



# Newsletter October

## OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH



October is Domestic Violence Awareness Month, a month dedicated to calling attention to intimate partner violence, which can be perpetrated against anyone regardless of age, gender, race, or sexual orientation. DVAM is marked by events and activities across the nation that connect domestic violence advocates and survivors. There are several events being held to bring awareness to domestic violence across Oregon including the 2nd Annual Walk Against Domestic Violence in Jackson County and the 5th Annual Purple Mile Walk in Multnomah County. In 2018 the National Domestic Violence Hotline had its busiest year ever, receiving more than half a million calls. Oregon ranked 24th in terms of volume of calls for the reporting period of January-June 2018. Oregon offers resources to victims throughout the state. Below are some of the dv resources available to victims in Oregon.

### Metro Area

#### **Gateway Center**

Location: Portland

County served: Multnomah

Services: Support groups, co-located advocates, legal advocacy, legal representation and advice, youth services, counseling

#### **Domestic Violence Resource Center**

Location: Beaverton

County served: Washington

Services: 24-hour crisis line, emergency shelter, transitional housing, support groups, legal advocacy, youth services, counseling, prevention and outreach, co-located advocates at DHS

#### **Clackamas Women's Services**

Location: Oregon City

County served: Clackamas

Services: 24-hour crisis line, legal advocacy, emergency shelter, youth services, counseling, prevention and outreach, Family Justice Center, co-located advocates at DHS





## Northern Coast

### **The Harbor**

Location: Astoria

County served: Clatsop

Services: 24-hour crisis line, transitional housing, support groups, legal advocacy, economic empowerment, youth services

### **Tides of Change**

Location: Tillamook

County served: Tillamook

Services: 24-hour crisis line, emergency shelter, support groups, legal advocacy, youth services, prevention and outreach, counseling

## Mid-Valley

### **Center for Hope and Safety**

Location: Salem

Counties served: Marion and Polk

Services: 24 hour crisis line, emergency shelter, legal advocacy, support groups, prevention and outreach

## Eastern

### **Domestic Violence Services Inc. MayDay Inc.**

Location: Pendleton

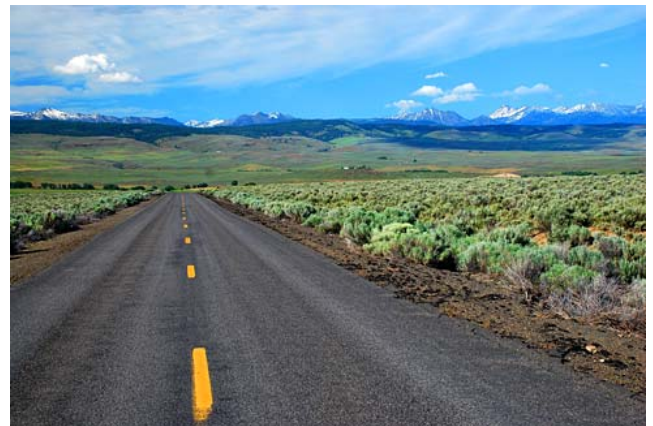
Counties served: Morrow and Umatilla

Services: Legal advocacy, support groups, prevention and outreach, 24 hour crisis line, emergency shelter, advocacy center hours throughout different towns in the two counties.

Location: Baker City

County served: Baker

Services: 24 hour crisis line, emergency shelter, legal representation, prevention and outreach, counseling



## Central

### **Saving Grace**

Location: Bend

Counties served: Deschutes, Crooke and Jefferson

Services: 24 hour crisis line, emergency shelter, support groups, counseling, legal advocacy, supervised visitation and exchange center, youth violence prevention





## Eastern South

### **Harney Helping Organization for Personal Emergencies**

Location: Burns

County served: Harney

Services: 24 hour crisis line, emergency shelter, support groups, prevention and outreach, advocates co-located at DHS offices

### **Project Dove**

Location: Ontario

County served: Malheur

Services: 24 hour crisis line, emergency shelter, support groups, legal advocacy



Taylor Kilkenny, Victim Advocate

Photo credit: Gary Halvorson, Oregon State Archives

## Southern Coast

### **Coquille Indian Tribe Healthy Families First**

Location: Coos Bay

County served: Coos, Douglas, Curry, Jackson and Lane

Services: legal advocacy, prevention and outreach

### **The SAFE Project**

Location: Coos Bay

County served: Coos

Services: 24-hour crisis line, emergency shelter, transitional housing, support groups, legal advocacy, services for youth, prevention and outreach, counseling

## Southern

### **Community Works**

Location: Medford

County served: Jackson

Services: 24 hour crisis line, emergency shelter, transitional housing, support groups, legal advocacy, youth services, prevention and outreach, housing for homeless youth

### **Lake County Crisis Center**

Location: Lakeview

County served: Lake

Services: 24-hour crisis line, emergency shelter, support groups, legal advocacy, economic empowerment, youth services





## CHANGE IN RESTRAINING ORDER LAW WILL HELP VICTIMS STAY SAFE

Passed with unanimous support by the Oregon Legislature in 2019, HB 3117 amended Oregon's Family Abuse Prevention Act (FAPA) statutes, removing the requirement that a victim prove he or she is still in imminent danger. The new standard requires that a victim needs to show at a contested hearing that they have a reasonable fear for their physical safety. This change was in response to *M.A.B. v Buell*, a Court of Appeals Opinion discussed below. It also brings the FAPA statute in line with Oregon's Sexual Assault Protection Order (SAPO) statutes, which use the same reasonable fear standard.

### **The Problem:**

Any petitioner seeking a FAPA protection order against a family or household member has to first attend an *ex parte* hearing with a judge and meet the statutory requirements:

1. The victim has been a victim of qualifying abuse by a family or household member within the 180 days before filing the order;
2. The victim is in imminent danger of further abuse; *and*
3. The respondent represents a credible threat to the physical safety of the petitioner or the petitioner's child.

The problem, illustrated in *M.A.B. v Buell*, was that if the respondent requested a contested hearing, the petitioner had to show that she was still in imminent danger of further abuse after the order had been served on the respondent. For petitioners lucky enough to experience a reduction in abuse after the initial order, either due to the respondent following the court order or because of the petitioner's own safety planning, it was then difficult for them to show they were in imminent danger at a contested hearing. Contested FAPA hearings can be held 30 days or more after the initial order was issued, or even longer if the respondent is difficult to serve. Respondents could argue that since no further abuse had occurred during that intervening time after petitioner left, the petitioner is no longer in imminent danger and the order is no longer necessary.

This was the argument the Court of Appeals responded to in *M.A.B. v. Buell*, a 2019 opinion that spurred legislative action to amend the FAPA statute. On appeal, the respondent admitted to the abuse that petitioner claimed was the basis for her order. The trial court had found that the respondent had sexually assaulted the victim twice, threatened to kill her and take their child, and repeatedly intimidated and threatened her. Despite these findings of abuse, the Court of Appeals found that at the contested hearing, the victim had not shown that she was in imminent danger because she had not experienced *additional* sexual abuse after moving out of the respondent's home and getting a restraining order.

### **The Solution:**

HB 3117 amended ORS 107.716 to modify the elements a victim needs to prove at a contested hearing to keep a restraining order in place. The new standard for a contested hearing is:

1. The victim must still prove they have been a victim of qualifying abuse in the 6 months prior to applying for the order;
2. The victim must still prove that the respondent is a objectively a credible threat to the physical safety of the victim or the victim's child;
3. The victim must show that they have a reasonable fear for their physical safety.

HB 3117 does not change the standard for the initial *ex parte* appearance of petitioner, where the petitioner still must show that he or she is in imminent danger of further abuse. But it makes a change at the contested hearing. If a victim uses an emergency protective order to successfully separate from an abusive partner, that does not mean the victim is not still in danger a month or two later or does not deserve the year-long protection that a FAPA order can provide. HB 3117 is a positive change for victims who seek the court's assistance to ensure their safety when leaving an abusive relationship. The law went into effect on May 22, 2019 - any FAPA petitions granted after that date should use the new standard at a contested hearing.

Melanie Kebler, Senior Staff Attorney



CLE

Oregon Crime Victims Law Center Presents

# Access to Justice for Vulnerable Crime Victims

**November 6, 2019 | 3:00PM - 6:00PM**  
**Kells Irish Pub Portland**

The CLE will feature Brent Barton, DDA Katie Suver, Sam Friedenber, and Rosemary Brewer describing legal, practical, and cultural challenges for a minor victim and his family in the criminal and civil cases arising from a parish priest's sexual abuse of the minor; Sean Riddell and Chris Mascall describing their efforts to seek justice for a victim with mental health challenges; and Chanpone Sinlapasai presenting immigration and other hurdles overcome in seeking justice for a child trafficking victim.

3 Hours Access to Justice Credit Pending



## RECENT OCVLC CASE SUMMARIES

Oregon Crime Victims Law Center has been busy in 2019, with more than 150 cases opened so far. We have worked with victims all over the state, including in the counties of Lake, Lane, Jackson, Multnomah, Washington, Crook, Wasco, Lincoln, and Malheur. OCVLC attorneys have provided legal representation to victims of domestic violence, child abuse, stalking, and sexual abuse as well as to families of homicide victims. Below is a sample of the some of the ways our attorneys have assisted Oregon crime victims recently:

An OCVLC attorney represented the family of a homicide victim at a parole hearing this summer to assist the family in asserting their right to be present at the hearing and to be heard. The family has been through a number of parole board hearings for this defendant so while they are familiar with the process, the hearing itself is no less difficult for them. OCVLC filed a memorandum concerning the defendant's release with the Parole Board and made a statement to the Board at the hearing on behalf of a family member. After deliberation the Board deferred the defendant's release for an additional two years. After the hearing, the victim's family sent OCVLC a letter that read, in part, "We are more than grateful for OCVLC. We now have our own attorney. Now when we go to hearings, I feel like the playing field is more level."

An OCVLC attorney represented a family member of a homicide victim who had requested the defendant's criminal history from the district attorney's office and was refused. Victims have a constitutional right to obtain the criminal history of a defendant, or the equivalent information in a juvenile proceeding. OCVLC filed a motion with the court requesting that the district attorney provide this information to the victim. After a hearing, a judge found that the victim has a constitutional right to the criminal history of the defendant and ordered that it be provided to the victim.

An OCVLC attorney represented the child victim in a rape case. The defense attorney requested that all of the victim's school and mental health records be turned over to him. The victim opposed that and asked OCVLC for assistance protecting her privacy. OCVLC filed a motion to quash the subpoena for the records. After a hearing on the issues a judge granted the motion to quash, allowing the victim's records to remain confidential.

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An OCVLC attorney provided advice, and then later representation to a victim who had experienced on-going stalking by a former neighbor over the course of more than a decade. The perpetrator made threats against the client's life, harassed their family members, damaged property, and made threats to law enforcement who became involved. This pervasive stalking continued to escalate and impacted the client and their family's day-to-day lives. OCVLC provided the client with information as to their qualification for a permanent stalking protective order, and later represented them at the contested hearing in which the perpetrator was also represented by counsel. As conduct within recent years involved verbal threats made via phone, the hearing involved issues related to freedom of speech and presentation of testimony on datamining, "spoofed" telephone numbers, and the search warrant executed on the perpetrator's devices. The hearing was successful and a permanent stalking order was put in place.

An elderly victim's abusive son erroneously obtained a restraining order against her in order to oust her from her home after she threatened to call law enforcement due to his abuse and criminal behavior. An OCVLC attorney represented the victim to contest the restraining order. After a hearing the order was dismissed and the victim was able to return to her home. OCVLC worked with the victim and community service partners for assistance with changing her locks and exploring home safety options.

Rosemary Brewer, Executive Director



## INTRODUCING TAYLOR KILKENNY

Taylor is a graduate of Portland State University with a degree in Public Health Education. Taylor's advocacy career began in Anchorage, Alaska where she spent four years as an advocate for the only domestic violence shelter in the city. From Anchorage, Taylor moved back to her hometown of Portland and spent two years at the YWCA providing long term case management to victims of domestic violence and sexual assault. Taylor is excited to support and advocate for victims of crime and work with her new team at OCVLC.

**DONATE**

## YOUR DONATION HELPS CRIME VICTIMS

OCVLC is a 501(c)(3) non-profit organization funded by grants and private donations. All of our legal services are offered at no cost to the crime victims we serve. By donating to OCVLC, you can make a huge difference in the life of a crime victim.





## Elder Abuse and Domestic Violence

Imagine yourself at 75 years old. Your granddaughter comes to visit and a few days later you realize that your checkbook has disappeared. When you ask her about it, she becomes angry and pushes you. You fall into your kitchen table injuring your hip. What do you do? Will your family believe you? Will they support you? What will happen if you report this? Thanksgiving is coming, and you're worried how your family will respond if your granddaughter cannot be there.

Intimate partner violence may be the first thing that comes to mind when you think of domestic violence. However, of the approximately 1 in 10 Americans over the age of 60 who experience physical abuse, 60% of those are abused by a family member<sup>[1]</sup>. Elder abuse includes not only physical abuse, but also failure to provide basic care, willful deprivation of necessary services or medications, involuntary neglect, confinement, sexual abuse, financial exploitation, and verbal or emotional abuse<sup>[2]</sup>. Mobility issues, dementia, health problems, difficulty in hearing and diminishment of vision can contribute to the isolation of those impacted by elder abuse. Isolation, fear of retaliation by a caregiver, and lack of education as to what constitutes elder

abuse can make seeking help or reporting more difficult. A victim's fear of family alienation adds yet another barrier to reporting or seeking assistance. Elder abuse has been found to be associated with greater self-reported emotional symptoms and functional impairment<sup>[3]</sup>. The longer abuse goes on and the more severe it becomes, the more someone's ability to seek help on their own may be affected.

In Oregon options for those affected by elder abuse include reporting to DHS, law enforcement, the office of the long-term care ombudsman, local advocacy organizations, as well as non-offending friends and family members. In some situations it may be appropriate to seek an Elderly Persons and Persons with Disabilities Abuse Prevention Act order either directly or on behalf of a person being subjected to abuse.

Domestic violence and elder abuse do not have an age limit. It is not limited by income, ethnicity, gender or sexuality. **What can you do to help?**

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1) <https://www.ncoa.org/public-policy-action/elder-justice/elder-abuse-facts/>

2) <https://www.oregon.gov/DHS/SENIORS-DISABILITIES/ADULT-ABUSE/Pages/index.aspx>

3) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3386791/#R11>







- Educate yourself about the dynamics and warning signs of elder abuse
- The National Center on Elder Abuse offers a wide variety of educational and training materials related to elder abuse <https://ncea.acl.gov/>.
- Prevent isolation by connecting with the seniors in your life, and be supportive and a resource for them.
- Know what resources your community offers.
- Aging and Disability Resource Connection of Oregon offers local information and services for seniors and people with disabilities, safety planning tools and training for caregivers <https://www.adrcoforegon.org/>
- Know your reporting obligations<sup>[1]</sup>
- In Oregon, lawyers are included in the definition of public or private officials having a duty to report elder abuse pursuant to ORS 124.050 to ORS 124.095.
- Support your local community support organizations
- Know how to report
- Possible elder abuse in Oregon can be reported through the toll-free DHS hotline:  
1-855-503-SAFE or on the DHS Website<sup>[2]</sup>.

Emily LaBrecque, Staff Attorney

4] [https://www.oregon.gov/dhs/abuse/pages/mandatory\\_report.aspx](https://www.oregon.gov/dhs/abuse/pages/mandatory_report.aspx)

5] <https://www.oregon.gov/DHS/abuse/Pages/index.aspx>

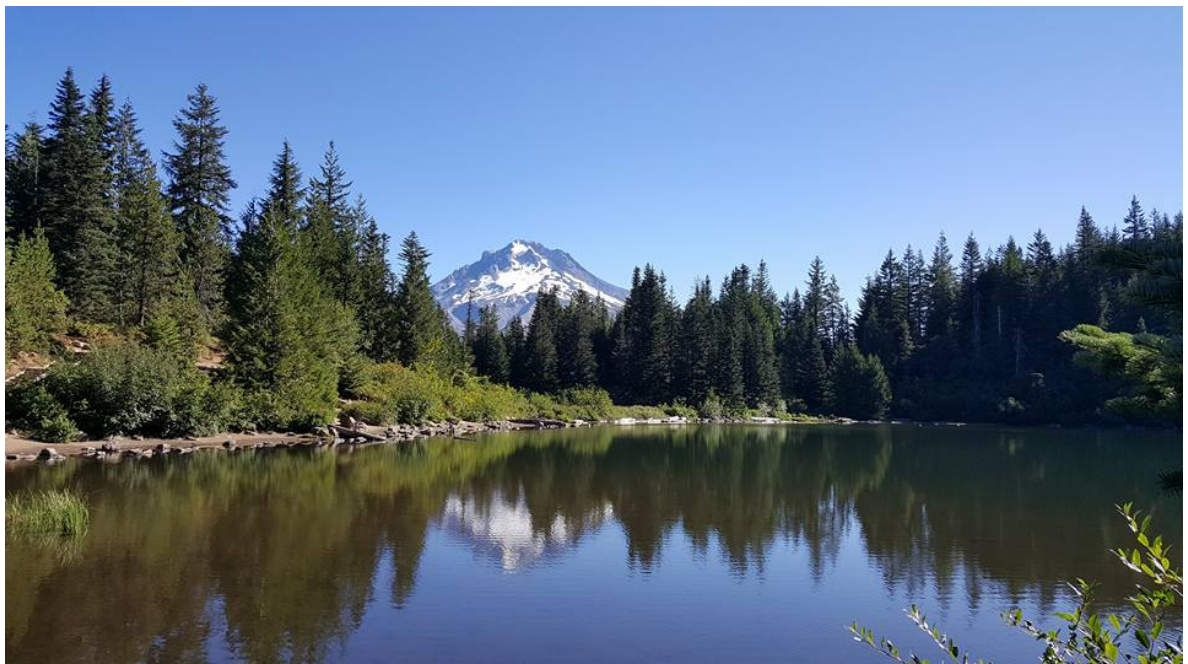


Photo credit: Gary Halverson,  
Oregon State Archives

The Oregon chapter of Parents of Murdered Children marked the National Day of Remembrance for Murder Victims with a ceremony at the memorial at Mountain View Cemetery in Oregon City. OCVLC was honored to participate by reading the names of Oregon and Washington victims of homicide.



## Adverse Childhood Experiences and Domestic Violence

When interacting and working with survivors of domestic violence, the immediate needs of the survivor and their family are prioritized. It is not until years later that the full impact of surviving domestic violence is seen in the youngest survivors.

Adverse childhood experiences (ACEs) are traumatic events occurring before age 18 that impact individuals into adulthood. In the 1990s over 17,000 patients at Kaiser participated in surveys about their current health and about their childhood experiences. The types of traumatic experiences captured in the ACE study include: domestic violence, abuse, neglect, parental mental illness, substance abuse, and incarceration. It is important to note that children may endure other traumatic events such as bullying, housing insecurity, and being a part of the foster care system, however the impacts of such trauma are not necessarily captured by the ACE study.

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During the initial study, 38% of participants experienced two or more adverse childhood experiences. In a subsequent study from 2011 – 2014, participants that disclosed they have experienced one or more ACE, 18% witnessed intimate partner violence in their home.

The ACE study found a link between childhood trauma and chronic disease as well as social and emotional problems. The greater the number of adverse childhood experiences correlated to a shorter life expectancy, a higher likelihood to employ unsafe coping mechanisms, a greater risk of obesity, depression and suicide attempts. While the initial study ended in 1997, several states have continued gathering data through the “Behavioral Risk Factor Surveillance System (BRFSS)” the CDC estimates that Oregon continued to collect data into 2018.

For more information on Adverse Childhood Experiences, visit [www.vetoviolence.cdc.gov](http://www.vetoviolence.cdc.gov)

Yazmin Wadia , Staff Attorney

SAVE THE DATE

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# THE THIRD ANNUAL HARDY MYERS DINNER

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WEDNESDAY, April 22, 2020  
THE LOFT at 8th Ave | 2010 SE 8th Ave, Portland  
6:00PM

[www.ocvlc.org/hardy-myers-dinner](http://www.ocvlc.org/hardy-myers-dinner)

