

FLORIDA VOICE

A PUBLICATION OF THE FLORIDA COALITION AGAINST DOMESTIC VIOLENCE



NAVIGATING THE LAW

The law is on your side – and resources are available to assist you

Domestic violence is devastating to families and communities and its effects are felt throughout society. But no one feels its impact as directly and personally as survivors and their children.

Domestic violence isn't just wrong – it is a crime. Many of the issues surrounding domestic violence necessarily involve the legal system. Navigating that system can be daunting.

We think of crimes involving two parties: perpetrators and victims. In domestic violence, however, those who continue their lives after experiencing abuse are not victims; they are survivors.

The Florida Coalition Against Domestic Violence (FCADV) and Florida's 42 certified domestic violence centers provide services and protections for survivors while working to ensure that abusers are held accountable. This is the Coalition's singular purpose and

focus, but no individual or organization can successfully combat domestic violence without support.

A survivor is most at risk when she or he leaves the abuser. It is at this point that survivors require the most assistance, and this often involves assistance with the legal system. During annual listening groups, survivors regularly report to FCADV that access to legal services remains one of their greatest unmet needs.

FCADV has implemented a number of legal projects to provide a variety of legal services to survivors. If you or anyone you know need assistance, you may call the Florida Domestic Violence Hotline at 1-800-500-1119. Callers then also have the opportunity to connect with the Domestic Violence Legal Hotline by choosing Prompt 3.

In this newsletter, we will share information about some of the legal services

available to survivors, including additional information about the Legal Hotline.

FCADV/Florida Legal Services Inc. Domestic Violence Legal Hotline

FCADV contracts with Florida Legal Services, Inc. (FLS) to provide free legal advice to survivors who call the Domestic Violence Legal Hotline. Survivors calling the legal hotline have a variety of questions relating to the issues they face in leaving an abusive situation. The most frequently sought advice involves obtaining and enforcing civil injunctions for protection. Frequently survivors seek legal advice regarding other domestic relations matters such as divorce, custody, paternity, and timesharing. The FLS attorneys who work on the hotline

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also answer questions related to housing, relocation, public benefits, immigration and other issues. Resources are provided to each caller specific to their unique circumstances, including referrals for additional assistance in their county of residence.

During the latest reporting period, Legal Hotline staff handled 6,950 calls regarding legal information, advice, and referrals for domestic violence assistance. Of those calls, 87 percent were from survivors of domestic violence, while 2.9 percent came from friends or family, 1 percent from advocates, and the rest were from healthcare workers, law enforcement personnel, attorneys, or unknown callers.

Injunction for Protection Project

Florida's injunction for protection system for victims of domestic, dating, and sexual violence and stalking is the civil remedy for survivors seeking protection from their abusers for themselves and their children. In addition to prohibiting the perpetrator from contacting the survivor, civil injunctions

provide other critical remedies to protect the safety of domestic violence survivors, including temporary exclusive use of the home, temporary custody of the children, and temporary spousal and child support. As previously mentioned, the most frequently sought advice from the Legal Hotline's staff is for information regarding obtaining an injunction for protection and preparation for injunction-related court appearances. A 2009 study demonstrated that a civil injunction for protection is an effective tool in protecting survivors, stopping violence, and saving lives.

Survivors participating in past FCADV focus groups have reported the many barriers they face when seeking a civil injunction for protection, including taking time off from work, obtaining child care, and transportation to the courthouse to complete the petition. The vast majority of survivors file the petition pro se, with little or no guidance to complete the lengthy petition and required additional paperwork. Survivors reported feeling overwhelmed and confused by the petition process, and that they were devastated when their petition was denied.

Often, they do not know that the petition was denied only because of incomplete documentation.

Because seeking an injunction often was their first contact with the judicial system, survivors said they lost faith in the system designed to help them, and were hesitant to seek further assistance.

A 2014 audit of Florida's civil injunction system by the Northern Arizona University Family Violence Institute (FVI), with funding from FCADV, concluded that the assistance of an attorney or advocate is critical to a survivor obtaining the initial temporary injunction, as well as the final injunction. The Statewide Domestic Violence Fatality Review Team in its 2015 report, *Faces of Fatality, Volume V*, also recognized the critical need for survivors to receive legal assistance when seeking injunctions.

The Statewide Team reported that in domestic violence homicides reviewed by local teams between 2002 and 2013, only seven percent of the victims had a known injunction for protection against the perpetrator. The Statewide Team recommended that FCADV seek funding to expand its STOP-funded Legal Clearinghouse Project to include representation for survivors to complete and file the ex parte petition for injunction.

The Clearinghouse Project began in 1997 as a pilot program, the first in the country, to provide legal representation to victims of domestic violence at final hearings for injunctions for protection against domestic violence, and to provide legal advice and consultation to victims. FCADV subcontracts with legal services providers (Clearinghouse Attorneys), who accept client referrals from Florida's certified domestic violence centers throughout the state. The project has been an unqualified success, and many other state coalitions provide legal services to domestic violence victims based on the Clearinghouse model. FCADV also provides training and technical assistance to its Clearinghouse Attorneys.

In addition to English, Spanish, and Creole, assistance through the Florida Domestic Violence Hotline is available in a variety of language. The other most commonly requested languages are:

- **Kinyarwanda**
- **Portuguese**
- **Japanese**
- **Vietnamese**
- **Mandarin Chinese**
- **Korean**
- **Dari**
- **French**
- **Bengali**
- **Urdu**
- **Farsi**
- **Mam**
- **Italian**
- **Tagalog**
- **Canjobal**
- **Hindi**
- **Pidgin English**
- **Indonesian**
- **Turkish**
- **Thai**
- **Somali**
- **Cantonese Chinese**
- **Albanian**
- **Polish**
- **Amharic**
- **Bosnian**
- **Quiché**
- **German**
- **Malayalam**
- **Karen-Burmese**
- **Romanian**
- **Swahili**
- **Oromo**
- **Chuukese/Trukese**
- **Hmong**
- **Ukrainian**
- **Chuj**

During FY 2016-17, FCADV was awarded a Victims of Crime Act (VOCA) grant from the Office of the Attorney General to fund full-time attorneys located at Florida's certified domestic violence centers to represent survivors of domestic, dating, and sexual violence and stalking seeking civil injunctions for protection. Injunction for Protection (IFP) Project attorneys meet with survivors referred by the domestic violence centers and other partnering agencies, such as clerk and court staff, law enforcement, state attorneys, and other organizations, to determine whether filing for an injunction is a safe and appropriate legal action. IFP Project attorneys represent survivors from the temporary petition stage through the final injunction hearing, as well as in civil show-cause hearings for injunction violations. The attorneys also represent survivors in other injunction-related proceedings that impact their safety, such as defending against a perpetrator's motion to dismiss a final injunction.

FCADV IFP Managing Attorneys conduct site visits with the IFP attorneys to address challenges, observe court proceedings, and provide legal research and individualized technical assistance to the attorneys. During the inaugural year of the project, FCADV's Managing Attorneys developed numerous written forms and protocols for the IFP Project to assist with project implementation.

Currently, there are 67 IFP Project Attorneys providing services in 46 counties. The vast majority of survivors receiving injunction representation are victims of domestic violence. From October 2017 through September 2018:

- IFP Project lawyers provided legal advice and injunction representation to 8,420 new survivors
- IFP Project lawyers represented survivors in 12,499 injunction for protection and other injunction related hearings ("Civil legal assistance with obtaining protection or restraining order" on quarterly report)
- 6,084 survivors received information and referral services and 3,765 survivors received victim compensation/relocation information as a part of the program



Numerous judges, law enforcement agencies, court staff and other community stakeholders have contacted the FCADV Managing Attorneys and the IFP Project attorneys to express thanks for the IFP Project and the positive impact the project is having for survivors in their communities. Judges have remarked both on the high quality of the legal services provided by the IFP Project attorneys, and that having lawyers complete the petitions for injunctions in particular helps ensure that the judges have all relevant information to make a determination as to whether to issue a temporary injunction for protection.

Legal Assistance for Immigrant Survivors

Domestic violence affects people from all walks of life, and certain groups face distinct challenges. While every survivor's circumstances are unique, there are certain challenges that may affect a group or demographic broadly. We must recognize and understand those challenges in order to assist survivors in overcoming them.

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"I am grateful to the [IFP Project attorneys] and the staff of the [certified domestic violence center] for all of the professional assistance they provided and the kindness they showed me. I do not know how I would have been able to navigate through the legal system without their guidance and support."

—Quote from a survivor served by the IFP Project

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One group facing special challenges is immigrant survivors. Coming from a different country with different laws, a different culture, and different views on domestic violence, an immigrant survivor may not know what rights and legal remedies are available. Immigrants may have concerns about contact with authorities. Immigrants with children may fear they will be separated. It is important that legal services are available to immigrant survivors and that advocates are prepared to guide survivors to culturally and linguistically appropriate assistance.

Immigrant survivors of domestic vio-

lence, sexual assault, human trafficking, or other violent crimes may be eligible to apply for several immigration benefits that may ultimately allow them to seek United States citizenship. Two examples of this are the VAWA (Violence Against Women Act) Self Petition and the U Visa. FCADV contracts with Americans for Immigrant Justice (AIJ) to provide legal advice to survivors who have questions about VAWA Self-Petitions, U Visas and other immigration issues. Survivors may call 305-573-1106 to consult with an AIJ lawyer.

Together We Can End Domestic Violence

The Florida Coalition Against Domestic Violence is a grassroots nonprofit organization whose membership is comprised of individuals, centers, and advocacy groups sharing the goal of eliminating domestic violence.



FCADV
Florida Coalition Against Domestic Violence

Sponsored by the Florida Coalition Against Domestic Violence and the State of Florida, Department of Children and Families.