

**Frequently Asked Questions (FAQs)**  
**Regarding Protecting Survivors of Domestic and Other Interpersonal Violence or Abuse**  
**During Shelter in Place**

**Issued:** April 8, 2020

**Revised:** June 19, 2020

**Issued by:** Barbara J. Parker, Oakland City Attorney; Nancy E. O'Malley, Alameda County District Attorney

**NOTE ON JUNE 19, 2020 REVISION**

The Office of the Oakland City Attorney and the Alameda County District Attorney's Office are issuing this revised FAQ document to reflect updates to Alameda County's Shelter-in-Place Order and changes to the Alameda County Superior Court's operations. Specifically, previously issued FAQ Nos. 5 and 6 have been revised to reflect the latest available information about the Superior Court's processing of temporary restraining orders ("TROs") and other forms of emergency relief. Those FAQs are reproduced in this note of revision for the reader's convenience. The remainder of the FAQs issued on April 8, 2020, remain substantially unchanged. The full revised FAQs numbered 1 through 8 are attached to this note of revision.

**5. Can I seek an emergency protective order or temporary restraining order ("TRO") while shelter-in-place orders are in effect?**

- Updated to reflect expanded services offered by the Alameda County Superior Court, including: (1) ability to file TRO application by mail, fax, and/or drop box; (2) ability to seek assistance with TROs through Self-Help Center (contact information below); (3) processing of domestic violence, civil harassment, gun violence, and elder abuse restraining orders; and (4) scheduling of some remote hearings.

**Answer: Yes.** Residents may leave their homes to avoid domestic or other interpersonal violence, and to engage in activities essential to their health and safety or to the health and safety of their family or household members. Leaving one's residence to seek legal relief from domestic or other interpersonal violence is therefore consistent with the shelter-in-place orders.

If you are in immediate danger, please call 9-1-1. A police officer can request that a judge give you an Emergency Protective Order, which may be valid for up to 30 days.<sup>1</sup>

Separate from calling 9-1-1, you may also seek a TRO from the Alameda County Superior Court. Individuals can obtain assistance with filing TRO requests by

contacting the Alameda County Family Justice Center at (510) 267-8801, or by contacting the other legal organizations listed in FAQ 4. You can also visit the Alameda County Self-Help Center, located at Department 501 in the Hayward Hall of Justice, between 8:30 a.m. and 12:00 p.m. Monday-Friday. You can also call the Self-Help Center at (510) 272-1393 between 2:00 p.m. and 4:00 p.m. Monday-Thursday.

At present, individuals can submit requests for TROs by mail, fax, or via the drop boxes at the Rene C. Davidson Courthouse at 1225 Fallon Street in Oakland and at the Hayward Hall of Justice at 24405 Amador Street in Hayward. Court staff will contact you once your TRO has been ruled on and is ready for pickup. Completed TROs are available for pickup at the Rene C. Davidson Courthouse in Oakland or at the Hayward Hall of Justice. The Court is also beginning to hold a limited number of emergency hearings on TRO applications and will contact the parties to schedule a remote hearing if necessary. Additional information may be found on the Court's website, available here: <http://www.alameda.courts.ca.gov/Pages.aspx/COVID-19>.

The Superior Court has also begun processing requests for domestic violence, civil harassment, gun violence, and elder abuse restraining orders. Parties can submit such requests and the necessary paperwork by mail, fax, or via the drop boxes at the Rene C. Davidson Courthouse in Oakland and at the Hayward Hall of Justice. The Court may then contact the parties or their counsel to discuss resolution of the request and/or a possible remote hearing.<sup>2</sup>

**6. I had a temporary restraining order (“TRO”) prior to the shelter-in-place declaration and I am worried it has since expired. What should I do?**

- Updated to reflect recent information regarding extensions of TROs and options to check the new expiration date of an already-issued TRO.

**Answer: Your order may still be valid and in place.** The Alameda County Superior Court has issued several orders that extended already-issued TROs that were set to expire between March 17 and May 24 by a period of 30 days from the date on which they otherwise would have expired.<sup>3</sup> On April 6, the California Judicial Council adopted an emergency rule extending TROs issued or set to expire during the COVID-19 state of emergency to allow courts sufficient time to schedule a hearing.<sup>4</sup>

**This means that if you had a temporary restraining order that was or is supposed to expire any time between March 17 and May 31, your order has likely been extended. You can check the new expiration date for your TRO by calling the Clerk's Office at (510) 690-2700, checking your case status on [DomainWeb](#), or calling the Self Help Center at (510) 272-1393 between 2:00 p.m. and 4:00 p.m. Monday-Thursday.**

The Alameda County Superior Court is now beginning to accept filings to renew or modify a TRO by mail, fax, or via the drop boxes at the Rene C. Davidson Courthouse in Oakland and at the Hayward Hall of Justice. Please consult the Alameda County Superior Court's [website](#) for the latest guidance on the Court's operations during the shelter-in-place orders.

The Oakland Police Department is aware of the Superior Court and Judicial Council's orders extending the validity of TROs, and will act in accordance with those orders, including any new orders issued, and applicable state law.

As noted above, the guidance offered in the remaining FAQs is current. Below is a summary of those FAQs:

- The FAQs are intended to cover situations of domestic violence, elder or dependent adult abuse, child abuse, and human trafficking. More detailed definitions of those terms can be found in FAQ No. 1
- During shelter-in-place orders, Oaklanders may leave their homes to escape domestic violence or child abuse; to seek access to healthcare, shelter, and other support services for themselves and/or their loved ones; and/or to seek a temporary restraining order or other legal relief.
- Shelters, crisis intervention, and other support services that serve survivors of domestic violence, child abuse, human trafficking, and elder abuse, can remain open during the shelter-in-place orders. Contact information for several shelters and support services that are open can be found in FAQ No. 4. These organizations provide services to all individuals regardless of immigration status.
- If you are in immediate danger, or believe a loved one, friend, or neighbor is in immediate danger, please call 9-1-1. OPD takes incidents of domestic and other interpersonal violence seriously. OPD will not ask for the immigration status of anyone calling to report domestic violence.

A complete version of the revised FAQs follows.

## **I. INTRODUCTION**

In response to the current pandemic of novel coronavirus ("COVID-19"), on March 16, 2020 the Alameda County Public Health Department issued a Shelter-In-Place Order requiring Alameda County residents, including the residents of Oakland, to remain in their homes except for certain designated exceptions; the Department has since extended shelter-in-place, with limited exceptions. In addition, on March 19, 2020 Governor Newsom issued an Executive Order requiring all California residents to shelter in place except for those working in or accessing certain essential businesses or services.

While these measures are necessary to slow the spread of COVID-19, they can pose serious risks for residents who are experiencing domestic and/or interpersonal violence while sheltering in place. These Frequently Asked Questions ("FAQs") are intended to clarify the current shelter-in-place requirements as they relate to residents facing domestic or other interpersonal violence.

Oakland City Attorney, Barbara J. Parker and Alameda County District Attorney, Nancy O'Malley jointly issue these FAQs.

Although the information provided below is current as of the time of issuance, this is a rapidly evolving situation. We will make our best efforts to keep an updated version of this document on our websites and will issue a new version of this document if there are significant changes in facts and circumstances.

## **II. FREQUENTLY ASKED QUESTIONS**

### **1. What are the definitions of interpersonal and domestic violence?**

**Answer:** The World Health Organization broadly defines interpersonal violence as violence between individuals.<sup>5</sup> For purposes of these FAQs, interpersonal violence includes domestic violence, elder or dependent adult abuse, child abuse, and human trafficking.

The California Department of Public Health defines “domestic violence” as “a spectrum and often a pattern of behaviors that includes physical, sexual, verbal, emotional, and psychological abuse and/or economic control used by adults or adolescents against their current or former intimate partners.”<sup>6</sup> Intimate partners may or may not be cohabiting; may be of any gender identity; and include spouses, dating partners, and/or ongoing sexual partners. In the context of COVID-19, abusers may withhold, or threaten to withhold, necessary personal hygiene products like hand sanitizer, soap, or disinfectants; share misinformation about the pandemic to control or frighten survivors; threaten a person if they seek legal or service assistance; and/or threaten or prevent victims from seeking medical attention for symptoms.

Interpersonal violence is not limited to violence against intimate partners and also can include threatening to harm and/or harming children, parents, elders, and/or other close family members. Child and/or elder abuse often take similar form(s) as intimate partner violence, and commonly occur alongside intimate partner violence. Whether experienced by a partner, a child, a parent, an elder or dependent adult, cohabitant, and/or other family members or intimates, all of these forms of violence and abuse are prohibited by law.

Human trafficking involves compelling or coercing a person to provide labor or services, or to engage in commercial sex acts. The coercion can be subtle or overt, physical or psychological, and may involve the use of violence, threats, lies, or debt bondage.<sup>7</sup>

When the terms “interpersonal violence” and “domestic violence” are used in these FAQs, they are intended to encompass all the forms of violence or abuse described above, without regard to the identity, including gender identity or gender expression, of the alleged abuser(s) or the survivor(s).

### **2. Am I allowed to leave my residence if domestic or other interpersonal violence makes my home unsafe for me, my child, my pet, my parent, and/or another intimate or family member?**

**Answer: Yes.** Under Alameda County’s shelter-in-place order, residents may leave their homes “to avoid domestic violence or child abuse.”<sup>8</sup> This means that if your home is not a safe place for you and/or a loved one, you can leave and seek a safer place. In addition, residents may leave their homes to engage in activities “important to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets).”<sup>9</sup> Important activities include accessing healthcare services as well as organizations that provide food, shelter, social services, and other necessities of life for vulnerable populations.<sup>10</sup> The City of Oakland considers survivors of domestic or other interpersonal violence, and dependent family members and other intimates listed in FAQ #1, to be a vulnerable population for purposes of the shelter-in-place orders. Thus, survivors of domestic or other interpersonal violence may also leave home to access healthcare, shelter, and other support services for themselves and/or their loved ones.

**3. Do the shelter-in-place requirements mean domestic violence shelters, crisis intervention, and other support services are closed?**

**Answer: No.** Organizations that provide healthcare, food, shelter, child welfare, adult protective services, social and supportive services, and other necessities of life for vulnerable populations are exempted from the shelter-in-place orders issued by Alameda County and the Governor.<sup>11</sup> In addition, the City of Oakland Human Services Department is continuing to provide homeless services, food, health, and medical services, and is continuing to administer payments to non-profit partner agencies providing these services.

Thus shelters, crisis intervention, and other support services that serve survivors of interpersonal violence, including domestic violence, child abuse, human trafficking and elder abuse, may remain open during the shelter-in-place orders, and staff of organizations providing these services can travel to and from work under the orders.

**4. If I need to leave my residence because of domestic or other interpersonal violence, where can I go?**

**Answer:** Several resources remain open to assist survivors of domestic or other interpersonal violence and their loved ones.

The Alameda County Family Justice Center (“ACFJC”) is currently open and provides services and support to individuals and families who have experienced domestic violence, sexual assault and exploitation, child abuse, elder and dependent adult abuse, and human trafficking. Free services provided by the ACFJC include assistance with restraining orders, case management, safety planning, shelter/housing assistance, and Medi-Cal and CalFRESH application assistance. More information on the services available at the ACFJC can be obtained on their website available [here](#), by searching your web browser for “Alameda County Family Justice Center,” or by calling any of the below phone numbers:

- General information/reaching a Client Navigator: (510) 267-8800
- Domestic violence crisis hotline: (800) 947-8301
- Rape crisis hotline: (510) 845-7273

The Alameda County Social Services Agency is also open and maintains hotlines for child and elder abuse:

- Child Abuse Hotline: 510-259-1800
- Elder Abuse Hotline: 510-577-3500 or 1-800-225-5277

In addition, information about CalWORKS, CalFRESH, Medi-Cal, and EBT can be found from the Alameda County Social Services Agency by calling 510-263-2420 or 1-888-999-4772. Additional contact information for the Alameda County Social Services Agency can be found [here](#), or by searching your web browser for “Alameda County Social Services Contact Us.”

The following emergency support services and shelters are also open during the COVID-19 pandemic:

- Alameda Health System Highland Campus/Domestic Violence Program and Sexual Assault Center (SART) (advocacy/counseling): (510) 534-9290 (available 24 hours/day)
- A Safe Place Emergency Shelter Program: 510-536-SAFE (510-536-7233)
- Bay Area Women Against Rape (immediate service for survivors of sexual assault): 510-845-7273 (available 24 hours/day)
- Building Futures with Women and Children (domestic violence support, including shelter): 1-866-A-WAY-OUT (1-866-292-9688)
- District Attorney Hate Crimes Hotline (including to report gender-motivated violence; available in English, Spanish, Farsi, Mandarin, Cantonese, and Tagalog): (510) 208-4824
- Family Violence Law Center (legal and other services for survivors): 1-800-947-8301 (available 24 hours/day)
- International Institute of the Bay Area (IIBA) (immigration services for survivors): (510) 451-2846 ext. 301
- Jewish Family & Children’s Services of the East Bay (remote therapy): (510) 704-7475
- La Familia (remote therapy): (510) 881-5921
- MVTC Family Law (legal and other services for survivors): (510) 891-5200
- Narika (survivor services and emergency supplies): (800)-215-7308
- Progressive Transition(s), Inc. (counseling and education services for survivors): (510) 917-0666
- Ruby’s Place (domestic violence shelter): 888-339-7233

Note that these resources provide services to all individuals, regardless of immigration status.

##### **5. Can I seek an emergency protective order or temporary restraining order (“TRO”) while shelter-in-place orders are in effect?**

**Answer: Yes.** Residents may leave their homes to avoid domestic or other interpersonal violence, and to engage in activities essential to their health and safety or to the health and safety of their family or household members. Leaving one’s residence to seek legal relief from domestic or other interpersonal violence is therefore consistent with the shelter-in-place orders.

If you are in immediate danger, please call 9-1-1. A police officer can request that a judge give you an Emergency Protective Order, which may be valid for up to 30 days.<sup>12</sup>

Separate from calling 9-1-1, you may also seek a TRO from the Alameda County Superior Court. Individuals can obtain assistance with filing TRO requests by contacting the Alameda County Family Justice Center at (510) 267-8801, or by contacting the other legal organizations listed in FAQ 4. You can also visit the Alameda County Self-Help Center, located at Department 501 in the Hayward Hall of Justice, between 8:30 a.m. and 12:00 p.m. Monday-Friday. You can also call the Self-Help Center at (510) 272-1393 between 2:00 p.m. and 4:00 p.m. Monday-Thursday.

At present, individuals can submit requests for TROs by mail, fax, or via the drop boxes at the Rene C. Davidson Courthouse at 1225 Fallon Street in Oakland and at the Hayward Hall of Justice at 24405 Amador Street in Hayward. Court staff will contact you once your TRO has been ruled on and is ready for pickup. Completed TROs are available for pickup at the Rene C. Davidson Courthouse in Oakland or at the Hayward Hall of Justice. The Court is also beginning to hold a limited number of emergency hearings on TRO applications and will contact the parties to schedule a remote hearing if necessary. Additional information may be found on the Court's website, available here:

<http://www.alameda.courts.ca.gov/Pages.aspx/COVID-19>.

The Superior Court has also begun processing requests for domestic violence, civil harassment, gun violence, and elder abuse restraining orders. Parties can submit such requests and the necessary paperwork by mail, fax, or via the drop boxes at the Rene C. Davidson Courthouse in Oakland and at the Hayward Hall of Justice. The Court may then contact the parties or their counsel to discuss resolution of the request and/or a possible remote hearing.<sup>13</sup>

**6. I had a temporary restraining order (TRO) prior to the shelter-in-place declaration and I am worried it has since expired. What should I do?**

**Answer: Your order may still be valid and in place.** The Alameda County Superior Court has issued several orders that extended already-issued TROs that were set to expire between March 17 and May 24 by a period of 30 days from the date on which they otherwise would have expired.<sup>14</sup> On April 6, the California Judicial Council adopted an emergency rule extending TROs issued or set to expire during the COVID-19 state of emergency to allow courts sufficient time to schedule a hearing.<sup>15</sup>

**This means that if you had a temporary restraining order that was or is supposed to expire any time between March 17 and May 31, your order has likely been extended. You can check the new expiration date for your TRO by calling the Clerk's Office at (510) 690-2700, checking your case status on [DomainWeb](#), or calling the Self Help Center at (510) 272-1393 between 2:00 p.m. and 4:00 p.m. Monday-Thursday.**

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at the Hayward Hall of Justice. Please consult the Alameda County Superior Court’s [website](#) for the latest guidance on the Court’s operations during the shelter-in-place orders.

The Oakland Police Department is aware of the Superior Court and Judicial Council’s orders extending the validity of TROs, and will act in accordance with those orders, including any new orders issued, and applicable state law.

**7. I am not experiencing violence personally, but I believe I can hear a person or animal being abused. What can I do to help?**

If you believe that a friend, family member, or neighbor is in imminent physical danger, please call 9-1-1. For non-emergencies, you can contact the Oakland Police Department non-emergency line at (510) 777-3333. You can also call the Alameda County Family Justice Center at (510) 267-8800 and the services identified in FAQ # 4 for further guidance on how to help neighbors or loved ones who may be experiencing domestic violence. Additional online resources are available on the websites for the [National Domestic Violence Hotline](#) and the [National Coalition Against Domestic Violence](#).

**8. If I call the police because I or someone I know is being abused, will they ask about my immigration status?**

The entities issuing these FAQs cannot give any person legal advice regarding their individual potential justice system involvement. However, the Oakland Police Department will not attempt to check the immigration status of any person calling to report domestic violence. In addition, the Oakland Police Department takes incidents of domestic and other interpersonal violence seriously, and their priority is to protect survivors of violence, including by ensuring that survivors can request police assistance without fear.

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<sup>1</sup> California Rules of Court Emergency Rule 8.

<sup>2</sup> Alameda County Superior Court Emergency Local Rules 5.27, 5.38.

<sup>3</sup> Judicial Council of California Emergency Order to Alameda County Superior Court (Mar. 17, 2020), <http://www.alameda.courts.ca.gov/Resources/Documents/JCC%20Emergency%20Order%20March%2017%202020.pdf>; Alameda County Superior Court Mar. 16, 2020 Press Release,

<http://www.alameda.courts.ca.gov/Resources/Documents/COVID%20Press%20Release%20--%20March%2016.CF2.pdf>; Implementation Order Regarding Time Frames in Criminal and Civil Matters Pursuant to March 30, 2020 Statewide Order of Chief Justice, Alameda County Superior Court, Apr. 3, 2020, <http://www.alameda.courts.ca.gov/Resources/Documents/April%203,%202020%20-%20Implementation%20Order.pdf>

<sup>4</sup> California Rules of Court Emergency Rule 8.

<sup>5</sup> Definition and typology of violence, Violence Prevention Alliance, World Health Organization (April 3, 2020), <https://www.who.int/violenceprevention/approach/definition/en/>

<sup>6</sup> Domestic Violence/Intimate Partner Violence, California Dep’t of Public Health, <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/Pages/DomesticViolenceIntimatePartnerViolence.aspx> (last visited Mar. 26, 2020).

<sup>7</sup> What is Human Trafficking, Office of the California Attorney General, <https://oag.ca.gov/human-trafficking/what-is> (last visited Apr. 6, 2020).

<sup>8</sup> June 5, 2020 Alameda County Order ¶ 15(i)(ix), <http://www.acphd.org/media/584322/alameda-county-health-officer-order-20-14-english.pdf>.

<sup>9</sup> June 5, 2020 Alameda County Order ¶ 15(a)(1).

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<sup>10</sup> June 5, 2020 Alameda County Order ¶¶ 15(b), (f)(iv).

<sup>11</sup> June 5, 2020 Alameda County Order ¶ 15(f)(iv); Essential Critical Infrastructure Workers at 11 (Mar. 22, 2020), <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

<sup>12</sup> California Rules of Court Emergency Rule 8.

<sup>13</sup> Alameda County Superior Court Emergency Local Rules 5.27, 5.38.

<sup>14</sup> Judicial Council of California Emergency Order to Alameda County Superior Court (Mar. 17, 2020), <http://www.alameda.courts.ca.gov/Resources/Documents/JCC%20Emergency%20Order%20March%2017%202020.pdf>; Alameda County Superior Court Mar. 16, 2020 Press Release, <http://www.alameda.courts.ca.gov/Resources/Documents/COVID%20Press%20Release%20--%20March%2016.CF2.pdf>; Implementation Order Regarding Time Frames in Criminal and Civil Matters Pursuant to March 30, 2020 Statewide Order of Chief Justice, Alameda County Superior Court, Apr. 3, 2020, <http://www.alameda.courts.ca.gov/Resources/Documents/April%203,%202020%20-%20Implementation%20Order.pdf>

<sup>15</sup> California Rules of Court Emergency Rule 8.