

**FAQ’s for Defense Attorneys  
Community-Based Domestic Violence Advocates:  
A Resource for Battered Women Charged with Crimes**

*The content for this article was developed by a group of attorneys and community-based advocates in King County, Washington. The work group is a project of the King County Coalition Against Domestic Violence, and its purpose is to better assist battered women and other survivors of domestic violence who are charged with crimes. For more information, contact [kccadv@kccadv.org](mailto:kccadv@kccadv.org).*

To attorneys, the term “victim advocate” generally refers to a person who works for the prosecution, assisting the victim in a criminal case and supporting the prosecution. However, throughout Washington State (and nationally), there are independent community-based agencies that provide free services to battered women and others who have experienced ongoing domestic violence (survivors), including those who are charged with crimes. These agencies are **not** affiliated with the prosecution or with any government agency. They can provide a broad range of supportive services, including assistance with housing, employment, transportation, healthcare, childcare, as well as legal assistance and emotional support through both criminal and civil court cases. For a list of community-based DV agencies in King County go to <http://www.kccadv.org/>, For a list of agencies throughout Washington State, go to the Washington Violence Against Women Network website: <http://www.wavawnet.org>

***1. How are community-based advocacy programs different from the prosecution-based or “Systems-based” advocacy programs?***

Community-based advocacy program services differ from prosecution-based advocacy programs in the following ways:

	<b>Community-Based</b>	<b>Prosecution-Based</b>
<i>Who Can Receive Services</i>	Any battered woman, including those who are defendants in criminal cases	Only those who are listed as the victim in a criminal case
<i>Length of service</i>	No limit	Limited to the duration of the criminal case
<i>Goal of advocacy</i>	To support and assist women in finding safety, autonomy and any type of practical resources that will help the woman and her children.	Provide support, safety planning and case management to victims during criminal proceedings. Services are limited by the prosecutor’s goals.

<i>Confidentiality</i>	State statute protects both communication between the DV advocate and the client, as well as client records. The advocate can discuss information about the client with an attorney when the client provides a written release.	Information and records are available to prosecutors and law enforcement per Criminal Rule 4.7 outlining rules of discovery. In some cases, defense must subpoena advocate records for an <i>in-camera</i> review by the judge.
<i>Services</i>	Crisis intervention, safety planning, assistance with housing and employment, legal clinics, legal advocacy, support groups, community education, individual advocacy, shelter and transitional housing, and referrals for childcare, healthcare and counseling.	Support and case management to victims during criminal proceedings; safety planning as related to prosecution; explain legal process; accompany victims to interviews and hearings, consult with prosecutors on victim and case issues; ensure that victims' rights are honored by the system; provide victims with appropriate referrals to community resources.

**2. *What are community-based victim advocacy programs and what services do they provide?***

Community-based victim advocacy programs are independent, non-profit agencies that provide a range of supportive services to battered women and their children. In King County, there are some 15 different programs. Some of these serve specific language, cultural or religious communities and others serve specific geographic regions of King County.

Services include crisis intervention, safety planning, assistance with housing and employment, legal clinics, legal advocacy, support groups, community education, individual advocacy and referrals for childcare, healthcare and counseling. Some programs offer shelter, and some shelters are at confidential locations. However, shelter space is extremely limited, and most DV shelters turn away 10-14 people for every person they can serve.

Each program has its own individual mission and approach. All of the programs work to promote the safety and autonomy of battered women.

- Community-based advocacy programs DO NOT provide therapy, mental health services, chemical dependency services, or any kind of batterer intervention or other “treatment.” However, if a battered woman requests help in finding and/or enrolling in these services, advocates will assist her. Some agencies offer chemical dependency support groups for battered women, but these are not considered treatment.
- Community-based domestic violence services are client-initiated and voluntary, and advocates DO NOT play any kind of an evaluative or monitoring role. At a client’s request, these agencies will provide limited information to probation and the court (and other agencies) regarding the client’s attendance in the program.

### ***3. How can the services of community-based DV agencies fit my client?***

DV agencies provide a supportive environment where battered women can discuss their experience of abuse and its impact on their lives. They can get practical help with housing, employment, healthcare, childcare, etc. They can get information about the steps in both criminal and civil cases and referral to legal resources. Perhaps most importantly, battered women can get support in improving the overall quality of life for themselves and their children.

One evaluative study of community-based advocacy programs found that women who worked with advocates experienced less violence over time, reported higher quality of life and social support, and had less difficulty obtaining community resources over time.<sup>1</sup>

### ***4. Are services of community-based advocates confidential?<sup>2</sup>***

Yes, Washington state law protects communication between a domestic violence advocate and program participant, as well as client records. Communication is protected through *RCW 5.60.06 (8)*. State law prohibits domestic violence programs from releasing records about a program participant without their written permission, through *RCW 70.123.076*. State law protects domestic violence program records about program participants as confidential (with some exceptions for judicial review) through *RCW 70.123.075*.

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<sup>1</sup> Sullivan, C. M., & Bybee, D. I. (1999). Reducing violence using community based advocacy for women with abusive partners. *Journal of Consulting and Clinical Psychology*, 67(1), 43-53.

<sup>2</sup> Adapted from *Model Protocol on Confidentiality when Working with Battered Women – 2007* Washington State Coalition Against Domestic Violence

### ***5. Who qualifies for their services and who accesses services?***

In general, any person who is a survivor of DV qualifies for services at most of these agencies. DV advocates work with people who have experienced an ongoing pattern of intimidation, coercion, and violence as well as other tactics of control by an intimate partner<sup>3</sup>. A person who has experienced a single incident of physical violence without the patterned use of control may not be considered a DV survivor.

DV advocates serve survivors of DV regardless of whether they are the victim or the defendant in a criminal case. Survivors are welcome to access services when they are still living with an abusive partner, or if they leave and then return to their abusive partner.

The majority of DV survivors who access services are heterosexual women, as the majority of people who are DV survivors are heterosexual women and people in same sex relationships. While some women use violence in their intimate relationships, it is rare for a heterosexual woman to achieve the kind of dominance over her male partner that characterizes battering.

### ***6. Is there a fee for services?***

There is no fee for service at any of these agencies, regardless of the survivor's income. Proof of income is not required to qualify for services. Some domestic violence agencies have transitional housing programs where survivors and their children may live for one to two years. These programs generally charge 30% of a family's income for rent.

### ***7. How can advocates work with the defense?***

The type of working relationship will depend on the needs and wants of the individual client, the advocate, and the agency with whom she is working.

An advocate can provide information to the attorney on the dynamics and impacts of DV, and linkages to recent articles and relevant research. The advocate can talk with the attorney about the potential consequences of negotiated pleas and various types of sentences in the specific context of DV. Advocates can help to find expert witnesses, and provide linkages to other resources to help battered women and their defense. Advocates can provide information and support to the client through each stage of the case.

### ***8. Can the advocates help attorneys defend their clients, and if so, how?***

Advocates can help by providing safety planning, support, assistance with housing, legal information, employment, transportation, childcare, and linkages to legal and other services to any client who is a survivor of domestic violence (as described above).

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<sup>3</sup> Pence, E. and Dasgupta S., "Rexamining Battering: Are All Acts of Domestic Violence The Same?" Praxis International, 2006

Advocates cannot help attorneys defend their clients. With the client's written permission, an advocate can communicate with the defense attorney to exchange information that may support the defense.

***9. How are community-based DV agencies funded and managed?***

All of the community-based advocacy programs are private, non-profit agencies funded through a mix of foundation grants, public funds, and donor dollars. They are run by independent boards of directors, managed by executive directors and staff, and are not part of any government agency.

***10. How does someone become a client?***

Survivors seeking services go through an initial screening process, usually over the phone, to determine whether their needs can be met by the program's services. If their needs can be met, they can immediately access services. If not, program staff will do their best to refer the person to another agency that can meet their needs.

***11. Do advocates have any training or knowledge regarding the legal process?***

Advocates have varying levels of training or knowledge about the legal process, depending on their role and experience. Many community-based DV agencies employ legal advocates whose role is to assist and support survivors in any legal matter in which s/he is involved, but not to give legal advice. These advocates are generally knowledgeable about the various stages of criminal and civil legal cases, and how to provide support to battered women in these cases.

Legal advocates can provide information on legal topics such as tenant law, criminal legal issues, immigration, family law, court orders, employment law, confidential identity change, CPS/Dependency issues and other legal issues, including the differences between different types of DV orders.

***12. Do the advocates have any kind of a relationship with the prosecutor's office?***

Community-based advocates have no formal relationship with the prosecutor's office. However, many community-based advocates have an informal relationship with advocates in the prosecutor's office in order to better support survivors who are the legal victims in a DV case.

***13. How can a defendant contact one of these agencies?***

Defendants can call the agencies directly to speak with an advocate. Several agencies have 24-hour crisis lines. (See attached resource list)