

Texas Lawyer

September 19, 2005

Congress Must Ensure That VAWA Does Not Expire

By Laura D. Wolf

As of this writing, committees in the U.S. Senate and House of Representatives have approved legislation, S. 1197 and H.R. 3402, to reauthorize the Violence Against Women Act (VAWA). Now the full Congress must act before Sept. 30 to ensure that this landmark piece of legislation does not expire.

The reauthorization of VAWA is a critically important element of coordinated community responses to domestic violence and sexual assault throughout the nation. Originally enacted in 1994, VAWA has been the force behind effective innovations, particularly within the legal system, for protecting victims of domestic violence and sexual assault, and for helping to prevent those crimes in the first place.

Failure to reauthorize VAWA would be a dangerous and embarrassing step backward.

Domestic violence, sexual assault and the other crimes targeted by VAWA, such as dating violence and stalking, are difficult and complicated crimes, because of the personal nature and damage that they represent, and because they almost always occur in a relationship between people who know each other. These are not crimes committed by strangers; even in sexual assault, the victim is much more likely to know her attacker than she is to be raped by a stranger. As a consequence of the relationship between the perpetrator and the victim – they may be married, they may have children together – the effective legal responses can be more challenging.

Victims are better served, and our communities made safer, when law-enforcement officers are trained in domestic violence and sexual assault cases. Perpetrators are held accountable when laws are effectively enforced. One VAWA program, Grants to Encourage Arrests, has provided funding that has increased domestic-violence arrests from 35 percent to 52 percent by supporting specialized domestic-violence police units.

This program also has had a positive impact in decreasing repeat offenses by batterers and abusers, as well as in improving prosecution rates. All of these improvements are interrelated and reflect a systemic approach to domestic violence and sexual assault.

The result can be a coordinated approach to serving victims of these crimes, so that the trauma they have experienced is reduced and so that when prosecution is chosen and pursued, the needs of the victim are understood, and the prosecution itself is as effective as possible.

Illustrations of this abound in Texas: Law enforcement, prosecutors, victim counselors and advocates, and pro bono civil legal services are all being housed together or are part of well-defined and organized multidisciplinary teams structured so that victims seeking assistance can have most of their needs met quickly and effectively in a coordinated fashion.

In cases of domestic violence in particular, civil legal assistance is an enormous obstacle to a victim's ability to find safety. Most victims of domestic violence have no access to affordable civil legal services, but often that is the area of their greatest need: protective orders, divorces, child custody issues, etc.

The last reauthorization of VAWA, in 2000, created a badly needed civil legal-assistance program for victims of domestic violence. This program has enabled domestic-violence shelter programs to hire lawyers or to contract with legal services organizations to represent victims of domestic violence in civil matters. Family lawyers, or any lawyers who have generously taken pro bono family-law cases, know or can imagine how arduous and sometimes even frightening a divorce or custody case can be when domestic violence is an issue.

The legal system sometimes appears to be just one more tool that a batterer can use to intimidate and control the victim, particularly when the batterer – who typically has much greater access to any financial resources – has an attorney but the victim does not.

Saving Lives

Some of the good laws that Texas has on the books, including laws relating to child custody in cases of domestic violence, are not carried out to their full purpose in preserving victims' safety and that of their children when either the victim does not have a lawyer, or the lawyer is poorly informed.

VAWA's civil legal-assistance program helps to overcome this serious impediment. Reauthorizing VAWA and enhancing the civil legal-assistance program is a genuine means of saving, and then rebuilding, lives.

Among the valuable tools for the nation that was created by the original VAWA is a unique program right here in Texas. In 1994, VAWA established the National Domestic Violence Hotline, a project of the Texas Council on Family Violence located in Austin. The hot line was up, running and receiving its first call in February 1996.

The purpose of the hot line is to be a source for crisis intervention, as well as information and referral, for victims of domestic violence, their families and friends, all across the nation. The hot line has received more than 1 million calls since it was established and to each of those callers, hot-line staff and volunteers have provided immediate crisis counseling, safety planning,

information about domestic violence and referral to local service providers in the callers' communities.

The hot line is an invaluable resource for those victims who, out of fear, shame or lack of information, have not called law enforcement or a local domestic-violence program. In fact, 60 percent of the victims who called the hot line reported that they had never called the police or a local shelter. For the past three years, the hot line has answered more than 170,000 calls per year, and this nation cannot let that phone go unanswered. VAWA must be reauthorized and the hot line must be maintained.

These are but a few examples of the groundbreaking – and lifesaving – programs included in VAWA. The passage of VAWA in 1994 and its reauthorization in 2000 have changed the landscape for victims of domestic violence and sexual assault who once suffered in silence.

In a civilized society, we cannot go back to those days. Congress should act to reauthorize VAWA immediately.

Laura D. Wolf is a lawyer and public policy director for the Texas Council on Family Violence, where she advocates at the state and federal level for laws, policies and appropriations to benefit victims of domestic violence. The National Domestic Violence Hotline is a project of TCFV, and can be reached (at (800)799-SAFE).

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