

# Domestic Violence or Family Feud?

An Examination of the Use of Domestic  
Violence Orders of Protection Among  
Non-Intimate Relatives

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# Abuse Reported in Petitions for DVOP

| Scenario # | Location          | Prior Abuse | Type of Abuse Reported  | Police Called | Residence Request                             |
|------------|-------------------|-------------|---|---------------|---|
| 1          | Parties' home     | Yes         | Incident involved in-person verbal abuse and name calling. Pattern reported.    | Yes           | Requested Respondent eviction                 |
| 2          | Parties' home     | Yes         | Incident involved physical abuse and verbal threats.                            | No            | Requested Respondent eviction                 |
| 3          | Petitioner's home | Yes         | Incident involved in-person & phone verbal abuse and threats. Pattern reported. | Yes           | None  |
| 4          | Parties' home     | No          | Incident involved physical abuse, and verbal threats.                           | Yes           | Requested assistance in retrieving belongings |

# 2010 Legislative Revision to Definition of “Household Member” in NM DVOP Law

| Prior New Mexico Statute Covers                             | Revised Statute Covers                 |
|---|--|
| Spouse  | ✓                                      |
| Former Spouse   | ✓                                      |
| Family Member, including a relative                         | Removed                                |
| Parent (present or former step-parent)                      | ✓                                      |
| In-Laws (present or former)                                 | Parent and grandparent in-laws only    |
| Child   | ✓                                      |
| Co-parent of a child  | ✓                                      |
| Person with whom one has a continuing personal relationship | Dating and intimate relationships only |

# Background

- **Defining Domestic Violence**
  - Origins
  - Statutory definition
- **DV Research Focuses on IPV**
  - Nature of violence
  - Individual characteristics of victims and offenders
  - Intervention use and effectiveness

# Prevalence of Intimate Partner and “Other Family” Violence

- **National Crime Victimization Survey**
  - 17% of violent victimizations are perpetrated by either intimate partners or “other family members”
  - 32% of these reports involve “other family members”
- **FBI Supplemental Homicide Report**
  - 17% of homicides with known offenders involve offenders who are either the intimate partner or “other family member” of the victim
  - 46% of these homicides involve “other family members”

# Questions

- What proportion of PO system usage involves petitions against “other family members”?
- From what types of abuse do petitioners seek POs against “other family members”?
- How are petitions for protection involving “other family members” similar to and/or different from those involving intimates?
- In what ways is the court response to petitions involving “other family members” similar to and/or different from those involving intimates?

# Sample Identification & Data Collection

- **Data Source**

- Protection order requests made in Bernalillo County, (Albuquerque), NM in 2002

- **Sample Identification**

- Randomly selected 200 cases from automated file of all petitions involving 1 adult respondent and 1 adult petitioner
- Final sample N = 190
- 90% intimate partners; 10% “other family members”

- **Data Collection**

- Extraction of standardized party, case, and court processing characteristics; composed chronological narrative including petitioner’s written abuse description and case processing details

# Sample Description

|                                   | Intimate Parties<br>(N = 171) | Other Family<br>(N = 19) |
|-----------------------------------|-------------------------------|--------------------------|
|                                   | Mean                          | Mean                     |
| Petitioner age in years*          | 33                            | 48                       |
| Respondent age in years           | 36                            | 37                       |
|                                   | %                             | %                        |
| Male petitioner*                  | 14                            | 32                       |
| Female respondent                 | 14                            | 21                       |
| Same-sex petitioner & respondent* | 3                             | 53                       |
| Respondent employed               | 48                            | 26                       |
| Minor children involved*          | 64                            | 32                       |

# Cases Involving “Other Family Members”

| Relationship Description                   | Number of Cases | # with Female Petitioner | # of Same-Sex Dyads | Relationship Eligible for PO in 2010 |
|--|-----------------|--------------------------|---------------------|--------------------------------------|
| Petitioner is parent of respondent         | 7               | 4                        | 4                   | ✓                                    |
| Petitioner is respondent’s sibling         | 5               | 4                        | 2                   | No                                   |
| Petitioner is respondent’s sibling-in-law  | 3               | 2                        | 2                   | No                                   |
| Petitioner is respondent’s aunt/uncle      | 2               | 1                        | 2                   | No                                   |
| Petitioner is respondent’s grandparent     | 1               | 1                        | -                   | ✓                                    |
| Petitioner is respondent’s child           | 1               | 1                        | -                   | ✓                                    |
| Percent of all “other family member” cases | 100             | 68                       | 53                  | 53                                   |

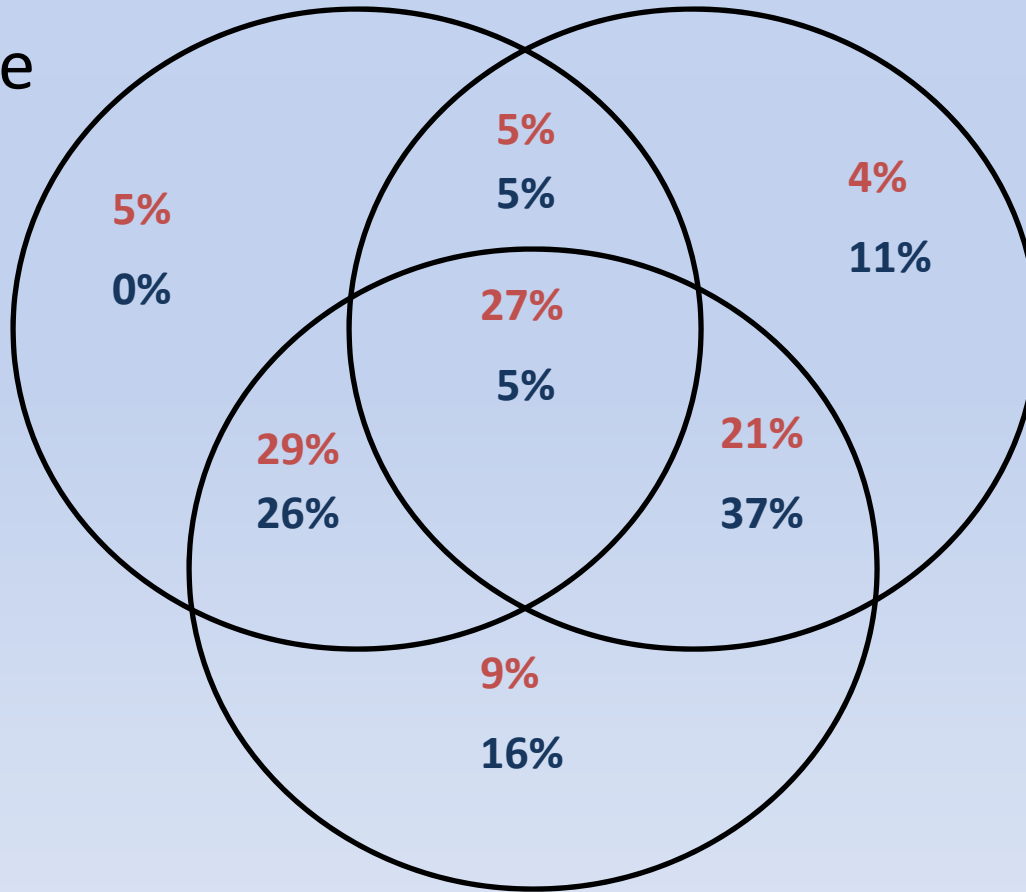
# Types of Abuse Reported in Narratives

Physical Abuse

63%

Intimidation

57%



Verbal Abuse and/or Threats

86%

# Context of Abuse Incidents

- **Nature of Abuse**

- Groups are similar in the frequency of reporting for verbal abuse/threats and physical intimidation/stalking.
- *Petitions involving intimate partners are more likely to involve reports of physical abuse*

- **Shared Residence**

- 40% of petitions involving intimates and 47% of those involving “other family members” provide at least one indicator of shared residence at or close to the time of the reported incident

# Context of Abuse Incidents

- **Prior Abuse**

- Approximately 75% of both groups report prior abuse

- **Substance Use/Abuse**

- 50% of intimate partner filings and 58% of “other family member” filings identify respondent substance use and/or abuse

- **Mental Illness**

- *Mental illness is more commonly reported by petitioners in intimate partner filings*

# Requests to the Court

|                              | Intimate<br>(N = 171) | “Other Family”<br>(N = 19) |
|------------------------------|-----------------------|----------------------------|
| <i>Requests to the Court</i> |                       |                            |
| Respondent Eviction          | 19                    | 21                         |
| No Contact with Children     | 39                    | 11                         |
| Child Support                | 32                    | -                          |
| Petitioner Support           | 12                    | -                          |
| Damages                      | 18                    | 26                         |
| Counseling for Respondent    | 9                     | -                          |

# Court Response

|   | Intimate<br>(N = 171) | “Other Family”<br>(N = 19) |
|---|-----------------------|----------------------------|
| <b><i>Court Response to Petition</i></b>    |                       |                            |
| Extended Order Granted                      | 58                    | 74                         |
| Temporary Order Dismissed by Court          | 9                     | 11                         |
| Temporary Order Dismissed by Petitioner     | 18                    | 11                         |
| Temporary Order Dismissed by Petitioner FTA | 15                    | 5                          |
| DVOP Violation Reported to Court            | 13                    | 26                         |
| Extended Order Reaches Expiration           | 45                    | 68                         |

# Family Feuds: Findings of Insufficient Evidence

- 8% of cases in the sample are dismissed by the court due to insufficient evidence
  - 8% of intimate cases dismissed (N = 13)
  - 11% of “other family” cases dismissed (N = 2)
- Reporting “disputes”
- Court response suggests that in both groups parties have other “sufficient legal remedies”

# Why is this important?

- Is violence between “other family members” similar to or different from intimate partner violence?
  - Anecdotal claims cannot be discounted; however, there is no empirical basis for making difference claims
  - Differentiating IPV from other types of violence involves recognition of the context of violence
- Bureaucratic gate keeping is an ever present part of service provision.
- Exclusion from research impedes our ability to properly construct and evaluate DV interventions