Rights of and Resources for the Most Vulnerable Populations

November 17, 2020
House Keeping

• Because this is a webinar, attendees are muted
• Please type any questions you have into the Questions Box
• This webinar is being recorded and the webinar recording and slides will be available on our Webinar Library www.cceh.org
Seeking Justice and Supporting Recovery
How Lawyers Help Crime Victims Seek Justice and Repair Shattered Lives
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Agenda

1. About Us
2. What We Do
3. How can we help?
4. Case Examples
5. Questions
Founded in 2013, VRCCT is the ONLY program in Connecticut exclusively servicing the legal needs of victims of violent crime.
Our Team!

We currently have a staff of:
- Six Associate Attorneys (Two Bilingual)
- One Bilingual Case Manager & Paralegal
- Two Certified Legal Interns

Our undergraduate and law students join us from:
- Quinnipiac University School of Law
- Yale University
- The University of Chicago
- University of New Haven
- Central Connecticut State University
- UCONN School of Law
- Roger Williams University School of Law
Current Catchment Area*

We currently offer services:

❖ New Haven County
❖ Middlesex County
❖ Hartford County
❖ Tolland County
❖ Windham County
❖ Parts of Fairfield County (Greater Bridgeport)
What We Do

VRCCT provides trauma-informed, holistic legal services to victims of sexual assault, stalking, child abuse, LGBTQIA+ hate crimes, elder abuse, student sexual harassment, and homicide.

We do not charge for our services, regardless of income.
What We Do

Pre and Post Arrest Advocacy
Family & Civil Protective Orders
Education – Title IX
Housing
Immigration
Employment
Why should victims have a lawyer?

• Victims have been through traumatizing experiences
  • Often impacts multiple areas of their lives (i.e. education, housing, family, etc.)

• Pro se representation can be overwhelming/re-traumatizing

• VRCCT Attorneys are trained in trauma-informed law practice
  • Assisting victims in navigating the complex legal system

• Attorneys lay out all legal options as they arise
  • Advise and empower victims to choose their own path to justice and recovery
How can lawyers assist victims?
Assist victims with filing reports, attending interviews, following up with LEO, and tracking warrants

File an appearance on behalf of the victim to provide notice to the court and parties

Keep the victim informed and engaged in the case throughout its lengthy pendency

Ensure a victim’s privacy rights are not violated and file motions if needed to protect those rights

Provide legal advice to assist the victim in making decisions about the case

Advise prosecutors about victim’s wishes for the case

Help prepare for disposition conferences, sentencings, and/or trial

Act as a buffer between the defense attorney and the victim

Facilitate meetings with the SAO

Act as a Guardian Ad Litem (GAL)
Case Examples
Under Title IX of the Education Amendments of 1972:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

Title IX:

- A civil right that prohibits sex discrimination in education
- Applies to all students regardless of gender identity
- Applies to all schools who receive federal funding (K-12 & high school)
Title IX Requirements

- Schools must disseminate a notice of nondiscrimination.

- Every educational institution receiving federal funding must have a Title IX Coordinator.

- Required to adopt and publish a grievance procedure outlining the complaint, investigation, and disciplinary process for addressing sex discrimination, sexual harassment, and sexual violence occurring within educational programs.

- Schools are required to be prompt when receiving a complaint of sex discrimination, sexual harassment, or sexual violence in order to remedy any hostile educational environment created by such behaviors.

For additional resources, please visit: knowyourix.org
Family and Civil Legal Issues

Family Court

• Temporary Restraining Orders
  • Requires qualifying relationship prior to the harm/threat of harm
  • Minor victim may have to testify at judge’s discretion at the hearing

• Emergency Ex-Parte Custody
  • Child does not have to testify at the hearing

Civil Court

• Civil Protective Orders
  • No familial relationship and there is sexual assault, sexual abuse or stalking
Humanitarian Immigration Relief

- **U Visa**
  - Victims of sexual violence and other serious crimes
  - Helpfulness certification from law enforcement

- **T Visa**
  - Victims of human trafficking (labor and sex)
  - Cooperation with reasonable requests from law enforcement

- **Relief through VAWA (Violence Against Women Act)**
  - Victims of battery or extreme cruelty
  - Spouses and children of US citizens or legal permanent residents
  - Parents of adult US citizens

- **Special Immigrant Juvenile Status (SIJS)**
  - Unmarried minors under 21
  - Abused, neglected or abandoned by one or both parents

- **Asylum and related relief**
  - Fear of persecution or torture if returned to home country
  - Harm based on race, religion, nationality, political opinion, or membership in a particular social group
  - Government unable or unwilling to protect
Know Your Rights

Non-legal service providers can help undocumented clients by providing them with information about their basic constitutional rights.

1. Right to remain silent and request a lawyer.
2. Right to decline to sign anything, say anything, hand over documents, or consent to a search until given an opportunity to speak to a lawyer.
3. Right to refuse entry into home by police, FBI or immigration agents, unless they have a warrant signed by a judge.
4. Right to not be questioned, detained, threatened or arrested based on skin color, accent, or language.
5. Right to a hearing with an Immigration Judge* and right to have an attorney (not provided by gov’t) present.

*Exception: Expedited removal

Basic Rights (Citizens and Noncitizens):

- IRC Red Cards – order or print
  - ilrc.org/red-cards
- ACLU:
  - Various scenarios (e.g. Police/ICE at home, stopped by police/ICE, law enforcement asking about immigration status)
  - English and Spanish
  - aclu.org/know-your-rights/immigrants-rights/

Know Your Rights Resources
Additional Civil Legal Needs of Victims

Housing

- Negotiating with landlords to break lease and retrieve security deposit per CT Gen. Stat. Sec. 46a-11e
  - Requires notice to landlord of family violence or sexual assault incident at least 30 days in advance of lease termination
  - Victim must provide landlord with certification under oath that they are a victim of family violence or sexual assault AND a police report/court record that is dated not more than 90 days prior to the date of tenant’s notice OR a signed written statement from a victim services provider (OVS/OVA) that is dated not more than 30 days prior to the date of the tenant’s notice
  - Termination of a lease under this statute does not relieve the tenant from liability to the landlord for any rent owed prior to termination, or for liability for property damage cause by tenant, or any other tenant from liability to the landlord under the rental agreement

Employment

- Negotiating accommodations with Employers under the ADA
- Filing CHRO/EEOC complaints for sexual assault and discrimination
- Obtaining unemployment benefits if cause of unemployment linked to victimization

NOTE: ALL civil legal remedies could carry serious consequences for the victim and should be sought only after consulting with an experienced attorney.
Case Examples
Community Partners and Referral Sources

Our work would NOT be possible without the collaboration and support from our state and national allies and partners!

**State-Based**
- SACS member centers
- Survivors of Homicide
- Connecticut Women’s Education & Legal Fund
- Sexual Harassment and Assault Response & Education Office at Yale University
- Office of Victim Services
- Connecticut Institute for Refugees and Immigrants
- Love 146
- BHcare
- Connecticut Legal Services
- Family Centered Services of Connecticut
- Jane Doe No More
- Office of the Victim Advocate

**Broad-Based**
- Mental Health Providers
- Hospitals
- Sexual Assault & Domestic Violence Crisis Centers
- Victim Rights Law Center
- SurvJustice
- Know Your IX
- Time’s Up Legal Defense Fund
- National Women’s Legal Fund
- 2-1-1 Infoline
How can providers/advocates make a referral to VRCCT?
Referral Forms can be sent via:

E-mail: vrcctreferrals@endsexualviolencect.org
Fax: 203-745-0073
Or verbally over the phone: 203-350-3515
Questions?
Thank you!

Contact Us
Victim Rights Center of Connecticut
A program of The Alliance
P.O. Box 631
Wallingford, CT 06492

Office: 203-350-3515
General email: mail.vrcct@endsexualviolencect.org
Referrals email: vrcctreferrals@endsexualviolencect.org
Internship Information: nadya@endsexualviolencect.org