

Combating Domestic Violence with Legal Services

2021–22 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.
- North Carolina service providers reported serving more than 75,000 clients during 2021–22 with domestic violence services including information, referrals, counseling, shelter services, court assistance, and more. Hotlines answered more than 94,125 calls and 7,673 chats.



**>140
HOMICIDES**

**NC
REPORTED
148
DV-RELATED
HOMICIDES
IN 2021**



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 2021–2022 for the Domestic Violence Victim Assistance Act

A TOTAL OF
\$811,042
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.

\$44,821
to Pisgah Legal
Services to serve
Buncombe,
Henderson, Madison,
Polk, Rutherford, and
Transylvania counties

\$766,220
to Legal Aid of
North Carolina to serve
all other counties

(FIGURES ROUNDED)

One man's story

A disabled veteran, James had dealt with abuse from his son for nearly three decades. It was mentally and physically exhausting. When his son was released from prison in 2021, James thought they would be able to turn over a new leaf. He wanted to help him. Then, trouble started.

James added his son to his bank account so he could get a debit card. His son was supposed to help pay bills, but he never did. They started piling up. James' son and his girlfriend would use drugs in his house, and he was powerless to stop them.

When James was alone with his son, his wrath would be unleashed. He even attacked James while he was asleep. "He elbowed me and kicked me down," James said of one incident. "He pressed down on my chest. He knows I have heart problems and had four open heart surgeries."

It was scary, but James had Pisgah Legal Services to call on. Attorney Patricia Caddell helped James keep his housing when he was facing an eviction for damage he didn't cause. Patricia worked diligently to help James access much-needed resources available to him through the U.S. Department of Veterans Affairs. She then set to work on helping James get a restraining order against his son.

Everything came to a head one day when Patricia received a voicemail from James. It was hard to understand, but she knew something was wrong, so she called 911 and requested a welfare check.

"My son came up to me with a knife in one hand and a hammer in the other," said James. He threatened to kill James' dog, then him. Law enforcement showed up to James' house just in time.

Now, James' son is back in jail, and James feels safe in his home once again. It's still hard, but he is thankful Patricia has been by his side during this difficult time. "I couldn't have done it without Patricia. She stood right by me in court," said James. "I'd have been dead without help."



James with
Pisgah Legal
Services Attorney
Patricia Caddell.

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

7,116
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 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.

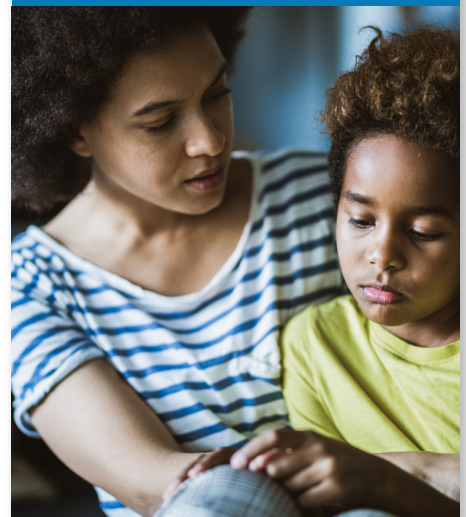
Volunteer Attorneys

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.

**From July 2021
thru June 2022,**
Legal Aid of North Carolina
and Pisgah Legal Services
completed **7,116**
cases for domestic
violence victims.

Of these cases,
814 were completed
by volunteer attorneys.

Civil legal aid helped
domestic violence victims
secure **2,931** protective
orders, protected custody
rights for **464** victims,
secured essential property
and income for **82**
victims, and enforced
housing rights
for **43** 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. Legal aid is a valuable public investment that decreases domestic violence in our communities and helps women achieve self-sufficiency.

* 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 (PLS) provides free 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.