

Know the warning signs to protect your client and yourself in domestic abuse cases

By Kirsten Faisal, B.A., and Tina Fisher, Esq.*

The facts stand in stark contrast to the belief that domestic abuse victims refuse to leave their batterers. While the divorce rate for non-abused women is 15 percent, women who experience high severity abuse have a divorce rate of 75 percent, according to Susan Lloyd in her 1997 paper entitled "The Effects of Violence on Women's Employment."

In an Oklahoma survey, 30 percent of all respondents, and 47 percent of respondents who had received government assistance cited domestic violence as the reason for their prior divorce, according to a 2001 statewide survey on marriage and divorce reported by A. Johnson, S. Stanley, et al in an Oklahoma survey conducted by the Oklahoma State University Bureau for Social Research.

Victims leave their abusers every day, and they do so despite the fact that they are more likely to be assaulted and more likely to be seriously injured or killed

during those assaults. In Iowa, more than half of the cases of homicide by an intimate partner occur after the victim attempts to end the relationship. In a third of the cases, the homicide occurs within a month of separation, according to a 2009 biennial report by the Iowa Department of Public Health.

This means that a significant percentage of clients who seek the services of family law attorneys do so under the threat of harm. It is in the best interests of your clients, and the physical safety for yourself and your staff, to know the risks you are dealing with. More than 20 percent of domestic abuse-related homicides in Iowa are of bystanders, based on a list of cases released annually by the Crime Victim Assistance Division of the Iowa Attorney General's Office.

Universal screening essential

Risk assessment is impossible without universal screening for domestic abuse. Physicians do not directly ask their patients if they are having a heart attack. After all, the patient may not be familiar with what signs to look for, or have the knowledge that a cluster of symptoms indicates an imminent health threat. They may have minimized their discomfort for so long they no longer take it seriously.

Similarly, a victim of ongoing domestic violence may minimize the abuse in order to cope with the experience, and may not be aware of the range of behaviors that constitute domestic abuse or could be potential risk markers.


Domestic abuse is a pattern of coercive

and threatening behavior, including the use of violence, used by one intimate partner to control and dominate the other. It extends beyond hitting, kicking or slapping to behaviors intended to isolate the victim. Emotional abuse, threats, using children as weapons of control and actions intended to limit economic self-sufficiency are some of the tactics used. Finding out about these other behaviors, the batterer's modus operandi, and the level of control, will give you a better picture of what you and your client may be dealing with.

Here are some sample questions:


- What happens when you speak your mind or express your point of view to your partner?
- When you disagreed about things in the past, how did they usually get settled?
- What happened during the worst argument that you had?
- Have you ever been so angry that you threw things? Pushed your partner? Slapped your partner? Pulled hair? Bitten? Has (the partner) done those things?
- Has (the partner) ever tried to prevent you from having contact with friends or family, or told you where you were allowed to go?
- Has (the partner) ever threatened to hurt or kill him/herself? Ever threatened to hurt/kill others?
- Has (the partner) ever damaged or destroyed your property?
- Has (the partner) ever harassed you with repeated phone calls,

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emails, or text messages? Showed up at or called your work constantly? Followed you?

- Do you ever feel afraid of (the partner)? What makes you afraid?
- Are you ever concerned about the children's safety? What makes you concerned?
- Has your partner ever threatened you with a weapon?
- Has your partner ever tried to choke you?

Safety plan

While no one can dependably predict which batterers will escalate their use of violence to lethal levels, we *can* state what those lethal cases have in common: stalking, previous use of weapons, strangulation, suicidal or homicidal threats, sexual assaults and obsessive jealousy. Indications from a client that they are experiencing

these risk factors must be taken seriously.

So you've asked the questions, and now you know your client is at risk from his or her intimate partner. You're familiar with the legal remedies, such as restraining orders, but what else can you do?

Refer them to a domestic abuse advocate to create a safety plan. Like a fire drill, a safety plan can tip the odds of escaping harm in your client's favor. The American Bar Association provides a safety plan on its website, as does the Iowa Coalition Against Domestic Violence, at www.icadv.org. You can also visit the coalition's website to find the domestic abuse program closest to your client, or call the Iowa Domestic Abuse Hotline: 1-800-943-0333.

This year, on Feb. 16, family law attorney Judith Soley, and her client were gunned down at a restaurant in California by the client's husband, who later turned the

gun on himself. Last year, Minnesota attorney Terri Melcher barely survived being stabbed multiple times by her client's estranged husband. Unfortunately, violence and harassment can spread to those willing to help victims of abuse.

Being aware of the risks, screening and having a safety plan in place is as much for you and your staff as for your client.

Tina Fisher is Director of Legal Services for the Iowa Coalition Against Domestic Violence where she provides technical assistance and training to private bar, law enforcement, social service agencies and legal interns as well as representing victims of domestic abuse. She is a primary contributor to the Iowa Judicial Branch's Domestic Abuse Benchmark. She graduated from Hamline University School of Law in 2003 and was admitted to the Iowa Bar in 2004.

Kirsten Faisal has been the state trainer for the Iowa Coalition Against Domestic Violence since 1995, where she helps develop public policy, and provides technical assistance and training to agencies that impact battered women and their children. She is on the steering committee of the Batterer's Education Program for the Iowa Department of Corrections and the Iowa Domestic Abuse Death Review Team. She has served as an expert witness in civil and criminal domestic abuse cases and graduated with honors from Iowa State University with a B.A. in anthropology.

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