

INTIMATE PARTNER SEXUAL ABUSE: ADJUDICATING THIS HIDDEN DIMENSION OF DOMESTIC VIOLENCE CASES

*Module with Exercises for In-Person
Judicial Education for Civil/Family
Court Judges*

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***A project of Legal Momentum in cooperation with the National Association of Women Judges**

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**Intimate Partner Sexual Abuse:
180-Minute Module for Civil/Family Court Judges**

FACULTY MANUAL

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Overview

Presenting the 180-Minute Module for Civil/Family Court Judges

In 2008 the National Judicial Education Program published a web course/resource entitled *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases*, available at www.njep-ipsacourse.org. Funded by the State Justice Institute and the Department of Justice, Office on Violence Against Women, registration for the web course is free and open to all.

The web course was prompted by recent research documenting that sexual abuse ranging from verbal degradation to torture is widespread in the domestic violence context, and that forced sex in addition to physical violence is a leading indicator of potential lethality for victims and their children. Thus, knowing whether there is sexual abuse and forced sex in a violent relationship is a key factor in risk assessment, in decision-making in civil, criminal, family, juvenile and probation cases, and in custody and visitation determinations. The justice system needs strategies that encourage victims to disclose intimate partner sexual abuse and resources for effective offender dispositions and management.

To make this information known to as many judges as possible, it is important to integrate it into in-person judicial education as an introduction to the issue of co-occurring sexual abuse and domestic violence and to the thirteen-module web course, which covers many more topics than can be addressed in an in-person program.

This module contains materials and resources for a 90-minute program which can either be presented on its own or integrated into a variety of judicial education programming, such as:

- Domestic Violence programs
- Sexual Assault programs
- Custody programs
- Child Abuse programs
- Child Sexual Abuse programs
- Family Law programs

Learning Objectives

As a result of this short module participants will:

- Understand the dynamics of intimate partner sexual abuse, the impact on victims, offender behavior, and the implications for civil and family courts.
- Recognize the heightened risk of injury and death to the victim, her children and the community when intimate partner sexual abuse is a factor in a domestic violence case, especially when the victim tries to leave and seeks help from the courts.
- Utilize the practices and tools, pre- and post- adjudication, that identify intimate partner sexual abuse, assess risk and protect victims, their children and others.
- Differentiate between sex that is freely consented to and acquiescence from fear to avoid escalating violence.
- Craft appropriate comprehensive dispositions in civil and family cases involving intimate partner sexual abuse.
- Assess the capability of batterer intervention and sex offender programs to address intimate partner sexual abuse.
- Recognize the increased risks to children posed by parents who are perpetrators of intimate partner sexual abuse.
- Structure custody and visitation orders that protect against the heightened risk to children when intimate partner sexual abuse is an aspect of domestic violence.
- Structure custody and visitation orders that protect against the heightened risk to intimate partner sexual abuse victims when visitation exchanges are unsupervised.
- Assess the implications of intimate partner sexual abuse for the division of marital assets in a divorce.
- Identify the particular issues for intimate partner sexual abuse victims who are non-English speaking and/or have immigration concerns.

Components of this Module

In addition to this Faculty Manual, components of this module are:

- PowerPoint Slides with Suggested Commentary
- PowerPoint Slides Template for State-Specific Adaptations
- Resources CD for Participants
- Handouts for Participants
- CD Labels and Binder Cover

Curriculum Length

This 180-minute module is designed for civil/family court judges and consists of a PowerPoint presentation with time for questions and answers followed by interactive case study exercises.

Planning the Program

Judges and judicial educators wishing to present or integrate this *Intimate Partner Sexual Abuse* module into other judicial education programs should plan as follows. Allow time for:

- Selecting the faculty
- Adapting the material to local law and practice, if necessary
- Deciding whether to use the Survivor Video Clip, described below
- Preparing the Resources CD for Participants
- Preparing the Handouts for Participants

Sample 180-Minute Agenda for Civil/Family Court Judges

1:00 – 2:45	Intimate Partner Sexual Abuse: Adjudicating the Hidden Dimension of Domestic Violence Cases
	Presentations by Judicial and Expert Faculty with Q & A during each presentation
1:00 – 1:20	Introduction: Your State’s Marital Rape Law and the Intimate Partner Sexual Abuse Continuum of Conduct
1:20 – 1:50	The Unique Victim Impact of Marital and Intimate Partner Rape
1:50 – 2: 20	Offenders: Partners as Property and Separation Sexual Assault
2:20 – 2:45	Implications for Risk Assessment
2:45 – 3:00	Break
3:00 – 3:55	Case Study Exercises
	Small Group Discussions, Reports Back and Plenary Discussions
3:55 – 4:00	Closing and Evaluation

Faculty

For this 180-minute program include an expert on victims, an expert on offenders and a judge to moderate the program.

Adapting the Curriculum to Your State or Jurisdiction

To adapt the curriculum for your state or jurisdiction:

- Determine which state statutes, court rules and local practices are relevant and whether you want to include them on your PowerPoint slides and in your handouts.
- Several of the PowerPoint slides suggest obtaining local statistics and identifying local cases related to the points discussed. For example, obtain your state or jurisdiction’s most recent data on women murdered by their intimate partners.
- Be sure the slides use your state’s terminology. For example, your state statute may use the term “sexual battery” instead of rape.

To create new PowerPoint slides:

- Open the PowerPoint presentation provided to you that you would like to adapt
- On the PowerPoint menu, select “Insert New Slide”
- Select the slide layout you would like to use

Note: Do not change any of the slides except for the designated slides that you are asked to adapt to include your state-specific information.

Suggested Introduction to the Module: Survivor Video Clip and Transcript

This four-minute video clip is drawn from the Department of Justice, Office of Victims of Crime DVD *Victim Impact: Listen and Learn* and is provided in the electronic presentation materials. The clip is excerpted from an interview with a survivor of intimate partner sexual abuse and nearly lethal domestic violence. She states that the sexual abuse was even more emotionally destructive than the physical abuse because of the betrayal of trust. The sexual abuse, she states, “...was probably the most painful, and still probably the, the hardest to get past.”

If you have the software and A/V equipment, with speakers, to show this video clip, it is a very effective way to begin this module.

It is useful to also distribute the transcript of the excerpt so that program participants fully grasp the impact of intimate partner sexual abuse. The transcript is available on the CD for this module and on the National Judicial Education Program (NJEP)’s website, www.njep.org. To access the transcript and any other materials for this module as well as any of NJEP’s other resources, click on “Sexual Assault Resources.” On the Sexual Assault Resources page, click on the “Resources Available for Download” link which will direct you to the registration and login page for NJEP’s materials for in-person education, where you will find this module. Registration is free and will provide you with a username and password that you will need to gain access to this section of the website.

Suggested Presentation of the Survivor Video Clip

Read the transcript of Rebel’s statement so you know what is in the four-minute video clip.

Commentary:

- To begin our program I am going to introduce you to a young woman named Rebel. She is a survivor of intimate partner sexual abuse and nearly lethal domestic violence. This video clip is an excerpt from her interview in a DVD created by the Department of Justice, Office for Victims of Crime called *Victim Impact: Listen and Learn*.

- [Show the four-minute video clip.]

Debrief the Participants:

- After you show the video clip, ask the group for their response

If the following points do not emerge from the group, make them yourself:

- Did the participants note Rebel's statement that her husband's sexual abuse was more devastating than his death threats?
- Was this statement surprising to them?

Commentary After the Discussion:

- This program will address both the severe impact of intimate partner sexual abuse and its significant implication for all kinds of risk assessment.
- The co-occurring physical and sexual violence to which Rebel was subjected is not unusual. Research documents that a woman subjected to ***both*** physical and sexual abuse is ***seven times more likely to be killed*** than a woman subjected to physical violence alone. Rebel reports that her abuser, "threatened to have her killed."
- When there is sexual abuse in the domestic violence context, the risk of physical and sexual violence escalating to lethality is not only posed to the victim, but also to others, including her children. This risk should be considered when making decisions about custody and visitation.

Exercises

Choice of Exercises, Adaptation and Timing

- Determine how much time you have for the exercises
- Determine which of the exercises you will use and the time you will allot to each
- Adapt the chosen exercises to reflect your jurisdiction's law and practice
- If you use the Hanover v. Hanover exercise for Civil/Family Court judges, reformat it on your jurisdiction's Order of Protection form

Discussion Group Facilitators

These exercises can be conducted with or without pre-selected facilitators for the small group discussions.

With Pre-Selected Small Group Facilitators

- If you pre-select the small group facilitators, meet with them before the program to review the exercises and discussion guides and be sure the exercises are adapted to your jurisdiction.
- Ask the facilitators to appoint the person to their immediate left to take notes and give the Report Back for the group. This saves the time lost when someone is asked to volunteer.
- Review with the facilitators the key elements of leading a small group discussion, such as being sure that everyone speaks and no one person dominates.

Without Pre-Selected Small Group Facilitators

- Assign the Facilitator role to the person at each table whose last name begins with the letter closest to Z.
- Assign the Reporter role to whoever is sitting to the left of the Facilitator.
- This saves the time lost when people are asked to volunteer.

Participant Materials

The following handouts are to be printed and distributed to participants:

- PowerPoint slides printed three to a page with room for note taking
- Annotated Table of Contents for the Resources CD
- The description and module summary of the National Judicial Education Program's web course/resource *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases*, www.njep-ipsacourse.org. Registration is free and open to all
- *Risk Assessment and Intimate Partner Sexual Abuse: The Hidden Dimension of Domestic Violence* by Lynn Hecht Schafran, JUDICATURE, January-February 2010 at 161
- If you show the Survivor Video Clip, distribute the transcript of the video as a handout
- Any state or jurisdiction-specific materials you select

Preparing the Participant's Binder

The handouts for the Participant's Binder are available on the CD for this module and on the National Judicial Education Program (NJEP)'s website, www.njep.org. To access materials for this module as well as any of NJEP's other resources, click on "Sexual Assault Resources." On the Sexual Assault Resources page, click on the "Resources Available for Download" link which will direct you to the registration and login page for NJEP's materials for in-person education, where you will find this module. Registration is free and will provide you with a username and password that you will need to gain access to this section of the website.

To print handouts from the CD or the NJEP website:

- Click on the link to the handout you want to print. Clicking the link will download the handout to your computer as a PDF
- Open the downloaded PDF files
- Print and copy the handouts

To print PowerPoint slides as handouts for note-taking:

- Navigate to the Print Menu
- From the Print Menu select the "Print What" pull-down menu and choose "Handouts"
- From the "Color/Grayscale" menu select "Pure Black and White"
- From the "Slides Per Page" pull-down menu select "3"

Cover for Participant's Binder

This module includes a folder called "Reproducing IPSA CD and Copyright." Within this folder there is a ready-to-print PDF called "Binder Cover" which can be printed in color or in black and white. Once printed, place the cover on the binder that will be distributed to participants.

Resources CD for Participants

The Resources CD for participants is a compilation of the complete text of eighteen articles useful to anyone wanting more information about intimate partner sexual abuse in the domestic violence context and adult victims of sexual assault in general. It includes a link to a Danger Assessment instrument. Each citation in the Annotated Table of Contents on the Resources CD links to the full text of the article or document. Users do not need to be connected to the internet to link to these texts.

At your program, provide the Annotated Table of Contents from the Resources CD as a handout. This will immediately show participants the wealth of resources available to them and may give them an incentive to explore the Resources CD on their own.

Prepare the Resources CD as explained below and burn a copy for each participant.

Preparing the Resources CD for Participants via the NJEP website:

- Download the Resources CD from the website
- Create a new folder titled “*Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases Resources CD*”
- Move the downloaded Resources CD file into the new folder
- Insert a blank CD and when prompted burn the *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases Resources CD* folder to the CD

Preparing the Resources CD via the *Intimate Partner Sexual Abuse* Module CD:

- Insert the *IPSA* Module CD. Navigate to the Resources CD page and download the Resources CD
- Remove *IPSA* Module CD
- Create a new folder titled “*Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases Resources CD*”
- Move the downloaded Resources CD file into the new folder
- Insert a blank CD and when prompted burn the *Intimate Partner Sexual Abuse: Adjudicating This Hidden Dimension of Domestic Violence Cases Resources CD* folder to the CD

Intimate Partner Sexual Abuse CD Label

This module includes a folder called “Reproducing *IPSA* CD and Copyright.” Within this folder there is a ready-to-print PDF called “CD Label.” This label is separate from the label for the Resources CD. It is intended to be affixed to the CD for the *IPSA* modules. To print, purchase Avery CD label paper at an office supply store or online at http://www.avery.com/avery/en_us/. Put the Avery paper into any regular printer, print the PDF onto it and affix to the CD. This allows you to distribute this CD in the exact format that you received it, with the appropriate label.

Presenting the PowerPoint Presentation

The lecture portion of this curriculum is contained in a PowerPoint presentation, with suggested commentary for the faculty included in the notes section of the slides. Sources are included on the slides. The PowerPoint presentation is provided on the CD and the National Judicial Education Program's website www.njep.org.

To present the PowerPoint, navigate to the View menu or tab and click "View Slideshow." The slide will fill the screen.

- To move to the next slide click your left mouse button, press "Enter" on the keyboard or use the forward arrow key on your keyboard
- To return to a previous slide, press "Backspace" on your key board or use the back arrow on your keyboard
- For more options use the right mouse button or for Mac users press the apple/control key and click your mouse button
- To exit the Slideshow mode press Escape (Esc) on the top left corner of your keyboard

How to Print PowerPoint Slides with Suggested Commentary for the Presenter

To print the slides with suggested commentary for guidance during the presentation follow the steps below:

- Navigate to the Print Menu
- From the Print Menu navigate to the "Print What" pull-down menu and select "Notes Pages"
- Select the "Color/Grayscale" pull-down menu and choose "Pure Black and White"

Evaluation

Evaluation is a critical component of any judicial education program. Because jurisdictions have their own standard evaluation instruments and procedures, we have not included a suggested evaluation form here.

Technical Support

The National Judicial Education Program (NJEP) is available to provide technical assistance to judges and others who are planning a program using these materials. Please contact us if you need technical assistance or have any questions about using this curriculum.

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