

## **Legal Advocacy Against Domestic Violence**

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### **I. Problem Statement**

Battered women and children, seeking to escape batterers and to safeguard themselves against recurring violence, are often uninformed about community and legal resources available to facilitate a cessation of the violence and to enable them to achieve protected, independent lives. Beyond this, when battered women have evaluated their options and elected the legal remedy(s) best suited to meet their needs, they confront myriad, complex legal issues and proceedings, often without the benefit counsel, as many are resourceless. Access to the courts may be constrained and outcomes may be deficient without the benefit of advocacy. Furthermore, prosecution, court and legal services staff have not been able to meet the demand of battered women for legal intervention to end the violence; demand has increased exponentially over the last decade and it has far outstripped resources.

### **II. Documenting the Program**

**A. Goals and Objectives.** The Pennsylvania Coalition Against Domestic Violence (PCADV) has engaged in advocacy on behalf of battered women and their children in the Commonwealth for almost 20 years. The Coalition is committed to advocacy as a principal strategy to improve the justice system and community institutions to assure that battered women and children achieve safety, autonomy, health, well-being, restoration and justice.

Legal advocacy, as undertaken by the 60 local domestic violence programs and the statewide organization, is broadly defined. It encompasses individual advocacy and systemic advocacy. The justice system is but one arena, albeit a critical forum, in which advocacy is provided for victims of domestic violence.

The objectives of legal advocacy are several; to assure that battered women are informed about the full array of legal options available; to assist battered women in developing safety plans; to enable timely, effective access to the justice system; to provide support and accompaniment for battered women as they proceed through the justice system; to enhance the quality of representation of victims therein; and to improve the outcomes for battered women participating in all parts of the civil and criminal justice systems.

**B. Program Elements/Components and Activities in Place.** Individual and systemic advocacy occur in tandem. Advocates work with individual battered women and simultaneously work to reform and upgrade the legal system.

The work may take advocates to police departments to ask for expedited intervention to a high risk household or to ask that the police devise a system for quick response to all high risk households. The work may involve advocates seeking expanded investigation by a prosecutor into a particular crime of domestic violence, including identifying additional sources of evidence, or it may seek substantial reformation of the system of investigation and preparation of cases of domestic violence for plea-negotiations or trial. It may take advocates to bail hearings to assist a battered woman in securing protective conditions on release or it may involve asking arraignment judges to establish protocols for the routine imposition of conditions of release in domestic violence cases. It may involve transporting battered women to hearings or insisting that courts provide safe, secure waiting rooms for battered women and children. It may be familiarizing an individual woman with a courtroom or court procedure or it may

be persuading the courts or the district attorney to convene a court school for all victims of violent crime or applicants for protection orders.

Advocacy often includes assistance in preparation of petitions for civil relief, in enrollment in victim notification programs, in development of victim impact and risk assessment statements, as well as in fine-tuning practice guides for court, jail and prosecution personnel who are responsible for processing the documents filed by victims. It may entail verifying that a protection order has been filed correctly in the statewide protection order registry so that enforcement can be effected should an individual batterer violate an order or it may involve legislative initiatives to establish a state-wide registry that is available 24 hours/day. It may include helping an abused woman to figure out a proposed visitation schedule and protective provisions for a custody conciliation conference or it may be educating custody conciliators on the need for risk assessment and attention to protected custodial access in the context of domestic violence.

Advocates may monitor the practice of an individual judge who has been reported to be unresponsive to the applications of domestic violence victims for protective relief and offer that judge some information about the impact of domestic violence on children or advocates may devise domestic violence bench guides for dissemination to judges.

Advocates may assist an individual battered woman in sensitizing the justice and human service systems to the dangers confronting her and the requisite interventions to safeguard her and her children; or advocates may convene a multi-disciplinary county task force of justice system personnel and social and medical providers to establish protocols and interface procedures.

Invariably, advocates assist battered women in constructing and rehearsing safety plans both to assure protected participation in the legal arena and to buttress the legal protections achieved in the courts. At the state level, the PCADV engages in many activities for systemic reform. We are currently working with the Administrative Office of the Pennsylvania Courts to develop data systems and uniform rules to fully accommodate reforms in the civil protection order statute. We recently orchestrated a CLE seminar on the amendments with the Pennsylvania Bar Institute, the bar and bench. PCADV has taken the initiative to implement the "full faith and credit" provisions of the Violence Against Women Act; this project involves advocates in consultation with courts, court administrators, the bar and advocates across the country. PCADV undertook the first statewide project to eliminate stalking in the context of domestic violence. A pamphlet for victims, a police and prosecutor protocol, a law enforcement training curriculum, and trainings of advocates and police officers across the Commonwealth were the activities of this endeavor. PCADV developed a legal advocacy manual, entitled *Seeking Justice: Legal Advocacy and Practice*, which has been adapted for practice in several states. PCADV provides technical assistance to attorneys, judges, court administrators, prosecutors, law enforcement and others in the justice system related to practice and policy issues. PCADV participates in impact litigation to improve justice for victims of domestic violence. It regularly advises government agencies and legislators at the state and federal levels on matters of public policy.

PCADV attempts to evaluate and intervene in any systemic practice that impinges on the safety, privacy and well-being of battered women and children. A portion of the advocacy that emerges therefrom may appear to be far afield from domestic violence services, but it is public policy that significantly impinges on battered women and children.

For example:

Several years ago, PCADV concluded that the telephone technology being offered by the industry posed great risks to the privacy and safety risks of battered women. Thus, we participated in administrative hearings and two appeals in Commonwealth courts (in which we prevailed), and have been active in

deliberations at the FCC on these issues (in which we have also prevailed, enabling telephone safety and privacy for all users of interstate telephone services).

PCADV first identified insurance underwriting standards and practices that discriminated against battered women, brought this to the attention of Congress and the PA legislature, and are currently working with lawmakers, insurance commissioners and health advocates across the country to put an end to these unfair insurance practices.

PCADV became concerned that power brokers in the country were advancing one strategy for coordinated justice/community intervention against domestic violence. Staff responded by authoring two papers that reflect the variety of efficacious strategies now employed; the papers were distributed broadly, encouraging communities to carefully evaluate and adopt the strategy most appropriate for their respective communities.

PCADV recently noted that many courts were interested in undertaking domestic violence death reviews in order to identify inadequacies in justice system response to victims and perpetrators of domestic violence. We, thus, prepared a paper enumerating goals, activities and processes for conducting domestic violence death reviews.

PCADV concluded that the research community across the country was not in dialogue with the domestic violence community about research questions, ethics, agendas, analysis and dissemination of results. Thus, PCADV initiated a network among researchers and practitioners to enhance collaboration in scholarly inquiries about a broad range of issues related to domestic violence. Particular attention has been paid to evaluation research related to justice system interventions. While the network is informal, it models the collaboration envisioned and enriches the dialogue about research and its application to practice and policy-making in the field.

**C. Expected Results and Performance Measures.** The ultimate expected results are justice, safety, autonomy, health, restoration and well-being for battered women and children and accountability for batterers. In the more immediate future, the intent is to provide victims of domestic violence with advocacy in the justice system and in whichever human services system or community arena it is necessary.

To assure that advocacy is informed and strategic, PCADV provides advocates at the local level with extensive training and technical assistance. A core 40 hour curriculum is in the developmental stages. A comprehensive manual on legal advocacy has been provided to every domestic violence agency in the state. Every six (6) weeks advocates throughout the state are furnished with a day of in-service training and networking. Beyond this, each year, PCADV offers a statewide two (2) day conference for advocates; members of the bar and bench collaborate in this undertaking.

Evaluation of advocacy on the local and statewide level is informal. PCADV is hoping to be able to interest researchers in investigation of the efficacy of the numerous advocacy efforts in progress. Meanwhile, the apparent merit of the work of advocates can be measured by the responsiveness of courts and other justice system personnel, as well as governmental and legislative bodies. In many communities in the Commonwealth and at the state level, domestic violence advocates are sought out as partners in efforts to end domestic violence and offer remedy in its aftermath.

### **III. Results and Impact**

#### **A. Implementation Problems and Successes.**

Problems. The lack of resources to employ the number of advocates necessary to cover all the bases listed above has created the most significant barrier to implementation. Domestic violence programs operate on

very small budgets; we provide much more for less than other human services agencies. Yet, the needs for direct services, including housing, food, transportation, childcare, clothing, counseling, etc. are monumental and increase daily. Advocacy cannot be undertaken unless these vital supportive services are in place. Many battered women cannot safely seek justice unless these fundamental services are available to create a bridge to independent living and to provide shelter and protection until legal remedies can be implemented. Funding remains insufficient.

Most advocates have no formal education in the law, in community organizing, in negotiation or in policy-making. Thus, upon employment, domestic violence programs have the not insubstantial responsibility of training advocates on the fundamentals and thereafter building essential advocacy skills. This takes time and resources that are in scarce supply.

Successes. Domestic violence programs have been able to maximize resources by retaining and developing advocates. Increased state and local funding over the course of the last 20 years has enabled an expansion in the numbers of advocates engaged in legal advocacy endeavors. PCADV has assisted by availing advocates of training, both formal and informal, by providing technical assistance on practice problems and policy-development and by brokering resources and relationships with justice system personnel. PCADV and local programs have established close working relationships with legal services offices, batterer intervention services providers, justice system personnel. We have promoted coordinated, collaborative community response for more than 15 years. These serve as models in jurisdictions or arenas which may resist embracing advocacy or making the changes requisite to the safety and well-being of battered women and children.

**B. Accomplishments to Date.** See above or the annual report of PCADV and local domestic violence service programs.

**C. Prospects for Replication.** Much of the structure, process and accomplishments of these advocacy initiatives can be replicated elsewhere. Essential to replication is a belief in the critical role of advocacy in the justice system. Resources must be directed to advocacy initiatives in sufficient sums. To fully and effectively accomplish that which is outlined above, two full-time legal advocates would be required in a jurisdiction with a population of 250,000. Staff development and opportunity to network with other legal advocates throughout the state are necessary. Finally, there must be a statewide training and technical assistance center to support the work of local advocates and to engage in advocacy and policy-making at the state level.

#### **IV. Appendices.**

Table of Contents, Legal Advocacy, Ethics for Advocates from *Seeking Justice*.

Copy of section from NCJFCJ's *State of the Art* profiles on model court programs related to PCADV.

Jill Davies paper on Legal Advocacy.

1994 Annual Report

Flyer from 1995 Legal Advocacy Conference

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