Holistic Civil Legal Options: Strengthening Sexual Assault in Dual & Multi-Service Programs

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Riddhi Mukhopadhyay
Sexual Violence Law Center

Litigation  Advocacy  Education

Criminal  Education

Victim Rights

Technology

Safety

Public Benefits

Privacy

Immigration

Housing

Employment

Family Law

Finance/Credit
<table>
<thead>
<tr>
<th>Special Initiatives</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Technology Enabled Coercive Control Initiative (TECCI)</strong></td>
<td></td>
</tr>
<tr>
<td>Increase</td>
<td>understanding of TECC across sectors</td>
</tr>
<tr>
<td>Stimulate</td>
<td>creation of technology tools that help exit abusive situations</td>
</tr>
<tr>
<td>Advance</td>
<td>research on survivor experiences</td>
</tr>
<tr>
<td>Develop</td>
<td>recommendations to systems to adapt to this changing threat</td>
</tr>
<tr>
<td>Encourage</td>
<td>development of support systems for TECC victims</td>
</tr>
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</table>
Holistic Civil Legal Options
Hallmarks of Holistic

Comprehensive
• Identifying/addressing client’s full range of legal issues
• Identifying/addressing client’s full range of quasi-legal issues

Client-centered
• Trauma-informed
• Mobile/flexible
• Client sets the goals/priorities

Multidisciplinary
• Coordinated referrals for wrap-around services
• Team approach
## Goals of Holistic Civil Support

### CLIENT
- Improved experience receiving services
- Improved outcomes

### ADVOCATE
- Improved experience providing services
- Better understanding of client's choices/behaviors

### AGENCY
- Improved quality of services provided
- Fewer return/repeat clients
DOMESTIC VIOLENCE/SEXUAL ASSAULT VICTIMS EXPERIENCE MUCH HIGHER RATES OF LEGAL PROBLEMS

<table>
<thead>
<tr>
<th>Category</th>
<th>Victims</th>
<th>All Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Problems</td>
<td>68%</td>
<td>43%</td>
</tr>
<tr>
<td>Consumer, Financial Services &amp; Credits</td>
<td>67%</td>
<td>38%</td>
</tr>
<tr>
<td>Employment Problems</td>
<td>60%</td>
<td>34%</td>
</tr>
<tr>
<td>Municipal services/utilities/law enforcement</td>
<td>62%</td>
<td>33%</td>
</tr>
<tr>
<td>Access to State Government Assistance/Public Benefits</td>
<td>59%</td>
<td>30%</td>
</tr>
<tr>
<td>Housing Problems</td>
<td>61%</td>
<td>28%</td>
</tr>
<tr>
<td>Family Related Problems</td>
<td>100%</td>
<td>23%</td>
</tr>
<tr>
<td>Estate Planning</td>
<td>37%</td>
<td>17%</td>
</tr>
<tr>
<td>Education Problems</td>
<td>49%</td>
<td>12%</td>
</tr>
</tbody>
</table>

Source: WSU-SESRC
Holistic Legal Advocacy

- Comprehensive screening
- Identification of legal/quasi-legal issues
- Acknowledgment of client barriers and strengths
- Client prioritization of issues
- Developing a service plan
- Coordinating with other service providers
Reset & Refresh

Correct Bad Habits

• Only addressing presenting issue
• Reactive instead of proactive advocacy)
• Focusing on advocate’s areas of expertise instead of client’s needs
• Advocate’s perception of priorities over client’s priorities

Set Good Habits

• Create service plan and modify as needed
• Keep evidence organized
• Coordinate with multiple providers
• Think beyond safety and privacy, consider all basic needs
## Unauthorized Practice of Law

<table>
<thead>
<tr>
<th>Don’t</th>
<th>Do</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Giving legal advice... for fees....”</td>
<td>Help client access self-help publications, free court forms, other resources</td>
</tr>
<tr>
<td>“Selection, drafting, or completion of legal documents or agreements....”</td>
<td>Discuss options with client as client</td>
</tr>
<tr>
<td>“Representation... in court, or in a formal administrative adjudicative proceeding”</td>
<td>Protection order cases (filling out forms, court)</td>
</tr>
<tr>
<td>“Negotiation of legal rights or responsibilities....”</td>
<td>Tell client clearly that you’re not an attorney, and encourage them to get one if possible</td>
</tr>
</tbody>
</table>
Specifically, advocates can provide:

- Information about the legal process, terminology
- Information about specific judges and attorneys
- Information about the law generally (not customized to client), such as providing fact-sheets, copies of statutes
- Advice about common sense issues
- Advice specific to the knowledge and skill of non-attorney advocates (e.g., self-care, safety-planning)
- Advice about how to communicate with law enforcement, attorneys, etc.
# Legal or Not Too Legal

## Legal Issues
- A court case in which the client is a required party
- A violation of the client’s legal rights
- A cause of action the client has the right to file
- A problem that can only be solved by accessing the legal system

## Quasi Legal Issues
- A problem that can be (but doesn’t necessarily have to be) addressed by accessing the legal system
- A problem in the client’s life that can be addressed using the law, but entirely outside of the legal system
Civil Legal Issues
CIVIL PROTECTION ORDERS

• Domestic Violence (RCW 26.50)
• Sexual Assault (RCW 7.90)
• Anti-Harassment (RCW 10.14)
• Stalking (RCW 7.92)
• Vulnerable Adult (RCW 74.34)
• Extreme Risk (RCW 7.94)
FAMILY LAW

• Dissolution of Marriage; Legal Separation
• Establishment of Paternity (Parentage); Petition for Residential Schedule and Child Support
• Nonparental Custody
• Modification of Parenting Plan/RS/CS; Relocation
• Also:
  • Adoption; Dependency; Termination of Parental Rights; Emancipation
HOUSING

- Breaking lease
- ADA accommodations
- Landlord sexploitation (COVID 19)
- Residential Landlord Tenant Act
- Emergency housing
- Protection orders
IMMIGRATION

• Connect to BIA representative or immigration attorney
• Assist with law enforcement certifications (U/T-Visas)
• Help gather other evidence
• Work with client to draft declaration
• Ensure use of effective interpreters
• Prepare clients to how to respond to sensitive issues/use uncomfortable terminology
EMPLOYMENT

- Domestic Violence Leave Act (includes DV/SA/Stalking)
- Family Leave Act (WA)/Family & Medical Leave Act (US)
- Americans with Disabilities Act
- Protection Orders
- Discrimination on the basis of sex
- Sexual harassment (quid pro quo, hostile work environment)
FINANCIAL/BENEFITS

- Crime Victim Compensation
- Disability/TANF/cash assistance
- Restitution
- Paid Leave
- Credit
- Damages
- Bankruptcy
PRIVACY

• Varying requirements at agency or institution involved
• Certifications (e.g., to employer, landlord) prepared by advocates/others should omit details
• Maintaining privacy in criminal case, family law case, protection order case, etc.
• Address confidentiality
• Media & Defamation claims!!!
TITLE IX (EDUCATION)

- Campus (on or off) both college and K-12
- Violations of student’s rights (bullying, discipline for trauma-related behaviors/absences)
- Disability related rights (IEP, reasonable accommodation, discrimination complaint)
- Federal Education Records Privacy Act (if education records are subpoenaed)
SMALL CLAIMS

- Monetary only
- Costs must be less than $10,000
- Cannot be represented
- Statute of limitation varies (1 to 10 years)
CIVIL LITIGATION (PERSONAL INJURY)

• A lawsuit by the victim, against the perpetrator (or others responsible in some way) for damages

• Civil standard of proof (preponderance) not criminal (beyond a reasonable doubt)

• Based on physical/sexual assault, infliction of emotional distress, negligence/duty to protect, malpractice, etc.

• Statute of limitations:
  • Most 2 years
  • Emotional distress: 3 years
  • Child sexual abuse: can be delayed into adulthood
Final Considerations
SYSTEMS FACTORS
# Remote Hearing Best Practices

<table>
<thead>
<tr>
<th>Place</th>
<th>Practice</th>
<th>Present</th>
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<tbody>
<tr>
<td>Quiet</td>
<td>Meet with client on the platform</td>
<td>Check the login/call-in</td>
</tr>
<tr>
<td>Well-lit</td>
<td>Determine private communication process</td>
<td>Setting on phone from unknown calls</td>
</tr>
<tr>
<td>Close to power source</td>
<td>Practice muting and pausing</td>
<td>Mute self</td>
</tr>
<tr>
<td>Avoid dead zones</td>
<td>Check headphones or earpieces</td>
<td>Pause before speaking</td>
</tr>
<tr>
<td>Spot to sit</td>
<td>No texting during (unless with advocate/attorney)</td>
<td>Look at the camera</td>
</tr>
<tr>
<td>Background consideration (confidentiality)</td>
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Advocating with Humility

- We’ve all been socialized in a culture of gender-based violence.
- We all bring our own experiences, mood/mental health, stressors, etc. to work with us.
- Taking a trauma-informed, holistic approach requires consistent effort to retrain the brain, until it becomes natural.
- The ability to work effectively with victims of trauma (and offenders) requires humility regarding your own limited understanding of their circumstances and being willing to question your own assumptions on a constant basis.
- Failure is inevitable, but that’s okay if you use compassion and try again.
Needing Assistance?

Find us online
See if the resources on our website are helpful:

www.svlawcenter.org

Call us
Encourage self-referral or call to staff a case through our legal line:

(844) 991-SVLC (toll free)
or
(206) 312-SVLC

Email us
Send us a referral by email:

legalline@svlawcenter.org

Presenter’s contact: riddhi@svlawcenter.org
STAY SAFE

THANK YOU!