

New York Crime Victims Legal Network Project

The NY Crime Victims Legal Network

The NY Crime Victims Legal Network Project is part of the Vision 21 initiative's effort to provide "*holistic legal assistance for all crime victims*" that arise in connection with their victimization.

The NY Crime Victims Legal Network is a partnership of organizations working together to address the civil legal needs of crime victims.

The Network's goal is to develop new technology solutions to connect victims of crime with the appropriate legal services they need.

Core Grant Partners:

- NYS Office of Victims Services
- Empire Justice Center
- SUNY Albany Center for Human Services Research
- Pro Bono Net

Phases of Network Project

Phase 1 (18 months): Needs assessment; culminates in a Final Report and an Implementation Plan.

Phase 2 (12 months): Use the Final Report and the Implementation Plan to roll out a Pilot Crime Victims Legal Network using:

- A limited number of identified crime victims' points of entry.
- A subset of the identified civil legal services.

Phase 3 (18 months): Expand the Crime Victims Legal Network to serve all of New York State outside of New York City.

- Begins with an assessment of the strengths and weaknesses of the Pilot
- Will modify the Network design as necessary and begin expanding the Network across the rest of the State outside NYC.



Completed assessment
of civil legal needs of
crime victims

Pilot launch in **Erie,
Niagara, and Genesee**
counties

Use Pilot Evaluation to
determine strategies to be
used in statewide expansion

Statewide rollout of
NY Crime Victims Legal Help
(outside NYC)

2017

2018

2018

2019

First Phase

Needs Assessment: Main Objectives

- What kind of problems do victims of crime face in NYS, and what are their civil legal needs?
- What are the existing gaps between services needed and services available?
- What are the potential barriers to seeking/receiving help?
- What role can an online resource play in order to fill the existing gaps?

Top Identified Areas of Civil Legal Need

- Majority of crime victims (62%) indicated they had problems with money/finances as a result of their criminal victimization, followed by family issues (46%).
- Majority of service providers (81%) identified family as the most unaddressed/under-addressed civil legal need from crime victims in their service area, followed by money/finances and housing (78% each).

Key Themes: Needs and Barriers

- Crime victims most frequently report needs in areas of finances, family, housing, and mental health.
- Crime victims may not be informed of or understand their rights.
- Crime victims may not know what services are available to assist them with their civil legal needs.
- Providing and accessing services is difficult primarily due to resource limitations, transportation issues, and language and cultural barriers.

Key Themes: Content

- Importance of self-help information.
- Basic information about the legal system and what to expect in court.
- Presentation of information in plain language and multiple formats.
- Utility of a screening tool.
- Multiple means of access (mobile device, computer, phone).

Accessibility, security and language access are key design considerations

- 42% of crime victim survey respondents who said they may or would not use an online tool indicated concerns with security and privacy.
- About half or more of the people in the focus groups and interviews spoke of the challenges – language and cultural barrier – to meeting the needs of the immigrant population.

Network's Online Resource

- The central component of the Crime Victims Legal Network is an online resource to connect victims of crime with legal information and services.
- The suite of features include:
 - Triage/Screening Tool
 - Legal Services Help Directory
 - Self-Help Resource Library
 - Live Chat
 - Network Partner Advocate Gateway (Initial build out in phase II and full build out in phase III)

Key Design Principles

- Plain language
- Easy to Use
- Meets accessibility principles and standards
- Safe and secure
- Available to users via multiple entry points/“no wrong door”
- Language Access



NY Crime Victims LEGAL HELP



ADVOCATE LOGIN

Text Size: A A A

- HOME
- KNOW YOUR RIGHTS
- LEGAL HELP DIRECTORY
- FIND LEGAL FORMS
- ABOUT US

The New York Crime Victims Legal Network is an online resource to connect victims of crime with legal information and services. Choose one of the options above or use our guided interview to begin your search.

[GET STARTED](#)

[Learn more about how this site can help you](#)

Know Your Rights

Non conset etum quam quant et odii officil
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Find Legal Services

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Find Legal Forms

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Office of
Victim Services



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Triage Screening Tool

The **Triage Screening Tool** can help you identify what your legal needs are. Just answer several questions and you will be directed to specific resources that can help you.



Live Help

If you need help finding information on this website, you can use **LiveHelp** to chat with someone who can direct you to the right resource. The LiveHelp staff cannot give you legal advice, but they can help you find the information you need to address your legal concerns.



Know Your Rights

The **Know Your Rights** library has information about your rights as a crime victim and other information that may help you understand your options. You can also find a number of DIY forms that may help you take the next step to resolve your legal issue.



Legal Services Help Directory

If you know the kind of legal assistance you need, the **Legal Services Help Directory** can direct you to the right information and service providers



Advocate Gateway

Advocates have access to additional resources through the **Advocate Gateway**, a secure portal for professionals.

- Site Content
 - Victims' Rights
 - Family Law Issues
 - Safety Issues
 - Immigration Issues
 - Money & Financial
 - Housing
 - Employment
 - DV & Other Victimization
 - Legal forms

Pilot Phase

- **Geography:** Erie & Genesee Counties.
- **Legal Issues:** Family, Housing, Money/Finances, Employment, and Immigration.
- **Level of Connection of crime victim to legal help:** Limited “warm referral.”
- Evaluation of Pilot & necessary changes.



Gradual rollout through rest of State.

Phase Three

Expansion Timeline

- May – June 2019
 - Albany & Hudson Valley regions
 - 23 counties August 2019
 - Rochester, Buffalo, LI, Syracuse, Binghamton and Utica regions
 - 31 counties
- Warm referral partners
 - OVS legal Services Contracts

- 2018 Recognizing the needs for civil legal attorneys for crime victims OVS launches RFA
- Offers funding for OVS funded programs to hire lawyers or contract with outside counsel to represent crime victims
- Must agree to be warm referral partner to Civil Legal Network
- Must receive 15 hours of training related to holistic victim representation and the neuroscience of trauma

- 61 programs awarded 5 year grants
- Grants = \$84.9 million over 5 years

- 2019 3 year RFA
 - Empire Justice was awarded grant to continue work of the CVLN as the Vision 21 Grant ends

THE JUSTICE
IN GOVERNMENT
PROJECT

GETTING RESULTS WITH LEGAL AID
American University Justice Programs Office



NLADA
National Legal Aid &
Defender Association

Civil Legal Aid Helps Those Affected by the Opioid Crisis

Among the nearly 72,000 drug overdose deaths in 2017, the sharpest increase occurred among deaths related to opioids.¹ **Every day, 1,000 people are treated in emergency rooms for opioid overdoses.** The total economic burden is estimated to be \$504 billion.² Of this, \$28.9 billion is due to health care costs. Including those in recovery and their extended family members, **more than 11 million Americans are affected by the opioid crisis**, with 2.1 million addicted.³ They need our help.

Policymakers know the current epidemic requires a multi-disciplinary response that includes law enforcement, doctors, nurses, mental health professionals, social workers, and case managers.

But civil legal aid providers are also essential partners in solving one of America's most pressing public health issues.

THE NEED IS GREAT...

- Substance Use Disorder (SUD) is a chronic lifelong disorder that may affect an individual's ability to meet responsibilities at home, work, and school⁴ and result in social, economic, and/or legal consequences.⁵
- SUD commonly co-occurs with intimate partner violence,⁶ homelessness,⁷ and mental illness.⁸
- When parents have periods of intense drug use, children may not be properly fed, clothed, or cared for.⁹
- Children of addicted parents experience dramatically increased medical, behavioral, and psychological issues.¹⁰
- In states with the highest number of opioid-related overdose deaths, the child welfare systems are seeing increases in children being removed from their parents' care.¹¹



LEGAL AID HELPS...

- In Washington counties where a pilot parent representation program was established, the reunification rate between children and parents was 11 percent higher, adoption rates were 83 percent higher, and the rate of entrance to guardianships was 102 percent higher compared to counties where the program was not established.¹²
- Representation leads to cost savings for foster parents, subsidies for children's medical care, cash benefits, and the expense of monitoring the foster family.¹³
- Patients receiving legal services reported reduced stress levels and improved health.¹⁴
- When civil legal needs were addressed, inpatient and emergency department use dropped 50 percent and health care costs decreased 45 percent.¹⁵
- Legal aid can assist extended family members in obtaining legal guardianship to address the child's education, medical, dental, and mental health needs¹⁶

Norma gets help to enroll grandchildren in school

"Norma" received a call from her daughter's neighbor in a distant city. The daughter – suffering from opioid addiction – had left Norma's grandchildren with the neighbor and disappeared. After a week, the neighbor could not care for the children and called Norma. Norma went to the Legal Aid Society of Greater Cincinnati the next day. The attorney volunteer drafted a "Grandparent Caregiver Affidavit" that Norma filed with the court the same day. This gave Norma immediate authority to enroll the children in school, take them to the doctor, and apply for benefits to ensure she could afford to properly feed her grandchildren.¹⁷

Medical-legal partnership helps family stay housed

"Melissa" lives in a home with her adult son "Brian." While Brian is currently in recovery for an opioid-related SUD, this wasn't always the case. When still using opioids, he drained his mother's bank account to buy drugs, leaving her unable to pay her mortgage. Through a medical-legal partnership, Melissa's health care provider referred her to their Indiana Legal Services partner attorney who helped her negotiate a loan modification. Under the new terms, Melissa could make the payments and stay in her home, along with Brian, who remains in active recovery with a stable place to live.¹⁸

HOW LEGAL AID HELPS ADDRESS THE OPIOID CRISIS

The Substance Abuse and Mental Health Services Administration (SAMHSA) identifies health, home, purpose, and community as four essential components to recovery from drug addiction.¹⁹ Legal aid providers can help individuals with opioid-related SUDs secure housing and health care services, ensure their children are cared for, escape domestic violence, and remove obstacles to employment, increasing prospects for recovery. They can also help extended family members become legal guardians to children whose parents are struggling with a SUD. Legal aid programs have partnered with local courts, bar associations, schools, and their medical counterparts to provide legal help, often leveraging staff attorneys and paralegals with pro bono volunteers.

EXAMPLES OF PARTNERSHIPS WITH LEGAL AID

Medical-legal partnerships help individuals with SUDs

Indiana Legal Services and Eskenazi Health teamed up to help people with SUDs expunge criminal records, secure housing assistance, and navigate custody issues.²⁰ In Ohio, Good Samaritan Hospital Faculty Medical Center's program to help opiate-addicted pregnant women addresses legal needs related to homelessness, human trafficking, domestic violence, and access to benefits through their partnership with Legal Aid Society of Cincinnati. Training ensures that attorneys and paralegals better understand SUDs, and nurses and social workers learn how to spot problems with possible legal solutions and make referrals.²¹

Partnerships with courts and bar associations

Local news profiled [Texas Legal Services Center](#)²² and [Legal Aid Society of Greater Cincinnati](#)²³ when they launched pro bono partnerships with courts and bar associations to provide grandparents and other extended family members with free legal

help to care for the children when the opioid epidemic robs them of their parents.

Legal aid programs awarded US Department of Justice grants to partner with nonprofits and schools

In September 2018, the US Department of Justice Office for Victims of Crime awarded *Enhancing Community Responses to the Opioid Crisis: Serving our Youngest Crime Victims* grants to ensure critical legal help: Ohio State Legal Services Association convenes community partners to launch the Appalachian Ohio Children's Victim Assistance and Prevention Project; Legal Aid Services of Oklahoma partners with the Center on Child Abuse and Neglect, and Kids' Space, for wraparound multidisciplinary services; and Legal Aid of West Virginia and Legal Aid of the Bluegrass provide trauma informed legal and other services to children and their caregivers in partnership with public elementary schools.

FUNDING OPPORTUNITIES

Several federal grants can fund social services – including legal services – to individuals and families dealing with SUDs. Examples of federal grants administered directly by federal agencies that have allowed funds for legal help include the *Enhancing Community Responses to the Opioid Crisis*²⁴ and the *Rural Community Opioid Response Program*.²⁵ Examples of federal block grants administered by states include Substance Abuse²⁶ and Mental Health Block Grants,²⁷ *Opioid State Targeted Response Grants*,²⁸ and VOCA Victim Assistance Formula Grants (for SUD-related child and elder abuse).²⁹ Additional information on grant sources for legal services can be found in the Justice in Government Project's Toolkit.³⁰

For more information about using federal funds to expand legal services for people dealing with the opioid epidemic, contact Karen Lash, The Justice in Government Project, American University: klash@american.edu or Radhika Singh, National Legal Aid & Defender Association's Civil Legal Aid Initiative: r.singh@nlada.org. For more information about medical-legal partnership, contact Ellen Lawton, National Center for Medical-Legal Partnership: ellawton@gwu.edu

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- <https://www.ojp.gov/ovc/pubs/crimevictimsfundfs/intro.html#VictimAssist>
- <https://www.american.edu/spa/jpo/toolkit/module-2.cfm>



U.S. Department of Justice Awards *Enhancing Community Responses to the Opioid Crisis Grants to Connect Children and Caregivers with Legal Help*

Civil legal aid programs in Kentucky, Ohio, Oklahoma, and West Virginia are launching projects to provide legal help to children and their caregivers affected by the opioid crisis. The U.S. Department of Justice Office for Victims of Crime (DOJ OVC) *Enhancing Community Responses to the Opioid Crisis: Serving Our Youngest Crime Victims* grant announcements were made on October 1, 2018.¹

Across the nation, communities struggle to respond to the opioid crisis. DOJ OVC invited proposals calling for a multi-disciplinary approach: “A strong link between crime victimization and substance abuse has been evidenced for some time, and these issues cannot be successfully addressed in ‘silos’ or by one discipline or agency.”² These projects will work collaboratively with schools, law enforcement, health and social service providers, and other community partners.

Legal Aid of the Bluegrass (LAB): KY Children RISE (Reducing Impediments to Stable Education)

Studies show that children living with parents who have substance use disorders are three times as likely to be emotionally, physically, or sexually abused, and four times as likely to be emotionally or physically neglected. Local school districts also point to opioid abuse as a leading cause of soaring chronic absentee rates among their students. LAB will collaborate with school districts, family resource centers, health professionals and other community partners to create community driven clinics that holistically help child victims and families affected by the opioid crisis.

Legal Aid Services of Oklahoma (LASO)

The Centers for Disease Control and Prevention rank Oklahoma 5th for the highest rate of opioid prescriptions nationally. In the last 15 years, death by drug overdose has increased 91%. Legal Aid Services of Oklahoma, Inc. (LASO) will provide civil legal aid to children victimized by the opioid epidemic. Together with its two partner programs, the “A Better Chance” (ABC) Program Clinic at the Center on Child Abuse and Neglect and Child Study Center at the University of Oklahoma Health Sciences Center (OUHSC), interdisciplinary teams will address the children and caregivers’ wraparound needs, including help to ensure safe housing, legal custody or guardianship, and access to health and other benefits.

Legal Aid of West Virginia (LAWV): Lawyer in the School Project

As the opioid crisis devastates West Virginia communities, an increasing number of children whose parents have a substance use disorder have caused the prevalence of child abuse and neglect to soar. LAWV’s Lawyer in the School Project will provide services to youth impacted by the opioid crisis and who attend Marion County Schools. The Project seeks to stabilize the lives of the youngest victims of the opioid crisis by providing onsite legal help to school families on issues like legal custody for caregivers, eviction, and disrupted income.

Ohio State Legal Services Association (OSLSA): Appalachian Ohio Children’s Victim Assistance and Prevention Project

Children of parents addicted to opiates are flooding into Ohio’s child protection system. Ohio’s child welfare system has seen a 19% increase in the number of children removed from parental care since 2010 and now has close to 15,000 children in custody. OSLSA will convene a comprehensive group of experienced community partners to provide evidenced-based, trauma informed care for children and youth victims of crime.

The Centers for Disease Control and Prevention reports that in the U.S., 36.4 percent of women and 33.6 percent of men experience sexual or physical violence or stalking perpetrated by an intimate partner in their lifetimes.¹ Individuals who have experienced domestic violence display a multitude of legal needs. They may require assistance with filing protection orders, custody issues, housing, identity theft, and employment (Lee & Backes, 2018; Allen et al., 2004).

Page 1 of this research brief provides some research highlights; page 2 a narrative overview; page 3 a featured federal resource; page 4 other helpful resources; and pages 5-12 summaries of the curated studies. All endnotes are to sources not included in our summaries section.

RESEARCH HIGHLIGHTS:

- “Providing civil counsel in divorce, custody, and protective order proceedings can significantly improve outcomes for DV [domestic violence] and IPV [intimate partner violence] victims and their children as well as serve as a cost-effective strategy for reducing violence and generating positive social norms” (Lee & Backes, 2018).
- In a study of victims of IPV, researchers concluded that “[c]ivil legal services can most directly address economic self-sufficiency in two ways: by increasing income and decreasing economic liability” (Hartley & Renner, 2016).
- “83 percent of victims represented by an attorney successfully obtained a protective order, as compared to just 32 percent of victims without an attorney” (Institute for Policy Integrity, 2015).
- In custody matters, “attorney representation, particularly representation by legal aid attorneys with expertise in IPV cases, resulted in greater protections being awarded to IPV victims and their children. Improved access of IPV victims to legal representation, particularly by attorneys with expertise in IPV, is indicated” (Kernic, 2015).
- “DV/SA [sexual assault] victims reported an aggregate total of 3,446 separate legal problems in areas identified in the survey instrument with an average of 19.69 legal problems per household/respondent. This is 2 times higher than an average of 9.3 problems per household/year documented for the general low-income population of Washington” (Social & Economic Sciences Research Center, 2014).
- “In 2003, for example, requests for restraining orders in Dane County were granted approximately 55 percent of the time. With the aid of a legal advocate provided by DAIS, however, that number increased to 69 percent” (Elwart et al., 2006).
- “Women living in counties with shelters, hot-lines, safe homes, emergency transportation, programs for batterers, children’s programs, and counseling are not significantly less likely to be victims of intimate partner abuse than women who live in counties without these services. However, women who live in counties with legal assistance programs to help battered women are significantly less likely to report abuse” (Allen et al., 2004).
- “... [T]he overwhelming fraction of our study participants did not achieve the goal of terminating their marriages unless they had lawyers” (Degnan et al., 2019).
- “Most services provided to help battered women do not impact the likelihood of abuse, but the provision of legal services significantly lowers the incidence of domestic violence” (Farmer & Tiefenthaler, 2003).

NARRATIVE OVERVIEW RE: ASSISTING DOMESTIC VIOLENCE SURVIVORS

Domestic violence (DV) is defined as violent, often aggressive, behavior used by one partner in a relationship that incites fear and intimidates the other partner or among family members. The U.S. Department of Justice Bureau of Justice Statistics differentiates between DV (violence from family members and former or current partners) and IPV (violence only from current or former partners).² Experiencing violence can leave a profound impact. Those who have been directly victimized report higher rates of depression,³ are at higher risk for repeat victimization,⁴ and are at higher risk for perpetrating DV in their lifetimes⁵ than those who have not experienced violence.

Experiencing IPV/DV is common: The Centers for Disease Control and Prevention reports that in the U.S., 36.4 percent of women and 33.6 percent of men experience sexual or physical violence or stalking perpetrated by an intimate partner in their lifetimes.⁶ In 2017, data from the National Crime Victimization Survey found that 1,237,960 Americans had experienced DV in the six months prior to the survey.⁷

DATA AND STUDIES SHOW LEGAL AID HELPS:

Individuals who have experienced domestic violence often display a multitude of legal needs: from assistance with filing protection orders, custody issues, housing, identity theft, and employment (Lee & Backes, 2018; Allen et al., 2004). Domestic violence survivors and sexual assault victims are likely to report more legal needs than the average low-income household (Social & Economic Sciences Research Center, 2014). Studies show how access to legal aid can both reduce domestic violence and mitigate some of its collateral consequences. Kernic (2015) found that when DV survivors have access to legal representation in child custody cases, they are granted greater protections and visitation decisions when compared to those who are not represented. Another study agrees. The National Network to End Domestic Violence (2017) found in their survey of 1,762 shelters that DV survivors without legal representation are more likely to be later victimized than those without access to legal representation.

Having access to legal representation reduces the likelihood of future violence. In their seminal study, Farmer and Tiefenthaler (2003) found that increased access to legal representation and services is partly responsible for the decrease in domestic violence seen in the 1990s. More recently, Hartley and Renner found that with legal representation to obtain a protective order or on a family law issue, survivors of domestic violence in Iowa saw increases in monthly income and personal growth and support (2018). They also found that, while receiving free civil legal services for intimate partner violence, depression and PTSD decreased significantly over one year (Renner & Hartley, 2018).

The Institute for Policy Integrity (2015) also found that providing legal services to DV survivors reduced domestic violence, as well as the societal costs of domestic violence. Elwart and colleagues (2006) found that when state funding of domestic violence service providers was at \$9.1 million, the maximum benefits were \$27.3 million.

FEATURED FEDERAL RESOURCE:

U.S. Department of Justice, Office for Victims of Crime *Vision 21 Report*

Vision 21: Transforming Victim Services (TVS) outlines a comprehensive and systematic approach to change how we meet victims' needs. TVS grew out of a series of meetings that were sponsored by OVC. The discussion and research focused on the role of victim assistance, how to better serve victims, addressing issues in the field, and identify emerging issues in the field.

This report dedicates an entire chapter to meeting the holistic legal needs of crime victims. The TVS statement reads: "Every state will establish wraparound legal networks that will help ensure that crime victims' rights are enforced and that victims of crime receive the broad range of legal services needed to help rebuild their lives in the aftermath of crime" (p. 9). This chapter summarized efforts made within the last decade to secure crime victims' rights, the difficulties victims face in navigating the justice system, and ways that legal networks can better address crime victims' needs.

Highlights:

- "A staggering 42 percent of victims never report serious violent crime to law enforcement. We need to know why. Stakeholders described a maze of overlapping, complex legal issues facing victims; for example, a single victimization can involve immigration status, civil legal assistance, administrative law remedies, and rights enforcement" (p. vi).
- "Victims of crime all too often face a perplexing maze of coexisting, overlapping, and complex legal issues after their victimization. They must navigate multiple systems (i.e., the criminal, civil, and administrative justice systems), each with its own requirements and processes. One case of victimization may produce myriad legal issues for the victim, including orders of protection, victims' rights enforcement, compensation, employment, housing, home foreclosure, spousal support, and child custody, visitation, and dependency" (p. 12).
- "Serving crime victims in indigenous communities presents a special challenge to all members of the victim service community, particularly providers of legal services. American Indian and Alaska Native populations suffer significantly higher crime rates than the rest of the Nation—a fact that underscores the urgency of finding ways to deliver services more successfully or, in the case of legal assistance, to deliver services at all" (p. 12).
- "Compounding the lack of legal representation for crime victims is the absence of a single point of entry through which victims of all types of crime may access services to address the wide range of legal needs they may have as the result of their victimization" (p. 14).
- "A coordinated, collaborative, and holistic legal response has the potential to serve victims far better through an inherent capacity to provide the type of legal assistance needed at any given time. A network approach would also ensure that victims are connected to community legal resources that can help them address their administrative, civil, and other legal issues" (p. 14).

Access this resource at: US Department of Justice, Office for Victims of Crime. *Vision 21: Transforming Victim Services* (May 2013), available at https://ovc.ncjrs.gov/vision21/pdfs/Vision21_Report.pdf

HELPFUL RESOURCES:

- The Status of Women in the United States has an [interactive map](#), ranking, and grading system for protections afforded to domestic violence survivors.⁸
- The [National Coalition Against Domestic Violence](#) has state-by-state statistics and domestic violence fact sheets.⁹
- The Bureau of Justice Statistics updates their [website](#) with the latest data from the National Crime Victimization Survey, which includes information on DV victimization.¹⁰
- Jacqueline G. Lee of Boise State University and Bethany L. Backes of The University of Texas published a [comprehensive review](#) of the existing literature on civil legal aid's application for DV and IPV victims in the Journal of Family Violence in August 2018. The paper also includes recommendations for improving service delivery.¹¹
- Legal Services Corporation has collected client success stories [here](#).¹²
- For more information about civil legal aid messaging, communications, and story-telling, go to the [Voices for Civil Justice](#) and [All Rise for Civil Justice](#) websites.¹³
- For a more comprehensive repository of legal aid related research, go to the National Legal Aid & Defender Association's [LegalAidResearch](#) website.¹⁴

Endnotes

¹ Sharon G. Smith et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief – Updated Release*, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (2018), available at <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>

² Rachel E. Morgan & Jennifer L. Truman, *Crime Victimization, 2017*, U.S. Department of Justice, Bureau of Justice Statistics (2018), available at <https://www.bjs.gov/content/pub/pdf/cv17.pdf>

³ Jeanne Y. Choe et al., *Perpetration of Violence, Violent Victimization, and Severe Mental Illness: Balancing Public Health Concerns*, 59 *Psychiatr. Serv.* 153. (2008).

⁴ Amaia Iratzoqui, *Strain and Opportunity: A Theory of Repeat Victimization*, 33 *J. of Interpersonal Violence* 1366 (2018).

⁵ Richard B. Felson & Kelsea Jo Lane, *Social Learning, Sexual and Physical Abuse, and Adult Crime*, 35 *Aggressive Behavior* 489 (2009).

⁶ *Supra* note 1.

⁷ *Supra* note 5.

⁸ <https://statusofwomendata.org/explore-the-data/violence-safety/#section-0>

⁹ <https://ncadv.org/statistics>

¹⁰ <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245>

¹¹ <https://link.springer.com/article/10.1007/s10896-018-9974-3>

¹² <https://www.lsc.gov/what-legal-aid/client-success-stories>

¹³ See <https://voicesforciviljustice.org/> and <https://www.allriseforciviljustice.org/>

¹⁴ <https://legalaidresearch.org/>

SUMMARIES OF KEY STUDIES

1. Ellen Degnan, Thomas Ferriss, D. James Greiner, & Roseanna Sommers, *Trapped in Marriage* (2019), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3277900

The researchers conducted a randomized control trial to assess the effectiveness of a pro bono divorce service offered from January 2011 through July 2016. They randomly assigned 311 individuals seeking assistance to obtain a divorce to either a service provider to find a pro bono attorney (the treatment group), or to an existing set of self-help resources paired with the opportunity for assistance over the telephone (the control group). They found that 54.1 percent of individuals who were referred to a service provider to find an attorney had a divorce case on record after eighteen months, compared to 13.9 percent of the control group. After three years, 45.9 percent of the treatment group had successfully obtained a divorce, compared to 8.9 percent of the control group.

Methodology:

Individuals seeking a divorce were randomly assigned to be referred to either a service to obtain an attorney, or self-help resources. The researchers compared the rates of successfully filing for and obtaining a divorce at two time periods after randomization (eighteen months and three years) between the two groups.

Highlights:

- “Our simple design study replicated that of previous effect-of-representation studies: we randomized participants to a higher level of service or a lower level of service and followed results via examination of adjudicatory system records” (p. 24).
- “Study intake lasted from January 2011 until July of 2013, allowing us to randomize 311 participants, 74 assigned to the treatment group and 237 to control” (p. 24).
- “Starting eighteen months after randomization, on a periodic basis, we provided personal identifying information on study participants to the Court’s remarkably patient and dedicated staff, who searched for divorce case files involving study participants. Upon finding a file, Court staff copied it, redacted confidential information about the opposing spouse, and sent the redacted copy to us. With respect to study participants who had case files in the initial 18month search, we requested follow-up documents from the court for up to 36 months after randomization. A review of these case files provided us with a primary source of outcome information” (p. 25).
- In Philadelphia County: “Eighteen months after randomization, 54.1% of the treated group, as opposed to 13.9% of the control group, had a divorce case on record. Three years after randomization, 45.9% of treated group, as opposed to 8.9% of the control group, had achieved a termination of a marriage” (p. 5).
- If results are expanded to include other counties in Pennsylvania, “results remain statistically and substantively significant: 60.8% of the treated group, versus 36.3% of the control group, had a divorce case on file after 18 months, $p < .00002$; 50.0% of the treated group, versus 25.3% of the control group, succeeded in terminating the marriage in 36 months, $p < .00002$ ” (p. 6).
- “We conclude that the applicable procedural system trapped participants in marriage, even those seeking only the simplest possible court action, i.e., orders ending marriages and doing nothing else with respect to that marriage” (p. 7).
- “... the overwhelming fraction of our study participants did not achieve the goal of terminating their marriages unless they had lawyers” (p. 9).

2. Carolyn Copps Hartley & Lynette M. Renner, *Economic Self-Sufficiency among Women Who Experienced Intimate Partner Violence and Received Civil Legal Services* (2018), *Journal of Family Violence* 33(7), available at <https://link.springer.com/article/10.1007%2Fs10896-018-9977-0>

Panel data was collected from 85 women who experienced intimate partner violence and received free civil legal services from Iowa Legal Aid (ILA). The researchers compared the women's income and levels of self-sufficiency over a period of one year to determine the effects of receiving civil legal services. They found that between Waves 1 and 3, the women's average monthly income increased by 19.52 percent and they reported significant increases in personal growth and support. However, the researchers did not identify a relationship between the type or amount of legal services received and changes in economic self-sufficiency. The authors also published a complementary study on the effects of civil legal services on psychological well-being using the same dataset (summary 3).

Methodology:

Over a period of one year, panel data was collected from 85 women who experienced intimate partner violence and received free civil legal services from ILA. Baseline data was first collected at Wave 1, and then Wave 2 and Wave 3 follow-up interviews took place every six months. A randomized control trial method was not used due to the potential safety risks of being assigned to a non-intervention group. The researchers compared the women's economic status (measured as total monthly income and social service utilization), levels of self-sufficiency (measured by the women's perceptions of ability to live on their income), and type and amount of legal services received between waves.

Highlights:

- "With the significant negative economic impact of IPV, it is reasonable to assume that reducing incidents of IPV would decrease these effects and researchers have shown that providing civil legal services reduces IPV."
- "Women's concrete economic indicators, income and program assistance use, changed from Wave 1 to Wave 3; perhaps most notably, women's average monthly income increased by 19.52% between Waves 1 and 3."
- "Changes in the measures of some of the domains of economic self-sufficiency were mixed. Women's perceptions of the difficulty living off their current income decreased over time but their reports of the adequacy of family resources for physical, health, and housing necessities (food, clothing, housing, heat, transportation, phone access, dental and medical care), intra-family support, and child care did not change. This was likely due to the fact that most women reported these resources to be sufficiently adequate at Wave 1."
- "Women reported significant increases in the adequacy in personal growth and support (time for personal growth and money for extras like family entertainment or travel) and overall adequacy of family resources as measured by the total [Family Resource Scale]."
- "For the positive changes in women's economic situations over a one-year period of time, however, we found no relation between the type or amount of legal services received and changes in the economic self-sufficiency measures."

3. Lynette M. Renner & Carolyn Copps Hartley, *Psychological Well-Being Among Women Who Experienced Intimate Partner Violence and Received Civil Legal Services* (2018), *Journal of Interpersonal Violence*, available at https://journals.sagepub.com/doi/full/10.1177/0886260518777552?url_ver=Z39.88-2003&rfr_id=ori%3Arid%3Acrossref.org&rfr_dat=cr_pub%3Dpubmed

Panel data was collected from 85 women who experienced intimate partner violence and received free civil legal services from Iowa Legal Aid (ILA). The researchers compared the women's results on various measures of psychological well-being over a period of one year to determine the effects of receiving civil legal services. They found that between Waves 1 and 3, the women's depression score decreased by 19.83 percent, PTSD symptoms decreased between 39 to 46 percent, and appraisal support (the perceived ability to discuss issues of personal importance) increased by 5.95 percent. However, there was no correlation between these outcomes and the type or amount of legal services received. The authors also published a complementary study on the effects of civil legal services on economic self-sufficiency using the same dataset (summary 2).

Methodology:

Over a period of one year, panel data was collected from 85 women who experienced intimate partner violence and received free civil legal services from ILA. Baseline data was first collected at Wave 1, and then Wave 2 and Wave 3 follow-up interviews took place every six months. A randomized control trial method was not used due to the potential safety risks of being assigned to a non-intervention group. The researchers compared the women's psychological well-being (measured using high-validity psychometric tests for depression, PTSD, support, resilience, goal-directed thinking, and empowerment), and type and amount of legal services received between waves.

Highlights:

- “At the Wave 1 interview, many women reported psychological well-being scores that might raise clinical concerns. Sixty-seven percent of women met the clinical criteria for depression and 64% of women met the clinical criteria for PTSD. Women reported modest levels of social support and resilience; and, despite the presence of IPV, depressive symptoms, and PTSD symptoms, most women still reported adequate levels of goal-directed thinking and empowerment.”
- “Women's depressive symptom score decreased by 19.83% between Wave 1 and Wave 3, and significant decreases in PTSD symptoms were also reported over this same one-year period (decreases in intrusion, avoidance, and hyperarousal scores were 43.95%, 39.61%, and 46.35%, respectively).”
- “Women's goal-oriented thinking, resilience, and social support levels did not significantly change from Waves 1 to 3, with the exception of scores on the Appraisal Support subscale, which increased by 5.95% over a one-year period.”
- “Our overall hypothesis was supported by the fact that women showed improvements in various facets of psychological well-being over time, although we found no relation between the type or amount of legal services received and changes in women's depressive symptoms, traumatic stress responses, or other measures of well-being.”

4. National Network to End Domestic Violence, *11th Annual Domestic Violence Counts Report (2017)*, available at <https://nnedv.org/content/domestic-violence-counts-11th-annual-census-report/>

The National Network to End Domestic Violence conducted a census of their 1,762 shelters and found that domestic violence survivors without legal representation are frequently further victimized and endangered. The same shelters also reported having to cut legal services due to staffing and lack of resources. This has led to domestic violence survivors representing themselves at court and unable to secure civil protective orders. The National Network to End Domestic Violence is one of the largest national service providers for domestic violence survivors. They receive the majority of their funding from government grants (54.66%), corporate grants (25.53%), contracts and consulting (7.05%), and membership dues (6.70%). Including this study in the summary shows what happens on the other side—

expanding legal services is shown in other studies to improve legal outcomes for domestic violence survivors, but this study shows that cutting services has the opposite effect.

Methodology:

The National Network to End Domestic Violence contacted all the domestic violence shelters in the US. They received a response rate of 92 percent and received responses from 1,762 shelters.

Highlights:

- 52 percent of the National Network to End Domestic Violence shelters were providing court accompaniment and legal advocacy for civil protection orders, but only 12 percent of the programs can help victims with legal representation. In 2017, the shelters cut 34 programs that provided legal representation by an attorney and 29 additional programs reduced or eliminated their legal advocacy programs.
- They report that funding for much-needed legal services is stretched thin. In Indiana, one advocate said, “Our program often sees more people than we can help on any given day. On Census Day, our Protective Order Advocate was working with four survivors on protective orders. A fifth survivor came in for help filing a protection order, but [the advocate] did not have time to wait and left before we could serve her” (p. 9).
- Another Oregon advocate spoke of the restrictions for victims when receiving legal aid, “One client does not qualify for Legal Aid, and also cannot afford an attorney even at a modest price. She will likely have to represent herself against her abuser” (p. 10).

5. Institute for Policy Integrity, *Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence* (July 2015), available at <http://policyintegrity.org/documents/SupportingSurvivors.pdf>

This report assesses the economic benefits of providing civil legal assistance to domestic violence victims by examining the underlying transaction between an attorney and her client. They find that “civil legal assistance might indeed be cost-benefit justified. Civil legal services improve the likelihood that women will be able to obtain protective orders from courts, which is a significant factor in reducing rates of domestic violence. ... Increased funding to enhance the availability of civil legal services to low-income families can lower the societal costs of domestic violence, generating substantial economic benefits” (p. 1). The Institute for Policy Integrity assesses economic benefits that come with providing legal services to DV survivors and the related costs of such programs. This report received funding from the MacArthur Foundation. The Institute for Policy Integrity is a think tank within NYU Law.

Methodology:

This report presents a comprehensive overview of previous cost-benefit analyses about providing civil legal services to survivors of domestic violence to see if civil legal assistance is cost-benefit justified.

Highlights:

- “The economic status of an individual woman affects her likelihood of being in an abusive relationship. Being poor dramatically increases a woman’s chances of being abused. One analysis of data collected by the Department of Justice’s Bureau of Justice Statistics showed that women in the lowest income households experience seven times the rate of abuse suffered by women in the highest income households. ... Likewise, women who experience food and housing insecurity experience a significantly higher incidence of rape, physical violence, or stalking by an intimate partner” (p. 4).
- When programs and services offer options outside of the abusive relationship, women are more able to leave the abusive relationship: “Economic models of domestic violence predict an inverse

relationship between rates of domestic violence and the scope of women's alternatives outside of their relationships. That is, as battered women's economic opportunities improve, they are better able to exit violent relationships" (p. 5).

- "83 percent of victims represented by an attorney successfully obtained a protective order, as compared to just 32 percent of victims without an attorney" (p. 7). Another study in Wisconsin found "that the likelihood of receiving a protective order against an abuser jumped from 55 percent to 69 percent when the victim was represented by counsel" (p. 8).
- Using data from the CDC, they write: "Each year, violence perpetrated by intimate partners generates costs in excess of \$9.05 billion" (p. 11). \$6.4 billion of this is due to healthcare costs from assault.
- Legal aid saves states money in terms of: 1) fewer criminal justice interventions, like less 911 calls, the costs of investigators, the costs of feeding, clothing, and housing those incarcerated, and the cost of prosecuting; 2) reducing the costs of social services related to DV like reduced homelessness; and 3) reduction of the externalities imposed on children.

6. Mary A. Kernic, *Final Report of the Impact of Legal Representation on Child Custody Decisions Among Families with a History of Intimate Partner Violence Study*, A report submitted to the Department of Justice (2015), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/248886.pdf>

This study tested whether legal representation of DV victim in child custody decisions leads to greater protections and visitation decisions when compared to those who are not represented. Kernic, a professor at the University of Washington, found that when individuals were represented legal aid attorneys, in comparison to those who did not have legal representation but who qualified for legal aid, the DV victim was 85 percent more likely to have denied visitation to the abusing parent and 77 percent more likely to have restrictions placed on the abusing parent's visitation (if granted at all). This study was funded with a grant by the National Institute of Justice, Office of Justice Programs, US Department of Justice.

Methodology:

Kernic conducted a retrospective cohort study among couples who filed for divorce within King County, Washington. She compared those who had a legal aid attorney, privately retained attorney, or no legal representation with nearest neighbor propensity score matching.

Highlights:

- "Attorney representation, particularly representation by legal aid attorneys with expertise in IPV cases, resulted in greater protections being awarded to IPV victims and their children. Improved access of IPV victims to legal representation, particularly by attorneys with expertise in IPV, is indicated" (p. 4).
- Using propensity score matching, the study sample matched 91 cases in which the DV victim had a legal aid attorney and 168 did not have legal representation. The study also matched 524 cases when the DV victim had a private attorney and 538 cases when the DV victim did not have representation.
- "Cases in which the IPV victim parent received legal aid attorney representation were 85% more likely to have visitation denied to the IPV-abusing parent, ... 77% more likely to have restrictions or conditions placed on the IPV-abusing parent's child visitation among the subset of cases in which the IPV-abusing parent was awarded visitation, ... 47% more likely to have treatment or program completion ordered for the IPV-abusing parent, ... and 46% more likely to have sole decision-making awarded to the IPV victim parent relative to unrepresented comparison group cases after adjustment for confounding factor" (p. 41-42).

- “Cases in which the IPV victim parent received private attorney representation were 63% more likely to have supervision of the IPV abusing parent's child visitation ordered by the court and 36% more likely to have treatment or program completion ordered by the court relative to unrepresented comparison group cases after adjustment for confounding factors” (p. 7).

7. Social & Economic Sciences Research Center, Washington State University, *Civil Legal Problems Experienced by Victims of Domestic Violence and Sexual Assault in Washington State: Findings from 2014 Civil Legal Needs Study Update (2014)*, available at <http://ocla.wa.gov/wp-content/uploads/2015/07/DV-victims-report-for-OCLA-07-05-2015-Final.pdf>

Moore and Gertseva, who work at the Social and Economic Sciences Research Center at Washington State University, conducted a state-wide probability survey of low-income respondents and a non-probability survey of those who were likely to be underrepresented in the probability survey. They found that of surveyed domestic violence and sexual assault victims, 75 percent of them reported one legal problem and all of them experienced at least one problem in the surveyed problem areas. DV survivors had an average of 19.69 problems per household, compared to 9.3 problems for general low-income Washingtonians. These legal needs were often familial (custody, divorce, child support). Domestic violence and sexual assault survivors also reported more experiences with discrimination.

Methodology:

They conducted a web, mail and phone state-wide probability survey of low-income residents and augmented this with a non-probability survey of specific groups, which includes domestic violence survivors.

Highlights:

- “Consistent with the findings for the overall respondents, the majority (62%) of victims of domestic violence who got legal help were able to gain some resolution of their legal problem. Seventeen percent (17%) were able to completely resolve their problems with legal help” (p. 3).
- Domestic violence and sexual assault victims “have disproportionately higher levels of legal problems than members of the general low-income population in each category of substantive legal problems including family, health care, consumer-financing, municipal services, rental housing, and employment. The vast majority (81%) were aware of their legal problems and the same percentage were adversely affected by legal problems, including 44% who were severely affected by problems they reported” (p. 7).
- The identified problem areas, after family-related issues, which affected all of the domestic violence and sexual assault victims, “health care (67.6%), consumer-financing (66.7%), municipal services (62%), rental housing (61%), employment (60.4%), and access to government assistance (59.4%)” were the next highest reported problem areas (p. 7).
- “DV/SA victims reported an aggregate total of 3,446 separate legal problems in areas identified in the survey instrument with an average of 19.69 legal problems per household/respondent. This is 2 times higher than an average of 9.3 problems per household/year documented for the general low-income population of Washington” (p. 7)
- “DV/SA victims were almost 2.45 times more likely to be affected by problems associated with child support (23% versus 10%), 4.28 times more likely to have problems related to paternity (12% versus 2.8%), and 5 times more likely to have problems with adoption (16% versus 3%) than the entire low-income population in Washington” (p. 8).

8. Liz Elwart et al., *Increasing Access to Restraining Orders for Low-Income Victims of Domestic Violence: A Cost-Benefit Analysis of the Proposed Domestic Abuse Grant Program*. Prepared for the State Bar Association of Wisconsin (December 2006), available at

<http://legalaidresearch.org/wp-content/uploads/Research-Increasing-Access-to-REstraining-Order-for-Low-Income-Victims-of-DV-A-Cost-Benefit-Analysis-of-the-Proposed-Domestic-Abuse-Grant-Program.pdf>

Elwart and colleagues propose expanding the state-sponsored grants available to legal service providers in Wisconsin and recruit more private attorneys to take on pro bono DV cases. They estimate that increasing the Department of Health and Family Services' Domestic Abuse Grant Program by \$1 million would increase the number of victims they could help by 20 percent and improve training for judges, attorneys, and advocates. They conducted a Monte Carlo analysis with 10,000 random trials and extrapolated with this increased \$1 million funding that the net benefit to increasing the state's funding of domestic violence service providers was \$9.1 million, with minimum benefits at \$800,000 and maximum benefits at \$27.3 million.

Methodology:

They estimated the number of female victims, the percentage of incidents perpetrated by intimate partners, the percent of women in Wisconsin abused by intimate partners, percentage who are low-income, and percentage involving physical or sexual assault. They also used an imputation method to estimate the number of restraining orders sought and observed injunction hearings. A more detailed analysis of the methodology can be found in the appendices.

Highlights:

- “A 2005 report from DAIS [Domestic Abuse Intervention Services in Dane County] indicates that the agency employed just two legal advocates but received over 1,400 requests for legal assistance, forcing many to navigate the restraining order process on their own” (p. 2).
- “In 2003, for example, requests for restraining orders in Dane County were granted approximately 55 percent of the time. With the aid of a legal advocate provided by DAIS, however, that number increased to 69 percent” (p. 2)
- They find that because victims experience difficulty representing themselves and are often unable to or cannot obtain a restraining order against their abuser, they experience increased costs of medical care and productivity loss.
- “Our research indicated that comprehensive services—mental health counseling, counseling for the abuser, and access to a lawyer for custody or divorce hearings—are imperative to reversing the damage of domestic violence. Although provision of these services would certainly be more costly, they would likely increase the effectiveness of restraining order” (p. 20).

9. Nicole E. Allen et al., *Battered Women's Multitude of Needs: Evidence Supporting the Need for Comprehensive Advocacy*, 10 *Violence Against Women* 1015 (2004), available at <https://doi.org/10.1177/1077801204267658>

They conducted a cluster analysis and found that DV victims present three groups of needs: those related to housing, education and employment, and legal issues. They found that of those leaving a domestic violence shelter, 59 percent reported unmet legal needs. This research was funded by a grant from the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention. The authors are psychologists and teach at the university level.

Methodology:

They interviewed participants within the first week of leaving a shelter program. After the first interview, some of those involved were randomly selected to work with an advocate. They compared the effect of the advocacy intervention between those who received the service and those who did not.

Highlights:

- “For women who had children, 67% indicated they needed to address child care issues, and 68% indicated they wanted to address other issues related to their children” (p. 1023).
- When rated on a scale of need, the need for legal assistance was the second highest, only after the need for material goods (p. 1024).
- The need for legal assistance often overlapped with other needs, such as child care. “For example, one subgroup of women was particularly focused on legal assistance, however these women were also engaged in activities to address housing needs and child-related issues. Similarly, women in the education/employment group also indicated they were working on financial and health care issues. It appears, then, that even when women had extremely pressing needs in one domain of their lives (e.g., legal, housing), they were likely to be” (p. 1029).
- The study shows that legal issues overlap with other legal needs: “Most all battered women focus on legal services or criminal justice intervention. Of the sample, 59% noted working on legal issues, and for at least some of these women, the legal problem was not directly related to the prosecution of the assailant or to obtaining a protection order. Rather, women were fighting landlords, getting divorced, working out custody and visitation, or dealing with other legal concerns” (p. 1030).

10. Amy Farmer & Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 *Contemporary Economic Policy* 158 (2003), available at <https://doi.org/10.1093/cep/byg002>

Domestic violence decreased in the 1990s. Using survey data from the National Crime Victimization Survey and the Federal Information Processing Standard codes to individualize the data, they identify three factors for the decrease of domestic violence in the 1990s: “(1) the increased provision of legal services for victims of intimate partner abuse, (2) improvements in women’s economic status, and (3) demographic trends, most notably the aging of the population” (p. 158). Both authors are economists.

Methodology:

They used data from the Area-Identified National Crime Victimization Survey between 1992-98 and used the National Directory of Domestic Violence Programs to create a spreadsheet of the existence and number of programs providing services in each county. They used these data sets to examine the determinants of those who report abuse.

Highlights:

- “Because legal services help women with practical matters (such as protective orders, custody, and child support) they appear to actually present women with real, long-term alternatives to their relationships” (p. 164).
- “Women living in counties with shelters, hot-lines, safe homes, emergency transportation, programs for batterers, children’s programs, and counseling are not significantly less likely to be victims of intimate partner abuse than women who live in counties without these services. However, women who live in counties with legal assistance programs to help battered women are significantly less likely to report abuse” (p. 164).
- “For legal services to contribute to the decline in domestic violence in 1990s, the provision of legal services for battered women must have increased over this time period. According to the 1986 National Directory of Domestic Violence Programs, in 1986 there were 336 legal services programs serving victims of domestic violence. By 1994, the number increased to 1190 programs nation-wide, an increase of 254%! Between 1994 and 2000, the number of legal programs for battered women increased to 1441 programs” (p. 167).