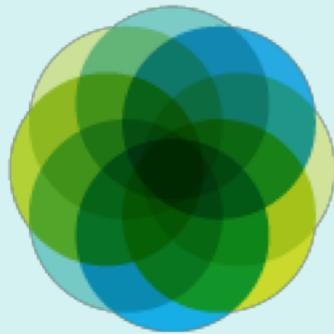


Part 1: Addressing Court-Related Barriers to Survivors' Economic Security *Enhancing Individual Advocacy*

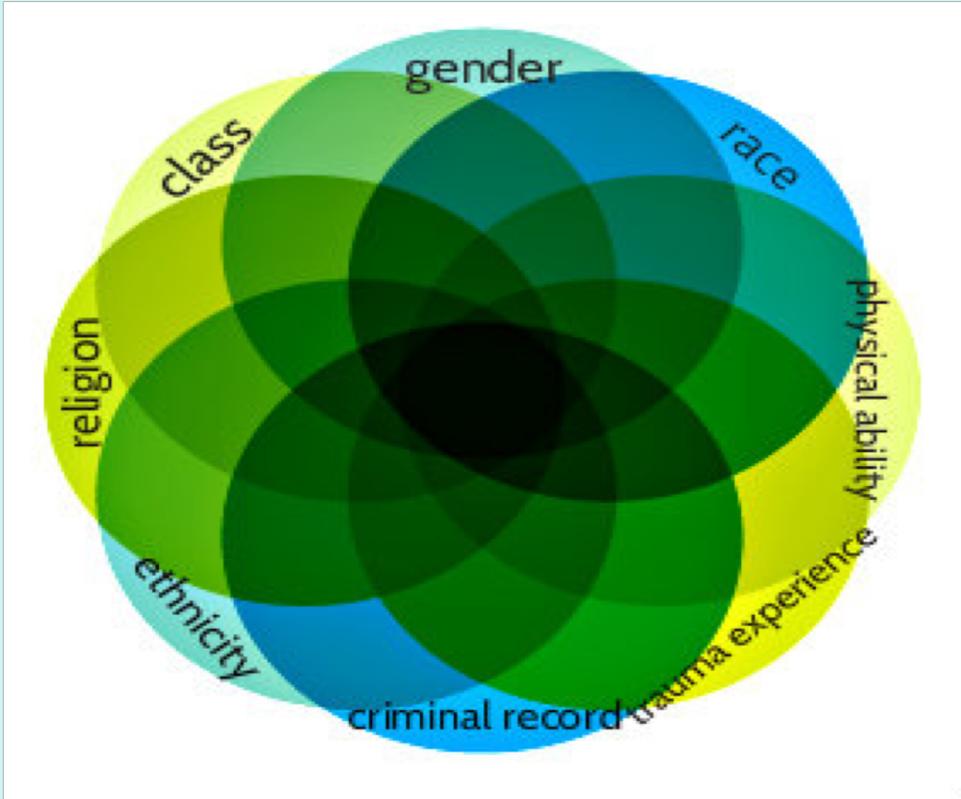
Wednesday, March 27, 2019
12:00 – 1:30PM ET



**CENTER FOR SURVIVOR
AGENCY & JUSTICE**

This project is supported all or in part by Grant No. 2017-TA-AX-K065 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in the publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

CSAJ's Mission & Vision

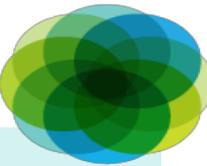


■ **Mission:**

The Center for Survivor Agency and Justice 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.

■ **Vision:**

The Center for Survivor Agency and Justice envisions a world where all people have equal access to physical safety, economic security, and human dignity.

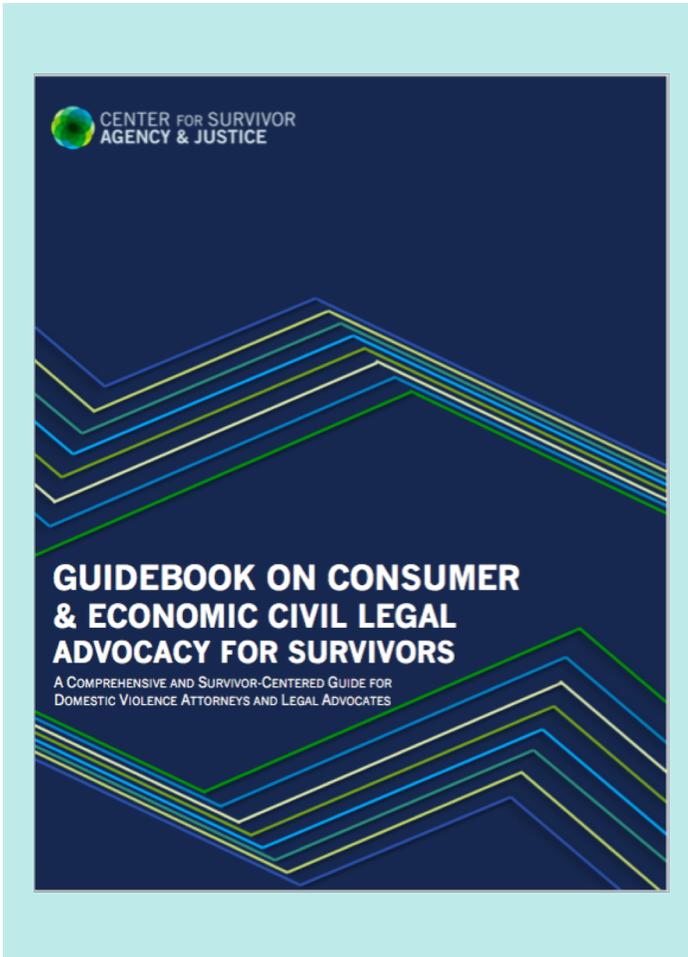


Faculty Today

Nida Abbasi, Project Manger, Gender & Family Justice, Center for Court Innovation

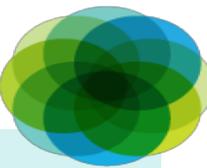
Jenna Smith, Project Coordinator, Gender & Family Justice, Center for Court Innovation

Hosted By: Erika Sussman, Sara Wee, & Yvette Butler Center for Survivor Agency & Justice



1. Introduction: Economic Coercion and Survivor-Centered Economic Advocacy
2. Credit Reporting & Repair for Survivors
3. Credit Discrimination & Predatory Lending
4. Debt, Debt Defense, and Safety Considerations for Survivors
5. Identity Theft
6. Navigating Student Loan Solutions
7. Bankruptcy & Alternatives
8. Foreclosure
9. Tax Advocacy
10. Consumer Issues in Family Law
11. Using the Civil Protection Order as a Tool for Economic Justice
12. Civil Court Barriers
13. Housing Protections
14. Workplace Discrimination & Advocacy
15. Criminal Records & Employment Rights

<https://csaj.org/Guidebook>



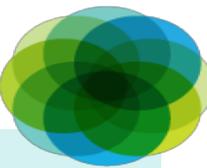
Using the Guidebook: Survivor Stories



Esther is an undocumented Haitian immigrant living in the United States with her boyfriend, a U.S. citizen, and their two young children who were both born in the U.S. Esther works a part-time, minimum wage job. Her boyfriend has a steady higher-paying job and controls the finances. They both reside in a small town with minimal resources.

Esther and her boyfriend have been together for nearly a decade, and during that time he has become increasingly violent towards her. Fearing for her life, she has taken her children and fled to a local shelter. She is seeking protection from the court system, but she is terrified. In addition to fearing for her physical safety and worrying about how she and her kids will make ends meet, Esther feels intimidated by the court system.

Diverse survivor stories bring content areas into focus and center the challenges, strengths and opportunities of survivor centered economic advocacy.



Using the Guidebook: Issue Spotting & “Think about it”



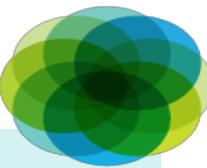
Think About It

Why do you think Esther is fearful of the civil court system? What concerns might be on her mind? Think about other survivors you've worked with; what specific challenges have they encountered in the court system? How can this inform Esther's situation? How might her case be different? How might access to justice issues, be they economic, geographic, cultural, or systemic, have an impact on Esther?

Assessment questions throughout help frame, guide, and deepen survivor centered economic advocacy (SCEA)

“Think About It” sections challenge readers to broaden perspectives on SCEA

Focus on how intersectional identities impact SCEA



Using the Guidebook: Practice Tips



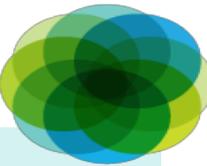
Easily located information

Clear practice tips

- Direct, hands on practice ideas for effective SCEA with survivors
- Tips come from practitioners in the working in the field

Practice Tip

Organizations across the country have crafted innovative responses to address these access to justice issues. Some communities have mobile legal services that travel to remote, hard-to-reach communities to provide legal advice and assistance to domestic violence survivors. Service providers can also hold “Know Your Rights” workshops to encourage underserved groups to access the civil and criminal justice system and provide them with resources and support for doing so.



Court-Related Barriers to Economic Security

Nida Abbasi, JD, Center for Court Innovation

Jenna Smith, Center for Court Innovation



Learning Objectives

- Identify how **court-related barriers to economic security** show up for survivors and how they manifest differently for underserved survivors.
- Describe **individual survivor-centered consumer advocacy and legal remedies** to address court related barriers.
- Engage in discussion about **unique and innovative practices**.

Webinar Overview

- **Define the Scope of the Issue**
 - Identifying & Assessing the Issue
 - Impact on Survivors
 - Safety Considerations
- **Problem-Solving with a Survivor-Centered Lens**
 - Advocacy Strategies
 - Legal Remedies and Strategies
 - Broadening Access for all Survivors

Defining the Scope of the Issue

What is Your Professional Role?

- Lawyer
- Advocate
- Court Administration/Management
- Court Staff
- Other (please type in the chatbox)

What's the Issue

- Court-related barriers **intersect** with many other issues that undermine the economic security of survivors.
- **Costs related to pursuing legal action** are particularly complex and often hidden to others.
- Court can be a **source of further economic abuse** toward survivors.
- Financial barriers can impact a survivor's ability to **access justice and legal remedies**

What's the Issue

What are some **economic barriers** you see for survivors accessing the court system?

- Interference with Work
- Cost of Childcare
- Cost of Transportation
- Lack of Legal Representation
- Need for additional resources
- Access-Related Barriers
- Litigation Abuse

Lack of legal Representation

- The Self-Represented Litigation Network (SRLN) estimates that 75% litigants in civil cases are self-represented.¹
- Many survivors cannot afford attorneys on both DV and family law matters.
- Need for greater referrals to pro bono attorneys.
- This can lead to inefficiencies with case processing, extended litigation, and inconvenient scheduling.

¹R. Schauffler, R. LaFountain, S. Strickland, K. Holt, & K. Genthon, eds. Last updated 11 January 2017 Court Statistics Project DataViewer [14 March 2019] <www.courtstatistics.org>

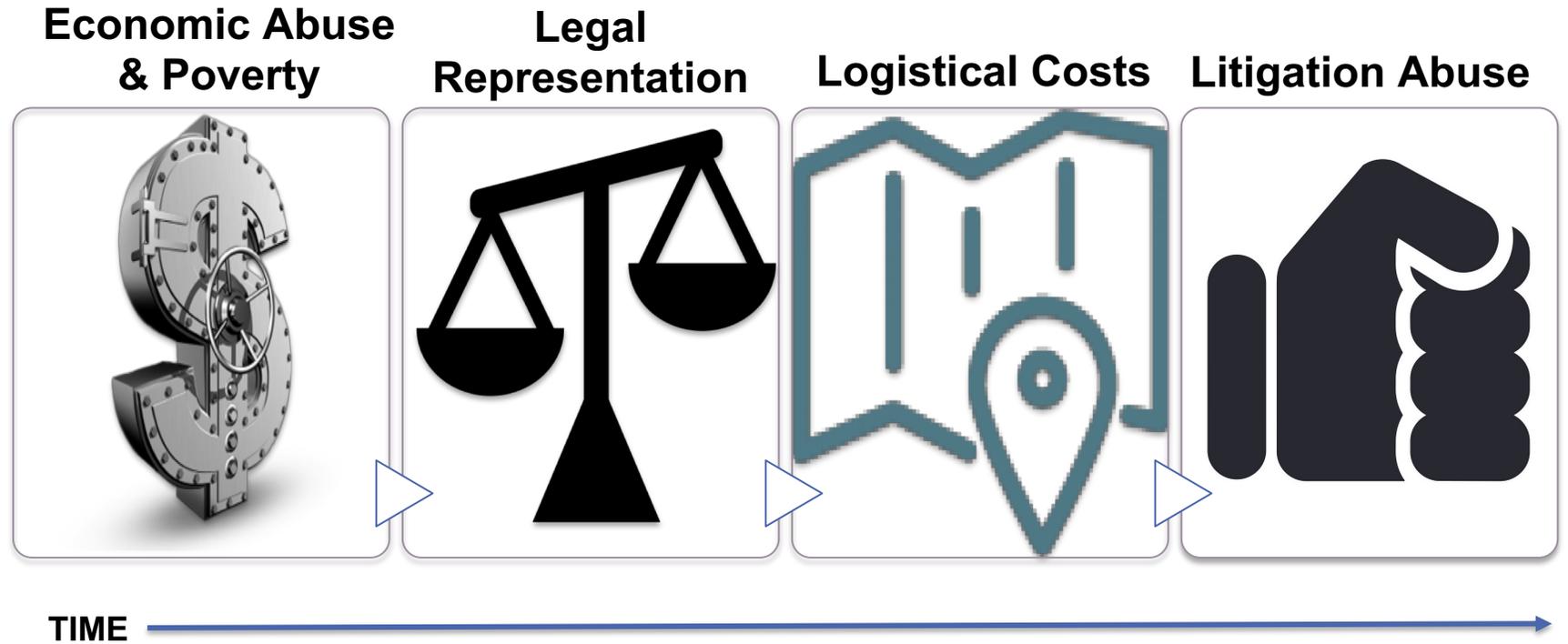
Logistical Costs

- Repeated court dates can disrupt of work schedules
- Court can impact availability of sick leave and vacation
- Transportation to and from court
- Childcare for court appearances

Litigation Abuse

- Post-separation escalation of abuse.
- Manipulation of legal system to interfere with survivor's capacity to obtain court and community-based remedies.

Economic Ripple Effect of Court- Related Barriers



Impact on Survivors



Alex comes to court at 9:15am seeking a temporary Order of Protection after her partner threatened her in front of their 2-year-old child. She's directed to the clerk's office and is given a form to fill out. Alex fills out the form alone and brings it back to the clerk, who tells her to return at 2:00pm when the judge will hear her petition.

Do you see any issues that may impact Alex's economic security?

Impact on Survivors



Alex leaves and returns at 1:45pm just to be safe. She ends up waiting until 3:40pm when the judge calls her case. The judge grants Alex the order within a few minutes, without any child support, and tells her to return in 3 weeks. When Alex returns, she finds out her partner was not served yet, so the temporary order is extended for another 3 weeks.

Do you see any issues that may impact Alex's economic security?

Impact on Survivors



Alex returns to court once again with her daughter since the daycare was closed. She connected with the domestic violence agency the previous week, and her advocate is also in court with her. Alex's partner has hired a private attorney, who asks to extend the date so he can gather evidence prior to hearing. The judge tells Alex to gather any evidence she has for the next court date, and she nods in agreement.

Do you see any issues that may impact Alex's economic security?

Issue Spotting & Assessment: Key Questions to Ask



- When you think about coming to court, tell me about biggest concerns.
- What safety risks does your partner/ex-partner pose?
- How do you think your partner/ex-partner will react to court involvement or legal actions?
- What are some things that may make coming to court challenging for you?

Impact on Survivors



Assume the case continues for the next 6 months. Also assume the following:

- Alex lives an hour from the courthouse and drives a 20-year old car. She works as a waitress at a small restaurant.
- Alex was in the process of taking courses to get a technical certificate, but put her classes on hold so she could pick up extra shifts and pay for babysitting and rent.
- Opposing counsel has sent about a dozen motions to Alex, none of which she understands.
- Alex's ex-partner does not pay any support, often misses visitation with their daughter, and skips BIP classes due to cost.

Impact on Survivors

What can help mitigate any of these ongoing issues?

Why This Matters?

- Safety
 - Economic instability can pressure survivors into making unfair choices or returning to an abusive relationship.
 - Financial dependence on abusive partners can impact long-term safety.
- Confidence in legal system
 - More effective case processing and orders will lead to greater trust in the legal system and increased safety
- Victim-centered approach
 - Promote victim autonomy and assessment of safety and needs
 - Additional access to justice barriers for victims who are immigrants, justice-involved, or represent various identities

Unique Barriers for Underserved Survivors

- Immigrant Survivors
- Survivors with limited English
- Survivors with disabilities
- LGBTQ survivors
 - Trans and non-binary survivors
- Survivors of Color
- Justice-Involved

Practice Tips

Properly identifying the specific language a survivor speaks will make it easier when securing an interpreter. Strategies to assist survivors with limited English proficiency can occur on multiple levels:

- To aid limited English proficient survivors, advocates, attorneys, and courts can create “I Speak” brochures that list the phrase, “I speak _____,” in a multitude of languages.
- Advocates and attorneys can ensure that survivors are linked to qualified interpreters by asking about an interpreter’s certification, professional experience, and familiarity with domestic violence dynamics and legal terms.
- Programs can work to improve their own cultural diversity by hiring bilingual staff and translating forms and brochures into other languages.
- Consider partnering with immigration legal services, other immigration organizations, or faith-based services. Similarly, discuss strategies for co-locating immigration legal services at the court, referring survivors to reputable immigration agencies, or creating linkages between pro and low bono immigration, family law, and domestic violence legal assistance.
- Establish protocols for coordinating cases with immigration attorneys, family law attorneys, and advocates This will ensure that attorneys and professionals working with survivors on family law and domestic violence cases can more holistically represent survivors’ needs.

Problem Solving with a Survivor Centered Lens

Individual &
Organizational
Approaches

Assessing the Issue

Think about your role in relationship to the court and the legal process. What are some ways you can effect change in your role?

Organizational Assessment & Partnership Reflection



- What is your agency's relationship like with the local court? Are there judges with whom you have a positive relationship?
- Do you collaborate with the court and its actors to learn what challenges they face and work with them to problem solve?
- Do you participate in stakeholder meetings to discuss policies and procedures and communicate with other agencies in the field, such as batterer intervention programs, culturally-specific organizations, or supervised visitation providers?
- Do you know what kind of training on domestic violence the court has received? Have you asked the court in what areas they need further training? Could you provide it?

What's happening in your community?

1. Is there statutory authority for petitioners to request child support in (temporary) protective orders?
 - Yes
 - No
 - I don't know
2. If it is a possible remedy on the temporary or ex parte order, how often is it requested?
 - Almost always
 - Sometimes
 - Rarely
 - Never
 - I don't know
3. If requested, are judges likely to grant child support in a (temporary) protective order?
 - Yes, likely
 - Sometimes
 - No, unlikely
 - I don't know

Advocacy Approaches: Financial Relief



- Obtaining child-related relief on temporary and permanent orders
- Ensuring the payment of support.
- Obtaining additional types of support under VAWA

Poverty On All Sides:

The Kings County Parent Support Program in Brooklyn, New York, works with noncustodial parents who are struggling with meeting their child support obligations by linking them with employment agencies, job skills development, vocational training, transportation assistance, family life skills, and a whole host of other services. As long as participants meet the court's obligations, which are monitored through routine compliance hearings, they avoid court-imposed legal penalties.

For Alex

Could any of these strategies help Alex?

What are possible ways advocates, attorneys, and courts could offer financial relief for Alex?

Advocacy Approaches: Financial Resources



- Court referrals to community-based financial resources i.e. career and professional development.
- Waiving court fees.

For Alex

Could any of these strategies help Alex?

What are possible ways advocates, attorneys, and courts could offer financial resources to Alex?

Legal Remedies & Other Client- Based Strategies



- Responding to litigation abuse
- Time management
- Client feedback – document ongoing issues
- Highlight and contextualize financial abuse & coercion
- Legal representation

For Alex

What else do you think could help Alex?

Systems-Based Strategies



How might economic hardships be addressed on a system level?

Practice Tip

Courts can consider implementing fee waivers and payment plans to make costs more manageable for indigent survivors. Court staff should offer information on VAWA compensation and other state-specific compensation programs targeting victims of crime. Judges may consider the litigants' current income as well as their past financial circumstances when deciding how to split attorney fees and additional costs among parties. They can also consider imposing attorney fees on the higher earner or splitting fees more equitably.

Judicial and Court Leadership

- Identify a “key champion” in the court system.
- Schedule regular stakeholder meetings. Include a diverse group of stakeholders in these meetings.
- Convene ongoing training.

Specialized Court Approaches

- Specialized court dockets for domestic violence
- One-family, one-judge approaches

Collaboration & Partnership Building

- Court-based resources and collocation of services
- Grant funding
- Conduct a needs assessment by soliciting feedback from litigants to learn about the economic challenges they have confronted.
- Encourage victim service organizations to include economic empowerment programming for survivors.

Practice Tip

Advocacy organizations can include programming on job skills and financial literacy, linking with groups in the community who already provide workshops. To help with the emotional toll that appearing in court takes on survivors, advocates can work with courts to train their security staff on domestic violence dynamics. Dedicated court officers and separate and secure waiting rooms help to make survivors feel comfortable and safe.

Q&A

Any questions?

Resources

- [Financial Insecurity and Domestic Violence: A Conversation About Child Support](#)
- [Assisting Self-Represented Litigants in Domestic Violence Cases](#)
- Coming soon: child support toolkit

Contact

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Center for Court Innovation

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dvcourts.org

Join Us for Part 2!

Wednesday, April 3 @ 2:00 – 3:30pm ET



Part I: Individual Advocacy Strategies

1. identify consumer and economic issues and how they manifest differently for underserved survivors,
2. model individual survivor-centered consumer advocacy, and
3. develop unique strategies that address the particular consumer issues facing survivors.



Part II: Partnerships for Systems Change

1. Share innovative models/examples work in consumer issue area
2. Use model to develop multilevel strategies for change in virtual breakouts
 - ▣ needs assessment
 - ▣ partner mapping
 - ▣ strategic action planning



THANK YOU!

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EVALUATION FORM:

Resources & Announcements

Training, technical assistance, resources, etc.

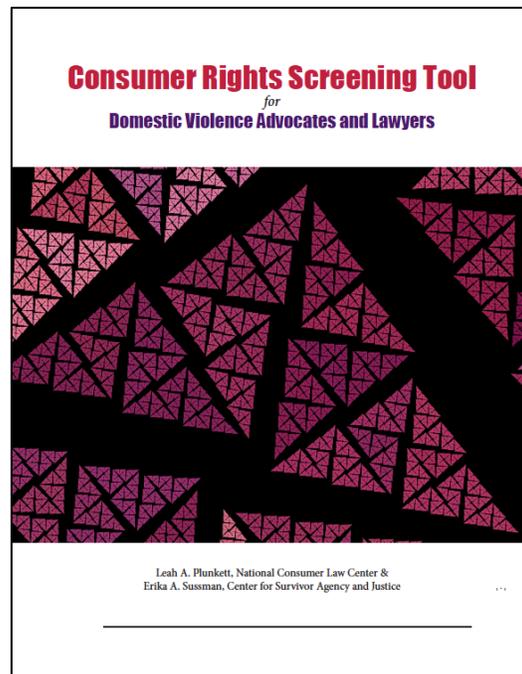
Spotlights on Innovative Consumer Justice Initiatives



- ▣ **Purpose:** Spotlights are a Peer Exchange opportunity to share best-practices in consumer and economic advocacy with the field.
- ▣ Interested? **Complete this form**
<https://goo.gl/forms/jDpmAlQKDZqpoG3t2>
- ▣ We'll follow-up!

Full Assessment & Strategic Partnership

Assessment Tools

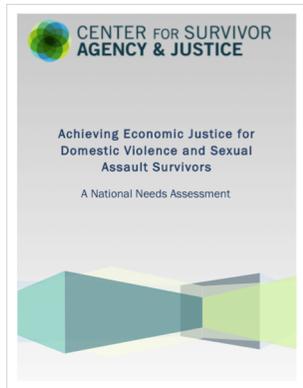


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Advocacy Tools

- ▣ [Training](#)
- ▣ [Resources](#)
 - ▣ Federal Taxes
 - ▣ Coerced Debt
 - ▣ Eviction & Foreclosure
 - ▣ Credit Reporting & Repair
 - ▣ Banking & financial services
 - ▣ Consumer and Criminal Record Barriers
 - ▣ Employment & Housing Access
 - ▣ ...and more

Resources



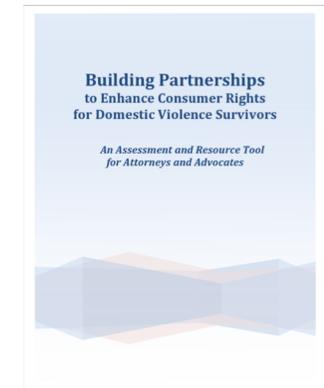
[CSAJ's National Needs Assessment Report](#)



[Economic Ripple Effect DV Report Article](#)



[CSAJ's Pilot Site Report](#)



[CSAJ's Assessment Tool for Attorneys & Advocates](#)

▣ [CSAJ's Resource Library](#)

▣ [Past webinars on consumer issues](#)

CSAJ's Guidebook

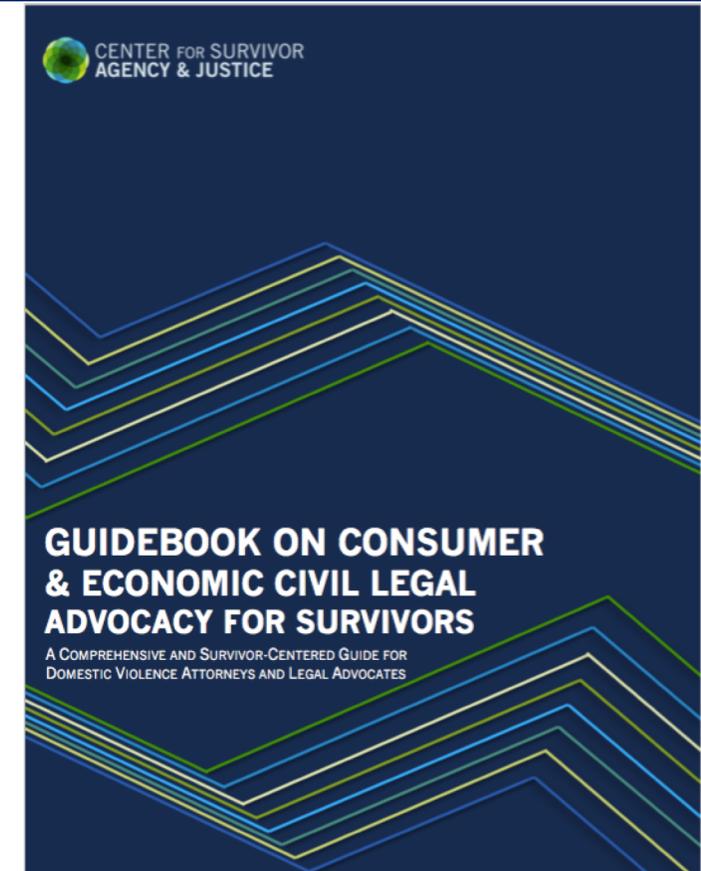
Guidebook on Consumer & Economic Civil Legal Advocacy for Survivors

A comprehensive and survivor-centered guide for domestic violence advocates and attorneys

Chapters Include:

- Credit reporting and repair
- Debt collections and defense
- Bankruptcy and foreclosure
- Federal tax advocacy
- Economic relief in civil protection orders
- Economic issues in family law
- Barriers in civil court
- Rights and protections: housing and employment

<https://csaj.org/Guidebook>



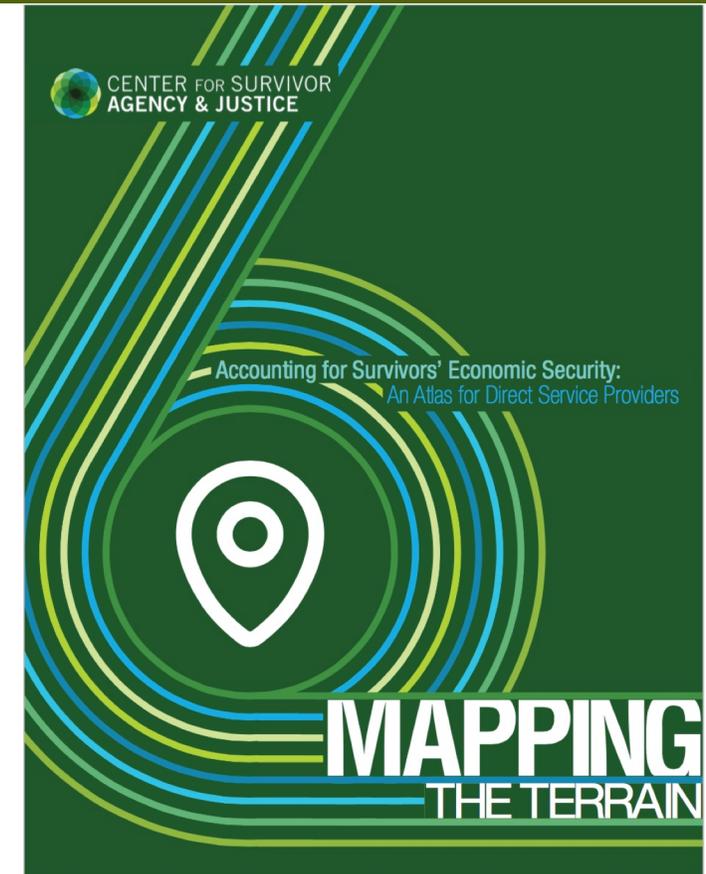
Accounting for Economic Security

An Atlas for Direct Service Providers

Mapping the Terrain

1. Economic hardship and poverty constrain survivors' options for safety
2. The economic impact of violence ripples throughout survivors' lives
3. Systemic barriers impede survivors' access to economic stability
4. Social inequality restricts survivors' options for economic security and safety

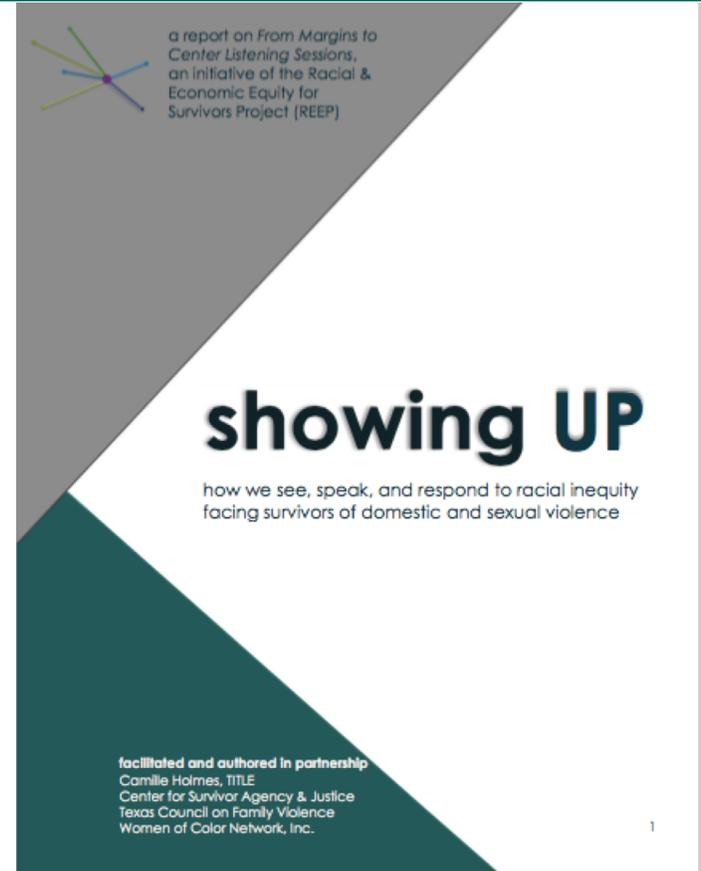
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Listening Sessions & Report

Purpose is to **dialogue-back with Listening Session conversations** in order to aid self-reflection, challenge dominant narratives, support improved data collection and analysis, and to **begin, continue, or advance conversations and work toward racial equity** for domestic and sexual violence survivors and for all of us.

[DOWNLOAD](#)





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EVALUATION FORM: