

A woman with long dark hair is shown in profile, covering her face with her hands. She appears to be in a state of distress or fear. The background is a gradient of purple and blue.

DOMESTIC VIOLENCE AWARENESS

APRIL 20TH 2023 9AM – 12PM



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CONGRATULATIONS

Hubbard School Grads!

ROWAN CONKLIN

Reach out with questions!

rowan@stpaulintervention.org

651-645-2824

stpaulintervention.org



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DV IN ST PAUL & RAMSEY COUNTY

Statistic Provided by the St Paul Police Department and the Violence Free Minnesota Coalition

Each year the St Paul Police respond to over 11,000 domestic abuse 911 calls

In Ramsey County, more than 1,450 Orders for Protection were filed in 2021

At least 24 Minnesotans lost their lives in 2022, as the result of domestic violence

DV IN THE UNITED STATES

Statistics provided by the National Coalition Against Domestic Violence

In 2022 Domestic Violence accounted for 20% of all violent crime

1 in 3 women and 1 in 4 men have experiences some form of physical violence by in intimate partner

1 in 15 children are exposed to IPV each year and 90% are eyewitnesses



The Economic Impact of DV in the United States

Statistics provided by the National Coalition Against Domestic Violence

Victims of IPV lose a total of 8 million days of paid work each year

21-60% of IPV victims lose their jobs due to reasons stemming from abuse

Between 2016-2021 142 women were murdered in their workplace by their abuser

UNDERSTANDING RELATIONSHIP ABUSE

Ending the harm and stigma of domestic violence requires a nuanced understanding of the behaviors that define it



ABUSE DEFINED

Domestic Violence is the willful intimidation, physical assault, battery, sexual assault and/or other abusive behavior as part of a systemic pattern of power and control perpetrated by one partner against another. It includes physical violence, sexual violence, psychological violence and emotional abuse. The frequency and severity of domestic violence can vary dramatically, however the one constant component of domestic violence is one partner's consistent efforts to maintain power and control over the other.



“Describing abuse as a cycle becomes problematic when this language is co-opted to be used *against* victims, particularly in a court setting — ex. “Why didn’t you leave during the calm stage?”

In her essay “Reframing Domestic Violence Law and Policy” Professor Leigh Goodmark clarifies that victims do not ask to experience abuse.

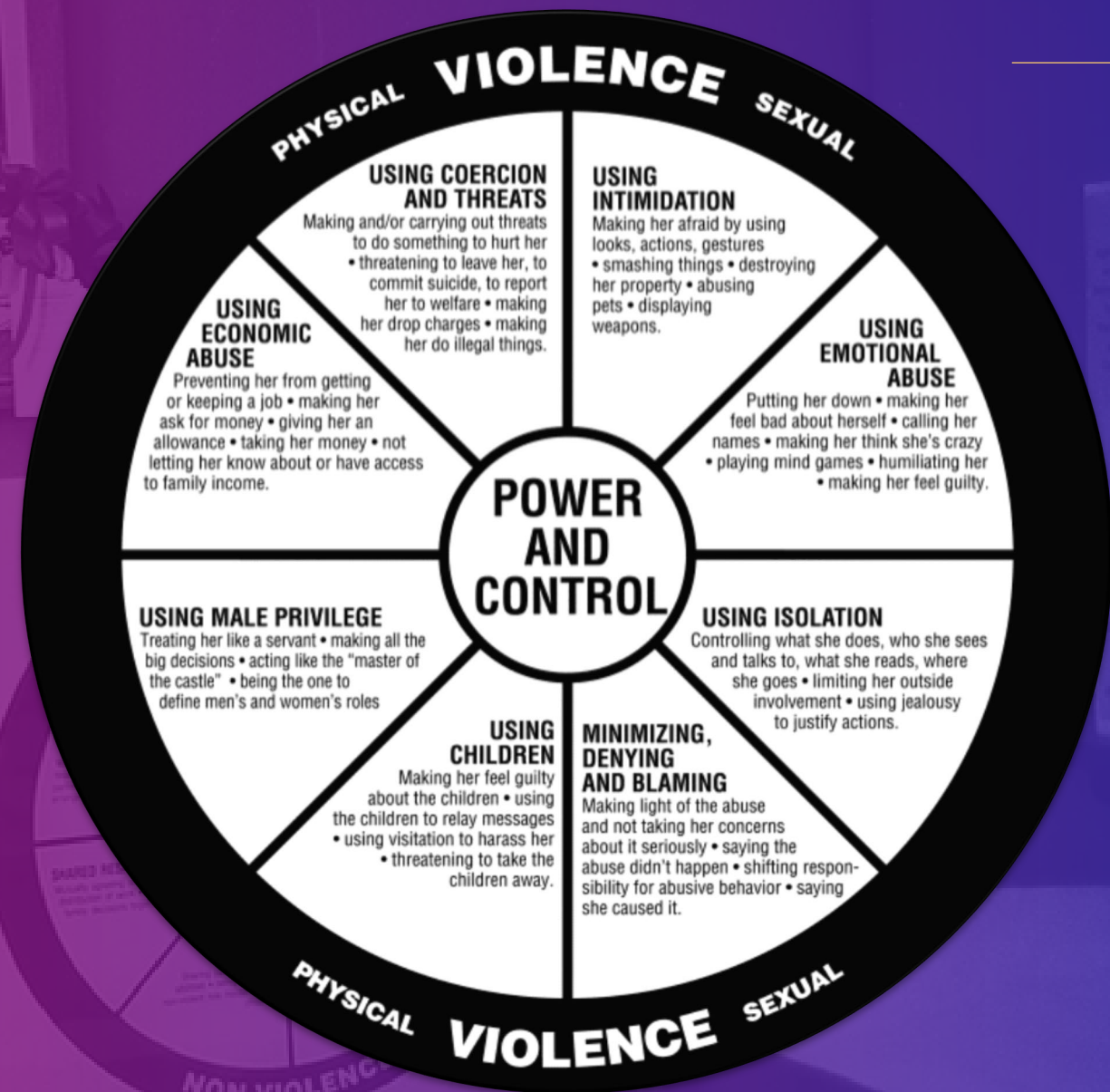


POWER AND CONTROL



THE POWER AND CONTROL WHEEL

Copyright Domestic Abuse Intervention Project Duluth
202 East Superior Street, Duluth, MN 55802





The Outer Ring: Physical and Sexual Violence

Lissette Reinbold's husband accused her of being unfaithful to him and demanded sex from her in the weeks leading up to her murder. He continued pressuring her for sex through text messages the day prior to killing her. In this exchange he claimed "ownership of a part of her body."



Using Coercion and Threats

Tracy Carlson was abducted at gunpoint and held hostage for 19 hours before she was shot to death by her former boyfriend. Friends said her killer was upset that Tracy wanted to date another man. He said: "If I can't have you, no one will."



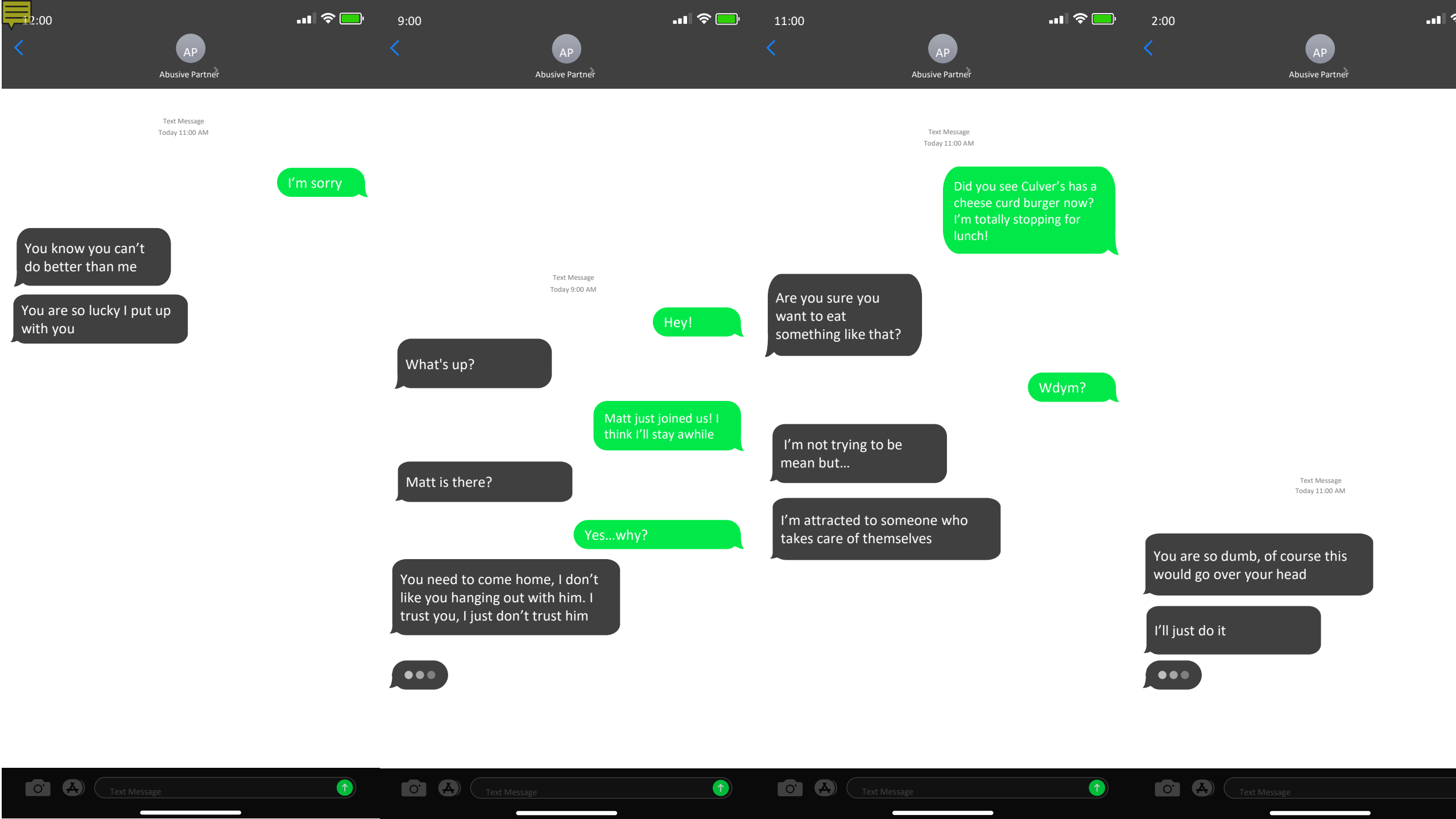
Using Intimidation

Taryn Baumgardner was found shot by her boyfriend in her St. Paul home. Taryn's daughter, age 9, reported that her Mother's boyfriend would load and unload his shotgun in front of her.



Using Emotional Abuse

Sha'Von N. Phillips' husband told police he killed her because he thought she was cheating on him.



12:00

AP

Abusive Partner

Text Message
Today 11:00 AM

I'm sorry

You know you can't do better than me

You are so lucky I put up with you

9:00

AP

Abusive Partner

Text Message
Today 9:00 AM

What's up?

Hey!

Matt just joined us! I think I'll stay awhile

Matt is there?

Yes...why?

You need to come home, I don't like you hanging out with him. I trust you, I just don't trust him



11:00

AP

Abusive Partner

Text Message
Today 11:00 AM

Did you see Culver's has a cheese curd burger now? I'm totally stopping for lunch!

Are you sure you want to eat something like that?

I'm not trying to be mean but...

I'm attracted to someone who takes care of themselves

Wdym?

Text Message
Today 11:00 AM

You are so dumb, of course this would go over your head

I'll just do it



Text Message



Text Message



Text Message



Text Message



Using Isolation

Renee Brown's frozen body was found outside the home of her boyfriend, He had ignored Renee's pleas to let her inside on a night when the temperature dropped to 23 degrees below zero



Minimizing, Denying and Blaming

Caitlin Kelley Aldridge's husband killed her because he believed she was responsible for getting their teenage daughter pregnant. Their daughter was not pregnant.



Common Justifications

“I was drunk.”/ “I was using drugs.”

Substance abuse does not excuse physical abuse. There are people who drink and use drugs and don't choose to abuse their partners.

“You got me wound up on purpose”

“I had no other choice”, “I can't control it”. Stress and anger issues do not cause abusive behavior. An abuser's action are always a choice they make.

“I'm possessive because I care about you”

Acting jealous, controlling or possessive is not a way to show someone you care.



Using Children

D'Zondria, La'Porsha, and Ja'Corbie Wallace were killed by D'Zondria's ex-boyfriend. After he was arrested, he told authorities he killed them because he was "saving" the children from D'Zondria so "They can go up there and be holy."



Using Social (Male) Privilege

Lauri Anne Deatherage was killed by her ex-husband days after she remarried. He told family members he killed her because "he wasn't going to let 'that hillbilly [new husband]' get all his stuff and his wife."



Using Economic Abuse

Investigators believe that tensions over child support payments escalated to the murder suicide of Jewell Burnett by her ex-boyfriend. The parties had been in and out of court regarding unpaid child support payments.

The Allstate Foundation Moving Ahead Curriculum

A FINANCIAL EMPOWERMENT RESOURCE



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Introduction

Survivors of domestic violence face serious challenges. Many struggle to find a safe place to live and put food on the table. Others struggle to find and hold a job. Protecting one's money and other assets can also be a challenge. The Allstate Foundation Moving Ahead Curriculum can help.

Domestic violence survivors deserve access to the resources they need. They deserve housing, jobs and economic resources for their families. This is true whether they leave abusive relationships or remain in them.

Every story and strategy in this curriculum is designed to help survivors overcome the challenges they will meet. It explores many of the choices that may present themselves. It also identifies community resources to help survivors build financially independent lives.

Community resources may include:

- Domestic violence programs that offer support for safety and financial success
- Job and professional skills development programs
- Community organizations that work with local banks and foundations to help survivors save money for education, develop a business or buy a home

The Allstate Foundation Moving Ahead Curriculum also offers a range of information from basic money and financial management principles to advanced, long-term financial planning.

This curriculum was developed to help provide survivors with:

- Resources to strengthen their confidence in their ability to take action.
- Strategies to address the financial and safety challenges when ending an abusive relationship.
- Resources for working through the quality-of-life changes survivors may meet when fleeing abuse.
- Approaches to work through challenges after an abuser has misused the survivor's personal information.
- Methods to understand financial fundamentals.
- Steps to building a strong financial base, such as budgeting, saving, building credit and managing debt.

The focus of this curriculum is on women because women comprise the majority of domestic violence victims. The use of gender-specific pronouns in this workbook is not meant to discount the experiences of any survivor in any way.



MODULE 1

Understanding Financial Abuse - Keeping Safe and Starting Over

Key topics covered in this module include:

- Financially Abusive Relationships
- Financial Safety Planning
- Separation, Divorce and Child Support
- Disclosing Abuse
- Privacy Challenges



All State Moving Ahead Curriculum

Domestic Violence Awareness



At the start of a new relationship, it's not always easy to tell if it will later become abusive. Many abusive people appear like *ideal partners* in the early stages.

Domestic violence warning signs don't always appear overnight and may emerge and intensify as the relationship grows



DONNA FERRATO

As the police arrested his father, Diamond said "I hate you for hitting my mother! Don't you come back to this house" Minneapolis MN 1988

Domestic Violence Awareness



Barriers to Leaving

Leaving is often the most dangerous period of time for survivors of abuse.



“It would take me yet another year of planning, forgiving, calling, reaching for help, before I could leave.”

—*Sarah Buel*



FEAR

Fear that the abuser's actions will become more violent and potentially lethal if the victim attempts to leave

20% of IPV homicide victims were not the DV victim themselves, but family members, friends, neighbors and anyone who intervened: law enforcement responders or bystanders



NORMALIZED ABUSE

If someone grew up in an environment where abuse was common, they may not know what a healthy relationship looks like

From the outside looking in, it may seem obvious that a victim is being abused. Helping them recognize behaviors as abuse is the first step



SHAME

It can be difficult for someone to admit that they've been abused or are being abused

They may feel that they've done something wrong, that they deserve the abuse, or that experiencing abuse is a sign of weakness. Remember that blame-shifting is a common tactic that their partner may use and can reinforce a sense of responsibility for their partner's abusive behaviors.



INTIMIDATION

For LGBTQ+ people who haven't come out yet, threats to out someone may be an opportunity for abusive partners to exert control.

A survivor may be intimidated into staying in a relationship by verbal or physical threats, or threats to spread information, including secrets or confidential details (i.e. revenge porn)



LOW SELF ESTEEM

Relentless emotional abuse erodes ones sense of self efficacy

After experiencing verbal abuse or blame for physical abuse, it can be easy for survivors to believe those sentiments and believe that they're at fault for their partner's abusive behaviors.

A background image of a woman in a medical setting, wearing a white lab coat with a stethoscope. She has her eyes closed and a slight smile. The image is overlaid with a purple gradient. In the top left corner, there is a small icon of a speech bubble with three lines inside.

DISABILITY

—

If someone depends on other people for physical support, they may feel that their well-being is directly tied to their relationship

A lack of visible alternatives for support can heavily influence someone's decision to stay in an abusive relationship if they have a disability.

A photograph of a woman and a young child lying in bed, looking thoughtful. The woman is on the right, looking upwards, and the child is on the left, also looking upwards. They are in a dimly lit room with a window in the background. The image is overlaid with a semi-transparent blue and purple gradient.

IMMIGRATION STATUS

People who are undocumented may fear that reporting abuse will affect their immigration status.

If they have limited English proficiency, these concerns can be amplified by a confusing and convoluted legal system and an inability to express their circumstances to others.

The background image is a photograph of a street scene. In the foreground, a nun in a black habit and glasses looks towards the camera. In the background, a person is sitting on stone steps. There is graffiti on the steps that reads: "THE HOLY CHILD NUN'S THE LOVERS VENICE, IT 1988 ON A WING AND A PRAYER I GOT A M...".

Cultural Context

Domestic violence can affect anyone, but the ways in which it appear can be received differently depending upon the setting in which it occurs

Traditional customs or beliefs may influence someone's decision to stay in an abusive situation, whether held by the survivor or by their family and community



CHILDREN

Fear of losing custody of children if they leave or divorce.

Many survivors may feel guilty or responsible for disrupting their familial unit, and may feel pressure from children who do not understand the abuse



LOVE

The relationship may a mix of good, loving times, leaving hope among manipulation and fear

Experiencing abuse and feeling genuine care for a partner who is causing harm are not mutually exclusive. Survivors often still have strong, intimate feelings for their abusive partner



30 OBSTACLES TO LEAVING

- Lack of Advocate
- Children's pressure
- Denial
- Elderly
- Excuses
- Emotional Attachment
- Family Pressure
- Gratitude Towards Abuser
- Homelessness
- Rural
- Hope For Violence to Cease
- Isolation
- Keeping the Family Together
- Illiterate Victims
- Incarcerate or Newly Released
- Law Enforcement Officer
- LGBTQ+
- Mediation
- Medical Problems
- Mental Illness
- Students
- Developmentally challenged
- Military
- No Place to Go
- No Job Skills
- No Knowledge of Options
- Past Criminal Record
- Previously Abused
- Prior Negative Court Experience
- Substance Abuse
- Transportation



SAFETY PLANNING

A safety plan is a set of actions that can help lower someone's risk of being harmed by their partner. It includes information specific to a victim and their life.

Safety Planning While Living With An Abusive Partner

Identify the abuser's use and level of force so the participant can assess the risk of physical danger to themselves and other before it occurs

Identify safe areas in the participant's residence with pathways to exit, away from any weapons. If arguments occur, they can try to move to those areas before they escalate.

If safe, have the participant have a phone accessible at all times and know what numbers to call for help including friends or family, The Hotline at 800.799.SAFE (7233), and local shelter. Know where the nearest public phone is located.

Have the participant let trusted friends and neighbors know about the situation and develop a plan and visual signal for when help is needed. Give them clear instructions on who to contact in moments of crisis, including law enforcement.

Create several plausible reasons for leaving the house at different times of the day or night. Ex. multiple trips to the grocery store, spending time with friends, staying at work longer, find unnecessary errands to complete.

If possible, have participants keep weapons like guns and knives locked away and stored as inaccessibly as possible. Have the participant contact an Advocate

Have a participant back their car into their driveway when they park at home and keep it fueled. If possible, keep the driver's door unlocked with the rest of the doors locked to allow for quick access to the vehicle.

If violence is unavoidable, they should make themselves as physically small as possible. Move to a corner and curl into a ball with your face protected and arms around each side of your head, fingers entwined.

A woman with long dark hair is sitting on a bed, holding the hand of a young girl with long blonde hair. They are both looking towards the right. The woman is wearing a dark top, and the girl is wearing a light-colored, patterned dress. The background is a simple room with a white wall and a doorway.

Safety Planning with Children

Encourage victims to teach their children when, how and who to contact in an emergency.

If possible, have victims instruct their children to leave the home in an escalated situation and establish where they should go

Come up with a code word for a victim's children that means leave the house. Assure the abuser won't know what is being asked of them. Assure the kids know not to tell others what the words means

Encourage victims to teach their children not to intervene in moments of violence even if they want to protect their parent

Create separate safety plans for children who spend unsupervised parenting time with an abuser. If possible, victims should give children a cell phone to use for those times



Safety Planning with Children: Legal Considerations

A client may decide they need to flee an abusive partner with or without their shared children

- If your client wants to flee, and take the children with them, inform your client that they may risk violating criminal parental kidnapping laws
 - *Their move could be against the law if children are brought out of state or district, in violation of a custody order or if there is a custody case pending.*
 - *A client may want to obtain temporary emergency custody before taking this action*
- If your client wants to flee, leaving the children in the abuser's care, it may negatively affect their chances of getting custody later on.
 - *Again, consult an attorney*

Pet Safety

Pets in abusive situation often experience violence similarly to people

- Help participants prove ownership of their animals. Encourage them to get their animals vaccinated and licensed, with registrations under their own names. Take steps to have registrations changed if necessary.
- If a victim's pet is microchipped, make sure the abusive partner is not listed as a contact.
- If a victim is planning to leave, have them talk to friends, family or veterinarians about temporary care for their pet. MNAFAS is Minnesota's services that assists domestic violence survivors with safekeeping their pets.
- If a victim's pet is leaving with them, encourage them to bring extra provisions of food/medications for the pet, copies of their medical records and important phone numbers.
- In Minnesota, pets can be included on Protective Orders.
- After leaving a victim leaves, encourage them to change vets and avoid leaving pets outside alone to ensure their long-term safety.
- If it is necessary for a victim to leave their pet behind with an abusive partner, consider having them call animal control to intervene.

A woman with curly hair is talking on a payphone in a hallway. In the background, a person is walking away from the camera. The scene is dimly lit, and the overall tone is somber.

Internet Safety Planning

Victims should always consider that a computer or phone is being monitored

- Remind victims that the bills they pay, the purchases they make and the messages and emails they send can be retrieved. A safe computer can be found at the local library, a shelter, or internet café
- Consider having a victim open an account their partner doesn't know about on a safe computer and use that email for safety planning and sensitive communications
- Consider helping a victim secure a pay-as-you-go phone for safe/private/911 calls
- Encourage victim's to set boundaries on social media, and increase their privacy settings.

Financial Safety Planning

Financial wellness is mobility and empowerment

- Encourage participants to have their own financial assets whether that be a private bank account or their own personal cash that is hidden from their partner
- Encourage participants to two-factor authenticate their bank information and credit cards, assuring they alone can access their finances. Participants can talk to their banks about getting notified when someone tries to change a password or make a withdrawal
- Encourage participants talk to a trusted family member or friend who could safe keep money or receive public assistance checks at their address for them
- Help participants make copies of important financial information and hide them in a safe place
- Help participants make a list of things they own with their partner (cars, mortgage etc.) and have them take pictures to help show their ownership



Preparing to Leave

The moment of leaving an abusive relationship can happen quickly, but the process of leaving takes an immense amount of courage, planning, and precaution against the risk of violence.

Have victims make a plan for how they are going to leave, including where they will go and how to cover their tracks. Ideally someone will have one plan in which they have time to prepare to leave home, and another plan in case they need to leave the home quickly.

If possible, have victims record evidence of physical abuse and take it with them when they leave.

Encourage victims to leave when the abuser least expects it, giving them the most time to get away before the abuser is aware they have left.

SHELTER

DayOne is Minnesota's DV Shelter Connector – 866-233-1111

Alexandra House
(Blaine)
763-780-2330

Casa de Esperanza
(St. Paul)
651-772-1611

Cornerstone
(Bloomington)
952-884-0330

Eagle's Nest
(St Paul)
651-222--5836

Tubman
(Minneapolis and
Maplewood)
612-825-0000

Home Free
(Plymouth)
763-559-9008

House of Peace
(Minneapolis)
612-724-8823

Lewis House
(Eagan and Hastings)
651-452-7288

Sojourner
(Hopkins)
952-933-7422

Women's Advocates
(St Paul)
651-227-8284



CONTACTING SHELTER

Every shelter has their own policies and procedure, in general, initial contact will proceed as follows



After Leaving

Planning for continued safety

Change locks and phone numbers if possible

Encourage a victim to take a different route to work or go to a different bus stop for a while

Have victims alert their children's schools of the situation. If there is a restraining order in place, have them provide a copy of the OFP or HRO FH to the school authorities. Encourage victims to designate who is and is not allowed to pick up children.

Encourage victims to keep a certified copy of a protection order on hand at all times

Inform victims of the Safe At Home Address Confidentiality Program in Minnesota

Encourage victims to re schedule appointments their abuser may be aware of

If possible frequent different stores or social spots

If a victim feels comfortable, they can alert neighbors of their restraining orders, or apartment building admin



Documenting Abuse

Helpful if Legal Action is needed or otherwise

- Victims can keep a journal (hidden or password protected) of what they experience, including descriptions of how an incident made them feel
- Victims can write down statements, they, their partners or any witness make before, during or after the abuse
- Victims can record dates times, and descriptions of incidents. Describe the scene and take photos.
- Victims can document any injuries no matter how subtle (with photos if possible)
- Seeking medical care, even without visible injuries serves as documentation. Please encourage anyone who has been strangled or choked to get evaluated by a professional
- Victims can file a police report if and when they determine it is safe to do so.

Documenting Digital Abuse

To substantiate claims that a partner is abusive

Threats and other controlling behaviors often occur online and over the phone. Abusers often admit to violence in a message unintentionally. Victims can take steps to secure documentation.

- Print out email or call logs that contain evidence or information surrounding an incident
- Assure print-outs or screen-shots include recipient, date and time.
- Record voicemails
- Use a password protected online journal

Help victims assure that documentation is stored in a place their abuser will not be able to access.



Documenting Sexual Assault

The deeply challenging step in the aftermath of abuse

Victims will need to go to an emergency room or health clinic as soon as possible after being assaulted. They should expect to be treated for injuries, offered medication to help prevent pregnancy and/or STIs and have test run to assure their long term well being. A Sexual Assault Nurse Examiner (SANE) can provide services and collect evidence in case a victim wants to pursue legal charges.

If a victim determines that it is safe to report their assault to law enforcement they can do so to pursue criminal legal recourse. If a victim decides they want to do so, they should not wash their hair or body, comb their hair, or change clothes – no matter how hard it may be not to.

Start with an Advocate – SOS 24-Hour Crisis Line 651-266-1000

The background features a photograph of police officers at a crime scene, overlaid with a semi-transparent purple and blue gradient. A large, solid yellow silhouette of a woman's head is positioned on the right side of the page. The title 'RESTRAINING ORDERS' is written in large, white, bold, sans-serif capital letters on the left side.

RESTRAINING ORDERS

Minn Stat. 518B.01 is remedial law enacted as a means to protect victims of domestic abuse by providing an efficient remedy

OVERVIEW

HRO Statute

Provides relief for victims of repeated, unwanted acts or single instances of physical or sexual assault. There is no familial or dating relationship required for protection under this act.

Domestic Abuse Act

Provides for relief to be granted on an *expedited* basis. The rights/obligations of the parties contained in the act can not be tied to unnecessary external requirements

A woman with long dark hair is sitting on a bed, holding the hand of a young girl with blonde hair. The woman is looking down at the girl's hand, and the girl is looking towards the camera. The background is a simple room with a white wall and a window. The image is overlaid with a semi-transparent purple and blue gradient.

OFP Requirements: Relationship

The parties must be:

- Married or formerly married
- Living/lived together (Court of Appeals has upheld non-romantic roommates)
- Have a child/unborn child together
- Have/had a significant/romantic relationship
- Related by blood



Requirements: Allegations of Domestic Abuse

The Court must find that domestic abuse occurred under one of the possible definitions.

- Physical harm or bodily injury or assault. There is no specific timing requirement for when a physical assault must have occurred.
- Infliction of fear of imminent physical harm or bodily injury or assault. The Court looks to the totality of the circumstances to determine whether there was an intent to inflict fear of imminent physical harm.
- Terroristic threats: “threatening directly or indirectly to commit any crime of violence with the purpose to terrorize another or in reckless disregard of the risk of causing such terror.”
- Criminal Sexual Conduct (1st through 5th Degrees)
- Interference with an emergency call.

Ex Parte Options

When considering an Ex Parte request the judicial officer will determine whether or not the Petition alleges immediate danger of domestic abuse

1. **Grant Ex Parte Without Hearing** - a hearing is not required unless the petitioner requests relief beyond 518B.01 subd. 7(a)
2. **Grant Ex parte with a Hearing Date** - a hearing is required if the petitioner requests relief beyond 518B.01 subd. 7(a)
3. **Court Grants the Relief Requested**
4. **Court Declines to Order Some of the Relief Requested** – the judicial officer modifies the relief requested an a hearing is held within 7 days
5. **Deny Ex Parte Order** – a hearing is still scheduled within 14 days unless the Petition states that the petitioner does not want a hearing in the event of a denial
6. **Grant Harassment Restraining Order** – judicial officer decides not the issue the *ex parte* OFP and indicates their willingness to issue an HRO. The petitioner must then file an HRO petition

Length an *Ex Parte* Order for Protection

- 1** **When No Hearing is Scheduled**

The relief granted by the OFP will be for a period not exceeding two years, except where the court determines a longer period is appropriate
- 2** **In All Other Situations**

The *ex parte* order remains in effect until a hearing is held and a “Order following hearing” is issued with the result.
- 3** **Without Service**

If the Respondent is not served the *ex parte* order within **14 days**, the order expires



Relief

- **No Abuse**
- **No Contact** – whether in person, by phone, mail, email, through electronic devices or through a third party. On a rare occasion a petitioner will ask that this provision not be included and an exception will be ordered
- **Exclusion from residence** – may exclude parties from the dwelling they share. Provision does not decide ownership of the property.
- **Exclusion from place of employment**
- **Exclusion of specific distance surrounding residence** – reasonable distance, described specifically “2 city blocks or ¼ mile”
- **Custody and Parenting Time** – primary consideration given to the safety of the victim and their children. Always temporary until an order is issued in Family Court.
- **Protection of pets or companion animals** – direct the care of a pet or possession of a pet to a party

Custody and Parenting Time

- **No marriage, no custody/parenting time order** – where paternity has not been decided, sole physical and legal custody of a child is with the biological mother.
- **Prior Order gives Joint Custody to Parties that are Married** – Parents have equal rights to children born during the marriage, where there is not court order. If a family court order exists, access to the children is governed by that order. Temporary custody may be granted considering the facts alleged in the petition
- **When requesting sole custody it is best to have clear specific allegations that show risk to the safety of the petitioner and the children**
- **Child retrieval** – OFPs can order law enforcement to retrieve a minor child(ren) from a party, and deliver said child to the petitioner.



Relief that Requires a Hearing

- **Temporary Child Support** – important for petitioner to receive immediate financial support as a part of a larger plan to stay safe. [Child Support Calculator](#) is used to determine the amount.
- **Temporary Spousal Maintenance**
- **Restitution** – order Respondent to pay the petitioner for expenses related to the domestic abuse.. Receipts are necessary.
- **Treatment or Counseling for Domestic Abuse or Chemical Dependency** – order the Respondent to participate in treatment and show evidence of completed programs.
- **Award use and possession of property**
- **Firearms** – Minnesota mandates that Judges order the “transfer or surrender” of firearms. There is no exception for military or law enforcement officers. The court orders the abusing party to transfer or surrender within 3 business days of the order following hearing

Interface with Other Court Actions

Civil

- The provision ordering the Respondent not to commit acts of domestic violence can not be vacated during the dissolution of a marriage. The court may hear motions to modify OFPs concurrently with divorce proceedings
- Mediation in Family Law cases can not be required when domestic abuse is alleged
- In a subsequent custody matter the Court must consider a finding of domestic abuse
- If the parties have a pending Family Court case in another jurisdiction, the Court will likely request the venue of the OFP be changed.



OFPs and Criminal Court

- There are often situations in which a DANCO issued through a criminal court proceeding exists independently of an OFP issued through a civil court proceeding.
- Just because a party has a DANCO does not mean they don't need an OFP. Criminal DANCOS end upon court order, dismissal or acquittal of the criminal case, or the conclusion of the defendants probation. OFPs are issued for a fixed period of time and can be extended upon the petitioners request.

Service and Cost

Filing fees for OFPs are waived for both Petitioner and Respondent

- The Petition and any orders (other than the Orders for Dismissal) are served to the Respondent personally by police officer, correction officers, court service officers, parole officers and employees of jails or correctional facilities
- A Respondent may be “**short form**” served in lieu of personal service, if the Respondent is located by a law enforcement officer who determines that there is an unserved OFP. This form gives the Respondent notice that the OFP is now enforceable, and instructs them to get a copy of the full order.

Service by Publication

Affidavit and order for Alternate Service of Publication (SAMS)

- If personal service cannot be made upon the Respondent, the moving party can file an Affidavit and order for Alternate Service of Publication (SAMS). The Affidavit must state that an attempt at personal service was made by a sheriff, and that it was unsuccessful because the Respondent is avoiding service by concealment or otherwise. A copy of the petition must be mailed to the Respondents last known address.
- An attempt to serve by law enforcement is necessary even if the Petitioner does not know the Respondent's whereabouts. Instead of mailing a copy, they will check the other box on the SAMS form: "Respondents Address is Unknown"
- Service by publication must be filed within **14 days of the issuance of the *ex parte* order**. If personal service or service by publication is **not completed within 28 days of the issuance of the *ex parte* order, the OFP expires**.

OFP Hearings: Who is in the Courtroom

- **District Court Clerk** – Calls cases into the court room, communicates with attorneys regarding possible agreements, order interpreters if requested by any party, drafts orders immediately following the hearing and provides copies to parties/attorneys
- **Advocates** – assist victims with the preparation of petitions for OFPs, attend and sit at counsel table, confer with the victim and at the Judicial Officer’s discretion, be heard by the judge. Advocates do not give legal advice, they prepare victims for the process and possible outcomes. They are confidential and can not be compelled to disclose and information without the consent of the victim. Advocates ARE mandated reporters subject to Minn. Stat 626.557
- **Interpreters** – must maintain confidentiality and not publicly discuss the case
- **Deputies** – Responsible for courtroom security, observes the parties and witnessing any OFP/HRO violations
- **Guardian ad Litem** – Court appointed if custody/parenting time are at issue and the court has reason to believe that a minor child is a victim of abuse/neglect. GAL represents the best interest of the child and advises the court in respect to custody/parenting time.

Initial Hearings

1. Parties Appear - If both parties appear, and the petitioner is still seeking an OFP, the Judicial Officer will explain to the Respondent their options (next slide)
 1. *Respondent can request a continuance of up to 5 days if served fewer than 5 days prior to the hearing*
2. Service not completed, no appearance by Respondent – The court will have the Petitioner complete a SAMS form for publication.
3. Service complete – no appearance by Respondent – If personal service or alternative service is completed the Judicial Officer will ask the Petitioner if the allegations contained in the Petition are true. The court may then issue the final OFP, if the petition contains sufficient allegations of domestic abuse. If not, the matter is dismissed.
4. Petitioner does not appear – The OFP is dismissed
5. Neither party appears – the OFP is dismissed

Initial Hearings: Respondent's Options

When both parties appear, the Court will explain the Respondent's 3 options neutrally :

1. Admit the allegations in the petition and affidavit and agree to the OFP with findings of domestic abuse
2. Agree to the issuance of the OFP without any finding of domestic abuse
 1. *The order will be enforced as if there were a finding of domestic violence*
3. Deny the allegations in the petition and request an evidentiary hearing



Interim Custody and Parenting time

Frequently issues of interim parenting time will require consideration at the initial hearing

The initial hearing is more in the nature of triage and the judicial officer is frequently asked to rule on matter with conflicting cross claims and little information. The court errs on the side of safety for the victim and children until an evidentiary hearing is held.

An OFP is temporary. Parties are always directed to address detailed custody/parenting time issues in Family Court where there are more options available to help both parties.



Evidentiary Hearings

A full hearing includes the right to present and cross-examine witnesses, to produce documents and have the case decided on the merits.

One incident of domestic abuse is sufficient finding upon which to order an OFP. (Remember the statutory definition of domestic abuse is much broader than “hitting”)

- The petitioner bears the burden of proof as the party seeking the OFP.

Testimony

- Self represented Litigants – Courts question them on the event in the petition to focus testimony and avoid opportunities for manipulation, embarrassment or further abuse.
- Witnesses – must have direct knowledge of the allegations in the petition
- Out-of-court statements by children – avoid traumatizing children under by making them testify regarding child abuse committed on them or on another child but overserved by them
- In-Court statements by children



Rulings

The Court announces its ruling in open court with the parties present. The Judicial officer will go through all provisions to assure parties understand the terms.

Reciprocal Orders: There are times in which both parties filed OFPs against one another. If the Judicial Officer determines that both parties committed domestic abuse against each other, issuing reciprocal orders is appropriate.

Motions

The Court may modify the terms of an existing OFP

- Non-Emergency – motions that dismiss the order or make it less restrictive. Hearings are set at least 17 days out, and notice is served by mail.
- Emergency – If the moving party alleges an emergency an *ex-parte* order for relief upon motion to modify can be ordered with immediate relief, then court staff will set a hearing within 7 days. These motions are personally served.
- Motion to dismiss
- Motion to Vacate – Respondent moves the court to dismiss an OFP by showing new discovered evidence, mistake or proving fraud.



Subsequent Orders and Extensions

When an OFP has expired, a petitioner can apply for a new order, and a lower threshold standard applies.

If an OFP is still in effect, a petitioner can apply for an extension, like a subsequent order

A new order/extension may be issued upon the showing that

- Respondent violated the prior OFP
- Petitioner is reasonably in fear of physical harm from the Respondent (need not be imminent)
- Respondent has engaged in the act of stalking
- Respondent is incarcerated and is about to be released/recently was released

If the Respondent has violated a prior existing OFP two or more times, or the petitioner has had two or more OFPs in effect against the same person, they can request a **50 year order**.

Harassment Restraining Orders

- Filing fee is \$324 in Ramsey County. Fees are waived if the petition alleges Stalking, 1st and 5th Degree Criminal Sexual Conduct, or criminal harassment. All filing fees and cost of service is waived if the party is granted *in Forma Pauperis (IFP)*
- There are no relationship requirements for HROs
- No provisions for the removal of guns
- No provisions for family law matters
- Police do not keep a record of HROs, Petitioners must keep a copy on their person to show to police in case of a violation

Allegations of Harassment

Judicial Officers will assess the effect the conduct has on the typical victim

- A single incident of stalking or sexual assault
- A single incident of stalking
- A single incident of nonconsensual dissemination of private sexual images
- Repeated incidents of intrusive or unwanted acts, word or gestures that have or intend to have substantial adverse effect on the safety, security or privacy of another
- Target residential picketing
- A pattern of attending public events after being notified that the actor's presence at the event is harassing to another.

Relief

No harassment – whether *ex parte* or following hearing, the Respondent may be ordered to cease or avoid the harassment of another person or

No contact – this includes a provision that prohibits Respondent from being within a specific distance of Petitioner’s home and job site.



Pro Se

“For oneself, on ones own behalf”. When a litigant proceeds without legal counsel.

- The specialized process of Domestic Abuse Court is designed to permit parties to proceed pro se.
- The process is governed by the Rules of Civil Procedure, including the lower civil burden of proof by a “fair preponderance of the evidence”



Should I hire an attorney?

A participant may need a lawyer if

- They want legal advice
- It is too dangerous to lose their cause
- They do not fully understand papers they received from an opposing party or from the court.
 - Court Administration
 - Self-Help Center Staff

They may proceed without a lawyer if

- They understand their case well enough to explain it to a judge
- They don't get overly nervous speaking in public
- They are organized, keep accurate records, have time to prepare paperwork, make copies and use the technology necessary to properly file paperwork/evidence with the courts.
- Their case is relatively simple and they believe it is unlikely that the Respondent will come forward to contest their motion.



LEGAL RESOURCES

1

RC Self Help Center

Court forms, tutorials for completing court forms, answer to FAQs and help preparing for a hearing

2

LawHelpMN.org

Overviews/Guides to legal rights and common legal problems

3

Lawyer Referral

Online Self Referral Form to set up free consultations with Attorneys in MN

4

Unbundled Law Project

Lawyers will review a limited scope legal issue for a lower cost, and design a plan



Day One

- Manufacturing
- PowerPoint
- Other Materials

Day Two

- Stacks
- Criminal Law
- Family Law
- CFR/HR Law
- Child Protection
- Other
- Federal Tackles
- Criminal
- Other
- Stacyberry
- Teaching

Folders

- Afanda Color
- Bias Color
- Edwiston Color
- Journey of Hope Color
- PPIS
- Manufacturing
- Distortion
- Stacyberry
- Mealings
- Lunch options

Supplies Need

Box

LRC

8/17 10-12:30
8/18 9:30-9:45

Hotel

San Diego 6/15 to 6/18
Phoenix 6/19 to 6/22
Los Angeles 6/23 to 6/26
Las Vegas 6/27 to 6/30
San Francisco 7/1 to 7/4
Seattle 7/5 to 7/8

STANDPOINT

Domestic Violence Awareness



SPIP Pro Bono Attorney Program

SPIP employs two full time and one part time attorneys who represent victims of domestic violence in OFP/HRO Civil Court Proceedings.

There are no financial requirements to qualify. Advocates complete initial screenings off the crisis line and refer eligible clients to the team of attorney's, for two services:

1. OFP/HRO Representation
2. Brief Legal Advice

From there the legal team supervisor, Maria Maier will complete additional case background research, and take cases based upon availability.

SPIP Attorneys are in family court seven days a week with Advocates and victims

Their work is comprehensive in OFP matters but limited scope – they do not continue to represent clients through family court.

“I can’t afford an Attorney”

Many Lawyers offer consultations where they will give brief legal advice for free. There are other free and low cost options that may be available:

- **Ramsey County Law Library** offers a free legal clinic for unrepresented parties every Monday and Wednesday from 12-2pm. Volunteer Attorneys will provide brief legal advice and answer legal questions about family court cases. They will not represent attendees, nor fill out paperwork for them. The Clinic is being conducted by phone appointment 651-266-5125
- **SPIP Attorneys** offer a legal clinic on the first Tuesday of every month. They are able to provide legal advice and fill out legal documents/filings with participants. Please have interested participants call Advocates at 651-645-2824 to sign up for a time slot between 12-2pm
- **Court Administration and The Self Help Center** may be able to answer questions for participants who do not understand paperwork they received from other parties or from the court.

The Saint Paul and Ramsey County Domestic Abuse Intervention Project

SPIP exists to eliminate violence against victims and their children, and the social and system response which condone or allow its oppression.

SPIP provides victims of domestic violence and their children with

- 24-hour crisis intervention, in which SPIP services support reach out directly to victims immediately after a domestic assault
- Ongoing transitional support and services to address victim's multiple needs to move forward and live free of violence

SPIP continues to develop and maintain a holistic, community-wide response to address and one day eliminate domestic violence. Each Year SPIP provides services to 6,400 victims and their children, and responds to 8,000 calls on our 24-hour crisis line, with a focus on reaching low-income, marginalized victims and families.

Tubman

24-hour resource line 612-825-0000

Tubman provides comprehensive services to serve families and individuals in Minneapolis and Suburban Ramsey County. They can help with crisis situations through shelter services. They will also support clients through their long-term healing processes and help them overcome barriers through core service areas:

- shelter and housing
- mental and chemical health
- legal services
- youth programs
- Workshops
- support groups



SPIP Contracts with St Paul Police, while Tubman contracts with Suburban Ramsey County Police Departments (Little Canada, Roseville, Shoreview etc)

Tubman can serve St Paul the same way SPIP can serve Ramsey County, but we want participants to go where they can receive the most effective wrap-around services



Immigration: The U-Visa

The purpose of this law is to encourage immigrants to report criminal activity

Governed by VAWA, The U-Visa statute allows Federal, State and local Judges to certify a u-visa if the following requirements are met:

1. the applicant has been physically or mentally abused by criminal activity
2. the applicant possesses information about the criminal activity
3. The applicant has been, is, or will be helpful in a criminal investigation or prosecution
4. has been the victim of criminal activity.



U-Visa Process

Requests are made by Immigration Attorneys, non-profits, legal service corporations or clinic for judicial certifications.

- Qualifying crimes include domestic violence, rape and sexual assault
- The applicant does not need to be the spouse; and, the perpetrator does not need to be a United States citizen or have any legal status in the United States
- Requests for certification will be submitted in Form 1-918 Supplement B
- Useful info may include an OFP, Domestic Assault Complaints, Testimony before judge in a family or civil case
- Only U.S. Citizenship and Immigration Services has authorization to grant the U-visa
- An applicant may receive U-visa status for up to four years

U-Visa Continued

- Applicants over 21 can file on behalf of their spouse and children
- All U Nonimmigrant status applications are free. Applicants can request a fee waiver for any other form that is necessary to accompany the application by filing the [Form 1-912: Request Fee Waiver](#)
- Extensions beyond four years are available under certain limited circumstances
- With U-Visa authorization, an employment authorization document is automatically issued.
- U Nonimmigrants may be eligible to apply for a Green Card (adjustment of status/permanent residence) if they have been physically present in the US for at least 3 years while in U Nonimmigrant status

Immigrant Law Center Minnesota

651-641-1011

**405 Syndicate St N, Suite 200,
St Paul MN 55104**

ilcm.org lists daily intake hours

A nonprofit agency that provides no-cost immigration legal assistance to low-income (less than 187.5% of the federal poverty guidelines) immigrants and refugees in Minnesota.



The Family Violence Waiver

Ensures that participants experiencing family violence receive employment plans and services that prioritize their safety

Ensures that eligibility workers and employment counselors inform all participants about the options available to people experiencing family violence.



What does the Family Violence Waiver do?

How does a participant's MFIP or FSS employment plan change if they are dealing with family violence?

- **It stops the 60-month time clock**, for MFIP and the Family Stabilization Services (FSS)
- The Family Violence waiver can be used to get an extension. In other words, if someone has already used their 60 months and are experiencing family violence, they may be able to **get back on** MFIP or FSS
- Participants may count the hours they spend on safety activities on their employment plans.
- Activities that put a participant at risk can not be on their EP. For example if an abusive ex stalks your client at work, work may not be a safe activity for them.
- If a participant gets the waiver, and they are not already in FSS, they are moved to FSS for the flexibility.

Step One

You share the following forms with everyone during an EP Services overview, orientation, or when reviewing an EP, regardless of whether that person has disclosed family violence.

- The Domestic Violence Waiver Information Brochure (DHS-3477)
- Highlight the exemption from the 60-month time limit based on family violence
- Assure participants are aware the Family Violence Referral Form DHS-3323 is in their packet
- Complete the information on the DHS-3323 form about which local agencies responded to family violence before giving it to participants.

A photograph of a woman and a young child lying in bed, partially covered by a white blanket. The woman is looking upwards with a thoughtful or distressed expression. The child is resting their head on the woman's shoulder. The background shows a window with a wooden frame. The image is overlaid with a semi-transparent blue and purple gradient.

Noncitizens experiencing family violence have rights to apply for permanent residency

Ensure that non-citizen participants experiencing family violence of any type know these rights exist.



Step Two

A participant discloses to you that he/she is a victim of family violence, and requests a family violence waiver.

You will use the MFIP Manual Section 8:15: “Verifying Family Violence” guidelines, to advise the client about the documentation required to substantiate a claim of family violence.

Who Qualifies?

A participant who has been subject to one or more of the following acts, committed by a family or household member

- Physical harm
- Bodily injury or assault
- The infliction of fear of imminent physical harm
- Terroristic threats
- Criminal sexual conduct

FAMILY OR HOUSEHOLD MEMBERS ARE:



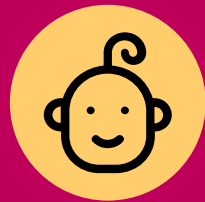
Spouses and former spouses



People related by blood



If pregnant, the alleged father



People who have a child in common



People involved in a current/past significant sexual relationship



People who reside together

VERIFYING FAMILY VIOLENCE

Participants must provide 1 of the following for documentation when requesting a FVW:

1

Government Records

Police, government agency or court records

2

Statement from Staff

from staff at a family violence shelter, a sexual violence advocate or family violence specialist with knowledge of the circumstances.

3

Professional Statement

from a professional to whom the participant has turned to for assistance about the violence

4

Sworn Statement

from the participant along with a sworn state from another person with knowledge of the violence or credible evidence that supports the participant's statement

Verifying Family Violence Cont.

Keep all documentation in the case file

- Allow the participant a minimum of 10 days to gather the documentation
 - *Do not require the participant to engage in employment activities or services during this time*
 - *Do not impose a sanction during this time*
 - *Help participants if they have difficulty securing the documentation*
 - *The family violence specialist can help obtain documentation*
- If child support has already received and accepted documentation about family violence from a participant, that same documentation can support the request for a family violence waiver.



Step Three

Ensure a family violence specialist is involved by doing any of the following

- Refer or arrange a meeting for the participant with a person trained as a family violence specialist.
- Refer to the agency family violence specialist
- Engage the family violence specialist the participant is already working with.

Family Violence Specialist

Meets one of the following requirements. The family violence specialist and the participants employment counselor can not be the same person.

- A staff person at an organization designated by the Office of Justice Programs as providing services to people experiencing family violence
- A county, tribal or employment services agency staff person who has received similar training while working for an organization designated by the Office of Justice Programs
- A Legal Aid staff person with knowledge of family violence
- Any other person or organization designated by the Office of Justice Programs

Information about officially recognized family violence agencies is available at [Minnesota Center for Crime Victim Services](#)

Release of Information

Get a signed General Consent/Authorization for Release of Information DHS-3549 from the participant

This allows you to communicate with the family violence specialist if the specialist is not an employee of either of the following

- The county or tribe
- The employment services agency

Step Four

Work with the family violence specialist and the participant to develop an employment plan that prioritizes safety.

- Only approve or revise an EP, including setting hourly requirements, after consultation with the specialist and the participant
- Rely on the expertise of the family violence specialist and the participant to decide if an activity is safe
- Revise the employment plan if issues related to family violence prevent the participant from complying
- Only include the following activities if the specialist and participant agree they are appropriate
 - *Pursuing employment*
 - *Getting an OFP*
 - *Attending counseling*
 - *Moving away from the abuser*

Review the Employment Plan at least every 6 months

The purpose of this review is to determine if:

- The activities are still appropriate
- The participant is able to safely comply with the plan
- The family violence waiver should continue or end

Revise the plan if necessary, rewrite the plan at least annually.

Child Care Assistance

Participants on the Family Violence Waive still qualify for child care assistance to support activities in their employment plans

- You should communicate to child care assistance workers about activities in employment plans, as is done with information about activities in any MFIP employment plan
- Child care assistance workers do not need to know the family violence waiver is in place

Time Limits

Any month a participant has a family violence waiver in place does not count to the MFIP 60-month time limit

- The 1st month that does not count is the 1st month the eligibility worker has approved the family violence waiver
- Eligibility workers can manually approve the waiver retroactively for previous months
- The 1st month after the waiver ends is the 1st month that starts counting again
- Participants may stay on the family violence waiver as long as it is needed
- Participants experiencing family violence are eligible for post-60-month extensions

A background image showing a police officer in a white uniform and cap, wearing sunglasses, leaning over to assist a person lying on the ground. The person is wearing a striped shirt and dark pants. The scene is outdoors, possibly on a street or sidewalk. The image is overlaid with a semi-transparent blue and purple gradient.

Non-Compliance

A participant already in sanction requests or receives a FV Waiver

- Determine if they qualify for good cause, including the information they have shared to qualify for the FV waiver. If they qualify
- Lift the sanction
- Notify the eligibility worker and communicate the effective date
- Revise the employment plan

A participant on the family violence waiver fails to comply with their EP

- Review the plan with the specialist and if possible, the participant, to decide if it is still appropriate
- Revise the plan if family violence interferes with pursuing employment activities
- Grant good cause when incidents beyond the participants control interfere with their ability to complete activities

Non-compliance cont.

If the family violence advocate determines the participant is able to comply but is not doing so:

- End the Family Violence Waiver and notify the eligibility worker.
- The 60 month time clock will begin counting again
- Invite the participant to develop a new employment plan
 - *If they do not participate in developing a new plan or follow through with the activities of the new plan, follow the FSS sanction process*
 - *Consider whether a home visit, as required in sanctions for FSS would be safe*
 - *If a participant is in Safe At Home, a home visit is not possible*
 - *Because home visits are required if FSS services do not follow through with office visits, a sanction can not proceed in situations in which home visits are not possible*



Decision to end the FV Waiver

Participant's and their children's safety should be the deciding factor.

Only end the waiver if the following criteria are met

- The participant reports safety is no longer an issue
- The participant continues to be out of compliance
- The family violence specialist agrees

Children Under 12 Months Exemption

If they already have a FV Waiver and chooses to start the Child Under 12 Months Exemption

- Leave the family violence plan in place
- Notify the eligibility worker that the participant has chosen the exemption
- The months will not count towards the participants lifetime limit
- Set the review day as the date the exemption ends
- Explain to the participant that MFIP support service dollars and MFIP child care are not available while they have the exemption

If they request both the FV Waiver and the Child Under 12 Exemption at the same time

- Meet with the participant to develop an FSS EP under the Family Violence Waiver option
- Note that the plan is on hold
- The participant can claim the exemption after the plan is written and approved, and the FV Waiver is in place
- Leave the FV Plan in place
- Notify the eligibility worker that the participant has chosen the exemption and is approved for the FV Waiver so the 60 month clock stops

The background of the slide features a photograph of two women. On the left, a woman with short brown hair and glasses is wearing a dark top and several strands of beaded necklaces. On the right, a woman with long blonde hair is wearing a light-colored, ruffled dress and has her right arm raised. The entire image is overlaid with a color gradient that transitions from purple on the left to blue on the right.

Any Questions?
rowan@stpaulintervention.org