

## CIVIL LEGAL AID HELPS PREVENT DOMESTIC VIOLENCE

### THE NEED

Nearly one in four American women have experienced domestic violence. On average, more than three women are murdered by their intimate partners in the United States every day. More than 15 million children in the United States live in families where partner violence has occurred, and seven million children live in families where severe partner violence has occurred. These acts of violence compromise public safety, restrict the U.S. economy, and destroy American lives.

In California, about 2,800 adults and children receive non-residential domestic violence services on a daily basis. But more than 1,000 requests for services go unmet every day, usually as a result of inadequate funding.

### LEGAL AID HELPS

- **Prevent future violence** by obtaining, renewing and enforcing protective orders in court, providing resources to law enforcement and making perpetrators accountable through legal remedies, including incarceration.
- **Secure or modify child custody orders** so that a mother and her children can legally and safely leave the batterer.
- **Counsel victims about safety** and other legal concerns.
- **Provide holistic legal services to break the links between victim and abuser**, such as in matters related to separation and divorce proceedings, employment, immigration status, and financial and housing problems.
- **Ensure that immigrant victims come forward and report crimes** by seeking immigration relief such as U-visas or T-visas, specially designed visas for victims of crime such as domestic violence and trafficking.
- **Strengthen and stabilize families** by mitigating needs for medical and mental health services, special education and counseling for affected children, and reduced workplace absences.

“Research tells us that **effective legal representation** is the **single most important factor** in whether victims are able to escape this domestic violence cycle.

Yet, studies estimate that less than 1 in 5 low-income victims of domestic violence ever get to see a lawyer.”

~Vice President Joe Biden

## CALIFORNIA LEGAL AID RESPONDS

Thousands of domestic violence victims in California receive life-saving help from legal aid lawyers every year. For example:

- **Bay Area Legal Aid** works in a collaborative network of providers of assistance to crime victims to provide **comprehensive services to victims of human trafficking**. They provide direct legal assistance and are building regional infrastructure to serve the target population. Bay Area Legal Aid also provides services through its Domestic Violence Prevention Project including **restraining orders, custody orders, and VAWA enforcement**.
- **California Indian Legal Services**, in partnership with the Strong Hearted Native Women’s Coalition, provides **holistic, comprehensive, and culturally appropriate advocacy and legal assistance to victims of domestic violence**, sexual assault, dating violence and stalking in San Diego County. Their services range from **crisis intervention** assistance to restraining orders.
- **The Los Angeles County Bar Association Domestic Violence Project** assists **pro per litigants** prepare the **complicated and lengthy legal documents** required in order to file for temporary restraining orders

### Legal Aid finds safety for family

Mae and her three children were living in Section-8 housing when her estranged husband began stalking and threatening them. Mae tried to get a restraining order against her husband but was unsuccessful because she had been unable to locate him to serve him the order. Mae

contacted Bay Area Legal Aid for help. BayLegal worked with the Housing Authority to facilitate a housing transfer. They also provided Mae with a family law advocate, who helped her obtain a 3-year restraining order and a divorce from her abuser. Thanks to BayLegal’s advocates, Mae and her children are now safe from their abuser and are beginning a new life.

## CIVIL LEGAL AID HELPS PREVENT ELDER ABUSE

### THE NEED

A hidden epidemic in America threatens far too many of the nation's seniors: elder abuse affects approximately 10% of people age 60 and older, and close to 50% of people with dementia. Victimized by strangers and those on whom they depend, elder abuse leads to premature deaths and increased hospitalizations and it depletes resources and burdens our health care, financial, and judicial systems.

California leads the nation, seeing an estimated 11% of all elder abuse cases. Adult Protective Services in California in 2014 received around 12,000 reports of elder abuse per month. This figure has steadily increased in recent years, and is likely far outpaced by the number of unreported cases of abuse.

### LEGAL AID HELPS

- **Protect physical safety by doing a holistic intake of elders** and providing legal help to break an abuser's control over the victim with protective orders and guardianship proceedings.
- **Advise and coordinate with other agencies and service providers that respond to elder abuse**, including law enforcement agencies, adult protective services, long-term care ombudsmen, financial service providers, and victim service providers.
- **Provide legal advice for collateral problems flowing from elder abuse**, including income security, health care, mental health, safety, long-term care, nutrition, housing, and utilities.
- **Secure government benefits such as Medicaid and veterans' benefits**, by explaining eligibility requirements, properly documenting applications, and appealing erroneous denials.



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“Survivors of elder abuse, neglect, and exploitation *need access to civil legal services* to secure safe housing, health and medical resources and other basic needs to help them regain a life of dignity in older age.”

~Kathy Greenlee, Assistant Secretary for Aging  
Administration of the Administration for Community Living  
U.S. Department of Health & Human Services

## CALIFORNIA LEGAL AID RESPONDS

With numerous legal aid organizations focusing exclusively on serving seniors and many others with robust senior programs, numerous legal aid attorneys in California are fighting elder abuse. For example:

- **Legal Assistance for Seniors** works closely with Adult Protective Services, the District Attorney’s Office, the courts, and law enforcement to assist Alameda County residents who are victims of physical, emotional or financial elder abuse. They provide an array of direct legal services to victims and offer an extensive program of community education presentations on topics related to elder abuse. Our services help elder abuse victims to live free from the trauma, mental anguish and financial devastation wrought by abusers.
- **The Legal Aid Society of Orange County’s** Senior Citizens Legal Advocacy Program provides free, courteous, high-quality legal services to Orange County seniors experiencing elder abuse and many related legal issues. At bi-weekly clinics, volunteer attorneys help individuals with paperwork to request elder abuse restraining orders.

### Lawyer protects grandmother & granddaughter from their abuser

When a 63 year old Atwater woman was being abused by her daughter, she called the police for help. The police came to her home but told her there was nothing they could do without a court order. An attorney

from Central California Legal Services obtained an elder abuse restraining order, protecting both the woman and her granddaughter over whom she had custody. The order required the abusive daughter to move out of the home, protecting the woman from any further abuse.



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## CIVIL LEGAL AID HELPS PROTECT CONSUMERS

### THE NEED

Each year, approximately 25 million adults are victims of consumer fraud. Victims include the poor, the elderly, and other vulnerable populations. In the worst cases, fraud can lead to homelessness and bankruptcy.

Using someone else's personal information to fraudulently obtain goods or services was the number one complaint to the Federal Trade Commission's (FTC) Consumer Sentinel database, and the third most common credit card complaint made to the Consumer Financial Protection Bureau (CFPB). There are 16.6 million new victims annually, with devastating consequences, including tax problems, lowered credit ratings, lawsuits, and garnishment.

### LEGAL AID HELPS

- **Assert consumer rights** when businesses, lenders, or debt collectors have not followed the law.
- **Prevent unnecessary foreclosure or repossession** by defending or asserting claims against brokers and lenders who violate laws, negotiating loan modifications to reduce debt and interest rates, and representing victims in civil proceedings.
- **Correct harm caused by identity theft or credit reporting errors** by providing forms and letters to fix credit discrepancies and by aiding victims to report theft to the proper federal and local authorities.
- **Report complaints** about financial and other consumer harms to appropriate government entities.
- **Create awareness through outreach** by educating consumers about federal and state laws and how to spot and avoid abusive tactics.
- **Provide debt collection information** on their websites, linking to free legal hotlines for individuals to ask questions about their rights.
- **Identify predatory loans** so that consumers can avoid improper or illegal lending terms and practices.



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“We know that **legal aid attorneys** serve as first responders when it comes to **ensuring financial security** of American families.”

~Richard Cordray  
Director, Consumer Financial Protection Bureau

## CALIFORNIA LEGAL AID RESPONDS

Legal services organizations in California address a wide array of consumer legal issues, including protection from fraud and remedying identity theft. For example:

- **The California Consumer Justice Coalition**, a partnership between five legal aid organizations, provides legal services and housing counseling to Southern Californians facing foreclosure and other consumer debt issues, many of who are victims of scams that could cost them their savings and their homes. They have even built a website that helps people understand their legal issues and provides practical tips and resources.
- **Central California Legal Services’** Consumer Team works to preserve, protect and enhance the income and assets of their client community and protects them against fraud and unfair business practices. In addition to an array of legal services, they provide in-language telecommunications education and assistance with disputes to consumers who are limited English proficient.

### Legal aid stops unfair mortgage lending to Spanish-speaking borrowers

Several Spanish-speaking individuals were lured by unscrupulous mortgage brokers into predatory and unfair loans. The Law Foundation of Silicon Valley stepped in to

represent 12 of those individuals in a suit against the fraudulent lender. The legal aid lawyers obtained a settlement with one lender and a monetary settlement and injunctive relief from a broker, righting the wrongs done against their clients and protecting future victims from fraud.



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