

COMBATING DOMESTIC VIOLENCE WITH LEGAL SERVICES

The NC State Bar Report to the General Assembly Regarding the Domestic Violence Victim Assistance Act 2015–16

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.

Each year, funding from North Carolina's Domestic Violence Victim Assistance Act provides legal aid to help more than 4,850 domestic violence victims and their children escape abuse and rebuild their lives.

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

- Since 2008, the N.C. Department of Justice reports an average of more than 100 domestic violence-related homicides annually.
- 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 an intimate partner.
- One study found 54% of employees living with domestic violence missed at least 3 full days of work per month.
- Domestic violence is the #1 reason women and children become homeless in the U.S.
- 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 to address the problem of domestic violence. Part of that multi-faceted program was to provide access to legal representation for domestic violence victims under the Domestic Violence Victim Assistance Act.

Studies show legal aid stops domestic violence.

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 aid, 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 aid programs help the women achieve the physical safety and financial security needed to leave their abusers. Because legal aid helps women achieve self-sufficiency, it is a good investment of public funds.

* 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 2015-16

A total of \$1,024,906 was distributed:

\$66,930 to Pisgah Legal Services serving Buncombe, Henderson, Madison, Polk, Rutherford, and Transylvania Counties; and

\$957,976 to Legal Aid of North Carolina serving all other counties.



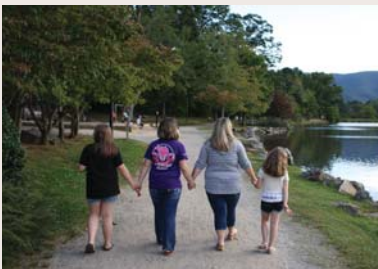
One woman's story

After years of enduring isolation, physical violence and threats that he would kill them all, Caroline left the father of her three girls and got a protection order. Unfortunately the abuse didn't end there.

One night, he saw them driving through town. He began to tailgate them dangerously as Caroline tried desperately to get them to her parents' house. She says, "He was trying to spin us out by hitting my back tire." One of her daughters cried, "Daddy is going to kill us!" Caroline managed to get them all to safety, then she called 911.

Caroline knew she had to do more to protect her girls. She came to Pisgah Legal Services for help. Attorney Julia Horrocks helped Caroline get sole legal custody of the girls. "It felt good to have the support of an attorney." Their abuser was convicted of assault with a deadly weapon and violating the protection order. He went to jail.

Today the girls are doing better in school, attending church and joining after-school activities – things their father never allowed. Caroline is starting a new chapter too; she credits her strong faith for helping her get through difficult times. "I used to pray that someday I would have the strength to get away from him. My attorney made me feel like I wasn't alone."





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 attorneys and advocates based in LANC field offices (located across North Carolina) and a project director located in Raleigh. DVPI staff 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 2015 through June 2016, Legal Aid of North Carolina and Pisgah Legal Services have completed **4,850** cases for domestic violence victims. Of these cases, **1,197** were completed by volunteer attorneys.

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 aid also helps 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 10 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.

Volunteer Attorneys—Legal aid attorneys train private volunteer attorneys to represent domestic violence victims in court to obtain protective orders. Also, volunteer attorneys accept cases where domestic violence victims need legal representation in such matters as child custody and support and divorce. In the 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.