



# BREAKING FREE FROM DOMESTIC VIOLENCE

*Steps you can take to stop the abuse*

## **DOMESTIC VIOLENCE IS A CRIME**

Nobody has the right to hit you. It is a crime.

Domestic Violence is any felony, battery, assault, criminal damage to property, unlawful restraint or criminal trespass between past and present spouses, parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household.

## **Safety First**

### **MAKE A SAFETY PLAN.**

Plan how to get out of your home safely. Find out where you can go if you need shelter – family, friends or a battered women's shelter. Get some money and clothes together and give them to a friend to keep for you. Teach your children to call 911. Ask your neighbors to call the police if they hear a violent argument. Know where important documents are so you can take them with you.

If an argument is unavoidable, try to be in a room that has an exit and is away from where weapons can be found.

When violence occurs, call the police as soon as possible. When they arrive, tell them what happened. Show them any injuries you have and any property that was damaged. Make sure they make a report. They should give you a case number so that you can get a copy of the report. Ask for and write down the names of the officers.

The police may arrest your abuser. If your abuser is taken into custody, use this time to get yourself and your children to a safe place.

Go to a domestic violence shelter. Call the Statewide Crisis Line at 1-800-33HAVEN (1-800-334-2836) to find the nearest shelter. They can help you take legal action, set up a long term safety plan, provide temporary housing, and help you obtain other community assistance.

If you decide to leave – **REMEMBER – Be careful when leaving. It is a dangerous time.** Take action to protect yourself by doing things like screening your calls, changing the locks on your home, avoiding being alone, notifying schools and contacts, and varying your routine.

## **Medical Attention**

See a doctor if you have injuries. Tell the doctor how you were injured. Ask for copies of your medical record. Take pictures several times of your injuries as bruises may not show for several days.

## **Legal Action**

You have two choices: civil or criminal. You can use both at the same time.

## **Civil Action**

Georgia's Family Violence Act helps victims get a Family Violence Temporary Protective Order (TPO) which orders your abuser to stay away from you and can also decide on housing, custody, visitation, child support, spousal support, and personal property. TPOs can last up to 12 months and can be extended for three years or even permanently.

There is no cost to file for a Family Violence TPO. Your local domestic violence shelter may help you file. There will be a hearing where both sides can present evidence. You may need a lawyer to represent you at the hearing. GLSP may be able to help you with this.

You have the right to a free interpreter during the TPO hearing. Ask the judge to arrange for one if you need it.

Violation of a Protective Order can be a felony or a misdemeanor.

You can choose to file for a divorce and request a restraining order as part of the divorce.

## **Criminal Action**

If the police have charged your abuser, then you must appear at the trial or when needed.

If the police did not charge your abuser, you can swear out a warrant. Do this in the county where the abuse happened. See the sheriff or magistrate in that county. There may be a fee to do this; ask if it can be waived. After arrest, your abuser may get out on bond.

## **Financial Assistance**

Money is often the biggest problem for women leaving violent homes. You should look into the following:

■ **Child Support.** This can be ordered by the court. You can go to the Office of Child Support Enforcement and ask them to help you get child support. There is a fee if you are not on TANF.

If a minor has not been provided any support for 30 days, criminal charges for abandonment can be filed with your local district attorney.

■ **TANF.** You may be eligible for Temporary Assistance to Needy Families if you have children. Check with the local DFCS office. As a victim of abuse, you may be excused from certain requirements.

■ **Emergency Housing.** Family violence shelters may be able to provide temporary shelter for you and your children. Call 1-800-33HAVEN (1-800-334-2836) for the shelter nearest you.

■ **Food Stamps.** You may be eligible for food stamps whether or not you have children. Check with the local DFCS office.

■ **Medical Assistance.** You and your children may be eligible for Medicaid. You need to check with DFCS. If you earn too much then your children may be eligible for Peachcare.

■ **Public Housing.** You may be eligible for public housing. If you have been forced out of your home because of family violence you may qualify for emergency consideration. Tell the local housing authority about your situation when you apply.

### Counseling

Battered women's programs often offer support groups and counseling.

### Other Information

Brochures and information on divorce, public benefits, child custody, child support, and landlord-tenant law are available through your local GLSP office.



This brochure gives you general information only. Please see a lawyer to discuss your individual case. Georgia Legal Services does not have enough lawyers to handle all domestic violence cases. Georgia Legal Services staff may refer you to a private attorney. Call Georgia Legal Services to see if we can help you.

Protective Order forms are at:  
<http://gsccca.org/filesandforms/SB57forms.asp>

Copies of this brochure and other information on domestic violence are available at:  
[www.legalaid-ga.org](http://www.legalaid-ga.org)  
**Family Law and Domestic Violence.**

Resources  
Georgia Legal Services Program  
(404) 206-5175 or (800) 498-9469  
Georgia Domestic Violence Hotline  
(800) 334-2836 (toll free)  
[www.gcadv.org](http://www.gcadv.org)  
Georgia Network to End Sexual Assault  
(866) 354-3672 (toll free)  
[www.gnesa.org](http://www.gnesa.org)  
Tapestri, a refugee and immigrant coalition  
against domestic violence  
(404) 299-2185  
[www.tapestri.org](http://www.tapestri.org)

### **Georgia Legal Services Program®**

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This project was supported by Grant No. 2009-WR-AX-0036 awarded by the Office on Violence Against Women, U.S. Department of Justice.  
The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

10/11  
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