

## FAMILY VIOLENCE



# Fifty Obstacles to Leaving, *a.k.a.*, Why Abuse Victims Stay

by Sarah M. Buel

*It is when my head makes contact with the wall that I freeze, though his fist is coming toward me again. I have not yet taken behavior psychology and do not know that some animals flee when attacked. It would take me yet another year of planning, forgiving, calling, reaching for help, before I could leave. The Legal Aid Office told me there was a three-year wait, even for a divorce when you were getting hit. All the private attorneys wanted at least \$10,000 for a retainer since he threatened to contest custody. The judge told me I needed to keep the family together. The priest told me to diversify the menu and stop cooking so much Italian food. Only the older, male marriage counselor told me that it was dangerous for me to stay. So, now I'm a single Mom, without child support and trying to go to night school and keep my job. But with minimum wage, I*

*can't seem to pay both day care and the rent, so sometimes I think about going back, just to make sure my son has enough to eat. It hurts more to watch him eat macaroni with ketchup for the third night, than it ever did to get beaten.<sup>1</sup>*

That abuse victims make many courageous efforts to flee the violence is too often overlooked in the process of judging them for *now* being with the batterer. Regardless of whether I am providing training to legal, law enforcement, medical, mental health, or social service professionals, when people find out I also have been a victim of abuse, some inevitably ask, "How is it you could get a full scholarship to Harvard Law School, but you stayed with a violent husband for three years?" This question has been fueled by those who believe that remaining with a batterer indicates stupidity, masochism,

or codependence. Far from being accurate, such labels prove dangerous to victims because they tend to absolve batterers of responsibility for their crimes.

Domestic violence<sup>2</sup> represents serious violent crime: this is *not* codependence, for there is nothing the victim can do to stop the violence,<sup>3</sup> nor is there anything she<sup>4</sup> does to deserve the abuse. Domestic violence victims stay for many valid reasons that must be understood by lawyers, judges, and the legal community if they are to stem the tide of homicides, assaults, and other abusive behavior.<sup>5</sup> The following represents a much-abbreviated, alphabetical list of some reasons I have either witnessed among the thousands of victims with whom I have had the honor of working over the past twenty-two years—or that reflect my own experiences.

### FIFTY OBSTACLES TO LEAVING

**1. Advocate:** When the victim lacks a tenacious advocate, she often feels intimidated, discouraged, and, ultimately, hopeless about being able to navigate the complex legal and social service systems needed to escape the batterer. Some well-intentioned advocates engage in dangerous victim-blaming with the assumption that there is *something* about the victim's behavior or past that precipitates the violence. Attorney Barbara Hart explains:

Empowerment advocacy believes that battering is not something that happens to a woman because of her characteristics, her family background, her psychological "profile," her family of origin, dysfunction, or her unconscious search for a certain type of a man. Battering can happen to anyone who has

the misfortune to become involved with a person who wants power and control enough to be violent to get it.<sup>6</sup>

**2. Batterer:** If the batterer is wealthy, a politician, famous, a popular athlete, or otherwise a powerful player in his community, he can generally afford to hire private counsel and pressure the decision-makers to view his case with leniency. Some wealthy abusers not only hire private detectives to stalk, terrorize, and frivolously sue their partners, but the advocates who assist them as well.<sup>7</sup>

**3. Believes Threats:** The victim believes the batterer's threats to kill her and the children if she attempts to leave. It is estimated that a battered woman is 75 percent more likely to be murdered when she tries to flee or has fled, than when she

stays.<sup>8</sup> Thus, it is dangerous for counsel to advise a victim to simply leave without ensuring that a trained advocate or attorney has worked with her to conduct extensive safety planning.<sup>9</sup>

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**4. Children's Best Interest:** Some victims believe it is in the children's best interest to have both parents in the home, particularly if the abuser does not physically assault the children. The victims—as well as their counsel and the judge—may be unaware of the deleterious impact on children witnessing domestic violence, *whether or not they have been beaten by the abuser.*<sup>10</sup>

**5. Children's Pressure:** Children's pressure on the abused parent can be quite compelling, especially with those batterers capable of manipulating the children into begging the victim to "just let Daddy come home!" Children are often torn, for they want the violence to stop, but they also want the family to stay together.<sup>11</sup>

**6. Cultural and Racial Defenses:** Cultural defenses may be cited by offenders, victims, and other community members who may not be cognizant that, while domestic violence occurs among all races, no excuse, save self-defense, ever justifies the abuse. Some believe stereotypes about their own or other cultures, but the bottom line is that domestic violence is against the law, regardless of what behavior is permitted in the "home" country or what is tolerated here in various communities.<sup>12</sup>

Issues of race and culture can impact the victim's decision because she may be more worried about how the police will treat a man of color than she is about her safety. Victims of color report being forced to choose between gender and race in deciding whether to use the criminal justice system for relief. Most feel that their survival dictates siding with race, for the white-controlled criminal justice system has not attempted to address the race-based inequities reflected in the disproportionate number of men of color arrested, prosecuted, and incarcerated. In addition, too many battered women's shelters and batterers intervention programs' staffs fail to reflect the diversity of the communities they serve. This is true in spite of the knowledge that when services are race- and culture-specific, such services report both greater use and success rates.<sup>13</sup>

**7. Denial:** Some victims are in denial about the danger, instead believing that if they could be better partners, the abuse would stop. Victims, family members, and professionals are clear that violence perpetrated by strangers is wrong and dangerous, yet they seem to adopt a double standard when that same level of abuse is

inflicted by an intimate partner. As long as those closest to the victim minimize and deny the level of the victim's danger, we should not be surprised that the victim also adopts an attitude of disbelief about her own degree of harm.

**8. Disabled:** Victims who are disabled or physically challenged face great obstacles, not only in gaining access to the court and social services, but because they also are more likely to be isolated from basic information about existing resources.<sup>14</sup>

**9. Elderly:** Elderly domestic violence victims tend to hold traditional beliefs about marriage. They believe they must stay, even in the face of physical abuse. Others are dependent on the batterer for care, and are more afraid of being placed in a nursing home than of remaining with a perpetrator whose abusive patterns they can more readily predict.<sup>15</sup>

**10. Excuses:** The victim may believe the abuser's excuses to justify the violence, often blaming job stress or substance abuse, in part because she sees no one holding the offender responsible for his crimes. Domestic violence is *not caused* by stress or substance abuse, although they can exacerbate the problem. They should not be used as excuses for violent behavior. In fact, most men when under stress *do not* batter their partners.<sup>16</sup>

**11. Family Pressure:** Family pressure is exerted by those who either believe that there is no excuse for leaving a marriage or have been duped into denial by the batterer's charismatic behavior.<sup>17</sup>

**12. Fear of Retaliation:** Victims cite fear of retaliation as a key obstacle to leaving. The acute trauma to which battered women are exposed induces a terror justified by the abuser's behavior. The batterer has already shown his willingness to carry out threats; thus, the wise victim takes seriously the batterer's promises of harming the victim or the children if the victim seeks help or attempts to flee.<sup>18</sup>

**13. Fear of Losing Child Custody:** Fear of losing child custody can immobilize even the most determined abuse victim. Since batterers know that nothing will devastate the victim more than seeing her children endangered, they frequently use the threat of obtaining custody to exact agreements to their liking. Custody litigation becomes yet another weapon for the abuser, heightening his power and control tactics to further terrify the victim.<sup>19</sup> Moreover, counsel should not provide false assurance to victims regarding the likelihood of the court awarding custody to the nonviolent parent. A Mass-

achusetts gender bias study found that in 70 percent of the cases in which a father requested some form of custody, he was successful.<sup>20</sup>

**14. Financial Abuse:** Financial abuse is a common tactic of abusers, although it may take different forms, depending on the couple's socio-economic status. The batterer may control estate planning and access to all financial records, as well as make all money decisions. Victims report being forced to sign false tax returns or take part in other unlawful financial transactions.<sup>21</sup> Victims also may be convinced that they are incapable of managing their finances or that they will face prison terms for their part in perpetrating a fraud if they tell someone.

**15. Financial Despair:** Financial despair quickly takes hold when the victim realizes that she cannot provide for her children without the batterer's assistance. Given that welfare (officially now called Temporary Assistance for Needy Families or TANF) is the primary safety net for fleeing abuse victims, it is embarrassing that the majority of states pay less than \$400 per month for a family of three, with Colorado providing just \$421 per month.<sup>22</sup> A comprehensive Texas study found that 85 percent of the victims calling hotlines, emergency rooms, and shelters had left their abusers a minimum of five times previously, with the number one reason cited for returning to the batterer being financial despair.<sup>23</sup> These victims were simply unable to provide for themselves and their children without emergency assistance, and many who had such assistance were still in financial trouble. Moreover, such victims had no idea how to access emergency assistance.<sup>24</sup>

For those battered women sufficiently compensated by their employment, they are too often harassed or terrorized on the job by the batterer. The employer usually expects the victim to control the batterer's behavior because it is disruptive to the workplace, and, if the victim does not, she is sometimes fired or forced to quit.<sup>25</sup>

**16. Gratitude:** The victim may feel gratitude toward the batterer because he has helped support and raise her children from a previous relationship. Additionally, a victim who is overweight or has mental health, medical, or other serious problems often appreciates that the abuser professes his love, despite the victim's perceived faults. Many batterers tell a victim, "You are so lucky I put up with you; certainly nobody else would," fueling the victim's low self-esteem and reinforcing her

belief that she deserves no better than an abusive partner.

**17. Guilt:** Guilt is common among victims whose batterers have convinced them that, but for the victims' incompetent and faulty behavior, the violence would not occur. Since too many victims rarely encounter anyone who holds the abusers responsible for their actions, they mistakenly assume that the *something* to stop the abuse lies in their hands.

**18. Homelessness:** Homeless abuse victims face increased danger, as they must find ways of meeting basic survival needs of shelter, food, and clothing while attempting to elude their batterers. They may be unaware of the availability of domestic violence shelters or may be unable to access them due to lack of a phone, substance abuse, mental health, or other debilitating problems.<sup>26</sup>

**19. Hope for the Violence to Cease:** A victim's hope for the violence to cease is typically fueled by the batterer's promises of change; pleas from the children; clergy members' admonishments to pray more; the family's advice to save the relationship; and other well-intentioned, but dangerously misguided counsel. Many victims are hopeful because they want so desperately to believe that *this* time the batterer really has seen the error of his ways and intends to change, not realizing that, without serious interventions, chances are slim that the abuse will stop.<sup>27</sup>

**20. Isolation:** Victim isolation is typical, although the process of cutting the victim off from family, friends, and colleagues usually happens gradually, as the batterer uses manipulation to assure compliance. Isolating the victim increases the likelihood that she will stay, for without safety plans and reality checks, it will be more difficult for her to assess her level of danger.

**21. Keeping the Family Together:** Wanting to keep the family together motivates many abuse victims to stay, believing that it is in their children's best interest to have their father or a male role model in the family. As they have not been educated about the adverse impact on children of witnessing abuse, victims often cite their desire to make a good home as a key factor in their decision to stay.

**22. Illiterate Victims:** Illiterate victims may be forced to rely on the literate batterer for everyday survival. A victim often finds that the batterer has forged her signature or forced her to sign for an array of consumer debts. Without the ability to read job applications, notices regard-

ing rights, and other important correspondence, illiterate victims are more likely to remain unaware of resources.

**23. Incarcerated or Newly Released Abuse Victims:** Such victims often have few, if any, support systems to assist them with re-entry to the community. Parole officers may require that they return home if that appears to be a stable environment, without determining whether a batterer is present. For those incarcerated women who took the fall for the batterer, returning home carries the added danger that he will, once again, demand that she perform illegal activities if she wants to stay alive.<sup>28</sup>

**24. Law Enforcement Officer:** If the perpetrator is a law enforcement officer, the victim may fear, or may have had past experiences of, other officers refusing to assist her. The victim also may be aware of the Lautenberg Amendment, which prohibits the possession of a firearm or ammunition by any individual convicted of a misdemeanor domestic violence offense.<sup>29</sup> Thus, if the batterer-officer is contributing to the family's financial stability, the victim must choose between safety with impoverishment (if the batterer loses his job) and continuing abuse (with the children receiving adequate support).

**25. Lesbian and Gay Victims:** Such victims may feel silenced if disclosing their sexual orientation (to qualify for the protective order) could result in their losing job, family, and home. Others do not report the abuse for fear of reinforcing negative stereotypes and increasing homophobia, or because the abuser threatens to spread lies (or truth) that the victim has AIDS. Some may have had prior negative interactions with the court system or do not want to air the "dirty laundry" of the gay community.<sup>30</sup>

**26. Low Self-Esteem:** Victims with low self-esteem may believe they deserve no better than the abuse they receive, especially if they have grown up in families with domestic violence. Many batterers inflict high levels of verbal abuse preceding and accompanying the violence, contributing to the victim's declining sense of worthiness.

**27. Love:** A victim may say she still loves the perpetrator, although she definitely wants the violence to stop. Most people will be in an abusive relationship at some point in their lives, be it with a boss or family member who mistreats them. However, most do not immediately leave the job or stop loving the family member when treated badly; they tend to

try harder to please the abuser, whether because they need or love the job or the person, or hope that renewed effort and loyalty will result in cessation of the abuse. Since many batterers are charismatic and charming during the courtship stage, victims fall in love and may have difficulty in immediately altering their feelings with the first sign of a problem.

**28. Mediation:** Mediation, required in some jurisdictions even with evidence of domestic violence, puts the victim in the dangerous position of incurring the batterer's wrath for simply disclosing the extent of the violence. Given the power imbalance, it is puzzling that anyone could assume an equitable resolution would result.<sup>31</sup> Since batterers will almost never negotiate in good faith, the very underpinning of mediation is sabotaged. Generally, mediation is not the appropriate mechanism by which to resolve family violence matters,<sup>32</sup> in part because many mediators have not received adequate training on the complicated dynamics of domestic violence. The entire process can leave the victim feeling that the batterer has controlled yet another facet of the court system, through which she may lose everything, from custody of the children to marital assets.<sup>33</sup> For similar reasons, "couples" counseling is also contraindicated.<sup>34</sup>

**29. Medical Problems:** Medical problems, including being HIV- or AIDS-positive, may mean that the victim must remain with the batterer to obtain medical services. If the abuser's insurance covers the family or he is the victim's primary caretaker, the victim knows that without adequate care, her *life* also is imperiled. Past attempts to elicit help from medical providers may have proved fruitless, in part because they often lack adequate training in identification and treatment of domestic violence victims.<sup>35</sup>

**30. Mentally Ill Victims:** Such victims face negative societal stereotypes in addition to the batterer's taunts that the victim is crazy and nobody will believe anything she says. Such discrimination is compounded if the victim has ever been institutionalized or is currently on a high-dose regime of anti-depressants, even if these interventions have been necessary in no small part due to the batterer's tormenting and unlawful behavior.

**31. Mentally Retarded or Developmentally Delayed Victims:** These victims are particularly vulnerable to the batterer's manipulation and are likely to be dependent on him for basic survival. Service providers may lack training in

how to adapt safety planning for such a victim's comprehension level and often do not contact those in their community with such expertise to provide the needed assistance.

**32. Military:** If the victim or the perpetrator is in the military, an effective intervention is largely dependent on the commander's response, regardless of the Uniform Code of Military Justice ("UCMJ"), its provisions for a military protective order,<sup>36</sup> and the availability of assistance from the Family Advocacy Programs. Many commanders believe that it is more important to salvage the soldier's military career than to ensure the victim's safety. Other victims are unaware that they are entitled to a short-term stipend if they report the abuse and lose the soldier's financial support as a result.<sup>37</sup>

**33. No Place to Go:** Victims with no place to go understand the bleak reality that affordable housing is at a premium in virtually every community in this country, including our Tribal Nations. Often, there is *no shelter space*, particularly for victims with children, or the shelter policy dictates that victims must quit their jobs to be admitted. Such misguided policies are based on the premise that abusers will follow victims from their place of employment to the shelter, thus endangering not only the victim, but other residents and staff as well.<sup>38</sup> Instead of financially crippling the victims, intensive safety planning should be conducted with the victim and children, including notice to employers and law enforcement to ensure the perpetrator's arrest if any problems ensue.

**34. No Job Skills:** Victims with no job skills usually have no choice but to work for employers paying minimum wage, with few, if any, medical and other benefits. Thus, any medical emergency or need for prolonged care (e.g., asthma, diabetes, car accident, or problems resulting from the violence) often forces the victim to return to welfare to obtain Medicaid coverage—or to return to the batterer.

**35. No Knowledge of Options:** Victims with no knowledge of the options and resources logically assume that none exist. Few communities use posters, brochures, radio and television public service announcements, and other public education campaigns to apprise victims of available resources. It is no wonder that many victims are surprised to learn that help may be available. Given the array of free and low-cost domestic violence community education materials available, every

bar and civic association needs to prioritize their dispensation.<sup>39</sup>

**36. Past Criminal Record:** Victims with a past criminal record are often still on probation or parole, making them vulnerable to the batterer's threats to comply with all of his demands or be sent back to prison. The vast majority of convicted domestic violence victims did time for crimes related to property, drugs, or prostitution, yet are denied access to protection order assistance by some prosecutor's offices and shelters. Protection order assistance offers the victim help in filling out the necessary forms and presenting the case to the judge. Given the complexity of many state forms and the intimidation victims feel in court, such assistance can be invaluable.

**37. Previously Abused Victims:** Sometimes previously abused victims believe the batterer's accusation, "See, this is what you drive your men to do!" If the victim truly believes this, she will find it easier to blame herself for the abuse.

**38. Prior Negative Court Experiences:** Those victims with prior negative experiences with the court system may have no reason to believe that they will be accorded the respect and safety considerations so desperately needed.

**39. Promises of Change:** The batterer's promises of change may be easy to believe because he sounds so sincere, swearing that he will never drink or hit the victim again. In part because she wants so desperately to give credence to such assertions, the victim may give him another chance, even if such promises have been made repeatedly in the past. Victims are socialized to be forgiving and do not want their marriages or important relationships to fail because they refuse to forgive what has been portrayed as an inconsequential incident.

**40. Religious Beliefs and Misguided Teachings:** Such beliefs may lead victims to think they have to tolerate the abuse to show their adherence to the faith. Particularly if the batterer is a priest, rabbi, minister, or other high-level member of the faith community, the victim can feel intimidated by the status of the batterer and the likelihood that the congregation will support the perpetrator.<sup>40</sup>

**41. Rural Victims:** Such victims may be more isolated and simply unable to access services due to lack of transportation, or the needed programs are distant and unable to provide outreach. In smaller communities, where most people know each other and have frequent contact, victims

may be reluctant to reveal the abuse because such heightened scrutiny can cause them great embarrassment among their family and friends.

**42. Safer to Stay:** Assessing that it is safer to stay may be accurate when the victim can keep an eye on the batterer, sensing when he is about to become violent and, to the extent possible, taking action to protect herself and her children. Particularly if the abuser has previously engaged in stalking and deadly threats, the victim understands that the abuser is more than capable of finding her and the children if she moves away.

**43. Students:** Students in junior or senior high school, college, or graduate university studies may fear that not only may their requests for help be stymied by untrained administrators, but worse, that their student records would reflect their involvement with unsavory criminals. If the perpetrator is also a student, the victim often does not want him to be expelled from school, nor does she want to be viewed as a "rat" for disclosing the abuse to officials.

**44. Shame and Embarrassment:** Shame and embarrassment about the abuse may prevent the victim from disclosing it or may cause her to deny that any problem exists when questioned by well-intentioned friends, family, co-workers, or professionals.

**45. Stockholm Syndrome:** The victim may experience the Stockholm Syndrome<sup>41</sup> and bond with the abuser, making her more sympathetic to the batterer's claims of needing her to help him.

**46. Substance Abuse or Alcohol:** Either the victim's or offender's substance abuse or alcoholism may inhibit seeking help, often for fear that the children will be removed, in spite of efforts to get treatment. To make matters worse, it is only the exceptional shelter—such as Tulsa's Domestic Abuse Intervention Program Shelter<sup>42</sup>—that will accept addicted abuse victims.

**47. Teens:** Teens, especially those pregnant and who are already parents, are at greater risk for abuse in their relationships than any other age group, yet are the least likely to either report or seek adult intervention.<sup>43</sup> Some teens are fleeing abusive homes, becoming homeless and more vulnerable to dating violent, much older men. It is not uncommon to hear teen girls say that they believe it is better to have a boyfriend who hits you than no boyfriend at all. Peer pressure, in combination with immaturity, no knowl-

edge of resources, and low self-esteem, factors into the teen victim's decision to stay with an abuser.<sup>44</sup>

**48. Transportation:** For many victims, a lack of transportation condemns them to a choice between welfare and returning to their abusers. Without a car to access child care and a job, such victims may express hopelessness about avoiding further harm or dire poverty.<sup>45</sup> Most communities fail to address this critical issue. One successful venture is run by used car salesman Brian Menzies of Sanford, Florida. His "Charity Cars," or reduced-cost vehicles, help welfare recipients obtain and keep jobs.<sup>46</sup>

**49. Unaware that Abuse is a Criminal Offense:** The victim may be unaware that the abuse constitutes a criminal offense, often because family, friends, and community professionals minimize the crimes. They apply the double standard of downplaying domestic violence offenses, while taking seriously the same crimes committed against strangers.

**50. Undocumented Victims:** Undocumented victims facing complex immigration problems if they leave are often forced to stay with the batterers who may control their Immigration and Naturalization Service ("INS") status. Misguided INS regulations afford too many abusers the power to determine if a victim will be deported. Victims must come up with substantial fees to petition for residency status. Sometimes, because of a victim's lack of financial resources, only the abuser can access an immigration attorney to navigate the convoluted laws; otherwise, the victim could lose custody of her children. Even those abusers without such power are often able to convince foreign-born victims that their residency status lies in the abusers' control.<sup>47</sup>

## Conclusion

As attorneys and judges, we should be celebrating that domestic violence victims are increasingly turning to the courts for protection from abuse, for they offer us the opportunity to use the law to save lives. We must acknowledge that many obstacles exist for the victims fleeing such terror. Additionally, we can interrupt the intergenerational cycle of learned abuse by teaching our children that the community will not tolerate the violence. "We have a choice," a Virginia juvenile and family court judge says. "Will our children have homes they can run to or homes they must run away from?"<sup>48</sup>

For the adult and child victims, a competent legal system means the difference between escalating abuse and life without terror. Most of us who have done this work for decades are tremendously heartened by the interest of lawyers and judges in improving interventions with victims and offenders. It is through humility that learning takes place: a willingness to acknowledge that advocates, abuse victims, and offenders have much to teach us, just as we have much to teach them.

Many courts and communities have effective systems in place to respond to domestic violence. These must be replicated by attorneys and judges committed to enforcing our laws by making victim safety a priority and, in the process, creating peaceful communities. We have the ability to set a tone of intolerance for domestic violence in our communities; the victims, children, and batterers deserve nothing less.

Colorado Bar Association members should be proud of the leadership role the Bar has taken in addressing the role of lawyers in domestic violence matters, particularly the efforts of President-Elect Dale Harris. For more information about how you can help, please contact Kathleen Schoen, CBA Family Violence Program Director, at (303) 860-1115.

## NOTES

1. From the author's personal journal, 1977.
2. Colorado law defines domestic violence as: an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Domestic violence also includes any other crime against a person or against property, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been in an intimate relationship.

CRS § 18-6-800.3.

3. See Beattie, *Codependent No More*, 31 (San Francisco, Cal.: Harper/Hazelden, 1987) (defining a codependent person as "one who has let another person's behavior affect . . . her, and who is obsessed with controlling that person's behavior"). The codependence label is contraindicated in domestic abuse cases, as the batterer's behavior is serious, violent crime. Although both parties may need to improve their communication or other relationship issues, battered women do not behave in a manner that perpetrates the violence. See *Heck v. Reed*, 529 N.W.2d 155, 164 (N.D. 1995) (observing that domestic violence is not caused by a victim's propensity to push a perpetrator's buttons). For literature regarding codependence in the context of domestic violence, contact the

National Domestic Violence Resource Center at (800) 537-2238.

4. It is estimated that 95 percent of domestic violence is perpetrated by men against women. See Federal Bureau of Investigation, *Uniform Crime Report* (1990); Nat'l Inst. of Justice, U.S. Dept. of Justice, *Domestic Violence, Stalking and Antistalking Legislation: An Annual Report to Congress Under the Violence Against Women Act*, 3 (1996).

5. See Harris, "The CBA Addresses Family Violence," 26 *The Colorado Lawyer* 1-3 (July 1997).

6. Hart, *Seeking Justice: Legal Advocacy Principles and Practice* (Pennsylvania Coalition Against Domestic Violence, 1996).

7. Based on reports of domestic violence victim advocates from around the country, including Sandy Miller (April 29, 1999, interview in San Diego, CA) and a Houston advocate (who requested anonymity) (Oct. 12, 1998, interview in Houston, TX), reporting that her domestic violence intervention agency was forced to stop assisting a victim whose wealthy batterer repeatedly sued the agency and the advocates, forcing them to spend much-needed resources on legal counsel.

8. Hart, "National Estimates and Facts About Domestic Violence," *NCADV Voice* 12 (Winter 1989).

9. Safety plans are an essential component of representing any abused person. A safety plan constitutes an action plan for staying alive and should cover such topics as safety in an emergency, how to protect yourself at home, how to make your children safer, how to protect yourself outside the home, how to make yourself safer at work, using the law to help you, criminal proceedings, and how to be safe at the courthouse. See *Domestic Violence, Safety Tips for You and Your Family*, available from the American Bar Association Commission on Domestic Violence and the Torts and Insurance Practice Section at: <http://www.abanet.org/domviol>.

10. See the article by Dr. John Burrington on the effects of domestic violence on children in this issue at page 29. See generally Jaffee *et al.*, *Children of Battered Women*, 55 (Newbury, Cal.: Sage Pubs., 1990) (stating that children who are exposed to domestic violence are at a greater risk of developing adjustment problems); Lehmann, "The Development of Post-traumatic Stress Disorder (PTSD) in a Sample of Child Witnesses to Mother Assault," 12 *J. Fam. Violence* 241 (1997) (examining the relationship between the development of post-traumatic stress disorder and a number of coping variables in child witnesses to mother assaults); Daley Pagelow, "Effects of Domestic Violence on Children and Their Consequences for Custody and Visitation Agreements," 7 *Mediation Q.* 347, 348-53 (1990) (reviewing research regarding the effects of domestic violence on children); Rabin, "Violence Against Mothers Equals Violence Against Children: Understanding the Connections," 58 *Alb. L.Rev.* 1109, 1112-13 (1995) (indicating that "children who wit-

ness domestic violence demonstrate the same symptoms as physically or sexually abused children").

11. Adams, "Identifying the Assaultive Husband in Court: You Be the Judge," *Boston Bar J.* 23 (July/August 1989).

12. See generally Volpp, "(Mis)identifying Culture: Asian Women and the 'Cultural Defense,'" *Harv. W.L.J.* 57 (1994); Siu Chung and Orloff, "Cultural Issues and Diversity" in *The Impact of Domestic Violence on Your Legal Practice: A Lawyer's Handbook (hereafter, "A Lawyer's Handbook")* at 11-10 to 11-13 (Washington, D.C.: ABA Commission on Domestic Violence, 1996); Rivera, "Domestic Violence Against Latinas by Latino Males: An Analysis of Race, National Origin, and Gender Differentials," 14 *Boston C. Third World J.* 231 (1994); Agtuca, *A Community Secret: For the Filipina in an Abusive Relationship* (Seattle, WA: Seal Press, 1992); Marsh, "Sexual Assault and Domestic Violence in the African-American Community," 17 *The W. J. of Black Studies* 149-55 (1993).

13. See Ammons, "Rules, Madonnas, Babies, Bathwater, Racial Imagery and Stereotypes: The African-American Woman and the Battered Woman Syndrome," *Wis. L.Rev.* 1003, 1021 (1995) (stating that "African American women hesitate to seek help from shelters because they believe that shelters are for white women"); Rivera, *supra*, note 12 at 234-35 (emphasizing that "[r]acial and cultural differences are critical considerations in analyzing and responding to the crisis of domestic violence" and further concluding that women of Latin descent "experience and respond to domestic violence differently than other women").

14. See generally Guidry Tyiska, "Working With Victims of Crime With Disabilities," *Office for Victims of Crime Bulletin* at 1 (Sept. 1998); *Technical Assistance Manual for Domestic Violence Service Providers on Domestic Violence Among Women With Disabilities*, available from the National Coalition Against Domestic Violence (303) 839-1852; Haight-Liotta, "Disabled Women Rate Caregiver Abuse and Domestic Violence Number One Issue," (Sept. 24, 1996), available by calling (800) 897-0272 (vTDD), accessible for the hearing impaired].

15. See "Abused Elders or Older Battered Women?," Report on the *AARP Forum* (Oct. 29-30, 1992), documenting that more elders are abused by a partner than by caretakers or children.

16. Adams, *supra*, note 11 at 26.

17. *Id.* at 23; Harris, "For Better or Worse: Spouse Abuse Grown Old," 8 *J. Elder Abuse & Neglect* 1 (1996).

18. See Herman, "Chapter 2 Terror," in *Trauma and Recovery: The Aftermath of Violence—From Domestic Abuse to Political Terror* 33-50 (New York, N.Y.: BasicBooks, 1992).

19. See Hart, "Family Violence and Custody Orders," 43(4) *Juv. & Fam. Ct. J.* 29, 33-34 (1992); Saunders, "Child Custody Decisions in Families Experiencing Woman Abuse," 39 *Social Work* 51, 53 (1994), as cited in Hart and

Hofford, "Child Custody," in *A Lawyer's Handbook, supra*, note 12 at 5-1; Cahn, "Civil Images of Battered Women: The Impact of Domestic Violence on Child Custody Decisions," 44 *Vanderbilt L.Rev.* 1041 (1991).

20. "Domestic Violence," *Massachusetts Supreme Judicial Court Comm. on Gender Bias in the Courts* 56 (1989).

21. Drew, *Recognizing Financial Control as Abuse: An Introduction for Practitioners*, Presentation at the ABA Annual Meeting, Atlanta, Ga. (Aug. 8, 1999).

22. Kilborn, "Welfare All Over the Map," *New York Times* (Dec. 8, 1996) at E3, col.1.

23. See Estroff Marano, "Why They Stay: A Saga of Spouse Abuse," *Psychology Today* (May-June 1996) at 56, 59.

24. One study found that 51 percent of battered women lacked access to charge accounts, while 34 percent could not access checking accounts and 21 percent had no way of obtaining cash. Follingstad, 5 *J. of Family Violence* 113 (1990).

25. See Shepherd, "Working to Curb Abuse: ABA Project Draws Employers into Effort to Combat Domestic Violence," *ABA J.* 80 (Sept. 1998); Isaac, "Corporate Sector Response to Domestic Violence," in *Legal Interventions in Family Violence Research Findings and Policy Implications* 76-77 (1998); Hardeman, "Employee Assistance Programs," in *A Lawyer's Handbook, supra*, note 12 at 10-1 to 10-5.

26. See generally Zorza, "Woman Battering: A Major Cause of Homelessness," 24 *Clearinghouse Rev.* 16 (special issue, 1991); Judica Vigue, "For Homeless Women, No Defenses," *The Boston Globe* (Feb. 23, 1996) at 1, col. 1; Higgins, "Domestic Violence Leading Cause of Homelessness for Women," 19 *Lifeline* 1 (Fall 1998).

27. Adams, *supra*, note 11.

28. See Dutton, "Understanding Women's Response to Domestic Violence in the Context of Criminal Self-Defense," 21 *Hofstra L.Rev.* 1 (1993); Maguigan, "Battered Women and Self-Defense: Myths and Misperceptions in Current Reform Proposals," 140 *U. Pa. L.Rev.* 379 (1991); Ammons, "Parole: Post-Conviction Relief for Battered Women Who Kill Their Abusers," *Defending Battered Women in Criminal Cases* (ABA National Inst. Manual, 1993).

29. 10 U.S.C. § 1058 (1988).

30. See generally Letellier, "Gay and Bisexual Male Domestic Violence Victimization: Challenges to Feminist Theory and Responses to Violence," 9 *Victims and Violence* 95 (1994); Lobel, ed., *Naming the Violence: Speaking Out About Lesbian Battering* (Seattle, Wash.: Seal Press, 1986); Robson, "Lavender Bruises: Intra-Lesbian Violence: Law and Lesbian Legal Theory," 20 *Golden Gate U. L.Rev.* 567 (1990).

31. Hart, "Gentle Jeopardy: The Further Endangerment of Battered Women and Children in Custody Mediation," 7 *Mediation Q.* 317, 322 (Summer 1990); Gagnon, "Ending Mandatory Divorce Mediation for Battered Women," 15 *Harv. W.L.J.* 272 (1992), as cited in Kane-Gonzales, "Domestic Violence and Mediation in

Travis County" (April 1997), unpublished article, available at the University of Texas School of Law Library in Austin.

32. Adams, *supra*, note 11.

33. Fischer, Vidmar, and Ellis, "The Culture of Battering and the Role of Mediation in Domestic Violence Cases," 46 *SMU L.Rev.* 2117, 2131-32 (1993).

34. Yellott, "Mediation and Domestic Violence: A Call for Collaboration," 8 *Mediation Q.* 39, 44 (1990).

35. See generally Buel, "Family Violence and the Health Care System: Recommendations for More Effective Interventions," 35 *Houston L.Rev.* 109 (1998).

36. 10 U.S.C. § 801-946.

37. See Eltringham, "The Military and Domestic Violence," in *The Lawyer's Handbook, supra*, note 12 at 14-1.

38. See Raphael, "Domestic Violence and Welfare Receipt: Toward a New Feminist Theory of Welfare Dependency," 19 *Harvard W.L.J.* 201, 223 (1996) (stating that "some shelters require women to quit their jobs once they enter a shelter so that the abuser cannot follow them from work to the shelter").

39. The National Domestic Violence Hotline, at (800) 799-SAFE, has available free posters, brochures, lists of warning signs, and phone and bumper stickers, among other things. The Family Violence Prevention Fund has similar materials available at low cost by calling (800) END-ABUSE. For example, one Florida bar association ordered bumper stickers reading, "Florida Trial Lawyers Say: There's No Excuse for Domestic Violence."

40. For comprehensive listing of excellent faith-based resources (newsletters, books, brochures, and videos), contact the Center for the Prevention of Sexual and Domestic Violence at (206) 634-1903.

41. Dutton, *supra*, note 28 at 17. The Stockholm Syndrome refers to the phenomenon that occurred when a Stockholm bank was robbed and several hostages were taken. After several days in captivity with the robbers, all of the hostages—both men and women—had bonded with their captors, sympathizing with their cause and fully excusing their crimes.

42. Interview with Felicia Collins Correa, Executive Director, Domestic Violence Intervention Program, Tulsa, Okla. (May 24, 1999). DVIP accepts any substance-abusing victims unless they require hospitalization. Their local Mobile Outreach Crisis Services stop at the shelter to assist victims, and the shelter has certified alcohol and drug counselors ("CADC") on staff to address the inherent issues.

43. Parker and McFarlane *et al.*, "Physical and Emotional Abuse in Pregnancy: A Comparison of Adult and Teenage Women," 42 *Nursing Research* 173 (May/June 1993); Gaxmararian, Lazorick *et al.*, "Prevalence of Violence Against Pregnant Women," 275 *JAMA* 1915 (June 26, 1996).

44. See generally Levy, ed., *Dating Violence: Young Women in Danger* (Seattle, Wash.: Seal Press, 1991); Sousa, "Teen Dating Violence: The

Hidden Epidemic," 37 *Fam. & Consil. Cts. Rev.* 356 (July 1999).

45. See, e.g., Gross, "Getting to Jobs in Suburbs is Hard for Walking Poor," *The New York Times* (Nov. 18, 1997) at A1 (reporting that UCLA studies "show that car owners work more regularly, make more money, and have more job choices").

46. Mr. Menzies donates used cars from his business (sometimes having to spend up to

\$1,000 to bring them to driving condition), obtains the license and insurance, then offers three months of free maintenance. See "The Osgood File: Used Car Salesman Helps Get People Off Welfare by Giving Away Cars" (CBS radio broadcast, Sept. 22, 1997) at <http://www.cbsradio.com/osgood/archives/0922c1997.html>.

47. See Orloff, Jang, and Klein, "With No Place to Turn: Improving Legal Advocacy for Battered Immigrant Women," 29 *Fam. L.Q.*

313 (Summer 1995); Kelly, "Stories From the Front: Seeking Refuge for Battered Immigrants in the Violence Against Women Act," 92 *Northwestern U.L.Rev.* 665 (Winter 1998).

48. Judge Dale Harris presides over the Juvenile and Family Court in Lynchburg, Va.



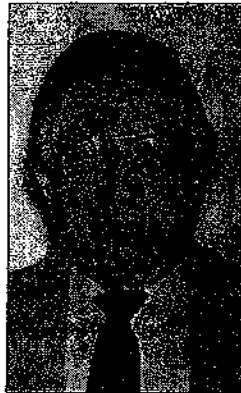
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