



How to reduce domestic violence with legal assistance

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We just recognized Domestic Violence Awareness month as a nation, but you wouldn't know it from the headlines streaming in.

After Cleveland Browns quarterback Johnny Manziel repeatedly smashed his girlfriend's head against a window in October, the NFL recently announced that the star player won't face any disciplinary action. It's yet another high-profile example of how our culture sanctions domestic violence and a sign of how we're still failing to keep everyone in our communities safe.

Will we do any better in 2016—or will their own homes be the most dangerous place for American women next year, too?

The numbers are startling: Approximately 1.3 million women are physically assaulted by an intimate partner in the U.S. every year. Every day, three women die because of domestic violence. It's a life-or-death matter that requires urgent attention.

The causes of domestic violence are complex, and there is no single policy or program that can prevent it from happening. But there is one critical—and long overdue—step we can take that we know makes a great deal of difference in the lives of survivors: ensuring they have access to legal help, regardless of their ability to pay.

People are surprised when they learn that domestic violence survivors aren't guaranteed a lawyer. Only a small fraction of domestic violence incidents lead to criminal prosecutions, and while abusers facing criminal charges have a right to an attorney, survivors seeking protective orders or full custody of children are not, because these matters are considered civil.

Despite the high stakes, survivors who can't afford an attorney must face complicated legal challenges on their own. Without legal help, they often lose, making it impossible to escape dangerous situations and move forward with their lives.

Research shows that increasing access to civil legal aid is one of the most effective strategies to curb rates of domestic violence. A recent report from the Institute for Policy Integrity explains how legal advocacy can reduce domestic violence substantially—even more than access to shelters or counseling services—as much as 21 percent according to one study.

But how exactly does civil legal aid reduce domestic violence?

Legal help makes it easier for survivors to secure protective orders. While some offenders may be arrested and face criminal charges, most aren't, and the best available remedy for survivors is often a protective order from a civil court.

Getting a protective order in court from an abuser can be difficult or close to impossible if you're on your own, even though it can save lives. One study found that only 32 percent of survivors were able to get a protective order without an attorney, compared to 83 percent of survivors represented by an attorney who were able to get one.

Beyond securing protective orders, legal assistance can give survivors of abuse a second chance by providing the resources for them to leave their abusers and forge new, safe, and stable lives for themselves and their children. This is no easy task—abusers often maintain control over survivors' finances and even children. But we know that help from a legal aid lawyer can empower women to sever these damaging bonds and secure housing, public benefits, or much-needed spousal support, all of which require successfully navigating civil proceedings.

According to a new study by the Washington State Supreme Court, low-income survivors of abuse are twice as likely as other low-income people to experience critical civil challenges—including issues around child custody, health, or consumer finance. Civil legal aid provides survivors with the tools to get their lives back on track and gain independence.

Unfortunately, we simply don't put enough resources towards civil legal aid to support all survivors of domestic violence. According to the most recent census of the National Network to End Domestic Violence, barely half of domestic violence programs are able to provide an advocate to accompany domestic violence survivors to court, and only 11 percent of programs can offer legal representation.

We often think of emergency shelters and counseling services as an important resource for survivors of domestic violence to get back on their feet. But without legal assistance for survivors to deal with the critical issues involved in domestic violence, shelters and counseling are only stopgap measures that can't solve the underlying problem.

It's hard to overstate the difference we can make in the lives of survivors by providing them with the right resources. Take Theresa, a mother of six children. When her husband became abusive, she and her children had nowhere to go. She had no car, no job, and no money. But with the help of Iowa Legal Aid, she was able to break her abuser's hold over her—securing a dissolution of marriage and primary custody of her kids—and start a new life. With the spousal support Iowa Legal Aid secured for her, Theresa was able to finish her college degree and get a job as a teacher that allows her to provide for her family.

Civil legal aid organizations across the country have created innovative programs that reduce barriers for survivors to obtain legal help when they need it. Legal Aid of North Carolina, prosecutors, and local law enforcement joined together to create the Victims' Justice Center, a single place where survivors can report their crimes to police and receive the counsel of an attorney, so that they understand their options and can immediately take action.

Other civil legal aid programs are developing creative partnerships with court systems. Mid-Minnesota Legal Aid launched a promising pilot program in Stearns County that has produced the nation's first domestic violence court for repeat offenders. Impressively, there hasn't been a single intimate partner homicide in the county since the project began. Among survivors of repeated domestic violence offenses who received help through the program, 50 percent successfully left their abusers within a year.

We can and should do better by survivors of domestic violence, especially when the stakes are so high. Greater investment in civil legal aid would allow more people to improve their lives and escape dangerous situations. We might finally see this national epidemic begin to retreat, rather than continue to claim lives and hold back our communities.

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