January 15, 2025

Combating Domestic Violence with Legal Services

2023–24 NC State Bar Report to the General Assembly Regarding the Domestic Violence Victim Assistance Act

Each year, funding from North Carolina's Domestic Violence Victim Assistance Act provides legal aid to help domestic violence victims and their children escape abuse and rebuild their lives.

- 1 in 5 women report having experienced severe physical violence at the hands of an intimate partner during her lifetime.
- It is estimated nationally that the cost of intimate partner violence exceeds $8.3 billion annually.
- Victims of intimate partner violence lose a total of 8 million days of paid work each year.
- In homes where domestic violence occurs, the rate of child abuse is 15 times higher than the average home, with co-occurring child abuse in 45–60% of homes where domestic violence is present.
- Children exposed to domestic violence are at an increased risk for behavioral and psychological problems, alcohol and substance use, juvenile delinquency, and adult criminal behavior.
- North Carolina service providers reported serving more than 55,000 clients during 2023–24 with domestic violence services including information, referrals, counseling, shelter services, court assistance, and more. Hotlines answered 86,578 calls and 3,881 chats.

NC REPORTED 135 DV-RELATED HOMICIDES IN 2023

This is an increase from 2022 when reported domestic violence-related homicides totaled 115.

What is Domestic Violence?

Domestic violence occurs when one person in an intimate relationship uses a pattern of coercion and control against the other person during the relationship and/or after the relationship has terminated. It often includes physical, sexual, emotional, or economic abuse.

Domestic violence occurs in all kinds of families and relationships. Persons of any class, culture, religion, sexual orientation, marital status, age, and sex can be victims or perpetrators of domestic violence.

State Funding in 2023–2024 for the

Domestic Violence Victim Assistance Act

A TOTAL OF

$861,974

WAS DISTRIBUTED

Funding through the Domestic Violence Victim Assistance Act is used:

1. To provide legal assistance to domestic violence victims;
2. To provide education to domestic violence victims regarding their rights and duties under the law; and
3. To involve the private bar in the representation of domestic violence victims

through cases that address:

1. Actions for protective orders;
2. Child custody and visitation issues; and
3. Legal services which ensure the safety of the client and the client's children.

$44,222

to Pisgah Legal Services to serve Buncombe, Henderson, Madison, Polk, Rutherford, and Transylvania counties

$817,752

to Legal Aid of North Carolina to serve all other counties

(FIGURES ROUNDED)

Holly's Story [CONTENT WARNING: Sexual violence and abuse.]

A courtroom can be a frightening and intimidating place, especially if you are forced to be in the same room as the person who hurt and traumatized you. But that's exactly what Holly* faced when she went to secure a protective order against the former partner who raped her. "I have never been involved with the courts before," she said. "Not even a parking ticket."

The night the police answered her 911 call, Holly didn't think they believed her. And the results of the rape kit were inconclusive. "I was afraid to press criminal charges and lose," she says. "I don't think I would be okay if that happened."

Still, she wanted and needed a protective order against him so she could feel safer and hold him accountable—but people who try to secure a protective order by representing themselves are only successful one-third of the time.

Fortunately, Holly had Pisgah Legal Services by her side. Attorney Jenna Walley was assigned to her case in civil court, where Pisgah Legal Services can make a big difference. "When Jenna called me, at first, I wasn't sure if I had to pay her. I was worried. I know lawyers are expensive. I only make $2,000/month."

She continues, "When Jenna told me Pisgah Legal was free, I felt so relieved. Without Pisgah Legal I wouldn't have had a lawyer."

On the day of the hearing, Holly was scared but calmed down when she met Jenna in the courtroom. "Eighty percent of my nervousness was gone instantly. I thought, 'Okay I've got this. She's here for me.'"

The accused decided to represent himself. This meant that he could put Holly on the stand, question her in detail about the rape, further traumatizing her, and there would be nothing she could do about it. Before that could happen, Jenna intervened and successfully negotiated an agreement with him that kept Holly from being questioned by the man who sexually assaulted her.

"When we were called back in front of the judge, I stood beside Jenna," said Holly. "The judge said that the year-long protective order was granted and that it was renewable."

Holly is working hard now to move on, and she says she still thinks about pursuing criminal charges. In the meantime, she knows that Pisgah Legal Services is there for her. "I'm not ashamed," she says. "I'm telling my story. I want to help others."

**Client's identity is protected through the use of a pseudonym.*

LANC & Pisgah Legal Services receive funds from the

Domestic Violence Victim Assistance Act

9,076

CASES COMPLETED

Legal Aid of North Carolina (LANC) and Pisgah Legal Services provide free legal services to domestic violence victims so they can escape abuse and rebuild their lives.

Legal Services

Legal aid attorneys and private volunteer attorneys help victims secure court protective orders to improve the safety of adult and child victims. Legal aid also helps victims address a range of other issues to increase their independence from abusers, including child custody and child support, divorce, division of marital property, and housing and consumer issues.

The type of services that are provided vary depending upon the availability of legal aid staff and private volunteer attorneys to represent domestic violence victims in each of the 100 counties in North Carolina. On short notice, legal aid attorneys must interview the victim and any other witnesses, gather records, and prepare for trial, which is scheduled within 10 days of when the victim files court action to obtain a temporary protective order. Because victim safety is always a concern, attorneys must address safety plans for victims and their families.

Community Involvement

The legal aid organizations work closely with community-based programs, agencies, and task forces to address other non-legal needs of domestic violence victims. In addition, staff attorneys work to educate the victims and others within a community, such as landlords, about their rights and duties under the law. This community involvement is critical to helping victims gain much needed self-sufficiency to stop the domestic violence.

Volunteer Attorneys

Legal aid attorneys train private volunteer attorneys to represent domestic violence victims in court to obtain protective orders. Also, volunteer attorneys accept cases where domestic violence victims need legal representation in matters such as divorce and child custody and support.

From July 2023 through June 2024, Legal Aid of North Carolina and Pisgah Legal Services completed **9,076** cases for domestic violence victims.

Of these cases, **1,041** were completed by volunteer attorneys.

Civil legal aid helped domestic violence victims secure **3,409** protective orders, protected custody rights for **394** victims, secured essential property and income for **103** victims, and enforced housing rights for **26** victims.

About the Domestic Violence Victim Assistance Act

In 2004, the NC General Assembly passed comprehensive legislation to address the problem of domestic violence. This multi-faceted program included access to legal representation for domestic violence victims under the NC Domestic Violence Victim Assistance Act.

Studies show legal aid stops domestic violence.

Research confirms that legal aid can reduce the potential for future domestic violence and also improve the lives of individuals who have experienced violence.

A study by economists at Colgate and the University of Arkansas[1] indicates that the availability of legal services decreases the likelihood that women will continue to be abused in the future. The study notes that while shelters, hotlines, and counseling are vitally important crisis-intervention aids, it is legal services that offer women alternatives to staying in an abusive relationship, providing the physical safety and financial security necessary to leave their abusers.

More recent research conducted in Iowa demonstrates the positive impacts of legal services on the lives of individuals who have experienced domestic violence. Researchers found that economic self-sufficiency increased after receiving legal services, with individuals reporting increased average monthly income and increased ability to live on current income.[2] The same research team found that the psychological well-being of those who received legal services improved over time, including significant decreases in symptoms of depression and PTSD.[3]

Legal aid is a valuable investment that decreases domestic violence and helps victims achieve self-sufficiency.

1 Amy Farmer & Jill Tiefenthaler, Explaining the Recent Decline in Domestic Violence, 21 Contemp Econ Pol'y 158 (April 2003).

2 Carolyn Copps Hartley & Lynette M. Renner, Economic Self-Sufficiency among Women Who Experienced Intimate Partner Violence and Received Civil Legal Services, 33 Journal of Family Violence 435 (July 2018).

3 Lynette M. Renner & Carolyn Copps Hartley, Psychological Well-Being Among Women Who Experienced Intimate Partner Violence and Received Civil Legal Services, 36 Journal of Interpersonal Violence 3688 (May 2018).

Civil legal aid programs for low-income domestic violence victims in North Carolina

PISGAH LEGAL SERVICES

Domestic and Sexual Violence Prevention Program (DSVPP)

The Domestic and Sexual Violence Prevention Program (DSVPP) of Pisgah Legal Services (PLS) provides free civil legal services for low-income victims of domestic violence, sexual violence, and child maltreatment. PLS works in collaboration with domestic violence prevention agencies, shelters, law enforcement and other partners in Western North Carolina, including family justice centers and resource centers to provide coordinated services under one roof for survivors.

LEGAL AID OF NORTH CAROLINA

Domestic Violence and Sexual Assault (DVSA) Project

The Domestic Violence and Sexual Assault (DVSA) Project of Legal Aid of North Carolina provides free legal assistance to survivors of domestic violence and sexual assault throughout the state.

Attorneys and advocates with the DVSA Project help survivors secure domestic violence protective orders against their abusers and provide a wide range of other legal services related to child custody, housing, employment, and more. This life-changing support helps survivors escape their abusers and start new lives.

Statistics on domestic violence in this report were compiled from a variety of sources, including the North Carolina State Bureau of Investigation, the Centers for Disease Control and Prevention, National Coalition Against Domestic Violence, the American Psychological Association, and the North Carolina Council for Women & Youth Involvement.