

Crafting Civil Protection Orders to Enhance Economic Security for Victims and Children

Technical Assistance Brief

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Economic Security is a Necessary Component of Safety for Victims

Domestic violence devastates victims' ability to financially support themselves and their children in many ways.¹ Economic abuse is a common tool used by perpetrators to prevent victims from leaving the relationship and to establish financial dependency on the person causing harm.² Such abuse includes a range of behaviors, including draining bank accounts, selling assets, generating credit card or other debt, ruining credit scores, withholding or interfering with the victim's access to financial resources, and committing identify theft.³

In addition to any immediate and ongoing economic abuse they experience, victims also may suffer long-term economic consequences as a result of domestic violence. These can arise when perpetrators prohibit victims from working or when they undermine their ability to work, including by harassing them at the workplace and interfering with their ability to obtain child care or transportation. Perpetrators also cause long-term negative financial consequences by preventing victims from pursuing education that would enhance their ability to obtain higher-paid, stable work.

Thankfully, civil protection orders (CPOs) can help mitigate some of this harm and constitute a first step toward economic security and independence for victims. Economic security is often defined as a person's ability to meet their essential needs and maintain a reasonable standard of living in the present and future. Victims of domestic violence can experience insurmountable difficulty in achieving a life for themselves and their children free from financial dependence on others, including the person who caused them harm.

By including tailored, comprehensive economic relief provisions and other protective measures in CPOs, courts can provide immediate remedies and fill the gap before a court hearing a long-term custody or divorce case can address the economic needs of victims and their children. This Technical Assistance Brief provides strategies to help

courts do so effectively.

To provide tailored, effective economic relief in civil protection orders, courts should strive to incorporate each of following components in their process:

- Understanding and exercising judicial authority to include economic relief in protection orders;
- Obtaining information about victim’s economic needs;
- Structuring relief in orders to maximize benefits and enforceability;
- Educating respondents about their responsibilities and supporting their ability to comply; and
- Monitoring compliance with economic relief provisions and addressing non-compliance.

The remainder of this document provides guidance for courts on each of these components.

Legal Authority

Protection order statutes differ in their approach to this issue, with some providing explicit authority to include economic relief in orders and others providing implicit authority in the form of discretionary “catch-all” provisions.⁴ Regardless of the legal framework governing a court’s issuance of protection orders, judges should perceive these orders as a way to provide, at the very least, temporary economic assistance, and they should never deny requested relief because such relief, or more comprehensive relief, is available from a court as part of a long-term divorce or custody case.

Obtaining Information About Economic Needs

Courts can provide tailored economic relief in CPOs when they receive specific information about the economic harm involved and the petitioner’s particular economic needs. Judges issuing orders should always ask questions about these issues during hearings and respond accordingly in their orders. However, the responsibility does not rest with the court alone. Petitioners should request specific forms of relief in their petitions and be able to support the need for this relief with the requisite evidence. This can be facilitated in several ways, and courts should collaborate with non-court stakeholders to develop processes that include:

- Effective advocacy regarding economic relief, including during intake and

case assessment, and in crafting and supporting requests for relief in petitions and hearings on CPOs;

- Informational materials regarding the availability of economic relief for self-represented litigants; and
- Revision of petitions and/or supporting affidavits to elicit information regarding economic harms and requested relief to address it and enable economic independence.

These supports can be implemented regardless of whether the availability of economic relief is explicitly mentioned in the statute or not, but should be tailored to the governing legal authority (e.g., where specific forms of relief are enumerated in the statute, they should be clearly described in all written materials and be part of advocates' conversations with victims).

Structuring Relief

Courts are authorized to issue a wide range of economic relief in response to the specific circumstances and needs of petitioners. To tailor economic relief provisions to those needs, courts should seek information about all of the out-of-pocket expenses incurred and anticipated that stem from the abuse, both any physical abuse and non-physical aspects of the abuse (especially coercive controlling abuse that impedes victim's ability to work, pursue education, and take other steps to obtain or maintain economic security, and costs associated with treatment of mental health issues that result from the abuse).

The forms of relief that judges should consider and tailor to victims' needs include:

Support: Financial support should be provided where authorized to help victims meet immediate economic needs for themselves (through spousal or similar support) and their children (through child support). Such support can provide financial relief until a court can establish long-term support provisions, but should be designed to meet the victim and children's needs for the duration of the protection order.

Courts should consider assigning court staff (for instance, where case managers are used) or offering space in the court to child support agency personnel so that victims can obtain assistance with the initiation of a IV-D application for child support, with the "family violence indicator" included where applicable.

Restitution: Where the victim incurs financial costs as a result of the

abuse, courts in many states are authorized to order that the respondent pay for or reimburse the victim for those costs. These may include medical and mental health treatment costs, property damage (clothes, household items, vehicles, damages to a residence, etc.), lost wages,⁵ and attorney's fees.

Housing-Related Relief: Orders to vacate the residence can enhance economic security for victims, especially if the respondent is ordered to pay the rent or mortgage. Some state statutes authorize courts to require respondents to pay the costs of alternative housing for victims. These forms of relief may be critical to the safety and economic security of victims; research shows that as many as 38 percent of all survivors become homeless at some point in their lifetime.⁶

Relief Related to Immigration Status and Other Documents: To protect victims, including immigrants who need certain documents to work, attend school, or receive benefits, courts should order respondents not to destroy important documents (such as passports, visas, work authorization cards, and documents from the victim's home country). In addition, orders should include injunctions against interference with victims' applications related to their immigration status.

Property-Related Relief: In some states, courts are explicitly authorized to provide for possession of the parties' personal property.⁷ This may include vehicles and help meet the transportation needs of victims, and it may also include other forms of property. In addition, protection orders may include prohibitions against the respondents misuse or damage of property.⁸

Payment of Insurance Premiums and Outstanding Debts: Where authorized, judges should include, in protection orders, provisions that require the respondent to continue to pay debts, liens, and insurance coverage during the pendency of the order.⁹ This relief can prevent the victim from suffering the consequences of missed payments and the victim and children from being unable to seek necessary care.

Enhancing Enforceability and Safety: Courts can help to enhance the enforceability of economic relief provisions included in protection orders in several ways, including by:

- Providing the greatest degree of specificity possible to describe how payment must be made and by what date;
- For economic costs that recur, ordering that payment be made by a certain time and date in relation to when the cost is incurred; and

- Considering payment plans in appropriate circumstances, to enable respondents to comply with economic relief requirements and prevent noncompliance as a result of their inability to pay in full upon issuance of the order.

Courts should include conditions designed to provide and promote safety in conjunction with economic relief provisions, including by:

- Not requiring victims to renew requests for economic relief where possible, by clarifying that the responsibility for payment exists until expiration of the protection order; and
- Ordering payment processes that minimize any contact with the victim and other family members, such as requiring that payments be submitted to the court or through wage withholding; payments through other third parties, direct deposit, and electronic money transfer may be useful in some circumstances.

For child and spousal support provisions, courts should satisfy the requirements set forth in the [Uniform Interstate Family Support Act \(UIFSA\)](#) for interstate enforceability. This includes making a finding of personal jurisdiction over the respondent and ensuring that no other state has continuing, exclusive jurisdiction over support issues. See UIFSA for the annotated version of the law with commentary.

Educating and Supporting Respondents

Courts should provide respondents with clear instructions regarding how to comply with economic relief provisions, including the steps to take if they cannot comply as ordered. If the court employs case managers or compliance officers for protection order cases, such personnel can explain respondents' responsibilities and assist them with any questions they have.

Courts should consider developing a relationship with local government agencies, such as departments of labor and workforce development agencies, to enable the court to order or recommend that respondents conduct job searches using those resources.¹⁰

Monitoring Compliance and Addressing Violations

Compliance Monitoring: Courts should consider developing a compliance monitoring program to assess and respond to problems with respondents' compliance with the terms and conditions of protection orders, including their satisfaction of economic relief provisions. Scheduling compliance

review hearings upon issuance of orders, either before the court that issued the order or during a docket dedicated to compliance hearings, is an effective tool to ensure that courts learn about violations without depending upon victim reporting. Courts can easily incorporate a check on the status of payments and other ordered economic relief during review hearings,¹¹ and can consider cancelling hearings when proof of compliance has been submitted to the court in advance, including by filing of receipts or other proof.

Addressing Violations Through Contempt: Courts should ensure that contempt processes available to address violations of civil protection orders, including economic relief provisions, are understandable and feasible for victims who may need to bring contempt actions without legal advice or representation. This means that forms should be written at an appropriate level of literacy and that they should be accompanied by instruction sheets to facilitate their proper use.

In hearing contempt motions, courts should be receptive to the various forms of corroborating evidence victims submit to establish failure to comply (provided, of course, that the evidence is admissible), which may include statements from landlords or other creditors and bank account records.

Courts should be wary of unsubstantiated claims by respondents that they are unable to pay the requisite economic relief in orders. Respondents should be expected to provide proof, and courts should consider evidence of respondents' income and assets submitted by either party in making the assessment.

Imposing appropriate and effective sanctions for failure to comply with economic relief provisions can be quite challenging because many of the available tools may make it even more difficult for respondents to meet their obligations. In cases in which respondents are able to pay but fail to do so, sanctions such as criminal contempt (including incarceration until the respondent complies with the order) and work release programs may be appropriate.

For respondents for whom compliance with ordered payments and other economic relief is challenging because they lack a job and/or sufficient economic resources, courts can consider ordering or referring respondents to programs that support their ability to obtain work and provide other assistance.¹²

Conclusion

Economic security is tantamount to safety and autonomy for victims of domestic violence. Using the strategies described in this TA Brief, courts can provide specific, tailored, and enforceable economic relief in civil protection orders, at the outset of their attempt to escape the abuse and achieve financial independence from the people causing them harm. Judges seeking further information about the topics discussed in this document should contact the National Council of Juvenile and Family Court Judges (NCJFCJ) at contactus@ncjfcj.org.

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¹ For descriptions of the results of research on this topic, see Asha DuMonthier and Malore Dusenbery, "[Intersections of Domestic Violence and Economic Security](#)" (Washington: Institute for Women's Policy Research, 2016); Laura M. Schwab-Reese, Corinne Peek-Asa, and Edith Parker, "[Associations of financial stressors and physical intimate partner violence perpetration](#)," *Injury Epidemiology* 3 (1) (2016); Cynthia Hess and Alona Del Rosario, "[Dreams Deferred: A Survey on the Impact of Intimate Partner Violence on Survivors' Education, Careers, and Economic Security](#)" (Washington: Institute for Women's Policy Research, 2018).

² For instance, in a study of 120 victims, 94 percent reported experiencing some form of economic abuse, including employment sabotage (88 percent) and economic exploitation (79 percent); Postmus, Plummer, and Stylianou 2015).

³ See Postmus et al. 2012.

⁴ For a summary of statutory approaches, see Dana Harrington Conner, "[Financial Freedom: Women, Money, and Domestic Abuse](#)," 20 *Wm. & Mary J. Women & L.* 339 (2014).

⁵ Research shows that in the year following a petition for a civil protection order, victims can lose between \$312 and \$1,018 in earnings. Hughes and Brush, "The Price of Protection," *Amer. Sociol. Rev.* (2015).

⁶ Baker, Cook, and Norris, "Domestic Violence and Housing Problems: A Contextual Analysis of Women's Help-Seeking, Received Informal Support, and Formal System Response," *Violence Against Women* (2003).

⁷ See, e.g., GA Code § 19-13-4(a)(8).

⁸ See, e.g., Mont. Code § 40-15-201(2)(g).

⁹ See, e.g., Cal. Family § 6324; Minn. Stat. § 518B.01(6)(11).

¹⁰ This strategy has been used successfully by [the civil protection order court in DeKalb County, Georgia](#).

¹¹ For example, Winnebago County, Illinois' Coordinated Domestic Violence Courts have included the status of economic relief compliance in the [Compliance Call Report](#) provided to the court prior to compliance review hearings.

¹² [Programs throughout the country](#) assist noncustodial parents in this way, to help them meet child support obligations.