

Pat Ford-Roegner Panel on Battered Wives

(Editor's comment: Following Del Martin's powerful presentation, a panel of three women who have worked with battered women in the Atlanta area discussed practical ways to help women who had been abused. Pat Ford-Roegner, who organized the panel, brought to the topic of Battered Women her experience as a nurse and a social worker, in women's corrections and in aid to rape victims; Stephanie Kearns, a lawyer, came to this field through her interest in helping women through a Legal Clinic; and Margaret Faye Nichols, psychologist, has had experience with rape victims and battered women as they are treated at a large municipal hospital. J.R.)

Panel participants:

Pat Ford-Roegner, R.N., M.S.W., A.C.S.W.; co-founder of the Georgia Council on Battered Women; Director, Women's Pre-Release, Georgia Department of Offender Rehabilitation; consultant, Report on Rape in Georgia; member, Governor's Commission on the Status of Women Project.

Stephanie Kearns, J.D., partner in the firm of Young and Kearns; member, Independent Task Force on Battered Women; participant, Legal Clinic, Atlanta Young Women's Christian Association.

Margaret Faye Nichols, Ph.D., psychologist; Assistant Professor in Emory University School of Medicine; assistant coordinator of consultation and education for the Department of Psychiatry, Grady Memorial Hospital.

Ford-Roegner: Like so many people new to the field, I thought that wife battering was a phenomenon restricted almost exclusively to working-class and low-income women, but when I attended by first panel discussion on battered wives I found one of the participants, talking about her own experiences in being battered, was a sculptress, the wife of a successful Washington attorney, living in a \$300,000 home and trapped in the situation. She was a beautiful woman. I sat there and realized the extent of the problem, that it affects women in all income categories.

The way out is not as easy as perhaps many of us thought. Some women are locked in closets when they deviate from what their husbands want. Their access to bank accounts is taken away. What upset me most to discover, through my work with rape victims, was the use of intimate relationships — which we are brought up to believe are warm, loving, sharing — to control and abuse a person and to keep her restricted. These were the kinds of realizations that led to my own involvement.

Our Council on Battered Women is a Task Force operating at the Young Women Christian's Association. We have four goals. The first one, of course, is establishing the refuge, the shelter; it is a great need in this area. That goal still has not been reached.

The second goal is to address and to educate the public and others in professional fields to be sensitive to this form of violence against women.

The third goal is to offer supportive services – counseling, legal services, housing, employment – to the women who come to the YWCA for help or who are now in the process of calling us. We now have the supportive services, trained counselors, and legal assistance, so that goal has been accomplished.

The fourth goal is to research the extent of the problem and its prevalence in marital relationships and other relationships in the Atlanta area, and we are still in the process of trying to get that kind of system going.

The YWCA became involved because housing is a crucial factor for somebody in this crisis situation, and the Y, along with other women's organizations, was receiving calls for emergency housing. Housing is extremely limited in this area. Another group became involved through the Legal Clinic at the Women's Center at the Y. There is a great fear among women who protest being battered that they are going to lose their children, that they will lose their money or furniture, whatever they have. Neighborhood mental health center staff people became involved; so did the staff of the Rape Crisis Center at Grady Hospital, because several of the most seriously abused women they saw had been raped by their husbands – an offense against which Georgia law gives no protection.

Another group who became involved were women who themselves had been battered women and who sought to help and to assist and to counsel other women in that situation. Members of local feminist organizations became concerned with this form of violence against women. Those of us who work in the correctional area with women were concerned too. All these people came together and began to demonstrate interdisciplinary concern and action. I will let Stephanie Kearns tell you about one aspect of this, the legal situation of battered women.

Kearns: I will address myself just to Georgia law. Those of you who have read Del Martin's book were, I am sure, horrified by the status of the law, the way in which it protects battered wives and women nationwide and the way it doesn't protect them. Georgia law in some regards is better than the nationwide picture, and in some regards it is much worse. Basically the avenue of relief that a woman has if she is in a situation where she feels the immediate threat of being battered or beaten or is in the process of being battered or beaten is to swear out an assault and battery warrant. She does this simply by calling up the police, but she must actually be in the process of being beaten and also be able to make it to a phone – which is an unlikely combination of circumstances. She might be able to use the assault and battery warrant in a less immediate situation if she sees her husband or someone else coming and doesn't want them on the premises. She could at that point pick up the phone and call the police and ask for protection. Even though she has not had a battery committed against her at that time, I believe that she can call the police, tell them to get over there, that somebody is attacking her – and then worry about whether or not she can justify it once they get there.

Secondly, she can make a citizen's arrest. That is, she has the right legally

– technically – under the laws of Georgia, if a husband or anybody else is beating her, she can make a citizen's arrest. I don't suggest it. It's one of the most foolish things a woman can do, but it is a possibility and a woman should be aware of it, just in case she is bigger than he is. Of course if that were the case I don't think she would have a problem to start with.

As far as future threat goes, if a man has battered a woman in the past and she wants to get out of a situation, wants some protection in the future, she can go to a judge and have the man required to post a bond for good behavior. This is what we used to call a peace warrant. The former procedure was to go down to the police department and swear it out personally. The woman would sign an affidavit saying that she thought this man presented a threat to her or her family or her property and she could get a peace warrant. This has now been declared an unconstitutional procedure; the new method is to go through a judge who can require the man to post a bond for good behavior. (It is strongly suggested by the police department that you have a lawyer accompany you if you expect to get the bond.)

The fourth way is to file for divorce and get a temporary restraining order. That also normally requires the assistance of a lawyer. If a woman does not want to get a divorce from her husband, Georgia, although it has no provision for legal separation, does have a petition for separate maintenance, which is basically a petition to confer on the wife financial stability to leave her husband temporarily. In conjunction with the petition for separate maintenance, a woman can get a temporary restraining order (just as she could through a divorce).

The fifth way, and I believe the last way that a woman can legally help herself, is self-defense. I don't suggest that either. Frequently the woman is not supported by the judicial system when she does take it upon herself to use self-help in the form of self-defense, and she ends up being criminally prosecuted.

Getting more into the specifics of the different ways in which a woman can help herself, or can use the legal system to her benefit, she can call for police help. Just because you are your husband's wife, he has no right to lay a hand on you. There is no such thing in Georgia as a criminal offense of wife-beating, but the abuse falls under the realm of assault and battery and it does not have to be an assault *and* battery. You can call the police if it is only an assault. An assault is before he actually touches you but you believe he has the present capability of actually doing physical harm to you. There is no reason to wait until it goes all the way.

I think you should call the police, or have a friend call the police, or have your children call the police. I have said that the citizen's arrest is not a viable alternative; neither is the bond for good behavior. The maximum allowed for bond for good behavior is \$1,000. The real remedy for a violation of the bond is for damages; the violator forfeits his \$1,000 and the victim can apply to the court to have her damages reimbursed out of the \$1,000 – that is not a real alternative. Temporary restraining orders in this state are available only to a woman separated from her husband in connection with a petition for separate maintenance or when a divorce proceeding has been begun.

I believe the best remedy for a woman to take in this state is to separate

herself temporarily from her husband. Now, the number one problem with that, as we all know, is the finances. If a woman has minor children, or even if she does not have minor children but is unable to support herself – which may have been why she was still there with her husband in the first place – she can petition the court for separate maintenance. She then goes through the same time-lag she would with a divorce – it can be seven days, but normally it is several weeks, up to six or eight weeks – between the time she files the petition and the temporary hearing to determine whether or not she will get any support from her husband. If she goes to a lawyer who is sympathetic to her problem, it is possible that she could get an expedited hearing in that they might be able to move the hearing up to ten days or two weeks, so it would only be within that time frame that she would have to worry about finding a place to live. Now, under a temporary restraining order, she cannot have her husband restrained from coming into her home. If she has been living with her husband, he still has the right to live in the house with her as long as he doesn't harass her. So the temporary restraining order theoretically keeps him from bothering her, but it will not get him out of the house. And, if she doesn't have the finances to get out of the house until such time as Atlanta has the shelter that we are working on, she really is left to her own devices to find some friends or somebody sympathetic to her to let her in.

I think the advantage for women who are taking the route of divorce is in the temporary restraining order rather than the assault and battery charge against the husband. If the husband comes around Saturday night and actually starts really threatening or beating her, of course, she needs him out of there immediately and should call the police and have him picked up. The problems are whether or not the police show up, and whether or not the judge will enforce the complaint by actually throwing the husband in jail. I have personal feelings on the probability of that, although I have no statistics. All I can tell you is that I advise my clients that it is not all that easy to get someone jailed under an assault and battery. But when he is taken into court for the violation of the temporary restraining order, he is usually back before the same judge who imposed the restraining order. The husband has not only violated the woman, directly insulted her by his physical violence, but he has indirectly insulted the court. There are several remedies that the court has if in fact the husband has violated the temporary restraining order. If the court finds that he is in contempt of the court, it can impose a fine, it can impose a prison sentence – normally just several days – or it can warn him and give him another chance.

We have found that Georgia has developed a double-edged sword with which divorces are now granted. We have almost total no-fault divorce. Even though there are many grounds to get a divorce, almost every divorce is being granted on the newest ground, that if the marriage is irretrievably broken then either party can get the divorce and neither party can oppose it and thereby block the divorce. Unlike other states, where you have to prove that you are entitled to the divorce, that your husband/wife has done something to you and that you have not been guilty of the same conduct, none of that prevails under no-fault divorce. If you go in to get a no-fault divorce, you will get a divorce. The other edge of the sword is that a wife can

come in and allege all the misconduct in the world on her husband's part. She might have a broken neck, be totally disabled from working because of a beating she has taken from her husband. The husband turns around and counter-files for divorce on the no-fault ground and none of that evidence gets in. Consequently, when she goes before a jury or court to have it determined whether or not the husband has to pay alimony or child support for the children, how the property will be divided up, the evidence of the beatings and the misconduct by the husband no longer gets in – and she loses. The wife can say that she is disabled and is unable to work, but there is no explanation how that disability was sustained. When you read Del Martin's book, *Battered Wives*, you become very sympathetic to the plight of women who live in states where they have to allege misconduct to get out of the marriage and find it very difficult to prove this conduct. The other side of the coin we know here in Georgia is when you cannot allege the misconduct at all and you are stuck with an "equitable" (so-called) distribution of the property. It is not equitable at all when you consider what the woman has been through.

Nichols: I am going to address a few comments to what the psychotherapeutic community can do for the battered woman. The psychotherapist, psychiatrist, psychologist, social worker, and nurse have received a lot of well-founded criticism for their treatment of women over the last many years. One study has found that psychotherapists view adult men as being healthy and see many very positive values as attributable to adult men; they see negative values as attributable to adult women (*i.e.*, passivity, submissiveness, non-assertiveness, masochism) and found the healthy adult to be similar to healthy adult men but far from their view of the adult female.

Women have not been greatly assisted by the psychiatric and psychotherapeutic community up to this point. They have been taught to "go home, honey; take care of your husband; put your own needs and ambitions on the back burner and be a good little wife and mother." That has been the traditional view of women by the psychotherapeutic community.

In a situation where a woman was being battered, what therapists have often done is to interrogate her as to why she was allowing this to happen. Always when we talk about the problem of battered women, the question comes up again – why does she stay? The assumption is that any woman would automatically and immediately get out of that situation, that it must be a reflection of her own individual psychopathology that she allows herself to stay in that situation. As Del Martin pointed out before, it is not quite that simple. Women are not provided with support, with encouragement, with any assistance in getting out of a battering situation. They, like their husbands, see the nuclear family as being sacred. All things must be done to try and keep a marriage together.

A typical response by a therapist in a battering situation will be to try to counsel the couple together, to see if the marital difficulties cannot be resolved. It's a common misconception that battering grows out of an argument situation. Frequently it doesn't grow out of marital arguments. It grows out of some internal need on the husband's part to beat his wife at

whatever particular moment in time he happens to have the impetus to be beating. Women who are battered, though, do become the helpless, hopeless kind of individuals of the common conception. They become depressed. Suicide attempts are very common among them. They see no way out of their situation. What can a psychotherapist do in this situation?

Primarily what the psychotherapist can do is to help a woman to see herself as not having to put up with such treatment, to see that in fact there are better things for her and that she deserves more out of life than simply meals each day, her kids — she hopes — being clothed, and being beaten only once a week. A woman has a right to expect much more than that out of a marital situation. I think many women do not know that. A psychotherapist can help a woman to know that she does deserve more out of life and that there are other alternatives open to her.

Ford-Roegner: As you can see, this is a very complicated issue. We do need a shelter, to provide a safe, secure environment for the battered woman and her children, where she can make her decision as to what she will choose in the future. It is an education process for the woman. It is an education process for all of us. We need to know that equal protection under the law is the responsibility of courts, police, and lawyers.

I recently received some training material from the International Association of Chiefs of Police in which there seems to be some hope for a change in attitude. What they are saying now is that despite the many complications that surround wife-beating cases, one fact should always remain clear and should be the basis for police action. The wife has been physically assaulted and must be treated as a victim of a crime. The husband is a violent law breaker who should not be shielded from legal action. They say that to minimize the pressure on a prosecutor, the courts, and the social service agencies to take action will only delay the time when adequate remedies and programs are provided. I don't know how long it is going to take for that message to filter down, but at least it's on record.

I also think we need to go "peer-pressure-wise" and public. Maybe we need to publish in the newspaper the names of batterers so that other women are protected from these people; I don't think that is too crazy. We need the reinforcement of the recognition that these occurrences are similar and are common, and that is a strong point where a support group with battered women can assist one another — a lot of the experiences have been the same. The reinforcement that women can give one another in terms of their own self-worth — because this is what we are talking about — women believing in themselves, and believing that they deserve more, that they should get more out of life, and develop a relationship in which two human beings can have a full partnership — I think that is what we are talking about.