

## **PROTECTION FROM DOMESTIC VIOLENCE PRIORITIES**

### **ADOPTIONS**

- Adoption defenses if there is a meritorious defense.
- Adoption petitions only if:
  1. pro bono resources are available; and
  2. the opposing party's consent is not required by law; and
  3. the adoption would provide a financial benefit to the child/ren; and
  4. the adoption would be in the best interest of the child/ren.
- Step-parent adoptions will only be considered if the parties have been married for at least two years and the biological parent has not been involved in the child's life.

### **BIRTH CERTIFICATES**

- Pro se forms provided to clients for the correction, amendment, or procurement when the birth certificate or lack of birth certificate prohibits client from receiving benefits, services, or impacts employment. Acceptance for representation in situations where the client does not appear to be able to navigate the system pro se.

### **CENTRAL ABUSE REGISTRY**

- Assistance in appeals or removal when the facts are meritorious and the finding of neglect/abuse will materially impact the client.

### **CHILD CUSTODY AND VISITATION**

- Extended services if there is an ongoing or immediate risk of violence to the client or child/ren, including cases of founded abuse by the Department of Human Services or the State Police.
- Meritorious jurisdictional disputes where the children have been abducted and are in imminent danger with the abductor, including international child abduction cases.

### **CHILD SUPPORT**

1. Assistance in child support defense cases in which child support is based solely on funds exempt from child support.
2. For all other child support cases involving modification of child support, pro se forms shall be made available to applicants. Cases involving those recently released from prison, or participating in a prison diversion program, will be evaluated on a case by case basis with consideration being given to factors such as veteran status and the availability of special funding.

### **CIVIL GIDEON**

- Factual situations where LAA may advocate at the trial court level or on appeal for a right to counsel in civil cases in a narrow set of issues, such as termination of

parental rights in an adoption, defenses to adult guardianships, or incarceration in a child support contempt action without representation.

### **DIVORCE**

- Extended services if:
  1. there is an ongoing or immediate risk of violence to the client or child/ren based on a risk assessment, considering the totality of the circumstances, regardless of the length of time since the last incident of physical abuse; and
  2. the divorce would help ensure that client would permanently escape abuse, such as providing an economic benefit to client.

OR

1. client's only source of income is Supplemental Security Income from the Social Security Administration; and
  2. there are clear grounds for divorce; and
  3. pro bono counsel or other resources are available; and
  4. client has no other resources available to secure private counsel.
- Extended services for post-judgment enforcement actions meeting divorce criteria.
  - Provided that the program may deny extended services to any divorce applicant where it is apparent that representation will involve significant expenditure of time and resources, the applicant is not in danger of bodily harm, and
    1. obtaining the client's objectives will not materially improve the safety or welfare of the children of the parties, and
    2. resolution of the case will not be of precedential value to others in the client community.

### **EMANCIPATIONS/REMOVAL OF DISABILITIES**

- For homeless minors, pregnant minors, or minors attempting to avoid violence or abuse, when the facts are meritorious.

### **GUARDIANSHIPS. ADULT**

- Legal Aid will attempt to support the health and welfare of incapacitated persons who are unable to provide for their own medical or financial needs. Cases involving an immediate danger to the health, welfare, or residence of an incapacitated adult, i.e., where there is an urgent medical or financial issue and no alternative to guardianship exists, will be a high priority.
- Cases where there is not an immediate danger, but an incapacitated adult is unable to provide for his or her own health, welfare, or residence will be accepted if pro bono or other resources are available, if they fall within MLP priorities, or if they can be prosecuted under a contract with an Area Agency on Aging.

- Defenses to Adult Guardianships will be provided if the facts of the case are meritorious.

### **GUARDIANSHIPS. MINOR**

- Extended services if:
  1. there is an ongoing or immediate risk of violence to the child/ren; or
  2. the parent/s or primary physical custodian/s have abandoned the child/ren; and
  3. the child is being denied access to education, health care, or other basic necessities, if other, noncustodial alternatives, are insufficient; and
  4. there is clear indication that the guardianship is in the best interests of the child/ren;or
  5. where a guardianship is required to administer the estate of a minor, and the resources of the estate are too small to pay for a private attorney.

### **IMMIGRATION**

- Assist clients with meritorious U-Visa applications, with a preference for making referrals to other service organizations, if practicable.

### **NAME CHANGE**

- Referral to pro se materials absent extreme hardship resulting if the name change is not done and an indication that the client will not be able to navigate the system pro se.

### **OTHER**

- Work with the other workgroups to provide extended services to victims of domestic violence where those services would help make the client more independent, and therefore less likely to return to her/his abuser.

### **ORDERS OF PROTECTION**

- Extended services for victims of domestic violence and/or sexual assault or abuse.
- Advice to victims of domestic violence and/or sexual assault if filed on behalf of the children and there is a pending or recent child custody case open indicating that the Order of Protection is being used to harass and/or take custody away from the opposing party.
- Advice to Respondents only if client was referred by a domestic violence shelter or was previously a client in a family law case involving the same opposing party.
- Extended services to Respondents if client meets the criteria for advice and also appears to be a victim of domestic violence committed by the Petitioner.