

# IMPORTANT CONSIDERATIONS FOR JUSTICE OF THE PEACE: Dynamics of Family Violence and Updates from the 89<sup>th</sup> Legislative Session

**Molly Voyles**

Director of Public Policy

**Erin Mayes**

Public Policy Manager - Legal

**Barbra Grimmer**

Public Policy Coordinator - Child Welfare

# OBJECTIVES FOR TODAY:

Understanding Dynamics of Domestic Violence

How might family violence show up in your courtroom?

Responding to family violence dynamic in the courtroom



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**WHO IS THE TEXAS COUNCIL ON  
FAMILY VIOLENCE?**

# Prevalence of Domestic Violence

- Almost 1 in 2 women and more than 2 in 5 men reported experiencing contact sexual violence, physical violence, and/or stalking victimization by an intimate partner at some point in their lifetime.
- In 2023, NDVH received 928,892 contacts from people seeking help. 19,168 of those were from Texas:
  - 97% experienced emotional / verbal abuse
  - 72% physical abuse
  - 30% economic / financial abuse
  - 19% digital abuse
  - 13% sexual abuse

# DOMESTIC VIOLENCE SERVICES IN TEXAS

Hotlines

Shelter

Children's  
Services

Medical Care

Transportation

Housing  
Assistance

Counseling

Legal Services

# Domestic Violence Homicides in Texas: 2024

- 161 Texans were killed by their intimate partners
- 42 counties\* experienced at least one domestic violence homicide
- 137 female-identified victims
- 24 male-identified victims
- 4 LGBTQ+ identified victims
- 17 additional deaths of victims' families, friends, or bystanders

# Domestic Violence Homicides in Texas: 2024

**84%** of offenders had a history of criminal justice intervention

**66%** of offenders had a history of violence

**75%** sought help from friends, family, advocates, or law enforcement

**69%** were killed at home

## IMPACTS ON CHILD, FAMILY, & SOCIAL WELLBEING

15.5 Million Children

- Live in a home where IPV has occurred at least once in the last year
- 7 million of those children witnessed severe violence

By Age 17

- Over 1/3 of America's children will have been exposed to IPV

Over Half

- (56.8%) of children exposed to IPV had also themselves been mistreated at some point in their life

30-60% of IPV  
Perpetrators

- Also abuse children in the household

# Custody Outcomes: Not What You Think

- Initial Review of Court opinions in over **15000** cases
- Quantitative study of **4,338** of those
- Mothers alleged abuse in **2,189** of those cases



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# Domestic Violence: Not Just for Family Court

Economic  
Stability

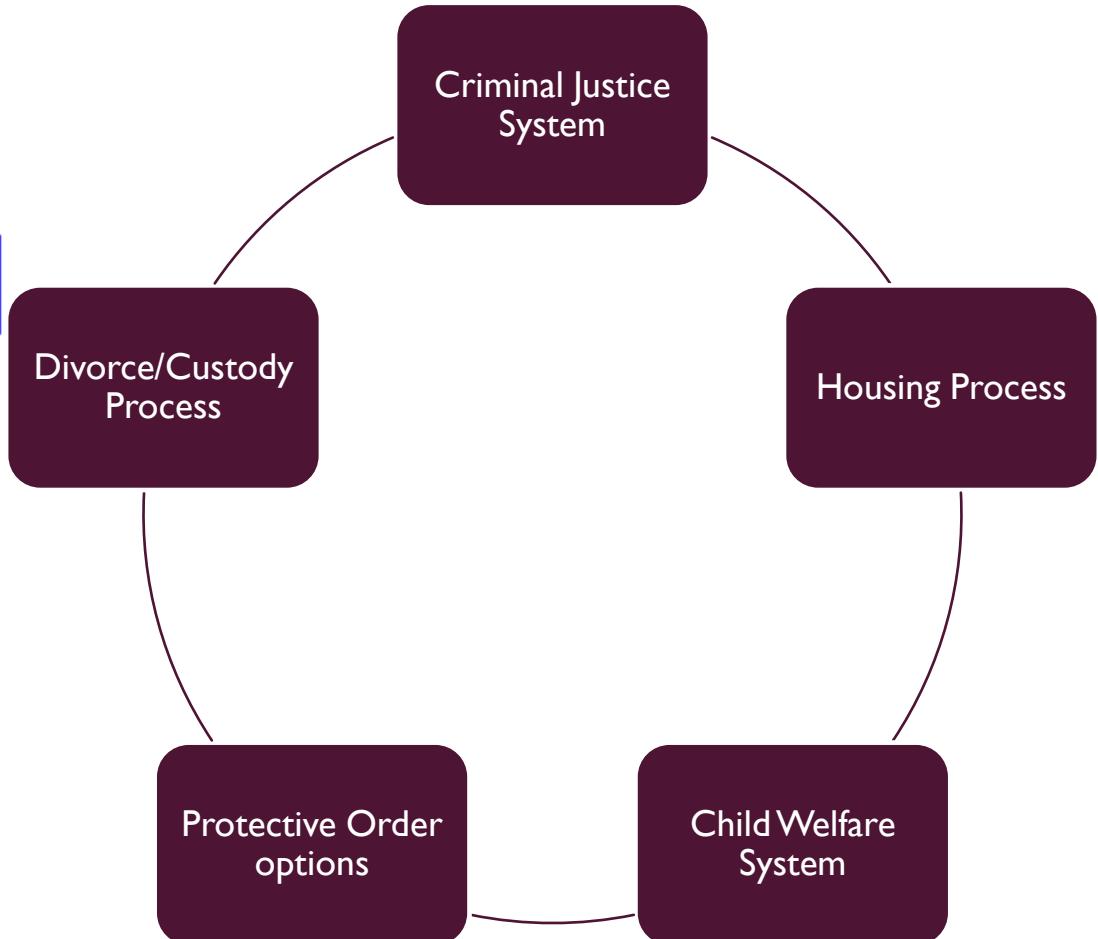
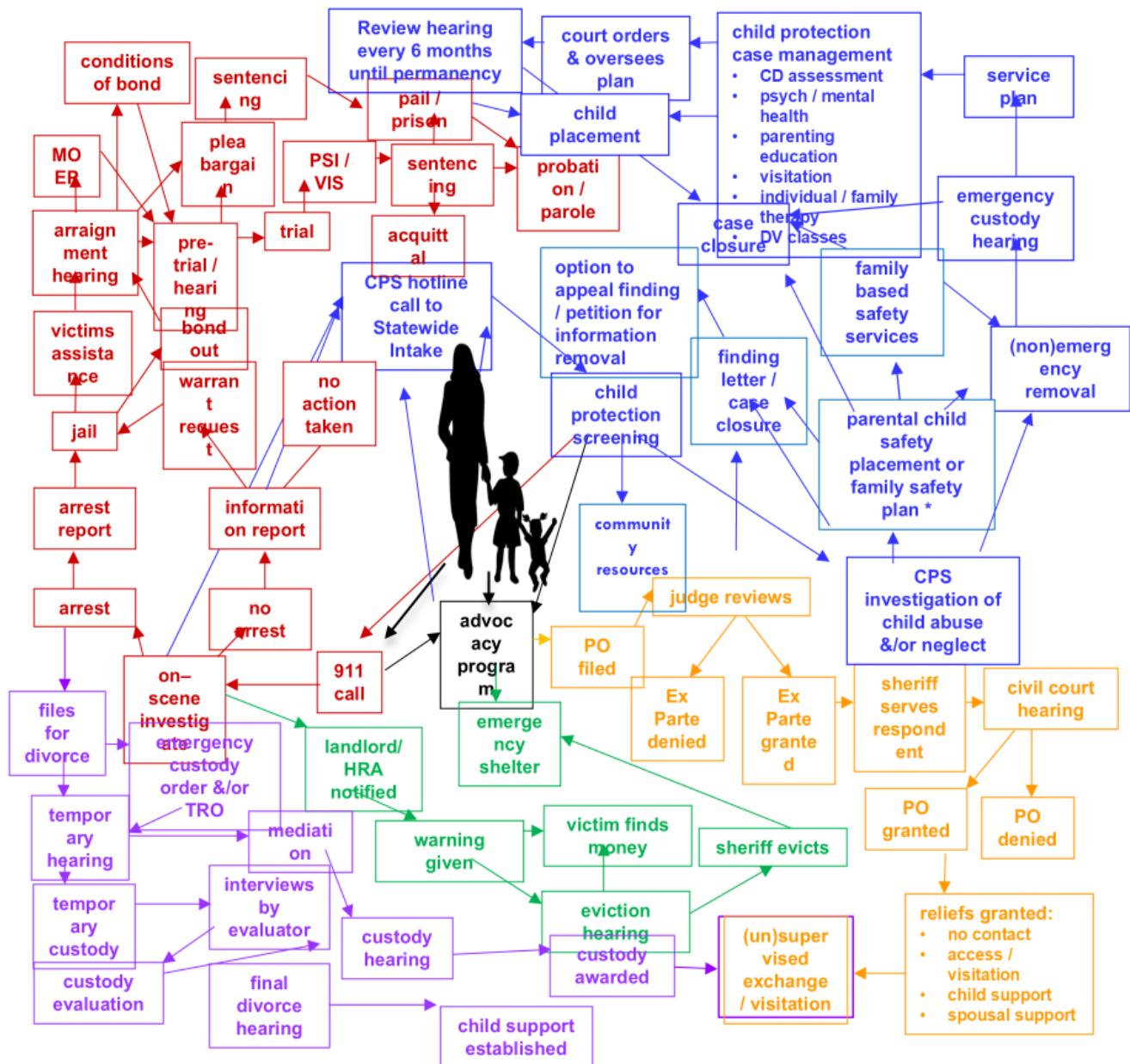
Employment

Housing

Healthcare

Immigration

Privacy



# How Might a Survivor Show Up in a Courtroom?



# What is trauma?

A **threat** to a person's physical and/or emotional wellbeing.

An **overwhelming** experience that is difficult to manage emotionally.

**Distressing** to individuals and may affect whole families and communities across generations.

# WHAT DOES TRAUMA LOOK LIKE?

Emotional and Psychological

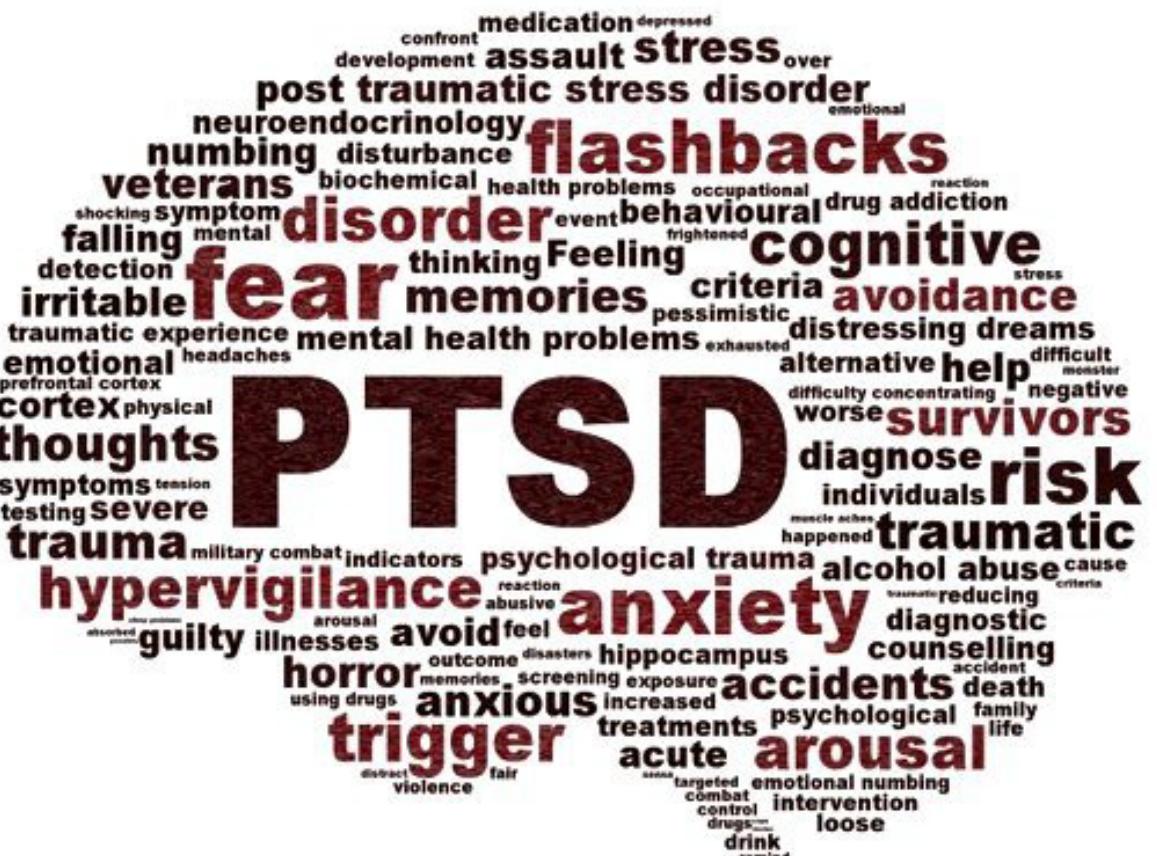
Physical

Cognitive

Behavioral

# ACCOMMODATE TRAUMA

- Understand variation in responses
- Be prepared for non-linear narratives
- Take creative measures
- Seize opportunities to empower
- Explain processes

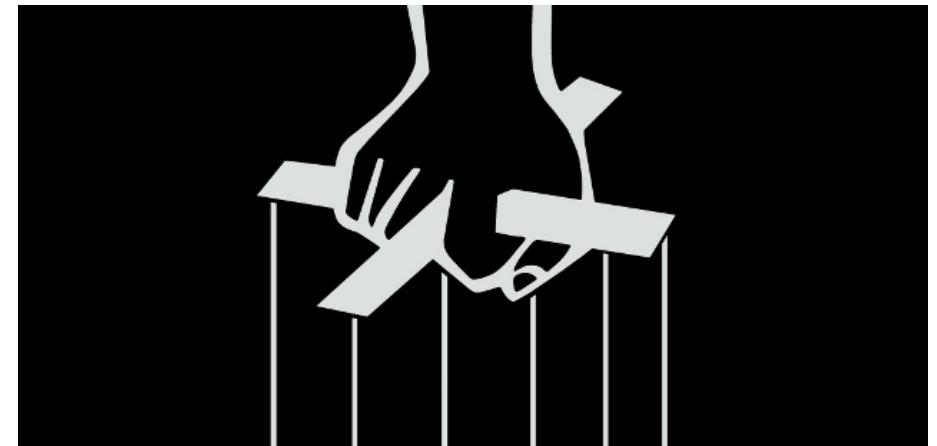


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# How might a person using violence or control show up in your courtroom?

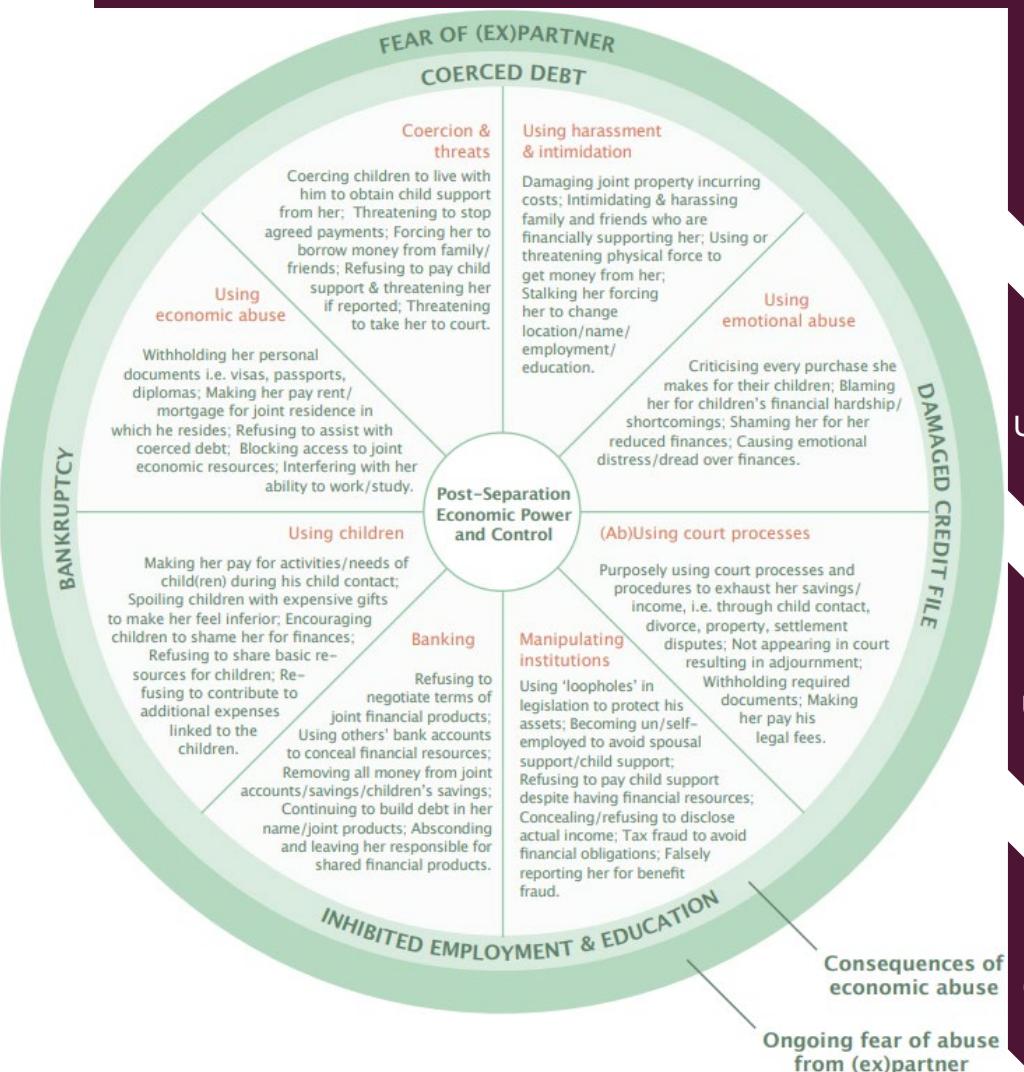
## Coercive Control

A strategic course of conduct in which violence, sexual coercion, intimidation, isolation, and control are used to dominate and exploit a partner and deprive the partner of basic rights and resources, ***especially dignity, autonomy, and liberty.***



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# POST-SEPARATION POWER & CONTROL



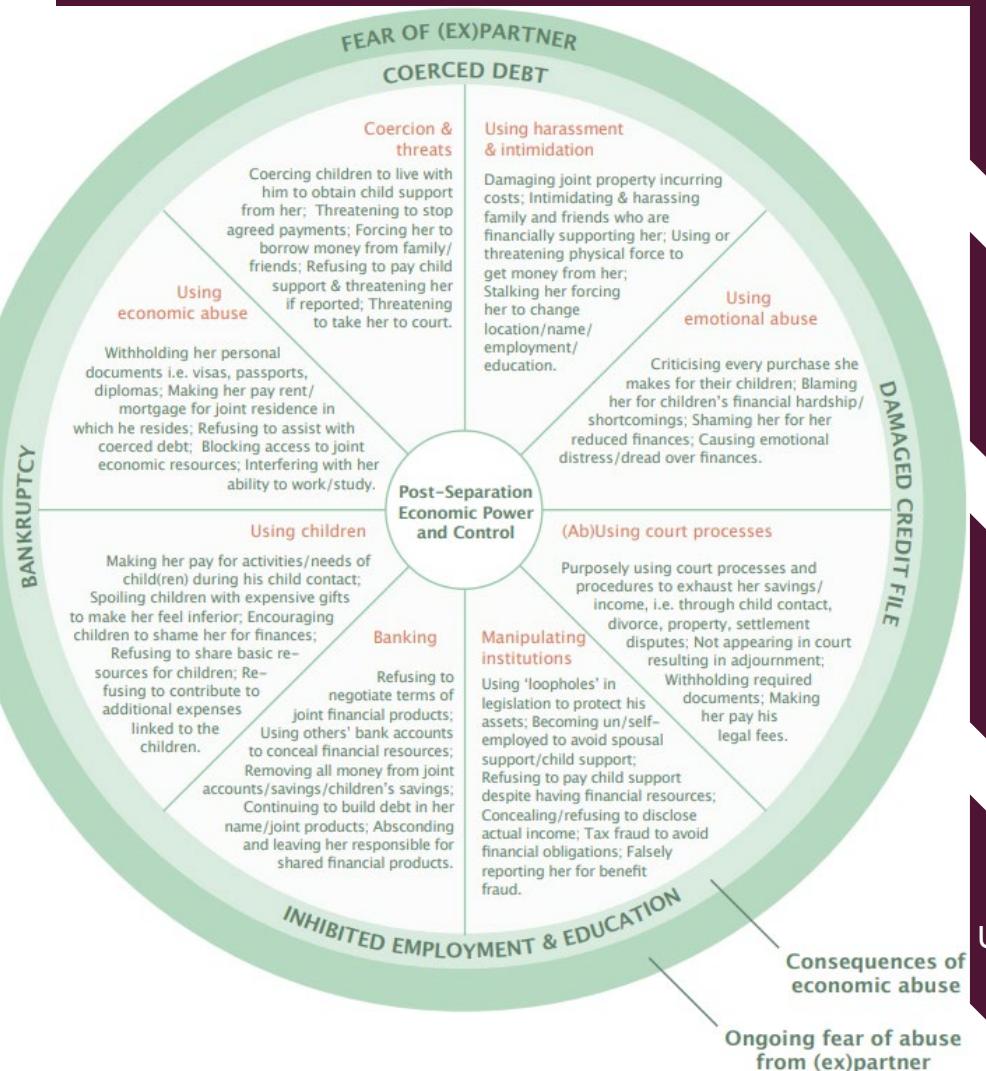
- Coercing children to live with him to obtain child support from her
- Forcing her to borrow money from family/ friends

- Damaging joint property incurring costs;
- Stalking her forcing her to change location/name/ employment/ education

- Blaming her for children's financial hardship/ shortcomings
- Criticising every purchase she makes for their children

- Purposefully using court processes and procedures to exhaust her savings/ income, i.e. through child contact, divorce, property, settlement disputes
- Not appearing in court resulting in adjournment;

# POST-SEPARATION POWER & CONTROL



- Concealing/refusing to disclose actual income
- Using 'loopholes' in legislation to protect his assets

- Continuing to build debt in her name/joint products
- Using others' bank accounts to conceal financial resources

- Making her pay for activities/needs of child(ren) during his child contact
- Spoiling children with expensive gifts to make her feel inferior

- Withholding her personal documents i.e. visas, passports, diplomas
- Interfering with her ability to work/study

# Control Tactics Common in Court Settings

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Intimidation

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Isolation

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Stalking Behaviors

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Nonverbal Communication

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Litigation Abuse



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# Risks for Intimate Partner Homicides:

## Strangulation: Key Predictor

- Strangulation is a severe predictor of future intimate partner homicide (IPH). **78%** of offenders in DVHRT cases had a history of strangling their victim.
- In 2024, 10 victims of IPH died from strangulation.
- Strangulation is often used by abusers as a tool of **coercive control**, instilling fear in victims and preventing them from feeling safe enough to reach out for help.
- Survivors who have been strangled are **750% more likely** to be killed by their abuser.



# Risks for Intimate Partner Homicides:

## Stalking: Last Chance

- Stalking, particularly by current or former intimate partners, is a significant risk factor for intimate partner homicide (IPH).
- Recent updates to **Texas Penal Code 42.072** provide enhanced protections for victims by allowing stalking charges based on actions that make victims feel "terrified or intimidated."
- The law permits juries to evaluate a stalker's actions from the perspective of a **reasonable person in the victim's circumstances**.
- Stalking behaviors often escalate after victims report incidents, emphasizing the need for strong judicial oversight and safety planning.



# Risks for Intimate Partner Homicides:

## Firearms: Leading Factor in IPH

- In 2024, 114 people were shot and killed by an abusive partner with a firearm.
- Roughly 70% of all IPHs were related to firearms.
- A significant portion of offenders were **prohibited possessors** of firearms but still managed to retain access.
- Firearm access dramatically increases the risk of lethal outcomes in domestic violence cases.



# How might a person using violence or control show up in your courtroom?

- Things you might observe from that person
- Questions you can ask about finances, decision-making, and/or patterns of behavior



# Practical Application: Response to the Presence of Domestic Violence

## Creating solutions

- Texas Family Code §153 – initial determination and §156 – modifications
- Important to customize orders in all case types
- No two cases are the same



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# Practical Application: Response to the Presence of Domestic Violence

For the person using control and/or violence

- Appropriate responses/requirements?
- Consider how to include these in your final orders
- Each case will have different considerations specific to that case or those parties



# Practical Application: Appropriate Referrals

<b>BIPP</b>	Theory: Intimate partner violence is a <b>pattern</b> . BIPP addresses / challenges the need to control a partner, which is premeditated (not reactionary). IPV is shaped and supported by societal, familial, and cultural norms.	Identifies and addresses underlying attitudes and beliefs that lead to violence and control.	State accredited by TDCJ-CJAD and audited every 1-3 years.
<b>Anger Mgmt.</b>	Theory: Therapeutic techniques and exercises that address excessive and uncontrollable anger and reduce triggers and degrees.	Addresses an individual's anger in specific situations and general anger.	Unregulated.

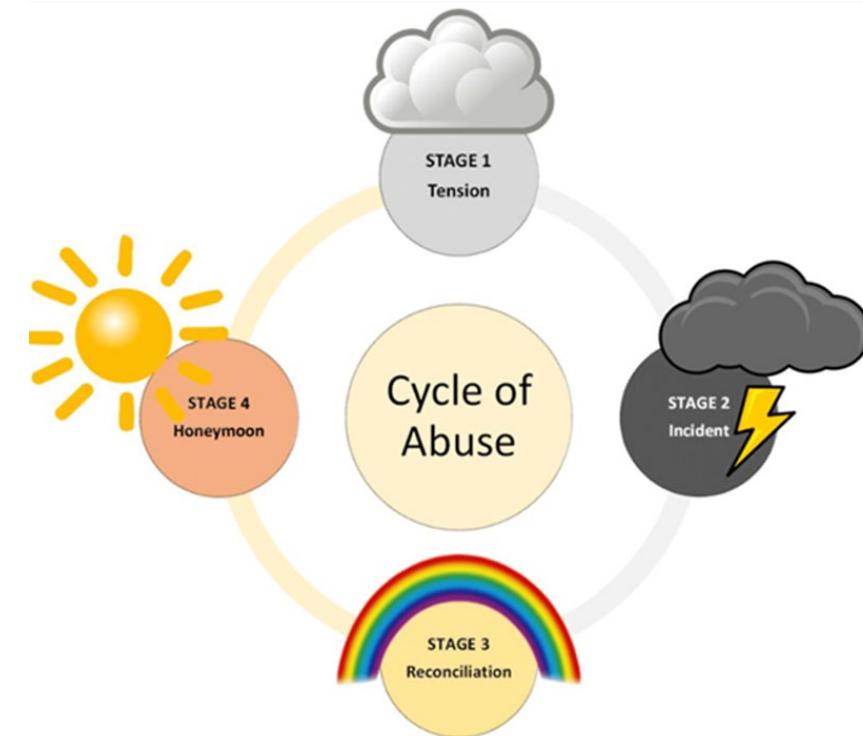
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# Consideration for JPs:

- As a Justice of the Peace, you have tools available to help keep survivors safe.
  - Magistrate's Order for Emergency Protection
  - Peace Bond
  - Other Bail/Bond Conditions
  - Economic Abuse Remedies
  - Understanding the Dynamics of Family Violence

# Consideration for JPs:

- **Common Themes in FV Cases:**
  - Defendant may claim it was "just a bad day" or say that it was "just an accident."
  - Defendant may claim they will never do it again.
  - The survivor, if present, may recant or defend the defendant's behavior.
- Understanding the dynamics of FV and the cycle of abuse can help you determine what is appropriate and will keep the survivor safe.



# Consideration for JPs:

- **Family violence does not stay at the door of the courtroom.**
  - Even if you are hearing a case that does not involve a complaint of family violence, if there is family violence present, it will affect the parties and the case.
- **Survivors are the experts in their own experiences.**
  - If a survivor expresses concern for their safety, it is imperative that you do not automatically dismiss those concerns.
- **Understand that the dynamics of family violence can present differently in each case.**
- **Family violence affects the entire community.**
  - Discuss a safety plan with your court staff in the event of an altercation.

# Consideration for JPs:

- Magistrate's Order for Emergency Protection - CCP § 17.292
  - Upon an arrest for the following crimes, you may issue an order for emergency protection on your own motion or on request:
    - Family violence
    - Sexual assault
    - Stalking
    - Trafficking of Persons
    - Aggravated Sexual Assault
    - Indecent Assault
    - Continuous Trafficking of Persons

# Consideration for JPs:

- Bond Conditions – CCP § 17.49 and CCP § 17.40
  - Examples:
    - Stay Away Orders
    - No Contact Orders
    - House Arrest or Global Position Monitoring System
    - Any other reasonable condition related to the safety of the victim or safety of the community
- The Texas Penal Code provides a separate offense for violations of conditions of bond in family violence cases – TPC § 25.07

# Consideration for JPs:

## 99% of survivors experience financial abuse.

- Some signs include:
  - No access to banking/ forced shared access
  - Withholding funds/ allowances
  - Creates debt in your name/ coerced debt
  - Prevents working on education/ frequently comes to work/ takes pay
  - Withholding resources
  - Does not pay rent etc./ threatens public benefits

# Consideration for JPs:

- JPs in debt or any setting can consider all they have learned about understanding the dynamics of domestic violence and economic abuse.
- You can support survivors in economic stability:
  - Understanding Lease Termination (TX. Property Code 92.106) and offering resources to survivors.
    - Natalia Cox Act Notice: Your RIGHTS as a Survivor of Family Violence, Dating Violence, Stalking, Harassment or Terroristic Threat
  - Understanding Coerced Debt Protections
    - <https://www.financialabusehelp.org/>

# Consideration for JPs:

## Deaths Requiring an Inquest – CCP §49.04

(a) A justice of the peace shall conduct an inquest into the death of a person who dies in the county served by the justice if:

- (1) the person dies in prison under circumstances other than those described by Section [501.055\(b\)](#), Government Code, or in jail;
- (2) **the person dies an unnatural death** from a cause other than a legal execution;
- (3) the body or a body part of a person is found and either:
  - (A) **the person is identified but the cause or circumstances of death are unknown**; or
  - (B) the person is unidentified, regardless of whether the cause or circumstances of death are known;
- (4) **the circumstances of the death indicate that the death may have been caused by unlawful means**;
- (5) **the person commits suicide or the circumstances of the death indicate that the death may have been caused by suicide**;
- (6) the person dies without having been attended by a physician;
- (7) the person dies while attended by a physician who is unable to certify the cause of death and who requests the justice of the peace to conduct an inquest; or
- (8) **the person is a child younger than six years of age and an inquest is required by Chapter [264](#), Family Code.**

# Consideration for JPs:

## **Suspicious Deaths – Intimate Partner Homicide**

- Premature death;
- Found in their home;
- Found by a current or previous partner;
- Last seen alive by their partner;
- Death appears to be a suicide or an accident;
- One of the partners wanted to end the relationship;
- History of intimate partner violence;
- History of strangulation;
- Partner has control of crime scene by the time police arrive; and
- Crime scene is altered.

# Consideration for JPs:

## **Suspicious Deaths - Takeaways:**

- Death inquest rulings have long-term impacts for families of the deceased:
  - Insurance Payouts
    - Who can receive benefits?
  - Estate/Probate Process
    - Is a will valid?
    - Who may inherit?
  - Grief/Healing
  - Civil/Criminal Legal System
    - What legal recourse does the family have?

# Consideration for JPs:

## Suspicious Deaths - Takeaways:

- Exercise due diligence before determining the nature of death.
  - Talk with other family members, not just the partner/spouse, before determining the nature of death.
  - Ensure proper tests and exams are completed, so that families do not have to pay for these exams later on.
    - Examine medical records
    - Gun-shot residue
    - Toxicology
- Consider reopening a case if there is evidence of family violence.
  - **Reopening an Inquest – CCP §49.041**
    - A JP may reopen an inquest if, based on information provided by a credible person or facts within the knowledge of the justice of the peace, the JP determines that reopening the inquest may reveal a different cause or different circumstances of death.



# BREAK

# NEW LAW UPDATE

**TCFV Policy Team  
89th Legislative Session**



# ABOUT US

We are a ten-person team, and each member played an important role during session as they tracked, analyzed, & researched bills, as well as dropped cards, watched hearings, testified and a million other tasks!

Our approach is to look at laws from  
**ideas** → **implementation**

Check out the TCFV policy  
website!





## THE BASICS

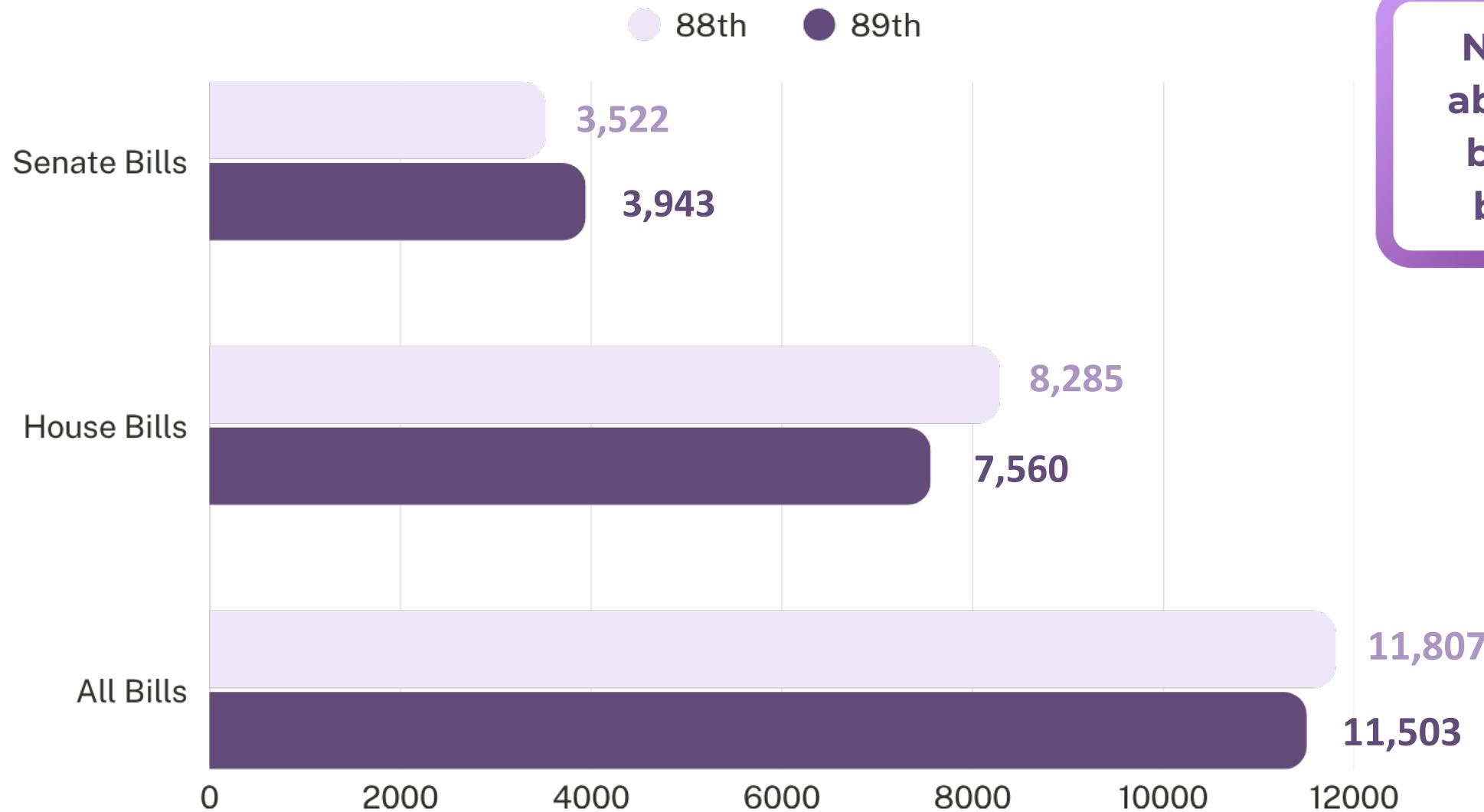
**150** REPRESENTATIVES  
LED BY SPEAKER OF THE HOUSE,  
REP. DUSTIN BURROWS

**31** SENATORS  
LED BY LIEUTENANT  
GOVERNOR DAN PATRICK

**The Texas legislature is biennial,  
meaning it meets every other year  
from January to May. In even  
numbered years, there are interim  
charges the legislature reviews.**



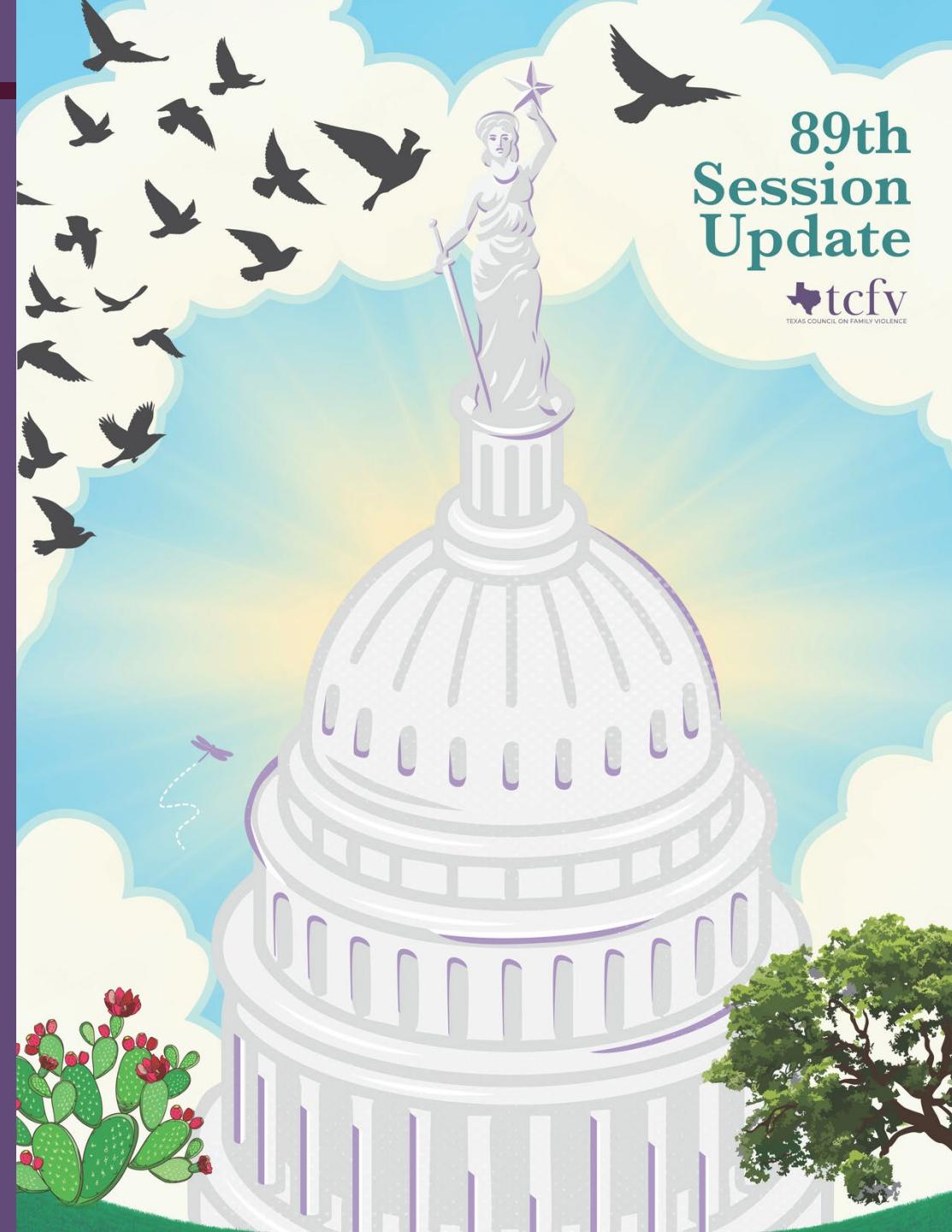
# BILL STATS: 88TH V. 89TH



Normally only about 10-15% of bills pass and become law!

Data from  
Legislative  
Reference Library of  
Texas

Check out  
our 89th  
Legislative  
Update here!



89th  
Session  
Update



TEXAS COUNCIL ON FAMILY VIOLENCE

# TCFV AGENDA BILLS



**SB 1120**

**Author: Senator Juan "Chuy" Hinojosa;  
Sponsor: Representative A. Johnson**

**Family violence victims now have the right to:**

- **Request a discussion about disposition decisions with the prosecutor;**
- **Information about evidence collected and the status of analysis on that evidence;**
- **Information about the defendant's parole conditions**

**Also allows for longer duration of protective orders within context of divorce, custody or criminal cases.**



# SB 1946

## AUTHOR: SENATOR JUDITH ZAFFIRINI; SPONSOR: REPRESENTATIVE C. MANUEL



- Creates a statewide taskforce housed in the Office of the Governor's Public Safety Office to reduce and prevent family violence homicides. Focus on top lethality factors.
- Taskforce will offer a report providing policy recommendations for the 90<sup>th</sup> legislature as well as other best practice recommendations.
- Wide range of members from law enforcement and state agencies to family violence programs and survivors.

# HB 4238

**AUTHOR: REPRESENTATIVE MORGAN MEYER;  
SPONSOR: SENATOR J. ZAFFIRINI**

- Builds on legislation passed in previous session recognizing coerced debt as a form of identity theft.
- Protects survivors of coerced debt from ongoing debt collection.
- Debt collectors can pursue the person who perpetrated the coerced debt/identity theft.





# TCFV PRIORITY BILLS

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# HB 3783

## AUTHOR: REPRESENTATIVE LACEY HULL; SPONSOR: SENATOR T. PARKER



- In custody cases, courts may not order family counseling if credible evidence of family violence or sexual abuse is presented and would also protect survivors from being ordered to pay for counseling.
- The bill also prohibits practices commonly used in family reunification therapy (FRT).



**SB 1559**

**AUTHOR: SENATOR JUDITH ZAFFIRINI;  
SPONSOR: REPRESENTATIVE S. THOMPSON**

- The court “shall” (not may) transfer a protective order to the jurisdiction of a custody case, or Suit Affecting Parent Child Relationship (SAPCR) if the court finds that transfer will not negatively impact the safety of any person protected by the order.
- The court must provide an opportunity for protected parties to submit a statement regarding the impact of potential transfer on safety.



**SB 1343**

**AUTHOR: SENATOR NATHAN JOHNSON**

**SPONSOR: REPRESENTATIVE C. HARRIS DAVILA**

- **Last session, we became one of the only states in the country to require data brokers to register with the state.**
- **This law builds on that legislation to better implement that law so that people are aware of the law and that there are clear instructions for how you can opt out of a data broker having your information.**



# HB 793

## REPRESENTATIVE SENFRONIA THOMPSON; SPONSOR: SENATOR J. ZAFFIRINI

- **Courts shall, instead of may, keep a protective order applicant's mailing address, county of residence, and telephone number confidential upon their request.**
- **Courts must give notice to applicants that this is an option and must maintain a confidential record of the protected information.**



**SB 2196**

**AUTHOR: SENATOR NATHAN JOHNSON;  
SPONSOR: REPRESENTATIVE C. MANUEL**

- Extends the duration of magistrate's emergency protective orders in family violence cases to 60-90 days, instead of the previous 30–60 day period.
- In cases involving the use of a weapon, the duration is 90-120 days.



**HB 2492**

**AUTHOR: REPRESENTATIVE RHETTA BOWERS;  
SPONSOR: SENATOR J. “CHUY” HINOJOSA**

- **Mandates a minimum four-hour holding period after bond is posted for those arrested on probable cause of family violence.**



**HB 2073**

**AUTHOR: REPRESENTATIVE LACEY HULL;  
SPONSOR: SENATOR J. HUFFMAN**

- Increases penalties for violating protective orders or bond conditions when there is use of deadly force, making this consistent with other similar statutes.
- Enhances the penalty for violating protective orders or conditions of bond while possessing a deadly weapon from a Class A misdemeanor to a state jail felony.
- Also if there is a repeat violation and the person previously violated with deadly weapon, it becomes a 2nd degree felony instead of 3rd.



**SB 487**

**AUTHOR: SENATOR CAROL ALVARADO;  
SPONSOR: REPRESENTATIVE M. FLORES**

- Allows victims of invasive visual recording and indecent assault to use a pseudonym form to protect their identity.



**HB 3425**

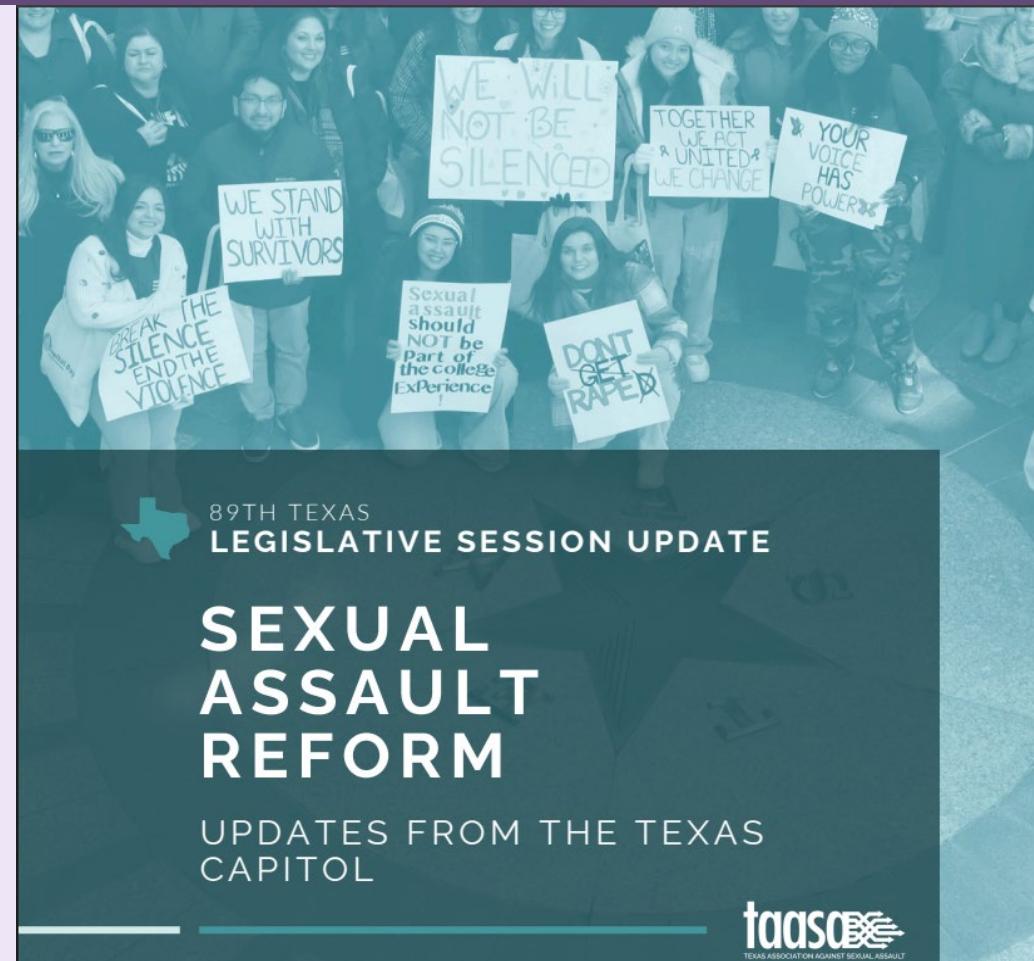
**AUTHOR: REPRESENTATIVE G. CAPRIGLIONE;  
SPONSOR: SENATOR J. ZAFFIRINI**

- **Doxxing is the release of someone's contact information in a public setting usually online.**
- **Previously the law only prohibited release of someone's contact information on public websites and this law expands the doxxing protections to include releasing someone's contact information via electronic communication.**



# SEXUAL ASSAULT RELATED BILLS-TAASA

Scan the  
QR code to  
read  
TAASA's  
89<sup>th</sup>  
Legislative  
Session  
Update!

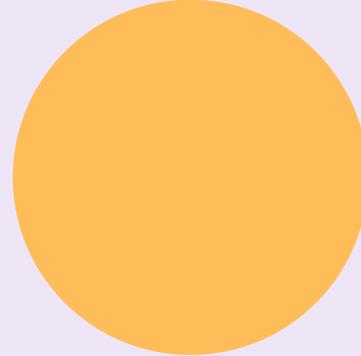


89TH TEXAS  
LEGISLATIVE SESSION UPDATE

## SEXUAL ASSAULT REFORM

UPDATES FROM THE TEXAS  
CAPITOL

# TCFV'S ROLE IN OTHER BILLS



We monitored hundreds of bills this session that intersected with family violence. Our dedication remains rooted in ensuring survivor safety, expanding access to services and options, and promoting long-term stability and well-being for survivors. This includes championing legislation that upholds these values and working to improve measures that are not in alignment.



# Q&A!





# REACH OUT TO US!

**Molly Voyles**

**MVOYLES@TCFV.ORG**

**Barbra Grimmer**

**BGRIMMER@TCFV.ORG**

**Erin Mayes**

**EMAYES@TCFV.ORG**

**The Whole Policy Team**

**POLICY@TCFV.ORG**

