Social Justice Implications of Domestic Violence Court Processes
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With the legal system in the United States being used increasingly to protect domestic violence victims and to promote social justice, it is critical to examine the effectiveness of this intervention. This article discusses civil court processes and outcomes for a Unified Domestic Violence Court with an emphasis on the social justice and economic impact on families experiencing domestic violence. Data were gathered and analysed as a means for evaluating court processes, programmatic interventions, resources, and policies. The findings suggest that this particular court system may be failing to protect citizens, responding inequitably, and underutilizing existing resources.

Keywords: Abuse; courts; domestic violence; Florida; United States of America

Introduction

Domestic violence intervention policy has been legislated in over 44 countries around the world (UNICEF 1997). A key initiative in this respect was the United Nations (UN) passage of the Elimination of Violence Against Women Declaration in 1993. In the United States, the Violence Against Women Act of 1994 and its reauthorisation in the Violence Against Women Act of 2000 (P.L. 106–386) served as a catalyst for nationwide implementation of policy changes designed to respond to domestic violence. The legislative responses have amended definitions, expanded civil and criminal court remedies, included child witnesses to domestic violence incidents, and addressed custody of children, among others (National Council 2006). These changes occurred despite little knowledge about their social and economic implications or evidence about the effectiveness of these legislative interventions on the lives of domestic violence victims and their families (Danis 2003). In order to promote social justice and to protect domestic violence victims in the most equitable manner for all citizens (Mills 1998; Reamer 1993), it is essential to evaluate the impact of existing court processes and services.
This study provides a broad overview of civil court interventions and domestic violence in the US. It also focuses on the social implications of such interventions by using findings from a specialised domestic violence civil court. The Domestic Violence Unified Family Court (DV Court) in northwest Florida features a coordinated community response within the civil court system. That response is designed to provide services to domestic violence victims, perpetrators, and their families. This study examines whether the court’s intervention and service provision are applied equitably to all who come before the court.

Defining Violence

Domestic violence occurs between and among all population groups, including children, adults and elders. Depending on one’s definition, it may encompass actions which range from a meaningful facial expression used to control a person to physical or sexual contact and, at the most extreme, incorporates injury and murder (Gelles 1997). Rarely does one form of domestic violence occur in isolation (Barnett and LaViolette 1993; Barnett et al 1997) and emotional abuse typically occurs more frequently than physical abuse (Walker 1979). However, researchers usually limit their operational definitions of violence and their population to either child, adult, or elder groups (Crowell and Burgess 1996; Tjaden and Thoennes 2000). Within a selected population group, researchers more specifically define actions to include those that are threatening – such as verbal threats, the destroying of prized possessions or objects, the injuring of family pets, or the monitoring or limiting of victim activity (Barnett and LaViolette 1993) – and those that cause physical injury (such as injuring with an object or direct physical assault) (Buzawa and Buzawa 1996). Gelles (1997) refined typologies of violence to include those that are within the ‘normal’ range used within families as a part of child-rearing or spouse interactions and those that could be considered ‘abusive’. Other researchers have specifically included sexual assault in their definitions of violence (Barnett and LaViolette 1993; Pleck 1987; Tjaden and Thoennes 2000).

Incidence

As with other attempts to capture the extent of private or socially undesirable behaviour, attempts to identify the incidence and prevalence of domestic violence are complicated by the social fabric of communities which make it difficult to readily identify domestic violence victims and perpetrators. This is true not only across the US, but globally. Frequently, victims and perpetrators minimise the level of abuse in their daily lives until such time as the violence escalates to the point where they seek shelter or there is a law enforcement intervention (Barnett and LaViolette 1993). Thus, to define the prevalence of domestic violence in the US, researchers rely upon a number of sources. These include data from the National Family Violence Survey (Gelles 1997), samples drawn from shelter victims (Pleck 1987; Wolfe et al 2003) and national crime data (Bachman and Saltzman 1995;
Rennison and Welchans 2000). However, the more recently administered National Violence Against Women Survey (Tjaden and Thoennes 2000), conducted by the US Department of Justice, does not rely on crime data. Instead, it uses a randomly drawn sample of 16,005 men and women in the United States. In measuring violence, researchers typically use the original or a modified version of the Conflict Tactics Scale (Straus 1979). This produces differing results. Similarly, the National Crime Victimization Survey has been modified over the years to include more behaviourally specific questions such as ‘have you been hit?’ rather than ‘have you been abused?’ This shift is designed to more accurately capture the extent of violence (Bachman and Saltzman 1995).

In the National Violence Against Women Survey, the prevalence and incidence of physical violence by an intimate partner during one’s lifetime was reported by 22.1% of women and 7.4% of men (Tjaden and Thoennes 2000). The annual victimisation rate based upon assaults in the year prior to the survey interview was 44.2 per thousand for women age 18 and older and 31.5 per thousand for men in the same age group. In comparison, the 1985 National Family Violence Survey found that 34 women per thousand were victims of intimate partner violence in the year prior to the survey (Gelles 1997). In further contrast, the data drawn from crime survey (Rennison and Welchans 2000) found that 7.5 women per thousand and 1.5 men per thousand were victims of intimate partner violence. Notably, the data drawn from the crime survey found that only 59% of women reported the violence to law enforcement officers. Clearly, looking at this divergent data, there is a major issue for practitioners and policy-makers when determining the reliability of any estimates that are being used.

Causation

Given that we do not have one causal theory for domestic violence, it is no surprise that interventions to solve the problem vary according to theoretical perspective. Most theoretical perspectives focus upon either the individual or the structure of society. Those perspectives which explain the use of violence from the individual level include biological, psychological, or social learning theories. Biological explanations, such as head trauma, chemical reactions, or genetic evolution, explain some violence, but clearly fail to explain the selective use of violence by men towards women (Dutton 1998). Early research that identified the psychological characteristics of domestic violence victims and offenders (Bograd 1988; Dobash and Dobash 1979; Walker 1979) focused intervention strategies on changing the individual perpetrator (Thorne-Finch 1982). However, this also led, in some cases, to victim blaming (Davis and Hagen 1992; Murphy-Milano 1996; Stalans and Lurigio 1995).

The social learning perspective suggests that both men and women learn that the use of violence has positive and negative consequences (Bandura 1973) and that both sexes are capable of violence. In this light, it is important to note that the societal structure in the US can be seen to support the use of violence (Bograd 1988), enabling men to learn that violence towards women is effective and that they can get
away with it (Gelles 1997). Thus, interventions based upon the social learning perspective, eg batterer’s groups or children’s services, focus on unlearning what was learned about the use of violence as a child or an adult.

Theories that focus on the structure of society to explain domestic violence naturally focus on societal interventions of one kind or another. The feminist perspective, drawing on the experiences of women in shelters, has helped to shift the focus from the individual characteristics of women to the structures of society that ‘force’ women to stay in abusive relationships (Buzawa and Buzawa, 1996; Thorne-Finch 1992). One of the societal institutions targeted by feminist groups, in all countries, is the legal and criminal justice system.

This, combined with the influence of social exchange and interactionist theories (Collins 1994; Tedeschi and Felson 1994), helps explain the increasing use of the legal system, in each state of the US, as an intervention tool. For example, the threat of an arrest or an incarceration for a domestic violence incident may raise the stakes to a level at which the cost of using violence in the home is too high for perpetrators. The threat therefore becomes a meaningful deterrent (Tolman 1996). Grounded in these theories, civil courts seek to deter the use of violence through protection orders and the threat of incarceration for violating the order, thus attempting to meet the wider societal obligation to protect citizens from harm (Reamer 1993).

**Court Interventions**

The use of civil courts in the United States is primarily to obtain ‘the injunction, a court order to do something or to refrain from doing something. This civil remedy for injured parties is usually called a restraining order or protective order’ (Commission on Civil Rights 1982: 5). Prior to the 1970s, an injunction was often available to an abused woman only when she sought a divorce or legal separation (Fagan 1996; Zorza 1992). In addition to limiting this form of relief to married persons, there was confusion over enforcement of an injunction and its applicability in domestic violence cases. The language in the injunctions regarding ‘who was covered’, ‘what type of behaviour was prohibited’, and ‘which agency would enforce the order’ was often vague and contradictory. Because of these issues, in 1976, individual states began legislating for protective orders in relation to domestic violence (Klein 2004).

Since 1976, each state has modified existing statutes to include special provisions for the victim and perpetrator (Klein 2004), to expand the relationships covered, the prohibited behaviours, jurisdiction, and the consequences for violations (National Council 2006). Victims of domestic violence (ie petitioners) seeking civil injunctions frequently first learn of this option following contact with law enforcement personnel (Danis 2003).

Because the legal system is involved, the creation of specialised or unified courts is supported by social interaction or deterrent theories, but is more in keeping with intervention strategies that are based upon a systems or ecological perspective (Germain 1985; 1991). This perspective uses a holistic approach that recognises the
interaction among community agencies. Special courts are based upon the coordinated community response model developed in Duluth, Minnesota (Paymar 1993). The model includes a united intervention effort from law enforcement, legal, medical, judicial, and victim services organisations. Using the civil court process, rather than criminal court process, places more control of the process in the hands of the petitioner and decreases the likelihood that the perpetrator will lose their job because of criminal charges, a fact that may help maintain financial support within the family (Lockie 2005).

Overall, there appears to be a ‘one-size fits all’ approach to court interventions. While research supports that some community resources are needed for victims and children who experience domestic violence, it is unclear which interventions, if any, are actually having an impact on domestic violence (Crowell and Burgess 1996). With regard to policy elsewhere in the world, there has not yet been a single comprehensive measure of effectiveness (Gosselin 2005; Keltosova 2002, as cited in Gosselin 2005). Although, in the United States treatment through men’s groups is the most prevalent form of court ordered intervention for offenders, researchers note a dearth of outcome studies that compare men’s group treatment (Brannen and Rubin 1996; Crowell and Burgess 1996; Edelson 1996). Moreover, other researchers suggest that there may be typologies of domestic violence perpetrators who may not benefit from such group intervention (Gottman et al 1995; Winstok et al 2002). There is clearly a gap in existing research about the effectiveness of such intervention programmes (Brannen and Rubin 1996; Crowell and Burgess 1996; Edelson 1996; Thorne-Finch 1992). However, there is some evidence that couple-based interventions may have positive outcomes (Stith et al 2003; 2004).

Also, rather than treatment modality, low attendance and completion rates for such interventions are frequently mentioned as the biggest determinants of further use of violence by perpetrators. Thorne-Finch (1992) reported that dropout rates for men’s intervention programmes in the US range from 50 to 75% and increase as the duration of the programme lengthens. The high dropout rate, combined with the lack of treatment outcome studies, may conceal a high number of offenders who are most at risk of committing violent incidents again with the same or a new partner. The treatment participation rates are directly related to the level of monitoring for repeated incidents of violence during and after treatment.

Two more recent studies of ‘batterer’ programmes in Broward County, Florida and Brooklyn, New York, suggest that, as is the case with mandatory arrest policies in domestic violence (Sherman and Berk 1984), programmes have differing effects, if any at all, based upon offender characteristics (National Institute 2003). For example, offenders who attended such programmes in Broward County were less likely to use physical violence again if they were married, employed or owned a home. Actually being a part of the programme showed no effect on the use of violence. The Brooklyn programmes found that those who attended more sessions of the programme – an eight-week versus a 24-week programme – were less likely to commit a subsequent incident. Interestingly, neither study showed any effect on changing attitudes and
both point out the difficulty of evaluating effectiveness because of high drop out rates and inexact tools for measuring changes in attitudes.

Other research suggests that treatment and arrest may have a different impact on certain types of offenders. Gottman et al (1995) conducted research about the physiological responses of offenders in domestic conflicts. They found that offenders display two types of physiological responses during conflict with their partners. The conflict was limited to verbal, not physical exchanges. One type of offender showed an increase in physiological arousal symptoms during conflicted exchanges with their partner; the other type showed a decrease in arousal symptoms. Those offenders with a decrease in arousal symptoms typically had previous encounters with law enforcement in other areas of their life, besides domestic violence.

The Domestic Violence Unified Family Court

The study considered here examined civil court structure and processes to determine whether the court was intervening in an equitable manner and if the court actions were having the desired impact in providing support for families to remain intact and stable, intervening with children who witnessed or experienced violence, and assuring that domestic violence perpetrators are recommended to specific treatments or programmes.

Following a coordinated community response model when an individual seeks a civil injunction, the Domestic Violence Unified Family Court (DV Court) intervenes and provides services to families in cases of domestic violence. In the state of Florida, any citizen petitioning the court for a domestic violence injunction does so within the following Florida Statute 741.29(1)(b) definition of domestic violence:

any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

(Criminal Justice, 2003, para. 1)

Data were obtained from each case adjudicated from 1 January to 31 December 2003 in one DV Family Court in Florida. Temporary injunction forms and court records following adjudication provided the study data. Demographic data on the victims (petitioners) and offenders (respondents) were collected, including data on the victim-offender relationship. Information regarding whether the case involved a child, as well as other incident-level information, was also recorded. Services mandated by the court (eg ‘batterers intervention’) and other services utilised (eg victim advocates), as well as the court disposition, were collected. Descriptive statistics are presented. These highlight victim, perpetrator, and incident-level characteristics, in addition to court-related processes and outcomes. Tests of significance were used to explore whether there were differences across demographic variables (eg income), incident-level variables (eg threat to child), and the court disposition (eg attorney present).
Discussion

Demographics

There were 997 petitioners who sought a civil injunction from the Unified Family Court from 1 January 2003 to 31 December 2003. The characteristics of the petitioners are consistent with national data as well as with population demographics for the county (U.S. Census Bureau 2000). Although 50.2% of the county population is female, 85.3% of petitioners for domestic violence protection orders were female. Petitioners reflected the county demographics; 89.9% were White, 4.5% were Black.

In comparison, the income and education levels of petitioners were lower than county averages. This has important implications for the court’s ability to intervene equitably. The average age of petitioners was 34.6 years and that of respondents was 36.5 years, with nearly 30% of all petitioners being under 30. The profile of those petitioners in the 18 to 30 age range is comparable with that drawn from national statistics and is that of those who are typically most at risk (Tjaden and Thoennes 2000).

Approximately 34% of the petitioners were between the ages of 18 and 30. Interestingly, 13.5% of the petitioners were at least 46 years of age or older. ‘On behalf of minor’ cases (ages 0–17) accounted for 4.3% of all petitioners. It is worth noting that 82.3% of all petitioners represented ‘parenting year’ cases in terms of age range; that is 82.3% of petitioners are between 18 and 45 years old. Meanwhile, a third of all respondents (34%) fall into the highest age risk categories, ie women who are under 30 years old.

The education level of those involved was not as high as that of the county as a whole; 76.7% of petitioners and 67.7% of respondents had a high school education or more. Petitioners in 39% of the cases had from one to four children. The median income was $800 per month. This median also reflects income from public assistance or child support because only 50.6% of petitioners reported working either full- or part-time. If one considers $800 to be the cut-off for minimum wage workers, then 316 petitioners (316/630 = 50.2%) with known incomes made a monthly wage less than the minimum wage. Of those petitioners who responded, approximately 17% reported no monthly income and 173 (17.4%) disclosed that they were currently receiving welfare assistance.

The compounding effects of caring for children, having less than a high school education and having a low income severely limit the options available for those petitioners who seek to leave an abusive relationship. These findings are consistent with other research detailing why victims reunite with perpetrators (Barnette and LaViolette 1993). Financial need becomes a primary factor in deciding to return to an abusive home. Even if the unemployed petitioners were able to obtain employment, given that nearly one-quarter of them do not have a high school diploma it is unlikely that they would be able to work for wages that would provide for childcare costs and still provide for living expenses. Furthermore, the courts cannot mandate long-term services for petitioners when such services do not exist. Thus, community leaders and
policy-makers need to identify resources and services that will counteract the strong financial attraction of the abusive family situation and decrease financial inequity.

Most of the incidents of domestic violence in this analysis involved family member relationships. The family relationship between the petitioner and respondent indicate that two thirds (66.8%) of the domestic violence cases involve active relationships, ie spouse, intimate, or having a child in common; of the remainder, 16% involved domestic violence incidents in couples who had continued contact as ‘ex’s’, but who were no longer involved in intimate relationships. This overall figure for domestic violence involving active relationships is consistent with 64% found in national data (Tjaden and Thoennes 2000).

Specific Incidents of Violence

To determine if the court is intervening equitably, it is critical to identify characteristics about the specific incident of violence that ‘brought’ the petitioner to the civil court. This section outlines findings about the use of objects, whether alcohol or drugs were involved, and whether children were at home during the domestic violence incident:

- 326 (32.7%) petitioners stated that alcohol was involved in the incident that brought the petitioner to file an injunction;
- 168 (16.9%) petitioners stated that drugs were involved in the incident that brought the petitioner to file an injunction;
- 310 (31.1%) petitioners stated that the respondent used an object that placed them in imminent fear of danger;
- 534 (53.6%) petitioners stated that children were at home during the domestic violence incident;
- 251 (25.2%) petitioners stated that the respondent had threatened to remove or hide the children.

Interestingly, despite the apparent risk factors (Paymar 1993) in the domestic violence incidents noted above, only 7.5% of respondents were ‘ordered’ to a ‘batterer’s’ intervention programme. Similarly, although 32.7% of the studied incidents involved alcohol and 16.9% drugs, only 3.3% of the respondents were ‘ordered’ to substance abuse counselling. Further, mental health evaluation or treatment was recommended by the court in 2.6% of the cases and counselling for the victim in only 1.6% of the cases.

In the cases that involved violence directed towards a child (25.2%) or a child witness to the violent incident (53.6%), current state policy is that the case should be referred to the Department of Children and Families (ie a child services agency). These cases are of particular interest because of the demonstrated connection between family violence involving children and juvenile delinquency (Loeber et al 2001; Shaffer and Ruback 2002) or the learned intergenerational transmission of violence (Bandura 1973; O’Leary 1987). Based on the fact that children were at home in over one-half of the incidents and that one-quarter of the petitioners stated the
respondent had ‘threatened to remove or hide’ the child(ren), it is surprising to note that the court addressed custody in only 6.8% of the cases and visitation in only 6.4% of the cases.

Resources and Services Utilised

This section explores whether petitioners have ever utilised private, public, court, or social service agencies to assist them in any previous domestic violence incidents. Knowing whether or not services are being used is an important step in determining whether: (1) current services are appropriate; (2) current services are being utilised; and (3) whether there exists a need for additional services. Of course, knowing whether or not petitioners utilise some services (e.g., a previous injunction or calling law enforcement officers) also allows a brief insight into the culture or nature of abuse. Consider, for example, that although 57.7% of the petitioners state they had contacted law enforcement for a domestic violence incident, only 9% had sought assistance from a domestic violence shelter. Similarly, despite 28% of petitioners reporting past domestic violence incidents, fewer than 25% would have liked to receive information about counselling and fewer have contacted a victim’s advocate.

- 278 (27.9%) petitioners stated that they had previous injunctions with the respondent; 113 (11.3%) had a previous injunction with another person. Only 3.1% (31) fell into both categories;
- 575 (57.7%) petitioners stated that they had contacted law enforcement officials for help regarding some domestic violence incident;
- 216 (21.7%) petitioners stated they had contacted a victim’s advocate; 423 (42.4%) had never contacted a victim’s advocate;
- 90 (9.0%) petitioners stated they had sought help from a domestic violence shelter; 613 (61.5%) had never sought help;
- 239 (24%) petitioners stated they would appreciate any additional information about counselling; 400 (40.1%) stated they would not like additional information;
- 600 (60.2%) of all petitioners showed up at the hearing; 326 (62.7%) of the petitioners had attorneys present at the hearing;
- 530 (53.2%) of all respondents showed up at the hearing; 153 (15.3%) of the respondents had attorneys present at the hearing.

Case Type and Court Disposition

Over four-fifths of the cases were categorised as domestic cases (83.4%), 12.9% were repeat cases, and 2.4% were classified as dating cases. If ‘dismissal’ violations are removed from the violation profile, then 11.7% of the cases had at least one violation reported (e.g., stalking, sexual assault, modification of contact).

Although violations occurred, almost one-third (31%) of the cases were simply dismissed, with at least 13.5% dismissed due to insufficient evidence. Dismissed cases in which the petitioner had an attorney present were significant. In other words, petitioners who had an attorney present were less likely to have their case dismissed.
Interestingly, no significant difference was found for cases being dismissed based upon whether or not the respondent had an attorney present. The number of dismissed cases in which the petitioner reported the use of an object in the domestic violence incident was substantively significant. These findings indicate that the presence of one of two factors in the case – the petitioner had an attorney present or an object was used in the domestic violence incident – made it less likely that the case would be dismissed by the court.

Conclusion

The circumstances surrounding domestic violence incidents bring to light several important issues. First, although recent research suggests that directly witnessing or being in the home when violence occurs can lead to behavioural, health, and/or emotional problems in children (English et al 2003; Holden 2003; Osofsky 2003) and that there is a 30–60% overlap between domestic violence and child abuse (Jaffe et al 2003), the interventions that work best for these children are unclear (Wolfe et al 2003). The important implications of this uncertainty about the connection between child abuse and domestic violence and what to do to help these children are underscored by the study findings that 10.5% of petitioners reported being already involved with the Department of Children and Family at the time they filed for a petition and 54% of the petitioners reported children present at the time of the domestic violence incident. Another 40% of the petitioners reported that they had children, but that they were not at home when the domestic violence incident occurred. This means that fully 93% of the petitioners had children who may have been impacted by their exposure to domestic violence. Additionally, since there were previous reports of domestic violence incidents by more than one-fourth (28%) of the petitioners, there is a strong likelihood that even those children who were not present for the incident that brought the petitioner to the civil court have been exposed to domestic violence in the past. Regardless of whether they were present or not, attempts by the respondent to control the petitioner by using threats to remove or hide the children were reported by 25% of petitioners. This means that the court and the Department of Children and Families have routinely missed opportunities to protect and provide services to vulnerable citizens.

A second finding regarding children in this study raises concerns about the ability of the court to protect and provide a safe environment for its youngest citizens. Despite the abovementioned prevalence of children in the family structure in these domestic violence cases, the court provided for standard, supervised or monitored exchange visitations in less than 7% of the cases. Victim advocates and shelter workers anecdotally report that couples frequently reunite or violate protection orders focused on issues related to children or visitation (Hope 2003). It is worth noting that it is a standard component of the county protection order that the respondent is barred from contact with both the petitioner and the children, but further investigation is needed to determine if the lack of child visitation provisions reflect scarce resources for visitation or an oversight by the court.
Another issue that emerged from this study related to the ability of the court to enforce penalties and mandate services in cases involving the use of an object in the domestic violence incident. In comparison to the NVAW Survey findings of 21% of women who reported the use of an object including a gun or knife in violence during their lifetime (Tjaden and Thoennes 2000), the statistical findings in this study were higher. This was so even when limited to the incident which brought the petitioners to court. Almost one-third of the petitioners (31.1%) reported that an object was used in the domestic violence incident that placed them in imminent fear of danger. These cases suggest a higher risk of more severe levels of violence and resultant injuries which may increase demands on the healthcare system, the criminal justice system and domestic violence advocates. They also suggest a failing on the part of the court to impose justice or safety for families involved in domestic violence.

The relationship between domestic violence and whether alcohol or drugs were involved shows that one-third (32.7%) of petitioners reported alcohol and 17% reported drug involvement during the incident. This suggests an underutilisation or the unavailability of services to assess or treat substance abuse problems because only 3.3% of the domestic violence perpetrators were referred for service. This finding about the prevalence of substance involvement in domestic violence incidents is directly related to the services used by petitioners, but also provides information related to the goal of determining if the DV Court responded systematically to the needs of families involved in domestic violence.

Systematic response by the court may also be evaluated by looking at previous court or social services used by petitioners. In this study, 28% of the petitioners had previously filed for a domestic violence injunction; this may be interpreted as the court responding systematically because it is unlikely that the petitioner would have pursued this avenue for help a second time. As noted earlier, petitioners frequently first learn about protection orders following contact with law enforcement personnel; this study found that 58% of petitioners had previous contact with law enforcement for a domestic violence incident, so it appears that information is being provided to victims by law enforcement personnel.

Similarly, only one-fifth (21.7%) of petitioners had contact with a victim advocate. Such a low figure may be impeding DV Court processes and outcomes. It means that the majority of the petitioners do not receive legal information, referral to an attorney, and the sort of guidance through the court process that may be provided by an advocate (Danis 2003). For example, it may be the reason why only 60% of petitioners were present for their court hearing and less than 10% of dismissed cases had petitioners who were represented by an attorney. If so, the number of cases dismissed could be reduced through connecting petitioners with victim advocates.

Referring perpetrators to intervention programmes in only 7.5% of the domestic violence cases appears low when considered in relation to the relatively high use of an object in the incidents (31.1%) and the use of threats to hide the children (25%). These tactics are used to emotionally exert power and control over domestic violence victims and are typically addressed in intervention programs (Paymar 1993). The
figures suggest that more systematic referrals may be warranted, especially if the respondent is employed (53%) (National Institute 2003).

The income levels of petitioners in this study (51% make less than the minimum wage per month) strongly align with national data showing a higher risk of violence towards women with household incomes below $625 per month (Rennison and Welchans 2000). This, coupled with the fact that almost 40% petitioners in this study were unemployed, illustrates the pull of economic need in victim decisions to return to live with domestic violence offenders. More importantly for policy-makers is the need for services to ameliorate this financial inequity. These findings suggest that victims may be in need of short-term financial assistance while they learn or improve skills that lead to employment, or that they should be provided with vocational services to help them to continue their education and obtain employment that is at a sufficient income level to support their family independently.

The findings about the levels of dismissed cases and the low use of victim advocacy services within the court system suggest an area that deserves renewed emphasis. Because 28% of petitioners had sought a previous injunction and 58% had prior contact with law enforcement, emphasis on education, awareness, and routine involvement of existing victim advocate services through law enforcement and court personnel may have a major impact on more effective use of court time, resources and enforcement powers. Victim advocates and shelter workers should similarly devote more effort towards building relationships with law enforcement agencies in order to facilitate involvement in domestic violence cases and increase referrals.

The limited number of cases referred to victim services, substance abuse screening and children’s services, despite the identified need for such referrals, indicates a gap in the existing court process and interventions. Although the services are available, our findings reveal a need for the court to more systematically refer petitioners, respondents, and children for services. Then, after the referral is made, the court should have a monitoring process in place in order to determine whether the order is being followed. If the goal is to more equitably distribute resources to help domestic violence families, only the court has the authority to ensure that it actually occurs.

The findings in this study have limited generalisability because they explore only one DV Court and jurisdiction and a one-year time period. Despite this, the statistics about the victims seeking relief from their abusive situations by petitioning the court for civil injunctions are consistent with domestic violence statistics in the US and those of the geographic area where petitioners reside. This study provides a glimpse of petitioner characteristics and responses from the court system and suggests the need for further evaluation.

The lack of definitive research findings about the impact and effectiveness of services geared towards children and perpetrator intervention programmes notwithstanding, it is simply unacceptable and unjust for policy-makers to do nothing in the interim. Court findings, services, and referrals to existing programmes should be used more effectively. This is especially so in situations where some success has been shown, ie offenders who attend more sessions of a perpetrator programme or who have a job. Rather than eliminate existing programmes, it would be prudent
to implement more definitive outcome measures for such programmes and to more closely monitor participation since research suggests that those who attend more sessions show more behaviour change. For the future, in order to help policy-makers and service providers make domestic violence programme and resource decisions, continued research with rigorous design and methodology is needed to evaluate existing programme effectiveness.

References


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