

Testimony: Rachel L. Braunstein, Director of Policy
Hearing: Update to the Model Domestic Violence Policy for Counties
Host: The New York State Office for the Prevention of Domestic Violence (OPDV)
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Thank you to the New York State Office for the Prevention of Domestic Violence (OPDV) for the opportunity to provide testimony to inform the update of the Model Domestic Violence Policy for Counties. I am Rachel Braunstein, the Director of Policy at Her Justice, a nonprofit organization that has advocated with and for women and gender diverse people¹ living in poverty in New York City for more than 30 years. Her Justice provides free legal services in family, matrimonial, and immigration law through a “pro bono first” approach. We train, mentor, and support volunteer attorneys to address the individual and systemic legal needs facing our clients. In 2024, 92% of clients were women of color, 85% were survivors of domestic violence, and three-fourths of our clients were born outside the U.S., representing 103 countries.

Her Justice appreciates OPDV’s leadership in the update and modernization of the Model Domestic Violence Policy for Counties. We commend OPDV’s commitment to promoting consistency and coordination across county agencies and to ensuring that all systems survivors interact with are survivor-centered, trauma-informed, and culturally responsive. We offer the following observations and recommendations for the Model Policy update.

1. Systems’ Response to Barriers Faced by Immigrant Survivors

Her Justice strongly supports **Section K of the Model Domestic Violence Policy** manual, which states that **providers should be prepared to respond to the particular needs of victims** with regard to factors such as socio-economic status, race, ethnicity, sexual orientation, age, religious affiliation, physical and mental disabilities, immigrant status, education, employment status, urban versus rural residency, and marital status. **Immigrant survivors experience multiple, overlapping vulnerabilities**, and providers, including Family Court and other court personnel,² must tailor services to account for these factors to ensure equitable access and meaningful safety protections.

Her Justice provides legal assistance and, through our pro bono model, representation in Family Court, divorce matters, and immigration applications under the Violence Against Women Act. Immigration status is a common concern among our clients, as 52% of those seeking help with divorce and family matters are not U.S. citizens. Immigrant survivors encounter unique and intersecting barriers that often prevent them from accessing legal protections, and specifically in New York’s Family Court system. In times of political upheaval and increased immigration enforcement, our immigrant clients fear accessing the New York courts and our attorneys play an even more critical role in providing guidance on how to remain safe while accessing needed legal protections. Heightened immigration enforcement exacerbates fears about seeking civil justice relief, deterring survivors from reporting abuse, seeking orders of protection, or pursuing child support and custody remedies. Abusers frequently exploit a survivor’s immigration status – with even more intensity when public

¹ Her Justice recommends generally updating the Model Policy (e.g., Scope of the Problem, p. 3) to reflect that, while intimate partner violence disproportionately impacts women, it affects all genders. See KFF, *Women’s Experiences with Intimate Partner Violence* (May 6, 2025), <https://www.kff.org/womens-health-policy/womens-experiences-with-intimate-partner-violence/>.

² In this testimony, Her Justice adopts a broad definition of “provider” as in the Model Policy. See p. 2.



rhetoric amplifies the threat of immigration enforcement – to maintain control, making access to legal status, work authorization, and court protections critical for economic independence and safety.

Her Justice knows the seriousness of these issues from our work with individual clients. In addition, our policy research demonstrates that these barriers have real consequences. In 2023, we released our policy research report, [*Stories from Immigrant Survivors of Gender-Based Violence: the Impact of Work Authorization*](#). Through our direct services work, we know that the ability to work legally in the U.S. with an employment authorization document makes a significant difference in the quality of life, safety, and stability of our clients and their children. Her Justice conducted interviews with immigration clients to understand, among other things, survivors' likelihood of seeking help from other systems, including the Family Courts and the civil justice system. Before receiving an EAD, only 19% of participants felt comfortable seeking custody of their children in court, and only 14% felt comfortable seeking child support. After obtaining an EAD, 64% felt comfortable seeking custody and 73% felt comfortable seeking child support. This is reflected in other research as well. In spring 2025, [Alliance for Immigrant Survivors](#) conducted a nationwide survey of advocates and attorneys in which 70% of advocates stated that their immigrant survivor clients are fearful of going to court for a matter related to their abuser.

During the last several years, Her Justice has advocated against undue and unfair immigration enforcement actions, including preventing U.S. Immigration and Customs Enforcement from making arrests in the courthouses, which have had a chilling effect on our clients' willingness to seek help. In 2020, the passage of the [New York State Protect Our Courts Act](#) marked a significant step towards decriminalizing our immigrant communities and making justice accessible to all. This law demonstrates the importance of removing barriers that prevent immigrant survivors from engaging with the courts. To the extent possible, the state should continue to ensure that Family Courts take appropriate steps to notify litigants of their rights to be protected from arrest without judicial warrants in the courthouse. And where a parent is detained by immigration authorities, the Family Court should help ensure the parent's participation in a case by facilitating court appearances in person or virtually³ and exercise care in discussing sensitive immigration information in open court.⁴

Further, Family Court judges, referees, and magistrates, are important certifiers in New York for noncitizens seeking U nonimmigrant status. To ensure consistent participation in this program,⁵ Family Court judges should receive regular training and information about U certification requests and best practices around assessing eligibility for and completing certifications.

³ See U.S. Immigration and Customs Enforcement, ICE Detained Parents Directive 11064.4 (July 2, 2025).

⁴ See Advisory Council on Immigration Issues in Family Court, Memorandum 6 (December 29, 2020), at <https://www.nycourts.gov/ip/Immigration-in-FamilyCourt/PDFs/Advisory%20Memorandum%206.Guidance%20on%20Participation%20in%20Family%20Court%20Proceedings%20by%20Respondents%20Detained%20by%20ICE.pdf>.

⁵ See Advisory Council on Immigration Issues in Family Court, Memorandum 2 (June 1, 2017), at <https://www.nycourts.gov/ip/Immigration-in-FamilyCourt/publications&materials.shtml>.



2. Systems' Responsibility and Provider Accountability

Training and Screening Should be High-Quality

Trauma-informed training by domestic violence experts. Effective implementation of domestic violence policies requires that all providers across systems take proactive responsibility for survivor safety and coordination. As outlined in the **OPDV Model Domestic Violence Policy manual (Sections A–E, pp. 19–21)**, providers should actively seek training from domestic violence experts, ensuring that not only front-line staff but also management, policymakers, human resources personnel, and security staff are equipped with the knowledge and skills necessary to respond appropriately to survivors. Cross-training among providers from interrelated systems is also critical to ensure that services are coordinated, and that staff understand the broader network of support available to survivors.

Counties and agencies should create opportunities for experts from the domestic violence services community to provide training on how to identify survivors of domestic violence and how to interact with survivors in a trauma-informed and survivor-centered way. As OPDV is aware, domestic violence takes many forms – including physical, psychological, and economic abuse. Her Justice attorneys often work with clients who have experienced severe and repeated traumatic events. These events impact the way 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 with their legal case. By understanding and incorporating a trauma-informed framework into our own lawyering and our training for pro bono attorneys, our attorneys can ethically and effectively manage their relationship with clients and build an active partnership. Trauma-informed lawyering enhances trust, improves communication, and leads to more equitable and sustainable legal outcomes for survivors. One way Her Justice does this is by partnering with community-based organizations that specialize in culturally competent services, ensuring that our training reflects the diverse experiences and needs of the survivors we serve.

Screening and coordinated response. Routine and thorough screening for domestic violence is essential in Family Court and matrimonial proceedings to protect survivors and their children. According to the **OPDV Model Domestic Violence Policy manual (Section M, pp. 39–40)**, legal professionals, courts, and court personnel should consistently screen for domestic violence and take appropriate measures to enhance victim safety, such as separating witnesses and providing security escorts when requested. In enhancing screening for all providers, counties should agree on a common set of best practices and work with local experts to meet community need.

Adequate training will support providers across systems in developing clear, written policies and protocols for responding to both survivors and perpetrators of domestic violence. These policies should be shared openly with partner agencies and the public to ensure transparency, consistency, and accountability. Establishing and disseminating standardized procedures helps ensure that survivors in Family Court receive a coordinated, predictable, and safe response across all touchpoints, reinforce best practices, and strengthens interagency collaboration. By combining expert-led training with clear, accessible protocols, and ensuring adequate resources to implement protocols consistently and responsively, agencies can create a system that is both survivor-centered and operationally effective.



Example: Child Support and the Need for a Coordinated System Response

A coordinated system response is essential to protect survivors. Child support is a key area of need. Child support plays a critical role in ensuring economic security for single parents and children living in poverty.⁶ The N.Y. Office of Temporary and Disability Assistance has recognized that the “lack of economic security can be a significant obstacle for DV survivors, and child support can be a crucial resource in fostering independence from an abusive partner.”⁷ Child support is critical to domestic violence survivors because it provides a vital source of income that reduces financial dependence on an abusive partner and helps lay the foundation for long-term safety, stability, and autonomy.

Screening and information sharing. Child support represents almost one-third of the filings in the New York Family Courts, totaling 156,065 filings in 2024.⁸ Yet even with this huge volume reflecting significant civil justice need, there is little publicly available data about child support cases in the New York courts and none around the experience of or outcomes for domestic violence survivors seeking court-ordered child support.

A critical barrier for domestic violence survivors in child support cases is that courts do not consistently have information about existing orders of protection between parties. Without clear and consistent information, survivors may face increased risk, and case decisions may fail to account for ongoing safety concerns. To address this, courts should be **required to determine in every child support case whether a current or recent order of protection exists between the parties**. Ensuring that jurists complete a registry check for orders of protection – and have the needed staffing or other resources to do so – would increase survivors’ safe access to child support in court.

Child support agencies and Family Courts should work together to ensure that domestic violence is recognized and addressed whenever relevant. Limited, safety-informed information sharing can promote informed case management, reduce gaps or conflicts in services, and ensure that survivors receive responses that prioritize their safety and well-being. By integrating these practices, counties can create a **predictable, survivor-centered approach** to child support proceedings. Routine and consistent domestic violence screening in child support cases is essential to protect survivors and inform case decisions. Counties should integrate evidence-based tools for screening, document any existing or recent orders of protection, and provide flexible, safety-informed options for survivors.

Training to support expansion of Family Court menu of options. Her Justice recognizes the need for survivor safety and believes that the Family Court and related systems should offer a **range of options for meeting survivors’ legal and other needs that prioritize the agency of survivors**. In the Family Court, this includes access to mediation and alternative dispute

⁶ For the lowest income households nationwide, child support from another parent living separately can comprise more than 57% of income. See Timothy Grall, U.S. Census Bureau, *Custodial Mothers and Fathers and Their Child Support: 2017*, at 10, 13 (May 2020), <https://www.census.gov/content/dam/Census/library/publications/2020/demo/p60-269.pdf>. It is also well established that child support leads to better health, education, and other outcomes for children. See Kong, Cancian, et al., Institute for Research on Poverty, *Exploring the Long-Term Effects of Child Support*, at 2 (2022).

⁷ N.Y. Office of Temporary and Disability Assistance, *Domestic Violence and the Child Support Program: Get Child Support Safely* (Nov. 16, 2022), <https://otda.ny.gov/policy/directives/2022/INF/22-INF-09.pdf>.

⁸ See N.Y.S. Unified Court System, 2024 Annual Report, at 64 table 8, https://www.nycourts.gov/whatsnew/pdf/24_Annual_Report.pdf.



resolution (ADR) processes that are specifically designed to reduce conflict while maintaining safety for survivors. Her Justice supports current legislative proposals for expanding ADR and expedited settlement options in Family Court child support proceedings. We acknowledge that according to the **guidance Section M (pp. 39 & 44)**, where there is a history of domestic violence, survivors and their children should not be ordered to participate in mediation, couples, or family counseling, and that probation adjustment or diversion services should be avoided in such cases. While safety concerns must be consistently prioritized, expanding available pathways, such as alternatives to traditional litigation, flexible payment arrangements, safety-informed modifications, and supportive services, empowers survivors to make informed decisions and promotes equitable, trauma-informed outcomes in child support proceedings. The effort to update the Model Policy presents the opportunity to ensure trauma-informed and expert training around domestic violence for providers involved in these innovations.

3. Data Collection and Evidence-Based Policy to Complement Update to Model Policy

We express strong support for **Subsection E (p. 20)** and its directive to enhance information sharing throughout the system. Expanding the collection and analysis of data on domestic violence and information sharing between counties and agencies will allow counties to better understand survivor needs, identify systemic gaps, and implement policies that enhance safety, access, and economic stability. Updating the New York State Gender-Based Violence dashboard and including data from Family Court, child support proceedings, and survivor experiences will create a more comprehensive picture to guide policy and practice across New York State.

Her Justice is committed to advocating for a broad approach to assessing the needs of survivors of domestic violence. Reports of abuse to law enforcement are an important measure of need; such reports can shed critical light on the need for immediate help to stop violence and are key evidence in Family or criminal court matters. At the same time, research shows that a significant number of domestic violence survivors do not report their abuse. According to the 2024 National Crime Victimization Survey, a national study conducted by the Department of Justice, only 61% of intimate partner violence victims reported their abuse to law enforcement.⁹ Among other things, evidence shows that certain populations may be less willing to call law enforcement for assistance due to historical mistrust or fear of legal repercussions given additional vulnerabilities like immigration status.

The 2023 Her Justice immigration policy report illustrates the strong connection between our clients having legal work authorization and their willingness to seek help from law enforcement. Of the participants who had obtained work permits, *only 40% said they would have called the police for help before having work authorization*. These interviews also revealed that Black immigrant survivors reported additional fear of the police not just for being undocumented, but also for being Black in America. Their abusers wielded instances of biased policing practices against them, threatening that the police would not help them if they called for assistance. An example from one of the interviews for the project follows.

Imam's Story. Her Justice client Imam described an abusive episode in which she experienced microaggressions from responding officers. She told Her Justice that "America has an issue with colorism," and the officers were

⁹ U.S. Department of Justice, Bureau of Justice Statistics, *Criminal Victimization 2024* (September 2025), P.7, tbl.4, <https://bjs.ojp.gov/document/cv24.pdf>.



speaking to her in an aggressive manner while they treated her abusive husband with respect. Iman discussed the only time she called the police after years of abuse: “It just got to the point where I’d rather be arrested than dead. ‘Cause that man, his mission was to kill me.” Imam never called the police during past abuse because “I was afraid they were going to arrest me instead, because he was the American citizen.”

Similarly, the [Alliance for Immigrant Survivors](#) nationwide survey of advocates and attorneys found that more than 75% of advocates reported that immigrant survivors are hesitant to call law enforcement. Research evidence like this, along with the expert knowledge of Her Justice attorneys and other practitioners based on decades of counseling individual clients, should inform updates to the Model Policy with a broad view of assessing the needs of survivors.

Tracking domestic violence in court data

Improved transparency of Family Court data would allow better assessment of whether the courts are meeting the needs of survivors and ultimately could lead to improved system coordination. We highlight this to raise awareness among agencies collaborating with the courts and serving similar populations and urge the agencies to include Family Court data in assessments of survivors’ needs and solutions to system improvement. For example, the New York State Gender-Based Violence dashboard could be expanded to include court data in addition to numbers of orders of protection/family offense petitions filed. It would be valuable to include, for example, filings in other civil cases where domestic/intimate partner violence is an issue for the litigants or in the case – child support, custody, divorce, consumer debt, etc. – and is tracked.

Improved data collection efforts by agencies

Here again, child support provides an example of the need for improved collection of data on domestic violence across systems. The Office of Temporary and Disability Assistance (OTDA) collects some data around domestic violence and child support in its administration of public assistance and the child support program. For some custodial parents who experience domestic violence, participation in the state’s case to recover support from the noncustodial parent may create a risk of continued abuse.¹⁰ While custodial parents may apply for a temporary waiver from participating in the State’s case through the Family Violence Option (FVO), it is widely held that the disclosure of domestic violence through the FVO is lower than expected given the well-documented prevalence of domestic violence.¹¹ In New York, FY2023 data showed

¹⁰ See Susan Notar and Vicki Turetsky, *Models for Safe Child Support Enforcement*, J. Gender, Social Policy & the Law, Vol. 8:3, 657, 664 (2000).

¹¹ See Center for Budget and Policy Priorities, *TANF and Domestic Violence: Cash Assistance Matters to Survivors* (2021), <https://www.cbpp.org/research/income-security/tanf-and-domestic-violence-cash-assistance-matters-to-survivors> (citing Administration Children & Families data, see Table 9, <https://acf.gov/sites/default/files/documents/ofa/wpr2020-final-072121.pdf>); see also Jessica Pearson & Esther Ann Griswold, Center for Policy Research, *Child Support Policies and Domestic Violence: A Preliminary Look at Client Experiences with Good Cause Exemptions to Child Support Enforcement Cooperation Policies*, 1 (1997), https://centerforpolicyresearch.org/wp-content/uploads/Pearson-Griswold-1997_A-Look-at-Client-Experiences-with-Good-Cause-Exemptions-to-CS-Cooperation.pdf.



that only 1.9% of families secured a domestic violence waiver;¹² rates are similarly low across the U.S.¹³ Thus, the FVO data provides only a limited measure of participating families' experience of domestic violence. Her Justice is honored to participate in the SAVES Advisory Council and is aware of the significant progress that OPDV and partners have made around ensuring stronger screening in the county child support agencies to identify domestic violence among clients and better serve their needs. Efforts to update the Model Policy should incorporate lessons learned from the SAVES research.

Effective responses to domestic violence require strong interagency coordination. Counties should establish defined roles and responsibilities among child support agencies, courts, law enforcement, and service providers, supported by secure information-sharing mechanisms and formal interagency agreements. Policies and protocols should be standardized, written, and accessible, with mechanisms to monitor implementation and accountability, and adequately resourced for consistent implementation. Combining expert-led training with transparent, well-disseminated policies ensures that survivors receive coordinated, consistent, and safe responses across systems is critical.

Recommendations for Modernizing the Model Policy

For the reasons above, Her Justice recommends that the Model Policy incorporate the following principles and practices:

- I. Address the **specific needs of immigrant survivors**, including fear of enforcement, economic control, and barriers to legal status, with attention to factors outlined in OPDV Section K.
- II. Ensure all county policies are **trauma-informed, culturally responsive, and survivor-centered**.
- III. Implement **routine domestic violence screening** in child support, family, and matrimonial proceedings, accompanied by clear safety protocols, consistent with Sections K and M.
- IV. Ensure that **current or recent orders of protection are known in every child support case** and that a coordinated response exists between child support agencies and the courts whenever domestic violence is relevant.
- V. Provide **mandatory and ongoing trauma-informed and survivor-centered domestic violence training** for all staff, management, and volunteers interacting with survivors and **ensure the dedication of adequate resources for training**.
- VI. Strengthen **interagency coordination** through shared protocols, cross-training, and secure information sharing, consistent with Sections A–E.
- VII. Collect and analyze **data on survivors' experiences** in courts and agencies, including the child support system, to inform policy and practice and enhance the NYS Gender-Based Violence Dashboard.

¹² See U.S. Office of Family Assistance, *State TANF Data and Report, Work Participation Rate Data for FY2023*, <https://acf.gov/ofa/programs/tanf/data-reports>. See also N.Y. OTDA *Statistical Report on the Operations of New York State Public Assistance Programs (2024)*, <https://otda.ny.gov/resources/legislative-report/2024-Legislative-Report.pdf>.; N.Y. Office for the Prevention of Domestic Violence, *Gender-Based Violence Dashboard*, https://mypublicdashboard.ny.gov/t/OPDV_PUBLIC/views/NYS2023Gender-BasedViolenceDashboard/FamilyViolenceOptionWaivers.

¹³ As of October 2021, 42 states and Washington, D.C. had adopted the Family Violence Option. Few waivers were granted to families in those states. See Center on Budget and Policy Priorities, *TANF and Domestic Violence: Cash Assistance Matters to Survivors (2021)*, <https://www.cbpp.org/sites/default/files/10-26-2021tanf.pdf>.



Thank you for your leadership in undertaking the effort to update the Model Domestic Violence Policy for Counties and for inviting stakeholder input. Her Justice deeply values OPDV's commitment to ensuring that every system survivors encounter is survivor-centered, trauma-informed, and culturally responsive. We are grateful for the opportunity to share our experience supporting women living in poverty, including survivors of domestic violence, and to offer recommendations informed by their needs. We look forward to continued partnership with OPDV to strengthen county policies, advance safety and stability for survivors, and improve outcomes for all New Yorkers.

Respectfully,

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