

Intimate Partner Sexual Abuse: Adjudicating this Hidden Dimension of Domestic Violence Cases

An Introduction

National Judicial Education Program*

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



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"If a partner is controlling, abusive,
and violent in the kitchen, the living
room, and in public, why would he
stop the abuse at the bedroom door?"

-Hon. Jeffrey Kremers, Chief Judge, First Judicial
Administrative District,
Milwaukee, WI



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Graham Barnes

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"Until I had worked with men who batter for three to five years, I had no idea that the level of sexual assault within domestic violence relationships was so high. I had to hear these stories from the facilitators of the women's partner group before I realized that most of the women partners are also being sexually assaulted."

Risk Assessment Related to Intimate Partner Sexual Abuse

- Assessing likelihood of continued and escalating physical and sexual violence
- Assessing risk of lethality to victim and others
- Assessing risks to children when making custody and visitation decisions

Risk Assessment

- Femicide: Will the abuser kill his victim?
- Child Murder: Will the abuser kill the couple's children?
- Third Party Lethality: Will the abuser kill a third party?
- Suicide: Will the victim kill herself?
- Suicide: Will the abuser kill himself?
- Will the victim kill the abuser?

Risk Assessment

“A physically-abused woman also subjected to forced sex is over seven times more likely than other abused women to be killed.”

- Finding from Professor Jacquelyn Campbell, *Assessing Risk Factors for Intimate Partner Homicides*, Vol. 250 NIJ JOURNAL 15 (2003).

Risk Assessment

"There was no greater divergence in what victims and perpetrators reported than in the area of sexual violence. If we are to believe the killers, none of them had ever been sexually violent or even coercive to the women they killed....The victims of abuse painted a very different picture. Nearly three-fourths of the women [who survived a near-murder] said their abusive partners had raped them."

- David Adams, WHY DO THEY KILL? (2007) at 171-172.

Risk Assessment: Custody and Visitation Implications

"[A] history of sexual assaults against the mother...[is] linked to increased risk of sexual abuse of the children and increased physical danger."

- Lundy Bancroft, Jay G. Silverman, THE BATTERER AS PARENT: ADDRESSING THE IMPACT OF DOMESTIC VIOLENCE ON FAMILY DYNAMICS (2002)

It is important to be knowledgeable about intimate partner sexual abuse in order to understand it as:

- An aspect of domestic violence
- An assertion of power and control
- A critical risk factor for victims and their children
- A risk factor in custody and visitation determinations

Eliciting information about intimate partner sexual abuse is not easy, but it is essential for comprehensive risk assessment. To help encourage disclosure, judges can:

- Encourage those under the judge's direction to develop this information
- Use behaviorally-based questions
- Create a court environment where victims feel safe disclosing

Resources CD

- Part I. Resources Specific to Marital Rape and Intimate Partner Sexual Abuse
- Part II. Resources Respecting Adult Victim Stranger and Nonstranger Sexual Assault

Intimate Partner Sexual Abuse Web Course by the National Judicial Education Program

Intimate Partner Sexual Abuse: Adjudicating this Hidden Dimension of Domestic Violence Cases

Registration is free and open to all at:

www.njep-ipsacourse.org

- Provides current interdisciplinary research from law, medicine and the social sciences on intimate partner sexual abuse.
- Includes 13 modules on issues varying from victim impact to cultural defenses, self-tests, reflection questions, and civil and criminal case studies.

For More Information Contact

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