



## Judge Leonard Edwards

Reducing family violence is an important social goal. Family violence takes many forms and affects all members of the family. Both wives and children are frequently physically and sexually abused and subjected to emotional abuse and neglect, while other relatives and household members, particularly elders, are also at risk of being victims of such conduct. Violence within the family cuts across all lines, including race, class, age, sex, handicaps, sexual orientation, and socioeconomic status. Family violence results in numerous social ills. Most important, it threatens the stability of the family and imprints upon all members of the family, especially children, that violent behavior is acceptable. As the Attorney General's report on Family Violence concluded:

Violence in the home strikes at the heart of our society. Children who are abused or who live in homes where parents are battered carry the terrible lessons of violence with them into adulthood...To tolerate family violence is to allow the seeds of violence to be sown into the next generation.

Family violence occurs with alarming frequency in the United States. While it is estimated that one-third to one-half of all women in this country will be in a violent relationship during their lifetime, and the Federal Bureau of Investigation reports that a woman is beaten by her husband or boyfriend every 12 seconds, the FBI also concludes that family violence is under reported by a factor greater than ten to one.

Of the 1.5 million reported cases of child abuse and neglect each year, and the estimated 1.8 million women beaten in their homes each year, studies indicate that there is a co-incidence of approximately 810,000 families with both spousal and child abuse. Pregnancy appears to be a particularly

hazardous time for women. 30% of all pregnant women are battered. These women are two times more likely to miscarry and four times more likely to have low birthweight babies than the norm. Shockingly more babies are born with birth defects as a result of the mother's being battered than a combination of all diseases and illnesses for which we now immunize pregnant women.

Children who witness abuse are dramatically affected. They are more likely to attempt suicide, to abuse drugs and alcohol, to run away from home, to engage in teenage prostitution and other delinquent behavior, and to commit sexual assault crimes.

Other household members suffer from family violence. Approximately one million incidents of elder abuse occur annually in the United States. Partners in gay male and lesbian relationships also suffer from violence in the home.

Violent behavior in the family is illegal conduct in all states, but the legal proscription has not reduced, much less ended, this behavior. There are several explanations for this failure to reduce the incidence of family violence. First, our society, and in particular, our legal system, has been ambivalent about intervention after family violence has occurred. On the one hand the behavior is illegal, but on the other, it involves people with continuing ties who one day may have a seemingly satisfactory relationship. Intervention becomes more difficult when the victim is reluctant to pursue the matter. Decision-makers in the justice system sometimes conclude that family violence is not "real" criminal behavior, but that it is a family matter in which no action is necessary.

Second, the complex justice system has not been refined to deal with the special problems presented in family violence cases. These problems can occur at many junctures. Law enforcement may not have effective arrest or restraining order enforcement policies; district attorney offices may not have the most efficient system for screening and prosecuting cases, and the courts may not have an effective system for issuing protective orders, for supporting victims as their cases move through the court system, for identifying family violence in other legal proceedings, or for monitoring offenders after judgment has been rendered. In addition, probation services and victim's programs may be ineffective in ensuring that the victim receives necessary support and that the batterer receives an effective program which will address the battering behavior. All the persons and agencies which are supposed to carry out the goals of the legal system including battered women's shelters may have such inadequate resources and training and insufficient expertise in these cases that they are unsuccessful in completing their tasks.

As a former judge who handled hundreds of cases involving domestic and family violence, it was obvious to me that the community needed to work together to end violence in the home. Family violence is endemic in our population. Women and children are the usual, though not the exclusive victims. Batterers use violence because it gives them power and control over others. But violence is a learned behavior. The learning process can be reversed. The steps necessary to assist victim to come forward and ask for

help, to inform batterers that their behavior is unacceptable, and to monitor batterers so that they make changes in their behavior are complex. Yet working together we can reduce family violence in our community. It is a challenge we must accept.

--- Judge Leonard Edwards is a retired judge now serving as a consultant and educator. Judge Edwards was a Superior Court judge for 26 years, retiring in 2006. He served as Judge-In-Residence with the California Judicial Council for 6 years. Judge Edwards is a judicial educator having given over 500 invited presentations in 47 states and 13 foreign countries. He is a past president of the NCJFCJ. In Santa Clara County he founded the Child Advocate Program, the Domestic Violence Council, Kids in Common, and the Dependency Drug Treatment Court. His publications can be seen on his website – [judgeleonardedwards.com](http://judgeleonardedwards.com)