



STRENGTHENING ECONOMIC SECURITY FOR SURVIVORS OF INTIMATE PARTNER VIOLENCE

IN THE COMMONWEALTH OF VIRGINIA

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Strengthening Economic Security for Survivors of Intimate Partner Violence in the Commonwealth of Virginia

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Prepared for:
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Virginia's 33rd District
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FRANK BATTEN SCHOOL
of LEADERSHIP and PUBLIC POLICY



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Client Overview

A Democrat in the Senate of Virginia, Jennifer B. Boysko represents the 33rd District of Virginia which encompasses parts of Fairfax and Loudoun County. She was elected to the Virginia Senate in a special election and was reelected in November of 2019, after her tenure in the Virginia House of Delegates in 2015. She currently serves as a member of the Senate Judiciary Committee, the Transportation Committee, the General Laws and Technology Committee, the Rehabilitation and Social Services Committee, and the Privileges and Elections Committee. Within the General Assembly, Senator Boysko is a strong advocate for women's rights and continues to work for causes such as equal pay for equal work, fair wages, and paid family and medical leave. A longtime resident of Old Town Herndon, Senator Boysko is a voice for all Virginians and works with policymakers across the aisle to solve problems in the state ("Jennifer Boysko", 2021).

Honor Pledge

On my honor as a student, I have neither given nor received unauthorized aid on this assignment.



Seara Mainor

National Hotlines

National Domestic Violence Hotline

1-800-799-7233 (SAFE)

1-800-787-3224 (TTY)

www.ndvh.org

National Sexual Assault Telephone Hotline

1-800-656-4673 (HOPE)

<https://www.rainn.org/>

National Teen Dating Abuse Helpline

1-866-331-9474

1-866-331-8453 (TTY)

www.loveisrespect.org

National Suicide Prevention Lifeline

1-800-273-8255 (TALK)

<https://suicidepreventionlifeline.org/>

Virginia State Hotlines

Virginia Family Violence & Sexual Assault

Hotline: 1-800-838-8238

Text: 804-793-9999

Loudoun Abused Women's Shelter (LAWS)

24-Hour Crisis Hotline

703-777-6552

Virginia LGBTQ+ Partner Abuse and Sexual Assault Helpline

Helpline: 1-866-356-6998

Text: 804-793-9999

Virginia Department of Criminal Justice Services

Infoline: 1-888-887-3418



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LIST OF ACRONYMS

CDC	Centers for Disease Control and Prevention
VDCJS	Virginia Department of Criminal Justice Services
DV	Domestic Violence
EPO	Emergency Protective Order
GDC	General District Court
IPH	Intimate Partner Homicide
IPV	Intimate Partner Violence
J&DR	Juvenile and Domestic Relations District Court
OES	Office of the Executive Secretary
PO	“Permanent” Protective Order
PPO	Preliminary Protective Order
VDSS	Virginia Department of Social Services

KEY TERMS

Domestic Violence: A pattern of abusive behaviors intended to exert power and control over another individual in an intimate or family relationship. This includes physical violence, emotional abuse, sexual assault, economic control, and neglect along with stalking, dating violence, trafficking, child abuse and elder abuse of incapacitated adults (Va. Code Ann. § 38.2-508).

Intimate Partner Violence: Physical violence, sexual violence, stalking, and psychological aggression that occurs in a romantic relationship by a current or former partner/spouse. Often referred to as domestic violence (National Center for Injury Prevention and Control, 2020).

Intimate Partner Homicide: A homicide in which a victim is killed by a current spouse or a former spouse; a current or former boyfriend, girlfriend, or same-sex partner; or a current or former partner. This definition may also include individuals who share children, may have lived together, or experienced stalking (Herring, 2019).

Family Abuse: Any act involving violence, force, or threat including, but not limited to any forceful detention, which results in bodily injury or places one in reasonable apprehension of bodily injury that is committed by a person against such person's family or household member. This includes but is not limited to forceful detention, stalking, and criminal sexual assault. In Virginia, often domestic abuse is referenced under this definition (Va. Code Ann. § 16.1-228).

Protective Factors: Individual and relational attributes in addition to environmental and social conditions that appear to mitigate or reduce the impact of domestic violence risk factors (VDSS, 2015).

Protective Order: A civil court order meant to protect the health and safety of the petitioner and their family members from the conducts or threats of another (Va. Code Ann. § 19.2-152.10).

Protective Order in Cases of Family Abuse: A civil court order meant to protect the health and safety of the victim and their family or household members from physically abuse or threatening conduct of another family or household member. Issued by the J&DR (Va. Code Ann. § 16.1-279.1).

Restitution: Court-ordered payment or reimbursement by the defendant to the victim for the financial losses caused by the crime ("Understanding Restitution", 2015).

Risk Factors: Individual, relational, environmental and social attributes and conditions that appear to increase the likelihood of victimization or perpetration of domestic violence (National Center for Injury Prevention and Control, 2020).

EXECUTIVE SUMMARY

Intimate partner violence is a serious problem in the Commonwealth of Virginia. More than one third of women in the state are estimated to experience physical or sexual assault or stalking by an intimate partner in their lifetime, and 40.7% of the family and intimate partner fatalities recorded in 2018 were a result of intimate partner homicide (Smith et al., 2017; Herring, 2019).

Victims of intimate partner violence face too many financial burdens and constraints, impacting their ability to take action in their abusive relationships. For instance, about 3-in-4 survivors of intimate partner violence report staying in their abusive relationship for economic reasons (Mary Kay Foundation, 2012). Many women remain in their abusive relationships because they are economically dependent on their abuser, influencing their decisions to leave or press charges (Benson & Fox, 2001).

This analysis considers three policy alternatives to alleviate the economic burdens felt by survivors in the Commonwealth of Virginia:

- (1) Advocate for HB 1182 to amend the protective order statute in cases of family abuse;
- (2) Amend the Virginia Compensating Victims of Crime Act to Increase the rate of approval for compensation claims;
- (3) Re-introduce legislation to establish a statewide paid family and medical leave program.

The projected outcomes of these policy alternatives are evaluated by their ability to meet the following four criteria: effectiveness, cost, political feasibility, and administrative complexity.

Based on my findings, I recommend Senator Boysko implement Policy Alternative 1 and 3. Senator Boysko should advocate for HB 1182 in the 2021 session of the General Assembly with Delegate Vivienne Watts to amend the family abuse protective order statute. Although this option will only alleviate economic burdens for certain survivors pursuing a protective order, the alternative incurs no additional costs, is political feasible, and does not require new administrative procedures. Additionally, Senator Boysko should re-introduce legislation to establish a paid family and medical leave program in the state. A paid family and medical leave policy reduces the risk factors of intimate partner violence by diminishing financial insecurity, strengthening economic independence, and empowering female survivors in the workforce. This policy, though expensive and administratively complex, will improve financial security for survivors and likely encourage them to leave their abusive relationship.

In addition to the policy recommendation, I encourage Senator Boysko to pursue other legislative mechanisms to prevent intimate partner violence. She should consider advocating for a Joint Legislative Audit and Review Commission (JLARC) report or establishing a Joint Commission on IPV Prevention to improve IPV prevention and intervention in the Commonwealth.

PROBLEM STATEMENT

The economic needs of survivors can cause them to stay within abusive relationships for longer, leading to increased economic abuse, injuries, or in some cases, fatalities (DuMonthier & Dusenbery, 2016). The choice to leave can become dependent on the abuser's economic contribution, outweighing the severity of the violent behavior (Benson & Fox, 2001). In fact, about 3-in-4 survivors (74%) report staying in their abusive relationships for economic reasons (Mary Kay Foundation, 2012). Thus, **survivors of intimate partner violence suffer from too many economic burdens and constraints, impacting their ability to take action in their abusive relationships.**

BACKGROUND

Overview of Intimate Partner Violence (IPV)

Prevalence

According to the Centers of Disease Control and Prevention (CDC), about 1-in-4 women and 1-in-10 men have experienced some form of IPV in their lifetime (CDC, 2020). In 2018, the National Crime Victimization Survey reported that IPV accounts for 45% of victimization reported to the police, and the National Intimate Partner and Sexual Violence Survey estimated that over 1-in-3 women (37.3%) experienced physical or sexual violence or stalking by an intimate partner in their lifetimes. (Morgan & Oudekerk, 2019; Smith et al., 2017). In Virginia, 33.6% of women are estimated to experience intimate partner violence in their lifetime (Smith et al., 2017). In 2017, the Family and Intimate Partner Homicide Surveillance Project found that 40.7% of the family and intimate partner fatalities recorded in Virginia were a result of intimate partner homicide (IPH), and about 3-out-of-4 IPH victims were women as shown in Table 1 below. IPH is the most frequent type of fatal domestic violence reported in the state (Herring, 2019).

	2013		2014		2015		2016		2017	
	No.	%	No.	%	No.	%	No.	%	No.	%
Intimate Partner Homicide	47	38.5	48	42.9	55	44.4	60	38.0	66	40.7
Intimate Partner Associated Homicide	29	23.8	26	23.2	25	21.0	36	22.8	33	20.4
Child by Caretaker Homicide	21	17.2	16	14.3	17	13.7	20	12.7	19	11.7
Elder/Dependent Adult by Caretaker Homicide	1	0.8	0	0.0	0	0.0	1	0.6	1	0.6
Other Family Homicide	18	14.7	20	17.8	21	16.9	30	19.0	37	22.8
Family Associated Homicide	6	4.9	2	1.8	6	4.8	11	7.0	6	3.7
Total	122	100.0	112	100.0	124	100.0	158	100.0	162	100.0

Table 1: Family and Intimate Partner Homicide in Virginia from 2013-2017, by type of Homicide (Herring, 2019).

A Pandemic within a Pandemic: IPV spikes during Covid-19

As Covid-19 cases surged around the globe, reports of IPV spiked, with more and more victims trapped inside their homes with their abusers. A number of countries reported a dramatic increase in IPV including China, Italy, Greece, Spain, the United Kingdom, Germany, Egypt, and India (Graham-Harrison et al., 2020). In the United States, the Crisis Text Line (2020) saw a 78% increase in texts related to domestic violence during the national lockdown (Kramer, 2020). Similarly, the Virginia Sexual and Domestic Action Alliance reported a 73% increase in IPV calls in March of 2020 compared to the previous year (Cline, 2020).

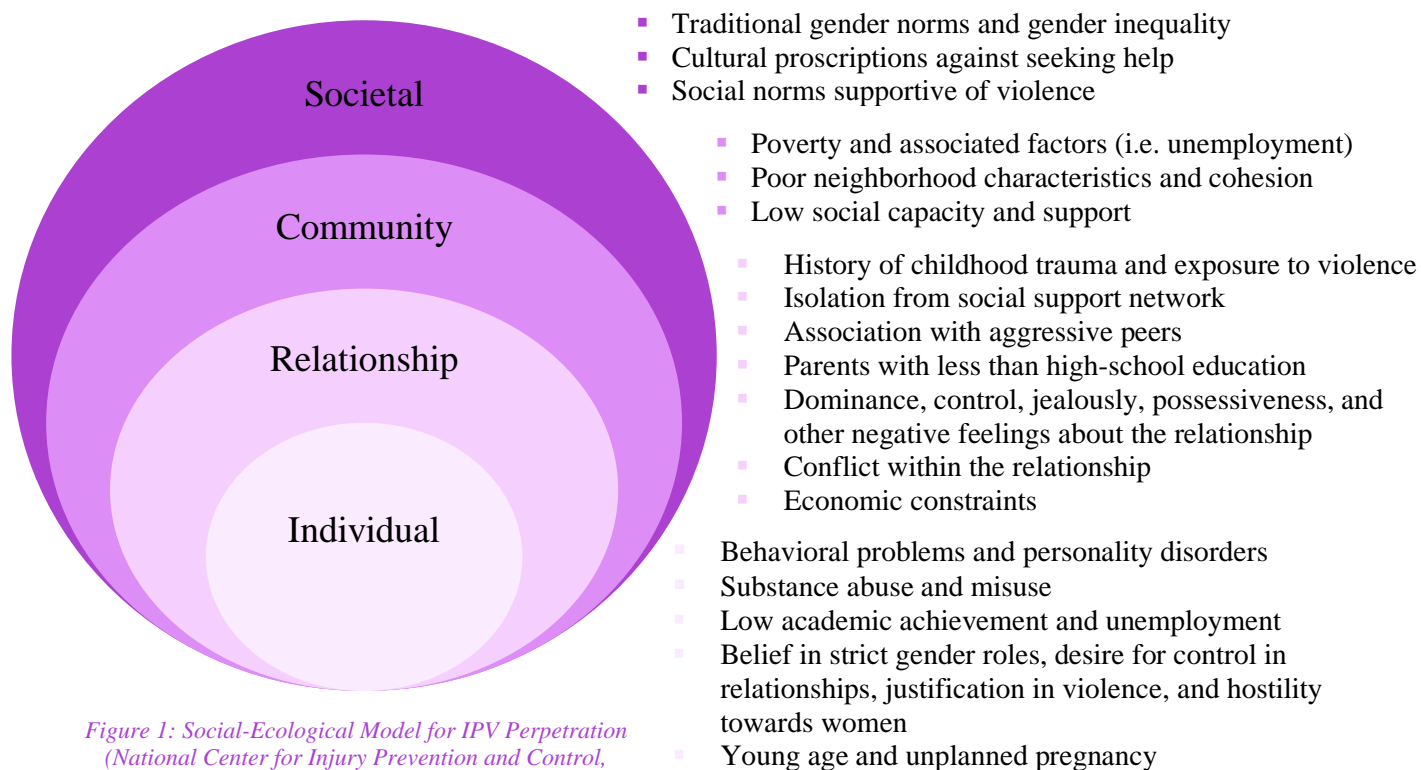
In adherence to lockdown and social distancing protocols, survivors experienced more frequent and severe abuse, isolated from life-saving resources and support systems. Shelters operated at limited capacity, and organizations were severely impacted in their services. Doctors and teachers were unable to physical screen their patients and students for IPV symptoms due to the lack of in-person exchanges. In many cases, survivors were accompanied by their abusers during their telemedicine appointments. Further, IPV victims during this time faced more difficulties in reporting their abuse given the lack of resources at their disposal (Evans et al., 2020).

Underreporting of Offenses

Although fatality reports and criminal arrests may provide some information about IPV to law enforcement agencies, advocacy networks, and the judicial system, the data does not represent the overall total offenses that remain unreported by survivors. Research suggests that victims may not report their abuse due to fear of repercussions, negative police interactions, and predisposing characteristics including cultural attitudes about relationship violence. Privacy concerns, fear of reprisal, and a victim's desire to protect the offender all contribute to underestimated rates of victimization (Wolf et al., 2003; Felson et al., 2006). According to the Virginia Sexual and Domestic Violence Action Alliance, almost three quarters (72%) of individuals who had sought domestic violence services had reported the experience to law enforcement within the past thirty days of being assaulted (Herring, 2019).

Risk Factors for IPV Perpetration

A multifaceted approach to IPV perpetration reflects how violence evolves from a variety of factors. As shown in Figure 1, the social-ecological model for understanding violence proposes a combination of individual, relational, community, and society factors that contribute to the risk of IPV perpetration. The risk factors associated with IPV are potential areas for intervention and can serve as protective factors to reduce the risk of violence perpetration. It is important to note that the risks associated with violence only increase one's likelihood of perpetration and do not indicate a causal relation.



*Figure 1: Social-Ecological Model for IPV Perpetration
(National Center for Injury Prevention and Control,
Division of Violence Prevention, 2020).*

Consequences of IPV

The consequences of IPV are profound, extending beyond the individual and affecting the community at large. The majority of victims are restrained in their participation with the world, often struggling with their own self-esteem (Barnett, 2000). Many withdraw from public life and thus do not gain access to the information, services, and emotional support they need. Not surprisingly, such women are often unable to properly look after themselves and their children or to pursue jobs and careers (Krug, et al. 2002).

The health impacts for victims of IPV are multidimensional, ranging from chronic pain and disability to reproductive health problems, as shown in Table 2. As a result, IPV survivors are strongly associated with higher levels of health care usage. Survivors are more likely to use the emergency department, primary care services, and mental health services which includes general care, emergency care, medication, and counseling services (Duvvury et al. 2013).

Women in abusive relationships are much more likely to experience job loss and turnover from being forced to quit or from being fired. Victims of IPV are more likely to display higher work distraction and miss more hours of work through absenteeism and tardiness. As a result, costs of replacing lost output and additional administration costs are incurred by employers (Duvvury et al. 2013). Although the casual relationship between IPV and employment is unclear, IPV does appear to influence a woman's earnings and ability to keep a job (Krug, et al. 2002)

Furthermore, the health consequences associated with IPV can result in economic productivity losses for society at large. Health, like education, can be viewed as an investment that leads to the accumulation of skills. In this way, healthier workers contribute more to the labor force due to increased stamina, attentiveness, and overall better health. More productivity will result in increased efficiency, impacting GDP and economic growth (Duvvury et al. 2013).

Populations Affected by IPV

People of all genders, races, ethnicities, cultures, sexual orientations, socioeconomic classes, and religions experience IPV. However, such violence has disproportionate effects on more vulnerable communities. Women in a lower socioeconomic group are more likely to be dependent on their abusive spouse through financial entanglements, often lacking economic resources to support themselves on their own (Hien & Ruglass, 2008). Other neighborhood characteristics associated with more vulnerable communities such as high crime rates, economic disadvantages, and high unemployment have been shown to increase a person's risk of IPV (Kirst et al., 2015).

Health Consequences of IPV

Physical

- Abdominal/thoracic injuries
- Bruises & welts
- Chronic pain syndromes
- Disability
- Fractures
- Irritable bowel syndrome
- Reduced physical functioning

Sexual & reproductive

- Infertility
- Pelvic inflammatory disease
- Pregnancy complications/miscarriage
- Sexual dysfunction
- Sexually transmitted diseases
- Unsafe abortion
- Unwanted pregnancy

Psychological & behavioral

- Alcohol & drug abuse
- Depression & anxiety
- Eating & sleep disorders
- Physical inactivity
- Poor self-esteem
- Post-traumatic stress disorder
- Smoking
- Suicidal behavior & self-harm
- Unsafe sexual behavior

Fatal health consequences

- AIDS-related mortality
- Maternal mortality
- Homicide
- Suicide

Table 2: World Health Organization (Krug et al., 2002).

The prevalence of violence among women varies among ethnic minorities, although the extent to which is debated. Research suggests that compared to white women, black women are more than two times more likely to report severe violence. Similarly, Hispanic women report rape more violent victimization compared to their white counterparts. However, when holding socioeconomic status and substance abuse constant, the impact of ethnic differences substantially decreases, suggesting symbolic and structural factors such as poverty and substance abuse history are more accurate measures for equity disparities within IPV victimization (Cho, 2011). Researchers claim that over-representation of ethnic minority women among individuals who are of lower socioeconomic status accounts for the disproportionately higher rate of IPV exposure. This finding is likely a consequence of inequalities that persist in society including being poor, low education attainment, limited/no access to health insurance (Hien and Ruglass 2009).

Application to IPV in Covid-19: Equity Concerns during Disasters

The most vulnerable survivors of IPV are often the ones most negatively affected by disaster. Schumacher et al. (2010) found that social factors which put people more at risk for IPV put them more at risk in crisis, like disconnection from social support systems or increased stress from strained finances. Conversely, they found that people who experience greater impacts of natural disasters, like displacement or food shortages, were at greater risk for psychologically abuse in their relationships. According to a study conducted in India, belonging to disadvantaged groups predicts higher rates of IPV after a disaster, potentially exacerbating the conditions of women and minorities (Rao, 2020). Children are also especially vulnerable to abuse during the pandemic, unable to rely on their social network compromising family, friends, and community organizations (Abramson, 2020).

Barriers to Seeking Help

The majority of survivors face considerable difficulties when seeking help. As a result of their exposure to violence, women often suffer from mental and psychological barriers that prevent them from taking action to get out of the relationship like PTSD, substance abuse, or depression. Victims can feel helplessness, attachment, or commitment to the relationship despite the many negative consequences IPV carries. Many theorists also argue that patriarchal attitudes and certain cultural proscriptions against seeking help influence the normative acceptability of violence against women (Hien and Ruglass, 2009). If a woman reaches out to anyone outside of their relationship for support, she could be exposing herself or her children to more violent retaliation (Zoellner et al., 2000). Relatedly, risk of domestic homicide is highest when a woman tries to leave the abusive relationship or is separated from their abuser (Rezay, 2020). One study found that a woman's attempt to leave was the precipitating factor for 45% of IPHs (Block, 2003).

Intersection of IPV and Economic Security

Impact of Economic Factors on IPV

A number of studies show that financial strain, unemployment, and living in economically disadvantaged areas can impact the frequency and severity of IPV. Benson and Fox (2002) found that the rate of violence among couples with high subjective financial strain (9.5%) is roughly three and a half times higher than the rate of violence among couples with low subjective financial strain (2.7%). They found similar results looking at women being repeatedly victimized or injured by their male partners in relationships with low levels of financial strain (less than 2%) compared to relationships with high levels of financial strain (just over 5%). Ashcroft (2004) reconfirms this conclusion by saying that women who are at the greatest risk for IPV tend to have higher

unemployment, stress about finances, live close to economically disadvantaged neighborhoods, and are in relationships with few economic resources. Employment has been shown to help women improve their finances, promote their safety, improve their self-esteem, and provide motivation for their life (Rothman et al., 2007).

Economic Obstacles for Safety

Financial constraints trap women in their abusive relationships. Their choice to leave can become dependent on the abuser's economic contribution, outweighing the severity of the violent behavior. Research has shown that women are much more likely to stay with their abuser if they are economically dependent on them, often due to concerns over child support, housing, and other conditions necessary for their family's economic survival (Hien & Ruglass, 2008; Barnett, 2000).

Additionally, many women are incapable of leaving their abusive relationships because batterers attempt to sabotage the victim's economic empowerment. In a study of 120 domestic violence survivors, 94% experienced some form of economic abuse. This varied from economic control (79%), economic exploitation (79%), and employment sabotage (78%). Perpetrators do this by controlling access and information to finances, ruining the survivors' credit rating, accumulating debt, manipulating vital resources like child care and transportation, and destroying property (Borchers et al. 2016; Postmus et al. 2012).

Furthermore, a women's perceived economic security may undermine the perpetrator's control and result in increased IPV or financial abuse (Matjasko et al., 2013). The more economically dependent a woman is, the more violence she is expected to face from her partner. This is likely a result from her inability to separate financially from the abuser (Basu & Famoye, 2004). In fact, one study of 103 domestic violence survivors found that 99% of women faced some kind of economic abuse by their partners over the course of the relationship (Adams, et al., 2008).

Impact of Violence on Lifelong Economic Security

IPV incurs short term and long term consequences on lifelong economic security for survivors. The National Center for Injury Prevention and Control (2003) found that IPV stalking victims, rape victims, and physical assault victims on average lose 10.1 days, 8.1 days, and 7.2 days of paid work per year respectively. The National Violence Against Women Survey estimated that women in the United States lose nearly 8 million days of paid work or 32,000 full time jobs because of domestic violence each year (National Center for Injury Prevention and Control, 2003). Even when petitioning for a Protection from Abuse (PFA) civil restraining order, women are estimated to lose between \$312 and \$1,018 a year in earnings on average (Hughes and Brush, 2015). The lifetime costs of IPV were estimated to be \$103,767 per female survivor and \$23,414 per male survivor, totaling an economic burden of about \$3.6 trillion (Peterson et al., 2018)

A cumulative history of DV is associated with a lower likelihood of unemployment and reduced economic capacities for women (Barnett, 2000; Lindhorst, 2007). Women with a history of DV tend to have more job instability and consequently must change jobs more frequently, have lower personal incomes, and are employed at higher levels in part time work (Adams et al., 2013; Crowne et al., 2011; Moe & Bell, 2004). One study found that women who were recently abused may experience unstable unemployment for up to two years after the initial victimization (Riger & Staggs, 2004).

DESCRIPTION OF POLICY ALTERNATIVES

Three policy alternatives are identified as potential solutions to alleviate economic strains and burdens for survivors seeking protection in the Commonwealth of Virginia.

- (1) Advocate for HB 1182 to amend the protective order statute in cases of family abuse;
- (2) Amend the Virginia Compensating Victim of Crime Act to increase the rate of approval for compensation claims; and
- (3) Re-introduce legislation to establish a paid family and medical leave (PFML) program in Virginia.

Policy Alternative #1: Advocate for HB 1182 to Amend the Protective Order Statute in Cases of Family Abuse

Overview: Protective orders have been shown to be an effective legal tool to reduce intimate partner violence (Jordan, 2004). One retrospective cohort study of 2,691 women found that obtaining a permanent protective order was associated with an 80% reduction in police-reported physical violence in the following year, compared to women without a protective order (Holt et al., 2002). Similarly, a prospective cohort study of 448 adult women who reported IPV found that the likelihood of contact, threat, psychological abuse, and physical abuse by the perpetrator after the implementation of the protective order decreased significantly compared to women without a protective order (Holt et al., 2003). Other factors aside from rate of violation can also address the effectiveness of protective orders like risk for escalation, timing of violation, and the potential for under-reporting (Benitez et al., 2010).

However, less than 50% of women follow through with the process to obtain one (Zoellner, 2000). This suggests that victims face significant barriers when trying to obtain or enforce a protective order. Obstacles that impose limitations on women for completing the protective order encompass narrow eligibility requirements by court personnel, fear of repercussion, inadequate enforcement of the protective order, and lack of an economic safety net (Logan et al., 2006).

Logan et al., (2006) found that women encounter two main obstacles when trying to obtain and enforce a protective order: accessibility and acceptability. *Accessibility* barriers refers to system barriers women encounter including narrow eligibility requirements, bureaucratic costliness, and inadequate enforcement of the protective order. *Acceptability* barriers refer to women's perception about the process or consequences of obtaining the protective order. These can include fear of re-victimization, negative attitudes and perceived ineffectiveness about the justice system, and economic difficulties like employment and housing. Women reported general satisfaction with protective orders, yet violations without repercussions were common (Logan et al., 2006).

In Virginia, a protective order can be issued in cases of family abuse and in cases where a petitioner has been subjected to an act involving violence, force, or threat that results in bodily injury or places them in fear of death, sexual assault, or bodily injury within a reasonable period of time (Va. Code Ann., §19.2-152.10). Protective orders can be issued on an emergency basis (72 hours or until the next court session), a preliminary basis (fifteen days or until the full hearing), or a permanent basis (up to two years). It is important to note that a protective order is a civil order and

does not involve criminal charges, unless the order is violated. Violation of a protective order by the respondent is a crime and may result in jail time if convicted (VDCJS, 2017).

Victims of DV can obtain a family abuse protective order through the local intake office for the Juvenile and Domestic Relations Court (J&DR). Magistrates often provide the first point of contact for survivors of IPV because they responsible for emergency custody orders. Victims of IPV who do not meet the definition of family or household member (including but not limited to dating or same-sex partners) can obtain a protective order through the General District Court (GDC) (VDCJS, 2017). The J&DR courts handle cases including children who have been involved in abuse and neglect, family or household members who have been subjected to or accused of abuse, and adults accused of child abuse or neglect (OES, 2019). Notably, cases involving IPV between dating partners who do not share children and do not live together are sent to the GDC given Virginia's statutory laws about what constitutes family abuse. All parties subject to a district court order or judgement can appeal the decision to the circuit court within ten days of the court's decision. All appealed cases are reheard de novo, meaning they will be treated as completely new cases (OES, 2019).

In the state of Virginia, a protective order can be issued by the court in cases of family abuse, as described in § 16.1-279.1 of the Code of Virginia. A protective order issued under this section may impose any one of the following conditions on the respondent (Va. Code Ann., § 16.1-279.1):

1. Prohibit acts of family abuse that result in injury to person or property;
2. Prohibit contact by the respondent with the petitioner, their family, or their household;
3. Grant the petitioner possession of the residence occupied by the parties;
4. Prevent the respondent from terminating any necessarily utilities to the residence;
5. Grant the petitioner temporary possession or use of the motor vehicle owned by the petitioner alone or jointly owned by the petitioner and respondent; prevent the respondent from terminating any insurance, registration, or taxes on the vehicle;
6. Require that the respondent provides suitable alternative housing for the petition if and where appropriate;
7. Order the respondent to participate in court-ordered treatment, counseling or other programs deemed appropriate;
8. Grant the petitioner the possession of any animal if the petitioner meets the definition of the owner; and
9. Any other relief necessary for the protection of the petitioner, their family, or their household including a provision for temporary custody or visitation of a minor child.

In 2018, the OES reported a total of 55,576 emergency protective orders (EPOs) and 31,027 preliminary protective orders (PPOs) and final protective orders (POs) issued by courts. Of the 31,027 PPOs and final POs issued, 16,044 were issued for family abuse. About 4,792 persons were arrested for violating family abuse POs and 37% resulted in convictions. Based on the report's most recent data from January 1st to June 30th of 2019, 8,998 EPOs were issued by the Commonwealth of Virginia. Violations of these protective orders resulted in 1,461 arrests and 412 convictions, representing a 22% and 11% increase in arrests and convictions respectively (Herring, 2019).

Description: Delegate Vivienne Watts introduced House Bill 1182 in the 2020 session of the General Assembly. HB1182 amended and reenacted § 16.1-279.1 of the Code of Virginia which is related to protective orders in cases of family abuse. The bill was brought to Delegate Watts by the Virginia Poverty Law Center. The Poverty Law Center found that some judges were unwilling to issue certain financial provisions like spousal support or restitution due to the specificity of the enumerated provisions of relief in the statute. Thus, HB 1182 was meant to amend this issue by specifically listing those avenues of relief (“HB 1182”, 2020).

The bill, shown in Figure 2, provides a more flexible interpretation of financial assistance, allowing for restitution and temporary spousal support to be paid by the respondent to the petitioner.

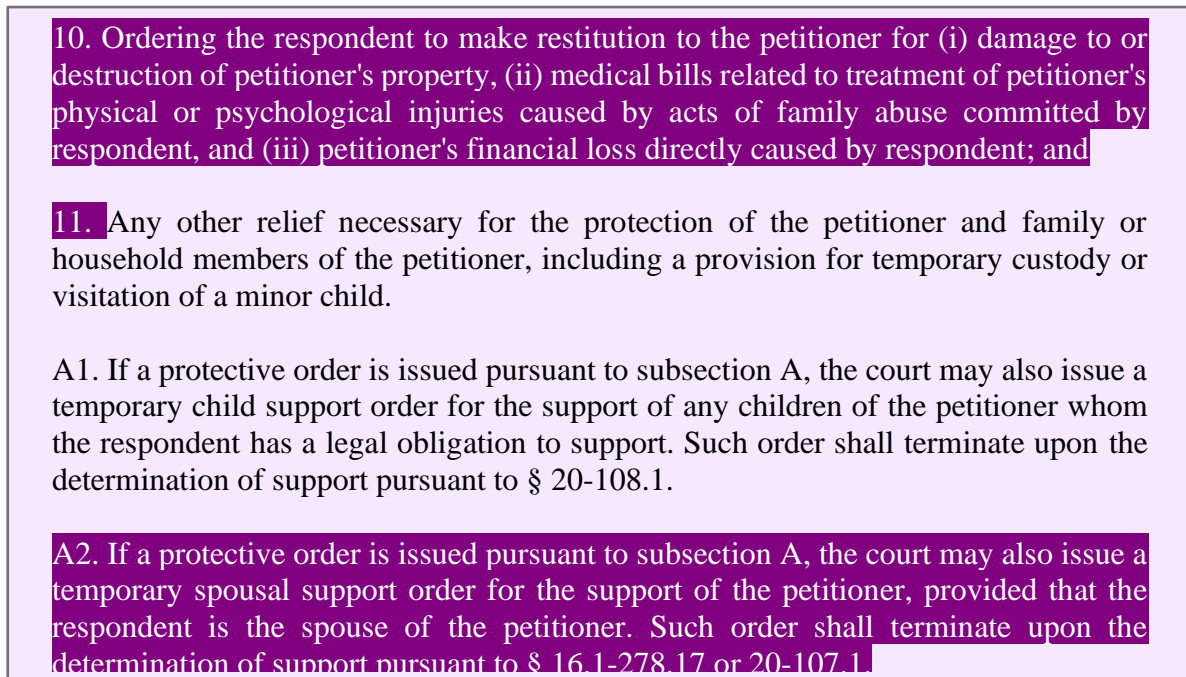


Figure 2: HB 1182 Amendments (“HB1182: Protective order”, n.d.).

Restitution seeks justice for victims by having the offender pay for the quantifiable consequences of their crimes. Restitution also aims to repair the psychological harm and emotional damages inflicted on the victim by the defendant (Ruback & Bergstrom, 2006). In this case, destruction of property, medical expenses, and financial losses qualify as components of the restitution.

HB 1182 was referred to the Committee for Courts of Justice where amendments were drafted. The substitute version of the bill, HB 1182H1, removed all references to restitution in condition 10 and replaced it with the words “financial” and “well-being”. The amended bill still broadens the statute’s interpretation so financial assistance can be applied in more cases. Additionally, it provides an avenue in which victims can feel financially “whole” once again (“HB 1182”, 2020).

On January 30th, the Committee agreed to the substitute version of the bill and HB 1182H1 passed the House (99-Y, 0-N). The substitute bill, shown in Figure 3, was then sent to the Senate.

10. Any **financial or** relief necessary for the protection **or well-being** of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

A2. If a protective order is issued pursuant to subsection A, the court may also issue a temporary spousal support order for the support of the petitioner, provided that the respondent is the spouse of the petitioner. Such order shall terminate upon the determination of support pursuant to § 16.1-278.17 or 20-107.1.

Figure 3: HB 1182H1 Amendments (“HB1182: Protective order”, n.d.).

In the Senate, HB 1182H1 was referred to the Committee on the Judiciary where it faced substantial cuts.

Senator R. Creigh Deeds had issue with the word “wellbeing” and its interpretation by the courts. He claimed that since “wellbeing” was a new term, courts may not understand its relation to *financial* wellbeing. He proposed striking “financial or” and “wellbeing” from the bill and adding “support and maintenance”, terminology universally recognized as financial assistance in the courts (“HB 1182”, 2020).

Many senators also questioned whether temporary spousal support was a necessary condition to include in the family abuse protective order. Senator John S. Edwards and Senator Richard R. Stuart mentioned how alimony and protective orders can both be pursued simultaneously through the criminal justice system and questioned the logistics of its incorporation into the statute. Senator Stuart specifically mentioned how the addition of A2 may convolute the process and encourage some people to pursue protective orders for financial reasons rather than for safety concerns (“HB 1182”, 2020).

Some Senators argued that spousal support is not a necessary provision of relief in a protective order, unlike child support. Senator Petersen explained that children must be financially supported in a family abuse protective order because they are an innocent third party. Senator Surroveil added to this differentiation by saying child support is determined by a presumptive formula, whereas the determination of spousal support is highly dependent on the district court. He argued that the inclusion of this provision would complicate the process of obtaining a PO. He was not clear how workable this would be, since there is a remedy in Circuit Court for the same thing. Because of these concerns, Senator Joseph D. Morrissey proposed redacting A2 from the bill, given Senator Deeds’s amendment may have covered its intention (“HB 1182”, 2020). Figure 4 shows HB 1182S1 after the adoption of Senator Deeds and Senator Morrissey’s amendments.

On January 24th, HB 1182S1 failed to pass the Committee on the Judiciary (6-Y, 9-N).

10. Any other relief necessary for the protection **or support and maintenance** of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

Figure 4: HB 1182S1 Amendments (“HB1182: Protective order”, n.d.).

Senator Boysko should work to advance HB 1182 during the 2022 session of the General Assembly in collaboration with Delegate Watts. Senator Boysko should consider talking with her Democratic colleagues on the Committee of the Judiciary who voted NO to the bill’s passing (i.e. John Edwards, D-21; Chap Petersen, D-34; Scott Surovell, D-36). In doing so, she can address the concerns these Senators had about the bill’s content and better inform her strategy moving into the 2022 session. Additionally, Senator Boysko should work with Susheela Varky, a staff domestic and sexual violence attorney at the Virginia Poverty Law Center, who helped Delegate Watts push this bill forward in the 2020 session.

Policy Alternative 2: Amend the Virginia Compensating Victims of Crime Act to Increase the Rate of Approval for Compensation Claims

Overview: The Crime Victim and Witness Rights Acts, commonly referred to as the Victims Bill of Rights, recognizes anyone suffering from physical, emotional, or financial harm as a direct result of a felony or certain misdemeanors as crime victims in Virginia. Misdemeanors include assault and battery, assault and battery against a family or household member, stalking, sexual battery, attempted sexual battery, maiming, and driving while intoxicated (VDCJS, 2015). The Victims Bill of Rights ensures that crime victims are treated with respect and sensitivity, are informed of their rights, received authorized services as appropriate, and are heard at all critical stages of the criminal justice process (Code of Virginia § 19.2-11.01)

Virginia allows victims to submit a Victim Impact Statement that describes the impact of the crime on the victim and their family. The statement may include the following information resulting from the offense:

- The economic losses suffered by the victim;
- The nature and extent of any physical or psychological injury suffered by the victim;
- Changes in personal welfare, lifestyle, or familial relations; and
- Psychological or medical services initiated by the victim or their family (Code of Virginia § 19.2-299.1).

According to the Virginia Compensating Victims of Crime Act, victims can receive financial assistance through victim's compensation, restitution, property return, witness compensation, and civil actions lawsuit. Those who are the victim of a crime in Virginia, were injured or suffered from mental trauma as a result of the crime, or are a surviving family member of a victim who died as a result of crime can be compensated for reimbursement through victim's compensation. Losses that qualify for reimbursement include loss of earnings, medical expenses, mental health counseling, or funeral expenses (VDCJS, 2015).

Unfortunately, Virginia has a lower claim acceptance rate compared with other states. In fiscal year 2011-2012, Virginia awarded 1,328 victims more than \$2 million and denied 660 claims, securing a 49% rate of approval. However, Kansas in that same fiscal year paid 928 victims of crime nearly \$4 million, while only denying 193 claims to secure a 79% rate of approval (Evans, 2014). This may be due to compensation eligibility requirements, in which Virginia can deny a victim's claim if they were involved in the crime or contributed to their own injury. Given about half of the claims for compensation on average are for victims of assault, with more than one third of those claims for victims of DV, approval ratings for compensation claims need to be improved so more survivors can be compensated ("Crime Victimization Compensation", n.d.).

Description: Senator Boysko can introduce legislation that expands claim acceptance rates for victims seeking financial assistance under Chapter 21.1 of the Code of Virginia, Compensating Victims of Crime. By expanding the eligibility of claim acceptances, more victims of IPV will receive financial assistance as a direct result of the crime. Admittedly, the details of this policy alternative have yet to be investigated, but the Virginia's Workers Compensation Commission and the Virginia Victims Fund are two good resources for more information.

Policy Alternative 3: Re-Introduce Legislation to Establish a PFML Program in Virginia

Overview: An analysis from the University of Kentucky’s Center for Poverty Research in 2010 found that 369 state-level statutes, plans, and administrative regulations directly related to the provision of employment protections to victims of DV. These findings were divided into three broad policy categories: work leave policies, anti-discrimination employment policies, and workplace awareness and safety. Table 3 provides more detail about the sub-categorizations of these policies and the number of states that have that categorization (Swanberg & Ojha, 2010).

Type of Work Leave Policy	# of States
Leave from work related to DV or sexual harassment	10
Leave from work in response to subpoena or appear in court	37
Waiver of TANF work requirement	48
Type of Anti-Discrimination Employment Policy	
Protect against discrimination or retaliation	40
Ensure rights to unemployment benefits and wages	30
Employee requests for intercessions services for employer	23
Type of Workplace Awareness and Safety Policy	
Employee education and awareness	3
Workplace restraining order	10

Table 3: Categories of Employment Protection Policies and the Number of States with the Policy (Swanberg & Ojha, 2010).

The Family and Medical Leave Act (FMLA) of 1993 is the first and only federal law that allows eligible workers to take time off for themselves and their loved ones without risking their employment. Eligible workers are those who have worked for their employer for at least 1,250 hours over the past 12 months and work at a location where the company employs 50 or more employees within 75 miles. The FMLA provides eligible workers with up to 12 weeks of unpaid, job-protected leave for the following reasons:

- Birth and care for a newborn or adopted child (including foster care children);
- Care for a family member with a serious health condition;
- Recovery from a serious health condition (including pregnancy and childbirth);
- Care for a wounded military service person that is next-of-kin or a family member; and
- Address circumstances involving a family member’s deployment (U.S. Department of Labor, n.d.; National Partnership for Women and Families, 2020).

Unfortunately, 40% of working adults do not qualify for FMLA. These inequities are felt hardest by women and people of color (National Partnership for Women and Families, 2020). For instance, in Virginia, 50.6% of white adults are eligible for FMLA and 46.4% can afford it. By comparison, 43.0% of Hispanic adults and 55.0% of Black adults are eligible for FMLA, but only 33.2% and 42.9% can afford it respectively (Joshi, 2020). Because of these gaps in the FMLA provisions, comprehensive paid family and medical leave (PFML) policies are necessary to meet the needs of all workers and their families.

Unfortunately, the United States is one of the few developed countries in the world that does not provide a nationwide PFML policy. Instead, states are responsible for filling this void. At this point in time, eleven states and localities offer or will offer some form of PFML: California, Colorado, Connecticut, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Hawaii, Washington, and the District of Columbia.

PFML is repeatedly cited in the literature as having powerful and positive effects on reducing risk factors for IPV. The policy has the potential to strengthen a victim's economic resources, reduce relationship discord, and provide opportunities to financially empower women. Reducing financial stress and improving financial stability for the victim has been shown to reduce relationship conflict and financial dependency on the perpetrator (Niolon et al., 2017). PFML can reduce financial stressors and associated discord in a relationship, reducing the likelihood of further victimization (D'Inverno et al., 2018).

Additionally, PFML increases egalitarian parenting practices and improves gender equity, which is shown to help survivors leave abusive relationships (D'Inverno et al., 2018). PFML is theorized to act as a protective factor against IPV victimization by improving gender equity in education, employment and income. Thus, efforts to improve financial security for women, like comprehensive PFML, can help women better weigh the decision between safety and economic survival (Niolen et al., 2017).

Description: Senator Boysko should re-introduced Senate Bill 1330 in the 2021 session of the General Assembly to establish a PFML program in Virginia. SB 1330 requires the Virginia Employment Commission to implement and manage the policy, with benefits beginning January 1st three years later. The duration of the PFML is up to 12 weeks in any application year, and the amount of a benefit is 80% of the worker's average weekly wage. Eligible individuals can benefit from the program for the same reasons described in the FMLA (SB 1330, 2021). SB 1330 would help alleviate the economic burdens survivors face when pursuing medical services or other resources as a result of their victimization. Given 21% of full-time employed adults report being victims of DV, an established PFML program in Virginia will allow victims to take action in their abusive relationships without fear of losing their employment (Corporate Alliance, 2007).

EVALUATIVE CRITERIA

Four criteria will be used to evaluate the most critical elements of the proposed policy alternatives: effectiveness, cost, political feasibility, and administrative complexity. For the basis of evaluation, effectiveness will be weighed the most heavily and a balanced weight will be given to the other three criteria.

Effectiveness (40%) will evaluate the extent to which the economic security of IPV victims is strengthened. In other words, effectiveness evaluates the degree to which economic burdens and strains experienced by IPV survivors are alleviated. Additionally, the criterion should consider the number of survivors positively impacted by the proposed alternative. This criterion will be assessed by *low*, *middle*, or *high* effectiveness at improving economic security for survivors. “Low” effectiveness suggests the policy does little or nothing to improve economic security for survivors and/or serves a small number of survivors. “Middle” effectiveness suggests the option adds considerable economic security for survivors if implemented and/or serves a considerable number of IPV survivors. “High” effectiveness suggests the option adds extensive economic security for many survivors.

Cost (20%) will measure the fiscal impacts and opportunity costs of the policy alternative including the cost of implementation, staffing, and program funding.

Political feasibility (20%) will evaluate whether or to what extent a proposed policy alternative receives sufficient political support for adoption. The criterion will measure how likely an alternative is to passing both houses by considering the funding requests necessary for the implementation of the bill and the partisanship of its content. This criterion will be evaluated on whether or not the proposed policy will obtain *low*, *middle*, or *high* political feasibility. “Low” political support for an alternative suggests that the option will face more than one extensive obstacle to adoption. “Middle” political support for an alternative suggests that the option will face some obstacles to adoption. “High” political support for an alternative suggests that the option will face negligible resistance.

Administrative complexity (20%) will evaluate whether or to what extent the implementation, maintenance, or complexity of the policy presents administrative burdens. This criterion will consider the collection of staff who will implement the option, the skill required to deliver the alternative, or any other conditions deemed necessary for the success of the policy. This criterion will be assessed by *low*, *middle*, and *high* administrative complexity. “Low” administrative complexity suggests the policy requires a limited amount of additional staff, training, or coordination for its implementation or maintenance. “Middle” administrative complexity suggests the option requires considerable additional staff, training, or coordination. “High” administrative complexity suggests the option required an extensive amount of additional staffing, training, or coordination for its implementation or maintenance.

EVALUATION OF POLICY ALTERNATIVES

Policy Alternative #1: Re-Introduce HB 1182 to Amend the Protective Order Statute in Cases of Family Abuse

Effectiveness - Low

This policy alternative hopes to make a survivor feel “whole” by addressing both their financial needs and psychological needs, but the long-term impact of restitution on economic wellbeing is up for debate (Haynes et al., 2015). Moreover, less than half of victims follow through with the process to obtain a PO, suggesting that this alternative is small in scope (Zoellner et al., 2000). As pointed out by the Susheela Varky from the Virginia Poverty Law Center, only *some* judges in the state did not feel like they could grant temporary spousal support or restitution to petitioners due to how the statute is currently defined. Therefore, amending the statute to specifically identify other forms of financial relief may only alleviate economic burdens for a small number of survivors who are with a judge that requires this enumerated provision in the process of obtaining a PO.

Cost - \$0

Court-mandated restitution or financial assistance by the perpetrator to the victim is paid for by the perpetrator, not by the courts. The court will collect any fees incurred against the defendant during the process of satisfying the restitution order (Code of Virginia, § 19.2-305.1). However, the costs of tracking down defendants who have not paid restitution are negligible, given systems are already in place to address accountability in the criminal justice system.

Political Feasibility - High

Although the original HB 1182 was not the bill to pass the House, its substitute HB 1182H1 unanimously passed the chamber. Once the bill was referred to the Senate, HB 1182S1 was only two votes away from passing the Committee of the Judiciary (6-Y, 9-N). Out of the nine votes that said no, three were Democratic Senators. Given Senator Boysko is on Senate Committee of the Judiciary and has good working relations with Senator Edwards, Senator Petersen, and Senator Surovell, she is in an excellent position to get the bill passed the Senate in the 2022 session.

Administrative Complexity - Low

The Virginia court system already has a system to deal with restitution orders that are meant to be paid by the defendant, so this policy alternative would not require any additional hiring or coordination among relevant stakeholders in the judicial branch. Additional training to identify restitution for medical bills and direct financial loss caused by the respondent may be necessary, but very limited in this case.

Policy Alternative #2: Amend the Virginia Compensating Victims of Crime Act to Increase the Rate of Approval for Compensation Claims

Effectiveness - Middle

This policy alternative does not strengthen the economic security measures available to IPV and DV victims. Instead, the alternative simply expands eligibility requirements so fewer compensation claims are denied. Assuming survivors constitute a substantial portion of the denied claims, this alternative would allow more victims of IPV and DV to receive its benefits.

Cost - \$1.5 million

The source of state victim compensation comes primarily from offender fines in Virginia (Evans, 2014). Maximum victim compensation awards range from \$10,000 to \$25,000 on average, and in Virginia benefits are limited to a total of \$35,000 (“State Crime Victims Compensation”, 2019). As mentioned before, the state awarded 1,328 victims with more than \$2 million in compensation and denied 660 claims, securing a 49% rate of approval (Evans, 2014). If we were to increase the rate of approval to around 75% and assumed the amount of compensation distributed was consistent, then we could anticipate adding around \$1.5 million more in compensation claims.

Political Feasibility - Low

The major obstacle this policy alternative faces is political support for adoption. Debates are likely to occur surrounding the necessity of the amendment to the Compensation Fund. Dialogue with the Commission would be crucial to successfully craft the language of this bill and to pass it in both chambers. The Compensating Victims of Crime Act was recently amended to include grandchildren as persons eligible for award (Chapter 446, 2020). In 2019, the Act was also amended to increase the allowed funeral expenses to \$10,000 rather than \$5,000 and to change the weekly compensation limit to 66% or 2/3 of the victim’s weekly wages rather than a fixed rate of \$600 (Chapter 524, 2020). However, the recent amendments do not improve the approval rate of compensation claims, which is what this bill will try to improve.

Administrative Complexity - Middle

The implementation of this policy alternative may require additional staffing to account for the increased caseload. In the event that approval rates do increase, staff must be ready to fulfill those requests. Staffing to review crime victim compensation claims and to assure the protection of crime victims’ rights is already established in § 19.2-368.3:1 of the Code of Virginia, so additional training procedures will not be necessary. Administrative complexity is middle because there could be some procedural changes depending on the language of the amendment.

Policy Alternative #3: Re-Introduce Legislation to Establish a PFML Program in Virginia

Effectiveness - High

Research shows that paid family leave positively impacts a women's earnings. According to data from California's Paid Family Leave program, high benefit levels are positively associated with higher earnings one year after taking paid family leave (Bedard & Rossin-Slater, 2016). Another study found that women who used paid leave after childbirth had stronger labor force attachment and increases in wages once they returned to work compared to women who did not take leave (Houser & Vartanian, 2012). Additionally, having access to PFML is associated with an increased likelihood of a mother returning to work (Boushey, 2008). This suggests that PFML would have widespread positive effects on a women's employment and a family's financial security, enabling a victim to become more financially independent.

Cost - \$16.2-18.4 billion USD

The bill will establish a Family and Medical Leave Insurance Trust Fund in which employers will contribute in the form and manner determined by the Virginia Employment Commission. A worker on leave would receive 80% of their wages for up to 12 weeks. The maximum weekly benefit will not exceed 80% of the state average weekly wage (SB1300, 2021). Accounting for this information, the maximum weekly benefit cannot exceed \$695.33 USD, assuming that the state average weekly wage is the equivalent to 2020 first quarter data (U.S. Bureau of Labor Statistics, 2020). If PFML eligibility rates in Virginia are the same as the FMLA eligibility rates in Virginia, then 50.9% of adult workers in Virginia are applicable to enroll in PFML and 44.7% can afford to enroll. Under the assumption that the labor force participation in Virginia equates to 4,332,234 and each adult workers using 100% of their PFML, then the cost would be \$16.2-\$18.4 billion dollars.

Political Feasibility - Middle

Policymakers across the aisle recognize the need for a PFML program, but legislators do not agree as to how it should be implemented. Some policymakers believe that the private sector should take the lead on offering the benefit rather than the state government. Further, the logistics as to how it should operate are up for debate. However, public opinion for a PFML policy is high. One survey found that nearly 89% of women believe that a national PFML program is important or very important ("YWomensVote", 2020). More states are moving in the direction of adopting a PFML policy which suggests that the political window of opportunity is opening.

Administrative Complexity - High

The Virginia Employment Commission would be in charge of administering a massive new program. The Commission would have to hire new personnel to run the division and manage the logistics of its operations. New training would have to be developed and implemented to employees. Statewide coordination would be imperative to collect the funds necessary for the programs sustainability and maintenance.

OUTCOMES MATRIX

	Effectiveness (40%)	Cost (20%)	Political Feasibility (20%)	Administrative Complexity (20%)
Alternative 1: Advocate for HB 1182 to Amend Family Abuse POs	Low (3)	\$0 USD (3)	High (3)	Low (3)
Alternative 2: Amend the VA Compensating Victims of Crime Act to Increase Rate of Approval	Middle (2)	\$1.5 million USD (2)	Low (1)	Middle (2)
Alternative 3: Re-Introduce Legislation to Establish PFML in VA	High (3)	\$16.2-18.4 billion USD (1)	Middle (2)	High (1)

RECOMMENDATION: Policy Alternative 1 and 3

After evaluating the three policy alternatives with the chosen criteria, I recommend Senator Boysko implement both Policy Alternative 1 and Policy Alternative 3: work with Delegate Watts to amend POs in the case of family abuse and re-introduce legislation to establish a PFML program in Virginia. Although Policy Alternative 1 ranks slightly higher than Policy Alternative 3, this report recommends coupling the two strategies for a more robust response to strengthen economic security for IPV survivors.

Policy Alternative 1 is very politically and administratively feasible. Because it simply wants to amend a statute, no additional staffing or training is necessary or required. HB 1182 was towards the end of the legislative journey to become a law, but was stopped in the second chamber it visited. Losing to only a 6-9 vote, the bill could be amended to get more Senators on board. The cost to implement Policy Alternative 1 is low, but its effectiveness is also low. Although the restitution and financial assistance described in the bill does provide more economic support for survivors, the number of individuals impacted by this change is small. Not many women seek out protective orders, and within those that do, some receive adequate economic assistance without this condition.

Compared to Policy Alternative 1, Policy Alternative 3 substantially helps women suffering from IPV through the promotion of gender equitable policies. The economic empowerment of women is thought to reduce the risk factors associated with IPV, allowing women to become more financial independent from their abuser. This alternative does not cover survivors who are not in the labor force, but still will touch on many individuals in the state. Policy Alternative 2 has a lower of passing through both chambers since SB 1330 did not leave the Senate, but the political momentum of PFML may provide an opening for this policy. Alternative 3 would require a substantial amount of funds from tax payers and would necessitate significant administrative coordination to implement and manage.

Lastly, Policy Alternative 2 was not chosen because it was not politically feasible, nor as effective as Policy Alternative 3. This option was the least complete in terms of detail. Chatting with the Virginia's Workers Compensation Commission and the Virginia Victims Fund would be necessary to create the language and intention behind distributing more financial assistance to victims of IPV through increased approvals of compensation claims.

CONSIDERATIONS:

Senator Boysko should consider other mechanisms to reduce economic burdens for survivors seeking protection in the Commonwealth of Virginia. Although the Policy Alternative 1 does mitigate financial constraints for some survivors in the state, other opportunities within Virginia's system of government have strong potential for long-term, comprehensive impact.

Consideration #1: Advocate for a JLARC Report

Overview: The Joint Legislative Audit and Review Commission (JLARC) is the bipartisan oversight agency of the General Assembly that primarily conducts research studies for the legislature. Although project-based policy analysis is their main responsibility, JLARC is also tasked with the evaluation of state agencies and programs, oversight of policy implementation, and fiscal analysis of certain Virginia government sponsored programs (JLARC, 2020). The Commission is a highly-respected, objective, and research-driven institution with a strong reputation. Legislators on both sides of the aisle use JLARC to draw attention to their policy areas, legislation, or program of choice.

JLARC receives their topic selections through two methods: the JLARC Study Topic Selection Committee and the General Assembly. JLARC's Topic Selection Subcommittee is made up of elected representatives who recommend research topics for JLARC to study, which are ultimately approved by the full JLARC Commission. Additionally, the General Assembly can pass a joint resolution in which JLARC is directed to look into a topic. Once JLARC receives their priorities, specific-project study teams are developed and dive into their work plan, reviewed by JLARC's project review team. The project review team is involved in every major stage of the research project and the JLARC staff are assigned to study teams on a full-time basis for the project's duration (JLARC, 2020).

JLARC's funding is allocated by the General Assembly during the biennial appropriations process in the state through tax payer dollars. For the 2020-2022 biennium budget, JLARC was budgeted \$5,577,841 from the General Fund (Virginia Department of Planning and Budget, n.d.). Thus, JLARC does not need to be allocated funding within the written piece of legislation.

From 2015-2018, 73% of the total 352 JLARC recommendations were implemented in whole or in part by the state government. 52 bills and 53 budget amendments were introduced in 2018 and 2019 in response to JLARC report recommendations. Due to the implementation of these recommendations, the state was estimated to save \$30.3 million in FY17-FY18 (JLARC, 2019). Therefore, JLARC reports are very effective at sustaining long-term policy impacts through the implementation of their analysis and recommendations (JLARC, 2019).

Description: Senator Boysko should consider advocating for a JLARC Report to members of the JLARC Study Topic Selection Subcommittee. The JLARC report should investigate current program interventions in the state and around the country aimed at reducing or mitigating economic burdens for survivors. The report may include an analysis of the effectiveness of grant programs aimed at sexual and domestic violence victims, including an evaluation of prevention and response tools. Additionally, the JLARC report should analyze the inequities facing marginalized communities in the state and provide recommendations on relevant legislative action.

Consideration #2: Establish a Joint Commission on IPV Prevention

Overview: A Joint Commission on IPV Prevention could be modeled after the Joint Subcommittee to Study Mental Health Services or the Commission of Family Violence Prevention. Both committees were extremely effective at implementing sustainable policy interventions within their area of expertise. In order to address IPV prevention more thoroughly, a commission is a good opportunity to hear from many different types of stakeholders to formulate thoughtful IPV practices in the future.

Created by Senator Deeds in 2014, the Joint Subcommittee to Study Mental Health Services was established to study mental health services in the state. The commission evaluates the current system of care, resource deployment, and barriers to accessing help within the legal and regulatory framework, federal and state structures, and the criminal justice system (S. 47, 2014). Since its creation, the Deeds Commission has developed an online data system for psychiatric bed-registry, implemented STEP-VA, actively addressed bed shortage, and directed JLARC to complete a study on Community Service Boards (Joint Subcommittee to Study Mental Health Services, 2019; Balch, 2019).

Beginning in 1994, the Virginia Commission of Family Violence Prevention was dedicating to standardizing and improve the response of law enforcement in family violence situations. Although the commission was disbanded in 2000, it instituted long-standing policies in the state like mandatory arrest, protective orders in the case of family abuse, and the batterer intervention program (Virginia Action Alliance, 2012; “Virginia Batterer Intervention Program, 2021). According to an advocate from the Action Alliance (2021), the commission contributed to national best practices for family violence policy, in which neighboring states modeled their programs on the commission’s work. Housed in the OES, the commission brought together a community of stakeholders dedicated to reducing victimization and improving response to family violence, including J&DR judges, legal aid attorneys, prosecutors, criminal defense attorneys, funders, sexual and domestic violence advocates, agency workers, and legislators.

An interim joint subcommittee running for approximately 2-3 years would approximately cost \$255,046 in 2022, adjusted for inflation. Between 2014 to 2017, the Joint Subcommittee to Study Mental Health Services received \$72,560 from the General Assembly each year, not including any other funding sources from the executive branch (S. 47, 2014). When the subcommittee was extended for two years in the Appropriations Act, \$250,000 was allocated from the general revenue to support their work (Chapter 836, 2017). In 2019, the subcommittee was again extended for two years and claimed that the direct costs of the study would not exceed \$22,560 per year without authorization of the subcommittee chair and the respective Clerk (S. 301, 2019).

Description: Senator Boysko should consider establishing a Joint Commission on IPV Prevention with both executive and legislative functions. The commission must be broad in scope and designed to capture all issues related to sexual and domestic violence. Additional staffing, training, and coordination among key stakeholders would be necessary in the implementation and management of this joint commission, unless the Governor’s Advisory Committee on Sexual and Domestic Violence was used as a foundation for its creation. This policy option requires strong stakeholder engagement, funding allocations, and political momentum, but it’s impact would be profound for survivors suffering from IPV.

CONCLUSION

This report describes the economic burdens and constraints felt by survivors of IPV, influencing their ability to leave their abusive relationship or seek help. The economic needs of survivors can cause them to stay within their abusive relationships for longer, outweighing the severity of the abuse (DuMonthier & Dusenbery, 2016); Benson & Fox, 2001). Specifically, about 3-in-4 of women (74%) stayed with their abuser for economic reasons (Mary Kay Foundation, 2012). Additionally, survivors who are more economically dependent on their abuser are more likely to be unemployed or have low educational status (Barnett, 2000). Finally, women in lower socioeconomic groups and those living in economically disadvantaged neighborhoods are more likely to be economically dependent on their abusive spouse and suffer from IPV (Hien & Ruglass, 2008; Kirst et al., 2015).

In order to alleviate some of the economic burdens felt by survivors in the Commonwealth of Virginia, Senator Boysko can advance HB 1182 and re-introduce SB 1330 in the 2022 General Assembly. HB 1182 aims to enumerate temporary spousal support and restitution for lost income, medical services, and destruction of property to victims pursuing a family abuse PO in the Virginia court system. This intervention is costless, politically feasible, and administratively simple, but it is not particularly effective due to its small area for impact. By comparison, SB 1330 is a highly effective alternative that strengthens financial security of female survivors working in the state by providing PFML. Although this policy option is costly and administratively complex, legislators around the country recognize the importance of its implementation.

In addition to the recommendation, Senator Boysko should consider advocating for a JLARC Report or establishing a Joint Commission on IPV Prevention. The JLARC and Joint Commission allows for a more in depth review of IPV prevention and response in the Commonwealth. As a result, a comprehensive analysis of statewide programs will be completed and relevant recommendations can be implemented, further assisting survivors suffering from IPV in the state.

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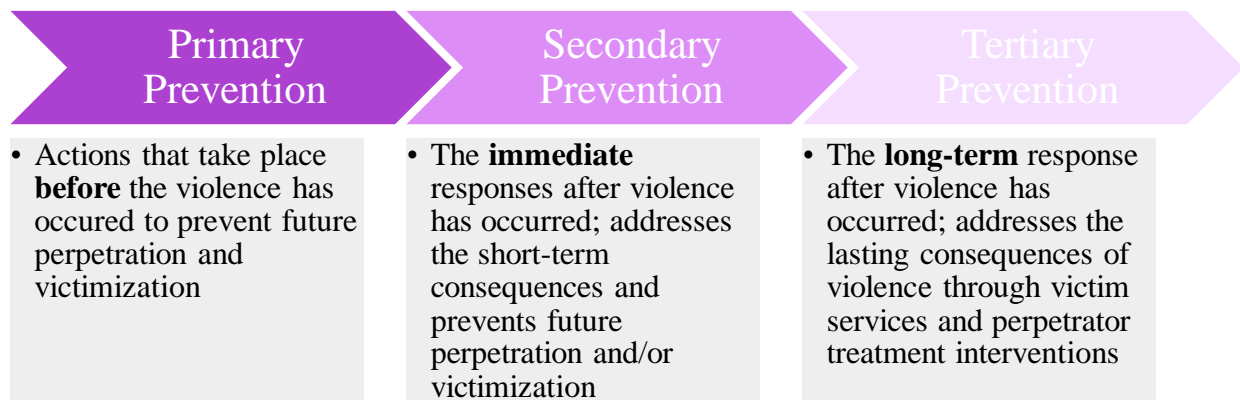
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APPENDIX

A. Framework for Preventing Violence

Violence prevention is categorized in three ways: primary prevention, secondary prevention, and tertiary prevention. Primary prevention aims to reduce the likelihood of IPV will occur by reducing risk factors and implementing protective factors. Some examples of primary prevention mechanisms include affordable and safe housing, early education about healthy relationships, and livable wages. Secondary prevention mechanisms respond to the violence that is already occurring and works to put an end to the violence. Protective orders, counseling services, shelters, and safety planning are all examples of secondary prevention interventions. Tertiary prevention addresses the ongoing support of victims and the ongoing accountability of abusers through survivor support groups, batterer intervention programs, and coordinated community response teams (“Types of Prevention”, 2021)



B. Interpersonal, Symbolic, and Structural Violence

Although the individual determinants of violence contribute to the problem as a whole, the broader patterns of violence are connected to larger social systems and institutions. *Interpersonal violence* is the micro-interactional, everyday violence that occurs between any people regardless of their relationship. *Symbolic violence* is the socially conceived violence that impacts groups of people who are victimized. *Structural violence* refers to the social and contextual arrangements in the system that put certain people in more vulnerable circumstances to experience violence (Montesanti & Thurston 2015).

Violence against women constitutes the interaction of these systems working together. This includes the interactions that occurs in close relationships, the aspects of a person’s organized community, and the individual's participation in social institutions and social structures that are embedded into society. (Montesanti & Thurston 2015). For instance, gender and culture are both symbolic institutions that can weigh how masculinity and femininity are intertwined in political, economic, and legal institutions. These interactions are reinforced and eventually develop into “gender-based” violence, highlighting how violence against women is shaped by gendered arrangements of power in society (Montesanti & Thurston 2015). Symbolic violence, though insidious and invisible, legitimizes and sustains the violence we observe at the individual level.

Thus, dominance and violence are embedded in our social practices and institutional processes, removing the victim's agency within their everyday interactions (Thapar-Björkert et al., 2016).

Furthermore, the research is clear that structural violence can lead to interpersonal violence against women. When the basic determinants of women's health are not met, they are more likely to suffer from interpersonal violence, thus further impacting those determinants (Montesanti & Thurston 2015). For example, studies found that neighborhood differences in collective efficacy, the concept of community cohesion, trust, and intervention for the common good, were associated with the relationship between violence and social composition (Sampson et al., 1998).

C. Power and Control Wheel

The power and control wheel is common tool domestic violence professionals in the field use to describe the way in which abusers gain control and power over their victims. The power and abuse stands in the middle of the wheel, whereas the systematic behaviors of coercion, threats, and other tactics are on the spokes of the wheel. The physical and sexual violence survivors experience is the rim of the wheel, holding the it all together (VDSS, 2015). The wheel is used in many different settings to help agencies, families, and individuals better address the issue in their institution or personal life.



D. Childhood Exposure to IPV

The estimated number of children exposed to IPV in the United States is about 15.5 million, with more than 25% experiencing domestic violence in their lifetime. In homes with IPV, reoccurring child abuse occurs 45% to 60% of the time, a rate 15 times the national average. Even in cases without direct child abuse, children witness 68% to 80% of IPV. One study estimated that childhood exposure to IPV costs more than \$55 billion in the United States. Average lifetime costs per victim were over \$50,000, due to increased health care costs, increased crime costs, and productivity losses (Votruba et al. 2018).

Children who experience, live with, and are aware of violence in the home have an increased risk of becoming victims themselves and displaying developmental issues (Edwards, 2019). 40% of children who are exposed to IPV in the home show lower reading abilities than children who were not (James, 1994). Children who were raised in violent homes also had greater risk for criminal behavior than those raised in non-violent homes. They are up to three times more likely to be involved in fighting than children not experiencing IPV (Unicef, 2006). Because of injury, mental health issues, and other behavioral problems, children in homes with IPV lose educational attainment and future daily earnings, limiting their lifelong economic functioning. Physical injuries, chronic health issues, and mental illness accompany adverse childhood experiences with IPV resulting in significant costs to society associated with medical services, lost productivity from paid work, criminal justice, and other service expenditures (National Center for Injury Prevention and Control, 2003).

Regardless of race, childhood exposure to violence affects youth among all socioeconomic statuses, although youth from lower socioeconomic backgrounds tend to have more exposure and a higher probability of suffering long-term detrimental impacts. One study found that in 2016, 13% of the children living below the poverty line experienced three or more adverse experiences compared to 5% of children more than double the poverty line (“Adverse Childhood Experiences”, 2019).

E. Virginia’s Judicial System

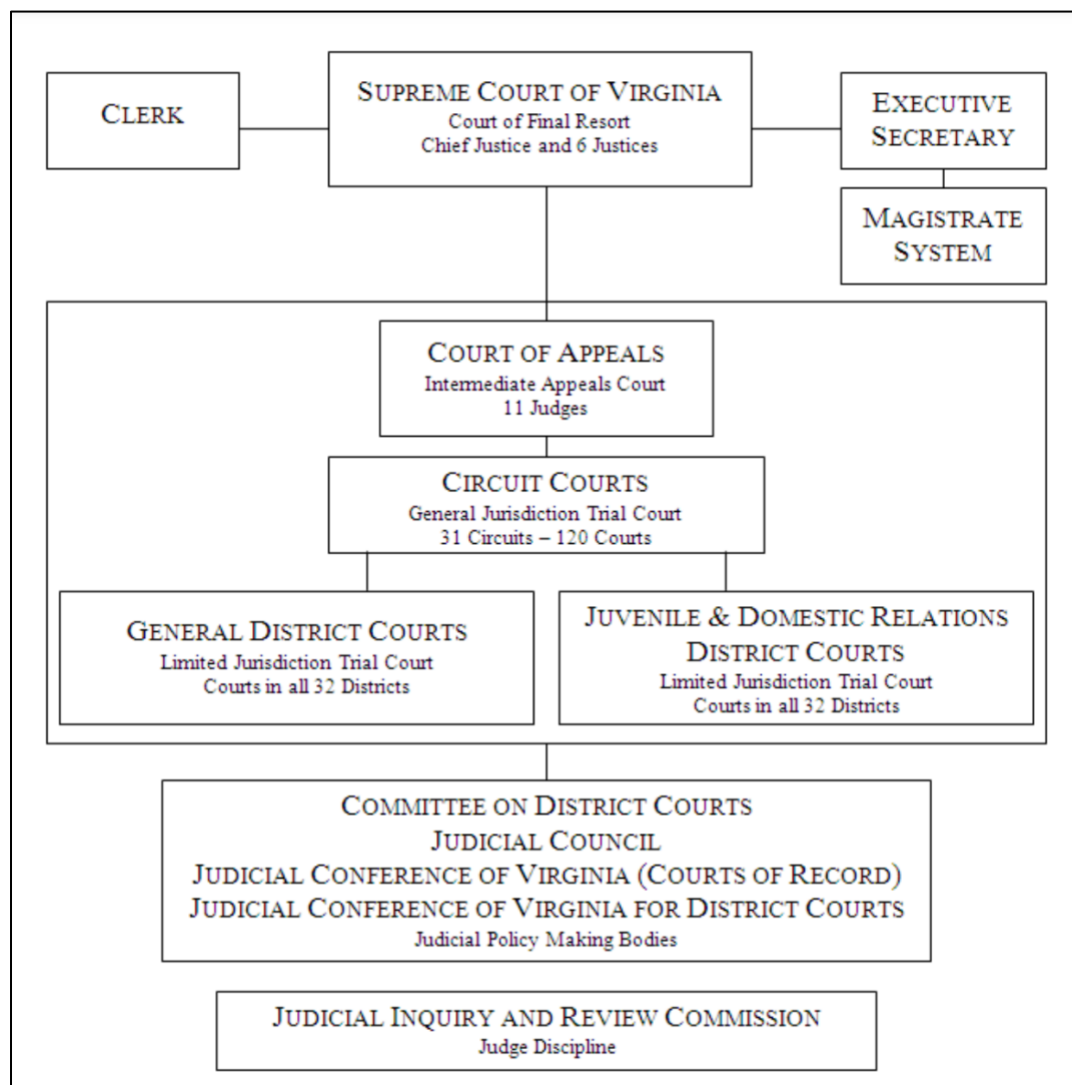
Virginia’s Judicial System consists of four levels of courts: the Supreme Court, the Court of Appeals, the circuit courts, and the district courts.

The Office of the Executive Secretary provides administrative assistance to the Commonwealth courts and Virginia’s magistrates. The magistrates provide the first point of contact for individuals entering the Virginia judicial system. They are meant to provide an independent, unbiased review of complaints brought by law enforcement officials or the general public. In doing so, they are responsible for issuing emergency protective orders, warrants, summonses, search warrants, and emergency custody orders. The OES does provide training to magistrates, although nothing is mandated by law (OES, 2019).

The district court system consists of the General District Courts (GDC) and the Juvenile and Domestic Relations District Courts (J&DR), which are positioned in every city and county in the state. District courts do not conduct jury trials, and all cases are heard by a judge. The juvenile and domestic relations district courts handle a variety of cases including children who have been involved in abuse and neglect, family or household members who have been subjected to or

accused of abuse, and adults accused of child abuse or neglect (OES, 2019). Notably, cases involving IPV between dating partners who do not share children and do not live together are sent to the GDC and not the J&DR given Virginia's statutory laws about what constitutes family abuse. All parties subject to a district court order or judgement can appeal the decision to the circuit court within ten days of the court's decision. All appealed cases are reheard de novo, meaning they will be treated as completely new cases (OES, 2019).

The Court of Appeals of Virginia and the Supreme Court of Virginia both provide appellate review of final decisions made in the circuit courts. The Supreme Court also possesses original jurisdiction of cases, although it primarily reviews decisions of the lower courts (OES, 2019).



F. Judicial Training on Domestic Violence

Agnew-Brune et al. (2017) found that judges use heuristics, or cognitive shortcuts, to influence their decision-making process, which consequently leads to systematic bias. Most judges and clerks do not understand the complexity surrounding domestic violence, which can result in blaming or discrediting of the victim. Many victims feel as though their credibility and truthfulness are called into question. The victim's behavior can be perceived as confusing or counter-intuitive to judges, often because of their exposure to severe and sustained violence. This can result in anti-victim bias, in which legal personnel are easily frustrated with battered women's "refusal" to leave the violent relationship (Barnett, 2000). Fortunately, increasing knowledge about IPV has been shown to reduce biased decision making and mitigate cognitive error. Heath et al. (1998) found that experts on topics such as IPV or dating abuse rely more on their area training than heuristics. Thus, increasing expertise of IPV for judges may decrease their reliance on heuristics and improve outcomes for IPV survivors in court (Casey et al., 2013).

More than 18 states require some form of judicial education for domestic violence. For instance, in West Virginia, all circuit judges may and magistrates and family courts shall receive a minimum of three hours of domestic violence training each year (West Virginia Code, §48-27-1104). Similarly, New Mexico requires that annual training for metropolitan, district and appellate court judges, domestic violence special commissioners, and domestic violence hearing officers shall be trained to understand domestic violence as determined by a committee in the state (N.M. R. Cle. R. 18-204). This past year, New York State Senator Alessandra Biaggi (NY-D-34) re-introduced a bill that would require certain judges and court clerks to attend a program addressing issues related to domestic violence once every two years ("NY State Senate Bill S4837", 2021). Unfortunately, S4837 failed in committee.

In Virginia, the OES provides education on domestic violence to judges, magistrates, and district court clerks. This training can be delivered through formal OES-sponsored events, online formats, or print resources. All new judges at their pre-bench training get a copy of Virginia Domestic and Sexual Violence Reference Manual for District Court Judges. Voluntary courses such as "The Dynamics of Domestic Violence for Judges" and "Virginia Magistrates' Domestic Violence Awareness Course." are offered through the Virginia Learning Center (Herring, 2019).

The content of judicial training changes each year depending on the judicial education committee in the OES. Judges have two weeks of mandatory pre-bench training which always contains a section on POs and frequently a section on DV. At the annual, mandatory conference for judges, often there is a judge-led domestic violence panel/discussion held at the end of the day for voluntary participants. Additionally, a sexual and domestic violence voluntary conference is hosted every two years by OES, which totals to about \$90,000 on average using VSTOP grant funds (Madelynn Herman, 2021). VSTOP funding is also available for judges who want to attend any domestic violence conference or training in the state.

Magistrates go through a 4-week long magistrate certification training class in which EPOs are discussed (Peaslee & Swartz, 2014; Herring, 2019). Court mediators in the J&DR and Family Circuit Court are also required to complete eight hours of training for domestic abuse screenings and mediations (OES, n.d.).

G. Treatment of IPV during Disasters

States can address IPV during natural disasters or a global pandemic by following the disaster framework. Collaboration among state and local communities is necessary to promote community resilience and empowerment within each of the disaster framework stages: mitigation, preparedness, response, and recovery (Norris et al. 2008; Busch & Valentine 2000).

Disaster mitigation involves states identifying hazards and assessing risks prior to the time of a disaster declaration (Virginia Department of Emergency Management 2018). IPV providers would need to identify gaps in their services to improve the wellbeing of women in their care during disasters. This might include better data collection protocols for reporting IPV, enforcing IPV protection orders, and ensuring IPV confidentiality (Parkinson & Zara 2013).

Disaster preparedness involves helping providers better respond to IPV prior to the crisis occurring. This may involve increase awareness through training and education to IPV professionals and shelters (Enarson 1999; Parkinson & Zara 2013). A disaster preparedness strategy should help women create safety plans for both non-disaster and disaster situations, described in the literature as one of the most significant interventions IPV professionals can employ (Danis and Bhandari 2010; Centers for Disease Control and Prevention 2020).

Statewide response to IPV during disasters should ensure that survivors' basic needs are met. They can help survivors manage their trauma and support children who were exposed to both IPV and disaster (Enarson 1999; Dass-Brailsford 2010; First, 2014).

Lastly, the community network must rebuild and recover from the event by connecting trauma-stricken victims to long-term services and psychosocial support, both identified as important protective factors among the literature (Enarson 1999; First 2017; Levendosky et al. 2004).



