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Domestic Violence Review

Office of the State Courts Administrator
Office of Court Improvement

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Helpful Web Resources
Family Courts
DV Benchbook
DV Strategic Plan
Petitioner Brochures
Respondent Brochures
DV Civil Injunction Survey Report
DV Resources for Court Staff
DV Case Management Guidelines
Best Practices: Child Support in DV cases
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Virtual Court Available for Continuing Education Credits

The Virtual Court program offers Florida domestic violence stakeholders an opportunity to learn about domestic violence proceedings and see the case through the judge's eyes. The program allows the user to act as judge in a domestic violence simulation. The case is fictitious, but the questions are real questions that judges must grapple with every day. Learn the laws that guide judges' actions during domestic violence proceedings with our engaging, interactive online program. The program can be accessed at: http://virtualcourt.flcourts.org.

The Virtual Court program is approved for up to 1.50 non-conference Domestic Violence CJE credit hours. Judges may apply for Continuing Judicial Education (CJE) credit by emailing a request to CJEMail@flcourts.org or writing to: Court Education Division, Office of the State Courts Administrator, 500 South Duval Street, Tallahassee, Florida 32399-1900 (Attention: CJE Credit). Judges who have completed the program but have not yet requested a certificate of completion may do so by sending an email request to vcsupport@flcourts.org.

The Florida Bar has approved 2.00 hours of general Continuing Legal Education (CLE) credit (including 1.50 hours of Marital and Family Law Certification credit) for the completion of this training module. Individuals are required to post their CLE activity on the Florida Bar website, www.floridabar.org, to receive credit. Please refer to course #19141.

Completion of the Domestic Violence Virtual Court training module can count as 2.0 hours of Domestic Violence Continuing Mediator Education (CME) credit. Individuals are required to keep the information pertaining to the completed virtual court course during the two-year cycle. Individuals will then report the information on the CME Reporting Form included in the renewal packet at the time of renewal, not when the credit is earned. The CME Reporting Form is also available on the Dispute Resolution Center's website.

News from the Office of Court Improvement

2012 DV Coordinators Meeting

The Office of Court Improvement hosted a Domestic Violence Coordinators Meeting in Ponte Vedra Beach on February 16-17, 2012. This meeting was a chance for DV coordinators to learn about recent domestic violence issues and was attended by DV coordinators throughout Florida. Among some of the topics covered at the meeting were a presentation from law enforcement on the "anatomy of a domestic violence case," a presentation on sexual violence, an introduction to the ways in which abusers can use technology to stalk their victims, and a discussion regarding issues and concerns specific to elder abuse.

Virtual Court Program News

The Office of Court Improvement is very pleased to announce that the virtual court program has been upgraded. The upgrade allows users to create and print their own certificate of completion after completing the course. In addition, the upgrade includes a streamlined evaluation form for users to provide feedback about their experience with the program. The virtual court program is available to all stakeholders in the domestic violence injunction process.

Upcoming Projects and Events

- COMPLIANCE PROMISING PRACTICES PILOT PROGRAM The Office of Court Improvement has developed a promising practices module on the enforcement of batterer compliance with orders to complete Batterer Intervention Programs (BIPs). This module examines methods of tracking and reminders to ensure that batterers ordered to BIPs do in fact attend and complete the programs. Such enforcement will demonstrate the courts' continued commitment to protecting victims from further violence. The promising practices guide is expected to be released in June, 2012.

- 2012 DOMESTIC VIOLENCE CASE MANAGEMENT GUIDELINES The Office of Court Improvement is in the process of updating its 2008 Domestic Violence Case Management Guidelines. In addition to the information found in the current guide, the 2012 guidelines will include updated and in-depth information on current issues and processes that case managers may encounter. The updated version is tentatively scheduled to be available by June, 2012.

The Cultural Context of Domestic Violence

By: Andrew Wentzell, Esq.

In the United States, approximately 25% of all women are victims of domestic violence.[1] When the scope of this statistic is narrowed to immigrant women only, the percentage of women who have been victims of domestic violence raises to between 34% and 49.8%.[2] When narrowed to married immigrant women, this percentage increases again, to 59.5%.[3] Finally, if the scope of this is narrowed to married women whose immigration status is dependent upon their spouse, the statistic increases to

[1] *Domestic Violence Facts.* National Coalition Against Domestic Violence (2007). *See also* Rothman, Emily F.; Gupta, Jhumka; Pavlos, Carlene; Dang, Quynh; Coutinho, Paula. *Batterer Intervention Program Enrollment and Completion Among Immigrant Men in Massachusetts*. 13(5) Violence Against Women 527 (2007), *at* 527.
[2] Clark, Mary B. *Falling Through the Cracks: The Impact of VAWA 2005's Unfinished Business on Immigrant Victims of Domestic Violence*. 7 U. Md. L.J. Race Religion Gender & Class 37 (2007), *at* 40.
[3] *Id.*

77%.[4] As these statistics demonstrate, the immigrant population in the United States is at heightened risk for domestic violence.

However, any discussion about domestic violence and immigrant populations must be done in the proper context. Approaching immigrant domestic violence issues from a "one-size-fits-all" perspective does not adequately address the variety of cultural factors that uniquely affect the experiences of different ethnic groups.[5] Instead, the discussion should be framed by the understanding that culture shapes experiences, shades our perspectives, and affects both how we view ourselves and how we view each other.[6] It's a concept called "cultural competence," the idea that any meaningful awareness of culture demands understanding how different cultures' traditions and beliefs can change the context in which domestic violence occurs.[7] By learning about the customs and practices of different cultures, courts may be better prepared and more responsive to the needs of both victims and respondents.[8]

This article will discuss the numerous factors that affect immigrant domestic violence experiences in the United States. None of these factors should be used as a way to blame the victim for the abuse or excuse the abuser for his actions, but should be used to understand the cultural context in which the abuse occurred. Finally, the factors discussed in this article may not all apply to every immigrant domestic violence situation. Different cultures may have different norms and attitudes. This article is intended to serve as an introduction to cultural competence, a small glimpse of the numerous and varied cultural beliefs about women, society, and abuse.

Beliefs about the role of woman as wife

In many cultures, gender roles are very well-defined and rigid in application; deviation from these gender norms often draws harsh, negative responses. In several studies, researchers found that these gender roles served as a justification for abuse and increased women's vulnerability to abuse by keeping them isolated, subservient to male partners, and self-sacrificing to community and family.[9] Even in cultures where significant progress has been made in equalizing gender roles, there are still lingering norms that emphasize the belief that the woman as a wife should obey her husband in all things and be subservient to his needs. In a study of Vietnamese culture, it was noted that although Vietnamese family traditions have greatly changed in the 20th century, there remain aspects of traditional ideology that affect Vietnamese immigrants' views regarding domestic violence.[10] These remnants -- called the "Four Virtues" and "Three Obediences" -- require the woman to have polite and agreeable conduct and speech, and to submit to her father when young, her husband when married, and her eldest son when widowed; they have become a vital part of the idea of femininity in Vietnam.[11] As a result, many

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[4] *Id*.
[5] Latta, Rachel E.; Goodman, Lisa A. *Considering the Interplay of Cultural Context and Service Provision in Intimate Partner Violence: The Case of Haitian Immigrant Women*. 11(11) Violence Against Women 1441 (2005), *at* 1458.
[6] Bent-Goodley, Tricia B. *Health Disparities and Violence Among Women: Why and How Cultural and Societal Influences Matter*. 8(2) Trauma, Violence, & Abuse 90 (2007), *at* 92-93.
[7] *id at* 92.
[8] Sullivan, Marianne; Senturia, Kirsten; Negash, Tigist; Shiu-Thronton, Sharyne; and Giday, Beruke. *"For Us It Is Like Living in the Dark": Ethiopian Women's Experiences With Domestic Violence*. 20(8) Journal of Interpersonal Violence 922 (2005), *at* 923.
[9] Raj, Anita; Silverman, Jay. *Violence Against Immigrant Women: The Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence*. 8(3) Violence Against Women 367 (2002), *at* 370.
[10] Bui, Hoan. *Help-Seeking Behavior Among Abused Immigrant Women: A Case of Vietnamese American Women*. 9(2) Violence Against Women 207 (2003), *at* 231.
[11] *Id at* 237.

Vietnamese American women reported feeling ashamed for being victims of abuse and said that these cultural ideals prevented them from talking with non-family about the abuse.[12]

As another example, in the Latino culture there exists a concept called "marianism," derived from the concept of the Virgin Mary as the ideal woman and wife. This concept refers to the role of the wife in society; women are expected to be loyal and endure physical abuse as a way of demonstrating their loyalty.[13] This emphasis on the loyalty to family has been reported to affect Latinas' understandings of domestic violence; often they believe that it is the husband's right to hit them.[14] One woman explained how the Latino culture perpetuated this concept:

> "'Since I was a child, my family told me to be submissive. They raised me to believe that I am supposed to find a man and marry him in order to have any value. I must stay with him forever and attend to his and my children's every need before I attend to mine.'"[15]

Given the strength and pervasiveness of this cultural belief, it is common for extended family members to support the abuser in a domestic violence situation -- abuse victims have reported that extended family members are not sympathetic to the victim, especially if she seeks outside help.[16]

In addition to the beliefs about the woman as wife, many cultures have tightly held beliefs about the woman as a mother, beliefs that also affect immigrants' views about domestic violence. In the Latino culture, the belief that the woman has an obligation to keep the family whole and united is a factor that may keep abuse victims from leaving their abusers.[17] In many cultures, the abused immigrant wife and mother may risk being ostracized by family and community if she were to try to leave her husband and children, rendering her in their eyes as not a good woman;[18] she may try to maintain the family bonds in an effort to continue to self-identify as a "real woman."[19] Such beliefs can prevent abuse victims from leaving the abuser or from telling others of the abuse for fear of being shamed or drawing shame on their husbands or their families.[20] Further, if the abuse victim does leave the abusive husband, she is often blamed for breaking up the family and taking the father away from the children.[21]

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[12] *Id at* 231.

[13] Vidales, Guadalupe T. *Arrested Justice: The Multifaceted Plight of Immigrant Latinas who Faced Domestic Violence*. 25 Journal of Family Violence 533 (2010), *at* 537.

[14] *Id*.

[15] *Id*.

[16] *Id*.

[17] Orloff, Leslye E.; Dutton, Mary Ann; Hass, Giselle Aguilar; and Ammar, Nawal. *Recent Developments: Battered Immigrant Women's Willingness to Call For Help and Police Response*. 13 UCLA Women's law Journal 43 (2003-2005), *at* 82.

[18] Menjivar, Cecilia; Salcido, Olivia. *Immigrant Women and Domestic Violence: Common Experiences in Different Countries*. 16(6) Gender and Society 898 (2002), *at* 905.

[19] Ahmad, Farah; Driver, Natasha; McNally, Mary Jane; Stewart, Donna E. *"Why doesn't she seek help for partner abuse?" An Exploratory Study with South Asian Immigrant Women*. 69 Social Science and Medicine 613 (2009), *at* 617.

[20] *Supra* note 9 *at* 384.

[21] *Id at* 384-385.

Belief about role of man as husband

Just as there are varied and numerous cultural beliefs about the role of the wife that influence perceptions of domestic violence, so too are there cultural beliefs about the role of the husband that can influence how men and women view domestic violence. As mentioned earlier, these beliefs are often instilled from a very young age. Women in many cultures have reported being raised in environments where the fathers were considered "authoritarian decision makers with the right to wield violence as needed to secure women's compliance…"[22]

These cultural norms socialize both men and women into strict gender roles. Researchers found that, in Latino culture, men are expected to be the king of the castle, and to make the rules.[23] A study of Chinese cultural beliefs revealed that Asian cultural traditions emphasize that the male as husband and father has a superior position in the family.[24] Further, in studies of Asian and Middle Eastern communities, both men and women indicated that they believed that if women deviated from their culturally accepted role, it would be acceptable for men to discipline them using physical violence.[25] In many Muslim communities, husbands are placed in the role of disciplinarian, given the power to discipline their wives for non-compliance or "morally obscene behavior."[26] In some cultures, the gender norms may diverge severely from what norms exist in the United States today. For example, in certain Mexican and South Asian immigrant groups, marital rape is viewed as a male right, even as it is recognized as harmful to women.[27]

Beliefs About Family

In many cultures, family is an important part of life. Families can be a safe place, and can provide protection from domestic violence. But family loyalty can be a double-edged sword.[28] In many cultures, the concept of family loyalty binds spouses together from the moment they marry. This belief is so deeply ingrained, Haitian victims have reported that their families have pressured them to stay with the abuser to keep the family together.[29] In a study of multiple cultures, participants reported that their families pressured them to stay with their abusive spouses. The families used fear, guilt, and shame to convince their daughters to stay in the relationships.[30] In the Latino culture, there is an emphasis on family interaction and togetherness, placing group needs over individual needs.[31] This emphasis may correlate with an increased resistance to leaving an abusive relationship -- the strong belief in family

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[22] Erez, Edna; Adelman, Madelaine; Gregory, Carol. *Intersections of Immigration and Domestic Violence*. 4(1) Feminist Criminology 32 (2009), *at* 48.
[23] *Supra* note 13 *at* 537.
[24] *Supra* note 10 *at* 211.
[25] *Supra* note 9 *at* 369.
[26] Abdullah, Keilani. A Peaceful Ideal, Violent Realities: A Study on Muslim Female Domestic Violence Survivors. In *Change from within: Diverse perspectives on domestic violence in Muslim communities* (Maha B. Alkhateeb and Salma Elkadi Abugideiri eds., Peaceful Families Project, 2007), *at* 71. **Note: There are differing opinions over the proper translation for the words in the Qur'an which supposedly provide husbands the ability to abuse their wives -- and whether the Qur'an even allows husbands that ability.
[27] *Id at* 376.
[28] Supra note 5, at 1449.
[29] *Supra* note 5, *at* 1449.
[30] *Supra* note 22 *at* 48.
[31] *Supra* note 13 *at* 536.

togetherness may be harder to overcome -- and can contribute to a pattern recognized in many abusive relationships: repeated separations followed by repeated reconciliations.[32]

Religious beliefs

Religion plays a large role in many cultural systems, providing support and guidance to its adherents. But those same religious beliefs can also reinforce traditional gender roles and fail to suppress beliefs that normalize domestic violence. In one study, Latino women reported that religious obligations were pervasive factors that kept them from leaving their abusers.[33] Because religion emphasizes family unity and loyalty, many religious people do not believe in divorce. In a study of Haitian immigrant communities, several women reported that some Haitian women do not believe in divorce, even if there is abuse present.[34] Further, where abuse is present, there is a strong inclination to refrain from discussing the problem outside of the church.[35] However, churches may not have appropriate or sufficient services to assist abuse victims. In some instances, Haitian women reported that the community churches they turned to for assistance provided inadequate support; in a few instances, the community church provided "destructive" assistance.[36] Some community churches would not acknowledge the problem of domestic violence; others simply encouraged the women to always obey their husbands.[37] In Muslim communities, women have reported that their religious leaders, imams, often told them to be patient and pray for the abuse to end; some reported that they were blamed for the abuse as a result of not pleasing their husbands.[38] By failing to denounce domestic violence, by aligning with the husband figure, these religious figures were perpetuating beliefs that accepted domestic violence as normal.

Other religious beliefs can also illuminate the diversity of norms that can exist in immigrant cultures. In a study of Latino women, researchers found that people who practiced Catholicism were more likely to believe that marriage was a lifetime commitment, and that they must forgive what they could not change.[39] Where there were serious family problems, researchers noted that Latino women left their problems in "God's hands."[40] This idea of fatalism can be used by both men and women to excuse the situation, believing that what is happening is "God's desire and thus beyond the control of mortals."[41] In some Muslim cultures, the idea that the abuse is "God's desire" goes beyond simply excusing the violence; there exists the fear that any effort to stop the violence or leave the abusive situation is an effort to wrong God.[42]

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[32] *Id*.
[33] *Supra* note 17 *at* 82.
[34] *Supra* note 5 *at* 1449.
[35] *Id*.
[36] *Id*.
[37] *Id at* 1450.
[38] *Supra* note 23 *at* 81.
[39] *Supra* note 13 *at* 536.
[40] *Id*.
[41] *Id*.
[42] Alkhateeb, Maha B; Abugideiri, Salma Elkadi. Introduction. In *Change from within: Diverse perspectives on domestic violence in Muslim communities* (Maha B. Alkhateeb and Salma Elkadi Abugideiri eds., Peaceful Families Project, 2007), *at* 7.

Beliefs about domestic violence

In some cultures, domestic violence is viewed as nothing more or less than a part of life. In one study, abused immigrant women reported that their communities turned a blind eye to domestic violence, and said it was nothing more than "'eating food and drinking water.'"[43] In a study of Ethiopian immigrants, participants reported that there was an Ethiopian saying, "Women love to be abused."[44] According to those participants, because the Ethiopian community didn't have an understanding of domestic violence, and because community members did not see the abuse by men as a problem, abused women were not likely to get support from the community.[45]

When a Haitian immigrant community was examined, participants discussed a number of issues that influenced their views and beliefs regarding domestic violence. These issues seemed to contribute to a belief that domestic violence was a common event, to be accepted with little or no intervention.[46] In other immigrant communities, these beliefs about domestic violence serve as a basis for minimizing any violence and supporting the abuser over the abused.[47] In several Asian cultures, an abused woman seeking help from her community would incur a "loss of face" because she did not keep the problem inside the family.[48] In many Muslim cultures, domestic violence is considered a private matter, and women are often severely discouraged, even in some instances forbidden, to expose problems and seek assistance.[49] In other cultures, help-seeking may not result in community backlash, but does not often resolve positively. When battered women do seek help, it is often from other females in their community. However, studies have found that women in immigrant communities may be less willing to accept changes in gender roles, and are more likely to uphold the traditional views on gender roles.[50] Thus, they often ignore the abuse or condone it,[51] telling the victim to accept the abuse and not make her partner angry.[52]

Beliefs about the system's response

Immigrant communities' beliefs about the justice system are very often based in part on the justice system of their native land. If the community comes from a country where the justice system does not recognize domestic violence, does not have any response in place,[53] or has official responses that are never utilized,[54] the immigrant community often believes that the system response in the United States will be the same. Haitian immigrants, for example, reported that civil restraining orders do not exist in Haiti.[55] They also reported that there are no social services in place in Haiti to help abuse victims.[56]

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[43] *Supra* note 19 *at* 617.
[44] *Supra* note 8 *at* 926.
[45] *Id at* 927.
[46] *Supra* note 5 *at* 1447.
[47] *Supra* note 8 *at* 926.
[48] *Supra* note 10 *at* 211.
[49] *Supra* note 23 *at* 74.
[50] *Supra* note 18 *at* 905.
[51] *Supra* note 9 *at* 384.
[52] *Supra* note 10 *at* 218.
[53] *Supra* note 17 *at* 66.
[54] *Id at* 69.
[55] *Supra* note 5 *at* 1448.

Finally, police there were reported to be very unwilling to response to domestic violence situations.[57] These immigrants' experiences taught them that the justice system did not recognize or care about domestic violence. As another example, many Muslim countries have laws based on an interpretation of *Shariah*. In these countries, domestic violence and honor killings are ignored; women do not often make it to government authorities to voice their complaints.[58] Or, if women were allowed to forward their complaints, they found that there are no mechanisms for enforcement available.[59] When immigrants in such situations immigrated to the United States, they did not know to expect any different system response.

Additionally, any negative treatment regarding domestic violence received in the United States only reinforces the belief that the justice system can or will do nothing to stop domestic violence. These negative experiences are quickly spread throughout the immigrant community, and immigrants begin to internalize this belief that the justice system is unresponsive to domestic violence.[60] As an example, one study detailed common experiences in a Latino immigrant community. Officers dispatched to domestic violence problems often spoke only English. When the husband spoke more English than the abused wife, his version was more often accepted on his wife's behalf; she was without a voice in such situations.[61] Such experiences are quickly shared in the immigrant community, and the community rapidly accepts the idea that the police response is lax or cursory where domestic violence is concerned.

Further, it's not just encounters with the police that are shared throughout the community. Any negative experiences with any facet of the justice system are quickly disseminated. Courts are particularly vulnerable where non-professional or unqualified interpreters are used in the court process. In one study, two such examples were provided. A non-professional interpreter was used in a domestic violence case, and was overheard mistranslating the victim's statements. She said that her abuser said, "I want you dead"; the interpreter told the court that she said, "He scolded me."[62] In the second example, a non-professional interpreter was overheard both incorrectly translating for the victim in court, and also adding his own opinion when relaying the court's remarks back to the victim. He was taking the abuser's side and encouraging the victim to forgive her abuser and return home.[63] Such experiences, even if they occur without court knowledge or awareness, are linked to the court response. When immigrants hear these negative experiences, their own negative beliefs about the system response are reinforced and further solidified.

Conclusion

The above examples are only a few facets of the beliefs and ideas that weave together to form a cultural identity. Any attempt at a multicultural view of domestic violence must assess more than just one dimension of the culture. Instead, it is the interconnectedness of the culture's beliefs about the person,

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[56] *Id*.
[57] *Id at* 1447.
[58] *Supra* note 23 *at* 78-79.
[59] *Id.*
[60] *Supra* note 6 *at* 96.
[61] *Supra* note 13 *at* 539.
[62] Lemon, Nancy K.D. *Access to Justice: Can Domestic Violence Courts Better Address the Needs of Non-English Speaking Victims of Domestic Violence?* 21 Berkeley Journal of Gender, Law, and Justice 38 (2006), *at* 45-46.
[63] *Id at* 46.

family, society, and institution that shape the immigrant domestic violence experience.[64] Every immigrant may have different cultural beliefs, and the concept of cultural competence does not demand that every cultural belief or norm must be known. Instead, cultural competence asks for a willingness to set aside preconceived notions about a culture and understand that there exists a wide variety of beliefs; only by being open to other cultural beliefs and their influence on immigrants can a court be better prepared and more responsive to the needs of those victims and respondents that come before it.

[64] *Supra* note 13 *at* 541.

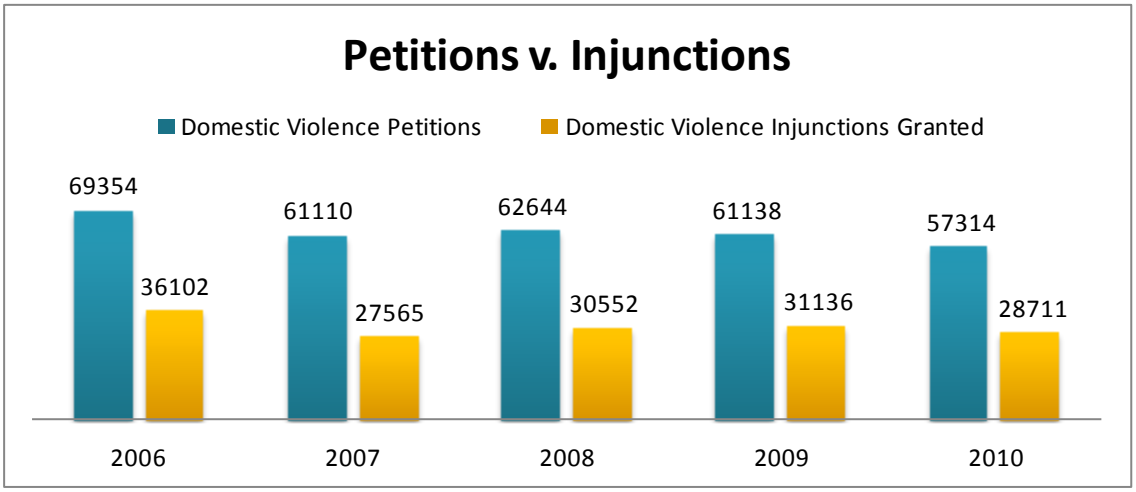
Florida Domestic Violence Statistics

By: Andrew Wentzell, Esq.

There is a dearth of consolidated data regarding domestic violence in Florida. Few agencies collect information on different aspects of domestic violence, and it can be difficult to assess the individual pieces of information. This report pools data from the Office of the State Courts Administrator ("OSCA") and the Florida Department of Law Enforcement ("FDLE") in an effort to provide a glimpse at the state of domestic violence in the state of Florida.

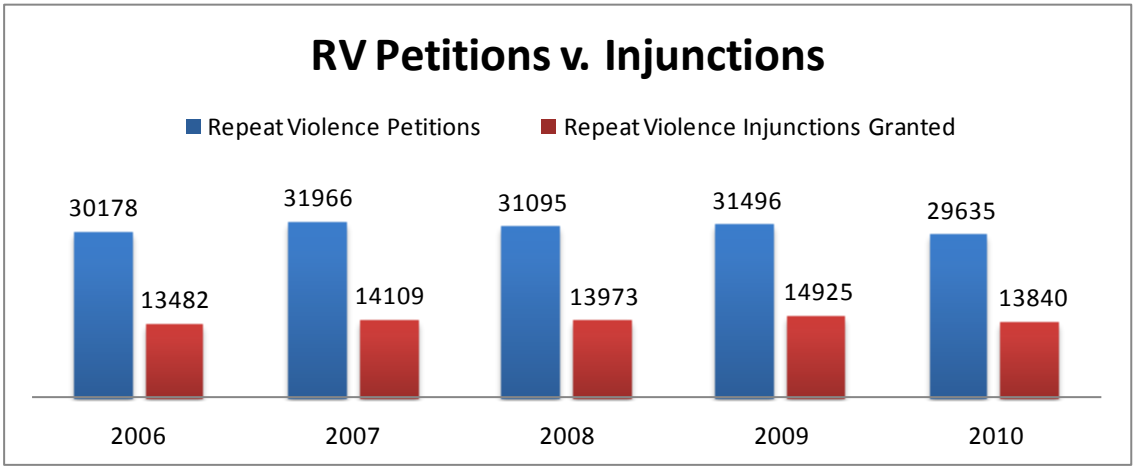
1. Domestic Violence Petitions

Data was collected from OSCA's Trial Court Statistics Reference Guides, from 2006 - 2010. As the chart below shows, the number of petitions for protection against domestic violence being filed has generally decreased. Similarly, the number of petitions granted has decreased also. It is interesting to note that the proportion of petitions that are granted remains fairly steady at approximately one-half of those that are filed.



2. *Repeat Violence Petitions*

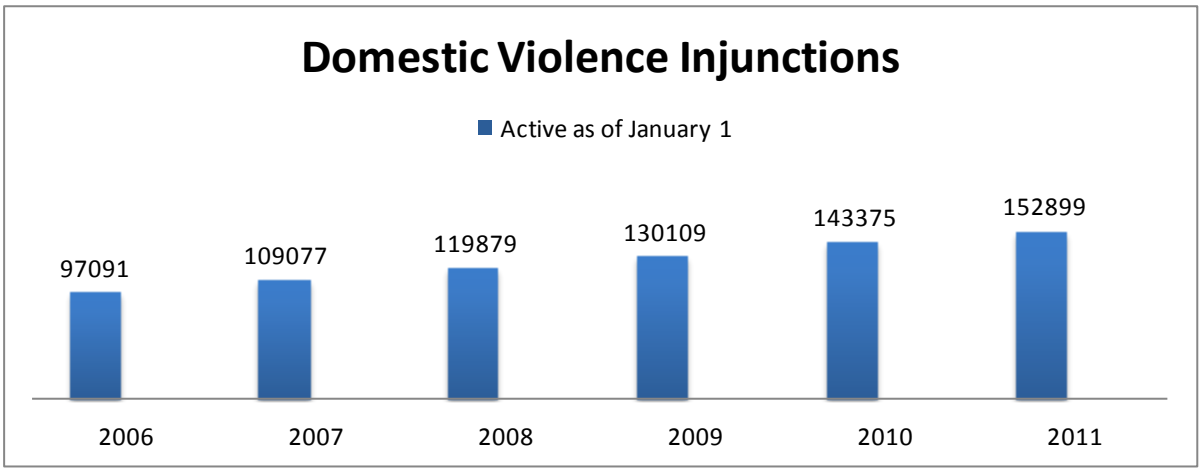
Data was collected from OSCA's Trial Court Statistics Reference Guides, from 2006 - 2010. Please note that the Reference Guide combines Dating Violence, Sexual Violence, and Repeat Violence petitions and injunctions into this category. There is no clear trend in the number of petitions filed from 2006 - 2010, nor in the number of injunctions granted, save that the number of injunctions granted remains between 40 and 50 percent of the number of injunctions sought. Additionally, the number of repeat violence petitions filed is approximately one-half the number of domestic violence petitions filed.



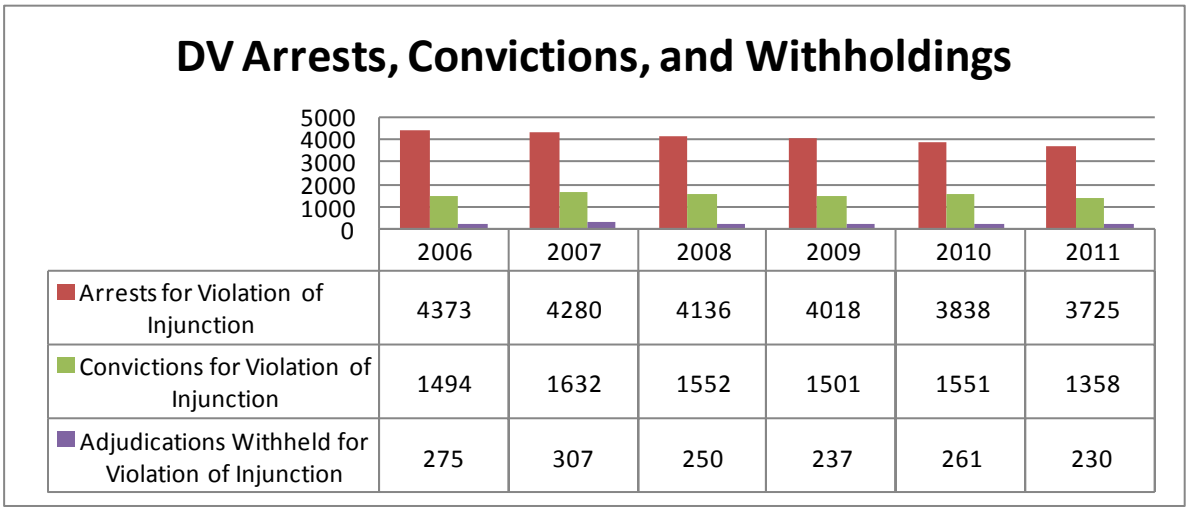
Unfortunately, no agency is currently recording data that tracks sexual violence and dating violence injunctions. As such, no information can be presented on these types of injunctions.

3. *Domestic Violence Injunction Database*

The FDLE maintains a database of valid injunctions. The database is dynamic -- it is updated constantly, as new injunctions are ordered and unnecessary injunctions are dismissed. This makes it very difficult to accurately assess the number of injunctions in the database. However, the FDLE does take a "snapshot" of the database on January 1 of every year. By comparing the number of injunctions in force every January 1, a rough understanding of recent trends can be gained. The number of valid injunctions increased every year from 2006 to 2011. This is due in part to the fact that injunctions may be for a limited duration, or may be permanent.



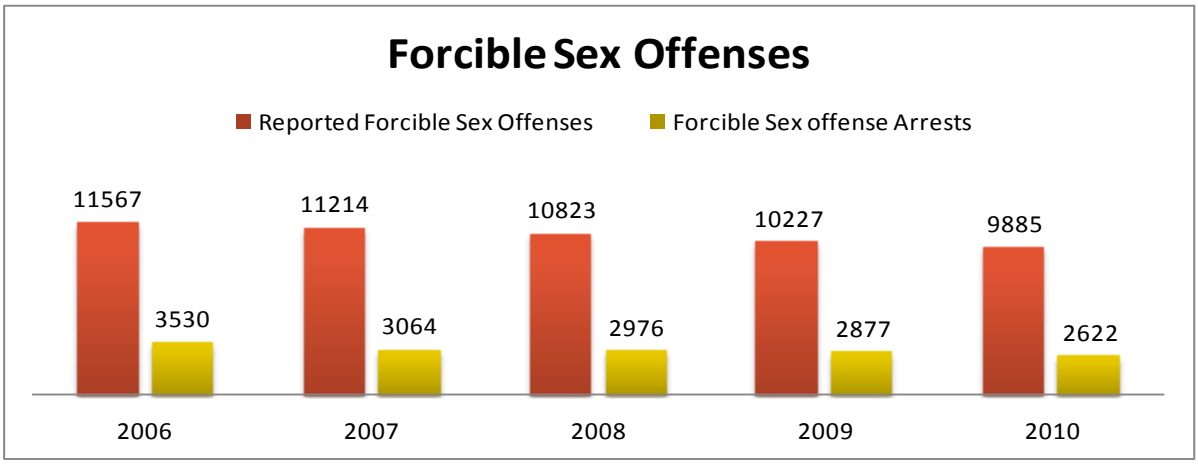
Additionally, the FDLE records the number of domestic violence arrests, convictions, and adjudications withheld. While not all records contain the statutory basis for the arrests, enough records contain the data to provide a representative sample. Compared to the number of injunctions on the database, arrests for violation of an injunction are quite low, and decreased every year from 2006 to 2011. The number of convictions fluctuates within a fairly narrow range in the time frame sampled. Finally, the number of adjudications withheld decreased overall between 2006 and 2001.



	2006	2007	2008	2009	2010	2011
Arrests for Violation of Injunction	4373	4280	4136	4018	3838	3725
Convictions for Violation of Injunction	1494	1632	1552	1501	1551	1358
Adjudications Withheld for Violation of Injunction	275	307	250	237	261	230

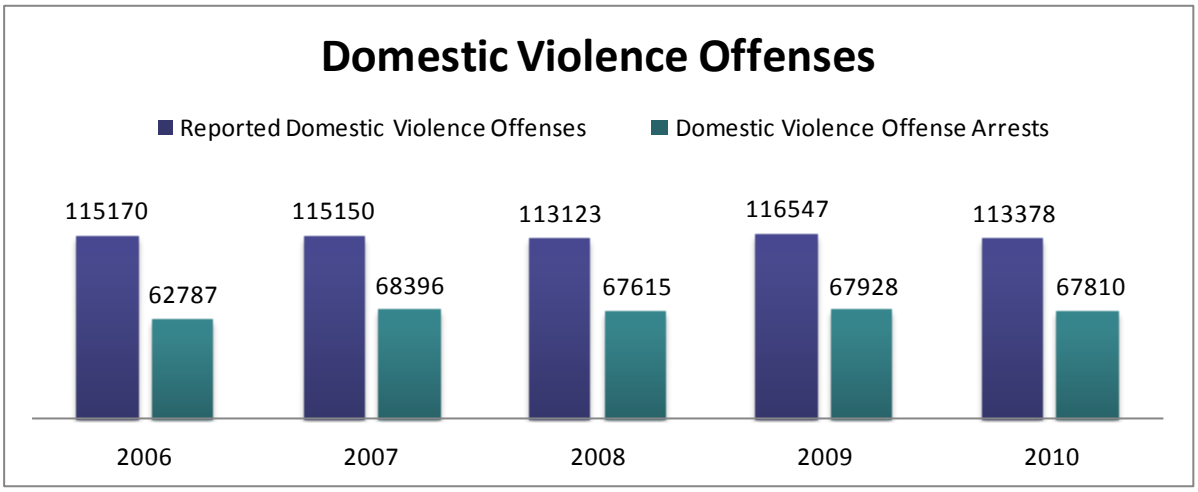
4. Sexual Violence Offenses

The FDLE produces a yearly Florida Uniform Crime Report, which provides information on the number of offenses reported, and the number of arrests, for different types of crime. The reported crimes that fall under the general category of "sexual violence" are forced rape, forced sodomy, and forced fondling. Between 2006 and 2010, the number of sexual violence offenses reported declined steadily, as did the number of arrests recorded. The number of arrests remained at approximately one-third the number of reported offenses.



5. Domestic Violence Offenses

As with sexual violence data, the FDLE Florida Uniform Crime Report records domestic violence offenses reported and domestic violence arrests. However, in the case of domestic violence, the relevant crimes are not listed specifically. As with sexual violence, domestic violence offenses declined overall in the five-year period between 2006 and 2010. Arrests for crimes of domestic violence increased overall in that five-year period.



Caselaw Corner

Berthiaume v. B.S, --- So. 3d ----, 2012 WL 762033, 37 Fla. L. Weekly D609 (Fla. 1st DCA 2012). SECTION 784.046, F.S., PROVIDES THE CUSTODIAL PARENT THE RIGHT TO MAKE ALLEGATIONS IN A SWORN PETITION BASED ON OUT-OF-COURT STATEMENTS BY THE MINOR CHILD FOR WHOM THE INJUNCTION IS SOUGHT. Respondent appealed the trial court's entry of a final judgment of injunction for protection against sexual violence. At the hearing on the petition, respondent's counsel moved to strike hearsay statements made by the child victim to the custodial parent which were included in the sworn statement, on the basis that the statements were hearsay and that the court could not make the required analysis under § 90.803(23), F.S. On appeal, the appellate court found that the language of §§784.046(2)(a) and (c) and (4)(a) provide that, if the parent filing the sworn petition had reasonable cause to believe the minor child is a victim of sexual violence by a nonparent, the sworn petition would be a "presumptively sufficient basis for an injunction." The court acknowledged that different sections governed different court proceedings, which could produce different results; however, a sworn petition was held to be sufficient to support an injunction. The appellate court also noted that the appellant in this instance had the opportunity to introduce witnesses and cross-examine the complaining witness. March 12, 2012. http://opinions.1dca.org/written/opinions2012/03-12-2012/11-4858.pdf

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People wishing to contribute to future editions of the "Domestic Violence Review" should contact Andrew Wentzell at Wentzella@flcourts.org.