

WOMEN MATTER

Fair Courts: Domestic Violence

When most people think of a domestic violence victim, they picture a woman with a black eye or a broken arm; but, domestic violence is more than a physical injury. Domestic violence is a pattern of behavior that includes the use or threatened use of violence and intimidation for the purpose of gaining power and control over another person. This abuse occurs within an intimate relationship and is characterized by physical, sexual, emotional and economic control of a victim. Domestic violence occurs regardless of age, race, ethnicity, mental or physical ability, socioeconomic status, sexual orientation/identity or religious background. Victims come from all walks of life but most often are women.

While domestic violence victims require many people and community resources to find and maintain safety, the court system is a place in which many women seek help. Victims of domestic violence may seek civil protection orders, criminal charges, divorce, custody, compensation, civil damages or protections for their children to address the violence in their lives. In each of these instances, the attitude of the court toward women plays a vital role in providing the relief victims need to regain safety and control over their lives. Unfortunately, the low prestige generally assigned to domestic violence cases directly impacts the quality of services provided to victims. Many courts intervening in domestic violence cases are plagued by rushed proceedings, minimally trained personnel and overwhelming dockets.

Despite these challenging conditions, judges and court personnel can play critical roles in helping victims escape the violence imposed by abusers. Judges can use the court's power to hold abusers accountable by issuing and enforcing orders that thwart the power and control tactics of abusers, imposing criminal sentences that reflect the severity of the violence, and maximizing victims' opportunities for safety and autonomy. Court personnel can make courthouses safer for victims. Courts can collaborate with justice system partners and community-based agencies leading to more effective strategies for stopping domestic violence.

In pursuit of court fairness, it is essential that communities become more informed about domestic violence and engage court systems in reforming policies and procedures to address this pandemic. Communities should encourage courts to craft remedies that take into account the totality of the victim's situation and the likelihood that abusers will try to find ways to maintain some level of control over victims, either directly or through children. Court orders should be comprehensive and detailed, including all the available relief that is warranted, including efforts to stop the violence, protect victims and their children, stop emotional, financial and physical abuse used to control and coerce victims and their children, hold abusers accountable, and provide restitution to victims.