

REMARKS OF

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

BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEE ON WOMEN AND GENDER EQUITY

on

**"Oversight: The Mayor's Office to End Domestic and Gender-Based Violence and COVID-19"**

April 30, 2021

Good morning Chair Diaz and Members of the Committee on Women and Gender Equity. I am Cecile Noel, Commissioner of the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV). I am joined by Deputy Commissioner/General Counsel Elizabeth Dank. Thank you for the opportunity to speak with you about the impact of COVID-19 on domestic and gender-based violence in New York City.

ENDGBV develops policies and programs, provides training and prevention education, conducts research and evaluations, performs community outreach, and operates the New York City Family Justice Centers (FJCs). We collaborate with City agencies and community stakeholders to ensure access to inclusive services for survivors of domestic and gender-based violence (DV/GBV), including intimate partner and family violence, sexual violence, stalking, human trafficking and other forms of GBV. ENDGBV is an office under the Mayor's Office and receives administrative and operational support from several City agencies, including support for human resources, information technology, facilities, and contracts.

COVID-19 put into sharp focus the vulnerabilities that many people in our city face every day, especially domestic and gender-based violence survivors, and it continues to highlight the barriers and challenges that we know keep people from seeking help and finding safety. Domestic and gender-based violence is historically underreported and this has been heightened by the pandemic. Our top priority has been to ensure continuity of services, access to resources and unwavering support to survivors. ENDGBV has taken a variety of steps to provide ongoing and new services to survivors; publicly share information about resources; collaborate closely with nonprofit service providers, community stakeholders and City agencies; and provide prevention education to youth.

### **Services for Survivors**

The New York City Family Justice Centers, which are operated by ENDGBV, temporarily closed their walk-in locations on March 18<sup>th</sup>, 2020 in response to COVID-19. The FJCs quickly pivoted to a remote service model and continued to provide services through FJC nonprofit service providers to domestic and gender-based violence survivors via telephone and video appointments. Since March 18<sup>th</sup>, 2020 services have been provided to 29,587 clients, including over 13,785 new clients, through the FJC. Of the total clients served during this period, 28% of used primary language that was not English, 7% of clients were age 60+, and 3% were under age 18.

While it is more challenging to provide services remotely to survivors who may be isolated at home with their abusive partners, the FJCs and nonprofit service providers continue

to use creative engagement approaches that are developed with the survivor and grounded in safety and minimizing risk. We have been encouraged to see that new clients can identify available resources and reach out safely for assistance.

In the summer of 2020, ENDGBV began working with FJC partners to develop a comprehensive plan for the safe reopening of the City's FJCs. Three work groups met regularly for two months to develop a collaborative reopening plan that resulted in the decision to move forward with a phased reopening of the City's FJCs. In September 2020, the FJCs began to offer limited in-person services at the Manhattan FJC (MFJC), by appointment only, for clients citywide that could not engage in remote services safely or effectively while also continuing to offer services remotely. Services that can be accessed in-person at the MFJC are focused primarily on crisis services and include immediate safety planning, connecting a client remotely to case management legal or counseling sessions, access to a computer/phone, help filing for orders of protection or appearing in Family Court remotely, meeting with a NYPD Domestic Violence Police Officer to file a police report and picking up practical assistance items.

ENDGBV continued to conduct FJC client satisfaction surveys during the pandemic, and while remote services have been in place, and those surveys revealed that 94% (350 of the 372) of respondents would recommend the FJCs to others. ENDGBV is working closely with partners to develop reopening plans for the other FJCs based on the success of the Manhattan FJCs reopening model and remote services. For the foreseeable future, the Centers are planning to offer a hybrid service model with a combination of limited in-person appointments and continued remote services.

### ***Financial Assistance***

ENDGBV has also been implementing innovative new ways to support survivors during the pandemic. In May 2020, ENDGBV partnered with the Mayor's Fund to Advance New York City (Mayor's Fund) to launch its first ever public/private microgrant initiative to assist domestic and gender-based violence survivors experiencing safety, economic, and housing challenges exacerbated by COVID-19. The program was administered by Sanctuary for Families, which leveraged ENDGBV's network of nonprofit service providers, and distributed almost \$470,000 in microgrants to support more than 375 survivors. This initiative was part of the Mayor's Fund COVID-19 Emergency Relief Fund and the microgrants helped to enhance survivor safety and stability during COVID-19. Almost all of the program's clients were female, 90% were Black, Indigenous, and People of Color (BIPOC), 95% made less than \$40,000 annually, 83% had two or more people in their household, and 65% were immigrants. Increased housing stability was a critical impact of the program, with 35% of the grants, over \$163,000, supporting rent, short-term housing, or other housing needs. And, significantly, 48% of clients reported feeling safer

after participating in the program, 44% reported that their children felt safer, and 46% reported that their mental health had improved.

### **Publicly Shared Information**

To ensure survivors and community stakeholders were aware of the continuity of services during the pandemic, ENDGBV has been working to creatively connect survivors to online resources, particularly the NYC Hope website, which provides educational material and comprehensive information on services available to survivors. The NYC Hope resource directory includes information about nonprofit service providers based in communities that work with survivors in all five boroughs. In response to COVID-19, the NYC Hope resource directory was updated to include the availability of remote services at community-based organizations.

Since March 18<sup>th</sup>, 2020, the NYC Hope website has had 120,659 “visits” - an average of 327 per day, and 35,604 “new visitors” – an average of 96 per day. These are significant increases in traffic to the website - in 2020, prior to March 18<sup>th</sup>, NYC Hope averaged 90 “visits” per day, and 42 “new visitors” per day.

Survivors were connected to the NYC Hope website, the FJCs and community-based organizations through several efforts including Notify NYC text messages in partnership with the Office of Emergency Management (OEM), a public service announcement released by First Lady Chirlane McCray, an online campaign which included paid advertising and regular social media posts, and a social media toolkit which was shared widely with all City agencies and Councilmembers to amplify messaging.

In addition, ENDGBV worked closely with our partners over the last year to coordinate efforts, conduct outreach and collaborate on reaching and serving survivors. From April-September 2020 ENDGBV held regular calls with 120+ nonprofit services providers and City agency staff to provide open lines of communication, identify challenges, troubleshoot issues and share best practices, achievements and technical assistance.

ENDGBV also led a COVID-19 Response Workgroup that met regularly from May to July 2020 to identify challenges in serving survivors, coordinate public awareness efforts and highlight best practices. The Workgroup engaged a diverse group of providers representing multi-disciplinary services and included providers serving culturally specific populations as well as representation from both large and small community-based organizations.

### **Prevention**

While the continuity of direct services were a critical response to the pandemic, ENDGBV was also able to implement creative ways to continue prevention efforts with young

people, particularly while they were all in remote schooling at the end of the 2019-2020 school year and while many students remained remote during the current school year. Through ENDGBV's Early Relationship Abuse Prevention Program (Early RAPP), the City's contracted providers – Day One, Rising Ground's STEPS to End Family Violence, and Urban Resource Institute – were able to pivot to conducting online workshops and trainings for young people providing 1,145 workshops to 8,218 youth across 43 Department of Education (DOE) middle schools in 25 different City Council Districts. Fifty-six percent of the DOE middle schools reached are in neighborhoods most impacted by COVID-19.

In addition, through ENDGBV's Healthy Relationship Training Academy, our Community Educators went virtual, creating original videos and leading virtual trainings and workshops to stay engaged with young people during an incredibly chaotic and disruptive time for schools and other youth serving organizations. Between March 22, 2020 through April 18, 2021, the Academy conducted 88 workshops.

We have also been focused on expanding our prevention efforts and are excited to launch a new initiative this year focused on elementary-aged youth, through a partnership with the Mayor's Fund and supported by the Jerome A. Chazen Fund to Address Domestic Violence. The *ABCs of Healthy Relationships* project includes toolkits and guides for adults working with or caring for children in grades K-5 to help them build foundational skills to develop healthy relationships, first with their friends, and later with their intimate partners. The *ABCs* materials will be available soon through ENDGBV's website and will be shared with DOE educators, as well as with families through DOE's Parent University portal and other mechanisms.

## **Looking Forward**

Now that we are beginning to move past the immediate impact of COVID-19, we will begin to explore the longer-term impacts of the pandemic on survivors and will be continuing to process and analyze. We know that switching to remote operations has inspired ENDGBV and our providers to think creatively and innovatively about how to reach survivors and deliver services in this new way; we already know that there are some great lessons learned from this experience that will enhance some of the ways in which we provide services. As we begin to prepare for re-opening, integration of new methods of service delivery will be an essential piece of that discussion and it will be critical for us to identify ways to enhance survivor access to mobile devices and the internet.

This year, ENDGBV, in partnership with the Mayor's Fund, has developed two new public/private partnerships to support survivors and minimize the digital divide many have experienced. Through a new initiative with T-mobile, ENDGBV will be distributing 1,000 mobile devices to survivors seeking services through the FJCs and through our nonprofit service

providers. In addition to receiving a free mobile device, survivors will have the option to access discounted mobile plans through T-mobile. And to ensure that survivors are using technology safely, through an initiative with Norton LifeLock, ENDGBV will be distributing 2,000 free anti-spyware software licenses to survivors to secure their devices and reduce spyware/malware threats.

## **Legislation**

Intro. 2131 seeks to conduct a feasibility study and establish a two-year pilot program in at least two boroughs to use community locations to provide domestic violence survivors access to the internet. ENDGBV is committed to continuing to explore ways that we can support survivors and reduce barriers to accessing services. We welcome the opportunity to discuss this further with Council and identify shared goals.

The City is here for survivors during this crisis and beyond and will continue to work to identify best practices and innovative approaches to enhance services, training, and outreach. We look forward to continuing to collaborate with the Council, our sister agencies, and most importantly, our community partners, who have gone to extraordinary lengths to support survivors during the pandemic. Thank you for the opportunity to appear here today. I welcome any questions that you may have.

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**Testimony of Arab-American Family Support Center Before the New York City Council Committee  
on Women & Gender Equity**

**Friday, April 30<sup>th</sup>, 2021**

I would like to begin by thanking the Committee on Women & Gender Equity; the Committee Chair, Councilmember Diaz; the Mayor's Office to End Domestic and Gender-Based Violence; and the entire New York City Council for holding this important oversight hearing on gender-based violence during the COVID-19 pandemic. My name is Lana Khamash, Priority Areas Specialist at the Arab-American Family Support Center (AAFSC). I am honored to testify today on behalf of marginalized immigrant and refugee families throughout New York City.

At the Arab-American Family Support Center, we have dedicated ourselves to creating an inclusive safe haven for immigrants and refugees since 1994. We promote well-being, prevent violence, and prepare families to learn, work, and succeed. Our organization serves all who are in need, but with 26 years of experience, we have gained cultural and linguistic competency serving New York's growing Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) communities. Our staff 27 languages – including Arabic, Bangla, Russian, Spanish, and Urdu – enabling us to serve populations that mainstream providers struggle to reach.

The Arab-American Family Support Center has remained open during COVID-19, offering uninterrupted service delivery throughout the crisis. Understanding that our services are more essential than ever, we expanded our outreach across programs and launched new initiatives to meet the heightened need for mental health services, support for survivors of domestic violence, academic enrichment for youth, cash assistance, and access to health insurance and food safety. For home-based programs like our Preventive Services Program, we have provided our robust team of Case Planners with personal protective equipment (PPE), and pivoted other programs to deliver services using a HIPAA-compliant, confidential teleconferencing platform.

Against this backdrop of expansion and growing community needs, COVID-19 has created additional barriers for our organization and the community members we serve. For survivors of domestic and gender-based violence, social distancing and directives to remain home can be frightening and dangerous. In fact, since the beginning of the public health crisis, the Arab-American Family Support Center has witnessed a 40% increase in demand for our Anti-Violence Program. Our agency supported over 1,400 survivors of domestic violence in 2020, who found security and support through AAFSC case management, crisis intervention, court accompaniments, and safety plan assistance.

In addition to the increase in demand, AAFSC has witnessed an increase in cases that are high-risk and high-intensive, wherein the increased stress individuals are feeling results in misplaced aggression towards partners and spouses. We define high-risk clients as individuals whose cases involve one or more lethality factors. Notably, the proportion of

high-risk clients we serve, which was at approximately 3% in March 2020, increased to 46% at the peak of the pandemic and remains at a staggering 17% today. In response, AAFSC has trained case managers to respond to increased homicidal and suicidal risk and launched a Domestic Violence Helpline, which provides remote and immediate access to on-call, culturally and linguistically competent crisis intervention services with expanded hours.

As the NYC Family Justice Center buildings across the city remain closed to visitors, we are conscious that the necessity of accessing care remotely may create barriers for survivors of violence. Low digital literacy is a challenge that some of our clients face as they navigate this new service delivery style. In fact, many clients lack access to reliable internet connections. Our culturally and linguistically competent staff are trained to help clients overcome the digital divide and literacy barriers. In fact, AAFSC distributed laptops to many of the clients who did not have access to this technology prior to the pandemic. Other survivors are fearful that, if found to be accessing domestic violence services while at home, they will be putting themselves in greater danger at the hands of their abuser. To address this, we have incorporated the use of confidential, HIPAA-compliant text messaging and the use of code words in conversation.

Amid the challenges COVID-19 has presented, AAFSC remains committed to ensuring that survivors have access to the resources they need to stay safe and empowered.

In light of these observations, we request that the City prioritize funding for Citywide Initiatives that support services for survivors of domestic and gender-based violence, particularly the DOVE and Immigrant Survivors of Domestic Violence Initiatives. Specifically, we request the City to:

- Expand accessibility of services in light of evolving COVID-19 directives. City-level support is required to ensure that survivors can access crisis intervention from a safe location, whether this be in designated community spaces with internet access or through the gradual phase-in of a hybrid model in which services can be accessed either remotely or in-person at Family Justice Centers.
- Address the mental health needs of survivors whose conditions have been exacerbated over the pandemic. We urge City Council to devote further resources to mental health initiatives catered to those who have experienced violence or trauma.
- Commit to supporting immigrant and refugee survivors with culturally and linguistically competent services. The Arab-American Family Support Center works to conduct regular cultural competency trainings with our city and community partners, but with your support, we can amplify our impact and empower immigrant and refugee survivors across all five boroughs.

Thank you once again for this opportunity to testify. As always, the Arab-American Family Support Center stands ready to work with you in ensuring that all New Yorkers have access to the services they need to lead safe and fulfilling lives.



**Testimony by the New York Legal Assistance Group (NYLAG)  
Before the NYC Committee on Women and Gender Equity  
April 30, 2021**

Chair Diaz, Council Members, and staff, good morning and thank you for the opportunity to testify before the Committee on Women and Gender Equity about the impact of the COVID-19 pandemic on gender-based violence in New York City. My name is Hayat Bearat, and I am a Senior Staff and Coordinating Attorney in the New York Legal Assistance Group (NYLAG)'s Domestic Violence Law Unit. 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, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence survivors, persons with disabilities, patients with chronic illness or disease, low-wage workers, members of the LGBTQ community, veterans, Holocaust survivors, and others in need of free civil legal services.

Our Domestic Violence Law Unit (DVLU) provides free representation to domestic violence survivors in the five boroughs, as well as continued survivors' advocacy and safety planning. DVLU attorneys have expertise in family offense petitions, custody and visitation matters, child and spousal support matters, contested and uncontested divorces, family law appeals, and domestic violence-based immigration claims.

We appreciate the opportunity to testify before the Committee on Women and Gender Equity today, as well as the support that the City Council and the Mayor's Administration have shown for

New Yorkers experiencing poverty, especially during this difficult time. With new and increasing challenges faced by domestic violence survivors during the COVID-19 pandemic, the support of the City Council and the Mayor’s Administration is critical.

### **Special Challenges Presented by COVID-19**

More than a year has passed since COVID-19 shut down New York City. Public schools and non-essential businesses were closed, and families were ordered to stay home and practice social distancing when possible. These orders were essential to help contain the rapid spread of COVID-19 and the strain it would place on our city’s health care system. Many non-essential businesses closed their doors permanently or had to lay off staff, leading many New Yorkers to struggle to find work. In March 2020, the Office of Court Administrations closed all court buildings in the State of New York. And as of today, April 30, 2021, the majority of courts in New York City are still closed to the general public.

According to UN Women, since COVID-19’s initial outbreak, data and reports from those on the front lines have shown that domestic violence has increased, which has resulted in the “Shadow Pandemic.”<sup>1</sup> Utilizing data from eighteen studies of police crime/incident reports, police calls for service, domestic violence hotline registries and health records, during the COVID-19 pandemic, the study found an increase in reported domestic violence averaging to about 7.9 percent internationally and an increase averaging 8.1 percent in the United States.<sup>2</sup> According to the Centers for Disease Control and Prevention’s data from U.S. police departments reports, there was

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<sup>1</sup> UN Women. “The Shadow Pandemic, Violence against women during COVID-19.” <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

<sup>2</sup> Council on Criminal Justice, National Commission on COVID-19 and Criminal Justice. “Domestic Violence during COVID-19, Evidence from a Systematic Review and Meta-Analysis.” February 2021. [https://cdn.ymaws.com/counciloncj.org/resource/resmgr/covid\\_commission/Domestic\\_Violence\\_During\\_COV.pdf](https://cdn.ymaws.com/counciloncj.org/resource/resmgr/covid_commission/Domestic_Violence_During_COV.pdf)

a 10 percent increase in domestic violence in New York City as a result of COVID-19.<sup>3</sup> For the first time in years, domestic violence-related homicides increased in 2020 throughout the country.<sup>4</sup>

Abuse often escalates when there is tension in the home. There is no doubt that the closure of schools and children having to stay at home and family members losing jobs caused tension and stress.<sup>5</sup> In homes where there was already a history of domestic violence, job loss-stress fueled dangerous acts of physical and sexual violence and increased when there was also substance abuse.<sup>6</sup> Survivors of domestic violence had very limited escape opportunities. Going into a shelter means increasing their risk of exposure to COVID-19. Losing jobs means having no financial resources to rely upon if they do escape. Calling the police or attorneys is difficult when trapped inside a small New York City apartment all day.

For an abuser, the State-mandated social distancing rules only strengthened their power and control and ability to isolate the survivor of domestic violence. Their ability to watch over the survivor's every move meant that even access to virtual domestic violence and mental health counseling was extremely difficult. Closed schools and after school care programs removed teachers and staff as possible resources and confidants.

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<sup>3</sup> Centers for Disease Control and Prevention. "Improving services for violence against children and women during a pandemic: COVID-19 and Violence Prevention Activities." 16 February 2021.

[https://www.cdc.gov/injury/pdfs/bsc/Villaveces\\_BSC\\_COVID-19-and-Violence\\_2.16.21-508.pdf](https://www.cdc.gov/injury/pdfs/bsc/Villaveces_BSC_COVID-19-and-Violence_2.16.21-508.pdf)

<sup>4</sup> NBC News. "Early numbers suggest domestic violence homicides may be on the rise around the country." 18 October 2020. <https://www.nbcnews.com/news/us-news/early-numbers-suggest-domestic-violence-homicides-may-be-rise-around-n1243735>

<sup>5</sup> Black, S E, P J Devereux, and K G Salvanes (2015), "Losing heart? The effect of job displacement on health", *ILR Review* 68(4): 833-861. Schaller, J, and A H Stevens (2015), "Short-run effects of job loss on health conditions, health insurance, and health care utilization", *Journal of Health Economics* 43: 190-203.

<sup>6</sup> Card, D and G Dahl (2011), "Family Violence and Football: The Effect of Unexpected Emotional Cues on Violent Behavior", *The Quarterly Journal of Economics* 126(1): 103–143. Lee Luca, D, E Owens and G Sharma (2019), "The Effectiveness and Effects of Alcohol Regulation: Evidence from India", *IZA Journal of Development and Migration* 2019: 9-4.

These realities are reflective of NYLAG's own data: pre-COVID we saw approximately 300 calls per year to the DVLU's intake line requesting help in filing orders of protection, while in the year after COVID, we received 763 calls requesting the same assistance. NYLAG had to pivot during the COVID-19 pandemic, as everyone did. NYLAG set up dedicated COVID-19 hotlines and has been providing emergency legal assistance and counsel to domestic violence survivors. NYLAG's Domestic Violence Unit (DVLU) has responded to the crisis by working in partnership with Safe Horizon to assist survivors who are coming forward to draft, file, and appear in court seeking these orders of protection.

Survivors' needs go beyond just protective orders, important as they are. During the pandemic, NYLAG has received calls from over 2,750 callers who are survivors of domestic violence seeking a legal consultation for issues ranging from safety, to divorce, custody/visitation, support, and immigration.

Interestingly, these calls were at times coming from new and different sources. At NYLAG, we saw a decrease in total Family Justice Center referrals from March 2020 through March 2021, going from 1,176 to 844, despite the need for services increasing at this same time. Still, those referred have provided positive feedback as to the ability to connect with service providers remotely, and many of the FJC clients referred were new clients to the center entirely, showing that it is possible to meet communities in need during this time, even ones who previously did not know about the services available to them. We just need more resources to do so.

### **Impacts of COVID-19 on Reaching Communities in Need**

The few resources that are available for survivors of domestic violence substantially disadvantage those living in poverty and immigrant communities. While the courthouses remain open virtually for emergency applications, instructions on where and how to file remain confusing

even one year later. Filings require internet access to obtain the most up-to-date information, English competency to read the instructions, and continued telephone and internet access in order to file and appear virtually.

Over 2.5 million New Yorkers are not primarily English speaking.<sup>7</sup> During the COVID-19 pandemic, NYLAG received 8,889 calls from callers who were not primarily English speaking. Currently, about 31 percent of DVLU's clients primarily speak a language other than English. The expectation that non-primary English-speaking survivors can manipulate the complex electronic court filing system is just not reasonable. The online filing system should be provided in other languages, and there should be interpreters available when individuals call the courts for help in filing a case.

NYLAG's staff speaks a wide variety of languages, which helps strengthen the attorney-client relationships. In the past year, out of the 8,889 non-English speaking callers NYLAG received, 6,602 were primarily Spanish speaking, 1,290 were Russian speaking, 806 were Chinese-Mandarin/Cantonese speaking, 588 were Arabic speaking, 235 were French speaking, 217 were Bengali/Bangla speaking, 116 were Urdu speaking, and 55 were Punjabi speaking. All these languages are languages that DVLU staff members are fluent in. For survivors, having someone speak their primary language, helps them feel heard and understood; it also helps them access services even during these difficult times.

An example of this is our client Laila, who lived with her abusive husband until the end of February 2021. Because Laila lived with her abusive husband, who controlled her every move, speaking to her was often challenging and would have to be timed for when it would be safe. Laila and I texted each other to arrange for time to speak. I worked with Laila to create a new

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<sup>7</sup> New York Language Access Policy, Language Access Plans. <https://www.ny.gov/language-access-policy#:~:text=How%20many%20New%20Yorkers%20speak,a%20language%20other%20than%20English.>

safe e-mail address that she could e-mail documents. This was primarily possible because I spoke Arabic. Without NYLAG's representation, Laila, a monolingual Arabic speaker, may never have known to file for an order of protection during Covid-19 all remotely. Laila obtained an order of protection, is about to file for immigration relief, and is now safe, residing in a domestic violence shelter with her son.

Access to services is also impeded by economic barriers. Many of NYLAG's clients do not own computers and thus must use their phones for court and or filing purposes, if they are fortunate to have a phone that is advanced enough and with enough data to access the website. If the courts remain closed to the public due to the ongoing public safety concern, there should be computer and Wi-Fi access to all New Yorkers who want to file a case in court. NYLAG has responded to these issues by guiding callers on what options they have for filing cases; we discovered along the way that callers did not know they even had an option to file anything in court. They were informed by NYLAG that they could go to the court and file a case or do so electronically. In order to spread this messaging throughout New York City, outreach was essential. NYLAG has worked with community partners to provide case managers with resources to help clients in filing for various petitions even if the courts are not scheduling those cases currently and also reviewed some of the filings that were prepared by the client or the case managers. We did this without any increased funding, something that is not sustainable in the future despite the inevitable increase in cases once courts re-open.

## **Financial Impacts of COVID-19 for Domestic Violence Survivors**

It is well established that financial dependency is one of the leading barriers to breaking free from domestic violence abusers.<sup>8</sup> Never has that been a greater concern than now, when the unemployment rate has skyrocketed. Survivors living with partners who are still employed feel chained to their abusers because of the constant fear of a loss of income for the family. Survivors considering separation are able to seek virtual Human Resources Administration (HRA) assistance in applying for benefits, but HRA is currently unable to start any child support proceedings. For families living in public housing, survivors fear separation could jeopardize government housing benefits and vouchers.

For those survivors who are separated from their abusers, the financial impact of the COVID-19 crisis continues to present new challenges. More than a year has gone by, and new applications for spousal and child support are still not being docketed or calendared by the Courts.<sup>9</sup> There is no mechanism to enforce existing spousal or child support orders when the other party stops paying, as enforcement petitions have not been deemed emergency applications. And while the federal government's stimulus rebate has helped some families, for domestic violence survivors, it created another conflict when checks were deposited into an ex-partner's account or went missing altogether. Faced with the reality of having to eat and provide for their children, a survivor's own job loss or loss of other financial security could lead to considerations of reconciliation with a former abuser because of ongoing financial needs. We have seen increased calls to advise about

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<sup>8</sup> Niolon, P. H., Kearns, M., Dills, J., Rambo, K., Irving, S., Armstead, T., & Gilbert, L. (2017). Preventing Intimate Partner Violence Across the Lifespan: A Technical Package of Programs, Policies, and Practices. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

<sup>9</sup> While these cases can be submitted to the court, they are not being docketed or scheduled to be heard. As of April 2021 there is a backlog so great, there is no information as to how far out the scheduling dates will be, once they are in fact calendared.

stimulus checks and how to handle filing taxes to obtain a stimulus credit, which has been another growing legal issue we have seen during COVID-19.

The delineation by the court that some matters were "essential," excluding most custody and visitation and all support matters, may have been a necessity at the outset, but at this point, is non-reflective of the reality in which individuals live one year into the COVID-19 pandemic. The court's limitations on matters the court will hear, shift the burden to nonprofit organizations like NYLAG to provide enhanced services to survivors, taking over what was the initial duty of the court, and working even more closely with community-based organizations to link clients with resources and services to fill gaps that would normally be achieved in part through the legal process.

### **What We Need to Support Domestic Violence Survivors in New York**

As a City, we are now faced with new challenges in almost every sector because of the COVID-19 pandemic. Rising incidents of domestic violence is a challenge that cannot be ignored. It is essential to ensure that services, and information about what services are available, can reach communities in need, and that all individuals in need have access to courts.

Despite the courts' closures, we continued to receive a high volume of calls to NYLAG to speak to an attorney about divorces, custody, child support and spousal support remained the same during COVID-19. As Supreme Court recently began to accept new contested divorces, NYLAG has begun to represent clients in those proceedings, as well as uncontested divorces. In addition, NYLAG is assisting survivors who are looking to file emergency motions with the court to either get parenting time that is wrongly withheld or address other urgent issues. When survivors of domestic violence are represented by a NYLAG attorney, they have the comfort of knowing that this attorney will represent them in their immigration, family court, and/or Supreme Court cases.

We also work closely with other units at NYLAG to make the proper referrals, whether it be for financial counseling, housing, public benefits or special education issues.

An example of NYLAG's comprehensive approach is the case of Miriam, who reached out to the Brooklyn Family Justice Center in December 2020 in regard to various issues she was having with her abusive husband. Her Family Justice Center case manager helped her file an order of protection in family court, but Miriam feared not only for her physical safety, but her family's financial safety. Miriam had been separated from her husband since May 2020, after an incident of domestic violence that led to the police being called. Miriam owns the home that she lives in with her husband, yet her husband threatened to stop making mortgage payments and to file for a divorce. When she spoke to a NYLAG attorney in DVLU, the attorney quickly referred her to NYLAG's Consumer Protection Unit to ensure the home would not be placed in foreclosure proceedings. Miriam worked with a Bengali speaking paralegal along with an attorney in the Consumer Protection Unit to ensure that she would still have a home for her two children and herself. Miriam discovered that her husband was taking the rental income from their three tenants and not paying the mortgage or utilities. During the same time, she was served with divorce paperwork. Her DVLU attorney worked quickly to protect Miriam by drafting an agreement that would have Miriam take over managing the marital property and making all payments on the mortgage and utilities and placing the mortgage in forbearance to avoid foreclosure. Miriam is now receiving the rental payments from the tenants, making payments on her past due utility bills with the assistance of the NYLAG Consumer Protection Unit and being represented by the DVLU attorney in both her divorce and order of protection case. At NYLAG, Miriam is able to get legal assistance, representation, and advocacy by someone who speaks her language.

Throughout the pandemic we identified the need to build on our strengths at NYLAG to conduct outreach to ensure access even in these times. Still, we recognize that there are so many more people who need access. Having to take on the job of the clerks of court, was essential, as was conducting outreach to communities who don't have access to file. This takes capacity. In addition, there are many people in need we couldn't help yet simply because: courts aren't accepting and hearing new filings that they don't deem "essential" or "emergency". We know that there will be a flood of survivors in need of court intervention once courts open up, especially when there is so much financial instability.

We are proud that in addition to all of our existing clients and regular case work, we are able to help survivors filing *pro se* family offense petitions. DVLU has seen firsthand how working directly with petitioners at the filing stage provides them with a more holistic and effective response to their safety and other concerns, and we strongly believe that funding should be in place to be able to continue this work both in person and virtually after the health crisis ends to meet the needs of all survivors. The benefit for a client in having an attorney who works with survivors of domestic violence, rather than just a court clerk who does not have the expertise, time, resources, or ability to provide individualized client-centered services such as safety planning, advice and counsel, and access to additional services beyond the order of protection, is impossible to overstate. NYLAG attorneys often see that family offense petitions drafted *pro se* are deficient, have errors or just do not explain all that the survivor has experienced. That is why we are doing this work now, to make sure that survivors are able to get the justice that they are seeking from the court. Although we have seen a huge success in serving survivors at this stage, we recognize that once things return to all in-person, capacity will shift down. This would be a huge setback for survivors,

at a time when we could be and should be hoping to reach even more. NYLAG would need more resources in order to meet this need.

The pandemic required creative solutions to respond to clients in need. It would be a shame to lose that which we have learned and implemented. What we did helped. We saw a 150% increase in people calling us to obtain orders of protection. Further, with remote access to clients with technology, we are able to serve clients who otherwise may be unable to receive services: people who live in homes with abusers and can't take the time for a full meeting in person safely but can coordinate safe times to speak in 30 minutes intervals. People who are in the hospital and cannot come in for an appointment at the FJC but can call and have a full legal consult from the hospital room. What we also know is there are large unmet needs for those who still haven't been able to access help.

An increase and sustained, long-term funding to agencies like NYLAG, and to expand the FJCs to allow them to contract with more providers to serve more individuals, is the only way to ensure that we can continue to respond to these intersecting needs of clients, holistically, for the clients we have and for the prospective clients to meet the spike in individuals needing services when courts open up.

In recognition of the dual public health crises of COVID-19 and domestic violence, the City Council and the Mayor's Office can and must ensure that we are able to address the current situation and prepare for the coming effects by maintaining and increasing for services of domestic violence through critical initiatives such as the Domestic Violence & Empowerment (DOVE) Initiative. In the past year, by using existing funding such as DOVE, NYLAG has nimbly pivoted to respond to the needs of New Yorkers, including survivors of domestic violence. Continued funding is needed so that we can continue to serve survivors, all survivors, especially those who

are experiencing poverty with unequal access to services. DOVE already has systems in place that partner organizations across all boroughs utilize. We have meetings, e-mails, and connections to all organizations that survivors touch, from beauty shops, to health spas, to counseling services, to legal service providers like NYLAG. We have the systems to serve survivors in place for communities throughout all five boroughs. We just need the funding to be able to have the impact needed, and ensure continuation of the services that we started during COVID-19, as we also resume the services we did not have during COVID-19 as it gets safer for courts to eventually reopen. Furthermore, the Family Justice Centers should receive more funding to expand contracted provider organizations they partner with.

The consequences of this health crisis are and will continue be multifaceted for domestic violence survivors, increasing their legal needs. We expect that some of the fallout from this crisis, including loss of employment, lack of access to stable housing, and increased need for child or spousal support, will be reflected in an increase in the number of case matters following our courts' reopening. In addressing these anticipated needs, we believe it is important, particularly for trauma survivors, to have one attorney with whom they can develop a strong, trusting relationship, to respond to their intersecting legal needs. As a result of our own comprehensive legal approach, we often have four or more cases for just one client, and may work with them for anywhere from a few months to six years, if not longer. Sustained, long-term funding is the only way to ensure that we can continue to respond to these intersecting needs of clients, holistically, for the clients we have and for the prospective clients who will be in need of help after months without access to courts for any new filings besides orders of protection.

We know that because of the pandemic's economic fallout, government agencies, charitable organizations, and service providers all across the City are looking to their budgets to

see where they can tighten their belts. But we must not allow fiscal concerns to irreparably harm the most vulnerable in our city. We know that there is a rise in domestic violence reporting and filings for orders of protection, and we know that there are thousands of individuals and families who have not had access to our courts in over a year. We must ensure that we respond to these needs, so that the COVID-19 doesn't lead to a public health and humanitarian crisis at our own front doors beyond the pandemic. Survivors will have more opportunity to seek services and resources, to leave their homes to seek safe shelters, and to go to court and police services to ask for protection. To meet the need and continue the services implemented during this time that are a clear necessity, we must be available with the appropriate resources, or we risk sending survivors back into the arms of their abusers.

I want to once again take the opportunity to thank Chair Diaz, and the members of the Committee on Women and Gender Equity for their exceptional leadership and commitment to address this issue even during these difficult times. I welcome the opportunity to discuss any of these matters with the Committee further.

Respectfully submitted,

New York Legal Assistance Group



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Courtney Bryan. Director

**Center for Court Innovation  
New York City Council  
Committee on Women and Gender Equity  
April 30, 2021**

Good morning Chair Diaz and esteemed Councilmembers of the Committee on Women and Gender Equity. Since its inception, the Center for Court Innovation has supported the vision embraced by New York City Council to reduce unnecessary and harmful involvement in the justice system wherever possible and to build public safety through sustainable community-driven solutions.

The Center's longstanding partnership with Council has helped bring this vision to life through evidence-based and racially just programming that spans the entire justice continuum, including bridging the gap between systems, survivors, and persons who cause harm through intimate partner violence (IPV). With the populations we serve facing ongoing violence and a public health crisis that disproportionately impacts Black and brown communities, realizing the vision of a future where communities can thrive without the threat of IPV is now more important than ever.<sup>1</sup>

New York's current approach to addressing IPV has supported many to move towards safety. Yet, in recent years we see rates of IPV staying stubbornly consistent, and, in some areas they are actually rising. There is a growing need for community-based approaches which are not reliant on criminal legal responses. These responses are not adequate to address IPV in all cases. Recognizing a gap in effective services, a new approach to IPV was born out of *Seeding Generations: New Strategies Towards Services for People Who Abuse*, an intensive review of approaches to IPV published by the Center in 2017. *Seeding Generations* outlines the importance of offering services for people who cause harm as a crucial part of the work to support survivors, foster healthful relationships and communities, and end violence.<sup>2</sup>

For many communities of color, relying on criminal legal systems is not an effective or safe option due to the criminalization of survivors of IPV and the current and historical harm these systems have caused in the communities we serve. Survivors need alternatives they are comfortable with to help ensure their safety without compounding other issues such as employment and economic insecurity. These issues are all the more strained during COVID-19. The pandemic has left community members more physically isolated, dealing with increased stress and trauma, and with fewer trusted community providers and credible messengers physically present. This, in turn, has resulted in less opportunity and security for those who need help to reach out. Center programs work hard to implement virtual services across the City, but

we know many experiencing IPV are not able to access services virtually, due to lack of private spaces and close living quarters.

### **RISE: Reimagining Intimacy through Social Engagement**

With increased stressors and trauma, also comes an increase in violence. Preliminary and anecdotal evidence show increases in IPV during COVID-19. Community-based, voluntary interventions that engage individuals causing harm to take accountability and change their behavior are an important piece of the work to respond to IPV. It is important we meet survivors and persons who cause harm where they are.

Models like the Center's Reimagining Intimacy through Social Engagement (RISE) project provide the tools to reduce violence levels in community and focus on long-term sustained engagement in neighborhoods. RISE builds trust, increases access to information, and can provide the continued re-enforcement, tools, and resources those who have caused harm need to change their behavior and maintain that change over time. RISE facilitated a community needs survey, asking New York residents about their perceptions and needs around IPV. **What they've found is that the need for resources outside of the traditional justice system is high with 71% of community residents strongly agreeing that they would call a community organization instead of law enforcement for an IPV related incident.** With 67% of community residents surveyed stating IPV is a problem in their community, programming that meets survivors and persons who cause harm where they are is crucial in reducing violence and building healthy and thriving neighborhoods.

RISE transforms responses to IPV across New York City and addresses its intersection with gun violence by engaging communities to develop new strategies, publicly supporting healthy relationship norms, and engaging people who cause harm to take accountability and change their behavior. RISE is a part of the City's Crisis Management System (CMS), offering supports to end IPV related gun violence. Gun violence surged over 200% in 2020, and this reality motivated policymakers and community member alike to call for solutions to effectively end it. In New York City, the neighborhoods that experience the highest rates of gun violence also have the highest rates of reported IPV related incidents.<sup>3</sup> Additionally, firearm access was associated with a 5-times-greater risk of IPV related homicide.<sup>4</sup> Research shows that community-led efforts can create community safety without involving the police. According to RISE's community needs survey, 49% of community residents stated that gun violence is connected to IPV. To effectively and holistically address gun violence, the City must invest in new approaches like RISE that address the interconnectedness of gun violence and IPV.

Community-based responses allow RISE to focus on prevention, and address the fact that not everyone who abuses interacts with the criminal justice system and that non-mandated responses are limited. Most people experiencing IPV don't call hotlines or services. Individuals are more likely to reach out to people within their networks. Often, it is RISE's credible messengers, the people who are in the neighborhoods day in day out, that those experiencing harm feel safe going to first. It is these credible messengers who are trusted community members and who are focused on identifying and engaging those most likely to cause or experience gun violence.

The RISE model employs best practices in public education and healing centered strategies. RISE changes social and community norms that tolerate IPV and works to elevate healthy behaviors and accountability, identifying and treating high-risk individuals causing harm in their relationships to prevent future harm. RISE centers community healing and care through events, talking circles, and arts-based strategies that look at the role of individual, systemic, and intergenerational trauma.

Finally, transformative justice is a core tenant to the RISE model. To end violence, RISE works at the community and systems level to address underlying community issues that allow cycles of violence to continue. RISE develops community-led safety strategies and solutions that don't rely on the criminal legal system and transforms the conditions that allow violence to happen including racist policies, criminalization, poverty, and limiting gender norms.

### **PATCH: Public Access Terminal Court Hub**

Part of meeting people where they are is making sure they have the resources they need in community. To meet this need, the Center is piloting the Public Access Terminal Court Hub (PATCH) model in Brownsville, which offers direct court access kiosks for certain housing and family issues. Operating out of the Center's Brownsville Community Justice Center (BCJC), PATCH services are free and open to the public. At the hubs, individuals can ask housing questions to court clerks, respond to court papers, and access housing court information and resources. In matters of family court, community members can access orders of protections, resources, and information on cases at PATCH sites.

The option for survivors of IPV to access order of protection petitions outside of the court setting, with community resources and support readily accessible, can be valuable for individuals entering the legal process. Onsite trained PATCH volunteers guide community members through the process as they engage directly with judges, court attorneys, and clerks. Transportation is also a common barrier to properly advocating for persons intersecting with the criminal legal system. PATCH works to overcome these barriers, and provides copies of any required court forms and documents without the need to travel.

### **Work with Persons Who Cause Harm and Restorative Justice Approaches**

Programs like RISE are intentional about working closely with people who cause harm in their relationships and aiding in a holistic community response to violence. The RISE model and approach draws from the CURE Violence model of violence prevention focusing on community norms change, training credible messengers within communities, and engaging individuals causing harm in their relationships, ultimately, supporting holistic community efforts around healing, violence reduction, and community change. Working with people who cause harm is a critical component in the Center's broader efforts to interrupt violence between intimate partners, support survivors, and foster healthy relationships and communities. The Center's Gender and Family Justice team works both nationally and locally to develop materials related to enhancing responses to working with persons who cause harm.

This work includes the development of a new evidence-informed curriculum known as Dignity and Respect. The Center's Dignity and Respect curriculum is utilized by abusive partner intervention providers funded through the Mayor's Office of Criminal Justice. The Center provides technical assistance to these providers on implementing the curriculum with court-mandated individuals. Dignity and Respect uses cognitive behavioral strategies to help participants identify harmful thoughts, beliefs, actions, and values with the goal of creating life skills and strategies that promote healthy relationships.

Further, Dignity and Respect has a 16-week and a 26-week curriculum that dives deep, looking at the impact of trauma on past and current IPV and uses a culturally sensitive approach to engage participants in developing healthy relationships. The curriculum focuses on 4 areas of accountability and change: self, intimate partner relationships, family, and community. The Dignity and Respect curriculum recognizes that experiences of trauma are common and that past trauma, as well as personal, community, and system oppression, influence behaviors, values, and actions. While past trauma should never be an excuse for violence or harm, Dignity and Respect seeks to examine how trauma may contribute to violent or harmful behavior. In so doing, Dignity and Respect helps participants build new skills to have healthy, nonviolent relationships in the future.

Additionally, the Center developed a new training entitled *Trauma-Informed Responses to People Who Have Caused Harm in Intimate Relationships* for the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV). This training compliments ENDGBV's other training offerings that enhance responses and supports for survivors of IPV, and promotes the use of new strategies and tools to address abusive behavior and to reduce future abuse in intimate partner relationships. This training is designed to assist practitioners and staff at city agencies or community-based organizations to help them better understand their role in working with people who have caused harm through IPV, as well as trauma-informed engagement strategies. The workshop contains four major curriculum sections:

- Section One: Intimate Partner Violence and Why People Cause Harm;
- Section Two: Intimate Partner Violence: Context and Causes Explored;
- Section Three: Understanding Trauma-Informed Engagement; and
- Section Four: Resources for People Who Cause Harm.

The Center's work with persons who cause harm extends to individuals who were arraigned on IPV-related offenses and placed in the Supervised Release Program (SRP), which is an alternative to pre-trial detention. These individuals can attend Tactics and Choices, a free, one-time three-hour class grounded in the latest research and understanding of how to engage people who have caused harm in intimate partner relationships. While a judge must explicitly order attendance at Tactics and Choices for it to be required, clients arraigned on IPV charges and not explicitly ordered to Tactics and Choices may attend voluntarily. The Tactics and Choices class offers participants an overview of basic principles of power and control dynamics and uses an interactive format to introduce strategies for making healthy, nonviolent choices in intimate relationships. Tactics and Choices went virtual at the onset of COVID-19, and has continued to provide programming.

Moreover, the Center's Gender and Family Justice team, together with the Center's Restorative Justice team, is convening national and local practitioners and thought leaders in conversations around the development of restorative and community-based approaches to IPV. The Center aims to expand the knowledge of restorative practices as applied to IPV and promote the idea of increasing the options for survivors and their families. To that end, in 2020, the Center published a detailed blueprint for New York City to create opportunities for complex conversations, a sustained norm change effort, and intergenerational support all grounded in restorative practices.<sup>5</sup> The blueprint is meant to serve as a guide for the City on supporting restorative practices and practitioners on the ground and creating more options and resources for restorative responses for those who are experiencing IPV. It also advocates for the funding of community-based practitioners at the forefront of this space. To learn more about the Center's work as foremost experts in this space please visit <https://www.courtinnovation.org/programs/restorative-justice-IPV>.

## **Work with Survivors**

### *IPV survivors and therapeutic services:*

People who have experienced violence often report trouble sleeping, difficulty connecting with people they love, isolation, depression, and anxiety. In Brooklyn, the Center's Red Hook Community Justice Center is home to Red Hook CARES (Counseling and Restorative Services), a community-based program for Brooklyn residents who have experienced crime or violence in their homes or communities. CARES supports individuals as they cope with these issues and guides them along their paths to healing by providing client-centered and trauma-informed advocacy, counseling, and case management services with the goal of empowering participants to achieve stability, safety, and healing in their lives. Before CARES began collecting data on clients reporting instances of IPV, they reported instances of domestic violence. In 2018 and 2019, 61% of CARES clients reported having experienced domestic violence, and in 2019 and 2020 that figure it rose to 66%. In 2020, after broadening the scope and data collection to report on instances of IPV specifically, 64.2% of CARES clients identified as IPV survivors, and so far this year, clients are reporting this figure as high as 70%.

With a growing need for IPV support services, CARES staff quickly pivoted to begin providing remote and digital resources to survivors of IPV at the onset of COVID-19. Most of CARES referrals come through the King's County District Attorney's Office. These referrals increased since going remote in 2020. During this challenging time, CARES continued to receive new client referrals and provide counseling, advocacy and crisis support services in both English and Spanish. With the support of DoVE funding, CARES has been able to provide emergency financial support to people in need of food and hygiene supplies, in addition to crisis counseling, safety planning and case management supports. CARES focuses on three priorities since the COVID-19 outbreak: conducting telephone outreach to Red Hook community members who may be in need of services; developing a social media campaign for survivors and people who have experienced trauma; and the continuation of the IPV Support Group through an online medium.

### *Human trafficking survivors and leadership training:*

It is important to understand the overlap between IPV and human trafficking, with the vast majority of human trafficking survivors experiencing multiple forms of abuse, such as domestic violence and sexual assault, resulting in the same needs, such as physical and emotional safety.<sup>6</sup> At the Center, support for human trafficking survivors extends beyond meeting immediate needs, and includes elevating the voices and ideas of survivors by building survivor leadership capacity and ensuring they have a major role in future system reforms. In the human trafficking intervention space, the Center's Gender and Family Justice team, in collaboration with Rights4Girls, Courtney's House, and CATCH Court, is developing Project HEAL (Helping to Empower through Advocacy and Leadership). Project HEAL is a survivor leadership and peer support initiative for human trafficking survivors. Driven by an advisory council comprised of survivors and national experts, Project HEAL engages survivors in designing a national leadership training program centered on their unique needs and diverse experiences, and in developing models for peer support programming for justice-involved trafficking survivors in three communities: Bronx, NY; Columbus, OH; and Washington, DC. And, the Center's Bronx Community Solutions (BCS) is developing a local Project HEAL that enhances the capacity of justice-involved survivors to become leaders and advocates in the anti-trafficking field by creating a survivor leadership group. By bridging the gap between community and institutions, programs like Project HEAL will allow for survivors to meaningfully reimagine systems.

### **Conclusion**

Through collaborating and partnering with communities and stakeholders, the Center hopes to respond to the challenges and impacts of IPV. New York City can do so through meaningful programming geared toward fostering healthy relationships, changing social norms around IPV, supporting survivors, and healing persons who cause harm to prevent future violence and promote thriving, safe, and healthy neighborhoods across New York City. We thank Council for its continued partnership in this work and are available to answer any questions you may have.

## Notes

<sup>1</sup>COVID Tracking Project at The Atlantic and the Boston University Center for Antiracist Research. (2021). The COVID Racial Data Tracker. Available at: <https://covidtracking.com/race>.

<sup>2</sup>Shah, P. (2017). Seeding Generations: New Strategies Towards Services for People who Abuse. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/seedinggenerations>.

<sup>3</sup>Community Health Profiles. (2021). New York City Department of Health. Available at: <https://a816-health.nyc.gov/hdi/profiles/>

<sup>4</sup>Zeoli, A. M., & Malinski, R., & Turchan, B. (2016). Risks and Targeted Interventions: Firearms in Intimate Partner Violence. *Epidemiologic Reviews*, Volume 38, Issue 1. Available at: <https://doi.org/10.1093/epirev/mxv007>

<sup>5</sup>Sasson, E., & Allen, C. (2020). Using Restorative Approaches to Address Intimate Partner Violence: A New York City Blueprint. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/restorative-approaches-address-intimate-partner-violence>

<sup>6</sup>Malangone, D. & Crank, K. (2015). The Intersection of Domestic Violence, Sexual Assault, and Human Trafficking. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/publications/fact-sheet-intersection-domestic-violence-sexual-assault-and-human-trafficking>

To: NYC Council on Women and Gender Equity From: Elle Kamihira

Re: Oversight: The Mayor's Office to End Domestic and Gender-Based Violence and COVID-19

Date: April 30, 2021

Dear members of the New York City Council on Women and Gender Equity, I am honored to give testimony today.

My name is Elle Kamihira and I am here as a survivor, activist and documentary filmmaker working on and tracking issues around violence against women.

I deeply appreciate and applaud the network of service for survivors and the help extended to the women and children being victimized by male violence in NY, especially as Covid has exacerbated the desperate state of affairs. Today I would like to report from what is being done in Connecticut, where about a dozen women per year are murdered by their male partners or exes, the number in NY are similar.

I am talking about Jennifers' Law, a law named after two women murdered by their abusive husbands. The bill seeks to expand the definition of domestic violence from an incidence-based crime a pattern crime over time - to include coercive control and the full range of tactics used by abusers to control their victims – threats, stalking, monitoring, intimidation, restriction resources, isolation etc. The bill was passed by the judiciary committee and is now in front of the full general assembly. Jennifers' Law is part of a worldwide trend to modernize domestic violence law to reflect what abuse actually is.

From my own lived experience as a survivor and through my research I know that physical violence is the tip of the iceberg of domestic abuse. The vast amount of abuse is non-physical, and it is never isolated incidents - but rather a continuum of targeted destruction across all aspects of life. There is a strong correlation between coercive control and homicide, which is why I strongly encourage the powers that be in NYC to join CT, California, Hawaii, the UK, Scotland, Ireland and Wales – to turn their attention to creating a legal framework through which we can stop men from abusing and controlling their female partners, instead of only focusing on helping the women after the fact.

In spite of massive money and effort spent, we have not been able to reduce numbers of women killed by male partners and as you said before, Covid has exposed a desperate large population of women trapped. Currently a tiny percentage of offender are charged, and even a tinier percentage see jail time. Yet we accept that women have to leave their homes, go into hiding, essentially imprisoning the women, having to abandon her life, often she can't continue to work, we talk about shelter to welfare and poverty. To my mind we must turn our attention to abusers, create real-life consequences for him, perhaps remove him from the home instead and figure out how to intervene in what is a highly predictable and therefore preventable course of behavior.

Please read about Jennifers' Law here: <https://www.connecticutprotectivemoms.org/2021-jennifer-s-law>



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**Testimony of Sanctuary for Families  
Submitted to the New York City Council, Committee on Women & Gender Equity  
Chair, Council Member Darma V. Diaz  
(Hearing on April 30, 2021)**

Good morning. I am Judy Kluger, Executive Director of Sanctuary for Families, New York City's largest provider of comprehensive services and outreach exclusively for survivors of domestic violence, sex trafficking, and related forms of gender-based violence. We are so grateful for the opportunity to testify to the City Council's Committee on Women & Gender Equity today. Special thanks to Chairperson Diaz for taking the time to learn more about our work, the issues confronting gender violence survivors in our community, and the complex challenges faced by essential service providers like Sanctuary in meeting their needs.

The Council has long been a steadfast supporter of services and policies that help our City's most marginalized abuse survivors on their journeys from immediate safety and survival toward long-term stability. We have been especially grateful for this unwavering support in the past year, as survivors and their families face even more grave situations in the midst of the COVID-19 pandemic. The Council has correctly recognized that gender violence is a serious public health crisis in its own right, exacerbated by the pandemic.

Last spring, I testified before this Committee about the heightened dangers and myriad new challenges faced by abuse survivors this past year—from life-threatening quarantine situations with abusers; to dangerous child custody and visitation arrangements; to stalking and harassment by phone, text, and social media; to heightened food and housing insecurity; to the profound digital divide that cut many families off from the help they needed. Sanctuary is proud to have responded with conversion of all but our shelter services to remote platforms, serving over 7,100 adults and children with counseling, legal representation and advice, and an intensive career training program from March-December 2020. Our shelters remained open and fully operational, with safety protocols and cleaning preventing any COVID cases through the end of the year.

Today, I am pleased to report on the rapid, highly efficient crisis response of the Mayor's Office to End Domestic & Gender-Based Violence (ENDGBV) and the NYC Family Justice Centers (FJCs) in the past year, and our close partnership with ENDGBV in providing enhanced support to survivors and their families. As a longtime FJC partner agency providing adult and children's counseling, family law and immigration legal services, and economic stability services at the various Centers, we were profoundly grateful for ENDGBV's leadership in this unprecedented time. However, Sanctuary and ENDGBV's efforts mitigated other shortcomings in the City's COVID-19 response—from the courts, to law enforcement, to exclusion of undocumented immigrants from public relief, which need to be addressed here as well.

I want to commend ENDGBV Commissioner Cecile Noel, and key ENDGBV staff including Jennifer DeCarli, Assistant Commissioner for Family Justice Centers and Outreach, for their fast, effective transition of FJC services at the beginning of the COVID-19 crisis. Within days, the Family Justice Centers were back online remotely, with dozens of service providers and city agencies coordinated and efficiently communicating by phone and email, and new protocols for intake, case assignment, and cross-referrals.

Last fall, Sanctuary was proud to partner with ENDGBV and the Mayor's Fund on the NYC Microgrants program, which provided critical cash infusions to families devastated by the dual public health and economic crises. With ENDGBV's support, Sanctuary administered and distributed nearly \$470,000 in unconditional small grants to 377 survivors and families being served by victim service agencies citywide, to address safety, economic, and housing security needs. That program was made possible by funds from Rihanna's Clara Lionel Foundation, Twitter founder Jack Dorsey, and entertainer Jay-Z. Studies have shown, including a recent FreeFrom report, that flexible, direct cash assistance is one of the single greatest needs for survivors, both during and beyond the pandemic.

ENDGBV also deserves praise for their sustained efforts throughout the year: not merely keeping FJC services functioning efficiently, but coordinating advocacy to improve other city systems that were not working as well, such as the courts. For example, Jen DeCarli has coordinated regular stakeholder meetings between NYC Family Court judges and domestic violence legal service agencies.

In fact, the courts have presented some of the most serious challenges for abuse survivors and DV service providers this past year. Last year, I spoke to City Council staff about how the family courts were hardly reachable by phone for months after shutting down last March. When litigants did manage to reach the court, they were provided with contact details for Safe Horizon, Sanctuary, or the FJCs to provide assistance. This has meant a tremendous volume of new filings have been offloaded onto nonprofit victim service providers, which have flooded Sanctuary's FJC screening dates and Helpline with victims in need of crisis intervention, especially orders of protection. While the situation has improved somewhat in the past year, callers to the courts are still all too frequently being referred to nonprofit service providers.

To their credit, the court administration has been responsive, meeting regularly with and listening to stakeholders, and trying to make changes with limited resources. But the reality is that over a year after COVID-19 hit NYC, the family court continues to operate with limited capacity. The Office of Court Administration's website is archaic and difficult to navigate for pro se litigants, and not accessible in many languages. Even the signs on the court doors informing litigants of the new processes are still in only English and Spanish. Petition rooms are not fully operational for pro se litigants, and many filings are still not being calendared, such as new custody/visitation cases and child support matters.

One of the few silver linings of the pandemic has been realizing that virtual meetings are a good option for many clients; and may even be a more accessible communication mode in the future for clients with disabilities, long commutes to FJC offices, inflexible work schedules, or childcare issues. We have observed that clients have been showing up for their virtual appointments at higher rates than before. However, we also recognize that

virtual services are NOT safe or practical for many—whether they are living with abusers, or in cramped apartments where their children can easily overhear sensitive legal or counseling sessions. And of course, there is the unfortunate reality of the digital divide: many families, particularly in poor communities and communities of color, do not have adequate home technology or internet service plans needed to participate in telehealth appointments. What the past year has shown is that we need to be flexible and prepared to make both options available to our clients going forward.

In the months ahead, as we begin to reopen for in-person services, we hope the City will dedicate the necessary resources to ensuring the FJCs are safe and ready for reopening. This includes the installation of webcams on all computers, as we know some clients will continue to prefer virtual meetings with counselors and attorney. We also need to be prepared for future quarantines, client or staff illnesses, and other issues that may emerge in the future. Currently, few FJC computers have webcams—not adequate over the long-term. We understand that webcams have been ordered and hope they are fully installed when staff return to in-person work at the Centers.

Our second concern around reopening is safety. Particularly at the Bronx and Brooklyn FJCs, which have much higher staff density and lower vaccination rates than Manhattan, there are reasonable concerns about air quality, ventilation, and overcrowding between staff and clients. Allocation of additional space where possible, rotating in-person/remote days for staff, and limits on the number of clients and children visiting at a time are all potential solutions. We are enormously appreciative of ENDGBV for including us as a partner in discussions of planning and protocols for reopening, and look forward to seeing safe, fully resourced Family Justice Centers open once again for walk-in services to many thousands of abuse survivors in the months to come.

As quarantine restrictions are lifted and the city continues to reopen, service providers will inevitably start to see a wave of new clients seeking help; and the needs of countless existing clients remain serious and wide-ranging. Human service providers like Sanctuary and our community partners must be prepared to respond. We thank the City Council for its dedicated support, and urge you to continue prioritizing DV services in the year ahead. We are so grateful to the Council for giving a platform to these issues, and for the opportunity to testify today.

**Testimony:** Amy Barasch, Executive Director  
**Hearing:** The Mayor’s Office to End Domestic and Gender-Based Violence and COVID-19  
**Hosted:** Committee on Women and Gender Equity  
**Date:** April 30, 2021

*Summary: Thank you Chair Diaz and the Committee on Women and Gender Equity - Council Member Cumbo, Council Member Gennaro, Council Member Kallos and Council Member Lander – for the opportunity to submit testimony on this critical matter. Her Justice has stood with women living in poverty in New York City since 1993. We know from our clients, 80% of whom are survivors of domestic violence, that COVID-19 has significantly inhibited their ability to access the safety, economic justice, and the peace of mind that they deserve, particularly through avenues traditionally provided by the civil justice system. Below we will outline how our unique pro bono first model allowed us to pivot our own operations in the wake of the COVID-19 pandemic. We will also highlight three key areas of impact that COVID-19 has had on domestic violence survivors in New York City: the essential need for legal remedies for survivors, including and aside from orders of protection; the additional barriers to justice for immigrant survivors of domestic violence during this public health crisis; and the disparity in access to technology for New Yorkers. We are deeply grateful to the Committee for hosting a hearing on this important topic. In this moment of recovery, we hope that the City Council will reaffirm and enhance resources to survivors and recognize legal services as essential to ensuring their economic well-being and safety. We look forward to partnering with the Committee and City Council, to not simply return to business as usual, but to build a better system for survivors together.*

### **Organizational Background**

Through our pro bono first model, Her Justice pairs thousands of well-trained and resourced, pro bono attorneys with women who have legal needs in the areas of family, matrimonial and immigration law. This approach has enabled us to assist tens of thousands of women over the years, far more than we could have reached relying exclusively on direct service. In 2020 alone, Her Justice provided a range of legal help to more than 6,900 women and their children. We believe that the client-centered services we provide must also be paired with policy work, to advance systemic reform while meeting individual need. In this way, we create a virtuous cycle of change, advancing systemic solutions that are informed by the lived experience of our clients. Through our pro bono model and policy reform work, we begin to break down systemic barriers that are built into our civil justice system, barriers that reinforce and exacerbate economic, gender and racial imbalances.

When the COVID-19 pandemic began, we quickly and smoothly pivoted to providing services remotely. Our live legal helpline was brought into our homes. Virtual court appearances occurred in

blazers and sweatpants. We problem-solved with clients who did not always have access to technology, in an increasingly tech-dependent legal system, and opened safe and secure spaces in our office from which clients could appear remotely. We revamped our volunteer training programs and our community outreach efforts, and we were able to reach more people than ever before. We built coalitions and advocated for important reform at the policy level, including keeping ICE out of the courts so that our foreign-born clients could seek the justice they deserve without the fear of unwarranted arrest.

A full 100% of our clients are women living in poverty, 90% are women of color and 80% are survivors of domestic violence. Our clients live in all five boroughs of the City. More than 60% of our clients are foreign-born, almost half need interpreters in court, and most are mothers. We serve women living in poverty because, even in the best of times, the cards are stacked against them. Prior to the COVID-19 pandemic, we knew that poverty was a gendered issue. According to U.S. Census Bureau data, in 2017 women were 38% more likely to live in poverty than men nationwide. Women who are being abused by their partners are impacted even further, as 94%<sup>1</sup> of survivors include financial abuse among the harms they suffer.

The COVID-19 pandemic has further exacerbated the gaps in gender, economic and racial equality in New York City. We know that women, particularly women of color and survivors of domestic violence, have been uniquely burdened by the economic impact of COVID-19, and the fallout is expected to last. And amidst all this uncertainty and strain, the legal needs of our clients remained as urgent as ever.

At Her Justice, we have been so grateful for the City Council's continued support of survivors in New York City, particularly through the DoVE Initiative. Through the Council's funding we provided a range of legal services to 1,753 survivors between July and December of 2020. The virtual nature of our work allowed us to reach more individuals than ever before through virtual community outreach events, webinars and trainings. Every day, our staff attorneys provide women with information about the legal remedies available to them and advise and strategize with clients to help them weigh their options and decide the course that is right for them and their children. Our staff trains and mentors pro bono attorneys who continue to fight for the legal rights of our clients as the need for legal assistance for people living in poverty deepens in this crisis. While our services to clients may look different in some ways during this time of court closures, the need for legal support for domestic violence victims is as real and urgent as ever. In this moment of recovery, we hope that the Council will reaffirm and enhance resources to survivors and recognize legal services as essential to ensuring their economic well-being and safety. We look forward to partnering with the Council, government agencies and other peer organizations, to not simply return to business as usual, but to build a better system for survivors together.

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<sup>1 1</sup> Postmus, J. L., Plummer, S.-B., McMahon, S., Murshid, N. S., & Kim, M. S., *Understanding Economic Abuse in the Lives of Survivors*, Journal of Interpersonal Violence, 27(3), 411-430 (2012), <https://doi.org/10.1177/0886260511421669>.

## **The Impact of Coronavirus (COVID-19) on Domestic Violence Survivors in New York City**

For 28 years, Her Justice has stood with women living in poverty in New York City. This past year – a year unlike any other – disproportionately impacted women like our clients (80% of whom are survivors of domestic violence) and shuttered some of the vital remedies typically available to survivors. Our clients, and women like them, are reeling from the disproportionate impact that multiple crises have had on them and their families. In the past year, our clients have faced the grief and stress of COVID-19, the emotional burden of witnessing horrific racial violence, the risks of serving as frontline workers and staggering unemployment. While many American jobs were lost, women-dominated sectors – leisure, hospitality, retail, and domestic care – were distinctly impacted by the pandemic. The United Nations predicts that millions of women and girls around the world will be pushed into poverty because of COVID-19. And of course, all of these emotional, physical and financial burdens are compounded for survivors. During the past year, we have witnessed a surge in domestic violence - physical, coercive, financial, and emotional abuse. In April of 2020, UN chief, António Guterres, called for measures to address a “horrifying global surge in domestic violence” directed towards women and girls, linked to lockdowns imposed by governments responding to the COVID-19 pandemic.

This rise in domestic violence was accompanied by closures and partial re-openings of the civil courts. This created confusion, uncertainty, roadblocks, and unsafe situations for survivors, who had very few options for relief available to them. When our team reviewed the testimony that we provided for the “Impact of Coronavirus (COVID-19) on Domestic Violence in New York City” hearing that took place in May of 2020, we were struck by the fact that we could resubmit that same testimony with few edits. Little has changed in the past year and survivors are still bearing the burden of court delays and confusion about the state of the courts due to COVID-19. We would like to take this opportunity to highlight three key areas of impact that COVID-19 has had on domestic violence survivors in New York City: the essential need for legal remedies for survivors, including and aside from orders of protection; the additional barriers to justice for immigrant survivors of domestic violence during this public health crisis; and the disparity in access to technology for New Yorkers.

### **1. Victims of domestic violence need essential civil court legal services beyond Orders of Protection:**

Many of our clients must engage with the New York City Family Courts to get legal relief that is critical to their safety and well-being; for example, orders of protection, financial support from partners, or clear schedules for access to children. As you may know, the New York Family Courts are operating with limited capacity during this public health crisis. We know that it is safest for all – court personnel, attorneys, and litigants alike – to remain at home at this time and we appreciate the substantial challenge of providing broad access to the courts for all New Yorkers in need. During the past year, the New York Family Courts provided virtual access for certain types of matters that were deemed “essential,” including emergency family offense petitions and applications for temporary

orders of protection, and accepted applications by orders to show cause related to urgent matters in pending cases. While we understand that the court administration plans to roll out virtual access and even in-person access for other kinds of legal matters with court personnel scheduled to return to the courthouses in late May, there is still much confusion and uncertainty about what types of cases will be heard, when, and how. For example, the NYC Family Courts have announced they are now accepting new petitions in custody and child support proceedings but have cautioned that these cases will not be calendared for some time, which means litigants and advocates have no idea how far into the future they can expect to see a judge. This means some critical court relief remains unavailable to domestic violence victims at this time.

**Domestic violence is not only physical abuse.** As the Council knows, domestic violence takes many forms beyond physical abuse. Many of our clients experience financial abuse – the control by one intimate partner of the other’s access to economic resources, which diminishes the victim’s capacity to support themselves and forces them to depend financially on the abuser. In general, consumer debt and low credit scores trap women in poverty. These financial barriers may impose particular challenges if the debt arose from partner abuse, such as the withholding of assets, identity theft, and coercive debt. Debt and damaged credit as a result of financial abuse make it even more difficult for victims to leave the relationship – with a low credit score, women cannot rent an apartment, get a job or buy a house or car.

Like all those living in poverty, our clients who are victims of domestic violence find themselves in a precarious situation at this time. While the court limitations mean that clients do not have the ability at this time to immediately pursue some legal relief, Her Justice continues to provide essential information and advice to our clients through our telephone intake and to prepare them for eventual court openings. Her Justice continues to engage in consumer debt advocacy to enhance the services we offer our clients. For clients who are victims of domestic violence, we provide safety planning around issues stemming from financial abuse. Examples of this include advising clients: how to obtain, review, and request security freezes on credit reports; how to report fraudulent activity to the FTC and other appropriate agencies and to write dispute letters to the reporting agencies, and advocacy letters to creditors; and to change PIN numbers on financial accounts and remove abusers as authorized users. As a complement to our work with individual clients, Her Justice has advocated for state law protections against enforcement of money judgments and debt collection in this fragile financial time.

**Domestic violence beyond orders of protection.** Beyond consumer issues, domestic violence victims need legal services in other areas of family and matrimonial law. While the courts are keeping some types of matters and new filings on hold, we continue to provide critical information and advice to clients and prepare their legal cases for the time when the court is ready to move forward with them.

*Child support.* For single mothers living in poverty, child support can be critical. It can mean the difference between providing a stable life for children and resorting to public assistance. Victims of domestic violence may have been estranged from abusive partners in order to remain safe and, therefore, have been shouldering the burden of supporting children. For these women, fair and consistent child support could mean the difference between remaining safe and independent or returning to a dangerous situation. In ordinary times, there are more than 60,000 filings for child support in the New York City Family Courts each year. But during this crisis, the complete closure to new child support cases for the past year meant that many families had no access to this needed support. Even now, where courts are allowing new petitions, they are not being calendared, which means families wait indefinitely before they can even see a support magistrate.

*Divorce.* Similarly, divorce can represent freedom and security for women who were in abusive marriages. Going through a formal legal process in divorce (rather than just separating) is especially important for women who are typically the lesser-earning spouse; the legal process should ensure a fair child or spousal support award which gives single mothers a critical safety net. Unfortunately, the barriers to and risks from divorce increase exponentially for women who are victims of domestic violence. We know that City Council has been attuned to the particular benefits of a fair divorce process for victims of domestic violence, and the particular challenges as well. Our clients continue to need legal assistance around divorce issues. These cases represent two-thirds of our practice, and we continue to meet the need for information and advice about these issues through our legal helpline each week. For our clients with ongoing matrimonial cases, Her Justice lawyers and the pro bono attorneys that provide representation continue to stabilize the cases and work with clients to prepare for litigation – including organizing financial documentation related to marital assets and debt – to be ready for the eventual opening of the courts.

*Access to children.* We know that for domestic violence victims with children, co-parenting a child in common with the abuser can be a dangerous time as it allows contact with the abuser. This crisis is posing new challenges for separated parents to arrangements regarding time with children. Yet, until very recently, parents could not rely on the courts to accept new filings relating to custody/visitation as these were not deemed “essential” cases. It remains to be seen how efficiently and effectively the court will handle new custody matters and the backlog of cases. But we know from our clients’ experiences that even modest delays in getting help from the courts to resolve tense custody disputes can put victims at risk of further abuse. One Her Justice client has been dealing with an increasingly contentious child custody and visitation case, made more difficult by the health crisis and its impact on the courts. At the start of the pandemic, our client and her children’s father agreed that their 3 children would live with him as his more spacious and stable housing was better suited to the stay-at-home directives. But soon after this was established, he began to cut off our client’s contact with her children. He ignored her phone calls and texts and would not allow her to speak with them. And when he did respond, he harassed our client with abusive language, calling her insulting and vulgar names. He then did an about-face, demanding that our client take back sole custody of one of their children even though she did not have adequate housing or childcare for

when she worked day and night shifts. Throughout all these conflicts, the client did not have access to the court to help her resolve them, because they were not considered “emergencies.” And while our pro bono attorneys worked tirelessly behind the scenes, trying to resolve the issue with the adverse party’s attorney, the father took full advantage of the uncertainty and lack of direction from the courts. He insisted that our client take their youngest child, despite her lack of housing, childcare, and support. She had no choice but to bring their child to stay with his grandmother in Texas, who could adequately support them. The father immediately filed a petition in court, accusing our client of kidnapping and poor parenting. The court deemed the father’s petition an “emergency” although the client had done everything in the best interest of their child, and the case was calendared and heard right away. She had to incur inordinate costs during all of this, as she was ultimately forced to fly back from Texas at her own expense and hire a babysitter to quarantine with the child after they returned, also at her own expense.

We believe that the cracks in the legal system that are being exposed during this crisis point to opportunities for reform to give more individuals greater access to essential legal services. We know that legal information plays a critical role in empowering survivors to make decisions about when and whether to engage with the legal system, and that organizations like Her Justice will continue to meet this need. We also know that there is an opportunity for the court system to consider how the civil justice system can better respond to the individual experience of domestic violence by providing a greater menu of options for dispute resolution that take safety into account. And we know that, given the extreme financial hardship for many people living in poverty during this crisis, there is an opportunity to acknowledge that domestic violence compounds other barriers to stability and security for many New Yorkers.

## **2. The experience of immigrant survivors of domestic violence in this public health crisis:**

Our immigrant clients – all of whom are survivors of gender-based violence – are met with particular challenges during this time. For Her Justice, immigration practice in this crisis when our clients need us most means meeting unrelenting deadlines made more challenging by having to work with clients virtually despite their limited access to technology and in an immigration legal system that maintains traditional filing requirements. Other challenges for our clients are not wholly new, with constantly changing immigration rules and practices and priorities, but are now impacting more deeply vulnerable New Yorkers.

**Barriers to needed legal relief.** In fiscal year 2020, with support from the Speaker’s Initiative, Her Justice enrolled a total of 380 immigration clients, of which 300 received pro se assistance and 80 received full representation and trained 1,124 attorneys through 25 legal trainings. We continue to provide information and advice about immigration relief through our legal helpline each week. For the clients we have with ongoing immigration matters, Her Justice lawyers and the

pro bono attorneys that provide representation continue to stabilize the cases and work with clients to prepare applications. Yet even in the current public health crisis, when many immigrants are facing great financial harm and working on the frontlines, the U.S. Citizenship and Immigration Services (“USCIS”) continues to raise barriers to our clients’ ability to work legally in this country. USCIS is still requiring people to renew work permits through regular mail using paper forms that need to be signed – and sometimes requiring applicants to submit passport photos; this is difficult if not impossible for many to do without legal counsel or even a computer and printer. Her Justice staff attorneys are working with clients using the technology which is available to them. Sometimes this means exchanging documents through U.S. mail or using photography apps on phones to exchange documents and take photos. As more vaccinations are happening, people feel more comfortable meeting in person, which has made it more possible for documents to be compiled and submitted to USCIS. However, sometimes there is still no way to provide the documentation that is required by USCIS and attorneys are describing these challenges to USCIS as best they can. And Her Justice continues to advocate for changes to these policies, for example urging USCIS to automatically extend work authorization status until the crisis is over so that survivors’ livelihood and eligibility for benefits (including unemployment insurance benefits) are protected at a time they need this most.

**Lack of economic safety net.** Our undocumented immigrant clients are in a precarious financial situation and need services and support now more than ever. It is a gross injustice that many of them have been working on the frontlines during the pandemic – for example by preparing or delivering food, cleaning spaces, and providing childcare -- yet they have been excluded from federal COVID stimulus programs because they do not have social security numbers. Our undocumented clients whose immigration applications are pending for years and who do not yet have employment authorization, are ineligible for unemployment insurance benefits. Undocumented immigrant survivors who have lost their jobs are generally ineligible for public benefits including publicly funded healthcare. Those who are eligible are reluctant to access benefits and healthcare due to policies like the “public charge” rule change that penalized some immigrants who relied on public assistance including Medicaid. While this rule change has been nullified and the change did not apply to our clients (survivors of gender-based violence who obtain status under the Violence Against Women Act) it created a “chilling effect” on public benefits and healthcare utilization. Policies and rhetoric like this put immigrant survivors in a life-threatening bind -- if they leave their abuser, they will not be able to provide for themselves or their children. If they stay with their abuser for economic reasons, they and their children will be exposed to ongoing abuse. To be sure, the Biden administration has taken significant steps to undo the anti-immigrant policies of the Trump administration. But the unpredictable and threatening climate of the last several years, coupled with a rapidly changing immigration landscape, has left many immigrant communities feeling confused and vulnerable, making them less likely to seek help. While we reach many immigrants in need, we know that there are many others who are trapped in abusive situations and afraid to reach out for help, or lack the needed technology or literacy skills to do so.

**Unfair immigration enforcement.** During the last several years, we have dedicated significant time and effort to advocating against undue and unfair immigration enforcement actions, including preventing Immigration and Customs Enforcement (“ICE”) from making arrests in the courts, which have had a chilling effect on our clients’ willingness to seek help. We are grateful for the changes at the State and Federal levels that protect immigrants from unfair ICE practices (specifically at or near courthouses). However, the immigrant survivors we work with are still terrified of ICE. Many of them have been repeatedly subjected to threats from their abusers that ICE will detain and deport them. Even in this time of great crisis, ICE continues its harmful practice of wearing clothing and equipment labeled “police” and identifying themselves verbally as police officers while conducting immigration enforcement activities in New York City. As survivors of intimate partner violence, sexual assault or human trafficking, our clients already face many barriers erected by trauma and lack of immigration status. Allowing ICE officers to wear clothing that identifies them as “police” is a tactic meant to deceive immigrants into opening their doors or submitting to questions by ICE officers. Posing as police officers gives ICE officers the ability to confuse people into believing they are investigating a crime, when in fact they are looking to detain and remove someone. Once the trick has worked and ICE enters a home, they often demand identification from everyone present. Many of our clients live in multifamily homes – where they are required to be during this quarantine – and ICE’s presence can result in collateral arrests of other residents determined to be without immigration status. Misperceiving ICE as the police has a particularly dangerous impact on immigrant survivors because it makes them less likely to call the police during violent incidents. This reluctance to reach out to police is likely higher among Black immigrant survivors and immigrant survivors of color, who also perceive the police as a danger to themselves and their loved ones because of racist policing practices. All of these activities have a deleterious mental and emotional, and possibly even physical, effect on our clients.

### **3. The tech divide in New York City**

In a world that has gone largely virtual, a deep divide is opening between New Yorkers who have access to computers, printers and sufficient WiFi and those who don’t. This is the “technology gap.” Clients who can access the internet and are technologically literate are much more likely to obtain information, resources and basic services. The technology gap makes it difficult for clients to provide needed documentation and information to their attorneys. For example, the preparation of an immigration application, which used to take one to three hours of in-person meeting time with a client in the office, now takes twice as long when done remotely. Simply signing and returning documents can pose substantial barriers for clients who do not have access to a phone, computer or printer. For those living with an abuser, working virtually with an attorney may be impossible and unsafe, as technology can be monitored and comprised, placing clients in potentially violent situations. This is also true for virtual court appearances that remain critical to the outcomes of our clients’ cases. Engaging with the justice system participating in virtual court appearances requires sufficient technology, WiFi, a quiet space, and childcare that should be available to us all. Our offices are currently open to clients on an as-needed basis, and we have transformed one of our conference

rooms into a “virtual hearing room” where clients can access virtual court appearances. But we know that there is great need for survivors to have more safe access to technology and the internet so that they can obtain legal and other services. We support efforts to assess the best way to ensure that access throughout the City to give survivors the justice needed to live safe, free and financially stable lives.

*We commend the Committee on Women and Gender Equity on its dedication to addressing the impact of Coronavirus (COVID-19) on domestic violence survivors in New York City, and we hope that this testimony has served to render more visible the hardships many of our clients face in this challenging time.*

Respectfully,



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Executive Director, Her Justice  
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**TESTIMONY OF ANDREW STA. ANA, DIRECTOR OF LAW AND POLICY, DAY ONE, to  
NEW YORK CITY COUNCIL, COMMITTEES ON PUBLIC SAFETY AND ON WOMEN  
AND GENDER EQUALITY, REMOTE HEARING TO ADDRESS THE IMPACT OF  
CORONAVIRUS (COVID-19) ON DOMESTIC VIOLENCE IN NEW YORK CITY  
April 30, 2021**

Thank you, Council Members, for holding this virtual hearing on the important topic of domestic violence during COVID-19. This has been a challenging time for survivors and providers alike and we greatly appreciate the Council's efforts to host a forum dedicated to addressing the unique and continuing issues presented by this global crisis.

About Day One

Every year Day One educates and assists more than 10,000 youth, aged 24 and under, through a combination of educational, social, and legal services. We are the only nonprofit in New York that commits its full resources to addressing intimate partner abuse among this vulnerable population. Day One ensures that all of our youth-focused services acknowledge the intersecting identities and complex dynamics of intimate partner violence, youth sexuality, and consent. Our legal department routinely assists young clients with obtaining orders of protection, petitioning for custody, visitation, and child support, and with criminal justice and educational advocacy. Our social services department provides critical counseling services to young survivors, giving them the tools to heal. Our educational programs teach middle and high school students about healthy relationships and link them to direct services.

Technology and Services

Since Day One assists a young population, many clients already had access to cell phones and the Internet before COVID-19 and were comfortable using applications like Zoom and Microsoft Teams. This helped facilitate Day One's successful shift to online services in March 2020; we currently continue to serve clients virtually.

Day One's educators revised and created new curricula for youth as online workshops and teaching tools for our core workshops: Healthy Relationships, Consent and Coercion, and Teen Dating Violence. We continue to equip teachers with online materials and lesson plans to deliver content through web-based systems and to supply parents and caregivers with new downloadable resources. Professional trainings pivoted to webinars and reached hundreds of health care and social workers. While interactive virtual participation has presented challenges, we have adapted our activities and materials to be engaging

online by including interactive slides, polls, chat box discussions, screen annotation, and other methods. We have also seen increased participation from people for whom travel or other barriers previously kept them from attending in-person trainings. In the long term, we expect that the changes made will enhance Day One's programming, enabling us to offer a range of educational opportunities to a wider audience.

Our social workers provide counseling via video call and are also available by phone, text, and online. One source of growth for our programs has been through our Group Counseling services. Our counseling clients have found that meeting remotely has created new opportunities to gather absent hurdles related to public transportation, costs for food and transportation, and child care. In virtual support group counseling sessions our social services have adapted to the schedules of the youth we serve. Additionally, during recent months we have seen an increased number of referrals from the Family Justice Centers in Manhattan, Brooklyn, and the Bronx by email and are scheduling intakes with clients by phone or video call, depending on their preferences.

Despite the New York City Family Courts being largely closed for in-person operations for over a year, our legal team has successfully advocated for clients seeking orders of protection, custody, visitation, child support, and paternity. Our attorneys have met with clients by phone or Zoom to draft and upload petitions and instruct them on the logistics of virtual proceedings. They have conducted several virtual inquests and trials, learned a new system for uploading documents and requesting records, and ensured that clients have access to legal help.

However, technology-based services have presented challenges. Economic hardship caused a number of clients and service-seekers to have their cell phone service shut off, making it difficult to impossible to reach them. Similarly, clients have not had, or have lost, broadband and WiFi Internet connections.

Despite the fact the Day One's offices have been largely closed for in-person services we have been able to accommodate clients who needed to access technology from a safe space. In one instance two members of our legal team came into the office to meet with a client and conduct a multi-day virtual hearing using Day One's computers. Staff and the client all wore masks, maintained social distance, and kept the windows open. We remain committed to providing in-person services in a safe manner as needed.

### Day One's Office

Day One was well prepared to function virtually when the pandemic suspended our in-person operations. We utilize Slack to communicate with one another throughout the day and Zoom to host larger meetings. We also use a document program that enables shared editing and document storage.

Day One augmented our technology by adding equipment and systems that allow us to manage finances, enhance communication between staff and clients, and deliver training to communities in need. We purchased equipment and technology and reconfigured existing systems to adapt to a remote working environment.

One of the most significant impacts we foresee the pandemic having on our long-term operations is that our staff must be prepared to offer virtual and in-person services. Educators must develop skills to conduct both in-person and virtual facilitation. Day One social workers and educators who work in New York City public schools are in communication with the administrations regarding when they will be able to resume in-person programming. In the interim, they have taken advantage of platforms like Instagram Live to remain in contact with students. Our attorneys and social workers are offering services virtually but are available now to see clients in person at our offices in an emergency. Day One plans to regularly offer in-person direct services and training when it is safe to do so.

#### Increase of Technology-Facilitated Abuse

Technology abuse is incredibly common among young people; about 50% of youth aged 14–24 have experienced some form of it. Young people regularly utilize text messaging, social media, and other electronic forms of communication. When the pandemic reduced or outright eliminated other methods of communication, they began spending even more time on their devices. This shift corresponded to a significant increase in clients reporting technology-facilitated abuse—including harassment, invasions of privacy, stalking, non-consensual distribution of intimate images, and electronic verbal and emotional abuse.

The vast majority of our legal consultations have involved at least one form of technology-facilitated abuse. In one case, we provided assistance and criminal justice advocacy to a minor whose partner shared intimate photos and videos of them on social media; this incident contributed to their decision to change schools. In another case, we provided legal representation and advocacy for a client whose abuser, among other things, tracked her location and accessed the contents of her cell phone without her knowledge. Our social services team assisted a student being harassed by a classmate during a mandated Zoom class.

The New York City Family Courts recently added a form of relief that survivors of violence can request to protect against certain technology-based violence. Courts can prohibit abusers from “remotely controlling, monitoring or otherwise interfering with any electronic device or other object affecting the home, vehicle or property of the protected person(s) by connection through any means, including, but not limited to, the internet, Bluetooth, a wired or wireless network, or other wireless technology.”

We applaud the Courts for including this language in addition to its language prohibiting the dissemination of intimate images and videos. However, enforcement of these provisions remains challenging. When the abuse is technology-based, our clients regularly face resistance from NYPD and the District Attorney's offices. They are too often told that the threatening or harassing messages or social media posts cannot be tied to the abusive party and thus nothing can be done. Several "aggravated harassment" cases have been dismissed since COVID-19 began. With the increased prevalence of technological harm Day One is concerned about the difficulty of enforcing protective orders and preventing these disturbing and abusive behaviors.

#### Financial Issues and Resources

As we have mentioned, financial issues have rendered it difficult for clients to remain in contact with us, access the courts, or obtain other services during the pandemic. Many of our young clients have (or have supporting family members who have) lost their jobs, have had their hours reduced, or work in an essential services industry where their health is regularly at risk. Many more attend school full-time and are thus unable to work at all. The process for obtaining free laptops through schools and free WiFi and discounted Internet proved cumbersome for many young people and their families. Clients also faced lengthy delays in obtaining unemployment benefits. One client applied for unemployment, waited nearly a month to complete the process, and then had their application denied.

We have also heard from service seekers and our partner agencies about abusive partners stealing COVID-19 stimulus check funds, particularly for children in common. Some abusers forced their partners to give them the money they received. Other abusive parties received checks for the survivor and/or the children in a joint bank account after the parties separated, then refused to send the money to the survivor. At this time the IRS does not have an efficient mechanism to rectify this harm. For married couples, survivors have filed motions in divorce proceedings seeking the return of funds. For unmarried parties, or for those without a divorce action, options are more limited, including civil suits.

Over the past few months Day One has noticed a significant increase in the number of survivors seeking assistance. Like other providers, we expect a continued, and perhaps even overwhelming, influx of requests for services once people resume more in-person activities. We therefore respectfully ask that the City Council consider the following:

1. **Maintain and increase funding for domestic violence and related services in FY21 and FY22.** Our clients desperately need access to the type of trauma informed education, counseling, and legal services that we provided. However, they also need access to affordable housing,



domestic violence shelters, childcare, free and low-cost food and childcare supplies, and other critical services that countless other organizations help provide.

2. **Keep youth centered as a priority for dating and sexual violence services.** Young people at risk need tailored services by specialists that understand their experiences, the unique barriers they face, and the relief that is available. As an example, Day One creates materials using youth-oriented language to explain access to orders of protection. Our expert staff is equally skilled at addressing immigration challenges faced by minors, school safety transfers, and pursuing a stay-away order that includes social media. As young women aged 16-24 are at the highest risk for dating abuse and sexual violence, now is not the time to cut funding to lifesaving programs like Day One. The cost of intimate partner violence against women in the United States is estimated to be \$8.3 billion a year. Your continued support will help us keep young people safe, relieve the need for more critical services in the future, save resources in the middle to long term, and ensure that resources are available to young people now and in the future.

Thank you for allowing us to elevate these issues, and for the time and consideration you have given to COVID-19's impact on survivors of violence. Your legislation and advocacy play a critical role in our ability to provide necessary and life-saving services. We would be honored to partner with you to solve some of the problems created, or exacerbated, by this global health crisis. Thank you for prioritizing preventing and addressing gender-based violence, and for your continued support of both young survivors and Day One.