

DECLARATION OF THE  
**VAWA Reform Coalition**

1. **Whereas**, the family is the foundation of American society.
2. **Whereas**, research shows that when children are removed from regular contact with one of their parents, they are placed at greater risk of a broad range of academic, emotional, behavioral, and criminal justice problems.<sup>1</sup>
3. **Whereas**, the U.S. Constitution provides for a range of civil liberties, including the rights to due process and to equal protection under the law.
4. **Whereas**, the U.S. Supreme Court has stated that “the interest of parents in the care, custody, and control of their children -- is perhaps the oldest of the fundamental liberty interests recognized by this Court,”<sup>2</sup>
5. **Whereas**, physical aggression between intimate partners is a problem in our society, and extensive research shows that women are at least as likely as men to engage in partner aggression.<sup>3,4,5</sup>
6. **Whereas**, in 1994 the U.S. Congress passed the Violence Against Women Act which eventually spawned 1,500 civil and criminal laws at the state level.<sup>6</sup>
7. **Whereas**, VAWA funds factually-misleading education programs<sup>7</sup> that serve to bias and politicize the judiciary and criminal justice system.<sup>8</sup>
8. **Whereas**, state laws define partner abuse broadly<sup>9</sup> and provide incentives to file questionable and even false allegations of abuse.<sup>10</sup>
9. **Whereas**, allegations of partner abuse have become so commonplace that the legal system has become overwhelmed with minor and false claims, and such complaints divert resources away from the true victims of domestic violence.<sup>11,12,13</sup>
10. **Whereas**, VAWA-funded programs have engaged in widespread discriminatory practices against male victims of domestic violence,<sup>14</sup> even though Congress intended that men were entitled to such protections.<sup>15</sup>
11. **Whereas**, VAWA promotes "pro-arrest" and "primary/dominant/predominant aggressor" laws, policies, and practices which undermine fundamental standards of probable cause and lead to gender-profiling.<sup>16</sup>
12. **Whereas**, VAWA-funded programs have been found to have a disproportionate negative impact on low-income African-American and Hispanic communities.<sup>17</sup>
13. **Whereas**, the Ms. Foundation for Women has found that “Criminalization of social problems has led to mass incarceration of men, especially young men of color, decimating marginalized communities.”<sup>18</sup>
14. **Whereas**, divorce courts in most states are required to consider partner abuse in their child custody determinations,<sup>19</sup> and some courts use trivial or false allegations of partner abuse to separate a child from one of his or her parents,<sup>20</sup> thus placing the child at risk.
15. **Whereas**, most instances of partner aggression are minor in nature,<sup>21</sup> and while such cases may benefit from counseling, they do not require legal intervention.
16. **Whereas**, VAWA-funded programs and policies often prohibit couple counseling and preclude partner reconciliation.
17. **Whereas**, a variety of VAWA programs and policies inappropriately induce family break-up,<sup>22</sup> thus depriving children of the love and guidance of one of their parents and placing them at greater risk of child abuse and other problems.<sup>23</sup>
18. **Whereas**, many domestic violence programs are ineffective and ideologically-driven,<sup>24,25</sup> placing victims at greater risk of violence.<sup>26</sup>

19. **Whereas**, a variety of women's organizations are now calling to reform the nation's domestic violence laws.<sup>27</sup>

**The undersigned organizations FIND that:**

1. Most of the existing domestic violence programs are ineffective in reducing abuse and sometimes place victims at greater risk of subsequent violence.
2. Rigid and intrusive VAWA policies and programs often lead to the destabilization of American families, and the break-up of families profoundly harms children.
3. The harmful effects of VAWA are especially pronounced among low-income communities and people of color.
4. Traditional domestic violence programs violate Americans' basic civil rights and undermine due process protections.
5. The preferences and needs of victims are often ignored by rigid domestic violence programs.

**Therefore, the undersigned organizations urgently REQUEST that:**

1. The mass media, educational institutions, and other interested groups portray the domestic violence issue in an accurate and balanced manner, consistent with objective research.
2. Persons who work in the domestic violence industry, including judges, law enforcement personnel, treatment providers, social workers, and custody evaluators, identify ways to make domestic violence programs more responsive to the needs of the family, children, and alleged victims, while also assuring due process for the accused.
3. Lawmakers begin the process of undertaking the reform of our nation's domestic violence laws, consistent with RADAR's Agenda for VAWA Reform.<sup>28</sup>

**Signed:**

Mark B. Rosenthal

*RADAR: Respecting Accuracy in Domestic Abuse Reporting*

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<sup>1</sup> Horn WF and Sylvester T. Father Facts. Gaithersburg, MD: National Fatherhood Initiative. 2004.

<sup>2</sup> Troxel et vir. v. Granville, 530 US 57, 67, 2000.

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<sup>6</sup> Miller N. What does research and evaluation say about domestic violence laws? Alexandria, VA: Institute for Law and Justice, 2005, footnote 28.

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<sup>8</sup> RADAR. Bias in the judiciary: The case of domestic violence. 2006. <http://www.mediadar.org/docs/Bias-In-The-Judiciary.pdf>

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<sup>10</sup> RADAR: Perverse incentives, false allegations, and forgotten children. 2006. <http://www.mediadar.org/docs/Perverse-Incentives.pdf>

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