

REDUCING DOMESTIC VIOLENCE AND IMPROVING OUTCOMES FOR CHILDREN: FUNDING CIVIL LEGAL AID TO MAXIMIZE IMPACT

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Domestic violence survivors and children in foster care often experience significant unmet civil legal needs. Legal aid services, when adequately funded, can help close the justice gap for these two populations while improving safety, stability, and court efficiencies. However, despite ample literature demonstrating how legal aid can improve outcomes, almost half of those seeking legal aid services are turned away due to lack of resources. This article reviews the research and data about how legal aid can improve outcomes for people in the domestic violence and child welfare contexts. It also discusses how several state-administered federal funding opportunities—including the Victims of Crime Act (VOCA) Victim Assistance Formula Grant Program, Title IV-D child support funds, and Temporary Assistance for Needy Families (TANF) basic block grants—can fund the needed civil legal help.

Key Points for the Family Court Community:

- Domestic violence survivors may require assistance with filing protection orders, obtaining custody, securing and retaining housing, rectifying identity theft, and maintaining employment.
- When court-based services help self-represented litigants with custody, visitation, and paternity matters, domestic violence survivors can better access safety for themselves and their children.
- Receiving full legal representation has been shown to help domestic violence survivors obtain protective orders, gain custody of their children, and navigate the divorce process.
- When legal aid helps address some of the underlying legal needs of families, it can prevent a child from entering foster care; if the child does enter, it can reduce time spent in foster care.
- Victims of Crime Act (VOCA) Victim Assistance Formula Grants, Title IV-D child support funds, and Temporary Assistance for Needy Families (TANF) basic block grants are three state-administered sources of federal funding that allow states discretion to use funds for civil legal aid for domestic violence survivors, parents with child support matters, and children in foster care.

Keywords: *Child Welfare; Civil Legal Aid; Domestic Violence; Foster Care; Funding Legal Aid; and Self-Help Services.*

Survivors of domestic violence (DV) and their children have attendant civil legal needs that too often go unmet. They may require help filing for protective orders, obtaining custody of their children, keeping or securing housing, rectifying identity theft, and maintaining employment.¹ DV survivors present almost double the civil legal needs of other low-income individuals,² but like others, they are unlikely to acknowledge their problems as legal in nature or seek out legal assistance.³

For purposes of this article, legal aid includes court-based and other self-help services, limited representation, and full representation. When a DV survivor receives any form of legal aid, he or she is more likely to succeed in court. Nationally, the Self-Represented Litigation Network estimates that approximately 60 percent of people in civil cases self-represent.⁴ Although there is no national figure of how many DV survivors self-represent, studies have continuously shown that DV survivors are among the most likely to self-represent, reporting that between 80⁵ and 97 percent of DV survivors self-represent.⁶ When self-help services for certain legal problems are available, those

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who receive services benefit significantly. One study found that plain-language online court forms for family law matters—such as child support, custody, visitation, guardianship, paternity, consumer debt, and housing cases (all areas in which domestic violence survivors have shown to demonstrate a high need)—are perceived to be empowering, simplify court procedures for *pro se* litigants, and improve court efficiency.⁷ In Fresno County, California, self-help services in family and DV cases decreased the hearing time and reduced the number of filings and proposed judgments returned for deficiencies.⁸ A study of cases in King County, Washington, found that when a DV survivor received full legal representation in a child custody case, the court was more likely to afford greater legal protection to children. The court was 85 percent more likely to deny visitation to the abusive parent and 77 percent more likely to place restrictions on that parent’s visitation.⁹

DV can have ripple effects throughout the household. The most common reason for children’s entering foster care is neglect, followed by drug abuse and physical and sexual abuse.¹⁰ When legal aid addresses the underlying legal needs of families experiencing abuse, it can contribute to making the home safer, reduce the likelihood that a child will spend time in foster care,¹¹ improve child outcomes, and save the state money.¹²

In Part I, this article identifies the legal needs of DV survivors and children in foster care. Part II describes how civil legal aid can help both populations. In Part III, the article presents several federal funding opportunities for states seeking to improve access to civil legal aid for these populations. Finally, the article concludes with promising technological innovations that states and organizations have been using to better the lives of families by increasing access to justice.

I. THE PROBLEM

The National Domestic Violence Hotline defines DV as including “behaviors that physically harm, arouse fear, prevent a partner from doing what they wish or force them to behave in ways they do not want.”¹³ This definition includes physical, sexual, emotional, and economic abuse. The U.S. Department of Justice Bureau of Justice Statistics¹⁴ and the World Health Organization¹⁵ differentiate between DV (violence committed by intimate partners and family members) and intimate partner violence (IPV; violence committed by current or former spouses, boyfriends, or girlfriends). This article focuses on the former, as it includes child abuse and other abuse from family members.

Experiencing violence can leave a profound impact. Those who have been directly victimized report higher rates of depression,¹⁶ are at higher risk for repeat victimization,¹⁷ and are at higher risk for perpetrating DV in their lifetimes¹⁸ than those who have not experienced such violence.

DV is alarmingly common. The Centers for Disease Control and Prevention reports that in the United States, 36.4 percent of women and 33.6 percent of men experience sexual or physical violence or stalking perpetrated by an intimate partner in their lifetimes.¹⁹ In 2017, data from the National Crime Victimization Survey found that 1,237,960 Americans had experienced DV in the six months prior to the survey.²⁰

Individuals who have experienced DV typically have a multitude of civil legal needs. Using data from a national survey, the Institute for Law and Justice reports that the most significant legal needs are obtaining emergency and permanent protection orders, issues related to family law, and child and spousal support.²¹ Other studies have made similar findings, adding that DV survivors often need assistance with termination of parental rights and paternity suits.²² On average, domestic violence survivors report more legal needs than others. The Social & Economic Sciences Research Center at Washington State University found through a statewide probability survey that DV survivors presented an average of 19.69 problems per household, compared to 9.3 problems for other low-income Washington households.²³ Lastly, the Legal Services Corporation (LSC) reports 97 percent of low-income households with domestic violence or sexual assault survivors experienced at least one other civil legal problem outside of problems related to domestic violence or sexual assault within the last year.²⁴ Sixty-seven percent of them had experienced six or more problems.²⁵

These needs are often compounded by other barriers limiting access to justice. Individuals may still have unmet needs, even when they receive other services. A cluster analysis found that 59 percent of

those leaving a domestic violence shelter still had unmet legal needs.²⁶ Domestic violence has been shown to be concentrated among those who often cannot access the legal services they need; individuals at the federal poverty line experience four times the rate of domestic violence than those at 400 percent of the federal poverty line.²⁷ Professor Rebecca Sandefur's study found that while Americans at all income levels experience civil legal issues, low-income Americans were the most likely to report civil legal needs and experience more negative consequences, such as impacts on mental health.²⁸ The study also found that one of the main reasons individuals do not seek civil legal help is because they do not recognize their problems as legal in nature, and they often instead seek assistance from family or friends, or address their problems themselves. When domestic violence survivors do not receive legal assistance, it can adversely affect both their own and their children's safety.

Almost one in five child protective cases is connected to domestic violence.²⁹ There are approximately 443,000 children in foster care on any day in the United States. In 2017, approximately 685,000 children spent some time in foster care.³⁰ In 2017, there were 123,437 children waiting to be adopted, 65,524 for whom parental rights had been terminated.³¹ Potential adoptees wait an average of 18 months after parental rights have been terminated.³² Children's exposure to family violence within the household has been shown to be common outside of child protective cases. The National Survey of Children's Exposure to Violence surveyed youth in a nationally representative sample and found that 11 percent of children and youth were exposed to violence within the last year and 26 percent were exposed within their lifetime.³³

Children who are exposed to DV are more likely to show signs of depression and anxiety, low self-esteem, and poor relationships.³⁴ Children who are abused are 12 times as likely to abuse alcohol and drugs, experience depression, and attempt suicide.³⁵ They are also more likely to have chronic health issues, such as heart disease, lung cancer, and liver disease.³⁶

Being placed in foster care can negatively affect children. One study found that for those who had scored within a normal range on behavioral, social, and emotional questionnaires at the beginning of their foster care stay, they often scored poorly after.³⁷ Another found that children placed in foster care are more likely to experience "emotional and behavioral deficits, brain and neurobiological impairment, and poor social relationships with parents and peers."³⁸ Children who spend time in group homes are 2.5 times more likely to become involved in the criminal justice system than those in regular foster care.³⁹ These statistics are particularly salient for LGBT youth, who are more likely to be placed in a group home, experience more frequent moves, and experience more physical violence at foster placements than non-LGBT youth.⁴⁰ Further, these youth may not be protected in their state; only 13 states have laws that protect LGBT youth in foster care from discrimination.⁴¹

When children are removed from their homes, they can experience even more trauma. The organization Lawyers for Children explains: "Children are unnecessarily removed from their homes or suffer a disruption of the parent/child relationship solely because one of their parents is a victim of domestic violence. These children face trauma first from violence in the home, then from being taken from their homes, and again from being placed in foster care while their cases are resolved."⁴² When legal aid is available to address some of the underlying issues to prevent children from entering foster care and help DV survivors access safety, it is not just increasing access to justice, but also meaningfully improving outcomes for survivors and their children.

II. CIVIL LEGAL AID: A KEY PART OF THE SOLUTION

A. OUTCOMES FOR DOMESTIC VIOLENCE SURVIVORS IMPROVE WITH CIVIL LEGAL AID

Legal services can reduce domestic violence by helping survivors access and secure safety. In a widely cited study analyzing why domestic violence decreased in the 1990s, the researchers identified the first factor for this decline as "increased provision of legal services for victims of intimate partner abuse."⁴³ This study found that legal services seeking to help domestic violence survivors obtain protective orders were the most effective at reducing future violence. A study funded by the

U.S. Department of Justice (DOJ) also found that when victims of IPV received legal assistance in obtaining a civil protective order, they experienced a significant decrease in violence, and as the years passed, they reported decreased stress.⁴⁴ Legal aid can also help beyond securing a protection order. One study found that legal representation of DV survivors in child custody matters leads to greater legal protections being awarded in child custody and visitation decisions when compared to those who are not represented.⁴⁵

When individuals have to represent themselves to obtain protection orders, which is often the case if they are unable to secure a legal aid attorney or pay for a private attorney, the results are less optimistic. When the National Network to End Domestic Violence conducted a census of their 1,762 shelters, they found that domestic violence survivors without legal representation were frequently further victimized and endangered.⁴⁶ The census further found that because of reduced resources and subsequent staff cuts, domestic violence survivors were more likely to represent themselves at court and thus were less likely to secure civil protective orders.

Outside of providing legal representation or direct legal services, legal aid in the form of self-help services has been found to improve courtroom efficiency and increase perceptions of empowerment. One case study found that court-based document assembly programs can reduce error and improve courtroom efficiency in family law matters.⁴⁷ Ninety-five percent of users of these document assembly programs in family court reported saving time. Further, many commented that the process was empowering. When court-based services help self-represented litigants with custody, visitation, and paternity matters, domestic violence survivors can better access safety for themselves and their children.

Domestic violence survivors are also particularly vulnerable to identity theft and other forms of financial abuse. Ninety-nine percent of domestic violence survivors report financial abuse.⁴⁸ Legal aid services can provide legal advice and help resolve debts and related credit problems. Studies also show that when individuals have access to a lawyer and legal aid in debt collection cases, they are less likely to have a default judgment entered against them. For example, an analysis of 507 cases in Dallas County, Texas, found that when the alleged debtor had been served but did not appear, 166 experienced a default judgment, compared to nine who self-represented, and one who had an attorney.⁴⁹ Overall, nearly 40 percent of all cases resulted in a default judgment.⁵⁰ Human Rights Watch similarly found that when the alleged debtors had access to legal representation, they were more successful in fighting the claim and winning the case or having it dropped.⁵¹

Legal aid can also help DV survivors retain or secure housing, which can increase their likelihood of living in safety. For example, legal aid can assist when a tenant is threatened with eviction or foreclosure. A Boston Bar Association study found that when low-income tenants received legal representation in eviction proceedings, they were twice as likely to retain their housing.⁵² A randomized controlled trial conducted by Harvard researchers found that tenants facing eviction who were offered full representation were significantly more likely to remain in the home than those who received only limited legal assistance.⁵³

Finally, the police can work with legal aid service providers to help protect domestic violence victims. Having access to legal services increases the likelihood victims will report domestic violence.⁵⁴ By increasing access to protective orders and assisting with child custody issues, which promotes survivor safety, legal services can ultimately result in fewer costs to law enforcement.⁵⁵ Legal aid can also help promote trust and legitimacy of law enforcement. One study found that African American women in rural Alabama did not feel comfortable reporting domestic violence to law enforcement. However, when they had access to legal services, they were more likely to feel independent (in part because they were able to access benefits, thus gaining financial independence) and then were more likely to report the crimes.⁵⁶

B. OUTCOMES FOR CHILDREN IN FOSTER CARE IMPROVE WITH CIVIL LEGAL AID

By helping families address some of their underlying legal needs, legal aid can potentially prevent children from entering foster care.⁵⁷ Children's legal needs often parallel their parents' needs.

When underlying issues such as housing insecurity, barriers to employment, and family law issues are resolved, children may avoid situations in which foster care becomes necessary. Children “may unnecessarily enter foster care because their parents are unable to resolve legal issues that affect their safety and well-being in their home.”⁵⁸ Legal representation at an eviction hearing or self-help materials and tools can prevent a family from being evicted. Children with stable housing are less likely to miss school or experience other negative effects of dislocation.⁵⁹

In addition to preventing a child from unnecessarily entering foster care, legal aid can improve the lives of families caring for foster children. The White House Legal Aid Interagency Roundtable reports that legal aid can assist children in foster care as well as their parents, by helping children stay in school when discipline and other problems threaten suspension or expulsion.⁶⁰ Parents and foster parents with access to representation or self-help centers are better equipped to enforce or modify child support orders.⁶¹ Legal aid also helps families access benefits like Temporary Assistance for Needy Families (TANF), the Supplemental Nutrition Assistance Program (SNAP), and school lunches, while also helping foster youths stay in contact with siblings or obtain legal identification.

Studies have shown that when parents have access to legal representation, outcomes for children improve. Using data from the Detroit Center for Family Advocacy and Vermont Parent Representation Center, Professor Vivek Sankaran shows that these two centers, which provide legal and social services to parents, prevented foster care in 100 and 79 percent of cases, respectively.⁶² When the child of a parent receiving services was placed in foster care, the average length of stay was 4.5 months, compared to an average of 21.1 months for those not receiving services.⁶³ Similarly, American Bar Association researchers studied the Center for Family Representation in New York, which provides each parent-client with a community advocacy team of an attorney, a social worker, and a parent advocate.⁶⁴ When the center worked with families during the child protection investigation, they prevented foster care in 95 percent of their cases.

When children and their parents have representation, child welfare cases result in a permanent placement sooner, ensuring that children are more quickly adopted, reunified with their parents, or placed under legal guardianship, as appropriate. Among 12,104 children who entered court-supervised care for the first time over three years in Washington State, researchers found that when parents have legal representation, children exited foster care at a rate 11 percent higher than parents who did not have representation.⁶⁵ Further, representation resulted in children’s moving to permanent placements more quickly, speeding their path to reunification, adoption, or legal guardianship.⁶⁶

By preventing and reducing the time spent in foster care, legal aid services save state and federal governments money. A study using data from the National Adoption Survey found that children who are adopted are less likely to rely on public resources, such as state-subsidized health care, TANF, SNAP or cash welfare payments, and subsidized school lunches.⁶⁷ Adopted children are less likely to have their health care subsidized by the state, approximately three times as likely to use private health insurance, and four times less likely to lack health insurance.⁶⁸ When legal aid can reduce the time children spend in foster care, the state can both save money and improve children’s lives. The U.S. Department of Health and Human Services Children’s Bureau agrees. The bureau published a bulletin for social service providers in which they profiled the San Diego Family Justice Center, a center that provides “coordinated legal, social, and health services to women, men, children, and families in need” as a “promising practice.”⁶⁹

III. FEDERAL FUNDING FOR CIVIL LEGAL AID

The largest single funder of civil legal aid for low-income Americans is the Legal Services Corporation (LSC). LSC distributes more than 90 percent of its total congressional appropriation to 134 independent nonprofit legal aid programs, serving every state and territory with more than 800 offices nationwide.⁷⁰ LSC-funded programs typically help people who live in households with annual incomes at or below 125 percent of the federal poverty guidelines. Virtually all of these

LSC grantees also receive funds from a variety of other federal, state, and local government sources, as well as private funds.

LSC-funded organizations are complemented by hundreds of other general service and subject-matter-specific legal aid nonprofit providers, law schools and pro bono programs, and court-based services. Some focus on specific groups of people, like domestic violence survivors or veterans, and others provide services to self-represented litigants. However, even with this wide network of providers, the United States does not come close to meeting the need for civil legal services.⁷¹ While many Americans across all income levels will experience a civil legal problem, the vast majority will self-represent.⁷² A project of the National Center for Access to Justice at Fordham Law School found that nationally, there are only 0.64 legal aid attorneys per 10,000 individuals living in poverty.⁷³

This documented shortage of legal aid to vulnerable populations shows why identifying new funding sources is so important. This article focuses on three state-administered sources of federal funding that allow states discretion to use funds for civil legal aid for domestic violence survivors and children in foster care: (1) the Victims of Crime Act (VOCA) Victim Assistance Formula Grant Program, (2) Title IV-D child support funds, and (3) Temporary Assistance for Needy Families (TANF) basic block grants.

A. VOCA VICTIM ASSISTANCE FORMULA GRANT PROGRAM

Passed in 1984, VOCA established the Crime Victims Fund (CVF) as the nation's primary funding source to help victims of crime. The CVF is financed by criminal fines, forfeitures, and special assessments—not from tax dollars. Overseen by the U.S. Department of Justice Office for Victims of Crime (DOJ OVC), VOCA authorizes a range of grants and initiatives, including victim assistance formula grants awarded to states that in turn provide subgrants to thousands of victim assistance programs providing services directly to victims.

The DOJ unequivocally recognizes the civil legal needs of crime victims. In 2013, the DOJ OVC released *Vision 21: Transforming Victim Services Final Report*, outlining the needs of crime victims.⁷⁴ This report dedicates an entire chapter to the unmet legal needs of crime victims, of which domestic violence survivors are the largest population. Effective 2016, the DOJ OVC issued a new rule that expanded the freedom and flexibility of state VOCA administrators to fund legal services, including help with divorce, custody, housing, dependency issues, protective/restraining orders, intervention with creditors on behalf of victims of identity theft and financial fraud, and other circumstances in which legal advice or intervention would assist in addressing the consequences of a person's victimization.⁷⁵

In 2015, Congress increased the annual CVF allocation, dramatically increasing funds awarded to every state. To illustrate, in 2010, the total amount distributed to states for victim assistance grants was \$412,134,000. In 2015, the amount more than quadrupled to \$1,968,830,000. In 2018, it increased even more—to \$3,328,058,000.⁷⁶

With this additional money, several states, including Massachusetts, Washington, Vermont, Michigan, California, Oklahoma, and Pennsylvania, have significantly expanded legal aid services for victims of crime. For example, in 2016, the Massachusetts Legal Aid Corporation (MLAC) received an \$8.3 million grant to serve as a statewide intermediary to connect six legal aid organization subgrantees into a statewide and regional legal aid collaboration for crime victims. Dubbed Civil Legal Aid for Victims of Crime (CLAVC), its six regional programs offer civil legal services to clients within a specific geographic area. Three statewide programs focus on children's rights, disability rights, and sexual assault. Washington State developed a similar statewide program through the Integrated Civil Legal Aid to Crime Victims Program, which engages with and subgrants to seven legal aid service providers throughout the state that provide services to victims of crime. This program has several components that range from statewide crime victims legal aid hotlines to Project Safety, a courthouse-based pilot collaboration between the King County Prosecuting Attorney's Office and

three VOCA-funded civil legal aid organizations. With VOCA funds, these legal aid providers have hired more than 40 civil legal aid attorneys and advocates and two Project Safety navigators.

Other states, like Oklahoma, have significantly expanded funding for legal aid services. Oklahoma's Annual State Performance Report for FY 2017 reads:

Prior to the new VOCA rule being enacted, we heard time and again that the biggest gap [sic] in services related to civil legal services for crime victims. We addressed this gap by funding 14 individual Legal Aid grants aimed at embedding attorneys in DV/SA [domestic violence/sexual assault] programs. Another gap identified was legal services in Indian Country. The VOCA Board addressed this gap [sic] by funding civil legal services to the Native Alliance Against Violence Circle Project. This project funds attorneys with knowledge of Tribal code who can assist victims of crime in Tribal court with Victim Protective Orders, child custody, and other legal difficulties crime victims face.⁷⁷

With the increase in available funds, many states have carried over unspent funds in recent years. For example, the FY 2016 rollover was \$2,693,351 in South Dakota; \$4,406,159 in Maine; \$20,811,747 in Colorado; and \$112,548,160 in New York. States must use their annual award within three years after the year in which the award was made. Even as states have rolled over prior-year funds, suggesting they may have difficulty spending it all, additional funds have been forthcoming. All of these factors make VOCA victim assistance funds a prospective source for legal aid and courts seeking to improve and increase legal help for domestic violence victims and abused and neglected children. By tapping into this important resource, states can enhance fairness and efficiency in the courts and provide critical benefits and improved outcomes for survivors.

B. TITLE IV-D CHILD SUPPORT

Title IV-D of the Social Security Act establishes a state–federal partnership to provide child support services and paternity establishment.⁷⁸ Under Title IV-D, the federal government reimburses states \$2 for every \$3 they spend on qualifying paternity and child support enforcement, modification, and related expenses. On December 20, 2016, the U.S. Department of Health and Human Services' (HHS) Office of Child Support and Enforcement (OCSE) published the Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs Final Rule to strengthen and update the nation's child support program. The new rule explicitly states that Title IV-D funds may be used for services to increase self-represented litigants' access to adjudicative and alternative dispute resolution processes in Title IV-D child support cases.⁷⁹

To be eligible for Title IV-D reimbursement, self-help services must be for paternity establishment or the establishment, modification, and enforcement of child support in Title IV-D cases.⁸⁰ These self-help services can include assisting with filing pleadings, providing supporting documentation, or assisting with domestic violence protection orders if the order is necessary to child support. Self-help services can assist parents in preparing motions to modify child support, or help noncustodial parents prepare objections to an enforcement action such as a driver's license suspension or wage-withholding order. Programs can use funds for education and outreach, for example, to explain court processes and distribute court forms.

Child support can have a lasting impact on children. Child support, in comparison to other sources of income, has been shown to have one of the strongest effects on child educational outcomes.⁸¹ The effectiveness of child support programs and services can be enhanced by self-help services. The OCSE explains:

When parents are provided accurate information about the child support process, are given the opportunity to present information about their circumstances and are really listened to, support orders are more accurate and parents are more likely to comply with the orders.⁸²

Texas, California, Maryland, Michigan, Alaska, and Oregon have used Title IV-D funds for self-help services. In California, a collaboration between the state's Department of Child Support Services and the Judicial Council of California placed family law facilitators in the superior courts in every county in the state.⁸³ These court-based facilitators assist parents by providing a full range of Title IV-D self-help-related services, including helping parents to respond to the initial request for parentage/support, assisting parents in completing requests for court modification of support, and assisting with legal forms to get court resolution of arrears disputes, among other services. Also noteworthy is that OCSE Grants to States for Access and Visitation Programs have included legal aid and court partners. For example, Texas contracted with the Texas Legal Services Center to offer a free hotline service that provides information and referrals to parents about child custody, visitation, paternity, and child support information. Attorneys are also available via the hotline, where they explain legal orders and guidance for resolution. The Texas Legal Services Center also has toolkits available on their website that outline how parents can request a modification of a custody, visitation, or support order; respond to a modification case; or request custody.⁸⁴

C. TANF BASIC BLOCK GRANTS

TANF is the federally funded cash welfare program for needy families and is administered by the states. The federal government gives states block grants to design and operate programs that accomplish one or more of the four purposes of the TANF program: (1) provide assistance so that children can be cared for; (2) promote job preparation, work, and marriage to reduce dependency; (3) prevent pregnancies in single-parent households; and (4) encourage two-parent families.⁸⁵ States have enormous flexibility over how to design their program and can support a broad range of activities related to promoting the four TANF purposes, so long as they comply with the rules established by the HHS Office of Family Assistance. Legal aid can help advance the first two purposes of TANF by helping families become and stay self-sufficient, and by providing job and employment support. TANF block grant funds are distributed by a congressionally established formula allocation annually.⁸⁶

In the TANF Program Policy Questions and Answers, HHS clarifies that states can use TANF funds to provide funding for families pursuing Supplemental Security Income benefits and to "resolve legal problems that are a threat to family stability or undermine the employment of needy parents."⁸⁷ Another Q&A explains that TANF funds can assist families with resolving consumer finance issues, such as debt and credit problems, which legal aid has been shown to help. The Justice in Government's TANF FAQs outline how TANF funds can be used to fund legal aid and provide examples and next steps legal aid providers and their partners can take.⁸⁸

Several states use TANF or state maintenance of effort (MOE) funds for legal aid services, including Arizona, Georgia, California, West Virginia, and Wisconsin.⁸⁹ Arizona and Wisconsin offer services for domestic violence and sexual assault survivors. The Domestic Violence Legal Assistance Project in Arizona is partly funded by TANF. This project supports a network of those who provide services to domestic violence survivors with family law, financial issues, employment, and benefits. The project also runs AZLawHelp.org, which provides an online intake form for individuals seeking legal assistance and self-help information packets. In Wisconsin, the legislature allocated \$1 million in TANF funds for TANF-eligible survivors of domestic violence and assault.

IV. RECENT INNOVATIONS

DV survivors often have significant unmet legal needs ranging from family law to employment and housing issues. Abuse and neglect at home can lead children to enter foster care, sometimes an unnecessary response if the underlying issue (e.g., an eviction) can be addressed through the

provision of legal aid services. Following federal rule changes and other guidance, legal aid service providers and courts should consider pursuing the federal funds outlined in this article. This funding has enabled expanded legal aid services and court-based innovations, from Title IV-D–funded self-help centers in California to TANF-funded legal services for domestic violence survivors in Wisconsin.

Self-help services and centers are a promising avenue. Self-help services, a form of legal aid, have been found to significantly improve *pro se* litigants' outcomes. The Judicial Council of California evaluated five self-help centers to determine their impact on access to justice.⁹⁰ Three of these centers had dedicated resources for domestic violence and elder abuse survivors. For example, in Fresno County, self-help services assisted more than 6,000 domestic violence survivors with protection, family law, and guardianship matters. These services also referred individuals who reported domestic violence to shelters and other social service providers. The researchers found that in all five pilot self-help centers, these services provided access to legal education and information, facilitated effective participation in the legal process, improved court efficiency, helped the court to design systems serving self-represented litigants more effectively, promoted public trust, and reached non-English speakers. Increasing access to self-help services not only can help individuals achieve better outcomes, but also can save courts and states money. In a cost-benefit analysis from the Center for Families, researchers found that the costs of the self-help services were found to be significantly less than the amount saved, costing as little as \$0.13 per every dollar saved.⁹¹

Legal aid services have also begun to use technology in new ways. Many states have online self-help tools and websites, fillable court forms, and/or chat rooms for *pro bono* assistance. Each of the federal funding sources outlined in Part III allows states to build on those innovations and use funds for technology consistent with the purpose of the authorizing statute. For example, VOCA victim assistance funds can be used for technology that improves the delivery of services to crime victims. This enabled South Carolina Legal Services, in partnership with the courts, to develop new online forms that automate the court-approved Petition for Order of Protection forms to be used by self-represented litigants, victims' advocates, South Carolina Legal Services, and other attorneys. As discussed above, Title IV-D funds helped develop a hotline and website for parents using OCSE Grants to States for Access and Visitation Programs.

Other recent innovations are ripe for consideration. For example, legal aid and the courts are important partners and stakeholders in addressing the nation's opioid crisis. In Ohio, one of the five states with the highest number of opioid-related overdose deaths,⁹² the child welfare system has seen a 19 percent increase in children being removed from their parents' care.⁹³ Half of those children had experienced prenatal drug use, and 28 percent of them had parents who used opioids.⁹⁴ For those suffering from substance use disorders, legal issues related to child support, custody, and guardianship are particularly salient.⁹⁵ One study found that "during periods of intensive drug use by parents, children can be vulnerable to not being properly fed, clothed, or cared for."⁹⁶ Drug use can limit how nurturing and safe the environment is for their children, and children of opioid-addicted parents report feeling more isolated and alone.⁹⁷ One study found that children of addicted parents experienced behavioral and psychological issues: 69 percent of the children had cognitive limitations; 68 percent had speech impairments; 16 percent had emotional or behavioral problems; and 83 percent had medical problems.⁹⁸ With this research and as a result of the strain on the child welfare system—and the DOJ's well-documented recognition of the importance of legal aid to crime victims, including child abuse and neglect—four legal aid providers were able to successfully apply for a discretionary grant authorized by VOCA.⁹⁹

Although a significant justice gap remains between those who need legal services and those who receive them, TANF, Title IV-D, and VOCA funding can help close this gap. Legal aid services can have a significant positive impact on people's lives and the courts. They can stabilize housing for domestic violence survivors, assist parents with child support modification, and help families become self-sufficient. When families and those in need can access justice through civil legal aid services, families can remain together, self-sufficient, safe, and housed.

NOTES

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