

## **Domestic Violence**

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and

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The term domestic violence is used to describe a variety of offences and crimes that take place between members of the same family or household. These offences and crimes may take place between spouses and between “common law” spouses (including former spouses); between parent and child; and between persons who normally reside together in the same household. These offences and crimes include verbal abuse (using foul and abusive language); stalking (following a person about); assault, battery and causing injury or bodily harm (hitting, slapping, punching, choking), rape and sexual abuse; kidnapping or abduction; and murder. Regardless of the nature of the offence or crime, these actions are against the law, a serious threat to the health and safety of the victims, and a serious breach of the order and peace of the British Virgin Islands community. It is the policy of the Royal Virgin Islands Police Force to prosecute perpetrators of domestic violence to the fullest extent of the law.

The Domestic Violence (Summary Proceedings) Act, 1996 was enacted to provide assistance to victims of domestic violence. The Act provides jurisdiction in the Magistrate’s Court to deal with domestic violence incidents. Where the Magistrate determines that an act of domestic violence has occurred, the Magistrate has the power to issue a protection order, an occupation order and/or a tenancy order.

A protection order may prohibit the perpetrator of domestic violence from entering or remaining in the household residence of the victim; from entering or

remaining in a specified area where the household residence of the victim is located; from entering the place of work or education of the victim; from entering or remaining in any place where the victim happens to be; or from molesting the victim by watching or besetting the victim's household residence, place of work or place of education; following or waylaying the victim in any place; making persistent telephone calls or sending in writing any form of correspondence, whether in handwriting or by mechanical or electronic means, to the victim; or using abusive language or behaving towards the victim in any other manner which is of such nature and degree as to cause annoyance to, or result in ill-treatment of, the victim. An occupation order may give the victim the right to live in the household residence, and exclude the perpetrator of domestic violence from living there. A tenancy order may give the victim the legal right to be the tenant of the household residence.

A victim of domestic violence can make an application for any one of these orders without a lawyer. Staff of the Magistrate's Court will assist the victim in filing an application.

Assistance for victims of domestic violence with advocacy, housing and counseling is available from the Family Support Network, the Royal Virgin Islands Police Force Family & Juvenile Division, the Social Development Department, the Office of Mental Health, and the Office of Gender Affairs.