

Domestic & Dating Violence



An information and resource handbook

***Bellingham - Whatcom County
Commission Against Domestic Violence
Third Edition***

DOMESTIC & DATING VIOLENCE

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The Bellingham-Whatcom County Commission Against Domestic Violence thanks the **Metropolitan King County Council** for the original creation of this handbook. The Bellingham-Whatcom County Commission Against Domestic Violence revised Metropolitan King County Council's handbook to reflect Whatcom County resources and practices. However, the vast majority of material in this handbook was developed by the Metropolitan King County Council.

FOREWORD

Domestic violence is a societal issue. In the past, domestic violence has been mislabeled as a family matter. Consequently, communities have played a minimal role in prevention and intervention. Fortunately, today as a society we are more informed. We now understand that abusers and victims come from all races, socioeconomic classes, ages, religious affiliations and environmental backgrounds. The number of groups involved in preventing abuse is expanding. In Washington State and Whatcom County, service and treatment providers, law makers, law enforcement and other public and private agencies have labored endlessly to empower victims and hold abusers accountable. Recently, friends, relatives, neighbors, adolescents, co-workers, employers and educators have been added as targets of aggressive campaigns to raise community awareness and decrease abuse.

The sections of this handbook describe and discuss the characteristics of an abusive relationship, steps to intervention and the legal system. They are designed to provide the facts, the common warning signs of abuse and appropriate methods of intervention.

According to the Bureau of Justice Statistics (2001), 85% of domestic violence victims are women. This statistic does not suggest that all men are abusers, but that most abusers are male. **Therefore, though we recognize that there are female abusers and male victims, for statistical accuracy and ease of reading, we refer to abusive partners as men and victims as women in this handbook.** We also recognize he/she does not work for all couples, as same sex couples experience intimate partner violence as well.

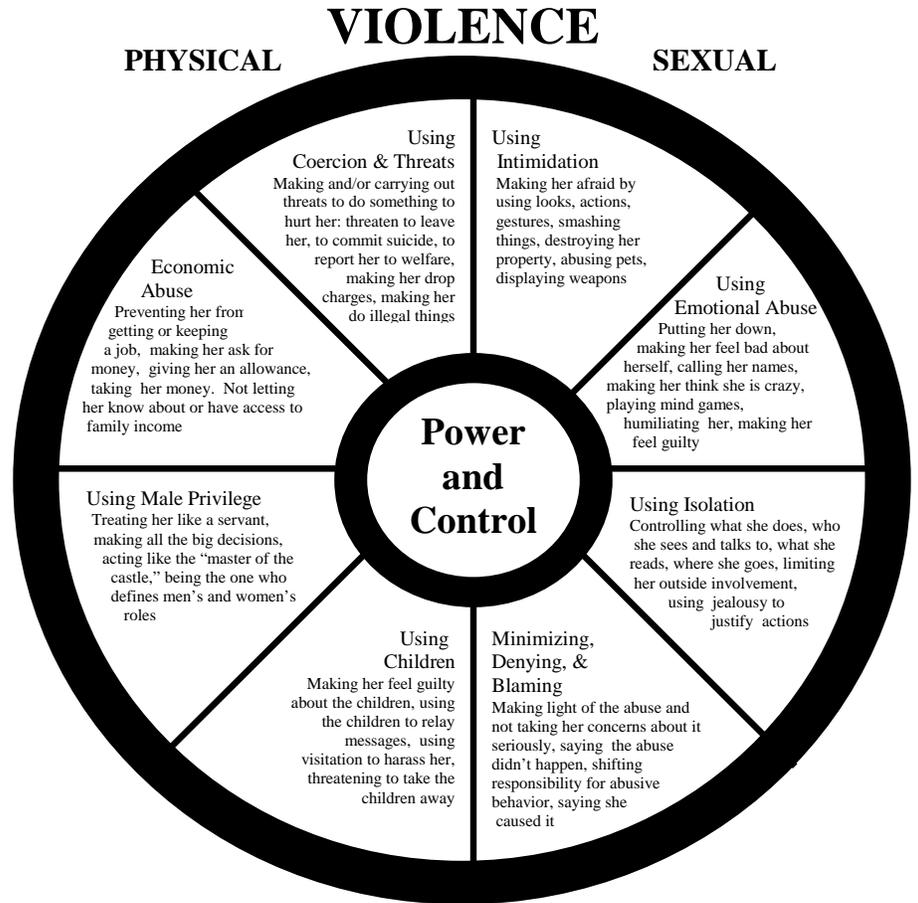
To abusive partners, this handbook offers detailed lists of warning signs and behavioral tactics, strategies for stopping the violence, treatment information and referrals.

We would like to acknowledge the agencies, organizations and individuals who contributed their expertise and resources to the preparation of this handbook. The information contained in this report was compiled from interviews, current publications and materials they provided.

Section One: What Is Domestic Violence?

What is Domestic Violence?

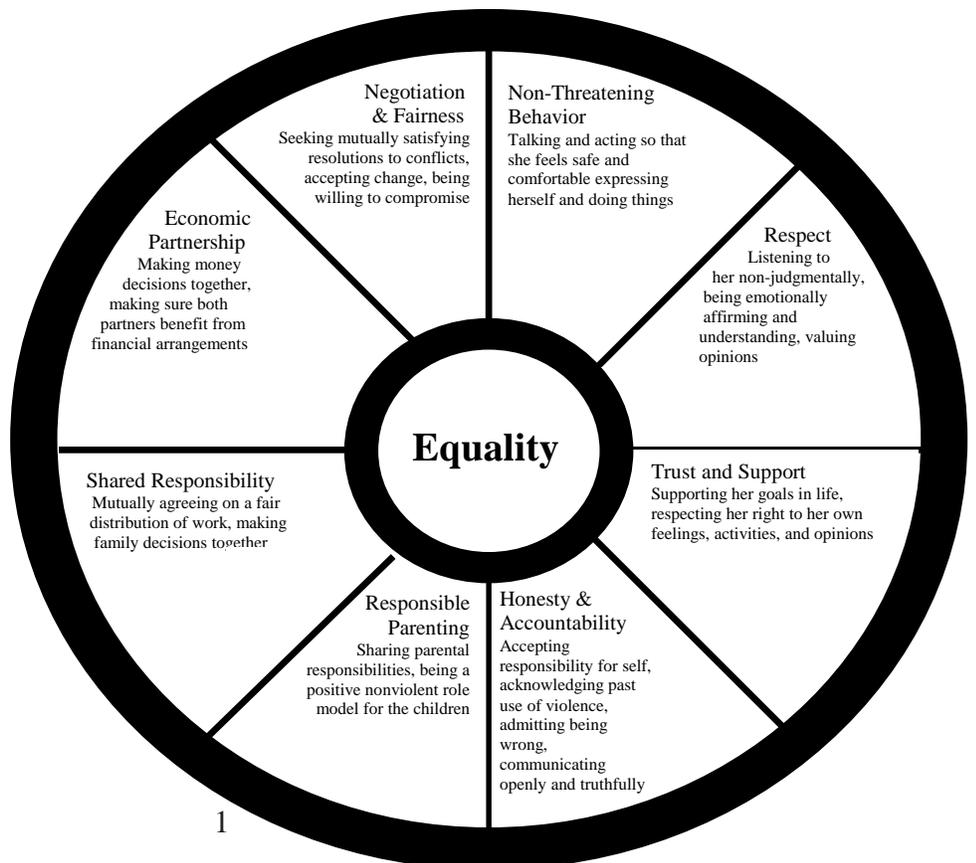
Domestic Violence is not consensual, it is a pattern of behavior used by an individual to establish and maintain coercive control over one's intimate partner. Domestic violence consists of physical, sexual, psychological, and/or emotional abuse. Over time the abusive behavior becomes more frequent and severe. Acts of domestic violence are committed by both adults and adolescents.



NONVIOLENCE

Relationship Equality Wheel

The equality wheel represents a nonviolent, cooperative, respectful approach to relationships. It considers the other as having equal power



Behavioral Tactics Used by Abusive Partners

Abusive partners may use physical abuse or any of the following tactics to control their partners.

Jealousy - An abusive partner may equate jealousy with love. He may question the victim about who she talks to, accuse her of flirting and having affairs or become jealous of her time spent with others.

Controlling Behavior - An abusive partner may attribute his controlling behavior to concern for his partner (for example, his partner's safety or decision making skills). He may assume all control of finances or prevent his partner from coming and going as she wishes.

Unrealistic Expectations - An abusive partner may expect his partner to meet all of his needs, to take care of everything for him emotionally or domestically.

Isolation - An abusive partner may isolate his victim by making it difficult or impossible for her to be with family and friends. He may block his partner's access to use of a vehicle, work, or telephone service in the house.

Blames Others for Problems - An abusive partner often blames the victim for his own abusive behaviors. Abusive partners rarely take responsibility for their own actions and often blame someone or something else.

Blames Others for Feelings - An abusive partner may use feelings to manipulate his victim. Common phrases to look for: "You're hurting me by not doing as I want." "You control how I feel."

Use of Children - An abusive partner may use threats to take or win custody of the children to control his partner. He may ask the children about their mother's activities in order to monitor her behavior.

Cruelty to Animals - An abusive partner may kick, throw or hurt the family pet.

"Playful" Use of Force in Sex - This includes restraining partners against their will during sex; acting out fantasies in which the partner is helpless; forcing sex when the partner is asleep; or demanding sex when the partner is ill or tired. He may show little concern for his partner's wishes and may use sulking or anger to manipulate compliance.

Verbal Abuse - An abusive partner may degrade his partner, call her names, and say cruel and hurtful things.

Dual Personality - "Dr. Jekyll and Mr. Hyde" - the abusive partner may shift quickly between moods. The victim may not know what to expect from him.

Past Battering - He has been abusive to previous partners. The abusive person is responsible for the problem, circumstances do not make a person an abuser.

Threats of Violence - This consists of any threat of physical force meant to control the partner. While most people do not threaten their mates, an abusive partner may try to excuse this behavior by claiming that "everyone talks like that."

Breaking or Striking Objects - The abusive partner may break household items, punch holes in walls or kick doors to scare the victim.

Use of Force During an Argument - The abusive partner may hold down his partner, physically restrain her from leaving, push or shove her, or tell her if she leaves he will hurt her.

Note: Most abusive partners are male and our language in this handbook reflects that reality. However, male and female abusive partners both use tactics like these that are listed above. We also recognize that he/she does not work for all couples, as same-sex couples experience intimate partner violence as well. If your partner is using such tactics, we encourage you to call a domestic violence agency.

Section Two: Violence Continuums

Myth: Battering is about couples getting into a brawl on Saturday night, beating each other up, and totally disrupting the neighborhood.

Fact: In domestic assaults one partner is beating, intimidating, and terrorizing the other. It is not mutual combat. It is one person dominating and controlling the other.

A violence continuum describes the progression of abuse. Despite varying circumstances, one fact about domestic violence remains constant: Without intervention the violent behavior targeted and focused toward the victim may escalate. Remember: domestic violence is not caused by the victim's behavior. Violence is a choice made by the abuser to control his partner. There is no excuse for domestic violence.

It is useful that victims, abusive partners, and witnesses of domestic violence are aware of the continuums that distinguish abuse: psychological, physical, sexual, and social/environmental. Though they have varying consequences, each form of abuse stems from the desire to dominate a partner or other household members.

Violence Continuums

Emotional

- Joking and insults
- Ignoring or minimizing feelings
- Withholds approval and emotional support as punishment
- Yelling, name calling
- Repeated insults, degrading
- Targeted insults, or labeling
- Belittling and private humiliation
- Public humiliation
- Blaming and accusing
- Demands all attention
- Resentful of children or marriage
- Threats against children or marriage
- Threats to take the children
- Degrading role as mate, lover, or partner
- Sending mixed signals
- Lack of cause and effect

- Questions the victims sense of reality
- Seeks to isolate
- Threatens suicide

Physical

- Refusal to meet physical needs of dependents
- Push, shove
- Strangle, beat
- Jerk, slap, bite, pinch
- Shake, bruising
- Withholding sex and affection
- Hit, punch, kick
- Targeted hitting
- Repeated hitting
- Use of objects as weapons
- Throwing victim
- Restraining while hitting or punching
- Abuse during pregnancy
- Sleep deprivation
- Lacerations, broken bones, internal injuries
- Use of weapons
- Disabling or disfiguring
- Murder

Sexual

- Sexual jokes or demeaning gender remarks
- Jealousy, assumes you are sexual with others
- Unwanted touching
- Criticism of sexuality
- Name calling with sexual epithets
- Forced to look at/engage in pornography
- Demanding monogamy from victim despite promiscuous behavior by abusive partner
- Coercive/demanding sex (use of threats)
- Humiliation
- Forceful sex (rape)
- Forced, uncomfortable sex
- Coercive/demanding sex after pregnancy or surgery
- Rape resulting in permanent injury
- Rape with imprisonment
- Rape with murder

Social/Environmental

- Uses gender “myths” and roles
- Degrades culture, religion, nationality, profession, gender
- Uses sexism, racism and/or homophobia
- Destroys or damages victim’s property
- Demonstration of strength
- Controls major decisions
- Enforced economic dependence
- Controls money/finances
- Denies access to work/gets them fired
- Threatens to hurt victim’s extended family
- Threatens to report to immigration
- Eliminates support system
- Prevents victim from learning English
- Alienates victim’s family/friends
- Threatens to "out" the lesbian / gay victim
- Tells victim they are always in control
- Complete isolation
- Child abuse/incest
- Destroys/maims family pet
- Deprives victim of food, medicine, sleep
- Convinces victim they are hysterical, paranoid, psychotic, mentally ill, suicidal/homicidal
- Suicide

Section Three: Phases of Violence

Myth: Domestic violence is usually a one-time event, an isolated incident.

Fact: Battering is an ongoing pattern of behavior. It may get worse and more frequent over a period of time.

Battering Patterns

As the battering pattern progresses in an abusive relationship, the degree to which victims are affected by the abuse may increase. The abusive partners’ emotional needs, insecurities, and above all, desire to control may fuel more assaults. The frequency and severity of the violence may tend to get worse, though sometimes in an intermittent and unpredictable manner.

In order to survive, victims develop coping strategies and survival techniques in an attempt to avoid more harm and injury. Many victims resort to acts of appeasement and forgiveness. However, in reality victims are unable to stop the abusive partner's violence because they do not cause the assaults. Only the abusive partner has control of his behavior.

In some cases, the phases listed here have been used to describe the abuse. As time progresses, the phases are shorter, the violence intensifies, and the episodes of abuse may become more frequent. It should be noted that the phases vary depending upon circumstance and individual. Not everyone who is experiencing abuse experiences these three distinct phases.

Tension Phase

This phase is characterized by emotional abuse and verbal attacks. The victim often uses appeasement and patience as coping strategies. As time progresses, the tension increases and these coping techniques are less successful. At the same time, the verbal assaults may become more hostile and prolonged. Incidents involving minor physical assaults, such as pushing or slapping, may become more frequent. In response, the battered woman detaches herself emotionally and psychologically. She is emotionally exhausted by attempts to restore equilibrium to the relationship. The abusive partner, sensing her retreat, is more controlling and possessive. The victim's every move can be misinterpreted by the abusive partner.

The following list represents the Tension phase:

- Stress builds during this stage
- Communication breaks down
- Victim senses growing danger, tries to avoid abuse
- “Minor” violence/abuse occurs
- Incidents occur more often
- Intensity increases
- Abusive partner denies, minimizes, blames external factors
- Victim hopes that things will change

Crisis Phase

In this phase the tension reaches its climax. The escalation may be in the form of a series of "minor" assaults over a period of time or one major assault. The duration of the outburst can vary from minutes to several hours. During this time victims attempt to protect themselves, but may constrain their resistance out of fear of prolonging the assault. The combination of physical and psychological abuse forms a lasting impression on battered women.

The following list represents the Crisis phases:

- Anxiety extremely high
- Major, controlled violence occurs
- Explosive, acute, unpredictable
- May be serious injuries, death
- Abuser blames victim
- Victim adapts in order to survive
- Victim may escape, returns when crisis is over
- Abuser may isolate victim physically and emotionally

Calm Phase

In this phase things may feel calm again because some of the abuse may temporarily stop. The abuser may be remorseful and seek forgiveness through promises of change or gifts.

Alternatively, the abuser may still blame the victim for his behavior and pressure her to remain in the relationship. During this phase, some women recognize in their abusive partner the qualities that first attracted them. It is important to

keep in mind that the abusive partner is still controlling and manipulating during this phase.

The following represents the Calm phase:

- Feels like less of a crisis
- Abuser continues to justify abuse and blame victim
- Abuser may be remorseful, seeking forgiveness
- Abuser may never explain violence - abuse temporarily stops
- All are relieved crisis is past
- Victim worn down, accepts promises if offered
- Children become caretakers to "keep peace" or survive
- Victim wants to believe the violence won't reoccur
- Survival via negotiation
- Abuser's positive qualities are most evident

Breaking the Cycle

If you recognize that your partner behaves as described above, you are encouraged to seek information and support from the domestic violence agencies in your community. It is important to remember that leaving an abusive relationship is dangerous and it is critical to take safety precautions.

This section was adapted from L. Walker, The Battered Woman, Harper and Row, New York, 1980

Section Four:

Common Questions and Answers

Question: Is domestic violence a learned behavior?

Answer: Yes, abuse is learned behavior. Some abusers learned this behavior from witnessing it as a child; some abusers from other cultural examples of abuse and oppression. Abusive behavior is also chosen behavior used to gain power and control. Non-abusive behaviors can be relearned and chosen by abusive partners.

Question: What does an abusive partner look like?

Answer: An abusive partner looks like any person you commonly come in contact with. He can be of any race, socioeconomic class, age, religious affiliation, sexual orientation, and geographic background. There are also gay and lesbian abusive partners who come from a variety of backgrounds.

Question: Can an abusive partner change?

Answer: Yes, abusive partners can change, but change is not an easy process. An abusive partner may have been using these behaviors for some time. Additionally, an abusive partner has been using abuse to gain power and get what he wants. He may also be in denial and blaming other people or things for his own behavior. Systems of accountability, personal commitment to change, and certified domestic violence perpetrator treatment can help abusive partners to change their abusive behavior.

Question: Am I to blame for my abusive partner's behavior?

Answer: Absolutely not. Even in the heat of

anger, abusive partners make the choice to hit. They do not go “crazy” or “lose control,” but know who to hit, where to hit and how hard to hit, to accomplish their ends. Men in domestic violence perpetrator treatment groups, when they become honest with themselves, admit they use arguments or stress as an excuse to use abusive tactics to control their partner.

Question: What if he says he is sorry?

Answer: The abusive partner may promise to end the violence, go to therapy, buy presents, or talk to his religious leader. These promises typically happen when he is attempting to get his partner to stay in the relationship. However, the abusive partner typically repeats his abusive behavior again. His statements of apology and remorse are in many cases just another way to maintain control. The way the abusive partner can change is to take full responsibility for his behavior, stop abusing, and enroll in certified domestic violence perpetrator treatment.

Question: How do I know if my abusive partner is changing?

Answer: Trust your gut feelings regardless of other signs. Some of the things to look for are:

- Has he completely stopped saying and doing things that frighten you?
- Can you express anger toward him without being punished for it?
- Does it feel safe to bring up topics that you know upset him?
- Can he listen to your opinion and respect it, even when he disagrees?
- Can he argue without being abusive or domineering?
- Does he respect your wishes about sex and physical contact?
- Has he stopped expecting you to do things for him?

- Can you spend time with your friends without being afraid that he'll retaliate?
- Can you do other things that are important to you, such as go to school or get a job?
- Are you comfortable with the way he interacts with the children?
- Do you feel safe leaving the children alone with him?
- Is he being supportive and giving compliments?
- Does he listen to you?
- Does he do his share of housework and childcare?

Some Signs He Is Not Changing

- Does he use his domestic violence perpetrator treatment against you in any way? (Example: excusing his abusive behavior because he is going to treatment)
- Does he tell you that you're abusive?
- Is he pressuring you to go to therapy for yourself or couple's counseling for the two of you?
- Does he tell you that you owe him another chance?
- Does he say that he can't change without your support?
- Does he try to get you or the children to feel sorry for him?
- Does he instill fear in the children about the future, or finances, or where they'll live, etc.?
- Do you have to keep after him to attend his sessions in the program?
- Is he making his abuse sound like a lot less than it really is when he talks about it in domestic violence perpetrator treatment?
- Does he expect something in return from you for the fact that he's attending treatment?
- Is he pressuring you to make up your mind about the relationship or to move back together?
- Is he pressuring you to drop your protection order?

Question: Should you stay with him?

Answer: Only you can answer this question. It is very important to keep the safety of you and your children first, though. We encourage you to get support for yourself, if it is safe to do so, through one of the local domestic violence programs in your community. They can provide free, confidential help to you. Your abusive partner may pressure you to stay with him while he attends treatment, but this can be an abusive tactic designed to keep you from making up your own mind. If he is serious about changing, he will respect your wishes about the relationship. If you decide that you want to leave the relationship, it is very important to plan for your safety as LEAVING CAN BE A VERY DANGEROUS TIME. An abusive partner who wants to have power and control over you will feel like he is losing that control when you leave. He may become more dangerous. Domestic violence service agencies can work with you to plan for the safety of you and your children.

Question: How can our community stop domestic violence?

Answer: Domestic violence is a community issue. We must all send the message that domestic violence will not be tolerated. We all must also learn how to best respond to domestic violence when we hear it or are worried about a friend, family member, neighbor, or coworker. We can each make a difference in ending domestic violence. One of the most important steps is to assist victims, not blame them for their partner's abuse. Call the police if you see or hear someone who is in danger. For more tips on assisting victims, refer to the Intervention section in this handbook. There are many other ways to take action against domestic violence. For ideas, call the Bellingham-Whatcom County Commission Against Domestic Violence at (360) 312-5700 or your local domestic violence agency.

Section Five: Victims

Myth: When there is violence in the family, all members of the family are participating in the dynamic and, therefore, all must change for the violence to stop.

Fact: Only the abusive partner has the ability to stop the violence. Abuse is a behavioral choice. Changes in family members' behavior will not cause or influence the abusive partner to be nonviolent. However, many abusive partners do use this myth as an excuse and blame their partner and family for their own abusive actions.

Who are the victims?

Simply being female is the single greatest factor that increases one's risk of becoming a victim of domestic violence. Aside from this, there is no clear method or list of characteristics that will determine a future victim. The problem of domestic violence crosses all socioeconomic boundaries. Each year 2,000 to 4,000 women are killed as a result of domestic violence in the United States. Battered women are of every age, race, religion, ethnicity, and social class, both single and married. As many as 60% of battered women experience abuse during pregnancy.

Is there abuse within gay relationships?

Abuse in lesbian and gay relationships is a reality for approximately 25-45% of homosexuals in intimate relationships. The tactics that an abusive partner uses include physical, sexual, emotional, and verbal abuse. The issues of a lesbian or gay victim of abuse are complex. Victims are often extremely isolated, not only due to the abuse but also due to the conditions of homophobia that exist in society. However there is help and support available.

Why is it difficult to leave an abusive relationship?

The question that frequently comes up is "why doesn't she leave"? This question blames the victim instead of holding the abusive partner responsible for his own behavior. Instead, we should be asking why do abusive partners assault. The reality is that many battered women do leave, but it does not guarantee their safety. The following is a list of issues that battered women may face in trying to leave an abusive relationship.

Fear

She feels afraid of what he will do if she leaves. He may have threatened to harm her if she leaves him. This fear is realistic since leaving is often a time when the abusive partner will escalate in lethality.

Economics

He may control their money and she may not be able to access it. Not having money can limit her options for moving out and caring for herself and her children. She may fear becoming homeless and this too, is a realistic fear. Over half of homeless women and children in our country are so because of domestic violence. Some women with children may stay in a financially comfortable situation because of feeling guilty about leaving and having their children be deprived of the life to which they are accustomed.

Children

She may fear that she will lose the children if she leaves. Many abusive partners threaten to take custody of the children if their partner leaves them. She may fear that without any money, she will have trouble getting an attorney and retaining custody of her children. Some abusive partners may threaten to take the children out of the country, so that she will not see them again. Additionally, some abusive partners behave abusively at home, but seem to be "upstanding citizens" to the rest of the world. She may be afraid

that no one will believe what was really happening at home, including the courts, and that this will impact custody. Likewise, some abusive partners may threaten to harm the children if she leaves. Some women may also feel internal or external pressure to remain in the relationship for the sake of the children having two parents together.

Isolation

Often the abusive partner will isolate her from friends and family members. He may restrict her from seeing them or make it uncomfortable for them to be around. This isolation deprives her of the support that is so needed when one is surviving an abusive relationship. He also may reinforce the idea that he is the only one who really cares about her. Other times, friends and family get frustrated with the situation and get tired of trying to help her. They may not understand how much harder it is to be in an abusive relationship than merely looking in from the outside. Isolation only increases an abusive partner's control over his partner.

Societal, Cultural, and Religious Pressure

She may feel social pressure to stay in the relationship. Females in our society are typically socialized to value relationships and be the caretakers of them. The pressure of this caretaking role may be combined with the abusive partner's pressure on her to stay with him and help him change. Additionally, some women may have been taught that they only have value in a relationship. Divorce may not be an option in her culture or religion. In some cultures, there may be a fear that airing problems, like domestic violence, will only further marginalize or oppress the cultural group. She may be getting pressure from her religious community to stay with him, make it work, and keep the family together. She may also be feeling pressure from family or friends to try to work things out with her partner.

Emotional Investment

She may still love things about him and hope that his abusive behavior will stop. She may feel like she does not want the relationship to end, just the abuse. She may want a father for her children or a partner for herself. She may fear that he is right and that no one else will love her.

Immigration Issues

If she is an immigrant to this country, she may fear that he will follow through on threats to report her to ICE or get her deported if she leaves him. She may be isolated by not knowing English and he may not allow her to learn it. She may also have been kept from getting job training and be economically dependent on him.

Lowered Self Esteem

Although low self-esteem does not mean that you will end up in an abusive relationship, being in an abusive relationship does often lower self-esteem. The abuse takes a toll on how she feels about herself. Some women experience depression, which lowers their energy level and makes it harder to act on their own behalf.

Section Six:

Children of Domestic Violence

Myth: Only children who are physically abused themselves are harmed by an abusive household.

Fact: Children, regardless of whether they have experienced abuse directly, are affected by violence in the home. Children who witness abuse can have emotional responses similar to children who have been physically and emotionally abused.

What is a child's response to abuse?

Despite the increased risk, not all children who witnessed domestic violence grow up to become abusive partners or victims. Children react to their environment in several different ways. The following are factors that help determine children's response to abuse:

- Their interpretation of the experience;
- How they learned to survive and cope with stress;
- The availability of support people (friends, relatives, other adults); and
- Their ability to accept support and assistance from adults.

Additionally, children's responses differ with age and gender.

Effects of Domestic Violence on Children

It is normal for a child who witnesses domestic violence to manifest a multitude of symptoms. Outlined below are some emotional, cognitive, behavioral, social, and physiological effects that children may experience.

Emotional

- Feel guilty for the abuse and for not stopping it
- Grieve for family and personal losses
- Confusion or conflicting feelings toward

- parents
- Fear of abandonment, of expressing emotions, of the unknown, and/or personal injury
- Angry about violence and chaos in their lives
- Depressed, feelings of helplessness/powerlessness
- Embarrassed by the effects of abuse and dynamics at home

Cognitive

- Blame others for their own behavior
- Believe it is acceptable to hit people they care for in order to get what they want, to express their anger, to feel powerful, or to get others to meet their needs
- Have a low self-concept originating from a sense of family powerlessness
- Do not ask for what they need, let alone what they want
- Do not trust
- Belief: to feel angry is bad, because people get hurt
- Rigid stereotypes: to be a boy means...to be a girl means...to be a man, woman, husband, wife means...

Behavioral (often in extremes)

- Act out or withdraw
- Overachiever or underachiever
- Refusal to go to school
- Caretaking, more concerned for others than self; parent substitute
- Aggressive or passive
- Rigid defenses (aloof, sarcastic, defensive, "black & white" thinking)
- Out of control behavior, not able to set own limits or follow directions
- Aggression towards mom (mimicking abuser's behavior toward victim)

Social

- Isolation from friends and relatives
- Relationships are frequently stormy, start intensely, and end abruptly
- Difficulty in trusting, especially adults
- Poor anger management and problem-solving skills
- Excessive social involvement (to avoid home life)
- May be passive with peers, or bully peers
- Engage in exploitative relationships, either as perpetrator or victim
- Play with peers gets exceedingly rough

Physiological

- Somatic complaints (headaches, stomachaches)
- Nervous, anxious, and short attention span (frequently misdiagnosed as having Attention Deficit Hyperactive Disorder)
- Tired, lethargic
- Frequently ill
- Poor personal hygiene
- Regression in development (bedwetting, thumb sucking/depending on age)
- Desensitization to pain
- High risk play and activities
- Self abuse

Helping Children Who Have Witnessed Domestic Violence

There are lots of things that can help children who have witnessed domestic violence. The most important things are to talk to them, listen to them, and understand their feelings.

For the parent who was in a violent relationship, it is important to talk to your child about what he/she experienced. It is common to NOT want to talk to your child, but to hope that she/he did not know what was happening. However, not talking to your child can contribute to his/her confusion and fear.

Below are some simple suggestions for talking to your child:

- Talk about it with them when they are ready
- Listen to them
- Talk to them about their feelings
- Show understanding
- Let them know it is not their fault
- Let them talk, if they want to
- Let them know that you love them
- Let them know the violence is not okay
- Acknowledge it is hard/scary for them
- Accept that they may not be willing or able to talk about it right away
- Always act in a way that is nonthreatening and nonviolent with your children
- Set limits respectfully when your child is acting violent
- Do not expect your child to respond immediately when you try to talk to her/him
- Get counseling/support for yourself
- Take your child to counseling if he/she needs it

(content from, "Mom and Me," Helping Children Who Witness Domestic Violence: VAWA Kids Project)

Intervention/Therapy

Shelters for victims of domestic violence may also provide services for children or referrals to children's services outside the shelter. However, if a child is receiving counseling outside of the shelter, the provider must be experienced with domestic violence. The following three conditions should be considered:

Group Therapy — Many children of domestic violence benefit the most from group therapy. Group therapy provides a supportive environment. Such a surrounding can ease the common feelings of isolation and the stigma of abuse.

Structure — The counseling program must be structured in order to act as a stabilizing influence in the child's life.

Goals - Goals must be identified. Among them should be the development of the child's social skills (this includes verbal communication, nonviolent methods to resolving conflict, and creative problem-solving techniques). A central goal should be the development of the child's ability to identify and express his/her emotions.

Section Seven:

Adolescent/Teen Dating Violence

Myth: Teens do not experience dating violence.

Fact: By the age of 20, one-third of all young women will experience dating violence.

Components of Adolescent Dating Violence

"The first time it happened, I was fourteen and my boyfriend was sixteen...He drug me out of school, behind a store and just beat me up — literally. He said if anyone asked me what happened, to tell 'em I got into a fight with someone; not to dare tell anyone he hit me."

Levy Barrie, Dating Violence: Young Women in Danger, Seattle, WA, The Seal Press, 1991

"Lots of times he told me I deserved it...he almost gloated. It made him feel powerful. I started feeling really inadequate."

Levy Barrie, Dating Violence: Young Women in Danger, Seattle, WA, The Seal Press, 1991

Teen dating violence, like adult domestic abuse, is about power and a desire to control. The dynamics of abuse (psychological, physical, sexual, social/environmental) and victim responses to abuse are also similar. Despite these similarities, several conditions differentiate adolescent dating violence from its adult comparison.

The first and foremost contributing factor to

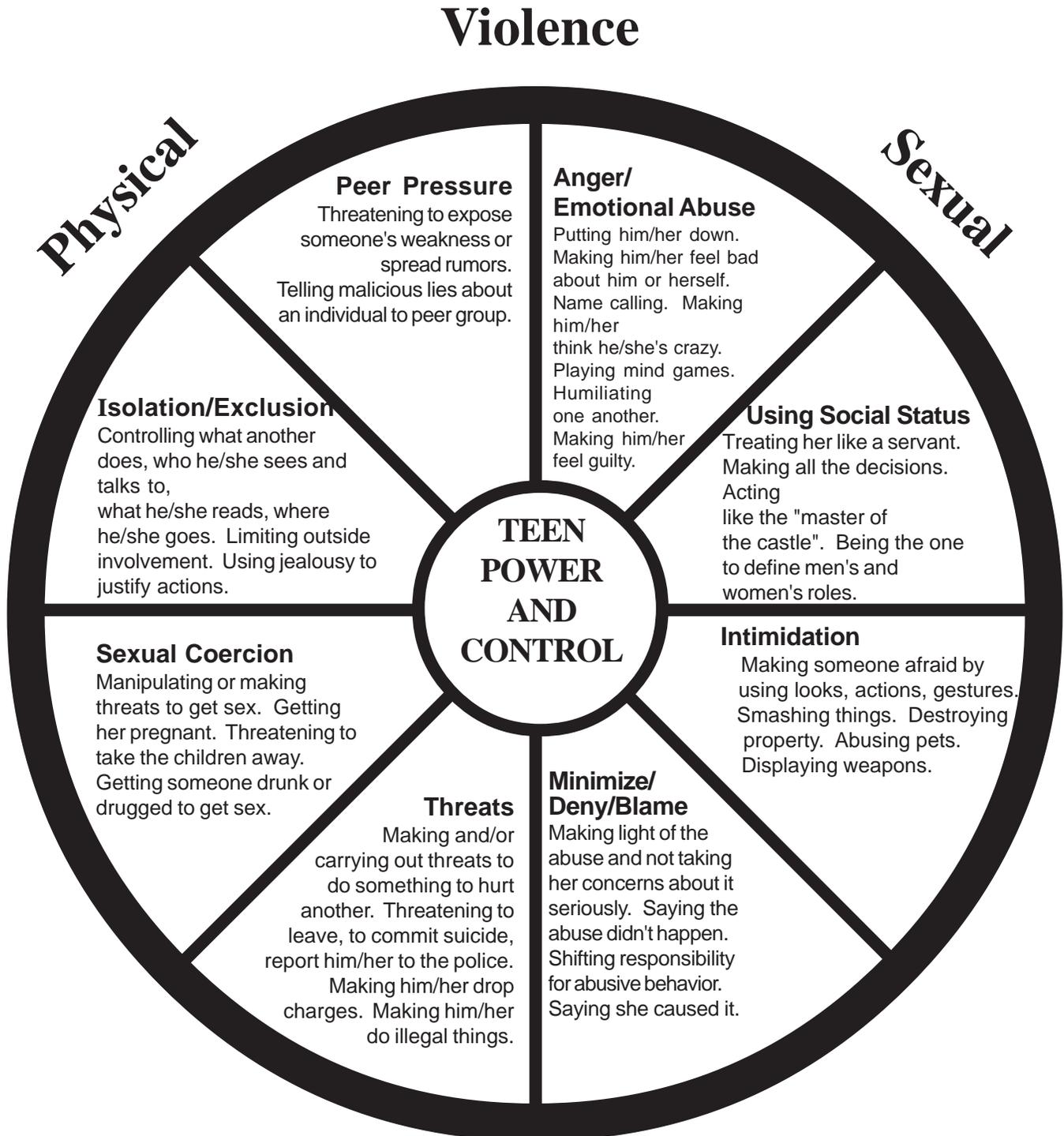
teen violence is adolescent reliance on peer approval. Teens tend to conform to peer norms. As a result, many teens decide acceptable behavior and sex roles based on how these are interpreted by their peer groups. Normally, the gender roles are exaggerated, especially with regards to teen sexuality. Both males and females frequently act out their gender differences in manners that reflect stereotypical notions of male dominance and female passivity.

Secondly, lack of experience in dating and in relationships adds to adolescent confusion. When it comes to love and relationships, the majority of teens are idealists. This has a number of implications. For example, an adolescent abuser's excessive jealousy and possessiveness is frequently romanticized by young victims who misconstrue their partner's obsessive demands as "proof of passion." Teen abusive partners justify the use of violence and control tactics as acts of love.

In addition, many adolescents are extremely reluctant to confide in adults or authority figures. Many teens fear their concerns about relationships will be ignored, belittled, or ridiculed because adults tend to underestimate the intensity of adolescent relationships. Others believe parental or adult intervention will result in loss of independence or trust.

Adolescent Dating Violence Patterns

The following wheel represents a pattern of repeated, actual or threatened acts that physically, sexually, or verbally abuse a member of an unmarried heterosexual or homosexual couple in which one or both partners are between 13 and 20 years old. (YWCA - East Cherry Branch, Seattle, WA.)



Courtesy of *Domestic Abuse Intervention Project* in Duluth, Minnesota

Adolescent and Female Development

After a while, when it starts getting worse, you get scared to leave him. I'd tell my boyfriend I didn't want to go out anymore, and it would get worse. He'd start slapping me and say "I'm not gonna quit 'til you tell me you're not leaving."

Levy Barrie, Dating Violence: Young Women in Danger, Seattle, WA, The Seal Press, 1991

The following list gives several factors of adolescent female development that create barriers to breaking free from abusive relationships, including:

- Pressure to conform to peer group norms and pressure from the sexual intensity of adolescence;
- Adolescent rigidity in conforming to female gender role expectations; specifically, the expectation that her status depends on her attachment to a male and on his status;
- Female socialization which fosters the assumption that women are responsible for problem-solving in a relationship;
- Lack of dating and sexual experience on which to base decisions or to trust themselves to take action on their behalf in a relationship;
- Tendency to confuse control and jealousy with love;
- Tendency to reject assistance from adult authorities and rely exclusively on peers; and
- Legal options for protection which may be unavailable to teens or available only if their parents or guardians are involved in the action are barriers for many teens who do not want to involve their parents regarding the abuse.

Specific Issues Teens May Face:

Pregnancy

In many situations, the pregnancy may be part of the abuse. For example, a teenager may be forced into having sex or their partner refuses to use birth control. An important issue surrounding the problem of teen dating violence is teenage pregnancy. Teens are at a greater risk of experiencing abuse while they are pregnant.

Pregnancy for adolescents creates a number of circumstances that increase their vulnerability. First, pregnant teens are often blamed or harshly judged by adults, their peers, and society. Second, pregnant teens and teen mothers frequently develop a sense of dependence (real or imagined) on others. Finally, teens with children have fewer resources and are many times unaware of all their options. The effects of all of these combined factors are feelings of isolation, helplessness, and self-blame. Therefore, they are more easily manipulated and controlled.

Sexual Orientation

The dynamics of abuse in gay or lesbian relationships are similar to those in abusive heterosexual relationships and yet additionally complex. Lesbian and gay teens also face isolation and homophobia. Homophobia, an absence of visible role models, and fear may prevent gay and lesbian victims, both teens and adults, from disclosing their abuse or seeking help.

Culture and Race

Culture and race are factors that influence many victim responses to adolescent dating violence and adult domestic violence. Both culture and race can strongly impact a victim's tolerance of abuse and their feelings of isolation and helplessness. For instance, victims from strict cultures that disapprove of dating and sexuality may be desperate for help but may refuse to seek assistance from family members out of fear of reprisal or shame. Seeking outside help may produce further conflict within the family.

Issues of race are also influential in a victim's decision to report an abuser or to get help. For example, young women who believe their future or opportunities are limited due to racism or discrimination, may, to a greater extent than their peers, base their future on their relationships. Furthermore, individuals raised in a different culture or prejudiced by racism or discrimination may be unwilling to discuss an abusive relationship with others outside of their culture, racial community, or family. A desire to protect their partner stems from having shared with their partner a common understanding or common experience as a racial or cultural minority.

Characteristics of Adolescent Dating Violence

Diversity - Adolescent dating violence, like adult domestic abuse, is prevalent in all communities. It is not unique to one class, race, or culture.

Gender - Females experience dating violence more often than males. However, male adolescents, particularly in early adolescence, experience dating violence more often than adult males.

Invisibility - The subject of dating violence is not commonly addressed by adolescents.

Normative Confusion - Young people experience more confusion than adults due to lack of experience in intimate relationships and confusing messages from society regarding sexual behavior. This contributes to the girl's inability to judge if her boyfriend's behavior is abusive or out of line.

Patterns of Abuse - The adolescent abuse pattern follows adult domestic abuse forms and methods. The same mechanics of control, coercion, and jealousy are at work in adolescent abusive relationships.

Sexual Abuse - In addition to date rape, which accounts for 67% of sexual assaults among adolescents, young victims of dating violence also describe continuous forms of "sexual slavery."

Adolescent abusers may physically force sex upon their victims, threaten, or manipulate them by use of other coercive tactics, such as accusations that attack their acceptability as women or lovers. Feelings of worthlessness, degradation, humiliation, and shame usually follow. Over time these emotions gradually undermine the victim's ability to escape. Since victims of dating violence are relatively young, inexperienced, and their sense of themselves as sexual beings may be new or fragile, their vulnerability at this time is magnified.

Substance Abuse - Substance abuse, though not the cause of dating violence, may increase the chances of abuse. Alcohol and other drugs reduce inhibitions and the capability to demonstrate self-control and good decision-making skills. For victims, alcohol and drugs may act as a substitute for positive and effective coping strategies. Substance abuse and violence must be confronted simultaneously.

Teens Seeking an Order for Protection

To qualify for an Order for Protection, two criteria must be met:

- 1) The two parties must be 16 years of age or older, presently or in the past been involved in a dating relationship or be married, or have a child in common.
- 2) The individual filing for the order must have suffered or have been threatened with physical harm, bodily injury, or assault.

A parent can file a Protection Order for a minor child. Minors under the age of 16 are eligible for a protection order with parent or guardian. Minors 16 or older are eligible for protection orders without parent or guardian.

Orders for Protection may be filed at Whatcom County District or Superior Court. For more information call Whatcom County Court Services at (360) 676-6803 or Domestic Violence & Sexual Assault Services at (360) 715-1563.

Section Eight: Abusive Partners

Myth: Victims provoke their abusive partner.

Fact: Abusive partners use violence or other abusive behavior because they have learned that it can control their partners.

Regardless of what his partner does, an abusive partner's response is totally his decision. "She provoked me" is a way to shift the blame and responsibility to the victim. No one can "make" him behave abusively. Pushing, shoving, hitting, or threatening one's partner is a crime.

An abusive partner may not like his partner's behavior or may even disagree strongly with something she says. However, nothing she does or says gives him permission to commit a crime against her. There is no excuse for domestic violence.

Warning Signs for the Abusive Partner

The following are warning signs that may indicate your potential to be abusive. The word "partner" refers to spouse, lover, someone you are dating, or someone from a past relationship.

- You check up on your partner frequently. For example, you listen to your partner's phone conversations, make your partner accountable at all times for her whereabouts, or check her car mileage.
- You frequently put your partner down. For example, you call your partner names, frequently criticize her, or humiliate her in public or in private.
- You try to exercise control over your partner. For example, you tell your partner who she can or cannot see or keep her from going to work or school.
- You attribute acts of jealousy or possessiveness to love.

- You force sex in ways that are not comfortable for your partner.
- You blame your partner or others for your problems and shortcomings, or you get angry in a way that scares her.
- You belittle your partner's fears or concerns about your relationship.
- You spend a significant amount of time and energy making up for abusive things you have done.

If you think you may be abusing your partner, seek help now by calling any of the certified domestic violence perpetrator treatment agencies.

Immediate Ways for Abusive Partners to Stop the Violence

To prevent the violence from repeating itself, get treatment from a specialized treatment provider. Here are some immediate ways to cool down.

1) Leave the scene: No matter the situation, leave! Go somewhere safe and peaceful to calm down, collect your thoughts, and consider the consequences of your actions.

2) Slow down - cool down: Focus on something else. Take a brisk walk, listen to music, or exercise.

3) Talk: Talk to someone outside of the situation, such as a counselor at a crisis line. Tell them that you need to cool down and that it helps to have someone to listen to you. They will! Call CARE Crisis Response Services at 1-800-584-3578 any time of day.

4) Tell a friend: Tell a friend you trust what you are doing to slow down and cool

down. Remember that alcohol and drugs get in the way of making decisions.

5) Get help: For a list of State-certified domestic violence perpetrator treatment programs, refer to <http://www1.dshs.wa.gov/pdf/ca/perplist1.pdf> or phone the manager of the Washington State-certified Domestic Violence Perpetrator Treatment Programs at (360) 902-7602.

Treatment for Abusive Partners

Washington State has taken a strong and innovative stance regarding treatment for abusive partners. Any provider who offers to treat an abusive partner must be state-certified. Although each program is unique, all must adhere to a number of minimum standards set by law.

Domestic violence perpetrator treatment programs recognize that abuse is a difficult topic to discuss. Many men who are abusive are reluctant to get help because they feel ashamed, embarrassed or uncomfortable. DV treatment counselors work with men to help them recognize their abusive behavior and understand how it affects themselves, their partners and other family members. Abusive men can learn new, respectful ways to handle problems.

Anyone who is concerned about his abusive behavior can enter a treatment program; he does not have to be ordered by the court. More and more men are recognizing that if they do not get help, their abusive behavior could cause injuries, and destroy their families. They are taking the initiative to get help before it's too late.

Treatment lasts a minimum of one year, although most men find they need much longer to change their behavior and the belief system which supports it.

What about couples counseling?

Many people think domestic violence is a problem with the relationship and seek couples counseling

or individual therapy. Unfortunately, experience has shown that couples counseling can increase the danger to the victim and give the abusive partner dangerous support for blaming the victim for his violence.

What about substance abuse?

Substance abuse does not cause domestic violence. Some people are abusive when they are drinking or drugging, but others are not. Getting clean and sober will solve the substance abuse problem but not the violence problem. Victims often report that even when their partner became clean and sober, the abuse continued. Men in DV treatment often say that they used drugs or alcohol to give them an “excuse” to be abusive.

What about “Anger Management” programs?

In the past, it was thought that domestic violence was about problematic anger. It is now known to be about the abuser’s desire to control his partner using whatever behaviors are necessary. Many abusers are not angry when they use a control tactic. Men in treatment often say they used their expression of anger as a way to intimidate and control their partners. Anger management programs are not designed to address the fundamental causes of domestic violence or safety and accountability issues. They are not appropriate alternatives to domestic violence perpetrator treatment.

Section Nine: Intervention

Myth: Once an abusive partner always an abusive partner.

Fact: “Battering behavior” is learned behavior that can be unlearned. However, behavioral change requires intervention -- it is unlikely an abusive partner can change by sheer willpower alone.

Early detection of abuse is vital to averting severe injury and increased violence; early intervention is vital for saving lives. Only an estimated 25% of domestic violence incidents are reported annually. In order to prevent future acts of domestic violence, the community must get involved. The following sections provide more information and suggestions on how you can help.

Warning Signs that Someone You Know is Being Abused

- 1) The person frequently has bruises or injuries.
- 2) The person becomes unusually quiet or withdrawn.
- 3) The person is frequently absent from work or quits.
- 4) The person stops talking about their partner.
- 5) The person wears concealing clothes even in warm weather.

How Others Can Help

The following intervention methods are listed according to the individual’s relationship to the victim or abuser.

What to do if you think a family member, neighbor, or friend may be affected by domestic violence:

If you suspect a person you care about is being abused, you can help. Your offer of help could make the difference to someone living in an abusive situation. While there is no right way to help someone, here are important steps to keep in mind:

- Talk in a safe, private place.
- Take the time to listen, and believe what you hear.
- Don’t underestimate the danger.
- Express your concern for the person’s safety.
- Don’t expect change overnight; be patient and continue to offer your support.
- Don’t judge or criticize the person's decisions.
- Encourage the person to make his/her own choices, but urge them to talk to someone who knows about domestic violence.
- Let the person know that many other people are in abusive situations and tell her about agencies that can help.
- Learn as much as you can about domestic violence.

What to do if you are an employer or co-worker of someone who may be affected by domestic violence:

If you suspect that a person with whom you work is being abused, you can help. Your offer of help could make the difference for someone living in an abusive situation. While there is no right way to help someone, here are important steps to keep in mind:

- Managers and supervisors should understand the laws that restrict employers from asking employees about certain health or home issues. If you need information about these laws, seek out someone in your company who can help you.
- Learn as much as you can about domestic violence.

- If you observe warning signs, let the person know you notice a problem and are concerned.
- If the person wants to talk to you, ask what help (if any) would be most useful to the employee (for example, time off for court appearances, security escorts to the car, not transferring phone calls from the abuser to the employee).
- Do not allow the situation to become the topic of office gossip.
- Do not tell the person what to do or judge his/her decisions.
- Get help from human resources or personnel department, an employee assistance program, or other resources in your company or organization.
- Encourage the person to make his/her own choices, but urge them to talk to someone who knows about domestic violence.

For service providers who suspect that a customer, client, or patient is being abused or is abusive:

Your response will vary based on the type of service you offer; however, the following is a list of suggestions and guidelines for intervention:

- Learn as much as you can about domestic violence.
- Routinely ask every client or patient about being hurt by a partner or hurting others. Asking everyone removes the stigma from domestic violence and helps us overcome our own stereotypes of who might be abused.
- Ask questions in private.
- Ask questions that help a person tell you what is going on. You should ask an injured person, “Was this done by your partner?” rather than asking, “How did you get hurt?”

The second question makes it easy for both the client and the professional to deny abuse.

- Assess an abused person’s safety and help reduce the danger. Express your concern that the person may get hurt again. Help the person explore options for safety.
- Encourage an individual who is being abusive to seek help from a specialized domestic violence perpetrator treatment agency.
- Don’t agree with any statements that suggest the victim brought on the abuse. There is no excuse for violent behavior. Provide referrals to agencies that can help.
- Develop a policy on how you will record abuse in your files. Consider your relationship with the client, the need for confidentiality, the importance of providing good care or service, and the potential benefit or risk of records for your client.
- Encourage the person to make his/her own choices, but urge them to talk to someone who knows about domestic violence.

Section Ten: Legal System

How victims can assist when police respond to a domestic violence call:

1. **Try to stay calm:** Though this may be difficult in a crisis situation or if you are panicked or emotional, it is nonetheless important.

2. **Do not hesitate to ask that a report be made:** In every domestic violence case law enforcement responds to, the officers are required to file an official report, even if no other police action is taken.

3. **Describe the incident in detail:** No one knows what took place better than you. Facts are needed for the police to make an accurate report. Do not be intimidated when the officers ask for a statement. A statement is simply a way of documenting the incident in your own words.

4. **Show the police any injuries, bruises, or damaged property:** This is evidence! Visible proof provides more facts the police will take into consideration. If there is no physical proof (for instance, you were being threatened or experienced pain), simply explain, clearly and calmly, the incident in detail.

5. **Inform the officers of any witnesses:** Witnesses help to substantiate the fact that something has taken place.

6. **Tell the officers about other violent incidents:** Past abuse is part of an abusive pattern. Previous assaults help explain the danger involved in your situation.

7. **Tell the officer about any weapons, including firearms:** The police may seize any weapons that may pose a threat to you or your family. If you are aware of any weapons on the premises, tell the officer and request that they be seized.

8. **Show the officers any court documents you have, such as a No Contact, Restraining, Anti-Harassment, or Order for Protection:** In particular, keep a certified copy and another copy of a Restraining Order or Order for Protection with you at all times. This is useful in the event that the order is not able to be served on your abuser until he is at your residence demanding entry. The extra copy can be immediately administered to the respondent at the scene by the responding officers.

9. **Ask the officers for community resources such as shelters, hotlines, counseling, and advocacy:** A list of community organizations will be given to you by the responding officer. This information, along with a victim's rights statement, is required by law. As a general rule, do not dispose of anything that the police, prosecutor's office, or the courts give to you.

10. **Ask the officers for their business card, case number of the report, and a phone number:** As long as the incident in question is still being investigated by law enforcement, direct any concerns or questions to the police.

Coordinated Response to Domestic Violence in Whatcom County

Domestic violence is a shared responsibility. In Washington State, residents are fortunate to benefit from an on-going partnership between the State and local governments to resolve the problem of

domestic violence. In Whatcom County, agencies have coordinated their efforts to better protect victims and hold abusive partners accountable for their actions. The police, prosecuting attorney's office, probation officers, judges, public defenders, court personnel, legal advocates, community advocates, shelter providers, and domestic violence perpetrator treatment providers have formed networks to effectively address the issue of domestic violence and provide comprehensive services to victims. The three primary goals of a coordinated response are:

- 1) To protect victims of domestic violence;
- 2) To hold abusive partners accountable for their controlling and violent behavior; and
- 3) To change community norms regarding the acceptability of violence in the home.

The following sections describe law enforcement response and legal options for victims.

Legal Definitions

(RCW 10.99.020; RCW 9A)

Family or Household Members: spouses, former spouses, persons who have a child in common-- regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, and adult persons who are presently residing together or who have resided together in the past. Persons 16 years and older who are presently residing together or who have resided together in the past and who have or have had a dating relationship; Persons 16 years and older with whom a person 16 years or older has had a dating relationship and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren, grandparents and grandchildren.

Domestic Violence: includes but is not limited to any of the following crimes when committed by one family or household member against another: assault, reckless endangerment, coercion, burglary, criminal trespass, malicious mischief, kidnapping, unlawful imprisonment, stalking, violation of a Restraining Order, restraining the person or excluding the person from a residence, violation of a No Contact Order, rape, or interfering with the reporting of domestic violence.

Other Definitions

Victim: A family or household member who has been subjected to domestic violence.

Assault: The act of intentionally inflicting bodily harm on a person.

Reckless Endangerment: The act of recklessly engaging in conduct which creates a substantial risk of death or serious physical injury to another.

Coercion: The use of threats to compel or induce a person to engage in conduct which the individual has a legal right to abstain from, or compels the individual to abstain from conduct which is his/her legal right to engage in.

Residential Burglary: The act of entering or remaining unlawfully in a dwelling with intent to commit a crime against a person or property therein.

Criminal Trespass: Entering or remaining unlawfully in or upon the premises of another.

Malicious Mischief: The act of knowingly and maliciously causing physical damage to the property of another.

Kidnapping: To intentionally abduct or restrain a person by unlawful force or fraud, or the threat of force.

Unlawful Imprisonment: An act of knowingly restraining another person.

Rape: Unlawful sexual intercourse by force or threat.

See "Legal Options within the Boundaries of the Lummi Indian Reservation" for laws and practices within the Lummi Indian Reservation.

Rights of Victims, Survivors, and Witnesses

Intent (RCW 7.69.010)

In recognition of the severe and detrimental impact of crime on victims, survivors of victims, and witnesses of crime and the civic and moral duty of victims, survivors of victims, and witnesses of crimes to fully and voluntarily cooperate with law enforcement and prosecutorial agencies, and in further recognition of the continuing importance of such citizen cooperation to state and local enforcement efforts and the general effectiveness and well-being of the criminal justice system of this state, the legislature declares its intent, in this chapter, to grant to the victims of crime and the survivors of such victims a significant role in the criminal justice system.

The legislature further intends to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity; and that the rights extended in this chapter to victims, survivors of victims, and witnesses of crime are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants.

(RCW 7.69.030)

There shall be a reasonable effort to ensure that victims, survivors of victims, and witnesses of crimes have the following rights:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of local crime victim/witness program, if such a crime victim/witness program exists in the county;

(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor,

or witness is involved;

(3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to the court;

(4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and family or friends of defendants;

(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

(9) To have access to immediate medical assistance and not to be detained for an

unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to the medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;

(10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

(13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions; and

(15) With respect to victims and survivors of victims,

to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgement.

(16) With respect to victims and survivors of victims, to present a statement in person, via videotape, in writing or by representation at any hearing conducted regarding an application commutation of sentence.

See "Legal Options within the Boundaries of the Lummi Indian Reservation" (page 27) for laws and practices within the Lummi Indian Reservation.

Law Enforcement Response

Most law enforcement jurisdictions in this state follow uniform guidelines in response to domestic violence complaints. If they are given probable cause to believe a criminal act has been committed, the police are expected to do the following:

- 1) Enforce the laws allegedly violated and protect you;
- 2) Provide you with information on how to obtain an Order for Protection and information about community resources such as shelters and advocate groups;
- 3) Complete a report;
- 4) Help preserve evidence of the crime;
- 5) Inform you of your legal rights; and
- 6) Make an arrest if you have been assaulted within the past four hours or if the mandatory arrest provision of a court order has been violated.

According to Washington State's Domestic Violence Prevention Act and RCW 10.31.100, the police are required to make an arrest if "probable cause" of certain criminal acts exists. The definition of probable cause is summarized as evidence that indicates a crime has taken place, such

as a report from the victim, marks, bruises, witnesses, or injury. The police will make an arrest when they have probable cause to believe any of the following:

- 1) You were assaulted within the past four hours, whether or not that assault resulted in bodily injury which was observable to the responding officer;
- 2) Your abuser caused you to believe that you were in imminent danger of serious bodily injury or death; or
- 3) Your abuser violated any of the terms of a No-contact Order, Protection Order or other orders that restrained the abuser from harming or threatening you, or restricted the abuser from going onto the grounds of or entering a residence, workplace, school or daycare.

Legal Options - types of orders available

In Washington State four types of court orders are available to victims of domestic violence: Orders for Protection, No-contact Orders, Restraining Orders, and Anti-harassment Orders. Although each of these orders may be useful in protecting victims of domestic violence, there are some specific differences in who can qualify, how they are accessed, how they are utilized, and in the restraint provisions. Fortunately, the different orders are not mutually exclusive; a victim may choose to have more than one. Careful understanding of the orders and their different functions will help victims of domestic violence receive the maximum protection available under the law.

See "Legal Options within the Boundaries of the Lummi Indian Reservation" for laws and practices within the Lummi Indian Reservation.

Criminal Order

No-Contact Order:

A No-contact Order is a criminal court order available to victims of domestic violence who have reported an incident to the police and criminal charges are pending or filed. A No-contact Order prohibits the person(s) suspected of domestic violence crimes from contacting the victim of the crime, either directly or indirectly, such as through a third person. Any violation of the stated terms of the order is a gross misdemeanor and often arrest is mandatory.

No-contact Orders are usually issued by the courts at arraignment, some upon release from jail. The victim may ask the prosecutor to request a No-contact Order. No-contact Orders are also issued at sentencing.

A No-Contact Order may:

Prohibit communication by phone, letter, or through a third party, including letters of contrition and messages through friends and relatives expressing remorse; and

Specify location of no contact such as the victim's home, place of employment, school, or other places where the victim is likely to be located.

If it is suspected that the defendant will commit further acts of violence against the victim or others involved, the courts have the authority to order the surrender of all firearms. This is generally included under the terms of a No-contact Order, and/or Pre-Trial Order.

Upon receipt of a No-contact Order, the defendant is required to sign the document to verify receipt and comprehension of the document. Unless they are also victims of abuse, children are ordinarily exempted from the terms of the No-contact Order.

If there are pending charges against your abuser and you wish to ensure a No-contact Order is issued, contact the prosecutor's office. If a

No-contact Order has been issued and you would like it removed, contact the prosecutor's office and ask for a scheduled hearing.

Civil Orders

Definitions:

Petitioner: the individual who presents a petition (legal action or order) to a court, officer, or legislative body.

Respondent: the recipient of the order or the individual against whom the action is filed.

Domestic Violence Order for Protection:

An Order for Protection is a special type of civil order reserved for victims of domestic violence; those who have been the victims of violence or in fear of imminent violence from a "family or household member." A protection order restrains the person who has been committing acts of violence from further acts of assault or threatening behavior. Though the victim reserves the right to decide whether or not he/she chooses to hire an attorney, the filing process for an Order for Protection is designed to alleviate the need for legal counsel.

When need for immediate action is evident, an emergency or temporary order is available. Such orders are valid for up to 14 days, within which time a date for a full court hearing will be scheduled. Respondents are served with the temporary order, petition, and the notice of the hearing. At the full court hearing the court will decide whether or not to grant a full Order for Protection. A temporary Order for Protection can:

- 1) Restrain the respondent from committing acts of violence;
- 2) Restrain the respondent from the petitioner's residence, workplace, school or school/daycare of a child or residence shared by petitioner and respondent; and

- 3) Prohibit the respondent from harassing and/or contacting the petitioner (on the street, by mail, by telephone, at school, at work).

The terms of a full order may last for up to one year, a set period of time longer than a year, or permanently. However, at any time prior to the expiration date of the order, the petitioner may make a request to the court to modify or terminate the order. In addition to the conditions listed above, a full Order for Protection may:

- Award temporary custody of minor children to one parent, establish temporary visitation, and restrain one parent from interfering with custody;
- Order the respondent to participate in treatment or counseling;
- Prohibit the respondent from removing the children from the jurisdiction of the court; and/or
- Order respondent to pay for court costs incurred in obtaining the order.

If the temporary or full Order for Protection is intentionally violated, the abuser may face a mandatory arrest, possible criminal charges, or contempt of court.

There is no filing fee and no fee for law enforcement to serve the papers. The petitioner may receive the necessary number of certified copies at no cost. Orders for Protection may be filed at Whatcom County Superior or District Court.

For more information call Whatcom County Court Services at (360) 676-6803 or Domestic Violence & Sexual Assault Services at (360) 715-1563.

Restraining Order:

A Restraining Order is a civil court order that restricts or prohibits an individual from access or proximity to another specified individual. The order can only be issued in conjunction with an additional action such as divorce, legal

separation, or child custody action, and usually requires legal counsel. A Restraining Order may also be issued in instances of child abuse or in paternity rights cases. The order can be requested by either party involved. However, to obtain a Restraining Order, a petitioner must be either married to the respondent or have a child in common with him/her.

Temporary Restraining Orders are also available if the court is convinced that “irreparable injury” may result without immediate action or intervention. The terms of a permanent Restraining Order are effective until otherwise modified. A Restraining Order allows for a party to petition or restrict the other party from performing a number of actions such as:

- 1) Disposition of property in any manner;
- 2) Harassing, threatening, assaulting, or in any other manner disturbing the peace of the petitioner;
- 3) Entering the residence or former co-residence of the petitioner; and
- 4) Removing children from the state’s jurisdiction.

The Restraining Order will be served on the abuser or the abuser’s attorney. If the order is intentionally violated the abusive partner may face a mandatory arrest, possible criminal charges, or contempt of court. Two violations are classified as criminal misdemeanors:

- 1) Molesting or disturbing the petitioner or the children involved; and
- 2) Entering the petitioner’s residence in violation of the court order.

The petitioner may be charged a filing fee. The fee can be waived based on income. Restraining Orders can be filed in Superior Court only. For more information contact a private attorney or legal service.

Anti-Harassment Protection Order:

An Anti-harassment Order is a civil court order prohibiting the practice of unlawful harassment. Unlawful harassment is the willful course of conduct directed toward an individual that seriously alarms, annoys, or harasses them for no legitimate reason or lawful purpose. It is not necessary that the parties be family or household members.

Anti-harassment Orders can be obtained by filing a petition in any district court or superior court. The petitioner does not need an attorney for the Anti-harassment Order process but may choose to obtain legal counsel.

Emergency temporary Anti-harassment Orders are available upon the filing of a petition. The duration of a temporary Anti-harassment Order is 14 days. The full Anti-harassment Order is effective for up to a year. However, at any time prior to the expiration date of the order, the petitioner may request to the court that the order be modified or terminated.

The Anti-harassment Order will be served directly on the harasser. If the order is intentionally violated, the harasser risks possible arrest and criminal charges or contempt of court. There is a basic filing fee in Whatcom County District Court, but it may vary and the fee can be waived based on income. Anti-harassment Protection Orders may be filed at Whatcom County District Court.

For more information call Whatcom County Court Services at (360) 676-6803 or Domestic Violence & Sexual Assault Services at (360) 715-1563.

Legal Options within the Boundaries of the Lummi Indian Reservation

Legal Options Available by the Laws of the Lummi Nation

The Lummi Nation adopted a Domestic Violence law in 1997 and it is found in the Lummi Code of Laws in Title 5A. Numerous agencies within the Lummi Nation are charged with implementing the requirements of the law, including the Lummi Tribal Court, Lummi Police, the Lummi Prosecuting Attorney, Lummi Victims of Crime and a variety of other Lummi Departments. The primary responsibility of each Lummi Administrative Department is twofold – to protect the victim and to provide the victim with information on process and resources.

Lummi Law Enforcement

Lummi Police provide for the safety of victims and family members by arresting the primary physical aggressor and by confiscating any weapons that may have been used in the domestic violence. The law also provides that the police are to assist the victim in obtaining transportation to a shelter or a medical facility. The police also provide the victim with notice of their rights and remedies that are available.

Lummi Tribal Court

The Lummi Tribal Code grants the Lummi Tribal Court jurisdiction over all persons within the boundaries of the Lummi Reservation. Generally, the Lummi Court has civil jurisdiction over persons within the boundaries of the reservation. The criminal jurisdiction of the court is limited, however, to Indian persons. The Lummi Nation stops and detains non-Native American law violators within the boundaries of the Reservation. These violators are then arrested by the appropriate state or federal authority.

Protection Orders

The Lummi Code of Laws provides for orders for protection. A law enforcement officer may request an emergency protection order when the victim needs immediate protection. The officer is authorized to contact the judge telephonically to obtain such an order. Where a crime of domestic violence has been alleged, an order of protection must be included as a condition of the pre-trial release of the defendant.

A person may also obtain a civil emergency order for protection. A person may apply for a protection order by filling out a Petition for an Order of Protection form which is available at the Lummi Court. There is no cost for a protection order. The Lummi Court can grant a variety of relief in a protection order including: no contact with the victim, removal of the respondent from the residence, granting possession of necessary and essential personal property like automobiles, clothes, and household goods, granting temporary custody of children and any other relief necessary to provide for the safety of the victim and the victim's family.

The Domestic Violence Code also provides guidelines for determining child custody and visitation in cases of domestic violence. The law provides that when a determination of domestic violence is made by the Court, child custody and visitation orders must provide adequate safety for the children and victim.

Full Faith and Credit

The Lummi Tribal Court provides full faith and credit to orders for protection issued by Courts of the State of Washington and other Indian Tribes.

Court Orders Available to Victims of Domestic Violence

	Domestic Violence Protection Order	Sexual Assault Protection Order	Anti-harassment Order	No Contact Order	Restraining Order
Who may get the order?	Person who has been physically abused, threatened with harm, or stalked by a family or household member (defined in RCW 26.50.010(2)). A person age 16 or older can petition on her own behalf	Any person who is a victim of non-consensual sexual conduct or penetration, including a single incident. A person age 16 or older can petition on her own behalf	Person who has been harassed by a course of conduct (2 or more separate events) by any person without a legitimate purpose. A person must be age 18 or over to petition on her own behalf.	Prosecuting Attorney on behalf of victim after criminal charges are brought against the abuser	Person involved in a divorce, paternity or parenting plan modification
How do you get the order?	Petitioner must file in the county where she lives or has fled to avoid the abuse	Petitioner must file in the county where she lives	Petitioner must file in the county where she lives or has fled to avoid the abuse	Prosecutor requests as part of the criminal case. Victim obtains copy from prosecutors office	Victim files as part of the family law action pending
Where do you apply?	District or Superior Court	District or Superior Court	District Court	Municipal, District or Superior Court	Superior Court
What can the order do?	Prohibit contact with victim, exclude from residence and workplace, determine temporary custody, grant use of a car, grant possession of essential personal property , and order treatment THE ORDER CANNOT : order child or spousal support, grant possession of other property, or establish permanent custody	Prohibit contact with the victim, exclude from residence, workplace, school, or daycare Court can appoint an attorney to represent Petitioner (at no cost) IF the Respondent has an attorney	Prohibit contact with the victim, exclude from residence and workplace, restrain from harassing or keeping victim under surveillance	Prohibit direct or indirect contact with the victim, including phone or letters	Prohibit contact with the victim, exclude from residence, restrain from harassing, grant temporary custody, direct child and spousal support, prohibit disposal of property
How much is the cost?	No fee	No Fee	Filing Fee Charged Waived for low income	No fee	Filing Fee Charged Waived for low income
How long does it last?	Emergency: 14 days Permanent: 1 year renewable	Emergency: 14 days Permanent: up to 2 years renewable	Emergency: 14 days Permanent: 1 year renewable	Pre-Trial: as long as case is pending Post-Conviction: Up to Judge's discretion	Emergency: 14 days Permanent: Permanent until modified
What if the order is violated?	After abuser and police have notice of the order, mandatory arrest, criminal charges and/or contempt charges	After abuser and police have notice of the order, mandatory arrest, criminal charges and/or contempt charges	After abuser and police have notice of the order, possible arrest and/or contempt charges	After abuser and police have notice of the order, mandatory arrest and criminal charges	After abuser and police have notice of the order, mandatory arrest if order so states (if not stated, then possible arrest) and/or criminal and contempt charges

SAFETY PLAN CHECK LIST

The most important step you can take for yourself, if you are a victim of domestic violence, is to build a safety plan to protect yourself from the abuser. When physical, emotional, or sexual violence has occurred once in a relationship, it is likely to happen again. So you need to plan ahead to protect yourself and your children. Since you know the abuser's actions and behaviors, you should use this knowledge and plan ahead.

During an incident of abuse or violence, get out if you can. Call 9-1-1 for the police, if you feel it is safe. If you cannot get out, stay away from the kitchen, bathroom, garage, or other potentially dangerous rooms. Call for help; if neighbors hear, they may call 9-1-1.

If your abuser has left the home, you might change the locks and the phone number and you might need to reinforce doors and windows. Have a plan in case you encounter your abuser.

Here are some things to consider in your personal safety plan:

- Teach your children how to call 9-1-1.
- Tell trusted friends, family members, and neighbors what is going on.
- Arrange to have a safe place to go to. A domestic violence shelter is one option. It is best if the abuser is not aware of the location.
- Prepare a bag of clothing, medications, and other essentials for yourself and your children to use if you have to leave quickly. Hide the bag where you can get to it in a hurry.
- Make several copies of your important papers and keep one set in the bag (other copies could go to trusted friends or family). You may need things such as your identification, birth certificates, financial and insurance information, Social Security cards, any court Order for Protection. Keep your address and appointment books with you.
- If you have a car, make an extra set of keys and hide them where you can get to them if you need to. You could hide them on the car; a magnetic key holder is one way to do that.

CALL A DOMESTIC VIOLENCE PROGRAM FOR MORE SAFETY TIPS