



RURAL LIFE

Legal Assistance Pilot Program Helps Rural Victims of Domestic Violence and Abuse in Utah

The new initiative will give advocates the ability to file protective orders on behalf of abuse victims.

by Kristi Eaton January 6, 2022

A legal pilot project that started earlier this year in Utah is helping victims of domestic violence in rural areas find affordable legal guidance to navigate the sometimes confusing maze of protective orders.

More than 10 million people are impacted by domestic violence in the U.S. every year. In rural towns, victims of domestic violence have a particularly hard time finding affordable legal guidance to navigate the protective order maze to prevent future harassment or abuse. In Utah alone, there are 13 different types of protective orders from child protective to dating violence to stalking. If the petitioner picks the wrong one or checks the wrong box, the victim can be denied life-saving protections.

Called the **Certified Advocate Partners Program (CAPP)**, it certifies non-attorney victim advocates to file protective orders on behalf of victims. These advocates are often the most intimately familiar with the needs and rights of victims, yet until now their hands have been tied when it comes to providing valuable legal guidance.

“With our Certification program, the Victim Advocate has the authority to give legal advice on which type of protective order the victim should seek, assistance in drafting the petition correctly, and advice on how to present the evidence to the judge or commissioner at the hearing, all of which are critical to the victim’s success,” said Susan Griffith, executive director of Timpanogos Legal Center and a professor at Brigham Young University Law. She came up with the idea for CAPP after being contacted by a Board member of the Utah Office of Legal Services Innovation, who asked if I had any ideas for a project that would benefit victims of domestic violence.

“It occurred to me that if we could get permission to allow Victim Advocates to give legal advice on protective orders after being certified through a training and practice program, victims would benefit by getting legal advice when they need it most—right after the crisis event,” Griffith said in an email interview with The Daily Yonder.

“Victim advocates are often next to talk with the victim after the police. So, I began meeting with experts from across the country on regulatory reform to get a vision for developing the program.”

Together with Hayley Cousin, a recent BYU Law grad who was instrumental in getting CAPP off the ground during her pro bono work with Timpanogos Legal Center, the two began working on CAPP.

“Our first obstacle was that we didn’t have the time or money budgeted to develop the program,” Griffith said. “We connected with Intermountain Healthcare, who generously gave us funds to help us get this program off the ground.”

Griffith said victims in rural areas face obstacles that others may not face, including fewer available resources, conflicts of interests arising more frequently, and everyone knowing everyone in a small community.

Two victim advocates who work in rural areas of the state are Devin Shakespear and Tess Barger.

“Especially in our rural area, we do not have legal services for victims,” said Shakespear, who works in Kane County in southern Utah. The closest city with accessible legal services is an hour and a half away, she noted.

“A lot of victims, you don’t have the time off work, they don’t have childcare, they don’t have transportation at the time. There’s a lot of reasons why they can’t just up and go to the next city where they can access that type of stuff,” Shakespear said.

“So just being able to have that access right here locally, someone that they can call up and meet with within a day – maybe two days, depending on their schedule – just always available and then able to provide that help, I think it’s critical.”

Before CAPP, Shakespear said, people would often ask for her help but she was unable to provide it.

“I wasn’t able to provide them legal advice,” she said, adding: “There are a lot of different types of orders in Utah. And so, someone might come in and be like, ‘Oh, I need a protective order.’ And then they explain their situation. And I know that they actually don’t meet that criteria for a protective order, and they should have applied for, say, a stalking injunction or just a different type of order. But I wasn’t allowed to tell them that prior to the program.”

With the program, once they sign the agreements, she can advise them.

Barger, meanwhile, is the director of Client Services at Seekhaven, a domestic violence service provider located in Moab, Utah, serving both Grand and San Juan counties.

“In my role as a CAPP advocate, I’m able to provide legal advice to victims of abuse, who are determining what their options are and what option is going to be best for them,” Barger said.

“And so I’m able to specifically provide legal advice pertaining to civil orders of protection. And if they are unable to obtain legal representation, I’m also able to support them by assisting them in preparing for hearings that are held in order for them to be able to secure permanent orders of protection.”

This program fills in the gaps as much as possible, she noted.

“What I really see CAPP is doing is serving victims who are needing to navigate the civil protective order process through that trauma-informed lens, which is important in terms of ensuring better outcomes for that individual emotionally, physically ensuring that they feel like they can trust services that are that are designed to support them, and to ensure that they feel validated in their experience,” she added.