



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

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# Sexual Violence Law Center



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Violence  
Law Center

# Sexual Violence Law Center



Litigation

Advocacy

Education



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## **Special Initiatives**

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### **Technology Enabled Coercive Control Initiative (TECCI)**

**Increase**

understanding of TECC  
across sectors

**Stimulate**

creation of technology  
tools that help exit  
abusive situations

**Advance**

research on survivor  
experiences

**Develop**

recommendations to  
systems to adapt to  
this changing threat

**Encourage**

development of support  
systems for TECC  
victims



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# Holistic Civil Legal Options

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# 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

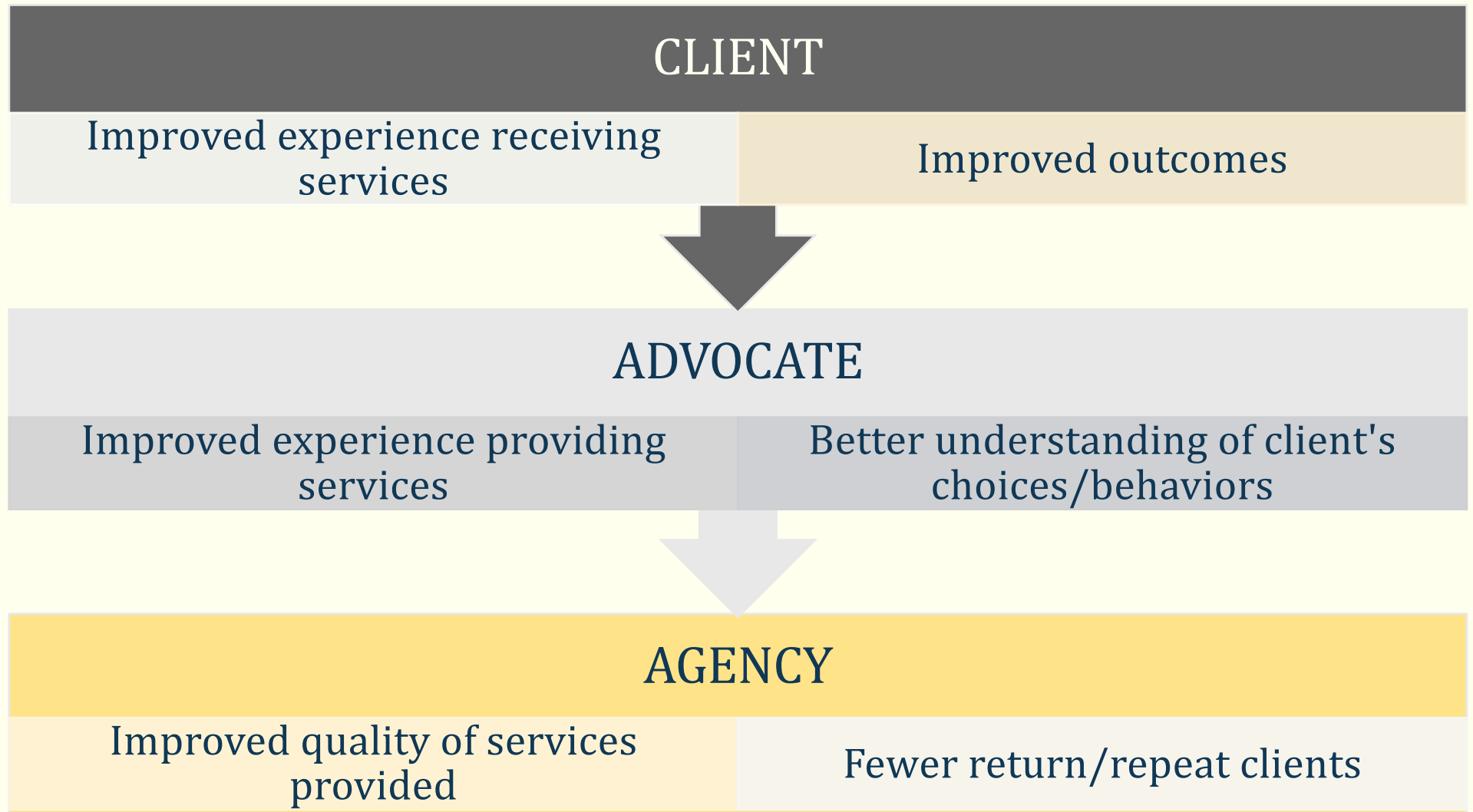
- Trauma-informed
- Mobile/flexible
- Client sets the goals/priorities

## Multidisciplinary

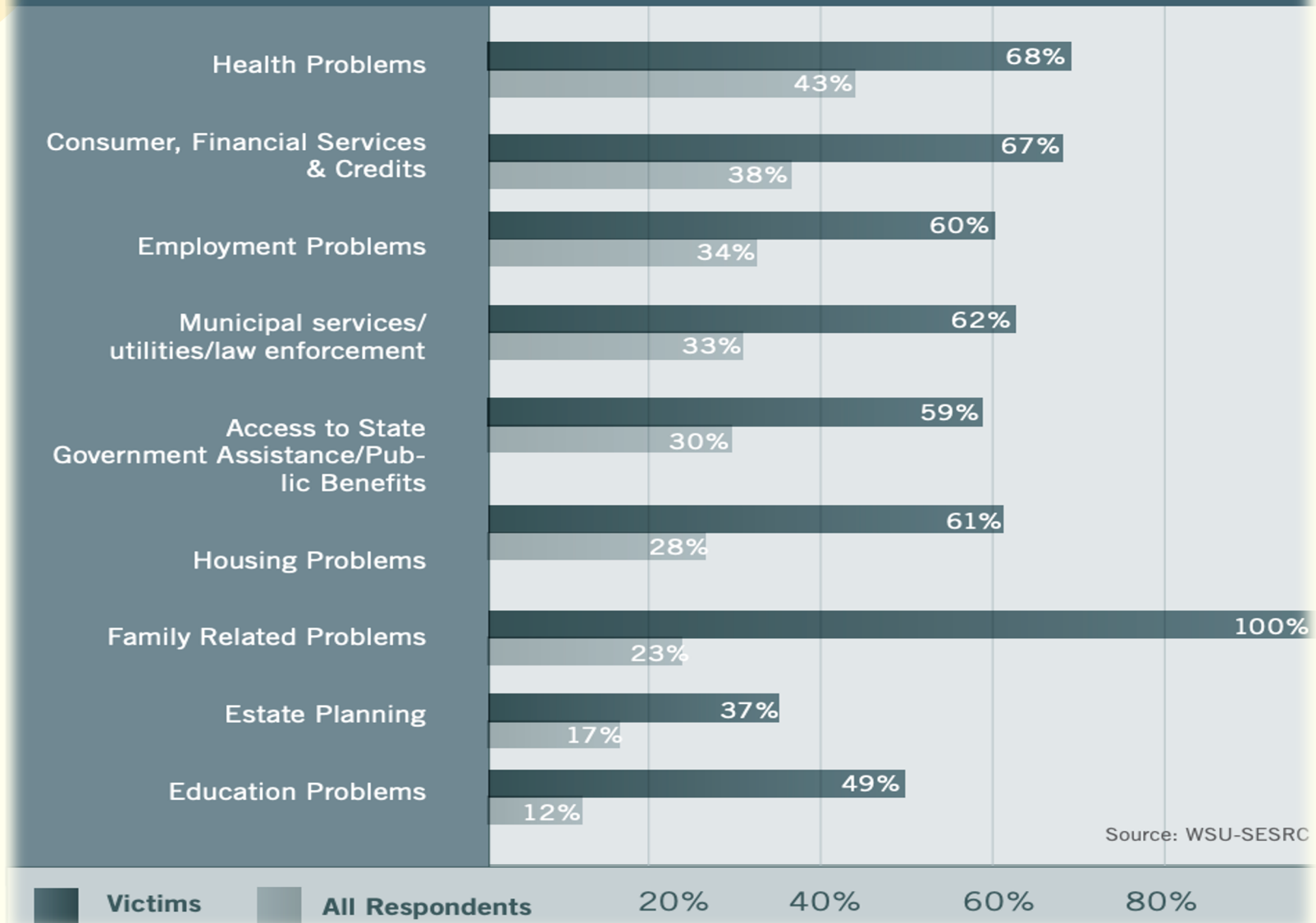
- Coordinated referrals for wrap-around services
- Team approach



# Goals of Holistic Civil Support



## DOMESTIC VIOLENCE/SEXUAL ASSAULT VICTIMS EXPERIENCE MUCH HIGHER RATES OF LEGAL PROBLEMS





# Multi Headed Hydra



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# Legal Advocacy

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# Holistic Legal Advocacy





# 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

## Don't

- “Giving legal advice... for fees....”
- “Selection, drafting, or completion of legal documents or agreements....”
- “Representation... in court, or in a formal administrative adjudicative proceeding”
- “Negotiation of legal rights or responsibilities....”

## Do

- Help client access self-help publications, free court forms, other resources
- Discuss options with client as client
- Protection order cases (filling out forms, court)
- Tell client clearly that you're not an attorney, and encourage them to get one if possible



# 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

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# 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

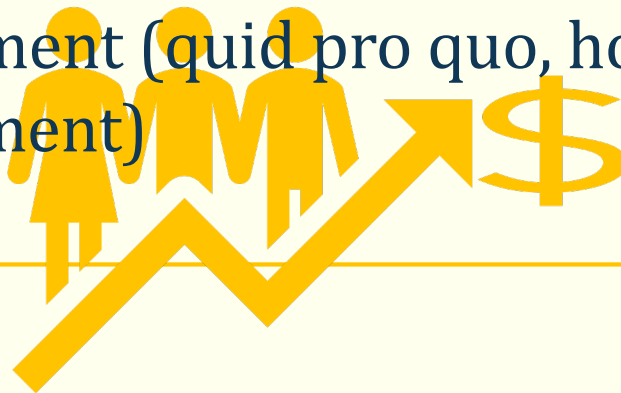
# IMMIGRATION

- 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

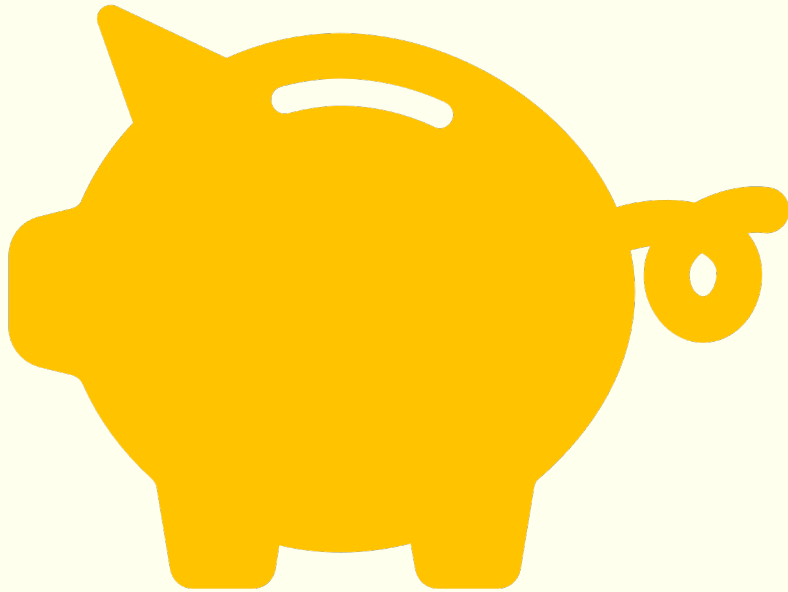


# EMPLOYMENT

- 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

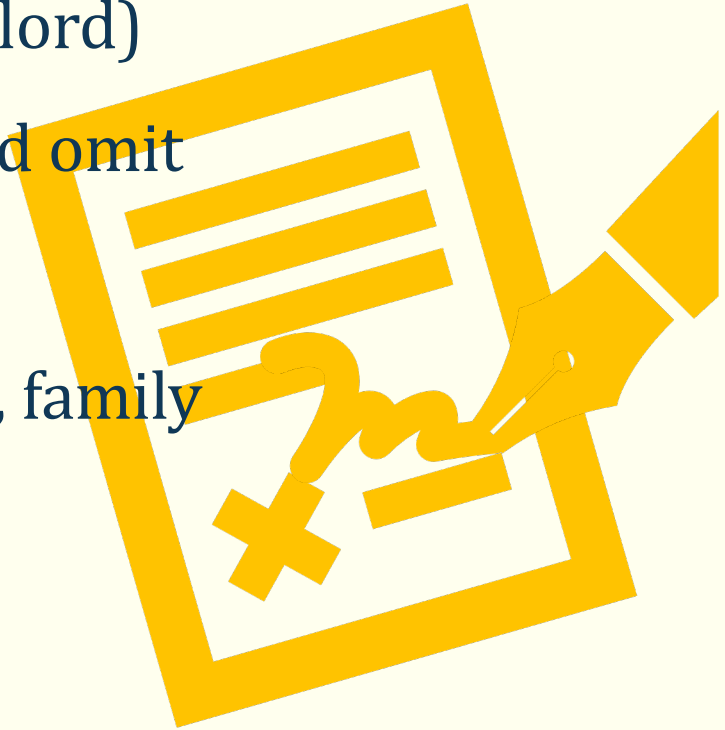


- Crime Victim Compensation
- Disability/TANF/cash assistance
- Restitution
- Paid Leave
- Credit
- Damages
- Bankruptcy



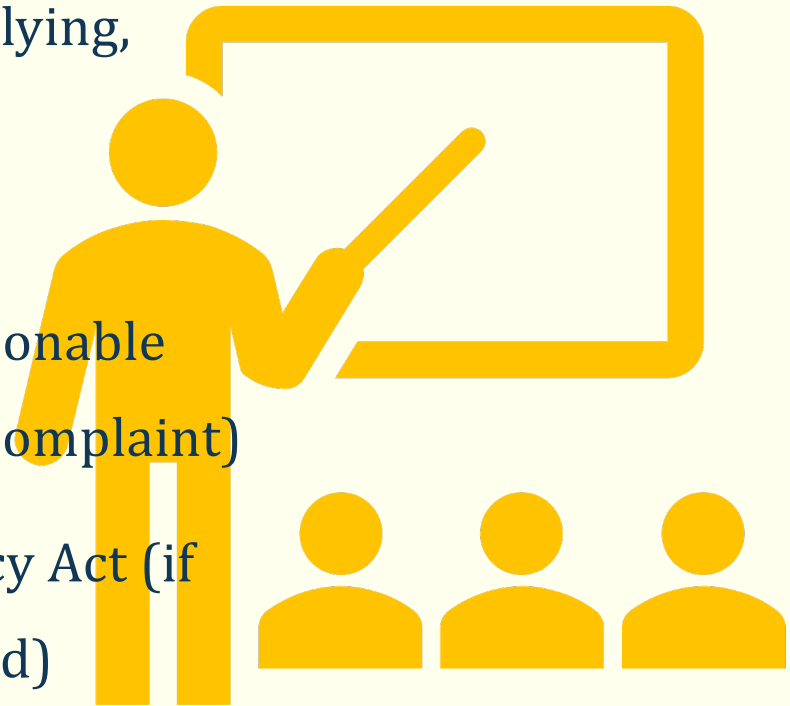
# PRIVACY

- 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





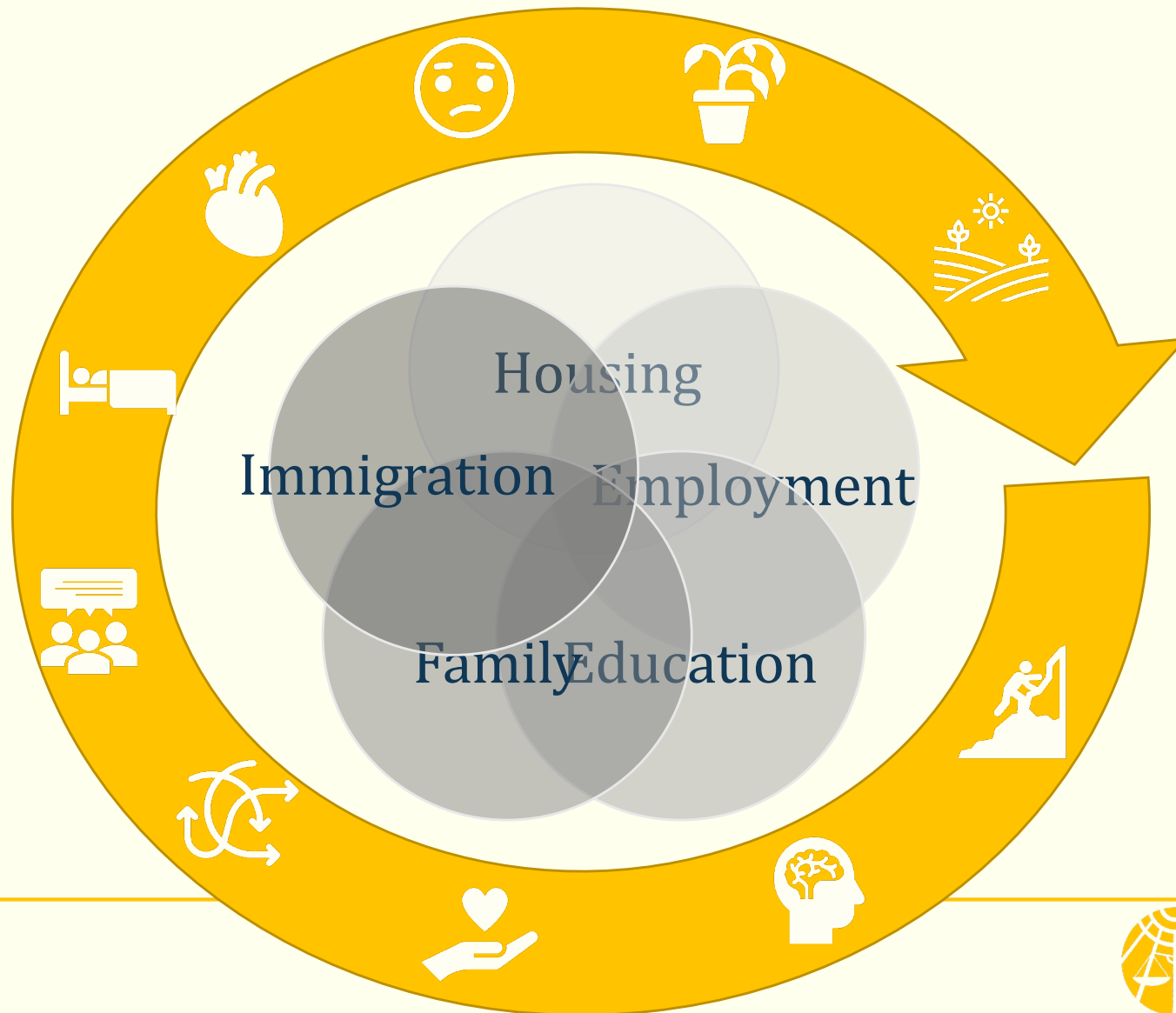
# Final Considerations

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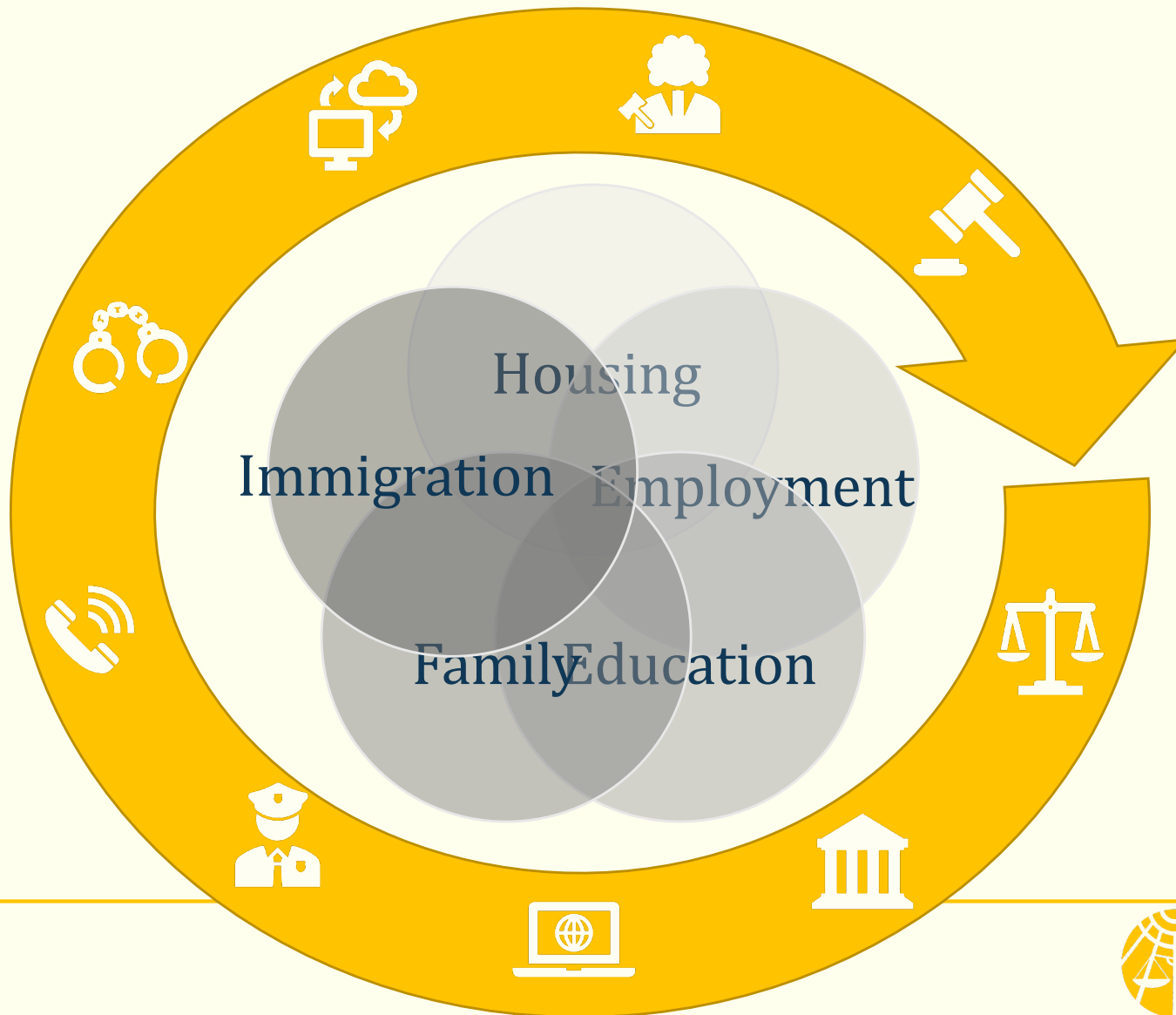


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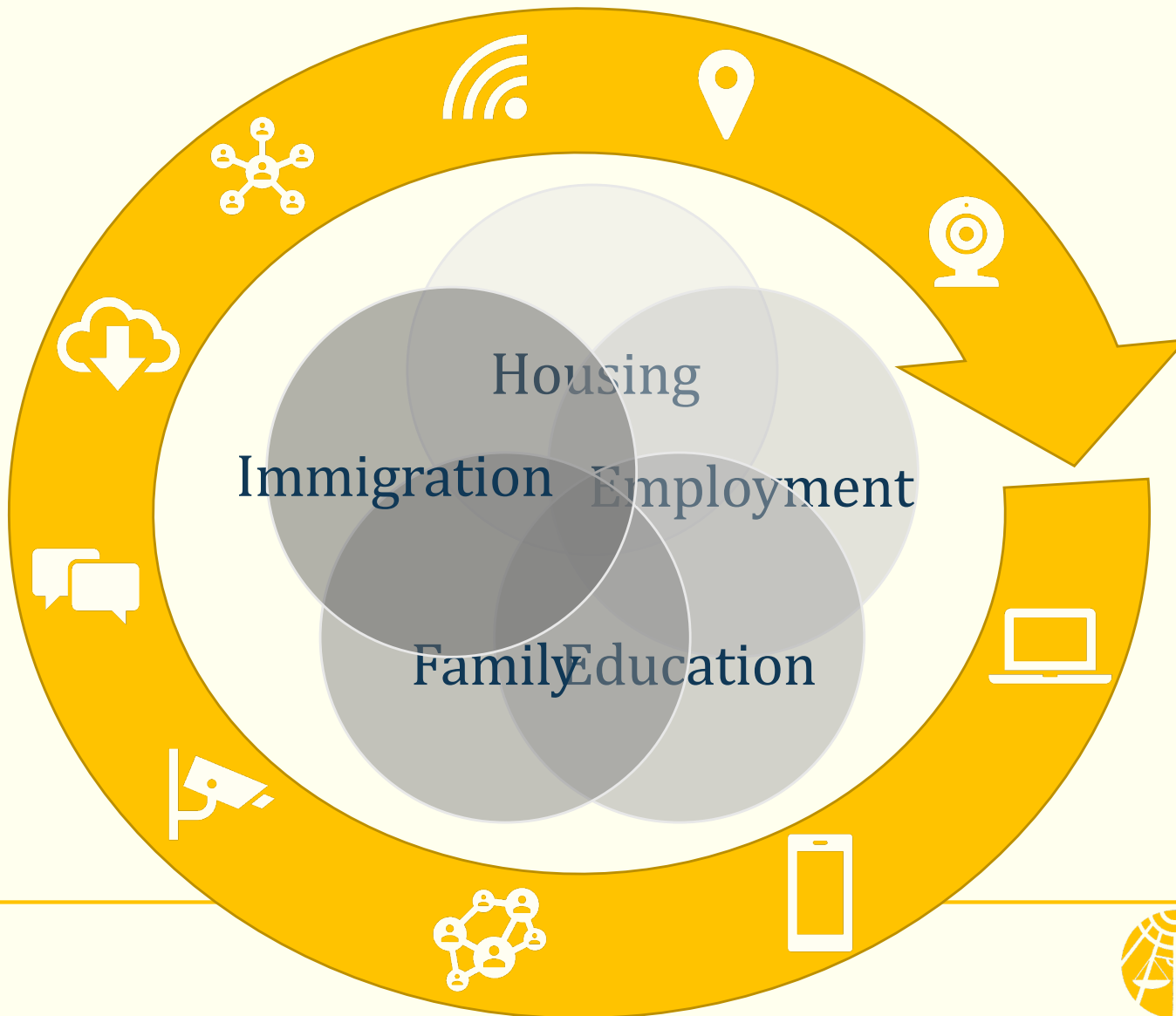
# MENTAL HEALTH FACTORS



# SYSTEMS FACTORS



# TECH FACTORS



# Remote Hearing Best Practices

Place	Practice	Present
<ul style="list-style-type: none"><li>▪ Quiet</li><li>▪ Well-lit</li><li>▪ Close to power source</li><li>▪ Avoid dead zones</li><li>▪ Spot to sit</li><li>▪ Background consideration (confidentiality)</li></ul>	<ul style="list-style-type: none"><li>▪ Meet with client on the platform</li><li>▪ Determine private communication process</li><li>▪ Practice muting and pausing</li><li>▪ Check headphones or earpieces</li><li>▪ No texting during (unless with advocate/attorney)</li></ul>	<ul style="list-style-type: none"><li>▪ Check the login/call-in</li><li>▪ Setting on phone from unknown calls</li><li>▪ Mute self</li><li>▪ Pause before speaking</li><li>▪ Look at the camera</li></ul>



# 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](http://www.svlawcenter.org)



## Call us

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

**(844) 991-SVLC** (toll free)

or

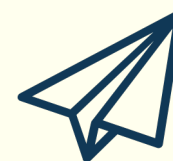
**(206) 312-SVLC**



## Email us

Send us a referral by email:

[legalline@svlawcenter.org](mailto:legalline@svlawcenter.org)




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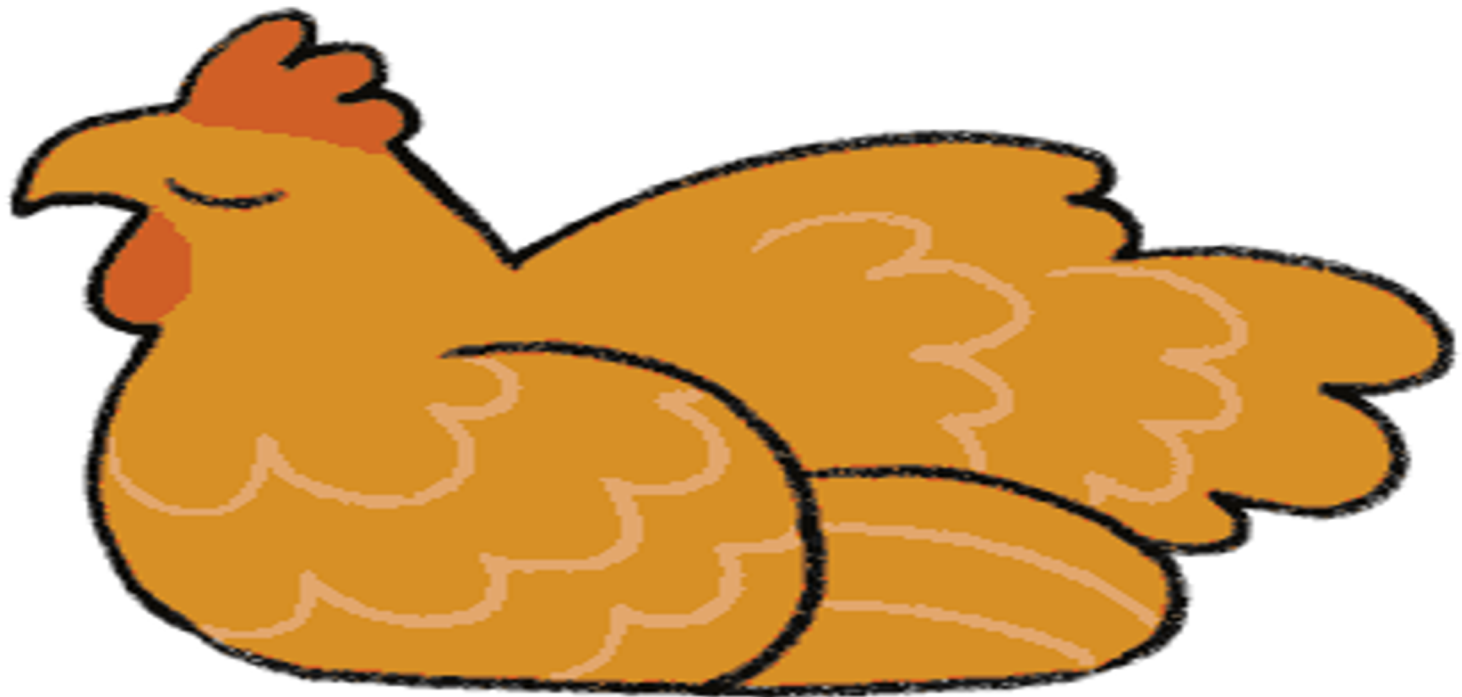
**Presenter's contact: [riddhi@svlawcenter.org](mailto:riddhi@svlawcenter.org)**



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STAY SAFE



**THANK YOU!**



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