

Family Law Survival Kit:

Tipping the scales in favor of DV survivors who have mental health concerns



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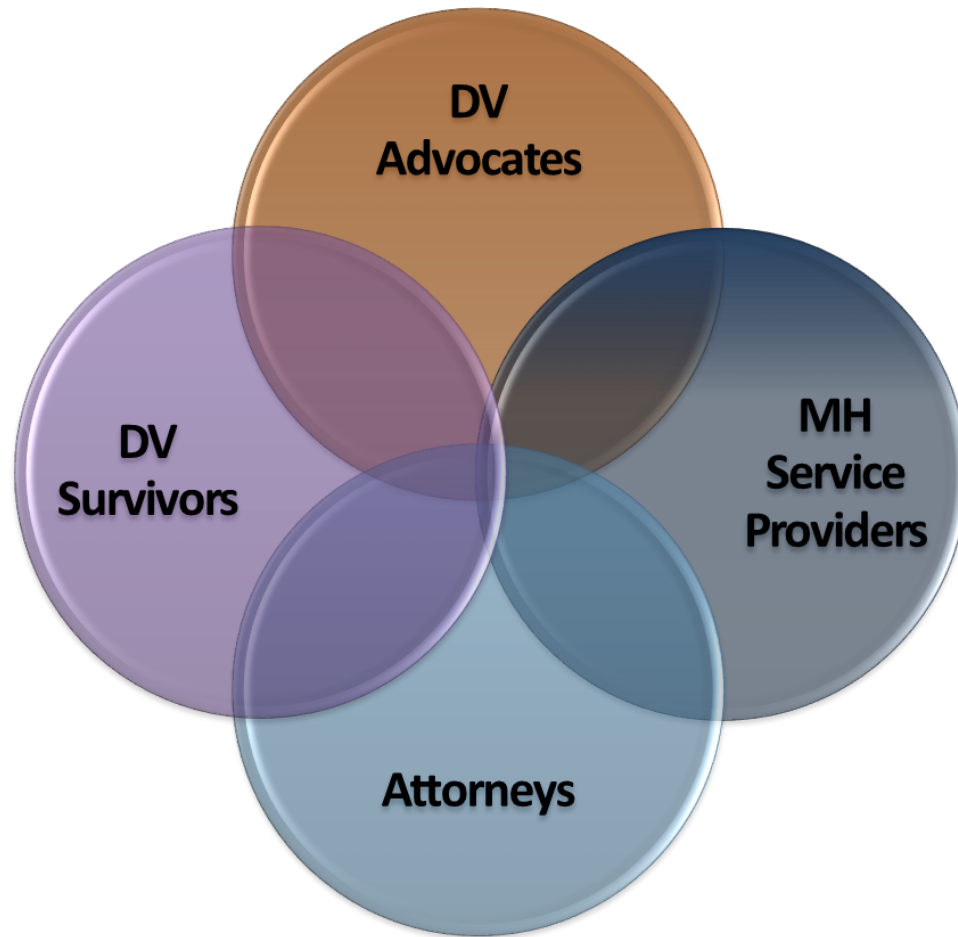


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Sound Mental Health

Nov. 1, 2016

The Domestic Violence and Mental Health Collaboration Project



DV/MH Collaboration Project

Please post your answers in the chat box

How are survivors' mental health symptoms used against them in protection order and family law cases?

DOMESTIC VIOLENCE / COERCIVE CONTROL

JUNK SCIENCE

**MENTAL HEALTH
STIGMA**

**SYSTEMIC
FLAWS**

XENOPHOBIA

SEXISM

**ABUSIVE
LITIGATION**

ABLEISM

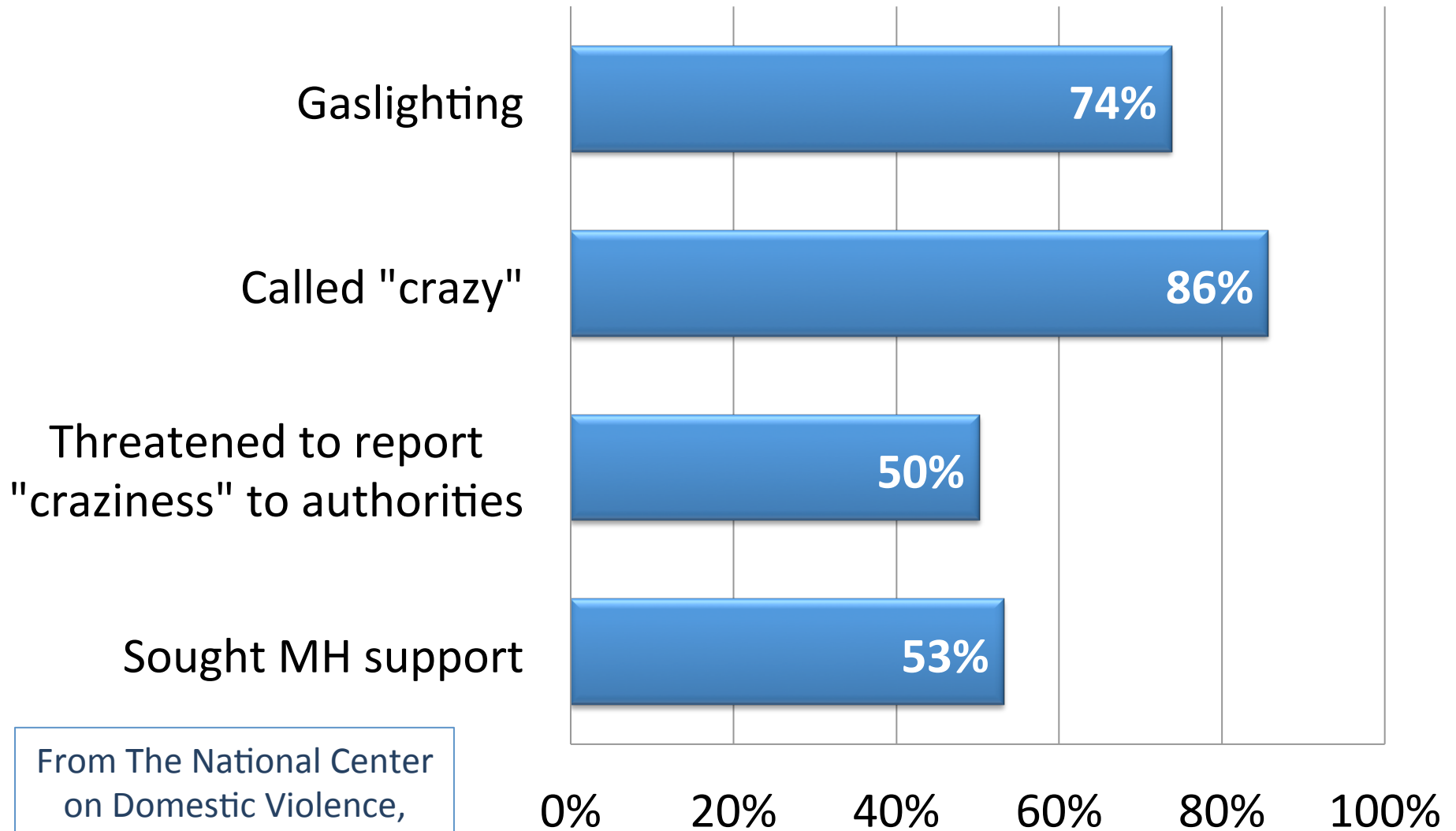
**ACCESS
BARRIERS**

FLAWED BELIEFS

RACISM

HOMOPHOBIA

Mental Health Coercion Survey Results



From The National Center
on Domestic Violence,
Trauma & Mental Health

DV, Safety & Mental Health

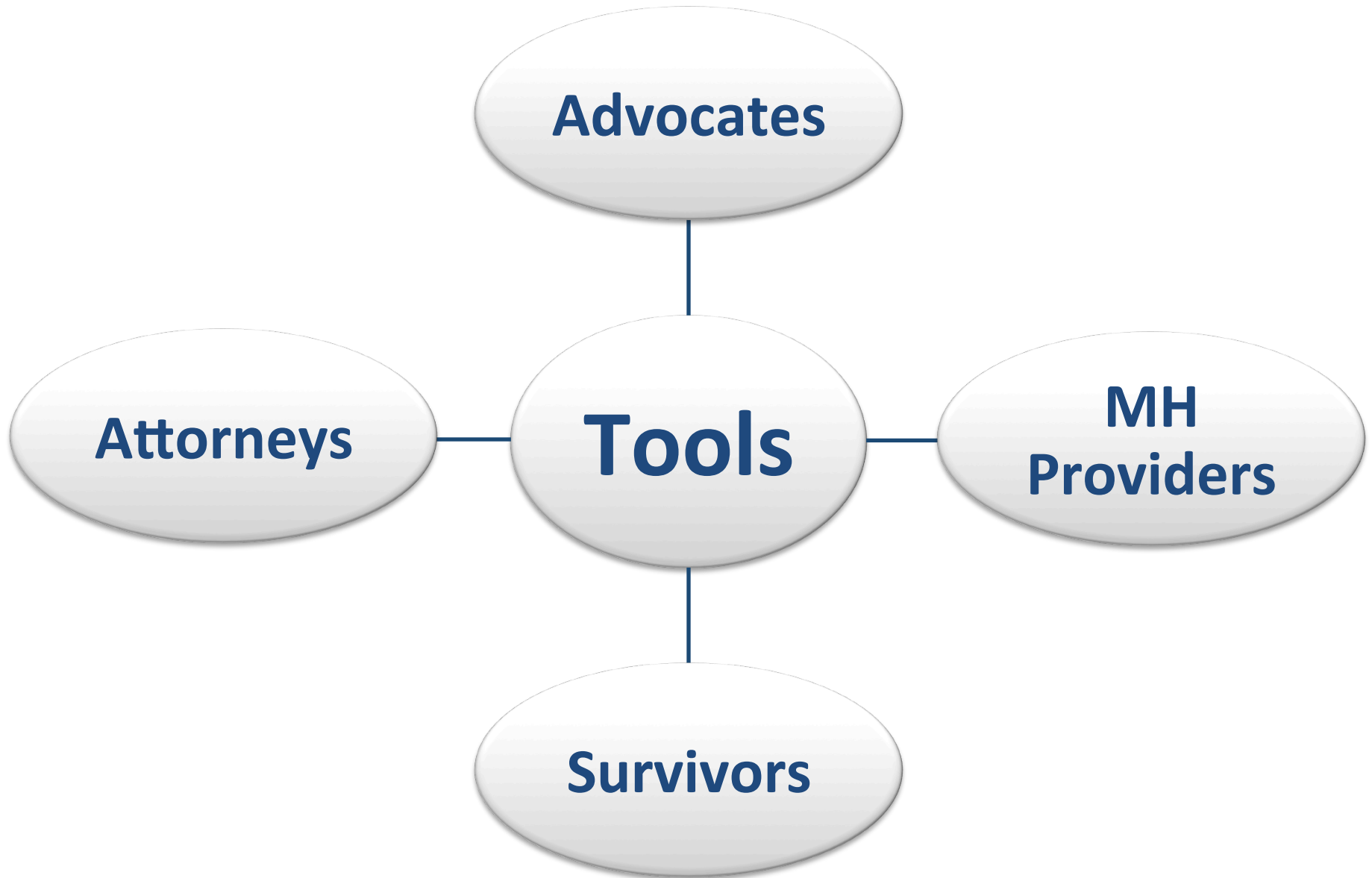


Safety Worsens



MH Worsens

Family Law Toolkits



Accessing the Toolkits

1. Go to
[our website
www.endgv.org](http://www.endgv.org)
2. Select Projects
& Tools
3. Select Domestic
Violence &
Mental Health
Collaboration
Project
4. Scroll down for
links to Toolkits

FAMILY LAW TOOLKITS

The Collaboration Project created toolkits for Domestic Violence Survivors, Domestic Violence Advocates, Attorneys, and Mental Health Service Providers to improve the experiences of survivors who have mental health concerns and who are involved in family law or protection order cases. The tools are intended to educate, alleviate anxiety, mitigate potential harm, and enhance safety and self-determination. While the tools are designed for use in King County, WA, templates are available for many of the tools so you can adapt them for your community's needs.

We have a glossary in case you are not familiar with some of the words we have used in our tools – **Words Matter, the Glossary of the Domestic Violence and Mental Health Collaboration Project.** (pdf)

- **Family Law Toolkits Overview** (pdf)
- **Family Law Toolkit for Domestic Violence Survivors** (link)
- **Family Law Toolkit for Domestic Violence Advocates** (link)
- **Family Law Toolkit for Attorneys** (link)
- **Family Law Toolkit for Mental Health Service Providers** (link)

FAMILY LAW TOOLKIT FOR DOMESTIC VIOLENCE SURVIVORS

- Introduction & Table of Contents **TOOL**
 - Template Instructions and Technical Assistance **TOOL**
 - Coping Skills **TOOL** **TEMPLATE**
 - Court Orders Comparison **TOOL** **TEMPLATE**
 - Domestic Violence Advocacy Resources **TOOL** **TEMPLATE**
 - Domestic Violence Definitions Comparison Chart **TOOL**
 - Domestic Violence Protection Order Information **TOOL** **TEMPLATE**
 - Family Court Services Q&A **TOOL** **TEMPLATE**
 - Family Law Evaluations **TOOL**
 - Financial Resources **TOOL** **TEMPLATE**
 - Immigration FAQs **TOOL**
 - Language & Disability Access **TOOL**
 - Legal Resources **TOOL** **TEMPLATE**
 - Mental Health Treatment Resources **TOOL** **TEMPLATE**
 - Parenting Evaluators Comparison Chart **TOOL** **TEMPLATE**
 - Parenting Resources **TOOL** **TEMPLATE**
 - Songs for Surviving the Family Law Process **TOOL** **TEMPLATE**
- 

Financial Resources Template

Court Fee Waivers

If you are unable to afford the court fees and related costs, you may request that the court waive them based on your inability to pay. Insert information about eligibility for fee waivers in your jurisdiction and how to request a fee waiver.

For fee waiver forms and instructions, see Insert a link to local resources for this.

Ordering the Other Party to Pay Your Attorney's Fees

You can ask the court to order the other party to pay for your attorney's fees in a dissolution (divorce) or parenting plan (custody case). For more information see insert resource for this, if one exists in your community .

Financial Assistance

You can learn about a variety of assistance programs and their eligibility requirements by visiting insert financial assistance website here. The benefits for which you can apply online include Temporary Assistance for Needy Families (TANF), Refugee Cash Assistance, disability assistance, Supplemental Nutrition Assistance Program (SNAP or Basic Food), Medicare, and childcare subsidies. Your eligibility is based on the number of people in your household, not on your marital status.

Please post your answers in the chat box

*What barriers do DV survivors
who have mental health concerns
face when involved in
protection order or
family law cases?*

Survivor Tools for Accessibility

**Language &
Disability Access**

**Immigration
FAQs**

Words Matter
our glossary

Language & Disability Access Tool

Language Access – Requesting Interpretation

If you need interpretation, the court is required to provide you with competent interpretation at no cost to you, so you can participate in the legal process.¹



Call in Advance, If Possible

The court is obligated to provide interpreter services on an emergency basis, especially for protection orders, but you may be able to reduce your wait time by calling in advance.

You can contact the court's Office of Interpreter Services (OIS) to request an interpreter at King County Superior

You have a legal right to understand what is being said to you and to be accurately understood.

Immigration FAQ's Tool

I was so afraid to do anything or go anywhere because my husband kept telling me that I was “illegal” and did not have any rights. He would tell me that if I called the police I would get arrested and deported. He told me that if I tried to leave him, I would lose my children because I was “illegal.” After going to a domestic violence advocate, who talked to me about my rights, gave me a handout and referred me to the Northwest Immigrant Rights Project, I was able to breathe better, and I did call the police after my husband beat me up. I now understand that he was using my immigration status as a tool to manipulate me. I am now a permanent legal resident, divorced, and have full custody of my children.

- A domestic violence survivor

Words Matter, our project glossary

Mental Health / Mental Illness

“Mental health” and “mental illness” are not polar opposites, but rather points on a continuum. Mental health is a state of successful performance of mental function, resulting in productive activities, fulfilling relationships with other people, and the ability to adapt to change and to cope with adversity. Mental health is indispensable to personal well-being, family and interpersonal relationships, and contribution to community or society... What it means to be mentally healthy is subject to many different interpretations that are rooted in value judgments that may vary across cultures. (From Mental Health: A Report of the Surgeon General)

Mental Health Counseling

Mental health counseling is professional services that address emotional problems and problematic behaviors. Counselors apply principles of psychotherapy, human

Survivor Tools for Understanding DV/Options

**DV Definitions
Comparison**

**Court Orders
Comparison**

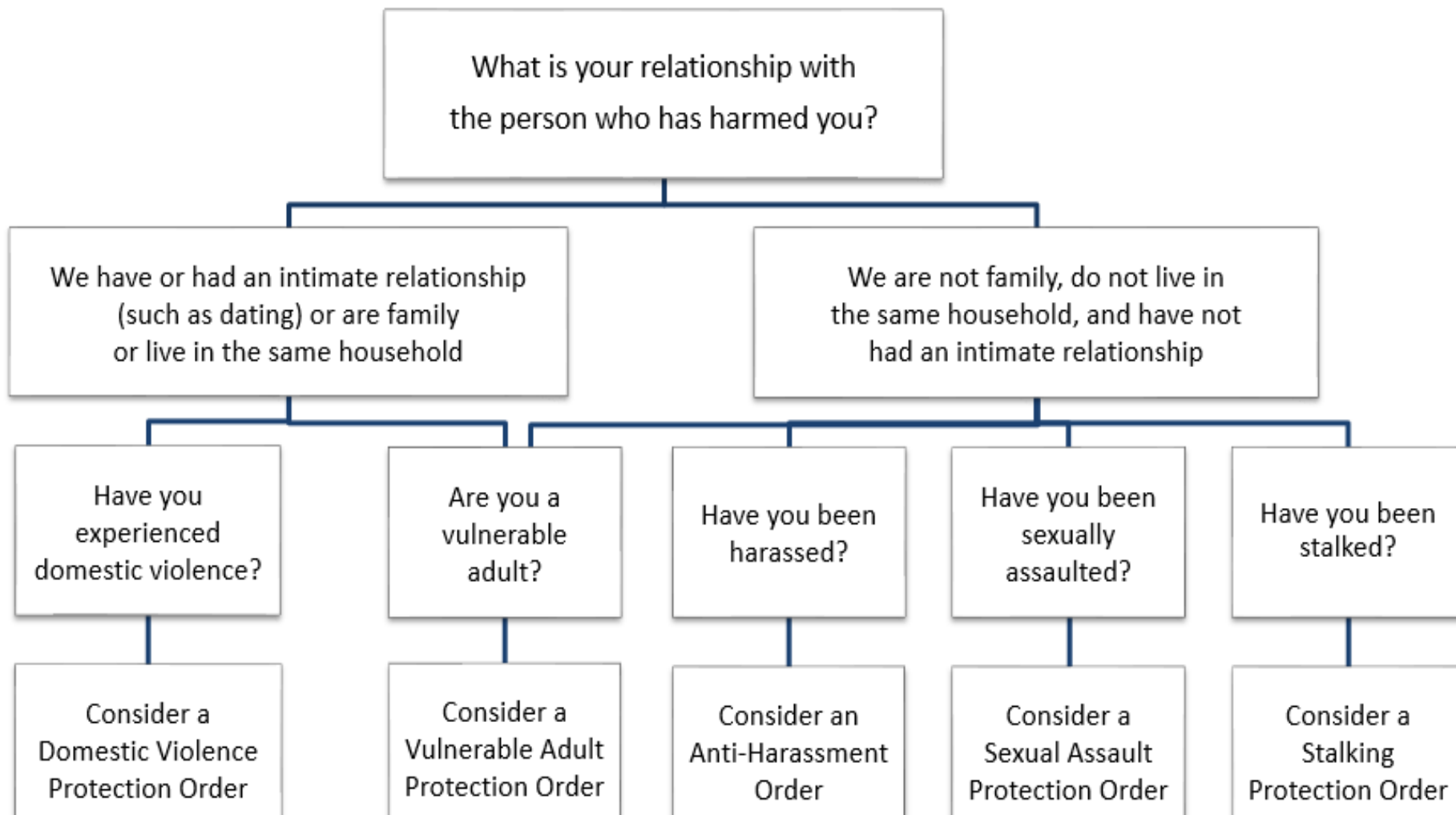
DVPO Info

Domestic Violence Definitions Comparison Chart

Type	Definition	How it is Used
Behavioral	<p>A pattern of assaultive and coercive behaviors including physical, psychological, and sexual attacks, as well as economic coercion, that adults or adolescents use against their intimate partners. The intent, context, and effect of the behavior indicate whether it is being used to assert control over someone or to protect oneself.</p>	<p>Community-Based DV Advocacy Programs use behavioral definitions (but not necessarily this exact one) rather than legal ones. They view DV as a pattern of coercive control that does not have to include physical violence.</p>
Criminal	<p>There is no one crime that is called “Domestic Violence.” Domestic violence is a label added to certain crimes when a family or household member or someone in a dating relationship commits them.</p> <p><i>Some</i> of the crimes that could be DV crimes are:</p>	<p>A DV crime may be <i>a single incident</i> (except for stalking). There does not need to be a pattern of coercive control.</p> <p>Only a prosecutor/government attorney can file or dismiss criminal charges against someone. A victim or survivor cannot file or dismiss criminal</p>

Court Orders Comparison Chart

CHOOSING THE RIGHT CIVIL ORDER



DV Protection Order Info Tool

A DVPO Can	A DVPO Cannot
Order the respondent to stop harming, contacting, or stalking you, or coming near your home, workplace, school, or daycare	Guarantee safety for you or your children
Order the respondent to leave your home	Change ownership of your home
Grant you use of essential personal items, a vehicle, or residence	Divide property or protect accounts (bank, insurance, utilities, etc.)
Grant temporary child custody or visits ¹	Establish child paternity, modify long-term child custody, or set child support
Grant you custody of a pet	Award long term pet ownership
Order the respondent to an intervention	Guarantee that the respondent will participate in the ordered intervention
Order the respondent to surrender firearms	Guarantee that the respondent will not have access to weapons
Result in an arrest and a criminal charge if it is reported that the respondent violated the order and the state brings a criminal case	Result in a criminal charge unless the violation is reported and the state opts to act

Survivor Tools Regarding Custody

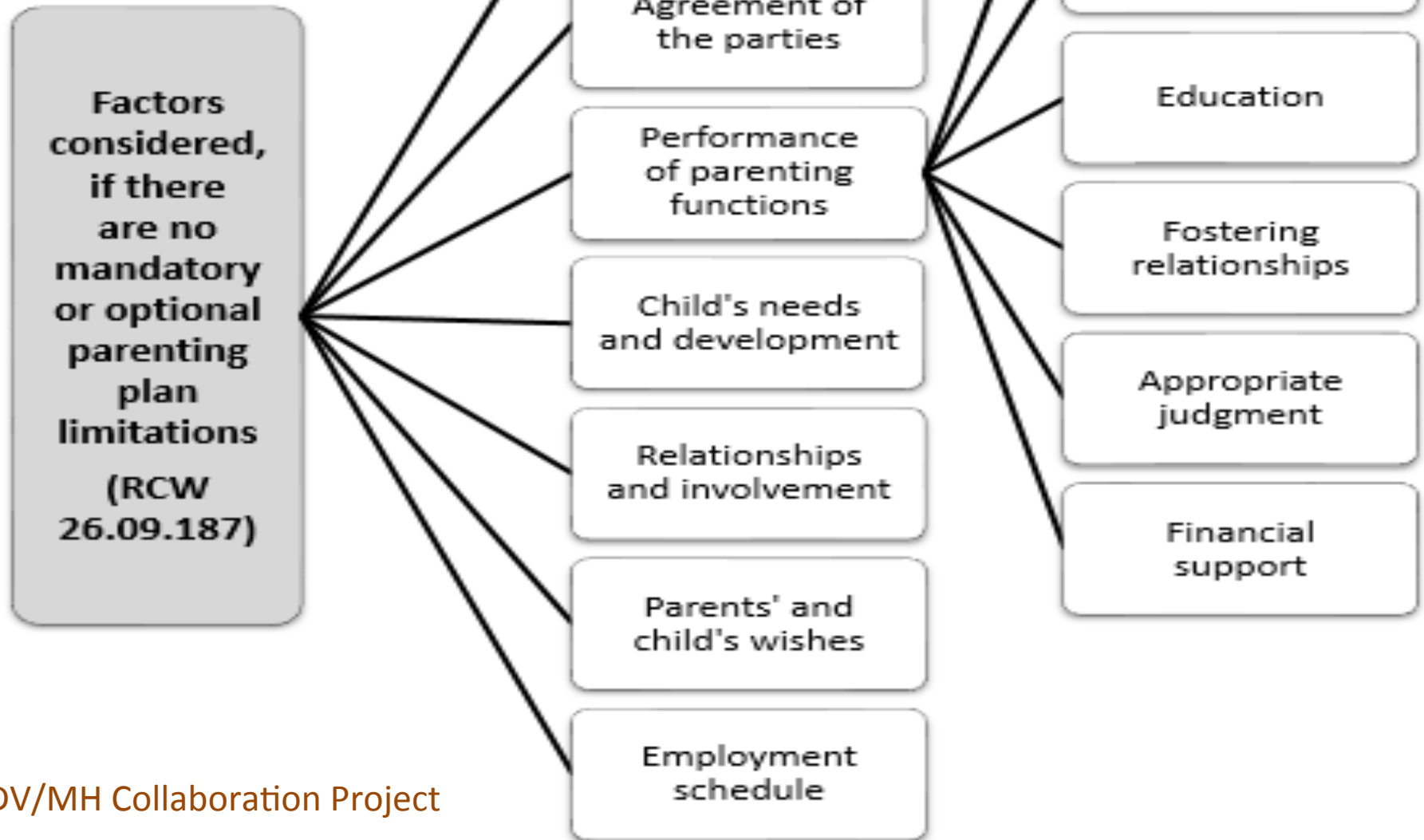
**Parenting
Resources**

**Family Law
Evaluations**

**Parenting
Evaluators
Comparison**

**Family Courts
Services
Q&A**

Parenting Resources Tool



Family Law Evaluations Tool

Comparing Parenting and Mental Health Evaluations

Parenting Evaluations	Mental Health Evaluations
Both parents are typically evaluated	Often only one parent is evaluated
Focus is on determining the best interests of the children	Focus is on the parent's mental health
Provide recommendations related to the best interests of the children	Provide recommendations related to one aspect of the best interests of the children – the mental health of one parent
Typically includes review of criminal history, Child Protective Service reports, domestic violence, and family law matters May also include review of health, mental health, and substance abuse records	Typically includes review of only mental health records

Parenting Evaluators Comparison Chart

Category	CASAs	FCS	GALs	Private
General Training	Must undergo WA State 21-hour training and 10 hours of continuing education each year.	Trains staff for 3-4 months in risk assessments, evaluations, and mediation. They provide staff ongoing training.	Statewide mandatory 3-day training offered by King County Bar Association Court may mandate additional training.	No training required. Many have participated in UW Evaluator Program.
DV Training	Two hours included in mandatory training	Provided in-house as part of their training	Two hours included in mandatory 3-day training	None required
Supervision	Supervised by masters level social workers	Program Manager and Assistant Manager review	None They are expected to comply with ethical standards for their	

Family Court Services Q&A

Domestic Violence Assessments

10. When and how does FCS conduct DV assessments?

Judges and commissioners assign DV assessments to FCS via an order transfer. Parties cannot opt to send the case to FCS. Sometimes people try to use the DV Assessment at the beginning as a parenting evaluation, but people cannot do that. The court generally gives FCS approximately 6-12 weeks to turn around the assessment. FCS does not charge for DV assessments.

A file will be opened and the parties will be given a questionnaire to complete. The parties will also be sent appointment letters. The appointments will be scheduled on separate days or hours apart for safety reasons. FCS will order police reports and will ask the parties to sign releases for other relevant records. FCS does not interview

Survivor Tools for Survival

**Financial
Resources**

**Coping
Skills**

**Songs for Surviving
the Family Law
Process**

Financial Resources Tool

Court Fee Waivers

If you represent yourself and are unable to afford the court filing fees and mandatory fees and costs (for example, family law orientation fee, parenting seminar fee, etc.), you may request that the court waive the fees and costs based on your inability to pay.

The court is **required to waive*** the filing fees and other mandatory fees and costs if you are currently receiving assistance under a needs-based assistance program such as Temporary Assistance for Needy Families (TANF), Housing and Essential Needs (HEN), Supplemental Security Income (SSI), poverty-related veteran's benefits, and Supplemental Nutrition Assistance Program (SNAP or Basic Food).

Even if your income is above the 125% federal poverty level threshold, the court may waive your fees if the court finds that you have recurring basic living expenses that make you unable to pay, or if there are other compelling reasons to do so.

You will have to list your basic household expenses to get a waiver if you are not represented by a legal aid attorney. If you are represented by a legal aid attorney, you qualify for a fee waiver.

For fee waiver forms and instructions, see

www.washingtonlawhelp.org/resource/new-court-rule-filing-fee-waiver

www.kingcounty.gov/courts/clerk/fees.aspx

Ordering the Other Party to Pay Your Attorney's Fees

You can ask the court to order the other party to pay for your attorney's fees in a

Coping Skills Tool

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1. [Breathing from the Belly](#)
2. [Change the Channel](#)
3. [Daily Think Time](#)
4. [Distracting Activities](#)
5. [Exercise](#)
6. [Grounding](#)
7. [Grounding Using an Item](#)
8. [Music](#)
9. [Nutrition](#)
10. [Progressive Muscle Relaxation](#)
11. [Square Breathing](#)
12. [Staring Down the Monster](#)
13. [Thought Stopping](#)



Songs for Surviving the Family Law Process

Sisters are Doin' it for Themselves – Eurythmics

♪ Sisters are doin' it for themselves. Standin' on their own two feet. ♪

This pop song celebrates the progress women have made in our society. Women are everywhere, can do anything, and do not have to hide behind a man. Inspiring!

Strength, Courage & Wisdom – India.Arie

♪ Strength, courage, and wisdom, and it's been inside of me all along ♪

This 2001 R&B song by Grammy award winner India.Arie is a soothing and positive reminder of the strength, courage, and wisdom within each of us.

Stronger (What Doesn't Kill You) – Kelly Clarkson

♪ You know I dream in colour, And do the things I want ♪

This pop rock dance tune is about growing stronger by facing life's challenges. Although the family law system can be challenging, you can come out of it stronger.

Try – Pink

♪ Just because it burns doesn't mean you're gonna die; You've gotta get up & try ♪

This contemporary pop rock ballad urges us to try even when pain tempts us to quit. If you are struggling to get out of bed, Pink will sing to you, "You've gotta get up."

These songs are available for download on Spotify at

<http://open.spotify.com/user/mhdvcollab/playlist/7cUPRy3IcKn2CpDteYGcIJ>.

Survivor Tools for Connecting to Service Providers

**MH Treatment
Resources**

**DV Advocacy
Resources**

**Legal
Resources**

Mental Health Treatment Resources Tool

Mental Health Crisis Services

Call 911 or go to an emergency room if the situation is life threatening. Otherwise, contact the King County Crisis Line at 206-461-3222 or 866-427-4747 (866-4CRISIS).

Mental Health Counseling at Domestic Violence Programs

If you are a program participant at a community-based domestic violence program, you may be able to access free, short-term mental health counseling. Check with your advocate or call the organization to find out more.

Community Mental Health Treatment


For a list of government-funded organizations that provide services to people who are low income and meet eligibility requirements, see


<http://kingcounty.gov/healthservices/MentalHealth/ProvidersAll.aspx>.

Some agencies may be more convenient based on their location, while others may be a better fit because of the programs they offer or due to their culturally specific services.

King County Community Mental Health Agencies for Adults Include
Call the King County Mental Health Client Services Team to learn about your options. 1-800-790-8049
Asian Counseling and Referral Service
Multicare Behavioral Health

DV Advocacy Resources Tool

 Indicates a 24-hour hotline

 Indicates an emergency shelter provider

Community-Based Domestic Violence Advocacy Services - King County		
Organization	Contact Info	Service Focus
Abused Deaf Women's Advocacy Services 	206.812.1001 (Videophone) www.adwas.org	People who are Deaf, Hard-of-Hearing and Deaf-Blind
API Chaya	206.325.0325 www.apichaya.org	People who are Asian, South Asian & Pacific Islanders
Consejo Counseling and Referral Service	206.461.4880 M-F 8am-5pm 1.888.847.7205 after 5pm www.consejocounseling.org	People who are Spanish-Speaking Immigrants & Refugees
Domestic Abuse Women's Network 	425.656.7867  www.dawnonline.org	South King County
The DoVE Project	206-462-0911  www.vashondoveproject.org	Vashon Island

Legal Resources Tool

Legal Resources		
Organization	Services Include	Contact Info
Disability Rights Washington	Legal services for disability rights violations	206-324-1521 www.disabilityrightswa.org
Domestic Violence Protection Order (DVPO) Clinic	Consultations regarding DVPO's; paperwork help & hearing preparation; 8:30am-12pm on 2 nd Thursday of odd-numbered months in Seattle and on every 3 rd Thursday on the Eastside	425-562-8840 x433 (Eastside) 206-926-3021 (Seattle)
Eastside Legal Assistance Program	Brief consultations for family law & immigration; unbundled legal services; legal representation for DV family law (need DV program referral for representation)	425-747-7274 www.elap.org
Family Law Facilitator Program	Info, referrals & document review for unrepresented people regarding family law; Walk in hours:	206-296-9092 (Seattle) 206-205-2526 (Kent) Call #'s above for recorded info about program hours or

Please post your answers in the chat box

*What do service providers
need to know to better meet the needs
of DV survivors who have
mental health concerns &
are involved in protection order
or family law cases?*

Tools for MH Service Providers

**DV
Documentation
Tips**

**Preparing DV
Survivors For
Custody
Evaluations**

DV Documentation Tips Tool

Documenting Do's	Do Not's	Why
The client states or reports...	The client claims or alleges...	One is neutral while the other suggests a judgment or mistrust of the information.
The client experienced domestic violence perpetrated by_____.	The client was involved in a domestic dispute OR patient shared abuse history.	One clearly describes who was harmed and who did the harm (relationship to client and name), when, where, and provides some details about the impact while the other minimizes the harm or leaves the source of the harm unclear. It is preferable to document specifics if you can.
Client reports that her partner, _____, strangled her last Tuesday in their bedroom after she objected to his yelling at their children. Red marks are visible on her neck and her voice sounds raspy.	The client was strangled.	
Client has positive coping skills	Client does yoga.	Records should reflect client's strengths and indicate the source of the client's distress.

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Tools for Attorneys

**Keeping the
Focus on DV:
A Relative Risks Guide**

**Safety Planning
with DV Survivors**

**Supplement to
National Attorneys
Handbook**

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RESTRICTION TRIGGERS

MANDATORY FACTORS

Abandonment/ Substantial Refusal to Parent

Child Abuse

Domestic Violence, Assault, or Sexual Assault

Parent Convicted of a Sex Offense

DISCRETIONARY FACTORS

Neglect

Emotional or Physical Impairment

Long-term *and* Interferes with Parenting

Substance Abuse

Long-term *and* Interferes with Parenting

Lack of Emotional Ties

Abusive Use of Conflict

Withholding the Child

Other

Family Law Toolkit for Attorneys

The Domestic Violence & Mental Health Collaboration Project

Safety Planning with Domestic Violence Survivors

Safety planning refers to an active process of identifying and mitigating risks to safety. It is not just a checklist or a form. As an attorney, you have an important opportunity to safety plan with domestic violence survivors to help them avoid additional harm.

“As an attorney I feel that I have a unique role in safety planning with my clients. It is important to be aware of how legal actions can affect survivor safety. But more than that, I hope to draft legal orders with safety of the survivor and children in mind so that, long after my involvement in the case has ended, the survivor has a built-in safety mechanism.”

- A family law attorney

This handout will cover how to:

- Recognize and mitigate safety risks;
- Develop safer court orders including parenting plans; and
- Connect to domestic violence advocates for in-depth safety planning and consultation

**Supplement to
Representing
Domestic
Violence
Survivors
Who Are
Experiencing
Trauma
and Other
Mental Health
Challenges:
A Handbook
for Attorneys**

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Tools for Advocates

To Tell or Not To Tell?
Deciding Whether to
Disclose MH Concerns
in DVPO & Family
Law Cases

When
Protective
Behaviors
are Seen
as Harmful

To Tell or Not to Tell?

Deciding Whether to Disclose Mental Health Concerns in Protection Order & Family Law Cases

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To Tell or Not To Tell? cards

POSSIBLE BENEFITS OF CHOOSING TO DISCLOSE MENTAL HEALTH CONCERNS / TRAUMA IMPACT

CREDIBILITY

- In a legal proceeding, the court considers whether you are trustworthy and whether your story is likely to be true.

POSSIBLE RISKS OF CHOOSING TO DISCLOSE MENTAL HEALTH CONCERNS / TRAUMA IMPACT

LACK OF CREDIBILITY

- During the court case, your abusive partner may try to use the stigma of having mental health issues to prove that you cannot be believed and that your story of abuse is made up or in your imagination.
- Parenting evaluators and judges may see you as less credible overall, if they think you are mentally ill.

ur mental health concerns, you can
re not trying to hide or lie about
but that you have taken control and
steps to address them.




When Protective Behaviors are Seen as Harmful

Protective Behaviors	Arguments for Protective Behaviors
Seeking a Domestic Violence Protection Order (DVPO) that includes the children	There is a fear for the children's safety because of violence or a threat.
Contacting Child Protective Services (CPS) and making a child abuse report alleging that the other parent has harmed the children	The child has expressed harm and as a responsible parent the survivor is addressing the concern. Survivor has been told by a professional (e.g., doctor) to call CPS.
Talking to the child about their safety	The survivor wants to ensure that the child is aware of safety boundaries and knows how to get help, if needed.



DV/MH Collaboration Project

Please post your answers in the chat box



*How will you
utilize the
Family Law Toolkits?*

Thank you!

Learn more at

<http://endgv.org/projects/domestic-violence-mental-health-collaboration-project/>

(scroll down for toolkits)

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DV/MH Collaboration Project