

GENERAL OVERVIEW

THE DYNAMICS AND PREVALENCE OF DOMESTIC VIOLENCE

At its core, domestic violence is about **power and control**. Perpetrators commonly express a sense of **entitlement or supremacy** to their victims, and use **an array of tactics to maintain power and control** over them, including:

- isolating victims from family or friends;
- preventing them from working or going to school;
- controlling access to household finances or transportation;
- engaging in emotional cruelty and manipulation;
- perpetrating sexual abuse and rape;
- abusing the children or threatening to take them away from the victim; and
- committing brutal physical violence and threats of further violence to victims and their children.¹

Often referred to as a “silent epidemic,” domestic violence is one of the most **chronically under-reported** crimes in the United States.²

- Conservative estimates have determined that **at least 1.5 million women** in the U.S. are assaulted by their intimate partners per year; other estimates put that number closer to 4,000,000 per year.³
- Only approximately one-quarter of all physical assaults, one-fifth of all rapes, and one-half of all stalkings committed against females by their intimate partners are reported to police.⁴
- It is estimated that one in every four women will experience domestic violence in her lifetime.⁵
- Here in Pennsylvania, in a single 24-hour period, 2,477 adults and children received services from one of our 61 programs.⁶

1 For a cogent discussion of the behavioral and attitudinal characteristics of batterers, see L. Bancroft & J.G. Silverman, *The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics* (2002).

2 U.S. Dep't of Justice, Bureau of Justice Statistics, *Criminal Victimization* (2003).

3 National Institute of Justice and the Centers for Disease Control and Prevention, *National Violence Against Women Study* (July 2000). The majority (73%) of family violence victims are female. Females were 84% of spousal abuse victims and 86% of abuse victims at the hands of a boyfriend. U.S. Dep't of Justice, Bureau of Justice Statistics, *Family Violence Statistics* (June 2005).

4 National Institute of Justice and the Centers of Disease Control and Prevention, *Extent, Nature and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey* (2000).

5 P. Tjaden & N. Thoennes, Nat'l Institute of Justice and the Centers of Disease Control and Prevention, *Extent, Nature and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey* (2000).

6 National Network to End Domestic Violence (NNEDV), *Domestic Violence Counts: The National Census of Domestic Violence Services, Executive Summary for Pennsylvania* (2007), available at <http://www.nnedv.org/census>.

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As millions of women are abused by their intimate partners, millions more **children are exposed to this violence.**⁷

- Domestic violence occurs disproportionately in homes with children under age five.⁸
- Children exposed to intimate partner violence are reported to experience post-traumatic stress, and to have more behavioral, cognitive, emotional, and attitudinal problems than children from non-violent homes.⁹
 - ◆ Children who witness domestic violence also learn that violence is an inevitable and acceptable part of intimate relationships, and they learn how to use aggression to control others and to resolve interpersonal conflicts.¹⁰
- Children are also at risk for physical injury during such incidents, such as infants or toddlers being held by the victim as she is assaulted, or children who attempt to intervene to protect their mothers during the assault.

False Reporting of Abuse

Despite countless studies and reports documenting the prevalence and dynamics of domestic violence, myths persist about victims of domestic violence making false claims of abuse and/or abusing legal protections for illegitimate purposes. A common accusation is that victims make up claims of abuse against themselves and their children just to gain advantage in contested custody cases.

- Research shows that **false allegations of abuse are no more common in divorce or custody disputes than at any other time.**¹¹
- It is common and understandable for victims to reveal abuse for the first time during a divorce because abuse leads to divorce.¹² Many victims have told no one about the abuse prior to separation because of their shame, fear, and desire to help the abuser.

Moreover, **the Protection From Abuse (PFA) Act and other civil and criminal laws provide effective deterrents and remedies to false claims of abuse:**

- Section 6106(a.1) of the PFA Act provides that a person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this chapter commits a criminal offense of false reports to law enforcement authorities (18 Pa. C.S. Section 4906).
- Section 6117(b) of the PFA Act provides for remedies for bad faith: upon a finding that an individual commenced a proceeding under this chapter in bad faith, a court shall direct the individual to pay to the defendant actual damages and reasonable attorney fees.
- The PA Rules of Civil Procedure, Rules 1023.1(c) and (d), permit the imposition of an appropriate sanction if a legal pleading was presented for any improper purpose.

The issue of false reporting is **best addressed by continuing to utilize current law**, which adequately addresses remedies for false allegations in civil and criminal matters; **reinforcing judicial decision-making** and the role of courts to uncover the truth and to reveal false allegations; and to continue **supporting victims in their attempts to break free of abuse.**

7 Between 2.3 and 10 million children are exposed to intimate partner violence each year in the United States. B.E. Carlson, *Children's Observations of Interparental Violence*, in A.R. Roberts (Ed.) *Battered Women and Their Families* 147-67 (1984). As many as half a million children in a year may be encountered by police during domestic violence arrests in the U.S. Office of Juvenile Justice and Delinquency Prevention, *Safe from the Start: Taking Action on Children Exposed to Violence* (Pub. #NCJ182789) (Nov. 2000).

8 L. Taylor, B. Zuckerman, V. Harik, & B. Groves, *Witnessing Violence by Young Children and Their Mothers*, 15(2) *Journal of Developmental and Behavioral Pediatrics* 120-123 (1994).

9 J. Kolbo, E. Blakely, & D. Engleman, *Children Who Witness Domestic Violence: A Review of Empirical Literature*, 11 (2) *Journal of Interpersonal Violence* 281-93 (1996).

10 National Council for Juvenile and Family Court Judges and Office of Juvenile Justice and Delinquency Prevention, *A Judicial Checklist for Children and Youth Exposed to Violence* 7 (2006); J. Edleson, *Emerging Responses to Children Exposed to Domestic Violence* (Oct. 2006), available at <http://www.vawnet.org>. For further information about the effects of domestic violence on children-including the body of research discussing factors that bolster children's resiliency to those effects-see PCADV *Testimony on the Impact of Domestic Violence on Children*, delivered August 21, 2007 at a Hearing before the PA House Committee on Children and Youth, available upon request to PCADV.

11 Brown, Federico, Hewitt, & Sheehan, "Revealing the Existence of Child Abuse in the Context of Marital Breakdown and Custody and Access Disputes," 24(6) *Child Abuse & Neglect* 849-85 (2000).

12 Colborn Faller, "Possible Explanations for Child Abuse in Divorce," 61 *Amer. Journal of Orthopsychiatry* 86, 87 (1991).

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PENNSYLVANIA'S DOMESTIC VIOLENCE SERVICES SYSTEM

Here in Pennsylvania, the prevalence of domestic violence reminds us that it is an issue of enormous magnitude, and its victims are no small minority.

- There are **61 domestic violence programs in Pennsylvania**, which offer **emergency shelter, 24-hour hotlines, counseling programs, legal and medical advocacy projects, children's advocacy, community education, and transitional housing** projects for victims of abuse and their children.
- **In FY 2007-08, 93,175 victims and their children received services** from the 61 local domestic violence programs across Pennsylvania.¹³ Attached is a chart of the county-by-county breakdown of these 07-08 service statistics.
- Services rendered in FY 07-08 include:
 - ◆ 481,870 hours of counseling/advocacy;
 - ◆ 228,948 shelter days;
 - ◆ 18,226 community education programs;
 - ◆ 13,448 community-wide public education events;
 - ◆ 256,628 volunteer hours; and
 - ◆ 6,136 trainings for 63,808 individuals.
- These 61 programs provide **92 community-based sites** to ensure that **free and confidential services are available to all Pennsylvanians, 24 hours per day, in all areas of the state.**

¹³ *Pennsylvania Domestic Violence Program Service Numbers - 2007/08*, PCADV (2008), available at upon request and at www.pcadv.org.

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THE PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE (PCADV)

The PCADV is the **statewide network of the 61 domestic violence programs throughout Pennsylvania.**

- As the first state domestic violence coalition in the country, the PCADV is recognized as a **national leader** in coalition-building, systems advocacy, legal and policy expertise, victim service delivery, and fund development and management.
- The PCADV works closely with the Department of Public Welfare to **administer the statewide contract for funding domestic violence services.**
- The **PCADV offers consultation, technical expertise, information and resource materials, and extensive training** to law enforcement and criminal justice personnel, court personnel, health care providers, religious leaders, drug and alcohol counselors, county assistance workers, private and government agencies, state and federal policy-makers, the media, and the general public.

The PCADV has an array of **major systems projects**, including:

Protection from Abuse Database

The Protection From Abuse Database (PFAD) Project is a computer archival system for the electronic entry of all pleadings and orders relating to Protection From Abuse (PFA) Act cases in Pennsylvania. Records from PFAD are immediately available 24 hours a day, 365 days a year to authorized users (law enforcement, judges, etc.) via a secured Internet Web site. PFAD staff provides **specialized training and technical assistance to users**, including on-site training in counties that are just beginning to use PFAD; supplemental training to counties already using PFAD; training for local law enforcement throughout the Commonwealth.

Medical Advocacy

Established in 1993, the PCADV's Medical Advocacy Project coordinates collaborative partnerships of community-based domestic violence programs and local health care systems/medical facilities to **promote health care-based identification of domestic violence victims seeking health care services** or treatment and the provision of **support, information, education, resources and follow-up services within the health care setting.** The PCADV currently funds 35 medical advocacy projects with over 85 health care partners across Pennsylvania.

Essential elements of the Medical Advocacy Project include the following:

- ◆ Ongoing training on domestic violence for all health care providers and allied staff of the health care system or facility;
 - ◆ Institutionalizing a comprehensive response to patients experiencing domestic violence through the formal adoption and implementation of domestic violence protocols and policies;
 - ◆ The identification of battered women through routine screening; and
 - ◆ The provision of domestic violence services within the health care setting.
- ◆ PCADV also has a Medical Advocacy Task Force that meets regularly in both the eastern and western regions of the state. Task Force participation is open to domestic violence program advocates and health care professionals.

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Mental Health

The PCADV is currently a pilot site of the the National Training and Technical Assistance Center on Domestic Violence, Trauma and Mental Health (NTTAC), funded by the U.S. Department of Health and Human Services, Administration on Children, Youth and Families. The goal of this collaborative project is to **develop the infrastructure and resources necessary to enable domestic violence and mental health agencies in PA to be able to work more effectively with individuals who are dealing with both domestic violence and mental health issues.**

NTTAC is working with the PCADV on the following:

- ◆ To provide resources, tools and consensus building opportunities necessary to fill the critical gap in services for survivors with unmet mental health and advocacy needs;
- ◆ To develop more comprehensive and culturally-relevant responses to the range of trauma-related issues faced by domestic violence survivors and their children; and
- ◆ To develop strategies for addressing both the social and psychological conditions that perpetuate abuse and violence across generations.

Civil Legal Representation

The Civil Legal Representation (CLR) Project **enhances access to civil legal assistance and justice for victims of domestic violence.** CLR attorneys assist attorneys representing domestic violence victims in obtaining court intervention that enhances victims' self-sufficiency while also concentrating on victims' safety needs. The CLR Project also **effectuates systematic legal change:** with support from the PCADV's CLR staff, CLR attorneys around the state have completed and filed appeals in the Pennsylvania Superior and Supreme Court. Staff also provides moot court opportunities for those attorneys who have filed appeals and are preparing for oral argument. The CLR Project also includes **facilitating the Domestic Violence Attorney Network**, comprised of CLR staff and CLR attorneys from around the state, which meets on a regular basis throughout the year for training and information sharing.

Protection Order Enforcement

The Protection Order Enforcement Project is a statewide initiative designed to **provide training and technical assistance to counties throughout Pennsylvania in an effort to ensure that protection orders are enforced consistent with Pennsylvania law.** Since the Protection From Abuse Act was amended in 2005 to provide enhanced protections for victims of domestic violence, new tools have become available for protecting victims and their children from further abuse.

- ◆ Through statewide, regional, and local training, PCADV staff offers no-cost assistance to constituencies charged with the implementation of the Act.
- ◆ In addition, six pilot sites representing the diversity of Pennsylvania's 67 counties have been identified to receive more intensive services. In collaboration with these counties' STOP implementation teams and Criminal Justice Advisory Boards, training and technical support are tailored to the unique issues of each of the six counties. Groups are encouraged to meet collaboratively to address local arrest and enforcement issues, and receive support in their efforts to review and update their local protocols for arrest and enforcement of protection orders.
- ◆ A third component of this project addresses Pennsylvania's underserved communities. At the state, regional, and local levels, as well as in the six pilot sites, training is offered on the issues unique to identifying and serving those who traditionally do not seek, or cannot access, domestic violence services.
- ◆ At the conclusion of this 18-month project, a manual complete with resources and best practices in protection order enforcement will be available for distribution throughout the Commonwealth.

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PA Stop Violence Against Women and Judicial Training

The PCADV provides training and technical assistance to the 46 STOP Grant¹⁴ counties in Pennsylvania and the STOP teams within the counties, consisting of law enforcement, prosecutors, and victims services providers. Training topics for these teams include the Protection From Abuse Act and its recent amendments, stalking, firearms, and primary aggressor issues. Another component of this project is the provision of training and technical assistance to domestic violence advocates, including regular meetings of the Legal Advocacy Committee and a weekly electronic newsletter through which advocates are kept abreast of recent developments, training opportunities, and strategies to better assist victims of domestic violence and their children. Additionally, through the STOP Judicial Training Project, PCADV staff provides ongoing, specialized training and technical assistance to judges and court personnel. The PCADV publishes a *Pennsylvania Domestic Violence Benchbook*, distributed to all Pennsylvania trial judges and updated annually, as well as *The Jurist*, a quarterly electronic newsletter with information on statutory and case law updates and topics of current interest to jurists hearing cases involving domestic violence.

Enhancing Services for Children & Youth Exposed to Domestic Violence

Beginning in 2006, PCADV launched a project to expand the capacity of Pennsylvania domestic violence program staff **to address the needs of children and adolescents exposed to domestic violence and to support abused parents efforts to build resiliency in their children.** The program is designed to enhance intervention services that are focused on strengthening the abused parent-child relationship, demonstrated to be beneficial in addressing the trauma associated with a child's exposure to a batterer. With funding from the U.S. Department of Health and Human Services, five different programs were chosen as demonstration sites. These programs implemented **12-week home/community-based services to families, focused on helping the non-abusive parent understand and address the needs and behaviors of children resulting from exposure to domestic violence.**

The project offers training and materials on the following:

- ◆ Child development and the impact of violence on child development;
- ◆ Trauma-based counseling;
- ◆ Building relationship with the non-abusive parents about children's behaviors and needs;
- ◆ Provision of home-based services;
- ◆ Understanding of the framework of poverty as the cultural context/background of many domestic violence families, especially those who utilize shelter services;
- ◆ Family safety planning and related tools;
- ◆ Educational materials for intervention with children, including brochures and fact sheets on age appropriate behaviors and behaviors that reflect the impact of exposure to violence; and
- ◆ Curricula for support groups on understanding and addressing children's behaviors and needs.

¹⁴ The STOP (Services, Training, Officers, Prosecutors) Grant Program is a program of the federal Violence Against Women Act (VAWA). The STOP Grant Program is the single largest source of funds for states to respond to domestic violence, sexual assault, and stalking and one of VAWA's cornerstones. STOP funds are awarded to every State and Territory in the nation through a formula grant based on population. STOP emphasizes a coordinated community approach to reducing domestic and sexual violence on a local level. Many states have used these funds to establish protocols and special units in law enforcement agencies and prosecutors' offices. The breadth and successful implementation of STOP has resulted in dramatic improvements to criminal justice systems' response to victims in thousands of jurisdictions around the country.

THE PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE (PCADV)

Prevention of Dating Violence Among Runaway & Homeless Youth

This project, which began in October 2005, represents a partnership between the PCADV and the Mid-Atlantic Network of Youth and Family Services, and involves runaway and homeless youth programs and domestic violence programs throughout Pennsylvania, Virginia, West Virginia, Maryland, Delaware and the District of Columbia. Through a grant from the U.S. Department of Health and Human Services, this collaborative project enables the two communities-providers within the fields of domestic violence and runaway/homeless youth-to work together for the benefit of vulnerable youth. This project entails:

- ◆ Developing new strategies to prevent dating violence among runaway and homeless youth;
- ◆ Enhancing domestic violence services in runaway and homeless youth programs;
- ◆ Designing and developing cross-disciplinary approaches for the prevention of dating violence with runaway and homeless youth;
- ◆ Improving the effectiveness of domestic violence service delivery for youth in runaway and homeless youth programs; and
- ◆ Linking domestic violence staff and runaway and homeless youth practitioners to build joint models and strategies for more effectively working with youth in violent relationships.

Welfare

The PCADV Welfare Project is a partnership with the Pennsylvania Department of Public Welfare (DPW) to implement federal legislation requiring county welfare offices to **screen for domestic violence**; waive welfare program requirements that may place victims and/or their children in danger; and **refer clients for domestic violence services**. With DPW, PCADV also participates in the **Domestic Violence Task Force**, which works to ensure the following:

- ◆ Development and implementation of DPW policies that effect victims receiving public benefits;
- ◆ Domestic violence awareness training for all welfare caseworkers and clerical support staff;
- ◆ Cross-training of domestic violence advocates on DPW policy;
- ◆ Technical assistance to domestic violence program staff regarding welfare issues; and
- ◆ Development of written materials to support welfare advocacy.