

Civil Legal Aid & Family Safety



1,708

victims served by Indiana domestic violence programs on one day - 9/17/2013

85 million

Navigant's projection of the amount of money saved by NY State in current annual costs associated with incidents of domestic violence by the provision of civil legal aid services

90%

of government safety net programs go to the elderly, disabled, and working poor

After suffering a stroke, "Barbara" spent six months recovering in a hospital. Her niece and only close relative spent those six months using her power of attorney to sell Barbara's mobile home, car, and pre-paid burial plot. She even had Barbara's dog euthanized. When Barbara was released, it was her volunteer attorney who was able to ensure she was protected in the future from such abuse, and who helped her recover some of her belongings.

Civil legal services help to build and maintain a safety net in situations of violence and threat to family safety.

In New York State, in a 2010 study by Navigant consulting firm, they concluded: "Direct and indirect costs of nearly \$85 million are being incurred annually by intimate partner violence victims who could benefit from access to civil legal services but otherwise cannot afford them..."

For example, "Susan" is a victim of domestic violence. By providing her with legal help immediately after she received her protective order, she was able to maintain her apartment, forcing her abuser to leave and allowing her to collect child support. Without civil legal aid services, Susan would have ended up in a shelter with no avenue to get a divorce, support, or avoid an eviction on her record. The cost to Susan, and to society, would have been immeasurable.

What is civil legal aid?

"Civil legal aid is free legal assistance to low- and middle-income people who have civil legal problems. These problems are non-criminal; rather, civil legal aid helps people access basic necessities such as healthcare, housing, government benefits, employment and educational services. Civil legal aid is provided free of charge by nonprofit legal aid organizations, 'pro bono' volunteers (attorneys, law students and paralegals), law schools, court-based services such as self-help centers, and online technologies such as document assembly and legal information websites." -U.S. Dept of Justice Access to Justice Initiative

FAMILY SAFETY ISSUES IN BRIEF JUNE 2015

What is Civil Legal Aid?	1
Getting Involved	2-3
Learning More	4



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UNDERSTANDING CIVIL LEGAL AID & FAMILY SAFETY

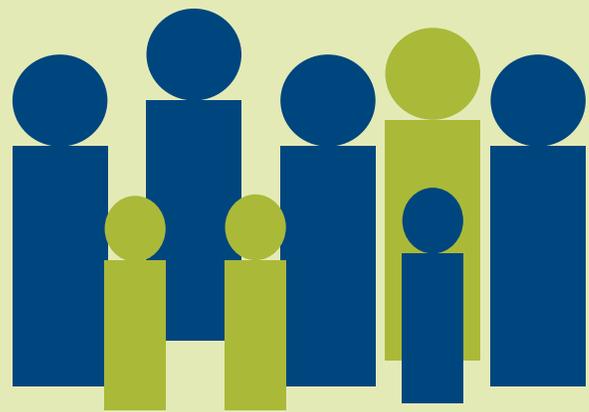


How does civil legal aid help with family safety issues?

Civil legal aid takes the form of paid legal aid lawyers, volunteer (*pro bono*) attorneys, law school and community legal clinics, or access to important legal information and forms. One great need for people dealing with family safety issues is legal triage. When faced with a significant threat, civil legal assistance can help parties to understand whether they need a lawyer to represent them, one who can offer discrete or short-term advice and assistance, or one who can direct them to the right legal information and court forms, such as orders of protection.

Civil legal assistance helps preserve family safety by:

- Addressing domestic violence, stalking, harassment, elder abuse (including financial manipulation), child abuse, and neglect issues when they arise.
- Obtaining and enforcing an order of protection for immediate safety.
- Assisting with longer-term protection and self-sufficiency for families moving away from violent situations, including divorce, paternity conflicts, and custody battles.
- Helping people know their rights.
- Supporting people in privacy when they feel they have nowhere else to turn.



“Civil legal aid assures fairness for all in the justice system, regardless of how much money you have.”

-Lake Research Partners and The Tarrance Group, commissioned by the Public Welfare Foundation and Voices for Civil Justice.

COMMUNITY IMPLICATIONS:



WHAT FOUNDATIONS CAN DO:

Identify grant programs that could have improved outcomes by adding civil legal aid partners. As you review applications, look for issues that have legal aspects (family issues, domestic violence, employment, guardianships, evictions, mold abatement, etc.).

Provide general support for legal aid groups that support your community.

Partner with funders creatively, perhaps using existing grants or funding priorities, to develop targeted programs to address family safety issues.

Encourage your grantees to partner with civil legal aid providers to develop special programs (for example, "Adopt-a-Grandparent" programs, or funding home visits).

Grantmakers interested in learning more about the value of civil legal aid to support systemic change in social services: please contact the Indiana Bar Foundation (msmith@inbf.org) or 317-269-2415). The Foundation and its staff can provide guidance, introductions to local and statewide providers, and general technical assistance.

While shelters, hotlines, and similar services help domestic violence victims in the short term, **the only public service that reduces domestic abuse in the long term is women's access to legal assistance.**

-Economic Professors Amy Farmer and Jill Tiefenthaler, Contemporary Economic Policy, Volume 21, Issue, 2, April 2003

LEARNING MORE

ADDITIONAL RESOURCES

INDIANA RESOURCES

Indiana Legal Services Justice Center (<http://www.indianalegalservices.org>)

Indiana Coalition Against Domestic Violence (<http://www.icadv.org>)

Indiana Pro Bono Commission website (<http://www.in.gov/judiciary/probono>)

“Unequal Access to Justice: A Comprehensive Study of the Civil Legal Needs of the Poor in Indiana,” Indiana Legal Services, Inc., the Indiana Bar Foundation, and the Pro Bono Committee of the Indiana State Bar Association, 2008 (<http://www.indianalegalservices.org/node/679/report-unequal-access-justice#sthash.6r3GJHfR.dpuf>)

“2013 Domestic Violence Counts: A 24-Hour Census of Domestic Violence Shelters and Services” Indiana Summary (<http://www.icadvinc.org/wp-content/uploads/2010/07/2013-Domestic-Violence-Counts-Indiana-summary.pdf>).

“Expanding Civil Legal Aid: Strategies for Communications with Lawyers,” Lake Research Partners and the Tarrance Group, commissioned by the Public Welfare Foundation and Voices for Civil Justice, 2014 (<http://legalaidresearch.org/pub/1621/expanding-civil-legal-aid-strategies-branding-communications/>).

“Explaining the Recent Decline in Domestic Violence,” Amy Farmer and Jill Tiefenthaler, Contemporary Economic Policy, Volume 21, Issue 2, April 2003 (<http://onlinelibrary.wiley.com/doi/10.1093/cep/byg002/abstract>).

“Investing in Justice: Strengthening Communities: How Everyone in Missouri Benefits from Funding for Legal Aid,” Missouri Legal Aid Network, 2009 (<http://legalaidresearch.org/pub/3700/investing-justice-strengthening-communities-everyone-missouri-benefits-funding-legal-aid/>).

“The Legal Need in Arizona,” The Arizona Bar Foundation, Community Legal Services, DNA Legal Services, Southern Arizona Legal Aid, William E. Morris, January 2013 (<https://www.azflse.org/download.cfm?filename=2013%20The%20Legal%20Need%20of%20Arizona&type=pdf&loc=azflse>).

“U.S. Department of Justice Access to Justice Initiative,” April 2014 (<http://www.justice.gov/atj/legalaid>).

“Report to the Chief Judge of the State of New York,” Task Force to Expand Access to Civil Legal Services in New York, 2014, 2013, 2012, and 2011 reports (<http://www.nycourts.gov/ip/access-civil-legal-services/#>).