



**The Civil Legal Representation Project:
Saving Lives, Promoting Self-Sufficiency, and
Creating Institutional Change for Victims of Domestic Violence**

Final Evaluation Report

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PART ONE

The Civil Legal Representation (CLR) Project: Saving Lives, Promoting Self-Sufficiency, and Creating Institutional Change for Victims of Domestic Violence

I. Introduction

What is the Civil Legal Representation Project?

The goals of the Civil Legal Representation (CLR) Project of the Pennsylvania Coalition Against Domestic Violence (PCADV) are to save lives, promote self-sufficiency, and create institutional change in the civil courts for victims of domestic violence. Safety, autonomy, and restoration are essential to survival and self-sufficiency; advocacy for the rights and interests of domestic violence victims is vital for system change. These core values form the foundation of the CLR Project.

Although State and Federal statutes offer protections and remedies for victims of domestic violence through the civil justice system, these laws are not self-implementing. For many victims, lack of knowledge and resources bars access to available legal relief. For others, fear of retaliation for challenging their abuser inhibits their ability to seek assistance from the civil justice system. In many courts, procedures designed to assist unrepresented parties, in fact, intimidate and deter victims of domestic violence. Victims who overcome these barriers to taking action on their own behalf often subsequently encounter Judges who do not exercise their power to provide all of the relief allowed under the law.

For many victims, lack of knowledge and resources bars access to available legal relief. For others, fear of retaliation for challenging their abuser inhibits their ability to seek assistance from the civil justice system.

The CLR Project was established to eliminate barriers to justice for victims of domestic violence through:

- ◆ assisting victims with complex issues, i.e., Protection From Abuse (PFA), custody, child and spousal support, etc.;
- ◆ providing expert legal advice and representation to victims about their rights and options in a supportive and respectful environment;
- ◆ developing a Network of attorney specialists skilled in representing victims in family law and other civil matters while remaining committed to improving the civil justice system.

In addition, the Project remains committed to improving the civil justice system through its legal practice, as well as its interactions with Judges, the Bar, and the community.

With a grant from the Pennsylvania Department of Public Welfare, the CLR Project funds CLR Programs in seven full-implementation sites and four enhancement sites. Each CLR

Program is a component of a local domestic violence service agency in the implementation sites.¹ CLR Project funds support the establishment and maintenance of law offices within the domestic violence agencies. The Programs vary in size, but each employs at least one Attorney and one Paralegal.

The CLR Project is a unique Model for providing legal representation to victims of domestic violence.

The Project's first distinguishing feature is the the establishment of critically-needed legal representation Programs within local domestic violence agencies. Networks of Attorneys traditionally have addressed legal representation of domestic violence victims in a very limited fashion. Representation of domestic violence victims by non-profit Legal Services Organizations/Attorneys have been constrained by both budget and program limitations.

Second, although many local domestic violence agencies provide some level of legal assistance to their clients, the CLR Project incorporates a central statewide source of administrative and technical support to the domestic violence agencies participating in the CLR Project.

Finally, the CLR Project extends its technical assistance function to reach other Legal Services Organizations and individual attorneys who provide legal representation to victims of domestic violence. The technical support component of the CLR Project is critical to the development of the aforementioned attorney Network.²

The primary objective of PCADV with the implementation of the training and technical assistance for its Programs is to instill and maintain a programmatic focus on safety and self-sufficiency for victims of domestic violence. The institutional support that PCADV provides is essential to ensuring that the CLR Programs in the individual Project sites have the resources needed to achieve the goals of the CLR Project. Centralized coordination also promotes the consistency and quality of legal representation across the Project sites.

Why do victims of domestic violence need greater legal resources?

Abusers create both real and fictitious barriers that inhibit victims from seeking justice to stop the violence or to leave the relationship. Abusers often prevent victims from learning about the remedies the law might allow them and instill in their victims a sense of helplessness. A major barrier for many victims who want to leave the abuser is a lack of financial resources to live on their own. A hurdle victims with children often must overcome is the fear of losing their children in a custody battle with the abuser. When a

¹ The full-implementation sites are Allegheny, Butler, Erie, Potter, Lackawanna/Susquehanna, Bucks, and Franklin/Fulton Counties. The enhancement sites are Berks, Chester, Dauphin and Lancaster Counties. The full-implementation sites are described in Section III of this Report.

² Section VI of this Report presents a brief history of PCADV and describes the services PCADV provides to the CLR Project sites. The PCADV plays a vital and pivotal role in the Civil Legal Representation Project by providing extensive training and technical assistance to the CLR Project sites, in addition to fulfilling its financial and operational oversight functions to the Project. Since its founding in 1976, PCADV has developed and extended its expertise in domestic violence issues and law. The organization has demonstrated the strong commitment to justice that is necessary for victims of domestic violence, and required for the successful implementation of the CLR Project.

victim attempts to use the civil justice system to obtain relief, the abuser commonly employs that system as yet another tool to maintain control over the victim and to cause further abuse. In many instances, the abuser is the first to the courthouse with a legal claim against the victim. Without competent legal representation to pursue relief that is their right, or to defend against pre-emptive actions filed by the abuser, many victims forfeit their rights, settle for less relief than the law allows, or give up the struggle to live in safety and freedom from the abuser's control.³

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In most Pennsylvania communities, the availability of affordable legal services for victims of domestic violence is minimal.⁴ Where government-funded Legal Services are available to low-income litigants, guidelines for eligibility exclude many victims of domestic violence from services other than representation in a PFA case.⁵ Most *pro bono* programs for those whose income is above the limit can handle only a small portion of the need. Even when a victim of domestic violence is able to use one of these resources, the services typically are restricted to immediate needs, such as obtaining a PFA or filing a Support Complaint. Although Legal Services Organizations and Pro Bono Networks provide valuable services, they lack the funds and staff to adequately address all of the needs of domestic violence victims with respect to their legal representation.⁶

The paucity and fragmentation of legal representation leaves victims of domestic violence with few resources to resolve the numerous and interconnected legal issues they commonly face when trying to establish an abuse-free life. The constellation of issues may include establishing Custody Orders with safe and appropriate visitation arrangements,

³ See "Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System," p. 391 (March 2003).

⁴ In 1990, the Pennsylvania Bar Association's Task Force for Legal Services to the Needy identified and measured the gap in legal representation for Pennsylvania's poor and victimized. The Task Force concluded that "there is an overwhelming unmet need for poverty legal services in three critical areas of representation: (i) family law, particularly in the areas of divorce, custody and support; (ii) substandard housing, where there are often no housing codes to protect the poor and inadequate enforcement of the warranty of habitability; and (iii) children and the elderly, who are often victims of abuse and neglect." Report of the Pennsylvania Bar Association Task Force Legal Services to the Needy (December 1990).

⁵ There is no means test for legal representation in PFA cases. For other matters, the means test for representation by Legal Services Organizations includes income not exceeding 125% of the Federal poverty guidelines and limits on assets, such as vehicles and houses. CLR Programs have no limitations on assets and the income limitations are 225% of the Federal poverty guidelines.

⁶ The Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System found that "[t]hrough all poverty law programs receiving state funding in Pennsylvania are mandated to provide some form of representation to victims of domestic abuse, it is left to the individual programs to fashion an appropriate system. The various legal services programs do not have adequate funding or staffing to represent everyone who needs an attorney. Nor do they have the resources or staff to provide interpreters, [], non-attorney advocates, or even continued representation through custody, support and, when necessary, enforcement proceedings for violations of PFA Orders." Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, *supra* at 415.

What is necessary is a Model that integrates expert legal representation with assistance for clients in addressing other needs related to the violence they have experienced.

obtaining Child and Spousal Support Orders, gaining access to marital assets, obtaining a divorce, securing safe and affordable housing, and addressing immigration issues. The majority of victims of domestic violence must handle these challenges on their own.

Some victims may be able to obtain assistance from a variety of attorneys for each issue, either as they acquire the funds to pay an attorney, or as a Pro Bono Attorney is available to assist them. However, these attorneys may or may not have developed expertise in domestic violence issues that can impact how such cases should be litigated.⁷ This approach is unreliable and does not provide the momentum or support domestic violence victims often need to maintain their resolve to achieve safety and self-sufficiency. What is necessary is a Model that integrates expert legal representation with assistance for clients in addressing other needs related to the violence they have experienced.

How does the CLR Project address inadequate legal resources for victims of domestic violence in PA?

The CLR Project enables the domestic violence agencies within the implementation sites to offer comprehensive, expert legal representation to eligible agency clients as part of a continuum of agency services, including safety planning, options counseling, shelter,

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support groups, and special programs for children. These services provide the important community resources and support that victims need to live safely both during and after the separation process. The availability of these services in conjunction with legal representation greatly enhances the ability of domestic violence victims to continue moving toward self-sufficiency, despite the variety of challenges that may arise.

⁷ Id. at 392, 394.

CLR Program Attorneys acquire their expertise through extensive training and technical assistance from PCADV, direct-services training from their individual agencies, and immersion in the specialized practice of representing victims of domestic violence. A mandatory 40-hour training presented by PCADV to CLR Attorneys and Paralegal Staff during the implementation phase of each Program addressed professional issues, such as attorney-client privilege, confidentiality, conflicts, and a broad range of substantive law topics, including child custody, child support, PFA Orders, Child Protective Services, public benefits, employment, immigration, domestic torts, and the Violence Against Women Act. The training also addressed the differing goals of family law, which in Pennsylvania favors a conciliatory process that seeks to maintain relationships between children and parents, and domestic violence law, which values the safety of victims and children over maintaining relationships, and typically requires an adversarial process.⁸

This Model ensures that the domestic violence issues affecting a CLR client will remain paramount throughout the client's representation. The abuse does not become marginalized in favor of expeditious resolution.

A key premise of the CLR Project is that CLR Attorneys will develop and refine their legal skills and expertise in domestic violence advocacy through their specialized practice within a domestic violence agency. Through day-to-day practice, CLR Attorneys learn how to work effectively with domestic violence victims, exploring potential legal options, assessing legal strategies, and recommending agency and community resources that achieve the most beneficial outcomes for their individual circumstances. This Model ensures that the domestic violence issues affecting a CLR client will remain paramount throughout the clients representation. The abuse does not become marginalized in favor of expeditious resolution.

CLR Attorneys also learn how best to navigate the civil justice system in their jurisdictions, and to understand where opportunities lay to improve the manner by which the system addresses the needs and interests of victims of domestic violence. Through consistent and competent representation of individual clients within the civil justice system, CLR Attorneys can foster institutional reform. This orientation is critical to promoting safety, autonomy and restoration for individual clients. It broadens the scope of advocacy for system change, which domestic violence agencies have traditionally sought to achieve.

⁸ PCADV provides continuing education and technical assistance through bi-monthly attorney Network meetings, site visits, telephone consultations, and the development of legal Memoranda and other materials addressing various issues CLR attorneys have encountered or that are likely to arise. See Section VI.

How does the CLR Project measure its success in achieving its goals?

The theory of the CLR Project appears sound on its face, but do the realities of practice bear out its promise? The answer to this question is critical for PCADV, the Department of Public Welfare, and the domestic violence agencies participating in the CLR Project. Resources are far too scarce to use them ineffectively.

To evaluate the merits of the CLR Project, PCADV engaged two independent evaluators and coordinated an assessment of the CLR Projects first year of operation in the seven full-implementation sites. The subsequent Evaluation focuses on the impact of the Project with respect to:

- (1) improving outcomes for individual CLR clients;
- (2) improving the civil court processes most often used by CLR clients (PFA Orders, child custody, and child and spousal support); and
- (3) increasing the availability of legal services to victims of domestic violence. The Evaluation also reviewed Program support, implementation and management issues (e.g., setting up legal offices, hiring Staff, establishing screening and referral processes, developing policies and procedures, Attorney training, and technical assistance).

The Evaluation examined and considered multiple sources of information, including:

- (1) interviews with
 - (a) CLR Program Staff, and
 - (b) individuals in the community who could comment on the impact of the CLR Project on the civil justice system as well as the provision of legal assistance to victims of domestic violence;
- (2) journals maintained by CLR Program Staff to record their experiences in the Program and with individual clients;
- (3) program documents and caseload reports from the Project sites; and
- (4) data collected from samples of court and Domestic Relations Office cases filed in the CLR Project sites. Each of these sources, both individually and collectively, provides an important perspective on the effects of the CLR Project and promotes a clearer understanding of the complexities of legal representation in the context of domestic violence.⁹

⁹ For several reasons, the CLR Evaluation Team excluded CLR Program clients as a source of information regarding the impact of the CLR Project. Although direct feedback from CLR clients would have been an optimal means of measuring the benefits of the CLR Project for individual victims of domestic violence, obtaining this information would involve extensive safety precautions. The evaluators and CLR Project Staff concluded that this Evaluation method risked compromising the safety, confidentiality, and autonomy of CLR clients. The benefits the information would provide did not warrant the substantial risks of obtaining it. Other details about the Evaluation methodology are presented in Part 2 of this Report.

The Evaluation was designed both to assess the value of the CLR Project and to promote best practices for Project Attorneys who represent victims of domestic violence. A distinctive feature of the Evaluation was a workshop conducted by PCADV and the Project evaluators for CLR Program Staff in the seven full-implementation sites. The workshop offered the opportunity for CLR Program Staff, including agency Executive Directors, Attorneys, Paralegals, and Legal Advocates, to participate in finalizing the Evaluation methods and case-file data collection forms. This

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collaborative process had the dual purpose of ensuring that information sought for the Evaluation would be meaningful to practitioners, while demonstrating the types of civil legal relief that Project Attorneys should be exploring with and for their clients.

This Report presents the findings from the CLR Project Evaluation. The primary focus is on two key issues:

- (1) outcomes of the CLR Project for victims of domestic violence that promote safety and self-sufficiency, and
- (2) the impact of the CLR Project on system change, including increasing the availability of civil legal representation for victims of domestic violence and improving the civil justice system's ability to fulfill its responsibilities to them.

The Evaluation Report also:

- ◆ describes the seven full-implementation sites;
- ◆ examines the role of PCADV in facilitating Program implementation and promoting Program quality;
- ◆ reviews the development of the Network of attorney specialists representing victims of domestic violence throughout the Commonwealth of Pennsylvania; and
- ◆ discusses Program implementation and management issues.

II. Summary of Evaluation Findings

The CLR Project seeks to accomplish a challenging and critical set of goals: to save lives, promote self-sufficiency, and create institutional change in the civil courts for victims of domestic violence. These values are interconnected and each can play a role in realizing the others. The CLR Project envisions a civil justice system that functions fairly and effectively in assisting victims of domestic violence with staying safe and becoming self-sufficient. The premise of the Project is that expert legal representation, accompanied by

appropriate support systems, will produce the long-term solutions that domestic violence victims and their children need.

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Evaluation, therefore, focused on the activities of the full-implementation Project sites in these priority areas in order to assess the impact of the Project in obtaining positive outcomes for individual clients and with improving civil justice system processes for victims of domestic violence. Information for this assessment was obtained from several sources, including:

- ◆ Program caseload data from the seven full-implementation sites;
- ◆ data from samples of court cases files in the CLR Project sites;
- ◆ interviews with CLR Program Staff and individuals outside of the CLR Programs who are knowledgeable about the work of the Programs within their communities; and
- ◆ journals maintained by Program Staff about their experiences in individual cases, and with the Project more generally.

It is apparent from the communities that sought to participate in the CLR Project that the need for legal services for domestic violence victims was acute. Each of the Project sites documented in the application for Project funds the scarcity of legal representation to achieve effective and appropriate remedies for victims of domestic violence from the civil justice system, and described its plan to address this need (see Section III of the Report).

The sum of the information reviewed in the course of the Evaluation strongly supports the conclusion that the CLR Project sites are implementing the vision of the CLR Project by pursuing comprehensive legal remedies for victims of domestic violence; obtaining appropriate outcomes in PFA actions, custody, and support cases; and promoting positive change in the civil justice system. Four primary findings from the CLR Project elaborate the foundation for this conclusion.

The sum of the information reviewed in the course of the Evaluation strongly supports the conclusion that the CLR Project sites are implementing the vision of the CLR Project by pursuing comprehensive legal remedies for victims of domestic violence; obtaining appropriate outcomes in PFA actions, custody, and support cases; and promoting positive change in the civil justice system.

Finding 1: The CLR Project is saving lives, promoting self-sufficiency, and creating institutional change for victims of domestic violence.

- ◆ Caseload data reported by the seven full-implementation sites confirm that the CLR Programs are giving priority to PFA, custody and support cases, which are critical to achieving safety and self-sufficiency for victims of domestic violence.
 - PFA cases account for almost one-half of the cases opened in the six Programs that provide representation in this area (46%).
 - Custody cases comprise one-quarter of the caseloads, while 15% of the caseloads are support cases.
- ◆ CLR Attorneys are successful in obtaining PFA Orders that contain appropriate relief available under the law.

- PFA Orders are an important tool for achieving safety for victims of domestic violence served by the CLR Programs.

The success rate of CLR Attorneys obtaining a Final PFA Order is far higher than the typical rate across the country: the average rate by the CLR Programs is 73% of the Petitions filed, and in one Program the rate is 88%.

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- CLR Attorneys are maximizing the potential of the PFA Act to address critical safety and stability issues for victims of domestic violence; many PFA Orders obtained by CLR Attorneys include primary physical custody, limited or supervised visitation for the abuser, temporary support, and payment of medical and other expenses related to the abuse.

- ◆ CLR Attorneys have developed the legal skill and understanding of domestic violence to effectively address custody matters against abusers and to assist their clients in navigating a system that very often can be intimidating and dangerous for them.
 - The focus on custody issues is achieving significant benefits for CLR Program clients; over two-thirds of the custody cases filed resulted in an Order favorable to the CLR client.
 - Directors of court-mandated Custody Programs interviewed for the Evaluation indicated that representation by CLR Attorneys is a critical factor in domestic violence victims' ability to advance their safety interests in the face of the opposing parties' resistance.
- ◆ CLR Attorneys are assisting clients in obtaining adequate Child and Spousal Support Orders and other economic relief.
 - In a sample of 93 child and spousal support cases filed by CLR Attorneys, nearly \$24,000 is owed monthly, and over \$20,000 in arrearage payments has been ordered. The Child Support Orders cover 66 children, and in the cases for which the guideline amount could be determined, nearly all of the child support awards are at or above the guideline amount.
 - In one county Child and Spousal Support Orders for clients in the first half of the year totaled \$155,575 (\$12,965 per month).

Finding 2: The CLR Project is increasing the availability and quality of legal representation for victims of domestic violence.

- ◆ Information from interviews, Staff journals, and caseload reports demonstrates that the CLR Programs are providing services that did not previously exist or were very limited for victims of domestic violence prior to the CLR Project.
 - Caseload reports from the CLR Programs show that the Programs accepted over 1,500 cases in 2002.
 - CLR Program Staff and their colleagues in the community confirm that the CLR Programs are addressing previously unmet legal needs of victims of domestic violence and that they have not duplicated legal services already available in the community.
 - The Referral Coordinator of a Legal Services agency reports that the CLR Program provides legal services for custody, support, and divorce issues for

CLR Program Staff and their colleagues in the community confirm that the CLR Programs are addressing previously unmet legal needs of victims of domestic violence and that they have not duplicated legal services already available in the community.

victims of domestic violence that previously were not available. The CLR Program is not only filling the gaps left by budget cutbacks, it is providing essential legal assistance that Legal Services Organizations and Pro Bono Attorneys cannot or do not handle, including custody, support, and divorce.

- A Legal Services Attorney in one of the CLR Project sites noted that the CLR Program in his

county provides victims of domestic violence with experienced, competent

The Program provides a voice for victims of domestic violence that did not exist previously.

Attorneys who have expertise in specialized issues that are particular to domestic violence victims. The Program provides a voice for victims of domestic violence that did not exist previously.

- ◆ The CLR Programs are addressing complex legal issues and representing victims of domestic violence from underserved populations.
 - The CLR Staff journals chronicle the situations that many victims of domestic experience, such as the need to relocate from other counties or states, and the particular challenges that immigrants and persons with disabilities often encounter. These cases required CLR Attorneys to research and apply areas of law that Pro Bono and Legal Services Attorneys typically cannot undertake, including interstate custody, immigration, and international law.

Finding 3: The CLR Project is promoting system change to improve the civil justice system.

- ◆ Caseload data and information from Staff journals and interviews demonstrate that CLR Attorneys are accessing the full range of safety and economic relief that the Pennsylvania legislature intended to provide in the PFA Act.
 - CLR Attorneys are obtaining child custody for clients in PFA cases in counties where Judges heretofore did not grant custody.
 - CLR Attorneys are obtaining child and spousal support in PFA cases, and using the mechanism provided in the PFA Act to expedite the payment of support through the Domestic Relations Office.
- ◆ Interviews and CLR Program Staff journals indicate that the wider justice community, including Judges, Attorneys, and other service providers, recognize and value the contributions that the CLR Programs are making to improve the self-sufficiency, safety and well-being of victims of domestic violence.
 - In several CLR Project sites, Legal Advocates report that CLR Attorneys have influenced Judges to award broader relief in PFA cases, including custody and support, than they had been granting. Judges also are now issuing PFA Orders for longer terms.

- Judges and Hearing Officers are more receptive to ideas that facilitate greater access to the system for victims, such as allowing telephone conferences in support proceedings involving particularly volatile or abusive opposing parties.
- In one CLR Project site, the CLR Program has made substantial progress in addressing firearms issues. Judges in that county are ordering abusers to relinquish firearms in more cases than before the CLR Program started.
- In several CLR Project sites, Judges are referring litigants to the CLR Program for legal and other assistance.
- Court PFA Coordinators report that the CLR Attorneys improve the process because their Petitions and Orders are more complete and they provide the court with information needed for service of process and Warrants that otherwise is difficult or impossible to obtain.

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Finding 4. PCADV is promoting Program quality and developing a Network of skilled attorney specialists representing victims of domestic violence throughout Pennsylvania.

- ◆ Project documents show that PCADV offers and disseminates an extensive array of administrative, training, and technical assistance to the CLR Project sites and others providing legal representation to victims of domestic violence. The following list provides examples of these services:
 - Assistance to the Project sites in establishing their CLR Programs and developing Program policies and procedures
 - On-going coordination and monitoring of the activities of the CLR implementation sites
 - A week-long intensive training on the Project's goals, domestic violence issues, and relevant State and Federal substantive law
 - On-going training and technical assistance through regular meetings, conference calls, and communications with CLR Program Staff
 - Development and dissemination of legal Memoranda and Briefs to support the work of the CLR Program Attorneys and other attorneys representing victims of domestic violence in Pennsylvania

- ◆ Ratings of the initial CLR Domestic Violence Attorney Training and information obtained from Staff interviews and journals indicate that CLR Program Staff has found PCADV's support services to be an essential and highly valuable resource.
 - Participant ratings of the presenters and materials for the CLR Domestic Violence Attorney Training were high. On a 5-point scale, where 5=excellent, the average rating for the presenters was 4.79, and the average rating for the materials was 4.61. The written responses about the training and comments made by CLR Staff in interviews generally confirmed that the participants found the training to be very useful.
 - Attorneys noted that they have called CLR Project Staff several times for advice on specific issues. Other attorneys and agency Directors have found the Network meetings to be highly informative and useful to them. Several CLR Program Staff also recognized the value of the CLR Project Staff when they were setting up their Programs.
 - As one agency Director noted in her journal, "It is exciting to be a part of a statewide project. All of the uncertainties that go into development of a new project have been mitigated by the fact that we are part of a statewide Network. This Network assists us with thinking through issues and setting standards. The training and consultation are very helpful."

These overall findings strongly indicate that the CLR Project is accomplishing its goals and that victims of domestic violence are achieving substantial benefits from the legal representation and other services provided through the auspices of the Project. The following sections of the Report present the data upon which these findings are based and discuss the implications of the Project findings in greater detail.

These overall findings strongly indicate that the CLR Project is accomplishing its goals and that victims of domestic violence are achieving substantial benefits from the legal representation and other services provided through the auspices of the Project.

III. The CLR Project Sites

The CLR Project supports seven full-implementation sites and four enhancement sites.¹⁰ The Project Evaluation studied the CLR Programs in the seven full-implementation sites: Allegheny County, Bucks County, Butler County, Erie County, Franklin/Fulton Counties, Lackawanna/Susquehanna Counties, and Potter County.¹¹ These sites are located throughout the Commonwealth and vary in a number of ways, including size, population, demographics, public transportation, and support services. Although they also vary in the

availability of legal services for victims of domestic violence, they have a common need to improve the level and quality of legal representation for domestic violence victims. All of the CLR Programs are part of a local domestic violence agency seeking to provide legal representation to its clients through participation in the CLR Project. This section of the Report briefly describes each domestic violence agency, its CLR Program,

Although they [the CLR Programs] vary in the availability of legal services for victims of domestic violence, they have a common need to improve the level and quality of legal representation for domestic violence victims. All of the CLR Programs are part of a local domestic violence agency seeking to provide legal representation to its clients through participation in the CLR Project.

and the community the Program serves.¹² The discussion also provides an overview of the Programs' caseloads.

Allegheny County: Women's Center and Shelter of Greater Pittsburgh (WCS)

Allegheny County is a large urban area that includes the city of Pittsburgh. It has a population of over 1.3 million, of which 16.8% is below the poverty line. Over 10,000 victims of domestic violence received services last year at WCS, including hotline, shelter, counseling, legal advocacy, medical advocacy and prevention education. WCS has operated since 1974 and functions in collaboration with Human Service agencies and components of the justice system. WCS has been recognized nationally and locally for its achievements. WCS has developed a strong Legal Advocacy Department, and employs a Legal-Systems Attorney to work full-time on systems advocacy.

¹⁰ The four enhancement sites are Berks, Chester, Dauphin, and Lancaster Counties.

¹¹ The CLR Project sites were selected on three primary criteria: ability and readiness to implement the program; a demonstrated commitment to advocacy for victims of domestic violence; and diversity in location, size, population, demographics, and other variables that would allow the Project to test its legal representation Model in various communities.

¹² The information about the full-implementation sites was drawn from the sites' applications for CLR Project funds. The descriptions of the status of legal representation in the sites reflect the situation at the time the applications were written. It is likely that some of these situations have changed since that time, and it is expected that the CLR Programs have brought about some of those changes.

Direct legal representation for victims of domestic violence in Allegheny County has been limited and disjointed according to reports. Victims very often cannot find affordable attorneys to represent them in court proceedings, and as a result, many pursue legal claims pro se. Oftentimes when an attorney can be hired, the victim's money runs out before the proceedings are concluded. Further, many attorneys have a limited understanding of domestic violence and are unable to provide quality service. Despite WCS' efforts to improve legal services with available resources, clients receive only minimal help that does not comprehensively address their legal needs.

WCS is addressing this critical problem by creating a specialized domestic violence legal resource to provide free legal representation for the full range of victims' civil legal needs.

The CLR Program provides the victims it serves with an

Attorney to represent them in all of their civil issues, including PFA, custody, support, and public assistance cases. Victims also are referred to WCS for a comprehensive range of non-legal domestic violence services.

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The CLR unit has a separate management chain and file

system from the Legal Advocacy Department. It has closed office space for confidential communications. The Allegheny County Program has two Attorneys and a Paralegal. The Legal-Systems Attorney manages the CLR Program and directly supervises the Staff. In addition, she provides emergency representation on an "as-needed" basis.

Bucks County: A Woman's Place (AWP)

Bucks County is a rapidly growing area in Southeastern Pennsylvania with a mixture of dense suburban populations and rural areas. The population is approximately 600,000. During the past year, AWP provided services for 3,500 individuals, and recently celebrated its 25th year of operation.

In 1989, the Legal Aid Domestic Abuse Project was formed as a collaborative effort to provide civil legal representation to battered women. AWP provides advocacy, assists with the filing of pro se PFA Petitions, and accompanies victims to court. Bucks County Legal Services provides attorney representation for Hearings through its staff or a Pro Bono Attorney. However, given the high volume of Petitioners, the Legal Services Attorney often does not have the time to prepare more difficult cases thoroughly. Moreover, the Pro Bono Attorney may not have adequate expertise in family law or domestic violence in order to accept referrals for these collateral issues.

The CLR Program addresses these as well as other problems, such as Emergency Orders, the failure of the court to issue Temporary Orders, and the court's issuance of mutual PFA Orders without consideration of the implications for victim safety and enforcement of the

The Bucks County CLR Program focuses resources on intensive cases for which there is little or no affordable legal access. These may include victims from underserved populations, shelter residents, victims whose children are being abused or assaulted, and victims for whom there would be irreversible impact.

Orders. In addition, Judges often do not include child custody in PFA Orders. To address these issues and achieve systemic change in the civil legal arena, the CLR Program engages in systems advocacy through participation on local and state committees and by providing training for professionals who respond to victims of domestic violence.

The Bucks County CLR Program focuses resources on intensive cases for which there is little or no affordable legal access. These may include victims from underserved populations, shelter residents, victims whose children are being abused or assaulted, and victims for whom there would be irreversible impact. A key Program goal is to provide seamless, quality representation for victims of violence through the civil legal system thereby regaining safety for victims.

The CLR Program is based in the County seat of Doylestown to provide ready access to the courts. Outreach offices are available to serve other areas of the County. The Bucks County Program has a Senior Attorney, a Staff Attorney, and a Legal Assistant. The Senior Attorney directs the Program, reviews all cases, addresses appellate issues, and supervises the Staff Attorney and Legal Assistant.

Butler County: Victim Outreach Intervention Center (VOICE)

Butler County is a rural area in Western Pennsylvania with a population of just over 160,000 residents. The population is widely scattered and separated into diverse communities, ranging from bedroom communities in Pittsburgh, to small towns and farmland. These diverse communities rarely interact and public transportation is non-existent. VOICE began serving victims of domestic violence in 1978. It has developed services that include shelter, transportation, counseling, outreach offices, and medical, TANF and legal advocacy. VOICE provides services to approximately 2,000 victims each year.

VOICE has advocated for improvements to the PFA system, but systemic problems have remained, including the failure of the court to issue PFA Orders when Petitions adequately set forth the need for such relief, obtaining service of Orders, and addressing custody issues in PFA cases. Legal representation has been limited due to staff reductions at the local Legal Services office, and other sources of representation in child support, custody, divorce, and spousal support matters have been scarce.

The Butler County CLR Program addresses these needs by providing representation in PFA, support, custody, TANF, and other civil cases. The primary goals of the Program are (1) to provide responsive, effective legal representation of victims designed to enhance their safety, and (2) to eliminate barriers to victims in seeking civil legal assistance (including mediation and emergency relief). The CLR Program has one Attorney and a Paralegal.

The primary goals of the [Butler County CLR] Program are (1) to provide responsive, effective legal representation of victims designed to enhance their safety, and (2) to eliminate barriers to victims in seeking civil legal assistance (including mediation and emergency relief).

Erie County: SafeNet

Erie is the largest and most populous county in Northwest Pennsylvania, with over 280,000 residents. The county has two cities, and is a mixture of rural and urban areas. Two domestic violence programs serve the county. SafeNet serves Erie and the lakeshore areas and has a 25-year history. The program currently provides shelter and transitional housing, counseling and advocacy, education and training, and medical advocacy programs.

Erie County has focused significant resources on improving the PFA process and outcomes for victims of domestic violence. The community is now addressing the need for legal representation in other crucial areas, such as custody, support, and divorce. For example, fees for private attorneys are often out of the financial reach of domestic violence victims. A goal of the CLR Program is to expand and improve the existing structure of civil legal representation provided to domestic violence victims in the County.

The Erie County CLR Program targets individual victims of domestic violence who cannot speak for themselves, including those denied access to civil legal representation because of income requirements, inequality of resources, lack of information, language barriers, lack of transportation, or fear and intimidation. The Program has offices at the SafeNet Center, which is in close proximity to the courthouse. The Erie County Program has one Attorney and a Paralegal.

The Erie County CLR Program targets individual victims of domestic violence who cannot speak for themselves, including those denied access to civil legal representation because of income requirements, inequality of resources, lack of information, language barriers, lack of transportation, or fear and intimidation.

Franklin/Fulton Counties: Women in Need, Inc. (WIN)

Franklin County is a predominantly rural area located along the Maryland border, with a population of 130,000 residents. The County has limited public transportation. WIN operates a satellite office in Fulton County, which is strictly rural, with a population of

The [Franklin/Fulton] CLR Program [provides] civil legal representation for PFA cases, child custody, child and spousal support, and other matters such as divorce, bankruptcy, disability, and immigration law, where resolution will improve a victim's safety. The Program provides a comprehensive approach to assisting victims of domestic violence.

14,000 and no public transportation. Franklin and Fulton share Common Pleas Judges. WIN began in 1976 as a volunteer hotline. The agency now provides a full range of services, including shelter and counseling. WIN helped establish a PFA process that contributes to the low number of PFA cases being dismissed or withdrawn.

Before the CLR Program was instituted, legal representation for victims of domestic violence was limited primarily to PFA cases. To resolve other important issues such as custody, support and divorce, victims often had to rely on Pro Bono Attorneys who could address only a single legal issue at a time. Legal services were fragmented, therefore, important safety and economic matters could remain unresolved for long periods of time, or indefinitely. The Franklin/Fulton CLR Program addresses these problems by providing civil legal representation for PFA cases, child custody, child and spousal support, and other matters such as divorce, bankruptcy, disability and immigration law, where resolution will improve a victim's safety. The Program provides a comprehensive approach to assisting victims of domestic violence.

The Franklin/Fulton CLR Program has one Attorney and two Paralegals. The office of the Legal Staff is directly across from the courthouse. Legal Advocates are the initial point of contact for referrals to the Attorney and are co-located in the counseling office under the supervision of the Legal Advocacy Coordinator.

Lackawanna/Susquehanna Counties: Women's Resource Center, Inc. (WRC)

WRC serves victims of domestic violence in Lackawanna and Susquehanna Counties. These counties are located in Northeast Pennsylvania with populations of approximately 224,000 and 41,000 respectively.

Approximately 60% of domestic violence victims seeking services from WRC are in need of some civil legal assistance.

Susquehanna County is a rural agricultural area with a high rate of poverty. Lackawanna is an urban area, home to primarily service-oriented businesses.

WRC provided services to 1,900 women and their children in 2000. Approximately 60% of domestic violence victims seeking services from WRC are in need of some civil legal assistance. The local Legal

Services Program is understaffed and an Attorney representing a victim in a PFA case may meet the client for the first time at the courthouse just prior to the PFA Hearing. Representation in custody and child support matters is minimal.

By developing a "Legal Center" to serve program participants, the Lackawanna/Susquehanna CLR Program allows for more focused and intensive advocacy for PFA cases, support, child custody, and TANF-waiver proceedings. The Attorneys represent victims in legal proceedings, consult with advocates, and conduct system advocacy. One of the Programs goals is to improve the service and enforcement of PFA Orders. The CLR Program has a Project Director, a Managing Attorney, two Staff Attorneys, and a Legal Assistant.

By developing a "Legal Center" to serve program participants, the Lackawanna/Susquehanna CLR Program allows for more focused and intensive advocacy for PFA cases, support, child custody, and TANF-waiver proceedings. The Attorneys represent victims in legal proceedings, consult with advocates, and conduct system advocacy.

Potter County: A Way Out (AWO)

Potter County is at the extreme northern edge of Pennsylvania, bordering New York. It is a large rural County with a small population of 17,000 residents. There is no public transportation, and many people lack long-distance telephone service. Potter County has only 11 attorneys and no Legal Services office. The nearest Legal Services office, which is a one-hour drive from the courthouse and the AWO Legal Advocate, provide assistance in obtaining PFA Orders and defending custody actions. None of the attorneys practicing in Potter County have training in domestic violence issues. Victims of domestic violence frequently are unrepresented.

Before the CLR Program began, nearly 50% of PFA participants were not represented. Few victims of domestic violence had representation in support and custody matters, although advocates from AWO would accompany victims to court and custody mediation when they could fit these services into their caseload. Most support actions also were pro se, and waivers of TANF requirements were very rare, demonstrating a serious negative impact upon battered women in those cases.

Currently, the Potter County CLR Program is filling the need for legal services through legal representation of domestic violence victims in PFA Hearings, child custody actions, child and spousal support matters, and TANF waivers. Advocates make referrals to the Attorney. The Program has one Attorney and a Paralegal.

Currently, the Potter County CLR Program is filling the need for legal services through legal representation of domestic violence victims in PFA Hearings, child custody actions, child and spousal support matters, and TANF waivers.

Have the CLR Programs increased the availability of legal representation for victims of domestic violence?

From these descriptions of the CLR Project sites, it is apparent that the availability of affordable legal representation for victims of domestic violence before Program

implementation was either very limited, fragmented, or both. Each of the CLR Programs was instituted specifically to address the deficiencies in legal representation in its community.

An overview of the CLR Program caseloads reveals that the CLR Programs opened over 1,500 cases in 2002.

An overview of the CLR Program caseloads reveals that the CLR Programs opened over 1,500 cases in 2002 (see Table 1, page 21).¹³ The caseload sizes vary considerably across the seven CLR Programs, from 74 in Potter County to 398 in Franklin/Fulton Counties. This variation does not correspond directly to the size of the jurisdiction; rather it is a consequence of different Program structures and priorities, as well as implementation and management issues. For example, Allegheny County has the highest population of the Project sites and the CLR Program has two Attorneys, yet its caseload is lower than three other Programs. In the Allegheny County Program, the cases that are accepted for representation tend to be more complex, and involve issues that require extended research and coordination time. Variations are also the result of different screening and referral procedures. For example, the Franklin/Fulton Program has one Attorney and the highest caseload of all the Project sites. A high percentage of these cases are PFA actions, and nearly one-half of those involved referrals from WIN Legal Advocates for brief services only.

By pursuing multiple cases for these clients, the CLR Programs are furthering the goal of the CLR Project to provide representation that more comprehensively resolves the issues and achieves safety, self-sufficiency, and restoration for their clients.

¹³ The number of cases does not equal the number of clients served by the programs. In keeping with the purposes of the CLR Project, a single client might have two or more cases proceeding at the same time or over the course of representation by the CLR program.

Table 1

Comparison of Caseloads in CLR Full-implementation Sites							
CLR Program	All Cases	PFAs	Custody	Support	Divorce	Other	Brief Service
Allegheny	156	41	63	16	36		20 ¹
Bucks	309	121	72	55	49	12	
Butler	382	206	59	49	25	13	30 ²
Erie	109	N/A ³	63	31	14	1	
Franklin	398	224 ⁴	93	34	24	23	
Lackawanna	131	31	30	30	29	11	
Potter	74	39	14	12	4	5	16 ⁵
Total Cases	1559	662	394	227	181	65	66⁶

¹ Brief Service cases counted as specific case types; not included in "All Cases" column.

² Brief Service cases counted by Butler County Program as opened included in "All Cases" column.

³ Erie County Program does not represent clients in PFA cases (Legal Advocates assist agency clients in Hearings).

⁴ Includes 110 Brief Service/Advice cases counted by Franklin/Fulton Counties Program as opened PFA cases.

⁵ Brief Service cases not counted by Potter County Program as opened and not included in "All Cases" column.

⁶ Only 30 Brief Services cases included in "Total Cases" (see notes 1, 2, 5).

The proportions of caseloads that PFA, custody, and support cases comprise vary across the Programs, primarily because the jurisdictions have different needs that the Programs are addressing (see discussion in Section IV). For example, in Potter County, where the CLR Program is virtually the only source of affordable legal services for victims of domestic violence, more than one-half of the cases are PFA actions and the proportions of custody (19%) and support (16%) cases are lower. On the other hand, in Allegheny County, where victims of domestic violence can obtain assistance for PFA actions from other resources, PFA cases account for about one-quarter of the caseload, while custody cases comprise 40%. Further, Erie County does not represent clients in PFA cases because SafeNet has a well-established PFA Clinic staffed by experienced Legal Advocates. However, the CLR Program coordinates with the Clinic to ensure that SafeNet clients can address other legal matters with the CLR Program.

Regardless of the size and composition of its caseload, each of the CLR Programs is focusing its resources on the objectives that the CLR Project intended to address for domestic violence victims. In 2002, the Programs represented clients in over 1,500 cases. By pursuing multiple cases for these clients, the CLR Programs are furthering the goal of the CLR Project to provide representation that more comprehensively resolves the issues and achieves safety, self-sufficiency, and restoration for their clients. Given the low level of legal resources prior to the implementation of the CLR Programs, the CLR Project appears to be making substantial progress in meeting the critical needs of domestic violence victims. The following section of the Report reviews the specific accomplishments of CLR Attorneys and measures whether they have achieved the benefits of safety and self-sufficiency for their clients.

IV. Impact of the CLR Project in Saving Lives, Promoting Self-Sufficiency, and Creating Institutional Change for Victims of Domestic Violence

"I see no drawbacks to having CLR Attorneys involved in custody proceedings. There would be problems if the Attorneys did not understand domestic violence and the issues it raises for their clients, but the CLR Attorneys do have this knowledge. The custody process is light-years better with CLR representation. I would like the Program to have 10 more Attorneys." (Interview comment of the Court Custody Program Director in one of the CLR Project sites)

A primary objective of the CLR Project is to provide long-term solutions for the safety of victims of domestic violence and to secure the resources needed to become and remain self-sufficient. The means to help individuals achieve these goals are offered through both the legal representation by CLR Attorneys, as well as counseling and other support services

The civil justice system plays a powerful role in promoting safety and self-sufficiency. PFA Orders can provide immediate safety protections and interim economic relief, as well as preserve the victim's custody of the children. Child and Spousal Support Orders established shortly after the victim separates from the abuser can be critical to victims of domestic violence becoming self-sufficient, living in safety, and restoring their independence and self-esteem. Custody Orders can provide safeguards that restrict abusers' opportunities to harass victims and undermine their autonomy.

offered by the domestic violence agency in which the CLR Program operates. Legal representation provides access to justice for victims. Counseling builds self-esteem and the emotional strength victims often need to fully participate in the legal process and to become independent from the abuser, if that is the goal. The CLR Project presumes that safety and self-sufficiency for victims of domestic violence are best achieved through this comprehensive approach to advocacy and service provision.

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To ensure that victims of domestic violence have effective access to the benefits and protections of the civil justice system, the CLR Project prioritizes representation in PFA,

custody, support, and other civil matters that directly affect victims' ability to stay safe, exercise control over their lives, and secure the economic relief the law provides. In accordance with these Program priorities, the CLR Project Evaluation focused on PFA, custody, and child and spousal support cases to assess the impact of the CLR Project in obtaining positive outcomes for individual clients and on improving civil justice system processes for victims of domestic violence. Do the CLR Programs prioritize PFA, custody and support cases? Are CLR Attorneys successful in obtaining PFA Orders that contain appropriate relief available under the law? Do CLR Attorneys obtain effective and appropriate Child Custody Orders for their clients? Do CLR Attorneys assist clients in obtaining adequate Child and Spousal Support Orders and other economic relief?

The answers to these and other questions reported and discussed herein are based on three primary sources of information:¹⁴

- (1) Program caseload data for PFA, custody, and support cases provided by the seven CLR Programs;
- (2) qualitative data obtained through interviews with CLR Program Staff and individuals in the seven CLR full-implementation sites; and
- (3) qualitative data recorded by CLR Program Staff in journals they maintained contemporaneously about their experiences with individual clients and the CLR Project.¹⁵

Do the CLR Programs prioritize PFA, custody, and support cases?

Caseload data reported by the seven full-implementation sites confirm that the CLR Programs are giving priority to PFA, custody and support cases. An analysis of the aggregated caseload data (see Table 2, page 24) indicates that CLR Attorneys focus their practice on these three particular legal issues. PFA actions account for almost one-half of the cases accepted within the six Programs that provide such representation (46%). Custody cases comprise one-quarter of the caseloads, while 15% of the caseloads are support cases.¹⁶

The proportions of caseloads that PFA, custody, and support cases comprise vary across the sites (see Table 1, page 21), but all three case types account for a substantial proportion of the Programs' caseloads. As noted in the description of the CLR Programs and their caseloads, the variation in caseload composition is the result of several factors, including the diverse Program priorities of the individual sites, the various screening and referral

¹⁴ Case record data sampled from support cases filed in the Domestic Relations Offices in the seven full-implementation sites is another source of information about support cases.

¹⁵ The Evaluation methodology is presented in Part 2 of this Report.

¹⁶ The other types of cases pursued by CLR attorneys are primarily divorce and property settlements that address important economic interests of CLR clients.

CLR Attorneys typically pursue multiple actions on behalf of their clients since victims often need several concurrent legal issues addressed in order to achieve comprehensive resolution.

processes, and variations in case-counting methods. Furthermore, the CLR Attorneys typically pursue multiple actions on behalf of their clients since victims often need several concurrent legal issues addressed in order to achieve

comprehensive resolution. For example, in 2002 the Lackawanna County Program opened 131 cases on behalf of 59 clients, demonstrating that the CLR Program Attorneys represented multiple legal issues on behalf of each client.

The CLR Program caseload information clearly confirms that the Programs have been implementing the vision of the CLR Project. Having assisted individual victims of domestic violence in obtaining a wider range of legal protections and relief needed from the civil justice system, battered women are better able to stay safe and establish self-sufficient lives.

Table 2			
PFA, Custody, and Support Caseloads of the Seven CLR Programs			
All Cases Opened	PFA Cases Opened	Custody Cases Opened	Support Cases Opened
1559 ¹	662 46% of cases in 6 Programs ²	394 25% of all cases	227 15% of all cases

¹ Approximate number of cases opened January – December 2002 in the 7 full-implementation sites.

² This calculation omits 109 cases opened in the Erie County Program, which does not handle PFA cases (662 of 1450 cases).

Are CLR Attorneys successful in obtaining PFA Orders that contain appropriate relief available under the law?

Access to the civil justice system for protection from abuse is critical for victims of domestic violence. By enacting the PFA Act¹⁷ in 1976, Pennsylvania became one of the first states to provide specific statutory protections to victims of domestic violence.¹⁸ Pennsylvania's PFA Act offers a wide-range of safety measures and other relief that can assist victims of domestic violence in establishing abuse-free lives. This relief includes prohibitions on

¹⁷ 23 Pa.C.S. § 6101 et seq.

¹⁸ See E.S. Buzawa & C.G. Buzawa, eds., "Do Restraining Orders Help? Battered Women's Experience with Male Violence and Legal Process," in, *Domestic Violence: The Changing Criminal Justice Response* (1992) (noting that Pennsylvania's Protection From Abuse Act was one of the first in the United States and stimulated similar legislation in states across the country.) All fifty States, the District of Columbia, and Puerto Rico now have statutes protecting victims of domestic violence. See Catherine Klein & Leslye Orloff, "Providing Legal Protection for Battered Women: An Analysis of Statutes and Case Law," 21 *Hofstra L. Rev.* 801, 810 (1993).

further abuse and contact from the Respondent, custody of the parties' children, payment of support, making rent or mortgage payments, and providing health coverage and compensation for medical expenses and other damage caused by the violence. Both the broad scope of relief authorized under the PFA Act and the legislative history of the Act make clear that the Pennsylvania General Assembly recognized the need for the civil justice system to provide protections to victims of domestic violence and that PFA Orders are to be readily available to prevent further abuse.¹⁹

Pennsylvania courts have also consistently interpreted the goal of the PFA Act as the prevention of physical and sexual abuse.²⁰ Court rulings confirm that the PFA Act gives courts broad powers of relief to stop abuse,²¹ and that courts are not limited to awarding the least burdensome remedy.²² These powers include nine specific types of relief that a court may award the Petitioner, along with a "catch-all" provision to address particular circumstances. Among the types of relief enumerated in the PFA Act are provisions enabling a court to direct the Respondent to pay financial support to the Petitioner or minor children²³ and to award temporary custody or visitation rights with respect to any minor children of the relationship.²⁴

Although PFA Orders can provide significant relief to victims of domestic violence and can be obtained without legal representation, the provisions of the PFA Act are not self-executing. Victims of domestic violence typically face significant challenges in achieving the maximum benefits that PFA Orders can provide.²⁵ Lack of knowledge of the remedies available to them is a major barrier, and lack of support to follow through with the process is another. Many of those who do proceed to a Final Hearing face a Respondent with the will or the resources to resist not only the safety measures the victim seeks, but also the control and stability that custody and economic relief can provide.

¹⁹ Two comments by Senator Robert Jubelirer recorded in the legislative journal on the debate on the PFA Act are telling: "Spouse abuse is one of the most serious problems that this Commonwealth and this nation faces. It is a problem that has not been faced in the Commonwealth of Pennsylvania by legislation until now. I think this kind of legislation is vitally important to abused spouses in Pennsylvania." (SB 1243, Legislative Journal – Senate, June 22, 1976, 1747); and, "I think that the statistics and circumstances have indicated overwhelmingly that the abused spouse issue is one of the most significant issues in the Commonwealth today if not in the nation . . . this is a progressive piece of legislation, one that is very badly needed." (SB 1243, Legislative Journal – Senate, June 28, 1976, 1799).

²⁰ See Eichenlaub v. Eichenlaub, 340 Pa. Super. 552, 490 A.2d 918 (1985); see also, Miller v. Walker, 445 Pa. Super. 537, 665 A.2d 1252 (1995); Lee v. Carney, 435 Pa. Super. 405, 645 A.2d 1363 (1994); Snyder v. Snyder, 427 Pa. Super. 494, 629 A.2d 977 (1993).

²¹ 23 Pa.C.S. 6108(a). See also, Heard v. Heard, 418 Pa. Super. 250, 614 A.2d 255 (1992) (court is empowered to grant broad relief to bring about cessation of abuse).

²² See Snyder v. Snyder, 427 Pa. Super. 494, 629 A.2d 977 (1993).

²³ 23 Pa.C.S. § 6108(a)(5).

²⁴ 23 Pa.C.S. § 6108(a)(4).

²⁵ See Melvin v. Melvin, 398 Pa. Super. 1, 9-10, 580 A.2d 81(1990) (stating that the protections of the PFA Act "will be wholly ineffectual, however, if the courts and counsel fail to fulfill their express, statutory obligations to assist victims of such abuse to pursue the benefits [of the PFA].").

Furthermore, despite the clear language of the PFA Act empowering courts to award Temporary Custody and Visitation Orders in PFA proceedings,²⁶ reportedly, many Judges do not include this relief in PFA Orders.²⁷ Victims representing themselves may not know this

relief is available in a PFA action, and so do not request additional relief in their Petitions. Victims may also limit their requests to prohibiting contact and further abuse, because they do not want to confront the Respondent on the custody issue. In addition, attorneys may forego seeking custody in a PFA action as a strategy to prevail more easily on the more common safety issues. Others may purposely refrain from seeking custody either because the practice is unfamiliar to them, or the Judges in that

Before the CLR Project began, access to legal representation in PFA Hearings, by all reports, was severely limited in most of the full-implementation sites. Because PFA Orders are a primary avenue to safety and self-sufficiency for victims of domestic violence, assisting victims in obtaining comprehensive PFA Orders is an important objective of the CLR Project. By seeking and obtaining this relief for individual clients, CLR Attorneys also educate the Judges about the merit and value of granting such specific relief.

jurisdiction favor the use of family law proceedings to resolve custody.²⁸ Because Judges rarely hear legal arguments in favor of providing custody relief in PFA actions, many of them may not have developed an understanding of its importance as a safety measure for victims of domestic violence.²⁹

Without legal representation by attorneys who understand the importance of all of the relief available under the PFA Act, and who are prepared to pursue these remedies, many victims walk away with no protection or with far-less-needed relief than the law offers. Before the CLR Project began, access to legal representation in PFA Hearings, by all reports, was severely limited in most of the full-implementation sites. Because PFA Orders are a primary avenue to safety and self-sufficiency for victims of domestic violence, assisting victims in obtaining comprehensive PFA Orders is an important objective of the CLR Project. By seeking and obtaining this relief for individual clients, CLR Attorneys also educate the Judges about the merit and value of granting such specific relief.

²⁶ The legislative history of the PFA Act indicates that the General Assembly included protective custody provisions in the PFA Act despite the availability of another court to hear custody cases. Comments of legislators throughout the debate on the PFA Acts passage described the PFA Act as a tool to protect women and children from abuse. See SB 1243, Legislative Journal – Senate, June 22, 1976, 1799.

²⁷ Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, *supra* at 389.

²⁸ *Id.* at 394.

²⁹ *Id.* at 392.

Caseload data on PFA cases and Orders

Caseload data from the CLR Programs indicate that the Programs are using the PFA process as one tool amongst several to assist their clients. PFA cases account for an average of 46% of CLR Program caseloads in the six Programs that handle PFA cases (see Table 2, page 24). Across these Programs, the range is 26% to 56%. This range reflects the various Program priorities and the availability of other sources of representation for victims of domestic violence. PFA cases comprise a greater proportion of the CLR caseload in the counties that have few or no other alternatives for affordable legal representation in those cases.

Table 3				
Outcomes in PFA Cases Opened in 5 CLR Programs ¹				
CLR Program	PFA s Opened	PFAs Filed	Final PFAs Granted	Percent of PFAs Filed
Allegheny	41	30	20	67%
Butler	206	121	83	65%
Franklin/Fulton	224	114 ²	100	88%
Lackawanna	31	27	20	74%
Potter	39	36	26	72%

¹ Bucks County and Erie County are not included in this table. The Bucks County Program does not initiate PFA actions, but it takes referrals from the Pro Bono project of Bucks County Legal Assistance. The Erie County Program does not provide representation in PFA actions, but it collaborates with the agency's Legal Advocacy Program.

² The Franklin/Fulton County Program provided brief service in 110 PFA cases opened.

The CLR Programs have a very high success rate in PFA cases (see Table 3, above). Across the five Programs that initiate PFA cases, a Final PFA Order is obtained on average in 73% of the cases filed. In the Franklin/Fulton County Program, the CLR Attorney obtains an Order in 88% of the cases filed.³⁰ These rates of obtaining a Final PFA Order are considerably higher than the average rate of about 50% found in other jurisdictions across the country.³¹ The factors that most likely account for this difference are the expertise CLR Attorneys have developed in applying the PFA Act and the support services the domestic violence agencies provide to victims before and during the process of obtaining a PFA Order.

³⁰ The Franklin/Fulton County program provides brief advice to a relatively high proportion of the individuals referred to the program and who are clients of Women in Need, the domestic violence agency within which the CLR program operates. For example, in the first 7 months of 2002, Staff determined that a PFA Order was not the appropriate legal relief to seek in 18% of the PFA cases opened. In 27% of opened cases, the client decided not to go forward. The high success rate in obtaining PFA Orders therefore may reflect that the CLR clients who go forward are very well prepared for the process.

³¹ See Keilitz, S., Jones, A, and Ostrom, B. "Tracking and Understanding Family Violence Caseloads." Vol. 5, No. 2, Caseload Highlights: Examining the Work of the State Courts (April 1999).

Another important issue to consider in assessing the effectiveness of CLR Program Attorneys in PFA cases is whether CLR Attorneys are obtaining custody, support, and other relief the PFA Act offers to victims of domestic violence. A few of the CLR Programs tracked the specific relief they obtained in PFA Orders. The data available from these Programs indicate that CLR Attorneys are seeking and obtaining more comprehensive relief in PFA Orders.³²

Two of the CLR Programs reported the types of relief they obtained in PFA actions. In the Franklin/Fulton County Program, 42 clients with children obtained PFA Orders. For all of these clients, the PFA Order granted them primary custody of the parties' children. Fourteen of these Orders (35%) also included support, and two included compensation for medical expenses. In the Lackawanna County Program, 14 clients with children obtained PFA Orders. Eleven of these clients (79%) were granted primary custody of the children. CLR Attorneys in the Lackawanna Program also obtained a variety of economic relief in PFA Orders, including temporary child support, one-half of a tax refund, monthly mortgage payments pending further Order of the court, payment of medical bills incurred because of the abuse to the Petitioner, and the return of specified household items.

Qualitative data on PFA Orders from interviews and CLR Staff journals

In many jurisdictions, the process of requesting and obtaining a PFA Order can be hectic and feel more like a factory assembly line than an important judicial proceeding. Even in small jurisdictions, PFA Hearings can create a bustling scene in the courthouse. PFA dockets often are long and the courtroom is crowded. Court staff can become harried as they try to manage the process. Important details, such as the Respondents address or birth date, can be lost in the shuffle of paperwork and parties. The pace of the action and the tensions that permeate the courthouse atmosphere can often overwhelm victims of domestic violence.³³

Attorneys who are experienced in PFA law and procedures can bring a positive influence to the process in several ways. Their representation of individual clients can both ensure that victims obtain the maximum benefit the PFA law allows and help victims address other important issues such as custody, support, and divorce. They can also coordinate with service providers, linking victims to other sources of needed support such as housing, employment, and childcare. Furthermore, the consistent appearance of these knowledgeable and skilled Attorneys can help court staff manage the PFA process more effectively. Finally, their expert representation can educate Judges about the relief the court is authorized to grant and the reasons Judges should exercise their powers expansively to achieve the goals of the PFA Act.

³² This conclusion is bolstered by qualitative data presented and discussed in the next sub-section of the Report.

³³ Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, *supra* at 393.

By all accounts provided from the qualitative information gathered for this Evaluation, the CLR Attorneys have been valuable and welcome participants in the PFA process. Interviews with Court Staff and others involved in PFA proceedings reveal how CLR Attorneys have improved the PFA process, both for the court and for victims of domestic violence. For example, the PFA Coordinator in one court reported that the CLR Program has helped the PFA process considerably. Before the Project began, most victims seeking PFA Orders had no representation. The few attorneys who appeared for victims could not provide the information required for the County's Protection From Abuse Database (PFAD),³⁴ and court staff frequently had to re-do the PFA paperwork. The CLR Attorney has made the process more efficient by providing all of the information on Orders needed for PFAD and by giving the Coordinator information that helps prevent calendar conflicts and over-crowding of the dockets. The PFA Coordinator also noted that the CLR Program Staff responds quickly to questions, whereas she frequently has to contact other attorneys several times for the information she needs.

By all accounts provided from the qualitative information gathered for this Evaluation, the CLR Attorneys have been valuable and welcome participants in the PFA process. Interviews with Court Staff and others involved in PFA proceedings reveal how CLR Attorneys have improved the PFA process, both for the court and for victims of domestic violence.

A Clerk who handles PFA actions in a Prothonotary's Office had similar praise for the CLR Program. She explained that it has been helpful to have one Attorney doing most of the PFA cases because the Attorney has become familiar with the court's routine. In addition, the CLR Attorney often takes cases in which another attorney has not appeared; once the CLR Attorney becomes the attorney of record, the Prothonotary's Office can correspond with the CLR Attorney about the client and the case. The Clerk was particularly pleased that the CLR Attorney shares information needed for the service of Orders and Bench Warrants – information that the Prothonotary's office often does not have, including the Respondent's address, Social Security Number, and birth date.

³⁴ The Protection From Abuse Database (PFAD) is a court automation project implemented by PCADV in cooperation with the Administrative Office of Pennsylvania Courts and with funding from the Pennsylvania Commission on Crime and Delinquency. PFAD automates the PFA process in the courts, provides critical statewide data for analysis by the courts and law enforcement, creates and disseminates the Pennsylvania State Police Protection From Abuse Summary Data Sheet (information necessary for inclusion in the PSP Registry), and standardizes PFA forms and other forms necessary for PFA cases. As of December 2002, 45 of Pennsylvania's 67 counties participated in PFAD. Prothonotaries offices are responsible for entering PFA Petitions, Orders, and other related documents into PFAD. Records from PFAD, including the full text of PFAs, are available 24 hours a day, 365 days a year to authorized users via a secured Internet web site.

The Director of a PFA Clinic in another community reported that the CLR Attorney has influenced the Judges to award broader relief in PFA actions, particularly custody and support, than they did before the Project began. She is pleased that the PFA Clinic can refer its clients with emergency problems to the CLR Project. She noted that clients' needs

almost always go beyond the PFA action, and that the CLR Project can handle these issues to help victims move toward a life of stability and self-sufficiency.

The journals of CLR Program Staff tell the stories of numerous clients who are in a better place today as result of the services provided by the CLR Project.

The journals of CLR Program Staff tell the stories of numerous clients who are in a better place today as

result of the services provided by the CLR Project. For many of these clients, obtaining a PFA Order with appropriate relief may have been their only legal need, but for many others it was the first step in the long process toward a safe and self-sufficient life. Few of the PFA cases chronicled in the Staff journals were routine. A number of cases called for cross-jurisdictional coordination, several involved highly lethal situations, and many were related to other pending matters. The following edited excerpts from CLR Staff journals exemplify the quality and comprehensiveness of CLR Project representation and service in PFA cases.

- ◆ What a day yesterday! I'm still basking in the glow of success in PFA court for our CLR client yesterday. I'm especially involved with this client because I stepped back into my previous role of advocate and helped her prepare her Petition. The CLR Attorney was wonderful, and the Judge really "got it!" The Judge recognized the

egregious abuse of the Respondent by the withholding and delaying of medications, medical attention, and food, and the abuse of pets (plus, of course, the physical and emotional abuse that the client downplayed). The Judge awarded temporary support and evicted the Respondent. Our client has been regaining her

"Our client has been regaining her dignity during her stay at the Shelter. I can only imagine her joy when she cried and revealed that her new haircut was the first in many years because her husband wouldn't allow or pay for a haircut. With each passing week, our client makes such progress – even her health has improved."

dignity during her stay at the Shelter. I can only imagine her joy when she cried and revealed that her new haircut was the first in many years because her husband wouldn't allow or pay for a haircut. With each passing week, our client makes such progress – even her health has improved. Our Program now is helping her with divorce and support. This client exemplifies the purpose of this Program and the positive results that can be achieved!

- ◆ The client came to the CLR Program for representation at a final PFA Hearing because she had a conflict with the local Legal Services agency. At the consultation, the client explained that she had obtained a divorce decree in February and had started to date other men. Since that time, her ex-husband had begun to sneak into her home to find the names, addresses, and phone numbers of the men she dated and to harass her and the man that she was dating. She was seeking a PFA Order because the ex-husband had appeared in the lot where the client parked for work and began pushing her, calling her horrible names, and threatening her. She wanted an Order that restricted him from harassing, stalking or contacting her either at her place of employment or at her residence. She also wanted primary custody of her three children, with visitation for their father only when they wished to see him. At the Final PFA Hearing, the parties consented to an 18-month PFA Order that achieved both these goals. The client feels safer now, and the CLR Attorney offered to help her if the ex-husband violated the PFA Order, or if she wished to pursue custody closer to the time when the Order will expire.
- ◆ The client came to the CLR Project for assistance after she had obtained a Temporary PFA Order on her own in the CLR Project County, and also had filed a custody action in another county.

The client feels safer now, and the CLR Attorney offered to help her if the ex-husband violated the PFA Order, or if she wished to pursue custody closer to the time when the Order will expire.

The CLR client and the father of their child resided in the other county where the domestic violence occurred. The client had been staying with her father, who lives in the CLR Project County, for about two weeks with the child. The child's father and paternal grandmother had taken the child from this residence. The CLR Attorney obtained the assistance of the Police in the other county to return the child to the mother, which sometimes can be difficult because many rural counties have only one Police Officer or one full-time Officer and one or two part-time Officers. The Attorney also contacted the Legal Services Organization in that county regarding a Custody Conference scheduled there and obtained an extension of the Temporary PFA Order in the CLR Project County to allow the client to pursue a PFA action and the custody case in the county where she and the abuser resided. The client was very satisfied with this outcome. Finally, the CLR Attorney advised the client that she should not allow the child to go with anyone else until the court had entered a Custody Order, either in the Final PFA Order or in the custody action.

Do CLR Attorneys obtain effective and appropriate Child Custody Orders for their clients?

For victims of domestic violence with children, formalizing custody and establishing visitation terms are essential for achieving safety and stability after leaving an abuser.

Custody is an issue that Pro Bono and Legal Services Attorneys typically do not have the

time or resources to address for

victims of domestic violence,

unless it is sought in a PFA Order.

Furthermore, although

Pennsylvania's PFA Act specifies

that custody can be part of a PFA

Order, it has been reported that

Because appropriate Custody and Visitation Orders are vital safety protections, assisting victims of domestic violence with these legal issues is a key objective of the CLR Project.

many Judges do not grant custody in PFA actions, and attorneys, without specialized training in domestic violence, often do not seek custody in their PFA Orders.³⁵ Because appropriate Custody and Visitation Orders are vital safety protections, assisting victims of domestic violence with these legal issues is a key objective of the CLR Project.

Caseload data on child custody cases and Orders

Across the seven Programs, custody cases comprise about one-quarter of the caseloads (see Table 2, page 24). The range is from 15% of the caseload in Butler County to 58% in Erie County (see Table 1, page 21).³⁶ The Erie County Program does not represent clients in PFA cases and therefore can focus more on custody, support, and divorce litigation than can the other CLR Programs. At the other end of the range, over one-half of the cases in the Butler County Program are PFA actions, and the Program also offers brief services to clients (see Table 1, page 21), which dilutes the proportions of other case types in the caseload.

An analysis of outcomes in custody cases litigated by CLR Program Attorneys indicates that the efforts of the CLR Programs to address custody issues for their clients are yielding favorable results (see Table 4, page 33). A favorable Order or Agreement is defined as one that achieves the custody arrangements that are most appropriate for the clients preferences, safety needs, and circumstances. Most typically, a favorable outcome will order the primary custody of any minor children to the client, but in some cases it may mean shared or partial custody, particularly if the client has not had custody of the children or is establishing stable housing or employment. Across the CLR Programs, the rate of obtaining a favorable custody Order or Agreement ranges from 45% to 100% of the cases in which an action is brought. The average rate of obtaining a positive outcome is 69%.

³⁵ Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, *supra* at 389, 392, 394.

³⁶ See discussions of the variation in caseload composition among the seven programs in Section III (Table 1) and Section IV, (Table 2).

Table 4

Outcomes in Custody Cases Opened in CLR Programs¹				
CLR Program	Custody Cases Opened	Complaints Filed/Action Taken	Orders/Agreements Obtained	
			Number	Percent
Allegheny	63	31	14 ²	45%
Bucks ³	42	42	42	100%
Butler	59	58	41 ²	71%
Erie	63	39	36	92%
Franklin/Fulton	93	35 ⁴	22 ⁴	63%
Lackawanna	30	14	7	50%
Potter	14	14	9	64%

¹ Includes January-December 2002 caseload data on the number of cases filed and case outcomes from six Programs and half-year data from one Program.

² 10 cases were pending in the Allegheny County and Butler County Programs when the Programs reported their caseload data.

³ Data from the Bucks County Program on the number of cases filed and case outcomes are available for July-December 2002.

⁴ The Franklin/Fulton County Program also obtained custody relief in 42 PFA actions and filed four separate Custody Agreements along with PFA actions.

For at least two reasons, the actual rate of success in custody cases may be higher than these figures indicate. First, the figures for two Programs do not take into account the cases that were pending when the Programs reported their data. The second factor that may be masking the achievement of favorable Custody Orders and Agreements by CLR Attorneys is the rate of client attrition as the litigation process goes forward. Some of the cases in which the CLR Attorneys initiated action on the custody issue, either through a new court filing or negotiations in actions already filed, did not reach resolution because the clients withdrew the action or otherwise ended their participation in the custody process. Some clients had obtained custody in a PFA action and decided to live temporarily with those arrangements. Although client attrition occurs more often between the opening of a case and filing an action (see Table 1, page 21), for many victims of domestic violence, the most dangerous and unsettling time can be after they have taken legal action against the abuser. This reality underscores the need for the counseling and other services offered by domestic violence agencies to support victims through the legal process of separating from abusers, should that be their choice.

Obtaining Custody Orders and reaching Agreements favorable to their clients is one dimension of success in assisting victims of domestic violence. Another important goal of the CLR Project is to obtain specific relief that promotes safety and autonomy for victims of domestic violence. Custody Orders and Agreements that maximize safety and autonomy include primary custody of the minor children with the client, terms that convey primary decision-making authority to the client, and explicit safety measures for periods of partial custody and exchanges of the children. Primary decision-making may include legal custody; the ability to make decisions regarding routine medical care, which schools the children attend, what activities the children engage in; and the level of involvement of the abuser in these activities. Safety terms for partial custody and exchanges of children can include supervised visitation or exchanges; exchanges at a neutral location; partial custody; exchanges at times and locations convenient for the clients work schedule; and transportation options.

As the CLR Project evolved, several of the Project sites began to track more specific terms of Custody Orders and Agreements.³⁷ Examples of safety terms provided in Custody Orders and Agreements obtained by CLR Attorneys for their clients include the following:

- ◆ A provision in a Custody Order issued subsequent to a PFA Hearing specifying that the non-custody terms of the existing PFA Order remain in effect
- ◆ Guardian ad litem appointed at the request of the CLR Attorney and all contact of father with children suspended until psychological evaluation of the father is completed
- ◆ Suspension of father's supervised visits with teen-aged daughters based on their refusal to participate out of fear and their disclosure of sexual abuse by the father; therapy for sexual abuse ordered for minor children with father's access to the Therapist denied
- ◆ Supervised visitation for father suspended because of his aggressive behavior at the Visitation Center; visitation to be resumed only upon compliance with all terms developed by the center
- ◆ Supervised exchange of children at a public place
- ◆ Supervised exchange of children at Grandmother's residence
- ◆ Curbside exchange of children
- ◆ Exchange of children at daycare or McDonald's
- ◆ Child not to be removed from daycare

The sum of all the information from the CLR Program caseloads indicates that CLR Attorneys have developed the legal skill and understanding of domestic violence to effectively address custody matters against abusers and to assist their clients in navigating a system that very often can be intimidating and dangerous for them. This inference from the

³⁷ Specific decision-making and safety terms of Custody Orders and Agreements will be among the data elements considered for inclusion in the data reporting standards PCADV is developing for the CLR project.

caseload data is confirmed in qualitative data gathered from CLR Program Staff and other individuals in the CLR Programs' jurisdictions. The following section presents an analysis of this information.

Qualitative data on custody issues from interviews and CLR Staff journals

Interviews with Directors of Court Custody Programs in several of the CLR Program sites strongly suggest that the CLR Programs have improved the custody process for victims as well as for the courts. These Directors report that the process is much more efficient and productive when victims of domestic violence are assisted by CLR Attorneys.

Before the CLR Programs began representing victims of domestic violence, victims often floundered in the system and were intimidated by both the abuser and the process. Now victims are better prepared for the custody process because they are more knowledgeable about the legal and safety issues they need to address; they are better able to voice what they need; and they receive emotional support. Moreover, the system is becoming more aware of the needs of domestic violence victims through the training provided by individual CLR Programs to Mediators, Conciliators, and Custody Program Staff. The training is reciprocated, as CLR Attorneys have learned more about the functions of the Custody Programs, and how they as attorneys can be more effective for their clients.

The experiences of individual CLR clients described in Staff journals demonstrate how CLR Attorneys have assisted clients in overcoming the challenges posed by the tactics that abusers commonly use in custody litigation. For example, a CLR Attorney obtained a fee waiver for the courts Custody Program over the opposition of the abuser. In another case, the opposing party wanted shared legal custody and physical custody of the children on alternating weeks. This type of custody arrangement often is disruptive and de-stabilizing for children and imposes greater constraints on the other parent. The CLR Attorney assisted the client in retaining legal and primary physical custody in an Order that included provisions for the client's safety and the safe exchange of the children. Other examples include obtaining a Custody Order for a CLR client requiring supervised visits for the father who had mental health issues, and negotiating a Custody Agreement that allows the client to relocate outside of the Commonwealth with the children.

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The following five cases provide more detailed illustrations of how CLR Attorneys have achieved justice, safety, and stability for victims of domestic violence in litigating custody claims.

- ◆ Before coming to the CLR Program, the CLR client had obtained a support Order and petitioned the court for confirmation of custody of her two-year-old daughter. The daughter's father had petitioned for partial custody shortly after he had his wages attached for support. The parties were scheduled to go through the education seminar and mediation. The CLR Attorneys assisted the client in rescheduling her education seminar and petitioning for a waiver of mediation. The client informed the CLR Attorneys that the couple had separated prior to the daughter's birth and the father had never seen his daughter. She also stated that the father had a history of sexual abuse and pathological lying. She feared for her daughter's safety and her own, and she believed the father was asking for custody solely because she had filed for child support. The father did not appear at the conciliation. An Order was entered granting the client primary custody, and the father's Complaint was dismissed. Subsequently, the father had the client arrested, claiming she appeared at the education seminar he attended, waited for him to leave the program, and shot at him twice, nearly killing him. The client spent several days in jail while the CLR Attorneys coordinated obtaining defense counsel and her release on bond. The defense attorney's services were paid by the Calvary Fund, which is used to defend victims of domestic violence against false criminal accusations. The father did not appear at the Preliminary Hearing and the charges were dropped. The CLR client now has primary custody of her daughter and no contact with the father.
- ◆ A CLR Attorney assisted a client in obtaining child support and then custody of the children. When the Defendant was ordered to pay child support, he threatened to get full custody. He constantly harassed the client between the Support Hearing and the Custody Hearing. He told the client he would get the children, but if she agreed to a much lower support amount, he would "allow" her to have custody. The client was fearful, and the Legal Advocate stayed with her while the Hearing Officer talked with the two attorneys during the Custody Hearing. The client obtained custody, but the Defendant failed to pay the support ordered. After the CLR Attorney filed several Contempt Motions for non-payment, the Defendant is paying regularly.
- ◆ The CLR client had a PFA Order against her husband and was involved in a complicated custody case. The client has three children, two boys and a girl. The Defendant has a history of alcoholism and drug addiction and had taken the two boys two months before a lengthy Custody Hearing. The client had not seen the boys during this time. After extensive testimony, the Judge split custody 50/50. The Judge's Order indicated that he neither recognized the domestic violence in this situation nor understood how potentially harmful the Defendant's behavior was for the children. Nearly four months later the client filed a Motion for Hearing because

the Defendant had returned the children to her following the first Hearing and had not seen them since. He also had not complied with the court Order to participate in a custody evaluation. After a fairly extensive Hearing, the Judge ruled in the CLR clients favor. He granted the Defendant limited, supervised visits and chastised him from the bench for his behavior toward the children. This was a huge breakthrough, because several months previously the Judge seemed to think that the Defendant was a capable parent.

- ◆ An abuser with primary custody of child was denying the mother access for visits. At a full Hearing on the matter the abuser was held in contempt and fined \$1,000 per week for each week of visitation missed. The abuser was allowed to purge the contempt by completing a specific visitation schedule. The abuser also attempted to change jurisdiction of the case to another state, but the CLR Attorneys arguments to the court have maintained jurisdiction in the county.
- ◆ A CLR client was concerned about the fathers ability to care for their 18 month-old child, for whom he had refused to obtain needed medical care. The CLR Attorney obtained a Stipulated Court-Ordered Agreement awarding primary physical and legal custody to the CLR client and specifying requirements for overnight visits, including providing appropriate space for the child, adhering to the child's daily routine, providing medical care.

Do CLR Attorneys assist clients in obtaining adequate Child and Spousal Support Orders and other economic relief?

One of the most direct routes to self-sufficiency is through appropriate and adequate Child and Spousal Support Orders that allow victims of domestic violence to establish or maintain safe and healthy housing and education for their children. The process for obtaining child and spousal support in Pennsylvania is intended to be low-cost and readily accessible to individuals without legal counsel. For many victims of domestic violence, however, the pro se support process can be intimidating and difficult to navigate. In many instances, the victim decides not to go forward with the Support Complaint because the situation is too volatile for the victim to proceed; the victim is not ready to take this step in the separation process; or the parties reconcile. The Domestic Relations Office, which administers the support process, does not have the resources to provide adequate assistance to victims, who often are left vulnerable to coercion from or fear of the abuser who is the opposing party.³⁸

Pennsylvanias PFA Act further streamlines the process for victims of domestic violence who have obtained a PFA Order of Support against the Respondent.³⁹ They may file a Complaint for support with the Domestic Relations Office (DRO) along with a copy of the PFA Order to expedite both the payment of support and the initiation of support proceedings. However, the Complaint must be filed within two weeks of the issuance of the PFA Order. If the Petitioner misses the two-week deadline, the Support Order provision within the PFA Order expires, as does the opportunity to accelerate the payment of support through the DRO.

³⁸ Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, *supra* at 393.

³⁹ 23 Pa.C.S. § 6108(a)(5).

Without expert legal representation or other support and advocacy, many victims of domestic violence are unable to avail themselves of the legal protections and benefits established in the PFA Act or within the laws and regulations governing the payment of child and spousal support. Those who obtain PFA Orders without counsel may not seek support, and if they do, they may not be advised of the need to file a Complaint with the DRO within two weeks.⁴⁰ Victims represented by attorneys who have no expertise in domestic violence or the PFA Act also may forfeit their rights when their legal counsel is not familiar with the law or the process. The legal representation provided by the CLR Program, therefore, is an important component of comprehensive services to victims of domestic violence who are seeking self-sufficiency.

Although the focus of this section is on support, other types of economic relief are powerful and important avenues to self-sufficiency and justice for victims of domestic violence. For example, CLR Programs assisted several clients in achieving economic independence through awards of marital property, including proceeds from the sale of the marital residence and shares of retirement funds and profit-sharing plans. Another example is a CLR client who was awarded \$8,000 in civil damages arising from injuries the victim sustained from the violence perpetrated by the Defendant.

Caseload and court records data on Child and Spousal Support Orders

Across all of the CLR Programs, support cases comprise about 15% of the caseloads (see Table 2, page 24). Following the pattern of PFA and custody cases, support cases are a higher proportion of the caseload in some of the Programs than in others. For example, 28% of the cases opened by the Erie County Program were support matters, and in the

Lackawanna County Program, support cases account for 23% of the caseload. Although support cases comprise lower proportions of the CLR Program caseloads, they nevertheless are an important component of the CLR Project. Furthermore, some CLR clients who are represented by CLR Attorneys in other matters file Support Complaints

...some CLR clients who are represented by CLR Attorneys in other matters file Support Complaints on their own. These clients are able to participate in the support matter pro se because they have gained confidence and knowledge about the process from their experience with the CLR Project in the other matters.

on their own. These clients are able to participate in the support matter pro se because they have gained confidence and knowledge about the process from their experience with the CLR Project in the other matters.

Another view of a small sample of the support cases filed by the CLR Programs indicates the dollar value of the economic relief CLR clients have obtained (see Table 5, page 39). The Evaluation gathered data directly from Domestic Relations Office (DRO) records on support cases filed by the seven CLR Programs during two study periods (February through May 2002, and August and September 2002). These two data samples provide only

⁴⁰ Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, *supra*.

snapshots of CLR cases, one taken when most of the Programs were in their implementation phase, and another after they had been in operation for a few months. In many case records, data was missing, including the amounts of support ordered. These snapshots, therefore, show only a small part of the picture. For example, in the Bucks County Program, Child and Spousal Support Orders for clients in the first half of the year totaled \$155,575 (\$12,965 per month), but the sample of cases covering part of that time-period shows a much lower amount.

CLR Program	Support Cases Filed	Support Orders	Total Child Support Ordered	Total Spousal Support Ordered	Total Arrears Ordered	Total Owed Monthly
Allegheny ¹	13	4	\$1152	\$49	\$2565	\$2306
Bucks ²	14	10	\$4658	\$1046	\$744	\$2792
Butler	21	14	\$4929	\$1430	\$5869	\$6479
Erie ¹	3	1	0	\$339	\$1057	\$361
Franklin	15	12	\$2544	\$1612	\$3165	\$5414
Lackawanna	18	9	\$2741	\$965	\$4740	\$4359
Potter	9	4	\$1962	\$175	\$2204	\$2163
Totals	93	54	\$17,986	\$5,616	\$20,344	\$23,874

¹ No support cases in first sample of cases (February – May, 2002).

² Support filings from first sample of cases (February – May, 2002) only.

Despite missing data and the low number of support cases in the study samples, the figures in Table 5 indicate that the CLR Programs are achieving significant benefits for their clients. Nearly \$24,000 is now owed monthly to CLR clients through 54 Support Orders obtained through the CLR Program, and over \$20,000 in arrearage payments is ordered. The Child Support Orders cover 66 children, and in the cases for which the guideline amount could be determined, nearly all of the child support awards are at or above the guideline amount.⁴¹ Victims of domestic violence seeking assistance from the CLR Programs, therefore, are overcoming the economic challenges of adequately caring for their children – one of the greatest barriers they face in trying to escape the violence. Given the lack of legal representation for support matters before the CLR Project, this snapshot demonstrates the positive results that CLR Attorneys have achieved from persistently seeking this relief for domestic violence victims.

⁴¹ The guideline amounts are estimates based on the incomes of the parties noted in the records. Because other critical information, such as payment of medical insurance and other expenses, was not gathered, the calculations assume that the payor was not providing any of these benefits. Therefore, the calculations err on the side of the Orders being lower in relation to the guidelines than they might be.

Qualitative data on support issues from CLR Staff journals and case closing memos

Behind the numbers lay the true stories of the victims of domestic violence who are served by the CLR Programs. Staff journals, case closing memos, and caseload reports provide numerous examples of the benefits of the CLR Program for individual clients and their children. These stories demonstrate more eloquently than do statistics how valuable the CLR Programs are in reaching victims who otherwise would not have been served and whose legal needs would not have been met. Because their purpose is to provide the comprehensive legal services that other attorneys serving pro bono or on a reduced fee basis cannot provide, CLR Attorneys and Staff can take the time to research novel or complex issues and to coordinate with attorneys in other jurisdictions who have been involved with the client. This is very important for victims of domestic violence, who often have to leave one jurisdiction to seek safety or support away from the abuser. Establishing economic security under these conditions can be particularly difficult.

The following edited excerpts from CLR Staff journals provide an overview of the support and other economic issues CLR Attorneys have resolved for their clients.

- ◆ A CLR client had been embroiled in a divorce for at least one year when she sought assistance from the CLR Program. She had been represented by private counsel but had exhausted her resources and was no longer able to pay the attorney. The CLR Attorneys first filed for spousal support on behalf of client, and the client was awarded \$115 per week. The CLR Attorneys also reached a Property Settlement Agreement, which included one-half of the proceeds from the sale of the marital house (\$17,000). The client used the money as a down payment for the purchase of a new home. The client also received \$15,000 from the husband's pension plan and \$400 per month spousal support for three years.
- ◆ A CLR client had moved from New York, obtained a PFA Order granting her temporary custody of the minor child, and then moved to Atlanta to be closer to her family. Her estranged husband proceeded to file a custody action against the client. The CLR office represented the client's interest in the custody and support matters. Without the client having to return to Pennsylvania, the CLR Attorneys persuaded the court to grant primary physical custody of the child to the client and to enter a Support Order of approximately \$1,800 per month. The client, therefore, did not have to face the abuser to obtain custody and economic relief.
- ◆ We represented seven clients in Domestic Relations Conferences during the month of October. In all the cases but one we represented the Petitioner. The Respondent we represented was a domestic violence victim who had the child in her care for two months while the father was in jail, and who will be regaining custody of the child in November 2002. One of the cases involved a woman whose abuser had been a prison guard until he committed a serious incident of abuse involving a gun. The woman was quite intimidated by the abuser at the conference and was inclined to bargain away her right to support.

- ◆ A CLR client is a part-time nurse at a school. A CLR Attorney obtained for her a PFA Order including custody of her 8 year-old partially deaf child and a child support award of \$352. The father of the child had never supported her before this Support Order was issued.

- ◆ A CLR client had left her husband. The husband argued that the client was not entitled to spousal support because she left

In a period of about eight months, the client moved from indigence to employment, home ownership, and independence.

him. At the DRO Conference, the CLR Attorney presented the clients testimony on sexual and physical abuse of client by the Defendant, to establish reasonable cause for leaving. The client has a medical disability that limits her ability to testify and recall events. The DRO Conference Officer ruled in the clients favor with an Order for \$428 per month. Defendant appealed but did not appear at the Appeal Hearing so the appeal was dismissed.

- ◆ A CLR client had been separated for a year from her husband of 20 years. She had no income, no marital property, and was living with a friend because she had no money for rent. The CLR Attorneys prepared and filed a Divorce Complaint and obtained a waiver of all filing fees. The client did not want to file for spousal support. Her husband retained an attorney, and after some negotiation, agreed to give the client 60% of his pension and 60% of his profit-sharing plan from work. There was no other marital property. The client received approximately \$40,000 from the pension plan and \$37,000 from the profit-sharing plan. The client took a distribution on the profit-sharing plan, which gave her sufficient funds to buy a car and make a down payment on a mobile home. Once she had a car, the client started a cleaning service. In a period of about eight months, the client moved from indigence to employment, home ownership, and independence.

- ◆ A CLR client was fired because her husband threatened to come to her workplace. The client had no income because she had been denied Unemployment Compensation (UC)

At least several or more clients have been able to move beyond welfare, food stamps, and other public assistance. With spousal and child support, clients are able to be more self-sufficient.

Benefits. The CLR Attorney represented the client in an Appeal Hearing, at which the employer did not appear. To counter the conclusions in the initial UC decision, the CLR Attorney had a representative from the local Batterer Intervention Program testify that a victims actions do not cause abuse, or threats of abuse. The UC Referee ruled that the client was entitled to UC Benefits.

- ◆ While contemplating the CLR Project Evaluation on Thursday, I've been reflecting on our clients and how our Program has helped them effect change in their lives. I've mentioned the client with the medical needs. At least several or more clients have been able to move beyond welfare, food stamps, and other public assistance. With spousal and child support, clients are able to be more self-sufficient.

V. Impact of the CLR Project on Increasing the Availability and Quality of Legal Assistance for Victims of Domestic Violence

“The CLR Program in our County provides victims of domestic violence with experienced, competent Attorneys who have special expertise in the clients’ special legal issues. The Program provides a voice for victims of domestic violence that did not exist prior to the Program.” (Interview comment by a Legal Services Attorney in one of the CLR Project sites)

The goals of the CLR Project – saving lives, promoting self-sufficiency, and creating institutional change for victims of domestic violence – are to be achieved by:

- (1) providing expert legal advice to victims about their rights and options in a supportive and respectful environment;
- (2) affording effective legal representation for matters that clients choose to pursue; and
- (3) developing a Network of attorney specialists skilled in representing victims of domestic violence in family law and other civil matters, and committed to improving the civil justice system. Without this fundamental support system, the path to safety for victims of domestic violence can be difficult to find and follow, strewn with hazards, and circuitous.

The examination of the CLR Program caseload data (see Section IV, page 22) demonstrates that the CLR Project is providing quality legal representation in the cases that the Project prioritizes – PFA Orders, custody, and support. Moreover, the qualitative data gathered in CLR Program Staff journals, case memos, and interviews with Program Staff and others in

the community, verify that the CLR Programs have provided benefits to individual victims of domestic violence and improved the functioning and outcomes of the civil justice system.

This section of the Evaluation Report examines additional qualitative information about the effects of the CLR Project on increasing the availability and

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quality of legal assistance for victims of domestic violence. Is the CLR Project increasing access to justice by providing services that did not exist or were very limited for victims of domestic violence before the Project? Are the CLR Programs addressing complex legal issues and representing victims of domestic violence from underserved populations? Are the CLR Programs bringing about system change to improve outcomes for victims of domestic violence?

Is the CLR Project providing services that did not exist or were very limited for victims of domestic violence before the Project?

In each of the CLR Project's full-implementation sites, access to appropriate and comprehensive legal representation for victims of domestic violence was scarce or negligible. Legal Services Organizations, which typically have provided representation to some clients in PFA actions and other limited matters, had experienced budget cutbacks and reorganizations that reduced their ability to assist victims of domestic violence.⁴² Other sources of legal representation, such as Pro Bono Networks, either did not exist or were stretched beyond their capacity. The domestic violence agencies in the full-implementation sites were acutely aware of the need to compensate for the reductions in existing legal services and to establish new services in their communities that could address the legal needs of their clients more comprehensively.

The words of CLR Program Staff and their colleagues in the community clearly demonstrate consensus that the CLR Programs have made significant strides in addressing previously unmet legal needs of victims of domestic violence.

Before the CLR Program began, the community had only one divorce program for indigent people, but its eligibility limits were too low for many domestic violence victims.

In bringing these new resources to victims of domestic violence, the CLR Programs have not duplicated legal services already available in the community. Moreover, the CLR Programs have established cooperative working relationships with other providers of legal services and the private Bar, to coordinate their efforts to serve victims of domestic violence.

As the Referral Coordinator of a Legal Services Organization in one of the CLR sites reported, the CLR Program has been a valuable resource to the community in several ways. The CLR Program is not only filling gaps left by budget cutbacks, it is providing essential legal assistance that Legal Services Organizations and Pro Bono Attorneys cannot or do not handle, including custody, support, and divorce. Before the CLR Program began, the community had only one divorce program for indigent people, but its eligibility limits were too low for many domestic violence victims. The Referral Coordinator now refers PFA matters to the CLR Program if there is a conflict with the Legal Services Organization, thereby leveraging the provision of legal services in that community.

The Director of a Legal Services provider in another Project site provided the insight that attorneys in his community see the CLR Program as a "god-send" because it meets needs that no other legal services program could provide. He cited Custody Orders as an example of legal remedies that victims of domestic violence were not obtaining prior to the CLR Program. As a result, the CLR Program is now providing a voice for victims of domestic violence in the civil justice system where that voice did not previously exist.

⁴² Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, *supra* at 415.

In addition to increasing and complementing the legal services available to victims of domestic violence, the CLR Program communities view the Programs as providers of high-quality legal representation. As the attorneys working in Legal Services Organizations noted in interviews, CLR Program Attorneys have special expertise in the specific legal issues of their clients. They also have the skills and resources to address both the legal and difficult emotional issues that victims of domestic violence often have. These members of the Bar expressed concern that the CLR Programs must continue to operate because they view the Programs as a tremendous asset to domestic violence victims as well as the broader legal community, which also struggles to address the legal needs of victims.

As the attorneys working in Legal Services Organizations noted in interviews, CLR Program Attorneys have special expertise in the specific legal issues of their clients. They also have the skills and resources to address both the legal and difficult emotional issues that victims of domestic violence often have. These members of the Bar expressed concern that the CLR Programs must continue to operate because they view the Programs as a tremendous asset to domestic violence victims as well as the broader legal community, which also struggles to address the legal needs of victims.

Others working in the justice system have demonstrated their respect for the CLR Programs, not only through praise for the services, but also by referring domestic violence victims to the CLR Programs. All of the CLR Programs have received referrals from the community in addition to those from Legal Services Organizations and the private Bar, including Law Enforcement agencies, Prosecutors, and other agencies involved in the justice system. Perhaps the most significant tribute to the quality of the CLR Programs is the fact that Judges in several sites are referring individuals to the CLR Program.

In interviews and journals, CLR Staff relate the stories that have earned the CLR Program such high regard in their communities. CLR Staff cite numerous examples of the benefits to providing a comprehensive legal perspective of the clients total situation, as opposed to viewing the circumstances in isolation. Some of these issues involve relocation, housing, employment, and counseling that can impact their clients ability to proceed in custody, support, and divorce matters. Other issues have arisen that are outside the scope of the civil justice system but that may influence the clients options, such as helping a client understand ongoing criminal proceedings against the abuser. In one instance, Children and Youth Services dismissed a dependency case against a CLR client, citing on the record the clients increased ability to parent since she had removed the abusive spouse from her life and had participated in the comprehensive services from the domestic violence agency and its CLR Program.

The following edited excerpts from Staff journals demonstrate not only a sample of the legal relief CLR clients have achieved through the CLR Project, but also the commitment CLR Attorneys have to providing the best representation possible for victims of domestic violence.

- ◆ One of the more fulfilling cases for this CLR Program involved a proposed Subpoena of the medical and psychological records of one of our clients. Opposing counsel wanted the documents to prove that our client was unable to care for her children and/or that she was able to work. Following numerous attempts to try to obtain the records through custody proceedings, opposing counsel asked our client to consent to the release of the documents. After our client refused to consent, opposing counsel gave notice of the proposed Subpoena. We filed a Brief objecting to the Subpoena and attended the Hearing. The Judge's decision allowed the Subpoena, but curtailed the documents to those that the client already had released to the DRO regarding her ability to work. The outcome is a sign that the system works, and that this Program provided services that the client would never have been able to pay for alone. The preparation in writing the Brief and preparing for the Motion to Quash was lengthy and detailed. Our client would never have the ability to safeguard her privacy and oppose the Subpoena if she were paying for counsel on her own.
- ◆ It is amazing how a client I met with today has progressed in becoming empowered to move ahead with her life. Now that she is participating in counseling and therapy, she is ready to initiate action to obtain shared legal custody of her three teenage children and to proceed with support and divorce matters. It is absolutely inspiring when our Program works successfully to help victims cope with the legal system as well as the trials and tribulations of everyday matters that may not ordinarily come before the court.
- ◆ Although she was represented by private counsel in her divorce, support, and custody cases, the client sought assistance from our Program to obtain a PFA Order. Her husband counter-petitioned for his own PFA Order. We worked with the husband's private counsel to negotiate an Agreement for an 18-month PFA for the client, and the husband withdrew his Complaint. The client eventually obtained primary physical custody of her children and was granted permission by the court to move back to Ohio, where she had a job waiting and family for support.

“It is absolutely inspiring when our Program works successfully to help victims cope with the legal system as well as the trials and tribulations of everyday matters that may not ordinarily come before the court.”

Are CLR Programs addressing complex legal issues and representing victims of domestic violence from underserved populations?

The availability of legal representation in the CLR Project sites prior to Project implementation was limited not only in quantity, but also in its ability to address other highly-complex legal issues often associated with domestic violence. Furthermore, existing legal services typically did not reach many domestic violence victims who traditionally have been underserved, including persons with disabilities, immigrants, and people with limited English proficiency. The CLR Project seeks to address this deficit in services by developing specialized Attorneys who have adequate time and resources to address the myriad of legal issues that many victims of domestic violence face.

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The comments of Attorneys and others working in the CLR sites indicate that the CLR Programs are addressing needs heretofore unmet in their communities. Their general assessments of the benefits of the CLR Programs are verified by specific accounts of the complex issues and specialized needs that CLR Attorneys have resolved for their clients. The CLR Staff journals chronicle the situations that many

victims of domestic experience, such as the need to relocate from other counties or states, and the particular challenges that immigrants and persons with disabilities often encounter. These cases required CLR Attorneys to research and apply areas of law that Pro Bono and Legal Services Attorneys typically lack resources and staff to undertake, including Interstate custody, immigration, and international law.

The following examples from CLR Staff journals illustrate the strong commitment of CLR Attorneys to competently address more complex and novel matters and to assist clients whose needs would not likely be served without the CLR Program. The CLR Attorneys have demonstrated that attorneys specializing in domestic violence issues and law can achieve greater benefits for victims because they have more time and opportunity for researching legal issues, for coordinating and consulting with other attorneys and service providers, and for applying their developing knowledge and skills in other cases.

- ◆ I have a plaguing worry, especially with our site visit just around the corner. My fear is that simply looking at the number of hours that we spend on a case is not enough to accurately portray all of the time and effort that goes into that case. Not to mention that I usually leave a case with a better understanding of a new area of law or a new policy that I didn't even know existed prior to dealing with that client. For example, yesterday we got a call from a woman who had changed her Social Security number approximately two years ago to escape her abusive husband. She

has recently applied for a job with a title company that requires a ten-year criminal background check. Because she changed her Social Security number, only two years of her history is available. Her employer informed her that he could not hire her unless she provided her old number. Simply put, this woman isn't even my client yet, but, as a courtesy to her, I have researched SSA policy, case law, the procedure for obtaining a criminal background, and several employment law issues.

I have learned a great

deal and although I wasn't able to come up with an answer that would help her, I was able to give her a better understanding of the situation. But, does "4 hours research by Staff" as noted in the file really explain all that? And will people understand that she, like most of my clients, would never get this personal attention from a private attorney? In fact, most of my tasks involve something beyond the scope of simply the law. And, although I enjoy every minute of it, will others understand exactly how much effort we put into our cases and clients at the CLR Program?

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- ◆ A CLR client had a case pending in juvenile court concerning her three children, who were in foster care. She had a Parent Advocate for the reunification process, but needed legal assistance in obtaining the support that had been granted to her in a Texas divorce from the children's father. The father had retired from the military, and his whereabouts were unknown. The CLR Attorney contacted both the Parent Advocate to move along the client's achievement of the goals in the Children and Youth Agency family plan for reunification, as well as the attorney in Texas who had assisted the client with her divorce. The Texas attorney told the CLR Attorney that the military would pay a portion of the support granted to the spouse of a service member when that service member is unemployed. He sent the information and forms needed to make this request, and the CLR Attorney assisted the client in applying to the Military Garnishment Office. The client received a portion of the support owed to her, which helped her keep stable housing, live independently, and be in a good position to regain custody of her children.

- ◆ The CLR Attorney presented a Petition to the court to register a client's Foreign Custody Order and implement some enforcement measures, including requiring the father to relinquish his passport and airline ticket to the client for the duration of his visitation period with the parties' two children. The Judge was hesitant to grant the Order because it sought modification of the Foreign Custody Order, which the Judge did not believe he had jurisdiction to do. He took the matter under advisement while his Law Clerks researched the issue. The following Monday the Judge granted the Order, reasoning that the relief requested was not an unreasonable infringement upon the Defendant's freedom and that the current political climate and individual nature of the case warranted implementing the restrictions to ensure compliance with the Foreign Custody Order. Two weeks later, the client advised the CLR Attorney that the father had safely returned the children to her and gone back to Australia.
- ◆ The CLR Attorney successfully represented a victim of abuse in an interstate custody case. The client had been abused in Dauphin County in 1999, and she moved to Texas shortly afterwards. The client obtained a job as a Guard at a Juvenile Corrections Facility, and she and her children established themselves comfortably in their new home. The abuser had very little contact with the children or the client from 1999 until the summer of 2002 when he appeared in Texas asking for reconciliation. The reconciliation attempt lasted about two weeks, during which time the abuser lived in the client's household. Shortly after moving out of the client's house, the abuser came to the client's house one morning and offered to take the children to school. Rather than taking them to school, however, he took them to Pennsylvania. He filed a custody action, alleging that the client was abusive to the children and had agreed that he could take them with him to Pennsylvania. He obtained an Order giving him custody of the children. In the meantime, the client filed an action in Texas for divorce and custody. The client did not become aware of the Pennsylvania Order until she arrived to regain custody of the children. She initially went to a private attorney who referred the case to us after discovering the existence of the Pennsylvania Order. We filed Preliminary Objections and a Motion for a Conference on behalf of the client. After reviewing the Objections and Motion, the Judge who had entered the Custody Order, contacted the Judge assigned to the Texas case. The Judge then dismissed the Pennsylvania Order and relinquished jurisdiction. The children were returned to the client as a result of the Texas proceedings. We were able to work with the client's Texas attorney to ensure that the Texas Judge was aware of what was happening in Pennsylvania. The client was quite pleased and grateful for how the case turned out.

“We were able to work with the client’s Texas attorney to ensure that the Texas Judge was aware of what was happening in Pennsylvania. The client was quite pleased and grateful for how the case turned out.”

- ◆ We had an emergency case with a client who came to this country from Egypt with her husband and family almost two years ago. The husband had a fellowship at the University and the family was to return when the fellowship ended. Approximately one month before the scheduled return, my client decided she wished to obtain her own Visa and stay in the United States with her children. She began the application for her Visa, but her husband took the children to New York. Our client received several harassing phone calls from the Embassy and feared that she would never see her children again. I prepared an emergency Petition for custody, which the Judge signed, and our office spent most of the day contacting local authorities, the FBI, Customs, the State Department, and U.S. Immigration to determine what other steps can be taken to protect her children. This office certainly pulled together in a time of crisis – it is wonderful. As we left that night, we had mixed emotions because we were uncertain about the fate of this woman and her family. A week later I represented my client in her Petition for primary custody for an extended period of time until we can locate her husband and children before they return to Egypt. The Judge said that if we could show her Proof of Service, she would enter a Final Order. Three days later, the news came early in the morning – the father had returned to Egypt with the children even though they did not have their passports. It will be hard for the client to remain positive with the loss of her children now, but we must. She will certainly have support at the Shelter, but we must work on finding her husband in Egypt and serving him with the custody papers and the Divorce Complaint so that she can safely return to her country to get her children back. The next few weeks will be key if we want this to be a successful reunification.
- ◆ A CLR client from Thailand had lived in isolation with her four-year-old daughter in a trailer in a remote area. The client has only one leg and is wheel chair-bound. She receives Social Security Disability. The CLR Attorney assisted the client in obtaining a divorce and primary custody of the child. The Defendant now pays support to the government. The client has received counseling from the domestic violence agency and transportation to Hearings and meetings. She is seeking U.S. citizenship, lives in town, and her daughter is a happy kindergartener.
- ◆ A client came to our office as a referral from the Court Custody Program. The client is deaf but able to sign. When she went to the Custody Program office, she had several questions regarding custody, but communication was an obstacle. Because we provide services to victims of domestic violence and also have the resource of interpreters, she was an excellent candidate for our Project. Since our initial meeting, we have been able to fully explain the custody procedures and the steps that she would need to take to file for custody. We have also established a safety plan for her and her children. Additionally, she now has the opportunity to receive domestic violence counseling through the Shelter, in addition to the counseling she was receiving for functioning as a deaf person in a hearing world. The client calls me on a regular basis to follow up on the progress she is making, to discuss the custody matter, and to thank us for all that she has gained through her experiences with our Project.

Are the CLR Programs bringing about system change to improve outcomes for victims of domestic violence?

The data indicates that the CLR Project is achieving its goal to redress injustice for individual victims of domestic violence. This accomplishment in itself signifies success for the Project. PCADV and the CLR Project sites also have the broader goal, however, to improve the civil justice system for all victims of domestic violence. The successes in individual cases should demonstrate to Judges, attorneys, and others in the community that the system is capable of providing all of the legal protections and benefits the law allows. Through competent and consistent performance, CLR Attorneys can persuade system actors that new approaches are appropriate, feasible, and effective. As one CLR Attorney related from her experiences, small advances in the day-to-day activities of individuals can transform the system.

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The assessments of CLR Staff and the views of their colleagues in the community indicate that the CLR Project is achieving its broader goal to bring about system change. The legal community values the competence and specialized skills of CLR Attorneys and the CLR Programs' ability to comprehensively address the needs of victims of domestic violence. The CLR Programs have established cooperative relationships with other providers of legal services in

their communities that are promoting the increased expansion of service provision along with a greater understanding of victims of domestic violence and their diverse and often numerous needs. For example, the Legal Services Referral Coordinator in one CLR Project site considers CLR Program Attorneys to be experts in PFA law and domestic violence. In addition, these Program Attorneys have shared their expertise through training Legal Services Organizations and law firms within that community.

Court staff appreciates the positive impact that CLR Attorneys and Program Staff have made on the day-to-day operations of the court. As the PFA Coordinator in one CLR Project site explained, the CLR Attorney makes the PFA process more efficient from the filing through the entry of Orders into the Protection From Abuse Database. By proactively sharing information with the court, the CLR Attorney helps the court avoid calendar conflicts that can result in continuances, which prolong volatile situations and create hardships on clients who often must arrange childcare or time off from their employers in order to attend court Hearings. The exchange of information between the CLR Attorney and the court can also prevent long dockets, which produce larger crowds and attendant security risks, and which

often allow abusers greater opportunities to harass and intimidate victims before, during, and after their Hearing. The Clerk who is responsible for PFA actions in the Prothonotary's Office added that the CLR Attorneys' vigilance has helped improve service of Orders and Warrants, which reduces danger and uncertainty for victims after Orders are issued, and assists Law Enforcement in protecting victims and the public.

The Directors of court Custody Programs in two other CLR Project sites echo these opinions in regard to the CLR Programs' effect on the functioning and outcomes of the system established to adjudicate custody matters. These Directors consider the CLR Program to be a significant benefit to both the system and the domestic violence victims

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the Attorneys represent. CLR clients have a greater understanding of their rights and are better prepared for the custody process. Consequently, the process is more efficient and effective in establishing Orders that help the CLR clients address safety issues and create stability for themselves and their children. In one of these communities, CLR Attorneys have provided training on domestic violence issues to the Custody Programs Advisory Board and the custody Mediators. This collaboration has stimulated improvement in those programs and better outcomes for victims of domestic violence.

The perspectives of CLR Program Staff also provide important information regarding the impact of the CLR programs on system change. The assessments of agency Staff are particularly valuable because many of them had experience with the court and other agencies before the implementation of the CLR Project. This longer view allows them to draw comparisons between the status of the system prior to and following the time that the CLR Attorneys began representing agency clients. Interview comments and journal entries from these CLR Program Staff indicate that the CLR Programs are making changes in the system.

For instance, in several CLR Project sites, Legal Advocates report that CLR Attorneys have successfully argued for and persuaded Judges to award broader relief in PFA actions, including custody and support. Reports indicate that Judges are now issuing PFA Orders for longer terms. These changes in the judicial response to CLR Attorneys indicate that the Programs are furthering the goals of the PFA Act, while conveying its benefits to a greater number of the individuals that the Pennsylvania Legislature intends to protect. Legal Advocates and agency Directors also have observed that judicial rulings are more consistent, which suggests that the CLR Programs are improving how the system responds to all victims of domestic violence through zealous argument and advocacy.

Judges and Hearing Officers also appear to be more receptive of ideas that facilitate greater access to the system for victims. For example, Hearing Officers in one CLR Project site have begun allowing telephone conferences in support proceedings involving particularly

volatile or abusive opposing parties. This change allows victims to fully participate in Support Hearings without having to fear the potential intimidation and harassment of the opposing party. In another CLR site, the CLR Program has made substantial progress in addressing firearms issues. In that county, Judges are ordering abusers to relinquish firearms in more cases than prior to the implementation of the CLR Program. Moreover, one Judge invited the CLR Program Staff to the court for the purpose of discussing options for removing guns from batterers.

Other system improvements cited by the CLR Program Staff relate to coordination with other agencies and justice system components. In one jurisdiction, the CLR Program is partnering with the Sheriff on service issues. In another Project site, the CLR Program is experiencing greater cooperation from Law Enforcement, Probation, the Housing Authority, and the Bureau of Immigration Services. In a third Project site, the District Attorney is working with the CLR Program to increase the number of prosecutions brought against those abusers who violate the PFA Orders filed against them.

A small sample of entries in CLR Staff journals provides a more personal view of how the CLR Programs are effecting system change.

- ◆ Today the Judge issued a very positive ruling on behalf of my client. My client and the Defendant disagreed over psychological services for their daughter. The couple shared legal custody of the child. After a brief Hearing, the Judge granted my client legal custody of the child for the purposes of seeking psychological treatment. This was a huge victory for my client. It was also significant for this Judge to recognize the abusive nature of the Defendant and grant my client this relief.
- ◆ I have gotten a great deal of input from the DRO, the Prothonotary, and some court staff about what a prize our CLR Attorney is. They are very clear in their respect for her organizational skills, legal abilities, and the difference our agency makes in the lives of battered women because of her performance. I am so proud. When I shared all the information with her, she responded in her typical way, "that's nice but I'm sure they were just being nice." No one in our courthouse is that nice – they would never take the time to either flag me down or call me, if they did not really see a difference.
- ◆ The Judges and the legal community respect our new Attorneys and the work of the CLR Program. That feels really good. So much of our work is hidden; the Attorneys bring our work out into the open every day in court.
- ◆ I look at the changes CLR has made in our county. Custody is no longer automatically ruled out as viable in a PFA action, domestic violence victims have access to representation at Support Hearings, and they even have access to a divorce. We have confronted immigration issues unlike anytime before, and we have an Attorney who helps victims stay in this country instead of being deported.

VI. The Role of PCADV in the CLR Project: Administration, Training, and Technical Assistance

"It is exciting to be a part of a statewide project. All of the uncertainties that go into development of a new project have been mitigated by the fact that we are part of a statewide Network. This Network assists us with thinking through issues and setting standards. The training and consultation are very helpful." (Excerpt from an agency Director's journal)

PCADV coordinates and supervises the activities of the implementation sites and serves as a central resource for training and technical assistance to CLR Program Staff, including agency Directors, Attorneys, Paralegals, and Legal Advocates. PCADV is a private nonprofit Organization that provides services and advocacy on behalf of victims of domestic violence and their minor children. In 1976, PCADV was established as the first state Domestic Violence Coalition in the nation, when a handful of grassroots women's groups in the Commonwealth joined together to lobby for legal protections and to develop a network of services for victims of domestic violence. Today, PCADV has a network of 62 organizations across Pennsylvania, including shelters, hotlines, counseling programs, safe home networks, legal, children's and medical advocacy projects, and transitional housing projects for victims of abuse and their children.

PCADV's Staff and network organizations have first-hand knowledge of the serious physical and psychological injury suffered by victims of domestic violence. Their experience has demonstrated that many batterers are most life threatening when their partners are seeking legal assistance to stop the violence, or are leaving the relationship. The danger and lethality of domestic violence mandate that the justice system response be immediate, concerted and effective to prevent future violence. The CLR Project provides the expert representation and advocacy that are vital to eliciting this response.

During the past decade, PCADV has expanded its mission beyond the borders of Pennsylvania to help improve services and advocacy for victims of domestic violence throughout the nation. In 1993, the U.S. Department of Health and Human Services

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designated PCADV as the first and only federally-funded National Resource Center on Domestic Violence. PCADV was also selected to be a partner in the Battered Women's Justice Project, the first national, special-issue resource center on civil and criminal justice for women who are being abused. PCADV offers consultation and technical expertise to Domestic Violence Coalitions throughout the United States, private and government agencies, and State and Federal policy-makers, as well as provides information and resource materials to the media and general public. PCADV also provides extensive

training to Law Enforcement and criminal justice personnel, health care providers, religious leaders, drug and alcohol counselors, Batterer Intervention Service Providers, and other professionals who seek justice and safety for victims of domestic violence.

PCADV and its network members have been involved in the legislative and judicial development of Pennsylvania's PFA Act from its inception and have assisted countless victims of domestic violence in accessing the civil court system through the filing of PFA Petitions. In addition, PCADV has assisted in the development and implementation of other State and Federal laws that provide rights and protections to victims of domestic violence, including the Violence Against Women Act. The CLR Project is one of several vehicles through which PCADV continues to provide technical assistance on the intersection of domestic violence and the law.

This section of the Evaluation Report summarizes the support services PCADV provides to the CLR Project sites⁴³ in the context of two Project objectives:

- (1) providing training, technical assistance, and support to legal and other agency Staff in the CLR Project sites, and
- (2) developing a Network consisting of Attorneys hired or retained by the Project sites, along with attorneys presently working in other domestic violence programs.

The scope of administrative, training, and technical assistance that PCADV offers and disseminates to the CLR Project sites and others is broad. The range of services includes:

- ◆ assistance to the Project sites in establishing their CLR Programs;
- ◆ development of Program policies and procedures;
- ◆ on-going coordination and monitoring of the CLR activities within the implementation sites;
- ◆ intensive training on the Project's goals, domestic violence issues, and relevant State and Federal substantive law from the onset of Program implementation;
- ◆ training for CLR Program Staff on the purposes, content and process of the Project Evaluation;
- ◆ on-going training and technical assistance through regular meetings, conference calls, and communications with CLR Program Staff;
- ◆ development and dissemination of legal Memoranda and Briefs to support the work of the CLR Program Attorneys and other attorneys representing victims of domestic violence in Pennsylvania.

The CLR Project Staff, as well as other PCADV Staff, attorneys, and experts, provide these services as the need arises for particular training and technical assistance activities. One Senior Attorney, one Staff Attorney, and a Legal Assistant comprise the core CLR Project Staff.

⁴³ The summary is drawn from quarterly and annual reports PCADV has submitted to the Department of Public Welfare and other CLR Project materials.

Training, technical assistance, and support for legal and other agency Staff in the CLR sites

Training, technical assistance, and support are provided through various means that often serve multiple purposes. To lay a foundation for the CLR Project, the PCADV Project Staff developed a curriculum and conducted the CLR Domestic Violence Attorney Training for CLR Program Legal Staff, Legal Advocates, and agency Directors. Throughout the CLR Project, the Project Staff has provided on-going, direct, and personal assistance to the Project sites through site visits, meetings at PCADV's offices in Harrisburg and in other sites across the Commonwealth, and conference calls.⁴⁴

CLR Domestic Violence Attorney Training. This training was a week in duration and designed to be the initial step in building expertise and appreciation of the legal and social issues that arise in representing victims of domestic violence. The training was presented in January 2002, after all of the full-implementation sites had hired Legal Staff, and prior to the acceptance of any legal cases. The CLR Project Staff sought to create a common understanding of the vision of the CLR Project; address professional issues, such as attorney-client privilege, confidentiality, and conflicts; and to educate legal and other Program Staff on the specific substantive law necessary to their practice. The curriculum developed and delivered by the CLR Project Staff demonstrated by its content, materials, and faculty, the importance of providing zealous, comprehensive representation to save lives, promote self-sufficiency, and create institutional change for victims of domestic violence.

The substantive legal topics included:

- ◆ Child Custody
- ◆ Child and Spousal Support
- ◆ PFA Orders
- ◆ the Juvenile Act and Child Protective Services
- ◆ Public Benefits (Unemployment Compensation, TANF/Domestic Violence Option, Food Stamps, Medical Assistance)
- ◆ Employment Law
- ◆ Immigration
- ◆ Domestic Torts
- ◆ the Violence Against Women Act
- ◆ Federal and State Law on Full Faith and Credit for Protection Orders
- ◆ Federal Firearms Provisions

In addition, one session addressed appellate practice issues. The presentations were accompanied with extensive written materials.

⁴⁴ PCADV Staff also provides technical assistance by writing and distributing legal Memoranda and Briefs on various issues as they arise. These technical assistance efforts are described in the discussion of the development of a Network of attorneys representing victims of domestic violence.

A key aspect of the training on family law issues was to identify and differentiate the goals of family law, which in Pennsylvania favors a conciliatory process that seeks to maintain relationships between children and parents, and domestic violence law, which values the safety of victims and children over maintaining relationships, and typically requires an adversarial process. Understanding these differences and developing strategies to promote the importance of safety to judicial decision makers is critical to the effective representation of victims of domestic violence in child custody, child and spousal support, and PFA cases.

Site visits. In 2002, the CLR Project Staff conducted two site visits at each of the seven full-implementation sites.⁴⁵ The CLR Project Staff initially gathered information on issues such as legal malpractice insurance, office management, and ethical guidelines for lawyers. They reviewed Retainer Agreements, opening/closing letters, and other form documents drafted by the Program Legal Staff. The CLR Project Staff also reviewed and made recommendations regarding Program record-keeping and data systems, and discussed legal file maintenance with CLR Program Staff. During the sites visits, and as on-going training, CLR Project Staff has reviewed various policies of the Programs, including policies for referral to the Program, intake, case assessment, confidentiality, conflict of interest, ethics, personnel, and the use of email.

...one of the concerns expressed by the CLR Programs has been the growing, and sometimes overwhelming, number of requests they receive for civil legal assistance. Several Programs have considered the need to establish waiting lists for clients. As a result, the CLR Project Staff facilitated several discussions that included the most appropriate and effective ways to manage waiting lists in order to continue to address the substantial needs for legal representation in their communities.

The second round of site visits focused upon specific legal issues and systemic challenges in the Project sites. For example, one of the concerns expressed by the CLR Programs has been the growing, and sometimes overwhelming, number of requests they receive for civil legal assistance. Several Programs have considered the need to establish waiting lists for clients. As a result, the CLR Project Staff facilitated several discussions that included the most appropriate and effective

ways to manage waiting lists in order to continue to address the substantial needs for legal representation in their communities.

⁴⁵ PCADV Staff also conducted one site visit to each of the four enhancement sites in 2002.

Meetings. PCADV hosts bi-monthly meetings of the Domestic Violence Attorney Network in Harrisburg. All of the CLR Program Staff as well as other domestic violence civil attorneys are invited to attend. These Network meetings include substantive legal training, domestic violence training and technical assistance discussions. Substantive topics have included:

- ◆ the impact of domestic violence upon immigration
- ◆ ethics for attorneys and other agency Staff
- ◆ custody and relocation
- ◆ appellate practice and procedures
- ◆ equitable distribution in divorce

CLR Project Staff also collaborated with the Project evaluators to conduct a daylong workshop involving CLR Program Staff in the finalization of the Evaluation design, and the content of some of the data collection tools. CLR Program Staff had the opportunity to discuss the purposes and methods of the Evaluation, and to assist the evaluators in determining the availability and accessibility of data. The workshop also provided another vehicle for the CLR Project Staff to promote best practices in representing victims of domestic violence.

The CLR Project Staff has also designed and presented training specifically for agency Directors and Domestic Violence Advocates within the CLR Project sites. For example, the CLR Project Staff developed and delivered training for Executive Directors on several models of representation, which included localized assessment guidelines and considerations. The CLR Project Staff also developed a training curriculum with a focus on PFA actions, child support, spousal support and TANF proceedings. CLR Staff has provided several regional trainings for advocates, as well as a two-day housing forum in June 2002, a statewide meeting of Legal Advocates in July 2002, a training on civil Protection Orders in October 2002, and an overview of the criminal justice system presented in December 2002.

Conference calls. As a part of the ongoing training of CLR Program Staff, PCADV schedules and conducts bi-monthly substantive legal conference calls. Examples of the general topics discussed during these calls include issues involving immigration, the Pennsylvania Human Relations Commission and the Equal Employment Opportunity Commission administrative processes, and custody. The participants also discuss specific technical assistance questions and issues. The CLR Project Staff also convenes quarterly conference calls for the Executive Directors of the Project sites to discuss various ethical and management issues.

Developing a Network of Attorneys in the Project sites and other attorneys presently working in other domestic violence programs

The CLR Project Staff has undertaken a number of activities to develop a Network of attorneys working in domestic violence programs throughout Pennsylvania, including:

- ◆ establishing communications via internet and telephone connections;
- ◆ hosting in-person meetings;
- ◆ providing legal updates; and
- ◆ preparing legal Memoranda and Briefs.

These activities are categorized for this discussion as communication and substantive technical assistance.

Communication. The CLR Project Staff communicates regularly with Attorneys in the Project sites and other attorneys within the Network through email, conference calls, and individual telephone contacts. PCADV also facilitates communication through networking at its bi-monthly meetings and Legal Committee meetings, which Network Staff are encouraged to attend on a regular basis. CLR Project Staff takes minutes of meetings and conference calls, and substantive meetings are also tape-recorded to ensure that all of the information shared among the Attorneys is readily available. The CLR Project Staff maintains a database of technical assistance questions and answers. In addition, the CLR Project Staff has augmented these communication tools by developing a closed listserv for use by the Network to be monitored by the CLR Project Staff. At the end of 2002, the participant list and the listserv rules had been established and it was anticipated that the listserv would be available for Domestic Violence Network participation in early 2003.

Substantive technical assistance. The CLR Project Staff provides ongoing technical assistance to the Project sites and other civil legal attorneys practicing throughout the Commonwealth. In the first few months of the CLR Project, the Project Staff compiled information on legal libraries, other legal sources, listservs, and legal websites. CLR Project Staff regularly apprises Attorneys of training opportunities and forwards updates on new rules, legislation, and case law.⁴⁶ In addition, Project Staff completed an annotated update of the PFA Act and its legislative history, as well as an outline on support issues, all of which was made available to the Network.

In addition to these supportive activities, the CLR Project Staff prepares legal Memoranda and assists in drafting Briefs in response to technical assistance questions. Project Staff provides legal analysis and case review in response to specific requests from CLR Program Attorneys and civil attorneys statewide. CLR Project Staff helps draft Appellate Briefs, and provides editorial and research assistance to CLR Program Attorneys; assists civil attorneys with the Reconsideration and Appeals processes; and provides information on jurisdiction and venue questions. The CLR Project Staff assists Program Attorneys and other attorneys representing domestic violence issues with legal analysis, research, and case preparation as well.

⁴⁶ The CLR Project Staff also disseminates information about changes in the law and rules that affect victims of domestic violence to the advocates through the PCADV Friday mailing, which is a regular communication from PCADV to its member organizations, and other Legal Advocacy Committee mailings.

The CLR Project Staff also has created and maintains a Brief and Memoranda bank for use by civil legal assistance attorneys. The following is a sample of the Memorandum topics developed or disseminated to other attorneys through the CLR Project:

- ◆ Proving abuse of children within the PFA Act
- ◆ Custody relief in PFA Orders and their effect on subsequent custody filings
- ◆ Enforcing provisions in Protective Orders that proscribe behavior of the Petitioner
- ◆ The relevance of domestic violence in custody proceedings
- ◆ Custody Evaluators and identification of domestic violence in custody cases
- ◆ The Name Change Act and safety issues for victims of domestic violence

The Evaluation did not gather systematic data that might have revealed a direct connection between the training and technical support services provided by the CLR Project Staff and the development of the specialized knowledge and skills of the CLR Program Attorneys and Staff.⁴⁷ However, the content, breadth, timing, and consistency of these services have been appropriate and relevant to the work of the CLR Program Staff, and the volume of assistance demonstrates the diligence and dedication of PCADV to the mission of the CLR Project. It is apparent from the ratings of the initial CLR Domestic Violence Attorney Training, interviews, and journal entries that the CLR Program Staff has found PCADV's support services to be an essential and highly-valuable resource. The CLR Program Staff assessments are summarized here.

CLR Domestic Violence Attorney Training

All Legal Staff, Legal Advocates, and agency Directors in the CLR Project sites were invited to attend this week-long substantive law training. Most of the CLR Legal Staff participated in the training, as did several Legal Advocates and one agency Executive Director. PCADV Project Staff asked the participants in this training to rate the knowledge and effectiveness of the presenters and the quality and utility of the materials for each of the training sessions. The ratings for both presenters and materials were high. On a 5-point scale, where 5=excellent and 1=poor, the average rating for the presenters was 4.79, with a range of 4.27 to 5. The average rating for the materials was 4.61, with a range of 4.44 to 4.9. Many of the participants gave ratings of 5+, which indicates an even higher regard for the value of the presenters and the materials that cannot be calculated within the averages.

The written responses about the training, and comments made by the CLR Program Staff in interviews, generally confirmed that the participants found the training to be very useful. Many participants wanted to learn more about several of the topics the training addressed, including the ethical issues involved with managing a law office, custody and divorce, public benefits, employment, firearms, and appellate case law. This indicates that the training targeted topics relevant to the participants. Some participants noted in the Evaluation comments and in the interviews that the training should have provided more instruction on basic domestic violence issues. Another desire expressed by participants was

⁴⁷ CLR Attorneys came to the CLR Project with varying skills and experience in representing domestic violence victims and in the practice of PFA law, family law, and other areas of law relevant to the CLR Project. Local domestic violence agencies also provided training on domestic violence issues and services available through the agencies and in the communities. In addition, some CLR Project sites provided supervision and technical assistance to CLR Attorneys either from experienced attorneys within the agency or through consultation with other attorneys in the community. The evaluation focused on practical outcomes of CLR Project and did not attempt to determine relative effects of these factors and PCADV's support services on the development of CLR Attorneys' skills.

for increased time for CLR Program Staff to discuss problems they face and the progress they have made. The CLR Project design addressed these concerns by convening bi-monthly Network meetings, which offer CLR Program Staff basic domestic violence training and regular opportunities to share ideas and discuss common issues.

Most of the comments regarding the format of the training related to the materials and the length of the training. The participants thought the materials and mixed media presentations were effective. Some of the participants would have preferred shorter trainings focused on fewer topics. Several participants mentioned that scheduling time away from the office was difficult. These latter two issues are common challenges to providing training that adequately covers material that is critical to the mission of the enterprise.

The message gleaned from these assessments is that the CLR Project Staff effectively addressed a wide range of the professional and substantive legal issues that the CLR Programs were likely to encounter, at a time when the CLR Program Staff most needed the information and the inspiration to carry out the vision of the CLR Project. The one-week training was intended to complement other technical assistance and support services offered and delivered through the CLR Project.

On-going training and technical assistance

Several of the CLR Program Staff volunteered their views during interviews and in their journals about the on-going training and technical assistance provided by the CLR Project Staff. Most of the comments of CLR Program Staff indicate that they receive significant benefit from these services. Several of the CLR Program Staff also recognized the value of the CLR Project Staff when they were setting up their Programs. A few of the CLR Program Staff suggested that the PCADV Staff initially should have provided more basic instruction on professional issues, particularly confidentiality and attorney-client privilege. These issues raised challenges for most of the Programs in the first few months of operations, but in most Project sites, the CLR Program Staff were able to work through and resolve these problems (see discussion in Section VII, page 61).

Within the interviews, several Program Attorneys mentioned that the CLR Project Staff is very helpful and responsive to their requests for assistance. Two Program Attorneys noted that they have called the Project Staff several times for advice on specific issues. Other Attorneys and agency Directors have found the Network meetings to be highly informative and useful to them. The following journal entries, one from a Program Attorney and one from an agency Director, provide examples of these positive views regarding PCADV's support services.

- ◆ I returned to the office today after attending the PCADV DV Attorney Network meeting and Legal Committee meeting in Harrisburg on July 9 and July 10, respectively. I found the training to be informative, very helpful and relevant, especially in regard to Immigration Law and VAWA issues. The training in regard to U and T Visas also was very informative. Another important matter discussed was the PFA Fee Waiver legislation.
- ◆ I went to the CLR Attorney Meeting and Legal Committee with two Staff. I love that time. The Attorney meeting was excellent with a wonderful training by PCADV Staff. Mostly I like the time because it gives us the time to talk. We can discuss CLR stuff, domestic violence, Staff, and family; and it gives us time to laugh together.

VII. Program Implementation and Management

"I attended a full Staff meeting today. There was recognition of all Staff members and their years of service, not only to the agency, but also through other work on behalf of victims of domestic violence. This was truly inspirational. It is a day like this that will keep you keeping on." (Excerpt from a CLR Program Attorney journal)

The CLR Project Evaluation did not dedicate significant resources to a close examination of Program implementation and management. The CLR Project documents and interviews with the CLR Program Staff were the primary source of information about these two aspects of the Project. This section of the Report summarizes the Program implementation and management issues addressed, with a focus on policies, procedures, and practices that can impact the effectiveness of legal representation.

During the first year of the CLR Project, significant Program resources were devoted to implementing the CLR Programs in the Project sites. These tasks included:

- ◆ hiring Attorneys, Paralegals, and Support Staff;
- ◆ obtaining and furnishing office space;
- ◆ establishing procedures and Program priorities;
- ◆ training Attorneys and Advocates; and
- ◆ integrating legal services into existing services provided by the domestic violence agency.

Despite the size of the undertaking, Program implementation had to proceed quickly to begin addressing the acute need for legal services for victims of domestic violence as soon as possible.

The CLR Project sites faced several challenges as they set up their legal representation services. The issues they encountered ranged from space and equipment to Program management, and the specialized requirements for a law practice. Examples of the tasks the CLR Project sites undertook included:

- ◆ securing office space with adequate privacy;
- ◆ establishing separate filing systems for agency clients receiving CLR services;
- ◆ developing referral and communication procedures that ensured client confidentiality;
- ◆ creating systems to check potential conflicts of interest for representing domestic violence victims referred to the CLR Program; and
- ◆ educating the CLR Program and agency Staff about the differences in each others' roles, responsibilities, and constraints.

PCADV Project Staff assisted the CLR Project sites in addressing these issues and completing these tasks.

Nearly all of the CLR Program Staff noted in their interviews that these implementation and management issues have required more time and attention than they had expected or planned. For some, securing adequate space was a particular struggle, while for others, particularly Programs in rural counties, recruiting Attorneys consumed substantial time and effort. CLR Program Staff in larger Programs discovered the need for a Case Manager to coordinate the agency's advocacy work with the CLR Program. A commonly cited unanticipated need was the time necessary for effective intra-agency communications. A universal problem was obtaining malpractice insurance, primarily because insurance carriers could not fit the CLR Model (i.e., Attorneys working within a non-legal agency representing individual clients, not the agency) into their coverage categories. The PCADV Project Staff assisted the Project sites in resolving this issue.

Another important task related to Program implementation and management was the development of policies and procedures for various Program operations, including intake and referral, case screening and prioritizing, confidentiality, attorney-client privilege, and conflicts of interest.

Another important task related to Program implementation and management was the development of policies and procedures for various Program operations, including intake and referral, case screening and prioritizing, confidentiality, attorney-client privilege, and conflicts of interest. The CLR

Programs utilized various resources to develop these policies. The CLR Project Staff gathered policies and forms from existing legal programs and facilitated information sharing through site visits, Network meetings, and other communications. One Program built upon the pre-existing policies of its existing legal program, while other Programs hired consultants. Over the course of the first year of the Project, the CLR Programs continued to develop and revise new and existing policies, procedures, and forms as the need arose. For example, as the Programs gained recognition in their communities and grew, many had to develop policies and procedures for establishing and maintaining a waiting list for referred victims who could not be immediately assisted due to the heavy caseloads of the Programs.

A significant management issue cited by many CLR Program Staff relates to the integration of a law practice within a domestic violence agency. Although the Legal Staff and the Advocacy Staff may have the same goals for the agency's clients, the role that each play within the process of helping the client achieve those goals is different. Most of the CLR Program Staff noted the need for management to pay greater attention to helping Staff understand and value these differences. Several Staff suggested that the initial training by the CLR Project Staff should address this issue. Most CLR Program Staff emphasized, however, that day-to-day practices and interactions are building a greater understanding of these issues among Program Staff. The opinion was universal that the CLR Project has brought about significant improvements in the ability of the agencies to assist victims of domestic violence.

VIII. Conclusion

The primary purpose of the Evaluation of the CLR Project was to examine the work of the Project sites in implementing the vision of the CLR Project: saving lives, promoting self-sufficiency, and creating institutional change in the civil courts for victims of domestic violence. From the study of the performance of the seven full-implementation CLR Programs, it is clear that the Project has achieved the objectives of increasing the availability and quality of legal representation for victims of domestic violence. Furthermore, in each of the CLR Project sites, CLR Program Staff has initiated positive change in the civil justice systems capacity and readiness to afford the remedies that the law allows. It can be inferred from these accomplishments that the CLR Program Attorneys have developed, and are continuing to develop, specialized skills in representing victims of domestic violence.

It is also evident that the PCADV has provided significant leadership and support to assist the Project sites in achieving the CLR Projects goals, which include developing a Network of attorneys specializing in representation of victims of domestic violence. PCADV has dedicated substantial resources to educating the CLR Program Legal Staff and other attorneys in Pennsylvania about domestic violence, the substantive law, and effective strategies for applying the law to achieve justice for victims of domestic violence. These efforts have contributed to building the skills of the CLR Program Attorneys and have extended their Network to other communities.

The conclusion that the Evaluation reaches from these findings is that the CLR Project is providing significant and necessary benefits to individuals and communities through comprehensive and effective legal representation for victims of domestic violence in Pennsylvania.

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PART TWO

**The Civil Legal Representation Project
Evaluation Methodology**

I. Overview of the CLR Project and the Evaluation

The civil justice system can play a powerful role in saving lives, promoting self-sufficiency and creating institutional change for victims of domestic violence when and if victims have access to legal representation. The CLR Project of PCADV was established to eliminate barriers to justice by:

- ◆ assisting victims with complex issues, i.e., PFA, custody, child and spousal support, etc.;
- ◆ providing expert legal advice and representation to victims about their rights and options in a supportive and respectful environment;
- ◆ developing a Network of attorney specialists skilled in representing victims of domestic violence in family law and other civil matters while remaining committed to improving the civil justice system through the practice of law and interaction with Judges, the Bar and the community.

With a grant from the Pennsylvania Department of Public Welfare, the CLR Project funds CLR Programs in seven full-implementation sites and four enhancement sites. The CLR Project supports the establishment and maintenance of law offices within the local domestic violence agencies in the full-implementation sites. The CLR Programs vary in size, but each employs at least one Attorney and one Paralegal. PCADV coordinates and supervises the activities of the implementation sites and serves as a central resource for training and technical assistance to CLR Program Staff, including Executive Directors, Attorneys, Paralegals, and Legal Advocates.

PCADV engaged two independent Consultants to evaluate the CLR Projects first year of operation in the seven full-implementation sites. The Evaluation focused on the full-implementation sites because these sites established new legal representation Programs, and the Evaluation could more readily distinguish the effects of the Programs there than in the enhancement sites, which used Project funds to enhance legal services already in existence. The CLR Program sites vary in a number of ways, such as:

- ◆ size
- ◆ population
- ◆ demographics
- ◆ service needs
- ◆ programmatic priorities

The primary benefit of examining all of the full-implementation sites is that any differences among Programs will provide a more comprehensive view of the impact of the CLR Project, as well as reinforce the value of findings that are similar across the Programs. If similar

issues arise in all or most of the sites, and similar outcomes are observed in all or most of the sites, there is greater confidence that these issues and outcomes reflect the effects of the CLR Project. It can also be inferred that other jurisdictions implementing the CLR Project Model of legal representation might experience similar benefits.

The Evaluation examined the impact of the CLR Project on:

- (1) improving outcomes for individual CLR clients;
- (2) improving the civil court processes most often used by CLR clients (PFA, child custody, and child and spousal support cases); and
- (3) increasing the availability of legal services to victims of domestic violence.

The Evaluation also studied site support, and Program implementation and management issues. For example:

- ◆ setting up legal offices
- ◆ hiring Staff
- ◆ establishing screening and referral processes
- ◆ developing policies and procedures
- ◆ Attorney training
- ◆ technical assistance

Another purpose of the Evaluation was to promote best practices for Attorneys representing victims of domestic violence. A distinctive feature of the Evaluation was a workshop conducted by PCADV and the Project Evaluators for the CLR Program Staff in the seven full-implementation sites. The workshop offered the opportunity for CLR Program Staff, including agency Executive Directors, Attorneys, Paralegals, and Legal Advocates, to participate in finalizing the evaluation methods and case data-collection forms. This collaborative process had the dual purpose of ensuring that information sought for the Evaluation would be meaningful to practitioners, as well as demonstrating the types of civil legal relief that CLR Program Attorneys should be exploring with and for their clients. Moreover, the participation of the CLR Program Staff in the development of the caseload data-collection forms served as a training and technical assistance tool for the Project and provided an opportunity for CLR Program Staff to share their interests and concerns about Program management issues.

II. Sources of Evaluation Data

The Evaluation accessed multiple sources of information. The primary sources are:

- (1) caseload reports from the seven full-implementation sites;
- (2) interviews with CLR Program Staff (Executive Directors, Attorneys, and Advocates) in the seven full-implementation sites and individuals in these communities who are knowledgeable about the work of the CLR Programs;
- (3) journals maintained by CLR Program Staff about their experiences representing individual clients and working in the CLR Program; and
- (4) court and Domestic Relations Office case records for clients of the CLR Program and a comparison groups of litigants.

The CLR Evaluation Team made a deliberate decision to exclude CLR Program clients as a source of data regarding the efficacy of the CLR Project. Although direct feedback from CLR clients would have been an optimal means of measuring the benefits of the CLR Project for individual victims of domestic violence, obtaining this information would require the exercise of extensive safety precautions. The Evaluators and CLR Project Staff concluded that this evaluation method risked compromising the safety, confidentiality, and autonomy of the CLR clients. The benefits that the information would provide did not warrant the substantial risks of obtaining it.

Each of the sources that the Evaluation Team used provides an important perspective on the effects of the CLR Project, and promotes a clearer understanding of the complexities of the legal representation necessary in the context of domestic violence than reliance on one or two sources could allow. The rationale for gathering data from each source and any limitations on its use in the Evaluation are summarized below:

CLR Program caseload data

This information was gathered to determine the volume and composition of the caseloads in the CLR Programs; to assess whether the CLR Programs were prioritizing PFA, custody, and support cases; and to examine the rates at which the CLR Attorneys obtained Orders for their clients. Each of the CLR full-implementation sites maintains data on its caseload, including the number and types of cases opened, the status of cases, how cases were resolved, and demographic data on the Programs' clients.

Although PCADV provided general guidance on collecting and reporting Program and caseload data, the CLR Programs did not use a standardized method for collecting, maintaining, and reporting caseload data during 2002. Consequently, each Program determined which specific data elements it collected and developed its own format for reporting Program data. Most Programs collected the same basic data items, and the reporting formats for most Programs allowed comparisons across the sites. However, the variation among the sites resulted in missing data for some of the case types and reporting periods. Where this situation occurs, the Evaluation Report provides an explanation.

Interviews with CLR Program Staff

The Project Evaluators conducted two sets of confidential interviews with the CLR Program Staff to learn about issues related to Program implementation and management, screening and referral processes, practice issues and challenges, lessons learned during the first year of the Project, the impact of the CLR Project on the agencies' ability to serve the needs of victims of domestic violence, the impact of the Project on system change, and any other information the Staff might wish to share about the Project. The interviews were conducted in July and August 2002, and January 2003. The Project Evaluators interviewed seven Executive Directors, eleven Attorneys, and six Advocates.

Interviews with community representatives

The Project Evaluators conducted confidential interviews with individuals in the full-implementation sites who worked in the civil justice system or the community and would have knowledge about the impact of the CLR Program with respect to assisting victims of domestic violence. These interviews were conducted in January 2003 to gain an outside perspective on the contributions and value of the CLR Program. The Project Evaluators interviewed eight individuals, including two Directors of Court Custody Programs, one Custody Evaluator, one PFA Clinic Director, one Court PFA Coordinator, one PFA Clerk, one Legal Services Organization Referral Coordinator, and one Legal Services Organization Attorney.

Journals of CLR Program Staff

The Project Evaluators asked agency Executive Directors, Attorneys, and Legal Advocates in the full-implementation sites to record their thoughts and experiences from July through December 2002. The journals were shared only with the Project Evaluators. Entries from the journals were edited for use in the Evaluation Report to disguise the source of the entry. Journalizing was used as an evaluation tool to encourage CLR Program Staff to consider how their representation affected their clients' ability to remain safe and become self-sufficient. The journalizing process also promoted the collection of more detailed and nuanced information than interviews can provide. Moreover, the direct accounts of CLR Program Staff about the experiences of and outcomes for individual CLR clients offer some insight into the benefits these clients might have reported to the Evaluators. The Staff journals ultimately provided the richest information about the specific impact of the CLR Project on improving the lives of domestic violence victims.

Court and Domestic Relations Office (DRO) court records

The Evaluation methodology included samplings of court case records for two primary reasons:

- (1) to examine and compare outcomes in PFA, custody, and support cases filed by the CLR Program Attorneys with cases filed by other attorneys or pro se litigants; and
- (2) to promote best practices for attorneys representing victims of domestic violence by developing data-collection forms in collaboration with the CLR Program Attorneys. These data-collection forms sought court record data on the types of relief that the Program Attorneys requested for their clients in these cases.

A second objective related to developing the data-collection forms with the CLR Program Staff was to encourage the CLR Project sites to establish performance measurement systems for self-assessment, as well as for Program management and improvement.

The Evaluation plan entailed:

- (1) two study periods (cases opened in February through May 2002, and cases opened in August and September 2002);
- (2) a study group (CLR cases) and two comparison groups (non-CLR cases) for PFA and custody cases; and
- (3) a study group of support cases filed for CLR Program clients.

The comparison groups included non-CLR cases filed before the CLR Programs began (i.e., cases filed in the year 2001) and non-CLR cases filed during the two study periods.

The data-collection forms were drafted through several iterations, including a workshop for the CLR Program Staff, and field-tested in one of the Project sites (Franklin County). PCADV Staff advised CLR Program Staff, Prothonotaries, and DRO Directors about the Evaluation, its purpose, and the data-collection process. One of the Project Evaluators trained two CLR Project Staff and three Project Consultants on the data-collection forms and process, and a data collector visited each of the County Courts and DROs twice to collect court record data. The forms were sent to one of the Project Evaluators, who analyzed the data for use in the Evaluation Report.

Although the rationale for the court record data-collection component of the Evaluation was sound, challenges in the execution of the data-collection process and small numbers of cases in the study and comparison groups diminished the utility of this effort for the overall Project Evaluation. For example, a key issue for creating valid comparison groups of custody cases was the need to identify and include only cases involving a victim of domestic violence. As data collection proceeded, however, it became clear that valid comparison groups could not be established without a substantial commitment of time and resources. In some of the jurisdictions, it was not possible to create adequate comparison groups for PFA cases, either because the current CLR Attorney had filed many of the PFA cases before the Program began while working in a previous position, or because after the CLR Program began, the majority of PFA cases were filed through the CLR Program. Furthermore, in several of the Project sites, the number of custody and support cases filed during the study period was too low to meaningfully analyze, while in these and other sites, custody and support court records were missing many of the data items sought for the Evaluation.

The only data that proved to be useful for drawing conclusions about the effects of the CLR Project were the DRO case record data on outcomes in support cases filed by CLR Attorneys. This information provided an important perspective on the impact of the CLR Project that otherwise would not have been available.

III. Data-collection Tools

The Project Evaluators collaborated with CLR Project Staff to develop the data-collection tools. These tools included protocols for CLR Program Staff interviews, protocols for community representative interviews, and court record data-collection forms for PFA, custody, and support cases. There was no standard format for the journals maintained by CLR Program Staff.

Interview protocols. The questions asked by the Evaluators in their interviews with CLR Program Staff and community contacts are presented below.

First interview with CLR Program Staff (conducted in July and August 2002)

In this first set of questions, we are going to discuss your perceptions and opinions regarding the roles of advocacy and legal representation in domestic violence programs. We are looking for your general ideas here; in the next set of questions, we will focus on your specific experiences in this CLR Program.

- ◆ What was your experience working with domestic violence survivors prior to your work with this domestic violence agency?
- ◆ How do you define effective advocacy for domestic violence survivors and what is the role of advocacy in a domestic violence agency? (for individuals and systems change)
- ◆ How do you define effective legal representation for domestic violence survivors and what is the role of legal representation in a domestic violence agency?
- ◆ What do you see as the limitations and advantages of having attorneys in a domestic violence agency?
- ◆ How does legal representation fit into the overall services that your domestic violence agency provides?

In the next set of questions, we are asking more specifically about your work and practice related to the CLR Program in your agency.

- ◆ How does your agency screen clients for receiving services from the CLR Program/any written protocols?
- ◆ Have your domestic violence agency's programs changed since the CLR Program started? If, so how?
- ◆ What are your concerns about how the CLR Program might change your work?
- ◆ What are your greatest challenges in having the CLR Program in your agency?
- ◆ How is/are the CLR Attorney(s) integrating into your agency?
- ◆ What are the greatest strengths of having the CLR Program in your agency?
- ◆ With regard to practice issues, what do you see as the most challenging issues in the following areas: Confidentiality? Ethics? Day-to-day practice?
- ◆ Have you had to address any of these issues specifically?

- ◆ Do you have any other practice-related concerns?
- ◆ What are your expectations for the CLR Program?
- ◆ Based on your experience with the CLR Program, how is it working?
- ◆ Is there any other comment or information that you think we should know?

**Second interview with CLR Program Staff
(conducted in January 2003)**

- ◆ Now that you have had the CLR Program for some time, how do you think it is working?
- ◆ What have been your greatest challenges in having the CLR Program in your agency?
- ◆ Have you and others in your agency overcome any difficulties you may have had integrating a law practice into the domestic violence agency?
- ◆ Have you overcome any practice-related concerns you may have had? (e.g., confidentiality, ethics, day-to-day practice)
- ◆ What are the greatest strengths of having the CLR Program in your agency?
- ◆ Have you seen any improvements in the justice system for battered women as a result of the CLR Program? (e.g., Judges' behaviors, attitudes/behaviors of other attorneys)
- ◆ Have you seen any positive effects in the community for battered women as a result of the CLR Program? (e.g., coordination of services, cooperativeness of other agencies)
- ◆ Have you seen any specific benefits to individual battered women your agency has served that they would not have had without the CLR Program? (e.g., court orders that promote greater economic security/self-sufficiency)
- ◆ What are your expectations for the future of the CLR Program?
- ◆ What lessons have you learned from practicing in the CLR Program that you would like to share with others?
- ◆ Is there any other information about the CLR Program that you think would be important to note in our Evaluation?

Interviews with community contacts (conducted in January 2003)

- ◆ Background: How do you work with the CLR Program (i.e., what is your relationship to the Program)?
- ◆ How has your work been affected by having the CLR Program/CLR Attorney(s) specializing in representation of battered women? (If you can, please give me specific examples.)
- ◆ What do you see as the benefits of having the CLR Program/CLR Attorney? Do you see any drawbacks?
- ◆ Is there anything else you would like to tell us about your experience with the CLR Program?

Court case data-collection forms

The court record data-collection forms were developed in collaboration with CLR Project Staff, CLR Program Staff, and the Consultants engaged to collect the data. Forms were developed for PFA, custody cases, and support cases. The forms are lengthy (6 to 7 pages each), and the number of items in each form is 95 for custody, 100 for support, and 103 for PFA cases. Because the forms are too lengthy to include in this Report, the items in the forms are summarized herein. Copies of the protocols and forms are available from the CLR Project Staff at PCADV's Harrisburg office.

For each case type, the forms included information about the Complaint/Petition, the parties, and the history of the case; case events; and terms of Interim and Final Orders. Examples of each of these types of items are listed below:

◆ **Complaint/Petition, parties, and history**

- Status of the parties (client is the Petitioner/Respondent)
- Party representation (CLR Attorney, other, or none)
- Number of children in common with opposing party
- Previously filed actions

◆ **Case events**

- Dates Complaint and Cross-Complaint filed
- Family Court Custody Conference ordered, Waiver requested, Waiver granted (custody cases)
- Mediation ordered, Waiver requested, Waiver granted (custody cases)
- Case resolution (Final Order, Temporary, Stipulation)
- Modifications or Contempt actions filed and resolutions thereof

◆ **Terms of Orders**

- Date of Orders
- Outcome of Orders
- **PFA cases:** PFA terms track standardized Orders (e.g., prohibitions on abuse, harassment, stalking, threats, contact; exclusive use of residence; temporary custody; visitation; temporary support; relinquish firearms; out-of-pocket expenses; possession of property; other relief; law enforcement to serve defendant; length of order)
- **Custody:** limitations on contact (person, telephone, residence); visitation; custody exchange procedures; prohibitions on alcohol use while children with party; limitations on leaving jurisdiction; permission required for routine matters; grandparents' visitation; costs addressed (school, medical expenses/insurance, transportation)
- **Support:** net income of parties; child support amount ordered; amount within guidelines; reasons for any deviations; amounts for child care/school tuition; spousal support amount; total arrearage amounts; total owed monthly; medical insurance coverage; Order to withhold income.