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Assessment of the Effects of a Legal Advocacy Program in a Gwinnett County Domestic Violence Program

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Abstract:

Domestic violence has become very common in the recent past, although it is classified as a crime many family members have become victims of the same. There are several types of domestic violence which range from physical violence, sexual, emotional, Psychological, spiritual, cultural, verbal and financial abuse. Legal advocacy for all victims of domestic violence regardless of the type of domestic violence has become an essential service and an important component in most domestic violence programs, as this social issue continues to be a major problem in contemporary American society and the world at large. Evaluation of the effectiveness of legal advocacy program is crucial for quality service delivery, demonstration of accountability as well as accomplishment of goals. This paper reviews the literature in legal advocacy and its effectiveness in curbing domestic violence. The areas of focus for this paper are: - purpose of legal advocacy, results of legal advocacy, and indicators of legal advocacy. In a sample of 235 cases, recidivism was assessed from official criminal data during a 12-to-18-month period after cases were initially handled by the Baltimore, Maryland's State Attorney's Domestic Violence Unit.

Keywords: Domestic violence, legal advocacy, violence against women, domestic violence program and domestic violence interventions

1. Background of the Study

In this time and age domestic violence has still remained a problem to many families and although the justice system role of combatting this menace is in place little has been achieved. Domestic violence affects all social and economic strata of people. The criminal justice systems have done their part in taming the injustice but there is need to evaluate the effectiveness of the systems they use. The effectiveness and efficacy of the system will determine the success of eradicating domestic violence in our communities. Domestic violence has threatened the family system, relationships among families and this has affected the cultural, social and biological continuity of our communities and the society at large. Research has shown that low-income families are more prone to domestic violence than the high and the middle level income families. Any intervention in the field of domestic violence should have a well-established and developed understanding the need to have a physical and psychological safety for all these rescued form situations of domestic violence assert Baker, Cook, and Norris (2003). The scholars further explain that the involvement of the community in solving domestic violence brings the assurance to the victims of immediate help in case of any violence to them. However, according to Black, Weisz and Bennett (2010) discouragement of reporting domestic violence to the community or the police because the issue culturally is seen as a trivial and not worthy of any form of investigation. Globally the communities, the governments and non-governmental organizations always collaborate to come up with measures to curb the menace of domestic violence. This has not however borne much fruit.

According to Anastas and Clark (2012) domestic violence can either be passive or active. Passive violence involves any act of neglect which can cause one to have either mental or physical health issue. Due to cultural beliefs, high poverty levels, lack of awareness on the different form of domestic violence, delayed justice and backlog in court has hinder the quick success of solving domestic violence for the victims. In it important to have concerted efforts should be put in place to management the state of domestic violence. Research has shown that women and children experience more domestic violence as compared to men as explained by Payne and Triplett (2009). This is because they are viewed too as weak and defenseless. According to Peters (2008) many of these domestic violence cases remain unreported because the perpetrators of the acts are intimate people to them and the fear of reprisal or fear of loss of reputation in the community which is seen as shame.

1.1. Research Objective

The goal of this paper is an outcome assessment of the effects of a legal advocacy program in a Gwinnett County domestic violence program. The research goal of this evaluation is to determine to what degree the program is meeting its overall objectives. The major purpose of this evaluation is to determine whether the program is working by measuring the number of legal issues resolved in the form of TPOs, focusing on restraining orders, child custody and possession of property.

1.2. Statement of the Problem

The assessment of any legal advocacy effectiveness is necessary because it causes a positive influence to the victims of domestic violence. Lack of knowledge on the availability of legal intervention by victims of domestic violence has hindered the fight against domestic violence in communities. Victims of domestic violence who desire to escape from places of violence should be aware of the available interventions for them. Many a times because they are uninformed about legal resources available to facilitate a cessation of the violence and to enable them to achieve protected, independent lives (Button & Payne, 2009) the victims remain at the state of recurring violence. There has been an increase in domestic violence and with escalating violence as shown by research Cheek, (2007). According to Code (2000) the prevention of domestic violence through legal advocacy is the key solution to curbing the menace of domestic violence. Some women have actually failed to follow through in pressing charges while some dropped charges at the trial due to frustrations with the system (Parnas, 1971).

Cohen (1988) observed that most women who seek TPOs report feeling frightened and nervous especially the first time they appeared in court. In a study carried out in both Dorchester and Quincy Massachusetts in 1992, 65% of the women felt they had reason to be afraid to file a restraining order. They stated that they were afraid of the repercussions, which could be severe (Ptacek, 1999). For domestic violence victims, support in navigating the complex and intimidating legal system can boost their morale (but also that the TPOs are consistently enforced and legal issues are resolved in most cases) (Colarossi, 2005).

According to Danis and Lockhart (2003) the procedure for securing TPOs is complex and expensive (i.e., retaining an attorney filing fees, qualifying for legal aid, filing petitions and court hearings). Apart from access to courts being constrained, outcomes may be deficient without the benefit of advocacy. According to Evans (2001) most victims of domestic violence are not ready for these ordeals. Battered women are implicitly expected to understand the legal system in order to access the help they need. Most of them end up abandoning the whole process on realizing what it involves.

1.3. Literature Review on Legal Advocacy

In response to legal advocacy in the context of domestic violence, Murphy (1998) found that lower criminal recidivism is associated with the cumulative effects of successful prosecution, probation monitoring and, completion of counseling. As is demonstrated by his study that examined prosecution and post-prosecution elements of a coordinated community intervention approach to male perpetrators of domestic violence, individuals with greater involvement in the legal intervention system had lower recidivism rates.

The legal system rarely considers the client's thoughts and wishes when planning for change in their lives (Sirles, 1993). In this study, Sirles assumes a consumer's perspective to examine the impact of legal and mental health systems on couples experiencing problems with domestic violence. The consumers are clients served by the program. Some programs are created without consideration of the implementation and effects of social policies. Many of decisions have to be made in social service programs, from administrative decisions about funding, to practitioners' decisions about the best way to serve a particular client (e.g., individual, couple, family, group, community, organization). An effective program's services are in tune with the client's needs as well as goals that reflect their needs.

Fleury (2002) concurs with Sirles (1993) in his notion of the legal system's inconsideration of the domestic violence survivor's involvement with the whole justice system. Law enforcement uncertainty about arrest in order-violations cases may stem from a long-standing, general legal prohibition against making a warrant-less arrest for any misdemeanor unless it occurs in an officer's presence. There are several advantages in warrant less arrests. They include immediate apprehending of the abuser into custody at the scene instead of locating him after obtaining a warrant from the court, prompt initiation of prosecution and introduction of the abuser to the justice system thus, protecting the victim from further violence. According to Finn and Colson (1990), domestic violence frequently occurs during evenings or weekends, as some studies have shown, when most courts are not in session. When this happens, nobody is available to issue emergency after hours protection orders. The utility of protection orders may also depend on whether they provide the requested relief in specific detail. This makes it easier for police officers and other judges to ascertain later whether the abuser has violated the order.

Herrell and Hoffer (1991) further reiterate that for orders to be effective courts must design comprehensive relief to the particular safety needs of the victim in each case. There are few guidelines for judges to use in interpreting the statutes and determining which type of relief is authorized and appropriate for individual women. Civil protection orders have not always been consistently enforced. In a study carried out by Harrel et al. (1993), of the 355 women who had filed temporary restraining orders by their male partners, a majority (77%) reported violations during the first three months. Sixty percent of the women who received TPOs reported violation of the orders in the year following the order. Most of the women called the police due to their partners violating the orders. The women made 290 separate calls to the police stations from the 355 sample and only 59 arrests were made, a very low number indeed despite the severity of the violations, which were criminal offenses. Few courts have developed guidelines or procedures for punishing violators. As a result, there remains a great deal of confusion in regard to arrest authority and appropriate sanctions for protection order violations. Legal and personal safety is advanced when abused women can acquire protection orders that confront the coercive controls in violence imposed by their abusers and exact swift and certain penalties for violation of any provision. Simon (1995), in his article entitled, "Indicators of Legal Advocacy Programs" argues that ample research has indicated that the laws, policies and legal actors involved in domestic violence cases can achieve therapeutic effects on both offenders and victims. He notes the possibility of the legal system to influence maladaptive behaviors in the context of domestic violence through legal mechanisms. Simon (1995) explores the use of restraining orders in an attempt to inform

law reform efforts, and criminal justice policy. Simon uses the therapeutic jurisprudence viewpoint to investigate the psychology of the perpetrators of domestic violence in Part I. In Part II the psychology of the victims is examined, while Part III discusses the impact of arrest and prosecution phases of the criminal justice system. Finally, Part IV explores the trials, plea bargains and sentencing issues. As noted earlier, enforcement of a protection order remains procedurally complex for both the police and the courts despite statutory changes in several states whereby a violation of TPOs either constitute misdemeanor or criminal contempt. Simon (1995), therefore, recommends training and supervision of clerks who assist battered women seeking TPOs. This is important if the law is going to be an effective tool in the search for safety and independence for the victim. The law is an imperfect tool because of the social and cultural context in which it is imbedded. It works best when all other systems are collaborating in a concerted effort to end domestic violence. Lack of consciousness and knowledge of the adverse consequences of domestic violence by the courthouse staff working with the victims, can only stymie legal strategies.

TPOs appear to work well in the areas of protecting children, gaining a sense of control, reducing fear, and beginning the process of divorce. Abuse of children may be more likely when the marriage is dissolving, the couple has separated and the man is determined to continue being dominant and controlling (Bowker, Arbitell, &McFerron, 1988). The more the woman seeks to establish autonomy and independence from the abuser, the more his struggle to dominate her and may turn to abuse of the children as a means to subjugate them as a tactic to control the mother. Studies confirm that domestic violence is designed to achieve power and control over the victim and her children. Men who commit domestic violence often abuse their children. Between 50% and 70% of wife abusers also abuse their children (Gondolf, 1993). The bases of child custody decisions are often considered in domestic violence cases. It is a crucial factor when considering the best interest of the child, even though some states allow a wide discretion in downplaying its importance. It is difficult to believe that a partner with a violent history can be a good parent. Saunders (1996) recommends that past and potential behavior of abusers should be sufficient grounds not to allow them to have custody or joint custody of their children.

Rebovitch (1996) in a presentation of results of data generated from 142 prosecutors' offices, in a national mail survey conducted by the American Prosecutors Research Institute, reported that even though many prosecutors relied on TPOs, in only 11% found them highly effective. On victim interaction with the system, only 12% of the cases did the victim initiate the case; that only serves to complicate prosecution. The legal system would make their task easier with the victim's assistance in the prosecution. It is evident that the legal system continues to depend heavily on the use of TPOs as an antidote, even though they acknowledge the ineffectiveness of this choice.

1.4. Research Methodology

The researcher reviewed all case records which included the intake forms, progress notes, and exit interviews for clients in the shelter between July 2000 and July 2001. Each case record contained a summary describing the circumstances under which the services were terminated and most important for this study, if they secured the requested Temporary Restraining Orders. A client engagement/termination form was created for the purpose of this study.

The data were entered and analyzed using SPSS program. A codebook was developed for data entry. Descriptive statistics and frequencies were used to present the findings. Graphs and a program logic model, as well as an outcome measurement framework, were used to show a clear picture of the methodology. Internal validity threats do exist in the design used in this evaluation. For example, there could have been some modifications in legislation favoring women filing for petitions, or judges who had domestic violence issues awareness as well as being sensitive. These threats could have been reduced if the researcher had perused the relevant legislations and questioned all the judges that presided in these petitions.

1.5. Research Findings

1.5.1. Demographics

The sample for this evaluation consisted of 30 cases. All 30 (100%) participants were females, 16 (53%) were single and 14 (47%) were married. Twelve participants (40%) ranged between age 25-45 while 14 (47%) ranged between 45-55 years, there were only 4 (13%) women ranging between 15-25 years. African Americans 8 (28%) and Caucasians 8 (28%) were equally represented in this population. Asian Americans followed closely with 7 (23%) women, followed by Africans at 6 (20%) participants. Finally, Native Americans were the least with only 1 (3%) in this population (See Table 3) on the following page.

Variable	N	Percentage
Gender		
Female	30	100
Marital Status		
Married	14	46.7
Single	16	53.3
Age		
15-25	4	3.3
25-35	7	23.3
35-45	6	20
45-55	13	43.3
Ethnicity		
African American	8	26.7
Asian American	8	26.7
African	6	20
Caucasian	7	23.3
American Indian	1	3.3

Table 1

The table shows the Outcome Measurement Framework indicating the outcome, indicators, and data source and data collection method in this evaluation. Hatry et al (1996) states that the outcome measurement framework “provides a learning loop that feeds information back into the programs on how well they are doing” (p. 4). It offers findings that can be utilized to adapt, improve, and create efficacy. The outcome remained similar to those outlined in the Program Logic Model. The indicators were represented by the legal documents filed and petitions awarded in a client’s favor. The data sources and methods of data collection are agency records in the form of case files and interviews with the legal advocate and the shelter manager of the agency.

1.5.1.1.Outcome Measurement Framework

Outcome	Indicator(s) (may be more than one per outcome)	Data Source	Data Collection Method
*TPO are filled	*Legal documents	*Agency records	*Client intake and exit interviews in client case files
*Clients are more autonomous	*Petitions in client’s favour	*Legal Advocate	*Interview with legal advocate

Table 2: An Evaluation of the Efficacy of Legal Advocacy Program of theGwinett County Domestic Violence Program

The design notation for this study is X 0,02, where X stands for the independent variable (legal advocacy which is the intervention) and, O, stands for interviews with the legal advocate and O; stands for the case files examined. The purpose of this evaluation was to find out if the program achieved the objective of helping women resolve legal issues in the form of child custody, possession of property, and restraining orders. Therefore, a descriptive research design was used.

Types of Petitions Files (N=30)	Resolved N=21	Unresolved N=9	Process Length (Average no of days)
Custody	8 (27%)	4 (50%)	25
RestraintOrders	9 (30%)	2 (22%)	18
Property	13 (43%)	3 (23%)	18

Table 3: Request Filed and Granted

Among the 30 (100%) participants in this evaluation, 8 (27%) filed for custody, 9 (30%) for restraint orders and, 13 (43%) for possession of property. See Figure 1.

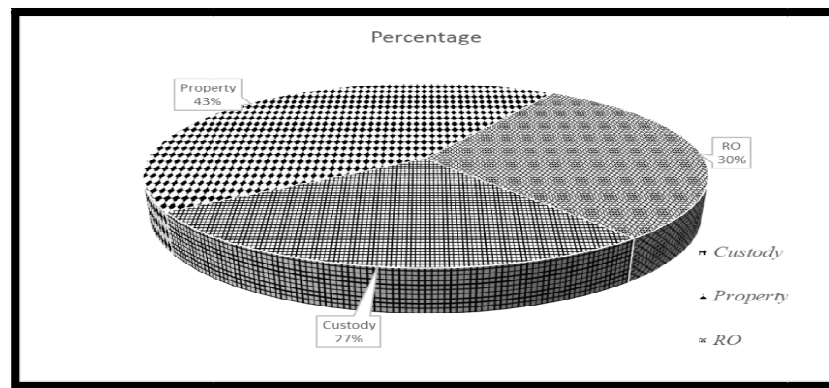


Figure 1: Type of Request Filed

The chart Figure 1 indicates the percentages of the cases that were resolved. The evidence indicates that, 4 (19%) child custody cases were resolved, 7 (33%) restraint orders were granted, while an overwhelming majority of 10 (48%) possession of property requests were resolved. As evidenced by overall data, most requests were granted.

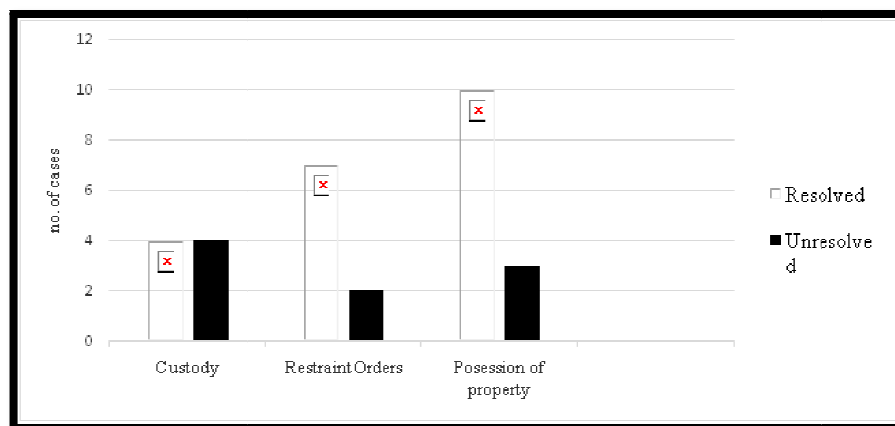


Figure 2: Types of Petitions Filed /Resolved and Unresolved Petitions

The findings for this evaluation were attained by utilizing descriptive analysis and frequencies for smooth interpretation. Consistent with the findings, in spite of 8 child custody filed for, only half of them, 4 (50%) were resolved. Three participants were considered unfit mothers, while the remaining case was denied because the petitioner was not the child's biological mother. Out of 9 (30%) restraining order requests, 7 (71%) were granted the reason being that the two participants were from out of state thus beyond the court's jurisdiction. Finally, for the 13 (43%) possession of property requests, 10 (48%) were granted. Reasons given for the unresolved cases were lack of legal entitlement for women who were unmarried to the partners they resided with.

Overall, the data indicates that the legal advocacy program had a 70% success rate in resolving the client's legal issues. The possibility of design flaws that might have threatened the internal validity might have contributed to the resolution of the legal cases. They were attributed within the context of change of mode of operation or modification within the judicial system.

Thirty (100%) women requested restraining orders, possession of property and child custody. Of the 30 participant's requests, on a TPO of the aforementioned, a total of 21 (70%) cases were resolved. Out of 8 (27%) child custody requests 4 (50%) petitions were resolved. Of the 9 (30%) participants who filed for restraining orders, 7 (78%) were successful, whereas the most successful participants were those that requested possession of property, with a high 13 of (43%) and 10 (77%) cases resolved. Based on the interviews and discussions with Gwinnett's legal advocate and the shelter manager, training and sensitizing judges, police officers and staff members in the courthouse played a major role in creating a high level of awareness when working with victims of domestic violence.

Based on their case files, custody cases took an average of 25 days, while restraining orders and property averaged the same with 18 days. It is important to note that these cases had taken about a week for the offender's to be served with the orders by the sheriff. The reason given for longer processing durations was that; the offenders could not be located to be served with the papers to appear in court. When the legal advocate was asked why more women filed for property petitions than restraining orders or child custody, she stated that when women call the shelter to be admitted they are advised to bring their children. Hence, more women in this category had children with them when they came in the shelter. In cases where women did file for custody of their children without a restraining order, most abusers wanted to get rid of them and had no interest in following or stalking them.

Out of 30 (100%) requests filed for TPOs, only 9 (30%) were not granted, indicating that 21 petitions had been granted, a 70% success rate. Of the unresolved cases, 4 (50%) were child custody, 2 (22%) were restraining orders and 3 (33%) were possession of property. A follow-up of women who had exited the shelter with their petitions unresolved was

pursued by the legal advocate in collaboration with the shelter manager. When they were asked why some cases were not resolved they gave several reasons. Three mothers were found to be unfit, the three (3) had a history of drug abuse and one (1) was not a biological parent and therefore was not legally entitled to the child. Out of the 2 (22%) that filed restraining orders, both women were out of state residents, therefore, beyond the jurisdiction of the Gwinnett court system.

Possession of property, which ranked highest in terms of requests 13 (43%) had 3 (23%) petitions turned down. In these cases, the women were not entitled to legal possession of property from their abusers because they were not married to them and there was no legal agreement in the form of documents indicating joint ownership.

Based on the duration, it took an average of 25 days for custody petitions and 18 days for both restraining orders and possession of property. It can be argued that legal advocacy serves an important role of performing critical functions such as expediting interventions, seeking expanded investigation by a prosecutor into a particular crime of domestic violence, seeking substantial reformation of the system of investigation and preparation of cases for domestic violence for plea negotiations or trial, insisting that courts provide safe, secure waiting rooms for victims of domestic violence, and familiarizing a victim with the courtroom procedure.

1.6. Research Discussion and Interpretations

The findings of this evaluation are consistent with the systems theory utilized for the conceptual framework. The theory is based on the idea that human systems, from the micro to the macro are inextricably interrelated to each other and must be viewed holistically (Friedman, 1997). In this evaluation, constant interaction took place between the victims of domestic violence, who liaise with the agency via the legal advocate, to have their legal issues resolved by the judicial system. Based on the 70% success rate of this evaluation, it is evident that the court administrators and judges have responded to the problem of domestic violence by stepping out of the box and stepping up to the plate of the legal system, by engaging and collaborating with legal advocates. Advocacy has provided support in legal proceedings and facilitation of documentation in the form of police reports, medical files and, identification of essential protective provisions. The participation of legal advocates has helped to expedite legal remedy for victims of domestic violence.

This evaluation is not without limitations. Firstly, the sample size consisted of a small number of participants. Although the sample is appropriate and yields useful information, it is less representative due to its size and therefore cannot be generalized to all domestic violence populations.

Secondly, well organized and better research on legal advocacy, an aspect critical in evaluating legal advocacy is limited. Hart (1998) the legal and associate director of the Pennsylvania Coalition Against Domestic Violence states that evaluation of advocacy on both local and state levels is informal, she hopes that her agency might be able to interest researchers in investigation of the efficacy of the numerous advocacies in progress. Meanwhile, "the apparent merit of the work of advocates can be measured by the responsiveness of courts and other justice system personnel, as well as governmental bodies" (p. 4).

Finally, the data collection had some limitations. Since the victims of domestic violence live confidentially to avoid assault from their abusers, follow-up questions were directed to the legal advocate and the shelter manager. One question asked if they thought that the victims were autonomous after legal intervention and the resolution of their petitions. This is a subjective question that measured the perceptions of the legal advocate and the shelter manager. Individual interviews with the victims would have elicited authentic information and provided a better representation of how these women felt as they tried to live violent free.

Well-organized and formal research is required on legal advocacy programs and their efficacy. Expanded information in this program will help to enhance the justice system and offer the victims remedy in the aftermaths of domestic violence. Finally, further research can be pursued to find out how long the women maintain autonomy. This requires the agencies to do follow-ups, even though it is clear that there is scarce resource supply.

1.7. Research Conclusion

The findings revealed that legal advocacy of the Gwinnett County Domestic Violence Program has assisted victims to resolve their legal issues by having their petitions granted by the court. However, explanation is given for the petitions not granted which included victims being from out of state, unfit mothers, not being a biological mother and lastly not being legally entitled to possession of property. The following chapter discusses the implications of these findings for the social work profession.

The results suggest that evaluations can inform us of the efficacy of a program, or the extent to which that program is meeting its stated goals. The efficacy of legal advocacy on behalf of victims of domestic violence has tremendous implications for the social work profession. When the judicial system rule on cases, they are creating entitlements and rights as well as establishing important social policies. Therefore, it is important that social workers comprehend the power of the judiciary. Legal advocacy is a vital strategy by itself or in conjunction with other strategies. It has the potential to solve legal issues and produce dramatic transformation.

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