



**TEXAS ADVOCACY PROJECT**

All Texans should live safely in hope, not fear.

**800.374.HOPE**

# Legal Options for Survivors of Violence

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# Legal Disclaimer

The information contained in our trainings is intended to provide legal information only and should not be construed as legal advice. Texas Advocacy Project does not represent this institution. Please direct specific legal questions to your institution's legal representative.

# Pronouns

You will primarily see the pronouns 'he' and 'she' in the following presentation. In addition, the speaker may often use 'he' to refer to the abuser and 'she' to refer to the victim. Unfortunately, the data in this area of law is lacking because domestic violence is largely unreported. The statistics that we have available to us overwhelmingly deal with female victims and male perpetrators because the majority of domestic violence reports reflect this gender dynamic. Nonetheless, TAP recognizes the existence and validity of all forms of gender identity and expression and that these individuals can be and are victims of abuse.



# Who We Are

A non-profit law firm providing legal services to victims of:

- ▶ Intimate partner violence
- ▶ Sexual assault
- ▶ Stalking

Other services offered:

- ▶ Training & education
- ▶ Outreach & advocacy

# What You Will Take Away

After you are finished with this training you should be able to identify:


- ▶ What different systems a survivor of intimate partner violence and/or sexual assault may intersect with and how trauma plays a key piece,
- ▶ What options these system can offer the survivor, and
- ▶ Your role as an advocate in helping the survivor navigate through these systems.





## 9 things to know about DOMESTIC and SEXUAL ABUSE



 Ultimately we can support survivors by **REDUCING ISOLATION and EXPANDING OPTIONS.**

# Advocates Role

As an advocate you can help survivors:

1. Identify what she/he would like to happen.
2. Identify resources in the community.
3. Validate that the system could be more responsive to the needs of survivors.
4. Explore legal and non-legal options.
5. Explore potential consequences of utilizing the legal system.
6. Discuss safety around partner contact, visitation, and court hearings.
7. Discuss common barriers and benefits to leaving or using the legal system.



# What Is Trauma?

“Trauma is an emotional response to a terrible event like an accident, rape or natural disaster.

Immediately after the event, shock and denial are typical. Longer term reactions include unpredictable emotions, flashbacks, strained relationships and even physical symptoms like headaches or nausea.”

<http://www.apa.org/topics/trauma/>



# What Causes Trauma?

- ▶ Intimate Partner Violence
- ▶ Sexual Assault
- ▶ Officer Involved Shooting
- ▶ Combat
- ▶ Major Car Accident
- ▶ Child Abuse

# Understanding Trauma

FIGHT



FLIGHT oohlala!



FREEZE





# What Does Trauma Look Like For Survivors?

- ▶ Fragmented memories
- ▶ My recount their abuse with no emotion, over emotional or even laughing
- ▶ May be aggressive or irritable
- ▶ Repeated thoughts of the assault
- ▶ Nightmares
- ▶ Increased arousal ( i.e. difficulty sleeping, concentrating, jumpiness)

## ECOLOGICAL VIEW OF TRAUMA

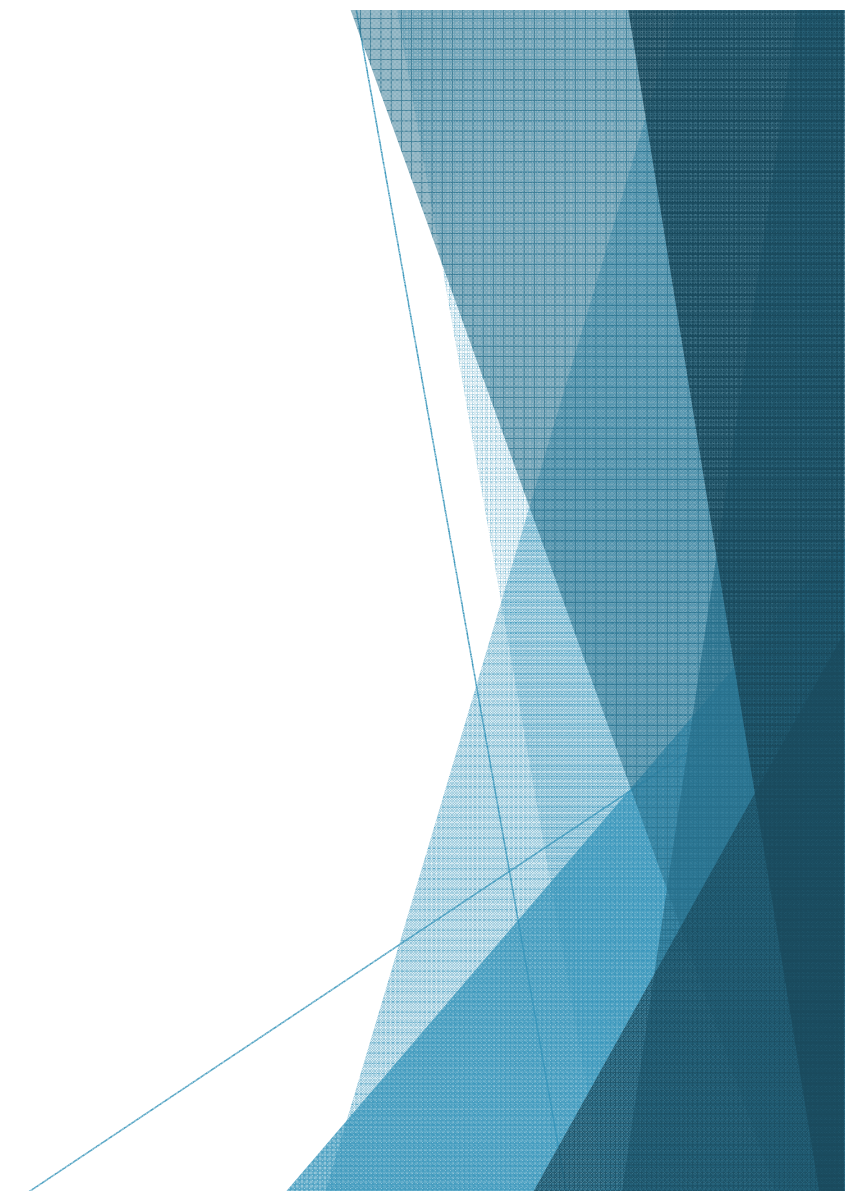


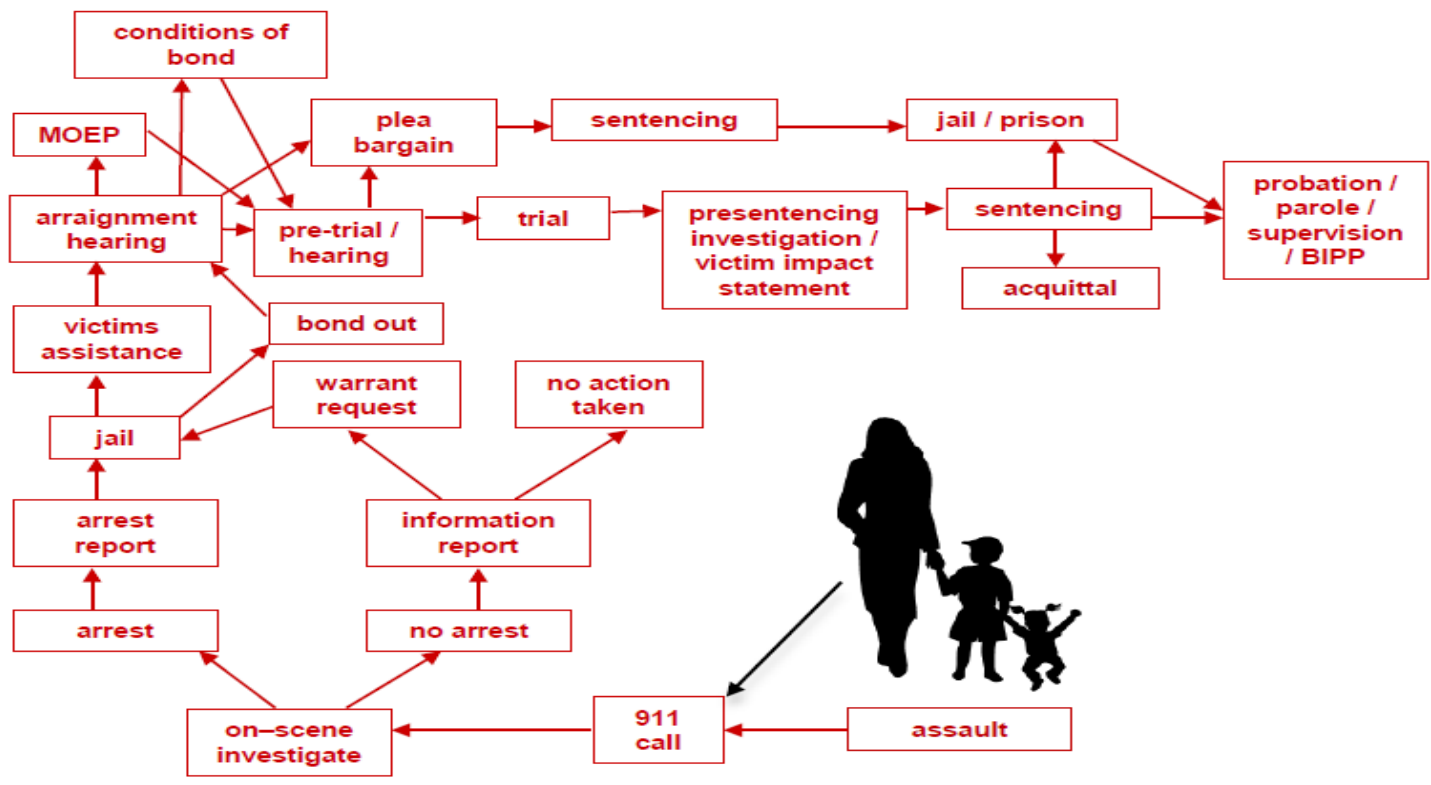
Source: Harvey, Mary. 1996. "An Ecological View of Psychological Trauma and Trauma Recovery." *Journal of Traumatic Stress* 9, no. 1: 3-23.

Figure 3



# Maze Map



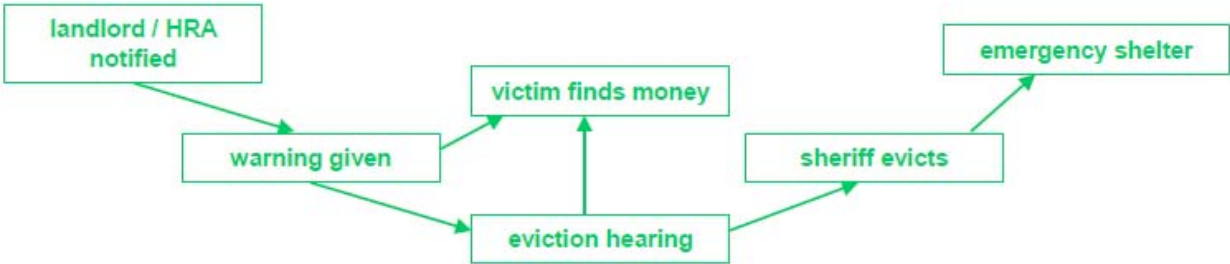


TX CRIMINAL JUSTICE SYSTEM MAP

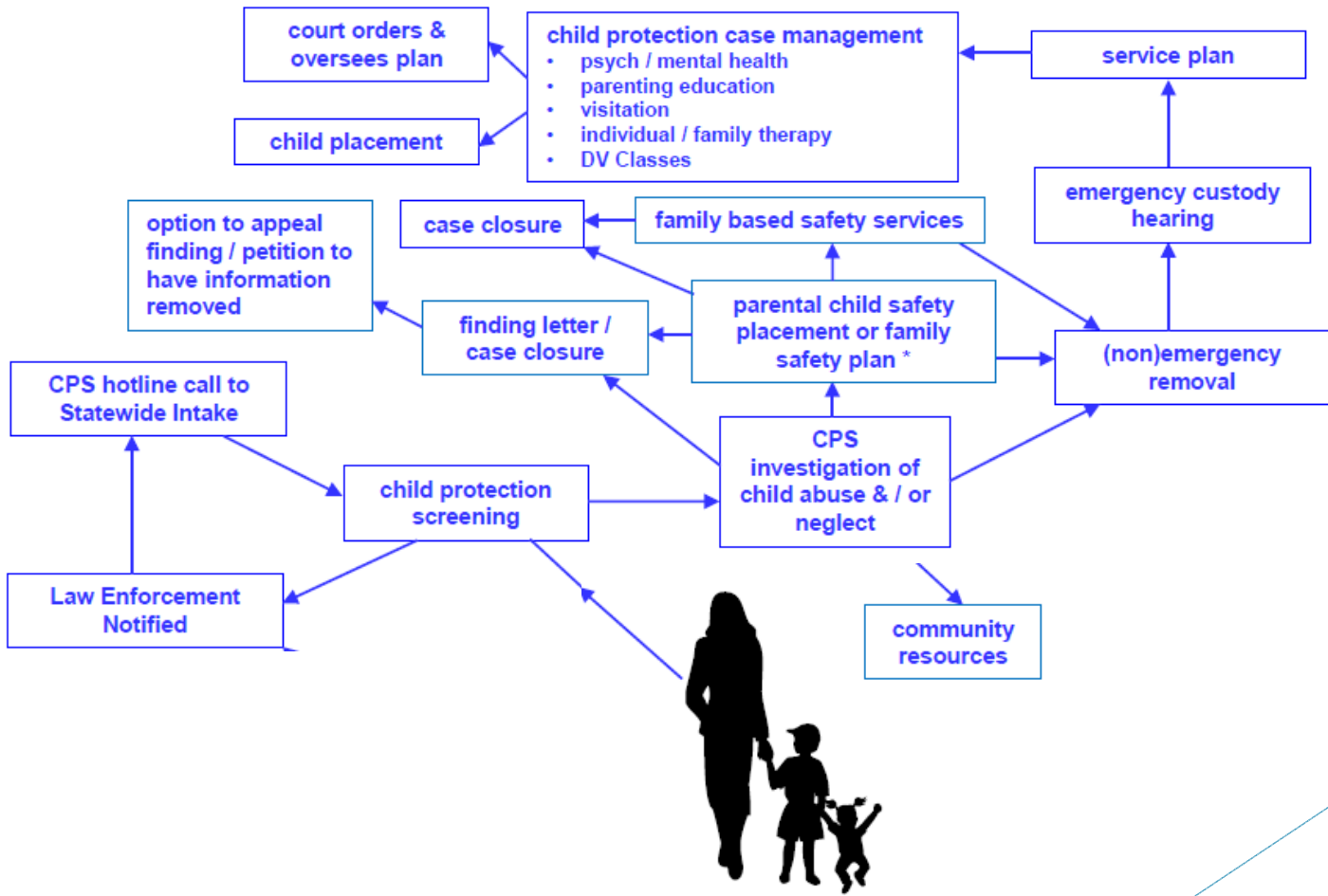




TX HOUSING MAP

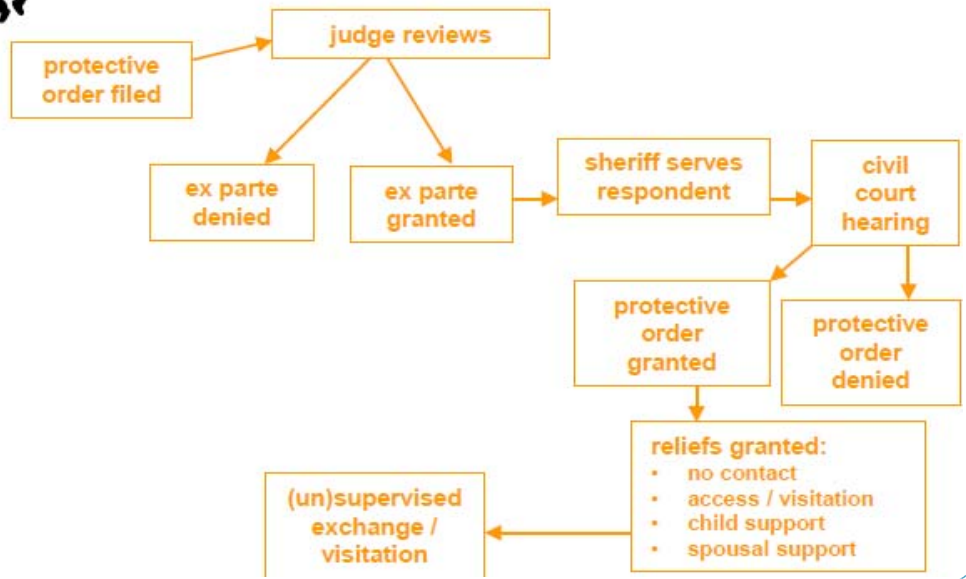


**TX CHILD PROTECTION MAP**

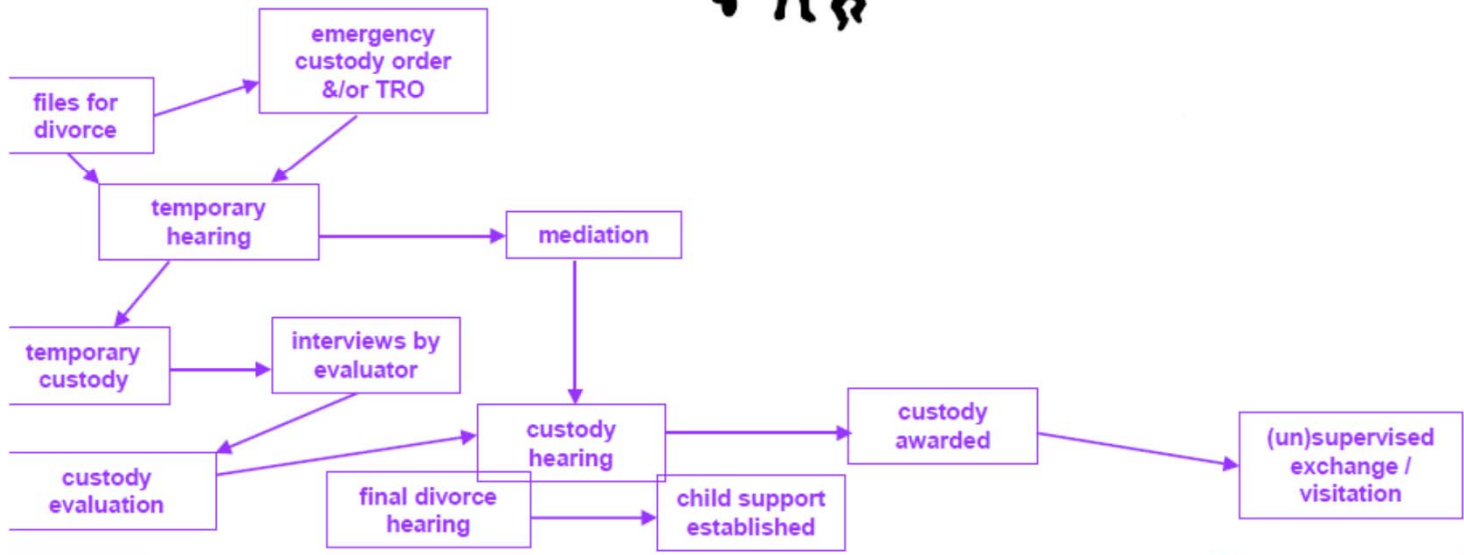




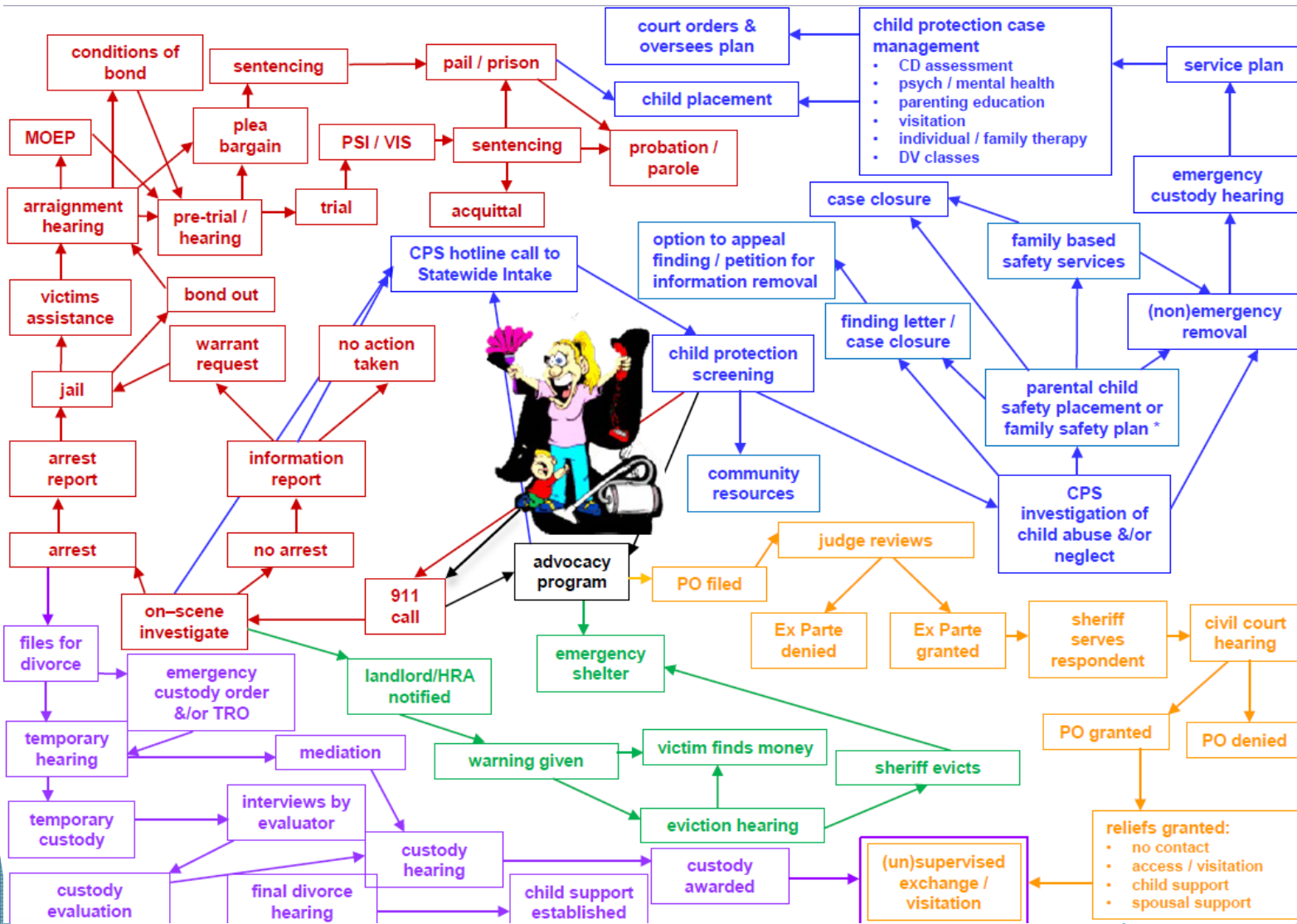
# TX PROTECTIVE ORDER MAP



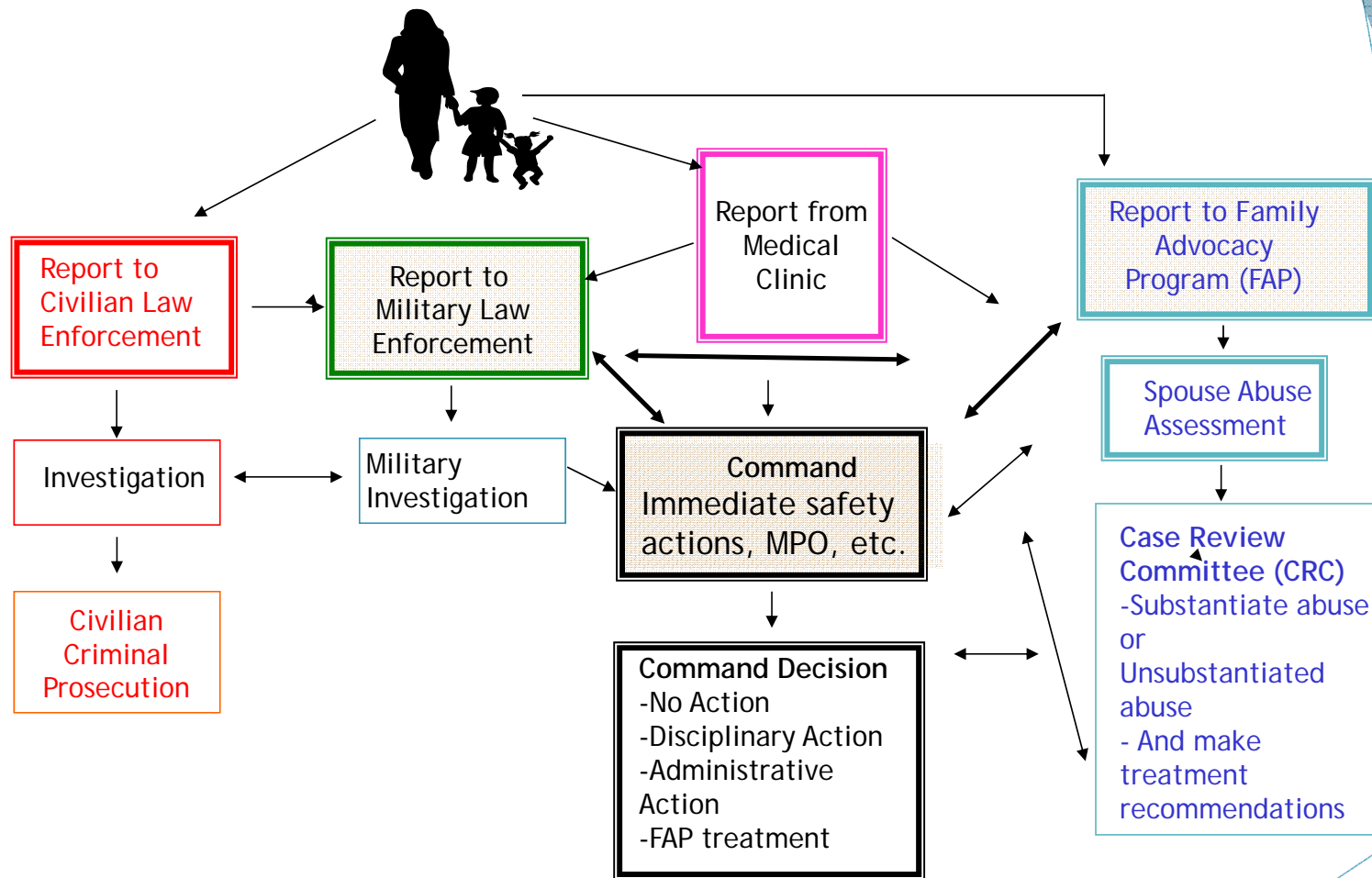
# TX CUSTODY MAP



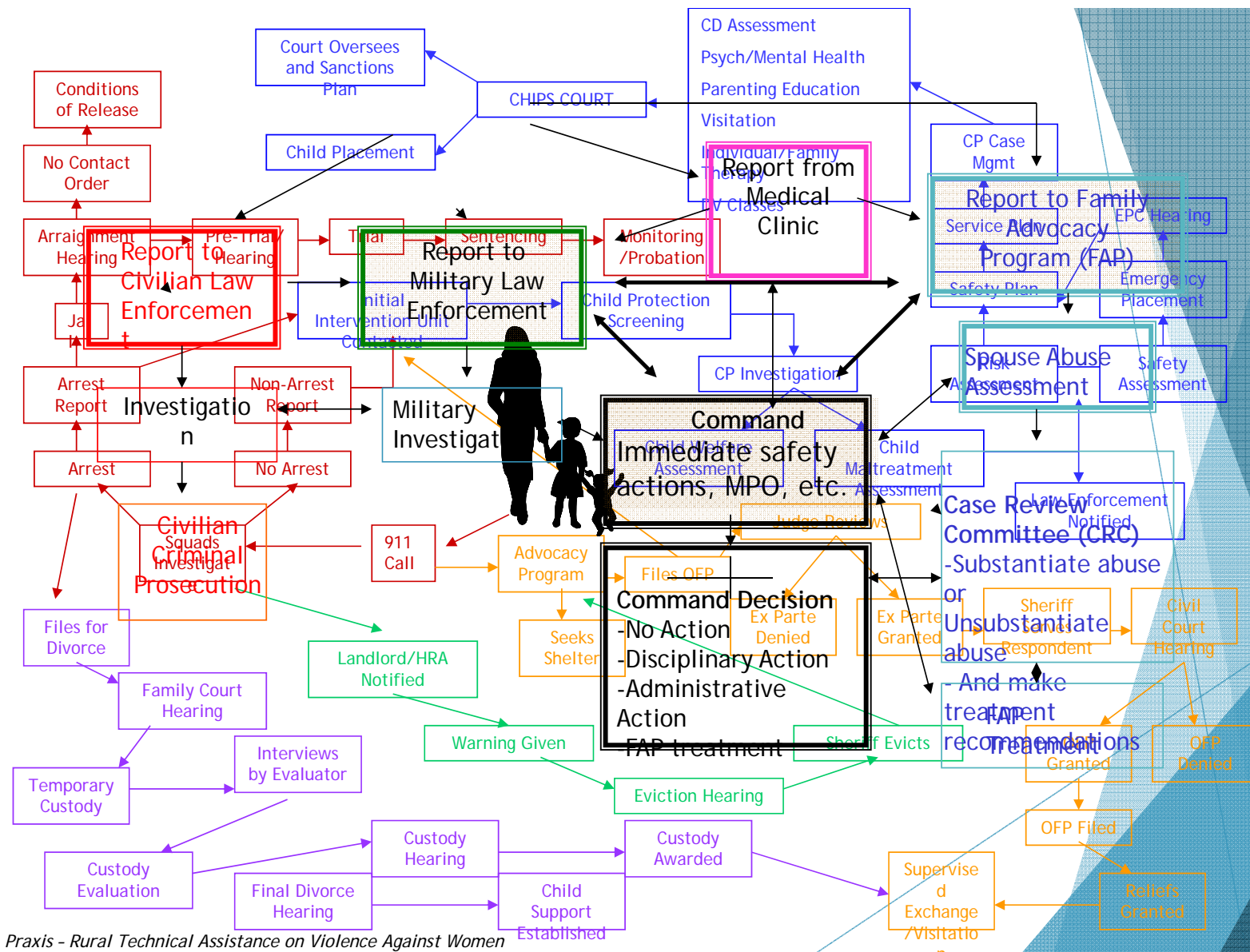








**Military Domestic Violence Incident Response**  
 Report of incident may enter the system at several points



Praxis - Rural Technical Assistance on Violence Against Women



# Rights we will be covering

- ▶ Protection
- ▶ Relocation
- ▶ Compensation
- ▶ Notification
- ▶ Confidentiality
- ▶ Medical Care
- ▶ Be heard
- ▶ Employment protections
- ▶ Immigration protections
- ▶ Education protections



# Right to Protection

- ▶ A survivor has the right to a Protective Order in Texas.
  - ▶ Types of victims eligible for a protective order;
    - ▶ Family or dating violence
    - ▶ Sexual assault
    - ▶ Stalking
    - ▶ Trafficking
  - ▶ Types of protective orders
    - ▶ Magistrates Order of Emergency Protection
    - ▶ Temporary Ex-Parte Protective Order
    - ▶ Final Protective Order

# Right to Relocate

- ▶ A survivor has the right to terminate their lease.
- ▶ There are different requirements for different victims.

# Right to Relocate

A victim of family violence that *lives with their abuser* may terminate their lease once they deliver a copy of **ONE** of the following to the landlord:

- a) A temporary injunction
- b) A temporary ex parte order
- c) A protective order

AND

- ▶ Vacates the dwelling



# Right to Relocate

- ▶ A victim of *family violence* who *does NOT live with their abuser* may terminate their lease once the landlord is provided:
- ▶ *30 day notice to Vacate, AND*
  - a) A temporary injunction
  - b) A temporary ex parte order, or
  - c) A protective order,AND
  - ▶ Vacates the dwelling

# Right to Relocate

For victims of *sexual assault, attempted sexual assault and parents of child sexual abuse victims*, there are 4 kinds of documentation landlords must accept:

- (1) Documentation from a health care services provider who examined the tenant,
- (2) Documentation from a mental health service provider who examined or evaluated the tenant,
- (3) Documentation from a rape crisis center or sexual assault program that provided services to the tenant, **or**
- (4) A final sexual assault protective order issued by a judge under Chapter 7A, Texas Code of Criminal Procedure.

**AND**

**Give 30 days notice**

[Click here for a sample lease termination letter for survivors of sexual assault](#)

# Right to Relocate

- ▶ A student who is a victim of intimate partner violence, stalking or sexual assault can request that;
  - ▶ The abuser be removed from the dorm,
  - ▶ The locks to be changed on their dorm door,
  - ▶ Change their living situation.



# Right to be Compensated

- ▶ Crime Victims Compensation (CVC) is available to victims of violent crime in Texas.
- ▶ This includes victims of;
  - ▶ Sexual assault,
  - ▶ Stalking,
  - ▶ Domestic violence, and
  - ▶ Dating violence.
- ▶ CVC provides financial assistance for crime-related expenses that cannot be reimbursed by insurance or other sources. This includes;
  - ▶ Medical expenses,
  - ▶ Relocation,
  - ▶ Counseling,
  - ▶ Loss of wages,
  - ▶ Replacement costs for clothing, bedding, or property seized as evidence or rendered unusable as a result of the investigation.

[Click here for more about CVC information](#)

# Right to be Notified

- ▶ Texas Victim Information Notification Everyday (VINE) is available to victims of crime for FREE.
- ▶ 24-hour access to offender custody or case information.
- ▶ The ability to verify an offender's custody status.
- ▶ Automatic notification to registered users of a change in offender custody or case status.

[Click here for more information on Texas VNE](#)

# Right to Confidentiality

- ▶ Survivors of sexual assault have the right to use a pseudonym on all reports, files, and records related to the assault.
- ▶ Once a survivor provides a completed pseudonym form to law enforcement, they **MUST**:
  - ▶ remove his/her name and substitute the pseudonym on all reports, files, and records
  - ▶ notify prosecutor of the pseudonym
  - ▶ maintain the form in a manner that protects confidentiality



# Right to Confidentiality

## Address Confidentiality Program:

- ▶ Substitute PO box address to use in place of home, work, or school.
- ▶ OAG accepts service of process for survivor.
- ▶ First-class mail and mail sent by government agency forwarded.
- ▶ Magazines, catalogues, packages, and non-first-class mail NOT forwarded.
- ▶ Most state and local government agencies will accept the address.
- ▶ Can only apply through a trained advocate.
- ▶ Application must be renewed every three years.

# Right to Confidentiality on Campus

A school can block survivor's address from being published in online directories

# Right to Medical Care

- ▶ Victim's of assault have the right to receive medical care without having to report to law enforcement.
- ▶ Crime Victim's Compensation can pay for medical care received because of a crime.



# Right to be Heard

- ▶ Victims of crime have the right to be informed of the use and purpose of a Victim Impact Statement (VIS).
- ▶ VIS is a written document allowing victim the opportunity to provide information about the impact of the crime:
  - ▶ Economic loss
  - ▶ Physical / psychological injury
  - ▶ Change in personal welfare or familial relationship

For more information  
about VIS and forms  
visit:

[https://www.tdcj.state.tx.us/publications/pubs\\_victim\\_impact\\_statement.html](https://www.tdcj.state.tx.us/publications/pubs_victim_impact_statement.html)

# Right to Employment Protections

- ▶ If a survivor receives a protective order, the place of employment will often be protected so that the abuser can not contact the survivor at work or come to their place of employment.
- ▶ Currently there are no leave protections for victims of family violence to miss work if they have to attend court or if they are dealing with family violence.
- ▶ Unemployment compensation.

# Right to Immigration Protections

Regardless of immigration status, crime victims have specific rights, including:

- ▶ The right to reasonable protection.
- ▶ The right to information on relevant court proceedings.
- ▶ Access to Crime Victims' Compensation (CVC) benefits.
- ▶ Police assistance.
- ▶ Emergency medical care.
- ▶ Emergency shelter.
- ▶ Protective orders.
- ▶ Custody of their children.



# Right to Education Protections

Survivor's are entitled to protections regardless of whether the conduct happened on or off campus.

- ▶ Stay away or no contact order.
- ▶ Right to privacy.
- ▶ Right to receive counseling, advocacy, and other resources through college and/or community.
- ▶ Right to change academic, living, transportation, or work situations even if they do not formally report.

Caveat: a report generally is required if student wants university to change their housing for them.

20 U.S.C. Sec. 1681

# Language Access in Texas Courts

- ▶ It is important that survivors with limited English proficiency are offered interpretive services by professional, culturally competent interpreters to ensure equal access to safety and justice.
- ▶ Research your courts current policies on providing a licensed interpreter in cases of family violence.
- ▶ The Office of Court Administration offers Texas Court Remote Interpreter Service (TCRIS) at no cost to district and county-level courts.

# Help the Survivor Identify What They Would Like to Happen

- ▶ The survivor is the sole expert in their case.
- ▶ Support their decision.
- ▶ Inform the survivor of all options available with realistic responses from systems.
- ▶ Ask survivor how they would ideally want their abuser held accountable.



# Safety Planning

- ▶ Be sure to safety plan with survivors through each step of the process.
- ▶ Safety plans will look very different from the beginning versus the end.
- ▶ A safety plan is an individualized plan that victims develop to reduce the risks they and their children face.
- ▶ Safety plans are fluid.
- ▶ They require advocates to participate in an active, dynamic and culturally responsive information and resource sharing process that creates and improves options for each victim.



# THANK YOU!



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