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[FVAP Victory Ensures Rights of Immigrants, Helps DV Victims Flee Abuse](#)



We're proud to announce legal victory in an **unprecedented case that will help countless immigrants and abuse survivors across California**. In the first-ever ruling of its kind in California, [Kumar v. Kumar](#) makes it easier for immigrant survivors of domestic violence to obtain the financial support needed to leave abusive relationships and remain in the United States.

The [July 28 decision](#) from California's First District Court of Appeal ensures the rights of immigrants who are brought into the U.S. by a spouse or loved one who signs a federal immigration form I-864 Affidavit of Support promising to support the new immigrant financially at slightly above poverty level for 10 years. The landmark ruling guarantees that the Affidavit of Support is an enforceable contract in California family courts, meaning **family court judges can now require the immigrant's sponsor to support the immigrant spouse financially**, whether or not the parties remain together.

This ruling is extremely important for low-income immigrants across California who may be unable to leave abusive relationships because they are trapped by their financial situation and limited resources. *Kumar* was immediately published by the Court of Appeal, so it is now binding legal precedent that can be used by immigrants and advocates statewide.

"We wanted to help our client get the financial support she's owed so she can stay in this country and continue the life she's built here," said FVAP Executive Director Erin Smith.

***Kumar* also ensures that a breach of the Affidavit of Support contract can be brought up in ongoing family court matters**, rather than requiring the filing of a separate state or federal lawsuit — a process that's often too expensive for low-income immigrants to pursue. Significantly, the decision also says that **sponsored immigrants have no duty to mitigate damages by seeking employment**.

The [unprecedented decision](#) will not only open doors for low-income immigrants throughout California who need to flee dangerous and abusive relationships; it also ensures that these immigrants will not need to rely on state or federal assistance for survival.

Congratulations and many thanks to our co-counsel, who have been working on this case for over a year: **Bay Area Legal Aid** and **Orrick, Herrington & Sutcliffe LLP**. Thanks also to the **National Immigrant Women's Advocacy Project** and **Crowell & Moring LLP**, who submitted an amicus (friend-of-the-court) brief thoroughly outlining the crucial policy issues involved.

Charlottesville Car Attack Suspect Previously Accused of Family Abuse

We were devastated to learn that the man suspected of last week's car attack in Charlottesville, VA, **James Alex Fields Jr.**, was previously [accused of violence and abuse against his mother](#). This incident once again points to a terrible trend of U.S. terrorists and mass murderers who often have histories of family abuse or domestic violence.

In a [Huffington Post article](#) exploring this issue, Melissa Jeltsen writes, "If we truly want to reduce violence in the U.S., we must pay more attention to the horrors that occur behind closed doors." Read the full article [here](#).



FVAP Supports Survivors' Right to Privacy in *CNS v. Yamasaki*

A federal court ruled Aug. 7 in favor of protecting the privacy and safety of at-risk individuals in [Courthouse News Service v. Yamasaki](#), a decision that FVAP supported by co-signing an amicus (friend-of-the-court) brief along with the Orange County Bar Association, Legal Aid of Orange County, Public Law Center, and Veterans Legal Institute.

The decision says **courts have a right to take reasonable time to review court documents before releasing them to the public** in order to ensure they are following laws protecting the safety and privacy of at-risk individuals. **This will help protect domestic**

violence survivors and other at-risk persons by ensuring that private information in court filings — including an abuse survivor's address, change-of-name petition, or DV shelter location — is not accidentally released due to court personnel being hurried or pressured by for-profit companies that benefit from the quick re-selling of court documents.

Orange County had asserted that it was turning over information in a timely manner, but that there were some delays because it had to first ensure that confidential cases — including certain **domestic violence survivors filing name-change petitions** — are not accidentally released. We supported the County's position, arguing that litigants' right to privacy outweighs any right to receive information more quickly. The federal court agreed, stating that the minor delays required to ensure confidential information is not accidentally released do not violate the First Amendment.

This is a victory for survivors of domestic violence and anyone else who has a privacy interest protected by the law in not having their lawsuit information released.



Partnering with Center for Youth Development through Law

FVAP welcomed a **high-school intern** this summer from the [Center for Youth Development through Law](#) as part of its Summer Legal Fellow Program. **Amin Robinson**, who has been with FVAP since June, is about to start his senior year at Oakland High School. Amin is interested in potentially pursuing business or contract law. He is also interested in firefighting and will soon begin taking Fire 101, a weekly after-school course taught at his school by the Oakland Fire Department.

This year's Summer Legal Fellow Program features a class of 37 motivated students from 13 area schools. Other organizations that participate in the program include East Bay Community Law Center, Congresswoman Barbara Lee's Office, Public Defenders and District Attorney's Offices, Oakland Police Department, and Housing and Economic Rights Advocates.

Thank you, Amin, for all your hard work this summer!

FVAP State Bar Training: Sept. 20

Join us for a webinar hosted by the State Bar of California on **Sept. 20**, from **12:00 - 1:00 p.m.**

Title: **Family Law Appeals Involving**

Domestic Violence Issues

Presenters: Erin Smith (FVAP Executive Director), Catherine Ongiri (FVAP Staff Attorney), and Michelene Insalaco (Partner at Sucherman Insalaco LLP)



The webinar will cover **issue spotting, how to preserve appellate issues, standards of review, logistics of appeals, and best practices.** Presenters will answer the following questions: How to identify domestic violence issues in family law cases? What orders are appealable? What orders must be reviewed by writ? What is the difference between discretionary and statutory writs? What standards of review apply to family law orders? What legal issues arise in domestic violence cases, and how do they appear in appeals? What are the logistics and best practices in prosecuting and defending appeals?

To register, check back soon at [FVAP's website](#) or the [State Bar's website](#).



Next Generation: Berkeley Law Fellows Work on Innovative Legal Solutions

As an organization founded by law students, FVAP believes in the potential for students to affect real change while in law school and beyond. We work with law students every semester and summer to cultivate California's next generation of domestic violence advocates, and our Legal Fellows from U.C. Berkeley School of Law have been particularly

active in helping FVAP develop innovative legal solutions for abuse survivors.

We are proud to welcome our next public interest fellow from U.C. Berkeley School of Law, Cory Hernandez. In addition to clerking for FVAP, Cory has interned for the East Bay Community Law Center, Family Violence Law Center, and Justice Jon B. Streeter of the California First District Court of Appeal. Cory has a Master's in Political Science and American Studies from Massachusetts Institute of Technology.

Cory replaces Eliza Duggan, who served as a full-time Legal Fellow from 2016-2017.

During her fellowship, **Eliza piloted FVAP's innovative Central Valley Project** with the goal of addressing the most pressing legal needs of domestic violence survivors living in the under-served part of California. Eliza developed legal toolkits, template court documents, and trainings specifically tailored to address legal issues faced by survivors and advocates in the Central Valley. The materials are now available for free on FVAP's [Legal Resources Portal](#) webpage.

Eliza recently started a new position as Staff Attorney at **Contra Costa County Senior Legal Services**, where she will work primarily on elder abuse cases as part of a new Elder Abuse Prevention Project. Everyone at FVAP wants to sincerely **thank Eliza for her dedication and hard work**, and wish her the best of luck in her new position!

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