

Battered Women's Resource Center
Voices of Women (VOW) Organizing Project
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Battered Women's Experiences with the NYC Court System

Safety Issues:

- Unsafe for victim and perpetrator to use same entrance and wait on line to get past security at the same time; leaving at the same time poses a real risk for battered women, who fear being followed by their abusers
- Often, a battered woman's new address is revealed to her batterer in court papers or by a judge, lawyer or law guardian;
- Visitation and/or custody arrangements may put the victim and her children at risk;
- Victim's safety concerns are not taken seriously and are not reflected in bail, sentencing or plea bargaining decisions.

Blaming the Victim:

- When mothers contest visitation or custody because their child was sexually abused or for safety reasons, they can be charged with "parental alienation" and lose their children;
- Mothers are charged with "failure to protect" their children or "engaging in domestic violence" and have their children removed.
- Children can be forced to visit an abusive parent even if they are afraid of him and have told the judge, law guardian and/or social worker they don't want the visit.

Batterer Accountability:

- Abusers are rarely held accountable or face real repercussions unless there is serious physical injury;
- Perpetrators are not ordered into services at all or into inappropriate services, such as anger management or couple counseling (which can put the victim in danger);
- Often there are no consequences for abusers for not following up with services or not attending regularly;
- Child support is not always ordered when needed and there are often no consequences to fathers for not paying this support even when it is ordered;
- Perpetrators have even threatened their partner in the courtroom (in violation of an O of P) without repercussions;
- A batterer can tell different stories to each judge involved in the case (i.e. he tells the judge involved in divorce hearings that he is not working & can't pay child support, but tells the Criminal Court judge that he violated an o of p because he was working in the victim's neighborhood).

Representation/access:

- Battered women can have cases in 3 courts at the same time (Criminal court for charges against the abuser, Family court for visitation & custody issues, and Supreme court for divorce proceedings) and may have conflicting outcomes in each court;
- 18 B attorneys often do not understand domestic violence, have no time to prepare for the case, are extremely underpaid and have too full a caseload to adequately represent battered women;
- Law guardians assigned to the children of battered women often don't understand the dynamics of domestic violence. They may ignore the recommendations of their own social work evaluators and may understand "the best interest of the children" without taking into account the effects of dv on the children or the mother. Some women report that they felt the law guardian was not impartial because s/he and their abuser's attorney were friends or because the abuser paid for their services;
- Battered women with joint assets with their abuser (such as a house) are not eligible for legal aid even if they have no access to funds;

- Battered women who use a private attorney often are pushed into severe debt by an abuser with the money to drag out the proceedings – sometimes for years;
- There is a long waiting list for legal services attorneys, especially for divorce cases;
- Non-English speaking victims often find no translators available in court or when making a complaint. Frequently, when an interpreter is found, they may not translate correctly, may impose their own values or feelings about domestic violence in their translation, and may not keep information confidential. Battered women have reported being afraid to say anything in front of an interpreter who may know their abuser or may reveal their situation to a tight knit community that finds dv shameful. For the most part, court interpreters are not trained, licensed or evaluated and there is no system of accountability;
- Victims who need sign language interpreters often do not receive that service. It is not unusual for deaf victims to have no way to communicate with their attorneys or to have the court rely solely on their abuser's testimony;
- Disabled battered women are often patronized and not listened to;
- Lesbian battered women have no access to family court; fear the consequences of coming forward which might include losing their job or their children; have less services available to them; and may be ridiculed, disrespected or harassed by police and court personnel;

- Battered women's experience with the DA's office can be difficult. Many women don't feel the assigned ADA is on their side; if an ADA is not sensitive to their situation, there is no mechanism for switching to another ADA; a victim may want to press charges, but the ADA won't take the case; a victim may be threatened (with the removal of her children or jail time herself) if she is reluctant to cooperate; victims are not always informed about the status of their case & need an easy mechanism for getting this information;
- The judge may not understand the dynamics of domestic violence and therefore minimize the batterer's behavior or feel the victim is being uncooperative or unreasonable when she fights unsupervised visits or asks for evaluations or safeguards;
- Some women report that in Supreme Court, the judge met with the attorneys behind closed doors and without them being present. The victim is unaware of what is taking place (& may not be told by her lawyer) and cannot defend herself against false charges.

Court Facilities:

- No separate waiting areas are available for victims or complaining witnesses. Hallways and even ladies rooms feel unsafe and unsupervised. In Brooklyn Supreme Court the ladies room is in the basement (8 floors below the matrimonial part) & most stalls have no doors;
- No childcare is available. Battered women report being uncomfortable speaking about what happened in front of their children. Mothers feel that their children are traumatized by hearing their testimony -- often hearing details of severe abuse or sexual assault over and over;
- Victims need access to pay phones, vending machines, water fountains and clean bathrooms.

How the experience feels:

- The environment is extremely intimidating;
- The intake process can feel humiliating, invasive or punishing. "How do you tell a clerk behind a window that you were raped by your husband last night?"
- Victims often do not understand how the system works, what their rights are and the resources available to them;
- The victim's experiences of verbal & emotional abuse are discounted in most proceedings;
- Having to appear in the same courtroom with the perpetrator can be very scary and upsetting for the victim;
- It is common for victims to have to go to court many times to resolve the same issues, which can result in many lost days of work (women report spending more than 40 days in court); some batterers purposely draw out the proceedings as a way to harass their victims.

VOW is an organization of survivors of domestic violence working to improve the many systems battered women rely on.

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