

The Availability and Awareness of Legal Assistance for Domestic Violence Survivors



**Maricopa Association of Governments
Regional Domestic Violence Council
July 28, 2009**

Acknowledgments



Maricopa Association of Governments (MAG) would like to thank members of the MAG Regional Domestic Violence Council for their guidance and involvement in the project. They provided valuable insight to the project's design and implementation.

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Appreciation is extended to Arizona State University's Morrison Institute for Public Policy for supporting and assisting throughout this project. The Morrison Institute's research expertise was vital to developing the project and analyzing the data. Finally, sincere gratitude is extended to all the people and organizations that distributed and completed the surveys. Without their voices and support, this study would not exist.

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Executive Summary

This study by the Maricopa Association of Governments (MAG) Regional Domestic Violence Council answers questions surrounding the need for legal assistance and legal representation for domestic violence-related civil court cases. This relationship is explored through the perspectives of domestic violence survivors as well as domestic violence and legal professionals. The study focuses on determining survivors' awareness of legal services, the availability of existing legal services, and the accessibility of affordable legal services within the MAG region. The outcome of the study will be to identify barriers keeping domestic violence survivors from accessing legal services and recommend strategies for overcoming these barriers.



The data collected through questionnaires and interviews revealed the following key findings:

- 1) Nearly one quarter of domestic violence survivors wanting legal assistance (filing paperwork, etc) reported they did not receive them. The majority of professionals estimated that domestic violence survivors would benefit from this assistance.
- 2) The majority of survivors wanting legal representation (attorneys) were not able to secure it.
- 3) The number one reason survivors cited for not accessing legal representation is their inability to afford these services. The majority of professionals cited awareness as the biggest barrier to survivors securing legal representation.
- 4) The majority of domestic violence survivors reported needing legal representation for future civil cases. They do not expect to be able to secure representation, however.

While many recommendations surfaced from domestic violence survivors and professionals, the overarching themes were the need for increased funding for legal services and the need to increase domestic violence survivors' awareness of legal services. The study shows professionals perceive domestic violence survivors are not aware of affordable legal services while survivors claim to have awareness of their existence. Recommendations are offered to improving funding for, and awareness of, affordable legal assistance and representation throughout the MAG region.

Introduction



The purpose of the study is to gain a better understanding of the awareness, availability and accessibility of affordable civil legal services for domestic violence survivors throughout the MAG region. The study explores domestic violence survivors' awareness of existing legal resources. Information for the study was gathered through questionnaires and interviews from the perspectives of domestic violence survivors as well as professionals in the domestic violence and legal communities.

The following report provides the findings and recommendations as determined from the responses of study participants. The report includes a description of the study's methodology, findings from domestic violence survivors, findings from professionals, and policy recommendations. Key recommendations include the need to increase funding for and awareness about legal assistance programs for domestic violence survivors. A series of attachments provide additional information about domestic violence and the civil court process. These attachments include the following topics:

- Definition of Domestic Violence
- Prevalence of Domestic Violence
- Literary Review
- Legal Resource Inventory
- Civil Court Proceedings

The information in this report is illustrative. The study should not be considered a representative sample due to a relatively low response rate. The information in this report only indicates the perceptions of those who participated in the study. This report should be viewed as a glimpse into the perspectives of domestic violence survivors, domestic violence professionals and legal professionals throughout the MAG region. The study raises important issues in need of further exploration. The data and results expressed in this report offer compelling information about the legal needs of domestic violence survivors as well as insights for those who work with domestic violence cases.

Methodology of Legal Assistance Study

Questionnaires

The Legal Assistance Study was designed to gather information about legal assistance and legal representation in domestic violence cases. The study evaluates viewpoints from the perspectives of legal professionals working with domestic violence cases and domestic violence victims. Questionnaires were developed with input from community partners to gather information from these two populations. One questionnaire was created for distribution to legal professionals working in the courts, domestic violence shelters, and other nonprofit agencies. The second questionnaire was designed to gather data from domestic violence survivors staying in shelter and those who did not live in shelter. The questionnaires were distributed to 488 professionals including domestic violence shelters and service providers. Both questionnaires were distributed in English and Spanish.

The professional questionnaires were distributed to a diverse group of domestic violence and legal professionals. Questionnaires were distributed to 488 professionals including those who work in the domestic violence community such as shelter directors, lay legal advocates, counselors, and other shelter personnel. Questionnaires were sent to legal professionals such as judges, justices of the peace, court commissioners, court advocates and clerks, attorneys, and paralegals. These groups were chosen because they have experience with and knowledge of domestic violence cases and because of the role legal assistance and representation play in these cases. Each profession brings a different perspective from their involvement and experience with domestic violence cases. Questionnaires were sent via email and mail to professionals throughout the MAG region. Each of the judges, justices of the peace, commissioners and attorneys at law were chosen based on their jurisdiction in civil, family or juvenile court. Recipients were asked to forward the questionnaires onto others in these populations for their participation. Overall, 59 professional questionnaires (12 percent) were received from domestic violence and legal

professionals through primary distribution. The response rate of secondary distribution efforts is unknown.

The domestic violence survivor questionnaires were distributed to local domestic violence shelters, domestic violence service providers and the general public. The questionnaires were distributed to 287 members of the domestic violence community including shelter directors, lay legal advocates, victim advocates, and counselors. The shelters and service providers were sent questionnaires via email and asked to distribute them to survivors participating in their programs. Paper copies of the questionnaires were distributed to organizations upon request. Flyers about the study were given to shelters and service providers to promote participation. Questionnaires received from these efforts provided the perspective of survivors seeking shelter and services. The study was designed to include input from survivors not currently residing in shelter or receiving services. To capture information for this segment of the survivor population, the questionnaires were distributed through postings on Craig's List and advertisements in the Arizona Republic. Overall, 83 survivor questionnaires were returned for the study.

Interviews

Interviews were conducted with legal professionals and domestic violence survivors for the study. Two separate sets of questions were designed specifically for each population. The interviews provided an opportunity to ask follow up questions determined from initial data gathered through the questionnaires. Thirteen professionals and 27 domestic violence survivors were interviewed by MAG staff and community partners. Both sets of interview questions were conducted in English and Spanish.

The number of people included in the domestic violence survivor population in the region is unknown because those who have experienced domestic violence or already had a case in the past aren't necessarily residing in a domestic violence shelter.

Findings: Domestic Violence Survivors

The questionnaire for domestic violence survivors was divided into four main sections: Family Court Cases, Legal Assistance, Legal Representation and Demographics. In each section, respondents were provided a series of questions. The Family Court Cases section sought information about pending cases and plans to obtain a protective order or file a case in family court. The Legal Assistance section focused on the perceived need, services accessed and benefits of accessing legal assistance. A definition of legal assistance was provided with this section. The Legal Representation section focused on the perceived need, accessed representation, and benefits of receiving legal representation for family court cases involving domestic violence. A definition of legal representation was provided at the beginning of this section. The Demographics section inquired about respondents' basic demographic information including age, number of children, race or ethnicity, as well as whether they were residing in shelter.

ranging from two weeks to two months at the time of completing the questionnaire. The total population of domestic violence survivors in the region is unknown, which makes it impossible to assess the questionnaire response rate. Therefore, the following findings provide a glimpse about the domestic violence survivors who responded to this survey and their experiences addressing their legal concerns in civil court.

Average Domestic Violence Survivor

Female
38 years old
White, Non-Hispanic
Two children
Residing in shelter

Demographics

Eighty-three domestic violence survivors responded to the questionnaire. Respondents' ages ranged from 18 to 68 years of age with an average age of 38 years. The number of children reported by respondents ranged from one to five children with an average of two children. Seventy respondents (84 percent) provided information about their race or ethnicity. These data identify 34 (48 percent) of respondents as White Non-Hispanic, 25 (36 percent) as Hispanic or Latino, six (nine percent) as African-American, and five (seven percent) as Other descent. (Figure 1)

Sixty-six respondents stated whether or not they were staying in shelter when they completed the questionnaire. Forty respondents (61 percent) reported currently staying in shelter while 26 (39 percent) indicated they were not in shelter. A majority, 32 respondents (73 percent), reported their length of time in shelter as

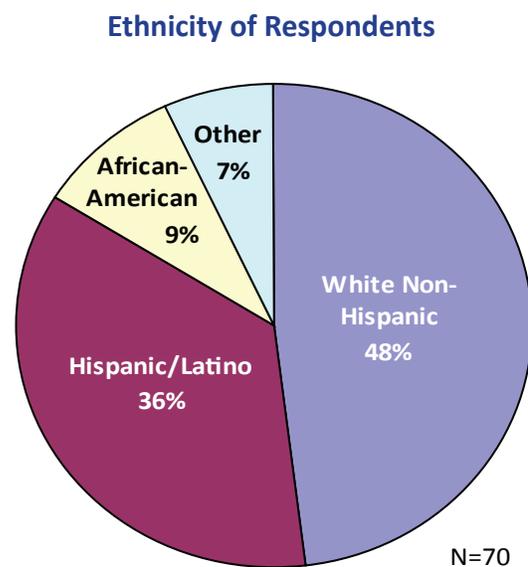


Figure 1: Ethnicity of Domestic Violence Survivor Respondents

Protective Orders and Family Court Cases

Domestic violence survivors shared their experiences filing protective orders and processing family court cases. Civil courts that handle cases involving family issues such as divorce and child custody are often referred to as family courts. Survivors answered a series of questions about their experiences with previous, pending and potential cases. Forty-nine survivors (60 percent) indicated they had a previous protective order or family court case. Survivors identified their previous protective orders and family court cases as follows: 30 (36 percent) protective orders, 35 (42 percent) divorce, 28 (34 percent) child custody, 24 (29 percent) child support, and seven (eight percent) paternity cases. (Figure 2)

In comparison, 24 survivors (30 percent) stated they currently have a protective order or family court case. Nineteen survivors (23 percent) indicated they currently have a protective order. Survivors identified current cases as 17 (21 percent) child custody, 12 (15 percent) divorce, 11 (13 percent) child support, and six (seven percent) paternity. Overall, 73 survivors (88 percent) reported having a previous or current protective order or family court case. (Figure 3)

Thirty-six survivors (49 percent) reported their plans to obtain a protective order or file a family court case in the future. Twenty-two survivors (27 percent) indicated they plan to obtain a protective order. Survivors identified plans to file cases addressing various legal issues: 22 (27 percent) child custody, 21 (25 percent) divorce, 20 (24 percent) child support, and 10 (12 percent) paternity. (Figure 4)

Orders of protection, child custody, and divorce were the main types of domestic violence-related cases. The most common cases were identified as obtaining an order of protection (86 percent) followed by cases of child custody (82 percent) and divorce (82 percent). Interestingly, previous cases were reported in a different order: divorce cases (42 percent); orders of protection (36 percent); and child custody (34 percent).

Previous Family Court Cases

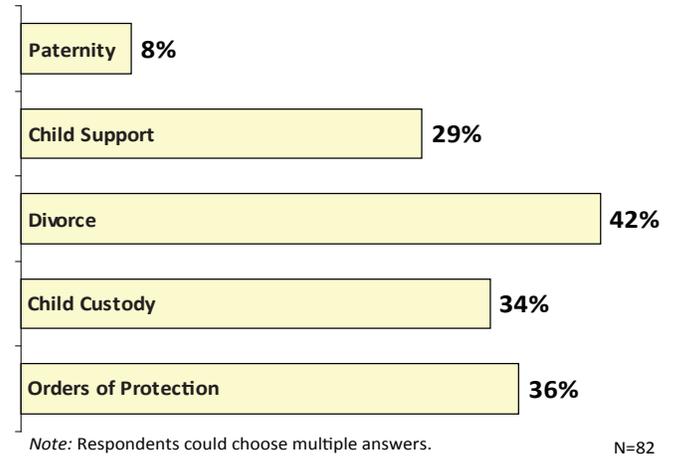


Figure 2: Previous Family Court Cases

Current Family Court Cases

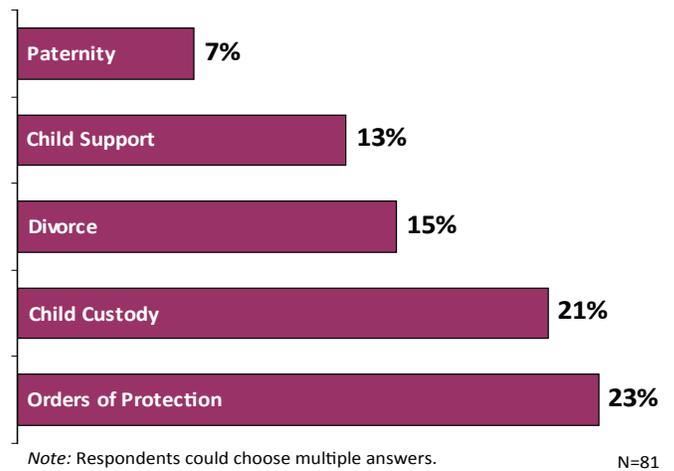


Figure 3: Current Family Court Cases

Future Family Court Cases

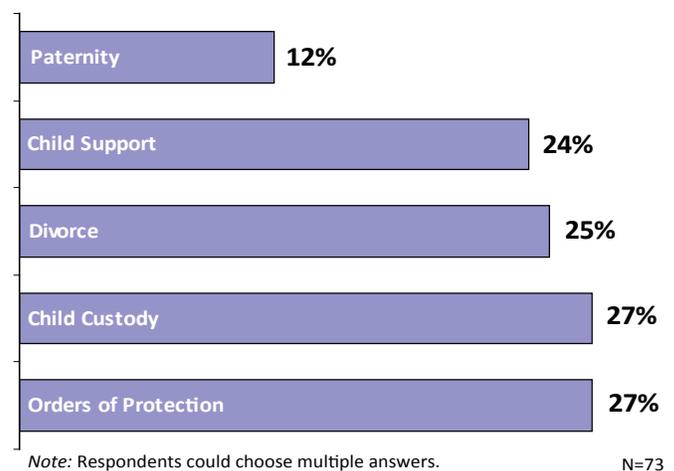


Figure 4: Future Family Court Cases

Comparison of Previous, Current Future Family Court Cases

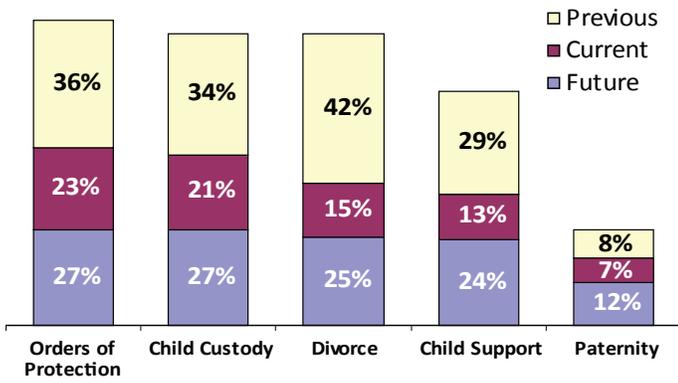


Figure 5: Comparison of Previous, Current and Future Family Court Cases

However, current and future cases were similar to the overall trend as shown in the chart to the left. (Figure 5)

Interviews conducted with domestic violence survivors reinforced their key legal concerns centered on child custody and divorce issues. Survivors expressed concern about “losing their children” and “financial concerns” associated with divorce cases. They stated receiving legal assistance or representation was necessary to “provide protection, knowledge and education”, to avoid feeling “alone” and “lost”, and to start “the process of healing and moving on in life.” Overall, the majority of survivors felt they needed the knowledge and support provided through legal assistance or representation. One survivor echoed the sentiment of others when she said, “I can’t do this by myself.”

Did Domestic Violence Survivors Needing Legal Assistance Receive It?

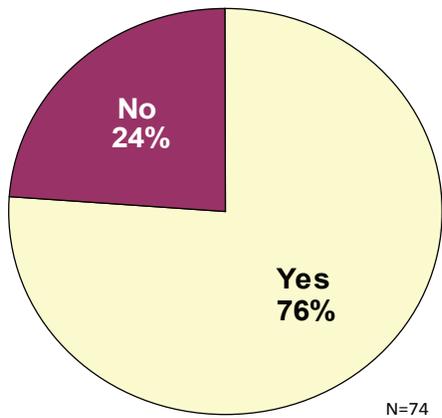


Figure 6: Percentage of Domestic Violence Survivors Receiving Legal Assistance

Legal Assistance

Domestic violence survivors were asked about their experience with legal assistance including their awareness of available services and the accessibility of services. Legal assistance was defined as discussions with lawyers, legal advocates, paralegals, lay legal advocates and certified document preparation specialists in preparation for representing their own case. Examples of legal assistance were described as help with completing paperwork, filing petitions, applying for a protective order and/or having an advocate go with them into court when a lawyer was not presenting their case. Survivors answered questions about their perceived need and receipt of legal assistance. Findings showed that a quarter (24 percent) of those who indicated they needed legal assistance did not receive it. The majority of survivors seeking legal assistance were able to access these services. (Figure 6)

Domestic violence survivors reported they had received legal assistance from a wide variety of sources. Eighteen survivors (22 percent) indicated they received legal assistance from shelter advocates and 10 survivors (12 percent) reported working with court legal advocates. The majority of survivors, 27 (32 percent), marked the Others category. (Figure 7) This category revealed 13 survivors accessed legal assistance from providers and shelters such as Area Agency on Aging, the DOVES program, Save the Family and New Life Center. Six survivors indicated they utilized legal professionals such as paralegals and private attorneys. The remaining eight survivors listed a wide range of resources from friends to their place of worship.

Respondents indicated they accessed legal assistance for a variety of reasons. They sought legal assistance with preparing, completing and filing court paperwork (48 percent); learning about their legal rights and options (37 percent); learning about family court process and procedures (31 percent); receiving legal consultation (28 percent); applying for protective orders (25 percent); and having a legal advocate accompany them to court (23 percent). Nearly half of respondents reported seeking legal assistance to help with preparing court paperwork. (Figure 8)

Domestic violence survivors were asked how they paid for legal assistance services. Forty-three survivors (74 percent) reported they were able to obtain free legal assistance while 10 survivors (17 percent) reported paying full price and five survivors (nine percent) received services based on a sliding scale. The majority of survivors accessing legal assistance were able to obtain services free of charge. (Figure 9)

Where Was Legal Assistance Accessed?

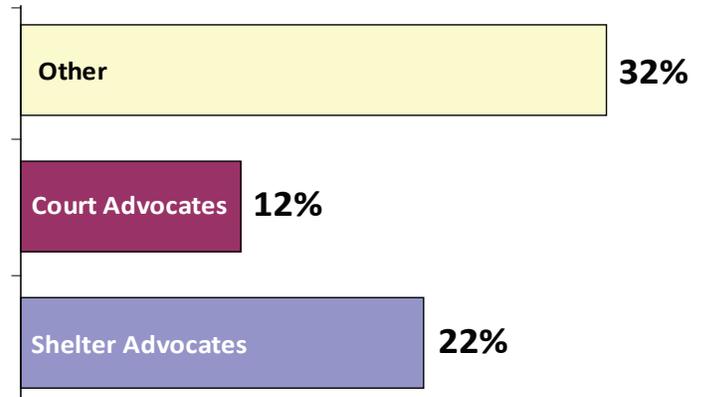


Figure 7: Where Domestic Violence Survivors Received Legal Assistance

What Types of Legal Assistance Were Accessed?

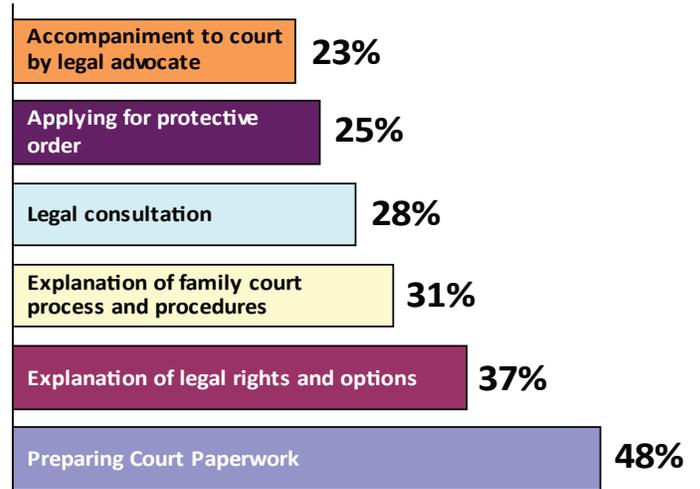


Figure 8: Types of Legal Assistance Accessed

What Was the Cost of Legal Assistance?

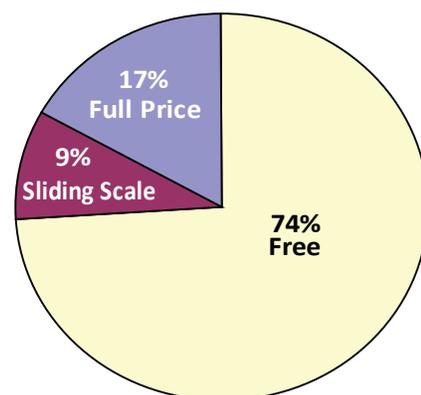


Figure 9: Cost of Legal Assistance

What Were Barriers to Accessing Legal Assistance?

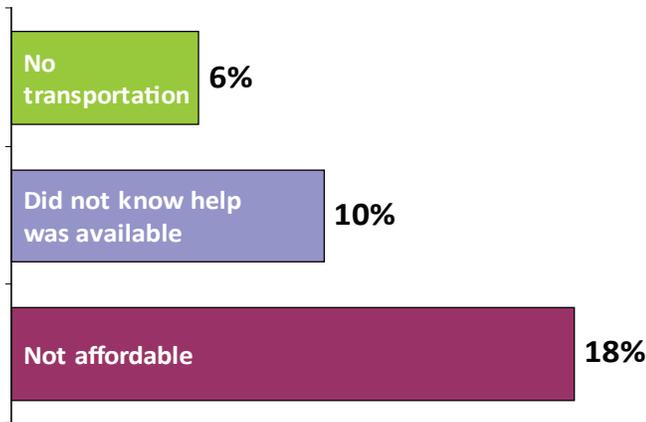


Figure 10: Barriers to Accessing Legal Assistance

“I am still not aware of any legal assistance available for myself.” – DV Survivor

“Nobody could help me because there was no one who spoke Spanish.” – DV Survivor

What Legal Assistance Would Have Been Helpful?



Figure 11: Legal Assistance that Would Have Been Helpful

Respondents reported barriers to accessing legal assistance. Barriers included a lack of financial resources, lack of awareness about available legal assistance, and a lack of transportation. Fifteen domestic violence survivors (18 percent) indicated they did not receive help because they could not afford to pay for services. Eight survivors (10 percent) indicated they did not know these resources were available to assist them. Five survivors (six percent) reported they were unable to access transportation. (Figure 10)

Interviews with survivors revealed similar findings. Survivors shared their frustration when stating legal assistance was “not available” and “not really” openly available to domestic violence survivors. They suggested “better affordable lawyers” and “awareness promotion” indicating “where to go for legal assistance.” They spoke of the need for more advertising of services, especially services provided in Spanish.

Survivors who were unable to access legal assistance indicated the types of assistance they thought would have been helpful for their case. Accompaniment to court and an explanation of legal rights were both reported by 15 survivors (18 percent) as potentially offering benefits for their case. Help with paperwork, an explanation of the court process, and legal consultation was reported by 14 survivors (17 percent) as offering perceived benefits as well. (Figure 11)

Again, interviews with survivors revealed the same priorities. Survivors spoke of the need for “more shelter advocates” to provide legal assistance to those residing in shelter.

Respondents reported on their plans to seek legal assistance for future cases. Forty survivors (71 percent) indicated they anticipate seeking legal assistance in the future. Survivors anticipated needing help with various legal issues: 35 (42 percent) preparing, completing and filing court paperwork, 26 (31 percent) accompaniment to court, 21 (25 percent) legal consultation, 16 (19 percent) applying for protective orders, and six (seven percent) other concerns. Nearly three-quarters of respondents

plan to file additional domestic violence-related cases. Nearly half will need help with court paperwork, one-third will want accompaniment to court, and a quarter will hope to receive legal consultation. (Figure 12)

Overall, respondents reported legal assistance is “very important” for self-representation in family court or filing a protective order. Out of 66 survey responses, 57 respondents (86 percent) reported legal assistance as “very important”. During interviews, domestic violence survivors repeatedly stated legal assistance was important for providing support and helping to demystify the court process. Survivors spoke about the emotional support they received and empowerment they felt by having guidance during their court cases. (Figure 13)

“I need someone to explain the court process.”
– DV Survivor

“I felt very strong due to the emotional support. I felt not alone.” – Monolingual Spanish-speaking Survivor

“It (legal assistance) was in my language, my culture. I was understood . . .” – Monolingual Spanish-speaking Survivor

Accompaniment into court was seen as a key component to success in court. Survivors stated they needed to know their legal rights and have their questions answered. Survivors felt they needed to know how to present their case in court including how to effectively gather and present evidence, and knowledge on how to navigate the court system to address their legal issues quickly and accurately. Without legal assistance, survivors felt their safety was jeopardized, specifically when they tried to leave the relationship. In some instances, survivors felt further victimized by the court system or their abusers’ ability to delay court proceedings.

“I feel that I’m further victimized because I can’t afford to hire an attorney . . .” – DV Survivor

Do Survivors Plan to Seek Legal Assistance for Future Cases?

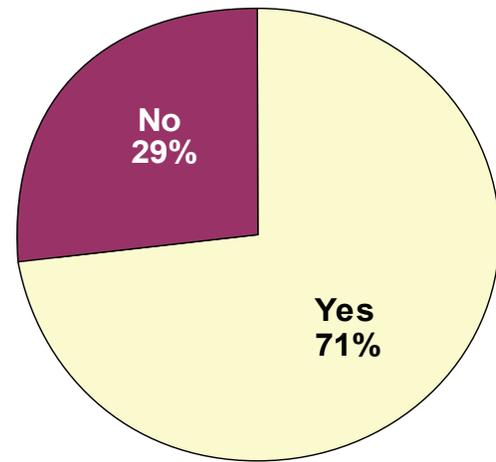


Figure 12: Percentage of Survivors Who Plan to Seek Legal Assistance for Future Cases

What Forms of Legal Assistance Are Needed in Future Cases?

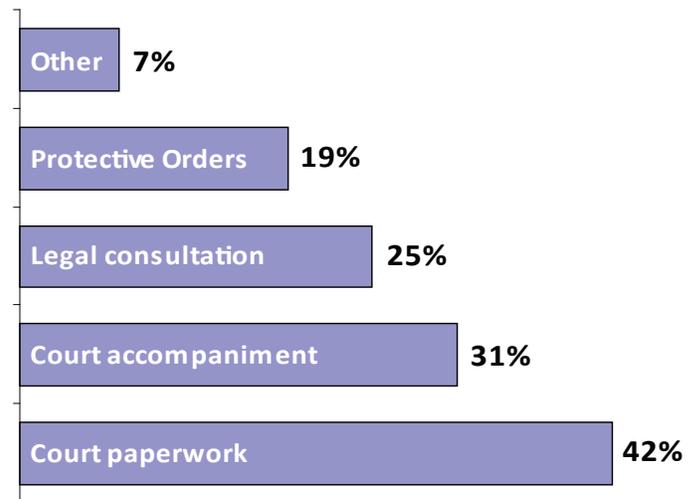


Figure 13: Forms of Legal Assistance Needed in Future

Do Survivors Feel They Needed a Lawyer?

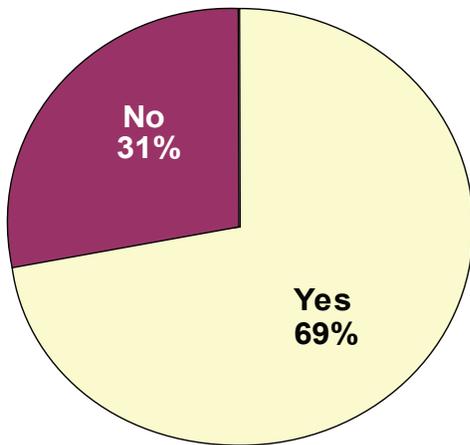


Figure 14: Percentage of Survivors Who Feel They Needed a Lawyer

Did Survivors Wanting Legal Representation Receive It?

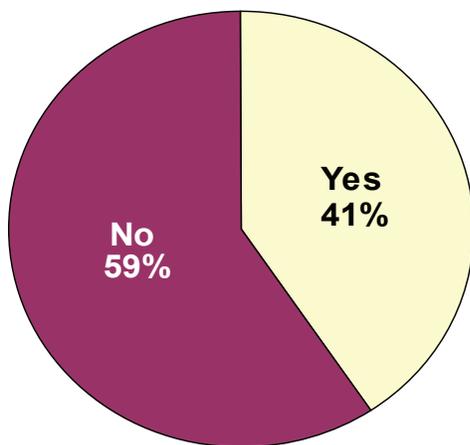


Figure 15: Percentage of Survivors Wanting Legal Representation Receiving It

What Percent of Survivors and Abusers Are Not Accessing Legal Representation?

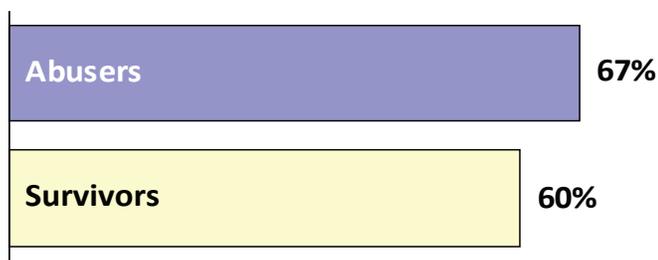


Figure 16: Percentage of Survivors and Abusers Without Legal Representation

Legal Representation

Domestic violence survivors were asked about their experience with legal representation. Legal representation was defined as having a lawyer represent their case in court. Questions focused on survivors' perceived need and benefit of obtaining legal representation. Forty-five survivors (69 percent) indicated they felt they needed a lawyer to present their most recent family court case. (Figure 14)

Findings show a highly significant relationship between the survivors wanting a lawyer and those who received legal representation. Forty-one percent of survivors wanting legal representation acquired a lawyer to present their case. (Figure 15)

Respondents answered questions about barriers to accessing legal representation. Thirty-three survivors reported a lack of financial resources (40 percent) as the main reason. During interviews, survivors spoke of the need for more pro bono services, affordable lawyers, and funding to help offset legal costs for those who cannot afford representation. While the majority (59 percent) of survivors wanting representation was not able to access it, they indicated their abusers were not accessing these services either.

Forty survivors (67 percent) indicated the other party did not have legal representation. More than half of survivors and abusers are not accessing legal representation for their domestic violence-related cases. (Figure 16)

Respondents answered questions about the outcome of their most recent family court case. Twenty-five (42 percent) reported the outcome of their case as being in their favor. Eleven respondents (19 percent) indicated the outcome involved a compromise while 10 respondents (17 percent) indicated no outcome has been determined in their case. Six respondents (10 percent) reported the outcome was in the other party's favor. Twelve percent of respondents indicated an outcome under Other. Nearly half of

survivors report their case resulting in an outcome in their favor. (Figure 17)

Respondents ranked their level of satisfaction with the outcome of their most recent case. Twenty-four survivors (48 percent) indicated they were satisfied (30 percent were “very satisfied”; 18 percent were “mostly satisfied”) with the outcome of their case. Ten respondents (20 percent) were “moderately satisfied” while 16 respondents (32 percent) were not satisfied (26 percent were “not satisfied”; 6% were “somewhat satisfied”). Nearly half of survivors were satisfied with the outcomes of their most recent domestic violence-related cases. (Figure 18)

Respondents reported legal representation was important in domestic violence cases. Fifty-six survivors (92 percent) reported having a lawyer represent domestic violence cases in court is important. During interviews, survivors spoke about increasing their safety by using legal representation, knowledge of their rights, and experience with presenting domestic violence cases. Although they feel legal representation is “very important,” less than half of survivors anticipate having an attorney represent their case in court. (Figure 19)

What Was the Outcome of the Case?

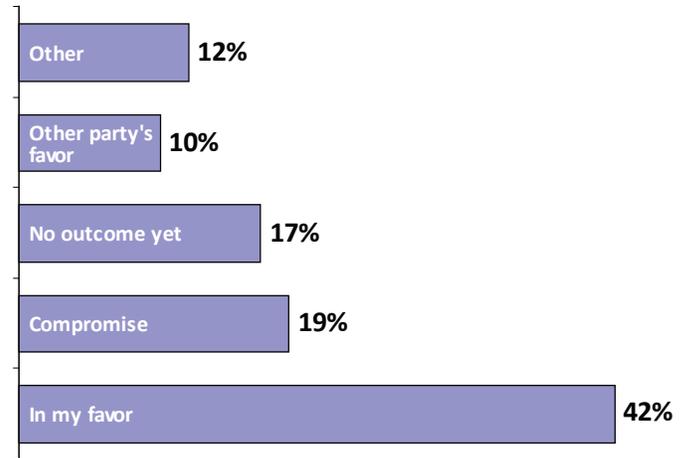


Figure 17: Outcome of the Court Case

Were Domestic Violence Survivors Satisfied with the Outcome of Their Cases?

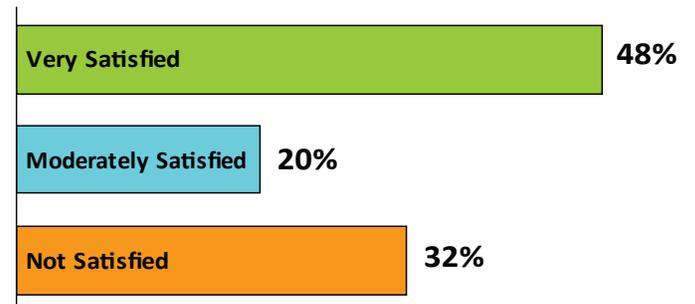


Figure 18: Satisfaction with the Outcome of the Case

“Not receiving it (legal representation) made it more difficult to leave and be safe.” – DV Survivor

“With help, you have more answers to your questions. When alone, you are lost and lose more.” – DV Survivor

“(Working with an attorney) taught me to stand up for what I believe in, to take an active role in my case, document things much more to provide more evidence to help with the case.” – DV Survivor

Do You Anticipate Obtaining an Attorney to Represent Your Case?

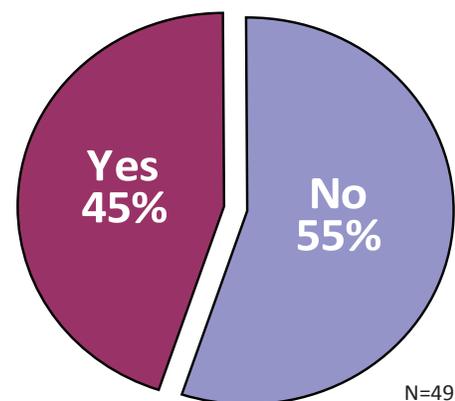


Figure 19: Percentage Anticipating Obtaining an Attorney in Next Case

What Percent of DV Survivors Reported They Were Staying in a Shelter?

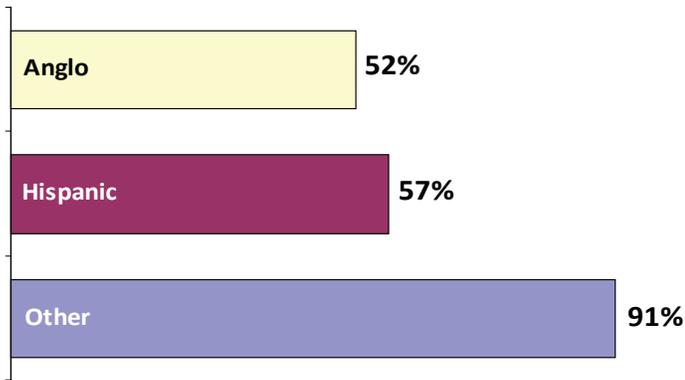


Figure 20: Percentage of Survivors Staying in a Shelter

Shelter Status

Domestic violence survivors were asked to indicate their shelter status at the time of completing the questionnaire. Twenty percent did not respond, leaving sixty-three survivors (80 percent) who indicated whether or not they were staying in shelter. Of those respondents, 39 (62%) reported they did reside in a shelter. Comparison of responses based on shelter status revealed the following results.

Five out of six African American survivors reported living in shelter, one out of one Asian survivors reported living in shelter, and four out of four Other respondents lived in shelter for a total of 91 percent (10 survivors of 11). Fifty-seven percent of Hispanic respondents (13 survivors of 23) reported residing in shelter compared to 52 percent of Anglo respondents (16 survivors of 31). (Figure 20)

What Percent of DV Survivors Are not Receiving Legal Assistance?

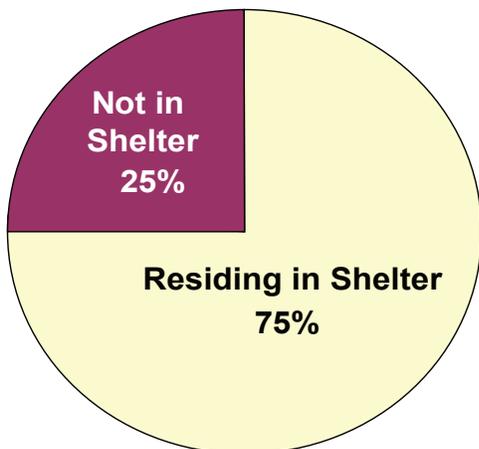


Figure 21: Percentage of Survivors not Receiving Legal Assistance Residing in a Shelter



- Respondents who reported they did not receive legal assistance were more likely to reside in shelters. Seventy-five percent who did not access legal assistance indicated they were shelter residents. One quarter of survivors not accessing legal assistance resided throughout the community. (Figure 21)
- Respondents reporting dissatisfaction with the outcomes of their cases were more likely to be residing in shelter. Eighty-three percent who stated dissatisfied with their case outcome reported staying in

shelter while only 17 percent of dissatisfied survivors resided in the community. (Figure 22)

- According to study findings, domestic violence survivors residing in shelter are overrepresented by minorities compared with region’s population as a whole. Those in shelter do not access legal assistance and are dissatisfied with the outcome of their family court cases. Survivors who are not staying in shelter and able to access legal representation over legal assistance services tend to be Anglo women. These survivors are more likely to be satisfied with the outcomes of their cases.

Overall, domestic violence survivors who received legal assistance or legal representation reported benefiting from these services. Benefits included learning about legal rights in a civil case, proper preparation and presentation of these cases to the court, and a better understanding of the judicial process in civil court. Prior to obtaining legal assistance, many of those affected by domestic violence were not aware of Arizona civil laws and statutes.

“It is important to get a compassionate legal professional who provides assistance that understands what you are going through; otherwise they do not understand the situation.” – DV Survivor

“The process of healing and moving on in life is unable to start until the legal issues are completed.” – DV Survivor

Survivors Dissatisfied with Outcome of Case

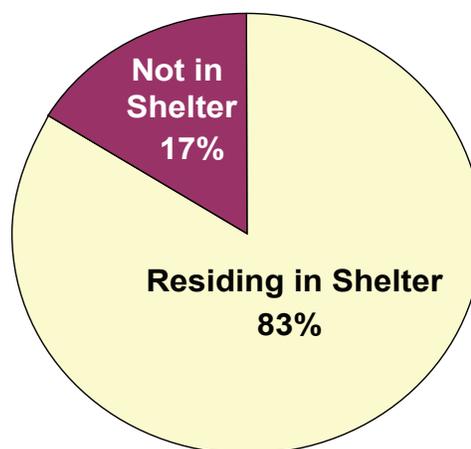


Figure 22: Percentage of Survivors Dissatisfied with Outcome of Case Residing in a Shelter

Findings: Professionals

The questionnaire for professionals was divided into three sections: Legal Assistance, Legal Representation, and Demographics. In each section, respondents were provided a series of questions. The Legal Assistance section focused on professionals’ perception of the need, accessibility, barriers, and benefits of legal assistance for clients with domestic violence cases. A definition of legal assistance was provided with this section. The Legal Representation section focused on professionals’ perception of the need, accessibility, barriers, and benefits of legal representation for clients with family court cases involving domestic violence. A definition of legal representation was provided at the beginning of this section. The Demographics section inquired about the respondents’ position or job title.

Demographics

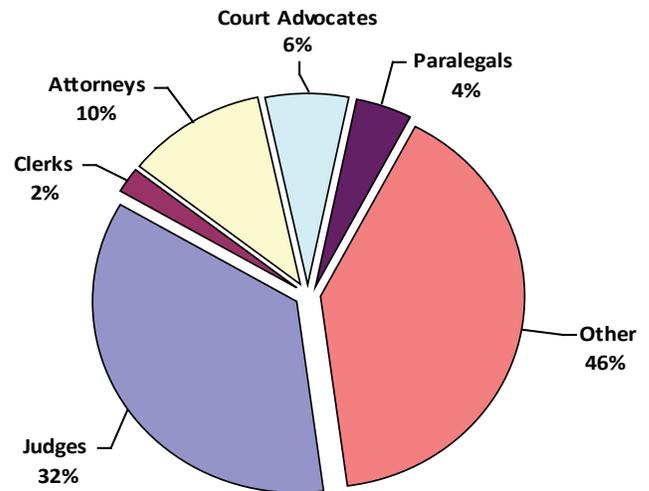
Fifty-nine questionnaires were completed by a variety of professionals. Forty-five respondents identified themselves as 18 “Other” professionals (46 percent), 16 judges (32 percent), five attorneys (10 percent), three court advocates (six percent), two paralegals (four percent), and one clerk (two percent) from across the region. A closer look at the write in answers in the “Other” category revealed domestic violence program and shelter managers (nine), advocates (eight), counselors (two), and miscellaneous Others (four). The categories of professionals are shown in the charts below.

The responses received from the questionnaire provide insight into the views and perspectives of a wide range of professionals working with domestic violence survivors in civil courts. Domestic violence survivor is used as a generic term for legal assistance clients who also had domestic violence cases regardless of the outcome of the domestic violence case. Questionnaires were received from 59 professionals. Interviews were conducted with 13 professionals. The questionnaires were distributed directly to 488 professionals with a request for

secondary distribution. The number of questionnaires distributed through other sources is unknown. The response rate calculated using the number of directly distributed questionnaires indicates a 12 percent response rate. However, the input provided by professionals presents a glimpse into the need, accessibility, barriers, and benefits of legal assistance and representation for domestic violence survivors throughout the MAG region.

Professionals answered questions about their involvement with cases involving allegations of domestic violence. Professionals estimated the percent of domestic violence cases within their caseload. Responses ranged from zero to 100 percent. The average professional reported 54 percent of their cases involved domestic violence.

What Types of Professionals Participated in the Study?



Breakout of “Other” Percentage Above

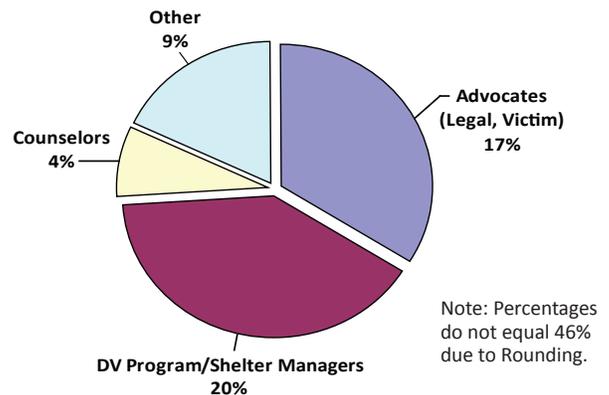


Figure 23: Demographics of Professionals Participating

Legal Assistance

Professionals shared their perspective about the importance of legal assistance to domestic violence survivors. Respondents answered a series of questions about their knowledge of domestic violence clients' level of use and perceived benefit of legal assistance. They also provided information on their opinions about the availability, accessibility and affordability of legal assistance in cases involving allegations of domestic violence.

Professionals estimated 24 percent of domestic violence survivors they had worked with received legal assistance prior to court. They estimated 39 percent received assistance from a lay legal advocate. This type of assistance was defined as including explanations of legal rights and options, providing information on the court process and procedures, and accompaniment to court. Professionals estimated 19 percent of survivors sought help from paralegals or document preparation specialists for assistance with completing paperwork and filing petitions. Respondents estimated 64 percent of survivors did not receive legal assistance prior to their civil court case. (Figure 24) Overwhelmingly, professionals indicated 85 percent of survivors in their cases could have benefitted from legal assistance. (Figure 25) One attorney completing the survey remarked, "Legal assistance is crucial in order for survivors to keep themselves and their children safe."

Professionals provided their perspective on where domestic violence survivors are accessing legal assistance. Respondents reported shelter advocates (56 percent), Community Legal Services (45 percent), Other (44 percent), Arizona Coalition Against Domestic Violence Legal Advocacy Hotline (42 percent), Fresh Start Women's Foundation (42 percent), and family advocacy centers (35 percent). (Figure 26)

A closer look at the 44 percent of write-in answers in the Other category revealed the resources listed in the chart below: court advocates (seven), miscellaneous Others (seven) Arizona State University Law School (three), and Family Lawyers Assistance Project

Professionals Estimated the Percent of Survivors Receiving Legal Assistance

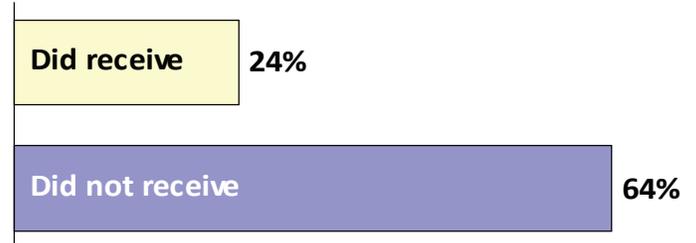


Figure 24: Professionals Estimate Percentage of Survivors Receiving Legal Assistance

Professionals Estimated the Percent of Survivors Who Would Have Benefited from Legal Assistance

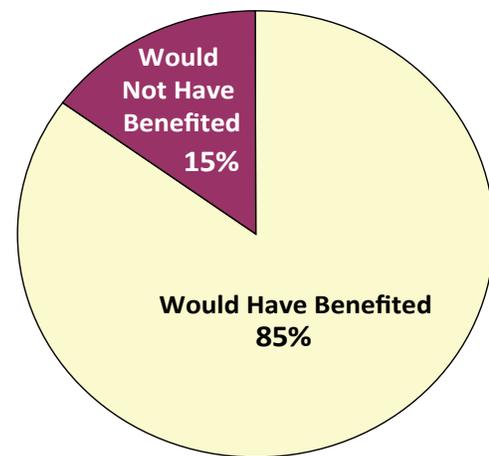


Figure 25: Professionals Estimate Percentage of Who Would have Benefited from Legal Assistance

Where Is Legal Assistance Accessed?

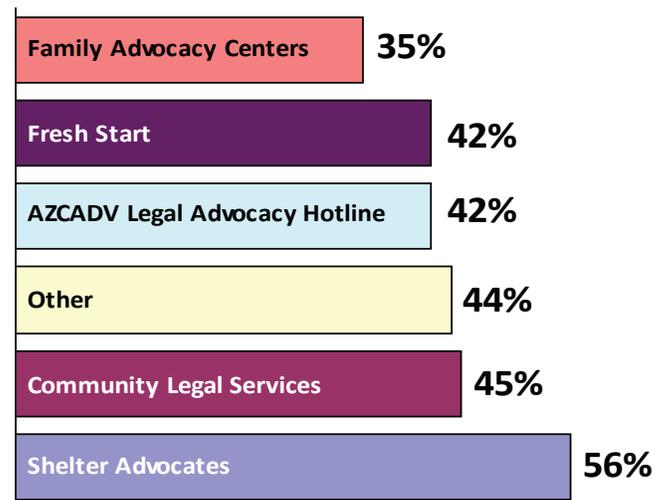


Figure 26: Professionals Perspective on Where Legal Assistance is Accessed

Legal Assistance Resources Cited in “Others” Category

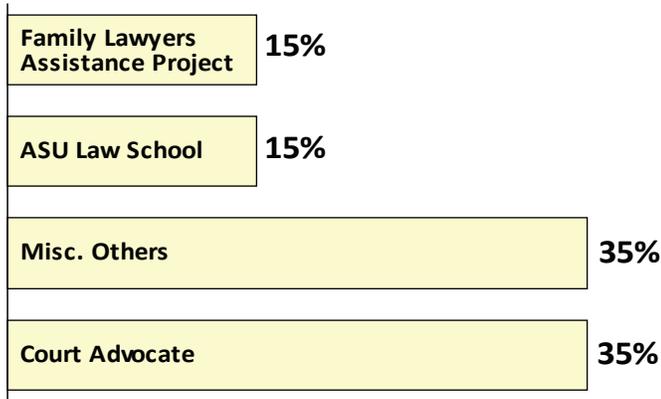


Figure 27: Legal Assistance Resources Cited in “Others” Category

Is Affordable Legal Assistance Available?

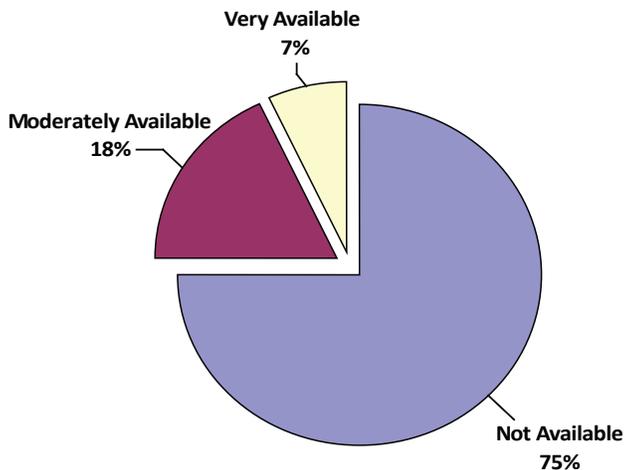
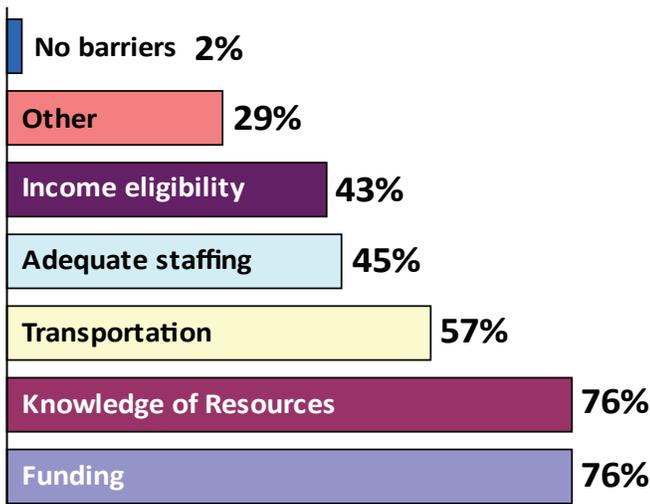


Figure 28: Availability of Affordable Legal Assistance

What Barriers Exist?



Note: Percentages will not add up to 100 percent due to respondents providing multiple responses.

Figure 29: Barriers to Accessing Legal Assistance

(three). Miscellaneous Others included Save the Family Foundation of Arizona, Family Violence Prevention Center, Child Protective Services, Maricopa County Bar referral, court filing counter, self service center, friends, and family. (Figure 27)

Professionals answered questions about the availability of affordable legal assistance for domestic violence survivors. Forty-one respondents (75 percent) indicated legal assistance is “not available” or “somewhat available”. Ten respondents (18 percent) reported these services as “moderately available” while four (seven percent) stated legal assistance is “mostly” and “very available” for survivors. Interviews included repeated comments describing the availability as “nearly non-existent” and “brief and limited”. Professionals from rural areas spoke about survivors having to seek legal help from outside of their area. Overall, professionals indicated affordable legal assistance options for domestic violence survivors are limited and can be difficult to acquire in the MAG region. (Figure 28)

How aware are domestic violence survivors about existing affordable legal assistance? Professionals indicated 80 percent of the survivors within their caseload were unaware of the existing, although limited, legal assistance options. Fourteen percent were reported to be moderately aware with five percent indicated as very aware. Interviews with professionals revealed that survivors had “no idea of the existence” of these services.

Professionals reported a wide variety of barriers to survivors’ accessing legal assistance. Lack of funding and lack of knowledge about existing resources (76 percent) tied at the top of the list. Other barriers were reported as transportation (57 percent), adequate staffing levels (45 percent), income eligibility (43 percent), and Other (29 percent). No barriers were reported by two percent of respondents. Interviews provided similar results. Professionals indicated the need to provide survivors with information about available legal assistance services while seeking funding to expand these services. (Figure 29)

Legal Representation

Respondents estimated 45 percent of alleged domestic violence cases go to court with neither the survivor nor the defendant accessing legal representation. Professionals estimated 40 percent of domestic violence cases involve defendants with legal representation. In comparison, survivors were reported to receive legal representation in only 20 percent of cases. Both survivors and defendants/abusers were estimated to utilize the services of an attorney in 23 percent of cases. (Figure 30)

Respondents noted the lack of affordable legal representation available throughout the MAG region. Forty-four respondents (73 percent) reported legal representation as not available and somewhat available. Legal representation was stated as moderately available by nine respondents (15 percent) while three (5 percent) reported these services as mostly and very available to survivors. Interviews revealed the need for survivors to have an experienced attorney “who knows what evidence to present and how to present it” in a domestic violence case. One attorney stated, “It is very hard for a pro se litigant to present a domestic violence case to the court.”

Professionals reported an overwhelming lack of affordable legal representation for domestic violence survivors as indicated by Figure 31.

Professionals shared their perspective that domestic violence survivors lack awareness about the existing sources of legal representation. Respondents estimated 93 percent of survivors they work with are not aware of affordable legal representation. Five percent were reported as moderately aware and two percent were very aware of these resources. Overwhelmingly, professionals noted the need to raise survivors’ awareness of affordable legal representation in the MAG region. (Figure 32)

Domestic violence survivors who are aware of existing sources of legal representation are seeking out services, according to professionals in the field.

Who Received Legal Representation in Court?

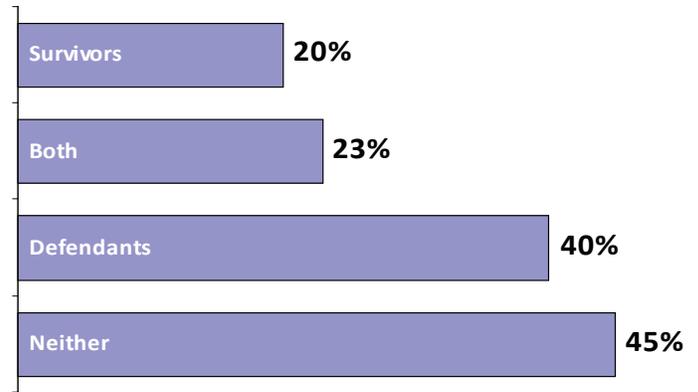


Figure 30: Estimates of Who Received Legal Assistance in Court

Is Affordable Legal Representation Available?

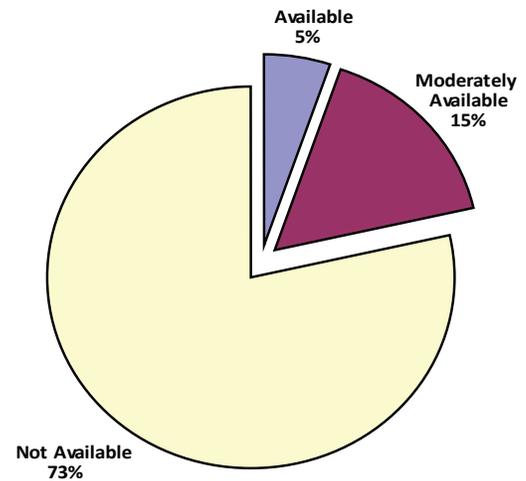


Figure 31: Availability of Affordable Legal Representation

Are Survivors Aware of Affordable Legal Representation?

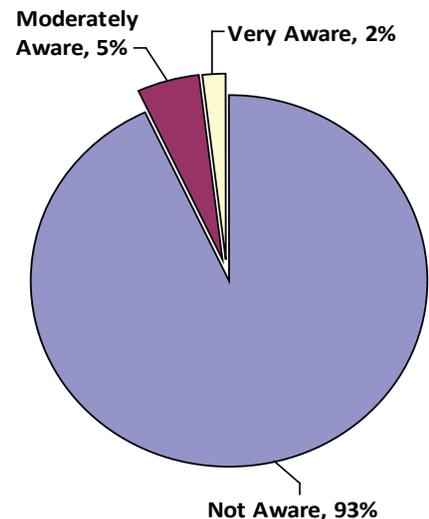


Figure 32: Estimate of Survivors Awareness of Affordable Legal Representation

Where Do Survivors Access Legal Representation?

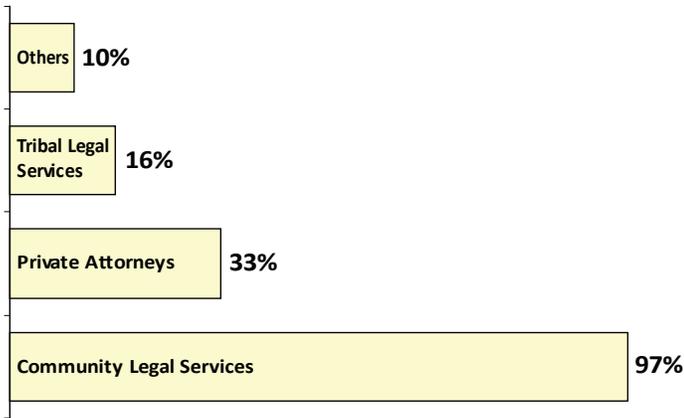


Figure 33: Where Survivors Access Legal Representation

Professionals reported survivors turn to Community Legal Services (97 percent), private attorneys (33 percent), tribal legal services (16 percent), and Others (10 percent) for legal representation. (Figure 33)

Recent budget deficits have also led to a decrease in the availability of these services. Community Legal Services recently laid off five attorneys focused on helping domestic violence survivors with custody cases after losing funding. One attorney position was removed and another attorney position was not filled once vacated at the Phoenix office. This leaves three attorneys to assist survivors throughout Maricopa County.

What Barriers Exist?

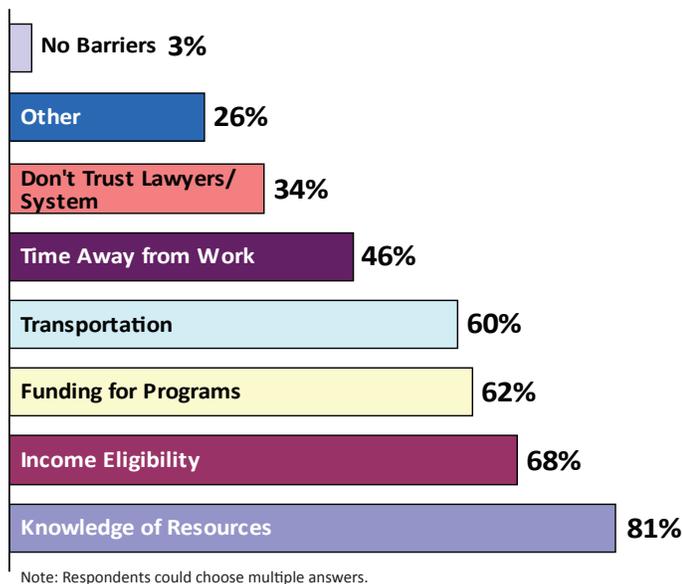


Figure 34: Estimate of Barriers to Accessing Legal Representation

Survivors are reported to face a wide array of barriers to accessing legal representation for their court cases. Professionals identified these barriers as lack of knowledge of existing, although limited, resources (81 percent), income eligibility (68 percent), lack of funding for programs (62 percent), transportation (60 percent), time away from work (46 percent), lack of trust for lawyers or the justice system (34 percent), Other (26 percent), and no barriers (three percent). Interviews revealed additional challenges in the Others category such as cultural and language barriers, limited outreach to the Spanish-speaking community, and attorneys' lack of sensitivity and understanding of domestic violence. Domestic violence survivors' lack of knowledge of existing legal resources was reported as the primary barrier to obtaining legal representation. (Figure 34)

“(Legal) assistance is accessible to a great extent, but only BRIEF and LIMITED service. Legal representation is not very accessible.” – Attorney

“The DV survivor should have the same right to court appointed attorney as the abuser who is in custody.” – Lay Legal Advocate

“They (survivors) are usually alone in court and intimidated by their abuser.” – DV Counselor

Recommendations

The thoughts revealed by domestic violence survivors, domestic violence professionals, and legal professionals are important to examine in order to fully understand the impact of legal services on domestic violence cases. The two main themes surfacing through this study are funding and awareness. The study reveals the growing need for funding to support affordable legal assistance and legal representation for domestic violence survivors. Findings also indicate a gap in professionals' perception of survivors' awareness of existing legal services and the level of awareness reported by survivors. Professionals may be aware of more services than survivors know are available.



Throughout the study, participants offered suggestions for increasing legal services and increasing awareness of their benefits. Participant suggestions included the following ideas:

- Develop a fund to increase legal services and advocates
- Reach out to attorneys for more pro bono legal services
- Develop and distribute educational materials explaining the civil court process
- Implement an awareness campaign describing the benefits of accessing legal services

Develop a Legal Assistance Fund

Respondents expressed the need for additional funding to support affordable legal services. Three out of four professional respondents reported funding for legal assistance programs as a barrier for survivors. Two out of three professional responses indicated lack of funding was also an obstacle to legal representation. These responses indicate the need to develop a legal assistance fund. The program, either county or state based, could use a sliding scale fee structure to qualify survivors for low-cost legal services. The program could allow those survivors who need legal help to be served, prepared and possibly represented for their cases. During interviews, both professionals and survivors spoke about the need for additional funding to increase affordable legal assistance and legal representation. The question is where to find funding for such a program, especially in the current recession.

Reach out for Pro Bono Legal Services

Professionals suggested reaching out to lawyers requesting their help in providing more pro bono legal services to domestic violence survivors. Professional respondents indicated attorneys are required to give back to their community by providing some legal services free of charge to maintain their licensure. An outreach program could be developed to approach more local attorneys about providing these pro bono

services to domestic violence survivors. The program could develop a network of attorneys willing to receive referrals for these services from domestic violence shelters, advocacy centers and the courts. This recommendation could provide an option to increase availability while still working to develop a legal assistance fund.

Develop Materials to Educate about the Civil Court Process

Respondents to the survivor questionnaire reported the need for additional resources explaining the civil court process. One out of three survivors who received legal assistance had sought out information about the civil court process and procedures. An additional 17 percent of survivors who did not access legal assistance indicated this information would have been useful to them. Literature, personal explanations, or educational materials could be provided to ensure domestic violence survivors have access to information about court proceedings and the legal process. This information could be especially helpful for survivors who decide to self-represent in court. The study revealed many survivors are not fully aware of their legal rights. While some information currently exists, it can be difficult to find. Both professionals and survivors emphasized the need for survivors to have a clear understanding of their legal rights. They also need to understand which court professionals can help them with the legal process. While judges cannot provide survivors with advice on filing protective orders or how to proceed to gain their desired results, court clerks may be able to answer their questions. Increased communication and resource sharing amongst advocates, law enforcement and court professionals who can assist survivors could ensure survivors are receiving the information they need to navigate the court process.

Implement an Awareness Campaign Describing the Benefits of Accessing Legal Services

The study results indicate survivors lack awareness of affordable legal services in the MAG region. With limited options available, survivors may not be seeking legal assistance or representation because they do not know they exist. Survivors who are not familiar with the legal system may not realize they will need assistance in court until it is too late. Professionals estimated over 80 percent of survivors could benefit from legal help prior to their case. An awareness campaign could be developed and implemented that would not only raise awareness of existing services, but also specifically discuss what legal services can do to assist survivors. While an awareness campaign could help survivors gain knowledge of existing resources in the community, this strategy may bring additional emphasis to the need for additional funding for legal services. Educating survivors about legal services and their benefits could increase demand in an already overburdened system.

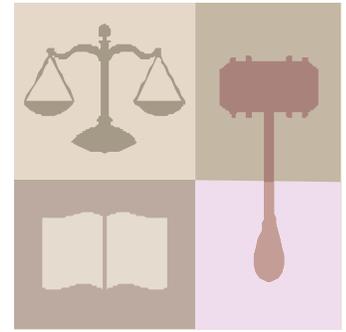
Conclusion

Limited affordable legal services are available to domestic violence survivors in the MAG region. This study shows three out of four survivors seeking legal assistance are receiving help while nearly two out of three seeking legal representation are working with an attorney. The majority of survivors participating in the study were shelter residents. Interestingly, professionals perceive that survivors are unaware of existing, affordable legal services while only 10 percent of survivors claim they lack awareness of these services. More research is needed to determine the cause of this disconnect. Professionals may have knowledge of legal services survivors may not know is available to them.

As with any exploratory study into a complex issue, the information within this report provides a starting point. The perspectives provided by the study do not definitively answer all questions surrounding domestic violence survivors and legal services. During the course of the study, interesting questions were raised leading to topics for further exploration:

- Why did the majority of survivors staying in shelter report not accessing legal assistance? Did they attempt to access legal assistance and fail?
- What indicators are professionals using in determining survivors' awareness of legal services? Why are professionals reporting survivors lack awareness of services while survivors indicate knowing about them?
- What is currently being done, and what could be done in the future, to increase professionals' level of participation in raising survivors' awareness of existing legal services?
- Is there a difference in the issuance of protective orders when domestic violence survivors have representation, help from a Lay Legal Advocate, or obtain an order on their own?
- What is the current process for documenting domestic violence cases in family court? How many family law cases identify domestic violence when paperwork is filed?
- Would a case study of domestic violence cases in family court reveal similar results?

Further research is needed to determine the gaps in providing survivors in the MAG region with the knowledge, resources, and opportunities they need to address their legal issues.



Attachment A: Definition of Domestic Violence



The legal definition of domestic violence involves specific relationship requirements which vary from state to state. For example, Arizona State Law does not currently recognize dating relationships in the state's definition of domestic violence. Arizona State Statute 13-3601 indicates "domestic violence" means any act which is a dangerous crime against children as defined in section 13-705 or an offense defined in section 13-1201 (endangerment), 13-1202 (threatening or intimidating), 13-1203 (assault), 13-1204 (aggravated assault), 13-1302 (custodial interference), 13-1303 (unlawful imprisonment), 13-1304 (kidnapping) 13-1502 through 13-1504 (criminal trespass in first through third degrees), 13-1602 (criminal damage), section 13-2810 (interfering with judicial proceedings), section 13-2904 (disorderly conduct), subsection A, paragraph 1 (engages in fighting, violent or seriously disruptive behavior), 2 (makes unreasonable noise), 3 (uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person) or 6 (recklessly handles, displays or discharges a deadly weapon or dangerous instrument), section 13-2916 (use of telephone to terrify, intimidate, threaten, harass, annoy or offend) or section 13-2921 (harassment), 13-2921.01 (aggravated harassment), 13-2923 (stalking), 13-3019 (surreptitious photographing, videotaping, filming or digitally recording or viewing), 13-3601.02 (aggravated domestic violence) or 13-3623 (child or vulnerable adult abuse; emotional abuse), if any of the following applies: (1) the victim and defendant are married, formerly married, currently residing, or have resided in the same household; (2) The victim and the defendant have a child in common; (3) The victim or the defendant is pregnant by the other party; (4) The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law; (5) The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant (AZ 13-3601).

Attachment B: Prevalence of Domestic Violence

Nationally, domestic violence is recognized as physical, psychological, sexual, economic and emotional abuse between cohabitating, dating or marriage relationships (U.S. Department of Justice, 2008). Domestic violence crimes involve women as victims about 85 percent of the time (Bureau of Justice Statistics, 1998 NCJ-167237). Approximately three women are murdered each day by a husband or boyfriend (Bureau of Justice Statistics, 2001). In 2000, the United States Department of Justice documented boyfriends and husbands committed 4.5 million assaults against their female partners daily. Domestic violence occurs across race, gender and socioeconomic lines. Research has linked exposure to violence with violent behavior later in life. Children who have been victims of violence within their families are 24 percent more likely to report violent behavior as adolescents than those who had not been maltreated. (Youth Exposed to Domestic Violence, 2003)

Awareness of domestic violence has grown and eliminated some of the stigma surrounding this social issue. In 2004, the Allstate Foundation National Poll on Domestic Violence found more than 83 percent of respondents stated they strongly agreed domestic violence affects everyone, across different racial, ethnic, religious, educational, social or economic environments. This study illustrates the prevalence of the issue as 74 percent of respondents indicated they personally knew someone who is a domestic violence survivor. More than 66 percent of respondents surveyed stated domestic violence was a grave problem. Respondents indicated the primary reasons for not vacating a residence where domestic violence was occurring included fear of the abuser and lack of financial means (Allstate Foundation National Poll on Domestic Violence, 2004).

Local research supports national statistics about the prevalence of domestic violence. In 2005, the Behavior Research Center conducted a survey to gather information about Maricopa County residents' awareness and perceptions of domestic violence. Commissioned by the Morrison Institute for Public Policy and the Maricopa Association of Governments, this study gathered data through 600 telephone interviews with heads of households throughout the region. Among Valley residents, 72 percent stated they believe domestic violence is a "major" problem in Arizona. More than half of respondents (52 percent) indicated they had heard "a lot" about domestic violence. Low income residents (73 percent), residents with domestic violence experience (65 percent), and non-white and non-Hispanic residents (63 percent) reported they had heard the most about domestic violence. Less than half of respondents (40 percent) stated they, or someone close to them, had been a victim of domestic violence. Experiences with domestic violence were shown to be the highest among low income, non-white, females under 55 years old residing in Phoenix. Effective strategies for decreasing incidences of domestic violence were identified as expanding victim services, adding shelter space, and raising public awareness of the issue (Behavior Research Center, 2005).



Since 2004, the *State Plan on Domestic and Sexual Violence* has addressed the need for more domestic violence shelter beds to serve victims seeking refuge from violent relationships. This plan includes funding allocations for additional domestic violence emergency shelter beds in the region. As a result, 319 new beds were added in the region by fiscal year 2008. Increasing shelter availability has provided an important safety net for those trying to escape violence. The additional shelter beds allowed the domestic violence community to focus new energy on services, such as legal assistance, necessary to stabilize victims leaving an abusive relationship.

Domestic violence cases throughout the MAG region are difficult to determine due to the nature of the issue. Statistics are available on the number of domestic violence cases brought to court. In 2007, Arizona's justice system heard more than 8,572 cases involving domestic violence. Of these cases, 44 percent were given a guilty verdict and 55 percent were dismissed (Arizona Administrative Office of the Courts, 2007). Statistics on the number of domestic violence victims killed by an intimate partner are also available. The 2007 City of Phoenix Domestic Violence Fatality Review Team Report estimated 77 domestic violence victims died within the city between 2003 and 2007 (City of Phoenix, 2007). However, in many domestic violence situations, reports are not made by the victims because the abuse experienced was neither physical nor sexual in nature. This makes it difficult to determine exactly how many individuals and families are affected by domestic violence.

Many economic factors come into account when dealing with domestic violence. This includes costs of services provided by employers, cities and municipalities. Domestic violence is estimated to cost each municipality up to \$805,000 annually to arrest, prosecute and judge domestic violence cases, according to *An Exploration of the Fiscal Impact of Domestic Violence on Local Criminal Justice Systems in the MAG Region*, a study conducted by Maricopa Association of Governments in 2006. The study extrapolates this cost for the region at \$26 million annually (Maricopa Association of Governments, 2006).

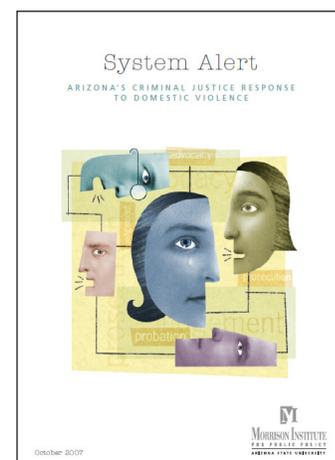
Attachment C: Literary Review

A review of research on the relationship between domestic violence and legal assistance was conducted prior to the start of the Legal Assistance Study. The literature review indicated several trends providing a deeper understanding of the impact of legal assistance on domestic violence cases. National research supports local experience that domestic violence cases are difficult to track because they tend to be classified as other crimes including assault, rape or homicide. Domestic violence courts are being developed to help address the other factors impacting victims' legal assistance needs (Malik, 2008). Research shows domestic violence victims would benefit from an explanation of the legal process and increased availability of legal assistance and legal representation (Morrison Institute for Public Policy, 2007). Studies identify cases where the court's skepticism of domestic violence victims have led to victim blaming and lenient sentences for abusers (Kern, 2007). In addition, studies show victims tend to be more satisfied with their experience in court when abusers are given harsher sentences (Felson and Pare, 2008).

Researchers and professionals within the domestic violence community have urged the legal system to approach domestic violence cases differently than criminal cases. They state domestic violence cases involve special circumstances that challenge a system designed to handle other crimes. The creation of domestic violence court models began in the 1990s. These courts were designed using the same concepts as courts dealing with issues of drug abuse. Domestic violence courts usually involve one or more judges who are assigned to handle all domestic violence-related cases in their jurisdiction instead of distributing them among numerous judges. This model aims to improve the safety of survivors and increase accountability of offenders by working with one judge on their case. The model is supported by those who believe these types of courts provide judges with a better understanding of the complexity of domestic violence cases, provides more consistency in the system's response, and allows for the judges to develop relationships with others in the domestic violence community. A domestic-violence court was created in Pinal County, Arizona in 2002. According to the Morrison Institute, the Pinal County's Domestic Violence Court model shows promise in making a difference in the justice system's response to domestic violence. (Morrison Institute for Public Policy, 2008)

The Morrison Institute for Public Policy reports in their publication *System Alert: Arizona's Criminal Justice Response to Domestic Violence* more assistance is needed for domestic violence victims. It states victims need assistance with obtaining legal advice, accessing counseling services and finding child care. The study asserts a full and concise explanation of the legal process for domestic violence cases could greatly benefit domestic violence victims (Morrison Institute for Public Policy, 2007).

Another study found blame is sometimes placed on domestic violence victims because it is perceived they provoked physical abuse from their partner. A study



conducted by Michigan Technological University sought to discover a relationship between perceived provocation by victims of their abusers and the sentencing of abusers. Psychological patterns of domestic abuse were studied in four groups under four differing conditions. The four study groups were broken down into 30 deliberation groups consisting of three to six members. Results illustrated that when women were perceived by the court as seeming to provoke their abusers, sentences were somewhat more lenient for the abusers. This does not necessarily infer women were actually provoking the abuse. Perceived provocation was the main determining independent variable of sentencing in this study (Kern, 2007).

Gender and victim satisfaction with the criminal justice system was addressed in a recent study based on the theory domestic violence victims' attitudes help shape their experiences. The study surveyed 8,143 victims including males and females. Measurement tools focused on four different attitudes: "leniency", "skepticism", "insufficient investigation" and "insensitivity". The findings showed one-third of male and female domestic violence victims being either dissatisfied or very dissatisfied with law enforcement management and court treatment. (Felson and Pare, 2008).

Victims were more likely to express attitudes of "leniency" and "skepticism" when the abuser and victim had been in a relationship together. The study found female victims tend to be more dissatisfied with law enforcement and the courts than male victims. These feelings could result from female victims being more likely to be abused by people they know and more likely to be sexually assaulted than men. Other findings discussed in the study include female victims experiencing gender discrimination in the legal system and females being more likely to file complaints than men in the same situations. Lastly, males were found to be less likely to criticize the court process when in court for the same reasons as women (Felson and Pare, 2008).

Attachment D: Legal Resource Inventory

Currently, several programs are available to provide legal resources to domestic violence victims in the MAG region. Domestic violence victims who do not receive private legal representation for their case can access other forms of public assistance. The State of Arizona has a legal services or legal aid office for almost every county in the state, including one in Phoenix. The Arizona Centers for Law in the Public Interest is available to assist those in need of legal assistance at their Phoenix office. There are six legal aid outlets in Maricopa County (Womenslaw.org, 2008). The William E. Morris Institute for Justice also lists several other legal outlets including law school legal clinics, specialty groups, the Native American Disability Law Center, Community Legal Services and DNA-People’s Legal Services (Arizona Legal Services Directory, 2008).

Provider	Contact Number	Bi-lingual
Arizona Coalition Against Domestic Violence	(602) 279-2900	Yes
Arizona Foundation for Legal Services and Education	(602) 340-7366	Yes
Community Information and Referral Services	(602) 263-8856	Yes
Community Legal Services (Central Phoenix Office)	(602) 258-3434	Yes
Community Legal Services (East Valley Office)	(480) 833-1442	Yes
Family Lawyers Assistance Project	(602) 506-7948	No
Maricopa County Bar Association Lawyer Referral Service	(602) 257-4434	Yes
State Bar of Arizona	(602) 252-4804	Yes

Attachment E: Civil Court Proceedings



Some survivors of domestic violence indicate the legal system can be intimidating. A general understanding of the civil legal process may eliminate some of the anxiety experienced by domestic violence victims. This section will explain the basic process for a domestic violence case in civil court.

People experiencing domestic violence have various outlets for assistance based on their specific needs. Divorce, Child custody, Orders of Protection, and other family issues may be addressed in civil court. In these cases, either the victim or the abuser (the “petitioner” or “plaintiff”) will initiate the case in civil court, and the other party (the “respondent” or “defendant”) may file an answer. The case is then presented to the court. The victim will self-represent or have an attorney present (U.S. Legal System, 2008). If the victim chooses self-representation, court officials cannot offer legal advice, recommend attorney services or communicate with the judge on their behalf. The only questions court officials can answer strictly deal with procedure (AzCADV, 2007). If witnesses voluntarily testify in court or are subpoenaed to testify, then both parties, through their attorneys, will be allowed to thoroughly examine the witnesses through questioning. Witnesses called to appear in court must have personal knowledge of the incident. If someone refuses to be a witness in a case, a subpoena can be issued to force his/her presence on the day of court (AzCADV, 2007).

Witness testimony must be presented in court, as well as any physical or documentary evidence related to the case. Both sides are allowed to question each witness, by direct and cross-examination. After the plaintiff presents all her/his witnesses and evidence, the defendant is allowed to present his/her witnesses, which the plaintiff may then cross-examine. After the defendant’s witnesses and evidence has been presented, the court may allow rebuttal by the plaintiff. Closing arguments may then be presented, and the case is submitted to the court for its decision.

The legal proceedings in civil court cases will vary from case to case when domestic violence allegations are involved. However, this description provides a basic understanding of the process generally utilized in civil court cases.

Attachment F: Domestic Violence Survivor Survey



Legal Assistance Study Survivor Survey 2008

Please use the following definitions to assist in completing this survey:

Legal Assistance: Discussions with lawyers, legal advocates, paralegals, lay legal advocates and certified document preparation specialists in preparation for representing your own case. Types of legal assistance may include help with completing paperwork, filing petitions, applying for a protective order and/or having an advocate go with you into court, in which a lawyer would not be helping you in the court room.

Legal Representation: Having a lawyer represent your case in court.

Section A: Family Court Cases

1. Do you plan to obtain a protective order or file a case in family court? Yes No
 - a. Which legal issue will your case include? *(Please check all that apply.)*

<input type="checkbox"/> Divorce	<input type="checkbox"/> Child custody
<input type="checkbox"/> Child support	<input type="checkbox"/> Paternity
<input type="checkbox"/> Protective order	
 - b. Do you feel you need a lawyer to represent you for this case?
 Yes No
 - c. Do you anticipate obtaining a lawyer to represent you or will you represent yourself in court?
 Lawyer Self-Represent
 - d. If you do not plan to obtain a lawyer, why not? _____

 - e. Do you anticipate seeking legal assistance to help you with this case? Yes No
 - f. If yes, what forms of legal assistance do you anticipate needing?

<input type="checkbox"/> Preparing/completing/filing court paperwork
<input type="checkbox"/> Applying for protective order
<input type="checkbox"/> Legal consultation
<input type="checkbox"/> Accompanied to court
<input type="checkbox"/> Other _____
 - g. If no, why not? _____
2. Do you currently have a protective order or case pending in family court?
 Yes No
 - a. Which type of case or protective order is currently active? *(Please check all that apply.)*

<input type="checkbox"/> Divorce	<input type="checkbox"/> Child custody
<input type="checkbox"/> Child support	<input type="checkbox"/> Protective order
<input type="checkbox"/> Paternity	

3. Have you had a protective order or case in family court in the past?
 Yes No

- a. Which type of case or protective order have you had in family court? *(Please check all that apply.)*
- | | |
|--|---|
| <input type="checkbox"/> Divorce | <input type="checkbox"/> Child custody |
| <input type="checkbox"/> Child support | <input type="checkbox"/> Protective order |
| <input type="checkbox"/> Paternity | |

If you answered "No" to Questions 1-3, you are done with this survey. Thank you!

Section B: Legal Assistance

Legal Assistance: Discussions with lawyers, legal advocates, paralegals, lay legal advocates and certified document preparation specialists in preparation for representing your own case. Types of legal assistance may include help with completing paperwork, filing petitions, applying for a protective order and/or having an advocate go with you into court when a lawyer isn't presenting your case.

Please answer the following questions based on **your most recent case** within the family court system involving the areas of divorce, child custody, child support, paternity or protective orders.

4. Did you feel you needed legal assistance for your case?
 Yes No

5. Did you receive legal assistance for your case?
 Yes No

- a. How long did it take for you to find the appropriate legal assistance for your case?
 1 day 1 week 2 weeks 1 month or longer

- b. Where did you receive legal assistance? *(Please check all that apply.)*

- | |
|---|
| <input type="checkbox"/> Fresh Start Women's Resource Center |
| <input type="checkbox"/> Arizona Coalition Against Domestic Violence Legal Advocacy Hotline |
| <input type="checkbox"/> Shelter advocates |
| <input type="checkbox"/> Family Advocacy Centers |
| <input type="checkbox"/> Community Legal Services |
| <input type="checkbox"/> Tribal Legal Services |
| <input type="checkbox"/> Family Lawyer's Assistance Project |
| <input type="checkbox"/> Court Legal Advocates |
| <input type="checkbox"/> Other Community-Based Services |
| <input type="checkbox"/> Other _____ |

- c. What type of legal assistance did you receive? *(Please check all that apply.)*

- | |
|---|
| <input type="checkbox"/> Preparing/completing/filing court paperwork |
| <input type="checkbox"/> Applying for Protective Order |
| <input type="checkbox"/> Explanation of your legal rights/options |
| <input type="checkbox"/> Explanation of family court process/procedures |
| <input type="checkbox"/> Legal consultation |
| <input type="checkbox"/> Accompaniment to court by legal advocate |
| <input type="checkbox"/> Other _____ |

d. How beneficial was each type of legal assistance you received? (Please mark the number of the appropriate responses for the services you received.)

Types of Legal Assistance	Not Helpful	Somewhat Helpful	Moderately Helpful	Mostly Helpful	Very Helpful	Not Applicable
	1	2	3	4	5	
Preparing/completing/filing paperwork	<input type="radio"/>					
Applying for Protective Order	<input type="radio"/>					
Explanation of legal rights/options	<input type="radio"/>					
Explanation of family court process/procedures	<input type="radio"/>					
Legal consultation	<input type="radio"/>					
Accompanied to court	<input type="radio"/>					
Other:	<input type="radio"/>					

e. What was the cost of the legal assistance? (Please check all that apply.)

- Free
 Sliding Scale
 Full Price

f. How legally prepared did you feel for this case in court? (Please circle the number of the appropriate response.)

- Not Prepared Somewhat Prepared Moderately Prepared Mostly Prepared Very Prepared
1 ○ 2 ○ 3 ○ 4 ○ 5 ○

6. If you did not receive legal assistance, why? (Please check all that apply.)

- Not enough money to pay for it
 Couldn't find assistance
 Didn't know this help was available
 Assistance was not available in my language
 Lacked transportation
 Not eligible for assistance
 Didn't need assistance
 Other _____

7. If you did not receive legal assistance, but wanted it, what type of legal assistance do you think would have been most helpful for presenting your case in court? (Please check all that apply.)

- Preparing/completing/filing paperwork
 Applying for Protective Order
 Explanation of your legal rights/options
 Explanation of family court process/procedures
 Legal consultation
 Accompaniment to court by legal advocate
 Other _____

8. In your opinion, how important is legal assistance to domestic violence survivors representing themselves in family court or filing for a protective order? (Please circle the number of the appropriate response.)

- Not important Somewhat Important Moderately Important Mostly Important Very Important
1 ○ 2 ○ 3 ○ 4 ○ 5 ○

9. In your opinion, what should be done to make legal assistance better for you and/or other domestic violence survivors with family court cases?

Section C: Legal Representation

Legal Representation: Having a lawyer represent your case in court.

Please answer the following questions based on **your most recent case** within the family court system involving the areas of divorce, child custody, child support, paternity or protective orders.

10. Did you feel you needed a lawyer to present this case in court? Yes No

11. Were you represented by a lawyer in court for this case?

Yes No

a. If you were not represented by a lawyer and wanted to be, why weren't you? *(Please check all that apply.)*

- No legal representation available
- No translation services available
- No money to pay for it
- No challenges
- Other _____

12. Did a lawyer represent the other party in this case? Yes No

13. How legally prepared did you feel for this case? *(Please circle the number of the appropriate response.)*

Not Prepared	Somewhat Prepared	Moderately Prepared	Mostly Prepared	Very Prepared
1 ○	2 ○	3 ○	4 ○	5 ○

14. In your opinion, what was the outcome of the case?

- Outcome in my favor
- Outcome in other party's favor
- Compromise
- No outcome determined yet
- Other _____

a. If an outcome was determined, how satisfied were you with the outcome of this case? *(Please circle the number of the appropriate response.)*

Not Satisfied	Somewhat Satisfied	Moderately Satisfied	Mostly Satisfied	Very Satisfied
1 ○	2 ○	3 ○	4 ○	5 ○

15. Were you satisfied with your experience with this case? Yes No

a. Why or why not?

16. In your opinion, how important is having a lawyer represent domestic violence survivors in family court? (*Please circle the number of the appropriate response.*)

Not Important	Somewhat Important	Moderately Important	Mostly Important	Very Important
1 <input type="radio"/>	2 <input type="radio"/>	3 <input type="radio"/>	4 <input type="radio"/>	5 <input type="radio"/>

17. In your opinion, what should be done to make having a lawyer better for you and/or other domestic violence survivors with family court cases?

Section D: Demographics

Information provided in this section will help present accurate data about domestic violence survivors and their needs. If you have questions or concerns about completing this section, please call Blake Holub or Renae Tenney at (602) 254-6300.

Date survey completed: _____ Age: _____ Number of children: _____

Are you currently staying in a shelter? Yes No

a. If yes, how long have you been in the shelter?

1 week or less 2-4 weeks 1-2 months 3 months or more

Race/Ethnicity (*Please circle the number of the appropriate response.*):

- White Non-Hispanic
- Hispanic/Latino
- African American
- Native American
- Asian
- Pacific Islander
- Other: _____

Additional Comments: _____

Please return the survey via fax to (602) 254-6490, by email to bholub@mag.maricopa.gov or by mail to Blake Holub at MAG, 302 North 1st Avenue, #300, Phoenix, Arizona 85003. If you have any questions or concerns regarding the survey, please contact Blake Holub or Renae Tenney at (602) 254-6300. **Thank you!**

Submit by Email

Print Form

Attachment G: Domestic Violence Survivor Interview Script

Maricopa Association of Governments Legal Assistance Study—Interview Questions—Survivor

Interviewer Name: _____ Organization: _____

Contact Information: _____

Please mail, fax, or email completed interviews to: Blake Holub, Maricopa Association of Governments
302 1st Avenue, #300, Phoenix, AZ 85003
Phone: (602) 452-5021, Fax: (602) 254-6490
Email: bholub@mag.maricopa.gov

Please read this to person being interviewed:

We are conducting a study focusing on civil legal assistance for domestic violence survivors. We are collecting data through these interviews as well as surveys to better understand the availability of legal assistance and affects of domestic violence cases where legal assistance was utilized or not. We hope to use the research gathered to stress the importance of legal assistance for domestic violence survivors.

1. Did you seek legal assistance? Why or why not?
 - a. Where did you hear about legal assistance?
 - b. Where would you recommend making information about legal assistance available?
2. Did you receive legal assistance?
 - a. From where did you receive legal assistance?
 - b. What form of assistance?
 - c. What was the impact of receiving or not receiving the legal assistance?
3. Was the other party represented?
 - a. How did it affect the case?
4. In your opinion, do you feel as if legal assistance is openly available for survivors of domestic violence?
 - a. In what ways do you think immigration status can be a barrier to receiving legal assistance?
5. What legal assistance resources are you aware of?
6. In your opinion, what could be done to increase legal assistance and representation for survivors?
How could it be more effective?
7. In your opinion, what is the impact of receiving or not receiving legal assistance and/or representation?
8. What is the most important form of legal assistance in your opinion?
9. Tell me about something you learned or experienced while working through legal matters associated with your case. Why was this knowledge or experience important to you?

Attachment H: Professional Survey



Legal Assistance Study Professional Staff Survey 2008

Section A: Legal Assistance

For the purposes of this survey, legal assistance is defined as alleged domestic violence victims having discussions with lawyers, legal advocates, paralegals, lay legal advocates and certified document preparation specialists in preparation for self-representation in court. Types of legal assistance may include help with completing paperwork, filing petitions, applying for a protective order and/or having an advocate accompany into court.

1. In your best estimate, what percent of cases you handle involve allegations of domestic violence?
_____ %
2. In your best estimate, what percent of alleged domestic violence cases you handle involve alleged domestic violence victims who received legal assistance prior to court?
_____ %
3. In your best estimate, what percent of alleged domestic violence cases you handle involve alleged domestic violence victims who did not receive legal assistance prior to court?
_____ %
 - a. In your best estimate, what percent of these alleged domestic violence victims could have benefitted from legal assistance prior to court?
_____ %
4. In your best estimate, what percent of alleged domestic violence cases you handle involve domestic violence victims who receive assistance from a lay legal advocate (i.e. explaining legal rights and options, providing information on court process and court procedures, accompanying to court)?
_____ %
5. In your best estimate, what percent of alleged domestic violence cases you handle involve domestic violence victims who receive assistance from paralegals or document preparation specialists (i.e. assistance with completing paperwork, help filing petitions)?
_____ %

6. Where do alleged domestic violence victims generally access legal assistance? (Please check all that apply.)

- Arizona Coalition Against Domestic Violence Legal Advocacy Hotline
- Fresh Start Women's Resource Center
- Community Legal Services
- Shelter advocates
- Family Advocacy Centers
- Others _____

7. In your opinion, what barriers exist, if any, in legal assistance for alleged domestic violence victims? (Please check all that apply.)

- Funding for programs
- Income eligibility
- Adequate staffing levels
- No barriers
- Knowledge of resources
- Transportation
- Other _____

8. In your opinion, to what extent is affordable legal assistance available for alleged domestic violence victims in your city/town? (Please check/circle one.)

- | | | | | |
|---------------|--------------------|----------------------|------------------|----------------|
| Not Available | Somewhat Available | Moderately Available | Mostly Available | Very Available |
| 1 ○ | 2 ○ | 3 ○ | 4 ○ | 5 ○ |

Town/City _____

9. In your opinion, to what degree are alleged domestic violence victims aware of affordable legal assistance programs? (Please check/circle one.)

- | | | | | |
|-----------|----------------|------------------|--------------|------------|
| Not Aware | Somewhat Aware | Moderately Aware | Mostly Aware | Very Aware |
| 1 ○ | 2 ○ | 3 ○ | 4 ○ | 5 ○ |

10. What could be done in order to make legal assistance better for alleged domestic violence cases and victims?

11. In your best estimate, what percent of alleged domestic violence cases you handle involve false allegations of domestic violence?

_____ %

12. How does an allegation of domestic violence impact your decision making in a case?

- | | | | | |
|--------------|-------------------|---------------------|-----------------|---------------|
| Not Relevant | Somewhat Relevant | Moderately Relevant | Mostly Relevant | Very Relevant |
| 1 ○ | 2 ○ | 3 ○ | 4 ○ | 5 ○ |

Section B: Legal Representation

For the purposes of this survey, legal representation is defined as having a lawyer present at an alleged domestic violence victim's case in court.

13. In your best estimate, what percent of cases you handle involving domestic violence allegations involve alleged victims represented by an attorney?

_____ %

14. In your best estimate, what percent of cases you handle involving domestic violence allegations involve defendants represented by an attorney?

_____ %

15. In your best estimate, what percent of cases you handle involving domestic violence allegations involve each of the alleged victims and defendants being represented by an attorney?

_____ %

16. In your best estimate, what percent of cases you handle involving domestic violence allegations involve neither the alleged victims nor defendants being represented by an attorney?

_____ %

17. In your best estimate, what percent of alleged domestic violence victims without legal representation could have benefitted from representation by an attorney?

_____ %

18. In your opinion, to what extent is affordable legal representation available for alleged domestic violence victims in your city/town? *(Please check/circle one.)*

Not Available	Somewhat Available	Moderately Available	Mostly Available	Very Available
1 <input type="radio"/>	2 <input type="radio"/>	3 <input type="radio"/>	4 <input type="radio"/>	5 <input type="radio"/>

Town/City _____

19. In your opinion, to what degree are alleged domestic violence victims aware of affordable legal representation services? *(Please check/circle one.)*

Not Aware	Somewhat Aware	Moderately Aware	Mostly Aware	Very Aware
1 <input type="radio"/>	2 <input type="radio"/>	3 <input type="radio"/>	4 <input type="radio"/>	5 <input type="radio"/>

20. Where do alleged domestic violence victims generally access legal representation? *(Please check all that apply.)*

- Community Legal Services
- Tribal Legal Services
- Private Attorneys
- Others _____

21. In your opinion, what barriers exist, if any, in legal representation for alleged domestic violence victims? *(Please check all that apply.)*

- Knowledge of resources
- Income eligibility
- Time away from work
- No barriers
- Transportation
- Don't trust lawyers/system
- Funding for programs
- Other _____

22. What could be done to make legal representation better for alleged domestic violence victims with family court cases?

Additional Comments: _____

Section C: Demographics

- Position/Title:
- Judge
 - Parenting Mediator
 - Parenting Coordinator
 - Private Custody Evaluator
 - Conciliation Service
 - Clerk
 - Attorney
 - Best Interest Attorney
 - Judicial Assistant
 - Court Advocate
 - Paralegal
 - Other _____

Please complete the following information if you would be willing to participate in confidential interviews for this project. Providing this information is completely optional.

Name: _____
Agency/Court: _____
Jurisdiction: _____
Mailing Address: _____
Email Address: _____
Phone: _____

Please return the survey via fax at (602) 254-6490, by email to bholub@mag.maricopa.gov (use the 'submit by e-mail button') or by mail to Blake Holub at MAG, 302 North 1st Avenue, #300, Phoenix, Arizona 85003. If you have any questions or concerns regarding the survey, please contact Blake Holub or Renae Tenney at (602) 254-6300. **Thank you!**

Submit by Email

Print Form

Attachment I: Professional Interview Script

Maricopa Association of Governments Legal Assistance Study—Interview Questions—Professional

Interviewer Name: _____ Organization (optional): _____

Contact Number (optional): _____ Interviewee (optional): _____

Please check the most appropriate category describing the person being interviewed:

- | | |
|--|---|
| <input type="checkbox"/> Judge | <input type="checkbox"/> Attorney |
| <input type="checkbox"/> Parenting Mediator | <input type="checkbox"/> Best Interest Attorney |
| <input type="checkbox"/> Parenting Coordinator | <input type="checkbox"/> Judicial Assistant |
| <input type="checkbox"/> Private Custody Evaluator | <input type="checkbox"/> Court Advocate |
| <input type="checkbox"/> Conciliation Service | <input type="checkbox"/> Paralegal |
| <input type="checkbox"/> Clerk | <input type="checkbox"/> Other _____ |

Please mail, fax, or email completed interviews to: Blake Holub, Maricopa Association of Governments
302 1st Avenue, #300, Phoenix, AZ 85003
Phone: (602) 452-5021, Fax: (602) 254-6490
Email: bholub@mag.maricopa.gov

Please read this to person being interviewed:

We are conducting a study focusing on civil legal assistance for domestic violence survivors. We are collecting data through these interviews as well as surveys to better understand the availability of legal assistance and its affects of domestic violence cases where legal assistance was utilized or not. We hope to use the research gathered to stress the importance of legal assistance for domestic violence survivors.

1. In your opinion, how accessible is legal assistance for alleged domestic violence victims?
2. What factors are important in helping victims? What changes, if any, would you recommend?
3. In your opinion, how affordable is legal assistance for alleged domestic violence victims? What changes, if any, would you recommend?
4. In your opinion, what are the main challenges for alleged domestic violence victims in getting legal assistance?
 - a. In what ways do you think immigration status can be a barrier to receiving legal assistance?
5. Would you like to see funding allocated to assist alleged domestic violence victims who need legal assistance or representation? Why or why not?
6. In your opinion, do you believe alleged domestic violence victims would benefit from having a court appointed lawyer? If so, why?
7. What efforts, if any, would you suggest in changing current laws to ensure representation is accessible to alleged domestic violence victims?
8. Have you experienced a situation where you think legal assistance, or lack there of, truly affected an alleged domestic violence victim in civil court or in obtaining a protective order? What do you think could have helped the victim?
9. Is there anything that you would like to add that I did not address in this discussion?

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Notes

**The Availability and Awareness of Legal Assistance for
Domestic Violence Survivors**



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