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LEGAL EXPERIENCES OF WOMEN SURVIVORS OF DOMESTIC VIOLENCE:  
A NEED FOR POLICIES THAT ADDRESS THE JUSTICE GAP

A Dissertation Presented

by

KIMBERLY A. PUHALA

Submitted to the Office of Graduate Studies,  
University of Massachusetts Boston,  
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

June 2011

Ph.D. Program in Public Policy

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## ABSTRACT

### LEGAL EXPERIENCES OF WOMEN SURVIVORS OF DOMESTIC VIOLENCE: A NEED FOR POLICIES THAT ADDRESS THE JUSTICE GAP

June 2011

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The problems associated with the civil legal system for women who have experienced domestic violence have been persistent over time and still exist today. The current sociopolitical context in this state frames access to civil legal services either through a means-tested (and underfunded) program (Civil Legal Assistance) or as a privately purchased market service. This leaves a limited amount of low- or no-cost alternatives, which creates a gap in services for those women whose income is too high to qualify for Civil Legal Assistance programs, yet too low to afford to hire a private attorney. This study examines this two-tiered system, and reveals that the alternative to full Civil Legal Assistance or individually purchased full-scale legal representation for

women who fall into the services gap is a system that is confusing, faces a lack of coordination, and may lead to less than optimal outcomes in civil legal cases related to domestic violence. This study explores the workings of this system from the perspective of the women using it and the service providers within it. Through surveys of 18 women seeking civil legal assistance and 11 interviews with legal services advocates and providers, this research identifies the areas that remain problematic for women who experience domestic violence and turn to the civil legal services for help.

By placing this study within the theoretical framework of feminist legal theory, and in particular dominance theory, some insight is shed on the potential public policy remedies that should be sought to address the problems associated with civil legal services. Dominance theory firmly asserts that gender inequality is the root of the problem of domestic violence, and that the historical legacy of patriarchy has created and sustained gender inequality in the social and legal institutions in our society. It is clear from my results that women face many barriers when attempting to access civil legal remedies for domestic violence, and that the process involved in utilizing civil legal services suffers from a consistent and pervasive lack of resources to address the problems and a lack of service coordination, which inhibit a woman's ability to gain the services she needs to resolve issues around domestic violence. It is also clear that there are benefits that ensue from having access to high quality civil legal services, and that public policy should be utilized to address the gap in justice that women face. Dominance theory indicates that the resolution of some of these problems must come from an examination and a restructuring of the civil legal system.

Three public policy implications of my research are explored. First, I examine the possibility of expanding the use of specialized courts, such as the Domestic Violence court that operates in Dorchester, Massachusetts. This approach represents a restructuring of the legal system to address the specific issue of domestic violence. Next, I examine the role that community-based organizations play and the possibility of gaining operational efficiencies that will close the service gap. Last, I examine ways in which the gap in services and justice can be narrowed through policies that will increase the amount of resources available to address the problem. This study also provides a framework for future research on the intersection of law and domestic violence.

## ACKNOWLEDGEMENTS

This work would not have been possible without the financial support from the Massachusetts Legal Assistance Corporation (MLAC). Patricia Swansey, Program Director, was essential in both advocating for the importance of this project and in securing funding for this project. In addition, the University of Massachusetts Boston Doctoral Dissertation Grant provided the financial support for this dissertation work that allowed me to hire a translator and to conduct several interviews in Spanish. I would not have been able to incorporate the experiences and the voices of Spanish-speaking women into this study without the assistance of my translator, Virtudes Espinosa.

I am extremely grateful to the women who participated in this study and were willing to share their stories of abuse and their experiences with the civil legal services they received. These women took time out of their busy lives to relate their stories, and verified the need for expansion of civil legal services to other women who may be facing similar situations. Their selflessness in assisting with this study and their desire to help others made this study possible.

I would also like to thank the staff at the participating agencies for the opportunity they gave me to learn more about their organizations and for the ability to interact with their clients. The most difficult aspect of this study was gaining access to women who would be willing to relate their experiences. This work could not have been completed without the generosity of the directors of the different agencies, their belief in the



importance of this work, and the trust they granted to me by allowing me to approach their clients.

Randy Albelda, the chair of my dissertation committee, provided excellent leadership and guidance to me throughout the dissertation process. Her belief in my ability to do anything I set my mind to served as a motivational mantra during the writing process. I would also like to thank the members of my dissertation committee for their time and thoughtful comments on my work, from start to finish.

I could not have persisted through the eight years of this journey without the love and assistance of my family. My wife was steadfast in her support, her words of encouragement, and her belief that I would complete this project. She encouraged me to keep going when I wanted to quit, she was crucial in listening to me develop ideas and providing feedback on those ideas, and she provided excellent editorial comments on my written work. This process would not have been possible without her. Last, but certainly not least, I would like to thank my mother, who provided an endless amount of emotional support, provided funding for this project in a number of indirect ways, and who I hope will be proud to call me “Doctor”.

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## CHAPTER 1

### INTRODUCTION

This study examines how women utilize civil legal services to solve some of the problems that arise from their relationships that involve domestic violence. I begin by providing some background information on domestic violence, including an overview of public policies that have been enacted on the national and state level to address the problem of domestic violence. I then examine the research in the field of legal theory and the social sciences to gain an understanding of how legal services and domestic violence intersect within a specific sociopolitical context. I then turn to an examination of the literature on three important and problematic areas for women utilizing civil legal services for domestic violence: issues of access to the system, issues in the process of utilization of civil legal services, and the outcomes associated with the receipt of civil legal services. My study explores women's use of and experience with the civil legal system in Massachusetts. Women who utilized community-based civil legal services and providers are interviewed for their perspectives on the issues related to access, process, and outcomes of civil legal services. Results of the study indicate that there are still significant barriers for women who try to access the civil legal system in Massachusetts, particularly for the women in this study, whose income was too high to qualify for free Civil Legal Assistance programs yet too low to enable them to afford to hire a private attorney. The women in this study fell into a gap in services, and the process that these

particular women go through when utilizing civil legal services provided by community based organizations is complicated and disorganized. I then explore the potential ways in which public policy solutions can be crafted to address the problems that this study identifies.

## Background

Domestic violence crosses many policy areas, and the responsibility for the creation and implementation of public policy related to curbing domestic violence is housed in a variety of political institutions on both the national and state level. Domestic violence is framed as a public problem, and dealing with the consequences of this problem requires a considerable amount of interaction between victims of domestic violence and the public institutions and systems that provide resources to these victims. Political institutions involved with dealing with the issue of domestic violence in public policy include the criminal justice system (courts, police, jails, and criminal legal services), social services (welfare, the Department of Children and Families, shelters for abused women, and community mental health centers), the workforce development system (employers and welfare-to-work programs), and state legislatures (broad-based policy initiatives and funding). Over the past 50 years, there have been extensive reform efforts related to domestic violence, but one area that has not been as extensively studied regarding remedies is in the area of legal assistance for civil issues related to domestic violence.

A woman's needs for legal services in civil matters related to domestic violence are very high. One popular civil remedy for women who have been abused is the protection order (also referred to as a restraining order). Protection orders are issued by



the court and allow the woman to order the abuser to stay away from her, to leave the house, to continue financial support of her and her children, and to define terms of custody and visitation on a temporary basis (Ehrlich, 2005; Lerman, & Cahn, 2000). Another provision of the protection order is that the abuser can be ordered to pay for expenses related to injury, property damage, and attorney's fees related to the abuse (Ehrlich, 2005; Lerman, & Cahn, 2000). Civil legal assistance, and in particular the protection order, is an important resource that helps a woman disentangle herself from the abusive relationship and enhance her personal safety. The process of obtaining a protection order has been designed to be "user-friendly" for women who have been in violent relationships, in that a lawyer is not required in order to get a protection order issued. However, having a lawyer assist with the process can lead to better outcomes (Lerman, & Cahn, 2000). Women who are leaving an abusive relationship also need to address other civil legal issues, such as the need to negotiate the terms of divorce or separation agreements, child custody and visitation, alimony and child support, and monetary compensation for physical injuries (Lerman, & Cahn, 2000).

In the United States, there is the recognition that the criminal justice system is so complex that navigating this system necessitates an attorney, a professional trained in and responsible for upholding an individual's rights as they move through the system. Those who are facing criminal prosecution yet cannot afford an attorney have a right to receive legal representation free of charge, which is guaranteed in the 6th amendment of the Constitution (Rhode, 2004). In 1963, a case before the U.S. Supreme Court, *Gideon v. Wainwright* (372 U.S. 335), established that the courts had to appoint counsel in criminal cases (Boston Bar Association Task Force on Expanding the Civil Right to Counsel

[BBA], 2008; Rhode, 2004; Schuyler, 2008). On the other hand, poor and low-income people who need help with non-criminal legal proceedings are not guaranteed a right to an attorney (Houseman, 2005; Rhode, 2004). In *Lassiter v. Department of Social Services*, the Supreme Court ruled that there is no inherent right to a court-appointed lawyer in a civil case (Rhode, 2004; Schuyler, 2008). Despite the fact that there is no right to counsel in civil cases, one study found that 79% of people nationally believe that there is a civil right to counsel in the United States (Schuyler, 2008).

Historically, private charities in the form of legal aid societies were the first group that took responsibility for providing legal assistance to specific vulnerable groups of people that they saw as their target population, the deserving poor (Rhode, 2004). Reform movements of the 1960's and 1970's were successful in expanding legal aid by framing legal aid as a public responsibility, and in 1974, Congress established and federally funded the Legal Services Corporation to address the needs of low income people requiring civil legal assistance (Rhode, 2004). A backlash under President Reagan in the 1980's resulted in a cut of 1/3 of the budget of the Legal Services Corporation, in addition to Congress placing limitations on the types of cases that could be accepted (Rhode, 2004). In the 1990's, there was an increase in state funding for legal services, and recently, the Obama administration has prioritized federal civil legal assistance again, with an emphasis on increases in federal funding (Houseman, 2009). Clearly, the provision of civil legal assistance is not a right, and is susceptible to the ebb and flow of political influences.

While there have been attempts to provide civil legal services for women in poverty, there are very few alternatives for women whose income is too high to qualify

for Civil Legal Assistance programs but too low to afford purchasing legal services. An examination of the rates of nonfatal domestic violence by income levels by the Bureau of Justice Statistics (2007) indicates that while domestic violence rates are highest for women whose household income is less than \$7,500 a year (approximately 13 per 1,000 persons aged 12 or older), there is still a high rate of domestic violence for women that fall into other income brackets. The rate is approximately 6 per 1,000 for women who have a household income between \$7,500 and \$24,999, 5 per 1,000 for women with a household income between \$25,000 and \$49,999 and 2 per 1,000 for women with a household income above \$49,999. Qualification for Civil Legal Assistance programs is restricted to women with household incomes within 125% of the federal poverty level, which for 2011 is \$23,163 for a household of three (assuming one woman with two children). While it is difficult to directly correlate income levels associated with rates of domestic violence to the qualifying income for Civil Legal Assistance because details about the number of people in the household is not provided, it is likely that the majority of those who qualify for Civil Legal Assistance would be in the two categories of household income falling below \$25,000. Those that fall into the service gap would most likely come from households with incomes between \$25,000 and \$49,999. According to the United States Census Bureau (n.d.), 43% of the 902,260, or 387,972 full-time year round female workers aged 16 or older have incomes between \$25,000 and \$49,999. Applying the rate of 5 per 1,000 to the income distribution in Massachusetts provided by the census bureau, there would be approximately 1,940 women who potentially fall into the service gap in Massachusetts on an annual basis. In addition, this number is an underestimate because it does not account women who work part time.

Evidence of the justice gap is also presented in a study by the Legal Services Corporation (2009), which notes that there has been an increase in self-represented litigants in recent years, and that most of those people are self-represented because they cannot afford to hire an attorney. The report also indicates that self-represented litigants face poorer outcomes of cases and create inefficiencies in court proceedings because they don't understand how the system operates (LSC, 2009). Evidence from various states show that this problem is particularly acute for domestic violence and family court cases. For example, in New Hampshire, in domestic violence cases presenting the district court, 97% of cases had at least one pro se party (LSC, 2009). In Massachusetts Probate and Family Court, which handles issues related to domestic violence, this figure is 80% (LSC, 2009). In addition, the LSC (2009) study reported the top reasons that respondents indicated that they did not get the help of an attorney. A total of 56% of respondents in New Jersey, 26% in Illinois, 22% in Washington, 21% in Utah, and 19% in Montana indicated that the reason they did not get an attorney was because they could not afford one or were worried about the cost (LSC, 2009).

In addition, given the limited funding for Civil Legal Assistance programs, many income-eligible women are turned away. The Massachusetts Legal Assistance Corporation (MLAC), the agency that oversees the Civil Legal Services programs in the state, reports that more than half of the clients who are eligible for services are turned away due to a lack of resources on the part of legal aid programs (MLAC, n.d.c). MLAC's Battered Women's Legal Assistance Project (BWLAP), which is specifically targeted to address the civil legal needs of victims of domestic violence, serves approximately 3,000 women per year. Therefore, approximately 1,500 women a year

who qualify to receive services in MLAC's Battered Women's Legal Assistance project do not get those services because there is not enough funding available for the program (MLAC, n.d.e.). Women who are turned away from services have few options given their low incomes. These women's restricted options for alternative sources of legal help, coupled with their financial dependence upon their abuser, place them at greater risk for continued abuse.

### National and State Public Policy Remedies

On the national level, the Violence Against Women Act (VAWA) is the major piece of legislation that addresses the issues related to the various forms of violence that are perpetrated against women. VAWA was passed in 1994, and reauthorized in 2000 and 2005, and provides funding for a wide range of services to women who have experienced domestic violence (National Coalition Against Domestic Violence [NCADV], 2006; Siskin, 2001). Assistance available under VAWA include, among other things, funding for shelter services and transitional housing for victims, arrest policies, anti-stalking policies, training for police, prosecutors, judges, court personnel, and health services providers, funding for the National Domestic Violence Hotline, and special provisions to protect immigrant women who have experienced domestic violence (Ehrlich, 2005; NCADV, 2006; Siskin, 2001). In addition, there is a growing recognition of the importance of providing legal services to women who have experienced domestic violence.

The original 1994 VAWA did not provide funding for civil legal services, but currently it does (NCADV, 2006; Siskin, 2001). Under VAWA, there has been a steady increase in the amount of funding set aside specifically for civil legal services. In 1998,

\$12 million was appropriated, which was increased to \$23 million in 1999, and \$28 million in 2000 (NCADV, 2006). The reauthorization in 2000 provided for \$40 million per year from 2001-2005, and the 2005 reauthorization increased that amount to \$65 million for 2006-2011 (NCADV, 2006). Despite the increased funding for legal services on the national level that was enacted in VAWA, many women who experience domestic violence still face a number of barriers to getting adequate civil legal representation.

There are also remedies in place on the state level, which is the level of focus for this research study. Recognizing the needs for civil legal services and that the high cost of obtaining private counsel precluded low-income survivors from obtaining legal aid, the state legislature in Massachusetts created the Massachusetts Legal Assistance Corporation (MLAC) in 1983. (Massachusetts Legal Assistance Corporation [MLAC], n.d.a). The mission of MLAC is to provide funding to a variety of agencies that provide free legal services to the poor, and MLAC is the largest funder of such agencies in the state (MLAC, n.d.a). In fiscal year 2010, the Massachusetts state legislature cut the appropriation for MLAC from \$11 million to \$9.5 million (MLAC, n.d.a). Prior to the cuts, MLAC reported that more than half of the clients who are eligible for services are turned away due to a lack of resources on the part of legal aid programs in Massachusetts (MLAC, n.d.c). MLAC requested that no further cuts be made to the FY11 budget, and on June 30<sup>th</sup>, 2010, the Governor signed the state budget which resulted in no cuts to the MLAC budget (MLAC, n.d.d).

The other major source of funding for MLAC is the Interest on Lawyers Trust Accounts (IOLTA) funds (MLAC, n.d.d). IOLTA funds are generated on the interest accrued when funds are collected from clients and held by the attorney for short periods

of time (MLAC, n.d.d). In FY08, MLAC received 40% of its funding from the IOLTA accounts (MLAC, 2009). Due to the economic situation in the United States since FY08, interest rates have dropped significantly, and the money generated by IOLTA accounts has decreased by 63% (MLAC, n.d.a). In FY09, the money from IOLTA funds only made up 17% of MLAC's revenues (MLAC, 2010). The loss in IOLTA funds, together with the cut in funding by the state, has forced MLAC to reduce funding to its programs by 54%, which has resulted in attorney and staff layoffs and furloughs, and the postponement of hiring of staff for vacant positions (MLAC, n.d.a). These cuts are also coinciding with an increase in requests for legal aid services (MLAC, n.d.a).

MLAC specifically addresses the need for Civil Legal Assistance for women who have experienced domestic violence. An important component of MLAC is the Battered Women's Legal Assistance Project (BWLAP), designed specifically to provide free Civil Legal Assistance to low-income women who are survivors of domestic violence (MLAC, n.d.b). The BWLAP program provides a range of Civil Legal Assistance, including full legal representation, to low-income women survivors of domestic violence in cases involving divorce, custody, child support, and visitation. The BWLAP program operates out of nine programs that are located throughout the state, and typically serves between 2,500 and 3,000 clients a year (MLAC, n.d.b). Recently, funding levels for the BWLAP program fell by approximately \$400,000, from \$2.8 million in fiscal year 2009 (MLAC, 2010) to \$2.4 million in fiscal year 2010 (MLAC, n.d.e).

#### Problem Statement

Despite the public policies that have been put into place to assist women in accessing civil legal services for domestic violence issues, there is still a persistent

inability to meet the service needs of these women. The Massachusetts legislature kept a level amount of funding for MLAC in fiscal year 2011, yet there is an increased need for services and a drop in revenue from other sources such as IOLTA, coupled with the already continuous need to turn away women who meet the income eligibility requirements. In addition, the BWLAP program only serves low-income women. Women who make too much money to meet the eligibility requirements, but are still unable to afford private attorneys, are not entitled to receive comprehensive Civil Legal Assistance at no cost. The alternatives to no cost Civil Legal Assistance include community based programs and services such as pro bono assistance, Lawyer of the Day programs in the courts, and legal clinics run by community organizations and law schools. To date, very little research has been conducted that examines how women access this alternative system, what the process of using this alternative system is like, or the outcomes that are related to the use of the variety of community based services. My research begins to examine these issues of access, process, and outcomes in order to fill that gap in the research.

### Research Plan

The current study examines the use of legal services by women who have experienced domestic violence in the state of Massachusetts and have fallen into the gap of having too much income to qualify for Civil Legal Assistance programs yet having too little income to afford to purchase the services of an attorney. Given the difficulty in obtaining enough funding to provide Civil Legal Assistance to all women who need it, and the high cost of hiring private attorneys, the focus of this research became “What happens to the women who don’t access and utilize the services provided by the BWLAP



program and have to look elsewhere to find services for their civil legal needs?” I further refined the research questions as follows:

1. What is the experience of women who have been in abusive relationships, who fell into the service gap, and who utilized legal services provided in community settings?
2. What do professionals in the field of legal services (legal advocates, lawyers providing services, and representatives of the court) see as the advantages and/or disadvantages of legal representation for women survivors of domestic violence?
3. What changes should be implemented on the policy level to improve the provision of civil legal services to women who experience domestic violence in Massachusetts and fall into this service gap?

As I began studying the answers to these three questions, three themes emerged. Women spoke about their problems with accessing the civil legal system and the complications involved in utilizing the civil legal system (process). In addition, I began to question whether there were different outcomes based on the type of services received or the type of provider that the women utilized. These three themes became the central organizing framework for this dissertation.

### Study Significance

The current sociopolitical context in which the civil legal system operates frames civil legal services as either a means-tested and underfunded program (Civil Legal Assistance) or as a privately purchased market service, with a limited amount of low- or no-cost alternatives. This two-tiered approach of the civil legal system introduces a gap in both service and access to justice that needs to be addressed. A significant aspect of my study is the examination of this two-tiered system, and the revelation that the only

low-cost alternative to full Civil Legal Assistance is a system that is confusing, faces a lack of coordination, and may negatively impact a woman's outcome in her civil legal case related to domestic violence. This study exposes the workings of this system from the perspective of the women utilizing the system and the service providers who work within this system.

The problems associated with civil legal services for women who have experienced domestic violence have been persistent over time and still exist today. This research identifies two areas that remain problematic for women who experience domestic violence and turn to the civil legal system for help. First, women face multiple barriers when attempting to access civil legal services, and second, if and when they are able to access services, they find a confusing patchwork of services offered by a variety of different agencies and types of providers. Women may go from service provider to service provider before their needs are met, or they may leave the system during this process and not get the help they need. In addition, this study argues that civil legal services are a necessary component of a solution to the problems a woman faces in a relationship marked by domestic violence, but that the system today fails to provide a sufficient amount of resources to meet her legal needs.

This study explores the ways in which public policy can be utilized to solve some of the problems related to the gap in justice that is created by the gap in civil legal services. I argue that the complex problems that exist in the civil legal system require a comprehensive and holistic policy approach to solve these problems. This study lends evidence to the argument that a comprehensive solution to this problem requires that the structure and function of the civil legal system be altered to better serve women survivors

of domestic violence who fall into this service gap. Three public policy implications of my research are explored. First, I examine the possibility of expanding the use of specialized courts, such as the Domestic Violence court that operates in Dorchester, Massachusetts. This approach represents a re-structuring of the legal system to address the specific issue of domestic violence. Next, I examine the role that community-based organizations play and the possibility of gaining operational efficiencies that will close the service gap. Last, I examine ways in which the gap in services and justice can be narrowed through policies that will increase the amount of resources available to address the problem. This study also provides a framework for future research on the intersection of law and domestic violence.

#### Overview of Chapters

Chapter 2 begins with a review of the literature regarding theories about the interaction between law and policy. I examine feminist theories and several approaches to examining the role of law in women's lives. This theoretical context focuses on placing domestic violence within a context of a sociocultural atmosphere of gender inequality and male power and dominance. I then turn to a review of the literature on access to civil legal services, women's experiences with the process of utilizing civil legal services, and the outcomes of the provision of legal services as they relate to domestic violence cases. Next, I review the additional barriers that are faced by non-U.S. born victims of domestic violence. The literature review ends with an examination of methodology used by other researchers who have conducted studies with women who have experienced domestic violence.

Chapter 3 outlines the methodology used in designing the present study, including subject selection, selection of participating institutions, the measures used in the study, and the study procedures. Next, I review the analytical methods applied to the current study, including both qualitative procedures and quantitative procedures. Last, I discuss the methodological issues and limitations of my study.

Next, I present the results of my study. Chapter 4 examines the barriers to accessing the civil legal services system. Chapter 4 analyzes the barriers from both the perspective of the women who are attempting to utilize the system and those who provide services to these women. This chapter also examines the additional barriers faced by the small subset of non-U.S. born women who participated in this study. Chapter 5 analyzes the women's experiences with the process of utilizing civil legal services and the benefits and improvements that are suggested, and a preliminary examination of the outcomes of civil legal services are presented in Chapter 6.

Chapter 7 turns to an analysis of the policy implications of this study and the future directions that policy should move toward to address some of the problems that remain for women who have faced domestic violence and are utilizing the civil legal system in Massachusetts, followed by the study conclusions.

#### Study Definitions

The following definitions apply to terms used in this research study:

##### 1). Civil legal services

For the purposes of this study, I use the term civil legal services to describe the broad category of services that assist women with their civil legal needs. More specifically, in this study, I use civil legal services to include any service that addresses a

woman's civil legal needs in domestic violence cases. Examples of such services include Lawyer of the Day programs in local courts, legal advocacy from non-lawyers who are provided through domestic violence shelters or service programs, help from pro bono lawyers, the use of private attorneys, the use of student lawyers from area university law programs or clinics, self representation (see 'pro se' representation, below) and/or the use of state-funded legal services programs.

## 2). Civil Legal Assistance

Civil Legal Assistance refers to a specific type of legal service program that is income-based and provided through an agency funded by the Massachusetts Legal Assistance Corporation (MLAC) and participates in their Battered Women's Legal Assistance Program (BWLAP). These include two of the agencies utilized by women in this project, Greater Boston Legal Services, who receives direct funding for the BWLAP program, and Neighborhood Legal Services, who subgrants BWLAP funding to Merrimack Valley Legal Services.

## 3). 'pro se' representation

"Pro se" refers to self-representation, when a woman does not have any form of legal representation from lawyers or advocates.

## 4). Domestic Violence

For this study, women self-identified as victims of domestic violence, and psychological violence was included in this self-definition. I was interested in limiting the study to the examination of women who face abuse that is initiated by male partners, as this was the most appropriate group to study within the theoretical framework I utilized, which placed domestic violence within a feminist framework of male power and

control over women, and also included psychological violence. The overall study sample was verified as having experienced domestic violence through analysis of their scores on the CTS2 scale, a standardized, validated scale for measuring the extent and severity of domestic violence. In addition, all the women in this study were seeking services from and were accepted as clients at agencies that provide services to victims of domestic violence. During interviews with the women, their situations were found to be consistent with the definitions of abuse as found in Massachusetts General Law 209A, which defines abuse as: “a) attempting to cause or causing physical harm, b) placing another in fear of imminent serious physical harm, and c) causing another to involuntarily engage in sexual relations by force, threat, or duress” and applies to current or former spouses, boyfriends, and those who have children in common with the victim.

5). Protective order (referred to as a PO; also, Restraining order or RO)

As defined in Massachusetts General Law 209A, an order that allows a victim of abuse at the hands of their family or household member to obtain protection against that abuse. Remedies include an order to stop the abuse and to make further abuse a criminal act, an order that restricts contact between the parties, an order for the abusive party to vacate the shared residential premises, an order for the abusive party to surrender any firearms, to obtain mandated treatment, and to pay temporary child support. In addition, custody and visitation can be awarded on a temporary basis if the two parties have children in common. Temporary orders are issued for a period of 10 days, after which the defendant must be notified of the order and is given the opportunity to appear in court to present his side of the story. At that trial, the plaintiff can request an extension of the order for up to one year.

## CHAPTER 2

### LITERATURE REVIEW

Major policies have been developed to support women who have experienced violence at the hands of their intimate partners, largely as a result of social movements and their efforts to use law to shape public policy and to advocate for policy changes that redefine how the law conceptualizes certain social problems (Schneider, 2000). Historically, the law framed women as property of their husbands, and supported a male's right to control his wife with physical force if necessary (Miles, 2001; Schneider, 2000). Over time, through the work of activists in the early women's movement, women fought to be redefined as worthy of individual rights, which led to changes in both law and policy (Schneider, 2000). In the mid-1800's, women gained the right to vote and to own property, which indirectly changed the legal system's framing of women as property (Miles, 2001; Schneider, 2000). By the 1870's, using physical force against one's wife was seen as a criminal act, and by the end of the 1800's, was illegal in the majority of states (Miles, 2001; Schneider, 2000). The later women's movement in the 1970's and 1980's sought to create new definitions of domestic violence, and to frame domestic violence as a public, rather than private, problem (Schneider, 2000). By changing specific laws related to domestic violence, such as mandatory arrest laws and the laws around protection orders, women's rights were redefined to include the right to live free

from violence (Schneider, 2000). It is this interrelationship between law and policy that underlies my work.

There are many areas where civil law is invoked as a solution to the public problem of domestic violence. Civil laws that impact women experiencing domestic violence include laws created to address a woman's immediate safety needs, such as mandatory arrest laws and laws defining the parameters of civil protection orders. In addition, there are laws that address the long-term needs of women experiencing domestic violence. Civil law in the areas of divorce, child support, child custody, and visitation impact a woman's ability to disentangle herself from a relationship marked by violence, and also help her define the parameters of acceptable interactions with her abuser when interaction is impossible to avoid, such as when the couple has children together. Legal theorists, social scientists, and political activists have each applied their unique lens to these laws and have interpreted these laws in the context of domestic violence. The field of public policy is an interdisciplinary field that looks to each of these different expert's perspectives in order to define public problems and formulate solutions to those problems. It is for this reason that public policy is uniquely positioned to address the problem of domestic violence where it intersects with the law within the context of a public and social problem.

For the research questions I chose to examine, and in order to examine public policy solutions to domestic violence where it intersects with civil law, it is necessary to draw upon two major fields of literature. First, I look to the literature on legal theory, in order to understand how different legal theories would frame the issue of domestic violence. This is important in order to begin to understand how the assumptions that are



built into different legal theories may impact the interpretation of the causes of and solutions to domestic violence. It is for this reason that I chose to focus on critical legal theory, and more specifically, feminist jurisprudence, which challenges the traditional interpretations of the law and frames domestic violence in terms of gender inequality and male dominance and control. Examining the literature in this context moved me toward looking at women's experiences, rather than the more traditional approach to resolving issues of domestic violence with legal solutions that are aimed at punitive measures for the male abuser in the context of the criminal legal system (Goodman & Epstein, 2005). Also, being able to clearly delineate a causal theory of domestic violence will enable me to better identify appropriate public policy solutions.

The second body of literature that I examine is the social science literature on the interaction between the law and domestic violence. It is within this field that there emerge the beginnings of research studies that examine the impact of the law on women who experience domestic violence. This research, more specifically, reveals information on domestic violence victim's access to the legal system, what the process of utilizing the civil legal system is like for these women, and what outcomes they experience after utilizing the civil legal system. By examining areas of access, process, and outcomes in the social science literature, I can see what research has been conducted thus far, and where my study adds to this body of work. I realized that research into issues of access, process, and outcomes is in its infancy, and that my work illuminates some of these issues and adds the lived experiences of women and providers of services to benchmark where we are today in terms of these three issues. This is especially of interest to me as I examine the real world experiences of women and providers who are living and working

in Massachusetts, a state that is at the forefront of civil legal reform. The social science literature also allows me to examine the public policy solutions that have been applied to date, and illuminates some of the issues that still need to be resolved.

### Theoretical Framework

The theoretical frameworks that I chose to utilize for this project are all based on the idea that the law is defined within a sociopolitical context, and the practice of law is both shaped by past social and political structures yet also determines future social and political structures. (McCann, 1994; Miles, 2001; Schneider, 2000). I focus mainly on the body of literature surrounding feminist jurisprudence, an area of law developed by feminist scholars that frames legal issues in terms of the gendered power structures that exist in society and the institutions that uphold those power structures (Bowman & Schneider, 1998; Miles, 2001; Scales, 2006). There are four main approaches of feminist legal theory (Bowman & Schneider, 1998). The first approach, formal equality theory, has its roots in liberal political theory and is based on the idea that men and women are equal and should therefore be treated equally under the law (Bowman & Schneider, 1998; Scales, 2006). This approach is helpful for areas such as sex discrimination, where an argument of equality would allow access to institutions (Bowman & Schneider, 1998). However, this approach has been criticized because it fails to account for problems that are experienced mainly by women, like domestic violence (Bowman & Schneider, 1998; Scales, 2006). In addition, this approach fails to address the problems women face after gaining access to an institution, that result from social structures and societal institutions that have the legacy of being shaped in an atmosphere where gender inequality exists (Bowman & Schneider, 1998; Scales, 2006).

The second approach in feminist legal theory, cultural feminism, focuses on the differences between the genders and the unique perspectives and strengths that are afforded by the woman's perspective (Bowman & Schneider, 1998). Theorists such as Carol Gilligan defined this approach and suggested that the qualities that are considered to be feminine are devalued, while those that are deemed masculine are overvalued (Bowman & Schneider, 1998). For example, the argument might be presented that males are more focused on rights arguments within the legal system, while women prefer a viewpoint that encompasses all the relational aspects of a dispute (Bowman & Schneider, 1998). Problems ensuing from the cultural feminist perspective include the fact that policies derived under this approach require special accommodations for the group that is considered the minority, and that these policies are subject to criticism that they are inherently unequal (Bowman & Schneider, 1998). An example is the arguments that have been used against affirmative action lawsuits, including the introduction of claims of reverse discrimination (Stone, 2002).

The third approach, and the one that I rely on most for this research study, is dominance theory. The development of dominance theory is attributed to the feminist legal scholar Catherine MacKinnon, and focuses on examining how rules are created and from whose values they are structured, suggesting that the dominant group creates institutions in their own likeness and to the advantage of their own group (Bowman & Schneider, 1998; Scales, 2006). Dominance theory relies on examining the social structures that were developed by dominant groups, and requires an "...historical, contextual analysis of whose subjectivity has been relatively unfettered and whose has been systematically restrained." (Scales, 2006, p. 109). Dominance theory figures

prominently in analyses of domestic violence because it opens up the discussion to include societal structures and institutions that were formed under and are sustained by a system of patriarchy (Bowman & Schneider, 1998). This perspective sees domestic violence as inevitable until there are systematic changes in the structures and a relinquishing of some power by the dominant groups (Scales, 2006).

The fourth approach, post-modern feminism, criticizes dominance theory as being too limited to the category of gender, and strives to incorporate more perspectives on the issue, such as inequalities that result from race or socioeconomic status (Bowman & Schneider, 1998; Scales, 2006). Attributed to the legal scholars such as Angela P. Harris, Kimberlè Crenshaw, and Paulette Caldwell, post-modern theory argues that the category of woman is socially constructed (Bowman & Schneider, 1998). In addition, post-modernists argue that feminist theory was constructed from the perspective of white, middle class women to the exclusion of other groups, such as women of other races, immigrants, or poor women (Bowman & Schneider, 1998). While I begin to examine some of the factors related to women who were born outside the United States, this was not the main perspective of my work. Therefore, post-modern treatments are useful as I examine the barriers faced by non-US born women, but are not the main theoretical positions that I rely upon. I view dominance theory as the main theoretical position because domestic violence is first and foremost an issue of gender inequality, which overshadows both racial and socioeconomic inequalities.

Other components of feminist analysis of the law include framing domestic violence as a public issue that requires public solutions, rather than a private problem which requires individual solutions (Miles, 2001; Schneider, 2000). The feminist

approach argues that civil legal system remedies assist in defining domestic violence as a public concern by creating public sanctions against violent behavior (Goodman & Epstein, 2005; Miles, 2001). In addition, the focus on the civil legal system, rather than the criminal legal system, shifts the purview of solutions toward the victim and the remedies she needs, and away from punitive measures of the criminal justice system which are aimed at the offender (Goodman & Epstein, 2005; Miles, 2001). Feminist theory argues that this shift to the women's experience of the legal system and its remedies is the next essential step in the development and revision of public policy solutions that aim to help women (Goodman & Epstein, 2005; Jordan, 2004).

My work relies heavily on the theoretical framework of domestic violence that Elizabeth M. Schneider (2000), developed and is grounded in the "dialectical interrelationship between rights and politics" (p.34). Schneider's framework is based in dominance theory and the idea that gender inequalities are institutionalized in our social and political structures (Schneider, 2000). Schneider (2000) defines her framework as follows:

Legal argumentation and theory emerges from political experience and articulation; this legal theory in turn serves to refine and sharpen political insights and to clarify tensions in the political struggle; the political struggle is reassessed in light of the legal theory; and political insight goes on to reshape legal theory. The process continues. (pp.33-34)

Central to her idea is that the law can be used strategically to advance the goals of social movements, in general, and more specifically, the goals of the battered women's movement, which cast a formerly 'private' phenomena into the realm of public discourse

(Schneider, 2000) By using the law in this way, the law becomes a strategic extension of the more global rights movement, both impacting how the individual victim conceptualizes her own rights and defining a broader rights framework for those women who have experienced violence at the hands of her partner (Schneider, 2000). Schneider (2000) writes,

The assertion of rights claims and the use of rights discourse help women to overcome the pervasive sense of privatization and personal blame that has perpetuated women's subordination in public and private spheres alike.

(p.40)

In addition, an element of Schneider's (2000) theory is that law works on many dimensions, which are not necessarily tied to the direct outcomes achieved in legal cases.

Schneider (2000) writes,

First there is its concrete and material impact – the actual effect it has on people's lives. Then there is its symbolic level – the role that law plays in expressing, embodying, and shaping social messages. Law must also be understood as having a role in constructing social and cultural life and producing cultural meanings and identities.... (p.37)

In sum, the role of the law for women who have experienced domestic violence serves both to gain tangible outcomes that help her survive independently from the abuser, and also to frame the rights of women in a larger cultural and political context.

However, Schneider (2000) also recognizes that the relationship between law and policy does not necessarily lead to direct change in a linear fashion, nor does it necessarily always have positive outcomes. According to Schneider (2000), the tensions

expressed by this interplay of law, policy, and culture represents a struggle that advances women's rights but also is subject to resistance, backlash, and unintended consequences.

Schneider (2000) writes:

So while new laws can be vehicles for changing social attitudes, the persistence of these very social attitudes can impair the meaningful implementation of legal reforms. (p.189)

Schneider (2000) exemplifies her point by examining the advantages and disadvantages of a mandatory arrest policy for domestic violence, which forces police officers who respond to calls involving domestic violence to arrest the batterer whether or not the victim wants to press charges. Schneider (2000) argues that while mandatory arrest policies criminalize domestic violence and creates a public message that domestic violence is not tolerated, mandatory arrest policies can also be criticized for denying a woman the ability to make her own decisions regarding her relationship. A law that was advocated for in order to enhance the state's protection of women in domestic violence situations may end up reinforcing gender discrimination by denying a woman agency in determining how to handle her specific situation, thus reinforcing the idea that women are inferior and need protection (Goodman & Epstein, 2005; Schneider, 2000). Schneider (2000) cautions that on a grander scale:

Lawmaking and the assertion of rights must be understood as part of a larger process of change; a political struggle may be so fixed on lawmaking, rights discourse, or winning rights in courts that it will not move beyond rights and will paralyze political debate and growth. (p. 37)

For the purposes of this project, the main theoretical underpinning is that the law is a tool that can be used to initiate social and political change, and it matters to individuals in its ability to both define rights and to obtain specific outcomes. In addition, the strategic use of the law can lead to a redefinition of social norms about violence. However, the law is not so powerful that it can be the only solution to a complex social problem like domestic violence (Schneider, 2000; McCann, 1994).

Another major premise underlying Schneider's (2000) work which I draw upon for this study is the idea that domestic violence needs to be framed within the context of gender inequality. Schneider (2000) suggests that this framework has been lost in recent debates about domestic violence, and comments on the importance of reviving this framework.

The identification of intimate violence...as gendered, as affecting women's freedom, citizenship, and autonomy, and as fundamental to women's equality, revives the core precept of the battered women's movement that generated the past twenty-five years of important legal work on battering (p. 197)

It is for this reason that I chose to focus this study on a group of women who had experienced domestic violence with their male intimate partners, and to predominantly focus on dominance theory as the main theoretical underpinning in my work. Dominance theory is an appropriate framework for examining the importance of women's experiences as they attempt to access and utilize the civil legal system that is historically created by males to address male needs (Bowman & Schneider, 1998; Scales, 2006). I also purposely chose not to study male victims of female abusers, and victims and



abusers who were of the same sex, either female or male, as there may be different gender dynamics at play when these groups access and use the civil legal system.

I also draw on the work of Michael W. McCann (1994) who further examined the strategic use of law within social and political movements. McCann (1994) theorizes that the law is used in different ways during different stages in the development of a social movement and identifies four stages in a social movement. The first stage is the early development of the social movement, during which time goals focus on increasing membership, raising political awareness, and gathering resources (McCann, 1994). The second stage is when the social movement is defining the principles of change and working to get formal policy changes in place (McCann, 1994). The next stage is when different policy constituents are fighting for control over policy reform and how the policy changes will be carried out (McCann, 1994). The last stage is what McCann (1994) terms the “transformative legacy of legal action.” (p.11). This fourth stage, McCann (1994) argues, represents the next step in a social movement, after the practical implications of the policy changes have been realized. This stage occurs after some moderate policy changes have been implemented and the movement is setting the stage for further development of new rights claims and the application of broader principles of the social movement to other realms (McCann, 1994).

I draw on McCann’s work about the stages of social movements in order to place what was initially termed the “battered women’s movement” in this fourth stage of development. The Violence Against Women Act (VAWA), which was originally passed in 1994 and then reauthorized in 2000 and 2005, squarely placed the movement in McCann’s third stage. In addition, new developments in theories of law and policy, such

as Schneider's (2000), focus on a deeper examination of policy outcomes and their meanings, and serve as a transition into McCann's (1994) fourth stage. By placing the "battered women's movement" in this context, insight is gained as to how law and policy should be utilized specifically for this stage of development. I argue that, within this context, according to McCann (1994), legal and policy solutions should now turn to focus on outlining the broader principles of the movement and to extend its rights claims

Arguments about civil legal assistance have begun to focus on a civil rights approach to the receipt of services. Kilpatrick (2004) argues that there are incentives to placing victim rights within the context of public policy. Violent crime has a large cost to society, which could be reduced if victims of crime receive access to services (Kilpatrick, 2004). Kilpatrick (2004) argues that providing services to victims in a timely fashion could reduce the impact of the crime on the victim, which would reduce subsequent costs to society. While Kilpatrick (2004) focuses on victims resulting from criminal cases, this argument is also relevant and could be extended to services related to civil remedies in the case of domestic violence. Also, in addition to decreasing costs by reducing the impact of the violence on the victim as Kilpatrick (2004) argues, services related to civil remedies could also reduce subsequent episodes of violence. For example, the receipt of high quality legal assistance by a woman who has experienced domestic violence may allow her to more quickly come to resolution about issues such as divorce or child custody and visitation, which would allow for fewer contentious interactions with the abuser, thus possibly decreasing the amount of abuse that is inflicted upon her. In addition, in the area of protection orders, legal assistance may allow a woman to get more protections than she is aware of without legal assistance, and may

also help her by mandating the abuser get treatment or relinquish any weapons he owns, also potentially preventing violent episodes.

There have also been efforts on the state level to examine domestic violence within a human rights context. A study on domestic violence and the family court system in Massachusetts conducted by Cuthbert et al. (2002) examined the impact of these courts on abused women. The authors outlined a framework for human rights and then interviewed 40 women, 31 advocates, and 16 state employees involved with experience in domestic violence and the family courts to determine whether or not there were human rights violations occurring in the Massachusetts family courts (Cuthbert et al., 2002). In addition to their other many findings of human rights violations, the authors argue that a lack of funding and resources to assist battered women in the family courts is a factor in denying due process to these women (Cuthbert et al., 2002). The study reveals that women who cannot afford to hire an attorney are at a distinct procedural disadvantage because they don't know their legal rights, the batterer may have ample financial resources to hire the best attorneys, to outspend the victim and gain more legal representation, and to manipulate the court system by filing ungrounded claims against the victim (Cuthbert et al., 2002). The lack of legal representation also puts the victim at greater risk of being manipulated by the abuser's lawyer into agreeing to custody and visitation agreements that are not in her or her children's best interest (Cuthbert et al., 2002).

Dominance theory, which is exemplified in the writings by Schneider (2000) and McCann (1994), views domestic violence as a public problem with its roots in gender inequality, and examines the use of law in different stages of social movements. I then

apply the lens of dominance theory to examine the interaction between the law and women who experience domestic violence. Three important areas emerge, including how women access civil legal services, the process women go through when utilizing civil legal services, and the outcomes of civil legal services in cases involving domestic violence.

Schneider's (2000) theory predicts that women who experience domestic violence and access the remedies available through the civil legal system will face barriers, specifically because this civil legal system was created by and is maintained within a system of male privilege. For example, Schneider's (2000) theory would assert that the roots of domestic violence are based in gender domination of females by males, which result from historical male privilege in the institutions of marriage and the economic structure of work. The idea of coverture in marriage created a system where a woman was considered the property of her husband with fewer rights than him, and the law originally sanctioned the use of force against one's wife. As women gained status in society, the social norms regarding the use of violence against one's wife began to change. Consequently, laws were challenged and changed based on the new definitions of gender-related crimes, which resulted in changes to the legal status quo and the legal system. Women then had to gain access to this new system, rather than simply benefit from a system that was originally tailored to their needs.

Dominance theory is also useful in explaining how the economic structure of work contributes to some of the problems women face in accessing the legal system. Historically, unpaid domestic labor was defined as "women's work", and women were responsible for duties in the private sphere, such as housecleaning, childrearing, and other

domestic chores. As men shifted to working outside the home for pay, women were dependent on their husbands for financial support. Women had to fight in order to gain access to the work system which enabled them to become economically independent from their spouses. Historically, there has always been a wage gap between men and women, with men earning more than women for comparable work. In addition, the legacy of the notion of the private sphere and “women’s work” has continued today, resulting in women still doing the majority of unpaid domestic work and having more responsibility for raising their children. Therefore, women have less financial resources than men, making them more vulnerable when it comes to being able to pay for legal services (Williams, 2000).

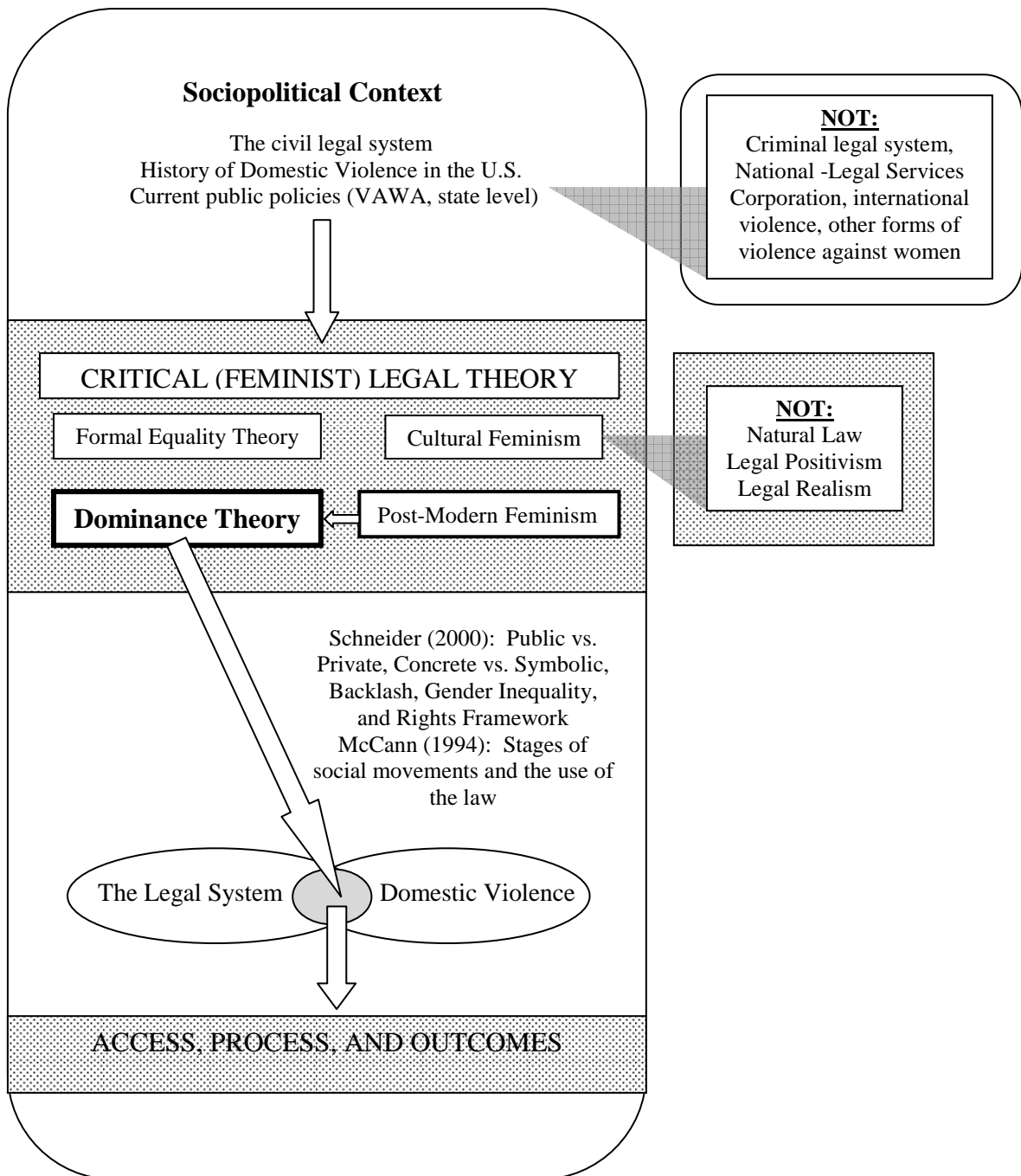
Dominance theory also highlights the importance of the woman’s perspective and “voice” in public policy solutions. Since the male perspective has been dominant and the female perspective has been restrained in terms of the historical legacy of the civil legal system (Scales, 2006), it is important to examine the current civil legal system from the perspective of the woman within a context of male dominance. Therefore, my study focuses on gathering data on the experience of women, from the women’s perspectives. The emphasis of this study is a qualitative analysis of the women’s experiences at the intersection of civil law and domestic violence, and the experiences of the service providers who assist them.

A theoretical model which integrates the above perspectives in order to examine the interaction between law and domestic violence is provided in Figure 1. By providing background information on the current state of civil law, domestic violence, and public

policy, I frame the sociopolitical context in which these areas operate today. I then apply a lens of critical legal theory based in the dominance theory of feminist jurisprudence.

Figure 1

Theoretical model



## Civil Legal Assistance: Problems with Access to Justice

The literature reveals three main areas where access to civil legal services is problematic. The first area is the need for legal services and supply and demand issues, which dominance theory would predict would result from the challenge to the legal status quo. The demand for civil legal services for domestic violence issues far outweighs the supply, creating a large pool of unmet need. A study by the American Bar Association in 1994 found that legal needs are not met for 80% of the cases involving low-income people (Derocher, 2008; Rhode, 2004) and 40-60% of the cases involving middle-income people (Rhode, 2004). The most recent study in Massachusetts on access to justice (Massachusetts Access to Justice Commission [MAJC], 2007) found that civil legal needs in the state far outweigh the ability to provide services. The study indicates that more than half the people who qualify for low-income legal assistance programs do not get the help they need because of inadequate funding of these programs (MAJC, 2007). The problem is not just apparent for low-income people, as moderate income people face difficulties getting adequate legal assistance, as well (MAJC, 2007). Women who have experienced domestic violence have access to trained legal advocates in less than half of the courts in the state (MAJC, 2007).

However, unmet need as a justification for the allocation of additional civil legal resources also faces some criticism as being too broad. First, all public policy responses to societal problems have an underlying assumption that scarce resources need to be carefully allocated (Prescott, 2010; Stone, 2002). There are a variety of ways in which policy can be analyzed in order to determine the best allocation of these scarce resources (Stone, 2002). Prescott (2010) argues that the best way to allocate civil legal assistance is

to analyze the costs and benefits of the program and select the one that maximizes the net benefits to society. The original goal of this research was to conduct such an analysis, but this was not possible due to limitations I faced in accessing the appropriate study population. However, Stone (2002) suggests that there are a variety of ways to frame public policy analysis, including examining issues of equity and efficiency. For this study, I turned to an analysis that focuses on issues of equity (which I refer to as access) and efficiency (which I refer to as process), within the feminist context of framing domestic violence as a gender-based human rights issue.

The second area is the lack of affordable alternatives for women to obtain help with civil legal matters, which dominance theory would predict due to the wage gap between men and women. While there is always the option to obtain a private attorney for civil matters, many people who need civil legal services are not able to access an attorney because they can't afford to hire one (Derocher, 2008; Rhode, 2004). Framing the affordability issue within dominance theory would suggest that women have a distinct economic disadvantage to men which has been maintained in society through such issues as lack of equal pay for equal work, barriers to advancement into higher levels within their profession, or conflicts in career advancement due to women's distinct role as primary caregiver to her children (Williams, 2000). One study in Arizona (Arizona Coalition Against Domestic Violence [AzCADV], 2003) indicated that only 37% of the women in the study had an attorney throughout the entire custody litigation process, and those women survivors of domestic violence who had attorneys for issues related to custody paid an average of \$34,109 (median \$19,400) to lawyers and accrued an average of \$3,612 (median \$2,500) in other legal costs. While some civil legal remedies, such as



protection orders, can be obtained without legal representation (termed ‘pro se’ representation), it is often helpful for a lawyer to be involved to ensure the best outcomes for the victim of domestic violence (Lerman, & Cahn, 2000), because the outcomes of these decisions can impact a woman and her children’s physical well-being and personal safety. One study found that in cases involving protection orders, only 33% of the plaintiffs had an attorney (Elwart, Emerson, Enders, Fumia, & Murphy, 2006). While courts can appoint a lawyer in a civil case if there is a concern that without an attorney the case would be unfair, this practice is rarely used (Rhode, 2004).

The third area is the lack of support services within the court system, such as childcare, which are more problematic for women than men. The Massachusetts Access to Justice Commission (2007) found that another area that impacts a woman’s ability to access justice in domestic violence cases is in the lack of support services within the courts. Women often have childcare responsibilities, and there are no childcare facilities in the courthouses. The Justice Commission (2007) also found that there is reluctance on the part of judges and other court employees to obtain sufficient training in the dynamics of domestic violence, which would increase their understanding of the barriers these women face. In addition, employees in the courts are able to assist women by directing them to the appropriate forms to fill out, but they are not allowed to offer legal advice (MAJC, 2007).

Leaders in the field of domestic violence have advocated for community-based solutions to the problem of lack of access to civil legal services. Options for women survivors of domestic violence that can’t afford attorneys include court-based “Lawyer of the Day” programs, obtaining pro bono legal services, utilizing legal hotlines for

informational purposes, and utilizing community-based abbreviated legal services (BBA, 2008, Houseman, 2005; MAJC, 2007). Some women also receive basic assistance in completing legal forms by clerks or other staff at the courthouse, although these employees are not allowed to provide counsel (MAJC, 2007). In addition, the three agencies I worked with for this study staffed legal advocates. According to agency staff, the role of the legal advocate is to provide information to clients about their legal rights and the legal process, to support the client in her decision-making, and to accompany the client to court. The legal advocate role does not provide legal representation, but can be helpful in explaining the legal process and providing support to the client. This study examines the use of these community-based alternatives from the perspective of the women who are utilizing them, and from the perspective of the providers of these services, an area that has not been studied previously.

#### Civil Legal Assistance: Process Issues

The civil legal system is complicated and not necessarily user-friendly to women who are utilizing this system to help them with problems related to domestic violence. Analyzing the civil legal process within the framework of dominance theory would explain that the reason for this is that the system was developed by males and incorporates a male perspective into every aspect of the system (Scharfran, 1993). For example, historically, women have not been involved in making laws until recently, when women entered the job market and took positions as lawyers, judges, and legislators (Scharfran, 1993). There are a number of other analyses that have been applied by feminist theorists to examine the underlying assumptions of the legal system and re-interpret them within a gender inequality framework (Scharfran, 1993). In addition, there

are a variety of studies that examine the different dimensions of the civil legal system in relation to issues around domestic violence, and have looked at the positive and negative aspects of the system, types of providers, and how the system can be manipulated by abusers (Cattaneo, Stuewig, Goodman, Kaltman & Dutton, 2007; Cuthbert, et al., 2002; Fuller, 2007; Houseman, 2005, Houseman, 2009; Richman, 2001; Sandefur, 2007; Schneider, 2000).

Research has shown that the legal system can have both positive and negative impacts for the women who choose to engage with it. Some positive aspects of utilizing the legal system include increasing the legitimacy of the woman's claims, increasing her power within the relationship, having a place where, in theory, she is treated equally to her abuser, and as a way of shifting the responsibility for the abuse away from herself and onto the abuser (Richman, 2001; Schneider, 2000). However, there is also evidence that the system can be detrimental to women. First, by engaging the legal system, a woman transfers power to the state in order to resolve the problem of domestic violence (Richman, 2001). In addition, actors within the system can be dismissive of the woman's experience, appear to be uncaring of her situation, or be biased against her (Cuthbert, et al., 2002; Fuller, 2007; Richman, 2001). Some have argued that these problems exist to such an extent that a woman is actually abused again when going through the legal system (Fuller, 2007). Dominance theory's aspects of framing the problem of domestic violence as an issue of gender inequality is useful for explaining both the positive and negative aspects of the use of the legal system. The positive aspects of utilizing the legal system result from women asserting themselves as equal players in the legal system, which results in their claims having equal weight to male claims. The negative aspects of

utilizing the legal system is explained by dominance theory's idea that social structures were built on and embody unequal gender relations so they need to be changed, and by Schneider's (2000) theory that there is an interplay of social norms and political change which keeps change from progressing in a strictly linear fashion.

There have also been studies that examine the ways in which women utilize the legal system, both in terms of women's help-seeking behaviors and the types of providers that are available to them. Women typically make contact with two different sources of formal help for each incident of abuse they experience (Gondolf, 1988 as cited in Cattaneo, et al., 2007). In addition, women often seek help many times during their process of extricating themselves from the abusive relationship (Cattaneo, et al., 2007). Women that are utilizing the legal system for help also use other support services, and utilization of these services coincide with their use of legal services, tending to increase and decrease proportionately to increases and decreases in the use of legal services (Cattaneo, et al., 2007). Research has also revealed that the civil legal system relies too heavily on the assistance by pro bono lawyers (Houseman, 2009; Sandefur, 2007). Pro bono services are vulnerable because there are professional guidelines but not mandates for the provision of pro bono services (MAJC, 2007). The amount of pro bono services provided tend to ebb and flow (Sandefur, 2007), and it is very difficult to accurately track the amount of pro bono work that is provided (Housemen, 2009).

Another area that can be problematic for victims of domestic violence utilizing the legal process and is consistent with dominant theory's idea that the legal system was created by males and serves their purposes is in how an abuser uses the system to their advantage. Abusers can manipulate the court system in a variety of ways in order to

make the process more complicated for women that are trying to utilize the system, and short of transforming the legal system, the best solution is usually employing the legal strategies of an experienced attorney. For example, abusers may repeatedly file motions with the intention of harassing the woman and straining her financial resources (Cuthbert, et al., 2002; Fuller, 2007). In addition, abusers may falsely accuse their ex-partner of different things, such as being drug addicts, in order to manipulate the custody process (Cuthbert, et al., 2002; Fuller, 2007). Abusers have also threatened to file or have filed for custody of the children for the purpose of manipulation the woman (Cuthbert, et al., 2002). In addition, abusers may repeatedly file for reductions in their child support payments or work under the table and not report their income in order to avoid paying child support (Cuthbert, et al., 2002).

#### Civil Legal Assistance: Outcome Studies

Several studies have documented the benefits of legal services or legal advocacy for survivors of domestic violence. Farmer and Tiefenthaler (2003) utilized the annual Area-Identified National Crime Victimization Survey (NCVS), housed in the Census Bureau and the Bureau of Justice Statistics, to examine factors that were related to the 21% decrease in domestic violence between 1993 and 1998 that was reported by the Department of Justice. The authors conducted a probit analysis to look at factors that influence an individual woman's likelihood of reporting that she was abused in the previous 6 months. The study sample included over 500,000 observations from the national database. The services of interest included hotlines, shelters (and number of beds), safe homes, counseling, emergency transport, rape counseling, programs for victims' children, programs for batterers, and legal services. In addition, the authors

included in the analysis the percentage of women in the workforce in the community in which she lives, and the ratio of women to men with college degrees in the community. The authors merged county-level data with individual-level data, suggesting that county-level data is a proxy for the status of women in the community and the economic alternatives that are available to women in abusive situations.

Farmer and Tiefenthaler (2003) found that the only county-level variables that impact a woman's report of abuse is the ratio of female to male college degrees, the number of legal services provided to abused women in the county, and AFDC payments. Farmer and Tiefenthaler (2003) reported that there were lower reports of abuse if there were a greater number of legal services provided in the county. There are also significant effects from the individual-level variables, such as demographic information, marital status, and number of children in the household. Women who are married and have children under the age of 18 are more likely to report abuse. The authors theorize that these women have fewer outside support systems to help them leave the relationship and are more dependent upon the relationship for their economic survival. The authors were able to explain 22% of the decrease in reports of domestic violence over this time period with their model. The authors concluded that the provision of legal services and increased economic power of women are long-term solutions to the problem of domestic violence, while services such as shelters and counseling are important short-term remedies to abused women.

There is also evidence that people who have advocates or attorneys during a hearing for a protection order also are more likely to have successful outcomes. Elwart, Emerson, Enders, Fumia, & Murphy (2006) examined the outcomes of protection order

hearings in 81 cases of domestic abuse and/or harassment. Overall, 50 (62%) of the cases resulted in the issuance of a protection order, 19 (23%) cases did not, and the remaining 15% were either dismissed or postponed (Elwart, et al., 2006). The authors then examined the success rate of obtaining a protection order when the plaintiff had an advocate or an attorney, and found that in 17 (74%) of the 23 cases where a plaintiff had an attorney, the plaintiff was able to successfully obtain a protection order (Elwart, et al., 2006). The study also found that defendants also benefit from utilizing an attorney. In cases where a protection order was not issued against a defendant, 34% of the defendants had an attorney, versus 10% in cases where the protection order was issued against the defendant (Elwart, et al., 2006).

Legal advocacy, or support and service received from program staff who aren't trained lawyers, can also lead to positive outcomes for women seeking civil legal remedies. Arlene Weisz (1999) conducted interviews with domestic violence survivors and focus groups with their legal advocates in a program in DuPage County, Illinois, to understand the benefits and limitations of legal advocacy. The advocates in this study performed a variety of services, including the following: 1) Outreach by contacting women after a police intervention at their house, 2) Providing information about the legal system and informing women about available counseling and advocacy services, 3) Assisting women with obtaining protection orders, and 4) Providing emotional support during legal proceedings. A total of 11 interviews were conducted with women who had been in abusive relationships and were seeking civil legal remedies. In addition, three focus groups were conducted with advocates, shelter workers, and other program staff.

Weisz (1999) found that legal advocates, through a supportive relationship and

the provision of information, are able to assist women in taking steps within the civil legal system to protect them from further abuse. For example, the women in this study expressed fear and uncertainty about the process and impact of obtaining a protection order. Advocates were able to provide them with information about the exact steps in obtaining a protection order which alleviated some of the women's fear of the unknown. In addition, the advocates could dispel some of the myths that abusers tell women to scare them into staying in the abusive relationship. For example, one abuser told his victim that if she left with the kids she would be charged with kidnapping. The legal advocate was able to inform her that she would not be charged with kidnapping if she left, and that a protection order could also be used to provide her with temporary custody of the children. In addition, the study found that the women found it helpful that the advocates accompany women to court and offer emotional support through the process of having to face the abuser in a trial to get a protection order extended. Many of the women in the study were fearful that they would not be believed by the judge when telling their side of the story, were fearful of having to face their abuser, and felt that they were re-living their abuse when telling the facts of their case during the trial.

Weisz (1999) concludes that helpful aspects of the advocate include empathy and information provision that leads to empowerment for the survivor. The author also concludes that women with these types of advocacy relationships follow through with legal actions such as obtaining protective orders and testifying against their batterer. Some of the problems encountered with advocates mainly concern the lack of provision of certain types of information, such as the fact that a statement on a petition for a protective order can be used against the woman in court. However, overall, the advocacy



experience was helpful to women in achieving civil legal remedies in abusive situations.

Another study examined 141 women who had been in a shelter for victims of domestic violence and stayed at least one night were interviewed immediately after leaving the shelter, and six months after leaving the shelter (Sullivan, Campbell, Angelique, Eby, and Davidson, 1994). Half the participants were randomly assigned an advocate and half weren't assigned an advocate with whom to work. The advocates in this study were female undergraduate students who had received ten weeks of training in domestic violence issues, empathy training, and training on the resources available to victims of domestic violence. Participants who were randomized to the advocacy group received ten weeks of free advocacy, and advocates spent an average of 6 hours per week in person with their clients, in addition to 2.5 hours per week on the phone with their clients. The author's findings suggest that after the ten weeks of advocacy intervention, those participants who had received the services of an advocate had more effectively obtained resources, felt increased social support, and experienced a higher quality of life than those who did not receive services of an advocate. Women in both groups reported a decrease in physical abuse, but there was no difference between the groups at 6-months post-intervention on rates of subsequent victimization.

Other benefits of providing legal support for women have also been examined, such as with issues of child custody. These benefits include the safety and protection of the children from the abuser, the transfer of children from state custody (DCF) to their parent, the prevention of negative outcomes that result from children being raised in a violent household, and the intangible benefits a mother gets from her interaction with her children. There is also evidence in the literature that women fare better in custody cases

when they have a lawyer. A total of 28% of mothers who had an attorney through the entire process gained sole custody of their children, compared to 19% who did not have an attorney throughout the entire process (AzCADV, 2003). In cases where the father was granted sole custody, 38% of the women did not have an attorney for the litigation (AzCADV, 2003). Fifty percent of the fathers had an attorney throughout the litigation in cases where they were awarded sole custody, and 100% of fathers had an attorney in cases where they were awarded joint custody (AzCADV, 2003). It has also been shown that in cases where the judge awards joint custody to both the father and mother, 83% of the women provided documentation of child abuse, and in cases where judges award sole custody to the father, 33% of the women provided documentation of child abuse (AzCADV, 2003). The Arizona study (AzCADV, 2003) also found that custody payments were ordered in only 77% of the cases, and the average payment was \$507 per month. This amount represented, on average, approximately 10% of the abuser's income. However, only 30% of the women actually received the payments from the payer.

More recent studies have begun to examine the cost effectiveness of different programs aimed at providing civil legal assistance to survivors of domestic abuse. One study examined the impact of expanding a program to provide legal services to low-income women who were seeking protection orders in Wisconsin (Elwart, et al., 2006). The authors examined the impact of a one million dollar direct investment in a program that would increase by twenty percent the number of low-income women who received legal services for help with protection orders (Elwart, et al., 2006). They then calculated a cost model which incorporated these and other costs to the variety of stakeholders.

In order to create a financial model of the benefits of the additional expenditures, Elwart, et al. (2006) relied on a calculation of the estimated costs associated with one incident of domestic violence or one sexual assault. They then calculated the estimated benefits of preventing one incident per person who could potentially obtain a protection order through the expansion of the program. They made adjustments for the estimated percent of the population seeking protection orders that would be low-income (85%) and unrepresented (67%) based on actual figures collected from the previous year, and the 75% success rate of obtaining a protection order by plaintiffs with some form of legal representation or advocacy. The authors concluded that an estimate between \$800,000 and \$27.3 million in benefits would result, with an average benefit of \$9.1 million.

Researchers at the Brennan Center for Justice at the NYU School of Law have developed a working paper that outlines the variety of benefits that can be obtained by the state for providing civil legal services to low-income residents (Abel & Vignola, 2010). They review additional studies, mostly unpublished, on the economic benefits of civil legal services (Abel & Vignola, 2010). Some of the benefits include an increased flow of federal dollars to the state through federal grants and through an increase in eligible participants in federal welfare programs, increases in the collection of child support payments which allow women to have greater financial security, and reductions in incidence of domestic violence (Abel & Vignola, 2010). The authors cite an unpublished study that was conducted in Virginia that showed that when civil legal aid resources were increased in the southwestern region of the state, the rate of requests for protection orders fell 35.5%, compared to a decrease of 16.2% statewide (Abel & Vignola, 2010). This reduction occurred at a time when statewide funding for domestic

violence services remained stable, yet there was an increase in civil legal aid services in the southwestern region (Abel & Vignola, 2010). However, the authors rely only on this macro-level definition of the reduction of domestic violence, and don't look at individual cases to determine reductions in domestic violence, as my study will.

#### Additional Barriers Facing non-U.S. Born Women

In addition to the barriers facing survivors of domestic violence when they try to leave the violent relationship, there are additional barriers that may be faced by women who are immigrants in the United States. Immigrant women face specific hurdles due to the nature of their immigration status. Abusers use threats of deportation as deterrents for the woman to report the crime, and many immigrant women fear that any calls to the police or other help-seeking behavior may lead to deportation (Dutton, Orloff, & Haas, 2000; Erez & Hartley, 2003; Orloff & Kaguyutan, 2001; Pendleton, 2003; Wood, 2004). In addition, immigrant women may fear that if they access social welfare services, that they may be considered a "public charge," and therefore, ineligible for citizenship (Orloff & Kaguyutan, 2001). Abusers may be uncooperative in assisting the woman with getting her citizenship, either by refusing to file on her behalf, delaying filings, or making calls to INS to interfere with her immigration process or to attempt to get her deported (Dutton, et al., 2000; Conyers, 2007). One study found that 72.3% of battered immigrant women reported that their husbands never filed petitions on their behalf, and that of those who did file, they delayed the filing for four years, on average (Dutton, et al., 2000). Another study found that of 42 non-U.S. born women who presented at a family violence unit of the district attorney's office, 23% stated that their abuser had never filed on her behalf, 15% stated that the abuser had taken or hidden her immigration documentation, and 19%

stated that the abuser had threatened to call INS if she fled (McFarlane, et. al., 2002). If a woman's husband is undocumented or if she is not married to the abuser, she may not be eligible for certain protections, or she may fear that her husband or partner will be deported if she reports the abuse (Orloff & Kaguyutan, 2001; Pendleton, 2003; Wood, 2004). In addition, immigrant women may not have authorization to work in the U.S., depending on their citizenship status (Pendleton, 2003).

Women who have moved to this country with their husband may be isolated from their own family, may be more economically dependent on their husband, and may lack the financial means to return to their own country to escape the abuse (Erez & Hartley, 2003; Dutton, et al., 2000). If women are able to return to their home country to flee the abuse, there is nothing stopping the abuser from following her, or she may face criticism for leaving her husband or asking for a divorce due to cultural norms in her home country (Erez & Hartley, 2003; Orloff, & Kaguyutan, 2001). In addition, if a woman leaves the country with her children, she may be violating the father's visitation rights, yet if she leaves without her children, the abuser may try to gain custody while she is outside of the U.S. (Orloff & Kaguyutan, 2001). Immigrant women may not be aware of the protections and services offered to battered women in the United States, or may not know that domestic violence is a prosecutable crime and that there are laws specifically designed to protect battered immigrant women (Ammar, Orloff, Dutton, & Aguilar-Haas, 2005; Erez & Hartley, 2003; Pendleton, 2003; Perilla, 1999).

An immigrant woman who does seek help for the abuse she faced may also face barriers that U.S.-born women may not. These barriers include language barriers, possible animosity between immigrant communities and criminal justice system

representatives, and stereotypes that violence is culturally normative in immigrant populations (Ammar, et al., 2005). A study examined 230 Latina women in the D.C. area who had experienced domestic violence (Ammar, et al., 2005). The two strongest factors that the researchers found that related to whether or not a woman would call the police at all was immigration status and her children's exposure to the abuse, followed by frequency of abuse and the woman's country or region of origin (Ammar, et al., 2005). The study found that those with temporary legal status or who were undocumented were less likely to call the police, approximately 20% versus 43.1%, and that those whose children had witnessed the abuse were two and a half times more likely to call the police than those whose children had not witnessed the abuse (Ammar, et al., 2005). This study also found that approximately 1/3 of the women had called the police for help, and when they did, faced officers who were not bilingual, who relied on the woman's children or abuser to translate for them, saw the abuser as more credible than the victim or officers who never spoke directly with the victim (Ammar, et al., 2005). Police response times were appropriate, and there were no differences in arrests based on immigration status, but women who had protection orders in effect had higher spousal arrest rates (Ammar, et al., 2005).

The barriers faced by immigrant women who are survivors of abuse have an impact on the needs of these women. In one needs assessment study conducted by Dutton, et al. (2000), the researchers found that Latina women use informal methods of seeking help, such as talking to other women about the abuse or seeking help from church officials. Approximately half the women in the study had talked to either their mothers, sisters, or other women friends about the abuse before going to the police or social

service agencies (Dutton, et al., 2000). In addition, the study found that the two highest rated services needed by these women were legal services and economic supports, yet the barriers such as the high cost of legal services or limited access to free legal services limited women from seeking legal help (Dutton, et al., 2000).

There have been significant strides over the past ten to fifteen years regarding the protections that are available to non U.S. born survivors of domestic violence. The Violence Against Women Act of 1994 attempted to address the specific needs of battered immigrant women, and offered several specific remedies for immigrant survivors. First, VAWA 1994 allowed immigrant women to self-petition for legal permanent resident status, which removed their dependency on their spouse (Orloff & Kaguyatan, 2001; Pendleton, 2003; Wood, 2004). There is evidence that women were utilizing the resource of self-petitioning. Between March 1996 and July 2000, 11,000 self-petitions were filed, of which almost 60% were approved (Orloff & Kaguyatan, 2001). Second, VAWA 1994 allowed for the cancellation of deportation proceedings if the woman could show that she had resided in the U.S. for three years or more, had married in good faith, was of ‘good moral character’, and would face ‘extreme hardship’ if deported (Orloff & Kaguyatan, 2001; Pendleton, 2003; Wood, 2004). Third, VAWA 1994 reduced the burden of proof placed on immigrant women to show ‘credible evidence’ of abuse. Originally, for women to prove ‘credible evidence’, they had to receive a certificate from a licensed mental health worker (Orloff & Kaguyatan, 2001; Wood, 2004). VAWA 1994 removed the necessity of a certificate and reduced the burden of proof to ‘any credible evidence’ (Orloff & Kaguyatan, 2001; Pendleton, 2003; Wood, 2004). In addition, VAWA 1994 had additional protections for children of abused immigrant women, such as automatic

inclusion on their parents' self-petition (Orloff, & Kaguyatan, 2001; Wood, 2004).

Despite the advances for immigrant women that were enacted with VAWA 1994, there were still problems with this policy. First, self-petition approval rates were low for women who did not have legal representation because it was difficult for them to prove the 'extreme hardship' requirement (Orloff & Kaguyatan, 2001; Wood, 2004). Also, self-petitions could only be filed by women who were married to U.S. citizens or lawful permanent residents at the time of the application and resided with the abuser at the time of abuse (Orloff & Kaguyatan, 2001; Wood, 2004). In addition, there was a high risk factor associated with taking the suspension of deportation route; those who won their case were able to remain in the U.S., but those who lost faced deportation (Orloff & Kaguyatan, 2001). In addition, immigration reform in the mid-1990's created a climate that was hostile to immigrants, despite the fact that battered immigrants were exempt from waiting periods for public benefits (Orloff & Kaguyatan, 2001). For example, immigrant women had to leave the country to apply for green cards and many women were still being denied lawful permanent residency if they were receiving welfare benefits (Orloff & Kaguyatan, 2001). VAWA 1994 also left some immigrant women without recourse, such as women who were divorced, abused by their boyfriend, who were widowed, or whose abusers were not citizens or lawful permanent residents (Orloff & Kaguyatan, 2001). In addition, undocumented women who were being abused still faced many barriers (Wood, 2004). For example, federal funding was not allowed to be used by legal service agencies to assist non-citizen women (Orloff & Kaguyatan, 2001; Wood, 2004).



As part of VAWA 2000, President Clinton signed the Battered Immigrant Women Protection Act of 2000, which remedied many of the problems faced by immigrant survivors (Orloff & Kaguyutan, 2001; Wood, 2004). First, the self-petition option became available to women who were divorced or whose spouses had died, or whose spouse had lost their citizenship status because of domestic violence crimes (Orloff & Kaguyutan, 2001; Wood, 2004). VAWA 2000 also removed the 'extreme hardship' burden of proof, and replaced it with a standard of 'any credible evidence' of abuse (Orloff & Kaguyutan, 2001; Pendleton, 2003; Wood, 2004). In addition, VAWA 2000 provided protections for survivors who had been arrested for self-defense related crimes that occurred during domestic violence incidents (Orloff & Kaguyutan, 2001; Wood, 2004). Under the 2005 reforms, there was also the creation of a visa that could be used by survivors of domestic violence, the U-Visa (Orloff & Kaguyutan, 2001; Wood, 2004). The U-Visa provided relief from deportation for non-citizen victims of domestic violence who assisted law enforcement with prosecution of the abuser, and extended help to those women who were abused by their boyfriend and to foreign-born students in the U.S. (Orloff & Kaguyutan, 2001; Wood, 2004). However, the number of U-Visas were limited to 10,000 per year, and implementation of the use of the U-Visa was slow, and as of 2004, no U-Visas had been issued (Orloff & Kaguyutan, 2001; Wood, 2004). In addition, if law enforcement did not proceed with prosecuting the abuser, the woman was cut off from utilizing to the U-Visa (Wood, 2004).

The Violence Against Women Act of 2000 was reauthorized by President George Bush in 2005 with additional protections for battered immigrant women, and enacted January 5, 2006 (Conyers, 2007). The 2005 reauthorization provided funding for

services to immigrant survivors, such as shelters and legal services, and provided for training of officials to handle U-Visa applications (Conyers, 2007). In addition, the 2005 reauthorization extended protections to women residing outside the U.S. if the abuser is a federal government employee or member of the U.S. military (Conyers, 2007). Work authorization is also automatically included in self-petitions, allowing survivors a path to obtaining the financial resources necessary to live separately from the abuser (Conyers, 2007). Last, the reauthorization provided additional confidentiality protections to the survivor which limits the abuser's ability to interfere with her immigration case or petition for citizenship, and allows a survivor to list an address other than their residence on license and identification card applications (Conyers, 2007).

However, the legislation surrounding the issue of immigrant survivors of domestic violence is complicated and has been pieced together as new awareness is gained about the needs of these women. Many of the remedies available require legal expertise to access or to successfully utilize, and there are significant barriers for immigrant women when accessing legal services for assistance. There is a limited amount of research regarding the use of legal services by this population, and further research into this area may lead to better service provision to this population.

## CHAPTER 3

### CONCEPTUAL FRAMEWORK AND RESEARCH METHODS

During the course of my research, issues arose that led to the redesign of my research plan and conceptual framework. My original plan was to focus on the outcomes of civil legal services, and to quantify the outcomes with a cost-benefit analysis. Because I was unable to access a group of women who were utilizing a specific type of civil legal services, I had to change the focus of my research. The revised study plan and conceptual framework are presented below. I then discuss my research methodology and the methodological issues that arise when conducting research with victims of domestic violence. The limitations of my methodology are also discussed.

The focus of this dissertation is the examination of women who did not utilize the BWLAP program. What I knew about the BWLAP program was that it was supposed to represent a holistic approach to serving victims of domestic violence, providing free civil legal representation from start to finish. I wanted to study the outcomes of the BWLAP program and compare those outcomes to the outcomes for women who don't utilize the BWLAP program. However, the outcomes were unable to be studied, so the central question then became, "What happens to the women who don't access and utilize the services provided by the BWLAP program and have to look elsewhere to find legal assistance for their civil needs?" I shifted away from a focus

entirely on the comparison of study outcomes between those who utilized BWLAP services and those who didn't, to an examination of the issues involved in accessing services located in community based organizations and women's experiences with the process of working with these agencies regarding their civil legal needs.

The research questions were framed as follows:

1. What is the experience of women who have been in abusive relationships and who utilized legal services provided in community based organizations?
  - a. What civil legal needs do these women have and what barriers do these women face in obtaining access to civil legal services?
  - b. What additional barriers do non-English speaking women and women who immigrated to this country face?
  - c. How do women who obtain legal services through community based organizations experience the process?
  - d. What kinds of benefits and outcomes do legal services provide to these women?
2. What do professionals in the field of legal services (legal advocates, lawyers providing services, and representatives of the court) see as the advantages and/or disadvantages of legal representation for women survivors of domestic violence?
  - a. What do these professionals indicate as the major barriers these women face in obtaining legal services?
  - b. What would these professionals suggest as policy changes to improve the legal services received by these women?

3. What changes should be implemented on the policy level to improve the provision of civil legal services to women who experience domestic violence in Massachusetts?

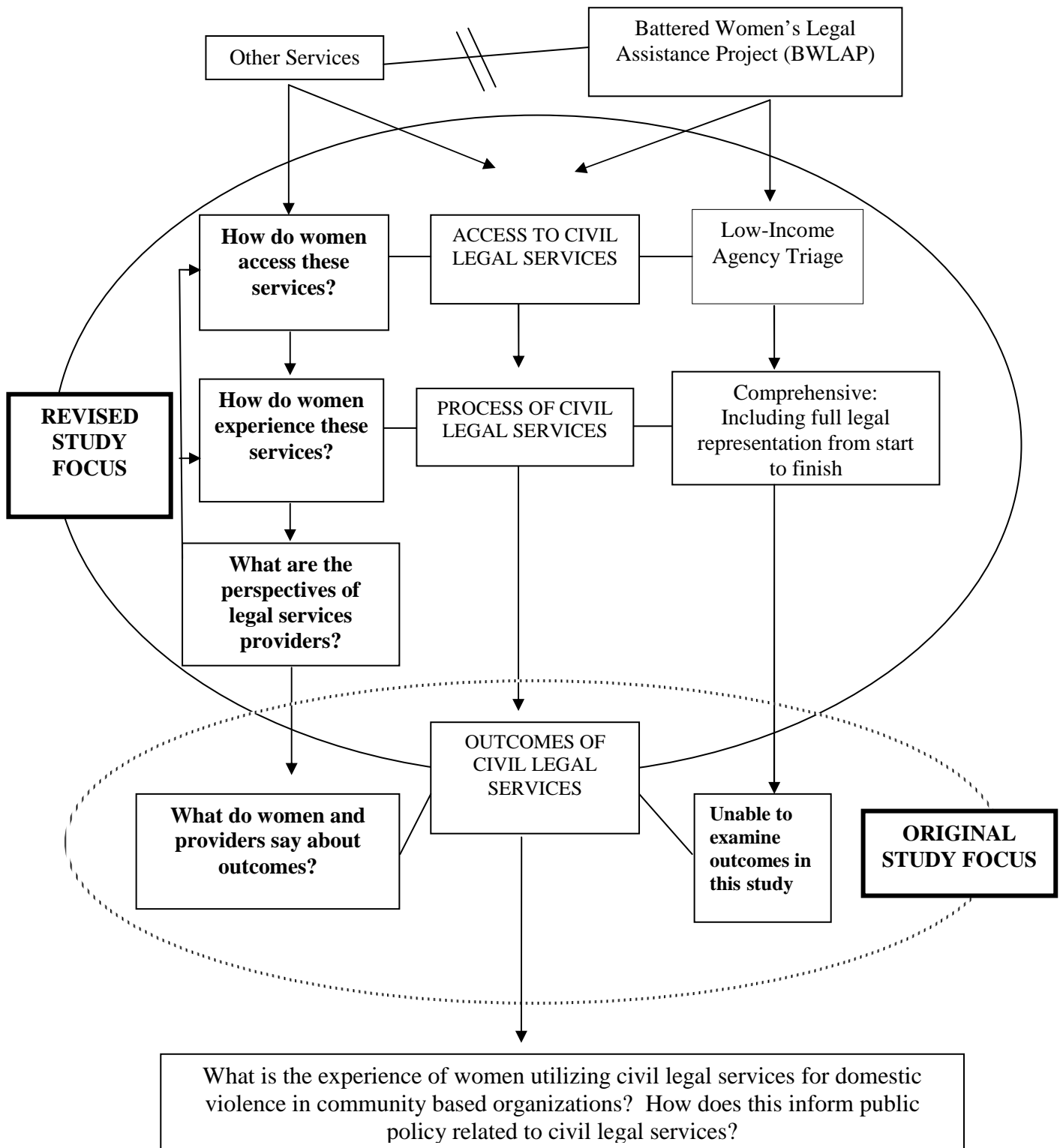
As a result of this new focus on an examination of women's experiences with the civil legal system, the study methodology shifted away from a quantitative methodology to a qualitative methodology with some limitations. I was also interested in studying the experiences of women who face the additional barrier of not being native English speakers and/or who immigrated to the United States and found themselves in domestic violence situations. I expanded the study and added a component that examined the perspectives of service providers, in order to add validity by gathering data from different sources regarding the same phenomenon. I retained my interview questions regarding outcomes in order to collect some pilot data about outcomes by type of legal service provider that could be used to frame a larger outcomes study in the future.

A conceptual framework for the study is presented in Figure 2. This framework indicates that there is a parallel system of civil legal services operating, one on the right side of the figure that is means-tested program (BWLAP), and one on the left that is for those that don't qualify for this program (Other services). The original study focus of examining outcomes of the BWLAP program (lower right side of Figure 2) and comparing those to the outcomes of women who did not utilize the BWLAP program (lower left side of Figure 2) was no longer possible. Therefore, the emphasis of this study shifted and is shown in Figure 2 on the left side as the revised study focus. The questions were expanded to provide a more comprehensive examination of the non-BWLAP programs, including issues of accessing the system, the process of utilizing the system, and a preliminary study of the outcomes of the system. In addition, multiple

perspectives were gathered, including those of the women utilizing the system and those who provide services within the system.

Figure 2

Conceptual framework



## Methodological Challenges

There are several reasons that conducting research on women who are in abusive relationships is challenging, and I looked to prior research in this area to address some of these challenges. A primary concern for researchers studying women who have experienced domestic violence is to ensure that the women's safety is not jeopardized. First, processes were put in place to ensure that patient confidentiality was maintained. At the beginning of the study, participants completed a form with their name and contact information, which was then removed from the rest of the interview and kept in a locked file cabinet (Finn, 2003; Cuthbert, Driggers, Slote, & Sikhondze, 2005). Only the participants' identification number was written on study forms, and only members of the study team had access to information such as the participant's name and identification number (Finn, 2003). In addition, contacting these women needed to occur in a context that did not jeopardize their safety. In order to address this issue, Finn (2003) asked the woman her preferred method of contact (phone, email, through a third party) and asked for names of contacts that would know her whereabouts in the next six months. In my study, the participant was asked to provide two or three "safe" contacts who will know her whereabouts in six months for the post-intervention interview (Finn, 2003). In addition, the study participant and I agreed upon the logistics of leaving messages and acceptable content of any message that was left with a third party.

Subject attrition is also a concern in studies of domestic violence due to the need for women in abusive relationships to keep their contact information private and to move frequently in order to protect themselves from the abuser. Finn (2003) found that a 40% average attrition rate in studies of women who have experienced domestic violence.



Having the woman provide three “safe” contacts, as mentioned earlier, was also a method used to try to ensure that there would be less attrition during the follow-up period, as having contact information for several people would increase the likelihood of getting a message to the participant. In addition, interviews were conducted at the most convenient place for the study participant, and follow-up interviews were conducted by telephone if it was not possible to set up an in-person interview with the subject.

Another methodological concern centers on data collection. Straus and Gelles (1999) indicate that problems arise because different researchers use different definitions of violence without clearly indicating the definition they are using. To address this issue, I clearly delineated the definitions of domestic violence that I am using in this study. This study relied on interviews and self-reports of domestic violence, which is prone to errors in recall and underreporting (Straus & Gelles, 1999). In order to minimize the errors in recall, I tried to frame my questions in a way that would aid recall. For example, when asking someone to identify services used over the past six months, I would also indicate what months or seasons the time frame incorporated. I also incorporated a scale that measures domestic violence by asking about concrete behaviors that are associated with domestic violence (Straus, et al., 1996), rather than using more general measures or terms, like asking them about their experience of domestic violence in general (see “Measures”). There are also always concerns about methodology when a study deviates from the prototypical randomized controlled study, which are addressed in the next section.

### Study Design

The study is a predominantly qualitative study that examines the use of civil

legal services by women who have experienced domestic violence, and who fell into the gap between being able to qualify for the means-tested program and being able to afford to purchase the services of a private attorney. The design of the qualitative component followed the principles of research design outlined by Joseph Maxwell (2005), who describes an approach that examines and links together the study goals, the conceptual framework, the research questions, the methodology and validity. Study goals that are best addressed by qualitative research include 1) getting a deeper understanding of the meaning of a situation to the participants; 2) getting a deeper understanding of the context in which a participant experiences the phenomenon; 3) getting an understanding of a phenomenon that hasn't been extensively studied in order to generate new theories; 4) getting an understanding of processes and how things occur; and 5) beginning to understand causation (Janesick, 2003; Maxwell, 2005). Since the types of legal services received and the women's experience with legal services were complex issues, and the goals of this study were to better understand how the process of civil legal services impacts the women, a qualitative approach was appropriate. Another advantage of the present study design is the direct questioning of survivors of domestic violence to obtain their perspective on the impact of the services they received. This study also analyzed the different types of legal services that these women obtained, and analyzed women's experience on the local level after significant national and state level policies have been enacted.

Information was collected via interviews with women who had experienced domestic violence and had utilized community based legal services related to their domestic violence. Women who had experienced domestic violence were interviewed at

two time points. The initial interview occurred when the woman was first seeking legal services, and asked the woman about the time period of six months prior to receiving services. The follow-up interview occurred approximately six to ten months after the woman received legal services. The interviews contained close-ended questions about the woman's domestic violence situation and reasons for seeking legal services, which were used as probes to elicit further details about the women's experiences. Once questioning began, the women readily described their experiences and I was able to engage in more open-ended questioning and took notes about their experiences. The interviews were not audio-taped. A copy of the interview is provided in Appendix 2.

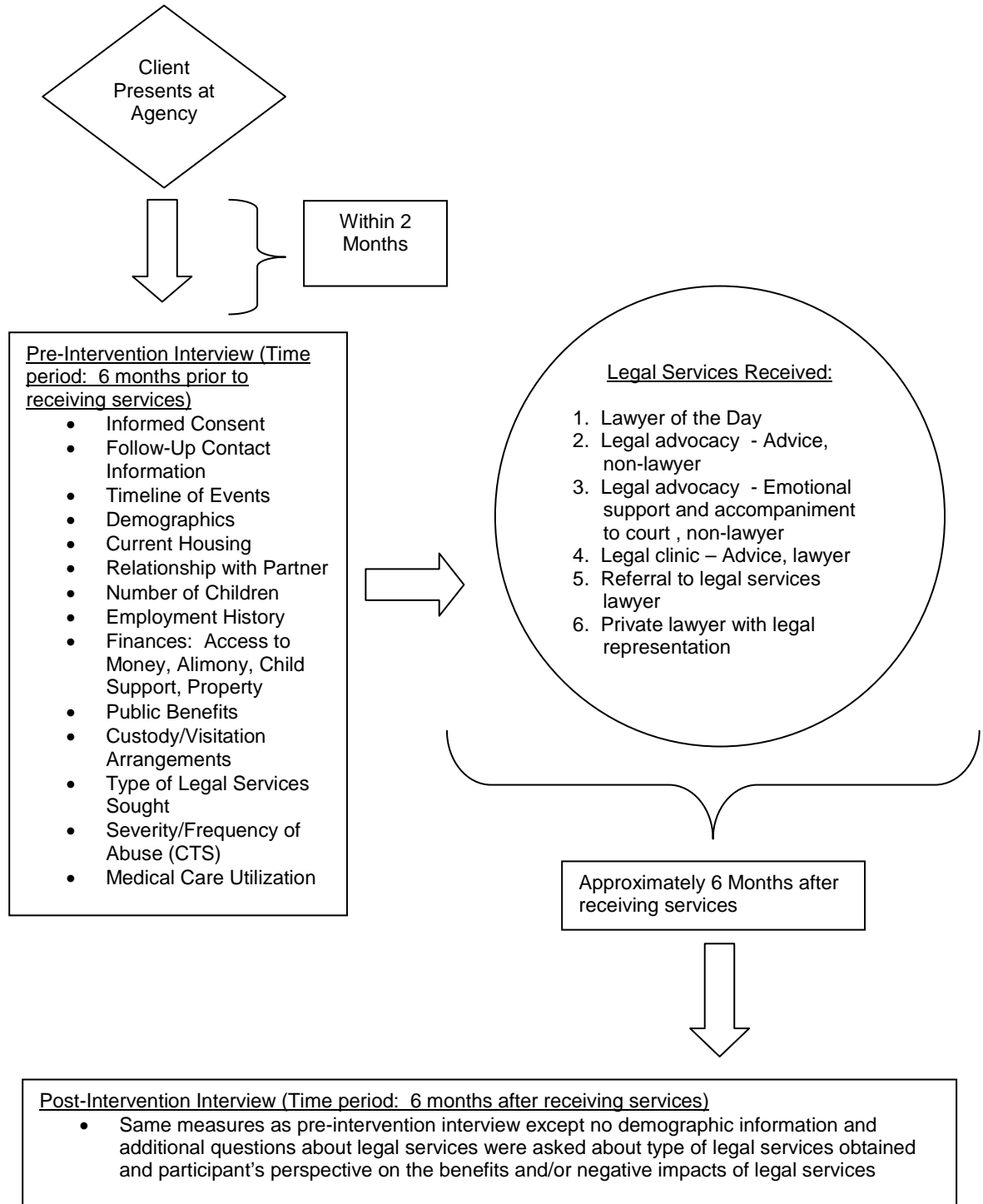
Validity was addressed using data triangulation methodology, in which the same data is collected from different stakeholders in order to gain different perspectives on the same phenomenon (Janesick, 2003; Maxwell, 2005). For example, in addition to interviewing the women who experienced domestic violence, interviews were held with professionals who provided legal services to these women. I interviewed legal advocates, lawyers, and one judge in order to incorporate their perspectives on the issues. These interviews were audio-taped and transcribed.

Several quantitative variables were also included in the study because I wanted to measure the amount of abuse experienced by women in the six months before receiving legal services and the six months after receiving legal services. There are several advantages to the pre-post study design, which, in quantitative research allows subjects act as their own controls, thus allowing for smaller numbers of subjects. Since access to subjects was a major challenge in this study, the pre-post study design was the best method to select. The amount of abuse that women experienced was measured

using a well-known, validated scale that examines the quantity and severity of domestic violence (see Measures for more details). Quantitative summary variables also included demographic information. Quantitative variables were also collected via face-to-face interviews. A study flowchart is presented in Figure 3.

Figure 3

Study flowchart



## Participating Institutions

In 1983, the Massachusetts state legislature created MLAC with the goal of increasing civil legal services to low-income residents. MLAC is a state-wide nonprofit organization that oversees the Battered Women's Legal Assistance Project (BWLAP), which provides \$2.4 million in funding to nine legal services agencies specifically to represent abused women in civil legal cases (MLAC, n.d.e). Site selection for my study was carried out in a way that is consistent with Maxwell's (2005) strategy of *purposeful selection* (p.88-89), an approach that aims to select sites that represent the population of interest better than other sites that could have been utilized, and with a goal of examining those subjects that represent the usual or common cases. In order to identify institutions that may allow access to a population of women who typically seek legal services for domestic violence, MLAC provided a list of local agencies that refer women to Greater Boston Legal Services (GBLS), the largest of the legal services agencies that participate in BWLAP. The goal was to identify women who had attempted to access BWLAP services through GBLS but were turned away, and by focusing on GBLS it was anticipated that enough participants for the study would be identified. The agencies were contacted and provided with information about the study. After speaking with agency representatives about the nature and goals of the study, the agency was invited to participate in the project. Altogether, a total of 23 agencies were contacted.

The majority of the agencies chose not to participate in the study, for a wide variety of reasons. Eight organizations did not respond despite several attempts to contact them. Two agencies decided after reading the study information that they were not interested in participating. Four agencies were interested in the study, but felt that

logistical considerations would preclude their participation. For example, one agency stated that their clients were too vulnerable to participate because the agency representatives had contact with the women while they were in the ER. Another agency felt that it would take too long to get approval from their new agency Director, and another did not want to have to go through the process of submitting the study to their IRB. The remaining five agencies were MLAC agencies, and had concerns about recruiting study subjects because they felt it would not be ethical to recruit current clients into the study. After a system was put in place to recruit clients whose cases were closed, due to lack of client response and study timeline considerations, a decision was made to stop enrollment. The Executive Director of the Women's Bar Association agreed to inform her clients about the study and hang a study poster, but no subjects were recruited through that venue.

Recruitment of agencies to participate in this study and allow access to their clients as participants proved to be challenging. Of the agencies contacted, three agreed to participate. These agencies were Healing Abuse Working for Change (formerly Help for Abused Women and their Children (HAWC)), Harbor Communities Overcoming Violence (HarborCOV), and Dove, Inc. HAWC (Healing Abuse Working for Change, formerly known as Help for Abused Women and their Children) serves 23 communities on the North Shore of Boston, Massachusetts (Healing Abuse Working for Change, [HAWC], n.d.a.). The strategy that worked best in recruiting agencies was utilizing a convenience sample, and pre-existing relationships with the agency proved to be the key factor in getting agencies on board. All three agencies that agreed to participate in this study had some pre-existing relationship with the faculty at the University of

Massachusetts in Boston. The Director of HAWC had a professional relationship with the chair of my dissertation committee, and agreed to participate after reviewing the study protocol. The Director of HarborCOV had a professional relationship with a member of my committee who was also the Director of the Center for Social Policy, a research center at the University of Massachusetts in Boston. At the beginning stages of my dissertation process, I was employed as a Research Assistant at the Center for Social Policy, and at the time, we were engaged in a project that was involved with HarborCOV, an agency that provided domestic violence services to women in the Boston area. A member of the Board of Directors of DOVE, the third agency that agreed to participate, was also a faculty member at the University. She made the initial contact via email to the Director of DOVE introducing me and my project.

HAWC provides a variety of services free of charge to women who have experienced domestic violence, including a shelter, counseling services, youth outreach, community education, and legal advocacy (HAWC, n.d.b.). HAWC serves communities along the north shore of Boston, of which five were found in the United States Census Bureau state statistics. Of the five communities (Beverly, Gloucester, Lynn, Peabody, and Salem), three have a white population over 94%, one has a white population of 85%, and one has a white population of 68%. Three of the five communities have a black population of 1.0% or less, while one has a 3.2% black population and one has a 10.5% black population. HAWC's legal advocates assist clients with the restraining order process, and are regularly available without appointment to accompany clients to hearings at 5 district courts (HAWC, n.d.c.). HAWC's legal advocates served over 2,000 clients in Fiscal Year 2009 (HAWC, n.d.b.). Advocates are also available by



appointment to accompany clients to probate court (HAWC, n.d.c.). HAWC also runs a Family Law Clinic, where clients can schedule an appointment to consult with a lawyer (HAWC, n.d.c.). However, the lawyer provides legal advice only and does not represent clients in court (HAWC, n.d.c.). HAWC also has an established relationship with Neighborhood Legal Services in Lynn, Massachusetts, and refers low-income clients to them for legal representation (HAWC, n.d.c.).

Harbor Communities Overcoming Violence (HarborCOV) was founded in 1998, and serves a culturally diverse population (Harbor Communities Overcoming Violence, [HarborCOV], n.d.a.). HarborCOV serves Revere, Chelsea, East Boston, and Winthrop (Holmes & Davies, 2006). Two of these communities, Chelsea and East Boston, have high percentages of Hispanic populations (48% and 39%, respectively) (Holmes & Davies, 2006), and one of the reasons HarborCOV was utilized as a study site was for the purpose of recruiting Spanish-speaking clients. HarborCOV provides a range of services, including shelter, permanent affordable housing, counseling, economic advocacy, community awareness and education, and legal advocacy (HarborCOV, n.d.a.). HarborCOV started as a community-driven model and operates on a principal of participant-based advocacy, which is defined as a collaborative process which is driven by the individual client's goals (Holmes & Davies, 2006). HarborCOV serves approximately 3,000 clients a year (Holmes & Davies, 2006). The legal advocacy program at HarborCOV assists clients with legal issues related to domestic violence, but they are not lawyers and do not provide legal advice or representation. Referrals for legal representation are made to Greater Boston Legal Services (Holmes & Davis, 2006).

Domestic Violence Ended, Inc. (Dove) was founded in 1978 by the Mayor's Commission on the Status of Women in Quincy, Massachusetts (Domestic Violence Ended, Inc. [Dove], n.d.a.). Dove serves clients in Norfolk County and along the South Shore of Boston, Massachusetts (Dove, n.d.a.). Dove offers a variety of services to clients who are experiencing domestic violence, including running a hotline and shelter, providing counseling and legal advocacy services, and community services for adults and children, along with community outreach and education (Dove, n.d.a.). Dove's legal advocates provide help with the legal process related to domestic violence, and are present in the Quincy District Court once a week and in the Norfolk County Probate Court (Dove, n.d.b.). Dove indicates that they serve thousands of clients per year (Dove, n.d.c.).

#### Subject Recruitment

Obtaining access to study subjects proved to be the biggest challenge that arose during the course of this study. As noted above, many agencies were hesitant to participate or were unable to grant access to their clients. Therefore, subject selection relied on convenience sampling, with research participants coming from one of two sources. The first group consisted of women who were utilizing HAWC, which held a community legal assistance clinic located in Salem, Massachusetts. Selection criteria included women who were seeking or had utilized legal services for issues related to domestic violence, were aged 18 or older, and who read or understood English. Limited resources precluded hiring a translator to accompany the researcher to the clinics. However, this was not a big problem since there were a low percentage of non-English speaking women at that particular study location. The clinic had recently opened an

office to handle immigration issues, and most of the non-English speaking clients were referred to that office. A total of 41 women were approached, and of those, 17 (41.5%) participated in the study. Reasons cited for not wanting to participate included not being interested in the study, not having enough time to do the study, wanting to read through the study information, or agreeing to participate then leaving the clinic prior to their interview. The second group of women was referred by a legal advocate at another community-based organization, HarborCOV. Selection criteria were identical, but women who were Spanish-speakers were also included, due to the high percentage of Spanish-speaking clients who utilize services at HarborCOV. A total of 12 participants were referred through HarborCOV. About half the participants at HarborCOV were non-English speaking. The third agency did not refer any clients into the study.

Strategies that proved to be more successful in recruiting women into the study relied on personal approaches to study recruitment. At HAWC, the researcher approached clients directly while they were waiting for their appointment with the lawyer during a legal clinic. Prospective subjects were given information about the study directly from the researcher, were able to have their questions answered immediately, and were asked if they would like to participate. At HarborCOV, the legal advocate provided information to her clients, and was able to provide basic information about the study. The legal advocate was also a familiar and trusted source of information for the women. In addition, the legal advocate had regular contact with the women, so she could follow-up with them to see if they were interested in participating in the study. If they agreed, the researcher then contacted the woman directly. The approach that did not produce any subjects was passive; a poster that described the study

was placed in a location that the women would see. It was a more anonymous approach, yet still required the woman to contact an unknown person about a sensitive topic, which may have led to the lack of participants through this approach.

Legal professionals, including attorneys, legal advocates, and one judge were also interviewed about their experiences with working with these women. Subject selection again relied on convenience sampling. Professionals at the agencies that were involved with the study were invited to participate. In addition, names of attorneys and judges were provided by MLAC and contacted for interviews. I interviewed five attorneys, five legal advocates from community based organizations, and one judge with extensive experience with cases involving domestic violence. An additional three judges were contacted to participate but declined. Two of the judges did not respond to multiple attempts to contact them and the third felt that it was not appropriate to discuss her cases and decision making process with the researcher, even with procedures in place to maintain confidentiality. A total of 11 interviews were conducted with people who worked with the abused women in a professional capacity.

#### Subject Demographics

I incorporated the perspectives of three groups of study participants into this study. The first group was the women who experienced domestic violence and were seeking civil legal services. In addition, I examined a small group of women who were not born in the United States, some of which were non-English speaking. The third group of participants was the providers of legal services to these women. A total of twenty-nine women completed the initial interview. Ten of these women were born outside the United States. In addition, 11 legal services providers completed the study.

Of the 29 women who experienced domestic violence and were interviewed, 18 were interviewed at both time points and were considered to have completed the study.

Demographics of the participants who experienced abuse and completed the study are presented in Table 3. The women in this study had lower levels of physical abuse and injuries than a cohort of abused women found in the literature, but they experienced similar levels of psychological abuse. All participants were female, and all but one identified their race as white. Five women identified their ethnicity as Hispanic and spoke Spanish as their primary language. Six women were born outside the United States. The average age of study participants was 37 years old. At the time of the initial interview, almost half (44%) of the women resided in a rented apartment without assistance, but two of these women were waiting for Section 8 housing. Twenty-two percent of the women were living in public or subsidized housing, 17% were doubled up with their parents and another 17% were living in a home they owned.

The majority (78%) of the women seeking legal assistance in my study did so after physically separating from their intimate partners. Only four of the 18 women (22%) were living with their partner during the six months prior to receiving legal assistance. Most (72%) of the women were still married at the time of the first interview, while two (11%) had never been married to the abusing partner, and three were already divorced (17%). Study completers tended to have been in long-term relationships with the men who were abusing them. The longest relationship length was 30 years, and ranged from 3 months (with a boyfriend) to 30 years. The median length of the women's relationships with their abusers was 10 years. Approximately three-quarters of study participants had tried to leave their current relationship at least once

before the initial study interview.

Two-thirds of the women in my study were employed at the time they sought legal assistance. The majority (58%) of the women worked more than 30 hours per week, with an average of 33.8 hours per week. One woman reported that her hours varied from week to week. The employment history of these women was fairly stable, given their history of domestic violence. All women had been employed in their current position for more than six months at the pre-study interview, and only one woman was employed for less than a year. Six women (50%) had been employed in their current position for between one and five years, two (17%) had been employed for between six and ten years, and three (25%) had been employed for ten years or longer.

Table 1

Women's pre-study employment characteristics (n=12)

Employment Characteristic	n	%	Mean
Employed > 30 hours per week	7	58%	40 hours/week
Employed <= 30 hours per week	4	33%	24 hours/week
Length of Time in Current Position	12	100%	8.3 years
< 1 year	1	8%	.6 years
1 to 5 years	6	50%	3.3 years
6 to 10 years	2	17%	9.5 years
>= 10 years	3	25%	16.7 years
Average Salaries	10	100%	\$26,128
Employed > 30 hours per week	7	70%	\$31,188
Employed <= 30 hours per week	3	30%	\$14,320

The women were also asked at the pre-study interview about whether or not their partner used different coercive tactics to interfere with their ability to work. At the pre-study interview, four of the women (22%) reported that their partner had harassed them at work in the six months prior to seeking legal assistance.

A total of six women who were born outside the United States completed the study, of which five spoke Spanish as their primary language. A lower percentage of these women had completed some college or had obtained a college degree (17%) than those women who were born in the U.S. (61%), and a higher percentage did not achieve a high school diploma or hold a GED (51% versus 23% for U.S.-born women). However, a higher percentage were employed (83%) than the U.S.-born women (67%). Only one woman (17%) had tried to leave the abusive relationship before, compared to 72% of the U.S.-born women. All of the non-U.S. born women were working more than 30 hours per week. However, their average salary was lower than non-U.S. born women who were working more than 30 hours per week, \$20,384 compared to \$31,188, which is not surprising given that they had lower educational levels than the U.S.-born women. Due to the small numbers of study completers, conclusions cannot be drawn about these differences. However, future studies should take educational levels and employment into consideration during study design and data analysis.

Legal assistance providers, including attorneys, legal advocates, and one judge were asked their opinion about working with women who have experienced domestic violence. Three areas were of interest, and included the barriers that women who have been abused face in obtaining legal assistance for civil issues, the benefits that these women receive when they have lawyers, and changes that the providers would like to see occur in this area. Six of the interviews were with employees from the participating agencies, four were with professionals referred from MLAC, and one interview was with a professional from an agency that declined to participate in the main study.

Five attorneys were interviewed, including two from a legal aid agency in

Boston, one private attorney, and two attorneys from nonprofit organizations that provide services to victims of domestic violence in the Boston area. The lawyers had had a great deal of experience and had been in their current positions from a range of 6 years up to 15 years. I also interviewed five legal advocates selected from the three participating institutions. Three of the advocates managed the advocacy program and other employees in addition to doing legal advocacy work, and had worked in their current positions for two to three years. One advocate was a student intern. One judge also agreed to be interviewed as part of the study, who had more than 25 years of experience as a judge, and an additional 19 years of experience as a lawyer. In general, the service providers were experienced in their fields.

### Measures

The study utilized three instruments to capture information about intimate partner abuse, women's use of and experience with legal assistance, outcomes of legal assistance, and professionals' perspectives on legal assistance for domestic violence. The first instrument was a semi-structured interview that was conducted with women who had experienced abuse in their intimate relationships. Interview questions were adapted from two prior studies that examined the role of legal services for women who experienced domestic abuse (Cuthbert, Driggers, Slote, & Sikhondze, 2005; Cuthbert, et. al. 2002; Hobart, 2003). Interview questions covered a variety of topics and included the following:

- Demographics: age, race, ethnicity, number of children, education level, country in which the survivor was born, and relationship with the abuser.



- Employment status, including number of days worked outside the home for pay and number of days of work missed due to abuse-related incidents.
- Custody and visitation arrangements if the participant has children in common with the abuser.
- Current housing situation, including length of time in shelter, whether the participant is living with the abuser, and number of face-to-face contacts with the abuser.
- Safe contact information for the post-intervention interview.
- Abuse history over the past six months, including number of incidents of abuse, severity of abuse (as reported on the Conflict Tactics Scale), and number and type of medical treatments obtained as a result of abuse.
- General information about the survivor's past history of domestic abuse, such as whether she has tried to leave a relationship before due to abuse, or if she's tried to leave her current partner before because of abuse.
- Economic situation, including access to financial resources of the abuser, receipt of public benefits, alimony, custody awards, and property owned.
- Reasons for seeking legal assistance and whether or not the participant is working with a legal advocate at participating agencies.

Follow-up interviews included the same questions as the first interview, in addition to some questions about the woman's experience with legal assistance. Women were asked their reason for seeking legal assistance, the number of times they interacted with their lawyer, their satisfaction level for the services they received, and whether or not they felt they benefited from receiving legal assistance. The women were also asked

to rate their lawyer and legal advocate on a series of ten questions. I developed these questions to examine some of the relational aspects of working with the lawyer and/or advocate, such as whether the woman felt supported in her decisions, whether she felt a sense of empowerment from her lawyer/advocate, and whether she felt the lawyer/advocate was accessible to her. In addition, women provided information about what it was like to work with their lawyer as an open-ended question. This open-ended question was accompanied by follow-up questions and an open dialogue about the woman's experiences with the civil legal services she received. See Appendix 3 for the post-study subject interview.

The second instrument was the interview questions for the professionals who work with women who have experienced domestic violence, which centered on six areas (see Appendix 4). Interviews with the professionals contained open-ended questions and were audiotaped and transcribed for data analysis. Demographic information about the professionals' job title, training, education, and role was assessed. In addition, professionals were asked about the following topics:

- Barriers faced by women survivors as they deal with civil legal issues and issues around accessibility.
- Whether or not these women receive benefits from full legal representation.
- Common misperceptions that women might have or things they don't know about in terms of civil law.
- Factors that lead to successful outcomes.
- Additional issues faced by women who are non-English speaking or who come from other cultures.

- Changes that they would like to see to the current system.

I used the Revised Conflict Tactics Scale 2 (CTS2) to measure the levels of domestic violence experienced by the women in this study. This instrument was the basis for the quantitative analysis in this study to examine whether levels of abuse decreased following the provision of legal services. The CTS2 is a widely used self-administered questionnaire that measures the quantity and severity of abuse that is experienced over a specified time period (Straus, Hamby, & Warren, 2003; Straus, Hamby, Boney-McCoy, & Sugarman, 1996). If it can be shown that the incidence and severity of abuse decline after the receipt of civil legal services, there is further support for the rights argument for the provision of legal services.

The CTS2 consists of 78 items that describe a type of conflict behavior that is found in intimate relationships. Half of the items ask about the victim's behavior, and the other half of the items ask about their intimate partner's (in this study, the abuser's) behavior (Straus, Hamby, & Warren, 2003; Straus, Hamby, Boney-McCoy, & Sugarman, 1996). The CTS2 has been shown to have strong internal consistency, validity, and reliability (Straus, Hamby, Boney-McCoy, & Sugarman, 1996). The CTS2 was originally designed to measure the occurrence of abuse over a period of the past year, but is appropriate for measuring a six-month time period, as well (Straus, Hamby, Boney-McCoy, & Sugarman, 1996). While the CTS2 is not available in the Spanish language, extensive research on this and the original CTS scale indicates that it is appropriate for different cultural and ethnic groups (Straus, Hamby, Boney-McCoy, & Sugarman, 1996).

The CTS2 questionnaire measures the number of times that each behavior has

occurred over the specified time period, and groups the items into one of five different scales: Negotiation, Psychological Aggression, Physical Assault, Injury, and Sexual Coercion (Straus, Hamby, & Warren, 2003). The Negotiation scale measures both cognitive and emotional negotiating techniques, such as actions taken to settle a dispute through discussion and items that show respect for the other person's feelings, respectively (Straus, Hamby, & Warren, 2003). For example, one of the cognitive items is "I explained my side of the disagreement to my partner" and one of the emotional items is "I showed my partner I cared even though we disagreed". The Psychological Aggression scale measures both minor incidents ("I shouted or yelled at my partner") and severe incidents ("I threatened to hit or throw something at my partner"). The Physical Assault scale also measures minor and severe incidents, such as pushing, shoving, or slapping (minor) their partner or punching, choking, or beating up (severe) their partner (Straus, Hamby, & Warren, 2003). The Injury Scale also measures both minor and severe injuries, such as bruises or broken bones, respectively (Straus, Hamby, & Warren, 2003). The Sexual Coercion scale measures minor coercion (insisting on sex when the partner didn't want to) to severe coercion (using force to make their partner have sex) (Straus, Hamby, & Warren, 2003). See Appendix 4 for a list of the items included in each scale on the CTS2 questionnaire.

The CTS2 questionnaire is scored based on the number of times each behavior has occurred in the given time period. The study participants first indicated how many times in the given time period that she performed the behavior and then how many times the abuser performed the behavior. The choices offered were once, twice, 3-5 times, 6-10 times, 11-20 times, more than 20 times, not in the past year but it happened before,

and never. First, the percentage of the sample that reported using any technique at least once is reported (Straus, Hamby, & Warren, 2003). Then, the answers were converted to a raw score, and were summed for each scale based on the midpoint of the range she selected. For example, if the subject circled once the raw score was one, or if she selected twice the raw score was two, but if she selected 3-5 times the raw score was the midpoint of the range (4) and if she chose 6-10 times the raw score was the midpoint of the range (8). Next, the values were summed within each scale, and the average for the study sample is calculated and reported as Chronicity (Straus, Hamby, & Warren, 2003). In addition, the scores of the women in this study were compared to a group of acutely battered women (Straus, Hamby, & Warren, 2003) in order to confirm that their scores were similar to other battered women.

#### Study Procedures

The protocol and all study materials, including informed consent forms, interview forms, and participant recruitment materials were reviewed and approved by the University of Massachusetts Boston Institutional Review Board (IRB). All study subjects provided written informed consent (See Appendix 5). In addition, legal providers who participate were audiotaped, and signed a separate consent form for taping, transcribing, and using their data in this dissertation (See Appendix 6). All agencies that participated in the study signed a Letter of Agreement that was filed with the IRB (See Appendix 7). Study forms that had been translated into Spanish for non-English speaking participants were also approved by the IRB (See Appendix 8 and Appendix 9). Initial approval was granted November 26, 2007, with continuing annual review and approval on 11/10/2008, 10/20/2009, and 10/26/2010.

Once the agencies signed a letter of agreement to participate in the study, procedures were put in place to supply referrals to the study. At HAWC, legal clinics were held twice a month. Women who wanted legal help would schedule an appointment with a lawyer who donated her time to the clinic. Up to eight appointments were scheduled per day, and each appointment lasted for one half hour. I would attend the legal clinics and approach potential participants when they were waiting in the reception area. I would tell them about the study and invite them to participate. All interviews were conducted in a private office at HAWC.

At HarborCOV, the Coordinator of the Legal Advocacy Program preferred to inform the potential participants about the study. If the woman was interested in participating and agreed to have her information released, the Coordinator would provide me with the name and safe contact information. Appointments were then scheduled at the convenience of the participant, and interviews were held either at HarborCOV, a safe public place, or a location of the participants' choosing. Interviews were also conducted in Spanish, when necessary, with the help of a translator who was a native speaker of Spanish. Consent forms and self-report data collection instruments were also translated into Spanish. At Dove, Inc., posters advertising the study were placed in the common area of their domestic violence shelter. No participants were recruited from Dove, Inc.

The first interview was conducted either when the women were approached at the legal clinics or when they were first referred by the HarborCOV legal advocate. The first interview was based on the women's experiences in the six months prior to receiving legal assistance. At the end of the first interview, women were told that they

would be contacted in approximately six months to complete a follow-up interview. Contacting these women for follow-up interviews needed to occur in a context that did not jeopardize their personal safety. In order to address this issue, I utilized an approach used in a study by Finn (2003). Finn (2003) asked the woman her preferred method of contact (phone, email, through a third party) and asked for names of contacts that would know her whereabouts in the next six months. I obtained the names of at least two people who the study participant trusted and who would know the subject's whereabouts. I noted the preferred contact, whether it was safe to leave a message with the contact, and agreed to the content of the message I would leave. Follow-up interviews occurred six to ten months after the first interview. Every attempt was made to conduct an in-person follow-up interview. However, when it was not possible to schedule an in-person interview, follow-up interviews were conducted by phone. Interviews lasted between 30 minutes and one hour. Women were paid \$10 after completing the first interview and \$15 after completing the second interview to compensate for their time.

Professionals who worked with women seeking legal assistance for civil issues related to domestic violence were also interviewed. Interviews were held in the professional offices of the participant or in a public place that was chosen by the participant. Interviews lasted between 45 minutes and one hour, and were audiotaped and then transcribed.

### Data Analysis

The process for conducting qualitative data research occurs in three stages, data reduction, data display, and drawing conclusions from the data (Miles & Huberman,

1994). Data reduction refers to collecting case notes or interview transcripts and coding them into common themes, patterns, relationships, and trends, which I based on the conceptual framework presented in Figure 4. I analyzed the concepts of access, process, and outcomes for both the women experiencing domestic violence and for those who provide services to these women. Also, I wanted to understand the chronological order of events within each case. Miles & Huberman (1994) then suggest looking across cases to identify and analyze patterns and trends that emerge from the data. Therefore, I noted similarities and differences across each of the cases in terms of access, process, and outcomes. The second stage of Miles & Huberman's (1994) process is developing data displays which are capable of representing the complex ideas from the text in ways that begin to set the framework for the third stage, which is drawing conclusions from the data. This approach is also consistent with qualitative data analysis outlined in Maxwell (2005). According to Maxwell (2005), the goal of qualitative data analysis is to first categorize the data and to then analyze the data by identifying themes, circumstances, or perspectives that appear across individual interview material.

In addition, I used a grounded theory approach to the qualitative data analysis, in which an inductive approach is used to examine the data and develop meaning of the area under study (Maxwell, 2005). Grounded theory represents an interactive approach to analysis, in which the data that is being collected is examined during the course of the study and used to further refine the understanding of the phenomenon that is being studied (Maxwell, 2005). Utilizing this approach allows the researcher to modify incorrect assumptions and further tailor the data collection to reflect the reality of those under study. For example, I started with some analytical categories derived from the



literature under the topics of civil legal services access, process, and outcomes. As I began to collect data from the women in this study, it became clear that women’s lack of knowledge of the civil legal system and how to access the system were areas of concern, and I added these as concepts under the category of access to legal services. I continued this iterative process while data was being collected in order to fill out my analysis approach and define coding categories. Figure 4 presents the matrix I used for analyzing the qualitative data within and across cases.

Figure 4

Within group and across case categorical matrix of qualitative analysis

ACCESS	PROCESS	OUTCOMES
Civil Legal Needs Barriers to Access Women’s Knowledge of the Legal System	Point of Entry Types of Providers Services Received Women’s Perception of Providers Benefits Difficulties with Legal Process	Protection Orders Abuse Levels Divorce ,Custody, Visitation and Child Support
<b>WITHIN GROUP ANALYSIS</b>		
Group 1: Women who Experienced Domestic Violence (n=18)		
Group 2: Subset who were not Born in the United States (n=6)		
Group 3: Legal Services Providers (n=11)		
<b>ACROSS CASE ANALYSIS</b>		
Case 1, Case 2, Case 3... Case 18 across Access, Process, and Outcomes		

The strategies utilized for data coding were drawn from Maxwell (2005), who identifies three types of coding strategies, which were adhered to in this study. The first is organizational coding, referring to the categorical dimensions of the data (Maxwell, 2005). In this study, organizational coding included types of legal services and types of barriers faced by women from both the interviews with the women and with the service providers. For example, codes included items such as “Private attorney”, “HAWC lawyer”, or “Lawyer of the Day” as types of legal services received. The second coding strategy identified by Maxwell (2005) is substantive coding, which begins to identify the meaning of the data, to identify emerging themes, and to link the data to a more conceptual understanding of the phenomenon under study. Areas analyzed included the women’s interpretation of their experiences with legal services, their perspectives on the advantages and disadvantages of receiving legal services, and providers’ understanding of systemic problems with the legal services delivery system. Examples of substantive coding of the interaction with the lawyer include “Information provider”, “Emotional Support”, and “Reduce fear of legal process”. The third category is referred to as theoretical, because the coding is attempting to place the information in a larger theoretical context (Maxwell, 2005). In this study, one of the larger theoretical contexts is that abuse is an exercise of male power over females. An example of this coding would be “Manipulating legal process” to explain how males use the court system to further control the woman, such as filing for custody of the child for the purpose of emotionally hurting the woman rather than a true desire to be with the child. I utilized QSR International NVIVO qualitative analysis software version 8 (QSR International 1999-2009) to assist me with the qualitative data coding and analysis.

Quantitative data analysis was conducted utilizing SPSS version 17.0 analysis software (SPSS 2008). Summary statistics were calculated for all demographic information about the study subjects. In addition, descriptive statistics were calculated on all relevant study variables for both the pre-intervention and post-intervention time points. The main quantitative variable of interest was the subject's score on the CTS2, which was analyzed in order to identify changes in the frequency and severity of abuse experienced by the study subjects. A Wilcoxon Signed Ranks Test, which examines how far the difference scores are from zero in both the positive direction and the negative direction, was used to analyze the statistical differences in the changes in pre-test and post-test scores on the CTS2.

#### Methodological Issues

While this study was designed to be consistent with theories of solid research design, some methodological weaknesses do exist. This study examines the experiences of a small number of women who reside in several communities in the Boston metropolitan area. The limited number of study subjects made it impossible to conduct many quantitative data analyses in this study, but part of the qualitative research design selection was based on the purpose of this study. The main purpose of this study was to illuminate the issues surrounding access, process, and outcomes and to delve deeper into the women's experiences in these areas. In addition, the results of this study are not able to be generalized to the larger population of women who experience domestic violence. This study focused exclusively on women who experience domestic violence at the hands of their male partners, and results may be different for other populations who experience domestic violence, such as males with female partners or couples in same-

sex relationships. In addition, the small number of study completers made it difficult to use statistical testing to compare groups of study participants, such as differences between those who were born in the U.S. and those who weren't born in the U.S. While I was able to begin to examine some of the issues faced by women who have different cultural backgrounds than U.S.-born women, these issues need to be examined on a larger scale.

The semi-structured interviews with the women who utilized civil legal services also presented some methodological limitations. The pre-services interview consisted mostly of closed-ended questions with one or two open-ended questions to stimulate discussion about the woman's experience with domestic violence. While an advantage of this approach included gaining specific information about a woman's experience in a way that attempted to quantify some aspects of her experience, this approach also presented some limitations. The closed-ended questions stimulated a deeper conversation about the woman's experience, and since I relied on note-taking to capture the woman's responses, some of the depth and richness of the detail may have been lost. I had planned to audiotape the post-services interviews, which incorporated an open-ended question about the woman's experience with obtaining legal services and working with their lawyer, but since the majority of the interviews were conducted by telephone, it was not possible to audiotape them. While the method of conducting interviews by telephone allowed me to collect data from women who were unable to complete an in-person interview, incorporating more open-ended questions, audiotaping of the interviews, and transcription of the interview text would have provided richer contextual information.

Another methodological issue that arose in my study is that the racial composition of the sample of women that completed the study was homogenous. A total of 92% of the study subjects recruited from HAWC who completed the study were white, and a total of 84% of the subjects recruited from HarborCOV identified as Hispanic. The Hispanic women who participated in this study were included in the totals for White race, and represented 28% of those who completed the study. Overall, the racial breakdown of this study sample is reflective of the population of women that are served by the two community based organizations that participated in my study. The racial homogeneity could lead to a lack of representation of the study results to the larger population of interest. However, qualitative research designs are not meant to lead to broad generalizations of study results, so the racial homogeneity of the study sample is less problematic than if generalizations were being made about the larger population.

Another challenge faced by this study is the time frame for the sequence of events surrounding domestic violence cases. During the course of this study, I discovered that some of my assumptions about the sequence and timing of the events surrounding domestic violence were incorrect. The study was designed to examine a linear sequence of events, six months prior to and six months after receiving services. My assumption, based on the literature (Cattaneo, et al., 2007; Jordan, 2004), was that there would be a recent triggering event of physical violence that led to the women seeking legal services. While that was certainly the case in some instances, nearly 80% of women in this study had not been residing with their partners prior to seeking legal services. While this may have reduced their chances of experiencing physical abuse, this study discovered that there is much more psychological and verbal abuse that are

triggering events.

The majority of women also experienced domestic violence over a much longer period of time than this study analyzed. Many of these women had been in a long term relationship with the abuser, with a median length of time of 10 years. A woman's legal needs may continue for years, even after the relationship has ended, especially if the woman has children in common with the abuser. Therefore, my study could only examine a small slice of time during which legal assistance was required, which may or may not be representative of a woman's overall legal needs. In addition, a six-month follow up period may not be a long enough time period to capture domestic violence recidivism rates.

Study participant attrition also presented a methodological challenge to this study. Of the 29 women who participated in the study, 11 (38%) were lost to follow-up (i.e., did not complete the second interview) and 18 completed the study. While this rate is high, it is comparable to another study involving women in shelters which had a 40% attrition rate (Finn, 2003), and is not unexpected given the transient nature of the study population. The most frequently cited reason for loss to follow-up in the Finn (2003) study was that the researchers were unable to contact the participant due to disconnected phones. Reasons for study attrition in the present study are presented in Table 2 and were similar to those identified by Finn (2003). The majority of subjects (73%) did not respond to attempts to reach them by phone. One subject stated that she was no longer working with the agency and therefore did not want to participate in the follow-up interview and had moved out of state and I had no contact information. Another subject had moved out of state. After several attempts to reach another subject, I was able to

reach a family member who reported that the subject had passed away. I was unable to assess the reason for her death, but since I had no contact with the study subject except for the initial interview, it is safe to assume that it was in no way related to this study.

Table 2

Reasons for study attrition (n=11)

<u>Reason for Study Attrition</u>	<u>n</u>	<u>%</u>
Subject did not respond to multiple phone contacts	8	73%
Subject no longer interested in participating in study	1	9%
Subject moved out of state, no contact information	1	9%
Subject is deceased at time of follow-up interview	1	9%

A comparison of the demographics of study completers and participants who were lost to follow up is presented in Table 3 and indicates that a higher percentage of study completers had a college degree than those who did not complete the study. In addition, a higher percentage of the study completers had tried to leave their relationship before, and a lower percentage had at least one prior relationship that involved domestic violence. A lower percentage of study completers than non-completers had a protection order in place. High percentages of both completers and non-completers had children, but the study completers as a group had a higher number of children than the non-completers. Those who did not complete the study were also more likely to be in a relationship with their boyfriend, rather than a more formal relationship like a marriage. Due to the small number of study subjects falling into each category, it was not possible to perform chi square statistical analysis on any of these variables.

Table 3

Demographic characteristics of study completers versus subjects lost to follow up

	Study Completers (n=18)	Lost to Follow Up (n=11)
Demographic		
Female	100%	100%
Race		
White	94%	100%
Black/African American	6%	-----
Ethnicity		
Hispanic	28%	36%
Non-Hispanic	72%	64%
Number of Women with Children	89%	91%
Total Number of Children (All Women)	39	23
Born Outside of U.S.	33%	36%
Spanish is Primary Language	28%	27%
Highest Level of Education Completed		
Grade School	6%	9%
Some High School	17%	9%
High School Diploma/GED	17%	27%
Some College	39%	45%
College Degree	22%	0%
Employed	67%	73%
Current Living Situation		
Own Home	17%	-----
Doubled up with Parent(s)	17%	27%
Rent-No Assistance	44%	36%
Rent-Public/Subsidized	22%	36%
Relationship Status		
Married	67%	45%
Divorced	17%	9%
Separated	6%	-----
Never Married/Boyfriend	11%	45%
Tried to Leave Before (At Least Once)	72%	55%
Currently Residing with Abuser	22%	18%
At Least One Prior DV Relationship	22%	45%
Protection Order in Place (Ever)	33%	64%



An examination of the pre-services interview for those women who could not be contacted (n=8) lends some additional insight into the reasons for study attrition. It is possible that women who did not complete the study were not as ready to take action since they may not have tried to leave their relationship before. However, this does not appear to be the case with the eight women in my study who were unable to be contacted. Six of the eight women (75%) who could not be contacted reported in their pre-services interview that they had tried to leave before. These findings are also consistent with the theory that participants who are lost to follow up have a greater history of abuse and therefore, are in more danger and have a greater need to hide (Cattaneo, et al., 2007). Due to the limited number of data in each cell, it is not appropriate to run chi square tests to examine statistically significant differences among the groups. However, the information provided at the pre-services interview of these eight women could support a variation of this theory. While the women weren't hiding from their abusers, they may have been "laying low" due to the fact that they all had regular interaction with the abuser and may have been still facing abuse. For example, five of the eight women (63%) indicated that they were currently enduring abuse or harassment by their partner or had regular face-to-face contact with their abuser. One of the women reported that the abuser harasses her at work and that he sees her every weekend and does not have a protection order in place. Another woman facing physical and emotional abuse still resided with her husband. A third woman was facing current abuse by her son, and felt that she couldn't call the police because her abuser threatened to call immigration on her if she did. In addition, this woman reported that when her abuser found out that she was utilizing services, he stopped paying her rent and tried to

get her evicted. The fourth woman’s abuser was harassing her and stalking her at work and was seeking help with her protection order. The last woman who did not respond to phone calls has face to face contact with the abuser once a week for visitation. In conclusion, there is some evidence that these women either had to deal in person with the abuser on a regular basis or faced real consequences when they tried to utilize services and therefore were not responding to my messages.

In addition, it’s possible that since a higher percentage were facing abuse by their boyfriends, rather than spouses, they had less at stake to gain from the civil legal system. For example, if they were not married, they would not be initiating divorce proceedings, and may be more focused on getting a protection order, which can be obtained without legal representation. Lower percentages of those who were lost to follow-up presented with child support or custody needs, and a higher percentage presented with a need for a protection order, as indicated in Table 4. An analysis of the legal needs indicates that study completers had an average of 1.9 legal needs per woman, versus 1.6 for those who were lost to follow-up, but a two-tailed t-test indicated that this difference was not statistically significant ( $p=.396$ ).

Table 4

Percent of legal needs by issue type and study completion status

Legal Need (Issue)	Completers (%)	LTFU (%)
Separation/Divorce	37.1%	33.3%
Child Custody	22.9%	16.7%
Protection Order	17.1%	33.3%
Child Support	17.1%	11.1%
Visitation	5.7%	5.6%
Total number of Issues	35	18
Average # Issues/Woman	1.9	1.6

The pre-services interviews of those who did not respond to phone calls indicated that these women might have had less to gain from utilizing legal services. For example, four of the women were not married, and therefore, did not need help with divorce. One of these four women stated that her boyfriend can “easily get attorneys,” indicating that he has the advantage in legal matters. Another of these women had many legal remedies already in place. She had sole physical and legal custody of her children, received child support regularly and on time, had set up supervised visitation, and was only seeking help with her protection order. Another had sole physical custody, receives custody payments, and does not have to see her abuser during drop offs of her child. If women were facing a situation where they had less to gain from the use of legal services coupled with more risk associated with it, they may have dropped out of the service system and not responded to my attempts to contact them.

The study limitations mentioned above require that the results of the study be interpreted with some caution. In particular, the lack of audio-taped and transcribed interviews with the women who were utilizing legal services and the fact that the majority of women in this study were not residing with their abusers when they sought legal services has an impact on the interpretation of the results surrounding divorce, child custody, visitation, and child support. Many of the women had begun to address these issues prior to seeking legal services. This timing, in conjunction with the lack of detailed information about these issues, makes it difficult to ascertain when the woman first filed for divorce, what the circumstances were around her divorce (for example, whether the divorce was contested or not), and what other help she received from non-attorneys. These issues should be considered when reviewing the study results.

## CHAPTER 4

### ACCESS TO CIVIL LEGAL SERVICES

Accessing civil legal services proved to be challenging for women on a variety of levels. There are three main themes that emerged from the interviews with the women and the providers about accessing civil legal services. First, women have a variety of civil legal service needs, which also differ for those women who are not born in the United States. Second, there are a variety of barriers to accessing legal services for civil needs, and additional barriers for women who were not born in the U.S. Third, there are problems with access that result from the victim's insufficient knowledge of the civil legal system. Legal service providers were not specifically asked about women's legal needs, so the analysis of civil legal needs is limited to the perspective of the women who experienced domestic violence and participated in this study.

#### Civil Legal Needs

An analysis of the civil legal needs of the women who completed my study indicates that women's civil legal needs are varied. Analysis across cases indicates that the highest percent of women (72%) were seeking legal help with issues of separation or divorce, followed by child custody (44%). A lower percent of women were seeking help with protection orders and child support (33% for each issue). The lowest percent of women were seeking assistance with visitation issues (11%). Results are presented in Table 5, and represent the need stated by the woman at the first study interview. Some

women revealed that they received additional services by the time of the second interview, but these additional services are not shown in Table 4.

Table 5

Percent of women requesting assistance for each legal issue

Subject #	Separation/ Divorce	Child Custody	Protection Order	Child Support	Visitation
Subject 1002	X				
Subject 1004	X	X			
Subject 1005	X	X			
Subject 1007	X				
Subject 1008	X		X		
Subject 1009	X				
Subject 1011			X		
Subject 1012	X				
Subject 1016	X	X			
Subject 1017	X	X		X	
Subject 1018	X	X		X	
Subject 1019		X		X	X
Subject 1020	X	X		X	
Subject 1021			X		
Subject 1022	X	X	X	X	X
Subject 1026				X	
Subject 1028	X		X		
Subject 1029			X		
Total n	13	8	6	6	2
Total % of Women	72%	44%	33%	33%	11%

Next, I analyzed the results within three groups. I analyzed the results for all women who completed the study (n=18), for women who were born in the U.S. and completed the study (n=12), and for women who completed the study but were not born in the U.S. (n=6). I calculated the percent of legal needs for each group as the number of issues in each category divided by the total number of issues for the corresponding group. Results are presented in Table 6.

Table 6

Legal needs of U.S. born completers versus non-U.S. born completers

Legal Need (Issue)	All Completers (n/%)	U.S. born (n/%)	Non-U.S. born (n/%)
Separation/Divorce	13/72%	10/83%	3/50%
Child Custody	8/44%	5/42%	3/50%
Protection Order	6/33%	4/33%	2/33%
Child Support	6/33%	3/25%	3/50%
Visitation	2/11%	1/8%	1/17%
Total number of Women	18	12	6
Total number of Issues	35	23	12
Average # Issues/Woman	1.9	1.9	2.0

Overall, women presented with a total of 35 issues, with an average of 1.9 issues per woman. There were no differences between the U.S. born women and the non-U.S. born women in the average number of issues per woman; however, the questionnaire did not specifically ask non-U.S. born women about issues related to immigration. While it is not possible to run chi-square statistics due to the limited number of observations in each cell, examining the frequencies of the types of issues for U.S. born women versus non-U.S. born women reveals some trends. Higher percentages of U.S. born women were seeking assistance with separation or divorce, while higher percentages of non-U.S. born women sought assistance for child support and visitation issues. This finding is relevant for resource allocation decisions in those agencies that are planning services for non-U.S. born women. I have not come across this finding in any of the literature I reviewed, and a future study to examine this in more detail would be helpful to confirm this finding and begin to explore the possible implications of this difference.

## Barriers to Access

The women in this study revealed a wide range of barriers when attempting to access the civil legal services system. One half of the twelve U.S. born women reported barriers to access. The women reported some of the same barriers as I discovered in the literature, with the biggest barrier being lack of resources, both on the part of the women themselves and the agencies that were serving them (Cuthbert, et al., 2005; Derocher, 2008). Four of the twelve U.S. born women faced problems due to limited income. Two were turned away from the Lawyer of the Day program because they were over the income eligibility threshold, but did not make enough money to hire a private lawyer. One woman was turned away from pro bono services for the same reason. Another woman stated that if she had the time and money to hire a lawyer, she would have hired one. One of the non-U.S. born women had received services from a Civil Legal Assistance agency for help with her divorce. When she later encountered problems with child custody and support issues, she called the agency for additional help. The agency told her that her case had been closed, and that they could no longer assist her. Two of the seven women (29%) who were lost to follow-up also reported similar barriers to access. One was told the Lawyer of the Day program in the court was cancelled and one was turned away from other legal assistance agencies.

Another barrier that surfaced that was not identified in the literature was that women's fears hindered their ability to access services. For example, one woman reported that she had made an appointment for legal services, but when it came time for the appointment, she drove to the agency, sat in the parking lot, and then got scared and drove home. Another woman reported that she did not persist in getting legal assistance

because, “You have to be ready to do it – things can get worse. I’m not prepared to do it.” One of the non-U.S. born women skipped an appointment and then never rescheduled it. I categorized these types of barriers as fear-based barriers. Eventually, these women were able to access resources, but it took several attempts. While the literature findings indicate that women usually utilize at least two sources of formal help per incident of abuse (Gondolf, 1988 as cited in Cattaneo, et al., 2007), there is no prior research that assesses the number of unsuccessful attempts that women experienced prior to gaining access to the help they needed.

Legal service professionals also identified barriers that women face when accessing the civil legal system. One judge comments, “...you’re not provided a lawyer by right in a non-criminal case. The greatest handicap that people have is that they don’t have the funds to hire lawyers and there aren’t any lawyers available.” This puts program staff in the difficult position of making very tough decisions about which clients to serve. One attorney states,

...because we can’t take everyone, so we have to prioritize. Are we going to be more concerned with somebody who has a custody dispute because that’s a big risk? Or someone who has other barriers to justice, like, has disabilities, or has language barriers or immigration issues, that makes them more in need? ... we do have to make a distinction when it comes to serving people as to what’s just a bad marriage and what poses a safety risk. I think that’s where it pushes over, when there’s a threat to this person’s physical safety.... We do turn away a lot of people, and it’s tough to pick through their lives and say who stays with us and who doesn’t.



There are also financial barriers, as costs are associated with attorneys and other professional staff who make recommendations to the judge. One attorney stated,

Many clients can't afford an attorney who can represent them, and don't have backing from an attorney from beginning to end. If they had an attorney, they could call them any time of day, not have to wait for an appointment. Now they have to go through the details all over again, unless their representative has a case file on them. If they have their own attorney, the attorney knows the case inside and out. Also, to get an attorney, the client always has to pay a retainer (typically around \$5,000) and pay it right then and there.

The providers also indicated that women may not have access to sufficient amounts of disposable income because of the abusive situation they are leaving. These problems are further exacerbated by the current economic situation, leaving women and programs with greater needs and fewer resources. These findings confirm the literature that shows that there is a lack of resources to sufficiently address civil legal needs (Derocher, 2008; MAJC, 2007; Rhode, 2004).

The non-U.S. born women identified some additional barriers that they faced. Four of the six non-U.S.-born women had been living in the U.S. for approximately 10 years, and the other two had been in the U.S. for approximately 5 years. One of the women had a grade school education, two dropped out of high school, two had high school diplomas/GEDs, and one had training in Early Childhood Education and was working as a teacher. The other women had jobs as a poultry worker, a cook, a housekeeper, and one worked a cash register. One woman was unemployed. The

highest annual salary of any of these women was \$28,000, despite their working between 30 and 40 hours a week and caring for children. Despite having been in the U.S. for a number of years, these women had no resources with which to hire a lawyer. This finding regarding lack of resources is consistent with both the literature (Cuthbert, et al., 2005; Derocher, 2008; Dutton, et al., 2000) and with the barriers faced by the women who were born in the U.S.

Women born outside the U.S. also faced barriers which were related to their status as immigrants. One of the women had complications because she had entered the U.S. on a visa in her husband's name, and was dependent upon him in order to stay in the U.S. One woman applied for public housing but stated that she was denied because her 'green card' had expired. One of the women's husband collected money from her and told her it was to file immigration papers for her, but then he never filed, which is consistent with findings in the literature (Conyers, 2007; Dutton, et al., 2000; McFarlane, et al., 2002). One of the women had one child who was a citizen and was receiving benefits to which her other children were not entitled because they weren't citizens. Two of the women had at least one of their children still living in their country of origin, and thus, were physically separated from their children.

In addition, these women faced difficulties related to language or cultural barriers, as well as a lack of familiarity and knowledge of the United States legal system. One woman was unable to speak directly to her lawyer because of a language barrier, and had to rely on someone to translate for her. Another woman reported that she didn't understand anything about the legal process during her divorce process, and simply did whatever the lawyers told her to do. These findings are consistent with the literature that

indicates that language barriers hinder a woman's ability to fully benefit from the services available to her (Ammar, et al., 2005).

The service providers also indicated that there are cultural and language barriers for women who were not born in the U.S. Service providers indicated that victims may come from cultures that have very different norms about domestic relationships and abuse, notions of family, and gender roles. One advocate commented,

But there are some really interesting cultural aspects that are really important to try to understand. In a lot of countries you don't leave. The United States is a little different... there isn't shame in divorce as an overall idea. People get divorced all the time...in other cultures, it's a matter of you don't leave, you're putting shame on your family. There's a lot of pressure to stay.

Women might not know their rights in this country or may not have sufficient resources or a support system that will help them. One advocate states, "People think because they are undocumented that they have no rights at all. I understand that the rights are very limited, but they exist...getting that message into someone's head, that's very difficult." In addition, women may have different perceptions of the law that originates from the legal system in their own country. One advocate indicates,

It starts with lawyers maybe being perceived very differently, in her country of origin, so there's that possible barrier between us that may not exist in representing someone in my culture, there's the maybe different expectations about what a court is, and the authority a judge has or doesn't have, the level of corruption that she may be exposed to in a courthouse, law

enforcement may play a very different role. They may be your enemies in your home country, whereas some people in the U.S. may view them as your allies.

Service providers also indicated that the woman may have fears resulting from their immigration status, such as fears of deportation or distrust in the legal system.

Discrepancies between their immigration status and the immigration status of their abuser or their children may exist. There may be heightened fears if their abuser and/or children are citizens but they are not. Abusers often threaten the victim with deportation. In addition, some abusers will make threats against the women's family, who still reside in their home country. In terms of language barriers, even if a translator is available, the translation may be inaccurate or insufficient. One attorney who works mainly with non-English speaking clients states,

...so let's say you do that and you get into court with an interpreter, still the client has no idea of any of the side conversations that I'm privy to, and that a party might be privy to if the client speaks the same language.

Conversations between the judge and the court officer, between the judge and the opposing attorney, and any others that have a tendency to get lost because they happen so fast. The client also doesn't have the huge benefit of whispering to me in her own language, while it's going on, that what he just said is not true.... I don't know whether the interpreter is accurately translating, not just translating, but the whole interpretation, really giving it the flavor of what the judge is saying, what the opposing party is saying, what the opposing attorney is saying, a lot of that is just kinda lost.

I also conducted several interviews of the women who were primarily Spanish-speaking with an interpreter, which led me to realize that the language barriers can be enormous. Some of the content and meaning was lost in translation, and I found myself having to ask numerous follow-up questions to try to understand and interpret the women's experiences. The interviews in Spanish took almost twice as long as those that were conducted in English. In addition, the woman's experience now was subjected to two cognitive filters, that of the translator's and that of my own.

#### Women's Knowledge of the Civil Legal System

Women's lack of knowledge of the civil legal system also hindered their ability to utilize services. Victims did not know their rights or the variety of legal remedies that are available to them. The community-based organizations were essential in assisting the women and helping them overcome this barrier. Half of the U.S.-born study completers indicated that they lacked knowledge about the civil legal system. Four of the women lacked information about the process of separation or divorce. One of these women stated "I didn't know where to begin." Another of these women was trying to kick her husband out of the house but he refused to leave, and she stated, "I don't know what my rights are." One of the non-U.S. born women expressed similar problems, also stating, "I didn't know what to do."

Another area of knowledge that community-based organizations assist women is in helping them identify their situation as abusive. One woman stated that as she was working on her relationship with a counselor at one of the community-based organizations, she attended a support group and began to realize that her situation was consistent with other women's abusive situations. Two of the non-U.S. born women

also expressed that they did not identify their situations as abuse at first, then later became aware of the abusive elements in their relationships. Last, women may not have knowledge of the different resources that are available to them in the community. Community-based organizations are able to help women who don't know what resources are available to them by providing them with information about available resources or by actually providing those resources within their agency.

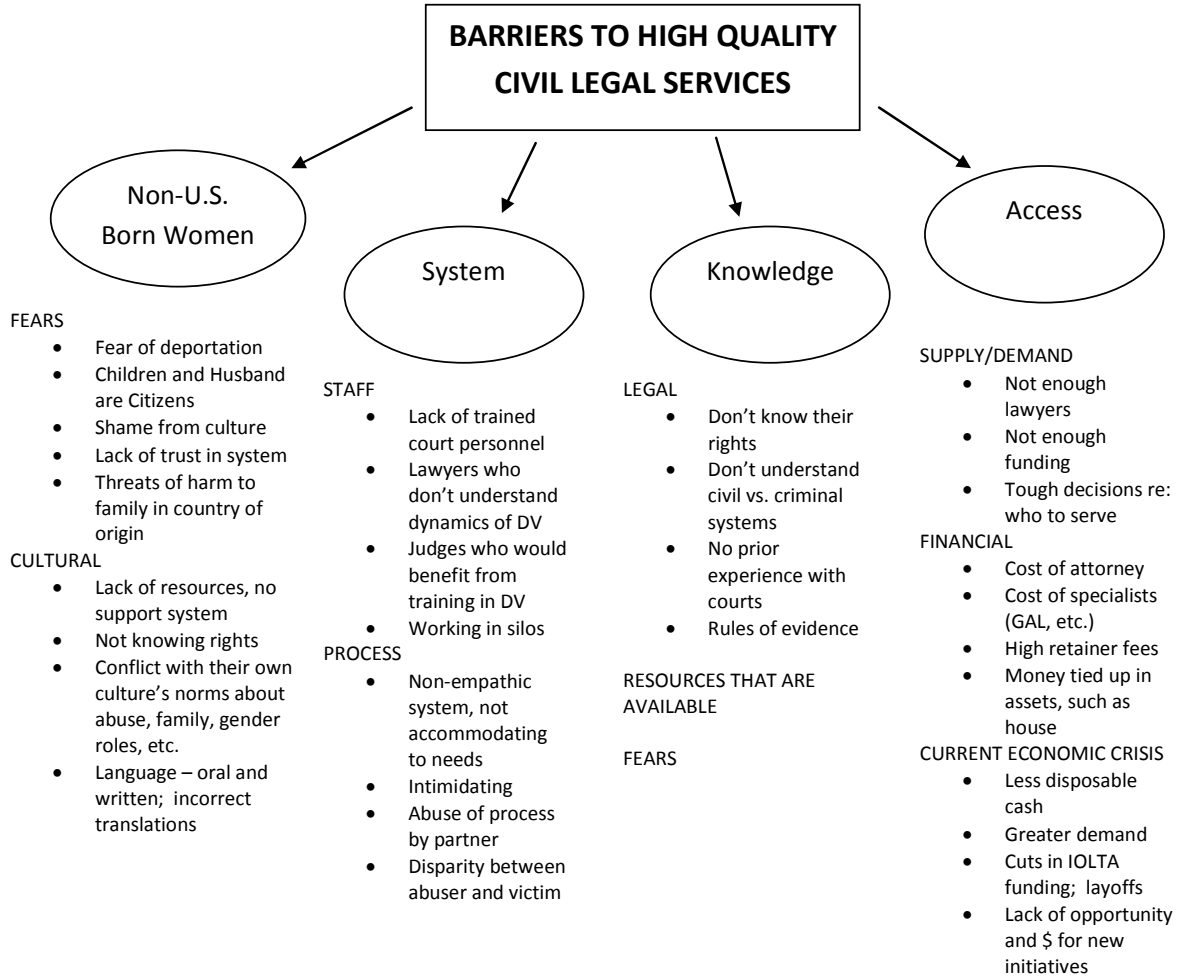
Women also did not understand their legal options and the ramifications of their different legal options. Women might not know that custody is a totally separate issue from child support, thinking if she asks for child support that her abuser automatically gets custody or visitation rights. One non-U.S. born woman thought that if she filed for child support that the abuser would automatically get custody of the children. One non-U.S. born woman did not know what her rights were in terms of travelling or relocating with her children, as was found by Orloff & Kaguyutan (2001). When she wanted to travel to Mexico with her daughter, her abuser told her he would sue her for custody if she did. She later stated that her lawyer told her to contact him if she wanted to travel to Mexico and he could assist her. Another woman, who eventually did not finish the study, wanted to relocate back to her country of origin but was told she couldn't take her children with her without working out an agreement with the abuser, who was not agreeing to let her go. Women may also think that if they get a restraining order against the abuser, that he automatically goes to jail, not realizing that it is only the violation of the restraining order that is a criminal offense.

A model that incorporates all of the barriers women face when attempting to access civil legal services is presented in Figure 5. This model in Figure 5 incorporates

findings from the literature, from the interviews with the women who experienced domestic violence and participated in this study, and from the service providers who worked with the women. This is the first comprehensive model of barriers to legal services that incorporates these three perspectives, and is significant for a number of reasons. First, it will serve as a framework for legal service providers and allow them to have a clear picture of the multiple barriers that face women who are attempting to access civil legal services. Second, it will inform future research efforts and provides a framework from which to begin designing studies that examine the interactions of these barriers. Third, the model will guide public policy efforts to come up with solutions to the problems women encounter when trying to access civil legal services. The model reveals that the issues surrounding access to the civil legal system are complex and multifaceted, and that comprehensive and holistic policy solutions are necessary.

Figure 5

Model of barriers to high quality civil legal services





## CHAPTER 5

### THE CIVIL LEGAL SYSTEM PROCESS

If a woman is able to overcome the barriers that she faces in accessing civil legal services, the process she goes through while utilizing the civil legal system is anything but smooth. Women entered the civil legal system through different points of access, but the community-based organizations proved to be a very important resource for these women. Women also sought help with their civil legal needs from a variety of different sources, from more than one source, and also acted on their own behalf. Details of the women's experiences also show that no two women experience the civil legal services system in the same way. Yet, overall, for the most part, women were satisfied with even the limited amount of and fragmented services that they received.

#### Point of Entry into the System

The community-based programs that participated in this study served several functions. In the majority (61%) of cases, the community-based program was the first point of contact women had with receiving legal help. Of course, this high percent is a function of the fact that I was recruiting participants through the community-based programs. However, I was also able to find that some women had tried to utilize services previously, and they were both successful and unsuccessful in their attempts. While prior research indicates that women utilize an average of two formal sources of help per incident of domestic abuse (Gondolf, 1988 as cited in Cattaneo, et al., 2007),

my study indicates that their help-seeking efforts may be high even before they enter the civil legal system.

It is clear that the community-based programs act as a catchall for women who may not know where to start when seeking legal assistance, and their outreach efforts and open-access policies help connect women to the services they need. In six cases (33%), the community-based organization referred the woman to another agency or program that then either provided legal assistance or helped her find a private attorney who was willing to take on her case either at a reduced fee or pro bono. In four cases (22%) women utilized only the community-based legal assistance attorney, who offered advice and helped them with paperwork, but whose role did not include representation in court. Two women were planning to represent themselves, and when they arrived at the courthouse staff from the community-based organization happened to be there and were able to assist them. Two women had been turned away from a “Lawyer of the Day” in the court because they did not meet the low-income qualification, and then sought help at the community-based organization. The literature I found indicated the importance of the role of the legal advocate in this regard (Weisz, 1999; Sullivan, et al., 1994), but my results indicate the importance of the role of the community-based agency itself, rather than individuals within that agency. Therefore, community-based organizations should be more fully and formally incorporated in the legal services system and could serve as the main institution that coordinates services for women who experience domestic violence.

The legal services providers also indicated that the community based organizations play a crucial role in helping women access and utilize legal services. One

attorney from a Civil Legal Assistance agency points out,

...it's hard for women to get connected into legal services lawyers unless they get connected to somebody in the community, a community agency that has special access to us. So what we've done in our unit here is gradually we've created these special networks of advocates who can contact us directly and get their women in.

However, this appears to be an informal approach, an approach that is neither systematic nor well-communicated to the agencies. The same attorney points out, "...the really savvy advocates out in the community end up making relationships with one or two lawyers here and they have their direct line...they funnel their people in." If the community based organizations were recognized as the main point of entry into the legal services system, more formal relationships could be established with a variety of service providers.

#### Types of Providers Utilized

Women utilized many different types of providers for their civil legal needs. The sources that women utilized included community-based domestic violence agencies (HAWC and HarborCOV, which included legal advocates and lawyers), Legal Services agencies (Neighborhood Legal Services, Greater Boston Legal Services), private lawyers, student lawyers, the Lawyer of the Day program (a court-based program that has a lawyer available to help the victim who shows up at the court house unrepresented), and other referral systems (Massachusetts Bar Association, phone book). Six of the women went through the courts without legal assistance at least once. Each woman had contact with between one and four sources of help with their legal needs.

Approximately one quarter of the women (22%) utilized only one agency.

Approximately one-third of the women (33%) had contact with two different sources, almost half (44%) utilized three sources, and one woman (6%) utilized four sources.

Table 7 identifies the numerous sources of help that women sought.

Table 7

Patterns of utilization of services for civil legal needs (n=18)

<b>Subject #</b>	<b>1<sup>st</sup> Source</b>	<b>2<sup>nd</sup> Source</b>	<b>3<sup>rd</sup> Source</b>	<b>4<sup>th</sup> Source</b>	<b>Total # Sources</b>
1002	HAWC	LOTD	Legal Assistance	N/A	3
1004	HAWC	Other	Private	N/A	3
1005	HAWC	Private	N/A	N/A	2
1007	'pro se'	Legal Assistance	HAWC	LOTD	4
1008	LOTD	'pro se'	HAWC	N/A	3
1009	HAWC	N/A	N/A	N/A	1
1011	LOTD	'pro se'	HAWC	N/A	3
1012	HAWC	N/A	N/A	N/A	1
1016	HC	Student	N/A	N/A	2
1017	HC	Legal Assistance	Student	N/A	3
1018	HAWC	N/A	N/A	N/A	1
1019	Legal Assistance	HAWC	N/A	N/A	2
1020	LOTD	HAWC	N/A	N/A	2
1021	HC	Student	N/A	N/A	2
1022	HC	Other	Private	N/A	3
1026	HC	Student	N/A	N/A	2
1028	'pro se'	HC	Student	N/A	3
1029	HC	N/A	N/A	N/A	1

NOTE: The codes for the sources in the table are as follows: HAWC: Healing Abuse Working for Change; HC: HarborCOV; LOTD: Lawyer of the Day program; Legal Assistance: Includes Greater Boston Legal Services and Neighborhood Legal Services; Other: Includes Massachusetts Bar Association, and using the phone book to find a lawyer; 'pro-se': self representation; Student: A student in one of the local area's law school programs.

While half of the women utilized two or fewer sources, as was shown as the average number in prior literature (Gondolf, 1988 as cited in Cattaneo, 2007), this study indicates that the remaining 50% of subjects utilized more than two sources to address

their civil legal needs. While it is good that there are a variety of alternatives for those who don't receive Civil Legal Assistance, it is clear that women are using a variety of different sources, which increases both the time that they spend navigating the civil legal system and the potential for dropping out of the service system. It does not make sense to analyze the types of providers by subgroup since the non-U.S. born women who present to HAWC are referred to a different site that handles all cases involving immigration law.

### Services Received

During the post-services interviews, it was clear that the women were confused about the type of services they received. Several women were unable to identify whether or not they received Civil Legal Assistance. For example, one woman stated that she was working with a lawyer from a Civil Legal Assistance agency, that she had provided them with information and was under the impression that they were working on her divorce, and then she found out six months later that hadn't done any work around her divorce. A subsequent conversation with the legal advocate from the community based agency revealed that the woman had provided information to the Civil Legal Assistance agency, but that they had not formally accepted her case. The legal advocate at the agency was able to find the woman alternative civil legal services to assist with her case. Another woman stated that she got legal services and found a lawyer, "...from some office downtown." When asked if it was a specific agency that provides Civil Legal Assistance, the woman was unable to name the agency that assisted her. Alternatively, she was very clear on the name of the community-based organization that assisted her and the name of the legal advocate at the agency who provided services.

Another woman was able to identify that she was working with a student lawyer, but did not know what law school they were from until she found the business card she was given to her by the student lawyer. One woman stated that although she had an attorney in court with her, she was unable to complete the questionnaire about what it was like to work with the attorney because she felt that she worked with the legal advocate from the community based organization, who acted as a liaison with the attorney. These findings highlight the confusion that many of the women felt when obtaining services, and the important role of the community based organizations in assisting women with their civil legal needs, even if the organization does not provide direct civil legal representation.

The interviews also assessed the amount of legal services that the woman received and results are presented in Table 8. There were three questions that assessed the quantity of legal services received. One asked how many times the woman had interacted with her lawyer on the phone, one asked how many times the woman had in person appointments with their lawyer, and one asked how many times their lawyer accompanied them to court. Across all the study participants, a total of 5 women (27.8%) spoke with their lawyer on the phone for a total of 51 phone contacts. A total of 16 study participants (88.9%) met with a lawyer in person for a total of 42 face-to-face appointments. Twelve of the women (66.7%) had court appearances, and of those, only six (50.0%) had their lawyers accompany them to court at least once. While this rate is slightly higher than the 37% found in the study in Arizona (AzCADV, 2003), it should be noted that the women were including student lawyers, which may artificially inflate the percentage of women with representation. On the other hand, those women who utilized only HAWC lawyers would not have a lawyer represent them in court, as that is

not within the scope of services offered by HAWC, which may artificially reduce the percentage of women with representation. One study examined the use of legal services during a one year follow-up period, and found that 45% of the subjects did not seek legal help at all during that period, while 32% sought legal help at least once, and 24% sought legal help two or more times (Cattaneo, et al., 2007). Cattaneo, et al. (2007) also found that use of legal services and extralegal services tend to rise and fall together. However, Cattaneo, et al. (2007) only looked at whether or not help was sought, and did not attempt to quantify the amount of help received. The amount of legal services utilized is an important factor to measure when considering policy solutions, in order to plan for resource utilization and to budget appropriately for programs.

Table 8

Amount of legal services received by each study participant

Subject Number	Phone Contacts (#)	Face to Face Appointments (#)	Times in Court (#)	Lawyer Represented in Court
1002	0	3	1	No
1004	24	8	1	Yes
1005	3	1	0	N/A
1007	0	2	4	No
1008	0	4	2	No
1009	0	1	0	N/A
1011	0	1	10	No
1012	0	1	0	N/A
1016	10	5	2	Yes
1017	3	0	3	Yes
1018	0	1	0	N/A
1019	0	2	1	No
1020	0	2	1	No
1021	0	2	0	N/A
1022	11	4	1	Yes
1026	0	0	0	N/A
1028	0	3	1	Yes

1029	0	2	1	Yes
Total % of Women	28%	89%	67%	50% (6/12 who went to court)

### Women’s Experiences with Legal Services

Women’s experiences with the legal services providers and the legal services they received were very positive, for the most part. A total of 69% of the women stated that they were very satisfied with the services they received, 19% were somewhat satisfied, and 13% were somewhat unsatisfied. Problems identified by the women included not having enough time with the lawyer in a ½ hour appointment, experiencing too many changes in student lawyers, and not getting enough help with housing needs.

Women were also asked to rate the level that they agreed with ten statements about their relationship with their lawyer. Women were asked to rate their lawyer from HAWC, their private attorney, or their student attorney, whomever they had utilized for the majority of their visits. Results are presented in Table 9. The majority of women strongly agreed that their lawyers listened to them (79%), respected them (86%), made them feel they had a right to live free from abuse (71%), and were supportive of their decisions (75%). Three-quarters (79%) of the women would refer other women in their situation to their lawyer. The high percentage of women who would refer other women in their situation to their lawyer also indicates a high level of satisfaction with the services they received.



Table 9

Women's perceptions of their lawyers (n=18)

Statement	Strongly Disagree	Somewhat Disagree	Somewhat Agree	Strongly Agree
My lawyer listened to what I had to say.	0%	7%	14%	79%
My lawyer helped me decide what was best for me.	7%	0%	36%	57%
My lawyer made me feel like I have a right to live free from abuse.	0%	0%	29%	71%
My lawyer respected me.	0%	0%	14%	86%
My lawyer was easy to talk to about my situation.	0%	14%	14%	71%
My lawyer was available when I needed him/her.	0%	14%	14%	71%
My lawyer made me feel personally powerful.	0%	14%	21%	64%
My lawyer was supportive of my decisions. (n=12)	8%	8%	8%	75%
My lawyer explained things in a way that I could understand.	7%	0%	21%	71%
I would tell other women in my situation to use my lawyer.	7%	7%	7%	79%

A lower percentage of women stated that they strongly agree with the statements that their lawyer made them feel personally powerful (64%) and that their lawyer helped them decide what was best for them (57%). It is possible that the lower percentage of women stated that their lawyer made them feel personally powerful could be a function of women feeling that their legal options disempowered them. In addition, the lower percentage of women who reported that their lawyer helped them decide what was best for them could reflect either that their lawyer was not helpful, or that the women felt

empowered and that they made their own decisions. These two items which reflect a sense of a woman's empowerment when interacting with their lawyer should be further examined in future research studies.

Overall, each woman had a different experience with the legal assistance they received. While many of the women were appreciative of even the limited legal assistance they were able to obtain, several also expressed frustration with the process and the length of time they had been working on their legal issues. Abbreviated case studies are presented in Appendix 10, which provide more detail about women's experiences with their lawyers.

Legal services professionals also commented on women's experiences with the process of obtaining civil legal services. Themes emerged that a range of professionals that women encounter while obtaining legal assistance are often not sufficiently trained in the dynamics of domestic violence and the complicated situations that arise because of the violence. Providers acknowledged that they often see court personnel who could benefit from training in domestic violence. One attorney stated,

It is extremely frustrating to work with judges who don't understand the basic dynamic, probation officers and people in the court who don't understand the basic dynamics of DV and who will still blame the victim for, even if they're not outright saying it's her fault, if she doesn't call the police when a violent incident happens.

In addition, providers stated that there can be "good lawyers" and "bad lawyers" for these cases. One attorney stated, "A good attorney will be someone she can lean on and depend on. A bad attorney is one that takes control, and it's not good when a client lets

the attorney take control and make decisions for her.” Other qualities of good lawyers include having empathy for the client’s situation, understanding the cycle and dynamics of abuse, and having some prior experience in litigating these cases. Providers face some judges who retain old misconceptions about domestic violence, such as not understanding why the woman doesn’t just leave, or why it takes multiple attempts to leave. Providers also mentioned that attorneys tend to work in silos and only speak to other attorneys, which can limit their understanding of the holistic needs of these women. As was found in Cattaneo, et al. (2007), women’s utilization of legal services coincides with their utilization of other services outside the legal system, tending to rise and fall at the same time. Providers indicated that an attorney may not realize that a woman seeking legal help also needs other supports, such as housing, food stamps, or other government benefits. One attorney points out,

One, the understanding of the dynamics of DV allows you to understand what they went through to be able to explain it to judges, to be able to advocate to doctors, to whoever in the system, or to the housing worker who may be questioning why they acted a certain way or what happened here and it allows you to serve your client better; but the second is that the understanding of poverty law that is very unique to legal services workers, legal services attorneys, allows you to understand that poverty and DV function, that they interact, that there’s an interaction between the two and unless we address the poverty issues we will not be addressing the issue, the full issues within that woman’s life, that will grant her and her children stability and will allow her to live free of the violence. Unfortunately, I

think that when the public thinks of DV, they think criminal law, DV, it's a crime. And they think stop the abuser, and yes, it's incredibly important to do that, but sometimes it's even more important to realize that being safe without him means understanding how to make her safe and make her economically viable without him. And that's what's gotten lost.

Providers also expressed that the legal process is not set up to accommodate additional needs these women might have, such as childcare while they are waiting in court all day, as was found by in the literature, as well (MAJC, 2007). The legal process can be intimidating, and this can be exacerbated when women's abusers misuse the system as a form of manipulation, as was indicted by Cuthbert et al. (2005) and Fuller (2007). For example, legal providers reported that some abusers will file motion after motion, and then not show up in court, or will not respond to legal paperwork, causing unnecessary delays and frustration. One of the legal advocates relayed a story of manipulation of the system by an abuser, as follows:

Here's something that happened that made me rethink the whole process of getting an RO. A client of mine had the abuser get a RO against her, you know 'ex parte', he goes in there alone and gets a RO against her. He shows up to her house and holds a cake on her birthday, with a candle. She tells him to go away, he calls the police and says she talked to him. She gets arrested and put in jail for the weekend. And the unfortunate thing is that... that really happened.

In addition, when appearing in court, the victim may be emotional and upset as a result of the trauma she experienced, while the abuser appears in control and rational before

the judge, lending credence to his version of events. One legal advocate explains,

The judge doesn't care and that is hard for someone, unless you have a lawyer explain to you why the judge seems so unsympathetic because they are there to just hear what the issue is and what's the law and how they can apply that. How you feel and other emotional attachments, they don't care too much for. Sometimes clients will feel like they weren't heard in court....

There may also be disparities in the quality of legal representation each side is able to afford. Three of the women who did not complete this study indicated that this was true. One stated that her ex-boyfriend was well off and "gets attorneys easily." Another woman stated that her abuser "had the best lawyers that money can buy." Another woman stated that her boyfriend had an attorney during the court process but she did not.

Legal services professionals also stated that victims usually don't understand the rules of evidence that apply in the courtroom. Providers stated that women may be including information that the judge feels is irrelevant to the case, even though it is a significant part of the woman's abuse history. Victims believe that if they just tell their side of the story, any rational judge would understand. From a judge's perspective, ...they have a lawyer who helps them navigate and is able to put their arguments and their story in a coherent form. That's the advantage. Also to explain to them how the system works and help them navigate it. Because often people aren't very articulate.... They often don't know how to present a clear and coherent story and they are often afraid to speak up.

So although they may have been abused, they get before the court and they are mute. They don't say anything. They are mute. They can't present their story.

### Benefits of Civil Legal Services

The women in this study expressed that they received many benefits from having civil legal services. All but one woman stated that they received benefits from having legal assistance. Six of the women (33%) mentioned that they would not know what to do or where they would be without the legal assistance they received. Other benefits that the women stated they received included 1) gaining more knowledge about her legal options and getting an understanding of exactly how to go through the steps for each option; 2) gaining positive outcomes such as POs, custody of the children, or having protection of their financial assets; and 3) being able to complete the divorce process. These findings confirm the benefits of civil legal services that were found in the literature, such as the role of advocates in providing information about the legal system and the positive outcomes achieved when women have full representation (AzCADV, 2003; Elwart et al., 2006, Weisz, 1999). The one woman who stated that she did not receive any benefits said that she did not learn anything new from the lawyer and that the lawyer did not have answers to her legal questions and seemed unsure of the facts. Additional benefits are incorporated into the outcomes section of this dissertation.

Legal assistance providers were also asked their opinion about the benefits that an abuse victim receives from having an attorney. There are benefits above and beyond simply having someone who knows the system, knows the laws, and knows what legal options are available. One attorney stated,

Once the client makes the decision that the legal route is the way she wants to go, then the lawyer speaks the language of the courts, in a way that, for the most part, non-lawyers don't. The lawyer should have some experience in how the judge might react to the case, how the judge might be likely to decide the certain case, what's a reasonable thing to ask for, what's going to work in favor of her case, what's going to work against her case, everything about the strategy - a lawyer with some experience should be able to help the client make her best case in a way that someone who is not in court wouldn't know.

Providers stated that attorneys will explain the very complicated legal system to their clients. This was also expressed by the clients themselves when speaking about the benefits of having an attorney. In addition, an attorney will act as the voice of the client, and is able to speak to the facts and evidence while remaining emotionally neutral, something that is difficult for the victim to do and something that the judges require. The attorney will negotiate for the victim, and will fight to get an outcome that best serves the client's interest. Several of the providers identified that having an attorney increases the safety of the victim; the victim is not alone in court with the abuser and doesn't have to directly communicate with the abuser. In addition, the attorney can help a client understand why it appears that a judge doesn't think certain details are relevant or why the opposing attorney is asking certain questions, thus diffusing some of the negative experiences that may result from the legal process.

The results from my research clarify the civil legal services process that operates at the intersection of domestic violence and the law, specifically for women who utilize

community based legal services. My research confirms findings in the literature that the process requires multiple attempts to gain help and that women's utilization of services is not a one-stop shopping experience (Cattaneo, et al., 2007). In addition, my study confirms that there is a lack of resources available to assist women who need civil legal services, which puts these women at a disadvantage (Cuthbert, et al., 2002). My research also confirms that the civil legal process is subject to manipulation by the abuser (Cuthbert, et al., 2002; Fuller, 2007). These findings were confirmed by both the experiences of the women who utilize the civil legal system and by service providers who operate within the system.

This study adds to the field by providing details about the civil legal system process as women experience it through community based organizations. It becomes clear that there is a two-tiered civil legal system for women who experience domestic violence in this state. Those who qualify based on their income are able to receive comprehensive Civil Legal Assistance from the start to the finish of their case. This affords them access to an attorney throughout the entire process, and puts them at an advantage over women who don't qualify for these services. Women who aren't eligible must piece together services from a variety of providers, and often utilize multiple sources to meet their civil legal needs. In addition, rarely do they have an attorney from the start of their case to the end of their case, and often must rely solely on legal advice from an attorney, and end up representing themselves in front of the judge. The illumination of the different process for women who don't qualify for Civil Legal Assistance also sheds light on the fact that there is an inequality between these two systems. My study also identifies the unique role that community based organizations



play for women who are not entitled to receive comprehensive Civil Legal Assistance. Community based organizations help a woman by serving as a starting point for getting information about her rights, clarifying the process of the civil legal system, providing advice for how to navigate the system, and referring her to other appropriate legal resources.

## CHAPTER 6

### CIVIL LEGAL SERVICES OUTCOMES

Outcomes of civil legal services were assessed between six and ten months after the women received legal services. Outcomes were assessed along many dimensions, including the women's use of protection orders, their relationship status, custody and visitation arrangements, and receipt of child support. While many of the women provided information about outcomes, most were still in the process of working out their civil legal issues related to domestic violence. In addition, levels of abuse were measured before and after receiving legal services, with some interesting results. While this study provides a preliminary look at outcomes of civil legal services, due to the small sized study sample, outcomes data cannot be generalized to a larger population of women facing domestic violence. However, the usefulness of this data is in the ability to highlight some of the possible outcomes of civil legal services which will aid future research design and analysis.

The outcomes of civil legal services that are presented in this study have different strengths and limitations in their ability to assess the services provided. For example, one of the assumptions of my study that was challenged by the study results was the idea that the critical moment for seeking services is directly after an event of physical abuse. As described in the methodological limitations, physical violence may not be the triggering factor to seek legal services. Therefore, the results presented about

physical violence and injury on the CTS2 scale may not reflect the full degree of physical violence that exists in the woman's relationship, because an incident of physical abuse may not have happened during the time period being studied. On the other hand, the psychological and emotional abuse was occurring more steadily, so the reduction in this abuse can be asserted with more confidence. In addition, because protection orders were set up in a way to be "user-friendly" for women to seek on their own without legal representation, and many do so, it is easier to assess the role of the lawyer who assists women with this process by comparing outcomes of those who use lawyers versus those who don't. In addition, in the results below, some women who sought a protection order without legal help did not get the order issued, but later got an order issued for the same event when they had the help of a lawyer. Last, issues related to divorce, custody, child support, and visitation are long-term issues. Not only may these issues not get resolved in the time frame of the study, but circumstances surrounding these issues change over time.

#### Protection Orders

Protection orders can be obtained without legal representation, but several of the women stated that it was helpful to have a lawyer's assistance with filing for protection orders. Five of the subjects had a PO in place at the time of the second interview, four of whom did not have one in place at the initial interview. Two of these five had an attorney help them with the PO, two had assistance from legal advocates, and one had help from the personnel at the court. Seven women had PO's in place at some point prior to seeking legal assistance but did not currently have one. One woman who was not going to extend her PO due to fear of having to see her ex-husband in court

eventually obtained one through the assistance of a student lawyer. One woman chose not to file for a PO out of fear of having to see the abuser in court. Another woman reported that she tried to get a PO on her own, but the court denied her the PO. She later sought legal assistance at a community-based organization and was granted a PO. Five women had attempted to get a PO without the assistance of a lawyer. Of these women, two were denied Protection Orders (POs) and then later were granted POs with legal help. Two successfully got POs on their own, and one went to court alone but happened to run into legal staff from one of the community based organizations who helped her with her PO. Of the six women who stated during the pre-services interview that they were seeking legal assistance for help with their PO, four (67%) had their needs met and received help with their PO.

One-third of the study subjects did not obtain a protection order (PO) either before or during the study time period. For the most part, the reason they did not get a protection order was because it was not applicable due to their current living arrangements and relationship status. Of the six women without protection orders, two had husbands who moved out of state and two were currently residing with their husbands. The last two did not have a PO in place and had regular face-to-face contact with their ex-husbands during visitation with their children.

Legal services providers also indicated that it is important to have a lawyer when filing for protection orders. One of the Civil Legal Assistance attorneys indicated that there are benefits that can be obtained in a protection order that women don't know about and judges or advocates may not readily offer. She states,

The most egregious is that in under a protection order you can get

financial remuneration, in Massachusetts, you can get child support, you can get alimony, you can get reimbursement for damage that he's done, and judges, District Court judges, do not want to give this relief, and victim witness advocates, who are primarily the people who help them...don't feel empowered to deal with it, and therefore, women walk into the court, they get a protection order that has the bare minimum and they go home.

Another attorney indicates that in Massachusetts, "...we have a great protection order statute, but it rarely gets enforced to the extent that it can be enforced, or used. But that's whether judges don't want to deal with it or judges don't know about it..." One advocate indicates that she doesn't think having representation for obtaining a protection order impacts the outcome, but states, "...the court's going to react a little different because there's an attorney there, and they're going to speak to that attorney a little more..." Therefore, while it is not required that an attorney assist a victim with obtaining a protection order, there can be differential outcomes if there is an attorney assisting the client, and those outcomes can be tangible, as was indicated by Schneider (2000). While the literature shows that having an attorney may increase the chances of having a protection order issued (Elwart, et al., 2006), there is also evidence from my study that an attorney may be aware of additional benefits that can be obtained with a protection order, and can help a client get the maximum benefits affordable under the statutes that govern protection orders.

#### Levels of Domestic Abuse

There is some indication that legal services can lead to reductions in abuse as

measured on the societal level (Abel & Vignola, 2010; Farmer & Teifenthaler, 2003). One area that has not been studied yet is whether the receipt of legal services leads to reductions in individual cases of domestic violence. Women who presented to the community-based service organizations in this study were experiencing high levels of verbal and/or psychological abuse, in addition to physical abuse, as measured by the CTS2. Fifteen of the eighteen women completed both a pre-legal assistance and a post-legal assistance CTS2 questionnaire. The five scales on the CTS2 were calculated as indicated by the authors of the scale (Straus, Hamby, & Warren, 2003). Chronicity is a measure of the number of times the event happened over the past six months. Chronicity is also measured as indicated by the authors of the scale (Straus, Hamby, & Warren, 2003) and is calculated by taking the sum of the midpoints of the range of the number of times that the person indicated the behavior happened. For example, if a woman reported that her partner insulted or swore at her 3-5 times in the past six months, she was assigned a value of 4 for that item. If she reported that her partner insulted or swore at her 6-10 times in the past six months, she was assigned a value of 8 for that item. The values of the midpoints for all items in the scale were summed to provide the total score for the scale, and the average of all the participants' scale score is presented below as Chronicity.

When compared to the scores from a group of acutely battered women, as reported in Straus, Hamby, & Warren (2003), women in this study had similar levels of psychological aggression, but lower levels of physical assault and injury. It is likely that this is due, in part, to the fact that the comparison group of battered women were from shelters and were there because of recent, active battering within the relationship. On

the other hand, most of the women in this study had been physically separated from their abusers for long periods of time, and more time had passed since the physical abuse occurred. Results are presented in Table 10 with higher scores indicating higher levels of abuse for all scales except the Negotiation scale. Higher scores on the Negotiation scale indicate that the abusers are attempting to solve conflict through the use of negotiation techniques rather than physical or verbal abuse.

Table 10

Levels of domestic abuse as measured on the CTS2 scale (n=15)

CTS2 Scale	PRE vs. POST		Wilcox p-value
	Study Sample PRE	Study Sample POST	
<b><i>Negotiation</i></b>			
% of Sample Reporting	86.7%	73.3%	
Chronicity (mean)	32.4	35.1	.649
<b><i>Psychological Aggression</i></b>			
% of Sample Reporting	93.3%	80.0%	
Chronicity (mean)	59.0	25.8	.002
<b><i>Physical Assault</i></b>			
% of Sample Reporting	46.7%	26.7%	
Chronicity (mean)	20.7	8.3	.021
<b><i>Injury</i></b>			
% of Sample Reporting	40.0%	13.3%	
Chronicity (mean)	6.8	2.0	.041
<b><i>Sexual Coercion</i></b>			
% of Sample Reporting	26.7%	6.7%	
Chronicity (mean)	8.3	4.0	.068

Difference scores were calculated and analyzed with the Wilcoxon Signed Ranks Test, which examines how far the difference scores are from zero in both the positive direction and the negative direction. Post-legal assistance CTS2 Chronicity scores revealed that there were significant differences from the pre-legal assistance

CTS2 Chronicity scores on three of the scales. Six months after receiving legal assistance, women in this study reported lower mean scores of psychological aggression, physical assault, and injury at the hands of their abusers. In addition, the percentage of women reporting acts of psychological aggression, physical assault, injury and sexual coercion at the hands of their abusers also decreased in the six months after receiving legal assistance. All 15 women reported a decrease in psychological aggression from their pre-scores to their post-scores.

While it is not possible to assess whether these findings were caused by the women's use of legal assistance, it is encouraging to see that during a time period when most of these women were in the process of negotiating complex divorce, custody, visitation, and child support arrangements with their abusive partner, fewer women reported both physical and psychological abuse. In addition, the results indicated that in this study sample, there were significant decreases in the frequency of incidents of Psychological Aggression ( $p < .01$ ), Physical Assault ( $p < .05$ ), and Injury ( $p < .05$ ) from the time period of six months prior to seeking legal assistance to six to ten months after receiving legal assistance. The results of reductions in physical assault and injury may be related to the circumstances in the women's lives prior to receiving legal assistance (i.e., they faced a more severe incident of abuse which led them to leave the relationship and/or seek legal assistance). However, it is still interesting to note that these scores were reduced during a time period usually marked by additional abuse (Cuthbert et al., 2002) and increases in relationship conflict, such as during divorce and custody negotiations. Future research should be designed to examine further whether there is a reduction in violence for individuals receiving legal services.



## Divorce

The results relating to divorce outcomes should be interpreted with caution for several reasons. The follow-up period for this study was 6-10 months, which is a relatively short amount of time for divorce proceedings to be resolved. In addition, this study was designed to gain a broad understanding of outcomes related to divorce, and many details regarding the divorce proceedings were not collected. This lack of detail makes it difficult to interpret the results. For example, women were not asked details about when they first filed for divorce, whether the divorce was contested or not, or any details of when in the divorce process the lawyer was involved. This makes it difficult to draw conclusions about the nature and extent of the role of the lawyer in the divorce process, as well as the total time frames involved from start to finish of the divorce process.

Although it is very difficult to tease apart outcomes based on type of lawyer, since women were utilizing such a variety of legal assistance providers, the sample size is small, and follow-up interviews occurred at different points in time, there are some patterns that emerged which could be used as a basis to design further research studies. Of the four women who had access to legal representation, either through Civil Legal Assistance or private attorneys, two had successfully divorced by the time of the follow-up interview, one divorce was pending, and one was in the process of separation. Those using student lawyers were more likely to be stalled in the process than those using other types of lawyers. Two of the women who were using student lawyers had husbands who were using delay tactics, and the third stated that her lawyer would contact her when it was time to meet regarding the divorce. Women who used student lawyers stated that

they were assigned a new student every three months, which could be related to the delay in their cases. Of the four women who had legal advice but not representation (HAWC), all were still married at the follow-up visit. The community based legal assistance agencies appear to be a first stop for many women, who may be in the early, information-gathering stages of the decision process. Those women who utilized the private attorneys or the Civil Legal Assistance attorneys were further along in their divorce proceedings as compared to those using other types of legal assistance.

Of the 12 women who were married and one who was separated at the time of the first interview, 42% were either divorced (n=2) or in the process of divorce (n=4) at the time of the second interview. Of the 13 women who stated at the pre-services interview that they were seeking help with divorce, nine (69%) had their needs met and received legal help with their divorce. The two women who completed divorce proceedings had help from an attorney; one of the women found a private attorney through the Massachusetts Bar Association who took her case on a sliding fee scale, and the other had HarborCOV help her find a private attorney who took her case pro bono. Of the women who were in the process of divorce, one was waiting for assistance from a legal aid agency, and the other three stated that their husbands were using tactics to delay the divorce, such as postponing court dates or not showing up for scheduled court dates. Of the three whose husbands were using delay tactics, one woman had a private attorney who was helping her on a sliding fee scale, and the other two had student lawyers. One woman who was married was staying married only because she and her husband could not afford to pay for a divorce. None of the three women who were divorced at the initial interview reconciled with their ex-husbands.

Results are presented in Table 11.

Table 11

Outcomes regarding divorce proceedings by subject (n=12)

<b>Subject #</b>	<b>Mo.s</b>	<b>PRE</b>	<b>Type of Lawyer</b>	<b>POST</b>
1002	10	Married	Civil Legal Assistance	Pending divorce
1004	10	Married	Private	Divorced
1005	6	Married	Private	Pending separation
1007	10	Married	Multiple	Married
1008	6	Married	HAWC	Married
1009	9	Married	HAWC	Married
1012	7	Married	HAWC	Married
1017	6	Married	Student	Filed for divorce
1018	6	Married	HAWC	Married
1022	6	Married	Private	Divorced
1026	7	Married	Student	Married
1028	6	Married/Separated	Student	Married/Separated

Custody and Visitation

Custody and visitation arrangements for the time period six months prior to seeking legal assistance varied among women, depending on their relationship status and whether or not they had informal arrangements with their partners. Two women (11%) did not have children in common with the abuser. Six women (33%) were residing with the child's father, so custody and visitation was not applicable. Four women (22%) did not have any legal arrangements and had worked out an informal agreement with the child's father, and six (33%) had worked out custody arrangements in the legal system. Of the six women who did have legal custody arrangements, four (67%) had sole physical custody and joint legal custody, one had sole physical and sole legal custody, and one had joint physical and legal custody. Of the ten women who had children in

common with the abuser but were not residing with the child's father, three of the fathers had no interest in attending visitation with the children. One father spoke on the phone regularly with his children and visitation was in the process of being negotiated. The remaining fathers had visitation with their children that had either been negotiated through the legal system (4 of the fathers) or was an informal arrangement with the child's mother (2 of the fathers). Overall, four of the eight women (50%) who stated at the pre-services interview that they needed assistance with child custody had their needs met and received help.

At the time of the follow-up interview, 8 of the women had no changes to their custody or visitation arrangements because they did not have children in common with the abuser (n=2), the fathers didn't want custody/visitation (n=2), the couple was still residing in the same household and raising the children together (n=2), or they already had legal arrangements in place that stayed the same (n=2). Ten of the women had undergone changes in their custody and/or visitation arrangements. One of the women had reconciled with her husband and he moved back in, and one was considering reconciliation and the children's father saw the kids every day, despite the children's protests that they did not want to see their father. Two of the women who had been raising their children with their husbands were in the process of divorce and had not yet resolved custody and visitation issues. Two of these women had informal arrangements with their partners regarding custody and visitation, and had been awarded sole custody. One who had been residing with her husband now had sole physical and legal custody, and her husband was in jail for assaulting her. One of the fathers who had been trying to negotiate custody and visitation did not show up for the court date, and the mother

retained sole physical and sole legal custody. One of the women who had shared custody stated that her husband was constantly making changes to the agreement as a way to manipulate her. The last woman had shared custody and went for sole physical and sole legal custody in court, and was awarded sole physical custody and was named as the custodial parent.

The outcomes regarding child custody and visitation are varied, and this study did not reveal any patterns regarding outcomes based on type of lawyer. Custody and visitation issues are important to investigate further because it is an area where the woman and her abuser have to continually interact, both in the courts and possibly face to face when exchanging the children during visitation. Some legal providers also indicated that custody is an area that is vulnerable to manipulation by the abuser. One advocate indicates, “And if there are children, they’ll use the kids. They may not want custody of the kids, but they know that the kids are the way to effect mom and the way to continue the abuse.” Having clearly defined custody and visitation schedules, backed by the law, can define the behavioral expectations during these times and add to the woman’s safety. In addition, visitation can be court ordered to be supervised, which can increase the child’s safety when interacting with the abuser.

#### Child Support

At the first interview, the majority of women who had children in common with the abuser were receiving child support payments. Six women at the pre-services interview stated that they were seeking help with child support issues, of which three (50%) had their needs met. Lawyers were able to help some women obtain child support. HAWC lawyers were able to help one woman keep her child support payments

at the current level when her husband was trying to get them reduced, and helped another woman by providing her with information on how to change a child support order. The private lawyer was able to get one woman's husband to actually pay her the court-ordered child support. One of the student lawyers completed some paperwork on behalf of one of the women, but the outcome was still pending at the time of the follow-up interview. Only two women were not receiving child support payments. One woman stated that the child's father worked under the table, so there was no way to garner his wages. The other woman stated that she tried to get him to pay support, but was told that because the custody arrangement was 50/50, that she is not eligible to receive child support.

As with the custody and visitation issues, the data about child support is limited in this study. There is a limited amount of data that indicates that attorneys were able to secure child support for their clients, or use strategies that helped enforce that child support payments were made. Since the literature indicates that only 30% of women actually receive child support payments (AzCADV, 2003), the use of a lawyer can be beneficial in this regard.

## CHAPTER 7

### POLICY IMPLICATIONS AND CONCLUSION

This study examined the use of civil legal services by women who had experienced domestic violence in Massachusetts. The results of this study indicate that women are still facing some the same problems with access to civil legal services and with the civil legal system process that were found in the literature and in a similar study of family courts that was conducted in Massachusetts by Cuthbert, et al. (2002) almost ten years ago. These problems include a lack of resources to provide Civil Legal Assistance to all women, and the problems that result, such as lack of representation which results in the denial of due process and puts women at a distinct disadvantage procedurally (Cuthbert, et al., 2002). Massachusetts is moving in the right direction regarding addressing human rights issues in domestic violence cases through its work on creating a Civil Gideon movement which creates a sociopolitical context that incorporates a right to a lawyer in civil cases. However, these efforts have just begun, and the results of this study show clearly that these efforts have not yet impacted the experiences of the women using the legal system for domestic violence issues or the legal services providers who assist them. This study reveals that there is a need for public policy solutions to remedy the continued problems in the civil legal system when women access the civil legal system and during the process of utilizing the civil legal system. These policies are necessary in order to address the inequalities that exist

because of the two-tiered system that is in place, one for those who meet the income eligibility requirements (Civil Legal Assistance) and one for those who don't meet those requirements (community based legal services). In addition, a preliminary look at some of the outcomes of the civil legal services that the women in this study achieved indicates that obtaining civil legal services does place women on more equal footing with their abusers and can lead to positive outcomes in areas of separating from and negotiating within the abusive relationship. While my research is limited in the number of subjects studied, which limits the ability to generalize to larger populations and to suggest specific policy solutions, the data is able to be used to point actors in the field toward areas upon which they should focus their efforts.

#### Summary of Findings

This study examined the use of civil legal services by a unique group of women that have not been previously studied, those who had experienced domestic violence and fell into the services gap. These women had too much income to qualify for free Civil Legal Assistance programs, yet not enough income to be able to afford to purchase the services of a private attorney. This study provided novel findings about the unique legal needs of women who fall into the services gap, the barriers they face when attempting to get their civil legal needs met, and the important role that community based organizations play for these women. The need for public policies to address the gap in services for this particular group of women and some possible public policy remedies were also examined. This study also lends insight into the design of future research on the intersection of law and domestic violence.

Women who have experienced domestic abuse have a variety of civil legal



needs, and face many barriers when attempting to get services to meet their needs. The women in this study were seeking legal help with protection orders, divorce, child custody and visitation, and child support. The qualitative focus of this research also allowed for a deeper understanding of the many issues these women face. Women require legal assistance for issues long after they are physically separated from their abusers, especially when they have children in common. At any time, the abuser can initiate a change in custody, child support, or visitation agreements, and there are no limitations, with the possibility of making changes up until the point when the child turns 18 years old. Every decision made by the women about their children can potentially face a court challenge by the abuser, including which school the child attends, what medication the child is taking, and in which activities the child is involved.

This study shed light on the multitude of barriers these women face to getting their civil legal needs met. The resources available to address women's civil legal needs are scarce, especially for this group of women who fall into the services gap. There are not enough attorneys to fully address the needs of this population, yet these women don't have the financial resources to hire the professionals that can help them meet their legal needs. The current economic situation is such that additional financial resources are not available to address this lack of services. Women also face barriers because they do not know their rights, they do not know what services are available to them, and even if they do know about services, may be too fearful of the consequences by the abuser to seek help. They also are facing a civil legal system that is intimidating, not accommodating to their needs, and subject to manipulation by their abuser. Women in this study were trying to piece together resources from a variety of sources to get their

civil legal needs met, which takes time, energy, and perseverance. Women were dealing with complicated relationships and were simultaneously struggling with keeping themselves safe from harm, dealing with abusers who were contentious and using the court system as retribution, and dealing with work interruptions due to court dates, all within the confines of limited resources. This study also highlights the additional barriers faced by non-U.S. born women, such as language and cultural barriers, fear of repercussions based on their immigration status, and lack of trust in a system that they may not understand.

The community based organizations played an important role in bridging the gap in services for women who fell into the services gap. Community based organizations served as a point of entry into the civil legal services system. Some women did not realize the abusive elements of their relationship until they attended support groups held by these agencies, and many women stated that they did not know where to begin to get the help they needed. Community based organizations, with their open access policies, also provided important services to women even though they did not provide civil legal representation in court. These agencies allowed women to learn about their civil legal rights, gain a better understanding of the law, and made referrals to other agencies that were able to provide legal representation. The women stated that would not know what they would have done without the services they received from the community based organizations, and there is evidence that some women experienced positive outcomes from the help these agencies provided them. For example, they stated that without the services, they would not have been able to obtain restraining orders or initiate their divorce proceedings. Some women were also able to secure some of their financial

assets with the help of a lawyer that the community based organization assisted them with finding. This study showed that women felt that they benefitted from even the limited amount of civil legal assistance that they received. However, the results presented here indicate that there is a also a need to address some of these problems within the public policy sphere.

### Public Policy Implications

Framing domestic violence within the context of dominance theory indicates that the structure and function of the civil legal system must be changed in order to address the issues that surfaced in my study. Three public policy implications of my research are explored. First, I examine the possibility of expanding the use of specialized courts, such as the domestic violence court that operates in Dorchester, Massachusetts. This approach represents a re-structuring of the legal system to address the specific issue of domestic violence. Next, I examine the role that community-based organizations play and the possibility of gaining operational efficiencies that will close the service gap. Last, I examine ways in which the gap in services and justice can be narrowed through policies that will increase the amount of resources available to address the problem.

One way in which to address the problems of access to legal services and the process of utilizing legal services within the context of dominance theory would be to create specialized domestic violence courts. A specialized domestic violent court provides an alternative structure to the current legal system by creating a court that only handles domestic violence issues and whose operations are streamlined to maximize the efficient handling of domestic violence cases (Matyal, 2008). Providers who completed my study indicated that there should be a specialized unit within the court that deals with

all issues related to domestic abuse, and that this unit should be staffed with personnel specifically trained about the dynamics of domestic abuse. Several providers also mentioned that there needs to be more training or perhaps mandatory training of judges on the dynamics of domestic abuse. To date, there is only one domestic violence court operating in the state of Massachusetts, which began in 2000 and is located in Dorchester (Maytal, 2008). This court represents a different court structure by combining criminal and civil hearings within one court, which is problematic in other courts because of conflicts in jurisdiction (Maytal, 2008). This combination allows for streamlined procedures for victims of domestic violence (Maytal, 2008). In addition, judges in the domestic violence court schedule regular post-trial hearings with offenders in order to assess their compliance with probation (Maytal, 2008). The judges in the specialized court attend training in domestic violence and also adhere to professional guidelines that address the seriousness of domestic violence and recommend sanctions for offenders (Maytal, 2008).

There is some evidence that there are successful outcomes associated with the domestic violence court. First, in the Dorchester court, victim advocates were able to contact 80% of the victims and provided four or more services to each victim (Maytal, 2008). In addition, specialized courts have been shown to increase access to the legal system for those with relevant issues (Maytal, 2008). In addition, domestic violence courts are able to provide more individualized attention to victims, and their intake processes include information on court procedures, provide legal assistance, and make referrals to other community based organizations (Maytal, 2008).

However, there are also problems associated with domestic violence courts.

There can be opposition to these courts on a variety of levels. In the Dorchester court, judges are resistant because they don't want to only handle one type of case, they fear burnout from the stresses of handling only domestic violence cases, fear that their workload will increase, or they don't want to modify procedures to create domestic violence courts (Maytal, 2008). There may also be resistance from other key stakeholders involved with the courts, such as criminal defense attorneys or the bar, because they feel that specialized courts negate the principle that courts maintain neutrality and they worry that specialized courts may end up benefitting victims more than offenders (Maytal, 2008). In addition, the amount of funding required to undergo such extensive changes in the structure of courts can also be difficult to obtain, and the procedural changes required can be slow and politically complicated (Maytal, 2008). While domestic violence courts could address the three problems related to access, process, and outcomes that were identified in my study, there is a slow uptake of these courts in Massachusetts. This slow uptake is evidenced by the fact that there is only one of these courts in the state, and that there has been no expansion of specialized domestic violence courts since the Dorchester court opened over ten years ago.

One of the important findings from this research is that domestic violence advocacy organization based in the community play a key role in facilitating all aspects of obtaining and effectively utilizing legal services for low-income and poor women, including women who are eligible and receive Civil Legal Assistance. Therefore, an alternative approach is to enhance the role of community based organizations in order to address some of the problems associated with access, process and outcomes. These agencies are in many cases the first point of contact for women who fall into the services

gap and are seeking legal services for domestic violence. One-third of the women who completed this study expressed that they did not know where to start when they were originally thinking of separating from their abusers. Some of the women in my study first accessed the support group services of community based organizations, which eventually allowed them to identify the abusive components of their relationships and led them to seek legal services with the agency. It is clear that community-based organizations are providing important civil legal services to the best of their capacity. These services inform women of their rights, assist them with navigation through the civil legal system, and enhance the personal safety of these women. The community based organizations were also able to meet the needs of the women who sought their services. While the literature states that only 40-60% of the cases involving middle-income people do not have their legal needs met (Rhode, 2004), in this study the community based organizations were able to meet the legal needs of 50-70% of their clients in areas of protection orders, divorce, and child custody. However, this study revealed that the majority of women use civil legal services after physically separating from their partners. Program leaders should explore ways to increase early intervention efforts, such as addressing legal needs when women present to the Emergency Room or in doctor's offices, when they are filing for protection orders, in their shelters or while providing other services for abused women.

Community based organizations could also streamlined to enhance the process of service delivery and to forge more formal working relationships with others who provide legal services or representation to abused women. The civil legal services system is complicated and is not user-friendly for women who use the system to address issues

related to domestic violence. Women used a variety of legal resources and most women utilized more than one source, in addition to going to court on their own without legal representation. While these women persisted in getting help, each time a woman has to go to a new provider, there is the risk that she will leave the service system. In addition, using multiple providers is not as coordinated and efficient a system of care as it would be if they had one provider throughout the entire case. Women had a limited amount of time with some of the community-based lawyers and were turned away from some programs. There is a role that community based organizations can play in streamlining these services.

The community based organizations that participated in this study have the unique ability to coordinate a variety of services on behalf of their clients. This ability should be harnessed and utilized by different actors in the civil legal system. While relationships exist between and among organizations, some of the service providers indicated that services could be better coordinated, and it is clear from the women's experiences in this study that there is a patchwork approach to receiving services. Women bounce from service to service, are turned away from some before being helped by others, and are referred to sources that refer them elsewhere. Community based agencies should be formally incorporated into the civil legal system and act as a coordinating center that enhances one-stop shopping for legal services. This would entail fostering more formal relationships with MLAC agencies that participate in BWLAP, with law school clinics, and with other community-based organizations. For example, running legal clinics similar to the way HAWC does but utilizing student lawyers under the control of a more advanced supervisor may allow an agency to reach

more people and stabilize the ebb and flow of students that women experience. More formal relationships would create a more coordinated system, could enhance referral networks, and could create introduce efficiencies into the system of care. The major limitation in this type of restructuring of community based organizations is that these organizations face the same constraint on resources as other remedies which limits their ability to take on such a challenge. But there is room to reap efficiencies from changing how these agencies work, rather than changing how much these agencies work.

Insofar as community-based agencies incorporate advocacy efforts into their services, an area that they should follow closely is the Civil Gideon movement in the state of Massachusetts. A proportion of their advocacy efforts should be dedicated to promoting Civil Gideon legislation. Community based agencies should work with agencies such as MLAC and the Massachusetts Bar Association around the issue of Civil Gideon. It will be important for community based organizations to lend their insights into the coordination of care and participate in the dialog of how Civil Gideon would be implemented. Community based organizations should be part of any triage system that is set up to handle civil legal services resulting from a Civil Gideon policy. In addition, best practices should be explored from the perspective of the community based organization, Civil Legal Assistance agencies such as those involved in BWLAP, and law school clinics.

Last, there is a need for public policies that address the serious lack of resources that are available to address the civil legal needs of women who have experienced domestic violence. The women in my study had many civil legal needs with issues related to their domestic violence, and there is clearly a lack of attorneys to meet these



needs. The reliance on pro bono attorneys keeps the number and availability of attorneys that work on these cases in flux, and some women in this study were above the income level requirements that would enable them to receive pro bono assistance. Mandates for certain requirements for minimal levels of pro bono work could be implemented. This is an extremely controversial policy solution, but it would stabilize this source of civil legal services attorneys, and allow for better planning and triaging of services. In addition, limited state resources continue to keep agencies such as MLAC vulnerable to funding cuts or lack of funding increases in times when the need for services increase. The major reliance on IOLTA funding is problematic in times when interest rates decline, such as during our current economic crisis. Service providers also recognized the need for additional attorneys and funding of legal services programs, and the majority of providers indicated that additional resources and funding was the number one priority in terms of policy solutions. Policy changes in this area should include a more stable funding stream for these services, through sources that are not as susceptible to outside political and market forces. MLAC could lobby the state legislature to commit to a certain percentage increase in civil legal services funding on an annual basis that matches the increases in needs or commits to reducing unmet needs by a certain percent each year to address this issue. In addition, continuing to push for a consideration of whether there are certain instances when it is appropriate to apply a Civil Gideon right, and codifying that right in legislation, would ensure that at least in the most egregious circumstances a woman's rights are not being violated.

There are also several ways that public policy can be utilized to address the problems related to the financial hardships involved in accessing civil legal services, and

both the women in this study and the legal service providers were able to articulate possible solutions. Women indicated that they would like to see the income eligibility requirements changed, in order to allow women who are working at low-paying jobs to receive services free of charge. Advocates should work to change current legislation in order to increase the income eligibility requirements so that women who are working to support themselves are better served. In addition, both the women and the providers indicated that if services cannot be offered for free, that having alternative payment methods would be useful. For example, both sliding scale fees and alternative payback programs were mentioned, and providers felt that having these programs in place would lead to incentives for attorneys to take on more cases. Or, the state could initiate a state-subsidized loan to assist women with paying for privately purchased civil legal services. Advocacy agencies, including MLAC and community based organizations, should work to continue to advocate for increased funding from the state legislature, but should also work with attorneys to implement policies regarding sliding scale fees and alternative payment methods.

Another provider felt that attorneys should be trained more with a framework of Poverty Law, as many of these women have needs that cross into this area. In addition, providers mentioned that there is a lack of certified translators in the courts to assist women who speak languages other than English. Public policies to address training could include mandatory training policies for judges, and certification requirements for translators that would ensure that high-quality services are provided. Also, providers in the community based organizations indicated that they are working with some colleges to provide training seminars in the classroom for students who are in legal programs or

criminal justice programs. Another area in which local colleges could be used would be to recruit students from language programs and train them to be certified interpreters in the courts. In order to pay for a program like this, perhaps legal agencies and colleges could work together to examine whether this solution could be set up under the current federal work study program.

Public policy is needed to address the gaps in justice that are created by the current civil legal system, especially in light of the evidence provided in this study that preliminarily indicates that the receipt of legal services leads to favorable outcomes. The women in this study felt that they benefitted from even the limited amount of legal assistance they received. The majority of the women (88%) indicated that they were either somewhat satisfied or very satisfied with the legal assistance that they received. Most important, the levels of abuse (as measured on the Conflict Tactics Scale 2) declined in the six to ten months after receiving legal assistance. While it is not clear whether the legal assistance or other services received by the women during this time period caused the reduction, this reflects that it is possible, with the right resources, for women to gain relief from abuse during a time period consisting of contentious negotiations around child custody and divorce. Women also reported receiving favorable outcomes, such as gaining full custody of their children, gaining child support, or finalizing their divorce. Outcomes related to the type of legal service provider are difficult to examine because the women's widespread use of multiple sources of providers and the limited number of subjects in my study. Comparison of the results in this study with outcomes of services provided by comprehensive legal service programs specifically designed for domestic violence victims (such as the Battered Women's

Legal Assistance Project, or, BWLAP) is imperative. In addition, agencies that provide funding for civil legal services, whether it is the state legislature or private foundations, should incorporate an outcomes assessment as part of the funding requirement.

### Conclusion

By placing this study within the theoretical framework of feminist legal theory, and in particular dominance theory, some insight was shed on the potential public policy remedies that should be sought to address the problems associated with civil legal services. Dominance theory firmly asserts that gender inequality is the root of the problem of domestic violence, and that the historical legacy of patriarchy has created and sustained gender inequality in the social and legal institutions in our society. The gender inequalities in the institutions of marriage, the economic division of labor, and the civil legal system all contribute the problems that women face in getting their civil legal needs met in domestic violence situations. Therefore, dominance theory indicates that change must come from an examination and a restructuring of the civil legal system. The creation and use of specialized domestic violence courts is one way to challenge the structure of the civil legal system and to begin to address some of these problems. However, there are also solutions that don't require a complete redesign of the civil legal system, such as enhancing the role of community based organizations and policies that can assist with increasing the resources available to help these women who fall into the services gap.

Future research efforts can use this study as a beginning point and extend the examination of any number of issues that were highlighted by this study. The qualitative design of this study and study results illuminated several areas that will be important to

address with future research studies. For example, the issue of the length of time required to address civil legal needs for women indicates that more longitudinal research needs to be conducted to examine long-term needs and outcomes. In addition, the finding that lower percentage of women felt that their lawyers empowered them and helped them make decisions could be further examined. Additional research on outcomes of programs implemented to assist women with their civil legal needs would also be beneficial. For example, there is a need to conduct a study that examines women who have utilized legal services that have been specifically tailored to civil issues in domestic abuse cases and who have received full representation from start to finish with their cases, such as Civil Legal Assistance programs.

This study sheds some light on the experiences that women have when utilizing community-based civil legal assistance, in spite of the study limitations such as small sample size, convenience sampling methodology, and a lack of control group. The women who utilize community-based civil legal services are a sorely underserved group of women who fall into the service gap. More work to clarify the problem of the service gap is necessary, and future research is needed to identify additional policy solutions. This study serves as an important resource for planning these future studies. The methodological challenges and limitations of this study can inform future research methods, particularly in areas of subject recruitment, the design of longitudinal studies, and the interpretation of research results for particular subsets of women who experience domestic violence. In addition, the insights gained from the qualitative aspect of this study reveal the importance of mixed method research and its ability to enhance the interpretation of the results of quantitative research.

## APPENDIX 1

### ITEMS ON THE CONFLICT TACTICS SCALE 2 (CTS2)

The questionnaire asked “How often did this happen in the past six months?” Answer choices included: “Once”, “Twice”, “3-5 times”, “6-10 times”, “11-20 times”, “More than 20 times”, “Not in the past six months, but it happened before”, and “Never.” The CTS2 scale measures the number of times that each behavior has occurred over the specified time period, and groups items into one of five different scales: Negotiation, Psychological Aggression, Physical Assault, Injury, and Sexual Coercion. The items that make up each scale are presented below.

#### **Negotiation (6 Items)**

*Cognitive: (3 Items)*

- 4. My partner explained his or her side of a disagreement to me.
- 60. My partner suggested a compromise to a disagreement.
- 78. My partner agreed to try a solution that I suggested.

*Emotional: (3 Items)*

- 2. My partner showed care for me even though we disagreed.
- 14. My partner showed respect for my feelings about an issue.
- 40. My partner was sure we could work it out.

#### **Psychological Aggression (8 Items)**

*Minor: (4 Items)*

- 6. My partner insulted or swore at me.
- 36. My partner shouted or yelled at me.
- 50. My partner stomped out of the room or house or yard during a disagreement.
- 68. My partner did something to spite me.

*Severe: (4 Items)*

- 30. My partner destroyed something that belonged to me.
- 26. My partner called me fat or ugly.
- 66. My partner accused me of being a lousy lover.
- 70. My partner threatened to hit or throw something at me.

#### **Physical Assault (12 Items)**

*Minor: (5 Items)*

- 8. My partner threw something at me that could hurt.
- 10. My partner twisted my arm or hair.
- 18. My partner pushed or shoved me.
- 46. My partner grabbed me.
- 54. My partner slapped me.

*Severe: (7 Items)*

- 22. My partner used a knife or gun on me.
- 28. My partner punched or hit me with something that could hurt.
- 34. My partner choked me.
- 38. My partner slammed me against a wall.
- 44. My partner beat me up.

- 62. My partner burned or scalded me on purpose.
- 74. My partner kicked me.

**Injury (6 Items)**

*Minor: (2 Items)*

- 11. I had a sprain, bruise, or small cut because of a fight with my partner.
- 71. I felt physical pain that still hurt the next day because of a fight with my partner.

*Severe: (4 Items)*

- 23. I passed out from being hit on the head by my partner in a fight.
- 31. I went to a doctor because of a fight with my partner.
- 41. I needed to see a doctor because of a fight with my partner, but I didn't.
- 55. I had a broken bone from a fight with my partner.

**Sexual Coercion (7 Items)**

*Minor: (3 Items)*

- 16. My partner made me have sex without a condom.
- 52. My partner insisted that I have sex when I didn't want to (but did not use physical force).
- 64. My partner insisted I have oral or anal sex (but did not use physical force).

*Severe: (4 Items)*

- 20. My partner used force to make me have oral or anal sex.
- 48. My partner used force to make me have sex.
- 58. My partner used threats to make me have oral or anal sex.
- 76. My partner used threats to make me have sex.

APPENDIX 2

PRE-LEGAL SERVICES INTERVIEW FORM

This page will be removed from the rest of the interview data collection form and filed in a locked file cabinet. The only person who will be able to access this form will be the study staff. This information will be used only to contact you for scheduling the six-month follow-up interview.

CONTACT INFORMATION

Name: \_\_\_\_\_ Participant # \_\_\_\_\_

Preferred Method of Contact at Six-Month Follow-Up:

Phone: Cell Land Line Email: \_\_\_\_\_

Letter/Mail: Address \_\_\_\_\_

Please provide contact information for three people that it will know your whereabouts in six months and are safe to contact to deliver you a message.

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Cell Land

Is it okay to leave a message for you at this phone? Yes No

Will this person be able to release your contact information to me? Yes No

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Cell Land

Is it okay to leave a message for you at this phone? Yes No

Will this person be able to release your contact information to me? Yes No

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Cell Land

Is it okay to leave a message for you at this phone? Yes No

Will this person be able to release your contact information to me? Yes No



Participant #: \_\_\_\_\_ Date: \_\_\_\_\_

Date entered shelter, if applicable: \_\_\_\_\_

Date referred to legal services: \_\_\_\_\_

Date of first contact with legal services: \_\_\_\_\_

Are you currently living with your partner? Yes No

Date no longer physically living with partner, if applicable: \_\_\_\_\_

Date filed for a protective order: \_\_\_\_\_

Date protective order went into effect, if applicable: \_\_\_\_\_

Date started working with legal advocate in court or at the shelter, if applicable: \_\_\_\_\_

How long have you been with your current partner? \_\_\_\_\_

Have you been in this type of situation before? Yes No

If yes, was it with this same partner or a different partner? Same Different

Have you tried to leave before? Yes No

If yes, # times: \_\_\_\_\_

Notes:

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### DEMOGRAPHICS

Race: White Black Asian Other: \_\_\_\_\_

Ethnicity: Hispanic/Latino Non-Hispanic/Non-Latino

Age: \_\_\_\_\_

Relationship to Partner:

Boyfriend Spouse/Currently Married Spouse/Currently Separated

Spouse/Currently Divorced Fiancée

Current Housing:

Doubled Up with: \_\_\_\_\_ Hotel/Motel Own

Rent-No Assistance Rent-Public/Subsidized Shelter Streets

How Long \_\_\_\_\_ Other: \_\_\_\_\_

Number of Children: \_\_\_\_\_

Child 1: Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Relationship to Partner: \_\_\_\_\_

Child 2: Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Relationship to Partner: \_\_\_\_\_

Child 3: Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Relationship to Partner: \_\_\_\_\_

Child 4: Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Relationship to Partner: \_\_\_\_\_

Child 5: Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Relationship to Partner: \_\_\_\_\_

Other children: \_\_\_\_\_

Highest Completed Education Level:

Grade School Some High School High School Diploma/GED Some College

College Degree Graduate Degree

What country were you born in? United States Other: \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EMPLOYMENT HISTORY

Please think about the six months before you started receiving legal services

Employed: Yes No If Yes, Job Title: \_\_\_\_\_

Number of hours worked per week: \_\_\_\_\_

Hourly wage or salary: \_\_\_\_\_

How long had you been at this job? \_\_\_\_\_

Did your partner use the following techniques to interfere with your job or at work?

Stalk you at work: Yes No If Yes, How many times? \_\_\_\_\_

Harass you at work: Yes No If Yes, How many times? \_\_\_\_\_

Talk bad about you: Yes No If Yes, How many times? \_\_\_\_\_

Made you to miss work: Yes No If Yes, How many times? \_\_\_\_\_

Made you late: Yes No If Yes, How many times? \_\_\_\_\_

Made you leave early: Yes No If Yes, How many times? \_\_\_\_\_

How many days of work, if any, did you miss because of an abusive incident in the six months prior to receiving legal services? \_\_\_\_\_

In the six months before receiving legal services, how many times have you had face-to-face contact with your partner? \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FINANCIAL SITUATION

Please think about the six months before you started receiving legal services.

Did you have access to your partner's money? Yes No

If yes, how much of your partner's money did you get on a monthly basis? \_\_\_\_\_

If you worked outside the home for money, did your partner take your money from you or control how you spent your money? Yes No

If yes, what amount of money did he take from you or control on a monthly basis? \_\_\_\_\_

What property did your partner own, or that you owned jointly with your partner, did you have access to? House Car Other: \_\_\_\_\_

Was your partner paying child support? Yes No

If yes, how much? \_\_\_\_\_ Was it paid regularly and on time? \_\_\_\_\_

Were you receiving any of the following public benefits?

TANF, or welfare: Yes No Amount: \_\_\_\_\_

Food Stamps: Yes No Amount: \_\_\_\_\_

MassHealth: Yes No

SSI/SSDI: Yes No Amount: \_\_\_\_\_

Child Care: Yes No Amount: \_\_\_\_\_

CUSTODY AND VISITATION ARRANGEMENTS

Please think about the six months before you started receiving legal services.

What was your custody arrangement with your partner?

Sole physical custody – you    Sole physical custody – your partner

Sole legal custody – you    Sole legal custody – your partner

Joint physical custody    Joint legal custody    State custody

Other: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please describe briefly your visitation arrangement with your partner:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

LEGAL ASSISTANCE

What did you seek legal assistance for?                      Protection Order                      Divorce

Safety Planning    Custody    Child Support                      Alimony

Other: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ADMINISTER CONFLICT TACTICS SCALE                     

ADMINISTER MASTERY SCALE   

MEDICAL CARE UTILIZATION AS A RESULT OF VIOLENCE

Please answer these questions based on the six month period prior to getting legal assistance.

For any of the incidences you mentioned above, did you go to a doctor or other health care professional as a result of your partner? Yes    No

If Yes, indicate the type and number of visits for each incident below:

Type of Service	1 <sup>st</sup> Incident	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup> Incident
Doctor/outpatient							
Emergency Room							
Dentist							
Physical Therapy							
Ambulance							
Called 911							
Hospital Overnight							
OTHER:							

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPENDIX 3

POST-LEGAL SERVICES INTERVIEW FORM

Participant #: \_\_\_\_\_ Date: \_\_\_\_\_

Date entered shelter, if applicable: \_\_\_\_\_

Date of first contact with legal services: \_\_\_\_\_

Are you currently living with your partner? Yes No

Date no longer physically living with partner, if applicable: \_\_\_\_\_

Date protective order went into effect, if applicable: \_\_\_\_\_

Date started working with legal advocate in court or at the shelter, if applicable:

\_\_\_\_\_

DEMOGRAPHICS

Current Housing:

Doubled Up with: \_\_\_\_\_ Hotel/Motel Own

Rent-No Assistance Rent-Public/Subsidized Shelter Streets

How Long \_\_\_\_\_ Other: \_\_\_\_\_

Notes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EMPLOYMENT HISTORY

Please think about the last six months (since we last talked).

Employed: Yes No If Yes, Job Title: \_\_\_\_\_

Number of hours worked per week: \_\_\_\_\_

Hourly wage or salary: \_\_\_\_\_

How long had you been at this job? \_\_\_\_\_

Did your partner use the following techniques to interfere with your job or at work?

Stalk you at work: Yes No If Yes, How many times? \_\_\_\_\_

Harass you at work: Yes No If Yes, How many times? \_\_\_\_\_

Talk bad about you: Yes No If Yes, How many times? \_\_\_\_\_

Made you to miss work: Yes No If Yes, How many times? \_\_\_\_\_

Made you late: Yes No If Yes, How many times? \_\_\_\_\_

Made you leave early: Yes No If Yes, How many times? \_\_\_\_\_

How many days of work, if any, did you miss because of an abusive incident in the six months prior to receiving legal services? \_\_\_\_\_

In the past six months, how many times have you had face-to-face contact with your partner? \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FINANCIAL SITUATION

Please think about the last six months.

Did you have access to your partner’s money?      Yes    No

If yes, how much of your partner’s money did you get on a monthly basis? \_\_\_\_\_

If you worked outside the home for money, did your partner take your money from you or control how you spent your money?      Yes    No

    If yes, what amount of money did he take from you or control on a monthly basis? \_\_\_\_\_

What property did your partner own, or that you owned jointly with your partner, did you have access to?    House      Car      Other: \_\_\_\_\_

Was your partner paying child support?      Yes    No

If yes, how much? \_\_\_\_\_ Was it paid regularly and on time? \_\_\_\_\_

Were you receiving any of the following public benefits?

TANF, or welfare:    Yes    No    Amount: \_\_\_\_\_

Food Stamps:      Yes    No    Amount: \_\_\_\_\_

MassHealth:      Yes    No

SSI/SSDI:         Yes    No    Amount: \_\_\_\_\_

Child Care:        Yes    No    Amount: \_\_\_\_\_

CUSTODY AND VISITATION ARRANGEMENTS

Please think about the last six months.

What was your custody arrangement with your partner?

Sole physical custody – you    Sole physical custody – your partner

Sole legal custody – you    Sole legal custody – your partner

Joint physical custody    Joint legal custody    State custody

Other: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please describe briefly your visitation arrangement with your partner:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

LEGAL ASSISTANCE

What type of legal assistance did you get?      Protection Order      Divorce

Safety Planning    Custody    Child Support      Alimony

Other: \_\_\_\_\_

Notes:

\_\_\_\_\_

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How many times did you talk to your lawyer on the phone? \_\_\_\_\_

How many times did you meet with your lawyer in person? \_\_\_\_\_

Did you go to court? Yes No

If yes, for what reason?

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Did your lawyer go to court with you? \_\_\_\_\_

How satisfied were you with the legal services you received?

Not Satisfied at All    Somewhat Satisfied    Satisfied    Very Satisfied

Do you think you benefitted from receiving legal services? Yes No

If so, how? \_\_\_\_\_

If no, why not? \_\_\_\_\_

Notes:

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Tell me a little bit about what it was like to work with your lawyer.

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Rate your agreement with the following statements using the scale below

1=Strongly Disagree    2=Somewhat Disagree    3=Somewhat Agree    4=Strongly Agree

Lawyer: (circle one)    GBLS/BWLAP    Shelter    Court-based    Pro Bono  
Private

1. My lawyer listened to what I had to say.    Answer: \_\_\_\_\_

2. My lawyer helped me decide what was best for me.    Answer: \_\_\_\_\_

3. My lawyer made me feel like I have a right to live free from abuse.  
Answer: \_\_\_\_\_

4. My lawyer respected me.    Answer: \_\_\_\_\_

5. My lawyer was easy to talk to about my situation.    Answer: \_\_\_\_\_

6. My lawyer was available when I needed him/her.    Answer: \_\_\_\_\_

7. My lawyer made me feel personally powerful.    Answer: \_\_\_\_\_

8. My lawyer was supportive of my decisions. Answer: \_\_\_\_\_

9. My lawyer explained things in a way that I could understand.  
Answer: \_\_\_\_\_

10. I would tell other women in my situation to use my lawyer.  
Answer: \_\_\_\_\_

Rate your agreement with the following statements using the scale below  
Legal advocate: (circle one) GBLS/BWLAP Shelter Court-based Other  
Agency:  
1=Strongly Disagree 2=Somewhat Disagree 3=Somewhat Agree 4=Strongly Agree

1. My legal advocate listened to what I had to say. Answer: \_\_\_\_\_

2. My legal advocate helped me decide what was best for me. Answer: \_\_\_\_\_

3. My legal advocate made me feel like I have a right to live free from abuse.  
Answer: \_\_\_\_\_

4. My legal advocate respected me. Answer: \_\_\_\_\_

5. My legal advocate was easy to talk to about my situation.  
Answer: \_\_\_\_\_

6. My legal advocate was available when I needed him/her. Answer: \_\_\_\_\_

7. My legal advocate made me feel personally powerful. Answer: \_\_\_\_\_

8. My legal advocate was supportive of my decisions. Answer: \_\_\_\_\_

9. My legal advocate explained things in a way that I could understand.  
Answer: \_\_\_\_\_

10. I would tell other women in my situation to use my legal advocate.  
Answer: \_\_\_\_\_

ADMINISTER CONFLICT TACTICS SCALE

ADMINISTER MASTERY SCALE

MEDICAL CARE UTILIZATION AS A RESULT OF VIOLENCE

Please answer these questions based on the six month period prior to getting legal assistance.

For any of the incidences you mentioned above, did you go to a doctor or other health care professional as a result of your partner? Yes No



If Yes, indicate the type and number of visits for each incident below:

<b>Type of Service</b>	<b>1<sup>st</sup> Incident</b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>5<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>7<sup>th</sup> Incident</b>
Doctor/outpatient							
Emergency Room							
Dentist							
Physical Therapy							
Ambulance							
Called 911							
Hospital Overnight							
OTHER:							

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## APPENDIX 4

### LEGAL SERVICE PROVIDERS INTERVIEW FORM

1. Background information – job title, # years of experience in this work, types of legal issues seen, information about their role in assisting clients, etc.
2. What are some of the barriers that women survivors of domestic violence face when dealing with civil legal issues? [Probe: access to legal representation, issues with the court, interference by partner]
3. What challenges do you face in working with this group of women? [Probe: What challenges are there in providing legal services to this group of women? Examples: women not showing up for court, dropping the case, etc.]
4. In your opinion, do women who have full legal representation (a lawyer throughout the court process – i.e., not a legal advocate or victim advocate or legal advice) have any advantages over women who don't? If yes, what are they? If no, why not? [Probe: better outcomes, better support/less stress, fewer delays due to incorrectly filling out forms, etc.]
5. Are there things you've seen as a legal services professional that are things women typically don't know about, or things women have tried on their own (such as filings or other legal procedures) that they did incorrectly?
6. In your estimation, what percentage of women who need legal representation actually get it?
7. What factors do you think lead to successful outcomes in these types of cases? [Probe: attorney/client relationship, legal philosophy, legal strategy]
8. What additional issues, if any, do non-English speaking women face?
9. What kind of changes, if any, would you like to see regarding civil legal representation for this group of women?

## APPENDIX 5

### INFORMED CONSENT FORM (ENGLISH)

#### **Participant Informed Consent Form**

University of Massachusetts Boston  
McCormack Graduate School of Policy Studies  
Center for Social Policy  
100 Morrissey Boulevard  
Boston, MA. 02125-3393

**Study Title:** Developing a Cost-Benefit Model to Assess the Short-Term Impact of the Provision of Legal Services to Women Survivors of Domestic Violence in Boston, Massachusetts

#### **Introduction and Contact Information**

You are asked to take part in a research project that is examining the legal services that are received by women who have experienced violence with their boyfriends, fiancées or husbands. We would like to talk with you about the violence you experienced, the health care you received as a result of that violence, and the legal services that you sought or received related to that violence. The researcher is Kim Puhala, Research Associate, Center for Social Policy at the University of Massachusetts in Boston. Please read this form and feel free to ask questions. If you have further questions later, Kim Puhala will discuss them with you. Her telephone number is (508) 333-1484. If Kim is not available or if you wish to speak to someone else about this study at a later time, you can contact her student advisor, Randy Albelda, at (617) 287-6963.

#### **Description of the Project:**

If you decide to participate in this study, you will be asked to attend two interviews. The first interview will happen when you have recently been referred to legal aid services (within the first two months). The second interview will take place approximately six months after your first interview. Each interview will take between one hour and one and a half hours. During the interview, you will be asked questions about the following:

- Age, race, ethnicity, number of children, education level, country in which the survivor were born, and your relationship
- Employment status
- Custody and visitation arrangements if you have children
- Current housing situation
- Safe contact information for the second interview
- Violence that you have experienced over the past six months and number and type of medical treatments obtained as a result of that violence

- Financial situation, such as receipt of public benefits, alimony, custody awards, and property owned
- Reasons for seeking legal aid and the legal services that you received

You will be paid for your participation in this research. You will be paid \$10 after the first interview and \$15 after the second interview, for a total payment of \$25.

**Risks or Discomforts:**

The primary risk associated with this study is the emergence of negative or distressful feelings in completing the research interviews. If you wish to discuss concerns with your legal advocate, or other staff at the referring agency, you are encouraged to do so.

**Confidentiality:**

Your part in this research is **confidential**. That is, the information gathered for this project will not be published or presented in a way that would allow anyone to identify you. Information gathered for this project will be stored in a locked file cabinet and only the research team will have access to the data. The data collection forms will not have your name on them. You will only be identified by a study number. Your name will not be used in any written material or presentations about the information gained in this study. Your contact information will be stored separately from your interviews, and will be used only to contact you for your second interview. At the completion of the study, anticipated in December, 2009, the contact information sheet you provide us will be destroyed, and it will no longer be possible to connect your contact information with your interview.

**Voluntary Participation:**

The decision whether or not to take part in this research study is voluntary. If you do decide to take part in this study, you may terminate participation at any time without consequence. If you wish to terminate participation, you should tell the investigator, Kim Puhala, in person or by phoning her at (508) 333-1484. Whatever you decide will in no way penalize you, or have any impact on the services you receive at the shelter or other agencies providing services to you.

**Rights:**

You have the right to ask questions about this research before you sign this form and at any time during the study. You can reach Randy Albelda at (617) 287-6963. If you have any questions or concerns about your rights or your treatment as a research participant, please contact a representative of the Institutional Review Board (IRB), at the University of Massachusetts, Boston, which oversees research involving human participants. The Institutional Review Board may be reached at the following address: IRB, Quinn Administration Building-2-015, University of Massachusetts Boston, 100 Morrissey Boulevard, Boston, MA 02125-3393. You can also contact the Board by telephone or e-mail at (617) 287-5370 or at human.subjects@umb.edu.

**Signatures**

I HAVE READ THE CONSENT FORM. MY QUESTIONS HAVE BEEN ANSWERED. MY SIGNATURE ON THIS FORM MEANS THAT I UNDERSTAND THE INFORMATION AND I CONSENT TO PARTICIPATE IN THIS STUDY. I ALSO CERTIFY THAT I AM 18 YEARS OF AGE OR OLDER.

\_\_\_\_\_  
Signature of Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Participant

\_\_\_\_\_  
Signature of Researcher

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed/Printed Name of Researcher

APPENDIX 6

INFORMED CONSENT FORM (AUDIOTAPE)

**Consent Form for Audio taping and Transcribing Interviews**

“Developing a Cost-Benefit Model to Assess the Short-Term Impact of the Provision of Legal Services to Women Survivors of Domestic Violence in Boston, Massachusetts”

Researcher: Kim Puhala, UMASS-Boston, Center for Social Policy

This study involves the audio taping of your interview with the researcher. Neither your name nor any other identifying information will be associated with the audiotape or the transcript. Only the research team will be able to listen to the tapes.

The tapes will be transcribed by the researcher and erased once the transcriptions are checked for accuracy. Transcripts of your interview may be reproduced in whole or in part for use in presentations or written products that result from this study. Neither your name nor any other identifying information (such as your voice) will be used in presentations or in written products resulting from the study.

Immediately following the interview, you will be given the opportunity to have the tape erased if you wish to withdraw your consent to taping or participation in this study.

**By signing this form you are consenting to:**

- having your interview taped;
- to having the tape transcribed;
- use of the written transcript in presentations and written products.

**By checking the box in front of each item, you are consenting to participate in that procedure.**

This consent for taping is effective until December 15, 2009. On or before that date, the tapes will be destroyed.

**Participant's Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

APPENDIX 7

AGENCY LETTER OF AGREEMENT

**Letter of Agreement to Participate in the Legal Services Evaluation Study**

The Center for Social Policy will conduct an evaluation and cost-benefit study of publicly funded and other legal assistance programs. Evaluation activities will include:

- Design and implementation of two participant surveys – one that asks about the time period of six months prior to receiving legal services and one that asks about the time period of six months after receiving legal services. The surveys will be administered during an interview by CSP staff.
- Your agency will assist in the study by providing a list of women who have utilized legal services at your agency for domestic violence situations and their contact information. In addition, CSP staff will interview your agency's staff to learn about the impact of the legal services from the staff perspective.
- CSP will design procedures for client confidentiality, and enter and analyze the data.

All research at the University requires us to get written consent not only from the people who participate in the research study but from the organizations that help us find these participants. Assuming you agree to help, we need you to sign below stating that you give us permission to conduct the research at your agency, and that you understand that the research will be confidential. We will request informed consent from all interview participants and, with their consent, tape record the sessions. The tapes will be destroyed at the end of the project, and participants' names will not be associated with any data or reports; individual responses will remain confidential and be used only for research purposes.

If these procedures, and this project, sounds like something you can help us with, please sign below telling us you're interested, and you agree with the confidentiality procedures.

---

I agree to have our agency (Name of Agency: \_\_\_\_\_)  
participate in this evaluation, and understand that the research will be confidential as  
outlined above.

---

Agency Director or Representative

## APPENDIX 8

### INFORMED CONSENT FORM (SPANISH)

#### **Formulario de Consentimiento Informado de Participantes**

University of Massachusetts Boston  
McCormack Graduate School of Policy Studies  
Center for Social Policy  
100 Morrissey Boulevard  
Boston, MA. 02125-3393

#### **Título del Estudio:**

Desarrollando un modelo costo-beneficioso para evaluar el resultado a corto tiempo del proveimiento de servicios legales a mujeres sobrevivientes de violencia domestica en Boston, Massachusetts

#### **Introducción e información de contacto**

Le pedimos que tome parte en un proyecto de investigación que esta examinando los servicios legales que son recibidos por mujeres que han sufrido violencia de parte de sus novios, comprometidos, o esposos. Nos gustaría hablar con usted sobre su experiencia con esta violencia, los servicios medico que usted recibió a causa de esa violencia, y los servicios legales que usted busco o recibió en conjunto a esa violencia. La investigadora es Kim Puhala, una asociada de investigación, en el Centro de Póliza Social en la Universidad de Massachusetts en Boston. Por favor lea este formulario y siéntase libre de hacer preguntas. Si tiene preguntas adicionales mas tarde, Kim Puhala las discutirá con usted. Su número de teléfono es (508) 333-1484. Si Kim no esta disponible o si desea hablar con alguien más sobre este estudio en un tiempo mas tardar, usted puede contactar a su consejera estudiantil, Randy Albeda, al (617) 287-6963.

#### **Descripción del Proyecto:**

Si usted decide participar en este estudio, se le pedirá que asista a dos entrevistas. La primera entrevista ocurrirá cuando usted sea referida a ayuda se servicios legales (entre los primero dos meses). La segunda entrevista tomara lugar aproximadamente seis meses después de su primera entrevista. Cada entrevista se tomara entre una hora o una hora y media. Durante la entrevista, se le hará preguntas sobre lo siguiente:

- Edad, raza, etnicidad, numero de hijos, nivel de educación, país en el cual el sobrevividor nació, y su relación
- Estado de empleo
- Arreglos de custodia o visitación que usted tiene con sus hijos
- Situación de hospedaje actual
- Información segura de contacto para la segunda entrevista
- Violencia que usted ha sostenido el los últimos seis meses y el numero y tipo de asistencia medica recibida como resultado de esa violencia



- Situación financiera, como recibimiento de beneficios públicos, pensión matrimonial, asignación de beneficios de custodia, y propiedades propias
- Razones por la búsqueda de ayuda legal y los servicios legales recibidos

Usted sera pagado por su participación en esta investigación. Usted será pagado \$10 después de la primera entrevista y \$15 después de la segunda, por un pago total de \$25.

**Riesgos e Incomodidades:**

El riesgo primordial asociado con este estudio es el surgimiento de emociones negativas o angustiantes durante o después de la finalización de estas entrevistas evaluadoras. Si lo desea, usted esta urgido a discutir sus preocupaciones con su defensor (ora) legal, o otro empleado de su agencia, donde se le hizo el referido.

**Confidencialidad:**

Su parte en esta evaluación es confidencial. Eso quiere decir que la información conseguida para este proyecto no será publicada ni representada de una manera que le permitiría a alguien identificarle. Información acumulada para este proyecto será guardada en un archivo bajo llave y solo el equipo de investigación tendrá acceso a los datos. Los formularios para la colección de datos no tendrán su nombre. Usted solo será identificado por un número de estudio. Su nombre no será utilizado en ningún material escrito, ni presentaciones sobre la información conseguida en este estudio. Su información de contacto será guardada separadamente de sus entrevistas, y solo será utilizada para contactarle para su segunda entrevista. A la finalización del estudio, anticipado para diciembre 2009, la hoja con información de contacto que usted nos provea será destruida, y ya no será posible conectar su información de contacto con su entrevista.

**Participación Voluntaria:**

La decisión de participar o no en este estudio evaluador es voluntaria. Si usted decide tomar parte en este estudio, usted puede terminar su participación en cualquier momento sin ninguna consecuencia. Si desea terminar su participación, usted debe decírselo a la investigadora Kim Puhala, en persona o llamándola al (508) 333-1484. Cualquier cosa que decida, usted no será penalizado de ninguna manera, ni tendrá algún impacto en los servicios que usted recibe en su albergue o otras agencias que le provean servicios.

**Derechos:**

Usted tiene el derecho de hacer preguntas sobre esta investigación antes de firmar este formulario y a cualquier otro tiempo durante este estudio. Usted puede contactar a Randy Albelda al (617) 287-6963. Si tiene cualquier pregunta o inquietudes sobre sus derechos o su tratamiento como participante en la investigación, por favor contacte un represéntate de la Junta de Revisión Institucional (Institutional Review Board (IRB por sus iniciales en Ingles)), en la Universidad de Massachusetts, Boston, que supervisa investigaciones que tengan participantes humanos. La Junta de Revisiones Institucional (IRB) puede ser localizado en la siguiente dirección: IRB, Quinn Administration Building-2-015, University of Massachusetts Boston, 100 Morrissey Boulevard, Boston,

MA 02125-3393. Usted también puede contactar a la Junta por teléfono o correo electrónico al (617) 287-5370 o al [human.subjects@umb.edu](mailto:human.subjects@umb.edu).

**Firmas**

HE LEIDO ESTE FORMULARIO DE CONSENTIMIENTO. MIS PREGUNTAS HAN SIDO CONTESTADAS. MI FIRMA EN ESTE FORMULARION SIGNIFICA QUE ENTIENDO ESTA INFORMACION Y CONSIENTO A PARTICIPAR EN ESTE ESTUDIO. TAMBIEN CERTIFICO QUE TENGO 18 ANOS DE EDAD O MAS.

\_\_\_\_\_

Firma del Participante

\_\_\_\_\_

Fecha

\_\_\_\_\_

Nombre Escrito del Participante

\_\_\_\_\_

Firma de la Investigadora

\_\_\_\_\_

Fecha

\_\_\_\_\_

Nombre escrito de la Investigadora

\_\_\_\_\_

Firma de la Traductora

\_\_\_\_\_

Fecha

\_\_\_\_\_

Nombre escrito de la Traductora

## APPENDIX 9

### CONFLICT TACTICS SCALE 2 (SPANISH)

#### **Negotiation (6 Items)**

*Cognitive: (3 Items)*

- 4. *Mi pareja* me explico su punto de vista de un desacuerdo.
- 60. *Mi Pareja* sugirió un compromiso a un desacuerdo.
- 78. *Mi Pareja* estuvo de acuerdo a tratar una solución que yo sugerí para un desacuerdo.

*Emotional: (3 Items)*

- 2. *Mi pareja* me demostró que me quería a pesar que no estábamos de acuerdo.
- 14. *Mi Pareja* demostró respeto a mis sentimientos sobre un asunto.
- 40. *Mi Pareja* dijo que estaba seguro(a) que podíamos resolver un problema.

#### **Psychological Aggression (8 Items)**

*Minor: (4 Items)*

- 6. *Mi pareja* me insulto o me maldijo.
- 36. *Mi Pareja* me grito.
- 50. *Mi Pareja* salio pisoteando de una habitación, casa, o patio durante un desacuerdo.
- 68. *Mi Pareja* hizo algo para fastidiarme.

*Severe: (4 Items)*

- 30. *Mi Pareja* destruyo algo que me pertenecía.
- 26. *Mi Pareja* me dijo gordo(a) o feo(a).
- 66. *Mi Pareja* me acuso de ser una amante malísimo(a).
- 70. *Mi Pareja* amenazo con golpearme o tirarme algo.

#### **Physical Assault (12 Items)**

*Minor: (5 Items)*

- 8. *Mi pareja* me tiro algo que pudiera haber dolido.
- 10. *Mi pareja* me torció el brazo o el cabello.
- 18. *Mi Pareja* me empujo o me empello.
- 46. *Mi Pareja* me agarro.
- 54. *Mi Pareja* me dio una bofetada.

*Severe: (7 Items)*

- 22. *Mi Pareja* utilizo un cuchillo o pistola contra mí.
- 28. *Mi Pareja* me dio un puñetazo o me pego con algo que pudiese doler.
- 34. *Mi Pareja* me estrangulo.
- 38. *Mi Pareja* me tiro contra la pared.
- 44. *Mi Pareja* me golpeo.
- 62. *Mi Pareja* me quemo a propósito.
- 74. *Mi Pareja* me pateo.

#### **Injury (6 Items)**

*Minor: (2 Items)*

- 11. Tuve un torcimiento, moretón, o una cortada pequeña en una pelea con mi pareja.
- 71. Sentí dolor físico que aun dolía al día siguiente después de una pelea con mi pareja.

*Severe: (4 Items)*

23. Perdí la conciencia porque fui golpeado(a) en la cabeza durante una pelea con mi pareja.

31. Fue a un médico como resultado de una pelea con mi pareja.

41. Necesite ver un médico como resultado de una pelea con mi pareja, pero no fui.

55. Sufrí un hueso roto después de una pelea con mi pareja.

**Sexual Coercion (7 Items)**

*Minor: (3 Items)*

16. *Mi Pareja* hizo que yo tuviera sexo sin un condón.

52. *Mi Pareja* insistió en tener sexo a pesar de que yo no quería (pero no utilizo fuerza física).

64. *Mi Pareja* insistió que yo tuviera sexo oral o anal (pero no utilizo fuerza física).

*Severe: (4 Items)*

20. *Mi Pareja* utilizo fuerza para hacerme tener sexo oral o anal.

48. *Mi Pareja* utilizo fuerza para hacerme tener sexo.

58. *Mi Pareja* utilizo amenazas para hacer que yo tuviera sexo oral o anal.

76. *Mi Pareja* utilizo amenazas para hacer que yo tuviera sexo.

## APPENDIX 10

### ABBREVIATED CASE STUDIES

Case studies are presented to exemplify the women's experiences with the legal assistance that they received. The following selected case studies of women who completed the study and were born in the U.S. show that each woman's situational needs are different, and that these women face very complicated situations. They also illustrate that there is both appreciation for and frustration with the legal process as stated by the women.

#### Subject 1002

Subject 1002 utilized a lawyer from HAWC and sought legal assistance because she was contemplating separation and/or divorce, and she wanted to get information about what to expect. At the time of the first interview, the subject was experiencing psychological abuse. At the follow-up interview (10 months later), the relationship had escalated to physical violence, and the subject had kicked the abuser out of the house. She obtained a restraining order with the help of an advocate from HAWC. She also consulted with a HAWC lawyer to obtain information. She was very satisfied with the help she received from HAWC, and felt that they gave her direction and information on how to approach the situation. She felt that the HAWC lawyer was very informative, and helped by referring her to Probate Court and to the Lawyer for a Day program. The subject stated that "she didn't know where to begin." She felt that the HAWC lawyer was very good, listened to her, and gave her great advice. This subject has not experienced any abuse since she separated from her husband.

#### Subject 1004

Subject 1004 utilized a private lawyer and sought legal assistance for custody issues and divorce. From her first interview and first contact with legal services, she had face-to-face contact with her abuser during visitation about two or three times a week. He would harass her during those times and was verbally and mentally abusive. Initially, she was going to apply for joint custody, but the abuser moved out of state, and it made it easier for her lawyer to go for sole custody, which the abuser did not fight. Outcomes included that the divorce was finalized, her abuser didn't get half of her profit sharing that he was trying to get, and she got sole custody of the children. The subject stated that she was very satisfied with the legal assistance she received, and felt that she benefitted financially because if she went to another lawyer it would be at least \$6,000 or more (she had paid \$3,000) and the lawyer also saved her profit sharing (equivalent to about \$7,000). She also stated that she benefitted because her lawyer prevented the abuser from getting custody of the children. She stated that she had a very good rapport with her lawyer, and that "this wasn't some lawyer who takes you on and then never answers the phone." She felt that the lawyer was concerned with her welfare and her state of mind, and helped her diffuse her anger about the abusive situation.

#### Subject 1005

Subject 1005 also utilized a private lawyer. She has two children in common with her abuser, and sought legal assistance for divorce and custody issues. The subject is not able to work because she cares for her daughter who is chronically ill. Her abuser has been sporadically employed, and therefore only pays child support when he is working, and she receives health care through him. When he quit his job, she had to rely

on public benefits and insurance programs. She has a private lawyer, and stated that she is getting a “huge discount” because the lawyer only charges her a portion of the bill every fourth visit. In total, she had to pay about \$3,000, while her lawyer worked on the separation agreement. She got the attorney by going through the phone book and calling attorneys until she found one that was willing to work with her given her financial situation. She feels that her lawyer is accessible, and that she can call him and ask questions. For example, she called her lawyer regarding the court ordered health insurance, and when she obtained a van for her disabled child, and also when her abuser tried to get her car repossessed. The separation agreement was in the lawyer’s hands and her husband was reviewing it, and her husband’s attorney wasn’t returning her lawyer’s phone calls. She feels like she can’t keep spending money on this, and thought there would be some sort of cap on the amount of time in which the other party had to give a response. She was somewhat satisfied with the private attorney, mostly because the case had been going on for a long time and she wanted to know that there is an end in sight, or at least what the next steps were. She stated that her lawyer “is not the best”, and she didn’t feel like she was an important client, but stated that she understood that the lawyer “wasn’t making any money on this case.” One thing she would like to see changed is the rule around pro bono qualifications. She said that she is literally a couple of hundred dollars over the limits, and yet there is no middle ground for her. She feels that she should be able to get a sliding scale for an attorney, where her financial situation is taken into account.

#### Subject 1007

Subject 1007 utilized a lawyer from HAWC. Subject 1007 was attacked by her abuser and he was arrested for two assaults on her. He was incarcerated for one month, and then released from prison because she never pressed charges. Then there was another attack and she called the police, and the abuser was arrested. The subject stated that the legal advocacy she received helped her make her decisions and that the HAWC advocates had more insight than the witness advocates in the court. She also stated that the full range of services offered by HAWC, such as help with abuse, childcare, and the hotline service were very useful. The client stated, “Without them I wouldn’t have gotten as far as I have. I can’t say enough about them. Their services are excellent – 10+.” In terms of HAWC lawyers, she felt that one was hurried. She felt that the lawyer should have helped more. The lawyer explained ‘motion to vacate’ to her, yet she stated that the lawyer was “short about it” and that she “didn’t understand 100%, but the lawyer seemed frustrated [with her].”

#### Subject 1008

Subject 1008 also utilized a HAWC lawyer and sought legal assistance because there were gradual changes in her relationship that led her to identify the situation as abusive. In addition, the verbal abuse she experienced had escalated. She stated that she tried to leave her husband about 20 times before. Recently, her abuser left after a fight, and she took out a restraining order to keep him away. She filed for the restraining order by herself with no help from any legal advocates or attorneys. Since then, her abuser’s was civil to her when they interacted regarding the children. The lawyer was very helpful to her and told her how to file for “separate support” (“separate support” is for



married people living separately but not getting divorced, so they split everything). She filled out a form for legal separation, and heard that eventually the state would nullify the marriage. The lawyer told her that they don't do that anymore, and will allow them to live separately forever. The subject also appealed her child support order and asked the judge to reconsider the amount of support. She talked to the lawyer who told her how to present her case and how to fill out the paperwork. The lawyer went over the legal terms to use and talked her through the process. The subject stated that the lawyer was an "amazing resource and very caring" and that she was available any time she had a question. She stated that she was very satisfied with the services she received, and that she "wouldn't have known what to do otherwise." She stated that there were no disadvantages to receiving legal services. The subject did not renew her restraining order and eventually reconciled with her abuser.

#### Subject 1012

Subject 1012 utilized a lawyer from HAWC and had asked her abuser to leave several times and he refused, so she sought legal services to determine what her options were and to get information about the divorce process. The subject received legal assistance at HAWC one time only. The subject stated that she had "no time or money for a lawyer", but if she had the money, she would get a lawyer. The subject stated that she was very satisfied with the legal services she received. She stated that the lawyer told her exactly what she could do. The client stated that she did not follow through because, "You have to be ready to do it – things can get worse. I'm not prepared to do it." She said that she found out what her rights were regarding getting the abuser out of the house and how to get a divorce, and the lawyer told her what she could do in each

type of circumstance. She stated that now she “knows exactly what to do, but it is difficult to put it into place.” She stated that she felt that she could go back and get more help at HAWC if she needed it.

#### Subject 1021

Subject 1021 utilized a student lawyer through a referral from HarborCOV. This subject was attacked by her abuser with a butcher knife when she was trying to leave him. As a result, the subject was in the hospital for 5 days, and had three operations on her arm. The abuser was charged with assault, but the subject was not sure what the outcome was in terms of his punishment. Her abuser was in jail for two years on drug charges, and she was notified when he got out of jail. The subject stated that she was afraid to get a restraining order because she was afraid of going to court and facing the abuser. Eventually, HarborCOV found her a student lawyer to assist her. The subject stated that she was very satisfied with the services she received and felt that she benefitted from receiving legal assistance. She stated that she was able to get what she needed (a restraining order) and probably wouldn't have gotten one without the legal help because of her fears. She stated that the lawyer made everything easy, talked through what would happen in court and that made it easier because she understood what was going to happen.

#### Subject 1022

Subject 1022 sought legal assistance from a private lawyer in order to get information about divorce, custody, child support, and to work on the issue of visitation. This subject had a restraining order against her husband that was obtained because of constant harassment with text messages, phone calls, and leaving harassing messages on

her answering machine. She was employed full time and stated that she “lives paycheck to paycheck.” Her abuser was ordered to pay \$80/month in child support, but she had not received any steady money from him for over a year. She also had sole physical and legal custody because her abuser did not show up for the court date. She stated that she was “here for survival, [and] to see what assistance I can get.” She stated that she would have ended up in a shelter but she got transitional housing (through HC). She went to court twice, and the lawyer was with her both times. The first time was for child support and the second time was for the divorce. The lawyer assisted the client with finalizing her divorce, and also helped her keep her retirement plan money. She stated that the lawyer was very good and that she “would have never been able to get divorced if she didn’t have the lawyer because I wouldn’t have been able to afford it.” She stated that prior to the child support hearing, she ran into her ex-husband outside the court room and they got into a confrontation (prior to when the lawyer arrived). She stated that she benefitted from receiving legal services “because now I am more stable.” She also stated that the advantage of the divorce was that she “is much happier, more independent, more stable because before they were fighting over money, he would come home drunk, and now I am calmer and the kids are better off because there isn’t any more fighting.” However, she also said that since the lawyer was pro bono, that she had to take on a lot more work regarding getting paperwork together, and that if she was paying a lawyer they would take care of everything for her.

Case studies from women who were not born in the U.S. indicate that these women have additional hardships with the civil legal services system. Their stories are presented below.

## Subject 1016

Subject 1016 was born in El Salvador and is currently residing in the United States. She has been physically separated from her husband since 2002, and sought legal assistance from HarborCOV seven months prior to our first interview.

HarborCOV legal advocates assisted her with getting a student lawyer through another agency to help her with her case. This subject sought legal assistance for help with getting a divorce. He is not trying to get custody or visitation with his children. He is also not making any child support payments or helping her financially with the two children they have in common, but the subject stated that the abuser has his own business and there is no way to garner his wages so she is not pursuing child support at this time.

In terms of legal services received, by the time of the first interview she had several phone calls with her lawyer. She had one appointment at the court house to meet and fill out papers but the lawyer did not appear so she got the papers but filled everything out herself and with help from the HarborCOV legal advocate. The legal advocate also wrote a letter to her ex to notify him of the divorce. By the time of the second interview, the subject had two court dates, but her husband didn't show up for either of them. Her lawyer went with her to both court appointments. She has also talked to her lawyer about 10 times on the phone, and met with her lawyer in person about 5 times since the last interview. They have another court date for the divorce, and the subject hopes that this will finalize the divorce. If the abuser doesn't show up to the next court date, she stated that the judge may change the court date again, but she hoped this wouldn't happen.

This subject's husband was using different tactics to interfere with her ability to resolve the divorce and to move on with her life. For example, she had two court dates scheduled, but her husband didn't show up for either of them. In the six months prior to receiving legal services, she has had face-to-face contact with her husband approximately 10 times, mostly because he looks for her and is angry that she is moving on with her life. When they separated, he took money from her and said he was going to file immigration papers, but he never filed them. When she had scheduled the first court date, her husband called her daughter and the subject felt that he was manipulating her by leaving messages for her daughter and trying to make her feel guilty for pursuing a divorce.

The subject stated that she was satisfied with the legal services she received, but she felt that the whole process took too long. She felt she got benefits from the lawyer, but she wishes she could have the same lawyer all the time. The subject stated that she was working with student lawyers, and "they come and go, and they keep changing and [she] has to go over everything again and again, and it's uncomfortable to have to keep re-hashing everything." She has had three different lawyers so far – the first time it was a supervisor and a student, then the supervisor with a different student, and the last time it was just the supervisor. She stated that just when she was feeling confident and close to the lawyer, they would have to change her to another one. She states that she will receive legal services until the case is closed.

Subject 1019

This subject was born in Sierra Leone and came to the U.S. on a visa with her husband and her daughter, but the visa was in her ex-husband's name. She stated that

she did not come alone because she didn't want to start the whole process of filing for a visa over again. She had tried to leave her husband several times, and was able to leave him for good in 1999. She does not currently have a restraining order against him, but she has in the past. She is fearful to go to court to renew the restraining order because she is afraid she will have to see him.

This subject spoke with HAWC lawyer about three months prior to the first interview. She had another court appearance around the time of the first interview, she went to HAWC to get help from the lawyer, and also requested that legal advocates from HAWC accompany her to court. Her ex-husband had supervised visits with their child, and was trying to get unsupervised visitation, and to eventually get custody of the children. Although he has visitation set up for every two weeks, he has only showed up approximately three times. The subject also stated that she missed work all the time because of court, and that her ex-husband used the courts to get back at her. He did things like filing for supervised visits for the child that he never took care of and requesting a reduction in his child support payments, which were \$300/month. She sought assistance with custody and child support issues, and expressed that she wanted to find out if she was on the right track and wanted to get advice about what to say in court.

At the follow-up interview, the subject stated that the lawyer at HAWC helped her with the paperwork and a legal advocate from HAWC went to court with her. The subject stated that she was very afraid to go to court because she was afraid she would have to see her ex-husband again and she didn't want to. As an outcome to working with HAWC, the subject won full custody of the kids and the judge did not lower the

child support payment. When asked about working with HAWC, the subject stated, “Without them, I don’t know where I’d be. I didn’t have any money, but I got a lawyer and I won the kids.” When asked about her relationship with her ex-husband after the court date, the subject responded, “He’s lying low now.” The subject stated that she was very satisfied with the legal services she received, that the lawyer explained things to her and that she felt that she learned a little bit from the lawyer.

This subject also had prior experience with Neighborhood Legal Services (NLS). She had a lawyer from NLS throughout her whole case when she was getting help with her divorce. She worked with them in 2004 for several years until the divorce was finalized in 2006. She called them for help with her current legal needs prior to going to HAWC, but NLS told her that since her case had been closed that they could not help her. However, the subject stated that NLS were helpful to her during the divorce case. I asked her about the difference in working with Neighborhood Legal Services on her divorce and working with HAWC now. Client responded that at NLS they do everything, all the legal research and everything else and she stated that she would just go and get the paperwork. At NLS she had longer appointments (about 4 hours) and stated that she didn’t know what was going on. She stated that they would tell her to come in and she would or they would tell her to do something and she would do it. The client stated that at HAWC, the lawyer advises her and does the paperwork with her, and she feels that she explains things and that, as a result, she understands more about the legal process.

## Subject 1028

Subject 1028 also utilized a student lawyer that she was referred to through HarborCOV. This subject was born in El Salvador and came to the U.S. when she was 20 years old. She has two children in common with the abuser, one of which is still living in El Salvador. In the 6 months prior to receiving legal services, she was living with her husband, seeing him every day, and trying to work on improving their relationship, but he “seemed to care less.” They owned a house together but lost it in Feb. 2008 (they had it for three years total). She receives WIC for the children until they are age 5 and is also receiving MassHealth. At the time of the first interview, there were no issues regarding custody and visitation because they were living together in the 6 months prior to separating. She stated that she separated “peacefully” from her husband in 2008, but after they separated, her husband would “look for her” and she filed for a PO. When she first filed for a PO, the judge denied it because there wasn’t enough evidence. She then continued working on her relationship until she broke it off for good and sought help from HarborCOV for a PO. She had help from a legal advocate and got a PO.

At the follow-up interview, the subject stated that she had a lawyer who went to court with her got the PO extended for one year. She stated that she had seen a lawyer who was a supervisor twice and a student lawyer once. This was the only time she saw the lawyer, and at the time of the follow-up interview, the lawyer was still working on the divorce. She receives child support now, which was court ordered and is about \$400/month, and states that her abuser “pays it pretty regularly.” In terms of visitation, they have worked out an agreement in which her sister in law arranges visitation



whenever her husband calls to see the kids, about every two weeks. The subject stated that she was satisfied with the legal assistance for the PO and felt that she benefitted from legal assistance “because I don’t have to confront my ex – they [the lawyers] interact with him.” She stated that she was not satisfied with the fact that she had not heard anything about her divorce yet.

#### Subject 1029

Subject 1029 was born in El Salvador and arrived in U.S. in 2004 at the age of 19. She has one child in common with her boyfriend, and has never been in an abusive situation before. At the first interview, she stated that she had tried to break it off with her boyfriend before, on numerous occasions, but he refused to leave. She first experienced an incident of physical abuse from her boyfriend in June 2008 and immediately sought legal services. She had been together with her boyfriend for about 1 year at the time, and altogether they had been dating on and off for about 4 years. She had gone by herself to the court for the PO, and a HarborCOV legal advocate was there, as was the student lawyer, and she connected with them in the courthouse. They helped her obtain the PO, which was in effect for one month. She then closed the PO because she felt that there was no need for the PO because he had moved out and felt that her boyfriend had improved. She did not request child support because they have a mutual agreement and he is very responsible about it. He gives her \$240 a month for help with the baby and is consistent with paying her. She was receiving WIC, and kids have MassHealth, but she did not get any other public benefits. Since she separated from her boyfriend, she had contact with the lawyer two to three times during the time when she had the restraining order. She didn’t have any other legal appointments scheduled, but

she might need legal help in the future if there become disputes about their child, as the abuser has indicated that he might seek custody.

During the follow-up interview, the subject did not report any major changes to her living situation or employment. She reported that she had seen the abuser every day in the six months post legal services and that he is now pressuring her to get back together with him. She had a PO in effect for one month from June to July 2008, but then chose not to get it renewed. She is considering getting back together with the abuser and doesn't know what to do. She reports that her sons are very upset about the possibility of her reconciling with him and are acting out, and that the abuser is telling her that she needs to do more regarding getting the sons to get them to like him, for example, talking good about him in front of them. He was giving her child support through an informal arrangement, but then he started complaining that it was a hardship on him and he had financial problems, so she told him to stop giving her money for three months.

The subject stated that she was very satisfied with the legal services she received because she did not know what to do at that point in time. She stated that they guided her and helped her figure out the right thing to do, but also that she felt frustrated and confused when talking to the lawyer because she wasn't sure if she was doing the right thing. She stated that she didn't really interact with the lawyer that much, and that she had more interactions through the legal advocate at HarborCOV. She also stated that she is afraid that if she seeks further legal assistance that things will get worse and stated that she "just wants to live peacefully now". She stated that there weren't any incidents of physical abuse in six months post legal services.

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