

Intimate Partner Sexual Abuse: Adjudicating this Hidden Dimension of Domestic Violence

Free Web Course and Resource at: www.njep-ipsacourse.org

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Course Modules and Case Studies

Module I: *Defining Intimate Partner Sexual Abuse and Assessing Its Prevalence*

Explores all aspects of intimate partner sexual abuse from forced sex acts to economic mechanisms of coercion. Presents the research on the surprising prevalence of sexual abuse in the context of domestic violence

Module II: *Victims and Offenders*

Describes who the victims and offenders are, the profound impact of intimate partner sexual abuse on victims and the misconception that there is an offender profile. Also explores the typologies of marital rape and offenders' rationales for their abuse.

Module III: *Risk Assessment*

Research documents forced sex as a leading indicator of potential lethality. Domestic violence victims are most at risk of escalating physical violence, sexual assault and murder when they try to leave. This module discusses risk assessment instruments that address intimate partner sexual abuse as well as the factors influencing separation sexual assault, the risk to the victim and the six types of potential lethality.

Module IV: *Statutory Constraints*

The origins of and rationales behind the marital rape exemption and the current statutory exemptions and restrictions that make it difficult to bring marital rape cases.

Module V: *Why Victims Don't Report*

This module addresses the numerous reasons victims do not report intimate partner sexual abuse including fear of the abuser, ignorance of the law and immigration concerns.

Module VI: *Institutional Responses*

From the clergy to the courts, this module discusses the various ways social institutions help or hinder victims from leaving relationships where intimate partner sexual abuse is a factor and suggests ways these institutions can improve their response.

Module VII: *Custody and Visitation*

The issues judges should consider when determining custody and visitation awards to intimate partner sexual abuse offenders including heightened risk to the children of sexual

abuse and/or physical violence and the psychological impact on children of witnessing intimate partner sexual abuse.

Module VIII: *Jury Selection*

Ways to identify biased jurors through *voir dire* and the difficulties of seating a jury in intimate partner sexual abuse cases because of the prevalence of sexual assault in society at large and the widespread myths and misconceptions about rape, particularly between intimate partners.

Module IX: *Evidentiary Issues*

From rape shield laws to prior bad acts to the criteria and need for expert witnesses, this module discusses the evidentiary issues present in intimate partner sexual abuse cases.

Module X: *Marital Privilege and Confidentiality of Victim Records*

Determining the appropriateness of allowing spousal immunity in intimate partner sexual abuse cases and the importance of keeping victim counseling and medical records confidential.

Module XI: *Cultural Defenses and Cultural Evidence*

The balance between allowing evidence about a victim's or offender's cultural background as a defense or mitigating factor in intimate partner sexual abuse cases and the impact on ensuring justice and safety for the victim and the community.

Module XII: *Orders of Protection, Pre-trial Release and Dispositions*

Explores the range of actions courts can take to ensure victim safety and offender rights in intimate partner sexual abuses cases, including whether and how various batterer intervention and sex offender treatment programs address the intersection of sexual abuse and physical violence and judges' role in insuring that the programs to which offenders are sent address this issue effectively.

Module XIII: *Recommendations for Improving Court Response to Intimate Partner Sexual Abuse*

Numerous recommendations to improve access to justice and treatment for victims and offenders in intimate partner sexual abuse cases, as well as suggestions for judges' involvement in coordinated community response within the code of judicial conduct.

Developing Issues

This section includes material on evidence-based, post-*Crawford* prosecution and adjudication of intimate partner sexual abuse cases. New content about emerging issues in the law will be added to this section as they arise.

Case Studies

Four civil and four criminal case studies illustrate the issues that arise in intimate partner sexual abuse cases and provide an opportunity to apply the information explored in the twelve modules.