


**FAMILY VIOLENCE ISSUES
IN MUNICIPAL COURT**



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OVERVIEW

By the end of this session you will be able to:

- Identify the phases of the Cycle of Violence
- Describe and employ legislative requirements for Class C family violence cases
- Recognize professional, societal and practical implications/concerns in dealing with family violence cases

What is Family Violence?

Definition is not limited to the “normal” family
Family Code includes:

- > Dating Violence (FC 71.0021)
- > Former spouses (FC 71.003)
- > Parents of the same child, without regard to marriage
- > Foster parent/foster child

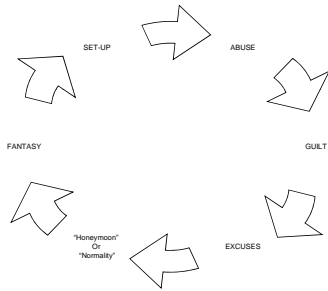
“Without regard to whether those individuals reside together”

Family Code definitions cont'd

- Household member (FC 71.005, .006)
 “living together in same dwelling without regard to whether they are related to each other”
 includes a person who previously lived in the household.

Relationships can be by consanguinity or affinity

CYCLE OF VIOLENCE




CYLCE OF VIOLENCE

- Abuse** --power play, control “who’s the boss”
- Guilt/apologies** -- “I’m sorry, I love you”
- Excuses/Rationalization** --“why did you make me mad”
- Normality/Honeymoon**—Fallin’ in love again!
- Fantasy/Planning** -- suspicion, spends time thinking of what she is doing and with who.
- Set-Up**—creates a situation where he can justify abusing again.

WHAT FAMILY VIOLENCE IS NOT

MYTHS ABOUT FAMILY VIOLENCE



MYTH #1 “Family Violence is rare”

- ⊗ Over 74% of Texans are close to someone who has experienced family violence; 47% report personally experiencing domestic violence of some type
- ⊗ 1 of 3 teen girls in a “serious” relationship report concern about being physically hurt by their partner
- ⊗ Domestic violence is the leading cause of injury requiring serious medical attention in woman ages 18-49
- ⊗ Nationwide three woman are murdered by their boyfriend or husband every day.

Myth #2“Family Violence is confined to the lower classes”

- ⊗ Reports from police records, victim services and academic studies show domestic violence exists equally in every socioeconomic group, regardless of race or culture.

Myth #3 “Family violence is about rage and anger—He just lost it”

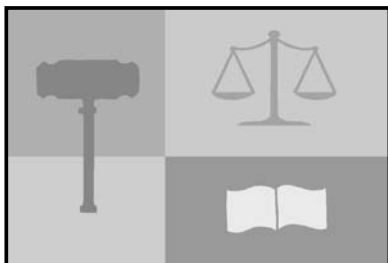
- ⊗ Family violence is about CONTROL-Not anger or rage
- ⊗ Abuse “where it won’t show”
- ⊗ They don’t “lose it” with friends/coworkers
- ⊗ Abuse stops when someone is looking or when police arrive

Myth #4 “She must like it or she would leave”

- ⊗ Victims do leave—up to 7-10 times before getting out for good
- ⊗ Emotional insecurity and lack of self-esteem
- ⊗ Resources—who controls them, where is the help?
- ⊗ Victims/Survivors are in the most danger of being killed when leaving abusive relationships

Ask yourself “how easy would it be for me to just pack up and leave?”

IMPLICATIONS FOR MUNICIPAL COURT



VIOLATIONS IN MUNICIPAL COURT	
<input type="checkbox"/> Class C Misdemeanors punishable by maximum fine of \$500	
<ul style="list-style-type: none"> • Penal Code 22.01 (a) (2)—Assault by Threat “intentionally or knowingly threatens another with imminent bodily injury...” • Penal Code 22.01(a)(3)-Assault by Offensive Physical Contact “intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative” 	
<input type="checkbox"/> Does <u>not</u> include defensive measures to protect oneself	

Legislative Requirements	
Family Violence Admonishments	
<p>SB 1236 requires persons charged with family violence be admonished on the possible loss of the right to possess or purchase a firearm if convicted</p>	

Admonishment Notice:	
Art. 27.14 CCP	
<input type="checkbox"/> Admonishment may be:	
<ul style="list-style-type: none"> ✓ (1) oral ✓ (2) written; or ✓ (3) if defendant is charged with a misdemeanor punishable by FINE only (class C); the statement printed on a citation issued under Art. 14.06(b) CCP may serve as the court admonishment 	

Citation Requirement

Amends Art. 14 and Art 27.14 CCP requiring the federally mandated language be on any citation issued for Assault with Family Violence

- **“If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.”**

WHY IT MATTERS



Professional, Societal and Practical Implications

Court Security

- Know when family violence cases are on your dockets, make others aware (PD, staff, judge)
- Identify parties when they arrive, who did they bring with them?
- Be alert to:
 - Body language
 - Excessive talking/whispering
 - The “glare”
- Get defendant out as soon as business is finished

Personal & Professional Issues

- Be aware of your feelings
- You may be familiar with parties, confidentiality
- Uncomfortable/embarrassing for victim, defendant, staff



Effects on Children/Schools

- Numerous behavioral and emotional consequences including:
- Truancy, poor school performance
 - Acting out in school, community
 - Isolation from friends, teachers
 - Developing poor coping and anger management skills frequently ill

Use/Abuse of Law Enforcement Resources

- 40% of inmates incarcerated for domestic violence were on probation, parole or under restraining order at time of current attack
- Evidentiary issues—"He said/She said"
- Dropping charges/Refusal to testify—hearts and flowers when the event is over
- Frustration for police—numerous visits to same residence

Societal Effects-Workplace

- 57% of CEO's state domestic violence is a major problem in society
- One-third of CEOs believe domestic violence has had a negative impact on their "bottom line"
- Leads to lost productivity, absenteeism, higher health care costs (est. \$1.8 billion annually in corporate losses)
- Federal government has mandated employee awareness campaigns in all Federal departments

Bibliography

- Mid-Valley Women's Crisis Service—
www.mvwcs.com
- USDA Safety, Health and Employee Welfare Division-Domestic Violence Awareness Handbook
usda.gov/da/shmd/aware.htm
- National Coalition Against Domestic Violence
ncadv.org
- Texas Council on Family Violence-www.tcfv.org
