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## [New Legal Victory: Restraining Orders Issued in Juvenile Court Can Be Renewed by CA Family Courts](#)



FVAP is happy to announce another legal victory in a [landmark case](#), which will help countless abuse survivors across California get the protection they need. **For the first time ever, a California court ruled that family courts can renew restraining orders issued by juvenile courts.** And because the 2nd District Court of Appeal decided to [publish its opinion](#) in this case, it is now binding legal precedent for all trial courts statewide.

*Garcia v. Escobar* holds that after a juvenile court case is dismissed (the juvenile court has terminated its jurisdiction), domestic violence restraining orders issued by the juvenile court can be renewed by the family court, the same way that family courts' restraining orders are renewed. This is important because renewed restraining orders last longer (five years or permanently) than new restraining orders, which only last up to five years. The longer period of protection **helps the survivor avoid the retraumatization of having to repeatedly return to court.**

This victory is due in large part to the hard work and dedication of our pro bono partners at **Mayer Brown LLP**, especially arguing attorney **Samantha Booth** and Partner **Donald Falk**. Thanks also to **Pepper Hamilton LLP** for submitting a compelling amicus brief in this case on behalf of **California Women's Law Center**.

For [Practice Tips](#) on how to use this case to support clients who are domestic violence survivors, click [here](#).

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## Domestic Violence, Mass Shootings, & the Murders that Go Unseen

### *55% of Murdered U.S. Women Killed in DV-Related Incidents*

We are devastated by the number of domestic-violence related mass shootings that have occurred in our country in recent months. **In November alone, at least 32 people have been murdered in domestic violence-related mass shootings:** 26 churchgoers were killed in [Sutherland Springs, Texas](#), when Devin Patrick Kelley, who had a history of domestic violence, targeted his ex-wife's family. And just last week, in [Rancho Tehama, California](#), Kevin Janson Neal murdered 5 people, including his wife. He shot and wounded 13 others who survived, including 4 children.

These tragedies do not stand alone in their clear link between domestic violence and mass murder: **Of the 158+ mass shootings in the United States in the past 8 years, 54% have been classified as domestic violence incidents.** Among the other 46% that didn't directly involve an intimate partner, many of the shooters had charges of domestic violence in their past. (Source: [Everytown for Gun Safety](#))

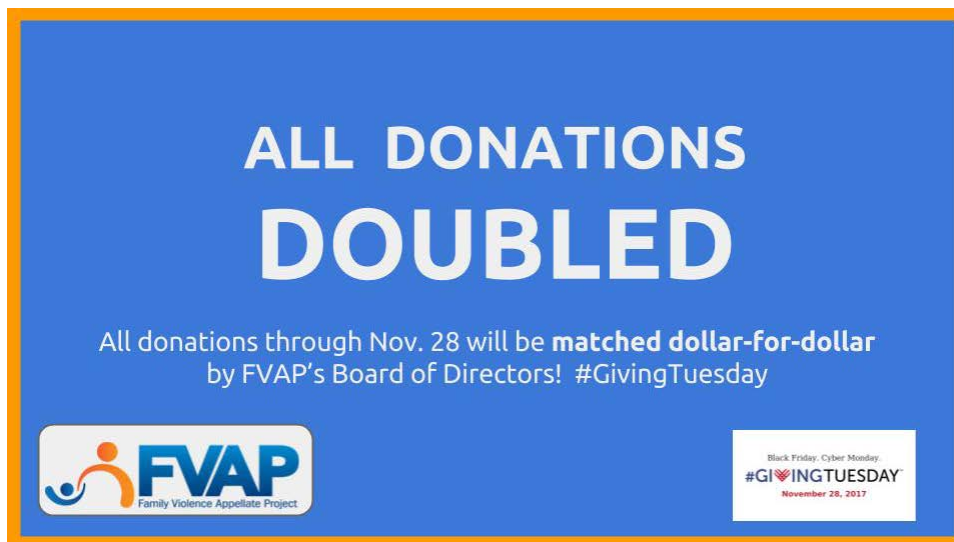
These statistics do not include any domestic violence shootings in which fewer than 4 people died, such as the domestic violence-related [church shooting in Fresno](#) that killed three, and took place just hours before the Sutherland Springs church shooting.

Unfortunately, the shootings that make national headlines are hardly the tip of the iceberg when it comes to the overall number of domestic violence-related homicides that occur every year. **Three U.S. women are killed every day by current or former partners.** Homicide is—shockingly—one of the [leading causes of death](#) for U.S. women under age 45, and [more than half of murdered U.S. women and girls](#) (55%) are killed in domestic violence-related incidents.

There is an undeniable correlation between domestic violence and mass shootings in our country, but even aside from mass shootings, domestic violence murders are an epidemic that plagues the U.S. at rates unlike any other high-income country in the world. **U.S. women are 16 times more likely to be killed with a gun than women in any other high-income country**, making ours by far the most dangerous country in the developed world when it comes to gun violence against women. In U.S. domestic violence situations, the presence of a gun increases the likelihood of homicide [by 500%](#).

It is unlikely either of these devastating situations will change unless they are addressed head-on. With a recent rise in mass shootings, our country is witnessing the deadly effects of domestic violence in the most tragic way imaginable. We must address this problem for what it really is: **a lethal public safety issue, and a nationwide epidemic.**

## Double Your Impact: All Donations Matched Now through Giving Tuesday



Join social justice advocates from around the world in supporting your favorite causes on Giving Tuesday! **Starting today** through next Tuesday Nov. 28, your donation to FVAP will have double the impact, **matched dollar-for-dollar** by our generous Board of Directors.

You already know how important it is to **level the playing field for abuse survivors** who are struggling to make ends meet. Your support is crucial to keeping California kids and survivors of domestic violence safe. FVAP is the only nonprofit in California dedicated to providing free legal representation for survivors who need to appeal and overturn dangerous trial court decisions that put them or their kids at risk of ongoing abuse. We rely heavily on support from individual supporters like you.

**Why not give today and let your donation can go twice as far?**

**DOUBLE MY DONATION**

Your gift will **protect** a child from additional abuse and long-lasting trauma. Your gift will **empower** a survivor, and help them get the **safety** and **justice** they deserve.

Together, we can ensure domestic violence survivors have **equal access to justice** in California courtrooms, and make sure our laws do what they're supposed to: keep kids safe.

**Pro Bono Spotlight: DLA Piper**



Since 2013, DLA Piper has been partnering with FVAP to help protect California kids from abuse and empower survivors of domestic violence. Between the firm's Silicon Valley and San Diego offices, DLA attorneys and employees have volunteered and participated in nearly every aspect of FVAP's pro bono legal work, and their Los Angeles team has participated in FVAP's [battle-of-the-bands fundraiser](#) for multiple years. ("Run DLA" is always a crowd favorite!)

Most recently, 4 attorneys from DLA's Palo Alto office (**Ed Blanco, Sherman Chu, Karen Marchiano, and Elham Marder**) participated in one of FVAP's moot court sessions to help a pro bono arguing attorney from another firm (**Mayer Brown**) prepare for oral argument in front of the panel of appellate justices in the 2nd District Court of Appeal. Their participation in that pro bono opportunity was **instrumental to FVAP's very recent victory** in that appeal, which will help countless domestic violence survivors across California. (See first article, above).

Elham Marder, who participated in the moot, said she was grateful for the opportunity to help protect some of California's most vulnerable citizens: victimized women and children.

"I wanted to help FVAP win on this important and groundbreaking appeal for women and children who have already suffered terrible abuse and are deserving of the greatest protections," she said.

**David Cheit** participated in a prior moot court session.

"That experience showed me not just the importance of FVAP's mission, but also the energy and commitment of their attorneys and staff, and the quality of their advocacy," Cheit said. "It was **extremely rewarding** to join in their effort to secure a victory in the Court of Appeal, and I'm looking forward to working with them again."

Thanks to all members of the DLA Piper team who have partnered with us on pro bono cases and projects to help California survivors of domestic violence!

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## Dec. 19 Training in San Diego: Beyond the Bench

Join FVAP at Beyond the Bench: Uniting for a Better Future. We will be presenting on "**Domestic Violence in Dependency Court: What Judges and Attorneys Should Know.**" Judges, local, state, and tribal court leaders, attorneys, probation officers, social workers, family court professionals, court users, researchers, policy makers, volunteers, and other court-related professionals are welcome to attend.

Date: Dec. 19, 2017

Time: 1:15-2:45pm

Location: San Diego: Manchester Grand Hyatt

Presenters: **Hon. Leonard Edwards** (Ret.), Judge of the Superior Court of California,

County of Santa Clara; and **Anya Emerson**, Staff Attorney, Family Violence Appellate Project[ES2]

Registration: Open and available at <http://www.courts.ca.gov/34921.htm>.

**MCLE credit will be provided.**

Beyond substance abuse and mental illness, domestic violence is one of the most prevalent factors bringing a family into the dependency system. Because of the high incidence of domestic violence across the population, and because of the substantial correlation between domestic violence and actual abuse or risk of abuse of children, both dependency judges and dependency attorneys must frequently address issues of domestic violence. This course will focus on the important dependency cases addressing domestic violence as a basis for jurisdiction and removal, reasonable efforts to prevent removal, reasonable services, restraining orders issued under the Welfare and Institutions Code, and related issues. This course will also address advocacy and trial strategies when representing victims of domestic violence in a dependency case.

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## Press Room: FVAP in the News

- FVAP and **Lieff Cabraser** were featured in a front-page article of the **Daily Journal** on Nov. 1, about one of FVAP's recent **legal victories**. The article, "Court: Restraining Order Can be Issued for Another State," quoted FVAP Staff Attorney **Shuray Ghorishi**, as well as Kelly Dermody, Partner at pro bono co-counsel Lieff, Cabraser, Heimann & Bernstein LLP. (Reprint permissions were not granted. See Nov. 1 issue of the *Daily Journal* to read the article.)



- FVAP's **Nancy Lemon** was on **KQED's The California Report** on **Nov. 16**, talking about the link between mass shootings and domestic violence, and a pilot program in San Mateo that reduced domestic violence-related murders in that county to 0. [Take a listen.](#)
- **Bloomberg Law** featured an article about another recent FVAP **legal victory** in its *Family Law Reporter* on Sept. 17. The [article](#), "Man Ducks Alimony But Can't Escape Federal Support Duty," highlights the implications of the successful appeal, which was co-counseled by **Orrick Herrington & Sutcliffe**, and **Bay Area Legal Aid**. Read it [here](#).



- Also in September, the **California Family Law Report** featured FVAP's successful appeal in *Kumar v. Kumar* as its "Case of the Month." Read it [here](#).

## FVAP Named 2017 Top-Rated Nonprofit

FVAP has been named to GreatNonprofit.com's [Top-Rated Nonprofits List](#) for the third year in a row. Many thanks to the supporters who and volunteers who nominated us for this award. Here are some of the incredible things you had to say:

*"FVAP is an organization that is **truly committed to advancing the interest of domestic violence survivors** including the most vulnerable victims: children."*

*"The dedication of FVAP's staff and the commitment of its private sector partners are inspiring, and having had an opportunity to represent one of FVAP's clients, I can easily understand why--**the impact is truly felt in the community**. It is an honor to be involved with this important organization."*

*"Through their incredible appellate work, they have brought real change to our community. Too often judges have a lack of understanding and knowledge regarding domestic violence and had limited direction from case law and the Legislature of how to handle these situations. Through their successful appeals, **FVAP has been able to bring real change to how domestic violence cases are handled.**"*

*"We are so lucky to have access to FVAP! Their dedicated staff of **caring, compassionate and truly exceptional attorneys** and advocates is like none other."*