

**Women's
Justice Center**



**Centro de Justicia
Para Mujeres**

**250 Sebastopol Rd.
Santa Rosa, CA 95407
(707) 575-3150**

E mail: rdjustice@monitor.net

Tips for Social Workers, Counselors, Health Workers, Teachers, Clergy, and Others Helping Victims of Rape, Domestic Violence, and Child Abuse

Index:

[Introduction](#)

Part I: [Connect Your Client to Professional Help](#)

Part II: [Help Your Client Build a Support System](#)

Part III: [Track and Monitor Your Client's Case](#)

Part IV: [Make the System Work for Your Client](#)

Part V: [Know Your Client's Rights](#)

Part VI: [Obtain Written Materials for Your Client at \[www.justicewomen.com\]\(http://www.justicewomen.com\)](#)

Introduction

As a social worker, counselor, teacher, clergy, or health worker, even if you have no formal training on violence against women and children, you're in an excellent position to help your client break free of the violence. Caring, common sense, and a couple of tips, combined with the professional skills you already have, are all you need. Moreover, you can do this without expending inordinate amounts of time and energy.

One of the reasons your role is so vital is that the agencies and individuals your clients will be dealing with generally have fragmented responsibilities. Most likely no one individual will be overseeing the big picture. So even if the only thing you do is monitor your client's case and make sure she doesn't fall through the cracks, you can save her life literally and figuratively.

Another reason your role is pivotal is that although most individuals in the system will be helpful to your client, there are still a significant number who are hostile to these cases. It only takes one such hostile official to bump your client out of the system and back into

isolation and despair. It's in encounters with these individuals, that quick intervention on your part will make all the difference in the world.

The following outline should help you guide and monitor your client through her ordeal and up and out of the violence. It is designed for use both as a workshop outline and as a guide you can consult with individual clients. And just so you yourself don't get discouraged, keep in mind that much of what we've written here takes longer to read than to actually do.

Also, because this guide is created as an overview, not every item will necessarily apply to your client. It's also certain there will be measures we've left out. As always, the unique circumstances of your client and your own professional instincts will be your most accurate guide of all.

Connect Your Client to Professional Help

Identify and Prioritize Your Clients Fears, Dangers, and Needs: You've probably already noticed that victims of violence against women are often so frantic and frightened they can't focus. Help your client prioritize which needs have to be dealt with immediately, and which can be temporarily left until later. Throughout the discussion, ask your client detailed questions about her fears and about specific threats that have been made by the perpetrator. Treat these fears and threats very seriously.

A core feature of violence against women is the near certainty that as the victim attempts to liberate herself, the perpetrator will take ever escalating steps to pin the victim back under his control - and he will continue to do so until enough power of the system is marshaled to stop him.

It's her fears of escalating violence and retaliations, usually more than anything else, that keeps the victim pinned in place. These fears frequently paralyze victims again and again during their efforts to escape. And the victim is right. The dangers are very real, and her situation will, in fact, get more dangerous as she attempts to free herself. The perpetrator will attempt to do whatever it takes to defeat her. (As just one indication of the validity of her fears, the majority of domestic violence homicides occur as the victim is attempting to leave.) The near certainty of escalating dangers is often the most significant, and unfortunately the most frequently overlooked, answer to the perennial question "why doesn't she just leave".

As such, a critical first step for you is to identify, validate, and address the heightened dangers your client will face. Effectively blocking the perpetrator's ability to continue his control over your client should be uppermost in determining the referrals you give to your client. Naturally referrals to law enforcement are primary. But the individual circumstances of your client's case may also require help from housing authorities, counselors, school officials, family law services, and more. The key is to adequately assess the dangers in her path, and then connect her to the people who can eliminate the dangers. Then she'll be able to focus on all the rest.

Note: For an easy to use assessment tool to help you evaluate and prioritize the full range of your client's needs, see ["Tips for Talking with a Friend"](#). This can be found on our web site at

www.justicewomen.com or in our booklet, Tips for Helping a Friend.

Give Effective Referrals: Because of the dangers and intense anxieties experienced by victims of violence against women, most victims find it extremely difficult to make that first cold call to an unknown agency. Simply handing a woman a referral card will most likely fail to get her connected to the services you intended.

So here are some suggestions for making referrals that really work:

- One approach is to ask your client for permission for you to make the first exploratory phone call to an agency. Get permission from your client for you to give an outline of her situation, and permission for you to give her contact information to the service provider.
- Another approach is to have the victim make the call from your office with you at her side. Even if you aren't able to immediately connect with the appropriate person, at the very least, you will have helped the victim break the ice. You will have gotten a real name of a real person who she can contact later.
- **If you refer your client to the police,** consider calling the police yourself and having the police come to your office to take the report. The police report is going to be the most important document in your client's case. Having the police take the report at your workplace is not only safer and more comfortable for the victim, it's also good assurance that the officer won't brush off your client's case or give her short shrift. If you can be physically present while your client reports to police, there is no better way to discourage police mishandling of the case. But even if you can't be physically present, just having the officer respond to your workplace, meeting the officer on arrival, and providing the space, is a good hedge against mistreatment.
- **Obtain a written confidentiality release from your client.** Many officials won't talk with you without a written release from your client. So be sure and have one ready to fax. Early on, have your client write you an all-purpose, dated, signed release. The simpler the better. For example: "To whom it may concern, I am giving permission for my social worker, Anna Perez, to talk with anyone about my rape case in order to help me with the case." That covers it.
- **Instruct your client early on how to keep a notebook.** Better yet, help her start and organize a notebook. Over the long course of getting out of a violent situation, she's going to be barraged by names, case numbers, addresses, dates, legal terms, charges, and endless lists of things to do. Writing it all down in one notebook is essential to putting her in control of the chaos.
- **Educate Your Client on how to Communicate Effectively with the System.** This may seem a mundane point against the many urgencies your client is experiencing. But one of the reasons many victims get brushed aside is because the systems don't yet generally deal well with the characteristic communication problems of victims of rape and domestic violence.
- Severe trauma and real fears frequently lead to a communication style that is frantic, incoherent, and fragmented. It's invaluable if you can help your client develop an effective telling of her story and her needs. Though officials and advocates should understand how to handle this difficulty, many simply turn off to the victim, judge her to be crazy, and one way or the other try to get rid of her. The criminal justice system is

particularly intolerant of what they judge to be 'hysterical females'. For obvious reasons, once a victim senses this contempt and intolerance from the people she expects to help her, it makes her even more frantic, and a vicious circle ensues. Explain this dynamic to your client. Give her a few tips on how to express the intensity of her situation without losing control of the communication.

- Educate your client to the different roles of the officials and providers she'll be dealing with. Helping your client think like a detective when she's with police, and think like a therapist when she's with a therapist, will enhance the response she gets from various professionals. It will also help move her into an active rather than passive role in her own liberation.
- Traumatized victims often leave incomplete or incomprehensible telephone messages. Instruct your client to leave her name and phone number very slowly, and to leave ample contact information. Instruct her how to briefly summarize her situation and her request on a message machine.
- **Make sure your client has a fully functioning and reliable telephone and message system of her own.** The hard reality is that many agencies will make one try at a return phone call and that's it. And because victims frequently temporarily lose their phone service or flee their living situation, make sure your client has, and routinely gives out, a reliable alternate contact number, the number of someone with whom she will always be in contact.
- **Insist on Good Translations.** If your client does not speak English well, she has a constitutional right to good translations in all her interactions with public agencies. And it is the obligation of the public agency to provide the interpreters. It is particularly critical in cases of rape, domestic violence, and child abuse that law enforcement never use family members or acquaintances as interpreters for the victim. For a more detailed discussion see "[Special for Immigrant Women](#)" on our web site at www.justicewomen.com or in our bilingual booklet of the same title.

Help your client brainstorm and build a support system

In most cases it's going to take your client many months to unravel the abusive relationship and rebuild a new life. Violence against women and children is not a violent incident, or even a series of violent incidents. Violence against women is most often a violent regime in which the victim is trapped, double trapped, and triple trapped. It is a totalitarian system of violence that has ensnared every aspect of her life. She's going to need lots of help from lots of different people over an extended period of time.

The dilemma is that right at the time she needs copious help from others, she's likely to be in a state of acute or chronic isolation. It's almost certain the perpetrator has poisoned key relationships in her life, and will continue to do so at any opportunity. And even if he hasn't done so directly, because he is violent, many of her associates will be afraid or reluctant to side with her, again right at the time she most needs support. By the time she talks with you, your client has probably already suffered the additional trauma of people pulling away.

If your client is like many victims of violence against women, her response to the question of who can help her will often be "nobody". And that's where you come in. As a community

professional you have immense sway in bringing others around to support your client.

Brainstorm with your client a list of people who might help with any one of a number of tasks: such as accompaniment to appointments, an afternoon of childcare, transportation, a person to call when she needs to talk, a person to help her with paperwork, someone to help her get information, a place to stay for a night when she's scared, etc.

Explain to your client that her support people don't necessarily have to be people she knows well. And they don't have to be experienced with violence against women. Explain to her that she doesn't have to tell them everything in order to ask for help. Have her mentally scan her constellation of neighbors, coworkers, her kids' teachers, church members, family and extended family, for anyone in her social contact who is smart and caring. Keep going until you get a starter list of four or five people.

Consider making the first contact for your client. Victims of violence against women are often so beaten down, the thought of reaching out and asking others for help is downright terrifying. In addition, many good people still harbor prejudices and misconceptions about violence against women. At least at the beginning, consider making the initial contact with potential support persons yourself.

Your professional standing and your willingness to educate will in all likelihood generate a "yes" from the same person who would have initially given a "no" to the same request from your client. In our experience, when private individuals are asked by a professional like yourself to help in a case of domestic violence or rape, they are flattered, they take the request very seriously, they follow-up, and they rarely, if ever, say no.

The five or ten minutes that you spend on the phone with a potential support person will come back to your client a hundred fold. In addition, the five or ten minutes you spend on the phone with a support person will come back to you a hundred fold. With a little guidance and attention from you, these individuals often become your right hand in dealing with the client. They save you immense amounts of time as the client begins to lean on others for all kinds of things. They buoy the client's spirit and will. And once they get close to the situation, they generally want to get more involved.

So here are a couple of key tips for successfully engaging support persons for your client:

1. Flatter the person. Tell them your client has told you they are person who is very kind, or smart, or whatever good things your client has told you about the person.
2. Be very specific in what you ask for. Keep the commitment small to begin with. If the person is going to get involved further, and they usually do, let them make that decision on their own.
3. Try to anticipate and prepare the support persons for anticipated problems - including the victim's emotional problems. Briefly educate the person on a relevant point or two about violence against women. Also educate on how to set limits with the client on what they can and cannot do.
4. Tell them they can call you anytime with questions or concerns.
5. From time to time, pick up the phone to ask them how they're doing and to thank them.
6. Remind your client of the importance of saying 'thank you'.

One of the victim's most critical needs is to have someone accompany her on contacts with the system, especially in the justice system. Being accompanied by a support person when dealing with her case is your client's absolute best protection against all kinds of mishandling of her case at the hands of others. This applies to meetings with landlords, employers, school officials and even her family members, as well as to meetings, interviews, and hearings with officials and service providers. One reason the presence of a support person is so critical in cases of violence against women is because there are still such strong tendencies throughout our society to find any excuse to blame, ostracize, abandon, or deny services to the victim.

Another reason a support person is so important is that victims of violence against women are extremely vulnerable to being overwhelmed by even the most normal affronts of human interaction. A cold shoulder, a bureaucratic run-around, interruptions, a chaotic background; any number of usual circumstances can quickly devastate these already traumatized victims and cause them to give up and retreat.

Having a support person at her side prevents most of the worst abuse before it starts, and provides a needed witness in case it does start. A support person, in almost every circumstance, gets a victim much better service even if mistreatment is not an issue. A support person steadies the victim and improves the victim's own communication and focus. A support person helps the victim remember key information and key questions she wanted to ask. And a support person who is willing to take notes is worth her weight in gold. Having a support person at her side also tends to engage the support person into further helping your client.

All around, there is just no other way to better improve your client's chances of getting free of the violence than to help her line up the people to accompany her. Fortunately, this isn't too hard to do. Most people, known or unknown to the victim, are willing to take on this function, especially when it's explained to them that their presence alone is sufficient. All they have to do is be there. But most will automatically do more.

Educate your client how to best work with a support person who accompanies her. Because being accompanied by a support person is so important, it's worthwhile not only to help your client connect, but also to give your client a few tips on how to work with the support person. Go over common courtesies such as confirming appointments and arrangements, meeting early, explaining the purpose of meetings, and always saying, "thank you".

Identify and deal with family and associates who have turned hostile to the victim. The perpetrators of rape, domestic violence, and child abuse are almost always very well known to the victim. The members of her family, work, school, church, or neighborhood, or whichever social circle are shared by perpetrator and victim, will feel forced to take sides. Unfortunately, most will either take sides with the perpetrator, or will remain silent in defense of the victim. This phenomena is so common in rape cases, and so devastating to the victim, that in the literature on rape it's given the name, "the second rape".

It's essential to understand why the victim's friends and family members so often side with the perpetrator instead of the victim. In brief:

- Siding with the victims requires that people take a stand against the perpetrator, in

other words, requires that they do something. Siding with the perpetrator doesn't require that people do anything. So it's much easier to side with the perpetrator. Sadly, few people have the courage to do what even they may know is right.

- Virulent aspects of sexism and racism surface with a vengeance following a charge of rape or domestic violence. Sexist and racist explanations resonate and gather steam often pulling in powerful male dominated institutions to his side such as police, church, school and corporate officials. The sexist and racist explanations also give everyone around the victim an ample array of excuses to lean toward the perpetrator and against the victim. Once these forces gather steam, even a victim's very best friends find it very difficult to support her.
- She's weak and he is strong. She's wounded by the trauma of his attack(s), she's usually younger than him, and she's female with all the disadvantage of social and economic status that go with being female. He's feeling strong and he's criminal. He's willing to lie, bully, manipulate, and retaliate. He's male and angry. No one wants to be on his wrong side now.

All of these forces, alone or in combination, make it very difficult for even the victim's best friends to support her. Not surprisingly, as key people in her life pull away, your client loses her will to struggle. The growing isolation also puts jobs, housing, and her connections to help at risk. It's critical to pull as many of these people back to her side as possible.

The good news is that with many people, this isn't too difficult. Many know what's right. They just need a little coaxing and support from you. (Be sure you discuss this with your client and ask her permission first.) Your supportive conversation with the victim's friend or family member, your acknowledgment of the difficulties of the situation, and a little education on the dynamics of violence against women, serve as a powerful antidote to the perpetrator's forces of evil. And even those who do not get completely turned around by your phone call are often dissuaded from actively supporting the perpetrator because your presence has served as a countervailing force.

Don't underestimate the power you have as a professional voice in the community. A simple phone call from you will work wonders in stemming the buildup of hostile reactions to your client in her family or social circle. And stopping those hostile reactions is critical to her ability to maintain the struggle.

Track and Monitor Your Client's Case with Your Client

In the course of dealing with rape, domestic violence or child abuse, your client is going to be dealing with a dizzying procession of criminal justice officials, family court officials, victim advocates, counselors, and a host of service providers. None of them are likely to be serving as a case manager, all of them are likely to be overloaded with similar cases, and some of them may be outright hostile to these cases. At the same time, in order for your client to obtain the essential benefits of these systems it's necessary for her to stick with the process, to understand the process, and to feel confident in what happens next and why.

- Regularly ask your client questions about the status of key aspects of her case: the criminal case, custody and restraining orders, housing issues, etc. Ask her what's happened over the last few days, and what's going to happen in the next week. Does she know the date of the next hearing? The purpose? The name of the detective on the case? The kind of restraining order? The name of the charges against the perpetrator? Case numbers? The amount of his bail?

If your client can't answer these and other questions related to her case, it's a pretty good sign things are not going well. Officials and service providers should always be attentive to making sure the victim is informed about her case. Because, typically, once a victim of violence against women becomes confused about the process, she will often become frightened and withdraw.

- **If your client can't answer your questions about the status of her case, pick up the phone with your client and gather as much of the needed information as possible.** This should be easy even if you don't know where to start. Most receptionists in the system, once they have the name of the perpetrator or victim, can quickly direct you to the right place. If the people you need to talk with aren't available, leave complete messages with all your questions.
- **After getting answers to the key questions, you and your client should then try to figure out why she hasn't been getting the needed information.** Is your client overwhelmed? Are officials failing to properly inform her? Are certain officials disinterested or hoping she'll go away? Is your client keeping information in a notebook?

In most all cases where a client doesn't know what's going on, key officials and service providers are not caring and not connecting with your client in a way that ensures she's informed. That's another reason to freely pick up the phone yourself to get information. If nothing else, it lets the relevant officials or providers know that someone else cares about what's happening to this victim and is watching the case.

- **Have your client obtain and duplicate her case documents.** Most important of all, have your client obtain a copy of the police report. In most all cases of violence against women, the police report will be the single most important document throughout her entire case. In California (Cal. Family Code Section 6288), and in a number of other states, domestic violence victims have the right to obtain a full copy of their domestic violence police report(s). (Unfortunately, rape victims do not have the same right.)

There are two reasons this victim's right was established. First, because the police report is so critical to her case, and second, because there are still far too many police officers who treat these cases badly and who write incomplete or biased domestic violence police reports. By having your client obtain and review a copy of her police report at the earliest possible date, she then has the opportunity to get errors, biases, and incomplete police work can be corrected.

If the police report is thorough and well done, not only will it be the basis of an effective criminal prosecution. A good police report also has the power to swing the family court in the victim's favor on such vital issues as restraining orders, custody, child support, etc. In addition, a good police report can also swing conflicts to her side in matters of housing, employment, school, social service, immigration, and a number of other life essentials that so often go against a victim as she attempts to escape. Even if the case does not result in full prosecution, a good police report can often leverage your client up and out of the violence.

By the same token, a bad police report - i.e. a sloppy, biased, incorrect, or incomplete police report - can (and often will) be used against your client in every one of the above listed arenas. Unfortunately, because of the persistent sexism and racism in law enforcement, defective police reports in cases of violence against women are still all too common, no matter how modern the department rhetoric and policies.

- **Go over the police report with your client. List the corrections and additions that need to be made.** Then call a sergeant at the department in question and get the corrections and additions written up in a supplement to the original crime report. Have your client obtain a copy of the supplemental report. Make sure this supplemental report is attached to the original and sent to the District Attorney.

Make the System Work for Your Client

The following section is a brief overview of the powers and pitfalls of the four principal systems your client will be dealing with: the criminal justice system, the family court system, victim advocates and services, and child protective services (in some states called child welfare agencies). There will probably be other institutions your client will be dealing with such as social services, housing, schools, churches, etc., but the tips we lay out here for dealing with the primary systems can, in general, be applied to dealing with the others.

Before going into detail on these systems individually, here are a couple of overview notes.

Note I: In brief, the current responses of these systems to violence against women cover the full range from excellent to atrocious and everything in between, even within an individual agency. Over the last 30 years, a solid body of law has been put into place in most states giving these systems immense powers to protect and liberate victims of violence against women. But very serious problems remain in the enforcement and implementation of these

laws and powers.

A good working model to keep in mind as to what you and your client can expect from these systems (not including victim services which has a different dynamic) is as follows:

25% of officials you encounter are likely to be progressive. These officials have developed competency in cases of violence against women. They will use their powers effectively to free women from violence. These are the officials to seek out when trouble occurs. For example, if a police officer has treated your client's case poorly and written an inadequate report, don't resign yourself to accepting it. Simply call a sergeant or another officer on another shift, and get the report corrected. These progressive individuals can be found, one here and one there, in every part of the system. Keep calling around until you find them. Lean on them, and don't forget to thank them for what they do.

Another 50% of officials often need a little prodding, coaxing, and stroking to do the job right. They also need a hovering awareness of your ability to kick hard if things aren't done right. In general, these individuals are governed by varying combinations of lingering sexism, racism, and bureaucratic laziness. But with a little attention on your part, they usually can be moved to do the right thing. It's with these officials that you can make an immense difference for your client just by making your presence known with a few simple phone calls.

The final 25% of officials are not only hostile to these cases to begin with, they are angry and bitter about the deep changes that have been made in favor of victims, and most of all about the role they have been made to take in implementing those changes. The hardened sexism and racism of these officials is extremely dangerous to your client. These officials are quite capable of going out of their way to sabotage your client and her case.

They will actively do things like the following: write biased or false reports, or write no report at all. They will dump evidence, side with the perpetrator, arrest the victim, lie to you and the victim, and much more. The dangers these individuals pose to your client are threefold. First, it only takes one such individual to completely derail your client's case. Second, the authority with which these individuals act gives a green light to the perpetrator who then feels encouraged to escalate his own abuses against the victim. And third, when your client feels the power of the system turn against her, she will naturally be terrified of continuing to seek help from the system. You and your client need to recognize these officials quickly and take action to prevent or correct the immense damage they can do. This is where your quick intervention can save your client's life.

Note II: Neither you nor your client should be intimidated by the system. Both of you need to feel completely free in dealing with these systems; free to ask probing questions, free to speak openly about concerns, and free to go right up the ranks and to make demands. One of the most important things you can do for your client is to fortify her understanding that she has a right to protection and justice. Validate for her that there are indeed hostile people in the system, and remind her that there also many excellent officials who can be found to help her. As for your own role in dealing with the system, don't underestimate the power and influence you have as a professional in the community. And don't hesitate to use it.

Note III: Remind your client again and again of the importance of being accompanied by a support person in dealing with the system.

Note IV: The following discussions emphasize what can go wrong with the system because, of course, that's where your intervention is most needed. So as you read, don't forget that there are many officials throughout the system who are willing to use their powers to help. The immense powers these systems have to help your client combined with the growing number of officials who are willing to implement these powers makes it all the more important that you recognize problems quickly. That way you can appeal to someone else right away to get the problems corrected.

The Criminal Justice System

The criminal justice system has more power than any segment of society to help victims of violence against women. Once there is violence or threat of violence, no other system has the power or authority to launch a criminal investigation, to put the perpetrator under control, to stop the violence, or to forcefully intervene to protect the victim. Even the family court system which can issue all manner of restraining orders, custody orders, etc., depends on the criminal justice system to enforce those orders.

You can social work these cases to death, but unless the violence and threats of violence are stopped, the perpetrator is just going to turn around, escalate, and undo any progress the victim has made. If the criminal justice system response is not adequate, the perpetrator will, in all likelihood, regain control of the victim, one way or another.

Tips for guiding your client through the criminal justice system:

- Anticipate that as the case works its way through the criminal justice system one or more of the following may happen one or more times. So stay alert and don't ignore or make excuses if you sense any of these all too common abuses are occurring. Quick recognition of these problems is essential to getting the problems corrected and preventing additional damage to your client's case. (Note that all of these abuses have one thing in common. Their aim is to make the victim and her case go away or to be quickly disposed):
 - Disinterested attitudes of officials, incomplete reports, biased reports, incomplete investigations, failure to write reports, failure to gather evidence or to document all the evidence, skimpy victim interview, failure to interview witnesses, biased interviews of witnesses, failure to arrest the perpetrator, cold shoulder to the victim, blaming the victim, interrogating the victim, disregarding victim safety, arresting the victim, misinforming her about her rights, failure to return or delay in returning victim's phone calls, failure to adequately inform her of what happens next, passively allowing her to fall through the cracks, lying to her that there's not enough evidence, attempting to separate the victim from her advocates and support persons, failure to provide adequate translation, failure to file charges despite adequate evidence, undercharging the case, dissuading the victim from testifying, scaring the victim with possible defense tactics, withholding evidence, giveaway plea bargains, careless sentencing, etc., etc., etc.
- Listen carefully to your own and your client's intuition about how her case is going. Despite unfamiliar legal terms, criminal justice investigations and procedures are mostly common sense. So trust your own and your client's intuition about the quality of

officials' responses. If your client senses that things aren't going well, they're probably not going well.

- Remind your client often of the importance of having someone accompany her in all contacts and proceedings in the criminal justice system. Remind her this is her best protection against and prevention of mishandling of her case.
- Track the criminal case with your client; from police, to the District Attorney's office, through the courts, and into the probation department. Don't hesitate to pick up the phone regularly and ask questions until you get answers that satisfy you. Make sure your client knows the names and roles of each official along the way, and the purpose of each step in the process.
- In cases of domestic violence, have your client obtain a copy of the police report. (California Family Code 6228 gives all domestic violence victims the right to obtain a complete copy of the police report from police or from the District Attorney's office.) Keep in mind that the police report is the single most important document in her case. It's crucial the victim knows what's in and what's not in the report so corrections and additions can be made. It's very beneficial if you and your client go over the police report together.
- Don't hesitate a moment to pick up the phone and call criminal justice officials with your questions and concerns. If nothing else, this lets officials know the victim is not alone. And if things don't get cleared up quickly following your phone call, immediately go up the ranks. By quickly going up the ranks you can often get things corrected before problems get cemented into place. If you wait, the ranking officials will have an increasing tendency to cover up for their subordinates mistakes.
- If your phone calls don't set things right, put your complaint in writing. There is simply nothing more effective in making this system work right than a letter to the big boss. A short two or three paragraph letter from you to the chief will move the mountain in all but the most intractable situations. And best of all, if you remember to put a cc list at the bottom to the mayor, city council, DA, and other high powered officials you will get action.
- Enter evidence into the case yourself. If all else fails, don't hesitate to have your client gather written witness statements, medical documents, photos of injuries, or other physical evidence and enter it into the case herself. Simply take the evidence over to the police station or to the district attorney's office and request that the evidence be added to the case file. Remember, it's always best if you can find an official who will do the job right.
- Document your own interaction with your client. Your documentation as a professional in the community can serve as powerful evidence in the case. Offer your documentation to the officials on the criminal justice case.

- Don't underestimate your power and influence as a professional member of the community. Use this power and influence freely.

The Family Court System

The family court system adjudicates divorces, restraining orders, custody disputes, child support, and other family matters. The premises and structure of the family court system puts victims of domestic violence and intra-familial sexual assault at a huge disadvantage from the start.

In the criminal system the immense powers of the state are pitted against the accused. The state, when functioning properly, takes full responsibility for investigating and pursuing the case against the accused. In the family court system, cases consist of one private individual's complaint against another private individual. In family court, unless she hires a lawyer, the burden of preparing the case rests on the victim. Also, in family court, the two parties are considered to be equals who have come into conflict over shared interests. This too is a disastrous presumption for the victim who, in reality, is subjugated to the other party's violence and threats.

In addition, family court has no real power over the violent party other than to issue orders, such as restraining orders or orders of custody. Ultimate enforcement of these orders depends on the criminal justice system. Furthermore, family court rulings are based on a preponderance of the evidence in contrast to the more rigorous 'beyond a reasonable doubt' standard in criminal cases. As a consequence, family court rulings are subject to more arbitrary decision making where officials' biases come much more easily into play. Such things as the fact that the man generally has a job, a lawyer, and stability, while the victim of domestic violence does not, can too often sway things to the man's favor in family court. In addition, different from criminal court, in family court it's very easy for the perpetrator to turn around and make accusations against the victim, accusations against which she must then build a defense.

In short, the family court system is often like quicksand for victims of violence against women. The more she struggles, the more she can become mired in mandated mediation sessions, psych evaluations, and a maze of other no-win entanglements with her abuser.

Tips for guiding your client through the family court system:

- There is one key for prevailing in family court and that is to remember that the criminal case generally trumps the family case. If the family court is made aware that there are criminal charges against the defendant or even that a criminal investigation has been opened by police, the family court will almost always swing more to your client's favor. The problem is most family courts are not automatically informed of the criminal case even if a criminal case on the same family is simultaneously underway in the courtroom down the hall.

So if your client has become entangled in a family court battle with her batterer, focus on the criminal case and make sure the criminal case is strong. Have your client inform the family court of the criminal case. And have her bring the principal documents from

the criminal case into the family court case. For many reasons, these documents from the criminal case can often quickly wrap up the family court case in your client's favor.

In particular, the police report and criminal justice print outs of charges filed against the perpetrator should be photocopied and put in front of the family court judge. This is just one more reason it is so critical that the police report be done right.

- If for whatever reason your client does not have a criminal case underway, have her consider opening one by reporting to the police. (Remember, a victim has at least one year after a domestic violence incident and seven years after a rape when she can report to police.)

If your client cannot be persuaded to report to the police, or if the ongoing criminal case is irreparably biased against her, and she's mired in a family court battle, here's what to do:

- The first step is to see if your client can obtain a family attorney to represent her. As you can imagine, hiring a lawyer is a financial impossibility for 99% of victims. Another possibility for obtaining a lawyer is for you to get on the phone and try to beg a lawyer to take the case pro bono. This too is akin to finding a needle in a haystack, though not impossible. One other possibility is to check with your local domestic violence shelter to see if they retain a family attorney for domestic violence clients. The trouble with this latter suggestion is that this attorney is likely to be buried in cases, and at the very best you'll only be able to get her to take a piece of your client's case. Nonetheless, even this partial help will be worth the call.
- If your client cannot obtain a family attorney to represent her, she will have to work the case herself. What this usually means is that she needs to gather evidence and statements from others that will support her own position and refute her partner's accusations in family court. So first, the victim must be knowledgeable about exactly which issues are before the court. Is the court debating custody? Visitation? Restraining orders? What is the perpetrator's main argument? What are his accusations against her? How is she going to counter those arguments? And then she must stay on top of the family court process step by step, hearing by hearing, and document by document.

As you can imagine, having to figure this all out is seriously overwhelming to a victim. The bottom line is that in almost all family law disputes where the victim doesn't have the benefit of a solid criminal case, the victim is going to have to do her own case.

- If your client loses in family court, for example, if family court gives custody of her children to the perpetrator, your client is likely to be devastated. Unfortunately, this kind of thing happens far too often because the perpetrator can easily manipulate the family court process. If this happens to your client, it's very important to remind her that family court has one important advantage. In family court, nothing is ever permanent. She can go back in at a later date and have the court revisit the question.

Another thing to remind your client is that perpetrators don't stop perpetrating, especially if they have not been brought to justice. So she should stay aware and watch for his next mistake.

Victim Advocates and Victim Services

Victim advocates are theoretically on the victim's side, to inform her of her rights, inform her of available services, advocate for her with the other services, accompany her to court, help her connect to other services, listen carefully to her concerns, and protest when her rights are violated. In almost all cases, you'll find that victim advocates are, indeed, very sympathetic to your client and willing to help her.

Nonetheless, there are serious problems you and your client should be aware of in dealing with the current status of victim advocacy and services in the United States.

1. Most victim advocates exist in serious conflict of interest with the criminal justice system. The criminal justice system has gotten more and more control over victim advocates because in most areas criminal justice officials have increasing controls over advocates' core funding. Most domestic violence shelters and rape crisis centers must obtain the signatures of approval from local police chiefs and DA's on their annual requests for renewal of their violence against women grants. What this means for your client is that very few victim advocates will be willing to rock the boat in the criminal justice system on behalf of your client.
2. Many victim advocate services have become increasingly bureaucratized and fragmented. This is especially the case with domestic violence services. Instead of one victim advocate being assigned to a victim for the duration of the case, increasingly victims are moved from one victim advocate to another as she goes through the system. She may start with a telephone advocate (who is generally a volunteer with very little experience beyond giving telephone advice), then to a shelter advocate, then to a restraining order advocate, a police department advocate, a district attorney advocate, and a crime compensation advocate. This fragmentation of advocacy often leaves the victim so confused she doesn't know who's who (and neither does the advocate).
3. Most victim advocates have only 40 hours of formal training. This was fine 30 years ago, but today there is a huge body of law, procedure, research and study dealing with violence against women. This is exacerbated by the fact that victim advocates' pay scales are very low and caseloads are large. Both these factors lead to high staff turnover, which means there are many inexperienced persons working as advocates.

Tips for guiding your client through advocacy services:

- Make your client aware of the limitations of victim advocates. As with all the other systems she deals with, your client needs to stay alert to the possibility of misinformation.
- If your client finds a good advocate, have your client maintain communication with that advocate, even if her case has been moved to another advocate. It also helps immensely if you yourself also establish communication with this advocate.

Child Protective Services

Child protective services (CPS), like family court, is quicksand for victims of violence against women. Always keep in mind, child protective services have only one power and that is the power to remove children from the home and to make the children wards of the state. Child protective services cannot do criminal investigations, cannot bring a case against a perpetrator, have no power of arrest, nor can child protective services bring charges against a perpetrator. It's worth repeating, child protective services have only one power and that is the power to remove a child from the home. Moreover, they are authorized to do so on a very low level of evidence.

So if your client is a victim of domestic violence and she tells you her child was abused by the father and then you report to CPS, there is only one thing CPS will do. They will open an investigation to determine if the child should be removed from the home. All too often, they will begin investigating your client to determine if your client did or did not protect the child from the abuser. And all too often, because your client is a victim of domestic violence, the answer will be no, your client did not (could not) protect the child from the abuser. This will have the all too frequent disastrous result that CPS will take the child from your client. Civil rights attorneys in New York have recently successfully sued their state's child welfare services on behalf of domestic violence victims for these horrendous practices. But unfortunately the practice goes on with impunity in most other states, including in our state of California.

- If you are a mandated reporter of child abuse you have the choice of reporting to Child Protective Services or of reporting directly and only to the police. When you report to police instead of reporting to CPS, the police will open a criminal investigation against the accused. And though police also have the power of removing a child from the home, they rarely if ever do so. The person police are most likely to remove from the home is the perpetrator, as it should be. In our opinion, you serve your violence against women clients best by never reporting to Child Protective Services. And by reporting all your child abuse cases to police

Know and Exercise Your Client's Rights

Most states in the U.S. have passed a significant body of victims' rights law. The following is a list of some of the key victim's rights law in California. For a more complete discussion of these and other victims' rights, and what to do when these rights are violated, see "[Know Your Rights](#)" on our web site at www.justicewomen.com.

Under California law:

Police **MUST** write a domestic violence report on all domestic related cases. ([Penal Code Section 13730](#))

Domestic violence victims have a right to obtain a full copy of the police crime report on her case. ([Family Code Section 6228](#))

Sexual assault victims have a right to be accompanied by an advocate and support person of her choice at all points in the criminal justice process, including in all meetings and interviews

with police and prosecutors. ([Penal Code Section 679.04](#))

Police MUST make an arrest on all domestic violence restraining order violations where there is probable cause the violation occurred. The statement of a credible victim, by itself, is sufficient for probable cause. ([Penal Code Section 836\(c\)\(1\)](#))

Prosecutors must inform victims of felony violence of any plea bargain the prosecutor intends to offer the defendant. ([Penal Code Section 679.02\(a\)\(12\)](#))

Under Federal Law:

People who don't speak English have a constitutional right to interpretation sufficient to provide them equal access to and services from all public services. Public services such as police, district attorneys, probation departments must provide the interpreters. ([14th Amendment - Right to Equal Protection of the Laws](#))

Obtain Written Materials for Your Client at www.justicewomen.com

On our web site you'll find over 80 full text, paired English/Spanish documents you can download for your clients. The texts are presented in an easy to read, step-by-step format. They cover such topics as [Tips for Rape Victims](#), [Tips for Domestic Violence Victims](#), [Tips for Immigrant Women](#), [Tips for Testifying](#), [Tips for Helping a Friend](#), [Teaching Scenarios](#), [Victims' Rights](#), and much, much more.

Download these guides, or call us for the bilingual booklets of the same titles.

Feel free to photocopy and distribute this information as long as you keep the credit and text intact.

**Copyright © Marie De Santis,
Women's Justice Center,
www.justicewomen.com
rdjustice@monitor.net**