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My View – Gwinnett Opinions: Restraining Order is Just a Beginning

By Warren Davis

Cal Warlick's recent editorial cartoon concerning the inherent limitations of a civil restraining order in a family violence case was an apt reminder. His drawing appeared after two women in Gwinnett met violent deaths even though they had received civil protective orders.

Family violence experts have consistently reported for more than a decade that the period of highest homicide risk for domestic violence victims is when they try to leave the violent relationship.

Filing a civil restraining order merely formalizes "leaving." It doesn't change one iota the well-documented danger of trying to leave. The period of greatest homicide risk is not lessened by filing a civil restraining order, which consists of six to 12 sheets of paper.

Does this mean that no battered victim should ever seek civil restraining order protections? Of course not. But it is absolutely imperative that we all recognize the limitations and never permit victims to gain a false sense of security just because civil restraining papers are filed in a courthouse.

What we all can do is:

- Encourage victims to implement safety plans enabling them to create safe alternatives to likely confrontations.
- Support early and complete disengagement from the batterer.
- Listen to the victims, and don't discount their fears. If they contend they are in mortal danger, they probably are.
- Support your local victim's shelter. Gwinnett's shelter has only 32 beds for victims and their children. We sometimes hear more than 32 family violence cases in a single day.

The best court intervention is early intervention. The longer the cycle of violence occurs, the more violence escalates. When violent partners armed with loaded firearms seek confrontations, it can be too late.

The civil protective order process is a beginning. And it can work, if kept in its proper perspective.

Our court issued more than 219 felony warrants during the past 18 months for persons who continued to stalk their victims, violating protective orders.

Those 219 victims could apply for the stronger criminal court protections of arrest, and they are safer because they began the initial civil process.

As depicted by Cal Warwick, a civil restraining order by itself can be the legal equivalent of tissue paper. He reminds us all that we all must do more to help victims of domestic abuse end the cycle of violence than file six to 12 sheets of paper in the courthouse.

** Judge Warren Davis is chief magistrate for Gwinnett Magistrate Court.*

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