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“Multnomah County recognizes that all people should be able to live and work free from domestic violence or the threat of violence...The County is committed to developing effective and integrated responses to domestic violence as an employer, as a provider and contractor of services, and as a leader in the community.”

Board of County Commissioners

Resolution 00-149

September 7, 2000



I Domestic Violence Resource Manual

Multnomah County

Department Of Human Services

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*Prepared by the Domestic Violence Work Group
Editors Susan Peters and Chiquita Rollins*



The purpose of this manual is to provide basic information about how we can address domestic violence in the lives of Department staff, clients and the general public. This information is for general education only. It is not a substitute for the advice of an attorney. If you have specific legal questions, contact an attorney, the police or the District Attorney's office. The listing of resources in this manual is not an endorsement or evaluation of the organizations or programs.

This manual has been developed with the assistance from a variety of sources and with the help of many people. Family Violence Coordinating Council, Multnomah County Legal Services, Portland Women's Crisis Line, Legal Aid Services of Oregon, the Oregon Coalition Against Domestic and Sexual Violence, Portland Police Bureau and the Multnomah County District Attorney's Office have all assisted in some way. In addition, several individuals have provided assistance in the compilation of this information, including members of the Domestic Violence Work Group, Carmen Montano, Meiyee Mo, Esther Nacrelli, Sue Larsen, and MaryAnn Stewart. I wish to thank them all for their help and insight.

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What Is Domestic Violence?

- An on-going pattern of hurtful, manipulative or controlling activities, including physical, sexual, psychological, emotional and verbal abuse.
- Being afraid of your partner or spouse.

Domestic Violence:

- Occurs in all socio-economic groups, all religious groups, all races, all ethnic groups and within heterosexual, lesbian and gay relationships, to people of all ages and physical abilities.
- Is perpetrated against women in over 90% of the cases. (Bureau of Justice Statistics Selected Findings, *Violence Between Intimates*, NCJ-149239, November 1994).
- Is the single greatest cause of injury to women in this country.
- Affects one in seven women in Multnomah County every year. (*Domestic Violence In Multnomah County*, 1999)
- Includes psychological, verbal or emotional abuse that can be as devastating as the physical violence.
- Happens to people you know; perhaps your neighbor, friend, sister, mother, your co-worker or even yourself.

You Can Do Something About It!!

This manual sometimes refers to victims as "she" or "her," and to perpetrators as "he" or "him." Although anyone, heterosexual, gay or lesbian, bisexual, female or male, can be battered, the overwhelming majority of victims are female and the overwhelming majority of perpetrators are male.

No One Deserves To Be Hurt

These questions may help you determine if you or someone you know or are working with is being battered.

Does someone close to you?

Push, hit, shove, slap, kick, choke, hurt or scare you?

Threaten to hurt or kill you or your family or friends?

Call you names and humiliate you?

Criticize the things you do and say, or the way you look?

Force you to have sex against your will?

Threaten to take your children?

Hurt your pets or destroy things special to you?

Isolate you by: taking away the car keys, money or credit cards; listening to your phone calls; opening your mail; locking you inside your home; or refusing to let you work, attend school, go to church, or form friendships?

Call you or appear unexpectedly at your workplace, home, school or elsewhere to check up on you?

Tell you that you are crazy?

If you are lesbian, bisexual or gay, threaten to “out” you or tell others of your sexual orientation?

If any of these sound familiar, you may be a victim of domestic abuse.

There is help.

NOTE: Asking or answering these questions in the presence of the perpetrator or others may endanger you or someone else.

Information must be kept confidential.

Impact Of Domestic Violence On Children

Children who witness domestic violence may display the same emotional responses as children who have been physically and emotionally abused. These children frequently are anxious, depressed, or act out inappropriately. Their responses include feeling guilty for the abuse or for not being able to stop it; grieving for family and personal losses; and fear of expressing emotions, abandonment, or the unknown. Their lives may be disrupted by attempts to escape violence.

Children whose mothers are battered are at a higher risk of being neglected, abused or injured. It is estimated that 40-60% of men who abuse their female partners also abuse their children. Many perpetrators inadvertently injure children when abusing their female partners. The youngest children sustain the most serious injuries, such as concussions and broken ribs. Older children are frequently injured when they try to protect their mothers.

How can you help children whose mothers are being battered?

- Help them find ways to be safe when the violence occurs. This may be calling 911, hiding under a bed or in a closet, or going to a neighbor's house.
- Let them know the violence is never their fault, and that it is not their responsibility to stop it or to protect their mother.
- Let them express their anger, hurt, fear or sadness about what is happening, and to acknowledge that they still may love the abusive person.
- Model non-violent conflict resolution.
- Let them know *you* care about them.

Reporting Domestic Violence to The Department of Human Services - Child Welfare

The Department of Human Services – Child Welfare (DHS) accepts referrals based on the presence of domestic violence, even if children are not physically harmed. While DHS’s screening guidelines identify domestic violence as an indicator under “threat of harm,” the child abuse reporting statute only refers to threat of harm and does not specifically cite domestic violence. DHS takes the position that mandatory reporters of child abuse are not required to report **all** cases of domestic violence when children are present. However, mandatory reporters can proactively report and should report situations where they feel the child is imminent risk of injury, the child tells them they are afraid, or when they see demonstrable effects of the domestic violence on the child’s behavior (mental injury).

Community Resources For Domestic Violence Intervention

There is an array of resources available for those who have been battered. Which resource works best for any one person depends on the situation and needs of that person. Below is a brief description of some available resources. Phone numbers of community resources can be found on pages 19-25, and 36.

Safety Planning

Making a safety plan, for both yourself and your children, is an important step. Crisis line workers, advocates, and counselors should be able to assist you in making a plan. A safety plan usually starts with an understanding of when you are most likely to be hurt, and how you can avoid those situations or get out of them if they occur. When you are trying to leave an abusive relationship, the perpetrator may stalk you or attempt to inflict more injury. It is very important to plan for your safety during that time. (See page 17)

Crisis Lines

There are several crisis lines in Multnomah County, including the Portland Women's Crisis Line, domestic violence shelter crisis lines, and Multnomah County Mental Health Crisis Line. Crisis line workers provide support, information and referral, assistance in developing a safety plan, exploring options, and assisting people through a crisis. Crisis lines operate 24 hours a day and are the entry point into shelters or safe homes. **All calls are kept confidential.** Programa de Mujeres provides phone intervention to Spanish-speaking women, but is not staffed 24 hours a day.

Safe, Emergency Housing

If you are planning to leave an abusive relationship, need a secure place to consider your options, or are in immediate danger of violence, you may want to use emergency, short-term

housing. This may mean staying at a friend's or relative's house, a motel, or at a shelter or safe home. If you are planning to stay at a friend's or relative's house, it is important that the abuser can not find you. In these cases, make sure that your friend or relative will not reveal your presence to the abuser or to the abuser's friends or family members, and that you have a safety plan in case the abuser looks for you there.

Shelters

There are five domestic violence shelters in Multnomah County. The shelters in Clackamas, Washington and Clark Counties are available for Multnomah County residents. Shelters are almost always full and it usually takes several phone calls to find space. So, don't give up. Crisis line workers will help you make an alternative safe plan if you cannot find shelter space. Because most domestic shelters have communal sleeping rooms and bathrooms, teenage boys cannot stay at most shelters. SafeChoice in Clark County, Washington; Clackamas Women's Services in Clackamas County, Oregon; Domestic Violence Resource Center in Washington County, Oregon; and Raphael House in Multnomah County, Oregon, all have capability to house boys over age 12. Young women under the age of 18, without a parent or legal guardian with them, usually need emancipation papers to stay at a domestic violence shelter. A youth shelter may be another option for young women.

Shelters provide help and assistance to everyone and everyone needs to feel welcome and safe. Most shelters are wheelchair accessible. Some have TTD phones. Some shelters have bilingual staff or on-call staff. In addition, the Portland Women's Crisis Line has access to the AT&T Language Line, if interpretation is needed. Some shelters are also available to homeless women and survivors of prostitution, sexual assault, stalking or child abuse.

A shelter may not be the right place for everyone; if you decide you don't feel comfortable staying in a shelter, crisis line staff can help to develop other options. All shelters will ask women to leave if they use **any** amount of alcohol or drugs while living at the shelter.

While in shelter, there are opportunities to get help and support, including housing, food, clothing, alcohol and drug assessment or treatment, work, school, child care, transportation, restraining order, court advocacy, legal assistance, counseling or other assistance. All shelters have support groups for mothers and services for children.

Support Groups

Support groups for women who have been battered or are currently being battered are available throughout the County. Groups generally meet weekly for 2 hours, usually in a confidential location. Costs for groups vary from free to \$25 per session, and child-care is available at some locations. Specific support groups are available for Christian women, Spanish-speaking, Russian-speaking, Native American, African American, immigrant and refugee women, and women from other cultures. Support groups are also available for bi-sexual and lesbian women and for gay men who have been battered. Support groups offer participants the opportunity to learn how domestic violence has affected their lives, to develop new support networks, to talk about what has happened to them, to explore and express their feelings about the abuse.

Civil Remedies

Women may have to take many legal steps to complete separation from an abusive partner. These steps may include obtaining a restraining or stalking order, divorce and custody of children, and arranging visitation. These steps in and of themselves will not assure safety, but may be critical to minimize contact with the abuser and to facilitate building a violence-free life. Portland Women's Crisis Line (PWCL) can make referrals to attorneys who are knowledgeable about domestic violence and who can assist in divorce, custody and visitation orders. PWCL, Multnomah County Legal Aid, Lewis and Clark Law Clinic and the Oregon Law Center all provide assistance to women seeking civil orders.

Criminal Remedies

Law enforcement intervention is an option that may be effective in some cases. This intervention may provide immediate safety, since police officers are mandated to arrest in cases of domestic violence or violation of a restraining order. However, it is important to know that police do not always arrest the perpetrator, or the perpetrator may be released within a few hours of an arrest. Victims of a criminal assault, harassment or menacing can directly contact the District Attorney's Office to press charges. In Multnomah County, "first time" perpetrators may be eligible for a deferred sentencing program which includes batterers' intervention programs and probation supervision.

Counseling

Some women find that individual counseling is a good resource for them. Portland Women's Crisis Line can provide callers with names and phone numbers of counselors who have knowledge and experience working with battered women. Couples counseling is not recommended if the partner is still violent or has not addressed his controlling behavior. Multnomah County Employee Assistance Program can provide counseling for Multnomah County employees. Questions to ask a counselor before you decide to see him or her:

- What are their fees, do they have a sliding fee scale?
- How many battered women have they counseled?
- What do they think is the main reason men batter women?
- Have they had any special training in working with battered women? Have they ever worked or volunteered at a program for battered women?
- How would they approach a specific kind of problem? Give an example, and have an idea of how you would want to have it approached.

It is important to find a counselor who has experience working with survivors of domestic violence, is sensitive to the issues involved, and with whom you feel comfortable working.

Batterers' Intervention Programs

Many people believe that helping individual men change is an effective solution to an abusive relationship. If your partner attends a batterers' intervention program, there is no guarantee that he will stop being violent. You will still need to take steps to assure your safety. In some cases the partner does stop the physical violence, but escalates controlling behaviors. An additional concern is that most counselors do not have specific training or information about how to work with batterers. Anger or stress management programs generally are not appropriate because they do not address the underlying issues of attitudes about the roles of men and women and power and control.

• Safety Planning

Whether or not you are planning to leave the relationship, there are ways to increase your safety. It is important to remember that victims are at an increased risk of violence when they attempt to leave, and need to make a safety plan.

When you are planning to leave the relationship:

- Get a restraining or stalking order and keep it with you. Give a copy to your employer.
- Call a shelter for assistance in locating resources, getting support and keeping safe.
- Call the police when an assault occurs.
- Get legal assistance in filing for divorce, arranging for custody and visitation.
- Prepare a "Flight Kit" which includes money, documents, extra car keys and clothes, and keep it in a safe place.
- Develop a plan for you and your children on how to get out of a dangerous situation.
- If you are using the internet to look for resources, use a computer that your abuser does not have access to, even if you clear the history, information about your searches can be retrieved.

If you are not planning to leave the relationship:

- Pay attention to signs or behaviors that warn you an assault will occur, and leave if possible. If you can't leave, move to a room with an outside exit, and avoid bathrooms and kitchens or other rooms where weapons are kept.
- Call 911 if possible.
- Ask neighbors to call the police if they hear cries for help, yelling, or loud noises.
- Change locks if the abuser moves out.
- Make sure your children know what to do in order to keep safe if violence occurs. For example, they can go to the neighbors, call 9-1-1 or hide.
- Learn what resources and options are available if you need to leave in an emergency (call shelters, crisis lines, talk to friends).

24-hour Crisis Lines

Police Emergency 911
Police Non-Emergency (503) 823-3333

Portland Women's Crisis Line (503) 235-5333
Or toll-free 1-888-235-5333
(Access to interpreters 24 hours a day through AT&T
Language Line)

National Domestic Violence Hotline 1-800-799-SAFE
TTY 1-800-727-3224

Child Abuse Reporting Line (503) 731-3100
(State Office of Services to Children and Families)

Emergency Shelter and Food (503) 525-6400

Senior and Disability Services
Help Line (503) 988-3646

Multnomah County Mental Health
Crisis Line (503) 988-4888

All domestic violence shelters in the Tri-County area have 24-hour crisis lines. Those numbers are starred (*) on the following pages.

For information about suicide, rape, sexual abuse, or ritual abuse, call Portland Women's Crisis Line ... (503) 235-5333

Other Abuse Reporting Lines

(Answered during weekday business hours)

Multnomah County Licensed Adult Foster Care
Abuse Reporting Line (503) 988-3000

Developmental Disabilities
Protective Service Worker (503) 988-3658

Community Resources

Services for Victims/Survivors of Domestic Violence

Bradley-Angle House(503) 281-2442*
office.....(503) 281-3540
emergency shelter
transitional housing
support groups
middle & high school education programs

Community Advocates
for Safety and Self-reliance(503) 280-1388
elementary school education program
self-defense classes

LOTUS(503) 282-1082
support services for prostitution survivors and other
survivor's of the sex industry

EI Programa Hispano(503) 669-8350
for Spanish-speaking/Latina women
counseling
support groups
community health promoter

Multnomah County Employee
Assistance Program(503) 215-3561
free short-term counseling for County employees only

Native American Family Healing Circle ..(503) 288-8177
support services for Native American victims of domestic
violence

Portland Women's Crisis Line(503) 235-5333*
office.....(503) 232-9751
support groups
restraining order & court advocacy
middle & high school education programs
safe homes

Programa de Mujeres(503) 232-4448
not staffed 24 hrs; workers will return calls
case management for Spanish-speaking women

*24-hour crisis line

- Raphael House(503) 222-6222*
office.....(503) 222-6507
emergency shelter
transitional housing
long-term housing
- Refugee and Immigrant Family
Strengthening(503) 234-1541
*Support groups, advocacy, and other support services
for immigrant and refugee victims of domestic violence,
especially Southeast Asian, Pacific Islander, and
Eastern European*
- Russian Oregon Social Services(503) 777-3437
*Case management, advocacy, counseling, and other
support services for Russian-speaking victims of
domestic violence*
- Salvation Army West Women’s & Children’s Shelter
office and crisis line(503) 224-7718*
emergency shelter
transitional housing
- SAWERA(503) 778-7386
*(South Asian Women’s Empowerment and Resource
Alliance) Support groups, advocacy, and other support
services for South Asian women victims of domestic
violence (South Asia is comprised of Bangladesh,
Bhutan, India, Nepal, Pakistan, and Sri Lanka)*
- Volunteers of America Family Center
office and crisis line(503) 232-6562*
outreach office(503) 771-5503
*emergency shelter for battered and homeless
women with children; support groups for women
and children; drop in services*
- Women’s Agenda Counseling(503) 235-4050
support groups, counseling
- YWCA Yolanda House(503) 977-7930
emergency shelter, counseling, and support groups

The following services in neighboring counties are available for Multnomah County residents who are victims/survivors.

Clackamas County

Clackamas Women's Services.....(503) 654-2288*
office.....(503) 722-2366
emergency shelter
transitional housing
support groups

Washington County

Washington County Domestic Violence
Resource Center(503) 469-8620
office.....(503) 640-5352
emergency shelter

Clark County (Washington)

Vancouver Safechoice Shelter..... 1-360-695-0501*
office..... 1-800-695-0167
emergency shelter
support groups
legal advocacy

Specialized Law Enforcement Units

Portland Police Bureau Domestic Violence
Reduction Unit and Domestic Violence
Intervention Team(503) 823-0992

Portland Police Bureau Advocate.....(503) 823-0306

Gresham Police Department
Domestic Violence Unit(503) 618-2581

Gresham Police Department
Hispanic Advocate(503) 618-2454

Multnomah County Sheriff's Office
Community Safety Unit(503) 988-2429

Batterer Intervention Programs:

ASAP	(503) 224-0075
Ayuda (<i>Spanish-speaking groups</i>)	(503) 640-5223
Change Point	(503) 253-5954
Choices	(503) 239-7597
El Programa Hispano	(503) 669-8350
Men's Resource Center	(503) 235-3433
Sage Counseling (<i>adolescents</i>)	(503) 231-0251
Transition Projects, Inc	(503) 823-4930
VIVA (<i>Spanish-speaking groups</i>)	(503) 257-0381
Women's Agenda Counseling Center (<i>women's group</i>)	(503) 235-4050

Services for Children Who Have Witnessed Domestic Violence

Community Advocates for Safety and Self-Reliance (<i>School-based prevention education</i>)	(503) 280-1388
El Programa Hispano (<i>Services for Spanish-speaking Children</i>)	(503) 669-8350
Psychological Services Center (<i>counseling</i>)	(503) 352-2400
Volunteers of America Family Center (<i>support groups</i>)	(503) 771-5503

Resources for Battered Lesbians, Bisexuals, or Gay Men:

Bradley-Angle House	(503) 281-2442*
(<i>Support groups</i>)	(503) 232-7805
Clackamas Women's Services	(503) 654-2288*
(<i>Support groups</i>)	(503) 722-2366
Men's Resource Center	(503) 235-3433
(<i>Support groups (gay men)</i>)	
Portland Women's Crisis Line	(503) 235-3433*
(<i>Toll-free</i>)	1-888-235-5333

*24-hour crisis line

Multi-Cultural Resources

(Services not specific to domestic violence)

Catholic Charities' Immigration Services(503) 231-4866
Immigration Counseling Services.....(503) 221-1689
IRCO International Refugee Center of Oregon.....(503) 234-1541
Lutheran Family Services Refugee Program(503) 236-0042
Multicultural Counseling Services(503) 231-7480
SOAR(503) 284-3002
(Sponsors Organized to Assist Refugees)

African-American

Adult Services(503) 281-2804
Albina Ministerial Alliance(503) 285-0493
Project Network(503) 335-0855
Urban League of Portland(503) 280-2600

Latina/Hispanic

Bienestar De Familia (503) 988-5464 ext. 22872
Dessarollo Integral de la Familia.....(503) 284-5718
El Programa Hispano(503) 669-8350
Hispanic Access Center.....(503) 236-9670
La Clinica de Buena Salud.....(503) 988-3991
Villa de Clara Vista Family Resource Center(503) 306-5686

Native American

NARA (Native American Rehabilitation Association) Health Clinic(503) 230-9875
NARA Alcohol and Drug Treatment(503) 231-2641
Native American Youth Association.....(503) 288-8177
Oregon Legal Services
Native American Program(503) 223-9483



Asian/Southeast Asian, South Asian:

- Asian Family Center(503) 235-9396
- Chinese Social Services Center(503) 872-8822
- SAWERA (South Asian Women’s Empowerment and Resource Alliance).....(503) 778-7386

Russian/Eastern European:

- Russian Oregon Social Services(503) 777-3437

Jewish

- Jewish Family and Child Services(503) 226-7079
- Jewish Federation of Oregon.....(503) 245-6219

Restraining Orders

The Family Abuse Prevention Act Restraining Orders (RO) provide a civil means to deter an abuser. They are free, do not require an attorney to apply for, and are usually in place quickly. To be eligible for an RO, a person who has been abused or threatened must have had one of the following relationships with the abuser:

- current or former spouse;
- related by blood, marriage or adoption;
- a person, of the same or opposite sex, that you are living with or have lived with, in an sexually intimate relationship;
- a person, of the same or opposite sex , with whom you have been in a sexually intimate relationship in the past two years; or
- unmarried parents of a minor child.
- You are a minor who has been involved in a sexually intimate relationship with the respondent who is 18 or older.

The applicant (called the petitioner) must have been the victim of abuse or threats of abuse within the last 180 days and be in danger of further abuse. It is possible to get an RO for abuse or threats that occurred more than 180 days ago, if the abuser (called the respondent) has been out of town or in jail. Lesbians, bisexual men or women and gay men may be granted an RO in Oregon.

To request or renew an RO in Multnomah County, a person must go to Room 211 of the Multnomah County Courthouse, 1021 SW 4th, before 12:30 p.m. on weekdays. The phone number for the restraining order office is (503) 988-3943. English and Spanish speaking advocates are available from 10:00-1:00 p.m. to assist petitioners in filling out the forms. A judge hears all RO requests at 1:30 p.m. each weekday¹. A judge will review the petition to determine if the petitioner has been abused or threatened and is in immediate danger of further abuse. The process generally takes 2-3 hours. The petitioner can request that the

respondent be restrained from contacting the petitioner, including through a third party, phone, email or mail, and from going to the petitioner's place of work, home or school. In addition, the petitioner can request **temporary** custody of children and the terms of visitation, as long as no permanent custody or visitation orders exist. If the petitioner is seeking custody or visitation, it is helpful, but not necessary, to have physical custody of the child(ren). The Judge will determine what other conditions to place on the respondent. A federal law prohibits most respondents from possessing firearms or ammunition while the restraining order is in effect.

The RO is usually served by the County Sheriff's officers, and can be enforced as soon as it has been served. The respondent can contest the RO, and the court will schedule a hearing within a relatively short period of time. Hearing notices are mailed, so the petitioner should make sure the court always has a valid mailing address while the restraining order is in effect. In general, if the petitioner does not appear at this hearing, the judge will dismiss the RO or make the changes requested by the respondent.

- To effectively use an RO, the petitioner should carry a copy at all times and make copies for her/his employer and her/his children's school.
- Inviting the respondent onto your property does not invalidate the RO or prohibit police from arresting the respondent. Only a judge can dismiss or vacate an RO.
- The RO expires one year from the date signed unless it is renewed.
- The police are required to arrest an abuser if he/she assaults the petitioner or violates the RO. Call 911 when the respondent is violating an RO, and show the RO to the officer. In a non-threatening situation, call (503) 823-3333 to make a police report in Multnomah County.
- A custody award under an RO is temporary and valid as long as the RO is valid or until a permanent custody award is made in a divorce or other civil case. An RO cannot change an existing custody order.

- **The RO is an important step in establishing personal safety, but will not necessarily stop the respondent from hurting or attempting to hurt the petitioner. It is important that petitioners plan how to protect themselves if the respondent violates the RO.**

Petitioners can apply for a restraining order in the county, the petitioner or the abuser resides in, and it is enforceable throughout the state of Oregon. Most restraining orders from other states and jurisdictions are enforceable in Oregon, and most restraining orders from Oregon are enforceable in other states. This means that the police and courts must enforce the restraining order according to the laws in their state or jurisdiction. The restraining order does not need to be registered in the new state or jurisdiction. To help enforce the restraining order, the petitioner should always carry certified copies of the restraining order and “proof of service.”

To request a restraining order in **Washington County**, go to the Restraining Order Room, 150 N. 1st Avenue, 1st Floor, Center for Victim Services, Hillsboro. Volunteers are available from 9-12 a.m. and 1:00-3:00 p.m. on weekdays. Restraining orders completed by 11:30 will be reviewed by a judge that day. Restraining orders completed later will be reviewed on the following business day. It is important to bring one piece of identification and an address where the respondent can be found. Call (503) 846-3830 for information.

To request a restraining order in **Clackamas County**, go to the file room in the basement in of the Courthouse (enter on South side), 807 Main in Oregon City. Volunteers are available to assist in filling out paper work in the morning and hearings are held at 1 p.m. every day. Call (503) 655-8616 for information.

For information about obtaining a restraining order in the **State of Washington**, call Safechoice at (360) 695-0501 or the Clark County Courthouse at (360) 397-2108. A Washington State Protection Order has different criteria and enforcement parameters than an Oregon RO.

Elderly and Disabled Persons Abuse Prevention Restraining Orders

Elder and Disabled Persons Abuse Prevention Restraining Orders protect people who are over the age of 65 or disabled, and are very similar to the RO's described on pages 26-28. Elder and Disabled Persons Abuse Prevention Restraining Orders differ from RO's in the following ways:

- You must be over 65 years of age; and not be a resident of a long-term care facility; or
- You must be a person with a physical, mental, cognitive or developmental disability who is receiving Supplemental Security Income or general assistance, and residing in or in need of placement in a residential program administered by the Senior and Disabled Services Division.
- The definition of abuse is expanded to add physical injury at variance with the explanation given; neglect causing physical harm; abandonment, desertion or neglect of duties by a caregiver or other; use of derogatory or inappropriate names, phrases or profanity; ridicule, harassment, coercion, threats, cursing, intimidation or inappropriate comments that threaten significant physical or emotional harm.
- The relationship between petitioner and respondent is expanded to include any caregiver. In Multnomah County, caregiver is broadly defined include primary caregiver and others who provide help.
- If it is difficult for you to get to the courthouse for a hearing, a telephone hearing can be arranged if you request it in advance and can be reached by telephone at the time of the hearing.

Applications for Elder and Disabled Persons Abuse Prevention Restraining Orders in Multnomah County are available in Room



211 of the Courthouse, 1021 SW 4th. If you complete the petition before 1:00 p.m., you can see a Family Court Judge at 1:30 p.m. every weekday. For information about Elder and Disabled Persons Abuse Prevention Restraining Orders in Multnomah County, call (503) 988-3943. For information about Elder and Disabled Persons Abuse restraining orders in neighboring counties, call the numbers listed on page 28.

If the respondent is your primary caregiver and is being removed from your residence, you can get help finding a caregiver from the Multnomah County Aging Services Division (503) 988-3646. Aging Services also provides other assistance and receives reports of abuse.

Elders in Action provides free volunteer ombudsmen to assist elderly and disabled victims of crime or abuse. Volunteers can also assist with health care or housing advocacy. For more information, call (503) 823-5293.

Mandatory Arrest And Prosecution

Oregon Revised Statutes require that the police arrest the perpetrator in domestic violence cases. Police must arrest in cases which involve family or household members as defined in the RO section, and they have probable cause to believe that abuse has occurred or that the perpetrator has placed the victim in fear of imminent serious physical injury. Abuse is defined as:

- causing or attempting to cause serious physical injury;
- placing another in fear of imminent bodily injury; and
- causing another to engage in involuntary sexual relations by force or threat of force.

If you wish the police to arrest the assailant, you will need to provide evidence that you have been assaulted or that you are afraid of an imminent assault, and what your relationship with the assailant is. This evidence might include:

- showing them injuries, broken furniture or dishes,
- providing them with the names of neighbors who witnessed the assault,
- telling them what your relationship with the assailant is,
- making statements about threats that the assailant has made and why you believe he would carry them out,
- stating that you are afraid of the assailant.

The calmer you are and the more detailed the account you give the police, the more likely they will arrest. It may be helpful to indicate if children were present at the time of the assault, or if weapons are kept in the household. If the perpetrator has left the scene, the police may be willing to look for him, if you tell them where he has gone.

Police should only arrest one person, the “primary” assailant, at a domestic violence incident. The primary assailant is determined by comparing the extent of injuries or seriousness of

threats; the history of domestic violence; whether the assault was in self-defense; and the potential for future assaults. Police are mandated to arrest if someone has violated a restraining or a “no contact order.” It is helpful to show the police a copy of the restraining order. Officers are also required to provide the victim with referral information.

There have been cases in which the perpetrator has not been arrested, despite evidence of an assault. If it does not further endanger you, ask the officers for their names and badge numbers. You can call the District Attorney’s office - District Attorney’s Domestic Violence Unit (503) 988-3873; or the Portland Police Bureau Domestic Violence Reduction Unit (503)823-0992; or the Gresham Police Domestic Violence Unit (503) 618-2581 the following day, to ask for assistance in protecting yourself from assault or to press charges.

Following arrest, the perpetrator is usually released from jail (bail, due to overpopulation, or following arraignment) with a “no contact order” which bars him from contacting the victim. If the charges are dropped, there will not be a no contact order. In theory, perpetrators are to be held in jail until after arraignment, which occurs the morning of the next business day, unless they are released on bail or their own recognizance. You can call the jail (503) 988-3689 (Multnomah County) to ask them to call you before they release the abuser.

The Multnomah County District Attorney has a policy to review all cases in which there was an arrest to determine which cases can be successfully prosecuted, whether or not the victim participates. If you wish to prosecute, you must call the District Attorney’s office (503) 988-3873. If the perpetrator has been arrested and you call before 11:30 a.m. the next business day, the District Attorney can act on the case while the perpetrator is in custody. You can also call the District Attorney’s office at any time after an assault to press charges, whether the police have written a report or not. However, if the perpetrator is no longer in custody, there will be delays in charging.

To prosecute the assailant, either at that time or later on, you can take the following steps to assist the District Attorney in their case:

- Request that the police or health care provider take pictures of any injuries you received. The District Attorney’s Victim Assistants, the Portland Police Bureau’s Domestic Violence Reduction Unit and the Gresham Police Department’s Domestic Violence Unit can also take pictures. Bruises are best photographed 2-3 days after the assault.
- Request that the police or health care provider include specific statements by you or the assailant in their report. These statements might include things like “John, my husband, hit me in the face with his closed fist.” The more explicit you are in describing the assault, the better case the District Attorney can make, whether you are able to participate in the prosecution or not.
- Keep a log of threats, harassment, menacing or assaults, and who might have witnessed them.
- Call the police every time there’s an assault or violation of a restraining order.
- Call the DA as early as possible after an assault.
- If a child is injured in an assault against you make sure you tell the police and/or DA. You may also call the Child Abuse Reporting Line (503) 731-3100. This not only provides additional evidence of an assault, it also indicates that you have taken steps to protect your child.

Note: Sometimes perpetrators retaliate after the police have been called or if the victim participates in the police investigation or the District Attorney’s prosecution. Perpetrators frequently threaten or coerce victims to recant or refuse to participate in prosecution. The police or District Attorney can not guarantee safety during an investigation or trial. Only the survivor can determine if it is safe enough to participate in the criminal proceedings. Employers or others providing support should never require a police report or prosecution. Safety planning is essential for the survivor during this time.

Stalking Orders

If you are being followed, harassed, threatened or menaced by an individual, you may be able to obtain a stalking order to assist you in staying safe. Stalking orders have been successful in deterring some perpetrators from continuing harassment. Stalking orders can be issued if there has been more than one unwanted contact that would put a reasonable person in fear of his or her safety or the safety of a member of his or her immediate family or household. There does not need to have been verbal threats of injury or a prior assault.

Stalking cases frequently involve a man following, harassing, or otherwise contacting a woman he has only seen and has never met. Stalking orders can also be useful in situations where there has been no sexual relationship, i.e., only a dating relationship existed; or in cases where there has been no physical violence. In addition, a parent or guardian may file a stalking order to protect his or her children or dependents. There are two ways to obtain a stalking order. In Multnomah County, the more common way is for the petitioner to request it from the Court. The second way is for police to issue a citation to the perpetrator. A police citation is more common in other counties.

If you wish to request a stalking order, go to Room 211 in the Multnomah County Courthouse (1021 SW 4th), and request the appropriate forms. You can obtain assistance in filling out the forms from the volunteers who are in Room 211 from 10:00 to 1:00 each day. It is important to be as specific and as truthful as possible on the complaint form. Include the day, date, location, witnesses, specific conduct of the respondent and why that conduct makes you afraid for your safety. There is no fee for filing, serving or having a court hearing about the stalking order.

Once you have filed a complaint, you will be scheduled to appear before a judge on the next business day. The judge will ask you questions about the incidents. If the judge determines that the requirements of the law have been met, he or she will issue a temporary stalking order which bars the respondent from further contact with you. At that time, the Court will schedule a 30-day hearing at which a permanent order may be issued.

The Multnomah County Sheriff's Office serves the temporary order, and it is not binding on the respondent until it has been served. At the end of the 30 days, the order expires unless it has been extended at the scheduled 30-day hearing. Petitioners must appear at this hearing, otherwise the order will be dismissed. Petitioners should be prepared to present all the evidence they have to support their case at this hearing. Both the petitioner and the respondent may hire attorneys to represent them in the stalking hearings. See the Resources for Legal Action, pg.36, for resources. You may be allowed to testify at this 30-day hearing by telephone, if you request in advance to do so.

If the police have issued a citation at the scene of the incident, you and the perpetrator will be required to appear at a hearing scheduled within 3 business days. Again, you can testify by telephone if you request in advance to do so. At the time of the hearing, the judge can extend the temporary stalking order. Many stalking orders have no expiration date. If a court issues a permanent order, it is in force until it is vacated by the Court.

If the respondent fails to appear at either hearing (following a petition filed to the court or citation issued by a police officer), the judge will issue an arrest warrant and grant the protective order. Stalking orders have restrictions based on constitutional issues, so that the judge can not limit the respondent from going to a public place. If appropriate, the petitioner may also be referred for an RO. Getting a stalking order does not keep you from getting an RO in cases of domestic violence and getting a restraining order does not keep you from getting a stalking order.

Stalking orders first became available in Oregon in June of 1993, and the law was changed in 1995. Issuance and enforcement have not been standardized. Police and court practices vary county to county. Violation of a stalking order is a crime, and you should report this to the police. The police must arrest the respondent when they learn a stalking order has been violated. The first conviction of a violation is a misdemeanor; subsequent convictions are felonies.

Resources For Legal Action

Statewide

Oregon State Bar
Modest Means Program 1-800-452-7636
referrals for low to moderate priced lawyers

Multnomah County

Court Restraining Order (RO)
Information(503) 988-3943
Jail Detention Information(503) 988-3689
District Attorney's Victims' Assistance .. .(503) 988-3222
District Attorney's Domestic
Violence Unit(503) 988-3873
TTY Line for Hearing Impaired (503) 988-3302
DA's Child Support Enforcement Div(503) 988-3150
Multnomah County Legal Aid Services...(503) 224-4086
legal representation for victims in divorce, custody, visitation, contested restraining orders (low income clients)
Domestic Violence Legal Advice Line(503) 299-6101
(Tuesday or Thursday - 9:30 a.m. to 12:00 noon)
Oregon Law Center(503) 295-2760
Some pro bono attorneys for low income clients
Lewis & Clark Legal Clinic(503) 768-6500
RO and Contested RO's, child support and other legal services for low income victims/survivors.
St. Andrews Legal Clinic(503) 281-1500
family law issues, custody, visitation (sliding fee scale)
Portland Women's Crisis Line(503) 235-5333
information on RO's, pressing charges, lawyer referrals

Clackamas County

Clackamas County Courthouse(503) 655-8447
24 Hour Victim Assistance Hot Line(503) 655-8616
Oregon Legal Services(503) 655-2518

Washington County

Washington County Courthouse(503) 648-8891
Oregon Legal Services(503) 684-3763
Restraining Order Advocacy(503) 681-3830
Family Violence Intervention Team(503) 681-2886

Issues for Battered Immigrant Women

(Reprinted with permission from the Family Violence Prevention Fund, www.fvvpf.org, revised to include Oregon specific information)

Cultural Issues and Domestic Violence

While cultural differences must be considered when one looks at the problem of domestic violence in various ethnic communities, remember that violence in the family is not the norm in any culture.

Most individuals, men and women alike, find it hard to leave any relationship. They want to believe in the positive aspects of the relationship and to minimize the bad. This may be particularly true for immigrant and refugee battered women who are trying to survive with their families in a new country. The battered immigrant woman may be, not only a victim of a violent man, but also of a culture that sanctions inequality between women and men and pressures her to accept this inequality. For her to decide to leave her home, she often must challenge the strict codes of ethics of her family, her upbringing, and her culture.

There may be a common belief in many immigrant and refugee communities that the close-knit nature of the family prevents domestic violence from occurring and that the family is the only appropriate forum for dealing with such problems. Outside interference is not encouraged or accepted. Some communities may resist acknowledging that domestic violence exists, that remedies should be sought, or that women have the right to seek alternatives independent of their abusive partners.

Those who work with battered immigrant women should recognize the cultural conflicts facing their clients. For instance, the western cultural assumption that women should be independent and free to make individual choices leaves many immigrant women feeling ambivalent, bewildered, or immobilized.

Acting on this assumption of individual independence may cut them off from family ties and community support, and leave them far more isolated and vulnerable than it would a non-immigrant.

Frequently, many assumptions are made about a battered immigrant women's culture. For example, claims may be made that, "in her culture, domestic violence is accepted as normal behavior" or "in her culture, women are passive." While domestic violence happens all over the world, it is not more a part of culture in any other country than it is a part of culture in the United States. Domestic violence is not based on ethnicity, and it should not be tolerated in any community or society.

Be aware of what a battered immigrant woman may have gone through to come to the United States, and what it may mean for her to escape the violence. If she leaves the relationship, she may need to leave the only community she knows in the United States.

There are no simple answers to these dilemmas, except that legal and social service providers should view immigrant women both as individuals and as members of a community with its own customs and pressures.

Questions & Answers for Immigrant and Refugee Women
(from Family Violence Prevention Fund, www.fvpf.org)

Should I leave my home if I am in danger?

YES. Go to a friend's house or a battered women's shelter. Shelters are usually free and often will have information about other services available in your community. If you stay with a friend or a family member, keep your location secret if possible. *You have the right to keep your immigration status private.* If you leave your home, make every effort to take your children with you. It is also helpful if you can bring documents, such as:

- driver's license
- identification
- passports
- visas for yourself and your children
- birth certificates
- documents from any public assistance programs

- rental agreements and rent receipts
- checkbooks
- credit cards
- paycheck stubs
- marriage license
- copies of tax returns for yourself and your partner.

Information about your husband also can be helpful. If you cannot get a copy of his resident alien card or certificate of naturalization, copy down the information from those documents on a piece of paper. If you think you may need to leave in the future, pack these items in a bag so you can find them quickly as you leave or take them to a friend's home.

Should I call the police?

YES. Domestic violence is against the law. The police can escort you and your children out of the house if you want to leave and often can take you to a safe place. Officers may arrest your partner if they believe a crime has been committed. If the police officer does not speak your language, find someone other than your child or abuser to interpret for you. Always ask the police to complete a report about the incident and get an incident report number so you can get a copy of the report. Also ask for and write down the name and badge number of the officer making the report. The police generally will not turn in a woman reporting domestic violence to the Immigration and Naturalization Service (INS). If your partner is taken into custody, he may be released in as soon as two hours. Use this time to find a safe place to go.

I have heard of restraining orders. What do they do?

I have heard of restraining orders. What do they do? A restraining order can keep the abuser from coming near you, attacking, sexually assaulting or harassing you or your children. Along with this protection order, you also can ask for temporary custody of your children. You also can ask that the batterer be removed from your home. You do not need to be a citizen or legal resident to get a protection order. A court generally will not ask about your

immigration status when you ask for a restraining order, a child custody order, or a dissolution. For a restraining order to be effective, you must be willing to call the police to enforce the order.

How can I get lawful permanent residency without my husband's help?

A law passed by the U.S. government called the Violence Against Women Act (VAWA) creates two ways for women who are married or divorced within the last two years, to U.S. citizens or lawful permanent residents to get their residency. The first is called "self-petitioning." Instead of depending upon your husband to apply for your residency with INS, *you can apply on your own* for yourself and your children. Your husband plays no role in the process and does not have to know you are applying for residency. However, because the law is complicated, you should not go to the INS without first consulting a shelter worker, immigration attorney, or a domestic violence or *immigration agency for assistance*. Because you must be married or divorced within the last two years, to self-petition, immediately contact an attorney if you receive divorce or annulment papers from your husband.

The second way to obtain residency is called "cancellation of removal." This is available to you only if you are in, or can be placed into, deportation proceedings. If you qualify for cancellation, the court may waive your deportation and grant you residency. However, because you must be in deportation proceedings before you can apply, be certain to see an immigration attorney before proceeding.

You may also be eligible for a U visa if you have been a victim of a certain crime and have been cooperative with law enforcement. This visa does not require you to be married, or to have an intimate relationship with the accused. It is also not necessary for the accused to have legal status. Some of the crimes listed in the law are: rape, kidnapping, domestic violence, and assault. The administrative rules for this visa have not yet been released, please contact an immigration attorney for more information.

My husband is threatening to take my children away if I leave him. What can I do?

If your partner is threatening to take your children away or take them to his home country, you should:

- Immediately get a custody order. This order can include an order to prohibit your husband/intimate partner from removing the children from the country in which you live.
- If the children are U.S. citizens, send a copy of this order to the embassy of your partner's home country and a copy to the U.S. Department of State to prevent the issuance of passports and visas for the children.
- Give a copy of the order to the children's schools and tell the schools not to release the children to anyone but yourself.
- Make sure that you have recent photos, passports and birth certificates for the children. Keep a list of addresses and phone numbers of your husband's/intimate partner's friends and relatives in his home country.

How can I support myself and my children if I leave my husband?

The law requires that the father of your children support them, even if you are living apart, even if you were never married to him, and without regard to immigration status. You should contact a family lawyer or a domestic violence advocate to find out how to obtain child support. Some married women also may be eligible to receive spousal support or alimony.

Lawful permanent residents may use their "green cards" or resident alien cards to demonstrate their eligibility to work. Refugees and other immigrants must apply for authorization to work. An immigration attorney will be able to tell you whether you are eligible for work authorization. It is very important that you do not use false papers to work or make false claims of United States citizenship.

I am a legal permanent resident. Am I eligible to receive welfare and Medicaid?

Some legal permanent residents are eligible for Food Stamps, although most legal permanent residents are not. Eligibility for Medicaid, Temporary Aid to Needy Families, and general assistance by legal permanent residents varies from state to state. You should consult an immigration or domestic violence advocate in your area.

I am a refugee. Can I receive welfare and Medicaid?

In the first five years after they arrive in the United States, refugees are eligible for Food Stamps, Temporary Aid to Needy Families, Medicaid, and other public benefit programs to the same extent as U.S. citizens. Most refugees who have been in the United States for five years or more will no longer be eligible for Food Stamps. Eligibility for Medicaid, Temporary Aid to Needy Families, and general assistance by refugees who have been in the United States for five years or more varies from state to state. You should consult an immigration or domestic violence advocate in your area.

I am undocumented. Can I receive welfare and Medicaid?

If you are a battered undocumented woman whose husband has applied for legal permanent residency on your behalf, or if you have applied for legal permanent residency under the Violence Against Women Act, you are eligible for the same benefits as a legal permanent resident. (See above.)

If you are not eligible to apply for legal permanent residency, you will be ineligible for most forms of welfare. However, you are still eligible for emergency Medicaid. Contact an immigration or domestic violence advocate to help you find “safe” hospitals that will not report your undocumented status. You also are eligible for services from community groups, such as food distribution by churches, and assistance from domestic violence shelters.

In Oregon, undocumented women may be eligible for a one time grant (Temporary Assistance for Needy Families – TANF) to assist them in leaving an unsafe situation.

Are my U.S. citizen children eligible for public benefits and Medicaid?

YES. Even if you are undocumented, your U.S. citizen children are eligible for public benefits just as other citizen children are. However, if you are undocumented, avoid revealing your immigration status when applying for benefits on behalf of your children, *even if you are asked*. The welfare office does not need to know what your status is in order to give benefits to your citizen children.

Will I be deported if I take any of the above actions?

If you are now a U.S. citizen, or you are a lawful permanent resident, or you possess a valid visa, you cannot be deported unless you entered the United States on fraudulent documents, violated conditions of your visa, or have committed certain crimes. If you are undocumented or are unsure about your immigration status, you should seek the assistance of an immigration attorney to see if you can legalize your status. Until then, you should do what you need to do to make yourself safe. Even if your husband / intimate partner were to report you to the INS, deportation may not follow, would not be immediate, and, in most cases, you would have the opportunity to present your case to a judge.

Will my husband/intimate partner be deported if I take action?

NO. If you seek assistance from a shelter or lawyer, it is extremely unlikely to result in the deportation of your partner. If you contact the police and your partner is convicted of a crime, he may be deported, depending on his immigration status and the seriousness of the crime.

It is important to remember that you must keep yourself and your children safe. It is your partner that has put himself at risk by his actions.

Do I need to see an immigration attorney even if I cannot afford one?

Do not go to the INS without a lawyer or consulting with a lawyer. Your conversation with the attorney will be confidential, and he or she cannot report you to the INS. For more information, contact one of the following advocates or immigration attorneys:

- Catholic Charities Immigration Services (503) 231-4866
- El Programa Hispano..... (503) 669-8350
- Immigration Counseling Services (503) 221-1689
- IRCO's Refugee and Immigrant
Family Strengthening (503) 234-1541
- Asian Family Center..... (503) 235-9396
- Legal Aid Services of Oregon (503) 224-4086
- Lutheran Family Services (503) 233-0042
- SOAR..... (503) 284-3002

If You Know Someone Who Is Being Hurt

- Believe your friend, and keep what she tells you confidential.
- Don't blame the victim for the abuse. The abused person is not responsible for being abused and does not deserve to be abused.
- They need to tell their story in their own time and at their own pace. Take the time to talk privately with your friend or co-worker and ask about suspicious bruises or fights that you know about.
- Help her make safety plans.
- Validate feelings. Your friend or co-worker may feel hurt, angry, afraid, ashamed and trapped and may also love the abuser.
- Assault is a crime. If you hear or see abuse that is occurring, call 9-1-1.
- Understand she may not be ready to leave, or she may leave and go back several times before she is able to leave for good. Her solutions may not be the same as yours.

You Can Help Prevent Domestic Violence

Learn more about domestic violence. Information is available from the Multnomah County Domestic Violence Coordinator.

Support domestic violence programs with donations of money, food, clothes, household goods or time.

Make public statements against violence to those you know including neighbors, friends, family, co-workers.

Ask your local school to bring in “No Punchin’ Judy” for elementary children and “Stopping Acts of Violence Education (SAVE)” or other rape or dating violence prevention programs for middle/high school students.

Schedule representatives from local domestic violence programs to speak at your church, workplace, social or community group, block watch or neighborhood group.

Call the police when you see or hear an assault take place and be willing to make a statement.

Ask public officials to continue funding programs that support victims of domestic violence.

Interrupt jokes or comments that trivialize domestic violence or its survivors, or that blame the victim.

Make sure information about resources for victims is available at your church, school and workplace.

Promote respect and dignity for all people, regardless of their gender, class, race, sexual orientation or physical ability. Make a serious effort to better understand issues of power and control in whatever area they occur. Work against oppression and violence.

Domestic Violence Work Group Members

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This manual is also available in Spanish, Russian,
Vietnamese, and Lao.

www.co.multnomah.or.us/dcfs/dv/index.html

For further information or additional copies, contact Chiquita Rollins, Multnomah County Domestic Violence Coordinator, (503) 988-4112

(Footnotes)

¹ At the time of printing the Multnomah County Courthouse was closed on Fridays. Please call ahead to confirm that the courthouse will be open.

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