

May 14, 2019: Domestic Violence Training

A special thanks to our panel: Judge Kelly, Ivon Mesa, and Isabel Perez-Morina.

- **Judge Kelly** is the Administrative Judge of the domestic-violence division. There are 14 judges in the division, and they are located throughout the county.
- **Ivon Mesa** is the Bureau Chief of Miami-Dade County Violence Prevention and Intervention Division.
- **Isabel Perez-Morino**, PhD, is the CEO of the Advocate Program (a program for offenders) and Bridging Families and Communities, which provides services to children of high conflict and domestic violence families.

- Domestic violence is a pattern of behavior that centers around violence and control. You do not have to hit someone to exercise control. There is usually economic abuse, psychological/emotional abuse, and isolation. Children are often controlled. Children are also traumatized and will sometimes associate with the abuser in order to protect themselves from further abuse.
- There is a difference between just one instance of violence and domestic violence in a family. Domestic violence involves a pattern of control.
- The pattern of behavior may include controlling and isolating the victim from friends and/or family.
- Victims have very few choices or opportunities to leave. Several factors influence this decision: financial, emotional, children, and safety. They cannot act until they are prepared in every way -- without fear of the consequences.
- These families are involved in horrible relationships having power issues.

- In order to get a **restraining order**, the victim goes to one of the courthouses (or clerk of the court) or CVAC and fills out a petition. They state under oath what occurred and the court grants or denies the petition. It is then usually set for a hearing within 15 days (can be extended). If a permanent protective order is granted, it prohibits contact for a specified or indefinite period of time. The court can give a home and custody to the victim. This keeps the parties apart and may also keep the children away. In court, the petitioner has the burden of proof. There are separate waiting areas for offenders and victims. The offender is not allowed to leave for 15 minutes after the victim leaves. There are safeguards in the courthouse for safety.

- In domestic violence cases, approximately 62% of children are also physically abused.
- Approximately 70% of dependency cases have a domestic violence component.
- 90% of D.V. victims are female.
- Assessing risk is what must be done to determine the lethality factor.
- Victim advocates will work with a victim. If someone files, swears to the information in the petition, and then recants -- that is a red flag!! Please make sure you link them to advocacy services. Victim advocates will help to develop a safety plan and also provide the victim with information about resources.
- **The victim knows when it is the best and safest time for them to leave.** Most victims take 7 - 8 times before they can leave. The factors are their children, money, housing, child care, immigration consequences, no friends or family to help them.
- The most lethal period for victims is the first 2 weeks of separation. The #1 predictor is the victim's fear.
- As a GAL you should be part of the victim's safety plan.

- **The safety plan differs for dependency court and civil court** -- although putting in place the requirements for civil court will demonstrate gaining insight in dependency!
 - In **dependency court**, a safety plan ensures that there is a safety valve in place. (Example; a family member who intervenes or another person regularly checking on the family.) If the children have been removed, the children should be placed with a family member or someone who will ensure that the children have access to the mother. It is important for a child to have contact with a non-offending parent while ensuring the safety of the child.
 - In **civil court**, it means having I.D., passports, birth certificate, cash, school records, contact #'s of friends, or someone to call in emergency. The victim should also have a copy of the injunction. Only a police officer can serve an injunction, and it cannot be enforced if it hasn't been served.
- If a family is getting back together, do NOT recommend they get family/couples counseling. Their work must be separate. Family/couples counseling can put the victim in more danger. The **offender must first have batterer-intervention counseling** to address the violence before any couples counseling should be considered, if at all.
- The majority of victims want their intimate partner to get help and to keep their family together.
- Most times DCF (the PI) doesn't interview the offender, and the PI doesn't speak to the Father. The Father is not involved in the case plan and oftentimes not given tasks.
- Majority of offenders have witnessed violence in their home, suffered trauma, and do not have an attachment to a father figure. **We need to start investing in strong fatherhood programs.**
- **OBO -- On Behalf Of petitions** are often filed "on behalf of a child." This is really reporting child abuse. The courts are mandatory reporters, and they call the DCF hotline and issue a temporary restraining order removing the offender from the home. However, when the PI comes, they close the case because the offender is out of the home and the child is "safe." This is a loophole that they are working on closing.
- **Victims should carry a copy of the restraining order with them at all times.**
- In a case with domestic violence, the **case plan** should include: **safety planning and trauma assessment, a batterer's intervention program** (NOT anger management program). Get the victim to work with an advocate. Children are often left out of the equation. They need an assessment to determine their level of trauma. Often children are used as pawns. The therapeutic needs of the children must be addressed. There are several therapeutic programs to address the needs of the children, and the children need to get this help.
- **The victim is uniquely qualified to make decisions about their case.** Do not pretend to be an expert on someone else's life.
- **The wrong question to ask is: "Why don't you leave?" "How can we keep you safe?" is the right question to ask.**
- Children are aware of what is going on in the house. An assessment is necessary to determine the effect on kids who witness violence. The effects of exposure to violence on children is devastating. There is a video on the court website that explains this.
- **Focus on re-building the parenting skills of the survivor.** The survivor should not be penalized for poor parenting skills while being a victim of domestic violence. Get the survivor in touch with services.

- The **Violence Prevention and Intervention Division** offers integrated, wrap-around services designed to meet the unique needs of victims of D.V., sexual violence, and human trafficking
 - **Non-residential: Coordinated Victims Assistance Center (CVAC)**
Info & referrals, court orientation, crisis intervention, direct relief assistance, dissolution of marriage assistance, education & training, emergency financial & food assistance, financial literacy workshops, group & individual therapy, immigration legal assistance, parenting classes, protective order assistance, relocation assistance and support groups.
 - **Residential:** offers both emergency shelter & transitional housing options for victims and their dependents.