



# Survivor Law & Safety Planning: Life-Changing & Life-Saving Services

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**Bronwyn Blake**  
*Chief Legal Officer*

CHAMPIONING JUSTICE QUICK START:  
ADVOCACY ESSENTIALS

# QUICK RECAP

Texas Advocacy Project is a non-profit organization providing **FREE** legal and social services to survivors of:

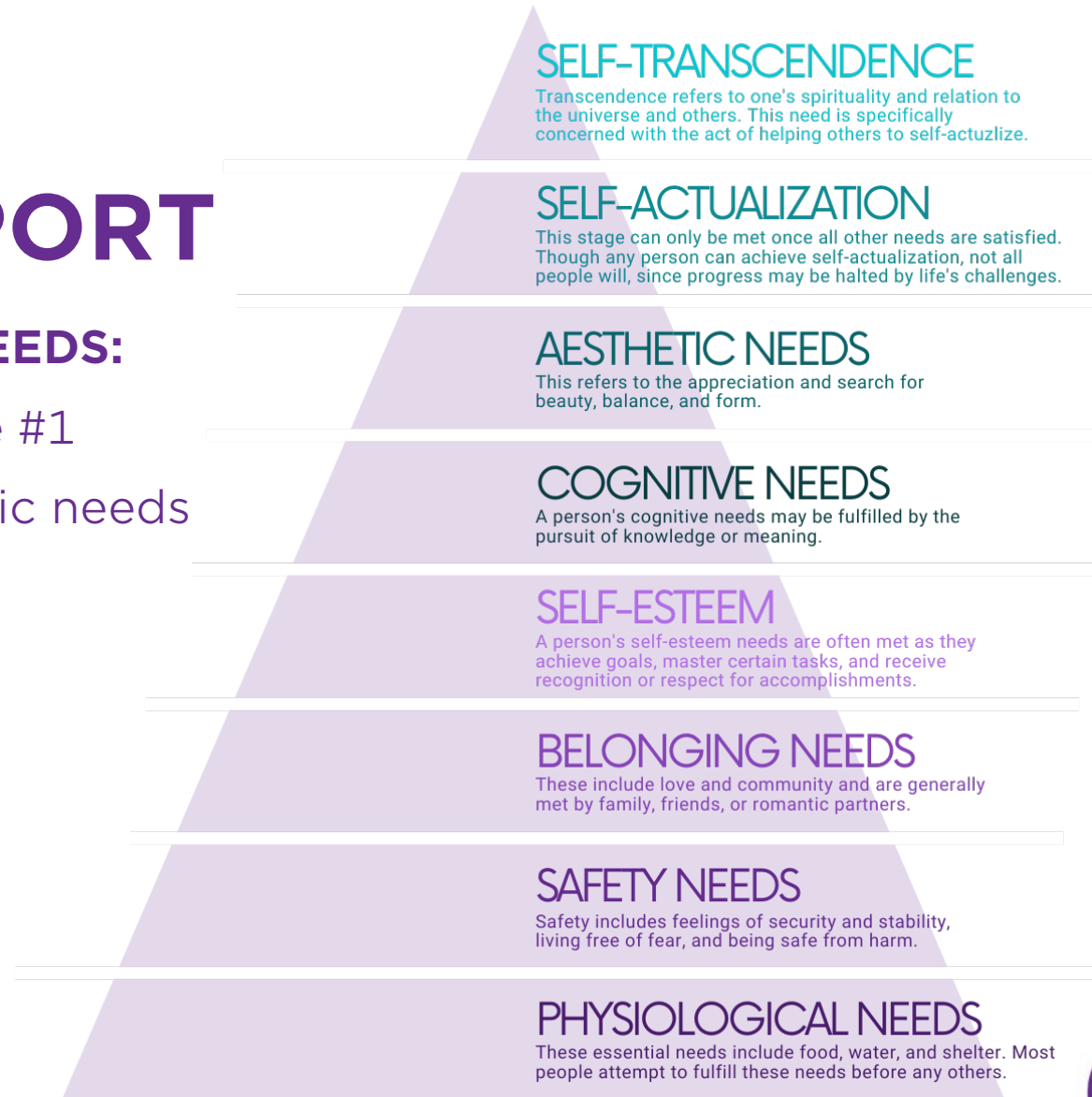
- Domestic & Dating Violence
- Sexual Assault
- Child Abuse
- Stalking
- Human Trafficking

TAP also has an Advocacy & Outreach team dedicated to partner outreach and community education.

# ISSUE SPOT: HOLISTIC SUPPORT

## MASLOW'S HIERARCHY OF NEEDS:

- Legal needs might not be #1
- Consider referrals for basic needs



# SAFETY PLANNING

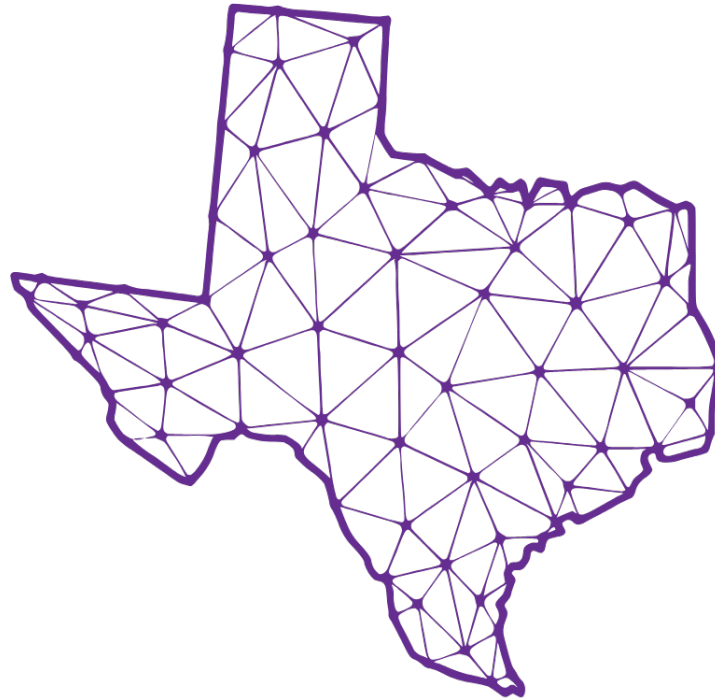
# SAFETY PLANNING

## BE SURE TO SCREEN EVERY CALL FOR:

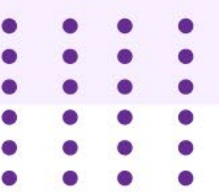
Family and Dating Violence, Sexual Assault, Stalking  
and Human Trafficking

## REFER TO LOCAL SHELTER/ RAPE CRISIS CENTER:

- [tcfv.org/service-directory](http://tcfv.org/service-directory)
- [taasa.org/crisis-center-locator](http://taasa.org/crisis-center-locator)



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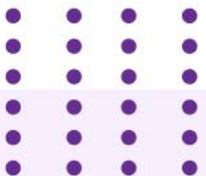
# SAFETY PLANNING & SCREENING

Incorporate this knowledge into your legal strategy:

**Issue Spotting** for safety, privacy, mental health, criminal justice, employment, education, immigration, housing, financial, tort, and family law.

## **BASICS** & **INSIDER TIPS** FOR:

- Protective Order
- Modification/Enforcement Cases
- Divorce Cases
- Termination/Adoption



# PROTECTIVE ORDERS

# TYPES OF PROTECTIVE ORDERS IN TEXAS



Magistrate's Order for Emergency Protection (MOEP)

- TX Code of Criminal Procedure (TCCP) §17.292

Temporary Ex Parte Protective Order (TEXPO)

- TX Family Code (TFC) §83

Final Protective Orders

- TFC §§71, 81-82, 84-88, TCCP §7A, TCCP §6.09



# PROTECTIVE ORDERS

- Different than a temporary restraining orders
- Hearing must be set within 14 days
- Cannot be mutual
- Applicant/victim can not “violate”
- Mandatory Arrest
- Love Triangle
- Pets!



# PROTECTIVE ORDERS

Can include anything that will keep victim safer:

- Child Support
- Spousal Maintenance
- Exclusive Use of Vehicle
- Threats can be enough: *Wilkerson v. Wilkerson*, 321 S.W.3d 110.
- Might set BEFORE filing divorce or custody
- Can not order SMC
- Can ask for supervised visitation
- Can terminate lease TPC 92.016 & 92.0161



# DIVORCE

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- End marriage, divide children & property, change name
- Myth of “Separation”
- File in county where you reside or where spouse resides
- 90 days in that county AND 6 months in the state



# DIVORCE

- Plead for cruelty ground to request disproportionate share of property/debt
- Do not overlook claims for reimbursement
- Creditors can still come after debts assigned to other spouse but...
- Can waive 60 day waiting period in family violence cases
- Mediation not recommended in cases of abuse
- Division of retirement benefits requires a separate form (QDRO)

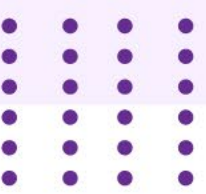


# CUSTODY ISSUES

# SUIT AFFECTING PARENT CHILD RELATIONSHIP (SAPCR)

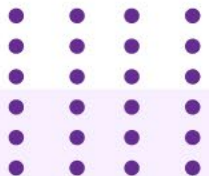
- Best Interest of the Child (broad)
- Myth of “Full Custody”
- Home State
- Mandatory/Discretionary transfer
- Conservatorship
  - JMC v SMC
- Visitation/Access
  - SPO & Variations
- Child Support
  - 20% for one child, etc.





# SUIT AFFECTING PARENT CHILD RELATIONSHIP (SAPCR)

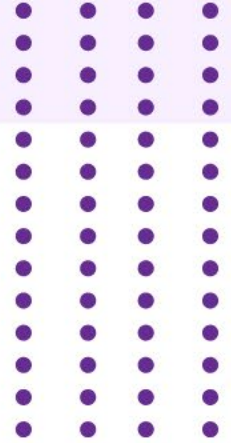
- Exchange locations
  - (ex: McDonald's)
- Supervised Visitation (do NOT have the victim supervise)
- Memorialize issues
  - (ex: Email)



# MODIFICATION & ENFORCEMENT

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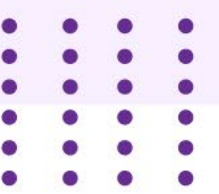
- Modification Requirements:
  - Materially and substantially changed
  - Child at least 12 years old and has a preference
  - Primary parent voluntarily relinquish control for 6 months or more
- Can combine these cases
- Must have standing
- Changing Primary Parent within a year of last order? Its possible...



# MODIFICATION & ENFORCEMENT

- Not advisable to attempt modification if you are behind in child support.
- Can be appointed a free attorney in enforcement cases asking for jail time.

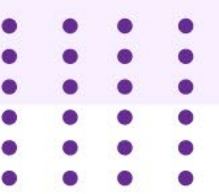
# TERMINATION & ADOPTIONS



## TERMINATION & ADOPTION

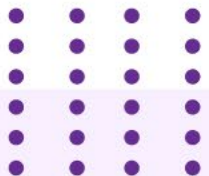
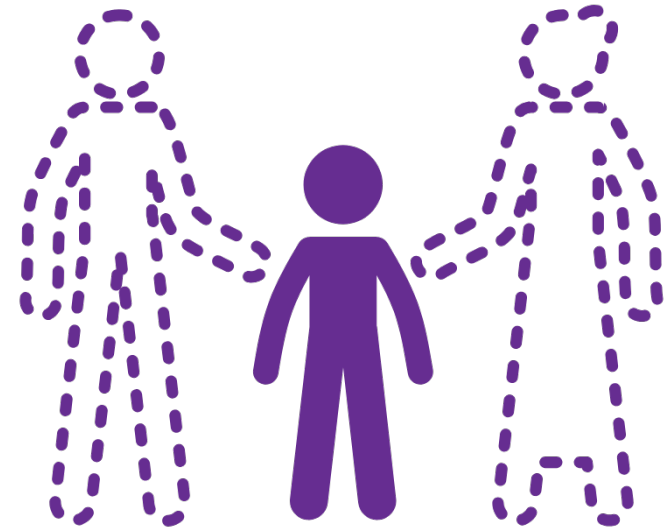
- Myth of “Affidavit of Voluntary Relinquishment of Parental Rights”
  - It’s not up to the parents → up to the court
- Better to have crummy parent or no parent?
- Double prong test → best interest PLUS grounds for termination

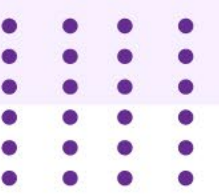




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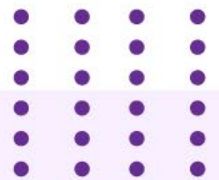
- Can be combined or separated
- Adoption Evaluation is mandatory
- Special Setting
- Social Study → Child Custody Evaluator





# ONE SIZE FITS ALL FORMS

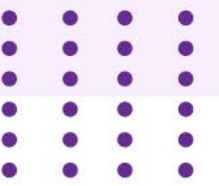
- [TexasLawHelp.org](https://www.texaslawhelp.org)
- Uniform forms help MANY indigent litigants, but some can not be served by forms (ex: cause, reimbursement, spousal maintenance, modified or supervised possession)



# FINANCIAL ISSUES

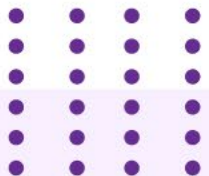
## RULE 145

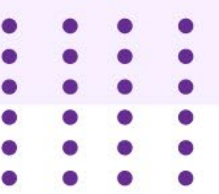
- Texas Rule of Civil Procedure 145 ensures the “indigent” can access the courts
- Affidavit of Inability to Pay
- Last updated September 2021
- “Costs” = any fee charged by the court or an officer of the court, including, but not limited to, filing fees, fees for issuance and service of process, fees for copies, fees for a court-appointed professional, and fees charged by the clerk or court reporter for preparation of the appellate record
- Also Tex. Gov. Code § 57.002 requires the court to provide an interpreter



# RULE 145

- Can be unsworn – Civil Practice and Remedies Code Chapter 132
- Interpreters, Ad Litem, and Social Studies can be Court Costs
- *In re Villanueva*, 2009
- Combine with “Affidavit of Free Legal Services”
- Mandatory parenting classes need to be sliding scale fee





# CRIME VICTIMS COMPENSATION

- Program through the Texas OAG's office, helps crime victims and their families with financial costs of a crime
  - Medical, physical therapy, nursing home, loss of wages due to medical treatment or attendance in process, funeral expenses, care of child or dependent, loss of support, relocation
- Must be filed within three years of the crime

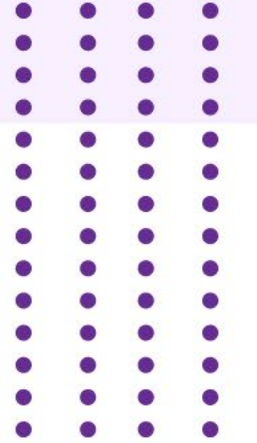


# ATTORNEY'S FEES

- You can plead for attorney's fees in pro bono cases
- Not so narrowly defined as to be "incurred"
- If the volunteer ad litem fees are donated to a 501(c)(3) charity that provides direct legal services to the poor, the hours may be counted as pro bono activity

# LEGAL NEEDS FOR OTHER TYPES OF VICTIMIZATION

# NOT JUST DIVORCE & CUSTODY



## Sexual Assault:

- Safety
- Privacy
- Employment
- Education
- Housing
- Financial
- Criminal justice
- Immigration
- Mental health
- Tort law
- Family law

## Human Trafficking:

- Obtaining Identification
- Obtaining Visas
- Housing
- Eviction Notices and Lease Terminations
- Emancipation
- Identity Theft
- Credit Issues and Coerced Debt
- Expunction/Expungement
- Navigating Child Protective Services (CPS)
- Accessing Public Benefits



# CALL TO ACTION

# WHY YOU SHOULD JOIN US NOW!

## DOMESTIC ABUSE VICTIMS ARE ESPECIALLY IN NEED

Legal help is one of the only services directly related to the national decline in domestic violence.

**“For domestic violence victims, often the risk of violence increases significantly when a victim attempts to leave the batterer.”**

-American Bar Association, Standard of Practice for Lawyer’s Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases (available free online)



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# HOW YOU CAN HELP

- Learn our number: 800-374-HOPE
- Join our attorney referral network
- Thank you for completing our [Championing Justice Quick Start : Advocacy Essentials](#) series! You are now eligible to take pro bono work from TAP!
- Please complete our pro bono attorney application to get the process started!



**"The #1 thing that can help  
(a survivor)... are legal  
services... That's what  
Texas Advocacy Project is.**

***It's the rainbow  
after the rain."***

**Texas Advocacy Project Survivor-Client**



**THANK YOU FOR  
JOINING US TODAY!**

**Bronwyn Blake**  
*Chief Legal Officer*

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