

Intimate Partner Sexual Abuse:

CIVIL CASE STUDY

LISA HANOVER v. PHILLIP HANOVER

You are the intake judge in the Protective Orders Part of Family Court. A woman appears before you seeking a temporary order of protection based on the following petition:

STATE FAMILY COURT
COUNTY OF SMITH

Lisa Hanover (Petitioner) v. Philip Hanover (Respondent)

TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that:

1. Petitioner resides at **14 Periwinkle Drive, County of Smith**, and is the **spouse** of Respondent.
2. Respondent resides at **14 Periwinkle Drive, County of Smith**.
3. On or about the **5th day of November, 2007**, at **14 Periwinkle Drive**, the Respondent committed an act or acts which constitute (aggravated harassment in the second degree) (harassment in the first degree)(harassment in the second degree)(menacing in the second degree)(menacing in the third degree) (reckless endangerment) (assault in the second degree) (assault in the third degree) (attempted assault) (stalking in the first degree)(stalking in the second degree)(stalking in the third degree)(stalking in the fourth degree) toward **LISA HANOVER**, who is a **spouse** of said Respondent in that the Respondent:

Arrived home from work at two a.m. intoxicated, and pulled Petitioner from her bed, where she was sleeping. Respondent told her that she needed to come with him now to watch a new movie. Petitioner believed from prior incidents with respondent that the movie would show explicit sex. Petitioner declined to accompany him. He slapped her across the cheek, loosening a tooth and causing bleeding inside the mouth. Respondent then pushed the Petitioner back on to the bed and bit her ear, causing lacerations and pain.

The next morning Petitioner stated to Respondent that she was in pain and that she was tiring of his violent conduct. Respondent replied that if Petitioner tried to tell anyone, he would “tell everyone the filthy things you did to me,” that “no judge would let a whore

like you keep the children” and that the family “would be better off dead than broken.”

4. The following are the names, ages and relationships to the Petitioner and/or Respondent of each and every child in the family household:

a) Name of child: **Christina**
Age 6 Relationship to Petitioner and Respondent: **daughter**

b) Name of child: **Sam**
Age 3 Relationship to Petitioner and Respondent: **son**

5. The following aggravating circumstances, if any, are present in this case

["Aggravating circumstances" shall mean physical injury or serious physical injury to the petitioner caused by the respondent, the use of a dangerous instrument against petitioner by the respondent, a history of repeated violations of orders of protection by the respondent, prior convictions for crimes against the petitioner by the respondent or the exposure of any family or household member to physical injury by the respondent and like incidents, behavior and occurrences which constitute an immediate and ongoing danger to the petitioner or any member of the petitioner's family or household]:

Respondent threatened to kill himself, petitioner and their children.

6. (Upon information and belief) The following criminal, matrimonial or Family Court proceeding(s) involving the respondent (has) (have) been filed [indicate the court, date and status]:

None.

7. Indicate whether a previous application has been made to any court or judge for the relief requested herein and, if so, the relief, if any, granted and the date of such relief.

None.

8. (Upon information and belief) Respondent is licensed or has a license application pending to carry, possess, repair, sell or otherwise dispose of the following firearms [if known, specify type of firearms, type of license(s), date of issuance of license(s) and expiration date(s), whether license has been suspended or revoked and, if so, the date of such action and, if not currently licensed, whether license application is pending]:

Respondent is licensed to possess a hunting rifle.

9. (Upon information and belief) Respondent is in possession of the following licensed and unlicensed firearms [specify number and type of firearms and whether licensed or unlicensed, if known]:

Respondent has a hunting rifle.

10.

- a) (Upon information and belief), Respondent has been convicted of the following violent felony offenses [specify conviction charge and year of conviction, if known]:

None.

- b) (Upon information and belief), Respondent has previously been found to have willfully failed to obey an order of protection and such willful failure involved (infliction of serious physical injury) (use or threatened use of a deadly weapon or dangerous instrument) (and)(behavior constituting a violent felony offense), as follows [specify finding or conviction and year, if known; delete inapplicable provision(s)]:

N/A

- c) (Upon information and belief) The following facts and circumstances create a substantial risk that Respondent may use or threaten to use a firearm unlawfully against Petitioner or members of Petitioner's family or household:

Respondent stated that the family would be "better off dead than broken."

WHEREFORE, Petitioner prays

- a) that the Respondent be adjudged to have committed the family offense(s) alleged;
- b) that the Court enter an order of protection, specifying conditions of behavior to be observed by the Respondent in accordance with Section 842 of the Family Court Act;
- c) that the Court enter a temporary order of custody to petitioner;
- d) and for such other and further relief as to the Court seems just and proper.

Petitioner

Print or type name

Signature of Attorney, if any

Attorney's Name (Print or Type)

Attorney's Address and Telephone Number

Q1.

Are any of the allegations in the petition indicative of the possibility of intimate partner sexual abuse? If so, please list and explain why.

[Choose all that apply]

- **Pornography**
- **Awakening petitioner to view pornography**
- **Intoxication**
- **Assaulting her in bed**
- **Tearing her clothing**
- **Threatening welfare of family**
- **Denigrating petitioner's sexual morality**
- **Striking petitioner**
- **Biting her ear**

Q2.

Possible temporary directives might include:

[Choose all that apply]

- **Stay-away order in favor of Lisa Hanover**
- **Order directing Philip Hanover to vacate the home**
- **Order directing Child Protective Services to investigate home and remove children if there is domestic violence**
- **Order directing Philip Hanover to turn over hunting rifle to local police precinct**
- **Order setting forth visitation schedule until Philip Hanover has opportunity to file petition**
- **Referral of Lisa Hanover to victim advocacy service**
- **Appointment of law guardian to represent children**

- **Order of temporary child support**
- **Referral to District Attorney**
- **Referral to Police Department**

Q3.

What concerns might there be for the children in this home?

[Choose all that apply]

- **Exposure to pornography**
- **Sexual abuse**
- **Witnessing domestic violence**
- **Parental alienation syndrome**
- **Exposure to substance abuse**
- **Neglect**
- **Emotional abuse**
- **Presence of gun**
- **Risk of lethality**

After a hearing, you find that the respondent has committed extensive intimate partner sexual abuser as part of his ongoing domestic abuse of petitioner.

A probation report describes Mr. Hanover as the product of a severely dysfunctional home, with an absent, alcoholic father and a mother who struggled with bipolar disorder, diagnosed only when Mr. Hanover was in high school. He initially found stability, community, and great comfort in the parish church connected with the parochial school he attended. He served as an acolyte and was active in the youth group; unfortunately, the parish priest whom he revered ultimately molested him, over a period of five years. He exposed Mr. Hanover to increasingly degrading and violent sexual assaults throughout his adolescence. The abuse stopped only after Mr. Hanover was hospitalized following a suicide attempt during his junior year in high school. The only person he has confided in about the abuse, until this time, is his wife. He has struggled with poor self-esteem, depression, suicidal thoughts, and periodic alcoholic binges for many years. He has never sought help for these issues.

You issue a permanent order of protection directing the respondent to stay away from Ms. Hanover and her children. At this time, you deny respondent's application for visitation. As a condition of probation, you direct him to attend the New Attitudes for a New Age ("NA-NA") program for batterers, with the duration and intensity of his attendance to be determined by program staff. He is to report to court every three weeks for a control appearance.

Q4.

What features should NA-NA offer in order to provide meaningful assistance to Mr. Hanover and increase the possibility that he can address the complex issues presented by his history and his offending?

What steps could the court take to enhance the intervention programs available within the community?