is found by the court to have intentionally or recklessly caused or attempted to cause bodily injury, or sexual assault, or to have placed a person in reasonable apprehension of imminent serious bodily injury to that person or to another, or to have engaged in any behavior involving, but not limited to threatening, striking, harassing, destroying personal property or disturbing the peace of another, for which a court may issue an ex parte order pursuant to section 6320 to protect the other party seeking custody of the child or to protect the child and the child's sibling (Added by Stats. 1999.c.445 (A.B.840), & 1)
3. **Penal Code Sec. 836** – it is mandatory to arrest a person for violation of restraining order. If there are mutual restraining orders, an arrest remains discretionary.
4. **Family Code Sec. 4320** – amended to allow the court to consider emotional distress as a result of domestic violence as a factor in setting amount and length of spousal support. This follows laws, which allow an exception to welfare limitations (both 2 and 5 years) for victims of



domestic violence and laws who allow victims of domestic violence to bypass certain immigration restrictions.

5. **Family Code Sec. 6304-** amended to include the prohibition of owning or possessing a firearm in the restrictions the Court gives in a DV case.
6. **Family Code Sec. 6343-** amended to require the batterer's programs ordered by the court must have been approved by the Probation Department. The Court is to work with local shelters to develop a resource list of such programs and services.
7. **Family Code Sec. 6389-** amended to make relinquishment of firearms mandatory rather than optional for those subject to a restraining order. There is, however, an exception for peace officers. The court must have a finding that the officer does not pose a threat of harm (note that this seems to create a dilemma since the person must pose a threat in order for the restraining order to be issued in the first place). The court must also require the officer to undergo a psychological evaluation and may require the officer to enter counseling or other treatment.
8. **Family Code Sec6228-** requires that a DV victim be provided a free copy of any DV incident report.
9. **Penal Code 663.6** – allows victim of DV to request permission to record prohibited communication by perpetrator.

**Checklist for Domestic Violence Victims Going to Court:**

**Before going to court, make sure that the following papers have been filed:**

1. **Proof of Service (POS) –DV 200** applying for a temporary **domestic violence restraining order (DVTRO)**, it is CRUCIAL that these papers be delivered to the perpetrator (respondent) at least one week prior to the court hearing. The victim (petitioner) cannot deliver the papers. Instead, someone must deliver them over the age of 18 (may be a relative, a friend, police officer, etc.). The judge will NOT grant you a permanent restraining order if the proof of service is not filed by the time of the hearing. If, however, someone has attempted to serve the papers to the respondent and was unable to locate him/her, then the judge will extend your temporary restraining order for an additional 25 days. A DVTRO extension requires that a "Reissuance" form be filed. Once again, the papers must be filed with the clerk's office or you must take the original copy to court (Proof of Service should be typed or in black ink).
2. Attached to the initial request for restraining order should be a copy of any existing police reports, medical records, photographs of physical scars, etc. Also, bring sufficient copies (minimum of 3) of every document to the court hearing. If the perpetrator has a history of crime or alcohol/drug abuse, a "**Certificate of Search**" should be purchased from the clerk's office and attached to the initial request for a restraining order. A "**Certificate of Search**" is a list of the perpetrator's criminal charges in this county only. You can access this document by going to the SLO County Superior Court, Criminal Records Department. Criminal records are public records and anyone can obtain these documents.



- **Order After Hearing** –. The form should explicitly state the judge’s orders (i.e. whether or not a restraining order was granted, custody/visitation issues, etc.) Make sure that the judge addresses all of the issues that are of concern to you. Such issues may include:

- |    |   |                          |
|----|---|--------------------------|
| A. | Restraining Order 3-5 years             | <input type="checkbox"/> |
| B. | Child Custody/Visitation/Animals        | <input type="checkbox"/> |
| C. | Child Support/Spousal Support           | <input type="checkbox"/> |
| D. | Property (i.e. use of car, house, etc.) | <input type="checkbox"/> |
| E. | Firearm Relinquishment                  | <input type="checkbox"/> |

Make sure that the **Restraining Order After Hearing** papers are filed with local law enforcement because without doing so the permanent restraining order may not be enforceable. Keep one copy with you at all times, give a copy to day care, school, family, etc. **THIS IS THE ONLY PROOF YOU HAVE THAT A PROTECTIVE/CUSTODY ORDER HAS BEEN GRANTED.**

## VAWA VIOLENCE AGAINST WOMEN’S ACT

### REQUIREMENTS

1) **Applicant must be a spouse or child of either:**

- a. United State Citizen (USC) or
- b. Lawful Permanent Resident (LPR) or Green Card Holder
- c. Spouse – Valid Marriage
- d. Divorce – can file self petition within 2 years if can show divorce related to DV
- e. Child – Biological child or Step child
- f. If abuser was deported or lost LPR status because of DV, can file self-petition within 2 years.
- g. Death of USC after filing petition does not affect petition.
- h. Undocumented children under 21 of battered spouse are included in the self-petition, regardless of whether they have themselves been subjected to abuse.

2) **Current Residence in the U.S.**

- a. Applicant must show proof that he/she currently resides in the U.S.

3) **Residence in the U.S. with Abuser**

- a. Exception: If married to U.S. government employee or military abroad.



**4) Good Faith Marriage**

- a. Valid Marriage and in “Good Faith”
- b. Spouse who is unknowingly in a bigamist marriage is OK.

**5) Good Moral Character**

- a. Free of any crimes, felonies, arrest, or convictions.
- b. Waivers for certain crimes, ex: DV crimes, theft, or prostitution if show connected to DV.
- c. **Government Benefits** – INS cannot consider receipt of public benefits for public charge determinations.

**6) Applicant must have been:**

- a. **“Battered”** or **“Subjected to extreme cruelty”** at the hands of the spouse or parent or in certain cases, third parties.

**OR**

- b. Applicant can be the non-abused parent of a child who was abused by USC or LPR or stepparent.

**I-360 Petitions** contact:

Catholic Charities, 805-541-9110

Immigrant Legal Resource Service,

Women’s Shelter Program, 805-781-6418

**Domestic Violence: What Should Happen When Police Arrive**

On January 1, 2000, a host of new domestic violence laws went into effect in California. These laws give new protection and new rights to those victimized by their partner’s violence against them. In an effort to ensure that victims know their right...

**Here’s what should happen if you call the sheriff or police to report domestic violence:**

1. Officers must fill out a crime report and they must send that report to the district attorney for action. Ask them for a case number before they leave. The victim has a right to receive a free copy of the face page within 48 hours of the incident.
2. Officers must make an arrest when there is probable cause that an assault occurred. Law Enforcement officers make arrests when there is visible injury. However, police officers are not mandated to make arrests when there is a visible injury between parties that are dating or engaged. (Penal Code 273.5)
3. Officers at the scene of a domestic violence incident involving a threat to human life or a physical assault must take temporary custody of any firearm or deadly weapon in plain sight or discovered following a consensual search [Penal Code 12028.5 (b)]. A victim cannot give officers consent to search the abuser’s residence.



4. Officers are mandated to respond to domestic violence incidents without checking for a restraining order. (Penal Code 13702)
5. It is against the law to possess, own or purchase a firearm when there is a domestic violence restraining order in effect. However, this law only applies if the served copy has a notice in bold printing that the perpetrator is prohibited from purchasing or receiving a firearm. [Penal Code 12021 (g)]
6. Officers must offer the victim an Emergency Protective Order (EPO), which they can issue on the spot, and which covers the victim for one week, giving him/her time to get a more permanent order.
7. In cases where both parties show signs of injury, officers must make reasonable efforts to identify the dominate aggressor, regardless of who started the fight. [Penal Code 13701 (b)]
8. Officers must carry out a complete investigation of the crime, including a full history of previous domestic violence, interviews with all the witnesses, photos of injuries and the scene, placing the 911 tapes, medical records in evidence, etc. A complete investigation will make the case less dependent on the victim's testimony alone. (Penal Code 13730)



## **Personal Safety Tips**

No one deserves to be abused. If things get out of hand it's good to have a plan!

### **When a Fight breaks out:**

- ✓ Move away from the kitchen, bathroom, or anywhere else there are dangerous objects.
- ✓ Plan the easiest escape. Decide on a door or window to exit quickly and safely.
- ✓ Find a neighbor, friend or family member you can trust to help you and your children, or to call the police for you.

### **If you decide to leave your partner, plan for safety:**

- ✓ Every situation is different! Leaving may be risky for you and your children.
- ✓ Decide NOW where you will go and how you will get there.
- ✓ Put some money away. Even if you only save a little bit every week, it will help to have some money on your own.
- ✓ Make copies of keys and important papers and leave them with a friend, neighbor or church. (Someone you can TRUST)
- ✓ Some important items to include: Birth certificates, legal papers, prescription medicines, baby formulas, special toys, etc.
- ✓ Let your child's teacher and principle know enough about the situation to respond supportively in a crisis. Try to get them agree not to release the children to the abuser if you report to them you are about to leave home or have left due to violence.

### **Ways to stay safe on your own:**

- ✓ Have the locks on your door changed.
- ✓ Learn about your legal rights. If you have legal papers to protect you keep them **WITH YOU AT ALL TIMES!**
- ✓ Tell your neighbors, friends, landlords, etc. that your partner no longer lives with you. Keep a safety plan for coming and going, share it with people you trust. Teach your children about your safety plan.
- ✓ If your partner is dangerous, find someone at work to tell. Show a picture and ask them to call 911 if your former partner comes around.

## **Personalized Safety Plan**

The following steps represent my plan for increasing my safety and preparing in advance for the possibility of future violence. Although I do not have control over me partner's violence I do have a choice about how to respond and how to get myself and my children to safety.

### **Safety during a violent incident and after**

1. If we are going to have an argument. I can try to move to a space that is lowest risk, such as \_\_\_\_\_.
2. If it is not safe to stay, I can \_\_\_\_\_ (practice how to get out safely.)
3. I can keep my purse and/or keys ready and put them \_\_\_\_\_ so that I can leave quickly.
4. I can tell \_\_\_\_\_ and \_\_\_\_\_ about the violence and ask them to call the police if they hear suspicious noises coming from my home.
5. I can use \_\_\_\_\_ as my code word with my children or my friends so that they can call for help.
6. I can teach my children how to use the telephone to contact the police, fire department or \_\_\_\_\_.
7. If I have to leave my home, I can go to \_\_\_\_\_ or \_\_\_\_\_ (decide this even if you don't think there is a next time.)
8. I can leave extra money, car keys, clothes, and copies of important papers with \_\_\_\_\_.
9. To ensure safety and independence, I can keep change for phone calls with me at all times and rehearse my escape route with a support person.
10. I will use my judgment and intuition. If the situation is very serious, I will give my partner what is needed to calm the situation. I will protect myself and my children until we are out of danger.
11. I will consider very carefully which people I ask to help secure my safety.
12. If I feel down and ready to return to a potentially abusive situation, I can call \_\_\_\_\_ for support and attend support groups and strengthen my relationships with other people!



## **SAFETY PLANNING**

### **Identify a Safe Area in Your Home**

- Install inside locks on a door
- Plan Barricades
- Choose a room with a window
- Have a telephone in that room-get a cordless phone
- Arrange a signal for help with a neighbor
- Teach your children how to call 911
- Remove weapons from home
- If you feel an abusive episode is inevitable; move towards your safe area  
Stay away from the kitchen (where the knives are kept) and stay out of rooms  
With no windows

### **Find a Safe shelter and Know How You Will Get To It**

- Make transportation arrangements with a friend or family member
- Call ahead to notify them of your situation

### **Document the Abuse**

- Keep a journal (make sure it is hidden)
- Get photos taken of damage to yourself/property
- Get medical attention and have them document the abuse
- Show the injuries to a friend
- Make copies of bills for damage to property
- Make copies of hospital/counseling bills

### **Keep Identification/Important Papers**

- Drivers License
- Social security cards (yours and your children's)
- Birth certificates, immunization records
- Immigration papers
- Rent receipts or mortgage papers
- Social services papers
- Utility receipts
- Prescriptions
- Car title and registration
- Tax records
- Bank statements
- Address Book



### Safety Planning (continued)

#### **Have Money and Keys**

- Start hiding some cash for yourself (a good place for females is in your tampon box)
- Open your own bank account
- Save pay-stubs
- Car/house keys and safety deposit box/post keys

#### **Pack a Suitcase**

- Shoes/socks
- Underwear
- Nightwear
- Change of clothes
- Toiletries
- Prescription drugs
- Kid's clothing and favorite toys
- Diapers
- Treasured possessions (pictures, keepsakes)
- Hide suitcase in the car, under a bed, at a neighbor's, church, in garage or public locker

#### **When You Leave**

- Try to leave while your abuser is not home, or ask the police for help. Do not worry about being fair or giving the abuser the benefit of the doubt. Protect yourself and your children!
- Try to take your children with you, but if you cannot, do not assume you will lose custody because of abandonment. Leaving because of abuse is legitimate, get legal assistance about parental rights as soon as possible. If you feel your children are in danger, contact child protective services or the police immediately!

## **IMPORTANT THINGS TO REMEMBER**

**You are not to blame  
You did not cause the abuse  
You are not alone  
Help is available!**



## **THE EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN**

Witnessing violence between one's parents is likely to affect all children in some way. The impact is affected by several factors, including sex and age of children, intensity and frequency of the violence and family dysfunction.

- A child growing up in violence is 1,000 times more likely to end up in prison by the age of 25
- Children learn by modeling their parents behavior
- Boys growing up in violent homes tend to use violence to solve problems
- Girls growing up in violent homes tend to become withdrawn, passive and submissive
- 85% of the juveniles incarcerated at juvenile hall grew up in violent homes

Children who live in homes where abuse occurs are also the victims of the violence. They may be injured by an act of violence; they feel helpless, blame themselves for not preventing the violence or for causing it and also may be abused or neglected.

The children experience the high levels of anxiety, experience symptoms of Post Traumatic Stress Disorder, and experience difficulties in school. Children living in violent homes are more likely to be truant, act out and behave violently. Violence is a learned behavior!

### **Behaviors that might be seen in children coming from violent homes include:**

- Physical complaints (stomach aches, bed wetting, nail biting, self mutilation, headaches, thumb sucking, anxiety)
- Eating problems
- Temper tantrums
- Sleep problems
- Disruptive behavior-aggression
- Overly passive-withdrawn
- Poor self image-blames others
- Depression-suicidal
- Drug or alcohol use
- Running away
- Criminal activity



## **LETHALITY ASSESSMENT**

A lethality assessment is the attempt to identify the circumstances where a batter is most dangerous by evaluating the batter's beliefs and patterns of violence, obsessions and control. The underlying assumption is the higher the number of predictors the higher the potential for the batterer to commit a homicide or engage in potentially lethal behaviors.

Lethality assessments are more an art than a science and cannot be considered precise by any means. They are not a tool for certain prediction, but rather one for risk assessment and safety planning or intervention. Social service providers should error on the side of caution and inform their clients that any abuser can potentially be lethal.

Mark the number that best describes your relationship with your partner.

3-Frequently

2-Sometimes

1-Rarely

0-Never

### **Emotional Abuse**

- Jokes
- Insults
- Name calling
- Yelling
- Humiliation
- Labeling as crazy
- Blaming
- Isolation
- Demanding attention
- Withholding money
- Feeling of powerlessness
- Threatens to take children
- Threats of violence
- Destruction of property
- Threats of suicide

### **Physical Abuse**

- Pinch/Squeeze
- Push/Shove
- Slap
- Bite
- Throwing you
- Choking
- Throws objects
- Hitting/Punching
- Use of weapons
- Burns
- Induced abortion
- Disfiguring
- Attempt murder

### **Sexual Abuse**

- Touching (unwanted or uncomfortable)
- Restrained through physical force
- Sex to hurt (with or without objects)
- Demanding or forcing to act a certain way
- Pornography
- Demanding or forced sex
- Prostitution
- Incest



## Other Predictors of Lethality Included:

- Threats of suicide or homicide including killing himself, the victim, children or relatives.
- Fantasies of homicide or suicide in the guise of fantasizing “who, how, when and/or where to kill.”
- Weapons owned by the perpetrator who has threaten to use them or has used them in the past (the use of guns is a strong predictor of homicide)
- Feelings of “ownership” of the victim
- “Centrality” to the victim (idolizing and extreme dependence)\
- Separation from the victim (this is an extremely dangerous time when perpetrators make the decision to kill)
- Dangerous behavior increases in degree with little regard for legal or social consequences
- Hostage Taking
- Depression
- Repeated calls to the Police



## **Checklist of Abuse Indicators**

While it is not always possible to predict whether a potential partner might become abusive, the following behaviors are often seen in people who abuse their partners. If the person exhibits several of these behaviors there may be a strong potential for domestic violence.

\_\_\_\_\_ **Extreme Jealousy:** Is your partner distrusting and possessive? Does he or she question and “check up” on you excessively?

\_\_\_\_\_ **Controlling Behavior:** Does your partner try to control where you go, what you do, whom you see? Does he or she limit your access to family funds?

\_\_\_\_\_ **Quick Involvement:** Did your partner come on like a whirlwind, demanding quick commitment?

\_\_\_\_\_ **Unrealistic Expectations:** Does your partner depend on you to meet all needs? Are you expected to be the perfect spouse, parent, lover, and friend?

\_\_\_\_\_ **Isolation:** Does your partner try to cut you off from resources, limit your contact from family and friends, and prevent you from going to work or school?

\_\_\_\_\_ **Blames others for own problems:** Does your partner blame you for personal problems, instead of taking responsibility?

\_\_\_\_\_ **Cruelty to animals or children:** Does your partner act brutally to animals, tease children excessively, expect them to do things that are beyond their ability?

\_\_\_\_\_ **Abuse of sexual intimacy:** Does your partner manipulate or coerce you into having sex or performing specific sexual acts when you don’t want to?

\_\_\_\_\_ **Verbal abuse:** Does your partner say things that are cruel and hurtful, put you down, minimize your accomplishments?

\_\_\_\_\_ **Rigid gender role:** Does your partner hold rigid beliefs about male and female roles within a relationship, and demand that you comply?

\_\_\_\_\_ **Jekyll/Hyde:** Does your partner have an explosive temper, sudden mood swings? Behave kindly in public but cruelly in the privacy of your home?



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## **Legal Resource List**

This list includes non-profit agencies which provide legal, mediation and referral services at low or no cost. Also listed are self-help internet sites.

This list is not comprehensive. The Court is not responsible for the type of service you receive from the listed agencies.

### **Child Support Services Department**

1200 Monterey Street, San Luis Obispo, CA 93401  
(805) 781-5734  
Walk-In Hours: Mon - Fri 8:00 a.m. – 5:00 p.m.  
Phone Hours: Mon - Fri 1:00 p.m. – 4:00 p.m.

**Services:** Assist in establishing or modifying orders regarding paternity, child support and health insurance

**Cost:** Free

<http://www.slocounty.ca.gov/css> [1]

### **Family Court Services**

1120 Mill Street, San Luis Obispo, CA 93408  
(805) 781-5423  
HOURS: Mon - Fri 8:00 a.m. – 5:00 p.m.

**Services:** Mediate child custody issues between parties in family law cases to reach a parenting plan agreement. Separate appointments available. Matters assigned to Paso Robles branch will be mediated in Paso Robles.

**Cost:** Free

<http://slocourts.net/fcs> [2]



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## **Self-Help Center / Family Law Facilitator Office**

(805) 788-3418

### **Walk-in Legal Clinic:**

- SLO Courthouse Annex, 1035 Palm St., 3rd Floor Atrium, San Luis Obispo, Wed and Thurs 8:30 a.m. – 11:30 a.m. and other hours by appointment only. Please note that on October 14, 2009 our Walk-In Clinic will move to a new location at the San Luis Obispo Courthouse located on the 2nd Floor in Department 11.
- Paso Robles Courthouse, 901 Park Street, Room 117, Tues 8:30 a.m. - 11:30 a.m. and 1:30 p.m. - 4:00 p.m. and other hours by appointment only.

### **Walk-in Child Support Clinic:**

Court Services Building, 1120 Mill Street, Ste. A, San Luis Obispo, Wed 1:30 p.m. – 4:00 p.m. and other hours by appointment only.

**Appointments:** To schedule an appointment call (805) 788-2491 Fridays 8:00 a.m. - 12:00 p.m.

**Services:** Assist in dissolution of marriage, legal separation, nullity, paternity and domestic violence cases. Assist in obtaining and modifying child support, spousal support, child custody, child visitation and restraining orders. Assist in civil harassment, guardianship and name change cases.

**Cost:** Free

[http://slocourts.net/self\\_help/family\\_law/facilitator\\_schedule](http://slocourts.net/self_help/family_law/facilitator_schedule) [3]

## **Hotline Of San Luis Obispo County**

P.O. Box 5456, San Luis Obispo, CA 93403

(805) 211

24 Hour Hotline: (805) 549-8989 or (800) 549-8989

**Services:** 24-hour information and referrals, support and crisis line.

**Cost:** Free

<http://www.slohotline.org> [4]



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## **Lawline SLO**

(805) 788-2099

Phone Hours: Mon - Fri 8:00 a.m. - 5:00 p.m.

**Services:** Program staff provides referrals to legal assistance programs in San Luis Obispo County. San Luis Obispo County Bar Association volunteer lawyers, if available, may provide legal information and advice at no charge to individuals who need assistance and are unable to afford a lawyer.

**Cost:** Free

<http://www.slobar.org> [5]

## **Lawyer Referral and Information Service (LRIS)**

(805) 541-5502

Phone Hours: Mon - Fri 9:00 a.m. - 1:00 p.m.

No Walk-Ins

**Services:** Provides referrals to LRIS Panel Attorneys, including the following areas of law: Appellate; Arbitration/Mediation; Business Law; Collection; Criminal Defense; Employment; Estates, Wills and Trusts; Family Law (including Limited Scope); Bankruptcy; General Civil Litigation; Malpractice; Intellectual Property; Personal Injury; Real Property; Landlord/Tenant.

**Cost:** LRIS administrative referral fee: \$25. Attorney's regular fee will apply following initial consultation. Online request may be submitted at

<http://www.slobar.org> [5]

## **North County Women's Shelter & Resource Center**

7360 El Camino Real #3, Atascadero, CA 93422

(805) 461-1338

24 Hour Hotline: (805) 549-8989 or (800) 549-8989

HOURS: Mon - Fri 8:00 a.m. – 5:00 p.m.

**Services:** Assist in obtaining temporary restraining orders and counseling to victims of domestic violence and provide shelter.

**Cost:** Free Legal services. Donations appreciated. Charge sliding scale for counseling services.

<http://northcountywomensshelter.org> [6]



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## **Women's Community Center**

4251 S. Higuera, #800, San Luis Obispo, CA 93401

(805) 544-9313

Email: [wccslo@gmail.com](mailto:wccslo@gmail.com) [7] Please provide your telephone number for a return call.

**Legal Clinic For Self-Represented Litigants:** Volunteer lawyers offer legal advice regarding family law, restraining orders, guardianship and name change every Fourth Tuesday of each month at 5:30 p.m. A \$40 donation is appreciated. Registration is required.

**Divorce Guidance Class:** Volunteers give information about what is needed before a case is filed with the Court every third Wednesday of each month at 7:00 p.m. A \$10 donation is appreciated.

<http://www.wccslo.org> [8]

## **Women's Shelter Program Of San Luis Obispo**

(805) 781-6401 or (805) 781-6418

24 Hour Hotline: (805) 549-8989 or (800) 549-8989

HOURS: Mon - Fri 9:00 a.m. – 5:00 p.m.

**Services:** Provide counseling and legal services to victims of domestic violence and provide shelter.

<http://www.womensshelterslo.org> [9]

## **California Rural Legal Assistance (CRLA)**

1011 Pacific St., Ste. A, San Luis Obispo, CA 93401

(805) 544-7994

WALK-IN HOURS: Mon, Tues, Thurs, Fri, 1:00 p.m. – 5:00 p.m.

PHONE HOURS: Mon, Tues, Thurs, Fri, 3:30 p.m. – 5:00 p.m.

**Services:** Assist in civil law cases, including public benefits, labor and employment, housing, education and civil rights. Do not assist with family law or criminal cases.

**Cost:** Free for low-income individuals

<http://www.crla.org> [10]



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## **Catholic Charities**

751 Palm St., San Luis Obispo, CA 93401

**(805) 541-9110**

OFFICE HOURS: By Appointment Only

PHONE HOURS: Mon – Fri, 9:00 a.m. – 5:00 p.m.

**Services:** Assist with immigration and housing cases.

**Cost:** Sliding Scale

## **Creative Mediation**

285 South St, Ste. P, San Luis Obispo, CA 93401

**(805) 549-0442**

HOURS: Mon – Fri, 9:00 a.m. – 4:00 p.m. (Call for appointment)

**Services:** Offer mediation and conflict-coaching services to resolve family, small business, real estate, community/residential disputes and more.

**Cost:** Free or Low Cost

<http://www.creativemediation.net> [11]

## **San Luis Obispo County Law Library**

1050 Monterey St. Room 125

San Luis Obispo, CA 93408

**(805) 781-5855**

HOURS: Mon – Fri, 8:30 a.m. – 4:30 p.m. and Sat 10 a.m. – 3:00 p.m.

**Services:** Reference materials available including Nolo Press publications, copier, and computer with internet access.

<http://www.sloccl.org> [12]