

Domestic Violence, Family Law, and Civil Legal Aid

Massachusetts
Legal
Assistance
Corporation



Family law includes a wide array of civil legal issues, from divorce, child support and custody, to domestic violence and protection orders. Due to lack of funding, most civil legal aid programs are only able to handle family law cases that involve domestic violence, leaving countless low-income individuals with complex family law issues to fend for themselves in court.

Types of Family Law Cases

In FY17, legal aid programs funded by the Massachusetts Legal Assistance Corporation closed 2,404 family law cases, the overwhelming majority on behalf of domestic violence survivors and their families.

Divorce, Separation, and Annulment: 964

Custody and Visitation: 663

Domestic Abuse: 260

Child Support: 180

Adult Guardianship and Conservatorship: 131

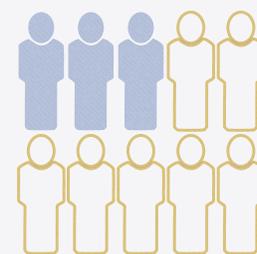
Paternity: 24

Name Change: 8

Adoption: 13

Parental Rights Termination: 8

Probate and Other Issues: 153



71%

TURNED AWAY

Legal aid programs in Massachusetts turn away 71% of eligible residents who seek assistance with family law matters, including 48% of those seeking assistance with cases involving domestic violence.

Access to legal assistance increases the likelihood that domestic violence survivors will seek and obtain protective orders, reducing risk of further violence.¹

Rebuilding Independent Lives

Domestic violence does more than threaten the physical safety and security of survivors and their families; it can strip them of their independence and leave them vulnerable in many areas of their lives, including housing and employment. Through direct representation, cooperation with domestic violence service providers, and legislative advocacy, civil legal aid programs play a vital role in helping families rebuild their safety and independence.

- The physical and emotional trauma of domestic violence, and the controlling behavior of abusive partners, can force survivors to miss work—jeopardizing their wages and their jobs. Legal aid works with employers and survivors to enforce legal protections for those dealing with domestic violence.
- Following divorce or separation, survivors may risk losing their homes. Legal aid helps families secure stability through favorable property settlements, enforcement of divorce orders, and defense against foreclosure and eviction.
- Children growing up in abusive or unstable environments can suffer from disrupted schooling as well as psychological and behavioral problems. Legal aid provides training to ensure that schools understand the effects of domestic violence on children as well as representation to secure supportive services for traumatized children and protect them from inappropriate suspension and expulsion.

- Domestic violence survivors may face financial entanglements, including the denial of benefits, due to their abusers' controlling and manipulative behavior. Legal aid programs can help resolve these complicated financial and legal issues.

MLAC's FY19 budget request was endorsed by the following domestic violence and family services organizations:

Baypath Elder Services
Casa Myrna
Children's Friend and Family Services
Domestic Violence Services Network
Elder Services of the Merrimack Valley
EMPath
FamilyAid Boston
Family and Children's Services of Greater Lynn
Healing Abuse Working for Change

HESSCO Elder Services
Jane Doe, Inc.
Jewish Family Services of MetroWest
RAW Artworks
Rosie's Place
Safe Passage, Inc.
Somerville-Cambridge Elder Services
Transition House
Voices Against Violence

Civil Legal Aid: A Lifeline for Survivors of Domestic Violence

Ana was referred to Northeast Legal Aid by a Victim/Witness Advocate at the Middlesex County District Attorney's Office, who was concerned that Ana's life was at risk. Despite having been married to a U.S. citizen for 10 years, Ana remained undocumented, just one indication of the isolation she had suffered at the hands of her controlling spouse, along with years of physical and emotional abuse. The abuse turned Ana into a prisoner in her own home, and she became anxious and afraid to go out in public. The abuse culminated in Ana's near-death strangulation, for which her husband was convicted of attempted murder and sentenced to two and a half years in jail. During his incarceration, Ana was attacked outside her home by a masked man and stabbed repeatedly—a crime that remains under investigation and that Ana believes was retaliation ordered by her husband.

After taking Ana's case, Northeast Legal Aid immediately took action to ensure her safety, securing subsidized housing and keeping her location confidential, and filing a Violence Against Women Act petition, designed to protect immigrants abused by their U.S. citizen spouses. After the successful petition, NLA helped Ana obtain work authorization and permanent residency status. She has a permanent restraining order against her abuser, is in treatment for post-traumatic stress disorder, and lives in a safe environment where she can be healthy and take care of her children.

1. Grab, Denise A. and Rosenberg, Jennifer S. *Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence*. Institute for Policy Integrity at New York University School of Law. July 2015
Available at <http://policyintegrity.org/documents/SupportingSurvivors.pdf>.