

Combating Domestic Violence with Legal Services

2020–21 NC State Bar Report to the General Assembly Regarding the Domestic Violence Victim Assistance Act

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

- 1 in 5 women report having experienced severe physical violence at the hands of an intimate partner during her lifetime.
- It is estimated nationally that the cost of intimate partner violence exceeds \$8.3 billion annually.
- Victims of intimate partner violence lose a total of 8 million days of paid work each year.
- In homes where domestic violence occurs, the rate of child abuse is 15 times higher than the average home, with co-occurring child abuse in 45–60% of homes where domestic violence is present.
- Children exposed to domestic violence are at an increased risk for behavioral and psychological problems, alcohol and substance use, juvenile delinquency, and adult criminal behavior.
- In a 24-hour period in North Carolina in 2020, hotlines answered 540 calls, an average of 23 hotline calls per hour. In a single day in 2020, North Carolina domestic violence programs served more than 1,150 survivors.



**>110
HOMICIDES**

**NC
AVERAGES
MORE THAN 110
DV-RELATED
HOMICIDES
PER YEAR**



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.

State Funding in 2020–2021 for the

Domestic Violence Victim Assistance Act

A TOTAL OF
\$688,622
WAS DISTRIBUTED

Funding through the 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.

\$41,781
to Pisgah Legal
Services to serve
Buncombe,
Henderson, Madison,
Polk, Rutherford, and
Transylvania counties

\$646,842
to Legal Aid of North
Carolina to serve all
other counties

(figures rounded)

One woman's story

The phrase "Home Sweet Home" took on new significance in 2020 as the pandemic took hold, and everyone was encouraged to shelter in place. But for Tiffany, her temporary home was more of a prison than a refuge.

After the mobile home she rented was condemned in late 2019, a former co-worker offered her a room to rent at his house. With only 15 days to find a new place, she accepted, with affordable places to live quite scarce.

It wasn't long before Tiffany realized that her new landlord wanted more from her than just rent money. Afraid to leave during the pandemic, and with nowhere else to go, Tiffany endured constant harassment for almost seven months. One night she woke to find him touching her. Then he demanded she pay him \$550/month and have sex with him weekly. She called Pisgah Legal Services.

After consulting with Pisgah Legal Attorney Casey Steen, Tiffany was referred to Pisgah Legal Social Worker Sandy Devoid to help her find safe housing. A local church generously paid for temporary housing while Sandy sought long-term housing. When Tiffany found a new place to live, Sandy helped her apply and get approved.

Unfortunately, Tiffany still needs Pisgah Legal Services. Her former landlord tracked her to her new home and began throwing trash on her lawn and threatening her. Casey has filed for protective orders as this man stalks Tiffany at her home and at work. He has been jailed but continues to harass her.

Tiffany says, "I've never had anyone in my life like Sandy. She doesn't judge me. She lifts me up. And Pisgah Legal isn't just a lawyer's office. They help in a lot of ways that people don't even think about."



LANC & Pisgah Legal Services receive funds from the Domestic Violence Victim Assistance Act

6,615

CASES COMPLETED

Legal Aid of North Carolina (LANC) and Pisgah Legal Services provide free legal services to domestic violence victims so they can 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 types 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.

From **July 2020 thru June 2021**, Legal Aid of North Carolina and Pisgah Legal Services completed **6,615** cases for domestic violence victims.

Of these cases, **782** were completed by volunteer attorneys.

Civil legal aid helped domestic violence victims secure **2,350** protective orders, protected custody rights for **722** victims, and protected housing rights for **136** victims.



About the

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).



Civil legal aid programs for low-income domestic violence victims in North Carolina



Domestic and Sexual Violence Prevention Program (DSVPP)

The Domestic and Sexual Violence Prevention Program (DSVPP) of Pisgah Legal Services provides civil legal services for low-income victims of domestic violence, sexual violence, and child maltreatment. PLS works in collaboration with domestic violence prevention agencies, shelters, law enforcement and other partners in Western North Carolina, including family justice centers and resource centers to provide coordinated services under one roof for survivors.



Domestic Violence and Sexual Assault (DVSA) Project

The Domestic Violence and Sexual Assault (DVSA) Project of Legal Aid of North Carolina provides free legal assistance to survivors of domestic violence and sexual assault throughout the state.

Attorneys and advocates with the DVSA Project help survivors 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 survivors escape their abusers and start new lives.