



## COMBATING DOMESTIC VIOLENCE WITH LEGAL SERVICES

The NC State Bar Report to the General  
Assembly Regarding the Domestic Violence  
Victim Assistance Act 2011–12

### WHAT IS DOMESTIC VIOLENCE?

Domestic Violence occurs when one person in an intimate relationship uses a pattern of coercion and control against the other person during the relationship and/or after the relationship has terminated. It often includes physical, sexual, emotional, or economic abuse.

Domestic violence occurs in all kinds of families and relationships. Persons of any class, culture, religion, sexual orientation, marital status, age, and sex can be victims or perpetrators of domestic violence.

### It is important to combat domestic violence in North Carolina because\*:

- North Carolina ranks 4th in the nation in homicides committed by men against women. (The N.C. Department of Justice reports an average of more than 100 domestic violence-related homicides annually from 2008 to 2010.)
- 1 in 4 of our women will report violence at the hands of an intimate partner.
- It is estimated nationally that intimate partner violence costs employers over \$5 billion annually.
- Approximately one-fifth of patients treated in hospital emergency rooms are treated for injuries inflicted by someone with whom they have an intimate relationship.
- One study found 54% of employees living with domestic violence missed at least 3 full days of work per month.
- Every 9 seconds a woman is abused. Domestic Violence is the #1 reason women and children become homeless in the U.S.
- Each year, intimate partner violence results in an estimated 1,200 deaths and 2 million injuries among women. About one-third of female victims of homicide were killed by their current or former husbands or boyfriends.
- A child's exposure to the father abusing the mother is the strongest risk factor for transmitting violent behavior from one generation to the next.
- More than 13% of high school students report experiencing physical violence by a boyfriend or girlfriend

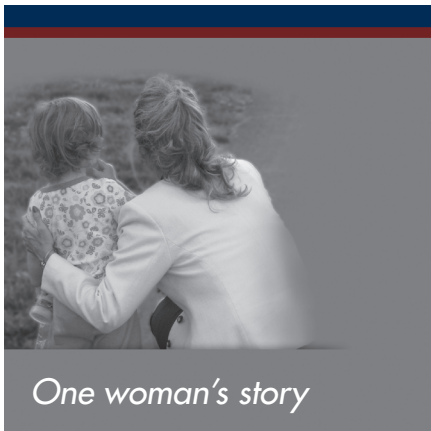
\*Information from the North Carolina Council for Women, a women's advocacy agency within the North Carolina Department of Administration.

## NC Domestic Violence Victim Assistance Act

In 2004, the NC General Assembly passed comprehensive legislation designed to address the problem of domestic violence. Part of that multi-faceted program was to provide access to legal representation for domestic violence victims through established legal services programs under the Domestic Violence Victim Assistance Act.

A study by economists at Colgate and the University of Arkansas\* had shown that the availability of legal services decreases the likelihood that women will be battered. The study notes that while shelters, hotlines and counseling are vitally important crisis-intervention services, it is legal services that offer women certain important alternatives to the abusive relationships. The economists theorize that by helping domestic violence survivors obtain protective orders, custody of their children, child support and sometimes public assistance, legal services programs help the women achieve physical safety and financial security and thus to leave their abusers. Because legal services help women achieve self-sufficiency, they are a good place to spend public money.

\*Amy Farmer & Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 *Contemp Econ Pol'y* 158 (April 2003)



### One woman's story

"Elizabeth's" alcoholic husband held her captive and tortured her for three terrifying days. During the attack, their two-year-old clung to her mother, crying. When her husband finally passed out, Elizabeth escaped to the hospital—having been almost beaten to death. A legal aid attorney helped her secure a court protective order, divorce, and custody of her daughter. Legal aid allowed Elizabeth to escape abuse and rebuild her life. She now works as a school principal and is married to a kind man. Her daughter is thriving in kindergarten. They are just two of the thousands who need assistance each year.

### Funding through this NC statute is used:

- (1) To provide legal assistance to domestic violence victims;
- (2) To provide education to domestic violence victims regarding their rights and duties under the law and
- (3) To involve the private bar in the representation of domestic violence victims

### through cases that address:

- (1) Actions for protective orders;
- (2) Child custody and visitation issues; and
- (3) Legal services which ensure the safety of the client and the client's children.

### State Funding in 2011-12

**A total of \$1,205,404** was distributed:

**\$73,494** to Pisgah Legal Services serving Buncombe, Henderson, Madison, Polk, Rutherford and Transylvania counties and

**\$1,131,910** to Legal Aid of North Carolina serving all other counties



## **Pisgah Legal Services' Mountain Violence Prevention Project**

The Mountain Violence Prevention Project (MVPP) is a collaborative effort of Pisgah Legal Services and domestic violence prevention agencies in six counties. By integrating legal and supportive services, the MVPP provides a continuum of care for low-income victims of domestic violence in that region.

The Mountain Violence Prevention Project helps victims of domestic violence take legal action to escape abuse and rebuild their lives. Through MVPP, Pisgah Legal Services helps victims secure court protective orders to improve their safety for adult and child victims. PLS also helps victims address a range of other issues to increase their independence from their abusers, including child custody and child support, divorce, division of marital property, and housing and consumer issues.

Funding for this program comes from the State of North Carolina, supplemented by support from the Violence Against Women Act, Family Violence Prevention, and local United Ways of the western North Carolina region. Support also comes from the Mountain Area Volunteer Attorney Project, a pro bono referral program made up of more than 300 active private attorneys who volunteer their services to help meet the need for civil law representation of low-income residents of Buncombe, Henderson, Madison, Polk, Rutherford, and Transylvania Counties. Formed in 1983, the program is governed by an Advisory Board consisting of private attorneys from each county and client eligible representatives.

From July 2011 through June 2012, staff at Pisgah Legal Services closed 984 cases within the statute's defined legal problem areas, including 729 protective orders, and achieved 2,973 positive outcomes for clients (in many cases multiple issues were handled). Volunteer attorneys closed an additional 82 cases within these problem areas.



## **Legal Aid of North Carolina Violence Prevention Initiative**

The Domestic Violence Prevention Initiative (DVPI) is a specialized, statewide project of Legal Aid of North Carolina (LANC) that provides legal assistance to victims of domestic violence. It is comprised of attorney/advocates based in LANC field offices (geographically located across the North Carolina) and a project director located in Raleigh. These DVPI attorneys/advocates are trained in the laws available to help increase the safety and self-sufficiency of victims, as well as the dynamics of domestic violence and safety planning.

Legal Aid of North Carolina's Domestic Violence Prevention Initiative works closely with community-based programs, agencies and task forces serving victims of domestic violence. The DVPI has existing formal collaborative agreements and referral protocols with more than 60 domestic violence victim services organizations throughout the state, and informal working relationships with at least 20 others. The DVPI also partners with the University of North Carolina School of Law, at which a DVPI attorney trains and supervises law students in the domestic violence clinic to represent victims of domestic violence.

The types of services that are provided vary between office areas as a result of funding resources and restrictions. LANC supports domestic violence work with funding from the State of North Carolina. Legal Aid of North Carolina also receives funding for domestic violence work from a Victims of Crime Act (VOCA) grant to provide emergency-only services, such as obtaining and enforcing protection orders.

From July 2011 through June 2012, staff at Legal Aid of North Carolina closed 5,013 cases within the statute's defined legal problem areas, including 4,214 protective orders. Volunteer attorneys closed an additional 115 cases within these problem areas, including a program in Raleigh where volunteer lawyers supervise third year law students at Campbell University Law School representing domestic violence victims.