



INFORMATIONAL RESOURCE GUIDE FOR SURVIVORS

Booklets also available in: Español, हिन्दी,
Tagalog, Tiếng Việt, 中文, & ਪੰਜਾਬੀ

Dear Survivor:

You are a unique, amazing, beautiful person and we are so grateful to be a small part of your journey towards safety, security, and hope. Violence and abuse of any kind tend to cause long-lasting physical, psychological, and emotional harms. Domestic violence, sexual assault, and human trafficking can be especially harmful because they are often perpetrated by people we know, trust, and love. You may be feeling alone, scared, guilty, ashamed, or hopeless. All feelings are valid. First of all, nothing you did makes any part of the abuse you've endured your fault. And, rest assured that you are not alone. There are several organizations that are here to support you based on your needs and priorities. In addition to programs and resources, as a survivor of a crime, you have rights. This guide was written especially for you. It contains important information regarding your rights as a survivor and resources available to you. We hope you find this guide useful. Please connect with your advocate if you have any questions regarding information contained in this booklet. Your advocate is here to support you and advocate for your needs. If you do not yet have an advocate, please reach out to one of the agencies listed in the resources section of the booklet.

Be kind to yourself. Be proud of yourself.

You are loved. You are important.

And, you matter.

ACKNOWLEDGEMENTS

The Survivor Booklets were created for, and informed directly by, survivors of gender based violence in Santa Clara County. Input from survivors was collected through focus groups in various languages.

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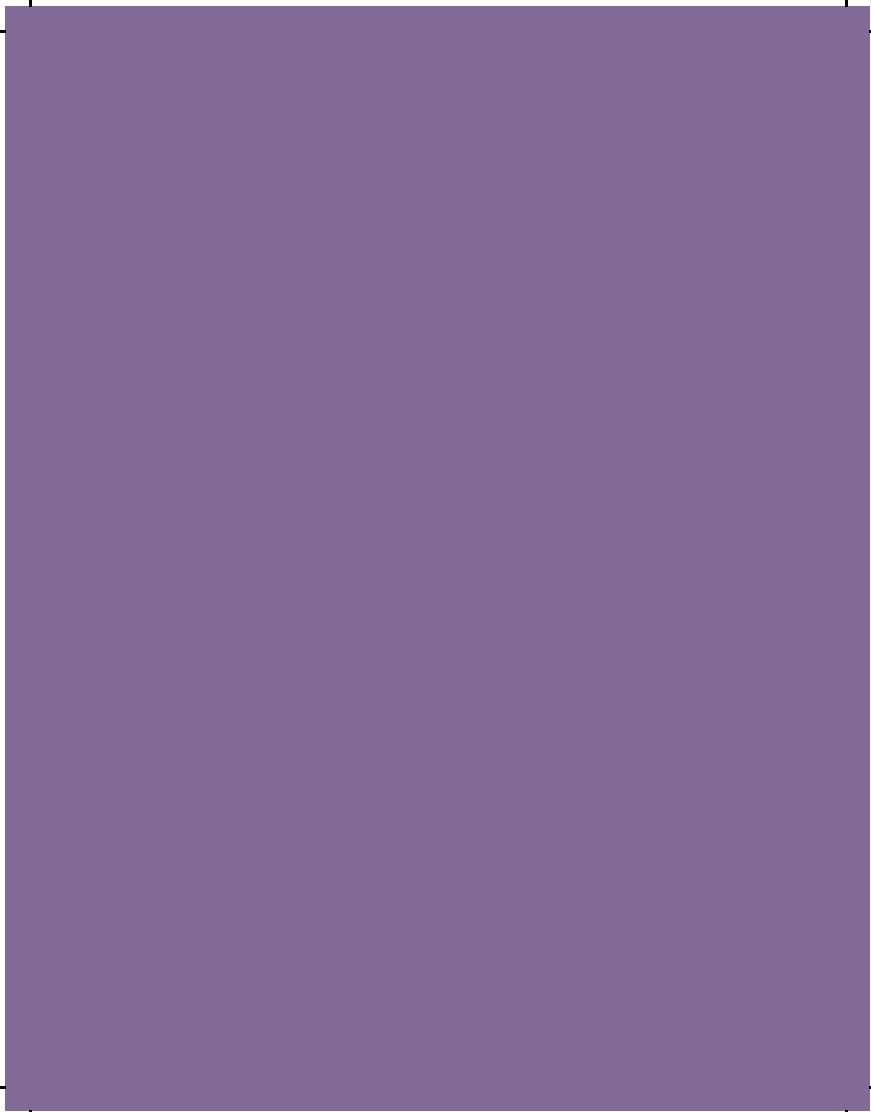
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What is domestic violence?

Domestic violence is also known as intimate partner abuse or intimate partner violence and is what happens when a person uses violence, threats, put downs (insults), coercion, manipulation, sexual abuse, isolation, or other abusive behaviors to control their partner.



What is family violence?

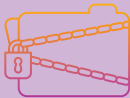
Family violence happens when a person is abused or harmed by a relative. The relative can be a blood relative (sibling, parent, or child), or a relative through marriage (father/mother-in-law, brother/sister-in-law). The abuse can be emotional, financial, physical, and/or sexual.



What is confidentiality?



Confidentiality means keeping information private and not sharing with anyone. Some professionals are required to keep the information their clients share with them private, or confidential. This includes lawyers, therapists, and some advocates. Confidentiality is important so that you share your thoughts, feelings, and concerns without fear that someone else will find out about what you said.

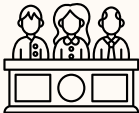


What is privilege?

Privilege is a legal rule that keeps communications between clients and certain professionals private and safe from disclosures in court. Your confidential domestic violence advocate can assert privilege if they are asked to testify about what you told them in private.

What are my rights as a survivor of Domestic Violence?

You have the right to have an advocate and support person of your choosing with you during interviews with law enforcement and prosecutors, as well as during court hearings and mediations.



You have the right to obtain a copy of police reports taken that name you as a victim. Also, if the person that abused you is charged with a crime, you have rights under Marsy's Law. The California Constitution outlines crime victims' rights. These rights are also known as "Marsy's Law". Your advocate will explain these rights to you.



What is a confidential Domestic Violence advocate?

Under state law certain advocates that work with or volunteer with domestic violence agencies can keep conversations they have with their clients confidential. This includes record keeping such as notes and emails. If you are working with a confidential advocate, by law what you say to them will remain confidential unless you sign a release. Nevertheless, some advocates may have to report child and elderly abuse; or when someone wants to harm themselves or another person and has a plan on how to cause the harm. Your advocate will explain to you if there is any information they cannot keep confidential.



What is a confidential advocate's role in supporting me?

Your advocate is here to provide confidential support and advocate for your rights. Depending on your needs, your advocate can help you find resources and support. Services provided can vary by agency. Ask your advocate what services are available to you. Your advocate will also link you to attorneys that can help with immigration issues, family law, housing, and social service benefits. Your advocate can also accompany you to court hearings, and interviews with law enforcement, prosecutors, and defense attorneys. Your advocate will support you in your preferred language. Sometimes this means using a professional interpreter. If an interpreter is used, the conversations will still be confidential. Feel free to share with your advocate anything about your culture that you believe is important for your advocate to know.



What is a Victim/Witness Advocate?

Victim/witness advocates are typically housed within the office of the district attorney in each county. They serve as your connection to prosecutors, law enforcement and other criminal justice agencies to ensure that you have a voice in the criminal justice process. Your victim/witness advocate can provide you with a thorough overview of the criminal



justice system by helping you understand what happens after reporting a violent crime, how to enforce your rights under Marsy's Law, assist you with obtaining criminal case updates, and support you during court hearings and testimony. Victim/witness advocates can also help you apply to the California Victim Compensation Board program (CalVCB), a program that provides financial assistance with crime-related, out-of-pocket expenses. Victim/witness advocates assist all victims of violent crime regardless of age, background, income, or immigration status.



What is a Victim/Witness Advocate? Continued

Limits to confidentiality:

Victim/witness advocates are part of the prosecution team. Therefore, they have the constitutional duty under the Brady rule to disclose exculpatory, or any information that may impact a criminal case – this just means that your victim/witness advocate is not able to discuss any facts of a criminal case with you. You should not speak about any of your past actions or behaviors that may impact your credibility in court.



The Brady Rule

The Brady rule comes from *Brady v. Maryland*, a 1963 Supreme Court case that held that anyone part of the prosecution team (attorneys, police, victim/witness advocates) has to provide all evidence to the defense. This includes evidence that might help the defense show they are innocent of the crime charged (known as exculpatory evidence).



What services are available for me?



While there is not a guarantee of any service, some services available to you include:



emergency food and shelter or hotel, help with safety planning, help with restraining order paperwork, language

services, transportation to certain



appointments, accompaniment, linkage to childcare services, etc. Please connect with your advocate to discuss what other services and support are available to you.



Will I have to pay for services?

All services provided by confidential advocates are free of charge and available in your first or preferred language. Also, ask your advocate about possible financial support available to you to pay for certain things like gas, food, bills, cell phone, and medical expenses.

I do not speak English, how can I connect to services and support?



You have the right to have an interpreter in your first or preferred language when you are in contact with law enforcement or prosecutors, in court hearings, during medical exams, and when working with your confidential advocates. Make sure that if you are contacting any of these agencies, please ask for an interpreter ahead of time. For more information on how to request interpretation, please talk to your advocate.



What if I'm undocumented? Will I be deported?

Immigration is a complex process and there is hardly an easy answer. However, there are immigration relief options for survivors of domestic violence. Please talk to an immigration attorney regarding any immigration concerns. Your advocate can connect you to an attorney for a free consultation.



What happens if I report the abuse to the police department?



If you are in danger, please call 911. You have rights regardless of your immigration status. The police are here to protect you and should not ask about your immigration status. If they do, you can refuse to answer this question. To understand what happens after a report is made to the police, please contact the local Victim Witness Unit for an explanation of the criminal complaint process. (408) 295-2656. If you prefer to talk to an attorney before talking to the police, ask your advocate for a resource.



Where can I go if I am in danger or have no place to live?

If you are in danger or have no place to live, please call one of the domestic violence agencies listed in the last page of this booklet. There are domestic violence agencies available 24 hours a day, seven days a week, and are here to support you with emergency shelter or hotel.

What are my housing options?



There are laws that protect survivors of domestic violence from unlawful evictions. Also, your advocate may be able to connect you to long-term housing services, if this is something you need. Talk to your advocate about your rights as a tenant, and about long-term housing options.



What protections exist to ensure I am safe at work?

There are several laws that protect survivors of domestic violence in the workplace. This includes ensuring a safe environment and allowing survivors the time off they need to participate in the legal process. Let your advocate know if you need a free consultation with an employment law attorney to discuss your rights.



I have children and am afraid that they will be harmed or I will lose them. Who can help me?



Many survivors of domestic violence face additional safety risks and barriers to leaving an abusive relationship because they have children with their partner. Often, individuals that harm their partners also harm their children; or utilize the children to manipulate and control their partner. Fortunately, several family laws have been put in place to increase survivor safety and ensure children can remain with non-offending parents.



What if I have children and want to take them with me when I leave my abusive partner?

Survivors of domestic violence that need to leave their home due to safety concerns can take their children with them and file a Good Cause Report. Talk to your confidential advocate immediately if you are planning to leave with your children. For more information about the Good Cause Report, call (408) 792-2921 (Santa Clara County Child Abduction Unit of the Family Violence Division).

Is there an attorney that can help me if I am a victim?

Victims of a violent crime have certain rights, including the right to be treated with dignity and the right to compensation for injury or loss. There are victim rights attorneys who can help survivors in different ways, such as speaking on their behalf in court or at a sentencing hearing. Let your advocate know if you want information about victim rights attorneys.



Some victims of Domestic Violence and Family Violence have encountered other situations of abuse/violence, such as Human Trafficking (HT) or Sexual Assault (SA). Please speak to your advocate if you think you have been a victim of either HT or SA.



What is Sexual Assault?



Sexual assault includes any unwanted sexual contact in any sexual act performed by one person on another without consent. Legal elements may contain use or threat of force, violence, menace, duress, threats to a third party, and incapacitation due to specified reasons preventing the victim from giving consent. The crime of sexual assault is codified in all 50 states with variations in phrasing and penalties.



What is Human Trafficking?

Human trafficking is a crime that involves the use of force, fraud, or coercion to exploit a person for some type of labor/services and/or commercial sex act(s). Human trafficking can be separated into four main categories: sex trafficking, labor trafficking, domestic servitude, and commercial sexual exploitation of children. Individuals under the age of 18 who are solicited to perform or perform a commercial sex act (or sex act in exchange for basic needs) do not have to show any force, fraud, or coercion. They cannot legally consent to any sex acts, and therefore are considered a victim of human trafficking with all the rights and protections available per the law.



RESOURCE CONTACTS

Asian Americans for Community Involvement (AACI) (VSP)

408-975-2739

www.aaci.org

Service Area: Santa Clara County

Languages: Chinese (Mandarin, Wenzhounese), Hindi, Hmong (White), Kampangpangan, Khmer, Korean, Spanish, Tagalog, Vietnamese

Services: • Shelter/housing • Support services • Legal services* • Therapy/counseling • Transportation • Food & toiletries • Job/career readiness • Primary care (available to all regardless of ability to pay or immigration status) • Health coverage enrollment assistance (Covered California, Medi-Cal, PCAP) • Behavioral health services • Center for Survivors of Torture • HIV/AIDS prevention and testing • Senior wellness services • Youth programming • Help with immigration • Support for individuals with disabilities.

All services are provided in english and the languages listed for each individual agency

VSP = Victim Service Provider LSP = Legal Service Provider

* = Note that there may be some restrictions to this service and not all services are guaranteed.

RESOURCE CONTACTS

Community Solutions **(VSP)**

877-363-7238

www.communitysolutions.org

Service Area: Santa Clara County & San Benito County

Languages: Spanish, Triqui

Services: • Support services • Legal services
• Financial services • Shelter/housing • Childcare*
• Therapy/counseling • Transportation • Food & toiletries
• Job/career readiness* • Help with immigration
• Support for individuals with disabilities.

Legal Advocates for Children and Youth (LACY) **(VSP & LSP)**

408-280-2416 (Intake, not crisis)

www.lawfoundation.org

Service Area: Santa Clara County

Languages: Spanish

Services: • Support services • Legal services • Help with immigration
• Support for individuals with disabilities.

RESOURCE CONTACTS

Next Door (**VSP**)

408-279-2962

www.nextdoorsolutions.org

Service Area: Santa Clara County

Languages: Spanish, language line as needed to support language access

Services: • Support services • Legal services • Financial services • Shelter/housing • Therapy/counseling, • Transportation • Childcare • Food & toiletries • Job/career readiness • Help with immigration • Youth programs • Families for Peace - separate weekly support groups for families that want to remain together • Domestic Violence Housing First program • Support for individuals with disabilities.

YWCA Golden Gate Silicon Valley (**VSP**)

800-572-2782

www.yourywca.org

Service Area: Santa Clara County

Languages: Spanish

Services: • Support services • Legal services • Childcare • Shelter/housing • Therapy/counseling • Transportation* • Food & toiletries* • Job/career readiness* • Help with immigration • Support for individuals with disabilities*.

RESOURCE CONTACTS

Bay Area Legal Aid (BALA) (LSP)

800-551-5554 (Intake line not crisis line)

www.baylegal.org

Service Area: Santa Clara County, San Mateo County, San Francisco County, Alameda County, Contra Costa County, Napa County

Languages: Spanish

Services: •Legal services •Help with immigration

Katharine and George Alexander Community Law Center (LSP)

408-288-7030 ext. 221

www.law.scu.edu

Service Area: Primarily Santa Clara County but can take a few case from other nearby counties

Languages: Spanish; Language line

Services: •Legal services •Employment Rights •Help with immigration •Consumer Rights •Can serve with ASL/Certified Deaf Interpreters

RESOURCE CONTACTS

Maitri (LSP)

Maitri works primarily with South Asian survivors

888-862-4878

www.maitri.org

Service Area: Santa Clara County

Languages: Bengali, Gujarati, Hindi, Malayalam, Marathi, Marwari, Punjabi, Sindhi, Tamil, Telugu, Urdu and other South Asian languages.

Services: • Legal services* • Support Services* • Help with immigration • Shelter/Housing • Therapy/Counseling • Food/Toiletries • Financial Services* • Job/Career Readiness*

Step Forward Foundation(LSP)

(408) 915-8698

www.stepfwd.org

Service Area: Santa Clara County & San Benito County

Languages: Spanish

Services: • Legal services • Family Law • Employment Law • Help with immigration • Support for individuals with disabilities.





VICTIM RIGHTS ADVOCACY PROJECT

Victim Rights Advocacy Project