

REPORT OF THE

**COMMISSION ON FAMILY
VIOLENCE PREVENTION**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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COMMONWEALTH of VIRGINIA

Commission on Family Violence Prevention

Senator Janet D. Howell
Chair

Harriet M. Russell
Executive Director

January 30, 1998

TO: The Honorable George F. Allen, Governor of Virginia

and

Members of the Virginia General Assembly

The 1997 General Assembly, through House Joint Resolution 663, continued the Commission on Family Violence Prevention. The Commission was charged to continue its study of family violence in the Commonwealth to: determine the impact of family violence on children, examine the availability and accessibility of services and resources to victims of family violence, determine the role of the business, religious and scholastic communities in the prevention of and response to family violence, and to determine services, resources and legislation which may be needed to further address, prevent, and treat family violence. The Bureau of Justice Assistance of the United States Department of Justice awarded a grant to the Supreme Court of Virginia, Office of the Executive Secretary, to support the work of the Commission.

Enclosed for your review and consideration is the report which has been prepared relating to the work of the Commission. In 1997 the Commission benefited from the assistance of over 250 citizens who served on the Commission, subcommittees, and task groups. Over 70 citizens testified at public hearings, and their comments did much to direct our efforts. The Commission also received assistance from all related agencies and gratefully acknowledges their efforts. Since it began in 1994, the work of the Commission has involved over 700 Virginians from across the Commonwealth.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Janet Howell".

Janet D. Howell
Chair

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MEMBERS—

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Ms. Jen Woolard, *Community Response Subcommittee*
Ms. Kristi Wright, *Law Enforcement Subcommittee*
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EXECUTIVE SUMMARY

The Commission on Family Violence Prevention was established pursuant to House Joint Resolution 279 in 1994 and continued through Senate Joint Resolution 27 in 1996 and HJR 664 in 1997. The Commission has involved a broad base of citizens in its work this year: 185 individuals on task groups, 49 individuals on subcommittees, and 30 individuals on the Commission. Since it began in 1994, the work of the Commission has involved over 700 Virginians from across the Commonwealth.

The Commission is charged to study family violence, including domestic violence, child abuse, elder abuse, sexual assault, and stalking, to: further study the impact of family violence on children; continue to examine the availability and accessibility of services and resources to victims of family violence; determine the role of the business, religious, and scholastic communities in the prevention of and response to family violence; and, determine services, resources and legislation which may be needed to further address, prevent, and treat family violence.

1998 Legislative Agenda

During the 1998 General Assembly Session, the Commission is presenting legislation based on the work of the task groups, testimony received at public hearings, and presentations at the five Town Meetings convened by the Commission during 1997. After reviewing the recommendations of all the Subcommittees, the Commission, at its December 5, 1997 meeting, adopted the following legislative agenda:

Legislation

- ◆ Establish a Batterer Intervention Certification and Monitoring Program with an advisory board that would be administered by the Department of Criminal Justice Services; include batterer intervention programs as a mandatory service for local community corrections programs and to add a victim service provider to each of the local community corrections program boards.
- ◆ Allow for a warrantless arrest when there is probable cause to believe a weapon has been brandished.
- ◆ Address technical issues related to protective orders as follows:
 - Add Emergency Protective Order § 16.1-253.4 to § 18.2-119 (the trespass statute).
 - Clarify the 72-hour requirement in § 16.1-253.4.
 - Note that only electronically issued Emergency Protective Orders need to be verified.
 - Add “auxiliary police” to the definition of law enforcement officer in the Emergency Protective Order statute.

- Amend section B in § 16.1-253.1 (the preliminary protective order statute) to reflect the electronic transfer of information from the court to VCIN; include similar language in § 16.1-279.1 (protective order statute).
- Add a section "C" to the second paragraph after § 16.1-264, which applies only to orders served by those other than law enforcement.
- Add language to the protective order statute to reference service of orders.
- State that a fax copy of an Emergency Protective Order, Preliminary Protective Order, and Protective Order can be used for purposes of service.

Resolutions

- ◆ Continue the Virginia Commission on Family Violence Prevention and direct it to: study the impact of family violence on children; examine the Commonwealth's response to marital sexual assault; encourage data collection at the state and local levels; investigate the development of fatality review teams; examine the Commonwealth's response to juveniles who are assaultive to family or household members; and, assure training is provided to appropriate judicial, criminal justice, and health care professionals.
- ◆ Direct the Commission on Family Violence Prevention, the Virginia Bankers' Association and the Virginia Bar Association to study and develop recommendations to prevent the financial exploitation of elderly and disabled adults.

Budget Issues

- ◆ \$125,000 in the first year, \$12,000 in the second year to create an electronic link between the Court Information Management System and the Virginia Criminal Information Network for real-time transfer of protective order information. This would establish a registry of protective orders that would assist in the service and enforcement of such orders.
- ◆ \$150,000/year to support the creation and maintenance of a Batterer Intervention Certification and Monitoring Program which would develop standards for and oversight of these programs.
- ◆ \$60,000/ year to support the summer institute provided by the Department of Education on dealing with violence in the classroom and requiring that the curriculum be expanded to include issues of family and dating violence.

Formal Endorsements

- ◆ Support the Department of Social Services budget request for Adult Protective Services and Adult Services, and should consider requesting additional funding to support Adult Protective Services and Adult Services.
 - ◆ Support the recommendations of the Crime Commission that reflect the Commission's 1996 Victim Compensation task Group Report. (see listed below under Criminal Injury Compensation Fund Task Group)
 - ◆ *Support legislation that would make Family Life Education mandatory because of its use as a vehicle for educating students about family violence.
 - ◆ *Support legislation that would assure the presence of guidance counselors in all elementary schools due to counselors' roles assisting school personnel and pupils in their response to family violence.
- (*See page 14)

FINDINGS, ACCOMPLISHMENTS AND RECOMMENDATIONS

COMMUNITY RESPONSE SUBCOMMITTEE

The Community Response Subcommittee, co-chaired by Lieutenant Governor Donald S. Beyer, Jr., and Delegate Clifton "Chip" Woodrum, is charged with assisting and supporting communities to assure an efficient and coordinated response to family violence. This year the subcommittee maintained task groups on Data, the Role of the Business Community, Elder and Disabled Adult Abuse, and Victim Services. In addition, the subcommittee monitored the issue of welfare reform and continued its support of local community coordinating councils. The recommendations of the Task Groups and the subcommittee are summarized below.

Data Task Group

The Task Group has focused on facilitating the electronic transfer of protective order information between the local Court Management System (CMS) and the statewide Virginia Criminal Information Network (VCIN). Budget language from the 1997 General Assembly Session directed the State Police and the Office of the Executive Secretary of the Supreme Court of Virginia to develop recommendations for the establishment of a statewide protective orders registry and report their recommendations to the Commission and the General Assembly. The Data Task Group endorses the recommendations from the State Police/OES report (*see House Document 25*) to create an electronic real-time transfer of protective order information from CMS to VCIN. The Task Group also recognized the importance of magistrate access to VCIN information for setting conditions of bond.

Recommendation:

1. **Support a budget amendment to create the electronic link between the Court Information Management System and the Virginia Criminal Information Network for real-time transfer of protective order information.**
2. **Encourage the State Police and the Office of the Executive Secretary to incorporate training on electronic transfer into the training modules for relevant personnel, including Juvenile Court clerks and law enforcement officers with VCIN access.**
3. **Develop a survey of chief magistrates to determine the current availability of new VCIN technology to magistrates and need for additional access.**

Business Community Task Group

Representatives from the business community, together with victim services providers worked toward creating a workplace response to family violence. The goals of this task group:

- to create an informational packet for businesses that would explain what family violence is, how to talk to a victim, how to implement a workplace safety plan, and what local services are available; and,
- to educate victim services providers on how to approach businesses.

The group also examined whether or not victims of family violence were discriminated against through insurance policies and could not determine that they were.

Recommendation:

4. **Develop and distribute a user-friendly information packet on workplace responses to family violence.**
5. **Create information for victim services providers on how to approach businesses.**

Elder and Disabled Adult Abuse Task Group

The Elder and Disabled Adult Task Group was formed to address the special circumstances and issues facing elders and persons with disabilities who also find themselves victims of family violence.

The Task Group addressed the following issues:

- community coordination of services of this population;
- increased domestic violence awareness among members of the elder and disabled populations;
- training and funding;
- financial exploitation; and,
- mandatory reporters of abuse of incapacitated adults.

Recommendation:

6. **Add information on elders and persons with disabilities to the Commission's *Community Planning Guide*, and encourage local coordinating councils to establish task groups to study issues of family violence related to elders and persons with disabilities.**
7. **Recommend that VISSTA develop three curricula: 1) a pre-service curriculum for colleges and universities to utilize in the education of its students in relevant fields; 2) an in-service curriculum for rehabilitation and support service providers and for family violence service providers; and 3) a curriculum for family members and other caregivers.**
8. **Support the Department of Social Services budget request for Adult Protective**

Services and Adult Services, and should consider requesting additional funding to support Adult Protective Services and Adult Services.

- 9. Recommend a legislative study of abuse and neglect occurring in non-family group homes.**

Victim Services Task Group

The Victim Services Task Group had two goals. The first was to develop a Funding Bulletin as a guide to funding sources for family violence service providers. This funding guide includes information on state funding sources, federal sources, private foundations and corporate giving; grant writing; and Tips and Traps for seeking funding. The second goal was to maximize the use of existing resources. To meet this goal, members began development of a community assessment tool and strategic planning guide designed to assist communities evaluation of their current services, identify possible gaps and barriers, and develop a future plan.

Recommendation:

- 9. Add a Community Assessment and Strategic Planning Chapter to the *Community Planning Guide* and provide training on its use at the Spring Forum.**
- 10. Publish and distribute the Funding Bulletin.**
- 11. Continue to convene this Task Group in order to enhance coordination of victim services.**

Other Issues

The subcommittee has monitored what policies/regulations are included in the state welfare plan (Temporary Assistance to Needy Families, or TANF) to provide protection for victims of family violence. Of particular interest to the Commission was whether Virginia would include the protections enumerated in the federal Wellstone-Murray amendment in Virginia's TANF plan. The subcommittee was concerned that the avenues and options for identifying and responding to families experiencing violence are not explicitly addressed in current policy, and that no consistent training for front-line DSS workers responsible for screening, referral, and other activities exists.

Recommendation:

- 12. The Commission will commend DSS for the steps it has taken to modify TANF to ensure the safety of family violence victims, but note that the Commission does not agree with the decision regarding policy on "circumstances outside of a client's control" and encourages DSS to continue to work with the Commission on these issues.**

The subcommittee also agreed that local coordinating councils are crucial to Virginia's continued efforts to prevent family violence. As such, the Commission should continue to provide a forum for localities to share information about their efforts.

Recommendation:

13. A second Forum for Coordinating Councils should be sponsored by the Commission to provide information-sharing and networking opportunities for local coordinating councils.

LAW ENFORCEMENT SUBCOMMITTEE

The Law Enforcement Subcommittee, co-chaired by Attorney General Richard Cullen and Senator Kenneth Stolle, is charged with examining the law enforcement response to family violence and determining methods to improve and support that response. The subcommittee has provided oversight for House Joint Resolution (HJR) 664 which directs the Commission to ensure that training is provided on family violence issues. The subcommittee also has provided guidance to the Batterer Intervention Task Group in its efforts to address the placement of an oversight office for batterer intervention programs and draft standards for the certification of these programs.

Additionally, the subcommittee has assisted the Virginia Crime Commission in their study of the Criminal Injuries Compensation Fund as well as reviewed the data collection and other efforts of the Community Oriented Policing grant recipients.

Training Task Group

The Training Task Group was responsible for executing the mandate of HJR 664. The Resolution directs the Commission on Family Violence Prevention to ensure that training in domestic violence is provided to the following groups: criminal justice personnel, including judges, substitute judges, clerks, magistrates, law enforcement personnel, probation and parole officers, attorneys for the Commonwealth; guardians ad litem; court-appointed special advocates and defense attorneys; human services employees; clinical staff of local community services boards; mediators; health care providers; medical school faculty; local health department directors; and nursing directors.

The Task Group compiled the following information related to training sessions for each group: content and topics covered; approximate number of persons trained; amount and frequency of the training sessions; training providers; the manner and method the information is disseminated; and the groups response to these trainings.

Recommendation:

14. **Support a statewide conference on preliminary protective orders. The following persons should be encouraged to participate: judges; magistrates; clerks; law enforcement; Commonwealth's Attorney's; court service units; and Legal Aid attorneys.**
15. **Assist the Education Department of the Supreme Court of Virginia with the distribution of family violence materials at judicial conferences and training events. Assure that materials, training opportunities and a list of local resources and practices are available to substitute judges.**
16. **Based on the survey of Chiefs of Police and Sheriffs, training should be targeted to law enforcement agencies that have not yet received training and those without domestic violence policies.**
17. **Encourage the Department of Criminal Justice Services to incorporate family violence training into the compulsory minimum training standards for dispatchers' classroom training. This course on family violence should not be included under current elective studies.**
18. **A letter encouraging family violence training will be sent from the Commission to the following agencies and/or organizations: Virginia Commonwealth's Attorneys' Services Council; Local Community Correction Boards; Department of Corrections (probation and parole officers); Department of Juvenile Justice (Court Service Units); Virginia Association of Community Services Boards; Virginians Against Domestic Violence; the state associations for social workers, counselors and psychologists; and the Virginia Health Department (local Health Department directors and nurses). Additionally, the Commission should send a letter to the Judicial Council requesting that the length of the domestic violence training session for mediators be lengthened.**
19. **The Commission will request that the Virginia Department of Social Services assure curriculum development and training for eligibility workers and child support enforcement workers related to the identification and referral of victims of family violence.**
20. **The *Family Violence Reference Manual* and the *Health Care Provider Chapter* will be distributed to Virginia's medical schools.**
21. **The Commission will establish a Task Group to investigate the issue of juveniles as the primary aggressor. This Task Group will include representatives from the Commission on Youth, the Department of Juvenile Justice, Commonwealth's Attorney's, and other law enforcement personnel.**

Batterer Intervention Task Group

The Batterer Intervention Task Group worked under the direction of Senate Joint Resolution (SJR) 272 (directing the development of standards for batterer intervention programs) and Senate Joint Resolution 278 (directing the study of the feasibility of the creation of a state level oversight authority for batterer intervention programs). Task group members looked at various options and models, including VASAP, for the creation of an oversight authority. Members also discussed and agreed on the importance of monitoring batterers in these programs to ensure compliance with the court orders.

Recommendation:

- 22. Introduce legislation to establish a Batterer Intervention Certification and Monitoring Program that would be administered by the Department of Criminal Justice Services (DCJS), and appropriate Health and Human Services agency or the Office of the Executive Secretary of the Supreme Court of Virginia.**
- 23. Introduce a budget amendment to provide funds to support the creation and maintenance of the Batterer Intervention Certification and Monitoring Program including funds for three staff persons (program director, administrative assistant, and technical assistant).**
- 24. Request that the development of standards for batterer intervention programs be completed by the Advisory Committee of the Certification Monitoring Program.**
- 25. Introduce legislation to include batterer intervention programs as a mandatory service for Local Community Corrections Programs.**
- 26. Introduce legislation that would expand the membership of local community criminal justice boards to include a victim services provider.**

Community Oriented Policing (COPS) Grant Program

COPS grants were awarded to 336 localities in the United States through the U. S. Department of Justice under the Violence Against Women Act. Nine police departments and one sheriff's department in Virginia including: Alexandria, Chesterfield, Fairfax, Franklin County, Hampton, Richmond, Lynchburg, Newport News, Norfolk, and Portsmouth were awarded money for training, education and community coordination related to domestic violence. Recipients began meeting monthly in December 1996 to share information on their related efforts. Beginning June 1, 1997 these localities began recording information related to incidences of domestic violence and their response.

Recommendation:

27. Encourage an appropriate agency to compile and analyze data related to incidences of domestic violence received from Virginia's COPS grant recipients and expand this effort to other localities; and, encourage other data collection efforts such as the domestic violence and sexual assault data project.

Criminal Injury Compensation Fund

Senate Joint Resolution 266 directs the Crime Commission to study the Criminal Injury Compensation Fund. The Crime Commission conducted interviews, collected data and established work groups, and passed several recommendations at its December 15, 1997 meeting.

28. Recommendations of the Crime Commission which are supported by the Commission on Family Violence Prevention:
- Establish a crime victims rights ombudsman who will serve to assist victims in perfecting their claims. The ombudsman will report directly to the Commission that oversees the Crime Victim Compensation Fund.
 - Create a rebuttable presumption within the statute that a victim's claim is valid;
 - Expand the category of crimes for which mental health services may be compensated to include the violent crimes enumerated in Va. Code 17-237.
 - Increase the time allowed to file a claim from 180 days to one year after the event.
 - Increase the time allowed to perfect a claim from 90 days to 180 days.
 - Increase the time allowed to file an appeal from 20 days after notification of a denial to 90 days.
 - Increase the cap allowed for funeral expenses from \$2,000 to \$3,000.
 - Allow a request for reimbursement, not to exceed \$500, for reasonable and necessary moving expenses.
 - Add terrorist acts to the list of crimes that are compensable. This recommendation would conform State law to Federal VOCA law).
 - Allow the Compensation Fund to have access to Child Protective Services (C P S) records to assist in validating the claims.

LEGISLATIVE/JUDICIAL SUBCOMMITTEE

The Legislative/Judicial Subcommittee of the Commission, chaired by Delegate Linda T. "Toddy" Puller, exists to provide: guidance to the Commission on legislative drafting, tracking of bills affecting family violence, analysis of the budget as it affects family violence programs, and the development of task groups to facilitate discussion and proposals. The task groups formed under this subcommittee were as follows:

- The Impact of Family Violence on Children,
- Victim Address Confidentiality,
- Marital Sexual Assault, and
- Lethal Weapons.

The recommendations of these task groups are listed below.

The Impact of Family Violence on Children Task Group

The Virginia Code requires that "family violence" be taken into consideration when making custody and visitation decisions. In order to learn exactly how such issues are addressed, the Task Group met and decided upon a three-tiered research strategy:

- The Juvenile and Domestic Relations District Court judges were surveyed at the August Judicial Conference;
- The custody and visitation files of cases where there have been adult criminal charges will be reviewed in six jurisdictions; and
- In these six jurisdictions key court personnel will be interviewed to determine the court's practice when the issue of family violence arises in a custody or visitation case.

The University of Virginia will conduct the analysis of the data and develop a report.

Recommendation:

- 29. Continue to facilitate the meetings and research of the Task Group.**
- 30. This Task Group establish a one year pilot program in several Juvenile and Domestic Relations Courts, to track the impact of family violence on custody and visitation decisions through the use of a questionnaire for each case which would give details of how such cases are handled and what procedures are used by J&DR Court Judges.**

Victim Address Confidentiality Task Group

During the 1997 General Assembly Session, Delegate Vance Wilkins proposed a Victim Address Confidentiality program similar to a program in effect in the state of Washington. The House of Delegates Courts of Justice Committee recommended that the Commission look into this issue. The Commission formed a task group to research victim address confidentiality needs.

Recommendation:

31. Continue to evaluate establishing an Address Confidentiality Program and add several members to the Task Group including victim advocates, J&DR Judges and Clerks, and a representative from DSS Domestic Violence office.
32. Write a letter to the Forms Committee of the Supreme Court of Virginia to request that the space allotted for a victim's address be removed from the form.

Marital Sexual Assault Task Group

This task group was recently created to examine the marital sexual assault laws in the Commonwealth. The formation of a representative group of people to work on this issue is near completion and the date of the Task Group's first meeting is scheduled for mid-December.

Recommendation:

33. Continue to facilitate the meetings and research of the Task Group.

Lethal Weapons Task Group

This Task Group was comprised of family violence experts, law enforcement personnel, judicial personnel, advocates for handgun control, and supporters of safer hand gun use. The Task Group analyzed data detailing the use of weapons in crimes of family violence. This data was collected from a number of organizations including the FBI, the Office of the Chief Medical Examiner, Virginia State Police, the Department of Criminal Justice Services, and recipients of the COPS grant. Statutes in other states and constitutional issues were also examined.

Recommendation:

34. Convene a task group to look at the development and implementation of fatality review teams throughout the Commonwealth and in other states.
35. Introduce legislation that would increase the crime of brandishing a firearm from a Class 1 misdemeanor to a Class 6 felony.
36. Introduce a resolution requesting that the General Assembly support continued efforts in collecting data related to lethal weapons and family violence, and prioritize its statewide data collection projects from within and without the criminal justice system.
37. Encourage the Office of the Executive Secretary of the Supreme Court of Virginia to include information in upcoming judicial training efforts on legal options available to judges when weapons are involved in family violence cases.

PUBLIC AND PROFESSIONAL AWARENESS SUBCOMMITTEE

The Public and Professional Awareness Subcommittee chaired by Judge Roy C. Willett, examines the public and professional community response to family violence. In order for the victims of family violence to be effectively identified and served, it is necessary that professionals who come in contact with victims be adequately informed of services, resources and legislation pertaining to family violence prevention and treatment.

Health Care Providers Task Group:

This task group developed a self-training packet of materials designed for health care providers. The materials include lecture notes, indicators of domestic and family violence, questions health care providers can ask patients they suspect are victims of family violence, pertinent Virginia Code Sections and an assessment tool. This packet has been distributed to health departments, hospitals, various medical societies, immediate care facilities and other health care provider agencies.

Family Violence Curricula for Medical Students:

The goal of this planning task group, comprised of representatives from Virginia's three medical schools, was to determine how to provide information on the prevention, identification and treatment of family violence to interested faculty.

Recommendation:

- 38. Distribute information and training materials to the educational departments at the medical schools and assist them in identifying funding sources for the development of the educational modules.**
- 39. The Commission explore ways to ensure training of medical personnel in identifying and responding to family violence.**

Statewide Public Awareness Campaign:

Representatives from statewide victim advocacy organizations and agencies serving victims of family violence comprise the SPAC planning group. The goal of this group was to develop the third edition of a public awareness kit containing camera ready information about prevention of child abuse, domestic abuse, elder abuse, dating violence, and sexual assault. Statewide distribution of 7,500 packets occurred in the fall of 1997.

Recommendation:

- 40. Request that the Family and Children's Trust Fund assume leadership for and coordination of the SPAC packet.**

The Role of the Religious Community Task Group

The goal of this group was to examine religious communities' responses to family violence. The group was composed of religious leaders and family violence experts. The group's last meeting will be held on Friday November 21, 1997 at which time the group will develop recommendations for the subcommittee.

Recommendation:

41. Encourage the SPAC Task Group to include a camera-ready slick geared to religious leaders and their faithful indicating what services are available for victims of family violence.
42. Recommend that the Commission provide information to seminaries and divinity schools throughout the Commonwealth on available family violence information and training.
43. Develop and distribute materials for victims' services providers on how to approach religious leaders and develop a referral relationship.
44. Include a chapter in the *Family Violence Reference Manual* for religious leaders.
45. Develop a workshop for the Spring Forum that addresses the issues and concerns of the religious community's response to family violence.

School System Task Group:

The goal of this task group was to determine the needs of Virginia's students, teachers and essential school personnel in the area of family violence. The group was composed of school administrators, social workers and family violence experts. The group determined that the family violence materials that are available to students and staff are adequate and that the problem was how to distribute the available materials.

Recommendation:

46. The Commission write a letter to the Superintendent of Public Instruction asking the Department of Education to:
 - Continue the JMU/DOE summer institute "Classroom Teacher Skills for Violence Prevention";
 - Request local school health care advisory boards include a domestic violence/sexual assault expert on their school health advisory service board;
 - Incorporate informational materials on family violence into their existing resources listings;
 - Include a section in their Crisis Management Resource Guide on family violence; and,

- Encourage schools to become active participants in local coordinating efforts for the prevention of family violence.
47. Direct the Commission to work with VADV and VAASA to develop materials appropriate for use at statewide conferences for school system personnel.
 48. *Support legislation that would make FLE mandatory.
 49. *Support legislation that assures guidance counselors in all elementary schools.

** Note - There was dissent of these last two recommendations by at least one member of the Task Group and two members of the Commission. The Subcommittee voted unanimously for both.*

COMMUNITY RESPONSE SUBCOMMITTEE

The Community Response Subcommittee, chaired by Lieutenant Governor Donald S. Beyer, Jr. and Del. Clifton "Chip" Woodrum is charged with assisting and supporting communities to assure an efficient, responsive, comprehensive and coordinated response to family violence. This year the subcommittee maintained Task Groups on Data, the Role of the Business Community, the Elder and Disabled Adult Abuse, and Victim Services Funding. In addition, the subcommittee monitored the issue of welfare reform and continued its support of local community coordinating councils. The recommendations of the Task Groups and the subcommittee are summarized below.

Data Task Group

In order for justice system professionals to respond more effectively to family violence incidents, it is necessary for data systems to provide information on protective orders, pending charges, and previous arrests. The electronic transfer of information between courts and law enforcement would facilitate comprehensive entry of protective order information into the Virginia Criminal Information Network (VCIN), managed by State Police, allowing local law enforcement to obtain protective order status information when responding to a family violence incident, as well as ensuring that background checks for weapon purchases have complete and current information available. Anecdotal information suggests that there is a breakdown somewhere in the current VCIN entry system that prevents some protective orders from being entered.

In a pilot study, the Task Group utilized six months of protective order information provided by the Office of the Executive Secretary of the Supreme Court of Virginia and the State Police to match entries within localities. The preliminary results confirm anecdotal reports that there is wide variability in the number of protective orders petitioned and issued, and the degree of consistency between the two electronic systems.

The Task Group has focused on facilitating the electronic transfer of protective order information between the local Court Management System (CMS) and the statewide Virginia Criminal Information Network (VCIN) to improve the safety of victims and the accurate enforcement of existing orders. Budget language from the 1997 General Assembly session directed the State Police and OES to develop recommendations for the establishment of a statewide protective orders registry and report their recommendations to the Commission and the General Assembly. A brief

summary of the findings from this report is provided in the appendix. The Data Task Group endorses the recommendations from the State Police/OES report to create electronic real-time transfer of information regarding protective orders from CMS to VCIN.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary)

- The Commission should support a budget amendment to create the electronic link between the Court Management System and the Virginia Criminal Information Network for real-time transfer of protective order information.
- The Commission should encourage the State Police and the Office of the Executive Secretary to incorporate training on electronic transfer into the training modules for relevant personnel, including juvenile court clerks and law enforcement officers with VCIN access.

Accurate information in VCIN also has implications for the work of magistrates. Assault and battery of family or household members, as well as stalking, are escalating in number and are based on a specific victim-offender relationship. For both of these crimes, the charge increases from a misdemeanor to a felony depending on past convictions. As such, previous history of criminal convictions and the existence of outstanding protective orders and/or warrants are key to determining the appropriate charge and conditions of bail that adequately protect the safety of victims and their children. During the past year the Task Group surveyed magistrates attending a conference regarding their access to VCIN material. Although surveys were not returned from all localities, the information obtained identified some concerns regarding the accessibility of VCIN information when magistrates must rely on other personnel to provide such information. The Task Group should consult with the Committee on District Courts and other relevant entities to continue to work on magistrate access to VCIN.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary)

- The Commission should consult with the Committee on District Courts and other relevant entities regarding the current availability of new VCIN technology to magistrates and need for additional access.

Business Community Task Group

The Business Community Task Group was organized to fulfill the mandate of House Joint Resolution 663 to determine the role of business in the prevention of and response to family violence. Its membership represents not only those active in the business community but also those involved with victim services and networks. Together they are working toward first, creating a comprehensive manual to help companies, both large and small, respond to family violence issues

and second, deciding whether the victims of family violence are discriminated against in any or all forms of insurance coverage.

The information manual will first address why businesses should care about family violence and why they need this manual. In order to impress upon businesses the importance of addressing this issue, the manual will include the policies from other companies as a benchmark and the potential liability a business faces when an incident happens at work. In addition the manual will instruct companies on developing an emergency response and safety plan for affected employees. Also included within the manual will be guidelines for both supervisors/managers and co-workers on identifying and talking with a victim. Furthermore, it is important to provide the numbers of local victims' services organizations and other area hotlines that can help. When a final copy has been approved by the Commission, the planning committee will strategize on what will be the most effective means for distributing the manual.

With the help of the business members of the Task Group, guidelines will be created to help victim services' groups successfully approach businesses. Suggestions include knowing your audience, knowing the business, and good presentation. In addition the Commission will look to trade associations to also help in the distribution of this important information.

Another goal of the Task Group was to determine whether the victims of family abuse are also victimized by insurance companies. Bills protecting victims of domestic violence from insurance discrimination have been passed in 22 states by legislation and one state, New Jersey, by regulation. On the federal level bills have been introduced in both the House and Senate. The federal bills are very comprehensive and address health, life, accident, disability and property insurance. There was little statistical evidence to support that this kind of "insurance discrimination" is actually occurring. Many of the bills in other states were passed based on anecdotal evidence.

After much research which included correspondence from the Bureau of Insurance and statistical reports by the state insurance agencies of Illinois, Kansas and Oregon, it was concluded that there were no specific examples or known cases of insurance discrimination in Virginia. Although this seems to be a hot topic nationally, it appears that it is not a problem in Virginia at this time. The representatives from the Bureau of Insurance said that they would continue to monitor this important issue through their comment and complaint line.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary)

- Develop and distribute a user-friendly information packet on workplace responses to family violence.
- Create information for victim services providers on how to approach businesses.

Elder and Disabled Adult Abuse Task Group

The Elder and Disabled Adult Abuse Task Group was formed to address the special circumstances and issues facing elders and persons with disabilities who also find themselves victims of family violence. While the Commission was charged with addressing elder abuse, the abuse and neglect suffered by persons with disabilities at the hands of family members was in many ways similar to that experienced by elders. It was for this reason that the emphasis of this Task Group was expanded. Beyond the directive to examine abuse against elders, the Task Group had no other specific charge. In order to establish a workplan, the Task Group began by examining national and state trends which were compiled by Commission staff. The following issues were addressed: mandatory reporting policies; definition of abuse; central registries; advancement of trial dates for elders; abuse in state licensed facilities; and increased penalties for crimes against elders or incapacitated adults. (A copy of this report is included in the appendices.)

Upon formulation of a workplan, the Task Group addressed the following issues: 1) Community coordination of services for this population; 2) Increased domestic violence awareness among members of the elder and disabled populations; 3) Training; 4) Funding; 5) Financial exploitation; and 6) Mandatory reporters of abuse of incapacitated adults.

Members addressed the need for the coordination of services for elders and persons with disabilities. The need for collaborative working relationships with multi-disciplinary teams, non-conflicting rules and regulations among agencies, and increased education for service providers and elder/disabled victims of family violence was identified. To effectuate these changes, the Task Group agreed that the Commission's *Community Planning Guide* include information on elders and person with disabilities. Additionally, the Task Group agreed that community coordinating councils should be encouraged to establish a multidisciplinary Task Group to study issues of family violence related to elders and persons with disabilities.

To address the education of professionals, Task Group members investigated the amount of pre-service and in-service training occurring in the area of family violence and disability. The following

organizations were contacted: Virginia Commonwealth University and the Medical College of Virginia's (hereinafter VCU/MCV) Department of Occupational Therapy; VCU/MCV Department of Physical Therapy; VCU's School of Social Work; Sheltering Arms; Greater Richmond Metropolitan YWCA; Domestic Violence Task Force of Virginia and the Medical College of Virginia Hospital's Department of Social Work; and the Department of Rehabilitative Medicine.

Faculty from VCU/MCV's Departments of Occupational Therapy and Physical Therapy and VCU's School of Social Work noted that there were no formal pre-service programs or regular curricular content designed to train or educate either undergraduate or graduate students to identify acts of family abuse committed against people with disabilities. All three had courses on a variety of psychosocial issues related to disability. However, VCU's School of Social Work does include course content on abuse and domestic violence in general. A need for in-service training for personnel of health care facilities and domestic violence service providers was identified. All programs contacted indicated an interest in cross-disciplinary training on disability and family violence.

Professionals were not the only persons identified for increased education. Task Group members recognized the need to educate elders, persons with disabilities and their families and caregivers about family violence.

Financial exploitation of elders and persons with disabilities was at the forefront of the Task Group's concerns. These concerns centered on the need for increased criminal penalties and prosecution; addition of certain persons as mandatory reporters; and increased education and other efforts to prevent exploitation.

The Task Group examined House Document 24, the Virginia Bar Association's report to the 1996 General Assembly entitled "Civil Remedies To Enhance Protection of Vulnerable Adults from Financial Exploitation." This 1995 study found that while some acts of financial exploitation were committed with fraudulent intent, many were done out of the agent's lack of understanding and ignorance of the duties and responsibilities. The Task Group agreed with the recommendation of House Document 24 and likewise recommended that specific education and disclosure language be required in powers of attorney. Notarization of the grantor's signature and the inclusion of language, which states that the grantee accepts the appointment and understands his/her powers,

duties and liabilities and acknowledged by grantee's signature also was recommended by the Task Group as yet another safeguard.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary)

- Information on elders and persons with disabilities should be added to the *Community Planning Guide*, and local coordinating councils encouraged to establish Task Groups to study issues of family violence related to elders and persons with disabilities.
- The Commission should recommend that VISSTA develop three curricula: 1) A pre-service curriculum for colleges and universities to utilize in the education of its students in relevant fields; 2) An in-service curriculum for rehabilitation and support service providers and for family violence service providers; and 3) A curriculum for family members and other caregivers.
- The Commission should support the Department of Social Services budget request for Adult Protective Services and Adult Services, and should consider requesting additional funding to support Adult Protective Services and Adult Services.
- The Commission introduce legislation requiring:
 - Specific education and disclosure language be included in powers of attorney;
 - The notarization of the grantor's signature;
 - The inclusion of language that states the grantee accepts the appointment and understands his/her powers, duties, and liabilities; and,
 - Acknowledgement of this language with the grantee's signature.
- The Commission introduce legislation to add bankers to the list of mandatory reporters of abuse of incapacitated adults.
- A legislative study of abuse and neglect occurring in non-family group homes.

Victim Services Task Group

The victim services Task Group had two goals. The first was to develop a *Funding Bulletin* as a guide to funding sources for family violence service providers. This guide includes information on state funding sources; federal sources; private foundations and corporate giving; grant writing; and Tips and Traps for seeking funds. (The *Funding Bulletin's* Table of Contents is included in the appendices.)

Commission staff solicited information on family violence funding from the following state agencies: Department of Social Services (Child Protective Services, Adult Protective Services, and the Domestic Violence Program); Department of Mental Health, Mental Retardation and Substance Abuse Services; Department of Criminal Justice Services; Department of Health (Division of Women's and Infant's Health); Department for the Aging; the Virginia Department of Housing and Community Development; and the Family and Children's Trust Fund of Virginia (FACT).

Information in the following categories was collected: eligibility; priority; scope; funds; special eligibility requirements; funding cap/limit; notice of availability; due date; range of amounts funded

prior year; number of applications received; number of applications funded; period; restrictions or exclusions; match; training or technical assistance/pre-application conference; and contact person.

Information on funding through state agencies was obtained from: the Department of Social Services (Child Protective Services and the Domestic Violence Program); Department of Criminal Justice Services; Department of Health (Division of Women's and Infant's Health); the Virginia Department of Housing and Community Development and the Family and Children's Trust Fund of Virginia (FACT), and incorporated into the *Funding Bulletin*.

Federal funding is announced through the Federal Register. Staff limited federal funding information to how to use the Federal Register since it is a daily publication and the information it contains changes frequently. An example of an entry from the Federal Register is included in the *Funding Bulletin* to show readers what they should expect to find. Likewise information on private foundations and corporate giving was limited to general information, such as the various types of foundations; how to seek funding from foundations and corporations; and the names of private foundation or corporate giving resources.

Users of the *Funding Bulletin* may be new to applying for funding and writing grants. Commission staff worked with the Department of Criminal Justice Services on a section of the Bulletin that provides some basic guidelines, rules and suggestions for applying for funds. Task Group members contributed to a section of Tips and Traps that applicants should consider before applying for funds. A list of funding source resources also is included. Resources include books; catalogs; newsletters; grant resource centers; libraries; and Internet resources. Finally, the back cover of the Bulletin is a response sheet that can be removed and mailed to the Commission with the reader's comments and suggestions.

The Task Group's second goal was to maximize the use of existing resources. A subgroup of the Task Group was formed to further study this issue. When this subgroup first began, members were looking to provide communities with an ideal statewide picture of the resources and services that should be available in a community. Upon further discussion, members decided that the final product should not be a model that ignores the unique differences of each locality, but instead it should be a tool for communities to evaluate their current services, identify possible gaps and barriers, and develop a future plan. An assessment and planning effort such as this would benefit

from the full participation of all community players that impact the community's response to family violence. Therefore, Task Group members agreed that this tool should be a chapter within the Commission's *Community Planning Guide*. The goals of this assessment and planning exercise are to: create a forum for community service providers; address gaps in services; identify victim's needs; and avoid duplication of services thereby utilizing resources in the most efficient manner.

The draft of the assessment and planning tool leads the reader through nine steps, from the identification of the players to the development of an action plan. Assessment tools to be completed by the service providers will be included. Additionally, victims will be asked to provide their input on the services they received and any needs that remained unmet.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary)

- A Community Assessment and Strategic Planning Chapter should be added to the *Community Planning Guide* and should provide the focus of the Spring Forum.
- The Commission should publish the *Funding Bulletin*.
- The Commission should continue to convene this Task Group in order to enhance coordination of victim services.

Other Issues

The subcommittee has been interested in what policies/regulations are included in the state welfare plan (Temporary Assistance to Needy Families, or TANF) to provide protection for victims of family violence. Of particular interest to the subcommittee and the Commission was whether Virginia would include the protections enumerated in the federal Wellstone-Murray amendment in Virginia's TANF plan. The subcommittee was concerned that the avenues and options for identifying and responding to issues of family violence victims are not explicitly addressed in current policy, and that the existing policies are not connected to consistent, full-saturation trainings for front-line DSS workers responsible for screening, referral, and other activities. Specifically, the subcommittee identified several possibilities for remediating these concerns: (1) including people with experience working with victims in the planning and training efforts; (2) developing explicit family violence policies; (3) making standardized assessment tools available to all DSS workers; (4) creating confidentiality procedures and provisions where needed; and (5) maintaining the protection and safety of victims as an overriding concern.

The subcommittee contacted the Department of Social Services, requesting information on their family violence policies. The Department provided results from a survey of local DSS departments that indicated about half of the respondents were unclear what policies within TANF could be used to respond to domestic violence. DSS established an internal workgroup to examine these issues and the resulting action plan focuses on three areas - recognition and referral, policy and training, and coordination with outside services. DSS has issued a broadcast to local departments that specifically addresses domestic violence issues within current policies.

After further elaboration of the subcommittee's concerns, the Department responded with a memo outlining policy adjustments that address a majority of those concerns. The subcommittee believes that these adjustments are an important first step toward ensuring that the special circumstances of family violence victims are taken into account.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary)

- The Commission should commend DSS for the steps it has taken to modify TANF to ensure the safety of family violence victims, but note that the Commission does not agree with the decision regarding policy on "circumstances outside of a client's control" and encourages DSS to continue to work with the Commission on these issues.

The subcommittee also agreed that local coordinating councils are crucial to Virginia's continued efforts to prevent family violence. As such, the Commission should continue to provide a central forum for localities to share information about their efforts. A conference enables localities to send several members of their coordinating councils to attend the workshops, networking with other professionals and exchanging information.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary)

- The Commission should sponsor a second Forum for Coordinating Councils to provide information-sharing and networking opportunities for local coordinating councils.

LAW ENFORCEMENT SUBCOMMITTEE

The Law Enforcement Subcommittee, co-chaired by Attorney General Richard Cullen and Senator Kenneth Stolle, is charged with examining the law enforcement response to family violence and determining methods to improve and support that response. The subcommittee provided oversight

for House Joint Resolution (HJR) 664 which directs the Commission to ensure that training is provided on family violence issues.” The subcommittee also provided guidance to the batterer intervention Task Group in its efforts to address the placement of an oversight office for batterer intervention programs and drafting of standards for the certification of these programs.

Additionally, the subcommittee provided support to the Virginia Crime Commission in their study of the Criminal Injury Compensation Fund as well as the data collection and other efforts of the Community Oriented Policing Grant recipients.

Training Task Group

The Training Task Group was responsible for executing the mandate of HJR 664. The Resolution directs the Commission on Family Violence Prevention to ensure that training in domestic violence is provided to the following groups: criminal justice personnel, including judges, substitute judges, clerks, magistrates, law enforcement personnel, probation and parole officers, attorneys for the Commonwealth; guardians ad litem; court-appointed special advocates and defense attorneys; human services employees; clinical staff of local community services boards; mediators; health care providers; medical school faculty; local health department directors; and nursing directors.

This Task Group was a continuation of the Task Group that met in 1996 under the direction of Senate Joint Resolution 69 which directed the Commission to assure that training was provided to justice system professionals. This year HJR 664 added additional groups to this list. The membership of the 1997 Task Group grew to reflect the addition of these groups.

The Task Group decided it was important to first determine the amount of family violence education and training currently being provided to these groups. Commission staff collected the following information related to current training sessions for each group: content and topics covered; approximate number of persons trained; amount and frequency of the training sessions; training providers; the manner and method the information is disseminated; and the groups response to these trainings. This information was incorporated into the Training Chart. (A copy of the Training Chart is included in the appendices.)

Of particular concern were those groups that have no continuing education requirements thereby making the presentation of information on family violence difficult. Task Group members found that substitute judges, licensed social workers, licensed professional counselors, licensed

psychologists and health care providers are not required to participate in continuing education courses. Substitute judges as attorneys are required to participate in 12 hours of continuing education; however, this is not specific to their role as a judge.

Training for law enforcement was examined more closely after concerns were raised that some localities had not yet adopted a family violence policy as required by Va. Code 19.2-81.4, that some localities had received no training, and that the information that was being provided was coming from a broad range of sources. In response to these concerns, a subgroup of this Task Group was established. Representatives from Virginians Against Domestic Violence, the Virginia Chiefs of Police Association, the Virginia Sheriffs' Association and the Department of Criminal Justice Services met to discuss these concerns, and decided to conduct a survey of police and sheriffs departments. Information on the following was collected: who received training related to the 1997 Family Violence Arrest Legislation; who provided this training; whether the department developed a family violence policy; whether the department received training related to the development of policy; and whether the department is interested in such training. A copy of the survey and its results can be found in the appendices.

The results of the survey showed that some police and sheriff's departments have had no training at all, and there are a number of agencies without policies. Training on protective orders was one of the most requested areas for additional training. Training on law enforcement is conducted by a variety of agencies, with local Commonwealth's Attorney's and the Department of Criminal Justice Services frequently listed as trainers.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary)

- Support a statewide conference on preliminary protective orders. The following persons should be encouraged to participate: judges; magistrates; clerks; law enforcement; Commonwealth's Attorneys'; court service units; and Legal Aid attorneys.
- Assist the Education Department of the Supreme Court of Virginia with the distribution of family violence materials at judicial conferences and training events. Assure that materials, training opportunities and a list of local resources and practices are available to substitute judges.
- Based on the survey of Chiefs of Police and Sheriffs, training should be targeted to law enforcement agencies that have not yet received training and those without domestic violence policies.
- Encourage the Department of Criminal Justice Services to incorporate family violence training into the compulsory minimum training standards for dispatcher's classroom

training. This course on family violence should not be included under current elective studies.

- A letter encouraging family violence training should be sent from the Commission to the following agencies and/or organizations: Virginia Commonwealth's Attorneys' Services Council; Local Community Correction Boards; Department of Corrections (probation and parole officers); Department of Juvenile Justice (Court Service Units); Virginia Association of Community Services Boards; Virginians Against Domestic Violence; the state associations for social workers, counselors and psychologists; and the Virginia Health Department (local Health Department directors and nurses). Additionally, the Commission should send a letter to the Judicial Council requesting that the length of the domestic violence training session for mediators be lengthened.
- The Commission should request that the Virginia Department of Social Services assure curriculum development and training for eligibility workers and child support enforcement workers related to the identification and referral of victims of family violence.
- The *Family Violence Reference Manual* and the *Health Care Provider Chapter* should be distributed to Virginia's medical schools.

Batterer Intervention Task Group

The Task Group worked under the direction of Senate Joint Resolution 272 (directing the development of standards for batterer intervention programs) and Senate Joint Resolution 278 (directing the study of the feasibility of the creation of a state level oversight authority for batterer intervention programs). The Task Group began by examining and revising the Rationale, Recommendations and Overview of Batterer Intervention Programs, which was developed in 1996 by this Task Group.

Batterer Intervention Program Standards from other states, including Arizona, Colorado, Florida, Texas, Wisconsin, and Wayne County, Michigan were reviewed. The Task Group also spoke, via speakerphone, to Barbara Carter, the Correctional Program Administrator for the Office of Certification and Monitoring of Batterer Intervention Programs for the State of Florida. In addition to Ms. Carter providing information on Florida's development of standards, their oversight office, and several suggestions for the successful implementation of these standards, Task Group members had an opportunity to ask questions and draw on her experience.

The Task Group began drafting standards for the certification of batterer intervention programs. Members agreed that the overall philosophy of the standards should be from a perspective designed to assure compliance with court orders, keeping in mind the three goals of victim safety, batterer accountability and an efficient and effective community response. A means to ensure a swift referral

of the batterer back to court for failure to participate in the court ordered program was determined to be a necessary element of the standards. Based on this need, the Task Group agreed on the importance of supervision of the batterers by an agency familiar with probation and parole duties.

As this process evolved, the need to identify an appropriate placement for the oversight office became more evident. This oversight office would monitor the programs to ensure that they continued to meet the standards, as well as assist them in data collection which will provide a foundation for future research and intervention. The Task Group researched the placement of this oversight office within an existing agency. Decisions on the role and duties of the oversight body and the agency responsible for the supervision of batterers court ordered into these programs were determined to be prerequisites to the development of standards.

The law enforcement subcommittee determined the most appropriate placement of this office to be within the Department of Criminal Justice Services because of its criminal justice emphasis and other similar regulatory functions. Additional agencies such as the Department of Corrections; the Department of Social Services; the Department of Mental Health, Mental Retardation and Substance Abuse Services; Office of the Executive Secretary, Supreme Court of Virginia; and the Department of Juvenile Justice were considered, researched, discussed at length and found to be inappropriate placements, primarily due to differing philosophies and functions.

The majority of the Task Group agreed that the responsibility for the supervision of batterers court ordered into these programs should fall to a division within the agency in which the oversight office is located. Based on this conclusion and the choice of the Department of Criminal Justice Services to host the oversight office, the likely entity to supervise batterers was Local Community Corrections. Members found the duties of these local programs similar to those anticipated for the supervision of batterers.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary)

- The Commission should introduce legislation to establish a Batterer Intervention Certification and Monitoring Program that would be administered by the Department of Criminal Justice Services (DCJS).
- The Commission should introduce a budget amendment to provide funds to support the creation and maintenance of the Batterer Intervention Certification and Monitoring Program.

- The development of standards for batterer intervention programs should be completed by the new Batterer Intervention Advisory Committee to the Criminal Justice Services Board.
- The Commission should introduce legislation to include batterer intervention programs as a required program for Local Community Corrections Programs.
- The Commission should introduce legislation that would expand the membership of local community criminal justice boards to include a victim services provider.

Community Oriented Policing (COPS) Grant Program

COPS grants were awarded to 336 localities in the United States through the United States Department of Justice under the Violence Against Women Act. Nine police departments and one sheriff's department in Virginia including: Alexandria, Chesterfield, Fairfax, Franklin County, Hampton, Richmond, Lynchburg, Newport News, Norfolk, and Portsmouth were awarded money for training, education and community coordination related to domestic violence. Recipients began meeting monthly in December 1996 to share information on their related efforts. Beginning June 1, 1997, these localities began recording information related to incidences of domestic violence and their response.

This data was forwarded to the Commission, where staff compiled the data into a report. (This report is included in the appendices.) The findings of this report show that:

- **Increases/Decreases:** Three of the localities experienced an increase and one locality a decrease in reports after July, 1997; two of the localities have seen reports level off to about the same or slightly below June levels; one locality has steadily declined in the number of reports since July and one locality has steadily increased in the number of reports since July.
- **Total:** There were 3,434 reports filed by the localities during the period. From localities that were able to collect information on dual arrests, such arrests occur infrequently in 5.3% of the arrests made.
- **Sex of the Disputants:** 80% of Offenders are male and 20% are female. This breakdown is consistent across localities and from prior to enactment of the Family Violence Bill and after enactment.
- **Relationship of Disputants:** The greatest number of disputants fall into the co-habit category, 38.4%; followed by spouse at 33.6% and then Other at 16.2%. Chesterfield County noted that 49.1% of those in the "Other" category fell within a parent/child relationship, many of which were incidents where the child was the primary aggressor; an additional 15.1% of the "Other" were siblings.
- **Types of Crimes:** 82.2% of the crimes involved fell into the physical assault category, 9.8% involved property crimes, 5.9% involved psychological crimes such as threats, 1.7% involved crimes against children and very few, 21 or 0.6% involved sexual assault.
- **Weapons Involved:** In 67.2% of the reports hands, fist or other body parts were used as weapons; 5.1% reported use of edged, cutting weapons; only 2.4% or 82 reports involved use or

threat of use of a firearm. 7.4% of the reports included use of a wide variety of other things used as a weapon such as a phone, bat, curling iron, etc.

- **Alcohol or Drug Involvement:** 23.2% of the reports indicated that the offender appeared to be under the influence of alcohol or other drugs, 8.5% indicated that the victim was under the influence of alcohol or drugs. Localities prior to this data effort had not included this information in their reports and officers may not be fully comfortable with this assessment and inclusion in their reports.
- **Victim Injuries:** Victims were reported as injured in 42.8% of the reports; of those injured 17.9% required medical attention at the scene.
- **Presence of Children:** 14.9% of the reports noted that children were present in the household at the time of the dispute. 10.8% of the children who were present were injured in the incident. Similar to the data on alcohol and drug involvement, localities prior to this data effort had not included this information in their reports and officers may not be fully comfortable with this assessment and inclusion in their reports.
- **Variation by Locality:** There are some variations from locality to locality. Franklin Co. reports 48.1% involve spouses; 18.4% involve firearms and 69.2% of victims are injured with 25% of those injured requiring medical attention. In Richmond 25% involved spouses, 42.8% cohabitators; all involved physical assaults; in 33.5% of reports offenders appear under the influence of alcohol or drugs and in 27.3% the victim appears under the influence; 30.7% of victims were injured but 43.3% of those injured required medical attention.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary)

- The Commission should encourage an appropriate agency to compile and analyze data related to incidences of domestic violence received from Virginia's COPS grant recipients and expand this effort to other localities.

Criminal Injury Compensation Fund

The Commission on Family Violence Prevention conducted a study in 1996 of the Criminal Injury Compensation Fund's response to victims of family violence. That study identified a number of concerns. However, the Commission on Family Violence Prevention acknowledged that the concerns exceeded its purview and introduced Senate Joint Resolution 266 at the 1997 session of the General Assembly. Senate Joint Resolution 266 directs the Crime Commission to study the Criminal Injury Compensation Fund and the Commission on Family Violence Prevention to assist the Crime Commission with its work. The Crime Commission conducted interviews, collected data and established work groups.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary)

- Establish a crime victims rights ombudsman who will serve to assist victims in perfecting their claims. The ombudsman will report directly to the Commission that oversees the

Crime Victim Compensation Fund.

- Create a rebuttable presumption within the statute that a victim's claim is valid;
- Expand the category of crimes for which mental health services may be compensated to include the violent crimes enumerated in Va. Code 17-237.
- Increase the time allowed to file a claim from 180 days to one year after the event.
- Increase the time allowed to perfect a claim from 90 days to 180 days.
- Increase the time allowed to file an appeal from 20 days after notification of a denial to 90 days.
- Increase the cap allowed for funeral expenses from \$2,000 to \$3,000.
- Allow a request for reimbursement, not to exceed \$500, for reasonable and necessary moving expenses.
- Add terrorist acts to the list of crimes that are compensable. This recommendation would conform State law to Federal VOCA law).
- Allow the Compensation Fund to have access to Child Protective Services' (CPS) records to assist in validating the claims.

LEGISLATIVE/JUDICIAL SUBCOMMITTEE

This Subcommittee, chaired by Delegate Linda "Toddy" Puller, continued to act as the clearinghouse for legislative issues brought to the task groups and other subcommittees of the Commission. Four task groups were established under the subcommittee: (1) The Impact of Family Violence on Custody and Visitation Decisions, (2) Victim Address Confidentiality, (3) Lethal Weapons, and (4) Marital Sexual Assault.

The Impact of Family Violence on Custody and Visitation Decisions Task Group

The Virginia Code requires that "family violence" shall be taken into consideration when making custody and visitation decisions. During 1996, the Commission heard of cases where a victim lost custody to the abuser in a family violence situation, and of cases where individuals were alleged to have made false accusations of family violence in order to gain leverage in custody cases. The Commission had already established a task group to look at the general issues concerning the impact of family violence on children. A subgroup was created to study the custody issue in depth and to report on its findings to the general task group and the Commission. This subgroup is composed of a variety of people with research expertise and is chaired by Delegate Toddy Puller.

In order to learn exactly how such issues are addressed, the Task Group met and decided upon a three-tiered research strategy: 1) The Juvenile and Domestic Relations District Court judges were

surveyed at the August 1997 judicial conference, 2) The custody and visitation case files where there have also been related adult criminal charges will be reviewed in six jurisdictions, and 3) In these six jurisdictions, key court personnel will be interviewed to determine the court's practice when the issue of family violence arises in a custody or visitation case.

The first step in the research plan has been completed. The Commission distributed a questionnaire to the Juvenile and Domestic Relations judges at the summer judicial conference. The completed questionnaires were sent to researchers in the Department of Psychology at the University of Virginia for analysis. A summary of their report is included in the Appendix.

The second and third step of the research plan has progressed slowly due to the complexity of the Juvenile and Domestic Relations court case file management system and the specific date the Task Group is trying to retrieve. Commission staff is currently reviewing lists of cases from the six selected court research sites. The staff is looking for a match between a child's custody or visitation case and a parent involved in an adult criminal charge or a protective order. Measures are being taken to ensure the confidentiality of all parties. Once the on-site research has been completed, the University of Virginia will conduct an analysis of the data and develop a report.

The Legislative/Judicial Subcommittee voted to continue the work of this Task Group into the 1998 calendar year. Additionally, members of the Subcommittee recommended that this Task Group look into establishing a pilot program in several Juvenile and Domestic Relations Courts. The goal of such a program would be for the judges to make written records for a certain length of time concerning their decisions and rationales in custody and visitation cases involving family violence.

Victim Address Confidentiality

During the 1997 General Assembly session, Delegate Vance Wilkins proposed a Victim Address Confidentiality program similar to a program in effect in the state of Washington. The House of Delegates Courts of Justice Committee recommended that the Commission look into this issue. The Commission formed a Task Group to research victim address confidentiality needs in the Commonwealth and whether a program such as Washington's Address Confidentiality would be a worthwhile endeavor.

This Task Group, chaired by Judge Norman Moon, previously of the Virginia Court of Appeals, met several times during 1997 and spent a great deal of time studying the Washington Address Confidentiality Program. The Task Group also researched and reviewed similar legislation in effect and pending in other states. For an example of other states considering such programs, see the table included in the Appendix.

The Task Group members agreed that such a program was an excellent idea, especially to provide a uniform method of confidential record keeping throughout state and local agencies. However, the members decided that an address confidentiality program such as this would require much more research before it could be created and operate effectively in Virginia. For example, one of the major areas that needs more in depth examination is the role Virginia's local victim's groups would be willing to play in such a program. In Washington, the victim's groups are crucial to that program's success. The victim's groups act as the program's only marketing tool, conduct the intake questioning of potential participants, and instruct potential participants on the rules and regulations of the program. Participants fill out their program applications at local victim's groups' offices. The participating victim's groups have been trained by the program personnel to act in a screening and instructive role.

In lieu of creating an overall Address Confidentiality Program at this time, the Task Group members voted to take measures to improve the confidentiality procedures already in place in the Commonwealth. The Legislative/Judicial Subcommittee recommended that this Task Group continue to evaluate the merit of establishing an Address Confidentiality Program. In addition, the Subcommittee recommended that several additional members be added to this Task Group. These new members are to include: 1) a victim's group representative, 2) a Juvenile & Domestic Relations judge, 3) a Juvenile & Domestic Relations court clerk, and 4) a member from the Department of Social Services' Domestic Violence program. In response to the Task Group's recommendations concerning current confidentiality measures already in place, the Legislative/Judicial Subcommittee recommended that the Commission send a letter to the Virginia Supreme Court Forms Committee recommending that the spaces for a petitioner to fill in his or her address be removed from the petition for a Protective Order.

Lethal Weapons Task Group

The Lethal Weapons Task Group was comprised of experts from both the family violence field and the law enforcement field. Much of the work done by the Lethal Weapons Task Group centered on the analysis of data. In addition, Commission staff researched domestic violence laws relating to the use of firearms in the commission of family violence crimes.

The data that was collected and analyzed by the lethal weapons Task Group included data collected by Dr. Suzanne Keller from the Office of the Chief Medical Examiner in Richmond. The Medical Examiner's Office conducted an analysis of all resident homicides in the central region of Virginia. The study then broke the homicides down into intimate versus non-intimate homicides. The intimate homicides were broken down further and included information relating to the relationship between the victim and the offender, the race of the victim and offender, the age of victim and offender, whether or not children were present, and what type of weapon was used to kill the victim. In addition, Dr. Keller researched whether or not there was a history of violence between the victim and the offender. A copy of the Medical Examiner's Study is included in the Appendix to this Report.

The Task Group also obtained preliminary data compiled by the FBI based on the Incident Based Reporting System. The findings of the FBI data were very similar to the findings of the survey conducted by the Office of the Chief Medical Examiner. The Task Group also analyzed data turned in by a number of Virginia localities that participated in the COPS grant program. Commission staff developed a tool that was used to gather information concerning the use or presence of weapons, whether children were present, and the relationship between the parties along with the classification of the offense. Once again the results from this data closely mirrored the results gathered by the FBI and the Office of the Chief Medical Examiner. See the COPS Data Report in the Appendix.

The results of the data indicated that firearms were rarely used in the commission of family violence crimes, but that when they were used they led to serious injury or death.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary.)

- Introduce legislation that would increase the crime of brandishing a firearm from a class 1 misdemeanor to a class 6 felony.

- Direct the Commission to convene a Task Group to look at the development and implementation of fatality review teams throughout the Commonwealth and in other states.
- Support continued efforts in collecting data related to lethal weapons and family violence, and
- Encourage the Office of the Executive Secretary of the Supreme Court to include information in upcoming judicial training efforts on legal options available to judges when weapons are involved in family violence cases.

Marital Sexual Assault

In response to requests from Virginians Aligned Against Sexual Assault and testimony received by the Commission at public hearings, the Legislative/Judicial Subcommittee voted this year to establish a Task Group to examine the marital sexual assault laws in the Commonwealth. The group is composed of a representative group of interested persons with a variety of expertise to bring to the discussions. For example, this group has among its members, representatives from the legal, medical and judicial communities, victim's groups, law enforcement, and General Assembly members.

The Task Group met in late December for the first time. The group listened to presentations on the history and current status of Virginia's laws on sexual assault, and the sexual assault laws in other states. Virginia's current marital sexual assault laws were developed in 1986. The Task Group members identified various concerns and issues that need to be addressed:

- Are there any statistics on the number of charges and conviction under the current law? If not, how can we obtain them?
- For states that have abolished any differences between marital sexual assault and general sexual assault, has this been effective?
- For marital rape, are the requirements for a couple to have been living apart or for there to have been a serious physical injury necessary?
- Counseling and education is needed. For example, many victims do not understand that they have actually been raped by their husbands. Many victims will not testify against their husbands.
- Prosecution of sexual assault within marriage is hard.
- Is this a problem that needs legislation, or is it a practical problem? Is the marital sexual assault law connected with reality?

The Task Group developed a work plan that includes review of the following topics as they relate to marital sexual assault: 1) the psychosocial dynamics, 2) the health care providers' response, 3) Virginia's law enforcement's response, and 4) the prosecutorial response. The Legislative/Judicial Subcommittee voted to continue the work of this Task Group.

PUBLIC and PROFESSIONAL AWARENESS SUBCOMMITTEE

The Public and Professional Awareness Subcommittee's role was to examine the public and professional communities' response to victims of family violence. Raising the public's awareness of family violence is essential to fully address the issue of family violence. Professionals who interact with families must have knowledge of services, resources and legislation that are available. The Public and Professional Awareness Subcommittee was supported by Task Groups and planning committees that focused on public and professional awareness about family violence.

The Public and Professional Awareness Subcommittee concentrated on:

- The continuation and expansion of the Statewide Public Awareness Campaign (SPAC);
- assistance in developing and distributing a family violence information packet for physicians and other health care providers;
- efforts to encourage the development of curriculum materials for use by the medical schools in Virginia.
- response of the Religious Community to family violence; and
- role of the School Community in response to family violence.

Statewide Public Awareness Campaign (SPAC)

For the third year, representatives from statewide victim advocacy organizations along with representatives from the Virginia Department of Health and the Virginia Department of Social Services participated on the SPAC planning group. The victim advocacy groups include Virginians Against Domestic Violence, Virginians Aligned Against Sexual Assault, Prevent Child Abuse Virginia, Virginia Coalition for the Prevention of Elder Abuse, and the Family and Children's Trust Fund. The goal of this group was to develop the third edition of a public awareness kit containing statistics, hotline numbers, a poster and public service announcements on family violence. All materials contained in the packet are free from copyright and were prepared in a reproducible format that can be used in a variety of media. The SPAC packet, entitled *Together Against Violence*, is the result of a unique collaborative effort toward the prevention of child abuse, domestic abuse, elder abuse, dating violence, sexual assault, and stalking. Distribution of the packets began in August, with over 7500 packets sent out by the end of October.

Based upon the overwhelming positive response to the 1996 SPAC packet from individuals and organizations throughout Virginia the SPAC planning committee has begun plans to develop an

eight to ten minute video that can be distributed with the 1998 packet. The publication and distribution of the SPAC packet was funded by the Family and Children's Trust Fund.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary.)

- Request that the Family and Children's Trust Fund assume leadership for and coordination of the SPAC packet.
- The new packet should include information on the impact of family violence on children and other pertinent populations.
- 1998 SPAC packet should include a camera-ready slick designed to be used by religious leaders.

Health Care Provider Task Group

The Health Care Providers Task Group completed a survey, which found that few health care providers receive information or training on the issues of family violence identification, treatment or prevention. As a result of the survey an educational package was developed. This packet, which appears as a chapter in the Commission's *Family Violence Reference Manual*, includes lecture notes on child abuse, domestic violence and elder abuse. In addition, there is a section that addresses the signs, symptoms, and indicators of family abuse. The training materials also give examples of questions to ask when a health care provider suspects their patient is the victim of an abusive situation.

Dr. Bar-on and Dr. Zanga of MCV helped design an assessment form that can be used by doctors, nurses, social workers, and others and be included in the patient's chart. The assessment form can be used to collect evidence that will be helpful if charges are filed or the health care provider is subpoenaed to court.

The educational packet has been mailed to health departments, immediate care facilities and other health care service providers in hopes of encouraging these organizations to provide training and use the materials.

An information template containing information about identification of family violence victims and the availability of services related to family violence was included in the Statewide Public Awareness Campaign Packet. The SPAC Task Group felt medical professionals in many different settings could distribute the cards to patients identified as potentially needing information and services about family violence.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary.)

- The Commission continue to distribute information and materials to health care providers.

Family Violence Curriculum for Medical Students

Dr. John deTriquet from Eastern Virginia Medical School, Dr. Marcello Fierro from the Medical College of Virginia and Dr. Christina Peterson from the University of Virginia were appointed as representatives from EVMS, MCV and UVA medical schools. They met and focused on developing a course on family violence identification, prevention and treatment in each of the medical school's curricula. The three representatives determined that the best way to get family violence information to students was to gather faculty support throughout the three schools. The representatives along with Commission staff explored providing a one day symposium addressing family violence issues for faculty from the three schools. It was difficult to identify a date that was suitable for enough faculty to make the symposium worth while.

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary.)

- The Commission will distribute information and training materials to the educational departments at the medical schools and assist them in identifying funding sources for the development of educational modules.
- The Commission continue to support distribution of information to the medical community, including nurses, physician assistants and other key personnel.

The Role of the Religious Community Task Group

This Task Group was convened in order to support the goals of the Public and Professional Awareness Subcommittee. Very often when a family is in crisis, they turn to their religious leader. The Commission believed it would be beneficial to gather a group composed of religious leaders and family violence experts to determine what, if any, specialized needs religious leaders had when they were counseling the faithful on issues of family abuse.

During the first meeting of the Religious Community Task Group the members decided it would be advantageous to determine how various religious communities currently respond to family violence and what obstacles religious leaders face when interacting with members in their congregation who are experiencing problems due to family violence. Commission staff developed a questionnaire designed to elicit answers to these questions. Members of the Task Group interviewed religious

leaders in their respective religious communities in order to gather the information. Additionally, Commission staff conducted phone interviews with a number of religious leaders from traditions that were not represented on the Task Group.

The Task Group found that many religious leaders had not received educational training concerning family violence. The overwhelming majority of religious leaders indicated that they would be interested in receiving training on family violence. Many of the respondents indicated that they are not aware of the family violence resources in their community.

The Task Group heard a number of presentations dealing with the historical background of several of mainstream religions. Members felt that it was very important to understand the origins of certain religions and how the religion's history may have influenced today's response to family violence.

Commission staff developed a questionnaire to be used by religious leaders in a small group setting that would allow members of the faithful to express their opinions and concerns about how their religious community was responding to family violence. Members of the Task Group agreed to send out the questionnaire along with a cover letter to friends and acquaintances who were in a position to conduct the focus groups. The Commission is waiting for these results.

The Task Group conducted a study of family violence materials currently available to religious leaders. The group found that there were some materials available for religious leaders and that much of this material was accurate and helpful.

The group also heard a presentation by Patti Sunday-Winters detailing the training program she has developed for religious leaders. Rev. Sunday-Winters, an employee, of the Lutheran Council of Tidewater has received a grant that will allow her to present her training seminar for forty localities throughout the Commonwealth. Each of the seminars is arranged by a local religious leader. The training is based on her curriculum titled "The Clergy Training Institute."

The subcommittee recommended:

(The Commission's final recommendations on this topic are listed in the Executive Summary.)

- Encourage the SPAC Task Group to include a camera ready slick geared to religious leaders and their faithful indicating what services are available for batterers and victims of family violence;
- The Commission provide information to seminaries and divinity schools throughout the Commonwealth on available family violence information and training;
- Develop and distribute materials for victims' service providers on how to approach religious leaders and develop a referral relationship;
- Include a chapter in the *Family Violence Reference Manual* for religious leaders; and,
- Develop a workshop for the spring forum that addresses the issues and concerns of the religious community's response to family violence.

The Role of the School Community Task Group

The School Community Task Group was convened to learn how schools throughout the Commonwealth are responding to the impact of family violence on students and staff. This Task Group included education and family violence experts. The Task Group determined through the presentations and also the expertise of the members that children who are living in homes where family violence occurs are at risk of performing below academic potential. The Task Group heard a number of presentations by Family Life Educators. Members were very impressed with the information that is available in family life educational programs and by the family life educators. The Task Group believes that the material that is available for both students and staff is excellent and that the true issue is one of distribution.

Two additional presentations were given to the Task Group. These were given by Dr. Jerry Benson the President of the Virginia Association of Colleges for Teacher Education and is the Dean of the College of Education and Psychology at James Madison University, and Roger Gray who teaches at the Governor's School in Richmond.

Mr. Benson began his presentation by giving a historical overview on teacher certification. Prior to 1988 Virginia allowed colleges and universities to offer a major in Education. This allowed students to receive sixty credits in Education that could be applied to fulfilling their degree requirements. In 1988, Virginia rescinded the major of Education and required students to major in an art or science degree with a minor in Education. This cut the Education credits from sixty to eighteen. This eighteen-hour cap has limited students' exposure to issues like family violence.

Mr. Gray's presentation focused on the requirements teachers must fulfill in order to receive re-certification. In addition Mr. Gray discussed in-service programs. Teachers must receive a total of 180 points every five years in order to be eligible for re-licensing. There are several different conferences and programs that offer teachers an opportunity to accumulate points. The Task Group felt that VADV, because of their Training for Trainers program would be an appropriate leader in assisting with the development of an in-service program for educators throughout Virginia. In addition, teachers can take a graduate level course and earn ninety points upon successful completion.

Marsha Hubbard discussed the "Classroom Teacher Skills for Violence Prevention" program that fulfills half of the point requirements for teachers re-certification. The program is run by the Department of Education and James Madison University, and exposes teachers to issues surrounding violence. The program costs each participant \$125 and has space to enroll seventy-two participants. Ms. Hubbard said that last year they had a waiting list numbering more than seventy. The Task Group felt that this would be a wonderful forum to introduce educators to the unique problems facing children who are living in violent homes. The Department of Education had in the past subsidized the additional cost of the summer institute but no longer has it included in its budget.

The School System Task Group also looked at family violence materials used throughout the United States. The group felt that the materials in Virginia were equal to materials used in other states.

The Department of Education distributes a reference manual that gives examples and information on responding to crisis and developing a school safety plan. The Task Group was given excerpts from this book and discussed the possibility of including a chapter on how to deal with a crisis involving family violence.

The group also had discussions focusing on dating violence, school social workers, the role of the guidance counselor in responding to family violence, and the role school nurses play in identifying children who have been victims of abuse and neglect. Members of the Task Group felt that guidance counselors were essential in the elementary school. It was the group's consensus that guidance counselors are often the only members of a school community who have the necessary skill to respond when there has been a crisis involving a student or staff member. With teacher

certification programs concentrating on academic skills, teachers have begun to rely on guidance counselors when one of their students is facing a crisis. The Task Group felt it was imperative that every elementary school throughout Virginia has access to a guidance counselor.

The subcommittee recommends:

(The Commission's final recommendations on this topic are listed in the Executive Summary.)

- The Commission writes a letter to the Superintendent of Public Instruction asking the Department of Education to:
- Continue the JMU/DOE summer institute "Classroom Teacher Skills for Violence Prevention";
 - Request local school health care advisory boards include a domestic violence/sexual assault expert on their school health advisory board;
 - Incorporate informational materials on family violence into existing resource listing of local school health care advisory boards;
 - Include a section in their Crisis Management Resource Guide on family violence; and
 - Encourage schools to become active participants in local coordinating efforts for the prevention of family violence.
- *Support legislation that would make Family Life Education mandatory because of its use as a vehicle for educating students about family violence.
- *Support legislation that would assure the presence of guidance counselors in all elementary schools due to counselors' roles assisting school personnel and pupils in their response to family violence.
- Direct the Commission to work with VADV and VAASA to develop materials appropriate for use at statewide conferences for school system personnel.

** Note - There was dissent of these two recommendations by at least one member of the Task Group and two members of the Commission. The Subcommittee voted unanimously for both.*

ACKNOWLEDGEMENTS

Several organizations and individuals assisted the work of the Commission throughout the year. Their efforts exemplify their concern for Virginia's families. The Commission gratefully acknowledges their support and looks forward to future collaboration.

Virginians Against Domestic Violence	Sarah Cooke
Virginians Aligned Against Sexual Assault	Jean Cooley
Prevent Child Abuse Virginia	Larry Davidson
Virginia Coalition for the Prevention of Elder Abuse	Gloria deLuna
Virginia Crime Commission	Mary Devine
Virginia Department of Social Services	Dr. Dofflemyer
Family and Children's Trust Fund	Ladonna Duncan
Bureau of Justice Assistance, U.S. Dept. of Justice	Eastern Virginia Medical School
Office of the Executive Secretary, Supreme Court of Virginia	The County of Fairfax
National Council of Juvenile and Family Court Judges	Family Violence Prevention Fund
Senate Committee Operations	Sam Fishel
House Committee Operations	Richard Foy
Legislative Services	Peggy Friedenberg
Department of Criminal Justice Services	Mary Groth Gilbert
Klare Acs-Braja	Rai Gilmore
The City of Alexandria	Roger Gray
Gwen Anderson	Joann Grayson, Ph.D.
Cindy Atkins	Dan Hallinan
Susan Atkinson	Patti Hargrave
Betty Bader	Larry T. Harley
Robert N. Baldwin	Donna Hopkins
Mary Bannister	Debbie Jacobs
Robin Barwick	John Jarvis
Dr. Jerry Benson	Will Jarvis
Susan Berry	J. Rodney Johnson
Ron Bessent	John Jones
Carmella Bills	Judicial Inquiry and Review Commission
Caitlin Bitto	Bet Keller
Stephanie Bitto	Anne Leigh Kerr
Jennifer Bourne	Andrew Kiser
Marsha Busic	Jennifer Knobe
Barbara Carter	Tom Langhorne
Central Region Office, Department of Social Services	Bobby Lewis
Christopher Newport University	Susan Llewellyn
	Terri Long
	Shari Lowenthal
	Maggi Luca
	Robin Martin
	The Medical College of Virginia

K. Scott Miles
Vicki Mistr
Kate Morosoff
Ron Neely
Neal Orr
Carol-Lee Raimo
Geetha Ravindra
Margaret J. Reinsch
Ian Russell
Dave Savage
Rich Savage, C.B.
Secretary of the Commonwealth's Office
Joan Smallwood
Jay Spruill

Dale Templeman
Porter Thayer
The University of Virginia
Virginia Association of Chiefs of Police
Virginia Capitol Police
Virginia Commonwealth's Attorneys'
Association & Services Council
Virginia Department for the Aging
Virginia Law Library
Virginia Magistrates' Association
Virginia Press Association
Virginia Sheriffs' Association
Virginia State Police
Jerry Wright & Co.

Special thanks go to the citizens who testified before the Commission over the past year. Their courage provides inspiration for the Commission's work. Their important contribution is gratefully acknowledged

GENERAL ASSEMBLY OF VIRGINIA -- 1997 SESSION

HOUSE JOINT RESOLUTION NO. 663

Continuing the Commission on Family Violence Prevention.

Agreed to by the House of Delegates, January 30, 1997

Agreed to by the Senate, February 19, 1997

WHEREAS, in fiscal year 1995 in Virginia, 32,764 women and 9,572 children were provided services through domestic violence programs; 4,462 new victims sought services through sexual assault crisis centers, 1,594 as friends and family of victims of sexual assault; 10,237 children were found to be victims of child abuse or neglect; and 10,185 cases of abuse, neglect or exploitation of the elderly were reported by Adult Protective Services; and

WHEREAS, in 1994, 17 percent of the homicides occurring in Virginia involved victims who were family members or a boyfriend or girlfriend of the killer; and

WHEREAS, reports by battered mothers indicate that 87 percent of children in abusive homes witness the abuse between the adults; and

WHEREAS, there is a need to (i) further support a coordinated community response to family violence that will assure an efficient and comprehensive approach, (ii) increase public and professional awareness of the complex dynamics of family violence and its prevention, (iii) train and offer technical assistance to communities and professionals who handle issues of family violence, (iv) collect, analyze and disseminate data and information regarding family violence, and (v) analyze existing policies, services and resources and determine what is necessary to prevent and treat family violence; and

WHEREAS, the Commission on Family Violence Prevention has made strides in addressing the problems caused by family violence, but much work remains to be done; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commission on Family Violence Prevention continue to study family violence in the Commonwealth by: (i) further studying the impact of family violence on children; (ii) continuing to examine the availability and accessibility of services and resources to victims of family violence; (iii) determining the role of the business, religious and scholastic communities in the prevention of and response to family violence; and (iv) determining services, resources and legislation which may be needed to further address, prevent, and treat family violence.

Members of the Commission duly appointed pursuant to House Joint Resolution No. 279 (1994) shall continue to serve except that any vacancies shall be filled as provided in HJR No. 279 (1994).

The legislative members of the Commission shall constitute an executive committee which shall direct the activities of the Office of the Commission on Family Violence Prevention.

The direct costs of this study shall not exceed \$12,500.

The Division of Legislative Services and the Office of the Commission on Family Violence Prevention shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

APPENDIX B. SUBCOMMITTEE MEMBERS

COMMUNITY RESPONSE SUBCOMMITTEE

CO-CHAIRS: Lt. Governor Donald S. Beyer, Jr.

Delegate Clifton A. "Chip" Woodrum, Co-Chair, 16th District, Roanoke

Wilbert Bryant, Deputy Secretary of Education

Betty Wade Coyle, Norfolk

The Hon. Paul Ebert, Commonwealth's Attorney, Prince William County

Mr. Richard E. Kellogg, Acting Commissioner, DMHMRSAS

Carl Cassell, Magistrate, Springfield

Walt Credle, Hampton Dept. of Social Services

Candace Feathers, Family Violence Services Coordinator, Virginia Beach

Judge Dale Harris, 24th District J&DR Court, Lynchburg

Sheriff Terry W. Hawkins, Albemarle County

Patricia A. Jackson, Richmond

H. Lane Kneedler, Hazel & Thomas, P.C.

Col. George E. Kranda, Herndon Police Department, 1481 Sterling Road, Herndon, VA
22070

Cartie Lominack, Shelter for Help in Emergency

Mandie Patterson, Department of Criminal Justice Services, Victim's Services Section

Brig. Gen. Gail Reals, USMC Retired, Arlington

Linda Sawyers, Director, School of Social Work, VISSTA

Judge Diane Strickland, Roanoke City Circuit Court

Kristi VanAudenhove, Virginians Against Domestic Violence

LAW ENFORCEMENT SUBCOMMITTEE

CO-CHAIRS: Attorney General James S. Gilmore, III, *January 1-June 12, 1997*

Attorney General Richard S. Cullen, *June 12, 1997-December 31, 1997*

Senator Kenneth Stolle, Co-Chair, 8th District, Virginia Beach

Chief Justice Harry Carrico, Supreme Court of Virginia

Judge Stephen Helvin, 16th General District Court

Laurie Frost, Lorton

Pat Groot, Virginians Alligned Against Sexual Assault

Judge David Melesco, J&DR Court, Franklin County

O.P. Pollard, Director, Public Defenders' Commission

Chief Charles Bennett, Lynchburg Police Department

Gary Byler, Esq., Virginia Beach

Michael Clatterbuck, Magistrate, Verona

Det. Mike Coker, Portsmouth Police Department

Deb Downing, Department of Criminal Justice Services

Lynda B. Knowles, Glen Allen

Lisa McKeel, Director, Department of Criminal Justice Services

Josephine Phipps, Friends of Norfolk Juvenile Court, SAFE Program

Sheriff Robin P. Stanaway, Gloucester County

The Hon. Toby Vick, Commonwealth's Attorney, Henrico County

Karenne Wood, Rappahannock Coalition on Domestic Violence

Marcy Wright, VA Peninsula Council on Domestic Violence

LEGISLATIVE/JUDICIAL SUBCOMMITTEE

CHAIR: Delegate Linda T. "Toddy" Puller, Co-Chair, 44th District, Mt. Vernon
Senator R. Edward Houck, 17th District
Commissioner Clarence Carter, Virginia Department of Social Services
Sheila Hill-Christian, Director, Department of Juvenile Justice
Barbara Klear, Norfolk
Ruth Micklem, Virginians Against Domestic Violence
Acting Director, Prevent Child Abuse, Virginia
Judge Joan Skeppstrom, Norfolk J&DR Court
Betty Jo Anthony, Virginia Women's Attorneys' Association
The Hon. Jean Cunningham, Richmond
William W. Davenport, Chesterfield Commonwealth's Attorney
Sgt. Ray Greenwood, VA Beach Police Department
Susan Keilitz, National Center for State Courts
Larry Pochucha, Esq., Virginia Trial Lawyers Association
Janice Redinger, Virginians Alligned Against Sexual Assault
Dana Schrad, VA Assoc. of Chiefs of Police
Iris Tucker, Chief Magistrate, Christiansburg
Sheriff E. C. Walton, King & Queen County

PUBLIC/PROFESSIONAL AWARENESS SUBCOMMITTEE

CHAIR: Judge Roy B. Willett, Co-Chair, Roanoke County Circuit Court
Delegate Kenneth Melvin, Co-Chair, 80th District
Delegate Vivian Watts, 39th District
Judge Norman Moon, former Chief Judge, Virginia Court of Appeals, *January-November, 1997*
Judge Johanna Fitzpatrick, Chief Judge, Virginia Court of Appeals, *December, 1997*
Judge Janice B. Wellington, J&DR District Court, Prince William County
Jean Brown, Leesburg
Margaret Schultze, Family and Children's Trust Fund of Virginia
Chief Philip A. Broadfoot, Waynesboro Police Department
Mattie C. Burley, Magistrate, Amherst, VA
Sheriff Stanley S. Clarke, Essex County
Peter Easter, VA Assoc. of Broadcasters
Commissioner Randolph Gordon, VA Dept. of Health
Dr. David Gould, M.D.
Dr. Marybeth Hendricks Matthews
Sibley Johns, Virginians Alligned Against Sexual Assault
Kate McCord, Virginians Against Domestic Violence
Beblon Parks, Virginia Education Association
Johannah Schuchert, Prevent Child Abuse, Virginia
Ginger Stanley, VA Press Association

APPENDIX C. *TASK GROUP MEMBERS*

BATTERER INTERVENTION TASK GROUP

CHAIR: The Honorable Roy B. Willett, Judge, Roanoke County Circuit Court
Cathy Adams-Bomar, ACSW, Spouse Abuse Program Manager, Department of the Navy
Vic Bogo, Men's Program Coordinator, Turning Points
Lillian Brooks, Director, Alexandria J&DR Court Services Unit
Daniel E. Catley, Manager, Corrections Unit, DCJS
Betty Wade Coyle, Norfolk
Sheila Crossen-Powell, Richmond DSS, Family Violence Prevention Program
Melinda Douglas, Office of the Public Defender
Candace Feathers, Family Violence Services Coordinator, Virginia Beach Dept. of Social Services
Sherrie Goggins, VADV Resource and Education Director
The Honorable Dale Harris, Judge, Twenty-fourth District J& DR Court
Mark Hastings, Loudoun Community Services Board
Brendan Hayes, Substance Abuse Manager, Henrico Area Mental Health and Retardation Services
Lt. Sandy Higgs, Fauquier County Sheriffs Department
Will Jarvis, Assistant Commonwealth's Attorney, Chatham
Diane Maloney, MHMRSAS, Office of Prevention
Cheryl H. Marks, Executive Director, YWCA of South Hampton Roads
Steve Miller, Family Services of Roanoke Valley
Frank Nelson, Men's Anger Control Group
Linda Nisbet, DSS Domestic Violence Program
Lisa Oviatt, ACT Program Alexandria, VA
Margaret Sellers, Prevention Services Manager, Hanover Community Services Board
Becky Sirles, Victim Services, Va. Dept. of Corrections
R. Lester Wingrove, Chief Probation and Parole Officer
Karenne Wood, Group Facilitator, RCDV (Fredericksburg)

BUSINESS COMMUNITY

Robert Childress, Personnell Manager, BGF Industries
Jean Cleary, Century 21, Cleary & Associates
Ginny Coscia, Director, Victim/Witness Program
Nancy Cross, Manager, Human Resources, Virginia Power
Sheila Crossen-Powell, Richmond Department of Social Services
Terry Mahoney, Residential Sales Manager, ADT Security Systems
Karen McClintick, DSCR-G
Dianne Phinney, Domestic Violence Prevention Center, Lynchburg
Fagen Stackhouse, Director, City of Virginia Beach Human Resources
Sherry Sybesma, VP Sales & Marketing, Interbake Foods, Inc.
Anne Van Ryzen, Director, VAN, Alexandria

COMMUNITY ORIENTED POLICING (COPS)

Karen Althoff, Domestic Violence Coordinator, Chesterfield County Police Department
Andy Alvarez, Planning Director, Portsmouth Police Department
Hank Ambrose, Project Manager, Norfolk Police Department
Lt. Stephan A. Bennis, Norfolk Police Department

Sgt. Bill Booth, Richmond Police Department
Capt. Rudolph L. Burwell, Sr., Norfolk Police Department
Susan Clark, Lynchburg Commonwealth's Attorney's Office
Betty Wade Coyle, Norfolk Family Violence Alliance
Sheila Crossen-Powell, Richmond Department of Social Services, FVPP
Tina Crossland, Research Assistant, Old Dominion University
Carol Ellis, Fairfax Victim/Witness Unit
Barbara Fasick, Franklin County Sheriff's Office
Sgt. Scott Gibson, Alexandria Police Department
Patricia M. Harrison, Richmond Police Department
Lt. Walter B. Howard, Richmond Police Department
Det. Damita Jackson, Hampton Police Department
Tamara G. Johnson, Victim Witness Services, Richmond
Pam Kendal-Daiber, Hampton Department of Social Services
Mary McNutt, YWCA/DVPC, Lynchburg
Sgt. Barbara Michod, Portsmouth Police Department
Sgt. Jodi Moore, Norfolk Police Department
Sgt. Mike New, Newport News Police Department
Sgt. J.T. Nowlin, Chesterfield County Police Department
Dep. Capt. Cindy Panz, Hampton Police Department
Diane Phinney, YWCA/DVPC, Lynchburg
Breea Plank, Deputy Planner Hampton Police Department
Officer Eddie Reyes, Alexandria Police Department
Stacy Ruble, Violence Against Women Analyst, Department of Criminal Justice Services
Mike Spraker, Chesterfield County Police
Charles F. Studds, Jr., Chief Magistrate, Norfolk
Amy Wheeler, Newport News Police Department
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Legislation

HB 2071 Del. Vivian Watts - Clarifications to SB 113:

- §16.1-253.1 and §16.1-253.4 - clarifies that information for Preliminary and Emergency Protective Orders, including the date and time of service, should be entered by local law enforcement personnel into the Virginia crime information network (VCIN) as soon as practicable after issuance.
- §16.1-253.4 - explains that only a law enforcement officer may request the issuance of an emergency protective order by electronic means (i.e., telephone).
- §16.1-253.4 - explains that upon the issuance of a warrant for violation of §18.2-57.2 and the likelihood of future abuse, an emergency protective order shall be issued.
- §16.1-279.1 - amendment to the protective orders section granting full faith and credit to orders issued by other states and provides for their entry into VCIN.
- §19.2-81.3 - allows that a law enforcement department, instead of a particular officer, shall make a summary report available to the allegedly abused person.

SB 936 Sen. Janet Howell - Criminal Injury Compensation Fund (CICF):

- §19.2-368.6 - provides that upon their request, CICF shall receive medical records related to criminal injuries from the health care providers;

SB 1049 Sen. Janet Howell - Physical Evidence Recovery Fund:

- §19.2-165.1 - includes animate object sexual penetration and marital sexual assault in the list of qualifying reimbursable offenses.

Formal Endorsement

City of Alexandria Recommendations:

- **HB 1886 - Del. Moran** Gives General District Courts the powers of protective orders when a warrant for stalking has been issued.
- **HB 150 - Del. Moran** Does not allow accord and satisfaction in cases of family or household member assault and battery when there has been a previous conviction pursuant to §18.2-57.2, a previous settlement through an accord and satisfaction or a previous nolle prosequi of such a case.

Resolutions

SJ 266 Sen. Janet Howell - Directs the Crime Commission to study the Criminal Injury Compensation Fund (CICF)

- The study shall address the standards applied to the compensation of victims, debt collection during the pendency of a claim, criteria used to determine contributory behavior, mental health services documentation, and assistance provided to victims.

SJ 272 Sen. Janet Howell - Directs the Commission on Family Violence Prevention to develop standards for Batterer Intervention Programs

- The Commission shall develop minimum standards of practice for programs providing court ordered services for batterers; standards should address the following: program philosophy and purpose, group type and structure, provider qualifications, staff education and training, intake and non-compliance procedures, and feed back to the courts; this effort will be coordinated with

the legislative study to establish the monitoring and oversight body.

SJ 278 Sen. Janet Howell - Directs the Commission on Family Violence Prevention to study the establishment of a Batterer Intervention Program

- The Commission shall study the feasibility of creating a statewide mandatory intervention program for batterers similar to the VASAP model in place for drunk drivers; the study should produce recommendations related to the structure, staffing, budget, central oversight and fee mechanism required to establish such a program; legislative members of the Commission on Family Violence Prevention and the VASAP advisory Board should participate in the study.

HJ 664 Del. Linda "Toddy" Puller - Resolution directing the Commission on Family Violence Prevention to assure training is provided to certain groups

- The Commission shall assure training for criminal justice personnel including judges, substitute judges, clerks, magistrates, law enforcement personnel, probation and parole officers, defense attorneys, Commonwealth's Attorneys, Guardians ad Litem, and Court Appointed Special Advocates; and for human services personnel including mental health and health care providers.

HJ 663 Del. Linda "Toddy" Puller - Resolution to continue the Commission on Family Violence Prevention

- The Commission shall further study the impact of family violence on children, determine what resources and services are needed, and examine the role of the business, religious and scholastic communities in preventing and responding to family violence.

Budget Issues

- Added language in the budget directing the Office of the Executive Secretary of the Supreme Court and the State Police to work cooperatively to develop a streamlined and efficient method to enter protective orders in the criminal information network so that the information entered can be used to expedite service, enhance enforcement and serve as a registry that can be queried across jurisdictions. The agencies should determine what equipment or other resources would be needed to establish such a system and report back to the Commission and next session of the General Assembly. (Item 21, #5c)
- Added \$30,000 to the Supreme Court of Virginia, Office of the Executive Secretary's budget to support the work of the Commission on Family Violence Prevention. (Item 21, #2c)
- Supported a budget amendment to add funds to support Healthy Families Programs across Virginia
- \$600,000 - this would continue 5 existing programs and add 6 new sites. (Item 320, #3S)

Items Introduced or Supported That Were Not Adopted

- A budget amendment to add \$200,000 to the Department of Social Services to support the Child Protective Services Multiple Response Pilot Project. These funds would have been used to allow for purchase of services for children living in abusive homes. (Item 386, #4S)

- A budget amendment to add funds to the Family Violence Prevention Fund to support child abuse prevention services at the local level - \$500,000. (Item 386, #5S)
- Amendment to §19.2-368.2 to include injuries related to stalking as compensable through the Criminal Injuries Compensation Fund. It was recommended that the Crime Commission study of CICF include this in its deliberations. (SB 936)
- Amendment to §19.2-165.1 to transfer administration of the compensation program for physical evidence recovery in sexual assault cases to the Department of Criminal Justice Services. The current method of compensation was reviewed and revised in October, 1996. The Commission on Family Violence Prevention has been asked to monitor the revisions in process to determine if any further action is needed. (SB1049)
- Amendment to §18.2-60.3 to increase the penalties for stalking from a Class II misdemeanor to Class I misdemeanor and create a crime of stalking with a deadly weapon as a Class 6 felony. (HB1883, SB 778)
- A bill to establish an address confidentiality program for victims of family violence. The Commission on Family Violence Prevention has been asked to study this issue and develop recommendations. (HB2908)

APPENDIX E. *VIRGINIA COUDE OVERVIEW ON
ELDER/DISABLED ADULT ABUSE*

Virginia Code Overview on Elder/Disabled Adult Abuse

18.2-369: Criminalizes the abuse or neglect of incapacitated adults as a Class 1 misdemeanor and provides definitions for terms used in this section. A second or subsequent offense under this section or abuse which results in serious bodily injury or disease to another are each punishable as Class 6 felonies.

63.1-55.01: Requires each local social services board to provide protective services to aged and infirm persons to the extent that funds are available.

63.1-55.1.1: Authorizes each local social services board to provide adult foster home services.

63.1-55.2: Definitions of terms for the section on the protection of aged and incapacitated adults.

Abuse: the willful infliction of physical pain, injury or mental anguish or unreasonable confinement.

Adult: any person eighteen years of age and older who is incapacitated and any qualifying person sixty years of age and older.

63.1-55.3: Lists those persons who are required to report suspected aged/incapacitated adult abuse, neglect or exploitation to the local social services department.

63.1-55.4: Requires the social services director to investigate all reports of persons in need of protective services.

63.1-55.5: Protective services may be ordered on an involuntary basis when an adult lacks the capacity to consent.

63.1-55.6: The court may grant an emergency order for protective services when petitioned by a local department of social services.

63.1-55.7: Any adult may receive protective services if they request or consent to such services.

**APPENDIX F. *NATIONAL TRENDS IN STATE LAWS DEALING WITH
ELDER/DISABLED ADULT ABUSE***

- I. *Mandatory Reporting Policies***
- II. *Definitions of Abuse***
- III. *Central Registries***
- IV. *Advancing Trial Dates***
- V. *Abuse in State Licensing Facilities***
- VI. *Increased Penalties***

National Trends in State Laws Dealing With Elder/Disabled Adult Abuse

Mandatory Reporting Policies

Most states require certain persons such as health care personnel and law enforcement officials to report suspected cases of elder/disabled adult abuse, although the list of required persons varies from state to state. While the Virginia Code includes a typical listing of persons required to report, there are other states which have included a broader scope of persons required to report who may have knowledge of potential abuse.

Virginia

63.1-55.3: the following persons are required to report abuse, neglect or exploitation of aged/incapacitated adults:

1. any person licensed to practice medicine or any of the healing arts
2. any hospital resident or intern
3. any person employed in the nursing profession, any person employed by a public or private agency or facility and working with adults
4. any person providing full-time or part-time care to adults for pay on a regularly scheduled basis
5. any person employed as a social worker
6. any mental health professional and any law-enforcement officer

Arizona

46-454: the following persons have a duty to report abuse, neglect and exploitation of incapacitated or vulnerable adults:

1. a physician, hospital intern or resident, surgeon
2. dentist
3. psychologist
4. social worker
5. peace officer
6. other person who has responsibility for the care of an incapacitated or vulnerable adult
7. guardian or conservator adult
8. attorney, accountant, trustee, guardian, conservator or other person who has responsibility for preparing the tax records or any other action concerning the use or preservation of the adult's property

Delaware

3910: any person having reasonable cause to believe that an adult person is infirm or incapacitated and in need of protective services shall report such information

Iowa

235B.16: persons required to report cases of dependent adult abuse (except physicians not dealing with adults) shall complete two hours of training relating to the identification and reporting of dependent adult abuse within six months of initial employment or self employment

which involves the examination, attending, counseling, or treatment of adults on a regular basis. Within one month of initial employment or self-employment, persons shall obtain a statement of the abuse reporting requirements from their employers or from the social services department if self-employed.

Definitions of Abuse

While some states narrow the definition of elder/disabled adult abuse to only physical abuse, other states have expanded abuse to encompass other types of abuse such as sexual abuse, psychological abuse and financial exploitation.

Virginia

A definition of abuse, neglect and exploitation are given in the code dealing with adult protective services, although only abuse and neglect are criminalized by 18.2-369. There is also no sexual abuse provision specific to elders and disabled adults.

63.1-55.2

Abuse: the willful infliction of physical pain, injury or mental anguish or unreasonable confinement.

Neglect: means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided such services as are necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being.

Exploitation: the illegal use of an incapacitated adult or his resources for another's profit or advantage.

Hawaii

346-222: abuse means actual or imminent physical injury, psychological abuse or neglect, sexual abuse, financial exploitation, negligent treatment, or maltreatment

California

W&I 15610.07: abuse of an elder or dependent adult means physical abuse, neglect, fiduciary abuse, abandonment, isolation, or other treatment with resulting physical harm or pain or mental suffering, or the deprivation by a care custodian of the goods or services that are necessary to avoid physical harm or mental suffering.

W&I 15610:

(c)(5) physical abuse includes sexual assault

(f) fiduciary abuse: means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property, to any use or purpose not in the due and lawful execution of his or her trust

Central Registries

Several states have established central registries in which reports of abuse, evaluation and actions taken in elder/disabled adult abuse cases are entered. These registries enable social services departments across the state to track offenders and access victim reports when needed.

Virginia: nothing

Kansas

39-1434:

(a) the secretary of social services shall maintain a statewide register of the reports, assessments received and the analyses, evaluations and the actions recommended. The register shall be available for inspection by personnel of the department of social and rehabilitation services.

(b) neither the report, assessment or the written evaluation analysis shall be deemed a public record or be subject to the provisions of the open records act. The name of the person making the original report or any person mentioned in the report shall not be disclosed unless the person making the original report specifically requests or agrees in writing to such disclosure or unless a judicial proceeding results therefrom. No information contained in the statewide register shall be made available to the public in such a manner as to identify individuals.

Iowa

235B.4: the general assembly finds and declares that a central registry is required to provide a single source for the statewide collection, maintenance, and dissemination of dependent adult abuse information. Such a registry is imperative for increased effectiveness in dealing with the problem of dependent adult abuse.

235B.5:

1. There is created within the department a central registry for dependent adult abuse information. The department shall organize and staff the registry and adopt rules for its operation.
2. The registry shall collect, maintain, and disseminate dependent adult abuse information as provided in this chapter.
3. The department shall maintain a toll-free telephone line, which shall be available on a twenty-four hour a day, seven day a week basis and which the department and all other persons may use to report cases of suspected dependent adult abuse and that all persons authorized by this chapter may use for obtaining dependent adult abuse information.
4. An oral report of suspected dependent adult abuse initially made to the central registry shall be immediately transmitted by the department to the appropriate county department of human services or law enforcement agency, or both.
5. An oral report of suspected dependent adult abuse initially made to the central registry regarding a health care facility shall be transmitted by the department to the department of inspections and appeals on the first working day following the submitting of the report.
6. The registry, upon receipt of a report of suspected dependent adult abuse, shall search the records of the registry, and if the records of the registry reveal any previous report of dependent adult abuse involving the same adult or if the records reveal any other pertinent information with respect to the same adult, the appropriate office of the department of human services or the appropriate law enforcement agency shall be immediately notified of that fact.
7. The central registry shall include but not be limited to report data, investigation data, and disposition data.

Advancing Trial Dates

Because aged persons may become ill or die before they can testify at an abuse hearing, some states allow courts to give advance trial dates under these circumstances.

Virginia: nothing

Colorado

18-6.5-105: all cases involving the commission of a crime against an at-risk adult shall take precedence before the court and the court shall hear these cases as soon as possible after they are filed.

Florida

415.114: a party to a civil action age 65 or older may move the court to advance the trial on the docket. The judge may advance the trial after considering the age and health of the party.

Abuse in State Licensing Facilities

Abuse of elders/incapacitated adults that occurs in state licensing facilities, such as nursing homes, has been targeted in some states with code provisions to investigate and revoke licenses when necessary.

Virginia: nothing

Idaho

39-5304: if abuse is alleged to have occurred in a state certified or licensed facility, a copy of the finding shall be sent to the licensing and certification office of the department

California

15630: if a report is received of abuse by a long-term care facility, the incident will be reported to the licensing agency

Increased Penalties

A recent trend in many states is increasing existing penalties and creating new penalties in elder/incapacitated adult abuse cases.

Virginia

18.2-369: abuse or neglect of an incapacitated adult is a Class 1 misdemeanor. For subsequent offenses, or abuse that results in serious bodily injury or disease to another, the charge is a Class 6 felony.

Hawaii

706-660.2: requires mandatory sentencing for persons who cause the death or inflict serious bodily injury upon a person who is 65 or older, while committing or attempting to commit a felony

706-662: a convicted defendant may be subject to an extended term of imprisonment if the defendant is an offender against the elderly and his/her extended imprisonment is necessary for the protection of the public

Note: the defendant must have committed or attempted to commit specified crimes under this statute

706-620: a defendant may not receive probation if convicted of a crime that involved the death of or the infliction of serious or substantial bodily injury upon an elderly person

Arizona

46-456: a person in a position of trust and confidence to a vulnerable/incapacitated adult who fails to act for the benefit of the vulnerable/incapacitated adult or who is found guilty of theft from the vulnerable/incapacitated adult forfeits all benefits with respect to the estate of the deceased, vulnerable/incapacitated adult or is subject to damages in a civil action brought by or on behalf of the vulnerable/incapacitated adult that equal up to three times the amount of the monetary damages

Louisiana

14:50.1: any person convicted of specified crimes (under the statute) or their attempt against a victim 65 years old or older shall serve a minimum of 5 years without the benefit of parole or probation, in addition to any other penalty imposed

Colorado

16-11-309: for any crime against an at-risk adult that involved the use of a weapon, the judge will add 5 years to the mandatory offense

FAMILY VIOLENCE PROGRAM FUNDING BULLETIN

An easy to read and easy to understand guide to applying for funding for family violence services and programs. This bulletin is intended as a guide for obtaining information about possible funding sources and is not intended to serve as a substitute for request for proposals or applications. Applicants should always consult with the funding program director or officer prior to applying for funding. Please read the directions and requirements for each individual application or request for proposal. Do not rely solely on the information listed for delivery of your application. Call to confirm the correct address for delivery. Information included in this bulletin may be reprinted or duplicated with acknowledgement of author. Please complete the response page at the end of the bulletin to provide us with your suggestions and comments.

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**APPENDIX H. CHART: KEY ELEMENTS OF WELFARE PROGRAMS'
RESPONSIVENESS TO THE NEEDS OF BATTERED WOMEN**

**Key Elements of Welfare Programs' Responsiveness to the Needs of Battered Women
(The WELLSTONE/MURRAY AMENDMENT)**

29 states have adopted the Wellstone/Murray Amendment (Family Violence Option provisions) in their welfare plans.

	<i>screen and identify domestic violence while maintaining confidentiality</i>	<i>refer to counseling and support services</i>	<i>waive program requirements such as time limits, residency and child support requirements</i>
<i>Maryland</i>	"The option to screen and identify victims of domestic violence."		"The option to exempt a family from the 60 month limitation when a family includes an individual who as been battered or subject to extreme cruelty."
<i>Alabama</i>			"A month of assistance will not be counted against the 60 month lifetime limit if the assistance unit contains an individual who:...D. Is fleeing current domestic violence or abuse because s/he has recently been battered or subjected to extreme cruelty as verified by documentary evidence listed in Section 2606F."
<i>N. Carolina (pending)</i>	"The state is developing standards and procedures to screen and identify individuals with a history of domestic violence who receive assistance...(while maintaining confidentiality)..."	"...and to refer them to counseling and supportive services."	"Once the standards and procedures are in place, the Department may waive, with good cause, Work First requirements such as time limits (for as long as necessary), child support cooperation, and family cap provisions, in cases where compliance would make it more difficult for the recipient to escape domestic violence, or would unfairly penalize someone who is, or has been, a victim of domestic violence."
<i>Mississippi</i>		"Victims of domestic violence are referred to various resources including financial assistance, food stamps, shelter and protection, counseling and therapy."	"Abuse victims may be served while meeting exemptions from work requirements and child support enforcement because of good cause."

**Key Elements of Welfare Programs' Responsiveness to the Needs of Battered Women
(The WELLSTONE/MURRAY AMENDMENT)**

29 states have adopted the Wellstone/Murray Amendment (Family Violence Option provisions) in their welfare plans.

	<i>screen and identify domestic violence while maintaining confidentiality</i>	<i>refer to counseling and support services</i>	<i>waive program requirements such as time limits, residency and child support requirements</i>
Delaware	“as required under the optional Certification of Standards and Procedures to ensure that a state will screen and identify domestic violence...Delaware certifies that the Family Development Profile establishes a procedure that screens for domestic violence..”	“..DSS will refer identified victims of domestic violence to appropriate services such as shelters, counseling and Family Court..”	“...program requirements will be waived if it is determined that compliance would make it more difficult for individuals to escape violence.”
Georgia	“The Department of Human Resources, Division of Family and Childrens Services has established the following standards and procedures to screen and identify recipients of Georgia with a history of domestic violence for the purpose of waiving TANF program requirements: I. Definition of Domestic Violence II. Confidentiality III. Training DFC Workers”	“ Once the applicant is determined to be a domestic violence victim eligible for the waiver, the staff person will 1) refer the applicant to supportive services. Referral will include information about how to contact programs which provide appropriate supportive and educational counseling and other protection services such as safety planning, legal advice....”	“ Following the determination of good cause, the Department shall waive other program requirements, such as work requirements, cooperations with child support residency, family cap and lifetime limits for so long as necessary, when such requirements make it mor difficult for the victim to escape domestic violence or unfairly penalize individuals who are or have been victims of domestic violence.”
Kentucky	“Kentucky will establish standards and procedures for screening and identification of K-TAP participants who may be threatened by, or subjected to, domestic violence and child abuse and neglect....Case managers will receive special training in the identification of domestic violence to become more aware of the dynamics associated with violence relationships”	“ Individuals will be assured of confidentiality and referred to counseling and supportive services. All information received by DSS is confidential in nature and the adult can receive or refuse any or all protective services offered on their own behalf”	“Special exemptions may be given to recipients in cases of domestic abuse when applying time limits and work requirements. On a case by case review, program requirements for time limits, residency, and child support cooperation may be waived, for as long as necessary, in situations where compliance would make it more difficult for the recipient to escape domestic violence.”

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	<i>screen and identify domestic violence while maintaining confidentiality</i>	<i>refer to counseling and support services</i>	<i>waive program requirements such as time limits, residency and child support requirements</i>
<i>New York</i>	<p>“Procedures to insure the protection of victims of domestic violence. 1....the department...shall by regulation establish requirements for social service districts to notify all applicants....of procedures for protection of domestic violence and the availability of services.social service districts will make periodic inquiry regarding the existence of domestic violence.... that response to these inquiries is voluntary and confidential; provided, however, that information regarding neglect and abuse of children will be reported to the child protective services.” “2. Such inquiry shall be performed utilizing a universal screening form to be developed by the department after consultation with the office for the prevention of domestic violence and statewide domestic violence advocacy groups. An individual may request such a screening at any time, and any individual who at any time self identifies as a victim of domestic violence shall be afforded the opportunity for such screening.”</p> <p>“7. Information with respect to victims of domestic violence shall not be released to any outside party or parties or other governmental agencies unless the information is required to be disclosed by the law, or unless the</p>	<p>“3. An individual indicating the presence of domestic violence, as a result of such screening, shall be promptly referred to a domestic violence liaison who meets training requirements established by the department, after consultation with the office for the prevention of domestic violence and statewide domestic violence advocacy groups.”</p> <p>“5. Upon determination that the individual’s allegation [of domestic violence] is credible, (a) the individual shall be informed of services which shall be available on a voluntary basis...”</p>	<p>“5. Upon determination that the individual’s allegation [of domestic violence] is credible, (b) the domestic violence liaison shall conduct and assessment to determine if and to what extent domestic violence in a barrier to compliance with public assistance requirements or to employment; and © shall assess the need for waivers of such program requirements. Such waivers shall, to the extent permitted by federal law, include, but not be limited to residency requirements, child support cooperation requirements, and employment and training requirements; provided, however, that exemptions from the 60 month limit on receipt of benefits under the federal temporary assistance to needy families block grant program shall be available only when the individual would not be required to participate in work or training activities because of an independently verified physical or mental impairment resulting from domestic violence, anticipated to last for 3 months or longer, or if the individual is unable to work because of the need to care for a dependent child who is disabled as a result of domestic violence.”</p>

**Key Elements of Welfare Programs' Responsiveness to the Needs of Battered Women
(The WELLSTONE/MURRAY AMENDMENT)**

29 states have adopted the Wellstone/Murray Amendment (Family Violence Option provisions) in their welfare plans.

	<i>screen and identify domestic violence while maintaining confidentiality</i>	<i>refer to counseling and support services</i>	<i>waive program requirements such as time limits, residency and child support requirements</i>
<i>Virginia</i>	<p>Although there is no explicit language regarding family violence, Virginia's current regulations state:</p> <p>"...an <i>employment</i> assessment is required on each adult applicant for TANF. The assessment includes questions which ask the applicant to identify barriers to employment, which <i>may</i> include domestic violence issues."</p>	<p>Although there is no explicit language regarding family violence, Virginia's current regulations state:</p> <p>"Social workers in local departments of social services <i>maintain</i> referral lists of local resources for supportive services for victims of domestic violence."</p>	<p>Although there is no explicit language regarding family violence, Virginia's current regulations state:</p> <p>"Individuals who have a <i>temporary or permanent physical or mental disability</i> are exempted for the duration of the of the incapacity from(1) the work participation requirements and (2) the two-year time limit on assistance. This exemption is available to women who suffer physical or mental effects of domestic violence, including PTSD, anxiety and panic disorders, and severe depression."</p> <p>" Department policy provides for an inactive period (renewable in 30-day increments) from work requirements and a concurrent exemption for the two-year limit to be granted for a <i>family crisis or change in individual family circumstances</i>."</p> <p>"Department policy provides that there is no penalty for someone who loses a job through <i>no fault of their own</i>."</p>

Family Violence Training Chart 1997

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
Circuit Court Judges Source: Tom Langhorne, OES, Va. Supreme Court	175	<ul style="list-style-type: none"> • 1997 legislation affecting domestic violence cases • Recent domestic relations cases 	One mandatory conference	Walter Felton, Esq., Commonwealth's Attorney Assn. Robert Shoun	Lecture Handouts	
General District Court Judges Source: Tom Langhorne, OES, Va. Supreme Court	120	<ul style="list-style-type: none"> • Update on protective order and arrest procedures 	One training (1 hr.)	Judge Stephen Helvin, Charlottesville, VA; Comm. on Family Violence Prevention	Lecture Handouts	
	120	<ul style="list-style-type: none"> • Legislative update 	One training	Professor Ron Bacigal Judge Joe Tate	Lecture Handouts	
Juvenile and Domestic Relations Court Judges Source: Tom Langhorne, OES, Va. Supreme Court	98	<ul style="list-style-type: none"> • Update on protective order and arrest procedures • Legislative update 	One training (1 hr.) One training (1 hr.)	Judge Dale Harris; Judge Trompeter; Comm. on Family Violence Prevention Larry Diehl, Esq.; Judge Rideout	Lecture Handouts Lecture Handouts	
Substitute Judges Source: Tom Langhorne, OES, Va. Supreme Court	None	<ul style="list-style-type: none"> • None 	N/A	N/A	N/A	N/A
J&D Court Clerks Source: Tom Langhorne, OES, Va. Supreme Court	97	<ul style="list-style-type: none"> • New forms for stalking • Emergency protective orders • Protective orders 	Trainings are given when there are form/code changes	Virginia Supreme Court Technical Assistance Dept.	Lecture	

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
General District Court Clerks Source: Tom Langhorne, OES, Va. Supreme Court	150	<ul style="list-style-type: none"> Update on stalking and protective order laws Procedures affecting abused/neglected children 	One training (1997) One training	Va. Supreme Court, Technical Assistance Dept. Lelia Hopper, OES, Supreme Court	Lecture Handouts Lecture Handouts	
Magistrates Source: Tom Langhorne, OES, Va. Supreme Court	440 440	<ul style="list-style-type: none"> Update on protective orders and arrest procedures Stalking Lethality and assessment of release decisions Magistrates' role in family violence issues and their impact on community's response to this violence 	One training (March 1997) Regional Magistrate Conferences (Fall 1997)	Va. Supreme Court, Technical Assistance Dept. Comm. on Family Violence Prevention Va. Supreme Court, Technical Assistance Dept.	Lecture Handouts Lecture Handouts Role Play	
Dispatchers (Information from Norfolk only) Source: Hank Ambrose, Norfolk Police Department	40	<ul style="list-style-type: none"> Domestic Violence dynamics Law Enforcement's Response and Intervention Changes in domestic violence laws 	Twice in the format of a "Train the Trainers" Session	Police Officers Victim Advocates Magistrates	Lecture Videos Handouts	Well received

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p>State Police</p> <p>Sources: Ruth Micklem, VADV; Deb Downing, DCJS; Ron Bessent, DCJS; Klare Acs-Braja, Planning DCJS; Dana Schrad, Chiefs of Police Assn.; John Jones, Sheriff's Assn.</p>	<p>75 members of law enforcement (not necessarily State Police)</p> <p>Approx. 60 members of law enforcement (not necessarily State Police)</p>	<ul style="list-style-type: none"> • Dynamics and Theories of domestic violence • New Statutes • Law Enforcement's Response to domestic violence • Community Coordination <ul style="list-style-type: none"> • Multidisciplinary training • Content and Intent of SB 113 • Differences between old and new laws that became effective 7/1/97 • How these changes impact professionals in criminal justice system and victim service providers • Review of civil remedies (child support, visitation, support and protective orders) <ul style="list-style-type: none"> • Six regionals training events for mid & upper management concerning policy development are planned for early November, 1997 <p>Additional misc. training sessions have been conducted for Petersburg; Smyth Co.; Henrico Co.; Va. Beach; & Norfolk. There is no clear plan to reach all departments and all officers.</p>	<p>Three full days</p> <p>Total of 6 trainings in Radford, Abingdon, Hampton, Staunton, Tappahannock & No. Virginia</p> <p>6 hours</p>	<p>DCJS</p> <p>VADV Virginia Poverty Law Center</p> <p>DCJS</p>	<p>Format: Train the Trainer Session Including: Lecture, Panel Film, Small groups, Scenarios</p>	

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p>Chiefs of Police</p> <p>Sources: Ruth Micklem, VADV; Deb Downing, DCJS; Ron Bessent, DCJS; Klare Acs-Braja, Planning DCJS; Dana Schrad, Chiefs of Police Assn.; John Jones, Sheriff's Assn</p>	<p>75 members of law enforcement (not necessarily police officers)</p> <p>Approx. 60 members of law enforcement (not necessarily police officers)</p> <p>35 Chiefs & 45 Deputy Chiefs</p>	<ul style="list-style-type: none"> • Dynamics and Theories of D.V. • New Statutes • Law Enforcement's Response to D.V. • Community Coordination • Multidisciplinary training • Content and Intent of SB 113 • Differences between old and new laws that became effective 7/1/97 • How these changes impact professionals in criminal justice system and victim service providers • Review of civil remedies (child support, visitation, support and protective orders) • Policy Development • Six regional training events for mid & upper management concerning policy development are planned for early November, 1997 	<p>Three full days</p> <p>Total of 6 trainings in Radford, Abingdon, Hampton, Staunton, Tappahanock & No. Virginia</p> <p>2 hours</p> <p>6 hours</p>	<p>DCJS</p> <p>VADV; Virginia Poverty Law Center</p> <p>Robert Hicks, DCJS</p> <p>DCJS</p>	<p>Format: Train the Trainer Session Including: Lecture Panel Film Small groups Scenarios</p>	

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p>Sheriffs</p> <p>Sources: Ruth Micklem, VADV; Deb Downing, DCJS; Ron Bessent, DCJS; Klare Acs-Braja, Planning DCJS; Dana Schrad, Chiefs of Police Assn.; John Jones, Sheriff's Assn</p>	<p>75 members of law enforcement (not necessarily sheriffs)</p> <p>Approx. 60 members of law enforcement (not necessarily sheriffs)</p>	<ul style="list-style-type: none"> • Dynamics and Theories of D.V. • New Statutes • Law Enforcement's Response to D.V. • Community Coordination • Multidisciplinary training • Content and Intent of SB 113 • Differences between old and new laws that became effective 7/1/97 • How these changes impact professionals in criminal justice system and victim service providers • Review of civil remedies (child support, visitation, support and protective orders) • Six regional training events for mid & upper management concerning policy development are planned for early November, 1997 	<p>Three full days</p> <p>Total of 6 trainings in Radford, Abingdon, Hampton, Staunton, Tappahanock & No. Virginia</p> <p>6 hours</p>	<p>DCJS</p> <p>VADV Virginia Poverty Law Center</p> <p>DCJS</p>	<p>Format: Train the Trainer Session Including: Lecture Panel Film Small groups Scenarios</p>	

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p>Local Community Corrections</p> <p>Norfolk Info. Source: Hank Ambrose, Norfolk Police Department</p> <p>Source: Carol-Lee Raimo, Corrections Unit, DCJS</p>	<p>10</p> <p>Approx. 75 of the 150 expected participants</p>	<p><i>Training in Norfolk</i></p> <ul style="list-style-type: none"> Profile of the Victim Profile of the Batterer <p><i>Virginia Community Criminal Justice Association (VCCJA) Training Institute</i></p> <p><i>Wednesday, November 5, 1997</i></p> <ul style="list-style-type: none"> Three day conference with optional sessions. One session is "Intervening in Domestic Violence: What Works in Supervising and Treating Domestic Violence Offenders." 	<p>Twice</p> <p>3 ½ hours One-time conference; may or may not be repeated</p>	<p>LCSW Therapist; Probation Counselor</p> <p>Linda Adolph, Va. Peninsula Council on Domestic Violence; Laura Harris, Domestic Relations Services, Fairfax J&D; Sgt. Mike Coker, Portsmouth Police Dept.</p>	<p>Lecture</p> <p>Lecture Handouts</p>	<p>Well received</p>
<p>Probation and Parole Officers</p> <p>Sources: R. Lester Wingrove, Chief Probation and Parole Officer, Williamsburg, VA</p> <p>Becky Sirls, Victim Services, Dept. of Corrections</p>	<p>25</p>	<p>Victimology (in general, as well a specific to victims of domestic violence)</p> <p>Changes in domestic violence laws</p> <p><i>Proposed Changes</i></p> <p>Probation and parole officers are required to participate in inservice trainings. Only general, nonspecific victimology currently is covered. The Department of Corrections is considering training on domestic violence and elder abuse for probation and parole officers. A portion of the inservice training would be set aside for domestic violence and elder abuse issues.</p>	<p>One training (offered only to Eastern Region of State). One hour was devoted to the domestic violence issues.</p> <p>A three hour session is proposed. Proposed implementation date: Summer of 1998</p>	<p>Deb Downing - DCJS Becky Sirls - DOC</p> <p>Becky Sirls - DOC DCJS Social Services Keynote speakers</p>	<p>Lecture Interactive Handouts</p> <p>Lecture Interactive Handouts Victim Panel</p>	<p>Mixed. There was resistance to the domestic violence piece.</p>

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p>Court Service Units</p> <p>Source: Robin Barwick, Training & Development Coordinator, Dept. Of Juvenile Justice</p>	<p>As of 10/10/97, a total of approx. 60 CSU personnel have been trained in three regional trainings (Virginia Beach, Richmond & Roanoke). The session scheduled for 11/13/97 in Northern Virginia was canceled due to lack of interest. The 8 who were enrolled were given a packet of information.</p>	<ul style="list-style-type: none"> • Domestic Violence Issues - Cycle of Violence • Overview of new protective order laws and forms • A symposium on domestic violence is being developed for October 1998 to coincide with Domestic Violence Awareness Month. 	<p>3.5 hours</p> <p>3.5 hours</p> <p>Participation is voluntary.</p>	<p>Department of Juvenile Justice, Training Unit</p>	<p>Lecture, Video Handouts, Exercises</p>	<p>Mixed - participants wanted less information on domestic violence and more information on protective orders</p>

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p>Commonwealth's Attorneys</p> <p>Source: Linda Curtis, Commonwealth's Attorney, Hampton, VA</p>	<p>27 trained</p> <p>Approx. 60 per session</p>	<p><i>Practical Implications of Administering Va.'s Domestic Violence Laws</i></p> <ul style="list-style-type: none"> • Law Enforcement Panel • Service Provider Panel • Court Process Panel <p><i>1997 Spring Institute</i></p> <ul style="list-style-type: none"> • Protective orders and protection • Problems in victimless trials • Incest • Forensic issues for domestic violence trials • Dispositional alternatives • Current controversial issues 	<p>4.5 hours</p> <p>5 hours (these topics are not mandatory for Comm. Attorneys; they are under the same CLE requirements as all VA attorneys)</p>	<p>Police/Sheriffs Victim advocates Va. DSS representative DCJS representative J&D judge Public Defender Magistrate Attorney VADV representative Assistant Commonwealth's Attorneys.</p> <p>Assistant Commonwealth's Attorneys Domestic Violence Specialist J&D Judge VADV representative Police Officer</p>	<p>Panel discussion with opportunity for questions</p> <p>Lecture with opportunity for questions</p>	<p>Good</p>

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p>Guardians ad litem (GAL)</p> <p>Source: Lella Hopper, OES, VA Supreme Court</p>	<p>All qualified GALs must participate in this initial training. There are approx. 8,025 qualified GALs in Virginia.</p>	<p><i>Initial Training</i></p> <ul style="list-style-type: none"> • Overview of J&D Court law • Roles, responsibilities & duties of GALs • Laws re: child abuse & neglect, foster care case review, termination of parental rights & entrustments • Role of social service agencies in abuse and neglect cases • Developmental needs of children • Characteristics of abusive & neglectful families, child victims • Physical and medical aspects of child abuse & neglect • Communication with children; children as witnesses; use of closed circuit tv • Cultural awareness • Distribution of Commission on Family Violence Prevention's Family Violence Reference Manual <p><i>Continuing Education</i></p> <ul style="list-style-type: none"> • Any course that has been approved, completely or in part, for continuing education • Any topic related to representation of children • Domestic violence may be covered in one of these courses 	<p>Initial training: 7 hours</p> <p>To maintain eligibility: 6 hours of continuing education completed biennially</p>	<p>Attorneys Law School Professors Licensed Clinical Social Workers (LCSW) Psychologists Social Service Workers Doctors</p> <p>Virginia Bar Association Virginia CLE; Virginia Women's Attorneys Assn. CASA Other sources of continuing education</p>	<p>Lecture Video</p> <p>Lecture Video</p>	<p>Positive</p> <p>Positive</p>

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response	
Court-appointed Special Advocates (CASA)	30	<i>The National CASA Association provides a training curriculum. Each local CASA adds local practice, resources and statistics to its training.</i> Henrico CASA	Semi-annual; Initial training; (Total of 4 hrs)	MSW	Slides Lecture Overheads	Good/useful	
	30	<ul style="list-style-type: none"> Signs of abuse/neglect (2 hours) Dynamics of families (including families in which domestic violence is present) (2 hours) 					
		<ul style="list-style-type: none"> CPS process 	Semi-annual (3 hrs.); Initial training	MSW/CPS	Lecture Video Tape Overheads	Excellent	
	70 (GALs & social workers also attended for credit)	<ul style="list-style-type: none"> Childhood sexual abuse and the journey to wholeness 	4 hours; In-service	LCSW therapist Childhood Sexual Abuse Survivor	Lecture	Excellent/useful	
	25	<ul style="list-style-type: none"> Violence and its impact on young children with disabilities 	3 hours; In-service	Advocate for children with disabilities	Lecture Overhead	Excellent	
		VA Beach CASA					
		<ul style="list-style-type: none"> Signs of abuse/neglect Family assessment and intervention Family violence Issues of domestic violence 	<ul style="list-style-type: none"> Semi-annual; In-service One training; In-service Semi-annual; In-service One training; In-service 	<ul style="list-style-type: none"> MD MSW DSS Family Violence Coordinator - Therapist 	<ul style="list-style-type: none"> Lecture Slides Lecture Lecture Overheads Lecture 	<ul style="list-style-type: none"> Excellent Fair Excellent Good 	

Source: Wilhelmina Bourne,
Henrico CASA

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p>Defense Attorneys</p> <p>Source: Bet Keller, Virginia State Bar</p>	<p>Live Loc.: W'Imburg.: 560 Alexandria: 250 Video: 185 Total: 995- 1000</p>	<ul style="list-style-type: none"> • Attorneys may choose from available CLE's. They are not required to enroll in particular subjects/ topics. • Domestic Violence may be addressed in a Family Law Seminar. <p><i>Virginia State Bar Criminal Law Section Seminar (February-1997)</i></p> <ul style="list-style-type: none"> • Protective orders • Recent case law • Violence Against Women Act • Dynamics of domestic violence • Sampling of domestic violence services 	<p>Active members of the Va. Bar are required to have 12 CLE credits a year (two of which must be ethics)</p> <p>1.5 MCLE credits (1.5hrs.) Two live locations Thirteen locations showed a video of the seminar</p>	<p>Attorneys</p> <p>Judges: W'Imburg: Hon. James H. Flippen, Jr. Hon. Angela E. Roberts Alexandria: Hon. Frank J. Ceresi Hon. J. Dean Lewis</p>	<p>Lecture</p> <p>Lecture Panel Outline and Handouts</p>	<p>Excellent to Very Good</p>

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p>Legal Aid Attorneys</p> <p>Source: Nechama Masliansky, Esq., Virginia Poverty Law Center</p>	60	<p><i>Annual Pro Bono Conference of the Virginia State Bar:</i></p> <ul style="list-style-type: none"> • Pro bono opportunities in domestic violence cases • Child custody and visitation in domestic violence cases 	Two lectures May 15-16, 1997	Staff of the Virginia Poverty Law Center	Lecture	
	25	<p><i>Interactive Protective Order Workshops</i></p> <ul style="list-style-type: none"> • Protective orders 	6 workshops: July 15 & 29 August 15 & 26 Sept. 30 & October 31, 1997	Staff of the Virginia Poverty Law Center Nechama Masliansky		
	90	<p><i>Virginia Poverty Law Center's Annual Statewide Conference:</i></p> <ul style="list-style-type: none"> • Protective orders • Violence Against Women Act • "Parental alienation" & the "friendly parent" 	3 workshops at this conference November 5-7, 1997	Presentations by attorneys and representatives of state agencies	Lecture; Practical Exercises	
	13	<p><i>Statewide Family Law Task Force:</i></p> <p>Group meets and discusses, in depth, new developments and ongoing issues in domestic violence and related topics, including:</p> <ul style="list-style-type: none"> • Civil protective orders • Mutual orders of protection • Firearms and domestic violence • Child custody and visitation (e.g., supervised visitation) • Child support in domestic violence cases 	Meets every 6 weeks for four hours. Group will meet 7 times in 1997		Roundtable discussion	

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p>Legal Aid Attorneys, cont.</p> <p>Sources:</p> <p>K. Scott Miles, Charlottesville-Albemarle Legal Aid Society</p> <p>Larry T. Harley, Southwest Virginia Legal Aid Society, Inc., Marion, VA</p>	<p>1</p> <p>9</p> <p>4</p>	<p><i>Charlottesville-Albemarle Legal Aid:</i></p> <ul style="list-style-type: none"> • Virginia Trial Lawyers Annual Family Law Seminar • They hosted the Outreach Coordinator from the Shelter for Help in Emergency. Topics included: <ul style="list-style-type: none"> ▸ Working with victims of family violence ▸ Elements of a "safe plan" ▸ Supportive communication techniques <p><i>Southwest Virginia Legal Aid Society, Inc.:</i></p> <ul style="list-style-type: none"> • Patterns of domestic violence • Batterers Intervention • New domestic violence laws • How different agencies respond to domestic violence. 	<p>Varies</p> <p>Several trainings a year</p>	<p>Attorneys Judges</p> <p>Outreach Coordinator from the Shelter for Help in Emergency</p> <p>Attorneys Counselors Law Enforcement Judges</p>	<p>Lecture</p> <p>Lecture Panel Discussion</p>	<p>Good Enthusiatic</p>

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p align="center">Mediators</p> <p>Source: Geetha Ravindra, OES, Va Supreme Court</p>	<p>In 1996: 104 mediators were certified in family mediation.</p> <p>In 1997: 66 mediators have been certified in family mediation</p> <p>To Date: 549 mediators are certified in family mediation</p>	<p>Persons seeking certification for family mediation must receive instruction in the following areas:</p> <ul style="list-style-type: none"> • Dynamics and scope of domestic violence • Profiles of domestic violence cases • How to screen cases for domestic violence • Use of mediation in cases in which domestic violence exists • Legal issues around domestic violence • Resources for victims/offenders <p>*Note- applicant may request a waiver of this requirement if he/she has specific experience working with domestic violence in the context of mediation. General knowledge of the topic, unrelated to mediation, will not be sufficient.</p>	<p>One 4 hour training on domestic violence.</p>	<p>Therapists Attorneys Human Service background workers Mediators with social work and psychology backgrounds Counselors</p>	<p>Lecture Role plays Issue Spotting Exercises Demonstration Discussion</p>	<p>Positive</p>

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
Child Protective Services Source: Linda Sawyers, VISSTA	217 child welfare staff (the specific number of CPS workers is not available) An additional 20 CPS workers were trained in the CPS multi-response pilots	<ul style="list-style-type: none"> • Scope/definition, identification/ assessment of domestic violence • Impact on children • Legal options • Gender and cultural issues in domestic violence • Institutional responses • Causes of domestic violence • Assessing danger and lethality • Safety planning • Interviewing victim/ abuser/children • Intervention/ treatment issues • Referrals to community resources 	Required for all CPS workers. <i>Amount:</i> 3 day training <i>Frequency:</i> Ongoing and as requested in each region	VISSTA provides curriculum VISSTA Area Training Centers' (ATC) Trainers provide the training to local social service agency	Presentations Videos Group Discussion Role Play Simulation	Positive
Eligibility Workers Source: Linda Sawyers, VISSTA	None	<ul style="list-style-type: none"> • None 	N/A	N/A	N/A	N/A
Child Support Enforcement Source: Peggy Friedenber, Manager, Staff Development & Training, DCSE	None	<ul style="list-style-type: none"> • None 	N/A	N/A	N/A	N/A
Clinical Staff of Community Services Boards Source: Gail Maddox-Taylor, Hanover CSB		<ul style="list-style-type: none"> • There are no required courses or trainings on Domestic Violence. • Staff may participate with any trainings in their locale. 	Varies with availability	Varies	Varies	

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
Domestic Violence Service Providers Source: Sherrie Goggins, VADV	All staff and volunteers receive training	<ul style="list-style-type: none"> • No standard training for all domestic violence service providers • Each provider has its own training programs and requirements • A standard certification program is being considered 	Varies	Varies	Varies	
Private Therapists & Counselors Sources: Rai Gilmore, Board of Licensed Social Workers Stephen Gilson, School of Social Work, Virginia Commonwealth University Robin Martin, Board of Licensed Professional Counselors Ladonna Duncan, Board of Licensed Psychologists Joan Smallwood, Va. Psychological Assn.		<p style="text-align: center;"><i>Social Workers</i></p> <p>There are no continuing education requirements for licensed social workers in Virginia. Virginia Commonwealth University's School of Social Work offers voluntary, continuing education courses.</p> <p style="text-align: center;"><i>Licensed Professional Counselors</i></p> <p>There are no continuing education requirements for licensed professional counselors in Virginia.</p> <p style="text-align: center;"><i>Psychologists</i></p> <p>There are no continuing education requirements for psychologists in Virginia. The Virginia Psychological Assn. has two conventions, one in April and the other in October. Three voluntary continuing education workshops are offered at each convention. Ms. Smallwood did not recall a workshop on domestic violence.</p>				

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p>Sexual Assault Service Providers</p> <p>Source: Pat Groot, VAASA</p>	<p>All staff and volunteers have been trained</p>	<ul style="list-style-type: none"> • General (e.g. history and scope of the issues) • Crisis intervention (e.g. dealing with the victim, referrals) • Specific populations (e.g. incest, sexual harassment, elderly) • Medical (e.g. physical evidence, STDs) • Legal (e.g. police interview reports, victim rights and compensation) • Optional topics (e.g. offenders, pornography, feminist theory) 	<p>Initial 30 hr. training (voluntary, but all staff and volunteers have been trained) Yearly training of ½ the number of work week hours is expected of volunteers and staff (e.g. an employee who works 40 hrs. would need 20 hrs. of training per year).</p>	<p>Trainers are selected individually for each community Trainers usually include: Common-wealth's or Assistant Common-wealth's Attorney; Defense attorney; Victim-witness coordinator; Police and/or Sheriff's Department; Hospital employee</p>	<p>Lecture Role-playing Video Experiential Assigned reading Discussion</p>	<p>Favorable</p>
<p>Health Care Providers</p> <p>Source: Diane Helentjaris, MD, Dept. of Public Health, Loudoun County</p>	<p>None</p>	<ul style="list-style-type: none"> • None 	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

Group	Approx. Number of People Trained	Content/Topics Covered	Amount/Frequency	Training Providers	Manner/Method	Group's Response
<p>Medical School Faculty</p> <p>Source: Diane Helentjaris, MD, Dept. of Public Health, Loudoun County; Va. Commission on Family Violence Prevention</p>		<ul style="list-style-type: none"> Materials have been developed and are available from the Commission on Family Violence Prevention 	N/A	N/A	N/A	N/A
<p>Local Health Dept. Directors</p> <p>Source: Diane Helentjaris, MD, Dept. of Public Health, Loudoun County</p>		<ul style="list-style-type: none"> No standardized training Each local district decides what types of training are required/offered 	N/A	N/A	N/A	N/A
<p>Local Health Dept. Nursing Directors</p> <p>Source: Diane Helentjaris, MD, Dept. of Public Health, Loudoun County</p>		<ul style="list-style-type: none"> No standardized training Each local district decides what types of training are required/offered 	N/A	N/A	N/A	N/A

The Commission on Family violence Prevention's Training Task Group surveyed the Chiefs of Police and Sheriffs in October 1997. The survey instrument is attached.

The Commission received 147 responses from one training academy, nine college or university police departments, 77 local police departments, 59 sheriff's departments and the State Police.

13 police departments, 19 sheriff's departments and one college police force Reported they had not yet received any training related to the Family Violence Arrest legislation. 37 law enforcement agencies had trained all of their personnel; the remaining agencies had trained some personnel.

A variety of people and agencies provided training to local law enforcement agencies including local Commonwealth's Attorneys, the Department of Criminal justice Services, local law enforcement training academies, Virginians Against Domestic Violence, local domestic violence service providers and in house trainers.

105 local law enforcement agencies indicated they wanted further training. 102 wanted more training about Protective Orders, 98 wanted more about identifying the primary aggressor, 87 on how to deal with juveniles as primary aggressors, 83 about special circumstances and probable cause determination, 81 about warrantless arrest, 79 about mutual combat, 76 about evidence collection and dealing with reluctant witnesses, and 70 about coordination with courts, commonwealth's attorneys and victim services.

32 departments indicated that they did not currently have a written policy related to family violence calls and 54 agencies requested training on the development of policies related to the Family Violence Arrest legislation.

The results of the survey along with the names and phone numbers of those requesting further training were shared with the Chiefs of Police Association, the Sheriff's Association, the Department of Criminal Justice Services and Virginias Against Domestic Violence.

Survey of Law Enforcement Training Needs

Name: _____

Department: _____

Telephone #: _____

Has anyone in your department received training related to the 1997 Family Violence Arrest legislation?

Yes No

If yes, who has received training?

Everyone (sworn & support)

Supervisors

All patrol officers

Management/Executives

Only DV speciality unit

Other _____

Who provided the training? _____

Approximate number of personnel in your department who need training _____

Content that should be covered in training for your department:

Identification of primary aggressor

Special circumstances

Evidence Collection

Mutual combat

Protective orders

Coordination with courts, CA, & victim services

Reluctant witness

Warrantless arrest

Probable cause determination

Juvenile as primary aggressor

Other: _____

Does your department currently have a written policy related to family violence?

Yes No

Has your department received training related to the development of policy required by the 1997 Family Violence Arrest legislation?

Yes No

If no, would you be interested in receiving such training?

Yes No

Please Fax your responses to 804-786-0109 by Tuesday October 7.

Departments Who Have Not Had Training

<i>Type</i>	<i>Department</i>	<i># need training</i>
<i>College</i>		
	No. Va. Community College	0
<i>Summary for 'Type' = College (1 detail record)</i>		
Sum		0
<i>Police</i>		
	Kenbridge	5
	Montross	1
	Bluefield	12
	Leesburg	0
	Clintwood	3
	Babcock & Wilcox	0
	Hurt	4
	Luray	18
	Warsaw	9
	Onancock	4
	Lebanon	10
	Waverly	7
	Jonesville	4
<i>Summary for 'Type' = Police (13 detail records)</i>		
Sum		77
<i>Sheriff</i>		
	Bristol	45
	Newport News	0
	Isle of Wight	20
	Chesterfield	150
	Danville	0
	Matthews Co	0
	Washington Co	20
	Middlesex Co.	7
	Tazewell Co.	20
	Greene Co.	15
	Prince George Co.	6
	Charlotte Co.	24

<i>Type</i>	<i>Department</i>	<i># need training</i>
	Appomattix	8
	Sussex Co.	24
	Colonial Heights	6
	King George Co.	18
	Prince William Co.	30
	Suffolk	13
	Emporia	1
<i>Summary for 'Type' = Sheriff (19 detail records)</i>		
Sum		407
Grand Total		484

Departments With No Policy

<i>Type</i>	<i>Department</i>
<i>College</i>	University of Virginia
	No. Va. Community College
	Hampden Sydney College
	Clinch Valley College
	Thomas Nelson Community Col
<i>Police</i>	Jonesville
	Big Stone Gap Police
	Saltville
	Onancock
	Babcock & Wilcox
	Occoquan
	Kenbridge
	Montross
	Lawrenceville
	Warsaw
<i>Sheriff</i>	Bristol
	Middlesex Co.
	Chesterfield
	Isle of Wight
	Washington Co
	Orange Co.
	Matthews Co
	Emporia
	Northumberland Co.
	Prince Edward Co.
	Newport News
	Colonial Heights
	King George Co.
	Suffolk

Type

Department

Prince William Co.

Danville

Prince George Co.

Departments Who Want Policy Training1

<i>Type</i>	<i>Department</i>	<i>Name</i>	<i>Telephone</i>
<i>Academy</i>			
	Southside Va. Training Acad.	Lawrence P. Wienock, Dir	8045247187
<i>College</i>			
	Clinch Valley College	Edward Gardener	5403282677
	Hampden Sydney College	G. Keith Temple	8042236164
	University of Virginia	Michael Sheffield	8049247166
	Thomas Nelson Community	R.J. Hamlin	7578252732
<i>Police</i>			
	Chilhowie	Chief W. Scott Sexton	5406463232
	Wise	Tony Bates	5403289046
	Leesburg	Keith Stiles	7037714500
	Shenandoah	Marc Taylor	5406528193
	Salem	James R. Bryant, Chief	5403753010
	Franklin	Lt. R. Bruce Edwards	7575628695
	Ashland		8047981227
	Colonial Heights	Curtis F. Stevens	8045209314
	Warrenton	Dale Kogin, Chief	5403471107
	Jonesville	E. Ewell Iedsoe, Mayor	5403461151
	Big Stone Gap Police	Ronnie Mohn	5405230117
	Clintwood	Chief Eugene Yates	5409268710
	Timberville	Chief Richard Sullivan	5408863321
	Montross		8044939623
	Hurt	Ricky Moorefield	8043244411
	Wytheville	Lt. Rick W. Arnold	5402233310
	Onancock	Sgt. John D. Barber	7577873363
	Luray	Chief Page D. Campbell, Jr.	5407435343
	Waverly	Warren B. Stirrup	8048342324
	Kenbridge	Jesse C. Carter	8046762453
	Pearisburg	Chief Bill Whitsett	5409210340
<i>Sheriff</i>			
	Stafford	M.H. Coffen	5407204450
	Bristol	H.G. Barnes	5406457430

<i>Type</i>	<i>Department</i>	<i>Name</i>	<i>Telephone</i>
	Tazewell Co.	D.J. Johnson	5409885966
	Emporia	Herbert Clyde Harrell, Sr.	8046344671
	Middlesex Co.	Weldon C. Dandridge	8047582779
	Washington Co	Kenneth Lee Hayter	5406766252
	Isle of Wight	Charles W. Phelps	7573572151
	Craig Co.	P.B. McPherson	5408645127
	Chesterfield	Capt. David Hutton	8047514471
	Surry Co.	Harold D. Brown	7572945264
	Botetourt	Capt. G.W. Guillians	5404738230
	Gloucester	D.W. Insley, Major	8046931374
	Newport News	Clay Hester	7579268759
	Sussex Co.	Stuart Kitchen	8042465000
	Greene Co.		8049852222
	Suffolk	Raliegh H. Isaacs	7575395119
	King George Co.	Sgt. Terry Harris	5407752049
	Grayson Co.	James B. Johnson	5407733241
	Hanover Co.	Dougl A. Goodman, Inv.	8045376897
	Frederick Co.	J.A. Johnson	5406626162
	Prince George Co.	Donald R. Hunter	8047332690
	Bedford Co.	Lt. John McCane	5405867699
	Loudon	Lee Ann Gable	7037771021
	Prince Edward Co.	Gene Southall	8043928101
	Charlotte Co.	Carson W. Pollard	8045425141
	Northumberland Co.	L. Wayne Middleton	8045805221
	Spotsylvania Co.	Capt. P.T. Sullins	5405827225
	Rappahannack	Sheriff Gary T. settle	5406753331

APPENDIX K. DATA on LAW ENFORCEMENT REPORTS of DOMESTIC VIOLENCE CALLS

Ten law enforcement agencies in Virginia received Community Oriented Policing (COPs) Domestic Violence Grants from the Department of Justice in 1997. The Commission on Family Violence Prevention convened meetings of these agencies and requested that they collect data on all reports they filed related to domestic calls. These agencies worked with the Commission to define the data elements (see definition of terms attached) so that all agencies were collecting comparable information. Six localities were able to provide data for June, July and August 1997. Four of these were able to provide data through October 1997. (See data charts and graphs).

Three of the localities experienced an increase and one locality a decrease in reports after July, 1997; two of the localities have seen reports level off to about the same or slightly below June levels; one locality has steadily declined in the number of reports since July and one locality has steadily increased in the number of reports since July.

There were 3,434 reports filed by the localities during the period. From localities that were able to collect information on dual arrests, such arrests occur infrequently in 5.3% of the arrests made.

Sex of the Disputants: 80% of Offenders are male and 20% are female. This breakdown is consistent across localities and from prior to enactment of the Family Violence Bill and after enactment.

Relationship of Disputants: The greatest number of disputants fall into the co-habit category, 38.4%; followed by spouse at 33.6% and then Other at 16.2%. Chesterfield County noted that 49.1% of those in the "Other" category fell within a parent/child relationship, many of which were incidents where the child was the primary aggressor; an additional 15.1% of the "Other" were siblings.

Types of Crimes: 82.2% of the crimes involved fell into the physical assault category, 9.8% involved property crimes, 5.9% involved psychological crimes such as threats, 1.7% involved crimes against children and very few, 21 or 0.6% involved sexual assault.

Weapons Involved: In 67.2% of the reports hands, fist or other body parts were used as weapons; 5.1% reported use of edged, cutting weapons; only 2.4% or 82 reports involved use or threat of use of a firearm. 7.4% of the reports included use of a wide variety of other things used as a weapon such as a phone, bat, curling iron, etc.

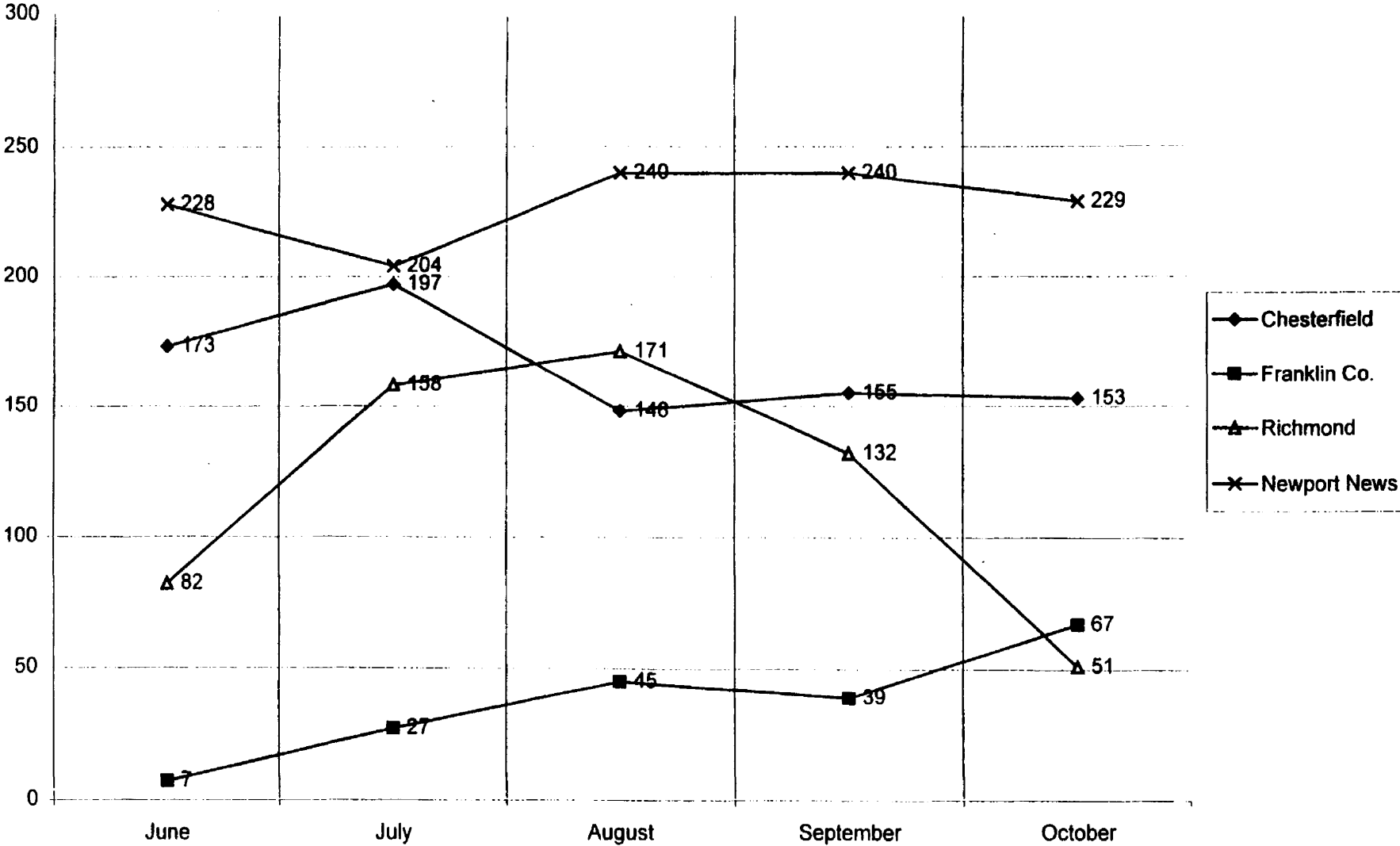
Alcohol or Drug Involvement: 23.2% of the reports indicated that the offender appeared to be under the influence of alcohol or other drugs, 8.5% indicated that the victim was under the influence of alcohol or drugs. Localities prior to this data effort had not included this information in their reports and officers may not be fully comfortable with this assessment and inclusion in their reports.

Victim Injuries: Victims were reported as injured in 42.8% of the reports; of those injured 17.9% required medical attention at the scene.

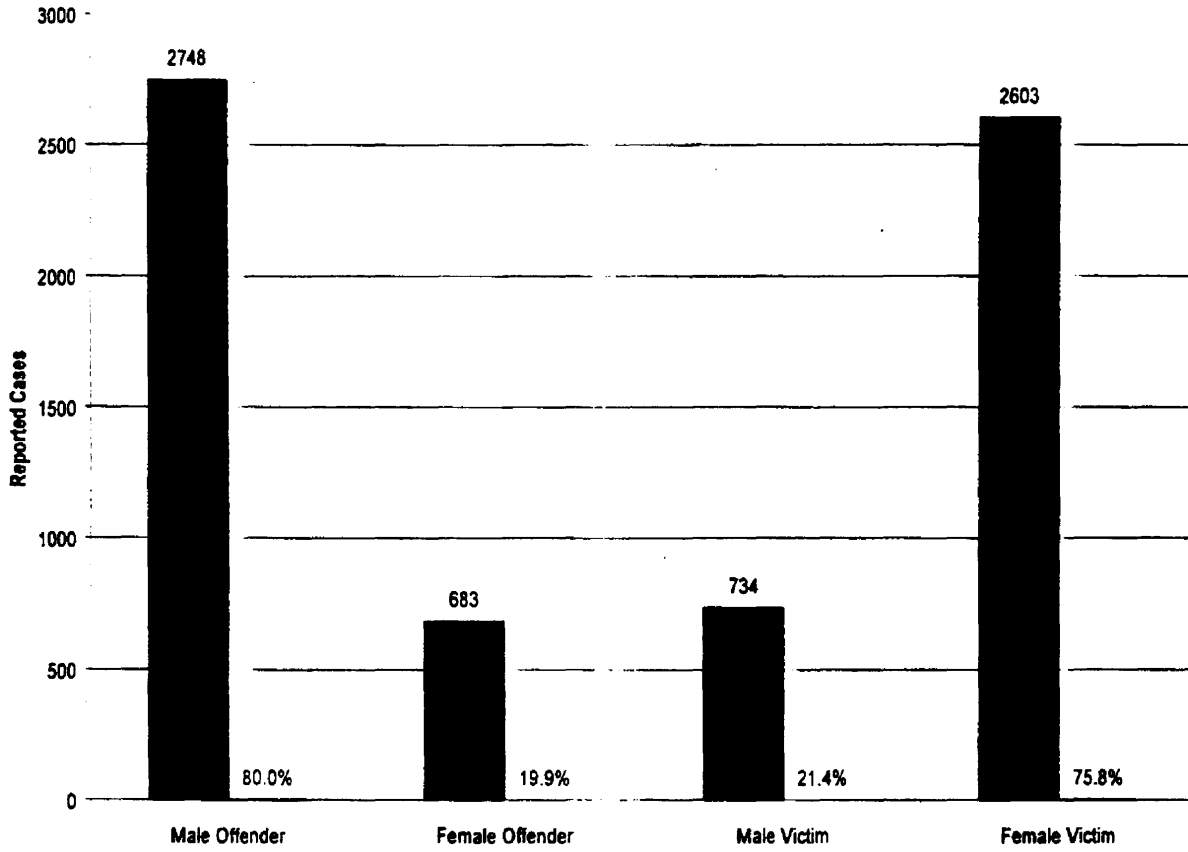
Presence of Children: 14.9% of the reports noted that children were present in the household at the time of the dispute. 10.8% of the children who were present were injured in the incident. Similar to the data on alcohol and drug involvement, localities prior to this data effort had not included this information in their reports and officers may not be fully comfortable with this assessment and inclusion in their reports.

There are some variations from locality to locality. Franklin Co. reports 48.1% involve spouses; 18.4% involve firearms and 69.2% of victims are injured with 25% of those injured requiring medical attention. In Richmond 25% involved spouses, 42.8% co-habitators; all involved physical assaults; in 33.5% of reports offenders appear under the influence of alcohol or drugs and in 27.3% the victim appears under the influence; 30.7% of victims were injured but 43.3% of those injured required medical attention.

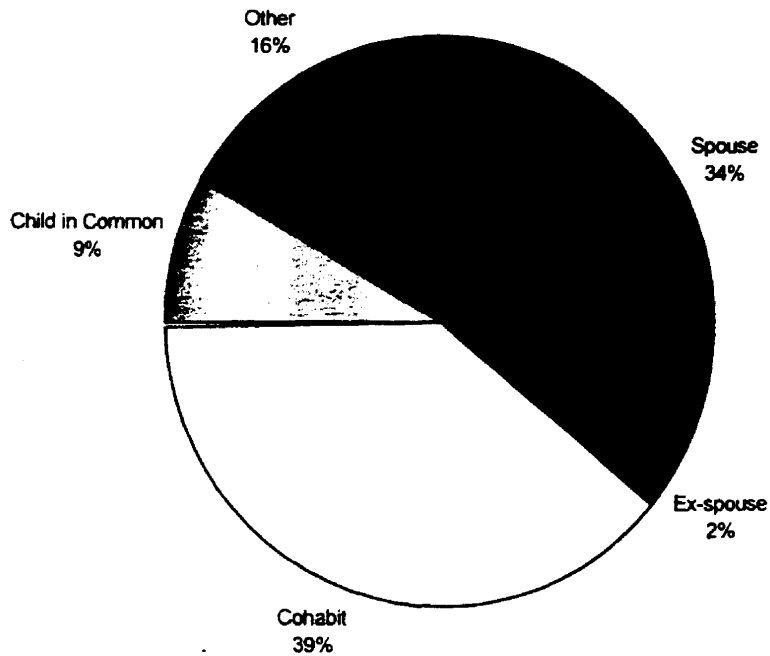
Reports by Month



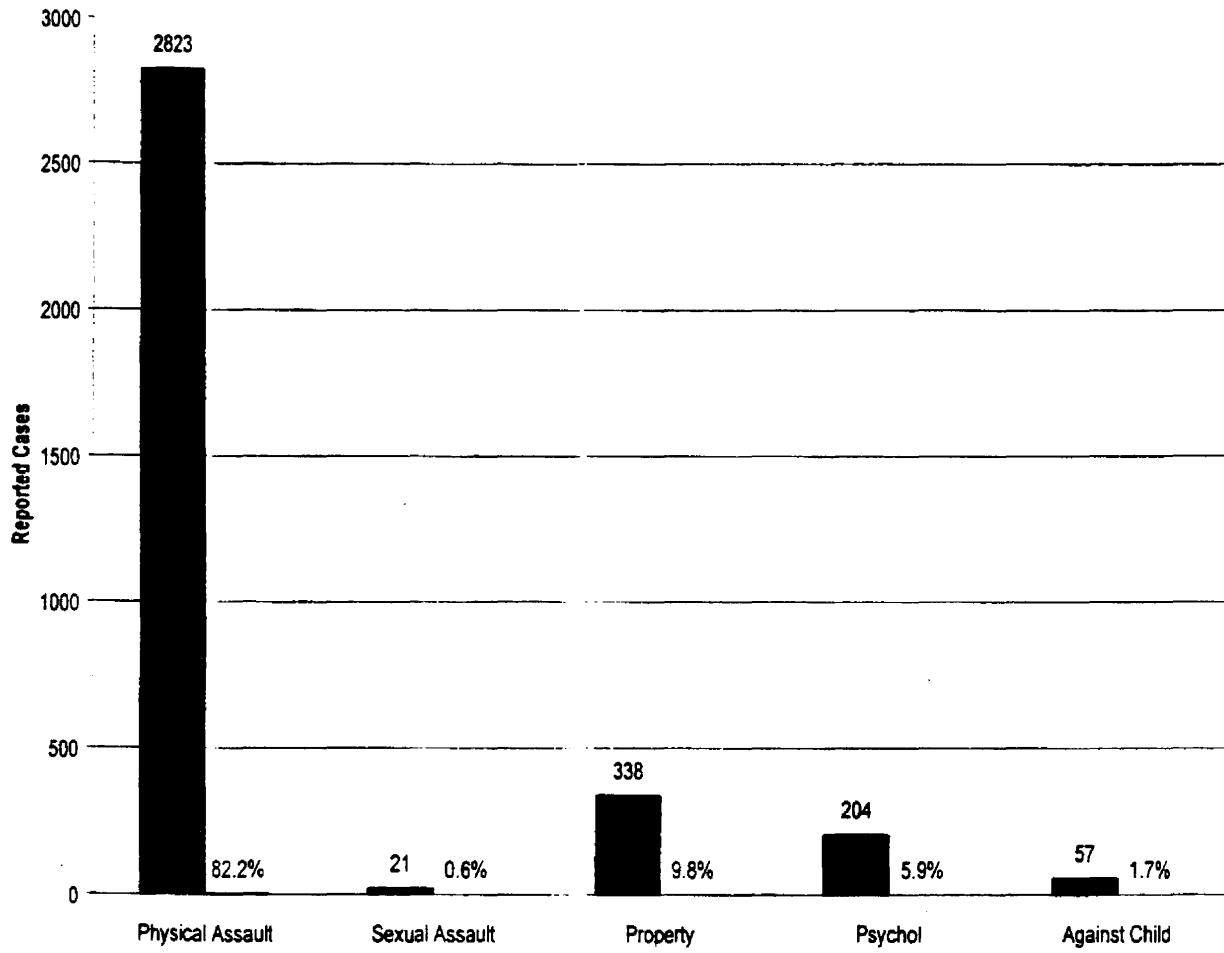
Sex of Offenders & Victims



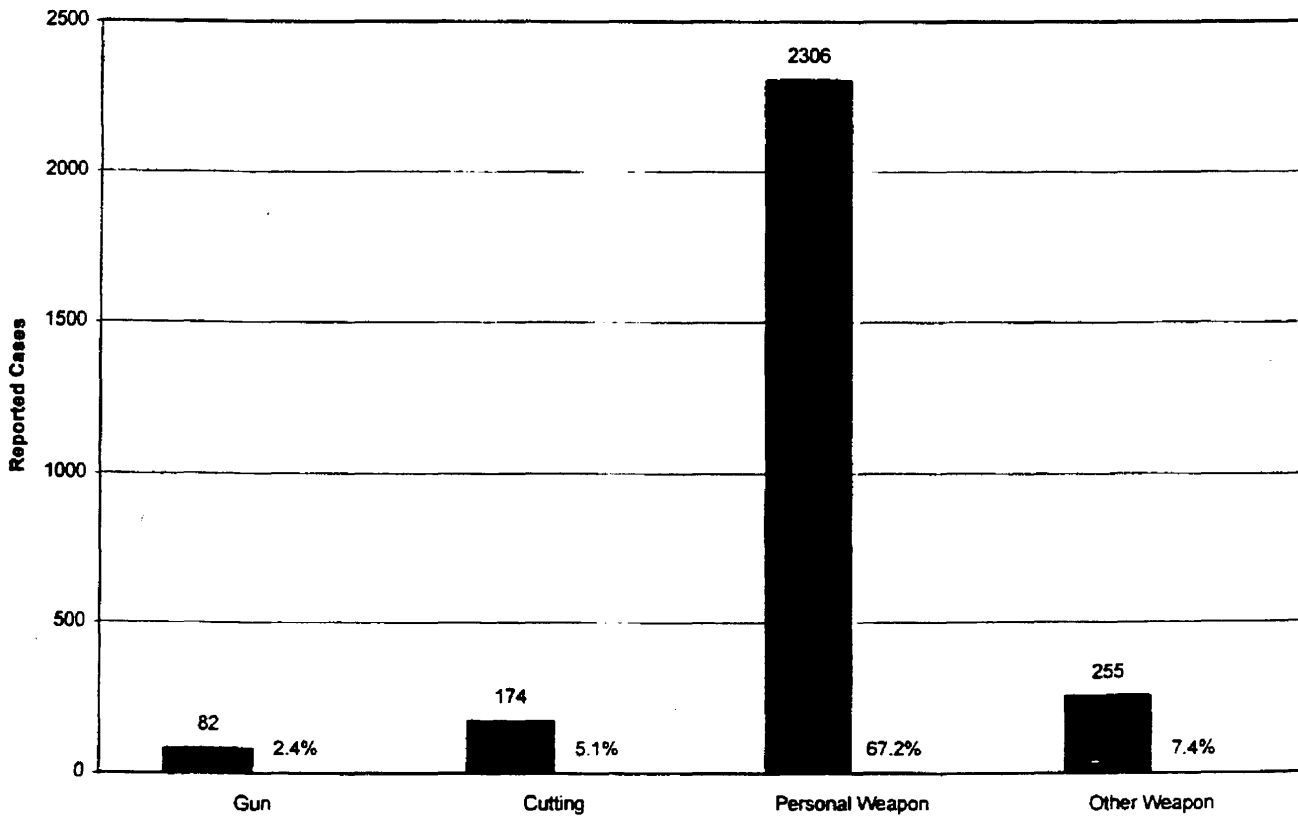
Relationship of Parties



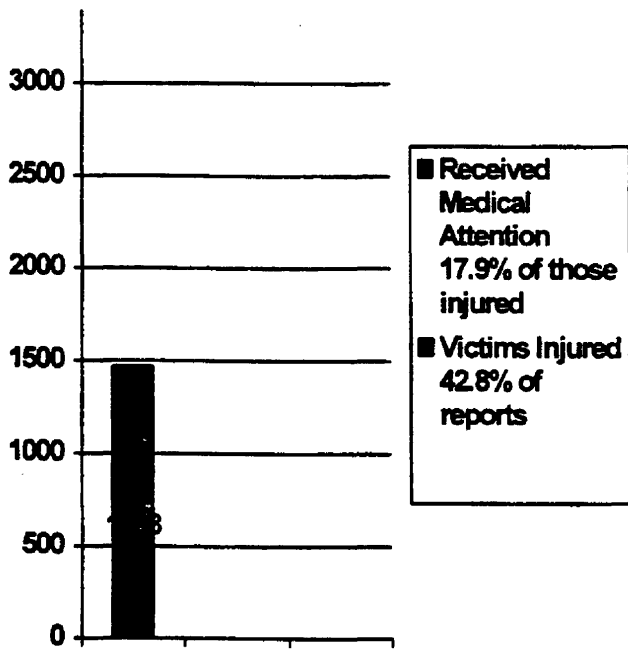
Type of Crime Involved



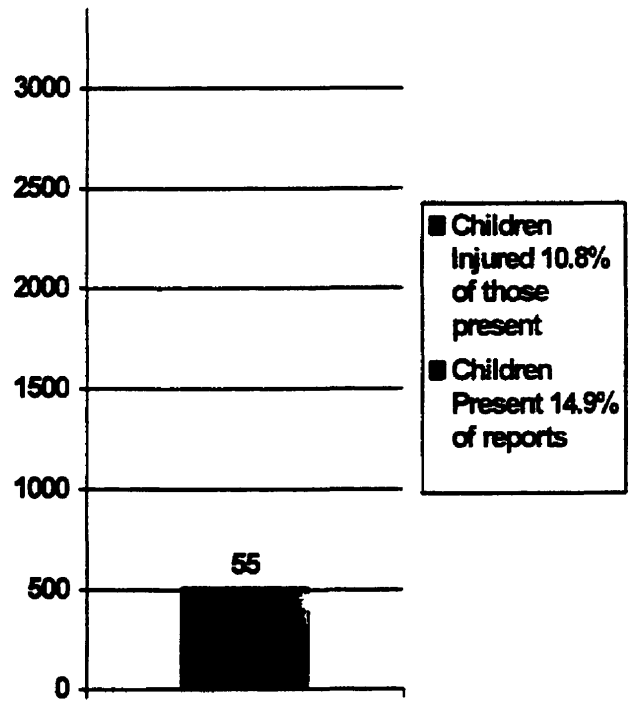
Weapons Used



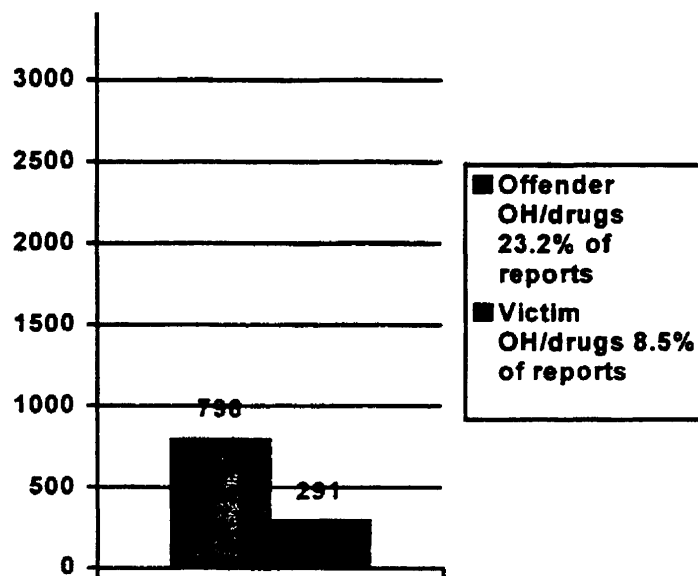
Victim Injuries



Children Present



Alcohol & Drug Involvement



1/27/98 Data on Family Violence Calls Provided by COPs Grant Recipients

Locality	Month	Total # Reports	Male Offender		Female Offender	Male Victim	Female Victim
Chesterfield	June	173	137	79.2%	45	48	136
Franklin Co.	June	7	7	100.0%	0	0	7
Norfolk	June	105	83	79.0%	23	24	80
Richmond	June	82	71	86.6%	11	13	69
Newport News	June	228	177	77.6%	47	49	170
Alexandria	June	135	103	76.3%	19	17	120
TOTALS	June	730	578		145	151	582
% of Reports			79.2%		19.9%	20.7%	79.7%
Chesterfield	July	197	161	81.7%	44	62	151
Franklin Co.	July	27	23	85.2%	4	5	22
Norfolk	July	89	74	83.1%	15	11	78
Richmond	July	158	127	80.4%	31	29	129
Newport News	July	204	160	78.4%	43	41	159
Alexandria	July	122	103	84.4%	15	17	99
TOTALS	July	797	648		152	165	638
% of Reports			81.3%		19.1%	20.7%	80.1%
Chesterfield	August	148	121	81.8%	34	37	117
Franklin Co.	August	45	34	75.6%	11	9	36
Norfolk	August	113	102	90.3%	11	9	104
Richmond	August	171	135	78.9%	36	31	140
Newport News	August	240	179	74.6%	60	70	168
Alexandria	August	124	104	83.9%	15	18	104
TOTALS	August	841	675		167	174	669
% of Reports			80.3%		19.9%	20.7%	79.5%
Chesterfield	Septmber	155	123	79.4%	28	45	117
Franklin Co.	Septmber	39	28	71.8%	11	11	28
Norfolk	Septmber						
Richmond	Septmber	132	112	84.8%	20	22	110
Newport News	Septmber	240	188	78.3%	52	61	176
Alexandria	Septmber						
TOTALS	Septmber	566	451		111	139	431
% of Reports			79.7%		19.6%	24.6%	76.1%
Chesterfield	October	153	125	81.7%	32	36	124
Franklin Co.	October	67	54	80.6%	13	4	63
Norfolk	October						
Richmond	October	51	43	84.3%	8	10	41
Newport News	October	229	174	76.0%	55	55	55
Alexandria	October						
TOTALS	October	500	396		108	105	283
% of Reports			79.2%		21.6%	21.0%	56.6%
GRAND TOTAL		3434	2748		683	734	2603
% of Reports			80.0%		19.9%	21.4%	75.8%

Data Provided by COPs Grant Recipients

Month	Spouse		Ex-spouse		Cohabit		Child in		Parent/c hild	Sibling
							Common	Other		
Chesterfield	62	35.8%	3	49	28.3%	14	43			
Franklin Co.	1	14.3%	0	5	71.4%	1	0			
Norfolk	45	42.9%	1	6	5.7%	4	49			
Richmond	24	29.3%	3	40	48.8%	7	8			
Newport News	64	28.1%	2	159	69.7%	0	3			
Alexandria	38	28.1%	2	33	24.4%	23	41			
June	234		11	292		49	144			
	32.1%		1.5%	40.0%		6.7%	19.7%			
Chesterfield	75	38.1%	4	68	34.5%	7	51			
Franklin Co.	11	40.7%	1	8	29.6%	2	5			
Norfolk	26	29.2%	3	12	13.5%	3	5			
Richmond	30	19.0%	2	69	43.7%	37	20			
Newport News	79	38.7%	4	121	59.3%	0	0			
Alexandria	37	30.3%	1	21	17.2%	19	44			
July	258		15	299		68	123			
	32.4%		1.9%	37.5%		8.5%	15.7%			
Chesterfield	63	42.6%	7	38	25.7%	9	31	21	8	
Franklin Co.	28	51.1%	0	11	24.4%	5	1			
Norfolk	40	35.4%	4	0	0.0%	4	65			
Richmond	52	30.4%	6	65	38.0%	30	19			
Newport News	82	34.2%	4	151	62.9%		1			
Alexandria	39	31.5%	1	21	16.9%	19	44			
August	304		22	286		67	161			
	36.1%		2.6%	34.0%		11.1%	19.1%			
Chesterfield	51	32.9%	0	48	31.0%	9	46	36	10	
Franklin Co.	18	46.2%	1	9	23.1%	1	10			
Norfolk										
Richmond	30	22.7%	3	58	43.9%	31	10			
Newport News	80	33.3%	4	137	57.1%	19				
Alexandria										
September	179		8	252		60	66			
	31.6%		1.4%	44.5%		10.6%	20.2%			
Chesterfield	62	40.5%	4	35	22.9%	17	36	27	9	
Franklin Co.	31	46.3%	6	13	19.4%	3	14			
Norfolk										
Richmond	9	17.6%	1	22	43.1%	9	10			
Newport News	77	33.6%	4	119	52.0%	29				
Alexandria										
October	179		15	189		58	60			
	35.8%		3.0%	37.8%		11.6%	22.1%			
	1154		71	1318		302	556			
	33.6%		2.1%	38.4%		8.8%	16.2%			

Data Provided by COPs Grant Recipients

Month	Physical Assault		Sexual Assault	Property	Psychol	Against Child	Gun	Cutting	Personal Weapon	Other Weapon
Chesterfield	141	81.5%	0	18	18	2	1	9	131	9
Franklin Co.	6	85.7%	0	0	1	0	1	0	6	0
Norfolk	98	93.3%	0	6	3	3	2	6	80	17
Richmond	82	100.0%	0	1	5	4	2	7	72	3
Newport News	181	79.4%	4	25	18		2	5	129	10
Alexandria		0.0%				5	1	7	76	17
June	508		4	50	45	14	9	34	494	56
	85.4%		0.7%	8.4%	7.6%	2.8%	1.2%	4.7%	67.7%	7.7%
Chesterfield	166	84.3%	0	29	22	7	7	8	151	14
Franklin Co.	25	92.6%	0	1	1	2	2	1	20	4
Norfolk	87	97.8%	1	6	2	0	0	5	78	7
Richmond	158	100.0%	0	4	3	2	3	10	132	22
Newport News	165	80.9%	2	19	18		1	6	111	12
Alexandria	93	76.2%	0	28			1	4	105	12
July	694		3	87	46	11	14	34	597	71
	87.1%		0.4%	10.9%	6.8%	2.3%	1.8%	4.3%	74.9%	8.9%
Chesterfield	122	82.4%	1	14	15	9	2	4	112	12
Franklin Co.	33	73.3%	0	7	2	3	8	6	27	4
Norfolk	113	100.0%	3	5	0	0	0	5	108	0
Richmond	171	100.0%	0	2	3	2	1	6	148	23
Newport News	202	84.2%	2	29	17		1	20	117	17
Alexandria	88	71.0%	0	29			0	5		1
August	729		6	86	37	14	12	46	512	57
	86.7%		0.7%	10.2%	5.2%	2.9%	1.4%	5.5%	71.4%	6.8%
Chesterfield	131	84.5%	0	16	6	9	5	3	113	16
Franklin Co.	27	69.2%	1	5	6	0	6	13	24	1
Norfolk										
Richmond	132	100.0%	1	6	2	2	4	10	119	14
Newport News	208	86.7%	1	28	18		8	7	126	10
Alexandria										
Septmber	498		3	55	32		23	33	382	41
	88.0%		0.5%	9.7%	5.7%	0.0%	4.1%	5.8%	67.5%	7.2%
Chesterfield	125	81.7%	2	20	12	8	5	3	120	2
Franklin Co.	41	61.2%	3	4	13	6	17	13	29	8
Norfolk										
Richmond	51	100.0%	0	1	2	4	0	1	45	9
Newport News	177	77.3%	0	35	17		2	10	127	11
Alexandria										
October	394		5	60	44	18	24	27	321	30
	78.8%		1.0%	12.0%	8.8%	6.6%	4.8%	5.4%	64.2%	6.0%
	2823		21	338	204	57	82	174	2306	255
	82.2%		0.6%	9.8%	5.9%	1.7%	2.4%	5.1%	67.2%	7.4%

Data Provided by COPs Grant Recipients

Month	Offender OH/Drug		Victim OH/Drug		Victim Injured		Injured by Gun	Received Med. Att.	% Vic inj
Chesterfield	28	16.2%	14	8.1%	49	28.3%	0	13	26.5%
Franklin Co.	3	42.9%	0	0.0%	5	71.4%		0	0.0%
Norfolk	10	9.5%	2	1.9%	69	65.7%		16	23.2%
Richmond	24	29.3%	13	15.9%	10	12.2%		6	60.0%
Newport News	62	27.2%		0.0%	102	44.7%		14	13.7%
Alexandria	32	23.7%	10	7.4%	53	39.3%		5	9.4%
June	159		39		288			54	
	21.8%		7.8%		39.5%			7.4%	18.8%
Chesterfield	43	21.8%	28	14.2%	48	24.4%	0	3	6.3%
Franklin Co.	11	40.7%	3	11.1%	17	63.0%	0	2	11.8%
Norfolk	15	16.9%	7	7.9%	64	71.9%	0	9	14.1%
Richmond	59	37.3%	46	29.1%	50	31.6%	1	26	52.0%
Newport News	57	27.9%			103	50.5%	0	16	15.5%
Alexandria	27	22.1%	7	5.7%	52	42.6%	1	2	3.8%
July	212		91		334		0.3%	58	
	26.6%		15.3%		41.9%			7.3%	17.4%
Chesterfield	41	27.7%	19	12.8%	43	29.1%	0	9	20.9%
Franklin Co.	12	26.7%	6	13.3%	25	55.6%		7	28.0%
Norfolk	15	13.3%	5	4.4%	72	63.7%	0	12	16.7%
Richmond	64	37.4%	47	27.5%	50	29.2%	0	19	38.0%
Newport News	48	20.0%		0.0%	119	49.6%	0	14	11.8%
Alexandria	27	21.8%	14	11.3%	52	41.9%	0	2	3.8%
August	207		91		361		0.0%	63	
	24.6%		15.1%		42.9%			7.5%	
Chesterfield	25	16.1%	10	6.5%	58	37.4%	2	6	10.3%
Franklin Co.	6	15.4%	2	5.1%	27	69.2%		6	22.2%
Norfolk									
Richmond	47	35.6%	31	23.5%	56	42.4%	1	23	41.1%
Newport News	48	20.0%			123	51.3%	0	14	11.4%
Alexandria									
Septmber	126		43		264		0.5%	49	
	22.3%		13.2%		46.6%			8.7%	18.6%
Chesterfield	17	11.1%	5	3.3%	58	37.9%	0	6	10.3%
Franklin Co.	14	20.9%	6	9.0%	54	80.6%		17	31.5%
Norfolk									
Richmond	12	23.5%	16	31.4%	21	41.2%	0	8	38.1%
Newport News	49	21.4%			91	39.7%	0	8	8.8%
Alexandria									
October	92		27		224		0.0%	39	
	18.4%		10.0%		44.8%			17.4%	
	796		291		1471		5	263	
	23.2%		8.5%		42.8%			7.7%	17.9%

Data Provided by COPs Grant Recipients

Month	Children Present	Children Injured	%Ch pr inj
<i>Chesterfield</i>	32	18.5%	4 12.5%
<i>Franklin Co.</i>	4	57.1%	1 25.0%
<i>Norfolk</i>	22	21.0%	1 4.5%
<i>Richmond</i>	17	20.7%	4 23.5%
<i>Newport News</i>			
<i>Alexandria</i>			
June	75	10	
	20.4%	2.7%	13.3%
<i>Chesterfield</i>	41	20.8%	8 19.5%
<i>Franklin Co.</i>	7	25.9%	1 14.3%
<i>Norfolk</i>	4	4.5%	1 25.0%
<i>Richmond</i>	72	45.6%	2 2.8%
<i>Newport News</i>			
<i>Alexandria</i>			
July	124	12	
	26.3%	2.5%	9.7%
<i>Chesterfield</i>	51	34.5%	8 15.7%
<i>Franklin Co.</i>	16	35.6%	3 18.8%
<i>Norfolk</i>	24	21.2%	3 12.5%
<i>Richmond</i>	71	41.5%	1 1.4%
<i>Newport News</i>			
<i>Alexandria</i>			
August	162	15	
	34.0%	3.1%	9.3%
<i>Chesterfield</i>	26	16.8%	8 30.8%
<i>Franklin Co.</i>	18	46.2%	1 5.6%
<i>Norfolk</i>			
<i>Richmond</i>	50	37.9%	1 2.0%
<i>Newport News</i>			
<i>Alexandria</i>			
Septmber	94	10	
	28.8%	3.1%	10.6%
<i>Chesterfield</i>	13	8.5%	1 7.7%
<i>Franklin Co.</i>	23	34.3%	5 21.7%
<i>Norfolk</i>			
<i>Richmond</i>	20	39.2%	2 10.0%
<i>Newport News</i>			
<i>Alexandria</i>			
October	56	8	
	20.7%	3.0%	14.3%
	511	55	
	14.9%	1.6%	10.8%

September 29, 1997

Family Violence Case Reports Forms

Definition of Terms

Locality: The locality served.

Contact Person: The name & phone number of the person who can answer questions about the report.

Period: Note the period of time that the report covers such as 6/1 - 6/15, or June for the entire month.

Total # of Reports: Note the total number of domestic cases that resulted in a report during the specified period of time.

Total # Arrests: Note the total number of arrests that resulted from reports during the period.

Dual Arrests: Note the number of cases in which both parties were arrested.

Male Offender: Note the total number of male offenders involved in reported cases during the period.

Female Offender: Note the total number of female offenders involved in reported cases during the period.

Male Victim: Note the total number of male victims involved in reported cases during the period.

Female Victim: Note the total number of female victims involved in reported cases during the period.

Victim/Offender Relationship: Cohabit =cohabiting or has cohabited within the past 12 months; Other=any other relationship in which you filed a report as a "domestic". Only one category should be used per case; use the **FIRST** which applies, for example if a couple is married and has a child in common use spouse, or if the parties cohabit and have a child in common use cohabit. Note the total number of cases in each category for the period.

Offense: Use the crimes categorized in Appendix 7 "Criminal Law Chart" as a guide to help to determine the appropriate category. Report the total number of offenses that occurred in each category for the period. Some incidents may have involved more than one offense.

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Weapons: Gun/fire arm includes handguns, rifles, shot guns, etc.; Cutting includes edged weapons such as knives, swords, etc.; Personal weapon includes use of any part of the body as a weapon including hands, fists, teeth, feet, etc.; Other would include anything used as a weapon not fitting in the previous categories. Note the total number of cases that involved the weapon type for the period. Include weapons actually used or present and posing an immediate threat.

Offender ETOH/drugs: Note the total number of cases in which the offender appeared under the influence of drugs or alcohol during the period.

Victim ETOH/drugs: Note the total number of cases in which the victim appeared under the influence of drugs or alcohol during the period.

Victim Injured: Note the total number of cases in which alleged victims were injured in the incident during the period.

Victim Injured by Gun: Note the number of victims who were injured by a firearm.

Victim Required Medical Attention: Note the total number of cases in which alleged victims required medical attention at the time of the incident.

Children Present: Note the total number of cases in which children were present in the household at the time of the incident during the period.

Children Injured: Note the total number of cases in which children were injured in the incident during the period.

Please provide a complete and separate report for any homicides that occur during the period.

Commonwealth of Virginia
Commission on Family Violence Prevention

***The Impact of Family Violence
on Custody and Visitation Decisions***

Judicial Survey
(Preliminary Findings)

December 3, 1997

The Community Research Group
Department of Psychology
University of Virginia

INTRODUCTION

The Commission on Family Violence Prevention established a task group to look into the issue of how family violence is taken into consideration in custody and visitation decisions. Currently a statute in the Virginia Code states that family violence shall be considered when making custody and visitation decisions. However, the statute is not specific about the extent to which courts should investigate family violence and include information about it in their decisions. The Commission is interested in the extent to which and the manner in which courts throughout the Commonwealth are taking family violence into consideration when deciding on custody and visitation cases. In order to determine what actually happens in Virginia courts so that the Commission can consider the need to make changes in the existing statute, a three part investigation will be undertaken.

Research, data collection and analysis will be conducted in three parts: 1) a survey of Juvenile and Domestic Relations (JD&R) court judges in Virginia; 2) a systematic review of 50 to 100 custody and visitation case files at each of six representative courts throughout the Commonwealth; and 3) site visits and in depth interviews with key court personnel at each of these six courts.

This report is a summary of the findings from the judicial survey. All of the J&DR district court judges who attended the mandatory annual conference of Virginia J&DR judges were given the survey. Of the 96 possible J&DR judges, representing 37 jurisdictions, 46 completed and returned the survey. The twelve question survey (see Appendix A) was designed to investigate various aspects of the consideration courts give to family violence in custody and visitation decisions, including: the number of cases involving domestic violence; the manner in which cases are coordinated and handled; procedures and actions taken by the court; and the environment and resources available in the court and the community.

What follows are the results of this survey in table form, plus a description of the data. We conclude with a few comments regarding the most salient findings.

SURVEY RESULTS

Jurisdiction

Total Custody Cases

According to the 19 juvenile and domestic district court judges who provided estimates, the total number of custody cases filed in 1996 (the year given by all respondents) ranged from 225 to 5,529. The mean and median number of custody cases filed in 1996 was 1,873 and 1500, respectively.

Custody Cases Involving Domestic Violence

Thirty-five percent of the courts reported that less than a quarter of the custody cases involve domestic violence. Thirty-seven percent of the courts indicated that domestic violence is present in 26% to 50% of the cases. Only one court (2%) reported that domestic violence is present in 51% to 75% of custody cases. The remainder of the courts (26%) could not estimate the number of custody cases involving domestic violence (see Table 1).

Statistics Kept

Survey results indicate that only one of the 44 courts (2%) responding to this question keep statistics on domestic violence allegations in custody disputes (see Table 2).

Case Handling / Coordination

Information Shared With Other Agencies

Seventy-four percent of the courts surveyed report sharing information regarding children and family members with probation officers. About as many (72%) share information with child welfare agencies. Fifty percent report sharing information with other courts exercising jurisdiction over families. Other courts indicate sharing information with prosecutors (46%) and law enforcement (44%). Fifteen percent of the courts reported sharing information with other service providers, most notably schools and providers of alcohol and drug service treatment services. Two percent (one court) reported sharing information with no other courts, agencies, or offices (see Table 3).

Information Shared Automatically or Only When Requested

With regard to the sharing of information, only 7 percent of courts report that information is shared automatically. Thirty-four percent indicate that information is shared with other courts, agencies, or offices only when requested, while another 34 percent report sharing information automatically with some courts, agencies, or offices but sharing information with others only by request. (A few of these judges indicated that policies regarding the sharing of information were mandated, so that information had to be shared automatically with some agencies.) Twenty-two percent of courts share information on a case-by-case basis on request of the judge or by request from an agency. Finally, 2.5 percent report that confidentiality sometimes precludes the sharing of information (see Table 4).

Access to Information

Eighty-seven percent of courts report that they are able to retrieve information on all other judicial proceedings affecting the family (e.g., court orders and psychological evaluations, past or present). Retrieval of information on the current status of all cases affecting one family is possible in 78 percent of the courts. The majority of courts (72%) can review drug, alcohol, and mental health evaluations. Fifty-seven percent of courts receive notice of newly filed charges against anyone in the family. Several courts have access to a registry/automated system to find orders of protection in effect (37%) or a registry/automated system for history of child abuse and neglect (24%) (see Table 5).

Court Actions / Procedures

Screening for Domestic Violence

Seven percent of the courts report that no determination of the presence of domestic violence is made in custody cases. Courts that do screen for domestic violence use measures including: testimony (85%); pre-trial custody evaluations (46%); child abuse reports (41%); routine reviews of pleadings for allegations of domestic abuse (33%); questions on intake form for mediation or other court services about present or prior abuse (24%); routine interviews with parties about present or prior abuse (20%); and pre-trial conferences (11%). In addition, some courts reported other procedures including: custody/visitation questionnaire (4%); and examination of prior records upon suspicion of judge (4%). Thirteen percent of courts indicated offering other additional services, including family violence prevention programs, a women's resource center, home study reports, and a "history of domestic violence" report. Finally, four percent of judges did not know of procedures to determine the presence of domestic violence in custody cases (see Table 6).

Mediation

Eighty-nine percent of the courts use mediation in custody disputes (see Table 7a). Seventeen percent of the courts offer mediation in all cases. Other courts use mediation with some exceptions: 33 percent offer mediation except where domestic violence is alleged or suspected; 33 percent use mediation except when a determination is made that mediation would be harmful because of alleged or suspected domestic violence; and 20 percent use mediation except where there is a civil protection order or adjudication of guilt in a criminal case. In addition, 20 percent of courts report using mediation on a case-by-case basis (when deemed appropriate by the court or requested by parties). Nine percent indicate offering mediation contingent upon the availability of mediators, while 7 percent use mediation contingent upon the willingness of the parties involved. Finally, 4 percent of courts report using mediation except when the parties live out of town (see Table 7b).

Guardian Ad Litem

All of the courts surveyed offered legal representation to children. Eighty-nine percent appointed a guardian ad litem or other special advocate to children in custody disputes on a case-by-case basis. The remaining 11 percent appointed legal representation to children in all custody disputes (see Table 8). With regard to custody disputes involving domestic violence, 76 percent of courts reported appointing a guardian ad litem or other special advocate for the child on a case-by-case basis, while 24 percent indicated appointing legal representation for children in all such cases (see Table 9).

Factors Judicial Officers Find Most Persuasive in Making a Custody Determination where Domestic Violence is Involved

When making a custody determination where domestic violence is involved, judicial officers find a variety of factors/evidence to be persuasive. Many judges could not identify one factor that was most persuasive. The majority of courts (91%) found history of abuse, including specific incidents, recency, and types of violence, to be persuasive. Thirty percent found expert testimony to be persuasive, while 17 percent found other testimony to be influential in custody determinations where domestic violence is involved. Other factors reported to be persuasive included: exposure of children to abuse and its impact on them (15%); rehabilitation efforts (15%); criminal record (9%); mental health or substance abuse evaluation (6%); and observation of parties (4%). Finally, several courts (11%) reported being influenced by factors such as legal protection sought, level of family stress, and availability of extended family to help (see Table 10).

Court Resources and Environment

Resources Available to Help Families

Courts offer a vast array of services to help families. Seventy-four percent of courts offer a victim advocate or social services agent, while 41 percent offer pro bono services or reduced legal fees. Eighty percent offer treatment services for abusers, and 52 percent provide educational programs for victims and children. Many of the courts have a family violence unit (50%) or a family violence coordinator (44%). Seventy-two percent of courts have safety features such as metal detectors at the courthouse, 59 percent provide supervised visitation centers, and 44 percent offer options to avoid face-to-face contact among disputing parties. Additional services offered by the courts include: multilingual interpreters (57%); services to help abused parties relocate (26%); day care for children (20%); anger management counseling (9%); and court appointed special advocates (7%). Twenty-eight percent of courts offer unique services beyond those listed above. Some of these services include: family system counseling; shelter and coordination of referral programs; parenting classes; and task forces, resource centers, and focus groups (see Table 11).

Availability of Prosecutors to Handle Adult Criminal Misdemeanor Cases

Survey results indicate that prosecutors are available to handle all adult criminal misdemeanor cases in 61 percent of the courts. Twenty-six percent report the availability of prosecutors in adult criminal misdemeanor cases at the discretion of the Commonwealth's Attorney. An additional 7 percent specifically mentioned that prosecutors are available in domestic violence cases at the discretion of the Commonwealth's Attorney. Finally, 7 percent of courts make prosecutors available to handle adult criminal misdemeanor cases only when the defendant is represented by counsel (see Table 12).

CONCLUSION

The major results of this initial survey indicate that over a quarter of custody and visitation decisions made in the majority of courts throughout the Commonwealth involve domestic violence. The most common procedures used to determine if domestic violence is present in a custody case are testimony, professional custody evaluations and child abuse reports. Overwhelmingly, history of abuse is the factor that judicial officers find most persuasive when making a custody determination in cases involving domestic violence. The vast majority of courts have mediation services and guardian ad litem or special advocates available in custody cases. In addition, while most courts provide treatment services for abusers, fewer courts provide educational programs for victims and abusers.

Perhaps the most troubling finding is that only one court keeps statistics on domestic violence allegations in custody disputes. Another disturbing finding is that a handful of courts have no procedures to determine if domestic violence is present in custody decisions.

There are some obvious limitations to these preliminary findings, including a limited sample size. The limited sample may be skewed because only judges who attended the annual conference were given the opportunity to complete the survey. In addition, the survey was truncated so that it could be completed in approximately ten minutes during the conference. Obviously, there was no opportunity to probe to get a more comprehensive understanding of what is actually taking place in each judge's court. Nevertheless, these preliminary results provide a framework for developing a more in depth interview that will be conducted with the personnel of six courts in Virginia during the coming months.

Appendix A

Judicial Survey

JUDICIAL SURVEY - SUMMER 1997

JUDGES' NAME: _____ **COURT:** _____

If you sit in more than one jurisdiction and your response to a question would vary by jurisdiction - please provide a response for each jurisdiction in the margins by the question.

Questions concerning the role family violence plays in custody and visitation decisions in the Commonwealth:

JURISDICTION

1. Please estimate the total number of custody cases filed in 1994 (or latest year available, please state the year).

Estimated Number: _____

2. Approximately what percentage of custody cases involve domestic violence?

1 = less than 25% 2 = 26 to 50% 3 = 51 to 75% 4 = more than 75% 5 = cannot estimate

3. Does this court keep statistics on domestic violence allegations in custody disputes?

1 = Yes

2 = No

CASE HANDLING/COORDINATION (Circle *all* that apply.)

4a. This court shares information regarding children and family members with:

1 = no other court, agency or office

2 = other courts exercising jurisdiction over families

3 = child welfare agencies

4 = law enforcement

5 = prosecutors

6 = probation officers

7 = other, please explain _____

4b. Is this information shared automatically or only when requested? Please explain.

5. A judge (or staff) in this court can: (Circle *all* that apply.)

1 = retrieve information (e.g., court orders, psychological evaluations) on all other judicial proceedings (past or current) affecting the family

2 = retrieve information (e.g., court orders, psychological evaluations) on the current status of all cases affecting one family

3 = receive notice of newly filed criminal charges against anyone in the family

4 = access a registry, automated system to find orders of protection in effect

5 = access a registry, automated system for history of child abuse and neglect

6 = review drug, alcohol, and mental health evaluations

COURT ACTIONS/PROCEDURES

6. Does this court have procedures to determine if domestic violence is present in a custody case? (Circle *all* that apply.)

- 1 = no determination of domestic violence is made
- 2 = questions on intake form for mediation or other court services about present or prior abuse
- 3 = routine interviews with parties about present or prior abuse
- 4 = professional custody evaluations
- 5 = routine reviews of pleadings for allegations of domestic violence
- 6 = pre-trial conference
- 7 = child abuse reports
- 8 = testimony
- 9 = other, please explain: _____

7. Does this court use mediation in custody disputes? (Circle *all* that apply.)

- 1 = no
- 2 = yes, in all cases
- 3 = yes, except when domestic violence is alleged/suspected
- 4 = yes, except when a determination is made that mediation would be harmful because of alleged/suspected domestic violence
- 5 = yes, except where there is a civil protection order or adjudication of guilt in a criminal case
- 6 = other, please explain: _____

8a. Does this court appoint a guardian ad litem or other special advocate for the child in custody disputes?

- 1 = yes, in all cases
- 2 = yes, on a case-by-case basis
- 3 = no

8b. Does this court appoint a guardian ad litem or other special advocate for the child in custody disputes involving domestic violence?

- 1 = yes, in all cases
- 2 = yes, on a case-by-case basis
- 3 = no

9. When making a custody determination where domestic violence is involved, what factors/evidence concerning domestic violence do judicial officers find most persuasive?

- 1 = expert testimony
- 2 = history of abuse
- 3 = other factors/evidence, please explain: _____

COURT RESOURCES and ENVIRONMENT

10. Resources available to help families (Circle *all* that apply):

- 1 = safety features at courthouse (e.g., metal detectors)
- 2 = options to avoid face-to-face contact among disputing parties
- 3 = supervised visitation centers (can be off-site)
- 4 = day care or appropriate space for young children
- 5 = pro bono or reduced fee legal services
- 6 = services to help abused party relocate
- 7 = multilingual interpreters
- 8 = family violence unit (for court, prosecutor, or law enforcement)
- 9 = family violence coordinator (for court, prosecutor, or law enforcement)
- 10 = victim advocate or social services agent
- 11 = educational programs for abused party and children
- 12 = treatment services for abusers
- 13 = other, please explain: _____

11. What other resources/practices does your court have to assist families in custody cases that involve domestic violence?

Question concerning the availability of prosecutors:

12. Prosecutors are available in your court to handle adult criminal misdemeanor cases

- 1 = For all cases
- 2 = Only when the defendant is represented by counsel
- 3 = At the discretion of the Commonwealth's Attorney
- 4 = Never
- 5 = Other, please explain _____

Please return this questionnaire with your conference evaluations. Thank you!

Comparison of Address Confidentiality Programs

STATE	PROGRAM STATUS	PROGRAM ADMINISTRATOR	PROGRAM PARTICIPANTS	SCOPE OF PROGRAM	SELECTED APPLICATION REQUIREMENTS	CRIMINAL PENALTIES FOR FALSE PROGRAM APPLICATION.
Washington	Effective 1991	Office of the Secretary of State	Domestic Violence Victims	Substitute address program for state and local agencies, confidential voter and marriage records.	Sworn statement that the applicant has good reason to believe 1) he is a victim of family abuse, and 2) that the applicant fears for his safety. Applicants must have permanently and confidentially moved away from their abuser.	Misdemeanor.
Virginia	Proposed 1997	Office of the Secretary of State	Domestic Violence Victims	Substitute address program for state and local agencies, and work address; confidential voter records.	Sworn statement that the applicant has good reason to believe 1) he is a victim of family abuse, and 2) that the applicant fears for his safety.	Class 1 misdemeanor.
Nevada	Effective 1997	Office of the Secretary of State	Domestic Violence Victims	Confidential residential address. Voting by absentee ballot.	"Specific evidence" showing applicant has been a victim of domestic violence before filing.	Misdemeanor.
Arizona	Effective 1997	N/A	Domestic Violence Victims	Confidential voter registration only.	Presentation and request by a domestic violence victim of a protective order or other related evidence.	Unknown.
California	Proposed 1997	Office of the Secretary of State	Domestic Violence Victims	Substitute address program for state and local agencies, and work address; confidential voter and marriage records.	Sworn statement that applicant is a victim of domestic violence, and fears for his safety. Also, statement whether there are any court orders or active court actions involving the applicant for child support, custody, or visitation, name of counsel, and last address of other parent involved in court action.	Misdemeanor.
Florida	Proposed 1997	Office of the Attorney General	Domestic Violence Victims	Substitute address program for state and local agencies; absentee voter status.	Sworn statement that applicant is a victim of domestic violence and fears for his safety.	Providing false information to enter program is a misdemeanor. Fraudulent attempt to gain access to program records is a felony.
Texas	Proposed 1997	Office of the Secretary of State	Violent Crimes Victims	Substitute address used by state and local agencies, and in place of residential, business, and school address.	Sworn statement that applicant is a victim of a violent crime, and fears for his safety because of threat of immediate or future harm. Not required to prove commission of a violent crime.	Misdemeanor.

APPENDIX N. *FATALITY REVIEW STUDY*

- I. Definitions**
- II. Method**
- III. Findings**
 - A. Intimate Partners**
 - B. Family and Other Intimates**
 - C. Comparison to UCR-SHR Data**
- IV. Conclusions**

Family and Intimate Homicide in the Central OCME District, 1986-1988

At the request of the Commission on Family Violence Prevention, the Office of the Chief Medical Examiner (OCME) conducted a pilot study of family and intimate homicide in the Central District of the OCME. The Central District comprises 42 counties and 8 independent cities, including the city of Richmond. The 1980 US Bureau of the Census population estimate for the district was 1.3 million. Whites comprised 70% of the population and Non-whites 30%. The purpose of this study was to characterize intimate and family homicide and to determine the types of weapons used.

Definitions

Family and intimate violence includes those cases where participants were related by blood, marriage or emotional ties. For example, we included children who were murdered by their caretakers, if that person had an on-going responsibility of childcare that went beyond occasional babysitting. In addition, the violence that originates in a relationship between two people often extends beyond that relationship to include others who step in to protect a victim of abuse. For example, in this study, if a father kills his daughter's estranged boyfriend, the homicide is included even though the relationship does not fit traditional categories of blood or marriage. Likewise when reviewing cases, the coders found a number of situations where a new intimate partner killed an estranged intimate partner or spouse. Typically, the homicide occurred in the context of an immediate threat posed by the former partner. These cases were coded as "boyfriend/girlfriend in common."

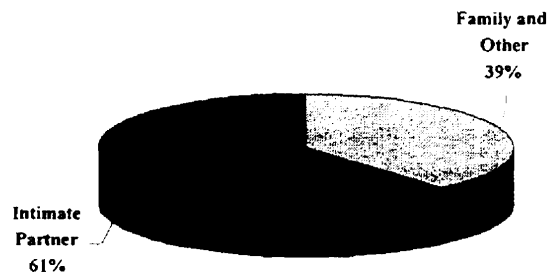
Method

All homicides that occurred between 1986 and 1988 were selected for review. The homicide was included in the study if the person was a resident of the Central District and they died in the Central District; and if an intimate or family connection between the alleged offender and victim was documented in the medical examiner case file. The medical examiner file contains a report of investigation by the medical examiner, a report of autopsy, toxicology results, firearm reports, call sheets, certificates of death, and photographs. It may also include medical records, police reports, news clippings, and subpoenas. Information was abstracted from the case file and entered into a database for analysis. Results were compared to Uniform Crime Report, Supplemental Homicide Report data for the same localities and time period.

Findings

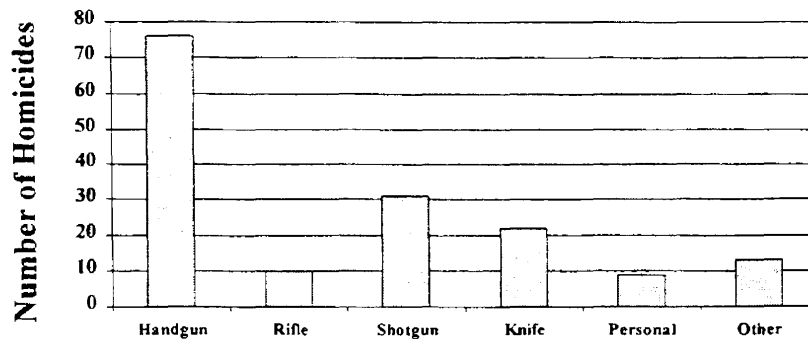
In the three years from 1986 to 1988, 493 residents of the Central District died as a result of homicide. Of those, 161 or 32.6% were intimate or family homicides. Ninety-nine or 61% of the 161 homicides occurred between intimate partners. Intimate partners include: spouse, ex-spouse, boyfriend, girlfriend, ex-boyfriend, ex-girlfriend, and gay/lesbian partner. Other family or intimates accounted for 62 or 39% of the homicides. Other family or intimates includes: parents, siblings, in-laws, children, step parents, extended family members and persons with other intimate connections such as the situations described above (Figure 1).

Figure 1. FIH Central District 1986-1988 Type of Family and Intimate Relationship, total=161



Handguns were the most frequently employed lethal weapons accounting for 76/161 or 47% of the homicides. Shotguns accounted for 31/161 or 19%, rifles for 10/161 or 6%, knives for 22/161 or 14%, personal weapons such as hands or feet for 9/161 or 6% and other weapons such as blunt object or ligature

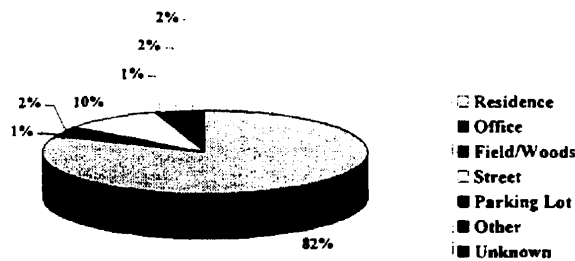
Figure 2. FIH Central District, 1986-1988 Type of Weapon, total=161



for 13/161 or 8%. In all, firearms were used in 117/161 or 73% of these homicides (Figure 2).

One hundred thirty-two or 82% of the homicides took place in a residence. Sixteen or 10% occurred on the street and two or 1% occurred in an office (Figure 3). In 18 homicides, a total of 27 children witnessed the violence and in 5 homicides, a total of eight children found the victim. In 21 or 13% of the cases the perpetrator also killed himself and in 6 or 4% of the cases the perpetrator attempted suicide.

Figure 3. FIH Central District 1986 - 1988 by Location, total=161

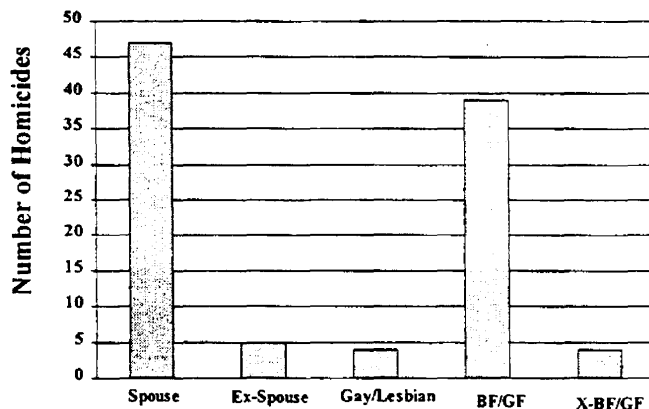


Thus 17% of these homicides occurred in the context of a murder-suicide or attempted murder-suicide setting.

Intimate Partners

The distribution of the 99 intimate partner homicides by victim-offender relationship can be seen in Figure 4. Forty-seven or 47% of the victims were married to the perpetrator and 5 or 5% had been married. Thirty-nine or 39% of the victims were unmarried heterosexual partners and 4 or 4% were unmarried heterosexual partners who had broken up. Four or 4% of the victims were gay or lesbian.

Figure 4. FIH Central District, 1986-1988, Intimate Partners Victim-Offender Relationship, total=99



Most of the intimate partners who were killed were female, accounting for 68/99 or 69% of the total. The 2:1 female to male ratio in these cases is typical of domestic violence where women are usually the victims. In addition, 59/99 or 60% of the intimate partner homicides occurred among Blacks (Figure 5). The average age of the intimate partner victim was 35 years old. The victims ranged in age from 17 to 74 years old (Figure 6).

Figure 5. Intimate Partners Central District 1986-1988 by Race and Gender, total=99

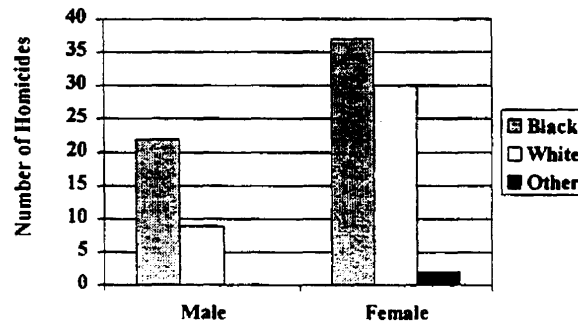
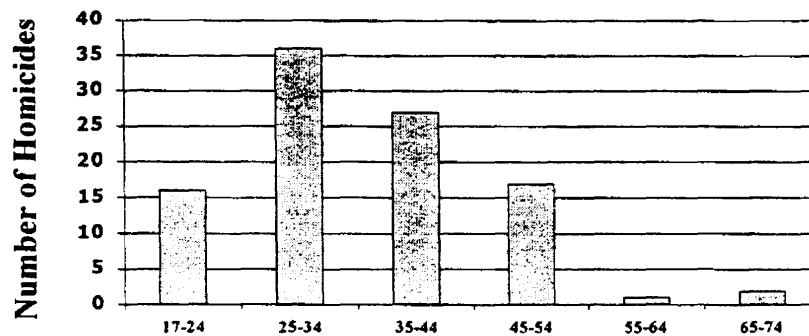


Figure 6. FIH Central District, 1986-1988 Intimate Partners by Age, total=99



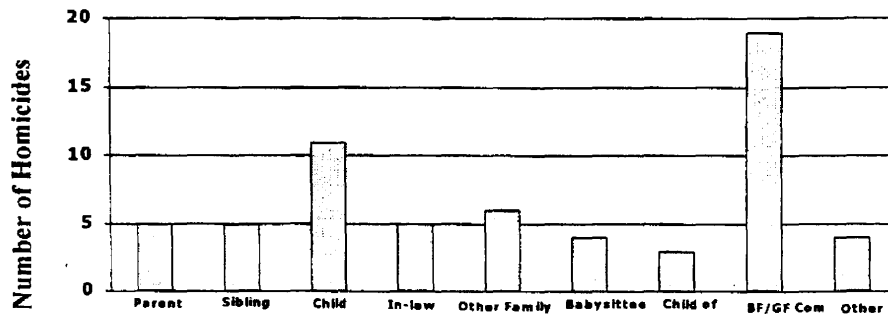
In 39 cases, at least one and often more than one of the following factors were documented: a history of prior domestic disputes, threats of violence, stalking, divorce, separation, or break-up. This suggests that the homicide occurred in the context of previous conflict or violence between the intimate partners. Moreover, only 51/99 or 51% of the intimate partners lived together at the time of the homicide.

Among the intimate partners, 25 had children in common and 12 did not have children in common. In the remaining 62 cases it could not be determined whether or not the couple had any children.

Family and Other Intimates

The intimate partners described above represent classic domestic violence incidents where the victim is usually female. The data presented here includes all the other victims of family or intimate violence that did not fit the intimate partner criteria described above. Family members or other intimates killed sixty-two persons during the study period. The distribution of these cases by victim-offender relationship can be seen in Figure 7. Nineteen or 30% of these homicides occurred among people who were linked by a mutual intimate partner and described here as boyfriend/girlfriend in common. Among these 19 cases, in 17, both the victim and the perpetrator were male. The remaining cases were distributed among child for 11 or 18%, other family members for 10 or 16%, parents for 5 or 8%, siblings for 5 or 8%, in-law for 5 or 8%, children killed by a caretaker for 4 or 6%, and children killed by their parent’s intimate partner for 3 or 5%.

Figure 7. FIH Central District, 1986 - 1988 Family and Other Intimate by Victim-Offender Relationship, N=62



The distribution of these homicides by race and sex can be seen in Figure 8. Forty-nine or 79% of the victims were male and 42 or 68% of the victims were Black in a population that is 70% White and 30% Non-white. The higher proportion of males in these family and other intimate homicides is largely due to the boyfriend/girlfriend in common relationship category. The victims ranged in age from infants less than a year old to 56 years old (Figure 9).

Figure 8. Family and Other Intimates
Central District 1986 - 1988 by Race and
Gender, total=62

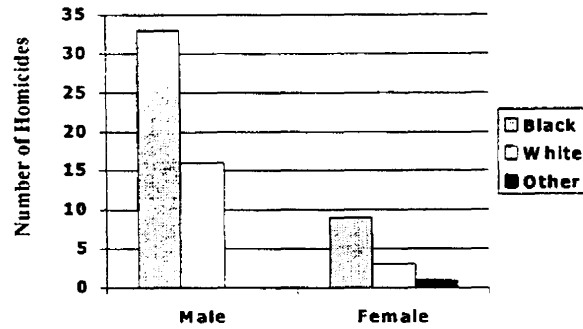
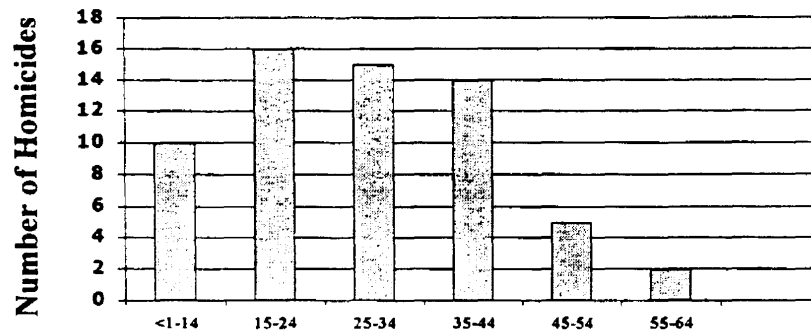


Figure 9. FIH Central District, 1986-1988 Family and Other Intimates by
Age, total=62



Comparison to UCR-SHR Data

The victim-offender relationship variable is used by local law enforcement and reported to the FBI as part of its national crime data collection effort. The SHR (supplemental homicide report) data for 1986 to 1988 in the Central District was obtained from the Department of Criminal Justice Services in order to provide a point of comparison for the findings in this study. Because the OCME added several relationship categories to the standard list, a higher proportion of homicides were categorized as family or intimate (Table 1). In this study, 32.6% of the homicides were categorized as family or intimate; in the SHR data 21.1% of the homicides were categorized as family or intimate. Nevertheless, the comparison is useful as it highlights the apparent under estimation of intimate homicide, particularly between unmarried heterosexuals (Table 2). Most likely, in these cases the victim-offender relationship had been categorized as an acquaintance rather than boyfriend/girlfriend.

Table 1. Comparison of Homicides in Central District
1986-1988, OCME vs UCR-SHR*

	OCME		UCR-SHR	
	No.	%Total	No.	%Total
All Homicides	493		478	
FIH	161	(32.6%)	101	(21.1%)

*Data Provided by the Department of Criminal Justice Services

FIH= Family and Intimate Homicide

UCR-SHR= Uniform Crime Report- Supplemental Homicide Report

Table 2. Comparison Selected Victim-Offender Relationships

Victim-Offender Relationship	OCME Number	UCR-SHR* Number
BF/GF	39	23
Ex BF/GF	4	NA
Gay/Lesbian	4	NA
Child of BF/GF	3	NA
BF/GF in Common	19	NA
Other Intimate	4	NA

* Data provided by the Department of Criminal Justice Services

BF/GF= boyfriend or girlfriend

NA=Not available

Conclusions

Family and intimate homicide in the Central District of the OCME accounted for 161/493 or 32.6% of all homicides between 1986 and 1988. Firearms accounted for 73% of the homicides and handguns were the most frequently used firearm. Among the intimate partners, females were two times more frequently the victims than males. This 2:1 female to male ratio is typical of domestic violence homicides. Only 53% of the intimate partners had been married and only 51% of the intimate partners lived together at the time of the homicide. Blacks comprise approximately 30% of the population in the Central District and are disproportionately represented in these data, accounting for 60% of the intimate partner homicides and 68% of the family and other intimate homicides.

The apparent differences in OCME data and law enforcement data suggest that some intimate partner violence may be under estimated in the existing data collection systems. Family and intimate violence surveillance would improve our understanding of the epidemiology of violence among intimates.

APPENDIX O. *RELIGIOUS COMMUNITY SURVEY*

RESULTS OF PHONE SURVEY OF SELECTED RELIGIOUS LEADERS

Members of the Religious Communities' Response to Family Violence Task Group agreed to survey religious leaders from a variety of religious traditions including:

- a) Catholic
- b) mainstream Protestant
- c) Buddhism
- d) Christian Scientist
- e) Friends (Quakers)
- f) Hindu
- g) Greek Orthodox
- h) Jehovah's Witness
- i) Pentecostal Holiness
- j) Word
- k) Mormon
- l) Church of Christ

Of these groups Commission staff were unable to contact religious leaders from the Buddhist, the Friends, the Hindu, Greek Orthodox, and Judaic communities. Commission staff were able to contact religious leaders from the Jehovah's Witness community, and although they would not participate in a phone survey, they did offer to answer the questionnaire if it was mailed. In addition, the Muslim community is represented in the survey thanks to the work done by Dr. Al-Hibri, the Catholic community is represented thanks to the work done by Kathleen Kenney, and the mainstream Protestant community is represented thanks to the work done by Patti Sunday-Winters. The results from the interviews that did take place follows.

Please remember that the responses are those of individuals and not executive bodies.

Findings:

The responses of the religious leaders indicate that family violence is unacceptable in all the traditions surveyed. Most of the leaders expressed a desire for more information and training related to family violence. They also identified the need to know about the professional services available in their communities and how to refer people to these services.

1. **What behaviors does your tradition consider inappropriate, offensive, or unacceptable?** (Many of the religious leaders felt this question was too vague and that certain behaviors would be acceptable in one situation and not another.)

Responses:

Catholic: Any behavior which does not respect another's rights, or limits an individual's right to respond. (I.e., Abandonment of children)

Mainstream Protestant: Physical and sexual violence are not only unacceptable but they are considered sinful. Interpersonal relationships that create fear, a sense of worthlessness and are intimidating are unacceptable.

Word: Any behavior that is verbally or physically abusive would be inappropriate, no one should have to accept physical, verbal or sexual abuse.

Pentecostal: Any physical or sexual abuse; we have a very strong covenant of commitment that deals with words and actions. We share this covenant with our congregants and then help each other to be responsible.

Christian Science: There is never any situation where it is ok for one partner to abuse another, however I know that it does happen, there is no excuse for it.

Church of Christ: Any behavior that is physically, verbally or sexually abusive. Sometimes it is hard to identify if you do not know the whole situation. This question is hard to answer without more specifics.

Mormon: Any time a spouse loses composure with another family member, as serious as striking another member of the family or raising a voice. Any loss of personal control.

Islam: The behaviors on the survey form are unacceptable in our community except for flirting, hugging and kissing which is allowed with legally married spouse. In addition jokes about sex, viewing women as sex objects, criticizing partner sexually, unwanted touch, uncomfortable touch, teasing, joking about habits, insults, yelling and threatening the safety/custody of children are classified as offensive instead of unacceptable.

2. In your opinion, how do religious leaders respond to family violence?

Responses:

Catholic: Pastors attempt to be supportive and refer the parties to appropriate professionals. There is a growing awareness in the Catholic Church of the need to identify and refer families experiencing violence to appropriate services.

Mainstream Protestant: Many leaders complain of lack of training, lack of understanding concerning the dynamics involved in family violence, and lack of knowledge of community resources for victims.

Word: If a child is involved the leader immediately calls social services to report the suspected abuse; this is the law and we follow the law. Once social services has been called we offer ongoing biblical counseling. If an adult is being abused and there is the possibility of health or life being threatened the pastor advises the woman to leave the home immediately and file a police report. The church then steps in to offer counseling to both parties.

Pentecostal: Depends on the type of abuse, we prefer the response come from an intervention agency. We apply biblical teachings and offer biblical counseling. If the abuse is physical or emotional the pastor will intervene, if the abuse is sexual we comply with the mandates of the law. The pastor must follow the law while at the same time pastor to the perpetrator.

Christian Science: Pray continuously for victims and batterers, constant prayer.

Church of Christ: We are opposed to family violence. Sometimes the leaders are not aware that family violence is occurring, and may avoid the situation or pass it on to another because of a lack of training. Leaders may not know the correct way to handle the situation.

Mormon: We respond in keeping with the marital vows and family cohesiveness. A batterer would be subject to disciplinary action within the church. Leaders would refer to counseling in the hope and anticipation that the behavior would change.

Islam: The ruling in Islam is that a person would intervene from the husband's side and from the wife's side and try to patch things up. Sometimes the couple comes to the religious leader for advice and counseling.

3. In your opinion, why does family violence occur?

Responses:

Catholic: Use of alcohol, drugs, lack of understanding between partners, passed on from one generation to the next, poor self-image.

Mainstream Protestant: Family violence is a result of a number of factors, the most common being power and control issues, views towards women, learned behavior and a sense of entitlement.

Word: The way that people are raised, not knowing how to communicate, not knowing how to deal with anger. You cannot expect everyone to be like you and when they are not some people become angry.

Pentecostal: There is a multiplicity of answers: low self-esteem, repetitive cycle, negative words and actions on the part of another.

Christian Science: Occurs out of an unhappy situation, an emotionally unstable person, someone with low self-esteem.

Church of Christ: Depends on the circumstances going on around the family, money problems enhance the pressures and this may lead to family violence.

Mormon: From family members not understanding the eternal relationship of the family, the family is the center of civilization. One putting their selfish needs before the needs of the family.

Islam: Lack of knowledge of religion or lack of practicing religion. Prophet Muhammad said the best among you is the one who is best to his wife, and I am the best toward my family.

4. In your opinion, what are the obstacles, challenges and/or limitations faced by your religious community in their response to family violence?

Responses:

Catholic: The limited number of resources, often clergy find out after the violence has taken place and don't know how to respond, lack of education.

Mainstream Protestant: A lack on understanding. Educating clergy and other leaders about the issue and developing an appropriate model response by clergy or religious leaders.

Word: It is very difficult when one partner wants help and the other does not. A lack of education on the part of the clergy.

Pentecostal: A lack of understanding of the resources available, difficulty in identifying victims and batterers, a lack of willingness on the part of the batterer to stand up and admit there is a problem. In addition many parents lack parenting skills.

Christian Science: No obstacles except not accepting it as a true picture of the victim/offender relationship. We offer one-on-one counseling, and provide physical accommodations.

Church of Christ: Lack of knowledge, lack of exposure to the issue, not knowing what to say to the victims and the batterers, a fear that the family may leave the church because of embarrassment. The family may not trust their pastor and may not be willing to admit there is a problem.

Mormon: Denial on the part of the offender, a belief held by the offender that his/her action is a one-time loss of control and not a long-term problem.

Islam: Denial on the part of the offender, a belief held by the offender that his/her action is a one-time loss of control and not a long-term problem. Plus no real interest in solving these problems religiously, in a religious light.

5. How can the Commission on Family Violence Prevention be helpful to you or your religious community?

Responses:

Catholic: Provide informational materials and perhaps a seminar for the community, education, identify alternatives and make resources available.

Mainstream Protestant: The religious community has an extensive history of providing quality foster care, health care, and poverty relief services in collaboration with the state and federal government. Encourage the Commission to support the efforts of religious communities in their participation in educational and prevention program for victims of family violence.

Word: Become involved in our outreach ministry, set up a table of information during the outreach program.

Pentecostal: Make resources available to the congregation, send out an individual to speak to the congregation about family violence and who they can turn to in their time of need.

Christian Science: Most of our work is done in prayer and love, the Commission should continue to provide what it can.

Church of Christ: When a pastor is trying to help often a family gets passed from one social service agency to another, the Commission should convene a task group that would seek to incorporate all service providers to see what can be done to provide easy access to services. It is hard to locate help if you are unfamiliar with the system.

Mormon: Promote a greater awareness throughout the community that family violence cuts across all socio-economic and racial lines.

Islam: By being a liaison with the religious leaders of our community should any case come up with Muslims involved.

