



Tips for Representing Lesbian, Gay, Bisexual, and Transgender (LGBT) Survivors of Domestic Violence in Court

All survivors of domestic violence face barriers when accessing the legal justice system, but for LGBT survivors, there is the additional reality that homophobia and transphobia exist in many courthouses in the nation. Below are things to be aware of and suggestions for representing LGBT survivors of domestic violence.

☞ Awareness of language

We know that survivors are struggling with the shame, hurt and fear that comes with being a survivor of domestic violence. Imagine for a moment that you have to ‘come out’ while the system in its choice of language continues to negate your relationship. Be aware of judges, clerks, and bailiffs’ using male pronouns when referring to the perpetrator. If the wrong pronoun is being used, politely inform the speaker of the correct pronoun. Additionally, when representing transgender survivors make sure that the pronoun of the survivor’s choice is being used where legally possible.

☞ Be Prepared

To have the legal system minimize your client’s case. Some judges and/or court personnel will not take LGBT domestic violence as seriously as heterosexual violence. They may encourage you, as the attorney, to settle the matter. They may be less willing to grant the restraining order or more likely to grant mutual restraining orders. Research and prepare arguments in advance to counter these barriers. Also, there may be different laws governing actions for LGBT persons.

☞ Educate Yourself

Learn more about the dynamics of LGBT Intimate Partner Violence. Reassuring clients that they are not alone and that domestic violence exists in all forms of relationships helps reassure clients that they are not to blame.

☞ Do Not Assume

Remember that LGBT clients, like all clients, present their problems with thousands of variations. Don’t assume that you understand their problem just because you may be a member of the LGBT community. A person’s race, ethnicity, class, disability, immigration status, etc., may be just as important, if not more important, in influencing a survivor’s decisions.

☞ Be Respectful!!!

Survivors of domestic violence are typically re-victimized numerous times by the legal system. As an attorney, make sure you are sensitive and that you are empowering the survivor, by first listening to their story, informing the survivor of their various options, asking what it is s/he wants, and then respecting that decision! People who have been abused have had the power to make their own decisions taken away; regaining that power is an important step in healing.

Remember: Going in front of a judge or talking to court personnel can be difficult for even a seasoned attorney. For LGBT survivors of domestic violence the process is even more arduous in that in order to obtain relief, they will almost always have to “out” themselves. This is a powerful tool that abusers have in maintaining control of their partners. When survivors are ready to proceed, it is imperative that as attorneys and advocates we are aware of these barriers and ready to offer the support needed to move forward.

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