

Branching Clinical Practice Around Domestic Violence Issues with Victim/Client Resources

Brief History of Clinician:

I am a licensed marriage and family therapist in the state of Florida, however my career in client advocacy and mental health services started far before this turn in my career. At the age of 15 years old I witnessed my older sister being physically attacked by her then husband, which was something I had never witnessed before but would later learn was a secret she had lived with for some time and a nightmare she would continue for at least another year. I'm being liberal when I say my sister was one of the "lucky" ones as her situation was known to myself and my mother and after being severely emotionally and physically abused, my mother was able to break my sister out of her home, where she was essentially being held captive, which led to an eventual forced divorce.

This unfortunate turn of events opened my eyes to the often hidden world of domestic violence, more so than even the movie "Burning Bed" as it hit home and did not seem to fit for who I thought I would be. The journey to trying to gain aid for my sister's plight also made it clear the lack of resources available throughout the town or even the state, which was modern New York. Shocking and sad. This spurred me to later gain interest in volunteering at Domestic Violence shelters during my time in college and eventually had me encouraged and motivated to take a paid position in the domestic violence unit of the Miami-Dade State Attorney's office. It is here where I would be able to be hands on with victim advocacy and learn more about what was readily available to men and women who were afraid of their perpetrators and needed assistance to change their circumstance. I was pleased to see that in the 10 years since my sister had survived her abusive marriage, a plethora of other agencies had come about to guide victims through the legal system while also encouraging ongoing safety and empowerment.

Outline of talking points/definitions:

Restraining Order/Injunctions: These are civil filings and can be temporary or permanent. A victim would request a protective order (another name for the same document) with the clerk's office advising of abuse they have suffered from another in a domestic relationship (friend, parent, child, romantic partner-cannot be a stranger who attacked you on the street one time) and how they are in fear of this person harming them again. This harm can include emotional harm through stalking via letters, phone calls, social media. If there is not harassment, physical harm or threat of harm is required and being accompanied by a police report almost guarantees you at least gain a temporary restraining order.

Temp Restraining order: typically two weeks during which time the alleged perpetrator is served to attend a civil hearing in front of a family court judge to determine if the order will be longer.

Permanent Restraining order: typically 6 months to a year long and has to be renewed directly after that time frame, by filing again that fear of ongoing harm is present.

Domestic Violence Police Report: This can be generated by the victim calling the police and making a direct report or witness calling and making report. An arrest is made on the scene if the report is made at the same time and the perpetrator is on the scene.

Direct File Case: These cases are created when victims make a police report and not arrest is made and no detective is assigned to the case to pursue the arrest. This can be for either a misdemeanor or felony assault (threat of harm), stalking (ongoing harassment), domestic abuse (physical abuse). Direct file cases that contain sexual abuse typically need to be handled by a detective directly. This sort of case is handled directly by the State Attorney's Office with a paralegal and attorney who work directly with a detective in the Domestic Violence Unit of the appropriate police department. With identifying legal violations, a warrant can be drafted by the paralegal and sent to the detective to execute.

Stay Away Order: This is a temporary order that is implemented with all domestic violence arrests, by the state. This order is put in place the morning of the bond hearing (within 24 hours of the arrest) and remains in place at least until the first hearing (typically 21 days from the arrest) in order to give the victim time to find safety and distance to decide how to proceed with her place of residence and criminal case. Victims are the ONLY one's that can request this order be removed. Without this request, the SAO will stay in place for the duration of the open case. If the victim needs further, more permanent documents for protection, they are encouraged to file for the civil restraining order.

Violation of Stay Away Order: This is a misdemeanor in the state of Florida and even if the client was willingly residing with and spending time with the perpetrator, if found together or police contacted the perpetrator will be automatically arrested (people have been arrested coming back from cruises with the victim and checking in at the border).

Violation of Restraining Order/Injunction: In the state of Florida this is a misdemeanor and though this is a civil order, a defendant will be charged criminally by the state. The defendant can also be charged civilly, at the same time, if the victim files for a violation of restraining order with the clerks office, whether it is supported by a police report or not.

Domestic Violence Shelter: Shelter addresses are kept confidential (you will not find addresses on public resources) but from employees working for the domestic violence unit of the State Attorney's Office, Victim Advocates in police stations and a few victim resources centers in the city. These shelters typically house victims (usually one sex only) with their children for one night up to months at a time, depending on space and availability. Often times, the shelters are working in conjunction with job placement services, have onsite mental health counselors and provide food vouchers, along with assistance to get victims grants for relocation.

Relocation Assistance: The Florida Coalition Against Domestic Violence has a grant that offers relocation funds for a onetime payment of \$1500 to aid the victim in relocating anywhere in the country, assumingly where the perpetrator will NOT join them.

Harassment: Depending on the frequency of contact a perpetrator has with a victim this can be charged as a misdemeanor or felony. Victims are advised to keep phone records, voicemails, keep screenshots of

social media postings or messages and maintain any written documents (letters of undying love or threats) they have accumulated. Due to the change in availability of contact there is an actual cyber unit at the state attorney's office. Police reports can be made with all of this, even pictures sent, and civil restraining orders can be filed at any time.

Domestic Violence Cases: Misdemeanors are for simple battery, assault, harassment and some stalking. Felony cases are for sexual assault, assault with a deadly weapon, aggravated battery (permeant harm-thinking stabbing opposed to slapping) or abuse committed in front of a minor child. Child abuse also falls under a felony domestic violence case. Certain ongoing stalking cases can be felonies.

Domestic Violence Detectives: Each police department has a police unit assigned only to domestic violence cases and consists of victim/witness advocates who match people with resources and specially trained domestic violence detectives. Officers dispatched to domestic violence calls are in more danger than any other call at someone's home. The most dangerous time for a victim is when she tries to leave or others attempt to physically intervene, taking her from her perpetrator.

Safety Plan: This is a plan that a counselor, advocate or any agent of the state can aid the client in creating to prepare she or he for leaving their location or home instantly to escape current or ongoing unsafe conditions. This would include advising the client to keep the number for shelter, keep important documents in one spot (SS card, license, money, birth certificate, emergency numbers, medical records, etc), preferably a bag containing enough clothes and supplies for you to be "on the run".

Court Process:

- Arrest
- Bond hearing (24 hours after arrest)
- Typical bond for misdemeanor \$1500 (only 10% has to be paid) \$5000 for felony cases
 - Typically before this time and the next hearing victims need to look out for mail and phone calls to confirm their appointments to meet with attorneys and paralegals to give a sworn statement to assist in prosecuting their case
- Arraignment-where one pleads guilty or not guilty (21 days after arrest) or a plea is offered and taken
 - If a plea is taken at the first couple of hearings, the state is typically offered PTD-An anger management program the requires the defendant meet for weekly counseling, which they pay for, for a period of 6 weeks to 6 months.
- Sounding-when the state decides if there will be a trial or not (42 days after arrest) or a plea is offered and taken
- Trial-no exact set time
- If convicted defendants will not serve more than a year in jail for a misdemeanor but can serve several years for a felony case. The stay away order is in place until the full sentence or plea is completed.