

Domestic Violence or Intimate Partner Violence

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Sensitive individuals may be traumatized by some slides and content.

You are encouraged to discuss your feelings and experiences with a professional.



Content

- Legislation
- Cycle of abuse
- Causes of IPV
- Triggers of IPV
- Presentation of IPV in health care
- Screening in consultation
- History of IPV
- Safety plan
- Management
- Support and Follow up



Legislation

- ∅ Domestic Violence Act , 1998 (Act 116 of 1998)
<http://www.info.gov.za/view/DownloadFileAction?id=70651>
- ∅ The Children's act of 2005 as amended in 2007
<http://www.info.gov.za/view/DownloadFileAction?id=78580>
- ∅ The Older Persons act, Act 13 of 2006
<http://www.info.gov.za/view/DownloadFileAction?id=67839>

Domestic Violence Act No. 116 of 1998

Physical abuse

Sexual abuse

Emotional, verbal and psychological abuse;

- economic abuse **
- Intimidation**
- Harassment**
- stalking;

Damage to property**

Entry into the complainant's residence without consent, where the parties do not share the same residence

Any other controlling or abusive behaviour towards a complainant, where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the complainant





Domestic Violence: Who is the complainant?

“Complainant”

means any person who is or has been in a domestic relationship with a respondent and who is or has been subjected or allegedly subjected to an act of domestic violence, **including any child** in the care of the complainant

“Domestic relationship”

They are or were married to each other, including marriage according to any law, custom or religion;

They live or lived together in a relationship in the nature of marriage

They are the parents of a child or are persons who have or had parental responsibility for that child (whether or not at the same time);

They are family members related by consanguinity (blood or common ancestor), affinity or adoption

...are or were in an engagement, dating or customary relationship (actual or perceived romantic), intimate or sexual relationship of any duration

They share or recently shared the same residence

➤ **“DAMAGE TO PROPERTY**-The wilful damaging or destruction of property

➤ **“ECONOMIC ABUSE”** means

➤ The unreasonable deprivation of economic or financial resources to which a complainant is entitled under law (including household necessities, mortgage bond, or payment of rent in respect of the shared residence) or The unreasonable disposal of household effects or other property

➤ **“EMERGENCY MONETARY RELIEF”** means

➤ compensation for monetary losses suffered by a complainant at the time of the issue of a protection order as a result of the domestic violence, including-

➤ loss of earnings;

➤ medical and dental expenses;

➤ relocation and accommodation expenses

➤ household necessities



“Harassment” :

- A pattern of conduct that induces the fear of harm to a complainant including- repeatedly watching or loitering outside of or near the building or place where the complainant resides, works, carries on business, studies, happens to be;
- Repeatedly making telephone calls or inducing another person to make telephone calls to the complainant, whether or not conversation ensues; repeatedly sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects

“Intimidation” means uttering or conveying a threat, or causing a complainant to receive a threat, which induces fear



The Children's act of 2005 as amended in 2007 Section 110.

(1) Any medical practitioner, midwife, ... who on reasonable grounds concludes that a child has been abused in a manner ~~causing physical injury, sexually abused or deliberately neglected,~~ must report that conclusion in the prescribed form to a designated child protection organisation, the provincial department of social development or a police official.

(2)(a) Any person who on reasonable grounds believes that a child is in need of care and protection may report that belief to the provincial department of social development, a designated child protection organisation or a police official.

(b) who makes a report in good faith is not liable to civil action on the basis of the report.



The Older Persons act, Act 13 of 2006

25. (1) Any person who is involved with an older person in a professional capacity and who on personal observation concludes that the older person is in need of care and 10 protection must report such conclusion to the Director-General.

26. (1) Any person who suspects that an older person has been abused or suffers from an abuse-related injury must immediately notify the Director-General or a police official of his or her suspicion.

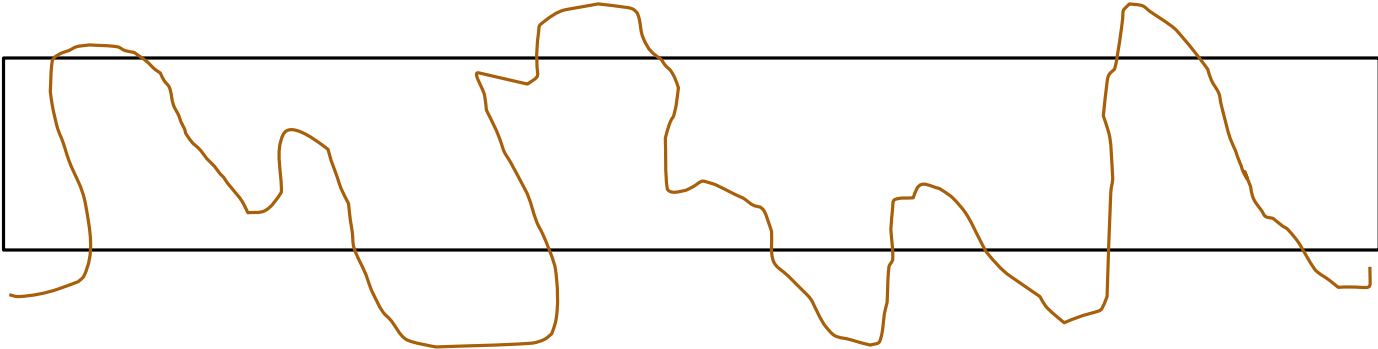
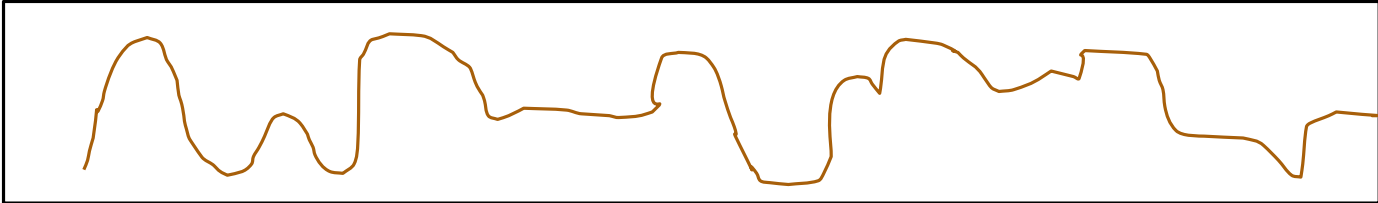
(2) A person is not liable in respect of any notification given in good faith in terms of 45 subsection (1).

(3) A person who fails to comply with subsection (1) is guilty of an offence.



What is Intimate Partner violence or Domestic violence?

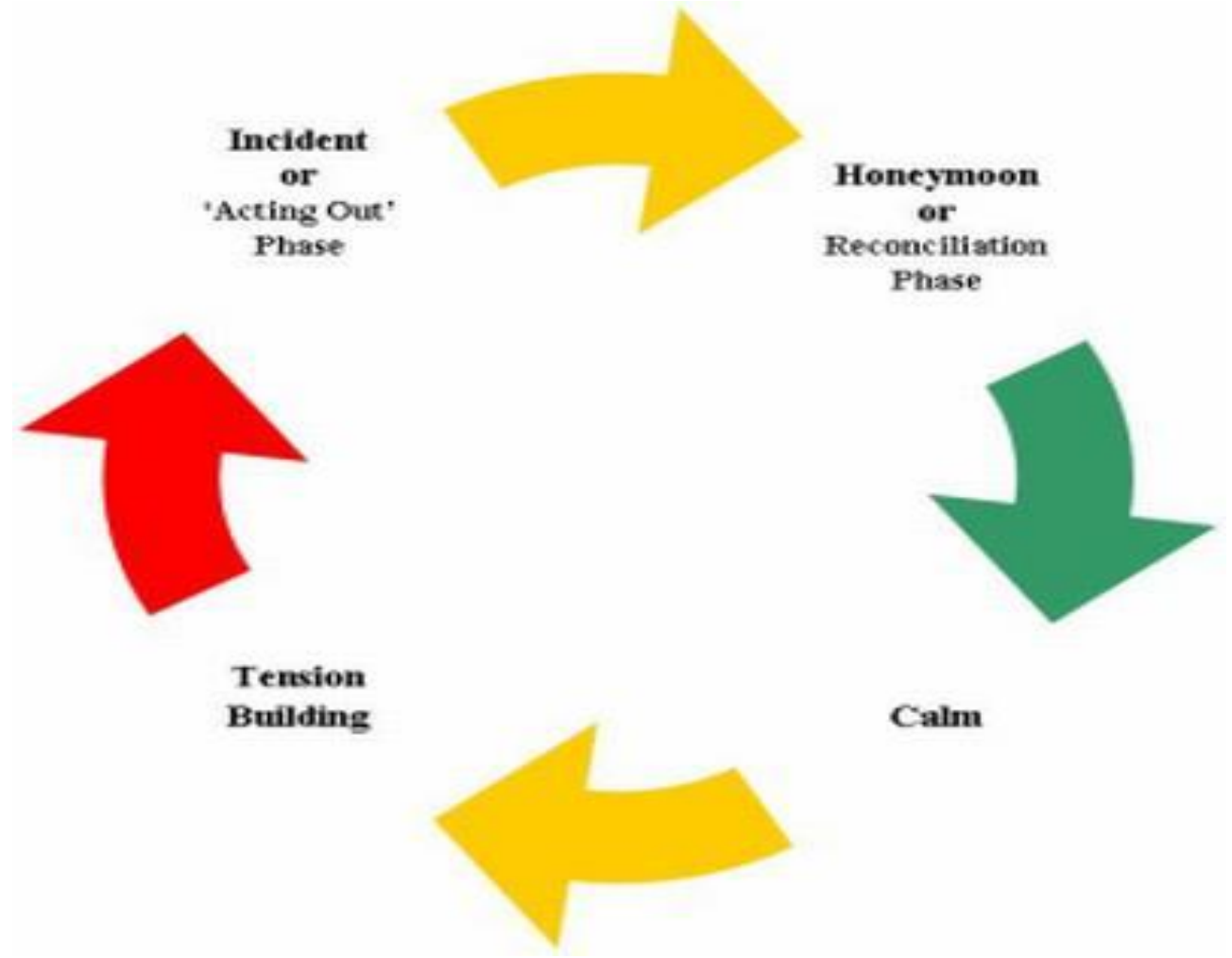
Normal vs Abusive relationship



Cycle of abuse

The IPV survivor will leave the alleged perpetrator 7 to 12 times on average before they really take action.

Image: http://www.hiddenhurt.co.uk/cycle_of_abuse.html





Causes of IPV

- Family of origin
- Survivor of child abuse
- Mental health challenges
- Certain illnesses
- Substance abuse /dependency

Triggers of IPV

- ❖ Poor communication skills
- ❖ Poor conflict resolution skills
- ❖ Lack of trust
- ❖ Low frustration tolerance
- ❖ Infidelities
- ❖ Marital incompatibility or The “wrong” spouse/partner
- ❖ Unrealistic expectations of a relationship
- ❖ Commitment issues
- ❖ Any good excuse – some would say

How does it present in health care?

- ❖ Trauma
- ❖ Undifferentiated patient
- ❖ Mental health challenges
- ❖ Dependencies
- ❖ Children with behavioural challenges
- ❖ Psychosomatic complaints
- ❖ Stress related conditions
- ❖ Projection narratives
- ❖ Collateral information

Three patient scenarios

1. “Doctor I do not really need Urbanol.....”
2. “He needs anger management skills; he locks me in our room when we argue”
3. “Why do I stay?”



Screening in consultation

- Presenting complaint
- History taking
- Examination
- Feedback

History of IPV

- ❖ Timing
- ❖ Associated factors
- ❖ Character

- ❖ Location
- ❖ Setting

- ❖ NO aggravating/relieving factors - judgemental

- ❖ Assess severity – Timing + associated factors + character + location + setting &
Are you safe to go home? Or Do you feel safe to go home?

Safety plan

- ❖ Overnight bag and copies of personal documents etc
- ❖ Code word for help
- ❖ Safe room

The Role of the Doctor

FORENSIC ROLE



THERAPEUTIC ROLE



Management

- ❖ Invite for consultation with doctor
- ❖ Family/friends*
- ❖ Spiritual /cultural affiliations*
- ❖ Marriage counselling
- ❖ Divorce
- ❖ SAPS – Assault
- ❖ Protection order



Support and follow up

- ❖ Resources of support
- ❖ Referral
- ❖ Reporting to authorities
- ❖ Biopsychosocial follow up

WHO can apply for a Protection order

- Anyone who is or has been abused
- A minor, who may lodge an application unassisted
- Any person who has an interest in the life of the complainant.

The following persons can apply with the **written consent of the complainant**, unless the complainant is a minor, a mentally retarded person, unconscious or if the court is satisfied that he or she is unable to give the required consent:

- **Health worker**
- Policeman, Social worker, Teacher, Counsellor

Steps to obtain a Protection order

- Apply for a protection order at a Magistrates Court nearest to where you live and work, at any time, during and outside court hours as well as on public holidays or weekends.
- First, apply for the Interim Protection Order by completing Form 6: Interim Protection Order at your nearest Magistrate's Court or High Court.

Once you have applied for the Interim Protection Order, complete Form 2: Application for Protection Order at your nearest Magistrate's Court or High Court.

- The application must be made by way of an affidavit which states:
 - the facts on which the application is based
 - the nature of the order applied for
 - the name of the police station where the complainant is likely to report any breach of the protection order applied for.

Where the application is brought on behalf of a complainant by another person, the affidavit must state:

- The grounds on which the other person has a material interest in the well-being of the complainant.
 - The occupation of the other person and capacity in which such a person brings the application.
 - The written consent of the complainant (unless...)
- Certify the form with the clerk of court and submit it.
 - On receipt of the form, the clerk will send your application to the magistrate who will then set a date for you to return to court, so that your application can be considered.
 - The magistrate will also prepare a notice to inform the abuser about the protection order and when he or she should come to court.
 - After the court appearance, the magistrate may grant the protection order.

Legal framework

Domestic Violence Act, 1998 (Act 116 of 1998) and related regulations (available on this page: http://www.justice.gov.za/legislation/acts/acts_full.html) and the National Instructions (SAPS).

Service standard

- In emergencies, the service is available 24 hours a day.
- A protection order may be obtained on the same day, but generally, this depends on the complexity of your case.
- The order is valid until the abused person cancels it.
- If the abuser lodges an appeal, the order continues to operate until it is cancelled by the Appeal Court.

Cost

The service is free.

Forms to complete

All forms relating to Domestic Violence are available on this page: http://www.justice.gov.za/forms/form_dva.htm

Summary and conclusion

- IPV is amongst us
- Doctor must listen, screen and show empathy if a patients discloses.
- Do not look surprised of just ignore it.
- The doctor is often the only person between the patient and help.

Thank you