

Intimate Partner Violence in the LGBTQ Community: Examining the Legal, Practical and Real World Challenges Facing Survivors

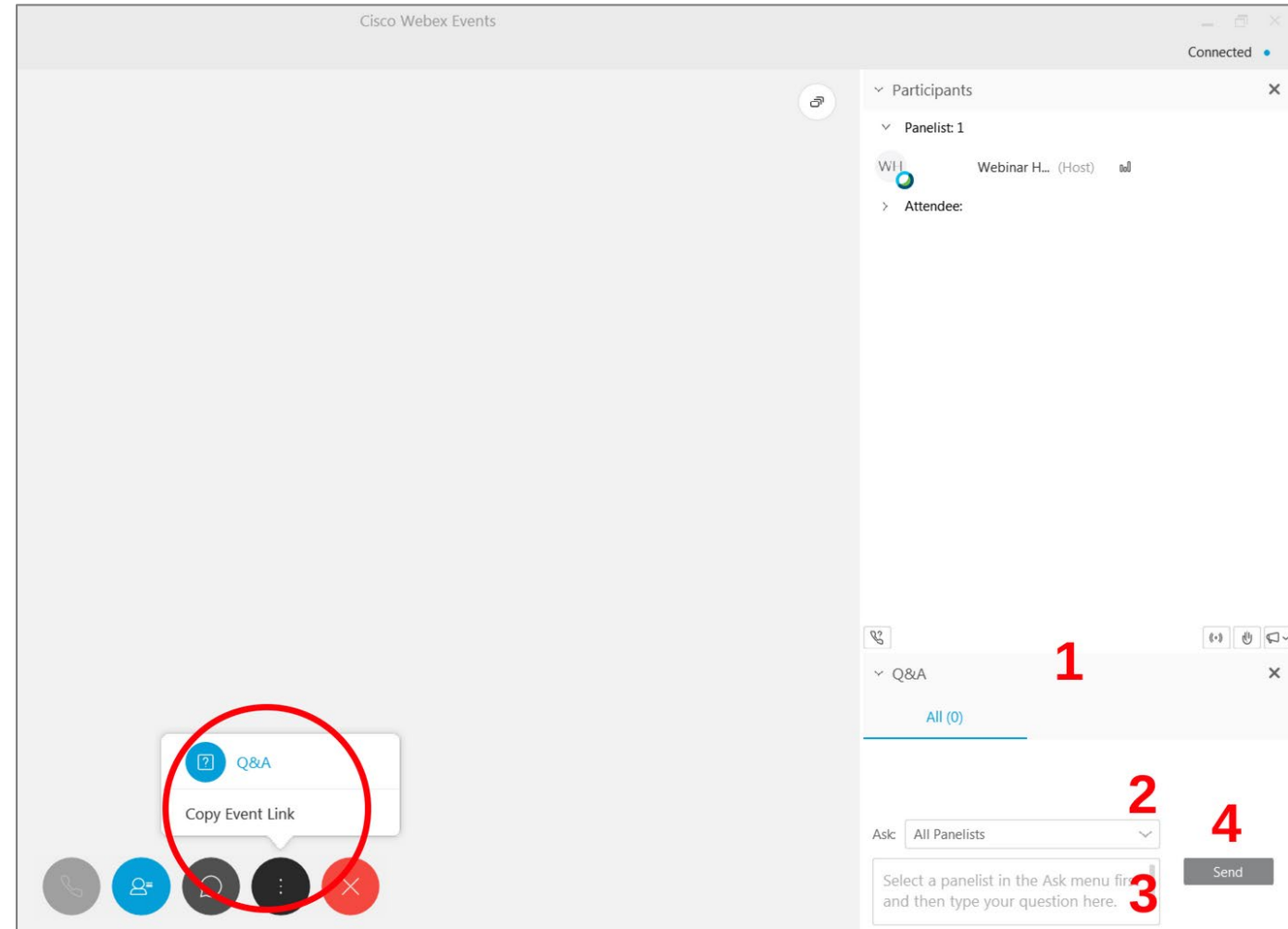
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- Research interests/areas of expertise:
 - Interpersonal violence
 - Opioid dependency
 - Injury prevention

Presenter



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 - Reproductive and economic justice
 - Equity for LGBTQ communities
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Presenter



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 - Serving LGBTQ survivors
 - Cyberharassment



Creating Culturally Responsive, Inclusive, and Affirming Spaces and Services for LGBTQ Survivors of Intimate Partner Violence

Presenter

Cat Shugrue do Santos, MSW

Pronouns: She/her/her

Deputy Executive Director for Programs

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The New York City Anti-Violence Project (AVP)

- AVP envisions a world in which all lesbian, gay, bisexual, transgender, queer (LGBTQ), and HIV-affected people are safe, respected, and live free from violence.
- AVP's mission is to empower LGBTQ and HIV-affected communities and allies to end all forms of violence through organizing and education, and support survivors through counseling and advocacy.
- AVP is nationally recognized as experts on best practices when working with LGBTQ and HIV-affected survivors of violence.
- AVP coordinates the National Coalition of Anti-Violence Programs (NCAVP) and the New York State LGBTQ IPV Network.



The New York City Anti-Violence Project

Client Services	Legal Services	Community Organizing
<ul style="list-style-type: none">- 24-hour hotline (Eng/Spanish)- Short-term individual supportive counseling- DV Shelter Advocacy- Support Groups<ul style="list-style-type: none">- SV & IPV- TGNC specific- Youth- Creative Arts- Advocacy, Referrals- Hospital, precinct, and court accompaniments- OVS assistance	<ul style="list-style-type: none">- Consultation- Representation- Advocacy- Information & Referrals <p>Around the following legal issues:</p> <ul style="list-style-type: none">- Family Law- Matrimony/Divorce- Immigration- Legal Name Change- Housing Matters- Support in Criminal Cases	<ul style="list-style-type: none">- Training Institute- Rapid Incidence Response- Coalition work/movement building- NCAVP<ul style="list-style-type: none">- National Report publication (HV, IPV)- NYS LGBTQ IPV Network- Public Policy Advocacy- Volunteer opportunities<ul style="list-style-type: none">- Speaker's Bureau- Hotline Crisis Counselor Training- Outreach/Vigils/Rallies- TGNC Leadership Academy

AVP's Approach to Anti-Violence Work

AVP's approach to anti-violence work is:

- **Anti-oppressive:** We recognize that LGBTQ and HIV-affected people hold multiple and intersecting identities that impact the way they experience violence, and what happens when they reach out for help.
- **Trauma-Informed:** We recognize that survivors have likely experienced intersecting forms of violence, that may create complex trauma histories, which impacts their development and coping strategies. Trauma-informed work means we are always survivor-centered in our approach.
- **Harm Reduction:** We recognize that survivors are experts on their own lives, and we work from their point of view. They are our guide in the process of healing from the trauma of violence. Survivors know what they have been through, what they need, and where they want to go.



Language & Terminology

What is “LGBTQ+”?

A standard acronym:

- **Lesbian**
 - **Gay**
 - **Bisexual**
 - **Transgender**
 - **Queer**
-
- **+ = These terms are fluid and DO NOT represent all sexual orientations/gender identities. **It is always best to respect individuals' self-determination and honor the terms they use to identify themselves****

What is Sexual Orientation?

Sexual Orientation is a term that describes the people to whom we are attracted physically, sexually, romantically, emotionally, and spiritually.

Sexual Orientation is unique to every individual

Some terms that are used to describe **sexual orientation** include: **lesbian, gay, bisexual, queer, pansexual, demi-sexual, and (infinitely) more.**

What is Gender Identity?

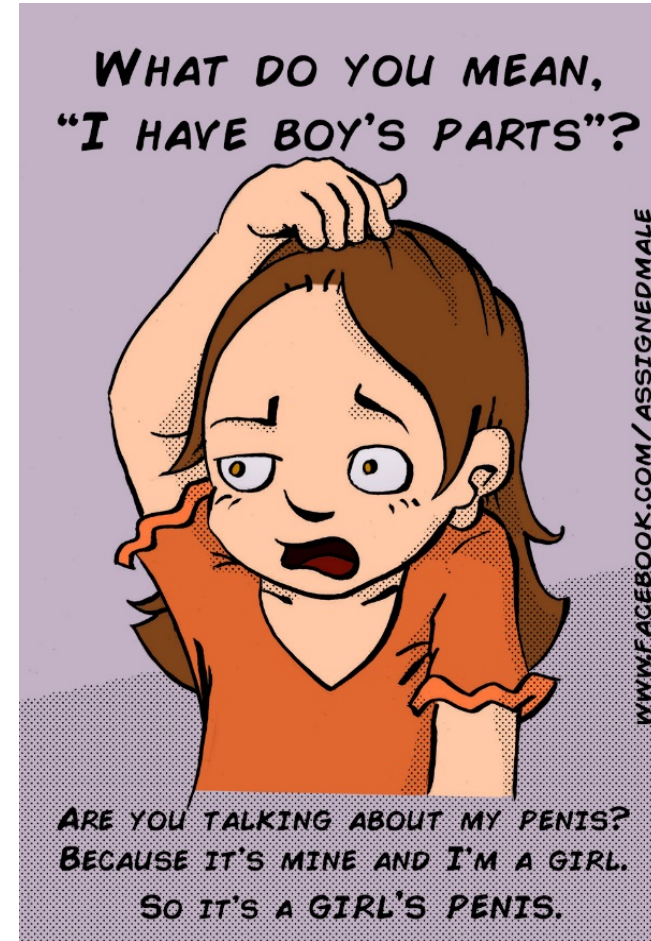
Gender identity is how we understand our gender, and how we express it. This may or may not correspond to the **societal expectations of the sex assigned at birth**.

- For cisgender people, their gender identity correlates to societal expectations of the sex they were assigned at birth.
- A transgender person's gender identity may not be the same as societal expectations of the sex they were assigned at birth.

Gender identity is unique to every individual

Transgender: An Umbrella Term

The term transgender is an umbrella term used to describe people whose way of understanding and expressing their own gender is different from what society expects and/or what sex they were assigned at birth



Gender Non-Conforming

Any identity that does not conform to society's standards of what it means to embody men or women.

This does not have to adhere to any type of gender binary, and can simply mean that the person's identity runs along the spectrum from masculine to feminine



<http://www.mambaonline.com/2017/04/18/femme-public-creative-spotlights-trans-gender-non-conforming-issues/>

Non Binary Identities

Any identity that does not adhere to a gender binary(e.g. not man, not woman, gender fluid,etc)

People who identify as non-binary may or may not consider themselves to be transgender.

Non-binary people may wish to transition so that their gender expression more closely reflects their internal identity.



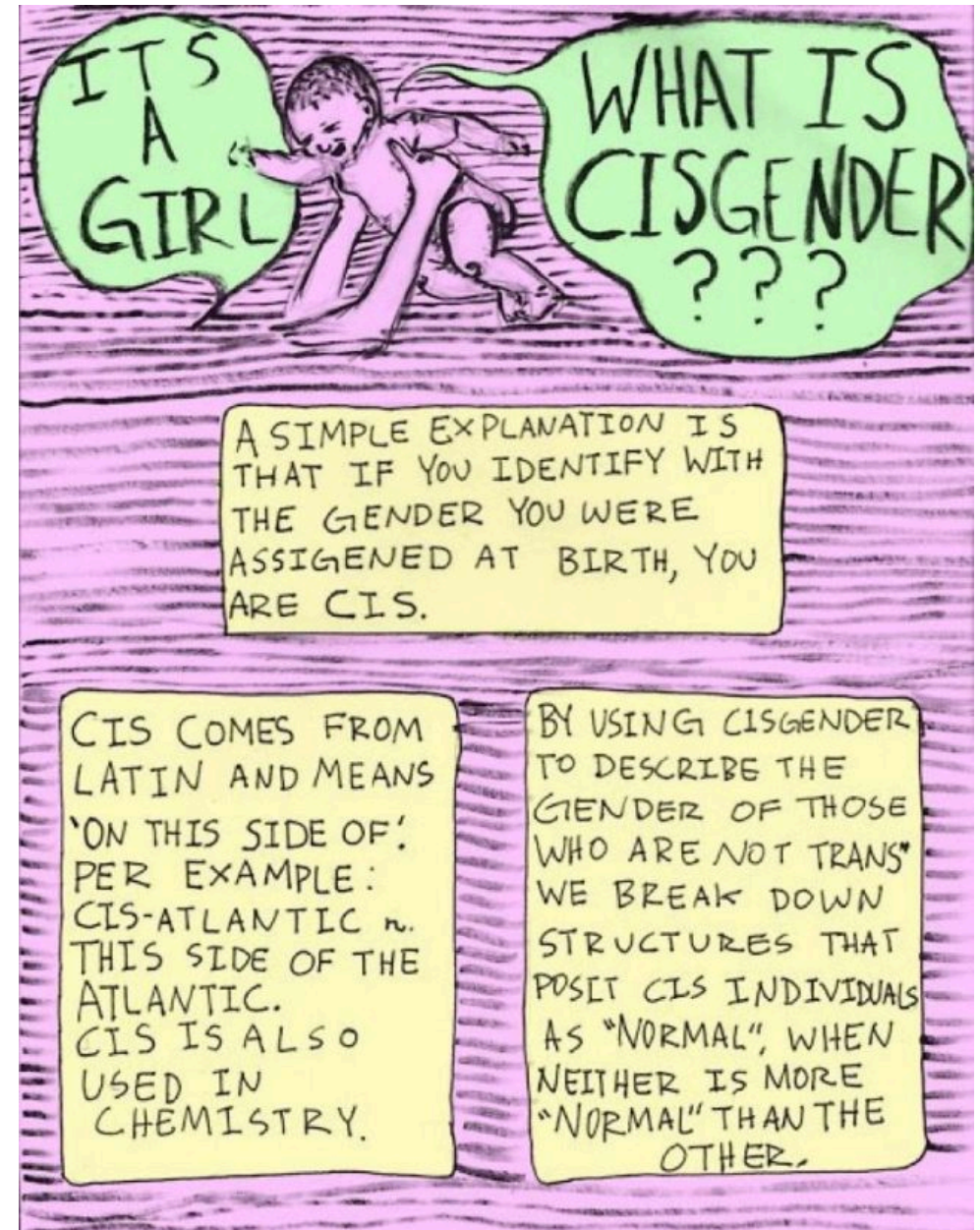
<http://beyondthebinary.co.uk/nonbinary-narratives/>

Cisgender

A term for people whose gender identity matches the societal expectations of the sex that they were assigned at birth. [AMAB/AFAB]

Cisgender may also be defined as those who have "a gender identity or perform a gender role society considers appropriate for one's sex."

<https://en.wikipedia.org/wiki/Cisgender>



Final Thoughts

- **Gender** is not always binary, and there are many diverse ways that people identify their gender.
- **Sexual orientation** and **gender identity** are different things
- **Sexual orientation** describes who people are attracted to
- **Gender identity** describes how someone identifies their gender, and does not have to do with who they are attracted to

Intimate Partner Violence

In LGBTQ Communities

What is Intimate Partner Violence (IPV)?

- A pattern of behavior where one partner(s) coerces, dominates, or isolates another partner(s). It is the exertion of any form of power that is used to maintain control in a relationship.
- Abusive tactics can be physical, emotional, financial, sexual, psychological, and abusive partners can use societal and institutional bias and discrimination against survivors.

LGBTQ IPV in the US

LGBTQ IPV exists: Intimate partner violence (IPV) occurs at the same or higher rates within LGBTQ communities as it does within non-LGBTQ communities.

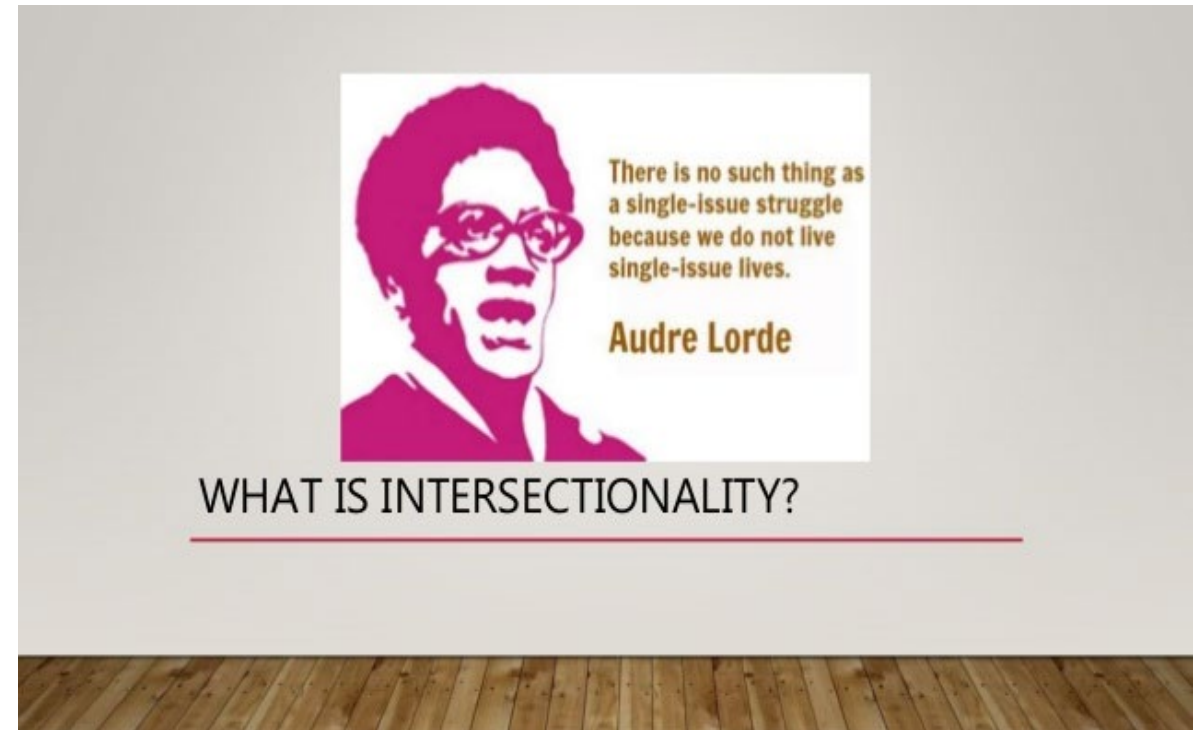
LGBTQ IPV is deadly especially for marginalized folks: In 2017, 16 IPV-related homicides were reported to NCAVP. The majority were people of color and more than half were cisgender men.

IPV Severity is increasing for LGBTQ folks: 48% of survivors (up from 28%) sustained an injury, 23% (up from 12%) reported weapons were used.

Barriers to accessing safety, support, and services abound: 60% of IPV survivors engaged with police, but 58% said police were indifferent or hostile, and 5% reported misconduct, including excessive force or misarrest. Nearly half (43%) of IPV survivors who sought shelter, reported being denied access to shelter and of those, nearly one third (32%) were turned away because of their gender identity.

A Note on Intersectionality*

Intersectionality is a concept often used in critical theories to describe the ways in which oppressive institutions (racism, sexism, homophobia, transphobia, ableism, etc.) are interconnected and cannot be examined separately from one another.



Structural Barriers for LGBTQ Survivors

Health care settings, particularly emergency departments, are often the first place that survivors of domestic/intimate partner violence seek supportive services.

LGBTQ survivors face **substantial barriers** to accessing emergency services as well as the ongoing physical and emotional health care that may be critical for healing and recovery from the abuse and trauma they have suffered.

Structural Barriers for LGBTQ Survivors

Elevated rates of poverty and job instability in LGBTQ communities exacerbate these inequities, often translating into limited health benefits and lower ability to pay for needed services out of pocket.

When paired with economic abuse from a partner, this can increase isolation and create barriers to safety.

Marginalized identities increase the financial impact of IPV and the risk for financial abuse, especially for folks who are homeless, living with HIV/AIDS, TGNC people, people living with disabilities, immigrants, young people, and/or those in underground economies, including sex workers.

Examples of Intersectional Oppression

Structural racism in legal and service systems

Stereotypes and assumptions about the survivor:

- The partner of color in a racially mixed relationship is likely to be the abuser
- People of color are more aggressive and more likely to fight back than white victims

Reluctance of survivors of color to report their partners to the criminal legal system:

- Law enforcement and courts respond much more strongly to violence by people of color than violence against them
- Survivor may not want their partner to be exposed to racist or anti-LGBTQ attacks in jail, where LGBTQ people, especially TGNC people, face elevated risks of physical and sexual violence

Source: NYS Office for the Prevention of Domestic Violence

The Intersections of Violence

LGBTQ survivors of IPV may experience:

- Physical, emotional, sexual, and financial violence as part of the controlling and coercive behavior from their abusive partner.
- Hate violence (use of slurs, use of systems, other hate speech) from their partner as part of the IPV
- Anti-LGBTQ bias, discrimination, and violence from first responders and mainstream service providers, and other would-be helpers

Action Steps for Aspiring Allies to LGBTQ Survivors of IPV

Individual Action Steps

- Don't make assumptions about another's gender identity or sexual orientation
- Assess your own values/beliefs regarding sexual orientation & gender identity
- Address your internal biases
- Educate yourself - don't tokenize/objectify survivors
- Acknowledge what you don't know and apologize if you make a mistake
- Know your personal limits
- Seek support/supervision

Interpersonal Action Steps

- Use inclusive language (such as partner, folx, y'all, people, friends)
- Respect self-identification & self-determination
- Avoid assuming sexual orientation or gender identity
- Be cautious of stereotypes
- Avoid minimizing the person's experiences
- Allow space for survivors to build trust with you
- Confront discrimination & prejudice (jokes, comments)
- Avoid centering yourself in the conversation

Institutional Action Steps

- Create LGBTQ - inclusive forms, materials, procedures
- Create all-gender, non-segregated restrooms
- Post “safe space” symbols in organizational spaces
- Train ALL staff - in LGBTQ sensitivity and anti-oppression work
- Develop resources – create connections with LGBTQ service providers & programs
- Review employment policies procedures and hire staff reflective of community diversity (LGBTQ diversity, racial diversity, etc.)

Reach out to AVP for Training and Technical Assistance

The New York State LGBTQ Intimate Partner Violence Network, which AVP coordinates, has published 3 toolkits, one each on Shelter Access, Best Practices, and a Power and Control Assessment, all of which can be accessed here:

<https://avp.org/resources/nys-lgbtq-ipv-network/#1501779782475-303518c9-b841>

In NYS? Request a training: <https://avp.org/get-involved/request-a-training/>

Thank you!

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Civil Protective Orders and the LGBTQ Community

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Women's
Law Center
of Maryland

A word on
perspective....



What is a Final Protective Order?

- Civil legal order
- issued by a judge
- to a person eligible for relief (Petitioner)
- who can prove by a preponderance of the evidence
- that the Respondent committed some act of abuse against him or her

What can it do?

- No abuse, threats of abuse, or harassment
- No contact
- Stay away from designated locations
 - Home
 - Workplace
 - School
 - Temporary residence/home of family member/shelter
 - Childcare provider
- Vacate a residence
- Surrender firearms
- Go to counseling
- Emergency family maintenance
- Child custody and visitation
- Temporary possession of pets
- Good for up to 12 months

Who is eligible?

- Current or former spouse
- Current or former cohabitant (90 days in the past year, need not be consecutive)
- Child in common
- Related by blood, marriage, or adoption
- Sexual relationship in the past year

The Petition

Is it LGBTQ- inclusive?

- Yes!
- Gender-neutral language
- “Sexual relationship” is never defined
 - Overall a good thing for LGBTQ people
 - What about rape/sexual assault survivors?

Contrast: North Carolina

STATE OF NORTH CAROLINA

____ County

File No.

In The General Court Of Justice
District Court Division

Name Of Plaintiff (Person Filing Complaint)

VERSUS

Name And Address Of Defendant (Person Accused Of Abuse)

COMPLAINT AND MOTION FOR DOMESTIC VIOLENCE PROTECTIVE ORDER

G.S. 50B-1, -2, -3, -4

(Check only boxes that apply and fill in blanks. Additional sheets may be attached.)

1. I live in _____ County, North Carolina.

2. The defendant and I
- ☐ are spouses. ☐ are former spouses.
 - ☐ are persons of the opposite sex who are not married but live together or have lived together.
 - ☐ have a child in common.
 - ☐ are parent and child or grandparent and grandchild.
 - ☐ are current or former household members.
 - ☐ are persons of the opposite sex who are in or have been in a dating relationship.

How does this work?

Interim Protective Order



- District Court Commissioners
- Good for ~48 hours
- Reasonable grounds

Temporary Protective Order



- Judge
- Good for 7 days
- Can be extended for service
- Reasonable grounds

Final Protective Order

- Requires proof of service
- Good for up to 12 months
- What if there's an FTA?
- Preponderance of the evidence

Outing

To get this far, the Petitioner must “out” themselves to a minimum of:

- The counter clerk
- Possibly the Commissioner
- The Judge
- The bailiffs
- The courtroom clerk
- Everyone else in the courtroom

Outing

If the Petitioner wants to receive services, they will also have to out themselves to:

- Attorneys and their support staff
- Shelter staff
- Police officers
- Counselors
- Social services
- Hotline operators
- Friends/family?

Even if they're out

- Lack of support from family/community
- Financial issues
- Criminalization
- Attitudes about IPV and LGBTQ people
- Language assuming male offender and female victim
 - Women's Law Center....
- Access to non-biological children

Other factors to consider

- LGBTQ people are of all colors, all faiths, all ages, all socioeconomic statuses, all abilities, all immigration statuses, all genders
- An LGBTQ individual may face discrimination/barriers as a person of color, a poor person, a disabled person, while also being LGBTQ
- We are not a monolith!

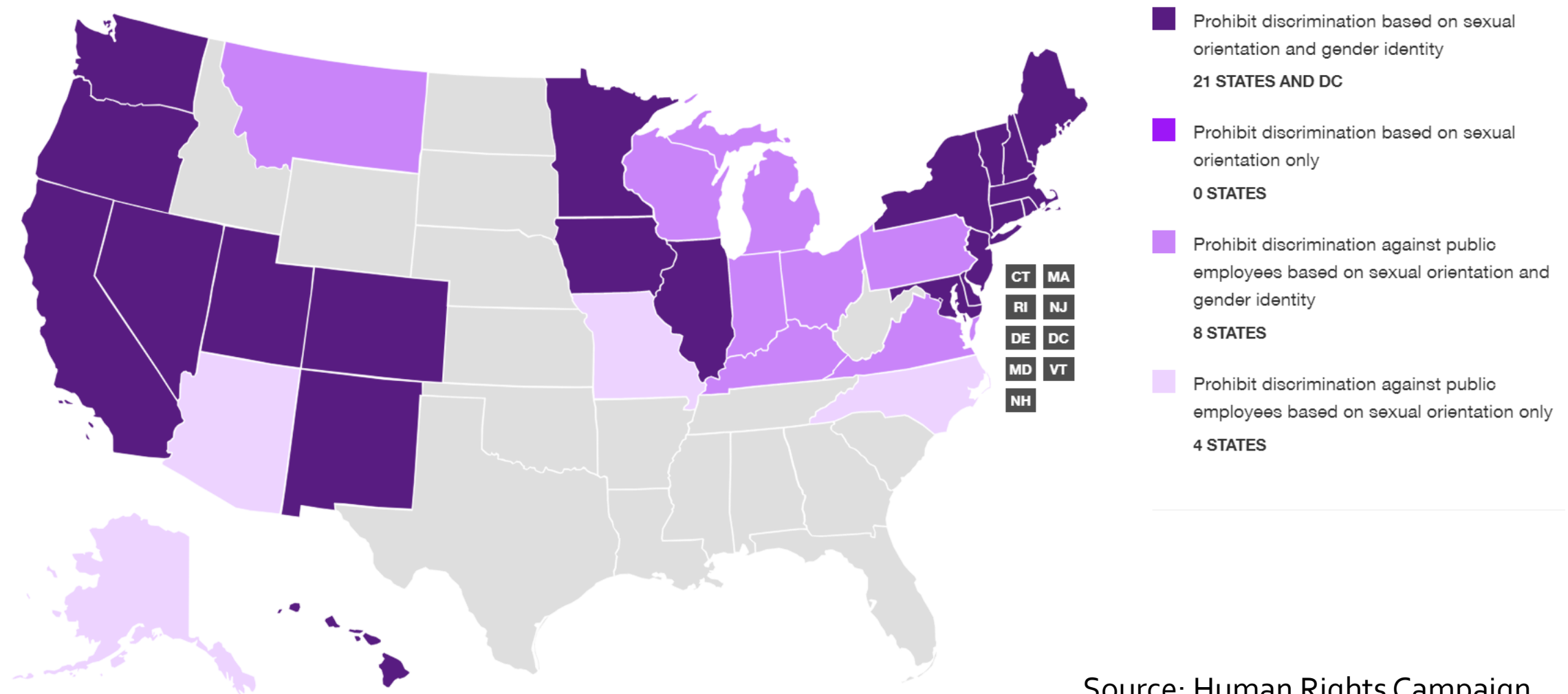
Lack of support

- LGBTQ people often experience alienation from families
- LGBTQ people may deal with homophobia and transphobia from their local community
- LGBTQ communities can be small and insular. Client may fear losing LGBTQ friends and “chosen family” if abuser is well-liked
 - Case study: local bar owners

Financial Issues

- LGBTQ people face discrimination in employment
- For LGBTQ women, the wage gap is a factor
- Inability to take off work to come to court
- Financial dependence on abuser
- Health insurance and gender-affirming care
- Protective orders can help... sometimes

Employment Discrimination and LGBTQ People



Source: Human Rights Campaign

Criminalization

- LGBTQ neighborhoods often have a shaky relationship with police
- Fear that police will not take threats/violence seriously
 - “Cat fight”
 - Victim arrested instead of offender
- Other concerns about police
 - People of color
 - Undocumented people
- If they don’t call the police...
 - Judge asks “why not?”
 - Evidence not generated

Attitudes about LGBTQ people and IPV

- IPV as a male vs. female issue
- “Which one of you is the man?” and other ignorance about gender presentation
- Abuser pressures victim to not air “dirty laundry” about the LGBTQ community
 - Community may support abuser in this
- What does the judge believe?
- What does the victim think the judge believes?

Gendered language

- Materials assuming abuser is male and victim is female
- Not just an issue for gay/bi people, but trans folks as well
- This is one of the easiest things to fix but also one of the most pervasive issues

Non-biological children

- LGBTQ people may raise children together with no biological relation to one parent
- This area of law is complex and highly state-specific
- Protective orders work within existing assumptions of parentage and cannot award parental rights that aren't already there
- Will abuser withhold children as punishment?

What can service providers do?

- First and foremost, take stock of your own prejudices
- What do your materials look like?
 - Gendered language
 - LGBTQ symbols
- Be present at LGBTQ events
- Identify gender-neutral restrooms (or make some if you can)
- Use correct pronouns
- Train your staff

Thank you!

Questions?

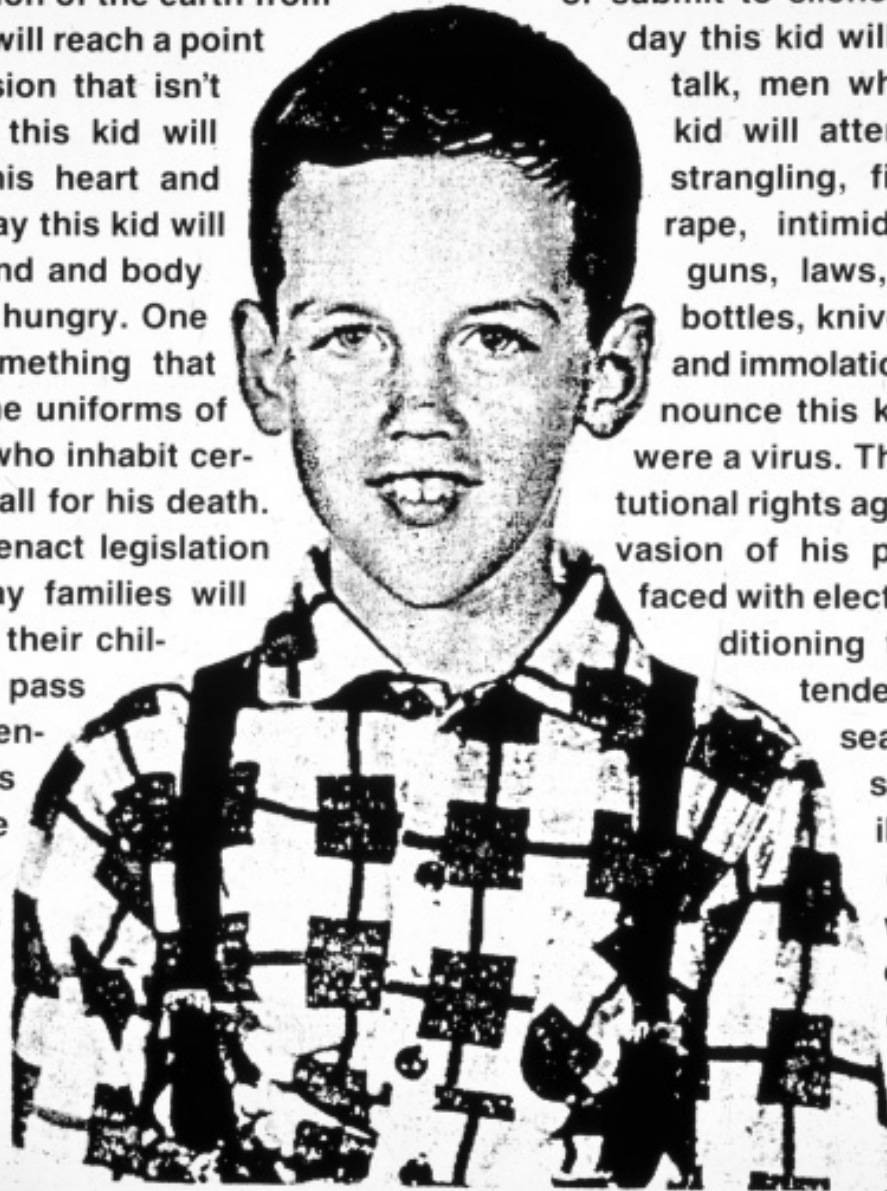




Celebrating Our 15th Anniversary

Presented by:
Andrew Sta. Ana, Esq.
Director of Legal Services

One day this kid will get larger. One day this kid will come to know something that causes a sensation equivalent to the separation of the earth from its axis. One day this kid will reach a point where he senses a division that isn't mathematical. One day this kid will feel something stir in his heart and throat and mouth. One day this kid will find something in his mind and body and soul that makes him hungry. One day this kid will do something that causes men who wear the uniforms of priests and rabbis, men who inhabit certain stone buildings, to call for his death. One day politicians will enact legislation against this kid. One day families will give false information to their children and each child will pass that information down generationally to their families and that information will be designed to make existence intolerable for this kid. One day this kid will begin to experience all this activity in his environment and that activi-



ty and information will compel him to commit suicide or submit to danger in hopes of being murdered or submit to silence and invisibility. Or one day this kid will talk. When he begins to talk, men who develop a fear of this kid will attempt to silence him with strangling, fists, prison, suffocation, rape, intimidation, drugging, ropes, guns, laws, menace, roving gangs, bottles, knives, religion, decapitation, and immolation by fire. Doctors will pronounce this kid curable as if his brain were a virus. This kid will lose his constitutional rights against the government's invasion of his privacy. This kid will be faced with electro-shock, drugs, and conditioning therapies in laboratories tended by psychologists and research scientists. He will be subject to loss of home, civil rights, jobs, and all conceivable freedoms. All this will begin to happen in one or two years when he discovers he desires to place his naked body on the naked body of another boy.

©Wojanowicz 1990/91

Barriers LGBTQ youth face when seeking help

- Distrust of Adults: law enforcement, legal systems, teachers, social workers, authority figures
- Services not designed with LGBTQ youth in mind
- Fear of Outing (Sexual Orientation, Gender Identity, Immigration Status, HIV Status, Intimate images and or videos)
- Fear of retribution from abusive partner
- Love of abusive partner
- Lack of victim/abuser screening and assessment
- Sex Shaming
- Fear of getting in trouble (with parents or others)
- Stigma
- Pressure from friends, family, community
- Fear of isolation/being alone
- Substituting Adult “wisdom” without youth input or empowerment
- Fear of Arrest (for self or partner)
- Small and/or Overlapping Communities
- Intersection of oppressions based on other experiences of Identity
- Difficulties in collecting evidence

Dating Violence among LGBTQ Youth

- **Outing/ Emotional Abuse** - Emotional and sexual intimacy is new to David, a high school senior, and on a few occasions his boyfriend has exceeded than he has been comfortable with. His boyfriend threatens David's saying that he will out David to his family post intimate pictures and videos of them online if he ever leaves or cheats on him.
- **Physical Abuse** - Although they have been dating exclusively for 6 months, Shana's partner, another high school student, is deeply suspicious of her. When they walk through the hallways at school together, her partner pinches on her side, leaving marks on her body. Sometimes, when they are alone, like in a school stairwell or in Shana's apartment building, the violence Shana experiences is worse, her partner slaps her threatens that if she ever leaves her she will get "jumped". Regardless, Shana still loves her partner, and because her partner is undocumented, does not want to call the police or report her to law enforcement.
- **Cyberharassment/Bullying** - After they broke up, Dee's ex partner and his friends continued to taunt Dee, claiming that they are a "Thot", and they use other racist and sexist slur to refer to them. Outside of Class, Dee's Partner and friends create fake online profiles of Dee, and falsely claim that Dee spreads Sexually Transmitted Infections (STIs). Dee is not out to everyone that they identify as gender-fluid. Dee fears their ex partner will continue to spread lies about them.

Other Legal Remedies of LGBTQ Survivors of Intimate Partner Violence

- Civil & Family Law
- Criminal
- Economic
- Housing
- Public Benefits
- Education/Title IX
- Non-Consensual Image Sharing/Exploitation

Safety Planning & Self Determination for LGBTQ Youth and Survivors of Domestic Violence

Thank You!

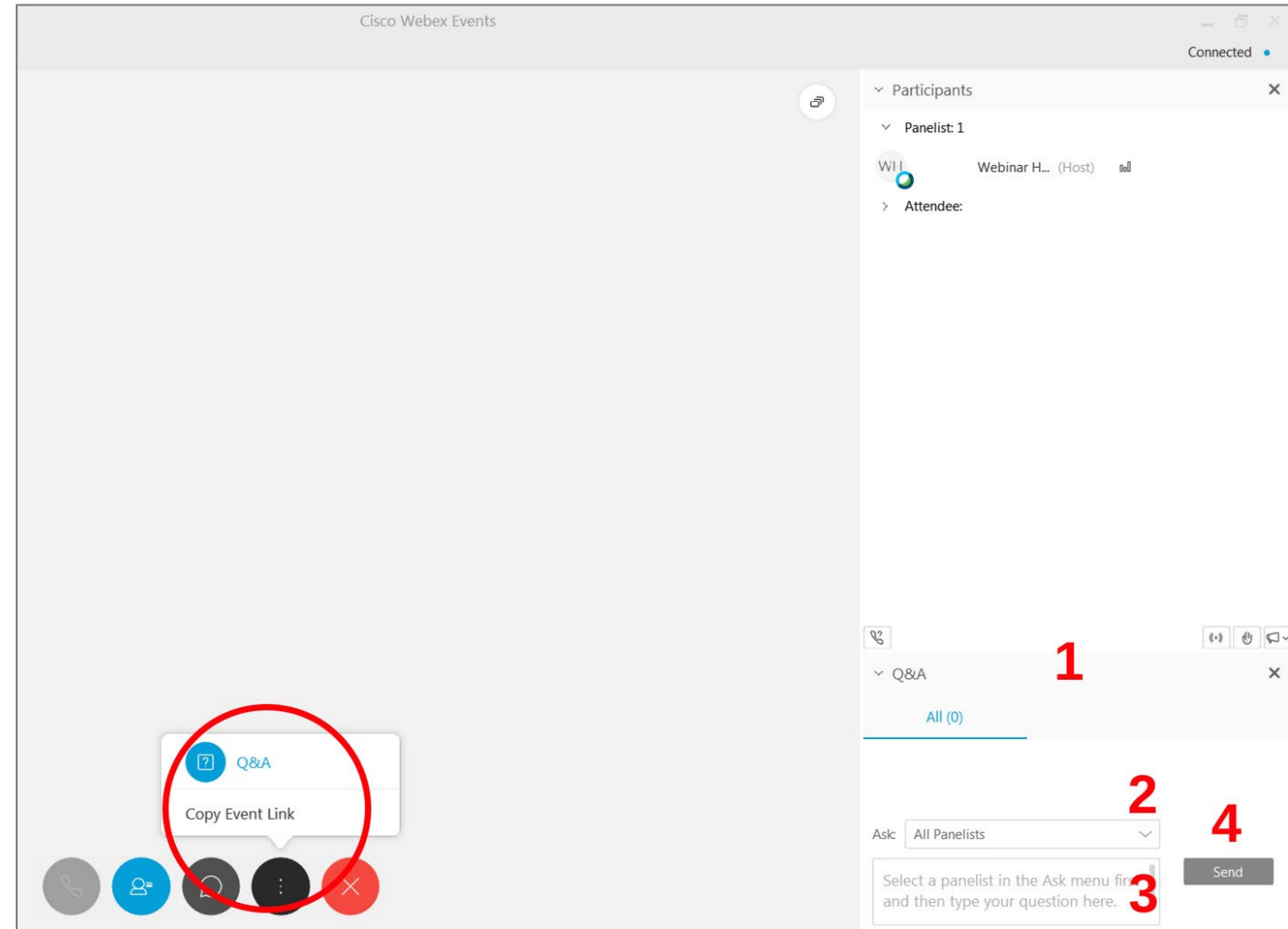
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