

Motherhood march



ELIZABETH LARA/STAFF PHOTOGRAPHER

Sandra Ramos of Strengthen Our Sisters leading a rally outside the Passaic County Courthouse on Friday. Supporters say many battered women lack legal counsel, which means the men who abused them often gain custody of their children.

Fight for legal rights gains urgency

By **ELAINE D'AURIZIO**
STAFF WRITER

Battered women who have lost custody of children to their spouses pleaded for legal help at a demonstration Friday in front of the Passaic County Courthouse.

But their pleas come at a time when Northeast New Jersey Legal Services — in most instances the only provider of legal services for low-income people — has suffered a 20 percent loss of staff to attrition and layoffs

in just the past year. And it still faces major budget cuts and staff reductions.

That didn't daunt some 20 women pushing empty strollers, chanting and holding posters saying "The Court is the Cash Register," "Why are Moms Punished?" and "Children should be seen, heard, believed and protected."

It was the fourth annual Mother's Day demonstration, organized by

Fast facts

Where abused women seeking custody can go for legal help:

■ Northeast New Jersey Legal Services, serving Bergen, Passaic and Hudson counties:

Paterson: 973-523-2900

Hackensack: 201-487-2166

Jersey City: 201-792-6363

■ Shelter Our Sisters: 201-944-9600

■ Strengthen Our Sisters: 973-728-0007

■ Alternatives to Domestic Violence: 201-336-7575

Please see **WOMEN**, A6

The New Jersey Herald News

May 7, 2010

March made on May 6, 2010



ELIZABETH LARA/STAFF PHOTOGRAPHER

Sandra Damrah marching in the Strengthen Our Sisters annual Mother's Day rally in support of battered women who lose custody of their children because they don't have the resources for a legal fight.

Women: Seeking aid for custody cases

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ney, but your ex does, and they can say anything about you and get custody. You can't win."

Administrators of social and legal agencies confirm it's almost impossible for a woman without resources to get publicly provided legal representation in a custody case. And now, with major budget cuts to state-funded Legal Services, the chance is even more remote.

Complicated situation

John Fitzgerald, director of Northeast New Jersey Legal Services programs in Bergen, Passaic and Hudson counties, said custody cases can be "very complicated."

"You can go to court, file on your own without an attorney for custody and visitation, but often one side is in a better financial position, usually the man, to hire an attorney," he said. "Men are the people with access to funds, as well as higher paying jobs. Women are at a definite disadvantage."

Fitzgerald's program has been reduced from a collective staff of 110 attorneys and support personnel to 82 in the past year because of departures and cuts. Last year, it handled 542 custody and visitation cases, but "with the governor's budget cuts, I would expect that number to be reduced by a third,"

Fitzgerald said.

Susan DeJackmo, assistant director and legal director for Alternatives to Domestic Violence in Hackensack, said a custody case is especially straining on resources because it's "very complex: It requires not only legal fees but more often than not, you need evaluations and expert testimony."

DeJackmo said her agency has a domestic violence legal advocacy project that provides pro bono representation for family violence cases, but "we don't go near custody [cases]. There's no way we can give adequate legal representation for child custody. It's more than the attorney's time, there's no money for expert witnesses, no money for evaluations."

Aiva Rivera, legal counsel for the New Jersey Coalition for Battered Women, agreed. "There is a lack of legal representation, absolutely, especially for custody cases," she said. "Services are being cut, and legal services haven't been able to take as many cases as they used to."

She said a few programs take cases. But usually, with money scarce, they have to do simply with restraining orders. On the other hand, "batterers can be very persuasive, present themselves very well."

Attorneys in New Jersey offer free - "pro bono" - public service.

Where to get help

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But, Fitzgerald said, "we typically don't refer out custody cases to pro bono attorneys - they're so time consuming. A custody case can take as little as a couple of hours to several years if trials and appeals are involved."

'Back to begging'

Elaine Myerson, director of Shelter Our Sisters in Bergen County, said the shelter had only a low-fee legal assistance program for family law and immigration from a donation of \$10,000 to \$15,000 for the last five years.

"Now it's back to begging," she said. "Our staff works with some pro-bono attorneys who do a case

or two a year. But women still face a challenge in the court system. They make less than men, and women are faced with insufficient skills and the challenge of the economy to support their children."

Linda Neilson, an attorney who has done pro bono work for Strengthen Our Sisters, said she would like to see more pro bono representation for the women.

"They have no money and can't go into court alone," she said. "They're emotionally upset and can't present themselves in the best light. I have seen women who lost custody who shouldn't have."

Ramos, a professor at William Paterson University and Ramapo College, said she and other women will next go to Washington to present Michelle Obama with "a trend in court rulings that award custody to batterer and child molesters on a regular basis."

She called for sensitivity training for judges "as to the effects and ramifications of abuse as reported by the child to the mother" and for a board to review judicial decision-making. She also argued women should have the right to have advocates join them in court.

Most importantly, she said, "We want lawyers for custody cases. But our pleas are falling on deaf ears."

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