



2016 Survey of California Domestic Violence Service Providers

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Executive Summary

Dear Reader,

Between March and June 2016, Family Violence Appellate Project (FVAP) conducted its first survey of California domestic violence service providers to learn about the challenges facing survivors of domestic violence in civil courts. The survey was distributed to members of the California Partnership to End Domestic Violence (the “Partnership”) via the Partnership’s seven regional listservs and its legal advocates listserv, as well as members of the Legal Aid Association of California (“LAAC”) via LAAC’s family law listserv. In addition, results of a working session of 16 domestic violence legal services providers and court staff, held during June 2015 in conjunction with LAAC’s Pathways to Justice conference, were incorporated into the results reported here.

102 people responded to the survey, including people from all seven of the Partnership’s defined regions of the state, representing 34 of California’s 58 counties.

The results show some regional differences in the legal challenges faced by survivors of domestic violence, as well as many issues on which survivors across the state face common challenges. FVAP’s analysis of the survey results indicates that the top three legal challenges facing domestic violence survivors statewide are:

1. Courts failing to conduct Domestic Violence Protection Act (DVPA) actions properly, including failing to hear requests for financial support and custody;
2. Abuse not being considered appropriately, resulting in improper and unsafe custody and visitation orders; and
3. Abusers using the legal system to continue the abuse.

FVAP hopes this survey will support the domestic violence field in two ways: First, by helping service providers in each region of the state understand shared challenges in their region and providing a tool to help them work together to try to solve local problems. Second, by providing the field with information about common challenges across the state so we can work together to find statewide solutions that will help survivors in all regions.

I hope you will read the conclusion of this report for specific suggestions for putting it to good use.

FVAP welcomes feedback on this survey and hopes it will spark a robust dialogue about how we can work together to change legal outcomes to enhance the safety of survivors of domestic violence and their children in California.

With respect,



Erin C. Smith, Esq.
Executive Director

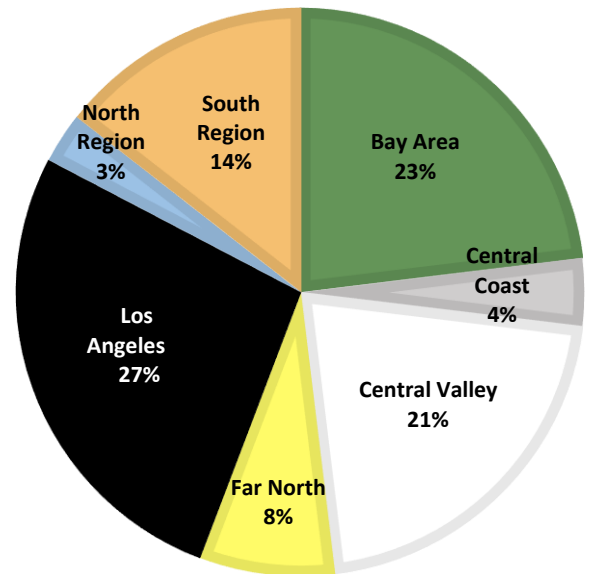
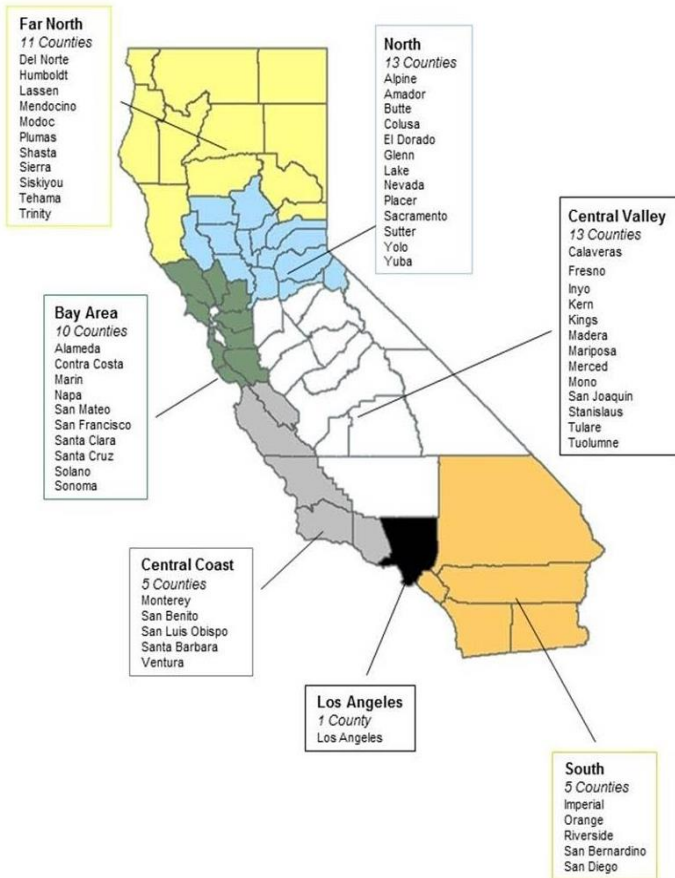
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Statewide Survey Results

Total Number of Responses: 102

Regions served by survey respondents



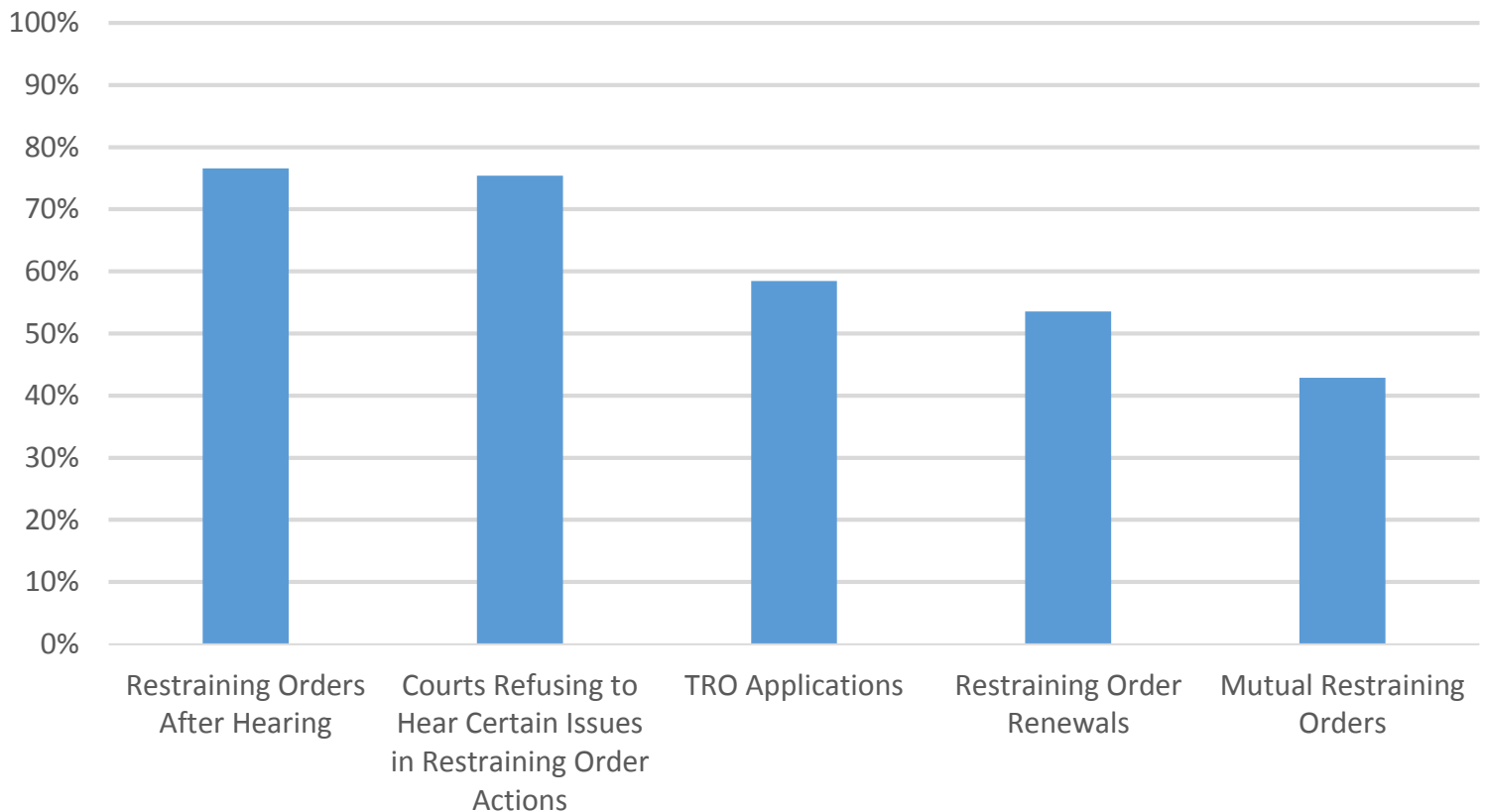
*Some respondents submitted responses for more than one region.

Job roles of survey respondents



Legal Problems Affecting Domestic Violence Survivors throughout California

Restraining Orders: Percentage of respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Most common restraining order issues identified

- An overwhelming number of advocates identified **problems with obtaining Restraining Orders After Hearings**. Multiple continuances, repeated court dates, and reluctance to apply and enforce the Domestic Violence Prevention Act (DVPA) were repeated themes.
- Relatedly, courts that **refuse to entertain or rule on requests for custody and support** in DVPA actions were identified as problematic for domestic violence (DV) survivors in all phases of the domestic violence restraining order process.
- Throughout the state, advocates identified similar **barriers to obtaining temporary restraining orders (TROs)**. The most significant barrier was courts that require notice of the request to the abuser before issuing TROs.

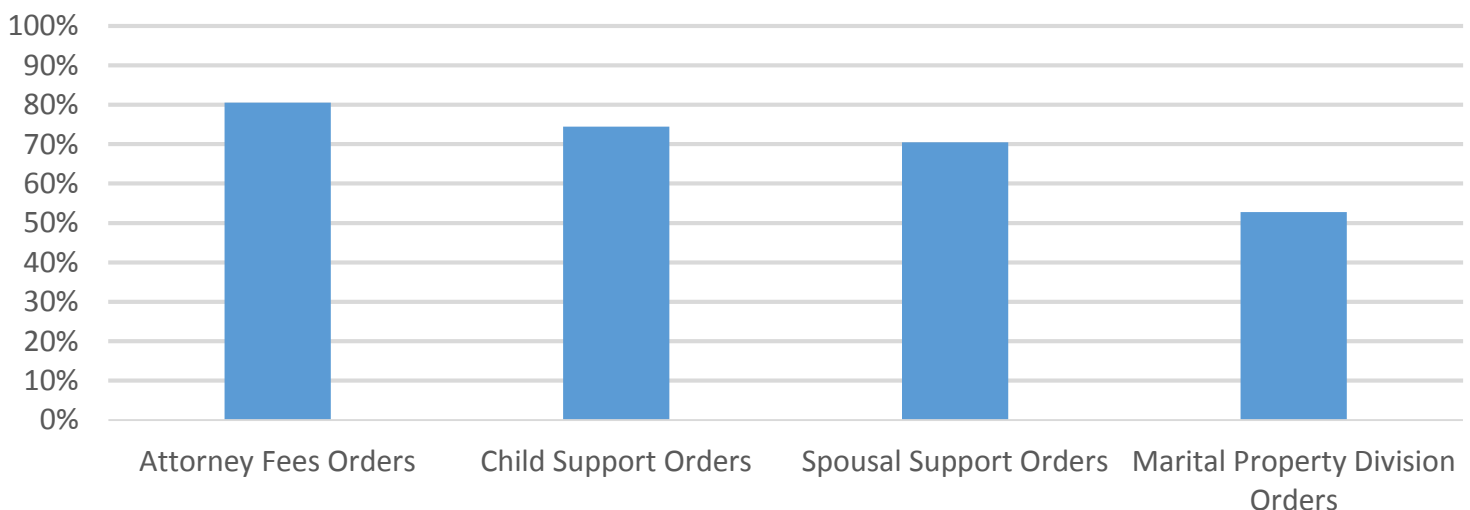
Custody & Visitation: Percentage of respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Most common custody & visitation issues identified

- **Improper custody and visitation orders were overwhelmingly identified as problems in all areas of the state.** This included failure to hear the requests, refusal to apply the correct standards, and a general misunderstanding of the dynamics of DV and its ramifications for parenting.
- In that same vein, problems with custody evaluators and mediators were reported, especially a **failure to properly consider DV** or account for it in the mediation process.

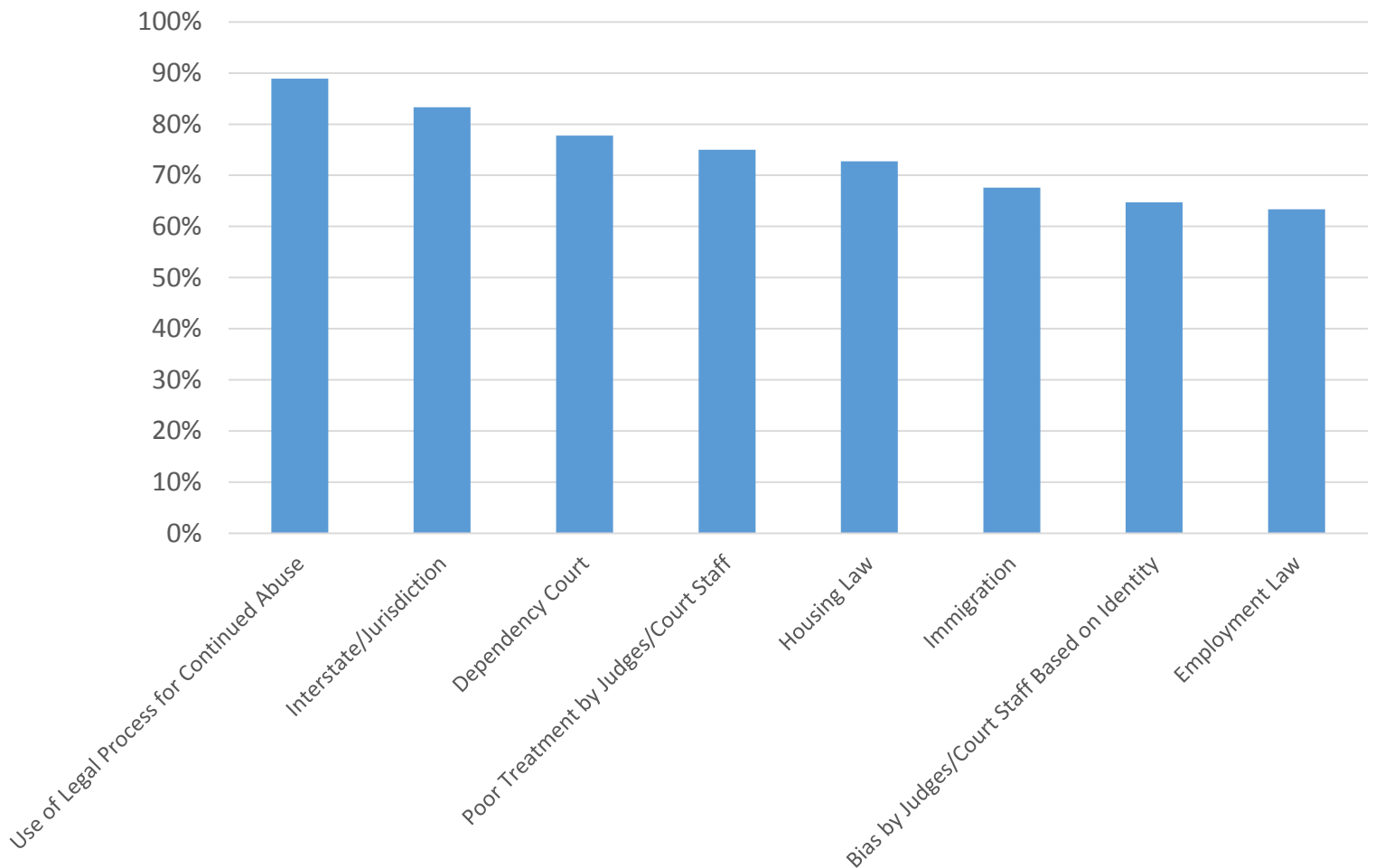
Financial Support: Percentage of respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Most common financial issues identified

- These issues were of most concern to the DV community in the North, Far North, Los Angeles, and South regions. A continuing theme was the **inability to get orders** in a timely fashion or to enforce orders.
- Throughout the state, **inability or difficulty obtaining attorneys’ fees orders** was reported. Many regions report this leads to a **power imbalance in the courtroom**.

Additional Problems: Percentage of respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court ¹



Most common “other” issues identified

- The most significant “other” problem reported throughout the state was **litigation abuse**. Reports are that the problem takes many forms, including granting repeated continuances and hearings in DVPA actions, frequently and/or improperly allowing litigation of changed circumstances in dependency and custody actions, and allowing the filing of multiple meritless motions in family court or DVPA actions.
- **Interstate and jurisdictional issues** were also frequently reported as problematic. Many narratives relaying the problem focused on a **disbelief or reluctance to give fleeing victims relief in California courts**.

¹ The survey did not define the specific problems within each area, leaving it open for respondents to identify the problems they are seeing. The survey did give a few examples, as follows:

- Immigration issues (e.g., refusing to enforce an immigration affidavit of support, bias against immigrant survivors);
- Housing law issues (e.g., failing to enforce housing protections for DV survivors);
- Employment law issues (e.g., failing to enforce employment law protections for DV survivors);
- Use of the legal process to continue abuse against DV survivors (e.g., litigation or paper abuse); and
- Bias/prejudice against DV survivors by judges/court staff based on identity (e.g., ethnicity, sexual orientation).

Most Common Legal Problems in California

The top problem identified in the state was a **failure to properly conduct and hear Domestic Violence Protection Act (DVPA) actions**.

- At the TRO stage, there were significant reports of failure to allow ex parte proceedings, as well as refusal to hear requests for custody and financial support that would allow for a safer separation.
- At the domestic violence restraining order hearing stage, frequent continuances and permitting litigation abuse were identified as pervasive problems. There were also significant reports of refusal to hear — or hear in a timely manner — custody and financial support requests, such as child support and spousal support.
- Once abuse was found, an overwhelming number of advocates report that courts, evaluators, and mediators still fail to consider the abuse appropriately, resulting in improper custody and visitation orders.
- Failure to grant attorneys' fees was identified as a problem that creates an unequal playing field in the courtroom and leads to improper denials and improper orders.

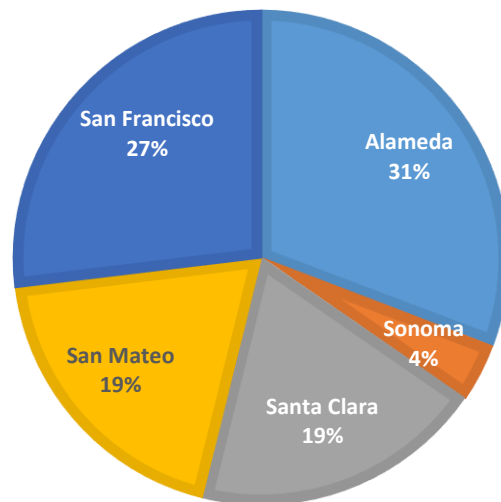
The second most significant problem identified was **use of the legal process to continue the abuse** – referred to herein as “**litigation abuse**” – both during DVPA litigation and post-judgment. The problem takes many forms, including granting repeated continuances and hearings in DVPA actions, frequently and/or improperly allowing litigation of changed circumstances in dependency and custody actions, and allowing the filing of multiple meritless motions in family court or DVPA actions.

Pervading these concerns were reports that **myths and misunderstandings about domestic violence** infect the decision-making processes of all courts: family, juvenile, dependency, and others.

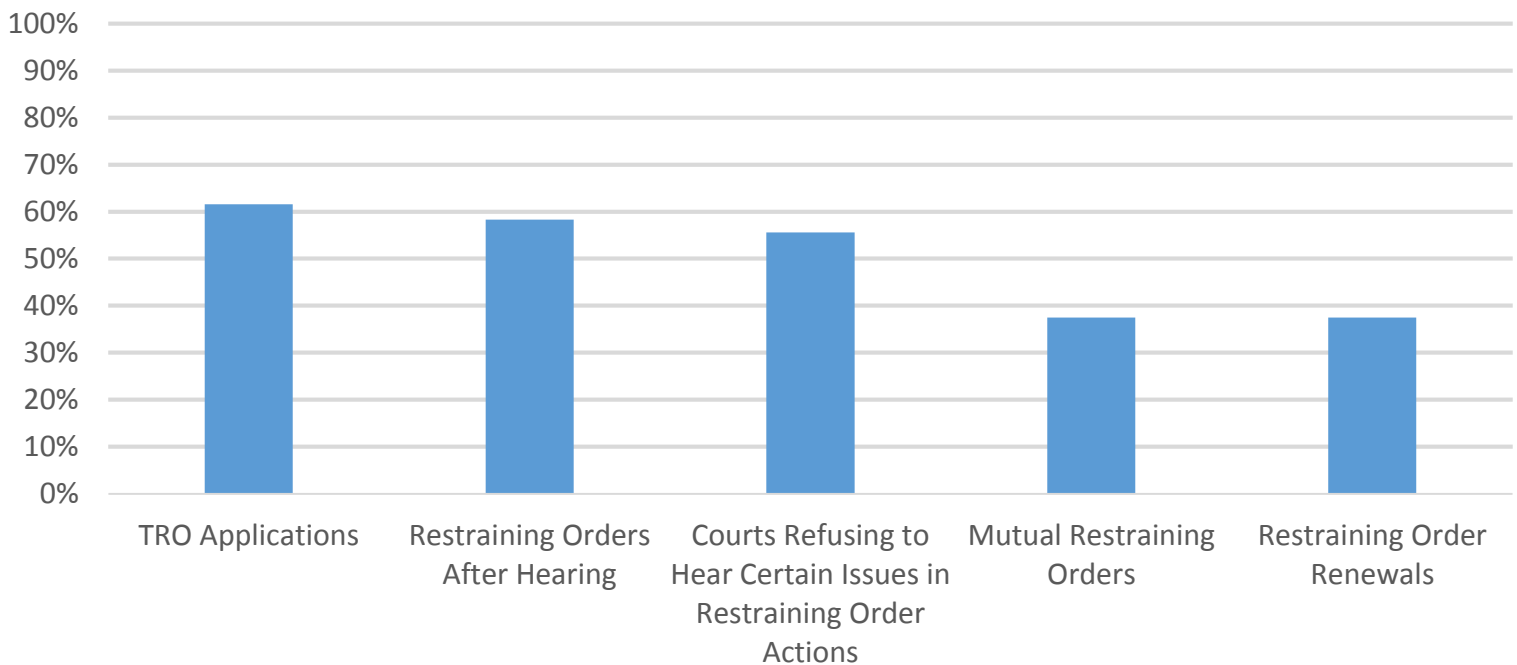
Bay Area Survey Results

Total Number of Responses: 24

Counties represented in survey



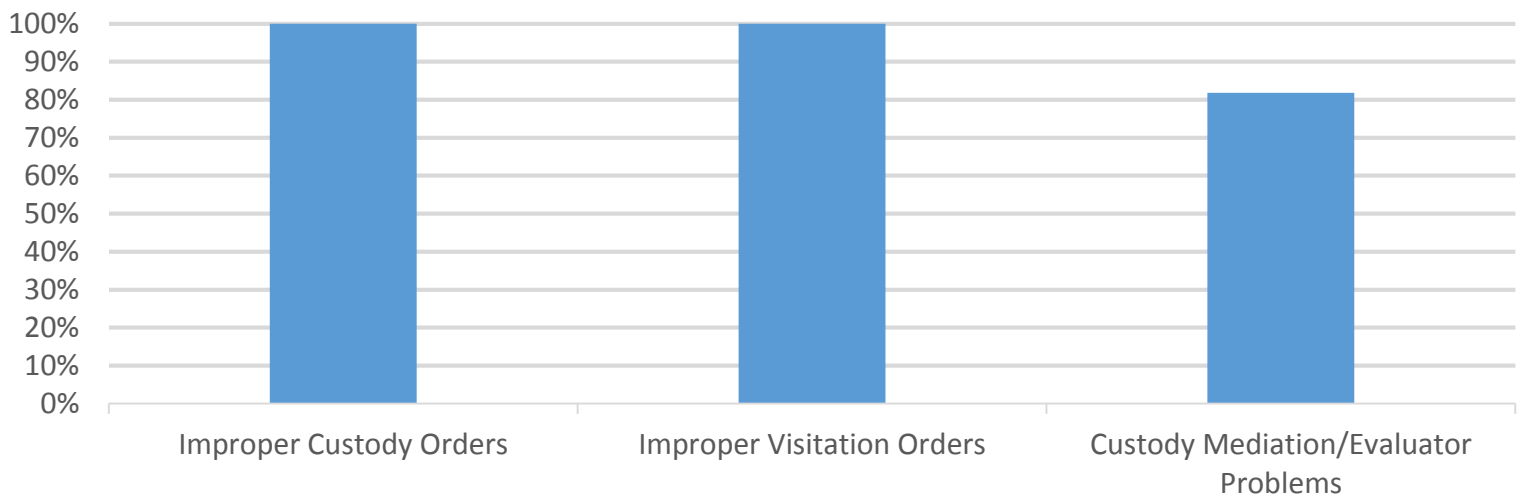
Restraining Orders: Percentage of Bay Area respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- Obtaining Restraining Orders After Hearing and other types of orders is restraining order actions is somewhat less of a problem in the Bay Area than the rest of the state, though over 60% of respondents still reported problems in this area. By a slight margin, **obtaining temporary restraining orders is the top restraining order-related problem** in this region.
- “Orders will be denied with no explanation given. Same-sex couples are often given mutual orders.”
- “A lot of TRO applications getting denied, judges not wanting to make ‘final decision’ re: custody, ‘not enough violence’ when no physical harm”; “Refusing to address financial issues.”

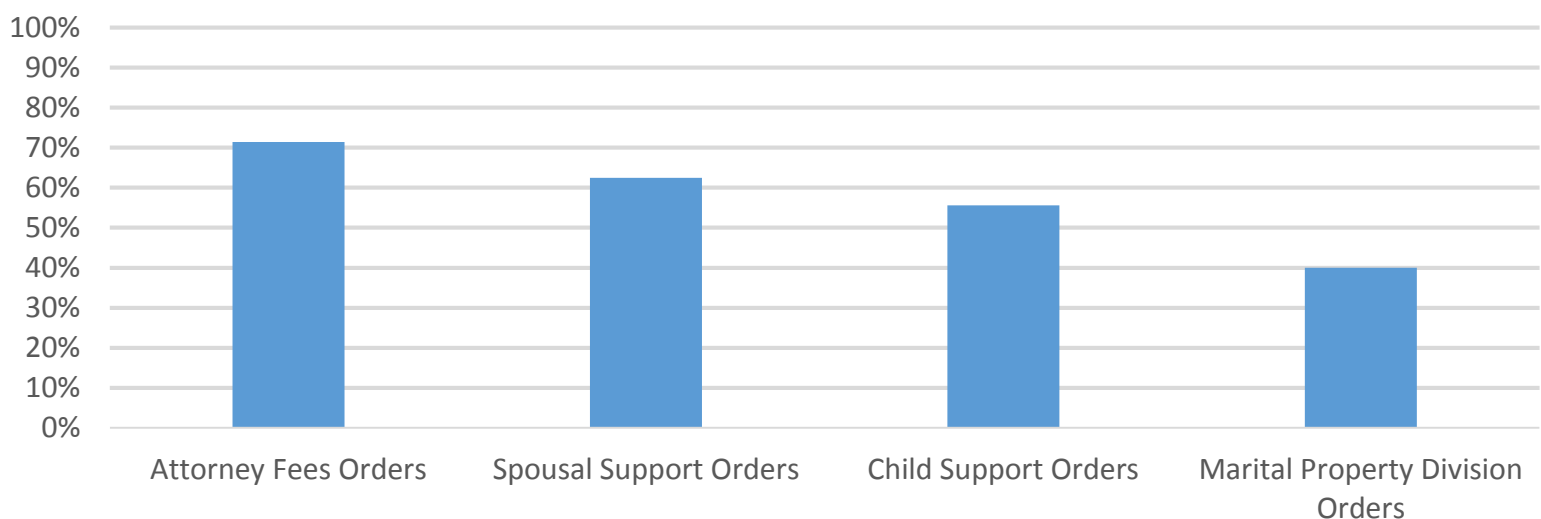
Custody & Visitation: Percentage of Bay Area respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Examples of custody/visitation issues identified

- **100% of respondents** report problems with custody and visitation orders, more than the statewide percentage.
- “[M]ediators and court tending to focus on **fairness to the parties rather than best interest of the children.**”
- “[C]**ustody to abusers** because of ‘mental health issues of vic[tim]’ because vic[tim] has been abused/traumatized by abuser...!”
- “[T]aking the side of/being charmed by the person who had been abusive.”

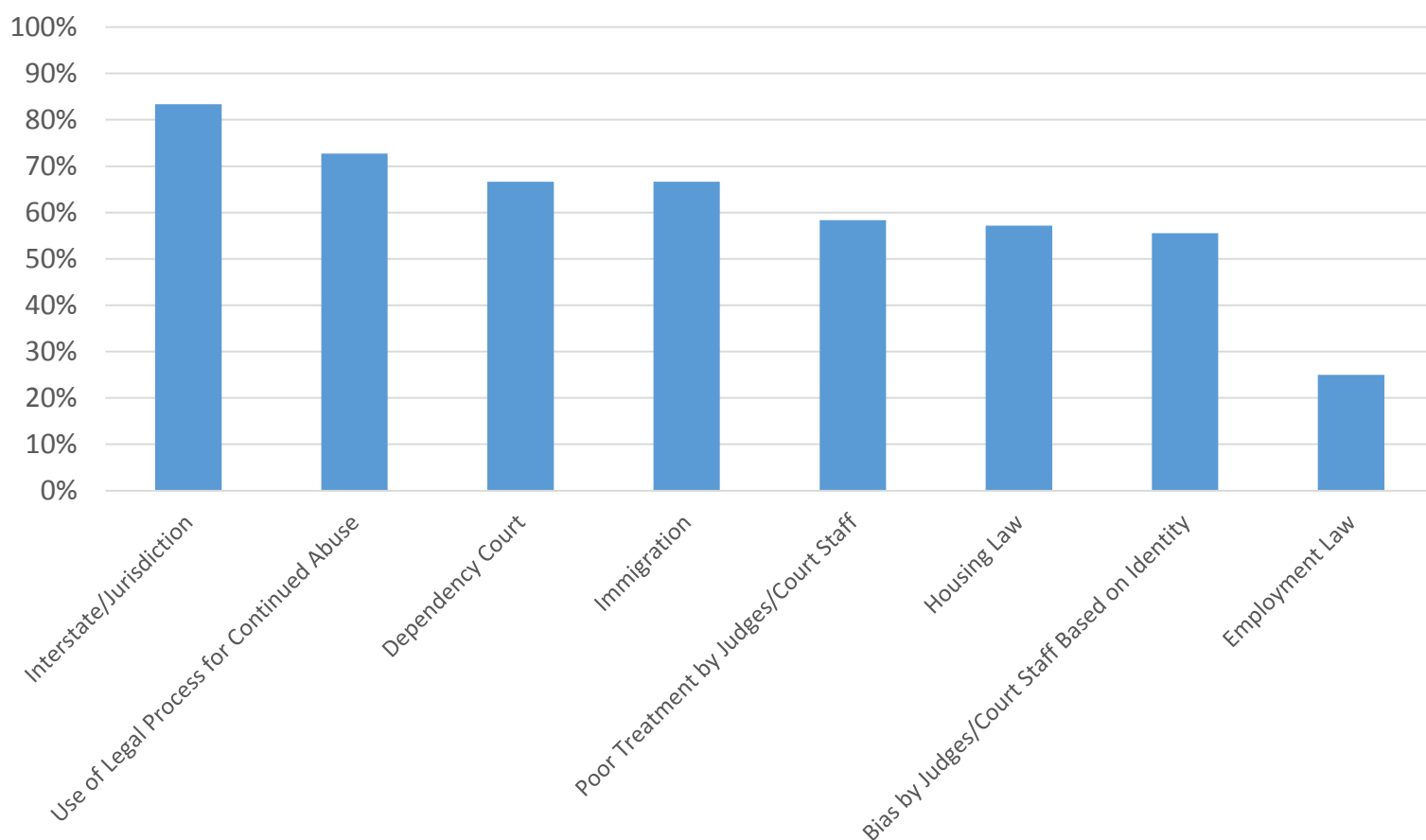
Financial Support: Percentage of Bay Area respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Examples of financial issues identified

- Somewhat fewer survey respondents reported problems obtaining financial support orders than statewide, though it is still a problem for the majority of people. Problems obtaining **attorney fees** topped the list.
- “Many clients want attorney fees because **they can’t afford an attorney** and they end up just not moving forward with a case.”
- “Child support is very poorly enforced in the county”; failing to consider all spousal support factors.

Additional Problems: Percentage of Bay Area respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court



Examples of other issues identified

- As in the rest of the state, **interstate/jurisdiction issues** and **litigation abuse** are the biggest problems.
- “[J]udges have allowed abusers to **continue restraining order hearings multiple times** (upwards of 3) where Respondent has not taken steps to move the case forward, is changing attorneys at every court date, sets a matter for a long cause hearing where one is not warranted based on the materials filed with the court. When survivors object, the judges usually tell them that there is no prejudice to them in continuing the matter since they are still protected by the TRO. This ignores the reality that **many survivors are taking time off work, losing income and being re-traumatized each time they are forced to come back to court.**”

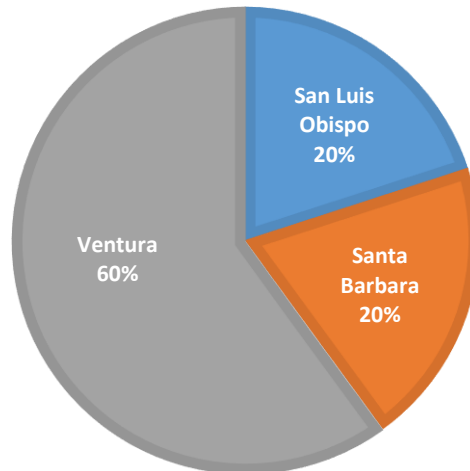
Number One Legal Problem for DV Survivors in the Bay Area

- The number one issue reported by DV service providers in the Bay Area was **improper custody and visitation orders**.
 - The problem is multi-faceted, beginning with courts failing to address custody and visitation requests at the TRO stage; continuing with mediators and court personnel failing to account for domestic violence when conducting evaluations and proceedings; and concluding with custody and visitation orders that do not reflect the domestic violence and leave adult survivors and their children at risk of future harm.
- These issues are compounded by the **lack of affordable legal representation** and the **lack of interpretation services** for people with limited English proficiency.

Central Coast Survey Results

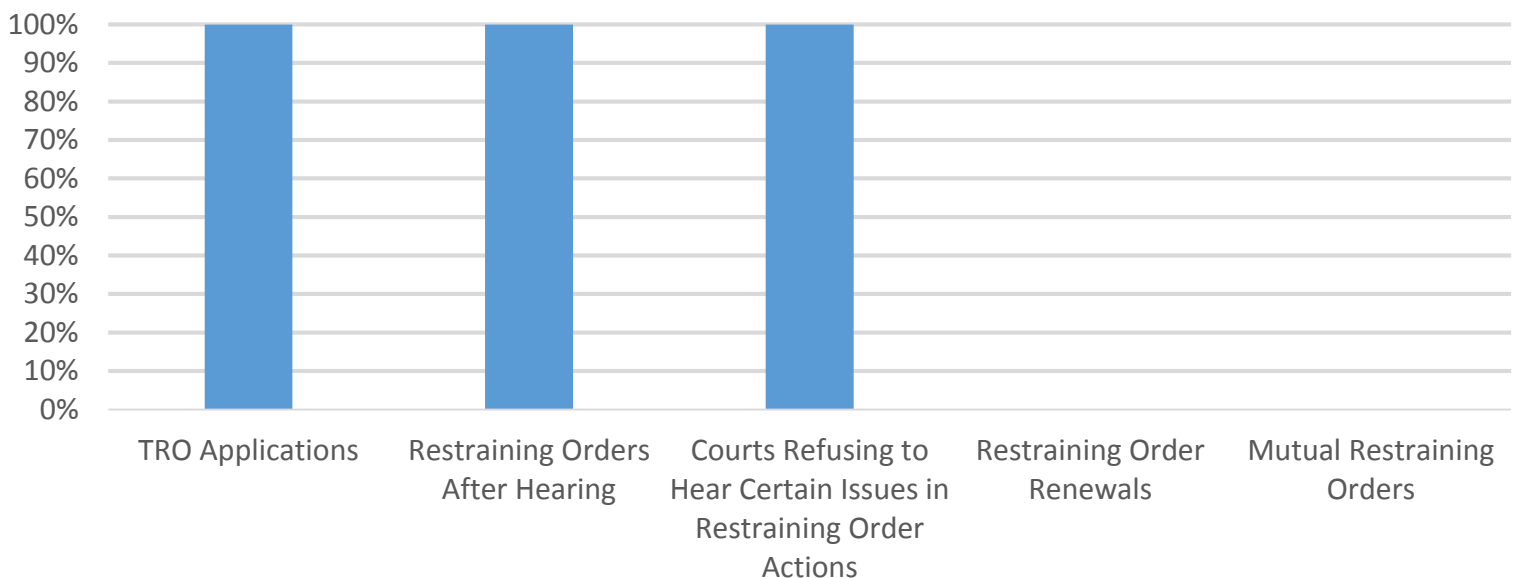
Total Number of Responses: 4

Counties represented in survey



*Some respondents submitted responses for more than one county.

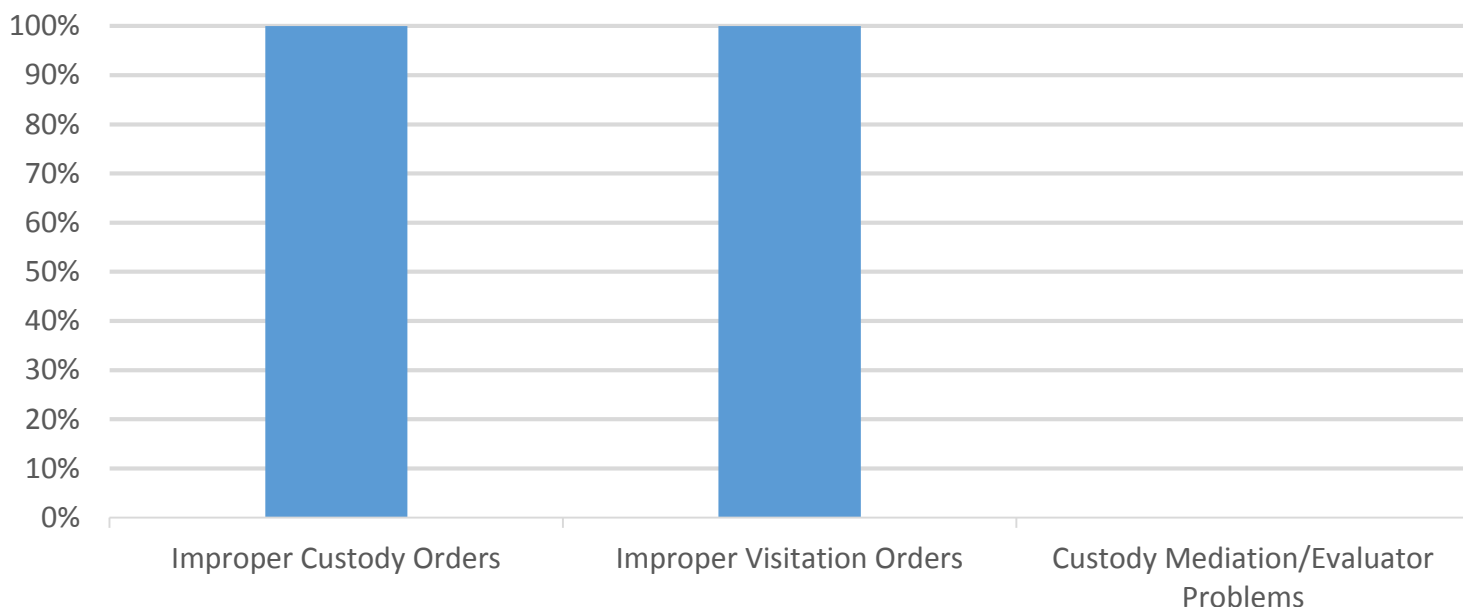
Restraining Orders: Percentage of Central Coast respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- **100% of respondents reported problems obtaining Restraining Orders After Hearing and TROs**, more than the statewide average, though none experience problems with restraining order (RO) renewals or mutual ROs.
- “TRO applications – in most instances Ventura County **requires notice of the Request for Temporary Restraining Order.**”
- “Restraining Order After Hearing – the requesting party was 10 minutes late to the hearing and was denied entry into the courtroom. Her orders were denied, which necessitated filing a new TRO request.”

Custody & Visitation: Percentage of Central Coast respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



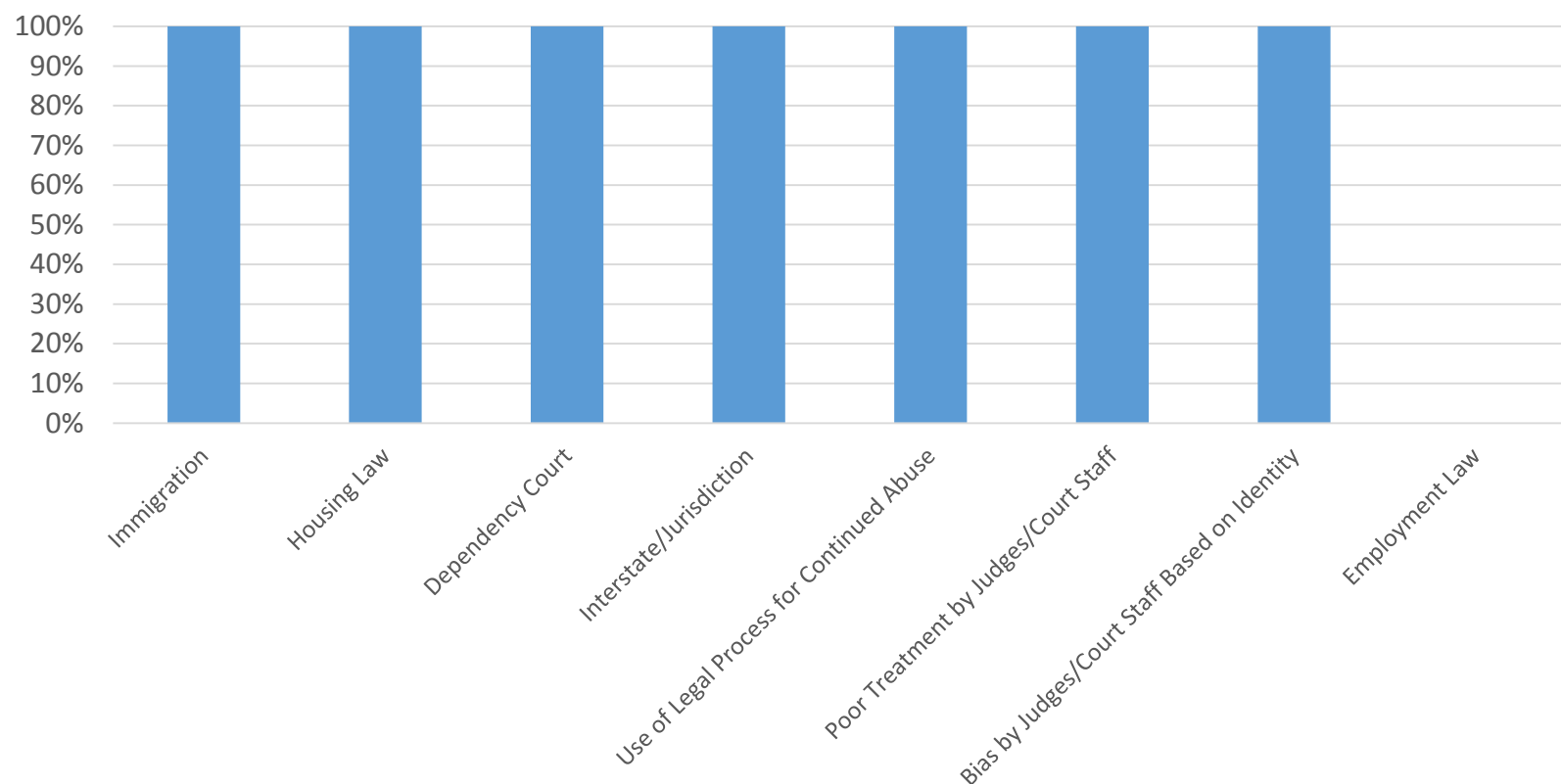
Examples of custody/visitation issues identified

- **100% of respondents reported problems with custody and visitation orders**, more than the statewide average, though none reported problems with custody mediation or evaluation.
- Respondents reported that **courts will award joint legal and physical custody with liberal visitation** to the abuser, believing that if the parents are separated, the abuse stops and the children are safe in the abuser's custody. One respondent pointed out that **social science in fact supports the opposite**.

Financial Support: No survey respondents from the Central Coast reported the following financial support/property issues as “a problem” or “somewhat a problem”

- Spousal Support Orders
- Child Support Orders
- Attorney Fees Orders
- Marital Property Division Orders

Additional Problems: Percentage of Central Coast respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court



Examples of other issues identified

- **100% of respondents reported problems with most of the “other” legal problems identified in the survey, more than the statewide average, though none reported problems with employment law issues.**

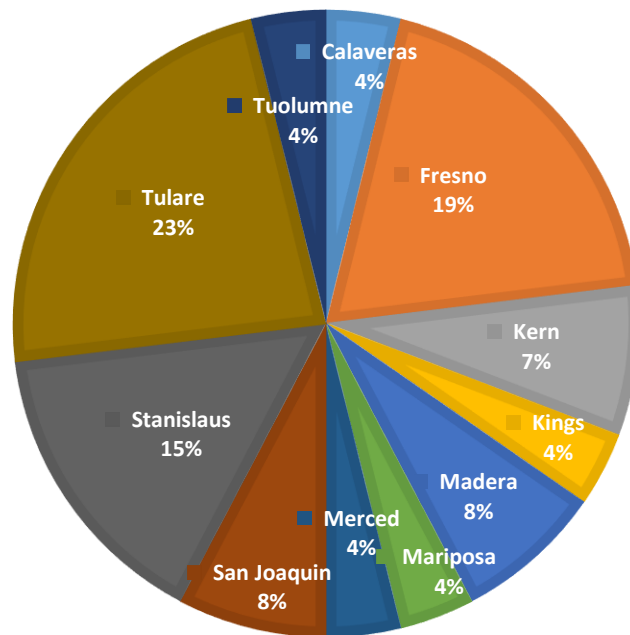
Number One Legal Problem for Domestic Violence Survivors in the Central Coast Region

- This region reports significant problems with domestic violence survivors **obtaining court orders for protection, custody and visitation.**
 - The problem begins with requiring notice to abusers of requests for ex parte temporary restraining and/or custody orders. Problems continue with courts in domestic violence actions refusing to rule on custody and visitation, and are significantly increased by hyper-technical application of court rules, resulting in survivors being denied protection and other orders.
- This region also reports that judicial misconceptions about domestic violence — especially that it does not affect children — and failure to acknowledge the heightened risk of separation violence (including child abuse), result in **inappropriate child custody and visitation orders.**
- Significantly, the region also reports overwhelming issues faced by DV survivors in other civil law areas including **immigration, housing law, dependency court, and with litigation abuse.**

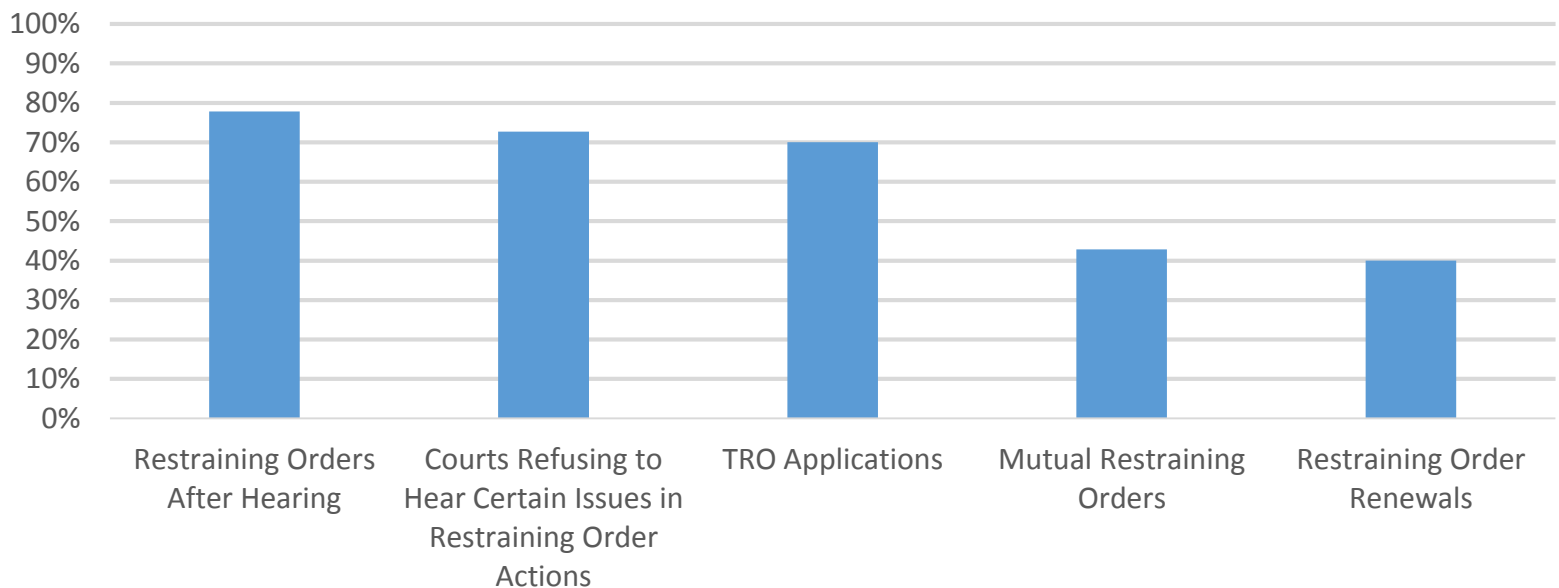
Central Valley Survey Results

Total Number of Responses: 22

Counties represented in survey



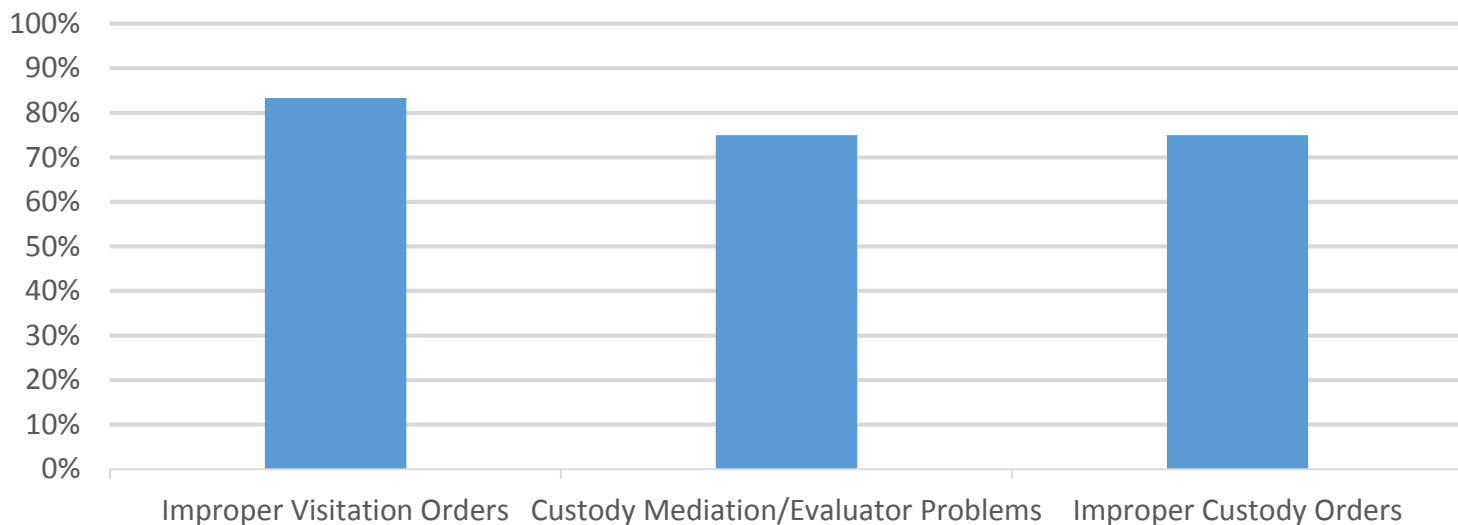
Restraining Orders: Percentage of Central Coast respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- Central Valley advocates reported problems related to restraining orders at generally the same rates as the statewide averages, with **over 70% of advocates reporting problems with Restraining Orders After Hearing.**
- “One of our judges will ‘grant all’ on the TRO app[lication] but then **deny some of the orders with no explanation**; another of our judges is like pulling teeth to get a permanent order[;] instead he **continues the TRO indefinitely**, sometimes for years, rather than issuing a permanent [restraining order].”

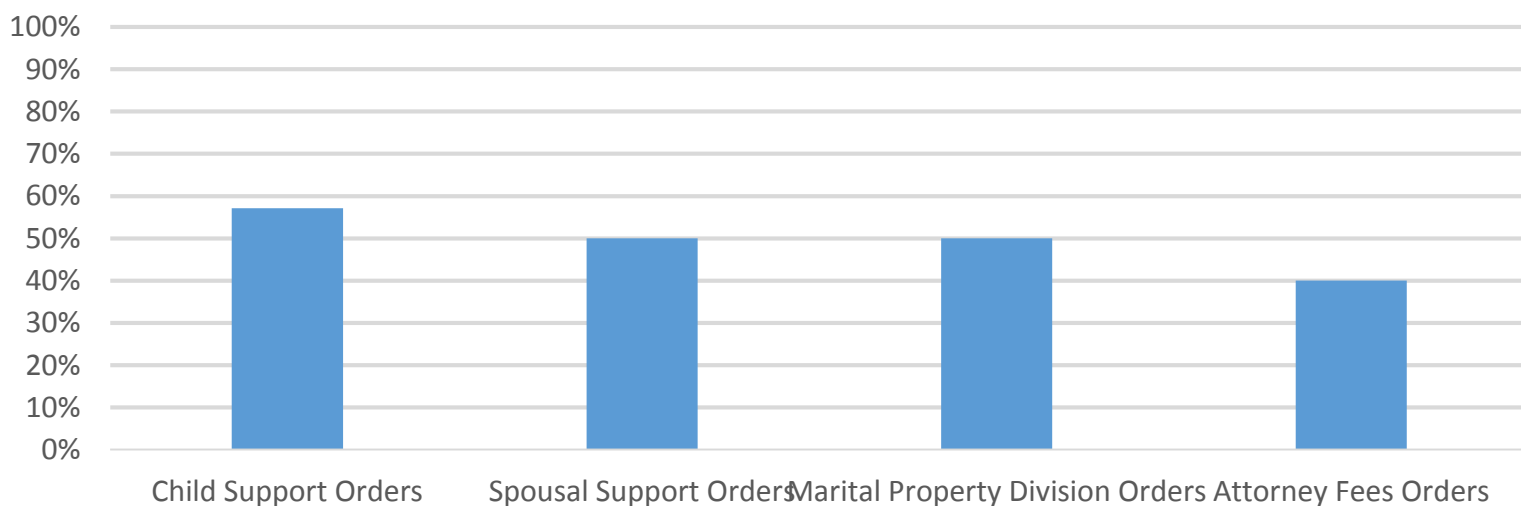
Custody & Visitation: Percentage of Central Valley respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Examples of custody/visitation issues identified

- “We have one judge who insists that DV is not detrimental to the children in and of itself for purposes of custody hearings. Another **allows abuser unsupervised visitation** and will even **expand visitation in defiance of mediator’s recommendations.**”
- “I feel there [are] **safety issues** with custody, visitation and mediation for the women seeking these orders... If she is in a rural location and mediation is set up at night, she can be followed by him.”
- “Response depends on the mediator. While we do have an avenue to make complaints, **we are a recommending county and that gives mediators a lot of autonomy.**”

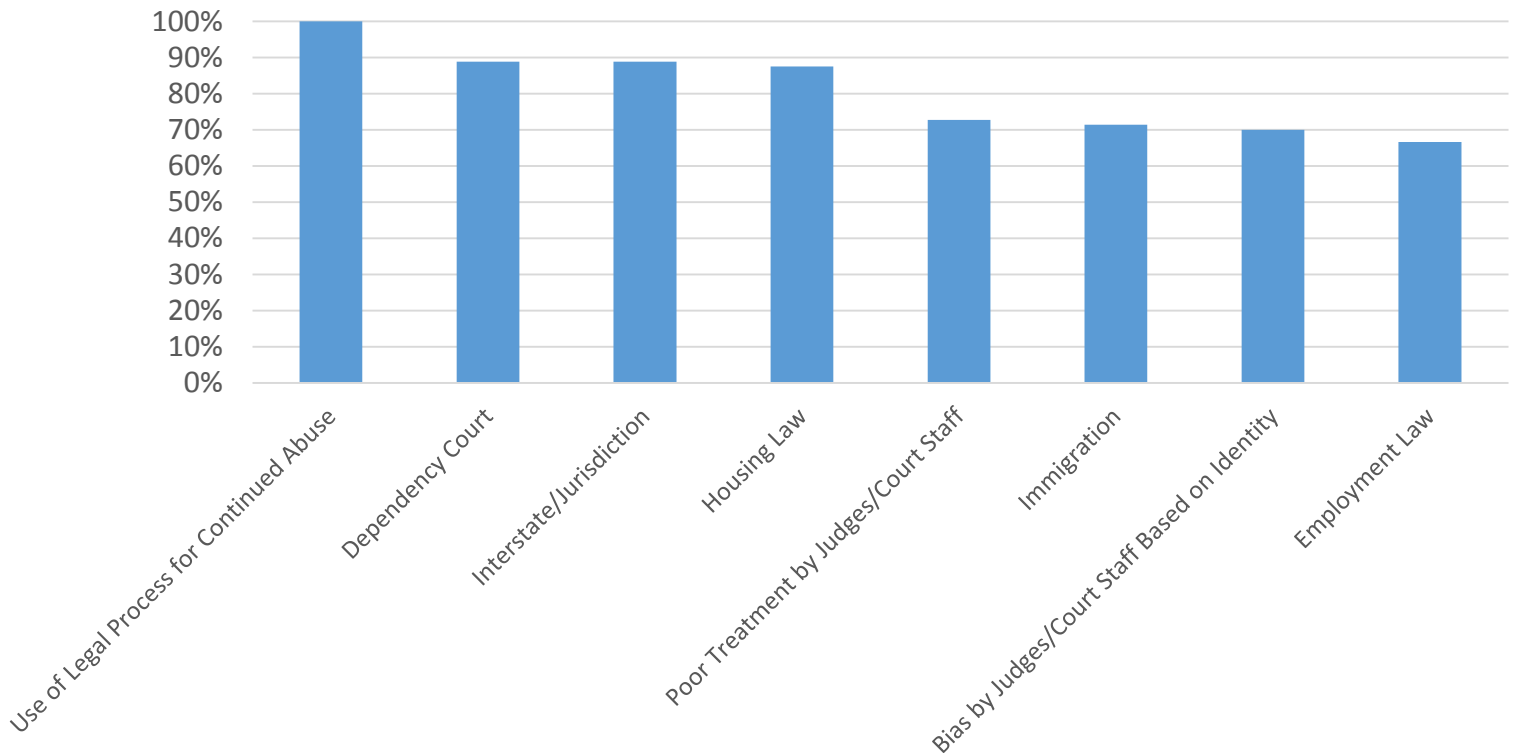
Financial Support: Percentage of Central Valley respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Examples of financial issues identified

- Financial issues in court were reported to be **less of a problem in the Central Valley than statewide**, most notably obtaining attorney fees orders, with 40% of respondents reporting problems, compared to 80% of statewide respondents.
- “Allowing abusers to take the only family vehicle even when custody awarded to survivor.”

Additional Problems: Percentage of Central Coast respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court



Examples of other issues identified

- “Ongoing Court proceedings for clients due to the other parties attempting to harass using the Courts to bring clients back into Court to continue to relive their past abuse.”
- “One judge will continue TROs for years at a time when the abuser’s immigration status is at risk. It’s incredibly unfair – As one victim told me, ‘why should I worry about him being deported, he was not worried about it when he was raping me!’”

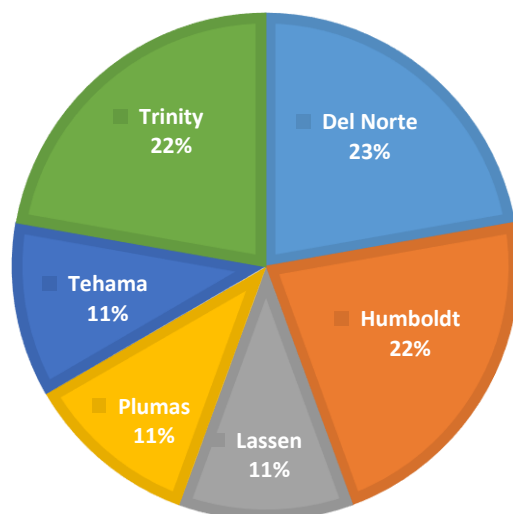
Number One Legal Problem for Domestic Violence Survivors in the Central Valley

- Central Valley respondents overwhelmingly identified **abusers’ use of the legal process to continue abuse** as the biggest problem facing DV survivors in their region.
 - Upon elaboration, the problem involves judicial officers who grant frequent and numerous continuances and continue temporary restraining orders for months or years — requiring multiple hearings — rather than enter a restraining order.
 - There were also concerns about a mediation system that **routinely requires parties with DV in their history to mediate together**.
 - Also identified as contributing to the problem is **a community culture that normalizes abuse** resulting in victim-blaming, silencing and stigmatizing victims of family violence.
- Another area of great concern was **improper visitation orders** that do not account for the safety of rural residents (e.g., evening exchanges where a victim can easily be followed), or fail to provide for supervised visitation.
- To a slightly lesser extent, **improper custody orders** and **mediator/evaluator problems** were identified as concerns in this region. Again, professional norms that “victim blame” were identified as a cause of these problems.

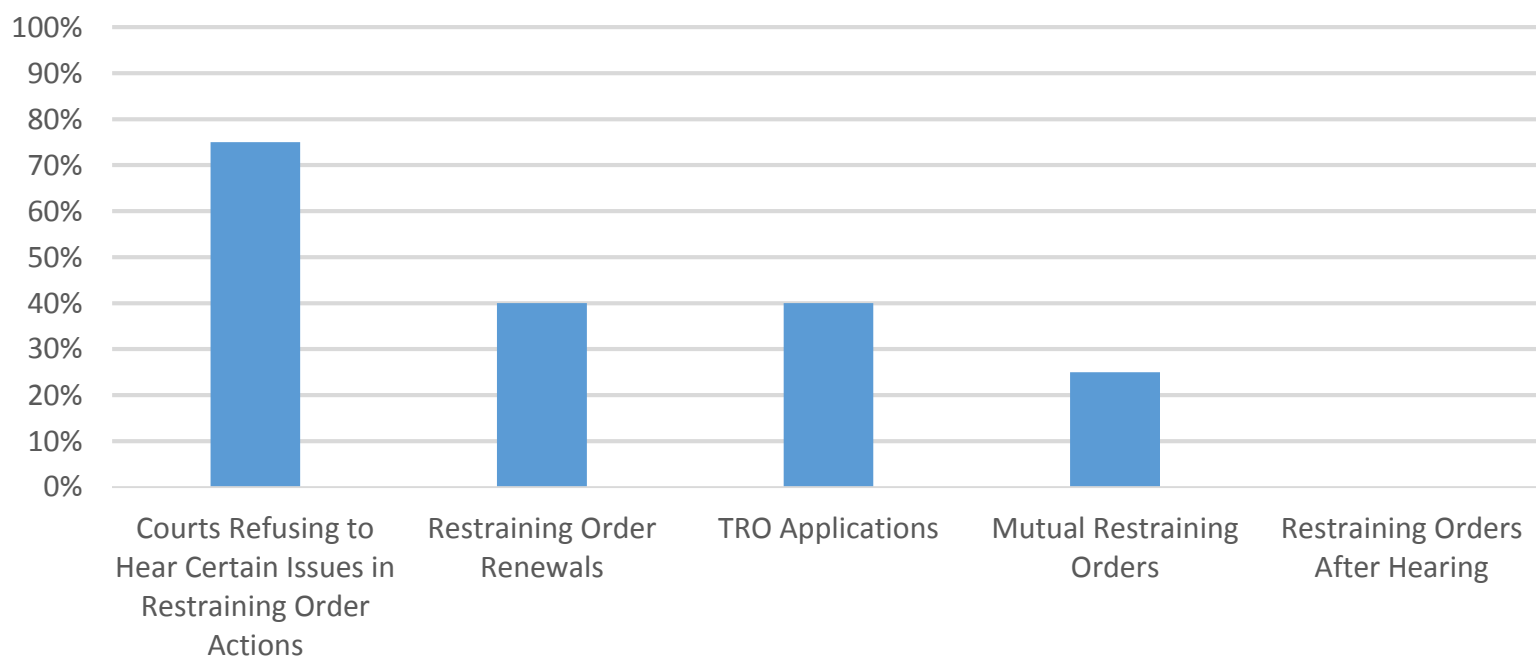
Far North Survey Results

Total Number of Responses: 8

Counties represented in survey



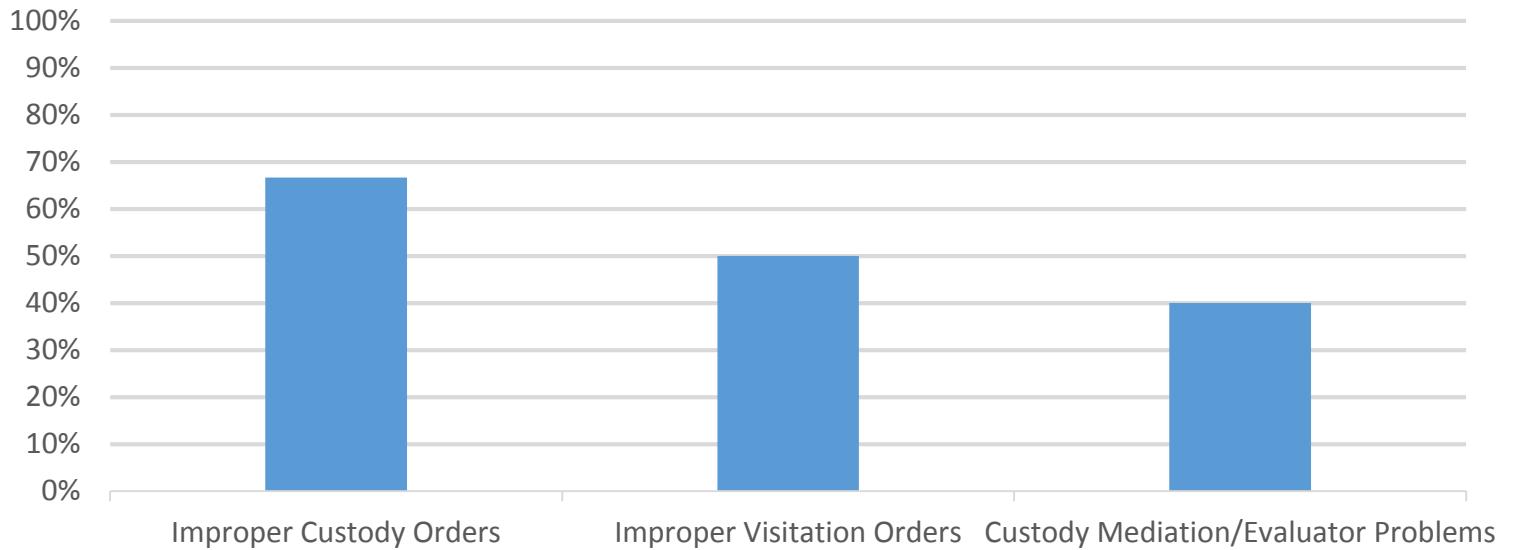
Restraining Orders: Percentage of Far North Region respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- Far North respondents mirrored statewide respondents in that **over 70% identified courts refusing to hear certain issues in restraining order actions as a problem**; surprisingly, respondents did not identify any other problems with obtaining Restraining Orders After Hearing.
- “There is **no consistency** on how we are to do our [temporary restraining orders] between the two judges”; “one [judge] accepts our [TROs] while another does not.”

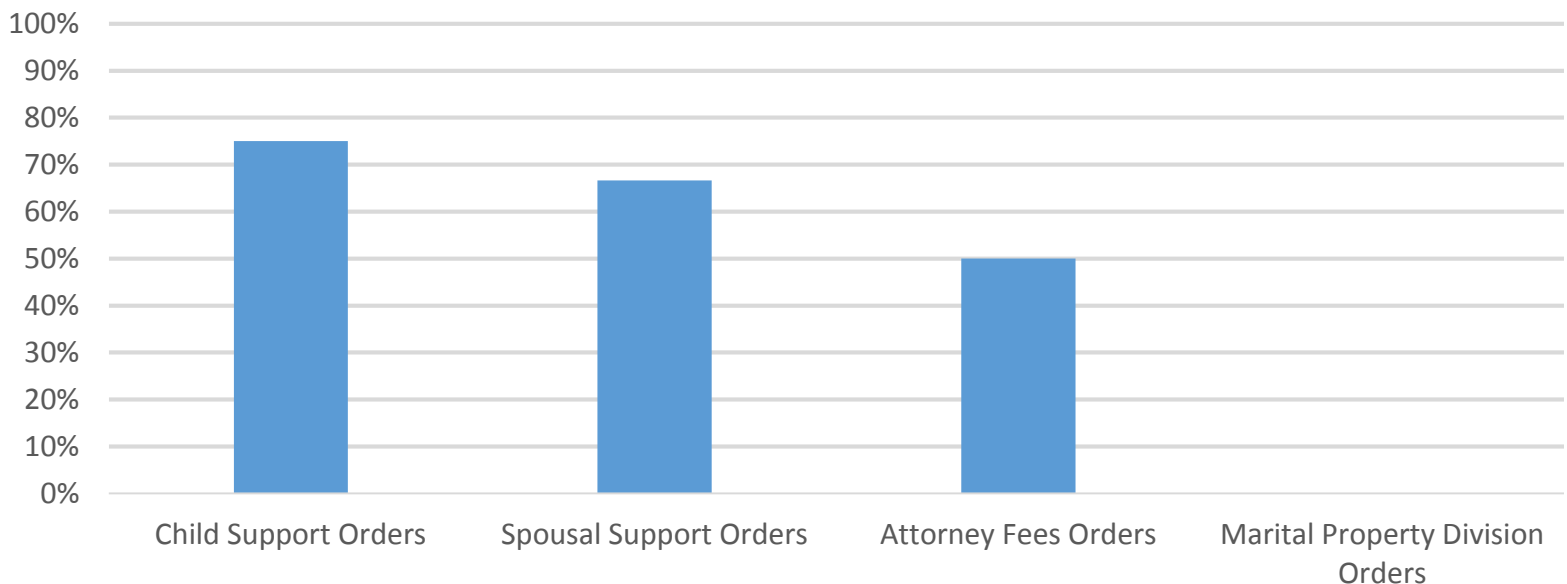
Custody & Visitation: Percentage of Far North Region respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Examples of custody/visitation issues identified

- Far North respondents reported fewer custody and visitation problems than the statewide average, though still **more than half said such issues were “a problem” or “somewhat a problem.”**
- One respondent identified “Politics between the two judges” as another issue in the Far North.

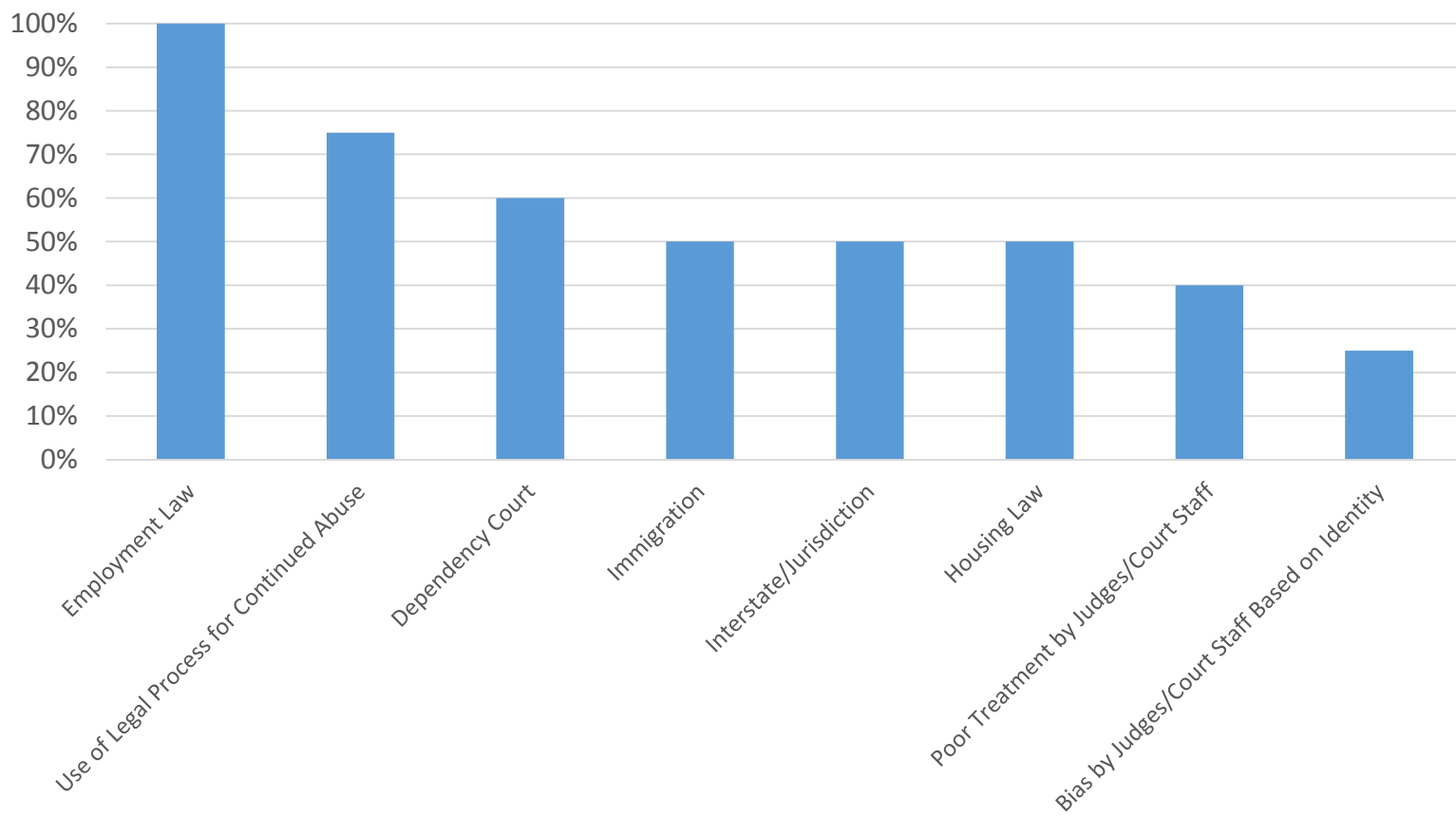
Financial Support: Percentage of Far North Region respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Examples of financial issues identified

- **Child support orders were reported to be the top financial concern in this region**, with attorney fees orders being somewhat less of a problem than statewide.
- “Judges refer petitioners to the Del Norte Child Support Services office.”

Additional Problems: Percentage of Far North respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court



Examples of other issues identified

- **Employment was the most common “other” issue identified by Far North respondents**, while that issue was identified as the least problematic statewide. Consistent with the rest of the state, **litigation abuse** was the second biggest problem.
- “We have dealt with abusive partners who have taken a client to court on numerous occasions with no merit to their reasoning. We have had to try and assure our client that it would be ok but are frustrated that the abuser seems to be able to make any accusations and our client has to prove that they are false. We have gone so far as having the [judge’s] decision re: custody appealed in the [T]hird [District] [C]ourt of [A]ppeal[]. It just seemed so clear that this was a tactic to retain control of the survivor and he was using the courts to do it for him.”

Number One Legal Problem for Domestic Violence Survivors in the Far North Region

- The most significant problem reported in this region was **employment law**, but it is not clear if this is related to discrimination against DV survivors, or the effects of domestic violence — including the need to attend court hearings — on employment.
- Another significant problem is **courts refusing to hear certain issues in DVPA actions**. Perhaps relatedly, there are reports of **problems getting proper child support and custody orders**.
- **Litigation abuse** was also reported as a significant concern, with the focus on abusers who are repeatedly able to force their victims to come to court.

Los Angeles County Survey Results

Total Number of Responses: 28

Includes Los Angeles County only

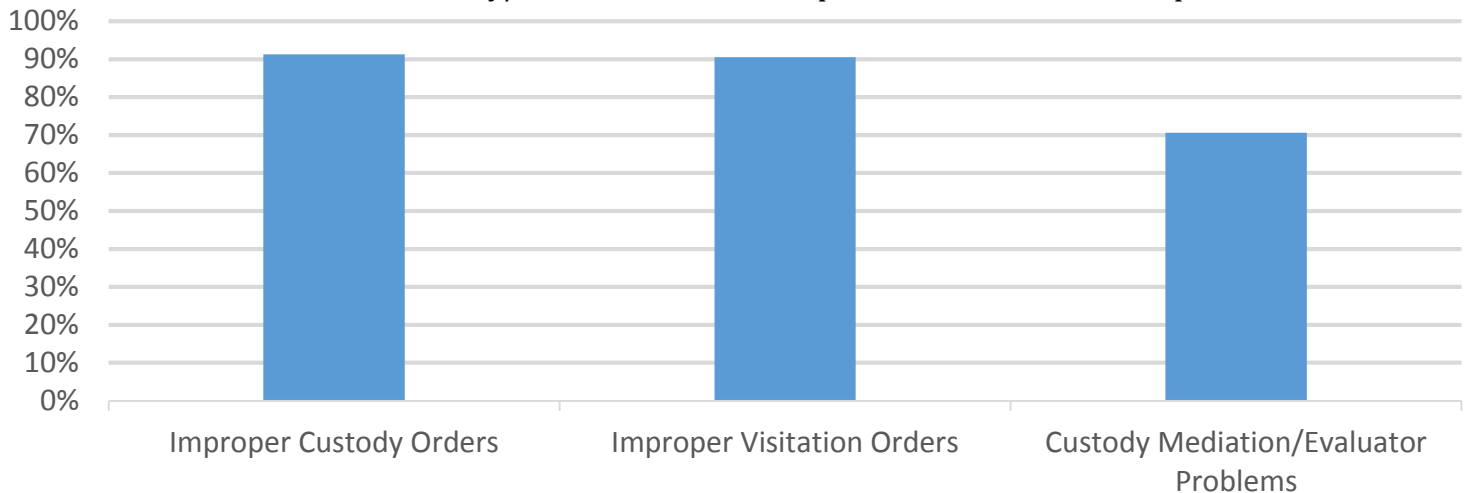
Restraining Orders: Percentage of Los Angeles County respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- Consistent with statewide results, **problems with Restraining Orders After Hearing and refusing to hear issues other than protecting the petitioner during such hearings** top the list in LA.
- “Court sometimes only apply restraining orders to **protect the victim and not the children.**”
- “Often times, **victims are . . . advised to drop [the temporary restraining order]** because a criminal protective order issued (thus placing victim in jeopardy should [the criminal protective order] be terminated).
- “Court did not want to take evidence on **financial abuse.**”
- “Courts usually **will not make any orders regarding property control or restraint or spousal support**, finding that that issue is more appropriate in a divorce case. I have not seen the orders made in the [restraining order] hearing.”
- “**Restraining orders being granted to perpetrators**, making them look innocent.”
- “**Restraining orders are rarely renewed** and I have never seen a permanent order from a renewal.”

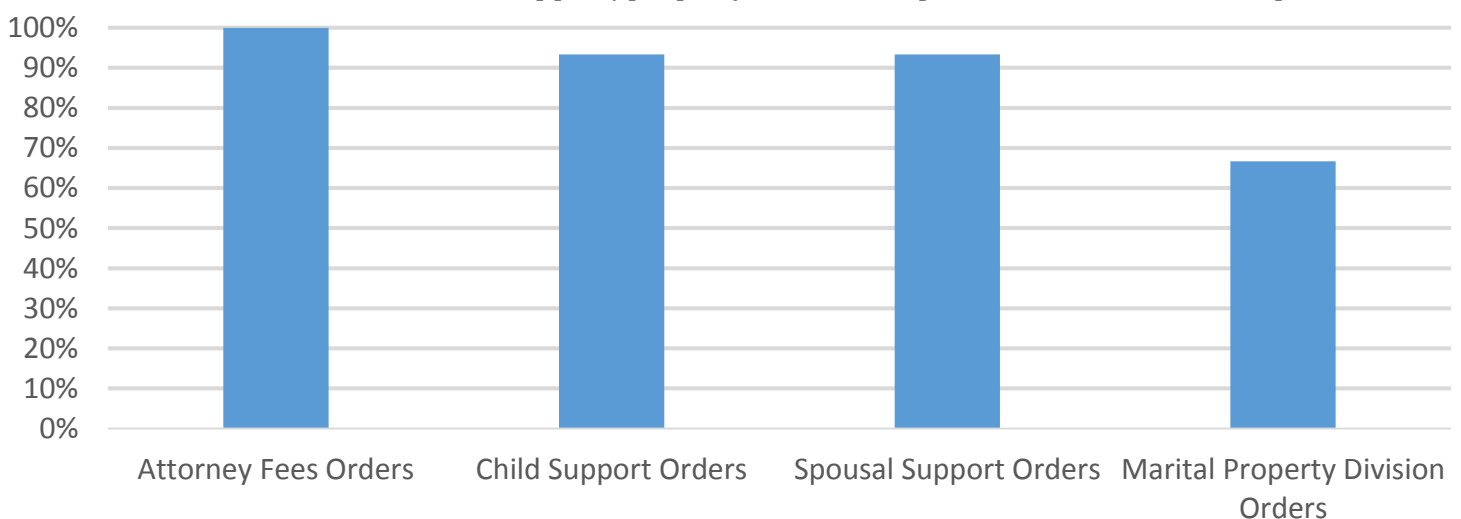
Custody & Visitation: Percentage of Los Angeles County respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Examples of custody/visitation issues identified

- **Over 90%** of LA respondents identified custody and visitation orders as a problem.
- “We are seeing an **increase in abusers getting custody** and spousal support from the victim.”
- “The standard ‘best interest of the child’ used too often by courts to mean that, no matter what, it is in the best interest of the child to have **visitation, sometimes without supervision, with abusive father**. And the opposite not looked at: that [it] may be in the best interest of the child to have no contact with father.”
- “When the custody is shared, sometimes the **abuser will use their children as an excuse to control/harass the victim**. There are numerous cases of improper visitation orders where **monitored visits are not put in place**.”
- “**Evaluators consider DV and then ignore it**.”; “I have often encountered cases where a **mediator has pushed a victim into agreeing** to certain orders by telling the victims that they will not prevail at trial and that the mediator knows that judge and knows the victim will lose their case.”

Financial Support: Percentage of Los Angeles County respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Examples of financial issues identified

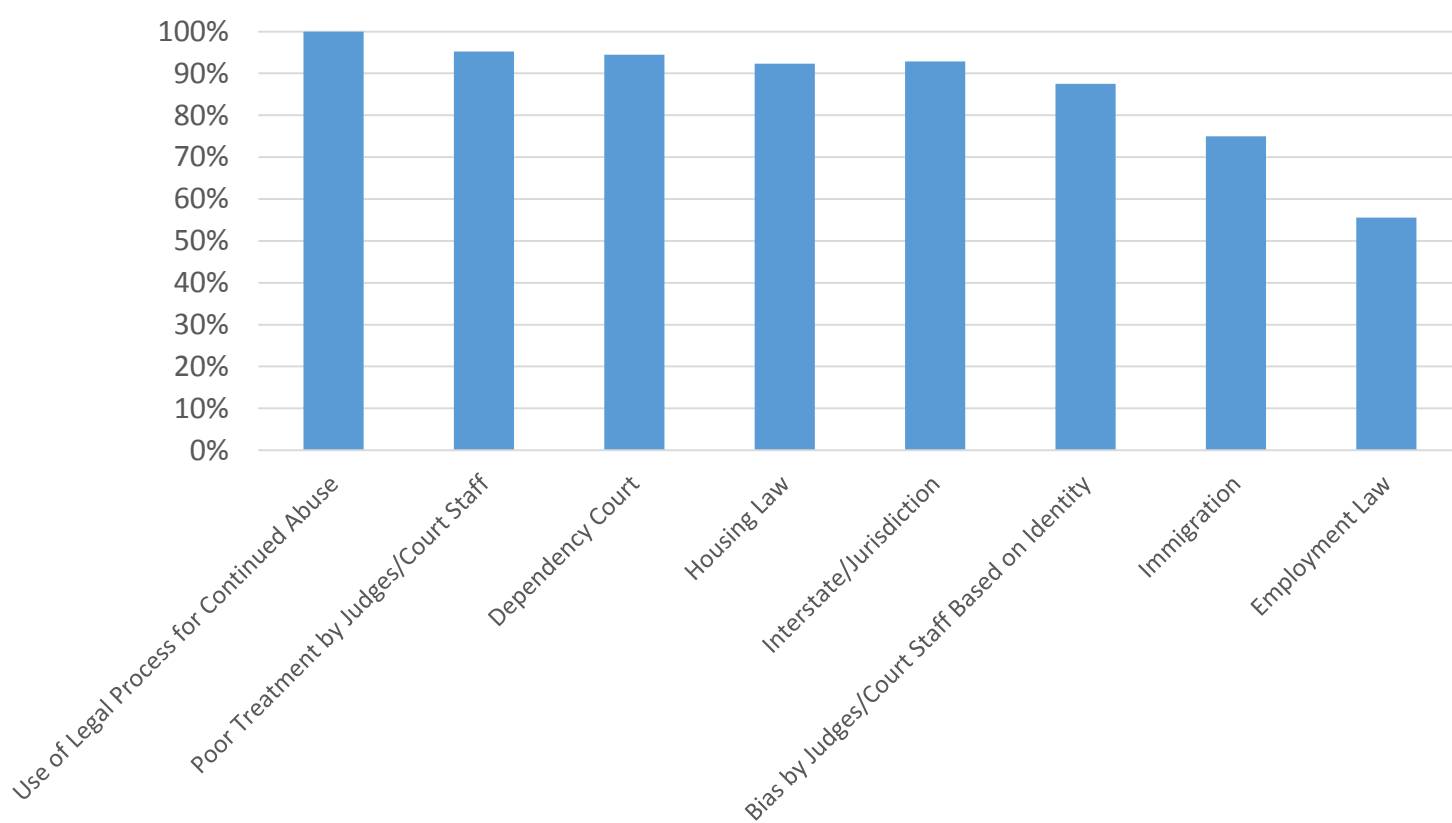
- “Courts in LA **hardly ever make any support orders** even when requested, however, it is the practice of most DV clinics to not even ask for support orders as it requires more forms to fill out and never enough time . . . we

Examples of financial issues identified, continued

... also **never ask for attorney fees** because takes ... resources to make request and **success of request is too low.**"

- "Los Angeles County requires CalWORKs recipients to travel to **one central courthouse** to have their child support cases heard. That means someone in the Antelope Valley seeking child support must travel some 70 miles—close to **four hours by bus**—in order to have their day in court. **This is a terrible burden for domestic violence survivors**, who are already facing so many obstacles."
- "I have yet to see an attorney ask for or receive **legal fees** in a DV case. **Our clients go broke trying to defend themselves against the constant legal attacks.**"

Additional Problems: Percentage of Los Angeles County respondents who reported the following other areas as "a problem" or "somewhat a problem" when DV survivors are in court



Examples of other issues identified

- **Litigation abuse** is the biggest "other" problem, followed by **poor treatment of DV survivors** by the court.
- "I have had several cases in which the opposing parties have filed multiple ex partes regularly based on only hearsay and inadmissible evidence. Client and I are **dragged into court over and over** again every month or every few weeks with no consequence to the batterer other than denial of the requests."
- "There are several judges who engage in **victim blaming** and who fail to see certain behaviors or actions of the victims for what they are, which is a result of the trauma they have suffered. This results in **judges sometimes berating survivors** for things that are a clear ... consequence of suffering abuse."
- "In dependency cases, [allegations of] **failure to protect** [children] is a common issue with my clients."
- "In the **Korean community**, there is **lack of awareness [of] employment and hous[ing] laws** surrounding DV survivors."

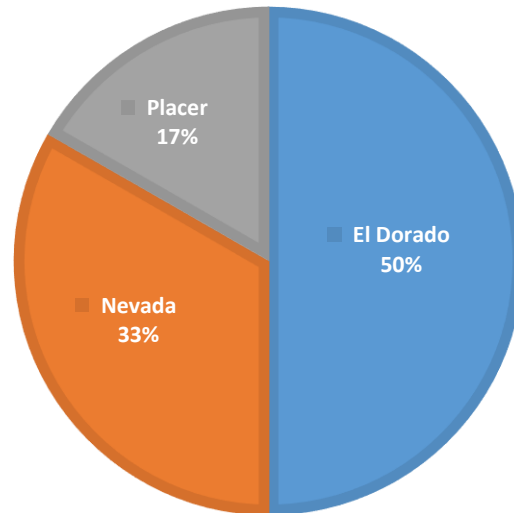
Number One Legal Problem for Domestic Violence Survivors in Los Angeles County

- Advocates and attorneys in the LA area report overwhelming issues with **obtaining property control/restraint, spousal support, child support, and attorney fees orders in restraining order hearings**. It is reported that most clinics will not even fill out this portion of the request on the restraining order forms, advising clients that it will only drag out their request for a protective order.
- An overwhelming number of responses indicate that **improper custody and visitation orders** are an issue in LA County. There was a pervasive theme of **courts and evaluators often ignoring DV**, and being biased toward a model where all parenting is shared equally, in violation of California's statutory and case law.
- All Los Angeles survey participants reported **litigation abuse** is a critical issue facing their clients, followed closely by issues at dependency court, poor treatment of survivors by judges and court staff, problems with housing law, and problems with interstate jurisdictional issues.

North Region Survey Results

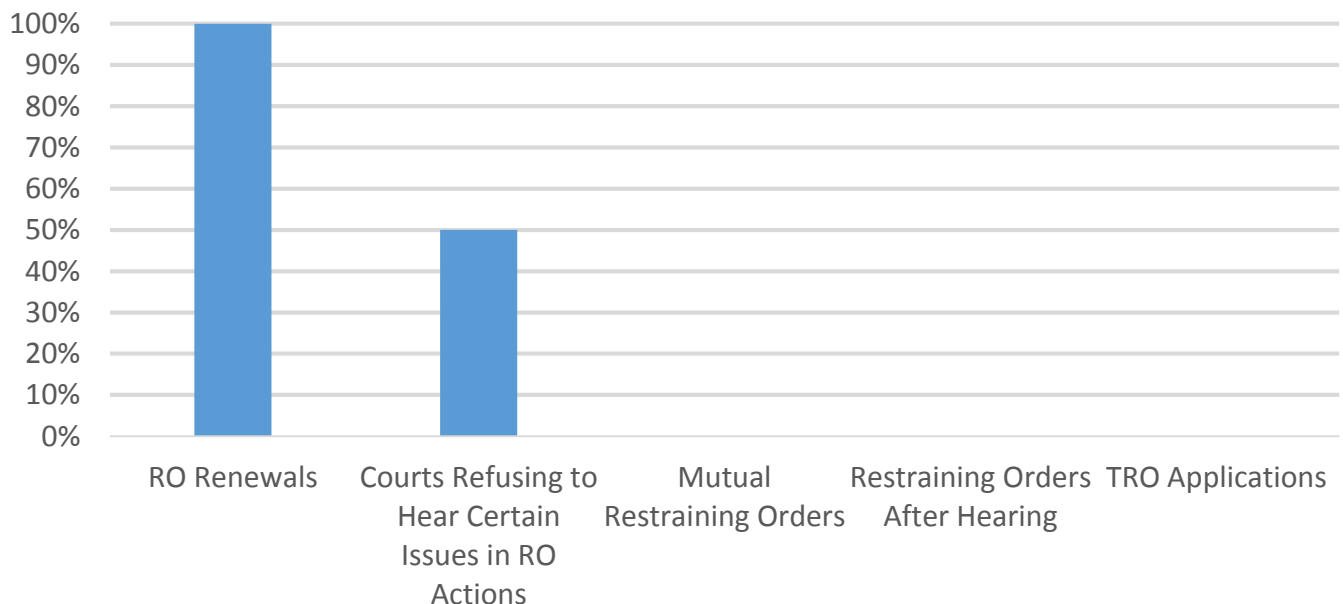
Total Number of Responses: 3

Counties represented in survey



*Some respondents submitted responses for more than one county.

Restraining Orders: Percentage of North Region respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- **Restraining order renewals** were reported to be the most common restraining order-related problem in this region.
- “[N]onphysical DV” has been an issue for clients to prove.”
- “Custody and Support require a motion to move forward even if requested on [a temporary restraining order].”

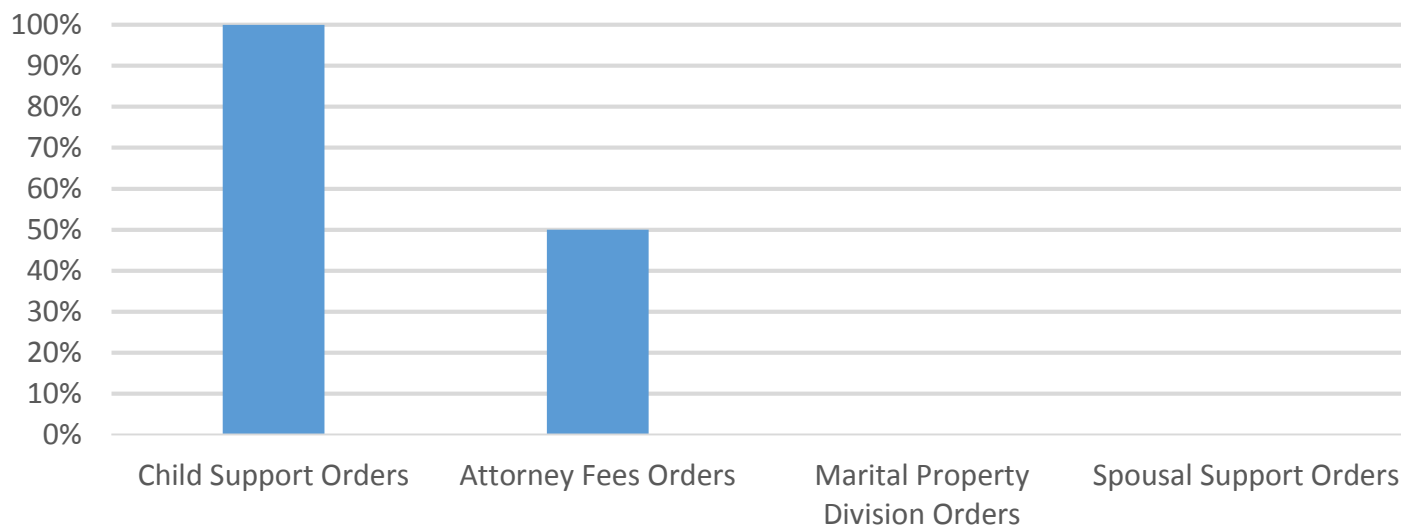
Custody & Visitation: Percentage of North Region respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Examples of custody/visitation issues identified

- **100%** of North Region respondents identified **problems with custody and visitation orders, as well as custody mediation and evaluation.**
- “We don’t see many issues with any of the above, but I do believe . . . some of our mediators are biased and should be evaluated to continue. **Each mediator seems to have their own rules** and [regulations,] some taking evidence, some requiring it to be through court, some not considering it at all... which then ripples into the custody and visitation rights of the abuser.”

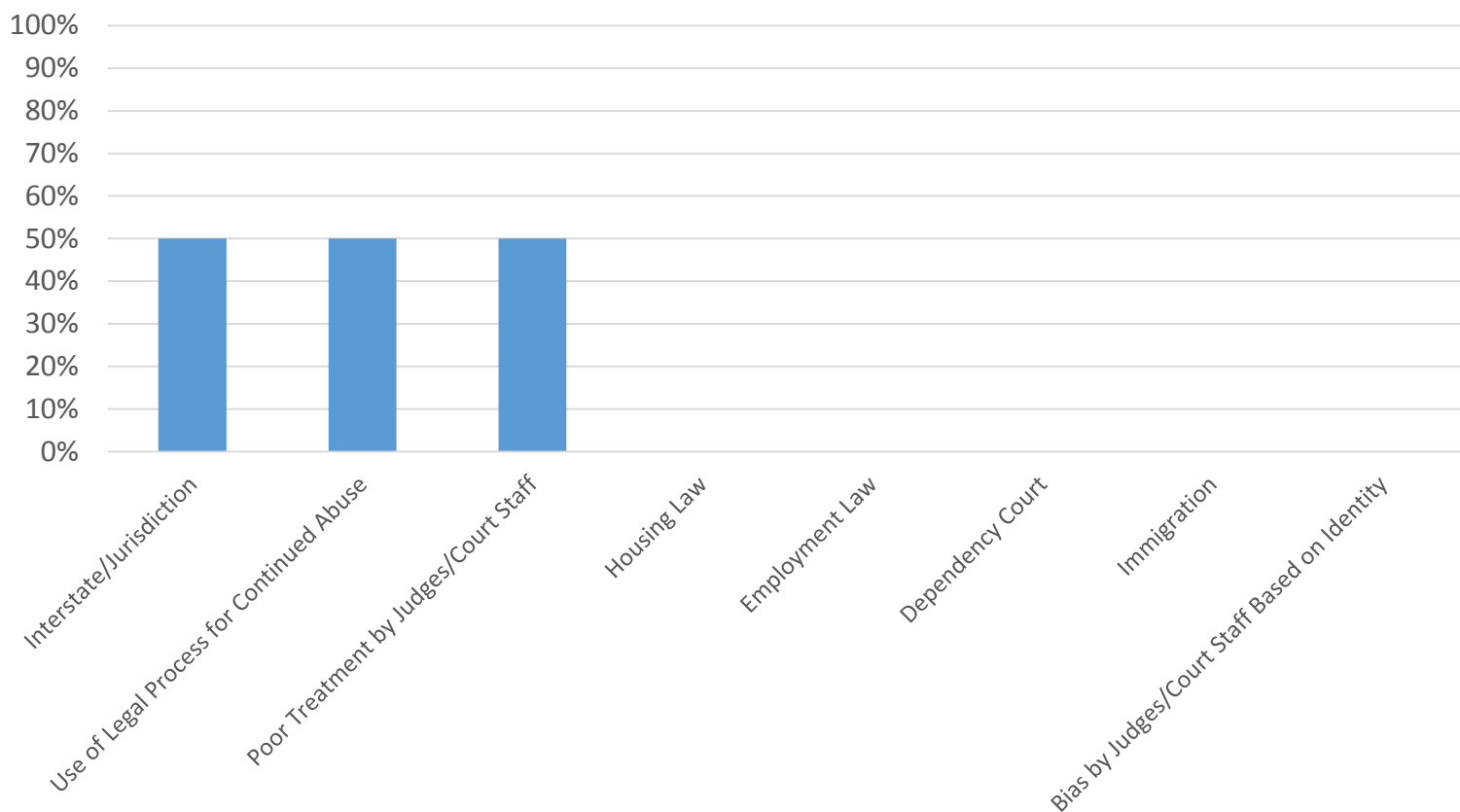
Financial Support: Percentage of North Region respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Examples of financial issues identified

- The most common issue reported was problems with **child support orders**, followed by **attorney fees orders.**
- “[O]ur clients must ask to get lawyers fees on the [temporary restraining order] as well as in person. There are times **our clients don’t have proper representation** and the respondent does.”

Additional Problems: Percentage of North Region respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court



Examples of other issues identified

- This region overall reported fewer “other” issues faced by DV survivors in civil courts, but the survey comments spotlighted several significant challenges regarding **identification of human trafficking victims, jurisdiction, and bias.**
- “[H]uman trafficking victims being represented as [victims of] human trafficking. [C]rimes are reported as pimping and pandering and not human trafficking, leaving our victims classified as prostitutes... not victims of human trafficking.”
- “[J]urisdiction seems to be an issue if the client has fled from far locations.”
- “I believe some mediators and some commissioners are **biased.**”

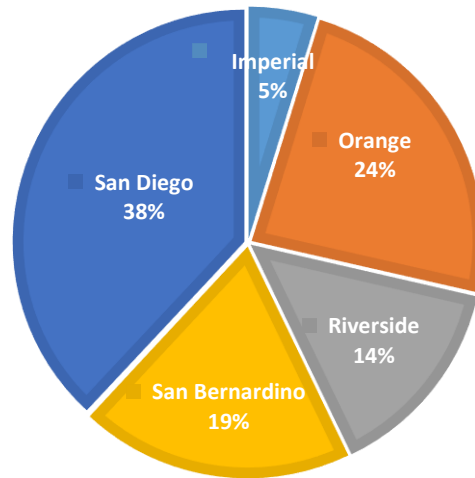
Number One Legal Problem for Domestic Violence Survivors in the North Region

- Reports from the North Region are that **courts fail to hear custody and support matters brought as part of a DVPA action unless the petitioner files a separate motion**, with **100%** of respondents identifying problems obtaining **child support orders.**
 - Even in those cases where custody and support matters are heard, **all survey participants said improper custody and visitation orders are problematic**, and all identified **problems with mediators and child custody evaluators.**
- There was also consensus in the North Regional that **obtaining a restraining order renewal is problematic.**

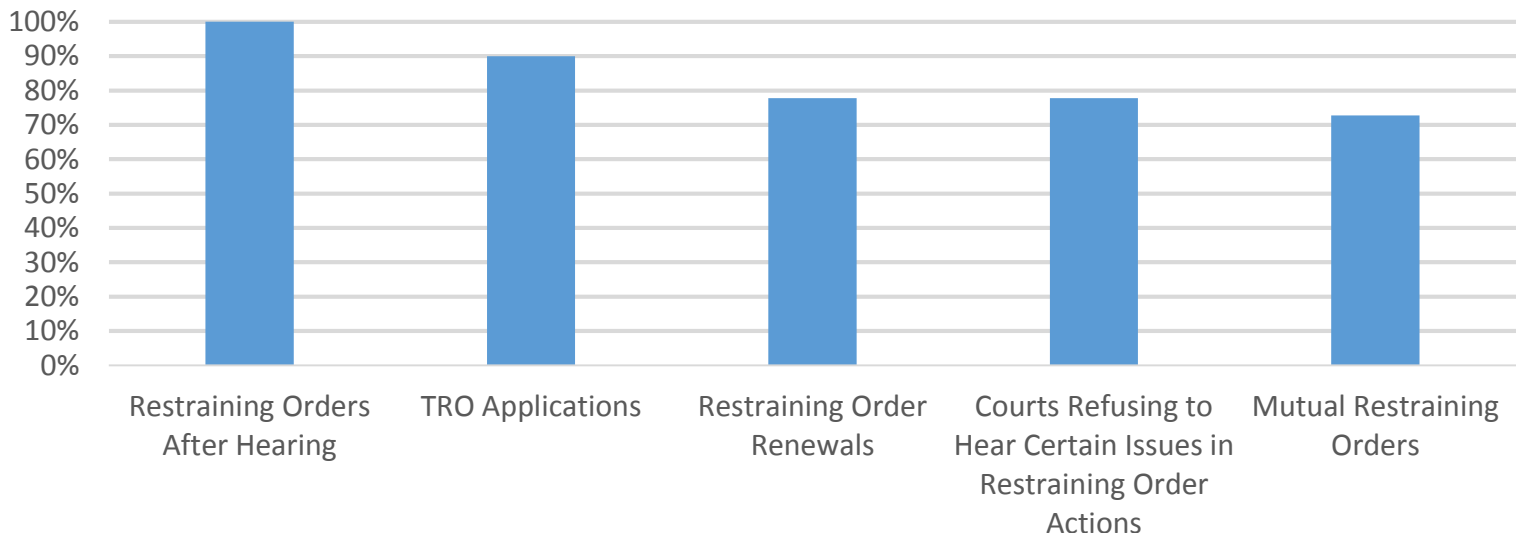
South Region Survey Results

Total Number of Responses: 15

Counties represented in survey



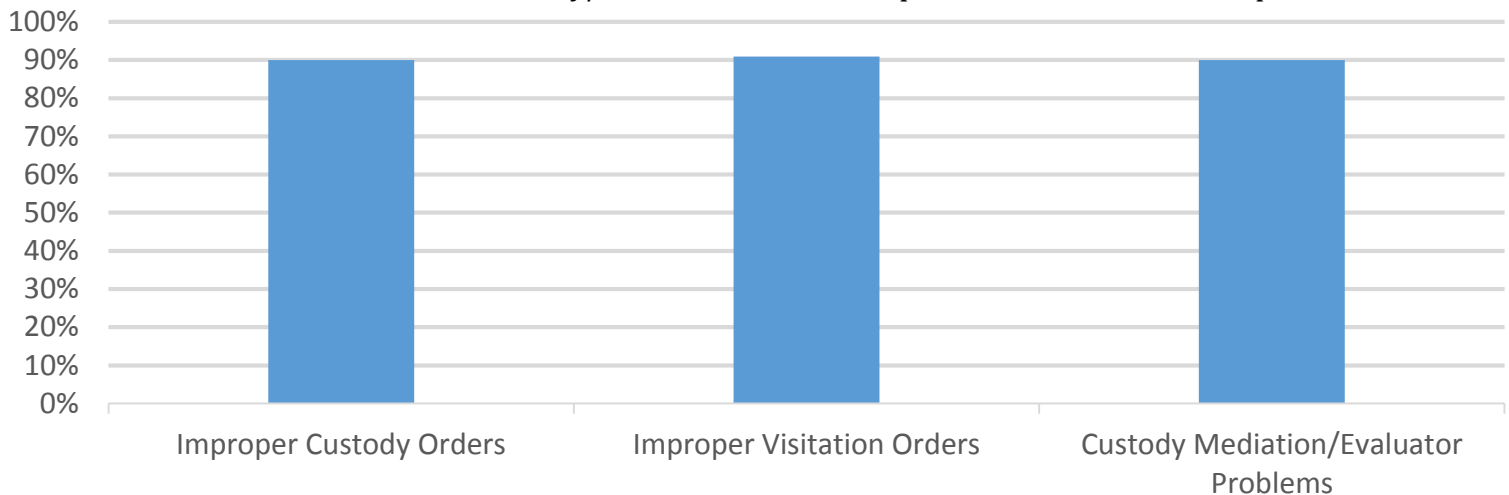
Restraining Orders: Percentage of South Region respondents who reported the following restraining order issues as “a problem” or “somewhat a problem”



Examples of restraining order issues identified

- The South Region reported **higher rates of problems with restraining orders** than the statewide average, in every category surveyed.
- “Court frequently denying [Restraining Orders After Hearing] for **lack of proof or victim testimony not sufficient proof.**”; “**Mutual Restraining Order file[d] from Perpetrator against victim** without any police reports or other documents vs Victim needing one to support her during her court hearing.”
- “The **continuance in the TRO** can become a problem because are extended for a period of up to 6 to 8 months.”
- “Strong preference [for] related **custody issues being filed in separate request. Not hearing support requests.**”; “[C]an affect Victim in other areas such as housing because of non financial or child support order to support family in difficult time.”

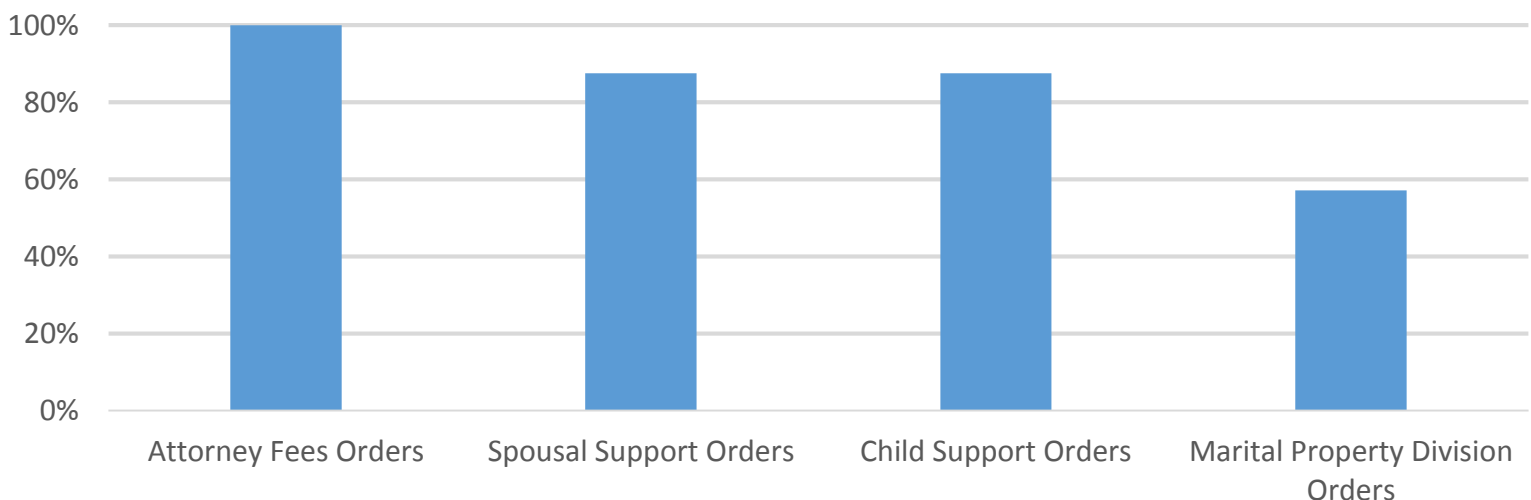
Custody & Visitation: Percentage of South Region respondents who reported the following custody/visitation issues as “a problem” or “somewhat a problem”



Examples of custody/visitation issues identified

- This region reported **problems with custody/visitation orders and custody mediation/evaluation** at or above the statewide averages, with **90%** of respondents reporting problems in each of these areas.
- “**Supervised visitation or supervised exchanges not used** as often as circumstances appear to justify.”; “Improper visitation orders can be . . . a **safety concern** to family and opportunity for perp[e]trator to find information about whereabouts[s] through children or attempt to follow.”
- “**Custody orders made without** having heard both parties in a family court case and **reviewing case regarding safety of children and victim.**”
- “My clients don't feel the mediators understand DV, especially my clients in their 20's. They don't understand why the **mediators don't want to hear what they and the kids have been subjected to.** When I have a client with **emotional abuse the court system makes it hard** for the client to explain their stories.”

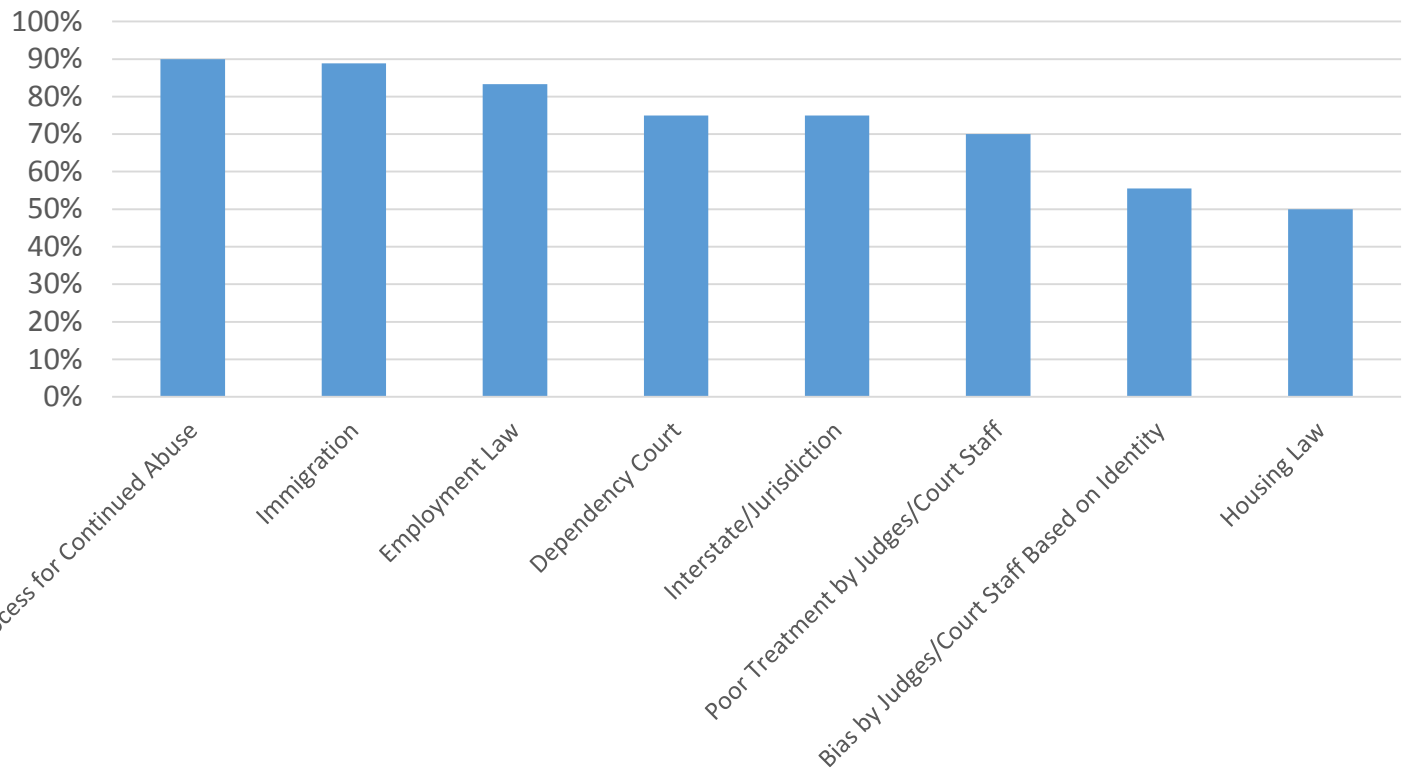
Financial Support: Percentage of South Region respondents who reported the following financial support/property issues as “a problem” or “somewhat a problem”



Examples of financial issues identified

- **All** respondents reported problems with obtaining **attorney fees orders**, including such comments as: “Attorneys fees are never ordered up front.”; “Attorney fees in my experience have never been available . . .”
- “**Spousal Support orders . . . can take over 6 to 12 months** to have a court order the support for the family that include child support as well.”; “**Child support is dealt with inconsistently** (sometimes at hearing, sometimes sent to self help or [Department of Child Support Services]).”

Additional Problems: Percentage of South Region respondents who reported the following other areas as “a problem” or “somewhat a problem” when DV survivors are in court



Examples of other issues identified

- Consistent with the rest of the state, **litigation abuse** is the biggest “other” problem in the South Region, which also experiences higher-than-average problems with **immigration and employment law** issues.
- “**Consider dependent immigration status when determining custody orders** – parent has no option but to choose between remaining in the US after a divorce without status or going back to their country and effectively giving up custody/visitation with child.”
- “**Immigration Matters are . . . a concern** and in my experience I have seen police departments that refuse to sign the U visa for families that experience DV.”
- “**Housing laws** for example the move out orders can be lengthy and are of a **safety concern for families.**”
- “**Lack of bilingual services** and other language forms can be a barrier for many families . . .”

Number One Legal Problem for Domestic Violence Survivors in the South Region

- Reports from the Southern Region overwhelmingly identify problems in **obtaining Restraining Orders After Hearing**.
 - The major problems identified include multiple continuances before making orders; improper custody and visitation orders; problematic mediation and evaluation processes; and courts refusing to hear or make timely rulings on child and spousal support requests.
- Equally significant problems were reported with **obtaining attorneys’ fees orders**.
- Southern Region survey results also show problems with **litigation abuse** and **immigration-related legal issues**.

Conclusion & Use of This Report

Family Violence Appellate Project conducted this survey for two main reasons: To understand the legal challenges faced by domestic violence survivors in California's civil court system, so we can try to address and ultimately solve those problems; and to provide information to DV service providers who work tirelessly each day so they can use this information to enhance the safety and well-being of their clients and their families. We encourage DV service providers and advocates, and legal aid service providers, in California and elsewhere, to use this report by:

1. **Discussing** your region's findings with other DV advocates, legal aid providers, court personnel, and judges in your region, to raise awareness and spark a dialogue about how to improve local court practices and outcomes to protect domestic violence survivors and their children;
2. **Learning** about challenges faced by DV survivors in other regions and on a statewide level, to increase your awareness of challenges your own clients may be facing;
3. **Reaching out** to service providers in regions where certain problems seem to be better addressed to learn about solutions that have worked in other parts of the state;
4. **Informing** Family Violence Appellate Project of any cases that exemplify the issues identified in this report, or any other relevant issues; and
5. **Contacting** Family Violence Appellate Project for legal help with an appeal, as well as free training, technical assistance, and written informational materials on civil legal issues affecting domestic violence survivors and their children.

Please let us know how this report is helpful in your work. We sincerely hope it is useful in moving us all toward a future without domestic violence.

Contact information

For information about this report and survey results, or to submit relevant information about a matter discussed here, contact Family Violence Appellate Project at:

1814 Franklin Street
Suite 805
Oakland CA, 94612
info@fvaplaw.org
(510) 858-7358

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