

## Suing your abuser for money

You may also be able to file a lawsuit against your abuser for money damages if you were injured by them. In many cases, you must file the lawsuit within two years of your injury. You can ask for payment for pain and suffering, medical expenses, or other safety-related expenses. However, if you decide to file a lawsuit, you should not expect to get paid quickly. It can take up to a year or more before you receive any money.

## Additional Protections for Survivors with Children

### Emergency financial assistance

If you have children, are low-income, and were the victim of abuse, you may apply for Temporary Assistance for Domestic Violence Survivors (TA-DVS) at your local DHS office. If you qualify, you can receive up to \$1,200 in a three-month period to help you pay for safety-related expenses. To apply, contact your local DHS Self-Sufficiency office: [oregon.gov/DHS/Offices/Pages/Self-Sufficiency.aspx](http://oregon.gov/DHS/Offices/Pages/Self-Sufficiency.aspx).

### Divorce and custody cases

If you and your abuser have a child together, you may want to establish legal custody by filing for divorce (if you were married) or custody (if you were not married). If you file a divorce or custody case, there are special protections in Oregon for parents who were abused:

- The court will assume it is not in the kid's best interest for the abusive parent to get custody. This assumption can sometimes be overcome by other evidence.
- If you do not want the other parent to know where you live, you can use a contact address, such as a PO box or a friend or family member's address, in your court paperwork instead.
- If you are worried about your safety or your children's safety during parenting time, there are "safety-focused parenting plans" available for free on the Oregon Judicial De-

partment website. These plans include special provisions that can help keep you and your children safe during parenting time. Visit: [www.courts.oregon.gov/programs/family/children/Pages/parenting-plans.aspx](http://www.courts.oregon.gov/programs/family/children/Pages/parenting-plans.aspx).

### Child support

If you receive SNAP (food stamps) or TANF benefits, the state will automatically try to collect child support from the other parent.

- If you would like to receive child support, but do not want your abuser to be able to access your personal information, such as your address or phone number, you can ask DHS to keep your information confidential. To do this, you will need to fill out a "Claim of Risk" form.
- If you believe establishing child support would put you in danger of further abuse, you can request that DHS not establish child support by filling out a "Good Cause" form.
- You can also use a contact address, such as a PO Box or a friend or family member's address, instead of your home address in your child support case.

## Getting Legal Help

Visit [OregonLawHelp.org](http://OregonLawHelp.org) for free legal information.

If you wish to talk to an attorney and can afford to hire one, the Oregon State Bar Lawyer Referral Service can provide you with the name of an attorney in your area who may be able to help you with your case. Call 503-684-3763 or 800-452-7636.

If you cannot afford an attorney, and you have a non-criminal legal issue in Oregon, you may be eligible for free legal help. Visit [oregonlawhelp.org//resource/oregon-legal-aid-offices](http://oregonlawhelp.org//resource/oregon-legal-aid-offices) to find a legal aid office near you.

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Legal Aid Services of Oregon  
& Oregon Law Center



# Legal Protections for Survivors.

**An overview of protections for survivors of domestic violence, stalking, and non-intimate partner sexual assault in Oregon.**

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## Criminal Protections

If you are a victim of domestic violence, sexual assault, or stalking, you can call the police and report your abuse. If there is enough evidence that you were a victim of a crime, the District Attorney's office may file criminal charges against the person who abused you.

If a criminal case is filed, you can contact your local Victims' Assistance Program (VAP), located within the District Attorney's Office (D.A.'s office) for help. A VAP Advocate can update you about the status of the criminal case, notify you of upcoming court dates, help you receive crime victim compensation, and help you prepare a victim impact statement for a sentencing hearing. Although most of what you share with VAP advocates will remain confidential, there are some exceptions. Be sure to discuss these exceptions with the VAP advocate before you share any information.

To find your local VAP office and for more information about your rights in a criminal case, visit: [www.doj.state.or.us/crime-victims/victims-resources](http://www.doj.state.or.us/crime-victims/victims-resources). If you need help asserting your rights in a criminal trial, the Oregon Crime Victim Law Center may be able to help you ([www.ocvlc.org](http://www.ocvlc.org)).

## Other Legal Protections

### Address Confidentiality Program

If you are a victim of domestic violence, sexual assault, and stalking, and you do not want your abuser to know where you live, you can apply for the Oregon Address Confidentiality Program (ACP). If you qualify, you will be given a substitute address to use in place of your home address. All mail sent to the substitute address will be forwarded to you. To learn more, visit: [www.doj.state.or.us/crime-victims/victims-resources/victims-services/address-confidentiality-program-acp/](http://www.doj.state.or.us/crime-victims/victims-resources/victims-services/address-confidentiality-program-acp/)

### Protective Orders

If you are a victim of domestic violence, stalking, or sexual assault, you may qualify for a protective order. It does not cost anything to apply for a protective order. A protective order

can require your abuser to stay away from you and to stop contacting you. If your abuser violates the order, the police must arrest them. The D.A.'s office may then prosecute them for violating the protective order.

There are four protective orders in Oregon:

- Family Abuse Prevention Act Restraining Order (FAPA)
- Elderly Persons and Persons with Disabilities Abuse Prevention Act Restraining Order (EPPDAPA)
- Stalking Protective Order (SPO)
- Sexual Abuse Protective Order (SAPO)

For more information, visit: [oregonlawhelp.org/issues/protection-from-abuse/protective-and-restraining-orders](http://oregonlawhelp.org/issues/protection-from-abuse/protective-and-restraining-orders).

### Housing Protections for Survivors

If you are the victim of domestic violence, sexual assault, or stalking, and you are renting in Oregon, you have the following rights:

- In some circumstances, you can break your lease early without having to pay a lease break fee.
- If you qualify for a protective order, you can ask the judge to order the person abusing you to move out of your home (if you are married, or if your name is on the deed or lease).
- You can ask your landlord to terminate the tenancy of your abuser without terminating your tenancy.
- You can have your locks changed (although you are responsible for the cost).
- Your landlord cannot treat you differently because you (or your children) have been the victim of domestic violence, sexual assault, or stalking.

For more information on these protections, visit: [oregonlawhelp.org/issues/protection-from-abuse/workplace-housing-rights-for-survivors](http://oregonlawhelp.org/issues/protection-from-abuse/workplace-housing-rights-for-survivors).

### Employment Protections for Survivors

If you are the victim of domestic violence, sexual assault, or stalking you have the following workplace rights in Oregon:

- Your employer or supervisor cannot fire you, threaten to fire you, reduce your hours, or otherwise treat you differently because you are a victim.
- If you are unsafe at work, your employer has to take reasonable steps to help you stay safe. For example, you could ask for someone to walk you to your car at night or better lighting in the parking area.
- Your employer also has to provide you with reasonable time off from work so you can go to court, attend counseling or doctor's appointments (related to your abuse), move to a safer place, or make your current housing safer. Your employer cannot fire you for this.
- If you have to quit your job because you are in danger of further abuse if you stay, you may still be eligible for unemployment benefits.

For more information on these protections, visit: [oregonlawhelp.org/issues/protection-from-abuse/workplace-housing-rights-for-survivors](http://oregonlawhelp.org/issues/protection-from-abuse/workplace-housing-rights-for-survivors).

### Immigration Protections

- If you are undocumented, you may be eligible for a special visa if you were the victim of a qualifying crime (such as domestic violence) and cooperated with law enforcement.
- If you were abused by a spouse (or former spouse within the last 2 years) or parent who is a U.S. Citizen or lawful permanent resident, you may be able to file immigration papers on your own without waiting for your abuser to file for you. You may also qualify for suspension of deportation proceedings.

To find out if you are eligible for any of these protections, you should speak with an immigration attorney. For low-cost immigration legal assistance, contact Catholic Charities, Immigration Counseling Service, or SOAR Immigration Legal Services.