

Domestic Violence Research Resources for Michigan Attorneys

By Ruth S. Stevens

Domestic violence encompasses a broad range of abusive activities, including both mental and physical cruelty, and is sometimes referred to as “intimate partner violence” since it may occur between people who are in a relationship but not living together. While researching laws addressing this area may seem relevant only for family law attorneys, it is likely that all attorneys will, at some point, encounter a client who is directly or indirectly involved with domestic violence. In a National Institute of Justice study, one in four women surveyed reported having experienced an instance of intimate partner violence in her lifetime.¹ Men also can be victims. Moreover, instances of this type of violence cut across all lines of age, race, economic, and marital status.² Legal issues related to domestic violence may arise in family law cases in which it is a central issue or in non-family law cases in which it may play a less obvious role. Familiarity with domestic violence resources is therefore important for all attorneys, not just those who practice family law.

Cases involving domestic violence issues may present a dual challenge: first, finding community resources to help a client; and second, identifying the appropriate legal response. Fortunately, many websites can help attorneys and their clients locate support and information, whether the client is an abuse victim, an alleged perpetrator, or another person affected by a situation involving abuse. The Michigan Domestic Violence Prevention and Treatment Board (MDVPTB) provides a national hotline for domestic violence victims as well as a link from its home page to Michigan domestic violence resources by county.³ From this page, an attorney can quickly identify available local resources, including contact information. The MDVPTB also provides a variety of infor-

mational brochures for clients.⁴ Similar information can be found on a State of Michigan website dedicated to domestic violence.⁵ The Family Law Section of the State Bar of Michigan also provides a web page with a host of resources for both clients and attorneys.⁶ A client or attorney can also turn to the *Friend of the Court Domestic Violence Resource Book*,⁷ which has a comprehensive list of community resources available for victims and alleged abusers. The book’s first chapter includes information about the

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causes of domestic violence and other background information that can help attorneys gain a better understanding of the phenomena of domestic violence so they can more effectively represent their clients.

When it is time to research the law and legal issues relating to domestic violence, attorneys may benefit from first consulting a source that provides an overview of law in this area. The American Bar Association Commission on Domestic Violence has prepared a chart that allows attorneys to quickly identify statutes pertaining to personal protection orders (PPOs) in all 50 states.⁸ This chart not only provides citations to applicable laws but also summarizes the law and lists who is eligible to file for a PPO,

the types of activities that can be enjoined, and limits on a PPO’s duration. The Commission’s home page includes links to other useful materials.⁹

The Michigan Judicial Institute’s *Domestic Violence Benchbook*¹⁰ is the most comprehensive starting point for Michigan-specific information, with in-depth coverage of law and procedures relating to domestic violence. The *Benchbook* includes a discussion of the three possibly overlapping contexts in which courts and attorneys encounter domestic violence issues: criminal proceedings, proceedings for issuance of a PPO, and divorce and child custody matters. It also includes complete citations to relevant Michigan statutes, court rules, and caselaw. The website on which the book is posted provides a currency note (April 2011 for the 3rd edition) so attorneys can quickly identify whether recent changes in the law are included.

Court forms are another important resource for attorneys whose clients need to file for protective orders. Approved forms from the State Court Administrative Office and instructions for petitioning for a PPO are available on the Michigan courts website.¹¹ Attorneys will also want to be aware of local practices relating to issuance of PPOs. For example, Kent County has its own set of forms and instructions.¹² Local court websites also provide another source of valuable information—contact information for court personnel available to assist with questions about the procedure for issuing PPOs. For examples, see the Wayne County and Ingham County Circuit Court PPO pages.¹³ Links to circuit court websites for other counties can be found on the Michigan courts website.¹⁴

General treatises on Michigan family law, such as *Michigan Family Law* (7th ed), published by the Institute for Continuing Legal Education (ICLE), also cover the topic of domestic violence. *Michigan Family Law* is

available in print and online versions. The online version offers the advantage of being updated every two weeks. Online versions of *Michigan Family Law* and other ICLE books are available to attorneys through the ICLE Partnership Program and at law school libraries in Michigan; library access is generally limited to users who are physically present in the library.¹⁵

Attorneys may also need to research collateral issues that can arise in connection with domestic violence matters, such as its effect on the workplace, tort claims arising from incidents, and the impact of domestic violence convictions on housing and immigration status. For these areas, books such as ICLE's *Torts: Michigan Law and Practice* (2d ed) and *Employment Law in Michigan: An Employer's Guide* (2d ed) can be useful. The SBM Family Law Section also publishes articles related to domestic violence in its *Family Law Journal*.¹⁶ Many of these articles cover special and emerging issues. For example, in 2010–2011, journal articles addressed issues relating to domestic violence in later life and the use of mediation in cases involving domestic violence.

In conclusion, attorneys looking for resources relating to domestic violence will find a wealth of free and up-to-date materials available on the Internet. Comprehensive coverage of this area of law is available through administrative agency, court, bar association, and nonprofit association websites. Information on these sites can be supplemented by Michigan-specific material available through ICLE and other publishers to give attorneys a complete set of resources for tackling the difficult issues presented in domestic violence cases. ■

FOOTNOTES

1. Tjaden & Thoennes, National Institute of Justice, Centers for Disease Control and Prevention, *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*, available at <<https://www.ncjrs.gov/pdffiles/172837.pdf>>. All websites cited in this article were accessed August 12, 2011.
2. See United States Department of Justice (USDJO), *Criminal Victimization in the United States, 2008 Statistical Tables*, Tables 33–35, available at <<http://bjs.ojp.usdoj.gov/content/pub/pdf/cvus08.pdf>>. For other USDJO resources relating to domestic violence, see <<http://www.ovw.usdoj.gov>>.
3. Michigan Domestic Violence Prevention and Treatment Board home page <http://www.michigan.gov/dhs/0,1607,7-124-5460_7261---,00.html>. For a direct link to a listing of resources by county, see <http://www.michigan.gov/som/0,1607,7-192-29941_30586_240-2884--,00.html>; Michigan Resource Center on Domestic & Sexual Violence <<http://www.resourcecenter.info/>>.
4. Michigan Dept of Human Services <http://www.michigan.gov/dhs/0,1607,7-124-5460_7261_21516---,00.html>.
5. State of Michigan, *Safety and Security: Domestic Violence* <http://www.michigan.gov/som/0,1607,7-192-29941_30586_240---C1,00.html>.
6. State Bar of Michigan, Family Law Section, Resources for the Public <http://www.michbar.org/family/public_resources.cfm>.
7. Michigan Judicial Institute, *Friend of the Court Domestic Violence Resource Book: January–April 2011 Updates*, available at <<http://courts.michigan.gov/mji/resources/focdv/foc-dv.pdf>>.
8. American Bar Association Commission on Domestic Violence, *Domestic Violence Civil Protection Orders (CPOs) by State* <http://www.americanbar.org/content/dam/aba/migrated/domviol/pdfs/dv_cpo_chart.outhcheckdam.pdf>.
9. American Bar Association, Commission on Domestic Violence home page <http://www.americanbar.org/groups/domestic_violence.html>.
10. Michigan Judicial Institute, *Domestic Violence: A Guide to Civil and Criminal Proceedings—Third Edition*, available at <<http://courts.mi.gov/mji/resources/dvbook/Domestic-Violence.pdf>>.
11. Michigan Courts, *Index of SCAO Approved Forms for Use in Personal Protection Proceedings* <<http://www.courts.michigan.gov/scao/courtforms/personalprotectionorders/ppoindex.htm>>.
12. 17th Circuit Court, *Personal Protection Order (PPO)—Petition Instructions* <http://www.accesskent.com/CourtsAndLawEnforcement/17thCircuitCourt/pdfs/17th_ppo_aff-pet.pdf>.
13. See Wayne County Clerk, Court Services—Civil Division, *Personal Protection Orders (PPO)* <http://waynecountygis.com/clerk_courtsrvcs_civil_ppo.htm>; Ingham County Circuit Court, *Personal Protection Orders* <<http://www.ingham.org/cc/2009JuvPages/ppo.2.html>>.
14. Michigan Courts, *Trial Court Directories* <<http://courts.michigan.gov/scao/services/dirs/trialdir.htm>>.
15. See, e.g., <http://www.cooley.edu/library/research/electronic_resources.html> for information on accessing ICLE electronic texts at the Thomas M. Cooley Law School libraries.
16. See <<http://www.michbar.org/generalinfo/domesticviolence.cfm>> for a list of articles relating to domestic violence that were published in the *Michigan Family Law Journal* from 2010 through 2011.



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