COVERING DOMESTIC VIOLENCE: A GUIDE FOR INFORMED MEDIA REPORTING IN NEVADA

by

Family Court Judge Chuck Weller

P.O. Box 30083 Reno, NV 89520 (775) 328-3800

chuck.weller@washoecourts.us

This Guide is endorsed by:

Nevada Press Association

Nevada Broadcasters Association

Nevada Network Against Domestic

Violence

Committee to Aid Abused Women

Safe Nest

This Guide is available online at:

www.nevadabroadcasters.org
www.nnadv.org
www.safenest.org

The author permits -- and encourages -- reporters and editors to make verbatim use of the materials contained within this media guide.

TABLE OF CONTENTS

I.	HOW TO RECOGNIZE A DOMESTIC VIOLENCE STORYpg. 1			
II.	QUESTIONS TO CONSIDER WHEN COVERING A DOMESTIC VIOLENCE STORYpg.			
III.	MORE IDEAS FOR STORIES ON DOMESTIC VIOLENCEpg. 3			
	1) What is Domestic Violence?pg. 3			
	2) Why Do Victims Stay with Abusers?pg. 4			
	3) What Help is Available for Victims of Domestic Violence?pg. 4			
	4) Six Things to Say to a Victim of Domestic Violencepg. 4			
	5) The Effect of Domestic Violence on Childrenpg. 4			
	6) Safety Planning for Domestic Violence Victimspg. 4			
	7) The Warning Signs of Domestic Violencepg. 5			
	8) Why are Some People Abusers?pg. 6			
	9) Are You an Abuser?pg. 6			
	10) How Can Abusers be Helped?pg. 6			
	11) Animal Cruelty and Domestic Violencepg. 7			
	12) Domestic Violence and Gunspg. 7			
	13) Domestic Violence Stories of Local Interest			
	14) Costs to Society of Domestic Violencepg. 9			
	15) Domestic Violence and Specific Populationspg. 9 Dating Years Elderly Tribal			

		Lesbian, Gay, Bisexual, Transgender and HIV-affected Immigrants
	16)	Domestic Violence Statistics
	17)	Domestic Violence and Nevada Lawpg. 11
	18)	Domestic Violence and Federal Lawpg. 12
IV.	NEV	VADA DOMESTIC VIOLENCE RESOURCESpg. 13
	1)	Publicationspg. 13
	2)	Policy Organizationspg. 13
	3)	Domestic Violence Servicespg. 14

Military

I. HOW TO RECOGNIZE A DOMESTIC VIOLENCE STORY

It is a domestic violence story if there is now, or was in the past, an intimate or family relationship between the perpetrator and the victim of violence.

II. QUESTIONS TO CONSIDER WHEN COVERING A DOMESTIC VIOLENCE STORY

1) Have there been prior incidents?

Acts of violence are often portrayed as an isolated incidents when, in reality, they are part of a pattern of conduct. Particularly if family members express surprise at the attack, it is easy to slip into a suggestion that the person just "snapped" or had an uncharacteristic lapse of control. A more accurate and complete story will result if prior conduct is also reported. Look for a history of controlling behavior. Review court records for prior criminal, divorce, child custody, parental rights and Temporary Protection Order (TPO) cases. Check law enforcement records for prior arrests and police response to allegations of domestic violence involving the same persons or address.

2) Who can speak for the victim?

An abuser's justification for violence commonly involves blaming the victim or the "system." The victim and the "system" may not be free to dispute the abuser's allegations because of fear, or because of physical or legal constraints. Presentation solely of the abuser's point of view implies that the abuser's violence was justified or motivated by the behavior of someone else.

3) Why did this happen?

Warning signs of domestic violence are understood. Victims can be protected. Abuse is a learned behavior. Any implication that the crime was inexplicable is likely incorrect. Contact an expert to give you insight.

4) What's the true portrait?

It is incorrect to imply that "normal" or successful people aren't typical perpetrators of domestic violence. In fact, domestic abusers often present two images: skillful in social and business settings but controlling and obsessive in intimate relationships.

5) What language should describe domestic violence?

It is good practice to use the term "domestic violence" in describing the crime. Give the public a vocabulary with which to identify a social issue. The United States and most of its communities have been engaged in a massive effort for more than three decades to provide resources to address the societal problem of domestic violence. Acknowledge the existence of that effort and the availability of those resources by correctly labeling the conduct you are reporting.

6) Are authoritative points of view available?

Seek a statement from, or consult with, a local domestic violence advocate or a recognized domestic violence expert.

7) How much do friends and neighbors really know?

Use statements from associates of the abuser with caution. Domestic violence is often unknown to friends and neighbors until it becomes murder. Balance statements that express surprise at the abuser's conduct with any record of past controlling behavior and information about domestic violence.

8) Were they separating? Was she pregnant?

Domestic violence often is worst when the victim tries to separate or during pregnancy because the abuser's control of the victim's behavior is threatened.

9) Where can more contextual information be obtained?

Information from this media guide may be used to add context and depth to a story about domestic violence.

10) What is the impact beyond this victim?

Experts can help describe the impact of the domestic violence on children, families, employers, the community and the larger society.

11) How can victims get help?

Include local contact information for domestic violence services. Many victims are unaware of the available support and, except through your reporting, may by unable to safely access this information.

12) How can abusers get help?

One way to help prevent future domestic violence is by providing information to allow present and potential abusers to identify themselves, to understand that change is possible and to seek help to change their behaviors.

13) Can a story make things worse?

Reporters should be aware that abusers use news reports to threaten their victims with similar fates or to reinforce the belief that, like the victim in the reporter's story, the victim will be humiliated and not believed. Reporters can reduce the likelihood of this perversion of their reporting by following these suggestions.

III. MORE IDEAS FOR STORIES ON DOMESTIC VIOLENCE

1) WHAT IS DOMESTIC VIOLENCE?

The meaning of "domestic violence" can be a source of confusion for the media and the public because important groups use different definitions for the term. Among others, common definitions include the following:

- a) The laws of many states use the term domestic violence to embrace any act of actual or threatened violence between individuals within a family or household.
- b) Some scholars, mainstream women's groups, and domestic violence educators use the term "domestic violence" almost exclusively to refer to acts occurring as part of a pattern of control. For example, the U.S. Department of Justice, Office of Violence Against Women, defines domestic violence as "a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone."

Domestic violence, as a course of conduct, is also described as "battering." This violence requires the greatest use of medical, shelter and law enforcement services and is the most lethal, overall, in domestic situations. Studies show that 85 percent of victims are women.

c) Some scholars and mainstream men's groups refer to single instances, or isolated acts as domestic violence. They describe one-time assaults, committed at times of high stress, which are not part of a pattern of conduct intended to create or maintain power and control.

Studies suggest that while this may be the most common variety of violence between family members it typically results in less injuries and less severe injuries than domestic violence that is part of a pattern of control. These studies suggest that men and women are victims more or less equally of this kind of violence.

Reporters should be alert that confusion and controversy often result when any definition of "domestic violence" is advanced as the "only" definition. For example, women's and men's groups frequently offer seemingly contradictory statistics on the gender of domestic violence victims. The resolution of apparently conflicting views is, sometimes, that groups are using the same term to refer to different types of violence that occur within domestic settings. The media can attempt to avoid misunderstanding by providing explanation where appropriate.

2) WHY DO VICTIMS STAY WITH ABUSERS?

Victims of domestic violence are often compelled to remain with or return to their abuser. The reason for staying or returning may include physical safety, love, economic dependence, the well-being of children, cultural belief, or a hope that the violence won't happen again. Leaving an abuser can be dangerous because violence often gets worse when the abuser's power and control are threatened by separation. Although it might appear irrational to someone who has never shared the victim's experience, the phenomenon of a victim staying with or returning to an abuser is common. Victims should be educated about domestic violence and encouraged to engage in safety planning, but should not be blamed.

3) WHAT HELP IS AVAILABLE FOR VICTIMS OF DOMESTIC VIOLENCE?

A list of domestic violence programs in Nevada, together with information on shelters, crisis call lines and other available services is available at:

http://sos.state.nv.us/information/cap/agencies.asp;

http://www.ag.state.nv.us/dv/nv/programs.htm;

http://www.nnadv.org/members.html.

4) SIX THINGS TO SAY TO A VICTIM OF DOMESTIC VIOLENCE

- a) I am afraid for your safety.
- b) I am afraid for the safety of your children.
- c) I am afraid it will only get worse.
- d) You are not alone: I am here to help you -or- I can help you find someone who can help.
- e) You don't deserve to be abused. No one deserves to be abused.
- f) It is not your fault.

5) THE EFFECT OF DOMESTIC VIOLENCE ON CHILDREN

The emotional stress of exposure to domestic violence can harm the development of the brain and impair cognitive and sensory growth in infants and toddlers. Children exposed to domestic violence have more health problems, poorer school performance and more behavioral disturbances than children not exposed to domestic violence. Babies have a harder time developing a bond with mothers who are abused than with mothers who are not abused.

For further information visit the Family Violence Prevention Fund at: http://endabuse.org/userfiles/file/Children_and_Families/Children.pdf or the local resources identified in this media guide.

6) SAFETY PLANNING FOR DOMESTIC VIOLENCE VICTIMS

Victims can increase their own safety and prepare in advance for the possibility of further violence. Planning might include teaching children to call emergency numbers, removing guns

from the home, keeping some money and an extra set of car keys with a friend, and dozens of other strategies that have been successfully used by other victims.

For further information about safety planning visit the National Domestic Violence Hotline at: http://www.ndvh.org/get-help/safety-planning/ or the local resources identified in this media guide.

7) THE WARNING SIGNS OF DOMESTIC VIOLENCE

Physical Domination

Actual or threatened strangulation, hitting, kicking, biting, restraint, destruction of property, injuring pets, reckless driving, display of weapons.

Financial Domination

Withholding of money for discretionary spending, preventing the victim from working or causing termination of employment.

Emotional Domination

Threats of suicide, removal of children, or deportation, other threatening behavior, destruction of self-esteem, name-calling, yelling, rule making, unreasonable jealousy, accusations of infidelity, humiliation.

Social Domination and Isolation

Limiting or eliminating the victim's relationships with friends or family and employment, interrogating children, stalking, cyber stalking, opening the victim's mail, monitoring the victim's phone calls, activities, associations, appearance.

Sexual Domination

Forcing or withholding sex, affairs, sexual exploitation.

<u>Litigation Domination</u>

Harassing, retaliatory, delaying, economically coercive legal tactics.

Animal Cruelty

Separation

Separation of the victim from the abuser threatens to break the abuser's control of the victim. Abusers often react to this threat by strongly re-asserting control. Periods of actual or impending separation are recognized as the most dangerous for victims of domestic violence.

For further information visit the Centers for Disease Control at:

<u>http://www.cdc.gov/healthmarketing/entertainment_education/tips/domviol.htm</u> or the local resources identified in this media guide.

8) WHY ARE SOME PEOPLE ABUSERS?

Abusers come from all economic, educational, ethnic, and religious backgrounds. Many domestic violence abusers are not a one-time assailants acting out-of-character in a stressful circumstance. Abusers are not acting in self-defense. Some abusers use a pattern of coercive techniques to control their victims. These abusers believe they are entitled to control their victims. Abusers often show a pleasant and charming personality to their acquaintances and the public and a controlling, threatening personality to their victim. Many abusers learned their controlling behavior as children by observing the abusive conduct of their parents or other adults.

9) ARE YOU AN ABUSER?

- a) Do you call your partner or your children names or swear to get them to do things the way you want them done?
- b) Have you ever threatened, pushed, slapped, hit or choked your partner?
- c) Have you ever thrown, broken or damaged something during a disagreement?
- d) Have you ever tried to make a partner leave or stop a partner from leaving during a disagreement?
- e) Have you ever stopped your partner from reporting your behavior to the police?
- f) Do you decide which friends and family your partner can associate with?
- g) Are you controlling or unreasonably jealous? Does your partner think that you are?
- h) Is your partner afraid of you?
- i) When you do something that hurts your partner, do you expect your partner to accept your apology without any change in your behavior?
- i) Are your children afraid of you?
- k) Have you ever been accused of mistreating your children?
- 1) Do you think you are abusive?
- m) Do you blame your behavior on your partner? On stress, alcohol or drugs?
- n) Are you concerned that your behavior is damaging to your partner, your children or your relationships?
- o) Have you tried to change your behavior and failed?

10) HOW CAN ABUSERS BE HELPED?

People are not born as abusers. Abuse is a learned behavior. There is reason to hope that abusers can learn acceptable ways of dealing with conflict within relationships. Unfortunately, most standard interventions for behavior modification don't work well with domestic violence perpetrators. Individual counseling and anger management classes are not usually effective. Substance abuse programs, while helpful with substance abuse, are not typically directed at issues of abuse. Couples' counseling and family therapy can actually be dangerous for the victims of abuse.

Batterers' Intervention Programs are the preferred manner of addressing the problems of the abuser. These programs focus on behavioral change and the safety of victims. Success requires a strong motivation to change and not everyone succeeds. Batterer's programs do, however, offer a

path to ending the violence. Most people who attend Batterers' Intervention Programs are required to participate by a court, but individuals can enroll voluntarily.

A list of programs that are certified, reviewed and monitored according to law by the Nevada Committee on Domestic Violence is available at: http://ag.state.nv.us/dv/dvunit/Certified%20Treatment%20Providers.pdf.

11) ANIMAL CRUELTY AND DOMESTIC VIOLENCE

Some abusers harm or threaten to harm pets as a technique to control intimate partners and children. Animal abuse sends the message: "You may be next." Knowing that a pet may be injured also makes it harder for someone who cares about the animal to leave. Individuals with no empathy for the suffering of animals or the distress of their owner are capable of domestic violence.

Animal abuse is a criminal offense and a sign of serious psychopathology. People responsible for animal cruelty commit other criminal offenses at a rate greater than 300% higher than those who are not involved in animal abuse.

For additional information visit the American Humane Association at: http://www.americanhumane.org/about-us/newsroom/fact-sheets/animal-abuse-domestic-violence.html.

12) DOMESTIC VIOLENCE AND GUNS

Domestic violence involving a gun is 12 times more likely to result in a death than family violence in which no gun is involved. Two-thirds of domestic violence homicides are carried out with firearms.

Federal and state laws prohibit a perpetrator of domestic violence from possessing a firearm.

For further information on firearms and domestic violence visit: http://aja.ncsc.dni.us/courtrv/cr39-2/CR39-2MitchellCarbon.pdf.

13) DOMESTIC VIOLENCE STORIES OF LOCAL INTEREST

NEVADA GIRL SCOUTS CAN EARN DOMESTIC VIOLENCE PATCH

The Girl Scouts of the Sierra Nevada offer a "Peace Begins at Home Patch" to encourage girls to learn about domestic violence and the characteristics of healthy and unhealthy relationships. The 70-year-old Sierra Nevada Council serves over 8,400 girls from ages 5 to 17 in thirteen Northern Nevada counties and ten Eastern California counties. Girls must complete a number of activities to earn the patch. The program description, available on-line and from local scout leaders, identifies fifteen acceptable activities that include: Asking a troop leader to invite a

speaker from a local domestic violence program, finding out how to get help for a victim of domestic violence, reading a book or watching a movie about domestic violence, designing a poster, and performing a service project to benefit a local domestic violence shelter. The patch has been available since October 2008.

For more information visit:

 $\underline{http://www.gssn.org/girls/Peace\%20Begins\%20at\%20Home/CouncilPatchCurriculum-FINAL.pdf.}$

DOMESTIC VIOLENCE TRAINING FOR NEVADA JUDGES

Did you know that all judges in Nevada are required to take special domestic violence training? The Nevada Supreme Court has twice, first in 1993 and again in 2006, ordered all judges in the state to attend full-day seminars on domestic violence. The Supreme Court required mandatory education based upon its findings that:

- a) Domestic violence is a pervasive problem in American society and has escalated to a national crisis;
- b) Spousal abuse is the single greatest cause of non-accidental injury to women and is a strong indicator that physical or sexual abuse of children also is occurring in the family;
- c) Children witnessing the violent abuse of a parent suffer profound emotional harm, even if the children are not targets of the violence;
- d) Domestic violence affects the entire community and all segments of the community must confront this violence, including, but not limited to, law enforcement, social services, the medical profession, public and private attorneys, the courts, and the media;
- e) Domestic violence is the cause of a substantial portion of criminal and domestic relations case filings, and is by far the greatest cause of violence occurring in and around American courtrooms.

NEVADA'S CONFIDENTIAL ADDRESS PROGRAM

In 1997 Nevada became the second state in the nation to adopt a Confidential Address Program (CAP) for the protection of victims of domestic violence. CAP allows participants to use a fictitious mailing address assigned by the Secretary of State. Mail received at that address is forwarded by the Secretary of State to the participant. This allows domestic abuse victims to maintain confidentiality of their physical address in government and business records. The program greatly reduces the risk of being tracked through such records. More than 700 Nevadans participate in the program. Today, 30 states have CAP laws.

For further information about CAP visit: http://sos.state.nv.us/information/cap/ or telephone, toll free: 888-432-6189.

NEVADA'S RATE OF WOMEN MURDERED BY MEN

Every year during October, which is Domestic Violence Awareness Month, the Violence Policy Center releases its publication *When Men Murder Women: An Analysis of Federal Bureau of Investigation Homicide Data*. The most recent available information is for calendar year 2007.

Nevada has ranked as one of the 10 states in the nation with the highest rate of female homicide by men during each of the last 10 years.

Year	National	# of Women	Murders per 100,000
	Rank	Murdered	population
1998	#8	18	2.10
1999	#1	30	3.38
2000	#9	17	1.73
2001	#3	27	2.93
2002	#4	27	2.54
2003	#2	29	2.64
2004	#5	25	2.21
2005	#1	30	2.53
2006	#1	40	3.27
2007	#5	28	2.23

In 2007, 96 percent of the Nevada's female murder victims were murdered by men they knew. Seventy-seven percent of the murdered were the wives or intimate partners of the killers.

For further information visit: http://www.vpc.org/studies/wmmw2009.pdf

14) COSTS TO SOCIETY OF DOMESTIC VIOLENCE

Domestic violence imposes a staggering cost on society, including:

- a) One-third of all police time is spent responding to domestic violence disturbance calls.
- b) More than 7.9 million paid workdays are lost each year because of domestic violence.
- c) Almost three-fourths of employed female victims are harassed at work by their abuser.

For further information visit the Family Violence Prevention Fund: http://endabuse.org/userfiles/file/Children and Families/Workplace.pdf

15) DOMESTIC VIOLENCE AND SPECIFIC POPULATIONS

Dating Years

The highest rate of domestic violence is experienced by females between the ages of 16 and 24. *U.S. Department of Justice, Violence by Intimates, NCJ-167237, March 1998.*

Girls abused in dating relationships are 4 to 6 times more likely than non-abused girls to get pregnant and 8 to 9 times more likely to attempt suicide. *Bureau of Justice Statistics, Violence against Women: Estimates from the Redesigned Survey, August 1995.*

For further information, visit the U.S. Department of Justice at: http://www.ovw.usdoj.gov/teen_dating_violence.htm.

Elderly

An estimated one million persons 65-or-older are abused each year. For further information visit the American Association for Retired Persons (AARP) at:

http://bulletin.aarp.org/yourworld/law/articles/state-by-state_elder.html?CFC_cK=1207327217393.

Tribal

Violence against Native Women is not traditional but it occurs at a rate higher than those of all other groups. The Sacred Circle, National Resource Center to End Violence Against Native Women, provides assistance, training, and information on tribal violence. The Sacred Circle can be contacted at www.sacred-circle.com or toll free at 1-877-733-7624

Military

Domestic violence in the military is complicated by the fact that victims are often reluctant to seek help because of a concern with their spouse's career. For information, visit http://usmilitary.about.com/od/divdomviolence/l/aadomviol1.htm

Lesbian, Gay, Bisexual, Transgender and HIV-affected Communities

Domestic violence occurs in same-sex relationships at about the same rate as in heterosexual relationships. Control tactics not usually seen in heterosexual relationships, like intentional exposure to HIV or public revelation of sexual orientation, are used by same-sex abusers. The National Coalition of Anti-Violence Programs, a coalition of lesbian, gay, bi-sexual and transgender organizations, is an excellent source of information about the barriers and special issues involved in domestic violence in these communities. www.ncavp.org

Immigrants

Immigrant victims of domestic violence often have additional problems caused by social isolation, language barriers, immigration laws and poverty. For information, visit the National Network to End Violence against Immigrant Women at: http://www.immigrantwomennetwork.org/AboutUs.htm

16) DOMESTIC VIOLENCE STATISTICS

Nevada

- a) In Nevada, domestic violence incidents reported to law enforcement increased from 11,160 in 1994 to 26,162 in 2008. http://nvrepository.state.nv.us/dv_reports.shtml
- b) In Nevada, during FY 2007-2008 35,982 people received services from domestic violence programs. 1,389 adults and 1,559 children spent 59,434 nights in beds provided by domestic violence programs.
 http://www.nnadv.org/pdfs/Press_Room/Information_for_the_Press/Domestic%20Violence%20The%20Facts_FY%200708.pdf

National

- a) Seventy-five percent of all family violence occurs in or near the victim's residence and an additional 15 percent occurs at the home of a friend, relative or neighbor. *Source: U.S. Department of Justice, Family Violence Statistics, June 2005.*http://www.ojp.usdoj.gov/bjs/pub/pdf/fvs.pdf.
 http://www.ojp.usdoj.gov/bjs/pub/pdf/fvs.pdf.
- b) Forty-one percent of all family violence is not reported to police. *U.S. Department of Justice, Family Violence Statistics, June 2005.*http://www.ojp.usdoj.gov/bjs/pub/pdf/fvs.pdf.
 http://www.ojp.usdoj.gov/bjs/pub/pdf/fvs.pdf.
- c) One-third of all family violence is reported to police by someone other than the victim. *Source: U.S. Department of Justice, Family Violence Statistics, June 2005.* http://www.ojp.usdoj.gov/bjs/pub/pdf/fvs.pdf.
- d) Twenty-three percent of all murders in the United States are murders of family members. Source: U.S. Department of Justice, Family Violence Statistics, June 2005. http://www.ojp.usdoj.gov/bjs/pub/pdf/fvs.pdf.
- e) More than two-thirds of spouse and ex-spouse murder victims are killed by guns. *Source: U.S. Department of Justice, Homicide trends in the U.S., June, 2006.* www.ojp.usdoj.gov/bjs/homicide/intimates.htm.

17) DOMESTIC VIOLENCE AND NEVADA LAW

Criminal Penalties for Domestic Violence

The law deals harshly with people charged with crimes of domestic violence. The police are required to make an arrest if there is slight evidence to believe a person was the primary physical aggressor involved in a domestic battery during the last 24 hours. (NRS 171.137).

The law requires the aggressor be held in jail for at least 12 hours. There are statutory guidelines setting the amount of bail necessary for release from jail in amounts higher than usually charged for other batteries. (NRS 178.484).

The law requires the prosecutor to prosecute and prohibits any plea-bargaining of a provable domestic violence battery case. Sentences for misdemeanor conviction require a minimum of two days and a maximum of six months in county jail for a first conviction and from 10 days to six months for a second conviction. A third conviction within seven years, or any conviction involving a deadly weapon or serious harm to the victim, is a felony that requires a minimum sentence of one year in state prison. Community service and fines are also required. A convicted abuser is required by law to pay for and undergo state approved counseling of not less than one and one-half hours per week for six months to a year. The law does not permit the judge to grant probation. (NRS 200.485).

Liability to the Victim of Domestic Violence for Money Damages

An injured victim can seek a judgment for money against a domestic abuser. In Nevada, criminal conviction is conclusive evidence of civil liability. After conviction of a domestic

violence crime, the only question to be answered in a lawsuit by the victim against an abuser may be the amount the abuser must pay. (NRS 41.133).

Protection Orders against Domestic Violence

Nevada law permits an otherwise powerless victim of abuse to use the tremendous power of the court for protection. A Temporary Protection Order (TPO) can require an abuser to leave his home, even if he owns it. It can require an abuser to stay away from the home, job and other places the victim and the victim's children regularly go. It can grant sole custody of children and of pets. It can make the abuser pay the victim's rent or mortgage and compel the payment of child support. It can require an abuser to surrender firearms to law enforcement. Protection orders are aggressively enforced. Any abuser who violates a TPO may go to jail. Parents or guardians may obtain orders on behalf of children. (NRS 33.017 et seq.).

The process of obtaining a TPO is user-friendly and designed for people without lawyers. For further information contact your local district court or justice court.

Child Custody

Judges are required by statute to consider domestic violence as a factor when determining child custody. Proof that an abuser committed an act of domestic violence against a child, a parent of a child, or any person living with a child, requires a court to presume that the abuser should not have sole or joint custody of that child. This presumption can be overcome with compelling evidence. (NRS 125C.230).

Sometimes the Law Doesn't Work as it Should

Sometimes the legal system breaks down. TPO's sometimes aren't served because of a lack of address or for other reasons. Sometimes they aren't enforced. Sometimes domestic violence isn't taken into consideration in granting custody. Sometimes the victim can't find a lawyer to handle a civil case for damages. Investigative reporting can identify and explain such failures and may promote improvement.

18) DOMESTIC VIOLENCE AND FEDERAL LAW

The Violence Against Women Act (VAWA) makes it a federal crime in some circumstances to cross, or cause any person to cross, a State or tribal boundary if domestic violence or violation of a TPO results. The Violent Crime against Women Act amended VAWA to include cyberstalking as a federal crime. The penalty for violation of these federal statutes ranges from five years to life imprisonment depending upon the extent of injury to the victim.

The Gun Control Act prohibits firearm possession in some circumstances by a person who is convicted of domestic violence or subject to a TPO. It is also a crime to transfer a firearm to such a person. Penalties of up to 10 years imprisonment are possible.

Questions about the application of Federal laws may be directed to the US Attorney, District of Nevada, 333 Las Vegas Blvd. South, Las Vegas, NV 89101 or to Public Affairs Specialist Natalie Collins at (702) 388-6508.

IV. NEVADA DOMESTIC VIOLENCE RESOURCES

1) PUBLICATIONS

"Nevada Domestic Violence Resource Manual for Law Enforcement, Prosecutors, the Judiciary, Attorneys, Advocates," the Urban Group LLC (2000)., 370 pages. Available on-line at: http://npac.state.nv.us/Publications/DomesticViolenceResourceManual.pdf.

"Domestic Violence Prosecution Best Practices Guidelines," as adopted by the State of Nevada Council for Prosecuting Attorneys pursuant to NRS 241A.070 on May 4, 2006. Available on line at:

http://www.nvpac.state.nv.us/Domestic_Violence/DV_Best_Practice_Guidelines.pdf

2) POLICY ORGANIZATIONS

The Family Violence Department of the National Council of Juvenile and Family Court Judges, P.O. Box 8970, Reno, NV 89507. Telephone: (775)784-6012, Fax: (775)784-6628, http://www.ncjfcj.org/contnt/view/20/94/

One of the nation's foremost authorities on domestic violence is headquartered in Reno, Nevada. The Family Violence Department (FVD) of the National Council of Juvenile and Family Court Judges (NCJFCJ) works to improve the way criminal, civil, and social justice systems respond to family violence by providing cutting-edge training, technical assistance, and policy development.

Nevada Committee on Domestic Violence, www.cdv.state.nv.us

The Committee adopts regulations for the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence.

Nevada Council for the Prevention of Domestic Violence, 5420 Kietzke Lane, Suite 202, Reno, NV 89511, Telephone: (775) 850-4119, Fax: (775) 688-1822, http://ag.state.nv.us/dv/dvpc/dvpc.htm

The Council is chaired by the Nevada Attorney General and has members representing law enforcement, the judiciary, prosecution, victim services, health care, education, and domestic violence survivors.

The Council efforts include (a) increasing awareness of the existence and unacceptability of domestic violence; (b) making recommendations for any necessary legislation relating to domestic violence; and (c) providing financial support to programs for the prevention of domestic violence.

Nevada Domestic Violence Ombudsman, http://ag.state.nv.us/dv/dvunit/ombud.htm

The Domestic Violence Ombudsman (a) produces quarterly reports for the legislature; (b) provides information and assistance to victims, the criminal justice system and the general public

and responds to complaints and concerns; and (c) administers the court assessment account for programs related to domestic violence.

Nevada Network Against Domestic Violence, (775) 828-1115, http://www.nnadv.org/

The Nevada Network Against Domestic Violence (NNADV) is a statewide organization that helps Nevada's communities respond effectively to the needs of victims of domestic violence. NNADV provides a resource library, advocacy training, and technical assistance to Nevada's domestic violence programs. NNADV also coordinates networking meetings, assists in the provision of community and professional education, and is active in educating legislators on issues of concern to Nevada families.

Southern Nevada Domestic Violence Task Force, PO Box 758, Las Vegas, NV 891125-0758, (702) 225-4113, http://sndvtf.org/

The task force (a) provides a working forum for interdepartmental information sharing and interaction of agencies dealing with domestic violence victims and perpetrators; (b) identifies and analyzes the components of current responses to domestic violence and makes recommendations; and (c) serves as a conduit to local news media for information compiled by task force members to facilitate change by sponsoring education and media campaigns on domestic violence issues.

3) DOMESTIC VIOLENCE SERVICES

For Victims: http://sos.state.nv.us/information/cap/agencies.asp

Nevada Domestic Violence Hotline: (800) 500-1556

For Abusers: http://ag.state.nv.us/dv/dvunit/Certified%20Treatment%20Providers.pdf