



How to Use FVAP's Custody and Visitation Toolkit for LGBTQIA2S+ DV Survivors

This toolkit is for domestic violence (DV) survivors who are **lesbian, gay, bisexual, queer, trans, intersex, and/or something else (LGBTQIA2S+)**, to help explain important facts to family court judges and child custody mediators, evaluators, and recommending counselors.

The toolkit has 6 documents:

- 3 draft letters to child custody mediators; and
- 3 draft trial briefs (called memoranda of points and authorities).

The letters and brief discuss issues experienced by LGBTQIA2S+ DV survivors, such as higher rates of arrests, restraining orders, and self-defense. They also discuss the unique fears LGBTQIA2S+ DV survivors may have about losing child custody because of one's sexual orientation or gender identity.

Each letter goes with a different brief.

There's a letter and brief specifically for:

- DV survivors who are women and not straight,
- DV survivors who are men and not straight, and
- for DV survivors who are not cisgender.

*If you're not cisgender *and* not straight, you can write your own letter and brief by using parts of any of these letters and trial brief that make sense to you.

Please **do not** just print the documents and hand them in. You will see that some parts are highlighted in yellow. The highlighted sections, point out where you should fill in your own facts. Make sure you remove the highlighting before you print and file the paperwork.



Helpful Tips

- You can change anything in the letters or briefs – not just the highlighted sections.
- Make sure you carefully read the documents, take out any facts that do not apply to you or your case, and add in facts that happened in your case.
- You can add other facts or legal issues to the letter or brief, such as why granting you custody is in your child's best interest.
- Remember to remove the highlighting.
- FVAP has other free resources that may help you on its' website.

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Please [contact an attorney](#) for legal advice. Laws and research can change quickly and FVAP has done its best to provide the most up-to-date information as of the last update to this toolkit.

FVAP does not provide direct representation in trial court. If you have questions or want to challenge a court order that is less than six months old, please contact FVAP.



How do I get more help?

Contact FVAP at
info@fvaplav.org or (510)
380-6243

Legal Information, not legal advice.