

The Centers for Disease Control and Prevention reports that in the U.S., 36.4 percent of women and 33.6 percent of men experience sexual or physical violence or stalking perpetrated by an intimate partner in their lifetimes.¹ Individuals who have experienced domestic violence display a multitude of legal needs. They may require assistance with filing protection orders, custody issues, housing, identity theft, and employment (Lee & Backes, 2018; Allen et al., 2004).

Page 1 of this research brief provides some research highlights; pages 2-3 a narrative overview; page 4 a featured federal resource; page 5 other helpful resources; page 6 endnotes; and pages 7-15 summaries of the curated studies. All endnotes are to sources not included in our summaries section.

RESEARCH HIGHLIGHTS:

- “Providing civil counsel in divorce, custody, and protective order proceedings can significantly improve outcomes for DV [domestic violence] and IPV [intimate partner violence] victims and their children as well as serve as a cost-effective strategy for reducing violence and generating positive social norms” (Lee & Backes, 2018).
- In a study of survivors of IPV, researchers concluded that “[c]ivil legal services can most directly address economic self-sufficiency in two ways: by increasing income and decreasing economic liability” (Hartley & Renner, 2016).
- “83 percent of victims represented by an attorney successfully obtained a protective order, as compared to just 32 percent of victims without an attorney” (Institute for Policy Integrity, 2015).
- In custody matters, “attorney representation, particularly representation by legal aid attorneys with expertise in IPV cases, resulted in greater protections being awarded to IPV victims and their children. Improved access of IPV victims to legal representation, particularly by attorneys with expertise in IPV, is indicated” (Kernic, 2015).
- “DV/SA [sexual assault] victims reported an aggregate total of 3,446 separate legal problems in areas identified in the survey instrument with an average of 19.69 legal problems per household/respondent. This is 2 times higher than an average of 9.3 problems per household/year documented for the general low-income population of Washington” (Social & Economic Sciences Research Center, 2014).
- “In 2003, for example, requests for restraining orders in Dane County were granted approximately 55 percent of the time. With the aid of a legal advocate provided by DAIS, however, that number increased to 69 percent” (Elwart et al., 2006).
- “Women living in counties with shelters, hot-lines, safe homes, emergency transportation, programs for batterers, children’s programs, and counseling are not significantly less likely to be victims of intimate partner abuse than women who live in counties without these services. However, women who live in counties with legal assistance programs to help battered women are significantly less likely to report abuse” (Allen et al., 2004).
- “... [T]he overwhelming fraction of our study participants did not achieve the goal of terminating their marriages unless they had lawyers” (Degnan et al., 2019).
- “Most services provided to help battered women do not impact the likelihood of abuse, but the provision of legal services significantly lowers the incidence of domestic violence” (Farmer & Tiefenthaler, 2003).

NARRATIVE OVERVIEW RE: ASSISTING DOMESTIC VIOLENCE SURVIVORS

Domestic violence (DV) is defined as violent, often aggressive, behavior used by one partner in a relationship that incites fear and intimidates the other partner or among family members. The U.S. Department of Justice Bureau of Justice Statistics differentiates between DV (violence from family members and former or current partners) and IPV (violence only from current or former partners).² Experiencing violence can leave a profound impact. Those who have been directly victimized report higher rates of depression,³ are at higher risk for repeat victimization,⁴ and are at higher risk for perpetrating DV in their lifetimes⁵ than those who have not experienced violence.

Experiencing IPV/DV is common: The Centers for Disease Control and Prevention reports that in the U.S., 36.4 percent of women and 33.6 percent of men experience sexual or physical violence or stalking perpetrated by an intimate partner in their lifetimes.⁶ In 2017, data from the National Crime Victimization Survey found that 1,237,960 Americans had experienced DV in the six months prior to the survey.⁷

IPV/DV has disproportionate effects on elderly, disabled, LGBTQ, minority and low-income people due to increased social risks associated with violence and decreased access to services. One study found that, while 6 to 12 percent of older adults self-identify as being abused, the actual number of participants reporting indicators of abuse was about five times greater. A published review reported that, in comparison to non-Hispanic White women, Black, Latina, and Native American/Alaska Native women experienced higher lifetime rates of IPV associated with various mental health disorders, reproductive health outcomes, and barriers to services. These barriers are often the result of trauma, housing instability, employment needs, and compounding mental and physical health needs experienced in historically marginalized communities. Additional evidence shows that even when survivors in vulnerable populations have access to legal interventions intended to reduce future risk of harm, they may be less protected from revictimization. For example, Benitez, McNiel & Binder (2010) found that Black women were at elevated risk of renewed abuse after legal intervention (i.e., obtaining a protection order or the arrest of their abusive partner following a DV incident) compared to white women.⁸

DATA AND STUDIES SHOW LEGAL AID HELPS:

Individuals who have experienced domestic violence often display a multitude of legal needs: from assistance with filing protection orders, custody issues, housing, identity theft, and employment (Lee & Backes, 2018; Allen et al., 2004). Domestic violence survivors and sexual assault survivors are likely to report more legal needs than the average low-income household (Social & Economic Sciences Research Center, 2014). Studies show how access to legal aid can both reduce domestic violence and mitigate some of its collateral consequences. Kernic (2015) found that when DV survivors have access to legal representation in child custody cases, they are granted greater protections and visitation decisions when compared to those who are not represented. Another study agrees. The National Network to End Domestic Violence (2017) found in their survey of 1,762 shelters that DV survivors without legal representation are more likely to be later victimized than those without access to legal representation.

Having access to legal representation reduces the likelihood of future violence. In their seminal study, Farmer and Tiefenthaler (2003) found that increased access to legal representation and services is partly responsible for the decrease in domestic violence observed in the 1990s. More recently, Hartley and Renner found that with legal representation to obtain a protective order or on a family law issue, survivors of domestic violence in Iowa saw increases in monthly income and personal growth and support (2018). They also found that, while receiving free civil legal services for intimate partner violence, depression and PTSD decreased significantly over one year (Renner & Hartley, 2018).

The Institute for Policy Integrity (2015) also found that providing legal services to DV survivors reduced domestic violence, as well as the societal costs of domestic violence. Elwart and colleagues (2006) found that when state funding of domestic violence service providers was at \$9.1 million, the maximum benefits were \$27.3 million.

FEATURED FEDERAL RESOURCE:

U.S. Department of Justice, Office for Victims of Crime *Vision 21 Report*

Vision 21: Transforming Victim Services (TVS) outlines a comprehensive and systematic approach to change how we meet victims' needs. TVS grew out of a series of meetings that were sponsored by OVC. The discussion and research focused on the role of victim assistance, how to better serve victims, addressing issues in the field, and identify emerging issues in the field.

This report dedicates an entire chapter to meeting the holistic legal needs of crime victims. The TVS statement reads: "Every state will establish wraparound legal networks that will help ensure that crime victims' rights are enforced and that victims of crime receive the broad range of legal services needed to help rebuild their lives in the aftermath of crime" (p. 9). This chapter summarized efforts made within the last decade to secure crime victims' rights, the difficulties victims face in navigating the justice system, and ways that legal networks can better address crime victims' needs.

Highlights:

- "A staggering 42 percent of victims never report serious violent crime to law enforcement. We need to know why. Stakeholders described a maze of overlapping, complex legal issues facing victims; for example, a single victimization can involve immigration status, civil legal assistance, administrative law remedies, and rights enforcement" (p. vi).
- "Victims of crime all too often face a perplexing maze of coexisting, overlapping, and complex legal issues after their victimization. They must navigate multiple systems (i.e., the criminal, civil, and administrative justice systems), each with its own requirements and processes. One case of victimization may produce myriad legal issues for the victim, including orders of protection, victims' rights enforcement, compensation, employment, housing, home foreclosure, spousal support, and child custody, visitation, and dependency" (p. 12).
- "Serving crime victims in indigenous communities presents a special challenge to all members of the victim service community, particularly providers of legal services. American Indian and Alaska Native populations suffer significantly higher crime rates than the rest of the Nation—a fact that underscores the urgency of finding ways to deliver services more successfully or, in the case of legal assistance, to deliver services at all" (p. 12).
- "Compounding the lack of legal representation for crime victims is the absence of a single point of entry through which victims of all types of crime may access services to address the wide range of legal needs they may have as the result of their victimization" (p. 14).
- "A coordinated, collaborative, and holistic legal response has the potential to serve victims far better through an inherent capacity to provide the type of legal assistance needed at any given time. A network approach would also ensure that victims are connected to community legal resources that can help them address their administrative, civil, and other legal issues" (p. 14).

Access this resource at: US Department of Justice, Office for Victims of Crime. *Vision 21: Transforming Victim Services* (May 2013), available at https://ovc.ncjrs.gov/vision21/pdfs/Vision21_Report.pdf

HELPFUL RESOURCES:

- The Justice in Government Project (JGP) and National Legal Aid & Defenders Association (NLADA), with contributions from the ABA Commission on Domestic & Sexual Violence, published a [newsletter](#) summarizing research and resources related to how civil legal aid assists survivors of domestic violence.⁹
- The Status of Women in the United States has an [interactive map](#), ranking, and grading system for protections afforded to domestic violence survivors.¹⁰
- The [National Coalition Against Domestic Violence](#) has state-by-state statistics and domestic violence fact sheets.¹¹
- The Bureau of Justice Statistics updates their [website](#) with the latest data from the National Crime Victimization Survey, which includes information on DV victimization.¹²
- ABA Commission on Domestic & Sexual Violence (“CDSV”) offers a wide array of [resources and guidance](#) for attorneys representing survivors of domestic and sexual violence through its [publications](#), [POWER Act toolkit](#), [Survivor Reentry Project](#), [LGBT+ Legal Access Project](#) and [listservs](#) for litigators, managers in the legal profession, and advocates for federal policy priorities that advance the provision of legal services for survivors.¹³
- Jacqueline G. Lee of Boise State University and Bethany L. Backes of The University of Texas published a [comprehensive review](#) of the existing literature on civil legal aid’s application for DV and IPV survivors in the Journal of Family Violence in August 2018. The paper also includes recommendations for improving service delivery.¹⁴
- In October 2020, the [Northwest Justice Project](#) submitted [comments for the DOJ OVV Task Force meeting](#) on violence against American Indian and Alaska Native women. These comments provide model advocacy language for legal aid organizations serving AI/AN survivors.
- Legal Services Corporation has collected client success stories [here](#).¹⁵
- For more information about civil legal aid messaging, communications, and story-telling, go to the [Voices for Civil Justice](#) and [All Rise for Civil Justice](#) websites.¹⁶
- For a more comprehensive repository of legal aid related research, go to the National Legal Aid & Defender Association’s [LegalAidResearch](#) website.¹⁷

Endnotes

¹ Sharon G. Smith et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief – Updated Release*, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (2018), available at <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>

² Rachel E. Morgan & Jennifer L. Truman, *Crime Victimization, 2017*, U.S. Department of Justice, Bureau of Justice Statistics (2018), available at <https://www.bjs.gov/content/pub/pdf/cv17.pdf>

³ Jeanne Y. Choe et al., *Perpetration of Violence, Violent Victimization, and Severe Mental Illness: Balancing Public Health Concerns*, 59 *Psychiatr. Serv.* 153. (2008).

⁴ Amaia Iratzoqui, *Strain and Opportunity: A Theory of Repeat Victimization*, 33 *J. of Interpersonal Violence* 1366 (2018).

⁵ Richard B. Felson & Kelsea Jo Lane, *Social Learning, Sexual and Physical Abuse, and Adult Crime*, 35 *Aggressive Behavior* 489 (2009).

⁶ *Supra* note 1.

⁷ *Supra* note 5.

⁸ Christopher T. Benitez, Dale E. McNiel, & Renee L. Binder, *Do Protection Orders Protect?*, 38(3) *Journal of the American Academy of Psychiatry and the Law*. 376-385 (2010), available at <http://jaapl.org/content/38/3/376#:~:text=Protection%20orders%20are%20widely%20used,be%20a%20threat%20to%20another.&text=Alt%20hough%20protection%20orders%20are%20not,useful%20role%20in%20threat%20management>.

⁹ <https://mailchi.mp/55a738925699/justresearchjuly2020>

¹⁰ <https://statusofwomendata.org/explore-the-data/violence-safety/#section-0>

¹¹ <https://ncadv.org/statistics>

¹² <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245>

¹³ See https://www.americanbar.org/groups/domestic_violence/Initiatives/;

https://www.americanbar.org/groups/domestic_violence/Initiatives/publications/;

https://www.americanbar.org/content/dam/aba/administrative/probono_public_service/power-toolkit-8-30-19.pdf;

https://www.americanbar.org/groups/domestic_violence/Initiatives/survivor-reentry-project/;

https://www.americanbar.org/groups/domestic_violence/Initiatives/lgbt-legal-access/; and

https://www.americanbar.org/groups/domestic_violence/listservs/

¹⁴ <https://link.springer.com/article/10.1007/s10896-018-9974-3>

¹⁵ <https://www.lsc.gov/what-legal-aid/client-success-stories>

¹⁶ See <https://voicesforciviljustice.org/> and <https://www.allriseforciviljustice.org/>

¹⁷ <https://legalaidresearch.org/>

SUMMARIES OF KEY STUDIES

1. Ellen Degnan, Thomas Ferriss, D. James Greiner, & Roseanna Sommers, *Trapped in Marriage* (2019), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3277900

The researchers conducted a randomized control trial to assess the effectiveness of a pro bono divorce service offered from January 2011 through July 2016. They randomly assigned 311 individuals seeking assistance to obtain a divorce to either a service provider to find a pro bono attorney (the treatment group), or to an existing set of self-help resources paired with the opportunity for assistance over the telephone (the control group). They found that 54.1 percent of individuals who were referred to a service provider to find an attorney had a divorce case on record after eighteen months, compared to 13.9 percent of the control group. After three years, 45.9 percent of the treatment group had successfully obtained a divorce, compared to 8.9 percent of the control group.

Methodology:

Individuals seeking a divorce were randomly assigned to be referred to either a service to obtain an attorney, or self-help resources. The researchers compared the rates of successfully filing for and obtaining a divorce at two time periods after randomization (eighteen months and three years) between the two groups.

Highlights:

- “Our simple design study replicated that of previous effect-of-representation studies: we randomized participants to a higher level of service or a lower level of service and followed results via examination of adjudicatory system records” (p. 24).
- “Study intake lasted from January 2011 until July of 2013, allowing us to randomize 311 participants, 74 assigned to the treatment group and 237 to control” (p. 24).
- “Starting eighteen months after randomization, on a periodic basis, we provided personal identifying information on study participants to the Court’s remarkably patient and dedicated staff, who searched for divorce case files involving study participants. Upon finding a file, Court staff copied it, redacted confidential information about the opposing spouse, and sent the redacted copy to us. With respect to study participants who had case files in the initial 18month search, we requested follow-up documents from the court for up to 36 months after randomization. A review of these case files provided us with a primary source of outcome information” (p. 25).
- In Philadelphia County: “Eighteen months after randomization, 54.1% of the treated group, as opposed to 13.9% of the control group, had a divorce case on record. Three years after randomization, 45.9% of treated group, as opposed to 8.9% of the control group, had achieved a termination of a marriage” (p. 5).
- If results are expanded to include other counties in Pennsylvania, “results remain statistically and substantively significant: 60.8% of the treated group, versus 36.3% of the control group, had a divorce case on file after 18 months, $p < .00002$; 50.0% of the treated group, versus 25.3% of the control group, succeeded in terminating the marriage in 36 months, $p < .00002$ ” (p. 6).
- “We conclude that the applicable procedural system trapped participants in marriage, even those seeking only the simplest possible court action, i.e., orders ending marriages and doing nothing else with respect to that marriage” (p. 7).
- “... the overwhelming fraction of our study participants did not achieve the goal of terminating their marriages unless they had lawyers” (p. 9).

2. Carolyn Copps Hartley & Lynette M. Renner, *Economic Self-Sufficiency among Women Who Experienced Intimate Partner Violence and Received Civil Legal Services* (2018), *Journal of Family Violence* 33(7), available at <https://link.springer.com/article/10.1007%2Fs10896-018-9977-0>

Panel data was collected from 85 women who experienced intimate partner violence and received free civil legal services from Iowa Legal Aid (ILA). The researchers compared the women's income and levels of self-sufficiency over a period of one year to determine the effects of receiving civil legal services. They found that between Waves 1 and 3, the women's average monthly income increased by 19.52 percent and they reported significant increases in personal growth and support. However, the researchers did not identify a relationship between the type or amount of legal services received and changes in economic self-sufficiency. The authors also published a complementary study on the effects of civil legal services on psychological well-being using the same dataset (summary 3).

Methodology:

Over a period of one year, panel data was collected from 85 women who experienced intimate partner violence and received free civil legal services from ILA. Baseline data was first collected at Wave 1, and then Wave 2 and Wave 3 follow-up interviews took place every six months. A randomized control trial method was not used due to the potential safety risks of being assigned to a non-intervention group. The researchers compared the women's economic status (measured as total monthly income and social service utilization), levels of self-sufficiency (measured by the women's perceptions of ability to live on their income), and type and amount of legal services received between waves.

Highlights:

- "With the significant negative economic impact of IPV, it is reasonable to assume that reducing incidents of IPV would decrease these effects and researchers have shown that providing civil legal services reduces IPV."
- "Women's concrete economic indicators, income and program assistance use, changed from Wave 1 to Wave 3; perhaps most notably, women's average monthly income increased by 19.52% between Waves 1 and 3."
- "Changes in the measures of some of the domains of economic self-sufficiency were mixed. Women's perceptions of the difficulty living off their current income decreased over time but their reports of the adequacy of family resources for physical, health, and housing necessities (food, clothing, housing, heat, transportation, phone access, dental and medical care), intra-family support, and child care did not change. This was likely due to the fact that most women reported these resources to be sufficiently adequate at Wave 1."
- "Women reported significant increases in the adequacy in personal growth and support (time for personal growth and money for extras like family entertainment or travel) and overall adequacy of family resources as measured by the total [Family Resource Scale]."
- "For the positive changes in women's economic situations over a one-year period of time, however, we found no relation between the type or amount of legal services received and changes in the economic self-sufficiency measures."

3. Lynette M. Renner & Carolyn Copps Hartley, *Psychological Well-Being Among Women Who Experienced Intimate Partner Violence and Received Civil Legal Services* (2018), *Journal of Interpersonal Violence*, available at https://journals.sagepub.com/doi/full/10.1177/0886260518777552?url_ver=Z39.88-2003&rfr_id=ori%3Arid%3Acrossref.org&rfr_dat=cr_pub%3Dpubmed

Panel data was collected from 85 women who experienced intimate partner violence and received free civil legal services from Iowa Legal Aid (ILA). The researchers compared the women's results on various measures of psychological well-being over a period of one year to determine the effects of receiving civil legal services. They found that between Waves 1 and 3, the women's depression score decreased by 19.83 percent, PTSD symptoms decreased between 39 to 46 percent, and appraisal support (the perceived ability to discuss issues of personal importance) increased by 5.95 percent. However, there was no correlation between these outcomes and the type or amount of legal services received. The authors also published a complementary study on the effects of civil legal services on economic self-sufficiency using the same dataset (summary 2).

Methodology:

Over a period of one year, panel data was collected from 85 women who experienced intimate partner violence and received free civil legal services from ILA. Baseline data was first collected at Wave 1, and then Wave 2 and Wave 3 follow-up interviews took place every six months. A randomized control trial method was not used due to the potential safety risks of being assigned to a non-intervention group. The researchers compared the women's psychological well-being (measured using high-validity psychometric tests for depression, PTSD, support, resilience, goal-directed thinking, and empowerment), and type and amount of legal services received between waves.

Highlights:

- “At the Wave 1 interview, many women reported psychological well-being scores that might raise clinical concerns. Sixty-seven percent of women met the clinical criteria for depression and 64% of women met the clinical criteria for PTSD. Women reported modest levels of social support and resilience; and, despite the presence of IPV, depressive symptoms, and PTSD symptoms, most women still reported adequate levels of goal-directed thinking and empowerment.”
- “Women's depressive symptom score decreased by 19.83% between Wave 1 and Wave 3, and significant decreases in PTSD symptoms were also reported over this same one-year period (decreases in intrusion, avoidance, and hyperarousal scores were 43.95%, 39.61%, and 46.35%, respectively).”
- “Women's goal-oriented thinking, resilience, and social support levels did not significantly change from Waves 1 to 3, with the exception of scores on the Appraisal Support subscale, which increased by 5.95% over a one-year period.”
- “Our overall hypothesis was supported by the fact that women showed improvements in various facets of psychological well-being over time, although we found no relation between the type or amount of legal services received and changes in women's depressive symptoms, traumatic stress responses, or other measures of well-being.”

4. National Network to End Domestic Violence, *11th Annual Domestic Violence Counts Report (2017)*, available at <https://nnedv.org/content/domestic-violence-counts-11th-annual-census-report/>

The National Network to End Domestic Violence conducted a census of their 1,762 shelters and found that domestic violence survivors without legal representation are frequently further victimized and endangered. The same shelters also reported having to cut legal services due to staffing and lack of resources. This has led to domestic violence survivors representing themselves at court and unable to secure civil protective orders. The National Network to End Domestic Violence is one of the largest national service providers for domestic violence survivors. They receive the majority of their funding from government grants (54.66%), corporate grants (25.53%), contracts and consulting (7.05%), and membership dues (6.70%). Including this study in the summary shows what happens on the other side—

expanding legal services is shown in other studies to improve legal outcomes for domestic violence survivors, but this study shows that cutting services has the opposite effect.

Methodology:

The National Network to End Domestic Violence contacted all the domestic violence shelters in the US. They received a response rate of 92 percent and received responses from 1,762 shelters.

Highlights:

- 52 percent of the National Network to End Domestic Violence shelters were providing court accompaniment and legal advocacy for civil protection orders, but only 12 percent of the programs can help victims with legal representation. In 2017, the shelters cut 34 programs that provided legal representation by an attorney and 29 additional programs reduced or eliminated their legal advocacy programs.
- They report that funding for much-needed legal services is stretched thin. In Indiana, one advocate said, “Our program often sees more people than we can help on any given day. On Census Day, our Protective Order Advocate was working with four survivors on protective orders. A fifth survivor came in for help filing a protection order, but [the advocate] did not have time to wait and left before we could serve her” (p. 9).
- Another Oregon advocate spoke of the restrictions for victims when receiving legal aid, “One client does not qualify for Legal Aid, and also cannot afford an attorney even at a modest price. She will likely have to represent herself against her abuser” (p. 10).

5. Carolyn Copps Hartley, Ph.D., Lynette M. Renner, Ph.D. *The Longer-Term Influence of Civil Legal Services on Battered Women (2016)*, Technical Report for the National Institute of Justice Office of Justice Programs, U.S. Department of Justice, available at <https://www.ncjrs.gov/pdffiles1/nij/grants/249879.pdf>

This research, funded by a National Institute of Justice Office of Justice Programs grant, examines the key outcomes of civil legal services on female victims of IPV. Panel data was collected from 85 women who experienced intimate partner violence and received free civil legal services from Iowa Legal Aid (ILA). The researchers compared the women’s results to examine how the provision of family law services and civil protective orders influences revictimization, psychological well-being and economic self-sufficiency over time. From Waves 1 to 3, women experienced a decrease in physical violence, stalking, and symptoms of depression and PTSD. Women also reported increased family resources and income and decreased financial difficulty and assistance resources used. Increased empowerment was associated with improved levels of psychological well-being and economic self-sufficiency.

- “On average, women reported substantially less physical violence between Waves 1 and 2, and this decrease held over to Waves 3 through 5. Women also reported a significant decrease in emotional/verbal abuse and stalking behaviors between Wave 1 and Wave 3...[I]t appears that civil legal services for both family law cases and protective orders have a similar effect on women’s reported revictimization over time.” (p. 78)
- “Women’s economic situation improved from Wave 1 to Wave 3. Between Waves 1 and 3, women reported a statistically significant increase in the adequacy of their family resources as measured by the total FRS. Women also reported a decrease in difficulty living on their current income, an increase in monthly income, and a decrease in the number of assistance resources used.” (p. 79)
- “The results also show that the quality of the attorney-client relationship is highly correlated with women’s empowerment, particularly at later time points.” (p. 79)
- “... it appears that women’s increases in empowerment have substantial gain on their later mental health, resilience, and financial stability but are unrelated to their revictimization.” (p. 80)
- “Civil legal services can most directly address economic self-sufficiency in two ways: by increasing income and decreasing economic liability.” (p. 85)

- “Although civil legal services would appear to provide significant assistance in addressing the radiating impact of IPV, one potential barrier pertains to a woman’s access to assistance of counsel in civil cases.” (p. 86)

6. Institute for Policy Integrity, *Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence* (July 2015), available at <http://policyintegrity.org/documents/SupportingSurvivors.pdf>

This report assesses the economic benefits of providing civil legal assistance to domestic violence survivors by examining the underlying transaction between an attorney and her client. They find that “civil legal assistance might indeed be cost-benefit justified. Civil legal services improve the likelihood that women will be able to obtain protective orders from courts, which is a significant factor in reducing rates of domestic violence. ... Increased funding to enhance the availability of civil legal services to low-income families can lower the societal costs of domestic violence, generating substantial economic benefits” (p. 1). The Institute for Policy Integrity assesses economic benefits that come with providing legal services to DV survivors and the related costs of such programs. This report received funding from the MacArthur Foundation. The Institute for Policy Integrity is a think tank within NYU Law.

Methodology:

This report presents a comprehensive overview of previous cost-benefit analyses about providing civil legal services to survivors of domestic violence to see if civil legal assistance is cost-benefit justified.

Highlights:

- “The economic status of an individual woman affects her likelihood of being in an abusive relationship. Being poor dramatically increases a woman’s chances of being abused. One analysis of data collected by the Department of Justice’s Bureau of Justice Statistics showed that women in the lowest income households experience seven times the rate of abuse suffered by women in the highest income households. ... Likewise, women who experience food and housing insecurity experience a significantly higher incidence of rape, physical violence, or stalking by an intimate partner” (p. 4).
- When programs and services offer options outside of the abusive relationship, women are more able to leave the abusive relationship: “Economic models of domestic violence predict an inverse relationship between rates of domestic violence and the scope of women’s alternatives outside of their relationships. That is, as battered women’s economic opportunities improve, they are better able to exit violent relationships” (p. 5).
- “83 percent of victims represented by an attorney successfully obtained a protective order, as compared to just 32 percent of victims without an attorney” (p. 7). Another study in Wisconsin found “that the likelihood of receiving a protective order against an abuser jumped from 55 percent to 69 percent when the victim was represented by counsel” (p. 8).
- Using data from the CDC, they write: “Each year, violence perpetrated by intimate partners generates costs in excess of \$9.05 billion” (p. 11). \$6.4 billion of this is due to healthcare costs from assault.
- Legal aid saves states money in terms of: 1) fewer criminal justice interventions, like less 911 calls, the costs of investigators, the costs of feeding, clothing, and housing those incarcerated, and the cost of prosecuting; 2) reducing the costs of social services related to DV like reduced homelessness; and 3) reduction of the externalities imposed on children.

7. Mary A. Kernic, *Final Report of the Impact of Legal Representation on Child Custody Decisions Among Families with a History of Intimate Partner Violence Study*, A report submitted to the Department of Justice (2015), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/248886.pdf>

This study, funded with a grant by the National Institute of Justice, tested whether legal representation of DV victim in child custody decisions leads to greater protections and visitation decisions when compared to those who are not represented. Kernic, a professor at the University of Washington, found that when individuals were represented legal aid attorneys, in comparison to those who did not have legal representation but who qualified for legal aid, the DV victim was 85 percent more likely to have denied visitation to the abusing parent and 77 percent more likely to have restrictions placed on the abusing parent's visitation (if granted at all). This study was funded with a grant by the National Institute of Justice, Office of Justice Programs, US Department of Justice.

Methodology:

Kernic conducted a retrospective cohort study among couples who filed for divorce within King County, Washington. She compared those who had a legal aid attorney, privately retained attorney, or no legal representation with nearest neighbor propensity score matching.

Highlights:

- “Attorney representation, particularly representation by legal aid attorneys with expertise in IPV cases, resulted in greater protections being awarded to IPV victims and their children. Improved access of IPV victims to legal representation, particularly by attorneys with expertise in IPV, is indicated” (p. 4).
- Using propensity score matching, the study sample matched 91 cases in which the DV victim had a legal aid attorney and 168 did not have legal representation. The study also matched 524 cases when the DV victim had a private attorney and 538 cases when the DV victim did not have representation.
- “Cases in which the IPV victim parent received legal aid attorney representation were 85% more likely to have visitation denied to the IPV-abusing parent, ... 77% more likely to have restrictions or conditions placed on the IPV-abusing parent's child visitation among the subset of cases in which the IPV-abusing parent was awarded visitation, ... 47% more likely to have treatment or program completion ordered for the IPV-abusing parent, ... and 46% more likely to have sole decision-making awarded to the IPV victim parent relative to unrepresented comparison group cases after adjustment for confounding factor” (p. 41-42).
- “Cases in which the IPV victim parent received private attorney representation were 63% more likely to have supervision of the IPV abusing parent's child visitation ordered by the court and 36% more likely to have treatment or program completion ordered by the court relative to unrepresented comparison group cases after adjustment for confounding factors” (p. 7).

8. Social & Economic Sciences Research Center, Washington State University, *Civil Legal Problems Experienced by Victims of Domestic Violence and Sexual Assault in Washington State: Findings from 2014 Civil Legal Needs Study Update* (2014), available at <http://ocla.wa.gov/wp-content/uploads/2015/07/DV-victims-report-for-OCLA-07-05-2015-Final.pdf>

Moore and Gertseva of the Social and Economic Sciences Research Center at Washington State University conducted a state-wide, address-based probability survey of low-income respondents and a non-probability survey of those who were likely to be underrepresented in the probability survey. They found that of surveyed domestic violence and sexual assault victims, 75 percent of them reported one legal problem and all of them experienced at least one problem in the surveyed problem areas. DV

survivors had an average of 19.69 problems per household, compared to 9.3 problems for general low-income Washingtonians. These legal needs were often familial (custody, divorce, child support). Domestic violence and sexual assault survivors also reported more experiences with discrimination.

Methodology:

They conducted a web, mail and phone state-wide probability survey of low-income residents and augmented this with a non-probability survey of specific groups, which includes domestic violence survivors.

Highlights:

- “Consistent with the findings for the overall respondents, the majority (62%) of victims of domestic violence who got legal help were able to gain some resolution of their legal problem. Seventeen percent (17%) were able to completely resolve their problems with legal help” (p. 3).
- Domestic violence and sexual assault victims “have disproportionately higher levels of legal problems than members of the general low-income population in each category of substantive legal problems including family, health care, consumer-financing, municipal services, rental housing, and employment. The vast majority (81%) were aware of their legal problems and the same percentage were adversely affected by legal problems, including 44% who were severely affected by problems they reported” (p. 7).
- The identified problem areas, after family-related issues, which affected all of the domestic violence and sexual assault victims, “health care (67.6%), consumer-financing (66.7%), municipal services (62%), rental housing (61%), employment (60.4%), and access to government assistance (59.4%)” were the next highest reported problem areas (p. 7).
- “DV/SA victims reported an aggregate total of 3,446 separate legal problems in areas identified in the survey instrument with an average of 19.69 legal problems per household/respondent. This is 2 times higher than an average of 9.3 problems per household/year documented for the general low-income population of Washington” (p. 7)
- “DV/SA victims were almost 2.45 times more likely to be affected by problems associated with child support (23% versus 10%), 4.28 times more likely to have problems related to paternity (12% versus 2.8%), and 5 times more likely to have problems with adoption (16% versus 3%) than the entire low-income population in Washington” (p. 8).

9. Liz Elwart et al., *Increasing Access to Restraining Orders for Low-Income Victims of Domestic Violence: A Cost-Benefit Analysis of the Proposed Domestic Abuse Grant Program*. Prepared for the State Bar Association of Wisconsin (December 2006), available at <http://legalaidresearch.org/wp-content/uploads/Research-Increasing-Access-to-REstraining-Order-for-Low-Income-Victims-of-DV-A-Cost-Benefit-Analysis-of-the-Proposed-Domestic-Abuse-Grant-Program.pdf>

Elwart and colleagues propose expanding the state-sponsored grants available to legal service providers in Wisconsin and recruit more private attorneys to take on pro bono DV cases. They estimate that increasing the Department of Health and Family Services' Domestic Abuse Grant Program by \$1 million would increase the number of victims they could help by 20 percent and improve training for judges, attorneys, and advocates. They conducted a Monte Carlo analysis with 10,000 random trials and extrapolated with this increased \$1 million funding that the net benefit to increasing the state's funding of domestic violence service providers would be \$9.1 million, with minimum benefits at \$800,000 and maximum benefits at \$27.3 million.

Methodology:

They estimated the number of female victims, the percentage of incidents perpetrated by intimate partners, the percent of women in Wisconsin abused by intimate partners, percentage who are low-income, and percentage involving physical or sexual assault. They also used an imputation method to estimate the number of restraining orders sought and observed injunction hearings. A more detailed analysis of the methodology can be found in the appendices.

Highlights:

- “A 2005 report from DAIS [Domestic Abuse Intervention Services in Dane County] indicates that the agency employed just two legal advocates but received over 1,400 requests for legal assistance, forcing many to navigate the restraining order process on their own” (p. 2).
- “In 2003, for example, requests for restraining orders in Dane County were granted approximately 55 percent of the time. With the aid of a legal advocate provided by DAIS, however, that number increased to 69 percent” (p. 2)
- They find that because victims experience difficulty representing themselves and are often unable to or cannot obtain a restraining order against their abuser, they experience increased costs of medical care and productivity loss.
- “Our research indicated that comprehensive services— mental health counseling, counseling for the abuser, and access to a lawyer for custody or divorce hearings—are imperative to reversing the damage of domestic violence. Although provision of these services would certainly be more costly, they would likely increase the effectiveness of restraining order” (p. 20).

10. Nicole E. Allen et al., *Battered Women’s Multitude of Needs: Evidence Supporting the Need for Comprehensive Advocacy*, 10 *Violence Against Women* 1015 (2004), available at <https://doi.org/10.1177/1077801204267658>

Allen and colleagues conducted a cluster analysis and found that DV victims present three groups of needs: those related to housing, education and employment, and legal issues. They found that of those leaving a domestic violence shelter, 59 percent reported unmet legal needs. This research was funded by a grant from the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention. The authors are psychologists and teach at the university level.

Methodology:

They interviewed participants within the first week of leaving a shelter program. After the first interview, some of those involved were randomly selected to work with an advocate. They compared the effect of the advocacy intervention between those who received the service and those who did not.

Highlights:

- “For women who had children, 67% indicated they needed to address child care issues, and 68% indicated they wanted to address other issues related to their children” (p. 1023).
- When rated on a scale of need, the need for legal assistance was the second highest, only after the need for material goods (p. 1024).
- The need for legal assistance often overlapped with other needs, such as child care. “For example, one subgroup of women was particularly focused on legal assistance, however these women were also engaged in activities to address housing needs and child-related issues. Similarly, women in the education/employment group also indicated they were working on financial and health care issues. It appears, then, that even when women had extremely pressing needs in one domain of their lives (e.g., legal, housing), they were likely to be” (p. 1029).
- The study shows that legal issues overlap with other legal needs: “Most all battered women focus on legal services or criminal justice intervention. Of the sample, 59% noted working on legal

issues, and for at least some of these women, the legal problem was not directly related to the prosecution of the assailant or to obtaining a protection order. Rather, women were fighting landlords, getting divorced, working out custody and visitation, or dealing with other legal concerns” (p. 1030).

11. Amy Farmer & Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 *Contemporary Economic Policy* 158 (2003), available at <https://doi.org/10.1093/cep/byg002>

Domestic violence decreased in the 1990s. Using survey data from the National Crime Victimization Survey and the Federal Information Processing Standard codes to individualize the data, they identify three factors for the decrease of domestic violence in the 1990s: “(1) the increased provision of legal services for victims of intimate partner abuse, (2) improvements in women’s economic status, and (3) demographic trends, most notably the aging of the population” (p. 158). Both authors are economists.

Methodology:

They used data from the Area-Identified National Crime Victimization Survey between 1992-98 and used the National Directory of Domestic Violence Programs to create a spreadsheet of the existence and number of programs providing services in each county. They used these data sets to examine the determinants of those who report abuse.

Highlights:

- “Because legal services help women with practical matters (such as protective orders, custody, and child support) they appear to actually present women with real, long-term alternatives to their relationships” (p. 164).
- “Women living in counties with shelters, hot-lines, safe homes, emergency transportation, programs for batterers, children’s programs, and counseling are not significantly less likely to be victims of intimate partner abuse than women who live in counties without these services. However, women who live in counties with legal assistance programs to help battered women are significantly less likely to report abuse” (p. 164).
- “For legal services to contribute to the decline in domestic violence in 1990s, the provision of legal services for battered women must have increased over this time period. According to the 1986 National Directory of Domestic Violence Programs, in 1986 there were 336 legal services programs serving victims of domestic violence. By 1994, the number increased to 1190 programs nation-wide, an increase of 254%! Between 1994 and 2000, the number of legal programs for battered women increased to 1441 programs” (p. 167).

12. Ronet Bachman, Heather Zaykowski, Rachel Kallmyer, Margarita Poteyeva, Christina Lanier Joseph H. Stauss et al., (2008) *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known*, available at <https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf>

This study, funded by the National Institute of Justice, Office of Justice Programs, and U.S. Department of Justice, summarizes the epidemiology of violence against American Indian and Alaska Native women and the criminal justice response to violence. It reviews several datasets and surveys to identify key issues and barriers related to assault, dating violence, stalking and other forms of victimization among AI/AN women. The study also highlights the prevalence and potential effectiveness of grants and federal programs (such as the STOP VAIW Program) that can help survivors navigate complex civil and criminal justice systems.

Methodology: The study employed data from the National Crime Victimization Survey (NCVS), police reports, the National Violence Against Women survey and other national and local studies to summarize various forms of violence against AI/AN women.

Highlights:

- “An analysis of the National Crime Victimization Survey (NCVS) reveals that rates of rape and other sexual assaults are higher for American Indian and Alaska Native women compared to both African American and white women. Rape and sexual assaults against all women regardless of race were more likely to be committed known offenders.” (p. 6)
- “National annual incidence rates and lifetime prevalence rates for physical assaults are also higher for American Indian and Alaska Native women compared to other women.” (p. 6)
- “Although tribal governments do not have jurisdiction to prosecute non-American Indian and Alaska Native offenders in criminal courts, they do have authority to enact civil orders against them, including Personal Protection Orders (PPOs). PPOs provide injunctive relief for petitioners who seek to use legal remedies to end threatening behavior, cease contact with another individual, or to alter custody arrangements.” (p. 9)
- “...[T]he variety of orders and accompanying legal punishments and the understanding of the intent of the order vary by each State and tribal government, creating significant barriers to the enforcement of ‘Full Faith and Credit.’” (p. 9)
- “One of the most significant and long-running initiatives administered specifically for American Indian and Alaska Native communities has been the Services-Training-Officers-Prosecutors (STOP) Violence Against Indian Women (VAIW) program.” (p. 134)
- “American Indian and Alaska Native tribal governments and tribal associations may also apply for funding under the Legal Assistance for Victims Grant Program. This initiative is designed to improve civil and criminal legal assistance for victims of domestic and dating violence, as well as sexual assault and stalking.” (p. 136)