

The ALERT



The Legal Aid Society
of Cleveland
Since 1905

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Understanding the Dynamics of Domestic Violence

By Alexandria Ruden



What is domestic violence?

Domestic violence is a pattern of repeated physical, sexual and emotional violence and behaviors that one person in a relationship uses to exercise power and control over the other. Domestic violence is never a random or isolated incident and it often increases in severity and frequency over time.

Abusers control family or household members with verbal insults, emotional abuse, financial control and threats. If these tactics do not work, the abuser then enforces his threats with physical and/or sexual violence. The consequence of the abuse for a victim depends on the tactics, but all abuse emotionally and psychologically hurts the victim. Abusive behaviors always create fear in the victim, force the victim to do what s/he does not want to do, and prevents the victim from doing what s/he wishes to do.

Domestic violence occurs in all communities among people of all income levels, racial and religious backgrounds, gay, lesbian, straight, transgendered, and people with disabilities.

Why do partners abuse?

In the most simple terms, they abuse because they can and it works. Hitting, kicking, choking, threatening, name calling and more are deliberate decisions based on what the abuser has learned through observation, experience and reinforcement. Abuse is not caused by illness, genetics, or substance use. It is not caused by "out of control anger." Victims do not make their abuser hurt them. Abusers decide when to be abusive to their partners and often choose which part of the victim's body to hit so as not to leave noticeable marks. Others choose the place and time to carry out their assaults in an effort to exert the most power and control over the victim.

Are you in an abusive relationship?

You may be a victim of abuse if:

- 1) Your abuser's failure to accept responsibility forces you to compensate for his behavior.
- 2) You often feel that you have no control over your life. Decisions about family, friends and activities are based on how the abuser will react.

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- 3) You may feel guilty over the failure of your relationship. This is reinforced by the abuser who blames you for all that goes wrong. Guilt over failure may be accompanied by shame for "putting up" with the abuse.
- 4) The abuser blames you and you begin to believe it over time.
- 5) Your behavior may be reinforced by economic dependence and increasing feelings of helplessness and fear as the abuse continues.
- 6) You may fear the abuser's anger but you may also deny or minimize this fear. Denial and minimization are common coping strategies for surviving abuse.
- 7) You become isolated from friends, family or neighbors and other forms of support. This is not by choice.

Your abuser may:

- 1) Be extremely jealous and suspect you of being unfaithful without any rational reason or evidence to support such a belief.
- 2) Control your access to money, social relationships and job opportunities and may monitor all your activities by making you account for any time apart or money spent.

- 3) Be emotionally dependent on you and make constant demands for reassurance and gratification.
- 4) Have poor self-esteem and feel inadequate about his masculinity, sexuality and parenting. These feelings may be masked by an extremely "tough or macho image."
- 5) Enforce rigid gender roles or believe in the traditional male "head of household" role.
- 6) Blame you or others for their behaviors, feelings and problems.
- 7) Was abused as a child.
- 8) Have few friends and poor social skills.
- 9) Be cruel not only to you but to children and pets.
- 10) Be preoccupied with gun, knives, etc.
- 11) Respond to situations with unpredictability.
- 12) Use inappropriate displays of anger if they do not get what they want which includes physical touching without consent, threaten violence, verbal abuse and breaking objects of value to you.

If you think any of the above may be true for a relationship you have, call the numbers listed below for help.

Domestic Violence Emergency Help

Location	Domestic Violence Shelters	24/7 Help
Ashtabula	Homesafe	800-952-2873
Cuyahoga	Domestic Violence & Child Advocacy Center OR Centralized Intake (for emergency shelter): 1736 Superior Avenue Cleveland, OH 44114 8am-8pm, 7-days/week	216-391-HELP (4357) OR 216-674-6700 *Call 211 after hours.
Geauga	Womansafe	888-285-5665
Lake	Forbes House	440-357-1018
Lorain	Genesis House	440-244-1853
National Domestic Violence Hotline		1-800-799-SAFE (7233)
Other Resources		211

Domestic Violence and Children

By Davida Dodson

Domestic violence affects everyone in a household including children. Children may suffer physical injury or threats, but also experience emotional distress when they witness violence between their parents or other adults in the home.

If a child is not safe at home because of domestic violence, the adult victim should be supported. Victims of violence may be able to leave the abuser and remove the children from danger, if they are able to secure emergency shelter, financial assistance, food and other basic necessities. When a child is injured, some victims need help getting the child to a doctor, hospital, or prescribed medical treatment. In any life threatening situation, always call 9-1-1 for help.

Many children who witness violence experience immediate and long term effects on their well-being. Young children may experience problems sleeping, nightmares, and bedwetting. Older children may be aggressive toward other children or the parent they live with. Some children don't feel hopeful about the future while other children experience learning and behavior problems. Parents and caregivers should let others involved in the child's life know about the violence - **if it's safe to do so**. Then, teachers, coaches, and friends will understand the negative changes in behavior.

Long-term effects of domestic violence may cause children to experience shock, fear, guilt and anger. These are normal feelings for children under the circumstances; but, the feelings can be difficult to cope with, both for the child and the adult. Often, professional support and counseling is needed to manage a child's normal reactions to witnessing violence.

Sometimes it is necessary to engage the legal system to assist children who experience domestic violence. Parents may file a complaint to determine custody in Juvenile Court (if the parties are not married) or the Domestic Relations Court (if the parties were or are married). Additionally, parents may file a motion to obtain a Civil Protection Order that also covers the children in order to stop future violence. These petitions, complaints, or motions should be supported by an affidavit (a written statement that a person signs, swearing it's the truth) to explain why a court order is needed to protect the children. Forms to make these filings to protect children are available online at www.supremecourt.ohio.gov/jcs/cfc/drforms and <https://www.supremecourt.ohio.gov/.../domesticV>. Domestic violence affects the well-being of children. If you or someone you know is experiencing domestic violence, call the resources listed in this newsletter for immediate help. Legal Aid provides representation in some cases. Call 1-888-817-3777 to apply for help.

The Family Justice Center

By Jill Smialek,
Cuyahoga County Family Justice Center

Cuyahoga County, in partnership with the City of Cleveland, recently opened the new Family Justice Center, a one-stop center for victims of domestic violence, sexual assault, child abuse, elder abuse and stalking. The center is designed to help victims and survivors access the professionals they need while in a comfortable, healing environment. Cuyahoga County is excited to join the Family Justice Center movement, which has launched over 120 centers worldwide in the last fifteen years. Family Justice Centers are considered to be state of the art and let victims of crime choose better-coordinated services that will help them live safer lives.

The center was launched after years of planning and coordination amongst multiple partners, including the Legal Aid Society of Cleveland. Teams of professionals, survivors, and funders met regularly to ensure that Cuyahoga County's Family Justice Center was built with victim needs in mind.

On-site service providers include the Witness/Victim Service

Center, Domestic Violence & Child Advocacy Center, Cleveland Rape Crisis Center, Frontline Services, City of Cleveland Division of Police, and City of Cleveland Prosecutor's Office. The Family Justice Center also has relationships with the County's Division of Children & Family Services, the County Prosecutor's Office, and the Legal Aid attorneys. Although there are Cleveland specific services, any Cuyahoga County resident can come to the Family Justice Center for assistance with protection orders, linkages to counseling and supportive services, and assistance navigating the justice system.

No appointment is needed! The Family Justice Center is open Monday through Friday, from 8:30 to 4:30 p.m. The address is 75 Erieview Plaza, 5th Floor, Cleveland, Ohio 44114. Free parking for victims of crime is available at the Hamilton Parking Garage, at E. 12th Street, between St. Clair and Lakeside Avenues. For more information or if you have questions, call the Family Justice Center at 216-443-7345.

Domestic Violence and Immigrants

By Katie Laskey-Donovan

Anyone can be a victim of domestic violence, including immigrants. In fact, abusers often try to use a person's immigration status as a method to control or abuse an immigrant victim. For example, a U.S. citizen husband who constantly threatens to call the immigration authorities on his undocumented immigrant wife and have her deported is abusing her.

The government recognizes that immigrants who are victims of domestic violence can be particularly vulnerable. There are special immigration laws that help protect immigrant victims of domestic violence. One allows immigrant spouses of US citizens (USC) or lawful permanent residents (LPR) who have a green card to file a petition for themselves to remove conditions of residency. A second allows victims who do not have a green card to file a self petition if they meet certain criteria under the Violence Against Women Act (VAWA). A third option allows victims of violent crimes, including domestic violence, to apply for a U-Visa if they can demonstrate cooperation with law enforcement in the investigation or prosecution of the crime.

Option 1: Self-petition to remove conditions of residency

When a USC or LPR applies for permanent residency status for their immigrant spouse, the immigrant spouse is granted a green card with conditional residency for two years. Before the end of the 2 years, the immigrant spouse typically must file a joint petition, with their spouse, to remove the conditions. However, in abusive relationships, the USC or LPR spouse often refuses to file the joint petition. Abused immigrant spouses may file to remove the conditions on their residency by themselves if they can prove that they got married "in good faith" (not for immigration purposes), but during the marriage their spouse abused them. If the immigrant spouse is successful in their self-petition, they then receive permanent residency status and a 10 year green card.

Option 2: Violence Against Women Act Self-Petition

The VAWA self-petition is for immigrants who do not have a "green card, but who meet one of five categories:

- 1) they are married to an abusive USC or LPR spouse;
- 2) their USC or LPR spouse is abusing their child;
- 3) they were married to an abusive USC or LPR (as long as the divorce was within the last 2 years or the spouse lost their immigration status in the last 2 years);
- 4) they are the child of an abusive USC or LPR; or
- 5) they are a parent who is abused by their USC adult child.

Immigrants who complete a VAWA self-petition must show that they married their spouse in good faith, and if they were deported it would cause extreme hardship to themselves or their child. If the self petition is approved, the immigrant victim gets a work permit and can apply for a green card.

Option 3: U-Visas for victims of crimes

A U-visa is a type of visa available to immigrants who are victims of certain crimes, including domestic violence. Other eligible crimes include rape, sexual assault, and sexual exploitation. The immigrant victim must show that they were helpful to law enforcement in the investigation or prosecution of the crime. If a U-visa application is approved, the applicant gets a work permit valid for four years. Also, after having U-visa status for 3 years, an immigrant can apply for a green card.

More information about the immigration benefits available to domestic violence victims is available at www.uscis.gov. Legal Aid provides assistance to immigrant victims in some cases. Call Legal Aid at 1-888-817-3777 to apply for help. Legal Aid is not a government agency and does not share information with Immigration and Customs Enforcement (ICE).



The Legal Aid Society
of Cleveland
Since 1965

Volunteer Lawyers Program
[vlp]

} **free**
LEGAL ADVICE

2015 Brief Advice and Referral Clinics
Civil Matters Only (*Not Criminal*)

Legal Aid provides services in the areas of consumer rights, disability, domestic violence, education, employment, family law, health, housing, foreclosure, immigration, public benefits, utilities, and tax.

First-come, first-served. Bring important papers with you! Questions? Call 216-687-1900 or visit www.lasclev.org for updated clinic listing.

THURSDAY, JULY 16 4:00 – 5:30 PM, West Side Catholic Center, 3135 Lorain Avenue, Cleveland

SATURDAY, JULY 25 9:30 – 11:00 AM, Spanish American Committee, 4407 Lorain Avenue, Cleveland

WEDNESDAY, AUGUST 5 2:00 – 4:00 PM, Special Clinic for U.S. Veterans, Call 216-391-0264 for an appointment

THURSDAY, AUGUST 6 Expungement Clinic, By Appointment Only – Please Call 888-817-3777

SATURDAY, AUGUST 8 9:30 – 11:00 AM, Cleveland Public Library –South Brooklyn Branch, 4303 Pearl Road, Cleveland

Housing Protections for Victims of Domestic Violence

By Abigail Staudt

Victims of domestic violence are often forced to choose between abuse and homelessness. If a victim of abuse does not have any other place to live, victims many times will stay with their abuser. Victims also face loss of housing and housing discrimination because of their abuser's behavior.

The Violence Against Women Act ("VAWA 2013") protects victims of domestic violence, sexual assault, dating violence and stalking. In 2013, the law was expanded to provide more protections.

More People are Protected: VAWA 2013 covers victims of sexual assault in addition to victims of domestic violence, dating violence and stalking. Also, VAWA 2013 now specifically protects Native American women, immigrants, LGBT victims, college students and youth.

Protections from Evictions: Under VAWA 2013, victims cannot be denied housing in federal housing programs because of being a victim of violence. Victims also cannot be evicted from federal housing programs due to their status as victims or due to the actions of the abuser.

VAWA 2013 also created emergency housing transfer options in

all federal housing programs. Victims should be able to transfer to a different unit to have safer housing. Plans for these options are being developed by local housing authorities.

College Students

VAWA 2013 also protects college students. Schools must create a recording process for incidents of dating violence and report the findings. Schools also must create plans to prevent dating violence and educate victims on their rights, including the right to contact law enforcement.

Preferred Waiting Lists

Some public housing authorities and subsidized housing providers provide a preference to domestic violence victims on their waiting lists. Victims may be able to secure subsidized housing more quickly than if they were on the regular waiting list.

If you are a victim of domestic violence, dating violence, sexual assault or stalking, and you believe that you have been denied housing or that you are being evicted due to your abuser's action, you should seek legal counsel. Legal Aid provides assistance in some housing cases. Call Legal Aid at 1-888-817-3777 to apply for help.

Civil Protection Orders for Victims of Domestic Violence

By Alexandria Ruden

Civil Protection Orders (CPO) are intended to help protect domestic violence victims and hold abusers accountable for their actions. Under Ohio law, domestic violence victims ("petitioner") file a petition against their abuser ("respondent") to ask the court for relief that may decrease the violence occurring within the family.

Only the court in each county that hears domestic relations matters may issue domestic violence CPOs. A petitioner must provide evidence to the court that he/she or a family or household member is in immediate and present danger of domestic violence. For example, a civil protection order may be considered where a family or household member experiences recent physical abuse, threats to harm or kill or stalking behavior.

A petitioner must fill out forms and complete a sworn statement describing the violence. She/he must appear in court with the forms which will be reviewed by a magistrate to decide if an "ex parte" order should be granted. "Ex parte" means the respondent/abuser is not in court for the hearing. If granted, the petitioner will get a temporary protection order after this first hearing.

There is another hearing within 7 or 10 court days. At this next hearing, the respondent can be present to dispute what the petitioner says or writes in his or her statement. The protection

order is either granted or denied. Sometimes the parties may agree to the terms of the CPO. If not, there will be a hearing before the magistrate to decide if the petitioner has presented enough evidence to obtain a CPO. If granted, the CPO can stay in place for up to 5 years. It can also be renewed, modified or terminated by further court hearing.

If granted, the court shall order that the abuser is stopped from abusing, threatening, or stalking the petitioner and other family or household members. The court may also stop an abuser from hurting the family pet. The court can also prohibit the abuser from having contact with any family or household member or going to the home, school, or place of employment. The court may evict the abuser and grant immediate possession of the home to the victim. The court may also order support, custody, visitation, or use of property which may include the car.

A CPO may be obtained with or without an attorney. A victim may be accompanied by a victim advocate during all stages of the proceedings. Call the hotline phone numbers listed in this newsletter to ask about availability of DV advocates. Legal Aid helps in some domestic violence CPO cases. Call Legal Aid at 1-888-817-3777 to apply for help.



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RETURN SERVICE REQUESTED

Legal Aid has improved its intake system to better serve the Northeast Ohio community.
Please share this information with your constituents:

**If you need legal assistance,
you can contact Legal Aid any weekday for help.**

New intakes are processed via phone:
888-817-3777 (toll-free)
Monday, Wednesday, Friday: 9 a.m. – 4 p.m.
Tuesday, Thursday: 9 a.m. – 2 p.m.

If you prefer an in-person intake application, those are handled:
Tuesday, Thursday: 9 a.m. – 1 p.m.
at any of our four Northeast Ohio offices (Cleveland, Elyria, Jefferson & Painesville).

Visit www.lasclev.org for more information!



Legal Aid sometimes invites community members to give their opinion on different topics during a focus group. If you might like to participate in a focus group in the future, please send an email with your name and contact information to focusgroup@lasclev.org.

This newsletter is meant to give you general information and not to give you specific legal advice. This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. You should contact a lawyer if you need representation or if you have questions.

If you have a communications limitation, contact us through the Ohio Relay Service. Interpretation services are available so that anyone can communicate with us in his or her dominant and/or preferable language.

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