



**Testimony:** Rachel L. Braunstein, Director of Policy  
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Thank you, Chair Ayala and the Committee on General Welfare for the opportunity to submit written testimony on this critical matter. I am Rachel Braunstein, the Director of Policy at Her Justice, a nonprofit organization that has advocated with and for women living in poverty in New York City for more than 30 years. Her Justice provides free legal assistance to women living in poverty in New York City through a “pro bono first” approach. We train, mentor, and support volunteer attorneys to address the individual and systemic legal needs facing our clients. Since our founding in 1993, Her Justice has assisted tens of thousands of New Yorkers. In 2024, Her Justice provided a range of legal help to more than 4,000 women and their children in our practice areas of family, matrimonial and immigration law. Among the clients served, 92% are women of color and 85% are survivors of domestic violence. Three-fourths of our clients were born outside the U.S., coming from 103 countries across the world.

Her Justice applauds the Council for recognizing through Int. 1175-2025 the value of legal representation in divorce, a complex and important civil proceeding for many survivors of domestic violence. The Council has long supported Her Justice in our work on behalf of women living in poverty who need representation in divorce, and we thank the Council for recognizing the need for more resources through the proposal. We are grateful for the opportunity to raise some additional considerations for making the proposal as effective and sensitive to the needs of survivors as possible.

### **The True Cost of Lawyering in Divorce Cases**

Her Justice, along with our pro bono partners, provides legal advice and representation to hundreds of women seeking a divorce each year. Engaging in a formal legal process for divorce is especially important for women who are typically the lesser-earning spouse given the protections available in that process. The legal process should ensure a fair child or spousal support award which gives single mothers a critical safety net, and an equitable distribution of marital property and debts.

Her Justice and our pro bono partners provide legal representation to clients, including survivors of domestic violence, in both uncontested and contested or litigated divorces. In a Supreme Court matrimonial case, clients may seek additional or ancillary relief such as custody of minor children, safe visitation arrangements, child support and health insurance for children, spousal maintenance or alimony, equitable distribution of marital property or debt, and/or orders of protection. Uncontested divorces do not require litigation on ancillary issues and are often resolved based on the submission of forms to the court. There is significant demand for this relief in New York: in 2024, there were 38,746 uncontested matrimonial cases filed in New York Supreme Courts, comprising 12% of all Supreme Court filings that year.<sup>1</sup>

Contested divorces are inherently high stakes, demanding extensive legal work to uncover assets and secure equitable distribution for clients, along with negotiation or trial advocacy. These cases typically last months if not years. In New

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<sup>1</sup> N.Y. Unified Court System, 2024 Annual Report, at 60 (2024), [https://www.nycourts.gov/whatsnew/pdf/24\\_Annual\\_Report.pdf](https://www.nycourts.gov/whatsnew/pdf/24_Annual_Report.pdf).



York, while the right to counsel in divorce cases extends to certain issues, such as child custody and orders of protection, it notably *excludes* the financial aspects of a divorce. Generally, legal representation in these complex cases can be incredibly costly and for many, it is simply unaffordable. Research shows that the average cost of divorce in New York is substantial, at an overall average of \$13,835, rising to \$18,853 for cases involving children and \$12,401 for those without. (These figures are higher than the nationwide average divorce cost of \$11,300, which breaks down to \$15,500 for child-related disputes and \$10,100 without children.) The out-of-reach cost of legal representation creates a significant disadvantage for many individuals, especially those with limited income, in achieving a fair financial settlement through divorce.

Her Justice takes a flexible approach to financial eligibility for our services, acknowledging that the Federal Poverty Line – \$26,650 for a family of three in 2025 – fails to capture the immense financial struggle of tens of thousands of New Yorkers who live with resources at or above this line. We engage in a well-informed and sensitive intake process around eligibility for services, which also takes into account that many survivors of domestic violence suffer coercive financial control in marriage and do not have access to marital assets. These practices ensure that a broader range of survivors, along with clients who are not victims of abuse, can access critical support.

***Her Justice’s legal services fill gaps.*** We recognize that the need for divorce representation far outstrips the supply of help. Her Justice’s pro bono first model helps fill the “civil justice gap” – the distance between the number of Americans who need civil legal assistance and the few who receive help given inability to afford legal assistance and resource constraints on the availability of free legal help. Our attorneys and partners consistently achieve favorable outcomes for our divorce clients. **Between January 1, 2023 and December 31, 2024, Her Justice resolved 43 litigated divorces in which attorneys secured a total of \$637,847 in lump sum awards and \$55,508 in monthly support payments.**

Even beyond successful outcomes in litigation, Her Justice is committed to providing legal services to women living in poverty because these services ensure stability in other areas of life. To measure the impact of our legal services, our team conducted a preliminary return on investment analysis based on data from April 2023 to March 2024. For these calculations we used Her Justice client data across our various legal service areas, along with publicly available datasets used by other legal organizations to calculate the value of their services. During this period, Her Justice received \$6.8 million in funding from state and local government, donations, and private foundations. We calculated the following benefits flowing from that investment:

- Pro bono attorneys representing Her Justice clients were able to secure \$3.5 million in lifetime child and spousal support awards.
- For immigration clients served, increased wages will result in a benefit of \$10 million.
- Clients leaving abusive partners will see a one-year benefit of \$3.7 million in reduced health and mental health costs associated with an average of seven physical assaults per federal health and intimate partner violence statistics.
- Clients who had a successful case outcome during this period and their children will see a five-year improved health benefit of \$7.4 million.

**When added together, the total benefit for clients who had successful case outcomes during this period equals \$24.6 million.**



## **A High Percentage of Divorce Clients Are Domestic Violence Survivors**

A fair divorce can be especially critical for victims of domestic violence, for whom financial stability is key to remaining free from abuse. **Among Her Justice matrimonial clients whose cases were resolved in 2023-2024, 69% reported experiencing domestic violence in their marriage.** Divorce can be especially complex for survivors of domestic violence. In determining child custody and visitation, the divorce court considers a family's history of domestic violence in making safe parenting access arrangements. A survivor may also seek an order of protection in a divorce, including an order seeking exclusion of the abusive spouse from the marital home. In addition to the physical, sexual, and psychological health consequences of domestic violence it is well documented that partner violence frequently involves financial abuse that threatens the survivor's economic security and potential for self-sufficiency. Economic abuse is prevalent among survivors of domestic violence, with research showing that almost all have suffered some form of it. Survivors in divorce proceedings seek legal help to address the consequences of economic abuse, including in terms of damaged credit and unintended or coerced debt. Coerced debt is "all nonconsensual, credit-related transactions that occur in a violent relationship" including abusers "taking out credit cards in their partners' names without their knowledge, [ ] forcing victims to obtain loans for the abuser, [and] tricking victims into signing quitclaim deeds for the family home."<sup>2</sup> The consequences of these actions are dire. Coerced debt can not only impact a survivor's ability to leave an abusive relationship but can have a long-term impact on employment, housing, overall financial security, and even food security.

Complex legal issues require the services of expert counsel. As part of our suite of holistic legal services and to address the impact of financial abuse, Her Justice has developed expertise in coerced debt, identity theft, and financial abuse, highly recognized by the New York legal community. In addition to the legal representation described here, we provide essential information, advice, brief services, referrals, and financial advocacy across all our family and divorce cases. We run credit reports for 100% of our family and matrimonial clients to identify any additional financial services they may need. These legal services are crucial for creating stability, safety, autonomy, and a sense of freedom in our clients' lives. At Her Justice, we are committed to advocating for the full recognition of the economic realities of domestic violence within the law and in the courts, ensuring comprehensive redress for survivors.

## **The Need for a Trauma-Informed and Cross-Trained Approach to Divorce Representation**

Her Justice attorneys often work with clients who have experienced severe and repeated traumatic events. These events impact the way the clients see themselves, the world, and others. They often have difficulty trusting and sharing information with other people; this can be a massive roadblock to an attorney who is trying to assist them in their legal case. By understanding and incorporating a trauma-informed framework, our attorneys can ethically and effectively manage their relationship with clients and build an active partnership. Assigned 18B lawyers in New York City, while crucial for indigent defense, often lack the specialized training and resources that dedicated domestic violence lawyers possess. Primarily focused on general criminal and family court matters, 18B attorneys may not have the deep understanding of trauma, the specific dynamics of abuse, or the intricate interplay of civil and criminal legal remedies unique to domestic violence cases and especially the impact of financial abuse. Without proper training, legal

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<sup>2</sup> See Angela Littwin, *The Role of Consumer Debt in Domestic Violence*, 100 Calif. L. Rev. 951, 954 (2012).



professionals risk retraumatizing clients, misinterpreting behavior, or overlooking critical safety and access-to-justice concerns. Trauma-informed lawyering enhances trust, improves communication, and leads to more equitable and sustainable legal outcomes for survivors.

***Immigration status plays a role in divorce.*** At Her Justice, we understand that unstable immigration status significantly increases the need for trauma-informed care for our clients. Our immigration practice offers free legal assistance to undocumented immigrants who have experienced domestic violence, sex trafficking, labor trafficking, and other forms of gender-based violence, helping them stabilize their immigration status in the United States. Her Justice attorneys directly represent clients and mentor pro bono attorneys in a range of immigration matters, including VAWA self-petitions, U and T nonimmigrant status petitions, applications to adjust status, waivers of the joint petition to remove conditions on residence, naturalization applications, and employment authorization applications. Last year, our attorneys provided legal information, advice, and representation on 2,058 immigration matters, securing legal status for 802 clients and their children. Immigration status is a common concern among our clients, including those seeking help with divorce and family matters. Our attorneys are cross-trained and have legal expertise in the ways that immigration status impacts domestic violence and economic stability for our clients, including through successful divorce representation.

#### **The Value of Data on Domestic Violence in Divorce Cases**

The Council's efforts behind Int. 1175 create an opportunity to assess the extent of need and resources for divorce representation for domestic violence survivors in New York City. In addition to the metrics outlined in Int. 1175, it would be valuable to collect court data to inform implementation of the proposal. Despite the ubiquity of civil justice problems involving the essentials of life and the substantial number of divorce cases, there is scant publicly available data about what happens in the New York courts. There is further a **data gap around domestic violence in divorce**, including the prevalence of domestic violence in divorce cases and experiences and outcomes for survivors in divorce. Inadequate investment in collecting and reporting on court data to illustrate the nature and extent of civil justice problems makes it more challenging to enact policy to improve the court experience and outcomes, and to optimize the functionality of the courts.

Her Justice is deeply committed to exploring the power of civil justice data to inform sound policy change. We have developed expertise in conducting original research to build civil justice data collections and leverage these to support reform, including on family law issues that are involved in many divorce cases. In 2021, Her Justice released our first policy research report, [\*Towards Justice for Parents in Child Support Courts\*](#), which presented an analysis of 800 court observations in New York City child support cases and recommendations for Family Court reform. In November 2024, Her Justice launched our newest policy research project, [\*Report From Court\*](#), which surveys pro bono attorneys representing Her Justice clients in New York City Family Court about their experiences and case outcomes, and presents survey data in real time on a website. By making visible the Family Court experience and the perspectives of pro bono attorneys, *Report From Court* aims to fill a critical gap in Family Court data and support meaningful reform.

To address the data gap on domestic violence and divorce, we propose that any programming around legal representation for survivors in New York City include an effort to collect court data in addition to the metrics outlined in Int. 1175. Legal



services organizations have rich data around the services they provide, which illustrates the strong need for more resources for survivors in divorce. At the same time, we urge the Council to pair its proposal with an effort to collect data from the Office of Court Administration to more broadly illustrate the needs of survivors in divorce in New York City and point towards the most effective solutions.

### **Policy Recommendation**

The City Council should **implement a fully funded *pilot program* focused on legal representation for domestic violence survivors in divorce** in partnership with expert legal services organizations and leverage the pilot to evaluate the most effective way to expand legal services for survivors in divorce in New York City.

The pilot program should:

- **Provide adequate funding:** Fully fund the pilot program to support legal services organizations with expertise in working with domestic violence survivors and a proven track record of effectively serving survivors. Funding levels should be adequate in light of the complexity and cost of divorce representation.
- **Invest in trauma-informed providers:** Encourage and fund partnerships with organizations with holistic and trauma-informed service models because it is crucial that lawyers representing domestic violence survivors in divorce understand the systemic barriers that complicate survivors' legal needs such as immigration status or coerced debt.
- **Include evaluation and data collection:** Evaluate the pilot program by collecting data around legal services for survivors in divorce as set forth in Int. 1175 and collect additional data, for example, around prevalence of domestic violence among divorce litigants in New York City (including by assessing temporary and final orders of protection for litigants in both uncontested and contested cases); rates of representation for divorce litigants; demographics of divorce litigants; divorce cases where the court considers domestic violence and in particular economic abuse in equitable distribution awards; and divorce cases where the court considers domestic violence in custody cases.

A pilot program will not only address the immediate legal needs of domestic violence survivors but will help make the civil justice system more equitable and responsive to urgent needs.



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Thank you for the longstanding support for Her Justice and our commitment to serving women living in poverty. We thank the Council for recognizing the need for more resources for survivors seeking divorce through Intro. 1175, and we are grateful for the opportunity to submit this testimony. We look forward to continuing to partner with the Council on this proposal and improving legal services and outcomes for our clients and all New Yorkers in need.

Respectfully,

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