



Issue: Right to Safety When there is Violence in a Relationship

Position Statement:

The Virginia Sexual and Domestic Violence Action Alliance supports repealing the Virginia Code §20-45.3 enacted in 2004 which prohibits legally recognized civil unions. Similarly, the Action Alliance supports repealing Section 15-A of Article I of the Constitution of Virginia which denies same-gendered couples in Virginia the freedom to marry and prohibits the creation or recognition of another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effect of marriage.

Rationale:

The Virginia Sexual and Domestic Violence Action Alliance supports healthy relationships between consenting adults and believes that people have the right to safe, respectful, and violence free relationships and homes. The Action Alliance recognizes that sexual and domestic violence is linked to other forms of oppression and that supporting equality and respect for all people and relationships regardless of sexual orientation, gender identity, or gender expression, is integral to creating a Virginia free from sexual and domestic violence.

The dangers of relationship violence, including escalating violence and homicide, are not limited to heterosexual, married couples. All victims of domestic violence, regardless of sexual orientation, have the right to access safety and services. Policies, such as the Virginia Code §20-45.3 and Section 15-A of Article I of the Constitution of Virginia Commonwealth, threaten the safety and security of lesbian, gay, bi-sexual, transgender, and queer (LGBTQ) victims of domestic violence and their families. Such policies isolate and alienate Virginians in LGBTQ relationships and create additional barriers for LGBTQ victims seeking safety and services.

Currently the definition of family and household member includes couples with a child in common and couples who have cohabited within the last twelve months. This language was written with the intent that LGBTQ individuals in a family and household relationship would have access to the protections provided through a Family Abuse

Protective Order. Despite the inclusiveness of Virginia's law and the options available to LGBTQ individuals, LGBTQ Virginians have experienced difficulty accessing protections and services afforded to every other person, from protective orders to a reliable law enforcement response to crisis services. Virginia Code §20-45.3 and Section 15-A of Article I of the Constitution of Virginia Commonwealth encourages such discriminatory policies and practices.

While the Action Alliance is pleased that the 2011 changes to Virginia's protective order laws expand access to protective orders for LGBTQ individuals regardless of whether or not they are in a family or household relationship or choose to prove such a relationship, we support ensuring the LGBTQ couples in a family and household relationship have access to the unique reliefs available through the Family Abuse Protective Order.

For these reasons, the Virginia Sexual and Domestic Violence Action Alliance supports repealing the Virginia Code §20-45.3 and repealing Section 15-A of Article I of the Constitution of Virginia.