



Domestic Violence in the Lesbian/Gay/Bisexual/Transgender/Queer Community

LGBTQ abusive partners use many of the same tactics as heterosexual abusive partners such as social isolation, emotional and psychological abuse, economic control, and physical and sexual violence in order to gain and maintain power and control over their intimate partners. However, domestic violence within same-sex relationships is comprised of some unique characteristics and also includes the use of anti-LGBTQ societal stigma and bias as a central tactic to exert power and control and increase isolation.

Issues and Barriers Unique to LGBTQ Victims of Domestic Violence

- LGBTQ abusive partners may “out” (or threaten to “out”) their victims, thereby exposing the victims’ sexual orientation, gender identity, and/or HIV status to family, employers, police, religious institutions, the community, or child protective workers.
- LGBTQ abusive partners often control their partners’ expressions of sexual identity and connections to and within the larger LGBTQ community.
- LGBTQ abusive partners may sabotage or disallow a transgendered partner access to his/her prescribed hormones, often medically required during the transition process.
- LGBTQ abusive partners may use children in common to manipulate and control the victim around issues of custody and visitation, particularly in cases where the child(ren) are biologically related to the abusive partner and may or may not be legally adopted by the victim.
- Service providers and/or first responders often make assumptions about, and perpetuate the myth that same sex intimate partners cannot perpetuate (or be victims of) domestic violence, as both partners are assumed to share equal social standing, earning potential, and physical strength, and are therefore unable to exert power and control over, or be controlled by an intimate partner.
- Dual Arrests are common within the LGBTQ community, as the lack of gender disparity often makes primary aggressor determinations more challenging than the statistically established norm of male perpetrator/ female victim within heterosexual domestic violence.
- LGBTQ individuals may be overlooked by mandatory domestic violence victim notification at hospitals.
- Individuals who have not publicly disclosed their LGBTQ status, who have that information exposed by an abusive partner, become more visible, putting them at risk for becoming vulnerable targets for general criminal behavior even outside of their intimate relationships.

Legal Rights and Resources for LGBTQ Victims of Domestic Violence

In addition to the Domestic Incident Report (DIR) that all police officers are required to complete for any reported domestic incident, there are several legal avenues available to the LGBTQ population in responding to domestic violence.

Some applicable laws and directives include but are not limited to:

- **Expanded Access Law:** (passed on July 21, 2008) Expanded Access to Family Court and civil orders of protection to persons who are or have been in an intimate relationship, even if they have

never lived together, or were never related by blood or marriage, or never had a child in common. This includes heterosexual or same-sex dating couples, including adolescents and teens.

- **Unemployment Law:** (effective May 20, 2009) Extends unemployment benefits and provides benefits to individuals who separate from employment for a “compelling family reason,” including domestic violence. Expands prior law, which covered victims, to include cases where the safety of an immediate family member is at risk. In addition to the family offenses applicable to all victims of domestic violence, depending on the facts of the case, the police or prosecutor may want to consider additional charges.
- **Hate Crime Statute:** (passed on June 10, 2000) Is designed to protect New Yorkers from violence motivated by prejudice and hate because of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.
- **NYS Access to Domestic Violence Shelters:** On October 16, 2015, the New York State Office of Children and Family Services (OCFS) released an Administrative Directive (15-OCFS- ADM-23) to all Commissioners of Social Services and licensed and approved domestic violence programs statewide. The ADM reaffirmed the legal requirement that state-funded residential and non-residential programs for victims of domestic violence provide shelter and nondiscriminatory services for all victims, to fulfill federal funding requirements under both the Federal Violence Prevention and Services Act (FVPSA) and the Violence Against Women Act (VAWA). Furthermore, the ADM required that all domestic violence service providers, regardless of their funding source, establish written policies affirming acceptance of all persons in the above-referenced categories and the prohibition of harassment, bullying, or discrimination against any client based on that person’s sexual orientation, gender identity and/or gender expression.

Additional Resources

- [New York State Coalition Against Domestic Violence](#)
- [NYC Anti-Violence Project](#)
- [National Coalition Anti-Violence Project](#)
- [FORGE](#)

1-800-942-6906

NYS Domestic & Sexual Violence Hotline
CONFIDENTIAL 24 HRS/7 DAYS
English & espanol, multi-language accessibility
711: Deaf or Hard of Hearing
In NYC: 311 or 1-800-621-HOPE (4673)
TDD: 1-800-810-7444