

ADVOCATES SPEAK

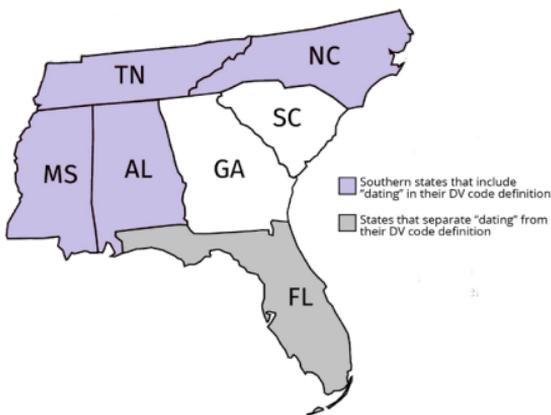
Strengthening Protections for
Family & Dating Violence



Why include dating partners in the definition of family violence?

Survivors who do not meet the requirement of having lived together or share children with their abusive partner are not able to obtain much needed protective orders to maintain safety.

States that include protections for dating partners have seen an **11%** reduction in the total rate of intimate partner homicides.



Neighboring states Alabama, Mississippi, North Carolina, and Tennessee have enacted similar legislation to include dating partners in the definition of family violence.

Real cases as told by advocates

CASE 1

The solicitor's office brought a survivor into the Safe Families Office seeking a protective order. The survivor had been dating her boyfriend for a while. The client was at their abusive partner's home when he became angry. He then strangled the survivor and threw her over a balcony*. The abusive partner was charged with simple battery, a misdemeanor. Due to the nature of our judicial system, chances are strong that the abusive partner will plea to lesser charges, which will provide the client with no protection. The survivor and the abusive partner both go to the same college so

the abusive partner has easy access to the survivor. This survivor did not qualify for a protection under the current statute.

CASE 2

A 19 year old girl came in who had been brutally raped by the male she was dating that night. She did not qualify for protection even after such an aggressive crime was committed against her.

* Use of strangulation both indicates an increase in the severity of abuse as well as a higher risk of lethal violence.

CASE 3

A woman came in to our office seeking a protective order. The woman has been dating a guy for a few months. The survivor wanted to end the relationship as she started to notice some red flags. When she had the discussion with him that she no longer wanted to see him, the abusive partner punched her in the eye causing a black eye and fracturing her eye socket. She called the police but he fled before they arrived. Law enforcement said they were not going to file a warrant because they could not say he did it since he had fled the scene before they arrived. **I then had to look this woman in her eyes and tell her that she does not qualify for protection.**

CASE 4

A 17 year old female child came in with bruises all over her body, including her face, visibly shaking out of fear. She had someone willing to file for an order on her behalf. The abusive partner had come to the victim's job and in area of the parking lot off camera, beat this young girl severely. They had been dating six months. She wanted to make it clear she wanted nothing to do with him ever again. **I had to look a child in the face, severely beaten, and tell her she did not qualify for protection.**

CASE 5

A survivor came to file a protective order. She had been dating her boyfriend for a few months. They never lived together and did not have any children together. The boyfriend had come to her home and assaulted her. The survivor stated that the abusive partner was asked to stop and leave but he did not. He continues to call the survivor from blocked numbers and leave voicemail messages all day since the occurrence. The abusive partner has even threatened the survivor not to notify the police. The Judge granted the Stalking Exparte Order.

At the survivor's 12-month hearing she spoke about being sexually assaulted by the abusive partner. She played a voice recording of the two of them where the abusive partner admitted that against her will he continued to have sex with the survivor. The Judge asked her if the abusive partner had committed any other acts of violence besides the one, she described. She answered no. The Judge asked if she had at any point told the abusive partner not to contact her. She explained that she had not, she just ignored his calls after the incident. The Judge ruled that based on the stalking statute, her case does not meet the requirement to be considered stalking due to it being a single occurrence and she had invited him into her home. The Judge issued a Stalking Warning in hopes that the abusive partner will stay away from the survivor.

She was not issued a Family Violence Protective Order due to the survivor not being able to satisfy the relationship test.

CASE 6

A 16 year old girl was cornered by her boyfriend in the hallway where he strangled her. This was only one of the incidences of violence he inflicted on her. He had also pushed her against the wall and yanked her hair. Due to the existing statute she did not qualify for a TPO and had to continue attending high school with the abusive boyfriend. If a bill was passed to include dating under family violence, **this teen could have been protected from multiple victimizations.**

CASE 7

One of our partner organizations referred a case to us that needed assistance with a TPO. The survivor was physically and emotionally abused by her boyfriend who was 15 years old. The survivor was **unable to get a TPO because they did not live together.**

“We have people in dating relationships who are pregnant by the person abusing them. Because the child hasn’t been born yet, they have to file under the stalking statute. While most have enough incidents to still qualify for a stalking TPO, the person typically has to come back after the child is born, file under the Family Violence Act, and add the child to the TPO.”

CASE 8

A school social worker reached out to me on behalf of a 17 year old student. The student had been in a relationship with her boyfriend for a little over a year. During the relationship, dynamics of control and jealousy began to creep in and for months he was verbally tearing this survivor down. She was receiving daily messages that she was worthless and that no one else would ever love her. The abuse ultimately escalated to him physically assaulting her. She bravely reached out to the school social worker for help. The social worker notified the parents who were shocked that this had been happening right in their household. Since the boyfriend went to the same school, knew where she lived, and knew her family and friends; a TPO would have been very helpful to her. However, she did not qualify.

Currently she is seeking a stalking order but it does not appear she will qualify for this either.

“Many of our clients, especially our teenage survivors, do not meet the criteria for Family Violence Protective Orders. They are only available to persons who have lived together or have children.”

CASE 9

A counselor at the local high school referred a 16 year old survivor to our organization. Her then boyfriend physically assaulted her and kidnapped her from her high school. She was able to get to safety and she and her mom went to law enforcement for a protective order. Because they didn't live together, she did not qualify for a TPO and was not given the protection she so desperately needed. He continued to stalk her for the next several months. **Had she been protected by a TPO she would have been able to take more action and he would have been arrested for the TPO violation.**

“We have a number of clients who don't need all the protections of a Family Violence Protection Order such as child support, vehicle possession, etc. They really just need a restraining order but we are being told that only lawyers can obtain restraining orders. Of course, this is an unnecessary financial burden for our clients.”

CASE 10

A 20 year old survivor came to the TPO office seeking an order of protection. She reported that the previous evening she and her boyfriend were out with friends. At the end of the evening they got in the car to drive home and started to argue about money. She stopped to get gas and he hit her and took her purse. She fought back. They got back in the car and continued to argue until they reached his apartment. She attempted to take her keys so she could leave, but he grabbed her, beat her, kicked her, and choked her. The neighbors called the police. He was arrested and charged with simple battery. Her bruises were not very apparent due to the tone of her dark skin. The boyfriend bonded out that morning by family and later took a plea for a lesser charge of misdemeanor disorderly conduct and disturbing the peace. They live in close proximity of each other. **The survivor was not granted a TPO.**

A few months later he showed up at her apartment, broke down her door and beat and stabbed her several times. He held her in the apartment for more than a day until co-workers sent police to her home on a wellness check. **She was found dead.** He was later found and arrested for murder.

CASE 11

A 17 year survivor who identifies as LGBTQ came seeking help and safety away from her partner. She showed pictures of bruises, swelling, cuts, and other harm done to her. When her legal advocate provided assistance filing an ex parte order, it was difficult to get the court clerks to give her the correct paperwork because they didn't consider her to be in a dangerous relationship or even in a relationship due to her sexual orientation. After advocating and emphasizing the danger, we moved forward.

During the hearing there were more questions raised about the nature of the relationship. Was it just a quarrel? Was it a serious relationship? Were they married? This process took a long time to finally come to an end with a TPO.

What about those who didn't have the same luck before and won't have the same luck later?

This bill would ensure that future victims won't be put into danger and forced through the same traumatic experiences.

CASE 12

We received a crisis call from an emancipated minor who had been in a relationship for close to a year. Over the course of the relationship the boyfriend became more aggressive with behaviors including stalking, isolation and sexual coercion. The survivor was at the boyfriends house one evening when he grabbed her by the waist silently and threw her into the back of the couch, attempting to strangle her while pinning down her body. She suffered over 32 bruises on her body before she was able to get away. The two also worked together.

Chances are that the abusive partner will plea to a lesser charge and this will provide the survivor with little to no protection. This survivor did not qualify for protection under the current statute.

The abusive partner was able to keep his job but not the survivor. Due to the survivor taking time off, continued stalking, and aggressive nature on the part of her abusive partner, the survivor lost employment, was displaced in technical college, and unable to pay her share of her rent.

