



Office for the  
Prevention of  
Domestic Violence

# Domestic Violence

## Finding Safety and Support



Safety Planning

Children's Services

Support Groups

Shelter

The Police & Courts

Orders of Protection

Legal Assistance

How To Help

*This booklet was produced by the New York State Office  
for the Prevention of Domestic Violence.*

The New York State Office for the Prevention of Domestic Violence (OPDV) is an executive level state agency that was created to help improve New York State's response to domestic violence. OPDV trains people who handle domestic violence cases, like police officers and health care and social services professionals. We raise awareness about domestic violence by creating public education campaigns, including radio and television advertisements, billboards and posters. We work with the Governor and other state agencies to make sure that the needs of people affected by domestic violence are considered and addressed.

OPDV is not a domestic violence program and is not the best resource for emergency help. However, OPDV staff are available to speak with abused people who are having problems with "the system" – such as the police, courts, or departments of social services. If you would like to talk to us, please call our toll free number: 1-866-704-2503. For emergency help, dial 911 or call the NYS Domestic and Sexual Violence Hotline below.

**1-800-942-6906**

**NYS Domestic and Sexual Violence Hotline**

English & español, Multi-Language Accessibility

National Relay Service for Deaf or Hard of Hearing: 711

**CONFIDENTIAL**

**24 HRS/7 DAYS**

**In NYC: 311 or 1-800-621-HOPE (4673)**

**TDD: 1-866-604-5350**

# THIS BOOKLET IS FOR YOU!

---

This booklet is for anyone who may be abused, or anyone who thinks they know someone who may be abused. It is not always easy to recognize abuse.

This booklet will help you figure out if your current or former partner is abusing you. You can find information about how to get help if any of the following describes your situation:

- Your partner does things that make you afraid.
- Your partner does things to control you.
- Your partner physically hurts you or threatens to hurt you.
- Your partner forces you to perform any kind of sexual act.

If your partner does any of these things to you, please know that none of it is your fault.

- You are not to blame.
- You are not alone.
- You do not deserve to be treated this way.
- There is help available.

If you know someone, including a friend, family member, co-worker or neighbor who is being abused, please know that it is not their fault. This booklet will give you information on how to help them, including:

- How to talk to them about the abuse.
- How you can be prepared to help.
- How to help them get support and services.
- How to consider your own safety.

If you are a professional in certain fields such as criminal justice, health, mental health, faith based communities, or social services who works with victims of domestic violence, you will find useful information in this booklet as well.

Consider sharing this booklet with someone who might find it helpful, if you believe it is safe for the person to have it.

## **A Note About the Language in this Booklet:**

*Domestic violence is one of the most serious public health and criminal justice issues facing society today. Because the vast majority of reported victims of domestic violence are women who are abused by their current or former male partners, parts of this booklet will refer to victims as female and abusers as male.*

*Most of the information contained in this guide will apply to all victims regardless of their gender or the gender of their partner, including people who are lesbian, gay, transgender, bisexual, or queer, and men who are abused by their female partners.*

*For the purposes of this booklet, the term “domestic violence” is defined as “abuse by one adult intimate partner against another.” Sometimes the phrase “intimate partner violence (IPV)” is used instead of domestic violence. While the information included in this booklet is primarily meant for adults, it may also apply to adolescents experiencing abuse by someone they are dating. There is also information for teens in the Specific Populations section of this booklet.*

*Portions of this booklet will apply to New York State only and may not be accurate in other states. If you are outside of New York State, check with a local or state organization near you that is familiar with the laws, policies and procedures of your community, such as a government agency, the statewide domestic violence coalition, or a domestic violence program. To find a program in your area, call the National Domestic Violence Hotline at 1-800-799-SAFE(7233) or TTY 1-800-787-3224.*

# Table of Contents

---

<b>UNDERSTANDING DOMESTIC VIOLENCE .....</b>	<b>1</b>
Some Facts About Domestic Violence.....	1
What Is Domestic Violence?.....	2
Sexual Assault .....	4
Stalking .....	6
Technology .....	7
Why Do Victims Feel Trapped? Why Don't They Just Leave? .....	9
Risks of Getting Help or Deciding to Leave.....	10
<b>GETTING SAFE .....</b>	<b>12</b>
What Is a Safety Plan?.....	12
Use What You Already Know.....	12
Safety Planning for Every Situation .....	12
Identify Your Options .....	13
Planning for Your Safety.....	14
Being Ready for a Crisis .....	14
Planning to Leave or Separate From Your Partner .....	14
After Leaving or Separating From Your Partner.....	16
At Work and in Public .....	17
With an Order of Protection .....	18
Taking Care of Yourself .....	19
What Can a Domestic Violence Program Do for You? .....	20
What Other Services Are Available? .....	22
Department of Social Services .....	23
New York State Office of Victim Services .....	24
Address Confidentiality Program.....	25
What About Your Children? .....	27
What About Help for Your Abusive Partner?.....	29
Common Questions You May Have .....	32

<b>THE POLICE AND COURTS .....</b>	<b>36</b>
The Police .....	36
What Should You Expect When You Call 911? .....	36
What Should You Expect When the Police Respond? .....	37
What if You Are Not Satisfied With the Police Response? .....	38
What Is the Domestic Incident Report (DIR)? .....	38
What Is “Mandatory Arrest” for Domestic Violence? .....	40
What Happens After an Arrest Is Made? .....	41
What if You Get Arrested?.....	42
What Is an Order of Protection and Where Can You Get One? .....	43
Where Do You Get an Order of Protection? .....	45
How Do You Decide Which Court to Go To? .....	47
Other Courts and Resources .....	49
 <b>SPECIFIC POPULATIONS .....</b>	 <b>50</b>
Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Victims .....	50
Teens .....	51
Gang Member Involvement.....	52
Victims of Human Trafficking .....	52
Older Victims of Domestic Violence .....	53
Military-Related Victims .....	55
People With Disabilities .....	56
Immigrant Victims.....	57
 <b>FRIENDS, FAMILY, CO-WORKERS AND BYSTANDERS .....</b>	 <b>59</b>
How You Can Help if Someone Is Being Abused .....	59
Possible Signs of Domestic Violence .....	59
How Can You Know for Sure? .....	60
What You Can Do .....	61
What You Can Do if You Know the Abuser.....	63
Considerations for Parents .....	64
If You Think Your Child Is Being Abused.....	64
If You Think Your Child Is an Abuser .....	66

<b>NEW YORK STATE LAWS THAT CAN HELP PROTECT YOU.....</b>	<b>67</b>
Voting .....	67
Unlisted Phone Number .....	67
Unemployment Insurance.....	67
Health Insurance Information.....	68
Terminating a Rental Lease .....	68
No-Fault Divorce.....	68
Documenting Stalking.....	70
<b>RESOURCES .....</b>	<b>72</b>
Domestic Violence Hotlines .....	72
Additional New York State Resources .....	72
National Resources .....	76
Personalized Resources .....	78

## *Keisha's Story*

---

*We met through mutual friends and almost immediately we became inseparable. He was cute and funny. He called and dropped by with flowers and was just so charming. He made coffee in the morning and cleaned up after himself and we just couldn't get enough of each other. The abuse didn't start out physical. Honestly, I didn't even realize it was abuse until later. I just thought it was the way he was. It started with him telling me I was lucky to have him, he could do so much better than me, the house needed to be cleaner, and I needed to be home with him when he was there, that my friends were not really my friends, and on and on.*

*Then he started hurting me. Not hitting, but pushing and grabbing. Then he would apologize: "I'm so sorry. If you had only listened the first time, I wouldn't have had to grab you so hard." As time went on the abuse got worse and happened more often. I was hiding all this from people who loved me, so I had no one to turn to. I was afraid to go to the police because he said they wouldn't believe me. So, as the abuse escalated, so did my fear that something really bad was going to happen to me.*

*The final straw was the day we had gone over to the neighbor's house for a barbecue and he accused me of flirting with some man. When we got home, he started in on me. There was nothing I could say or do. He got more and more threatening, and before I knew it, he had his gun. It was not the first time that he did that, but thankfully, his uncle showed up and I got out of there.*

*I was sort of surprised when I realized that something like this could happen to someone like me. I'm college-educated, I have a good job. I own my own home. I have lots of friends and a close family who loves me. I had no idea I was involved with someone who was capable of hurting me, and it wasn't until later that I realized I was in danger.*

Excerpt from "Finding Safety & Support: The Video"



# UNDERSTANDING DOMESTIC VIOLENCE

---

## Some Facts About Domestic Violence

- 1 in 4 women will experience domestic violence in their lifetime.<sup>1</sup>
- Domestic violence and sexual assault hotline calls received 251,753 calls in 2015.<sup>2</sup>
- In New York State in 2015, 49.5% of female homicide victims aged 16 and older were killed by an intimate partner; 3% of male homicide victims were killed by an intimate partner.<sup>3</sup>
- New York State courts issued a total of 293,525 orders of protection in 2015.<sup>4</sup>
- Domestic violence is one of the most chronically underreported crimes.<sup>5</sup>

Community agencies that offer help to victims of domestic violence, called domestic violence programs or domestic violence services, can be your first step to safety and support. Domestic violence services are available in every county of New York State. Programs provide or offer referrals to services such as temporary shelter, support groups, legal advice and children's services. Some programs also offer help with finding housing or employment. To find the domestic violence program in your area, call the NYS Domestic and Sexual Violence Hotline at 1-800-942-6906

---

1 Tjaden, Patricia and Thoennes, Nancy. National Institute of Justice and the Centers of Disease Control and Prevention, "Extent, Nature, and Consequences of Intimate Partner Violence." 2000) [bit.ly/TjadenandThoennes2000](http://bit.ly/TjadenandThoennes2000)

2 Available from <http://www.opdv.ny.gov/statistics/nydata/2015/2015-dv-dashboard.pdf>, accessed November 1, 2016

3 Ibid

4 Ibid

5 U.S. Department of Justice, Bureau of Justice Statistics, "Criminal Victimization," 2003)

### **What is Domestic Violence?**

Physical abuse is probably what most people think of when they think about domestic violence, but it is just one of the many ways that your partner might try to gain power and control in your relationship. You may be a domestic violence victim if your current or former intimate partner does a variety of things to control you. This may happen very slowly, over a period of time. Or, it can happen very quickly after some sort of change in the relationship, such as marriage, divorce, pregnancy, moving in together or breaking up. Like many people, you may wonder if what is happening to you is domestic violence because your partner has never hit you.

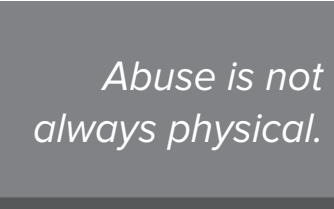
Ways your partner may try to gain power and control over you include:

- **Isolation** – preventing or making it hard for you to see family and friends; telling you that family and friends cause problems in the relationship or are trying to “come between you.”
- **Economic abuse** – having complete control over the money; making you account for every penny you spend; taking your money from you; not letting you have a job or go to school.
- **Verbal, emotional, psychological abuse** – calling you names; putting you down or embarrassing you in front of other people; criticizing your abilities as a partner or parent.
- **Intimidation** – making you afraid with a look, action, or gesture; getting you to do something by reminding you about “what happened last time.”
- **Coercion and threats** – showing you a weapon and threatening to use it on you; threatening to “out” your sexual orientation to family, friends, or employers if you are gay or lesbian; threatening to harm your family, friends, or anyone you might go to for help; threatening to commit suicide and telling you it would be your fault.
- **Physical abuse** – pushing, grabbing, hitting, slapping, punching, kicking, strangling (choking<sup>6</sup>), stabbing, burning, or shooting you.

---

<sup>6</sup> The term “choking” is often mistakenly used to describe strangulation. Choking is the accidental obstruction of the flow of air into the lungs, usually by something lodged in a person’s throat or “windpipe” (e.g., food). In NYS, the crime of “strangulation” is the intentional act of obstructing another person’s breathing or blood circulation by blocking their nose or mouth or by applying pressure on their neck or throat (using hands, scarf, belts, or any other objects, on the outside of the neck).

- **Sexual abuse** – forcing you to have sex when you don't want to; making you engage in sexual acts that make you uncomfortable; forcing you to engage in prostitution.
- **Using children** – undermining your authority with your children; threatening to take the children away from you by kidnapping or getting custody of them; “pumping” your children for information about you; trying to turn your children against you; threatening to harm the children if you try to leave or seek help.
- **Minimizing, denying, blaming** – making you think the abuse is your fault; saying the abuse was caused by stress, alcohol, or problems at work; denying that the abuse happened at all.



*Abuse is not  
always physical.*

These are some of the most common ways that abusers try to control their partners, but certainly not the only ones. If your partner does things that restrict your personal freedom or that make you afraid, you may be a victim of domestic violence.

You may also be victimized by a former partner, since they may know about and have access to your finances, your daily routines, your children, your online activity and passwords. This knowledge may allow them to threaten, control or stalk you even after the relationship has ended.

*You are not alone.* Millions of people are abused by their partners every year. But it is important to know that more resources are available now than ever before to help victims and their children.

## **Sexual Assault**

**Sexual assault** is often one of the things that victims of domestic violence are most reluctant to talk about. However, it is very common that someone who has been abused by an intimate partner has also been sexually assaulted by them. Anytime your intimate partner forces you to engage in sexual acts when you don't want to, it is a crime. This is true even if you are married to the person who is abusing you.

*Most sexual assault happens between people who know each other.*

If you have been **sexually assaulted** by your partner, your first concern should be your health and safety.

- Get medical help as soon as possible to receive care for any injuries or for the potential of sexually transmitted diseases and possible pregnancy.
- Do not bathe, shower, douche, change clothes, or comb/spray hair until a health care provider tells you it's OK.
- Also, don't use the bathroom, gargle or drink anything.

These things should all be avoided because they could reduce the chance of obtaining evidence of the assault.

*Your physical health and well-being is important and a health care provider can also help you find an advocate or counselor for additional support and help.*

In addition to getting medical care, you can agree to have any injuries documented and evidence collected in case you want to report the crime to police, either immediately or at a later time.

If you choose to have any injuries documented and evidence collected, here are some important things you should know:

- A health care provider will collect and document the evidence.
- The clothes you are wearing may be kept as evidence.
- Once collected, evidence will be kept in a locked, separate and secure area at the health care facility for a minimum of one month,

which gives you time to decide whether you want to report the assault to police.

- If you decide to report the crime, the evidence will be provided to the police.

Many domestic violence programs also have sexual assault services available. If you are currently working with an advocate from a domestic violence program, contact your advocate. If not, the program can refer you to a local sexual assault program (sometimes called a rape crisis center). If you are not working with a domestic violence advocate, you can call your local rape crisis center. In addition to crisis counseling, they can help you during the rape exam, if you decide to have one, and support you should you decide to pursue a criminal case.

If you chose not to go to the hospital when the assault happened, you can still be tested later for pregnancy and sexually transmitted diseases. Even if the sexual assault is not recent, free services, such as counseling and advocacy, are still available for you at any time.

For help with deciding where to go for medical help and/or support services in your community:

- Call the New York State Domestic and Sexual Violence Hotline at 1-800-942-6906.
- Find a rape crisis or crime victim assistance program near you. <https://ovs.ny.gov/locate-program>

**1-800-942-6906**

**NYS Domestic and Sexual Violence Hotline**

English & español, Multi-Language Accessibility

National Relay Service for Deaf or Hard of Hearing: 711

**CONFIDENTIAL**

**24 HRS/7 DAYS**

**In NYC: 311 or 1-800-621-HOPE (4673)**

**TDD: 1-866-604-5350**

## **Stalking**

Stalking is a crime in New York State. Despite the now commonplace use of the term “stalking,” it is a serious safety risk and should be treated as such.

*Stalking is a crime in  
New York State.*

Stalking is one person’s unwanted pursuit of another person. While some stalkers are strangers or acquaintances of those they target, most are current or former spouses or intimate partners who “just won’t let go.” Stalking can occur during a relationship or after it has ended. Many intimate partner stalkers also physically or sexually assault their victims or threaten to do so.

Stalking often involves the perpetrator:

- following you or showing up wherever you are;
- driving by or hanging out near your home, school, or workplace, or any other place you normally go;
- communicating with you or trying to do so after you’ve told them not to, including:
  - › calling you on the phone (including hang-ups);
  - › texting you or sending you messages via social networking sites;
  - › sending you unwanted letters, cards, e-mails, or gifts;
  - › asking your family, friends, co-workers, children, or others to leave messages for you or to find out information about you;
- monitoring your phone calls or computer use;
- damaging your home, car, or other property (or threatening to do so);
- accessing your online accounts and other secure personal information; or
- taking other actions that control, track, intimidate or frighten you.

While some of the stalking behaviors listed above may not seem dangerous or threatening to an outsider – and may not be illegal on their own – a pattern of stalking is serious and should be treated that way. If you are being stalked, it is important to keep a record of what is

happening. This can become useful evidence if you decide to get help from the police or court. Every time something happens, you should record:

- the date, time and location of the incident;
- a description of the incident, including photos, if relevant;
- any witnesses, including their names, addresses, and phone numbers; and
- any police or legal assistance you seek and the documentation and outcome of that service.

*“People may minimize your story. Don’t let anyone tell you you’re overreacting.”*

*— Domestic Violence Survivor*

*Note: If you have texts or e-mails from the stalker on your phone, save them. If you go to the police, they may want to take photos of the messages as evidence.*

## **Technology**

The use of modern technology has increased abusers’ abilities to monitor and track their partners’ activities. If you are not sure if someone is monitoring you, trust your instincts, especially if your abuser seems to know too much about your activities or things you have only told a few people. Abusers can be very determined and creative. A person does not have to be “tech savvy” to buy or use monitoring or surveillance technology. It is cheap and easy to use.

### **Phones**

These days, most people have a cell phone. It can be a link to safety if you need to call someone for help. On the other hand, an abuser can use your cell phone as a tool to monitor everything you do, including viewing a log of your incoming and outgoing calls, reading your text messages, tracking where you go, viewing photos you send and receive, as well as websites you visit, etc. This is done easily by downloading a hidden app onto your phone when you are not looking. Most phones also come with services or options such as: Caller ID, call logs, Call Return Service (\*69), last number dialed, Global Positioning System (GPS), “silent mode,” or “auto answer.” Landlines may also carry

some of these risks. Traditional “corded” phones are usually safer than other kinds of phones. Think of these things as you plan for your safety. Consider options such as not taking your cell phone with you if you leave or getting a prepaid cell phone, also known as a “burner” or “throw away” phone. Some domestic violence programs can give you a phone to be used for emergencies.

### **Computers**

If the abuser has access to your computer, they can see what websites you have gone to and read your e-mail. Abusers can also monitor computer activities remotely by using keystroke logging technology or spying software. These send a report to the abuser’s computer of all the activity (e-mails, websites visited, instant messages, etc.) that has taken place on your computer. Be aware that changing passwords or erasing history could make the abuser suspicious. To be safe, use a computer at a library, community center, internet cafe, workplace, or a trusted friend’s house when you need to look for help or plan to escape.

### **Recording Devices**

Hidden cameras, such as “Nanny Cams,” are cheap and easy to purchase, install, and monitor. Abusers can easily hide a camera to monitor your actions. These cameras can be very small and will often appear as everyday objects. Even a baby monitor can be used for listening to conversations. As tempting as it might be, shutting devices off or removing them could make your partner suspicious. Weigh your options carefully and while you are home, be aware that what you say and do are being recorded or monitored.

### **Tracking Devices**

Global Positioning System (GPS) devices are affordable, small, and can be easily hidden. An abuser can hide a GPS device in your car, jewelry, purse, shoes, and other objects that you carry with you. If you find an object you think may be a GPS device, do not remove it. Call the police. If it’s safe to do so, take photos.

Save proof of contact by the abuser, including e-mails, text messages, or phone messages. Saving everything can help show patterns, plan for safety, and provide evidence for police. For evidence, it is important



that e-mail messages stay on your computer, even if you print them out.

You may consider taking steps to limit your abuser's access to your information such as changing your computer/phone/e-mail account passwords and notifying your carrier to have your abuser removed from your accounts as an authorized user. Recognize that these steps or anything that you do could alert the abuser. You are strongly encouraged to make these and any other changes with the guidance of a trained domestic violence advocate who can help you adjust your safety plan accordingly.

*Technology is constantly changing and evolving. For the most up-to-date information on technology safety, visit [The Safety Net Project at NNEDV.org/content/safety.net](http://TheSafetyNetProject.org/content/safety.net).*

## **Why Do Victims Feel Trapped? Why Don't They Just Leave?**

---

Many people who are abused by their intimate partners don't want the relationship to end. They just want the violence and abuse to stop.

Even under the best of circumstances, it is not easy to end a relationship with an intimate partner. Love, family, shared memories, and commitment are bonds that are hard to break. Cultural or religious beliefs may be barriers to ending a marriage. Immigration status may be another obstacle. While ending a relationship is hard for anyone, women who are abused face the added risks of physical, emotional and psychological harm. There are risks that come with every decision a victim of abuse makes.

Why do they stay? There are many reasons why it may be difficult to end a relationship with an abusive partner. The choices victims are faced with are not risk-free. Leaving is not always the safest or best option. The real question should be: "Why doesn't the abuser just stop being abusive?"

## **Risks of Getting Help or Deciding to Leave**

### ***Risks of Physical Violence and Psychological Harm***

- Increasing threats and violence, resulting in harm to victim, children, friends, family, or pets;
- Continued harassment, stalking, and verbal and emotional attacks, especially if the abuser has ongoing contact (such as during court ordered visitation);
- Serious physical harm and/or death; suicide threats; and
- Rape or sexual abuse.

### ***Risks to Children***

- Emotional, physical, or sexual abuse; possibility of increased risks to children if the abuser has unsupervised or poorly supervised visitation;
- Concern about children being kidnapped by the abuser. (Be aware, if you flee with your children to protect them, the legal system may consider you to be breaking the law.); and
- Negative impact on children as a result of “breaking up the family.”

### ***Risks to Relationship***

- Losing your partner, losing the relationships with partner’s family and friends;
- Losing help with children, transportation, household; and
- Losing your caretaker (for older people or people with disabilities).

### ***Risks to Relationships with Family, Friends, and Community***

- Receiving negative responses from friends, family members, and helping professionals;
- Not being believed or taken seriously, being blamed, being pressured to take actions that don’t feel right;
- Being judged as a bad spouse, partner, or parent;
- Worrying that people will feel uncomfortable about “taking sides” or not wanting to get involved;
- Worrying about being a burden to friends and family by asking them for help;

- Being pressured to stay in the relationship because of religious and/or cultural beliefs or because the children “need a father”;
- Worrying that actions of people trying to help may actually make the situation more dangerous; and
- Losing custody of children, and/or having to share unsupervised visitation with the abuser.

***Risks to Finances***

- Concern about being able to pay legal fees;
- Reduced standard of living - possible loss of home, possessions, or community;
- Loss of income or job - possible loss of partner’s income, may have to quit a job to relocate or to take care of the children alone, may be fired from jobs because of threats and harassment; and
- Damage to the victim’s credit, withdrawal of funds from shared accounts, maxing out credit cards.

**1-800-942-6906**

**NYS Domestic and Sexual Violence Hotline**

English & español, Multi-Language Accessibility

National Relay Service for Deaf or Hard of Hearing: 711

**CONFIDENTIAL**

**24 HRS/ 7 DAYS**

**In NYC: 311 or 1-800-621-HOPE (4673)**

**TDD: 1-866-604-5350**

# GETTING SAFE

---

No one has control over their partner's violence, but victims can and do find ways to reduce their risk of harm. Safety planning is a tool to help you to identify options, evaluate those options, and come up with a plan to reduce your risk when faced with harm or the threat of harm.

## What Is a Safety Plan?

A safety plan is a personalized, practical tool that can help you prepare for and respond to dangerous situations.

There's no right or wrong way to develop a safety plan. Use the following suggestions that apply, and change or add to them based on your situation. Make your safety plan your own, and review and update it often.

You may want to write down your safety plan, if you think it would be safe to do so. But if you think there is a chance your abuser might find it, maybe it is better to just think it all through and not write it down. Or you could give a written copy to a trusted friend or family member, so that at least one other person knows your plan, should you need to flee or go into shelter. Do what you think is safest.

## **Use What You Already Know**

If you have been abused by an intimate partner, you probably know more about safety planning and risk assessment than you might think. Being in a relationship with an abusive partner – and surviving – takes a lot of skill and resourcefulness. Any time you do or say something in an attempt to protect yourself and/or your children, you are “safety planning.” Assessing risk is when you decide if taking a specific action will make things better or worse. You do it all the time, without even thinking about it.

## **Safety Planning for Every Situation**

Safety plans can be made for a variety of different situations, including:

- Responding to threatened or actual abuse;
- Continuing to live with or date a partner who has been abusive; and
- Planning for your safety after ending a relationship with an abusive partner.

If you are planning to leave your partner or have already left, be aware that abusers are often more violent during times of separation. This could increase your risk for harm, including stalking and serious or life-threatening injury. Making a specific separation safety plan can help prepare you for the risks to you and your children during and after a separation.

*Think it through. Seeking help, getting an order of protection, or deciding to leave only makes sense when it reduces the risks to you and your children.*

## Identify Your Options

The value of any safety plan depends on coming up with options that make sense to you and that you can use. This booklet will provide information on the help available from local domestic violence programs and the criminal justice system. But just as important is the help and information you may get from other places, including your own family and social supports. Some of the people and places where you might find support include:

- counselor, social worker, therapist;
- doctor, dentist, nurse;
- friend, family, neighbor;
- a spiritual leader or member of your faith community;
- employee assistance program (EAP), supervisor, union, co-worker;
- staff member at a women's center, senior center, or LGBTQ (Lesbian, Gay, Bisexual, Transgender and Queer) programs;
- teacher, school counselor, parent teacher association member; and/or
- department of social services caseworker.

*Even if you are currently with your abusive partner, a safety plan may be helpful.*

Most people really do want to help. The more specific you can be, the more likely it is that you'll get the help you need. Sometimes the people you trust may mean well and offer suggestions that don't seem right to you. You will have to decide if this information is best for you. It's your call.

## **Planning for Your Safety**

These are some ideas to get you started on your safety plan. But every situation is different. Only you can decide what's best for you.

### **Being Ready for a Crisis**

You may be living with, dating, or have a child with the abuser. If it is safe for you, you might think about:

- **Moving to a safer space when your partner is being verbally or physically threatening or abusive.** Try to avoid being confined in the bathroom, garage, kitchen, near weapons, or in rooms without an exit to the outside.
- **Leaving the house for a short time.** Think about how you would get out safely and where you would go. Always keep your purse and car keys in a place where you can access them easily and quickly.
- **Asking a neighbor or a friend for help.** Neighbors can call police if they hear violent noises coming from your home. A friend can take necessary action if you use a code word that you have arranged in advance.
- **Calling for help.** Think about who you could call: police, domestic violence hotline, friends, or family. Know those numbers or program them into your phone (perhaps under a fake name), if you can do so safely. See the Technology section for additional safety tips. Your local domestic violence program may be able to give you a free cell phone for calling 911.
- **Including your children.** Make sure they know their address and phone number and how to get help. Tell children not to place themselves between fighting adults. Plan a code word to let them know to get help or leave the house.

### **Planning to Leave or Separate From Your Partner**

You may decide that leaving your partner, either temporarily or permanently, is your best option. Think about:

- **Where you could stay and for how long.** Choices could include homes of friends or family, a hotel, or a domestic violence shelter. Have phone numbers ready.

- **How you can get to a safe place.** You may be able to use your car, public transportation, or arrange for a ride. Think about your transportation before you need to leave.
- **Things you might need to take with you:**
  - › Cash, credit cards, ATM card, and/or checkbook. You may need money for gas, food, lodging, public transportation, medication, phone calls, and other expenses. Make sure you know your passwords and account numbers (and think about changing them as soon as possible, if your abuser has access to them as well). Note: check, credit, and ATM card transactions could be used to track you if you share an account with your partner.
  - › Identification and documentation for you and your children. This could include your driver's license, birth certificates, social security cards, recent photos, passports, immigration papers, public assistance ID, employee or school ID.
  - › Keys to your house, car, office, and safe deposit box.
  - › Medications, health insurance cards, Medicaid/Medicare cards, vaccination records, glasses, hearing aids, and other medical necessities.
  - › Important papers such as orders of protection, divorce or separation agreement, custody/visitation order, child support order, car registration, insurance papers, lease or house deed, and past tax returns.
  - › Be sure to take any items that could be used as evidence of the abuse. This could include photographs of your injuries, threatening notes or messages (including text messages), copies of police reports, medical records such as hospital discharge papers or x-rays, or a journal of the abuse.
  - › Electronic equipment like laptops, cell phones and chargers.

The list above suggests important items that you may need. You might also think about taking a few things to increase the comfort to you and your children, such as favorite toys, security blanket, electronic devices like hand-held video games or MP3 players (like iPods), photos, and sentimental items.

- **Where you could safely leave extra clothes, important documents, keys, or money.**
- **What to do about your pets.** There is a strong connection between domestic violence and animal cruelty. Sometimes abusers threaten or harm pets to scare and control victims. For many women, concern about pets is an important part of their decision to leave. Consider these options:
  - › Your pets may be safe staying at home.
  - › You may be able to take your pets with you, depending on where you decide to go, such as a friend's house or a pet-friendly motel. Check first to find out.
  - › Ask a neighbor, friend or relative to foster your pets.
  - › You may be able to board your pets. Talk to your vet for possible care or recommendations for boarding.
  - › The local domestic violence program may be able to help you find a safe place for your pets.

### **After Leaving or Separating From Your Partner**

Leaving your partner may not end the danger you faced while in the relationship. In fact, abusers can become more dangerous after their partners leave. It is important for you to plan carefully for your safety during this time. Think about:

- **Home Safety**
  - › Changing the locks on doors. (If you rent, your landlord may be willing to do this for you.)
  - › Replacing wooden doors with steel/metal doors.
  - › Increasing security. For example: installing additional locks, window bars, poles to wedge against doors, an alarm system, etc.
  - › Changing pass codes on existing security systems.
  - › Buying fire ladders to be used for escape from second floor windows.
  - › Installing smoke detectors and CO<sup>2</sup> detectors and putting fire extinguishers on each floor of your home.
- **Safety with Children**
  - › Teaching your children when and how to call 911 in emergencies.



- › Identifying people your children can call if they are scared, such as friends, family or neighbors.
- › Getting your children their own cell phones. Program important numbers into the phones for them and teach them how and when to use them.
- › Identifying safe places for your children to go if scared, such as somewhere in the home or a neighbor's house.
- › Identifying someone at school for your children to talk to if they need help.
- › Providing the caretakers of your children, including baby sitters, daycare or schools, with photos and names of those individuals who have permission to pick up your children, as well as the individuals who do not.
- › Giving the people who take care of your children copies of orders of protection, custody and other court orders, and emergency numbers.
- › Talking to your children about being careful with information and photos posted on social networking sites. These might provide information that could be used to track your family without meaning to. This could happen if your children talk about things like going on vacation, moving, working or attending school.

### **At Work and in Public**

Your partner knows your routine, including where you work, the times you travel to and from work, places you shop, what time you drop your children off at school, etc. Many people who are abused are harassed by their partners when they are at work. While it is hard to change everything you do, there may be ways you can plan for your safety at your job and while going about your daily routine. Think about:

- **At Work**

- › Telling your boss, security staff, and/or Employee Assistance Program about your situation.
- › Seeing if your employer offers flexible work hours or if a transfer to another location is possible.
- › Asking the human resources department to help you work out

the best use of your attendance and leave benefits, such as sick time, vacation, personal time, etc.

- › Giving workplace security a picture of the abuser and copies of orders of protection.
- › Asking security staff to walk you to and from your car.
- › Knowing your workplace security phone number in case of emergency.
- › Asking a co-worker to screen your calls at work. Also, think about asking for a phone with caller ID and recording capabilities.

*Note: All New York State governmental agencies (as well as many private employers) have domestic violence workplace policies. For more information, check your employee manual or ask your human resources department.*

### • In Public

- › Varying the route you take to and from work or school.
- › Changing what time you attend religious services, or attending a different place of worship.
- › Adjusting your daily routines – avoid stores, banks, laundromats, and other places your partner may go to look for you. When possible, ask someone to go places with you.
- › Telling someone where you're going if your plans include something that's not part of your normal routine.

### **With an Order of Protection**

If you get an order of protection, think about:

- Securing your copy of the order of protection. Always keep it on you or nearby in case you have to produce it for police.
- Giving copies of your order of protection to police departments in the communities in which you live, work, where your children go to school, etc.
- Giving copies of your order of protection to your employer, religious advisor, children's school(s), children's day care provider(s), etc.
- Calling a domestic violence program if you have questions about the order or if you have problems getting it enforced.

*Note: If you lose your order of protection or your partner destroys it, the order is still in effect. You can get another copy from the court that issued it.*

**IMPORTANT:** If your partner violates any part of the order of protection, you can call the police and report the violation, contact your attorney, call your advocate, and/or tell the court about the violation. Keep a record of who you contact for help, including: name, date, reason and how they respond.

### **Taking Care of Yourself**

It is important to plan for your physical safety, but it is also important to plan for your emotional health and safety. You might be stressed, confused, frightened, and sad. Think about:

- Who you can call if you are feeling down, lonely, or confused.
- Taking care of your physical health needs. Your health is very important. If you do not have a doctor, consider contacting a local clinic. (For information about records confidentiality, see [“Health Insurance Information”](#) in the section entitled New York State Laws That Can Help Protect You.) Who to contact if you are worried about your children’s health and well-being.
- Who you can call for support if you are thinking about going back to your partner and want to talk it out with someone. Attending support groups, workshops, or classes at the local domestic violence program or another community agency.
- Looking at how and when you use drugs and alcohol, and what to do if you need help.

**1-800-942-6906**

**NYS Domestic and Sexual Violence Hotline**

English & español, Multi-Language Accessibility

National Relay Service for Deaf or Hard of Hearing: 711

**CONFIDENTIAL**

**24 HRS/7 DAYS**

**In NYC: 311 or 1-800-621-HOPE (4673)**

TDD: 1-866-604-5350

## **What Can a Domestic Violence Program Do for You?**

Domestic violence programs provide a variety of valuable services, such as 24-hour hotlines, confidential counseling and emergency housing (shelter), specifically for domestic violence victims and their children.

You don't have to stay in a domestic violence shelter to get help. You can also use a domestic violence program whether or not you plan to stay in the relationship with your partner.

The person at a domestic violence program who will help you is an "advocate." Advocates understand the criminal justice, Family Court, and social services systems, and they are familiar with other community resources that might be useful to you.

*You don't have to stay in a shelter to get help from a domestic violence program.*

In addition to giving you information, advocates can often go with you to court, to the police station, or to social services, and provide you with practical and emotional support. Getting help from someone who has experience working with victims of domestic violence and who knows how the different systems work can make things a lot easier for you.

### **Available Services**

There are domestic violence services available in every county in the state. The New York State Coalition Against Domestic Violence provides a list of these agencies ([www.nyscadv.org/find-help/program-directory.html](http://www.nyscadv.org/find-help/program-directory.html)).

Specific services may vary from one community to another, but most programs offer the following.

#### ***Emergency Housing***

Domestic violence shelters offer a short-term safe place to stay for you and your children. They are not the same as homeless shelters. They provide a secure, confidential location and staff who are trained to assist domestic violence victims. While not every county has the ability

to house males or LGBTQ victims within the domestic violence shelter, all programs will make appropriate arrangements for them. Some programs may even be able to help you find a safe place for your pets.

Every effort is made to keep the location of the shelter secret to protect the families who stay there. Domestic violence shelters do have rules that people who stay there have to follow, to help everyone stay safe. Most shelters expect you to share general chores and meal preparation with the other people staying there. You will be required to apply for temporary assistance through the Department of Social Services. If you are not eligible, you may be asked to pay a portion of your housing, but this rarely happens. You will be expected to begin your search for long term housing and/or employment right away. If you are already working, the shelter in your community may feel it is unsafe (for you or other residents) for you to keep your job and live in the shelter. However, they cannot make you quit your job. There may be other options to consider with the help of your advocate, such as working with your employer to relocate your position or finding shelter in a neighboring community.

### ***24-Hour Hotline***

Advocates are available 24 hours a day to provide emergency help and emotional support, information, admission into shelter, and referrals.

### ***Counseling***

One-on-one counseling provides information and emotional support. Counseling can also help you think about the choices and options that work best for you.

### ***Support Groups***

Support groups are a way for domestic violence victims to gather together to talk about their experiences. They are a good place to learn about domestic violence, listen to others who have been

abused, and share their stories, if they choose. Many people find that a support group provides resourceful information, gives them strength, and helps them feel less alone.

*“No matter what happens, if you think you’re being abused, think about going to a support drop-in group.”*

### **Services for Children**

Many programs offer a chance for children to talk about what is happening in their lives, participate in activities, go on outings, and get help with schoolwork.

### **Other Services**

Many domestic violence programs offer some or all of the following additional services for people who have been abused, whether or not they are in a shelter. These include:

- help getting medical care;
- help getting legal services for Family Court or for immigration issues;
- help with housing, furniture, and clothing;
- training and educational services;
- help finding employment;
- assistance with getting services such as health insurance, SNAP (formerly called food stamps), and temporary cash assistance;
- emergency transportation;
- interpretation services; and
- assistance with the completion of Crime Victims Assistance compensation forms.

*For additional information about domestic violence programs, or to find the one closest to you, call the NYS Domestic and Sexual Violence Hotline at 1-800-942-6906.*

## **What Other Services Are Available?**

You may need help and services that the domestic violence program doesn't provide. Communities across the state offer services that can help meet some of your other needs. Domestic violence programs can give you information and referrals for these services, including:

- educational opportunities including General Education Development (GED) or college degree programs, English as a

*You can use a domestic violence program whether you plan to stay in the relationship with your partner or not.*

second language classes, certificate programs, and scholarship, grant, and stipend programs;

- employment programs like One-Stop Centers that assist with job training and placement, professional development, resume writing, interviewing skills, and job searches;
- culturally-specific services and groups, including information about immigrants' rights and help for non-English speakers;
- health-related services including primary care, family planning, pre-natal care, breast exams, pediatric care, reconstructive cosmetic surgery, and testing for sexually transmitted diseases, including AIDS and HIV;
- low-income and/or affordable housing programs and relocation assistance;
- alcohol/other substance recovery programs, mental health services, children's counseling services, parenting programs, and support groups;
- child protective and preventive services;
- unemployment insurance;
- food stamps, food pantries; and
- child health insurance.

For more information about where you can get some of these services, look in the Resources section of this booklet.

## **Department of Social Services**

Your local Department of Social Services (DSS) provides temporary assistance, such as cash assistance and SNAP (formerly called food stamps), to those in need. Every county has a local DSS office. When you go to your local DSS office, bring several forms of ID (such as photo ID, driver's license or non-driver's license ID), your social security card, your birth certificate, and proof of address, such as a utility bill.

As a client applying for or in receipt of cash assistance and other services from the local DSS, you will be expected to participate in certain program requirements (employment, child support, and drug and alcohol screening and/or treatment).

If you identify yourself as a victim of domestic violence in need of temporary assistance and you cannot comply with the program requirements of the agency due to domestic violence, you have the right to see the Domestic Violence Liaison (DVL) in the DSS office, and you can request to see the DVL at any time. The DVL can help you apply for a waiver which could delay your participation in the program requirements, while providing you with the cash assistance and services needed. The DVL will also provide you with community resource referrals, as needed.

*Remember: Always ask to see the Domestic Violence Liaison (DVL).*

If you are a victim and do not have access to your order of protection or other documentation, the DVL can assist you with obtaining documentation needed and determine what type of waiver you may be granted. The most important thing to know is you do not need an order of protection or any other documents to prove that you are a victim of domestic violence.

In New York City, temporary assistance is known as public assistance and is provided by the Human Resource Administration (HRA) through “Centers” located in each borough. If you are a victim of domestic violence and in need of cash assistance and housing services, the DVL can help you at the various centers. For more information, please contact the HRA Info line at (718) 557-1399.

### **New York State Office of Victim Services**

The [New York State Office of Victim Services \(OVS\)](#) gives financial relief to victims of crime and their families. Payments are available for crime-related expenses. Victims may be compensated for crime-related expenses including, but not limited to: medical and burial expenses, loss of earnings or support, counseling costs, the cost to repair or replace personal property, security system installation expenses, some court and/or medical transportation expenses, the cost of staying at or using any for-fee services of a domestic violence shelter, emergency moving expenses, and limited attorney fees.



People who may be able to get OVS compensation include, but are not limited to:

- innocent victims of a crime;
- victims of crime who were physically injured as a result of the crime;
- victims of crime who are under age 18, age 60 and over, or disabled, who were not physically injured as a result of the crime;
- relatives and/or dependents, including surviving spouses, children, parents, siblings, stepsiblings, stepparents, or people primarily dependent on a victim for support;
- child victims, children who witness a crime, and the children's parent, stepparent, grandparent, guardian, siblings, or stepsiblings;
- victims of unlawful imprisonment or kidnapping;
- victims of trafficking;
- stalking victims; and
- victims of frivolous lawsuits brought by a person who committed a crime against a victim.

If you think you qualify for victim compensation, you can file a claim application. You can get an application by calling OVS at 1-800-247-8035 or you can download an application from their website: [www.ovs.ny.gov](http://www.ovs.ny.gov).

Applications are also available from local victim assistance programs, police stations, hospital emergency rooms, or domestic violence programs. You can ask an advocate if you need help filling out the application. To apply for compensation, you will need a criminal justice report relating to the crime.

*To apply for compensation, you will need a criminal justice report relating to the crime.*

### **Address Confidentiality Program**

The New York State Department of State oversees the [Address Confidentiality Program \(ACP\)](#), which provides substitute addresses for domestic violence victims. If eligible, victims will be assigned a specific

ACP post office box number that can be used to receive first class, registered and certified mail, including service of court documents. The ACP program will forward all mail received at the ACP post office box to the victim's home or another address.

To be eligible, applicants must declare that they are a victim of domestic violence, have left their home because of the violence and fear for their or their children's safety. Other people living in the same household with the victim (for example, children, parents or siblings) may also be eligible. Participants are enrolled for four years, but may reapply if an extension is needed.

Domestic violence victims who enroll in the program receive an identification card to verify ACP participation. The substitute address will be accepted by all state and local government agencies and may be accepted by non-government organizations, private businesses and companies (department stores, banks, insurance companies, utility companies, etc.). This address can be used as an official address for court petitions, drivers' licenses, vehicle registrations, traffic tickets, unemployment insurance, school records, library cards, and applications for services such as public assistance or Medicaid, etc.

For more information about the ACP and how to apply for a substitute address, please visit [bit.ly/NYSACP](https://bit.ly/NYSACP) or call 1-855-350-4595.

### ***Counseling Services in Your Community***

If counseling is a service you want for yourself or your children, call your local domestic violence program for suggestions. If you are employed, call your workplace employee assistance program (EAP), if your employer has one, for local services. If you are worried about the cost, ask for referrals to counselors who use a sliding fee scale. Look for a counselor who:

- Makes your safety, not your relationship, the priority;
- Is willing to help you develop a safety plan that meets your needs;
- Supports your right to make your own decisions;
- Listens to you, takes you seriously, takes the abuse seriously, and doesn't judge you or make you feel ashamed about past physical or sexual abuse;

- Doesn't hold you responsible for your partner's violence, and doesn't encourage you to change as a way to get your partner to change;
- Doesn't ask you to bring your partner into the counseling session;
- Is willing to involve a domestic violence advocate, if you wish;
- Understands that domestic violence is really about control, not about anger, stress, or alcohol/other substance use;
- Looks at the effects of all your partner's controlling behaviors on you – physical, sexual, economic, emotional, and psychological abuse;
- Is sensitive to your cultural or religious beliefs; and
- Doesn't assume that you are abusive if you "hit your partner, too," but understands that many abused women use violence as a way to fight back or defend themselves.

## **What About Your Children?**

People who abuse their intimate partners may also abuse their children. Even if they are not a target of the violence, however, children often know about the abuse happening in their home even when parents think they don't. Victims try very hard to shield their children from the violence, but this is not always possible.

While each child is different, children can be affected by seeing one parent abuse the other. Children in specific age groups may be affected in different ways.

### ***Younger children (pre-school and kindergarten) may:***

- Not understand what's happening and think they have done something wrong;
- Blame themselves;
- Feel guilty, worried and anxious;
- Become withdrawn, non-verbal and revert back to behaviors from a younger age such as bed-wetting; and
- Experience health-related issues, such as headaches, stomach problems, and difficulty eating and sleeping.

**Pre-teens may:**

- Lose interest in school activities and have problems with concentration and poor attendance;
- Develop low self-esteem;
- Withdraw from or avoid relationships with peers;
- Become rebellious and defiant at home or school;
- Express anger in ways such as temper tantrums, irritability and frequent fighting; and
- Become aggressive toward the non-violent parent.

**Teens may:**

- Have trouble with their schoolwork and grades;
- Drop out of school;
- Get in trouble with the law;
- Be at risk of gang involvement;
- Become sexually promiscuous or develop self-destructive behaviors, such as cutting;
- Develop eating disorders;
- Use alcohol and drugs;
- Have difficulty in dating and other relationships; and
- Become aggressive toward the non-violent parent.

*Children often know about the abuse even when parents think they don't.*

**How Can You Help Your Children?**

An important factor in helping children deal with domestic violence is their relationship with you. Ways you can support your children:

- **Listen to them** – You may think it is better not to talk about the violence with your children, but it is often helpful for children to talk about what is happening.
- **Help them express their feelings** – Children may have many different emotions and feelings as a result of the violence. Help

them identify their feelings and let them know that whatever they are feeling is OK. You may encourage your child to write in a journal, draw or paint.

- **Don't "bad-mouth" the other parent** – It is important to be honest with your children, but remember that they probably still love and care about their other parent. Letting them know that this is OK can help them feel less guilty or anxious.
- **Establish a sense of security and safety** – Spend extra time with your children and show them love and physical closeness. Even 10 minutes a day of playtime with a toddler can go a long way to help them feel loved and secure. Be consistent with your children; maintain discipline and routines like homework and mealtime.
- **Consider outside resources** - It may be helpful to get your child involved in community activities, such as the Boys and Girls Club, Big Brothers and Big Sisters, or a social or sports program at school.
- **Ask for emotional support** - Consider involving your child with the school psychologist, social worker or guidance counselor. Counseling together with your children may also be helpful.

There is help available for children who have lived with domestic violence. Many domestic violence programs have services specifically for children, including counseling and support groups. Talk to your local program about how they can help your children and whether they have referrals for other children's services.

## **What About Help for Your Abusive Partner?**

Abusers often do not take responsibility for their abusive behaviors. They blame their partners, stress, alcohol or drugs, anger, loss of control, an unhappy childhood, or someone or something else. Domestic abuse is about one person's decision to manipulate and control their partner. Abuse is not a loss of control. In fact, abusers control their partners in many ways.

## **Can Your Abusive Partner Change?**

Everyone is able to change their beliefs and their behaviors if they choose to. But, unless someone takes full responsibility for their

abusive behavior, they are unlikely to change. Regardless of what your partner does, it is important to continue to plan for your own and your children's safety based on who your partner is right now, not on who you want them to be.

*Unless abusers take full responsibility for their behaviors, they are unlikely to change.*

### **What if Your Partner Attends a Batterer Program?**

While it may seem like a positive step for your partner to attend a batterer program, it doesn't mean that they will choose to stop their violent behavior or that you will be safe. Many abusers who attend a program continue to be violent and controlling. Your partner's participation in a program should not influence your decisions about the relationship. Some abusers participate in programs in order to get back into the relationship. This could put you or your children at risk.

Most abusers go to batterer programs because a court ordered them to go. Ordering abusers to attend a batterer program is sometimes used by the courts or probation as a tool for holding them accountable. No batterer program can guarantee that a person's behavior will change. Since not all batterer programs operate in ways that put your safety first, ask your local domestic violence program for information about the programs in your area.

### **What if Your Partner Stops Drinking or Using Drugs?**

Even when abusers stop drinking or using drugs, their abuse often continues and may increase. Alcohol and other drug use do not cause domestic violence, although abusers often use it as an excuse. Abusers who drink or use drugs have two separate issues – intimate partner abuse and alcohol/drug use – that need to be dealt with separately.

*Alcohol and drug use do not cause domestic violence.*

Many drug and alcohol treatment programs offer groups for family members, or family counseling sessions, but these are not always safe for people being abused by their intimate partners. You may be abused

for what you say in a session, or the counselor may say or do things that put you in danger. Also, your partner may blame you – and you may blame yourself – for both the drinking and the abuse toward you.

If you decide to tell the substance abuse counselor that you are being abused, don't do it in front of your partner. No counselor should ever insist that you participate in counseling if your partner is abusing you. You are the only one who can decide whether it's safe to participate or whether it's safer to refuse.

### **What About Couples Counseling?**

Couples counseling is rarely helpful when there is domestic violence. In fact, it may make things worse. It assumes an equal relationship where both partners can openly share their thoughts and feelings without risking their safety. That cannot

be true if one person is abusing the other. Going to counseling together also suggests that you share some responsibility for your partner's behavior. An abuser's behavior is the abuser's responsibility, no one else's, and they are not likely to change unless they take full responsibility for their actions.

Victims can be threatened or assaulted for things they said – or didn't say – during a counseling session. If you are already participating in couple counseling and your partner tries to get back at you for being truthful or sharing information, contact your counselor and ask them to find a way to cancel future sessions without letting your partner know it was your request.

If you are mandated to attend couples counseling by CPS or the court, and your participation puts you in danger, contact your CPS worker or supervisor, the court, your attorney, or your local domestic violence program and explain your concerns and request sessions to end.

### **What About Mediation and Parent Education?**

Sometimes courts require victims to participate in services with their partners. Such services may include mediation or parent education.

*Regardless of what your partner does, it is important to continue to plan for your own safety.*

Mediation (also commonly called “conflict resolution”) is when a third party helps people discuss their differences and create an agreement that works for both parties. Many judges order mediation in divorce and custody cases. However, mediation can be dangerous for the same reason couples counseling can be dangerous and can actually make things worse. It can be dangerous for people who are abused to express their feelings in front of their partners. Like couples counseling, mediation only works if both parties have equal power in the relationship.

If you do use mediation, it is important to discuss your goals and expectations ahead of time with your attorney or advocate. Be clear about what you are willing to agree to. Again, consult your local domestic violence program about the mediation program and the individual mediator. Many mediation centers use a domestic violence screening tool and may not accept you as a client because of the abuse.

If the court orders you to attend parent education, you may not have to participate. Tell the clerk who handles the paperwork that you have been abused and ask for a waiver. You can also tell the person you speak to at the parent education program about the abuse and request a waiver. Requesting or getting a waiver should not affect the outcome of your case. If you do decide to participate, you should definitely attend a separate class from your partner.

## **Common Questions You May Have**

Below are some questions you may still have as you think about your options. This section will also address some of the concerns you have for your family as well as your abusive partner. Always know that you are not responsible for the consequences or outcomes the abuser may face because of their choices.

### **“Is this my fault?”**

No! If you have been threatened, hurt, insulted or controlled or have had any other form of abuse happen to you, it is never your fault. It is the abuser’s actions – not yours – that force you to make difficult decisions to protect yourself and your family. You may feel guilty that the relationship didn’t work but it is important for you to know, you’re



not the one “destroying the relationship” or “breaking up the family.” You are the victim, regardless of what the abuser and others say!

### **“What will people think?”**

Most of us care about what others think. You may feel that others will judge, condemn, push you away or ridicule you for the situation you are in. However, when it comes to your safety and the safety of your children, you have to make choices regardless of what others think. This is a critical time in your life and it is important that you think of yourself.

### **“How can I help my partner?”**

Domestic abuse is about one person’s decision to manipulate and control their partner. You may be tempted to “fix” the abuser because you want to “save” the relationship and keep your family together. It is not your responsibility to “fix” the abuser or the relationship. If you think you can help your partner by enrolling them in a program of some type, understand that their willingness to participate does not mean their behavior will actually change.

### **“Can my abusive partner change?”**

Anyone is capable of changing their beliefs and behaviors if they choose to. Abusers typically do not take responsibility for their behavior. They blame partners, stress, alcohol or drugs, anger, loss of control, an unhappy childhood, or someone or something else for their actions.

But, these things do not cause abuse. Unless the abuser takes full responsibility for their actions, they will not change. Regardless of what your partner does, it is important to plan for your safety.

*You should plan for your safety based on who your partner is right now, not who you want them to become.*

### **“Will I be able to make it on my own?”**

You are a lot stronger than you give yourself credit for. You have already shown tremendous problem-solving skills just by surviving. You

may feel like you can't make it on your own but you have the ability within yourself to do what is needed. And, help is available. The key is to use the resources available to you when you're ready. It's OK to ask for help.

### **“Will my children hate me?”**

It is common for children to be angry. Your children may be resentful or feel like you broke up the family. However, remember that the abuser is the one who caused the situation. It is not your fault. In most cases, children will direct their anger toward the parent they feel safest with, which may feel confusing to you. They may be upset or disappointed, but children are resilient.

It may be difficult, but try not to “bad mouth” the other parent or force the children to “choose sides.” Help them understand that everyone's safety is your primary focus. Most importantly, focus on your relationship with your children and keep it as positive as you can. Consider involving other people you trust to be a support system to you and your children.

### **“What if I change my mind?”**

It takes courage to make choices that are in the best interests of you and your children. Sometimes those choices may seem so overwhelming that you change your mind. You may be thinking:

*Don't second-guess  
yourself*

*“Maybe I will go back, it wasn't always bad...”*

*“We have so many years together, maybe this time my partner will change ...”*

*“I really do love my partner...”*

It is very common for victims to second-guess the decisions they have made. You may feel scared, guilty, or worried about the unknown and who you can rely on for help. You are not alone. Many victims have felt this way. In fact, many have reported leaving and returning before they were able to leave permanently.

You may feel guilty about reporting the abuser's actions to the police or even requesting an order of protection. The abuser may threaten

you or pressure you to change your mind. It is important to know that anytime you change your description of events, it doesn't help your case and there may be negative consequences.

Always consider your safety and the safety of your children. Changing your mind by staying, returning or allowing the abuser to come home will not guarantee the abuser is going to change their behavior.

You may decide to end the relationship permanently. Know that many victims report that when looking back on their choices, the one thing they would never change was ending the relationship. They realize that, despite all the challenges, their lives are so much better without the abuse. It is never selfish to put the needs of your children and yourself first!

**Important Note:** The information in the section “Getting Safe” describes standard practice in New York State, but your experience may be different. Each case is unique and dependent upon availability of resources in your community.

# THE POLICE AND COURTS

---

## The Police

This section will tell you what to expect when the police are involved. Police officer response may vary slightly from one community to another, but police in New York State are trained to respond to domestic calls or incidents as the very serious matters that they are.

Depending upon the particular incident, the police should:

- Respond immediately to your location;
- Separate the people involved;
- Conduct an investigation, including getting statements from you, the abuser and others;
- Identify and collect any potential evidence of criminal behavior, whether related to the current incident or other incidents;
- Make an arrest if specific crimes were committed;
- Refer you to the local domestic violence program;
- Complete a Domestic Incident Report (DIR) and provide you with a copy at the scene;
- Provide a written notice of your legal rights and remedies as a victim of a family offense, i.e., Victim Rights Notice; and
- Conduct a follow up investigation and possibly a home visit to check on you.

*Call 911 if you  
are in immediate  
danger.*

*Note: Details on the police response and the DIR can be found in [“What Should You Expect When the Police Respond?”](#) and [“What is the Domestic Incident Report \(DIR\)?”](#)*

## **What Should You Expect When You Call 911?**

- If you call 911 for emergency assistance, the police must come to investigate.
- If the police do not come, call again until they respond.

- Your call to 911 will be answered by a dispatcher. Dispatchers are trained to ask questions that will assess your safety, and to gather information that can help police and other emergency personnel respond to the scene safely. You will be expected to tell your location and answer questions about the incident, the abuser, the presence of guns or other weapons and whether or not you have an Order of Protection.

### **What Should You Expect When the Police Respond?**

Whether you called the police or the call was made by your child, a family member, a neighbor or a concerned friend, a police officer must respond. The officer should:

- Separate the people involved in the incident;
- Take all weapons used or threatened to be used;
- Ask about the location of everyone at the scene, including the abuser and any children. They must check on the safety and well-being of anyone present;
- Assess the need for medical attention for anyone, including the abuser. *If you injured the abuser while defending yourself, be sure to tell the police exactly what happened;*
- Ask if any pets were harmed in the current incident or in the past;
- Separately interview all available witnesses, including you, the abuser, your children, and any other people at the scene;
- Collect and document anything that could be evidence, including:
  - › Statements by you, the abuser, and witnesses;
  - › Visible injuries and property damage, by taking photos or video;
  - › Any other evidence from this or past incidents gathered by you or someone on your behalf, such as:
    - Photos or videos of visible injury to you, your children, or pets;
    - Proof of damage to your personal property (clothing, jewelry, cell phone), to any property that you co-own with the abuser (home, furniture, computer, vehicle), or to the abuser's personal property;

- Copies of threatening messages or apologies for having hurt or scared you, including those found on voicemail or text messages, e-mails, social media posts and written letters, notes, or cards.
- Determine whether an arrest must, by law, be made (“Mandatory Arrest”), and whether any other action should be taken;
- Complete the New York State Domestic Incident Report (DIR) whether or not an arrest is made, and complete any other reports necessary. They must provide you with a copy of the DIR at the scene; and
- Give you a copy of the Victim Rights Notice (on the back of the DIR) and a referral to the local domestic violence program.

### **What if You Are Not Satisfied With the Police Response?**

You should be treated with dignity and respect by everyone, including the police. If the police do not respond the way you think they are required to, you may want to talk to an advocate at a domestic violence program about your concerns and possible options.

You can also contact the officer’s supervisor. Provide the name and badge number of the officer(s) that responded to the incident (*Note: this information, as well as the Incident # and Complaint #, will all be located on the DIR*). If you do speak to anyone about the officer’s handling of your case, document everything, including: all calls to the police, their response, and any follow-up contact with supervisors. You may need this information if further action is necessary.

### **What Is the Domestic Incident Report (DIR)?**

The NYS Domestic Incident Report (DIR) is a form that police must complete every time they respond to a domestic incident, whether or not an arrest is made. It provides an official record of your account of what happened and can be used by you or your attorney in Family Court, or by the District Attorney or judge. You will need a copy of the DIR if you are applying for crime victims’ compensation, and it may be used when applying for a Family Violence Option waiver. See the Department of Social Services section on waivers. It is important that you keep a copy for your records.

The officer should provide you with a copy of the DIR before leaving the scene. The paper should say “New York State Domestic Incident Report” on the top. It includes the following:

- Information about the current incident, including the names of all parties involved and the location where the incident took place;
- References to prior incidents;
- If no arrest was made, an explanation why;
- The responding officer’s name and badge number (so that you can contact that officer again if you have questions or need to add information to the police report);
- Your description of what happened (your “statement”). You can write this description or you can ask the officer to write it for you. If English is not your first language or you don’t understand what the officer wrote, ask for an interpreter who is someone other than your family or friends. Also note that your statement may be shown to the court, in which case your abuser may see the information as well. It is important to know that giving a false statement is illegal; and
- The Victim Rights Notice, which begins “IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, THE POLICE AND COURTS CAN HELP,” explains your legal rights and provides the state hotline number. You can ask the officer to read it to you.

The officer should also provide you with the phone number of the local domestic violence service provider, and may also help you contact the program at the scene.

The abuser may try to get you to change your description of what happened in order to avoid getting arrested or having an order of protection issued. Be aware that changing your description of the facts or withdrawing your complaint may result in negative consequences to you.

## **What Is “Mandatory Arrest” for Domestic Violence?**

New York State has “Mandatory Arrest” laws regarding domestic violence. This means that the police must make an arrest when they have reasonable cause to believe that a person has committed specific crimes against members of their family or household.

Members of the same family or household include:  
Current or former spouses;  
Current or former intimate partners, including same-sex couples and teens in dating relationships;  
Persons with a child in common, including adopted children;  
Persons related by marriage (in-laws, etc.);  
Persons related by blood (siblings, parents, etc.).

The police are not allowed to ask you if you want the abuser arrested or if you want to “press charges.” In fact, in most mandatory arrest cases, even if you ask the police not to make an arrest, they are required to do so. Mandatory arrest does not necessarily mean immediate arrest. It means that the police must make an arrest even if the abuser leaves the scene before the officers arrive.

### ***Exceptions to Mandatory Arrest***

One exception to the mandatory arrest law is when both people are alleged to have committed certain crimes known as misdemeanors. In such instances, the police must identify the “primary aggressor” and arrest only that person. To do that, they should consider if either person:

- Caused any injuries to the other, and the type and seriousness of those injuries;
- Is threatening or has threatened future harm against the other, or another family or household member;
- Has a prior history of committing domestic violence; or
- Acted in self-defense.

*Violation-level* offenses, such as harassment, are not subject to mandatory arrest. Police can only arrest at the scene if they witnessed



the person commit the violation. Otherwise, the police must advise you of your right to make a citizen's arrest. The police can physically remove the abuser from the scene, but you would be signing the actual complaint and technically "arresting" the perpetrator.

### **What Happens After an Arrest Is Made?**

If an arrest is made, the police will bring the abuser to the police station for booking, to prepare for arraignment. The arraignment should happen within 24 hours, at which time a judge will read the charges and other details about the incident to the alleged abuser, now called the "defendant." During the arraignment, several things may happen:

- An attorney may be assigned to the defendant;
- An order of protection may be issued;
- The judge can decide to release the defendant, set bail or hold them in jail without bail. The judge bases this decision on the likelihood that the defendant will return for the next court appearance and whether the defendant has a history of possession of a firearm or any violations of an order of protection;
- The defendant will be given a date to return to court whether the defendant was released or if bail was set;
- The case may be assigned to an Assistant District Attorney (ADA); and/or
- If the defendant is non-English speaking or hearing-impaired, an interpreter should be provided.

*You should assume that the abuser could be released from jail any time after an arrest. It is important to plan for your safety because your partner may try to contact you if they are released, even if the Court has issued an order of protection requiring them to stay away from you.*

If you have questions about what happened at the arraignment, contact the court and/or the DA's office. The court will be able to tell you if an order of protection was issued. If one was not issued, and you wish to have one, you can discuss this with the DA's office. You may not be able to get one until your partner returns to court. Call the police if you feel you are in immediate or ongoing danger.

Every county in New York State has a District Attorney (DA) who is an elected official. The District Attorney's office is made up of the DA and Assistant District Attorneys (ADAs). Sometimes they are called the "prosecutor." Your local domestic violence program can help you work with the DA's office.

After the arraignment, you may be contacted by the ADA or a domestic violence specialist from the DA's office. The DA's office represents the people of the State of New York. Their job is to prosecute the defendant. They do not represent you personally. They will ask you about what the abuser did to you and will try to answer your questions. It is a good idea to write their name and phone number down in case you have any future concerns or questions. You can contact your local domestic violence program for an advocate who can provide practical and emotional support.

VINELink is a resource that allows you to check the status of any offender jailed in New York State. You may check online at [bit.ly/AboutVINELink](https://bit.ly/AboutVINELink). You may also register online or call 1-888-VINE-4-NY (1-888-846-3469) to be notified of an offender's release by phone call or e-mail. VineMobile is an application that can be downloaded to your mobile device.

### **What if You Get Arrested?**

Sometimes victims get arrested. This can happen if the abuser lies about what happened and the police believe that the abuser is actually the victim, or if the police do not correctly identify the primary physical

aggressor. It can also happen if you commit a crime, even if it was while trying to protect yourself. If you are arrested, remember that you are not required to speak to the police. Do not try to explain what happened. The very best thing you can do is ask for an attorney, and do not answer any questions or give any statements to the police. Once you request an attorney, the court must provide an attorney for you free of charge if you cannot afford one on your own. This attorney is called a Public Defender. Every county in New York has a Public Defender's office, and you will be given information on how to get a Public Defender at arraignment.

Ask your attorney to contact the ADA handling your case and explain the situation. If there have been times when the police have responded before, and you have been identified as a victim, make sure to tell your attorney. Do not contact the DA's office on your own. If you are being prosecuted for a crime, you are a defendant, and they are not allowed to talk to you without an attorney.

An advocate from the domestic violence program can also be helpful to you if you get arrested. They can help you sort out your options and understand the court process.

## **What Is an Order of Protection and Where Can You Get One?**

---

An order of protection is a set of conditions issued by a judge that restricts or prevents an abuser from specific behaviors. The order may require the abuser to refrain from certain behaviors or actions against a victim, their children and their pets. All judges in criminal, Family and Supreme Courts can order your partner to:

- stop abusing you, your children, and pets;
- leave and stay away from your home, your workplace, and your family (this is called a "stay-away" provision);
- have no contact with you. (Note: *Whether or not it is specified in the order, "contact" may include phone calls, texts, social media posts, letters, e-mails, gifts, flowers, etc., or contacting you through other people.*); and

- immediately surrender any firearms, surrender pistol permits, and prohibit the purchase of firearms. (*Note: Even when the court does not specifically order the surrender of the firearm, most individuals issued an order of protection are prohibited from possessing or purchasing a firearm or ammunition under federal law.*)

After a judge issues an order of protection, the abuser must be served with a copy unless they were present in court when it was issued. As soon as the abuser is served, the order of protection is in effect and *only a judge can change it*.

If the order includes a stay away provision and the abuser comes to your house, the abuser is violating the order and should be arrested. You may feel there is a good reason for them to be at your house, such as a child's birthday, but being there puts them in violation of the order, and they should be arrested just for being there.

If you want changes to an order, you must request them from the court. If your order is from a criminal court, the District Attorney's office may want to speak with you to determine whether you understand the potential risks of a change to the order, and to assess whether the abuser is pressuring you to have the order changed. Ultimately, the judge may or may not grant your request, based on the DA's recommendation and the judge's own opinion of the case. If your order is from the Family Court, you will likely need to make the request in writing and have the judge determine whether the order should be changed. The judge might also want to hear from you about your reasons for wanting the change. It is most important to remember that unless the judge changes the order in writing, the abuser will be in contempt of court if they violate any part of the order for any reason.

Orders of protection are valid in any state or territory in the country, no matter where they were issued. If the order has not expired and has

New York State Law recognizes that the only one who has to obey an order of protection is the abusive party. The law prohibits victims of domestic violence from being held in any way legally responsible for a violation of an order of protection issued by the court to protect them. Victims cannot be arrested, even if they have, or agree to have, contact or communication with the abuser who is the subject of the order of protection.

the correct names of the people involved, the police should consider it valid and enforce it.

## Where Do You Get an Order of Protection?

There are several types of courts that can issue orders of protection.

**Family Court** is a civil court with the goal of protecting you and your family. You can go to Family Court if you and the abuser are:

- Current or former spouses;
- Current or former intimate partners, including same sex couples and teens in dating relationships;
- Persons with a child in common, including adopted children;
- Persons related by marriage (in-laws, etc.); or
- Persons related by blood (siblings, parents, etc.).

Family Court judges can issue an order of protection and make decisions about custody, visitation, and child support. A judge may order the abuser to pay for expenses related to the abuse, such as medical care and property damage.

Going to court can be frustrating and confusing. A domestic violence advocate can be very helpful in explaining the process and supporting you. However, the advocate cannot speak on your behalf or represent you in court. Only an attorney can do that.

### *To get an order of protection:*

You must file a family offense petition with the Family Court clerk. You are now called the “petitioner.” Let the court know if you want to keep your address a secret from your abuser. The judge can order that your actual address be marked “confidential” and all the legal mailings related to your case can be mailed to someone you trust (friend/relative/attorney), or you can choose the Clerk of the Family Court to be listed and the clerk will mail to your chosen address. If you participate in the [NYS Address Confidentiality Program \(ACP\)](#), you can use your ACP post office box – be sure to bring your ACP card to court.

See section entitled Address Confidentiality Program.

- If you are requesting an order of protection, the judge will most likely want to talk to you.
- The judge will decide whether or not to issue a temporary order of protection. The abuser must be served with the temporary order of protection for it to be enforced by police. The temporary order extends at least to your next court date, which will be given to you by the court. Some courts issue temporary orders that are written to last a fixed period of time – for instance three months. These orders are helpful if your court appearance is delayed. If your order is set to expire at the first scheduled court date, and there is a delay of that date for some reason, it is important to ask your attorney or the court to request an extension of the order of protection so it will remain in effect until you do get into court.
- On the day you are due back in court, the abuser, now called the “respondent” in the order of protection, must come to court on that day, too. The judge may make the temporary order of protection permanent. If the abuser does not agree, or “consent,” to the permanent order of protection, or disputes what you said in your petition, the court will set a date for a “fact finding hearing.” There could be several appearances before you actually have the fact-finding hearing (also called a trial). Both of you will be required to be at that hearing, where the judge will decide whether to make the order permanent or dismiss the case. Both parties can bring an attorney to court at any time.

*The order of protection is not in effect until the abuser is served.*

Family Court orders of protection can be issued for up to five years, depending on the circumstances.

Statewide Automated Victim Information and Notification (SAVIN-NY) is a free service that allows a victim with a Family Court order of protection to register to be notified when law enforcement reports the order has been served. You may register through NY-Alert at <https://oop.nyalert.gov> You can choose to be notified by e-mail, text, iPhone/iPad App, telephone, fax or web query.

**Criminal Court:** You can apply for an order of protection in criminal court if the abuser has been arrested for a crime in which you are the victim or a witness, even if you are not a member of their family or household. In some locations, the criminal court may be your Town or Village Court, sometimes called Police Court. The police or assistant district attorney may request an order of protection from the court or you may make the request yourself. As in Family Court, this will be a temporary order until a permanent order is issued. A permanent criminal order of protection can be issued for 2 to 8 years, depending on the crime the abuser is convicted of.

**Supreme Court** is also a civil court. If you are getting a divorce, separation, or annulment, you can request an order of protection through your attorney at any time before the case is settled. When an order of protection is part of a divorce order from Supreme Court, it is permanent and will not expire. But getting changes in a Supreme Court order can be difficult and expensive. You may request that the order include a provision that any future changes can be made in Family Court.

You can have orders of protection from more than one court at the same time. For example, you might have an order of protection from criminal court, but you need decisions made about custody, visitation, or child support. In that case, you may want to get another order of protection in Family Court to deal with those issues. However, keep in mind that if the orders conflict in any way (for instance one directs the abuser to stay away from you, and one directs the abuser not to commit crimes against you) it can be difficult for police to know which order to enforce. If you have more than one order of protection and are confused, or if you don't know if you should get another one, talk to an advocate.

### **How Do You Decide Which Court to Go To?**

Filing a petition in Family Court will not prevent you from pursuing a complaint in criminal court. To decide whether to go to Family Court, criminal court or both, you may want to think about the following:

## The Police and Courts

<b>Family Court</b>	<b>Criminal Court</b>
It can be easier to get a temporary (or emergency) order of protection than going through criminal court.	Criminal charges must have been filed by the police or District Attorney.
Requires a lower level of proof (“preponderance of the evidence”).	Requires a higher level of proof (“beyond a reasonable doubt”).
Your participation is required.	The District Attorney may be able to proceed with the case without your participation if there is other evidence of the crime.
Records are private but the courtrooms are open to the public.	Records and courtrooms are open to the public.

When you go to court, it can take several hours for your case to come before a judge. Be prepared to spend as much time as necessary waiting, possibly the whole day, especially in Family Court. Some Family Courts have centers to watch your children while you are there. In courts without centers, you might want to bring another adult with you to wait with your child while you are in the courtroom. Some courts also have two separate waiting rooms, so you can sit in a different room from the abuser. A domestic violence advocate can often go to court with you. To make sure they are available, give the advocate as much notice as possible of your court date.

*Be aware that sometimes the decision to use criminal court will be made without you. This can happen if the police respond to an incident and arrest the abuser.*



## **Other Courts and Resources**

In recent years, other kinds of courts and resources have been created specifically to help people who are abused by their intimate partner. These are: Domestic Violence Courts, Integrated Domestic Violence Courts, and Family Justice Centers.

**Domestic Violence Courts** have one judge, a fixed prosecution team, and special staff positions (such as a resource coordinator and a victim advocate). These courts may handle misdemeanor and felony-level criminal cases depending on the particular court. Domestic Violence Courts may provide closer monitoring of domestic violence offenders, since they specialize in domestic violence cases.

**Integrated Domestic Violence (IDV) Courts** have one judge that handles criminal domestic violence cases as well as related family issues, like custody and visitation. Some of these courts also handle divorce proceedings. IDV Courts reduce the need for victims to go to different courts and multiple judges to get the help they need. Typically, a criminal charge triggers an existing Family Court case to move to an IDV Court. The court will let you know if your case has been moved.

**Family Justice Centers** are places that put many different services victims may need under one roof. These services might include prosecutors, police officers, victim advocates, medical assistance, probation, and children services. Like Integrated Domestic Violence Courts, Family Justice Centers help to cut down on the amount of places victims need to go to get the services they and their children may need.

Not all communities have these courts and centers. To find out if your community has one, call your local domestic violence program.

*IMPORTANT NOTE: The information in this section describes standard practice in New York State, but your experience may be different. Each case is unique and dependent upon availability of resources in your community. If you are unclear about the handling of your case, you can contact the domestic violence program for support.*

# SPECIFIC POPULATIONS

---

## Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Victims

---

Domestic violence can happen to anyone in an intimate relationship regardless of sexual orientation, gender expression or identity. No matter what your relationship, if your partner has used emotional, sexual, economic abuse, or physical violence against you, you are a victim of domestic violence. In addition to all of the things heterosexual abusers do, some things LGBTQ abusers might do include:

- threatening to tell your friends, family, co-workers, employer or community agencies about your sexual orientation, gender expression or identity;
- forcing you to engage in unwanted sexual acts with them or others;
- subjecting you to sexual material about, or forcing you to engage in sexual activity with, people who have a different sexual orientation or gender identity, as a way of undermining your sexual orientation or gender identity;
- making you feel bad about your sexual history or former partners;
- using social media to threaten you or expose your sexual orientation, gender expression or identity;
- withholding or preventing you from getting your hormone therapy;
- threatening to alienate you from the LGBTQ community; and
- telling you that you are crazy and threatening to have you hospitalized.

LGBTQ victims abused by their partners may face additional barriers in getting help. Under New York State law, you can get an order of protection from Family Court if you are (or have been) in an intimate relationship with the abuser. However, getting an order of protection or calling the police may mean “coming out” each time help is sought. For more information on getting an order of protection and your legal options, see [“The Police and Courts”](#) section of this booklet.

An advocate at a domestic violence program can tell you if there are support groups and other services specifically for LGBTQ victims in your community. For more information and a statewide listing of services specifically for LGBTQ victims of domestic violence, visit the NYC Anti-Violence Project: [bit.ly/NYCAVPHotline](https://bit.ly/NYCAVPHotline). For a current list of LGBTQ Domestic Violence Network members visit NYS Anti-Violence Project: [www.avp.org/nys-lgbtq-ipv-network-members/](http://www.avp.org/nys-lgbtq-ipv-network-members/). You can also call the New York City 24-Hour Hotline 1-212-714-1141. In Our Own Voices provides statewide support and advocacy for LGBTQ victims: [bit.ly/InOurOwnVoices](https://bit.ly/InOurOwnVoices), call 518-432-4188 (9:00 a.m. to 9:00 p.m.).

## **Teens**

Similar to adult domestic violence, teen dating violence is a pattern of behavior that one partner uses to establish and maintain power and control over the other. This abusive behavior can be emotional, physical or sexual. Social networking is also a way abusers harass, track and intimidate their partners.

Abuse could include:

- isolating you from family and friends;
- physically or sexually touching you against your will or hurting you in any way;
- constantly putting you down;
- pressuring you to have sex, preventing you from using birth control, and/or refusing to use birth control themselves;
- acting jealous or using jealousy as an excuse for checking in on you frequently to see where you are going or who you are with;
- excessively texting or e-mailing you;
- acting very angry one minute and sweet the next;
- threatening to hurt or kill themselves if you break up with them;
- checking your cell phone or e-mail without permission;
- breaking into your social media accounts, and posting things using your identity; and

- telling you what to do and pressuring you to give up things that are important to you such as friendships and extracurricular activities at school.

Whether you want to stay together or are thinking about breaking up, there are options. Your abuser may act more abusive or angry when you try to break up, so make sure you have a [safety plan](#) before trying to end the relationship. You can go to [Family Court](#) to ask for an [order of protection](#) if you are (or have been) in an intimate relationship with an abuser. An intimate relationship is considered to include any dating relationship, even if it wasn't a sexual relationship. See "[The Police and Courts](#)" section of this booklet for more information on this and all legal options.

For help and to create your own safety plan, visit [bit.ly/LovelsRespectSafetyPlanning](https://bit.ly/LovelsRespectSafetyPlanning).

## **Gang Member Involvement**

If your abusive partner is involved with a gang and you are afraid of what will happen if you call for help, a domestic violence program can offer confidential assistance and can help you explore options that won't put you or others at greater risk. Gangs often have a large network of members that could threaten you or anyone you know. It is critical, in order to plan for your safety, that you tell your domestic violence advocate that your partner is in a gang -- even if your partner has made you do things that are against the law and is now using that against you. If you have been tattooed by your partner, or another member of the gang, there may be a service available to remove the tattoo free of charge. Ask your domestic violence advocate or contact the New York State Office for the Prevention of Domestic Violence.

## **Victims of Human Trafficking**

Human trafficking is a serious crime that is punishable by both New York State and federal law. Trafficking is the act of using human beings for some type of labor or commercial sex purpose. Victims are often promised jobs but instead are forced or pressured into prostitution or domestic, farm, factory, or other types of labor. Trafficking and domestic

violence can occur at the same time. Similar to abusers, traffickers control victims by restricting their movements and manipulating them psychologically, including threatening to hurt family members or reporting them to law enforcement.

You may be a victim of trafficking if:

- you have been forced to perform sexual acts;
- you have been hurt or you or your family have been threatened with harm;
- food, water, sleep, medical care or other things you need are kept from you;
- you are not allowed to see your friends or family, or attend social events, including religious services;
- you were told you were being hired for one job and then forced to do another job. You are not allowed to quit and cannot escape;
- the trafficker is taking part of your salary;
- someone other than you controls your identification and travel documents; or
- the trafficker has forced you to lie to officials and threatened you with deportation or law enforcement action.

If you think you are a victim of [human trafficking](#), call the [National Human Trafficking Resource Center \(NHTRC\)](#) at 1-888-3737-888 to get help or connect with a service provider in your area. The NHTRC is not a law enforcement or immigration authority or government agency. More resources are listed in the back of this booklet.

## **Older Victims of Domestic Violence**

Older people can be victims of different types of abuse, including domestic violence. Some people have been with the same abusive partner for many years. The abuse may have started while they were dating, first married, living together, or during pregnancy. Or, it may have started or gotten worse later in the relationship. Others are starting new relationships following a death or divorce and their new partner is abusive.

## Specific Populations

---

As with victims of domestic violence of all ages, separating from the abuser is not always the safest or best option. There are many factors to consider when deciding what to do. Older victims of domestic violence have these additional barriers:

- You may not identify yourself as “abused.” Images on TV and movies often show victims as younger women with children. This may imply that domestic violence doesn’t occur in mid or later life.
- You may feel that you are trapped and must stay with an abuser because of society’s expectations of how women should behave, especially years ago.
- You may feel shame and be afraid of what will happen to you if you report abuse. You may fear that you’ll have to leave your home or be placed in a nursing home. Some people fear having their decision-making rights taken from them by service providers.
- You may be concerned about finances and health insurance.
- You may worry that your family members and adult children will not believe you or support your decisions. Some adult children encourage the abused parent to stay because they do not want to become responsible for either parent.
- You may feel overwhelmed at the thought of starting over. Some victims have never lived on their own.
- Your cultural or religious beliefs may make it difficult to seek help.

Some older people are abused by other family members – often their children or grandchildren. In these cases, many of the same issues exist as with partner violence. These factors can be even worse if the older person is becoming less able to take care of themselves.

Under New York State law, you can get an order of protection from Family Court if you are in an intimate relationship with an abuser or if you are being abused by a family member. See “[The Police and Courts](#)” section of this booklet for more information on this and other legal options.

Resources are available for older victims of all crimes, including domestic violence. For information about elder abuse and domestic violence, call the NYS Domestic and Sexual Violence Hotline at 1-800-942-6906. If you need protection or know someone who does, call

your local [Adult Protective Services](#) office within the Department of Social Services. The number can be obtained by calling 1-844-697-3505 or visit [ocfs.ny.gov/main/psa](http://ocfs.ny.gov/main/psa).

## **Military-Related Victims**

Victims who are connected with the military (service members, veterans, or partnered with a service member or veteran) can seek assistance from civilian [domestic violence programs](#) and may be able to seek assistance from Family Advocacy Programs (FAP). FAPs exist on all active-duty military installations. Services available include safety planning, victim advocacy, case management, and counseling. FAP services are free for anyone who is eligible for military medical benefits.

*You can contact your local domestic violence program whether or not you involve the FAP.*

It is critical to understand the reporting options available through the military. There is a two-tiered reporting system: unrestricted and restricted. You may want to think through your desired outcome before deciding who to talk to, which can determine the type of report you make.

*If you want to make a restricted report, DO NOT discuss your situation with anyone in the military except military victim advocates, military health care providers, or a chaplain/clergy.*

An unrestricted report can come in through any source – military law enforcement, FAP, the command structure, or any other military person or office. Responses to an unrestricted report include FAP services, medical care, law enforcement and prosecution. When an unrestricted report of a domestic violence incident is made to a FAP, there is an investigation. If the investigation reveals that a service member committed an act of domestic violence, the service member will be eligible for individual

counseling, substance abuse treatment, anger management, and any other services FAP personnel believe are necessary. FAPs are not responsible for discipline or punishment – that is up to the service member’s commanding officer.

Restricted reports, on the other hand, are more confidential and may only be made through three sources – military victim advocates, military health care providers, or a chaplain/clergy person. Restricted reports will not be disclosed to command (except in statistical form) or law enforcement, but victims will be eligible for victim advocacy services, health care treatment, and counseling. There are some exceptions to the ability to maintain a restricted report, such as imminent harm to victim or others, child abuse, and if the abuse is reported to anyone other than one of the above-three groups.

All of the above services, however, are generally only available to those who are connected with active-duty service members including federally-activated Guard and Reserve members. Otherwise, those connected with Guard and Reserve service members can use civilian resources for domestic violence-related services.

For more information, visit <http://www.bwjp.org/our-work/projects/military-and-veterans-advocacy-program.html>.

## **People With Disabilities**

The nature of abuse does not change much for victims of domestic violence who have a disability, but the abuser may use the disability as a way to control their partner. Also, a person with disabilities who is abused may depend upon the abuser to help meet their basic needs, such as food, medication, finances, personal care, or adaptive equipment.

An abuser may use their partner’s disability as a way to cause harm, such as:

- placing something in the way of a victim who is blind, causing them to fall;
- taking a wheelchair away from a victim who needs it to get around;
- disabling assistive devices (like hearing aids) used by someone who is hearing impaired; or
- threatening to have their partner placed in an institution or nursing home.



The abuser may also use the disability to mislead police and others. Examples include:

- communicating or interpreting for their partner by sign language;
- providing false information about medication;
- using their deaf partner’s communication device without permission, to communicate with others posing as the partner; and
- implying that their partner is “stupid,” “crazy,” or “drunk.”

When people with disabilities try to escape abuse, they may face a number of risks. Some of the major risks may include:

- not being able to contact or get to service providers;
- lack of accessible transportation;
- lack of affordable and accessible housing;
- difficulties with communication; and
- a general lack of understanding about disabilities among the general public that might make it hard to get help.

Some people may be threatened with losing their caregiver if they get help or end the relationship. They may fear that this loss could result in them being placed in an institution or nursing home.

Sometimes, people who are abused become disabled as a result of the domestic violence they experience. There will be many challenges and changes that they will have to deal with. Disabilities resulting from abuse can range from actual physical disabilities to more hidden problems, like head injuries, spinal cord injuries, and Post Traumatic Stress Disorder (PTSD).

For more information, visit the Barrier Free Living website: [bit.ly/BFLNYC](http://bit.ly/BFLNYC).

## **Immigrant Victims**

An immigrant is someone who has moved to the United States from another country. The terms “documented” and “undocumented” refer to documents (papers) which show the legal status one has in the United States. Undocumented immigrants are sometimes labeled as “illegal aliens”— this is generally considered an offensive term. Domestic violence victims who are also immigrants face greater challenges when they are undocumented and controlled by an abusive spouse.

## Specific Populations

---

The agency that handles immigration is the United States Citizenship and Immigration Services (USCIS). As an immigrant victim of domestic violence, you should never call USCIS directly. You should get an attorney who specializes in immigration and domestic violence to assist you. Your attorney can help you contact USCIS if necessary. Contact your domestic violence program to find an attorney.

*Regardless of immigration status, you have a right to safety.*

You have the right to live free from violence whether you are documented or undocumented.

- Your abuser may have told you that getting help would get you in trouble. Do not let those threats stop you from seeking help. The police are required to help you.
- If you are a victim of domestic violence, sexual assault, or human trafficking, you may be able to get legal status in the United States through special visas available to victims of crime.
- Whether you have legal status in this country or not, you have the right to interpretation and translation services. For example, the NYS Domestic and Sexual Violence Hotline (1-800-942-6906) can help people in up to 120 languages.
- Even if you are currently undocumented, you have the right to:
  - › call the police;
  - › use domestic violence and rape crisis services;
  - › apply for emergency Medicaid and victim assistance funds;
  - › receive treatment in emergency rooms;
  - › seek an order of protection; and
  - › apply for legal residency status.

For more information, visit the Asista website: [bit.ly/ASISTA](https://bit.ly/ASISTA). More resources are listed in the back of this booklet.

# FRIENDS, FAMILY, CO-WORKERS AND BYSTANDERS

---

## How You Can Help if Someone Is Being Abused

Many people who are abused by an intimate partner either don't know who to turn to or have had bad experiences when they've reached out for help. Your willingness to help can be important to a victim in their safety planning efforts. But while being willing and well-meaning is good, being ready to offer the kind of help that's needed, while keeping yourself safe, is even better.

### **Possible Signs of Domestic Violence**

The effects of domestic violence can show up in many different ways. Being aware of these effects will not only help you better understand the experience, but will help you better identify someone who is being abused.

*Visible signs of physical injury* include:

- bruises, cuts, burns, human bite marks, and broken bones;
- injuries during pregnancy, miscarriage, or premature births; and
- many injuries in different stages of healing.

Someone who is being abused might try to hide injuries that can be seen from others. One sign of this might be someone who suddenly starts wearing long-sleeve shirts or turtlenecks in the summer or scarves (to hide strangulation marks) or sunglasses indoors, when they never did before.

*Illnesses* that may be related to being abused include:

- stress-related illnesses like headaches, backaches, constant pain, gastrointestinal disorders, trouble sleeping, eating disorders, and being tired all the time;
- anxiety-related conditions like heart palpitations, difficulty breathing, and “panic attacks;” and
- depression, thinking about or attempting suicide, and alcohol or other drug problems.

**In the workplace**, the effects of domestic violence can be seen as:

- not being able to concentrate or focus at work, missing work or getting to work late a lot, or asking for a lot of time off;
- on-the-job harassment by the abuser, either in person or over the phone; and
- poor employment history or losing jobs.

**Behavior changes** you may notice that could be a sign of abuse include:

- getting nervous, quiet, or “jumpy” when they are around their partner;
- suddenly not being able to do things with you; and
- needing to “check in” with their partner a lot, or constantly getting calls, e-mails, or text messages from their partner.

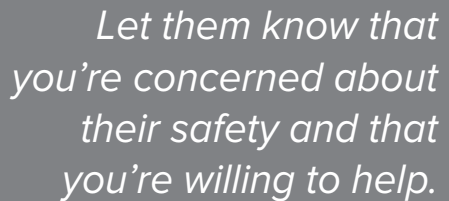
### **How Can You Know for Sure?**

The only way to know for sure if someone you know is being abused is to **ASK**. You should always have this conversation in private. A common myth about people who are abused is that they don't want to talk about what is happening to them. It is true that some people do

try to hide the abuse, but they often do so because they are afraid of being embarrassed, their partner finding out, being blamed, not being believed, or being pressured to do something they're not ready or able to do.

Keep it simple. If there are specific things you have noticed that you are worried about, you might say something like, “I noticed ‘x, y and z’ and I'm worried about you. Is there anything I can do to help?” Or, “It seems like you're stressed out and unhappy. If you want to talk about it now or some other time, I'll keep it between us.”

People are sometimes afraid to approach someone about their concerns because they feel that it is “none of their business,” or that



*Let them know that  
you're concerned about  
their safety and that  
you're willing to help.*

their offer of help will be unwelcome. But the idea that “what happens behind closed doors” is off limits is something that has contributed to the problem of domestic violence. Even if the person is not ready to talk about it when you first approach, they might come to you later now that they know you care. Let them know that you’re concerned about their safety and that you’re willing to help.

***If you ask, be prepared to respond supportively***

There are many things you can do to prepare yourself to offer supportive and empowering assistance.

***Learn about domestic violence*** – Read this guide, talk to an advocate at your local [domestic violence program](#). Read books, or visit websites to learn more about domestic violence. Watch “Finding Safety and Support: The Video” at [www.youtube.com/NYSdomesticviolence/videos](http://www.youtube.com/NYSdomesticviolence/videos). Know what services are available.

***Initiate a conversation in private*** and when you have enough time to talk at length, but only if they want to.

***Let go of any expectations you have*** that there is a “quick fix” to domestic violence or to the obstacles a victim of abuse faces. Understand that not doing anything may very well be the safest thing they can do at any given time.

***Challenge and change any false attitudes and beliefs that you may have about domestic violence.*** Victims aren’t abused because there is something wrong with them. Rather, those who get trapped in these relationships are there because of their abusive partners’ use of violence and control. It is important for you to recognize the courage, resourcefulness and decision-making abilities of victims.

## **What You Can Do**

***Believe them and let them know that you do.*** If you know their partner, it may be hard to believe that they are capable of abuse, but remember that abusers typically act differently in public than they do in private.

***Listen to what they tell you.*** Really listen to them and ask questions to make sure you understand what they are saying. Avoid making judgments and giving advice. They will let you know what they need.

***Build on their strengths.*** Based on what the victim tells you and on what you have seen, point out the ways in which they have

developed ways to cope, solved problems, and showed courage and determination. Even if the things the victim has tried have not been completely successful, help them to build on these strengths.

**Validate feelings.** It is common for victims to have conflicting feelings – love and fear, guilt and anger, hope and sadness. Let them know that these feelings are normal.

**Avoid victim-blaming.** Tell the victim that the abuse is not their fault. Tell them that the abuse is their partner’s problem and responsibility, but don’t “bad-mouth” the abuser.

**Take it seriously.** If you are concerned about their safety, tell them you are concerned without judgment by simply saying, “Your situation sounds dangerous and I’m concerned about your safety.”

**Offer help.** Offer specific forms of help and information, such as providing child care, driving them to appointments, or assisting with pets. If they ask you to do something you’re willing and able to do, do it. If you can’t or don’t want to, say so and help them find other ways to have that need met. Then look for other ways that you can help.

**Be a partner in their safety planning efforts.** The key to safety planning is taking a problem, looking at all of the available options, evaluating the risks and benefits of different options, and figuring out ways to reduce the risks. Offer ideas, resources and information.

**Support and respect their decisions.** Remember that there are risks with every decision a victim makes. If you really want to be helpful, be patient and respect their decisions, even if you don’t agree with them.

### DOs and DON'TS

---

DO	DON'T
Ask	Wait for them to come to you
Express concern	Judge or blame
Listen and validate	Pressure them
Offer help	Give advice

## **What You Can Do if You Know the Abuser**

It is important to consider your own safety any time you are dealing with an abuser. Depending on the circumstances, some of the actions below may be appropriate. Use your judgment.

If you see or hear an incident of domestic violence, you can:

- Call the police. It's important to involve the police if you or someone else is in danger or safety has been threatened.
- Create a distraction to interrupt the behavior.
- Speak up and let the abuser know their actions are not OK.

*Note: Even if you do not know the abuser or the victim, as a bystander you may be able to take the actions above.*

If you think someone you know is abusing their partner, you can:

- Talk to them about your concerns. Keeping quiet about the abuse lets them continue to deny that there is a problem and makes it easier for them to continue abusing their partner.
- Make sure they know there are consequences for being abusive, including:
  - › being arrested;
  - › going to jail or being placed on probation;
  - › losing their partner and family;
  - › losing support from friends;
  - › losing their job; or
  - › having their guns taken away.

*Note: Be careful if you decide to talk to the abuser, even if you believe it is safe for you to do so, especially if you didn't witness the incident. He may think the victim has been talking to you, and that could put the victim at risk. Abusers are generally threatened by anyone who attempts to help the victim in any way.*

## **Considerations for Parents**

As a parent, it is important to know that young people have a unique set of factors affecting their choices regarding dating relationships, including peer pressure, the desire to be popular, lack of dating experience, and mistaking jealous and controlling behavior for “love.” They may be struggling with their sexual orientation and identity. Violence in their dating relationship may cause more stress and lead to more traumatic experiences for these young adults. Many popular movies, songs and video games desensitize our youth to violence, particularly violence against women, and reinforce the stereotype that a girl is a guy’s property and that he is the one in charge.

### **If You Think Your Child Is Being Abused**

Parents and concerned others can keep an eye out for warning signs by answering the following:

- Have they had a recent change in appearance or behavior?
- Do they apologize for their boyfriend or girlfriend’s behavior?
- Do they spend all their time with their boyfriend or girlfriend?
- Does their boyfriend or girlfriend check up on them constantly or use technology to watch or keep track of them (i.e., cell phone, computer, social media)?
- Does their boyfriend or girlfriend call them nasty names or put them down?
- Have they given up interests such as friends, sports, or other extra-curricular activities?
- Are they afraid to break up with their boyfriend or girlfriend?
- Do they have injuries they can’t explain?
- Does their boyfriend or girlfriend hurt themselves, others, or pets?

If you think your child is being abused by a boyfriend or girlfriend, there are things you can do. If you feel uncomfortable discussing these issues directly, or think your child may not talk to you, it may be helpful to print out information about teen dating violence and leave it in a public family area for them to read when they are alone. You can also provide them with contact information for other trusted adults or



helplines. Keep in mind that if this information is kept somewhere the abuser may be able to see, it could be very dangerous. Also, do not confront someone you believe is an abuser until you have helped your child plan for their safety. Although an abuser may seem calm when they are talking with you, they could take out their anger on your child the next time they are alone. Consider contacting your local [domestic violence program](#) for ideas about safety planning and options.

### ***What to do:***

- Just listen. Your son or daughter may need to “vent” about what happened.
- Work hard to show empathy and care for your child, but not shock about what they are saying. If they think you can’t handle what they’re telling you they may be more likely to hide further incidents.
- Tell them that you are sorry the abuse happened and it is not their fault.
- Be supportive of your son or daughter by asking them what they are feeling, and what they want. While you may not be able to give them exactly what they ask for, you can honestly tell them that you will do your best to help them in the ways that are most comfortable for them.
- Share information with them or offer to help them seek assistance, but validate their experience and wishes.
- Reach out to others like coaches, teachers, friends, etc. with your child’s permission. These people can be helpful.
- Talk to experts. You don’t have to have all the answers. There are people who can help. See our Resources pages for more information.

### ***What NOT to do:***

- Don’t judge or scold them.
- Don’t forbid them from seeing the abuser.
- Don’t approach an abuser without your child’s guidance about when, how, and where to do so.
- Don’t tell them how to handle the situation.

- Don't force your child to make a certain choice unless you truly feel it is the only choice for their safety and you have discussed your concerns with them extensively.
- Don't provide explanations or solutions for what has happened.
- Don't give advice, unless they ask for it.

### **If You Think Your Child Is an Abuser**

#### ***What to do:***

- Talk to your child about what you've seen or heard that concerns you. Keeping quiet about the abuse lets them continue to deny that there is a problem and makes it easier for them to continue abusing their partner.
- Make sure they know there are consequences for being abusive, including:
  - › being arrested;
  - › being expelled from school;
  - › being barred from participating in school activities like sports, dances, extracurricular events; or
  - › losing support from friends.
- Let them know you care about them and that you want to help.
- Set a good example by having healthy relationships with the people in your life.

#### ***What NOT to do:***

- Don't support the abuse by letting them blame their partner. Being abusive is your child's choice and nothing their partner does justifies the behavior.
- Don't turn against them or make them feel like they are a horrible person. It's important to let them know that you support them even though you disagree with their choices and behavior.
- Don't assume the problem will just go away. Keep talking to your child about the abuse and offer to listen and support their efforts to change.

# NEW YORK STATE LAWS THAT CAN HELP PROTECT YOU

---

## Voting

You may request a “[Special Absentee Ballot](#),” which will allow you to vote without having to go to a public polling place. You must complete a form to request this ballot at your County Board of Elections. To find the location of your [County Board of Elections: bit.ly/NYSElectionsCountyBoards](#).

You may also keep your voter registration records confidential. You must apply to the Supreme Court, in the county where you live, for a court order requiring the County Board of Elections to keep your registration information (including residential address) separate and not available to the public. To locate the Supreme Court in your county: [bit.ly/NYSCourts](#).

## Unlisted Phone Number

You may request a new, unlisted phone number from your phone company or your cable television company (does not apply to cell phones). In order to be eligible, you must have a current order of protection and provide a copy of the order, if the company requests it. After your request is made, the company must provide the new number within 15 days. If you keep your current number, you can have it unlisted or have the option to list it under an alternative name or address. Call the customer service number on your phone bill for assistance.

## Unemployment Insurance

You may be eligible for unemployment insurance benefits if you had to leave your job because your safety, or the safety of your immediate family member, was at risk. To receive benefits, you must complete an application to the NYS Department of Labor, either by phone or online. Information about eligibility, how to apply, necessary documents, and preparing for an eligibility interview can be found at: <http://opdv.ny.gov/help/uibenefits.pdf>.

## **Health Insurance Information**

If you or your children are covered by health insurance (individual, group or HMO) and your spouse or partner is the policyholder, you can request confidentiality if you let your insurance company know that sharing information with your spouse/partner could put you or your children in danger. Your insurance company can require that you make this request in writing. By making this request, you can direct that your or your children's insurance claims, forms, billing information, etc., be sent to a confidential address that you choose. Your address and telephone number will also be protected. Any description of health care services provided, as well as the address and telephone number of the provider, will also be kept confidential. This law also applies to accident/auto insurance when you receive medical care for an accident. Contact your insurance company for additional information on how to request this option.

## **Terminating a Rental Lease**

You may be able to get an order from housing court (NYC only) or Supreme Court terminating your lease or rental agreement if you have an order of protection and can prove that you would be at substantial risk if you remain in your apartment/home. The law requires multiple steps. You must show the court that you told your landlord of your intent to move, that you asked him/her to release you from the lease and that your landlord refused. You must also show that you do not owe any money to your landlord. The judge can decide to terminate the lease, even if your landlord objects. If you have a roommate who wants to remain in the apartment, you must show the court that you notified them of your intent to move and be taken off the lease. The judge can take you off the lease, even if your roommate objects. You may wish to contact a local domestic violence program to discuss the process, your rights and options.

## **No-Fault Divorce**

No-fault divorce means that if you want to be divorced, you may file papers swearing that the marriage is "irretrievably broken" (it can't be fixed) and that it has been that way for six months or longer. Your

spouse cannot prevent the divorce by answering that they believe the marriage can be fixed. The law requires that all matters relating to the marriage – maintenance (spousal support), child support, child custody and visitation, and division of property – must be agreed upon by the parties or decided by the court before the divorce can be granted. Neither spouse has to say anything bad about the other, which may make no-fault divorce a safer option for victims of domestic violence.

New York has a mathematical formula for determining spousal support while a divorce action is pending. If one spouse earns a significantly higher income than the other, the spouse with the lower income may be entitled to temporary support while the divorce is being handled by the courts. This can also be helpful for victims who are trying to support themselves and become independent.

For information about any new laws that have passed, go to: <http://www.opdv.ny.gov/law/index.html>

**1-800-942-6906**

**NYS Domestic and Sexual Violence Hotline**

English & español, Multi-Language Accessibility

National Relay Service for Deaf or Hard of Hearing: 711

**CONFIDENTIAL**

**24 HRS/7 DAYS**

**In NYC: 311 or 1-800-621-HOPE (4673)**

**TDD: 1-866-604-5350**

## **Documenting Stalking**

Keeping a record of issues and concerns is very important. Even if you do not pursue immediate legal action, tracking the stalker’s behavior toward you can show a pattern that can help build a future case or help identify an unknown stalker.

The sample log below shows an example of a form that can be used to record any and all incidents and contacts involving a stalker. Please keep in mind that stalkers will probably see any log, journal, and/or other information used as evidence in criminal prosecutions against them. Therefore, document only the facts of the case and do not include any personal information that you do not want the stalker to see.

### **Sample Documentation Of Stalking Incidents**

<b>Date &amp; Time</b>	<b>Location</b>	<b>Description</b>	<b>Response</b>	<b>Witness(es)</b>
12/3/13 @ 2:50 pm	New home	As I was unpacking in my new apartment with my friend and neighbor, Mary Smith, my ex-boyfriend John Doe called me on my cell phone. He said that he knows where I am and he'll kill me if I meet someone new.	I hung up right away and told Mary Smith about the call and she called the police. I told the officer that we lived together for 2 years before we broke up last month. Officer Jackson completed a DIR under incident #10-12398.	Mary Smith was in the room when John called.
12/4/13 @ (1) 4:30 pm (2) 5:30 pm (3) 9:15 pm (4) 10:30 pm	4 texts made to my cell phone while I was working at 7-Eleven on Main Street.	While I was at work, John Doe sent 4 text messages. In the first 2, he apologized for calling and scaring me and asked if I was mad at him. Text 3 said that he still loves me and wants to be part of my life. In text 4, he wrote "YOU'D BETTER CALL ME BACK NOW!"	I did not call him back. I saved all 4 text messages to my cell phone.	None

## Chris's Story

---

*I left my partner not because I didn't love him, but because I couldn't take it anymore. And it would have been very difficult, if not impossible to leave if it wasn't for my family and my co-workers.*

*His controlling behaviors were subtle at first, then it turned into harassment and then harassment turned into stalking. If my daughter and I went out for the day, he would find out where we were going, and he would follow us, and then he would cause a terrible scene. He needed to know where I was, and who I was with every moment of the day. He called me a lousy parent, he said I was pathetic, and a loser.*

*There were many days that I was late for work and there were days that I couldn't go at all. I was so exhausted from being up all night. I was making so many mistakes. Because of my time and my attendance, and then my performance issues, I was so frightened I was going to lose my job. One of my co-workers saw what was going on with me and she reached out to me. She didn't tell me what to do, she just let me know that she was there, if I needed help.*

*He did his best to keep me away from my family and my friends. My mother and my sister both expressed concern for me constantly. They too let me know that they were there if I needed help.*

*Things started getting worse at home. He gave me an "allowance" to run the house. Okay, no big problem. Then he cancelled my cell phone service and my credit cards. When I tried to talk to him about it, he blew up. He threw a frying pan across the room, and it hit my daughter.*

*It was then that I knew this had to stop. If not for my sake, for her sake. That was it. What could I do? I remembered that one of my co-workers suspected that I was in trouble so I reached out to her. She listened to me. She did not question me. She did not judge me. She gave me the number to the domestic violence hotline and a booklet with very helpful information. She also reminded me that our company had a Domestic Violence In The Workplace Policy that outlined and showed how they could help if I needed assistance.*

*Although I was terrified of what would happen if I did move forward, or what would happen if I didn't, my coworker took the most important step in reaching out to me. Although I had a lot of decisions and choices to make, the information and the support that she gave me, it just made me feel like there was a better, another life out there for me. She gave me hope.*

*If you suspect that anyone that you work with might be a victim of domestic violence, please, please reach out to them. Your offer of help will be remembered if and when they need you.*

Excerpt from "[Finding Safety & Support: The Video](#)"

## **RESOURCES**

---

### **DOMESTIC VIOLENCE HOTLINES**

Your local hotline can provide you with information on domestic violence resources in your community. For the hotline number of your local domestic violence program, call the NYS Domestic and Sexual Violence Hotline.

**NYS Domestic and Sexual Violence Hotline  
1-800-942-6906**

English & español, Multi-language Accessibility

National Relay Service for Deaf or Hard of Hearing: 711

In NYC: 1-800-621-HOPE (4673) or dial 311 TTY: 1-866-604-5350

For a listing of domestic violence hotlines by county, go to:  
<https://www.nyscadv.org/find-help/program-directory.html>

### **ADDITIONAL NEW YORK STATE**

#### **RESOURCES *Other Hotlines In New York State***

**New York State Child Abuse Hotline**  
1-800-342-3720

**New York State Adult Abuse Hotline**  
1-800-342-3009, press option 6

**New York State Office for the Aging Helpline**  
1-800-342-9871

**New York State Department of Health – Growing Up Healthy**  
Hotline 1-800-522-5006 TTY: 1-800-655-1789

- › Provides information about health care, nutrition and other health and human services.

#### ***Other New York State Resources***

**New York State Office for the Prevention of Domestic Violence**  
[www.opdv.ny.gov](http://www.opdv.ny.gov)

**New York State Coalition Against Domestic Violence**  
[bit.ly/NYSCADV](http://bit.ly/NYSCADV)



**New York City Mayor's Office to Combat Domestic Violence** [bit.ly/NYCMayorDV](https://bit.ly/NYCMayorDV)

**New York State Coalition Against Sexual Assault**  
[bit.ly/NYSCASA](https://bit.ly/NYSCASA)

## ***Children***

**New York State Office of Children and Family Services**  
[bit.ly/NYSOCFS](https://bit.ly/NYSOCFS)

- › Child abuse;
- › Child care; and
- › Protective services for adults.

**Prevention Information Resource Center/Parent Helpline**  
1-800-244-5373  
[bit.ly/PreventChildAbuseNY](https://bit.ly/PreventChildAbuseNY)

## ***Criminal Justice***

**Order of Protection Notification (SAVIN-NY)**

<https://oop.nyalert.gov>

- › This system allows victims who have a Family Court order of protection to register to be notified when the order of protection has been served.

**Victim Information and Notification Everyday (VINE)**

1-888-VINE-4NY (846-3469)

[bit.ly/DOCCSVINE](https://bit.ly/DOCCSVINE)

- › Crime victims can receive information related to the crime, sentence and release date of persons serving sentences in New York State prisons.

## ***Employment Assistance***

**New York State Department of Labor**

- › For information on employment opportunities:  
[bit.ly/CareerCenterLocator](https://bit.ly/CareerCenterLocator)
- › For information on unemployment insurance:  
[bit.ly/NYSLabor](https://bit.ly/NYSLabor)

## ***Financial Assistance***

**New York State Office of Victim Services**

[www.ovs.ny.gov](https://www.ovs.ny.gov)

## Resources

---

- Provides financial compensation to crime victims for certain expenses related to their victimization.

Main Office, Albany: (518) 457-8727

New York City Office: (718) 923-4325

Buffalo Office: (716) 847-7992

Hotline: 1-800-247-8035

### **New York State Office of Temporary and Disability Assistance (OTDA)**

1-800-342-3009

[bit.ly/NYSOTDA](http://bit.ly/NYSOTDA)

For information on temporary services for:

- Victims of domestic violence;
- Immigrant victims of domestic violence; and
- Minor teen victims of domestic violence.

### **New York State Department of Social Services by County**

[bit.ly/CountyDSS](http://bit.ly/CountyDSS)

### **“SNAP” (formerly Food Stamps) and Energy Assistance**

[bit.ly/NYSMyBenefits](http://bit.ly/NYSMyBenefits)

### **NYC Emergency Food Line**

1-866-888-8777

## **Health**

### **New York State Department of Health**

[bit.ly/DOHHelpline](http://bit.ly/DOHHelpline)

For information on:

- › Medicare and Medicaid;
- › Family Health Plus (health insurance for adults);
- › Child Health Plus (health insurance for children);
- › Special Supplemental Nutrition Program for Women, Infants and Children (WIC);
- › Prenatal Care Assistance Program (PCAP); and
- › Elderly Pharmaceutical Insurance Coverage (EPIC).

### **New York State of Health**

855-355-5777 TTY: 800-662-1220

[bit.ly/NYSHealth](http://bit.ly/NYSHealth)

For information on New York’s Affordable Care Act Health Insurance

**New York State HIV/AIDS**

1-800-541-AIDS (2437)

[www.health.ny.gov/diseases/aids/](http://www.health.ny.gov/diseases/aids/)

**New York State Justice Center**

1-855-373-2122 (24/7 Hotline)

[bit.ly/Justicecenter](http://bit.ly/Justicecenter)

For information on:

- › Protection of people with special needs; and
- › Vulnerable Person Central Register

**New York State Office of Alcoholism and Substance Abuse Services (OASAS)**

1-800-522-5353

[bit.ly/OASAS](http://bit.ly/OASAS)

**New York State Office of Mental Health**

1-800-597-8481

[bit.ly/NYSOMHhome](http://bit.ly/NYSOMHhome)

***Human Trafficking***

**New York State Office of Children and Family Services**

[ocfs.ny.gov/main/humantrafficking/](http://ocfs.ny.gov/main/humantrafficking/)

**Safe Horizon**

[bit.ly/SafeHorizonhome](http://bit.ly/SafeHorizonhome)

**Sex Workers Project at the Urban Justice Center**

646-602-5617

[bit.ly/SexWorkersProject](http://bit.ly/SexWorkersProject)

***Immigration***

**New York State Office of Temporary and Disability Assistance  
Bureau of Refugee and Immigrant Assistance**

[bit.ly/OTDABRIA](http://bit.ly/OTDABRIA)

***Legal:***

**Empire Justice Center**

[bit.ly/EmpireJustice](http://bit.ly/EmpireJustice)

**Teens:**

**Day One**

1-800-214-4150

[www.dayoneny.org](http://www.dayoneny.org)

**The Door**

212-941-9090

[bit.ly/TheDoorhome](http://bit.ly/TheDoorhome)

## **NATIONAL RESOURCES**

**National Domestic Violence Hotline**

1-800-799-SAFE (7233) TTY: 1-800-787-3224

[bit.ly/NationalDVHotline](http://bit.ly/NationalDVHotline)

**National Sexual Assault Hotline**

1-800-656-HOPE (4673)

[bit.ly/RAINNhome](http://bit.ly/RAINNhome)

**National Dating Abuse Helpline**

1-866-331-9474 TTY: 1-866-331-8453

[bit.ly/LovelsRespect](http://bit.ly/LovelsRespect)

**ASISTA**

515-244-2469

[bit.ly/ASISTA](http://bit.ly/ASISTA)

- Information for advocates and attorneys working on domestic violence and sexual assault cases involving immigration issues.

**ASPCA**

1-866-720-2676

[bit.ly/ASPCADV](http://bit.ly/ASPCADV)

Information on the link between animal cruelty and domestic violence.

**Futures Without Violence**

415-678-5500 TTY: 1-800-595-4889

[bit.ly/FutureswoViolence](http://bit.ly/FutureswoViolence)

**LawHelp.org**

[bit.ly/LawHelphome](http://bit.ly/LawHelphome)

Help finding legal assistance in your community.

**National Coalition Against Domestic Violence**

303-839-1852

[bit.ly/NCADVorg](http://bit.ly/NCADVorg)

**National Coalition of Anti-Violence Programs**

212-714-1141

[avp.org/ncavp/](http://avp.org/ncavp/)

**National Online Resource Center on Violence Against Women (VAWnet)**

[bit.ly/VAWnetHome](http://bit.ly/VAWnetHome)

**National Suicide Prevention Lifeline**

1-800-273-TALK (8255)

[bit.ly/SPLifeline](http://bit.ly/SPLifeline)

**Polaris Project National Human Trafficking Resource Center**

1-888-373-7888

[bit.ly/NationalHumanTraffickingResourceCenter](http://bit.ly/NationalHumanTraffickingResourceCenter)

**WomensLaw.org**

[bit.ly/WomensLaw](http://bit.ly/WomensLaw)

- State-by-state legal information and resources for domestic violence.

**1-800-942-6906**

**NYS Domestic and Sexual Violence Hotline**

English & español, Multi-Language Accessibility

National Relay Service for Deaf or Hard of Hearing: 711

**CONFIDENTIAL**

**24 HRS/7 DAYS**

**In NYC: 311 or 1-800-621-HOPE (4673)**

TDD: 1-866-604-5350

## **Personalized Resources**

You may remove this page from the booklet to keep in a safe place. It is often hard to keep track of all of the different names, phone numbers, and places you have to remember when getting help or services. You can use the spaces below to record the contact information for the people you are working with. You can personalize this sheet in any way that is helpful to you. Some of the people and places you might want to include are:

- Domestic Violence Program Advocate;
- Assistant District Attorney;
- Police;
- Courts;
- Attorneys - Family Court, Immigration, Divorce, etc.;
- Hospital/Medical Clinic; and
- Job Centers.

Name: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

---

Name: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

---

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

---

## **Acknowledgments**

This publication is dedicated to all the survivors and victims of domestic violence from whom we learn all that we know.

OPDV would like to thank the staff for their diligence and commitment to excellence in the writing, review, editing, and layout of this document.

An on-line version of the guide is available at <http://www.opdv.ny.gov/help/fss/fss.pdf>

“Finding Safety & Support: The Video” is a companion piece to this booklet, produced in three short segments and comprised of a combination of dramatization and portrayed testimonials. The topics: Identifying Abuse, Planning for Safety and Getting Involved, along with the theme, “Don’t Do Nothing” are designed to raise awareness of the signs of domestic violence and provide ideas, suggestions and model behaviors. The goal is to encourage individuals to broach the subject with a friend or a loved one who may be abused in an intimate relationship, and let them know that help is available. Musician Natalie Merchant features in corresponding public service announcements.

All pieces can be viewed at [www.youtube.com/NYSdomesticviolence/videos](http://www.youtube.com/NYSdomesticviolence/videos)

(Copyright) ©1996, 2000, 2008, 2010, 2014, 2017, 2018  
New York State Office for the Prevention of Domestic Violence. (NYSOPDV)

All rights reserved.

If you would like permission to use any part of this publication, please put your request in writing to the attention of the Public Information Officer at [opdvpublicinfo@opdv.ny.gov](mailto:opdvpublicinfo@opdv.ny.gov). Please identify the section requested, how the material will be used, and where it will be published. This material cannot be reprinted without the express authorization of the New York State Office for the Prevention of Domestic Violence.

New York State Office for the Prevention of Domestic Violence  
(518) 457-5800 Fax (518) 457-5810

[www.opdv.ny.gov](http://www.opdv.ny.gov)

**1-800-942-6906**

**NYS Domestic and Sexual Violence Hotline**

English & español, Multi-Language Accessibility

National Relay Service for Deaf or Hard of Hearing: 711

**CONFIDENTIAL**

**24 HRS/7 DAYS**

**In NYC: 311 or 1-800-621-HOPE (4673)**

TDD: 1-866-604-5350



**Office for the  
Prevention of  
Domestic Violence**