



NATIONAL CENTER ON
SYSTEMS CHANGE AND
ADVOCACY

Considerations When Safety Planning with Criminalized Survivors

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NATIONAL LEGAL
CENTER ON CHILDREN
AND DOMESTIC VIOLENCE

Survivors are very aware of the dangers they face from their abusive partners. Choosing to stay in a relationship is frequently a calculated decision based on the reality that leaving can escalate danger. Regardless of whether a survivor stays, plans to leave, or has already left, a personalized strategy to reduce the risk of harm – often called a safety plan - can be a vital tool. Because every survivor’s situation is unique, these plans are tailored to their specific circumstances and their own judgment on how to best protect themselves and their loved ones.

NATIONAL DEFENSE
CENTER FOR CRIMINALIZED
SURVIVORS

Safety plan templates and checklists are readily available online, and offer survivors guidance through various aspects of their lives where they may want to consider planning strategies for safety.¹ These tools commonly cover ways to stay safe at home, safety when preparing to leave, items to take when leaving (preparing an emergency bag), safety after leaving or after an abusive partner is no longer in the home, safety at work, safety in public, emotional and mental health safety, pet safety, tech safety, and other areas.

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PREVENT FAMILY VIOLENCE

For many survivors, navigating their safety has directly led to their criminalization. For example, survivors are often arrested for using force in self-defense, being coerced into illegal activity, or fleeing abuse with their children. For survivors who have been criminalized, safety plans often require additional considerations, particularly for those under state supervision.²

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COMMUNITY RESPONSE

When survivors are arrested or convicted, their abusers often wield even more power. The survivor may be assumed to be “the violent one” by their communities and the systems they are involved in. They may lose access to services like shelter and victim compensation. They may hesitate to seek help from civil courts or other system services, knowing their criminal record is likely to be raised. Even reaching out to community resources can be daunting particularly if they have been rejected from services already and fear they will be turned away again.

¹ There are numerous safety plan tools and templates available online, for example, at [WomensLaw.org](https://www.womenslaw.org), the [National Domestic Violence Hotline](https://www.ndv.org), and the [National Center on Domestic and Sexual Violence](https://www.nccdv.org).

² See, [Safety Planning and Intimate Partner Violence: A Toolkit for Survivors and Supporters](#) by Hyejin Shim, Community Justice Exchange (2022)



Advocates who are working with charged or convicted survivors can provide critical guidance through the safety planning process and help them evaluate and plan for the unique risks created by their involvement in the criminal legal system. Additionally, advocates can offer other meaningful support including connecting criminalized survivors to needed practitioners and services.

This resource explores some considerations that may be useful to fold into a criminalized survivor's safety plan.

Establishing a Foundation for Safety Planning

Criminal Defense Resources

If a survivor faces potential or actual arrest, securing a criminal defense attorney is critical to protecting their rights and navigating pending charges. For those unable to hire private counsel, contacting the local public defender (if there is one) before the first court date is a vital step. Even if they cannot provide formal representation yet, they may be able to explain the appointment process. It is important for advocates to understand these local procedures to guide survivors effectively. Once legal counsel is identified, sharing safety concerns allows the attorney to tailor defense strategies and address specific risks within court-ordered conditions. Ultimately, involving an attorney in safety planning ensures the survivor receives professional legal advice on all available options for their protection. In communities that do not have a public defender office, advocates can help by explaining the steps a survivor must take to obtain a court-appointed attorney.

Calling 911

Survivors who have been criminalized after calling 911, or who have been threatened by an abuser against reporting harm, often have legitimate fears about reaching out to law enforcement. When safety planning, it is essential to discuss the potential outcomes and risks of calling 911. To provide a broader range of protection, safety plans should also include contact information for community-based resources that offer support independent of the legal system.³

³ See, [Law Enforcement Experience Report](#), by Leigh Goodmark for the National Domestic Violence Hotline (2022); See also, National Domestic Violence Hotline, [Who Will Help Me? Domestic Violence Survivors Speak Out About Law Enforcement Responses](#). Washington, DC (2015)



Areas Criminalized Survivors May Want to Include in a Safety Plan

Probation and Parole

Victim-defendants may need to have contact with the local probation office and/or pretrial services department while they are on pre-trial release. Survivors who have good relationships with these personnel may be able to involve them in the safety-planning process.⁴

Considerations:

- Develop reliable transportation strategies that allow survivors to attend court hearings and mandated programming without the risk of interference or stalking from an abusive partner.
- If applicable, encourage probation/parole office to establish clear boundaries with supervisee's abusive partner so that probation personnel do not become "informants" for abusive partners.
- Look out for red flags, such as an abuser's attempts to sabotage the survivor's success.

Child Custody

Safety planning when children are in the picture can present many additional considerations for charged and convicted survivors. It is important for safety plans to include plans for children should the survivor be rearrested or sentenced to jail time. Advocates can also brief survivors on which systems personnel are mandatory reporters.

Considerations:

- Explore ways the survivor's parenting may be impacted by release conditions.
- Plan for supervision of children should one or both parents get arrested/rearrested.
- Explore whether compliance with court orders creates any risk. For example, does the visitation exchange plan comply with any no-contact orders?

Financial Stability

Criminalized survivors commonly face significant barriers to financial freedom. For example, they may accrue court costs and debts, face job loss or other employment hurdles because of their criminal records, or be denied access to financial relief programs. But employment is often a condition of pre-trial release and probation. For some survivors, court mandated employment may be an opportunity to start to build financial independence, particularly for those who were previously prohibited from working by their abusive partner.

Considerations:

⁴ See, [TIPSHEET: Working with Survivors on Probation and Parole](#), by the National Defense Center for Criminalized Survivors at BWJP (2025)



- Research options for waiving court fees, the legal consequences of non-payment, and the availability of structured payment plans.
- Develop strategies to prevent an abusive partner from intercepting or accessing earned income.
- Identify direct financial aid opportunities, specifically verifying eligibility requirements for survivors currently involved in the criminal legal system.
- Establish connections with community agencies that specialize in comprehensive financial planning.
- Partner with community-based advocates who provide financial education tailored to establishing and maintaining long-term economic independence.

□Housing

Without safe and affordable housing, survivors may be forced by necessity or coercion to live with an abusive partner. This proximity increases the risk of physical violence and creates opportunities for the partner to weaponize the court process or supervision conditions; for example, an abuser may threaten to report a survivor for technical violations to their parole or probation officer as a means of control. Even when living apart, if an abuser knows a survivor’s location and causes disturbances at their home, the survivor may face the additional risk of eviction.

Considerations:

- Partner with a domestic violence advocate or housing organization to assist with landlord negotiations. They can help review new leases and address barriers related to criminal convictions.
- Consult a civil attorney or national resources such as the National Housing Law Project, womenslaw.org, or the National Low Income Housing Coalition—to identify available legal relief if an eviction is linked to a history of abuse or a conviction.⁵
- Contact local domestic violence programs to determine if they provide emergency shelter or specialized housing for criminalized survivors. Maintain their current contact information updated and accessible to quickly verify bed availability when fleeing a dangerous situation.

□Substance Use

Criminalized survivors may have conditions of release that could include refraining from the use of substances. Abusive partners may coerce the survivor to use not only as a tool to control, but also as a way to pull survivors into the criminal legal system. Survivors also often use substances as a way to cope with the effects of abuse and need support when seeking safety.

Considerations:

⁵ See, for example, the [National Housing Law Project](#), womenslaw.org, and the [2025 Advocate’s Guide by the National Low Income Housing Coalition](#) (2025)

- Create a safety plan specifically around any substance use that can be shared with trusted friends, advocates or family members. Who can they reach out to if they are at risk of using prohibited substances?⁶
- Understand the court ordered conditions that the survivor must comply with around substance use and discuss with a defense attorney if there are challenges to complying with the conditions to discuss potential options.
- Connect with an advocate to see if there are resources or programs to implement harm reduction strategies when safety planning.

□ *Medical and Mental Health*

Centering the well-being of survivors is essential to safety planning. Advocates and advocacy programs can work with survivors with assessing medical needs and planning for mental health care.⁷ Criminalized survivors may have mental health treatment as a condition of release. It is essential to pay close attention to survivors' access to their own medication and medical care. Criminalized survivors may have barriers to access to medical care and may have consequential gaps in care while incarcerated or when reentering their communities.

Considerations:

- Create a safety plan specifically for moments when experiencing an acute crisis or a trauma response is activated, particularly when having to appear in criminal court.⁸
- If the survivor has a medical primary provider, understand what their role is in terms of mandatory reporting and what they can and can't do for survivors of domestic violence.
- If the survivor feels comfortable with their medical provider, and it is safe to do so, as part of safety planning, discuss options if their partner is withholding medication, insurance cards and/or address safety concerns from their abusive partner when getting treatment for injuries and getting further pulled into the criminal legal system by their abuser.
- Create a contact list of prescribing doctors, pharmacy, list of medical conditions and medication and dosage in case the survivor is arrested and needs to inform jail officers during the booking process and jail medical staff of their medical needs. Survivors may also want to share this list with a trusted person or family member who may also be able to inform the jail as to the survivor's medical needs.

□ *Immigration*

⁶ See, for example, [Have A Safety Plan](#) and [My Safety Plan](#), by SafeProject (2022)

⁷ See, [Supporting Survivor Health + Wellbeing: Strategies for Advocates](#). National Health Resource Center on Domestic Violence. Futures Without Violence. San Francisco, CA. July 2024; and [Supporting Survivor Health: Strategies for Advocates](#) by Futures Without Violence (2017)

⁸ See, for example, [The Safety Plan](#), by the Substance Abuse and Mental Health Services Administration (SAMHSA); See also, [Criminalized Survivors First Court Date](#), by the National Defense Center for Criminalized Survivors at BWJP (2025).



Immigrant survivors who have been arrested may face consequences to their legal status in the country. Abusive partners can use the threat of removal as a tool to control by threatening to call a survivor’s probation officer, the police, or immigration authorities and get them detained and/or deported. When navigating safety, a criminalized immigrant survivor might need additional information or to consult with additional practitioners.

Considerations:

- Connect with an immigration attorney and carry their contact information. Have them help determine actual status; it is common for abusers to lie to victims about their status.
- Carry valid documentation such as a green card or work permit, if available.
- Carry a “know your rights” card that you can refer to or show if stopped.⁹
- Consult with an immigration attorney and a defense attorney to understand how involvement in the criminal legal system impacts one’s immigration case.

Expungement and other Post-Conviction Remedies

A criminal record often creates pervasive obstacles during safety planning. To minimize these impacts, it is vital to explore available legal relief. Depending on state and federal law, survivors may be eligible for expungement (or expunction), which seals or destroys records of a prior conviction to remove barriers in employment, housing, and licensing. While expunged records may remain accessible for limited government purposes in some jurisdictions, other post-conviction remedies—such as sentence reductions or pardons—may also provide significant relief.

Considerations:

- If there is a conviction, explore whether record relief or other post-conviction remedies are available and whether their criminal attorney can assist.
- Connect survivors with local legal resources, such as public defender offices or legal aid nonprofits, which specialize in expungement. These experts can explain the specific legal implications of an expunged record within that jurisdiction.
- If an attorney is unavailable, help the survivor obtain a copy of their criminal record to identify which convictions may qualify for expungement under state law.
- Assist survivors in navigating the application process by identifying the necessary steps and helping them access the required legal forms.

Protection from Abuse Orders and Criminal No Contact Orders

As part of safety planning, survivors may consider petitioning the court for a civil protection order, especially if supervision conditions require them to live near an abuser or the abuser’s family. In some cases, an abuser may file a protection order against the survivor, either as a tool of manipulation or because they were

⁹ See, for example, a “red” card available on the [Immigrant Legal Resource Center](#) website.



advised to do so by law enforcement upon the survivor's arrest. Additionally, survivors facing charges often have "no-contact" orders prohibiting communication with complainants or other involved parties. Navigating these overlapping orders is critical, as any alleged violation can lead to further criminalization and significantly impact their safety.

Considerations:

- Information written in a protection order petition becomes a sworn legal document that can be used as evidence in other court proceedings.
- Enforcing a civil order typically requires law enforcement intervention, which may escalate safety risks or result in unwanted police contact.
- If an order is filed against the survivor, they must strictly follow all conditions to avoid violations. Safety planning must account for these legal limitations and the severe consequences of non-compliance.
- When an order exists against a survivor, law enforcement may be more likely to reflexively identify them as the "aggressor" during any subsequent intervention.

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