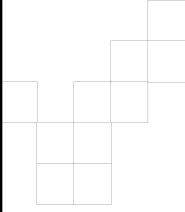




Understanding Domestic Violence


Kathryn Ford

Thursday, January 14, 2010—Buffalo
Friday, January 15, 2010—Syracuse




Understanding Domestic Violence

Kathryn Ford, LMSW
Center for Court Innovation
January 2010



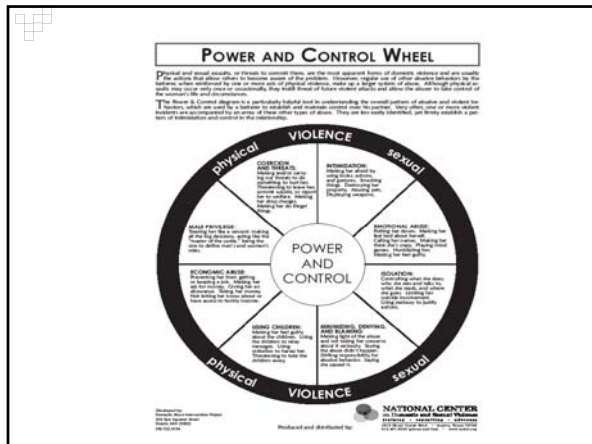
What is Domestic Violence?

Domestic violence is a pattern of abusive behavior - emotional, physical, psychological, financial and/or sexual - that one person in an intimate relationship uses to control the other.




Domestic Violence Statistics

- National crime statistics indicate that about 1 in 4 women will be abused by a partner in her lifetime. (Tjaden, P. & Thoennes, N. 2000. "Extent, Nature & Consequences of Intimate Partner Violence." National Institute of Justice.)
- In 85% of all DV incidents in NYS, the crimes are committed by men against women. (Bureau of Justice Statistics, U.S. Department of Justice, 2005.)
- 32% of women who are killed in the U.S. die at the hands of a male intimate partner. (Rennison, C.M. 2003. "Intimate Partner Violence, 1993-2001". Bureau of Justice Statistics, U.S. Department of Justice.)




Video


- Impact of DV on Adult Victims**
- Post-traumatic stress symptoms:
 - Re-experiencing
 - Avoidance
 - Arousal
 - Depression, anxiety disorders
 - Embarrassment, shame, self-blame
 - Physical injury, stress-related illness
 - Substance abuse
 - Negative outcomes during pregnancy

 **How Victims May Present**


- Effects of trauma and PTSD:
 - Flat, volatile or inappropriate emotions
 - Memory difficulties, fragmented stories
- May have other mental health or substance abuse problems
- May fear retaliation → self-censoring or false statements
- May feel intimidated by court process, lack legal information or resources
- Fear of being judged, blamed, kids removed

 **Barriers to Leaving & Help-Seeking**


- Effects of trauma
- Relationship with the batterer
- Children
- Economic issues
- External & cultural pressures
- Isolation from sources of support
- Past experiences
- Physical or logistical challenges
- Continuing danger & fear

 **Who Abuses Their Partner?**


- Batterers come from all walks of life
- Battering is a learned behavior
- DV offenders may also abuse children
- Battering rarely stops when the victim leaves the relationship → it may escalate post-separation
- Researchers' efforts to identify common characteristics have been unsuccessful

 **Common Behavior Patterns of Abusers**

- Minimization & denial
- Blame victim for abuse & violence
- Rule-making
- Rigid gender roles
- Hostility toward women
- Often see abuse & violence as justifiable
- Controlling of women and children

 **How Abusers May Present**

- Charming, calm, insightful, emotionally wounded, respectable
- As the more stable parent
- May have greater financial resources & more extensive legal representation
- May manipulate systems, inc. courts, to exert power & control
- May blame other party for problems while ignoring their abusive behavior

 **DV Perpetration & Substance Abuse**

- The 2 issues are correlated but one doesn't cause the other
- Responding to substance abuse involves rehabilitation & expectation of relapse
- Responding to DV involves holding offenders accountable for their behavior & supporting victim safety
 - No effective "treatments" for DV perpetration have been identified



Assessing Risk

- Risk Assessments: To use or not to use? By whom?
- Ask questions, but recognize limits
- Can use risk factors as “red flags,” but remember that all cases are potential homicides → HANDLE WITH CARE!




Common Factors Associated with Increased Risk

- History & escalation of violence
- Past violation of OP or Probation
- Access to guns
- Use of weapons in a DV incident
- Threats to kill
- Threats of suicide
- Abuse during pregnancy




Common Factors Associated with Increased Risk, cont.


- Drug or alcohol abuse
- Sexual violence or abuse
- Extreme jealousy/stalking
- Physical abuse of child
- Threats/injury to pet
- History of violent crime outside family

 **Screening & Assessment**

- What issues do you and your partner fight about & how do these arguments end?
- Who makes most of the decisions?
- Do you ever feel isolated or controlled by your partner? Does your partner call you names, put you down or humiliate you?
- Who controls the money and finances in the family? Has your partner ever taken your money or kept you from working?

 **Screening & Assessment, cont.**

- Do you ever feel afraid of your partner, or think you might be in danger?
- Has your partner ever threatened to hurt you or your children?
- Has your partner ever physically hurt you?
- Has your partner ever threatened or hurt any animals?
- Has your partner ever forced you to engage in sexual activities when you didn't want to?

 **Other Sources of Information**

- School personnel & educational records
- Police & court documents
- CPS records
- Family members & parents' former partners
- Previous evaluations, inc. Probation
- Mental health providers
- DV agencies & advocates
- Medical records

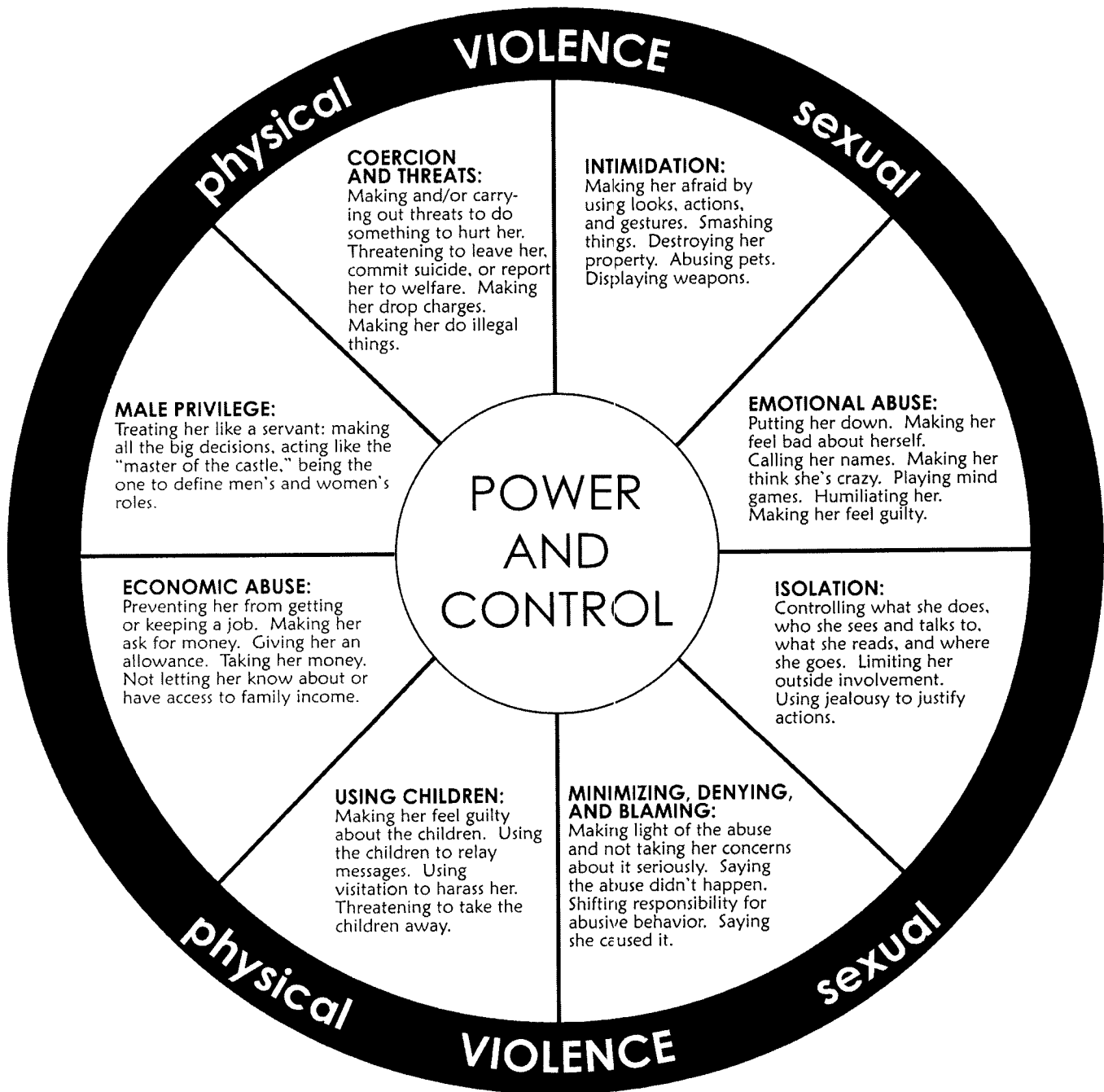


Questions?

POWER AND CONTROL WHEEL

Physical and sexual assaults, or threats to commit them, are the most apparent forms of domestic violence and are usually the actions that allow others to become aware of the problem. However, regular use of other abusive behaviors by the batterer, when reinforced by one or more acts of physical violence, make up a larger system of abuse. Although physical assaults may occur only once or occasionally, they instill threat of future violent attacks and allow the abuser to take control of the woman's life and circumstances.

The Power & Control diagram is a particularly helpful tool in understanding the overall pattern of abusive and violent behaviors, which are used by a batterer to establish and maintain control over his partner. Very often, one or more violent incidents are accompanied by an array of these other types of abuse. They are less easily identified, yet firmly establish a pattern of intimidation and control in the relationship.



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 Domestic Abuse Intervention Project
 202 East Superior Street
 Duluth, MN 55802
 218.722.4134

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NATIONAL CENTER
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training • consulting • advocacy
 4612 Shoal Creek Blvd. • Austin, Texas 78756
 512.407.9020 (phone and fax) • www.ncdsv.org



DOMESTIC VIOLENCE FACTS

WHY IT MATTERS

Domestic violence is the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic affecting individuals in every community, regardless of age, economic status, race, religion, nationality or educational background. Violence against women is often accompanied by emotionally abusive and controlling behavior, and thus is part of a systematic pattern of dominance and control. Domestic violence results in physical injury, psychological trauma, and sometimes death. The consequences of domestic violence can cross generations and truly last a lifetime.

DID YOU KNOW?

- ◇ **One in every four women** will experience domestic violence in her lifetime.¹
- ◇ An estimated **1.3 million women** are victims of physical assault by an intimate partner each year.²
 - ◇ 85% of domestic violence victims are women.³
- ◇ Historically, females have been most often victimized by **someone they knew**.⁴
- ◇ Females who are **20-24 years of age** are at the greatest risk of nonfatal intimate partner violence.⁵
 - ◇ Most cases of domestic violence are never reported to the police.⁶

CHILDREN WHO WITNESS

- Witnessing violence between one's parents or caretakers is the strongest risk factor of transmitting violent behavior from one generation to the next.⁷
- Boys who witness domestic violence are *twice as likely* to abuse their own partners and children when they become adults.⁸
- 30% to 60% of perpetrators of intimate partner violence also abuse children in the household.⁹

SEXUAL ASSAULT AND STALKING

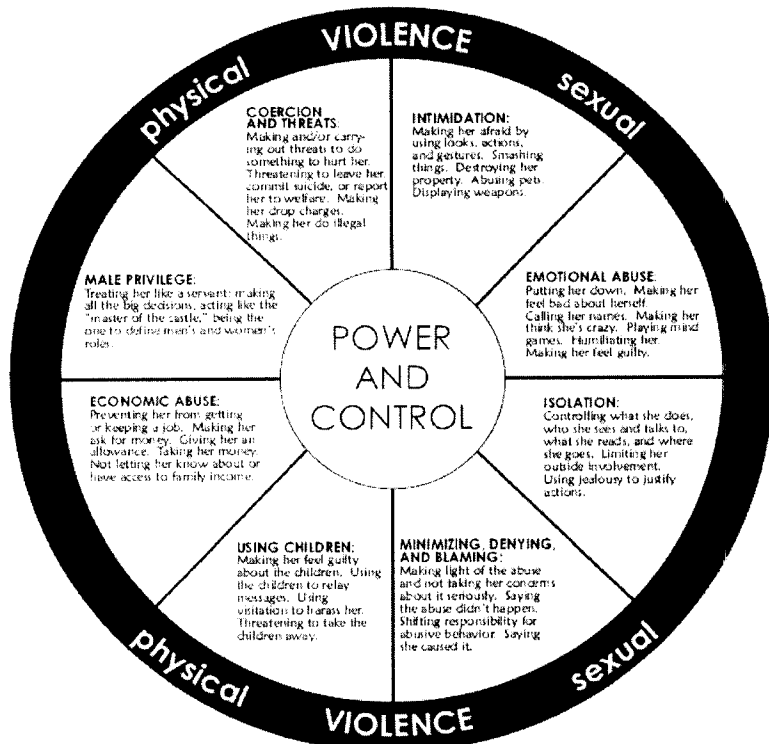
- ≈ **One in 6 women and 1 in 33 men** have experienced an attempted or completed rape.¹⁰
- ≈ Nearly **7.8 million women** have been raped by an intimate partner at some point in their lives.¹¹
- ≈ Sexual assault or forced sex occurs in approximately 40-45% of battering relationships.¹²
- ≈ 1 in 12 women and 1 in 45 men have been stalked in their lifetime.¹³
- ≈ 81% of women stalked by a current or former intimate partner are also physically assaulted by that partner; 31% are also sexually assaulted by that partner.¹³

HOMICIDE AND INJURY

- ⇒ Almost **one-third of female homicide victims** that are reported in police records are killed by an intimate partner.¹⁴
- ⇒ In 70-80% of intimate partner homicides, no matter which partner was killed, the man physically abused the woman before the murder.¹²
- ⇒ **Less than one-fifth** of victims reporting an injury from intimate partner violence sought medical treatment following the injury.¹⁵
- ⇒ Intimate partner violence results in more than **18.5 million mental health care visits** each year.¹⁶

ECONOMIC IMPACT

- √ The cost of intimate partner violence **exceeds \$5.8 billion each year**, \$4.1 billion of which is for direct medical and mental health services.¹⁷
- √ Victims of intimate partner violence *lost almost 8 million days of paid work* because of the violence perpetrated against them by current or former husbands, boyfriends and dates. This loss is the equivalent of more than **32,000 full-time jobs** and a most **5.6 million days of household productivity** as a result of violence.¹⁷
- √ There are **16,800 homicides and \$2.2 million (medically treated) injuries** due to intimate partner violence annually, which costs \$37 billion.¹⁸



REPORTING RATES

- * Domestic violence is one of the most chronically underreported crimes.²⁰
- * Only approximately one-quarter of all physical assaults, one-fifth of all rapes, and one-half of all stalkings perpetuated against females by intimate partners are reported to the police.¹

PROTECTION ORDERS

- * Approximately 20% of the 1.5 million people who experience intimate partner violence annually obtain civil protection orders.¹
- * Approximately one-half of the orders obtained by women against intimate partners who physically assaulted them were violated.¹ More than two-thirds of the restraining orders against intimate partners who raped or stalked the victim were violated.

STATE DOMESTIC VIOLENCE LAWS

- States differ on the type of relationship that qualifies under domestic violence laws.
- Most states require the perpetrator and victim to be current or former spouses, living together, or have a child in common.
- A significant number of states include current or former dating relationships in domestic violence laws.
- Delaware, Montana and South Carolina specifically exclude same-sex relationships in their domestic violence laws.

To find more information on the domestic violence laws in your state, visit www.womenslaw.org.

IF YOU NEED HELP

For more information or to get help, please call:
THE NATIONAL DOMESTIC VIOLENCE HOTLINE at 1-800-799-7233
THE NATIONAL SEXUAL ASSAULT HOTLINE AT 1-800-656-4673
THE NATIONAL TEEN DATING ABUSE HOTLINE AT 1-866-331-9474

SOURCES

7/07

- ¹Tjaden, Patricia & Thoennes, Nancy. National Institute of Justice and the Centers of Disease Control and Prevention. "Extent, Nature and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey." (2000).
- ²Costs of Intimate Partner Violence Against Women in the United States. 2003. Centers for Disease Control and Prevention, National Centers for Injury Prevention and Control. Atlanta, GA.
- ³Bureau of Justice Statistics Crime Data Brief, *Intimate Partner Violence, 1993-2001*, February 2003.
- ⁴U.S. Department of Justice, Bureau of Justice Statistics. "Criminal Victimization, 2005." September 2006.
- ⁵U.S. Department of Justice, Bureau of Justice Statistics. "Intimate Partner Violence in the United States," December 2006.
- ⁶Frieze, I.H., Browne, A. (1989) Violence in Marriage. In L.E. Ohlin & M. H. Tonry (eds.) *Family Violence*. Chicago, IL: University of Chicago Press.
- ⁷Break the Cycle (2006). *Startling Statistics*. http://www.breakthecycle.org/html%20files/L_4_startstat.htm.
- ⁸Strauss, Gelles, and Smith. "Physical Violence in American Families: Risk Factors and Adaptations to Violence" in *8,115 Families*. Transaction Publishers (1990).
- ⁹Edelson, J.L. (1999). "The Overlap Between Child Maltreatment and Woman Battering." *Violence Against Women*. 5:134-154.
- ¹⁰U.S. Department of Justice. "Prevalence, Incidence, and Consequences of Violence Against Women," November 1998.
- ¹¹Costs of Intimate Partner Violence Against Women in the United States. 2003. Centers for Disease Control and Prevention, National Centers for Injury Prevention and Control. Atlanta, GA.
- ¹²Campbell, et al. (2003). "Assessing Risk Factors for Intimate Partner Homicide." *Intimate Partner Homicide*, *NIJ Jour*, 250, 14-19. Washington, D.C.: National Institute of Justice, U.S. Department of Justice.
- ¹³Tjaden, Patricia & Thoennes, Nancy. (1998). "Stalking in America." National Institute for Justice.
- ¹⁴Federal Bureau of Investigation, *Uniform Crime Reports* "Crime in the United States, 2000." (2001).
- ¹⁵U.S. Department of Justice, Bureau of Justice Statistics. "Intimate Partner Violence in the United States," December 2006.
- ¹⁶Costs of Intimate Partner Violence Against Women in the United States. 2003. Centers for Disease Control and Prevention, National Centers for Injury Prevention and Control. Atlanta, GA.
- ¹⁷Tjaden, Patricia & Thoennes, Nancy.
- ¹⁸Costs of Intimate Partner Violence Against Women in the United States. 2003. Centers for Disease Control and Prevention, National Centers for Injury Prevention and Control. Atlanta, GA.
- ¹⁹The Cost of Violence in the United States. 2007. Centers for Disease Control and Prevention, National Centers for Injury Prevention and Control. Atlanta, GA.
- ²⁰U.S. Department of Justice, Bureau of Justice Statistics. "Family Violence Statistics," June 2005.
- ²¹U.S. Department of Justice, Bureau of Justice Statistics. "Criminal Victimization," 2003.
- For more information, please visit our website at www.ncadv.org.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE



The Public Policy Office of the National Coalition Against Domestic Violence (NCADV) is a national leader in the effort to create and influence Federal legislation that positively affects the lives of domestic violence victims and children. We work closely with advocates at the local, state and national level to identify the issues facing domestic violence victims, their children and the people who serve them and to develop a legislative agenda to address these issues. NCADV welcomes you to join us in our effort to end domestic violence.

American Bar Association
Commission on Domestic Violence

10 Myths about Custody and Domestic Violence and How to Counter Them

Attorneys who represent victims of domestic violence in custody matters often encounter the following false claims. To assist with overcoming these myths, the ABA Commission on Domestic Violence provides these facts and statistics for use in litigation.

MYTH 1: Domestic violence is rare among custody litigants.

- Studies show that 25-50% of disputed custody cases involve domestic violence.

S.L. Keilitz, National Center for State Courts, Domestic Violence and Child Custody Disputes: A Resource Handbook for Judges and Court Managers (1997); J.R. Johnston, High-Conflict Divorce, 4 *Future of Children* 165 (1994).

MYTH 2: Any ill effects of domestic violence on children are minimal and short-term.

- "Children who are exposed to domestic violence may show comparable levels of emotional and behavioral problems to children who were the direct victims of physical or sexual abuse."

Jaffe, Wolfe & Wilson, Children of Battered Women (1990).

- Adverse effects to children who witness DV are well-documented, including aggressive behavior, depression, and/or cognitive deficiencies.

Morrill, Dai, Dunn, Sung & Smith, Child Custody and Visitation Decisions When the Father Has Perpetrated Violence Against the Mother, 11(8) *Violence Against Women* 1076-1107 (2005); Jeffrey L. Edleson, Problems Associated with Children's Witnessing of Domestic Violence, (1999), available at http://www.vawnet.org/DomesticViolence/Research/VAWnetDocs/AR_witness.php

- A continuing study by the CDC has shown a significant relationship between exposure to "adverse childhood experiences" (including witnessing domestic violence) and development of adult health problems, including pulmonary disease, heart disease, hepatitis, fractures, obesity, and diabetes (not to mention IV drug use, alcoholism, sexually transmitted diseases and depression).

<http://www.acestudy.org/>

<http://www.cdc.gov/od/oc/media/pressrel/r980514.htm>

MYTH 3: Mothers frequently invent allegations of child sexual abuse to win custody.

- Child sexual abuse allegations in custody cases are rare (about 6%), and the majority of allegations are substantiated (2/3).

Thoennes & Tjaden, The Extent, Nature, And Validity Of Sexual Abuse Allegations In Custody And Visitation Disputes, 14(2) *Child Sexual Abuse & Neglect* 151-63 (1990).

- False allegations are no more common in divorce or custody disputes than at any other time.

Brown, Frederico, Hewitt, & Sheehan, Revealing The Existence Of Child Abuse In The Context Of Marital Breakdown And Custody And Access Disputes, 24(6) *Child Abuse & Neglect* 849-85 (2000).

- Among false allegations, fathers are far more likely than mothers to make intentionally false accusations (21% compared to 1.3%)

Bala & Schuman, Allegations of Sexual Abuse When Parents Have Separated, 17 *Canadian Family Law Quarterly* 191-241 (2000).

MYTH 4: Domestic violence has nothing to do with child abuse.

- A wide array of studies reveal a significant overlap between domestic violence and child abuse, with most finding that *both* forms of abuse occur in 30-60% of violent families.

Appel & Holden, The Co-Occurrence of Spouse and Physical Child Abuse: A Review and Appraisal, 12(4) *Journal of Family Psychology* 578-599 (1998).

- Other studies have shown intimate partner violence ("IPV") to be a strong predictor of child abuse, increasing the risk from 5% after one act of IPV to 100% after 50 acts of IPV.

S.M. Ross, Risk of Physical Abuse to Children of Spouse Abusing Parents, 20(7) *Child Abuse & Neglect* 589-98 (1996).

MYTH 5: Abusive fathers don't get custody.

- Abusive parents are more likely to seek sole custody than nonviolent ones...

American Psychological Association, Violence And The Family: Report Of The American Psychological Association Presidential Task Force On Violence And The Family, (1996), available at <http://www.apa.org/pi/viol&fam.html>

- ...and they are successful about 70% of the time.

American Judges Foundation, Domestic Violence and the Court House: Understanding the Problem... Knowing the Victim, available at <http://ajf.ncsc.dni.us/domviol/page5.html>

- Allegations of domestic violence have no demonstrated effect on the rate at which fathers are awarded custody of their children, nor do such allegations affect the rate at which fathers are ordered into supervised visitation. (i.e. abusers win unsupervised custody and visitation at the same rate as non-abusers)

Kernic, Monary-Ernsdorff, Koepsell & Holt, Children In The Crossfire: Child Custody Determinations Among Couples With A History Of Intimate Partner Violence 11(8) *Violence Against Women*, 991-1021 (2005)

MYTH 6: Fit mothers don't lose custody.

- Mothers who are victims of DV are often depressed and suffering from post-traumatic stress disorder, and as a result, can present poorly in court and to best-interest attorneys and/or custody evaluators.

J.M. Golding, Intimate Partner Violence As A Risk Factor For Mental Disorders: A Meta-Analysis, 14 *Journal of Family Violence* 99-132 (1999); Kernic, Monary-Ernsdorff, Koepsell & Holt, Children In The Crossfire: Child Custody Determinations Among Couples With A History Of Intimate Partner Violence 11(8) *Violence Against Women* 991-1021 (2005)

MYTH 7: Parental Alienation Syndrome ("PAS") is a scientifically sound phenomenon.

- The American Psychological Association has noted the lack of data to support so-called "parental alienation syndrome," and raised concern about the term's use.

American Psychological Association, Violence And The Family: Report Of The American Psychological Association Presidential Task Force On Violence And The Family, (1996), available at <http://www.apa.org/releases/passyndrome.html>

MYTH 8: Children are in less danger from a batterer/parent once the parents separate.

- Many batterers' motivation to intimidate and control their victims through the children *increases* after separation, due to the loss of other methods of exerting control.

Lundy Bancroft & Jay Silverman, The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics (2002); Langford, Isaac & Kabat, Homicides Related to Intimate Partner Violence in Massachusetts 1991-1995, *Peace at Home* (1999).

MYTH 9: Parents who batter are mentally ill, OR Parents with no evidence of mental illness cannot be batterers.

- Mental illness is found only in a minority of batterers.

Gondolf, MCMI-III Results for Batterer Program Participants in Four Cities: Less "Pathological" Than Expected, 14(1) *Journal of Family Violence* 1-17 (1999); Gelles R. & Straus M, Intimate Violence (1988) [reporting that mental illness accounts for only 10% of abusive incidents].

- Psychological testing is not a good predictor of parenting capacity.

Brodzinsky, On the Use and Misuse of Psychological Testing in Child Custody Evaluations, 24(2) *Professional Psychology: Research and Practice* 213-219 (1994).

- Mental health testing cannot distinguish a batterer from a non-batterer.

O'Leary, Through a Psychological Lens: Personality Traits, Personality Disorders, and Levels of Violence, in Current Controversies on Family Violence 7-30 (Gelles & Loseke, eds., 1993).

MYTH 10: If a child demonstrates no fear or aversion to a parent, then there is no reason not to award unsupervised contact or custody.

- Children can experience "traumatic bonding" with a parent who abuses the child or their other parent, forming unusually strong but unhealthy ties to a batterer as a survival technique (often referred to as "Stockholm Syndrome").

Lundy Bancroft & Jay Silverman, The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics, 39-40 (2002); Herman, Trauma and Recovery (1992).

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