

Resources for families experiencing divorce, separation, or domestic violence during COVID-19

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Resources for domestic violence and sexual assault survivors during COVID-19

Restraining orders are still available in every Oregon county

Oregon courts have prioritized restraining order cases, and restraining orders are still available at every courthouse throughout Oregon. If you currently have a restraining order, you can also still apply to renew your restraining order. Remember, you still must submit your renewal paperwork before your current restraining order expires. This deadline has not been extended.

Many courts have limited the hours they are open to walk-ins and have changed the way restraining orders are usually obtained. You should check with your local court to determine when and how you can access restraining order services. You can find information about Court closures and postponements during COVID -19 here.¹

Types of restraining orders available in Oregon

Oregon has four main types of abuse prevention orders:

- Family Abuse Prevention Act (FAPA) restraining orders protect survivors of domestic abuse by a family or household member
- Sexual Abuse Protection Orders (SAPO) protect survivors of sexual abuse
- Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA) restraining orders protect elderly survivors and survivors with disabilities who have been abused
- Stalking Protection Orders (SPO) protect stalking survivors

Oregon has two additional restraining orders, but these are more commonly used by law enforcement. The Emergency Protection Order (EPO) is an order that can be applied for by law enforcement officers responding to an incident of domestic violence. An EPO lasts for seven days. The Extreme Risk Protection Order (ERPO) is an order that requires a person found to be in

imminent risk of suicide or committing harm to others to surrender their firearms and ammunition.

Go here to find out more information on Oregon's abuse prevention orders. ² You can also find a brief video on the most common restraining orders in Oregon here.³

Advocates are still available

Domestic and Sexual Violence Advocates are available throughout Oregon to assist with safety planning, and with applications for restraining orders and other resources. Some advocacy programs have access to free cell phones that may assist you in staying connected during this time, and/or access to shelter space or other housing options for survivors. They may also be able to assist you with applying for financial support, such as TA-DVS or other safety net resources.⁴

- To find your local domestic violence program, click here.⁵
- To find your local sexual assault program or provider click here.⁶
- For updates on how these programs have modified their services due to COVID-19, click here.

Advocates are available to help with safety planning during COVID-19

A safety plan is a set of steps you can take to reduce the risk of harm in an unsafe situation. It is helpful to create a safety plan in advance as it is hard to think and react quickly in a time of emergency or high stress. If you are unable to connect with an advocate to assist you with safety planning, there are many resources available online. The following are resources specific to safety planning during COVID-19:

- For general safety planning information during COVID-19, click here or here.⁸
- For safety planning in specific situations, such as safety planning with children or pets, and safety

planning while pregnant, click here.9

• For an interactive safety plan, click here. 10

Sexual Assault Forensic Examinations are still available

Sexual Assault Nurse Examiners (SANEs) are still available to provide support and Sexual Assault Forensic Examinations (SAFEs) to sexual assault survivors. SANEs are registered nurses with specialized training and clinical experience in providing forensic examinations (examinations intended to gather evidence for criminal prosecution) of sexual assault survivors. Every SAFE/SANE program in Oregon is still operational, though some may have moved the location of the examinations or changed the process for connecting with a SANE program.

- To learn more about SAFEs, click here. 11
- For information on availability during COVID-19, click here. 12
- To find your local sexual assault advocacy center, click here.¹³

Attorneys are still available

Legal Aid Services of Oregon (LASO) and Oregon Law Center (OLC) offices throughout the state are still open and providing legal advice and representation. LASO and OLC offices represent survivors in civil legal matters including restraining orders, family law matters, housing and employment issues, public benefits, and many other areas. Many offices are not currently serving walk-in clients, but you can find how best to contact each office by clicking here.¹⁴

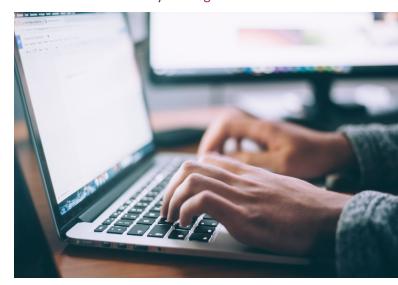
Additionally, most private attorney are continuing to work during COVID-19. If you would like to hire an attorney to represent you, but do not know where to find one, you can use the Oregon State Bar Lawyer Referral Service to get the name of an attorney who may be able to help you with your case. For more information, click here. 15

Financial resources are still available

Temporary Assistance for Domestic Violence Survivors (TA-DVS) is a financial assistance grant to support families whose safety is at risk due to domestic vio-

lence. TA-DVS can help with up to \$1,200 to make safety-related payments, such as a security deposit, relocation costs, new locks, or security cameras. For more information, click here. ¹⁶

Other financial and "safety net" resources can be found at the links below and by clicking here. 17



Safety considerations while using technology during COVID-19

Many programs are providing services remotely during the emergency and may be using cell phones rather than office phones, remote conference call services, emails, and other tools to provide such services. You should feel comfortable asking service providers how they are keeping your information confidential during COVID-19 and asking for an alternative if something makes you uncomfortable.

As with any time you use technology, you should consider whether someone is monitoring your computer, tablet or mobile device.

- For more information on increasing security and creating a technology safety plan, click here.
- For general information on technology and safety considerations, click here.¹⁹

Note: This section is part of a larger document "<u>Resources for families experiencing divorce, separation, or domestic violence during COVID-19.</u>" That resource includes an appendix of the full website addresses for each of the referenced websites.

Information on divorce, custody, and other family law cases in Oregon during COVID-19

Are courts open for family law cases?

While the courts remain open, most courts have rescheduled divorce and custody trials and hearings, or postponed them indefinitely. As an exception, Oregon circuit courts are still hearing certain family law matters relating to:

- · Restraining and protective orders,
- Temporary custody orders based on immediate danger, and
- Orders of assistance to obtain physical custody of a child held in violation of a custody order.

In addition to delaying most hearings or trials in family law matters, Oregon courts have temporarily suspended many of the self-help resources (such as family law clerks, facilitators, and forms assistance) that used to be available. The resources that remain available will vary by county. To see what your local court is doing, select your court from the drop-down menu here.¹

For survivors of abuse, limited services continue to be offered by the Gateway Center in Multnomah County, A Safe Place Family Justice Center in Clackamas County, and the Family Justice Center of Washington County.² Check their websites for details.

If you want to start a custody or divorce proceeding, you can still do so. All courts are accepting petitions to start a case. Likewise, the courts continue to accept responses to family law petitions. Please note that any applicable response deadlines are still in effect.

For more information on court operations during COVID-19, click here.³

Parenting time during COVID-19

If you have a custody order signed by a judge, you should generally continue to follow the parenting plan as it is written. A state-wide taskforce has written recommendations regarding how to handle parenting time.

The goal of these recommendations is to encourage the parties to follow their parenting plan as closely as possible, as doing so will ensure a level of consistency and stability that is in the children's best interests.

Please note that not all courts have adopted these guidelines. You should check with your local court to determine whether they are following these guidelines.



Definition of spring break, summer break, or holidays

While the schools are closed, parenting time shall continue as if the children are still attending school in accordance with the school calendar of the relevant district. "Spring break," "summer break" or other designated holidays, means the regularly calendared breaks, vacations, or holidays in the school district where the children are attending school (or would attend school if they were school aged). The closure of the school for public health purposes will not be considered an extension of any vacation or holiday period or weekend.

Denial of parenting time

COVID-19 is not a reason to deny parenting time.
Unless otherwise ordered by the court, parents are
considered fit to care for their children and make

decisions regarding the day-to-day aspects of parenting while the children are in their care. This day-to-day care includes following the Oregon Health Authority and your county public health directives regarding social distancing and sanitation-related measures (such as frequent handwashing).

Parenting time in public places

Governor Brown has forbidden all nonessential gatherings, regardless of size. If the parenting plan states that parenting time will occur in a public place, parenting time should continue at locations that are permitted under the health and safety guidelines for the state, such as a large park or nature hike. Public places where people routinely touch common contact surfaces (such as parks and play equipment) should be avoided. However, activities where parents and children can maintain social distancing and avoid such surfaces are encouraged. If that is not possible, then the parenting time should be conducted virtually via videoconferencing or by telephone.

Supervised parenting time

If parenting time is ordered to be supervised, and the supervisor is unavailable due to COVID-19-related issues or government orders, the parties should work collaboratively to ensure parenting time continues to occur in a manner that promotes their children's safety and wellbeing, such as finding an alternative supervisor. If that is not possible, then the parenting time should be conducted virtually via videoconferencing or by telephone.

Governor's executive orders regarding travel

The Governor has issued executive orders that restrict travel except for essential activities, which generally include caring for minors, dependents and/or family members. Therefore, unless otherwise directed by the Governor or other executive order, the parties should continue to follow the parenting plan as written while such orders are in effect.

Parenting time exchanges

During the exchange of the children, all parties should follow the CDC guidelines for limiting the spread of the virus, which may mean choosing an alternate location for the exchanges that has less people congregating and less touching of public items (changing from the restaurant to the grocery store parking lot for example).

Safety-related issues

Our first responders must remain available for true emergencies and for support related to the COVID-19 outbreak. Please do not call them for parenting-related disputes but rather only in the circumstances of real, immediate, and significant safety-related reasons.

Transparency

Unless the parties are restrained from communicating, parents are encouraged to communicate about precautions they are taking to slow the spread of COVID-19. A parent is not permitted to deny parenting time based upon the other parent's unwillingness to discuss their precautionary measures taken, or belief that the other parent's precautions are insufficient.

Makeup parenting time

If parenting time is missed due to COVID-19-related issues or government orders, parents are encouraged to work collaboratively to schedule makeup parenting time that promotes their children's safety and wellbeing. Local courts are strongly encouraged to order makeup parenting time, when appropriate.

The recommendation document can be found by clicking here.⁴

If you are experiencing domestic violence, sexual assault, or stalking, and would like to speak to an attorney, please consider contacting your local legal aid office. For a county-by-county directory of legal aid programs in Oregon, click here.⁵

Note: This section is part of a larger document "Resources for families experiencing divorce, separation, or domestic violence during COVID-19." That resource includes an appendix of the full website addresses for each of the referenced websites.

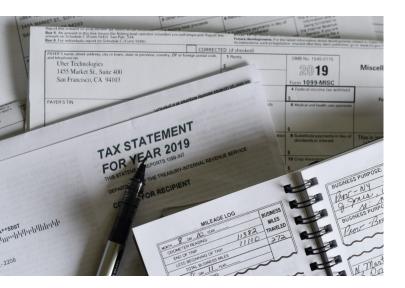
Frequently asked questions about the COVID-19 stimulus payment for families going through divorce or custody disputes

What is the "stimulus payment," and do I have to pay it back?

The stimulus payment, also called an economic impact payment, is a one-time cash payment from the federal government under the CARES Act that does not need to be paid back. Individuals who qualify for the stimulus payment will also receive additional stimulus payments for each of their qualifying children.

The stimulus payment is not considered income. This means it does not need to be reported for public benefits. It does not need to be "spent down" within a year; after a year any of the money that has not been spent will be counted as a "resource." You do not have to report this money on your 2020 taxes.

For more information on eligibility for the stimulus payment, how much you will receive, how to receive the payment, and important considerations for immigrant families, click here.¹



I filed joint taxes with my spouse last year, but now we are separated. How will I receive my stimulus payment?

If you filed your 2018 taxes with your spouse, and have not filed 2019 taxes yet, the stimulus payment will be direct deposited into the bank account listed on the 2018 tax return, or, if no bank account was listed, mailed to the address listed on your 2018 tax return.

If neither you nor your spouse have received a stimulus payment, you should file your 2019 taxes as soon as possible. This will ensure the IRS has your current bank account information and address, and notify the government that your marital status has changed. If you provide your bank information, you will receive your payment through direct deposit. If you do not provide your bank information, you will receive your payment in the mail.

If your spouse already received the stimulus payment for you, you can paper file a tax return to make sure you receive your portion of the stimulus payment. If you are the parent entitled to claim any dependent children, you can claim those children on your paper return as well. It may take time, but you will eventually receive your stimulus check directly from the IRS without the need to communicate with your former spouse.

If it is safe to do so, you can try to coordinate with your former spouse to get your portion of the stimulus payment. If you received the payment, you should give your former spouse their portion of the stimulus payment.

If you cannot agree on how to divide the money or your spouse refuses to give you the money, you will need a court order to divide the funds appropriately. However, there is no guarantee your former spouse will comply with a future court order so, this should be done in addition to filing a paper tax return.

My child's father/mother and I are no longer together. Who gets to claim the additional stimulus payment for our children?

The parent entitled to the additional stimulus payment for their children is the parent who has the right to claim the children as dependents on their federal taxes. Generally, you only have the right to claim your children as dependents if they reside in your home for more than half the year. For more information on determining whether you are entitled to claim your children as dependents, click here.²

My spouse and I are separated and plan to file our 2019 taxes as "married, filing separately." Who gets the additional stimulus payment for our children if we file separate taxes?

Same answer as last question. The parent entitled to the additional stimulus payments for their children, even in situations where you are still married and file separate tax returns, is the parent who has the right to claim the children as dependents on their federal taxes.

I do not file federal taxes and am separated from my children's father/mother. Is there any harm to letting my children's father/mother claim the children on their 2019 taxes this year?

That depends. If you already received the stimulus payment for you and your children, in other words, you have that money already in hand, then there may be no harm in letting the other parent claim the children on their 2019 taxes. However, you should consult a tax professional before allowing the non-custodial parent to claim your children as there are additional tax forms that will need to provided to the other parent to include with their tax return.

In addition, if you earned any income during 2019, you should speak with a tax professional. Even if you earned a very small amount of income and are not required to file taxes, you may want to consider filing, as you may be eligible for the Earned Income Tax Credit.

If neither you nor the other parent has received the stimulus payment yet, and you let the other parent claim your children on their 2019 taxes, they will get the stimulus payment for your children, assuming the children qualify.

How do I claim the stimulus payment for my children if I am not required to file taxes?

If you are not required to file taxes and do not receive disability benefits (SSI or SSDI) or retirement benefits, you should go online to the IRS non-filer website to enter your information and claim your stimulus payment for you and your children.³

If you do not file taxes because you receive disability benefits (SSI or SSDI) or retirement benefits, you were required to go online before the end of April to use the IRS Non-filer tool to claim your children. If you missed this deadline, you cannot use the online portal at this time. However, you can still file a tax return and receive a stimulus payment for your children.

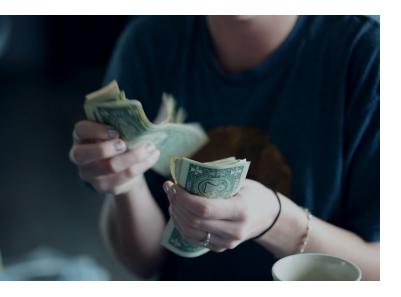


If you wish to receive an advance payment of your stimulus money, you have until December 31, 2020 to file a tax return and receive a stimulus check. This stimulus payment will be made by paper check and mailed to you at the address you list on your tax return. If you do not file by December 31, 2020, you will not receive a separate payment. Instead, you will receive it as along with your tax refund when you file your 2020 tax return, assuming you and your children still qualify in the 2020 tax year. Contact a tax professional if you have questions about this.

I believe my former partner has already claimed our children on their 2019 tax return even though they do not have the right to claim the children as dependents, what should I do?

If you believe you are entitled to claim your children as dependents on your federal taxes, but your former

partner has already claimed the children, you can file a separate tax return for 2019 and claim the children. You will need to file a paper return to do this. When two parents claim the same children on their tax return, your tax returns will be reviewed by the IRS. The IRS will determine which parent is entitled to claim the children.



I believe my former partner/spouse may have received my stimulus payment, what should I do?

If your spouse already received the stimulus payment for you, you can paper file a tax return to make sure you receive your portion of the stimulus payment. If you are the parent entitled to claim any dependent children, you can claim those children on your paper return as well. It may take time, but you will eventually receive your stimulus check directly from the IRS without the need to communicate with your former spouse.

If it is safe, contact your former partner and ask them to give you your share of the stimulus payment.

If it is not safe to contact your former partner or if they will not agree to hand over your stimulus, you will need to get a court order requiring them to do so. You should contact an attorney for assistance. However, there is no guarantee your former spouse will comply with a future court order. So, this should be done in addition to filing a paper tax return.

It has been a long time, and I have not received my stimulus money. What can I do?

Be aware the processing times for receiving the stimulus money vary. However, if you receive a letter from a government organization stating that you will not receive your stimulus money because it is being garnished, contact a lawyer immediately.

You can check the status of the stimulus money on the IRS website.⁴

Additional resources

- Low-cost banks. If you do not have your own bank account, you can find a list of low or no-cost potential banking options here.⁵
- Protecting stimulus payment from creditors.
 Information about protecting your stimulus payment from being taken by creditors can be found here.⁶
- Tax filing status. To determine your filing requirements, you may find your filing status here.⁷
- Free legal assistance with stimulus payments and tax issues. If you have not received your stimulus payment or have concerns about receiving your stimulus payment, contact Legal Aid Services of Oregon's Low Income Taxpayer Clinic at 1-888-610-8764.

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Additional information and resources for families during the COVID-19 pandemic

Unemployment benefits and worker's rights during COVID-19

Most workers in Oregon who are unable to work or cannot accept new work offers due to COVID-19 or who are unable to work due to domestic violence situations are likely eligible for some form of unemployment benefit. The federal CARES act extended unemployment benefits to most workers, including selfemployed, contract, gig, or other workers. For information on the additional unemployment benefits available under the federal CARES act, click here or click here. The best way to find out if you are eligible is to apply for benefits using one of the methods below.

Applying for unemployment benefits

- Apply online. The best way to apply is online at the Oregon Employment Department website.²
- Apply by phone. You can also apply by phone by calling 1-877-FILE-4-UI (press the option to speak to a live operator.)
- Apply through WorkSource. You can also apply by contacting your local WorkSource office.³

Worker's rights

• Worker's rights. For information on worker's rights during COVID-19, click here. 4



 Worker's rights for survivors. For information specific to employment rights and protections for survivors of domestic violence and sexual assault, click here or here to watch a short animation that explains your rights.⁵

Housing protections during COVID-19

If you are renting your home, you likely have additional protections as a tenant during COVID-19. Oregon's Governor Kate Brown and the Chief Justice of the Oregon Supreme Court have issued orders that temporarily prevent most (but not all) evictions from moving forward. Note that, despite this restriction on evictions, survivors may still obtain restraining orders that will remove a person who committed abuse from the home.

- COVID-19 protections for tenants. For more information and resources explaining your rights as a tenant in Oregon during COVID-19, click here.⁶
- Tenants protections for survivors. For information about housing rights and housing protections for survivors (not specific to COVID-19) click here or watch a short video by clicking here.⁷
- Mortgage relief. If you are a homeowner but are having difficulty paying your mortgage, you may be eligible for mortgage relief options such as temporarily lowering or pausing your payments and protections against foreclosure. For more information, click here.⁸

Free legal help

Legal aid organizations in Oregon are still offering free, civil (not criminal) legal services to low-income Oregonians during COVID-19. If you are currently unemployed and struggling financially, you may be eligible for free legal assistance. You may be able to get legal advice or help with housing, divorce and custody, employment, and other civil legal issues from your local legal aid office. To find your local office, click here.⁹

Other resources available during COVID-19

- COVID-19 legal information. For up-to-date information and resources related to COVID-19, written by Oregon attorneys, click here.
- Safety net supports and food benefits. For information on safety net supports, health benefits, cash assistance and food resources available during COVID-19, click here.¹¹
- Financial support for food/Pandemic EBT program. For information on the pandemic EBT program, which provides families who are eligible for free and reduced-rate school lunches, with additional financial support for food, click here.
- Childcare during COVID-19. For information on how COVID-19 is affecting licensed childcare facilities, click here.¹³

- **Consumer rights.** For information on consumer protections during COVID-19, click here. 14
- **211 Info.** For general information and resources related to COVID-19, click here. ¹⁵
- For tips on helping a friend experiencing domestic abuse during COVID-19, click here.¹⁶

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Appendix 1: Footnotes with full website addresses

Resources for domestic violence and sexual assault survivors during the COVID-19 pandemic

- https://oregonlawhelp.org/classroom/public-health-andcoronavirus-covid-19/courts
- https://oregonlawhelp.org/issues/protection-from-abuse/ protective-and-restraining-orders
- ³ https://www.youtube.com/embed/WNn9NhC88ho
- ⁴ https://sharedsystems.dhsoha.state.or.us/DHSForms/Served//de2384.pdf or https://oregonlawhelp.org/files/CCDACC15-944D-570E-7F1F-7BBF3DEC0018/attachments/9297BB04-C572-46B8-B537-B93B65F0E9AB/safety-net-resources-english.pdf
- ⁵ https://www.ocadsv.org/find-help
- ⁶ https://oregonsatf.org/help-for-survivors/
- ⁷ https://www.ocadsv.org/updates-impact-service-delivery-due-covid-19
- https://sanctuaryforfamilies.org/wp-content/uploads/2020/04/ Safety-Planning-EN.pdf or https:// www.thehotline.org/2020/03/13/staying-safe-during-covid-19/
- 9 https://www.thehotline.org/help/path-to-safety/
- https://www.loveisrespect.org/for-yourself/safety-planning/ interactive-safety-plan/
- http://oregonsatf.org/wp-content/uploads/2019/11/ENGLISH-SAFE-Exam-Overview-2019.pdf
- 12 https://youtu.be/zvybxzRXwQE
- ¹³ https://oregonsatf.org/help-for-survivors/
- ¹⁴ https://oregonlawhelp.org//resource/oregon-legal-aid-offices
- 15 https://www.osbar.org/public/ris/
- ¹⁶ https://sharedsystems.dhsoha.state.or.us/DHSForms/Served// de2384.pdf
- ¹⁷ https://oregonlawhelp.org/files/CCDACC15-944D-570E-7F1F-7BBF3DEC0018/attachments/9297BB04-C572-46B8-B537-B93B65F0E9AB/safety-net-resources-english.pdf
- ¹⁸ https://www.techsafety.org/resources-survivors/technologysafety-plan
- ¹⁹ https://nnedv.org/wp-content/uploads/2020/04/ Library TechSafety Seeking Help Online Handout.pdf

Information on divorce, custody, and other family law cases in Oregon during COVID-19

- ¹ https://www.courts.oregon.gov/Pages/default.aspx
- https://www.courts.oregon.gov/Pages/default.aspx, https://www.asafeplacefjc.org/, and https://www.fjcwc.org/
- ³ https://oregonlawhelp.org/classroom/public-health-andcoronavirus-covid-19/courts
- https://www.courts.oregon.gov/programs/family/sflac/SFLAC%
 20Documents/
 SFLACGuidelineForParentsDuringCOVID19Pandemic.pdf
- ⁵ https://oregonlawhelp.org//resource/oregon-legal-aid-offices

Frequently asked questions about the COVID-19 stimulus payment for families going through divorce or custody disputes

- ¹ https://oregonlawhelp.org/issues/covid-19-resources/covid-19-stimulus-money
- ² https://www.irs.gov/faqs/filing-requirements-status-dependents/ dependents/dependents-3

- ³ https://www.irs.gov/coronavirus/non-filers-enter-payment-infohere
- ⁴ https://www.irs.gov/coronavirus/get-my-payment
- ⁵ http://bankonoregon.org/
- ⁶ https://library.nclc.org/protecting-against-creditor-seizurestimulus-checks
- ⁷ https://www.irs.gov/help/ita/what-is-my-filing-status

Additional information and resources for families during the COVID-19 pandemic

- https://oregonlawhelp.org/files/CCDACC15-944D-570E-7F1F-7BBF3DEC0018/attachments/C4850F92-7809-4C8D-B927-2AA52BD115E2/pua-1-pager-unemployment-(english)-(2).pdf or https://govstatus.egov.com/ui-benefits/CARES
- https://www.oregon.gov/employ/unemployment/pages/ default.aspx
- ³ http://www.worksourceoregon.org/
- ⁴ https://oregonlawhelp.org/files/CCDACC15-944D-570E-7F1F-7BBF3DEC0018/attachments/5EBAFAB8-1994-474A-B3C3-D112414F77B4/covid19-workers-rights-faq_english_april-2-2020.pdf
- ⁵ https://oregonlawhelp.org/resource/workplace-protections-forvictims-of-domestic?ref=2xKWj or https://www.youtube.com/ embed/ZFvfK0W0n20
- $^{\rm 6}$ https://oregonlawhelp.org/issues/covid-19-resources/housing-protections
- ⁷ https://oregonlawhelp.org/resource/housing-rights-for-domestic-violence-sexual-a?ref=2xKWj or https://www.youtube.com/embed/3k2LHD3XIVQ?rel=0
- 8 https://www.consumerfinance.gov/about-us/blog/guidecoronavirus-mortgage-relief-options/
- ⁹ https://oregonlawhelp.org//resource/oregon-legal-aid-offices
- https://oregonlawhelp.org/issues/covid-19-resources/covid-19stimulus-money
- ¹¹ https://oregonlawhelp.org/files/CCDACC15-944D-570E-7F1F-7BBF3DEC0018/attachments/9297BB04-C572-46B8-B537-B93B65F0E9AB/safety-net-resources-english.pdf
- ¹² https://oregonhunger.org/wp-content/uploads/2020/05/P-EBTMaterial2.pdf
- ¹³ https://oregonearlylearning.com/COVID-19-Resources
- ¹⁴ https://www.nclc.org/special-projects/covid-19-consumerprotections.html
- 15 https://covid19.211info.org/
- https://static1.squarespace.com/ static/51dc541ce4b03ebab8c5c88c/ t/5e8e0ed3bcc74033b670a8d0/1586368212209/ NNEDV+COVID+Tips+FINAL.pdf