

# Court-Based Civil Legal Assistance for Victims of Domestic Violence

Guidance and  
Court-Community  
Spotlights

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by Darren Mitchell

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# Introduction

Victims of domestic violence who lack legal representation often face enormous hurdles in navigating the family court as they seek legal relief and protection. The volume of information and complexity of the process make it difficult. Self-represented victims need lay-friendly and accessible guidance in order to commence proceedings, provide the court with evidence, and understand legal standards and how to satisfy them.

To help self-represented victims of domestic violence, many family courts have established court-based programs and partnerships that provide tailored civil legal assistance to victims. This document, based on the experience of more than a dozen representative courts (see Appendix A), outlines important principles that have made these programs and partnerships effective.

While most of the programs share these principles, the programs themselves take a variety of approaches. Some programs offer a range of legal assistance, from full representation in particular matters to legal advice and consultation to assistance with preparation of petitions and forms. Some focus on providing assistance at the commencement of the court cases only; others offer ongoing assistance throughout the course of the litigation. Some programs train and deploy volunteer attorneys to assist victims; others rely on dedicated staff. Other programs focus on providing assistance to under-served communities and locate services within those communities.

# Principles

## Exercise leadership

A strong court leader can bring a wide range of potential partners to the table. It's therefore important that programs have the backing of a key judge or court administrator.

## Gather information

To provide appropriate support for self-represented litigants, courts need to identify gaps in services. The best way to do that is to seek input. Get information from court staff who maintain data on court filings and representation of parties. Talk to stakeholders and victim-service providers to better understand the extent to which victims are self-represented and the scope of their legal needs.

## Collaborate

Serving litigants effectively requires cross-system collaboration among many stakeholders, judicial officers and court personnel, community-based attorneys and advocates, and culturally-specific community-based organizations.

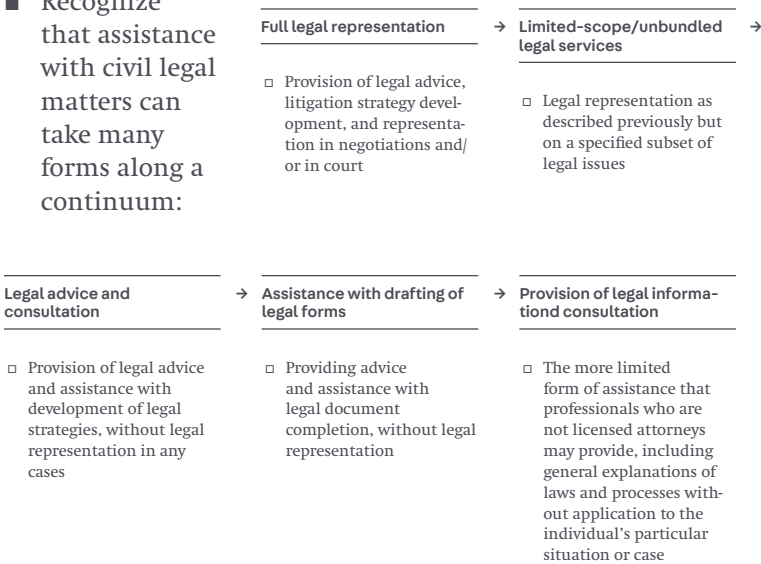
- Enlist community-based culturally-specific organizations to help with design of the program and to assist with outreach to underserved communities; compensate the organizations for the staff time devoted to the program.

## Make the courthouse welcoming

Access to justice begins at the courthouse doors. Provide space in the courthouse that is welcoming, near the courtroom, readily accessible to victims, no matter their spoken language or physical ability, and that may be configured to maximize comfort and privacy for clients.

## Consider the full range of options

■ Recognize that assistance with civil legal matters can take many forms along a continuum:



Although efforts focused at the beginning of the continuum may more effectively assist individuals with their legal needs, assistance at any point along the continuum can meaningfully improve a victim's ability to obtain crucial legal relief.

- Ensure, through ongoing education and supervision, that legal service providers understand the scope of the services to be provided (especially where limited in scope) and the ethical and practical issues involved.
- Strive to develop a program that provides assistance at the commencement of a family court case and at any stage along the course of the legal process (including post-issuance modification and enforcement of orders); opportunities for victims to get help at various key stages of a court case can make a tremendous difference in the ultimate outcome.
  - Obtain feedback from clients who are unrepresented to learn about the specific obstacles they face during the various stages of the court process and design strategies to help address them.

### **Disseminate information widely and clearly**

- Self-represented litigants can't take advantage of the support available, if they don't know about it. Gather, update, and disseminate information about supportive services and resources available to victims and their children in the court, other agencies, and the community.
- Procedural justice calls for using simple, clear language in all languages used by the communities the court serves. Examples and pictograms also help. Among the information courts frequently provide are: the scope of services available to litigants, limitations on the civil legal assistance provided (especially where full representation

is not provided), and the degree to which communications are confidential.

- Consider offering workshops for litigants on specialized topics as a complement to more one-on-one services; for instance, education can focus on particular steps of the process, development and presentation of arguments, etc.

## Appendix A: Representative Programs

The following programs provide examples of how the described principles may be put in action by courts and communities.

### **Maricopa County (Phoenix), Arizona**

Community Legal Services (CLS) implements the Family Lawyers Assistance Project at three Maricopa County family courthouses, during which attorneys provide 30-minute consultations with litigants, providing the following services, for example:

- Discussing appropriate and timely procedures for responding to court documents, minute entries, and judgments.
- Discussing and reviewing procedures for filing court documents, orders of protection, and petitions.
- Discussing and reviewing the various documents for family law cases.

In addition, CLS offers a free program called Litigants Without Lawyers during which volunteer attorneys provide family law information and hands-on training to unrepresented litigants in a courtroom setting. Topics include a general overview, court procedures, trial preparation, self-representation in court, and a Q & A discussion; educational handouts are provided as well.



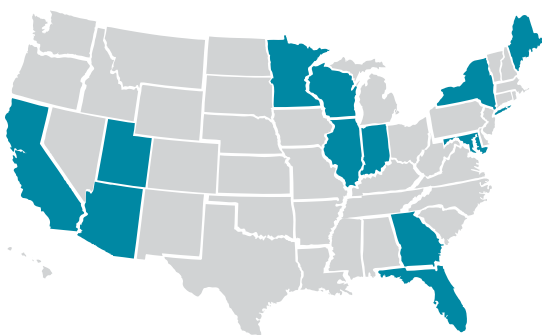
## Contra Costa County, California

Bay Area Legal Aid hosts weekly Domestic Violence Restraining Order clinics in the county courthouse, where staff and volunteer attorneys assist unrepresented litigants with the pleadings necessary to obtain a Domestic Violence Temporary Restraining Order and help them to understand the court process.

## Los Angeles, California

Neighborhood Legal Services of Los Angeles County operates Domestic Abuse Self-Help Project Clinics in several Los Angeles Superior Court locations. Attorneys and others assist domestic violence survivors in preparing their petitions for civil protection orders from the court, and also provide victims with information and assistance regarding community-based services that address non-legal needs.

### REPRESENTATIVE PROGRAMS IN 12 STATES



- Arizona
- California
- Florida
- Georgia
- Illinois
- Indiana
- Maine
- Maryland
- Minnesota
- New York
- Utah
- Wisconsin

## **Washington, D.C.**

The Legal Aid Society of the District of Columbia, through its DV Victims Representation Project, places attorneys at the Domestic Violence Intake Center, which is located at a medical center in Southeast D.C., four days a week. The DVIC's location makes it far more accessible to clients living across the Anacostia River from the downtown location of the D.C. Superior Court. Project attorneys meet with survivors of domestic violence for initial interviews, help clients secure Civil Protection Orders through legal representation or advice, and provide referrals for other services.

Through the Domestic Violence Underserved Communities Project, Legal Aid domestic violence/family law attorneys provide services at the courthouse-based Domestic Violence Intake Center and conduct outreach and provide legal services to underserved communities in the District.

The D.C. Volunteer Lawyer's Project staffs a legal clinic for victims of domestic violence, sexual assault, stalking, and child abuse within the D.C. Superior Court. The clinic offers brief services and legal advice in civil protection order cases, as well as training for pro-bono attorneys from the D.C. area to staff the clinic.

## **Miami-Dade County, Florida**

The Domestic Violence Court implements a Domestic Violence Case Management Unit staffed by court-employed attorneys who serve as case managers and provide an array of support and services for the court and others. Among other roles and services, the unit provides immediate assistance to the parties, in the form of factual and procedural information

to parties (not legal advice). Case managers assist the parties by helping to structure visitation schedules, calculate child support, draft specialized court orders, and make social service referrals to community agencies. The case managers have as their primary function assisting the court in final civil protection order hearings by acting as a liaison between the clerk, the court, and the litigants.

A legal aid attorney, in a position funded through the Florida Coalition Against Domestic Violence, contacts victims who report violations of injunctions/orders for protection to the court's intake center. The attorney helps victims to prepare an affidavit supporting a request that the respondent be held in contempt and assists them through the entire criminal/contempt process. The attorney works in close collaboration with the court's case managers and with the State's Attorney's Office, which brings prosecutions for violations in appropriate cases.

### **DeKalb County, Georgia**

For all cases in which respondents appear at a hearing for a final protection order with counsel and petitioners are unrepresented, an attorney from the DeKalb Volunteer Lawyers Foundation screens petitioners to determine if they qualify for representation. No-cost representation is provided for all eligible petitioners.

### **Cook County (Chicago), Illinois**

The Domestic Violence Legal Clinic staffs a walk-in clinic housed in the Emergency Services Division of the Cook County Circuit Court's Domestic Violence Division (which

hears criminal domestic violence and order of protection cases). The clinic's attorneys provide free legal services for victims of domestic violence who are seeking civil orders of protection and in some instances free legal representation in divorce cases for victims married to abusers.

In the Cook County Circuit Court's Domestic Relations Division, which hears divorce, custody, and other family law matters, attorneys from the Coordinated Advice and Referral Program for Legal Services staff an Advice Desk. In some cases, the program's attorneys can draft documents for litigants who have eligible cases; however, they do not represent litigants in court and cannot offer ongoing services in contested cases.

In the Sixth Municipal District Courthouse in Markham, Illinois, the Cook County Legal Assistance Foundation implements the Domestic Violence Civil Order of Protection Outreach Project, through which victims may receive legal representation in civil orders of protection cases and may consult with an attorney on domestic violence issues more generally.

### **Clay, Sullivan, and Vigo Counties, Indiana**

The Wabash Valley Survivors Legal Assistance program provides legal advice, legal assistance, and in some cases legal representation for victims who cannot afford an attorney. The program runs bi-weekly Counsel in the Court family law clinics within Vigo County Courthouse.

## **Maine**

Through the Maine Volunteer Lawyers Project's Courthouse Assistance Projects (CHAPs), attorney volunteers provide free walk-in consultations with family law matters at district courts in counties throughout the state. The attorneys assist clients with understanding and planning for upcoming court appointments, filling out court forms, and making decisions about their cases, but they do not provide legal representation. Clients are able to return for assistance throughout their court case(s).

## **Maryland**

House of Ruth Maryland Marjorie Cook Domestic Violence Legal Clinic provides legal advice and representation for protective order, divorce, custody, and child support cases. The program staffs several locations in the state, including at courthouse locations in five counties. The program trains and provides technical assistance to more than 100 pro bono attorneys throughout the state to support their efforts to provide legal representation to victims.

## **Beltrami County, Minnesota**

An attorney from Legal Services of Northwest Minnesota attends every domestic violence court hearing and maintains business hours within the courthouse to provide legal services to victims in civil cases, before, during, and after all domestic violence court hearings.

## **Hennepin County (Minneapolis), Minnesota**

Attorneys from Central Minnesota Legal Services (CMLS) and Tubman (local domestic violence program) provided victims with day-of, on-site consultations and/or representation in domestic violence cases and/or related family court cases at no cost. CMLS prioritizes cases where domestic violence is present to help victims and their families achieve safety. As a partner of the Hennepin County Family Court's Family Court Enhancement Project collaboration, CMLS provided court-based staff attorney to meet with parties identified as potentially benefiting from speaking with an attorney on order for protection matters. Attorneys were on-site and available each day of the week that the court heard the domestic abuse calendar.

## **Stearns County, Minnesota**

The Stearns County Repeat Felony Domestic Violence Court handles serious repeat felony offenders from the time of arrest through either commitment to prison or through probation supervision. As part of the court's partnership with prosecutors, law enforcement, public defenders, and other stakeholders, Mid-Minnesota Legal Aid provides a full-time attorney who represents all victims of intimate partner violence whose abuser was admitted to the domestic violence court, including any and all civil legal needs. Through the partnership, victims also receive wrap-around services, including risk/lethality assessment, safety planning, emergency housing and long-term shelter, emergency funds, victim reparations, and information on upcoming change in

the custody status of a jailed offender. Victims are connected to these services via staff at the battered women's shelter, Legal Aid, or the domestic violence court victim assistance coordinator. The staff members of these three organizations are in daily contact regarding victims' needs.

### **King's County (Brooklyn), New York**

The Integrated Domestic Violence Court has dedicated and cross-trained attorneys from various legal service agencies present in the courtroom ready to accept assignments from the court.

### **New York, New York**

During business hours, five days a week, LIFT offers court consultations at the Family Courts of all five New York City boroughs. These consultations provide unrepresented litigants with in-depth, ongoing support in child support, custody, and visitation cases. Litigants are teamed with a LIFT Legal Program staff member who acts as their primary point of contact throughout the course of their court case(s). Among other things, litigants are provided with information regarding: rights and options for their cases, evidentiary standards, procedural rules, and jurisdictional issues; and the purpose of various documents. LIFT staff also provide assistance with completing court documents, guidance in formulating and practicing the argument they will present before a judge, and accompaniment to court appearances for emotional support and follow-up questions.

## **Davis and Salt Lake Counties, Utah**

Domestic Violence Clinics in the two counties provide free representation to petitioners in protection order hearings at the courthouses. The clinic in Salt Lake County is a joint project of the Legal Aid Society, the Delivery of Legal Services Committee of the Utah State Bar, Utah Legal Services, and the Third District Court. Volunteers receive training, information manuals, and assistance from staff attorneys at the Legal Aid Society and Utah Legal Services, as well as professional liability insurance coverage.

## **Dane County (Madison), Wisconsin**

The Dane County Bar Association implements the Family Law Assistance Center in the Dane County Courthouse, which provides brief legal advice and assistance by attorneys and law students, regarding court forms and procedures, including for civil protection order, divorce, and paternity cases.



## Appendix B: Ensuring Sustainability of Court-Based Attorney Programs

Courts and legal service providers have taken advantage of many different potential funding sources, including federal grants, to support court-based attorney programs, including:

1. The Grants to Support Families in the Justice System program (Justice for Families Program), which supports court-based and court-related programs, supervised visitation and safe exchange by and between parents, training for people who work with families in the court system, civil legal services, and the provision of resources in juvenile court matters.  
*[www.justice.gov/ovw/grant-programs](http://www.justice.gov/ovw/grant-programs)*
2. The Legal Assistance for Victims (LAV) Program, which supports comprehensive direct legal services to victims in legal matters relating to or arising out of the abuse or violence they experience.  
*[www.justice.gov/ovw/grant-programs](http://www.justice.gov/ovw/grant-programs)*
3. The STOP Violence Against Women Formula Grant Program, which funds states and territories to provide sub-awards to local communities to, among other focus areas, develop and strengthen victim services in cases involving violent crimes against women. The program requires five percent of funds to be set aside for state and local courts. Applications for STOP funding are submitted to the state or territorial agency responsible for administering the program.  
*[www.justice.gov/ovw/grant-programs](http://www.justice.gov/ovw/grant-programs)*

4. The Victims of Crime Act (VOCA) Formula Grant Program provides funds to each state and eligible territory for the purpose of providing assistance to victims of crime. Certain forms of legal assistance may be funded through the program. As with the STOP program described previously, applications for funding are submitted to the state or territorial agency responsible for administering the program.

*[www.ovc.gov/grants/formula.html](http://www.ovc.gov/grants/formula.html)*



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