
BILL NO: Senate Bill 148
TITLE: Maryland Legal Services Corporation Funding – Abandoned Property
COMMITTEE: Judicial Proceedings
HEARING DATE: February 2, 2021
POSITION: **SUPPORT**

The Women's Law Center of Maryland (WLC) is a statewide, non-profit legal services provider, dedicated to ensuring the physical safety, the economic security, and the bodily autonomy of women across Maryland. Our direct legal services include representing survivors of domestic violence in protective order hearings, family law matters, and immigration proceedings. The WLC advances its work not only through direct legal representation, but also through statewide educational hotlines and advocacy.

Senate Bill 148 increases the amount of funds that the State Comptroller is required to distribute to the Maryland Legal Services Corporation (MLSC) from the Abandoned Property Fund. Created by the Maryland General Assembly in 1982, MLSC is the primary source of essential funding to organizations that provide civil legal services to low-income Marylanders. In 1984, the General Assembly identified the Abandoned Property Fund as a funding source for MLSC, allocating 17% of the fund's annual revenue to MLSC. The modest increase proposed in SB 148, from \$2,000,000 to \$8,000,000, would still only direct less than 7% of the fund's current revenue. This distribution is the only guaranteed income source for MLSC, and the increase would allow MLSC to continue its important work at a time when other revenue sources have decreased dramatically while the demand for civil legal aid has skyrocketed.

The WLC receives a significant portion of its income from MLSC. Without this funding, we would be unable to answer the calls of nearly 5,000 Marylanders per year on our Family Law and Employment Law Hotlines. Without the funding our Legal Director and other staff would be unable to support the direct representation of survivors of domestic violence as they seek protective orders and divorces against their abusers, or seek to obtain custody of their children or legal status in this country. This is the work we do, free of charge, every day for survivors of domestic violence and it would not be possible without the financial support of MLSC.

Representation in protective order proceedings, as well as divorce and custody hearings, is a significant component of addressing the needs of victims and leads to a greater likelihood of positive outcomes.¹ Studies have found that having an attorney's assistance with legal matters not only helps victims of intimate partner violence achieve greater economic self-sufficiency, but also makes leaving their violent relationships more feasible. In other words, access to legal services has a greater impact on preventing a woman from experiencing continued abuse than

¹ Farmer, Amy and Tiefenthaler, Jill (2003). *Explaining the Recent Decline in Domestic Violence*, 21CONTEMP. EC. POL'Y 158, 13 and *Longitudinal Patterns of Intimate Partner Violence, Risk, Well-Being, and Employment: Preliminary Findings* (with Dutton, Goodman, and Lennig) National Institute of Judicial Proceedings. (2001).

emergency services such as hotlines, shelters, and counseling programs². This is because access to affordable legal services is a determining factor in whether a woman even chooses to file a petition for a protective order—as well as whether her petition is successful³. Most victims lack a basic understanding of the legal system and are therefore unable to competently represent themselves in protective order hearings. Victims may not fully understand all the available remedies and the positive impact of obtaining them. Access to legal services is essential in keeping domestic violence safe, housed, employed, and independent – regardless of their ability to pay or their country of birth. Legal representation at protective order hearings help create economic, housing, and job security for victims and their families.

It is vitally important to secure additional funding for MLSC. MLSC's two major funding sources – the Interest on Lawyer Trust Accounts (IOLTA) program and these surcharges – were significantly reduced by the COVID-19 pandemic due to near zero interest rates and a dramatic decrease in court filings. MLSC currently projects fiscal year 2022 revenue to come in at least \$6 million lower than pre- pandemic levels. The Federal Reserve has indicated they will keep interest rates near zero for several more years, meaning that MLSC cannot rely on IOLTA as a significant source of funding for civil legal aid into the foreseeable future. This in turn creates uncertainty and instability for organizations such as the WLC; without the funding, survivors of domestic violence would be forced to face their abusers alone without access to legal services they so desperately need.

For these reasons, the WLC strongly supports SB 413 and urges a favorable report.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

² Supporting Survivors, The Economic Benefits of Providing Legal Assistance to Survivors of Domestic Violence (Rosenberg, Jennifer S., June 2015). <http://policyintegrity.org/documents/SupportingSurvivors.pdf>, last viewed June 20, 2019.

³ *Id.*