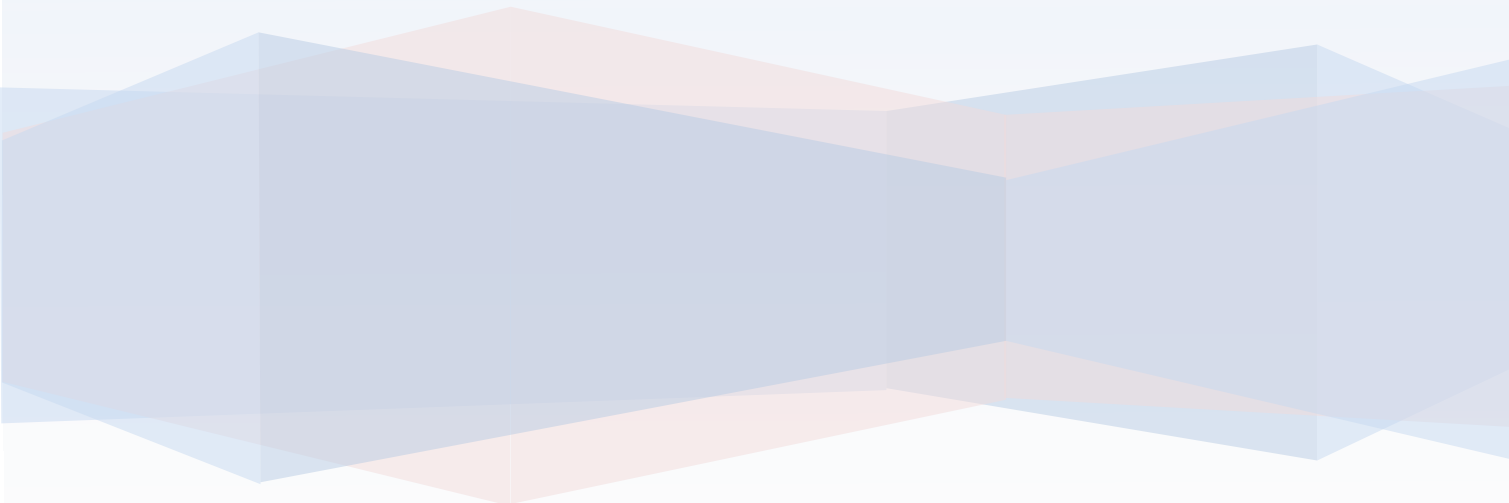


# **Building Partnerships to Enhance Consumer Rights for Domestic Violence Survivors**

*An Assessment and Resource Tool  
for Attorneys and Advocates*



# *The Consumer Rights for Domestic Violence Survivors Initiative*

**Developed by**



**in partnership with  
National Consumer Law Center  
National Network to End Domestic Violence  
National Association of Consumer Advocates**

***Consumer Rights for Domestic Violence Survivors Initiative*** is a national project that seeks to enhance consumer rights for domestic violence survivors by building the capacity of and developing collaborative partnerships between domestic violence and consumer lawyers and advocates.

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## BACKGROUND AND PURPOSE OF THIS TOOL

**Consumer Rights for Domestic Violence Survivors Initiative (CRDVSI)** is a national project that seeks to enhance consumer rights for domestic violence survivors by building the capacity of and developing collaborative partnerships between domestic violence and consumer lawyers and advocates. Launched in 2007 with funding from the Office for Victims of Crime, US Department of Justice, CRDVSI began as a partnership between the Center for Survivor Agency and Justice (CSAJ), the National Consumer Law Center, and the National Association of Consumer Advocates. In 2009, the National Network to End Domestic Violence joined the partnership. In the Fall of 2011, CSAJ received an award from the Office on Violence Against Women (OVW), US Department of Justice, which will enable CSAJ to extend the work of CRDVSI to OVW grantees and other service providers and expand the Initiative's focus on innovative efforts to build partnerships.

During the early stages of the Initiative, we frequently heard of the substantial gaps between domestic violence and consumer law advocates. Our trainings, technical assistance efforts, and focus groups unearthed a disconnect, a lack of coordination on both individual and systemic levels, and a need for greater understanding among both domestic violence and consumer law advocates with regard to one another's resources, expertise and capacity. Beneath all of this was an undercurrent of frustration. Consumer lawyers commented, "if only domestic violence lawyers understood..." and domestic violence family lawyers have said, "if only consumer lawyers understood..."

Given the enormous need for consumer justice for domestic violence survivors, we at the CRDVSI sought to transform the tenor of those conversations from one of frustration to one of positive change by identifying and fostering opportunities for education, capacity building, cross-training and collaboration. To that end, the Center for Survivor Agency and Justice convened a series of focus groups, comprised of consumer lawyers, domestic violence lawyers, and those with overlapping expertise. The focus group calls lasted for approximately one hour and were conversational in format. A handful of questions probed the participants' prior experience building partnerships. Staff followed up the focus groups with individual interviews with attorneys who had specific information to guide our insights. The information gathered from this process shaped the creation of this guide.

This tool aims to provide a starting point for attorneys and advocates interested in enhancing consumer rights for domestic violence survivors. The questions offer advocates an opportunity to self-reflect and assess their own organizational and individual capacity with regard to building partnerships to enhance consumer rights for survivors. The responses to the questions are intended to provide ideas and resources to attorneys and advocates interested in building partnerships for consumer rights both within their organizations and within their communities. Areas of focus include: a general description of consumer rights advocacy for domestic violence survivors, screening tools for consumer lawyers and domestic violence lawyers, program protocols and policies that promote consumer rights for survivors, efforts to enhance community partnerships, and innovative partnerships. Note that all of the practices and programs mentioned were developed in relation to particular communities and the needs of survivors in those communities. Thus, when reading this tool, advocates for survivors should consider these practices and policies in light of the needs presented by the individuals with which they work and the communities in which live.

## DO YOU CURRENTLY ADVOCATE FOR THE CONSUMER RIGHTS OF DOMESTIC VIOLENCE SURVIVORS?

Consumer law can provide survivors of domestic violence with critical tools to restore themselves financially. While many economic justice efforts have focused upon *maximizing income*, consumer law remedies offer survivors of domestic violence with the tools to *minimize expenses* and *protect assets*, by addressing issues such as:

- Credit reporting
- Managing household income
- Debt collection
- Utility access
- Credit cards and high cost credit
- Bankruptcy
- Federal tax advocacy
- Foreclosure prevention and defense

Despite the overlap between the work of domestic violence and consumer lawyers, there is an enormous gap in collaboration between the fields. This gap has potentially dangerous consequences for survivors. While domestic violence attorneys typically focus on physical protections and family law matters, consumer lawyers focus on longer-term financial legal issues. Without proper collaboration between family law and consumer law attorneys, divorce orders may not account for related consumer law issues that victims could be facing. Similarly, consumer attorneys may not consider the impact of their cases on a survivors' criminal or family law cases. Indeed, consumer advocacy that fails to address the safety and privacy concerns of survivors may pose enormous risks. For example, efforts to repair a survivor's credit will expose her to increased physical danger, if the survivor's request for a credit report exposes her location to her abusive partner. Similarly, tax advocacy that fails to consider the context of abuse will not avail the survivor of innocent spouse relief, subjecting her to liability that may jeopardize her physical safety. Thus, enhanced capacity of and partnership between domestic violence and consumer lawyers is critical to achieving the joint goals of physical and economic safety. It requires purposeful cross training, networking, and sustained partnership building.

If you are new to this area of practice or want to gain more knowledge and network with others, there are several resources you might consult:

- *The Consumer Rights for Domestic Violence Survivors Initiative* (CRDVSI) is a national project that aims to enhance consumer rights for survivors by building the capacity of and building partnerships between domestic violence and consumer lawyers and advocates. CRDVSI offers:
  - National consumer rights for survivors conferences
  - Individualized case strategizing
  - Webinar trainings
  - Advocacy tools
  - Website resources
  - Building partnerships technical assistance

For information on CRDVSI, contact the Center for Survivor Agency and Justice at 301.915.0160 or visit our website at <http://www.csaj.org>.

- *The Guide to Consumer Rights for Domestic Violence Survivors*, published by the National Consumer Law Center, is an invaluable book for those interested in learning more about consumer rights for survivors. Each chapter covers a different consumer law remedy, and appendices offer model forms, letters, and state law summaries. You can order the book at <http://shop.consumerlaw.org/guidetotherightsofdomesticviolencesurvivors.aspx>.
- CRDVSI has created two brochures intended for domestic violence survivors. A copy of the *Prioritizing Your Expenses* brochure can be found at <http://www.csaj.org/documents/402.pdf> and a copy of the *Building and Repairing Your Credit History* brochure can be found at <http://www.csaj.org/documents/401.pdf>

## DOES YOUR ORGANIZATION SCREEN FOR DOMESTIC VIOLENCE AND CONSUMER LAW ISSUES?

To enhance consumer rights for survivors, both domestic violence lawyers and consumer lawyers must be able to identify domestic violence survivors who could benefit from consumer rights advocacy. Domestic violence lawyers must be knowledgeable about consumer remedies and routinely identify the economic and consumer law issues in their clients' lives, so that they can help their clients access remedies to address their economic needs. Consumer lawyers must have a basic understanding of the nature of domestic violence and the skills needed to identify when coercive control operates in their clients' lives, so that they can craft consumer strategies that address the physical risks. Below are screening tools that exist to assist in screening:

- *The Consumer Rights Screening Tool for Domestic Violence Survivors* aims to: 1) provide a general overview of common consumer issues with which survivors grapple and 2) offer concrete guidance on how to identify these issues in the course of one's client work. Authored by the National Consumer Law Center and the Center for Survivor Agency and Justice and supported by the Consumer Rights for Domestic Violence Survivors Initiative, the Tool is intended for lawyers and advocates who work with domestic violence survivors. To access a PDF copy of the tool, visit: <http://www.csaj.org/documents/406.pdf>. To access a hardcopy of the tool, contact CSAJ at 301.915.0160.
- *The Domestic Violence Screening Tool for Consumer Lawyers* is intended to assist consumer lawyers in determining who, among their clients, is a survivor of domestic violence, so that they may enhance their legal representation and advocacy. The tool offers information on: the importance of screening for domestic violence, the nature of domestic violence, interviewing techniques, sample screening questions, safety planning considerations, and accessing resources for domestic violence survivors. To access a PDF copy of the tool, visit <http://www.csaj.org/documents/318.pdf>.
- Adrienne M. Adams, Cris M. Sullivan, Deborah Bybee and Megan R. Greeson, *Development of the Scale of Economic Abuse*, 14 *Violence Against Women* 563 (2008). This study describes the development of the Scale of Economic Abuse, designed to measure economic abuse perpetrated by batterers against their partners. The researchers found that, of the women interviewed, 99% were subjected to some form of economic abuse at some point during their relationship. Implications for the study include broadening the work of advocates to include economic advocacy on both individual and systemic levels.

**DO YOUR ORGANIZATION'S PROGRAMS AND POLICIES FACILITATE THE IDENTIFICATION OF  
DOMESTIC VIOLENCE SURVIVORS' COMPREHENSIVE NEEDS?**

The individual needs of domestic violence survivors are most likely to be met when organizations follow a survivor-centered or client-centered advocacy model. The human service delivery arena has often been criticized for failing to meet the complex array of needs that clients typically present. Many legal advocacy organizations offer compartmentalized service delivery, where a particular legal remedy determines what is offered to the client. In contrast, comprehensive, survivor-centered advocacy models begin with the client; the client's needs drive the advocacy process. Such an approach helps to ensure that the client's individual and comprehensive needs are met. Survivor-centered lawyering is the process by which a lawyer builds a partnership with a survivor. During the course of survivor-centered lawyering, the lawyer seeks to understand the survivor's perspective and offers her own relevant expertise, so that the survivor directs the course of advocacy in a manner that most effectively addresses her self-defined needs.

For survivor-centered advocacy to be effective, organizations must create an environment that supports this approach. In *Safety Planning with Battered Women*, Davies, Lyon, and Monti-Catania assert that a survivor-defined advocacy environment should:

- Demonstrate a commitment to provide survivor-defined advocacy.
- Define the role of the advocate broadly enough and give advocates the freedom, time, resources, and support to respond to the uniqueness and complexity of survivors' lives, while maintaining survivors' privacy.
- Pursue strong collaborative working relationships with other agencies.

The following are resources that support a survivor-centered comprehensive advocacy model:

- Jill Davies, Eleanor Lyon, and Diane Monti-Catania, *SAFETY PLANNING WITH BATTERED WOMEN: COMPLEX LIVES/DIFFICULT CHOICES* (Sage 1998).

This book is an essential read for individuals interested in learning more about survivor-driven advocacy with domestic violence survivors. It presents an approach to advocacy that emphasizes building partnerships between survivors and advocates and supports survivors in defining the advocacy that they need. Also, Chapter 8 of the book provides guidance on creating an organizational environment that supports survivor-defined advocacy.

- Nicole E. Allen, Deborah H. Bybee, Cris M. Sullivan, *Battered Women's Multitude of Needs: Evidence Supporting the Need for Comprehensive Advocacy*, 10 *JOURNAL OF VIOLENCE AGAINST WOMEN* 1015 (2004).

This study examined how survivors prioritized their help-seeking efforts and what their priorities revealed about their needs. It found that, despite survivors' varied needs, broad-based survivor-driven advocacy enhanced survivors effectiveness in accessing community resources. The authors conclude that comprehensive, individualized approaches to advocacy for survivors are critical.

- Lisa A. Goodman and Deborah Epstein, *LISTENING TO BATTERED WOMEN: A SURVIVOR-CENTERED APPROACH TO ADVOCACY, MENTAL HEALTH, AND JUSTICE* (American Psychological Association 2008).

This book offers a multi-disciplinary critique of society's responses to intimate partner violence. The authors claim that the current advocacy, mental health, and justice system approaches have failed to meet the needs of survivors; they argue for a contextualized, survivor-centered approach as the key to meeting survivors' needs, with economic empowerment as a critical goal.

***DOES YOUR ORGANIZATION HAVE PROTOCOLS OR PROCEDURES THAT PROMOTE COORDINATION BETWEEN DOMESTIC VIOLENCE FAMILY LAWYERS AND CONSUMER LAWYERS?***

Consumer rights for domestic violence survivors require that family lawyers and consumer lawyers coordinate case representation and advocacy. Many legal services organizations have both family law and consumer law departments, though some do not. Many community-based organizations have a particular focus. And some legal services organizations have practitioners who practice both family law and consumer law, though this is rare. The following points should be considered with the nature of your particular organization in mind:

*Do you connect your clients with an attorney to address issues outside the scope of your expertise?*

- When a consumer issue has been flagged, the domestic violence/family lawyer should take steps to connect the client with a consumer lawyer.
- When a domestic violence family law issue has been flagged, the consumer lawyer should take steps to connect the client with a family law attorney.

*When a client has concurrent family law and consumer law cases, do you take steps to coordinate the cases?* Strategies for case coordination should always include and be at the direction of the survivor/client. Attorneys for survivors must get the informed consent of their clients prior to contacting others. When a client has concurrent consumer law and family law cases in which she is represented by two different attorneys, the attorneys on each case should communicate with one another to ensure that the strategies and remedies sought in each case compliment each other and further the client's overarching goals. Strategies for coordination may take the form of:

- The attorneys and client scheduling regular meetings to "check-in" about upcoming court deadlines, hearings, as well as changes in the survivor's life and safety plan that may impact case strategizing.
- With the consent and at the direction of the survivor, the attorneys sharing pleadings, court rulings and orders to better inform their respective case representation.

*If you are litigating a family law case, do you consult with a consumer law attorney to anticipate and strategize for future consumer issues?* Even when a client has only a family law case, and there are no consumer issues currently at stake, family law attorneys should consider consulting with a consumer attorney to anticipate consumer issues that may arise in the future and to ensure that the family law strategies lay the foundation for positive consumer case outcomes.

*Does your organization hold regularly scheduled meetings with both family lawyers and consumer lawyers present?* When housed within the same agency, the consumer law unit and the family law unit should schedule periodic meetings to talk about their work and identify opportunities for better collaborative casework.

*Does your organization have a formal referral process for clients who require advocacy outside the scope of its representation or beyond its expertise?* Organizations limited in the scope of their representation, but committed to enhanced consumer rights advocacy for survivors, should consider developing a formal institutionalized referral process. The following are examples:

- The intake worker or the attorney furnishes the client with a list of attorneys practicing consumer law.
- The intake worker or attorney assists that client in contacting consumer law attorneys in the area to familiarize them with the client's needs and begin conversations around coordinating legal advocacy.

## ***DO YOU COLLABORATE WITH CONSUMER LAWYERS IN YOUR COMMUNITY?***

## ***DO YOU COLLABORATE WITH DOMESTIC VIOLENCE LAWYERS IN YOUR COMMUNITY?***

Enhanced consumer rights work for domestic violence survivors requires innovative collaborations between community organizations and individuals within communities who may not have worked together in the past. Building bridges takes purposeful forethought. But, by laying the foundation for collaborations, we can provide survivors with the advocacy they need when they need it most. Below are some suggestions for forging collaborations in your community:

### ***If you are a domestic violence advocate:***

*What steps do you take to cultivate relationships with consumer lawyers and consumer rights organizations?*

- Learn more about the consumer rights and economic justice organizations that exist in your city and state.
- Schedule meetings to talk about your work and learn more about the work they do.
- Develop cross-training opportunities, where each organization trains the staff of the other.
- Identify a contact person at their office who you may call upon for future referrals and consultation.

*What steps do you take to connect with pro bono consumer lawyers?*

- Contact your local consumer law bar. Most state bar associations and many local bar associations have a consumer law section. Visit this link for state and local bar information: [http://www.americanbar.org/groups/bar\\_services/resources/state\\_local\\_bar\\_associations.html](http://www.americanbar.org/groups/bar_services/resources/state_local_bar_associations.html)
- Use the NACA database. The National Association of Consumer Advocates hosts a database that contains information about consumer lawyers with varying areas of consumer law practice throughout the nation. To access it, visit: <http://www.naca.net/find-attorney>

### ***If you are a consumer advocate:***

*Have you identified the domestic violence programs in your state and community?*

- Contact your state's domestic violence coalition. Each state and territory has a domestic violence coalition, which serves as the policy and support hub for its member programs. To get information about the coalition in your state, visit: <http://nnedv.org/resources/coalitions.html> or <http://www.ncadv.org/resources/StateCoalitionList.php>
- Contact the Center for Survivor Agency and Justice for domestic violence lawyers and advocacy programs throughout the country. Place a web request at <http://www.csaj.org> or call 303.915.0160.

*Have you cultivated relationships with domestic violence lawyers and advocacy organizations in your state and community?* Advocacy for survivors of domestic violence takes many forms, and many different types of agencies have developed to address the needs of survivors.

- Familiarize yourself with the local domestic violence shelters, community-based advocacy programs, and legal services attorneys who work with survivors of domestic violence.
- Schedule meetings to talk about the type of consumer advocacy you provide and to learn more about their work.
- Develop cross-training opportunities that enable each organization to train the staff of the other. Identify a contact person at each organization who you may call upon for future referrals and consultation.



**HAVE YOU AND YOUR COLLEAGUES RECEIVED TRAINING ON THE INTERSECTION OF  
DOMESTIC VIOLENCE AND CONSUMER RIGHTS?**

Domestic violence attorneys require an understanding of how consumer law remedies can enhance the short- and long-term safety of domestic violence survivors. For example, when domestic violence lawyers focus solely upon custody but ignore the financial aspects at separation, survivors may find themselves re-victimized by the debt collection process years later. Similarly, consumer lawyers require a thorough understanding of how the context of coercive control can lead to consumer issues and impact survivors' safety and privacy needs. Without such an understanding, consumer lawyers may not include those circumstances in their arguments to the court and may not tailor their requests for relief to meet survivors' needs. Training resources include:

*Consumer Rights for Domestic Violence Survivors Intensive Training*

Each Fall, the CRDVSJ holds a day-long Intensive Training Institute that focuses upon consumer rights for domestic violence survivors. Co-sponsored by the Center for Survivor Agency and Justice and the National Consumer Law Center, it is part of the National Consumer Law Center's annual Consumer Rights Litigation Conference. The training is open to both domestic violence and consumer lawyers interested in enhancing consumer rights for domestic violence survivors. To learn more, visit: <http://www.csaj.org> or <http://www.nclc.org>.

*Consumer Rights for Domestic Violence Survivors Practice Webinars*

CRDVSJ holds webinar trainings on an array of topics for attorneys representing survivors of domestic violence in consumer law cases. Topics have included: credit reporting and repair for survivors, student loan advocacy for survivors, federal tax advocacy for survivors, and screening for consumer law issues. To learn more about upcoming webinar trainings visit: [www.csaj.org](http://www.csaj.org)

*Domestic Violence Training Resources*

The following organizations provide trainings to individuals and programs related to an array of domestic violence advocacy topics:

- Center for Survivor Agency and Justice: <http://www.csaj.org>
- Battered Women's Justice Project: <http://www.bwjp.org>
- National Coalition Against Domestic Violence: <http://www.ncadv.org>
- National Network to End Domestic Violence: <http://www.nnedv.org>
- American Bar Association Commission on Domestic Violence: [http://www.americanbar.org/groups/domestic\\_violence.html](http://www.americanbar.org/groups/domestic_violence.html)
- Futures to End Violence: <http://www.futureswithoutviolence.org>
- Praxis International: <http://www.praxisinternational.org>

Legal Resource Center on Violence Against Women: <http://www.lrcvaw.org>

Also contact your State Domestic Violence Coalition and local programs for information about trainings held in your area.

*Consumer Law Training Resources*

The following national organizations provide trainings to individuals and programs related to consumer law advocacy:

- National Consumer Law Center: <http://www.nclc.org>
- National Association of Consumer Advocates: <http://www.naca.net>

Also contact your local consumer bar association for information on trainings held by them and local consumer law agencies.

**ARE YOU INVOLVED IN INNOVATIVE PARTNERSHIPS TO  
ENHANCE CONSUMER RIGHTS FOR DOMESTIC VIOLENCE SURVIVORS?**

As people have come to recognize the importance of economic justice and consumer rights for survivors, innovative partnership projects have emerged to address the critical need.

*Has your organization developed a thoughtful approach to cultivating potential partnerships?*

- The days of domestic violence advocates “doing all the work” are long gone. In part, this is due to the fact that those traditionally in the movement to end violence against women cannot possibly meet the self-defined needs of survivors on their own. Survivors living in poverty require that advocates with expertise in domestic violence and expertise in poverty law collaborate. Over a decade ago, Susan Schechter wrote about this need and provided concrete steps for building effective collaborations.
- To frame your thinking about creative partnership building, read: Susan Schechter, *New Challenges for the Battered Women’s Movement: Building Collaborations and Improving Public Policy for Poor Women*, Building Comprehensive Solutions to Domestic Violence (1997), online at: [http://www.vawnet.org/print-document.php?doc\\_id=228&find\\_type=web\\_sum\\_NRCDV](http://www.vawnet.org/print-document.php?doc_id=228&find_type=web_sum_NRCDV)

*Has your organization created formalized partnerships?* The following are steps you can take to clarify the roles of partners and the objectives of the collaborative project:

- Be sure to identify the need you wish to address. It could be general (i.e., consumer law for survivors) or much more specific (i.e. credit advocacy).
- Work with partnering agencies that have the necessary expertise and client relationships.
- Develop memoranda of understanding that clearly delineate the roles of the groups involved.
- Schedule regular meetings to ensure effective communication.
- Develop and present cross-trainings for the staff of one another’s organizations.

*Are you familiar with examples of innovative partnerships to enhance consumer rights for survivors of domestic violence?* With the recognition of the importance of economic justice, communities across the nation have begun to develop innovative partnerships that aim to enhance consumer rights for domestic violence survivors.

- The *DV-CLARO Pilot Project* is sponsored by the Feerick Center for Social Justice at Fordham Law School. The Civil Legal Advice and Resource Office (CLARO) is a limited legal advice project for unrepresented debtor-defendants in New York City that responds to the needs of unrepresented debtors sued by their creditors by advising litigants on self-representation strategies. The DV-CLARO Project seeks to adapt the CLARO model for domestic violence survivors. Numerous legal services, community based organizations and bar associations are involved in developing and implementing the project including: Brooklyn Bar Association Volunteer Lawyers Project, CAMBA, Feerick, Manhattan Legal Services, My Sisters’ Place, NEDAP, New York City Family Justice Center (Brooklyn), NYLAG, Safe Horizon, Sakhi for South Asian Women, Sanctuary for Families, and the Financial Clinic. The Pilot involves clinic sessions for a number of survivors who are pre-screened. A team of two advocates—a domestic violence practitioner and consumer law expert—interviews each survivor, after which they assess whether limited legal representation or full representation for the consumer debt issue is warranted. The Feerick Center helps to develop case summaries and the project partners document and analyze the legal and advocacy strategies to be pursued. This project is still in its early stages as they experiment with outreach methods that generate interest among survivors facing debt issues. The Feerick Center is a partner with CSAJ in our efforts to provide building partnerships technical assistance to domestic violence programs throughout the nation.

*HAVE YOU CONSULTED WITH OTHER PROJECTS AND EXPERTS WHO HAVE SUCCESSFULLY CREATED  
PARTNERSHIPS FOR CONSUMER RIGHTS?*

The Center for Survivor Agency and Justice will be providing technical assistance to projects across the nation interested in building partnerships to enhance the consumer rights of domestic violence survivors. If you or others in your community are interested in Building Partnerships Strategizing, CSAJ is available to provide its own expertise and to connect you with the perspectives of other projects that have engaged in successful partnerships. To access Building Partnerships Technical Assistance, contact the Center for Survivor Agency and Justice at 301.915.0160 or [info.csaj@gmail.com](mailto:info.csaj@gmail.com).



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**The Center for Survivor Agency and Justice is a national organization dedicated to enhancing advocacy for survivors of intimate partner violence.**

CSAJ seeks to promote survivor-centered advocacy by enhancing the work of attorneys, by organizing communities, and by offering leadership on critical issues facing survivors and advocates throughout the nation.

CSAJ strives to enhance advocacy by cultivating a community of attorneys and advocates who are skilled in survivor-centered advocacy and capable of meeting the entire spectrum of civil legal assistance needs of survivors through their own advocacy and in partnership with others.