



COMBATING DOMESTIC VIOLENCE WITH LEGAL SERVICES

The NC State Bar Report to the General
Assembly Regarding the Domestic Violence
Victim Assistance Act 2012–13

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

"Maggie's" fiancé brutally attacked her, leaving her severely disabled. A legal aid attorney secured a protective order that allowed her to remain on the property she formerly shared with her abuser. Church groups built her a new, wheelchair-accessible home.

But soon after, Maggie faced another serious legal problem. When Maggie's abuser died, his nephew and heir tried to evict her from her home. She could have become homeless, but a pro bono attorney recruited by legal aid continued the fight for Maggie by negotiating with her abuser's nephew so Maggie could stay in her home. "She didn't just save my home; she saved my life," says Maggie.

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 2012-13

A total of \$1,090,186 was distributed:

\$66,831 to Pisgah Legal Services serving Buncombe, Henderson, Madison, Polk, Rutherford and Transylvania counties; and

\$1,023,355 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.

From July 2012 through June 2013, Legal Aid of North Carolina and Pisgah Legal Services have closed 5,000 cases for domestic violence victims. Of these cases, 961 were closed with private attorney involvement.



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.

The Domestic Violence Victim Assistance Act funds Legal Aid of North Carolina and Pisgah Legal Services to provide free legal services to domestic violence victims to escape abuse and rebuild their lives. With these funds, Pisgah Legal Services serves Buncombe, Henderson, Madison, Polk, Rutherford and Transylvania Counties, and Legal Aid of North Carolina serves clients in the other counties. Legal services attorneys and private attorneys help victims secure court protective orders to improve the safety for adult and child victims. These legal services help victims address a range of other issues to increase their independence from abusers, including child custody and child support, divorce, division of marital property, and housing and consumer issues.

The type of services that are provided vary dependent upon the availability of staff and private attorneys to represent domestic violence victims in any of the 100 counties in North Carolina. The majority of domestic violence victims seek legal services for representation in court within one to five days after filing a court action to obtain a temporary protective order. On short notice, legal services attorneys must interview the victim and any other witnesses, gather hospital records and police reports and prepare for trial. Because victim safety is always a concern, attorneys must address safety plans for victims and their families.

The legal services organizations work closely with community-based programs, agencies and task forces to address other non-legal needs of domestic violence victims. In addition, staff attorneys work to educate the victims and others within a community, such as landlords, about their rights and duties under the law. This community involvement is critical to help victims gain much needed self-sufficiency to stop the domestic violence.

Legal services attorneys train private attorneys across the state to represent domestic violence victims in court to obtain protective orders. Also, the private bar has accepted cases where domestic violence victims need legal representation in such matters as child custody and support and divorce. In the metro areas where law schools are located, staff attorneys have trained and supervised law students in domestic violence clinics to represent victims who seek protective orders. When these experienced students become licensed attorneys, they will be ready to represent victims without additional training.