

Changing Role of Advocates and Victim Witness Coordinators

September 19, 2012

Deborah D. Tucker, MPA National Center on Domestic and Sexual Violence

This is your Training

LISTEN with an open mind.

ASK questions respectfully.

SHARE what you know.





Since the early 1970s when the first rape crisis centers and battered women's shelters opened, as the needs of victims changed so did the roles of advocates. Through the years, advocates have puzzled their way through to provide advocacy effectively and to meet the needs of victims/survivors.



Helping battered women and victims of sexual assault consider their options, devise strategy, make decisions, implement plans and speak/advocate for self and children. All these puzzle pieces and more are necessary to assist individual sexual assault victims and battered women and to change system responses to them.

Advocates in the Early Years

- Options
- Support
- Shelter
- Information
- Referrals
- Crisis intervention
- Safety planning

Programs/ Service Providers in Early Years

- Emergency shelter, clothing and food
- Legal advocacy and court accompaniment
- Counseling
- Support groups
- Crisis hotlines
- Transportation
- Coordination with and referrals to other community services

What We've Learned

Empowerment

Respect Confidentiality

Promote
Access to
Community
Services

ADVOCACY

Believe and Validate Her Experiences

Help Her Plan for Future Safety Acknowledge the Injustice

Respect Her Autonomy

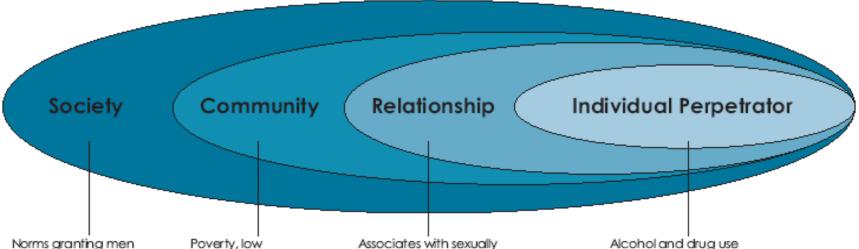
Developed from Domestic Abuse Intervention Project, Duluth, MN.

Empowerment

Empowerment Advocacy...

... believes that battering or rape is not something that happens to a woman because of her characteristics, her family background, her psychological "profile," her family of origin, dysfunction, or her unconscious search for a certain type of man. Battering or rape can happen to anyone who has the misfortune to become the target of a person who wants power and control enough to be violent to get it.

FACTORS ASSOCIATED WITH MEN COMMITTING RAPE



control over female behavior

Acceptance of violence as a way to resolve conflict

Notion of masculinity linked to dominance. honor, or aggression

Norms supportive of sexual violence.

Norms supportive of male superiority and sexual entitlement

Weak laws and policies related to sexual violence and gender equality

High levels of crime and other forms of violence

socioeconomic status, unemployment

Associating with sexually aggressive or delinquent peers

Lack of institutional support from police and judicial system

General tolerance of sexual assault within the community

Weak community sanctions against perpetrators of sexual violence

agaressive or delinguent peers

Family environment is characterized by physical violence and few resources

Strongly patriarchal relationship or family environment

Emotionally unsupportive family environment

Family honor considered more important than the health and safety of the victim.

Alcohol and drua use

Coercive sexual fantasies; attitudes supportive of sexual violence

Impulsive and antisocial tendencies

Preference for impersonal sex

Hostility towards women

History of sexual abuse as a child

Witnessed family violence as a child

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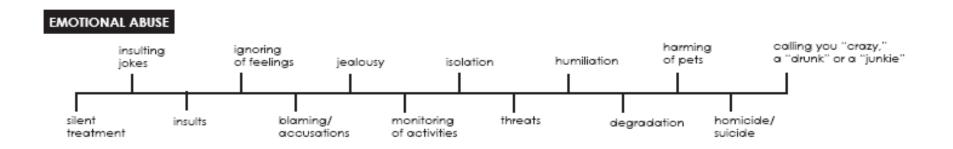


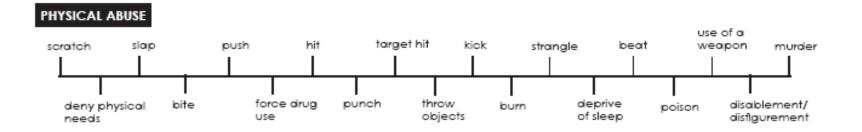
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Manifestations of Violence

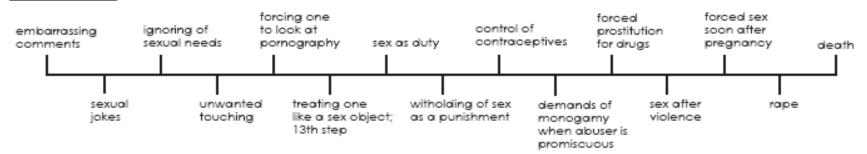
Abuse can occur in different forms. It can be physical, emotional, sexual, spiritual, social and/or economic. The diagrams below describe some of the abuse tactics batterers use as they attempt to gain or maintain power and control over their intimate partners. Abuse does not always progress in the steps shown here. Sometimes the abuse may advance from pushing or hitting directly to more severe physical violence such as the use of a weapon. Although each relationship is unique, any type of abuse must be considered a serious cause for concern. Despite different circumstances, it is important to remember that abuse can escalate (especially if there is no intervention). A coordinated community response holding batterers accountable for their abusive behaviors is essential, as is a response acknowledging and respecting the rights of victims of domestic violence.

Exercise: It is helpful to be aware of the different manifestations of domestic violence. Circle the type(s) of abuse you are now experiencing (or that you have experienced). Notice if the violence is increasing in intensity, severity or frequency. Talk to a domestic violence advocate to develop or review your current safety plan or explore your options. Remember, domestic violence is never your fault, even if you were drinking or using drugs.

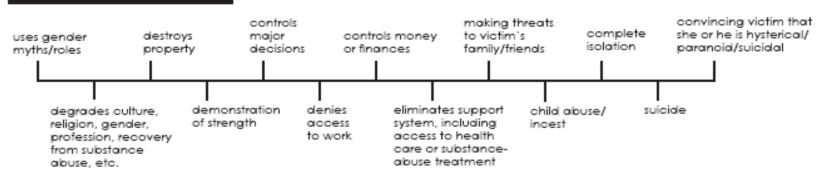




SEXUAL ABUSE



SOCIAL/ENVIRONMENTAL ABUSE



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Responsibilities of the Movement to End VAW

- Collaborate with victims of sexual assault and domestic violence.
- Build organizations that learn and are responsive.
- Create cooperation, coordination and collaboration in the community.
- Create a society and world without violence.



Why do People Abuse?

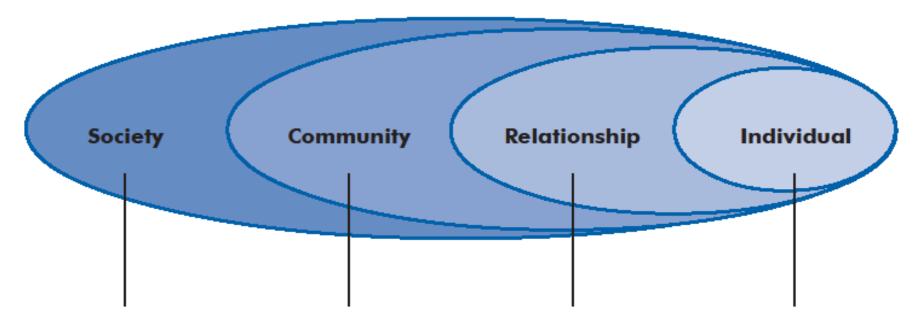
- People Learn to Abuse
- People Must Have the "Opportunity" to Abuse
- Reople Choose to Abuse

- 1. Learn to Abuse usually through their family of origin by:
 - Direct instruction
 - Modeling or learning through observation
 - Learning by reinforcement that violence is effective or rewarding

- 2. "Opportunity" to Abuse
 - Abuse without suffering consequences
 - Abuser perceives that he or she can 'get away with it'
 - Supportive environment of sexism, homophobia, racism, classism, antisemitism, ageism and ableism

- 3. Choose to Abuse
 - X It's a conscious choice
 - Abusers are able to learn and make different choices
 - Abusers are solely responsible for their violence

Factors Associated with a Man's Risk for Abusing His Partner



- Traditional gender norms
- Social norms supportive of violence
- Weak community sanctions against domestic violence
- Poverty
- Low social capital

- Marital conflict
- Marital instability
- Male dominance in the family
- Economic stress
- · Poor family functioning

- Young age
- Heavy drinking
- Depression
- Personality disorders
- · Low academic achievement
- · Low income
- Witnessing or experiencing violence as a child







Power and Control Theory



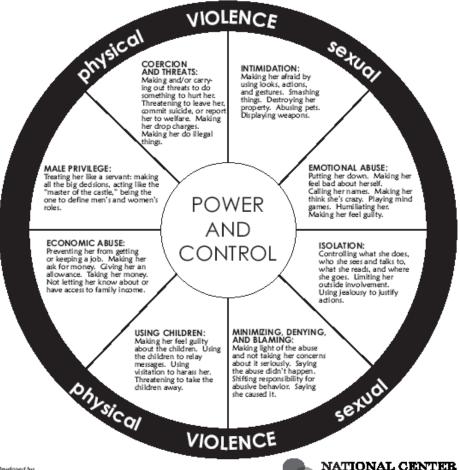
Power and Control

- Ratterers seek to gain and maintain power and control over their intimate partners by use of actual and assumed power.
- Power takes the form of strategic, abusive tactics (physical, sexual, verbal, emotional) to reinforce this control.

POWER AND CONTROL WHEEL

Physical and sexual assaults, or threats to commit them, are the most apparent forms of domestic violence and are usually the actions that allow others to become aware of the problem. However, regular use of other abusive behaviors by the batterer, when reinforced by one or more acts of physical violence, make up a larger system of abuse. Although physical assaults may occur only once or occasionally, they instill threat of future violent attacks and allow the abuser to take control of the woman's life and discumstances.

The Power & Control diagram is a particularly helpful tool in understanding the overall pattern of abusive and violent belaviors, which are used by a batterer to establish and maintain control over his partner. Very often, one or more violent incidents are accompanied by an array of these other types of abuse. They are less easily identified, yet firmly establish a pattern of intimidation and control in the relationship.



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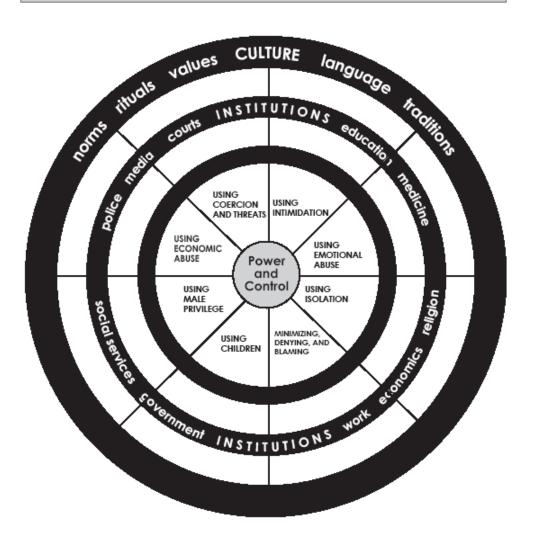
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POWER AND CONTROL WHEEL



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Cultural Considerations

Cultural Considerations

- Relay a role in the tactics batterers use to control their victims.
- May effect how we perceive and respond to both victims and offenders and therefore our victims services and offender accountability.

Culture Influences Choices

Friends, Family, Neighbors

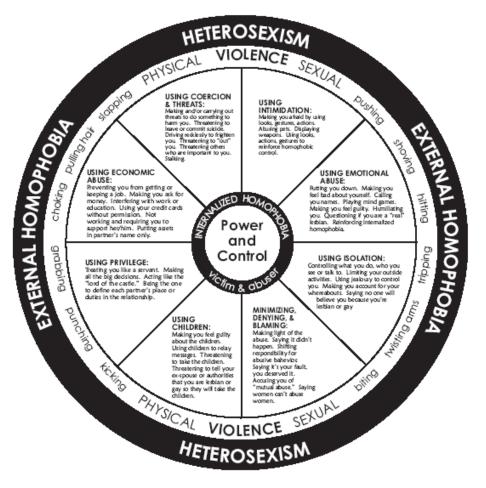
Health Providers, Faith Communities

Social Services Agencies

Lawyers, Civil Court Remedies

Domestic Violence Specialists, Shelters, 911, Women's Groups, Batterer Programs

LESBIAN/GAY POWER AND CONTROL WHEEL



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Developed by Roe & Jagod Insky: Inspired and adapted from: Domestic Abuse Intervention Project 202 Sat Superior Street Duluth, MN 55802





VIOLENCE AGAINST NATIVE WOMEN: BATTERING

PRIVILEGE
Frieats her like a servant. Makes all the big decisions.
Acts like the "king of the castle." Defines men's and women's roles.

ISOLATION

Controls what she does, who she sees and talks to, what she reads. Limits her outside involvement. Uses jealousy to justify actions.

INTIMIDATION

Makes her afraid by using looks, actions, gestures. Smashes things. Destroys her property. Abuses pets. Displays weapons.

EMOTIONAL ABUSE

Puts her down. Makes her feel bad about herself. Calls her names. Makes her think she's crazy. Plays mind games. Humiliates her. Makes her feel guilty.

MINIMIZE, LIE, AND BLAME

Makes light of the abuse and doesn't take her concerns seriously. Says the abuse didn't happen. Shifts responsibility for abusive behavior. Says she caused it.

USING CHILDREN

Makes her feel guilty about the children. Uses the children to relay messages. Uses visitation to harass her. Threatens to take away the children.

ECONOMIC ABUSE

Prevents her from working. Makes her ask for money. Gives her an allowance. Takes her money. Doesn't let her know about or access family income.

COERCION AND THREATS

Makes and/or carries out threats to do something to hurt her. Threatens to leave her, to commit suicide, to report her to welfare. Makes her drop charges. Makes her do illegal things.

CULTURAL ABUSE

Competes over "Indian-ness." Misinterprets culture to prove male superiority/female submission. Uses relatives to beat her up. Buys into "blood quantum" competitions.

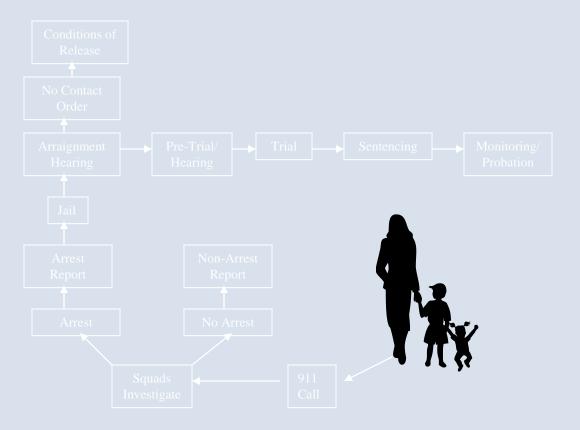
RITUAL ABUSE

Prays against her. Defines spirituality as masculine. Stops her from practicing her ways. Uses religion as a threat: "God doesn't allow divorce." Says her period makes her "dirty."

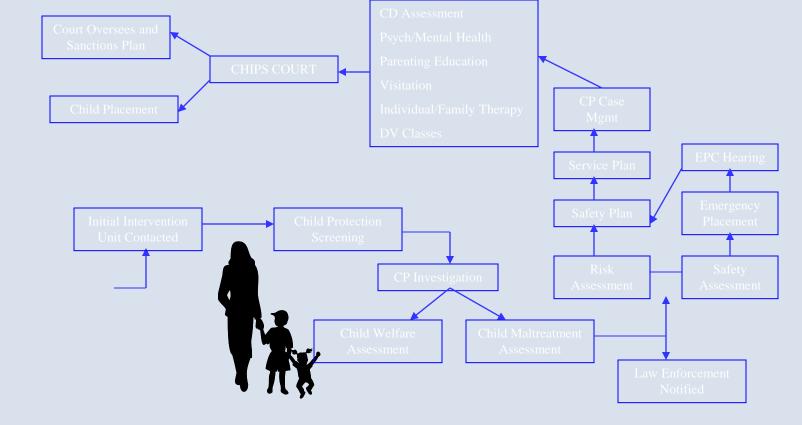
UNNATURAL POWER AND CONTROL



Battered Women's Justice Project & Praxis International

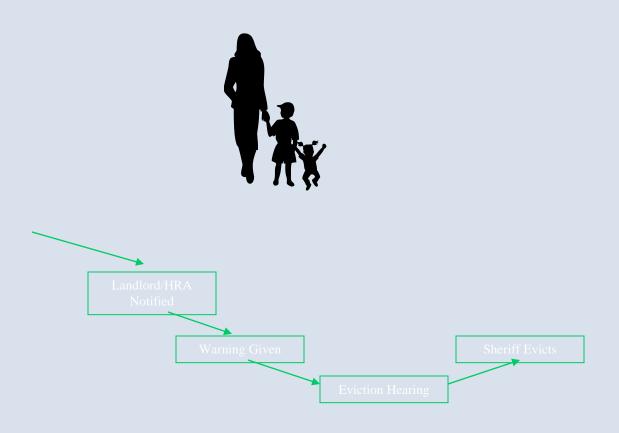


DOMESTIC VIOLENCE/ARREST INCIDENT

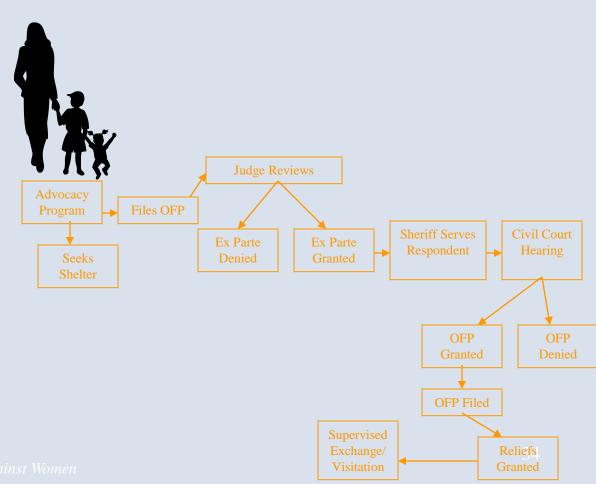


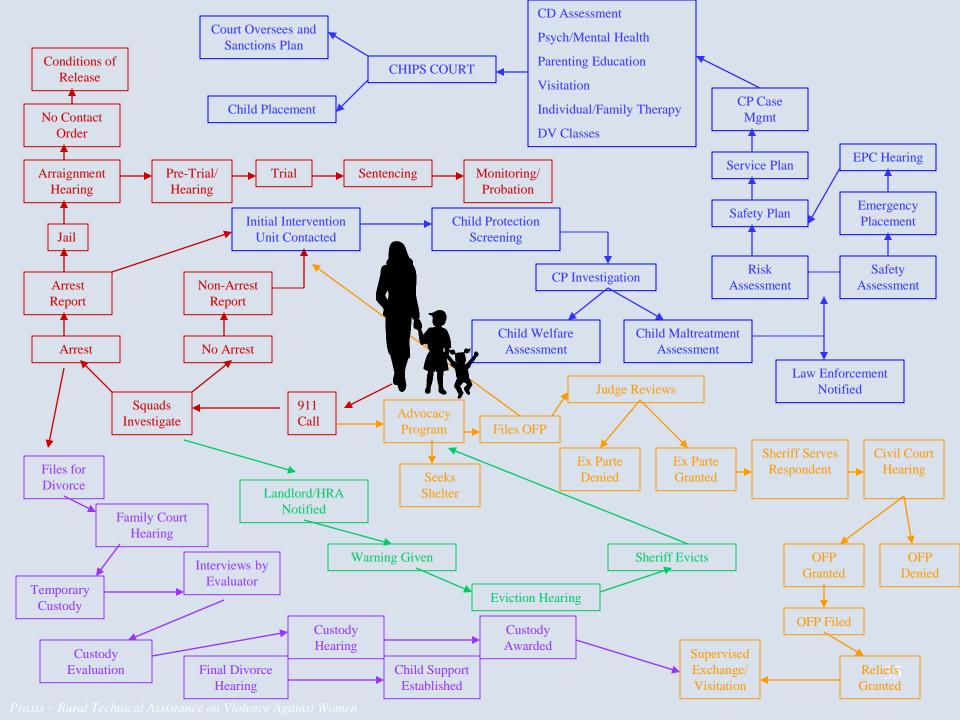
CHILD PROTECTION MAP

HOUSING MAP



ORDER FOR PROTECTION – CIVIL COURT PROCESS





Advocates in Later Years



Needs of Victims

- 1. SAFETY: Protection from perpetrators and revictimization; crime prevention through collaborative problem solving; a restored sense of individual and community safety.
- 2. ACCESS: Ability to participate in the justice system process and obtain information and services, regardless of individual or family circumstances.



Needs of Victims

- 3. INFORMATION: Verbal and written information about justice system processes and victim services that is clear, concise, and user-friendly.
- 4. SUPPORT: Services and assistance to enable participation in justice processes, recovery from trauma, and repair of harm caused by crime.



Needs of Victims

- 5. CONTINUITY: Consistency in approaches and methods across agencies; continuity of support though all stages of the justice process and trauma recovery.
- 6. VOICE: Empowerment to speak out about processing of individual cases; opportunities to influence agency and system-wide policies and practices.



Justice is achieved when all stakeholders are satisfied with the process and the outcome is fair to all participants.

 What Do Victims Want? Effective Strategies to Achieve Justice for Victims of Crime, International Association of Chiefs of Police, 1999.

Advocates in Later Years

Early Years — Ongoing

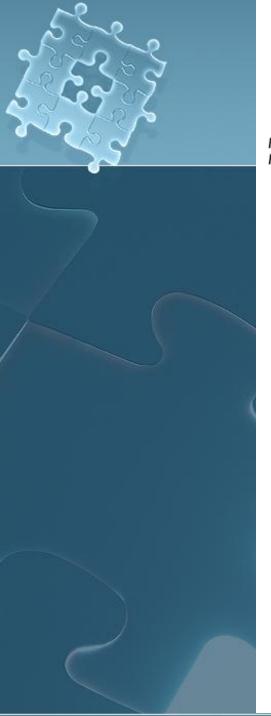
- Options
- Support
- Information
- Shelter
- Referrals
- Crisis intervention
- Safety planning
- Individual advocacy

Later Years - New

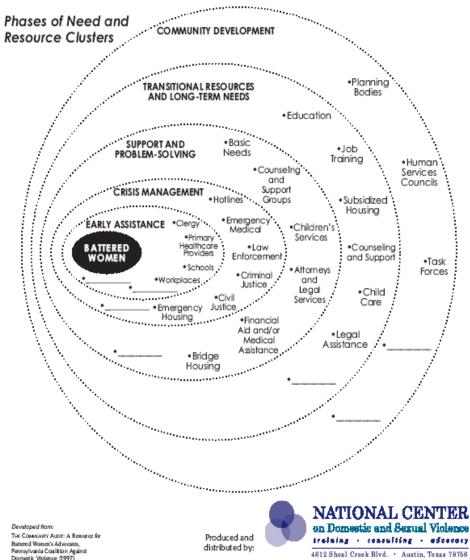
- Advocating for laws and policies
- Systems advocacy
- Criminal/civil justice system
- Other systems: welfare, housing, employment, education, child support, healthcare, etc.
- Community outreach
- CCR/coalition building

Programs/ Service Providers in Later Years

- Assistance with protective order application process
- Programs for children (i.e., art therapy and schools in some communities)
- Sexual assault programs more closely aligned with domestic violence
- # Healthcare services
- Assistance with the TANF/food stamp application process
- 3 Job training and educational assistance
- Transitional housing



CONTINUUM OF CARING: COMMUNITY-BASED RESOURCES FOR BATTERED WOMEN



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Effective Responses to a Domestic Violence Survivor

Effective Responses to a Domestic Violence Survivor

ASK – instead of telling

LISTEN — instead of talking

SHARE RESOURCES/REFERRALS — instead of advising

5 Things to SAY to a Victim

- 1. I'm afraid for your safety.
- 2. I'm afraid for the safety of your children.
- 3. It will only get worse.
- 4. I'm here for you.
- 5. You don't deserve to be abused.

- Study by Sarah Buel and Quincy, MA Courts

5 Things to Say to an Abuser

- 1. I'm afraid you'll really hurt her badly or kill her next time.
- 2. I'm afraid you'll hurt your children.
- 3. It will only get worse.
- 4. I'm here for you when you're ready to change.
- 5. No one, including you, has the right to abuse/hurt another person.

Individual vs. Systems Advocacy

Individual Advocacy

- Information/sharing/reflection
- Referral and follow-up
- Mentoring/critical thinking
- Risk assessment/threat management
- Resource acquisition
- Support/community organizing
- Accompaniment
- Intervention; legal, medical, employment



Systems Advocacy

- Expansion of resources for survivors
- Seeking changes in structure and practice; human services/legal/education systems
- Promotion of culturally inviting practices
- Accountability; perpetrator and system through CCR and community organizing
- Building community; workplace, neighborhood, faith organizations, etc.



Individual vs. Systems Advocacy Examples

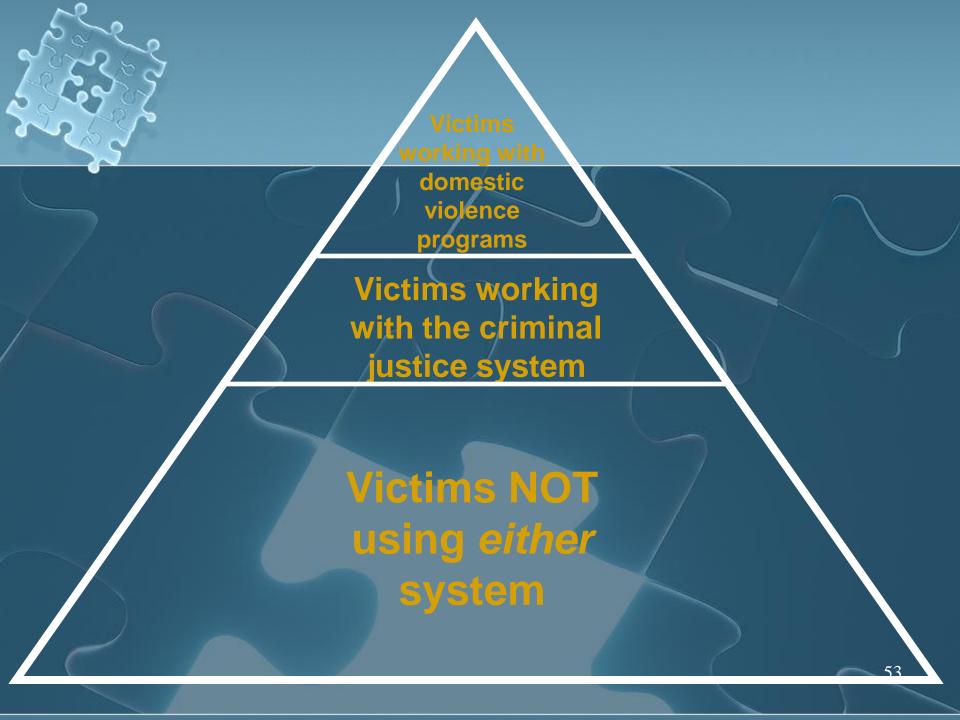
Individual

- Accompany a victim to the police station to sign an assault complaint and explain how the system works.
- Help a victim restore their food stamps.
- Ask the prosecutor to authorize a complaint after it has been turned down.

Systems

- Work to change police policy so that an officer is the one to sign a complaint.
- Work to change the policy so that victims from the shelter can get food stamps with no questions asked.
- Convince prosecutors to implement effective domestic violence policies and procedures so that fewer complaints are denied.

Community-Based and Systems Advocates



Evolution of Advocates

- Community-Based Advocates working in independent, community—based agencies where victims of sexual assault and domestic violence seek services
- Systems Advocates, commonly known as Victim Witness Advocates or Coordinators, working in law enforcement and prosecutor offices where victims are witnesses in criminal cases

Goals of CB Advocacy

- Safety of victims
- Authority/autonomy/empowerment
- Restoration/resources
- Justice
- Accountability of perpetrator
- Accountability of the criminal and civil justice systems
- Well-being of victims

Goals of VW Advocacy

- Safety of victims
- Accountability of perpetrators
- Deterrence of perpetrators
- Restitution for victims
- Implement victim rights statutes and rules
- Seamless criminal justice response

- Victim/family support and advocacy
- Information
- Holistic service
- Critical thinking
- Risk assessment and safety planning
- Promote authority/resources
- Restoration
- Community organizing

- Victim assistance
- Information
- Police/DA assistance
- Investigation
- Case-based service
- Notice on case developments
- Risk assessment and threat management
- Victim enlistment
- Compensation

- Confidential communications
- Non-disclosure directives
- Accompaniment
- Assist victim in speaking for self
- Advocate for victim position on sentence

- Non-confidential communications
- Disclosure to prosecution and defense
- Accompaniment
- X Victim-impact statement
- Bound by sentence proposal of DA

- Work with victims to navigate *multiple* systems:
 - criminal and civil justice
 - welfare
 - housing
 - employment
 - education
 - child support
 - healthcare

- Work with victims to navigate system:
 - criminal justice system
- Work with victims of all crimes, not just domestic violence and sexual assault

- Responsibility for system and case problem-solving/ advocacy
- System accountability
- Media/cultural work
- Community organizing/CCR
- Community education

- Time limited
- Community education
- Victims in criminal cases
- Uphold constitutional responsibility to protect the defendant's civil rights, not the victim's rights

- Cooperate with the criminal/civil justice systems, but not always
- Work to meet the multiple needs of victims
- Help victims identify their options
- Don't tell victims what to do – let them make own choices

- Encourage victims to participate in the criminal justice system
- Help develop a more "user friendly" system
- Help victims recover in the aftermath of crime
- Facilitate the process of prosecuting cases, getting POs or serving as a liaison with law enforcement

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CB Advocates Believe

- Responsible to the *individual* victim of domestic violence
- Victim/perpetrator relationship does not determine if act is criminal
- Battered women face many risks besides continued violence
- Victims can best assess their risks and devise a personal safety plan
- The criminal justice system should neither revictimize victims, nor collude with the offender

CB Advocates Believe

- The criminal justice system may be helpful to victims if the resources and processes are:
 - Accessible
 - Timely
 - Responsible
 - Effective
 - Culturally sensitive

VW Advocates Believe

- Crimes are violations of society's laws, i.e., they are against the state
- Victims/witnesses are critical to the enforcement and prosecution of crimes
- They are responsible to the system and the victim

VW Advocates Believe

- To gain victim cooperation, the system should:
 - Act to provide safety during the victim's involvement in the criminal justice system
 - Assist the victim to fulfill the role of witness
 - Seek support and restitution for the victim
 - Listen to the victim at sentencing on the impact of the crime



Community Cooperation, Coordination, Collaboration



- Relationships usually formed around one area of information exchange.
- Resources and organizations kept separate.
- May be short-term or project-oriented.
- There will be little planning or evaluation, but will be some problem-solving.



- Relationships may be broader in scope and more in-depth communications occur.
- Resources are specifically allocated by the partnering organizations and individuals will be designated as responsible for the effort.
- Usually longer-term, more of a program rather than a project and involve some planning and evaluation.



Collaboration

- Relationships are very intertwined with open communications designed to problem-solve and create new approaches.
- Resources are avidly shared and may be sought jointly.
- Responsibilities and roles in the effort are clear, with leadership coming from both/several organizations.
- The venture has an articulated vision and is planned, with evaluation and redesign based on performance.



SUCCESSFUL COLLABORATION WHEEL

When to collaborate?

The general rule is that law enforcement agencies or personnel should engage in collaboration with other organizations or individuals when stakeholders have a common, long-term goal; are committed to working together as a team; and cannot achieve the goal more efficiently as independent entities. Not all law enforcement relationships must be collaborative, nor should they strive to be. Under some circumstances, it may be appropriate for law enforcement personnel just to establish a good communication plan. Under other circumstances, cooperation between two individuals may be sufficient. Perhaps coordination between two agencies to avoid duplication of effort is all that is required. Collaboration is, however, critical for many community policing endeavors.



Reproduced from "Collaboration Toolkit: How to Build, Fix, and Sustain Productive Partnerships," by Tammy A. Rinehart, Anna T. Laszlo, and Gwen O. Briscoe, Ph.D., Community Oriented Policing Services, U.S. Dept. of Justice, Washington, D.C.: 2001



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COMMUNITY ACCOUNTABILITY WHEEL

This wheel *begins* to demonstrate the ideal community response to the issue of domestic violence. Community opinion, which strongly states that battering is unacceptable, leads all of our social institutions to expect full accountability from the batterer by applying appropriate consequences. This wheel was developed by Mike Jackson and David Garvin of the Domestic Violence Institute of Michigan (P.O. Box 130107, Ann Arbor, MI 48113, tel: 313.769.6334).

COMMUNITY OPINION

MEN WILL:

Acknowledge that all men benefit from men's volence. Actively oppose men's volence. Actively oppose men's volence. Use peer pressure to stop violence against women and children. Make peace, justice, and equality masculine virtuses. Vigorously confront men who indulge in misogynistic behavior. Seek out and accept the leadership out and accept the leadership.

CLERGY WILL:

Conduct outreach within the congregation regarding domestic violence and provide a safe environment for women to discuss their experiences. Develop internal politics for responding to domestic violence. Speak out against domestic violence from the pulpit. Organize multi-faith coalitions to educate the religious community. Interact with the existing domestic violence intervention community.

EDUCATIONAL SYSTEM WILL:

Dialogue with students about violence in their homes, the dynamics of domestic violence, and how it's founded on the oppression of women and the worship of men. Provide a leadership role in research and theoretical development that prioritizes gender justice, equal opportunity, and peace. Intervene in harassment, abuse, violence, and intrinsidation of girls and women in the educational system.

JUSTICE SYSTEM WILL:

Adopt mandatory arrest policy for men who batter. Refer batteres: exclusively to intervention programs that meet sate or federal standards. Never offer delayed or deferred sentence options to batteres. Provide easily accessible protection orders and back them up. In carcerate batterers for noncompliance with any aspect of their adjudication.

MEDIA WILL:

Educate the community about the epidemic of violence against women. Prioritize safety, equal opportunity, and justice for women and children over profit, popularity, and advantage. Expose and condemn patriarchal privilege, abuse, secrecy, and chauvinism. Cease the glorification of violence against women and children.

SOCIAL SERVICE PROVIDERS WILL:

Become sodal change advocates for battered women. Refer batterers to accountable intervention programs. Stopt blaming batterers' behavior on myths such as drugs and alcohol, family history, anger, provocation, "loss of control," etc. Design and deliver services that are sensitive to women and children's safety needs. Minimize how batterers use them to continue battering their

GOVERNMENT WILL:

Basi laws that: define battering by men as criminal behavior without exception; vigorousily and progressively sanction men's battering behavior; create standards for accountable batterer intervention programs; and require coordinated systems of intervention in domestic violence. Provide ample funding to accomplish the goal of eradicating domestic violence.

EMPLOYERS WILL:

Condition batterers' continuing employment on remaining nonviolent. Actively intervene against men's stalking in the workplace. Support, finandally and otherwise, advocacy and services for battered women and children. Continually educate and dialogue about domestic violence issues through personnel services.

COMMUNITY OPINION

BATTERERS

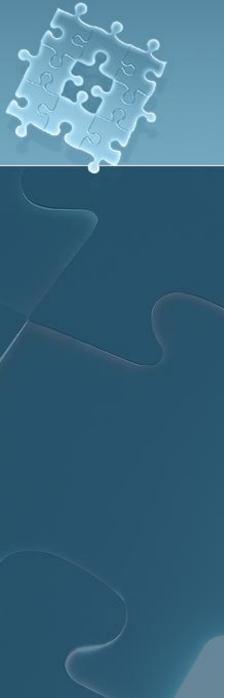
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EQUALITY WHEEL

NONVIOLENCE NEGOTIATION AND FAIRNESS: NON-THREATENING BEHAVIOR: Seeking mutually satisfying resolutions to conflict. Accepting changes. Being willing to Talking and acting so that she feels safe and comfortable expressing herself and doing things. compromise. RESPECT: ECONOMIC PARTNERSHIP: Listening to her non-judgmentally. Being Making money decisions together. Making sure both partners benefit emotionally affirming and understanding. Valuing her opinions. **EQUALITY** TRUST AND SUPPORT: Supporting her goals in life. Respecting her right to her own feelings, friends, activities, and opinions.

RESPONSIBLE PARENTING:

from financial arrangements.

SHARED RESPONSIBILITY: Mutually agreeing on a fair distribution of work. Making family decisions together.

> Sharing parental responsibilities. Being a positive, nonviolent role model for the children.

HONESTY AND ACCOUNTABILITY:

ACCOUNTABILITY:
Accepting responsibility for self. Adknowledging past use of violence. Admitting being wrong. Communicating openly and truthfully.

NONVIOLENCE

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We Are Here for You

We Are Here for You

We are here to listen...

Not to work miracles.

We are here to help a woman discover what she is feeling...

Not to make her feelings go away.

We are here to help a woman identify her options...

Not to decide for her what she should do.

We Are Here for You

- We are here to discuss with a woman...
 Not to take steps for her.
- We are here to help a woman discover her own strength...

Not to rescue her and leave her still vulnerable.

We are here to help a woman discover she can help herself...

Not to take responsibility for her.



We are here to help a woman learn to choose...

Not to keep her from making difficult choices.

We are here to provide support for change.

Anonymous





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-Anonymous

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Questions?

Note: reference slides follow

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Advocating for Laws and Policies

Advocating for Laws and Policies

- Local
 - Zoning
- Federal
 - Violence Against Women Act
 - Interstate stalking
 - Firearms
 - Immigration
 - Full Faith and Credit

State Domestic Violence Laws and Policies

- Mandatory arrest and warrantless arrest
- No-drop policies
- Orders of protection, full faith and credit enforcement of protection orders
- Assaulting an intimate partner
- Marital rape
- Stalking
- Divorce and mediation
- Custody and visitation in battering relationships

State Domestic Violence Laws and Policies

- Prohibiting insurance discrimination
- Funding for domestic violence and sexual assault programs
- Identification of predominate aggressor
- Requiring medical professionals to report and/or document suspected abuse
- Training requirements for law enforcement officers and judges
- Requirements to notify victims of their rights and available services

Unauthorized Practice of Law



The next five slides are excerpted from Court Advocates and the Unauthorized Practice of Law – Instructions to Court Advocates, Alabama Coalition Against Domestic Violence, November 1, 2002.

Unauthorized Practice of Law

- State definitions of UPL differ greatly.
- UPL laws are open to interpretation by the courts and each jurisdiction differs in its activities and interpretations.
- UPL interpreted to occur when a non-lawyer engages in any activities which affect and impact upon the legal rights and obligations of clients.
- X Various methods such as injunctions and criminal prosecutions have been used to enforce UPL regulations.

Unauthorized Practice of Law

Courts have identified general parameters to determine whether there has been UPL:

- whether the service is commonly understood to involve the practice of law;
- 2. whether the service requires legal skills and knowledge beyond that of the average lay person; and, in some cases,
- 3. whether there has been harm to the consumer of those services.



Practice of Law

All states have general statutes limiting the practice of law to licensed attorneys. Generally, the practice of law includes:

- accepting cases from a client;
- setting fees;
- 3. giving legal advice, thereby rendering independent legal judgment on behalf of a client;
- 4. preparing or signing legal documents; and
- 5. appearing in a representative capacity before a court or other adjudicatory body.

Tips for Advocates to Avoid UPL

- Make certain that those with whom you communicate realize that you are a non-lawyer court advocate, and that court advocates are not attorneys and cannot give legal advice.
- When conveying information which may be construed as legal advice, you should clearly identify the source of the advice as the attorney, e.g., "I questioned Attorney Smith on the point that you raised, and the attorney's opinion is that..."

Tips for Advocates to Avoid UPL

- Make certain that all legal documents and correspondence which may include information that could be construed as a legal opinion are reviewed, approved and signed by an attorney, if possible.
- Make certain that you communicate effectively with the attorney and keep him/her advised of your work and activities. Ensure that all your work is reviewed and approved by the attorney.