



REMARKS OF
COMMISSIONER CECILE NOEL
MAYOR'S OFFICE TO END DOMESTIC AND GENDER-BASED
VIOLENCE

BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON
WOMEN'S ISSUES

October 24, 2018

Good morning Chairperson Rosenthal and members of the City Council Committee on Women's Issues. I am Cecile Noel, Commissioner of the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV). Thank you for the opportunity to speak with you about our Office's reports, client satisfaction surveys at the NYC Family Justice Centers, domestic violence related training for professionals and matrimonial legal assistance for survivors of domestic violence. I am pleased to be joined today by my colleague, Jordan Dressler, the Civil Justice Coordinator at HRA's Office of Civil Justice (OCJ) who is here for any questions the Council may have regarding Intro 1085.

On September 7, 2018, Mayor de Blasio signed Executive Order 36, which expanded the authorities and responsibilities of the Mayor's Office to Combat Domestic Violence (OCDV) and changed the Office name from OCDV to the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV).

The Office to End Domestic and Gender-Based Violence will continue to develop and coordinate a citywide response to intimate partner and family violence and now has the expanded authority to address gender-based violence, including sexual assault, stalking, and trafficking – as well as the continuum and intersection of these issues. We will also continue to

create bridges across criminal justice and social services to coordinate New York City's approaches and system responses to ensure that all survivors have streamlined access to inclusive and critical resources and services.

I am proud to be part of this Administration's strong commitment and unprecedented investment to enhance the City's response to domestic and gender-based violence. During this administration we have, among other things, opened two new Family Justice Centers, expanded domestic violence shelter capacity and launched new initiatives focused on public housing and domestic violence, stalking, healthy relationship education for youth in foster care and other vulnerable youth, increased access to mental health services for survivors and launched a new Policy and Training Institute within ENDGBV to expand domestic violence education for City agencies and community based organizations. In addition, the City has recently invested \$11 million in domestic violence programming and initiatives through the Mayor's Domestic Violence Task Force, and \$3 million through the *Interrupting Violence at Home* initiative to develop innovative programming to working with abusive partners.

With the implementation of the Office to End Domestic and Gender-Based Violence, we are continuing to respond as a City to the voices of

survivors and advocates, and recognizing the need for a system-wide coordinated approach to these issues.

The new Office will seek to implement best practices and policies, develop and strengthen services and intervention initiatives, enhance coordination across agencies and disciplines and employ methods for data and information sharing. The Office will continue to operate the Domestic Violence Fatality Review Committee and will also now operate the Advisory Committee to review individual case-level data on domestic and gender-based fatalities.

The Office will also continue to operate the New York City Family Justice Centers (FJCs), which are walk-in multi-service Centers in each borough for survivors to access free, confidential services and support. Key City agencies, community partners, civil legal services providers, and District Attorney's Offices are located on-site at each FJC—to make it easier for survivors to get help. FJCs welcome people of all incomes, ages, sexual orientations, gender identities, regardless of the language they speak, or their immigration status. Last year, the FJCs had over 62,000 client visits across the boroughs.

The expansion of our mission is a multi-stage process that begins with feedback and information gathering from advocates, community

stakeholders, and survivors that will inform our advocacy efforts and recommendations for policies, programming, data and best practices citywide. In addition, ENDGBV will continue to advocate for and explore additional programming for survivors in New York City.

REPORTS PUBLISHED BY ENDGBV

We have strong relationships with providers, advocates and community stakeholders across the City and believe it is imperative to provide them with access to information, research, data, as well as information about programming operated and overseen by ENDGBV. In the last few years, we have expanded our research and evaluation work and in the last two years have released the following reports, which are all publicly available and accessible via our website and on NYC Open Data:

- 2017 Fact Sheet
- 2017 Annual Report
- 2017 and 2018 Fatality Review Committee Reports
- 2017 Intimate Partner Violence Community Board Snapshots
- 2017 Family-Related Violence Community Board Snapshots
- 2017 Goals and Recommendations of the NYC Domestic Violence Task Force

Some of the metrics captured in these reports and factsheets include:

1. The number of clients assisted at each of the five Family Justice Centers, along with the total number of visits.
2. The number of individuals trained by ENDGBV staff, the number of Healthy Relationship Training Academy workshops conducted and the number of youth participants in those workshops.
3. The number of outreach events conducted by ENDGBV.
4. The number of annual calls made to the city's domestic violence hotline.

We also released ten (10) research briefs and reports in 2017 and 2018 on a variety of topics related to intimate partner violence to assist New Yorkers in understanding these issues and encourage further conversations, including:

- *OCDV IN FOCUS: Survey Findings from the New York City Healthy Relationship Training Academy - Participation in the Academy Leads to Significant Improvement in Knowledge and Attitudes around Healthy Relationships* (a summary of the results from pre- and post-workshop surveys conducted by the New York City Healthy Relationship Training Academy)

- *News Coverage of Intimate Partner Homicides in New York City (2013-16)* (a systematic review of all news articles reporting on NYC intimate partner homicides from 2013-16)
- *Data Brief: Intimate Partner Homicide-Suicide in New York City, 2010-2017* (a descriptive analysis of NYC homicides in which an abusive partner murdered their current or former intimate partner and then died by suicide)
- *OCDV IN FOCUS: A Closer Look at Foreign-Born Clients Visiting the New York City Family Justice Centers* (an overview of the foreign-born client population of the Family Justice Centers showing that the majority of Family Justice Center clients are foreign-born and that the client base reflects the diversity of New York City's population)

We aim to continue releasing periodic reports and briefs about pertinent topics to inform New Yorkers about these issues as well as ensure access to data and program updates through our Office's annual report and factsheets. While the City opposes the current version of Intro 351, we look forward to discussing a version of the bill that is aligned with our available data and metrics, responsive to what advocates and providers are seeking

without placing an unintended burden on contracted providers and that provides an overview of ENDGBV operations and programs.

CLIENT SATISFACTION SURVEYS AT THE NYC FAMILY JUSTICE CENTERS

In addition to expanding our outputs in regards to research and reports, in the last few years, we have also started to evaluate programming operated by ENDGBV, as well as programming we are partnering on with other agencies. In November 2016, ENDGBV collaborated with the Mayor's Office for Economic Opportunity (NYC Opportunity) to contract with Abt Associates to conduct an evaluation of the Brooklyn, Queens, Bronx, and Manhattan FJCs, specifically focusing on effective interagency collaboration, provision of efficient and effective service delivery, and client satisfaction. Staten Island was not included in this evaluation because it was still in its first year of operation. This evaluation was completed in 2017 and was the first ever evaluation of the New York City FJCs.

The evaluation found that:

1. Administrative and partner staff at the four FJCs believe the FJC model is successful;

2. The majority of administrative and partner staff believe the FJCs are collaborative;
3. The FJCs promote an increase in knowledge of other partner staff and create relationships between staff; and
4. Most importantly, clients are very happy with the services they receive at the FJC and believe their needs are being met.

In November 2017, ENDGBV held meetings at each FJC with onsite provider staff and also met with leadership and supervisors from partner community based organizations and presented the evaluation findings. During these meetings we sought feedback from partners regarding how best to address the evaluation's findings and discussed some of the changes that were already being implemented. Although the evaluation's findings were overwhelmingly positive, there are targeted areas where ENDGBV will be looking to enhance collaboration and service delivery at the FJCs. One of the key outcomes of the evaluation was the creation of a survivor advisory group for ENDGBV, which will allow those who have experienced domestic and gender-based violence a venue to have input in FJC policies, procedures and services. The VOICES survivor group, which was established earlier this year, will help us to identify potential service issues, as well as determine the need for additional services. In addition, the Centers have

been, and will continue to, implement new initiatives to ensure that the FJCs are providing efficient and effective services to survivors in a collaborative, supportive environment. To help support that work, we will be holding follow-up meetings with FJC provider staff, implementing FJC client satisfaction surveys and getting systematic feedback from the VOICES groups.

The City supports the goals of Intro 542 as it is closely aligned with the work we are doing to enhance mechanisms for client feedback that can help to guide improvements to the overall service delivery and environment at the FJCs; as such, we look forward to discussing further.

MATRIMONIAL LEGAL ASSISTANCE FOR SURVIVORS OF DOMESTIC VIOLENCE

One of the services offered onsite at the Family Justice Centers and in community based organizations throughout the City is civil legal assistance, including matrimonial legal assistance. With regard to Intro 1085, we agree with the principle embodied in this legislation that a lack of financial means should not stand in the way of domestic violence survivors having access to high-quality legal services. To that end, we would welcome the opportunity to work with our partners at the Human Resources Administration's Office of Civil Justice (OCJ), as well as with providers, advocates, fellow city

agencies, the courts and the Council, to explore the best ways in which to increase access to these services. In order to ensure that such a program is successful, much more information is needed to better understand the needs and costs associated with providing the proposed services in this legislation, as well as a realistic timeline. We look forward to continuing this discussion with the City Council and other stakeholders to determine the most effective and efficient ways to provide greater access to these important services to survivors of domestic violence.

DOMESTIC VIOLENCE RELATED TRAINING FOR PROFESSIONALS

In the spring of 2016, ENDGBV launched a new Policy and Training Institute. The Institute includes a policy team, a Training Team, and the NYC Healthy Relationship Training Academy (the Academy), and leads ENDGBV's training and prevention work. It was created to enhance City agency and community based organization's responses to the issues of domestic and gender-based violence, identify key areas for policy change and development, and engage in primary prevention through work with young people throughout New York City. In 2017, the Training Team conducted 287 trainings for more than 6,759 participants, including City agencies, community based organizations, providers and community

stakeholders, providing free educational and professional development opportunities for front line staff and community partners to enhance their engagement with survivors of domestic and gender based violence. In addition, the Training Team provided technical assistance to those organizations to support their current policies and protocols to address domestic and gender based violence. In 2017, the Academy conducted 743 free healthy relationship workshops and trainings with 13,074 youth, parents and professional staff participants in schools and in community settings. In 2017, nine new offerings were added to the Training Team and Academy curriculum catalog, including 1) *Intimate Partner Sexual Violence*, 2) *Trauma Informed Practices*, 3) *Impact of Intimate Partner Violence on Children*, and 4) *Navigating Healthy Sexual Relationships*. The Institute also hosts large conferences and convenings, which provide additional professional development opportunities on these issues that are free and open to provider staff from a myriad of industry sectors across New York City, including health care, education, and media.

The Training Team recently launched a partnership with Voices of Women Organizing (VOW) to bring survivors' perspectives into its work. The feedback from VOW will inform the Training Team's work as it continues to adapt, enhance and expand its trainings.

With our expanded mission and new subject areas, ENDGBV will continue to build out our training topic areas and will explore new mechanisms to access our training and professional development programming, most importantly through potential web-based training opportunities. We are currently working with the Thrive leadership team at the Department of Health and Mental Hygiene to develop a 45-minute online module on recognizing and responding to intimate partner violence (IPV) for the city's on-line Thrive Learning Center. Once it is launched, this free introductory module will be available to all New Yorkers.

We strongly support the aim of Intro 371 to explore the mechanism and resources needed to expand the reach of our training and education efforts through web-based tools that should be broad and wide-reaching and are interested in continuing to explore how we can use technology to reach larger audiences and create greater accessibility across disciplines to the trainings that we offer. The trainings are critical to not only providing professional development to staff working with survivor and offender populations, but also to enhance awareness about these issues and build capacity in communities to identify domestic and gender-based violence and share resources with survivors.

However, we are concerned about placing an enhanced responsibility on cosmetologists, who may not have expertise in serving survivors of abuse, by requiring that they receive targeted training to identify and respond to domestic violence. We look forward to discussing with the Council how we can collaborate to enhance our training efforts and engage with residents across the City.

Thank you for the opportunity to speak to these issues. I welcome any questions that this committee may have.

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Committee on Women
Hearing on Int. No. 351, Int. No. 542 and Int. No. 1085
New York City Council
New York, NY

Good morning, Honorable Chairwoman Rosenthal, and other members of the Women's Committee. Thank you for providing me the opportunity to testify today.

My name is Julie Goldscheid. I am a professor at CUNY Law School, the only public law school in New York City and one of the most diverse law schools in the country. CUNY Law School was founded in 1985 with the mission of training public interest lawyers. The views expressed here are my own, and not the views of the law school.

For over 30 years, I have advocated on behalf of survivors of gender-based violence, including intimate partner and sexual violence. Before joining the CUNY Law School faculty, I was General Counsel at Safe Horizon, and before that, I was a senior staff attorney and acting legal director at Legal Momentum (formerly NOW Legal Defense and Education Fund), where I spearheaded the organization's litigation, legislation and policy efforts to address gender violence. I applaud the City Council's efforts to enhance survivors' access to the services and assistance they need to navigate and address the impact of intimate partner violence. My testimony will offer comments and questions concerning the three pieces of legislation currently before the Committee: Int. No. 351, Int. No. 542 and Int. No. 1085.

Int. 351 – In relation to reporting on certain domestic violence initiatives.

I commend the Council's interest in advancing transparency and in ensuring that the public, including clients, service providers and advocates, have information about the services available through City agencies, and about the impact of those services. I would urge the Council to work closely with the NGO's that provide those services to identify how best to provide useful information to the public without unduly burdening the NGO's. Although I am not currently personally familiar with the funding streams and administrative requirements associated with Family Justice Center (FJC) programming, I would expect that the NGO's operating programs there currently report on program metrics as part of their funding stream requirements. Additional reporting obligations should be targeted to ensure that they are not unnecessarily duplicative, and that they do not impose burdens on program staff without adding substantively to the goals of quality programming or public accountability.

The bill raises a few specific questions about its practical ramifications. For example, Section (e)(2) requires quarterly and annual reports. Do the FJC programs currently report quarterly, or would this impose new, and additional requirements. If it does, are quarterly, as opposed to semi-annual or annual, reports, practically feasible to produce, and was that frequency selected to advance particular programmatic or educational goals. Section (e)(2)(c) calls for reports on the “results” of attorneys placed in FJC’s. This raises questions about what “results” would be tabulated and how “results” would be measured and reported. Sections (e)(2)(d) and (e) call for reports related to “chronic” domestic violence cases, as determined by the police, and Section (e)(2)(f) calls for reports on police department outreach. If the goal is to quantify the number of domestic violence cases, how would the data generated by this reporting requirement be analyzed in comparison with other regular reports of police calls and interventions. If the interest is in the NYPD’s outreach efforts, does the NYPD report on its domestic violence-related outreach in other forums outside the FJC’s. Moreover, given that many survivors do not call the police, reports based on police calls would not accurately reflect the number of people alleged to commit harm in an intimate relationship. Finally, does the focus on “chronic” domestic violence cases reflect a determination that the public would be more interested in the FJC’s work with “chronic” offenders as opposed to others alleged to have committed harm in intimate relationships. Since reporting will best serve interests of transparency and accountability when it is focused on meeting identified goals and balanced with the most efficient means of collection and publication, I hope the Council will work with NGO’s to make explicit shared goals and to develop a plan to promote coordination of efforts.

Int. 542 – In relation to requiring the office to combat domestic violence to provide clients with service satisfaction surveys.

This bill reflects the laudable goal of systematically seeking, obtaining, and responding to client feedback as a standard part of agency practice. It would be helpful to know whether all of the FJC’s currently use service satisfaction surveys, whether they use the same survey instrument, and whether clients have had input into those surveys. It would be helpful to know how surveys are disseminated, whether they are made available in multiple languages and what information is given to the public about the feedback process. Similarly, it would be useful to understand more fully how survey data is compiled, evaluated by program staff, and incorporated into future programming.

Int. 1085 – In relation to providing legal services to victims of domestic violence in divorce proceedings.

This bill addresses the critical issue of civil legal assistance for survivors of intimate partner violence. Civil legal assistance has been found to be one of the most important factors contributing to reducing the incidence of abuse.¹ Accordingly, policy analysts and scholars have

¹ See, e.g., Amy Farmer & Jill Tiefenthaler, *Explaining the Recent Decline in Domestic Violence*, 21 CONTEMP. ECON. POL’Y 158, 164 (2003). The study further concluded that improvements in women’s economic status and demographic trends, including the aging of the population, contributed to declines in the incidence of abuse nationally. *Id.* at 165.

highlighted the value of providing civil legal services to those who experience intimate partner violence, particularly for protective order and similar proceedings.²

In New York State, those coping with intimate partner violence have a right to counsel in family-law related matters such as child custody, child protection and/or support and cases involving orders of protection.³ Beyond these categories of cases, courts have discretion to assign counsel in court orders permitting a person to proceed as a poor person.⁴ However, a court ordinarily will not direct the state or local government to pay the attorney since there is no dedicated funding available and because there are no established standards for determining when counsel should be appointed.⁵

Policy-makers nationwide increasingly endorse a right to counsel in a range of civil cases. In 2006, the American Bar Association (ABA) passed a resolution calling for a right to counsel “as a matter of right at public expense” to low income people “in adversarial proceedings where basic human needs are at stake.”⁶ The New York State Bar Association (NYSBA) similarly has called for an expanded right to counsel in civil cases in New York and has noted divorce proceedings as an area of identified need.⁷

As recent articles detail and as advocates know well, intimate partner violence survivors face significant barriers when they seek divorce.⁸ At the same time, any newly designated right to counsel should be driven by data and should be implemented in coordination with and consideration of existing services, capacity and sustainability, and with mechanisms to ensure quality of care. The proposal raises the question whether a needs assessment or other report or

² See, e.g., Jennifer S. Rosenberg & Denise A. Grab, Institute for Policy Integrity, *Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence* (2015), <https://policyintegrity.org/documents/SupportingSurvivors.pdf>; Beverly Balos, *Domestic Violence Matters: The Case for Appointed Counsel in Protective Order Proceedings*, 15 TEMP. POL. & CIV. RTS. L. REV. 557 (2006), https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1140&context=faculty_articles; Lisa E. Martin, *Providing Equal Justice for the Domestic Violence Victim: Due Process and the Victim's Right to Counsel*, 34 GONZ. L. REV. 329 (1998-99); Ruth Anne Robbins, *Three 3Ls, Kairos, and the Civil Right to Counsel in Domestic Violence Cases*, 2015 MICH. ST. L. REV. 1359, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2688848.

³ See N.Y. Fam. Ct. Act. § 261 (2018) (providing right to counsel in family law proceedings implicating infringement of fundamental interests); N.Y. Fam. Ct. Act. § 262 (2018) (designating categories of cases).

⁴ N.Y. CPLR § 1102 (2018).

⁵ See, e.g., Laura K. Abel, *Toward a Right to Counsel in Civil Cases in New York State: A Report of the New York State Bar Association*, 25 TOURO L. REV. 31, 37 (2009), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1532848.

⁶ See, e.g., Vincent C. Alexander, Practice Commentaries, N.Y. CPLR § 1102 (2018), C1102:1. See also, e.g., In re Smiley, 36 N.Y.2d 433 (1975) (finding that indigent wives have no constitutional right to counsel in divorce actions, and that attorneys representing litigants at the direction of court would be uncompensated, absent funding from the legislature).

⁷ ABA, *Resolution on a Civil Right To Counsel*, Resolution 112A (approved Aug. 7, 2006), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_resolution_06a112a.authcheckdam.pdf. The ABA subsequently adopted *ABA Basic Principles of a Right to Counsel in Civil Legal Proceedings* to help states establish and implement a right to counsel for poor persons in civil cases. ABA, *Resolution 105 (Revised)*, (Aug. 2010), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_105_revised_final_aug_2010.authcheckdam.pdf.

⁸ See generally, Abel, *supra* note 5, at 70; see also, e.g., National Coalition for a Civil Right to Counsel, *A Civil Right to Counsel: What We're Fighting For*, <http://civilrighttocounsel.org/about>.

⁹ See, e.g., Zoe Greenberg, *Their Husbands Abused them. Shouldn't Divorce Be Easy?*, N.Y. Times, May 11, 2018, <https://www.nytimes.com/2018/05/11/nyregion/divorce-domestic-abuse-survivors.html>.

study has methodically assessed the scope of the problem and the nature of the demand for the services that would be provided. Divorce cases can be complex and lengthy, and require specialized expertise. They encompass both contested and uncontested divorces, and there may be a greater unmet need for attorneys in the latter category of cases. If a needs assessment has not yet been conducted, it would help ensure that public resources are directed to those who most need the services. In addition, it would be helpful, if the Council has not yet done so, to obtain the input of attorneys currently representing survivors in divorce actions, and to have their input guide the program to ensure that it targets those with unmet needs as best as possible.

In addition, the legislation notes that provision of legal services would be “[s]ubject to appropriation.” Int. No. 1085, § 10-1202. Particularly since divorce cases can be lengthy, appropriations should be adequate to extend over a number of years. In addition, funding should support training of new attorneys and staffing by experienced supervisors with capacity to train and supervise the lawyers in this program. This would be particularly important to ensure that this program would not drain resources from the staffing of existing programs currently stretched to serve survivors in other matters. The legislation rightly identifies costs associated with litigation, such as filing fees. These expenses would have to be included as program appropriations as well.

The legislation also would require “full legal representation” in “all divorce proceedings . . . related to the domestic violence.” Int. No. 1085, § 10-1202. This raises questions whether there would be any discretion to prioritize contested over uncontested divorce cases, and to deny representation in cases in which an attorney determines the case lacks merit. Moreover, the legislation appears to lack income eligibility requirements, raising the question whether publicly funded program attorneys would be mandated to serve wealthy clients as well as those without the resources to hire private counsel. It further states that “domestic violence victim” is defined in section 8-102 of the Administrative Code. It might be that this is instead a reference to section 8-107.1, which is part of the human rights law. Domestic violence cases frequently involve cross allegations of abuse, raising questions about whether staff attorneys would be mandated to represent all those alleging they suffered abuse, or whether trained counsel could prioritize based on experience evaluating competing allegations of abuse.

Conclusion

I applaud the Council for its efforts to increase services for survivors and accountability for programs addressing intimate partner violence. I hope these questions help the Council address the practicalities of the legislation and associated program implementation so that any new legislation is as helpful as possible to survivors and their advocates on the ground.

Thank you for the opportunity to testify. I look forward to your questions.

Respectfully,

Julie Goldscheid
Professor of Law

**TESTIMONY OF NAMASHA SCHELLING,
HEARING ON PENDING CITY COUNCIL BILLS TO ADDRESS
THE NEEDS OF SURVIVORS OF DOMESTIC VIOLENCE**

Thank you Council Members for drafting legislation and for all you do to address the needs of domestic violence victims.

Day One is the only New York organization committing its full resources to address dating violence among youth 24 years of age and under. Through a combination of services that include prevention, social services, legal advocacy and leadership development, we work to create a world without dating violence. We appreciate the opportunity to share our experiences and perspective on the legislation pending before the council.

Since 2003, Day One has combined prevention, direct intervention, legal advocacy and social services on behalf of young people to educate or assist annually more than 18,000 youth under the age of 24 who are experiencing or at risk of dating violence. We work to ensure that all of our services for youth are delivered within a framework that appreciates the intersectionality of identities and the complex dynamics of intimate partner violence. Our clients are primarily young women but also include young people of all genders, LGBTQ people, people of color, immigrants, students, parents, siblings, children, and survivors of trauma and violence. At these intersections, we are mindful that not all young survivors will come forward to report abuse, and in the instances when they do come forward, they regularly have negative experiences or are dismissed outright. At Day One, we work towards creating systems that support young survivors when they choose to report abuse because their voices are consistently marginalized though they experience domestic violence at a rate triple the national average.

With this in mind, we offer the following testimony focused on the unique experiences of young survivors.

- Regarding **Int. 0371-2018** relating to the trainings to help cosmetologists recognize signs of domestic violence in their clients. At Day One, we welcome opportunities to partner and share knowledge with professionals from different sectors to learn about the signs of domestic violence. We also believe that everyone can play a role in ending dating violence, from friends, colleagues, and trusted professionals, including cosmetologists. In fact, Day One has partnered over the years with the Cornell Workers Institute to train cosmetology students. Through our years of experience in trainings, we've learned that training professionals must be accompanied by follow up, reinforcement of practices and spaces to explore challenging questions. We believe that a victim connecting with a trained cosmetologist can create an important access point for that victim, it is also no substitute for connecting with a professional who has deeper knowledge about the issue of domestic violence. We are concerned about 1) the potential lack of confidentiality, 2) safety concerns that may arise for

victims and cosmetologists themselves, and 3) tailoring trainings and follow-up resources so that they are responsive to what these professionals are seeing in their field.

- Regarding **Int. 0542- 2018** - in relation to requiring the office to combat domestic and gender-based violence to provide clients with service satisfaction surveys. We believe satisfaction surveys can be important tools to assess client needs and to provide feedback on the services provided. We believe they could be used to identify emerging issues, track progress and have the opportunity to remedy or correct issues through each reporting period. Simultaneously, we would want to ensure that a survey of FJCs would not replace more accurate surveys of youth that could be done by the Departments of Health, Education or the Dept. of Youth & Community Development. At Day One, we recognize that many young people may not reach out a Family Justice Center for a variety of reasons, such as fear that reporting can lead to the unintended involvement of law enforcement through ICE or police for themselves or their loved ones, or possibly burdensome scrutiny from ACS. With this in mind, we believe that satisfaction surveys can be critical tools, but should not be used to assess the experiences of survivors in NYC as a whole. While some victims, including young people, can access the services available within FJCs, we know that that experience is not universal.
- Regarding **Int. 0351-2018**, in relation to reporting on certain domestic violence initiatives. From our perspective, we believe that tracking the number of domestic violence cases and chronic offenders by precinct would be helpful toward understanding where there is the greatest need. Just as above, we also recognize that just as young survivors may not go to an FJC, they may also not report at a local precinct.
- Regarding **Int. 1085-2018** - in relation to providing legal services to victims of domestic violence in divorce proceedings. At Day One we recognize that there is a critical need for victims of domestic violence of all ages to receive full representation in divorce cases. From where we are situated, we know that a number of young people are forced into abusive marriages that are marked by domestic and sexual violence, and dedicated resources toward legal representation are necessary.

Thank you for allowing us to speak to these issues. We would be honored to partner further with those of you who would like to examine this issue in greater detail. Thank you as always for prioritizing these issues and for your support of young survivors and Day One.



moving victims of violence from crisis to confidence

**Testimony of
Melissa Paquette, Director Safe Horizon Domestic Violence Law
Project**

Safe Horizon, Inc.

**Oversight – Mayor’s Office to End Domestic and Gender-Based
Violence**

- Int. 0351-2018** **A Local Law to amend the New York City charter in relation to reporting on certain domestic violence initiatives**
- Int. 0542** **A Local Law to amend the New York City charter in relation to requiring the office to combat domestic violence to provide clients with service satisfaction surveys**
- Int. 1085-2018** **A Local Law to amend the administrative code of the city of New York in relation to providing legal services to victims of domestic violence in divorce proceedings**

**Committee on Women
Hon. Helen K. Rosenthal, Chair**

New York City Council

October 24, 2018

Thank you Council Member Rosenthal and members of the City Council for the opportunity to testify before you today regarding the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) and legal services for victims of domestic violence in divorce proceedings. My name is Melissa Paquette, and I am the Director of the Domestic Violence Law Project at Safe Horizon. Safe Horizon is the nation's leading victim assistance organization and New York City's largest provider of services to victims of crime. Safe Horizon's mission is to provide support, prevent violence and promote justice for victims of crime and abuse, their families and communities.

Safe Horizon's Domestic Violence Law Project provides direct legal services to low-income victims of intimate partner violence. We currently employ eight attorneys who practice family and matrimonial law in the Family, Supreme, and Integrated Domestic Violence Courts in all five boroughs.

Our testimony today will first address legal services to victims of domestic violence in divorce proceedings followed by a discussion of the proposed bills affecting the Mayor's Office to End Domestic and Gender-Based Violence.

Int. 1085-2018

A Local Law to amend the administrative code of the city of New York in relation to providing legal services to victims of domestic violence in divorce proceedings

Safe Horizon applauds Council Member Mark Treyger for identifying solutions to provide pathways to safety for victims of domestic violence who may be trapped in abusive marriages due to a lack of resources. Int. 1085 would require the City to provide attorneys to domestic violence victims seeking a divorce from their abuser, and in so doing will help victims safely navigate what can be a very complex and daunting legal process.

We agree that there is a need for free or affordable counsel for victims of domestic violence seeking to divorce an abusive spouse. At Safe Horizon's Domestic Violence Law Project, we routinely encounter victims of domestic violence who would like to file for a divorce, have been served with divorce papers, are in year three of divorce litigation, or simply wish to know their rights in a divorce proceeding. Victims who seek our services may be living with their spouse, may have recently obtained an order of protection against their spouse, or may not have interacted with their spouse in years.

Because victims of domestic violence seeking legal advice or representation in divorces are in varying and unique circumstances, Safe Horizon encourages the City Council to conduct additional research and data collection to identify the full scope of the problem, and to understand who would most benefit from free legal services. Possible sources to collect and analyze this data include the Independent Budget Office (IBO), HRA's Office of Civil Justice, and the Center for Court Innovation.

In addition to guidelines regarding when the City would assign a victim free representation, Safe Horizon believes the City should implement guidelines or screening tools to determine who qualifies as a victim of domestic violence. Questions to consider when determining this could include:

- Is a victim of domestic violence anyone who has experienced physical, psychological, or economic abuse at any point in their relationship to their spouse?
Or must the domestic violence have occurred recently?
- Will one form of domestic violence, for example physical violence, be prioritized over another form of domestic violence, such as economic abuse?

- How will the City prevent abusive spouses from accessing free legal services through false accusations against the victim-spouse?

The answers to these questions should be clear before implementing this bill. Again, research and data collection would be beneficial in establishing a successful model for these legal services. We also recommend that Int. 1085 clarifies at what point in a divorce process the City should assign free legal representation.

Once screened for domestic violence and assigned an attorney, Safe Horizon recommends that the City ensure that victims are provided with counsel who are trained in topics specific to domestic violence, such as safety planning and trauma responses in victims and children. Attorneys assigned to victims of domestic violence should have knowledge of community resources available to victims and their children, such as counseling. Most importantly, attorneys assigned to victims should not be so overburdened with case assignments that they cannot devote individualized attention to each client. The benefits of assigning counsel to victims are enormous; victims will have someone to explain their rights, guide them through the court process, and stand by them in an intimidating courtroom setting while in close proximity to their abuser. These benefits will become less meaningful if assigned attorneys do not have adequate time and resources to devote to their clients.

Finally, Safe Horizon recommends that the City establish income guidelines for free legal representation in divorce matters. Divorces are incredibly expensive and can be financially destructive to litigants regardless of income. However, Safe Horizon believes the focus of free legal representation should be on lower-income victims of domestic violence who would otherwise not be able to pay for an attorney. This will aid those who need financial assistance the most. A possible solution for middle- to high-income victims of domestic violence would be to implement

subsidized legal services based on a sliding scale of income. Safe Horizon also believes that the City should consider assigning a lawyer to both spouses in a contested divorce proceeding if each spouse qualifies as low-income. Assigning a lawyer to both parties expedites the divorce process, promotes settlements, and prevents systemic abuse by the abusive spouse.

Safe Horizon again thanks Council Member Treyger for introducing this bill and for recognizing that victims of domestic violence are in need of these expanded legal services.

Int. 0542

A Local Law to amend the New York City charter in relation to requiring the office to combat domestic violence to provide clients with service satisfaction surveys

Safe Horizon recognizes the need for evaluation tools to ensure that Family Justice Center (FJC) clients are receiving comprehensive, client-centered services, and we believe that annual surveys at FJCs would serve this purpose. Safe Horizon recommends an annual survey, in the range of thirty to sixty days, rather than a routinely administered year-round survey to ensure that the survey process does not overburden FJC partner staff and administrators or inconvenience FJC clients who access the center multiple times, as is common when someone is receiving services at an FJC.

In order to maintain anonymity in survey responses, we recommend that the survey results are not disaggregated by victimization. As the FJCs expand their focus to new victimizations such as trafficking and sexual assault, clients receiving services under these victimizations may be identifiable because they are fewer in number.

Surveys should be accessible to the diverse FJC client base, and we recommend that surveys be available in multiple languages and that the FJCs permit clients to respond to surveys in their primary language. Surveys should be drafted using simple language so that individuals of varying education levels can understand the intent of the questions.

We would also like the focus of survey questions to be on the functionality of FJC client flow and the respect and attentiveness with which clients are treated. We ask that the survey drafters refrain from asking open-ended questions regarding the content or quality of confidential services provided by case managers, attorneys, or counselors. At times, FJC staff receive requests for services that are outside of the scope of an FJC, including requests for legal representation when there might not be a legal remedy available, and it can be frustrating to clients who are seeking assistance. We want to ensure that client surveys are structured to provide clear, actionable feedback to the FJCs.

Int. 0351-2018

A Local Law to amend the New York City charter in relation to reporting on certain domestic violence initiatives

Safe Horizon thanks Councilmember Rosenthal for focusing on the new expanded scope of the ENDGBV, and for determining reporting requirements that help the City, providers, and advocates understand the scope of domestic and gender based violence in New York City. We recommend several changes to Int. 351 in order to ensure that we are tracking information that is useful and relevant, while not burdening providers working in the Family Justice Centers (FJCs).

Safe Horizon requests that any final legislation establish clear parameters for data collection at ENDGBV, particularly when it comes to reporting at the FJCs. The FJCs house both contracted agencies who receive funding from the City for on-site services, as well as partner agencies who volunteer staff in order to support the FJC service model. As an example, Safe Horizon's Domestic Violence Law Project contracts with the City and receives funding to provide civil legal services at the Staten Island FJC. Our attorneys also provide civil legal services to the Queens and Brooklyn FJCs without a city contract or funding in order to support the FJC model.

Int. 351 should define whether ENDGBV must report data specifically from contracted partners or from all partner agencies working in the FJCs.

Currently, data collection in Int. 351 focuses on specific FJC services such as housing attorneys and mental health treatment. These are just two of the many services provided at the FJC, and we believe data collection would better serve ENDGBV and the field at large if the data reflected the overall scope of work performed by FJC partner staff. To the same end, data collection should reflect clients of every victimization the FJCs serves when possible, including victims of intimate partner violence, elder abuse, trafficking, and sexual assault. We also believe that reporting on chronic offenders is more appropriate from the NYPD rather than ENDGBV. Victims accessing the FJCs are not required to disclose the name of the person who harmed them, and so any offender data from FJCs would not be comprehensive.

In establishing a reporting model, Safe Horizon cautions ENDGBV to be mindful of the burden new data collection requirements may place on community-based organizations partnering with the FJCs. We want to ensure that FJC partner staff are not focusing on data collection at the expense of serving client needs. Additionally, any reporting requirements should consider client safety, and should be presented in a way that the information is anonymous and cannot be attributed to any individuals or communities.

On behalf of everyone at Safe Horizon, we thank you for convening this hearing, and I am happy to respond to your questions.

Committee on Women

*Oversight - Mayor's Office to End Domestic and Gender-Based Violence
October 24, 2018*

Testimony of

**Amanda Hayden, Families Program Coordinator
The Lesbian, Gay, Bisexual & Transgender Community Center
New York, NY**

THE CENTER

Good morning, my name is Amanda Hayden, and I am the Families Program Coordinator at The Lesbian, Gay, Bisexual & Transgender Community Center, commonly referred to as The Center, located in the West Village.

New York City's LGBTQ community formed The Center in 1983 in response to the AIDS epidemic, ensuring a place for LGBTQ people to access the information, care, and support they were not receiving elsewhere. Today, The Center has become the largest LGBTQ community center on the East Coast, where we host over 400 community group meetings each month and welcome over 6,000 individuals each week. We are proud to offer services to New Yorkers across the 5 boroughs, ensuring that all LGBTQ New Yorkers can call The Center "home." The Center has a solid track record of working for and with the community to increase access to a diverse range of high-quality services and resources, including our substance use recovery programming for adults and youth, economic justice initiatives, youth leadership and engagement programs, and our families work, where I work.

I have been at The Center since 2016, currently serving as Families Program Coordinator and previously as Family Permanency Coordinator. As the Family Permanency Coordinator, I oversaw our family acceptance work. In addition to providing individualized support for families, I trained dozens of mental health and social service practitioners on LGBTQ-affirming family support, specifically focused on child welfare. In my current role, I oversee all of our programming on family building and relationship support. We frequently see individuals seeking mental health support around relationships where there is a presence of active or historic domestic violence. I want to take a moment to thank the Anti-Violence Project for their ongoing support related to our work in this area. As a member of the LGBTQ community, I have personally supported multiple queer and trans friends through emotionally and physically abusive relationships. I know firsthand that affirming information and services for LGBTQ survivors are limited, resources are strained, and we need support.

I want to begin by commending Mayor de Blasio for his recent Executive Order to expand the Mayor's Office to Combat Domestic Violence and enhance the City's strategic response to intimate partner violence, family violence, sexual assault, stalking, and human trafficking. With the expansion of the Office, many of the types of intimate partner violence frequently experienced by the LGBTQ community are given increased awareness, and we are excited about the opportunity this expansion creates to reduce domestic and gender-based violence city-wide.

Research consistently demonstrates that LGBTQ people experience similar or higher rates of intimate partner violence compared to their cisgender or heterosexual counterparts.¹ In addition, during the past two years, we have witnessed a rise in hate crimes nationwide², and the most

¹ Human Rights Campaign. "Sexual Assault and the LGBTQ Community." *Human Rights Campaign*, Human Rights Campaign, www.hrc.org/resources/sexual-assault-and-the-lgbt-community.

² Levin, Brian, et al. "New Data Shows US Hate Crimes Continued to Rise in 2017." *The Conversation*, 26 Sept. 2018, theconversation.com/new-data-shows-us-hate-crimes-continued-to-rise-in-2017-97989.

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recent FBI data indicates that LGBTQ individuals comprise the second most-targeted group.³ Further, LGBTQ individuals have historically faced higher stigma about their relationships compared to cisgender and heterosexual individuals.⁴ Compounding this societal stigma is the fact that many law enforcement agencies and staff are not affirming of the spectrum of identities within our community, creating a huge deterrent to reporting about any violence an LGBTQ identified individual may experience.

The lack of consistent and visible affirmation, the burden of stigma, and the overall increased rates of domestic violence within the community, means that LGBTQ survivors are increasingly vulnerable, making it more difficult for these individuals to feel comfortable and safe coming forward to report these crimes.⁵ We therefore recommend a public awareness campaign to help illustrate the many diverse ways intimate partner violence can manifest within the LGBTQ community, such as within same-sex relationships, as well as amongst transgender, gender nonconforming, and queer individuals. We also recommend publishing corresponding data tracking these efforts, so that we can ensure LGBTQ individuals are being reached throughout the City. The Center would be a willing partner with the Mayor's Office to ensure that this campaign is culturally competent, relevant, and ultimately successful.

As mentioned above, the LGBTQ community similarly faces unique challenges in reporting these crimes to authorities. According to the New York City Anti-Violence Project (AVP), in 2016, "just over half of survivors did not engage with police"; of those who did, 13% reported that "police attitude was 'indifferent' or 'hostile.'"⁶ New York City therefore must do more to ensure LGBTQ New Yorkers feel safe coming forward to the police. We recommend increased cultural competency trainings amongst the NYPD specifically engaged with these issues that includes a pre-and post-test, as well as role plays. This training should be mandatory and conducted annually, so that they are better able to respond to and help address the needs of LGBTQ survivors of intimate partner violence.

In addition, because of the challenges of engaging law enforcement around these sensitive issues, we recommend an increase in the provision of related wraparound services to support community, so that those LGBTQ survivors who are not comfortable engaging with law enforcement have the means to find appropriate services, such as housing placement assistance, legal counsel, medical services, and support groups. As the central resource hub for survivors, The Office to End Domestic and Gender-Based Violence should ensure they provide resources to help LGBTQ survivors find LGBTQ-affirming providers.

³ "Incidents and Offenses." *FBI*, FBI, 30 Oct. 2017, ucr.fbi.gov/hate-crime/2016/topic-pages/incidentsandoffenses.

⁴ Waters, Emily. (2016). Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Hate Violence in 2016. *National Coalition of Anti-Violence Programs (NCAVP)*, 27. Retrieved from https://avp.org/wp-content/uploads/2017/06/NCAVP_2016HateViolence_REPORT.pdf.

⁵ Waters, Emily. (2016). Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Hate Violence in 2016. *National Coalition of Anti-Violence Programs (NCAVP)*, 43. Retrieved from https://avp.org/wp-content/uploads/2017/06/NCAVP_2016HateViolence_REPORT.pdf.

⁶ Waters, Emily. (2016). Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Hate Violence in 2016. *National Coalition of Anti-Violence Programs (NCAVP)*, 43. Retrieved from https://avp.org/wp-content/uploads/2017/06/NCAVP_2016HateViolence_REPORT.pdf.

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Regardless of what solutions are identified, it is critical that we not treat the LGBTQ community as a monolithic group. For example, TGNC and Latinx survivors were 3 times more likely to experience violence by an ex-partner compared to other LGBTQ survivors.⁷ Accordingly, we should determine policy solutions that reflect the multiple identities held amongst these individuals and related concerns.

Finally, given the unique challenges encountered by the LGBTQ community, accurate data collection is incredibly important in order to ensure we best understand the needs of this community. Historically, LGBTQ individuals have been underrepresented due to a lack of accurate, consistent data. We recommend the inclusion of sexual orientation and gender identity on all related intimate violence forms, including on the New York State Domestic Incident Report.⁸ We encourage the Office to End Domestic and Gender-Based Violence take necessary measures to remedy this both by including sexual orientation and gender identity on all forms, as well as by making this corresponding data available to the public at-large via the New York City Open Data Portal.

Thank you to the Committee for the opportunity to provide this testimony today on an issue of great importance city-wide, and especially to the LGBTQ community. We look forward to working with you to ensure New York City's future as a safe space for all New Yorkers.

⁷ Waters, Emily. (2016). Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Hate Violence in 2016. *National Coalition of Anti-Violence Programs (NCAVP)*, 12. Retrieved from https://avp.org/wp-content/uploads/2017/06/NCAVP_2016HateViolence_REPORT.pdf.

⁸ "New York State Standardized DOMESTIC INCIDENT REPORT (DIR)." *New York State Division of Criminal Justice Services*, New York State Division of Criminal Justice Services, www.criminaljustice.ny.gov/ojis/documents/dir.pdf.

**Testimony submitted to the New York City Council
Committees on Women**

Wednesday, October 24, 2017, 10:00 a.m.

RE: Oversight - Mayor's Office to End Domestic and Gender-Based Violence.

Int 351 - In relation to reporting on certain domestic violence initiatives.

Int 371A - In relation to trainings to help cosmetologists recognize signs of domestic violence in their clients

Int 542 - In relation to requiring the office to combat domestic violence to provide clients with service satisfaction surveys.

Int 1085 - in relation to providing legal services to victims of domestic violence in divorce proceedings

Thank you for this opportunity to testify regarding the Mayor's Office to End Domestic and Gender-Based Violence and bills to assist survivors. My name is Terry Lawson. I am the Director of the Family and Immigration Unit of Bronx Legal Services, an office of Legal Services NYC. Legal Services NYC fights poverty and seeks racial, social and economic justice for low-income New Yorkers. Our neighborhood offices and outreach sites across all five boroughs help more than 100,000 New Yorkers annually. Legal Services NYC has been in New York City's Family Justice Centers since their inception, and last year, we provided civil legal services in over 2000 family, matrimonial, immigration, housing, and public benefits cases for FJC clients. We provide support five days per week at the Queens Family Justice Center and are on-site at the other FJCs across the city on a rotating basis throughout the week.



Legal Services NYC is grateful for the New York City Family Justice Centers and the incredible work of ENDGBV. Before the FJCs, we struggled to connect our clients to other service providers, the police, and the district attorneys' offices. These days, we rely heavily on the counseling and case management services at the centers and deeply value the holistic nature of our collaborative work. At the Bronx FJC, where I am most familiar, ENDGBV staff have always been smart and thoughtful allies, flexible and considerate of our organizational challenges. Their willingness to work with us to find the best solutions has made our work together more meaningful. I have also had the pleasure of working directly with ENDGBV staff at 100 Gold Street, as well as Commissioner Noel, and have always found them to be creative, insightful, and deeply committed to our collective mission.

Some FJCs have struggled with staff retention, which impacts client flow, screenings and referral mechanisms. Sufficient training and orientation for new FJC providers is critical to making the centers run smoothly. Some of our borough offices are also concerned about conflicts arising from adverse parties receiving simultaneous services from FJCs and would like greater transparency regarding ENDGBV's policies. We hope that increased staffing at the FJCs and ENDGBV would help to address these issues.

Survivors would benefit significantly from access to free legal representation in divorce proceedings. Without sufficient citywide resources to absorb the heavy demand for divorce assistance, there is a dire need for these services. Our limited capacity to take contested and

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uncontested divorces currently makes it impossible to assist all survivors seeking this service. Survivors who cannot afford a matrimonial attorney have few options in proceedings where representation is critical. Abusers hide income and assets in an effort to impoverish, punish, and control, requiring attorney intervention through subpoenas and other financial discovery tools to unearth income. Without counsel, survivors may not receive their equitable share of abusers' retirement accounts, pensions, and other assets. Full legal representation in matrimonial proceedings should include post-judgment contempt motions and should be available to survivors who are homeowners or who, on paper, have assets but who cannot access that wealth due to financial abuse.

In the evolving landscape of LGBTQ family and divorce law, survivors require the intervention of knowledgeable counsel who are sensitive to their needs. When they go to court, LGBTQ survivors risk losing their children and assets to abusive partners who manipulate marriage equality laws, and low income survivors need free high quality legal counsel to defend their rights. Equally challenging are the obstacles faced by our elderly clients, who represent one of the largest growing populations seeking divorce assistance and who tend to have more assets that need attorney assistance to be distributed. Elder abuse is a significant issue for our communities and we rely heavily on the resources available in our city to help keep our elders safe.

With respect to Int 351, Legal Services NYC has concerns about creating onerous reporting requirements for on-site providers. As the Council can appreciate, providers like Legal Services NYC are often juggling dozens of grants and their unique requirements. We struggle to input all the information currently requested in the FJC database, which is in addition to the requirements of our own case management system and the data required by other grantors. The prospect of having to report information such as “the removal of perpetrators from rental agreements, transfer of rental agreements from perpetrators to victims of domestic violence, and termination of rental agreements by victims of domestic violence without penalty”, “chronic domestic violence cases and offenders”, and the broad category of “any other interventions” is daunting at best. Because the information requested is generally only conveyed to the service provider, ENDGBV would have to rely on providers, the majority of whom are onsite without funding from MOCJ, to report the data. We appreciate that additional data will help the city to know where to direct its resources, but we ask that the City Council tread carefully before imposing additional administrative burdens on already over-taxed legal and social services providers that do not receive any additional administrative funding. We also feel that the reporting requirements regarding the provision of housing legal assistance miss the mark in terms of what survivors most need in our city. In our experience, they need affordable housing and longer stays at domestic violence shelters while they get back on their feet. Without affordable housing, Int 351 risks becoming an administrative waste.



We have a concern regarding the client satisfaction surveys required by Int 542, to the extent those surveys would cut into the onsite providers' time with the clients. We are not opposed to making the surveys optional, for the clients to complete if they choose to do so and have time. We ask that these surveys be translated into all languages seen by that borough, not just the most prevalent languages.

Legal Services NYC thanks Councilmembers Salamanca, Jr. and Brannan for their bill to make trainings available for cosmetologists working with survivors and helping those on the frontlines to connect survivors to city resources. By involving the community in our collective efforts to recognize the signs, we help to create a culture where we all feel responsible for ending intimate partner and gender-based violence, which makes all of us safer. Thank you.

Terry Lawson,
Director, Family and Immigration Unit,
Bronx Legal Services (Legal Services NYC)



Testimony by The Legal Aid Society

Before the New York City Council Committee on Women
On Int. 1085-2018: Providing Legal Services
to Victims of Domestic Violence in Divorce Proceedings

October 24, 2018

Introduction

The Legal Aid Society, (the Society) is the nation's oldest and largest not-for-profit legal services organization advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform. The Society has performed this role in City, State and federal courts since 1876. With a staff of more than 2,000 lawyers, social workers, investigators, paralegals and support and administrative staff, and through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel. The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

LAS has been a preeminent provider of civil legal services in NYC and has decades of experience providing direct legal services to women who are at risk of homelessness as well as victims of domestic violence. Through our Civil Practice's network of offices in all five boroughs and 21 specialized units, we are able to address a broad range of legal problems, including: housing, homelessness, and foreclosure; family law and DV; employment issues faced

by low-wage workers; public assistance; Supplemental Nutrition Assistance Program (SNAP) benefits; disability-related assistance; health law; HIV/AIDS and chronic diseases; elder law; tax law for low-income workers; consumer law; education law; immigration law; community development legal assistance; and reentry and reintegration matters for clients returning to the community.

Our Family/DV Practice staff has experience working with law enforcement as well as City and State government to enhance family and community stability by resolving a full range of legal problems. In addition to their years of litigation experience, Family/DV Practice staff attorneys are active members of the domestic violence services community and have led or participated in community groups and task forces including: The Lawyer's Committee Against DV; Mayor's Committee on Domestic Violence; NYC Bar's Committee on the Judiciary; NYC VAWA Immigration Task Force; NYC Trafficking Task Force; Housing Advocates Task Force; Queens County, Bronx County and Kings County Family Court Judges' Working Group; Richmond County DV Working Group; the Staten Island Partnership for Community Wellness, DV Taskforce; the NYS Bar Task Force on the Family Courts, the NY County Lawyers' Association Task Force on the Family Courts, and the NYS Office of Court Administration's Task Force on the Family Courts. The Society represents victims of domestic violence in contested and uncontested divorces as well as child support and maintenance proceedings. We are one of the few providers who represent victims of domestic violence in contested divorce proceedings. We provided representation in approximately 1,000 divorce cases in the last fiscal year. There are very few legal services that represent in contested divorces.

The Need for Counsel in Divorces in Supreme Court

There is a right to counsel in custody, visitation and orders of protection in both Family Court and in Supreme Court in the divorce. But there is no right to counsel for the financial matters in the divorce, child support and maintenance. Since the financial matters are used as leverage in custody and visitation, it makes it near impossible to assist in representation without doing all parts of the divorce. So the attorneys who do just the custody and visitation are often at a disadvantage. The attorneys that are assigned to represent are assigned counsel or 18b.

Contested divorces can take a long time and require significant resources. In Manhattan the average divorce may take a year and a half. In other boroughs, such as Queens and the Bronx, divorces could take four years.

Supreme court is not user-friendly. Divorces are extremely complicated and very paper intensive. It is near impossible for a litigant to complete a divorce on their own. Even an uncontested divorce is very complicated paper-wise. If someone lacks the ability to read English it makes the ability to handle a divorce even more difficult. Even if a pro se litigant can initiate/respond to a divorce, filing an RJI and getting through a Preliminary Conference are next to impossible without counsel.

Substantively, the concept of marital property is very foreign to most people but extremely foreign to domestic violence victims who have been financially dependent on their abuser. They assume that if assets are not in their name they have no right to them. As a result, they waive their rights to pensions, real estate, and other assets. Maintenance guidelines can be helpful in helping litigants make rational decisions -- however, the calculations without legal counsel, are hard for many to understand. When someone is unrepresented, they usually do not know to ask for maintenance or retirement accounts. This leaves low income litigants impoverished for the rest of their lives. Since many times only one spouse has a good retirement account or owns a decent living, the other spouse is left out in the cold.

Obtaining possession of marital residence -- even if a rental or public housing apartment -- can only be decided in a divorce. Thus representation in the divorce is essential to obtaining a place for the victim of domestic violence and the children of the marriage to live. Without a lawyer, victims of domestic violence and their children wind up homeless.

Often to save money, litigants try to resolve custody and support in family court before filing for divorce -- there is no right to counsel in family court support cases -- so the parties are often unrepresented in the support case. Looking at support without considering equitable distribution can lead to an inequitable result.

Even though judges are supposed to award counsel fees, they rarely do award an adequate amount to actually represent a low income litigant. Most attorneys will not take a case without a retainer and most judges will give very low awards of counsel fees which force litigants to go forward without an attorney.

Right to Counsel in Divorce Cases

The Society recommends using not for profit providers with a proven record of representing domestic violence victim, similar to the legislation passed by the City Council for tenants in housing court. This initiative should include both uncontested and contested divorces.

The provider should determine whether the person is a domestic violence survivor. Many clients do not present in supreme court with domestic violence issues immediately. They present as needing maintenance or child-support, but domestic violence is the underlying reason for the family break-up.

Financial abuse is a huge part of domestic violence. Without representation in a divorce, our clients are continually abused financially and they lose out on maintenance, child support, the marital residence and retirement accounts. Furthermore, without representation, the domestic violence survivor is just re-victimized because they do not have the wherewithal to obtain the financial relief that they need. The financial reviews is the reason why many of our clients do not know much about the finances of the marriage and without an attorney, they unable to locate assets or understand the financial situation of the batterer.

Conclusion

We appreciate the opportunity to testify before the City Council's Women's Committee and in support of Int.1085. We look forward to working with Council member Treyger and the rest of the City Council to pass Int. 1085.

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Testimony by New York Legal Assistance Group (NYLAG)

before the New York City Council Committee on Women

**Re: Int. 1085-2018 in relation to providing legal services to victims of domestic violence in
divorce proceedings**

October 24, 2018

Chair Rosenthal, Council Members, and staff, good morning and thank you for the opportunity to submit testimony regarding the proposed bill to provide legal services to victims of domestic violence in divorce proceedings. The New York Legal Assistance Group (NYLAG) uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure or eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence and trafficking victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, veterans, and others in need of free civil legal services.

My name is Mark Hager and I am a Supervising Attorney in NYLAG's Matrimonial & Family Law Unit (FLU). NYLAG's Matrimonial & Family Law Unit prioritizes its services for survivors of domestic violence. We assist survivors of physical, emotional and financial abuse to obtain orders of protection, child custody and visitation, divorce, VAWA, U & T immigration applications and other legal remedies to allow them to escape their abusers.

NYLAG applauds the Council's desire to provide funding for legal representation to survivors in divorce proceedings. As civil legal service providers, we recognize that the largest gap in representation for survivors is in divorce proceedings. In FY2018, FLU handled 4,019 unique cases for 2,512 clients, 67% of whom were survivors of domestic violence. In that year, our attorneys closed 480 cases in which full representation was provided to clients - 91% of whom were survivors of domestic violence.

NYLAG is fortunate in that we are able to represent survivors holistically – responding to immediate safety needs by seeking an order of protection or filing for custody, obtaining orders of child and spousal support, and filling for divorce when our client is ready.

Obtaining a divorce can be extremely difficult for our clients. When a survivor of domestic violence is seeking to sever their last tie with their abuser by getting a divorce, they face significant obstacles. These include a legally complex court system that is difficult, and oftentimes impossible, for pro se litigants to navigate; the prohibitive costs of a private attorney; and the continued presence of the abuser as they engage in protracted litigation. Low-income survivors are routinely disadvantaged in court proceedings, often being forced to litigate alone against abusers who are represented by counsel. Going to court without an attorney can lead to disastrous outcomes when survivors are unaware of their legal rights, intimidated by the system, culturally isolated, or unable to speak English.

From the perspective of a legal services provider, undertaking to represent someone in a contested matrimonial proceeding is a difficult decision. These cases often span several years, with our

attorneys expending 600 or more hours over the course of representation, as there are often multiple issues that require litigation. As NYLAG represents the poor and working poor who often don't have significant assets, this can make the dissolution of the marriage all the more difficult. For example, our office has litigated to trial issues such as which spouse would be allowed to remain in a NYCHA apartment where both parties were on the lease, or who would take ownership of a home that was underwater. Where one party stands to be homeless, the only option is to litigate.

This is particularly true for survivors of domestic violence, where the abuser's desire to retain power and control is ever present. In such cases, litigating child support, maintenance, and distribution of assets and debts can be extremely time consuming. These cases require significant time and resources, engaging in discovery, motion practice, settlement negotiations, expert evaluations for pensions and real estate, and, eventually, trial. For that reason, many legal service providers are limited in how many contested matrimonial cases they can take. Many others do not represent in these types of cases at all.

While there are 18-b panel attorneys who can be appointed to litigants in family court, the same access to justice is not provided to litigants in Supreme Court, where assets and issues of support and maintenance are involved. In practice, Supreme Court is also more reluctant to appoint 18-b panel attorneys in divorce proceedings, even on the limited issues of custody and visitation.

In the context of domestic violence relationships, it is also often the case that abusers are the higher-monied spouse. We have seen abusers specifically choose to initiate proceedings in

Supreme Court, so as to limit their partner's access to legal services assistance and to force less favorable terms in settling financial issues. In light of these realities, we are gladdened to see the Council try to address these issues by considering this bill.

While we are excited about the prospect of the Council expanding much needed services to this vulnerable population, we believe that additional information is needed before this bill could take effect. We simply lack the data to understand the breadth and scope of such a bill, as well as its potential effects. There is no data currently available about the number of litigants who are represented in contested divorces, and how many of those litigants are domestic violence survivors. We strongly encourage additional research into the number of contested divorce cases that this bill would cover across New York City to allow the City and providers to better understand the number of potential clients who would be covered by this universal access measure.

We would like to understand whether or not there will be eligibility limits based on a potential client's income or other financial circumstances, or limitations placed on the amount of time providers would be able to spend on a case. A clearer understanding of the expectations that will be placed on attorneys under the program would be useful for us in evaluating our role in the program.

As advocates, we are also concerned about how the term "survivor of domestic violence" will be defined, and by whom. What will the process of making such a determination look like? For instance, is domestic violence defined by the existence of police reports or an order of protection? Domestic violence victims do not necessarily seek police or court intervention, and he wounds and

trauma of domestic violence, as well as the cycle of power and control, do not always leave visible marks. In the past two years, service agencies throughout the City cited a decrease in domestic violence reports amongst immigrant communities and neighborhoods, likely due to fears that their immigration status will be revealed. Survivors who are financially dependent on their abusers are also less likely to seek police assistance and report incidents.

Additionally, we fear that perpetrators will try to use the system and this new proposal against their victims, by having them arrested or initiating false reports so as to cut them off from future legal services. We see this too often already in contentious legal battles, where abusers may contact and complete intakes with multiple legal services organizations in order to create conflicts so that their partners cannot receive free legal services.

Thank you for the opportunity to testify today. This bill is a great first step towards addressing the lack of resources available to domestic violence survivors who wish to dissolve their marriages to their abusers. Before its adoption, we hope to work with the Council to better understand the scope of the bill and more fully examine both the practical limits of implementation and the potential consequences

Respectfully submitted,

New York Legal Assistance Group



**Testimony of the Children's Defense Fund-New York
For the New York City Council Committee on Women
Oversight – Mayor's Office to End Domestic and Gender-Based Violence
October 24, 2018**

Good afternoon. My name is Charlotte Pope and I am the Youth Justice Policy Associate with the Children's Defense Fund-New York (CDF-NY). The Children's Defense Fund's (CDF) Leave No Child Behind® mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities.

Thank you to Chair Rosenthal and to the members and staff of the City Council Committee on Women for the opportunity to testify before this oversight hearing on the Mayor's Office to End Domestic and Gender-Based Violence. As the Council considers city efforts to prevent and respond to gender-based violence, it is vital to ensure there is continued funding to help schools improve school climate and safety.

This week marks the 9th Annual Week of Action Against School Pushout, a national effort carried out by the Dignity in Schools Campaign, a coalition of organizations dedicated to ending the school-to-prison pipeline. As an active member of the New York chapter of the Dignity in Schools Campaign, a coalition in large part organized by youth, CDF-NY understands that harsh and exclusionary responses to student behaviors in school do not address the underlying conditions that lead to the unwelcome behaviors, and those measures cannot be relied on to support student wellbeing or long-term solutions to conflict.¹ CDF-NY seeks to foster safe and supportive schools through measures that provide professional development to school staff, get to the source of student disengagement from school, and prevent and address conflict in ways that preserve the dignity and well-being of all students, school staff, and their communities.

In our testimony today we urge the city to realign resources and invest in school-based restorative justice, which seeks to respond to violence, harm, and abuse without deferring to criminalization all while actively cultivating the what has been found to prevent violence – accountability, healing, connection, and transparency. In 2016, the Council's Young Women's Initiative, of which CDF-NY was a part, recommended the following pieces relating to a holistic understanding of education and justice:

- Work towards curtailing referrals to the criminal justice system and fostering positive school environments;
- Require comprehensive sex education in New York City public schools in every grade, every year, that is medically accurate, age-appropriate and inclusive of issues that young people regularly experience such as consent, negotiation, LGBTQ and TGNC experience, gender-based violence and sexual harassment. Any expansion of the current sex education mandate should include proper teacher training, appropriate funding and a comprehensive evaluation of its implementation;
- With the guidance of survivors of violence, expand, improve and rebrand Family Justice Centers (FJCs) in New York City;
- Develop and fund alternative reception centers for young women who may be experiencing violence; and
- Enhance the Human Resource Administration's (HRA) and the Mayor's Office to Combat Domestic Violence's (OCDV) work within the DOE to better identify teen dating violence victims and connect them to services when needed. Additionally, prioritize funding for community-based mediation, peer support and bystander intervention programs designed specifically for young survivors to prevent and address violence without engaging the criminal legal system.

The recommendation to foster positive school environments specifically suggested increasing the current investment in restorative justice programs in schools, including professional development for school wide staff and administrators. Our ultimate goal is for the Department of Education (DOE) to implement restorative justice citywide by providing funding for schools to hire full-time restorative justice coordinators.

Need for Restorative Practices

There were 61 arrest categories captured in the Student Safety Act data for the 2017-2018 school year and roughly six categories reflect explicit charges of gender-based violence, amounting to 76 arrests or 7% of all arrests made in school. The Student Code of Conduct includes three infractions reflecting a spectrum of disorderly behavior to seriously dangerous behavior relating to gender-based violence; 1.9% of classroom removals, 3.6% of short-term suspensions, and 3.3% of long-term suspensions fell under these three infractions during the 2017-2018 school year.

When schools approach discipline and safety through responsive, re-integrative, and restorative processes, they are more effective at maintaining safe communities.² Educators have long recognized that creating a truly safe environment depends on creating a positive school climate based on trust, respect, and open communication among members of the school community.³ School-based restorative justice is a whole-school approach focused on relationships, reconciliation, and student inclusion in the school community as a means of addressing issues of the significant negative impact of exclusionary discipline.⁴ The theory behind restorative practices is to empower people to resolve conflict or harm together,⁵ and prevent unwelcome behavior and subsequent police intervention by facilitating relationship-building, setting clear behavioral expectations, and maintaining a positive school climate.⁶

The Council's Restorative Justice Initiative

In the spring of 2016, with \$2.4 million of funding from the Council, the DOE launched a Restorative Justice Pilot Program in 25 schools.⁷ We are disappointed to see that in FY2019 the Initiative received only \$1.3 million in funding, even as data made public by the Council shows that the program is working and there has been significant progress in the 25 schools participating.⁸ The pilot program has three levels of participation; the majority of the investment went to Level 1 schools, consisting of 15 beginner schools that were selected through a citywide application process of 125 schools citywide with high suspension rates. Each beginner school is paired with a Community Based Organization. Data made public by the Council shows that there has been a significant decline in suspensions at the 25 schools participating in the restorative justice pilot program:

- Analysis from July 1, 2015 to March 2, 2016, and July 1, 2016 to February 28, 2017, shows overall, the 25 schools experienced a 25.5% reduction in total suspensions.
- There was a 41.9% reduction in principal suspensions and an 8.5% reduction in superintendent suspensions in schools participating in restorative justice.
- Schools participating in the Restorative Justice Pilot Program accounted for 25% of the decline of total citywide suspensions in SY 2016-17 as of March 1, 2017.

Tremendous need and demand exists for initiatives like this—while 115 schools were invited by the DOE's Office of Safety and Youth Development (OSYD) to apply in December 2015, only 15 of the over 50 schools that submitted thorough applications expressing interest could be selected for participation. Most research indicates that restorative practices will be sustained in schools and continually produce positive results only when restorative justice ideas are adopted as a philosophy by the entire school population rather than implemented as one program in one classroom or at one level of administration.⁹

CDF-NY respectfully asks that the Council continue this initiative in FY2020 as well as continue to seek feedback from restorative practitioners and community members about how restorative practices are best implemented in schools. By prioritizing initiatives that build school capacity, we have a remarkable opportunity to sincerely and strategically transform schools from an inequitable, punitive model to an alternative, preventative and restorative model that improves school climate and safety.

The DOE's Whole-District Restorative Justice Program

In October of 2017 the DOE announced there would be \$8 million dedicated to expand anti-bullying programs in schools, an announcement that included the planned growth of a whole-district restorative justice project.¹⁰ Previously, the DOE has invested \$500,000 to implement a district-wide restorative practices initiative at all schools in District 18. The DOE hired one restorative practices coordinator to oversee the implementation of training and support for schools in that district. According to the DOE, staff members at District 18 schools attended training on restorative practices, were provided with on-site coaching and received support in launching advisory programs through partnerships with community based organizations. District 18 was selected to launch the project as it had the highest rate of suspensions during 2014-2015 school year, and the district's reported improvement in promoting

positive school climates has led to the expansion of the program to three additional school districts across the city, potentially impacting nearly 150 additional schools.

While we strongly believe in the need to fund restorative initiatives, we urge the Council to continue and increase the investment in whole-school restorative justice models that includes sustainable full-time school-based staff, youth and parent leadership, continuing professional development opportunities, and district-wide coordination. As school climate investments continue to grow across New York City, CDF-NY respectfully asks the council to push the DOE to prioritize sustainability and quality implementation in the following ways:

- Schools that receive RJ investments should demonstrate need, readiness and community buy-in;
- School leadership should maintain flexibility in choosing RJ coordinators, designated school-specific RJ action plans, and contracting with RJ trainers of their choice;
- The DOE should coordinate opportunities for collaboration and communication between RJ schools, and provide program implementation support to RJ schools through borough field support centers, etc.;
- The DOE should offer ongoing professional development in restorative justice philosophy and practices for all staff including those in non-teaching roles;
- The DOE should develop and maintain highly skilled facilitators;
- The city should move toward supporting restorative justice philosophy and practice through teacher education and developing policies that incentivize and increase the accessibility of restorative justice; and
- The city should systematically monitor indicators and data to help understand the implementation, progress, and results of restorative practices in schools.

Conclusion

Creating an atmosphere of community and interconnectedness is a prevention strategy that has long proven itself to be a meaningful tool for improving a variety of academic and behavioral outcomes.¹¹ However, schools need more tools and resources to implement effective alternatives, and we ask the city to direct attention there.

CDF-NY believes that all city schools need access to models, such as restorative justice practices, that can positively address student needs and lessen the demand for policing and surveillance. It is our hope that the Council continues dialogue with the City on the value of sustainable investment in restorative justice in schools and ending the persistent disparities facing New York's students.

Thank you again for this opportunity to testify.

¹ Kupchik, A. (2009). Things are Tough All Over: Race, Ethnicity, Class and School Discipline. *Punishment and Society*, 11: 291-302.

² Payne, A.A., Gottfredson, D.C., and Gottfredson, G.D. (2003). Schools as Communities: The Relationships Among Communal School Organization, Student Bonding, and School Disorder. *Criminology*, 41(3):749-778.

³ Fein, R. (2004). Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates. Washington, DC: United States Secret Service and United States Department of Education. Retrieved from <https://www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf>.

⁴ Haft, W. (2000). More Than Zero, The Cost of Zero Tolerance and the Case for Restorative Justice in Schools. *Denver University Law Review*, 77: 795.

⁵ Karp, D., and Clear, T.R. (2000). Community Justice: A Conceptual Framework. In C.M. Friel (Ed.), *Boundaries Changes in Criminal Justice Organizations*, vol. 2. (pp. 323-368). Washington, DC: National Institute of Justice.

⁶ Osher, D., Bear, G.G., Sprague, J.R., and Doyle, W. (2010). How Can We Improve School Discipline? *Educational Researcher*, 39(1): 48-58.

⁷ DOE, "School Allocation Memorandum No. 66, FY 2017," Aug. 22, 2016, available at http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy16_17/fy17_pdf/sam66.pdf.

⁸ See Committee Report <http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=573905&GUID=E5C8F3DF-4378-4AAA-82DB-7FAE23C1726B&Options=info&Search=>.

⁹ Payne, A.A., and Welch, K. (2015). Restorative Justice in Schools: The Influence of Race on Restorative Discipline. *Youth & Society*, 47(4): 539-564.

¹⁰ See <http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2017-2018/Anti-BullyingPrograms.htm>.

¹¹ Connell, N.M. (2018). Fear of Crime at School: Understanding Student Perceptions of Safety as Function of Historical Context. *Youth Violence and Juvenile Justice*, 16(2): 124-136.



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Good morning and thank you to the Committee on Women and the Mayor's Office to End Domestic and Gender-Based Violence for holding this oversight hearing. My name is Audacia Ray, and I am the Director of Community Organizing and Public Advocacy at the New York City Anti-Violence Project. For nearly 40 years, AVP has served New York's lesbian, gay, bisexual, transgender, queer (LGBTQ) and HIV-affected communities through direct services and advocacy. We are the only organization in New York City that provides free counseling, legal services, and does advocacy with LGBTQ survivors of intimate partner violence, and I am here to testify on two of the bills under discussion today, Intro. 371 and Intro. 1085. Before I do that I also want to acknowledge that while this hearing is happening there is a rally on City Hall steps where New Yorkers are standing up for the rights of our trans and gender non-conforming communities – some of my AVP team members are out there while I'm in here. The Committee on Women needs to keep pushing to be inclusive of people with different experiences of gender; the time for limiting our perspective to the rights of cisgender women is over.

Intro. 371, which would mandate trainings for hairdressers to help them recognize potential signs of domestic violence in their clients, is a well-intentioned bill that needs to be expanded to make it effective. At AVP, we see survivors of many gender identities; women and femmes are not the only people who could be experiencing intimate partner violence, and violence does not always manifest in physical signs like bruises. Abuse is also verbal and emotional, and that kind of trauma shows up differently in survivors' lives. Education must not just be inclusive of the different kinds of abuse, but must also expand into barber shops because men and masculine of center people also experience intimate partner violence. Furthermore, AVP offers bystander intervention trainings, and these could also be adapted for barbershop and salon settings. In order to end intimate partner violence, we must not just focus on protecting survivors, but on calling in people who do harm and supporting them in pursuing behavioral and attitude changes. One of my transmasculine colleagues at AVP told me this week that they go to a barber for their haircuts and that the barbershop talk they have heard among men often features open discussion of violence against their partners. If we are going to train people to recognize signs of intimate partner violence, that must include identifying the signs that a person is harming their partner and resources to address it other than calling the police.

I would also like to complicate the narrative with regards to Intro. 1085, which would provide legal services to victims of domestic violence in divorce proceedings. The commonly held idea is that the abusive partner is employed and controls all of the money, so that a survivor is dependent on them. I am a survivor of intimate partner violence, and in my situation, I worked and my abuser spent my money, putting me into credit card debt and exerting power and control over our finances. He told me regularly that without me, he would be homeless and probably kill himself, and for a while this coerced me into staying. I had family and community support so I would not have needed assistance paying my own divorce expenses, but after I left my abuser and got an order of protection against him, he continued to exert financial control over me because he could not or would not find work and cover his own divorce expenses. It took several years for me to obtain the divorce, even though my order of protection said, as many of them do, that he was responsible for continuing to pay his part of the household expenses and our separation agreement said he would be responsible for paying his legal fees. I needed to borrow money and charge his lawyer fees to my credit card in order for the divorce to actually happen. This put me in a precarious financial position, but I did what I needed to do to get free of the abusive relationship. I know that the idea of paying for the legal expenses of abusive partners won't sit well with many of us and may seem like a lack of accountability for causing harm. However, on a practical level, it is very necessary to be able to provide this support because it can help a survivor get resolution more quickly and end some of their legal entanglements with an abusive partner.

I hope you will take these thoughts under advisement as you revise these bills and move them forward. Thank you.

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**TESTIMONY OF
THE FORTUNE SOCIETY**

**NEW YORK CITY COUNCIL
COMMITTEE ON WOMEN
PUBLIC HEARING**
Council Chambers, City Hall, New York, NY

Wednesday, October 24, 2018

Presented by:
Alisha Bailey, Alternatives to Incarceration
Counselor and Domestic Violence Survivor

The Fortune Society
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Good morning. My name is Alisha Bailey. I am testifying today on behalf of The Fortune Society, but I would like to first start by thanking the various members of the New York City Council for attending today's hearing, the Committee on Women for hosting this hearing, and everyone that is present today to discuss the critical and urgent need to support survivors of domestic violence via these three proposed bills.

1 in 4 women and 1 in 7 men will experience severe physical violence by an intimate partner in their lifetime.¹ Domestic violence and the resulting trauma can significantly impact a person's mental health and well-being. Experiencing abuse influences how a person feels, thinks, and connects with the world. For some survivors, the traumatic effects of abuse can be alleviated with increased safety and support, while others require more comprehensive treatment and care. Too many of the participants that I serve at The Fortune Society have grown up in families marked by domestic violence.

For me, the help I needed was available at a family justice center. The psychological, verbal, and emotional abuse had lasted five extremely long years. After one-thousand-and-one stupid's, dummy's, and idiots, you hear it often enough that you start to believe it, so you start to become it. We are taught at a young age the melody: "sticks and stones may break my bones, but words can never hurt me." I sang this song over and over as a child. But is it really true when you think about it? I can say from experience that words, particularly from a person you love and seek love from in return, carry extreme value. Therefore when the only sentiments expressed are negative or derogatory and purposefully damaging to your psychological well-being, it is hurtful. I was nothing more than a hollow shell of the confident, intelligent, vibrant woman I entered the relationship as, five years earlier.

Unfortunately, nearly half of all women and men in the United States will experience psychological aggression by an intimate partner in their lifetime.² When I heard my teenage daughter mimic this learned relationship dynamic in her young dating life, like a freight train, it hit me. This had to stop, immediately. It wasn't until I was able to pull myself out of that horrible co-dependent, unhealthy, abusive relationship that I realized the impact on my family. If this had made me feel like I didn't deserve anything or anyone, what about my two daughters?

Then like a ripple effect, I was also awakened to my other surroundings. I started to realize how many women around me were in similar situations. I noticed a woman at my daughter's school who looked just like I did when I was in the midst of my struggle. I knew instantly she was caught-up in a harmful relationship. Maybe once you've survived it, your gift is the ability to recognize others still entangled so you can help them survive too.

That idea was empowering, maybe all my misery wasn't in vain. After that, I started speaking openly about my experience spreading information about domestic violence awareness, prevention, resources, and messages of hope. First to the other parents at my daughter's school, then at local community events. Recently, I organized a purple ribbon campaign for domestic

¹ Smith, S.G., Chen, J., Basile, K.C., Gilbert, L.K., Merrick, M.T., Patel, N., Walling, M., & Jain, A. (2017). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

² See above citation.

violence awareness month at The Fortune Society and a designated day for the agency to wear purple. I am eager to continue sharing my experience and expertise as a survivor and weigh in on proposed reforms like those before the Committee today.

I unequivocally support Intro. Number 1085, calling for a program to provide access to full legal representation for domestic violence survivors in all divorce proceedings in Supreme Court related to domestic violence matters. So often, hiring competent legal counsel is beyond one's financial capacity. In other situations, limitations might be related to the abuser's fiscal control over the couple's resources. In many African American and Hispanic communities, people fear the legal system and therefore will not report abuse, let alone seek a divorce they cannot afford. Having access to full, free legal representation may serve as a needed escape route for many people currently living in silence. Allowing survivors to be adequately represented ensures their best interest is protected before the court when important decisions are being made about their future. This is absolutely a worthwhile and necessary program to enable survivors to free themselves from the hurtful past and move forward toward a healthy, happy life.

Intro Number 542 is also an important step in the right direction. Helping survivors increase access to economic resources, physical safety, and legal protections, is critical. But approaching providing those services in a way that is meaningful to the survivors is paramount. Service providers should be engaging culturally-sensitive, trauma-informed approaches to assist survivors in strengthening their own capacities to address the complex issues that they face. Helping survivors rebuild their lives includes teaching someone to become capable of accessing safety, recovering from the traumatic effects of domestic violence, and reimagining their future.

Rebuilding lives also means ensuring that all survivors of domestic violence have access to advocacy services in an environment that is inclusive, welcoming, destigmatizing, and non-retraumatizing. To that end, seeking services in the family justice center was difficult at times. It was always associated with the court, police were present, which was all meant to make it feel safer but made it feel more focused on arrest than on me. In the future, I would like to see more options to seek services in the community, safely, but less focused on justice and more focused on me as a person, my well-being, with long-term aftercare. I would be more likely to continue staying connected if I didn't associate each visit with arrest, court visits, police, and the past and more with my healing and journey forward.

Moreover, the overwhelming majority of women in prison are survivors of domestic violence, and more than 60% of women in state prisons have a child under the age of 18. Three-quarters of women incarcerated have histories of severe physical abuse by an intimate partner during adulthood, and 82% have suffered serious physical or sexual abuse as children³. Furthermore, many incarcerated women are charged with crimes that include defending themselves against intimate partner violence and sexual assault. Women with justice involvement may not feel comfortable or safe seeking services in a space so closely connected to the court system upon release. It is natural to feel hesitation reaching out for help from a family justice center when it feels so closely associated with the criminal justice system, and punitive correction system they are so familiar with, particularly if the buildings are located close by. For these reasons, I

³ See: Survivors of Abuse and Incarceration at: <https://www.correctionalassociation.org/issue/domestic-violence>

recommend considering having remote locations in all boroughs associated with the family justice centers but stationed in the community and with more welcoming names.

Collecting feedback from survivors like myself will hopefully lead to more informed decision making on behalf of programs. Evaluating and reflecting on how a project is performing from the perspective of the participant is a critical part of understanding where opportunities for improvement exist and pinpointing opportunities to capitalize on program strengths. All of which should ultimately translate into better engagement, longer retention rates, and healthier, safer communities.

Regarding Intro Number 351, I believe this report will help the Mayor, the Speaker, and the public understand certain domestic violence initiatives of the city leading to greater transparency of what efforts are effective and what areas may be in need of improvement.

The Fortune Society's mission is to support successful reentry from incarceration and promote alternatives to incarceration, thus strengthening the fabric of our communities. Our vision is to foster a world where people who are incarcerated or formerly incarcerated will thrive as positive, contributing members of society. To address the complex and overlapping needs of our participants, The Fortune Society employs a holistic model of services to 7000 people with incarceration history each year. Our program was carefully designed with policies and services giving deference and special consideration for the unique histories, including the trauma caused by incarceration and lifetime abuse that our participants experienced.

We prioritize the hiring of individuals who have experienced life circumstances similar to our participants. Approximately 70% of Fortune's employees have histories of incarceration, substance use, or experienced homelessness, with nearly 50% having been formerly incarcerated, and over 80% are persons of color. Fortune's staff members exemplify the importance of new chances and serve as role models for our participants.

We have learned that the process of reentry, recovery, and stabilization is not a linear one and that even clients who have graduated, done extraordinarily well, and anchored themselves in independent living, can experience relapses that jeopardize their housing and their freedom. Relapse is treated as a normal, if not inevitable, part of successful re-entry into mainstream, and Fortune supports clients through counseling, treatment, and peer support interventions when they face barriers and setbacks in self-sufficiency, stability, and/or employability.

We applaud the NYC Council Committee on Women for recognizing the complexities that being a survivor of domestic violence presents, urge you to explore further the intersection of incarceration and domestic violence, and hope to see these bills enacted, with support from The Fortune Society participants and staff.

Thank you Chair Rosenthal, the Committee on Women, and other members of the Council, for inviting us to provide testimony today.

I am Amy Barasch, the Executive Director of Her Justice, a nonprofit organization that stands with women living in poverty in New York City with a “pro bono first” approach to providing free legal assistance. We train, mentor, and support volunteer attorneys to address the individual and systemic legal needs facing these women. We believe that pro bono services are a necessary and important complement to direct legal services, and we work to identify the best places to offer help. Our pro bono model enables our 18-person legal department to help over 3,000 women (and their 4,000 children) in family, divorce, and immigration matters every year.

Our clients are the working poor, with very limited resources. They live in all five boroughs of the City. Over half are Latina, almost a third need interpreters in court, 80% are victims of domestic violence, and most are mothers who are, or become, the heads of their households. Over the past year we have increased our outreach and partnership with community-based organizations in order to reach people who were feeling less comfortable coming forward to seek services. We have seen a significant increase in the number of people we can help with this approach – reaching an additional 1,500 New Yorkers last year alone, many of them non-English speaking clients. We are thrilled with that result.

Her Justice recognizes the severe shortage of lawyers available for low-income New Yorkers in our areas of practice. In the family and supreme matrimonial parts, that burden falls with disproportionate weight on women who make up the bulk of the unrepresented in these matters. These areas represent 2/3 of our practice, and we handle as many as 200 divorce cases a year.



Today I would like to speak briefly about the issue of representation in divorce proceedings for victims of partner violence, raised by Council Member Mark Treyger's Intro 1085-2018.

We applaud Council Member Treyger for recognizing the challenges faced by litigants attempting to obtain a divorce without a lawyer. More than 60,000 people file for divorce in New York State every year, about half of them in New York City. The majority (over 46,000) are filing for an uncontested divorce – a divorce in which there is no dispute between the parties about the terms and conditions of the divorce. This process is intended to be a *pro se* process. The balance are filing for a divorce that must be tried over issues that might include custody, child support, spousal support, and/or the division of assets and debts. While there is a right to counsel in divorce now in New York for the issues for which one would have benefited from that right in Family Court (in other words for issues of custody and orders of protection), there is no such right for the financial aspects of a divorce.

Low-income women in New York are especially disadvantaged without legal representation. Women are statistically more likely to be the lower earning spouse in a marriage, and they and their children have been shown to be worse off financially post-divorce than men.¹ This outcome is even more pronounced for women of color.

Divorce can represent particular freedom and security for women who were in abusive marriages. Unfortunately, the barriers to and risks from divorce increase exponentially for those

¹ Margaret F. Brinig and Douglas W. Allen, “*These Boots Are Made for Walking*”: *Why Most Divorce Filers Are Women* at 127, *American Law and Economics Association* (2000); Kimberly P. Brackett and Donald Woolley, *Divorce* at 885, ABC-CLIO (2011) (noting that “research suggest that more than 25 percent of divorced women experience at least some time in poverty during the five years following divorce”); Joan C. Williams, *Our Economy of Mothers and Others*, 5 *J. Gender Race & Just.* 411, 419 (2002) (noting that nearly forty percent of divorced mothers end up living in poverty). See Joan C. Williams, *Is Coverture Dead?*, 82 *Geo. L.J.* 2227, n. 1 (1994) (providing extensive citations as to the impoverishment of women after divorce).



women. We agree with the Council Member that abuse victims should not have to go through this process alone. We would suggest, however, that the Council might want to consider addressing the full systemic ramifications of insufficient representation for low income people seeking divorce. In our experience, the harm that can come to a poor woman seeking divorce alone can be substantial, whether or not she is divorcing an abusive husband.

Specifically, we would like to propose a few additional points for consideration, regarding Intro 1085-2018.

1. Uncontested Divorces

As we understand it, Council Member Treyger's bill is intended to address representation for domestic violence victims in both uncontested and contested divorces. Although uncontested divorces are designed to be *pro se* proceedings, the reality is that over 30 forms must be submitted in these cases, and at times, the court may exercise its discretion to actually calendar a case if they are concerned about whether the underlying issues have, in fact, been adequately resolved. These cases are almost impossible to navigate without a lawyer. We are very interested in looking at reform of this process overall, since many of the existing forms and obligations have not been reviewed for some time. It may be that careful reform and simplification of the process could make these cases truly ministerial in nature, relieving burden from litigants and courts alike. That solution could prevent the need for counsel for most of these cases, while still ensuring a just result.

2. Should Right to Counsel Be Limited to Victims of Partner Violence?

We also encourage the Council to consider extending the right to counsel in divorce cases to all low-income individuals, whether or not abuse is present in the divorce.



All people living in poverty fare better in court with lawyers than without, as the Council knows well. In family and matrimonial matters, there is not always a bright line between those who have suffered partner violence and those who have not. Many clients come to us from unequal and coercive relationships that might not rise to the legal definition of abuse. A foreign-born woman with three children and no regular form of income would desperately need an attorney if hoping to divorce from a US citizen husband who works off the books making thousands in undeclared income. Is she less deserving of representation than a victim of partner violence? We wonder if the Council might consider legislation that extends the existing right to counsel to all issues in divorce cases, rather than only the issues for which there is currently a right in family court.

Even if the Council wishes to prioritize counsel for cases involving domestic violence, we suggest providing representation for both parties in such cases. When each party is represented by counsel, divorce litigation is likely to be more efficient for the parties and the court, and deadlines for financial discovery more readily achieved. If representation were provided to both parties in divorces that involve partner violence, the case would be adjudicated more swiftly and fairly, ultimately benefiting the victim.

3. Implementation Challenges.

In addition, providing representation in divorces to victims of partner violence raises questions about implementation for the courts.

a. Who qualifies?

How the the court would identify who was a victim of domestic violence would need to be considered carefully. We understand that the legislation is drafted broadly on this point for that



reason. As with many benefits, the determination about who “qualifies” as a victim of partner violence often comes down to victim affidavit versus some other external “proof” of victimization. We would urge the Council to consider that an affidavit from a victim should suffice for eligibility for assigned counsel. The problems with requiring external evidence of victimization are well known. Many domestic violence victims do not report violence to law enforcement for fear of reprisal by their abusers. Similarly, many domestic violence victims do not seek orders of protection from the Family Court because for fear that doing so would exacerbate the abuse or expose them to the abuser when they might have been in hiding. We note that eligibility for waiver of court fees in Supreme Court requires the litigant to complete a sworn affidavit of “poor person status.” A similar approach could work for the assignment of counsel in these cases.

It should be noted that abusers often claim victim status themselves, sometimes going so far as to seek orders of protection against the people they have abused. That reality is another reason why the presence of an order of protection or police report should not be considered determinative of the truth of victimization. It does mean, however, that the court might receive requests from both parties claiming victim status.

b. When and how would they request counsel?

It is equally important to consider at what point the court would want a litigant to self-identify as a victim of domestic violence. Presumably this determination would need to be made at the outset of the case. Again, many victims do not raise the issue of abuse if they do not have to, particularly in uncontested divorces, in order to limit retaliation from their spouse. We would hope the victims’ request could be made in a confidential fashion so as not to trigger retaliation. We worry that even if the request were confidential, the fact of the assignment of counsel would



message to the abusive spouse that such a request had been made. It is essential to ensure that the request of counsel alone would not jeopardize a victim's safety.

4. Scope of the Need

Finally, while we can certainly say anecdotally that there is a significant need for representation in divorce cases for people living in poverty, we would encourage the Council to request data from the Office of Court Administration (OCA) about the actual scope of the problem. For example, what percentage of divorce cases in New York involve parties that have experienced domestic violence? How does OCA track this information? What percentage of litigants in divorce cases in New York are represented by counsel? This data could shed important light on the scope of the need, and therefore the scope of the necessary solution.



**New York City Alliance
Against Sexual Assault**

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www.svfreennyc.org

Good morning, my name is Mary Haviland and I am Executive Director of the New York City Alliance Against Sexual Assault (hereafter, the Alliance). Thank you to the Committees on Public Safety and Women's Issues and their Chairs, CM Richards and CM Rosenthal for allowing us to address you in these hearings. The Alliance is a city-wide, umbrella organization that strives to ensure sympathetic and best interventions after a sexual assault. It does this by providing

- the largest training program for sexual assault forensic examiners in the state,
- providing technical assistance to hospitals and programs on their response to sexual assault, and
- addressing gaps in sexual violence services in communities

It's second mission to prevent sexual assault in the first instance. As such, we are the lead agency in a state funded, Regional Center for the Prevention of Sexual Assault. This Center has developed a curriculum for young people on understanding sexual violence and learning to mount their own anti-violence campaigns in their communities. We have run groups in the Black, Latinx, South Asian, East Asian and currently the LGBTQ communities with our culturally specific partners. We also have a training program for bar staff and management in nightlife settings to teach how to respond to situations that might result in someone taking advantage of another and how to safely intervene.

The Mayor's Office to End Domestic and Gender Based Violence, formerly the Office to Combat Domestic Violence, has been a great asset in the efforts of the city to address the issue of domestic violence. Their leadership has led to policy improvements in access to city services for victims of domestic violence, been crucial in the functioning of the Family Justice Centers and to their credit, led to the first evaluation of these Centers in the country. They have also led the way in the provision of trainings in the government sector and shown a commitment to gaining a greater understanding of the issue and transparency of their findings by publishing of annual and Fatality

Review reports. In addition, the Domestic Violence Task Force has provided a comprehensive citywide strategy to addressing domestic violence.

The Alliance is excited by the Office's initiative to expand the scope of its efforts and hopes this will allow opportunities to raise the profile of sexual violence issues. The Alliance, as a leading policy and training organization in New York City on sexual violence looks forward to working with this office to:

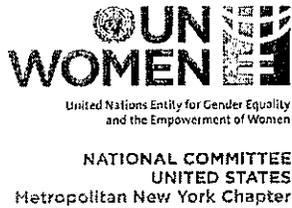
- Heighten attention to the issue of sexual violence;
- Educate our city agencies to the relevance of this issue to their work whether that be in public health, criminal justice, housing, public benefits or homelessness;
- Increase resources for services to its victims;
- Progress in breaking down of barriers for survivors to the systemic assistance to which they are entitled.

New York City is host to dozens of sexual assault providers that offer services ranging from counseling and legal advocacy, to prevention programming in sexual violence. These programs have developed a sophisticated understanding of the care required in the health care sector, the clinical needs of survivors when healing from sexual violence, the systemic issues that face survivors who seek justice and generally the obstacles facing survivors with institutional responses to the issue. They also work in diverse communities in NYC and understand the specific communities they serve. I respectfully recommend that in designing the new role of the Office to End Domestic and Gender-Based Violence, it rely heavily on this expertise. I acknowledge that the leadership of this office recognizes community leadership in its practice. However, I would like to make some further recommendations in the spirit of understanding that current leadership will not be there forever and that these steps could enhance the Office's ability to contribute to improving the response to and prevention of sexual violence in NYC.

- Incorporate the Alliance, the 16 rape crisis centers in New York City as well as programs that are providing significant services to sexual assault victims in all major policy work;
- Focus the Office training and educational efforts on government agencies and employees. Due to their unique position within the Mayor's Office, the Office is more likely to succeed in implementing such programs while the community programs have years of experience providing training in their communities.

- Collaborate with culturally specific programming around the unique needs of diverse communities in NYC;
- Actively engage in the direction of additional resources dedicated to this issue to community sexual violence programs.
- Crucial to the enactment of these measures would be a requirement by the NYC Council that this office issue an annual report with the following components:
 1. Describe all major programs, their staffing and outcomes, along with milestones reached within each program;
 2. Report on FJC specific work for both adults and children including the number of visits and their outcomes. The reporting of outcomes from FJC visits could potentially be time consuming to the community groups that are stationed there and so methods for doing so should be designed with these programs to alleviate this burden.
 3. The implementation of a survey for those who use the FJC's would be in line with the Office's leadership on evaluating these centers and a measure that I would support. The annual report should details the results from these surveys.
 4. Report out on policy efforts with various NYC agencies and their results;
 5. Report on Office's Outreach, including the total number of trainings disaggregated by location and topics;
 6. And finally, a report on the Office budget and how the Office funds are allocated across the focus areas of Domestic Violence, Sexual Violence, Stalking and Trafficking. The budget section should include extra funds advocated for by the Office and what percentage will be passed through to community service providers in these issue areas. In collecting and analyzing this data, it is our hope that the Office will be better equipped to address trends of gaps in services, avoid duplication of services already provided in the community and allow those outside of government to understanding the functioning of the Office.

I make these recommendations with the hope that together, we can address the harm to survivors of sexual violence, breakdown barriers to reporting and access services for survivors and ultimately, prevent sexual violence from occurring in the first instance.



October 24, 2018

Dear City Council Members Rosenthal, Brannan, Maisel, Ayala, River and Cumbo:

I would like to thank the New York City Council and the Women's Committee for this opportunity to provide input into the following bills to support survivors of domestic violence:

Int No. 351, Int. No 542, Int. No 1085 and Int. No. 371-A

My name is Mary Luke and I am the President of the Metropolitan New York Chapter of UN Women - US National Committee and Co-Chair of the NYC4CEDAW Act Steering Committee. Our mission is to promote women's empowerment and gender equality and promote women's rights including LGBTQI, transgender and gender-non-conforming women. Violence affects one out of three women globally. Ensuring the safety of women in the home and outside the home is one of our most important goals.

According to NYPD statistics revealed at the NYPD Domestic Violence Conference, domestic violence investigations in the city are up 4%. There have already been 216,000 domestic violence investigations — including elder and child abuse — opened in 2018, according to Deputy Chief Martin Morales, the commanding officer of the NYPD's Domestic Violence Unit. New York City receives 240,000 domestic violence calls to 911 annually and approximately 280,000 domestic incident reports are filed with the NYPD each year. NYC also leads cities in its innovative and wide-ranging programs and resources to support survivors of domestic and gender-based violence.

Under the strong leadership of Commissioner Cecile Noel, confidential Family Justice Centers are available in each of five boroughs that work with a network of community based NGOs to support survivors with culturally and linguistically appropriate assistance. Services include: a multilingual domestic violence hotline that receives 80,000 calls per year; language line dual handset phones in key areas of the centers; and informational handouts available in 13 languages. The Domestic Violence Response team operates in public housing and other high risk areas to increase public awareness about healthy relationships and make referrals to FJC.

In 2014, UN Women and the City of New York signed an agreement to work together to enhance the safety and empowerment of women and girls. As part of the pact, NYC also joined the UN Safe Cities Global Initiative. In May 2018, the Mayor's Office, under the leadership of

First Lady Chirlane Mc Cray, announced a new initiative, "Interrupting Violence at Home," to provide to families impacted by domestic violence with non-criminal justice, and community-based options for abusers. A key focus of the "Interrupting Violence at Home" program will be creating a baseline of information regarding the identification, engagement and intervention of abusive partners outside of the criminal justice system. This information is critical in order to continue to drive down domestic violence incidents and enhance accountability for abusive partners as well as survivor safety.

It is critical to provide language access to domestic violence survivors. Victims must be able to tell their stories in their own language, particularly when filing police reports or petitions for orders of protection. Services for survivors can be complicated – from counseling to legal assistance and immigration support. According to OCDV's Language Access Plan of 2015, 27% (9,860 clients) at FJC spoke a primary language other than English. There were 78 primary languages spoken. The most common languages citywide are Spanish, Chinese, Russian, French Creole and Korean. Based on the frequency of clients using services, the most common languages were Spanish, Russian, Chinese, Arabic and Bengali.

NYC programs and services for domestic violence survivors require the partnership of community-based NGOs which offer multilingual and multi-cultural services. These NGOs depend on federal funding through the Violence Against Women Act (VAWA). VAWA protections and programs support organizations working with survivors, and enable a coordinated community response to domestic violence and abuse. The legislation needs to be reauthorized because the current legislation is set to expire on December 7, 2018. H.R. 6545, the Violence Against Women Reauthorization Act of 2018, requires support to ensure its passage. VAWA funding enables NGOs to work with district attorneys, the courts, and the NYPD. It also supports legal services to survivors who are facing divorce and custody battles with their abusers. Reauthorizing VAWA will enable these vital, and in some cases lifesaving, services to continue.

Recommendations:

Update the Mayor's Office to Combat Domestic Violence Language Access Plan of 2015, gathering accurate data on language access needs by domestic and GBV survivors.

Responses to Int No. 351, Int. No 542, Int. No 1085 and Int. No. 371-A

In general we agree with the proposed bills but respectfully request the addition of language access in all services and reporting of services.

Int No 351:

(a) Recommend modification to include: number of attorneys placed and working in FJCs by language, gender and ethnicity in all Family Justice Centers and each FJC, for assistance with legal matters relate to housing, immigration, child custody, and other critical legal issues.

(b) Track total number of chronic offenders, **by gender, language and ethnicity.**

Int. 542 Service satisfaction surveys

Service satisfaction surveys need to be in multiple languages.

Low-literacy clients should be given the opportunity to speak with staff (who did not interview her/him) with confidentiality assured.

Data from client surveys should be collected by age, gender and ethnicity and by individual Family Justice Center

Int. No 1085

Provision of legal services to victims of DV in divorce proceedings (10-1202). Access to full legal representation for domestic violence proceedings should be available in **multiple languages with access to interpreters in preparation for and during court appearances.**

What is The Convention on the Elimination of Discrimination against Women (CEDAW)?

Adopted by the United Nations General Assembly in 1979, CEDAW is an international treaty that identifies women and girls' right to be free from discrimination and establishes guidance to governments' obligations to address discrimination, proactively foster equality and respect and protect women's rights. To date, 189 countries have ratified CEDAW.¹ Because the United States is one of the six UN member countries that have not ratified CEDAW, the treaty has no binding effect on U.S. laws and policies.²

Following the example of San Francisco, which passed an ordinance in 1998, a national "Cities for CEDAW" campaign has been growing to increase CEDAW awareness and the adoption of CEDAW principles at the local level. The New York Cities for CEDAW (NYC4CEDAW) campaign is working to identify how New York City can effectively implement CEDAW's human rights principles at the local level. These principles include protection from violence.

¹ For CEDAW text, see <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#intro>. For CEDAW status of ratification, see https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en.

² The United States signed CEDAW on July 17, 1980. The other UN member states that have not ratified CEDAW are: Iran, Palau, Somalia, Sudan, and Tonga.

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**Testimony of Dorchen Leidholdt,
Director of the Center for Battered Women's Legal Services
Sanctuary for Families
before the
New York City Council's Committee on Women
October 24, 2018**

Good morning. My name is Dorchen Leidholdt, and I am the Director of the Center for Battered Women's Legal Services at Sanctuary for Families, New York State's largest provider of comprehensive services exclusively for victims of domestic violence and trafficking. We are so grateful to the Committee on Women for the opportunity to testify today and to Council Member Treyger for sponsoring groundbreaking legislation that recognizes the urgent need for free, high-quality legal representation in matrimonial cases for victims of domestic violence unable to afford attorneys. We applaud your leadership in standing up for abuse survivors and demanding they receive fair and equal access to our court system—particularly in the critically under-resourced area of matrimonial law.

Intimate partner abusers all too frequently include complex economic abuse as part of the toxic mix of physical, emotional, sexual, and other damaging forms of coercive control. Abusers frequently prevent their victims from going to school, attending job training, and holding jobs or having their own bank accounts or credit cards, and the abuse itself often leads to lost workdays and other employment problems that lead to job loss. Abusers may destroy their victims' financial viability by opening up lines of credit and accumulating debt in their victims' names even when they are the primary or sole wage earner. Abusers' tactics of power and control, the markers of abuse, can disempower survivors in ways that persist long after the relationship ends.

In addition to the emotional trauma of remaining legally chained to an individual who threatened you, hurt you, and made you fear for your life and the safety of your children, the economic consequences of being trapped in marriages to an abusive spouse are

severe. Marriage to an abusive partner puts survivors' future income and savings in jeopardy, leaves the door open to the abuser making critical medical decisions on the victim's behalf and, as explained, racking up debt in the victim's name that may detrimentally affect her ability to rent an apartment or access credit. Trapped in an abusive marriage, victims cannot remarry or have other children without their abusive spouse being considered the other parent in the eyes of our current state laws. All of this makes severing marital ties critically important for most married abuse victims. Indeed, divorce has profound implications for an abuse victim's long-term safety, freedom, and economic security.

Family courts in our State are designed for *pro se* litigants, offering the availability of court-appointed attorneys for child custody and visitation, child welfare, and orders of protection cases. In the Supreme Court where matrimonial actions are litigated, however, court-appointed counsel are not available in some of the most important issues litigated—divisions of marital property, child support, and maintenance. Lay people, especially those struggling with the traumatic sequelae of abuse, are ill-equipped to represent themselves in these complex matters. The result is even more acute feelings of powerlessness, humiliation, and continued and intensified economic harm. Showing up in matrimonial court without counsel is a daunting experience for anyone; for isolated and economically marginalized victims of domestic violence the experience is often profoundly traumatic.

Domestic violence is almost invariably premised on an acute imbalance of power. Abusers often impoverish their victims, forcing them to flee their homes to find safety and damaging their ability to obtain education and find and hold jobs that provide sustainable income. Divorce exacerbates this economic imbalance by forcing victims to go into debt to pay attorneys who charge legal fees of \$500 an hour or more. After exhausting their savings and taking on more and more debt, victims frequently find that they are unable to continue to pay legal fees. Many private matrimonial law firms have no compunction about terminating representation once their clients have run out of funds.

Sanctuary recently took over the representation of a case in the Integrated Domestic Violence Court in which a Manhattan mother providing a middle-class existence for herself and her daughter in a two-year period spent her life savings and racked up \$200,000 in debt paying for matrimonial lawyers who were ill equipped to address the long history of domestic violence and left her without the protection that she and her daughter desperately needed. Broke and indebted, with her credit damaged beyond repair, she found herself once again slipping under her abusers' economic and physical control as she stood in court unrepresented while her abuser stood beside his well-remunerated counsel.

The scales of justice tip precariously and due process becomes an illusion when an abusive partner appears in court with an attorney and the victim appears pro se, as is too often the case. Without a highly skilled advocate to inform them of and fight for their rights, and faced with the possibility of years of litigation and terrifying unknowns, victims are likely to agree to unfavorable terms just to put their case behind them. That is not what our system was designed to do, and it is not justice.

For domestic violence victims pursuing divorce without legal representation the risks are dire. Sanctuary's client Marleny—whose story was recently highlighted in a [New York Times](#) article on the challenges victims face in obtaining divorce without counsel—is a classic example of how dangerous it can be to go to court without a lawyer. When Marleny's abuser of 10 years hired an attorney to file for divorce, he petitioned for sole custody of their son and exclusive occupancy of their home and almost succeeded in obtaining both. An immigrant with a part-time job and limited income, Marleny could not afford the retainer charged by the private attorneys with whom she consulted. She risked losing her son and becoming homeless. Fortunately, after being connected to a Sanctuary attorney through the Brooklyn Family Justice Center, and after a highly contested two-year legal battle, Marleny obtained final custody of her son, occupancy of the family home, and a divorce.

We commend the City Council for recognizing representation in divorce as a central component of the long-term safety and security of domestic violence victims and their

children—just like orders of protection and child custody. Without access to free or low-cost representation, abuse victims face disastrous outcomes: loss of custody, unsafe visitation arrangements, homelessness, heightened trauma, and financial settlements that leave them in conditions of poverty.

While Intro. 1085 is a commendable start to addressing these concerns, specific language is needed to ensure that it is applied as intended. First and foremost, the Council must specify that experienced individuals, trained in the dynamics of domestic violence, including legal abuse, perform screenings to ensure that victims are the recipients of these valuable free legal services, rather than batterers, who frequently attempt to manipulate the system through retaliatory abuse allegations. Once adequate funding for this initiative is appropriated in the City budget, experienced domestic violence legal services providers will be immensely helpful in making these much-needed services available on a broader scale. Sanctuary for Families' Center for Battered Women's Legal Services looks forward to partnering with City Council in the development of this major step forward for abuse victims in our City, alongside our partner legal service providers.

Domestic violence sits at the intersection of so many of the issues our city works to address every day—public health, economic justice, gender equity, homelessness prevention, and criminal justice. As its victims confront barriers to obtaining the help they need to break free from violence, we must do everything we can to support them and give them a fair chance at justice and equality. Providing domestic abuse survivors trying to break their legal bonds to their abusers with experienced, trauma-informed matrimonial lawyers will do much to accomplish this important goal.

Testimony by Voices of Women (VOW) member Elizabeth Cohen for:
The New York City Council - Committee on Women
Council Chambers – City Hall
October 24, 2018 10:00am

Legal representation for everyone regardless of income and especially for victims of abuse in Supreme Court and Post Matrimonial Supreme Court is key to equal justice and protection of abused partners and their children.

Abusers often use money to control their partner, when that partner leaves they are at a tremendous disadvantage. The partner may have stopped working for pay, to take care of their children, and may face the challenge of reentering the work force at minimum wage. Private matrimonial/family lawyers earn hundreds of dollars an hour, with no sliding scales. The cost of private legal representation can and does wipe out whatever money a partner has, while they are trying to put a roof over their heads and food on the table in a safe place for themselves and their children.

Many well-intentioned people tell the abused partner that there is free legal assistance available from organizations such as Legal Aid, NYLAG, and Her Justice, as if resources to help were plentiful. But the reality is that when you actually need these resources and ask for help you don't get it. The pool of people needing help far exceeds the available resources. The organizations appear to cope with the scarcity of resources by selecting flavors of the month and narrowcasting them. But divorce from an abusive partner is not a simple narrow issue, and the net result is that help is not available for most people.

Self-representation does not work. The system is not user friendly. Putting a self represented abused partner in court against an abuser with an experienced matrimonial lawyer is like taking an ordinary person and putting them in a ring with a prize fighter, you don't have to watch to know who will win.

Testimony by Voices of Women (VOW) member Elizabeth Cohen for:
The New York City Council - Committee on Women
Council Chambers – City Hall
October 24, 2018 10:00am

On the other hand, the abusive controlling partner has money so excellent private legal representation is not a problem. In fact the court system provides a legal way to abuse their ex partners and children for the rest of their lives. There is no limit on how long a divorce can be litigated. One source said the record so far is 21 years. An abuser can take an abused partner back to court over and over again to impoverish them and prevent them from being able to find full time employment because they are constantly being served with papers and called to court.

Children provide another opportunity to attack the former partner. Because, unlike the financial terms of a divorce settlement, custody can always be changed. In abusive situations the children are often treated like furniture to be divided or shared, their feelings are not counted. Made powerless by the system they lose their childhoods. I believe there is a connection between the fact that the largest group living in poverty in this city is single parents with children, and that 1 in 5 children in the city don't have enough to eat, with the lack of legal representation for all in divorce matters in court.

There are many divorce cases before no fault divorce was passed that have not been identified as DV, because if a partner made abuse the grounds for the divorce and could not prove it, they were not granted a divorce, and many victims were discouraged from labeling the abuse in court by their lawyers. Use of the court system to continue abusive attacks through excessive litigation for years, and very lopsided and unfair settlements, should be considered as indicators of abuse. Guaranteed legal representation regardless of income is essential to the preservation of our most important human rights.

Good afternoon, my name is Sharlena and I am a survivor of domestic violence. I would like to emphasize survivor as I am fortunate to be standing here before you to speak with you today. There are many victims who unnecessarily met a tragic fate. I am a member of the Voices of Women (Vow), a grassroots organization of survivors of domestic violence who organize to improve the systems that abused victims rely on for safety and justice.

There are many systems whose response to survivors of domestic violence can stand to be improved however; I am here to advocate for the passage of once again, from June 2017, Intro 1610 for OCDV to provide training to cosmetologist on the signs of domestic violence and available resources for its victims/their clients. We recognize the dedication in this revised motion in Proposed Int. No. 371-A.

It is important for us to acknowledge the crucial role that hairstylist can play in a victims life. They can notice signs of abuse like bald spots where hair once grew or bruises covered by make-up. For many, a hairstylist is a confidante and individuals may disclose their abusive relationship. I can agree on that from first hand experience.

It is important that cosmetologist receive the proper training on the effects of abuse, its cycles, and engaging a victim so that they are able to provide them with information on where to go for help. The information provided to survivors should be clear on next steps as navigating New York City's domestic violence response systems can be extremely confusing. We recommend that all trainings provided by OCDV include survivors of domestic violence to provide participants in the trainings with a comprehensive understanding what it means to be a victim of domestic violence, its cycles and how to effectively engage victims of domestic violence from a survivor's perspective.

Lastly, every survivor's story is different, and systems navigation is key. Cosmetologists are at a ground level to help combat domestic violence and the many forms it takes. We can not have a one size fit all solution to such complex problems. It is crucial to continue to explore creative ways of clearing the pathway to safety for survivors of domestic violence. We thank Council Members Salamanca and Rosenthal for sponsoring this important legislation. Thank you for listening.

*Thank you committee counsel for the opportunity to be here
Happy but nervous Mrs Roseenthal, Thank you please Ayala for your
Voices of Women Organizing Project*

MY NAME IS NEDENE. I AM A SURVIVOR OF DOMESTIC VIOLENCE AND A

*I once was a victim of DV & now
Board*

MEMBER OF THE VOICES OF WOMEN KNOWN AS VOW. VOW IS A

vownow.org

**GRASSROOTS ORGANIZATION OF SURVIVORS OF DOMESTIC VIOLENCE WHO
ORGANIZE TO IMPROVE THE SYSTEMS THAT ABUSED WOMEN RELY ON FOR
SAFETY AND JUSTICE.**

**IT'S IMPORTANT THAT WE ~~WE~~ PROVIDE CRITICAL SERVICES TO VICTIMS IN
NEED IN A SAFE, COMPASSIONATE AND SWIFT MANNER. ALL TO LET VICTIMS
KNOW THAT THEY ARE NOT ALONE AND FOR MANY VICTIMS, THIS IS
LIFE-SAVING KNOWLEDGE.**

**ONE OF THE KEY GAPS IN PROVIDING CRITICAL DOMESTIC VIOLENCE
SERVICES IS THE LACK OF ENCOURAGEMENT TO SURVIVORS TO APPLY FOR
EMPLOYMENT OPPORTUNITIES THAT PROVIDE SERVICES TO VICTIMS OF
DOMESTIC VIOLENCE.**

**WE BELIEVE THAT AGENCIES THAT RECEIVE FUNDING FOR DOMESTIC
VIOLENCE SERVICES SHOULD IMPLEMENT A PEER DELIVERED SERVICES
MODEL APPROACH AND BEGIN BY HAVING ON ALL THEIR EMPLOYMENT
OPPORTUNITIES INCLUDE LANGUAGE THAT ENCOURAGES SURVIVORS OF**

DOMESTIC VIOLENCE TO APPLY FOR OPEN POSITIONS. MOREOVER, WE BELIEVE THAT CITY COUNCIL AND THE MAYOR'S OFFICE TO END DOMESTIC AND GENDER-BASED VIOLENCE SHOULD MANDATE THAT FUNDING FOR DOMESTIC VIOLENCE SERVICE DELIVERY INCLUDE THIS PROCESS.

HIRING SURVIVORS HELPS OTHER SURVIVORS ESTABLISH CONNECTIONS WITH SOMEONE WHO SHARES A SIMILAR STORY, CAN DECREASE SYSTEM NAVIGATION AND FRUSTRATION, PROMOTES POSITIVITY AND CAN INSPIRE HOPE WHICH MANY SURVIVORS HAVE LOST DURING AN ABUSIVE RELATIONSHIP.

THIS IS JUST A BEGINNING AND WE ENCOURAGE ALL ON WORK IN THE DOMESTIC VIOLENCE SERVICES FIELD TO BEGIN TO IMPLEMENT A PEER DELIVERED SERVICES MODEL APPROACH.

THANK YOU.

In favor of Everyone who goes through divorce process we would like Confidential surveys for all participants in divorce proceedings about the lawyers and judges the victims are in court with.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1085 Res. No. _____

in favor in opposition

Date: 10/24/18

(PLEASE PRINT)

Name: Judith Goldiner

Address: _____

I represent: Legal Aid Society

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/24

(PLEASE PRINT)

Name: MARY LUKE

Address: 230 Park Place Brooklyn

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1085 Res. No. _____

in favor in opposition

Date: 10/24/18

(PLEASE PRINT)

Name: Audacia Ray

Address: 140 E 21st St Apt 4E Brooklyn 11218

I represent: NYC Anti-Violence Project

Address: 116 Nassau St NY NY 3

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. CRS-11A

in favor in opposition

Date: 10-24-18

(PLEASE PRINT)

Name: Amanda Hayden

Address: _____

I represent: LGBT community center

Address: 208 W. 13th St, NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/24

(PLEASE PRINT)

Name: Nedene Simon

Address: 190 Forsyth St, NY

I represent: Voices of Women Organizing Project

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1085, ^{0351, etc} Res. No. _____

in favor in opposition

Date: 10/24/18

(PLEASE PRINT)

Name: Melissa Paquette

Address: _____

I represent: Safe Horizon

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/24/18

(PLEASE PRINT)

Name: Alisha Bailey

Address: _____

I represent: The Fortune Society

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jordan Dressler

Address: 4 WTC

I represent: NYC Human Resources Administration

Address: 4 WTC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 351,542, 1005 Res. No. _____

in favor in opposition

Date: 10/24/18

(PLEASE PRINT)

Name: Judith Goldschoed

Address: CUNY LAW School

I represent: CUNY Law School

Address: 2 Court Square, LIC, NYC 11101

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1085 Res. No. _____

in favor in opposition

Date: 10/24/18

(PLEASE PRINT)

Name: MARK HAGER

Address: 7 Hanover Square 18th fl NY 10004

I represent: New York Legal Assistance Group

Address: Same as above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/24/18

(PLEASE PRINT)

Name: ELIZABETH DANK

Address: 100 GOND ST.

I represent: MAYOR'S OFFICE TO END DOMESTIC

Address: AND GENDER-BASED VIOLENCE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/24/19

(PLEASE PRINT)

Name: CECIL NOEL

Address: 100 GOND ST.

I represent: MAYORS OFFICE TO END

Address: DOMESTIC + GENDER-BASED VIOLENCE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1085 Res. No. _____

in favor in opposition

Date: Oct. 24, 2018

(PLEASE PRINT)

Name: Elizabeth Cohen (vow member)

Address: 237 E 20th Street, Apt 4F, NY NY 10003

I represent: Voices of women - member VOW

Address: confidential

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1085 Res. No. _____

in favor in opposition

Date: 10/24/18

(PLEASE PRINT)

Name: Amy Barasch

Address: _____

I represent: Her Justice

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1085 Res. No. _____

in favor in opposition

Date: 10/24/18

(PLEASE PRINT)

Name: Terry Lawson

Address: Amy Barasch

I represent: Legal Services NYC / Bronx Legal Services

Address: Her Justice

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10-04-18

Name: Subra Jackson (PLEASE PRINT)

Address: _____

I represent: Voices of Woman

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Namasha Schelling (PLEASE PRINT)

Address: 11 park place, New York, NY 10007

I represent: Day One

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10-24-18

Name: Joanna Alvarez (PLEASE PRINT)

Address: 219 Empire Blvd BK, NY 11225

I represent: Black Women's Blueprint

Address: 21-50 50th Ave LIC, NY 11101

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1085 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dorchen A. Leidholdt

Address: 30 Wall, 8th Floor

I represent: Sanctuary for Families

Address: see above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/24/18

(PLEASE PRINT)

Name: Mary Hamilton

Address: 518 10th St, Brooklyn

I represent: NYC Alliance Against Sexual

Address: 32 Broadway NYC Assault

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 371-A Res. No. _____

in favor in opposition

Date: 10/24/18

(PLEASE PRINT)

Name: Sharlena Powell

Address: 81 North Portland Avenue TC Brooklyn NY 11205

I represent: Voices of Women Organizing Project

Address: N/a confidential.

Please complete this card and return to the Sergeant-at-Arms