



Testimony: Amy Barasch, Executive Director

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For 30 years, Her Justice has stood with women living in poverty in New York City. Through our pro bono first model, Her Justice pairs thousands of well-trained and resourced pro bono attorneys with women who have high-stakes legal needs. This approach has enabled us to assist tens of thousands of women over the years, far more than we could have reached relying exclusively on direct service. By ensuring that more women have lawyers by their side in a system historically designed to have poor people navigate it alone, we amplify their voices and concerns, and we begin to break down systemic barriers to access to justice.

In 2022, Her Justice provided a range of legal help to more than 5,300 women and their children in the areas of family, matrimonial and immigration law. 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.

Our legal services are essential services, and every Her Justice client has an urgent legal need. Whether it's Mary,* who lost her job due to COVID-19, while her husband, who remains employed, has stopped paying the child support he owes; or Grace,* who needs a divorce in order to avoid responsibility for the increasing debt her husband is racking up in her name; or Natalia* a survivor of human trafficking seeking the right to work so that she can support herself and her children free from abuse – **Her Justice stands with women when they need it the most.**

Women living in poverty, particularly Black and Brown women, must rely on a civil justice system that has been historically and systematically under-resourced. Women spend immeasurable hours, days and years moving through the Family Courts to access basic freedoms – personal autonomy, financial independence, and safety from abuse. While the system was originally imagined as one without lawyers, over time the process has become only more complicated and those who are unrepresented often come up short. With a lawyer, our clients can be part of the debate about their own future. From years representing women in the civil justice system, we know that the burden too often falls on women like our clients. Our immigrant clients, too, suffer when an historically under-funded system has too few government staff to review their valid applications for



status. While they wait 5 to 7 years for a decision about their status, our clients must live in the shadows.

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. As a trusted, long-standing organization, Her Justice seeks to elevate the issue of civil justice reform and advance economic justice for women and their children. Since our founding, we have been engaged in policy work, alone and in partnership with peer organizations and coalitions. In 2019, recognizing the need to take a more coordinated and strategic approach to our policy work, Her Justice invested in a policy strategic planning process resulting in the launch of a [Comprehensive Policy Platform](#) in January 2020. **The principle of our policy work is that it is informed by the lived experience of our clients – women living in poverty, whose livelihood and well-being are often determined by the civil justice system.** That civil justice system is often 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.

Her Justice will continue to provide the legal services and advocacy needed to close the gap in access to justice for women living in poverty in New York. At the same time, we recognize that litigants in New York and the civil justice system overall benefit if those who need representation have access to adequate counsel. Our “pro bono first” model was founded in recognition of the power of pro bono to help fill the justice gap, and we regularly partner with other legal services organizations to exchange client referrals and to work in coalition on advocacy efforts. In that spirit, we support advocacy around the increase in compensation for 18b lawyers, recognizing that Her Justice clients, too, benefit when litigants opposing them are represented. We are deeply grateful for the Legislature’s continued support for the work of Her Justice in the legal services landscape in New York. We look forward to partnering once again to ensure that our civil justice systems work for all New Yorkers and advance economic justice for women living in poverty.

Meeting the Needs of Survivors of Domestic Violence

We know that women, particularly women of color and survivors of domestic violence, have been uniquely burdened by the economic impact of COVID-19, and the fallout is expected to last. Our clients, and women like them, are reeling from the disproportionate impact on them of the multiple crises during the pandemic. 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 on which our clients and women like them rely.

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 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. The inability to access the family and matrimonial 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.

Like all those living in poverty, victims of domestic violence find themselves in an even more precarious economic situation at this time. 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. To address the economic abuse that our clients and many survivors experience, Her Justice runs a consumer debt advocacy program, making us one of the few legal services organizations to provide this expertise in the realm of family/matrimonial law in New York City. For victims of domestic violence, we provide safety planning around issues stemming from financial abuse – the control by one partner of the other’s access to economic resources. 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 this fragile financial time. It is a cruel irony that, during the 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.

Immigration Legal Services and Policy Reform

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 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.



Barriers to legal relief. Her Justice is particularly concerned about the delays our clients face in obtaining legal work authorization. The pandemic, combined with chronic under-resourcing of adjudications systems within U.S. Citizenship and Immigration Services (USCIS) 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. Her Justice continues to advocate 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 advocate for reforms such as the enhancement of resources for the USCIS to address adjudications backlogs and changes to related policies so that clients’ livelihood and eligibility for benefits are protected at a time they need this most.

Trafficking survivors. During the COVID-19 pandemic, New York City’s undocumented survivors of domestic violence and sex and labor trafficking faced a crisis within a crisis. The confluence of poverty, immigration status, race, and limited language access, combined with increasing instability and violence against women, has led to especially acute conditions for women living in poverty and a desperate need for culturally competent legal services. For women and girls who have been sex trafficked, racially motivated arrests for “prostitution” have led to criminal records that impede stable employment and healing, as survivors must bear the constant stigma of a criminal record and relive their trauma every time they seek new employment. Survivors of domestic violence and sex and labor trafficking are in critical need of humanitarian immigration relief. Her Justice provides direct legal services and policy advocacy for trafficking survivors, as well as placement of cases through our pro bono model, targeted community-based know-your-rights trainings, and translation of materials (especially for Mandarin-speaking survivors). Her Justice will continue to dedicate our services to these women who are particularly vulnerable and underserved.

Legislative protections for immigrants in New York. During the last several years, we have dedicated significant time and effort to advocating against undue and unfair immigration enforcement actions, including preventing U.S. Immigration and Customs Enforcement (ICE) from making arrests in the courts, which have had a chilling effect on our clients’ willingness to seek help. In 2021, we were thrilled to witness the passing of the New York Protect Our Courts Act, which marked significant progress towards the decriminalization of our immigrant communities and making justice accessible to all. In coalition with other organizations, we have also advocated for the passage of the New York for All act, which would ensure that New York state and local law enforcement resources are not used to help ICE or Border Patrol target and separate immigrant families, and sow fear in our communities. In undertaking these efforts, we lift up the need for fair treatment of immigrant New Yorkers and the power of meaningful access to justice and benefits to change lives. Her Justice will



continue to strengthen our services and advocacy on behalf of immigrant women living in New York City who are more vulnerable now than ever.

Child Support Legal Services and Policy Reform

Child support is critical for custodial mothers, especially those living in poverty. Many single mothers rely on child support to secure the basic necessities for their families. 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. Thus, the child support system plays a critical role in determining economic justice for single mothers and children living in poverty.

Child support is a key priority for Her Justice in our direct services for individual clients and in our policy reform efforts. Yet this crucial support was unavailable to our clients and women like them early in the pandemic. In March 2020, Family Courts closed to all new child support proceedings, as the court administration did not deem these filings "essential." In May 2020, Her Justice engaged other legal services providers around the State to send a letter urging the court administration to change course and accept filings for this desperately needed relief. While the Family Courts did slowly reopen for new child support cases, cases filed in the New York City Family Courts experienced lengthy delays between court appearances; cases are still delayed, with variations depending on borough. As the courts navigate the challenges of providing remote access and modernizing processes such as filing papers, Her Justice and our pro bono partners continue to provide women with information about the legal remedies available to them and advise and strategize with clients to help them weigh their options in the court system. Our legal assistance for individual clients is even more urgent now given the extreme backlog and delays in the child support courts. One Her Justice client, Claudia,* a mother of one child with special needs, stopped receiving child support when the father stopped paying in 2019. Due to court closures during the pandemic, she had to wait over six months to file a support enforcement/violation petition. In July 2021, she contacted Her Justice for legal representation and Her Justice worked diligently on her case, but it has not yet been resolved. Like many clients, she is experiencing extreme delays with court dates set five or more months out. Her attorney estimates that her child's father owes over \$8,000 in delayed child support payments at this time.

Her Justice also advocates for greater fairness and efficiency of the child support system to ensure that children receive the most support parents can afford. In 2017, we set out on a two-year court watching project in which 89 volunteers observed 797 child support case appearances in the New York City Family Courts to get a better understanding of what happens when parents do not have lawyers, and how the system ensures fair processes and outcomes for all. That project culminated in our March 2021 original Policy Report: [Towards Justice for Parents in Child Support Courts](#). Since the launch of the report, Her Justice has engaged in advocacy around various solutions, including a State legislative proposal to create "a straightforward process for straightforward cases." The legislation would create a pilot program for parents who want to agree on child support in an administrative



conference and who do not need a court to determine the income available to support children. In addition to providing a fair and expedited process for families, the conference process would reduce the volume of families seeking child support in the Family Courts and create some efficiency in the system when this is needed most. Her Justice was proud to see this proposal included in the People's Budget of 2022 of the New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus. We look forward to continuing to partner with the Legislature on this effort. Her Justice is committed to elevating the experiences of our clients through both direct services for child support matters and advocacy to improve the system our clients navigate.

Divorce Legal Services and Policy Reform

Her Justice, along with our pro bono partners, provides legal advice and representation to hundreds of women seeking a divorce each year. Going through a formal legal process in divorce is especially important for women who are typically the lesser-earning spouse. Unfortunately, the barriers to and risks from divorce increase exponentially for women who are victims of domestic violence. 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%.¹ 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.² People living in poverty are three times more likely to be arrested than those who aren't, and 72% of incarcerated women were in poverty prior to being arrested.³ 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 violence⁴); free them from debt incurred by their partner, often without their knowledge, increasing their chances for

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

² *Id.*

³ 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/>.

⁴ 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.



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.

Lifting up Women Living in Poverty

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 remove barriers to gender equity and access to justice.

Respectfully,

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**Name changed to protect client privacy.*