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What's New: New Website, New Address, New 2018 Goals

Last month brought exciting changes for our team!

New Website: FVAP launched our new, improved website (fvaplaw.org) on February 10, thanks to the hard work of a team of pro bono web designers and a service grant from the **Taproot Foundation**. Check out our new [Cases You Can Use](#) resource, and the improved [Legal Resource Library](#), home to FVAP's self-help legal tools (tip sheets, tool kits, template court documents) and on-demand training videos. Thanks to Taproot for partnering with us to create a new website that will help domestic violence survivors and advocates across California, especially **Mike Long, Angie Marioni, Pat Mohan, Liz Reeser, and Andrew Mahoney**.



New Address: We moved to a new office February 14 to accommodate our growing legal staff. Still located in downtown Oakland, our new address is **449 15th St., Suite 104, Oakland CA, 94612**. Stop by and say hello!

New Goals for 2018: This year, FVAP will continue our innovative legal work for survivors, and will aim to achieve the following goals:

1. Strengthen our connection to, and understanding of, California survivors of family, intimate-partner, and gender-based abuse who face multiple oppressions;
2. Identify and pursue appellate court strategies to address needs identified by survivors, especially those facing multiple oppressions;
3. Assemble and distribute legal tools and information to those with the least access; and
4. Deepen our understanding of our own impact.

Introducing: Housing & Employment Justice Project

Up to **57%** of homeless women in the United States report domestic violence as the immediate reason for their homelessness. **Over 90% of homeless women have experienced severe physical or sexual abuse**, and **38%** of domestic violence survivors experience homelessness at some point in their lives.

Our new project seeks to address housing and employment issues that lead survivors of domestic violence to be at greater risk of homelessness. This project is led by the newest member of our legal team, **Jason Hoge**, FVAP's Housing & Employment Justice Attorney.

This project will:

- Help survivors **overcome housing and employment discrimination** they face because of domestic violence they've experienced;
- Address employers, landlords, and housing authorities who fail to make reasonable accommodations for survivors;
- Create toolkits and recorded trainings to ensure survivors and service providers know state and federal laws available to protect them;

- Provide **direct legal representation** to survivors in appellate cases involving employment and housing law issues; and
- Work to make positive changes in California housing and employment laws, policies, and regulations.

Most importantly, this project is a continuation of FVAP's commitment to addressing the needs of California's domestic violence community. **We encourage advocates and attorneys to contact Jason** and share information about the most pressing housing, homelessness, and employment issues faced by survivors in your community: jhoge@fvaplaw.org.

New Legal Victory

Courts Must Consider Child's Extracurriculars in DV Cases



On February 27, the Third District Court of Appeal (Sacramento) granted our request to publish an appellate decision that will help domestic violence survivors and their children across California. [Rybolt v. Riley](#) sets **legal precedent on 2 important Domestic Violence Restraining Order (DVRO) issues**:

1. For the first time in a published opinion, the court explains that **an abuser can use a child's extracurricular activities as a way to harass, intimidate, manipulate, or control the other parent**, and directs CA trial courts to consider this when fashioning safe parenting plans and deciding whether to issue or renew a DVRO. In this case, the abusive party repeatedly violated the restraining order's 25-yard stay-away requirements when attending the child's sports games and other events, causing trauma to both the survivor and the child. These violations led the trial court to renew the survivor's DVRO, and the appellate court upheld this decision.
2. The opinion also suggests that trial courts should consider the abusive party's overall career — not just their current or future job opportunities — when deciding whether a DVRO renewal would place a "burden" on the restrained person's employment prospects. In this case, the court found previous unrelated misconduct in the restrained party's career severely hindered their future job prospects, and determined that renewing a restraining order against them would not likely create additional barriers to employment that didn't already exist. **This is only the second case since 2004 to discuss the possible burdens that a renewed DVRO could place on the restrained party**, and the opinion provides helpful clarification that now can be used to support survivors' restraining order renewal requests. (The other case, [Lister v. Bowen](#), was published after a request from FVAP in 2013.

Read the court's opinion [here](#).

Upcoming Trainings

1. “Domestic Violence in Dependency Cases: Case Law and Best Practices”

- **March 24**, 12:00 – 1:30 p.m.
- **San Francisco** Bayfront Hilton Hotel Conference Center
- Hosted by **California Appellate Defense Council** Annual Conference & Seminar
- Training led by FVAP Staff Attorney **Anya Emerson** and **Hon. Leonard Edwards** (ret.)
- Register: <https://cadc.net/registration/>
- **MCLE credit** provided by CADC.

Along with substance abuse and mental illness, domestic violence is one of the most prevalent factors bringing families into the dependency system. As legal practitioners, we must be prepared to address these issues in the appellate context. Attendees will learn about the dynamics of domestic violence, key appellate case law relating to domestic violence issues at various stages of the dependency proceedings, and best practices when representing survivors of domestic violence in a dependency appeal.

2. The same training will be presented **April 11** in **San Jose** for the Santa Clara Dependency Attorneys.

3. “Confidentiality, Privilege, and Mandated Reporting” – Traveling Training Series for California DV Funding Recipients

- March 27: Oakland
- April 3: Redding
- April 16: Los Angeles
- April 24: Sacramento
- May 1: San Diego

FVAP attorneys will present an all-day training in 5 California cities. This traveling training series will review important legal issues regarding confidentiality and mandated reporting, and is **mandatory and free for all CA agencies that receive Domestic Violence Assistance funding from Cal OES** (California Governor’s Office of Emergency Services).

Our training will cover confidentiality & privilege; immigration-related confidentiality issues; mandatory reporting of child abuse and neglect; and responding to subpoenas.

4. “Recent Domestic Violence Case Law: Kumar & Hogue”

- **April 26**
- **Webinar** hosted by the State Bar of California
- Presented by FVAP Senior Attorney **Shuray Ghorishi** and **Hon. Mark A. Juhas**

An in-depth discussion of several of FVAP’s domestic violence cases that were published in 2017 to protect survivors. The cases that will be discussed are *In re Marriage of Kumar* and *Hogue v. Hogue*. Other cases that may be discussed are *Garcia v. Escobar* and *Priscila N. v. Leonardo G.*

What We're Working On

Defending Limited-English Proficient Immigrant's Rights: This month, FVAP filed a petition for review to the Supreme Court of California in a San Diego child custody case involving domestic violence. Our client survived physical, financial and emotional/social abuse, including controlling her access to her family, impeding her ability to drive, and keeping her from learning English. Despite findings of domestic violence, the trial court awarded child custody to the domestic abuser because, among other reasons, he has higher English proficiency. We argue, with pro bono co-counsel **Horvitz & Levy** and the **Legal Aid Society of San Diego**, that English proficiency is not a permissible reason to grant child custody to a known domestic abuser, and the trial court's decision ignores California Family Code section 3044, which says that domestic abusers should only be granted child custody in rare circumstances.

Leading the Charge to Get Transcripts of DV Cases: On March 20, Director of Programs **Jennafer Dorfman Wagner** will testify in Sacramento before the Assembly Judiciary Committee to support AB 2354, a bill FVAP is sponsoring to require CA courts to provide a court reporter in all domestic violence restraining order and custody proceedings. **Court reporters are crucial to protecting the rights of domestic violence survivors** because verbatim transcripts of legal proceedings that court reporters create make it possible for survivors to appeal dangerous trial court decisions. Without a transcript, it is extremely difficult to appeal a decision that leaves a survivor or their children at risk of ongoing abuse. This law would greatly increase survivors' access to justice across California. We are proud to sponsor this bill with **Assemblywoman Blanca E. Rubio**, and we're grateful for the support of the **California Court Reporters Association**, **Center for Judicial Excellence**, and 29 domestic violence agencies.

FVAP in Oral Argument: On March 14, we argued as amicus (friend-of-the-court) in front of the 2nd District Court of Appeal (Ventura) in support of a domestic violence survivor who lost custody of her child to her abuser. The survivor, represented by **Gibson, Dunn & Crutcher**, is appealing a trial court decision that gave sole legal and physical custody of her six-year-old child to the abusive parent, despite an active restraining order against him and documented accounts of domestic violence. The trial court switched sole custody from the survivor to the abuser because, it said, the survivor was "gatekeeping" to keep the child from the abusive parent. We argue that the survivor was simply practicing normal protective parenting following incidents of domestic violence, and protective parenting is not an acceptable reason to give custody to a known abuser. Many thanks to our friends at **Crowell & Moring LLP** for co-counseling this case with us.



Rock Out for a Good Cause: Banding Together 2018

Rock out for a good cause this summer at FVAP's 6th annual attorney battle-of-the-bands fundraiser, [Banding Together to End Domestic Violence](#). Join us **June 20 in San Francisco (The Chapel)** and **July 12 in Los Angeles (El Rey Theatre)** to see attorneys from California's top law firms and corporate legal teams compete in an epic musical battle for the coveted title: Best Lawyer Band in The Bay, or Best Lawyer Band in LA.

Though the competition is fierce, these rock star attorneys will band together to raise over \$185,000 for California survivors of domestic violence. All proceeds support FVAP's [legal aid programs](#) for domestic violence survivors.

Get involved! Join California's most philanthropic companies and law firms in sponsoring [Banding Together 2018](#), and your message will **reach hundreds of lawyers, professionals, and decision-makers at firms and tech companies** across California. Sponsors reach this desirable demographic as they're having a memorable, fun night out with colleagues. Let your target audience know that your company/firm cares about issues affecting our communities and believes in giving back. For more information about sponsorship levels, click [here for SF](#) and [here for LA](#), or email jeagle@fvaplaw.org.

Hiring: Development Director

FVAP is seeking a fundraising and communications professional to join our exceptional and dynamic team and play a significant role in support of social justice. We value diverse experiences and backgrounds. The ideal

candidate will bring skills and experience that will enable them to lead FVAP's development strategy, fundraising efforts, donor relations, and external communications; plan and manage annual fundraising events; and be willing to pitch in wherever needed to support a small nonprofit. Email staff@fvaplaw.org for more information, and check [here](#) for the full job description soon.



The ALL Are Welcome Here poster was created by the Pennsylvania Cross-Systems Advocacy Coalition, supported by Grant No. 2007-FW-AU-K006, awarded by the Office on Violence Against Women, U.S. Department of Justice.



On March 6 and 7, at the **California Partnership to End Domestic Violence's** annual statewide conference, "Shifting the Lens," FVAP attorneys opened a "Listening Booth" to **hear first-hand from domestic violence advocates the challenges and barriers survivors are facing across the state.** FVAP also presented a very well-received workshop-style training, "Creative Community Solutions to Systemic Problems," to a packed audience at the conference, where attendees learned about some of our successful systems-level fixes to common legal challenges faced by DV survivors, and worked together to find new creative community solutions to help survivors and children.