

SAFETY PLANNING

Contact with Clients

- Ask for your client when you call and speak only to your client about the case. Do not leave messages with other family members or on an answering machine or voice-mail until your client has told you this is safe. If questioned by family members, do not indicate that you are a lawyer; rather, give an innocuous reason for the call, such as taking a survey.
- Always ask your client first if it is safe to talk and whether you should call the police. The batterer may be present, even if the batterer no longer lives in the same home. Develop a system of coded messages to signal danger or the batterer's presence.
- Block identification of your number when calling your client by dialing *67 or the equivalent in your area. This prevents a batterer from using "caller ID" to discover that your client is seeking legal assistance.
- Keep your client's whereabouts confidential. Do not disclose your client's addresses, telephone numbers or information about the children without your client's permission, including during discovery. Batterers often track down their former partners through third parties, such as court personnel or social service providers.
- Send mail to your client only when your client has advised you that it is safe. If a new client fails to attend appointments or return your calls, write your client a simple letter requesting a response without disclosing your identity as a lawyer (do not use letterhead).
- Remind your client to have an explanation for legal appointments and to limit the children's knowledge to prevent the batterer from finding out about legal actions or an upcoming separation ahead of time.
- Inform your client of legal developments in advance, particularly when a batterer is about to be served or when a hearing is approaching, so that your client may take extra safety precautions.
- If your client fails to respond to your calls, make extensive (but confidential) efforts to confirm that your client is safe. If your client has decided to drop the case, try to verify that your client has not been threatened or coerced.

- Develop a referral list including the National Domestic Violence Hotline [(800) 799-SAFE or (800) 787-3224 for hearing impaired service], local shelters, domestic violence programs, certified batterers' intervention programs and children's programs. Make referrals to clients and give them copies of the referral list if they have safe places to keep the copies. Allow clients to use your phone if necessary or initiate calls at your client's request.

Safety at Home

Advise your client to take the following preventive measures:

- Make the home as safe as possible by changing the locks, adding dead bolts and obtaining an apartment that is not on the first floor. Remove sharp objects and weapons from sight. Keep a telephone in a room that locks from the inside. If possible, purchase a cellular phone (or a special 911 phone) and keep it in a pocket or in an accessible hiding place; pre-program 911 (or the local police emergency number) or the number of a safe friend or relative into the phone's directory.
- Plan and practice an escape route out of the home and a safety plan for the children. Teach the children not to let the batterer in the home (unless the batterer has a legal right to be there). Prepare the children to respond to a batterer who comes to their school or day care center; if a protection order includes provisions about the children, give a copy to the children's school or childcare facility.
- Keep a bag packed and hidden in a safe place at home (or locked in a car trunk with only one key), or with a safe relative or friend, in preparation for flight. It should include: money for phone calls, transportation, and one month's expenses, clothing, diapers, court documents, passports, identification (social security, driver's license, welfare identification, family photographs), birth certificates, school and medical records, necessary medicines, credit cards, checkbooks, work permits, green cards, lease/mortgage payments, insurance papers, bank books, telephone/address books, car/house keys, and ownership documents for car/house.
- Make extra copies of protection orders and keep them in safe places. Attach a copy of the interstate protection order provisions of the Violence Against Women Act and proof of service to each protection order to minimize enforceability problems in other states. Show the orders to police officers to improve their response.
- Show neighbors a picture of the batterer and/or the batterer's vehicle so they can screen visitors and call the police if necessary. Batterers often gain access to apartment buildings by pretending to be someone else or by following tenants indoors.

- Develop signals for neighbors and friends to call the police, such as banging on the floor or wall. If possible, arrange to have a relative or friend call every day at an appointed time.
- Enroll in a reliable self-defense course and regularly practice these skills. Trade cars with a friend or relative. Batterers often locate former victims by identifying their vehicles.
- Be aware that motor vehicle records, including addresses, may be available to the public. Most Departments of Motor Vehicles will permit drivers to use a number other than their social security number for identification purposes and will keep information confidential upon request.
- Obtain a private or unlisted telephone number, and be selective about revealing a new address. Batterers have located victims through friends, relatives, co-workers, court or social services documents, the post office and private investigators.
- Use the block code when making telephone calls. Use an answering machine or call trace when receiving calls to collect evidence of harassment or protection order violations.
- Alter routines- change transportation routes or timing (including picking up children from school) so that the batterer cannot locate you.

Advise your client to take the following steps if the batterer becomes violent or threatening:

- **Call the police at 911** (or the local police emergency number) and ask for the dispatcher's name. When the police respond, obtain the officer's name and badge number. Your lawyer can use this information to follow up, locate a police report or subpoena a witness.
- File criminal charges if the batterer commits a crime or violates a protection order. Filing criminal charges and following through is one of the most effective ways to deter future violence.
- Seek medical treatment if injured by the batterer. Photograph all injuries.
- Record all contact with the batterer in a diary.

Safety at Work

Advise your client to take the following preventive measures:

- Give a picture of the batterer and the batterer's vehicle to security guards and colleagues at the workplace. If the batterer shows up, security or other workplace personnel can order the batterer to leave or call the police.
- Keep a copy of your protection order at work. Notify a supervisor or the Human Resources Department of the existence of the order and give them a copy.
- Screen calls with voice-mail or a machine if possible, or ask a colleague to screen calls or listen in on the line. Your lawyer may be able to introduce recorded threats made by the batterer as evidence in a court case.
- Travel with another person. Victims frequently are harassed on the way to or from work by batterers who are jealous of co-workers, or want victims to lose their jobs and become economically dependent on them.

Safety in Court

- Arrive in court before your client so that your client is not alone with the batterer. If this is impossible, advise your client to wait near a security guard or a bailiff. Be aware that batterers often physically assault, repeatedly harass or emotionally coerce victims in court.
- Sit at a physical distance from the batterer when you talk to your client or wait for the case to be called. Always position yourself between the batterer and your client. Batterers control and threaten their former victims simply by using body language.
- Do not permit the batterer to speak to your client. Even if you are present, you may be unaware that the batterer is threatening your client. Discuss any settlement negotiations with the batterer (or the batterer's lawyer if represented by counsel) and then report back to your client.
- Take the same precautions with the batterer's family members. In domestic violence cases, it is not uncommon for the batterer's family members to physically assault or verbally abuse the victim in court. Safeguard children if the batterer or family members insist on holding them.
- Make certain that your client is safe when exiting the courthouse. Batterers often stalk victims to discover where they live, or to punish victims for taking legal action.

Other Safety Concerns

- Assess the batterer's lethality. Your client has an increased risk of being severely assaulted or killed by the batterer if the batterer possesses weapons, abuses drugs or alcohol, stalks your client or has threatened homicide or suicide.
- Advise your client to stay at a shelter, or with friends or relatives, if your client fears that the batterer will assault or kill her. If your client has children, make certain that you have examined existing court orders and statutes to determine how flight may affect a custody case.
- Under certain circumstances, it may be necessary for a client to disappear completely. Assist your client to change names and social security numbers if necessary.
- Be aware of your safety. Most batterers seek to control their former or current partners, rather than their lawyers, and many batterers appear to be well-behaved in court. Nevertheless, some lawyers representing victims of domestic violence have been threatened by batterers or their family members. Take precautions if a problem arises.

Adapted from Deborah Goelman, *Safety Planning, in THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE: A LAWYER'S HANDBOOK* (ABA, Goelman et al. eds., 1996).