



**CIVIL LEGAL PROBLEMS EXPERIENCED
BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL
ASSAULT IN WASHINGTON STATE**

Findings from 2014 Civil Legal Needs Study Update

Technical Report # 15-034

Submitted by:

Danna Moore, Ph.D.
Arina Gertseva, Ph.D.

**SESRC
Social & Economic Sciences Research Center
PO Box 644014
Washington State University
Pullman, Washington 99164-4014
Telephone: (509) 335-1511
Fax: (509) 335-0116**

LEGAL PROBLEMS EXPERIENCED BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN WASHINGTON

Introduction

This report is based on the data from the 2014 Civil Legal Needs Study Update—a state-wide study the main goal of which was to update and deepen understandings regarding the substance, prevalence and impact of civil legal problems experienced by low-income residents of Washington State. The study consisted of two separate but complementary components:

- A mixed-mode (web, mail, and phone) state-wide probability survey of low-income respondents; and
- A non-probability survey of individual low-income people throughout Washington who represent groups that were unlikely to be sufficiently represented in an address-based probability survey.

In the following pages we explore the data from both components of the study and break down the key findings in respect to the types of civil (non-criminal) legal problems experienced by victims of domestic violence or sexual assault (DV/SA), the percentage of DV/SA victims that sought legal help, where they went for legal help and the impact of legal assistance in resolving their legal problems.

A total of 1,599 completed survey from eligible respondents were received. Of these, 1,375 (86%) completed surveys were received from eligible respondents during a probability research effort, and 224 (14%) completed surveys were obtained through a non-probability component. Of all completed surveys, 175, or 10.9%, were received from respondents who identified as DV/SA victims. Respondents did not distinguish between their status as a victim of domestic violence or sexual assault. Of the 175 DV/SA victim respondents, sixteen (9%) were received via phone, fifty-three (30%) were received via web, and one hundred and six (61%) were received via mail. The majority (61%) of DV/SA victims had a cell phone but did not have a landline phone at the time of the survey.

LEGAL PROBLEMS EXPERIENCED BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN WASHINGTON

Principal Findings – Problems Identified by Victims of Domestic Violence or Sexual Assault

1. DV/SA victims experience the highest number of problems overall and per capita relative to the general low-income population or any other demographic group studied. While 75% of all survey respondents reported experiencing at least one legal problem, all 175 DV/SA victim respondents experienced at least one problem in the surveyed problem areas.
2. DV/SA victims reported an aggregate total of 3,446 separate problems in areas identified in the survey instrument with an average of 19.69 problems per household/respondent.¹ This is 2 times higher than an average of 9.3 problems per household/year documented for the general low-income population of Washington.
3. The vast majority (81%) of persons who identified as a victim of DV/SA were aware of their legal problems and the same percentage of DV/SA victims were adversely affected by legal problems, including 44% who were severely affected by the problems they experienced.
4. DV/SA victims experienced the greatest percentage of problems in the area of family relations.
5. Besides family-related problems, DV/SA victims experienced substantially higher rates of problems in each of the major substantive areas, including health care, consumer-financing, municipal services, rental housing, and employment.
6. There exist significant disproportionalities in the experiences of members of distinct sub-demographic groups of DV/SA victims. Relative to the entire DV/SA victims groups, African-Americans, Native Americans, Hispanic/Latinos, persons with disabilities and young victims experience substantially higher numbers of substantive legal problems.
7. DV/SA victims experience significantly higher levels of problems associated with discrimination and unfair treatment relative to the general low-income population.
8. The findings regarding discrimination and unfair treatment also show significant disproportionalities in experiences of victims who are African-American, Native American Hispanic/Latino, have disabilities with disabilities and who are young. Members of these groups reported especially high rates of discrimination and unfair treatment in the areas of employment, rental housing, consumer-financing, access to government assistance, education and health care.

¹ For comparison, respondents in a probability portion of the study reported an aggregate total of 7,460 separate legal problems with an average of 9.3 legal problems per household.

LEGAL PROBLEMS EXPERIENCED BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN WASHINGTON

9. Significant differences exist between actions taken by DV/SA victims to secure legal help and those of the general low income population. Most DV/SA victims sought help from the statewide CLEAR hotline, social or human services organizations, and legal aid. Many also sought help from a volunteer (unpaid) attorney. In contrast, the majority of low-income people who sought help with legal problems tried to get assistance from a private attorney.
10. Consistent with the findings for the overall respondents, the majority (62%) of victims of domestic violence who got legal help were able to gain some resolution of their legal problem. Seventeen percent (17%) were able to completely resolve their problems with legal help.

LEGAL PROBLEMS EXPERIENCED BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN WASHINGTON

Demographic Characteristics of DV and Sexual Assault Victims

Of the 1,599 completed surveys, 175, or 10.9%, were received from victims of domestic violence or sexual assault (DV/SA victims).

Table 1 shows the relative breakdown of victims of domestic violence or sexual assault by gender, age, marital status, household composition, immigrant and citizenship status, disability status, homeless status, income and employment status, and military/veteran status.

Fifty eight percent (58%) of DV and sexual assault victims were White, 13.2% were African-American, 16.1% were Native American, 2.3% were Asian, 0.6% were Pacific Islanders, and 8% were mixed or “other” race. Almost 21% of DV and sexual assault victims were Hispanics (Table 1).

The majority of DV and sexual assault victims were female (83.5%). More than half (53.5%) were between 18 and 39 years of age, had a disability (48%), were not employed (55%) and lived in a household with children (62.5%).

Fifteen percent (15%) of DV and sexual assault victims were married; 20% were caring for a one or more dependent persons; and almost 16% were homeless at the time of the survey (Table 1).

LEGAL PROBLEMS EXPERIENCED BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN WASHINGTON

Table 1: Household Characteristics of DV/SA Victims²

Demographic Characteristics	Respondents	
	n	%
Race		
White	101	58%
Black or African-American	23	13.2%
Asian	4	2.3%
Pacific Islander	1	0.6%
Native American/Alaska Native/Native Hawaiian	28	16.1%
Mixed race	8	4.6%
Other race	6	3.4%
<i>Hispanic or Latino</i>	36	20.7%
Gender		
Male	26	15.3%
Female	142	83.5%
Transgender or other	1	0.6%
Total	170	100%
Age		
0-17	6	3.5%
18-24	24	14.1%
25-39	67	39.4%
40-64	63	37.1%
65+	10	5.9%
Total	170	100%
Marital Status		
Married	26	15.5%
Not married, but live and share household expenses with another	30	17.9%
Single and live alone	50	29.8%
Other	62	36.9%
Total	168	100%
Households composed of families with children		
Households without children	64	37.4%
Households with children	107	62.5%

² Note: The table 1 includes only respondents who provided responses to questions asking about income and household characteristics.

LEGAL PROBLEMS EXPERIENCED BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN WASHINGTON

Table 1: Household Characteristics of DV/SA Victims²

Demographic Characteristics	Respondents	
	n	%
Total	171	100%
Homeless		
Homeless	26	15.6%
No	141	84.4%
Total	167	100%
Disability		
Disability	83	48%
No disability	90	52%
Total	173	100%
Caring for Dependent		
Yes	36	20.9%
No	136	79.1%
Total	172	100%
Military Status:		
Served in the military	27	16%
Did not serve in the military	142	84%
Total	168	100%
Citizenship		
United States citizen	150	88.2%
U.S. permanent resident, but not a U.S. citizen	6	3.5%
Citizen of another country	10	5.9%
Other	4	2.4%
Total	170	100%
Employment		
Not employed	94	55%
Employed full-time	35	20.5%
Employed part-time	35	20.5%
Self-employed	7	4.1%
Total	171	100%

LEGAL PROBLEMS EXPERIENCED BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN WASHINGTON

Prevalence of Legal Problems

Victims of domestic violence and sexual assault (DV/SA) continue to experience the highest number of problems overall and per capita than any other demographic group. While 75% of all survey respondents reported experiencing at least one legal problem, all (100%) of the 175 DV/SA victims participating in the study reported at least one civil legal problem in one of the surveyed problem areas. DV/SA victims reported an aggregate total of 3,446 separate legal problems in areas identified in the survey instrument with an average of 19.69 legal problems per household/respondent³ that was 2 times higher than an average of 9.3 problems per household/year documented for the general low-income population of Washington.

DV/SA victims have disproportionately higher levels of legal problems than members of the general low-income population in each category of substantive legal problems including family, health care, consumer-financing, municipal services, rental housing, and employment. The vast majority (81%) were aware of their legal problems⁴ and the same percentage were adversely affected by legal problems, including 44% who were severely affected by problems they reported.

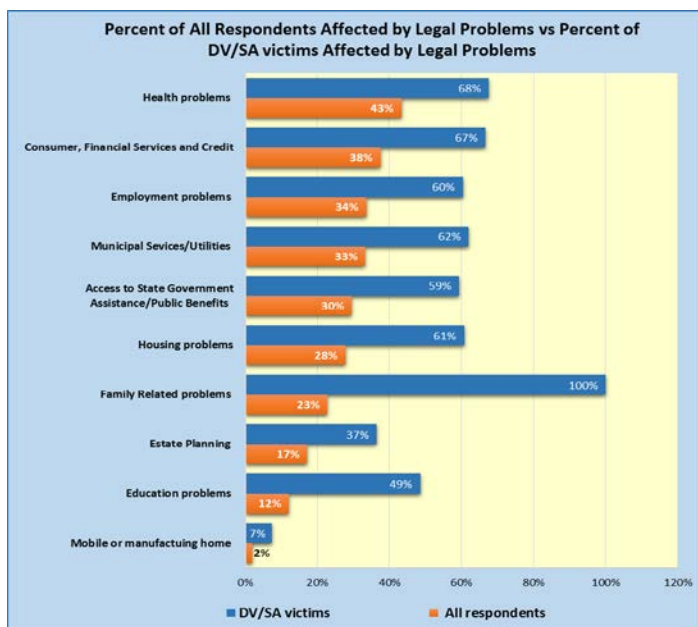


Figure 1: Percentage of DV/SA victims affected by legal problems in relation to the general low-income population, by category

Figure 1 shows the prevalence of legal problems by substantive area experienced by DV/SA victims in relation to comparable percentages reported for the general low-income population.⁵ This group has disproportionately higher levels of legal problems than the general low-income population in each category of substantive legal problems. Family-related problems were the most prevalent, followed by health care (67.6%), consumer-financing (66.7%), municipal services (62%), rental housing (61%), employment (60.4%), and access to government assistance (59.4%). Close to a half (48.6%) experienced at least one education-related problem and 36.5% had legal problems with estate planning, guardianship.

³ For comparison, respondents in a probability portion of the study reported an aggregate total of 7,460 separate legal problems with an average of 9.3 legal problems per household.

⁴ Question 1 of the survey asked respondents to choose between “Yes” or “No” answer to the following: “In the last 12 months, have you had any civil (not criminal) problems for which you thought you needed legal help? (For this survey, “you” refers to you and the members of your immediate household. Household means all persons living together in a unit and sharing income and expenses).”

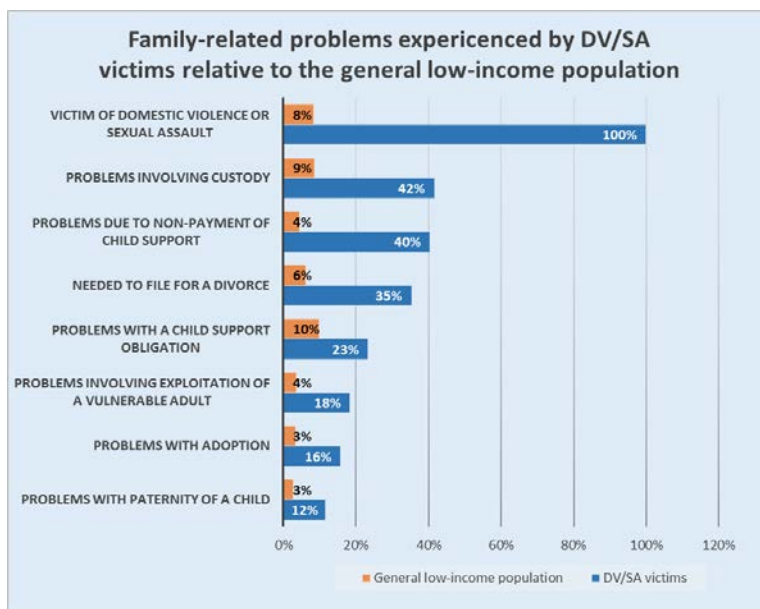
⁵ The corresponding percentages were reported in the [Civil Legal Needs Study Update \(June 2014\)](#)

LEGAL PROBLEMS EXPERIENCED BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN WASHINGTON

Prevalence of Family-Related Problems

DV/SA victims experience the highest number of family-related problems than any other demographic group. Figure 2 shows the prevalence or percentage of DV/SA victims affected by various specific family-related problems.

Relative to the entire low-income population of Washington⁶, DV/SA victims were 9 times more likely to experience problems associated with non-payment of child support (40% versus 4.4% respectively), 6 times more likely to have problems related to filing a divorce (35% versus 6.1% respectively), 5.12 times more likely to have problems involving custody of children at a (42% versus 8.6% respectively), and 5 times more likely to experience problems involving exploitation of a vulnerable adult (18% versus 3.6% respectively) than the rest of low-income population.



Significant differences also existed in the rates of problems experienced by DV/SA victims in the areas of adoption, paternity of child, and child support obligations.

Specifically, DV/SA victims were almost 2.45 times more likely to be affected by problems associated with child support (23% versus 10%), 4.28 times more likely to have problems related to paternity (12% versus 2.8%), and 5 times more likely to have problems with adoption (16% versus 3%) than the entire low-income population in Washington.

Figure 2: Percentage of DV/SA victims affected by family-related problems relative to the entire low-income population

⁶ See [CLNS14 Legal Needs Study Update](#) at page 29

LEGAL PROBLEMS EXPERIENCED BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN WASHINGTON

Discrimination and Unfair Treatment by Demographic Identity

DV/SA victims experience significantly higher levels of problems associated with discrimination and unfair treatment than the general low-income population of Washington. Specifically, while 47.4% of all survey respondents experienced at least one problem associated with discrimination, 67% of all DV/SA victims experienced at least one problem associated with discrimination or unfair treatment.

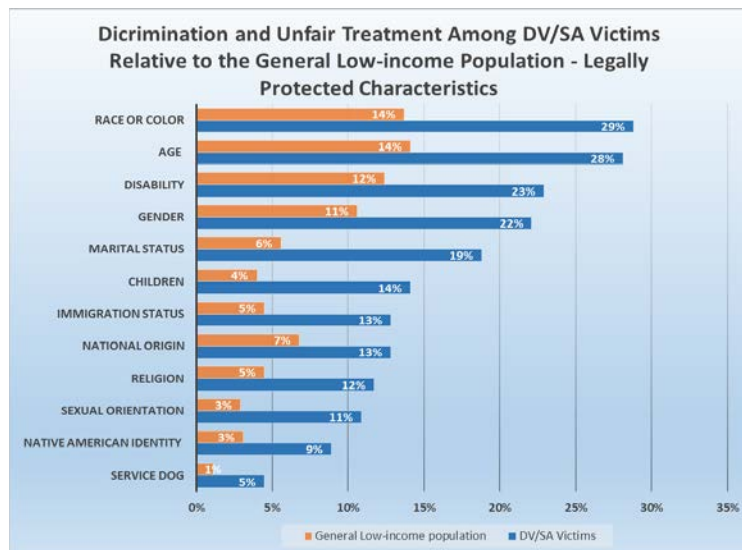


Figure 3: Percentage of DV/SA victims relative to the entire low-income population reporting discrimination or unfair treatment on the basis of at least one legally protected characteristics

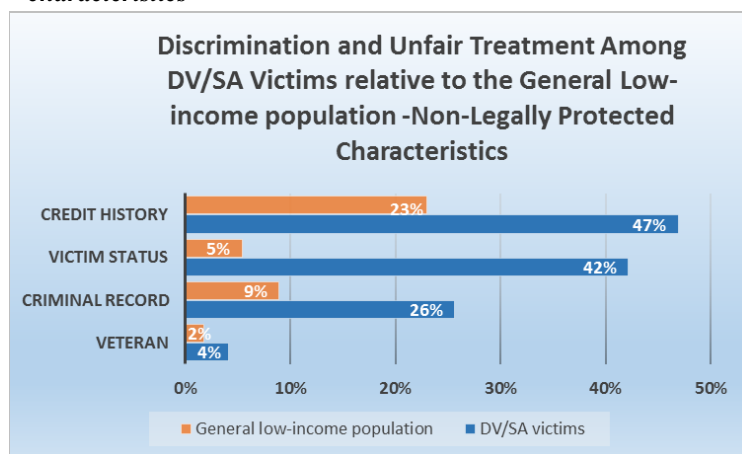


Figure 4: Percentage of DV/SA victims relative to the entire low-income population reporting discrimination or unfair treatment on the basis of at least one non-legally protected characteristics

Figure 3 shows the percentage of DV/SA victims who experienced discrimination on the basis of a state or federal legally protected classification relative to the entire low-income population of Washington⁷, DV/SA victims encounter discrimination at significantly higher rates. Specifically, DV/SA victims were from 2 to 3 times more likely to experience discrimination based on race or color, age, disability, gender, marital status, Native American Identity, and sexual orientation than members of the general low-income population.

Figure 4 shows the prevalence of problems relating to discrimination or unfair treatment experienced by DV/SA victims with respect to characteristics that are not categorically protected under either state or federal law. Relative to the entire low-income population of Washington⁸, DV/SA victims were from 2 to 3 times more likely to experience discrimination based on credit and criminal record. Finally, DV/SA victims were 7.7 times more likely than the entire low-income population to be discriminated on the basis of their status as victims (42% vs 5%).

⁷ See [CLNS14 Legal Needs Study Update](#) at page 41

⁸ See [CLNS14 Legal Needs Study Update](#) at page 41

LEGAL PROBLEMS EXPERIENCED BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN WASHINGTON

Percentage of DV/SA Victims Who Try to Get Legal Help

Figure 3 shows the percentage of DV/SA victims who were aware of legal problems they experienced.⁹ Relative to the entire low-income population of Washington, DV/SA victims were 2 times more likely to be aware that problems they experienced had a legal component for which they might seek legal help (81% versus 39%, respectively).

The same percentage of DV/SA victims (80%) were adversely affected by legal problems, including 44% who were severely affected by one or more of the problems they reported.

Figure 4 shows the percentages of DV/SA victims tried to get legal help with one or more of the problems they identified. Relative to the general low-income population, DV/SA victims were 2 times more likely to try to get some level of legal help (50% versus 24%), while 15.0% sought, but could not get it. Only thirty six percent (36%) took no action to get legal help to solve legal problems.¹⁰



Figure 3: Percent of DV/SA victims who were aware of legal problems they experienced



Figure 4: Percent of DV/SA victims who made efforts to get legal help with one or more legal problems

⁹ Legal Awareness was measured by Q1 of the survey. Question 1 of the survey asked respondents to choose between "Yes" or "No" answer to the following: "In the last 12 months, have you had any civil (not criminal) problems for which you thought you needed legal help? (For this survey, "you" refers to you and the members of your immediate household. Household means all persons living together in a unit and sharing income and expenses)."

¹⁰ This section focuses on steps people take with respect to problems *other than discrimination*. The corresponding figure for the general low income population is 65%.

LEGAL PROBLEMS EXPERIENCED BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN WASHINGTON

Where Do Victims of Domestic Violence Go to Get Legal Help?

Relative to overall low-income residents, DV/SA victims were 2.25 times less likely to seek help from a paid attorney than members of the general population of low-income Washingtonians (16 % versus 36%), but they were 2.5 times more likely to seek help from the statewide CLEAR hotline (30% vs 12%), and 1.8 times more likely to seek help from social or human services organizations (29% vs 16%).

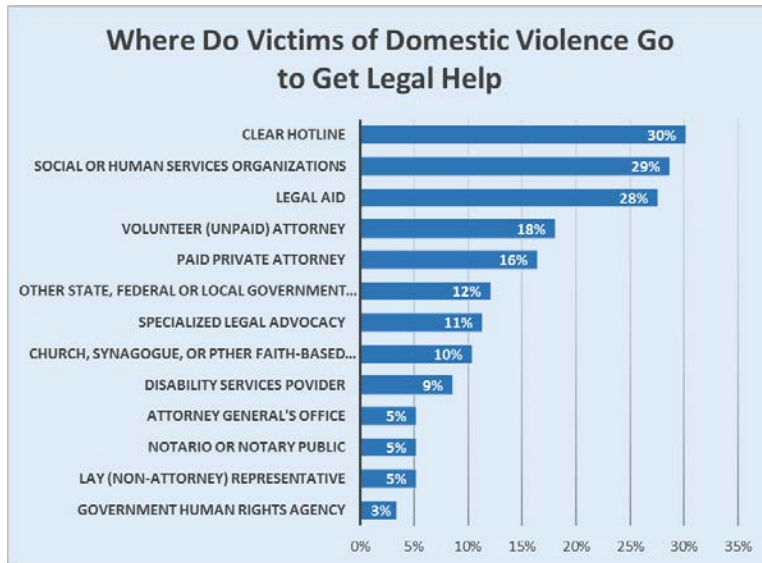


Figure 5: Percentage of DV/SA victims who tried to get legal help with one or more problems, by type of provider.

The rates of getting legal help from volunteer (unpaid) attorney (28%), other state, federal or local government (12%), specialized legal advocacy (11%), church, synagogue, or other faith-based organization (10%) among DV/SA victims are similar to those of the overall low-income population of Washington.

The general breakdown by category of problems for which DV/SA victims sought help were consistent with the general low-income population with exception of a greater percentage in the area of family law (56% vs 21.4%).

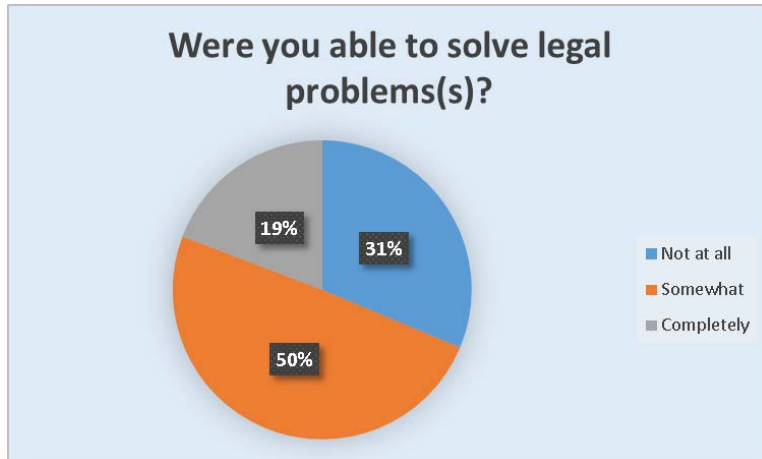


Figure 6: Resolution of problems for DV/SA victims who sought and obtained some level of legal help

The percentage of DV/SA victims who were able to solve some portion of their legal problem was consistent with that reported for overall survey respondents (50% versus 44%). The same is true for the rates of obtaining complete resolution for their problems (19% of DV/SA victims versus 17% for all respondents).

LEGAL PROBLEMS EXPERIENCED BY VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN WASHINGTON

DV/SA Victims' Views of the Civil Justice System

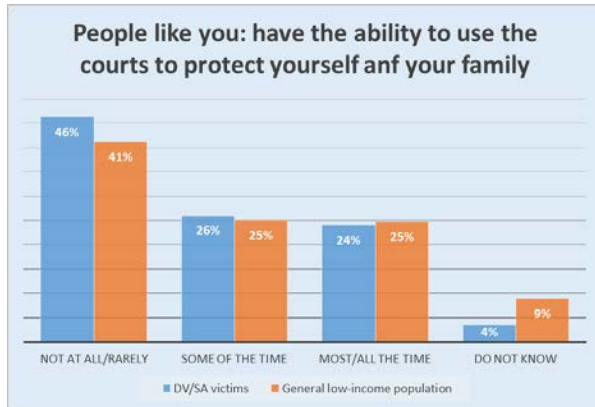


Figure 7: DV/SA victims' views of the courts relative to the views of the entire low-income population

Perceptions regarding fairness or effectiveness of the civil justice system for “people like me” and its ability to serve as a forum for the effective resolution of disputes are not dissimilar from (though a bit magnified) than those shared by the overall respondents.

Figure 7 shows that while 41.2% of all survey respondents did not believe that people like them have the ability to use the courts to protect themselves and their families or to otherwise enforce important legal rights, 46.2% of DV/SA victims felt the same way.

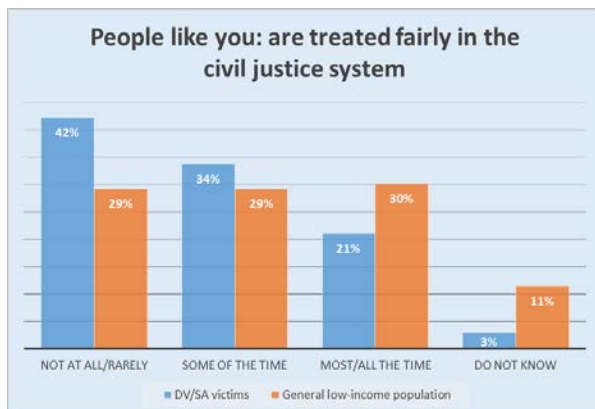


Figure 8: DV/SA victims' views on fair treatment relative to the views of the entire low-income population

Figure 8 shows that while 30% overall respondents felt that people like them are treated fairly in the civil legal system most or all the time, 21% of DV/SA victims felt the same way.

Figure 9 shows that while 26.7% overall respondents felt that people like them could rarely if ever effectively resolve important problems through the civil justice system, 30.6% of DV/SA victims felt the same way.

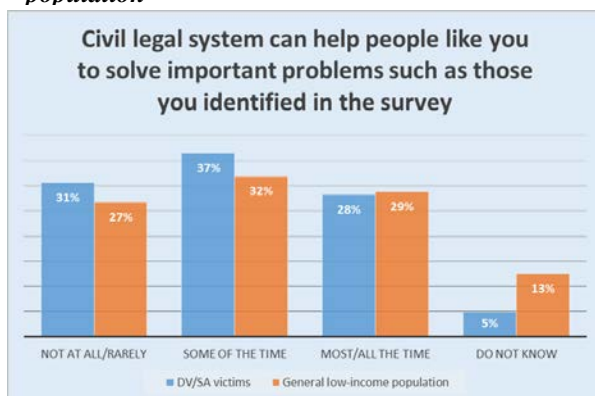


Figure 9: DV/SA victims' views on solving problems relative to the views of the entire low-income population