

# New Training Manual for Florida's Supervised Visitation Programs

## CHAPTER

### Stalking in Supervised Visitation

#### Case Scenario

Mrs. Gonzalez drops off her child, Antonio, to visit with Mr. Gonzalez. The two parents are separated but the divorce is not yet finalized. The court gave Mr. Gonzalez supervised visits because he has severe substance abuse issues and had fallen asleep at a McDonalds drive-through while Antonio was in the car with him. The first three visits were ordinary with no violations. At the fourth visit, Mrs. Gonzalez spoke with program staff and told them that she thought Mr. Gonzalez had followed her home after the last two visits. She hadn't said anything to staff before because she didn't have any proof, but she noted that strange things had been happening around her house since then. She said that her back door was open when she came home from work the other day, and her computer was open on the kitchen counter, but no one was home. She made a report to local law enforcement. She informed program staff that Antonio said that he saw his father at school the other day during recess. Mrs. Gonzalez also believes that she saw Mr. Gonzalez drive past her house several times in the last few weeks.

*After completion of this chapter, you will be able to answer the following questions:*

What kind of questions should the program staff ask Mrs. Gonzalez?

Identify some of the risks in this situation.

What referrals might you make to Mrs. Gonzalez?

How would you follow up with Mrs. Gonzalez at the next visit?

## Introduction

Each year, about 7.5 million people are stalked in the United States. Although stalking has affected many people, the crime is still frequently overlooked, minimized, and misunderstood. The dynamics of stalking can vary from case to case, but perpetrators of stalking are often current or former intimate partners of their victims. Stalking incidents between former intimate partners are dangerous and have a high risk for lethality.

Supervised visitation programs must consider how stalking may become an issue for parents they are working with. For example, there is an intersection between stalking and domestic violence, and it is critical for programs to recognize that domestic violence referrals pose a unique risk for stalking.

The nature of supervised visitation programs provides perpetrators with greater access to their victims. Stalking can occur as victims come and go from the supervised visitation center, during the visitation or exchange of the child(ren), or in between visits. Perpetrators may use a variety of tactics to track, monitor, gather information, harass, or intimidate their victims in order to regain control.

## What will I learn in this chapter?

Upon completion of this chapter, a visit monitor will be able to:

- Describe the prevalence of stalking in the U.S.
- Define stalking and describe its common dynamics
- Understand Florida law regarding stalking
- Recognize the intersection of stalking and domestic violence
- Understand the impact stalking can have on victims
- Identify common tactics used by stalkers to track and monitor their victims
- Assess the risk for stalking with parents upon intake
- Apply program measures to prevent stalking

## Statistics

As mentioned in the introduction, stalking is frequently overlooked and minimalized. Yet, stalking can be very dangerous for victims and their children so it should be taken seriously.

The Office on Violence Against Women at the U.S. Department of Justice released the following statistics:

1. The **majority of stalking victims are stalked by someone they know:**
  - 61% of female victims and 44% of male victims of stalking are stalked **by a current or former intimate partner.**
  - 25% of female victims and 32% of male victims are stalked by an acquaintance.
2. **76% of women killed** by their intimate partners had also been stalked by that same intimate partner.
3. **Two-thirds of stalkers pursue their victims at least once per week**, many daily, using more than one tactic.
4. In **1 out of 5** stalking cases, **weapons are used** to threaten or harm stalking victims.
5. **1 in 7 stalking** victims move to a different home because of their victimization.
6. **More than half** of stalking victims who are employed lose five days of work or more because of the stalking.



## Definition and Dynamics

Monitors should understand both the informal and legal definition of stalking because it allows them to develop a working knowledge of the issue. Being able to define stalking will allow monitors to better identify it when it happens at their programs.

Once monitors have a firm understanding about the definitions of stalking, the next step is to learn how the dynamics of stalking (behaviors and tactics used by perpetrators) can change depending on context and the situation. For example, in supervised visitation programs, perpetrators sometimes use more covert styles of stalking, especially in cases where the victim has obtained an injunction against stalking.

The behaviors and tactics used by perpetrators can vary, making it more difficult for people to recognize stalking if they are not competent in the subject. Visitation

programs play an important role in preventing stalking from occurring in their programs.

### **Non-Legal Definition**

The National Institute of Justice defines stalking as, “a course of conduct directed at a specific person that involves repeated (two or more occasions) visual or physical proximity, nonconsensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person fear.”

### **Florida Statute Stalking Definition §784.048**

A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree. (s. 784.048(2), F.S.)



*“Harass”* means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose. (s. 748.048(1)(a), F.S.)

Cyberstalking or Stalking that causes substantial emotional distress to the victim and serves no legitimate purpose is a 1st degree misdemeanor punishable by up to 1 year in jail and fines up to \$1,000.

A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree. (s. 784.048(3), F.S.)

*“Credible threat”* means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section. (s. 748.048(1)(c), F.S.)

Aggravated stalking is considered a 3rd degree felony and is punishable by up to 15 years in prison and fines up to \$10,000.

“Cyberstalk” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. (s. 784.048(1)(a-d), F.S.)

“*Course of conduct*” means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. (s. 748.048(1)(b) F.S.)

### **Persons who may petition for a stalking injunction**

A person who is the victim of stalking or the parent or legal guardian of a minor child who is living at home who seeks an injunction for protection against stalking on behalf of the minor child has standing in the circuit court to file a sworn petition for an injunction for protection against stalking. (s. 784.0485(1)(a), F.S.)

If it appears to the court that stalking exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction restraining the respondent from committing any act of stalking. (s. 784.0485(5)(a), F.S.)

If the stalking is in violation of an injunction for protection, then the person will be charged with aggravated stalking even if there was no threat made.

### **Stalking Behaviors**

Actions that are involved in stalking may seem harmless to onlookers; however, the person experiencing the stalking can feel very afraid or unsafe.

Below is a list of behaviors that stalkers engage in:

**A stalking injunction makes it illegal for perpetrators to commit any act of stalking against their victims.**

- Leaving or sending the victim unwanted items or presents. Some presents may be seemingly romantic, or bizarre
- Following the victim around or waiting outside of places visited by the victim
- Damaging or threatening to damage the victim's property
- Defaming the victim's character
- Harassing the victim online by posting personal information or spreading rumors about the victim
- Engaging in unwanted communication via letters, telephone, text messages, emails, etc.



The most important thing to consider about these behaviors is that they are unwanted by the victim. Even if some stalking actions such as delivering gifts or other items like flowers or candy seem harmless, they are unwanted gestures and a means of the perpetrator communicating with the victim. Some stalkers have gone to the victim's house and left unwanted gifts, notes, or even cleaned the house while the victim was away. This sort of behavior is not benign and helpful. It is intentionally done to demonstrate to the victim that the stalker has access to the home. It is done to make the victim feel unsafe and vulnerable. It is done to show the victim that the stalker can show up anytime. It is meant to cause fear. It is meant to threaten. Visitation staff should understand these crucial dynamics of stalking so they do not minimize the concerns of victims and the behaviors of perpetrators.

### **Common Tactics**

Stalkers may use a variety of tactics to monitor or harass their victims. Stalkers often use a different combination of tactics. The Stalking Resource Center found that 78% of perpetrators used more than one tactic to stalk their victims.

Below is a list of the most common stalking tactics:

- *Physical surveillance:* The stalker might monitor or patrol the various places a victim visits (work, home, gym, school, etc.), or may follow the victim on foot or in a car throughout his or her day.

- *Proxy stalking*: This tactic is quite common and involves the participation of people other than the perpetrator to monitor and follow the victim. This tactic is a very real threat in supervised visitation.

#### REMINDER:

Perpetrators often use more than one type of tactic in their approach to stalk victims.

- *Technology*: Perpetrators sometimes use the internet, email, or other electronic communications to stalk their victims. They might use social networking sites to threaten their victims or to monitor the public information victims post. Other forms of technology such as GPS and cameras are sometimes used to monitor a victim's location. The perpetrator may put spyware on the victim's computer to track website browser history and internet use.

- *Child Involvement*: Perpetrators also frequently use children as tools, targets, or allies in their stalking activities. Perpetrators may use children to send threats, or may harm or threaten to harm the children to instill fear in their victims. Stalking victims may try to change their routines to protect their children from stalking, but it can be very difficult to do so.

## Domestic Violence and Stalking

Similar to domestic violence, partner stalking is a crime of power and control. Intimate partner stalking often overlaps with a history of partner physical and sexual violence. Of those who reported being stalked by a former intimate partner, 74% reported violence or coercive control during the relationship.

In stalking cases that involve a former or current intimate partner, there is a heightened risk for lethality and violence compared to stalking by non-intimate partners for several reasons. First, in former intimate partner cases, the stalkers are more likely to physically approach the victim and interfere or threaten the victim. Second, they are more likely to use weapons in their approach. Third, perpetrator behaviors are more likely to escalate into violent behaviors.

It is important to consider this information when working with domestic violence referrals in supervised visitation. Remember that abusers who feel like they are losing power over their victim will try to engage in behaviors that intimidate or harm the victim in an attempt to regain power. The most dangerous time for a victim of domestic violence during an abusive relationship is when that person decides to leave the abuser. During that time, a victim is at the greatest risk for violent and lethal behaviors.

Stalking is a crime of power and control, similar to domestic violence.

In cases of partner stalking, there is an increased risk for lethality and violence.

It is absolutely necessary that supervised visitation programs assess for stalking in domestic violence referrals on a visit-by-visit basis with victims and children. The possibility of stalking occurring is great in domestic violence referrals and it can have deadly consequences.

## Impact of Stalking

Stalking victimization can cause a wide range of fears and significant psychological distress in individuals.

### *Impact on Victims and Their Children*

- The prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher in stalking victims than in the general population.
- Intimate partner stalking is associated with victims' sleep and health problems.
- Existing health problems may be exacerbated by the stress or distress caused by stalking.
- Increased anxiety and nervousness in both victims and their children is common while stalking is occurring and should prompt program staff to ask about the possibility of stalking.
- Stalking can have serious effects on a victim's career or employment. Many stalking victims lose time from work, have lost their jobs, or are unable to take employment opportunities such as promotions.
- Children of the victim may experience physical or psychological harm.

Stalking can be deeply traumatizing for individuals and their children. To prevent these damaging effects, stalking must be addressed with a sense of urgency.

## Supervised Visitation and Stalking

Victims of abuse who are using supervised visitation services may be at a heightened risk for stalking, so program staff need to learn how to recognize stalking and incorporate safety measures to mitigate the risk. In addition, it is important for programs to consider that stalking may occur in any of their referrals. Perpetrators may even ask for the help of other visiting families in their stalking efforts. Therefore, programs should assess and screen every parent involved in visitation services for stalking.

### Recognizing Stalking

In some situations, victims may be aware that they are being stalked, and in others they are not aware. Program staff and monitors can help protect those involved in visitation services by knowing how to recognize stalking behaviors that victims may not notice. Below are examples that should raise red flags to program monitors about the possibility of stalking.

#### Perpetrating parents might:

- Try to give their child a new cellphone during a visit.
  - *Potential for stalking:* A stalker may try to give someone close to their victim a cellphone in order to monitor or track them. Many cellphones come with GPS that can be seen by another phone.
- Consistently arrive early to the program or wait in the car to leave until their child is picked up.
  - *Potential for stalking:* The parent may be trying to interact with the other parent or may be trying to follow the parent and child home.

**REMINDER:**  
The nature of supervised visitation programs can provide perpetrators with greater access to their victims.



- Say things during a visit like “I saw that you and your mom moved”, or “What did you end up getting from the store the other day” that would indicate that they have been monitoring the parent and child’s activities and location.
- *Potential for stalking*: Perpetrating parents may also try to elicit information from children by asking questions about the other parent during visits in order to stalk them outside of the program.

**Victim parents might:**

- Act very nervous during arrival when dropping their child off
- Say that they saw the other parent driving behind them after leaving the last visit
- Say that the other parent asked their child during the last visit about some of their current whereabouts and activities
- Inform the program staff that a family member or friend of the perpetrator, or even another visiting parent, has been showing up in many of the same places that the victim has been

**Prevention Strategies**

It may be difficult to prevent perpetrators from stalking their victims, but safety measures must be in place to try and decrease the likelihood of it occurring. Supervised visitation programs do provide an opportunity for stalkers to interact and follow their victims, but this “opportunity” for stalking can be mitigated with safety precautions.

Stalking must be addressed with a sense of urgency due to its damaging effects and risk for violence.

Supervised visitation programs should do the following to mitigate the risk of stalking in their programs:

1. **Ask during intake whether the vulnerable parent has any concerns about feeling safe at the program.**

This information may be helpful, even though it is not a formal screening. It may lead to information about what specific behavior has occurred in the past. It may open a conversation with the parent to determine what might be helpful to make the visits safer. It may lead to information about specific behavior that increases risk to the parent. Be open to working with the client in ways that apply to the parents’ particular situation.

Remember to provide the parent with information about accessing the local certified domestic violence center, but do not coerce the client about contacting the center.

2. **Limit interactions between family members of the principals** involved in the programs; doing this might help prevent proxy stalking.
  - Program staff should ask all parents on a regular basis if they have been approached by the other parent or if the other parent is trying to monitor their behavior.
3. **Create a NO technology rule** that prohibits cellphones and other devices from entering the program center. This is important to eliminate outside contact and the taking of photographs.
4. **Establish exchange and pick up times** and enforce those times consistently.
  - A stalker may refuse to follow these rules and if that happens, a program may determine whether or not to terminate visitation services.

When monitors and program staff remain diligent and focused, they can help mitigate the likelihood of stalking occurring.

### **Addressing Stalking**

If visit monitors have been notified of or have identified stalking behaviors in the families they work with, it is important they refer victims to local resources that are available to help, including law enforcement.

Certified domestic violence centers can assist stalking victims through the court process of filing for an injunction for protection. They can also develop a safety plan with victims and assess and manage the risks present in the stalking situation. To learn more about Florida's certified domestic violence centers, please visit [www.fcadv.org](http://www.fcadv.org)

While stalking incidents may occur outside of the program, it is still relevant for program staff to assess for stalking in any capacity upon intake and check-in during each visit. Program staff should also document all reported cases of stalking.

It must be made clear to all parents involved in supervised visitation services, that are exhibiting that stalking is not tolerated under any circumstances.

#### **REMINDER:**

When monitors and program staff remain diligent and focused, they can help mitigate the likelihood of stalking occurring.

stalking behaviors,

If an injunction for protection against stalking fails to prevent and eliminate stalking behaviors, the visitation program may need to terminate services with the perpetrator/stalker.

## **The Gonzalez Family Revisited**

The case scenario provided at the beginning of the chapter detailed Mrs. Gonzalez's concerns and experiences of stalking committed against her by Mr. Gonzalez. The questions presented with the case scenario are revisited below:

### **1. What kind of questions should the program staff ask Mrs. Gonzalez?**

#### **Ask:**

- Is there a history of violence in your relationship with Mr. Gonzalez?
- Do you have an injunction or order of protection against domestic violence or stalking?
- Has Mr. Gonzalez ever engaged in stalking behaviors prior to your separation? Have you had any problems with him following you or keeping track of your movements?
- Does Mr. Gonzalez have access to the home you're currently living in?
- Is your son's school aware of your recent separation and utilization of visitation services?
- Does your son's school have a copy of any injunction or order of protection?

### **2. Identify some of the risks in this situation.**

- Someone has come into Mrs. Gonzalez's home while she was away and taken out her computer.
- Her computer may have compromised with spyware, and Mr. Gonzales has been tracking her browsing history to monitor her actions.
- The parents are recently separated, and it is unknown if there is a history of domestic violence.

### **3. What would you say to Mr. Gonzalez?**

- Program staff could talk to Mr. Gonzalez and revisit the supervised visitation programs policies on stalking.
- You could say that program staff has noticed his car in the parking lot while Mrs. Gonzalez picked up Antonio, and that he needs to follow program policies (arriving and leaving at different times) in order to continue services.
- Staff should speak to Ms. Gonzalez and ask how they can support her. They should document Mr. Gonzalez's actions, and be careful not to "blame" Mrs.

Gonzalez. Blaming her could increase her risk level. Focus on Mr. Gonzalez's dangerous behavior.

- If staff suspect that Mr. Gonzalez is stalking Mrs. Gonzalez, they should support her, ask how they can help, and refer Mrs. Gonzalez to a certified domestic violence center for help.
- Stalking must not be allowed at supervised visits, and staff themselves should contact law enforcement if they suspect that Mr. Gonzalez is using the visitation program to stalk Mrs. Gonzalez.
- Note that in Florida, Mrs. Gonzalez needs only two incidents of stalking to take legal action (including cyberstalking), but that her decision to take action in filing for an injunction must be left to Mrs. Gonzalez.

#### **4. How would you follow up with Mrs. Gonzalez at the next visit?**

- Check in with her to see if local resources were able to help her file for an order of protection. Document your contact. However, remember that adults must have independence to make their own decisions. Staff should never force, coerce, or judge a victim's decision to seek or refrain from seeking an order for protection or injunction against stalking.
- Ask her if there have been any recent stalking activities since you last spoke with her.
- Discuss with her if there are any additional actions that the supervised visitation program can help with.

## References

Fla. Stat. § 784.048.

Fla. Stat. § 784.0485.

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