



# **Domestic Violence Prevention**

Resource and Referral Handbook

for the

County of San Mateo

**2010**

Some of the phone numbers, addresses, and other information contained herein may have changed since the time of publication. Please call ahead before going to the locations listed.

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# Dedication

Domestic violence impacts more than 10,000 individuals in San Mateo County each year. The County of San Mateo is committed to ending domestic violence. This information and referral handbook is dedicated to all victims of domestic violence. We hope that the information contained herein will help you and/or those you care about find the resources to stay safe .

Domestic violence is a pervasive crime, often characterized by violence, threats of violence, emotional abuse, and/or intimidation and coercion. It causes trauma to victims and their children, but affects all of us, and so it is important that everyone be able to recognize it and know where to find help

The County of San Mateo has a host of dedicated professionals available to provide you with assistance. And they are only a phone call away.

Thank you for taking the time to review the information contained in this handbook.

Yours in safety,

Supervisor Mark Church  
San Mateo County Board of Supervisors  
Chair, Domestic Violence Council

Melissa Lukin, Executive Director  
CORA (Community Overcoming Relationship Abuse)  
Vice-Chair, Domestic Violence Council

# Table of Contents

Introduction.....	4
Chapter 1: Facts About Domestic Violence.....	5
Battering in Same Sex Relationships.....	8
Children and Domestic Violence.....	9
Teen Dating Violence.....	11
The Power and Control Wheel.....	12
The Equality Wheel.....	14
Substance Use and Domestic Violence.....	16
Immigration.....	16
Chapter 2: Planning for your Safety.....	18
Safety Before an Assault .....	18
Checklist: What you need to take with you when you leave.....	18
Increasing Safety During an Assault.....	19
Safety When Preparing to Leave.....	21
Safety When Living on your Own.....	21
Safety Plan for your Children.....	22
Safety on the Job and in Public.....	23
Your Safety and Emotional Health.....	23
Chapter 3: Your Rights and Criminal Justice.....	23
The Police.....	24
The District Attorney’s Office.....	27
The Probation Department.....	30
State Parole.....	34
Chapter 4: Protection Available through Family and Juvenile Court.....	36
Restraining Orders: Protection through the Civil Court.....	36
Child Protection.....	41
Chapter 5: Resources: Where to Turn for Help.....	43
Chapter 6: How to talk with someone who is being abused.....	47

# Introduction

## **No one deserves abuse...**

It is a crime if someone physically hurts or threatens you. No one has the right to hurt you, even if that person is a spouse (current or former), child, boyfriend or girlfriend (current or former), parent, or partner.

## **You are not responsible for the violence...**

Abusers often blame their abusive behavior on drugs or alcohol, stress, childhood abuse, or their partner. As a result, you may have feelings of isolation, fear, shame, and hopelessness.

## **You are not alone...**

There are people who are concerned about you and want to help. This handbook can help you protect yourself and your children. It describes the characteristics of domestic violence, explains the role of the justice system, lists your rights and options, and provides community resources that can offer help. We hope this information is part of the beginning of a safe future for you and your children.

## **You are important to our community...**

The community resources are provided because you are important to our community. We hope that you will utilize the services to help you and your family. Only you can decide to take that step.

*I am not to blame for being beaten and abused.*

*I have a right NOT to be abused.*

*I am not the cause of another's violent behavior.*

*I have a right to be angry over past beatings.*

*I do not like or want it.*

*I do not want my children to grow up to batter or be battered.*

*I have a right to leave this abusive environment.*

*I have a right to be in a safe, nonviolent home.*

*I have a right to provide a healthy environment for myself and my children.*

*I do not have to accept physical, emotional, sexual, psychological, or financial abuse.*

*I have the right to make mistakes.*

*I have the right to believe that I have a good memory and can remember events.*

*I have the right to have a partner who is sexually faithful.*

*I have the right to participate in the process of making rules that will affect my life.*

# 1

# Facts about Domestic Violence



**Domestic violence** is an escalating pattern of abuse where one partner in an intimate relationship controls the other through force, intimidation, or the threat of violence. Abuse comes in many forms:

- **Physical** - kicking, punching, shoving, slapping, pushing, and any other acts which hurt your body.
- **Sexual** - calling you vulgar names, criticizing your body parts or sensuality, forced or pressured sexual acts, including rape. Sexual assault by a person known to the victim, including a spouse, is a crime.
- **Homophobic** - threatening to “out” you to people who do not know your sexual orientation.
- **Emotional** - assaults against your self-esteem.
- **Verbal** - name-calling, threats, put-downs.
- **Psychological** - causing you to feel as if you are “going crazy.”
- **Spiritual** - attacking your spiritual or religious beliefs.
- **Financial** - controlling and manipulating you by threatening your economic status and basic needs.
- **Immigration** - using your immigration status and fear of deportation to control you.
- **Destructive Acts** - actual or threatened assault of your property or pets to scare you.

## **Domestic Violence Facts:**

- Each year, women experience about 4.8 million intimate partner related physical assaults and rapes. Men are the victims of about 2.9 million intimate partner related physical assaults. (1)
- Domestic violence [intimate partner] resulted in 1,544 deaths in 2004. Of these deaths, 25% were males and 75% were females. [That is over 3 women per day and approximately 1 man per day killed by an intimate partner (current or former)] (1)
- The cost of intimate partner violence was an estimated \$5.8 billion in 1995. Updated to 2003 dollars, that’s more than \$8.3 billion. This cost includes medical care, mental health services, and lost productivity (e.g.

time away from work). (1)

- Women experiencing abuse in the year prior to and/or during a recent pregnancy are 40 to 60 percent more likely than non-abused women to report high-blood pressure, vaginal bleeding, severe nausea, kidney or urinary tract infections and hospitalization during pregnancy and are 37 percent more likely to deliver preterm. Children born to abused mothers are 17 percent more likely to be born underweight and more than 30 percent more likely than other children to require intensive care upon birth. (2)

- Each year, about 324,000 pregnant women in this country are battered by their intimate partners. That makes abuse more common for pregnant women than gestational diabetes or preeclampsia -- conditions for which pregnant women are routinely screened. (3) Battering prior to pregnancy is the primary predictor that battering will occur during pregnancy.

(1)[http://www.cdc.gov/ncipc/dvp/ipv\\_factsheet.pdf](http://www.cdc.gov/ncipc/dvp/ipv_factsheet.pdf)

(2) Silverman, JG, Decker, MR, Reed, E, Raj, A. Intimate Partner Violence Victimization Prior to and During Pregnancy Among Women Residing in 26 U.S. States: Associations with Maternal and Neonatal Health. *American Journal of Obstetrics and Gynecology* 2006; 195(1): 140-148.

(3) Gazmararian JA; et al. 2000. "Violence and Reproductive Health; Current Knowledge and Future Research Directions." *Maternal and Child Health Journal*. 4(2):79-84.

**D**omestic violence is one of the nation's best kept secrets. Myths and misunderstandings abound. Knowing the facts is an important step toward breaking the cycle of violence.

**Fact:** Each year approximately 1.5 million women in the U.S. are physically abused in their homes by an intimate partner. This number includes more than 324,000 women who were pregnant when the violence occurred. (1)

Although the first violent incident may not be severe, once battering begins, it tends to increase in severity and frequency, sometimes leading to permanent injury or death. What begins as an occasional slap or shove may turn into a push down the stairs, a punch in the face, or a kick in the stomach.

**Fact:** Battering is not about anger or losing control; it is an intentional choice that is focused on maintaining power and control in the relationship. Abusers manage not to beat their bosses or terrorize their friends when they are angry.

**Fact:** The abuser is responsible for the violence – not the victim. People are beaten for breaking an egg yolk while fixing breakfast, for wearing

their hair a certain way, for dressing too nicely or not nicely enough, for cooking the wrong meal, or for any other number of excuses. These incidents do not warrant or provoke violence. Even when you disagree, you do not deserve to be beaten. People who are battered do not want to be beaten.

**Fact:** Violence does occur in same sex relationships, and the issues of power and control are similar to those found in heterosexual relationships. Homophobia can compound the effects of the violence for the victim.

**Fact:** Substance abuse is involved in a substantial portion of all domestic violence incidents. Although drugs or alcohol may lower a person's self control, they do not cause domestic violence.

**Fact:** Domestic violence crosses all economic, educational, ethnic, sexual orientation, age, and racial lines in equal proportions. There is no "typical" victim.

**Fact:** Abusers generally lead "normal" lives except for their unwillingness to stop their violent and controlling behavior in their intimate relationships. Abusers do not abuse because they are crazy or mentally ill.

(1) U.S. Department of Justice, Extent, Nature and Consequences of Intimate Partner Violence: Research Report iii (2000) and Gazamarian, JA, et al., "Violence and Reproductive Health: Current Knowledge and Future Research Directions", Maternal and Child Health Journal, Vol. 4, No. 2, pg. 80 (2000)

**People stay with abusive partners for many different reasons. By understanding these reasons, you can explore your options for living a violence-free life and avoid feelings of guilt and isolation.**

### **Common Reasons for Staying with Abusive Partners:**

- You fear you will be beaten more severely.
- Your abuser has threatened to find and kill or harm you, your children, or your family.
- You depend on the abuser for shelter, food, and/or other necessities.
- You have no one to talk to who understands and believes you.
- You believe your children need two parents, and you don't want to raise them alone.
- You want to keep the family together and live up to your religious commitment to remain with your partner.

- You fear that you won't be able to take care of yourself and your children alone.
- You want to stand by your partner and be loyal to the relationship.
- Your partner has threatened to commit suicide if you leave.
- You believe that things will get better.
- You believe that no one else will love you.
- You fear your family and friends will be ashamed of you.
- You feel ashamed, embarrassed, and humiliated and don't want anyone to know what is happening. You think others will believe that you are "low class" or stupid for staying as long as you already have.
- You believe that you need to be in a relationship to feel like a complete person.
- You fear that you will be deported or that your children will be taken out of the country.
- If you are in a same sex relationship, you fear that you will be "outed" or that no one will believe you.
- Your job is to make the relationship work, and if it does not work, you are to blame.
- If you stay, you can "save" the abuser and help him/her get better.

It is a myth that people don't leave violent relationships. Many may attempt leaving an average of five to seven times before they are able to leave permanently.

**You may be in greater danger from your partner's abuse when you leave. Only you can decide what is best for you and your children. Whether you decide to remain with your abusive partner or leave, it is important to plan for your safety. Please refer to the safety planning information in Chapter 2.**

### **Battering in Same Sex Relationships . . .**

Abusers in same sex relationships use the same power and control tactics as heterosexual abusers. They blame the victim, deny or minimize the abuse, and resist being held accountable for their violence. Victims feel afraid, isolated and ashamed, take responsibility for the abuse, and face many barriers in leaving the relationship. Societal homophobia also causes lesbians, gays, bisexuals, and transgendered to face additional obstacles to safety and services including:



- Fear of losing custody of your children, your job, or family support if your sexual orientation is revealed.
- Becoming a target for anti-lesbian/gay violence.
- Extremely limited resources, for you and the abuser.
- Inappropriate, insensitive, and homophobic responses from service providers and the criminal justice system.
- Further stigmatization because of the abuser's violence.
- Ostracism from the lesbian, gay, bisexual or transgender communities for revealing the violence.
- Emotional abuse by the abuser, including questioning your "real" orientation and reinforcing society's view of same sex relationships as perverse or bad.
- Threats by the abuser to "out" you to family, friends, and employers.
- Denial of the existence of same sex battering by referring to the violence as "mutual" battering.

## **Children and Domestic violence . . .**

The U.S. Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country. (1)

Slightly more than half of female victims of intimate violence live in households with children under age 12. (2)

Between 30%-60% of families experiencing domestic violence are also experiencing child abuse or neglect. (3)

(1) U.S. Advisory Board on Child Abuse and Neglect, U.S. Department of Health and Human Services, A Nation's Shame: Fatal Child Abuse and Neglect in the United States: Fifth Report, 1995

(2) U.S. Department of Justice, Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends and Girlfriends, March 1998

(3) National Council of Juvenile and Family Court Judges Family Violence Department: Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice, 1999

### **Children are exposed to domestic violence in a variety of ways:**

- Children feel the tension
- Children see or hear the violence
- Children witness the results of violence
- Children are blamed for the violence (overtly or self-blame)
- Children intervene in the violence
- Children may be forced to participate in the violence

## **Some effects of witnessing domestic violence on children**

### Externalized behaviors

- Aggression toward others (bullying, fighting, dating violence)
- Property destruction
- Self-harm and taking risks
- Antisocial behaviors (lying, stealing)
- Animal abuse
- Fearful and inhibited behaviors

### Internalized behaviors

- Withdrawing
- Depression
- Alcohol or drug use
- Suicidal ideation
- Reluctance to try new things, avoidance
- Expressing fear, anxiety
- Low self-esteem

### Increased physical complaints

- Stomachaches, headaches, tiredness, changes in appetite, eating disorders

### Lower social capabilities

- Fewer age-appropriate social skills (especially in relationships)
- Lacking ability to seek assistance from others
- Lower ability to satisfy personal needs

### Post-Traumatic Stress Symptoms

#### Learned attitudes supporting violence

- Violence is ok or enhances one's image

#### Less developed thinking skills

- Less developed attention and ability to concentrate
- Poor understanding of social situations
- Less skill in empathizing
- Less skill in seeing others' point of view

\*\*\* Note: Not every child is affected by witnessing domestic violence in the same way and children may exhibit these behaviors for other reasons.

## **It is extremely important for children who live in violent homes to have a simple safety plan...**

- Warn children to stay out of the adults' conflicts.
- Make a list of people children can trust and talk to when they are feeling unsafe (neighbors, teachers, relatives, friends).
- Give children a code word that tells them to go to a safe place and call for help.

- Decide ahead of time on a safe place where children can go when they feel unsafe.
- Teach children to use police and other emergency phone numbers.

Please refer to the safety planning information in Chapter 2

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## **Teen Dating Violence . . .**

Dating violence is unfortunately not uncommon.

### **Teens: If you (or your friend) are the victim of abuse:**

- Talk to your parents, if you can, or decide which friend, teacher, relative, or police officer you can tell.
- Contact an advocate to help you make a safety plan and to decide if you should get a restraining order. In San Mateo County, contact CORA at 800-300-1080. [You can also get information and contact a peer counselor at [www.teenrelationships.org](http://www.teenrelationships.org).]
- As a minor, you can get a Restraining Order. You do not have to notify your parents if you have another adult (over 18) who will help you. In fact, you may not need to notify your parents at all - even if you come to court alone. For help with a Restraining Order, contact an advocate and see the Restraining Order section in Chapter 4.

### **Parents: Possible Signs of Dating Violence:**

- Your teen has bruises, bite marks, black eyes or other unexplained physical injuries.
- Your teen is unwilling to discuss her or his dating relationship.
- Your teen is withdrawn.
- Your teen is spending a lot of time alone.



# The Power and Control Wheel...

Abusive relationships are based on the mistaken belief that one person has the right to control another. When the actions described in the spokes of this wheel and on the next page don't work, the person in power moves on to actual physical and sexual violence. The relationship is based on the exercise of power to gain and maintain control. The dignity of both partners is stripped away.



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## Using Intimidation

- Makes you afraid by using looks, actions, or gestures.
- Smashes things.
- Destroys property.
- Abuses pets.
- Displays weapons.

## Using Emotional Abuse

- Puts you down.
- Makes you feel bad about yourself.
- Calls you names.
- Makes you feel guilty.
- Makes you think you're crazy.
- Plays mind games.
- Humiliates you.

## Using Isolation

- Controls what you do, who you see and talk to, what you read, and where you go.
- Limits your outside involvement.
- Uses jealousy to justify actions.

## Denying, Blaming, Minimizing

- Makes light of the abuse and does not take your concerns about it seriously.
- Says the abuse did not happen.
- Shifts responsibility for abusive behavior to other people or circumstances.
- Says you caused the abuse.

## Using Children

- Makes you feel guilty about the children.
- Uses the children to relay messages.
- Uses visitation to harass you.
- Threatens to take the children away.

## Using Male Privilege

- Makes all the big decisions.
- Acts like "Master of the Castle."
- He is the one to define men's and women's roles.
- Treats you like a servant.

## Using Economic Abuse

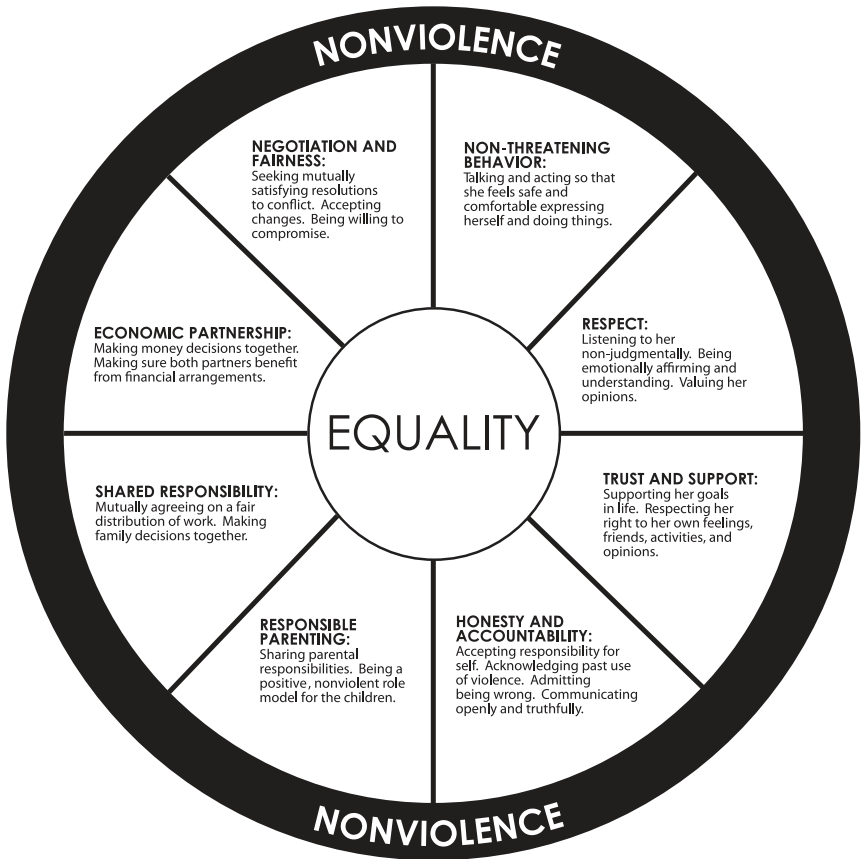
- Prevents you from getting or keeping a job.
- Makes you ask for money.
- Gives you an allowance.
- Takes your money.
- Does not let you know about or have access to family income.

## Using Coercion and Threats

- Makes and/or carries out threats to do something to hurt you.
- Threatens to "out" you.
- Threatens to leave you, to commit suicide, or to report you to welfare authorities.
- Makes you do illegal things.

## The Equality Wheel...

Healthy relationships are based on the belief that two people in a relationship are partners with equal right to have their needs met and equal responsibility for the success of the partnership. In this equality belief system, violence is not an option because it violates the rights of one partner and jeopardizes the success of the relationship. The dignity of both partners is strengthened in a relationship that is based on equality.



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## **Non-Threatening Behavior**

- Talks and acts so that you feel safe and comfortable expressing yourself and doing things.

## **Respect**

- Not judgmental when listening to you.
- Is emotionally affirming and understanding.
- Values your opinions.

## **Trust and Support**

- Supports your goals in life.
- Respects your right to have your own feelings, friends, activities, and opinions.

## **Honesty and Accountability**

- Accepts responsibility for self.
- Acknowledges past use of violence.
- Admits being wrong.
- Communicates openly and truthfully.

## **Responsible Parenting**

- Shares parental responsibilities.
- Is a positive, nonviolent role model for the children.

## **Shared Responsibility**

- Mutual agreement on a fair distribution of work.
- Family decisions are made together.

## **Economic Partnership**

- Money decisions are made together.
- Both partners benefit from financial arrangements.

## **Negotiation and Fairness**

- Seeks mutually satisfying resolutions to conflict.
- Accepts change.
- Willing to compromise.

## Substance Use and Domestic violence . . .

Alcohol or drug use is present in an estimated 65 to 80% of all domestic violence incidents. Families affected by domestic violence typically experience a higher rate of alcohol and drug use than families who are not affected by battering. While the abuser may blame substance use for the battering, it is important to know that **alcohol and drugs do not cause violence**; however, the violence and abuse may be more severe during substance use. Domestic violence and substance abuse are two different problems and each requires specialized intervention.

**You may also be abusing substances as a means of coping with your partner's violence. Substance abuse is never a healthy alternative. For help, call:**

Alcoholics Anonymous (24 hrs/7 days).....	(650) 577-1310
ALANON and ALATEEN .....	(650) 592-7935
Asian American Recovery Services .....	(415) 337-0140
Catholic Charities .....	(650) 295-2160
El Centro de Libertad.....	(650) 599-9955
Family & Children Services .....	(650) 326-6576
Free At Last.....	(650) 462-6999
Hope House .....	(650) 363-8735
Latino Commission .....	(650) 244-1444
Our Common Ground (formerly Daytop) .....	(650) 325-6466
Palm Avenue (Detox Program).....	(650) 513-6500
Project 90 (men only).....	(650) 579-7881
Pyramid Alternatives.....	(650) 355-8787
Sitike Counseling Center.....	(650) 589-9305
Walden House .....	(415) 554-1100
Women's Recovery Association (women only).....	(650) 348-6603
Youth & Family Enrichment Services.....	(650) 573-3950

## Immigration . . .

Many abusers use the immigration status of their partners as another way to control them. Abuse may come in the following forms:

- Burning or stealing yours or your children's papers.
- Refusing to help you gain legal status.
- Calling you names like "illegal."
- Threatening to have you deported.
- Reporting you to Immigration.



Many victims of domestic violence are afraid to report violence or leave their abuser because they are “undocumented.” However, the danger of deportation may be less than you expect and **your safety is most important.**

Although your immigration status may present certain risks, you still have many rights:

- You do not have to reveal your immigration status.
- You do not need to be a citizen or have papers to get a Restraining Order.
- If you go to a battered women’s shelter, you have the right to keep your immigration status private. Some battered women’s shelters may provide information and referrals for immigration issues.
- You are entitled to receive emergency medical care, regardless of your immigration status.
- As a crime victim, you are not required to report your immigration status to the police.
- Your immigration status does affect your eligibility for government assistance and benefits, but children who are U.S. citizens may be eligible.
- It is important to collect documentation of immigration status for you, your children, and the abuser.
- If you are not a permanent resident and are married to a U.S. citizen or permanent resident, or are applying for residency through a spouse, contact an immigration attorney. There are special immigration laws to enable battered spouses of U.S. citizens and lawful permanent residents to obtain legal residency, even if your abusive spouse will not help. Your immigration status could be jeopardized by a divorce or separation. An annulment, dissolution, or divorce could terminate your immigration status.

**For help, contact the agencies listed under Immigration Services in Chapter 5.**

Note: If you have already received a conditional residence permit and you are a victim of battery or extreme cruelty, you do not need the cooperation of your spouse to change the conditional status to “permanent resident.”



# 2

## Planning for Your Safety



If you are in a relationship with an abusive partner, it is vitally important to have a safety plan. The following pages are to help you create a safety plan, but it may not cover all of your circumstances. For help creating a safety plan, please contact one of the **Victim/Survivor** resources in Chapter 5.

### Safety Preparations Before an Assault

- Have a packed bag ready to go and keep it in a secret but accessible place so that you can leave quickly [see below for a list of items to include].
- Practice getting out of your home safely. Identify which doors, windows, elevator, or stairwell would be best for a quick exit.
- Identify neighbors you can tell about the violence and ask them to call the police if they hear a disturbance coming from your home.
- Devise a code word to use with your children, family, friends and neighbors when you need the police.
- Plan where you will go if you have to leave home, even if you don't think you will.
- Memorize the telephone number of a domestic violence hotline. [In San Mateo County, the domestic violence hotline number is 800-300-1080 at Community Overcoming Relationship Abuse, also called CORA].
- Create a safety plan with your children for times when you are and are not with them.

### CHECKLIST: What you need to take with you when you leave...

[\*If your partner notices these missing items, he/she may think you are trying to trick him/her. The partner may think you are leaving. This may put you in more danger. You may want to make copies of the original papers and keep copies only.]

- Extra money
- Identification: driver's license, passport, greencard, work permit
- Birth certificates for self and children\*
- Social Security cards for self & children\*
- Checkbook, bank book, ATM card, credit cards
- Extra keys: house, car, storage

- Medicine—prescription and over the counter, copy of prescriptions, if needed\*
- Address book, important phone numbers\*
- Car registration\*
- Car, health, life insurance papers\*
- School & medical records\*
- Medicaid or Food Stamps cards\*
- Divorce, custody, injunction (restraining order) papers\*
- Copy of family bills\*
- Lease, rental agreement or house deed\*
- Car or mortgage payment book
- Proof of income (pay stub)\* and recent picture ID of partner
- Information on your partner's car/truck: make/model, year, color, tag number
- Pre-paid long distance card
- One or more changes of clothes
- Personal items: toothbrushes, tampons, etc
- Children's favorite toys, books, blankets
- Special personal items: pictures, jewelry, keepsakes
- Recent picture of children
- Other: \_\_\_\_\_

## **Increase Safety During an Assault...**

- During an argument, stay close to an exit and avoid the bathroom, kitchen or anywhere near weapons.
- When an attack has begun, escape if you can. Whenever you believe that you are in danger, leave your home and take your children, no matter the time of day or night. Go to a friend or relative's house or a domestic violence shelter.
- Call for help. Scream loudly and continuously. You have nothing to be ashamed of, the abuser does.
- Don't run to where the children are as the abuser may hurt them as well.
- If an attack is unavoidable and you cannot escape, make yourself a small target and curl into a small ball with your face protected and your arms around either side of your head, fingers entwined.
- Get medical help if you are hurt [especially if you were strangled (also referred to as "choked") as serious complications can arise for a period of time after the assault].
- Take photos of your injuries. Keep a log of the abuse, noting the dates, the details of what happened, medical information, and witnesses.

## Safety for Children Before and During an Assault on a Parent

- Teach children to never get in the middle of an assault, even if they want to help.
- Teach children to get to safety.
- Teach children to call 911 and give your address and phone number to the dispatcher/police.
- Tell your children violence is never right, even when someone they love is being violent. Tell them neither you nor they are at fault or cause the violence and that when anyone is being violent, it is important to keep safe.
- Create a safety plan with your children for times when you are and are not with them.

## Safety Plan for Children

Scary things can happen in families.

If someone is getting hurt I can:

Stay out of the fight.

Go to \_\_\_\_\_ to be safe.

Call 911 for someone to help or call: \_\_\_\_\_.

My address and phone number are: \_\_\_\_\_.

When I get scared I can think about: \_\_\_\_\_.

When I am feeling down or afraid I can talk to \_\_\_\_\_.

These are the safe exits from my house: \_\_\_\_\_.

Who are some people you trust and could go to or call for help?

- |                            | Name  | Phone Number |
|----------------------------|-------|--------------|
| 1. POLICE                  | _____ | _____        |
| 2. HOTLINE                 | _____ | _____        |
| 3. PASTOR/RELIGIOUS LEADER | _____ | _____        |
| 4. TEACHER                 | _____ | _____        |
| 5. GRANDPARENTS            | _____ | _____        |
| 6. SAFE FRIEND/NEIGHBOR    | _____ | _____        |
| 7.                         | _____ | _____        |
| 8.                         | _____ | _____        |

Home Address \_\_\_\_\_ Home Phone Number \_\_\_\_\_

Mother's name \_\_\_\_\_ Work Place \_\_\_\_\_ Work Phone Number \_\_\_\_\_

Father's name \_\_\_\_\_ Work Place \_\_\_\_\_ Work Phone Number \_\_\_\_\_

## **Safety When Preparing to Leave . . .**

- Open a savings account in your own name to establish your independence. Give the bank a safe address, such as a post office box or a work address. Think of other ways to increase your independence.
- Leave money, an extra set of keys, copies of important documents, and extra clothes with someone you trust so that you can leave quickly.
- Decide who you could stay with and who might loan you some money.
- Keep the shelter phone number or local hotline numbers close at hand and keep some coins or a calling card on you at all times for emergencies.
- Review your safety plan as often as possible in order to plan the safest way to leave your abuser.

## **LEAVING YOUR ABUSER CAN BE THE MOST DANGEROUS TIME.**

- If you must leave your children, recover them as soon as possible. Courts tend to give custody to a parent who physically has the children. Seek legal advice or call a domestic violence agency if there are no current child custody orders.

## **The Day you Leave . . .**

- Leave when it is least expected.
- Create a false trail. Call motels, etc. hours away from where you plan to relocate.

## **Filing a Good Cause Report . . .**

If you are fleeing domestic violence with your children, you must file a “Good Cause Report” with the District Attorney’s Child Abduction Unit within ten days of leaving your home with the children. This report lets the authorities know that you are fleeing domestic violence and are not merely abducting your children. Please call (650) 363-4636 to learn to how file the “Good Cause Report.” Filing a “Good Cause Report” does NOT constitute a court order regarding child custody.

## **Safety When Living on Your Own . . .**

- Change the locks on your doors as soon as possible. Buy additional locks and safety devices to secure your windows.
- Keep a phone in a room that you can lock from the inside. If possible, get a cellular phone to keep with you at all times. Contact your local domestic violence agency to inquire about use of a cell phone. In San Mateo County, contact CORA at 800-300-1080.
- Memorize emergency phone numbers.
- Keep a packed bag ready in case you have to leave quickly.

- Call your local phone company to ask for an unlisted phone number. This service may be free of charge. Block caller ID for outgoing calls.
- Think of alternative ways to stay safe if the police do not respond right away.
- Create a safety plan with your children for times when you are not with them.
- Use an answering machine and screen calls.
- Inform your children's school, day care, etc., about who has permission to pick up your children.
- Inform your neighbors and landlord that your partner no longer lives with you and that they should call the police if they see him/her near your home.

Note: Contact your local domestic violence shelter program to identify if they have access to home security devices at no charge. In San Mateo County, contact CORA at 800-300-1080.

- Identify the nearest pay phone in case you need to escape on foot.
- Call police if your partner breaks the protective order.
- Install a lighting system that lights up when a person comes close to your house.
- Keep a diary detailing any contact, threats, or letters. Save phone message tapes.
- Install smoke detectors and purchase a fire extinguisher.
- Keep your Protective Order and Proof of Service with you at all times. Give copies of these documents to everyone listed on the Order along with your family, friends, children's school and neighbors who are willing to help you.
- If you use alcohol, do so only in a safe place with people who understand your risk of violence and who are committed to your safety.

### **Safety for Your Children . . .**

- Teach children how to get to safety and complete and keep a safety plan for children updated and age appropriate.
- Teach children how to answer the door and/or phone in case it is the abuser.
- Give school or daycare center copies of any protective orders, tell them not to release children to anyone you have not designated, use a password so they can be sure it is you on the phone, give them a photo of the abuser.

### **Safety on the Job and in Public . . .**

- Keep a copy of your Protective Order and Proof of Service at work.
- Decide which coworkers to inform of your situation. Talk to your office or building security. Provide them with a picture of your abuser, if possible.
- Arrange to have someone screen your telephone calls, if possible. If the abuser contacts you at work, save the voicemail or email.
- Devise a safety plan for when you leave work. Have someone escort you to your car, bus, or train. Use a variety of routes to go home, if possible. Think about what you would do if something happened while you were on your way home.
- Vary the stores and times that you shop.

### **Your Safety and Emotional Health. . .**

- If you feel depressed, talk that over with someone you trust.
- If you are thinking of returning to a potentially abusive situation, discuss an alternative plan with someone you trust.
- If you have to communicate with your partner, determine the safest way to do so.
- Have positive thoughts about yourself and be assertive with others about your needs.
- Read books, articles, and poems to help you feel stronger.
- Decide who you can call to talk freely and openly, and who can give you the support that you need.
- Attend a domestic violence survivor's support group to gain support from others and learn more about yourself, domestic violence, and relationships.

## **3**

# **Your Rights and the Criminal Justice System**



The criminal justice system can be intimidating and confusing; it can also help you. **The Domestic Violence Victim Advocates through the Office of the District Attorney are available to assist you** throughout your experience with the criminal justice system.

## The Police

### Calling 9-1-1...

If you have just been threatened or physically abused, call 9-1-1. Tell the dispatcher that you are in danger and need help immediately. Try to communicate as much as possible to the dispatcher, especially if medical treatment is needed. The list of items below can also be reported to the dispatcher.

When the police arrive, describe your injuries in detail.

Tell them:

- How you were injured.
- Whether or not you have a Restraining Order.
- Any threats the abuser made.
- Any weapons used.
- Any other instances of threats or violence.
- Whether there were any witnesses.
- If you are afraid, ask for an Emergency Protective Order (see below)

Ask the police to take pictures of injuries, bruises, and damaged property and to remove any weapons used in the crime from the scene. Try to be as calm as you possibly can.

The police will call a domestic violence counselor from CORA [Community Overcoming Relationship Abuse] to talk to you at the scene. CORA, the domestic violence shelter agency, will also attempt to contact you at a later time.

### Making a Report...

- The police are required to write an incident report for all domestic violence calls, even if the abuser has already left the scene when they arrive.
- The police are required to provide you with an information card that has the report number and the officer's name and badge number. It is always important to get police officers' names and badge numbers.
- Although it is best to make the report as soon as possible, you can also call the police hours after you have been abused, or even the next day, to have a report taken.
- If the police do not write a report, you can go to the police station to make a report yourself. If you are still afraid of being hurt, you can ask the police for an "Emergency Protective Order." (see pg 25)
- Photos of your injuries are crucial. Bruises may appear hours or days after the incident and the pictures can be used as evidence. While police may take photos, you should take your own photos too.



- Never hesitate to call the police for help. If you disagree with an officer's response to your situation, you can directly contact the Watch Commander/ Supervisor or request assistance from a domestic violence advocacy agency in communicating your concerns to the law enforcement agency involved.

### **Arrest of the Abuser...**

Even if the abuser has broken the law, he/she may not necessarily go to jail. In some cases, an officer will cite and release the abuser. If asked, you do not have to tell police you want to prosecute. An officer's decision to arrest the abuser should not be based on whether or not you want to "press charges." Only the District Attorney can charge a person with a crime.

### **Restraining Order Violations...**

- If your abuser has violated a *Restraining Order*, show the police your court order and the proof of service. **Restraining Orders can be verified in the state registry.**
- The police are required to make an arrest if the abuser is present and they believe a violation of the Restraining Order has occurred.
- If you have a restraining order against your abuser, make sure any firearms belonging to him/her are relinquished to the police.

### **Emergency Protective Orders...**

- If violence has occurred and you do not have a Restraining Order, call the police to request an *Emergency Protective Order* (EPO). This is a Restraining Order that lasts 5 business days.
- You have the right to request an EPO from an officer at the scene of the crime.
- Only a police officer, with the approval of a judge, can obtain an EPO.
- Since you need an officer's assistance to get an EPO, it is important to describe the abuser's actions and the basis of your fears. Make sure you tell the officer about past domestic violence incidents.
- EPO's are available 24 hours a day and can include orders for custody and residence exclusion.

To get a more permanent order, **you** must go to one of the restraining order service agencies. Please refer to Chapter 4 for more information.

### **Bail...**

You have the right to request an increase in bail. The law requires that a judge set a person's bail within eight hours of being booked into custody. The judge can increase bail if the victim is in danger. Tell the Pretrial staff that you fear for your safety and want the abuser's bail to be increased. Once bail is set, you have the right to request a *rehearing for bail setting* to increase or revoke bail.

### **Release at Arraignment...**

If the abuser has not posted bail, the judge will decide whether to release the abuser from custody at the first court hearing, the arraignment. The judge's decision is typically based upon the information provided by Pretrial Services. The Release on Own Recognizance Program makes recommendations that do not take the charges into consideration. Recommendations are based on background information, verification of an alternate release address and no prior history of failure to appear.

### **Supervised Own Recognizance...**

Many abusers are released by the judge at arraignment on Supervised Own Recognizance (SOR). SOR means that the abuser must meet certain requirements to remain released. Abusers are supervised by Pretrial caseworkers.

### **Violation of SOR Conditions...**

If the abuser does not comply with the conditions of SOR release or violates the no contact order, the SOR caseworker will notify the court and may recommend revocation of the SOR release. If the court revokes the release, the abuser will be taken back into custody or a bench warrant will be issued.

### **Copy of Police Report...**

You have a right to obtain a copy of any police report in which you are listed as the victim. The reports are available through the police agency which handled the case. There is no charge for the report. If the agency attempts to charge you for a report, please refer to the Legal Resources listed in Chapter 5 for agencies that may be able to help you with this process.

It is always good to get a copy of any incident report documenting your abuser's abuse against you. These police reports can be used as evidence of abuse in other court proceedings, such as Restraining Orders or custody hearings.

### **Civil Stand-By...**

If you need to return to your house to get your things or you don't want to let the abuser back in your home to pick up his/her things, you can request a civil stand-by. A civil stand-by means the police are present to make sure everyone is safe. The police will only allow a limited time for the person to gather property. You can call your local police department to request a civil stand-by at any time. Requests are usually granted, but depend on officer availability.

### **Criminal Protective Orders...**

In almost all domestic violence criminal cases, the District Attorney (DA) asks the court for a Criminal Protective Order (CPO). The CPO includes stay away and no contact orders, and can remain in effect until probation is completed. The abuser can be ordered to stay away from you and your children. These orders can be modified or lifted by the abuser's Probation Officer or by the court.

The District Attorney's Office will arrange for you to get a copy of the order. The order will be entered in the statewide restraining order registry. The existence of the CPO does not preclude you from contacting the Family Law Court for additional restraining orders.

### **The District Attorney's Office**

The decision to "press" or "drop" charges can only be made by the District Attorney's Office. As the victim of a crime, you cannot press or drop charges. The DA's Office will either file charges or reject the case based on the police report. Your cooperation in the case is very important, but your lack of cooperation will not stop the prosecution. The DA may prosecute the abuser even if you tell them not to prosecute. If you have questions or would like to convey your thoughts about the case, you may contact the Deputy District Attorney assigned to the case. Call the **DA's Office at (650) 363-4677 in Redwood City or (650) 877-5454 in South San Francisco.**

### **Domestic Violence Victim Advocates...**

You are encouraged to contact the District Attorney Victim Advocates with any questions or concerns you may have. The Victim Advocates are available to provide counseling and support for domestic violence victims, assist prosecuting attorneys with contacting victims, and assist in providing referrals for victims. They also interpret the rules, regulations and policies of the DA's Office to clients and communicate in Spanish and English.

#### **For Support Advocates, Call. . .**

CORA [Community Overcoming Relationship Abuse].....	(800) 300-1080
Victim Center.....	(650) 599-7479
DA Victim Advocates .....	So. County (650) 599-7330
.....	No. County (650) 877-5797

## **Felony Versus Misdemeanor...**

In general, a felony is a more serious crime than a misdemeanor. A felony conviction can result in a state prison sentence or local jail time. A misdemeanor conviction, however, is limited to no more than one year in the county jail. Many domestic violence cases can be charged as either a misdemeanor or a felony.

## **The Penal Code...**

The Penal Code defines what specific acts constitute crimes. These definitions are numbered and referred to as statutes. The following are common statutes involving domestic violence offenses:

- Penal Code 273.5 - Infliction of injury on a spouse, cohabitant, or parent of child
- Penal Code 273A - Child Endangerment
- Penal Code 243(e) - Battery on a dating partner
- Penal Code 242 - Battery
- Penal Code 245(a)(1) - Assault with force likely to produce great bodily injury (GBI) or with a deadly weapon
- Penal Code 417 - Brandishing a Weapon
- Penal Code 422 - General Threats
- Penal Code 236 - False Imprisonment
- Penal Code 646.9 - Stalking
- Penal Code 136.1 - Witness Dissuading
- Penal Code 166(a)(4)- Violation of a Restraining Order
- Penal Code 273.6 - Violation of a Restraining Order

The DA decides what crime(s), if any, the defendant will be charged with. It is possible for the defendant to be arrested on one offense and charged with a different offense. The DA must examine the evidence and decide what charges can be proven in court.

## **Arraignment...**

If the District Attorney files charges, the abuser will be brought before a judge who will tell the abuser what the charges are and ask for a plea. The abuser may plead guilty or “no contest” and be immediately sentenced by the court. You have a right to be present and heard by the judge at this time.

If the abuser is in custody, arraignment occurs within 48 to 72 hours. You can call **(650) 363-4302** to find out the arraignment date, time, department, and court address.

If the abuser is not in jail, the filing of charges and arraignment could take several weeks.

### **Pretrial Conference (Misdemeanor Cases)...**

If the abuser pleads not guilty, a court date will be set for *Pretrial Conference* (PTC). At the pretrial conference, the case is discussed by a judge, DA, defense attorney and the probation officer. The Victim's Advocate also participates in the PTC to represent the victim's interest, especially regarding Protective Orders.

You have the right to be present, but your presence is not required. If the abuser still pleads not guilty, the case goes to trial on a previously scheduled date.

### **Special Domestic Violence Court...**

San Mateo County has a special domestic violence court program for misdemeanor offenders. The judge takes a personal interest in each case and makes the abuser come back to court to review his/her progress in treatment or probation. Your input is very important in this process. You may discuss the abuser's progress with the Probation Officer who will advise the court.

### **Preliminary Hearings (Felony Cases Only)...**

If the abuser is charged with a felony and pleads "not guilty," a *preliminary* hearing is held to determine if the abuser should stand trial in Superior Court. You may be asked to testify at this proceeding. You have the right to have an advocate or support person with you during this hearing. There is no preliminary hearing if the abuser is charged with a misdemeanor.

### **Trial...**

The vast majority of cases are resolved by guilty pleas and do not go to trial. If the abuser pleads not guilty, a trial will be held.

The DA's Office has the burden of proving guilt "beyond a reasonable doubt." You may be called upon to testify at the trial. You have the right to have an advocate or support person with you at the trial.

### **Your Role as a Witness...**

If you receive a subpoena from the court, you are required to appear in court. You are never obligated to go to court unless you are subpoenaed or ordered to return to court by a judge. You have the right to attend any public court proceeding concerning the abuser. You must appear in court if you are subpoenaed. If you are the victim of domestic violence and you refuse to testify, the judge may find you in contempt and order you to pay a fine, but you cannot be incarcerated or compelled to attend counseling.

## **Victim Center**

As a victim of a violent crime, you are entitled to reimbursement for medical expenses, lost wages, and counseling for you and your children.

The Victim Center is available to help you with:

- Emergency services, including food, shelter, clothing, and transportation;
- Follow-up care, including counseling;
- Someone who will go to court with you; and
- Restitution.

You can call the *Victim Center* at (650) 599-7479.

### **If Someone Calls You About the Case...**

If someone calls you about the case, ask whom they represent. You have the right to speak with or refuse to speak with the abuser's attorney or investigator, including anyone from the Private Defender's Office.

### **Plea Agreements...**

Many cases are settled prior to trial through a plea agreement. A plea agreement means the DA's Office, the defense attorney, and the abuser agree upon the charge(s) and the conditions of the sentence. Charges may be reduced or dismissed during this process.

You have the right to be notified of any plea agreement made in a case involving a violent felony. You can call the DA's Office any time to ask if the abuser's charges include a violent felony.

### **Notification of the Disposition of the Case...**

You have the right to be notified of the disposition of the case. If formal probation is granted, the Probation Department will send you a written notice advising you of the conviction, the charge(s), and the conditions of the sentence.

## **The Probation Department**

### **Pre-sentence Investigation by Probation...**

In some cases, the Probation Department prepares a pre-sentence investigation report for the court prior to sentencing. The report includes a description of the crime, the personal history and criminal record of the abuser, the abuser's statement, and your views regarding the offense.

The pre-sentence report will include a sentencing recommendation to the court and the abuser's prior history of abuse along with their use of alcoholic beverages and controlled substances.

Your statement is very important and may have an impact on the Probation Officer's recommendations and the court's orders. You may contact the investigating **Probation Officer (PO) at (650) 363-4244**. The PO will need your current address and telephone number, which will be kept confidential.

### **Notification of Sentencing Hearing...**

If a pre-sentence investigation is completed, the Probation Department will notify you of the sentencing hearing date and your right to appear and express your views in person or in writing.

You will receive this notice by mail. The PO assigned to complete the report will attempt to contact you and meet with you to ask about the nature and extent of your injuries and emotional distress. If you suffered a financial loss, you have the right to request that the abuser be ordered to pay those costs.

### **Probation Recommendations...**

The Probation Department makes recommendations to the court about sentencing in cases referred for a report. These recommendations will include prison or jail time, programs to assist the abuser in taking responsibility for the violence, and restrictions of contact in order to protect you.

Substance abuse (alcohol or other drugs) is a common issue in domestic violence. It is important for Probation to know of any substance abuse so that they can make appropriate sentencing recommendations and arrange for proper treatment.

You have the right to:

- Know the PO's recommendations.
- Submit your own views and additional information to the court to dispute the report.
- Express your views to the court prior to the sentencing.

If a pre-sentence investigation is not conducted. The probation officer responsible for the supervision of the abuser will contact you and explain the probationer's sentence along with the ordered conditions of probation.

## **Sentencing Requirements...**

The law requires the following conditions as the minimum sentence for anyone convicted of a crime against their partner:

- Three years formal or Court Probation.
- A criminal Protective Order protecting you from further acts of violence, threats, stalking, sexual abuse, harassment, and residence exclusion or stay-away conditions.
- Notification to you of the disposition of the case.
- Completion of a certified abusers program.
- Restitution for losses (payment of medical expenses, property damage or lost wages).
- Court fines and supervision fees.
- Search and seizure conditions and no weapons.

***NOTE: If an abuser refuses to accept the conditions of probation, they will be sentenced to serve a significantly longer jail sentence and will not be subject to the conditions of probation which include counseling and the existence of a criminal protective order. It is recommended that you obtain a civil protective order/restraining order irregardless of the criminal protective order because civil court orders last longer and are not subject to the abuser being on probation.***

## **Jail Alternative Programs...**

The abuser will be ordered to serve a County Jail sentence. There are, however, a number of jail alternative programs available to inmates that allow them to live or work in the community while serving their jail sentence. In addition, there is an In-Custody abuser's counseling program, for selected abusers, most of whom are serving longer sentences.

## **Court Probation...**

If the abuser gets Court Probation, the court is responsible for monitoring the abuser's compliance with the court orders. For assistance with a court probation matter, you should contact the DA's Office, who has the authority to file affidavits of court probation violation.

## **Formal Probation...**

If the abuser gets formal probation, a PO will be assigned to supervise the abuser.

If you have further problems with the abuser, you can call his/her PO. **You may call (650) 363-4244 for the PO's name and phone number.**



The abuser's PO may want to speak to you occasionally in order to check on the progress of the case. If you continue to live with the abuser, the PO will probably make intermittent field calls to review how the abuser is handling domestic responsibilities.

### **Abusers Programs...**

The abuser will be required to attend a year long abusers program [also referred to as a Batterer Intervention Treatment Program] as a condition of the sentence.

**Participation in an abusers program does not guarantee that the abuser will not be violent or abusive again.** These programs aim to teach the abuser how to stop the violence, but only the abuser can choose to change.

By law, victims are not allowed to participate in these programs with the abuser. However, you have the right to request and receive information about the program and the abuser's participation in the program.

### **Contact with the Abuser while on Probation...**

The law requires that a criminal protective order be in effect throughout the three (3) year grant of probation. Typically several types of protective orders are imposed:

- Do not harass, annoy, or strike, or disturb the peace the victim;
- Do not contact the victim at all;
- Have peaceful contact with the victim in special circumstances only.

The abuser's PO and the court will decide what kind of protective order to issue.

If you want to have contact with the abuser or want a no contact order lifted, you can call and/ or write the abuser's PO. However, the PO may wait weeks or months before recommending to the court that the order be modified to make sure that you are safe and/or do not change your mind.

Remember that the no contact order is against the abuser, not you. A court order can only be terminated by the court. You cannot give the abuser "permission" to violate the order.

If you are living with the convicted abuser, you should know that the residence is subject to search and seizure by probation or police as a condition of probation.

### **Other Probation Conditions...**

The abuser may also be required to participate in substance abuse counseling, submit to warrantless searches, submit to chemical testing, participate in parenting classes, and will be prohibited from owning weapons. All persons convicted of a felony are prohibited from owning or possessing a firearm for life.

### **Service of Restraining Orders...**

If you decide to seek a civil (family law) Restraining Order in addition to whatever contact order the criminal court has made, you have the right to ask the PO to serve a Restraining Order on the abuser.

**You can also contact the San Mateo County Sheriff, Civil Division, 400 County Center, 3rd Floor, Redwood City, CA 94063, (650) 363-4911.**

### **Modifications while on Probation...**

You have the right to be informed of changes in the abuser's probation status, including a revocation of probation, the issuance of a bench warrant, or transfer to a lower level of supervision.

### **Violation of Probation...**

You have the right to report any violation of the court order to the PO. If the abuser fails to comply with the court order, he/she may be returned to court for Violation of Probation proceedings.

Sometimes a hearing will be held and witnesses called. If you are called as a witness, you may request an advocate to accompany you to the hearing.

The judge, not a jury, will determine if the abuser is in violation of probation. Consequences for a violation of probation include more jail time or additional conditions of probation. In felony cases, the abuser may be sentenced to State Prison.

### **State Parole**

Upon release from State Prison, the abuser will be supervised by a State Parole Agent. You can contact the abuser's parole agent to express

concerns or questions regarding the abuser and parole. The typical parole term is three years, although the length of the term is determined by the offense(s) and the parolee's adjustment. To contact the parole agent, call (650) 367-1444.

### **Release from Prison...**

You can request that the Department of Corrections advise you of an inmate's release, death, or escape from prison. You can also give your input regarding the conditions of the parole.

To receive notification or to influence the abuser's parole, send a written request to: **Victim Services Program, P.O. Box 942883, Sacramento, CA 94283.**

You can also get request forms by calling the **Victim Center at (650) 599-7479** or the **Victim Services Division of CA Dept. of Corrections at (916) 358-2436.** Your request and address will be kept confidential.

### ***Parole Conditions...***

A parolee released from State Prison for a domestic violence related serious or violent felony may be:

- Prohibited from living with the victim.
- Prohibited from having contact with the victim without parole agent approval.
- Required to attend a Parole Out-Patient Clinic (for psychiatric or psychological counseling).
- Required to seek substance abuse counseling.
- Subject to other restrictions as determined by the Parole Board.

### ***Contact with the Parolee...***

If the abuser is on parole for a serious or violent felony domestic violence offense, the decision to allow the parolee to reside or have contact with you is based upon the parole agent's assessment of your safety. Contact the parole agent about your concerns. A parole agent can also serve a Restraining Order on an abuser at your request.

### ***Violation of Parole...***

If an abuser commits a criminal act such as domestic violence while on probation or parole for a serious or violent felony, he/she is in violation of parole. The parole agent can conduct an independent investigation into the violation, which is separate from criminal prosecution. The abuser is subject to both criminal prosecution and parole violation proceedings. You have the right to report any violation of parole to the parole agent.

In the investigation of the parole violation, the agent will want a police report case number, a statement from you, names and ways to contact witnesses, and photographs of injuries or property damage.

### ***Morrissey Hearing...***

You may be subpoenaed to testify if there is a parole violation hearing. This administrative hearing is called a Morrissey Hearing, and is much less formal than a court trial. At this hearing, a member of the Parole Hearing Division reviews the evidence of the violation. Although the parolee is usually present and may ask questions, extreme cases may require you to be interviewed outside the presence of the abuser. In that instance, the parolee may leave a list of questions for you to answer. Following the hearing, you may be notified of the outcome. Violation of parole proceedings may take place with the abuser in or out of custody.

### ***Consequences for Parole Violations...***

The judge at the parole violation hearing may decide to:

- Continue parole with no additional restrictions or limitations;
- Continue parole with additional requirements or conditions;
- Continue parole with increased supervision;
- Return the abuser to custody for a period of time, not to exceed 12 months.

## **4 Protection Available through the Family and Juvenile Court**



### **Restraining Orders: Protection through the Civil Court**

**A** Domestic Violence Restraining Order is a court order telling a specified person (the restrained person) that they cannot do certain things. Usually, a Restraining Order tells the restrained person to stay away from the protected person, his/her residence and other places, but you can also choose which orders you want. Ultimately, the Judge will decide whether and which orders will be granted.

### **What can a Domestic Violence Restraining Order Do?**

- Order the restrained party to stay a specified distance (usually 100 yds)

away from you and your family or household members, and stay away from your home, your car, your work, your children's school or daycare, or other places you go.

- Order the restrained party not to contact you in any way.

This would also include not being able to, molest, attack, batter, strike, threaten, sexually assault, telephone, send messages to, stalk, destroy the personal property of, or block movements in public places of you and your protected family or household members. This also includes contacting you through others.

- Order the restrained party to move out of your home, even if he/she otherwise has a right to live in your home.
- Make or change custody and visitation orders regarding the children you have with the restrained party. The law requires the court to consider domestic violence in deciding custody and visitation issues. Custody and visitation orders are supposed to be designed in a way to keep you and the children safe — for example, you and the restrained party may meet to exchange the children in a public place (like a police station), a visitation center, or you may drop them off with a third party and have no contact with the restrained party at all. The court can also order that visitation be supervised by a professional, a friend, a relative, or another third party.
- Order the restrained party to pay child support, even if you and the restrained party were not married, and if you were or are married, or domestic partners, to pay spousal/partner support.
- Order the restrained party to participate in anger management counseling, batterer intervention programs, parenting classes, or alcohol and drug programs.
- Order the restrained party to reimburse you for lost earnings and/ or actual expenses caused by the violence (e.g., medical bills, broken windows).
- Order the restrained party to surrender their firearms.
- Make other orders appropriate to your situation.

### **Who Can get a Domestic Violence Restraining Order?**

There are several kinds of Restraining Orders. To get a Domestic Violence Restraining Order, you must meet the following two conditions:

- 1) **Violence** - The other person must have recently threatened you or a minor with physical harm or actually physically harmed you or the minor;

2) **Relationship** - You have some sort of intimate relationship with the restrained person (married, formerly married, closely related by blood or marriage or adoption, live together or formerly lived together, have had a dating or engagement relationship, or are parents together of a minor child). If you do not meet these qualifications, you may still be able to obtain a restraining order to prevent “harassment.”

**If you are married**, you do NOT have to file for divorce to get a Restraining Order.

**If you are a minor** (under 18 and not married or legally emancipated), you can get a Restraining Order against a dating partner without an adult signing papers with you if you are over the age of 12.

However, if you live with a parent and come to court without a parent or other adult serving as your guardian ad litem, the court can decide that one of your parents should be notified of the order. To get a Restraining Order against someone other than a dating partner, you will need to have an adult (anyone age 18 or older) sign papers with you and serve as your guardian ad litem (person looking after your interests in the court case).

**If you are an undocumented immigrant**, you can still get a Restraining Order. The Court’s policy is not to report immigration status of victims of domestic violence to the federal immigration authorities. The court should not ask about your immigration status.

Also, if the restrained party is your spouse and is a citizen or lawful permanent resident, you may be able to get legal papers through a program called “VAWA Self-Petition.” **Contact an Immigration Services agency in Chapter 5.**

Also, if you cooperate with the police or district attorney in investigating or prosecuting a criminal case against the restrained party, you may be able to get legal papers through a program called “U Visa.” **Contact an Immigration Services agency in Chapter 5.**

**If the restrained party is undocumented**, the Family Court should not inquire into his/her status. However, if he/she violates the Restraining Order and is arrested, he/she could be deported and it will become harder for him/her to get legal papers.

### ***How Can you get a Domestic Violence Restraining Order?***

A. Obtain free help from the San Mateo County Restraining Order Clinic. Free assistance requesting a Restraining Order is available in Redwood City. Bay Area Legal Aid (BayLegal) operates the San Mateo County Restraining Order Clinic located at 539 Middlefield Rd, phone # 650-358-0745 x 6372. Call for clinic days and hours. BayLegal will give you the forms, help you fill them out, file them with the court, and return the order to you.

BayLegal also has a workshop called “Understanding Your Restraining Order and Preparing for Your Hearing.” Call for Clinic and Workshop dates and times.

B. Request a Restraining Order on your own.\*

1) Obtain the forms. Free forms are available at the Court, 400 County Center, Room B, Redwood City, CA 94063, (650) 363-4711 or at the North County Court, 1050 Old Mission Road, South San Francisco, CA 94080, (650) 877-5705. Forms are also available at any of the agencies listed under **Legal Services** in Chapter 5.

\*It is highly recommended that you use the free services of the San Mateo County Restraining Order Clinic operated by BayLegal (mentioned above) to ensure proper completion of the forms.

2) Fill out the forms. You can get free help completing the forms by going to the Family Law Facilitator on the 2nd Floor of the Redwood City Courthouse or at the South San Francisco Courthouse on select days. You will probably have to wait in line for a considerable period of time to meet with the Facilitator. You can also get help by contacting one of the agencies listed under **Legal Services** in Chapter 5.

3) File the forms at the Court, 400 County Center in Redwood City or 1050 Old Mission Road in South San Francisco. There is no charge for filing, but you may have to leave the papers and come pick them up the following day. Before bringing the papers to the court, you should make extra copies of any other papers that you are filing with the Restraining Order. The court will make you free copies of the Restraining Order, but not of the other forms. If the judge approves your application, he/she will sign your Temporary Restraining Order (TRO) which will last until your hearing date. The Court will give a copy of the TRO to the San Mateo County Sheriff, located on the 3rd floor of the Redwood City Courthouse. The Sheriff will enter the Order into a state computer system so that all police agencies will be aware of the Order. It is also a good idea for you to give copies of the Order to individual police stations where you live and work.

4) Have someone serve the Order to the restrained party. Someone other than you, or one of the protected parties on the order must personally hand a copy of the Restraining Order and related paper work to the restrained party. To get this done, you can:

- Have a friend or relative (who is over 18) hand the papers to the restrained party and sign a Proof of Service indicating their name, address, phone number, and when and where they served him/her the papers.
- Ask the San Mateo County Sheriff (Civil Division, 400 County Center, 3rd Floor, Redwood City, CA 94063, 650-363-4000) or the Sheriff in the county where the restrained party lives or works to give him/her the

papers. There is no fee for a CA Sheriff to serve a Domestic Violence Restraining Order.

- Hire a Process Server (see local phone book for phone numbers). They will charge a fee.
- Ask the police to serve him/her if they are called to the scene of an incident before the restrained party has been served.

**If you do not get the restrained party served** by at least five days prior to the hearing, the judge cannot issue the permanent (up to five year) Restraining Order. However, you should still go to the hearing, fill out a one page form called an Application and Order for Reissuance, ask the judge to continue the Temporary Restraining Order and set a new hearing date. If you are unable to attend the hearing you may submit the Application and Order for Reissuance before the court hearing (usually one week before.) This will also continue the temporary restraining order until your next court date.

**If you do get the restrained party served**, file the Proof of Service at the court and give copies to the Sheriff and Police.

5) Attend the Court Hearing. You must appear in court for the judge to issue the permanent (up to five year) Restraining Order.

- If the restrained party does not attend the hearing, the judge can issue the order if you have the Proof of Service showing that he/she was served.
- If the restrained party does attend the hearing and you do not agree about custody and visitation of your children, you will be sent to Family Court Services, 400 County Center, 6th Floor, Redwood City, CA 94063, (650) 363-4561 to have a mediation about custody and visitation. You will not be in the same room as the restrained party for the mediation.
- The mediator will try to work out an agreement about custody and visitation. If you meet with him/her and do not reach an agreement, the mediator will write a report telling the judge what he/she thinks is in the best interest of your children. You may have to come back several times for court hearings.

6) File the Restraining Order after the Hearing. If the judge issues the Restraining Order, you need to have him/her sign a form called a Restraining Order After Hearing (CLETS) which is similar to your Temporary Restraining Order except the order lasts for up to five years and the child custody, visitation, and support orders may be ongoing. You must then file this form with the court and give copies to the police. In San Mateo County, there is help in the courtroom for those who do not have an attorney to write the up the Judge's orders and file them right there in court.

### ***Harassment Restraining Orders...***

If your relationship to the restrained party does not meet the conditions described on page 37, you can still get a Restraining Order. You may file a Civil Harassment Restraining Order in the Superior Court (rather than a Domestic Violence Restraining Order in the Family Law Court). The Civil



Harassment Restraining Order can offer the same protections as the Domestic Violence Restraining Order. To obtain a Civil Harassment Restraining Order:

- Go to the Clerk's Office on the first floor of the Redwood City Courthouse, Room A to pick up the forms.
- Complete the forms and take them all to the judge who is assigned to hear "ex parte" matters that day (usually the Presiding Judge).
- The Temporary Restraining Order will be reviewed and signed by the judge at that time.
- There could be a fee of at least \$320.00 for filing a Civil Harassment case which may be waived under certain circumstances. If you have a low income, the judge can sign a form waiving the fees (i.e., telling you that you do not have to pay). Ask for a Fee Waiver form when you pick up the rest of the Civil Harassment Restraining Order forms and submit these forms to the judge when you give him/her the Temporary Restraining Order to sign. Also, the court may not require the fee if violence has occurred.

## **Child Protection**

Children in homes where domestic violence occurs are at risk of physical and emotional abuse. Police officers, like teachers, fire fighters, counselors, therapists, doctors, nurses and many others, are mandated reporters of suspected child abuse. California law requires them to report to Child Protective Services if they suspect that a child is being abused.

In San Mateo County, the agency that investigates reports of child abuse is called the San Mateo County Human Services Agency - Children and Family Services Division. Anyone can make a report to Children and Family Services by calling:

**Children & Family Services.....1-800-632-4615**

### ***If a Report is Made About You, Your Partner or Your Children...***

- A social worker may contact you in order to do a risk assessment of your children's safety. He/she may talk to you, your children, and others who know you.
- The social worker could decide that your children are not at risk and close the case. He/she would then write a confidential report and do nothing further.
- The social worker could decide that your children are not at risk but that you are in need of help accessing community resources. The social worker may refer you to a community non-profit agency for supportive services. The social worker will discuss this with you.
- The social worker could decide that your children's safety is at risk. If this happens, the social worker will tell you that he/she is going to open a

case. The social worker will then work with you to establish an action plan to increase the safety and decrease the risk for your children. This may be done with or without Juvenile Court involvement. California and Federal Law requires child welfare agencies to try to keep children with their families unless removal from the home is necessary to protect the children's health and safety. The social worker may be able to help you with respite childcare, counseling, parenting classes, and other supportive services. These services may be voluntary or court-ordered.

- The social worker may determine that your children are not safe with you, remove them from your home, and then place them in protective custody. Protective custody could be the home of a relative or a foster home.

***If Child Protective Services Takes Custody of your Children...***

- If they do not return the children to you within 48 hours, court proceedings will begin in Juvenile Court, 21 Tower Road, San Mateo, CA 94402 (650) 312-5355.

- You have a right to be notified of all Juvenile Court hearings regarding your children and to be present at those hearings.

- You have a right to be represented by a lawyer if Children and Family Services initiates court proceedings. If you cannot afford a lawyer, the court will appoint a lawyer for you. Ask the judge to appoint a lawyer at the first hearing. You can also ask the judge to appoint a lawyer for your children.

***If the Juvenile Court Removes the Children from your Custody...***

- The law requires Children and Family Services to keep children with parents or relatives when possible.

- You have a right to read any reports prepared for the court and to express your views to the court.

- You have a right to a hearing about the allegations. You have the right, through your attorney, to see, hear, and ask questions of any witnesses and to bring witnesses of your own.

- The court will review the case at least every six months.

- You will be expected to follow the court's rulings in order to have your children returned to you.

- You will be assigned a social worker to help you accomplish the reunification plan and get your children returned to you. The social worker is also responsible for reporting your progress to the court.

- You will have the right to see your children, but your visitation may be supervised.

- The judge has the final decision about whether or not your children should be returned to your home and under what conditions. You may be able to appeal the judge's decision, but the appeal process takes considerable time.

# 5

## Resources: Where to Turn for Help



### CRISIS LINES

- CORA [Community Overcoming Relationship Abuse] (24 hrs)  
(800) 300-1080
- California Youth Crisis Line ..... 1-800-843-5200
- Crisis Intervention & Suicide Prevention Center (24 hrs) (650) 368-6655
- National Domestic Violence Hot Line.....(800) 799-SAFE
- Rape Trauma Services (24 hrs)..... (650) 692-RAPE
- Youth Crisis (24 hrs).....1-888-247-7717

### SHELTERS

#### ***San Mateo County***

CORA (24 hrs) .....(800) 300-1080 or (650) 312-8515

Note: For access to the San Mateo County Shelter Network (homeless shelters), contact the Core Service Agency in your city. Core Service Agencies are listed with asterisks (\*) under Emergency Money Assistance below.

#### ***Outside San Mateo County***

- Fremont SAVE ..... (510) 794-6055
- Hayward Emergency Shelter Program ..... 1-800-339-7233 or  
(510) 786-1246
- Support Network for Battered Women .....1-800-572-2782 or  
(650) 940-7855
- Oakland A Safe Place..... (510) 536-7233
- San Francisco Asian Women’s Shelter (24 hrs)..... (415) 751-0880
- San Francisco La Casa de las Madres .....(877) 503-1850
- San Francisco Rosalie House..... (415) 255-0165
- San Francisco Woman, Inc. .... (415) 864-4722
- Santa Clara County Community Solutions..... (24 hrs).. (408) 683-4118
- Santa Clara County Next Door Solutions..... (24 hrs) (408) 279-2962
- Santa Clara County Asian Women’s Home..... (408) 975-2739

### VICTIM/SURVIVOR COUNSELING AND INFORMATION SERVICES

- CORA (24 hrs.).....(800) 300-1080 or (650) 312-8515
- Crisis Intervention & Suicide Prevention Counsel..... (650) 692-6662

District Attorney Domestic Violence Victim Advocates	
South County.....	(650) 599-7330
North County.....	(650) 877-5797
Family Services Agency.....	(650) 403-4300
Rape Trauma Services .....	(650) 692-7273
Victim Center .....	(650) 599-7479
Youth and Family Enrichment Services [YFES] – Healthy Homes	(650) 579-0361 x45
Pyramid Alternatives.....	650-355-8787

**ABUSER TREATMENT SERVICES**

Anger Management & Domestic Abuse Treatment Center.....	(650) 375-0449
Antolino Family Wellness Center.....	(650) 738-8045
El Centro de Libertad .....	(650) 599-9955
Family & Children Services .....	(650) 326-6576
Pyramid Alternatives .....	(650) 355-8787
YFES – Archway .....	(650) 366-8433

**LEGAL SERVICES**

Bay Area Legal Aid Restraining Order Clinic .....	(650) 358-0745
CORA Legal Line.....	(650) 259-1855
Family Law Facilitator (San Mateo County Superior Court) .....	(650) 363-4590
Lawyer Referral Service of the San Mateo County Bar Association....	(650) 369-4149
Legal Aid Society of San Mateo County .....	(650) 558-0915

**IMMIGRATION SERVICES**

Bay Area Legal Aid .....	(650) 358-0745
International Institute .....	(415) 538-8100
La Raza Centro Legal .....	(415) 575-3500

**LAW ENFORCEMENT**

Adult Protective Services.....	(650) 573-3900
Child Protective Services.....	1-800-632-4615 or (650) 595-7922
District Attorney Domestic Violence Victim Advocates	
South County.....	(650) 599-7330
North County.....	(650) 877-5797
Probation Department - Domestic Violence Unit .....	(650) 363-4258
Probation Department - San Mateo County.....	(650) 877-5411
San Mateo County Jail.....	(650) 363-4313
California Dept. of Corrections-Victim Notification (888) 562-5874 or (916) 358-2436	

**LAW ENFORCEMENT -  
POLICE DEPARTMENTS**

**For emergencies, call 9-1-1. The following phone numbers are for business purposes only:**

Atherton Police .....	(650) 688-6500
Belmont Police .....	(650) 595-7400
Brisbane Police .....	(415) 508-2170
Broadmoor Police .....	(650) 755-3840

Burlingame Police .....	(650) 777-4100
California Highway Patrol .....	(650) 369-6261
Colma Police .....	(650) 997-8321
Daly City Police .....	(650) 991-8119
East Palo Alto Police .....	(650) 853-3160
Foster City Police .....	(650) 286-3300
Half Moon Bay Police .....	(650) 726-8286
Hillsborough Police .....	(650) 375-7470
Menlo Park Police .....	(650) 858-3300
Millbrae Police .....	(650) 259-2300
Pacifica Police .....	(650) 738-7314
Palo Alto Police .....	(650) 329-2413
Redwood City Police .....	(650) 780-7100
San Bruno Police .....	(650) 616-7100
San Carlos Police .....	(650) 802-4277
San Mateo County Sheriff .....	(650) 599-1664
San Mateo Police .....	(650) 522-7710
South San Francisco Police .....	(650) 877-8900

**EMERGENCY MONEY ASSISTANCE**

Catholic Charities-Peninsula Family Resource Ctr .....	(650) 696-1255
*Coastside Opportunity Center, El Granada .....	(650) 726-9071
Community Action Agency .....	(650) 595-1342
*Daly City Community Services Center .....	(650) 991-8007
*El Concilio .....	(650) 330-7432
*Fair Oaks Community Center .....	(650) 780-7500
Human Investment Project .....	(650) 348-6660
Love, INC. ....	(650) 595-2421
*North Peninsula Neighborhood Service Center .....	(650) 583-3373
or (650) 588-8822	
*Pacifica Resource Center .....	(650) 738-7348
* Puente de la Costa Sur.....	(650) 879-1691
Salvation Army Redwood City Corps .....	(650) 368-4643
*Samaritan House .....	(650) 347-3648
St. Francis Center .....	(650) 365-7829
St. Vincent de Paul .....	(650) 343-4403
*Core Service Agency - provides referrals and access to San Mateo County homeless shelters.	

**HEALTH CARE**

Daly City Youth Health Center (ages 13 - 21) .....	(650) 991-2240
Keller Center .....	(650) 573-2623
Mills / Peninsula Health Services .....	(650) 696-5915
Planned Parenthood .....	(650) 574-2622
Public Health Clinics .....	(650) 573-2708
Redwood City Youth Health Center (ages 12 - 22).....	(650) 366-2927
San Mateo County General Hospital .....	(650) 573-2222
Sequoia Hospital .....	(650) 367-5541
Seton Hospital .....	(650) 992-4000
Stanford Hospital.....	(650) 723-4000
Kaiser Permanente Medical Ctr .....	(650) 299-2000

**OTHER ASSISTANCE**

Child Care (Coordinating Council - 4C's) ..... (650) 696-8787  
Commission on the Status of Women ..... (650) 363-4872  
SBC Annoyance Call Bureau ..... (800) 348-8727



# 6

## Other Information



### **How to talk with someone who is being abused...**

If you know someone who is being abused by their intimate partner, you can do many things that will make a real difference. Most battered people who are offered help deeply appreciate it, even if they don't say so.

Many people hesitate to speak with a person whom they think is being abused because they don't quite know what to do, what to say, or how to say it. Relax, be yourself, and you'll automatically communicate what is important - your concern.

- Establish a rapport with the victim if you don't already have one, so that she/he feels comfortable talking with you and not put on the spot.
- Listen without judging. Often, a battered person believes the abuser's negative messages about herself/himself. The victim may feel responsible, ashamed, inadequate, and afraid that she/ he will be judged by you.
- Let her/him know that you care. Tell them that they are not responsible for the abuse. Explain that physical violence in a relationship never acceptable. There is no excuse for it – not alcohol or drugs, financial pressure, depression, jealousy, or any behavior by the victim.
- Make sure the victim knows that she/he is not alone. Millions of people of every race, age, and religion face abuse, and many find it extremely difficult to deal with the violence.
- Emphasize that when she/he wants help, it is available. (Give them a copy of this handbook)
- Let her/him know that domestic violence tends to get worse and become more frequent with time, and that it does not go away on its own.
- Explain that domestic violence is a crime and that she/he can seek protection from the police or courts or a domestic violence program. Give her/him phone numbers she/he can call for help and referrals.
- Give the victim written material about what she/he can do to protect herself/himself. Local shelters have this kind of information.
- If you want to talk with someone to get advice, contact a local domestic violence program. They can help you figure out what is best to do in your situation.

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***I deserve to be treated with respect.***

***I deserve a safe and healthy life.***

***I can make changes in my life if I want to.***

***I am not alone.***

***I can ask others to help me.***

***I have options.***

***I have a right to choose to change my situation.***

***I have a right to freedom from abuse.***

***I have a right to request and expect assistance  
from police or social agencies.***

***I have a right to share my thoughts and feelings  
and not be isolated from others.***

***I have a right to want a better role model  
for my children.***

***I have a right to be treated as an adult.***

***I have a right to privacy.***

***I have a right to develop my talents and abilities.***

***I have a right not to be perfect.***

***I have a right to make my own decisions  
and be respected for my intelligence.***

***I have a right to focus on my needs  
and take care of myself***

***I have a right to change my mind.***

***I have a right to be proud of myself  
and my achievements.***