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Standing with Survivors: Domestic Violence Awareness Month



Given the recent appointment of Brett Kavanaugh to the Supreme Court, despite Dr. Christine Blasey Ford testifying that he sexually assaulted her, October has been an unsettling month for the [FVAP](#) team and advocates everywhere. But October is also **Domestic Violence Awareness Month** (#DVAM2018), and there could not be a better time for us to focus on raising awareness.

All month, you can visit us on [Facebook](#) and [Twitter](#) to learn about domestic violence and help amplify the voices of survivors with a weekly lineup of:

- Important statistics about domestic violence
- Survivors' stories
- Culture- and community-focused information
- Upcoming awareness raising events and campaigns
- Tips on how you can support survivors

Understanding and talking about domestic violence, and why it is not acceptable in our society, is an important part of changing cultural norms that contribute to domestic violence continuing, and to survivors who courageously speak out against their abusers being accused of dishonesty or ignored. **Join us** during Domestic Violence Awareness Month in breaking down these barriers.

2 Legal Victories Correct Misuse of Mutual Restraining

Orders

We are excited to announce **two recent legal victories** that will aid survivors of domestic violence who are wrongly accused of committing domestic violence by their abusers.

In [Melissa G. v. Raymond M.](#) (a published case), the Court of Appeal held that the trial court made an error by issuing a mutual restraining order against our client without making the factual findings required under the law. The court also ruled that restraining orders based on separate incidents of abuse are mutual restraining orders, affirming that domestic violence is often a series of separate but related incidents. **This case has positive implications for LGBTQ+ communities**, as these communities report mutual restraining orders are a top concern because courts often issue inappropriate mutual orders against both people without determining with certainty who was the dominant aggressor.

In [Maria C. v. Luis C.](#), the Court of Appeal also reversed a mutual restraining order that the trial court issued against our client. The evidence did not show Maria was the dominant aggressor in the situation, given that she had proven a history of her husband being abusive. This case also establishes that the issuance of a domestic violence restraining order is a reason for the court to consider modifying a prior child custody order.

To learn more about [FVAP's](#) other mutual restraining order cases, visit our [Restraining Order Case Law](#) page.

Legislative Victory: AB 2044 Signed by Governor Brown



[FVAP](#) worked tirelessly this past legislative session on a bill to **improve child safety and well-being** by strengthening the laws about child custody in cases with domestic violence. We engaged many community partners and testified before the state legislature, and we are proud to say that our efforts paid off.

AB 2044 was signed into law by Governor Brown on September 30. This bill says that **children have a right to be safe and free from abuse**, requires courts to determine if domestic violence has occurred before making custody decisions, adds new training for judges, and more. We look forward to the increased safety and protection of children that this new law will bring about.

#ImmigrantWomenToo

The California Supreme Court recently decided a case that will help immigrant survivors of abuse and their children. [FVAP](#) submitted an amicus (friend-of-the-court) brief with **University of California Irvine School of Law** and pro bono co-counsel **Mayer Brown** in [Bianka M.](#), a case involving a minor from Honduras, whose request for Special Immigrant Juvenile Status (SIJS) was denied. The California Supreme Court reversed the decisions of lower courts, ruling that family courts do not need to require an absent parent to appear in court in order to issue SIJS findings for an abused, neglected, or abandoned child, as long as the child has properly served the absent parent.

The Court further held that a court cannot deny a request for SIJS findings because the child's primary motive is to obtain immigration relief. **This outcome is important because seeking cooperation from an abusive parent can put the child or the other, abused parent in danger and expose them to unnecessary trauma.**

Domestic violence is widespread in the United States, but it is also a global epidemic. As we work to raise awareness this month, **we hope to amplify the voices of immigrant women and children.** To get involved, visit the [Immigrant Women Too](#) website, which includes information about how it has become increasingly difficult for immigrant survivors to apply for asylum in the United States, survivors' stories, and the [Take Action Toolkit](#) that provides educational material and steps you can take to support immigrant survivors. The [Take Action Toolkit](#) was created by Futures Without Violence and the Center for Gender & Refugee Studies at UC Hastings College of the Law.

Spotlight: FVAP Legal Director Nancy K. D. Lemon Honoree



Congratulations to [FVAP's](#) Legal Director, [Nancy K. D. Lemon](#), who is being honored at A Safe Place's 40th Anniversary Gala on October 20.

Nancy Lemon has been a leading authority on domestic violence for more than 30 years, pioneered its study in law schools and is the author of Domestic Violence Law, the premiere textbook on the subject. Nancy has been teaching the Domestic Violence Seminar at UC Berkeley Law – the first law school class of its kind – since 1988, and also directs the Domestic Violence Practicum.

[Read Nancy's Full Bio](#)

For more details about A Safe Place's gala and to purchase tickets, visit their [event page](#).

Covering the State: FVAP Recent & Upcoming Trainings

[FVAP](#) regularly provides free trainings to inform domestic violence organizations, lawyers, advocates, and pro bono attorneys about common legal issues that domestic violence survivors experience. Come join us at one of our upcoming trainings:

- **October 18 (TODAY) at 5:00 p.m.** – “Introduction to FVAP Housing & Employment Justice Project” to be presented by [FVAP](#) Housing and Employment Justice Attorney, [Taylor Campion](#), at the [Bar Association of San Francisco](#).
- **October 27** - [FVAP](#) Legal Director Nancy Lemon will be training statewide domestic violence experts on recent legal developments.
- **November 8** - [FVAP](#) is presenting 2 trainings, “Post Trial Remedies” and “Writing Declaration for Survivors of Domestic Violence” at [Legal Aid Association of California's](#) Traveling Training in Sacramento.

Recent trainings:

- **August 22** - “Recent Landmark Domestic Violence Cases Directly Affecting Your Work: From Jurisdiction to Support” presented by [FVAP](#) Senior Attorney, [Shuray Ghorishi](#), at [Legal Aid Association of California’s and the Judicial Council’s Self-Help & Family Law Conference](#) in San Francisco.
- **September 18** - “Domestic Violence and Dependency Law: What Judges and Attorneys Should Know” presented at the [California Department of Social Services Headquarters](#) in Sacramento.
- **September 18** - “Protective Orders & the Advocates’ Role” presented by Staff Attorney, [Cassandra Allison](#), at the [YWCA Silicon Valley](#).

To receive updates about our upcoming trainings, follow us on [Facebook](#), [Twitter](#), and [LinkedIn](#). To view our on-demand trainings, visit our [Legal Resource Library](#).

FVAP is Hiring 2019 Spring and Summer Law Clerks



[FVAP](#) is seeking part-time law clerks to join our exceptional team in our Oakland, California office for spring and summer 2019. Ideal candidates will bring skills and experiences enabling you to serve diverse populations adeptly in the context of domestic violence and appellate litigation.

For required qualifications and to learn more about the Law Clerk position, please visit our [Job Openings webpage](#). Applications are being reviewed now, so don’t wait to apply.

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