



Safety & Protection

Information and Resources for Survivors and Their Supporters

- Plan For Safety, Identify Support and Survival Needs
 - Crime Victim's Compensation
 - Temporary Restraining Orders
 - Protection from Stalking
 - Community Resources
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Mid-Valley Women's Crisis Service offers a safe refuge and supportive services for women and children who are victims of domestic and sexual violence. Services are provided to survivors of any race, color, creed, disability, religious belief, or sexual orientation.

Programs and services include:

- 24-hour crisis intervention hotline
- 24-hour shelter services that include housing, food, clothing, emergency transportation, and supportive services, such as referral and case management
- Advocacy
- Individual crisis intervention
- Support Groups for women who are abused or sexually assaulted

If you would like more information about domestic and/or sexual violence, or if you want to talk to a trained advocate about a particular situation, please call the MVWCS 24 hour crisis hotline – (503) 399-7722 or toll free 1 (866) 399-7722. Or, call the office at (503) 378-1572, Monday through Friday, between 9 am and 5 pm.

This document is available to view, print and save from website www.mvwcs.com.

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Safety and Protection

Plan For Safety, Identify Support and Survival Needs

Identifying Support

Many abusers isolate their victims geographically and socially. As a result, many victims have lost their support system. Developing a support network can be very helpful when planning for your safety. There are many people and places to turn to for help.

Some are listed below:

- Friends
- Domestic and sexual violence hotline
- Family
- Women's support groups
- Faith communities
- Counselors
- Others

Think about the following questions when asking for support:

How have these people helped me in the past?

How might they help me now?

Survival Needs

Do you have:

- ✓ A place to live or a safe place to go?

We have a safe shelter

- ✓ Money or a way to get money?

You may be eligible for an emergency grant from Department of Human Services Self-Sufficiency Program

- ✓ Transportation or a way to leave?

We can transport you from a public place to the shelter and we have bus tickets available for our shelter residents

- ✓ Food or a way to get food?

You may be eligible for emergency food stamps from Department of Human Services and we have a list of places to get a food box

- ✓ If needed, safe and reliable child care?

You may be eligible for emergency child care through Community Action Agency

What to take if you leave

If you have time, you may want to take the following items:

- ✓ Identification: Driver's license, social security cards for you and your children, work permit, green card, passport
- ✓ Money: checkbooks, credit/debit cards
- ✓ House and car keys
- ✓ Medications
- ✓ Address book
- ✓ Change of clothes

The following papers are easily replaceable:

- ✓ Birth certificate (at the county courthouse)
- ✓ Restraining order, stalking order, divorce papers, custody order (also at the county courthouse)
- ✓ Insurance papers (at your agent's office)
- ✓ Lease (at your landlord's office)
- ✓ Medical records (at your doctor's office)

Remember, it is okay if you forget something you need. Your support system may be able to help you replace things you need. You can also call the hotline to find out how to get certain items.

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Crime Victims' Compensation

Oregon law says that people who have been victims of crime or are dependents of victims of crime may be able to receive money as compensation for their losses and expenses resulting from the crime. 'Victim' means a person who is injured or killed as a result of a compensable crime committed against the victim in Oregon. A "compensable crime" is an intentional, knowing, or reckless act by a person resulting in physical and/or emotional injury and/or the death of another person. Incidents of domestic and sexual violence may be compensable crimes.

Compensation Losses/Expenses:

The kinds of losses and expenses for which the state may compensate include the following:

- Mental health counseling
- Reasonable medical and hospital expenses
- Eyeglasses, hearing aids, dentures, and other devices that are medically necessary
- Funeral expenses
- Victim's loss of earnings
- Loss of support to dependents
- Grief counseling for relatives of homicide victims
- Counseling for children who witness domestic violence
- Mileage expenses

To Be Eligible for Compensation You Must:

- Be a victim of a crime which occurred in Oregon
- Report the crime to the police or sheriff within 72 hours (this may be waived under certain circumstances)
- Cooperate fully to apprehend and prosecute the assailant

- Not have been involved in a wrongful act and/or did not provoke the assailant
- Apply for compensation within six months of the crime (this may be waived under certain circumstances)

Victims Are Not Eligible If:

- The crime occurred prior to Oct 4, 1997 and compensable expenses resulting from the crime do not total \$100
- The injury or death resulted from an accident

Compensation May Include:

- Up to \$20,000 for reasonable medical and/or counseling expenses from a licensed professional
- Loss of earnings/support up to \$400 per week to a maximum of \$20,000
- Funeral expenses up to a maximum of \$3,500
- Rehabilitation up to a maximum of \$4,000
- Reimbursement of mileage for medical/mental health treatment over 60 miles round trip when services are not available with another provider within the area

Not available for crimes committed prior to Oct 4, 1997.

How to Apply:

A victim or dependent of a victim of crime must file an application for compensation under this law.

Applications may be obtained from and filed with:

Crime Victims' Compensation Program <http://www.doj.state.or.us/CrimeV/welcome1.htm>

Department of Justice
1162 Court St NE
Salem, OR 97310
(503) 378-5348

After receiving the application, the Crime Victim's Compensation Program will process your request for compensation. This requires obtaining police reports, medical reports, employment verification (when applicable), and any other information necessary for the investigation.

If the victim or dependent of the victim has any benefits available, such as sick leave, medical disability or life insurance, social security or restitution, amounts received from those sources will be deducted from any compensation awarded under this program.

The Crime Victims' Compensation Program will notify applicants in writing of the decision on their claims. An appeals process is available if the applicant disagrees with the decision.

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Temporary Restraining Orders

The law offers the protection of a temporary restraining order to victims of domestic violence whether or not the abuser has been arrested or prosecuted. The order is free, and the victim does not need an attorney to get one although an attorney is recommended if the abuser contests the restraining order.

The person (victim) who requests a temporary restraining order is called the "petitioner"; the person (abuser) whom the order restrains is called the "respondent."

A Restraining Order Can:

Require the abuser to stop abusing, threatening, or interfering with the victim and with children in her custody

Forbid the abuser to enter the victim's home, school, place of business, or other specified place

Order the abuser out of the home if the victim is sole or part owner of the home, or is on the rental agreement

Require the police to stand by while the person leaving the home removes personal belongings

Give the victim temporary legal custody of the children if the children are in her physical custody or, if they are not, grant her visitation rights

A temporary restraining order is available in every county in Oregon. Once issued, it is effective throughout the state for one year unless the petitioner wants the order ended earlier or wants it renewed.

Police are required to enforce a restraining order. A person who violates a Restraining Order can be arrested, tried for contempt of court or any crime committed, and if found guilty, can be fined or put in jail. Generally, fear of arrest makes most abusers respect the order. But, a temporary restraining order is no guarantee of safety for the victims.

A Woman is Eligible to Get a Restraining Order If She Meets the Following Criteria:

- ✦ She was the victim of abuse within the past six months
- ✦ or she was the victim of abuse more than six months ago, and the abuser has been in prison or jail
- ✦ or she was the victim of abuse more than six months ago, and the abuser has lived more than 100 miles from her in the past six months

and

- ✦ The abuse was bodily injury
- ✦ or attempted bodily injury
- ✦ or the threat of immediate serious bodily injury
- ✦ or sexual abuse
- ✦ or rape

and

- ✦ She is the abuser's wife
- ✦ or the abuser's in-law
- ✦ or relative
- ✦ or is in a sexually intimate relationship with the abuser
- ✦ or is the biological co-parent (with the abuser) of a minor child

and

- ✦ She is 18 years old
- ✦ or "emancipated" (a legal action) if younger than 18
- ✦ or younger than 18 and married to the abuser who is 18 or older
- ✦ or younger than 18 and sexually intimate with the abuser who is 18 or older

The court will hold a hearing on the day you file your papers or the next day that the court is open for business. If the judge decides you have met the legal standard for a restraining order, the judge will issue a restraining order at the time of the hearing.

The restraining order is effective, legally, as soon as the court grants it; however, it cannot be effective in a practical sense until the abuser knows it exists. A sheriff or another qualified person must serve the respondent with a copy of the order. After the respondent receives it, he has 30 days to ask for a hearing, which must be held within 21 days of that request.

The judge may change or cancel the restraining order based on information received at the hearing. Changes in custody or visitation rights may be requested at any time while the order is in effect.

If the victim and the abuser later divorce, and the provisions of the divorce decree are different from the provisions of the restraining order, the divorce decree will take precedence.

Please note: There are circumstances where it is important that you consider whether a restraining order is the best option. This is especially true when you are considering moving out of the area and child visitation issues are involved. We recommend you call your local women's shelter program and talk to someone regarding your situation.

Safety and Protection

Protection from Stalking

Until 1993, a survivor of domestic violence who was being stalked in Oregon by her abuser had little or no legal protection against the stalking unless she met the criteria for a temporary restraining order. The 1993 Oregon Legislature made stalking a crime and created protections for victims. However, the courts later ruled that law unconstitutional. The 1995 Legislature reworked the troublesome provisions and passed another anti-stalking law.

The law now defines stalking as knowingly alarming or coercing another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person. The stalking behavior must meet a standard of "objective reasonableness" - that is, the behavior must be such that any person in the victim's position (or in the position of the victim's household) would reasonably feel alarmed or coerced by it.

A person who is being stalked can get protection under the law by making a complaint to any law enforcement officer and requesting an Officer's Citation. The request must include a sworn statement from the victim - or from the victim's parent or guardian, if appropriate - describing the stalking.

The Officer's Citation is issued when the officer has "probable cause" to believe that the alleged stalker has made repeated, unwelcome contact with the victim and that it is reasonable for the victim to be alarmed for her own safety and/or the safety of members of her immediate family or household.

The Officer's Citation tells the alleged stalker to appear in court within three court-

business days under penalty of arrest - for a hearing at which the alleged stalker must show cause as to why a judicial stalking order should not be issued. During that three-day period before the court hearing, the victim is protected under the Officer's Citation.

The Officer's Citation also includes a copy of the stalking complaint and notifies the victim of the time and place of the hearing.

The protective order will be granted if the victim appears at the hearing and the court determines that:

The respondent (the stalker) has intentionally, knowingly, or recklessly made repeated and unwanted contact with the petitioner (the victim) or with members of the victim's immediate family or household and, as a result, alarmed or coerced the victim, and

It is objectively reasonable for the victim to have been alarmed.

Unless the court limits the duration of the protective order, it is permanent.

The court can order the stalker to undergo a mental health evaluation and can move to commit the stalker if there is probable cause to believe he is dangerous to himself or others or is unable to care for himself.

The law sets criminal and civil penalties for stalking. A stalker may be convicted of a misdemeanor unless the stalker has a prior conviction for stalking or has violated a stalking protective order, in which case the latest stalking offense can be filed as a felony. The victim also may file a civil lawsuit against the stalker for money to be paid as compensatory and punitive damages.

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Community Resources

Community Resources

Emergency Assistance and Food Stamps

Department of Human Services Self-Sufficiency Program

North Salem Branch (503) 378-2720
South Salem Branch (503) 378-6327
Stayton Branch (503) 769-7439
Woodburn Branch (503) 982-9991

Legal Assistance

Legal Aid - Salem (503) 581-5265
Reporting a Crime - 911 for emergencies
Salem Police Department - (503) 588-6123 for non-emergencies
Marion County Sheriff Department - (503) 588-5032 for non-emergencies

Restraining Orders

Marion County Courthouse - (503) 588-5105

Stalking Orders

Call a local police branch to file an order with an officer

Victim Assistance

Marion County - (503) 588-5253

Mid-Valley Women's Crisis Service's educational materials on domestic violence and sexual assault are also available in Spanish, Russian, Vietnamese, large print, and audio (English only). We are continually enhancing our materials, we will soon have Braille and audio available in other languages, see our website or call our office to receive copies/tapes in other languages or alternative formats.



Mid Valley Women's Crisis Service

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