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Cross-Filed: Examining Cross-Petitions in the District of Columbia

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Introduction

Intimate partner violence (IPV) is a pervasive issue across the US, with over one in three women and one in four men reporting IPV in the form of physical assault, rape, or stalking (“Domestic Violence Statistics,” n.d.). In Washington, DC, 39% of women report physical assault, 50% report psychological aggression, and 30% report sexual violence by an intimate partner (District of Columbia Courts, 2021). To ensure better protection against those experiencing IPV, the Violence Against Women Act (1994) was passed to make the criminal legal system the primary response to abuse. This act ensured that people can more equitably file and obtain a protection order, also known as a Civil Protection Order (CPO) in DC. This court-ordered provision seeks to prevent violence and unwanted contact from an intimate partner, relative, or roommate without imposing criminal charges (US Department of Justice, 2013; Women’s Law, n.d.).

Theories and Framing

In the context of IPV, abusive relationships often include patterns of coercive control, inhibiting a person’s ability to participate in everyday life. Coercive control encompasses financial and social control, verbal and emotional threats, and leveraging children and pets. This type of abuse is linked to poorer mental and physical health outcomes, including increased chronic pain, substance use, and eating and sleep disorders (Rakovec-Felser, 2014). Many states are recognizing coercive tactics as a form of abuse separate from physical violence (Miller et al., 2023). Within abusive relationships, coercive control often continues once the relationship ends.

Gendered models are additionally used to understand and frame IPV. Crossman & Hardesty (2018) describe how coercive control is maintained and perpetuated by patriarchal structures that allow gender inequalities and power differences to reproduce. Similarly,

Rakovec-Felser (2014) links physical violence against women directly to the same societal structures. Attitudes toward women allow for cycles of violence and control to continue; these cycles are difficult to break, even when the relationship ends. In this model, violence against an intimate partner is an expression of social power.

Cross-filing

Filing and obtaining a CPO becomes complicated in instances of cross-filing. Cross-petitions occur when the respondent, also referred to as the second-filer, files a petition against the original petitioner, or first-filer. In 2009, cross-petitions accounted for 9% of CPO cases filed in DC over a 9-month period (Durfee & Goodmark, 2021; Miller & Smolter, 2011). Examining cross-petitions provides insight into the complexities of IPV and the gendered dynamics within legal responses. In Durfee & Goodmark's (2021) study on cross-petitions, 60% of first-filers were women, and men were more likely to contest petitions placed against them by filing a cross-petition. They additionally found that men were less likely to report the types of abuse that qualify for a protection order. Kingsnorth et al. (2013) support this result, finding that men were more likely to be denied temporary protection orders due to a "failure to meet the sufficiency standard," meaning there was insufficient evidence to proceed with a case (p. 590). These findings underscore the complications of requiring a specific narrative for a protection order to be granted—it harms men, who may underreport the extent of their abuse due to social stigmas, and burdens women who must construct detailed narratives and relive their trauma. As a result, the CPO filing process can be burdensome for anyone.

Paper Abuse

Following the end of an abusive relationship, survivors of IPV face an increased risk of harassment, stalking, and lethal violence by their former partner. In recent years, the concept of

‘paper abuse,’ a form of procedural harassment, has become recognized as a tactic of coercive control. Sometimes referred to as legal or litigation abuse, paper abuse occurs when individuals utilize the legal system to exert control and force contact with former partners (Durfee & Goodmark, 2021). Legal procedures such as protection orders can relieve those experiencing IPV, but they can also harm them. For instance, Miller et al. (2023) report that mediation processes, meant to streamline the protection order filing process, “often reproduce power dynamics inherent in abusive relationships” (p. 39).

Investigating cross-petitions becomes crucial as they might reveal patterns of legal abuse that inhibit access to justice and safety within the filing process. In Miller et al.’s (2023) study, which interviewed 29 women who were cross-petitioned, seven participants reported that their abusers filed a petition first, using false allegations to submit their application. Moreover, many women who are petitioned against drop their claims or negotiate with their former partners outside of court to avoid the outcomes of having a protection order taken against them (Miller et al., 2023). Additionally, those who are cross-petitioned have to confront their abusers as both accuser and accused. Thus, it is crucial to examine cross-filed cases as they could reveal areas of the filing process that leave people vulnerable to continued abuse and harassment.

Bi-directional Violence

Early scholarship on domestic violence has perceived it as a unidirectional phenomenon, in which aggressors are masculine and domineering, and their partners are defenseless and meek. This stance perpetuates the ‘victim/perpetrator’ dichotomy, where one party is culpable and the other blameless, ignoring the broader context of the relationship (Hine et al., 2022). However, a gendered view of IPV harms those who do not fit into expected gendered roles, such as non-heterosexual couples or men in heterosexual relationships experiencing abuse from their

partner. Researchers have found that “Social support systems and services [are] reluctant in acknowledging...men’s victimization,” leaving them susceptible to legal aggression (Hine et al., 2022, p. 5510). The reluctance of courts to acknowledge that men can be victims alongside perpetrators creates a dynamic where those seeking court protection must align with the dominant script. Durfee (2015) discusses this ‘narrative requirement,’ describing how those filing for protection, “must navigate a bureaucracy that uses specialized language and specific procedures...at a time where they are traumatized” (p. 471). This expected narrative emphasizes physical violence, neglecting other forms of harm, including coercive control.

Bi-directional violence, or instances where both parties harm one another in the relationship, is more common than scholars initially perceived. Some studies suggest that women may use violence to a similar degree as men (Bates, 2016). In their literature review, Langhinrichsen-Rohling et al. (2012) found that 57.5% of their sample reported instances of bi-directional violence, suggesting that it may be more frequent than unidirectional violence. It’s crucial to acknowledge that this phenomenon exists while recognizing gendered disparities in severity, as men often use more severe forms of violence and report being less fearful of their partners (Langhinrichsen-Rohling et al., 2012). It is necessary to understand bi-directional violence in intimate relationships, as it may signal risk of violence in future relationships, alongside shaping case outcomes based on how the court interprets the parties’ narratives.

The Present Study:

Although cross-petitions provide an avenue for investigating bi-directional violence and legal abuse, there is minimal scholarship on this topic. Of the existing literature, such as Durfee & Goodmark (2021) or Miller et al. (2023), most examine cross-petitions as a function of legal abuse and gender dominance, without regard to bi-directional violence. This study seeks to

extend upon the existing literature while contributing to a more comprehensive understanding of IPV by analyzing cross-filed CPO petitions in Washington, DC. Understanding cross-petitions can provide insight into the challenges people face in seeking protection and identify areas of the filing process that need improvement to decrease vulnerabilities. The research questions include:

1. What patterns emerge in cross-petitions relating to reported violence, and how are different relationship types represented among cross-filings?
2. To what extent do cross-petitions reflect patterns of bi-directional violence or legal abuse? What types of alleged harm are petitioners reporting in their application for a CPO?
3. Are those who file a petition first more likely to be granted a protection order over the subsequent second-filer? Are women more often granted CPOs over male filers?

Methods

Defining a Cross-Petition

For this paper, a cross-petition refers to cases where two parties file for a CPO against each other within the same calendar year. This time frame was selected to remain consistent with related literature and ensure that petitions fall close enough in time to reduce the likelihood of including unrelated filings (Durfee & Goodmark, 2021). The initial petitioner is the ‘first-filer,’ and the subsequent petitioner is called the ‘second-filer.’

Measures and Procedure

This project uses data from Dr. Jennifer Woolard’s Community Research Group at Georgetown University, which has compiled a dataset of 2,755 CPOs filed in Washington, DC, from the years 2019, 2020, and 2022. Potential cross-cases were flagged by identifying repeated names in the lab data sheet. Next, case dockets were reviewed to confirm that the same

individuals were involved in each filing using each party's names and demographic information. After the initial identification, cases filed in different calendar years were excluded. Cross-cases involving more than two filings were reviewed on an individual basis. In these instances, priority was given to filings that occurred closest together in time and were explicitly marked as 'cross-cases' within the docket. This process ensured that the final dataset reflected petitions with a clear initial filing and cross-petition. Ultimately, 168 cases (84 case pairs), or 6.10% of the total dataset, were included in the final analysis.

Each petition for a CPO was then qualitatively coded for violence using modified versions of the Composite Abuse Scale (CAS) and the Composite Abuse Scale Short Form (CAS-SF), and includes lab-generated items. This codebook measures areas of physical, emotional, and sexual abuse, also noting instances of harassment, controlling behavior, and property-related damage or theft. The CAS and CAS-SF are reliable and valid across different settings and have been widely used in IPV research (Ford-Gilboe et al., 2016; Hegarty et al., 2005). All petitions were uploaded to Dedoose, where a single coder reviewed each petition, applying codes to relevant excerpts.

Descriptive and frequency analyses were conducted in R, using data that were cleaned in SPSS. Each case was interpreted as an individual data point; however, a wide dataset was created in R, allowing for comparison across first-filings and cross-petitions. Key variables included: (1) alleged violence in the petition (physical, emotional, sexual, controlling behaviors, property damage or theft, and whether the petitioner alludes to the respondent abusing the legal system), (2) case characteristics (petitioner gender and whether the same judge presided over each petition), (3) relationship type (e.g., romantic/dating relationship, sharing a child in common, sharing a residence, marriage, domestic partnership), (4) case outcomes (dismissed, denied,

granted), and (5) time in days between the first-filing and cross-petition. Petitioner gender was not explicitly reported in the case files and was inferred by reviewing the Return of Service form, which lists the respondent's sex. Additionally, petitioners could indicate multiple relationship types. Thus, the total count of relationship types exceeds the number of cases in this study.

Results

This study reported descriptives and frequencies from initial filings and cross-petitions. Across first and second filings, physical violence was most commonly reported, with 82% of first-filers ($n = 69$) and 69% of second-filers ($n = 58$) citing at least one instance of physical harm. In 49 of the 84 paired cases, both the first and second filers reported violence against one another (57.65%). Second-filers made greater reference to potential abuse of the legal system by the respondent, with 19.05% cases ($n = 16$) making this note versus 9.52% of first-filers ($n = 8$). Additionally, second-filers reported harassment (46.43%, $n = 39$) at a greater frequency than first-filers (32.14%, $n = 27$) (see Table 1).

Furthermore, men were more often second-filers (50%, $n = 42$) than first-filers (35.71%, $n = 30$), as opposed to women, who represented 60.71% ($n = 51$) of first-filers and 47.62% ($n = 40$) of cross-petitioners (see Table 2). The remaining number of filers is composed of "OBO" petitions, in which an adult petitioner files on behalf of a minor petitioner. Of the cross-filed cases examined, 75% ($n = 63$) were overseen by the same judge, and the remaining 25% ($n = 21$) were not. Within this sample, the most common reported relationship type between parties included having a child in common (22.22%, $n = 54$), sharing a residence (22.22%, $n = 54$), and being in a romantic/dating/sexual relationship (18.11%, $n = 44$) (see Table 3). On average, cross-filings occurred 14 days apart from the first-filing ($SD = 23.40$ days, $min = 0$ days, $max = 133$ days) (see *Figure 1*).

Rates of denials, dismissals, and granted petitions were similar across initial and cross-petitions. The majority of cases across first and second filings were dismissed (see Table 4). First-filings resulted in a granted CPO 26.19% of the time (n = 22) compared to 21.43% of cross-petitions (n = 18). Moreover, of the granted petitions, 25 of the petitioners were women (62.5%), 13 were men (32.5%), and the remaining two were OBO cases (5%). In 11 paired cases, both the first and second-filers were separately granted a CPO against the other.

Discussion

This study sought to investigate cross-petitions filed in DC to gain insight into the dynamics of IPV and why cross-filing occurs. This exploratory study examined case characteristics, timing, and reported violence in cross-cases. In this sample, men were more often second-filers, contrasting with Durfee & Goodmark (2021), who found that men were most often first-filers in cross-filed cases. Differences between results could be attributed to this study's relatively small sample size or the difference in jurisdiction; Durfee analyzes cross-petitions in Arizona, while this study investigated petitions filed in DC.

Moreover, alleged violence against both parties occurred in over half of the paired filings in this sample. Some petitioners admitted to using physical force against the person they filed against. In one petition, a first-filer reported that after the respondent threw an object at their head, they "pushed [the respondent]...[and] left before it escalated." In another instance, a second-filer stated that the "Respondent became aggressive and pushed [them], and in response, [they] pushed her back." These examples, taken from separate cross-pairings, demonstrate that first and second-filers acknowledge using force against each other. This finding is consistent with Bates (2016), who describes how oftentimes, both parties perpetrate violence within intimate partner relationships. One study found that among a sample of student couples reporting IPV,

51% experienced violence from both sides (Straus and Gozjolko, 2016). Recognizing the prevalence of bi-directional violence is important as it allows for the deconstruction of the victim/perpetrator dichotomy. Additionally, it can inform the development of interventions that address the safety and needs of both parties, allowing each to feel a sense of fairness and accountability.

Furthermore, there were 24 instances where petitioners alleged that respondents had potentially manipulated legal services through deception, filing false reports, or engaging in aggressive legal tactics. For example, one petitioner claimed, “[The respondent] is harassing me and being vindictive by placing a protection order...and making false allegations against me.” Another petitioner wrote, “[the respondent] is using the court system to harass me. I have not talked to [the respondent] outside the context of our child in two years.” These petitions are essential to examine, as they reveal potential misuses of a system meant to provide protection. Regardless of which party’s claims are ultimately validated through the filing process, cross-petitions can create outcomes that feel unjust to both petitioners and respondents. As Miller et al. (2023) describe, although protection orders relieve fear and stress for filers, they can also reinforce coercive tactics when abusers misuse court processes. These results suggest that rather than being a resolution, cross-petitions serve as an extension of interpersonal conflicts.

Additionally, custody agreements were often mentioned in petitions where the parties shared a child in common, which accounted for 22.22% of all cross-filed cases in this sample. For instance, one petitioner explained how the “Respondent blocked [him]...and completely disregarded [his] time...[with their] daughter that week, via [their]...visitation schedule.” Another exclaimed how the “[Respondent] won’t allow [them] to see [their] son,” asking the court for “help with custody and visitation that [the respondent] blocks.” This finding is

particularly noteworthy considering the landscape of DC, as the Family Court primarily handles custody matters rather than the Domestic Violence Division (District of Columbia Courts, n.d.). Custody-related concerns within protective order petitions raise questions about legal clarity in the filing process and whether petitioners understand the correct channels for obtaining custody. Moreover, it could also suggest that petitioners are potentially using protection orders to address custody disputes more urgently. Similarly, petitions involving parties who shared a residence were as common as those involving a child in common. These cases tended to focus less on physical violence and more on conflicts over property, raising questions about the potential need for alternative dispute resolutions tailored to property-related issues.

This study contains several limitations. First, it solely examines cross-petitions without regard to single-filed cases, limiting the ability to compare results to the broader set of CPO filings. Future research should include comparisons between cross-filed and single-filed petitions to determine if there are differences in patterns of reported violence, case outcomes, and petitioner demographics. Additionally, this study is purely descriptive and exploratory, and significance testing was not conducted, limiting the generalizability of these findings. Moreover, considering the errors that could have occurred in the cross-case identification process, some cases may not have been included in this study. Lastly, this data only includes portions of the years 2019, 2020, and 2022, so there could have been instances of cross-filing that were not collected or recognized.

Despite these limitations, this study contributes to developing a more nuanced insight into cross-filed CPO petitions in Washington, DC. By highlighting patterns of bi-directional violence, potential legal abuse, and the robust relationship dynamics, this study emphasizes the need for nuanced legal responses and improved support for all parties involved. Further research

and investigations into cross-filed cases are essential, both in DC and across other jurisdictions, to enhance the fairness and effectiveness of protection order processes.

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Table 1

Frequency (%) of alleged violence reported by first and second filers

Type of Violence Described		
First Filer	Count	Percent
Physical	69	82.14
Property	34	40.48
Harassment	27	32.14
Emotional	11	13.10
Controlling	9	10.71
Alleged Legal/Procedural Abuse	8	9.52
Sexual	1	1.19

Type of Violence Described		
Second Filer	Count	Percent
Physical	58	69.05
Property	32	38.10
Harassment	39	46.43
Emotional	9	10.71
Controlling	13	15.48
Alleged Legal/Procedural Abuse	16	19.05
Sexual	2	2.38

Each table reports the counts and frequencies (%) of alleged violence types reported by the first and second filers. Percentages represent the proportion of cases from each filer group (n = 84).

Table 2

Counts of CPO case pairings by gender and filing order

Filing Distribution by Gender	
pairing	count
F/M	32
M/F	21
F/F	19
M/M	8
OBO/M	2
M/OBO	1
OBO/OBO	1

This table shows the CPO case pairings by filing order and gender (*e.g.*, *F/M* = *female first-filer, male second-filer*). Data reflects counts only.

Table 3

Frequency (%) of the different relationship types reported by petitioners across both groups

Relationship Types in Cross-Filed CPOs		
Counts and Percentages of Each Relationship Type		
Relationship Type	Count	Percentage (%)
16-1001(6)(B)	10	4.13
Blood	14	5.79
Domestic Partnership	9	3.72
Having a Child in Common	54	22.31
Is, was, or is seeking to be in a Romantic/Dating/Sexual Relationship OR Romantic/Dating Relationship	44	18.18
Legal Custody	2	0.83
Marriage	19	7.85
Not Checked	2	0.83
Other	5	2.07
Sex trafficking of children	1	0.41
Sexual Assault	5	2.07
Sharing residence within this past year and maintaining close relationship/now or previously shared the same residence	54	22.31
Stalking	23	9.50

This table shows the relationship types petitioners indicated on their applications for a CPO. Petitioners could select multiple relationship types, which means the total count exceeds the number of cases in this study.

Table 4*Frequency (%) of case outcomes by filer*

First Filing Case Outcomes		
Case Outcomes	Count	Percent
Granted	22	26.19
Denied	8	9.52
Dismissed	54	64.29
Total	84	100

Second Filing Case Outcomes		
Case Outcomes	Count	Percent
Granted	18	21.43
Denied	9	10.71
Dismissed	57	67.86
Total	84	100

Each table reports the counts and frequencies (in %) of the case outcomes (granted, denied, dismissed) for first and second filings. Percentages represent the proportion of cases within each filer group (n = 84).

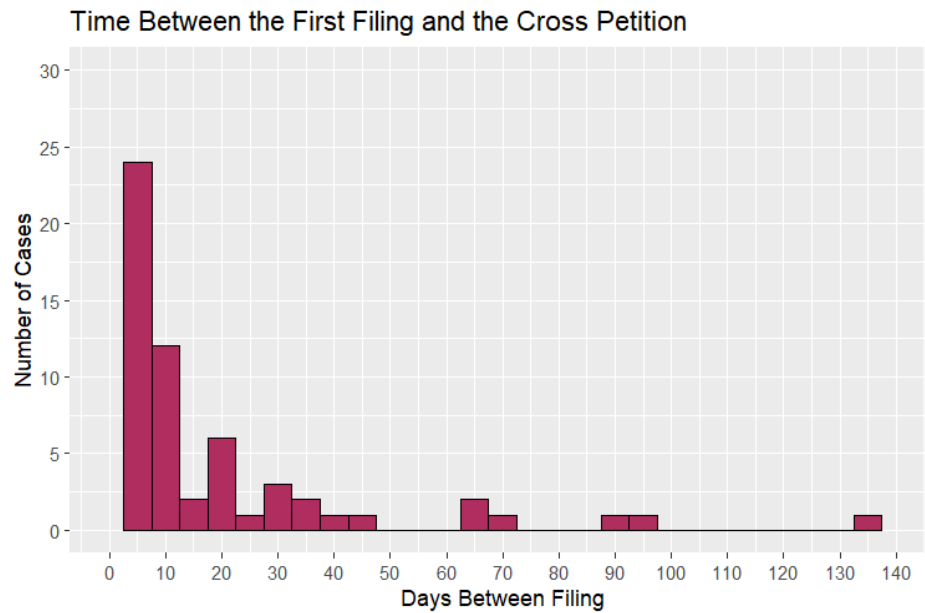


Figure 1: Histogram displaying the distribution of the days between the first-filing and when the second-filer submits a cross-petition. The data is right-skewed, with a mean of 14 days ($SD = 23.40$ days) and a median of 6 days. In this histogram, the x-axis represents the days between filings (bin-width = 5 days), and the y-axis represents the number of cases in each interval.