

APPENDIX D



Family Forum Violence

Improving the Justice System's Response to Family Violence

Family Violence Forum

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Domestic Violence in the Lesbian, Gay, Bisexual, and Transgender (LGBT) Community

By Delena Couchman and Susan Holt



The domestic violence movement is approximately 35 years old. The lesbian, gay, bisexual and transgender (LGBT) violence movement, however, is at least 30 years behind the mainstream domestic violence movement in terms of available resources, information, and research. Although same-gender domestic violence is not a new phenomenon, there are very few resources for victims, abusers, or service providers who specialize in this issue-essentially risking the lives of thousands each year.

Many of the dynamics of partner abuse are identical to same-gender and opposite-gender relationships. LGBT domestic violence has unique factors, however, that relate to anti-LGBT bias (homophobia, biphobia, transphobia, and heterosexism) within society and the overall context in which LGBT domestic violence occurs. In addition, many control tactics used by LGBT batterers are dependent on this context. LGBT persons are currently not afforded over 1,000 basic civil rights that are afforded to married heterosexual couples, complicating the ability of LGBT persons to locate and receive effective intervention/services, as well as the ability of service providers to respond appropriately to their multiple, complex, and often unique needs.

LGBT persons may fear being "outed" after disclosing partner abuse; be afraid of unfair treatment by law enforcement and service providers; or be concerned about the impact of the domestic violence or their sexual orientation on child custody. In addition, many LGBT persons may be struggling with their own internalized homophobia, biphobia, or transphobia, which can be exacerbated by the domestic violence while increasing the

difficulty of either victim or batterer to break the cycle of violence.

Domestic violence service providers who generally work with heterosexual survivors may have more difficulty screening and differentiating between the LGBT batterer and the survivor. While there are few services available to LGBT victims and survivors, there are even fewer for LGBT abusers.

LGBT individuals may fear that they will be treated with prejudice; that others may not believe or take them seriously; or that others will treat them with hostility if they disclose their sexual orientation, as well as the domestic violence. In fact, seeking services for partner abuse forces the LGBT victim and batterer to reveal their sexual orientation—a major life decision.

Many LGBT persons have no support from their families because of the refusal of their families to accept the LGBT person's sexual orientation or gender identity. This, in turn, increases traumatic bonding within the abusive relationship.

There are currently no state statutes that specifically include LGBT domestic violence. While some statutes use gender-neutral terms, they are applied inconsistently or not applied at all to members of the LGBT community.

Here are some steps that can be taken to improve responses to LGBT domestic violence:

- Let your community and staff know that you are supportive of lesbian, gay, bisexual, and transgender people.
- Develop literature that is gender neutral and inclusive of all sexual orientations and gender identities. Develop forms that are gender neutral and non-heterosexist (i.e., relationship status rather than marital status). Display LGBT-friendly or -specific materials (posters, stickers, books, etc.) in a visible location. (To obtain LGBT-specific domestic violence prevention posters and bumper stickers, please contact the L.A. Gay & Lesbian Center's STOP Partner Abuse/Domestic Violence Program at 323-860-5806.)
- When possible ensure that referrals are for LGBT-specific or -sensitive services. Make sure that LGBT training and education is consistently available for all staff and volunteers.
- Challenge discriminatory attitudes, behaviors, stereotypes, and biases. Adopt anti-discrimination policies that include sexual orientation and gender

About the *Family Violence Forum*

This newsletter is the product of the Family Violence Community of Practice—a collaborative team of researchers, educators, and information specialists with the mission of improving the justice system's response to violence within the family. We are pleased to introduce the latest issue of the *Family Violence Forum*. For previous newsletters and a full array of court-related information on family violence, visit us at the [Center for Family Violence and the Courts](#).

A Personal Note from the Editor
By Brenda K. Uekert

This issue of the *Family Violence Forum* addresses on an often-neglected subject: domestic violence in gay, lesbian, bisexual, and transgender (GLBT) communities. We are grateful for the contributions made by Delena Couchman and Susan Holt of the Los Angeles Gay and Lesbian Center. We also thank Judge Nancy Campbell of the Circuit Court in Washington County in Hillsboro, Oregon. Judge Campbell not only suggested the topic, but was kind

identity. Make your organization open and empowering for LGBT employees and applicants. Identify and examine your own feelings and attitudes about LGBT persons. Acknowledge and challenge your biases. Replace heterosexually based language with gender-neutral terminology until the gender of the client's partner is disclosed.

- Don't make assumptions about anyone's sexual orientation or gender identity. Respect the LGBT person's anxieties about disclosure of sexual orientation and gender identity. They are based on realistic fears of discrimination and its effects on child custody, family support, employment, job security, deportation, etc.
- Don't force disclosure of sexual orientation or gender identity. It should always be left up to the client. Don't assume that a client's lack of disclosure indicates that she or he doesn't want to talk about it. She or he needs to know that you can acknowledge her or his sexual orientation or gender identity without judging it. Be sure to inquire about children and provide extensive information about the effect that domestic violence has on them. Understand that LGBT clients may hesitate to talk to you about their children for fear of losing custody because of sexual orientation or gender identity.
- Because domestic violence is generally discussed within a heterosexual context and with heterosexually based language, many LGBT victims or survivors may not believe that "domestic violence" actually applies to their situation. An additional amount of education about the dynamics of abuse and its prevalence in the LGBT community will need to be provided.
- Determine what common misconceptions LGBT clients have about domestic violence (e.g., "men are not victims" or "women don't batter") and help them challenge those myths. Learn about the stages of the identity-development and coming-out processes and tailor your interventions accordingly. Because sexual assault is often an integral part of domestic violence, educate clients about it and make sure that realistic safer-sex practices are a part of safety planning.
- Be cautious when referring LGBT clients to domestic violence services before you have conducted a thorough assessment and have accurately determined whether victim/survivor or batterer services are most appropriate.
- Assist LGBT clients in identifying options for LGBT-specific or -sensitive services and don't be hesitant or afraid to refer the client to them.
- Learn about resources in the LGBT community and

The *Forum* welcomes reader suggestions for topics for future newsletters and encourages your input.

encourage LGBT clients to use safe and supportive networks within the LGBT community when appropriate.

Delena Couchman is the Partner Abuse and Domestic Violence Prevention Program Coordinator for the Los Angeles Gay and Lesbian Center's (LAGLC) STOP Partner Abuse/Domestic Violence Program-the largest and most comprehensive LGBT-specific domestic violence program in the nation. Susan Holt is the director of Family Violence Services at the LAGLC and the STOP Partner Abuse/Domestic Violence Program. For additional information, contact the LAGLC's STOP Program at 323-860-5806.

Interview with Judge Nancy Campbell

By Denise Dancy

The Honorable Nancy W. Campbell is a Circuit Court judge in Washington County in Hillsboro, Oregon. Judge Campbell is committed to increasing awareness of the special issues and needs surrounding domestic violence in sexual minority relationships. Judge Campbell has given numerous presentations on the subject to audiences-including most recently to the American Judges Association. She is also the chair of the "Working Toward Equality: Responding to Sexual Minority Domestic Violence" Conference held December 2, 2005, in Wilsonville, Oregon.

Point of Explanation: The abbreviation GLBT is used in this interview to refer to members of the gay-lesbian-bisexual-transgender community (the sexual minority). The term LGBT (lesbian-gay-bisexual-transgender) is used interchangeably. Additionally, other nomenclature may add or substitute other initials for more-specific references to other groups of the larger community-such as GLBTI (the "I" refers to "intersex"), GLBTH (the "H" refers to the HIV-positive population in the community), or GLBTQ (the "Q" can refer to "questioning" or "queer"), or any larger combination of them (GLBTQQ, GLBTIQQH, etc.).

NCSC Happenings NCSC Receives Grant from the Archstone Foundation to Support Work in Elder Abuse

The Family Violence Community of Practice is pleased to announce that the National Center for State Courts has received a grant from the Archstone Foundation for our innovative work in the area of elder

DD: How did you become interested in sexual minority relationships as they relate to domestic violence?

NC: I had a manslaughter case two to three years ago involving a same-sex couple in what began as a caretaker situation with an elderly disabled victim and a caretaker who was 20 years younger. I was aware of the defendant's

to support the activities of the recently created Elder Abuse and the Courts Working Group. Nationally renowned members of the working group, representing various disciplines and government agencies, will hold their first meeting in April 2006 at NCSC headquarters in Williamsburg, Virginia. The group is charged with helping courts learn how to better identify elder abuse cases and improving court responses. For more information, contact the chair of the Elder Abuse and the Courts Working Group, e-mail Dr. Brenda Uekert or call 757-259-1861.

We Want Your Feedback!

The *Family Violence Forum* would like to hear from you. If you would like to request technical assistance, or have comments/suggestions for the *Forum* staff, please e-mail Madelynn Herman or Dr. Brenda Uekert or call 800-616-6164.

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background and had dealt with the couple on previous DV assault charges. The defendant-the caretaker-had one prior conviction in Hawaii (where they first met and became involved) and two priors in Oregon. The victim had inherited a substantial sum of money from a well-known local heiress. The relationship ultimately became sexual, moved to financial abuse and other abuse and ultimately to the elderly man's death.

Sometime shortly thereafter, I received a call from Offender Counseling as far as what kind of offender treatment would be appropriate in such cases. Most programs have traditionally put GLBT folks in with straight people in the same program. That's not appropriate. I also personally know someone who was in a same-sex relationship with a woman at work that went bad and became abusive. The abusive partner threatened to "out" the other woman at work-which means to betray her sexual orientation when it is not common knowledge to others. That is a huge concern for members of the GLBT community-being "outed" when they are not ready to be "outed" or to "out" themselves. Many people do not want to be outed, and it is often used as a form of intimidation and threat in abusive relationships. Putting GLBT folks in with straight people in counseling/treatment programs essentially "outs" them too!

DD: What types of specific issues make domestic violence in the GLBT community different from domestic violence among heterosexual partners?

NC: Isolation is a BIG one-especially from family and other friends. The GLBT is a much smaller community. In order to get help or admit to issues of domestic violence in their relationships, victims essentially have to "out" themselves; they fear losing their children if they have custody of them; they fear finding another partner. This brings extra concerns when they are HIV positive. In addition, the GLBT community often wants to ignore that this happens. They do not want to challenge the "myth" that these kinds of relationships do not have or suffer from the same kind of abusive dynamics that heterosexual relationships do. To admit it just compounds any discrimination they already experience, and they don't want to be discriminated against. It also has implications in light of the current movement to get gay marriages recognized through supporting legislation, etc.

Then there is the "myth of mutual combat"-that both partners willingly and mutually participated in the abuse. That's a hard one to address, particularly in the GLBT community with same-sex partnerships, because of the beliefs that "women don't batter" and "men don't become victims." The lack of information out there drives the perpetuation of these myths in the general population. It is even more difficult to dispel and address in the GLBT community, which already suffers from so much

misunderstanding.

Another issue is that if the victim actually decides to seek help and makes a domestic violence call to the police, there is real concern that the police will also perpetuate the myth of mutual combat and just say they are doing it to each other. There is a real fear too that they won't get the support from the police or in the system if they come forward and seek help.

Finally, there are still some real concerns over being prosecuted yourself if you seek help. Sodomy laws were only recently struck down by the U.S. Supreme Court. Historically, gays have feared prosecution under these laws and occasionally have been prosecuted. If you admit you are in a same-sex relationship, you are essentially admitting you are committing sodomy.

DD: Generally, how does the criminal justice system treat domestic violence in the GLBT community?

NC: It would be hard to generalize to the larger criminal justice system. What I can speak to is what I am seeing in my own larger community and in my own court here in Oregon. Oregon has one of the largest concentrations (proportionally) of members of the GLBT community. The Portland metro area has a large in number in that community and is fairly liberal in their views and acceptance generally. However, the gay-marriage law was struck down statewide-mostly by votes coming from the rural areas. What I can say, though, is that I believe even in those areas we are seeing a shift in thinking. Police in the very rural and conservative parts of the state registered for the conference we just convened last week on "Working Toward Equality: Responding to Sexual Minority Domestic Violence." That says something itself. The mayor of Portland welcomed participants to the conference.

Sexual minorities do have access to the courts, but there are almost NO men's shelters in the U.S. Part of the problem with little or no access or availability is due to the fear from other residents of having sexual minorities present. There are also very specific issues related to transgender/transsexual DV, which has even higher incidence rate. Many of these folks are going through hormone therapy in preparation for or as part of an ongoing process for a sex change. Finding an appropriate shelter for them or that will accept them is particularly challenging-they are transitioning from one gender to another.

DD: What steps can judges take to more effectively handle domestic violence cases in the GLBT community?

NC: The NUMBER ONE thing I would suggest is, "Take it seriously and give due respect." Reflect and model a sense of community and culturally appropriate responses and interactions. Other suggestions I have:

- Don't assume it is "mutual combat." Garner some knowledge about the dynamics and use factual information to determine who the victim is and who the abuser is.
- Try not to "out" them in the process of the case.
- Don't make a big deal about it being "same sex."
- Communicate clearly to other staff and court personnel that making fun is NOT acceptable!
- Have written materials readily available that address or include domestic violence in sexual minority relationships.

DD: What do you consider to be promising practices in treating domestic violence sexual/gender minority offenders?

NC: A very specific behavior of these offenders that must be addressed and is a very important

component of offender programs/treatment in these cases is the seriousness of their threatening to "out" a sexual minority. The programs need to address how he/she is offending by "outing" the other person and the fear of or real isolation that results from that for the survivor/victim. There are several programs across the country that incorporate this and other promising practices and services:

- The L.A. Gay & Lesbian Center's STOP Domestic Violence program in California
- The Gay Men's Domestic Violence Project in Cambridge, Massachusetts
- The Network La Red in Boston, Massachusetts
- The New York City Gay & Lesbian Anti-Violence Project

There are also several good books that provide appropriate approaches and practices for courts and other professions dealing with these issues. I would particularly recommend *Same Sex Domestic Violence: Strategies for Change*, edited by Beth Leventhal and Sandra Lundy. [See the [Resource Corner](#) in this edition for more information on the above programs and books available.]

DD: From your experience, how receptive are the criminal justice agencies and the courts in learning about this topic and improving responses?

NC: They are becoming more aware. At least there is an interest now. A total of 320 judges, lawyers, police, advocates, treatment providers, probation officers, health practitioners, etc., attended the conference. I do not know the exact total number of judges and court representatives, but I do know that there were more than 20 judges and/or court representatives among them. The U.S. Attorney for Oregon also attended. There is a growing recognition that they need to learn more. I am hopeful. I think it will take a while, but I am hopeful. Most people-especially in the criminal justice system and the courts-want to do what's right, and they realize we don't know much in this area.

For more information, contact [Nancy Campbell](#).

Resource Corner **Domestic Violence and the LGBT Community: A Need for Sensitivity, Programs, and Services**

By Madelynn Herman



Domestic violence victims in the lesbian, gay, bisexual, and transgender (LGBT) community face additional challenges when accessing programs and services. For instance, the definition of eligible petitioners for orders of protection does not include same-sex couples in some states. Addressing claims in courts can also be problematic to same-sex victims if they do not want to expose their sexual orientation. Support services that address the specific needs of same-sex victims are also very limited. For men especially, there is a severe lack of crisis accommodations for victims needing shelter.

All personnel who work in the area of domestic violence need to be sensitive to issues impacting LGBT victims and abusers. Community awareness should be increased to create positive and appropriate responses, improve the levels of services, and initiate collaborations that can develop individualized safety plans. Responses can start by utilizing existing domestic violence services. In addition, domestic violence shelter staff, police, judges, defense attorneys, probation officers, and court staff should receive training in LGBT issues.

The following resources have been gathered as a starting point for communities and justice agencies.

Laws and Statistics

[Domestic Violence Laws in the U.S.](#) (as of February 24, 2005). National Gay and Lesbian Task Force. This U.S. map shows which states accept gender-neutral laws with regards to domestic violence orders of protection. Six states have domestic violence laws that explicitly exclude same-sex survivors of domestic violence.

[Lesbian, Gay, Bisexual, and Transgender Domestic Violence Report in 2000.](#) National Coalition of Anti-Violence Programs (2001). This report describes incidents of domestic violence in the LGBT community that were reported during the year 2000 to community-based anti-violence organizations in nine regions throughout the United States.

Dolan-Soto, Diane R., and Sara Kaplan. [New York Lesbian, Gay, and Transgender Domestic Violence Report, 2003-2004.](#) New York City Gay and Lesbian Anti-Violence Project (2005). The New York City Gay and Lesbian Anti-Violence Project is a crime victim services organization that provides specialized victim services for the LGBT community. These services include an emergency hotline, walk-in counseling, and other related domestic violence services. This report provides detailed statistics from this project. A graphic of the Power and Control Wheel for LGBT relationships is also of interest. Copies of intake forms, incident report forms, and police response forms are also provided.

[Lesbian Battery-Stats & Facts.](#) Sanctuary for Families.org. Statistics, facts, and myths are outlined.

Tools & Services for the LGBT Community

[Domestic Violence in Gay, Lesbian, Transgender, and Bisexual Communities-Participant Manual.](#) New York State Office for the Prevention of Domestic Violence (July 2001). This manual gives health and human service providers the knowledge and skills necessary to respond to LGBT victims of domestic violence sensitively and effectively.

[Domestic Violence in Gay, Lesbian, Transgender, and Bisexual Communities-Trainers Manual.](#) New York State Office for the Prevention of Domestic Violence (February 2001). This manual gives trainers for health and human service providers the knowledge and skills necessary to respond to LGBT victims of domestic violence sensitively and effectively.

Cope, Allison, and Julie Darke. [Making Women's Shelters Accessible to Transgendered Women.](#) Trans Accessibility Project (October 1999). This manual was written to assist shelters for abused women in making the changes required to provide transgendered women with respectful and supportive services.

[Gay Men's Domestic Violence Project.](#) This Cambridge, Massachusetts project provides community education and direct services for clients. Shelter and guidance for gay men are also provided.

[L.A. Gay and Lesbian Center.](#) This program provides a variety of services to LGBT victims of violence, such as court-ordered batterers' intervention programs, survivors' groups, crisis counseling, LGBT training, and referrals to LGBT shelters.

[The Network La Red.](#) This Boston program provides hotline services, emergency shelter services, advocacy, and outreach for battered lesbian, bisexual, and transgender women and their children.

Suggested Reading

Poorman, Paula B., Eric P. Seelau, and Sheila M. Seelau. "Perceptions of Domestic Abuse in Same-Sex Relationships and Implications for Criminal Justice and Mental Health Responses." *Violence and Victims* 18, no. 6 (December 2003): 659-69.

McClennen, Joan C., and John Gunther. *A Professional's Guide to Understanding Gay and Lesbian Domestic Violence*. Lewiston, NY: Edwin Mellen Press, 1999.

Leventhal, Beth, and Sandra E. Lundy. *Same Sex Domestic Violence, Strategies for Change*. Thousand Oaks, CA: Sage Publications, 1999.

Further Information

See also, the [Domestic Violence in the LGBT Community Resource Guide](#) for additional information. To request information from the NCSC call 800-616-6164. To inquire about technical assistance, please contact Dr. Brenda K. Uekert at 757-259-1861.



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