



# SIA

## Survivor's Guide



*This guide is intended to assist you as you navigate through the process of finding assistance. A victim's journey is full of unique challenges and difficulties, and in some cases victims are overly-referred, ignored or simply denied service. Without access to critical services, the victim feels forced to stay in the abusive relationship and is often unable to escape the cycle of violence and disenfranchised by the very system put in place to protect them.*

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### *Getting Help From Resources*

1. If you are in immediate danger, please call 911.
2. For help finding a domestic violence advocate, call the National Domestic Violence Hotline at **(800) 799-SAFE. (TTY (800) 787-3224)**
3. Create a *Needs List*. A Needs List will include your needs as a victim.  
An example of a Needs List would be:
  - Pro Bono Attorney
  - Shelter
  - Transportation
 Keep your list simple, short and easy to understand.
4. Have an updated **Resource List** on hand. A Resource List should include the following:
  - Domestic Violence Shelters in your City
  - Your State Domestic Violence Coalition
  - Crime Victim Compensation in your State
  - Your local Assembly Person/Senator
  - The District Attorney in your City
  - Contact Information for Legal Aid/Legal Assistance Resources

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When reaching out for help through *email*, use the *Survivors In Action Template* for defining your needs. Here is an example:

Dear \_\_\_\_\_,

I am a victim of domestic violence in need of immediate help and assistance. I am suffering from chronic pain and in need of surgery . My children continue to get beaten by my abuser, I cannot pay child support because I do not have a job or the ability to work due to my injury-related disability. I am suffering and need help.

I need the following, or I face possible jail time because I cannot get to court:

1. A Pro Bono Domestic Violence Attorney
2. Crime Victim's Compensation to cover medical expenses and surgeries
3. Child Protection Services to step in and remove my children from the abuser's home.

I have already contacted the following resources and have not received assistance:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Please respond ASAP. I fear for my safety and for the safety and well-being of my children.

*The key is to avoid being caught in a cycle of referrals, and because you have clearly identified your needs and listed the resources that haven't worked for you, it will save time and avoid confusion. Always keep a paper trail and ensure that you are using an email account that you consider to be safe and that your abuser cannot access.*

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### *Self-Sufficiency Guide*

This guide is intended to be included, but is not meant to replace your domestic violence safety plan. If you do not have a safety plan, please contact your local domestic violence service provider for assistance. If you are in immediate danger, please call 911.

#### **1. Important Documents to Take With You:**

- Order of Protection
- Social Security Card
- Medical Records
- Address Book
- Insurance Documents
- Pet Records
- Marriage/Divorce Papers
- Photo Identification
- Credit/Debit Cards
- Birth Certificate
- Copy of Your Lease
- Vehicle Registration
- Password List
- Vaccination Records
- Bank Statements
- Tax Records/W-2's
- Police Records/Photos
- School Records
- Checkbook
- Loan Information

2. If possible, a safety deposit box at a bank is an ideal place to keep these records. If you cannot get a safety deposit box, another option would be to leave them with a relative that you can trust. Your important documents are essential and will be necessary if you plan to apply for benefits or take legal action. A safety deposit box with a key lock can

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*be purchased from a retailer like Walmart for around twenty dollars.*

3. Take a **Financial Inventory**. Knowing where you stand financially is an important aspect to escaping abuse and reaching economic independence.

4. If possible, **being setting aside money in a safe place**, if you can do so without jeopardizing your safety – even if it is just a few dollars.

5. **Obtain a copy of your Credit Report** from all three credit bureaus. This can be done (one a year) for free at [www.annualcreditreport.com](http://www.annualcreditreport.com)

6. **If you suspect that you have been or are about to be a victim of identity theft**, you can place a Fraud Alert on your Credit File. If you suspect that your abuser has or will attempt to use your credit for financial gain, a Fraud Alert will prevent them from opening more accounts in your name. An initial Fraud Alert stays on your File for at least 90 days, but can be extended for up to 7 years. [www.ftc.gov](http://www.ftc.gov) has more information about identity theft and fraud alerts. You also have the option to place a credit freeze on your credit file. Credit freeze laws vary from state to state. A credit freeze prevents potential creditors and other third parties from accessing your credit report at all, unless you lift the freeze or already have a relationship with the company.

7. **Do some research and find out what services and benefits are available to you**. This includes Government benefits such as housing vouchers or temporary assistance for needy families. [www.benefits.gov](http://www.benefits.gov) has an online tool to help you determine which benefits you may be eligible to receive. You may also be eligible for unemployment benefits if you had to leave work because you are a victim of domestic violence or stalking. Check with your state's unemployment commission for more information. Remember to perform this search from a computer that you feel safe using.

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8. If you do not have a cell phone or will have to leave your phone behind, look into an income-eligible free cell phone program such as the program available through [www.safelinkwireless.com](http://www.safelinkwireless.com)

9. Use a Safe E-Mail Address for all electronic communication. Ensure that you are utilizing an email account that you consider to be safe and that your abuser cannot access.

10. Change ALL User Names and Passwords, and we recommend avoiding any social networking sites. If you continue to use social networking, then remember that the internet is a public resource and evaluate your privacy settings. Limit the amount of personal information that you post, and do not post information that would make

you vulnerable such as your address or your schedule/routine.

11. Keep up-to-date documentation. This is the most pro-active step that a victim can take. If a case goes to trial, victims will need to recall specific events and information for court proceedings. Document all incidents and injuries - it is important to keep track of facts, times and dates of each incident.

*Each situation is unique and this is not a comprehensive list. If you have a concern that has not been addressed, please contact your local domestic violence service provider for assistance.*

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*Domestic Violence and Stalking Incident Log*

|                              |  |
|------------------------------|--|
| <b>Date and Time:</b>        | <b>Description of Incident:</b>                |
| <b>Location of Incident:</b> | <b>Witness Name and Phone Number:</b>          |
| <b>Police Report Number:</b> | <b>Police Officer's Name and Badge Number:</b> |

|                              |  |
|------------------------------|--|
| <b>Date and Time:</b>        | <b>Description of Incident:</b>                |
| <b>Location of Incident:</b> | <b>Witness Name and Phone Number:</b>          |
| <b>Police Report Number:</b> | <b>Police Officer's Name and Badge Number:</b> |

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|                              |  |
|------------------------------|--|
| <b>Date and Time:</b>        | <b>Description of Incident:</b>                |
| <b>Location of Incident:</b> | <b>Witness Name and Phone Number:</b>          |
| <b>Police Report Number:</b> | <b>Police Officer's Name and Badge Number:</b> |

|                              |  |
|------------------------------|--|
| <b>Date and Time:</b>        | <b>Description of Incident:</b>                |
| <b>Location of Incident:</b> | <b>Witness Name and Phone Number:</b>          |
| <b>Police Report Number:</b> | <b>Police Officer's Name and Badge Number:</b> |

*A stalking log is necessary to document all stalking related behavior and threats. This information can be used when applying for a protection order and can be introduced into evidence during court proceedings. Keep this log in a safe place, that your stalker cannot access.*

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### *Getting An Order Of Protection*

Victims need to gather their data, evidence, important dates and details together when filing for an order of protection. An Order for Protection tells the abuser to stop harming or threatening you. Domestic abuse can involve physical harm, injury, assault, rape, terrorist threats, or making a person fearful of harm or injury or assault. Examples include hitting, kicking, pushing, punching, slapping, pulling hair, choking, holding you down, threatening to harm or kill you or the children, forced sexual contact (even if you are married), or any sexual abuse/contact with a child.

### *Other Names for an Order of Protection:*

*Stay away order*

- *Order of no contact*
- *Injunction for protection*
- *Harassment order*
- *Restraining order*
- *Stalking protection order*
- *Orders not to abuse, harass, contact, etc., that are part of bail, probation, or parole conditions*
- *Emergency, temporary, or Ex parte order*

*Full Faith and Credit provision of the Violence Against Women Act says that a valid protection order must be enforced throughout the country. This means that if you get a valid protection order, it is good in the community where you received it, and all other jurisdictions or places you go in the United States. This includes protection orders issued in all 50 states, Indian Tribal Lands, District of Columbia, U.S. Virgin Islands, Puerto Rico, American Samoa, The Northern Mariana Islands and Guam.*

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### *How to File a Petition*

Victims of Domestic Violence must go to their County Court and ask to file a Family Offense Petition with the County Clerk. You can get an Order of Protection from a civil (Family Court/Supreme Court) or criminal court. **An Order of Protection will not expire if a victim receives the order as part of a divorce settlement in Supreme Court.** If you are a victim going through a divorce, be sure to request an Order through your attorney as part of the divorce settlement.

### Follow these steps to file a petition:

- Gather any evidence related to the crime. This includes threats in the form of writing, emails, text, or any phone conversations or instances of domestic abuse. Gather dates and times and be as specific as possible, including as many details as you can remember.
- Once you have gathered your evidence, write down a timeline of events with all the details gathered. See the example below:

*{Example: Jan. 1, 2010-injury to face and body, verbal death threats made. /April 5,2010-verbal abuse, threatening text message received at 10pm./ June 10, 2010-visit to the ER due to injury to the abdomen by abuser.}*

- Clearly and thoughtfully follow your timeline of events and compose a detailed description of the crimes that took place in the form of a story. If there were many threats made, include all instances of abuse and threats into one petition and remember to be as specific as possible.
- Bring the timeline and the composition to the County Clerk and make sure the Clerk records your data into the petition, so that the petition is a clear and as accurate as possible.
- Be sure to call your local shelter in advance and ask for a Domestic Violence Advocate to accompany you to court on your court date. Plan to meet with your advocate before court so that you can obtain free legal representation for your court date.

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### *Crime Victims Compensation for Victims*

Each state has an organization designated to providing services for crime victims. For more information, and a map to access state specific organizations, please visit <http://www.ovc.gov/map.html>.

*Stay neat, very organized, and always make copies of anything you submit for you own personal files. This process can be long and time consuming, but if you need compensation for a crime, it is well worth the wait and paperwork.*

### *Victim's Rights*

Every state has a set of basic rights and protections for victims of crime called a 'victim's bill of rights'. In many cases, a victim's entitlement to a right depends on the seriousness of the crime. In some states, basic rights are afforded only to victims of felonies, while in other states victims of any violent crime, felony or misdemeanor are entitled to such rights. In a number of states, rights have also been extended to include victims of juvenile offenders.

In addition to the crime victim, victim's rights may often be exercised by a family member of a homicide victim, or the parent, guardian or relative of a minor, disabled, or incompetent victim. In some states, a victim's legal representative or another person designated by the victim may exercise rights on the victim's behalf.

The right to notification of the proceedings in the criminal process

- The right to attend and/or participate in criminal justice proceedings
- The right to notification of other legal remedies
- The right to protection from intimidation and harassment
- The right to notice of the release or escape of the offender
- The right to privacy, including confidentiality of records
- The right to speedy trial provisions
- The right to discuss the case with the Prosecutor
- The right to prompt return of the victim's personal property seized as evidence

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from the offender

- *Victim Compensation and Restitution*

Many states give the victims or their families the right to be notified of important criminal proceedings and the outcome of the proceedings. Usually, the victim's rights include the right to attend the trial, sentencing and parole hearing of the offender. Victims also typically have the right to make a oral or written statement at sentencing or at a parole hearing. Every state has a victim compensation program to provide financial assistance to victims, and in some cases family members or other eligible persons. Usually a victim must have suffered actual physical harm or other tangible loss, and the financial loss caused by such harm or loss must exceed a minimum dollar amount.

In addition to compensation, victims often have the right to restitution, payment by the convicted offender for the harm caused by the crime. The court generally orders restitution at the time of sentencing. A lawsuit in civil court is usually required to recover punitive damages.

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### *Privacy Protection for Victims of Abuse/Stalking*

- *Do not rely on Caller ID to accurately identify callers. “Caller ID Spoofing” is a common practice used by high-tech cyberstalkers. It programs the Caller ID to reveal any name and number of their choice. Stalkers often use telephone numbers known by the victim in order to trick and deceive an unsuspecting victim into answering the phone. **Screen your phone calls.** Allow the answering machine to pick up first, and then answer. By allowing the answering machine to pick up, you may be able to use a phone message they leave as evidence. You are in control of your safety and security.*
- *Password-protect all accounts, including utilities. Besides adding a password to your accounts, request to have the agency/entity contact you if there are any changes made to your accounts including requests for account closures, electronic funds transfers or account cancellations. It is common for abusers/stalkers to cancel credit cards, close accounts, transfer funds and shut off the utilities of their victims.*
- *Notify family, friends, employers and co-workers not to divulge personal information about you to any third party. Stalkers/Abusers may contact third parties under false pretenses to obtain information pertaining to the victim’s activities and whereabouts. They may also pretend to be a member of law enforcement to obtain information. Ensure that those close to you are cautious and on alert, so that they will not fall prey to these methods.*

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## **FAQ's**

### **Why won't the victim just leave the relationship?**

This can be difficult to understand. The victim may not feel emotionally strong enough to leave, they may feel isolated and alone, or perhaps the abuse is not constant so they view the abuser as wanting to change his/her behavior. Sometimes the victim grew up witnessing violence so they may feel that some form of abuse is 'normal' in a relationship. The victim may be financially dependent on the abuser and fear homelessness if they leave. If the victim has children, they may have been threatened with the loss of the children, or perhaps the abuser has threatened to hurt or kill the victim or their family and friends. If this is the case, the victim might feel they are sacrificing themselves in order to save/protect those that they love from violence. When a victim leaves an abusive relationship, they are at the greatest risk of violence or even homicide. If a past attempt to leave has failed, the victim will most likely be fearful of trying to leave again. The best way to help a friend or family member who is a victim of abuse is to be caring and supportive. Make sure they know that you are there to listen. In the meantime, be proactive and learn about the resources that are available in the victim's community.

### **I'm a victim of stalking, what should I do?**

Experts suggest that victims send the stalker/harasser a written warning, informing them that the contact is unwanted and ask the perpetrator to cease and desist further communication of any kind. Then, no matter what their response is, under no circumstances should the victim continue to engage the stalker in any form of communication. Victims should save copies of all communication with the stalker in both electronic and hard copy format. It is imperative to document the evidence, along with specific dates and times. If the harassment continues, the victim should file a report with local law enforcement or contact the local prosecutor's office to see what charges can be pursued. The victim should not agree to meet the perpetrator under any circumstances.

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