

Recommendations for Attorneys

Civil and Criminal Law Attorneys are uniquely positioned to impact safety for victims and accountability for perpetrators of domestic violence.

The Georgia Domestic Violence Fatality Review Project has developed recommendations geared to reduce incidents of domestic violence and domestic violence-related homicide. To affect change, local communities must work diligently to implement these recommendations, which were developed by fatality review teams across the state. Acting on established best practices and calls to action from the Project's 15-year history is how Georgia will see real change in the future.

Out of the Courtroom

- + Ensure all victims of domestic violence seeking relief from the courts under the Family Violence Act have access to community-based advocates to complete a survivor-centered safety plan.
 - o Provide warm referrals to domestic violence advocates for ongoing supportive services and safety planning.
 - o In cases where the victim recants or seeks to dismiss an action, refer the victim to a domestic violence program for safety planning, counseling and resources.
 - o Make brochures and materials on domestic violence program services available in your office.
- + Minimize how often a victim has to tell her story, particularly when she has just experienced a traumatic event.
- + Partner with your domestic violence program to obtain training on the dynamics of domestic violence and lethality indicators, impact of trauma, identifying mental health issues and intervention strategies.
- + Secure basic safety planning training. Training on safety planning provides an excellent opportunity to bridge the gap between domestic violence programs and other agencies in contact with victims, and enhances the coordinated community response to intimate partner violence.
- + Provide information on the intersection of suicide and domestic violence to people requesting involuntary commitments.
- + Provide information about supportive services such as the crime victims' compensation program or the Georgia Commission on Family Violence's Support for Survivors of Murder-Suicide (SSMS) Program to individuals involved in probate court, resulting from a domestic violence-related suicide or murder-suicide.



- + Recognize your role in the coordinated response to domestic violence. To comprehensively address the problem of domestic violence, all systems responders must assess their unique position to determine how they can impact change. All stakeholders must take immediate steps to address abusers' issues of non-compliance with court orders or new incidents of abuse.

In the Courtroom

- + Recognize many threats made by intimate partner stalkers are often implicit and appear benign to outsiders. Consider the context of the circumstances and why the behavior could be frightening or distressing to the victim.
- + Develop protocols for response to abusive or retaliatory filings by abusers. Note on the record that the action is believed to have been retaliatory and request that the court dismiss the case with prejudice.
- + Craft orders that are safety-focused and encourage accountability.
 - o When the parties meet the required relationship criteria, encourage the filing of Family Violence TPOs over Stalking TPOs, as they allow for additional relief.
 - o Whenever possible, obligate abusers to participate in a Family Violence Intervention Program (FVIP).
 - o Require large distances of separation for the abuser from the victim and their frequent locations. Consider restrictions of 500 yards or more.
 - o List specific dates of visitation or attach a calendar which outlines the visitation schedule.
 - o Include detailed language about what qualifies as third-party contact or relaying of information, and list prohibited relationships and locations with which the abuser must refrain from contact.
 - o Construct divorce documents and other civil filings with the level of clarity recommended for TPOs to bolster victim safety. This is particularly important in cases where parties share children.
- + Request that the court follow safety procedures such as staggered leaving from the courthouse (with the victim leaving in advance of the perpetrator) or request a law enforcement escort to the victim's vehicle.
- + Require appropriate mental health assessments for abusers who are alleged to have co-occurring mental health and domestic violence issues.
 - o Pay particular attention to suicide indicators and safety issues, which require assessment throughout the court process.
 - o When the Court determines mental health issues should be addressed, clarity of language is paramount. Ensure that court orders provide a clear method of achieving completion of the provisions; add to



- standard language the specific type of evaluation that should be completed, in what time frame it should be completed and how the abuser can provide proof of compliance with the provision.
 - + Inform victims of the process for taking action when a violation occurs.
 - Explain that violation of orders is subject to criminal or civil penalty, even if the contact is “allowed” by one of the parties.
 - + At the time of a final Temporary Protective Order hearing, inform victims of the process to apply for a Three Year/ Permanent Protective Order, prior to the expiration of the 12 Month Order, if the perpetrator violates the 12 Month Order. Encourage victims to seek extensions of their orders in the event of ongoing safety concerns.
 - + Ensure victims are aware of the risk of using a TPO as a bridge to another order (e.g., a divorce decree), or relying on other types of orders (perhaps a Domestic Standing Order, a Temporary Order or a divorce decree) for protective provisions such as reduced contact with the abuser or removal of firearms. These orders often do not satisfy requirements for immediate criminal enforceability, nor do they trigger federal firearm prohibitions or full faith and credit enforcement.
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Domestic Violence and Children

- + Realize abusers may use children in common with the victim as justification for ongoing stalking and harassing behavior or to coerce the victim to return to the relationship. Be aware their strategy for maintaining contact and control may include indicating they need to have contact with the victim to discuss and co-parent the children.
- + Include children as protected parties on Temporary Protective Orders so they receive protection during the victim’s parenting time.
- + When a history of stalking or harassing behavior has been present, discourage the practice of abuser providing technology, such as cell phones for the children. Instead, require the stalker to provide the victim compensation for purchase of technology to decrease the likelihood of electronic stalking.
- + Develop safe public visitation exchange locations.
 - Be aware not all law enforcement precincts are staffed at all times and may not be an ideal exchange location. Instead, look for locations for exchanges where cameras and the public are present.
 - Encourage the victim and abuser to develop third-party resources who can conduct custody exchanges on their behalf.
- + Directly state arrangements for child support and visitation in orders. If the order references or incorporates a prior order, it should be attached.



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- Outline specific remedies for addressing financial support, such as use of Child Support Services, a Family Support Registry or a safe mailing address for the victim.
 - + Regularly assess teens for dating violence and link them with helping resources.
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Firearms

- + Request information about firearms access from your client.
 - + Report abuser access to firearms and ammunition to the court and notify law enforcement of any abusers believed to have possession of firearms in violation of the law, so their presence can be addressed at time of service of an order.
 - + Ensure protective order forms include language explicitly requiring removal of firearms and ammunition from the abuser and confirm the case meets federal firearm prohibition requirements.
 - + Routinely provide TPO petitioners with a Petition for Surrender of a Weapon, and establish procedures to ensure orders are forwarded to law enforcement.
 - + Request compliance hearings to ensure abusers have surrendered firearms and ammunition.
 - + Work with the local Bar Association and the domestic violence task force or coordinated community response to develop countywide protocols to establish how each agency will cooperate to restrict access to firearms by domestic violence offenders and protective order respondents. Georgia's communities must carry the torch for this important issue until legislative and legal system actions catch up with the risk firearms pose to citizens of our state.
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Use the Georgia Domestic Violence Fatality Review Project Annual Report

- + Read and Remember
 - Read the fatality review reports and remember the stories of those who have lost their lives to domestic violence.
 - Share victims' names and stories at events that honor domestic violence victims and survivors.
- + Share with Others
 - Copies of this report and prior reports are available at GeorgiaFatalityReview.com. Email the link to coworkers, advocates, judges, police officers, mental health professionals, substance abuse counselors, attorneys, health care workers, religious leaders, teachers, family, and friends.
 - Print the sections you think are relevant to others' work and share these sections with them.



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- Print sections as handouts and use them in community presentations.
- + Discuss with Coworkers
 - Discuss the report during a staff meeting at your workplace.
 - Identify which recommendations are most relevant to your agency, and develop specific steps forward and work toward their implementation.
- + Incorporate into Strategic Planning
 - Use the recommendations as a tool for strategic planning.
 - If you work in a nonprofit agency, share the fatality review reports with your board of directors.
 - Identify other agencies with which you want to collaborate, and discuss specific goals you can work toward together.
- + Develop Task Force Initiatives
 - As a group, identify areas in which the community is doing well and areas in which improvement is needed.
 - Identify two to four recommendations that are priorities for your community and implement them.
 - Create a subcommittee for your priority areas and report your progress to the Georgia Commission on Family Violence.
- + Increase Community Awareness
 - Create discussion groups in your community to talk about the fatality review reports and recommendations for change. These groups can be interdisciplinary groups of professionals or groups of community members interested in making their communities safer and healthier.
 - As a group, identify action steps toward implementing the recommendations in this report.
 - Contact the Georgia Commission on Family Violence or the Georgia Coalition Against Domestic Violence for further conversations and presentations.
- + Alert the Media
 - Alert the local media about fatality review findings, recommendations, and local work being done to help victims of domestic violence.
 - For additional suggestions about working with the media download our Domestic Violence and The Media tip sheet here GeorgiaFatalityReview.com/resources/.

