

VAWA

HUD announced a final rule to expand housing protections for victims of domestic violence, dating violence, sexual assault, and stalking (hereinafter known as “victim”) regardless of sex, gender identity, sexual orientation, or age. The rule became effective December 16, 2016 and housing providers must now include the Notice of Occupancy Rights and the new certification form with future denials or admissions of assistance notices and future eviction or termination of assistance notices.

HUD has made available new forms necessary under the new rule:

Notice of Occupancy Rights under VAWA (HUD-5380) that certain housing providers must give to tenants and applicants to ensure they are aware of their rights under VAWA and these implementing regulations;
New Certification Form (HUD-5382) for documenting incidents of domestic violence, dating violence, sexual assault, and stalking that must be used by housing providers;
Model Emergency Transfer Plan (HUD-5381) that may be used by housing providers to develop their own emergency transfer plans; and
Model Emergency Transfer Request Form (HUD-5383) that housing providers could provide to tenants requesting an emergency transfer under these regulations.

HUD-5380	Notice of Occupancy Rights under the Violence Against Women Act (12/2016)
HUD-5381	Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (12/2016)
HUD-5382	Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation (12/2016)
HUD-5383	Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (12/2016).

I, _____
Print your full name

have received the 16 page Violence Against Women Act (VAWA) Rights that were implemented on 12/16/2016. I am responsible for providing information, I have the documents, and I will follow up if necessary. It is the above named persons responsibility to keep this. This is the only copy the Livonia Housing Commission will provide you. Additional copies can be obtained online at HUD.gov.

Sign

Date

LIVONIA HOUSING COMMISSION

HOUSING CHOICE VOUCHER

MICHIGAN 055

Notice of Occupancy Rights under the Violence Against Women Act¹

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.² The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **HOUSING CHOICE VOUCHER PROGRAM** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

Protections for Applicants

If you otherwise qualify for assistance under **HOUSING CHOICE VOUCHER PROGRAM** you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Tenants

¹ Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

If you are receiving assistance under **HOUSING CHOICE VOUCHER PROGRAM**, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under **HOUSING CHOICE VOUCHER PROGRAM** solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

Removing the Abuser or Perpetrator from the Household

HP may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If HP chooses to remove the abuser or perpetrator, HP may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, HP must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, HP must follow Federal, State, and local eviction procedures. In order to divide a lease, HP may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, HP may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, HP may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking. If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

(2) You expressly request the emergency transfer. Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

HP will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

HP's emergency transfer plan provides further information on emergency transfers, and HP must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

HP can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HP must be in writing, and HP must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. HP may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to HP as documentation. It is your choice which of the following to submit if HP asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by HP with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that HP has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, HP does not have to provide you with the protections contained in this notice.

If HP receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), HP has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, HP does not have to provide you with the protections contained in this notice.

Confidentiality

HP must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

HP must not allow any individual administering assistance or other services on behalf of HP (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

HP must not enter your information into any shared database or disclose your information to any other entity or individual. HP, however, may disclose the information provided if:

- You give written permission to HP to release the information on a time limited basis.
- HP needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires HP or your landlord to release the information.

VAWA does not limit HP's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, HP cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if HP can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If HP can demonstrate the above, HP should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to

additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with The Requirements of This Notice

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **FAIR HOUSING CENTER OF METROPOLITAN DETROIT** or **DETROIT HUD field office**.

For Additional Information

You may view a copy of HUD's final VAWA rule at the **DECEMBER 16, 2016 FEDERAL REGISTER**. Additionally, HP must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact **HOUSING CHOICE VOUCHER PROGRAM DIRECTOR**.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY).

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault and victims of stalking you may contact

HTTP://WWW.VICTIMSOFCRIME.ORG/OURPROGRAMS/STALKING-RESOURCE-CENTER.

Attachment: Certification form HUD-5382

LIVONIA HOUSING COMMISSION

HOUSING CHOICE VOUCHER

MICHIGAN 055

Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Emergency Transfers

HOUSING CHOICE VOUCHER PROGRAM is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),¹ HP allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of HP to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HP has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer

¹ Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that **HOUSING CHOICE VOUCHER PROGRAM** is in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify HP's management office and submit a written request for a transfer to Livonia Housing Commission Housing Choice Voucher Program, 10800 Farmington Road, Livonia, MI 48150. HP will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under HP's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Confidentiality

HP will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HP written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about HP's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

HP cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HP will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred

tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. HP may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If HP has no safe and available units for which a tenant who needs an emergency is eligible, HP will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, HP will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

**EMERGENCY TRANSFER
REQUEST FOR CERTAIN
VICTIMS OF DOMESTIC
VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.
- (2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's) _____

3. Name(s) of other family member(s) listed on the lease: _____

4. Name(s) of other family member(s) who would transfer with the victim: _____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim: _____

7. Name of the accused perpetrator (if known and can be safely disclosed): _____

8. Relationship of the accused perpetrator to the victim: _____

9. Date(s), Time(s) and location(s) of incident(s): _____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: _____

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

What is a Safety Plan?

A safety plan is a **personalized, practical plan** that includes ways to remain safe while in an abusive relationship, while you're planning to leave or after you leave. Safety planning involves how to cope with emotions, tell friends and family about the abuse, take legal action and anything else relevant to your unique situation. A good safety plan will have all of the vital information you need, and it will help walk you through different scenarios.

At The Hotline we **safety plan with victims**, friends and family members — anyone who is concerned about their own safety or the safety of someone else.

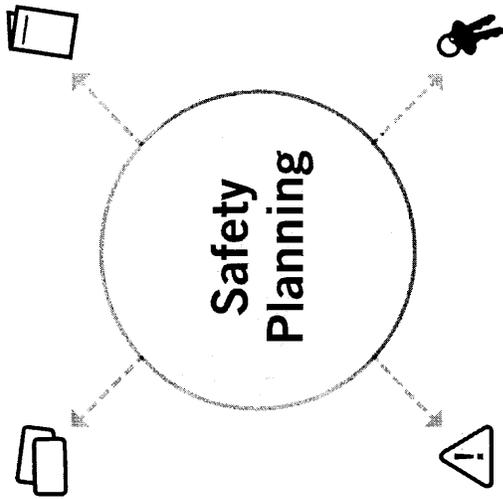
Why is having a Safety Plan important?

A thorough safety plan can provide **clarity and strength** for a person living in an abusive relationship. For family and friends of an abuse victim, a safety plan is a powerful tool for providing emotional support or physical safety. Should a situation ever escalate to life-threatening, a safety plan can become **absolutely essential to survival**.

Our advocates provide assistance with safety plans for a variety of situations, such as:

Safety planning while living with an abusive partner. A safety plan could include identifying the safest places in your home, practicing how to get out of the house safely, keeping weapons locked away and/or letting a support network know about the situation.

Safety planning with children. When children are involved, it's important that a safety plan outline ways to keep the children safe. This could include teaching them how to call 911, identifying a "safe room," planning for unsupervised visits and/or planning for safe custody exchanges.



Safety planning with pets. A pet is often a cherished member of the family, and safety plans can include them, too. Safety planning with pets might include taking steps to prove ownership of your pet, finding temporary care with a vet, friends or family and/or finding a shelter that accepts pets.

Safety planning during pregnancy.

Pregnancy can be an especially dangerous time for women in abusive relationships. Safety planning could include speaking with health care providers, how to physically protect yourself in a violent situation and/or finding ways to receive the support and care you need.



Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion or gender. If you or someone you know is in an abusive relationship, or if you have questions about abuse, we can help.

1-800-799-SAFE (7233)

thehotline.org



love is respect.org

1-866-331-9474

loveisrespect.org

text "loveis" to 22522

About The Hotline

The National Domestic Violence Hotline is the only national organization that directly serves victims of domestic abuse, their friends and family. Highly-trained, expert advocates are available 24/7 by phone to talk with anyone who is affected by physical, emotional, verbal, sexual or financial abuse. The Hotline also offers an online chat service at www.thehotline.org that is available every day from 7 a.m. – 2 a.m. CT.

Our services are **completely free and confidential**, and we have the largest and most comprehensive database of local and national resources in the country. Along with these resources, we offer lifesaving tools, immediate support and hope to empower victims to break free of abuse.



CALL 24/7

1.800.799.SAFE (7233)



TTY 24/7

1.800.787.3224



CHAT

every day 7 a.m. – 2 a.m. CT

www.thehotline.org

The National Domestic Violence
HOTLINE

1.800.799.SAFE (7233) • 1.800.787.3224 (TTY)

Safety Planning

Safety Plans Can Save Lives

FREE

CONFIDENTIAL

24/7/365



1.800.799.SAFE (7233)



USE THE LAW TO HELP YOU

Protection and Custody Orders

- Ask your local domestic violence shelter's legal advocate to assist you with filing any court orders
- Get a certified copy of the court order
- Keep the court order with you AT ALL TIMES

In most places, the judge can:

- Order the abuser to stay away from you or your children
- Order the abuser to leave your home
- Give you temporary custody of your children and order the abuser to pay you temporary child support
- Order the police to come to your home while the abuser picks up personal belongings
- Give you possession of the car, furniture and other belongings
- Order the abuser to go to a batterers' intervention program
- Order the abuser not to call you at work
- Order the abuser to give guns to the police

If you are worried about any of the following, make sure you:

- Ask the judge to order the abuser to pick up and return the children at the police station or some other safe place
- Ask that any visits the abuser is permitted are at very specific times so the police will know by reading the court order if the abuser is there at the wrong time
- Tell the judge if the abuser has harmed or threatened the children; ask that visits be supervised; think about who could do that for you

During your visit with the prosecutor:

- Show the prosecutor your court orders
- Show the prosecutor any medical records about your injuries or pictures
- Tell the prosecutor the name of anyone who is helping you (a victim advocate or a lawyer)
- Tell the prosecutor about any witnesses to injuries or abuse
- Ask the prosecutor to notify you ahead of time if the abuser is getting out of jail

BE SAFE AT THE COURTHOUSE

- Sit as far away from the abuser as you can; you don't have to look at or talk to the abuser; you don't have to talk to the abuser's family or friends if they are there
- Bring a friend or relative to wait with you until your case is heard
- Tell a bailiff or sheriff that you are afraid of the abuser and ask him/her to look out for you
- Make sure you have your court order before you leave
- Ask the judge or the sheriff to keep the abuser there for a while when court is over; leave quickly
- If you think the abuser is following you when you leave, call the police immediately
- If you have to travel to another state for work or to get away from the abuser, take your protection order with you; it is valid everywhere

Checklist of Items to Take

When women leave battering partners it is important to take certain items. Beyond this, women sometimes give an extra copy of papers and an extra set of clothing to a friend just in case they have to leave quickly.

- Identification
- Birth certificate for you and your children
- Social Security cards for you and your children
- School and vaccination records
- Medical records (for all family members)
- Money, checkbook, bankbooks, credit cards, debit cards, ATM cards
- Keys – house/car/office
- Driver's license and registration
- Medication/prescriptions
- Welfare Identification
- Copy of protection order
- Lease/rental agreement/house deed
- Journal of injuries/abusive/stalking incidents

If it is an emergency and you need to get out right away, don't worry about gathering these things. While they are helpful to have, getting out safely should be your first priority.



Whether or not you feel able to leave an abuser, there are things you can do to make yourself and your family safer.

IN AN EMERGENCY

If you are at home and you are being threatened or attacked:

- **Stay away from the kitchen** (the abuser can find weapons, such as knives, there)
- **Stay away from bathrooms, closets or small spaces** where the abuse can trap you
- **Get to a room with a phone** to call for help; lock the abuser outside if you can
- **Call 911** (or your local emergency number) **right away for help**
- Think about a neighbor or friend you can run to for help
- When a police officer comes, tell him what happened; **get his name and badge number**
- **Get medical help** if you are hurt
- **Take pictures of bruises or injuries**
- **Call a domestic violence program or shelter**; ask them to help you make a safety plan

HOW TO PROTECT YOURSELF AT HOME

- Learn where to get help; **memorize emergency phone numbers**
- **Keep a phone** in a room you can lock from the inside; if you can, get a cellular phone that you keep with you at all times
- If the abuser has moved out, **change the locks on your door**; get locks on the windows
- **Plan an escape route** out of your home; teach it to your children
- Think about where you would go if you need to escape
- **Ask your neighbors** to call the police if they see the abuser at your house; make a signal for them to call the police, for example, a shade is pulled down or a light is on
- **Pack a bag** with important things you would need if you had to leave quickly; put in a safe place, or give it to a friend or relative you trust
- Include cash, car keys and important documents
- **Get a new and unlisted phone number/** screen calls
- **Take a self-defense course**

HOW TO PROTECT YOURSELF OUTSIDE THE HOME

- Try to get rides with different people
- **Shop and bank at different places**
- **Cancel any bank accounts or credit cards** you shared; open new accounts at a different bank
- **Keep your court order and emergency numbers with you at all times**
- **Keep a cell phone and program it to 911** (or other emergency numbers)

HOW TO MAKE YOUR CHILDREN SAFER

- **Teach them not to get in the middle of a fight**, even if they want to help
- **Teach them how to get to safety**, to call 911, to give your address and phone number to the police
- **Teach them who to call for help**
- **Tell them to stay out of the kitchen**
- **Give the principal at school or the daycare center a copy of your court order**; tell them not to release your children to anyone without talking to you first; use a password so they can be sure it is you on the phone; give them a photo of the abuser
- **Make sure the children know who to tell at school if they see the abuser**
- **Make sure that the school knows not to give your address or phone number to ANYONE**
- **Change your regular travel habits**

HOW TO MAKE YOURSELF SAFER AT WORK

- Give a picture of the abuser to security and friends at work
- **Tell your supervisors** – see if they can make it harder for the abuser to find you
- Don't go to lunch alone
- Ask a security guard or friend to walk you to your car or to the bus
- If the abuser calls you at work, **save voice mails** and save e-mails