

# COMBATING DOMESTIC VIOLENCE WITH LEGAL SERVICES

## The NC State Bar Report to the General Assembly Regarding the Domestic Violence Victim Assistance Act 2017–18

### 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 6,136 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 State of North Carolina has reported an average of more than 110 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, the North Carolina State Bureau of Investigation, the Centers for Disease Control and Prevention, the 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. This multi-faceted program included access to legal representation for domestic violence victims under the NC 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 aids, it is legal services that offer women certain important alternatives to 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 2017-2018

**A total of \$1,060,596** was distributed:

**\$72,275** to Pisgah Legal Services, which serves Buncombe, Henderson, Madison, Polk, Rutherford, and Transylvania Counties; and

**\$988,321** to Legal Aid of North Carolina, which serves all other counties.

## One woman's story

Teresa,\* a single mother who works in a beauty salon, was severely beaten, choked, and sexually assaulted by her ex-boyfriend over a period of six hours. With the signs of abuse covering her body, Teresa's abuser intimidated her into fabricating a story about being jumped by strangers. Not convinced by her story, family and friends were concerned for her safety, but Teresa was terrified of seeking help.

A month passed. Supported by her community and motivated by a desire to stop her abuser from hurting anyone else, Teresa sought a temporary protection order and pressed criminal charges. The criminal case dragged on for more than a year, but Teresa remained steadfast in her decision to hold her abuser accountable. After a grueling trial, Teresa's abusive ex-boyfriend pleaded guilty to felony assault, and the court also entered a one-year protective order.

As the protective order was set to expire and her former boyfriend's prison release date approached, Teresa grew increasingly fearful. She needed help to keep herself and her 16-year-old daughter safe and went to Legal Aid of North Carolina. A Legal Aid attorney filed for a renewal and successfully secured an order for two years of protection. After the hearing, Teresa thanked her attorney and said she would have been lost without Legal Aid's assistance. Her Legal Aid attorney guided her through the court process and stood by her as she relived the worst night of her life. Teresa can now live without constant fear, because of help from Legal Aid.

*\*Client's name has been changed.*



### 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

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

The Domestic Violence Prevention Initiative (DVPI) is a statewide project of Legal Aid of North Carolina (LANC) that provides free legal assistance to victims of domestic violence and sexual assault. Attorneys and advocates at the DVPI help victims secure domestic violence protective orders against their abusers and provide a wide range of other legal services related to child custody, housing, employment, and more. This life-changing support helps victims escape their abusers and start new lives.

From July 2017 through June 2018, Legal Aid of North Carolina and Pisgah Legal Services completed **6,136** cases for domestic violence victims. Of these cases, **1,277** were completed by volunteer attorneys.

Civil legal aid helped domestic violence victims secure **2,869** protective orders and protected custody rights for **873** victims.

**The NC 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.

**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 depending upon the availability of legal aid staff and private volunteer attorneys to represent domestic violence victims in each of the 100 counties in North Carolina. On short notice, legal aid attorneys must interview the victim and any other witnesses, gather records, and prepare for trial, which is 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 helping 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 matters such as divorce and child custody and support.