



CENTER FOR SURVIVOR  
AGENCY & JUSTICE

# GUIDEBOOK ON CONSUMER & ECONOMIC CIVIL LEGAL ADVOCACY FOR SURVIVORS

A COMPREHENSIVE AND SURVIVOR-CENTERED GUIDE FOR  
DOMESTIC VIOLENCE ATTORNEYS AND LEGAL ADVOCATES



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DOMESTIC VIOLENCE ATTORNEYS & LEGAL ADVOCATES

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**The Center for Survivor Agency and Justice** is a national organization dedicated to enhancing advocacy for survivors of intimate partner violence. CSAJ envisions a world where all people have equal access to physical safety, economic security, and human dignity. CSAJ develops and promotes advocacy approaches that remove systemic barriers, enhance organizational responses, and improve professional practices to meet the self-defined needs of domestic and sexual violence survivors.

**The Consumer Rights for Domestic and Sexual Violence Survivors Initiative** (Consumer Rights Initiative) is a national project of CSAJ that seeks to enhance consumer rights for domestic and sexual violence survivors by enhancing the capacity of and partnerships between domestic/sexual violence and consumer law and advocacy. Consumer and other economic civil legal remedies have the potential to provide survivors with the legal tools to address issues such as debt collection, credit discrimination, bankruptcy, damaged credit, tax liability, and foreclosure. To achieve survivors' joint goals of physical and economic safety also requires purposeful cross-training, networking, and sustained partnership building on the local and national levels. Therefore, CSAJ's Consumer Rights Initiative offers technical assistance to lawyers, advocates, programs, and communities across the nation through: advocacy tools and resources, webinar trainings, national conferences, individual technical assistance, and Building Partnerships Demonstration Sites.

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# INTRODUCTION



## Economic Coercion and Survivor-Centered Economic Advocacy

By Katie VonDeLinde & Erika Sussman

### The Link Between Poverty and Violence

There is a reciprocal relationship between domestic violence<sup>1</sup> and economic insecurity. Abuse creates economic instability for survivors. And poverty, in turn, reduces safety options and creates increased vulnerability to future violence. Furthermore, the economic impact of DV has profound consequences that compound across the lifespan. While the domestic violence movement has engaged in important work to enhance economic justice for survivors, current efforts tend to focus on discrete and immediate economic incidents through financial skills development, leaving the depth and breath of economic harms largely unaddressed.

This Guidebook presents domestic violence attorneys and advocates with consumer law and other economic civil legal remedies to address the profound and enduring economic harms that stand in the way of survivors' long-term economic security, such as coerced debt, damaged credit and credit discrimination, bankruptcy, foreclosure, and key intersections with family law and court access. Authors of each chapter are on-the-ground

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<sup>1</sup> Complex social problems rooted in oppression challenge us to find language that is both specific enough to describe a phenomenon like domestic violence yet also inclusive enough to describe a wide variety of experiences. For the purposes of this guidebook, we will use the term **domestic violence** (DV) to describe relationships in which one individual uses strategies designed to, “establish domination in a partner’s personal life based on fear, dependence, and deprivation of basic human rights using strategies including intimidation, degradation, isolation and control” (Stark, 2007).

experts who provide concrete legal remedies and innovative advocacy strategies from a survivor-centered and intersectional perspective (one that holds the economic and safety risks at once). The strategies presented throughout this Guidebook are based on data collected and technical assistance provided for over a decade; it is rooted in deep work with survivors, domestic violence programs and legal services agencies, communities, and coalitions— all seeking to enhance economic security and safety for survivors.

Drawing on a survivor's story, this introductory chapter offers context and framework for survivor centered economic advocacy, serving as the foundation for the following fourteen chapters. It does this in four sections:

- An overview of the link between economic hardship and violence <sup>2</sup>
- A legal ethics basis for survivor centered advocacy
- The framework and approach to survivor centered economic advocacy
- Survivor centered economic advocacy at the individual, organizational, and policy practice level

## What is safety?

As advocates and attorneys, we work daily with individuals who struggle with violent relationships and economic hardship, but we rarely pause to examine what safety means to us, personally. Take a moment to close your eyes, ask yourself these questions, and think about your answers:

- What does safety mean to me? How do I know when I am safe?
- What is economic safety for me?

Visualizing safety helps us to understand our own perspective about what is safe and asks us to define safety in our own lives. For many of us, it is difficult to imagine being “safe” without economic security. Economic safety ensures that we have adequate housing, reliable transportation, healthy food, and maybe most importantly, financial choices. For example, currently available economic safety nets would give us the financial freedom to leave a job where we were experiencing harassment.

### Visioning “Safety”

In a recent webinar hosted by the Center for Survivor Agency and Justice, domestic violence advocates from around the nation defined economic safety as: feeling secure; having choices; being able to act on our own decisions and choices; and financial independence.<sup>3</sup> Life choices for survivors struggling with domestic violence are constrained by their partner's economic abuse *and* by their life circumstances (for example, their access to quality education, childcare, and safe housing as well as their experiences with racism and sexism, etc.).<sup>4</sup>

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<sup>2</sup> The guidebook refers to individuals being controlled in domestic violence relationships as “survivors ” and people who perpetrate violence as “abusive partners.” While the term “victim” is widely accepted in the legal system and correctly describes someone who has experienced a crime, victim has negative connotations as someone who is passive and can be a harmful representation of those who struggle to survive and thrive in the midst of violence. However, some individuals who experience domestic violence do not like the term survivor and feel that it diminishes the terrible acts of violence perpetrated by their partner. When working with individuals who experience domestic violence, it is important to follow the language used by that individual or to ask what language they would like you to use, especially when describing their abusive partner.

While research and practice experience continues to show that a majority of individuals who are impacted by coercive controlling domestic violence are women and that women are disproportionately impacted by the consequences of domestic violence [for more on this, see below], men do experience domestic violence. Instead of referring to survivors with gendered pronouns, the inclusive term “survivor” is used in this guidebook.

<sup>3</sup> Access the webinar recording and materials here: <https://csaj.org/news/view/webinar-resource-survivor-centered-economic-advocacy>

<sup>4</sup> Davies, J. and Lyon, E. (2014) 2<sup>nd</sup> Ed. Domestic violence advocacy: Complex lives, difficult choices. Sage Publishing.

## Sonia's Story

*Sonia just got off from her swing shift at a skilled nursing center where she works as a certified nurse assistant, and she's coming to talk to you about her current situation. She is eager to tell you what's going on for her, and behind her tired expression, you see a light in her eyes. Sonia is a thirty-two-year woman who describes herself as, "a hard worker and dreamer whose life took a turn I wasn't expecting." Sonia's parents are from Puerto Rico, and they raised Sonia in Miami.*

*Sonia met Robert ten years ago when he was the dental assistant in her dentist's office. Their relationship started out slow and loving, and Sonia was thrilled when they got married a year into their relationship. In the last five years, however, Robert has become increasingly jealous and doesn't want Sonia going anywhere except for work and her children's school. Sonia and Robert have two kids, Danny, 9 and Samantha, 7. Danny has autism, is non-verbal, and requires a lot of care. Sonia advocates hard to make sure Danny's needs are met at school, and she's relieved that this year Danny's services are well organized, and he has a loving and smart teacher who seems to "get him."*

*Sonia is coming to you because she is at her wit's end. Robert forces Sonia to directly deposit her paycheck into a banking account that she can't access. She thinks it may be a joint account but isn't sure, and Robert has never given her an ATM card or the account number. Sonia is also very upset because she just received notice that a credit card company is suing her. She doesn't recognize the account, and when she told Robert about it, he just laughed and said, "Yeah, I guess I should've told you I took that out in your name." Sonia has no idea what other accounts he may have opened using her name and information. She also recently found out that Robert has not been paying the mortgage consistently and they've received some kind of notice from the bank, but Robert won't show it to Sonia. Sonia is worried that they could lose their home.*

*Sonia loves her job and gets a lot of good feedback from her co-workers and supervisor, but lately, Sonia says, "Robert is even trying to ruin that for me." Robert accuses Sonia of sleeping with a co-worker and calls and texts Sonia dozens of times during her shifts. Recently, he showed up at her workplace, loudly yelling her name at the front desk as he came in. Sonia has told her supervisor pieces of what is going on with Robert, and while her supervisor has been tolerant, she is beginning to lose patience.*

*Sonia tells you that Robert has hit her, but only very occasionally. Sonia says Robert's name-calling hurts a lot worse than the physical abuse, and she misses spending time with her family and friends. She wants to get divorced, but she is worried that Robert, who has access to more of their money and has a better paying job, will get custody of their children, and she doesn't want to leave her school district due to her son's educational needs.*

### Think About It

How does the domestic violence impact Sonia's choices and economic situation? How do Sonia's life circumstances impact her choices? What are your reactions to Sonia's situation (feelings, thoughts, what do you want to do)?



Like Sonia (like all of us), survivors do not explicitly present all their risks or concerns nor always contextualize them in relation to their multiple identities. Therefore, each chapter in this Guidebook is written through an intersectional lens, presenting survivors as complex individuals with multiple identities and varying needs, resiliencies, and strategies for safety. We present questions, probes, and opportunities for self-reflection in each chapter through “Think About It” sidebars. These are necessarily limited and not meant to replace the requirement that in partnering with survivors in our advocacy we must reflect on our own status, identities, and role, then see safety and economic options through survivors’ perspectives and facilitate open dialogue.

## Risks for survivors of domestic violence

Survivors of domestic violence must constantly weigh the risks they face, as they make choices about their daily lives.<sup>6</sup> To understand the complex nature of these choices, we

### 1) Risks created by the battering partner

- Physical injury or illness
- Psychological effects (mental health, substance abuse, suicide)
- Loss or harm to children
- Economic insecurity
- Lost or damaged relationships (family, friends, other social supports)
- Arrest or legal implications (due to legal status, protracted legal case, etc.)<sup>5</sup>

### 2) Risks created by the survivor’s life circumstances

- Access to quality education
- Employment options
- Childcare
- Safe housing
- Transportation
- Availability of social or public services

Experiences of racism, sexism, homophobia, etc.

must pay attention to survivors’ economic options and risks, their life circumstances, and *our own* reactions and assumptions. Davies and Lyon describe the two types of risks that survivors weigh as:

To advocate effectively for survivors of domestic violence, we need to understand the myriad of risks they face. One of the biggest risks with which survivors contend is economic hardship.

As you read Sonia’s story, what were some risks that she is weighing?

Sonia’s Risks	
FROM HER PARTNER	INHERENT IN HER LIFE
Emotional abuse	Gender (sexism)
Isolation	Race/ethnicity (racism)
Physical abuse	Mother of a child with disabilities
Credit abuse	<i>What else?</i>
Work interference	
<i>What else?</i>	

<sup>5</sup> Davies, J. (1997). Safety planning. VAW Net. Retrieved from: [http://www.vawnet.org/Assoc\\_Files\\_VAWnet/BCS\\_SafePlan.pdf](http://www.vawnet.org/Assoc_Files_VAWnet/BCS_SafePlan.pdf)

<sup>6</sup> Davies & Lyon, 2014

What's missing from the chart above? For example, Sonia's story doesn't tell us this explicitly, but she may also be weighing her risks as a woman (for example, because of her gender, she may make less money than men doing her same job, etc.), and as a Latina (she may have a hard time accessing appropriate resources because of discrimination). Finally, as we take stock of the various risks and choices, we must also consider survivors' strengths: What are some of Sonia's strengths? She is familiar with the educational and health systems and is skilled in navigating them both on behalf of her son; she has a steady job in nursing; and she has strong familial and cultural ties as well as allies within her employment setting.

## Poverty leads to increased vulnerability to violence

For survivors of domestic violence, safety often hinges on access to economic resources. Those who can access and mobilize economic resources have more options for safety. As a consequence, although anyone can experience domestic violence (DV),<sup>7</sup> women living in poverty are nearly **twice** as likely to experience DV.<sup>89</sup> The fact that violence can frequently be a factor in the lives of poor women has led some observers to mistakenly conclude that poor people are more violent. (See, "The Role of Poverty," below for further discussion.)

### Think About It

*What are some factors of economic hardship or poverty you see at play in Sonia's experience? Do they influence her safety strategies?*

This economic gender gap widens for those further marginalized by race, ability, sexual orientation experience, citizenship status, and other identities.<sup>10</sup> For example, while 1 in 10 white people live at or below the poverty line, *at least* 1 in 4 (and higher) people of all other racial-ethnic groups live in poverty. So, while anyone can experience violence and economic hardship, our unique systems of discrimination restrict those on the social margins from equal options to safety and economic security.

## Economic abuse as a form of domestic violence

All forms of abuse create economic instability for survivors in ways that linger, interact, and compound over time. The vast majority of abusive partners use economic tactics to control their partners, stripping them of the material and financial means to access safety and security.<sup>11</sup> In fact, 99% of survivors report experiencing some form of economic

<sup>7</sup> Black, M. C., Basile, K. C., Breiding, M. J., Smith, S. G., Walters, M. L., Merrick, M. T., ... Stevens, M. R. (2011). The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Retrieved from [http://www.cdc.gov/violenceprevention/pdf/nisvs\\_executive\\_summary-a.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_executive_summary-a.pdf)

<sup>8</sup> Vest, J. R., Catlin, T. K., Chen, J. J., & Brownson, R. C. (2002). Multistate analysis of factors associated with intimate partner violence. *American Journal of Preventive Medicine*, 22(3), 156–164. [http://doi.org/10.1016/S0749-3797\(01\)00431-7](http://doi.org/10.1016/S0749-3797(01)00431-7)

<sup>9</sup> Put differently, women with household incomes less than \$7500 are seven times more likely to report domestic violence than women in households with incomes over \$75,000. See, Rennison, C.M. & Welchans, S. (2000). Bureau of Justice statistics special report: Intimate partner violence. U.S. Department of Justice, Office of Justice Programs. Report No. NCJ 178247. Retrieved from:

[http://www.popcenter.org/problems/domestic\\_violence/PDFs/Rennison%26Welchans\\_2000.pdf](http://www.popcenter.org/problems/domestic_violence/PDFs/Rennison%26Welchans_2000.pdf); Similarly, More than half of homeless women report a history of assault by an intimate partner and 70% of women receiving public benefits (Temporary Assistance for Needy Families, WIC, Food stamps) report experiencing domestic violence. See, Lyon, E. (2000). Welfare, Poverty, and Abused Women: New Research and its Implications (Building Comprehensive Solutions to Domestic Violence). National Resource Center on Domestic Violence. Retrieved from [http://www.vawnet.org/Assoc\\_Files\\_VAWnet/BCS10\\_POV.pdf](http://www.vawnet.org/Assoc_Files_VAWnet/BCS10_POV.pdf)

<sup>10</sup> For a more detailed analysis, see CSAJ's forthcoming Accounting for Economic Security Atlas (will be available in our [Resource Library](#))

<sup>11</sup> **Coercive control** is defined by Evan Stark (2009) as "a pattern of violent acts and their political framework – the pattern of social, institutional, and interpersonal controls – that usurp a survivor's capacity to determine her destiny."



abuse by their partners.<sup>12</sup> Economic abuse is defined as “controlling a survivors ability to acquire, use and maintain economic resources.”<sup>13</sup>

### Think About It

*What is Sonia experiencing that you would consider economic abuse?*

Abusive partners frequently control survivors’ ability to acquire and keep financial resources by interfering with, obtaining, or maintaining work, education, or community or government benefits. Sixty percent of survivors of domestic violence report experiencing work

interference (including sabotaging transportation, childcare, destroying uniforms, harassment at work, etc.). from an abusive partner.<sup>14</sup> Survivors also experience financially devastating banking, asset, income, credit and debt coercion from abusive partners.

Abusive partners destroy survivor’s credit by fraudulently opening accounts in the survivor’s name, lying about paying bills in the survivor’s name, overcharging credit accounts, or coercing survivors to sign for loans, credit lines, or other expenses. In some abusive relationships, partners also use force or threats to coerce survivors into

### Think About It

*In what ways did Sonia’s partner, Robert, control her ability to acquire income, affect her employment, or access needed resources?*

*Did Robert prevent or control Sonia’s use of her or their joint resources? In what ways? What safety implications can you see?*

*In what ways did Sonia’s partner, Robert, impact Sonia’s credit? Does Sonia have a clear picture of Robert’s impact on her credit?*

participating in illegal activity (for example, TANF or SNAP fraud, prostitution, and writing bad checks, etc.). By destroying a survivor’s credit or creating a criminal history, perpetrators gain further financial control over survivors’ current and future economic choices.<sup>15</sup>

Sonia’s options for safety were constrained by Robert’s control of their finances, work sabotage, and other forms of abuse. In turn, the economic hardship and risk of

poverty or homelessness restricted Sonia from accessing many safety options for her and her children. As seen in Sonia’s story, domestic violence has both short- and long-term negative effects that accumulate over a lifetime (CSAJ refers to this as the “Economic

## The Role of Poverty: A Slippery Slope

That a woman living in poverty is twice as likely to be a victim of domestic violence may cause some to mistakenly believe that poverty is a cause, or the cause of domestic violence. On the contrary, poverty functions to restrict survivors’ economic options for obtaining safety. An abusive partner can make a survivor’s economic instability more intractable by using economic tactics to exert control over the survivor (such as paying or refusing to pay for items the survivor needs for themselves or their children, e.g. rent, childcare, car payment or food). Conversely, when abusive partners experience economic problems (lost jobs or chronic unemployment) this can trigger or exacerbate the abusive behavior. For example, the probability of intimate partner homicide increases significantly if an abusive partner is unemployed. Also see CSAJ’s Accounting for Economic Security Atlas, which presents a more nuanced discussion of the intersecting harms presented by abuse and poverty.

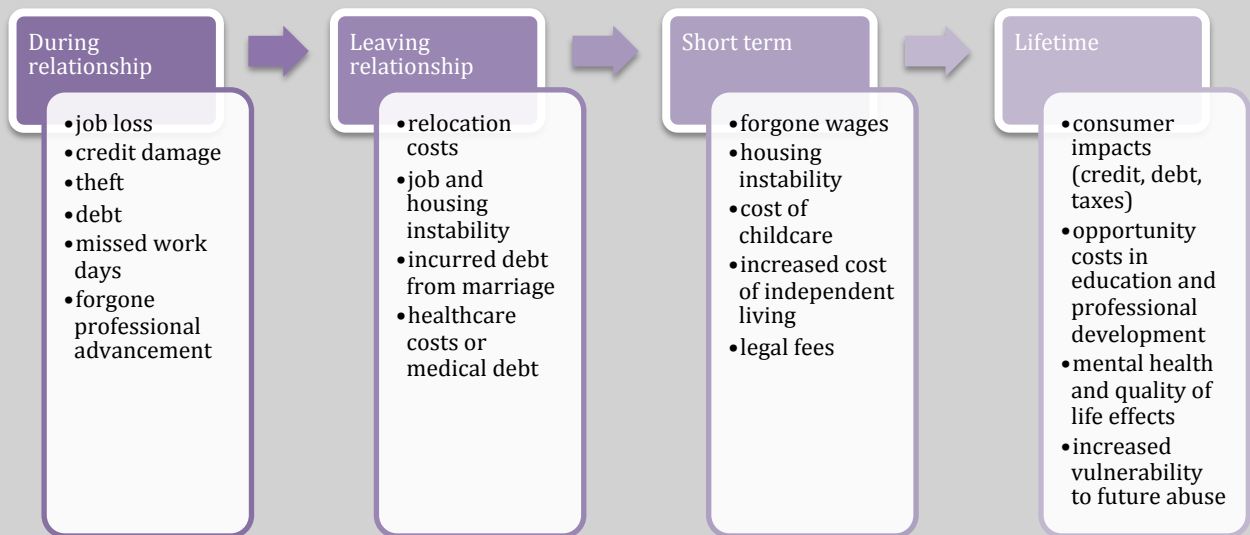
<sup>12</sup> Adams, A. E., Sullivan, C. M., Bybee, D., & Greeson, M. R. (2008). Development of the scale of economic abuse. *Violence Against Women*, 14(5), 563–588. <http://doi.org/10.1177/1077801208315529>

<sup>13</sup> Adams et al., 2008

<sup>14</sup> Alexander, P.C. (2011). Childhood maltreatment, intimate partner violence, work interference and women’s employment. *Journal of Family Violence*: 26(4), p 255-261.

<sup>15</sup> Littwin, A. (2012). Coerced Debt: The role of consumer credit in domestic violence. *California Law Review*, 100(4), 951. <http://doi.org/doi:10.15779/Z38VR6G>

## The Economic Ripple Effect of IPV<sup>1</sup>



- **During a relationship**, abusive partners engage in behaviors that strip survivors of access to economic and material resources for safety.
- **In seeking safety, or leaving**, survivors literally pay a cost for safety (whether having to rely on credit or losing income or housing). This results in collateral economic damages, which affect survivors in the short term and manifest in various ways throughout the life course.
- **In the short-term**, our systems of support – from housing, to inadequate and expensive legal systems, to enduring employment insecurity, to abusive financial practices (from Payday lending to redlining)– fall short in remedying the economic hardships experienced by survivors, and, at worst, lead to increased danger.
- **Across the lifespan**, abuse creates a pathway of economic disadvantage, including lost work and economic opportunities, consumer impacts, and the lingering effects of poor physical and mental health and decreased quality of life.

Ripple Effect of IPV." See the sidebar for more). Survivors who struggle with domestic violence experience reduced wages, job experience, job stability and economic well-being over time.<sup>16</sup>

## A Legal Ethics Basis for Survivor-Centered Economic Advocacy

What ethical obligations govern lawyers' representation of domestic and sexual violence survivors? Let us begin where lawyers often do: the rules. The Model Code of Professional Responsibility, which provides all lawyers with the baseline standards of legal representation,<sup>17</sup> lends support for survivor-centered advocacy.

Rule 1.1 The Model Code of Professional Responsibility requires that a lawyer provides "**competent**" representation to their client; competent representation requires, not only knowledge of the law, but also, "skill, thoroughness, and preparation reasonably necessary

<sup>16</sup> Hughes, M. M., & Brush, L. D. (2015). The price of protection: A trajectory analysis of civil remedies for abuse and women's earnings. *American Sociological Review*, 80(1), 140–165.  
<http://doi.org/10.1177/0003122414561117>

<sup>17</sup> Note that the ABA Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases offers helpful guidance. Though the document is focused specifically on representation in civil protection order matters, the concepts are relevant to all areas of practice for attorneys representing survivors. "The purpose of these Standards of Practice is to provide a reference for lawyers representing victims of domestic violence, sexual assault and stalking in civil protection order cases, and to encourage lawyers to provide high-quality legal representation to those clients. These Standards keep the needs of the client at the center of representation and strive to build public confidence in a just and fair legal system by working to promote safety for victims of domestic violence, sexual assault and stalking, and accountability for perpetrators."

for the preparation.” And, competence includes “inquiry into the analysis of the factual and legal elements of the problem.” Therefore, lawyers representing survivors must know not only the legal elements of a remedy, but also the facts. Given the complex nature of domestic violence, it is not enough to be familiar with the limited facts of a particular incident. Rather, lawyers representing survivors must gather a rich understanding of the entire context of coercive control.<sup>18</sup> They must develop a detailed picture of both the batterer-generated risks and the life-generated risks that a particular survivor faces, in order to tailor their representation to consider and be responsive to the complexity of their life circumstances.<sup>19</sup> In addition, even if the lawyer has a limited scope of representation (i.e., protection order representation), he or she should screen for issues related to the survivor's safety and security, and if he or she is not able to represent the client in those matters, for example, consumer and economic civil legal issues, “the lawyer has a duty to refer to the client to competent counsel.”<sup>20</sup>

Rule 1.2 of the Model Code of Professional Responsibility, which speaks to the “**Scope of Representation and Allocation of Authority Between Client and Lawyer**,” provides: “a lawyer shall abide by a client’s decisions concerning the objectives of representation and . . . shall consult with the client as to the means by which they are to be pursued.” The comment to the Rule further explains that this “confers upon the client the *ultimate authority* to determine the purposes to be served by legal representation.” Therefore, lawyers are ethically, if not morally, required to represent domestic violence survivors according to the survivor’s own decision-making. The remedies we seek and even our litigation strategies should be crafted in consultation with our clients.<sup>21</sup> The ABA Standards apply this rule to domestic violence representation, noting that representation of domestic violence survivors should be “client-centered,” where decision-making authority rests with the survivor.<sup>22</sup> Thus, “the role of advocacy is to understand the [survivor’s] perspective, provide relevant information and the opportunity for survivors to make decisions and plans, and then to work with them to implement those plans.”<sup>23</sup>

**Communication** between lawyer and client is critical. Rule 1.4 of the Model Code of Professional Responsibility provides that a lawyer shall: 1) inform the client of issues where informed consent is required, 2) consult with the client about the *means* by which the client’s objectives are to be accomplished. Also, a lawyer shall “explain a matter to the extent reasonably necessary” to enable the client to make “informed decisions regarding the representation.” We know that survivors of domestic violence face an array of risks resulting from their abusive partner’s behavior—physical, emotional, financial, economic, etc. As a result, when working with a survivor, we must be particularly attuned to the potential consequences of the remedies available, as well as the consequences arising

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<sup>18</sup> The ABA Standard includes a provision on “Client Safety,” II(E), which indicates that lawyers should “ensure safety planning occur with the client” and that lawyers “be sensitive to the effects of trauma on their clients.”

<sup>19</sup> The ABA Standards provides: “in a civil protection order case, the lawyer should have competent knowledge of the dynamics of domestic violence, sexual assault and/or stalking. In particular, the lawyer should understand the potential risk of escalated violence due to litigation, and how the experience of domestic violence, sexual assault and/ or stalking may affect the client-lawyer relationship, including the process of establishing rapport with and gathering information, evidence and case direction from the client.”

<sup>20</sup> ABA Standards, III(A)(1), A. Competent Knowledge of Law, 1) Knowledge of Related Legal Issues. The comment to this standard notes that “economic stability is tantamount to client safety in many cases,” the attorney should be knowledgeable about “economic concerns.”

<sup>21</sup> The ABA Standards apply this rule to domestic violence representation, noting that representation of domestic violence survivors should be “client-centered,” where decision-making authority rests with the survivor

<sup>22</sup> ABA Standards of Practice, III(F)

<sup>23</sup> Page 16

from the legal system that one must navigate to access those remedies. Consideration of both remedies and systems must be done in partnership with the survivor, as they holds all of the information needed to assess the risks and benefits associated with the remedies and systems as they will play out in their own life.<sup>24</sup>

Given the ethical rules laid out, effective legal advocacy for survivors requires, as Jill Davies sets forth in her tool on legal advocacy for survivors: understanding the survivor's perspective, determining whether the legal system may be able to help a survivor meet their goals and address their fears, conveying your knowledge about the legal remedies to the survivor and analyzing them with them, and helping the survivor to implement their choices.<sup>25</sup>

## Survivor-Centered Advocacy

Economic coercion combined with poverty and other challenging life circumstances make domestic violence cases very complex for advocates and lawyers. What is the best way to respond to these difficult cases? What can we do to help create meaningful change in the lives of survivors?

### **Survivor-centered advocacy is an evidence-supported practice**

Survivor-centered advocacy is a practice that accentuates clients' choices and strengths, focuses on the importance of building and supporting a partnership between the survivor and service provider, and pays attention to the context of the survivor's life (for more, see callout box below).<sup>26</sup> Survivor-centered advocacy (also called survivor-defined or women-defined practice) starts with the belief that the survivor's perspective, lived experiences, and knowledge of their own situation are paramount.<sup>27</sup> A survivor-centered advocacy partnership between the lawyer/advocate and the survivor is built through open assessment, non-judgmental active listening and tailored advocacy strategies created jointly through honest and respectful dialogue between the advocate/attorney and the survivor. Through this dialogue, advocates and lawyers build a relationship with the client to: a) understand the survivor's strengths and the full extent of the survivor's risks and then b) to honestly and respectfully present information that enhances the survivor's knowledge.

The focus is on *advocacy* as opposed to *service delivery*. While service delivery offers survivors particular services based on an organization's focus, advocacy partners with individual survivors to ensure access to resources and opportunities that are relevant to the individual survivor's needs and life circumstances.<sup>28</sup>

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<sup>24</sup> The ABA Standards note that effective client communication requires unique skills on the part of attorneys representing survivors, "because their legal concerns are often embedded in very personal, private matters. Effective representation requires that the lawyer earns the trust of a client who has experienced betrayal and/or abuse."

<sup>25</sup> Jill Davies, *An Approach to Legal Advocacy for Individual Battered Women*, Greater Hartford Legal Aid, Resource Manual, 2nd edition.

<sup>26</sup> Goodman et al., (2014). Survivor defined practice in domestic violence work: Measure development and preliminary evidence of link to empowerment. *Journal of Interpersonal Violence*, p. 1-23.

<sup>27</sup> Davies and Lyon, 2014

<sup>28</sup> Knitzer, J. (1982). *Unclaimed children: The failure of public responsibility to children and adolescents in need of mental health services*. Washington, DC: Children's Defense Fund.

## Survivor-centered advocacy requires full, open and ongoing assessment

In order to engage fully with a survivor's risks, the advocate/attorney needs a clear understanding of how abuse tactics are impacting the survivor's life and choices without judgment or fear of reprisals from the advocate or attorney. If a survivor feels judgment from an attorney or advocate or senses that an advocate or attorney wants the survivor to choose a certain course of action (for example, file for bankruptcy, get new employment, etc.), the survivor may paint a picture that they think will satisfy the advocate or attorney.

### Think About It

When working with Sonia, the advocate/attorney may believe that the best solution for Sonia is to leave her partner. This unspoken desire of the advocate/attorney may influence what services he or she offers (for example, an order of protection) and the focus of the safety plan. As a result, Sonia may not share with the attorney that she has decided to stay with her partner (unless things get much worse) until her children are out of the home. This work would not be a partnership, would not meet Sonia's needs in the long term, and may miss key opportunities to increase Sonia's safety while living with her partner. When advocates project their own judgment, they lose trust with their clients, and their advocacy becomes less effective, at best, or dangerous, at worst.

## Survivor-centered advocacy is built on the principle of partnership

Effective partnerships are built on shared power and a willingness to be transparent and learn from one another. Just as survivors assess the ways advocates and attorneys direct them, they can also sense bias (whether due to educational level, race, religion, sexual orientation, etc.). Survivor-centered advocates and attorneys work hard to understand how their own power and/or identities may be influencing the survivor's assessment of their work together. Survivor-centered advocates and attorneys also understand that trust is essential in partnerships and needs to be built over time.

### Practice Tip

Imagine Sonia is working with a lawyer or advocate who tells her to pull her credit report immediately to determine what is happening with her accounts. What are some possible benefits of pulling her credit report? Potential negative consequences? How might Sonia react to the lawyer/advocate directing her to pull the credit report?

If Sonia followed her lawyer/advocate's request and pulled her credit report, her husband, who has illegally pulled Sonia's credit report in the past, could see evidence of Sonia's credit request and may increase his physical, emotional, or financial abuse as a result.

What would be a survivor-centered approach to this situation?

## Survivor-centered advocacy is flexible and responds to the changing needs of the survivor

**Case Scenario:** *During one visit to your office, Sonia prioritizes increasing safety with her employer. You work together to create strategies to increase her safety at work and role play telling her supervisor and employees what she needs to increase her safety. During her next visit, Sonia may not want to focus on her employment and may want to spend time discussing options she has around her joint bank accounts. Survivor-centered advocates and attorneys allow Sonia's needs and her own assessment of her current safety and risks guide the process while continuing to assess for strengths and risks and providing information to enhance Sonia's safety across various priority areas.*

Many of us go into domestic violence or public interest law because we care about making a real difference in the lives of survivors of domestic violence. We see how inequality, violence, and injustice work together to keep people stuck in painful life circumstances, and our impulse is to help. We also have work experience showing what clients have tried and what has and hasn't worked. We want to protect our clients from going down negative paths. Therefore, at times, we tell our clients what to do or what not to do. When we follow that impulse, we shift from survivor-centered advocacy to provider-defined advocacy. This comes from the best of intentions; we really want to help. And as people who seek services, we can relate to wanting someone else just to tell us what to do. But we also know, from our own life experience, that solutions are most effective when they match our needs, utilize our strengths, and fit into our own lives.

Some survivors fear that they will suffer negative consequences for not following the advice of a lawyer/advocate because they do not have as much institutional power as the advocate or lawyer. Survivors of domestic violence have power and choices taken away from them by their abusive partners. By engaging in provider-directed advocacy, lawyers and advocates mimic this behavior and diminish the agency of survivors at a time when they need it most. Rather than educating or increasing choices for survivors, provider-directed advocacy removes choices, disregards the survivors' expertise, and discounts the survivor's personal and community strengths and assets. All of these things decrease the likelihood that the advocacy we offer will be relevant to the survivor's life, and may, in fact, increase the risks that survivors face.

## Survivor-Centered Economic Advocacy

What does survivor-centered advocacy look like when economics are the focus of advocacy? Survivor-centered economic advocacy addresses both the physical and the economic safety needs of survivors. Many advocates or lawyers are well versed in *either* domestic violence or consumer issues; however, survivors' lives aren't separated into silos of "financial risks" and "domestic violence risks." Survivors' economic needs are intimately connected with the risks they face within their abusive relationship, and their options for safety have real financial costs, which require access to resources. Sonia won't be fully safe until her financial needs *and* her physical and emotional risks are attended to.



Survivor-centered economic advocacy is holistic. It responds to the wide array of life- and batterer-generated risks and does not decide for the survivor how the risks are prioritized. Rather, survivor-centered economic advocates try to understand the survivor's complex domestic violence and financial situations and use a safety-lens as they partner with survivors to address credit, employment, housing, taxes, budgeting, transportation, childcare, banking, and other economic issues.

A survivor-centered economic advocate asks questions to understand a survivor's priorities, whatever they are, and works with the survivor toward their goals. Without such knowledge, advocates cannot link economic concerns to safety nor can they appreciate the safety implications of different economic decisions. For example, because of our deep insight into Sonia's situation, if she comes to us prioritizing her employment over her physical safety, we understand that her priority may be related to the fact that she enjoys her job and wants to maintain it as a safe place, and she needs a source of income. If she's more concerned about her housing and the mortgage delinquency, we understand that a stable and safe home for her son, given his needs, makes sense to her long-term safety plan.

The conditions of poverty – poor housing, fear of losing housing, limited employment options, health issues, food insecurity, financial stress – feel more oppressive and dangerous than the risk of physical violence. In fact, when low-income domestic violence survivors were asked about the most stressful or upsetting event that they had to cope with in the last month, over half reported something other than the physical violence.<sup>34</sup>

## **Evidence Supporting Survivor-Centered Advocacy**

This research shows that the relationships built from survivor-centered advocacy, as well as the process of receiving it, are important to survivors in and of themselves and lead to outcomes that survivors' value.

- Three factors are associated with positive advocacy outcomes: orientation to the whole person, unconditional validation and acceptance, and orientation to information provision and action.<sup>29</sup>
- Survivors with individualized comprehensive community advocates were more effective in acquiring needed community resources than survivors without survivor-centered advocates.<sup>30</sup>
- Survivors who report having greater control over the help-seeking process are more satisfied with services (including legal, criminal justice and community-based domestic violence advocacy) and more likely to use those services in the future.<sup>31</sup>
- Survivors who felt that the advocacy they received was responsive to their goals appear to be more optimistic about the support those resources can provide.<sup>32</sup>
- Survivor-centered advocacy is positively related to a survivor's belief in their internal resources (tools/skills) and confidence that they know how to move forward positively in their own lives (agency).<sup>33</sup>

<sup>29</sup> Allen, N.E. et al. (2013). Exploring the Core Service Delivery Processes of an Evidence-Based Community Advocacy Program for Women with Abusive Partners. *Journal of Community Psychology*, 41(1), 1-19.

<sup>30</sup> Sullivan, 1999; Allen, 2004

<sup>31</sup> Goodman, L.A., Thomas, K., Cattaneo, L.B., Heimel, D., Woulfe, J., & Chong, S.K. (2014). Survivor-defined practice in domestic violence work: Measure development and preliminary evidence of link to empowerment. *Journal of Interpersonal Violence*, p. 1-23.

<sup>32</sup> Goodman, 2014

<sup>33</sup> Goodman, 2014

<sup>34</sup> Eby, K.K. (2004). Exploring the stressors of low-income women with abusive partners: Understanding their needs and developing effective community strategies. *Journal of Family Violence*, 19(4): p. 221-232.

Furthermore, safety and economic security are inherently linked, so for a survivor, there may be no safety without stable and affordable housing. A survivor-centered economic advocate works to understand these complexities and does not judge a survivor for putting other needs in front of issues with a battering partner.

The goal of survivor-centered economic advocacy is reduction of risk and movement toward long-term safety in its broadest sense-- physical, emotional, financial, even spiritual, safety and human dignity.<sup>35</sup> There is a clear evidence base from research that supports a survivor-centered approach to advocacy (See side bar for a summary of the research).

## **Full and open economic assessment**

The first step of survivor-centered consumer advocacy is a full and open assessment of the survivor's financial situation including an understanding of how the abuse is tied into the survivor's financial safety. The assessment asks survivors open-ended questions allowing them to describe and explore their current situation fully. For example, you may ask, "What are your biggest concerns about money right now?" followed by "How does your partner impact your financial concerns?" For more assessment questions, please see CSAJ's [Consumer Rights Screening Tool for Domestic Violence Advocates and Lawyers](#). Each chapter in this guidebook offers issue-spotting screening questions to help guide your advocacy. However, they are both non-exhaustive and not all required (nor in one sitting) to assess survivors' economic needs. Financial and safety assessment is an on-going process that will continue throughout the advocacy relationship.

## **Review economic plans**

As a part of a thorough assessment, survivor-centered advocates and attorneys review the survivor's past, current and future economic plans. For example, an advocate or attorney working with Sonia will ask, "What do you want to do about your money situation now?" and "What worked well for you in the past with your financial plans? Why? What didn't work for you in the past?" By understanding the survivor's past and current plans, the survivor-centered advocate and attorney builds on the survivor's strengths and respects the work that the client has already accomplished. The survivor's experiences also frame what hasn't worked well, so that the advocate/attorney understands what strategies have not been a good fit in the client's life and why.

Survivor-centered economic advocacy requires looking at economic situations through the lens of safety while giving clients the right to make decisions in their own lives. We simply cannot predict the future. Even though we may have years of experience with clients and we understand the dynamics of domestic violence, we never know exactly what will happen in survivor's lives. This uncertainty demands that we respond to client's situations with humility and flexibility. While an advocate/attorney using provider-directed advocacy says, "The best strategy for you seems to be...", an advocate/attorney using survivor centered economic advocacy says, "I want to understand...tell me more about..."

Flexible advocates/attorneys know that survivor's risks may change and that this change may result in shifting advocacy priorities or strategies. In our example, if Sonia loses her job as a result of Robert's harassment at work, her work with an advocate/attorney may drastically change from looking at banking options to finding new employment.

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<sup>35</sup> This expansive definition of safety is reflected in CSAJ's vision statement, which reads: "The Center for Survivor Agency and Justice envisions a world where all people have equal access to physical safety, economic security, and human dignity."

## Information sharing

Survivor-centered economic advocates ask survivors if they would like a piece of information and then explore with the survivor whether and how that information fits their life. For example, when exploring Sonia's desire to find a banking institution you could say, "It sounds like you are weighing your choices regarding a banking institution. I have some information I could provide for you about some of the differences between commercial banks and credit unions. Would it be helpful if I shared that information with you now?" Sonia may say that she is overwhelmed right now and as she gets closer to making that decision she will let you know, but not now. Be sure to validate that feeling and reassure her that you can talk when she's ready. However, Sonia may be ready, and if she agrees, after sharing the information with her you would ask, "How does that information fit with your situation? What questions do you have about what I explained?"

## Weighing economic strategies

After understanding a survivor's economic situation and financial plans and providing financial information, survivor-centered economic advocates work with the survivor to weigh survivor's economic strategies in the light of the client's life and risks generated by an abusive partner.

## Challenges and Benefits of Survivor Centered Advocacy for Lawyers and Advocates

What does survivor centered economic advocacy look like in practice? This work presents several challenges to lawyers and advocates. However, these challenges can also be reframed as benefits to the work. Below is a description of the challenges and benefits of survivor-centered advocacy, as well sample strategies to help you think of ways to move towards the benefits of survivor centered economic advocacy. Can you think of others?

**Challenge:** The holistic nature of survivor-centered advocacy may be difficult for attorneys and advocates who work in compartmentalized organizations. If you are tasked to work with clients on domestic violence family law issues solely, it may stretch resources and cut against institutional ideology to expand your advocacy to include both economic and domestic violence needs.

**Benefit:** By working on both the economic *and* the domestic violence issues at the same time, you can be confident that advocacy efforts will both be safe and sustaining. For example, if you are working on orders of protection with a survivor, by also attending to the economic needs of the survivor, you can work to request financial relief as a piece of the order of protection. This work then becomes more efficient and more effective in creating lasting change in the lives of survivors.

### Strategies: Working towards the benefits

What economic implications arise in your legal advocacy? What can you ask, generally, to get a sense of safety and/or economic needs? Hold an agency-wide staff meeting where you discuss: How can you better coordinate between departments, expertise, etc.? Train each other on the essentials of assessing for linkages and plan ways to coordinate a case or bring in needed partners or outside expertise.

**Challenge:** There is no formula to survivor-centered advocacy. It seems like it would take too long.

**Benefit:** Because there is no formula for survivor-centered advocacy and because the strategies are framed by the survivor's experiences, risks, and strengths, advocates and attorneys have the opportunity to be creative and build new community partnerships. And, while survivor-centered advocacy may take longer up front, there is an increased likelihood that the tailored intervention will increase the survivor's safety

**Strategies: Working towards the benefits**

Instead of an advocate or attorney briefly reviewing a case and saying to a client, "X" (organization or action) can help you with "Y" (issue) (for example, "Houses 'R Us can help you find a new apartment."), and instead of wasting time referring a client to an organization that upon further exploration is not a good fit, *on-going assessment* helps you devise interventions that truly match the survivor's situation. An attorney or advocate engaged in ongoing assessment would instead ask, "How has Y (issue) impacted your life? What have you done in the past regarding Y that was helpful?" Asking questions in this way creates an assessment of the issue in the context of the survivor's whole reality and evokes responses (X) instead of directing the survivor on what they should do. By partnering with the survivor, you may find that you need "new" partners in the community. You may develop a rich network of relationships with bankers, anti-poverty advocates, mechanics, tenant-rights groups, landlords, etc. that benefit not only the client you have now but many others in the future.

**Challenge:** Survivor-centered economic advocacy challenges the traditional view of the lawyer or advocate as the expert. By partnering with the survivor, building on the survivor's strengths, understanding what has worked for the survivor and what hasn't worked, advocates and attorneys may wonder, *how can I find my voice as an expert? What if I disagree with a client's assessment of their safety?*

**Benefit:** Survivor-centered economic advocacy takes the pressure off of the attorney or advocate to be "right" and know what works for everyone. The attorney/advocate does not have to tell anyone what to do or how to do it, but instead builds upon an individual's strengths and assets and lets the survivor guide the advocacy--a true partnership.

**Strategies: Working towards the benefits**

What if you are concerned about the way a survivor is weighing risks and you are afraid for their safety? Survivor-centered economic advocacy is a partnership, so as one partner, you do not have to keep your fears to yourself and you may have some information that is key to the survivor's risk analysis. However, before sharing your fears with the survivor, be slow to react, and do a self-assessment (Davies and Lyon, 2014). What about this situation is concerning for me? Do any of my identities (race, gender, sexual orientation, class, education, etc.) or perspectives influence how I am thinking about this situation? If so, how? Is this situation bringing something up for me from another experience (another client, your own life experience, etc.)? After a self-assessment, if you determine that you are still concerned, proceed carefully. State your concern, give evidence of your concern, and ask the survivor how the statement of those fears sounds for them.

**Think About It**

What's missing from these scenarios? What are some other strategies you think would help break down siloes, enhance creativity and flexibility, and take some pressure off the need to be "right" or "the expert"? Attorneys and advocates that proceed in advocacy with humility, flexibility, partnership and information sharing can provide effective economic work with survivors.

**Case Scenario:** *For example, if Sonia stated that she wanted to open a bank account without telling Robert, and she didn't think he would be too upset about it if he found out, you may say, "It sounds like you don't think Robert will be upset if he finds out that you opened a new bank account, on the other hand, you told me that when you put cash aside last year and hid it from him, and he found it, he was very upset and hurt you pretty badly. I am concerned about how he may respond, but I may be missing something. Tell me how you see this situation as different."*

## Organizational Readiness: Institutionalizing Survivor-Centered Advocacy

While you as an advocate or attorney may embrace survivor-centered economic advocacy, practicing survivor-centered economic advocacy with the full support of your organization is powerful. CSAJ created a readiness/organizational assessment tool to use with your organization. When visualizing and implementing change in your organization, it is helpful to see how other domestic violence or legal organizations have increased organizational survivor-centered advocacy capacity. CSAJ has worked with four groundbreaking demonstration project sites to enhance economic and consumer rights for domestic violence survivors. The Building Partnerships Report offers strategies useful to organizations embarking on survivor-centered economic justice work. Check out the following resources for more:

- [Building Partnerships to Enhance Consumer Rights for Domestic Violence Survivors: A Resource and Assessment Tool](#)
- [Building Partnerships for Economic Justice: A Report on CSAJ's Innovative Pilot Projects](#)
- Mapping the Economic Landscape for Survivors: A Community Needs Assessment Toolkit (forthcoming)

## Systems Change and Policy Work

While individual advocacy is necessary to access rights and resources available to survivors, systems and policy changes are critical to ensure that institutions support the economic security of all survivors. Survivor-centered economic advocacy with individual survivors provides lawyers and advocates with rich information regarding the common economic challenges faced by domestic violence survivors. By listening and responding to the needs and priorities of survivors, lawyers and advocates are able to identify systemic barriers and formulate institutional and policy reforms needed to address those barriers and increase their safety. Survivor-centered advocates have the opportunity to use their knowledge to inform policy makers, partner with advocacy groups, and advocate for systemic changes. While individual advocacy is necessary for accessing rights and resources available to survivors, systems and policy changes are critical for transforming the landscape to ensure that institutions support the economic security of all survivors. Examples of CSAJ's systems-level work, include:

- CSAJ's systems advocacy efforts with the [Department of Education](#) and [Consumer Financial Protection Bureau](#)
- Accounting for Economic Security: An Atlas for Direct Service Providers (forthcoming)
- [Housing Policy and Systems Advocacy](#)

Furthermore, an **intersectional approach** to advocacy is required to address the disparate impact that policies and institutions have on survivors who are socially and politically marginalized, restricting their access to the resources needed for their long-term safety. Intersectional IPV approaches address the individual and structural barriers by employing tools that target multiple forms of oppression. CSAJ's [Legal Impact for Racial & Economic Equity of Survivors Project \(REEP\)](#) seeks to remedy the systemic inequalities facing survivors of color that currently impair their access to economic security and safety. [In partnership](#) with diverse anti-poverty, race equity, and violence against women practitioners, REEP will shift the current violence against women paradigm by employing impact strategies that engage communities in identifying inequalities and by employing impact legal and policy strategies that facilitate access to economic opportunity for survivors of color.

## Conclusion

Attorneys and advocates for survivors of domestic violence can meaningfully enhance survivors' access to long-term safety by engaging in survivor-centered economic advocacy. There is a reciprocal relationship between domestic violence and economic hardship; and, domestic violence has an economic ripple effect on survivors' lives. While many domestic violence advocacy programs provide financial literacy skills training, such interventions often fail to address the profound economic harms that survivors face, both as a result of living in poverty and as a result of the economic and physical coercion they have experienced.

Attorneys representing survivors are bound by legal ethics that support survivor-centered practice. Survivor-centered economic advocacy is an evidence-based practice that is based on a partnership between the attorney/advocate and the survivor, which draws upon their combined expertise and is driven by the survivor's priorities and decision-making. Survivor-centered advocacy holds both the economic and the safety needs of the survivor simultaneously, in order to forge complex strategies that address the risks, needs, assets, and opportunities facing an individual survivor.

While there are many challenges in implementing survivor-centered economic practice, strategies exist to overcome those challenges and implement it within differing institutional structures. Indeed, organizations and communities can assess their readiness and implement procedures to create the infrastructure needed to sustain the work. While individual advocacy efforts assist survivors in accessing their rights, systems and policy advocacy is critical to changing the landscape to support the economic security of all survivors better.





# GUIDEBOOK ON CONSUMER & ECONOMIC CIVIL LEGAL ADVOCACY FOR SURVIVORS

A COMPREHENSIVE AND SURVIVOR-CENTERED GUIDE FOR  
DOMESTIC VIOLENCE ATTORNEYS AND LEGAL ADVOCATES



**CENTER FOR SURVIVOR  
AGENCY & JUSTICE**

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**The Center for Survivor Agency and Justice** is a national organization dedicated to enhancing advocacy for survivors of intimate partner violence. CSAJ envisions a world where all people have equal access to physical safety, economic security, and human dignity. CSAJ develops and promotes advocacy approaches that remove systemic barriers, enhance organizational responses, and improve professional practices to meet the self-defined needs of domestic and sexual violence survivors.



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