

## **Domestic Violence (2CE)**

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## I. Defining Domestic Violence

Domestic violence as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

## II. Prevalence of Domestic Violence

### A. National Statistics

- More than 1 in 3 women (35.6%) and more than 1 in 4 men (28.5%) have experienced Intimate Partner Violence “IPV” that included rape, physical violence and/or stalking by an intimate partner in their lifetime.
- IPV alone affects more than 10 million people each year, or an average of 20 people per minute.
- Nearly 3 in 10 women (29%) and 1 in 10 men (10%) have experienced rape, physical violence and/or stalking by a partner and report a related impact on their functioning, which included being fearful, concerned for safety, post traumatic stress disorder (PTSD) symptoms, need for health care, injury, contacting a crisis hotline, need for housing services, need for victim’s advocate services, need for legal services, missed at least one day of work or school).
- About 1 in 4 women (24.3%) and 1 in 7 men (13.8%) have experienced severe physical violence by an intimate partner (e.g., hit with a fist or something hard, beaten, slammed against something) at some point in their lifetime.
- Nearly 1 in 10 women (9.4%) has been raped by an intimate partner in her lifetime, and an estimated 16.9% of women and 8.0% of men have experienced sexual violence other than rape by an intimate partner at some point in their lifetime.
- Nearly half of all women and men in the United States have experienced psychological aggression by an intimate partner in their lifetime (48.4% and 48.8%, respectively).
- Females ages 18 to 24 and 25 to 34 generally experienced the highest rates of intimate partner violence.
- From 1994 to 2013, about 4 in 5 victims of intimate partner violence were female.

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- More than 18.5 million mental health care visits result from intimate partner violence annually.
- According to the American Psychology Association, intimate partner violence is the leading cause of female homicide and injury related deaths during pregnancy.
- The National Coalition Against Domestic Violence says victims of domestic violence lose 8 million paid work days per year and between 21-60% lose their jobs due to reasons stemming from the abuse.

**- Unless otherwise noted, all information is from Centers for Disease Control and Prevention (as of 10/12/16)**

### **B. Florida Statistics & Laws**

In 2014, 106,882 crimes of domestic violence were reported to Florida law enforcement agencies resulting in 64,460 arrests. During fiscal year 2014-2015, Florida's certified domestic violence centers provided 546,658 nights of emergency shelter to 15,397 survivors of domestic violence and their children. Advocates created 109,045 tailored safety plans, provided a total of 297,669 hours of outreach and counseling services, and answered 130,776 domestic violence hotline calls from individual seeking emergency services, information, and safety planning assistance.

Many more survivors of domestic violence are not reporting their abusers to the police or accessing services at domestic violence services due to reasons such as shame, fear, or being prevented from doing so by their abusers. For this reason, we may never know the true extent of abuse in our country and in Florida.

**-Florida Coalition Against Domestic Violence (as of 10/12/16)**

**Florida defines domestic violence** as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member

### **Sexual Assault Counselor-Victim Privilege**

Under Florida Statute Section 90.5035, the sexual assault counselor-victim privilege provides that any communication between a sexual assault counselor or trained volunteer and a victim is "confidential" and absolutely privileged if it meets the statutory definition.

In many sexual assault cases the court must balance the victim's rights against the defendant's right to a fair trial.

### **Victim-Counselor Privilege Generally**

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The victim-counselor privilege has been enacted in at least 23 states. See Zorza, *Recognizing and Protecting the Privacy and Confidentiality Needs of Battered Women*, 29 Fam. L.Q. 273, 296 n.131 (1995). Some statutes create only qualified privileges, in that they permit disclosure of communications under certain circumstances including when the defendant's factual showing of a need for the information and a court's determination that the probative value of the records is outweighed by the victim's privacy interest. Florida's statute on the sexual assault counselor-victim privilege acts as an absolute privilege. Even in cases in which the defendant has made pretrial claims of constitutional entitlement to privileged information the courts have refused to allow such disclosure.

### **"Confidential Communications" with Sexual Assault Counselor or Trained Volunteer**

In many sexual battery cases, the alleged victim will seek out the services of a sexual assault counselor or a trained volunteer. The sexual assault counselors often work at private or public rape crisis centers. The privilege even applies to a trained volunteer" who is defined under Florida Statute Section 90.5035 as a person who volunteers at a rape crisis center, is supervised by members of the staff of the rape crisis center, has completed thirty 30 hours of training in assisting victims of sexual violence and related topics provided by the rape crisis center, and is included on a list of volunteers that is maintained by the rape crisis center.

### **Purpose of Securing Advice from Sexual Assault Counselor under Florida Law**

The purpose of securing assistance, counseling, or advice must concern an emotional, physical or mental condition caused by one of the following crimes:

- sexual battery;
- sexual assault;
- alleged sexual assault or sexual battery, or
- an attempted sexual assault or sexual battery.

### **Public Policy Behind Sexual Assault Counselor-Victim Privilege**

The public policy behind this absolute privilege involves the fact that although counseling support may assist victims in deciding to report an attack, the role of the counselor is not to investigate a crime. Rather, the counseling process allows victims to talk in detail about what happened, to express their most personal thoughts and feelings, so that they come to understand their reactions to the event. Section 90.5035 fosters the state's interest in the recovery and well being of the alleged victims by protecting the relationship that is designed to help the alleged victim.

**Reported Domestic Violence in Florida: Victim Totals by Offense, 1992 - 2012**

**Domestic Violence Victim Totals by Offense, 1992**

Relationship of Victim to Offender by Offense

Offense	TOTAL	SPOUSE	PARENT	CHILD	SIBLING	OTHER FAMILY	CO-HABITANT	OTHER	ARRESTS
Criminal Homicide	245	75	13	10	28	9	52	58	170
Manslaughter	10	0	0	2	6	0	1	1	3
Forcible Sex Offenses	3,330	255	118	281	1,208	665	247	556	698
Forcible Rape	1,622	219	55	133	455	265	163	332	477
Forcible Sodomy	475	20	17	49	153	118	37	81	68
Forcible Fondling	1,233	16	46	99	600	282	47	143	153
Aggravated Assault	23,906	7,128	1,478	2,011	2,644	1,447	5,416	3,782	11,832
Arson	100	*	*	*	*	*	*	*	47
Aggravated Stalking	*	*	*	*	*	*	*	*	*
Simple Assault	79,722	34,313	3,865	4,269	4,873	2,709	22,153	7,540	24,558
Threat/Intimidation	2,136	*	*	*	*	*	*	*	488
Simple Stalking	*	*	*	*	*	*	*	*	*
<b>**Total</b>	<b>109,449</b>	<b>42,813</b>	<b>5,641</b>	<b>6,679</b>	<b>8,861</b>	<b>4,947</b>	<b>28,099</b>	<b>12,409</b>	<b>37,796</b>

**Domestic Violence Victim Totals by Offense, 1993**

Relationship of Victim to Offender by Offense

Offense	TOTAL	SPOUSE	PARENT	CHILD	SIBLING	OTHER FAMILY	CO-HABITANT	OTHER	ARRESTS
Criminal Homicide	234	78	13	9	36	16	46	36	146
Manslaughter	16	2	1	3	5	1	1	3	3
Forcible Sex Offenses	3,593	272	120	356	1,262	783	274	526	550
Forcible Rape	1,636	234	51	137	466	283	165	300	361
Forcible Sodomy	527	26	22	84	156	130	31	78	61
Forcible Fondling	1,430	12	47	135	640	370	78	148	128
Aggravated Assault	23,649	6,808	1,595	2,049	2,492	1,466	5,584	3,655	11,192
Arson	114	*	*	*	*	*	*	*	41
Aggravated Stalking	*	*	*	*	*	*	*	*	*
Simple Assault	82,301	33,588	4,399	4,469	10,196	2,911	24,683	7,055	24,686
Threat/Intimidation	2,678	*	*	*	*	*	*	*	543
Simple Stalking	*	*	*	*	*	*	*	*	*
<b>**Total</b>	<b>112,585</b>	<b>42,105</b>	<b>6,335</b>	<b>6,993</b>	<b>9,090</b>	<b>5,303</b>	<b>30,904</b>	<b>11,855</b>	<b>37,161</b>

### **III. Signs of an Abusive Relationship**

Healthcare professionals are in a critical position to identify domestic violence victims in a variety of clinical practice settings. Nurses are often the first healthcare provider a victim of domestic violence will encounter in a healthcare setting and must therefore be prepared to provide care and support for these victims. Although women are most often the victims, domestic violence extends to others in the household as well. For example, domestic violence includes abused men, children abused by their parents or parents abused by their children, elder abuse, and abuse among siblings.

Many victims of abuse sustain injuries that lead them to present to hospital emergency departments. In one study, 49.6% of women seen in emergency departments reported a history of abuse. Another study of 993 police-identified female victims of IPV found that only 28% of the women were identified in the emergency department as being victims of IPV. These alarming statistics certainly demonstrate that healthcare professionals who work in acute care, such as hospital emergency rooms, must maintain a high index of suspicion for battering of the patients that they see. Healthcare professionals who work in these settings should work with hospital administrators to establish and institute assessment mechanisms to accurately detect these victims.

For every victim of abuse, there is also a perpetrator. Like their victims, perpetrators of domestic violence come from all socioeconomic backgrounds, races, religions, and walks of life. Accordingly, healthcare professionals must likewise be aware that seemingly supportive family members may, in fact, be abusers.

There are many signs of an abusive relationship. The most telling sign is fear of your partner. If you feel like you have to walk on eggshells around your partner—constantly watching what you say and do in order to avoid a blow-up—chances are your relationship is unhealthy and abusive. Other signs that you may be in an abusive relationship include a partner who belittles you or tries to control you, and feelings of self-loathing, helplessness, and desperation.

To determine whether your relationship is abusive, answer the questions below. The more “yes” answers, the more likely it is that you’re in an abusive relationship.

#### **SIGNS THAT YOU’RE IN AN ABUSIVE RELATIONSHIP**

*Your Inner Thoughts and Feelings*

*Your Partner’s Belittling Behavior*

## **SIGNS THAT YOU'RE IN AN ABUSIVE RELATIONSHIP**

### ***Do you:***

- I. Feel afraid of your partner much of the time?
- II. Avoid certain topics out of fear of angering your partner?
- III. Feel that you can't do anything right for your partner?
- IV. Believe that you deserve to be hurt or mistreated?
- V. Wonder if you're the one who is crazy?
- VI. Feel emotionally numb or helpless?

### ***Does your partner:***

- Humiliate or yell at you?
- Criticize you and put you down?
- Treat you so badly that you're embarrassed for your friends or family to see?
- Ignore or put down your opinions or accomplishments?
- Blame you for his own abusive behavior?
- See you as property or a sex object, rather than as a person?

### **Your Partner's Violent Behavior or Threats**

#### ***Does your partner:***

- Have a bad and unpredictable temper?
- Hurt you, or threaten to hurt or kill you?
- Threaten to take your children away or harm them?
- Threaten to commit suicide if you leave?
- Force you to have sex?
- Destroy your belongings?

### **Your Partner's Controlling Behavior**

#### ***Does your partner:***

- Act excessively jealous and possessive?
- Control where you go or what you do?
- Keep you from seeing your friends or family?
- Limit your access to money, the phone, or the car?
- Constantly check up on you?

## **IV. Types of Domestic Violence**

### **A. Physical Violence**

When people think of domestic abuse, they often picture battered women who have been physically assaulted. But not all-domestic abuse involves violence. Just because you're not battered and bruised doesn't mean you're not being abused.

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Domestic abuse takes many forms, including psychological, emotional, and sexual abuse. These types of abuse are less obvious than physical abuse, but that doesn't mean they're not damaging. In fact, these types of domestic abuse can be even more harmful because they are so often overlooked—even by the person being abused.

### **B. Emotional or Psychological Abuse**

The aim of emotional or psychological abuse is to chip away at your feelings of self-worth and independence. If you're the victim of emotional abuse, you may feel that there is no way out of the relationship, or that without your abusive partner you have nothing.

Emotional abuse includes *verbal abuse* such as yelling, name-calling, blaming, and shaming. Isolation, intimidation, and controlling behavior also fall under emotional abuse. Additionally, abusers who use emotional or psychological abuse often throw in threats of physical violence.

You may think that physical abuse is far worse than emotional abuse, since physical violence can send you to the hospital and leave you with scars. But, the scars of emotional abuse are very real, and they run deep. In fact, emotional abuse can be just as damaging as physical abuse—sometimes even more so. Furthermore, emotional abuse usually worsens over time, often escalating to physical battery.

### **C. Sexual Abuse**

Sexual abuse is common in abusive relationships. According to the National Coalition against Domestic Violence, between one-third and one-half of all battered women are raped by their partners at least once during their relationship. Any situation in which you are forced to participate in unwanted, unsafe, or degrading sexual activity is sexual abuse.

Forced sex, even by a spouse or intimate partner with whom you also have consensual sex, is an act of aggression and violence. Furthermore, women whose partners abuse them physically *and* sexually are at a higher risk of being seriously injured or killed.

### **D. Economic or Financial Abuse**

Remember, an abuser's goal is to control you, and he will frequently use money to do so. Economic or financial abuse includes:

- A. Rigidly controlling your finances.
- B. Withholding money or credit cards.
- C. Making you account for every penny you spend.
- D. Withholding basic necessities (food, clothes, medications, shelter).
- E. Restricting you to an allowance.
  - Preventing you from working or choosing your own career.
  - Sabotaging your job (making you miss work, calling constantly)
  - Stealing from you or taking your money.

## **E. Stalking**

Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Stalking can include:

Repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email.

Repeatedly leaving or sending victim unwanted items, presents, or flowers.

Following or laying in wait for the victim at places such as home, school, work, or recreation place.

Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets.

Damaging or threatening to damage the victim's property.

Harassing victim through the internet.

Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth.

Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting victim's friends, family work, or neighbors, etc.

## **V. Understanding Domestic Violence Behavior**

### **It Is Still Abuse If . . .**

- The incidents of physical abuse seem minor when compared to those you have read about, seen on television or heard other women talk about. There isn't a "better" or "worse" form of physical abuse; you can be severely injured as a result of being pushed, for example.
- The incidents of physical abuse have only occurred one or two times in the relationship. Studies indicate that if your spouse/partner has injured you once, it is likely he will continue to physically assault you.
- The physical assaults stopped when you became passive and gave up your right to express yourself as you desire, to move about freely and see others, and to make decisions. It is not a victory if you have to give up your rights as a person and a partner in exchange for not being assaulted!

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- There has not been any physical violence. Many women are emotionally and verbally assaulted. This can be as equally frightening and is often more confusing to try to understand.

### **Violent and abusive behavior is the abuser's choice:**

Despite what many people believe, domestic violence and abuse is not due to the abuser's loss of control over his behavior. In fact, abusive behavior and violence is a deliberate choice made by the abuser in order to control you.

### **Abusers use a variety of tactics to manipulate you and exert their power:**

- Dominance – Abusive individuals need to feel in charge of the relationship. They will make decisions for you and the family, tell you what to do, and expect you to obey without question. Your abuser may treat you like a servant, child, or even as his possession.
- Humiliation – An abuser will do everything he can to make you feel bad about yourself or defective in some way. After all, if you believe you're worthless and that no one else will want you, you're less likely to leave. Insults, name-calling, shaming, and public put-downs are all weapons of abuse designed to erode your self-esteem and make you feel powerless.
- Isolation – In order to increase your dependence on him, an abusive partner will cut you off from the outside world. He may keep you from seeing family or friends, or even prevent you from going to work or school. You may have to ask permission to do anything, go anywhere, or see anyone.
- Threats – Abusers commonly use threats to keep their partners from leaving or to scare them into dropping charges. Your abuser may threaten to hurt or kill you, your children, other family members, or even pets. He may also threaten to commit suicide, file false charges against you, or report you to child services.
- Intimidation – Your abuser may use a variety of intimidation tactics designed to scare you into submission. Such tactics include making threatening looks or gestures, smashing things in front of you, destroying property, hurting your pets, or putting weapons on display. The clear message is that if you don't obey, there will be violent consequences.
- Denial and blame – Abusers are very good at making excuses for the inexcusable. They will blame their abusive and violent behavior on a bad childhood, a bad day, and even on the victims of their abuse. Your abusive partner may minimize the abuse or deny that it occurred. He will commonly shift the responsibility on to you: Somehow, his violent and abusive behavior is your fault.

### **Reasons why we know an abuser's behaviors are not about anger and rage:**

- He/She does not batter other individuals - the boss who does not give him time off or the gas station attendant that spills gas down the side of his car. He waits until there are no witnesses and abuses the person he says he loves.

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- If you ask an abused woman, "can he stop when the phone rings or the police come to the door?" She will say "yes". Most often when the police show up, he is looking calm, cool and collected and she is the one who may look hysterical. If he were truly "out of control" he would not be able to stop himself when it is to his advantage to do so.
- The abuser very often escalates from pushing and shoving to hitting in places where the bruises and marks will not show. If he were "out of control" or "in a rage" he would not be able to direct or limit where his kicks or punches land.

### VI. Cycle of Violence

Domestic abuse falls into a common pattern, or cycle of violence:



- **Abuse** – Your abusive partner lashes out with aggressive, belittling, or violent behavior. The abuse is a power play designed to show you "who is boss."
- **Guilt** – After abusing you, your partner feels guilt, but not over what he's done. He's more worried about the possibility of being caught and facing consequences for his abusive behavior.
- **Excuses**–
- **"Normal" behavior** – The abuser does everything he can to regain control and keep the victim in the relationship. He may act as if nothing has happened, or he may turn on the charm. This peaceful honeymoon phase may give the victim hope that the abuser has really changed this time.
- **Fantasy and planning** – Your abuser begins to fantasize about abusing you again. He spends a lot of time thinking about what you've done wrong and how

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he'll make you pay. Then he makes a plan for turning the fantasy of abuse into reality.

- **Set-up** – Your abuser sets you up and puts his plan in motion, creating a situation where he can justify abusing you.

The abuser's apologies and loving gestures in between the episodes of abuse can make it difficult to leave. He/She may make you believe that you are the only person who can help him, that things will be different this time, and that he truly loves you. However, the dangers of staying are very real.

### The full cycle of domestic violence:

A man **abuses** his partner. After he hits her, he experiences self-directed **guilt**. He says, "I'm sorry for hurting you." What he does not say is, "Because I might get caught." He then **rationalizes** his behavior by saying that his partner is having an affair with someone. He tells her "If you weren't such a worthless whore I wouldn't have to hit you." He then **acts contrite**, reassuring her that he will not hurt her again. He then **fantasizes** and reflects on past abuse and how he will hurt her again. He **plans** on telling her to go to the store to get some groceries. What he withholds from her is that she has a certain amount of time to do the shopping. When she is held up in traffic and is a few minutes' late, he feels completely justified in assaulting her because "you're having an affair with the store clerk." He has just **set her up**.

## VII. Warning Signs

It's impossible to know with certainty what goes on behind closed doors, but there are some telltale signs and symptoms of domestic violence and abuse. If you witness any warning signs of abuse in a friend, family member, or co-worker, take them very seriously.

### A. In General

People who are being abused may:

- Seem afraid or anxious to please their partner.
- Go along with everything their partner says and does.
- Check in often with their partner to report where they are and what they're doing.
- Receive frequent, harassing phone calls from their partner.
- Talk about their partner's temper, jealousy, or possessiveness.

### B. Physical Violence

People who are being physically abused may:

- Have frequent injuries, with the excuse of "accidents."

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- Frequently miss work, school, or social occasions, without explanation.
- Dress in clothing designed to hide bruises or scars (e.g. wearing long sleeves in the summer or sunglasses indoors).

### C. Isolation

People who are being isolated by their abuser may:

- Be restricted from seeing family and friends.
- Rarely go out in public without their partner.
- Have limited access to money, credit cards, or the car.

### D. Psychological

People who are being abused may:

- Have very low self-esteem, even if they used to be confident.
- Show major personality changes (e.g. an outgoing woman becomes withdrawn).
- Be depressed, anxious, or suicidal.

### ***Speak up if you suspect domestic violence or abuse***

#### **Do's and Don'ts**

##### **Do:**

Ask.

Express concern.

Listen and validate.

Offer help.

Support her decisions.

##### **Don't:**

Wait for her to come to you.

Judge or blame.

Pressure her.

Give advice.

Place conditions on your support.

## **VIII. Universal Screening**

The Joint Commission requires universal screening for relationship abuse. Every patient should be asked about their feelings of being in a safe relationship, and whether they may have been harmed in the last two or three months. Skillful, nonjudgmental interviewing will help build trust and establish a therapeutic relationship. We will follow the ABCDES Framework created by Holtz and Furniss, which provides an effective interviewing tool.

- A. ASSURE the woman/man is not alone: others are in a similar situation and that the mental health/healthcare provider can help.
- B. Express the BELIEF that violence against the woman/man is unacceptable and that it is not their fault.

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- C. Ensure CONFIDENTIALITY.
- D. DOCUMENT the case thoroughly.
- E. EDUCATE the woman/ man about the cycle of violence and their options for ending abuse.
- F. SAFETY-Help the woman/man formulates a plan of action for safety. Give them numbers of hotlines and information on shelters and local agencies.

### **The SAFE screening tool**

- S. Inquire about STRESS and SAFETY.
- A. Ask if she/he is AFRAID or ABUSED
- F. Inquire about FAMILY and FRIENDS
- E. Inquire about and Emergency Plan

### **The RADAR screening tool**

- R. Routinely as about abuse or violence
- A. Ask direct questions
- D. Document your findings
- A. Assess patient readiness and safety
- R. Respond, review options, and refer

If you suspect that someone you are treating is being abused, speak up! If you're hesitating—telling yourself that it's none of your business, you might be wrong, or the woman/man might not want to talk about it—keep in mind that expressing your concern will let the person know that you care and may even save her life.

Talk to the person in private and let her know that you're concerned about her safety. Point out the things you've noticed that make you worried. Tell her that when and if she wants to talk about it, you're there for her. Reassure her that you'll keep whatever she tells you between the two of you, and let her know that you'll help in any way you can. Remember, abusers are very good at controlling and manipulating their victims. Abused and battered women are depressed, drained, scared, ashamed, and confused. They need help to get out, yet they have often been isolated from their family and friends. By picking up on the warning signs and offering support, you can help them escape an abusive situation and begin healing.

## **IX. Help for Victims of Domestic Violence**

After the assessment is complete, the patient may or may not want immediate assistance or referral. It is important for healthcare providers to assure patients in a nonjudgmental manner that the decision of what they would like in terms of assistance is their choice and that the provider will help regardless of whether the victim is ready to accept help. If the patient would like to immediately implement a plan of action, information for referral to a local domestic violence shelter to assist the victim and the victim's family should be readily available. The acute situation should be referred

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immediately to local law enforcement officials. Other resources in an acute situation include crisis hotlines and rape relief centers. After a victim is introduced into the system, counseling and follow-up are generally available by individual counselors who specialize in the care of battered women and their spouses and children

- Explain any advocacy and support systems within the health care setting.
- Refer patient advocacy and support services within the community including legal options, advocacy services, etc.
- When possible, refer patients to organizations that reflect their cultural background or address their special needs such as organizations with multiple language capacity, those that specialize in working with teen, disabled, deaf, hard of hearing, or lesbian, gay, bisexual, or transgender clients.

### **Goals for effectively responding to domestic violence victims:**

- Increase victim safety and support victims in protecting themselves and their children by validating their experiences, providing support, and providing information about resources and options.
- Inform patients about any limits in confidentiality for example, child abuse or domestic violence reporting requirements.
- The goal is not to get patients to leave their abusers, or to "fix" the problem for the patient, but to provide support and information.

### **Listen to the patient and provide validating messages:**

1. *"You don't deserve this. There is no excuse for domestic violence. You deserve better."*
2. *"I am concerned. This is harmful to you (and it can be harmful to your children)."*
3. *"This is complicated. Sometimes it takes time to figure this out."*
4. *"You are not alone in figuring this out. There may be some options. I will support your choices."*
5. *"I care. I am glad you told me. I want to work together to keep you as safe and healthy as possible."*
6. *"Stopping the abuse is the responsibility of your partners, not yours"*

### **Provide information about domestic violence to the patient:**

- Domestic violence is common and happens in all kinds of relationships.
- Most violence continues and often becomes more frequent and severe.
- Violence in the home can hurt children (if the patient has children).
- Domestic violence impacts the patient's health.
- Stopping domestic violence is the responsibility of the perpetrator, not the victim.

### **Listen and respond to safety issues:**

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- Show the patient a brochure about safety planning and go over it with her or him.
- Review ideas for how to keep information private and safe from the abuser.
- Offer the patient immediate access to an advocate 24 hour local, state, or national domestic violence hotline number.
- Offer to have a provider or advocate discuss safety then or at a later appointment.
- If the patient says she or he feels she or he is in danger, take this very seriously.
- If the patient is at high risk and is planning to leave the relationship, explain that leaving without telling the partner is the safest alternative.
- Make sure the patient has a safe place to go and encourage her or him to talk to an advocate.
- Reinforce patient's autonomy in making decisions regarding her treatment.

### **Resources in Florida**

Florida has 42 certified domestic violence centers serving 67 counties. Because not all Florida cities served by domestic violence centers are listed below, you may also wish to try searching for your county to locate the domestic violence center that serves your area. To access the nearest domestic violence center by telephone, just dial 1-800-500-1119 and you will be connected to the domestic violence center nearest to you. The Florida Coalition Against Domestic Violence has the following programs:

- Disability And Accessibility Program
- Economic Justice Initiative
- Florida's Welfare Transition Program
- Immigration & Domestic Violence
- INVEST Program
- Rural Initiative
- Primary Prevention
- Statewide Domestic Violence Fatality Review Team
- Survivor Listening Project
- Teens & Youth

Please visit their website: <http://www.fcadv.org/centers>

### **Injunctions/Restraining Orders**

Injunctions and Restraining orders (also known as “stay away” or protective orders) are

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intended to prevent offenders from further harassing, threatening or contacting the victims. Courts have made restraining orders widely available to domestic violence victims, whether or not they file a police report. Courts may issue a temporary (time-limited) restraining order even when the “party being restrained” is not present or represented. Protective relief may be temporary or permanent. Violation of these orders is now a criminal offense in all U.S. states.

An injunction of protection or restraining order is free in the state of Florida. It doesn't matter if you're a male or female, if you're a victim of domestic violence you qualify for protection needed to protect you. Under Florida law domestic violence is considered any form of assault, aggravated assault, battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, and any physical harm or death that was caused by another house hold member. In order to file for an injunction you must have had at least one of these forms of violence committed toward you, or have reason to fear that they will occur. A common misunderstanding is that domestic violence can only happen between a husband and wife, this is not true.

- In order for an assault to be considered domestic violence the abuser and victim must be:
- Current husband, or wife
- An ex husband or ex wife
- A person related by blood or by marriage, such as a cousin, aunt, brother-in-law, and so on
- Any person who has lived in the same home as you, being part of the family, such as a roommate, boyfriend, girlfriend, and so on
- The mother or father of a child even if they have never been married, or never lived together

To obtain a retaining order the victim will need to visit the county courthouse in one of three counties, the county they live in, the county where the crime occurred, or the county where the abuser lives. Any of these three counties will do, but it must be one of the three. The victim will need to bring their driver's license or Florida I.D with them. Once they are at the courthouse they will need to ask the clerk at the information desk where to fill out an injunction for domestic violence. Each courthouse is different, but they all have a room for injunctions, and they will know what you're taking about. Once you get to the room you need you will be given an injunction of protection against domestic violence petition to fill out.

A Notary must sign the petition; and once the petition is completed, the victim will be given a temporary restraining order, which is good for no more then 15 days. A court representative within that time frame must serve the abuser. Once the abuser is served, both parties will need to appear before the judge. At the hearing the judge will make his/her ruling on whether or not a full **restraining order** is necessary. The judge also at that point has the right to order temporary child support, and temporary **custody** of a child. This will enforce that the abuser must stay away from both the victim and

shared children.

Both the temporary injunction and the full injunction work the same. The abuser must not be within so many yards of the victim at any time. The abuser cannot call, write, email, or try to make contact the victim through family or friends. If the abuser violates the **restraining order** he or she will be arrested regardless.

## **Florida Protective Orders Laws 741.30 & 31 Chart**

Activity Addressed by Order	Exclude from dwelling; enjoin contact; regarding minor children: grant temporary custody visitations, temporary support; counseling; restrain from committing any acts of domestic violence
Duration of Order	Ex parte temporary: maximum 15 days. General protective order: maximum 1 year, can reapply but maximum an additional year each time
Penalty for a Violation of Order	Misdemeanor in 1st degree
Who May Apply for Order	Any family or household member who is a victim of domestic violence or one who has reasonable cause to believe he or she is about to become victim
Can Fees Be Waived?	Yes
Order Transmission to Law Enforcement	Within 24 hours of issuance
Civil Liability for Violation of Order	Civil contempt

### **Related links for domestic violence and domestic abuse:**

Healing Emotional and Psychological Trauma: Symptoms, Treatment, and Recovery

Child Abuse and Neglect: Warning Signs of Abuse and How to Report It

Elder Abuse and Neglect: Warning Signs, Risk Factors, Prevention, and Help

Florida Coalition against Domestic Violence 1-800-500-1119, <http://www.fcadv.org/centers>

Florida Coalition against Sexual Violence 1-888-956-RAPE

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National Domestic Violence Hotline 1-800-787-3224

National Sexual Violence Resource Center [www.nsvrc.org](http://www.nsvrc.org)

Florida Department of Children and Families: <http://www.myflfamilies.com/service-programs/domestic-violence>

## **Resources:**

CDC Center for Disease Control: <http://www.cdc.gov/ncipc/pub-res/images/ipvandsvscreening.pdf>

Florida Statutes 741

Florida Coalition against Domestic Violence: <http://www.fcadv.org/centers>

Florida Department of Children and Families: <http://www.myflfamilies.com/service-programs/domestic-violence>

Joint Commission on Accreditation of Healthcare Organizations (JCAHO).  
Comprehensive Accreditation Manual for Hospitals, Update 3. 1997. p. PE-10-PE-34.

National Association of Social Workers: [http://www.socialworkers.org/pressroom/events/domestic\\_violence/assessment.asp](http://www.socialworkers.org/pressroom/events/domestic_violence/assessment.asp)

United States Department of Justice Office of Domestic Violence: <http://www.ovw.usdoj.gov/domviolence.htm>

## **Contributors**

### **B. Jones, BA, JD., Esq.**

Ms. Jones, has a Bachelors in Psychology (Cum Laude) and a Juris Doctor in Law. She is an attorney licensed by the Florida Bar with a focus on healthcare/mental health law. While in law school she received numerous accolades such as: Pro Bono Honor Program, Gold Level (300+ Pro Bono Hours), ILSA Journal of International & Comparative Law, Junior Staff Editor Dean's List (Fall 2011; Winter 2014). B. Jones was the research assistant to Nova Southeastern, Law Professor, Elena Langan and assisted with nomenclature changes to family law statutes around the country, searched relevant court decisions, statutory changes and journal articles. She has experience working in Florida Chapter 39 (Dependency) and Chapter 397 (Marchman Act)

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proceedings. B. Jones also does research and editing for Ace-Classes.com; in their mental health and healthcare department.

## **K McCarthy, BA., MS., JD., NBCC**

Ms. McCarthy is an attorney licensed by the Florida Bar and admitted into the United District Court in the Southern District of Florida. She is also a Nationally Certified Counselor with previous experience in the community mental health field, substance abuse and criminal mental health population. She currently practices civil defense and mental health law, and has experience including, but not limited to Chapter 39 Dependency and Termination of Parental Right proceedings, Chapter 415 Adult Protective Services proceedings, Chapter 397 Marchman Act proceedings, Chapter 744 Guardianship proceedings, Criminal Mental Health Court, Adoptions, and Institutional Review Boards. She has done extensive legal training for attorneys and mental health professionals through Psychiatric Consulting and Counseling and Ace-Classes.com. She is a member of the Florida Infant Mental Health Association and the Florida Bar Animal Law Committee

## **S McCarthy, A.S. RN**

Ms. McCarthy is a Registered Nurse with experience as Neonatal Nurse and was the recipient of the Mustard Award. Ms. McCarthy is an advocate for the elderly and she has traveled extensively throughout the world. Ms. McCarthy has a focus on nursing in behavioral and social service settings.