DOMESTIC VIOLENCE IN 1988

AN HONORS THESIS (ID 499)

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DOMESTIC VIOLENCE IN 1988

The problem of domestic violence has existed since the beginning of time, as is evidenced by the stereotypical scenes of cavemen and their conquests. Once men realized their part in procreation, compared to the belief that spirits fathered children, did they become more aggressive and dominant? Regardless, these social attitudes have been passed down through the centuries and are still visible today. Even "professionals" such as those in the medical setting, prosecutors and police are wary to shed these views.

With the pervasive Women's Movement of the 1970's the legislative ground has only recently been broken. Modern and useful laws are being passed and shelters are gaining acceptance. However, the "typical" abuser and victim and the reasons why domestic violence occurs are still shrouded with half truths and useless myths.

Solutions to this widespread problem will not come easily or quickly. A sweep of public awareness will have to occur before the myriad of laws and legislation will serve any purpose or truly begin to chip away at the problem. Both civil and criminal remedies will need to be strengthened and enforced.

Between 2-4 million incidents of domestic violence occur each year, and it is estimated that 50-60% of the 47 million married couples have had at least one violent incident, while 10-
25% suffer violence as a common occurrence. Researchers estimate this to be 50-60% yet acknowledge that only 28% are willing to admit it and describe violent acts in a mass interview survey (Jaffe 14).

Since spouse abuse is not an FBI crime category, police reports tell us nothing about its prevalence. However, the estimate is that it is three times more prevalent than rape. While men and women report battering in equal numbers, wife beating is more serious because wives usually injure or abuse while defending themselves from physical or sexual assault.

Once a woman is victimized her chances of being victimized again within six months is 32%. Kentucky is considered the state with the highest rate of domestic violence with 21% of the married women voluntarily reporting to being victims of at least one incident, and one in ten reporting an incident within the most recent year (Fortune 1).

DEFINITIONS

Domestic violence does not have a uniform definition, this makes formulating legislation to combat it more difficult. The National Institute of Justice defines domestic violence as any rape, robbery, aggravated assault or simple assault committed against a married, divorced or separated woman by a relative or other person well known to the victim. Under this broad definition, one-third of the incidents evaluated may be classified as felonies, and the remaining two-thirds would be classified as misdemeanors in most states. This classification
is not determined by the presence or absence of any injury but by the presence or absence of a weapon and/or the extent of the actual inflicted injury.

Most of these injuries are to the head and neck, in addition to bruises, strangle marks, black eyes, split lips, eye damage, fractured jaws, broken noses and permanent hearing loss. Assaults to the trunk of the body also occur but are less common. In most definitions "wife" is considered to mean any woman who maintains an intimate relationship with a man. Abused or battered is usually defined as violence that can cause serious injury or death, thus, violence means the exercise of physical force, while aggression is an unprovoked physical or verbal attack.

Lisa Lerman in her Model State Act defines domestic violence as including battery, assault, coercion, sexual assault, harassment, unlawful imprisonment, unlawful entry, damage to property, theft or any conduct that could be punished as a criminal act (71). The National Clearinghouse on Domestic Violence in their Manual for Service Providers lists physical abuse, as well as psychological abuse such as verbal arguments, brainwashing, depriving a victim of sleep or food; sexual abuse, and the destruction of property and pets belonging to the victim (53).

Fine distinctions can be made. For example, a battered woman may mean a woman subjected to severe, repeated physical injury from a spouse. A tortured wife may describe women
subjected to severe, repeated physical injury from a spouse. A tortured wife may describe women subjected to cold calculated acts that have a sadistic element, which is absent in most battery cases. What is certainly clear from these various descriptions is the intensely serious nature of the problem of family violence.

Domestic violence also includes rape, child abuse, abuse of a male spouse, and child kidnapping, all of which are serious social ills. However, this project focuses solely on the battering of women. This in no way minimizes the scope of these other incidents of violence.

HISTORY

Laws sanctioning the abusive treatment of women appear in the bible, throughout Greek and roman civilization, and are codified in the English common law from which our own is derived. It is also seen in male dominated religions which advocate female subordination. This could historically have been called benevolently neglect, since family problems were not considered legitimate social concerns (Gelb 110).

Examples of domestic violence go as far back as 500 A.D., when Emperor Constantine had his wife Fausta scalded to death. Did he realize he was setting a 14 century precedent? In Scotland, wives could be publicly ridiculed by the use of a brank, an iron bridle with a padlock and a spike to enter the mouth (Roy 12).

The history of domestic violence and corresponding
legislation begins about a century ago with the Society for the Prevention of Cruelty Against Animals (SPCA) taking the initial interest in child abuse in 1874. Taking children from their parents has never been as controversial as encouraging divorce. While children are innocents, women should sacrifice their happiness. The growth of these societies was phenomenal compared to Societies Preventing Cruelty to Wives, only one of which existed in 1885.

By 1860, only two states had passed laws prohibiting wife beating. In 1824, Mississippi upheld the husband’s Right of Chastisement. However, instances of wife abuse have been on the record since the 1830s. The Protective Agency for Women and Children founded in 1885 in Chicago was one of the first successful agencies providing both forms of legal aid and personal assistance. The Protection Agency eventually merged with the Bureau of Justice.

Unfortunately, with 19th century American tracts specifically stating that a husband could not be punished for beating his wife with a stick, pulling her hair, choking her, spitting in her face or kicking her about the face there was little hope of any progress in this area. Additionally, the helping professions such as the police and emergency rooms, those who often have the first contact with such victims often protected patterns of family authority. Unwittingly, these professionals were sanctioning abuse and further cementing it in our social strata, rather than condemning it.
An 1871 English statute incorporated the original "rule of thumb". A man may chastise his wife with a rod not to be thicker than his thumb. Even great reforms such as the Progressive era (1890-1920), Juvenile and Family Court, protective labor legislation for women and children, the mother’s pension (ADC) and the family wage were designed to restore the traditional role of women (Gelles 123).

Other great reforms include law reforms following the Parliamentary Commission of 1875 with the Women’s Property Act in 1882, the Matrimonial Causes Act in 1884 and the Married Women’s Act of 1895. Parliament in 1879, with the help of Lord Penzance and Frances Cobb attached a protective amendment to the divorce bill to aid battered women’s rights. Thus, all of them attempted to improve the position of married women.

In instances during the 1830s, the public defended the family by supporting the traditional structure, accusing the state of invading family life. Even feminists made distinctions between worthy and unworthy victims in the 1800s. Although the 1870s represented a high point of feminist interest in crimes against women not matched again until the 1970s. For example, they separated those women performing a feminine role from those "dreadful viragos" who fought back.

The Women's Christian Temperance Union of the 19th century, though often ridiculed as a puritanical reform movement, was, in fact, a response to wife abuse. While traditionally, women were forced to confront the patriarchal alliance of father-husband-
priest, today this has just shifted to the business-government-service professions. The individuals are now just hidden within structural organizations and red tape.

Spouse abuse came into national consciousness about a decade after child abuse largely as a result of efforts by the Women's Movement. The efforts of the 1970s were resisted greatly due to the "Blame the Victim" ideology. Efforts were interpreted as antifamily and contributory to the family breakup.

An important contribution of the Women's Movement was that it kept the issue before the public and as a result, many states changed their laws to give better protection to battered women and some states have begun to help provide some funds for shelters. The struggle to gain liberation and equality for women brought women of all ages together for consciousness raising sessions. It helped many participants discover that they shared similar dark secrets (Lincoln 71).

Feminists were successful in this short term goal of consciousness raising. They gained mass support, and the government along with the judiciary and the police began to reform policies. States became slowly and reluctantly involved by setting task forces and special commissions in motion. Women were becoming more vocal about subjects formerly considered a secret shame or the failure of the victim.

This tends to refute the notion that the "Women's Lib" is a superficial or passing phenomenon and that if women would be passive and dependent things would be all right again. For
example, women in New York City have recently filed a class action suit against the New York City Police Department and the New York Family Court for their failure to act in assisting battered women.

It would be unfair to cite the work of the Women's Movement with domestic violence without mentioning the work of Erin Pizzey. Pizzey established the first women's shelter specifically for battered women in England in 1971. Thus, raising awareness for the need for shelters worldwide to a new level. This original shelter was donated by a local housing council, and was known as Chiswick Women's Aid. It originally served as a meeting place founded on a community therapeutic model. The shelter provided short term safety and the usual stay was 6-12 months (Shelter 41).

SOCIETY'S VIEWS

For someone who has not studied domestic violence, a normal attitude exists as to why this can happen in our modern society and why women tolerate such abuse. Perhaps, an understanding of the attitudes and beliefs some people hold and are raised with will help.

Children are usually raised in sex stereotypical roles, they are disciplined with coercion and became tolerant of coercive force to get what they want. Boys are told they are sissies if they do not fight back and parents are proud when they hold in tears if they are in pain. Families decide their own levels of violence and high levels may pass down through many generations.
Battering may seem acceptable when it is renamed strong discipline, and more violence becomes necessary over time to accomplish the same results. Possibly, men may view women as being on the same level as children (Walker 146).

Girls are conditioned to see themselves in passive roles. Women and children have subservient roles and hold vulnerable positions within the social order and the family unit. Violence is used to control and dominate both. Most batterers are only violent in their own homes, nurturing society's archaic view of a man's supreme right to discipline. During 1973-83, states enacted legislation specifically to modify social and societal responses to the problem of domestic violence.

Failure to have battering accepted as a serious issue explains its absence from medical and police records. Women report to friends, relatives, police, clergy, physicians and social workers without evoking much concern. Wives of professional or businessmen have a harder time proving physical cruelty because women married to influential men in the community are aware that if they seek help they must be prepared for immediate publicity, embarrassment, and the potential ruination of their husband's career and reputation. This is a heavy burden to bear and these women frequently practice intricate concealment and coverups.

For these women, social situations are the only time they feel safe because they realize that the abuser will be on his best behavior and they feel they can express their own anger.
Battered women seldom know other battered women, they honestly believe their experiences are unique. Even when women's advocates speak or give presentations to women's groups they can expect some initial resistance because of the audience's attempt to deny the existence of the problem. However, there will be empathy and compassion if they can see themselves in equally vulnerable situations. Society's response has traditionally been one of silence and denial.

Domestic violence is shrouded in many myths held by both abusers and victims. Some believe that it is a pathology rooted in the socio-economic problems of the lower classes, stemming from male unemployment or financial insecurity, alcoholism or drug addiction or a culture of poverty. The women may believe and follow such cliches as you always hurt the ones you love, marriage is forever, you made your bed now lie in it, and that divorced women are responsible for their marital failures.

Women may have certain beliefs that are instrumental in keeping them rooted in the abusive situation. For instance, a woman's place is at her husband's side, no real woman leaves because of a few family fights, its the woman's responsibility to keep the family functioning harmoniously, and it must by her fault if he is being violent. The list goes on, she should learn to be a better wife, you can not run away from your problems, the family should stay together through thick and thin.

Below is a list of ten of the most common myths surrounding domestic violence (Walker 20):
1) Battered women are masochistic, they like it and deserve it.

2) Domestic violence affects only a small percentage of the population.

3) Battered women are crazy or have some psychological problem.

4) Middle class women are not battered as often or as violently as poorer women.

5) Religious beliefs will prevent battering.

6) Battered women are uneducated with few job skills.

7) Batterers are not violent in all relationships.

8) Police can protect battered women.

9) Batterers also must beat their children.

10) Battered women can always leave home.

Some of these beliefs exist because they are partly true. For example, middle class and lower class women are battered just as frequently, but lower class women use shelters more often since they have few other resources available. Middle class women are more likely to go to a hotel or use a counselor. Only 10% of victims usually call the police so their ability to protect battered women is limited. Drinking may be associated with violence but it is not the sole cause, and only about one-third of abusers also beat their children.

REACTIONS OF PROFESSIONALS

Professionals in the medical and judicial fields and clergy
are often the first contact many battered women have with someone in a position to help them. Unfortunately, their reaction is not always positive and simply serves to perpetuate the myths. Battered women report how rare it is to tell their entire story to someone, most listeners cut them off when they get to the more ghastly details.

These women are often pictured as pathetic victims, trapped, depressed, helpless, and vulnerable with little self-confidence, a completely damaged ego and little or no capacity to act decisively to change their lives without counseling.

The emergency room is often the first contact with professional care. Of the women who use emergency surgical services, it is estimated that 21% are battered. Most abuse is physical, but without the use of weapons, although 18% were found to result in stab wounds (Stark v).

Battering accounts for 25% of all suicide attempts, one-half of which are by black women. Injuries to the extremities or hip area are least associated with domestic assault. The anatomic location is usually the head, face, neck, throat, chest, and abdomen.

It is possible to distinguish between nonbattered women by type of injury, the anatomic location, frequency of injury, reproductive history, psychosocial problems, pediatric medical history and sociodemographic background. Injuries are likely to be abrasions and contusions for which no physiologic cause can be attributed.
Yet, medical personnel diagnose only one battered woman in 25 and report that sometimes it is difficult to tell if a woman is in a battering relationship or an unhappy marriage. This current pattern of medical response contributes to the battering syndrome. While they may be improving the health of their patients, they are inadvertently reinforcing the social relations that undermine the problem.

They follow a "draw the curtain" philosophy and do not usually ask battered women for details and are quick to believe obviously fabricated stories. Yet, battered women are the best judges of their situation, they rarely exaggerate and are more likely to minimize the seriousness of the relationship.

Spiritual advisors are in a wonderful position to be a wealth of support for these women, but that is rarely the case. Battered women are frequently held responsible for the violence and told to go home and be a better wife, "he's confused, unchallenged because of a need for discipline, the father is the head of the household and can do as he chooses with 'his' family" (Fortune 35).

The response of the legal system to domestic violence often focuses on methods of intervention such as temporary restraining orders, arrest, prosecution, conviction and sentencing of abusers. Yet, the purpose of intervention should be to assist battered women "to make justice where there has been profound injustice."

Judges typically dismiss or continue cases, issue nominal
fines or at most, sentence the offender to a short period of probation. Little judicial cognizance exists for the need for rehabilitative programs or other noncriminal positive alternatives. One judge is reported as admonishing a husband "you know you can't go around beating your wife anymore, but if I were you, I would do the same thing" (Fortune 112).

Historically, the decision of whether to prosecute or arrest was based on the informal stick rule, depending on the number of stitches needed for a wound. Prosecutors often voluntarily dismiss most domestic violence complaints because of the mandatory cooling off periods of 2 - 7 days in many jurisdictions. A cooling off period requires prosecutors to wait a determined amount of time following a complaint from a victim before initiating action. Many cases are screened before a warrant can even be issued, delays are produced at least partially to facilitate reconciliation and voluntary complaint withdrawal.

Few states have imposed mandatory duties on prosecutors, or else they are limited to highly specialized situations. These may include specifically the handling of violations of temporary restraining orders, or informing victims of their rights. In Washington and Utah prosecutors must inform victims of their decision whether or not to prosecute and if not the victim's opportunity to initiate private complaints.

One obstacle in gaining effectiveness with prosecutors is the normally high turnover rate of Assistant District Attorneys
and prosecutors. During the existence of the LEAA, there was a grant available aimed at lessening the need for prosecution through an arbitration-mutual agreement to stop violence. However, this assumed that the woman was an accomplice and somehow at fault and it did not work out.

Some of the reasons prosecutors are known not to prosecute include the following (Lincoln 142):

1) There is a strong systemic bias toward diverting or dismissing new cases because of overcrowding within the system.

2) Prosecutors realize there is a high percentage of complaints which are dismissed by victims during the course of prosecution, thus, rationalizing their cynicism.

3) Prosecution is complicated because obtaining evidence proving domestic assault beyond a reasonable doubt is difficult to acquire and there are usually no witnesses. Minors are normally prohibited from testifying.

4) Prosecutors recognize that in many circumstances that arresting an abuser only escalates the existing problems and processing charges may have a damaging effect on other family members.

5) Because domestic violence cases are routine misdemeanors in most jurisdictions, prosecutors are hesitant to allocate scarce resources to its proper
While it is impossible to define a stereotype of victims and abusers of domestic violence, an overview of some common characteristics is important. Domestic violence is just as prevalent in families from all backgrounds. However, low income abused women are more visible because they seek help from public agencies, whereas, upper class women can go to hotels or private agencies.

Victims of domestic assault are frustrated and depressed, tolerate long term suffering with a martyr like endurance and possess a high tolerance for frustration. This depression may manifest itself in a variety of behaviors, such as hysteria, complaints of feeling tired and other psychosomatic symptoms. Battered women may display self-destructive patterns such as suicide or poor problem solving skills (Gelb 6).

These women typically experience gradually increasing social isolation until there is no network of support left, they feel this proves loyalty to their mate. They view themselves poorly, they often have some type of identity crisis, unsure of their own ego needs; have a loss of boundaries and assessment skills being unable to assess danger accurately. Chronic patterns force them to become accustomed to repeat abuse and violence.

Characteristics relating to their mate are strong emotional and economic dependencies. This is common for women who may have no job skills and young children to support. Battered women
provide excuses and self-blame, they rationalize their spouses violent behavior and accept the guilt.

Distrust abounds with the batterer accusing the woman of being seductive and having affairs. This contributes to her low self-esteem and poor sexual self-image. Victims who use some type of self-defense are usually more independent both economically and emotionally.

Domestic violence is most predominant in families where both parties accept violence as a means of expressing anger and resolving conflict. The victims endure the abuse out of fear, isolation and a sense of helplessness. These women believe the myths, are traditionalists about the family believing in the feminine stereotype: accepting the responsibility while denying the terror and anger. They have severe stress reactions, use sex to establish intimacy and sincerely believe there is no one who will help her.

What is it that keeps women in abusive relationships, why don’t they just leave? These women are compelled to consider whether reporting their situation will actually ease or worsen their experience. Since she is normally emotionally and financially dependent she feels powerless and trapped in the relationship.

Battered women accept the association of love and violence and physical force as a justifiable solution to conflict and frustration. To these women, letting the world know her marriage is a failure is like admitting she has failed as a woman.
Therefore, this victim with little education, few marketable skills and no experience in independent living keeps her fearful secret and remains in the abusive relationship. For women who assault or kill their batterers, death is a more acceptable solution than separation or divorce.

Maria Roy provides a composite of some common characteristics of domestic violence victims, they include the following (19):

RELATIONSHIP TO ABUSER:

* 66.2% were married
24.5% were companions
5.3% were divorced or separated
4.0% some other relationship

AGE OF VICTIM:

23.5% under 25
* 46.0% 26-35 years of age
21.7% 36-50 years
6.0% 51-60 years
2.8% over 60

LENGTH OF RELATIONSHIP:

* 45.9% 0-5 years
27.0% 6-10 years
14.2% 11-15 years About 90% of violence occurred
8.7% 16-25 years between 0-15 years.
4.2% over 26 years

EDUCATION: Women usually projected themselves as more educated
and mature.

SEXUAL HISTORY: 10% of the women had been involved in an incestuous relationship.

Like their victims, batterers come from every social group, race, class, occupation, profession, geographical area, religion and age. These men are filled with anger, resentment, suspicion and tension, are insecure and feel like a loser in a basic way. They are basically a bully given to irrational flashes of violent rage because of the pressures of normal life. Batterers cite the right to discipline their wives as justification for abusive behavior. They generate an aura of helplessness, fear, inadequacy and insecurity as part of a general personality pattern.

Similar to the women they abuse, batterers have low self-esteem; believe the myths; are traditionalists concerning the family; blame others; present a dual personality; and have trouble coping with stress. He uses drinking and battering to cope; uses sex as an act of aggression to enhance his weak esteem. He may be bisexual and does not believe his behavior should have negative consequences (Jaffe 20).

Batterers are pathologically jealous and possessive; he is dependent on his relationship with his spouse. He is terrified of his mate actually leaving him, thus, attempts to completely control his victim. The abuser will minimize, deny and lie about his violent behavior with a low tolerance for frustration and stress.
These men see themselves as failures, possess poor social skills, set unrealistic goals for themselves, rarely acknowledge emotions or feelings and demand unrealistic expectations from their partners. Yet, their partners may see them as charming, lovable and outstanding citizens in the community.

A composite of some common characteristics of abusers include the following (Roy 20).

**AGE OF ABUSER:**
- 12.0% under 25
- *50.2% 26-35 years of age
- 26.6% 36-50 years
- 7.6% 51-60 years
- 3.6% over 60

**OCCUPATION:** 75% hold blue collar jobs.

**FAMILY BACKGROUND:** about 40% were exposed to violence as children

**ALCOHOL AND DRUG ABUSE:** in 40% of the cases violence occurred only when the husband was drunk.

**MORBID JEALOUSY (OTHELLO SYNDROME):** 66% exhibited characteristics

**PREMARITAL VIOLENCE:** 25% admitted signs existed before marriage or cohabitation.

**SOCIAL CONDITIONS:** poverty and poor housing conditions are difficult to estimate but gambling and crowded situations worsen most stressful situations.

**CHILD ABUSE:** 50% of the husbands extended abuse to their children (Gelles 125).

Battering cycles help explain why women develop learned
helplessness and why they do not attempt to escape the abusive relationship. Learned helplessness is the sensation that you are powerless to prevent the rest of the cycle from happening. There are three phases of this cycle and patterns may correspond to different stages of life. The possibility of attack and sustaining injury increases with the level of intimacy within the relationship.

The first stage is the tension building stage. This phase includes minor battering incidents; she provides justification and if he explodes she assumes the guilt. Both become frantic sensing the inevitability of the second stage, they deny it believing they have some degree of control over the batterer's behavior. The second stage is the explosion of the actual battering, either a physical or psychological incident. The batterer ceases to respond to any controls and there is an uncontrollable discharge of tension built up during phase one.

This is followed by the third stage, the "Honeymoon/Remorse" phase. This is a period of a calm/loving respite. The batterers exhibit kindness and is contrite with loving behavior and gestures. He tries to "make it up to her", charming and sorry for his actions; begs forgiveness and promises never to do it again, he believes he can control himself "this time." She believes him also and the cycle begins again (Fortune 1).

Reasons why domestic violence occurs depends on an examination of social attitudes, and the attitudes of victims and abusers. Perhaps, it can be viewed as a complex explanation
rooted in the pathology of sexist societies in which men are taught to view domination of women as their birthright. For centuries they have been given this right by society, a marriage license: a hitting license.

Violence is the result of bottled up frustrations, a denial of rights the abuser feels are legitimate and a continual erosion of self-esteem. It is related to power, not one that has gone corrupt, but the realization that there is an absence of power. Man's physical and economic strength reinforces some women's acceptance of their right to discipline. However, because of crushing economic dependence, for many women their only recourse is the welfare system and in order to qualify they must have left their husbands and be without any other means of support.

Thus, the focus falls on the husband's frustration tolerance, some men never batter, that is not their method of dealing with a situation, other men have learned to batter through experience and example and it appears to be a way to solve problems. This may come through sex-role stereotyping as a child as mentioned earlier.

Both parties may be instigators depending on personality types i.e. if a woman of high provocation is with a man with a low tolerance for frustration violence is more likely. Behavioral theory advocates that violence is a learned pattern and analytical theory claims it is always preceded by frustration. Domestic violence substantiates both theories.

Problems and dependencies have a long time to develop in a
marriage and any violation of trust can be shattering and consequently triggering. There is an intense relationship between battered wives and their husbands and they strive to keep the marriage together and both see themselves as losing if they separate (Duncan 102).

Triggering incidents may be trivial or the result of stress. Perhaps, the meal was not on the table on time, or the food was not cooked the way the batterer prefers it or she made an expenditure without authority. These would be the incidents that would trigger phase two of the battering cycle.

Alan Lincoln cites several good examples of more serious catalysts and contributing factors to abuse (31):

(1) Arguments over money, either the lack of because of unemployment or tight reins over the budget.

(2) Jealousy including sexual problems such as impotency, frigidity, denial and excessive demands.

(3) Alcohol and drug abuse by either spouse.

(4) Disputes over the children

(5) Wife's desire to work outside the home or conversely the wife's refusal to be the sole provider.

(6) Pregnancy, especially one that is unplanned.

CURRENT LAWS

Since crimes are not defined in terms of sex or relationship between victim and offender, few states have such a crime as wife beating or spouse abuse. Since criminal law does not distinguish between violence against strangers or friends, or men and women,
courts and police accept violence when the offender and victim are intimates. Criminal codes do contain the crimes of assault, battery, aggravated assault, intent to assault, murder and rape. Fortunately, all states and the District of Columbia have enacted some type of legislation aimed at protecting battered women. Remedies may be either civil or criminal with the following differences (Rosenberg 91):

<table>
<thead>
<tr>
<th>CIVIL</th>
<th>CRIMINAL</th>
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<tbody>
<tr>
<td>PURPOSE: Compensate the victim</td>
<td>Punish act &amp; stop others</td>
</tr>
<tr>
<td>REMEDIES: Ordered to cease abuse or pay a fine.</td>
<td>Jail sentence, fine or probation</td>
</tr>
<tr>
<td>PROOF: Preponderance of evidence</td>
<td>Beyond a reasonable doubt</td>
</tr>
<tr>
<td>PROCESS: Hire an attorney</td>
<td>Prosecutor acts on behalf of victim</td>
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Yet, as spouse battery was not even a crime in any jurisdiction ten years ago, battered women had to work under laws covering all batteries, and the crime had to be witnessed. A mere complaint is not enough to justify an arrest. Simple assault and simple batteries which occur frequently in domestic violence situations rarely result in arrest. A simple assault is a threat, without a weapon, to do bodily harm, and simple battery is when the abuser intentionally touches the victim against her will.

Changes in legislation have focused on three areas, police response to domestic violence; judicial response to criminal forms of domestic violence and to a lesser extent methods of
providing state fundings for shelters and other direct assistance to victims. Formal changes to criminal codes have been adopted in only a few states. Hopefully, court personnel will be made aware of the real differences between spousal abuse and other assaults (Roy 135).

The District of Columbia and 43 other states enable battered women to obtain civil protection orders without initiating divorce proceedings as was previously required. Eleven states have legislation which make spouse abuse a criminal offense separate from other types of criminal offenses; 33 states have expanded police power to arrest; 29 states have appropriated funds for new services. So, progress is being made but it is slow and cautious.

No federal legislation has been enacted to address the problem. Bills to provide funds to shelters have been introduced every year since 1978. There are 140 cosponsors in the House of Representatives for the Family Violence Prevention and Services Act to the Child Abuse Prevention and Treatment Act that would appropriate $65 million over a three year period to fund helping services for domestic violence victims (U.S.).

Women usually turn to the legal system as a last resort when other sources have failed. Within the last few years, legal remedies have become more available, both civil and criminal have been strengthened. Her other legal options include suing for damages to herself or her property, having the abuser ordered out or restrained from destroying property or harassment.
She may be offered preventive and/or therapeutic interventions. Preventive measures include emergency court orders restraining assailants, emergency shelter, protective institutionalization and bringing criminal charges. Therapeutic measures include counseling, family therapy, and ongoing assistance from a social caseworker. Both strategies may mean sudden and dramatic changes in the victim's life. In many cases, the only legal recourse for an endangered woman is either to make a citizen's arrest of her husband or obtain a protection order or a peace bond from the family court (Stark 40).

A number of states have broadened judicial powers to grant alternative sentences. The traditional reluctance of the judiciary to send abusive individuals to jail or prison has been directly addressed by adopting formal diversion programs. Diversion is a procedure that allows the abuser to put off prosecution, conviction or sentencing if the defendant completes voluntarily a program designed to prevent violence or other criminal conduct. Successful completion results in the dismissal of criminal charges.

Once the woman and the offender get to court issues such as child custody and property division must be settled. Also, if she prosecutes in a criminal court and he must pay a substantial fine she suffers also because of her economic dependence. Social embarrassment will result if he is found not guilty and the violence may escalate.

In states that have fault grounds for divorce, women can be
accused of desertion by their husbands, thus, affecting property distribution. In property division, most states only consider inheritances and property acquired before the marriage as separate property and debts of either party are considered a joint liability. If the husband makes payments he may be considered the sole owner. Many women lose what is rightfully theirs because of their wish to bring the relationship and disagreements to a quick end.

A woman's claim for custody may be prejudiced if she flees without her children, she is viewed as a neglectful mother for abandoning them. Batterers commonly engage in custody battles either to use it as a weapon against the woman or prolong the dissolution of their marriage. Many never use the visitation once it is established.

Both parents are expected to support the child(ren) even if the parents are not married. Yet, child support tapers off after one year, perhaps, because of a second marriage or the abuser's belief that it is unfair to pay support when he is deprived of living with his child(ren) or if the woman lives with another man. Wives may be tempted to withdraw visitation rights which she has no right to do since it is strictly a court order.

One of the biggest responses and legal trends to domestic violence has been the widespread development of injunctive relief to prohibit future violence, broadening of available remedies and measures to limit prosecutorial discretion. One of the primary legislative changes has been the development of statutorally
authorized temporary restraining orders. The ability to grant such orders has been a modern innovation, before the new domestic violence statutes were enacted no state provided injunctive relief prior to the formal judicial proceedings due to historic reluctance to grant ex parte relief, or relief when only one party is present (Roy 143).

Most legislation provides broad injunctive powers and relief and expanded law enforcement duties. There has been a movement to decriminalize some wife assaults, penalties would not be as severe, but the simplified procedure would reduce attorney fees. The financial burden is quite hefty for both parties, and the question is, is it worth it when 25% of the women granted temporary support never receive any money.

Since laws are not consistently enforced, there is a need for adequate police protection, easy access to restraining orders, facilitation of prosecution procedures, provision for temporary support and maintenance, speedy divorce, regulated child visitation and legitimate procedures for battered women as defendants. Currently, there is no statute which will remove the husband to a shelter to prevent his abuse, thus, it is consistently the victim who is uprooted.

Before an examination of the judicial system of protection orders, it is necessary to review hearings. A defendant is entitled to notice and a hearing prior to the issuance of a protection order unless the petitioner can demonstrate the existence of an emergency by showing she is likely to suffer harm
and if the respondent is given notice; or the petitioner or other victim was recently a victim of domestic violence committed by the defendant that resulted in injury or damage to property.

Protection orders issued after a hearing are more effective, they are taken more seriously, if the abuser does not appear it is usually issued on default from ex parte proof. After the ex parte order is issued a hearing may be requested, if none is requested then the temporary order becomes final. The archetypical process provides for two hearings.

At the first hearing, the offender is admitted to the programs and release is conditioned upon making various promises or paroles for future behavior with mandatory psychological counseling of the offender or the entire family. During the second hearing, the offender's compliance with diversion program requirements is determined. If they are met he is expunged but the offender must consent, have no prior arrest record, the victim must consent and the court counselor must feel it will benefit the parties (Rosenberg 88).

In Lisa Lerman's Model State Act, she suggests two alternatives to the second hearing, either required or optional (95). Some states require a full hearing before a final order will be issued and some orders become final unless a hearing is requested. Optional hearings impose less of a burden on the courts and the plaintiff may obtain all the relief for which she initially applied.

Several states have given requests for TROs priority over
other civil actions expressly addressing past procedures that deliberately delayed hearings. If an emergency exists, a hearing can be held immediately with simple proof requirements. The petitioner is not required to submit detailed proof of her right to relief, the nature is related to the seriousness of the abuse.

An order of protection is a restraining order requiring the husband to stay away from his wife or to refrain from offensive conduct for a specific period of time. Women often use them to prevent their estranged husband from contacting them prior to the divorce or other court action. If they are married though, most states can not enjoin a batterer from using his own property. Orders are issued by a judge who decides after a hearing where evidence is presented of the husband's threatened or repeated acts of violence. If he disobeys the judge's order, he can be cited for contempt of court, a misdemeanor (Fortune 113).

The need for protection may be greatest during criminal proceedings because of the threatening effects of prosecution and its possible consequences. Relief may be granted as final relief to prevent further abuse; exclusive possession of the residence; forbidding the abuser access to places frequently visited by the victim; no communication; rent and mortgage payments; alternative housing payments if the victim wishes to move from the marital residence; support; custody and visitation; monetary compensation for abuse; possession of personal property; court mandated counseling; and payment of shelter or counseling expenses (Lerman 93).
Temporary restraining orders last for a short duration usually 3-10 days and all terminate once the other party has notice and an opportunity for hearing. Unless a divorce has been filed it is difficult to get a TRO. These will become permanent unless the batterer can show why it should not. Victims may request a renewal, extension or modification of protection orders. They may be extended for up to 24 months, only the court can modify an order and reconciliation of the parties does not effect the validity of a protection order.

The Indiana Civil Procedure 34-4-5.1-3 (see Appendix) states that a person may petition the court for a permanent protective order if they have been abused by another as described. However, section four requires them to affirm that if the parties are married no dissolution or separation proceeding is pending. Thus, in Indiana, to get a permanent protection order against a spouse for abuse requires to couple to remain married.

A peace bond is an amount of money posted by the husband as "security to keep the peace" after a court hearing at which evidence of misconduct is produced. The offender is guaranteeing that he will not participate in a certain behavior. Failure to post the bond can result in imprisonment.

Personal injury or tort suits are also possible remedies in which the abuser is forced to pay the victim for injury to her or her property; damages for pain and suffering may even be given. This is not a possibility for all because of the attorney fees. Criminal prosecution is also possible for threats and harassment,
but a criminal court can not decide custody, property or monetary settlements.

A protection order is any injunction issued to prevent acts of domestic violence, it refers to both temporary and final orders issued by civil and criminal courts. A civil protection order can not exceed one year. A domestic violence victim may seek a protection order for herself, her minor child, or any other victim prevented from obtaining one on their own because of a physical or mental incapacity. They are not denied because the victim used reasonable force in self-defense and voluntary intoxication is not a defense.

Grounds for granting a TRO vary greatly, but there are three grounds which are adopted in virtually all jurisdictions. 1) stop continued beating; 2) stop threats of physical abuse 3) temporarily move out of common residence, forces the abuser to bear the burden and trauma of a move. Other grounds include ordering the defendant to enter counseling, prevent the abuser from contacting the victim, temporary support and attorney fees.

Restrictions on the use of protection orders in some jurisdictions include limiting it to spousal abuse thus, providing no protection for those in common law marriages or cohabitation living arrangements (Roy 144).

Victims may proceed with or without legal representation, if there is none the clerk of the court should provide all parties with information on rights and procedures. The Model Act contains two alternatives for fee waivers for indigent persons.
who seek assistance.

POLICE

Because of a growing awareness of the possibilities police have in the intervention in domestic violence disputes, statutes in this area have been changing. For example, police powers have been increased (may make misdemeanor arrests based upon probable cause); there has been an increase in police responsibility i.e. requiring officers to inform victims of their rights and legal choices or transport them to a shelter (Roy 137).

Also, officers are gaining protection from civil liability; police are being informed if they are responding to a chronically abusive family member or a first offender. The departments are maintaining statistical reports so officers know the level of violent families within their beat. The development of police domestic violence training programs has been implemented, although, this training has had little positive behavioral impact. Yet Figure 2 shows that the cycle continues if the officer only provides a temporary solution.

Historically, police are the gatekeepers for victims entering the criminal justice system because of their discretion. See the Appendix for a chart of the typical flow of contact most domestic violence victims experience with the police. They have been ineffective because of the intervention methods of briefly separating the parties, warning both parties and call screening.

They have also been ineffective because police officers lack motivation for intervention because of the dangerousness and
Figure 2

Condition Of Relationship

Temporary Solution

Disturbance (Crisis)

Failure To Find Solution

Figure 3

Disturbances Reported to Police

- Police Intervention
  - Telephone Counseling
  - No Further Action

- Referral
  - Prosecution
    - Non Prosecution
      - Release
  - Sentenced
worry about civil liability. Domestic crisis intervention is one of the major causes of death of officers killed in the line of duty, 18% in the ten year period 1972-1981. The sheer volume of domestic violence cases which presented a challenge to chronically understaffed and overworked departments is also a problem.

In addition to the fact that police have historically had little training on the causes and control of domestic abuse or the optimal police response to disturbance calls. Also, police officers had previously had limited powers in handling domestic violence mainly because of statutory restrictions. For example, they could not make an arrest unless violence continued in their presence or a warrant had been issued. Thus, for the police domestic violence situations are usually a matter of order maintenance not law enforcement (Duncan 16).

Traditionally, many believed that if an officer had to make an arrest, he had failed to adequately handle the situation. Figure 3 demonstrates how few offenders actually go all the way through the system to the sentencing stage. Only 4% are actually sentenced, the rest escape the system at one of the other stages. Police stations are attempting to prevent dispatchers from assigning a lower priority to domestic violence calls and encouraging officers to respond to every request for assistance and use all reasonable means to prevent further abuse and ensure the victim's safety.

Contrary to popular belief, the police can act between
married couples. Since non-criminal cases account for 20-60% of calls for service, there are new laws in most states allowing police to make arrests without warrants. This is important because law enforcement personnel usually have the first contact with victims because they provide "free services", are highly visible authoritative figures and provide a 24 hour service (Rosenberg 88).

Since there is rarely a clear-cut violation there is greater discretion given the officers. Police seldom file reports and more rarely make arrests, an average of one arrest is made for every 32 domestic violence call. Yet, studies show that it is better to arrest rather than separate the parties for 8 hours or attempt to informally mediate the conflict.

This is because some women report even worse beatings after a visit from the police using these forms of intervention. When the police made an arrest, the offender was less likely to assault again (19%) than mediating (37%) or separation of parties (33%) as based on an experiment with the Minneapolis Police Department designed to determine which police response was the most effective.

The National Crime Survey discovered that 48% of all violent incidents were not reported to the police because of fear of reprisal and the view that it is a private matter. Yet, calling the police does help, only 15% of the victims were reassaulted compared to 41% of the victims who were reassaulted that did not call the police.
AGENCIES

There are about 700 shelters in the country that offer emergency refuge and services where battered women can find safety and help. Unfortunately, because of space and money all needs can not be met. In Minnesota, only 45% of the requests can be met and in Washington D.C., seven families are turned away for every one accepted (Guberman 14).

This is largely due to cutbacks in federal funds for social services. Of existing domestic violence programs, 76% have had to cut services. Most violence related services rely on public assistance for survival.

In Muncie, Indiana, Joyce Houser is the Director of the local shelter, "A Better Way." Located in an undisclosed area, each month "A Better Way" houses between 30-35 residents and within the past year 411 women took advantage of the services. The average stay is 7 days, but women may remain for up to 30 days. Full is considered to be 14 overnight guests.

"A Better Way" employs 5 full time staff and has between 35-40 volunteers who provide supportive counseling, casework, advocacy, and accept crisis calls. Women are usually compelled to seek help after they see their child abused or simply for safety. Most of them do not understand any of their legal rights.

Mrs. Houser describes her average resident as between 25-40, low income, unemployed, little self-control, but a survivor. The shelter currently has approximately a 50% return rate with the
average interval between visits 6-12 months. Like most shelters, the greatest needs to date of "A Better Way" are more funding, more space and a program to aid children. Yet, in the past 18 months they have been able to increase their non-residential services.

Thus, shelters are difficult to start with much needed capital and an ongoing means of financial support. Also, many zoning regulations make it difficult to find and purchase suitable buildings in residential neighborhoods with adequate safety and without negative community response. Often, feminist run shelters are the only place a woman in crisis can find all around support especially since peer counseling is a strong component in most shelters.

Today, when new shelters are opened they are filled to capacity almost immediately and remain full though the turnover of residents may be rapid. The process most women go through to come to a shelter includes the following.

The woman must make that crucial decision to leave and telephone the local shelter which provides emergency refuge and crisis intervention. She then must make a decision about her future. Her traumatic choices are 1- go back to the batterer and become a habitual victim, 2- file for divorce, join the labor market and make a new life or 3- convince the batterer to participate in a treatment program where he can learn to handle stress, frustration and anger in nonviolent ways (Roy 230).

Drawbacks of shelters may be their limited potential for
educational or vocational training, lack of adequate resources to
deal with children and their problems, especially adolescent
boys; and space problems with overcrowding and lack of privacy.

Rural shelters have unique problems since there are fewer
shelters. In these areas, shelter may be provided by a trailer
type of recreational vehicle which can only house one woman and
her family overnight then transport her to permanent shelter. It
may have to park outside a police station for safety (Walker
205).

Related to the efforts of shelters are the goals of National
Organizations involved with domestic violence. For example, the
National Coalition Against Domestic Violence states in its
mission statement that its goal is to work for the major societal
changes necessary to eliminate both personal and societal
violence against women and children. Their work includes
coalition building at the local, state, regional and national
levels; support for provision of community based services; policy
development and innovative legislation; efforts to eradicate the
social conditions which contribute to domestic assault.

The National Women’s Aid Federation is a feminist group that
sponsors shelters based on communal leadership. The SAM (Stop
Abuse by Males) Project consists solely of former batterers in
peer counseling. National groups usually focus on three types of
treatment programs: those aimed at treating only the violent man;
social service agencies which treat the batterer along with other
clients and crisis intervention centers for battered women i.e.
What is the answer? Is domestic violence so pervasive that nothing can be done? There is no one simple answer to solve the problem; it must be attacked from all directions and consistently. Several possible solutions are presented here.

One solution for the judicial arena would be to institute a career type position of staff paralegal or legal assistant specializing as a victim advocate. This person could serve as an invaluable resource in the handling of cases, but as an effective vehicle for raising the consciousness of relevant court officers. Instead of only focusing on state statutes, it would be preferable to enact domestic violence legislation on the federal level, thus, advocating the establishment of a uniform statute. What is missing in most of these statutes is the training that will also facilitate behavioral change.

Primary prevention is necessary, consisting of public education programs, agencies and support groups to confront the social problems. People are only beginning to change their attitudes. To accomplish this, society must (Jaffe 24):

1) Eliminate sex-role stereotyping during child development
2) Reduce violence in general in our society
3) Reduce the coercion in child discipline
4) Attempt to understand the victimization process of battered women and reduce the learned helplessness and replace it with assertiveness and opinions of equal opportunity.
Agency personnel should be more supportive of women and institutions and agencies should be encouraged to enforce proper rules and regulations for treating battered women. New laws should be introduced and rules rewritten to implement the existing laws.

Secondary intervention is the early identification of battered women and resolve their situations without unnecessary interference. Tertiary intervention is the development of a totally supportive temporary environment to provide safety. All three levels must occur simultaneously.

Other efforts that would make a dent in the domestic violence problem are (Jaffe 24): consciousness raising; task forces; hotlines; refuges; establishing crisis units in hospitals; research; applying public pressure to assaultive men and changing police attitudes.

For medical personnel, solutions may start with the accurate determination of the seriousness of the problem; focusing on the patient and her real situation; acquainting her with the health consequences of abuse; and accepting the patient's assessment of her situation as far as seems plausible. Further, medical personnel must refrain from being judgmental, keeping personal biases under control; provide a realistic picture of services the patient is being referred to; helping the patient identify and use existing social support networks and following the victim's subsequent experience.

Domestic violence has been around for a long time and
unfortunately it will continue. Even with the remedies discussed above, questions remain. For example, should civil court protection orders be enforced by arrests and penal sanctions and what role should counseling and treatment through the civil or criminal court play? It is impossible for domestic violence to be completely eradicated just as it would be impossible to rid the world of all murder and rape. Yet, there is more that can be done than is currently being attempted.

The social attitudes and biases which exist are the biggest obstacle. These attitudes affect the victim, the batterer, the police, the medical profession, the judiciary and prosecutors. Communities need to support shelters and organizations in their areas that provided services unrelated to the criminal justice system.

Federal legislation needs to be made more uniform and funds are desperately needed in all jurisdictions. Victims have to be made aware of their legal choices and options both civil and criminal. Information should be provided about protection orders, peace bonds, and divorce laws so that it does not appear to be an impossible system of legalese.

History does not have to repeat itself. The caveman is gone forever. Emperor Constantine is dead and no company is currently manufacturing iron branks. Today, we have active feminist groups and lobbyists and the knowledge of where to begin.
Dispatch

Arrival

Contact

Uncooperative Subjects

Coercive counseling

Cooperative Subjects

Violence or potential violence

Establish order

Interviewing and setting rules

Discussion and Mediation

Police assessment of situation

Warning or no arrest

Solved- no further action

Brief Counseling

Referral

Departure
(b) The notice shall be published at a cost not to exceed one dollar and fifty cents ($1.50), and in the event the same cannot be published for that fee, notice shall be given by posting the notice at a door of the courthouse, and the clerk of the court shall post the notice and file proof of its posting. As amended by P.L.305-1987, SEC.31.

1987 Legislation
P.L.305-1987, Sec.31, amending this section, was made effective July 1, 1987.

34-4-3-10 Fees for filing
Sec. 10. The clerk shall collect the fee provided in IC 33-19-5-4. However, no fee may be collected if the petitioner is a resident of Indiana. As amended by P.L.171-1984, SEC.74; P.L.192-1986, SEC.36; P.L.305-1987, SEC.32.

1984 Amendment. P.L.171-1984, Sec. 74, emerg. eff. March 1, 1984, rewrote the section.
1986 Amendment. P.L.192-1986, Sec. 36, eff. July 1, 1987, rewrote the section, which previously read:
"There shall be charged and collected at the time of filing the petition, a clerk's filing fee as provided in IC 33-17-5-7, which shall be the property of the county. However, no filing fee may be collected if the petitioner is a resident of the state of Indiana."

1987 Legislation
P.L.305-1987, Sec.32, amending this section, was made effective July 1, 1987.
For related provisions of P.L.305-1987, see Historical Note under section 33-19-1-1.

Chapter 5.1. Protective Order to Prevent Bodily Injury or Damage to Property.

Section 34-4-5.1-1 Definitions
Sec. 1. As used in this chapter:
"Abuse" includes conduct or threatened conduct that if completed would cause:
1. bodily injury as defined by IC 35-41-1; or
2. damage to property.
"Person" includes human beings aged eighteen (18) or older, and emancipated 1 minors.

Library References
Injunction =>54, 95.

34-4-5.1-2 Temporary protective order; petition; issuance of order
Sec. 2. (a) A person may petition any court for a temporary protective order if that person or property has been abused by another.
(b) The petition:
must include the name, age, and address of the petitioner and the name and address (if known) of the person who allegedly abused the petitioner or property;

(2) must include an allegation that the petitioner or specified property has been abused by the respondent;

(3) must include a request that the court order the respondent to refrain from abusing the petitioner or property;

(4) must be sworn to by the petitioner; and

(5) may include a request that the court set a date for a permanent protective order hearing under this chapter.

(c) The judge of the court in which a temporary protective petition is filed shall immediately review the petition ex parte and shall issue an order directing the respondent to refrain from abusing the petitioner or property if the judge finds from the petition and other evidence that he may hear that there is probable cause to believe that the petitioner or property was or is in danger of being abused by the respondent. In the order, the judge shall:

(1) include the date of the permanent protective order hearing (if requested by the petitioner); and

(2) provide that the order expires:

(A) when a permanent protective order hearing is held; or

(B) after ten (10) days;

whichever occurs first.


Library References

Injunction §§ 54, 95.
C.J.S. Injunctions §§ 67, 141.

34-4-5.1-3 Permanent protective order; petition; fees

Sec. 3. (a) A person may petition any court of record for a permanent protective order if that person or property has been abused by another. The petition must:

(1) state the name, age, and address of the petitioner and the name and address (if known) of the person who allegedly abused the petitioner or property;

(2) list the name and age of any other person residing in the petitioner's household;

(3) allege that the petitioner or specified property was abused by the respondent;

(4) allege, if the petitioner and respondent are married, that no dissolution or legal separation proceeding is pending; and

(5) request relief provided under section 5(a) of this chapter.

(b) The clerk of the court may waive any filing fees if the petitioner demonstrates by affidavit that he is unable to pay the fees. As added by P.L.311-1983, SEC.1.

Library References

Injunction §§ 54, 95.
C.J.S. Injunctions §§ 67, 141.

34-4-5.1-4 Summons to appear; issuance; service; hearing

Sec. 4. (a) When a petition is filed, the clerk shall issue a summons to appear at a hearing to the respondent that:

(1) gives notice of the date, time, and place of the hearing; and

(2) informs the respondent that he must appear before the court to answer the petition.
(b) The clerk shall serve the respondent with the summons to appear in accordance with Rule 4.1 of the Rules of Trial Procedure.

(c) The hearing shall be held not more than ten (10) days after the petition is filed.  As added by P.L.311-1983, SEC.1.

Library References
Injunction 40 et seq., 115 et seq.
C.J.S. Injunctions §§ 89, 188.

34-4-5.1-5 Hearing; order: expiration of order
Sec. 5.  (a) At the hearing, if the allegation of abuse is proved by a preponderance of the evidence, the court:
(1) shall order the respondent to refrain from abusing, harassing, or disturbing the peace of the petitioner;
(2) shall order the respondent to refrain from damaging any property; and
(3) if the petitioner and respondent are married, may order, if no proceeding for dissolution or legal separation is pending:
(A) the eviction of the respondent from the dwelling of the petitioner so long as the respondent is not the sole owner or lessee of the petitioner's dwelling;
(B) the respondent not to transfer, encumber, damage, conceal, or otherwise dispose of property jointly owned with the petitioner;
(C) either or both parties to pay child support to the custodian of any minor children of the parties;
(D) either party to pay maintenance to the other party;
(E) either or both parties to receive counseling or to participate in a domestic violence education program; or
(F) any combination of the above.

(b) Any part of a court order authorized under subsection (a)(3) of this section expires:
(1) when a petition for dissolution or legal separation (with respect to the petitioner's and the respondent's marriage) had been filed; or
(2) not more than ninety (90) days after the order is issued; whichever occurs first.  As added by P.L.311-1983, SEC.1.

Library References
Husband and Wife 293.
Injunction 54, 95.
C.J.S. Husband and Wife § 625.
C.J.S. Injunctions §§ 87, 141.

34-4-5.1-6 Small claims court: assignment of exclusive jurisdiction over proceedings by mutual agreement
Sec. 6.  The small claims court judges in a county containing a consolidated city may by mutual agreement assign to one (1) or more divisions of the court exclusive jurisdiction over proceedings initiated under this chapter in the small claims court.  As added by P.L.311-1983, SEC.1.

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Courts 179.
C.J.S. Courts § 249 et seq.
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