



**Testimony:** Hamra Ahmad, Esq., Director of Law & Policy, Her Justice

**Hearing:** Hearing on the needs of survivors of gender-based and domestic violence

**Host:** New York State Senate Standing Committees on Social Services and Women’s Issues

**Date:** October 3, 2023

Thank you to the Committee on Social Services and Chair Persaud and the Committee on Women’s Issues and Chair Webb for the opportunity to address important issues related to the needs of survivors of gender-based and domestic violence and the continuum of care available in New York.

Her Justice stands with women living in poverty in New York City by recruiting and mentoring volunteer lawyers to provide free legal help to address individual and systemic legal barriers in the areas of family, matrimonial, and immigration law. Through our “pro bono first” model, our small legal team trains and mentors thousands of pro bono attorneys to assist our clients, bringing the power of the private bar to those who need it most. Since our founding 30 years ago, Her Justice has assisted more than 45,000 women and children in New York City. All our clients are women living in poverty, 90% are women of color and 80% are survivors of domestic violence. Our clients live in all five boroughs of New York City. More than half of our clients are foreign-born, one-third need interpreters in court, and most are mothers. We serve women living in poverty because, even in the best of times, the cards are stacked against them.

Advocating for policy reform in the civil justice system is a key component of any effort to lift women and their children out of poverty. Our policy work is informed by the lived experience of our clients – women whose livelihood and well-being are often determined by the civil justice system. The civil justice system is typically invisible to those outside of it, which makes a focus on elevating the reforms to this area that much more essential for our clients and all who depend on it.

### **Meeting the Legal Needs of Survivors of Domestic Violence**

For decades, Her Justice has prioritized the delivery of competent and culturally sensitive legal services to survivors of gender-based and domestic violence, who compose the majority of our clients, in the Family and Supreme Court/Matrimonial Courts and the U.S. immigration system. In recent years these services became even more critical as survivors of domestic violence were uniquely burdened by the economic impact of the COVID-19 pandemic, and the fallout is expected to last. During the past few years, it became



clearer than ever that legal services, and the access to justice and the essentials of life that they offer are a critical part of the safety net for survivors of domestic violence.

### Family Courts

Many of our clients must engage in the New York City Family Courts to get legal relief that is critical to their safety and well-being; for example, orders of protection, financial support from partners, or visitation or parenting time schedules. At the start of the pandemic the New York Family Courts reduced access to certain types of matters that it deemed “essential,” including applications for temporary orders of protection and motions for urgent issues in pending cases. While outside New York City, the Family Courts resumed operations more quickly, including the use of virtual proceedings, New York City Family Courts adjusted operations more slowly, resulting in extreme delays in assigning court dates for new child support petitions and new nonemergency custody/visitation petitions. Operations in the New York City Supreme/Matrimonial Courts also slowed. The inability to access these courts meant that certain critical court relief was unavailable to or unjustly delayed for many, including domestic violence victims. That delay is still felt today, in the form of long wait times between filing cases and seeing a judge, and dockets so large that judges struggle to keep up with them.

One of those areas deemed not “essential” in Family Court was child support. Child support is critical for custodial parents, especially those living in poverty. Many single mothers rely on child support to secure the basic necessities for their families. For some of the lowest income families, child support can represent more than 50% of their income. Thus, the child support system plays a critical role in determining economic justice for single mothers and children living in poverty. Yet more than 90% of parents in child support cases in the New York Family Courts do not have legal representation. Her Justice and our pro bono partners provide legal representation in child support matters and legal information; our services in this area are key especially given that our legal services colleagues typically are stretched too thin to represent individuals in standalone child support cases.

The vast majority of victims of partner violence suffer from economic abuse, making fair child support awards essential to survivors’ ability to seek safety and maintain independence. Like all those living in poverty, victims of domestic violence find themselves in an even more precarious economic situation following the pandemic. For survivors of domestic violence, uncertainty and delays in the Family Courts allow abusive partners who owe child support to withhold payments without immediate accountability through the courts. Even accessing child support services and legal relief can put survivors at risk of harm since they must engage with abusive former partners. The work of the New York State Office of Temporary and Disability Assistance and Office for the Prevention of Domestic Violence through the federal SAVES demonstration grant will be critical to strengthening the services for survivors of domestic violence seeking child support.



Child support is a key policy priority for Her Justice in our efforts to advocate for greater fairness and efficiency of the system to ensure that children receive the most support parents can afford. Since the launch of our March 2021 original policy report, [Towards Justice for Parents in Child Support Courts](#), Her Justice has engaged in advocacy around various solutions for child support reform, including a State legislative proposal to create a settlement conference process for parents who want to agree on child support and who do not need to engage in litigation to determine the income available to support children. In addition to providing a fair and expedited process for families, the settlement conference process would reduce the volume of families seeking child support through litigation in the Family Courts and create some efficiency in the system when this is needed most. We look forward to continuing to partner with the Legislature on this effort.

### Supreme Court/matrimonial cases

Her Justice, along with our pro bono partners, provides legal advice and representation to hundreds of women seeking a divorce each year. We are especially committed to helping our clients navigate the delays in the Supreme Court matrimonial parts resulting from the courts' slowdown in the pandemic. Going through a formal legal process in divorce is especially important for women who are typically the lesser-earning spouse. The legal process should ensure a fair child or spousal support award which gives single mothers a critical safety net. A fair divorce can be especially critical for victims of domestic violence, for whom financial stability is key to remaining free from abusive relationships.

As the Legislature is well aware, domestic violence takes many forms beyond physical abuse. Many of our clients experience financial abuse – the control by one intimate partner of the other's access to economic resources, which diminishes the victim's capacity to support themselves and forces them to depend financially on the abuser. In general, consumer debt and low credit scores trap women in poverty. These financial barriers may impose particular challenges if the debt arose from partner abuse, such as the withholding of assets, identity theft, and coercive debt. Debt and damaged credit as a result of financial abuse make it even more difficult for victims to leave the relationship – with a low credit score, women cannot rent an apartment, get a job or buy a house or car.

To address the economic abuse that our clients and many survivors experience, Her Justice developed consumer debt advocacy expertise, making us one of the few legal services organizations with this expertise in the realm of family/matrimonial law in New York City. We advise clients on how to obtain, review, and request security freezes on credit reports; how to report fraudulent activity to the FTC and other appropriate agencies and to write dispute letters to the reporting agencies, and advocacy letters to creditors; and to remove abusers as authorized users on accounts. As a complement to our work with individual clients, Her Justice has advocated for an expansive legal definition of domestic violence and protections against enforcement of money judgments and debt collection in the fragile financial time



following the pandemic. It is a cruel irony that, during the COVID-19 pandemic, debt collection cases moved forward as before, while the financial support that could be available in Family Court was endlessly delayed. Her Justice is committed to advocating for full recognition of the economic realities of domestic violence under the law and functioning courts to redress these issues expeditiously for survivors.

The barriers to divorce are even greater for women who are or were formerly incarcerated. From 1980 to 2019, the number of incarcerated women in the United States increased by over 700%.<sup>1</sup> Women of color are disproportionately represented in this number, as Black women are almost twice as likely to be incarcerated as white women, and Hispanic women are 1.3 times as likely to be incarcerated as white women.<sup>2</sup> People living in poverty are three times more likely to be arrested than those who are not, and 72% of incarcerated women were in poverty prior to being arrested.<sup>3</sup> Because many incarcerated women were living in poverty, it is common for them to have unmet civil legal needs unrelated to and in addition to the reason for their incarceration. They are both uniquely isolated from resources and have unique legal needs, usually related to children and marriage. For incarcerated individuals, access to the civil court system is significantly limited, and yet, these civil legal issues have a dramatic impact on the lives of women as they prepare for reentry.

Her Justice launched the Civil Justice for Incarcerated Women Project to support incarcerated and formerly incarcerated women in achieving personal freedom and stability by providing free civil legal services in the areas of family and matrimonial law, helping to ensure safety, financial stability, and autonomy upon reentry. Our project focuses on divorce matters to start because, for women who have criminal justice involvement, divorce can, among other things, legally end an abusive relationship (77% of incarcerated women have experienced intimate partner violence<sup>4</sup>); free them from debt incurred by their partner, often without their knowledge, increasing their chances for financial independence; and stabilize custody arrangements for children who have experienced trauma. Through community outreach and direct legal services, Her Justice plans to bring needed attention to this vulnerable population and to the power of civil justice access to change the lives of women and families.

### **Immigrant Survivors of Domestic and Gender-Based Violence Face Additional Barriers**

The COVID-19 pandemic shed new light on the role that immigrant workers play in the U.S., with immigrants being overrepresented in frontline occupations and many undocumented immigrants in the labor force being classified as essential throughout the pandemic. Yet many work without the legal

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<sup>1</sup> The Sentencing Project, *Incarcerated Women and Girls* (May 12, 2022), <https://www.sentencingproject.org/fact-sheet/incarcerated-women-and-girls/>.

<sup>2</sup> *Id.*

<sup>3</sup> Hayes, Tara O'Neill, AAF, *Incarceration and Poverty in the United States* (June 30, 2020), <https://www.americanactionforum.org/research/incarceration-and-poverty-in-the-united-states/>.

<sup>4</sup> Swavola, Elizabeth, et al., Vera Institute of Justice, *Overlooked: Women and Jails in an Era of Reform*, (Aug. 2016), [https://storage.googleapis.com/vera-web-assets/downloads/Publications/overlooked-women-and-jails-report/legacy\\_downloads/overlooked-women-and-jails-report-updated.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/overlooked-women-and-jails-report/legacy_downloads/overlooked-women-and-jails-report-updated.pdf).



protections that would match the value of their contributions to the economy. Our immigrant clients – all of whom are survivors of gender-based violence – have been met with particular challenges during the last few years. Many of our immigrant clients work in homes – as home health aides and caregivers – and were unable to continue their work when the pandemic began. Due to unemployment, lack of access to federal stimulus benefits, and for other reasons related to poverty, our immigrant clients faced acute financial strain.

Her Justice advocates for reform to the immigration system so that the greatest number of immigrant women can obtain and preserve the best possible status, through a process that prioritizes their safety and dignity. We are particularly concerned about the delays our clients face in obtaining legal work authorization. Chronic under-resourcing of adjudications systems within U.S. Citizenship and Immigration Services (USCIS), compounded by operational challenges in the pandemic, cause processing delays that sometimes last five years or more, during which time our clients do not have any immigration relief – not even a work permit to support their families. These delays can lead to our clients’ continued employment in unsafe work conditions at wages too low to support their families, and to instability in housing and even safety from intimate partner violence. Moreover, our undocumented clients whose immigration applications are pending for years and who do not yet have employment authorization are ineligible for unemployment insurance benefits. Later this fall, Her Justice will issue an original research report synthesizing in-depth interviews with thirty immigration clients about the impact of work authorization on their lives, and delays in obtaining this critical relief. This report and our deep legal and policy expertise position Her Justice to engage in well-informed advocacy for reforms such as the enhancement of resources for USCIS to address adjudications backlogs and changes to related policies, along with State-level protections for healthcare and funding for legal services for immigrants, so that immigrants’ livelihood and eligibility for benefits are protected at a time they need this most.

### **Access to Legal Services for Domestic Violence Survivors Living in Poverty Depends on Strong Community Partnerships**

Her Justice takes a broad view of the needs of survivors and the measure of a robust “continuum of care.” While our focus is on critical legal services for survivors and reform of legal systems, we know that access to and participation in legal processes is dependent on survivors’ overall stability. Stability, in turn, is dependent on survivors’ range of needs being adequately addressed by social services and other providers. Survivors need financial stability, safe and adequate housing, and food security. These issues can overwhelm survivors, and without outside support and guidance can cause them to miss court appearances or meetings with lawyers and ultimately disengage from their legal cases. With access to critical social services that address these non-legal needs, survivors can fully participate in their legal cases. Recognizing this, Her Justice has established strong partnerships with community-based organizations. Through those partnerships, Her Justice provides reliable information, legal resources, and mutual referrals to high-need populations. Our partnerships strengthened during and following the



pandemic, as organizations serving survivors of gender-based and domestic violence have become even more reliant on one another to meet the complex and urgent needs of our clients.

As New Yorkers, we are committed to lifting our community up. When women are lifted, their children and communities rise with them. **We thank the Legislature for the support for the essential legal services that we provide to women living in poverty in New York City and partnership on policy reform to benefit all New Yorkers.** We look forward to continuing to work together to serve those impacted by gender-based and domestic violence.

Respectfully,

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