

Victim of Crime Advocate (Expert) Declaration Guidelines on Substantial Abuse¹

All affidavits should include:

* A paragraph providing your “credentials” : your experience with domestic violence, sexual assault, or the crime involved in the U case (how long you’ve worked with victims, how many you’ve served, etc.);

* A paragraph or more describing in detail what the client told you about what she/he experienced, both the crime itself and how it affected the client.

These are the factors the CIS regulations specifically mention

- the nature of the injury,
- the severity of the perpetrator’s conduct,
- the severity of the harm suffered,
- the duration of the infliction of harm,
- any permanent or serious harm to appearance,
- health and physical or mental soundness, and
- any aggravation of a victim’s pre-existing conditions

But they will consider any “impairment” of the client’s “client’s emotional or psychological soundness,” so please identify and explain any evidence you see in the client’s behavior, attitude or description of her experience that would show this. How does this substantially impede the client’s well-being and/or ability to navigate life successfully.

* A paragraph explaining how this was credible to you given your experience with crime victims like the applicant; you can tell the difference between truth and fiction;

For Inadmissibility Waivers: Harm if counseling ended because of deprotection

* A final paragraph describing why the client needs ongoing counseling and the writer’s willingness to provide such counseling. Merely stating she needs counseling is not helpful: provide details on the client and why, based on your experience, this means she needs more counseling and support.

¹ Gail Pendleton, ASISTA Co-Director, prepared this guidance.