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Evaluation of the Efficacy of Legal Advocacy of the Gwinnett County Domestic Violence Program

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Abstract:

This study examines the effectiveness of a legal advocacy program of the Gwinnett County Domestic Violence program. The legal advocacy program assists the victims to resolve their legal issues. This evaluation focuses on Temporary Protective Orders in the form of Child Custody, Restraining Orders and Possession of Property. The program setting is Gwinnett County, a residential facility that houses 32 women and their children. The sample consists of women who entered the shelter between July 2000 and July 2001. A secondary data analysis was used to collect data, as well as interviews with the legal advocate and the shelter director. Data was collected in the winter and spring of 2002 at the agency where it is maintained manually in the form of written files and records. Descriptive statistics were used to analyze the data, along with graphs and a Program Logic Model for a fine interpretation of results. The findings of this study revealed that most cases were resolved eventually. However, some cases were not resolved indicating the existence of barriers between system of legal advocacy.

Keywords: Domestic violence, legal advocacy, violence against women, domestic violence program and domestic violence interventions

1. Background of the Study

The United States legal system continues to grapple with issues surrounding domestic violence through passing of laws and policies designed to increase awareness of intervention through legal advocacy. The purpose of this evaluation was to examine the effectiveness of legal advocacy in mediating the legal issues of women in domestic violence settings. As the social work profession enters the new millennium, it has to deal with a dramatically changing practice environment characterized by technological advancements and the demands of managed care. The new era has created heightened demands for accountability and an increased practice-relevant knowledge base.

In this era, only the most efficient social service delivery programs that can verify that they provide useful, and competent services will prevail. "Evaluation provides the basic tools to engage in the quality improvement process" (Grinnell, 2001). Very little is known about the efficacy of legal advocacy programs. My organizations have been calling for more legal advocacy to help women involved in domestic violence in their interactions with police and courts (Hart, 1993). According to Edleson and Tolman (1992), new domestic violence protocols include an advocacy component for the battered women but there is little information about how advocacy can be provided most effectively. The lack of information is due in part to the lack of published literature that includes survivors' views on legal advocacy (Hart, 1995). As explained by Anastas and Clark (2012), in 1977, The Partnership against Domestic Violence was officially established. The mission of the agency is to support women and their families in their efforts to live violence free. Babbie (2012) avers that mission is implemented through intervention, prevention and educational services for families and the community. The Partnership against Domestic Violence began in 1975, as an all-volunteer agency called the Council on Battered Women. The Partnership has evolved to include several programs: legal advocacy, a parent child program, community awareness education and prevention. The legal advocacy component is designed to help clients secure petitions seeking relief from domestic violence. Bandura and Locke (2003) explain that these petitions are Temporary Protective Orders (TPO) which are issued by court judges. To obtain a TPO an act of family violence must have occurred within the past two weeks of an act of battery, aggravated assault, stalking or criminal damage to property. The woman must have been in a relationship with the abuser as a husband, boyfriend, girlfriend or companion (Baker & Norris, 2003).

1.1. Statement of the Problem

According to Black, Weisz, and Bennett (2010) knowing the efficacy of legal advocacy can positively impact the victims of domestic violence. Victims of domestic violence seeking to escape their abusers and to safeguard themselves against recurring violence, are often uninformed about legal resources available to facilitate a cessation of the violence and to enable them to achieve protected, independent lives (Button & Payne, 2009). Increased legal intervention is significant if escalating of domestic violence cases into more serious incidents will be curbed, as evidenced by empirical research in the 1970s. The experts have emphasized that prevention through legal advocacy is the foundation for long term solutions.

Some women have actually failed to follow through in pressing charges while some dropped charges at the trial due to frustrations with the system (Parnas, 1971).

Cheek (2007) argues that for decades, failure to acknowledge performance failures persisted until late 1970s, when substantial structural and operational changes started taking place. This was as a result of an almost unprecedented wave of statutory sought to alter official reaction to domestic violence this is also further backed by Code (2000). This was accomplished by enacting legislation designed to modify official behavior. Pressure from feminist groups, concerned legislators, and professionals in the criminal justice system, has remarkably changed the underlying legal philosophy toward domestic violence (Buzawa&Buzawa, 1996).

Cohen (1988) observed that most women who seek TPOs report feeling frightened and nervous especially the first time they appeared in court. In a study carried out in both Dorchester and Quincy Massachusetts in 1992, 65% of the women felt they had reason to be afraid to file a restraining order. They stated that they were afraid of the repercussions, which could be severe (Ptacek, 1999). For domestic violence victims, support in navigating the complex and intimidating legal system can boost their morale (but also that the TPOs are consistently enforced and legal issues are resolved in most cases) (Colarossi, 2005).

According to Danis and Lockhart (2003) the procedure for securing TPOs is complex and expensive (i.e., retaining an attorney filing fees, qualifying for legal aid, filing petitions and court hearings). Apart from access to courts being constrained, outcomes may be deficient without the benefit of advocacy. According to Evans (2001) most victims of domestic violence are not ready for these ordeals. Battered women are implicitly expected to understand the legal system in order to access the help they need. Most of them end up abandoning the whole process on realizing what it involves.

Golden (1994) observed that in Dorchester and Quincy study, some women reported having been petrified by the intimidation of the institution itself considering that it often opts for experts. Furthermore, prosecution, court and legal services staff have not been able to meet the demand of victims of domestic violence for legal intervention to end the violence. Kanuha (1998) explains that the demand had increased over the years and has far outstripped resources. When women have access to legal advocacy services, their abusers are likely to be found guilty (Weisz, 1999).

1.2. Rationale of the Study

Knowledge about the efficacy of legal advocacy for domestic violence victims will allow social workers and other helping professionals to better serve this population. Specifically, studies like this can help ensure that the women are getting the legal services that they need. In addition, findings derived from this study can inform the body of literature in this field, as well as be used to inform improvement and increase self-determination for victims of domestic violence.

According to Finn (1990), legal advocates have a better understanding of domestic violence issues and battered women, greater ability to communicate with victims, a greater tendency to take the violence seriously, and more knowledge of the law than attorneys who handle only one or two cases a year (Payne, 2008). Advocates perform the critical functions of representing a victim. The paralegals in the judicial system represent the state, and hold a neutral function of informing the victims of the progress of their case and explaining the roles the victim play (Payne and Triplett, 2009). Both the advocates and paralegals can perform the neutral function of informing victims of the advancement of their case and explaining the roles the victim may play. But only advocates can represent the interests of the victim when they conflict with those of the State (Peters, 2008).

Shepard (1999) states that the purpose of legal advocacy is to serve victims effectively. Advocates are independent of the criminal justice system, a factor that is vital to the ability in playing their role. If the interests of the victim conflicted with those of the State, the legal advocate must remain independent of the justice system Pleck (2004). For victims of domestic violence to trust that their interests are supreme with advocates, the advocates must be free both of actual bias toward the State and of the appearance of such bias.

Parker, Hart and Stuehling (1992) state that legal advocacy often includes: assistance in preparation of petitions for civil relief, registration in victim notification programs, in development of victim impact and risk assessment statements, as well as in fine tuning practice guides for court, jail and prosecution personnel who are responsible for processing the documents filed by the victims. Pyles and Postmus (2004) explain that advocates may monitor the practice of a judge who has been reported to be unresponsive to the applications of domestic violence victims for protection orders and offer that judge some information on the impact of domestic violence. Finally, advocates assist victims in constructing and practicing safety plans, assure protected participation in the legal field and defend the legal protections achieved in the courts (Rambo, 2009).

2. Literature Review

2.1. Results of Legal Advocacy

Rocha (2000) in a study conducted in DuPage County, Illinois, indicated that when battered women received advocacy services and protective orders, it was more likely that prosecuted abusers would be found guilty a concept which Weisz (1999) agrees with. Women who received advocacy were more likely to call the police, and these calls were more likely to result in arrest. Legal advocates represent the victim's interests, while the prosecution staff represents the interest of the State. If these interests conflict, the victim is not represented in the absence of an advocate. Advocates are obligated to do everything possible to ensure successful prosecution, including encouraging a reluctant witness to testify. In addition, they provide victims with information and support that allows them to make choices that best serve their interest (Schacht, Dimidjian, George, & Berns, 2009).

Unlike Weisz (1999), Koss (2000) differs with her view about the positive effects of the legal system in response to violence against women. Koss concludes that the conviction rates for partner violence are miniscule, mandatory arrests and protection orders inadequately deter recurrence of domestic violence. Koss' views are supported by a study conducted by Klein (1994) in Massachusetts. According to this study, in a sample of 663 male abusers who were served with TPOs, almost half of them (49%) re-abused their partners within two years of the restraining orders. This study concluded that TPOs, are not clearly sufficient to deter abuse because most of the abusers had a history of drugs and forgot the repercussions for violation. In addition, the justice system did not enforce TPOs, even though Massachusetts is nationally recognized for its many programs to eradicate domestic violence, as evidenced by failure to place most of the re-abusers on probation or in jail (Schechter, 1982).

3. Conceptual Framework

According to Straus (1980) this evaluation uses the systems theory as the conceptual framework to understand legal advocacy as a system of interacting elements. The legal advocacy program, of the Gwinnett County domestic violence program, interacts with environmental factors in human social systems in the form of agencies, the legal system, and the clients, who can be identified as a "system." The General Systems Theory is based on the idea that human systems, from the micro to the macro, are inextricably connected to each other and must be viewed holistically (Friedman, 1997). An effective integration of systems theory in this evaluation would be a high number of resolved legal issues, short durations of the legal process and the agency's ability to follow up cases after the women have acquired TPOs.

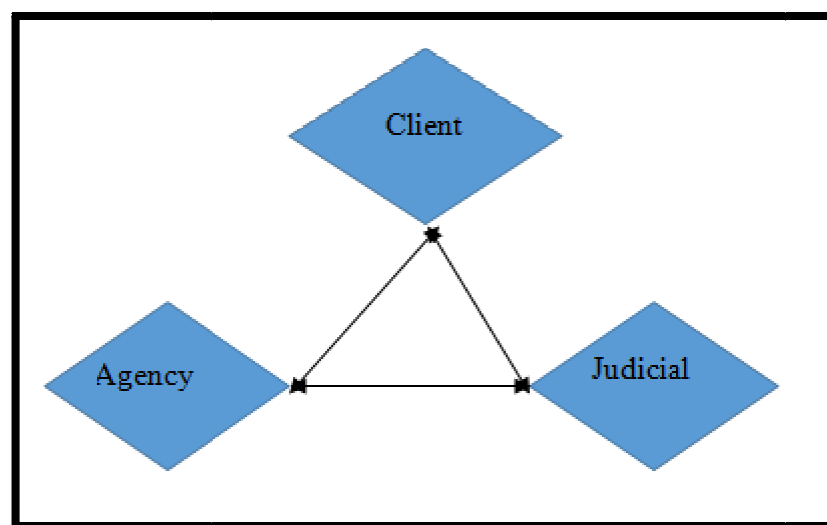


Figure 1: Systems Theory(Tower, 2003)

The illustration of the systems theory indicates that there is a dialectical relationship that exists between the three systems, the client, the agency and the judicial system. Victims of domestic violence, seeking to escape their abusers and to safeguard themselves against recurring violence, work with the community and legal resources available to facilitate a cessation of violence and achievement of protected lives and autonomy (Trattner, 2007). When abused women have evaluated their options and elected the legal remedies best suited to meet their needs, they confront numerous, complex legal issues and proceedings, particularly if they lack resources (Warrener and McMahon (2013).

The indication of arrows drawing from each system to the other evidences an interrelatedness. Since accessibility to the courts can be constrained and outcomes might be deficient, the client interacts with the agency and legal intervention is initiated via a legal advocate. The objectives of the advocacy are to inform the victims about the array 16 of legal options available, to enable effective access to the justice system, support, and enhancement of the quality of representation. The individual and systemic advocacy occur in tandem (Parker, Hart & Stuchling, 1992). Legal advocates work with victims of domestic violence and simultaneously collaborate to reform and upgrade the judicial system. Agencies hold seminars and workshops with activities such as pamphlets for victims, police and prosecutor protocol, law enforcement training curriculum, and training of advocates and police officers.

According to Worden (2005) the justice system ensures the upholding of the law. The law is a tool that can assist to repress domestic violence and help the victims in their efforts to live violence free. The law is an ally of victims of domestic violence through legislation. Civil protection orders offer petition for relief divorced victims, current or former member of the perpetrator and partners in intimate relationships (Wright, 2005). Statutes permit broad relief that include restraining orders, child custody provisions and possession of property among others (Babbie, 2012).

Colarossi (2005) explains that there are distinct roles played by each of them. The agency affords the victims and children safe housing and economic support. A legal advocate is also provided by the agency. All three systems, as indicated by the model, must collaborate efficiently for positive results. Legal safeguards work best where society embraces practices compatible with the remedies articulated in the law.

4. Research Methodology

Convenience sampling was used for this study. The sample population consisted of women living in The Partnership against Domestic Violence Gwinnett shelter. The criteria for selection in this evaluation were gender, age and program entry. Participants had to be: female aged 18 years and above, entered the shelter between July 2000 and July 2001 and filed a TPO. Thirty (30) women fit the filed for selection criteria. This is important as it relates to women who have sought legal advocacy in the form of restraining orders, child custody and/or possession of property. The sample was made up of women from different cultures and ethnic groups. However, because of its small size, the sample cannot be generalized but can be utilized for better understanding of women's needs, as well as the human social systems interactions to accomplish the legal advocacy program's goal.

The data for this evaluation was collected from the case records stored in the shelter as well as interviews from the legal advocate and the shelter manager. A follow up questionnaire was used to elicit information from the legal advocate and the shelter manager on the status of unresolved cases on women who had exited the program. Case records of thirty women who had been in the shelter between July 2000 and July 2001 were examined to identify the women who filed for legal assistance, including but not limited to temporary restraining orders, child custody, division of property. The first fifteen women were selected from the first six months, which was July 2000 to January 2001. The second group came from February 2001 to July 2001 cases. The rationale was to find out how many women followed through these orders. The Program Logic Model specifies clearly the objective, activities, inputs, outputs and the outcomes at different levels. As Hatry, Van Houten, Plantz and Taylor (1996) phrased it, "a program logic model is a description of how the program theoretically works to achieve benefits for participants" (p. 38). A logic model is a useful framework for examining outputs, it assists in thinking through the steps of a participants' progress and develops a realistic picture of what a program can expect to accomplish for its participants, in addition, a logic model helps to identify the major program components that must be followed to assess the program's effectiveness.

5. Program Logic Model

Objectives	Inputs	Output	Activities	Outcomes		
				Initial	Intermediate	Long Term
Help women resolve legal issues	Staff, volunteers and money	Number of clients resolving legal issues such as child custody, Restraining orders, Possession of property	file petitions, contact other party and legal advice	Petition filed	Petition processed (in X time)	Petition granted

Table 1: Program Evaluation: The Resolution of Rates of Legal Issues at the Partnership in Gwinnett

The main objective of this evaluation was to help women resolve legal issues with the staff or legal advocate as one of the outputs. The activities in this evaluation were filing petitions, contacting the abusers and seeking legal advice from the judges. The outcomes were divided in phases (initial, intermediate and long-term). All the participants' case files were reviewed in the initial stage, while the majority of the legal requests were filed in the intermediate phase. In the long-term phase, it was expected that all the legal issues will be resolved.

5.1. Design

The design notation for this study is X 0,02, where X stands for the independent variable (legal advocacy which is the intervention) and, O, stands for interviews with the legal advocate and O; stands for the case files examined. The purpose of this evaluation was to find out if the program achieved the objective of helping women resolve legal issues in the form of child custody, possession of property, and restraining orders. Therefore, a descriptive research design was used.

5.2. Procedure

The researcher reviewed all case records which included the intake forms, progress notes, and exit interviews for clients in the shelter between July 2000 and July 2001. Each case record contained a summary describing the circumstances under which the services were terminated and most important for this study, if they secured the requested Temporary Restraining Orders. A client engagement/termination form was created for the purpose of this study

5.3. Statistical Analysis

The data were entered and analyzed using SPSS program. A codebook was developed for data entry. Descriptive statistics and frequencies were used to present the findings. Graphs and a program logic model, as well as an outcome measurement framework, were used to show a clear picture of the methodology. Internal validity threats do exist in the design used in this evaluation. For example, there could have been some modifications in legislation favoring women filing for petitions, or judges who had domestic violence issues awareness as well as being sensitive. These threats could have

been reduced if the researcher had perused the relevant legislations and questioned all the judges that presided in these petitions

6. Findings and Discussion

6.1. Demographics

The sample for this evaluation consisted of 30 cases. All 30 (100%) participants were females, 16 (53%) were single and 14 (47%) were married. Twelve participants (40%) ranged between age 25-45 while 14 (47%) ranged between 45-55 years, there were only 4 (13%) women ranging between 15-25 years. African Americans 8 (28%) and Caucasians 8 (28%) were equally represented in this population. Asian Americans followed closely with 7 (23%) women, followed by Africans at 6 (20%) participants. Finally, Native Americans were the least with only 1 (3%) in this population.

Variable		N Percentage	
Gender			
	Female	30	100
Marital Status			
	Married	14	46.7
	Single	16	53.3
Age			
	15-25	4	3.3
	25-35	7	23.3
	35-45	6	20
	45-55	13	43.3
Ethnicity			
	African American	8	26.7
	Asian American	8	26.7
	African	6	20
	Caucasian	7	23.3
	American Indian	1	3.3

Table 2: Demographics

Resolution of legal issues in the form of Temporary Protective Orders that was the major concern surrounded around restraint orders, child custody and possession of property. Of the 8 (27%) custody cases filed, 4 (44%) were unresolved, whereas 9 (30%) restraint orders requested, only 2 (22%) were granted. Request of property was the highest petition filed, 13 (43%), and only 3 (33%) filed cases were unresolved. The duration of processing custody cases ranged between three to four weeks, while restraint orders and possession of property took between two to three weeks. See Table 4.

Types of Petitions Files (N=30)		ResolvedN=21	UnresolvedN=9	Process Length (average no of days)
Custody	8(27%)	4(50%)	4(50%)	25
Restraint Orders	9(30%)	7(78%)	2(22%)	18
Property	13(43%)	10(77%)	3(23%)	18

Table 3: Request Filed and Granted

Among the 30 (100%) participants in this evaluation, 8 (27%) filed for custody, 9 (30%) for restraint orders and, 13 (43%) for possession of property. See Figure 2

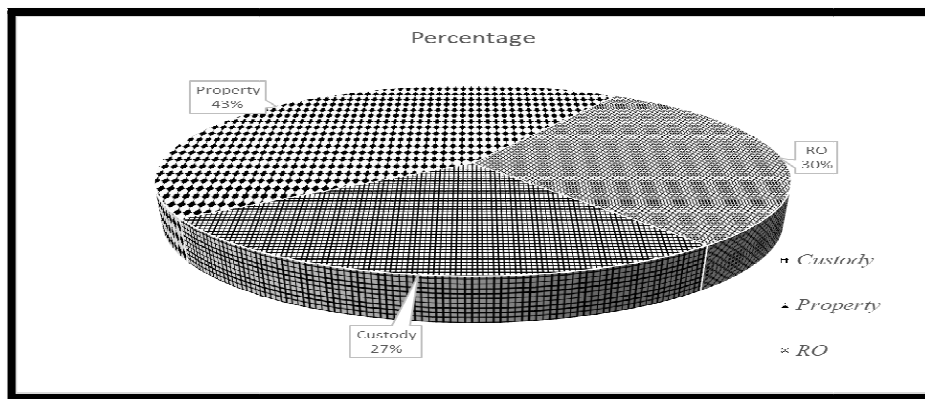


Figure 2: Type of Request Filed

The chart below, Figure 2, indicates the percentages of the cases that were resolved. The evidence indicates that, 4 (19%) child custody cases were resolved, 7 (33%) restraint orders were granted, while an overwhelming majority of 10 (48%) possession of property requests were resolved. As evidenced by overall data, most requests were granted.

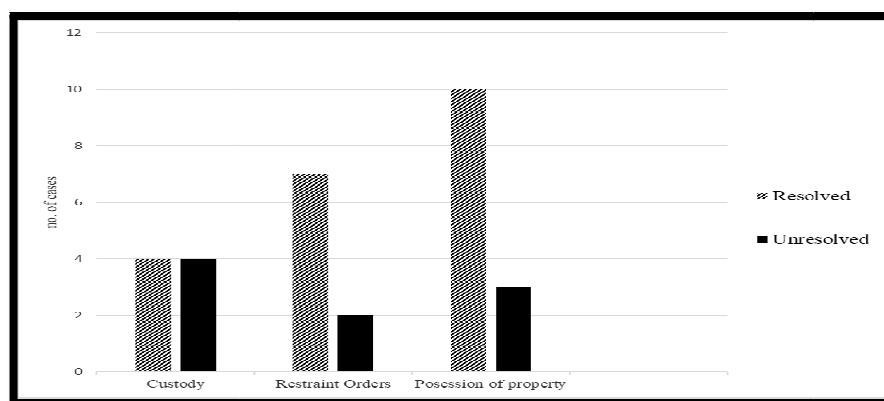


Figure 3: Cases Filed

Overall, the data indicates that the legal advocacy program had a 70% success rate in resolving the client's legal issues. The possibility of design flaws that might have threatened the internal validity might have contributed to the resolution of the legal cases. They were attributed within the context of change of mode of operation or modification within the judicial system.

Thirty (100%) women requested restraining orders, possession of property and child custody. Of the 30 participant's requests, on a TPO of the aforementioned, a total of 21 (70%) cases were resolved. Out of 8 (27%) child custody requests 4 (50%) petitions were resolved. Of the 9 (30%) participants who filed for restraining orders, 7 (78%) were successful, whereas the most successful participants were those that requested possession of property, with a high 13 of (43%) and 10 (77%) cases resolved. Based on the interviews and discussions with Gwinnett's legal advocate and the shelter manager, training and sensitizing judges, police officers and staff members in the courthouse played a major role in creating a high level of awareness when working with victims of domestic violence.

Based on their case files, custody cases took an average of 25 days, while restraining orders and property averaged the same with 18 days. It is important to note that these cases had taken about a week for the offender's to be served with the orders by the sheriff. The reason given for longer processing durations was that; the offenders could not be located to be served with the papers to appear in court. When the legal advocate was asked why more women filed for property petitions than restraining orders or child custody, she stated that when women call the shelter to be admitted they are advised to bring their children. Hence, more women in this category had children with them when they came in the shelter. In cases where women did file for custody of their children without a restraining order, most abusers wanted to get rid of them and had no interest in following or stalking them.

Out of 30 (100%) requests filed for TPOs, only 9 (30%) were not granted, indicating that 21 petitions had been granted, a 70% success rate. Of the unresolved cases, 4 (50%) were child custody, 2 (22%) were restraining orders and 3 (33%) were possession of property. A follow-up of women who had exited the shelter with their petitions unresolved was pursued by the legal advocate in collaboration with the shelter manager. When they were asked why some cases were not resolved they gave several reasons. Three mothers were found to be unfit, the three (3) had a history of drug abuse and one (1) was not a biological parent and therefore was not legally entitled to the child. Out of the 2 (22%) that filed restraining orders, both women were out of state residents, therefore, beyond the jurisdiction of the Gwinnett court system.

Possession of property, which ranked highest in terms of requests 13 (43%) had 3 (23%) petitions turned down. In these cases, the women were not entitled to legal possession of property from their abusers because they were not married to them and there was no legal agreement in the form of documents indicating joint ownership.

Based on the duration, it took an average of 25 days for custody petitions and 18 days for both restraining orders and possession of property. It can be argued that legal advocacy serves an important role of performing critical functions such as expediting interventions, seeking expanded investigation by a prosecutor into a particular crime of domestic violence, seeking substantial reformation of the system of investigation and preparation of cases for domestic violence for plea negotiations or trial, insisting that courts provide safe, secure waiting rooms for victims of domestic violence, and familiarizing a victim with the courtroom procedure.

The findings of this evaluation are consistent with the systems theory utilized for the conceptual framework. The theory is based on the idea that human systems, from the micro to the macro are inextricably interrelated to each other and must be viewed holistically (Friedman, 1997). In this evaluation, constant interaction took place between the victims of domestic violence, who liaise with the agency via the legal advocate, to have their legal issues resolved by the judicial system. Based on the 70% success rate of this evaluation, it is evident that the court administrators and judges have responded to the problem of domestic violence by stepping out of the box and stepping up to the plate of the legal system, by engaging and collaborating with legal advocates. Advocacy has provided support in legal proceedings and facilitation of documentation in the form of police reports, medical files and, identification of essential protective provisions. The participation of legal advocates has helped to expedite legal remedy for victims of domestic violence.

7. Conclusion

The findings revealed that legal advocacy of the Gwinnett County Domestic Violence Program has assisted victims to resolve their legal issues by having their petitions granted by the court. However, explanation is given for the petitions not granted which included victims being from out of state, unfit mothers, not being a biological mother and lastly not being legally entitled to possession of property. The following chapter discusses the implications of these findings for the social work profession.

8. Recommendation

It is important for legal advocates to know the associated tactics and to have rudimentary understanding of relevant legal concepts. Recommendations are suggested for the court system and legal advocacy programs. Social work professionals are also urged to initiate programs with clear goals of legal advocacy geared to assist victims of domestic violence to understand and navigate the intimidating legal system to resolve their legal issues.

This evaluation is relevant to social work in that it helps to connect or link social workers to services resulting in advocacy, as well as intervention. Often, victims of domestic violence have lost control. Advocacy in collaboration with the legal system that sends a strong message to the abuser that domestic violence will not be tolerated have a positive impact on a battered women's self-confidence. Evaluation of legal advocacy programs helps to maintain, as well as develop programs, for efficient delivery of services. In addition, evaluation of these programs plays an important role in improving services in the form of gaining control, reducing fear, protecting children, and beginning the process of divorce for battered women.

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