

Domestic violence can happen in all types of relationships. Abuse comes in many different forms. It can be physical, emotional, sexual, social, cultural, or even financial.

Domestic violence is illegal. No one deserves to be abused. Domestic violence is all about one person trying to have power and control over another person. Here are some typical examples of abuse:

- Hitting, pushing, throwing objects, using weapons
- Hurting your children or pets
- Name-calling, screaming, or belittling you
- Threatening to commit suicide
- Forcing you to have sex (or types of sex you're not comfortable with)
- Refusing to practice safe sex
- Controlling where you are allowed to go, and who you are allowed to socialize with
- Using social media to embarrass you (such as posting inappropriate comments or photos)
- Trying to get you fired from your job
- Controlling access to money or financial information, or running up debts in your name
- Destroying or taking important documents, such as ID documents
- Stalking you (such as unwanted phone calls, texts or emails, following you, etc.)

Domestic violence also includes threatening to do any of these things.

Anyone can be a survivor of domestic violence. Abuse follows a cycle, which only gets worse over time. After an abusive episode, the abuser may apologize and promise to change. They may even promise to get counseling. Before long, however, the tension builds, and the abuser becomes violent again.

Some types of abuse are specific to LGBTQ survivors:

- Threatening to “out” you to your family, your friends or your job
- Using homophobic, biphobic or transphobic slurs
- Questioning your sexual orientation or gender identity
- Telling you no one will believe you, or help you, because you are LGBTQ
- Telling you that it will hurt the LGBTQ community if you seek help

- Cutting you off from the LGBTQ community
- Controlling access to hormones, binders or medical treatment
- Forcing you to dress or act in a way that does not respect your identity
- Refusing to respect the pronouns you use to refer to yourself

I WANT TO SEEK HELP, BUT I AM AFRAID OF HOW SERVICE PROVIDERS WILL TREAT ME. WHAT CAN I DO?

In New York State, it is illegal for the police, medical providers, domestic violence programs, shelters, social services workers, counseling programs, courts, lawyers or other sources of help to treat you unfairly because you are a member of the LGBTQ community. It is also illegal to refuse to serve members of the LGBTQ community.

As an LGBTQ survivor, you may have experienced some of the following unfair treatment:

- Being arrested along with the abuser
- Being denied an order of protection, or being forced to agree to a mutual order (an order against both spouses/partners)
- Being turned away from a shelter
- Rude or insensitive treatment, including refusing to respect pronouns you ask them to use

LGBTQ people may also be survivors of hate crime violence, including by law enforcement.

You have the right to be treated fairly when you seek help. You may have the right to file a complaint or lawsuit if you have been treated unfairly.

PROTECT YOURSELF

- **Build your allies.** Look for doctors, lawyers, counselors, etc. who have a proven track record of serving the LGBTQ community.
- **Bring a witness.** Bring a trusted family member, friend, or community advocate with you. This person can advocate for you, and be a witness if you are not treated fairly. Your witness can even call ahead, to request that you be served by someone who is sensitive to your needs as a member of the LGBTQ community.

- **Keep a record.** You and your witness should both keep a written log of who you talked to, the date and time, and what happened. If your witness can't be with you in person, make sure you always carry a cell phone, and tell them to stand by for your call.
- **Call a hotline.** Program the hotline numbers below into your cell phone. Keep your phone charged and ready at all times.
- **Have a plan.** Contact your local domestic violence program for help making a “safety plan.” In case you need to leave home quickly, keep an emergency box ready with a trusted friend or family member, with an extra set of keys, important documents, credit cards, medicines, clothes, etc.

LGBTQ AND LGBTQ-ALLY HOTLINES

National Domestic Violence Hotline (24/7):
1-800-799-7233

NYS Domestic Violence Hotline (24/7):
1-800-942-6906

LGBT National Hotline:
1-888-843-4564

Lambda National Hate Crimes Hotline (24/7):
1-206-350-4283

LEGAL RESOURCES

Legal Aid Society of Mid-New York, Inc.
1-877-777-6152
www.lasmny.org

Empire Justice Center LGBT Rights Project:
(585) 295-5721
www.empirejustice.org/issue-areas/lgbt-rights-project/

Lambda Legal HelpDesk:
(212) 809-8585
www.lambdalegal.org/helpdesk

National Center for Lesbian Rights
1-800-528-6257
www.nclrights.org/legal-help

There are time limits for filing a complaint or lawsuit, so contact a lawyer right away.



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This booklet was prepared by the Legal Aid Society of Mid-New York, Inc. to provide a directory of services and general legal information for LGBTQ survivors of domestic violence, sexual assault, and stalking. For more information regarding this booklet, contact the Legal Aid Society of Mid-New York, Inc. at 268 Genesee Street, Utica, New York 13502 (315-793-7000).

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CENTRAL NEW YORK SERVICE DIRECTORY



Q: What should I do if I am hurt or threatened?

A: In an emergency, call 911. If you are hurt, go to the emergency room or your doctor, and report what happened. Take pictures of your injuries.

Q: How can I stay safe?

A: An abuser is most likely to be violent when the survivor tries to leave. Safety first! Call your local domestic violence hotline for help making a plan to leave safely. You and your children may decide to go into a shelter.

Get an order of protection. With an order of protection, you may be able to make the abuser leave. Whether you decide to stay or leave, you need a “safety plan.” It could save your life! Call your local domestic violence program for help. Update your safety plan every time your situation changes.

Q: Can I get an order of protection?

A: Yes. You have the right to file a police report and ask the criminal court for an order of protection to protect you (and your children, if necessary).

You have the right to seek an order of protection from the family court if you have an “intimate partner” relationship with the abuser (now, or in the past). This order can also protect your children, if necessary. LGBTQ survivors have equal rights to get a family court order of protection.

Q: Should I apply for an order of protection on my own?

A: You may, but it is best to get help from your local domestic violence (DV) program. Every county has a free program to help survivors of domestic violence, sexual assault, stalking and dating violence get orders of protection. Call the hotline number in your county to get help.

A domestic violence advocate may be able to go with you to court, to make sure that you are treated fairly. This is particularly important if you are a member of the LGBTQ community.

If you are low-income, you also have the right to a free, court appointed lawyer at your court dates.

It is strongly recommended that you have a lawyer who has been trained to handle legal issues faced by LGBTQ survivors. Call legal aid at 1-877-777-6152. Our program has no income limits for survivors of domestic violence.

Q: What should I do with my order of protection?

A: Make copies. Keep a copy at home, at work, in your car, and with a trusted neighbor or friend. If the order covers your children, make sure their school and daycare have a copy. Include a picture of the abuser with each copy, if you can.

Q: Do I have to wait until I am physically hurt to file for a violation?

A: No! If the abuser does anything that is forbidden in the order, it is a violation. If the abuser violates the order, call the police. Then, you can file a violation petition in court.

If the abuser violates a family court order, they could go to jail for up to six months, or be fined. If the abuser violates a criminal court order, they could go to jail for up to one year. If this is not the first time the abuser has violated a criminal court order (or if you were physically hurt, or your property was damaged) the abuser could even go to state prison. You can find out when the abuser is getting out of jail by calling 1-800-VINE-4NY.

Q: How long does an order of protection last?

A: A family court order typically lasts two years, but can last up to five years. A criminal court order typically lasts one year, but can last up to five years (or even longer, in extreme cases). If you have a “temporary” order, it will expire on a certain date. In certain cases, you can ask the court to extend the order.

Q: What if I want to change or drop the order of protection?

Only a judge can change the order. If you want to change the order, or if you do not want the order anymore, you must go back to court. Call your local DV program for help.

Q: I am legally married. Can I get a divorce?

A: Same-sex and opposite-sex married couples have equal rights to file for divorce in New York State. This is true even if you were married in another state or country. As part of the divorce, you can ask for an order of protection. You may also be entitled to spousal support, child support and a share in the marital property (including pensions). It is best to get help from a lawyer who has experience handling divorces for LGBTQ clients.

Q: I have a civil union or domestic partnership. Can I get a divorce?

A: Legal procedures for ending a civil union or a domestic partnership can vary, depending on where it took place. Get help from a lawyer experienced in LGBTQ family law issues.

Q: Will I have a problem getting custody of my children if I am in a same-sex relationship?

A: Courts in New York State cannot find you to be an unfit parent just because you are a member of the LGBTQ community. However, if you are not the biological parent of the children, custody can be a complicated issue.

In New York State, same-sex couples have the right to put both partners’ names on the birth certificate when a child is born. Also, a child born during a same-sex marriage is presumed to be the child of both spouses.

If there are children involved in your relationship, it is always important to talk to a lawyer who has experience handling family law issues for LGBTQ clients.

Q: What if I move to another state?

A: Often, survivors move to get away from an abusive relationship. You may need to move to stay safe.

In 2016, the U.S. Supreme Court decided that same-sex couples have the right to marry. Even if you got married before the Supreme Court decision, your marriage is now valid throughout the U.S. However, moving to another state or country can still affect your legal rights, even if you are married. Each state or country has its own rules for divorce, custody, support, and dividing property.

Know your rights! See the “Legal Resources” section of this booklet to find legal information and help in all 50 states.

Q: What about confidentiality?

A: It is the policy of the Legal Aid Society of Mid-New York, Inc. to keep client information confidential. We will not disclose that you are a survivor of abuse, or a member of the LGBTQ community, without your express permission. We will respect your choices about whether you want to take legal action, and what types of action to take.

LOCAL HOTLINES (24/7)

Broome County:

(607) 754-4340 (DV)

(607) 722-4256 (rape crisis)

Cayuga County:

(315) 255-6221 (DV)

(315) 252-2112 (rape crisis)

Chenango County: 1-855-966-9723 (DV & rape crisis)

Cortland County: (607) 756-6363 (DV & rape crisis)

Delaware County: (607) 746-6278 (DV & rape crisis)

Herkimer County:

(315) 866-0458 (DV)

(315) 866-4120 (rape crisis)

Jefferson County: (315) 782-1855 (DV & rape crisis)

Lewis County:

(315) 376-8202 ext. 4 (DV & rape crisis)

(315) 376-4357 (after hours)

Madison County: 1-855-966-9723 (DV & rape crisis)

Oneida County: (315) 797-7740 (DV & rape crisis)

Onondaga County: (315) 468-3260 (DV & rape crisis)

Oswego County: (315) 342-1600 (DV & rape crisis)

Otsego County: (607) 432-4855 (DV & rape crisis)

Safety Tips

- Always carry a cell phone. Put 911 and DV hotlines on speed dial. Put a password lock on your phone.
- Change your locks.
- Install smoke detectors and CO2 detectors in your home.
- Change up your routine, and try not to go out alone (especially at night).
- Keep an emergency box with a trusted neighbor or friend. Include ID, copies of important documents, clothes, an extra set of keys, credit cards, money, etc.
- Give your co-workers, neighbors and friends a “code word” and a special signal (such as displaying a certain object in your window) that means “call the police.”
- Get a security system and outdoor lights.
- Lock your car doors at all times.
- Make a complete “safety plan” with help from your local DV program, and update it often.