



## United States District Court - District of Colorado

### **Economic Justice & Intimate Partner Violence: POWER**

When: Wednesday, September 29, 2021 12:00 PM, MDT

Where: Webinar

#### **EVENT DETAILS:**

**DUE TO COVID CONCERNS, THIS PROGRAM WILL BE VIA WEBINAR**

**WEDNESDAY, SEPTEMBER 29, 2021**

**2021 POWER ACT PRESENTATION:**

**"ECONOMIC JUSTICE & INTIMATE PARTNER VIOLENCE:  
PROVIDING REPRESENTATION IN REPLEVIN TO ADVANCE SAFETY"**

**Welcome by:**

**MAGISTRATE JUDGE GORDON P. GALLAGHER  
U.S. District Court, District of Colorado**

**JENNIFER EYL, Esq.  
Executive Director, Project Safeguard**

**PROF. TAMARA KUENNEN  
University of Denver Sturm College of Law**

**PAMELA MAASS, Esq.  
Law Mother, LLC**

**[LINK TO VIDEORECORDING OF THE CLE PRESENTATION:](#)**

**<https://us06web.zoom.us/rec/share/7btKuOAJC59fbaxAB9FoCwy7-tWKYDM4yyWV5s0jJKf7SzYfDYH3on-niGYqRUes.Ifqmce02JmWf2lYq>**

**Passcode: 3XSe!jn+**

12 noon - 1:15 p.m.

**WEBINAR**

**This CLE is being provided free of charge but registration is required**

The recovery of property and money are critical components of safety and liberty for people experiencing intimate partner violence (IPV). Such recovery is essential to many survivors' decisions to attain, and maintain, independence from an abusive partner. Colorado's Civil Protection Order Act, one of the most widely used civil legal remedies to address IPV, recognizes the connection between the recovery of property – particularly pets - and safety. That Act stops short, however, of granting property and pet recovery as enumerated forms of relief, leaving a critical gap in access to justice for people experiencing abuse. An alternative county court remedy, though one that is not nearly as accessible to *pro se* litigants, is replevin. This cause of action is designed specifically for property recovery. It simultaneously provides the perfect opportunity for meaningful *pro bono* representation: it is a short in duration, legally discrete civil case that facilitates learning, or brushing up on, state court filing, pre-trial procedure, and trial practice.

This course outlines the nuts and bolts of litigating replevin in county court. It demonstrates the connection between replevin, economic justice, and safety. It then turns to the attorney's role in safety planning for clients experiencing abuse, illustrating how safety planning is not merely a wise or helpful thing to do, but an ethical way to practice, drawing on Colorado Rule of Professional Conduct 1.1 regarding competence; 1.2 regarding scope of representation and boundaries; 1.4 regarding communication and decision-making; 1.6 regarding confidentiality (and Colorado Rule of Evidence 502 regarding privilege); and Colo. RPC 2.1 regarding our role as counselor and advisor.

In addition to providing instruction on both replevin and safety planning, the course is designed to inspire collaboration between Faculty of Federal Advocate attorneys, law students at the University of Denver Sturm College of Law, and legal advocates and attorneys at Project Safeguard. The course will conclude with an example of a successful collaboration.

This program is presented as part of the goal of the POWER Act of 2018. The POWER Act is the acronym for "Pro Bono Work to Empower and Represent Act of 2018" (P. L. 115-237) that Congress passed on September 4, 2018. The primary goal of the POWER Act is for the U.S. district courts to partner with a local, tribal, or territorial domestic abuse service provider and a local volunteer lawyer project to promote pro bono legal services as a way to empower survivors of domestic violence, sexual assault, and stalking, and to engage citizens in assisting those survivors.

2 general/.9 ethics CLE credits approved.

**WEBINAR LOGIN DETAILS:**

**Please be sure to mute your microphone and video during the presentation. Those participating by phone will be given an opportunity to ask questions at the end of the formal presentation.**

**Materials:** The written materials are available by clicking [HERE](#) and [HERE](#). The CLE affidavit is available by clicking [HERE](#).

Thanks for registering and we are looking forward to seeing you!

Best regards,

[Faculty of Federal Advocates](#)

P.S. If you aren't an FFA member but would like to join and take advantage of member discounts on future programs, click [HERE](#).





# Economic Justice and Intimate Partner Violence: Providing Representation in Replevin to Advance Safety

Jennifer Eyl, Tamara Kuennen, Pamela Maass



# Agenda

- ▶ Collaborating with Sturm College of Law & Project Safeguard: not just a meaningful, but a **fun**, *pro bono* opportunity
- ▶ What “survivor-centered” lawyering means
- ▶ Replevin in a nutshell (and how it’s a great primer for state court civil procedure)
- ▶ Ethical considerations in cases involving intimate partner violence
- ▶ Working with law students & Project Safeguard (the **really fun** part)

# Past collaboration between private bar, DU Law, and Project Safeguard







# Replevin (in a nutshell)

- CRCP 404
- Caselaw
- [https://www.courts.state.co.us/Self\\_Help/recoverpersonalproperty/](https://www.courts.state.co.us/Self_Help/recoverpersonalproperty/)
- It's a mini-version of a civil trial – a great primer, or refresher (but with very limited discovery 😊) for state court civil procedure

# What economic recovery meant to Karen








# What is safety planning?

- Personalized, practical plan that can help a person make intentional, informed decisions to have more and better options if danger escalates.
  - Ask the experts: Project Safeguard
- 



# Why is safety planning a critical part of ethically representing a client experience partner violence?

- ▶ Safety planning is a component of competent practice in cases involving intimate abuse
- ▶ Numerous examples of communication that might put clients in danger that an attorney might not think to address
- ▶ Professional boundaries and importance of client agency



# How to collaborate

- ▶ Email Tammy Kuennen if you are interested in collaborating in this economic justice/replevin pilot project: [tkuennen@law.du.edu](mailto:tkuennen@law.du.edu)
- ▶ Email Jennifer Eyl for information or questions regarding safety planning and gender violence: [jeyl@psghelps.org](mailto:jeyl@psghelps.org)
- ▶ Email Pamela Maass to hear more about how easy, fun and satisfying her pro bono work in the past: [pam@lawmother.com](mailto:pam@lawmother.com)

# Domestic Violence and Economic Well-being Study

## **SERVICE PROVIDER REPORT**

April 2021

Prepared by

Adrienne Adams, Ph.D., Michigan State University

Sara Wee, MPH, Center for Survivor Agency and Justice

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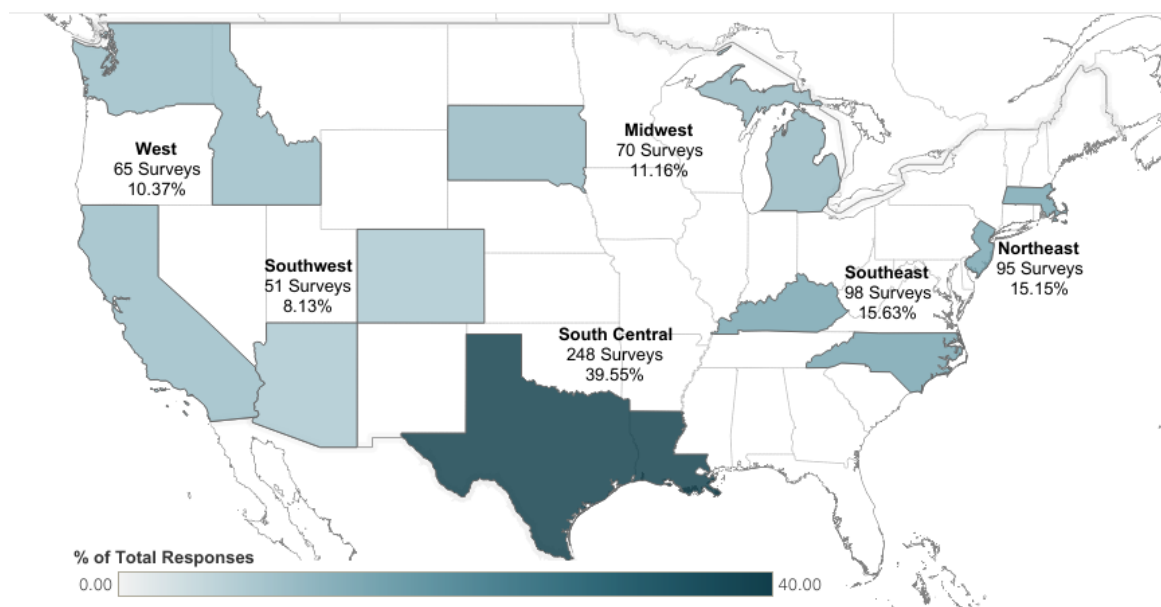


# OVERVIEW

Between October 2018 and July 2019, **627 survivors** participated in a National Domestic Violence & Economic Well-being Study. This Service Provider Report shares first-cut key findings about study participants and their experiences of abuse, economic well-being, and financial help-seeking.

## PARTICIPANT LOCATION

To hear from a geographically diverse group of survivors, we partnered with 47 organizations in 13 states to survey survivors they served. Participating organizations came from the following states, and are depicted below: West (Washington, Idaho, California), Southwest (Arizona, Colorado), Midwest (South Dakota, Michigan), South Central (Texas, Louisiana), Southeast (Kentucky, North Carolina), Northeast (New Jersey, Massachusetts). **The largest proportion (39.55%) came from the South Central region.** We received 8 – 16% from each of the other regions.



## A NOTE ON DATA COLLECTION METHODS

To collect data for this study, we divided the country into regions and partnered with one or more state coalitions in each region. We asked the coalitions to send their member organizations information about the study and an invitation to collaborate. The research team mailed data collection materials to each participating organization, which included: paper questionnaires, envelopes for protecting completed questionnaires, instructions for agency staff, and cash for participant incentive. Agency staff informed their clients about the study, and provided those who were interested in participating with a questionnaire and an envelope marked “Confidential.” When participants were done with the questionnaire, they sealed it in the envelope, returned it to an agency staff person, and received \$10 as a token of appreciation. The partner organizations mailed the completed surveys to the research team.

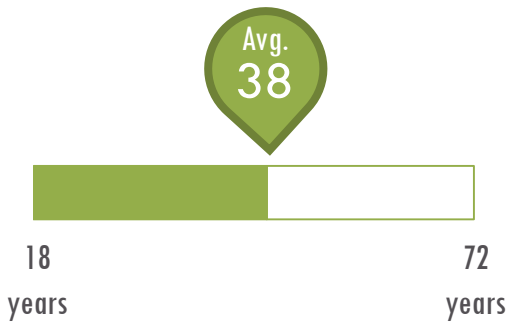
Data cleaning and analysis began in August 2019, paused between March and September 2020 due to the COVID-19 shutdown, was resumed last fall and was completed February 2021.

# PARTICIPANTS

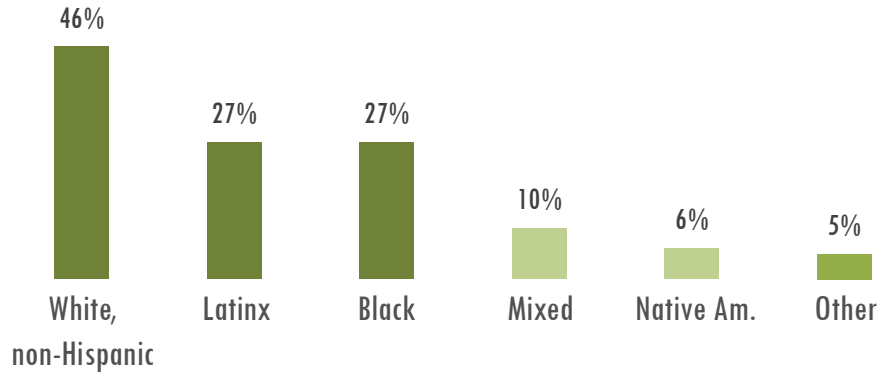
## IDENTITY

Survey participants ranged in age from 18 to 72 years old; the average age was 38. Almost everyone who completed the survey identified as a woman (98%), and **most identified as non-Hispanic white (46%), Latinx (27%), and/or Black (27%)**. The majority of participants had kids under age 18 in their household. Almost a quarter (24%) had a physical or developmental disability. Eighty-two percent spoke English and 16% spoke Spanish as their primary language. Eighty-four percent were U.S. citizens, 3% were permanent residents, and 2% had a visa or TPS, asylum, or refugee status. Another 11% opted not to share their citizenship status.

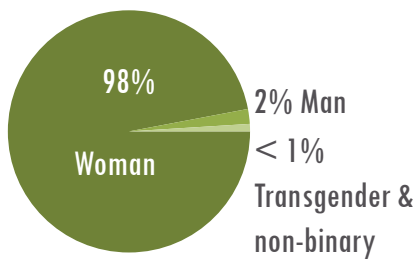
### AGE



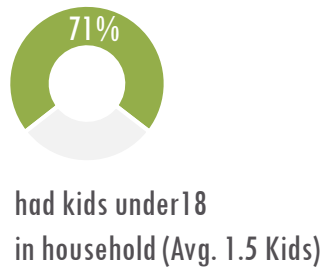
### RACE/ETHNICITY



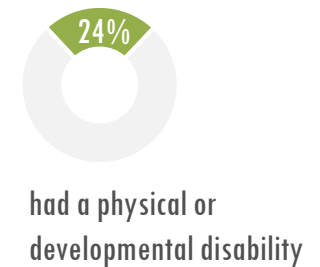
### GENDER



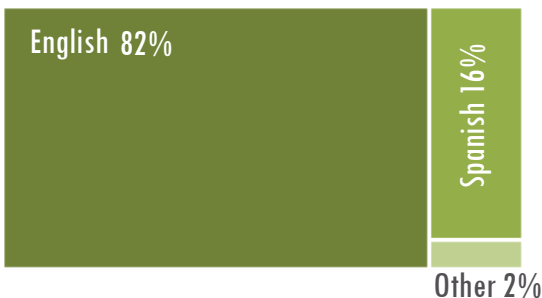
### KIDS



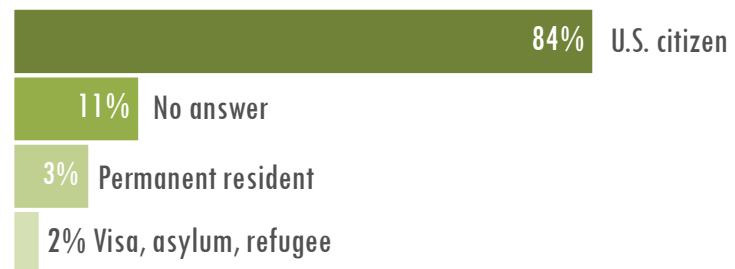
### DISABILITY



### LANGUAGE



### CITIZENSHIP



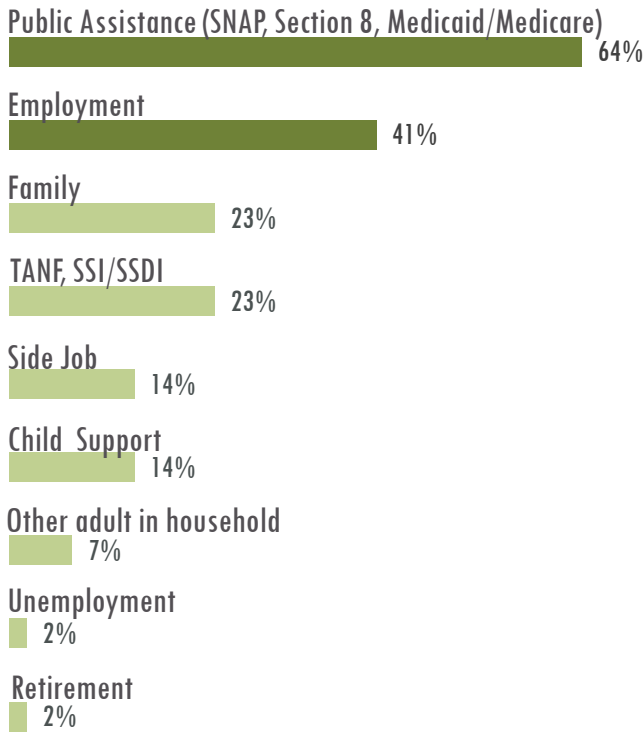
# PARTICIPANTS

## SOCIOECONOMIC STATUS

The survey measured three indicators of socioeconomic status: income, education, and home ownership. Most participants (64%) had a monthly household income of \$1000 or less. Of those, **almost a quarter (23%) had no income and another 20% were living on \$1 - \$500 a month**. Public assistance was the most common source of income (64%), followed by employment (41%). Of those who were employed, the average monthly paycheck was \$1,748, and only a third had a job with paid time off. Over half of participants completed some education beyond high school; **20% had a college degree**. Most were raised by people who owned a home and just **over a quarter owned a home themselves at some point**.

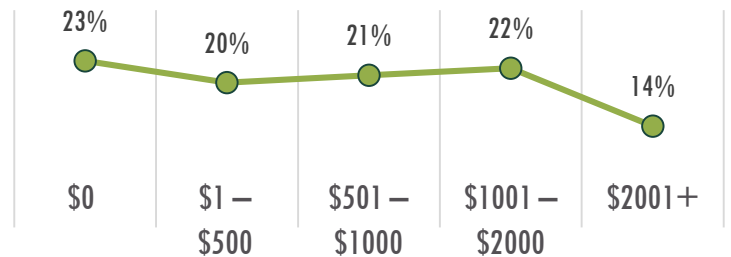
## INCOME

### SOURCES



### MONTHLY AMOUNT

from all sources



93% said their income was difficult to live on

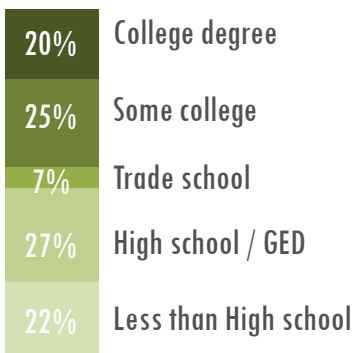
**PAYCHECK** Average  
from employment

**\$1,748** / month

**PAID TIME OFF**  
for those employed

33%

## EDUCATION



## HOME OWNERSHIP



were raised by people who owned a home

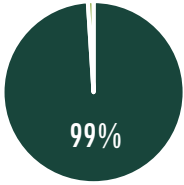


owned a home at some point in their lives

# DOMESTIC VIOLENCE

## ABUSE IN RELATIONSHIP

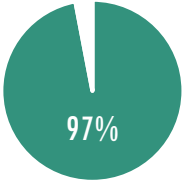
We asked participants about the abuse perpetrated in the intimate relationship for which they were currently seeking help. **Rates of psychological abuse, physical violence, economic abuse, and coercive control were high** among the survivors surveyed. Ninety-nine percent had a psychologically abusive partner; 97% were subjected to economic abuse; 97% reported physical violence; and 88% experienced coercive control.



Psychological Abuse



Economic Abuse



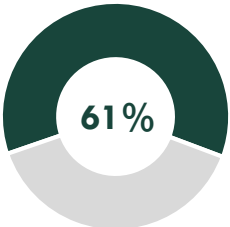
Physical Violence



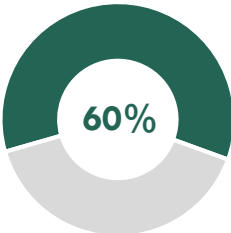
Coercive Control

## ABUSE IN THE PAST 30 DAYS

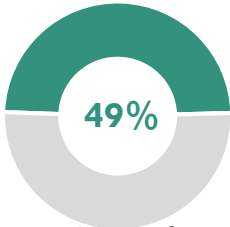
The charts below show the percent of survivors who said their partner/ex-partner had perpetrated each type of abuse **in the past 30 days**. Psychological abuse was most common, followed by economic abuse and then physical violence.



Psychological Abuse



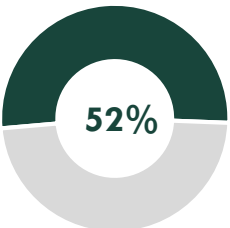
Economic Abuse



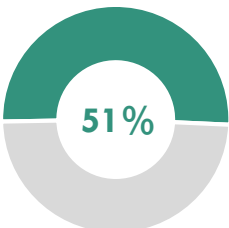
Physical Violence

## ABUSE IN OTHER INTIMATE RELATIONSHIPS

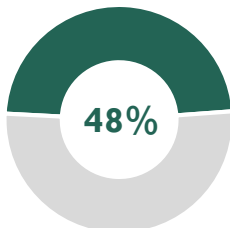
We also asked participants about abuse perpetrated by other intimate relationships **in their lifetime**. Half or almost half had another partner who perpetrated psychological abuse, economic abuse, and/or physical violence.



Psychological Abuse



Physical Violence



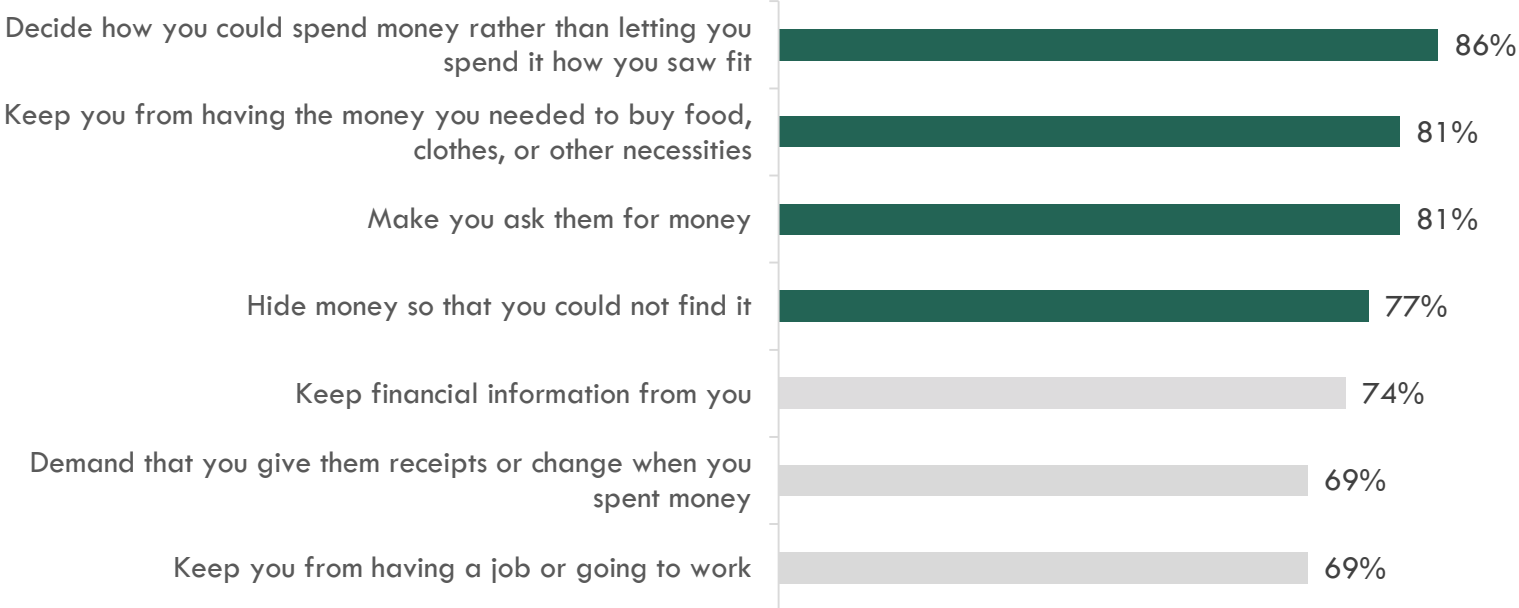
Economic Abuse

# DOMESTIC VIOLENCE

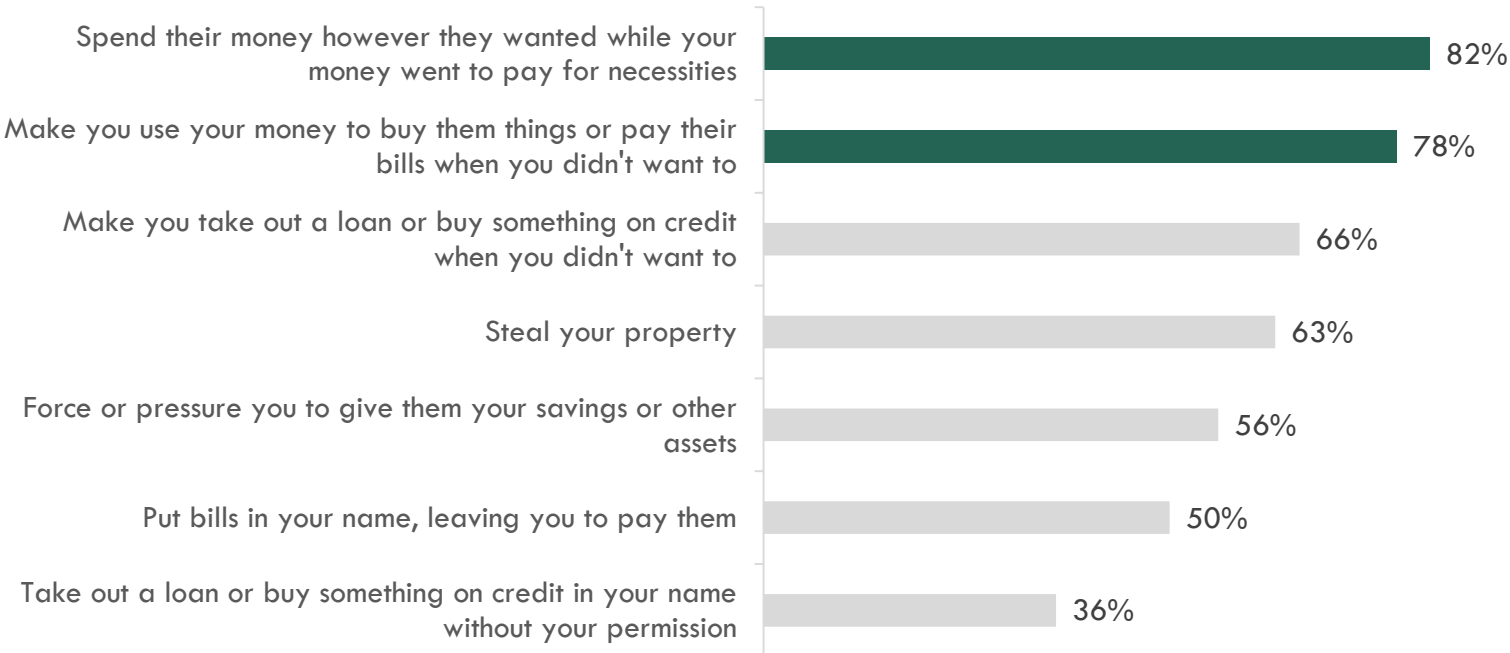
## ECONOMIC ABUSE TACTICS

We asked participants about their partners use of two types of economic abuse: economic restriction and economic exploitation. Survivors' abusive partners commonly **limited their access to and use of economic resources and used their resources to their own advantage.**

### ECONOMIC RESTRICTION



### ECONOMIC EXPLOITATION



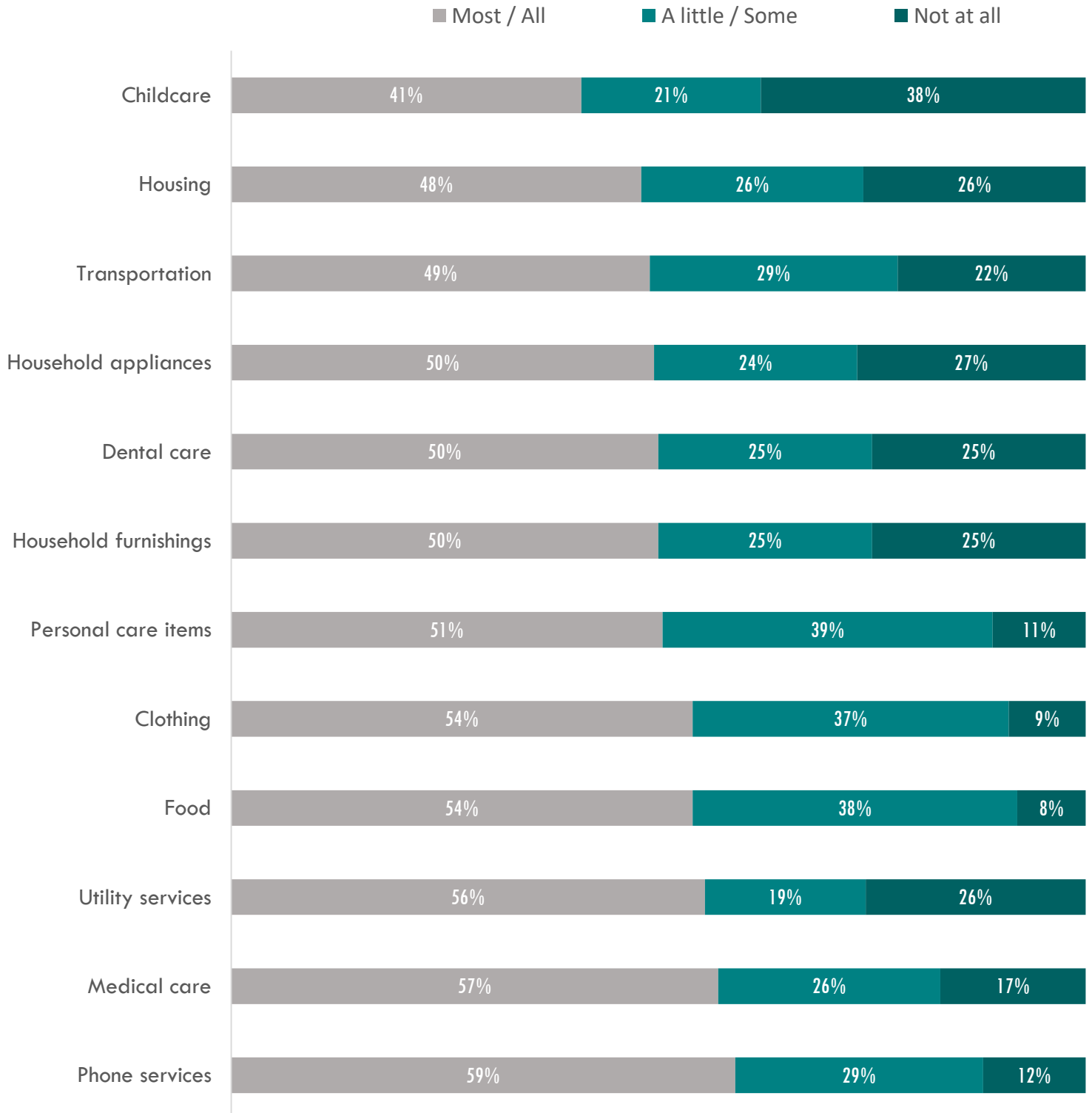


# ECONOMIC WELL-BEING

## ABILITY TO MEET MATERIAL NEEDS

**Over half lacked the childcare, housing, and transportation they needed.** About half had insufficient appliances, dental care, personal care items, clothing, and food. Many also lacked needed utility service, medical care, and phone service.

*The extent to which survivors had each of the following things needed to get by in life from day-to-day:*



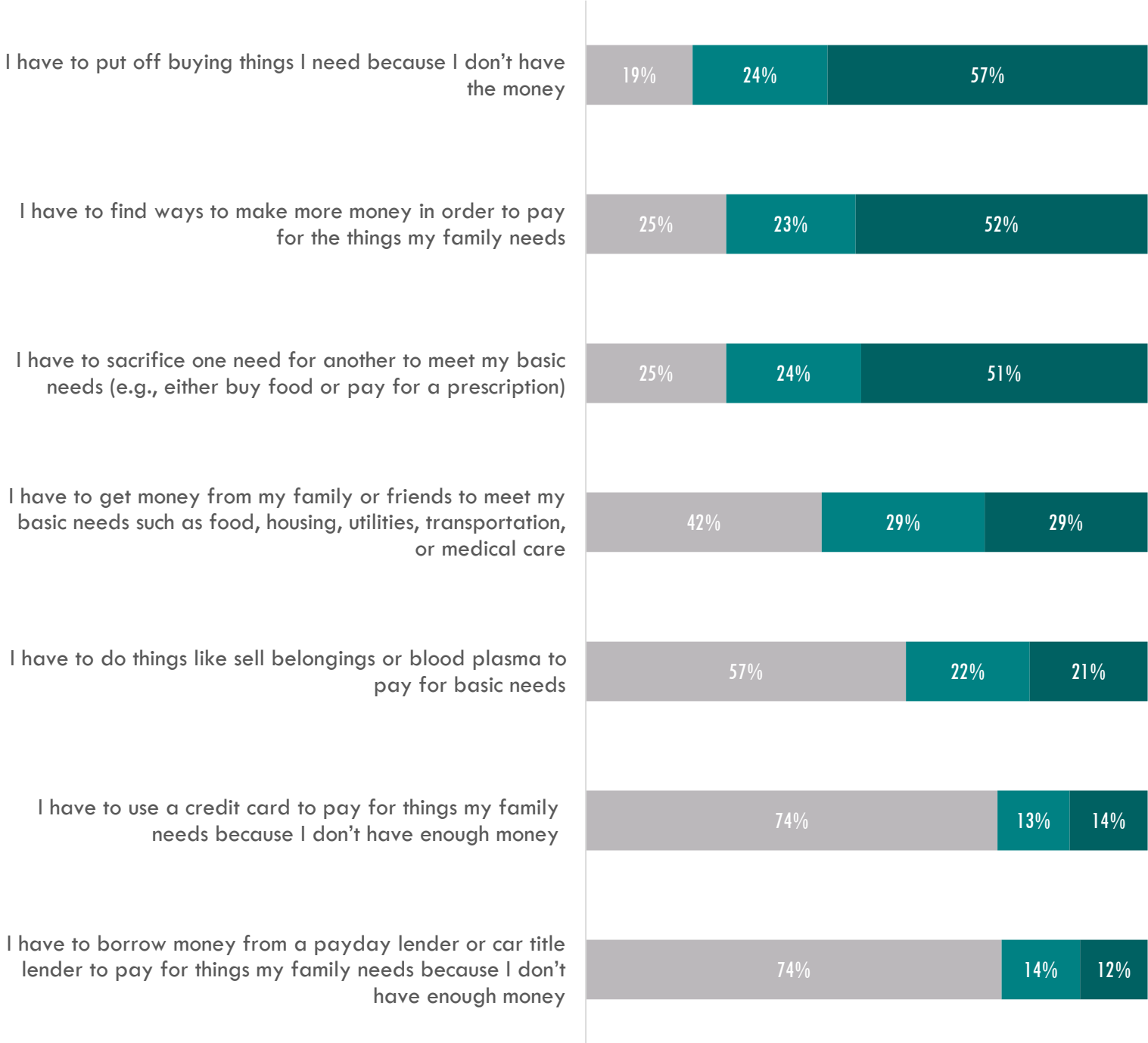
# ECONOMIC WELL-BEING

## STRATEGIES TO MEET MATERIAL NEEDS

Most survivors **routinely put off buying things they needed, found ways to make more money to afford the things they family needed, and made trade-offs** to meet their needs. Also, many survivors borrowed money from family or friends or sold their belongings or blood plasma. A few used credit to cover basic needs because they did not have the money.

The extent to which survivors used each of the following strategies to meet basic needs:

■ Never / Rarely    ■ Sometimes    ■ Often / Always



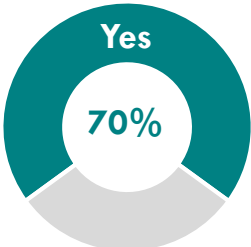
# ECONOMIC WELL-BEING

## DEBT BURDEN

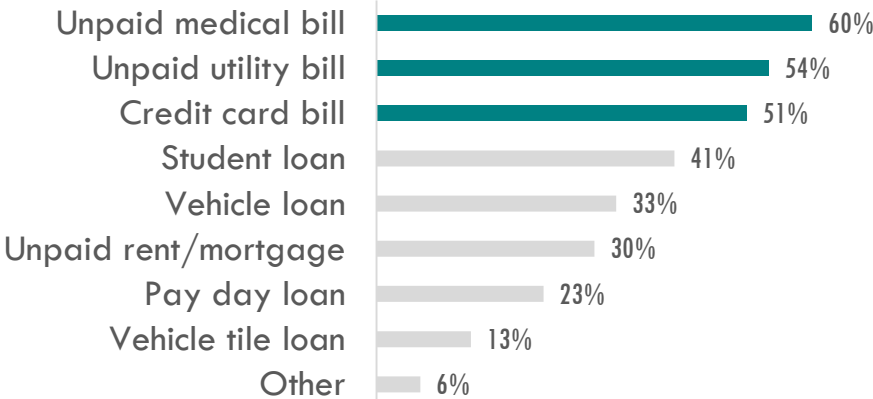
The majority (70%) of participants had debt at the time of the survey. Unpaid medical bills, unpaid utility bills, and credit card bills were the most common. Twenty-eight percent owed \$5000 or less, 22% owed between \$5001 and \$20,000, and 23% owed over \$20,000. Another 26% did not know how much they owed. Few survivors were making regular payments on their debts. Over half were not able to make payments on their debts, while another 30% paid what they could when they could.

### DEBT

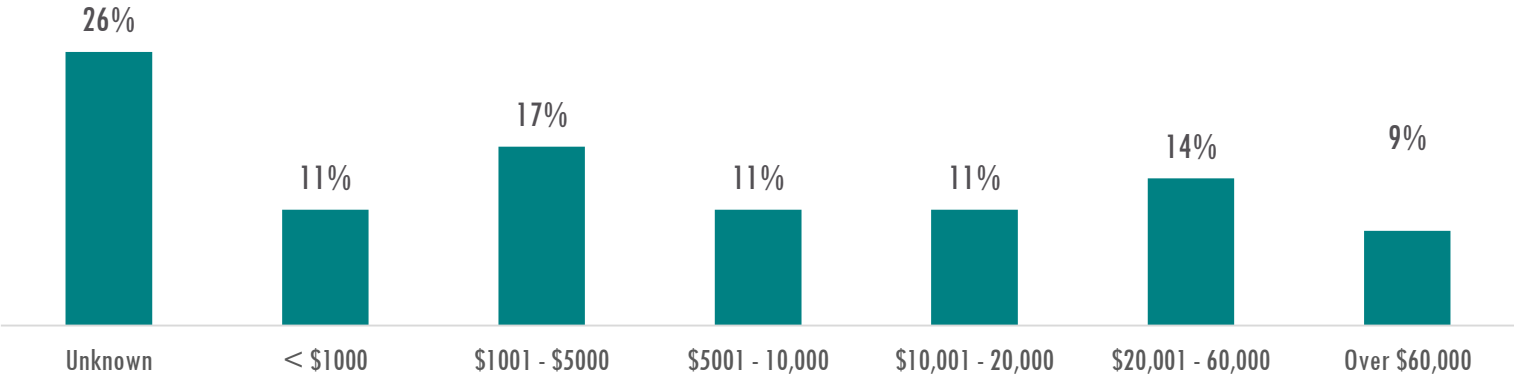
Do you currently have any debts?



### TYPES OF DEBT



### AMOUNT OWED



### ABILITY TO PAY DEBT



# ECONOMIC WELL-BEING

## CREDIT HISTORY

We asked participants four questions to get a sense of their credit history. **Almost half (49%) said their credit history kept them from getting things** they needed or wanted and **almost 80% said their credit is never, rarely, or sometimes approved** when checked for things like housing. Many survivors also reported that they often or always have to pay a deposit to get utility service (46%) and pay high interest rates to borrow money (51%) because of their credit.

My credit history **keeps me from being able to get things that I need or want**, such as housing, utilities, a vehicle, phone service, or employment.



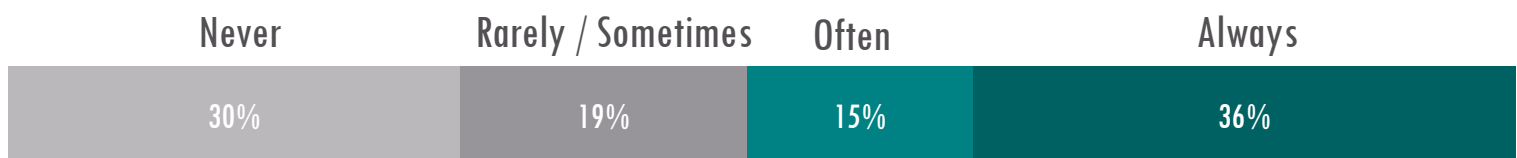
**My credit is approved** when checked for things like housing, utilities, a loan, phone service, or employment.



I have to **pay a deposit** to get utility service because of my credit history.



I have to pay a **high interest rate** to borrow money because of my credit history.



# ECONOMIC WELL-BEING

## FINANCIAL STRESS & WORRY

Participants reported high levels of financial stress and worry. The charts below show that, **on average**, participants were living paycheck to paycheck “all of the time,” were experiencing high financial stress at the time of the survey, and worried almost all the time about being able to meet their normal monthly living expenses.

How frequently do you find yourself just getting by financially and **living paycheck to paycheck**?



What do you feel is the level of your **financial stress** today?



How often do you **worry** about being able to meet normal monthly living expenses?



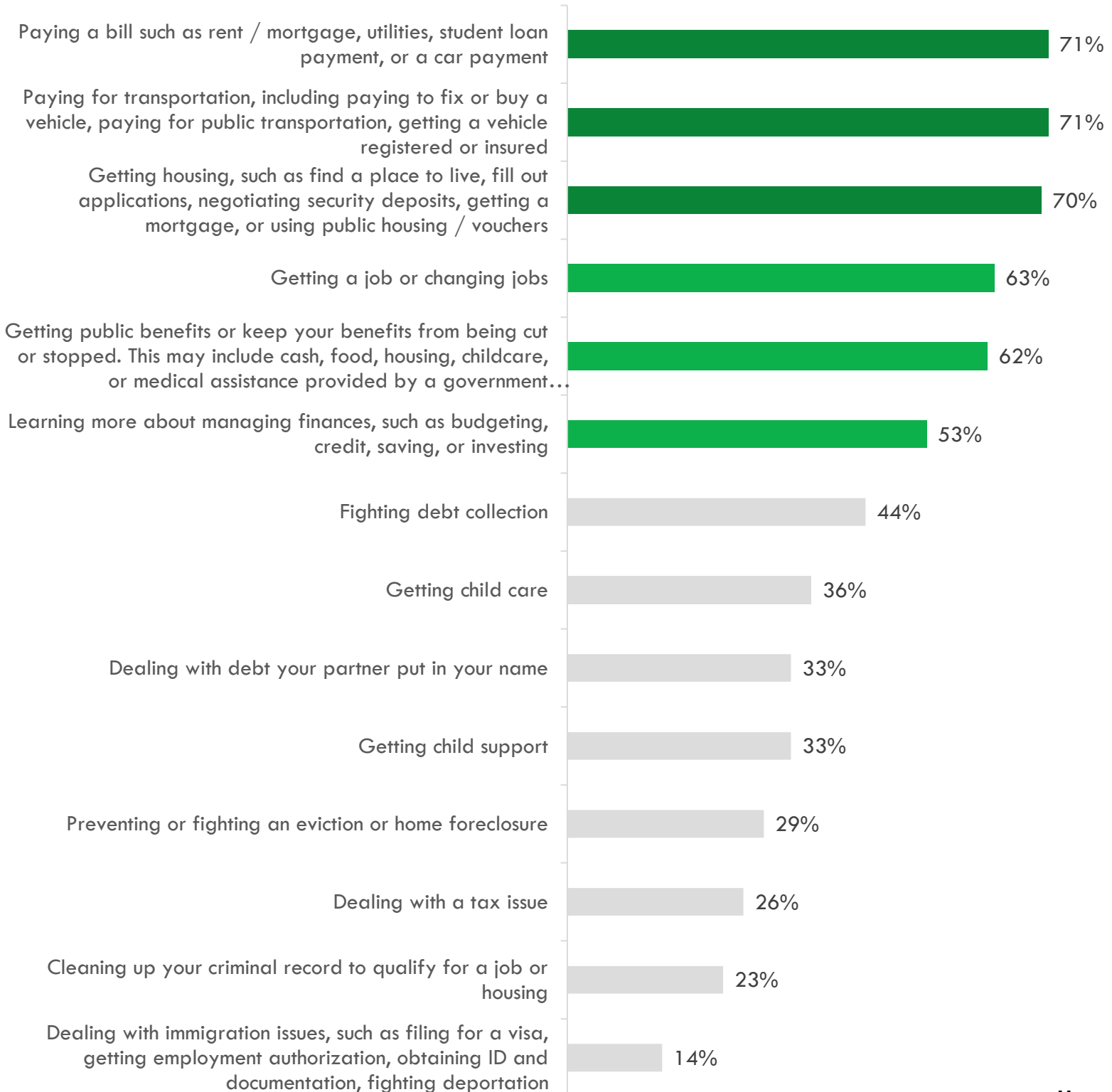


# FINANCIAL HELP-SEEKING

## HELP WANTED

**Over three quarters of survivors surveyed wanted help paying a bill, paying for transportation, or getting housing.** Over half wanted help getting a job, getting public benefits or keeping their benefits from being cut, and learning how to manage finances.

*The types of help participants reported they wanted or needed in the past 12 months:*



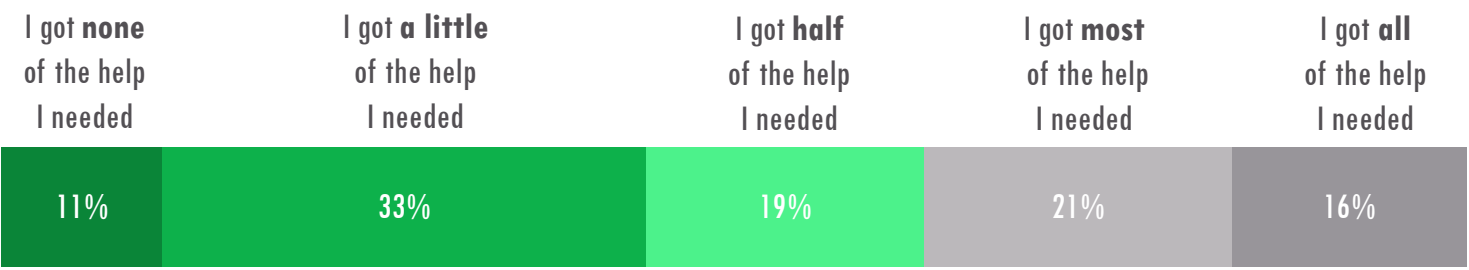
# FINANCIAL HELP-SEEKING

## HELP RECEIVED

We asked participants if they sought help from a community program or service for any financial issues in the past 12 months and the extent to which they got the help they needed. **About half (49%) asked for help, and of those, most (63%) got half or less of the help they needed.**

49%

Asked a community program or service for help with any financial issues.



## BARRIERS TO HELP

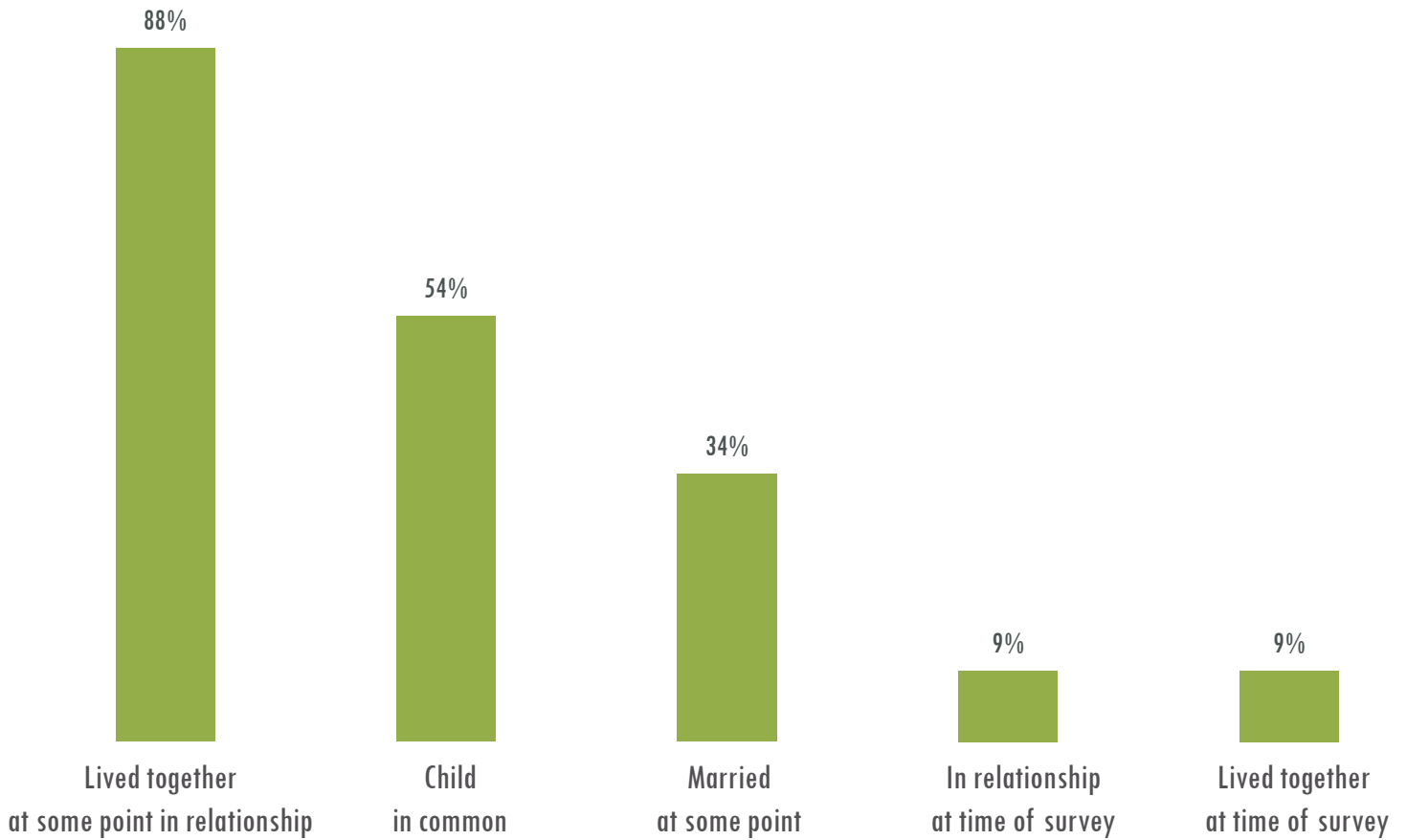
We asked all participants about barriers to getting help from community programs or services to deal with financial issues. **The most common barriers to getting help were not knowing where to go or who to call, not being able to afford to pay for the help they needed, having no place to go in their community for help, and being concerned that their partner would hurt them if they asked for help.**



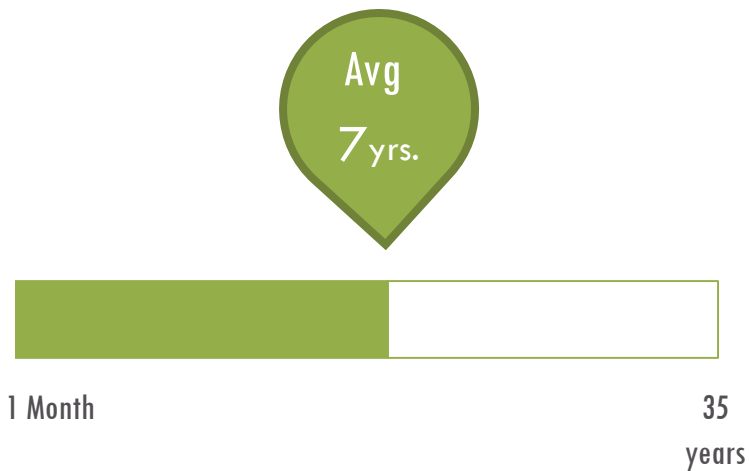
# APPENDIX A

## RELATIONSHIP CHARACTERISTICS

### Relationship Type



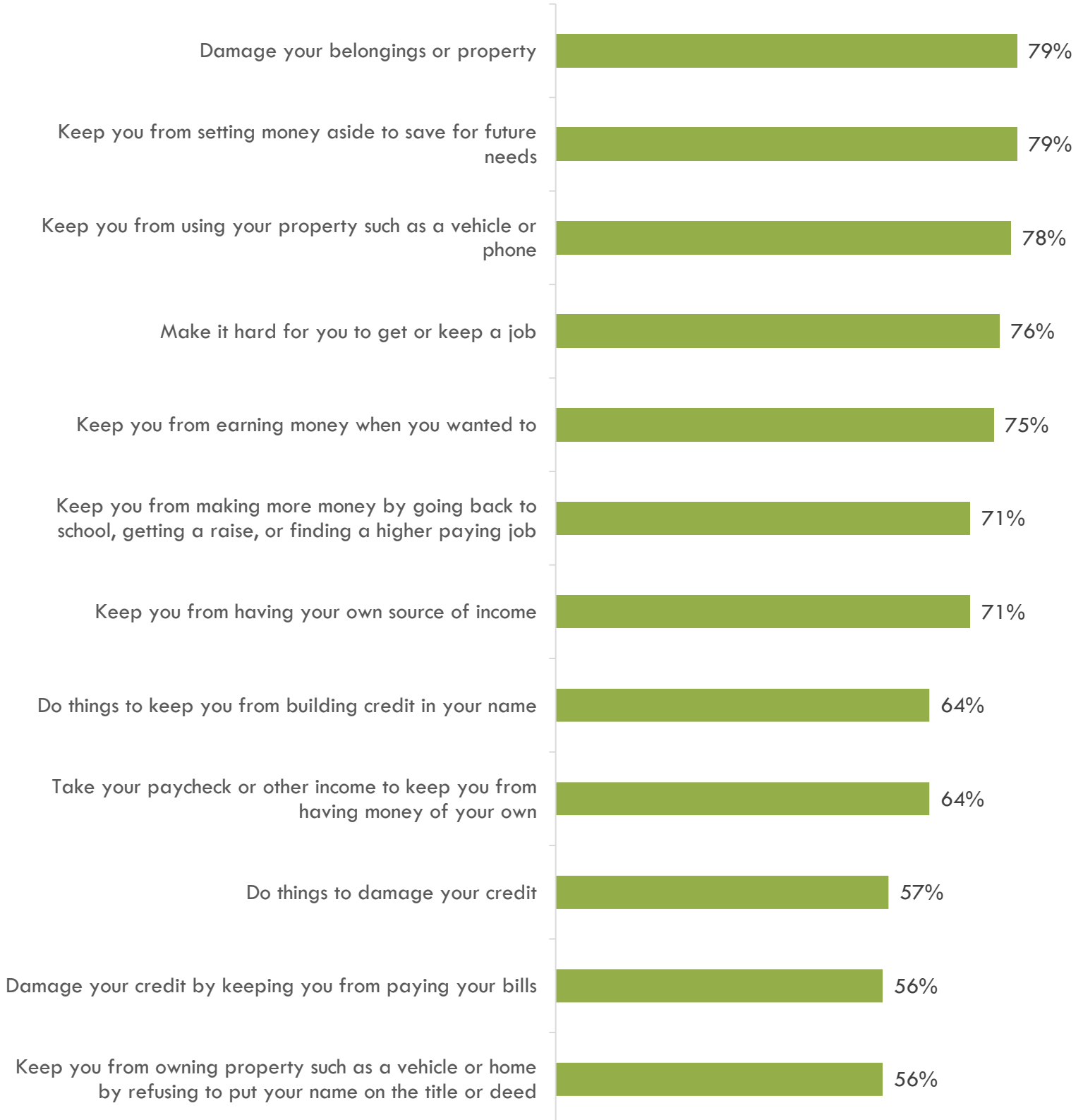
### Relationship Length



# APPENDIX B

## OTHER TACTICS OF ECONOMIC ABUSE

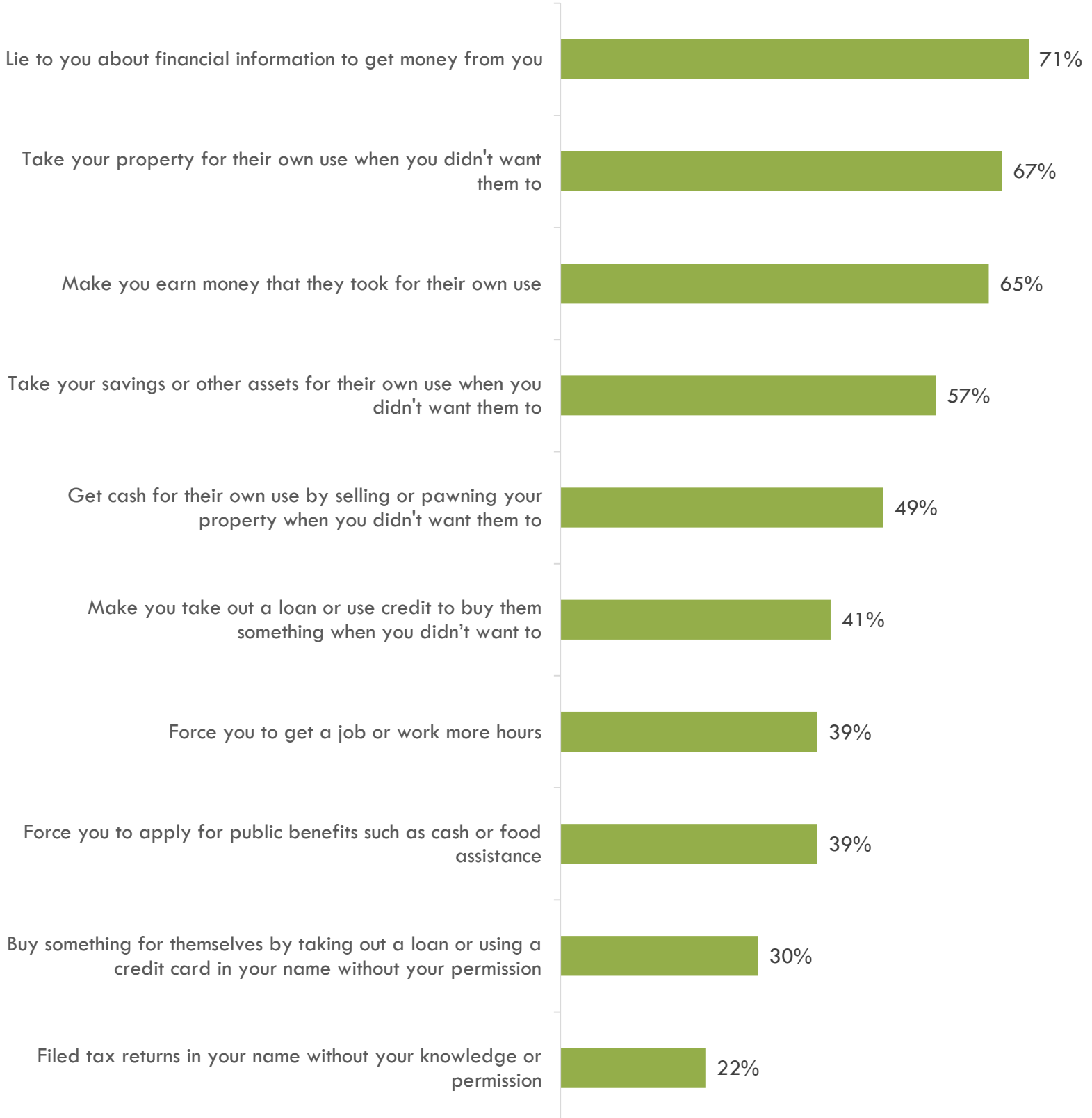
### ECONOMIC RESTRICTION



# APPENDIX B

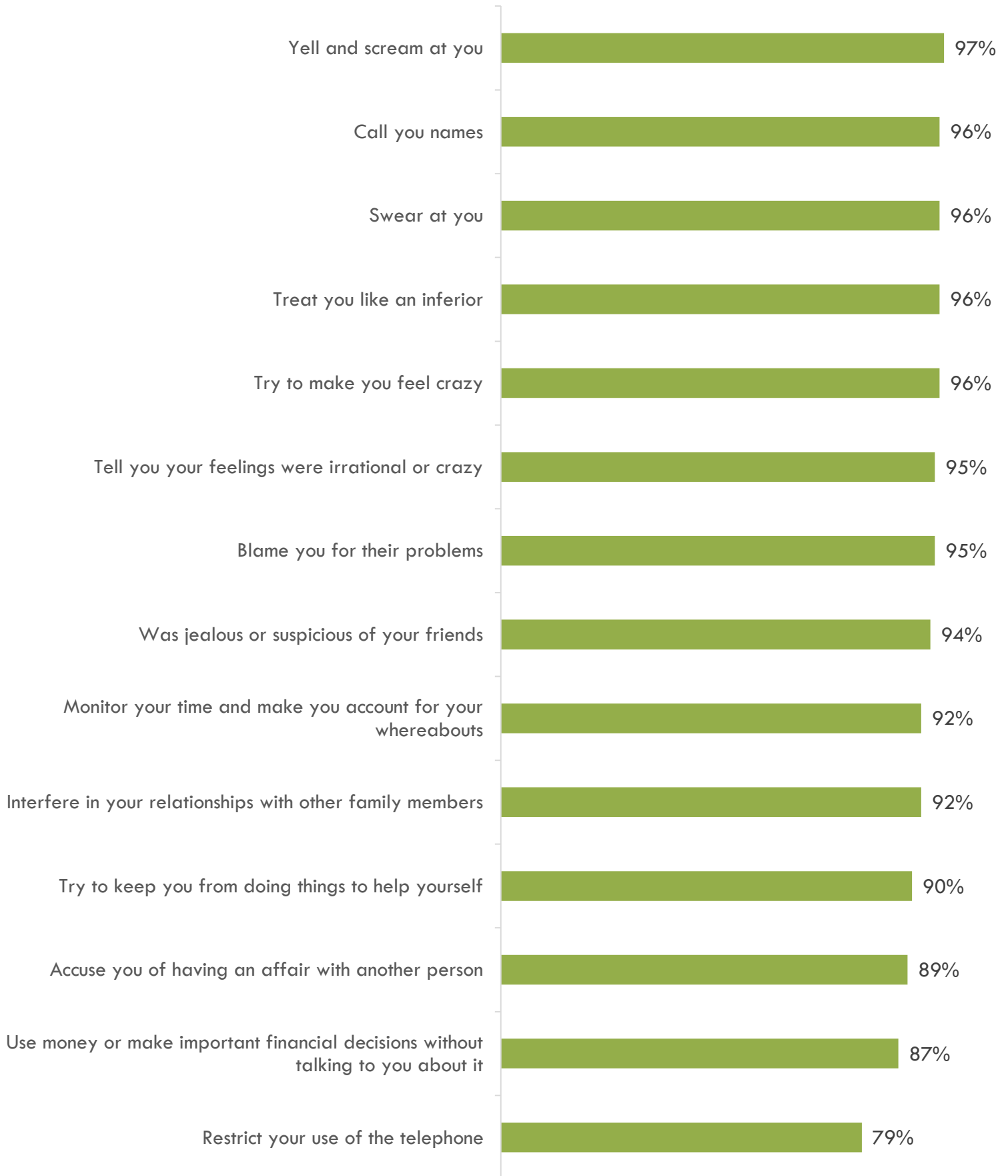
## OTHER TACTICS OF ECONOMIC ABUSE

### ECONOMIC EXPLOITATION



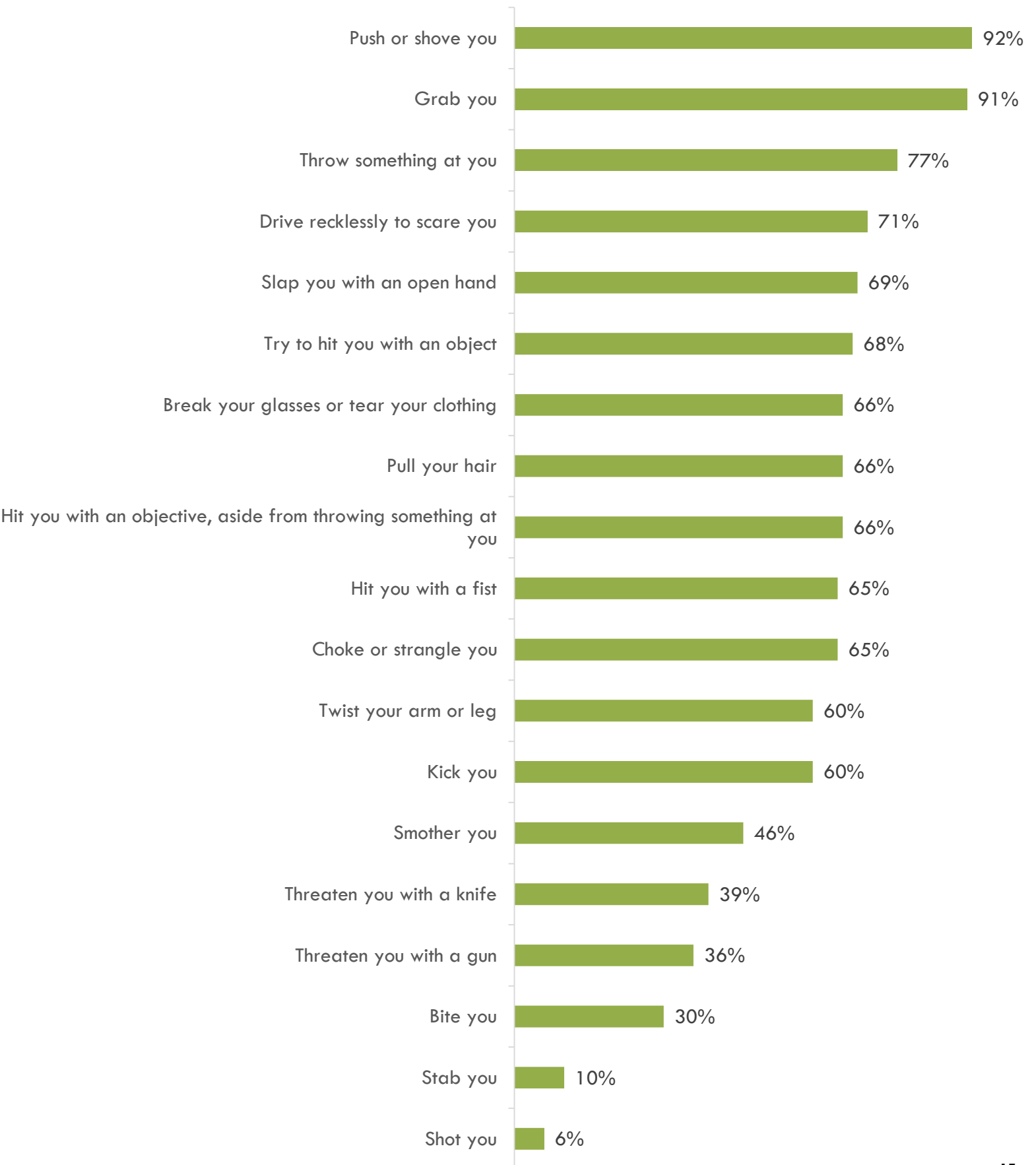
# APPENDIX B

## PSYCHOLOGICAL ABUSE



# APPENDIX B

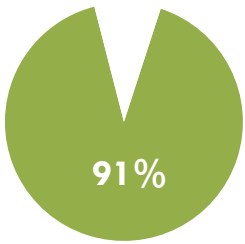
## PHYSICAL VIOLENCE



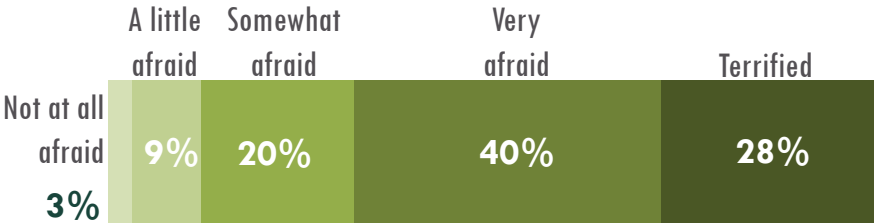
# APPENDIX B

## COERCIVE CONTROL

Coercive control involves making demands and threatening harm (explicitly or without words) for failure to comply with those demands. As shown in the charts below, 90% of survivors said their partner made demands and 68% were “very afraid” or “terrified” of harm if they didn’t do what their partner wanted.



Partner Made Demands



Fear of Harm for not Complying



# APPENDIX C

## AFFORDING “EXTRAS”

I have **enough money to cover my basic needs** (e.g., food, housing, utilities, transportation, or medical care) and still buy some things that I want.



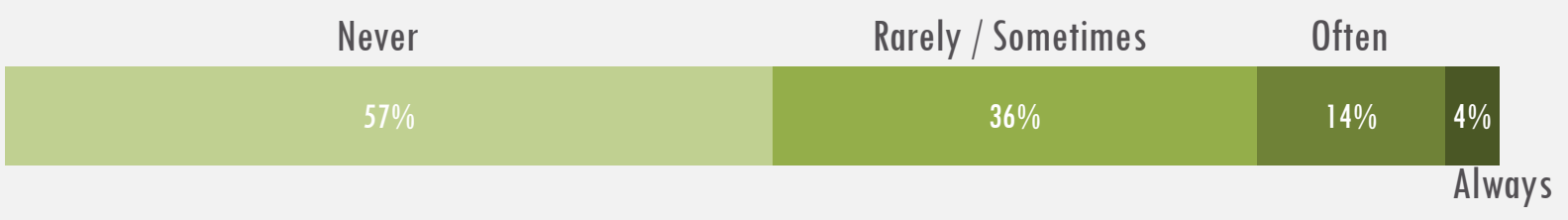
I can afford to **do something just for fun.**



I have enough money to **afford leisure and recreation activities.**



I can **give a gift without worrying** that I'll run out of money to pay for the things I need.



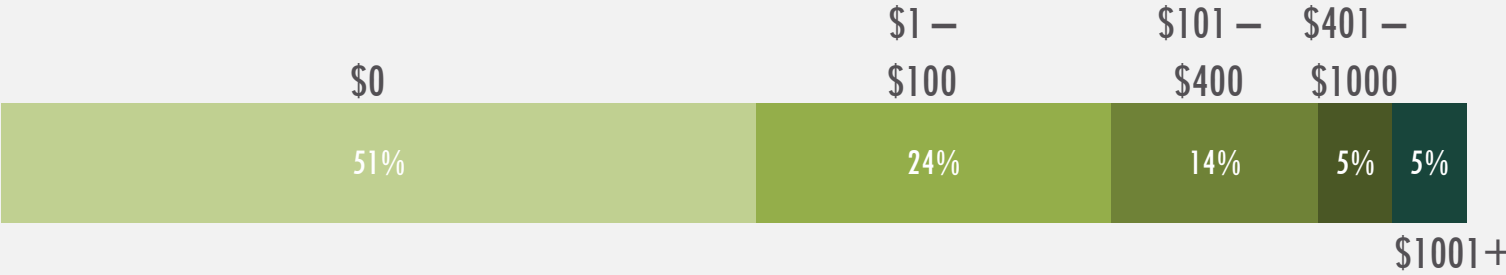
# APPENDIX C

## PAYING FOR UNEXPECTED EXPENSES

If your household suddenly had no income coming in, over **how many months** could you continue to pay your regular monthly bills?



Sometimes things come up that we do not expect to have to pay for. This might be something like a vehicle repair, a medical emergency, a hole in the roof that needs repair, or a large tax bill. From the options below, choose the answer that includes the **most money you could currently afford to pay for an unexpected expense**.



If you had to pay for an unexpected expense that cost as much as all of your regular monthly bills combined, **to what extent could you still afford to pay for the things you or your family regularly needs**, such as food, rent/mortgage, utilities, transportation, child care, medical care, or clothing?



# APPENDIX C

## SAVING FOR THE FUTURE

In your current financial situation, to what extent are you **able to save toward a financial goal?** For example, buying a car, moving to a better place, paying off a credit card, building savings, or buying a new TV.



In your current financial situation, **how confident are you** that you will have money you need during the later years of your life?

