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DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By

Julie Catherine Law, M.S.

*****

The Ohio State University
2000

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ABSTRACT

Domestic violence policy is an instrumental tool in the fight against violence in the family. Ideally, domestic violence policy incorporates legal intervention to arrest the offender and implement protection orders, as well as providing resources and support for the victim. The mission of domestic violence policy is to protect victims of domestic violence and deter future violence.

It is hypothesized that a more complete state policy on domestic violence will inform and influence a more responsive environment within each state. This research assesses the quality of domestic violence legislation and state responsiveness to domestic violence in the United States.

Document retrieval was employed to collect the statutes pertaining to domestic violence in every state. A secondary data set was used to examine services offered within each state in response to domestic violence. Results indicate that those states with the most complete policies are not necessarily more responsive in their services offered.

In general there were three main indicators of a state's policy quality and that was the inclusion of criminal penalties and procedures, civil orders for protection, and prevention and treatment measures. There were also three main indicators of state responsiveness to domestic violence including emergency services, counseling services, and shelters.

Policy recognizing and combating the crime of violence against women is essential in impacting future legislation as well as bringing recognition to the crime of domestic violence. This study offers a national profile of the current state of domestic violence in the United States.
violence policy and services offered. It is a good place for a nationwide discussion on domestic violence policy to begin.
Dedicated to the Victims and Survivors of Domestic Violence
ACKNOWLEDGMENTS

I wish to thank my advisor, Julianne Serovich, for guiding me through this journey and giving me her undying intellectual support, encouragement, and mentorship. I am also grateful for Julie believing in my willingness and determination to finish even after having moved across the United States.

I thank my committee member and mentor, Patrick McKenry, for his insightful and always constructive commentary throughout the drafting of this manuscript. I would like to thank committee member, Cathy Rakowski, for graciously agreeing to join my committee late in the process, offering constructive suggestions. Appreciation is also given to prior committee member, Nancy Campbell, whose guidance and contributions within the historical account of social reform were significant. Gratitude and thanks to Robert Leighty and his statistical assistance.

Sincere appreciation and love is given to my dear friends and colleagues, Laura, Beth, Jackie, Laurie, Barb and Hyoun. Who, among many things, offered a bond of sisterly guidance and feminist zeal for which I will forever be grateful. The coffee shop talks will not soon be forgotten.

I would like to express my deepest gratitude and appreciation to my California family, who made it possible for me to venture west and reclaim my spirit and motivation to finish. I am grateful for the eternal friendship I have found in Ashley Randall. Her
relentless support and excitement, even towards the smallest of advancements, is a gift I will forever cherish. And to her daughter, Tali, who is probably the most informed five and three quarter year old on domestic violence policy, I offer much appreciation. I will be forever grateful for the time I have shared with Tali, especially during this journey, which allowed me to switch gears and appreciate her perspective on life.

All of my love and appreciation is given to my mother and father for their undying belief in my abilities to complete this journey. The tremendous amount of support and love they give so freely to me is a gift I will always cherish and aspire to reciprocate throughout my lifetime. My sister, Barbara, is a woman of great motivation and love and I am grateful for her encouragement and belief in me throughout my journey. I thank my other family members who I know supported my journey within their kind thoughts and words.

Finally I need to acknowledge the undying faithful love of my best companion, Sadie. Her patience and love is a gift of great proportions. Her ability to know exactly when I needed a nozzle or walk was amazingly telepathic. She has journeyed with me through some challenging transitions and I am grateful for her companionship.
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Research Publication


FIELD OF STUDY

Major Field: Human Development and Family Science
Cognate Area: Family Violence
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CHAPTER I

INTRODUCTION

Domestic violence policy is an instrumental tool for stopping violence against women. Domestic violence policy addresses the crime of violence by a family or household member toward another person within that family or household. Included within this definition is the more specific violent crime of a male intimate toward a female intimate. Ideally, domestic violence policy incorporates legal intervention to arrest the offender and implement protection orders, as well as providing resources and support for the victim. The mission of domestic violence policy is to protect and deter future violence as stated by the National Council of Juvenile and Family Court Judges (NCJFCJ) (NCJFCJ, 1994).

Current family policies are lacking in their attention and ability to meet the needs of the widespread prevalence of violence against women (Dobash & Dobash, 1992; Zorza & Woods, 1994). Men who are violent and abusive toward their significant partner and/or children need to be held responsible for their actions within the framework of the legal protection policies for victims of domestic violence. At the same time, it is necessary to provide a safe place with available resources for battered women and their children. Providing the abused woman and family with the option and resources to leave the abusive relationship could be the difference between life and death.

Protections have been attempted and laws exist, however, an assessment and comparison of state laws regarding domestic violence has yet to be conducted. There is a
need to critically review current policies on domestic violence regarding their ability to meet specific needs of women and children as well as their effectiveness in deterring future violence. It is imperative that basic questions be answered regarding the quality of current policy and state response to domestic violence. In this study it is hypothesized that a more complete state policy on domestic violence will inform and influence a more responsive environment within each state. To test this theory, domestic violence policies in each state were examined. Then a description of the nature of response and support services in each state regarding the crime of domestic violence and a comparison of the two components in terms of their association to each other was performed.

In order to study both the quality of domestic violence policy as well as the nature of state response it is imperative to first understand the dynamics of domestic violence or more specifically, violence against women. Therefore this chapter will discuss gender dynamics of abused women and the influence of semantics in legislative discourse. A brief background and overview of the phenomenon of violence against women will also be presented. This information assists with framing the crime of violence against women and provides a rationale for employing the use of domestic violence policy as an instrumental tool in ending violence against women.

Discourse of Domestic Violence Policy

It is difficult to explore the crime of violence against women without first defining terms that are central to this discussion. For the purposes of this study, domestic violence will be defined as attempting to cause or causing physical harm, fear of physical harm, or involuntary engagement in sexual activity by force or duress from one family or household member to another, as defined within Family Violence: A Model State Code (NCJFCJ, 1994). Family violence has a similar meaning to domestic violence, and is often used within the literature to denote physical violence within the nuclear family, most often referring to the disproportionate abuse women receive from men. Violence against
women is a term that refers to the disproportionate number of women who are victims of such violent acts as physical, emotional, and verbal abuse, as well as marital, acquaintance, and stranger rape. Men who are intimate partners of the women mainly perpetrate these violent crimes (Bureau of Justice Statistics [BJS], 1995). For purposes of this study, and to stay consistent with literature from various disciplines, the terms domestic violence, family violence, and violence against women will be used interchangeably to refer to the physical violence experienced by a woman from a male intimate. Male intimates, as defined within *Family Violence: A Model State Code*, includes spouse, former spouse, dating partner, former dating partner, current sexual partner, former sexual partner and any male who has a child in common with the female (NCJFCJ, 1994). The term domestic violence policy will be used when discussing the policy that is instituted to end violence against women. (See Appendix A for a list of terms and definitions)

The issue of labeling or naming violence against women in intimate relationships differs dependent on the context of the discussion and the perspective of the discussants. Scales (1986) recommends discarding the belief of objectivity and neutrality regarding the legal system and realize the need to redefine the evidence of the mistreatment of women. Frug (1992) supports the need to label crimes against women as such in order to raise the consciousness and attention of these issues. There may, however, be difficulty passing legislation that specifically address the need for legal protection of women (Murphy, 1997). For example, Murphy (1997) found that those states with more women holding position in legislature, the more likely it is for legislation to be constructed and passed to help battered women. This may also be the case regarding the political affiliation of lawmakers (Murphy, 1997). Therefore, the structure of a state’s representatives is key in the construction and passage of legislation to protect women from violence.
Framing the Problem

Documented laws allowing violence against women date as far back as the first century B.C. in Rome (Dobash & Dobash, 1979). Scholars have attributed violence in the family as the cornerstone of society with the early Roman family's exhibition of a strong patriarchal structure (Von Hentig, 1948). In fact, the hierarchy within the early Roman family was typically strict and unquestioned. The male patriarchal figure within the family held high status in both his family and society, including having complete control and ownership over things both material and human. Women were not thought of as having any purpose other than being the property of their husband (Wolfgang, 1958). This patriarchal structure was not only implied by the strict hierarchy of the early Roman family, it was made explicit within the first law of marriage as acknowledged by Romulus, the founder of Rome in 756 B.C. "This law obliged the married women, as having no other refuge, to conform themselves entirely to the temper of their husbands and the husbands to rule their wives as necessary and inseparable possessions" (Wolfgang, 1958, p. 217). There were few, if any, alternatives for a woman in Roman society outside of marriage as the choice to remain unmarried was not an accepted practice. Lacking alternatives, women had nowhere else to go and remained pieces of property within marriage (Dobash & Dobash, 1979).

Since Roman times, violence against women has had a documented constant existence (Gordon, 1988; Pleck, 1987). Gordon (1988) has researched the history of family violence in the United States from the colonial days through 1960 and reports that the rate of violence in families, specifically violence toward women, has had a continuous existence throughout history. Pleck (1987) also reports on the constancy of family violence throughout history and points out that while the existence of violence in families has not changed dramatically, the acknowledgment of family violence in society has changed. Pleck (1987) distinguishes times in history when certain social movements and
political environments allowed for family or domestic violence to be acknowledged and
the shift in political viability and access of social movements brought attention toward the
phenomenon of family violence. Although Straus and Gelles (1990) report a drop in the
rate of violence from 1975 to 1985 (6.6% for husband to wife violence and 21.8% in
severe wife beating), there are noted methodological flaws within this study such as failing
to clearly identify initiated violence from acts of self-defense. Allowing acts of self-
defense to be counted within the general incidences of violence between intimates permits
male to female violence to seem less disproportionate. This critical error in coding is used
to account for the reported drop in violence toward wives (Straus & Gelles, 1990).
However, violence against women must be contextualized across time. That is, the rate of
violence may have fluctuated slightly yet violence remains far from extinct.

**Gender Dynamics of Abused Women.**

National crime statistics confirm that women are more likely than men to become
victims of family violence. The National Crime Victimization Survey (NCVS) (BJS,
1995) and Uniform Crime Reporting (UCR) (Federal Bureau of Investigation [FBI],
1994) report that between 1992-1994 there were almost 14 million violent crimes
committed against women in the United States. An estimated 4.4 million in 1992, 4.8
women in the United States ranges in severity from simple assault to murder (BJS, 1995;
FBI, 1994). The National Research Council (1996) report approximately two million
women each year are battered by a male intimate. Additionally, according to an American
Psychological Association study, four million women annually experience life-threatening
assaults from a male partner (Koss, Goodman, Fitzgerald, Russo, & Keita, 1994). FBI
statistics show that 1,500 women are murdered each year by male intimates (National
Research Council, 1996). A majority of female victims (78%) indicated that they knew
the offender who victimized them; 29% were intimate male partners (BJS, 1995).
National Crime Victimology Survey of 1982 found that 91% of domestic violence cases have been classified as male as perpetrator and female as victim (BJS, 1995). Overall, women are six times more likely than men to experience violence committed by an intimate partner (BJS, 1995).

This pattern of male violence toward female intimates is not particular to American culture. Dobash and Dobash (1979) examined police crime records from 1974 in Scotland and found 94% of family violence incidents are perpetrated man to woman. The prevalence of women as victims of family violence and men as perpetrators can also be seen within the documentation of hospital records, crime statistics, criminal justice records, and national crime surveys (Breines & Gordon, 1983; Dobash & Dobash, 1979, 1992; Kurz, 1993b; Yllo, 1993; Yllo & Bograd, 1988).

It is clear that women are at risk for experiencing violence within the most personal and private of relationships. Women of every race, class and age are potential victims of family violence yet certain women run a higher risk. The demographic and contextual characteristics suggest that women most at risk for intimate male violence tend to be poorer, young adults, separated, and from urban populations (BJS, 1994; BJS, 1995). The following section will outline specific research expectations regarding the quality of current state policies on domestic violence, which are addressed within this study.

Research Expectations

The primary purpose of this research is to assess both the quality of domestic violence legislation as well as state response to domestic violence within the fifty United States and the District of Columbia. There are two objectives for this study. The first is to determine those states that have more complete domestic violence policies. The second objective is to assess the relationship between these policies and the domestic violence rape.
services available within each state. Political culture theory will be used as the framework in describing the structure of current domestic violence policy in the United States.

An analysis of domestic violence policy needs to examine both the contents of the policy as well as the existing state support through domestic violence services in order to address the policy's overall effectiveness in combating violence against women. Below is a diagram of the model that will be used within this study to explore domestic violence policy.

---

**Domestic Violence Policy Model**

Key:
- DDV = definition of domestic violence
- CPP = criminal protection order
- COP = civil order for protection
- F&C = family and children
- P&T = prevention and treatment

---
In this model there are five indicators of domestic violence policy quality: definition of domestic violence, criminal penalties and procedures, civil orders for protection, family and children, and prevention and treatment. There are also five indicators of state response to domestic violence including the number of: shelters, safe homes, counseling services, and emergency services available to victims of domestic violence as well as prosecution and arrest rates of domestic violence offenders. The counseling services include counseling and advocacy programs for victims, non-residential support groups, counseling programs for children who have witnessed or experienced domestic violence, as well as counseling for batterers. The emergency services include twenty-four hour hotlines, rape/sexual assault services, emergency transportation services, and legal advocacy services.

In this model the following research questions will be addressed. Where do each of the states rank in comparison to the other states on the indicators of policy quality and state response? Is there a relationship between the level of policy quality a state may have regarding domestic violence and that state’s response to the crime of domestic violence? If so, is this relationship linear? For each of the five indicators of policy quality what is their influence on each of the five indicators of state response to domestic violence? This model allows for examination of a variety of factors within domestic violence policy quality and state response to domestic violence. The following chapter will review the historic nature of family violence policy, the controversies and debates surrounding police and legal intervention, as well as provide a theoretical foundation to better understand policies and social reforms against family violence.
CHAPTER 2

LITERATURE REVIEW

A central focus of this study is the quality of legal policy within the United States in protecting victims of domestic violence and the responsiveness of states in providing supportive services for victims. In order to examine the legal action states have taken towards ending domestic violence, this chapter will provide a review of literature encompassing the relevant issues surrounding domestic violence policy. First, to better place the social policy of domestic violence in context it is helpful to understand the course of social reform within the United States from a historical perspective. In addition to understanding policy from a historical perspective, it is also necessary to review two central debates or areas of controversy surrounding the current policy on domestic violence. These include the public/private debate and the controversy regarding mandatory arrest. Finally, it is important to understand the theoretical framework of family policy. An understanding of policy content and process and the effects of policy on families is imperative to the study of domestic violence policy in the United States.
Historical Review of Social Reforms

This section will provide a historical review of social reforms to end family violence within the United States from the seventeenth century up to and including the twentieth century. This will include a review of the battered women's movement, which was pivotal in implementing policy specific to violence against women. An overview of the barriers to, as well as the successes of social reforms to end violence in the family will also be provided.

Until the early 1970s, woman abuse was ignored as a social problem and for the most part was not acknowledged by the legal system as a crime (Dobash & Dobash, 1979). Prior to the 1970s woman abuse was seen as a result of a personal weakness or deviance on the part of the woman (Dobash & Dobash, 1979; Martin, 1976; Schechter, 1982). As the battered women’s movement gained in attention and strength during the mid 1970s, violence against women by male intimates was recognized a result of the unequal distribution of power in our society and the treatment of women as second class citizens than as a personal deviance of the woman (Dobash & Dobash, 1979, 1992; Schechter, 1982). Framing woman abuse as resulting, in a large part, from the social inequalities toward woman in our society redistributed the responsibility of woman abuse from the individual woman to society, defining violence against women as a social problem. The acceptance of violence against women by male intimate partners characterized a society in which women were much like property or animals under the complete control and will of the husband (Wolfgang, 1958). Reframing the conceptualization of women abuse as a social problem acknowledged a need to construct a response to this phenomena within social policy. Previous social policy focused on
combating violence in the family with a general emphasis on child abuse more so than woman abuse (Gordon, 1988; Pleck, 1987). Although previous social reform had addressed woman abuse it was not until the early 1970s when attention was given to the specific needs and resources necessary for the protection and survival of female victims of male abuse (Dobash & Dobash, 1992; Gordon, 1988; Pleck, 1987; Schechter, 1982).

Early Social Policy Reform.

Pleck (1987) reviews the history of the making of social policy against family violence from colonial times to the present. Pleck (1987) describes three periods during which dedicated individuals and small organizations worked towards social policy reform. The first period of reform was from 1640-1680 within the Puritan community in Massachusetts. The Puritan community valued a highly structured religious life and the family was the cornerstone of its existence (Pleck, 1987). Cruelty and violence within the family was considered sinful behavior which threatened the community's commonwealth before God (Pleck, 1987). Puritans believed that if they maintained a strict code against such violence and abuse, God would then protect them from disease, plague, natural disasters, and Indian attacks (Pleck, 1987). Thus, the first law against wife beating and "unnatural severity" to children was implemented.

During the second period of reform from 1874 to 1890, Societies for the Prevention of Cruelty to Children (SPCC) were founded. Other movements toward women's suffrage and especially social purity, as well as a movement to outlaw prostitution, were also initiated. In addition to the creation of the SPCC and the programs implemented to protect victims of abuse, male lawyers, attorneys and other law enforcement professionals constructed a legal interest in punishing abusers. Since the
current fines and punishments were not adequate to deter violence in the family, law enforcement professionals and legal advocates saw a need for corporal punishment of batterers (Pleck, 1987). Such corporal punishment included reinstating the whipping post as appropriate punishment for offenders of family violence. Although the idea was popular in the New England states, the southern states were strongly opposed to such punishment as they feared a parallel to the treatment of slaves (Pleck, 1987). Between 1911 and 1917 efforts were revived to end capital punishment and finally by 1952 all of the states had abandoned the whipping post and labeled it an inappropriate and ineffective method of punishment for abusers (Pleck, 1987).

During the late nineteenth century the American family was going through a reordering of its power relations (Pleck, 1987). The family unit was referred to as the private sphere of female influence and women were harboring responsibility and control within the home (Pleck, 1987). The effects of this shift in power within the family unit are seen in the attention given to the family during the first wave of the women’s movement in the United States.

It was not until the “first wave” of the women’s movement in the late nineteenth century when the private family gained public attention. The nature of the first wave of the women’s movement may be described as a liberal feminist reform movement (Taylor & Whittier, 1993). The movement worked to reaffirm existing values such as prohibition, social purity, and the need to protect the safety of children as well as work towards and obtain equality within the current social structure of that time (Pleck, 1987; Taylor & Whittier, 1993). In addition, feminists within the nineteenth century believed that if they obtained equal civil rights such as the right to education, employment, to own property,
and to vote they would attain equality with men (Taylor & Whittier, 1993). The main difference between the first wave of the woman’s movement in the nineteenth-century and the second wave in the 1960s is illustrated in the language used to conceptualize the issues of contention. Whereas the first wave referred to “rights” and “equality” as the central issues stemming from ignorance and prejudice the second wavers spoke in the language of “oppression” and “liberation” to emphasize the active subordination of women (Osmond & Thorne, 1993). This difference in language and the conceptualization of issues is important in understanding the impact the second wave of the women’s movement had on the perception of violence against women. The women’s movement of the 1960s perceived woman abuse as a problem embedded within the social stratification of gender and subordination of women in our society (Dobash & Dobash, 1992; Schechter, 1982).

The third reform Pleck presents begins in 1962 and continues through present day. The third reform period began with the 1962 publication of "The Battered-Child Syndrome", written by C. Henry Kempe, in collaboration with an obstetrician, a psychiatrist, and two radiologists (Kempe, Silverman, Steele, DroegemuUer, & Silver, 1962). During this time attention was given by physicians to the abuse experienced by children and “the battered-child syndrome” was created (Pleck, 1987). Child abuse began to be recognized, as did several other forms of family violence such as wife, sibling, elderly, and husband abuse (Pleck, 1987). It was at this time that the Battered Women’s Movement emerged in the United States as a spillover from the women’s movement of the 1960s, which focused on issues of wife abuse and marital rape, among others (Schechter, 1982). Thus, the term family violence was coined in the 1970s (Pleck, 1987).
The battered women's movement began in Chiswick, England in 1972 when a group of feminists opened the first women's refuge, Chiswick Women's Aid, offering women a place to escape violent relationships (Dobash & Dobash, 1992; Schechter, 1982). The movement moved to the United States when the first shelter specifically created for battered women was founded in 1974 in St. Paul, Minnesota by a feminist group of women's advocates (Johnson, 1981; Martin, 1976). Much of the battered women's movement mobilized out of and used shelters as their core basis for political activism and support (Dobash & Dobash, 1992; Schechter, 1982).

The main goals of the battered women's movement were to protect the civil liberties of women and children and to eradicate family violence (Pleck, 1987; Schechter, 1982). The approach used in the movement, as outlined by Pleck (1987) and Schechter (1982), was a direct critique of each element of the family ideal: family as public not private, need for public policy and state intervention, as well as challenging the view that the family should be preserved at all costs. The movement asserted the individual rights of women and children.

The focus of the battered women's movement included four main areas. First, the movement recognized that domestic violence is a crime and should be treated as such. Second, advocates of the battered women's movement provided protection for victims of violence through shelters or refuges and organizations committed to eradicating violence against women. Third, the battered women’s movement influenced current family policy to include provisions for victims and offenders of family violence. Finally, the movement
spurred construction of public policy at state level specific to the needs of women within violent relationships (Schechter, 1982).

The first attempt towards legislation within the United States backfired as feminist activists espoused divorce as an alternative to battered women in an act to empower the women to leave their abuser (Pleck, 1987; Schechter, 1982). This direct attack against the family ideal, however, may have been too extreme causing a conservative backlash against the women's movement (Pleck, 1987). This backlash can be seen in Congress's initial defeat of domestic violence legislation. Although Congress supported legislation to protect and aid battered women the method of action had to parallel and reflect the perspective of the legislators. It was not until the battered women's movement collaborated with congressmen and women and other unusual reform coalitions to produce an intriguing new definition of family violence that policy and legislation for battered women could move forward. The definition of family violence was broadened to include elder, sibling, couple, and child abuse (Pleck, 1987).

Activists and scholars worked hard to push their framing of the problem bringing recognition to the phenomenon of violence against women (Bograd, 1988; Schechter, 1982). This awareness of violence against women allowed the needs of abused women to be recognized and for shelters to proliferate in order to serve these needs (Schechter, 1982). With the expansion of shelters came the need for funding to keep these safe houses open (Schechter, 1982). Soon other organizations such as churches and civic community organizations including YWCA began to contribute substantially to the creation and maintenance of women's shelters and services (Johnson, 1981; Schechter, 1982). The movement expanded into different areas of society that did not hold the ideological
mission of the feminists activists who first began the movement (Schechter, 1982). Therefore, as the movement continued to grow both in the number of shelters being established, as well as the incorporation of a number of new and different ideological orientations, conflict began to arise within the movement regarding what programs the funds should be directed toward (Schechter, 1982).

The pressure of applying to different funding sources resulted in feminist ideologies being compromised as different orientations and ideologies were integrated within the services offered to battered women (Schechter, 1982). Services began to employ methods like structured scientific therapy and other forms of hierarchical organization (Schechter, 1982). This new, more structured focus can be attributed to the conservative ideologies held by major funding groups such as churches and other civic-minded organizations such as United Way and YWCA (Schechter, 1982). The battered women's movement began to shift away from a feminist model or perspective, adopting more of a social service approach that imparted more of a conservative traditional tone to shelters around the beginning of the 1980s (Johnson, 1981; Schechter, 1982). The feminist model or ideologies encompassed the need to empower women to leave and liberate themselves from their abusive relationships often times using tactics that were considered radical or progressive such as advocating all abused women to divorce their abusers. In contrast the more conservative or traditional ideologies of the social service agents was to fix the woman through therapy and help restore the marriage, keeping the family together with the optimistic, and at times, naive belief that the abuse would end and the family would be reunited.
The battered women's movement within the United States continued to progress toward more of a legal reform agenda throughout the 1980s and 1990s (Dobash & Dobash, 1992). The focus shifted from creating and maintaining social service resources for survivors of abuse to improving the legal protection provided to battered women (Dobash & Dobash, 1992). The main purpose was to have law enforcement professionals recognize and acknowledge domestic violence as a legitimate crime in need of attention. Although domestic violence was considered legally a crime, police officers and other law enforcement professionals did not always treat it as such, in some cases they would ignore the incident altogether (Dobash & Dobash, 1992).

Overall, the battered women's movement in the United States proved successful in legal reform on behalf of battered women in the 1990s (Dobash & Dobash, 1992). Most notable, according to Dobash and Dobash (1992) were the changes in the policies regarding the procedures and training of legal enforcement officers in addressing domestic violence cases. Police officers within the United States were encouraged to arrest the assailant and assist the victim in finding safety and shelter from the abuser. Educational training was provided to police, prosecutors, and judges about wife/partner abuse. Other forms of legal reform consisted of the establishment of spouse abuse as a separate crime under the law, instituting mandatory arrest laws, the legal acceptance and recognition of the battered woman syndrome, and, in isolated instances, the release from prison of those women who have killed or assaulted their abusive partners (Berk, Fenstermaker, & Newton, 1988; Brown, 1995; Crites, 1987; Dobash & Dobash, 1992; Kjervik, 1992; Schechter, 1982; Zorza & Woods, 1994).
The battered women's movement has seen quite a change from the first shelter in Chiswick, England, which provided a safe house for women to escape violent relationships in the early 1970s. The late 1970s to early 1980s were characterized by the need for social services such as therapy, job training and temporary housing. The need for protection and safety began to be recognized legally starting in the 1980s, and continuing through to the present decade (Dobash & Dobash, 1992). The fact that the battered women's movement is still very much alive in the late 1990s is evidence of the strength of the movement and the relevance of its mission. The following section will explore the barriers toward the development of social reform within the United States.

Barriers to the Existence of Social Reform.

The existence of particular social reforms against family violence was dependent on the social and political conditions within society rather than the conditions within any one home. In other words, family violence did not happen in waves, instead, it was a constant phenomenon which was only able to be acknowledged when the social and political conditions were such that the recognition of family violence was acceptable (Gordon, 1988). Further, during periods such as those from 1680 to 1874 and 1890 to 1960 when there were noticeable declines in attention to family violence, did not necessarily mean that social reform movements disbanded or that family violence was not being experienced.

Taylor (1997) explains the rise and decline of movements and social reforms as regulated by political opportunity structures. When a movement is not visibly active or on the rise it may be in an abeyance process or holding pattern. The abeyance process explains how a movement sustains itself in a non-receptive political environment by
maintaining activist networks, goals and tactics, and a collective identity of the participants in the movement (Rupp & Taylor, 1990; Taylor, 1997). The political environment within which family systems are embedded determines the appropriateness of a particular reform and its capability to address family violence. The political environment’s participants’ belief in and valuation of the family ideal is a powerful influence upon the passage and acceptance of social reform.

Pleck (1987) describes the main barrier to all periods of social reform to end violence in the family as the social conception and valuation of the family ideal at any particular point in history. The family ideal, culturally specific to the United States, is seen as two parents of different biological sex with minor children; any other form is seen as deviant. Reforms against family violence challenged the family ideal, stating that family violence was a public not private matter and that state intervention was needed to remedy family abuse. Reforms also challenged the notion of preserving the family at all costs, stating that women and children were individuals whose liberties must be protected (Pleck, 1987). When the family ideal was valued highly, family privacy, conjugal and parental rights, and family stability were also high. These values made it difficult for activists to challenge the ideal of the family with the reality of violence. Since the fate of legal protection and intervention depended on the regard for the family ideal among policymakers and reformers, it was difficult to pass social reform legislation without compromise (Pleck, 1987). As the second wave feminist perspective began to be recognized in the 1970s an opportunity became available for social reform legislation on family violence to be seriously considered (Gordon, 1988).
Gordon (1988) found that in periods of time with minimal feminist influence, family violence was redefined in a less threatening manner through appeals to myths of harmony or normative family behavior. Gordon (1988) documented the politics and history of family violence, particularly towards children, among the struggling working class in Boston (1880-1960) and the professional social workers' response to abuse. Gordon (1988) identifies four types of family violence: child neglect, child abuse, incest, and wife beating. Gordon (1988) saw these four types of family violence as problems of family norms, societal norms and expectations, and political conflicts. The social work field that expanded after the suffrage movement in the 1920s is an illustration of a time when feminist influence was not strong. The social work field at that time did not embrace a feminist perspective in their practice. Often the course of treatment of abused women would be more of a traditional conservative perspective that treated the symptoms and not the patient (Gordon, 1988). The social service response to violence against women remained unchanged until the women's movements of the 1960s (Gordon, 1988). The inattention on part of the social service response to the changing needs of women experiencing violence can also be viewed within a larger more encompassing context of cultural transformations within our society (Peterson del Mar, 1996).

Peterson del Mar (1996) researches violence against wives in Oregon beginning in the settlement era of the 1840s. He accessed 3,500 divorce records and other legal documents, which were the basis for uncovering and recognizing the impact of cultural transformations. He concluded that violence against wives over the past two centuries has been influenced by two broad cultural transformations that shaped the societal response to violence against women.
The first cultural transformation involved the shift from a production-oriented to a more consumption-oriented perspective. Within the late nineteenth century there was a production-oriented ethos that emphasized self-control and discipline, resulting in lower social tolerance for wife abuse and eventually an increase in social support for abused women. This production-oriented shift valued the use of the mind and inner restraint over brute force. Therefore, the social acceptability of wife abuse lessened. The shift in the twentieth century towards a more consumption-oriented practice ignored self-restraint, leading to a lessened social concern for violence against women and increased levels of severe wife abuse. The social climate shift from valuing self-restraint and discipline to a more self-serving consumption perspective influenced greatly the lack of societal recognition and response to wife and women abuse (Peterson del Mar, 1996).

The second cultural transformation, during the latter half of both the nineteenth and twentieth centuries, was attributed to the acknowledgement and availability of resources and services that aided women in resisting explicitly and vigorously their husbands' violence. Public resistance to male violence has varied over time according to the cultural acceptability of violence against women as well as the political opportunity structure. The latter directly influenced the allocation of funding to shelters and organizations as well as policy decisions (Taylor, 1997). Women's ability to survive violent relationships is due in a large extent to the amount of social support and resources available to women as well as to their own personal strength and agency (Gordon, 1988; Peterson del Mar, 1996).

Peterson del Mar (1996) reports a variation in the rates of social response and action toward wife beating over time. The fluctuation of support and resources to aid
battered women was directly connected to societal recognition and disapproval of wife abuse. This societal response to wife abuse influenced, in part, the availability of resources and support available in aiding abused women to escape violent relationships. Peterson del Mar (1996) also suggests that the social, economic, and physical advantage that society has disproportionately awarded men has contributed to the tolerance of wife abuse, making it commonplace for men to use violence to keep their wives in line (Peterson del Mar, 1996).

**Success of Social Reform Efforts.**

Not all social reform efforts toward ending violence against women were successful. Programs and policies that blame the victim for having caused the abuse contributed to the belief that all abused women were psychological deviants (Pleck, 1987). In addition, ‘blaming the victim’ programs, that attempted family unity and reconciliation at all cost, left victims in danger and are argued to have done more harm than good and encouraged a bureaucratic invasion of the home (Pleck, 1987). Similarly, policies employing a white middle-class perspective were seen as intrusive. Such policies imposed class bias and privileged standards on lower classes (Pleck, 1987). Although there were a variety of policies and programs in the fight to end violence against women, some were more effective than others.

Programs which did not incorporate the necessity to uphold the family ideal at all costs, did not blame the victim, and made efforts to minimize race and class bias were more successful (Pleck, 1987; Schechter, 1982). Successful programs made protection of victims a top priority and offered concrete resources such as emergency housing, poverty relief/welfare, legal aid for divorce, child support, foster care, and adoption (Pleck, 1987;
Schechter, 1982). Social reform of policies since the 1960s are seen as most successful in addressing the needs of women experiencing violence by male intimates. These policies reveal inherited dominant ideals and their impact on shaping and distorting policy regarding family violence (Pleck, 1987).

The Violence Against Women Act (VAWA) of 1994 is a more recent social reform of the battered women's movement (Violence Against Women Act, 1994). The VAWA is a piece of legislation designed to respond to the needs as well as the legal rights of female victims of violent acts such as physical and sexual abuse. The VAWA contains assumptions of what are appropriate solutions in deterring and ending violence against women in the United States. This is to say that the legislation proposed within the VAWA may not be the solution to the epidemic of violence against women in our society. However, the act does present a framework of policies to be used within the fight to end violence against women. In addition, this particular social reform allowed opportunities to fund existing programs and new organizations and programs within individual states to further address the phenomenon of violence against women.

The National Council of Juvenile and Family Court Judges (NCJFCJ) was instrumental in the early creation of the VAWA. In the early 1990s the NCJFCJ was in the process of creating a model state code on family violence for states to use as a model for family and domestic violence policy. The overlap of these projects and their relevance to each other worked in parallel to inform and influence the development of the first federal legislation to be implemented specifically to address violence against women in the United States, the VAWA of 1994. In particular the NCJFCJ impacted the creation of the full faith and credit act which provided for orders for protection issued to victims of
violence to be recognized as legitimate and enforced across state lines (personal correspondence Billie Lee Dunford-Jackson, November, 17, 1997).

The programs funded through the VAWA included police departments for education and training of police officers regarding intervention in domestic violence cases. Judges and other law enforcement professionals also received funding for education on the extent and severity of domestic violence. The National Research Council (1996) was funded through this piece of legislation to better understand violence against women and the effectiveness of current policy. A national domestic violence hotline was established with a toll free number, 1-800-799-SAFE. In addition, "battered woman syndrome" was accepted as legitimate evidence in domestic violence cases, and confidentiality was awarded to shelters for battered women so that their abusers would not be able to find them (Walker, 1984). Youth and community education programs were funded to help educate about the prevalence and effects of domestic violence. Although the Violence Against Women Act of 1994 was a great advance in the fight against family violence, it is clear that there will always be a struggle to keep the advances made toward ending violence against women while working to create and pass new protective legislation for abused women.

Legal Intervention

Policy guidelines for domestic violence have been scrutinized by several researchers as well as law and policy making scholars (Crites, 1987; Dobash & Dobash, 1979, 1992; Garner, Fagan, & Maxwell, 1995; Hague & Malos, 1993; Kjervik, 1992; Schein, 1995; Sherman, Schmidt, Ragan, 1992; Zorza & Woods, 1994). Special attention has been focused on the police and legal system's response to domestic violence. Three
main areas have received critical attention, (1) whether domestic violence is a civil or
criminal crime; (2) the deterrent nature of mandatory arrest response; and (3) the prejudice
and bias in law enforcement professionals' beliefs and attitudes regarding violence against
women. In this section each of these areas will be examined in the context of the legal
response and intervention designed to end violence against women.

First, suspicion surrounds the indifference as to whether domestic violence is
viewed as a civil or criminal crime (Dobash & Dobash, 1979, 1992; Hague & Malos,
1993). Those who argue domestic violence is a civil crime propose that the family is a
private domain, 'hands off' to the law (Dobash & Dobash, 1979,1992; Hague & Malos,
1993). Those who argue that domestic violence is a criminal offense believe that public
intervention is necessary and that violence in the family is not a private concern (Dobash &
over whether the family is a public or private domain among law enforcement
professionals parallels arguments over the proper procedures to be under taken when
violence is experienced.

A second factor that has received study focuses on the effects of mandatory arrest
laws. Since 1981 several studies have researched the deterrent value of three police
responses to domestic violence: arrest of the abuser, mediation between the individuals,
and physical separation of the individuals (Garner et al., 1995; Sherman et al., 1992; Zorza
& Woods, 1994). Arrest of the offender has received the majority of support and study as
the most effective police response in deterring future violence.

The third area of interest regarding the legal response to violence against women is
the prevalent nature of prejudicial beliefs and attitudes that influence legal and police
inaction toward the crime of domestic violence (Crites, 1987; Dobash & Dobash, 1979, 1992; Sherman, Schmidt, & Ragan, 1992). The perspectives of law enforcement professionals toward women and the crime of domestic violence reveal a skewed understanding of the nature and crime of violence against women (Crites, 1987; Dobash & Dobash, 1979, 1992; Zorza & Woods, 1994). In addition, these misconceptions act as barriers to proper protection of women by the legal system (Crites, 1987; Dobash & Dobash, 1979, 1992). Without appropriate education and training in the area of domestic violence, these perspectives are unlikely to change and will continue to hinder police response to domestic violence (Crites, 1987; Dobash & Dobash, 1992; Sherman et al., 1992; Zorza & Woods, 1994).

Researchers exploring the public/private debate within domestic violence as well as the mandatory arrest response and the beliefs and attitudes of law enforcement professionals believe that these areas are salient and relevant to deciding what is appropriate action toward ending violence against women. The beliefs and attitudes of law enforcement professionals will be discussed in further detail as the next section reviews the legal response to domestic violence.

Civil or Criminal Law (Public/Private Debate).

Considering domestic violence a civil offense that takes place in the private sphere yields a hands-off response from the legal system, which views the civil sphere as a private and separate domain from society and criminal activity (Hague & Malos, 1993). In the civil or private domain of the family, the man is expected to keep the peace and take control no matter the consequences (Dobash & Dobash, 1979, 1992; Hague & Malos, 1993; Kjervik, 1992; Zorza & Woods, 1994).
In contrast, the criminal or public perspective allows for an aggressive approach to police intervention in domestic violence cases. Zorza and Woods (1994) believe that the act of violence within the family imposes a question as to how and when does public responsibility (v. non-responsibility ) get constituted to protect and keep safe the victims and arrest and prosecute the perpetrator of the violence. Police intervention is imperative to the effectiveness of treating domestic violence as a criminal offense; however, police are not always in agreement as to the criminal nature of domestic violence (Zorza & Woods, 1994).

For example, more calls concerning family conflicts are made to the police than those concerning murders, aggravated assault and battery and all other serious crimes combined (Dobash & Dobash, 1979). However, only one-third (Bourg & Stock, 1994) to one-half (Sherman et al., 1992) of domestic violence calls end in the arrest of the perpetrator. This may be partly explained by police training within the family crime area. Dobash and Dobash (1979) cite police training in Michigan that consists of 240 hours with only 3-5 of these hours spent directly looking at problems within the family. The lack of attention paid to family violence detracts not only from the value the police department places on the family, as a social institution, but also to those individuals suffering from the violence.

The separation between “public” and “private” is basic to the subordination of women and the organization of gender within society (Osmond & Thorne, 1993). Feminist scholars have argued against the belief that the family is a universal natural and biological unit in which male dominance and female subordination exist in isolation from other societal structures and processes (Brenner & Ramas, 1984; Osmond & Thorne,
Instead, feminist theory asserts that male dominance in the family is not natural and that the family is socially constructed within the society in which it is embedded, therefore varying in structure (Osmond & Thorne, 1993; Petchesky, 1979). Thus, viewing the family structure as a private domain assumes a certain power hierarchy of male dominance and female subordination that is an unchanging, natural biological default. Reframing the definition of family from a private untouchable domain to a socially constructed unit of society which is both influenced by and impacts the public nature of society renders the family structure amenable to change (Brenner & Ramas, 1984).

Viewing the family structure as a changeable public domain makes possible the argument that in the case of domestic violence it is imperative that the legal system intervene and respond (Hague & Malos, 1993). Unfortunately, the perspective that family structure is socially constructed is not a widely held belief among law enforcement professionals leading to a ‘hands off’ approach (Dobash & Dobash, 1992; Hague & Malos, 1993; Kjervik, 1992). The decision a police officer makes to arrest the batterer and assist the victim toward safety in a domestic violence case illustrates whether the officer considers domestic violence a civil or criminal offense.

**Mandatory Arrest Controversy.**

In the past decade, the legal system and criminal justice services have become more active in their response to domestic violence (Hague & Malos, 1993). Their role is integral to implementing current policy to end violence against women. Numerous police experiments have been conducted to determine whether arrest deters domestic violence (Berk, 1993; Berk, Fenstermaker, & Newton, 1988; Bourg & Stock, 1994; Garner et al., 1995; Sherman et al., 1992). Results from the research on deterrence are contradictory.
The major concern and issue of debate within the current policy against domestic violence is that of mandatory arrest. Fifteen states and the District of Columbia implemented a mandatory arrest policy stating perpetrators of the crime of domestic violence must be arrested (Wanless, 1996). The mandatory arrest provision requires that at least one party be arrested in a domestic violence case if probable cause is established. There has been criticism of mandatory arrest as to the limit it places on both the police officer’s discretion as well as the choice and decision of the victim of abuse as whether or not to arrest the offender.

When police arrest the batterer (usually the husband or significant male partner of the woman) and keep him for a few hours to "cool off" he was likely to abuse the woman once again (Bourg & Stock, 1994). Often the beating following arrest is more severe and possibly fatal to the woman (Schmidt & Sherman, 1993). Yet arrest was found to reduce the chance of the woman being battered from 7% after police left to 2% after the batterer returned home from jail (Schmidt & Sherman, 1993). However, arrest only deters violence in the short run. Over the course of one year the rate of violence by batterers who were arrested doubled (Schmidt & Sherman, 1993). The increase in violence may also be characteristic of the typical escalation of violence that occurs within an abusive relationship over time (Giles-Sims, 1983; Pagelow, 1984; Straus, 1986). Those offenders of wife/partner abuse who are arrested and brought before the legal system maintain a good chance of being released with few or no charges brought for their violent abusive behavior (Bourg & Stock, 1994; Schmidt & Sherman, 1993).

The first study to examine police intervention into domestic violence was the Minneapolis Police Experiment conducted in 1983 (Sherman et al., 1992). The study
included 2,093 domestic violence calls that were randomly assigned one of three conditions: arrest of suspect, eight-hour separation of suspect and victim, or police mediation with the couple. A six-month follow-up interview was done with the victim of the violence. The study found that arrest appeared to be the best option to deter domestic violence. This finding had extraordinary impact on police departments across the country as arrest was seen as an answer to the problem of domestic violence. Police officers now had a procedure when answering a domestic violence call. This solution, however, became questionable when a twelve-month follow-up was conducted that indicated that the violent behaviors had returned and in some cases were more severe (Schmidt & Sherman, 1993; Sherman et al., 1992). By this time the Minneapolis police study results had already been used to bolster support for mandatory arrest in domestic violence cases (Zorza & Woods, 1994). In fact, by the middle of 1983, six states had enacted mandatory arrest laws in particular domestic violence situations and thirty-three states had laws allowing police to arrest in domestic violence situations (Zorza & Woods, 1994).

The controversy over mandatory arrest started when six cities replicated the Minneapolis police experiment, five of which were published with mixed results (Schmidt & Sherman, 1993; Sherman et al., 1992). The five published reports include: Omaha, Nebraska; Milwaukee, Wisconsin; Charlotte, North Carolina; Colorado Springs, Colorado; and Miami, Florida. Four basic findings appeared in the resulting literature: 1) arrest decreased violence in some cases and increased in others; 2) violence decreased among employed offenders, arrested for domestic violence, but increased among the unemployed; 3) violence decreased in the short-term but increased in long-term; 4) studies
addressed individual incidents and not patterns of violence (Sherman et al., 1992; Zorza & Woods, 1994).

The mixed nature of these reported findings led to a division among researchers who supported mandatory arrest as an effective response and deterrent, and those who did not support mandatory arrest and believed it contributed to increasing levels and severity of domestic violence. Sherman, Schmidt, and Ragan (1992) and Schmidt and Sherman (1993) do not support mandatory arrest as a deterrent in domestic violence cases. Instead they propose five policy recommendations: 1) repeal mandatory arrest laws; 2) substitute structured police discretion; 3) allow for warrantless arrests; 4) encourage issuance of arrest warrants for absent offenders; and 5) provide special units and policies to focus on chronically violent couples. Many scholars have since supported these recommendations (Buzawa & Buzawa, 1993; Schmidt & Sherman, 1993; Sherman et al., 1992).

Buzawa and Buzawa (1993) suggested that the conflicting findings from the five replication studies do not support the effectiveness of mandatory arrest. Instead they support alternatives to arrest, including education and training about domestic violence, services for victims and offenders, and well planned and organized rehabilitation programs which incorporate substance abuse counseling. Although these are important factors to consider within domestic violence policy, others disagree with doing away with mandatory arrest (Berk, 1993; Zorza & Woods, 1994).

Berk (1993) supports mandatory arrest, seeing no better alternative. Berk (1993) suggests that critics of this point of view should consider the following four important areas for police to consider when making an arrest: 1) what the law allows for a misdemeanor domestic violence; 2) morality and ethics of the situation (private v. public);
3) the practical limit to law enforcement regarding discretion in deciding if a restraining order has been violated; and 4) scientific evidence supporting arrest as a deterrence to domestic violence.

There is concern among critics of non-mandatory arrest policy in that supporters of this policy may be focusing more on the long-term rehabilitation of the batterer at the expense of the immediate needs of the victim (Berk, 1993; Zorza & Woods, 1994). In addition, non-supporters of mandatory arrest laws may be dichotomizing the situation as either arrest without education and counseling or no arrest with education and counseling, instead of an approach that encompasses both immediate arrest as well as counseling and education (Berk, 1993; Crites, 1987; Kjervik, 1992; Zorza & Woods, 1994). Other states have preferred or pro-arrest policies where the police officer is encouraged to arrest when probable cause can be established in a domestic violence case. Pro-arrest policies often include training for police officers to educate them on domestic violence and its impact on the family and victims. This pro-arrest policy is meant to deter further domestic violence but research shows that arrest may not always take place even under mandatory arrest policies. In fact, Bourg and Stock (1994) report that less than one third of domestic violence calls answered by a sheriff's department under the pro-arrest policy ended in arrest.

Supporters of mandatory arrest policy oppose the suggested policy reforms resulting from the replication studies (Zorza & Woods, 1994). They most oppose the repeal of mandatory arrest laws, and the substitution of structured police discretion in its place. They argue that arrest is the most effective deterrent of violence against women. Arrest is the only legal tool available that allows police officers to intervene and
temporarily stop the violence. Arrest gives the victim a window of opportunity to escape and implement a safety plan or contact a shelter (Berk, 1993; Berk et al., 1989; Bourg & Stock, 1994; Zorza & Woods, 1994). Supporters of mandatory arrest argue that the mere act of arresting the batterer sends the message that domestic violence is an unacceptable crime.

Since the controversy over whether to arrest or not arrest stems directly from the 1983 Minneapolis police experiment and the five city replication studies from 1985-1990, Zorza and Woods (1994) offer critique of the fundamental flaws of these studies. First, domestic violence, left unchecked, escalates and the studies should have compared recidivism rates with the normal rates not to zero. Second, the studies all assessed the deterrent effects of arrest alone and no other criminal justice follow-up such as prosecution, conviction, and punishment. Finally, in 96% of cases where women were arrested, the violence was self-defense and should have been dropped from the study. The overall limitation of the studies was that they only assessed misdemeanor and not felony charges of domestic violence and there was no comparison to a non-arrest population (Zorza & Woods, 1994). Garner et al. (1995) cautioned against viewing the replication studies of the Minneapolis Police Experiment as the final word in police response to domestic violence.

Garner et al. (1995) conducted a meta-analysis of the Spouse Assault Replication Program (SARP), which included the seven replications of the Minneapolis Police Experiments. The findings report that both the conclusions and the analytical approaches are varied throughout all of the experiments, hence, limiting the understanding of deterrence theory and its relevance to violence against women (Garner et al., 1995).
Overall, Garner et al. (1995) suggest that there is a need to understand alternative police responses to violence against women rather than limiting response to the issue of arrest.

The decision to arrest at the time of police intervention of a domestic violence situation is far from being a cut-and-dried decision. Arrest of a batterer depends on a variety of influential personal and situation specific factors that appear to give little consideration to the actual crime of violence and abuse (Crites, 1987; Dobash & Dobash, 1979, 1992; Kjervik, 1992; Martin, 1976). Personal beliefs and attitudes of the arresting officers largely influence their decision of when and who to arrest.

**Beliefs and Attitudes.**

The beliefs and attitudes of legal professionals, regarding violence against women, is a main thread tying both the public/private debate and the mandatory arrest controversy. Police officers' reluctance to arrest batterers may be explained in their beliefs and attitudes toward the crime of domestic violence and women (Crites, 1987; Dobash & Dobash, 1979, 1992; Kjervik, 1992; Martin, 1976).

Studies conducted to examine the personal and situational factors that enter into police officers' judgement found clear biases influencing their response to domestic violence cases. Whether or not a police officer arrests the offender when answering a domestic violence call is influenced by a number of factors apart from the actual crime of domestic violence. These include police officer's own personal prejudices and beliefs about violence against women, the characteristics of the offender and victim including their socio-economic status, employment, and marital status, and the state of the current situation at the time they arrive (Dobash & Dobash, 1979, 1992; Sherman et al., 1992). Bourg and Stock (1994) found in their replication study of 1,870 domestic violence calls
over a year that only one-third ended in arrest. Women were charged with more serious assault and four-fifths of those black women arrested were charged with a felony whereas only one-fifth of the white men arrested were charged with a felony (Bourg & Stock, 1994). These findings suggest racist and sexist biases influencing the action and response of police officers to domestic violence cases (Bourg & Stock, 1994).

Berk, Fensternmaker and Newton (1988) identify extralegal situational factors which influence police action including the use of alcohol or intoxication, whether victim seeks arrest, the extent of injury, whether or not the victim and perpetrator are married, and whether or not the victim called the police. These situational factors are not unique to domestic violence calls as they may very well carry over into other areas of police intervention (Berk et al., 1988). There have been recommendations for specific education and training of police officers and other law enforcement officials to address the biases and judgements that influence law enforcement response to particular situations (Crites, 1987; Kjervik, 1992; Zorza & Woods, 1994).

Kjervik (1992) recommends the examination of subjective assumptions about gender roles that operate within the legal system and search for new ways to empower women who have been brutally beaten both physically and psychologically. Crites (1987) suggests the need for a multi-dimensional approach, which would include education about the crime as well as an intensive review of conscious and unconscious prejudices toward domestic violence. Zorza and Woods (1994) offer a more inclusive coordinated community response which incorporates training not only for police officers and judges but also prosecutors, probation officers, and any other professional who works directly with domestic violence cases. Although, education and training programs are currently
being funded through the VAWA 1994 to help ensure better protection and safety of women when police intervene in domestic violence cases, there is little research on the evaluation and success of such programs (United States Statutes at Large, 1994).

Conclusion.

Violence against women is a major social problem requiring recognition and action among policy makers regarding current revisions of domestic violence policy. Individual prejudices inhibit policy reform and actions taken against male batterers by law enforcement officials. Both judges and police officers decriminalize wife abuse as seen in decisions based on their personal prejudices and belief systems (Crites, 1987). Several recommendations have been made regarding the improvement of the legal system's response to violence against women.

There is a need to revise current state policies on domestic violence to respond more effectively to the needs of women who are battered. Legal systems largely fail to respond to the needs of battered women (Kjervik, 1992). The courts are not supportive of the rights and needs of abused women; victims are left even more vulnerable when courts fail to apply the necessary sanctions to abusive partners (Crites, 1987; Kjervik, 1992; Schein, 1995). By failing to respond to domestic violence as a serious crime, the legal system appears to be supporting violence against women.

A detailed overview of political culture theory is used to better explain the connection between policy content and the effects of policy implementation on families (Zimmerman, 1995). To further examine the interconnection between the public/private debate, the controversy over mandatory arrest laws, and the interplay of biased
judgements and beliefs this theoretical framework will be presented which considers the political climate and its influence on society’s beliefs and attitudes.

Theoretical Framework for Policy on Families

Zimmerman (1988) offers a constructive definition of family policy that focuses on family well-being. Social policy, in general, is a combination of principles and procedures that guide a course of action to intervene and regulate problems between individuals within the social system (Zimmerman, 1988). Family policy helps to define the individual roles of family members within society by establishing laws that state the rights, status and entitlements of specific positions within the family. Therefore, family policy concerns not only the regulation of family well-being but also the effects of such regulation on the family unit and society as a whole. In addition, family policy also values concerns shared by other social policies including freedom, rights, justice, equality of opportunity, social integration, and efficiency, as well as the agreed-upon values and goals of the society (Zimmerman, 1995).

The degree of integration of regulation and evaluation of family well-being varies from state to state. The definition of well-being may include economic, social, psychological, and interpersonal dimensions which might include assessments of self-esteem, marital satisfaction, income, career satisfaction, and quality of life (Zimmerman, 1992). Although well-being is measured on an individual basis it is understood that an individual’s state of well-being directly impacts and influences other family members’ sense of well-being (Zimmerman, 1992). Each state’s policy choices and political culture determine the meaning of well-being within the family (Zimmerman, 1992). The meaning of well-being within the political culture directly influences the policies which are...
implemented to regulate the family domain. To more fully comprehend the involvement of
the political culture in constructing family policy it is important to understand the
assumptions of political culture theory, of which a detailed review will follow.

Political Culture Theory.

Political culture theory is a direct descendent of rational choice theory (Inglehart,
1990; Zimmerman, 1995). Rational choice theory refers to the selection of policy
initiatives that have the greatest potential for maximizing agreed upon goals and values
such as freedom, equality, independence, and security, among others (Dye, 1975). The
method by which such policy principles and components are chosen is based on a ranking
system determining the net value ratio for each alternative offered (Zimmerman, 1995). A
list of alternative strategies for achieving the agreed upon values and goals for a particular
social or family problem is generated and rank ordered according to the assessment of the
perceived ability in achieving the goals. Another list is then constructed listing the
potential consequences both intended and unintended which may result from each
alternative. This exercise results in a net ratio value or index that indicates the extent to
which each alternative will potentially maximize goals and values (Zimmerman, 1995).

Rational choice theory is limited by an inability to recognize differing values and
definitions of a particular social problem (Dye, 1975; Zimmerman, 1995). Rational
choice theorists fail to acknowledge and accommodate the personal needs, thoughts,
beliefs, and desires of lawmakers (Zimmerman, 1995). In addition, rational choice
theorists fall short in addressing the existing uncertainties and ambiguities surrounding
alternative strategies. The theorist’s basic assumptions are weak in their ability to address
the complex nature of the varying beliefs and attitudes embedded within the social context of the problem.

Political culture theorists attempt to address the complex interplay of three central concepts: values, attitudes, and habitual behaviors at the national, state, and community levels of government (Zimmerman, 1995). The underlying assumptions of political culture theory encompass a belief that populations of different societies are characterized by certain basic values, attitudes, and behavior that remain relatively stable (Inglehart, 1990). Changes occur gradual in relation to specific problems, such as legal protection for victims of domestic violence. This theory assesses societal attitudes toward government that directly influence the perception and definition of family problems in relation to government, thus, directly impacting those problems that are converted into family policies and the nature of the programs used to address them (Inglehart, 1990; Zimmerman, 1995).

The nature or environment of the political order is central to political culture theory in order to assess the influence such order would have on family and social policy (Zimmerman, 1995). One perception views the political order as a marketplace where bargaining and negotiation is conducted out of each individual’s own self-interest (Elazar, 1984; Zimmerman, 1995). Another perception of the political order is that of a commonwealth in which people harbor shared interests and work together to sustain a government that would implement certain shared moral principles (Elazar, 1984; Zimmerman, 1995). Three subcultures; individualistic, moralistic, and traditionalistic have evolved from these divided perceptions (Elazar, 1984). All three subcultures are loyal to the overall political structure, but each takes a different orientation toward particular units of jurisdiction (Elazar, 1984).
The individualistic political culture values private concerns over public issues. It seeks to keep government out of the private domain, resisting even minimal intervention into private activities. It maintains that the government that is best governs least (Elazar, 1984). In contrast, moralistic political culture values the use of public power to intervene into private situations when the good of the public is threatened (Elazar, 1984). Domestic violence cases are those in which violence is being experienced within the private domain of the family, and where public intervention may prevent further abuse and provide protection and safety. The traditionalistic political culture shares the moralistic view that government intervention is needed but only to maintain the social order and not necessarily to initiate social change (Elazar, 1984). Elazar (1984) charted the existence of these three subcultures throughout the United States, finding that each subculture was securely bound to a specific region of the country due to the patterns of migration of people with different backgrounds and origins, (Elazar, 1984) (see Appendix B for a list of states within each sub culture).

The political culture perspective asserts that responses toward the political climate vary across cultures and within subcultures and that social and family problems are the outcomes of interactions between individuals and the society (Zimmerman, 1992). Each subculture - individualistic, traditionalistic, and moralistic - prefers different orientations in their interpretations and actions within a democratic and capitalist society (Zimmerman, 1992).

Political culture theory is a comprehensive framework from which to understand the process and creation of family policy within the United States. The interconnection between values, attitudes, and behaviors of individuals directly impacts the policy making
process by influencing the values, beliefs, and behavior of government (Zimmerman, 1992). Because political culture theory acknowledges that family policy is not created in a vacuum, void of any influence from society's beliefs and prejudices, it lends itself to exploring the gendered nature of social policy.

As clearly presented by both Dobash and Dobash (1992) and Matthews (1994), the process by which social change is enacted is not always compatible with feminist beliefs and ideologies. For example, in order to convict a perpetrator of violence or rape the privacy and independence of a victim needs to be exploited or lessened. Even when such a crime is reported and the abuser or rapist is found, the laws may not be in place to convict or prosecute and may not provide the victim with the appropriate safety precautions. The absence of laws that deter violence against women leaves the victim in a vulnerable and unsupported position and at risk of being re-victimized by the judicial system (Dobash & Dobash, 1992).

Although incompatibility exists between the process of social change and the ideological beliefs of feminists there are changes being implemented that do help to lessen the violence against women. Dobash and Dobash (1992) discuss the laws mandating preferred arrest or mandatory arrest during a domestic violence call. Although these laws represent a great gain in helping women who are abused, without also arranging mandatory provisions of jail time or therapeutic intervention, the perpetrator is likely to return home angrier than when he left, resulting in repeated abuse or possibly death for the woman.

Gender and public policy is becoming more of an acknowledged area in policy construction and critique. The legal discourse and rules by which social policies are
implemented are lacking and need to strive to incorporate less gendered assumptions as well as more recognition and acceptance of differences of gender, race, class, religion and sexual orientation (Dobash & Dobash, 1992; Matthews, 1994). Attending to the differences of society is an instrumental first step in implementing social policies on violence that are useful in both deterring future violence as well as aiding the victim to safety in escaping violent relationships (Dobash & Dobash, 1992).

The following section will describe the methods used in examining domestic violence policy on a state by state basis. State policies will be examined as will state response in cases of domestic violence.
CHAPTER 3

METHODOLOGY

This study is a document analysis that examines domestic violence policies within the United States. This chapter will describe the methodology used to collect and analyze the data for this study. First, the proposed goals and epistemological basis for choosing document analysis as the method of investigation will be described. Then a description will be given of the sample selection, instrumentation, data collection, data analyses, and limitations.

Epistemological Basis for Using Document Analysis

The main purpose of this study is to assess the quality of each state's domestic violence policy as well as their level of responsiveness to domestic violence. In order to assess the quality of domestic violence policy, state statutes on domestic violence were compared to a model state code developed to serve as a template for state level domestic violence policies (NCJFCJ, 1994). To evaluate state response to domestic violence the rates of arrest and prosecution of domestic violence offenders as well as the availability of resources such as shelters and supportive domestic violence organizations were examined. The level of policy quality is believed to be related to the level of state response. That is, states with more complete or higher quality policy on domestic violence will also have higher rates of state response.

In order to investigate the quality of domestic violence policy within the United States, document analysis was employed. Document analysis is a research methodology
commonly used to analyze texts and documents (Lincoln & Guba, 1985). In this case, the documents under scrutiny are state level statutes and laws regarding domestic violence.

Documents under analysis include written archival records that are divided into either public or private (Denzin, 1978). Public archival records or public documents are defined as being prepared typically for a particular audience and therefore are filed systematically and written in a standardized format (Denzin, 1978). Examples of public archival records may include school records, arrest records, and credit histories. Private archival records or private documents are constructed for personal use by an individual and are available to a much smaller audience (Denzin, 1978). Private documents would include such things as personal diaries and field notes. For the purposes of this study all written texts, in this case policies of domestic violence, are referred to as public document data.

The archival documents of domestic violence policy used within this study are seen as a singularly useful information source and act as a base for subsequent inquiries (Lincoln & Guba, 1985). The rationale for using domestic violence policy as the primary unit of analysis parallels the three advantages to conducting document data collection and analysis, as presented by Lincoln and Guba (1985). First, document data is a rich source of information that is contextually relevant and grounded in the context that it represents. The data used in this study represent documents of state statutes of domestic violence that are a direct result of the continued efforts of the Battered Woman's Movement. Thus, the data is relevant within the historical context of the struggle to end violence against women in the United States as well as being grounded within the reality of the Battered Woman's Movement in present day.

Second, analysis of written archival data allows for a non-interactive unobtrusive study that does not rely on human respondents. The documents collected for this study were obtained through a database containing all fifty states and the District of Columbia's
state codes. Therefore, there was no need for human respondents in collecting state statutes on domestic violence.

Third, written document data is available at a low cost to the researcher or in most cases, is free of charge. In the case of document data used in this study there is no charge to use the WESTLAW® database; it is free of charge for educational use by university faculty and graduate students. Document analysis has proven to be a rich information source regarding policies under analysis and may also provide ideas that would be found useful toward theory construction and future directions in policy research. It is important to differentiate between the method of document analysis and the process of policy analysis. Document analysis is the method used in this study to collect the state statutes on domestic violence. Policy analysis is an evaluation of a current policy and the response to or effectiveness of that policy (Majchrzak, 1984). Following is a description of the sample used within this policy analysis.

Sample Selection

The sample investigated includes domestic violence policies of all fifty states within the United States and the District of Columbia. This sample, being the population of this study, allows for an inclusive national comparison within the United States regarding domestic violence policy. The main unit of analysis is the domestic violence policy within each state current as of 1997. This specific time period was chosen for two reasons. First, it follows the Violence Against Women Act of 1994 where, among other things, states are awarded a certain portion of financial funding if they adopted specific principles within their domestic violence policy. Second, the National Council of Juvenile and Family Court Judges began a comprehensive tracking system of domestic violence policy starting in 1995 which is updated yearly. This tracking system will be employed within the analysis of this data. The following section will address the task of operationalizing the
measurement of domestic violence policy quality and state response services within a policy analysis.

Instrumentation

The task of operationalizing variables within a policy analysis varies in difficulty and depends heavily on the specificity of the research question. Majchrzak (1984) recommends that for every variable that needs to be operationalized the researcher should first, construct a precise definition of the variable, and second, select a specific technique or process for measuring the variable as defined. Therefore, both, the independent variable, policy quality and the dependent variable, state response are defined by criteria including specific indicators of both policy quality and state response. Justification and measurement for the specific indicators of policy quality and state response follows.

The process of operationalizing quality of domestic violence policy requires the consideration of a complex array of variables. According to the National Council of Juvenile and Family Court Judges (1994), in order to measure the comprehensive nature of a state's particular policy there are five areas that need to be examined. They include: a) general provisions including defining domestic and family violence, b) criminal penalties and procedures, c) civil orders for protection, d) family and children, and e) prevention and treatment (NCJFCJ, 1994). Thus, the independent variable, policy quality, was determined by the inclusion of the above five areas within each state's statutes on domestic violence. It is important to note that these five areas are specific criteria put forth within the model code on family violence and individual states may include additional topics specific to their needs surrounding domestic violence policy. A tracking sheet was constructed to track the coding of state statutes. This instrument is not a scale but rather a tracking sheet reflective of each individual state's policy contents, therefore, it is not appropriate to calculate indices of reliability or validity.
In order to assess the influence of policy quality on state response to domestic violence policy four areas of community intervention and support were examined as well as rates of arrest and prosecution. They include a) counseling services offered to victims, batterers and children who witness or experience domestic violence; b) emergency services for survivors and their children; c) availability of domestic violence shelters; and d) the number of safe homes and refuges for battered women and their children. The above areas characterize external interventions and resources that are important if not instrumental factors in responding to domestic violence and supporting domestic violence legislation. Therefore, the dependent variable, state response, was examined regarding the inclusion of the above indicators of community intervention and support within each state. Since the data collected here is reported sums of the number of services, arrests, and prosecution there is no survey form employed. It therefore would be inappropriate to calculate reliability or validity.

Policy Quality.

The independent variable, policy quality, was measured using the provisions provided by the National Council of Juvenile and Family Court Judges within their publication, *Family Violence: A Model State Code* (NCJFCJ, 1994). The provisions include five areas relevant to domestic violence policy quality including, a complete definition of who is considered within the realms of domestic or household member and a description of those acts of domestic violence, the criminal penalties and procedures to follow in a domestic violence situation, civil orders for protection, issues regarding the safety of the family and children including custody and divorce issues, and programs for the prevention of domestic violence and counseling treatment for the perpetrator and victim. Provisions are further defined within, *Family Violence: A Model State Code*, and the criteria used in the NCJFCJ's policy evaluations and analysis are clearly presented (NCJFCJ, 1994) (see also Appendix D).
Family Violence: A Model State Code was drafted through the Family Violence Project, with support and commitment from the Conrad N. Hilton Foundation and is one measurement of the quality of each individual state’s domestic violence policy. The NCJFCJ employed an advisory committee of twenty-three and a staff of four including: judges, prosecutors, defense attorneys, matrimonial lawyers, battered women's advocates, medical and health care professionals, law enforcement personnel, legislators, educators, scholars, and others who are leaders in the domestic and family violence field and who are committed to ending domestic and family violence. Starting in 1991 this committee worked for three years making compromises and difficult decisions until an agreed upon Code emerged. Following is an excerpt directly from the NCJFCJ introduction to the Code.

The Model State Code on Domestic and Family Violence provides effective and innovative answers to the concerns of public officials and community leaders. This Code will help protect victims in a fair, prompt and comprehensive fashion. It will help prevent future violence in every family where such violence has been discovered....This Code treats domestic and family violence as a crime which requires early, aggressive and thorough intervention. Finally it sets forth ways that each community can coordinate efforts to identify, protect, treat and intervene when domestic or family violence occurs...The key is community commitment to recognize, address and prevent such violence. Effective and enabling legislation is the cornerstone....We believe this Code is fair and effective and will result in lives being saved and families helped" (NCJFCJ, 1994, p. vi).

For this study the model state code on domestic and family violence serves as a template to compare the existing domestic violence policies in each state and the District
of Columbia. The code includes provisions that are determined by NCJFCJ (1994) as an inclusive set of criteria to be included within a state's policy on domestic violence. Following is a brief description of each of the five components. For a complete list of the detailed framework of each component refer to Appendix D.

**Definition of Domestic Violence.** Defining domestic violence is the first policy component. This section emphasizes the need for clarity in the terminology used when defining the act of domestic and family violence as well as who is included within the definition of family and household members. For example, the NCJFCJ (1994) makes a distinction between family member and household member. Family member refers to kin related by blood, marriage, or adoption. Household member includes persons who live or ever lived together regardless of relationship. These distinctions are important in defining those who could be included within the crime of domestic violence.

**Criminal Penalties and Procedures.** Criminal penalties and procedures is the second recommended component within domestic and family violence policy. This particular section tracks the legal procedures and duties involved when intervening in a domestic situation where physical violence and abuse has occurred. For example, law enforcement officers who respond to domestic violence cases have an obligation to notify the victim of their rights and of available resources and services for shelter and support. Therefore, state policies which include a dissemination of victim rights and support are said to have stronger policies (NCJFCJ, 1994).

**Civil Orders for Protection.** Civil orders for protection is the third component within the model state code on domestic and family violence. This section refers to the procedure taken when a victim of domestic and family violence seeks to receive legal protection from their batterer when an arrest has not been made. Within this component the code proposes the use of uniform forms for petitions and orders and also offers confidentiality by omitting the petitioner's address (NCJFCJ, 1994). Therefore, states that

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include a comprehensive civil order for protection are said to have stronger policies (NCJFCJ, 1994).

**Family and Children.** Family and children is the fourth component recommended for inclusion within a state's policy. The issues focus on custody, visitation and residence of the child(ren) involved in cases of domestic and family violence, the role of children's protective services as well as guidelines for mediation within cases of domestic and family violence are also provided. For example, policies should include issues of mediation in order to protect the victim and child(ren) from further violence (NCJFCJ, 1994). States with inclusive family and child provisions are said to have stronger domestic violence policies (NCJFCJ, 1994).

**Prevention and Treatment.** Prevention and treatment is the fifth and final component offered by the National Council of Juvenile and Family Court Judges. This component includes a state public health plan to reduce domestic and family violence, regulate programs of intervention for perpetrators, as well as provisions for services provided to victims and a notice of the rights of victims. In addition, this fifth component includes standards for educating law enforcement officers, judges, attorneys, court personnel and employees who work with domestic and family violence cases. For example, creation of a state advisory council on domestic and family violence is suggested as an imperative first step in regulating the prevention and treatment component of the code (NCJFCJ, 1994). Therefore, states that require prevention and treatment programs for victims and offenders are said to have strong policies (NCJFCJ, 1994).

**State Response.**

The dependent variable, state response, was assessed by the following indicators: number of safe homes, the number of shelters within each state, the number of counseling programs available to survivors of domestic violence, their children and batterers, the number of emergency services available to victims and their children, and arrest and
prosecution rates of domestic violence offenders on a state by state basis. This information is important in determining the overall responsiveness of each state regarding domestic violence policy for the following reasons. First, the indicators represent community agency and intervention regarding domestic violence. Second, the areas represent common modes of intervention and resources available to victims of domestic violence that can be evaluated as indicators of state response to domestic violence. Third, domestic violence resources such as shelters and supportive organizations are included under both the criminal penalties and procedures provision as well as the prevention and treatment provision, of the model code, as necessary to the survival and needs of the victims of domestic violence. Arrest and prosecution rates directly address the provision requiring the implementation of specific criminal penalties and procedures, including arrest and prosecution of domestic violence offenders. Therefore, the indicators of state response are considered relevant and valid in assessing the responsive nature of state's communities to the crime of domestic violence (see Appendix E for clear definitions of the components of state response).

Counseling Services. Counseling services is one component of state response to domestic violence. There are four types of counseling services within this variable including counseling and advocacy services to victims and survivors of domestic violence, counseling to children who have either witnessed or experienced domestic violence, non-residential support groups offered by shelter programs for survivors of domestic violence who are not currently residents of the shelter, and counseling services and programs available to batterers of domestic violence. The number of counseling services within a state is a strong indicator of responsiveness within a state toward recognizing the impact of domestic violence on an individual's emotional, mental and physical state and the need for therapeutic counseling to combat the impact.
Emergency Services. A second component of the dependent variable, state response, is emergency services offered within each state in response to domestic violence. They include twenty-four hour hotlines, emergency transportation, legal advocacy service, and rape/sexual assault services. A state with a high number of emergency services is considered a highly responsive state in terms of initiating immediate services that are available, with no or minimal charge, to victims of domestic violence in the community.

Safe Homes. A third component being investigated under state response is the number of safe homes available within each state. Safe homes are, for the most part, private confidential homes, motels or other housing where victims of domestic violence and their children may reside in safety. Unlike shelters their capacity is typically much smaller as well as the amount of time a resident may stay is usually limited to 1-7 days. Also, safe homes typically do not offer other services outside of sheltering to their clients and are often located in rural or remote areas of the state.

Battered Woman Shelters. The number of shelters per state is a fourth indicator of state response regarding domestic violence policy. The number of shelters or refuges that are available to house victims of domestic and family violence as well as their child(ren) was ascertained on a state by state basis from the National Coalition Against Domestic Violence in Colorado. Residential shelters do not only act as a safe haven to battered women and their children many also provide extensive resources, counseling, and training to empower victims and survivors of domestic violence to leave their abusers permanently and be able to begin a new life free of physical harm and abuse. Therefore, shelters and other types of refuges for battered women are seen as instrumental in responding to domestic violence.

Arrest rates. Arrest rates made by police officers of domestic and family violence offenders during 1997 were obtained from each state's domestic violence coalition office. These criminal arrests of domestic violence serve as the single procedure available to
police officers to immediately stop violence and provide a window of time in which the victim may seek safety and protection. Assessing the number of arrests within each state is believed to be one indicator of state response used to ascertain the effectiveness of that state's policy on domestic violence.

Prosecution rates. The number of prosecuted domestic violence offenders is the second indicator of state response regarding domestic violence. Prosecution rates of domestic and family violence offenders during 1997 were calculated for every state through each state's domestic violence coalition office. Assessing the number of arrested offenders who actually get prosecuted is seen as one predictive measure of the progressive and effective nature of that state's domestic violence policy.

Data Collection

There were three methods of data collection for this study, document retrieval, secondary data analysis, and telephone interviews. The use of several methods of inquiry or data collection is seen as an ideal technique when conducting a policy analysis and is beneficial for two reasons (Doty, 1982; Smith & Seashore-Louis, 1982). First, there is an increased perceived validity of the study when several methods are used to assess the effectiveness of policy. Second, the use of two or more methods provides additional insight that one method alone may not provide (Doty, 1982; Smith & Seashore-Louis, 1982). By using document retrieval, secondary data analysis, and telephone interviews both of these criteria are met.

Document Retrieval

The primary source of data collection for this study was document retrieval of the domestic violence statutes for the fifty states and the District of Columbia. A strategy, termed by Doty (1982) as "focused synthesis," the synthesis and review of written materials, was employed. Each state's statutes on domestic violence were collected via WESTLAW database, which is an online law library. WESTLAW is updated daily
making it one of the largest and most comprehensive archives of online full-text legal sources, law reviews, and journals. Among many of the resources available through WESTLAW, the federal and state statutes, regulations and administrative materials database, were used to retrieve state policies on domestic violence.

The federal and state statutes database was used to search each state’s statutes regarding domestic violence. There was a separate search conducted for each of the fifty states and the District of Columbia. Each search was uniform in that it employed matching search parameters and the same five search terms were used in order to maintain a consistent data collection method within each state. The five terms used to search for state statutes include domestic violence, family violence, spousal abuse, domestic abuse, and violence against women. These terms were selected in part due to their common use within social science and legal literature and research and are believed to capture an inclusive set of statutes, cases, and laws that provide a base from which to assess the quality of domestic violence policy within every state. Three attorneys affiliated with NCJFCJ were interviewed as to the terms they would use in searching for statutes and they all agreed on the above five terms. A search parameter restricting the data to before January 1, 1998 was enforced so as to capture the complete policy as of December 31, 1997. After every state’s data search was completed, the statutes were printed out and coded for specific criteria regarding the five indicators of policy quality.

A citation list, which is an abbreviated version or list of the original search of state statutes on domestic violence, was obtained for all fifty states and the District of Columbia via WESTLAW database. The citation lists were printed out and coded. Those citations that were relevant to domestic violence were highlighted. Relevant citations would include a title or subsection directly referring to domestic violence. Citations including specific reference to one or more of the five provisions provided by NCJFCJ (1994) were of particular interest. For example, a subsection may read, domestic violence protection
orders or domestic violence and child custody issues, both of which are specific components of recommended provisions. After all citations were examined the relevant or highlighted citations were located within WESTLAW database and the full citation was printed out (see Appendix C for the number of citations for each state). This procedure was conducted for every state and the District of Columbia. After all relevant statutes were printed for each state and the District of Columbia the next step was to read through each statute and code for the inclusion of each of the five indicators for policy quality.

Each state's statutes obtained from the WESTLAW database search were analyzed and coded according to the NCJFCJ (1994) state code template (see Appendix D for description of template). The document, *Family Violence: A Model State Code*, provided by the NCJFCJ (1994) was used as the template from which to assess the fifty state's and District of Columbia's domestic violence policy quality. The quality of each policy was determined by its inclusion of the five indicators of policy quality including definition of domestic violence, criminal procedures, civil protection, family and child consideration, and prevention and treatment issues (NCJFCJ, 1994).

Each of the five indicators of policy quality include a set of several criteria that were coded either a one if that criteria is in the state policy or a zero if it is not. After each criterion was coded, a total numeric value for that particular indicator of policy quality is recorded for each state (based on the summation of ones/zeros). Each indicator of policy quality has a different range in their total numeric value possible due to the different amount of criteria used to assess each indicator of policy quality. To view the specific details of each indicator's criteria see Appendix D.

For example, the indicator, general provisions or definitions of domestic violence includes twenty-six possible points (range = 0-26), criminal penalties and procedures offers one hundred and fifty-seven points possible (range = 0-157), civil orders for protection has a possible eighty-one points (range = 0-81), family and children has thirty-five points (range = 0-35), and public acknowledgement and response has a possible twenty-one points (range = 0-21).
seven total points possible (range = 0-37), and prevention and treatment consists of a possible one hundred eight points (range = 0-108).

The NCJFCJ (1994) states that the inclusion of all five areas is imperative to a complete, high quality, domestic violence policy. Each of the five areas directly address an issue relevant to the protection of victims and prevention of further violence (NCJFCJ, 1994).

During the earlier stages of data collection a law student, with education and background specific to the area of domestic violence, was employed for consultation in selecting the appropriate statutes for coding as well as defining legal terminology. This process took three to four weeks. The selected citations were scrutinized and studied for their relevance to the five provisions within the model code by both the researcher and law student. Once the agreed upon citations were confirmed the complete statutes were printed (see Appendix C for an Accumulated Citation List). Even though both individuals were involved in the statute selection process there was no inter-rater reliability calculated.

The statutes were organized in order of the five provisions to make for easier coding and placed alphabetically by state into three ring binders. A twenty-two page single spaced tracking sheet was created by transposing information from the model code regarding the specific components within each of the five provisions into an organized tracking sheet (see Appendix D). Development of the tracking sheet took five days, five to six hour days. Detailed examination and study of the tracking sheet was necessary in order to be able to code the statutes accurately. The coding of the state statutes took six days straight averaging eleven hours a day coding. Since there was much detail concerning the categories under each provision, taking large spans of time to code was best for concentration and accuracy. The civil orders for protection presented the most complications when coding as there were many different types of protection orders specific to the situation of violence at time of request. Once the statutes were coded the
sum for each section was calculated and entered into the data set. Entering the data, once coded, took a little over four hours.

Secondary Data.

An additional source of data collection for this research project was secondary data collected by the National Coalition Against Domestic Violence office in Denver, Colorado. The data is presented within their National Directory of Domestic Violence Programs, current as of 1997 (see Appendix E for clear definitions for the components of state response). The National Coalition Against Domestic Violence sent out surveys to all state coalitions, all existing domestic violence programs listed in the current directory, as well as all of their membership in order to collect updated information on the various domestic violence programs offered in each state (see Appendix D for survey form). The response rate to this survey was not tracked and it is not known whether the services listed are funded by public or private donations. However, during a phone interview with the executive director, Rita Smith, she concluded that the majority of services are affiliated with a local shelter and therefore most services are private, non-profit organizations that also may receive some public money (personal correspondence Rita Smith, December 11, 1999).

All fifty states and the District of Columbia have an established network or coalition that serves as the central resource office for information and support for that state's other domestic violence organizations and agencies. The coalition office also conducts community and statewide training and, in some states, the coalition office acts as a clearinghouse for statistics related to domestic violence. The fact that each state has a domestic violence coalition or network office provides for a consistent resource to begin collecting data on state response to domestic violence.

The data collected within the National Directory of Domestic Violence Services is a basic numeric count of services in existence and does not include a quality measure of
services. It is realized that the quality of the service offered is of great importance and should be investigated on a more micro level project for example, within one state or district in that state. The constraints of a national study limit the depth of analysis within each particular state or issue being investigated.

**Telephone Interviews**

Telephone interviews were conducted with each state's Coalition Against Domestic Violence to gather data on arrest and prosecution rates. An interview guide was constructed specific to this study to obtain information on four indicators of state response to domestic violence policy, the number of domestic violence organizations, shelters, arrests, and prosecution rates for each state (see Appendix D for interview guide).

All fifty states and the District of Columbia have an established network or coalition that serves as the central resource office of information and support for that state's other domestic violence organizations and agencies. The coalition office also conducts community and statewide training and, in some states, the coalition office acts as a clearinghouse for statistics related to the arrest and intervention of domestic violence offenders. The fact that each state has a domestic violence coalition or network office provides for a consistent resource to begin collecting data on state response to domestic violence. In a situation where the state's coalition office is unable to provide the requested information an inquiry will be made as to whether there is another state office or organization that could assist in the request. Other offices may include the city prosecutor's office, police departments, and other agencies within the state that advocate support and resources for victims of domestic violence.

The number of shelters, safe homes, counseling services and emergency services as well as rates of arrest and prosecution were entered for each state. The maximum value possible for each indicator of state response varies. After both the state policy codes and the domestic violence service data are entered the following analysis was conducted.
Data Analysis

The first question regarding the ranking of states on the various components of policy quality and state response was addressed by using descriptive statistics. A sort was conducted on each variable of policy quality and state response as well as the total policy quality and total state response, resulting in eleven sorts. The states were listed in descending order within a table for each variable. From these tables a list was generated of the top ten states for every component. This analysis is useful in allowing for a national profile of each state to be employed on each of the components for domestic violence policy and services. The findings will allow an investigation into whether higher scores on policy quality lead to more responsive services within a state.

In order to answer the second question of whether state response to domestic violence is related to the level of quality of a given state's policy on domestic violence a scatter plot, using LOWESS (locally weighted regression scatter plot smoother), was employed. A scatter plot charts a distribution of data showing relationships and variability. A scatter plot is a non-parametric analysis in that there is no assumption concerning the population parameters or the shape of the distribution. There are three main purposes of a scatter plot. First, as stated above, the scatter plot will indicate the nature of a relationship without any prior assumptions or hypotheses. Second, the scatter plot display will identify any variability in relationships, this will indicate whether there is a linear relationship. Third, by identifying whether there is a linear relationship will indicate the appropriateness of hypothesis testing.

To address the third question regarding the nature and influence of the five indicators of policy quality on the five indicators of state response, a regression tree (Clark & Pregibon, 1997) was employed, resulting in twenty-five regression trees. A regression tree is designed to describe the structure of the data and to summarize the data within an exploratory analysis. The purpose of a regression tree is twofold. First, the display or
results of a regression tree will identify those indicators of policy quality that are most associated with specific indicators of state response. Second, a regression tree will also identify sub groups of states with like indicators and how those particular indicators influence the indicators of state response. A display of this type of sub grouping would have those states that group together on a particular indicator of policy quality, such as criminal procedures, when compared to a particular indicator of state response, such as counseling services, near the top of the “tree” and groupings of the remaining states in descending order leaving those states with weak scores on criminal procedures near the base or bottom of the “tree”.

The purpose of the above statistical analyses is to provide a more accurate description of current policy quality and state response. Following are the limitations that are involved in conducting a national policy analysis.

Limitations

There are a number of limitations to this study that need to be addressed. First, there is no systematic recording required for the Domestic Violence Coalition office of each state. Therefore, concern ranges from receiving inaccurate estimates to possibly no record of the reported total number domestic violence organizations and shelters as well as arrest and prosecution rates. Second, since there is no one source or compilation of the domestic violence policy in every state there is a possibility that the policies collected may not be inclusive of that state’s provisions and laws regarding the crime of domestic violence. Although, the WESTLAW database is a comprehensive archive of state statutes there is a possibility that the search employed may not have been comprehensive enough to capture the totality of every state’s law and policy on domestic violence.

A third limitation is that this study is a broad national overview of domestic violence policy that inhibits analyzing, in detail, the particular needs for policy improvement within every state. However, this broad overview may serve as a platform
from which policy weaknesses within a particular state or region could be recognized and applied within more in-depth analyses.

Despite its limitations the employment of a national comparison lends itself to exploring trends and patterns of domestic violence policy within the United States which stand to inform policy and may spark areas of interest in which further study and research may transpire.
CHAPTER 4

RESULTS

The purpose of this project was to conduct a national, state level, comparison of domestic violence policies. The level of policy quality is hypothesized to be related to the level of state response. Thus, those states having a more complete policy on domestic violence will also offer more supportive services. Policy quality includes the level to which each state's domestic violence policy measures up to five specific provisions provided within an ideal code of domestic violence, including definition of domestic violence, criminal penalties and procedure, civil orders for protection, family and child provisions, and prevention and treatment measures. State response includes survivor services including a numeric count of the number of shelters, safe homes, counseling services, and emergency services within each state. To analyze these data scatter plots, regression trees, and frequency tables were constructed.

The following questions were addressed within this analysis. Where do the states rank in comparison to each other on the indicators of policy quality and state response? Is there a relationship between the level of policy quality a state may have regarding domestic violence and that state's response to the crime of domestic violence? For each of the five indicators of policy quality what is their influence on each of the four
indicators of state response to domestic violence? First, the confounding effect of population was examined.

Population

Confounding Effect of Population on State Services.

A total policy quality variable was created by the sum of the five components of policy quality. It appears that many of the state response service scores (number of shelters, safe homes, counseling services, and emergency services) are positively associated with population size. Hence the problem of investigating the relationship between policy quality and state services is difficult due to the potential confounding effects of population.

To see the magnitude of this effect, three scatter plots with three possible adjustments for population are examined. The first scatter plot (see Fig. 4.1) displays total policy quality versus the unadjusted total state response variable (sum of state response services). No adjustment for population is made in the first graph. The second scatter plot (see Fig. 4.2) compared total policy quality versus the average state response. Here the total of the 10 service scores is divided by the state population and multiplied by 1000. Hence, the average number of state services for domestic violence victims per 1000 residents. The third scatter plot (see Fig. 4.3) shows total policy quality versus the sum of the residuals from individual linear regressions of each state service versus population. The residuals represent the state service count adjusted for the effect of population.
Figure 4.1: Total Policy Quality versus the unadjusted Total State Response
Figure 4.2: Total Policy Quality versus the average Total State Response
Figure 4.3: Total Policy Quality versus the sum of the residuals from individual linear regressions of each State Response Service.
In the first graph (see Fig. 4.1) large states are located to the right of the graph since state response services increase with the population size of state. For example, California, New York, and Texas are furthest to the right. Some sparsely populated states such as Wyoming and Alaska are in the lower quartile of services. If services grow proportionally to population size, then the second adjustment would make sense.

In the second graph (see Fig. 4.2) the large and small states have been juxtaposed. Sparsely populated states such as Wyoming, Alaska, Vermont and the Dakotas fall to the right of the graph, while the big states are now all situated far to the left. This adjustment for population appears to be too severe. Evidently, while services increase with population, the increase is not necessarily directly proportional. Twice the people does not imply twice the services are needed.

The third graph (see Fig. 4.3) has both large and small states spread out in the center of the graph. This adjustment allows for a more accurate display of services while controlling for population.

Consequently, for the remaining analyses, the four state response scores are defined as the sum of service scores after having been adjusted for population size. These are emergency services (the sum of the residuals for the service scores: 24 hour hotline, rape/sexual assault services, emergency transportation, and legal services and advocacy); counseling services (the sum of the residuals for the service scores: counseling/advocacy, non-residential support groups, batterer treatment, children's counseling); number of shelters; and number of safe homes.

The original model included state response indicators of arrest and prosecution rates but due to the inability to collect such data, in part due to the lack of standardized data.
reporting, they had to be taken out of the study. Each of the fifty-one coalitions were contacted using the interview guide in Appendix D. There were only four states who could provide estimates of state-wide arrest rates for domestic violence offenders and none of the state coalitions had rates on prosecution of domestic violence offenders. Some states had data on the number of emergency protection orders filed but this is not reflective of the number arrested for domestic violence offenses. Some states could report on the number of actual domestic violence calls made into their police departments but that in no way is a direct count of arrests made. Therefore, the arrest and prosecution component of state response has been removed from the following analysis. The need for standardized incident forms and data collection is discussed in chapter five.

Findings

Descriptive Analysis.

To examine the profile of each state regarding their domestic violence policy as well as their level of services offered a descriptive analysis was conducted. This descriptive display will answer the question as to where the states fall in comparison with each other. In order to accomplish this states were listed in descending order according to their numeric count for each of the five variables of policy quality, the four variables of state response, as well as the total policy score and total state response score (see Tables 4.1 - 4.11).
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Table 4.1: Definition of Domestic Violence (each state's inclusion of components under definition of domestic violence) (Range 0-25) (Mean = 11.22) (SD=4.70) (min=0; max=21) (n=51)
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Table 4.2: Criminal Penalties and Procedures (each state's inclusion of components under criminal penalties and procedures) (Range 0-157) (Mean = 28.29) (SD=16.19) (min=0; max=69) (n=51)
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Table 4.3: Civil Orders for Protection (each state's inclusion of components under civil orders for protection) (Range 0-81) (Mean = 33.02) (SD=17.16) (min=0; max=59) (n=51)
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<td>41 - Wisconsin</td>
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<td>50 - District of Columbia</td>
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Table 4.4: Laws Providing for Family and Children (each state's inclusion of components under family and children provisions) (Range 0-37) (Mean = 5.31) (SD=6.93) (min=0; max=27) (n=51)
<table>
<thead>
<tr>
<th>State</th>
<th>Prevention &amp; Treatment</th>
<th>State</th>
<th>Prevention &amp; Treatment</th>
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</thead>
<tbody>
<tr>
<td>1 - Alaska</td>
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<td>10</td>
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<tr>
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<td>10</td>
</tr>
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<td>4 - New York</td>
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<td>29 - Massachusetts</td>
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<td>30 - Louisiana</td>
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<td>15</td>
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<td>45 - Kansas</td>
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<td>21 - Vermont</td>
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</table>

Table 4.5: Mandates for Prevention and Treatment (each state's inclusion of components under mandates for prevention and treatment) (Range 0-108) (Mean = 13.82) (SD=12.48) (min=0; max=48) (n=51)
<table>
<thead>
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<th>State</th>
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<th>State</th>
<th>Total Policy Score</th>
</tr>
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<td>1 - Alaska</td>
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<td>92</td>
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<td>27 - New Mexico</td>
<td>92</td>
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<td>90</td>
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<tr>
<td>4 - West Virginia</td>
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<td>29 - Wisconsin</td>
<td>86</td>
</tr>
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<td>5 - Washington</td>
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</table>

Table 4.6: Total Policy Quality Score (sum of: definition of domestic violence, criminal procedures, civil orders for protection, family and child provisions, and prevention and treatment) (Mean = 91.67) (min=10; max=192) (n=51)
<table>
<thead>
<tr>
<th>State</th>
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<th>State</th>
<th>Counseling Services</th>
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<td>1 - California</td>
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<td>26 - New Mexico</td>
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<td>2 - New York</td>
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<td>17 - Tennessee</td>
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Table 4.7: Number of Counseling Services within each state (Mean = 81.43) (SD=59.79) (min=8; max=283) (n=51)
<table>
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<th>Emergency Services</th>
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<td>1 - California</td>
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<td>75</td>
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<tr>
<td>3 - Texas</td>
<td>211</td>
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<td>199</td>
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<td>64</td>
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<td>5 - Minnesota</td>
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<td>31 - Connecticut</td>
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<td>8 - Wisconsin</td>
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<td>9 - Michigan</td>
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<td>49</td>
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<td>10 - Illinois</td>
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<td>48</td>
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<tr>
<td>11 - Colorado</td>
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<td>16 - Iowa</td>
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<td>44 - Mississippi</td>
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Table 4.8: Number of Emergency Services within each state (Mean = 85.98) (SD = 59.93) (min = 4; max = 270) (n = 51)
<table>
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<th>State</th>
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<th>State</th>
<th>Safe Homes</th>
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<tr>
<td>2 - Minnesota</td>
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<td>3 - Colorado</td>
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<tr>
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</table>

Table 4.9 : Number of Safe Homes within each state (Mean = 4.75) (SD=5.41) (min=0; max=22) (n=51)
<table>
<thead>
<tr>
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<th>Shelters</th>
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<td>1 - California</td>
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<td>19</td>
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<tr>
<td>2 - New York</td>
<td>76</td>
<td>27 - Nebraska</td>
<td>19</td>
</tr>
<tr>
<td>3 - Texas</td>
<td>66</td>
<td>28 - South Dakota</td>
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<td>5 - Ohio</td>
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<tr>
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Table 4.10: Number of Shelters within each state (Mean = 24.78) (SD=17.85) (min=2; max=86) (n=51)
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<th>State Response Score</th>
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Table 4.11: State Response Score (sum of: number of shelters, safe homes, counseling services, and emergency services) (Mean = 196.94) (SD=139.81) (min=15; max=653) (n=51)
Some of the states ranking within the top third on total policy quality and total state response include California, Florida, Illinois, Minnesota, New York, Ohio, and Texas. States scoring in the middle of the ranking on total policy quality and response included Georgia, Idaho, New Mexico, Oklahoma, South Dakota, and Wyoming. States within the lower third consist of Delaware, District of Columbia, Maine, Mississippi, and Vermont. In addition, a list of the top ten states within each policy quality and state response component was constructed (see Table 4.12 and 4.13).

There is also a compilation table displaying all of the states and all of the eleven variables (see Table 4.14). Each state is ranked as to whether they fell within the top third, middle third, or lower third regarding their score on each of the components of policy quality and state response as well as the total scores for each.

Those states that have more complete policies on domestic violence, according to the provisions set forth by the National Council of Juvenile and Family Court Judges (1994), include Alaska, Minnesota, Tennessee, West Virginia, Washington, Texas, New Jersey, Nevada, Rhode Island, and Kentucky (see table 4.12). Of these Minnesota, Tennessee, West Virginia, and Washington also had high scores on four of the five policy quality variables. Alaska maintained three areas of strength within the five areas of policy quality, while New Jersey and Nevada each had two components of policy quality within the top ten scores. The three remaining top states on policy quality, Texas, Rhode Island, and Kentucky also scored high within one other component of policy quality.
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Table 4.12: Top ten states on policy quality components
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### Shelters

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### State Response Scores

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Table 4.13: Top ten states on state response components
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Table 4.14: United States and 11 variables, ranking each state prominent, middle or low (DEF-definition; CPP-criminal penalties; COP-civil orders; F&C-family/child; P&T-prevention & treatment; CS-counseling; ES-emergency services; NS-shelters; NSH-safe homes; TPQ-total policy quality; TSR-total state response)
Those states highest in their responsive services to domestic violence include California, New York, Texas, North Carolina Pennsylvania, Minnesota, Ohio, Michigan, Wisconsin, and Illinois. Of the ten states, California, New York, Texas, and Pennsylvania also score high within all four of the components of state response including number of safe homes, shelters, counseling services, and emergency services. North Carolina, Minnesota, Ohio, and Michigan have higher scores within three of the state response components. Both Wisconsin and Illinois find strength within two of the four indicators of state responsiveness.

When comparing the high scoring states on total policy quality with those states with higher total state response it is interesting to note that Minnesota and Texas were the only two states scoring high on the majority of the variables. Texas scores highest in all but one component of policy quality and all four components of state response. Minnesota scored high within every component for each policy quality and state response. After controlling for population both Texas and Minnesota remain high on both, policy quality and state response.

Scatter Plots.

**Total policy quality on total state response.** A scatter plot with LOWESS (locally weighted regression scatter plot smoother) was used to investigate the relationship between mean total policy quality and total number of state response services adjusted for states population (see Fig. 4.3). The plot does not suggest that a strong relationship exists, since the nonparametric estimate of the conditional mean quality of policy is fairly flat and does not appear to depend on the number of state services. However, it does reveal some unusual states. Minnesota appears to have high scores on both policy quality
and number of state services. Interestingly, the District of Columbia and Virginia, the nation's capital and a region very close to the capital, have low total policy quality scores. Vermont also appears to have a low total policy score. North Carolina is high on services but low on quality of policy. Minnesota and Alaska have high total policy quality scores. Florida has a low services score but has a moderately high quality of policy score. While these findings are interesting, overall no relationship between policy quality score and service response score was found.

State response services on quality of policy. Scatter plots with a LOWESS (locally weighted regression scatter plot smoother) were also used to investigate the relationship between the five quality of policy scores with the four state response scores after being adjusted for the size of the population in the state (see Figs. 4.4 - 4.23). The nonparametric estimates of the conditional mean policy scores are relatively flat suggesting little relationship with states' services. The only plots that suggest a relationship appear to be the criminal penalties and procedures score versus number of shelters (see Fig. 4.8) and number of domestic violence counseling services (see Fig. 4.11). These two plots appear to have a slight negative association, although this association reflected the influence of only a couple of states at the extreme ranges of the service axis. If just two states, North Carolina and New Jersey, are removed from the plot the conditional mean appears to be fairly flat. Hence, there does not appear to be a strong marginal relationship between any of the policy scores with the service scores.
Figure 4.4: Definition of domestic violence versus number of shelters expected based on population.

Figure 4.5: Definition of domestic violence versus number of safe homes expected based on population.

Figure 4.6: Definition of domestic violence versus number of emergency services expected based on population.

Figure 4.7: Definition of domestic violence versus number of counseling services expected based on population.
Figure 4.8: Criminal penalties and procedures versus number of shelters expected based on population.

Figure 4.9: Criminal penalties and procedures versus number of safe homes expected based on population.

Figure 4.10: Criminal penalties and procedures versus number of emergency services expected based on population.

Figure 4.11: Criminal penalties and procedures versus number of counseling services expected based on population.
Figure 4.12: Civil orders for protection versus number of shelters expected based on population.

Figure 4.13: Civil orders for protection versus number of safe homes expected based on population.

Figure 4.14: Civil orders for protection versus number of emergency services expected based on population.

Figure 4.15: Civil orders for protection versus number of counseling services expected based on population.
Figure 4.16: Laws for family and children versus number of shelters expected based on population.

Figure 4.17: Laws for family and children versus number of safe homes expected based on population.

Figure 4.18: Laws for family and children versus number of emergency services expected based on population.

Figure 4.19: Laws for family and children versus number of counseling services expected based on population.
Figure 4.20: Mandates for prevention and treatment versus number of shelters expected based on population.

Figure 4.21: Mandates for prevention and treatment versus number of safe homes expected based on population.

Figure 4.22: Mandates for prevention and treatment versus number of emergency services expected based on population.

Figure 4.23: Mandates for prevention and treatment versus number of counseling services expected based on population.
Regression Trees.

The simultaneous effect of quality of policy scores on total state response scores, adjusted for population, was investigated using regression trees. Tree-based modeling is an exploratory technique for uncovering structure in data. One of the main reasons this analysis was selected is that its treatment of missing values, which were common within the policy provisions data, is more satisfactory than for linear models (Clark & Pregibon, 1997). Also, this model allows more general interactions between predictor variables, more so than a multiplicative form. This technique is useful in classification where there is a set of predictor or classification variables such as the five components of policy quality and one response variable such as shelters (see figure 4.24). According to Clark and Pregibon (1997), this tree-based approach is similar to the data-analytic approach and includes fits, residual analysis, and interactive graphical inspection.

Regression trees are similar to regression models in that the conditional mean is the response. They differ from conventional regression models in that they do not require a restrictive additive form for terms in the model and interactions are not restricted to a multiplicative form. Instead strata are defined using independent variables for which the deviance or error sum of squares is minimized (Breiman, Friedman, Olshen, & Stone, 1984). The independent variables were the five quality of policy provisions, definition of domestic violence, criminal penalties and procedures, civil orders for protection, family and child laws, and prevention and treatment issues.
Figure 4.24: Regression tree for number of shelters expected based on population.
Shelters. Examining the regression tree for number of shelters we see that the most important variables were family and child provisions and criminal penalties and procedures (see Fig. 4.24). States having high scores for laws for family and children, had on average 4.7 fewer shelters than expected for states with similar populations. California and Alaska were among these states. States with low family/child law scores and high criminal penalties and procedures scores had on average 8.5 fewer shelters than expected for states of their size. Florida and New Jersey were in this group.

The strata with 6 more shelters than expected for their size was defined by states that had small scores for three quality measures: family/child laws, criminal penalties and procedures, and prevention and treatment. Thirteen states scattered across the country were in this stratum. The conditional means in this regression tree range from 6 to −8.5 a difference of 14.5, while the standard deviation for the number of shelters adjusted for population is approximately 8.

Safe Homes. Examining the regression tree for number of safe homes the most important variable emerging is the mandates for prevention and treatment, which appears in the two most important and highest branches of the tree (see Fig. 4.25). High scores on this quality measure are associated with states that have 5 more safe homes than expected for states of their size. Alaska, Minnesota, and Texas are among these states. The standard deviation for number of safe homes adjusted for population size is 4.8.

Counseling Services. The regression tree for domestic violence counseling services reveals that laws for family and children is most important while mandates for prevention and treatment is the second most important variable (see Fig. 4.26). States with high scores on laws for family/child had a smaller than expected number of
domestic violence counseling services. States with low scores on both laws for family/child and prevention and treatment had about 28 more counseling services than expected for states of their size. The means in these two extreme strata differ by 46 and the standard deviation associated with number of counseling services adjusted for population is 28.3.

**Emergency Services.** The regression tree for number of emergency services also depends the most on laws for family and children (See Fig. 4.27). Large scores for this policy quality measure is again associated with states with 21 fewer than expected number of emergency services. States with a small score on family/child laws but a high score on definition of domestic violence had 40 more emergency services than predicted for states of their size. These two strata differ by 61 with respect to mean number of emergency services while the standard deviation associated with number of services adjusted for population is 34.2.

There appears to be a lot of variability without any patterns or trends to be found in both the regression trees as well as the scatter plots. This finding may be due to the macro nature of this study in terms of looking at a national comparison of domestic violence policy and services. Perhaps a more detailed focussed study into one provision of policy quality and one or two components of state response within a particular state or region may be better able to lend itself to relational findings.
Figure 4.25: Regression tree for number of safe homes expected based on population.
Figure 4.26: Regression tree for counseling services expected based on population.
Figure 4.27: Regression tree for number of emergency services expected based on population.
Conclusion.

In sum, state response domestic violence services increase with the population size of the state however, the level of policy quality stays constant. The simultaneous effect of quality of policy versus state response in terms of services reveal a strata of states that have high scores on the policy quality provision, laws for family and children, and have fewer shelters, counseling services, and emergency services than states with comparable populations. These states are Alabama, Alaska, California, Georgia, Hawaii, Kansas, Maryland, South Carolina, Tennessee, and West Virginia.

There were seven states that had the highest score within both policy quality and state response including: California, Florida, Illinois, Minnesota, New York, Ohio, and Texas. There were six states with moderate scores for both, policy quality and state response Georgia, Idaho, New Mexico, Oklahoma, South Dakota, and Wyoming. Those states most limited in their domestic violence policy and state responsiveness are Delaware, District of Columbia, Maine, and Vermont.
CHAPTER 5

DISCUSSION

The interpretations of the more salient results of the three main questions from this study are discussed. The first research question focused on the descriptive nature of state indicators of policy quality and state response. The majority of states scoring within the upper third on quality of domestic violence policy also had high scores on the provisions of prevention and treatment measures, criminal penalties and procedures, as well as civil orders for protection. These three provisions appear to be the most salient of the five in contributing to higher scoring policies on domestic violence. Much of the literature on domestic violence, within the realm of policy, focuses on criminal procedures regarding arrest and reporting domestic violence incidents, the enforcement of civil protection orders, victim advocate rights within the legal system, as well as numerous studies examining batterer treatment programs. Although there is a focus within the research literature addressing the provisions, prevention and treatment, criminal penalties and procedures, and civil orders for protection, the awareness of these provisions as key strengths within domestic violence policy could impact future research. Specifically, research within the area of the legal enforcement and process of domestic violence cases as well as evaluation and implementation of educational and counseling initiatives could be well informed from this finding. Acknowledging the importance of
such provisions may spur a focus of resources to aid in the education, training, and implementation of legal measures of protection for women and children from family violence as well as for treatment and education issues.

The ten states having the highest state responsiveness to the crime of domestic violence also score highest on the number of emergency services that state has available for victims. These services would include 24-hour hotlines, legal advocacy and services, rape and sexual assault services, and emergency transportation for victims of domestic violence. High scores on the number of counseling services and the number of shelters a state housed were also strong indicators of a responsive state to domestic violence. Thus, the availability of emergency services, counseling services, and shelters are inclusive characteristics of services useful in responding to the crime of domestic violence. Training, resource and evaluation efforts within these three areas are important to insure successful support to victims of domestic violence.

The second question addressed within this research study was the relationship between the level of policy quality a state may have regarding domestic violence and that state’s response to the crime of domestic violence. The scatter plot of policy quality and total state response does not suggest a relationship between the quality of that state’s policy and the number of state services. Each of the five policy quality provisions were compared to each of the four state response components and there does not appear to be a relationship between any of the policy scores with any of the service scores. Plausible explanations for this finding will follow.

The third question addressed the nature and influence of the five indicators of policy quality on the four indicators of state response. Regression trees were constructed
to examine this influence. The policy quality provision, laws for family and children, was found to be the most important variable within three of the four regression trees, shelters, counseling services and emergency services. Thus, those states having a high score on laws for family and children also have fewer shelters, counseling services, and emergency services than expected based on population. The provision mandates for prevention and treatment of domestic violence was found most important within the safe homes regression tree.

There are a number of explanations for these results. Discussion follows with a focus on assumptions inherent to this study, difficulties with data collection, and possible confounding effects of variables not included in this study.

Clarifying Assumptions

There are certain assumptions that were inherent in conducting this study. In retrospect, these assumptions may have been incorrect and may have led to the dearth of significant results. Each assumption will be explicated and expanded here. First was the use of the model code on domestic violence as a template from which to code the existing statutes in the United States. For this study it was assumed that this would be the best or most complete model on which to compare other state codes, however, given certain results this assumption may be erroneous. It was acknowledged that Family Violence: A Model State Code (NCJFCJ, 1994) contained criteria deemed important to be included within a state's policy on domestic violence specific to is creators perspective. Even though careful evaluation was given to the committee of twenty-three selected to advise the construction of the model code on domestic violence it is important to note that their recommendations were only as informed as the professionals employed in its creation.
Although the committee assigned to creating the model code came from various backgrounds including lawyers, medical professionals, battered women advocates, scholars, and law enforcement officers, it is unclear as to their personal beliefs and perspectives. For instance, did any of the professionals employed embrace a feminist perspective? Were there conflicting beliefs and opinions concerning personal perspectives within the creation of the model? If so, how were these resolved? How is this reflected in state's adoption of the code? Some states may utilize strong feminist beliefs while others may not. These questions would make for interesting inquiry and could possibly effect the development and implementation of the model code. The model code provided a substantial collection of provisions important in combating family violence, however, the specific needs of each state or district within that state could not be considered by such a global model.

One difficulty using the model state code was that several states had statutes that were not included within the model code's main five provisions. Thus, states that might have otherwise scored high on policy quality in this study did not because these statutes were not included. For example, some of these statutes had recurring categories that emerged during the process of coding. The more common categories included: criteria and standards for shelters, prohibiting discrimination toward victims of domestic violence on life or health insurance plans, and criteria for support services for domestic violence victims. Several states also had a marriage fee ranging from $10 - $25 that was part of a shelter fund. Other categories of interest include: annual legislative report of service and shelter evaluation, victim eligibility as needy family, line blocker/caller id with a order for protection or within a shelter, as well as technical support and training for shelter staff.
and residents. These additional statutes appear to go above and beyond what the model code suggest as important. It might make for interesting dialogue for committee members from the NCJFCJ to discuss and evaluate the original five provisions and the specific needs and modifications made within individual states. While a documented record of these additional statutes was kept for each state during the coding process they were not included in the final tally. Clearly, results of this study may have been different if these had been included.

A second assumption of this study was that policy directly effects services offered. That is, those states scoring high on policy quality also were believed to offer higher number of state services. The data strongly supports this misconception in that states high on completeness of domestic violence policy, per the model code criteria, were not necessarily providing services reflective of their strong policies. For example, Alaska, Kentucky, Nevada, Rhode Island, Utah, and West Virginia all score high in overall policy completeness but are limited in services offered. It is important to note that the intentions policy makers may have while creating a law may not directly relate to the availability of resources and services. It may also be that lawmakers may have no intention to follow up with services. Their job may be in the creation of the law leaving the creation and accessibility of services to others. If true, the assumption of policy effecting services is an erroneous one.

The Violence Against Women Act of 1994 allocated states specific funds to be used toward services for victimized women. Imbedded in this second assumption is that states that had more complete policies were thought to be more compliant with the VAWA act and thus have funds to provide services. Given these results this may not be
true. Therefore, findings may be due to a lack of money available to properly enact the services specific to a particular policy. For example, states with more complete policies may not be able to afford the appropriate services to reinforce the law. If this is the case, then policy makers are implementing laws for which there are no resources available. In addition, some policies characteristic of the five provisions of the model code may not be represented in services. For instance it would be difficult to locate a program or service whose mission was to define domestic violence. One may be well advised to not assume a relationship between existing policy and services available. As mentioned earlier, the reality of a law does not necessitate a service provided. There are many intervening variables that need to be considered such as resources and support available to implement services, time between a piece of legislation being passed and coordination of appropriate services, as well as the attitudes and political representation of the current state representatives. These will be discussed later.

A third assumption was that all states would have laws directly labeled for domestic violence. It is curious that Kentucky, West Virginia, Utah, Nevada, and Arizona all appeared to have above average domestic violence policy. While it is plausible that these states have progressive lawmakers it is also plausible that they adopted the model code versus engineering their own. Thus, the assumptions that each state had independently derived codes may be erroneous. More in depth studies are needed to track the specific statutes passed within each state and the availability of support, resources and services to support policy implementation. Furthermore, it would be interesting to know how states develop their laws and if this process effects the implementation of the law or policy.
Data Difficulties

There were many challenges faced during the process of data collection and coding that may have impacted the findings of this study. First, it was hard to collect the relevant statutes making up a state's domestic violence policy. One could not simply type "domestic violence" into the database and bring up all WESTLAW relevant statutes. Some statutes do not refer to domestic violence as a crime or some states may label it spouse abuse or family violence. Although a search was done on five possible labels; violence against women, domestic violence, spouse abuse, family violence, and domestic abuse, it is still not known whether or not any state's policy within this study is complete using these terms. If a state uses terminology different from those listed above, relevant statutes would have been missed which would alter that state's score. These are severe limitations to the database as well as to the lack of a standard code within and between states. Therefore, relevant statutes may have been lost due to the semantics of labeling policy. As discussed earlier in chapter one the name a policy is given is influential of that policy's success within a given political climate (Frug, 1992).

The task of collecting the documents for this policy analysis presented a challenge and may have impacted the results of this study. Since the statutes were collected through the WESTLAW database, mainly employed by law researchers, there was a need for education and tutorial services in order to maneuver through the program. After the statutes were collected they needed to be narrowed down to those statutes relevant to domestic violence policy per the five provisions set forth by the Model Code (NCJFCJ, 1994). Although the assistance of a law student was employed, because the legal terminology was challenging misinterpretation may have been possible. In fact, here
again relevant statutes or codes may have been omitted which could impact the individual state scores on policy. The process of collecting just this information took three to four weeks. Research utilizing state policies and laws is made difficult, and may not be able to be done properly, unless laws are made more user-friendly to the general public. One method that might be considered would be to have each state’s coalition against domestic violence in connection with the city prosecutor’s office to develop a domestic violence website that would be updated regularly with policy changes using non-legal language. To do this there would need to be money allocated for staff to track these changes and the technology available to implement the webspace.

The next step was to code each state’s statutes on domestic violence for inclusion of the criteria of each of the five provisions; definition of domestic violence, criminal procedures, civil order for protection, mandates for family and children, and prevention and treatment. The tracking sheet for the statute’s criteria was twenty-two single spaced pages (see Appendix D). The coding of the state statutes was an intense and laborious process. As mentioned in chapter three, it was best to code in large chunks of time as it was hard to keep the location of the different components of each provision within the twenty-two page tracking sheet clear. This process was very time consuming not to mention the weeks spent transposing the provisions and criteria into a tracking sheet or the time spent memorizing the provisions and criteria and then translating the language within a given statute to figure out where best it may fit. It is possible that this intense study and interpretation of the model code may have effected the results of the policy coding. For example, over analytic tendencies to interpret the policies correctly may have skewed the apparent meaning of specific provisions.

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The inclusion of a second coder for reliability and validity of the statute coding process would have been beneficial. There was assistance in the early stages of coding for the initial printing of statutes conforming to the five provisions of the model code. However, considering the constraints of the study, funds were not available for additional help during the coding of statutes.

The subjectivity involved in only having one coder can be problematic. Often the statutes would not use the same language as the model code and interpretation was necessary. Even after careful study of the provisions within the tracking sheet there were some statutes that may have fit into two or more sections of the code and a decision had to be made as to what section was most important. An additional coder would have been very beneficial in helping to stay consistent with the tracking sheet. Future researchers would benefit from not only multiple coders but also coders who are familiar with, and knowledgeable about, the law.

In the collection of the state service data there were limitations that could not be avoided. The use of a secondary data set was employed that did not track the response rate of a domestic violence program survey. Therefore there is no way of knowing how inclusive or reflective this data is concerning services offered. That is, rural states may have been under surveyed thus leading to under representation of safe homes. In addition there was no data concerning the demographic characteristics of the services surveyed as to their clients served or whether the services received public or private funding. It is plausible that only agencies receiving public funds were surveyed. If true, data would be skewed away from possibly more feminist driven services or agencies. Despite its flaws this service data is a useful place to begin when investigating those services available to
victims and offenders of domestic violence. It would be interesting in future studies to track these services more carefully as to the impact of domestic violence policies on not only the existing services but also on the development of new services, and clients served.

There is also a need for standardized reporting of domestic violence offenders in treatment and diversion programs as well as a uniform evaluation process for all services offered both the victims and offenders. Until there are standardized data sources within and between states on specific measures regarding the outcome of a policy there is no way to accurately measure the relationship between the written policies and actual practice of policy and services.

There is also a need for more accurate and consistent data on the rate of domestic violence incidents, arrests, and prosecution. As mentioned earlier there was an attempt made to collect data on arrest and prosecution rates of domestic violence offenders in each state in order to analyze a possible relationship to policy quality. As the calls were solicited to each state's coalition office there was a common response of, "no", to the question regarding, whether their state had records of the number of arrests annually of domestic violence offenders. Utah, for instance, only had 51 of 120 police departments with standardized incident reporting sheets. The fact that very few states had any data on rates of arrest and none of the states had data available on prosecution rates of offenders supports the need for standardized data collection within and across states in order to be able to measure the implementation and impact of policies and laws.

In order to be able to conduct valid and reliable scientific research on the implementation and impact of domestic violence policy and services offered certain
factors are important. Uniform reporting of arrest and prosecution data would be beneficial in the evaluation of the outcome or response to domestic violence policy. Standardization of domestic violence incident arrest forms, data collection and databases is needed both within states and between states to be able to conduct research reflective of these rates as well as the impact of domestic violence policy. Standardization would allow for more accurate studies to be conducted on the effectiveness of arrest procedures, comparison of policy impact between states, and the rate of prosecution throughout the state, as well as the importance of services provided.

Outside of national reports on crime such as the Uniform Crime Reports, Bureau of Justice Statistics, and the National Institute of Justice there is very little in terms of standardized data one could use within a national study regarding rates of violence, arrests, sentencing, prosecution, and evaluation of services. In addition, the national reports display a nationwide profile of crime, that is not inclusive, and it is difficult to locate the specific data within each particular state. Without appropriate measures available the task of coordinating a national investigation on policy effectiveness and services provided is a difficult, almost impossible, challenge. The ability to track all of the relevant data even within a particular state could present quite a challenge not to mention trying to coordinate a standard data set nationwide. A more uniform format for tracking policy impact and service evaluation is needed and support for researchers, lawmakers, and social service workers.

Findings from the current study reveal a national snapshot of domestic violence policy and response services offered. Despite difficulties discussed, future researchers should expound on these strategies to determine the impact and effectiveness of domestic
violence policy and services. For instance, longitudinal research designs are needed to understand the impact of policy over time and allow for impact studies to be done. As mentioned earlier it is difficult to test for relational influence when the data is collected at only one point in time. A longitudinal study would be ideal in tracking arrest rates of domestic violence offenders and the criminal procedures in comparison to the current policy within that particular state. It may also be interesting to investigate implementation of policy and availability of response services on a state or city level versus national. This information would be useful in tracking districts use of policy within a state to then be able to relate this information to legislation issues at the state level that then eventually influence national legislation. A study of this nature may also inform the impact of geographical location and the level of household income per state on the passage of particular domestic violence legislation.

Confounding Factors

While population was accounted for within this original study, there was no control for other possible confounding factors such as, incidents of violence toward women, political climate, or legislative history. It is thought that incidents of violence toward women in a particular state may prove to be a potentially confounding factor. That is, states that may have a lower incidents of reported violence toward women by male intimates may either not have a thorough policy due to the low incidents or that state may have low incidents of violence toward women due to the thoroughness of their domestic violence policy. There are national statistics available on the rates of incidents of violence perpetrated on women both in the family as well as in society. Although the rates may not be an inclusive count the inclusion of such a variable could prove important
when examining state data on domestic violence policy and services offered in order to contextualize the current statutes within the reality of violence rates toward women.

Without consideration of the incidents of violence against women there is a potential confounding effect this information may have on policy or the types and amount of services provided. For instance a state that reports a high number of violence toward women may have a strong political push in that state for appropriate policy and legal measures to deter such violence. There may also be a larger variety of services offered to women in response to the needs victimized women have such as the need for safety, counseling, legal advocacy and child care than states with possibly lower rates of violence.

The incidents of violence toward women is an important variable in studying existing policies on domestic violence as well as services provided for victims. Future researchers investigating policy impact and service responsiveness would be well advised to also investigate the rates of violence toward women within a particular state. It is logical to assume that rates of violence would directly influence the development of policy and the existence of services. In fact, this might explain the high policy completeness in states such as West Virginia, Kentucky and Alabama. As Schechter (1982) explored the emergence of the battered women's movement she found that a receptive political climate allowed for the existence of abuse to be recognized and influence the creation of legal protection and services available.

The political climate is another potentially confounding variable and at any given point in time is both influenced by, as well as influential within, the creation of policy and laws. Reflection into the research process experienced within this study brings many
new recommendations for replication of this type of national investigation of domestic violence. First, there was a tremendous curiosity to look into the contextual and situational factors of the political climate that are present within the creation of each state’s legislation. Questions arose such as, how did each state’s policy reflect the climate of the state? Would states with liberal ideology be more inclusive of domestic violence? Do traditionally conservative states avoid laws stating women are at an increased risk for crimes in the home and therefore need specific mention for protection? How influential are the legal advocates within the battered woman’s movement? Does the length of a crimes legal recognition lesson its chances for continued interest and support?

Second, this study looked for inclusion of certain provisions or services and did not investigate justification or context. Although not investigated, the existence of subjectivity and political representation was realized as an inherent part of policy construction. This may impact the legislation that is passed into law which in turn directly impacts the availability of legal protection and resources for victims and survivors of domestic violence.

Consideration of the conservative or liberal political climate is an important factor when studying policy creation and impact of social policies. The fact that this study did not control for this is a limitation and may prove to have confounding effects on the policies adopted within states as well as the services funded. It is important for future studies into family policy to note and track the influence of party representation and the types of policies that are implemented and found to be valued.
One method to investigate the political climate would be to map the political party of current representatives alongside the date and description of particular legislation passed to protect women from violence. This method may add insight and explanation for why certain legislation is passed due to the conservative or liberal political climate or history of that state. A charting of a state's political history including the year legislation was passed regarding violence against women may prove useful as an indicator of a particular state's evolution regarding domestic violence policy. Not only will this type of charting portray the history of a state's domestic violence legislation it may also serve to inform future directions in the legal protection of women from violence.

Tracking the historical evolution of domestic violence policy may also control for the potentially confounding effects of the historical trends in policy. Similar to party influence examination of the policy track record of a certain state may provide insight into the path of policy evolution regarding domestic violence. This information would be useful to know when constructing a policy initiative. For instance if a state has a fairly conservative history in past policies on family violence the construction of a new policy could reflect this within its terminology. Instead of proposing a policy for the protection of women from male violence within their private homes the language of the policy proposal may read more as a measure to protect all members of a household or family from violence. The use of language and semantics is deliberate within policy construction and can be modified to match the desirable political climate that has been historically present in passing legislation. Knowledge of a state or country's historical record of family policies could be found beneficial in the structuring of new policy as well as researching policy success.
Research within the area of policy on domestic violence is gaining attention and is focusing less on police studies (Schmidt & Sherman, 1993; Sherman et al., 1992) and moving toward victim rights (Hague & Malos, 1993), welfare and domestic violence survivors (Schein, 1995), education and prevention measures, counseling programs for batterers as well as for victims, in addition to a variety of other areas. Future researchers might investigate the structure of domestic violence policy as it changes. Areas of specific focus may include an examination of the courtroom layout and procedure, the implementation of domestic violence policy within same sex couples compared to heterogeneous couples, research into the evaluation of all aspects of domestic violence policy including police duties, victim advocacy, shelter resources, batterer treatment programs' recidivism rates, and the effect of educational initiatives in school and business.

Conclusion

This study offers a national profile of the current state of domestic violence policy and services offered. It is a good place for a nationwide discussion on domestic violence policy to begin. Although no significant findings emerged regarding the impact of services on policy or policy on services this study exhibits richness within its descriptive nature. The ability to map out policy within each state on domestic violence is an opportunity rare in existence. The only other research being conducted on a national level looking at domestic violence policy is within the National Institute of Justice. This particular research is innovative using several researchers who are assigned to particular states checking state web sites daily for policy updates.
The nature of public policy lends itself to a challenging observation. There are policies on domestic violence in one capacity or another within every state in the country. Prior to 1970 domestic violence was not even acknowledged as a crime the United States (Schechter, 1982). The first piece of federal legislation on domestic violence was passed through congress within the Violence Against Woman Act of 1994. Less than five years later an archival study is conducted showing that some state’s don’t refer to domestic violence as a crime and the content of each state’s domestic violence policy vary widely especially regarding mandates on family and child and prevention and treatment measures. This finding could be disheartening but at the same time offers insight into the length of time that it may take for national legislation to filter down into individual states. In order to be implemented, evaluated for limitations and strengths, and to then inform future legislation to complete the never-ending cycle of public policy evolution.

A lack of association found in this study may support the reality that policies and laws do not go out and protect families from abuse the resources and services available do. Because laws are in place to protect families and children does not necessarily mean families and children are being protected. Intentions behind a particular domestic violence policy may be to promote the safety of the family and deter future violence but without proper implementation of services, training, education, financial resources, and level of consciousness within the community the legislation efforts may be for not.
APPENDIX A
DEFINITION OF TERMS

Battered women. All women, regardless of relationship status, who have been beaten and abused by an intimate partner.

Civil protection order. Protection order granted to the victim of domestic violence when there has been no arrest made of the perpetrator. If violated, difficult to have enforced.

Domestic violence. Attempting to cause or causing physical harm, fear of physical harm or involuntary engagement in sexual activity by force, threat of force or duress from one family or household member to another (National Council of Juvenile & Family Court Judges).

Domestic violence policy. Legal title of the policy which helps enforce laws to stop domestic violence and more specifically, violence against women.

Family or household member. Includes adults or minors who: are current or former spouses; live together or who have lived together; are dating or who have dated; are engaged in or who have engaged in a sexual relationship; are related by blood or adoption; are related or formerly related by marriage. Also persons who have a child in common and minor children of a person in a relationship that is described above (National Council of Juvenile & Family Court Judges).
Family violence. Similar meaning to domestic violence, used in literature to denote physical violence within the nuclear family. Most often referring to the disproportionate abuse wives receive from husbands.

Mandatory arrest. Arrest must occur when police officer responds to a domestic call. Arrest determined by evaluation of situation and physical injuries. One or all of individuals at scene may be arrested.

Perpetrator. The person initiating the abuse and violence. Also referred to as batterer or abuser.

Preferred arrest. When arrest is preferred but not mandatory by the police officer responding to a domestic violence call. If no arrest police officer must document reason.

Safety plan. Plans constructed for victims of domestic violence to leave their abusers. Includes specific items to take, escape route, constructing support network, safety in new residence, safety with protection order, safety on the job and in public, and safety with personal health.

Survivor. The victim of domestic violence who has successfully left their abuser.

Temporary protection order. Criminal protection order granted to the victim of abuse when an arrest has been made of the perpetrator. Allows protection to victim from perpetrator if violated can be legally enforced.
Victim. The person receiving the abuse and violence. Person who did not initiate violence and may have retaliated with physical force or violence strictly in self defense.

Violence against women. Term used to describe the disproportionate number of women who are victims of violent acts such as: physical, emotional, and verbal abuse; marital rape, acquaintance rape, and stranger rape. These violent crimes are mainly perpetrated by men.
APPENDIX B
### Political Subcultures in the United States

(Elazar, 1984)

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APPENDIX C
### Accumulated Citation List

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National Coalition Against Domestic Violence
National Directory of Domestic Violence Programs

Directory Listing Form

We strive to make the National Directory as complete and accurate as possible so it is very important that you complete this entire form. We will print your information in the Directory exactly as you have provided it to us. There is no charge for inclusion in the Directory.

Organization Information

Name of program _____________________________________________
(please do not abbreviate)

Mailing Address______________________________________________
(This address will be published; do not list a confidential address)

City________________________ State____________ Zip Code__________

Business Phone___________________ Business Fax________________

Hotline Number__________________ Hours hotline is staffed: __________

If your hotline is not toll-free, do you accept collect calls? __________________________

E-mail address_______________________________________________

Region/area/counties served____________________________________

Our location is confidential: Yes __________ No __________

The shaded information is for NCADV internal use
and will not be published or released other than in generalized statistical information.

Number of full-time staff: __________________________ Number of part-time staff: __________

Number of volunteers: __________________________ Annual Budget: __________

Top three funding sources for your organization:
__________________________________________________________
__________________________________________________________
__________________________________________________________

Services Provided

Indicate services provided on a regular basis with a “Y.” Services for which you make referrals to other providers should be indicated with an “R.”

_____ Shelter _____ Safehouse _____ Crisis Counseling _____ Non-resident counseling

____ Family Counseling
____ Children’s Counseling
____ Child Care during counseling
____ Counseling for batterers
____ Counseling for battered lesbians

____ Peer Support Groups
____ Parenting Skills Training
____ Day care
____ Batterer’s Program
____ Counseling for ritual abuse
Counseling for rape/sexual assault  Counseling for incest survivors
Job counseling

Emergency Local Transportation  Transitional Housing
Financial Aid  Health Services
Victim Services

Legal Services  Restraining/Protective Orders
Court Accompaniment  Court Advocacy
Attorney Referrals  Info on local legal processes
Expert Testimony  Legal Clinics

Women of Color Groups  Wheelchair Accessible
TTY/TDD  Signing

Special Populations Served:

Shelter Capacity: Women  Children:
Number of Women sheltered last year:  Number of Children sheltered last year:
Maximum length of stay permitted:  Maximum Age (if any) for males:

Fees are charged for the following services:

Do you accept no-pay clients?
Restrictions on services:

Languages spoken by staff (in addition to English):

Please list any topics on which you are able/willing to provide Technical Assistance to other shelters. Indicate contact person if applicable:

Other Comments or Services:

Form completed by:  Date:

Please return completed form to:
National Coalition Against Domestic Violence
PO Box 18749
Denver, CO 80218
(303) 831-9251 Fax
Interview guide

Hello, my name is Julie Law and I am a graduate student at the Ohio State University. I am conducting a research study on the domestic violence laws of each state. Is there someone I could talk to about statistics on the number of shelters and domestic violence related organizations in your state as well as the rates of arrest and prosecution of domestic violence offenders in 1997? I would like to ask you four brief questions.

1. How many domestic violence/battered woman shelters does your state have? (If don't know) Who would I contact for that information?

2. How many domestic violence organizations and/or agencies exist within your state, on average? (If uncertain) Who would I contact for that information?

3. How many arrests for domestic violence offenses were there in 1997? (If don't know) Where could I call for that information?

4. How many domestic violence offenders were prosecuted in 1997? (If don't know) Who would I contact for that information?
State Domestic Violence Policy Tracking Sheet

State: _______________

Component 1- DEFINITION OF DOMESTIC VIOLENCE (GENERAL PROVISIONS) (0-26)

Sec. 101 - Mission Statement (construction)
   1. The protection and safety of all victims of domestic and family violence in a fair,
      prompt and effective manner.
   2. The prevention of future violence in all families

Sec. 102 - Definitions
   1. Domestic or Family Violence (one or more acts below by family or household
      member to a family or household member does not include self-defense)
      (a) attempting to cause or causing physical harm
      (b) in fear of physical harm
      (c) causing individual to engage involuntarily in sexual activity by force, threat of
         force, or duress.
   2. Family or Household Members
      (a) adults or minors who are current or former spouses
      (b) adults or minors who live together or who have lived together
      (c) adults or minors who are dating or who have dated
      (d) adults or minors who are engaged in or who have engaged in a sexual
         relationship
      (e) adults or minors who are related by blood or adoption
      (f) adults or minors who are related or formerly related by marriage
      (g) persons who have a child in common
      (h) minor children of a person in a relationship that is described above in (a)
         through (g)
   3. Program of Intervention for Perpetrators (specialized program that:)
      (a) accepts perpetrators of domestic violence into treatment or educational classes to
         satisfy court orders
      (b) offers treatment
      (c) offers classes or instruction
   4. Program for Victims of Domestic or Family Violence (specialized program for
      victims and their children providing:)
      (a) advocacy
      (b) shelter
      (c) crisis intervention
      (d) social services
      (e) treatment
      (f) counseling
      (g) education and/or training
   5. Safety Plan (typically given by p.o. after assessment of dangerous situation)
      (a) written or oral outline of actions to be taken by victim
      (b) provides protection and support

Component 2 - CRIMINAL PENALTIES AND PROCEDURES (0-157)

Sec. 201 - Crime involving domestic or family violence defined (1 or more)
   1. Arson
   2. Assault Offenses
      (a) aggravated assault

   - 127 -
(b) simple assault
(c) intimidation

3. Burglary/Breaking and Entering

4. Destruction, Damage or Vandalism of Property

5. Homicide Offenses
   (a) murder & nonnegligent manslaughter
   (b) negligent manslaughter
   (c) justifiable homicide

6. Kidnapping/Abduction

7. Sex Offenses, Forcible
   (a) forcible rape
   (b) forcible sodomy
   (c) sexual assault w/an object
   (d) forcible fondling

8. Stolen Property Offenses

9. Weapon Law Violations

10. Disorderly Conduct

11. Family Offenses, Nonviolent

12. Stalking

13. Trespass of Real Property

14. State to add any other

Sec. 202 - Violation of Certain Orders for Protection is Misdemeanor

1. Order enjoining the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner or other family or household member.

2. Order prohibiting the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly.

3. Order removing and excluding the respondent from the residence of the petitioner.

4. Order requiring the respondent to stay away from the residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.

5. Order prohibiting the respondent from using or possessing a firearm or other weapon specified by the court.

Sec. 203 - Enhancement of penalty for second or subsequent crime involving domestic or family violence.

1. Second crime involving domestic or family violence within 5 years.

2. Penalty increased by one degree above the penalty otherwise provided for that offense by that state statute.

Sec. 204 - Duties of law enforcement officer to victim of domestic or family violence; required notice to victim.

1. Law enforcement officer responding to dv or fv shall use all reasonable means to protect victim and prevent further violence, including but not limited to:
   (a) taking action to provide for safety of victim and any family or household member
   (b) confiscating any weapon involved in the alleged dv or fv
   (c) transporting or obtaining transportation for the victim and any child to a shelter
   (d) assisting the victim in removing essential personal effects
   (e) assisting victim and any child in obtaining medical treatment, including obtaining transportation to a medical facility
   (f) giving the victim immediate and adequate notice or the rights of victims and of the remedies and services available to victims of dv or fv
2. Written notice to the adult victim of their rights (see ex. p.5 NCJFCJ, 1994) and petition requesting an order for protection from dv or fv including any of the following orders:
   (a) enjoining your abuser from threatening to commit or committing further dv or fv
   (b) prohibiting your abuser from harassing, annoying, telephoning, contacting or otherwise communicating with victim, directly or indirectly
   (c) removing abuser from victim's residence
   (d) directing abuser to stay away from victim's residence, school, place of employment, or any other specified place frequented by victim and another family or household member
   (e) prohibiting abuser from using or possessing any firearm or other weapon specified by the court
   (f) granting victim possession and use of the automobile and other essential personal effects
   (g) granting victim custody of victim's child or children
   (h) denying your abuser visitation
   (i) specifying arrangements for visitation and requiring supervised visitation
   (j) abuser required to pay certain costs and fees, such as rent or mortgage payments, child support payments, medical expenses, expenses for shelter, court costs, and attorney's fees

3. The written notice must include:
   (a) not include the addresses of shelters, unless the location is public knowledge
   (b) written in native language of victim

Sec. 205(A) - Powers and duties of law enforcement officers to arrest for crimes involving dv or fv; determination of primary aggressor; required report.

1. Law enforcement officer shall presume that arresting and charging the abuser is the appropriate response.

2. In determining whether a person is the primary aggressor the officer shall consider:
   (a) prior complaints of dv or fv
   (b) relative severity of the injuries inflicted on each person
   (c) likelihood of future injury to each person
   (d) whether or not one persons acted in self-defense

3. Law enforcement officer shall not:
   (a) Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage requests for intervention by law enforcement by any party
   (b) base decision to arrest or not to arrest on:
      - specific consent or request of the victim
      - officer's perception of willingness of a victim or witness to the dv or fv to testify or otherwise participate in a judicial proceeding

4. Law enforcement officer must submit a written report explaining why he/she did not arrest or arrested both parties.

Sec. 205(B) (alternate). Mandatory arrest for crimes involving dv or fv; determination of primary aggressor; required report.

1. Law enforcement officer shall, w/out warrant, arrest and charge a person if officer has probable cause to believe that the person has committed the crime of dv or fv; whether offense is a felony or a misdemeanor, or was committed in or outside the presence of the officer.

2. In determining primary aggressor the officer shall consider:
   (a) prior complaints of dv or fv
   (b) relative severity of injuries inflicted on each person
   (c) likelihood of future injury to each person
   (d) whether one of the persons acted in self-defense

3. LEO shall not threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage requests for intervention by law enforcement by any party

4. LEO must submit a written report explaining why he/she did not arrest or arrested both parties.
Sec. 206. *Mandatory arrest for certain violations or orders for protection.*

1. Enjoining your abuser from threatening to commit or committing further dv or fv.
2. Prohibiting your abuser from harassing, annoying, telephoning, contacting or otherwise communicating with victim, directly or indirectly.
3. Removing abuser from victim's residence.
4. Directing abuser to stay away from victim's residence, school, place of employment, or any other specified place frequented by victim and another family or household member.
5. Prohibiting abuser from using or possessing any firearm or other weapon specified by the court.

Sec. 207. *Authority of law enforcement officer to seize weapons.*

1. Seize all weapons that are alleged to have been involved or threatened to be used in the commission of a crime.
2. Seize weapons that are in the plain view of the officer or were discovered pursuant to a consensual search, as necessary for the protection of the officer and other persons.

Sec. 208. *Conditions of release.*

1. Pretrial release of dv offender or violator of an order for protection shall review the facts of the arrest and detention of the person and determine whether the person:
   (a) is a threat to the alleged victim or other family or household member
   (b) is a threat to public safety
   (c) is reasonably likely to appear in court
2. Before releasing a person charged with dv or fv or violation of protection order, in addition to the criteria in subsection 1, there are conditions of release or bail of the offender to protect the alleged victim and to ensure the offender will show at subsequent court proceedings. The conditions may include:
   (a) enjoining your abuser from threatening to commit or committing further dv or fv
   (b) prohibiting your abuser from harassing, annoying, telephoning, contacting or otherwise communicating with victim, directly or indirectly
   (c) directing abuser to stay away from victim's residence, school, place of employment, or any other specified place frequented by victim and another family or household member
   (d) prohibiting abuser from using or possessing any firearm or other weapon specified by the court
   (e) prohibiting abuser from possession or consumption of alcohol or controlled substances
   (f) any other order required to protect the safety of the alleged victim and to ensure the appearance of the abuser in court
3. If conditions of release are imposed, the court or agency imposing the conditions shall:
   (a) issue a written order for conditional release
   (b) immediately distribute a copy of the order to the agency having custody of the arrested abuser
   (c) provide the agency with available info. concerning the location of the victim in a manner that protects the safety of the victim
4. The court or agency having custody of arrested or charged person shall provide a copy of the conditions to the arrested or charged person upon his or her release.
5. If conditions of release are imposed w/out a hearing, the arrested or charged person may request a prompt hearing before the court to review the conditions. Upon such a request, the court shall hold a prompt hearing to review the conditions.
6. When the arrested person is released from custody, the court or agency shall:
   (a) use all reasonable means to immediately notify the victim of the alleged crime of the release
(b) furnish the victim of the alleged crime at no cost a certified copy of any conditions of release
7. Release of arrested person must be delayed until subsection 6 is satisfied

Sec. 209. Mandatory arrest for violation of conditions of release.
1. If leo has probable cause to believe that a person has violated a condition of release the officer shall w/out warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.

Sec. 210. Written procedures for prosecution of dv and fv; purpose.
1. Effective prosecution of such crimes.
2. The protection and safety of victims of dv and fv.

Sec. 211. Duty of prosecutor to notify victim.
1. A prosecutor shall make reasonable efforts to notify a victim of an alleged crime involving dv or fv when the prosecutor has decided to decline prosecution of the crime, to dismiss the criminal charges filed against the defendant, or to enter into a plea agreement.
2. Release of a defendant from custody must not be delayed because of the requirements of subsection 1.

Sec. 212. Record of dismissal required in court file.
1. When a court dismisses criminal charges or a prosecutor moves to dismiss charges against a defendant, the specific reasons for the dismissal must be recorded in the court file. The prosecutor shall indicate the specific reason why the witness is unavailable and the reasons the case cannot be prosecuted.

Sec. 213. Dismissal of criminal case prohibited because civil compromise reached.
1. A court shall not dismiss a criminal case involving dv or fv for the sole reason that a civil compromise or settlement is reached.

Sec. 214. Rights of victims of dv or fv; duty of prosecutor to inform victim of rights.
1. A victim of dv or fv is entitled to all rights granted to victims of crime including but not limited to the right to:
   a. be informed of all hearing dates and continuances
   b. provide the court with a victim-impact statement, victim-opinion statement, and an assessment of the risk of further harm
   c. be present at sentencing and address the court
   d. advise the court of conditions of probation and parole required to ensure the safety of the victim and other family and household members
   e. restitution for losses sustained as a direct consequence of any criminal conduct
   f. apply for victims' compensation and to be informed of procedures for applying
   g. receive notice from the prosecutor in accordance with section 211.
2. An attorney prosecuting a crime involving dv or fv shall notify the victim of dv or fv of the victims' rights set forth in this section.

Sec. 215. Spousal privileges inapplicable in criminal proceedings involving domestic or family violence.
1. The privilege of confidential communication between spouses.
2. The testimonial privilege of spouses.

Sec. 216. Advocate-victim privilege applicable in cases involving domestic or family violence.
1. A victim may refuse to disclose, and may prevent an advocate from disclosing, confidential oral communication between the victim and the advocate and written records and reports concerning the victim if the privilege is claimed by:
2. A victim may not claim this privilege in cases concerning child abuse.

3. Advocate means an employee or volunteer for a program for victims of dv or fv who:
   (a) primary function - advice, counseling, assist victim, supervising the employees or
       volunteers of the program, administering the program
   (b) has undergone (insert #) hours of training
   (c) works under the direction of a supervisor, supervises employees or volunteers, or
       administers the program

Sec. 217. Residential confinement in home of victim prohibited.
   1. A court shall not order residential confinement for a perpetrator in the home of the victim.

Sec. 218. Diversion prohibited; deferred sentencing permitted.
   1. The court may defer sentencing of a perpetrator of dv or fv if:
      (a) the perpetrator meets eligibility criteria established pursuant subsection 2
      (b) consent of prosecutor is obtained after consultation with the victim, when victim is
          available
      (c) a hearing is held in which the perpetrator enters a plea or judicial admission to the
          crime
      (d) the court orders conditions of the deferred sentence that are necessary to protect the
          victim, prevent future violence, and rehabilitate the perpetrator
   2. A court or other appropriate authority shall establish criteria for determination of:
      (a) a perpetrator's eligibility for deferred sentencing
      (b) a perpetrators successful completion of the conditions imposed by the court
      (c) penalties for violation of the conditions imposed by the court
   3. The case against a perpetrator of dv or fv may be dismissed if the perpetrator successfully
      completes all conditions imposed by the court pursuant to subsection 1.

Sec. 219. Conditions of probation for perpetrator convicted of crime involving dv or fv; required
   reports by probation department.
   1. Before placing perpetrator on probation, the court shall consider the safety and protection of
      the victim and any member of the victim's family or household.
   2. The court may condition the suspension of sentence or granting of probation to a
      perpetrator on compliance with one or more orders of the court, including but not limited to:
      (a) enjoining perpetrator from threatening to commit or committing further dv or fv
      (b) prohibiting perpetrator from harassing, annoying, telephoning, contacting or
          otherwise communicating with victim, directly or indirectly
      (c) requiring perpetrator to stay away from victim’s residence, school, place of
          employment, or any other specified place frequented by victim and another family or
          household member
      (d) prohibiting perpetrator from possession or consumption of alcohol or controlled
          substances
      (e) prohibiting perpetrator from using or possessing any firearm or other weapon
          specified by the court
      (f) directing the perpetrator to surrender any weapons owned or possessed by the
          perpetrator
      (g) directing perpetrator to participate in and complete, to the satisfaction of the court, a
          program of intervention for perpetrators, treatment for alcohol or substance abuse, or
          psychiatric or psychological treatment.
      (h) directing perpetrator to pay restitution to the victim
      (i) imposing any other condition necessary to protect the victim of dv or fv and any
          other designated family or household member or to rehabilitate the perpetrator
   3. The perpetrator shall pay the costs of any condition of probation, according to ability.
4. The court shall establish policies and procedures for responding to reports of nonattendance or noncompliance by a perpetrator with the conditions of probation imposed pursuant to subsection 2.

5. The probation department shall immediately report to the court and the victim any assault by the perpetrator, the perpetrator's failure to comply with any condition imposed by the court or probation department, and any threat of harm made by the perpetrator.

6. The probation department shall establish policies and procedures:
   (a) for the exchange of information concerning the perpetrator with the court and the victim
   (b) for responding to reports of nonattendance or noncompliance by the perpetrator with conditions imposed pursuant to subsection 2

Sec. 220. Conditions of parole for perpetrator convicted of crime involving dv or fv; required reports by parole board.

1. In addition to other conditions imposed on perpetrator, the parole board or other designated authority may impose any condition of parole upon the perpetrator necessary to protect the safety of the victim and family or household members of the victim, including but not limited to the following conditions:
   (a) enjoining perpetrator from threatening to commit or committing further dv or fv
   (b) prohibiting perpetrator from harassing, annoying, telephoning, contacting or otherwise communicating with victim, directly or indirectly
   (c) requiring perpetrator to stay away from victim's residence, school, place of employment, or any other specified place frequented by victim and another family or household member
   (d) prohibiting perpetrator from possession or consumption of alcohol or controlled substances
   (e) prohibiting perpetrator from using or possessing any firearm or other weapon specified by the court
   (f) directing perpetrator to surrender any weapons owned or possessed by the perpetrator
   (g) directing perpetrator to participate in and complete, to the satisfaction of the parole board or other designated authority, a program of intervention for perpetrators, treatment for alcohol or substance abuse, or psychiatric or psychological treatment.
   (h) directing perpetrator to pay restitution to the victim
   (i) imposing any other condition necessary to protect the victim of dv or fv and any other designated family or household member or to rehabilitate the perpetrator

2. The perpetrator shall pay the costs of any condition of parole, according to ability

3. The parole board or other designated authority shall report to the court and the victim any assault by the perpetrator, the perpetrator's failure to comply with any condition imposed by the parole board or other designated authority, and any threat of harm made by the perpetrator.

4. The parole board or other designated authority shall establish policies and procedures:
   (a) for the exchange of information concerning the perpetrator with the court and the victim
   (b) for protection and safety of the victim, including the release of a perpetrator in a jurisdiction other than where the victim lives
   (c) for responding to reports of nonattendance or noncompliance by the perpetrator with conditions imposed pursuant to subsection 1

Sec. 221. Duties of department of corrections.

1. The director of the department of corrections or other appropriate state agency shall establish or make available:
   (a) programs of education and counseling for offenders who are also victims of dv or fv
   (b) programs of intervention for perpetrators convicted of crimes involving dv or fv
2. The director shall adopt rules or regulations requiring initial training and continuing education for employees of the correctional institutions concerning dv or fv. A new employee must receive the initial training during the orientation of the employee to the institution.

3. The rules or regulations must be developed in consultation with public and private agencies that provide programs for victims of dv or fv and programs of intervention for perpetrators, advocates for victims, persons who have demonstrated expertise in education and training concerning domestic and family violence, and the statewide dv or fv coalition.

Sec. 222. Release of perpetrator permitted under certain conditions; notice to victim; confidentiality of victim's address.

1. The (insert all appropriate state agencies and departments and authorities that administer early release programs, intermediate release programs, community-based programs, furloughs, transfers to less secure facilities, and work release programs) may release a perpetrator of a crime involving dv or fv only under conditions that would protect the safety of the victim of dv or fv or other family or household member.

2. The (insert all appropriate state agencies and departments and authorities that administer early release programs, intermediate release programs, community-based programs, furloughs, transfers to less secure facilities, and work release programs) shall notify the victim of a crime involving dv or fv of the escape of the perpetrator or of the proposed release of the perpetrator before the date of release of the perpetrator, if the victim has provided the agency or department with an address at which he or she can be notified.

3. The address of a victim of a crime involving dv or fv is confidential. The agency or department shall not reveal any address provided pursuant to subsection 2.

Sec. 223. Required written policies and procedures.

1. The effective response of the agency to cases involving dv or fv.

2. Enforcement of the Model Code and other applicable state statutes concerning dv and fv.

3. Protection and safety of the victims of dv and other family and household members.

4. Coordination with hospitals and programs for victims of dv or fv.

Component 3 - CIVIL ORDERS FOR PROTECTION (0-81)

Sec. 301. Eligible petitioners for order.

1. A person who is or has been a victim of dv or fv may file a petition for an order for protection against a family or household member who commits an act of dv or fv.

2. A parent, guardian, or other representative may file a petition for an order for protection on behalf of a child against a family or household member who commits an act of dv or fv.

Sec. 302. Uniform form required for petitions and orders; required statements in petitions and orders; duty of clerk to provide petitions and clerical assistance.

1. The (insert name of appropriate state agency) shall:
   (a) develop and adopt uniform forms for petitions and orders for protection (for divorce, custody and other domestic relations hearings)
   (b) provide the forms to the clerk of each court authorized to issue such orders

2. The petition for an order for protection must contain a statement listing each civil or criminal action involving both parties.

3. The following statements must be printed in bold faced type or in capital letters on the order for protection:
   (a) "Violation of this order may be punished by confinement in jail for as long as (insert time period) and by a fine of as much as (insert amount).
   (b) "If so ordered by the court, the respondent is forbidden to enter or stay at the petitioner's residence, even if invited to do so by the petitioner or any other person. In no event is the order for protection voided."

4. The clerk of the court or other designated person shall provide to a person requesting an order for protection:
(a) the forms adopted pursuant subsection 1
(b) all other forms required to petition for an order for protection, including but not
limited to, forms for service and forms required by Uniform Child Custody Jurisdiction
Act
(c) clerical assistance in filling out the forms and filing the petition

5. Except as otherwise provided in section 305, a petition for an order for protection must be
in writing, verified, and subscribed to in the manner provided by state law.

6. All orders for protection must be issued on the form adopted in accordance with subsection

Sec. 303. Jurisdiction; venue; residency not required to petition.
1. The court that has jurisdiction over domestic relations has jurisdiction to issue orders for
protection.
2. A petition for an order for protection may be filed in the (insert county or district):
(a) where the petitioner currently or temporarily resides
(b) where the respondent resides
(c) where the dv or fv occurred
3. There is no minimum requirement of residency to petition for an order for protection.

Sec. 304. Continuing duty to inform court of other proceedings; effect of other proceedings; delay of
relief prohibited; omission of petitioner's address.
1. At any hearing to obtain an order for protection, each party has a continuing duty to inform
the court of each proceeding for an order for protection, any civil litigation, each proceeding in
family or juvenile court, and each criminal case involving the parties, including the case name,
the file number, and the country and state of the proceeding, if that information is known by
the party.
2. An order for protection is in addition to and not in lieu of any other available civil or criminal
proceeding. A petitioner is not barred from seeking an order because of other pending
proceedings. A court shall not delay granting relief because of the existence of a pending action
between the parties.
3. A petitioner may omit her or his address from all documents filed with the court. If a
petitioner omits her or his address, the petitioner must provide the court a mailing address. If
disclosure of petitioner's address is necessary to determine jurisdiction or consider venue, the
court may order the disclosure to be made:
(a) after receiving the petitioner's consent
(b) orally and in chambers, out of the presence of the respondent and a sealed record to
be made
(c) after a hearing, if the court takes into consideration the safety of the petitioner and
finds such disclosure is in the interest of justice

Sec. 305. Emergency order for protection; available relief; availability of judge or court officer;
expiration of order.
1. A court may issue a written or oral emergency order for protection ex parte when a leo states to
the court in person or by telephone, and the court finds reasonable grounds to believe, that the
petitioner is in immediate danger of dv or fv based on an allegation of a recent incident of dv or fv
by a family or household member.
2. A leo who receives an oral order for protection from a court shall:
(a) write and sign the order on the from required pursuant to section 302
(b) serve a copy on the respondent
(c) immediately provide the petitioner with a copy of the order
(d) provide the order to the court by the end of the next judicial day
3. The court may grant the following relief in an emergency order for protection:
(a) enjoin the respondent from threatening to commit or committing acts of dv or fv
against the petitioner and any designated family or household member
(b) prohibit the respondent from harassing, annoying, telephoning, contacting, or
otherwise communicating with the petitioner, directly or indirectly
(c) remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence
(d) order the respondent to stay away from the residence, school, place of employment of the petitioner, or any specified place frequented by the petitioner and any designated family or household member
(e) order possession and use of an automobile and other essential personal effects, regardless of the ownership of the essential personal effects, and direct the appropriate leo to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to possession of the residence, automobile, and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings
(f) grant temporary custody of a minor child to the petitioner
(g) order such other relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member

4. A judge or other court officer with authority to issue an order for protection must be available 24 hours a day to hear petitions for emergency orders for protection.

5. An emergency order for protection expires 72 hours after issuance.

Sec. 306. Order for protection; modification of orders; relief available ex parte; relief available after hearing; duties of the court; duration of order.

1. If it appears from a petition for an order for protection or a petition to modify an order for protection that dv or fv has occurred or a modification of an order for protection is required, a court may:
   - (a) w/out notice of hearing, immediately issue an order for protection ex parte or modify an order for protection ex parte as it deems necessary to protect the petitioner
   - (b) upon notice, issue an order for protection or modify an order after a hearing whether or not the respondent appears

2. A court may grant the following relief without notice and hearing in an order for protection or a modification issued ex parte:
   - (a) enjoin the respondent from threatening to commit or committing acts of dv or fv against the petitioner and any designated family or household member
   - (b) prohibit the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly
   - (c) remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence
   - (d) order the respondent to stay away from the residence, school, place of employment of the petitioner, or any specified place frequented by the petitioner and any designated family or household member
   - (e) prohibit the respondent from using or possessing a firearm or other weapon specified by the court
   - (f) order possession and use of an automobile and other essential personal effects, regardless of the ownership of the essential personal effects, and direct the appropriate leo to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to possession of the residence, automobile, and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings
   - (g) grant temporary custody of a minor child to the petitioner
   - (h) order such other relief as the court deems necessary to protect and provide for the safety and welfare of the petitioner and any designated family or household member

3. A court may grant the following relief in an order for protection or a modification of an order after notice and hearing, whether or not the respondent appears:
   - (a) grant the relief available in accordance with subsection 2
   - (b) specify arrangements for visitation of any minor child by the respondent and require supervision of that visitation by a third party or deny visitation if necessary to protect the safety of the petitioner or child
   - (c) order the respondent to pay attorney's fees
(d) order the respondent to:

1. pay rent or make payment on a mortgage on the petitioner's residence and pay for the support of the petitioner and minor child if the respondent is found to have a duty to support the petitioner or minor child
2. reimburse the petitioner or other person for any expenses associated with the dv or fv, including but not limited to medical expenses, counseling, shelter and repair or replacement of damaged property
3. pay the costs and fees incurred by the petitioner in bringing the action

4. The court shall:

   a. cause the order to be delivered to the appropriate authority for service
   b. make reasonable efforts to ensure that the order for protection is understood by the petitioner and the respondent, if present
   c. transmit, by the end of the next business day after the order is issued, a copy of the order for protection to the local enforcement agency or agencies designated by the petitioner
   d. transmit a copy of the order to the state registry

5. An order for protection issued ex parte or upon notice and hearing or a modification of an order for protection issued ex parte or upon notice and hearing is effective until further order of the court.

6. The designated authority shall provide expedited service for orders for protection.

Sec. 307. Required hearings; duty of court when order for protection denied.

1. Except otherwise provided in subsection 2, if court issues an order for protection ex parte or a modification of an order for protection ex parte and the court provides relief pursuant to subsection 2 of section 306, upon a request by either party within 30 days after service of the order or modification, the court shall set a date for a hearing on the petition. The hearing must be held within (insert number of) days after the request for a hearing is filed unless continued by the court for good cause shown. The court shall notify both parties by first class mail of the date and time of the hearing.

2. The court shall set a date for a hearing on the petition within (insert number of) days after the filing of the petition if a court issues an order for protection ex parte or a modification of an order of protection ex parte, and:

   a. petitioner requests or the court provides relief in accordance with paragraph (g) of subsection 2 of section 306, concerning custody of a minor child
   b. petitioner requests relief pursuant to paragraph (b), (c), or (d) of subsection 3 of section 306.

3. In a hearing held pursuant to subsection 1 or 2 of this section: (such a hearing must be given precedence over all matters except older matters of the same character)

   a. relief in accordance with section 306 is available
   b. if respondent seeks relief concerning an issue not raised by the petitioner, the court may continue the hearing at the petitioner's request

4. If a court denies a petition for an order for protection or a petition to modify an order for protection that is requested without notice to the respondent, the court shall inform the petitioner of his or her right to request a hearing upon notice to the respondent.

Sec. 308. Effect of action by petitioner or respondent on order.

1. If a respondent is excluded from the residence of a petitioner or ordered to stay away from the petitioner, an invitation by the petitioner to do so does not waive or nullify an order for protection.

Sec. 309. Denial of relief prohibited.

1. The court shall not deny a petitioner relief requested pursuant to section 305 or 306 solely because of a lapse of time between an act of dv or fv and the filing of the petition.
Sec. 310. Mutual order for protection prohibited.

1. A court shall not grant a mutual order for protection to opposing parties.

Sec. 311. Court-ordered and court-referred mediation of cases involving dv or fv prohibited.

1. A court shall not order parties into mediation or refer them to mediation for resolution of the issues in a petition for an order for protection.

Sec. 312. Court costs and fees.

1. Fees for filing and service of process must not be charged for any proceeding seeking only the relief provided in this chapter.

Sec. 313. Court-mandated assistance to victims of dv and fv.

1. The court system in each jurisdiction shall provide assistance to victims of dv or fv. The administrator of the court system may enter into a contract with a private agency or organization that has a record of service to victims of dv or fv to provide the assistance.

2. The duties of the provider of assistance include but are not limited to:

   a. informing victims of dv or fv of their rights pursuant to (insert state law concerning victims' rights) and assisting victims in securing those rights
   b. informing victims of the availability of orders for protection and assisting victims in obtaining such orders
   c. providing interpreters for cases involving dv or fv, including requests for orders of protection
   d. informing victims of the availability of shelter, counseling, and other social services
   e. providing victims with safety plans and assisting victims in preparing the plans

3. The provider of the assistance shall coordinate the provision of services with the providers of programs for victims of dv or fv.

Sec. 314. Registration and enforcement of foreign orders for protection; duties of court clerk.

1. A certified copy of an order for protection issued in another state may be filed in the office of the clerk of any district or family court of this state. The clerk shall act upon the order in the same manner as the clerk acts upon an order for protection issued by a district or family court of this state.

2. An order for protection filed in accordance with subsection 1 has the same effect and must be enforced in the same manner as an order for protection issued by a court of this state.

3. The clerk of each district or family court shall:

   a. maintain a registry in which to enter certified orders for protection issued in other states that are received for filing
   b. At the request of a court of another state or at the request of a person who is affected by or has a legitimate interest in an order for protection, certify and forward a copy of the order to that court or person at no cost to the requesting party

4. A court of this state shall enforce all provisions of a registered foreign order of protection whether or not such a relief is available in the state.

Sec. 315. State registry for orders for protection.

1. The appropriate state agency shall maintain a registry of all orders for protection issued by a court of this state or registered in this state. The orders must be included in the registry within 24 hours after issuance or registration.

2. The information contained in the registry is available at all times to a court, a law enforcement agency, and other governmental agency upon request.
Sec. 401. Presumptions concerning custody.

1. In every proceeding where there is a child custody dispute, a determination by the court that dv or fv has occurred raises a rebuttal presumption that it is detrimental to the child and not in the best interest of the child to be placed in sole custody, joint legal custody, or joint physical custody with the perpetrator of fv.

Sec. 402. Factors in determining custody and visitation.

1. In addition to other factors that a court must consider in a proceeding in which the custody of a child or visitation by a parent is at issue and in which the court has made a finding of dv or fv:
   - (a) the court shall consider as primary the safety and well-being of the child and of the parent who is the victim of dv or fv
   - (b) the court shall consider the perpetrator's history of causing physical harm, bodily injury, assault, or causing reasonable fear of physical harm, bodily injury, or assault, to another person

2. If a parent is absent or relocates because of an act of dv or fv by the other parent, the absence or relocation is not a factor that weighs against the parent in determining custody or visitation.

Sec. 403. Presumption concerning residence of child.

1. In a child custody dispute where dv or fv has occurred it is in the best interest of the child to reside with the parent who is not a perpetrator of dv or fv in the location of that parent’s choice, within or outside the state.

Sec. 404. Change of circumstances.

1. In every proceeding in which there is at issue the modification of an order for custody or visitation of a child, the finding that dv or fv has occurred since the last custody determination constitutes a finding of a change of circumstances.

Sec. 405. Conditions of visitation in cases involving dv and fv.

1. A court may award visitation by a parent who committed dv or fv only if the court finds that adequate provision for the safety of the child and the parent who is a victim of dv or fv can be made.

2. In a visitation order, a court may:
   - (a) order an exchange of a child to occur in a protected setting
   - (b) order visitation supervised by another person or agency
   - (c) order the perpetrator of dv or fv to attend and complete, to the satisfaction of the court, a program of intervention for perpetrators or other designated counseling as a condition of the visitation
   - (d) order the perpetrator of dv or fv to abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours preceding the visitation
   - (e) order the perpetrator of dv or fv to pay a fee to defray the costs of supervised visitation
   - (f) prohibit overnight visitation
   - (g) require a bond from the perpetrator of dv or fv for the return and safety of the child
   - (h) impose any other condition that is deemed necessary to provide for the safety of the child, the victim of dv or fv, or other family or household member

3. Whether or not visitation is allowed, the court may order the address of the child and the victim to be kept confidential.

4. The court may refer but shall not order an adult who is a victim of dv or fv to attend counseling relating to the victim's status or behavior as a victim, individually or with the perpetrator of dv or fv as a condition of receiving custody of a child or as a condition of visitation.

5. If a court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation.
Sec. 406. Specialized visitation center for victims of dv or fv.

1. The (insert appropriate state agency) shall provide for visitation centers throughout the state for victims of dv or fv and their children to allow court ordered visitation in a manner that protects the safety of all family members. The state agency shall coordinate and cooperate with local governmental agencies in providing the visitation centers.

2. A visitation center must provide:
   (a) a secure setting and specialized procedures for supervised visitation and the transfer of children for visitation
   (b) supervision by a person trained in security and the avoidance of dv and fv

Sec. 407. Duty of mediator to screen for dv during mediation referred or ordered by court.

1. A mediator who receives a referral or order from a court to conduct mediation shall screen or the occurrence of dv or fv between the parties.

2. A mediator shall not engage in mediation when it appears to the mediator or when either party asserts that dv or fv has occurred unless:
   (a) mediation is requested by the victim of the alleged dv or fv
   (b) mediation is provided in a specialized manner that protects the safety of the victim by a certified mediator who is trained in dv and fv
   (c) the victim is permitted to have in attendance at mediation a supporting person of his or her choice, including but not limited to an attorney or advocate

Sec. 408(A). Mediation in cases involving dv or fv.

1. In a proceeding concerning the custody or visitation of a child, if an order for protection is in effect, the court shall not order mediation or refer either party to mediation.

2. In a proceeding concerning the custody or visitation of a child, if there is an allegation of dv or fv and an order for protection is not in effect, the court may order mediation or refer either party to mediation only if:
   (a) mediation is requested by the victim of the alleged dv or fv
   (b) mediation is provided by a certified mediator who is trained in dv and fv in a specialized manner that protects the safety of the victim
   (c) the victim is permitted to have in attendance at mediation a supporting person of his or her choice, including but not limited to an attorney or advocate

Sec. 408(B). Mediation in cases involving dv or fv.

1. In a proceeding concerning the custody or visitation of a child, if an order for protection is in effect or if there is an allegation of dv or fv, the court shall not order mediation or refer either party to mediation unless the court finds that:
   (a) the mediation is provided by a certified mediator who is trained in the dynamics of dv and fv
   (b) the mediator or mediation service provides procedures to protect the victim from intimidation by the alleged perpetrator in accordance with subsection 2

2. Procedures to protect the victim must include but are not limited to:
   (a) permission for the victim to have in attendance at mediation a supporting person of his or her choice, including but not limited to an attorney or advocate
   (b) any other procedure deemed necessary by the court to protect the victim from intimidation from the alleged perpetrator

Sec. 409. Duties of children’s protective services.

1. The state administrator of children’s protective services shall develop written procedures for screening each referral for abuse or neglect of a child to assess whether abuse of another family or household member is also occurring. The assessment must include but is not limited to:
   (a) inquiry concerning the criminal record of the parents, and the alleged abusive or neglectful person and the alleged perpetrator of dv or fv, if not a parent of the child
   (b) inquiry concerning the existence of order for protection issued to either parent

2. If it is determined in an investigation of abuse or neglect of a child:
(a) that removal of one of the parties is necessary to prevent the abuse or neglect of the child, the administrator shall seek the removal of one or the parties as necessary to prevent the abuse or neglect of the child, the administrator shall seek the removal of the alleged perpetrator of dv or fv whenever possible

(b) that a parent of the child is a victim of dv or fv services must be offered to the victimized parent and the provision of such services must not be contingent upon a finding that either parent is at fault or has failed to protect the child

Component 5 - PREVENTION AND TREATMENT (0-100)

Sec. 501. Creation of state advisory council on dv and fv; purpose; required report.

1. There is hereby created the state advisory council on dv and fv.

2. The purpose of the advisory council is to increase the awareness and understanding of dv and fv and its consequences and to reduce the incidence of dv and fv within the state by:

   (a) promoting effective strategies for identification of the existence of dv or fv and intervention by public and private agencies serving persons who are victims of dv or fv

   (b) providing for public education

   (c) facilitating communication between public and private agencies that provide programs for victims of dv or fv and programs of intervention for perpetrators

   (d) providing assistance to public and private agencies to develop statewide procedures and community education, including procedures for reviewing fatalities in local communities

   (e) developing a comprehensive and coordinated plan of data collection concerning dv and fv for courts, prosecutors, law enforcement officers, health care practitioners, and other state agencies, in consultation with each other and in a manner that protects the identity of victims of dv and fv

   (f) promoting the organization of local councils on dv and fv and providing assistance and support to established local councils

3. The advisory council shall report to the highest level of the executive, legislative or judicial branch of government of the state.

Sec. 502. Composition and qualification of members.

1. The state advisory council on dv and fv consists of (insert number of members). The governor, chief justice, or other appointing authority shall appoint the members of the advisory council after consulting with public and private agencies that provide programs for victims of dv or fv, advocates for victims, the statewide dv or fv coalition, and persons who have demonstrated expertise and experience in providing services to victims of dv and fv and their children.

2. The membership of the advisory council must include as many relevant disciplines as practicable. The governor or other appointing authority shall appoint persons to the advisory council to provide significant representation by victims of dv and fv and persons of diverse racial and ethnic backgrounds.

Sec. 503. Enabling statute for establishment of local councils.

1. A local government or group of local governments may establish an advisory council on dv and fv.

2. The purpose of the advisory council is to increase the awareness and understanding of dv and fv and its consequences and to reduce the incidence of dv and fv within the locality by:

   (a) promoting effective strategies of intervention for identification of the existence of dv or fv and intervention by public and private agencies serving persons who are victims of dv or fv

   (b) providing for public education

   (c) facilitating communication between public and private agencies that provide programs to assist victims and programs of intervention for perpetrators

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(d) providing assistance to public and private agencies and providers of services to
develop statewide procedures and community education, including procedures to review
fatalities
(c) developing a comprehensive plan of data collection concerning dv and fv for courts,
prosecutors, law enforcement officers, health care practitioners, and other local agencies,
in a manner that protects the identity of victims of dv and fv

Sec. 504. State public health plan for reducing dv and fv.

1. The designated state public health agency shall:
   (a) assess the impact of dv and fv on public health
   (b) write a state public health plan for reducing the incidence of dv and fv in the state

2. The state public health plan:
   (a) must include but is not limited to public education, including use of the various
communication media to set forth the public health perspective on dv and fv
   (b) must be developed in consultation with public and private agencies that provide
programs for victims of dv or fv, advocates for victims, the statewide dv or fv coalition,
and persons who have demonstrated expertise and experience in providing health care to
victims of dv and fv and their children
   (c) must be completed on or before (insert date)

3. The designated state public health agency shall:
   (a) transmit a copy of the state public health plan to the governor and the members of the
state legislature
   (b) review and update the state public health plan (insert interim).

Sec. 505. Standards for health-care facilities, practitioners, and personnel; specialized
procedures and curricula concerning dv and fv.

1. The (insert appropriate state agency or licensing board) shall promulgate standards for health
care facilities, practitioners, and personnel in the facilities including specialized procedures and
curricula concerning dv and fv.

2. The procedures and curricula must be developed in consultation with public and private
agencies that provide programs for victims of dv or fv, advocates for victims, the statewide dv or
fv coalition, and persons who have demonstrated expertise and experience in providing health care
to victims of dv and fv and their children.

Sec. 506. Notice of rights of victims and remedies and services available; required information.

1. The designated state public health agency shall make available to practitioners and health care
facilities a written notice of the rights of victims and remedies and services available to victims of
dv or fv in accordance with subsection 3.

2. A practitioner who becomes aware that a patient is a victim of dv or fv shall provide to the
patient and every health care facility shall make available to all patients the notice provided
pursuant to subsection 1.

3. The notice to victims of dv or fv must by substantially as follows:
“if you are a victim of dv or fv and you believe that law enforcement protection is needed for your
physical safety, you have the right to request that an officer assist in providing for your safety,
including asking for an emergency order for protection. You may also request that the officer
assist you in obtaining your essential personal effects and locating and taking you to a safe place
including but not limited to a designated meeting place for a shelter, a family member’s or a
friend’s residence, or a similar place of safety. If you are in need of medical treatment, you have
the right to request that the officer assist you in obtaining medical treatment. You may request a
copy of the report at no cost form the law enforcement department. You may ask the prosecuting
attorney to file a criminal complaint. You also have the right to file a petition in (insert name of
court) requesting an order for protection from dv or fv which could include any of the following
orders:
(a) an order enjoining your abuser from threatening to commit or committing further acts of dv or fv
(b) an order prohibiting your abuser from harassing, annoying, telephoning, contacting or otherwise communicating with you, directly or indirectly
(c) an order removing your abuser from your residence
(d) an order directing your abuser to stay away from your residence, school, place of employment, or any other specified place frequented by you and another family or household member
(e) an order prohibiting your abuser from using or possessing any firearm or other weapon specified by the court
(f) an order granting you possession and use of the automobile and other essential personal effects
(g) an order granting you custody of your child or children
(h) an order denying your abuser visitation
(i) an order specifying arrangements for visitation, including requiring supervised visitation
(j) an order requiring your abuser to pay certain costs and fees, such as rent or mortgage payments, child support payments, medical expenses, expenses for shelter, court costs, and attorney's fees

The forms you need to obtain an order for protection are available from the (insert clerk of the court or other appropriate person). The resources available in this community for information relating to dv and fv, treatment of injuries, and places of safety and shelters are: (insert list and hotline numbers). You also have the right to seek reimbursement for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other expenses for injuries sustained and damage to your property. This can be done without an attorney in small claims court if the total amount claimed is less than (fill in the amount required by statute).

4. The written notice:
   (a) must not include the addresses of shelters, unless the location is public knowledge
   (b) must be provided in the native language of the victim, if practicable, when the native language of the victim is not English

Sec. 507. Hospitals required to provide certain information to parents.
1. Hospitals shall provide information concerning dv and fv to parents of newborn infants and to parents of hospitalized minors. The information must include but is not limited to the effect of dv and fv on children and available services for the prevention and treatment of dv and fv.

Sec. 508. Regulation of programs of intervention for perpetrators; required provisions; duties of providers.
1. The (insert appropriate state agency) shall promulgate rules or regulations for programs of intervention for perpetrators of dv or fv. The rules or regulations are constructed after consulting with public and private agencies that provide programs for victims of dv and fv and programs of intervention for perpetrators, with advocates for victims, and with persons who have demonstrated expertise and experience in providing services to victims and perpetrators of dv and fv and their children. If a state licenses or provides money to a program the state agency shall review compliance with the rules or regulations pursuant this subsection.
2. The rules or regulations must include:
   (a) standards of treatment for programs of intervention
   (b) criteria concerning a perpetrator's appropriateness for the program
   (c) systems for communication and evaluation among the referring court, the public and private agencies that provide programs for victims of dv or fv, and the programs of intervention of perpetrators
   (d) required education and qualifications of providers of intervention
3. The standards must include but are not limited to the following principles:
(a) the focus of the program must be stopping the acts of violence and ensuring the safety of the victim and any children or other family or household members
(b) recognition that violence is a behavior for which the perpetrator must be held accountable
(c) recognition that substance abuse is a problem separate from dv or fv which requires specialized treatment

4. Providers of programs of intervention for perpetrators:
   (a) shall require a perpetrator who is ordered into the program by a court to sign the following releases
      (1) allowing the provider to inform the victim and victim’s advocates that the perpetrator is in treatment with the provider, and to provide information for safety of the victim and victim’s advocates
      (2) allowing prior and current treating agencies to provide information about the perpetrator to the provider
      (3) allowing the provider to provide information about the perpetrator to relevant legal entities, including courts, parole officers, probation officers, and children’s protective services

   (b) shall report to the court and the victim any assault, failure to comply with the program, failure to attend the program, and threat of harm by the perpetrator

Sec. 509. Continuing education for law enforcement officers concerning dv and fv; content of course.
1. The peace officers standards and training committee or other appropriate state agency must provide (insert number of) hours of initial education to all prospective law enforcement officers concerning dv and fv.
2. The (insert appropriate law enforcement agency) shall provide (insert number of) hours of continuing education concerning dv and fv to law enforcement officers each year.
3. The course of instruction and the objectives in learning and performance for the education of law enforcement officers required pursuant to subsections 1 and 2 must be developed and presented in consultation with public and private providers of programs for victims of dv or fv and programs of intervention for perpetrators, persons who have demonstrated expertise in training and education concerning dv and fv, and the statewide domestic of family violence coalition.
4. The course of instruction must include but is not limited to:
   (a) the investigation and management of cases involving dv and fv and writing of reports in such cases
   (b) the nature, extent, and causes of dv and fv
   (c) practices designed to promote the safety of officers investigating dv and fv
   (d) practices designed to promote the safety of the victims of dv and fv and other family and household members, including safety plans
   (e) legal rights and remedies available to victims of dv or fv including but not limited to rights and compensation of victims of crime and enforcement of civil and criminal remedies
   (f) services available to victims of dv or fv and their children
   (g) sensitivity to cultural, racial, and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of laws relating to dv and fv
   (h) provisions of the Model Code and other applicable state statutes concerning dv and fv

Sec. 510. Continuing education of judges and court personnel; content of course.
1. The supreme court or state judicial educator shall develop and present courses of continuing education concerning dv and fv for judicial officers and court personnel.
2. The courses must be prepared and presented in consultation with public and private agencies that provide programs for victims of dv or fv and programs of intervention for perpetrators,
advocates for victims, the statewide domestic or family violence coalition and the state advisory council on dv and fv.

3. Each judicial officer and each court employee who comes into contact with either party in dv or fv cases must have (insert appropriate number of) hours of education in dv and fv.

4. The courses must include but are not limited to the following topics:
   (a) the nature, extent, and causes of dv and fv
   (b) practices designed to promote safety of the victim and other family and household members, including safety plans
   (c) resources available for victims and perpetrators of dv or fv
   (d) sensitivity to gender bias and cultural, racial, and sexual issues
   (e) lethality of dv and fv

Sec. 511. Continuing education for state, county, and city employees who work with dv and fv cases and are required to report abuse and neglect of children.

1. The appropriate state, county, and city agencies shall provide courses of continuing education concerning domestic and family violence for state, county, and city employees:
   (a) who work with cases of dv and fv
   (b) who are required by law to report abuse or neglect of children

2. The courses must be prepared and presented in consultation with public and private agencies that provide programs for victims of dv or fv and programs of intervention for perpetrators, advocates for victims, the statewide or local domestic or family violence coalition and the state advisory council on dv and fv.

3. The courses must include but are not limited to the following topics:
   (a) the nature, extent, and causes of dv and fv
   (b) practices designed to promote safety of the victim and other family and household members, including safety plans
   (c) resources available for victims and perpetrators of dv or fv
   (d) sensitivity to gender bias and cultural, racial, and sexual issues
   (e) the lethality of dv and fv

4. As used in this section “state, county, and city employees who work with cases of dv and fv” include:
   (a) probation officers
   (b) workers in children’s protective services
   (c) psychologists
   (d) social workers
   (e) court appointed special advocates
   (f) mediators
   (g) custody-evaluators
   (h) state to add any other employees

Sec. 512. Continuing education for attorneys.

1. The state bar or appropriate state agency shall provide courses of continuing legal education in dv and fv for attorneys.

2. The courses must be prepared and presented in consultation with persons who have demonstrated expertise and experience in providing legal assistance to victims and perpetrators of dv or fv, advocates for victims, the statewide domestic or family violence coalition and the state advisory council on dv and fv.

3. The courses must include but are not limited to the following topics:
   (a) the nature, extent, and causes of dv and fv
   (b) practices designed to promote safety of the victim and other family and household members, including safety plans
   (c) resources available for victims and perpetrators of dv or fv
   (d) sensitivity to gender bias and cultural, racial, and sexual issues
   (e) the lethality of dv and fv

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Sec. 513. Required curricula for state, county, and city education system.

1. The state, county and city departments of education shall select or develop:
   (a) curricula for pupils concerning dv and fv that are appropriate for various ages
   (b) curricula for school counselors, health-care personnel, administrators, and teachers
       concerning dv and fv

2. The curricula must be selected or developed in consultation with public and private agencies
   that provide programs for victims of dv or fv and programs of intervention for perpetrators of dv
   or fv, advocates for victims, the statewide dv or fv coalition, persons who have demonstrated
   expertise and experience in education and dv or fv, and the state advisory council on dv and fv.

3. The curricula must include but are not limited to:
   (a) the nature, extent, and causes of dv and fv
   (b) issues of dv and fv concerning children
   (c) prevention of the use of violence by children
   (d) sensitivity to gender bias and cultural, racial, and sexual issues
   (e) violence in dating and other social relationships of boys and girls
   (f) practices designed to promote safety of the victim and other family and household
       members, including safety plans

Sec. 514. Continuing education for school personnel who are required to report abuse and
neglect of children.

1. The state department of education or other appropriate school district shall provide courses of
   continuing education concerning dv and fv for employees who are required by law to report abuse
   or neglect of children.

2. The courses must be prepared and presented in consultation with public and private agencies
   that provide programs for victims of dv or fv, persons who have demonstrated expertise in
   education and dv or fv, advocates for victims, the statewide domestic or family violence coalition
   and the state advisory council on dv and fv.

3. The courses must include but are not limited to the following topics:
   (a) the nature, extent, and causes of dv and fv
   (b) practices designed to promote safety of the victim and other family and household
       members, including safety plans
   (c) issues of dv and fv concerning children
   (d) sensitivity to gender bias and cultural, racial, and sexual issues
   (e) the lethality of dv and fv

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APPENDIX E
Definitions

Children's Counseling/Programs — One or more of the various services provided for children of battered women ranging from counseling, to advocacy, recreational activities, and a structured children's program.

Counseling/Advocacy — Counseling and/or advocacy services are provided to battered women either on a resident or non-resident basis.

Counseling for Batterers — Counseling programs or services available to men who batter.

Legal Services/Advocacy — Legal assistance provided to battered women, such as assistance in obtaining restraining orders, accompaniment to court, legal clinics, advocacy, etc.

Non-Resident Support Group — Support groups offered by shelter programs for battered women who are not currently residents of the shelter, but women from the surrounding communities.

Shelter — Residential facility for battered women and their children.

Safe Homes — A program's use of private individuals' homes, motels, or other housing resources in sheltering battered women and their children, usually for short-term stays of 1-7 days.

Transportation Provided — Some shelter programs do provide limited transportation pick-up, usually from a designated safe location.

24-Hour Hotline — Telephone crisis services or contact number for emergency shelter available 24-hours a day. Some programs work in conjunction with other programs or use telephone referral answering services. Some programs have toll-free “800” numbers which are usually accessible only to those calling from within the state where the program is located.
LIST OF REFERENCES


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