

Access to Legal Services in Women's Shelters

By: Alysia Wright

Report Commented On: Canadian Research Institute for Law and the Family, [*Access to Legal Services in Women's Shelters*](#)

In December 2015, the [Canadian Research Institute for Law and the Family](#) (CRILF) published a new report, [*Access to Legal Services in Women's Shelters*](#), authored by myself and Dr. Lorne Bertrand, examining access to legal services among clients of women's domestic violence shelters. The study sampled the views of staff and clients at three domestic violence shelters with the goals of improving understanding of clients' legal service needs; examining the challenges clients attempting to access legal services encounter; and making recommendations for improvement. Although domestic violence affects both men and women, women are disproportionately victims of domestic violence compared to men and there are no shelters for male victims of domestic violence in Alberta.

We conclude that clients' service needs are complex and often involve legal problems, yet shelters face specific organizational barriers to coordinating legal services. We recommend that a further Alberta-wide study be undertaken to examine the legal access patterns of women experiencing domestic violence, to assess the prevalence of the barriers identified in the study and to determine whether further barriers are present in other shelters.

Method

As we were working with social service providers serving vulnerable populations, the methodology for this project was developed in a collaborative and participatory manner. The three agency partners worked with us to develop an 18-question client survey and distribute it to their clients. In addition to the survey, agencies made staff available to participate in agency-based focus groups. These groups were facilitated by myself and Dr. Bertrand and included a total of 15 staff members.

The client survey asked about how long the client had stayed at the shelter, which shelters they received help from, how many children they had with them during their stay, and numerous questions about their legal situation. Of 46 respondents, 36 had at least one legal issue while they stayed at the shelter, although the majority (n=24; 66.7%) had two or more legal issues. The purpose of the survey was to determine what legal issues were common among women who access shelters, what resources these clients access during their time at the shelter, and the client's self-reported experience with using these resources.

The purpose of the staff focus groups was to identify how agency staff responded to legal issues presented by the shelters' clients. To facilitate the focus groups, we developed a protocol that had areas of focus, which in turn informed the eight questions that guided the focus group. The areas of focus were based on existing literature and best practice standards in North American women's shelters. Some of the focus areas were coordination protocols for providing holistic

services to clients, community partnerships and resources used as referrals to legal services, staff engagement and training to respond to the complex socio-legal needs of clients, and follow-up strategies in order to track client outcomes after the client has left the shelter. The eight questions were then developed in order to flesh out these areas of focus, including engagement, exploration, and exit questions.

Major Observations

The approach used in this study allowed us to explore the intersections of staff and client perceptions. Both staff and clients recognized that the legal system is difficult to navigate, while the majority of clients expressed that navigating their legal issues was more difficult than they expected. When asked how clients would deal with their unresolved legal issues, many of the respondents said that they would access Legal Aid, followed by a preference for hiring a private lawyer. Staff were particularly concerned about the likelihood of clients accessing sufficient legal assistance through free or low-cost programs; staff and clients indicated that they are not satisfied with the legal assistance options available due to stringent eligibility guidelines, long application processing timelines and possibly with lawyer-client compatibility. Staff understood that hiring a private lawyer is a personal choice and that clients have the option to self-represent, but staff expressed concern that the complex nature of the legal system, client vulnerability, and lack of knowledge of the legal system may inhibit clients' interest in or ability to self-represent.

The data show that clients often left the shelter with unresolved legal issues, possibly indicating that clients either do not expect that shelter services include legal assistance, or clients are not distinguishing their positive experience with the shelter staff from their legal issue. Clients reported feeling safe and secure in the shelters, and feeling particularly safe with staff. One staff member mentioned that clients may associate feeling emotionally safe in the shelter with feeling supported in their legal challenges; the staff member went on to explain that this can be a false sense of security and can be problematic when the client leaves the shelter and is working through her legal problems alone.

Both staff and clients reported that it would be helpful to have legal support onsite at the shelter. Non-traditional intervention strategies may provide clients with a safe and neutral place to access services, such as an agency that provides legal, social welfare, and childcare assistance in one place. The survey findings suggest that clients have multiple legal issues at the time of intake, particularly because many of the primary issues clients deal with, such as housing, income support, separation or safety concerns, involve a legal component. The findings from the survey suggest that staff need to be aware of the socio-legal challenges clients may encounter and the significant complexity these challenges may add to the client's capacity to participate in their legal proceeding. Staff may also require more extensive legal education in order to efficiently assess their clients' needs.

The comments of staff suggested that they felt it was the responsibility of shelters to provide or coordinate access to legal services for their clients. Staff agreed that legal issues were the thread of commonality throughout client management and safety planning, which supports the view that interpersonal violence (IPV) survivors may require immediate attention to their legal and social welfare needs in order to obtain safety and security for themselves and their children. Appropriate legal education training and strong relationships with legal professionals would increase the capacity of staff and management to adequately serve the complex socio-legal needs of their clients. In general, staff reported feeling responsible for the safety and well-being of their clients; this behavior can result in a form of gate-keeping between clients and resources,

especially if a staff member is not confident or knowledgeable about the resources available. The process of providing numerous referrals to external services that do not result in a positive change or solution for the client is called referral fatigue. Referral fatigue can negatively impact a client's well-being and staff are reticent to repeatedly refer clients to resources that may or may not prove beneficial.

In order to address referral fatigue and implement a coordinated strategy to provide legal services to clients in women's shelters, staff and management have a responsibility to broker and foster relationships with legal service providers in their community. Management representatives in the focus groups reported that their agencies had difficulty brokering these relationships; it is apparent that the participating shelters are working at capacity and may not have the resources to develop these partnerships. Some staff said that they experienced referral fatigue due to perceived roadblocks to accessing external resources for their clients, which has the potential to prevent agencies from pursuing future relationships. Social service agencies and the justice system have numerous points of intersection; it is important that these systems participate in inter-agency collaboration.

While both staff and clients agreed on many points, one point of divergence was about working with police services. Of the ten clients who utilized the Calgary Police Service, the majority (n=7; 70%) said that CPS was helpful or very helpful and only 30% (n=3) said that CPS was unhelpful or very unhelpful. Staff reported that the relationship between shelter clients and police had been strained in the past; further, staff expressed concern with the level of compassion and appropriate response training police officers had with regard to domestic violence issues. The difference in opinion could be due to different interactions between police and staff members as compared to interactions between police and clients. There could also be a perceived power dynamic between clients and law enforcement that prevents clients from speaking negatively about police officers and other law enforcement officials. Whatever the cause, it was apparent that staff were skeptical of working with law enforcement and this may contribute to increased gate-keeping behaviors that exacerbate referral fatigue and reduced inter-agency collaboration.

Resistance

This study required significant trust- and relationship-building due to its focus on vulnerable populations, and it was imperative that the project design address the resulting ethical and methodological issues prior to commencing the study. Despite the collaboration that was undertaken to prepare for this study, we experienced a number of challenges to getting the project off the ground.

The primary challenge involved recruiting agencies to participate in the project. IPV survivors are a group that researchers often want to work with. Unfortunately, research has become a process that many agencies do not have an interest in, particularly because of the frequently dehumanizing language used in social science research. Terms like *subject*, *target demographic* and *data* can cause agency misperceptions of the intentions of the researchers and consequently breed disinterest among potential partners. Trust and safety are cornerstones for work with vulnerable populations and should be applied in research practices. We were aware of this challenge and worked closely with potential agency partners to draft the survey tool.

Given the historical challenge of social service staff working over-capacity and doing a large amount of side-of-the-desk work, it is not surprising that management staff were skeptical of participating in a project that would require time or effort from already limited resources. As

well, partnerships need to be brokered with the right staff in order to achieve the most positive outcomes.

Despite building rapport and trust with participating agencies, concerns were expressed about how the data would be used and reported. Data security is a priority for social service agencies working with vulnerable populations, as client safety and confidentiality is paramount to agency operations. Ethical research studies do not identify survey respondents or violate a client's right to confidentiality. However, some agencies conflate the terms *anonymity* and *confidentiality*. *Anonymity* means that a research project either does not collect identifying information or that any identifying information collected will not be linked to responses. *Confidentiality* refers to collecting and retaining identifying information such as name, birthdates, phone numbers or other contact information in order to link responses to a specific individual but not divulging their information to third parties.

We had a responsibility to create a collaborative research framework that incorporated the characteristics of the participating agencies and was concise, clear and relationship-based. The results from this study suggest that social service organizations would benefit from creating a partnership strategy that supports social research and community relationship building. One agency said that while building partnerships with local legal professionals would be beneficial, there was no strategy in place to undertake the work, nor were there adequate human resources available to dedicate to the task of legal service coordination. Collaborative research may support the development of partnership strategies and fill the current gap between the social service sector and justice system.

The focus group discussions suggested that distrust of the justice system and its agents fosters an “us versus them” mentality between social service providers and the justice system. This gap could be mitigated by increased communication and establishing partnerships between the justice system and social services. Shelter staff are protective of their clients and resist referring clients to resources that they perceive will revictimize their clients; this gate-keeping behaviour could negatively affect a client's ability to access resources or give credence to the perception that the justice system unnecessarily interferes with the client's situation.

Recommendations

The findings from this study suggest that clients of women's shelters in the Calgary area arrive with complex social service needs that often intersect with legal issues. It is apparent from the focus group findings and lack of internal legal supports that women's shelters are facing organizational barriers to coordinating sufficient legal resources for clients. These barriers may include limited funding, lack of staff capacity and legal training, and limited to non-existent legal resource partnerships. Further research needs to be conducted to determine if these barriers are present in other Alberta shelters.

We also have to consider the importance of incorporating client and staff perceptions into service delivery models. Objective data collection and analysis may aid senior management in supporting their staff and clients in a holistic manner. It would be beneficial to work with

regional shelter networks to complete a representative study of how clients are accessing legal services, what supports clients are seeking, how clients perceive the legal system, and how clients' legal challenges intersect with other issues presented during their stay at the shelter.

In our view, there is significant value in studying the legal access patterns of women who experience intimate partner violence and the availability of legal assistance to vulnerable populations presenting with complex socio-legal needs. Further, there is value in working with social service agencies to identify systemic and organizational barriers that may contribute to staff referral fatigue, resistance to working with legal authorities, and reduced efficacy of service delivery to clients. Intimate partner violence is a wide-reaching issue that intersects socio-economic status across the province. Urban, rural and indigenous communities have both unique and shared needs that require significant study and planning to address. This work underpins the evidence-based approach that will inform collaborative practice between the justice system and women's shelters to address the socio-legal issues that arise from IPV crisis.

This study provides data that support an Alberta-wide research project examining access to legal services among clients of women's domestic violence shelters. There is a significant gap in the current literature about how women's shelter clients are accessing legal services, particularly in the Canadian context. Social scientists and social service agencies have an opportunity to collaborate in the collection of original data that will support funding applications, improve existing service delivery models, and supplement staff training. A project of this scale requires the establishment of partnerships and the encouragement of trust within social service agencies. Although it is the responsibility of social scientists to foster these relationships, it is the responsibility of social service agencies to provide a space for conversation with researchers. It is also important to involve other partner agencies that work with clients experiencing IPV.

Finally, community-based lawyers and law practices have an opportunity to work with their local social service agencies and build collaborative relationships. Legal service coordination cannot and does not happen in a vacuum; it requires significant contributions from both lawyers and social agencies, including an awareness of the scope of work both groups undertake. This may require a reassessment of resource allocation, time management, or increasing staff capacity to facilitate these partnerships. While the current study did not survey or interview lawyers, it is our intention that a province-wide study will include the voices of lawyers and judges so that we can make more comprehensive recommendations for legal service coordination in women's shelters.

Report

The report is available for download, along with CRILF's other recent work, in the Publications section of our website, [here](#).

To subscribe to ABlawg by email or RSS feed, please go to <http://ablawg.ca>
Follow us on Twitter [@ABlawg](#)

