

Name of Policy: POLICY ON USES OF BASIC FAMILY LAW SERVICES FUNDS  
Adopted: 5 NOVEMBER 1998

Legal services providers set priorities for the organization's work in consultation with low-income people, human services agencies, and other community members. Priority setting is a mechanism for allocating scarce resources to the most urgent legal problems of people living in poverty. As a result of these local processes, every legal services field program funded by MLAC has designated representation of victims of domestic violence as a priority.

The Commonwealth has also shown its commitment to legal representation to protect victims of domestic violence. Since 1993, Massachusetts has funded the Battered Women's Legal Assistance Project (BWLAP), a program which provides services to battered women and their children throughout the state. BWLAP provides legal assistance to victims beyond the issuance of an emergency restraining order. These complex, intensive cases help victims establish long term safety and independence by helping them to secure custody and child support orders, wage assignment orders, housing, health care coverage, and citizenship or permanent residency. BWLAP cases take an average of 18 months to resolve. In 1995, in the wake of massive cutbacks in federal funding to the legal services corporation, the state legislature responded by augmenting BWLAP with funding for Basic Family Law Services (BFLS). BFLS funding was designed to maintain services in more routine family law cases. Together, BWLAP and BFLS ensure that a full range of services is available to victims of domestic violence.

BFLS funding provide a foundation of family law services to the low income community. These services often include representation in certain types of family law cases (some legal services programs have prioritized the representation of custodial parents when someone is seeking custody who is not the custodial parent or primary caretaker), family law intake, brief services, community legal education, *pro se* clinics, *pro bono* family law panels, hotlines or helplines and collaboration with local battered women's programs. Depending on the mechanism, some of these services may be provided to people who are not identified as victims of domestic violence; for example, child support information may be provided through a high-volume mechanism such as a clinic which is open to all. Similarly, a *pro bono* panel may offer volunteer lawyers who have less experience the opportunity to take family law cases which do not involve domestic violence, in preparation for domestic violence family law cases.

MLAC recognizes that, in order to serve victims of domestic violence, it is vital for legal services organizations to establish credibility among low-income communities as providers of family law information and services. Battered women often are unwilling initially to identify themselves as victims of domestic violence or to disclose details about the abuse. BFLS provides a point of entry, ensures the delivery of a broad range of family law services and thus improves program capacity to serve victims of domestic violence. MLAC requires that at least 75% of BFLS funding be used to provide services to identified victims of domestic violence. Up to 25% of BFLS funding may be used for services for clients who are not identified victims of domestic violence if based upon a finding that this work will enhance services for victims of domestic violence or bring services to victims or survivors of domestic violence who may be reluctant to identify themselves as such.