

**Testimony by the New York Legal Assistance Group (NYLAG)
Before the NYC Committee on Public Safety and
Committee on Women and Gender Equity
May 1, 2020**

Chair Richards, Chair Rosenthal, Council Members, and staff, good afternoon and thank you for the opportunity to speak to the Committee on Public Safety and the Committee on Women and Gender Equity about the impact of the COVID-19 pandemic on domestic violence in New York City. My name is Tuozhi Lorna Zhen and I am a Supervising Attorney at the New York Legal Assistance Group (NYLAG)'s Domestic Violence Law Unit. NYLAG uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. Our Domestic Violence Law Unit (DVLU) provides free representation to domestic violence survivors in the five boroughs, as well as continued survivor's advocacy and safety planning. DVLU attorneys have expertise in family offense petitions, custody and visitation matters, child and spousal support matters, contested and uncontested divorces, family law appeals, and domestic violence based immigration claims.

We appreciate the opportunity to testify before the Committee on Public Safety and the Committee on Women and Gender Equity today, as well as support that the City Council and the Mayor's Administration have shown for low-income New Yorkers, especially during this difficult time. With new and increasing challenges faced by domestic violence survivors during the COVID-19 pandemic, the support of the City Council and the Mayor's Administration is critical.

Special Challenges Presented by COVID-19

On March 20, 2020, after NYC public schools were closed for the indefinite future, Governor Andrew Cuomo enacted a sweeping “PAUSE” order, closing all non-essential businesses and ordering families to stay home and social distance whenever possible. Shortly afterwards, the Office of Court Administrations closed all court buildings in the State of New York. These orders were essential to the continued public safety of all New Yorkers in light of the rapid spread of COVID-19 and the strain it would place on our city’s health care system, but there were unfortunate consequences for domestic violence survivors.

In early April, the World Health Organization cited their concern of intimate partner violence increasing during the global COVID-19 pandemic, as statistics have historically shown that violence against women tends to increase during every type of emergency, including health epidemics. While data is scarce, news reports from China, Italy, France, the United Kingdom, and Spain suggest an increase in domestic violence cases since the COVID-19 outbreak began. These reports are especially concerning given parallel accounts from U.S. cities citing declining calls and crime reports related to domestic violence. These reports are reflective of NYLAG’s own data – where we once saw over 100 calls per week to the DVLU’s intake line, now we see between 10-15 calls per week.

None of this should be surprising. As we have seen with previous disasters that left people confined to their homes, such as Superstorm Sandy, extended time at home breeds tension, limits the ability to distance oneself, and often escalates incidents of abuse. This is multiplied when schools are closed and children must also stay at home, and when family members lose jobs, creating further stress. Small arguments can quickly escalate; without viable options for escape, or

a safe place to turn to until the violence deescalates, this can fuel dangerous incidents of physical and sexual violence. And in New York City, where many families share small apartments and confined spaces, a stay-at-home order can feel like a prison for domestic violence survivors.

Indeed, for an abuser, isolation of their partner is one of their most formidable tools and state-mandated social distancing serves only to strengthen an abuser's hold over a survivor. The order limits survivors' and their children's access to domestic violence and mental health counseling or services. Family Justice Center and courthouse closures limit access to services and legal assistance. Closed schools and after school care programs remove teachers and staff as possible resources and confidants.

The few resources that are available also substantially disadvantage those living in poverty and immigrant communities. Public postings are rarely available in second languages. While the courthouses remain open for emergency applications, instructions on where and how to file are confusing even for attorneys and agencies. Filings require internet access to obtain the most up-to-date information, English competency to read the instructions, and continued telephone and internet access in order to file and appear virtually.

Even after physical assaults and injuries at home, the pandemic continues to fuel fears that chill reporting. Survivors are scared to seek medical treatment at hospitals for fear of exposing themselves and their families to COVID-19. Abusers use news of rampant coronavirus outbreaks in the city's jails to guilt survivors into not calling the police. The rise in racism against Asian-Americans and increasing anti-immigrant sentiment is another tool for abusers to use to further intimidate survivors, creating growing anxiety and feelings of dependency for survivors who rely on their partners for economic support and immigration status. And while "tele-health" or remote

medical and therapeutic services are being touted as a safe alternative, this does not take into account those survivors residing with their abusers, and presumes universal access to phone and internet service.

As an example of what we are seeing in the wake of the pandemic, “Tina,” a client referred by a partner domestic violence agency, called to seek advice in early April. She was sexually assaulted by her husband a few days prior and wanted to explore her options about excluding him from their home. Tina reported a rise in the frequency of her husband’s sexual advances ever since he was laid off from his job in late March. Her husband used guilt to coerce her into sex, arguing that if she did not give into his sexual demands, he would have to leave the house and find partners elsewhere which may expose him, and later her and the children, to the coronavirus. Tina also reported that it took her a while to even reach out as her husband was home all of the time. Conversations with her advocate and NYLAG had to be carefully coordinated with code words.

“Ileana,” another client referred to NYLAG in mid April, was attacked at her apartment in front of her three children, after her ex-partner posed as a FedEx delivery man to get into the building. Stuck in her home during the day, he knew exactly where to find her, and used the realities of the pandemic against her.

The clear lesson from cases like Tina’s and Ileana’s is two fold – abusers are using the pandemic as another way to control and isolate survivors, and for survivors, finding and pursuing help has become more dangerous. This is even more prevalent when we consider the financial impacts of the COVID-19 pandemic.

Financial Impacts of COVID-19 for Domestic Violence Survivors

It is well established that financial dependency is one of the leading barriers to breaking free from domestic violence abusers. Never has that been a greater concern than now, when the unemployment rate has skyrocketed and our country's financial future looks so uncertain. Survivors living with partners who are still employed feel chained to their abusers because of the constant fear of a loss of income for the family. Survivors considering separation are unable to seek in-person HRA assistance for either submitting a new benefits application or to split up households on an existing HRA budget. For families living in public housing, survivors fear separation could jeopardize government housing benefits and vouchers.

For those survivors who are separated from their abusers, the financial impact of the COVID-19 crisis continues to present new challenges. New applications for spousal and child support are not being accepted by the Courts. There is no mechanism to enforce existing spousal or child support orders when the other party stops paying, as enforcement petitions have not been deemed emergency applications. And while the federal government's stimulus rebate has helped some families, for domestic violence survivors, it created another lightning rod for conflict when checks were deposited into an ex-partner's account. Lastly, a survivor's own job loss or loss of other financial security could lead to considerations of reconciliation with a former abuser because of ongoing financial needs.

Take for example, NYLAG's client "Linda," who separated from her abusive husband in January. Through an informal arrangement, Linda's husband continued to pay for bills and buy groceries. When delivering groceries last week, her husband got into an argument with their teenage daughter. The argument escalated and ended with Linda's husband punching and kicking

Linda, neighbors calling the police, and ultimately, her husband's arrest. While Linda received a temporary order of protection from Criminal Court, it did not include the children. The order also could not address her husband's retaliatory action of withholding financial support and immediately cutting off their children's cell phone and data plans, which the children relied upon for remote learning. Until Linda spoke to NYLAG, she was not aware that she could ask for temporary child support as part of a temporary order of protection. Last week, NYLAG helped Linda draft her petition and helped her obtain temporary order of protection that included her children, a temporary child support order, and an order for her husband to reinstate the children's cell phone and data plans.

What We Need to Support Domestic Violence Survivors in New York

As a City, we are now faced with new challenges in almost every sector because of the COVID-19 pandemic. Many of those challenges are front and center and receive prominent reporting – high unemployment, low availability of testing, strained health care and essential workers. There are other challenges, though, that are hidden behind closed doors. Rising incidents and underreporting of domestic violence is one of these invisible challenges that cannot be ignored.

In the past weeks, many of us have had to pivot to work within this new reality and we should do the same to address the public safety concern of domestic violence. Legal service providers across the city, including NYLAG, are setting up dedicated COVID-19 hotlines and providing emergency legal assistance and counsel to domestic violence survivors. NYLAG's Domestic Violence Unit (DVLU) has responded to the crisis by working in partnership with Safe Horizon to assist survivors who are coming forward to draft, file, and appear in court seeking

orders of protection; in just one week, we successfully helped seven survivors file for and obtain their first orders of protection. DVLU works with case managers and social workers at other non-legal DV organizations and provides assistance and consultation for their staff in filing for orders of protection in Family Court. DVLU is safety planning with clients to help them navigate their safety in a completely new landscape. We are staffing NYLAG's COVID-19 hotline and providing people who identify as domestic violence survivors with a consultation with an attorney, individualized safety planning, and assistance with filing an Order of Protection if wanted. DVLU has increased the amount of immigration work we are doing, as that work continues during this crisis, and is imperative to our clients' financial security and stability. We have begun to translate materials and brochures into multiple languages so that information on resources and services for survivors, even in the time of a public health crisis, is accessible to all. We are also spending time to implement systems and structures to be able to adeptly respond to the expected rush of individuals in need of legal assistance when the public begins to reopen gradually. And we will be prepared to respond to the long-term crisis to come after this immediate crisis passes - we know will be a spike in survivors coming forward, seeking orders of protection, seeking assistance obtaining child support, seeking custody or parenting time that has been wrongly withheld, or seeking a divorce.

In recognition of the dual public health crises of COVID-19 and domestic violence, the City Council and the Mayor's Office can and must ensure that we are able to address the current situation and prepare for the coming effects by maintaining and increasing for services of domestic violence through critical initiatives such as the Domestic Violence & Empowerment (DOVE) Initiative. In the past few weeks, by using existing funding such as DOVE, NYLAG has nimbly

pivoted to respond to the needs of New Yorkers, including survivors of domestic violence. Continued funding is needed so that we can continue to serve survivors, all survivors, especially those who are experiencing poverty with unequal access to services.

We are proud to have pivoted our work to help survivors filing *pro se* petitions at this time. We have seen first-hand how working directly with petitioners at the filing stage provides them with a more holistic and effective response to their safety and other concerns, and we strongly believe that funding should be in place to be able to continue this work after the health crisis ends. The benefit for a client in having an attorney who works with survivors of domestic violence, rather than just a court clerk who does not have the expertise, time, resources, or ability to provide individualized client-centered services such as safety planning, advice and counsel, and access to additional services beyond the order of protection, is impossible to overstate. That is why we are doing this work now, in addition to the regular case work we continue to provide for our existing clients, whose cases we continue to work on.

The consequences of this health crisis are and will continue be multifaceted for domestic violence survivors, increasing their legal needs. We expect that some of the fall-out from this crisis, including loss of employment, lack of access to stable housing, and increased need for child or spousal support, will be reflected in an increase in the number of case matters following our city's reopening. In addressing these anticipated needs, we believe it is important, particularly for trauma survivors, to have one attorney with whom they can develop a strong, trusting relationship, to respond to their intersecting legal needs. As a result of our own comprehensive legal approach, we often have four or more cases for just one client, and may work with them for anywhere from two to six years, if not longer. Sustained, long-term funding is the only way to ensure that we can

continue to respond to these intersecting needs of clients, holistically, for the clients we have and for the prospective clients who will be in need of help after months without access to courts for any new filings besides orders of protection.

We know that because of the pandemic's economic fallout, government agencies, charitable organizations, and service providers all across the City are looking to their budgets to see where they can tighten their belts. But we must not allow fiscal concerns to irreparably harm the most vulnerable in our City. It is very likely, as we have seen in past crises, that there will be a rise in domestic violence reporting and filings for orders of protection once the "PAUSE" order is lifted. Survivors will have more opportunity to seek services and resources, to leave their homes to seek safe shelters, and to go to court and police services to ask for protection. When that time comes, we must be available with appropriate resources to meet this anticipated need, or we risk sending survivors back into the arms of their abusers.

I want to once again take the opportunity to thank Chair Richards and Chair Rosenthal, and the members of their, Committees for their exceptional leadership and commitment to address this issue even during these difficult times. I welcome the opportunity to discuss any of these matters with the Committee further.

Respectfully submitted,

New York Legal Assistance Group