



Battered Women's Resource Center
Voices of Women Organizing Project
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Abused Women's Experiences with NYC Family Courts

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 abused women, who fear being followed by their abusers;
- Often, an abused woman's new address is revealed to her abuser 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 because domestic violence is given little or no consideration;
- The victim is responsible for serving court papers on her abuser, which can be dangerous.

Court Facilities:

- No separate waiting areas are available for victims or complaining witnesses. Hallways and even ladies rooms feel unsafe and unsupervised;
- Victims need safe options when accessing pay phones, vending machines, water fountains and bathrooms.

Blaming the Victim:

- When mothers contest visitation or custody because their child was sexually abused or for safety reasons, they can be accused of having "parental alienation syndrome" a bogus disorder that is used to discredit any charges of abuse;
- 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;
- An abuser 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:

- Abused 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, or conflicting court dates;
- 18B attorneys often do not understand the dynamics of 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 abused women often do not fully understand the dynamics of domestic violence. They may ignore the recommendations of their own social work evaluators and may perceive "the best interest of the children" without taking into account the effects of domestic violence on the children or the mother;
- There is no mechanism to complain when a law guardian is biased, inappropriate or inept;
- Abused women with joint assets with their abuser (such as a house) are not eligible for court appointed legal representation even if they have no access to funds;
- Abused 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;
- Immigrant women are given less credibility than their American born spouses;
- 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. Abused women have reported being afraid to talk in the presence of an interpreter who may know their abuser or may reveal their situation to a tight knit community that finds domestic violence 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. In some instances, the court has relied solely on their abuser's description of events;
- Disabled abused women are often patronized and not listened to;
- Lesbian abused 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;
- The judge may not understand the dynamics of domestic violence and therefore minimize the abuser's behavior or feel the victim is being uncooperative or unreasonable when she fights unsupervised visits or asks for evaluations or safeguards.

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 abusers purposely draw out the proceedings or file additional cases as a way to harass their victims. These multiple appearances are also emotionally draining for the victim and her children.

VOW is an organization of survivors of domestic violence working to improve the many systems abused women turn to in their search for safety and justice.