



www.pimatucsonwomen.org

*For additional copies, please contact the
Pima County/Tucson Women's Commission
at 240 N. Court Avenue, Tucson, AZ 85701
520-624-8318*

A special thank you to
Pima County Attorney Barbara LaWall
who provided funding
for the printing of this Guide
(funds seized from criminals),
not from taxpayer dollars.

May 2016

Domestic Abuse, Assault, and Violence A Survivor's Guide

Available Resources and Lay Legal
Information for Pima County, Arizona
Revised by
Pima County/Tucson Women's Commission



**Funding support for this Guide is made possible
by the Office of Pima County Attorney**

**Special Thanks to
Mary Beth Ginter, PhD**

Domestic Abuse, Assault, and Violence

A SURVIVOR'S GUIDE

Pima County/Tucson Women's Commission

May 2016

The Pima County/Tucson Women's Commission dedicates this publication to those who have successfully survived violence and assault, and to the clinicians, social service, behavioral specialists, and law enforcement personnel who reach out to help with their hearts, hands, and resources.

**SUN TRAN REGIONAL TRANSIT SYSTEM
INFORMATION www.suntran.com**

Schedule Information for routes, fares and maps

Call 520-792-9222 for Services

Ajo Commuter Circulator Service - Transportation option to easily travel around Ajo or connect to other regional transit systems in Tucson.

Downtown Loop - A free transit service in the downtown Tucson-area that provides access to community services, government offices, courts, educational facilities and area businesses.

Neighbors Care Alliance - A volunteer program through the Pima Council on Aging that provides transportation services for seniors and younger disabled individuals.

Sun Express - A weekday rush hour service in Tucson, Marana, Oro Valley, Rita Ranch and other parts of Pima County.

Sun Link - The streetcar serves major activity centers between the downtown, and the University of Arizona campus area.

Sun RideShare - Online carpooling and vanpooling options available for commuters.

Sun Shuttle/Dial-a-Ride - A neighborhood transit service in Marana, Oro Valley, Catalina, Sahuarita and Green Valley, Tucson Estates and San Xavier. Dial-a-Ride service is also available in Oro Valley, Sahuarita and Green Valley.

Sun Van - Paratransit service in Tucson, Tohono O’Odham Nation, Pasqua Yaqui Tribe, South Tucson and parts of Pima County. Available to those with current AOA eligibility card issued by City of Tucson.

GENERAL INFORMATION AND REFERRAL

24 HOUR HELPLINE DIAL 2-1-1 — 211 ARIZONA (The Helpline Name) Provides information and referral to health and human services agencies statewide. These agencies provide help, health care, 1 food box, legal assistance, domestic violence shelters, donation pick-ups, substance abuse services, counseling, GED classes, computer classes, assistive technology. Call the 24-hour helpline at 2-1-1, or search the online database: www.211arizona.org Call 1-877-211-8661

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**The Pima County/Tucson Women’s Commission —
from Vision to Reality**

The vision to establish the Tucson Women’s Commission was born of the International Women’s Year celebrations of 1975. Over 200 Tucson women and men regularly met that year to design a City of Tucson-sponsored commission that would represent a long-lasting commitment to women’s equality on the part of elected officials. With the unanimous support of the Mayor and Council of Tucson, an ordinance creating the Commission was adopted on December 8, 1975. On March 17, 1992, the Pima County Board of Supervisors followed with a unanimous vote to expand the Tucson Women’s Commission into the Pima County/Tucson Women’s Commission.

The Commission’s purpose has remained steady for over 40 years. The Commission’s work is designed to represent the City and County policy of taking “positive action to expose, eliminate, and prevent the practice of discrimination against women in the areas of education, employment/compensation, credit, housing, community services, and related fields” through the establishment of “an official entity to be called the Tucson (and Pima County) Women’s Commission to monitor and evaluate the execution of the policy...”.

While the Commission is tasked with numerous responsibilities, it is the first duty of the Ordinance that makes possible this updated **2016 Domestic Violence Resource Guide** — “Collecting, coordinating and disseminating information concerning women.”

Women continue to survive abuse and violence in our community. The members of the Commission sincerely hope that the resources contained in this document provides useful survival tools. It takes strength and courage to break the silence and reach out for help. Many among us have done so and transformed our lives.

We are truly grateful to Barbara LaWall, Pima County Attorney, for supporting the preparation, printing, and dissemination of this guide.

Maxine Goodman
Maxine Goodman, Commission Chair

With Commissioners:
Trina Callie, PhD
Kim Chmel

Landlord/Tenant Issues (Continued)

If you call the building code inspector or the health department on your landlord, can the landlord evict you?

No, not even if you have a month-to-month lease. Arizona law states that if a tenant files a complaint with the housing code authorities, all eviction proceedings filed by the landlord within six months after the tenant's complaint are presumed to be retaliatory. If the court determines that your landlord's conduct is retaliatory, you are entitled to damages in the amount of two months’ rent. However, your landlord can evict you during those six months if you violate your lease or fail to pay your rent. See A.R.S. § 33-1381.

**A free copy of the
Arizona Residential Landlord and Tenant Act
is available at Arizona Secretary of State’s Office lo-
cated at 400 W. Congress St., 1st floor, Ste. 141,
Tucson, AZ 85701
Call 1-800-458-5842
Website: www.azsos.gov**

Landlord/Tenant Issues (Continued)

If the abuser tells you the landlord is going to turn off the utilities, lock you out, and keep the security deposit if you do not pay your rent, can the landlord do this?

Absolutely not. If your landlord wants to evict you, he or she must use the court system to do so. If your landlord shuts off your water or utilities, or locks you out of your home without first obtaining a court order, he or she is in violation of the law, and you are entitled to damages from your landlord in the amount of two months rent. *See* A.R.S. § 33-1367.

Can you terminate your lease early because of domestic violence?

Yes, if you are a victim of domestic violence you may terminate your lease, move out, and not owe future rent or penalties. However, you are still responsible for paying rent owed through the date of termination as well as any outstanding obligations, which must be paid on or before the date you vacate. All other individuals on your lease are also released from the lease. To terminate early due to domestic violence, you must provide written notice to your landlord that you are a victim of domestic violence within 30 days of the domestic violence incident, and that you request a mutually agreed upon release from the lease within the next thirty days. You must also include a copy of any protective order issued to you as a victim of domestic violence or a copy of the police report that states you notified the police that you are a victim of domestic violence. *See* A.R.S. § 33-1318.

Can you request that your landlord change the locks because of domestic violence?

Yes, you may also require the landlord to install new locks for your unit if you pay for the expense. Your landlord is allowed to retain a copy of this new key. Also, the landlord must refuse access to the rental unit to any tenant who wishes to reclaim property that is named in an order or protection or police report unless a law enforcement officer escorts him or her. *See* A.R.S. § 33-1318.

Can a landlord refuse to rent to you because you have children?

No, it is unlawful for a landlord to refuse to rent to you because you have children. But a landlord is allowed to restrict occupancy to two people per bedroom. *See* A.R.S. § 33-1317.

Purpose of the Survivors' Guide

The Survivor's Guide is presented in two sections.

- Section I — Provides agency and contact information for survivors, counselors, and advocates regarding resources for support and safety.
- Section II — Provides lay legal information about survivor rights and describes the procedures for pursuing justice through complaints and claims.

This Guide is provided for informational purposes only. It is not a substitute for the advice of an attorney. Furthermore, statutes and protocols contained often change. Please check with an attorney for the most current statutes.

What To Do In An Emergency Or Crisis!

Call 911 and give a brief description of the incident. The 9-1-1 operator has access, by computer to your address and can dispatch someone if unable to give an address (if you are using a land line) and if you are using a cell phone, you will need to give the operator your location and number. It may be helpful to have this written down, as it is common to forget things when in crisis. When the police arrive, give a detailed description of the incident. Ask the police officers for their names, badge numbers, and phone numbers so that you may follow up and obtain police reports and other information. (Ask for a business card.)

24-Hour Crisis Counseling — 520-622-6000

**Abuser Assessment and Referral — 520-624-6797
& 520-622-0771**

SECTION I

DOMESTIC VIOLENCE AND ASSAULT HOTLINES AND SERVICES

Pima County

Administrative Resources & Choices (ARC) www.arc-az.org - Late Life Domestic Violence and Elder Abuse Project 24-hour crisis line 520-339-2801. Office 520-623-3887 ext. 1007, Direct # 520-623-3341, and Cell # 520-358-3887

Emerge! Center Against Domestic Abuse www.emergecenter.org - Services include emergency shelter/housing, outreach and advocacy, children's services, community education and prevention. Toll Free 24-hour Crisis Line 1-888-428-0101 Spanish Toll-free 1-877-472-1717

La Frontera Center www.lafronteraarizona.com — Provides screening, assessment, education, and treatment services to misdemeanor domestic violence offenders referred by the court system. Works with the justice system to protect survivors of abuse, to hold those perpetrators accountable for victim safety, and offer offenders an opportunity to change. Domestic Violence Services 520-838-5700

Counseling and Psyche Services Counseling services for University of Arizona students, staff, and faculty. Call 520-621-3334

Southern Arizona AIDS Foundation (SAAF) The Anti-Violence Program, a Wingspan Program Website: saaf.org/about-saaf/wingspan-programs-and-affiliates/ Offers 24-hour crisis intervention and advocacy to LGBTQ victim/survivors of violence, and intersectional LGBTQ anti-violence activism. **24-Hours Crisis Hotline 1-800-553-9387**

Southern Arizona Center Against Sexual Assault www.sacasa.org - Support and education for individuals and families impacted by sexual trauma. Crisis line 520-327-7273

Pascua Yaqui www.pascuayaqui-nsn.gov - Victim Services—24-hour crisis line 520-975-4064

Landlord/Tenant Issues (Continued)

Can your landlord make you do the repairs and supply the water, heat, and air conditioning in order to make my residence livable?

In most cases, the answer is no. Under Arizona law, your landlord has a duty to do these things and cannot delegate that responsibility to you. In very limited circumstances, such as if you rent a house rather than an apartment, and you agree in writing to assume these responsibilities, then your landlord can delegate these responsibilities to you. The obligation to make the residence safe and habitable always rests with the landlord. In all cases, however, your landlord can require you to pay utilities. See A.R.S. § 33-1324(C)-(D) and § 33-1314.01.

When is your landlord allowed to enter your apartment?

Your landlord may enter your apartment to make general repairs either with your permission or by giving you two days written notice. If there is an emergency, your landlord can enter your apartment without your permission. Your landlord cannot enter your apartment during odd hours and cannot harass you. See A.R.S. § 33-1343 and § 33-1376.

If your landlord refuses to fix things in your apartment, can you refuse to pay my rent?

No, you must always pay your rent or you can be evicted from your apartment. If repairs are needed that affect health and safety in your apartment, you must give your landlord written notice that you want him or her to fix them. Keep a copy of the written notices for your records. If, after 10 days, your landlord still refuses to make the repairs, you can hire a licensed contractor to make the repairs for you. You can pay the contractor up to \$300 or one-half of your rent, whichever is more, and deduct this amount from your next month's rent. See A.R.S. § 33-1361 and § 33-1363.

Landlord/Tenant Issues (Continued)

What if you can only pay some of the rent?

Your landlord does not have to accept partial payments. If your landlord does accept a partial payment he or she may ask you to agree in writing to the terms and conditions of the partial payment with regard to continuation of your tenancy. Such an agreement allows your landlord to retain the right to proceed against you. See A.R.S. § 33-1371.

How much can your landlord charge for a security deposit?

Your landlord cannot charge you an amount that will equal more than one and one-half months rent for a security deposit, including any amount that may be nonrefundable. All security deposits are fully refundable unless otherwise stated in writing in your lease. See A.R.S. § 13-1321.

Can landlords charge late fees if they were not agreed upon in the lease?

No, landlords can only charge late fees if they were agreed upon in a written lease agreement.

What if you do not have a written lease?

If you do not have a written lease agreement, you are probably on a month-to-month lease. This means that either you or your landlord can terminate the lease upon 30 days written notice. Keep in mind, if you do not have a written lease your landlord may terminate your lease for any reason at all or for no reason.

The 30-day notice must cover one full rental period. Thus, the notice must be given on or before the day your rent is due, and the lease will terminate at the end of the next full rental period. In some cases, you may be on a week-to-week basis. This is true if your rent is due once a week instead of once a month. If so, either you or your landlord can terminate your rental agreement with a 10 days written notice. See A.R.S. §§ 33-1314(B)-(C), 33-1375(A)-(B).

What obligations does your landlord have to you?

Your landlord must maintain a safe and livable environment. This includes complying with building codes, keeping common areas safe and clean, supplying heat, air conditioning, and hot and cold running water, and keeping appliances, sanitary equipment, and air conditioners in working order. See A.R.S. § 33-1324.

Domestic Violence and Assault Hotlines and Services (Continued)

Tohono O'odham Nation - www.tolc-nsn.org Kom Ckud Ki provides personal advocacy, domestic violence education, crisis intervention, safety planning, lay legal advocacy, court accompaniments, orders of protection/restraining orders, referrals to other resources and agencies, safe home services, transportation, counseling, domestic violence shelter referral, and education services. 24-hours support. For information call between 8am—5pm 520-383-6000.

SUICIDE PREVENTION

Arizona Adult Crisis Line www.lafrontera.com - Impact Program call 866-205-5229 (Arizona—toll free)

Arizona Teen Lifeline www.teenlifeline.org — Teenagers living within Arizona in crisis call 1-602-248-8336 or 1-800-248-8336

Behavioral Health Crisis — Community-Wide Crisis Line 1-800-796-6762, or 1-866-495-6735

National Suicide Prevention Lifeline/Veterans Crisis Line www.veteranscrisisline.net — Provides access to trained telephone counselors. Chat online or call 24/7—1-800-273-8255

State and National Hotlines and Services

Arizona Department of Economic Security (AZDES) Report adult abuse at www.azdes.gov - Provides **Arizona Adult Protective Services (APS)** - You can report abuse, neglect, and exploitation of Arizona's vulnerable or incapacitated adults.

APS District Office located at 3131 N. Country Club Rd, Suite 206, Tucson, AZ 857416 Central Intake Unit 1-877-505-2385 TDD 1-877-815-8390

Arizona Child Protective Services (CPS) www.azdes.gov/dcyf/cps - Toll-Free Child Abuse Hotline 1-888-767-2445

Arizona Department of Economic Security (AZDES) www.azdes.gov

Arizona Coalition Against Domestic Violence (AzCADV) www.azcadv.org - Statewide legal advocacy hotline and technical assistance for victims and survivors of domestic violence. They provide information to Spanish-speaking callers Mon-Fri, 8:30am - 5:00pm.

The AzCADV Legal Advocacy Hotline Staff members are NOT attorneys and cannot give legal advice. Legal Advocacy Hotline: Confidential, Safe Legal Advocacy, Information and Referral, Toll Free Lines: 520-799-7233, or 1-800-787-3224

National Domestic Violence Hotline www.nrcdv.org or thehotline.org - Anonymous and Confidential 24/7 Help lines 1-800-799-7233 TTY 1-800-787-3224

National Human Trafficking Resource Center <http://traffickingresourcecenter.org> - Crisis Line 1-888-373-7888

National Teen Dating Abuse Hotline www.loveisrespect.org — 24-Hour Hotline 1-866-331-9474 TTY 1-866-331-8453

LANDLORD/TENANT ISSUES

Questions and answers about landlord/tenant issues are presented on the following pages to help survivors of domestic violence and abuse to understand more about their rights and responsibilities regarding their living situation.

Can your landlord fine you or limit your right to call the police or emergency assistance in response to domestic violence?

Your landlord cannot put a provision in your lease agreement that waives or limits your right to summon a police officer or emergency assistance See A.R.S. § 33-1315(A)(5).

Can you stay in an apartment if your name is not on the lease?

Although you may be able to obtain an Order of Protection that gives you exclusive use and possession of the apartment, the judge cannot order the landlord to place you on the lease. The landlord can terminate the lease if your name is not on it and the Defendant has been ordered out of the apartment and is no longer paying rent. See A.R.S. § 33-1368(A)(1). You should ask the landlord to let you enter into your own lease agreement.

What if the rent has not been paid?

If the rent is not paid on time, then the landlord must provide a written notice to the leaseholder that she/he has 5 days to pay the rent in full, plus any late fees agreed to in the written lease agreement. If the full amount is not paid within the 5 days, the landlord can file a special detainer action. See A.R.S. §§ 33-1368(B) and 33-1377. A copy of the summons and complaint will be served, and the tenant will be required to appear in court in 3 to 6 days. If the judge finds in favor of the landlord, the tenant has 5 calendar days to move out. If on the fifth day, there is no move, the landlord can go back to court and ask for a Writ of Restitution. This will be served by a constable or sheriff's officer and they can forcibly remove the tenant and change the locks on the doors.

Credit/Debtor Issues (Continued)

What happens if you file for bankruptcy?

Filing for bankruptcy is an important decision and should be examined in the context of whether you are filing for a legal separation or divorce. Keep in mind that an Order for legal separation or divorce determines when marital community will be severed. If you file for bankruptcy before the order is entered, then the time period between the bankruptcy filing and the order finalizing the divorce is extremely important: your spouse can still incur debts during that period, you could be held responsible for those debts, and bankruptcy will not discharge those debts (a release from paying debt responsibility). You will, in other words, be responsible for those community debts during that window period. You may wish to consider filing for bankruptcy **AFTER** a dissolution, divorce or legal separation is final.

You can only obtain Chapter 7 liquidation relief every eight (8) years. You can file Chapter 13 reorganization after a Chapter 7 only if you have regular income. It will be your responsibility to repay new debts you incur after filing for bankruptcy.

In a bankruptcy, certain debts CANNOT be discharged, including:

- Child support and spousal maintenance payments
- Certain income taxes
- Debts for writing bad checks or committing fraud, under Chapter 7
- Most student loans

There may be other debts, which cannot be discharged. You should consult with an attorney who is experienced in bankruptcy law to ask her or him whether bankruptcy is a viable option for you. If you have no personal or real property at this time, then bankruptcy may not be necessary. See 11 USC § 1328.

International Hotlines and Services

Americans Overseas Domestic Violence Crisis Center
www.866uswomen.org - An international domestic violence crisis line 24/7 can be reached toll-free from 175 countries.

Contact the toll-free crisis line when overseas, by dialing your AT&T USA Direct access number and at prompt enter 866-879-6636. Click to find your AT&T USA Direct access number. The center serves both civilian and military populations overseas. 24/7, except for U.S. holidays. Callers in the United States and Canada dial toll-free number directly. Live Chat available M-F, 9-4 PST. Email center anytime, advocates reply within 24 hours, M-F, Portland, OR. Call 1-866-USWOMEN 1-866-879-6636

Consulate of Mexico in Tucson (El Consulado de Mexico en Tucson)
consulmex.sre.gob.mx/tucson - Provides various services for Mexican citizens who are incarcerated or hospitalized in Arizona are among those served. Call 520-882-5595

SELF-DEFENSE PROGRAMS

Rape Aggression Defense (R.A.D.) courses are offered at no charge through the Pima County Sheriff's Department, Oro Valley Police Department, and Davis Monthan Air Force Base.

These courses are designed to teach and empower women against sexual assault and attacks. They are taught by a network of dedicated self defense instructors who believe self defense is easy to learn, easy to retain, and relatively easy to employ during confrontational situations. For information see R.A.D. website www.rad-systems.com

To find out more about class schedules and sign up for R.A.D. classes for your business, organization or group:

Pima County Sheriff 520-351-4615

Oro Valley Police Department 520-229-5080

Davis-Monthan Air Force Base 520-228-5340 (for base personnel)

ACCESS TO HEALTH CARE

Most hospitals and community health centers located in Pima County accept patients enrolled in the Medicare and Medicaid programs. See Centers for Medicare & Medicaid Services website: www.cms.gov/

Medicaid is a Federal government-sponsored program providing access to health insurance for eligible low-income families and children. In Arizona Medicaid is administered through the Arizona Health Care Cost Containment System, or AHCCCS through the Department of Economic Security (DES).

Medicare is a Federal government-sponsored health insurance program - You should be eligible for Medicare at the age of 65 if: 1) You are a U.S. citizen or legal resident, and 2) You have resided in the United States for a minimum of five years and 3) Worked at least 10 years in Medicare-covered employment. Also you may have to apply for Medicare benefits if: 1) You have not applied for Social Security or Railroad Retirement benefits, or 2) You were employed by the government, or 3) You have kidney disease.

Generally, if you are under age 65, you will qualify for Medicare if: 1) You have End Stage Renal Disease (ESRD), or 2) You have received Social Security Disability Income (SSDI) payments for 24 months (or in the first month of disability for Lou Gehrig's Disease (ALS)).

Enrolling in AHCCCS Online enrollment is at healtharizonaplus.gov - At this website you can enroll or re-enroll from home or from a public library. If you need help enrolling, you can go to your nearest community health center.

Enrolling in Medicare

Pima Council on Aging holds a monthly no-cost Medicare enrollment meeting on the first Wednesday of every month from 2-4 pm. Reservations are necessary. Call 546-2011 or Email: ship@pcoa.org

Creditor/Debtor Issues (Continued)

If a bill collector or repossession agent comes to your home, it is your choice whether to speak with him or her. You can refuse to talk to a collector, and you should tell the repossession agent you refuse permission for repossession. You may advise them they are trespassing and you can call the police if they do not leave.

Is any of your property or income exempt and protected from bill collectors?

Under state law, creditors cannot take certain exempt property from you, including:

- Equity in your home, valued up to \$150,000
- Furniture and appliances , valued up to \$4,000.00
- Clothing, valued up to \$500.00
- A car, valued up to \$5,000.00
- Bank accounts , valued up to \$150.00
- Social Security Income
- Child Support payments
- Temporary Assistance for Needy Families (TANF)

These are just a few of the assets which are exempt under state law. There are other assets, which are not listed here. See A.R.S. § 12-1596 (C).

Creditor/Debtor Issues (Continued)

How can you find out what is on your credit report?

Annualcreditreport.com is the only government-sanctioned source for a free annual credit report that is yours by law. The Fair Credit Reporting Act guarantees you access to your credit report at no charge once a year. Your score will not be included in your free credit report. Options for requesting your credit report:

- Online at **annualcreditreport.com**
- Written: Download the annual credit report request form from the above website and mail the completed form to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281.
- Telephone 1-877-322-8228 (You will be led through the verification process by phone.)

How can you obtain a copy of your spouse's credit report?

If you are party to a dissolution of marriage/legal separation action, you can obtain a copy of your spouse's credit report by making a written request to the court for an order requiring a credit reporting agency to release the report to you. You must include the court and case number of the dissolution/separation action. See A.R.S. § 25-318 (F).

Can creditors repossess your belongings?

Under the law, there are two types of creditors: UNSECURED and SECURED. Most credit is unsecured. An UNSECURED creditor would have to sue you, win the lawsuit and obtain a judgment in order to collect the debt. Even then, the creditor is limited as to how much the property he or she can take under Arizona law. See A.R.S. § 12-1596.

Some credit is secured. A SECURED creditor has the option of taking back the property that secured the underlying debt. For example, if you have purchased an automobile on credit and stop making payments, the creditor can take the automobile back. The creditor cannot, however, breach the peace or otherwise threaten or harass you.

Health Care for Uninsured People not enrolled in AHCCCS

Pima Community Access Program (PCAP) mypcap.org is a nonprofit organization providing access to professional health care at discounted prices. PCAP links low-income, uninsured residents of Pima County with an affordable, comprehensive and coordinated network of health care providers. Email for info at info@mypcap.org or call 520-694-0418 for information on where to enroll.

Human Immunodeficiency Virus (HIV) and Sexually Transmitted Disease (STD) TESTING

Testing for sexually transmitted diseases and HIV is available at the Pima County Health Department Theresa Lee Public Health Center. 1493 W. Commerce Court, Tucson, AZ 85746 (located south of Valencia, west of I-19). Walk-ins only. Hours: 8am—5pm M-F. Call 520-724-3995.

ADVOCACY AND SUPPORT GROUPS

Davis Monthan Air Force Base www.dm.af.mil - The Family Advocacy Program (FAP) offers three programs aimed at reducing domestic violence. These include DV prevention programs and a 24/7 victim advocate program; programs aimed at assisting new parents; and outreach which offers programs that focus on developing appropriate problem solving skills. Call 520-228-2104

Emerge! Center Against Domestic Abuse -www.emergecenter.org - Services include emergency shelter and crisis lines, outreach and advocacy, children's services, housing and community education and prevention. Toll Free 24-hour Crisis Line 1-888-428-010. Spanish Toll-free 520-795-4266/1-800-428-0101.

Pima Council on Aging (PCOA) www.pcoa.org - PCOA advocates, plans, coordinates, develops and delivers home-and-community-based aging services for older adults and provides supportive assistance, accurate information, and local resource connections for family caregivers. Helpline 520-790-7262 (Mon–Fri 8:30am – 5pm)

Southern Arizona Aids Foundation (SAAF) - saaf.org (LGBT Services) - Anti-Violence programs for LGBT survivors. Spouse/Domestic Partner Abuse Prevention, Domestic Violence Support Groups, Helpline Volunteer Opportunities. 24-Hour Crisis Line 520-624-0348 or 1-800-553-938. 375 S. Euclid Avenue, Tucson, AZ 85719 ***Wingspan is now a program under the direction of SAAF.*

Southern Arizona Center Against Sexual Assault (SACASA) www.sacasa.org - Su Voz Vale—A bilingual and bicultural program offering services to victims of sexual violence from Tucson's south, west and southwest areas and the City of South Tucson at the El Pueblo Neighborhood Center, 101 W. Irvington Road, Tucson, AZ 85714. Services in English and/or Spanish include crisis intervention and advocacy, community education and outreach, therapy, a confidential support group, transitional housing for abused women, and a special project for battered immigrant women. Call 520-327-7273 or 1-800-400-1001 (24-hr Crisis Hotline)

Tohono O'odham Nation www.tonation-nsn.gov - Community Health Services 520-383-3905. Department of Infants, Women & Children 520-383-6217.

Creditor/Debtor Issues (Continued)

- Call you about a bill before 8:00 a.m. or after 9:00 p.m.
- Threaten to publish or publish your name as a person who does not pay bills, except in credit reports.
- Contact your neighbors, friends, or relatives about your debt.
- Make false claims that they are lawyers or law enforcement officials or other governmental officials.
- Contact your employer for any reason other than to verify employment or arrange a wage attachment.
- Threaten to take your property without a judgment.
- Claim they will increase the debt when you have not agreed, in writing, to pay attorneys' fees, service fees or other charges.

If any of these have happened to you, you may wish to write your creditor a letter, stating the following:

"I have received numerous phone calls and letters from you concerning bills I haven't paid. As I have informed you, I cannot pay them due to circumstances beyond my control. Pursuant to 15 U.S.C. section 1692(c), I am giving you formal notice to cease all further communication, except for the reasons specifically set forth under the law."

When in the separation or divorce process are you no longer responsible for his/her bills? Simply filing for separation or divorce does NOT sever the community. The community ends upon the date the Petition for Dissolution or Legal Separation is served upon the other spouse and as long as that Petition results in the entry of a final decree. In that case, debts incurred after the date of service of a Petition for Dissolution of Marriage or Legal Separation is the separate obligation of that spouse who incurred the debt.

What should you do if you are billed unfairly?

If you believe you do not owe the money, or the amount you owe is incorrect, write a letter immediately. Explain why you do not agree with the bill and ask for a record of what you owe and, if applicable, the dates and amounts of any payments you have already made. Be sure you've dated, signed and kept a copy of the letter.

If the bill collector has reported the debt to a credit reporting agency, write the credit reporting agency and tell them the bill is in dispute.

CREDITOR/DEBTOR ISSUES

Managing debt while dealing with family relationships poses a variety of concerns. Here are some commonly asked questions.

What is community debt?

Keep in mind, as long as you are married, you and your spouse are considered a "community" in the eyes of the law. Legally, you and your husband share community property and community debt. What does this mean?

In most instances, assets you and your spouse acquire during the marriage are one-half yours, including bank accounts, personal property and real property. Likewise, you and your spouse share debt incurred during the marriage. Even if one of you makes a purchase or credit charge without the other's knowledge, you both have community responsibility to pay. *See A.R.S. § 25-214 and A.R.S. §25-215.*

If bill collectors call or write to you because your spouse is creating more debt, what should you do?

You should inform your creditors as soon as possible, if you are going through divorce proceedings or have an order of protection against your spouse or have no knowledge of charges being made by your spouse. You should request that the creditors take your name off of all accounts or close unauthorized accounts. You should place all of your communication to creditors in writing and keep a copy of your letter for your files.

If your spouse is signing your name to credit accounts, checks, contracts or any legal documents without your permission, then she/he may be committing fraud. Fraud is a crime and you should file a police report as soon as possible to avoid liability.

Under federal law, the Fair Debt Collection Practices Act, a bill collector cannot harass you. Bill collectors must follow certain rules and regulations. They may not:

- Threaten you, your relatives, or friends with criminal prosecution or any form of harm or harassment

BEHAVIORAL HEALTH CRISIS NETWORK

Community-Wide Crisis Line – 520-622-6000 or 1-800-796-6762
For a behavioral health crisis, such as severe emotional distress that might be caused by mental illness or substance use. Available 24/7, including holidays. Depending on your need, crisis line staff can help you over the phone, dispatch a Mobile Acute Crisis (MAC) Team to you, or help you access other publicly funded resources.

Crisis Response Center (CRC) – 24/7 walk-in services for a behavioral health crisis when there is no need for emergency medical care as well. The CRC is at 2802 E. District St., Tucson, AZ 85714, just south of Ajo Way and Country Club Road. It's recommended that you call the crisis line above before going to the CRC. Call 520-301-2400

Southern Arizona Mental Health Corporation (SAMHC)
www.samhc.com – Behavioral health crisis walk-in services, 8am-8pm daily at 2502 N. Dodge Blvd., Suite 190, Tucson, AZ 85716 (just north of Grant Road; (enter from Flower Street). It's recommended that you call the community-wide crisis line above before going to SAMHC. Call 520-617-0043

NON-CRISIS BEHAVIORAL HEALTH SERVICES

Community Partnership of Southern Arizona (CPSA)
www.cpsaarizona.org Oversees the publicly funded behavioral healthcare system in Pima County. CPSA contracts with local agencies that provide mental health and substance abuse treatment and support services, mostly through AHCCCS, Arizona's Medicaid program. CPSA Member Services at 520-325-4268 or 1-800-796-6762.

ELECTRONIC (ONLINE) HARASSMENT, CYBER STALKING, BULLYING

Cyber stalking involves the use of the Internet or other electronic means to harass.

Arizona has a law that addresses electronic forms of stalking, harassment, or cyber bullying. ARS 13-2921 (Updated January, 2012) defines harassment as follows:

A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person:

1. Anonymously or otherwise communicates or causes a communication with another person by verbal, **electronic**, mechanical, telegraphic, telephonic or written means in a manner that harasses.
2. Continues to follow another person in or about a public place for no legitimate purpose after being asked to desist.
3. Repeatedly commits an act or acts that harass another person.
4. Surveils or causes another person to surveil a person for no legitimate purpose.
5. On more than one occasion makes a false report to a law enforcement, credit or social service agency.
6. Interferes with the delivery of any public or regulated utility to a person.

Protecting Children in the 21st Century Act became law in 2008 and was updated in 2011. This law requires that school districts receiving federal E-rate reimbursements have to create, revise, or update current board policies by July 2012 to indicate that the school district provides for the education of students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms. Policies also have to be in place regarding cyber bullying and response.

If you are a student and feel you are being bullied or harassed through an online social network or chat room you should report it immediately to your school administrator or a supervising administrator and also to your parents.

Legal Options for Abused Immigrants (Continued)

Abused immigrants who file self-petitions under the Violence Against Women Act (VAWA), Battered Spouse Waivers, and U visa petitions can include their children (under 21 years old) in their petitions. All these petitions are completely confidential.

If you are already in Immigration Court removal proceedings, and you are married to a U.S. citizen or Lawful Permanent Resident who has abused you or your child, you may be able to apply for **VAWA Cancellation of Removal** under special rules that apply to abused spouses and children.

Do not try to submit any kind of immigration application on your own without first consulting an immigration attorney. To find out whether you may be eligible to apply for protection as an abused immigrant, you may consult a private immigration attorney or apply for free immigration legal assistance.

Where to Seek Help

Southern Arizona Legal Aid www.sazlegalaid.org - Apply for services in person Mon-Fri 8:30-4:30 at 2343 E. Broadway Blvd, Tucson, AZ 85719. Call Intake line 520-623-9465 or 1-800-248-6789

Immigrant Survivors Legal Assistance (ISLA) <http://www.immigrationadvocates.org/> - Catholic Social Service - Immigration Services provides low-cost legal services in family petitions, naturalization, humanitarian benefits, and other immigration matters. This organization provides legal services free of charge to immigrant survivors of domestic violence, sexual assault, dating violence, and stalking. 140 W. Speedway, Ste. 230, Tucson, AZ 85705. Appointments accepted Call 520-610-0819 Toll free: 1-800-623-0344.

Caution — Survivors or crime victims may want to speak to an attorney before contacting immigration authorities.

LEGAL OPTIONS FOR ABUSED IMMIGRANTS

Protection Orders: You can get protection orders from the court system. You have a right to police protection even if you are undocumented.

Divorce/Custody: You may get a divorce in the U.S. even if you are not a U.S. citizen or lawful permanent resident. If you have children, you can also obtain custody orders. If you are undocumented, please contact an immigration attorney before you get a divorce. A divorce may affect your immigration options.

Immigration Options: The Federal Violence Against Women Act (VAWA) provides several types of legal protection for undocumented and documented immigrant victims of domestic violence and certain other crimes.

If you are married to a U.S. citizen or Lawful Permanent Resident (a person with a green card) who has abused you or your child, you may be able to apply for permission to live and work legally in the U.S. without your spouse's help, by filing a **VAWA Self-Petition**. You can file a VAWA self-petition even if you never reported the abuse to police. In some cases, it is possible to file an application for lawful permanent residence when you file a VAWA self-petition.

If you became a Conditional Resident through your U.S. citizen spouse, and your spouse has abused you, you may be able to apply for Lawful Permanent Resident status without the help of your abusive spouse by filing a **Battered Spouse Waiver**.

If you have been the victim of domestic violence, sexual assault, or certain other serious crimes, the crime was reported to police, and you cooperated with the police or prosecutor, you may be able to apply for permission to live and work legally in the U.S. by filing a **U visa petition**. It does not matter whether you are married to the person who committed the crime against you, and it does not matter whether that person has legal immigration status in the U.S.

If you were induced by *force, fraud or coercion* to perform a commercial sex act, or to provide labor or services against your will, you may be a victim of human trafficking. If you are willing to cooperate with investigation or prosecution of the trafficker, you may be able to apply for permission to live and work legally in the U.S. by filing a **T visa petition**.

Electronic (Online) Harassment, Cyber Stalking, Bullying (Continued)

Reporting Online Harassment, Stalking and Bullying

Keep everything! Do not delete messages, or chat logs. Place your documents in a separate folder on your hard drive or on a disc and print a hard copy.

Call the local police and ask for the Computer Crimes Unit, or someone who handles online incidents.

Call the Arizona FBI Field Office in Phoenix, AZ at 1-623-466-1699, especially if you have received a death threat or threat of physical harm.

More Tips Regarding Online Harassment, Stalking and Bullying

Facebook: If you are being harassed through Facebook, contact the Facebook Help Center. Click on Report a Violation. Then click on Bullying. Your report does not guarantee the harasser will be removed from Facebook. However, you can block the person from seeing your Facebook postings.

Twitter: Navigate to the page with the individual tweet you are looking for and click "contact" in the footer.

Youtube: Log in to report an offensive video; click the flag-shaped icon in the lower right hand corner under the video. When your mouse hovers over the video, the icon will read "Flag as inappropriate."

Instagram: Navigate to the three dots on the lower right of the offensive photo. Click on the photo and select "Report." You can then select "This photo puts people at risk" or "This photo shouldn't be on Instagram."

HOUSING AND SHELTER EMERGENCY, TRANSITIONAL , SUBSIDIZED

Administration of Resources and Choices www.arc-az.org - Emergency shelter and housing advocacy for distressed homeowners, people over 50, and people with disabilities. 24-Hour bilingual crisis line 520-339-2801. Office 520-623-3887 ext.1007, Direct # 520-623-3341, and Cell #520-358-3887.

Emerge! Center Against Domestic Abuse www.emergecenter.org - Emergency shelter and crisis lines, outreach and advocacy, children's services, housing, community education and prevention. Bilingual Crisis Line 520-795-4266 or Toll Free 24/7—1-888-428-0101, Admin 520-795-8001.

Gospel Rescue Mission www.grmtucson.com - Faith based transitional housing and support services. Call 520-740-1501

Our Family Services, New Beginnings www.ourfamilyservices.org —Emergency 90-day shelter for women and children, short-term shelter for homeless youth 12-17, shelter and support for homeless moms 18-21 and their young children, transitional housing and support for families with children and affordable housing for qualifying low-income families. Call 520-323-1708

Pascua Yaqui Tribe Victim Services www.pascuayaqui-nsn.gov - Emergency shelter, food, and clothing and survivor assistance. Located at 7777 South Camino Huevisim, Tucson, AZ 85757 Mon-Fri. 8am-5pm at 520-879-5777 or 24/7 Crisis line 520-975-4064

Pio Decimo Center Housing and Family Services www.ccs-soaz.org/Pio-Decimo-Center - Transitional housing, food, clothing and safety. Call 520-622-2801. 848 S. 7th Ave., Tucson, AZ 85701

Primavera Foundation www.primavera.org - General Switchboard 520-882-5383, Emergency Housing Info 520-867-6396, Family Shelter 520-628-9832, Women's Drop-In Services 520-882-0820, Homeless Intervention 520-623-5111, and Transitional/Permanent Housing 520-207-0387.

Tohono O'odham Nation www.tonation-nsn.gov - Domestic Violence Programs includes Tortoise House emergency shelter for women, and women with children, and food and clothing. Call 1-866-666-4889

Order to Show Cause Re: Temporary Orders (Continued)

How do you enforce an order for temporary child support or spousal maintenance?

The Court will send the Order for temporary support or the court shall consider evidence of domestic violence when determining which parent gets custody of minor children. *See A.R.S. §25-403.*

How do you enforce an order for temporary child support or spousal maintenance?

The Court will send the Order for temporary support or maintenance to the employer of the parent ordered to pay support. The employer will be instructed to deduct the monthly amount of support or maintenance from the parent's paycheck and send it to the Dept of Child Support Services/Child Support Clearinghouse in Phoenix. Call 800-882-4151 or 602-252-4045. They will send a check for the support or maintenance directly to you.

If the parent ordered to pay support or maintenance leaves his/her job or otherwise fails to pay the amount ordered, then you may ask for assistance in collecting the money owed. You should contact the Division of Child Support Enforcement, 7202 E. Rosewood, Suite 100, Tucson. Call 800-882-4151 (M-F).

ORDER TO SHOW CAUSE RE: TEMPORARY ORDERS

Once the divorce, legal separation, or custody papers have been filed, how do you get the court to order temporary child custody, child support, spousal maintenance, and the like? See A.R.S. §25-404.

You need to file an ORDER TO SHOW CAUSE RE TEMPORARY ORDERS ("OSC"). Relief that can be requested in temporary orders includes custody of minor children, child support, spousal maintenance, division of income, exclusive use of the marital residence, attorneys' fees, use of a vehicle or other property, payment of debts, and medical insurance coverage. You can get these forms from the Self Service Center at the Superior Court building.

Before the OSC hearing, who has custody of the children?

In a divorce or legal separation, until a temporary order regarding custody is in place, both parents have 100% right to retain custody of minor children. Therefore, it is important to immediately file for temporary custody to establish a stable environment that is in the best interests of your child.

When filing for an OSC, do you include details about the domestic violence?

Absolutely. This needs to be set forth in the petition. Arizona law provides that the court shall consider evidence of domestic violence when determining which parent gets custody of minor children. See A.R.S. §25-403.

How long does it take to get temporary orders in place so that you can start getting child support or spousal maintenance?

Often a hearing on an OSC for temporary orders is not granted immediately. A Motion to Accelerate should be filed along with the OSC in a situation where a spouse has been cut off from all community income, does not have a job, or there is reason to believe that the other party will commit harm to the children and should have only supervised visitation. Generally, it takes 4 to 6 weeks for a hearing to be scheduled.

IMMIGRATION — LEGAL SERVICES

Immigrant Survivors Legal Assistance (ISLA) <http://www.immigrationadvocates.org/> - Catholic Social Service - Immigration Services. This organization provides legal services free of charge to immigrant survivors located at 140 W. Speedway, Ste. 230, Tucson, AZ 85705. Appointments accepted Call 520-610-0819 Toll free: 1-800-623-0344.

Southern Arizona Legal Aid (SALA) www.sazlegalaid.org - Provides free immigration legal services to low income residents of Pima County and eight other So. AZ counties, including undocumented immigrants who are victims of domestic violence and other crimes. Apply at 2343 E. Broadway Blvd., 2nd Floor, Tucson, AZ 85719. Mon-Fri 8:30-4:30 Call intake line 520-623-9461 or 1-800-248-6789

IMMIGRATION — SUPPORT SERVICES

Administration of Resources and Choices www.arc-az.org - offers advocacy, support groups, and education for people over 50 and people with disabilities. 24-Hour bilingual crisis line 520-339-2801. Office 520-623-3887 ext. 1007, Direct #520-623-3341, and Cell# 520-358-3887.

EMERGE Su Futuro — www.emergecenter.org 24-Hour Bilingual Crisis Hotline. 520-795-4266 or 888-428-0101. Provides emergency shelter facilities, crisis intervention and safety planning assistance, support groups, referrals, food, clothing, 911 emergency cell phones, and domestic abuse education.

Southern Arizona Center Against Sexual (SACASA) www.sacasa.org - *Su Voz Vale*—A bilingual and bicultural program offering services to victims of sexual violence from Tucson's south, west and southwest areas and the City of South Tucson. Crisis intervention and advocacy, community education and outreach, therapy, a confidential support group, transitional housing for abused women, and a special project for battered immigrant women. Call 520-434-0195 ext. 1757.

The International Rescue Committee rescue.org/Tucson - Provides services to asylees, Cuban parolees, victims of human trafficking, refugees, and domestic violence victims; direct services include counseling for individuals, families, and groups, assistance with interpretation obtaining transitional and permanent housing, medical appointments, and referrals for legal aid services if needed. Located at 2100 N. Kolb Rd, Ste. 103, Tucson, AZ 85715; 520-319-2128 or email tucson@rescue.org.

LEGAL ASSISTANCE

Arizona Coalition Against Domestic Violence (AzCADV) www.azcadv.org - Statewide legal advocacy hotline and technical assistance for victims and survivors of domestic violence provide information to Spanish-speaking callers Mon-Fri, 8:30am - 5:00pm. The Legal Advocacy Hotline Staff Are NOT attorneys and cannot give legal advice. AzCADV also offers networking, training, and education about domestic violence issues, and systems advocacy, public policy work regarding domestic violence issues and speakers bureau presentations about dispelling the myths about domestic violence.

Legal Advocacy Hotline: Confidential, Safe Legal Advocacy, Information and Referral 602-279-2900 Toll Free 1-800-782-6400 TTY 602-279-7270. National Domestic Violence Hotline TTD/1-800-799-7283, TTY 1-800-787-3224.

Child & Family Law Clinic www.law.arizona.edu/clinics/child_and_family_law_clinic - A teaching law office within the University of Arizona, James E. Rogers College of Law. Law students, working in collaboration with social work students, provide free advice and legal representation to children and adults in a variety of family law matters related to child protection, domestic violence, and child custody disputes. Call 520-626-5232, and located at 1145 N. Mountain Ave., Tucson, AZ 85719.

Lawyer Referral Service (LRS) www.pimacountybar.org/web/lawyer-referral-service-lrs - Refers clients to attorneys in the category of law, and a non-refundable fee of \$35 required at time of referral for a consultation. Also, a Qualified Income Legal Team (Quilt) program on a low cost basis with an application fee of \$30, but limited to type of services needed. Call 520-623-4625, this is administered through the Pima County Bar Association.

Southern Arizona Legal Aid www.sazlegalaid.org - Provides free civil legal services to low income residents of Pima County and eight other Southern Arizona counties: domestic relations, immigration, public benefits, social security, landlord/tenant, housing, mortgage foreclosure prevention, bankruptcy and consumer law. Services Mon-Fri 8:30-4:30 at 2343 E. Broadway Blvd, #200, Tucson, AZ 85719. Call the Intake line: 520-623-9461. Walk-ins 9am-11am & 1pm-3:30pm.

Tohono O'odham Nation www.tonation-nsn.gov - Legal Services, call 520-383-2420

Filing for Divorce or Legal Separation (Continued)

When Served with Papers for Divorce or Separation

Do NOT ignore the papers that have been served on you and do NOT wait until the last minute to respond. The Summons will give you important information on deadlines that you must meet to protect your legal rights. Within twenty (20) days of receiving the papers, you must respond to the Petition for Dissolution or Legal Separation by filing a Response with the Clerk of the Court. This will give you the opportunity to challenge child support and custody issues, division of assets and liabilities and other important matters. If you fail to respond to a petition for divorce or legal separation, a default judgment will be entered against you, and your spouse will receive everything asked for in the petition. Both Southern Arizona Legal Aid, 520-623-9465, and Arizona Divorce Document Agency, 520-750-0003, can assist you with your response. Call them early enough to schedule an appointment.

IMPORTANT CUSTODY CONSIDERATIONS

Many domestic violence survivors are tempted to seek a safe haven in another state. Although you may have family support or a job offer outside of the state of Arizona, if you take your children across the state line, your abuser could file for and obtain custody in Arizona. Even though there are a number of laws that can protect you, there is simply no way to predict with certainty how the courts in the state to which you have fled will respond. If the state court holds that Arizona is the children's home state under the Parental Kidnapping Prevention Act or the Uniform Child

Custody Jurisdiction Enforcement Act, the state to which you have fled may choose not to exercise jurisdiction. This means that you will have to return with the children to Arizona immediately (to avoid being charged with custodial interference under A.R.S. §13-1302), and you will have to challenge your abuser's custody in court. IF YOU ARE CONSIDERING REMOVING THE CHILDREN FROM THE STATE, CONSULT AN ATTORNEY IMMEDIATELY.

Filing for Divorce or Legal Separation (Continued)

Documents that are Needed to File for Divorce or Separation

Gather as many financial, personal, and medical documents as possible, including information about your children. Example documents include:

- Tax returns for the last three years
- Social Security numbers of all family members
- Credit reports
- Retirement and pension plan information;
- Bank account information
- List of personal belongings
- List of creditors, including addresses, phone numbers, description of debt, amounts owed and monthly payments
- Medical insurance information
- Birth certificates and other information related to your children
- Spouse's and your employer, address, phone number, monthly and gross income
- The date of description of debt, amounts owed and monthly payments
- Medical insurance information
- Birth certificates and other information related to your children
- Spouse's and your employer's addresses, phone numbers, statements of monthly and gross income.
- Deeds and titles to property (i.e. house, automobile, trailer, etc.)

Requesting Relief in a Petition for Dissolution or a Petition for Legal Separation

You can ask the court to grant you a variety of relief by Decree of Dissolution or Decree of Legal Separation, including custody of the children, distribution of assets and debts, spousal maintenance, child support, and attorneys' fees. See A.R.S. § 25-324. Include domestic violence allegations in the Petition for Dissolution or Petition for Legal Separation if custody is an issue.

MILITARY AND VETERANS

Veterans Crisis Line – 800-273-8255

Davis Monthan Air Force Base www.dm.af.mil - The Family Advocacy Program (FAP) offers three programs aimed at reducing domestic violence. These include DV prevention programs and a 24/7 victim advocate programs aimed at assisting new parents; and outreach which offers programs that focus on developing appropriate problem solving skills. Call 520-228-2104.

Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury www.dcoe.health.mil - Call 1-866-966-1020 (24/7)

Deployment Health Clinical Center www.pdhealth.mil - Call 1-800-796-9699 or 1-301-295-7692.

U.S. Department of Housing and Urban Development-Veterans Affairs Supportive Housing (HUD-VASH) program combines Housing Choice Voucher (HCV) rental assistance for homeless Veterans with case management and clinical services. So. Az. Veterans Administration - 520-792-1450. National Call Center for Homeless Veterans 1-877-424-3838.

Homeless Veterans Program, Veterans Administration, Tucson www.tucson.va.gov - Call Homeless Program Coordinator—520-792-1450 ext. 1839.

Military One Source: A free information and referral service sponsored by the Department of Defense targets service members and their families. www.militaryonesource.mil - Call 800-342-9647. En Espanol al: 1-877-888-0727. TTY/TTD 1-866-607-6794.

National Resource Directory www.nationalresourcedirectory.gov Connects wounded warriors, service members, veterans and their families and caregivers. Includes national, state and local programs and services. Email: infornd.osd@mail.mil

Military and Veterans (Continued)

Navy Wounded Warrior/Safe Harbor safeharbor.navylive.dodlive.mil—Navy Safe Harbor program supports seriously wounded, ill, and injured sailors and Coast Guardsmen and women throughout the country. Call 1-855-628-9997 or 1-877-746-8563. Email: navywoundedwarrior@navy.mil

Military Sexual Trauma Unit (MST) - Veterans Administration, 3601 SW. 6th Avenue, Tucson. Services for sexual trauma survivors including individual and group counseling. Call Kathleen Young, 520-792-1450, ext. 1-5334

Service Women's Action Network (SWAN) servicewomen.org - SWAN supports, defends, and empowers today's servicewomen and women veterans of all eras, through advocacy initiatives and innovative healing community programs. Legal and Social Services Referral Voicemail 1-646-569-5200 (M-F, 10-6 pm EST)

Tucson Veterans Center provides confidential counseling for veterans with PTSD, MST and other issues. Location is at 2525 E. Broadway Blvd, Ste. 100, Tucson, AZ 85716. Call 520-882-0333

Women Veterans Program - Veterans Administration Women's Clinic, Tucson. Call Leslie Minjarez, RN - 520-792-1450, ext. 1-5498

Veterans Administration eligibility and enrollment, Tucson — Call 520-792-1450, ext. 1-6572

Veterans Administration Women's Health Clinic, Tucson — 520-629-4885

Veterans Suicide Prevention/Crisis Line www.veteranscrisisline.net - National Veterans Crisis Line chat online or call 1-800-273-8255. Text 838-8255 (24/7)

U.S. Army Wounded Soldier & Family www.armymedicine.army.mil Hotline 1-800-984-8523

National Call Center for Homeless Veterans - 1-877-424-3838

FILING FOR DIVORCE OR LEGAL SEPARATION

If you wish to divorce your spouse, you must file documents in Superior Court, petitioning for dissolution. The other alternative to divorce is a legal separation, which also requires filing documents in Superior Court. Whether you Petition for Dissolution or a Legal Separation, you are not legally separated or divorced from your spouse until the court issues a final decree. Arizona is a community property state and gives both spouses the right to the marital community.

Marital community consists of all assets and debts accumulated during marriage (with some specific exceptions). Both spouses are legally obligated for all debts incurred by either spouse until a Petition for Dissolution or Legal Separation is filed and served on the other spouse. Similarly, both spouses are entitled to that property acquired prior to the service of the Petition. Any property acquired and debts incurred after a Petition for Dissolution or Legal Separation is filed and served as a separate property or obligation that Petition can result as the court's issuing the final decree. See A.R.S. § 25-214.

Couples going through a divorce must decide how to divide their property and debts-or ask a court to do it for them. Arizona has community property laws providing that assets and debts of a couple acquires during marriage belong equally to both spouses. Unlike some community property states, Arizona does not require the division of marital property in divorce to be exactly equal, but it must be fair and will usually be approximately equal.

The Difference between Divorce and Legal Separation

A divorce completely dissolves the marital community and marital status. A legal separation maintains the legal marital status but severs the marital community for purposes of acquiring assets and debts. Unlike dissolution, a legal separation must be agreed to by both parties, i.e., you need the consent of your spouse to obtain a legal separation.

Some common reasons why you may seek to file for a legal separation rather than dissolution: 1) you want to remain married for more than ten years in order to collect a portion of your spouse's Social Security benefits; 2) you need to remain married to receive health and medical benefits under your spouse's insurance plan; 3) your religion prohibits you from seeking divorce. You or your spouse may petition the court at any time to convert a Petition for Legal Separation into a Petition for Dissolution.

Injunctions Against Harassment (Continued)

Enforcing the Court Orders

Court Orders and Injunctions are valid for one-year starting from the date the Order is personally served on the Defendant. The Order is valid in the State of Arizona and in other states if you need to move out of the jurisdiction (make sure you take a Certified Copy of your Order to the new state). **ALWAYS CARRY THE ORDER WITH YOU.** Make a copy of the Order and keep it in a safe place. Carry the original with you at all times and keep copies of the Order so that it is always available to you, in your car, at home, and at work. If a violation occurs, call the police immediately and provide them with a copy of the Order.

If your children have been threatened or injured and are included on the Order, bring a copy of the Order (plus a picture of the abuser) to each of your children's schools and speak with the principal and teacher.

Once the process server, sheriff, police, or constable serves the Order, the Clerk of the Court that issued the Order will send proof of the Order to the Sheriff's Office for entry into a computer information bank (National Crime Information Center) that is accessible to all law enforcement.

If there is a violation of the Order, call the police and show them the Order. Police can arrest the person even if the officer did not see the crime committed. The violation may be punishable by up to six months in jail and a \$25.00 fine. **Make sure you get the police officer's name and badge number and the police report number.** Keep the information, including the date and time you called, with the copy of the Order.

Protecting Your Safety

Tell your friends, neighbors, co-workers, and any building security that you have an Order protecting you. Describe the abuser and give them a picture if possible so they can call the police if they see that person.

An order of protection is a legal shield, but not a physical shield. Please work with your domestic violence advocate, victim witness professional, family and friends to develop a personal safety plan.

TRAFFICKING—REPORTING AND RESOURCES

It is against the law to traffic human beings without their consent inside or outside the U.S.A

Definition of Human Trafficking: The Trafficking Victims Protection Act of 2000 sets forth the legal definition of human trafficking:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not yet attained 18 years or age, or
- The recruitment, harboring, transportation, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

What follows are some limited local and national resources for protecting and reporting persons whose situations are similar to those described in the law.

LOCAL RESOURCES

Southern Arizona Center Against Sexual Assault www.sacasa.org - Su Voz Vale. Provides assistance to survivors of trafficking 520-434-0195 x 1757

Southern Arizona Against Slavery (SAAS) saastucson.com- An advocacy organization that promotes community awareness and reporting regarding human trafficking. Contact SAAS by mail at P.O. Box 41212, Tucson, AZ 85717. Email: Southernazagainstsavery@gmail.com

Trafficking—Reporting and Resources (Continued)

NATIONAL RESOURCES

American Bar Association Publication - Meeting the Legal Needs of Child Trafficking Victims, American Bar Association, Eva Klaine and Amanda Kloer, authors. Includes legal remedies and resources for attorneys and advocates: http://www.americanbar.org/content/dam/aba/migrated/domviol/pdfs/Child_Trafficking.authcheckdam.pdf

Center for Women Policy Studies—the Polaris Project www.polarisproject.org - Website makes available excellent tools for community needs assessments, and for healthcare and educational professionals. The site also offers training tools for health professionals and resources for law enforcement officers.

National Human Trafficking Resource Center—The NHTRC is a toll-free, national hotline for the human trafficking field in the United States and is reached by calling 1-888-373-7888 or emailing nhtrc@polarisproject.org. As part of the Polaris Project, the NHTRC provides emergency assistance 24 hours a day, seven days a week, every day of the year. Info about anti trafficking resources connect any victim with anti-trafficking resource at local level. www.traffickingresourcecenter.org Text - “BeFree” (233733)

Shared Hope International www.sharedhope.org—A national advocacy organization that promotes awareness and education on human trafficking. Resource for a national publication entitled, “Domestic Minor Sex Trafficking: Sex Slavery” that includes a section on Arizona. Founder is Linda Smith, former Congresswoman. Call 1-866-437-5433 or 1-866-HER-LIFE or email at save-lives@sharedhope.org.

COURT INFORMATION

For more information about Orders of Protection and Injunctions for Harassment during nights and weekends when the courts are closed and in case of an emergency call 911.

After 4:30 pm M-F and 24/7 Sat, Sun and Holidays an Emergency Injunction against harassment can be filed by contacting: Tucson Police Dept. call 520-741-4444, and for Pima County Sheriff’s Dept. call 520-724-4900.

IN CASE OF EMERGENCY CALL 911

Pascua Yaqui Judicial Branch www.pycourts.org - Attorney General Call 520– 883-5106

Pima County Consolidated Justice Court jp.pima.gov - Call 520-740-3171

Pima County Juvenile Court www.pcjcc.pima.gov - Call 520-724-2064

Pima County Superior Court www.sc.pima.gov - Call 520-724-3272 or 520-724-3235

South Tucson Municipal Court www.southtucson.org/government/city-court - Call 520-917-1568 Call before appearing, open M-F.

Tohono O’odham Nation Tribal Court www.tonation-nsn.gov Call 520-383-6200 or call Attorney General’s Office at 520-383-3410

Tucson City Court cms3.tucsonaz.gov/courts - Call 520-791-4971

Injunctions Against Harassment (Continued)

Procedure After Completing Forms

After you are finished with the forms, return them to the clerk. You will then be directed to the judge assigned to hear orders of protection and injunctions against harassment. The judge will ask you to take an oath and swear to tell the truth. The judge may ask you to explain what you have put on the forms or may ask you other questions. The judge sees many people each week asking for the same type of protection you want. Do not be embarrassed or nervous; the judge understands that you are trying to protect yourself and your family.

After the judge signs your Order, you must have it personally served on the person.

If you live in the City of Tucson, then the E-Z Messenger Service, 65 E. Pennington Street, Tucson, AZ 85701 (phone: 520-623-8436) will send a process server out to locate the Defendant and serve a copy of the Order on the Defendant. Service of process within city limits is free when it relates to domestic violence. Any other injunction against harassment costs \$25.00, and workplace service is \$30.00.

If you live in Pima County, the Sheriff's Office will serve your order. You can also hire a private process server to serve the Order, but you be charged a fee for service (usually \$45-55.00).

An Order or Injunction is not in effect until it is personally served on the Defendant. The abuser has a one-time-only right to request a hearing to contest the Order. If this happens, you can bring any supportive people you choose to such a hearing.

It is important to note that children should not be included on the Order unless they have been abused. Reason: The law requires parents to file for custody through a formal proceeding and not use the Order of Protection as a "quickie" custody order.

Section II Lay Legal Information

The following Section provides information about survivor rights, and describes procedures for pursuing justice through complaints and claims.

The information contained in this Section is not intended as legal advice, but rather as resource information that can help victims, counselors, and advocates better understand and use

Please note that the laws referenced in this brochure are current as of 2012, and can change at any time. You are advised to obtain legal advice before taking any action.

Definition of Domestic Violence—Any abusive, violent, coercive, forceful, or threatening act or word inflicted by one member of a family or household on another can constitute domestic violence.

LIBRARY RESOURCES TO LEARN MORE ABOUT THE LAW

Joel D. Valdez Main Library www.library.pima.gov/locations/MAI
101 N. Stone Ave, Tucson, AZ 85701 520-594-5500 Info Hotline
- 520-791-4010

Pima Community College (West Campus only) www.pima.edu/campuses-centers/west-campus
Located at 2202 W. Anklam Rd., Tucson, AZ 85745. Call 520-206-3210, 1-800-860-PIMA, and 520-206-4500 Student Services Information line 520-206-6600

Pima County Superior Court Law Library www.sc.pima.gov 110
W. Congress 520-724-8456 Email: pcll@sc.pima.gov

University of Arizona Daniel F. Cracchiolo Law Library
www.lawlibrary.arizona.edu Located at 201 E. Speedway Blvd,
Tucson, AZ 85705 . Call 520-626-8023

Lay Legal Information (Continued)

FIRST STEPS...

IF YOU FEEL YOU ARE IN IMMEDIATE DANGER CALL 911

When you have been involved in a domestic violence incident, it is common to experience mixed emotions about what to do. Your attachment to and love for the one who caused you emotional, psychological, or physical harm may understandably have created ambivalence or confusion about how to protect yourself without feeling as if you are engaging in an act of betrayal or revenge.

After all, the person who abused you was someone you probably thought you could trust; someone you imagined you would always be connected to, and someone you never imagined could hurt you the way that they did. If this sounds like what you are experiencing, be assured that you are not alone. Many survivors have experienced emotions similar to those you are experiencing, and were yet able to find their path to emotional healing and recovery.

Some of the most common emotions described by survivors are anger, despair, grief, nervousness, anxiety, panic, fear, and depression. Many survivors reported that these emotions became so severe that they had periods in their recovery when they felt like committing suicide, homicide, or assault. This was very frightening for them, causing them to feel crazy or even deserving of abuse. If you ever feel this way, it is important to remind yourself that no one deserves abuse, and to get immediate assistance. Extreme stress can cause us to fall out of balance, and there is nothing wrong with calling a crisis line.

Injunctions Against Harassment (Continued)

How To Get a Court Order To Stop Harassment

Go to any city court, justice court, or superior court and get a packet of instructions and forms that contain the Petition and a blank Certificate of Service of Process form.

Follow the instructions and fill out the sections of the Petition that ask you why you want the Order and what relief you want. You are the Plaintiff or Petitioner on the forms.

- The person causing you harm is the Defendant or Respondent on the forms. Please pay attention to what the form requires.
- Be as detailed as possible when you fill out the forms, making sure you have the following information if possible:
 - Your address and phone number (or ask to keep it confidential).*
 - Your employer's address and phone number.
 - The name of your children's school (s) and the addresses and phone number (s).
 - Other addresses you want the Defendant to stay away from.
 - The Defendant's address, phone number, employer, and a description of that person.
 - Any papers showing past civil or criminal court actions against the Defendant.
 - Any old orders against the Defendant.
 - A list of specific incidents when the Defendant has caused you or your children harm. Include dates, whether you called the police or had to go to the doctor or hospital, etc. Bring any police reports, medical records, etc.

Persons under 18 need a parent or guardian to accompany them when they go to get an Order.

***If the person against whom you are seeking the order of protection does not know your phone number or address, you do not need to list it!**

INJUNCTIONS AGAINST HARASSMENT

An injunction against harassment is a court order that mandates a person to stop harassing the person seeking the injunction and are for parties who do not have a domestic relationship with each other.

Harassment includes sexual harassment or unwelcome sexual advances, requests for sexual favors and other verbal or physical harassment of a sexual nature. Harassment can include personal remarks about a person's sex. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer such as a client or customer. (Civil Rights Act)

You do not have to be related to the other person or to have lived with or dated them to get an [Injunction Against Harassment](#), but you **must be able to show more than a single threatening or abusive event**. You must be able to show that the other person has repeatedly harassed, intimidated, threatened, annoyed or abused you **within the past year** and that those things have upset you; or you must show that the other person's acts have made you fear for your safety or life.

Because you need to demonstrate that there is a pattern of harassment which led you to believe you are in danger, the best way to respond to harassment of any kind is to keep a diary or journal of the incidents. Advocates and online resources for stalking victims will often provide a log that you can use to document incidents in a factual, real time manner. You may further want to document your reactions to the harassment, and any counseling, changes in schedule, or other actions you have taken to address the impact of the harassment on your daily functioning and behavior. Keep in mind there are fees associated with obtaining an Injunction Against Harassment.

ARIZONA CONSTITUTIONAL RIGHTS FOR CRIME VICTIMS

One of the best ways to prevent further abuse or violence is to become familiar with victims' rights. Once you have been named as the victim of a crime, you have the right:

- To be treated with fairness, respect and dignity and to be free from intimidation, harassment or abuse, throughout the criminal justice process.
- To be informed, **upon request**, when the accused or convicted person is released from custody or has escaped.
- To be present at and, **upon request**, to be informed of all criminal proceedings when the defendant has the right to be present.
- To be heard at any proceeding involving a post-arrest release decision, a negotiated plea and sentencing.
- To refuse an interview, deposition or other discovery request by the defendant, their attorney, or others acting on behalf of the defendant.
- To confer with the prosecution, after the crime against the victim has been charged, before trial, or before any disposition on of the case, and to be informed of the disposition.
- To read pre-sentence reports relating to the crime against the victim when they are available to the defendant. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
- To be heard at any proceeding when any post-conviction release from confinement is being considered.
- To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
- To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and to have these rules be subject to amendment or repeal by the legislature to ensure the protection of these rights.

NOTE: You have the right to be present at the defendant's first contact with a judge, called an arraignment. You can talk to the judge about the terms of release, related to specific concerns for your safety, and inform the judge of any particular risks to you or others. Generally, the judge will order no contact with the victim and to move out of the home until the case is resolved.

For more information, contact Victim Notification and Assistance at 520-791-5483.

To find out when a defendant is likely to be released from jail call Pima County Jail. Call 520-351-8111, open M-F, 7am—10pm, and Sat/Sun, 7am - 3pm or check the jail website at www.pimasheriff.org

ORDERS OF PROTECTION

An Order of Protection is an order issued by a judge to prohibit an abusive person from contacting the victim of abuse and/or her children. The Orders of protection are available at no cost.

One of the most dangerous times in a domestic violence situation, is when a survivor chooses to take legal action, or begins planning to leave. Domestic violence incidents are primarily caused by a persons' need or desire for power and control. When a survivor plans to leave, refuses to be controlled, or takes legal action, this is often viewed as a threat, betrayal, or form of abandonment by the abuser. Issues of entitlement to control the survivor, anger, threats, emotional instability, alcohol or drug abuse, jealousy, a history of violence or impulsivity, and possessiveness are just some factors that can further increase danger. Other factors such as the abuser's financial or emotional dependency upon the survivor can further cause explosive responses to the survivor's assertive behaviors.

When these danger signals are present, one of the first steps you should take to protect yourself and your children is to get an Order of Protection or Injunction Against Harassment (Explained Later). You do not need a lawyer; you can do it yourself.

With an order of protection, you can ask a judge to forbid further domestic violence of any kind, including through other people. You can also ask the judge to forbid the person from going near your residence, your school or your children's school, your work place, etc.; or prohibit a person from making any contact with you. To specifically protect your children, pets, or others, you may need legal advice. But, these protections are also sometimes available.

To get an order of protection for the person whom you want protection from, he/she must have committed or may commit an act of domestic violence. Also that they must be related to you, or you have dated, lived with, or had a child with them (not a cousin). **You do not have to be physically injured or hurt to be a victim of domestic violence.** You can show that the other person has done or may do any of the following: endangered you, threatened or intimidated you; assaulted you with their body or with a weapon; interfered with the custody of your children; restrained you or held you prisoner; kidnapped you; trespassed on or damaged your property; displayed or threatened you with a deadly weapon or engaged in disorderly conduct. For Orders of Protection, **The person needs only to have threatened or abused you once.**