

Improving Access to Courts through Technology: *Innovative Ideas for the STOP Formula Grants Courts Set-Aside*



**U.S. Department
of Justice
Office on Violence
Against Women**



Presenters

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Welcome from OVW

- Laura Rogers, Principal Deputy Director
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Learning Objectives

- 1. Gain a foundational understanding** for thinking about technology and courts
 - 2. Learn about innovative projects** that have been supported with STOP funding
 - 3. Identify ways to use STOP funds for courts** while addressing court concerns
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Webinar Roadmap

1. Framing of the Need/Opportunity for STOP funds for Courts (Robyn)
 2. Examples from the Field (Carrie)
 3. Access to Justice - *Technology Innovations* (Erika)
 4. Access to Justice - *STOP Examples and Research* (Karen)
 5. OVW Wrap-up/Q&A
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The Need

- “Lemonade” Idea
- Pandemic has brought about an opportune time for courts to use STOP funds to enhance/develop technology for DV cases
- Strong possibility that some of these virtual proceedings may become permanent
- Digital Divide – How to address
- E-filing
- Virtual connection to advocates, programming, legal services

Center

for

Court

Innovation

Strategies to Address the Need

- Court administrators and STOP Administrators should work to determine long range planning that addresses the needs of all DV litigants
 - *Get to know each other*
- Courts can use STOP funds for judicial training, *but that is NOT the only thing:*
 - Courts can use the funds to *further Access to Justice initiatives that impact all DV litigants* (victim/petitioners; respondent/defendants) and still be within ethical boundaries
 - Courts can use STOP funds *as "seed" money to begin projects in the state and then replicate them* thereby spreading the projects around the state -not just in one community

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Examples from the Field


- Long Range Planning Projects
 - Supreme Court of OH- listening sessions and resources
 - Technology for COVID-19 and beyond
 - Addressing the digital divide
 - Courts using grant funds to begin or establish projects (“seed money”)
 - Delaware- FCEP and STOP funds
 - “One and done” products
 - Benefit of collaboration between STOP administrator and court administrators
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Examples from the Field

- Court concerns around neutrality
 - Videos, resources for all litigants
 - Multnomah County, OR- navigator position

 - To train or not to train?
 - Consider a variety of effective uses for STOP funds, especially if other judicial training funding is available
 - Consider court training for all court staff that come in contact with victims
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The Pew Charitable Trusts



A public charity driven by the power of knowledge to solve today's most challenging problems.



Pew conducts fact-based research and rigorous analysis to improve policy, inform the public and invigorate civic life.



We help states apply fact-based solutions to a wide range of policy areas, including the environment, health, consumer safety, and in addressing state policy and economic issues.

Modernizing the legal system

Bring more national attention

Not enough national attention is given to the civil legal system despite the effects it has on so many people

System in need of change

A system built by lawyers to be navigated by lawyers that now is often navigated by people without a lawyer

Replicate promising practices

States are developing new best practices in isolation and we have the opportunity to highlight them as a whole

How we work

Research ways to improve health, housing, and financial outcomes for people involved in the civil legal system

Build partnerships with the private sector, policymakers, and other stakeholders

Develop and evaluate promising **policies, practices, and technologies** to improve experiences and outcomes for people who interact with state and local courts

DV and the pandemic

Increased need

Illinois example:

- Google searches looking for help on assault and battery: **100% increase** between early March & early June
- Website visitors accessing the [Spanish version of the safety plan information](#): **220%** increase between mid-March and the end of August

Increased challenges

- Courthouses closed
- Supervised visitation sites closed
- Confusing state orders

The legal system responds

Legal assistance portals

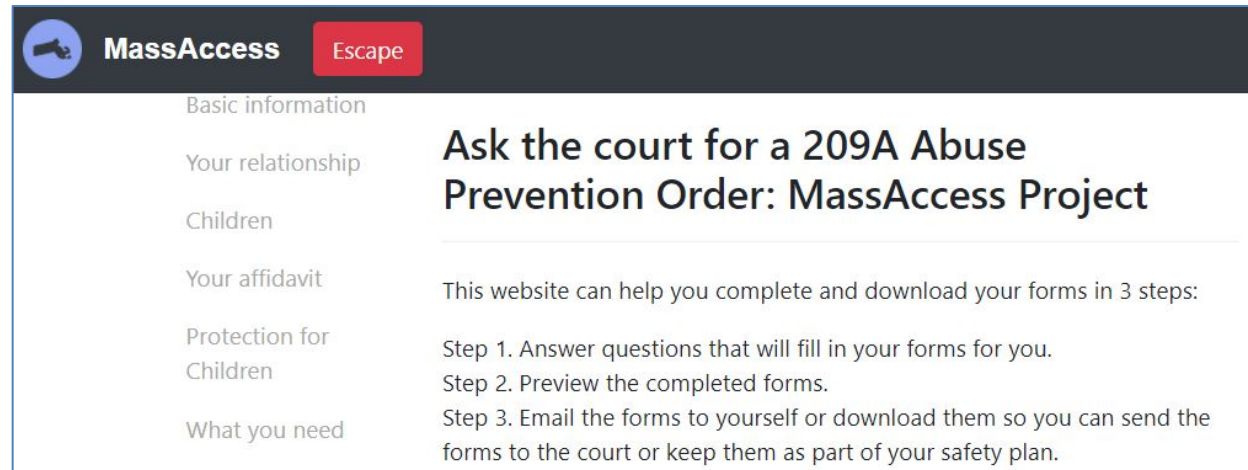
- Portals are incorporating COVID-specific information on existing pages related to domestic violence / abuse
 - [Ohio](#)
 - [Michigan](#)
 - [Minnesota](#)

Emergency court orders

- Nearly all states have required moving forward on protection order hearings despite COVID-19 restrictions
- 45 states have created remote hearing alternatives to in-person proceedings

Tech Innovations

- Remote hearings
- Virtual self-help
- Guided e-filing



The screenshot shows a web interface for 'MassAccess' with a navigation menu on the left and a main content area on the right. The navigation menu includes: Basic information, Your relationship, Children, Your affidavit, Protection for Children, and What you need. The main content area is titled 'Ask the court for a 209A Abuse Prevention Order: MassAccess Project' and contains a three-step process for completing forms.

MassAccess [Escape](#)

Basic information

Your relationship

Children

Your affidavit

Protection for Children

What you need

Ask the court for a 209A Abuse Prevention Order: MassAccess Project

This website can help you complete and download your forms in 3 steps:

Step 1. Answer questions that will fill in your forms for you.

Step 2. Preview the completed forms.

Step 3. Email the forms to yourself or download them so you can send the forms to the court or keep them as part of your safety plan.

Roadmap

1. Examples of STOP Funds in the Courts
2. Other State-Administered Federal Funds Tapped by Courts
3. Research on Importance of Civil Legal Help to Victims of Domestic Violence

Examples of STOP Funds in the Courts:

- 1. Alabama Administrative Office of Courts** – [online access](#) to resources like information packets on the court’s domestic violence processes in multiple languages for self-represented litigants
- 2. Indiana Supreme Court Office of Court Services** – launched an [e-filing](#) system for civil protection orders that enabled petitioners to file online and remotely
- 3. Oregon Judicial Department** – worked with VAWA staff counsel to revise all five of OR’s protection order instructions, petitions, and orders and made them available on OJD’s website. Also created [online interactive forms](#) to allow online, remote applications for protection orders

Examples of STOP Funds in the Courts (con't):

- 4. Administrative Office of Pennsylvania Courts** – created informational video on protection orders and process of obtaining one in both [English](#) and [Spanish](#)
- 5. Office of the Executive Secretary of the Supreme Court of Virginia** – supported production of “Protective Orders in Virginia – What You Need to Know” [videos](#), and creation of [I-CAN! Virginia](#) online forms completion program for petitioners to complete and print out forms necessary to obtain a protective order. I-CAN! Virginia is available in both English and Spanish, and on Public Access Workstations installed in most General District Courts
- 6. New York Office of Court Administration** – expanded [e-filing capabilities for civil protection orders](#) throughout the state

Examples of STOP Funds in the Courts:

The Justice in Government Project's case study on how STOP Violence Against Women Formula Grants have funded technology innovations and supported access to justice among domestic violence victims:

<https://www.american.edu/spa/jpo/toolkit/upload/jgp-stop-case-study.pdf>

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STOP Violence Against Women Formula Grant

Federally-funded technology innovations in state courts to increase access to justice among victims of domestic violence

 **STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grants** are awarded by the U.S. Department of Justice Office on Violence Against Women (DOJ OVW) to states and territories to develop and strengthen the criminal justice system's response to violence against women and to support and enhance services for victims. States must allocate funds according to a statutory formula that includes 5 percent to state and local courts, and 30 percent for crime victim services, which can include a full range of legal services, including housing, family law, and public benefits.

 Several states have used STOP funds for technological innovations in state courts to increase access to civil justice among victims of domestic violence, dating violence, sexual assault, and stalking. This includes tools like e-filing, online hubs of resources for petitioners and self-represented litigants, and informational videos on the court process for obtaining orders for protection.

Most Victims of Violence Must Navigate a Maze to Obtain Legal Remedies

"In addition to supporting domestic violence survivors, legal aid attorneys help their clients gain economic independence and rebuild their lives. Civil legal aid reduces repeat incidences of domestic violence, thus cutting public spending on medical care, special education, and counseling for affected children, as well as police resources."

Legal Services Corporation, *Fact Sheet: How Legal Aid Helps Domestic Violence Survivors* (2017)³

Victims of domestic or sexual violence often face a **multitude of civil legal needs**, including assistance filing for protection orders or divorce to escape an abusive partner, gaining child custody, resolving issues like identity theft and unstable housing, and obtaining employment.⁴ But most victims find civil court systems and the processes for obtaining protection orders and victim services confusing and intimidating. Several state courts have increased access to justice and safety for survivors by adopting federally-funded technological innovations like e-filing, online information hubs, and informational videos.

STOP Funds Support Victim Services and Court Innovation Projects

STOP grants are **authorized by** the Violence Against Women Act (VAWA) and subsequent legislation to support communities, including Native tribes, in strengthening effective responses to sexual assault, domestic violence, dating violence, and stalking.⁵ Each state and territory **must allocate** 25 percent of the grant funds for law enforcement, 25 percent for prosecutors, 30 percent for victim services (of which at least 10 percent must be distributed to culturally specific community-based organizations), 5 percent to state and local courts, and 15 percent as discretionary within the parameters of VAWA.⁶ In **Fiscal Year 2019**, DOJ OVW gave out 56 STOP awards totaling over \$154 million.⁷

Among the twenty purpose areas specified in **34 U.S.C. § 10441** are "developing, enlarging, or strengthening victim services and legal assistance programs" and "developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, as well as the appropriate treatment of victims."⁸ These and several other purpose areas allow the use of STOP funding for technology innovations to help victims in the courts. DOJ OVW further clarified allowable uses for STOP funds in its most recent *Frequently Asked Questions About Stop Formula Grants*, published in 2017.⁹

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Office on Violence Against Women
Working Together to End the Violence

State-administered federal funds: prospects for Courts

1. **CARES Act: Coronavirus Relief Fund** – U.S. Department of the Treasury
2. **AmeriCorps** - Corporation for National & Community Service (CNCS)
3. **Victims of Crime Act Victim Assistance Formula Grant Program** – U.S. Department of Justice, Office for Victims of Crime
4. **Edward Byrne Memorial Justice Assistance Grant** – U.S. Department of Justice, Bureau of Justice Assistance
5. **Other pass-through funds that support courts**

1. CARES Act - Coronavirus Relief Fund

Coronavirus Relief Fund recipients have broad discretion to make payments for programs that:

- (1) are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
- (2) were not accounted for in the budget most recently approved as of March 27, 2020 for the State or government; and
- (3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

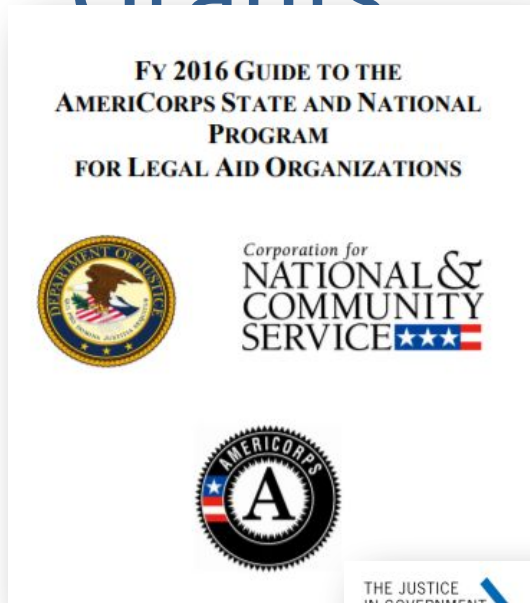
CRF Court Examples

- Washington State
- Kansas Judicial Branch
- New Hampshire Supreme Court
- Harris County, TX courts

CRF -> December 30, 2020

- Short-term staff for direct services
- Equipment and software needs (e.g., databases, videoconferencing, DocuSign, Vimeo, Zoom, webcams)
- WiFi hotspots, portable printers, laptops, scanners
- E-filing
- Online self-help document assembly tools
- Guided interviews, legal information videos
- LiveChat function and phone hotlines

2. AmeriCorps State and National Grants



Key Resources:

Guide to AmeriCorps Program for Legal Services Organizations

<https://www.american.edu/spa/jpo/lair/upload/Guide-to-the-AmeriCorps-State-and-National-Program-for-Legal-Aid-Organizations.pdf>

SRLN Funding Sources for Court-based Navigator Programs Webinar – AmeriCorps

<https://register.gotowebinar.com/recording/4728140097269358338>

State Service Commissions

<https://www.nationalservice.gov/about-cnccs/contact-us/state-service-commissions>

See also, AmeriCorps FY 2020 Notice of Funding Opportunity:

<https://www.nationalservice.gov/build-your-capacity/grants/funding-opportunities/2020/ameri-corps-state-and-national-grants-fy-2020#2020Funding>


JGP's case study (supported by Pew) on Illinois' and California's JusticeCorps programs:

<https://www.american.edu/spa/jpo/toolkit/upload/justicecorps-jgp-case-study-9-28-20.pdf>


3. Victims of Crime Act Victim Assistance Formula Grant Program


U.S. Department
of Justice
Office for Victims
of Crime


- **Purpose:** provide direct victim services


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New York Crime Victims Legal Help

An online portal connecting crime victims to civil legal assistance with Victims of Crime Act funds 

 **Sixty percent of New York State's population lives outside New York City in mostly rural areas. Yet most civil legal resources are in NYC.** The New York Crime Victims Legal Network (CVLN), a partnership of organizations working together to address the civil legal needs of crime victims, aims to fix that with [NY Crime Victims Legal Help](#).¹ Launched in October 2018, this powerful new online gateway leads users to legal resources to make it easier for victims of crime to get the civil legal information and services they need.

 **The initial funds for a Crime Victims Legal Assistance Network came from the US Department of Justice Office for Victims of Crime (DOJ OVC) grant award to the New York State Office of Victim Services (OVS).**² New York's share of federal Victims of Crime Act Victim Assistance Formula funds (VOCA), administered by OVS, supplemented these funds and provides ongoing funding to sustain CVLN and the website.

 **CVLN incorporates most of the characteristics of "next-generation portals"** identified in The Pew Charitable Trusts' fact sheet, [Interactive Online Portals Offer Targeted Legal Resources on Demand: Next-generation technology can provide information, support](#).³

4. Edward Byrne Justice Assistance Grant

U.S. Department of
Justice
Bureau of Justice
Assistance

- Federal source of criminal justice funding to states and local government
- Program areas includes court programs, technology improvement programs, and *crime victim programs*

5. Courts are Potentially Eligible for Other Pass-Through Funds



Grants Matrix: State-Administered Federal Funds that can Support Court Access to Justice and Technology Innovations

Updated August 24, 2020

This Grants Matrix features high-level summaries of federal block/formula/open-end reimbursement funds (AKA pass-through funds) administered by state (and sometimes local) agency decisionmakers that can include court recipients. These state-administered federal funds can support a range of court-based services, including supported self-help (e.g., court navigators, online legal information, and plain language fillable forms), as well as court partnerships with civil legal aid organizations to develop technology tools, and to provide brief counsel and advice, limited, and/or full representation. Most of the featured funds can also be used for technology that improve remote access to the courts and the delivery of civil legal assistance or legal information.

States receive a significant influx of federal funds to implement many public policies and programs. Combined this accounts for about [one-third of state government funding](#). Many opportunities to financially support the civil legal system flow from states' powers to administer some of those federal funding sources. Avoiding here the technical differences among the [different funding mechanisms](#), this Matrix focuses on those [block, formula, and open-end reimbursement grants](#) where the federally-established amounts and spending parameters give states flexibility to tailor spending to local priorities. Each of the federal funding sources in the Matrix have their own authorizing statute, regulations, formulas, sub-regulatory guidance, and degrees of flexibility. **OMB released several memoranda in March and April regarding federal financial assistance flexibilities related to COVID-19 that agencies can make available to grant applicants and recipients. The most recent memo posted June 18, 2020 extends the expiration dates of several flexibilities. Grantees should check with specific federal and state administering agencies regarding the impact of these COVID-19-related flexibilities for specific award programs.**

NOTE: The Helpful tips column includes tips **in orange font** about **COVID-19**-related law or agency guidance relevant to the funding source. Given the pandemic-related imperative for courts to develop technology tools for remote functions, the Helpful tips column also highlights in **green font** the potential to use funds for **technology**.

This Matrix provides an overview of the following state-administered federal funds that can advance civil justice in the courts:

- AmeriCorps [State and National, VISTA](#) (CNCS)
- [Byrne Justice Assistance Grant](#) (DOJ BJA)
- [Coronavirus Relief Fund](#) (Treasury)
- [Emergency Solutions Grants \(ESG\) program](#) (HUD)
- [Family Violence Prevention and Services Formula Grants](#) (HHS FYSB)
- [STOP \(Services, Training, Officers, and Prosecutors\) Violence Against Women Formula Grant](#) (DOJ OWV)



Research: Access to Justice for Domestic Violence Survivors

- **“83 percent of victims represented by an attorney successfully obtained a protective order, as compared to just 32 percent of victims without an attorney”** (Institute for Policy Integrity, 2015).
- **“[c]ivil legal services can most directly address economic self-sufficiency in two ways: by increasing income and decreasing economic liability”** (Hartley & Renner, 2016).
- **“Providing civil counsel in divorce, custody, and protective order proceedings can significantly improve outcomes for DV and IPV victims and their children as well as serve as a cost-effective strategy for reducing violence and generating positive social norms”** (Lee & Backes, 2018).

Q & A

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Thank you!

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