

# COMBATING DOMESTIC VIOLENCE WITH LEGAL SERVICES

## The NC State Bar Report to the General Assembly Regarding the Domestic Violence Victim Assistance Act 2013–14

### 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\*:

- The N.C. Department of Justice reports an average of more than 100 domestic violence-related homicides annually from 2008 to the present.
- 1 in 4 women will report violence at the hands of an intimate partner during her lifetime.
- 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 10% of high school students report experiencing physical violence by a boyfriend or girlfriend in the past 12 months.

\* Information was compiled from a variety of sources including the North Carolina Department of Justice, Centers for Disease Control & Prevention, U.S. Department of Justice and the American Psychological Association among others.

## 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\* indicates 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)

### Funding through the NC Domestic Violence Victim Assistance Act 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 2013-14

A total of **\$1,073,371** was distributed:

**\$65,727** to Pisgah Legal Services serving Buncombe, Henderson, Madison, Polk, Rutherford and Transylvania counties; and

**\$1,007,644** to Legal Aid of North Carolina serving all other counties.



### One woman's story

"Ayeisha's" boyfriend attempted to strangle her in their apartment. Pregnant and afraid for her baby's health, she fled to the emergency room. At the hospital, she spoke with law enforcement and they charged her boyfriend with assault. A legal aid attorney at Pisgah Legal Services obtained a protective order to keep her safe from her abuser.

After the hearing, Ayeisha was arrested on false charges her boyfriend had sworn out against her. He was trying to scare her into dismissing the charges against him. Because of the evidence of abuse compiled by her attorney, Ayeisha was given an unsecured bond so she did not have to pay to be released or spend time in jail while pregnant.

Ayeisha's legal aid attorney continued to represent her to access housing and unemployment benefits from a job she lost as a result of the abuse. Because of the support of legal aid, Ayeisha and her son are now living in a safe and stable home free of domestic violence.



### **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.



### **Legal Aid of North Carolina Domestic 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. 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.

From July 2013 through June 2014, Legal Aid of North Carolina and Pisgah Legal Services have completed **4,415** cases for domestic violence victims. Of these cases, **964** were completed with private attorney involvement.

**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**—Legal aid attorneys and private volunteer attorneys help victims secure court protective orders to improve the safety of adult and child victims. Legal services also 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 volunteer attorneys to represent domestic violence victims in any of the 100 counties in North Carolina. On short notice, legal aid attorneys must interview the victim and any other witnesses, gather hospital records and police reports and prepare for trial, scheduled within ten days of when the victim files court action to obtain a temporary protective order. Because victim safety is always a concern, attorneys must address safety plans for victims and their families.

**Community Involvement**—The legal aid 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.

**Private Attorney Involvement**—Legal aid 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.