



Testimony: Amy Barasch, Executive Director

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Summary: For 29 years, Her Justice has stood with women living in poverty in New York City. These past two years – unlike any others – disproportionately impacted women like our clients and shuttered some of the vital remedies that are typically offered through the courts and the civil justice system. It became clearer than ever that legal services, and the access to justice and the essentials of life that they offer are a critical part of the safety net on which our clients and women like them rely. The health, economic and social crises hit our clients particularly hard, and while we remained open for our clients, the courts still have reduced functionality and enormous numbers of cases are profoundly delayed. Our immigration practice was also impacted, since immigrant women often work in tenuous circumstances, so clients were made that much more vulnerable with the delays in processing applications. In response, Her Justice adjusted – providing more information to clients who were confused and fearful; providing more training to volunteer lawyers; and focusing on our policy work to use this moment to envision a better system “post-COVID.” We are deeply grateful for the Legislature’s continued support for the work that we do. We look forward to partnering once again to ensure that our civil justice systems work for all New Yorkers and advance economic justice for women living in poverty.

Through our pro bono first model, Her Justice pairs thousands of well-trained and resourced pro bono attorneys with women who have urgent legal needs. This approach has enabled us to assist tens of thousands of women over the years, far more than we could have reached relying exclusively on direct service. By ensuring that more women have lawyers by their side in a system historically designed to have poor people navigate it alone, we ensure their voices and concerns are heard and we begin to break down systemic barriers to access to justice.

In 2021, Her Justice provided a range of legal help to more than 5,800 women and their children in our practice areas of family, matrimonial and immigration law, which are described below. A full 100% of our clients are women living in poverty, 90% are women of color and 80% are survivors of domestic violence. Our clients live in all five boroughs of New York City. Almost 80% of our clients are foreign-born, almost half need interpreters in court, and most are mothers. We serve women living in poverty because, even in the best of times, the cards are stacked against them. The past two years have not been the best of times. Our clients, and women like them, are reeling from the disproportionate impact the multiple crises have had on them and their families. **We know that**



women, particularly women of color, have been uniquely burdened by the economic impact of COVID-19, and the fallout is expected to last. The United Nations predicts that millions of women and girls around the world will be pushed into poverty as a result of COVID-19. And amidst all this uncertainty and strain, the legal needs of our clients remained as urgent as ever.

Women living in poverty, particularly Black and Brown women, are forced to rely on a civil justice system that has been historically and systematically under-resourced. Women spend immeasurable hours, days and years moving through the Family Courts to access basic freedoms – personal autonomy, financial independence, and safety from abuse. While the system was originally imagined as one without lawyers, over time the process has become only more complicated and those who are unrepresented often come up short. The assumption that litigants did not need lawyers was part of a system that made decisions on behalf of low-income people; with a lawyer our clients can be part of the debate about their own future. From our years of experience representing women in the civil justice system, we know that the burden too often falls on women like our clients. Similarly, our immigrant clients suffer from inadequate numbers of government staff to review their valid applications. While processing has improved slightly, the reality remains that due to historically under-funded systems, clients can wait 5 to 7 years before they get a decision about their status, being forced to live in the shadows that entire time.

Our legal services are essential services and every Her Justice client has an urgent legal need. Whether it's Mary,* who lost her job due to COVID-19, while her husband, who remains employed, has stopped paying the child support he owes; or Grace,* who needs a divorce in order to avoid responsibility for the increasing debt her husband is racking up in her name; or Natalia* a survivor of human trafficking seeking the right to work so that she can support herself and her children free from abuse – **Her Justice stands with women when they need it the most.**

Advocating for policy reform in the civil justice system is a key component of any effort to lift women and their children out of poverty. As a trusted, long-standing organization, Her Justice seeks to elevate the issue of civil justice reform and advance economic justice for women and their children. Since our founding, we have been engaged in policy work, alone and in partnership with peer organizations and coalitions. In 2019, recognizing the need to take a more coordinated and strategic approach to our policy work, Her Justice invested in a policy strategic planning process resulting in the launch of a [Comprehensive Policy Platform](#) in January 2020. **The principle of our policy work is that it is informed by the lived experience of our clients – women living in poverty, whose livelihood and well-being are often determined by the civil justice system.** That civil justice system is often invisible to those outside of it, which makes a focus on elevating the reforms to this area that much more essential for our clients and all who depend on it.

When the COVID-19 pandemic began, we quickly and smoothly pivoted to providing services remotely. Our live legal helpline was brought into our homes. Virtual court appearances occurred in blazers and sweatpants. We problem-solved with clients who did not always have access to



technology, in an increasingly tech-dependent legal system, and opened safe and secure spaces in our office from which clients could appear in court proceedings remotely. We revamped our volunteer training programs and our community outreach efforts, and we were able to reach more people than ever before. We built coalitions and advocated for important reform at the policy level, including keeping ICE out of the courts so that our foreign-born clients could seek the justice they deserve without the fear of unwarranted arrest.

While there is still much uncertainty in these times, it is likely that women living in poverty will feel the economic strain of the pandemic for years to come. At Her Justice, we are here for the long-haul. Not to simply return to business as usual, but to partner with peer organizations, government officials and the courts to build back better. **Her Justice will continue to provide the legal services and advocacy needed to close the gap in access to justice for women living in poverty in New York.**

Meeting the Needs of Survivors of Domestic Violence

Many of our clients must pass through the New York City Family Courts to get legal relief that is critical to their safety and well-being; for example, orders of protection, financial support from partners, or visitation schedules. At the start of the pandemic the New York Family Courts reduced access to certain types of matters that it deemed “essential,” including applications for temporary orders of protection and motions for urgent issues in pending cases. Outside New York City, the Family Courts have resumed operations, including the use of virtual proceedings. Meanwhile the New York City Family Courts have adjusted operations more slowly, resulting in extreme delays in assigning court dates for new child support petitions and new nonemergency custody/visitation petitions. While we understand the challenges facing the courts, an inability to access the family and matrimonial courts means that certain critical court relief is unavailable to or unjustly delayed for domestic violence victims.

Like all those living in poverty, victims of domestic violence find themselves in an even more precarious economic situation at this time. Her Justice runs a consumer debt advocacy program to enhance the services we offer our clients. For victims of domestic violence, we provide safety planning around issues stemming from financial abuse – the control by one partner of the other’s access to economic resources. We advise clients on how to obtain, review, and request security freezes on credit reports; how to report fraudulent activity to the FTC and other appropriate agencies and to write dispute letters to the reporting agencies, and advocacy letters to creditors; and to remove abusers as authorized users on accounts. As a complement to our work with individual clients, Her Justice has advocated for protections against enforcement of money judgments and debt collection in this fragile financial time. It is a cruel irony that debt collection cases are moving forward as before, while the financial support that could be available in Family Court is endlessly delayed.



Immigration Practice Area and Policy Reform

Our immigrant clients – all of whom are survivors of gender-based violence – are met with particular challenges during this time. Many of our immigrant clients work in homes – as home health aides and caregivers – and were unable to continue their work when the pandemic began. Our clients faced acute financial strain due to unemployment and lack of relief from federal stimulus benefits.

Barriers to needed legal relief. We still provide information, advice and full representation to clients seeking immigration relief through referrals to our program each week. For the 720 clients we have with ongoing immigration matters, Her Justice lawyers and the pro bono attorneys that provide representation stabilize cases and work with clients to prepare applications. However, the pandemic continues to impact the lives of our staff and clients -- especially those with children because regular school and childcare routines have been disrupted. Clients juggling work and childcare often have trouble devoting time and attention to their legal matters, even if those legal matters are critical to their well-being. The technology gap (lack of access to computer and internet) makes it difficult for clients to provide needed documentation and information to their attorneys. The preparation of an immigration application, which used to take one to three hours of in-person meeting time with a client in the office, now takes twice as much time when done remotely. And while we have seen an increase in cases processed under the new federal administration, the backlog of overdue cases still burdens the system. Her Justice continues to advocate for reform to the immigration system so that the greatest number of immigrant women can obtain and preserve the best possible status, through a process that prioritizes their safety and dignity. We have been active in collaborating towards for policy changes that prioritize and recognize the needs of survivors of gender-based violence.

Legislative Protections for Immigrants in New York. During the last several years, we have dedicated significant time and effort to advocating against undue and unfair immigration enforcement actions, including preventing U.S. Immigration and Customs Enforcement (ICE) from making arrests in the courts, which have had a chilling effect on our clients' willingness to seek help. Last year, we were thrilled to witness the passing of the Protect Our Courts Act, which marked significant progress towards the decriminalization of our immigrant communities and making justice accessible to all. In coalition with other organizations, we have also advocated strongly for the passage of the Coverage4All bill, which would temporarily extend needed healthcare coverage to immigrant New Yorkers. In undertaking these efforts, we lift up the need for fair treatment of immigrant New Yorkers and the power of meaningful access to justice and benefits to change lives. **Her Justice will continue to strengthen our services and advocacy on behalf of immigrant women living in New York City who are more vulnerable now than ever.**



Family and Matrimonial Practice Area and Policy Reform

At the start of the pandemic, the Family Courts closed; they have been slow to resume operations – creating confusion and uncertainty for litigants – and are now facing a huge backlog of cases. For example, in March 2020, Family Courts closed to all new child support proceedings, as the court administration did not deem these filings “essential.” We engaged other legal services providers around the State to send a letter urging the court administration to change course and accept filings for this desperately needed relief. While the Family Courts did slowly reopen for new child support cases, the process for filing remained unclear to parents (almost all of whom have no lawyers) and sometimes even lawyers, and cases filed in the New York City Family Courts are being calendared for court appearances sometimes a year later. In the New York City Family Courts in general, matters filed before the pandemic are proceeding on an ad hoc basis, completely dependent on the type of case, the magistrate, and the presence of lawyers. For survivors of domestic violence, this uncertainty allows abusive partners who owe child support to withhold payments without immediate accountability through the courts. As the courts navigate the challenges of providing remote access and modernizing processes such as filing papers, litigants experience extreme delays and constant roadblocks. Her Justice continues to provide women with information about the legal remedies available to them and advise and strategize with clients to help them weigh their options and decide the course that is right for them and their children. We continue to mentor our pro bono attorneys virtually and send regular communications about updates to court closures and other relevant legal information.

Child support. In normal times, child support is critical for custodial mothers, especially those living in poverty. Many single mothers rely on child support to secure the basic necessities for their families. The vast majority of victims of partner violence suffer from economic abuse, making safe and fair child support awards essential to survivors’ ability to seek safety and maintain independence. Thus, the child support system plays a critical role in determining economic justice for single mothers and children living in poverty.

Child support is a key priority for Her Justice in our direct services for individual clients and in our policy reform efforts. We believe that the fairness and efficiency of the child support system should be improved to ensure that children receive the most support parents can afford. In 2017, we set out on a two-year court watching project in which 89 volunteers observed 797 child support case appearances in the New York City Family Courts to get a better understanding of what happens when parents do not have lawyers, and how the system ensures fair processes and outcomes for all. That project culminated in our March 2021 original Policy Report: [Towards Justice for Parents in Child Support Courts](#). Fortunately, we were able to observe court proceedings before in-person appearances were made impossible by the COVID-19 pandemic. Now, as the courts are faced with re-imagining how to provide access to justice post-pandemic shutdown, we are engaged in advocacy around various solutions, including a State legislative proposal to create “a straightforward process for straightforward cases.” The legislation would create a pilot program for parents who want to



agree on child support in an administrative conference and who do not need a court to determine the income available to support children. In addition to providing a fair and expedited process for families, the conference process would reduce the volume of families seeking child support in the Family Courts and create some efficiency in the system when this is needed most. Her Justice was proud to see this proposal included in the People’s Budget of 2022 of the New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus and we look forward to partnering on this effort. Her Justice is committed to elevating the experiences of our clients through both direct services for child support matters and advocacy to improve the system our clients navigate.

Divorce. Going through a formal legal process in divorce is especially important for women who are typically the lesser-earning spouse. Unfortunately, the barriers to and risks from divorce increase exponentially for women who are victims of domestic violence. The New York Supreme Courts have resumed divorce proceedings on a largely virtual basis, which poses a challenge for litigants with limited access to technology, especially those who are proceeding pro se. Our clients continue to need legal assistance around divorce issues. These cases represent two-thirds of our practice, and we continue to meet the need for information and advice about these issues through our legal helpline each week. For the 396 clients we have with ongoing matrimonial cases, Her Justice lawyers and the pro bono attorneys that provide representation continue to stabilize the cases and work with clients to prepare for litigation – including organizing financial documentation related to marital assets and debt – and assist them with the challenge of making their case in a virtual world.

Lifting up Women Living in Poverty

As New Yorkers, we are committed to lifting our community up. When women are lifted, their children and communities rise with them. **We thank the Legislature for the support for the essential legal services that we provide to women living in poverty in New York City and partnership on policy reform to benefit all New Yorkers.** We look forward to continuing to work together to remove barriers to gender equity and access to justice.

Respectfully,

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**Name changed to protect client privacy.*