



## **SAFETY PLANNING**

### **DURING LEGAL PROCEEDINGS**

#### ***If you already have a Protective Order (PO) in place:***

- ❖ Read your order and know what it says.
- ❖ Know what kind of protective order you have and when it expires.
- ❖ Have multiple copies of your order—one with you at all times, one in your car, one at your office, one at your front door, one at the back door, one at your child(ren)’s school(s) if they are included in the order. Enlist the help of other people in your life: provide a copy to your employer; provide a copy to your school; and talk to your neighbors, family, and friends, and advise them of the order.
- ❖ Call 911 if your abuser violates the order. (Don’t warn him/her that you are going to call by saying “I’m going to call the police!” JUST DO IT!!) Tell the 911 operator that you have a protective order and that the abuser is violating the order.
  - If you fail to call, you will likely be unable to prove the violations later, and the abuser faces no consequences.
  - When you do call, law enforcement will arrest the abuser for violation of a court order.
  - It becomes a felony offense if the abuser violates the order three times (and it is reported), punishable by time in prison.
- ❖ Cooperate with the police and district attorney. Ask that they press charges against your abuser. Be proactive about reaching out to them.
- ❖ Stop communicating with your abuser. No texts, no phone calls, no emails, no visits, no Facebooking with him/her, no meetings to “talk about your relationship.” Block the abuser’s number. “Unfriend” him/her. De-activate your own Facebook account. Change your own phone number. Move to a safe place if you have to in order to be safe.
  - The **exception**: if you already have a child support and/or custody order that requires that you communicate with your abuser...*unless* your PO is a “No Contact” PO.
- ❖ If you already have a child support and/or custody order in place, carry a complete copy with you and know when you have a right to have your child(ren) and when your abuser has a right to have the child(ren).

#### ***If you are seeking a Protective Order (PO):***

- ❖ Stop communicating with your abuser. No texts, no phone calls, no emails, no visits, no Facebooking with him/her, no meetings to “talk about your relationship.” Block the abuser’s number. “Unfriend” him/her. De-activate your own Facebook account. Change your own phone number. Move to a safe place if you have to in order to be safe. Remember that you are going to try to convince the judge that you are AFRAID of your abuser.

- The **exception** to this: if you already have a child support and/or custody order that requires that you communicate with your abuser.
- ❖ Continue to report all incidents of violence to the police. Call 911 if your abuser harms or threatens you or your children. (Don't warn him/her that you are going to call by saying "I'm going to call the police!" JUST DO IT!!) Document what happens and when it happens.
  - If you fail to call, you will likely be unable to prove the violations later, and the abuser faces no consequences.
  - When you do call, law enforcement will arrest the abuser for violation of a court order.
  - It becomes a felony offense if the abuser violates the order three times (and it is reported), punishable by time in prison.
- ❖ Cooperate with the police and district attorney. Ask that they press charges against your abuser. Be proactive about reaching out to them.
- ❖ Go to a clinic/hospital/doctor to document the injuries.
- ❖ Photograph any injuries. Take a series of photos, at least one of which should include your face and body (a "selfie"), as well as photos of the actual injuries/bruising.
- ❖ The list above is especially true if your request for protective order is based on violence toward your child(ren).
- ❖ If the violence is against your child(ren), cooperate with CPS.
- ❖ If you already have a child support and/or custody order in place, carry a complete copy with you and know when you have a right to have your child(ren) and when your abuser has a right to have the child(ren).
- ❖ Enlist the help of other people in your life: talk to your employer, your school (teachers and administrators), your neighbors, and your family and friends. Let them know about your situation.

### ***If you are seeking a divorce from your spouse:***

- ❖ Stop communicating with your abuser. No texts, no phone calls, no emails, no visits, no Facebooking with him/her, no meetings to "talk about your relationship." Block the abuser's number. "Unfriend" him/her. De-activate your own Facebook account. Change your own phone number. Move to a safe place if you have to in order to be safe.
  - The **exception** to this: if you already have a child support and/or custody order that requires that you communicate with your abuser.
- ❖ **If you already have a child support and/or custody order in place:**
  - Read the order and know what it says and know when you have a right to have your child(ren) and when your abuser has a right to have the child(ren). Follow the order unless your attorney tells you otherwise.
  - Have another person with you—a friend, family member, pastor, neighbor—when the child(ren) are to be exchanged. This person can serve as a deterrent to violence and as a witness if needed.
  - Carry a complete copy of the order with you.
  - Failure to comply with your order could land you in jail.
  - Repeated failure to comply with your order could provide your abuser the opportunity to request the order be changed to his/her favor.
- ❖ **If you are married and no court order exists** that specifically identifies times when each parent can have access to the child(ren):

- EITHER of you has a right to have the child(ren), and it will be presumed by the court to be by agreement. This means **YOU DO NOT HAVE TO LET YOUR ABUSER HAVE ACCESS TO YOUR CHILD(REN) IF YOU DO NOT HAVE AN ORDER SIGNED BY A JUDGE**. This also means that your abuser does not have to return the child(ren) to you if you do not have an order signed by a judge.

❖ **If your abuser does manage to get possession of your child(ren) and you do not have an order in place:**

- You can choose to attempt to recover your child(ren) from your abuser, but, if you do, **DO NOT** go alone.
- Recognize that your abuser may use your child(ren) to continue to control you by asking you for a meeting to “discuss your relationship,” or insisting that you return, or requiring you to do things you may not otherwise want to do. Any continuing contact is another opportunity for your abuser to be violent toward you.
- You can contact law enforcement and ask for assistance. Again, they may or may not provide the assistance you want.
- You can request a “welfare check” on your child(ren) at the address you believe the abuser is. Law enforcement will visit the address to check on the welfare of the child(ren) but will **NOT** attempt to take possession of the child(ren).
- You may attempt to collect your child(ren) from school or daycare. Again, schools and daycares may or may not be cooperative in the absence of a court order.
- Do not create a scene if you attempt to collect your child(ren). Law enforcement may be called against you for disturbing the peace or other.

***If you are seeking a Suit Affecting the Parent-Child Relationship (custody) case or a Modification of an existing order:***

- ❖ Stop communicating with your abuser. No texts, no phone calls, no emails, no visits, no Facebooking with him/her, no meetings to “talk about your relationship.” Block the abuser’s number. “Unfriend” him/her. De-activate your own Facebook account. Change your own phone number. Move to a safe place if you have to in order to be safe.
  - The **exception** to this: if you already have a child support and/or custody order that requires that you communicate with your abuser.
- ❖ **If you already have a child support and/or custody order in place:**
  - Read the order and know what it says and know when you have a right to have your child(ren) and when your abuser has a right to have the child(ren). Follow the order unless your attorney tells you otherwise.
  - Have another person with you—a friend, family member, pastor, neighbor—when the child(ren) are to be exchanged. This person can serve as a deterrent to violence and as a witness if needed.
  - Carry a complete copy of the signed order with you.
  - Failure to comply with your order could land you in jail.
  - Repeated failure to comply with your order could provide your abuser the opportunity to request the order be changed to his/her favor.

❖ **If you DO NOT already have a court order in place:**

- Depending on your particular circumstances, the police may or may not get involved if you allow your abuser to have access to his/her child(ren).
- Police/law enforcement are not attorneys or judges. If you do not have a custody order, they may be unwilling to intervene.
- This means **YOU DO NOT HAVE TO LET YOUR ABUSER HAVE ACCESS TO YOUR CHILD(REN) IF YOU DO NOT HAVE AN ORDER SIGNED BY A JUDGE.**

❖ **If your abuser does manage to get possession of your child(ren) and you do not have an order in place:**

- IF YOU ARE MARRIED TO YOUR ABUSER, EITHER of you has a right to have the child(ren), and it will be presumed by the court to be by agreement. This means YOU DO NOT HAVE TO LET YOUR ABUSER HAVE ACCESS TO YOUR CHILD(REN) IF YOU DO NOT HAVE AN ORDER SIGNED BY A JUDGE. This also means that your abuser does not have to return the child(ren) to you if you do not have an order signed by a judge.
- You can choose to attempt to recover your child(ren) from your abuser, but, if you do, DO NOT go alone.
- You can contact law enforcement and ask for assistance. Again, they may or may not provide the assistance you want.
- You can request a Welfare Check on your child(ren) at the address you believe the abuser is. Law enforcement will visit the address to check on the welfare of the child(ren) but will NOT attempt to take possession of the child(ren).
- You can attempt to collect your child(ren) from school or daycare. Again, schools and daycares may or may not be cooperative in the absence of a court order.
- Do not create a scene if you attempt to collect your child(ren). Law enforcement may be called against you for disturbing the peace or other.