

# Georgia Passes New Law to Extend Protection to Victims of Dating Violence

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Every year, an estimated 135 Georgians are murdered by their intimate partner. Domestic violence (referred to as “family violence” and “intimate partner violence,” interchangeably) is primarily committed by men against women. The objective for an abuser is to establish a pattern of abusive behavior to gain and maintain power and control over their intimate partner. Developing this cycle takes time. In almost half of these cases, the victim entered into the relationship as a teen or young adult. Interrupting this cycle and separating the victim from the abuser is typically the best way to prevent the violence from escalating. However, until recently, Georgia did not extend the specific civil protections for intimate partner violence to victims of dating violence, absent certain extreme circumstances. Recognizing this oversight, a new law expands the current definition of intimate partner violence to include dating violence.

Dating violence has long been incorporated into the definition of intimate partner violence by advocacy groups and social justice experts. Thankfully, Georgia's law is “catching up” to the accepted definition. On May 11, Gov. Brian Kemp signed House Bill 231 into law. Previously, “family violence” only covered individuals who were living together or shared a child together.<sup>[1]</sup> The new law extends that definition, and thereby the corresponding protections and relief, to anyone in “a committed, romantic relationship that involves an intimacy level above that of a mere friendship, but it does not require sexual involvement to be considered a dating relationship.”

This is a significant step in addressing a previously excluded group of victims. One of the most important civil reliefs provided to domestic violence victims is a temporary protective order (TPO). The covered behavior can range from simple battery to aggravated battery, aggravated assault and stalking. If granted, TPOs usually involve a moratorium on any communication between the victim and abuser and impose a discrete “stay away” distance that the abuser must follow. Most importantly, FVA TPOs provide the opportunity for quick relief as a Court must order a hearing within 30 days of reviewing a victim's petition. This is a dramatic departure from how long it typically can take for a hearing to take place, even in the criminal arena.

TPOs are a proven effective tool for victim safety. In a 2011 study, researchers found that a TPO helped resolve the violence for half of the women surveyed. The other half reported a significant reduction in violence and abuse. TPOs give victims the time and distance they need to seek counseling, regain their financial footing, and learn the life skills to live independently from their

[1] This article focuses on domestic violence stemming from romantic relationships only and does not address the violence perpetrated by non-intimate family members (i.e, parent against child and sibling violence) which is also covered under the legal definition of “family violence.”

abuser. Violation of a TPO also carries dire consequences and can subject the abuser to criminal prosecution, which is often an effective deterrent.

According to the Georgia Commission on Family Violence, a longer protective period results in better outcomes. Between 2013 and 2017, 126,403 family violence and stalking TPOs were issued statewide. In Georgia, the overall “extension rate,” or the rate at which an emergency (Ex Parte) TPO is extended into a longer-term (6-Month, 12-Month, 3-Year) order, is 55.5 percent. The “extension rate” is 7.3 percent higher for stalking cases than for family violence cases. In both types, the “extension rate” is impacted by judicial discretion, failure to legally serve notice of the proceeding to the abuser, lack of legal representation, and victim decisions as to how or whether to proceed with a follow-up hearing. In other words, without legal assistance or guidance, nearly half of intimate partner violence victims are doomed to repeat the same cycle of violence that initiated the emergency TPO – or worse. The Georgia Domestic Violence Fatality Review Project found that 49 percent of domestic violence homicide victims began their relationship with the person who eventually killed them when they were between the ages of 13-24. Many victims – especially younger ones, i.e. those who are typically in dating relationships– are unaware or cannot afford the legal fees associated with filing the TPO, serving the papers and scheduling the hearing. While there are many victim advocate groups who offer pro bono legal assistance, the previous definition of intimate partner violence limited their ability to assist victims of dating violence.

This new law will help victim advocates intervene in abusive relationships before they spiral out of control. Dating violence is declining but, unfortunately, still prevalent. In 2019, among high school students who were dating, 8 percent reported experiencing physical and/or sexual dating violence, according to the National Youth Risk Behavior Survey.

By passing this law, Georgia joins the vast majority of states that offer civil protections for victims of dating violence. The law elevates the crime to the appropriate severity signifying to law enforcement, the Courts, prosecutors and the public that dating violence is just as serious as other types of domestic abuse. It also conveys to high school and college students the gravity of this type of abuse, that they do not have to face it alone and that protection is available.

If you are suffering violence at the hands of a partner, please reach out for help. The Chatham County Family Justice Center is a wonderful hub for the multiple resources our community has to offer, many of which are free of charge. If you are looking for additional legal assistance and wish to obtain a Temporary Protective Order or simply gain more information about your options, please give us a call at 912.232.7000.