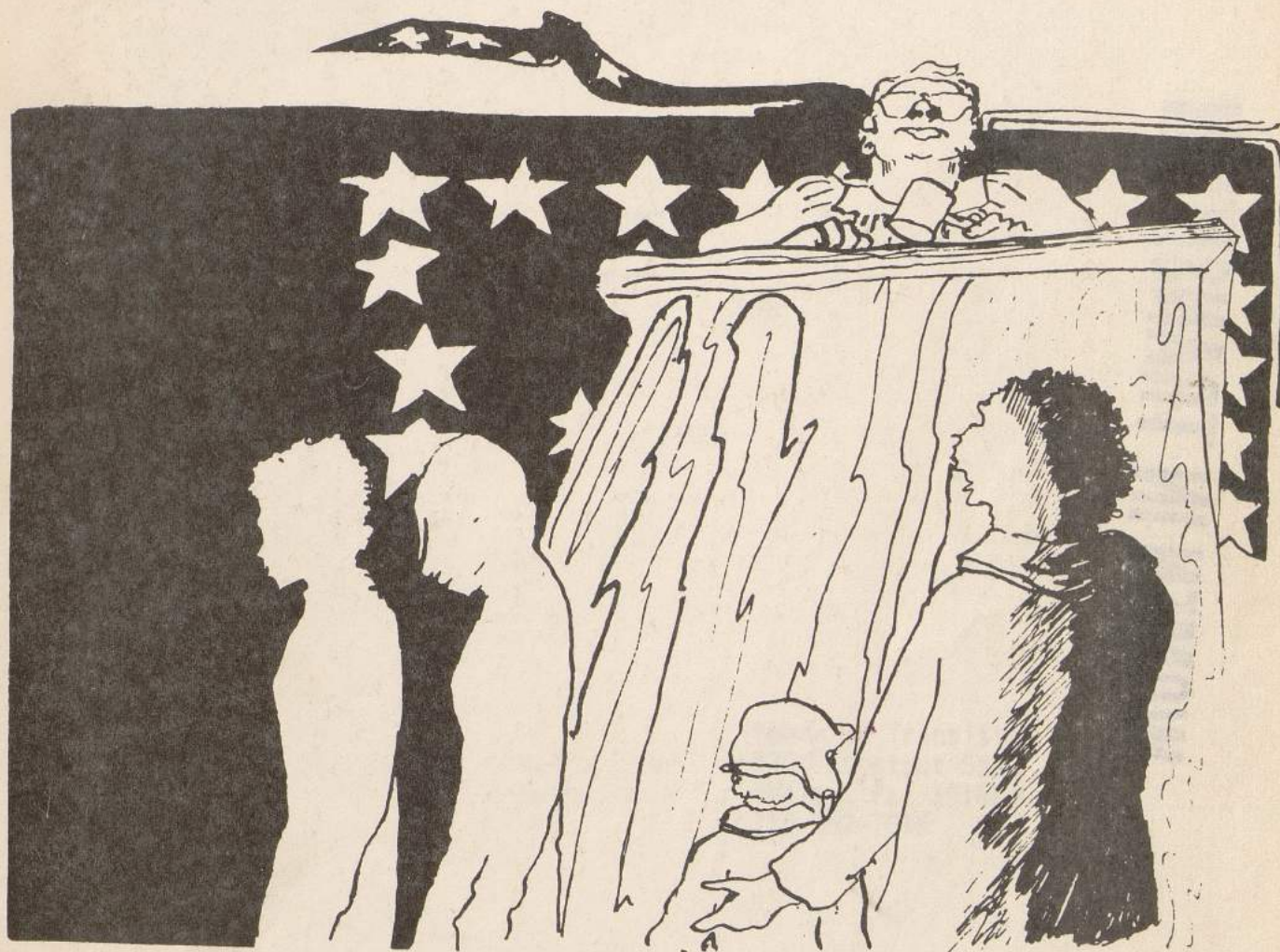


WOMEN IN TRANSITION INC.

**SURVIVAL INFORMATION
FOR WOMEN**



**FAMILY COURT, CHILD CUSTODY,
DOMESTIC VIOLENCE, LEGAL,
SERVICES, WELFARE & MORE**

WOMEN IN TRANSITION

SURVIVAL INFORMATION
FOR WOMEN

Women in Transition
3700 Chestnut St.
Phila., Pa. 19107
215-382-7016

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"ILLEGITIMACY"

Q: What are the legal results of a child being labelled "illegitimate?"

A: Although there were until recently many forms of legal discrimination against children born to unmarried women, many of these have disappeared in the last few years and much is being done to get rid of the remaining legal disadvantages. Recent rulings have made it illegal for social security, workers compensation, and other like agencies and services to discriminate against "illegitimate" children in terms of benefits.

A recent Pennsylvania State Health Department ruling makes it possible for the unmarried parents of a child to sign a statement at the birth of the child indicating the names of both parents and giving the child the last name of either parent as they wish. The procedure prior to this ruling was to label every child born to an unmarried woman "illegitimate" on the birth record and give the child the mother's last name; the father would have a harder time proving he was the father if he wanted to. As of very recently, hospitals are not allowed to register children "illegitimate" on the birth certificate -- even if you don't know who the father is. These policies and rulings are so new that many hospitals are not used to them. If you have any trouble, call Community Legal Services, PE 5-6101 and/or Women in Transition for help.

The main remaining legal (there are lots of social disadvantages still) disadvantages for children labelled "illegitimate" is that they can not inherit from their fathers or their fathers' relatives if their fathers die without a will and have property to be inherited. "Illegitimate" children can always inherit if they are named (and not just designated as "my children") in a will.

Q: Is there any way of getting the "illegitimate" label removed once it has been put on a child's birth record?

A: There are only two ways to remove the label -- either the parents get married, or the father adopts the child. Getting married doesn't make the label disappear automatically, but the step after that is easy. The adoption process can be complicated and expensive, and may not work for you. New rulings will not change the birth certificates of children born before the ruling takes effect.

Q: Where did the "illegitimate" label come from and what purpose does it serve?

A: Legally, children born to unmarried mothers are known as "nobody's child!" -- that is, they have no father's family to inherit from. The status of "illegitimacy" is old, but not so old as the society in which all children were "legitimate" because they had mothers. "Illegitimacy" is the creation of a society which was trying to establish the superiority

of men and was very concerned to establish the right of men to pass their property on to their sons.

Q: How do I get Social Security for my children if they are "illegitimate?"

A: If the father of the children dies, the children are eligible to collect his Social Security. The tricky part is establishing the fact that he was the father. If he is supporting the children, try to establish some record of that. Instead of just accepting cash all the time, for example, get him to buy you a few money orders, make copies of them and save them. This is important if his family might contest your children's rights to his Social Security or insurance. It is also important because the Social Security Administration might not believe he was the father if you don't have proof.

CHILD CUSTODY

Q: As the mother of a child, what are my rights to custody?

A: Although Pennsylvania law has favored the mother over the father in custody battles, it is a serious mistake to assume that you will win a child custody battle just because you're a good mother. You must have a good lawyer. The most common exception to this rule is male children at least nine (or older) who say they would rather live with their fathers.

Q: Is there any way a father can win custody of his children over a mother?

A: Yes, but he has to prove to a court that she is "unfit" to care for her children. "Unfit" could mean things like not sending them to school, not dressing them like other children, not giving them enough to eat, or leaving them alone for long periods of time; but it cannot mean being on welfare, working as a go-go dancer, or having a criminal record. Often, if the father can win the sympathy of the court, he can find it fairly simple to prove that the child would be better off with him. Remember, a woman goes on trial in a custody battle. Her sex life, her life style, her character, her emotional stability, will be carefully examined in ways that the father's will not. The double standard is still strongly in effect. Often, men have won custody battles by demonstrating that they can care better for the child economically.

Q: Does it make any difference in my right to custody if the child's father and I are not married?

A: Legally, none at all.

Q: What are the father's rights to custody?

A: The father's rights are stronger than those of anybody but the mother. This means that if the mother dies or cannot take care of her children (or does not want to), the father is the next person who has that right and responsibility. He cannot usually lose that right to his parents or hers, or other relatives.

Q: Does it matter if I am not married to the father of the children?

A: No.

Q: What is the child's father takes the child out of the house and refuses to return her/him (or tell me where she/he is)?

A: Technically, this is not kidnapping, so the police will not help. You have to do your best to locate him/them and contact a lawyer (at

Community Legal Services for free, or a private lawyer if you do not qualify for CLS) and ask the lawyer to file what is called a Writ of Habeas Corpus. This will start the legal proceeding by which you can get your child back. DON'T LET THIS SITUATION HAPPEN; it's hard (but not impossible) to get your child back.

Q: What's the difference between DPA and DPW?

A: The Department of Public Assistance (DPA -- called "welfare") is concerned with money; the City Department of Public Welfare (DPW) is concerned with children. DPW has the power to remove your children from your house and place them in foster homes or institutions if, upon its urging, Juvenile Court decides that you have abandoned or neglected the children.

Q: What if I get a little card in the mail telling me to come to 1801 Vine St. at such and such a time and bring my children?

A: CALL A LAWYER IMMEDIATELY. If this card is the only notice you get, you do not have to go. If you do go, do not take your children; the court could order you to leave them in the custody of the State and you might have a hard time getting them back. This is a very serious situation which means that a caseworker, someone from the Department of Public Welfare, or the like, is trying to take your children away from you. YOU WILL NEED A LAWYER to fight this.

Q: What can I do to prevent having to fight the Department of Public Welfare (DPW)?

A: They bother people on Public Assistance primarily, so if you are on Public Assistance you have to be extra careful not to leave your children untended -- that is, without adult (over 18) supervision for long periods of time. If your child gets injured and you have to go to the hospital, make sure you get all the attention the child needs then and there and make it absolutely clear how the injury occurred. Don't let it sound like the child was left alone, you were not paying attention to it, or that you could in any way have been responsible for the accident.

COMMON LAW MARRIAGE

Q: What is a common law marriage?

A: A common law marriage is a real, legally binding and legally recognized (in Pennsylvania) marriage between two people who have lived together, consider themselves married, and are so considered by people in their community. The main difference between a common law marriage and other marriages is that you have no marriage license or certificate in a common law marriage.

Q: What do you need to prove a common law marriage?

A: No single fact or piece of proof will establish a common law marriage. You will have to convince the court by presenting a variety of evidence. You MUST show:

- that you and your common law spouse made an actual agreement to live as if married from some particular time til death (or divorce) do you part. You don't have to have had a ceremony or used any particular words, but you must be able to say that you did actually agree to live as married people.
- that you actually lived together as married. Length of time is not specified (it is not true that if you live together 7 years, or a month, that you have a common law marriage) -- but the longer you lived together the more married you might seem in the eyes of some judge.
- that other people consider you married. These other people should include disinterested people like the mailman, the local store owner, and neighbors, as well as friends and relatives.

Things that will help you prove a common law marriage: rent receipts; bills; business and other mail addressed to both of you together; any property or loans in both your names; children.

Q: Are the children of a common law marriage illegitimate?

A: If it really is a common law marriage, NO. See section on "Illegitimacy."

Q: My husband and I were married with a license from City Hall 15 years ago, but he's been living with this other woman for the last few years -- are they married by common law?

A: No. No two people can be married by common law unless they could

have gotten married with an official certificate -- NO ONE can be married a second time without getting a divorce from the first spouse EVER. Regardless of whether the second (or the first) marriage was common law or official. If you are the first wife in a situation like this, your husband is still obligated to support you rather than his second "wife."

Q: Do you mean that before I can have a common law marriage I have to get a divorce if I'm still married?

A: Yes.

Q: Do you mean that I would have to get a divorce if my first marriage was common law, and now I want to marry someone else officially, with a license from City Hall?

A: Officially, you have to get a divorce. That isn't easy to do because in order to get a divorce you need a marriage certificate -- but that's what the law says. If you have problems like this, you need a lawyer.

SEPARATION AND DIVORCE

Q: What is the difference between separation and divorce?

A: If you are separated you are still legally married; if you are divorced, you are no longer legally married. So the question is what are the consequences of being "legally married," and what difference does it make whether you are "legally Married," but separated, or divorced. The difference is mostly legal and economic. As long as you are somebody's wife you are entitled to be supported by that person; once you are divorced you lose that right. Married people who own property together ("property" meaning land, a house or other building), both own the whole thing in theory. What this means practically is that neither one can sell it without the consent of the other (or legally take the whole thing for his or her own private use.) Once you get divorced, either one of you can ask the court to "partition" the property -- divide it up so you each get half. You can do this even though your husband doesn't want to sell, move out or give you anything, but you can only do this after you have gotten a final divorce decree. On the other hand, once you get divorced, you are no longer entitled to support from your husband -- although your children are still entitled to support. And once you get divorced it is harder for your husband's creditors to hold you responsible for his debts -- but that doesn't always keep them from bothering you. While you are separated but not divorced you can be held liable for all the debts you ever accumulated together -- including all the debts of his that you "signed your name to." In other words, LEGALLY, THERE IS ALMOST NO DIFFERENCE BETWEEN SEPARATION AND MARRIAGE, AND A BIG DIFFERENCE BETWEEN SEPARATION AND DIVORCE.

Q: What does a divorce do?

A: A divorce ends all legal ties between you and your husband.

Q: What is a "separation?"

A: You are separated if you and your husband are not living together -- for one day or ten years. There is no change at all in your legal relationship; you are still responsible for each other's bills, can file joint income tax returns, etc. Neither of you is free to remarry. Often separation is called a poor woman's divorce because it solves some of the immediate problems and divorces are expensive. Now that Community Legal Services is providing free divorces for those who cannot afford \$150.00 in court costs and divorces at cost for others who meet their income requirements, anybody who wants to can get a divorce. For others, separation is a time between living together and being divorced. If a couple has any property, income, or other assets this is the time to write a "Separation Agreement" which settles how you will divide your property, etc. Separation agreements are also important because they can settle questions of child custody,

support and visitation according to the wishes of the parents instead of the whim of the courts. If you have children and there is any doubt or confusion about custody, support and visitation arrangements, it is important to write an agreement on those questions.

Q: What is meant by a "legal separation?"

A: This phrase usually means the "separated people" have an agreement, settling questions of property, custody, etc.

Q: How much does a divorce cost?

A: It depends on your income, sort of. Standard private attorneys' fees begin at about \$600.00. That's \$150.00 in court costs and \$450.00 for the lawyer. If you qualify for Community Legal Services or Legal Aid (see income limits for welfare), you can get a divorce for \$150.00, and if you have almost no money at all you can get a free divorce.

Q: What is my husband is the one who wants a divorce and I don't?

A: Why don't you? You have a right to "contest" any divorce proceedings against you, but contesting is usually very expensive -- beginning at around \$1,000. In some instances it is worth contesting because there are valuable rights to support and your husband's income or property is very great, or because you are disabled, or for some other reason quite dependent on him economically. If this is the case, you can contest the divorce with the help of Community Legal Services without paying a great deal (assuming you meet their income requirements). Often a contest -- and more often a threat of a contest -- is a weapon used in the process of negotiating a separation agreement.

Q: Can I get a divorce if I don't know where my husband is?

A: Yes, either through Community Legal Services or Legal Aid, or through a private attorney. Many women are in this situation, and it does not create any huge problems.

FOOD STAMPS

Q: WHAT IS THE FOOD STAMP PROGRAM?

A: The Food Stamp Program allows qualified people to buy stamps which can be used like money in food stores. You pay less for the stamps than they are worth in the stores -- how much less depends on your income and family size. You can buy almost all food with food stamps (except imported foods, tobacco and alcohol) at participating stores. (This includes almost all supermarkets).

Q: Who is qualified for Food Stamps?

A: Almost anyone who is on or eligible for Public Assistance is qualified for food stamps. If you are on welfare, be sure to ask your caseworker about food stamps if you are not already getting them. You may be eligible for food stamps even if you don't qualify for welfare; if your income is less than \$360.00 per month for a family of four you may be eligible, depending on deductions you may be able to make; these include:

1. Deductions for taxes, retirement payments, union dues, and garnishment for items which would be deductible if paid when due -- such as medical costs (if more than \$10.00 a month);
2. Medical costs (except special diets) if more than \$10.00 a month;
3. Payments for child or invalid care if this care is necessary to enable someone in your household to work;
4. Tuition and required fees for education, including scholarship payments.
5. Unusual expenses such as losses due to fire, flood or theft, and costs of funerals not covered by insurance or paid for in goods or money donated to you.
6. Shelter costs -- rent, utilities, mortgage and interest, real estate taxes and special assessments on home owners.
See example below.

EXAMPLE: Total monthly (gross) income for a family of four: \$400.00

Mandatory deductions (taxes, dues, etc.)	100.00
Child care expenses	20.00
Medical expenses	20.00
	<u>\$140.00</u>

\$400.00
- 140.00

\$260.00 NET INCOME before shelter. Shelter costs: \$130.00

- 78.00
\$ 52.00 SHELTER
DEDUCTION

\$260.00
- 52.00

\$208.00 -- Net Food Stamp Income to determine eligibility and grant.

Q: If I am not receiving welfare, where do I apply to Food Stamps?

A: At the local Welfare (Department of Public Assistance) office.

Q: What can I do if I think I am not getting all the Food Stamps I should, or if I am turned down but believe I am eligible?

A: Request a hearing. You should be told that you have a right to a hearing about any decision about your Food Stamp application or grant.

SUPPORT

Q: Is a husband obligated to support his wife?

A: Yes, and absolutely.

Q: For how long?

A: As long as they are married.

Q: Ever if they are separated?

A: Especially if they are separated.

Q: What if he doesn't?

A: If you are still living in the same house, tough luck. The court considers that a budgeting problem, even if he goes straight from the bank to the bar and you never see the money. **THEY WILL NOT INTERFERE IN A MARRIAGE.** So if he is giving you absolutely nothing, or far less than enough, your only recourse is to move out (taking the children with you) and sue him for support. Once you are separated, the courts will order him to support you.

Q: How much do you get from a support order?

A: Theoretically, it depends on your husband's income but **VERY LITTLE** is a good rule of thumb. Even if he is making \$10,000 a year, don't expect more than \$50.00 a week for yourself and one or two children. Often orders are for \$10 or \$15 a week for one child or \$25 a week for a woman and child. Who can live on that?

Q: When does a husband's obligation to support end?

A: The minute a divorce decree is granted.

Q: When does a father's obligation end?

A: When his children reach 18 or die (which ever occurs first).

Q: What can I do if he's not paying on the support order?

A: You should be sure that the order states that the checks are payable to the court and not to you. He should be ordered to pay the court directly so they will do the bookkeeping and know when he is not paying. If he is not paying (you usually have to wait until he's 3 weeks behind), notify the court and ask for a hearing. He can be held in contempt of court and ordered to pay what's overdue as well as what he presently owes. The court can "attach" his wages -- take your money directly out of his pay check (unless he works for the federal government) or put him in jail.

Putting him in jail rarely helps you or your children since he can't earn any money there.

Q: What do I do if we are separated but he has never paid support?

A: You have to know where he is, and he must be working in order for you to get anything out of Support Court. If you do know where he is and he is earning enough to help support you and your children (or just your children if you are divorced), you should call for an appointment at Family Court, 1801 Vine St. (MU 6- 776). They will probably try to schedule a conference for you and your husband. You can tell them you know he won't come, if he won't; or you can tell them that you want to waive the conference. The conference is an attempt by the court to get people to agree to settle their problems without bothering the court; often a man will agree at the conference but still never pay. When you go to your hearing, be sure and bring rent receipts and a list of your normal expenses; this should help the judge in determining how much you need (although you won't get anything near it).

Q: Do I need a lawyer in order to go to support court?

A: There's no rule that says you do, but be prepared for long delays, inferior treatment and disappointment if you don't. If you are on welfare and want to sue your husband (remember: YOU DON'T HAVE TO), you will automatically be represented by welfare lawyers paid by DPA (basically to protect DPA's interest, which is: if you get money from your husband, you won't get it from them). If you are not on welfare and qualify for Community Legal Services (not many people fall in this category), CLS will represent you at the support hearing. Otherwise, you will have to get a private attorney whose fee may be high.

Q: Are there any alternatives to support court?

A: If you and your husband are still speaking, and if you own property together, or he has a good income, it will be worth the effort to write a Separation Agreement. If his income is good, you will usually get more money through an agreement than through a court order. Separation agreements can be made just as enforceable (and just as difficult to enforce) as a court order. If you are interested in a separation agreement, call Women in Transition (382-7016). Welfare is a realistic alternative to support court if your husband earns very little or no money, or if you don't know where he is. It's a much more dependable source of income than a support order, and the amounts would probably be comparable.

WELFARE

Q: How do I know if I'm eligible for welfare?

A: There are five types of welfare: families with dependent children (under 18); temporarily or permanently disabled people; older people (over 65); blind people; and for people who have been laid off or are unemployed and can prove that they are looking for work. A card from the Pennsylvania State Employment Service is proof that you are looking for work. A woman with young children is not expected to work (and doesn't have to) unless she wants to.

The method used to figure welfare grants is complicated, but it works like this. If your income is less than the amount shown below, you are probably entitled to welfare:

For one person:	\$164.00 a month
For a household of two:	247.00
For a household of three:	302.00
four:	360.00
five:	409.00
six:	445.00
For each additional person:	54.00

NOTE: You are entitled to make certain deductions BEFORE your income is determined for eligibility. These deductions include your carfare to and from work, child care, taxes, and possibly a few other things.

These income figures are the maximum monthly grants for Philadelphia County. Depending on various expenses such as housing and utility expenses, your grant may be less than this maximum figure.

Q: If I get on welfare, do I have to put a Lien on my house, and if so, what does this mean?

A: DPA says you have to have used up all your resources -- savings, income, etc. before you are eligible for welfare. But owning a house is an exception; you can't be forced to sell your house to get money to live off of. Instead, DPA will have you sign what is called a "lien" on your house for every \$2000 you get from them. This means that if and when you sell your house you must give DPA the \$2000 they "loaned" you. You will probably have to sign a lien after each \$2000 you get from welfare; you must sign these -- if you refuse, you can be taken off public assistance.

Of course, if you rent your home, this does not apply.

Q: Is there any other kind of assistance I can get if my income is very close to the Public Assistance grants?

A: Yes. If your income is close to what you could get on welfare (you are eligible for at least 1¢ of the grant, they say), and you need medical and dental bills taken care of (who doesn't?), you can get Non-money Payment Assistance. The eligibility requirements are the same, but you don't have to sign any liens, and your parents, children or other "legally responsible relatives" do not become involved. (See question on "legally responsible relatives.") When you are eligible for Non-money Payment Assistance you get full medical and dental coverage, (including drugs, doctors, hospital costs), "applicance" coverage (e.g. special shoes). You are also entitled to Food Stamps.

Q: Why do they want to know how old my parents are and what their income is when I apply for welfare?

A: Legally, your parents are responsible for your support until THEY are 60 (or dead). Welfare can reduce your grant if they believe your parents could contribute more than they are. You are also legally responsible for your parents' support if they should apply for welfare.

Q: Do I have to sue my husband for support before I go on welfare?

A: NO. Welfare has the right to sue him to get back whatever they have paid you, but you cannot be required to sue him as a condition of getting welfare. Lots of caseworkers do everything imaginable to "encourage" women to sue their husbands -- but if you don't want to, you don't have to. Let welfare sue. You must, however, cooperate with them in their efforts to sue him if they decide to do that -- supply his address, employer, if you know it, etc. Of course, you can't be required to tell them any more than you know. If your caseworker tells you that you must sue, tell her you want to speak to a supervisor or have a hearing.

Q: Suppose I am getting support for my husband, or I am thinking about suing him anyway?

A: Welfare is probably a steadier source of income, so it may not be worth the trouble to sue your husband unless you're pretty sure that he would obey the support order by paying regularly and that you stand to get a lot more from him than from welfare. If this is your choice, you should have a lawyer.

Q: What if I am not married, do I have to name the father of my children and sue him for their support?

A: You don't have the right to withhold any information you have from welfare, and they have a right to sue the person who is legally responsible for the support of your children. If you don't know who the father is, or where he is, there is very little welfare can do to him, and you are still eligible.

Q: What other benefits can I get from welfare besides cash assistance, food stamps and medical assistance?

A: You may be eligible for a job training program which welfare will pay for, or some other type of educational program. Ask your caseworker. If you notify welfare in advance of a move that you're forced to make and get an estimate from the mover ahead of time, you can be reimbursed for moving expenses. There are other benefits you can receive from welfare about which you may not know. ASK your caseworker or Welfare Rights Organization.

Q: How can I get an emergency check?

A: Call welfare for an appointment immediately, or go straight to the office. Explain that your situation is an emergency and that you have no money for food. Don't be put off. Insist that you need a check immediately -- you should get it the day you apply or the next day if you're really broke. If it looks like they're not going to issue a check right away, tell them that you'll just stay in the office till you get a check since that's as good a place to starve as any. (You don't have to leave till the police tell you to leave -- if you don't then, you're trespassing, but it rarely gets that far). If DPA isn't going to issue a check for a day or so, ask them to write you a letter and a list of agencies and community groups that will provide emergency food or shelter.

Q: What if I think I'm being treated unfairly by DPA?

A: First, tell your caseworker what you think. If this gets you nowhere, ask to speak to the supervisor. If the supervisor isn't helpful, call Community Legal Services (PE 5-6101) or Welfare Rights Organization (684-3600).

Sometimes Welfare Rights or CLS will suggest that you sign a form asking for a "Fair Hearing". DPA MUST give you a form to sign and you MUST get a hearing. Don't feel that you have to wait for someone to suggest this. You can tell your caseworker that you want a fair hearing at any time.

BEATINGS

Q: What can I do if my husband, ex-husband, boyfriend, ex-boyfriend, is beating me up?

A: The law won't solve your problems, but we can suggest some things to do. There are practical things to do to keep it from happening, and steps to take once it's happened. Practical things to prevent his getting you: by all means change the locks on your door. If you know when he's likely to come, have friends, neighbors, relatives there. Or have a prearranged signal so you can call them quick when he comes. Keep the practical self-defense tips in mind for when the situation occurs; often self-defense is your only defense and the techniques suggested cannot be turned against as weapons can.

But say you've changed the locks and he's gotten in anyhow and is threatening to or is beating you up. If you can call the police, do. If you can have a friend call, do that. Yell "Fire" or "Thief" as loud as you can because others will hear that and call the police -- if you yell "Help" or "Rape" people will probably ignore your cries. Whoever calls the police should not mention that the person who has broken into your place is someone you know -- that will only make them less likely to come. Police hate to get involved in what they call "family problems." In many neighborhoods, of course, they just won't come. If you know that is the case in your neighborhood, or you don't want them to come, then you must depend on friends, neighbors, and self-defense (prevention).

Q: What will the police do if they come?

A: It's hard to say...they will not want to arrest your husband for beating you up. They are more likely to arrest a stranger, an ex-boyfriend, etc. They are more likely to arrest if weapons are involved, or if you are badly hurt. Most likely, they will take him out for a walk, at the most. He stands a greater chance of getting arrested if he already has a record, especially if there are weapons offenses. Otherwise, he will either not be arrested, or be out without having to put up bail in a few hours. In other words, calling the police is no long term solution but sometimes is a good idea if you're desperate, if he is anxious not to get in trouble with the police, or if he already has a record. Regardless of whether they come or not, you should call your closest friends or neighbors and have them come stay with you for a little while after he leaves. He will be less tempted to come back, and you can tell your story to them and they will help you remember what happened for later if you press charges.

Q: What if the police decide that something serious is going on?

A: They will ask you if you want to "press charges." You have to do this before they arrest him. If you do, you become the "complaining witness." If the police don't arrest him, but you are beaten up, you can

still press charges by going down to City Hall the next day and filing what is called a "Private Criminal Complaint." Call MU 6-6296 and tell them you want an appointment and what for. When you go down to City Hall, the detectives or whoever interviews you will tell you whether they will prosecute your husband. Usually it costs \$13.00 to file the complaint (if they decide your case is serious), but if you are on welfare, take your DPA card and the complaint won't cost you anything.

Q: What happens next?

A: Your first date in court will be a hearing in Room 682 where you will wait to go before the Trial Commissioner who decides whether the case is really serious enough to warrant a criminal trial. One of the purposes of this hearing is to persuade you to drop the charges, get him to agree not to beat you up again, etc. One way your case often ends is that he just doesn't show up for the hearing and you get frustrated and go home. If he doesn't show up and you really want him to be tried, you have to wait until all the other cases scheduled for that morning are heard, then go before the Trial Commissioner and tell her that you want a bench warrant put out for his arrest, and why -- e.g. he's been beating you up for a long time, you are afraid he will seriously injure you or hurt your children, etc. Then you will be given another date to come back to court. If he shows up the second time you will finally be given a trial date -- if you don't agree to drop the charges.

Q: Do I need a lawyer for this?

A: No, but it wouldn't be a bad idea to talk to one, or to someone at Women in Transition. The prosecutor is the lawyer representing you in this case, and you are his (or her) chief witness -- but don't expect the prosecutor to talk to you except for a few minutes right before your case comes up. But if your case never got to court because they wouldn't issue a bench warrant for your husband or something like that, you should talk to a lawyer.

Q: Is there anything I should do before I talk to the D.A. or go into court?

A: Yes. Get the story of what happened very fixed in your own mind. Write it down if you have to. Tell it to friends, and practice telling it to them as if you were telling it to a District Attorney or a judge. What time did it happen? Exactly where were you? Did he say anything? Threaten you with anything? Did you try to get away from him? How? If not, why not? Did you call for help? If not, why not?

Q: What should I do once the trial is over, if he's found guilty?

A: If he's found guilty, he'll probably be put on probation, with a condition of his probation being that he's not allowed to go near you (or at least not allowed to beat you up again) or he'll go to jail.

Sometimes he'll also have to post a bond -- \$200 maybe -- which he'll lose if he does it again. You should get a certified copy of the probation order; this will cost \$4.00. Keep it in a handy place so that if he comes back you can show it to the police when they come and then they WILL arrest him (most likely).

Another thing you might do is get him to sign a Separation Agreement like the one in the Survival Manual -- it may be that all you need is the first few paragraphs, including the one about promising not to molest each other and leave each other alone. If he violates this, you will have more to back you up in court, and you may give the police more reason to arrest him by showing them the agreement.

Or try both of the above and also, if this is a continuing problem, go down to the local police station in your district and talk to the District Captain. Tell him you expect the police to help you out in this situation, that you understand they are there (well, they're supposed to be) to protect you. If you've already gone through a trial and have a copy of the probation order, show it to him. Be forceful. You have a right to police protection; if you don't get any cooperation you can file a complaint with the Commissioner's Office. You might mention this if they don't seem to be taking you seriously. Another good idea is to take a friend with you to all these meetings with District Attorneys, judges and police officers. She can give you a lot of support even if she doesn't say anything. Better still, if you're nervous or expecting to get a hard time, take along a social worker you trust, or other professional -- lawyer, minister, etc.

Q: Is there any way I can just keep him from coming into my apartment?

A: It depends. Whose name is on the lease. If it's your name alone, you have a legal right to keep him out, and if he comes in without your permission or stays after you tell him to leave, he's trespassing. If he breaks in, he's breaking and entering -- and these are crimes, just like assault and battery if he beats you up. If his name is on the lease, you have no legal right to keep him out or throw him out, but you can try practical things like having the locks changed to "discourage" him.

LEGAL SERVICES

Women in Transition believes that women should look for certain qualities in a lawyer, just as we look for certain things in other services and products we use. In choosing a lawyer, we should be aware of her/his reputation, experience, fees, and attitudes toward women. In a relationship with a lawyer, we as clients have certain rights. We should expect our lawyer to explain our legal situation, our options, and the legal procedures involved. We should expect a clear agreement about fees for the lawyer's services before the work is actually begun. These and other things are discussed in Women in Transition's "What to Look For in a Lawyer." We suggest that you read this pamphlet before you look for a lawyer or apply for legal services. Women in Transition hopes to enable women to become better consumers of legal services.

I. WHAT IS COMMUNITY LEGAL SERVICES?

Community Legal Services, Inc., is a legal services office funded through the Office of Economic Opportunity. It provides free legal services to those who have legal problems but cannot afford to pay a private lawyer.

In general, anyone who is on Public Assistance is eligible for CLS. To find out if you are eligible, call Law Center West at 4053 Market St. (EV 7-0435); this is the CLS office which serves West Philadelphia. When you call there for an appointment, the person who answers the phone will ask questions about your income and tell you whether you are eligible for free legal services. If you have already been served with legal papers (eviction notice, Divorce Complaint, or notice to appear at 801 Vine St. with your children), describe them and tell CLS if there's a date on the papers; you will get an emergency appointment within a day or two.

II. WHAT IS THE LEGAL AID SOCIETY?

The Legal Aid Society of Philadelphia, like CLS, provides legal services to people who can't afford private lawyers; it handles civil (not criminal) cases only. It is not government-funded, but is supported by the United Fund charities. It staffs about 9 lawyers.

In general, to be eligible for Legal Aid Society services, you must make no more than (maximum gross income):

- \$85 a week for one person (you)
- \$100 a week if you are supporting one child
- \$110 a week if you are supporting two children
- \$10 a week more for each additional child

For people who meet their eligibility requirements, legal services are provided free -- except for a \$3 registration fee at the first visit and

is waived for people who absolutely can't afford it. But clients must pay all court costs. For example, for an uncontested divorce, they ask \$200. There is usually no charge for support hearings. In cases where an award of money is won, there is a 15% service charge on amounts over \$15.

No appointments are made. Clients come in and wait their turn until an attorney (or somebody) can see them. The office, which is at 311 South Juniper St. (between Broad and 13th and between Spruce and Pine), is open Monday through Friday at 9 a.m. It's supposed to remain open until 3:30 p.m., but often the doors are closed at 3 or earlier because of the work-load. The branch office at 1715 North Broad St. is closed for the summer. The Legal Aid Society's phone number is PE 5-6122.

III. WHAT IS THE LAWYER'S REFERENCE SERVICE?

The Lawyers' Reference Service, 101 South 13th St. (MU 6-5698) is a service for people with moderate incomes who have legal problems but don't know any lawyers. You pay a \$1.50 registration fee and are given an appointment with a lawyer who will talk to you for one half hour for \$10. After this, you decide whether you want this lawyer to represent you at regular lawyer's fees -- e.g. \$600 for an uncontested divorce.

IV. WHAT INFORMATION CAN I GET FROM WOMEN IN TRANSITION?

Women in Transition provides legal information and skill-sharing about divorce procedures, support court and separation agreements. We have published a Survival Manual which has a large legal section, as well as other information of interest to women in the process of separation and divorce. We also share information about other women's experience with specific private attorneys.

In addition, several women in the Philadelphia area are filing their own uncontested divorce without a lawyer. If you're interested in this procedure, call us at 382-7016.

SOME QUESTIONS AND ANSWERS ABOUT LEGAL RIGHTS OF WOMEN

HOUSING

Q: Can I be denied the chance to rent a house because I'm a woman?

A: No. It's illegal to discriminate in housing on the basis of sex alone, according to the Philadelphia and Pennsylvania Human Relations Act.

Q: Can a landlord refuse to rent to me because of my marital status? Because of the number of my children?

A: Neither is clearly illegal, but the Pennsylvania Human Relations Commission will take a complaint and try to fit it under sex discrimination. The Housing Code does restrict the number of persons per room.

NOTES:

1. Discrimination in housing based on sex is clearly illegal -- but you may have a hard time proving that discrimination based on sex is the reason you were denied the rental. Watch for sex discrimination based on other factors -- some of it may be sex discrimination in disguise (e.g. the rule that a woman of child bearing age doesn't get to count her income towards a mortgage at the same rate a man of the same age could). And be prepared to prove that discrimination based on sex was the basis of the decision not to rent to you while the landlord insists there were only economic considerations.

2. If you have a complaint that is covered by both the Philadelphia and the Pennsylvania Human Relations Acts, go to the state agency, as they will be far more sympathetic and helpful. To file a complaint, call 238-6940 or 238-7205. This is the Pennsylvania Human Relations Commission, located on the first floor of the State Office Building at Broad and Spring Garden Sts.

CREDIT

Q: Can a store deny me credit in my own name if I'm single or divorced?

A: Maybe -- but your marital status should not be the only reason for denying your credit. Unfortunately, your status often indicates your economic position, and there's no law against denying credit to poor people. If you are denied credit and you have reason to suspect the denial is based on your sex and marital status, you should file a complaint with the Pennsylvania Human Relations Commission.

Q: Can I be denied credit in my own name if I'm separated?

A: Maybe. The reason is that many businesses and lenders look at separation as a sign of instability, and this is often accepted as a

legitimate basis for a decision about credit. You're better off either married or divorced -- not in between.

Q: What if I'm on welfare?

A: Lots of places will consider the fact that welfare has a lien on your house a sign that your credit isn't healthy. Right now there aren't many ways to challenge that. Other places won't care if you're on welfare, so long as you've made payments on time before.

Q: Can a credit card company, a bank, or a mortgage company deny me credit because of my marital status?

A: No. You should file a complaint with the Department of Banking and Commerce of Pennsylvania, P.O. Box 2255, Harrisburg, Pa. 17120. Call toll-free -- Governor's Action Line: 800-932-0784. Send a copy of your complaint to the Council on the Status of Women, 609 Main Capital, Harrisburg, Pa. and to the Community Advocate Unit, 344 N. Broad St., 238-7351. If it's a real estate problem, send another copy to the Pennsylvania Human Relations Commission.

EMPLOYMENT

Q: What can I do if I feel I have been discriminated against in employment (fired, not hired, not promoted, underpaid in relation to men doing same work) on account of my sex and/or race and/or marital status?

A: File a complaint with the Human Relations Commission. It's important to go fast -- as soon as the incident occurs. You have until 90 days after the incident to file a complaint; the sooner you get there the better. Try to get everything in writing. If someone tells you the action is based on an employment policy, ask to see a copy of the written policy.

It is illegal to discriminate against anyone on the basis of sex or race in promotions, benefits, terms and conditions of employment, or salary. Be sure to get a copy of any insurance policies, pension plans, etc., as well as written job description when you start working.

EDUCATION

If you feel you or your child is being discriminated against in her grammar or secondary school education on the basis of race or sex, contact the Pennsylvania Human Relations Commission. This includes requiring different courses for boys and girls, not allowing one sex to take certain courses, having different rules for boys and girls, spending more money on boys' sports than girls' sports, etc. If the discrimination is on the college level, call Community Advocate Unit, 238-7351.

Any complaints about sex discrimination should be made to the Governor's Action Line, 800-932-0784 TOLL FREE.

They may not help you a lot, but it's important that our problems become known to the politicians.

TAXES

Q: If my husband is not living with me but contributes to my children's support, who gets to claim them as dependents?

A: Whoever contributes more than 50% to the support of the child. NOTE: No child may be claimed as the dependent of two different people. Either you or your husband claims. If it's hard to figure out who pays for more than half the support, remember "support" doesn't just mean whatever money payments you may be getting -- it includes the cost of rent, food, clothing, educational and medical expenses, etc. If it's still not clear, it may be worth it to figure out who could benefit most by taking the deduction.

Q: What is a "Head of Household?"

A: A married person living separately with one or more dependents who live with her is a "head of household." So is a single person living with one or more dependents and supporting them, so is a single person living with a dependent relative (old grandfather, sister and her child, etc.) and supporting that relative. Question to which there is no clear answer: is a person living with and supporting persons who are not related to her a "head of household?"

Q: If I'm separated, is it better to file a joint return with my husband or a separate return as a single person?

A: It's almost always better to file jointly, unless the two incomes are nearly equal. Your husband, if his income is considerably more than yours, makes out much better if he files jointly. So your signature can be very valuable to him, and you should be able to get some benefit (in terms of conditions in the separation agreement, support payments for children, etc.) in return for your signature. Never sign a blank form! Always get a copy before you sign.

Q: If I have filed jointly with my husband in the past, can I get copies of the joint tax returns?

A: Yes. Write to the nearest Internal Revenue Service Regional Office.

Q: If my husband has filed singly, is there any way to see a copy of his tax return in order to know his income?

A: Yes. A lawyer can have the return subpoenaed, but it's a long process which takes about six months.

Q: If my husband falsifies a tax return and I sign it, can I be held liable?

A: Always be careful when signing a joint return. You are both liable. The government can go against either one of you, although the general policy is to hold the husband responsible.

Q: Who is liable for local taxes on jointly owned property?

A: Both you and your husband are liable for taxes on any jointly owned property. You are each individually liable for any property you may own individually.