

How to Screen Your Clients for Domestic Violence

There are two issues to consider prior to an initial interview with a new client. The first is how you conduct the interview. What questions should you ask and how should those questions be phrased? The second is how to prepare for the interview. You must consider where interviews should take place, how to present appropriate, non-judgmental responses and how to deal with ethical dilemmas.

Recognizing which of your clients are victims of domestic violence and which are batterers can be crucial to your effectiveness and success as a lawyer, regardless of the nature of your law practice. Given the prevalence of domestic violence in our society, most lawyers can expect at some point in their careers to work with clients who either perpetrate or experience domestic violence. **Regular screening protocols to identify domestic violence issues are therefore essential.**

Unless you introduce yourself as a domestic violence legal specialist, very few of your clients will identify themselves as abusers or victims. They may remain silent about the issue even if they need legal help because of the havoc that domestic violence has created in their financial, workplace and family lives. Clients who are victims may be silent about the abuse because of embarrassment or shame, or for fear that their batterers will find out about the disclosure and retaliate. Clients who are abusers are likely to minimize their actions or blame the victims for provoking the violence. Other clients, whether victims or abusers, may characterize their experiences as family quarrels that "got out of control" or as normative behavior in the family context.

Ask direct questions about domestic violence in the home; however, do not force clients to disclose information. Compelling victims or abusers to admit that domestic violence is occurring when they are not ready to take further steps may escalate the danger. By conducting appropriate screening for all of your clients, you inform them that the door is open for further discussion and help. If your clients reveal domestic violence problems, consider whether you wish to take the case or refer them to professionals who specialize in domestic violence cases. Whether or not you accept the cases, conduct safety planning with the clients before they leave your office.

Screening Questions

Domestic violence is neither rare nor confined to "certain groups." Because it is so difficult to predict who is likely to be a batterer and who is likely to be a victim of domestic violence, screen all of your clients. If the responses indicate that domestic violence exists, conduct a full interview and safety planning session. Introduce the subject by using the following screening questions:

"To represent clients effectively, I need to know about all of the issues which impact their cases. For this reason, I routinely ask the following questions."

- Everyone argues or fights with their partner now and then. When you argue or fight at home, what happens? Do you ever change your behavior because you are afraid of the consequences of a fight?
- Do you feel your partner treats you well? Is there anything at home that makes you feel afraid for yourself or your children?
- Is there anything your partner does that makes you uncomfortable?
- Has your partner ever hurt or threatened you or your children? Has your partner ever put his hands on you against your will? Has your partner ever forced you to do something?
- Has your intimate partner taken the children without permission, threatened to never let them see you again or otherwise harmed them?
- Has your intimate partner ever hurt your pets or destroyed your clothing, objects in your home or something you especially cared about?
- Does your intimate partner prevent you from eating or sleeping, or endanger your health in other ways?

- Has your partner ever tried to keep you from taking medication you needed or from seeking medical help?
- Has your intimate partner ever hurt or threatened you?
- Has your intimate partner ever forced you to do something you did not want to do?
- Is there anything that goes on at home that makes you feel afraid?
- Does your partner act jealously, for example, always calling you at work or home to check up on you? Is it hard for you to maintain relationships with your friends, relatives, neighbors or co-workers because your partner disapproves of, argues with or criticizes them? Does your partner accuse you unjustly of flirting with others or having affairs? Has your partner ever tried to keep you from leaving the house?
- Does your spouse or partner make it hard for you to get or keep a job or go to school?
- Is your partner over-controlling or impulsive?
- How dangerous would you say your partner is? Does your partner have a weapon? Has he ever used it or threatened to use it against you or your children?
- Does your partner abuse drugs or alcohol? What happens?
- Have you ever called the police about your partner? Has he ever been arrested?
- Have criminal charges for domestic violence ever been filed against your partner?
- Have you ever filed for a restraining or protective order? Did your partner obey it?
- If the victim indicates she has left before, what happened?
- Do you have any evidence of the abuse you have suffered? Photos? Police reports? Medical reports? Torn clothing? Weapons? Statements of your family, friends, neighbors or co-workers?
- Every family has their own way of handling finances. Does your partner or spouse withhold money from you when you need it? Does your partner withhold information about finances? Do you know what your family's assets are? Do you know where important documents like bank books, check books, financial statements, birth certificates and passports for you and members of your family are kept? If you wanted to see or use any of them, would your partner or spouse make it difficult for you to do so? Does your spouse or partner sometimes spend large sums of money and refuse to tell you why or what the money was spent on?
- Where are you staying right now? Are you able to return home safely? If not, what circumstances would ensure your safety?
- If you are unable to return home safely, where do you plan to live?
- What is your immigration status? Is your partner a legal resident or citizen?
- Are you aware of services for victims of partner abuse, child abuse or elder abuse?

Adapted from

- "Screening Guidelines" by Roberta L. Valente, published in *The Impact of Domestic Violence on Your Legal Practice: A Lawyer's Handbook*, 1996, American Bar Association.
- "Screening Tools for Attorneys", American Bar Association, Commission on Domestic Violence, 2005.
- "Representing Victims of Domestic Violence", American Bar Association, Division for Public Education, 2001.