

Domestic Violence Protections for LGBTQ Persons in NC

Why are LGBTQ domestic violence victims not allowed the same protections as heterosexual/cisgender victims in North Carolina?

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Definitions

Domestic violence is defined as “an act upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense (50B-1, A).”

Victims of domestic violence can ask for a domestic violence protective order which grants them a range of legal protections from their abuser.

Currently in North Carolina a domestic violence protective order is only available to people who are in a “personal relationship” under state law.

A personal relationship is defined as people who have kids, current or former spouses, **PERSONS OF THE OPPOSITE SEX** who live together, people who are related, and current and former household members (50B-1,1-5).

The Problem

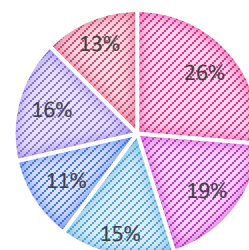
This definition does *NOT* allow for same-sex dating partners to be covered. This does not allow for couples in same-sex relationships to receive protective orders for any physical, emotional, or mental abuse.

Statistics

Research indicates that LGBTQ members are at a higher risk of victimization than cisgender/heterosexual people.

REPORTS OF INTIMATE VIOLENCE

■ Bisexual Women ■ Lesbian Women
■ Heterosexual Women ■ Gay Men
■ Bisexual Men ■ Heterosexual Men



National Center for Disease Control study from January of 2013 found that the lifetime prevalence of physical violence, rape, and/or stalking by an intimate partner was 61.1% for bisexual women, 43.8% for lesbian women, and 35.0% for heterosexual women. Additionally, 26.0% of gay men, 37.3% of bisexual men, and 29.0% of heterosexual men reported violence by an intimate partner.

Violence between LGBTQ couples is harder to spot because they don't fit the stereotypes of domestic abuse: "They're not straight, feminine-looking women abused by masculine-looking men (Carpenter,1)."

Myths and Misconceptions

When individuals are being abused in same-sex relationships they are given temporary "no contact" order, which is a safeguard that fails to provide certain protections, like prohibiting abusers from accessing firearms (Brooks, 1).

CURRENT CASE: A woman, M.E., asked a district court in Wake County to grant her a domestic violence protective order that would prevent her ex from contacting her or having access to firearms. However, her ex being a woman prevented this (Brooks, 2).

Precedent

North Carolina is the **ONLY** state that has not changed the statutes to add sexual violence protection for **ALL PEOPLE**.

In May 2017 Louisiana passed a bill to extend state domestic violence protections to LGBTQ people and others in same-sex relationships. House Bill 27 removed

language out of Louisiana's domestic violence law which limited protections only to partners of the opposite sex.

Proposed Solutions

The only solution is to change the wording of the legal statutes. The statute should be re-written to explicitly state that all persons regardless of who they are in a relationship with should be protected from domestic violence (Little, 262).

By legitimizing domestic violence protective orders for LGBTQ persons, LGBTQ people will be able have the same protections from their abusers.

While this may seem small, this changes the protections they are able to get and may encourage more people to come forward because the potential stigmas from victimization can decrease.



Citations in MLA

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