



Virginia Poverty Law Center

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FUNDING THREATENED FOR DOMESTIC & SEXUAL VIOLENCE PROTECTION

Programs that provide legal assistance, shelter, counseling, and other support for victims of domestic and sexual abuse are in jeopardy throughout Virginia, as lawmakers in Washington battle over reauthorization of the federal Violence Against Women Act (VAWA).

Legal Aid, which is in the vanguard of protecting victims, is already in a fiscal crisis, due to the economy. Any further reduction in funding for legal and other domestic violence support will result in battered people having nowhere to turn for legal protection.

Since VAWA was first passed in 1994, it has created an infrastructure in many Virginia communities that helps victims establish a life safe from their abusers. Now that infrastructure is at risk, even though the need for domestic violence assistance has not abated.

The Office of the Chief Medical Examiner reported that in 2011 one in three homicides in Virginia stemmed from family or intimate partner violence. In 2011, 555 women, children and men stayed in a domestic violence emergency shelter on an average night; shelters were at capacity and turned away 3,000 people that year.

Nationally, intimate partner violence costs \$4.1 billion a year in medical services, and productivity losses such as missed work costs nearly \$1.8 billion. Studies show that domestic violence is underreported, and many victims endure months or years of abuse before they seek help. Children who witness the violence are at risk of becoming abusers or victims themselves.

In Washington, the reauthorization bill stalled last week when the House passed a version that would eliminate certain categories of victims from protection: gay, lesbian, transgender and bisexual persons; certain immigrants; and Native Americans. The Senate approved a version without those restrictions. The two versions will now go into conference for reconciliation.

Two Virginia Legal Aid programs currently receive VAWA grants to protect victims from contact with the abuser, to obtain child and spousal support and divorces from abusers, and to establish child custody, among other legal needs.

Legal Services of Northern Virginia receives a VAWA grant that pays for representation of about 400 of the 1,500 domestic violence victims the program serves annually, said James Ferguson, the program's executive director.

VAWA also supports attorney Susheela Varky, who assists victims through the Virginia Poverty Law Center — also part of Legal Aid. Varky works statewide where no other affordable lawyer is available, to advise low-income persons trying to escape sexual, physical, and psychological violence by spouses, human traffickers, criminal attacks, stalkers and even teens who are dealing with intimate partner violence. She is the only VAWA-funded attorney who provides this service statewide.

VAWA also provides money for Varky to travel throughout Virginia to train private attorneys, police, prosecutors, victim advocates, and shelter providers in legal issues regarding domestic and sexual violence.

Virginia's eight other legal aid programs do not presently have VAWA grants, but they depend on other VAWA-funded services — such as emergency housing, victim advocates, and counseling — to help their domestic violence clients. Without those services, legal aid and social services would be much more burdened.

"I have seen cases where the lack of access to victim witness advocates, shelter, and legal representation would have resulted in the victim's death, without a doubt," said Palma E. Pustilnik, who handles domestic violence cases for Central Virginia Legal Aid Society in Charlottesville.

Northern Virginia's Ferguson has spent much of his career helping victims of domestic violence and sexual assault.

"Leaving an abusive relationship is an incredibly hard and dangerous thing to do," he said. "Many victims either never do it or try and fail repeatedly. One factor that greatly enhances the likelihood that the survivor will successfully break free from the cycle of violence is the presence of a network of family, friends, and supportive advocates and committed professionals who work together to help the victim begin the process of rebuilding her life.

"Even at present funding levels, there are still far too many victims who simply cannot access the help they need," he continued. "Domestic violence is a horrible crime that cuts widely across all socioeconomic and geographic sectors of society. Without the infrastructure that VAWA has helped to foster, many tens of thousands of victims nationally would be left with nowhere to turn and would thus be much more likely to suffer irreparable harm."

Pustilnik said that, when a victim's children also have been subject to abuse, one of her first priorities often is to help the victim obtain custody and money to support them. If the protective parent cannot find a safe place to live, the children are at risk of being placed in foster care, adding to their trauma. Children of violent households are often damaged and will continue the cycle of violence.

"There's the scarring from the violence in the first place, then the scarring from being removed from the protective parent," Pustilnik said. "How many more lives will be destroyed?"

Varky and other advocates hope that the Senate version of the reauthorization bill will be passed.

"VAWA funds are essential to serving the complex emergency, counseling and legal needs of domestic and sexual violence victims. Without them, Virginia's victims, especially those without access to financial resources, will find themselves trapped and at risk of serious harm or death, watching their children continue the cycle of violence for generations to come."

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Reporters: Susheela Varky can be reached at (804) 782-9430, ext 33. Dawn Chase (media contact, above) can put you in touch with other legal aid lawyers in most areas of Virginia who help domestic abuse victims.

The Virginia Poverty Law Center is a nonprofit corporation that serves Virginia's legal aid system by providing advocacy, education, and litigation support for civil justice issues that affect low-income Virginians.

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