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>> Andrew King-Ries:  Good afternoon.  My name is Andrew King-Ries.  I'm Chair on Commission of Sexual Violence.  Appreciate you being here.  Thrilled to present panel domestic violence survivors and impact of COVID-19.  Sponsored by the ABA Commission on Section of Civil Rights and Social Justice, ABA Commission on Domestic and Sexual Violence, and ABA Judicial Division.  This panel is one of many in series of rapid response webinars on the COVID-19 pandemic.  We are active planning additional programming on Covid, so please visit AmericanBarAssociation.org for updates on those programs.

We are very fortunate today to have an impressive panel.  As an attendee, I want to cover a couple of sort of procedural matters.  You should see control panel with controls such as audio options, chat, raise hand and Q and A for purposes of this seminar, we ask that you submit questions through Q and A and not the chat function, if you do not see those, ensure your screen is not idle.  And there are a couple different times in program that we were, will be trying to address some of those questions.  We will be sharing recording of this program to everyone who is registered so you can share it widely with your networks, feel free to leave feedback or ask questions to follow-up.

Today we have a wonderful group of panelist representing wide range of perspectives from the bench and the bar.  Civil and criminal practitioner.  Focusing on legal perspective to impact of COVID-19 on domestic violence survivors.  I anticipate we have survivors and survivor service providers on the call today.  We look forward to hearing from these perspectives particularly in our Q and A opportunities.  I would like to note as you all know this is challenging time for service providers, judges, courts and attorneys as we all work to try to figure out how to continue addressing legal needs of domestic violence survivors.
Now, of course obviously, because, particularly challenging time for survivors due tomorrow packet of shell in place orders, restricting movement and limiting options for seeking safety. So, please note that the DV hotlines are open. And we put some information in the chat box or in the Q and A for folks who would like more support or other options that they can pursue that.

So, with that, let me introduce our panelists and we’re fortunate to have Kelly Behre, the Director of the UC Davis Family Protection and Legal Assistance Clinic at the University of California Davis School of Law. Judge Bernadette D’Souza, Judge of the Orleans Parish Civil District Court in Louisiana, also President of the National Association of Women Judges. Rebecca Henry, Deputy Chief Counsel of the American Bar Association Commission on Domestic Violence. Maricarmen Garza, Group Coordinator, Texas RioGrande Legal Aid's Victim Rights Group.

And also the Director of Legal Alliance for Survivors of Sexual Assault Project. David Martin, Senior Deputy Prosecutor, King County Prosecutors Office in King County Washington, Supervisor of the King County Prosecutor's Office Domestic Violence Units and Co-Manager of Regional Firearms Unit. Dipti Pidikiti-Smith, Director of Advocacy at Legal Services of Northern Virginia. So, as I said, we have a great variety of perspectives, civil, criminal, bench and bar. Very fortunate today to have all of our panelists joining us.

Now, we're going to kick off with asking each panelists their thoughts on some of the challenges they are facing current ways to address those challenges and any tips or lessons they learned from this. I’m going to save five to 10 minutes roughly say five to 10 minutes roughly each then we'll move. Let’s start, if Judge D'Souza, if you are available, we'll start with your perspective from the bench.

>> Judge D'Souza: [ no audio ] Hi, Andrew. I just wanted to mention that -- Judy is on.

>> Andrew King-Ries: I would like to welcome the President of the American Bar Association, Judy Perry Martinez.

>> Judy Perry Martinez: Thank you to all panelists, including my dear friend, Judge D'Souza, who will allow me to take a few moments of time. So welcome to this ABA webinar on domestic violence and impact of COVID-19 pandemic on families and women and others who are victims of domestic violence.

I'm grateful to Andrew and to the commission and staff and so many who worked hard along with the sponsors that are joining the commission on domestic violence to put on this program. It is one of several webinars that the ABA is sponsoring in response to the legal challenges that are facing us as a result of the pandemic. And what I know that many in this, know ABA long been a champion for domestic violence survivors and for the laws that are needed in order to protect them and their families. I can tell you as a former Chair of the Commission on Domestic Violence that I know there us imperative to our keeping at our best in making sure we are addressing these issues through policies as well as educational programs like this one. In the wake of the pandemic we quickly stood up ABA taskforce on legal needs arriving out of the 2020 pandemic.
And it is convening of so many ABA entities as well as organizations outside of ABA, National Legal Aid and Defender Organization, LSC and so many more who have come together to unify and talk about and work to mobilize pro bono resources as we identify legal needs. Resources that are there that are being collected on daily basis available to all of you and we realize that the stressors are so many on domestic violence victims and that the pandemic placing so many more they have to deal with day in and day out, we know it's affected communities across the nation and the world.

But I would suggest no community is being harder hit more vulnerable than those at this moment who are domestic violence survivors ordered to stay home with their abusers and they are seeking legal assistance we know claims in the needs will only grown they are doing so with court systems struggling themselves trying to have, what they can have in terms of proceedings, police departments and jails trying to release inmates and try make our decisions there and all of that can be of concern to domestic violence victims.

So, this webinar will, I know with this expert panel, address many of those issues and more and I, this panel many of them are very well-known to me. I applaud them from taking time to duties, so much of the work they are doing on home front to share knowledge and expertise with all of us here today. This is a historic chapter for the American Bar, for our legal profession, justice system and frankly for our nation. Knowing that all of you who have gathered for this webinar are a part of that, gives confidence to I think all of us in this room, virtual room to understand so much of the work in has to be done we'll get it done. If you are not a part of ABA community, I urge you to join us, if you are, I thank you. Most importantly thank you for your leadership and service to those in need. Andrew, thank you for your leadership.

>> Andrew King-Ries: Thank you, President Perry Martinez. Appreciate you joining and I really appreciate your leadership here. I know this has been a very unusual presidential year and it's been impressive to watch you rise to it and to lead the ABA and have the ABA be a source for other places and other state bars, other countries, really looking to us to say how are we doing it? I really appreciate your leadership on that.

I'd like to now go to Judge D'Souza and hear your input and your perspective on how it's going in the courts and on the bench.

>> Judge D'Souza: Good afternoon. As you all know, this has been very challenging. More importantly, for family courts around the country that handle domestic violence cases. I am a judge of the civil jurisdiction, general jurisdiction court dedicated to handling domestic violence cases and family law matters. The way we have really worked the situation out, is we, we are very fortunate to have New Orleans Family Justice Center, it's an agency that receives calls from victims of abuse they take calls and we have coordinator that generally was set at our courthouse now working remotely from home she'll place a call to the victims and take all the information from them and then attempt to file electronically through Southeast Louisiana legal services lawyers at the civil court.
The civil court have made a decision to have a duty Judge at all times during the week at the courthouse on site. And so, every TRO restraining order is signed by the duty Judge. The copy is either emailed to the family justice center or the attorney that is filing, E-filing the matter and then a copy goes out to the civil sheriff's office for defendants to be served. The way we are handling the hearings, we are attempting to do it remotely for now we have all the temporary restraining orders previously that were granted are in place until May 8th by the order of the chief judge at the civil court.

And furthermore, the Supreme Court order has suspended all nonessential matters except in emergency cases and so that's why we [Indiscernible] in order to prevent people from coming to the courthouse for their hearing is to extend the restraining orders until May 8th. Now, our governor of Louisiana has extended the order, Stay-at-home Order to May 15th, which means that we either decide to extend the ones that already set last May 8th to handle through remote hearing. The order from Supreme Court allows us to hold remote hearings so long as the parties consent to them and if one objects, then we have to have a hearing to make sure that the refusing to participate through remote hearing was unreasonable.

So, that's where we are with those hearings. As you had you know there is, I mean spike of DV cases all around the country, has also affected New Orleans. Victims are forced to stay home. There's a scarcity of shelters where they can go to and so, this is the best method is for them to know that they have the Family Justice Center that they can call and proceed in filing a petition or come to the courthouse and we do have the deputies that put them through and give them the forms and they go up to the clerk's office and file it and they get service immediately as soon as they are at the courthouse.

So, that's where we are. In the future, we hope to do, there's going to be an overload of cases because we continued matters since March, all of April and now the first week in May. So, the hope is to try and do some remote hearings if possible starting May 4th which I was originally scheduled to begin to be in court. With limited staff at the courthouse. So, that's, and using the necessary precautionary measures, if we do have to have in-person hearing.

>> Andrew King-Ries: Judge, can I just ask you a follow-up to that. So, a lot of this is taking place on the local level, right, almost county by county or courthouse by courthouse. So, two parts of that is what are -- how are you communicating county by county or courthouse by courthouse, how is that collaboration taking place? And then, are there things that you would say are going beyond sort of the local question, which is more like how is that going to apply nationally? Are there any of those things out there that you are seeing.

>> Judge D'Souza: The way we are handling it throughout the state, is very recently we have Louisiana District Judge's Association and so, very recently through the Supreme Court, I was able to host a round table discussion of all the family court Judges statewide. And we basically learned from that what the Judges were doing, say for instance in Baton Rouge and Lafayette and Monroe, the various parishes, as we call them in Louisiana, and so, we're just going from parish to parish and we are getting a sense of which jurisdiction is up and running and which cannot. The reason why the governor extended our order the number of cases in Monroe and
Baton Rouge are increasing, and so that's why there is the reluctance to really go to court and the, and moreover, with the extension of the stay away order, which, I mean the Stay-at-home Order, by our mayor of New Orleans, there's a great likelihood that sometimes either the petitioner, defendant, may not come to court.

Even if, and so, that's one way of handling it. The other way in terms of like I mentioned during our practice session, was the fact that it's my hope, even in the future, is to have, if they are going to practice social distancing and limited number of people in the courtroom, because generally on any given day in a family court you have wall to wall people in the courtroom because it's the highest docket of cases and so, it’s my hope we'll have isolated room where they'll be computers set up and then we could do some by Zoom hearing to alleviate the number of people in the courtroom. In terms of nationally, I am staying in touch by participating with judicial engagement network of the national counsel of juvenile and family court Judges.

So, I'm constantly on webinars and now, as President of National Association of Women Judges, we are going to kick off a bunch of webinars as well. So, that's how I hope to bring what I learned nationally back to Louisiana and so, eventually, we'll develop best practices for every court in the country. So, we are better prepared. Like I say in the past, we've gone through this in terms of delivery of services and legal services as a result of Hurricane Katrina. We had a way of doing things with domestic violence victims pre and post Katrina how we worked in collaborative way with agencies and legal services and courts and public advocates and prosecutors and you know. And defense attorneys so that's how we've created various ways of collaboratively confront the issues as they come.

And so, it's my hope, that post Covid, that we will have something in place. For instance, as formal legal services lawyer, through the ABA, generous donation from ABA we had disaster relief manual that was subsequently used by other disaster-related places. So, it's our hope that somewhere down the line we can possibly put a manual together what do we do with remote hearings and how do we conduct them and things of that nature.

>> Andrew King-Ries: Excellent. Thank you, very much. It does feel like we should be able to, at some point, have best practices for remote hearings or other situations dealing with similar types of situations, hopefully we don't see anything like this again for some time. But. Thank you, appreciate that.

Let's turn to David Martin in here from the criminal side. David, what do, are you seeing out there on the criminal side both sort of locally but also issues on other national seen.

>> David Martin: Thank you, Andrew. I'm going to attempt to do a quick PowerPoint here, we'll see how this goes. And talk about I was few things hopefully everybody can see my screen. I'm from Seattle King County Washington, Seattle one of 39 cities we have in King County fairly good size jurisdiction. There is rise in domestic violence. I know a lot of places around the country on the criminal side is seeing this. That's spike in calls for service. This has been seen globally. My largest local police department, Seattle Police Department 20% increase in calls for service. My unit manages all felony prosecution and King County we are
at multi-year high 20% increase above average. There’s a lot of extreme violence going on. Workloads increased in number intensity we’re seeing a lot of challenges from victims resources are squares. More violence and more guns.

We also are fortunate we do a lot of different things we don't just do felony prosecution we had advocacy program serving thousands of survivors in King County with services that had to change that was an in-person service. What we have done in King County I know a lot of places around the country are doing remote protection or access. The thing that was most important for us to try and flatten the curve of increases in domestic violence because people are home more together, more opportunity, more substance abuse more other things going on, we want protection, joining technology with victim's advocates and then seeing all things that flow from that we work hard with local police departments to establish E-service. Departments refusing to do in-person since our jurisdiction and across our state.

We worked to do E-service. We have firearms surrender protocol in Washington fairly robust we move that to be remote. We had a longstanding partnership with civil legal aid, expanded that. I think remote technology really allowed us to expand access into pro bono a lot easier for attorneys in my jurisdiction to spend half an hour appearing remotely in a case as opposed to showing up down at the courthouse and taking all day. We have local law schools doing virtual clinics. And on criminal side of things victims able to call in and address the court when they have issues that's been a real benefit to criminal court process. Almost exclusively remote now.

So, our partnership fortunately in the months before Covid hit we had been working on a remote protection platform with local start up in King County called Legal Adams, this is it. You can check it out. E-service of protection orders something that flowed from this. We're fortunate Washington's governor allowed for this practice by proclamation recently suspended statutes and there's a lot of things that you can do with E-service which is really efficient has been real improvement in practice, I don't think there's anything magical about police officers driving around my jurisdiction and serving people with pieces of paper. You can do that effectively electronically, phone or email. We had a lot of success doing it. I think that's something this silver lining coming out of this practice.

In addition, our firearms review as expected, has been maintained so now law enforcement is not just kind of serving orders personally but reserving personal service for cases that involve firearms and order to surrender firearms we are continuing to have success. This is a resent case. Law enforcement serving an order to surrender weapons, person that a gun safe, they weren't exposed to. Had a lot of guns in the safe. They weren't supposed to have any guns. So, this had a real improvement on our response. I think there are silver lining. Criminal cases are increasing but there's been real spirit of working collectively and collaboratively and King County to make sure we're working with courts to work out all the bugs in remote protection order process. And that we can E-file and do that I'm hoping that will be maintained as we go forward, E-service, firearms, component you can do that remotely. Partnership with pro bono, trying to find positives.
I do think there are things that need to change. Needed to change for a long type. Now, with this pandemic we have intense motivation to do so. So, that's kinds of what's going on. Those increases I know from my colleagues and prosecuting attorneys I work with across the nation, people are seeing increase in domestic violence. Really working to figure out how are we going to respond? How are we going to make a difference here? How are we going to flatten the curve in domestic violence. Key part is protection order access. Andrew, that's what I've got on the criminal side.

>> Andrew King-Ries: That's great. Thank you. You said E-filing came from proclamation by the governor?

>> David Martin: We does it in advance local law enforcement, we can't do personal service right now, we have a lot that's going on. And so, really Seattle Police Department and a couple of detectives trying to serve an order at a home the individual had Covid, we can't go in. So we just texted them the order, we screen shot the text, they said they got it, we talked to them on the phone, they said they understood the order that's what we put in the return of services.

Then they asked us is that fine, we're like, it seems fine. Doesn't meet civil statute, which requires personal service s interestingly in Washington state I don't need to prove personal service as part of my criminal prosecution, I have to prove knowledge of the order. The way that was done in the past service by mail or publication, both really and antiquated. Not effective means of conveying service, who asks service by publication, its ridiculous. Again texting them and doing this something law enforcement can do quickly effectively, allows them to do other aspects of their job reserve those times for doing removals or doing firearm surrender.

>> Andrew King-Ries: Do you anticipate, is the governor's proclamation going to retire at some point or will you need to replace it with some kind of legislation?

>> David Martin: That's the thing we're fortunate, I'm happy to share with the governors proclamation, we're lucky to be able to contribute, it has a lot of good information I think is a blueprint, Washington state how we can address and make the system more effective going forward. When it ends, we're going to have to go back to personal services but I think we'll see some of these orders stay in place, see gradual response hopefully to go back to normal at some point. All is going to be part of legislation in the future in Washington.

>> Andrew King-Ries: Seeing a lot of questions from folks about the lack of access to technology. And what is the impact of that. You are talking about here's way a to get a protection order online and those types of services that ultimately have, create more opportunities for people to get help they also down the road create the risk that the actual attorneys or service providers would go away cause they are more expensive.

>> David Martin: I think all of those are real concerns. We want, I think greater access is critical for everything. It is unfortunate most of the E-access across the country has been reserved for private litigation and private law firms. There's a disparity inequity as to how we
provide E-access. Our protection orders have advocates working with survivors to help them. We had this program three decades.

So, if people don't have access to a computer, they can call us up. They can talk to us on the phone. We'll fill out the order for them. We'll figure out a way to get it to them. Courts have been accepting E-signatures and other forms of verification. I think understanding limitations of that means you need to be able to provide options for people. All those options have to be connected to advocacy of some way, shape or form. And important part about those intersessions being able to triage, how do we navigate person who needs to have advocate do the work that they need to do?

How do we then connect them to legal aid attorney? How do we then connect them to pro bono counsel. With technology pretty easy to set up algorithms, I know that sounds crazy, ways to navigate people to make their opportunities better. So, I think these are amazing things they have a lot of issues with them. But they are huge advancement over people waiting entire day to get case number to get protection order when they could, they can't take time off from work, that's not who we're dealing with. So, I think this is huge step forward equity wise more than anything. If it's not perfect.

>> Andrew King-Ries: Excellent. Thank you, dead, very much. Now let's here from civil practitioner I think we'll sort of follow the, move east to west and so we'll start in Virginia with Dipti, what are you experiencing there.

>> Dipti Pidikiti-Smith: Thank you, we have a similar order as previously, order until June 10. Our emergency lasts until, for our court cases. Emergency still can go forward and protective order are still considered emergency cases. [Indiscernible] have their own orders can add to some confusion es special toll pro se indigent parties. Several areas we're working on including remote hearings, outreach, protective orders addressing visitation issues financial and shelter issues including housing and stimulus payments. With regard to remote hearings, we were in the process early on each jurisdiction has different process. We reached out to chief Judges. We learned about the court's infrastructure, their equipment, their availability to provide secure hearings, to help us develop programs.

So we were part of local committees. And our voice, as, a lot of the questions posed was asking how are we going to provide access to indigent clients that don't have access to technology. Up until I think yesterday that's still something we're working on, and most recently in one of our committees, the court is trying to develop Wi-Fi in the courthouse. We've also -- distancing and stagger the cases.

So, that there are not a lot of, hopefully when individuals are in the courthouse we can still maintain a safe environment for everybody. There's always the question of how do you provide access remotely. There was discussion of community centers or other that may be able to provide these services. One of our jurisdictions, libraries give free Wi-Fi, they are not open to the public, sort of utilizing these places where people aren't going right now may be an option as well. In terms of the actual hearings there are other barriers, oh, and I did fail to mention one other option we thought of was the DV offices in our office everybody is working
remotely and so setting up our conference room, big conference room in a way to at least two people can be present or having people in different offices and just use two or three offices as places to hold hearings from. In terms of actual hearing,

I think the courts are trying, different courts using different technology learning the technology. And trying to hold hearing. Going to be a challenge. For example, if you you want to talk to your client depending on your platform you are going to have to ask all the attendees to mute perhaps so that you can talk to your client. You may have a platform you can go to a different room so that you can talk to your client. So, I think learning about the programs that your courts are using is going to be important. If there's interpreters involved, going to have consecutive translation because everybody is going to be on the screens after one person talks there's going to be translation then go back to the person, I think in terms of time it's going, I feel like we generally double time if translation is involved this may be a little more. We definitely advice folks to add extra 15 minutes or 20 minutes in the beginning to account for technology issues.

Best practices contact the court before hearing send copies of exhibits before the hearing. And the one thing that's still we haven't quite figured out is evidence presentation like documents and you know, a lot of, this sort of, our structure of how will we handled cases in the past, somebody has court date. Now, it's really, proper preplanning is definitely necessary. So, trying to, and so I think for each, it's factual and case by case different. But trying to figure out what you might need is going to be important.

For example, for impeachment if you want to introduce a document that you hadn't anticipated what are you going to do at that point? And I think instead of asking all those questions, to your clerk's office before you have the hearing is important, because calling them and sailing, hey this might happen, how can I do that during the hearing so I think laying out all the foundation and logistics beforehand would be very helpful. In terms of our outreach, our local jurisdictions have coordinated response. Varies between jurisdictions. Partners in regular communications.

And they want to make sure social services needs are being met. And we're trying to sort of develop messaging as to why DV is important during this public health crisis that may assist with funding ultimately may by this technology other barriers we're dent filing. There's also as every one mentioned challenge to reaching individual victims, we also have to think about or elderly victims who are isolated and might not even have access to technology. We also are thinking about generally there are racial disparities that exist in violence among women of color they may have historical distrust of law enforcement and fear of deportation. I think the isolation is worsening that fear. We are really trying to think of innovative ways to do outreach.

For example, we want to the host a webinar incoming week that focuses on DV in the black community. We want to go on Spanish radio and give our number and let people know where they can go for help. Because I think while we're focusing on sort of helping, this whole public health crisis highlighted back of access there is and I think just the barrier here is to say, call this number for help, cause I can't physically go or I can't physically see you to give this
information. And I think someone had asked a question about when police don't make a rests and I think they are not cause right now every one is sort of in home, so I think this other additional outreach has to happen where we can address it without sort of reliance on traditional ways victims come tows which include through law enforcement. In terms of outreach also doing outreach to shelters I think there was a question about what shelters are doing around our area, they do say they are promoting social distancing a number of our jurisdiction because of limited space are moving clients to hotels. Our biggest sort of question on the phone is about custody and visitation.

Many of the requests involve, trying to get advice with regard to visitation. They want to comply with visitation requests. There may be an order, but one parent doesn't want to end send child for visitation the other parent is not practicing social distancing. One parent doesn't want to send the other kid because the other parent is front line worker. A lot of advice about importance of coparenting Covid with keeping in mind dynamics of domestic violence. And walk through and try to understand what qualifies an emergency, what is reasonable, when is virtual visitation acceptable. There's, you can have virtual visitation, then there's also concern if you want to keep yourself safe can I change my background. I don't want to identify where I am.

And so, talking to, again fact specific because you want to make sure safety is first. And then try to see how you can comply with orders. I will say the lessons with custody visitation client safety where are you? Are you in a safe place to talk? Can we have a confidential conversation? Because everyone's at home. And so, you want tone sure that is occurring we does have a case that, where that wasn't occurring, victim didn't identify that until later in conversation. So, it was sort of like that should be one of the first questions. I think sort of a learning lesson for us definitely more intense case vetting we can't assist everyone we just can't go to court exploring other ways. As I mentioned protective orders we're still handling them.

We are going to court remote hearings aren't up and running, they just started sending out orders stating you can request remote hearings. Before we take a case, we talk to the attorney. We talk to the client just to scholar how they are feeling, their health, because we don't want to expose either of them to the courthouse if they are sick as well. And then, we do go to hearings most recently one of our train attorneys had a case where the abuser filed protective order against victim we have to go in midsole that she had ability to get back her kids cause he had the kids.

So these emergencies are still occurring. I think there was a question about lack of legal aid resources are you all taking cases? We are taking cases, however, it's on a very limited basis after the discern I will say in many of the cases that we have been involved where we thought we may take, I think, public health crisis especially if there's opposing you counsel involve everybody is trying to resolve it before they go to court. So I think there are those exceptional times you will go to court. Recently one of our attorneys went to court to enter an order indicated everybody had a mask on, they entered the order and they left the courtroom. Just a few other issues. Housing is sort of an important issue now. A lot of we're getting calls where
people are asking who can stay in apartment. How can I get on the lease? And it's important to council victims through, because protective order might not be the course. And so I think having that hard conversation and then finding solutions, so that they don't have to be in that situation in the, going to be important. A lot of that is connecting with social services networks in your area. Challenge is lack of housing options, I don't think there's easy solution to that issue. Finally, we do have a tax clinic and with stimulus money. We know abusers may block funds that people are getting. If you are separated, who receives the funds? Is it marital property? Funds may go to the last bank account or last address and so, if the husband we did have a case where recently the husband filed taxes without the wife's knowledge or her signature used his bank account. Trying to assist victims in getting that money back and IRS right now said they are not going to assist you have to go through your local courts. And so, these are I would say these are definitely a lot of challenges. But I think the silver lining we internally we have veteran's program and reentry program. And we general parole violated legal checkup for those individuals. But with the current public health crisis, we are trying to implement that.

So, for every victim that calls, that we help with visitation, we want to create another case and talk to them about housing. Create another case and talk to them about unemployment. And we kind of have the time a little more now, cause we're not going to court as often. Very helpful for victims to get holistic picture of what they can do I think, situations makes it seem like things are out of your control I think this will arm individuals with information. I will say I think the other positive is people that might not have qualified are qualifying now there’s silver lining that's that's not the positive, it's just that so many people are facing these barriers and understanding challenges, that I feel like this experience is on a broader level.

And so all levels of government. And community are working together and building new networks and new infrastructure. Which I think are being developed to help promote access, which I think will be helpful once we start coming out of this health crisis. I will say going forward our office has started to look at what we're going to do when the courts reopen and then they go open fully because, going to be influx especially visitation, or other violations that weren't deemed as an emergency. And I think it's sort of staying ahead and trying to address that need is going to be important.

>> Andrew King-Ries: Thank you very much for that very lots of great information there and lots of really detailed tips and approaches and some big picture questions as well. Thank you. That's fabulous. Maricarmen, can you give us a picture in Texas?

>> Maricarmen Garza: Sure. Thank you, Andrew, well in Texas, a lot of the things that have been mentioned already happening in Texas emergency orders, Zoom hearing. I want to talk a little bit first about some of the special vantage point that we have at our organization in working with domestic violence. As Dipti mentioned, I think one of the questions that came up during this presentation is that what are shelters doing in response to this pandemic and social distancing has been an issue of course all of our partners had to shift as well into making sure that people who are seeking refuge at their shells were safe, staff was safe.
So, there was a process there until they got adjusted. I have checked in with many of our partners, they are already in operational and able to receive victims that need their assistance. But they have had to limit number of people that can access services to make it safe for everyone. This option of using hotels as alternative is still there. They mentioned that they are all getting an increase in calls over 20%, 15 to 20% of calls. Only many of the individuals calling may not be ready to go in shell because they are worried about their an safety, they may have contracted the disease they may not be able to leave their abuser safely. We know those cases are still out there. Later influx of cases that will result in legal cases for us. The other thing 24 was interesting as I was speaking to our partners, was that although the calls for domestic violence are going up, they are seeing decrease in sexual assaults calls to their hotlines. It is not that it's not occurring, there are many issues that we will see after the fact. I know that victim advocates accompanies survivors to the hospital for their accompaniments because of limitations of hospital, how many people can go that is not happening in person any more.

So there's decrease and there's also speculation, also do victims not want to go get exams because they do not want to into a hospital. I think that the number of cases of sexual assault that we seeing is not going to be accurate. And that we're not getting any of those calls for help in the legal setting either. That said, I was really pleased to so what they are doing. Some had, were already ready to address some of these issues, some smaller organizations more urban or less -- more rural had other issues just adjusting for this situation, so, we can't to work with them in getting referrals.

We have also seen increase of number of applicants that are coming in that identify domestic violence as an issue. From last year in April, from April 1st to April 28th, we had total of 519 applications for legal services that identified the issue one of the issues being domestic violence. During the same time period in 2020 just in April, we saw 630 applications 21% increase. People requesting services who identify domestic violence or some kind of victimization as big issue. 81% to 82% of those cases are in the area of family law requests for protective orders. Or crime victim’s compensation assistance. 80% are being handled primarily by family law team. There's housing, there's consumer issues, education, we see a spike on individuals who are asking questions about stimulus package. And so, all of those issues have to be addressed for a victim. And we need to be really cognizant, family law attorneys are really taking brunt of all of those cases.

I know Dipti also talked about limitations, there are limited resources. I will be sharing a link in the chat box because we are looking for pro bono attorneys if there are attorneys listening to this webinar and want to participate, I want to help, I'll provide the link and if you are able to do that you can apply to become one of our volunteer attorneys, because that will help us be able to do a better job in responding to this crisis now and in the future because we know that those cases are going to go up much more as this progresses. We're having also other issues related to remote hearings. I know technology has been an issue already. And it's not just going to the hearing, but, preparing with our clients also is really important that we have that technology.
One of our consumer attorneys recently had to work with a survivor I'm not sure if it was survivor per se, but in that particular case, it was very document intensive having to review all of those documents with a, somebody who did not have the means to look at the data became very difficult. I spent hours just trying to figure out what platform they could use so that they could look at the same documents. And then even after all of the preparation for a Zoom hearing technology failed on the day of the hear luckily, this individual client was able to testify via telephone and that worked out in that case very successfully. But again, those are issues that I know many of our clients with low income and maybe data plans that are not the best and or family members in their home are going to have a really hard time to find the ability to do this remote hearing. So, I was listening to Dipti while she was talking I was actually texting one of our managers, we need to set up a video conferencing room that is fantastic idea. Thank you for this forum, we already got so many ideas from listening to the other panelists today.

So, that's really really important. Another issue that's come up that has been a huge challenge for domestic violence attorneys in the state of Texas, is our hearings are all moving to Zoom hearings. And we, as victim advocates have been really worried about the fact that in Texas, the open court's provision has been interpreted to say that this, the courts should live stream to a YouTube channel all the proceedings. And so, we have heard actually logged into YouTube channel for certain courts and seen a victim testify. Some of those videos stayed there for days. Just, that's a new challenge that we need to let victim's who want to seek protection from the court know that this is also going do be something that is possible. Obviously, we can file motion motions to close the courtroom but not everybody, some of the victims may be [Indiscernible] not all prosecutors who handle these are doing that, and private attorneys are also not choosing to do that in some of these situations.

So, we are hopeful. We've been talking to office of court administration and other legal aid providers so that we're all on the same page as we work with victims to secure that privacy. And I'm hopeful that given some of our conversations and advocacy with office of court administration that new guidance will be issued to courts. Is a a funny note I know maybe some of you have seen this, there was over two thousand viewers for, attorney fee dispute for a case out of Houston, Texas. It's just, it's really scary.

So, that's an issue that we are struggling with and looking forward to maybe a resolution that comes promptly. Again, working in silos is sometimes an issue. Luckily we've been able to reach out to the Texas counsel on family violence and other providers to see what like the Office of the Attorney General is doing. Often, they are in charge of doing establishment hearings, so we ask legal aid attorneys if we know an applicant is a victim and they are safe and have protective order we may refer them to Office of Attorney general to establish and get orders for custody set up. At the beginning they were not doing hearings so those cases might have had higher priority. I learned recently they started to do it and just depends on the individual, whether or not they are actually having hearings or postponing them until a later date.
So, really knowing what each jurisdiction is doing is going to be important as we continue to do this work. On behalf of survivors. Silver linings? I know I spoke to court in Harris County, it is protective order only court she has seen already some of these protective order hearings go through her courtroom. And on silver lining she said that the victims who are testifying remotely seemed to feel a lot safer, more confident. Less scared of confronting their abuser. And she had already been speaking to advocates Houston area women's center about possibility of having that option for survivors who cannot go down into the courtroom, you know, and just have a space.

And one of the things she was really happy about like we had been talking about it now we were forced to do this, and we know we can do this and that might be something that may be a new avenue for survivors moving forward. Also, I think everybody has adapted so quickly and that has been so encouraging to see individuals. I mean I know our offers went from being an office where everybody came into work to immediately remotely over a weekend. And just the fact that we were able to move forward, was really encouraging, the people who continue to show up who care about these issues and are doing everything to provide services is very important.

Again, we’re bracing ourselves for many cases as this pandemic continues. And as our states begin to open up and victims start meeting or coming out, we’ve seen very serious incidence of violence throughout the state, many deaths. Many of the cases that we are getting not only are we getting more cases the severity of the violence is much more impactful. Issues are so much more urgent. So, I know that its going to be tough on all of our staff moving forward as well as just we all need to take care of each other moving through this. And learning from what works best.

>> Andrew King-Ries: Excellent. Thank you. YouTube question in particular is fascinating question. And I know states across the country are wrestling with open courts requirements and how to deal with that. I have seen a number of places people basically just logging in and watching what's going on in court. And for entertainment and that seems like it raises some significant safety concerns.

>> Safety, children watching, colleagues, coworkers, once it's out there you can't bring it back in that's a serious consideration for a survivor going to expose you know, that victimization and share information that you know, put them in further danger very serious issue. There is a federal statute you know that prevents any kind of online sharing of victim identity, registration of protective order, so we are hopeful that new guidelines will at least cover protective orders and make sure that all courts are aware of that. But until then, I don't know how many victims have actually had to testify and have their information out there.

>> Andrew King-Ries: Perfect. Thank you very much. Kelly, how about far west coast; what are we hearing out there?

>> Kelly Behre: Hi, I appreciate the opportunity to the participate today. So, actually more questions and answers than answers at this point. I was told that was okay. Some of these have been touched upon I feel like they might be worth highlighting again. An attorney I spoke
with this morning probably said it best when she said COVID-19 is exasperating all issues that existed in domestic violence, another tool for abusers used to control victims. Another barrier for victims to seek help.

Here in California a ton of variance by county sounds like that's happening everywhere. In my county that I work in primarily Yellow county week six shelter in players physical courthouse is mostly closed except for a few criminal matters. They deemed mid March to mid May courthouses. Issued restraining orders, continued them 45 days other matters continued longer. We don't have E-filing judiciary moved and established email address for restraining orders and emergency family law matters. There's plan to move to Zoom next week. I was so concerned when Mark Harmon talked about YouTube channel then popped on our website looks like we are now up and running on YouTube for criminal matter matters being heard. Hosting weekly bench bar with updates been amazing.

Our family court facilitator still [ Indiscernible ] I feel like judiciary has done as much as they can, I have a lot of concerns. First concern is access. David spoke about this briefly, but, we used to run weekly pro bono walk-in clinic. A lot of clients and my students met, managed by walking into the courthouse. Running out of their jobs trying to get assistance with the forms. They worry about how these victims are going to be able to access this. Not, a lot of my clients rely primarily on cell phones, cell phones are not going to let them complete 40-page restraining order application. They may not have stable internet or ac says to interpreter, email may not be safe. They may not be able to connect as effectively with advocates and attorneys.

On the other end I speak to an attorney in LA yesterday who said that some of their courthouse requiring victims drop off petitions physically in drop boxes, the public transit reduced or considered unsafe and ride shares. I'm worried about enforcement. California worked hard to at least some counties reduce jail and prison. I think it's something we have to do. What impact does this have on domestic violence arrest and restraining order enforcement.

I heard at couple of cases where that's not happening I spoke with advocate whose client ran into her abuser who had been arrested for raping their child in Walmart, he had been released she was unaware. Wondering how those things are falling through cracks. Another question I had I don't have an answer for as we work to, he vixens the right thing to do, what impact is this having on enforcement of move out provisions and restraining order. I'm grateful courts are reissuing restraining order. In California you can't get certain relief until you have a hearing that include all financial support.

So, I'm concerned thing clients may be waiting months for access to financial support they need to be safe, perhaps now more than ever. And I'm concerned about custody and visitation. I know this was mentioned very concerned about kind of modifications that victim parents are being required to do through parenting plans in order to adjust to closed or unavailable resources. Schools, daycares, supervised visitations centers, professional supervisors, third parties, grandmas, previously conducted those exchanges, public exchange
locations all gone. Worried about how that implicates victim safety or children's safety. Detailed parenting parents I helped clients recreate, to emphasize safety concerns and now they are all blown up.

Question is victims now being required to forego protections and restraining orders in order to implement visitation that seems to be happening. A lot of victims with no contact orders be advised to supervise remote or even in person visitation. Related to that I'm concerned about impact that our growing use of technology have on victim safety. Victims who, mail restraining order what if other party has access to their email. Victim in a shell not required to do Zoom visit even though it permits it. What happens if that opens up possibility to abuser locating shelter. I'm still unclear about what constitutes -- my county they have been very generous about putting it out there they are available to have these phone hearings but they have seen decrease.

I think that's because victims are hesitant to call attention to some of the issues. This brings me to my serious concern about this disconnect between on one hand growing awareness of how shelter in place and financial and health stressors of COVID-19 increases domestic violation I feel that conversation is happening. On the other hand admonishment to coparent they need to be the grownups in the room. There's disconnect, for example, AFCC and AA now released seven guidelines for parent sharing custody during pandemic. A lot of courts adopted this. Focuses on coparenting techniques.

No mention of domestic violence or safety. I'm concerned about parent victims of domestic violence who are getting message that they have to ignore the dangers that their abusers pose in order to compromise during the time of crisis. I think we forgot victims separated from abuser before the pandemic also at increased risk right now we focus on emergency restraining orders, that's good we have people before it I feel like narrative about domestic violence completely erased them particularly if they are parents. And last question I have is whether or not what's going to happen what courts open up again. Litigation abuse is common tactic utilized by abusers.

So, I absolutely know that I'm going to see contempt petitions as soon as the courts open up again. But I have no idea how the courts are going to respond. So that's a concern I have. In terms of tips, my number one is the same safety planning. But I find that I am, I'm having safety plan in ways I haven't had a safety plan with clients again. Honestly brutal, crucial. By that I don't mean checklist you pull off the internet very detailed plan that you help your compliant create in order to plan for the worse case scenarios what is your escape plan if he shows up at the house.

What are you going to tell the children at the moment. How can you get help and who from. An attorney I speak with said she is trying to help keep her client alive until the next hearing. Ease had similar thoughts with some of my cases. Please safety plan. Another tip that's been mentioned communication and collaboration piece. I'm calling, on cell phones, those relationships are important, if you don't have those networks now is a great time to create them. And then last creativity, amazed at advocates and attorneys who have come up with,
like cliche thinking outside the box, but thinking through these alternative options. If you can't put a child on a plain you know the court is going to require the child to visit dad is there any other way to handle it.

One example I heard this morning the attorney researched hotels, and community where mom is and asked dad to go ahead and drive down figured out the one hotel that seems to be safe space for him and the child to meet. Trying to figure out how to do it. That's some of the silver linings, adapt as we need to. Here temporary restraining orders coming back sooner than normal. That's an upside. I think the fact that local government judiciary are talking about domestic violence is silver lining awareness is important.

I hope this was mentioned high hope now that courts had the opportunity to have hearings through phone and through Zoom they'll consider allowing victims to do thin the future. Last thing the judge said I hope this is an opportunity for courts to create right now disaster plan for the next time this happens. She is right. This is not just pandemic this is hurricanes, tornados, a lot of different communities lived through disruptions through court systems now is a good time to make sure that courts absolutely include domestic violence not just restraining orders but domestic violence in custody cases into those disaster plans.

>> Andrew King-Ries: That's awesome. Thank you very much for that. Rebecca anything you want to add about the sort of on the national side or policy questions?

>> Rebecca Henry: Sure, hello. Great interest to all of these sort of snapshots from around the country and from different perspectives and situations within the legal system. The work that we do at the Commission about two steps from he had removed from what people are doing on the front lines working directly with clients. Always helpful to us to be able to hear directly from folks who are having those one-on-one interactions hearing about what the issues are. And then part of what we do is try raise that up to a national sort of policy level. And try to work those stories and experiences into conversations with policymakers. To try to identify solutions that can sort of then trickle back down.

A lot of the solutions in this scenario are ones that need to be developed locally and controlled locally and need to be Grassroots or tops solutions for folks that are responsive to issues that they are seeing particularly in their own communities. But what the, what can happen at the federal level is appropriations is getting money to the field. And that has really been the primary focus of all of the federal response to the pandemic. And as I'm hearing about the issues that folks are describing, there's not, money doesn't solve all problems but it can be helpful in a dressing at a lot of these problems.

So. I think the continued focus has got to be not just getting these emergency funds to people, and so do mess, specifically domestic violence service providers and legal service providers to respond to emergency crisis happening right now in last six to eight weeks and what will happen the next six to eight weeks, also recognizing there is going to be title wave, Tsunami of cases that's going to hit in six months, whenever it comes, we can't make that precise prediction. We know it's coming. There needs to be planning and preparation for how to address that there needs to be funding for local programs to be able to address that. There
need to be technology solutions that are more accessible. Maybe public technology solutions that can be made available I think, Judge, I think it was you who talked about setting up rooms in the courthouse, there would be safe isolated rooms, also computer access, so, people could still technically go to court assuming as Kelly said, they can find transportation to get there. But then still have remote access hearing from the courthouse, that's a great innovative solution there have got to be other sort of accessible technology solutions.

Also safe and private technology solutions. I'm very concerned about this sort of embrace of technology that the nation is experiencing right now. Which is great for so many situations but don't think that people are spending a lot of time thinking about the security of their Wi-Fi connection or the security of their platform and whether or not people can be recording without the knowledge of other folks on, in the meeting or hearing or I mean I'm sure I trust in American ingenuity for the fact there will be lots of innovative ways to hack technology solutions that get developed over the next six to 12 months for addressing some of is these problems.

Also trust that those hacking strategies will be utilized, gender-based violence. We need to plan for that as well. Need to be thing things in the pipeline now for responding and combating that kind of misuse of technology that is already occurring and I believe will continue to be refined as we go forward. I also, the other thing I'll say is, David, I love hearing you talk about E-service. This is, this is definitely bias point for me because I worked with some other advocates and congressional staff members last year on developing federal bill to provide funding through the violence against women act to pirate E-service protection order cases in multiple jurisdictions around the country. So, that got introduced and then never went anywhere because E-service for protection orders is not really sexy legislative issue that lots of people want to jump on board with.

That is something that people are thinking at the federal level trying to figure out that was obviously way before this particular crisis just recognizing that we have, we have access to technology tools that could be useful and helpful. And we need to be investing in developing those. Both in private sector but also federally with federal dollars. And so that's really been the activity and the focus of advocates who are working at the national policy level is trying to get those requests for funding packaged in the right way, framed so that the money flows in the right direction, there's so many technicalities about federal funding getting attention of appropriators in midst of everyone else who right now is trying to get attention of appropriators for their particular issues, really bringing this to fore front assuring it gets attention that it decision.

I can say just we've had four Covid relief packages now in the last six weeks I think, probably about eight weeks. First one had nothing to do with domestic sexual violence. That was just getting funding to the healthcare field. The second one we had started pushing for some gender-based violence funding to get included it just didn't, we didn't get, gain enough traction where the family's first act which was the second round of funding got passed through. But there were a lot of things in that second round of funding that are really helpful for survivors. Like access to paid leave. Additional funding for food security and supports all sorts of
property assistance programs going to be useful for survivor population. The last round CARES Act Covid 3, did include I just want to mention, out of the 2.2 trillion dollars we're funded appropriated for that program included cash payments to individuals stimulus package and payments to governments, it also included 45 million for the Family Violence Prevention Services Act, which is shelter funding most domestic violence shoulders get funding additional 45 million available for those folks. And there was two million thrown in for national domestic violence hotline because they have had to figure out how to move their very highly sophisticated technologically complex super secure and private operation. Into people's homes.

So that everyone who works at the hotline can stay safe as well and be able to, would at home. National hotline is also taken all of the local hotlines that had to shutdown because they don't have capacity so manage working from home. Roll calls over to the national hotline, they have incredible additional costs. Last thing I will mention on funding is the last round of funding Cares Act included 50 million for legal services corporation. Which is great. That is the number one case type for [Indiscernible] organizations family law cases. So that's valuable and important.

The next round of funding is going to be Covid 4 we're hoping that's going to happen sometime in May there is significant push. Happy to a to happen nouns, to make sure there's additional funding funneled through primarily through Violence Against Women Act's mechanisms, if getting more like a few hundred million to the field with not a lot of restrictions with a lot of flexibility so that local communities can implement whatever programs are most useful. If that sounds good to you, call your members of Congress and encourage them to get on board with Covid 4 make sure it includes that kind of funding.

>> Andrew King-Ries: Rebecca, thank you. In addition to calling your representatives, what we're also hearing is that because of that funding, states are cutting their funding and so, make sure you are calling your local representatives as well. Your local bar associations to make sure that there's an advocacy toward making sure the state funding is maintained. Cause everyone is like oh the feds are paying for it, gray, not the case. So, couple, just before we wrap up, I was wondering if people wanted to take 30 seconds to answer a couple of questions that I would love to hear. We have four minutes left I think we can do this.

So, we covered a lot of ground. But what about agreement on remote hearings is that required? And what to do about that? Another one is what are courts doing in terms of making sure that there's compliance with a batterers treatment as condition of parenting plan or in the criminal side are we seeing any of that. And the last question and I hoping people might take a stab at is how will we do in in-take with a survivor. How do you make that safe. Anyone want to take 30 seconds take a shot at any of those.

>> Dipti Pidikiti-Smith: With regard to agreements on hearings or court orders say that protective order are emergency hearings and that they only become remote if both parties agree and we have been, they just started and our assumption going forward we're going to go in as if the abuser does not want to consent. And then I think it was also sort of jokingly said,
knowing your abuser, if they are trying to contradict what you are saying is this something you want to offer in person and they choose remote and so, we find that just in the few cases that we have, we haven’t had these issues successful. But I think sort of thinking about alternatives where it’s just sort of the worse situation where they just want to do contrary to what you are doing, that that type of thinking may be better. In terms of batterer intervention local jurisdiction vary from when I last touched, with individuals I think their programs were sort of we have to work remotely.

We have to kind of wait ourselves and stabilize, so the hearings that we’ve had, that has not come into play because we’ve been able to resolve a lot of the cases. But I think formal programming we haven't seen that, that just may be based on -- as I mentioned survivor in take earlier I think it's giving a code we were as we were, in take questions we suggested our in-take advice the person to say if they feel uncomfortable ask, [Indiscernible] the question, perhaps they could say, oh thank you, let's move on, or just sort of give words that they can use during the in-take to alert the listener that this is not safe.

>> Andrew King-Ries: Excellent. Thank you. So, I just want to wrap up with a couple things. One is the, the problem with domestic violence obviously existed before Covid, we sometimes think pre and post Covid, it's going to continue, it's going to persist afterwards. We need to continue to support all our organizations that support and help survivors donation advocacy, as Kelly said safety planning, safety planning, safety planning.

So, and we heard some really awesome lessons here and some really great silver linings, E-services, making sure it's an option for folks to testify remotely. And some of the other things we were hearing I think are fabulous. And other things people can do contact your state DV coalition of course and the taskforce, so we have two things from at the ABA I want to direct you to one here is the domestic sexual violence website we have a bunch of Covid resources there. The other one that was mentioned earlier, a taskforce to deal with coronavirus and some of the legal issues stemming from that.

One of the things we're going do see rolled out from the young lawyers division in combination with an organization called Paladin pro bono platform, so, please look for that that will be really exciting. Away for people to get involved. Taskforce has lots of resources on there as well. And I want to say just thank you so much to our panelists, I really appreciate the variety of perspectives and the insight into what's happening and really the big picture all across the country.

So, I really appreciate that. Fabulous. And you are doing really critical work we thank you for taking time out of your schedules to share that with us today. Make sure to check in to the ABA.org the Commission and the ABA website in general. And thank you to the section on civil rights and social justice, judicial division and the commission for putting this on. Best of luck to everyone. Please stay safe. And thanks for everything you do.

[Webinar concluded]