

Women in Danger: Intimate Partner Violence Experienced by Women Who Qualify and Do Not Qualify for a Protective Order

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Not all women who apply qualify for a civil protective order. This study compares the type and severity of violence reported by women who qualified with that experienced by women who did not qualify. Ninety women seeking a protective order against a male intimate were interviewed. Findings indicated that 28% of women applying for a protective order did not qualify primarily because of cohabitation requirements or childbearing status. Actual and threatened violence was measured with the 46-item Severity of Violence Against Women Scale. A 17-item questionnaire measured stalking behavior. Levels of reported violence for the preceding 3 months were measured for the two groups. The symbolic threat behavior only of throwing, smashing, or breaking an object was significantly higher for qualifying women. The physical abuse behavior only of being pushed, shoved, or pulled was significantly higher. None of the stalking behaviors were significantly different. Data are urgently needed that document the barriers to abused women receiving protective orders, the relevancy of qualifying criteria, and the effectiveness of protective orders issued. Copyright © 2001 John Wiley & Sons, Ltd.

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INTRODUCTION

Latest available figures from the National Crime Victimization Survey revealed that more than 960,000 incidents of violence against a current or former spouse, boyfriend, or girlfriend occur in America each year. The majority (85%) of the victims are women (Greenfield *et al.*, 1998). In 1996, violence by an intimate accounted for 21% of the violent crime against women, compared with 2% for men. On average, each year from 1992 to 1996, eight of every 1,000 women were physically and/or sexually assaulted by a current or former intimate partner. Although less likely than males to experience violent crime overall, females are eight times more likely than males to be assaulted by an intimate (Greenfield *et al.*, 1998).

Stalking is frequently associated with intimate partner violence. Stalking, as defined in the National Violence Against Women (NVAW) Survey (Tjaden & Thoennes, 1998), includes repeated (i.e., two or more) occasions of visual or physical proximity, nonconsensual communication, and/or verbal, written, or implied threats that would cause fear in a reasonable person. Using this definition, 81% of the women in the NVAW Survey who were stalked by a current or former husband or cohabiting partner were also physically assaulted by the same partner (Tjaden & Thoennes, 1998). These findings confirm the results of other studies that report stalkers are more likely to be violent if they have had an intimate relationship with the victim (Coleman, 1997; Meloy, 1998). When stalking occurs in conjunction with intimate partner violence, it is likely to end in severe violence and/or possible murder (DeBecker, 1997; Perez, 1993).

The most recent available figures documented 1,800 murders committed by an intimate in 1996, with three in every four victims being female. During the two decades of 1976–1996, 29.7% of women victims were murdered by husbands, ex-husbands, and non-marital partners, compared with 5.9% of male victims. During the same time period, intimate murders accounted for 30% of all female murders and 6% of all male murders (Greenfield *et al.*, 1998). Among murder victims for every age group, females were much more likely than males to have been murdered by an intimate (Cooper & Eaves, 1996).

Intimate Partner Violence and Protective Orders

Abused women seek assistance to end the violence in a variety of ways, including a court order of protection. Protective orders, both temporary and permanent, are public documentation that abuse has occurred, and if the protective order is violated the suspect is subject to criminal prosecution. To make protective orders more accessible and enforceable, the 1994 Violence Against Women Act (VAWA) provided for no filing fees or service costs for protection orders and a full faith and credit provision to ensure law enforcement protection in any state, regardless of the state where the protective order was issued. Additionally, VAWA established penalties for persons who cross state lines to continue abuse of an intimate, thus making interstate domestic abuse and harassment a federal offense.

The qualifying criteria necessary to obtain a protective order are mandated by the individual state legislatures through state statutes. The criteria usually require that

the person requesting a protective order (i.e., applicant) be married to the abuser currently or in the past, have cohabited with the abuser currently or in the past, or that the abuser and the applicant had a child together. In addition, the criteria generally require that the applicant has been a victim of intimate partner violence and that there is a likelihood of intimate partner violence in the future (Finn, 1991). The specific criteria vary from state to state, but with the passage of VAWA in 1994, there is work towards more uniformity in the statutes. Currently the National Conference of Commissioners on Uniform State Laws ('Uniform enforcement,' 1999) has begun drafting legislation that will help courts recognize and enforce valid domestic protective orders issued in other states. Because these inconsistencies continue to exist in the qualifying criteria for protective orders, an examination of qualifying criteria and associated abuse is required if services for abused women are to be most effective.

The panel on Research on Violence Against Women established by the National Research Council stated that 'studies are needed that examine discretionary processes in the criminal and civil justice system, including implementation of new laws and reforms' (Crowell & Burgess, 1996, p. 141). The purpose of this study was to extend the knowledge about protective orders by describing the type and severity of violence reported by women qualifying for a civil protective order, as compared with women who make application but do not qualify. Implications for policy reform are discussed. To the authors' knowledge, this is the first study on qualification status for a protective order and associated level of violence.

METHODS

This descriptive study was conducted in a district attorney's (DA's) office that specializes in family violence and assists abused women in filing protective orders. All persons presenting to the office are routinely provided individual counseling and community referral information on violence. Each person is interviewed and counseled by a licensed social worker who functions as the applicant's caseworker throughout the protective order process. The criteria used in the decision-making process by the caseworker are determined by the Texas Family Code, Title 4 (1995). Criteria for qualification for a protective order include being a victim of family violence, a likelihood that family violence will occur again in the future, and a current or former intimate relationship which included cohabiting or being the biological parents of the same child (Texas Family Code, Title 4). Applicants not meeting these criteria are informed at the time of application whether they do or do not qualify to receive a protective order. Questions from either the applicants or their caseworkers regarding the decision about qualification status are immediately discussed with the Chief Assistant District Attorney for the Family Criminal Law Division. All applicants are given the name and phone number of their caseworker and encouraged to call back for further assistance.

For the purposes of this study, a sample of women qualifying and not qualifying for a protective order was desired. Therefore, following approval by the agency, institutional review board for human subjects approval, and completion of informed consent procedures, a consecutive sampling technique was used with the women

applying for a protective order and meeting study criteria. Inclusion criteria were: (a) intent to file a protective order against an intimate partner; (b) 18 years old or older; and (c) able to speak English. Five of the eligible women refused to participate, usually due to time constraints or discomfort from injury, so the next eligible woman was then invited to participate until a sample of 90 women was obtained over a 21-day period.

The 90 women signed an informed consent and were interviewed by a registered nurse. All women were interviewed in a private office. The interview lasted 20 minutes. Two violence assessment questionnaires were administered. For both questionnaires, the women were asked to report for the last 3 months. A \$20 stipend was offered to each participant.

Violence Assessment Measures

Severity of Violence Against Women Scale (SVAWS)

The SVAWS is a 46-item questionnaire designed to measure two major dimensions: behaviors that threaten physical violence, and actual physical violence (Marshall, 1992). Included are nine factors or subscales with demonstrated validity through factor analytic techniques: Symbolic Violence, Mild, Moderate, and Serious Threats (Threats of Violence dimension) and Mild, Minor, Moderate, Serious, and Sexual Violence (Actual Violence dimension).

For each behavior, the woman responds using a four-point scale to indicate how often the behavior occurred (i.e., 1 = never; 2 = once; 3 = few times (two or three); 4 = many times (4 +)). Initial internal consistency reliability estimates ranged from .92 to .96 for a sample of 707 female where students and from .89 to .96 for a scale of 208 community women. Subsequent reliability for abused women was reported as .89 for the threats dimension and .91 for the Actual Violence dimension (Wiist & McFarlane, 1998a, 1998b). For the present study, reliability for the Threats of Violence dimension was $\alpha = .91$, and for the Actual Violence dimension reliability was $\alpha = .93$.

Stalking Victimization Survey (SVS)

The SVS is a 17-item survey used to document the frequency and type of stalking by the intimate partner perpetrator. The stalking survey included seven items developed by Tjaden and Thoennes (1998) as part of the Violence and Threats of Violence against Women in America Survey. Examples of these items include being followed or spied on, sent unsolicited letters or written correspondence, and/or finding the perpetrator standing outside the victim's home, school, or workplace. Content validity was established by a panel of experts. Ten items were added from the Sheridan (unpublished doctoral dissertation) HARASS instrument to form the 17-item survey used in the present study. Examples of items added include threats by the abuser to harm the children or commit suicide if the woman left the relationship, leaving scary notes on her car, or threatening her family. In this study, reliability was $\alpha = .82$ for the set of 17 questions.

RESULTS

Ethnic composition of the 90 abused women interviewed included 40% African American, 30% white, 29% Latino/Hispanic, and 1% other, primarily Asian. The women ranged in age from 18 to 52 with a mean of 32 years ($SD = 8.0$). Mean years of schooling was 12 years ($SD = 2$) with 62% of the women having at least a high school education. The abuser was a current intimate (i.e., spouse or boyfriend) for 54% of the women and an ex-intimate for the remaining 46% of the women. The women had known the abuser an average of 8.7 years ($SD = 7.1$) with the first abuse occurring an average of 4.7 years ago ($SD = 5.9$). Some 73% of the women had children younger than 18 years of age living with them.

Of the 90 women, 13 (14%) reported previously obtaining a protective order and six of these 13 women (62%) reported the protective order had stopped the abuse. When asked how they learned about protective orders, 40 of the women (44.4%) listed the police, 22 (24.5%) indicated family/friends, 11 (12.2%) cited a women's center or shelter, five (5.6%) indicated someone from a school or work setting, and 12 (13.3%) cited 'other' sources, including lawyers and the media. When asked how long the women had known about protective orders, one woman had learned about protective orders over 25 years previously. However, the majority of the 90 women (51%) had only learned of protective orders within the three months prior to making application, usually as a part of a call to the police for domestic violence assistance. Expectations of the women were that the protective order would make life safer because the abuser would stay away (47.8%) or that he would fear arrest and stay away (17.8%). Twenty-one women (23.3%) expected retaliation and an increase in the violent behaviors.

Qualification Status and Demographics

In this group of 90 women, 65 qualified for a protective order (72.2%). Table 1 presents the demographics and relationship status for the two groups (Qualified and

Table 1. Demographics and relationship status for women who qualified and did not qualify for a protective order ($N = 90$)

	Qualified ($n = 65$)	Did not qualify ($n = 25$)
Age (years)	31.98 ($SD = 8.84$)	31.56 ($SD = 5.66$)
Race		
African American	33.4%	56.0%
White	30.8%	28.0%
Latino/Hispanic	33.8%	12.0%
Other (Asian/Native American)	1.5%	4.0%
High School Graduate	72.3%	76.0%
Employed	66.2%	72.0%
Relationship Status		
Current Partner	53.8%	56.0%
Ex-Partner	46.2%	44.0%
Length of Relationship (years)	8.83% ($SD = 7.35$)	8.24% ($SD = 6.57$)

Age $t = .223$, $p = .824$; Race $\chi^2 = 5.856$, $df = 3$, $p = .119$; High School Graduate $\chi^2 = .126$, $df = 1$, $p = .723$; Employed $\chi^2 = .283$, $df = 1$, $p = .595$; Relationship Status $\chi^2 = .034$, $df = 1$, $p = .854$; Length of Relationship $T = .351$, $p = .726$.

Table 2. Frequency of specific types of intimate partner threat reported by women who qualified and did not qualify for a protective order ($N = 90$)

Type of threat	Qualified ($n = 65$)%	Did not qualify ($n = 25$)%	p
Symbolic			
Kicked a wall, door or furniture	78	48	ns
Threw, smashed, or broke an object	78	44	0.002*
Drove dangerously with her in the car	52	24	ns
Threw an object at her	62	36	ns
Mild			
Shook finger at her	74	60	ns
Made threatening gestures at her	89	80	ns
Shook fist at her	75	56	ns
Acted like a bully toward her	89	80	ns
Moderate			
Destroyed something belonging to her	71	60	ns
Threatened to harm/damage things she cares about	82	72	ns
Threatened to destroy property	77	60	ns
Threatened someone she cares about	65	48	ns
Serious			
Threatened to hurt her	95	88	ns
Threatened to kill himself	54	24	ns
Threatened to kill her	82	60	ns
Threatened her with a weapon	37	32	ns
Threatened her with a club-like object	23	12	ns
Acted like he wanted to kill her	70	64	ns
Threatened her with a knife or gun	38	20	ns

*Significant $p = .003$ (Bonferroni correction).

Did Not Qualify) along with the test statistics. The groups were remarkably similar with no statistically significant differences.

Qualification Status and Severity of Violence Against Women Scale

The proportion of women who had experienced specific types of threat of physical violence and actual physical abuse was compared by qualification status groups. Of the 19 threat items, 'threw, smashed, or broke an object' was significantly higher for women qualifying for a protective order ($p = .002$) (see Table 2).

Of the 27 actual abuse items, being 'pushed or shoved' ($p = .001$) or 'pulled' ($p = .002$) were the only items that were significantly higher for women qualifying for a protective order (see Table 3).

Finally, to compare the two dimensions of threats and actual physical abuse as well as the nine subscale scores by qualification status, a t test for independent samples was completed (see Table 4). The threats dimension was significantly higher for qualifying women ($p = .002$), as were the subscales of 'symbolic threat' ($p = .001$) and actual 'mild violence' ($p = .004$).

To guard against a type I error from multiple testing, the Bonferroni technique was used and resulted in a 0.003 significance level for Table 2 (i.e., .05/19), .002 for Table 3 (i.e., .05/27), and .005 significance level for Table 4 (i.e., .05/11).

Table 3. Frequency of specific types of intimate partner abuse reported by women who qualified and did not qualify for a protective order ($N=90$)

Type of abuse	Qualified ($n=65$)%	Did not qualify ($n=25$)%	p
Mild			
Held her down	69	48	ns
Pushed or shoved her	91	60	.001*
Grabbed her suddenly	88	64	ns
Minor			
Scratched her	37	28	ns
Pulled her	83	52	.002*
Shook her	83	56	ns
Twisted her arm	51	32	ns
Spanked her	12	12	ns
Bit her	15	12	ns
Moderate			
Slapped her with his palm	52	44	ns
Slapped her with the back of his hand	28	8	ns
Slapped her around the face	62	44	ns
Serious			
Hit her with an object	40	24	ns
Punched her	52	32	ns
Kicked her	37	12	ns
Stomped on her	18	8	ns
Choked her	51	32	ns
Burned her	2	4	ns
Used a clublike object on her	17	4	ns
Beat her up	55	38	ns
Used a knife or gun on her	11	4	ns
Sexual			
Demanded sex whether she wanted to or not	62	36	ns
Made her have oral sex	14	12	ns
Made her have sexual intercourse	46	28	ns
Physically forced sex	40	24	ns
Made her have anal sex against her will	14	8	ns
Used an object on her in a sexual way	2	0	ns

*Significant $p = .002$ (Bonferroni correction).

Table 4. Mean violence scores and standard deviation (SD) for women who qualified and did not qualify for a protective order ($N=90$)

Types of violence	Qualified ($n=65$)		Did not qualify ($n=25$)		p
	Mean	SD	Mean	SD	
Threats of Violence	49.31	12.59	39.88	12.64	.002*
Symbolic	9.69	3.46	6.76	3.23	.001*
Mild Threats	12.52	3.61	10.56	3.73	ns
Moderate Threats	10.85	3.76	9.44	4.18	ns
Serious Threats	16.25	5.03	13.12	4.73	ns
Actual Physical Violence	51.40	16.01	41.96	16.57	ns
Mild Violence	10.60	3.47	8.08	3.83	.004*
Minor Violence	10.51	3.45	8.64	4.29	ns
Moderate Violence	5.80	2.83	5.00	2.58	ns
Serious Violence	14.55	5.79	11.64	4.92	ns
Sexual Violence	9.78	4.37	8.60	4.31	ns

*Significant $p = .005$ (Bonferroni correction).

Table 5. Frequency of specific types of stalking reported by women who qualified and did not qualify for a protective order ($N=90$)

Type of Stalking	Qualified ($n=65$)%	Did not qualify ($n=25$)%	<i>p</i>
Followed or spied on her	66	72	ns
Sent her unwanted letters or written correspondence	18	16	ns
Made unwanted phone calls to her	66	72	ns
Stood outside her home, school, or workplace	52	68	ns
Sat in car outside her home, school, or workplace	43	60	ns
Showed up at places where she was even though they had no business there	52	60	ns
Left unwanted items for her to find	23	40	ns
Tried to communicate with her in other ways against her will	60	56	ns
Vandalized her property or destroyed something she loved	51	36	ns
Killed her pet	8	4	ns
Threatened to harm the kids if she left	15	16	ns
Threatened to kill himself if she left	49	16	ns
Destroyed her property, including car parts	55	40	ns
Called her on the phone and hung up	57	60	ns
Threatened her family	51	36	ns
Left notes on her car	14	4	ns
Showed up without warning	65	84	ns

Significant $p = .003$ (Bonferroni correction).

Qualification Status and Stalking

In a similar fashion, chi-square analysis was used to compare the proportion of women who had experienced specific types of stalking by qualification status group (see Table 5). The Bonferroni technique resulted in a significance level of .003 (i.e., .05/17). No significant differences were found between the qualified and did not qualify group on any of the stalking questions. Total mean stalking score for women qualifying for a protection order was 7.46 ($SD = 4.22$), compared with 7.40 ($SD = 3.20$) for women not qualifying. The t test also yielded no significant differences.

DISCUSSION

Findings indicated that 28% of women applying for a protective order against a male intimate did not qualify. No statistical differences existed between demographics or relationship status by qualification status. Interestingly, both groups had been with the abuser an average of 8 years. When levels of reported violence for the preceding 3 months were measured for the two groups, the symbolic threat behavior only of 'threw, smashed, or broke an object' was significantly higher for qualifying women, as were the physical abuse behaviors of being 'pushed or shoved' and 'pulled.' No stalking behaviors were significantly different.

The intent of protective orders is to safeguard abused women. Few studies have been reported to show the effectiveness of protection orders toward decreasing or stopping intimate partner violence against women. Findings from studies by Kaci (1994) as well as Keilitz, Hannaford, and Efke (1997) indicated that 86–92% of the women reported that the violence had stopped after obtaining a protective order.

Keilitz *et al.* (1997) also concluded that at the 6-month follow-up interview, 85% of the women reported life improvement, 93% felt better about themselves, and 81% felt safer. The sample size in Kaci's study was very small ($n = 14$ of 137 women) and the attrition rate was very high (74%) at 6 months. Keilitz *et al.* reported a 32% ($n = 177$ of 554 women) follow-up rate at 6 months.

Two other studies (Harrell, Smith, & Newmark, 1993; Klein, 1996) were conducted with very different results from those of Kaci (1994) and Keilitz *et al.* (1997). High rates (32–60%) of re-abuse were reported within 3 months to 1 year in the studies by Harrell *et al.* and Klein. It is interesting to note that in Klein's study, the research was conducted retrospectively on men against whom a restraining order because of intimate partner violence was successfully brought in one specific court. The data of the study were obtained from court records and no victims were interviewed. The differences in the research studies, the way the data were collected, and the subject selection and participation make it very difficult to draw any definitive conclusions from these studies. However, these findings do indicate a remarkable difference in the reporting of the continuation of violence after filing a protection order. These findings also indicate that filing a protection order does protect the woman to some extent, but additional safety measures also need to be in place to deter further abuse.

It is disturbing that 28% of the women requesting a protective order in this study had experienced appreciable threats of abuse, actual physical assault, and stalking, yet they were denied a protective order. Although the specific reason(s) each woman was denied a protective order was not recorded, the major reason tended to be lack of a cohabiting relationship. It is alarming that two pregnant women had experienced the initiation of assault after informing the intimate partner of the pregnancy, yet both these women did not qualify for a protective order as they were not cohabiting and had not 'yet' delivered a child. Considerable documentation exists on the danger to maternal and infant health when women are abused during pregnancy (Dye, Tolliver, Lee, & Kenney, 1995; McFarlane & Parker, 1994; McFarlane *et al.*, 1996a, 1996b) as well as possible homicide (Dannenberg *et al.*, 1995; Fildes, Reed, Jones, Martin, & Barrett, 1992).

Of particular concern is the high percentage of stalking experienced by women not qualifying for a protective order especially in light of research connecting stalking with intimate partner assault (DeBecker, 1997; Perez, 1993; Tjaden & Thoennes, 1998). Experts on abuse warn that the most dangerous perpetrators can be identified by their stalking behavior (Hart, 1988). Psychologists believe that stalking behavior and obsessive thinking are highly related behaviors (Meloy, 1996). A profile of stalkers by Meloy (1998) noted that at least one-half of stalkers explicitly threaten their victims, and even though most threats are not carried out, the risk of violence increases when there is a verbal threat. Meloy further noted that the frequency of violence among stalkers toward the person being stalked averages in the 25–35% range, with those individuals who have had a prior sexually intimate relationship with the victim being the most likely group of stalkers to be violent.

Findings from two recent studies indicated a strong association between intimate partner stalking and femicide (i.e., homicide of women). Moracco, Runyan, and Butts (1998) used medical examiner records and interviews with law enforcement officers to obtain information on 586 femicide victims. Half of the victims were murdered by a current or former partner, and of these 23.4% had been stalked.

McFarlane, Campbell, Sachs, and Ulrich (1999) found 76% of femicide and 85% of attempted femicide respondents reported at least one episode of intimate partner stalking within 12 months of the violent incident. The most frequently reported stalking behavior for both femicide and attempted femicide victims was being followed or spied upon, a behavior that was reported by 72% of the women not qualifying for a protective order in this study. McFarlane *et al.* concluded that both intimate partner assault and stalking are risk factors for lethal and near-lethal violence for women. These two perpetrator behaviors are very likely to occur together. Unfortunately, many jurisdictions do not consider stalking by itself grounds for orders of protection and anti-stalking laws are difficult to enforce for batterers. In this study, women not qualifying for a protective order were just as likely to be stalked as women who qualified. These women were clearly at serious risk of both further assault and possible murder, yet did not qualify for criminal justice protection.

Generalizability of the study findings are limited to women 18 years of age or older who speak English and applied for a protective order through a large urban District Attorney's Office. The study relies totally on self-reports of the abused women who may under-report or over-report threats of abuse, types of abuse, and/or stalking behaviors due to the possibility of inadequate recall and/or lack of voluntary disclosure. The findings are also limited by the decision-making process of the District Attorney's Office regarding which women do and do not qualify for a protective order. The women in this study were English speaking only, which makes further research on a non-English speaking sample essential. Additionally, this study was completed in an urban area; therefore, replication is needed in rural areas with diverse ethnic groups in a variety of settings (i.e., criminal and civil justice systems). The degree of representativeness is unknown in regard to the levels of violence experienced by these women who qualified and did not qualify. This determination will require additional research. Perhaps most limiting on our ability to make decisions is the lack of longitudinal data and the need to follow both qualifying and non-qualifying women to measure the trajectory of violence.

In conclusion, the findings of this study are straightforward. Over one-fourth of abused women applying for a protective order did not qualify primarily because of cohabitation or childbearing status. Should living arrangements and fertility be the decisive factors in offering abused women safety? What is the message being conveyed to abused women who seek criminal justice assistance when protective assistance is based on marital status and/or children? Clearly, the intent of the 1994 Violence Against Women Act (VAWA) was to make protective orders more accessible and enforceable. Data are urgently needed that document the barriers to abused women receiving protective orders, the relevancy of qualifying criteria, and the effectiveness of protective orders issued.

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