

Domestic Violence Newsletter

Committed to Ending Family Violence



NLS Receives Another Vawa Grant

This bi-monthly newsletter is published by Haven House, Neighborhood Legal Services, Inc., and Volunteer Lawyers Project, Inc., to provide information to the community and to agencies regarding the civil legal services available to victims of domestic violence in Erie County. Your feedback and suggestions for future articles are welcome. You can reach us at Neighborhood Legal Services, at the address below. Attn. Domestic Violence Newsletter, or by email at snosenchuck@nls.org.



Neighborhood Legal Services
 295 Main Street, Room 495
 Buffalo, NY 14203
 (716) 847-0650
 FAX (716) 847-0227
 snosenchuck@nls.org
 www.nls.org

In November of 2002, Neighborhood Legal Services, Inc. (NLS), in conjunction with its partners, Volunteer Lawyers Project, Haven House, and the University at Buffalo Law School Family Violence Clinic, received a grant from the Department of Justice (DOJ) to provide holistic civil legal services to victims of domestic violence. One of the purposes of the grant is to focus on providing services to rural and immigrant women who are victims of domestic violence. The grants, commonly known as VAWA grants, are awarded throughout the country to agencies that work with domestic violence victims. NLS competed against many other organizations for this grant.

NEIGHBORHOOD LEGAL SERVICES, INC.

Neighborhood Legal Services, Inc. (NLS), is a non-

profit agency that provides civil legal assistance to low income people. NLS does not represent criminal defendants. Under the VAWA grant, Neighborhood Legal Services will provide legal representation to victims of domestic violence who are transitioning out of violent relationships. Certain eligibility requirements must be met. Representation can be on various matters, including child support and divorce. For more information on the services that NLS provides to domestic violence victims, call 847-0650 and ask for the domestic violence voicemailbox.

RURAL OUTREACH

Child and Family Services' Haven House, the domestic violence shelter in Erie County, has assigned a full-time advocate to do rural outreach in the Southtowns. Jeanine Battaglia will be spending time in Springville, Gowanda, Evans,

and Hamburg so it will be convenient for domestic violence clients to meet with her. In addition, Ms. Battaglia is scheduling informational meetings around the Southtowns for female victims to receive information about domestic violence and about the legal remedies available. To speak with Ms. Battaglia, call her at Haven House at 884-6002.

IMMIGRANT WOMEN

Volunteer Lawyers Project, Inc., (VLP) is a local organization that works with volunteer attorneys. Sophie Feal, Esq., is an attorney at VLP who aids pro bono attorneys in providing representation to immigrants. As part of the VAWA grant, VLP will be helping women who are married to their abusers to self-petition for legal status in the United States. The telephone number for Volunteer Lawyers Project is 847-0662.

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Focus On: The Courts

Many changes have occurred recently in the courts in Erie County and more changes are on the way. This column will discuss every month some of the changes.

For those of you who have not been to Family Court recently, there have been some changes. Most of you know that in September of 2001, Erie County Family Court moved to a new building at One Niagara Plaza. The former building at 25 Delaware is being renovated and in the future will house Supreme Court judges, who are presently spread throughout downtown Buffalo.

Not only is the building new, but there are new faces on the

bench, as well. In 2001, Judge Patricia Maxwell was elected to the Family Court bench, to replace a retiring Judge Marjorie Mix. In 2002, Judge Kevin Carter was elected to the Family Court bench, replacing Judge Michael Battle, who is now in charge of the U.S. Attorney's Office, Western District of New York. In November of 2002, Judge Janice Rosa was elected to New York State



Supreme Court, and earlier this year, Judge Rosalie Bailey was appointed by Governor Pataki to take her place.

As you may be aware, numerous state and county workers took early retirement last year, leaving Erie County Family Court depleted of personnel. The Court is encouraging petitioners to handwrite their own petitions, rather than coming downtown to use petition processing. There are

complicated directions for completing the petitions, as well as filing them with the Court, and if these directions are not followed exactly, the Court will not accept the petition. Another source for petitions and for information is the Court's website <http://www.courts.state.ny.us/8jd/eriefam>, which contains the Family Court forms, as well as information on frequently asked questions (FAQs) and other helpful information.

Integrated Domestic Violence Court Comes To Erie County

Erie County has been picked to be the site of an integrated domestic violence (IDV) court. This pilot project, slated to open at the end of the year, will be located at 25 Delaware Avenue.

The integrated domestic violence court focuses on serving the domestic violence victim. Rather than making the victim go to various courts to have her legal needs served, all matters concerning the victim are brought before one Supreme Court justice who has jurisdiction to deal with all matters concerning the family. Presently, victims must appear in criminal court when filing criminal charges against perpetrators of domestic violence, appear in Family Court for custody, visitation, family offense, support, and abuse and neglect matters, and appear in Supreme Court for matrimonial matters (divorces). The purpose of the IDV court is to respond with a holistic approach to the legal concerns of victims.

Presently, it is planned that Justices John F. O'Donnell and Janice M. Rosa, of the New York State Supreme Court, will preside over the IDV court. It is planned that in Phase One of the project, Buffalo City Court criminal domestic violence cases that have related family offense matters in Family Court or Supreme Court matrimonial matters will appear before the IDV judge. Other phases of the project will include a broader spectrum of cases and courts.

Unlike drug courts, IDV courts do not focus on rehabilitating the perpetrator of the violence. Rather, IDV courts focus on addressing the needs of families affected by domestic violence, including defendant accountability and victim safety.

A planning group of court personnel that includes Eighth Judicial District Administrative Judge Sharon S. Townsend, Justices O'Donnell and Rosa, Project Coordinator Sheila Schwanekamp, Esq., and Jeff Smith, Chair, Stakeholder Sub-Committee, has been formed. For those interested in participating in the Stakeholder Sub-Committee, Jeff Smith can be contacted at 278-9873 or jdsmith@courts.state.ny.us.

Currently, there are six pilot IDV courts operating around the State and Erie County is one of five additional courts that are scheduled to open by year's end. The IDV plan differs from past unsuccessful legislation in that it does not seek to combine Family Court with Supreme Court. All cases in the IDV court will retain their individual character.

There still are many questions to be ironed out regarding the functioning of the court. While defendants have the right to counsel in criminal cases, there is no right to counsel in divorces. That means that victims will not automatically be appointed an attorney in cases where the defendant commences a divorce against them. While Neighborhood Legal Services (NLS) and several other local agencies represent victims of domestic violence in divorces, these providers of legal services do not have the capacity to represent all such victims involved in divorces.

At this point in time, there is not a lot of information available regarding the IDV court. This newsletter will keep its readers updated as the plans for the IDV court are formalized.

Research Shows Effectiveness of Civil Protection Orders

A press release circulated by the Harborview Injury Prevention and Research Center highlighted findings from a study the center conducted that focused on the effectiveness of civil protection orders.

The study, published in the January 2003 issue of the *American Journal of Preventative Medicine*, found that only 20 percent of the approximately 2 million U.S. women who are physically or sexually abused by their partners each year obtain these orders. Civil protection orders are designed to prevent partner abuse by imposing civil contempt, misdemeanor or felony charges on those who choose to violate them.

Principal investigator Victoria Holt (Ph.D., M.P.H. and professor of epidemiology at

University of Washington) and her colleagues, conducted a series of interviews with approximately 400 women over the course of nine months. All of the women had been threatened or abused by their partners. One group of women obtained temporary or permanent orders of protection, while the other group contacted the police after being threatened or abused, but did not obtain protective orders.

After conducting the interviews, Holt and her colleagues found that the women who had maintained civil protection orders were safer in the five month period after the time of the abuse giving rise to the obtainment of the order. Their intimate partners were significantly less likely to threaten or inflict physical or emotional abuse than the partners of the

group of women who did not obtain protection orders. Four months later, when the women were interviewed again, the trend appeared to continue. However, both groups of women reported receiving unwelcome phone calls from their abusers over the nine month period.

The findings of this study reportedly contradict those of a study conducted in 1980 which had concluded that protection orders did not shield women from abuse. Holt and her colleagues believe that the disagreement might be explained by the fact that the earlier study only spanned four months. She also suggests that civil protection orders may be more effective today than they were two decades ago, in part due to improvements in police response, institution of manda-

tory arrest laws, and shifting penalties for violations of protection orders from civil to criminal.

While acknowledging that civil protection orders do not guarantee a victim's safety, Holt recommends that "health and criminal justice providers should consider providing information...to all individuals affected by intimate partner violence."

The study was supported by a grant from the Centers for Disease Control and Prevention, the National Institutes of Health, and the National Institute of Justice as part of the Interagency Consortium on Violence Against Women and Family Violence Research.



Domestic Violence Websites

Women's Justice Center

<http://www.justicewomen.com/index.html>

The website contains much useful information, in both Spanish and English. For example, you can find on the website: Tips for Social Workers, Counselors, Health Workers, Teachers, Clergy, and Others Helping Victims of Rape, Domestic Violence, and Child Abuse. Other information on the website includes tips to help women in the initial stages of their planning to free themselves from domestic violence and guidance through the first steps of getting help. While not everything on the website is applicable in New York State, the website contains a lot of helpful information for both victims and those who work with victims, and it does so in a bilingual format.

National Latina Alliance to Eliminate Domestic Violence

www.dvalianza.org

This bilingual website focuses on issues of interest to the Latino community and includes facts about domestic violence and its effect on the Latino community. The Alliance is a group of nationally recognized Latina and Latino advocates, community activists, practitioners, researchers, and survivors of domestic violence working together to promote understanding, sustain dialogue, and generate solutions to move toward the elimination of domestic violence affecting Latino communities, with an understanding of the sacredness of all relations and communities.

Neighborhood Legal Services, Inc., Volunteer Lawyers Project, and Haven House have received a grant from the U.S. Department of Justice to provide holistic legal services to victims of domestic violence. This program, funded under the Violence Against Women Act (VAWA), is intended to provide civil legal services to women who are transitioning out of violent relationships and who need assistance with multiple civil legal problems. Income restrictions apply. Eligible clients not only can receive legal assistance with family and matrimonial problems, but with other civil legal problems as well, such as public assistance, SSI, housing, etc. To refer clients to our program, write or call Neighborhood Legal Services, Inc., and ask for the Domestic Violence voice mail box.

FEEDBACK

Want more information? Complete this form and **MAIL** to
 Neighborhood Legal Services, Inc.
 295 Main St., Room 495, Buffalo, NY 14203 or **FAX** to: 716-847-0227

- Yes! Include me on your mailing list for this bi-monthly newsletter.
- Please send me a copy of your brochure on the services that Neighborhood Legal Services, Inc. offers to victims of domestic violence.
- Please send me an additional _____ copies of your brochure for distribution within my agency.
- I would like to have a speaker come to my agency and discuss domestic violence and the civil legal system. Please contact me at the address below.
- Please send me information on other services provided by Neighborhood Legal Services, Inc.
- Please send me more information on Volunteer Lawyers Project (VLP).
- Please send me more information on Haven House.

Name _____

Agency _____

Address _____

Phone _____

Fax _____

Email _____



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