

Clarification: When is safety at risk due to domestic violence? (TANF & TA-DVS)
Date: May 18, 2009
References: ORS 411.117, OAR 461-135-1200, 461-135-1215, FSM TANF – K, TA-DVS (A, B, C, K)

When is someone safe?

You have a client sitting in front of you. The client says I'm staying with my cousin, and I feel safe. The client was beaten up by her boyfriend just two weeks ago. Is this client safe? Most of the time, people would respond that the client is safe. After all, the client said it was safe staying at her cousins, so we believe the client.

The Reality:

Victims are usually the best judges of the dangers their abusers pose to them but asking them whether they are safe in their current situation may not give us the whole picture. Most incidents of violence are part of a larger pattern and history of violence. We need to take a broader look at what might impact the client's safety now or in the future. We should not ignore other factors that may indicate there is a safety risk.

We start by having a conversation with the client about what is happening, what has happened, what they think might happen. The information we gain from this conversation will help us work with the client in developing a plan that is more likely to increase their safety. It's important to remember that no plan can guarantee safety. Our goal is to help the victim develop a plan that will reduce risk and provide protection from future harm. Asking questions may also help the victim assess the risk the abuser poses.

It's a good idea to discuss different approaches with the victim because she may change her mind before fully implementing her plan. We must be prepared to change and revise the plan if something does not work.

Finding out more information:

- ▶ **When did the most recent episode of abuse happen? What was the level of abuse? Has the abuse been escalating? What has the abuser threatened to do?**

When there has been recent domestic violence then it's difficult to judge what the abuser is going to do next. It's not unusual for an abuser to lay low for awhile to see whether the victim will get the police involved or he may be leaving the victim alone because of a no-contact order or because he's worried about getting into more trouble. The victim may not know where the abuser is, or what he's planning.

We also need to look at what happened. The level of abuse can sometimes in itself indicate increased risk. Indicators of extreme danger have been identified as, choking or strangling, the use of weapons, threatening to use weapons, use of a weapon in prior incidents, possession of or access to weapons, escalation of frequency or severity of violence, and the ending of relationships .¹

In the United States, research indicates that women who leave their abusers are at a 75% greater risk of being killed.²

- ▶ **Has there been a history of abuse? What happened in the past? Has he been arrested or convicted of a violent crime? Has he violated restraining orders?**

Has the victim left before and if so what happened when she left? We know that victims often reconcile with the abuser for many reasons. Usually because the abuser says, "I'm going to change, things will be better, I love you, I can't live without you", etc.. Maybe it's because the victim has no way to support herself or her children or they believe the abuser is a good father and kids need a father. Maybe is because the victim loves the abuser and believes he'll change.

We know that abusers seldom change. Batterer intervention experts say abusers make a decision to change about 2% of the time. The abuser may stop the physical

¹ Lethal and Extremely Dangerous Behavior – 2003 Minnesota Advocates for Human Rights from www.stopvaw.org.

² From Julian Center, Women in the US

abuse for awhile (because they are more likely to be held accountable for physical abuse) but the verbal, mental, emotional and often sexual abuse will continue.

Other factors we should consider when looking at whether the victim's safety is at further risk:

- ▶ Whether or not the abuser has been arrested for domestic violence in the past. (With this victim or with others)
- ▶ Is he excessively jealous or controlling?
- ▶ Has he been stalking the victim?
- ▶ Has he made threats to kill the victim or himself, a family member or even pets.
- ▶ Does he have a history of past drug or alcohol use.

Even if the victim feels safe in her current situation, if any of these factor's are present, there may be current or future risk to the victim.

▶ **Can you be unsafe and not know it?**

Yes you can. Victims will sometimes minimize their risk because they don't feel their situation is as bad as someone else's (the abuser usually is saying things like, "it's your fault, you're exaggerating what happened, it's no big deal, no one will believe you", etc.). The 2004, Oregon Women's Health and Wellness Survey showed that the number one reason women didn't get police involved is that they felt it wasn't a serious enough injury or not a crime (37%). The second reason was fear of the abuser (18%). Serious injury included choking, strangling, shooting, stabbing, using a weapon, or attempting to drown the victim.

The coping mechanism that a victim is using to survive may also lead to minimization of their risk. Two examples are:

Denial:

Denial is a way of dealing with emotional conflict, stress, painful thoughts, threatening information or anxiety by refusing to acknowledge facts that are obvious to others."³

³ www.Mayoclinic.com/health/denial

You'll often hear things like, "it wasn't such a big deal, I was just upset, he really didn't hurt me that bad".

Avoidance:

Mentally or physically avoiding something that causes distress can also be a coping mechanism. The victim may appear to avoid taking action, may not want to pursue charges or get a restraining order or may not want to talk about what happened.

Trauma:

Trauma responses including poor concentration, confusion, disorientation, indecisiveness, shortened attention span, memory loss, unwanted memories, and difficulty in making decisions may also reduced the victims likelihood to identify a safety risk.

The Policy:

The program (TA-DVS) addresses the temporary needs of clients who are currently victims of domestic violence, have been victims of domestic violence or are at risk of domestic violence; whose safety is at risk because of domestic violence or the current threat of domestic violence... (OAR 461-135-1215)

To determine whether there is a safety risk, we want to ask the client about their safety concerns, but we also need to look at the history of abuse and the potential for future abuse.

The rule says there must be a safety risk, not that the client must say there is a safety risk. If there are other factors that indicate there is a current safety risk or threat of domestic violence, then we can determine the client eligible if they meet all other financial and non-financial requirements of the program.

Denials

Denials of TADVS by the agency around clients having no safety concerns are often reversed at hearing. Many times the original decision was made without

gathering enough information about the safety risks. Sometimes this is because we haven't asked enough questions or looked at the full picture.

Example situations where denials have been reversed at hearing:

- Victim was in temporary housing. Abuser's family continued to harass her.
- Victim was in a temporary living situation because the abuser showed up at her home.
- The abuser didn't know where the client was currently staying but continued to try to locate her through family and friends.
- A victim's friend made the client move due to fear of domestic violence, even though the abuser didn't know where she lived.
- Although current homelessness was not due to domestic violence, she was still at risk due to current domestic violence.
- Client had no recent contact from the abuser but had been in several domestic violence shelters. He located her several times in the past and was likely to find her again or she'd have to go back to him because of lack of resources.
- Client moved here from out of state but the abuser was still looking for her.

Resources:

Your local domestic violence and sexual assault service provider is the best resource in helping identify potential safety issues.

If you have any questions about policy related to safety risk, contact Carol Krager at 503-945-5931.

The staff training web page at <http://www.dhs.state.or.us/training/dv/index.htm> , has guidance on decision making in domestic violence cases, possible questions to ask, the effects of trauma and information about abuser behaviors.