

Creating A Domestic Violence Court

Guidelines and Best Practices

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On behalf of the
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The creation of these domestic violence court guidelines was a highly collaborative effort of individuals from across the country with in depth experience in creating and operating domestic violence courts. The need for these guidelines came out of the growing interest jurisdictions are having in starting a domestic violence court but not having the tools to identify an appropriate court model or what the necessary components are to the development of a successful court. These guidelines fit that need.

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Creating a Domestic Violence Court: Guidelines and Best Practices

SECTION I INTRODUCTION

The prevalence of domestic violence throughout the United States has been widely documented. Nearly one-third of American women report being physically abused by a husband or boyfriend at some point in their lives. With changes in social attitudes and justice policy over the past several years, an increasing number of these incidents will reach the justice system. As knowledge about domestic violence has grown during this period, it has become clear that the most effective response is created when all parts of the justice system coordinate their operations and function in a collaborative effort to address the problem. The court is a crucial part of this system, bearing the ultimate responsibility for case outcomes. Moreover, the court has the opportunity to leverage this interaction in many ways: it can address the needs of the many victims coming through its doors, providing them links to services; monitor the behavior of perpetrators and mandate them to appropriate interventions; and use the authority of the judge to demonstrate publicly the commitment that the system has to ending domestic violence. In recent years, the domestic violence court has emerged as an innovation with the potential to make the most of this opportunity for improved court response.

The domestic violence court, in which a specialized caseload is handled by dedicated judges and court staff and linked to key partners, such as victim advocacy groups, has been receiving substantial interest from policymakers, judges, court administrators, and agencies involved in domestic violence cases. This specialized court is intended to address concerns of traditional domestic violence cases in which multiple judges and attorneys handle different aspects of a case, information is spotty and disjointed, monitoring of perpetrators is inconsistent, and victims coming through the court system are not linked systematically to any assistance. The domestic violence court can institutionalize procedures that promote victim safety, ensure accountability for domestic violence perpetrators and enhance informed, educated judicial decision-making. The court also can build on an extensive collaboration with agencies and

community-based organizations, in an effort to strengthen the entire community's response to domestic violence.

Domestic violence courts encompass many different models. They may vary by scope of jurisdiction, by definition of domestic violence, and by case type. In places where fully specialized domestic violence courts are not feasible, some jurisdictions have developed dedicated domestic violence dockets, in which such cases are grouped together on particular days to facilitate case handling and links to services. Despite their variations, effective domestic violence courts share certain fundamental values and principles, and contain certain essential components. Domestic violence dockets, while not having fully dedicated staffing and some other domestic violence court components, can incorporate the fundamental values and principles and can institute many of the key components.

These Guidelines are designed to assist jurisdictions considering whether to develop a domestic violence court or dedicated docket, to determine if such a court structure would be helpful, and if so, how best to model this structure to address the needs of their local communities. The Guidelines represent the views of a National Advisory Committee comprised of leading representatives from the various disciplines involved in the processing of domestic violence cases throughout the system.

The Guidelines are formatted as follows: Section II examines the values and principles that should be the foundation of all effective domestic violence courts and case responses. Section III provides a detailed discussion of components essential to domestic violence courts. Section IV categorizes and describes the various domestic violence court models, explaining the benefits and the challenges of each model. Section V provides a step-by-step Action Plan for jurisdictions considering the implementation of a domestic violence court. Section VII provides case studies of three operating domestic violence courts. Section VIII provides a list of literature on domestic violence courts, which can serve as a resource to these jurisdictions.

In assessing the value of domestic violence courts, it is also important to make clear what these courts are not. For those policymakers, judges, or court planners familiar with other specialized courts, such as drug courts, it may appear that domestic violence courts are simply another specialized case handling model. While there may be some superficial similarities among these models (e.g., specialized caseload, utilizing judicial authority), there are central components that these models do not share. For example, while most drug courts focus on non-violent offenders, domestic violence courts are by definition focused on violent offenders, with a targeted victim. In addition, while substance abuse is an addiction, domestic violence is a learned behavior.

And while drug treatment is well established and has proven effectiveness, no counterpart in the domestic violence area, such as batterers' programs, has emerged as an intervention with comparable, proven efficacy. And finally, hallmarks of the drug court model are a non-adversarial "team" approach, and a "therapeutic" or "rehabilitative" approach to defendant conduct. The "rehabilitative" approach of most drug courts is simply not appropriate or effective in domestic violence, and adapting drug court principles into a domestic violence caseload may be quite dangerous. Planners must guard against a response to domestic violence that fails to understand and acknowledge these fundamental distinctions.

Planners must also recognize that while a choice for a specialized model has the potential for great benefits, there are always concerns that to specialize is also to segregate. What may appear to some observers as placing intensive attention on domestic violence cases may seem to others to be the grouping of domestic violence cases in a backwater. And while some may applaud the special focus on domestic violence by a concentrated number of judges, others may fear that the fate of the entire domestic violence caseload rests in the hands of a few. A poorly conceived or administered domestic violence court can negatively impact a jurisdiction's efforts to keep victims safe, hold batterers accountable and improve the justice system's response to domestic violence. Specialized domestic violence courts do not operate in a vacuum. The fundamental values, principles and components that these Guidelines describe are essential to the development of successful domestic violence courts. However, the courts, the personnel who staff them, and the administrators who oversee them must also embody an attitude that places increased value on these cases through selection of appropriate judges to preside over the courts, emphasizes increased attention to procedures and case handling, and gives a high priority to instilling public confidence in these courts.

Domestic violence courts are still in their infancy. Just as policies designed to improve law enforcement or prosecutor response continue to be reviewed and refined, domestic violence courts must continue to be evaluated and to evolve, as our understanding of effective response grows. Domestic violence courts by themselves are not a panacea for the problems that exist in the system's handling of domestic violence cases. As our best knowledge now demonstrates, the response of one part of the system is dependent on the response of several others in order to be truly effective in addressing domestic violence. As planners review their priorities and make judgments about where to place resources, they must recognize that they will inevitably confront issues of conflicting needs and limited assets. Each jurisdiction must carefully determine the priorities for its community, and make difficult choices about investment of resources. Whether or not a specialized domestic violence court model is adopted, the values and principles put forth in these guidelines remain useful and valuable tools which any

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court can draw upon when adjudicating domestic violence cases. Each jurisdiction must achieve an optimum balance between those benefits it particularly seeks and those costs it can absorb in order to create an effective systemic response to domestic violence.

Cases involving domestic violence are among the most complex and dangerous that courts have to address. Judges, court personnel and all court partners are tasked with handling cases that bring with them the complicated dynamics of abuse – risk of future violence to the victim and her children, patterns which can include the victim's fear and sometimes reluctance to testify, issues of perpetrator accountability, restitution, and more. Many jurisdictions are finding that specialized domestic violence courts can address these challenging cases in a way that increases victim safety and perpetrator accountability, and at the same time adjudicate cases effectively, seize the opportunity to assist families affected by abuse while they are accessing the judicial system, and link them to services and programs in the community that help victims of abuse and their families rebuild their lives, free from violence.

SECTION II VALUES AND PRINCIPLES

Below are nine core values and principles that all courts handling domestic violence cases should strive to uphold.

◆ Victim and Child Safety

All courts and judges must uphold basic principles of adjudication, which include protecting defendants' rights and providing a fair and impartial hearing. In domestic violence cases, courts must also focus on the safety of victims. In an effective domestic violence court, the primary goal of promoting victim and child safety is actively considered at all levels, at all times. This emphasis on safety is manifested in:

- a coordination of information and services, so that the judge, attorneys, and victim advocate are all aware of a case history
- better expertise on the part of all players, so that the dynamics of abuse are thoroughly understood and appropriately addressed
- the linkage of victims and their children to services while they are participating in the judicial process

Victim and child safety must be the cornerstone of any domestic violence court; all values and principles that follow have the ultimate goal of keeping victims safe. All components of a domestic violence court should be designed with this goal in mind as well.

◆ Keeping the Victim Informed

Ideally, a domestic violence court will view victims of abuse as the center of their own advocacy team. The court will make clear to victims all of the available options, and it will help them to access resources. In addition, a court should strive to keep victims informed about all aspects of the case. For example: What is the status of the case?

What are the terms of the order of protection? Is the abuser attending a batterers intervention program? Has the abuser been released on bail? This flow of information should go both ways: if victims want to voice opinions and concerns relating to the case, they should know who to contact and how to find out more.

◆ **Offender Accountability**

In order for a court to hold batterers accountable for their actions, two things must occur: first, defendants must be closely monitored in order to ensure that they are in compliance with all court conditions. Second, defendants must face swift and certain consequences if they fail to comply with these conditions. There are pre- and post-disposition conditions to which abusers must be held accountable; therefore, systems must be in place at all stages of the process in a domestic violence court to make sure that this happens.

◆ **Information Sharing and Informed Decision-Making**

For a domestic violence court to be effective, judges and other system partners need up-to-date, accurate information. For example, a judge needs to know if a defendant is attending a batterers intervention program, if ordered to do so. Advocates need to know the status of a protection order so that they may keep the victim informed. Relevant information is often spread across diverse parts of the justice system. For example, courts handling custody matters need to know of a parent's prior partner abuse records, including criminal, family and civil court actions. Information strengthens the goal of keeping victims and their children safe and holding offenders accountable. This requires getting information from community-based programs and government agencies interacting with the case participants, and sharing that information, where appropriate. Information should be shared on a case-by-case basis, as well as on a more general level, with the development of consistent procedures and protocols to ensure that it is available, while guaranteeing that appropriate confidentiality is maintained and both defendants' and victims' rights are protected.

◆ **Institutionalized Coordination of Procedures and Services**

Related to information sharing is the coordination of procedures and services. Beyond just sharing information, a formalized system must be in place for partners in the domestic violence court to work together. The coordination must not rely on any one

personality, but rather be institutionalized in written protocols, procedures, memoranda of understanding, and job descriptions. Institutionalization of a coordinated approach should begin first with the key court players, and then reach outward to include coordination with community resources, such as shelters, emergency room workers, schools, and others. Advocates must be solicited for their guidance as procedures and policies are developed.

◆ **Training and Education**

All participants who may be involved in a domestic violence case – including judges, bail commissioners, clerks, court reporters, advocates, prosecutors, defense attorneys, probation officers, law enforcement, child welfare workers and guardians ad litem – must be educated on the dynamics of abuse and effective interventions in order to improve their operations and response. These partners in a domestic violence court must also be educated about each others' roles and responsibilities, in order to work together effectively on these cases.

◆ **Judicial Leadership**

Judges can use their authority to show that a court takes domestic violence seriously. When a judge demonstrates his or her commitment to a coordinated community approach to domestic violence prevention and response, buy-in from other court and community members is facilitated. A domestic violence judge can help educate both within the court system and in the community; can focus community concerns on the safety of its citizens; and can establish an anti-violence atmosphere in the community. In this process, courts must maintain their impartiality as well as the appearance of impartiality; must ensure that all sides are present at the table, including the defense bar; and must ensure due process for all parties. Judges can fully adhere to the principle of impartiality while speaking out publicly against the crime of domestic violence, as they can with other crimes, such as those associated with substance abuse or drunk driving. With strong judicial leadership, a court can become known as part of the solution.

◆ **Effective Use of the Justice System**

Domestic violence courts are in an opportune position to help people affected by abuse: while many victims suffer for years and tell no one about the violence, domes-

tic violence courts can take advantage of the fact that when a victim comes to court, there is the chance for intervention. The court can and should be an access point to services and assistance to victims. Additionally, it can take advantage of its interactions with perpetrators by monitoring defendants' adherence to mandated counseling, orders of protection, and other requirements, and imposing swift and certain sanctions when defendants fail to comply.

◆ **Accountability of Courts and Programs**

There are two aspects to domestic violence court partner accountability: program accountability and system accountability. Programs are accountable to one another under a domestic violence court framework. For example, if a probation department is required to supply a progress report every two months to a court as part of a follow-up protocol, then the probation department must have the capacity to provide this. If an advocate must supply referrals to a shelter, or a batterers intervention program must provide progress reports as part of a coordinated domestic violence court partnership, those organizations must be able to perform these responsibilities promptly and accurately. System accountability involves performing safety audits to determine how the protocols are working, along with quantitative analyses of data to measure the project's results against stated goals (See pages 16-18, 31-32, and 39 for a fuller discussion of safety audits and accountability measures).

SECTION III

COMPONENTS OF A DOMESTIC VIOLENCE COURT

This section discusses the components of a domestic violence court. Each component relates to the fulfillment of one or more of the fundamental values described in Section II.

◆ Early Access to Advocacy and Services

One of the primary distinctions of a domestic violence court is that it is designed to provide services and safety planning to victims as early as possible in the legal process. This does not mean that the court acts as a direct service provider, but rather that the structure of the court contains avenues for comprehensive service provision and safety planning. The court project can set up consistent protocols which link victims to advocates (who may be affiliated with community agencies or the prosecutor's office), or provide space for advocates to meet with victims. Key to this "triage center" or reception area are issues of confidentiality, the need to provide short- and long-term services, help in navigating the court process, and keeping the victim apprised of the case status of case. Services should be comprehensive but non-compulsory; victims must be able to determine their own needs, and participation in this resource should not affect the outcome of a case. Information should be available in writing, and should be culturally sensitive – in languages that are spoken in the community, with material addressing the concerns of older citizens, gays and lesbians, and other sectors of the population in that community, as appropriate.

In terms of the scope of such a court resource, specific services and referrals could include:

- Crisis assistance, including emergency shelter, counseling and safety planning
- Referrals to longer-term counseling
- Economic assistance, including short-term aid such as bus fare, and longer-term assistance towards economic self-sufficiency, such as job training
- Legal assistance or links to legal services, including help with immigration

issues, custody and visitation, CPS matters, and matrimonial law

- Services for children, including counseling, medical care and help moving to a new school, if appropriate
- Housing referrals
- Workplace information and rights

The advocate should function, at the victim's request, as a liaison, buffer and contact person between the victim and the court, providing direct assistance with the legal case at hand. Such assistance could include help obtaining an order of protection, if required, letting the victim know about changes to court dates, and providing copies of protection orders and other court documents. The advocate could also be, with victim consent, the conduit from the victim back to the court, and could be the person the victim contacts, for example, to report a restraining order violation. Advocates should be knowledgeable about resources available, and should be out in the community developing partnerships with agencies to make sure that the referrals the court provides are appropriate and useful.

ASSOCIATED VALUES:

- Victim and child safety
- Keeping the victim informed
- Information sharing and informed decision-making
- Institutionalized coordination of procedures and services
- Effective use of the justice system

◆ **Coordination of Community Partners**

Another key feature of a domestic violence court project is the collaboration of community partners to ensure a coordinated response. This may take the form of a task force or regular partnership meetings; it may involve formal, regular cross-trainings at which key players discuss projects underway and how they can work together. This coordinated effort may supplement or expand any existing community task force on

domestic violence, but it should not supplant it. Though involving multiple community partners and concerned with response to domestic violence throughout the community, the court project's partnership meetings will naturally center on issues arising in the court and justice system. Such periodic meetings are most effective when they are not limited to general information sharing, but also include a focus on specific tasks and goals, in which various partners are assigned particular responsibilities. Where possible, a project director or court administrator in charge of domestic violence cases can be helpful in organizing these meetings and trainings. Partners should develop protocols that define and explain how they can coordinate their response. The judge should play an integral role in these meetings. Other representative partners could include: court staff, court administrator, police, sheriff, probation department, bailiffs, court security, prosecutor-affiliated and independent advocates, defense attorneys, prosecutors, corrections staff, the bail commissioner, batterers intervention programs, CPS, drug treatment services, and judges and staff from courts hearing related issues.

ASSOCIATED VALUES:

- Information sharing and informed decision-making
- Institutionalized coordination of procedures and services
- Training and education

◆ **Victim and Child-Friendly Court**

A domestic violence court will concentrate domestic violence cases on its calendar and the parties to these cases are likely to be located in one courtroom and the surrounding area. Victims are at risk of harassment by their abusers both inside and outside the courtroom, particu-

Best Practice

At the Miami-Dade County Domestic Violence Court, victims are directed to a multi-service Domestic Violence Intake Unit, where they are interviewed by a counselor to assist them with filing an injunction for protection against domestic violence. The counselor also explains the court process, reviews safety planning and makes language-appropriate referrals for the victim and children to social service agencies in the community, including shelter, emergency funds, counseling, vocational training, legal assistance and health care. Some community providers are also located on-site, including local economic service providers. A technology system in place at the Unit permits the counselor to cross-reference multiple case databases, and directly input all case information, so that forms are printed without delay. Data in the system is also accessible by the clerk's office. The Domestic Violence Intake Unit also conducts trainings to educate and raise awareness about domestic violence in Dade County.

larly when a stay-away order is in effect and the court appearance may be the only opportunity an abuser has for contact with the victim. Therefore, security and safety protocols are paramount in a domestic violence court. These protocols include:

- separate entrances and waiting rooms for victims and defendants
- security screening before entering the courtroom
- the physical presence of security officers
- rules requiring that the defendant wait 20 minutes after the victim leaves before departing
- a security escort for the victim to her car
- day care centers with security personnel and protocols on who can pick up a child
- metal detectors
- training for the court officers on security protocols

Beyond security measures, a victim- and child- friendly court means the swift processing of protection order petitions, efficient disposition of cases to promote victim safety and minimize delay, and other user-friendly adaptations, such as 24-hour access to CPOs and judicial screening of a protection petition.

ASSOCIATED VALUE:

- Victim and child safety

Best Practice

CourtCare: A Better Place to Be, a joint project of YWCA and the Administrative Office of the Courts of the 11th Judicial Circuit in *Miami-Dade County*, provides a safe and supervised drop-in child care center for children of parties who come to court in connection with domestic violence and/or family cases. A cheerful space located on-site at the Courthouse Center, *CourtCare* is staffed with trained child care providers, and is open during court hours. Its services are free, and children may stay in the Center as long as their parent or guardian is conducting court business. *CourtCare* has security measures in place and ensures that only the parent or guardian who dropped off the children, or a person that parent or guardian designated, may pick them up.

◆ Specialized Staff and Judges

Specialized staff and judges, trained in the relevant laws as well as the dynamics of abuse, are the heart of a domestic violence court project. Domestic violence courts leverage the authority of a judge, in that when a judge knows more about a case, he or she becomes more personally invested in it, better able to issue consistent and effective rulings, and more likely to follow up. A defendant has less room to manipulate the system, unable to claim he did not understand the restrictions of a restraining order when he previously told the same judge that he did. And a judge who sees only a few cases of domestic violence a month will have less interest in working to strengthen a batterers intervention program than will a judge who works with that program every day.

Specialized staff includes the judge, and additional court personnel, such as a resource coordinator or case manager. Employed by the court, this coordinator can serve multiple purposes: obtaining information from intervention programs and government agencies on compliance by defendants or respondents with court-ordered conditions; helping victims link to advocates; serving as a conduit for emergency information from all agencies to the judge, which may require advancing a case; and providing information to agencies on case status. Where possible, a project director or court administrator to oversee the domestic violence court is very helpful to arrange regular meetings and trainings, troubleshoot day-to-day concerns, and initiate larger policy discussions with court partners. In some projects, the resource coordinator can also perform these functions. To the extent possible, trained, specialized staff should also include key partners who appear in court, such as a specialized prosecutor's unit, advocates, a batterers program, defense bar and probation officers.

ASSOCIATED VALUES:

- Victim and child safety
- Offender accountability
- Information sharing and informed decision-making
- Institutionalized coordination of procedures and services
- Training and education
- Judicial leadership

◆ Even-handed Treatment in the Courtroom

Even-handed treatment in the courtroom falls into two specific areas:

Promoting access to counsel for all parties in cases. Although limited resources may make it difficult to assign counsel in all matters, court planners should consider deploying resources in certain crucial areas, such as contested protective order cases.

Judicial demeanor. A specialized court project can make a courtroom comfortable for victims and fair to perpetrators by demonstrating impartiality and courtesy to all parties. Victims benefit from a judge who is sensitive to them (especially when they are appearing without a lawyer), and perpetrators gain by watching appropriate behavior demonstrated. By his or her demeanor, the judge can also set the tone for everyone in the courtroom that these cases are being taken seriously. In order to be continually cognizant of their demeanor, judges may want to seek feedback from other judges and other informed observers.

ASSOCIATED VALUES:

- Victim and child safety
- Training and education

◆ Leveraging the Role of the Judge

A variety of partnerships can be found in domestic violence court projects, and many exist without a judge's involvement. But a judge can be an effective catalyst in a domestic violence court project, bringing the appropriate people to the table and holding

Best Practice

Each judge in the *Jefferson Family Court* in Louisville, Kentucky has a *dedicated* court-employed *social worker* as a resource for the court and clients. *The Family Court social workers*, when servicing the specialized domestic violence Emergency Protective Order dockets, link domestic violence victims with community-based advocates and with social workers who provide court advocacy and social service needs assessments. The *Family Court social workers* also arrange for services, such as supervised visitation, child support, and related programs, and gather relevant information for the judge. Prior to each hearing, the *social workers* check records from multiple agencies, including Family Court, Criminal Court and child protective services, so that the judge is on notice of other cases relating to the pending case. The *social workers* meet with the parties individually following the hearing to explain the protection orders and orders for treatment, and to facilitate parenting schedules.

programs accountable. That is to say, when a judge calls a meeting, invitees are likely to attend. The judge can use his or her position to coordinate partners, improve procedures, and develop needed programs and components in a system-wide response. Also, when a respected community figure takes a vocal stand against abuse, it can have an effect on how the problem is perceived by the community in general. For these reasons, it is critical that a judge selected to serve on a domestic violence court be highly interested in taking on the job and willing to be educated on the complex issues surrounding domestic violence. Moreover, domestic violence court procedures should be institutionalized in a benchbook to ensure consistency and aid the judge in fulfilling this leadership role.

ASSOCIATED VALUE:

- Judicial leadership

◆ **Integrated Information System**

Screening for cases involving the same parties, whether criminal or civil, as well as accessing the domestic violence history of the perpetrator, serves three primary purposes. First, knowing this background – a history of restraining orders, for example – provides a judge with the most information possible to make informed decisions. Second, coordination of information allows the judge to follow up on a case, with access to re-arrest information, and compliance with his or her own and other judges' rulings,

Best Practice

The Domestic Violence Court Technology Application and Resource Link is a computer software program that uses secure intranet technology to connect specialized domestic violence courts with criminal justice agencies and community-based social service providers.

Developed by the Center for Court Innovation and currently in operation in several domestic violence courts in New York State, the application allows users – who include judges, attorneys, victim advocates and batterers intervention programs – to share relevant information instantaneously. The domestic violence judges can access defendant compliance records at batterers programs and, with victim consent, reports of alleged violations of orders of protection from victim advocates. Off-site partners file updates and compliance reports directly into the application from their offices, so the information is immediately accessible to authorized users. Any changes by the court to orders of protection or other conditions are instantly accessible to all partners. Orders of protection are created electronically and executed by the judge through an electronic signature pad. Partners can print copies of executed orders right from their offices. Several layers of security protect victim confidentiality and defendant rights. In addition, based on clearly defined criteria, each user's access to data is controlled by the application, and different users have different levels of access based on their roles in the justice system.

such as visitation orders. Access to shared information enables a judge to learn immediately of violations, so that he or she may respond quickly and reduce the risk of harm to the victim or her children. Third, access to shared information enables the court to keep the victim apprised of violations and of relevant information about the case.

Working with key system partners, the court can establish protocols for providing information via computer technology, as well as by phone, fax, shared paper files, and personal appearances. Important technology systems include statewide order of protection registries that link to the national registry database, and an integrated case-management system, or at least systems that can interface with one another.

Confidentiality and safety concerns are critical when designing a shared information system. Information systems need to be designed to deal with differing standards of proof and evidentiary issues that may exist when the parties involved in domestic violence cases have other related cases. Moreover, not all information should be available to all parties or system partners. Any information system must conform to rules of confidentiality and due process for victims and offenders, and must be able to handle all of the subtleties that such rules require.

ASSOCIATED VALUES:

- Victim and child safety
- Keeping the victim informed
- Offender accountability
- Information sharing and informed decision-making
- Institutionalized coordination of procedures and services
- Accountability of courts and programs

◆ Evaluation and Accountability

Ongoing data collection and evaluation are necessary to improve the court's and community's response to domestic violence, offer feedback, and hold project partners accountable. In order to evaluate a program's success, one must be able to track its progress. Data collection must take place, and it must be uniform throughout the court partnership. Partners must all use uniform definitions and measurements

through standardized forms and language in order to monitor and analyze outcomes. Information should be tracked throughout the justice system, and could include such diverse data as:

- domestic violence case volume by type, including cases heard in the designated domestic violence court and those ending up in other courts
- percentage of victims having contact with advocates and types of referrals received
- domestic violence arrests by type
- arrest rate for offenders who flee the scene of a domestic violence incident
- percentage of dual arrests and female arrests
- percentage of arrests resulting in prosecutions and relationship between top charge at arrest and top charge prosecuted
- dismissal rates
- sentencing outcomes, including court-imposed conditions
- recidivism rates
- compliance with court-ordered mandates, such as participation in batterers' intervention programs, and sanctions imposed for failures to comply
- domestic violence fatalities
- percentage of temporary civil protection orders resulting in final orders
- percentage of protection order cases dismissed because of non-appearance by petitioners, and percentage of cases where outreach to petitioners was attempted
- percentage of protection order cases in which respondent is served by time of first appearance for hearing
- percentage of violations of protection orders charged criminally

These data represent just a sample of useful program measures. The court and its partner agencies may need to build their capacity for data collection, which may involve designating an individual to take this task on, or working to change forms and protocols and institute regularized reporting to make sure it gets done.

In addition to data collection, evaluation and accountability must occur. In data analysis it is often useful to compare local data to that from other jurisdictions with similar populations, particularly those with successful records of reducing abuse. Moreover, protocols as well as actual practices of the court, law enforcement, and community-based programs should be reviewed periodically, both internally by the task force or team, and by an external, independent auditor. In addition, domestic violence fatality review teams can be valuable in analyzing weaknesses in the system in an effort to improve operations. Battered women should be represented when designing evaluation measures and evaluating system effectiveness.

ASSOCIATED VALUES:

- Victim and child safety
- Training and education
- Effective use of the justice system
- Accountability of courts and programs

◆ **Develop Protocols for Evaluating Dangerousness**

Everyone involved in a domestic violence court project should be cognizant of the high risk of re-abuse and lethality associated with domestic violence cases. This awareness can inform advo-

Best Practice

The *Domestic/Family Violence Victim Advocacy Project* at the *Santa Clara County Juvenile Domestic and Family Violence Court* has developed detailed procedures for providing relevant information to victim advocacy groups in order to enhance outreach to victims, while protecting victim confidentiality. The written protocols delineate how the advocacy groups will obtain referrals from other court partners; establish procedures for attempting to make contact with victims; outline the specific responsibilities of each advocacy group; and institute record-keeping procedures. The protocols also establish clear rules for information sharing, and require that no victim information will be released by victim advocate organizations unless they are granted explicit permission to do so by the victim involved in the case. Each agency actively trains on the protocols, rather than simply distributing them, to ensure that they are put into practice. Moreover, each affected agency periodically reviews all protocols to make suggestions for revision, which are then reviewed by several of the project's partnership committees, to ensure that they continue to meet project needs effectively.

cates in their safety planning advice and assist judges in bail decisions. All partners should include questions in their procedures that elicit information on factors known to increase a victim's risk of danger and lethality. Because there is currently no assessment instrument that can specifically predict lethality, the risk to each victim and her children must be evaluated individually. The risk assessment process is particularly valuable when an advocate and victim together explore the risk factors and their existence in the victim's life. The only way to protect potential victims is to approach each case with appropriate concern and sensitivity. It is also important, however, that courts protect the defendant's rights and not hold him responsible for potential, but unrealized, future crimes.

Best Practice

The Supervising Judge of the Domestic Violence Section of the *Circuit Court of Cook County, Illinois'* First Municipal District facilitates a *Domestic Violence Informational Series* for court and domestic violence system partners. The series runs sessions several times a year with the purpose of enhancing understanding of the role played by each component of the Domestic Violence Court system in order to coordinate efforts. Each informal program, held over lunch at the criminal courts building, consists of presentations by two of the court's partners, followed by a question and answer session with other partnership members. Presenters at these cross-training sessions have included representatives from local victim advocacy groups, the public defender's office, court security, the court clerks, court reporters, court interpreters, the state's attorney's office, the probation department, the children's advocacy clinic and the court's social service department. The series works to ensure that all involved in handling domestic violence cases, including court reporters, interpreters and other partners often not included in typical domestic violence coordinating committees, are fully informed about the responsibilities and challenges faced by each partner. The meetings also help to spark ideas regarding collaboration and new protocols for enhancing domestic violence response in the community.

ASSOCIATED VALUES:

- Victim and child safety
- Effective use of the justice system

◆ Ongoing Training and Education

Specialized case-handling means that people working on domestic violence cases are likely to have more information on a range of domestic violence-related topics, be better trained on the appropriate laws, procedures and services, and have greater sensi-

tivity to the dynamics of abuse than occurs in traditional court models. As new information becomes available about domestic violence prevention and related legal matters, continuing education should be institutionalized to ensure that this new knowledge is shared. Some examples of useful training topics are: the efficacy of batterers intervention programs; cultural diversity and impact on effective domestic violence response; dynamics of same-sex partner abuse; and the latest research on the impact of domestic violence on children. In addition to education about domestic violence,

participants should receive cross-training to gain an understanding of the roles of other program partners, which facilitates cooperation and information exchange. Other appropriate areas for training include legal issues such as federal immigration laws, federal weapons legislation and interstate enforcement of protection orders.

Best Practice

At the *Brooklyn Felony Domestic Violence Court* in Brooklyn, NY, defendants are intensively monitored both pre- and post-disposition. Defendants released on bail must return to court every two to three weeks and must attend a batterers intervention and/or other appropriate program. Before each appearance, a court-employed resource coordinator obtains information for the judge about defendants' attendance at the programs, and compliance with orders of protection, as well as with any other court-ordered conditions. At each appearance, the judge reviews defendant conduct and can modify conditions or terms of release if necessary. Defendants detained pre-disposition also return to court on a monthly basis to ensure that they are complying with orders of protection. Though incarcerated, defendants can still threaten victims through phone calls or by using third parties. Regular court appearances enable the judge to monitor these defendants' compliance. All defendants sentenced to probation are subject to intensive monitoring by a dedicated domestic violence unit at Probation. Such monitoring includes weekly meetings as well as home visits, and where appropriate, additional conditions such as program attendance. These probationers also return to court every two to three months for a status review by the domestic violence judge. In a recently developed program, parolees sentenced by the domestic violence judge return to court shortly after release from state prison. The judge reviews the conditions of their release, including the order of protection and emphasizes that their conduct will continue to be monitored.

ASSOCIATED VALUE:

- Training and education

◆ Compliance Monitoring

In order to hold perpetrators accountable for conditions a judge has imposed, the judge must be able to assess compliance. Regular reports to the court from agencies that traditionally monitor defendants, such as probation and batterers intervention programs, can help to fulfill this goal. In addition, a domestic vio-

Domestic violence court should bring defendants back for regular review hearings, both pre- and post-disposition. Monitoring involves appearing before the judge for a status review, as well as coordination with partner agencies to obtain compliance information in advance, so that a judge may sanction a defendant for any violations of court-ordered conditions, such as having missed sessions at a batterers' intervention program. If at all possible, a judge or judicial hearing officer should review his or her own cases. However, if this is not possible, an outside agency such as probation can conduct this hearing. The victim should be offered an opportunity to be involved in the monitoring process, informed of the process for reporting violations, and notified of any failure noted or sanction imposed. Additionally, in order for defendants or respondents to understand what is expected of them, judges should provide a clear explanation of all terms in orders of protection and other court conditions when they are imposed.

ASSOCIATED VALUES:

- Offender accountability
- Information sharing and informed decision-making
- Institutionalized coordination of procedures and services
- Effective use of the justice system
- Accountability of courts and programs

◆ Sentencing Models

A domestic violence court with a criminal caseload must develop sentencing models for handling cases that promote consistency, while also taking account of the context in which the incident occurs. Court-mandated conditions as part of a sentence, such as attendance at batterers intervention programs or compliance with protective orders, as well as sanctions for failures to adhere to these conditions, must be imposed in a consistent manner, together with full understanding of the context surrounding the incident. Sentencing structures vary by jurisdiction, and models developed for the domestic violence court will also differ to fit within these local structures. However, two issues should be considered universally in the development of sentencing models for domestic violence cases in order to uphold the fundamental values and principles that should guide case handling in this area.

First, because promoting perpetrator accountability is a central goal of a domestic violence court, sentences that include court-ordered conditions, and incorporate monitoring by the court and agencies such as probation, should be encouraged. This is particularly important for sentences that include periods where an offender is not incarcerated. For example, in a traditional court, offenders convicted of certain domestic violence misdemeanors may receive a sentence sometimes called a “conditional discharge.” In this type of sentence, the non-incarcerated offender is not required to conform to any specific conditions, and must only refrain from being re-arrested within a designated period in order to avoid a violation of the sentence. The domestic violence court should consider including in a “conditional discharge” sentence certain court-ordered conditions, such as mandated participation in a batterers’ intervention program, parenting skills programs, and where appropriate, substance abuse treatment, and require periodic returns to court for review of compliance with these orders. The court would then be able to monitor not only violations such as a re-arrest, but also failures to comply with the sentencing conditions.

Best Practice

The *Bridgeport Special Domestic Violence Docket* in Bridgeport, Connecticut handles all misdemeanors and most felonies that fall under the statutory definition of domestic violence crimes. All domestic violence defendants must appear in court the day after arrest, and must appear before the same judge every two to three weeks until plea or other disposition. This enables the court to review case status, including compliance with protective orders, court mandates to batterers’ intervention and other programs, and any other court conditions, such as electronic monitoring. In addition, in many misdemeanor and lower level felony cases, defendants are monitored in the period after plea but before sentencing. In these “Cap” dispositions, the defendant enters a plea with sentencing postponed until completion of a batterers intervention program, with required attendance twice per week for 26 weeks. Utilizing a “carrot and stick” approach, the defendant enters a plea with the understanding that he will receive different sentences depending on his successful completion of the program, as well as his compliance with the protective order, as well as any other court-imposed conditions. These cases never result in dismissal, and sentences may be more severe if the defendant fails in any of these areas, as well as if he fails to appear before the judge for interim sentencing dates every two to four weeks. These interim court dates are established at the time of plea for the court to monitor defendant conduct. Compliance with all court orders at the time of the court appearance continues the sentencing until the next interim court date. A bad report and/or failure to appear results in immediate court action.

Second, those planning the court should consider carefully whether “diversion” models or other sentencing structures that result in ultimate dismissals of domestic violence convictions undermine the court’s goals. Diversion models frequently are based on drug court sentences, where upon completion of a drug

treatment program, a defendant's charge or conviction is dismissed. For a number of reasons, the adoption of this model in a domestic violence court, by analogizing batterers intervention programs to drug treatment, may be inappropriate. Perpetrating domestic violence is not an illness, but a purposeful, chosen course of conduct. While batterers intervention programs can be useful in terms of monitoring and, in some cases, can result in behavior modification for some period, completion of a batterers' program does not ensure "recovery," thereby justifying dismissal of the conviction. Moreover, domestic violence is by definition a pattern of repeated abuse; domestic violence criminal history is an important source of information for the judge to understand the context of a domestic violence case. If diversion models result in dismissals when court conditions are met, the case history is erased. That history of abuse is then not available to the court in other domestic violence cases involving the same offender. Any sentencing model that is utilized should ensure that convictions remain part of the offender's record.

Whatever model is adapted, the ultimate aim should be to stop the violence, keep victims safe and hold perpetrators accountable.

ASSOCIATED VALUES:

- Victim and child safety
- Offender accountability

SECTION IV

DOMESTIC VIOLENCE COURT MODELS

There are diverse models of domestic violence courts handling various types of dockets. The following section describes some of these models, which incorporate many of the values and components described in the previous two sections.

◆ **Dedicated Civil Protection Order Docket**

Under this model, the court has a dedicated docket for handling civil protection orders (CPOs). Cases may be handled by one full-time, dedicated judge or by judges who rotate through the docket, but the calendar is always specialized. This model includes a fully dedicated court that handles only civil protection orders all the time, as well as a court that devotes, for example, one day a week to focus on these cases. Some of these courts will handle enforcement of their own orders and some will not; and since violations of these orders may be treated civilly or criminally, some courts will handle civil violations only, while others will hear both civil and criminal violations.

This model offers many of the advantages that a domestic violence court can provide as discussed in this paper: increased safety, educated judges, sensitivity to victims, understanding of the dynamics of abuse, access to advocacy, and more. For several reasons, such a docket may be a good place to start in developing a domestic violence court. First, much of the domestic violence caseload consists of petitions for protection orders and violation hearings. Second, since litigants in civil protection order cases frequently appear pro se, these cases especially require judges and court personnel well versed in domestic violence issues. Finally, the protection order docket is often the entry point for a great many victims into the judicial system.

On the other hand, this structure is limited in that it generally allows for follow-up monitoring only when there is a violation. This does not have to be the case, and it is possible to do more intensive follow-up. However, there usually are no conditions imposed beyond compliance with the protection order (such as mandatory attendance at a batterers' intervention program) which trigger court monitoring, reducing the likelihood that it will occur. In addition, it may be difficult for the victim to get a complete remedy in a court handling CPOs exclusively, even though frequently victims seeking protection orders have other related matters such as custody or visitation.

Some civil protection courts also handle related civil matters (see Unified Family Court model), which can increase the ability of the court to provide complete resolution of issues faced by victims. In addition, many CPO courts handle criminal violations of the CPOs. An advantage of this arrangement is that the same court is enforcing violations of its own orders. More violations will be treated criminally, which is an advantage if one wants cases to be treated with more strict enforcement of violations. Because victims are frequently more likely to go to civil court, more of these cases will come to the attention of the court and become criminal matters. However, this can also be a disadvantage if it serves as a disincentive for victims to report violations. Another potential disadvantage is that it may seem as if these criminal cases are being treated less seriously because they are being dealt with in civil court instead of criminal court.

◆ **Criminal Model**

One of the more common models for domestic violence dockets or courts segregates criminal cases for specialized, concentrated handling by one or more judges. Most courts have created specialized misdemeanor domestic violence courts or dockets. A few jurisdictions have created courts that handle only felony abuse cases, while others have created courts that handle both misdemeanors and felonies.

Because domestic violence defendants tend to have repeated and often escalating cases, when misdemeanor and felony cases are combined, a clearer picture of these defendants emerges. Compliance follow-up is more likely to happen in a criminal model because there are the mechanisms to facilitate it, such as probation. This structure of a domestic violence court, then, offers a strong opportunity to provide effective monitoring and demonstrate that the system takes domestic violence crime seriously. On the disadvantage side, just as a purely civil court cannot address criminal actions that may be going on, a criminal-only caseload does not address related civil cases that also may be pending.

◆ **Domestic Violence Courts with Related Caseload**

This model attempts to address the disadvantages raised in the previous models by combining domestic violence cases and related matters. Both victims and perpetrators often have related issues before the court, such as a criminal matter, CPO,

custody, child support, or divorce. This type of model addresses more comprehensively the issues that face families dealing with abuse. Advantages of this model include centrality of location, or “one-stop shopping” for families before the court. The court has access to complete information on a family, which lends itself to consistency of orders and outcomes. For example, if one judge issues an order of protection, that same judge will make a child visitation order compatible with that CPO. Overall disadvantages include the fact that if a court is focussed on the criminal aspects of a caseload, it might not pay adequate attention to the related civil matters, or vice versa. For example, if the judge in a case is a criminal court judge, he or she may not be as well versed in matters such as custody. And, there is the problem of having “all your eggs in one basket”: that is, if participants do not like a particular judge, they are nonetheless reliant upon that judge for decisions on every aspect of their various cases. Information-sharing can also be problematic because of privacy, safety and confidentiality issues, as well as the potentially conflicting objectives of various courts.

There are at least three versions that fall under this model. An Integrated Domestic Violence Court model handles criminal domestic violence cases and related civil matters before the same judge. The Unified Family Court does not handle criminal matters, but rather matters that are in civil court involving the same family, including domestic violence cases. In the Unified Family Court model, a domestic violence case does not have to be the central case, and it may not be an issue at all. Finally, a Coordinated Court is a version of the Integrated Court in that it handles criminal domestic violence cases and related civil matters, but it does so within the same court division, rather than before the same judge. Judges may talk and coordinate more, but different judges hear the various cases. Each of these variations offers specific advantages, as well as disadvantages, which are detailed below.

Integrated Domestic Violence Court. As described above, this model handles both criminal domestic violence cases and related civil matters. It addresses problems comprehensively, which can be of tremendous benefit. Concentrated services are more likely to occur in this setting because a court that handles children’s issues, for example, is likely to have better coordination with children’s services than a court that does not. However, there are risks associated with this model as well. When civil matters are handled with criminal cases, it becomes a challenge to keep them appropriately separate. For example, one may find criminal-case bargaining in a divorce case. One way to address this is to have the same judge hear all cases, but not at the same time. In addition, separate attorneys can be assigned for each matter. Another concern is that because there are different standards for burden of proof and admission of evidence,

there may be a blurring of the standards applied to a case. The judge cannot help but know information that may be applicable in one case but not in another. For example, if a judge has heard a civil protection order case and has found against the respondent, and therefore has issued a protection order, should this same judge handle a criminal matter that is also before the court? The issue here is not just that the judge may have “too much information,” but also that he or she may have already made a judgment. While some contend that judges make these distinctions routinely, one potential way to address this concern in an Integrated Domestic Violence Court is for a judge to recuse him or herself from a bench trial (where the judge is acting as fact-finder) in cases where a real or perceived conflict may occur.

Unified Family Court. The goal of a Unified Family Court is to have one judge who handles all civil issues related to one family, which may or may not include domestic violence. Issues may include dissolution, custody, protection orders, delinquency, dependency (child abuse and neglect), or paternity. This court has the advantage of case handling by experts in dealing with family matters often associated with domestic violence, as opposed to the Integrated Court model, which is triggered by a criminal case. Like the Integrated model, it carries the risk of having all power consolidated in one person. Also, since the focus is not on domestic violence, a potential disadvantage is that domestic abuse will get lost in the equation. Since this caseload is housed in a traditional family court, the perspective of the judge is likely to focus on the welfare of the children, which can sometimes be at the expense of the adult victim of violence (a battered mother seeking protection and to retain custody of her children). Some argue that a Unified Family Court model is untenable, because no judge can be an expert in so many matters. However, others say this is a more natural grouping of cases that may well be more likely to fit together with a judge’s expertise, since it does not combine criminal and civil matters. Finally, while this model does not have the conflicts seen in the Integrated Court model, it also does not have the specialty of domestic violence, so the court is not necessarily going to be as educated on the issue when it comes up. While domestic violence training is not necessarily part of this model, it could be instituted for judges and all involved partners to address this need.

■ **Child Protection Where Domestic Violence Occurs**

The issue of how to handle the cases and address the needs of families where there are both child protection and domestic violence issues is one of the more complex a court will face. The overlap between domestic violence and child abuse is great: in fifty percent of the homes where there is frequent domestic

violence, the batterer also frequently abuses the children.¹ Of particular concern are cases in which victims of domestic violence are charged in child protection matters for failing to protect their children from the abuser. In this model, the court handles only cases where there is an overlap between domestic violence and child protection. While only a few courts are undertaking this approach, the goal of this model is to address domestic violence issues while also protecting the safety of children in the home. An advantage to this model is that it targets these problematic cases and brings expertise to bear, where traditionally these important decisions are made in isolation. Service providers from the child welfare and domestic violence communities come together, and judges and staff are educated on this complex issue. The court is more specialized; service plans are more comprehensive, offering services for both the victim of abuse and for her children, and children are kept with their mothers, when possible. Again, a disadvantage is that because all these difficult cases are handled in one place, there is the risk that one bad judge or other court staff person could have a tremendous negative impact on the lives of families in vulnerable situations.

■ **Juvenile Domestic Violence**

Teen battering is usually addressed in family court, which generally follows a more rehabilitative than punitive model. Because the entire family may be required to appear before the judge and follow court mandates under this model, these courts offer the opportunity to address issues faced by the family of the juvenile, and the chance to have a greater impact on an entire family dynamic. This arrangement is helpful in situations where a violent teen comes from a violent home, as is often the case. For example, in some jurisdictions, when a juvenile is charged with a crime, the parents also may be required to meet conditions, such as regular drug testing, or participation in a batterers' intervention program, as part of the outcome. A juvenile domestic violence court offers the same advantages as an adult domestic violence court, as compared to a general juvenile court. Moreover, in comparison with an adult court, a juvenile domestic violence court may be more effective in addressing the particular issues faced by this younger population. Juveniles may require different services than adult domestic violence offenders, so the court may develop an expertise in teen dating violence and offer specialized services for juveniles, providing early intervention. However, because teen dating violence cases may be relatively infrequent in juvenile court, it is not always realistic to set up a

Strauss, Murray A., Gelles Richard J., and Smith, Christine. 1990. *Physical Violence in American Families; Risk Factors and Adaptations to Violence in 8,145 Families*. New Brunswick: Transaction Publishers.

court devoted to this issue. And, it can be difficult to adhere to the goals of a juvenile court – which focus on rehabilitation – while still holding teens accountable for their behavior. As is the case with adults, rehabilitation is not easy to measure in teen domestic violence cases.

Coordinated Court. Under this model, all the various types of cases that are handled in an Integrated Court (criminal domestic violence as well as family matters) are included in the same division, but they are not handled by the same judge. A Coordinated Court has separate family, domestic violence, criminal and juvenile dockets, but cases are heard in the same court division with physical proximity and with one clerk's office, where files are kept together. The idea of this model is to obtain the advantages of the Integrated model, in that judges are in closer contact and can coordinate information and provide centralized services, while avoiding the problems that may arise when the same judge handles all cases and faces potential conflicts. A disadvantage of this model is that, while the ideal is for information to be shared, without clear protocols in place there is no guarantee that such sharing will occur. An integrated case file management system can help to ameliorate this problem, as can procedures that affirmatively make judges aware of related cases.

NOTE

It is possible to implement some of the options contained in this guide without having cases go before one judge or a designated group of judges – to have a specialized unit of court personnel but have no specialized court. In other words, all system partners would be specialized, with the exception of the court and the judge. So, the probation department would work collaboratively with the prosecution, a victim advocate would be in the courtroom, etc. – but there would be no formal domestic violence court. This is not a recommended course of action; however, it may be an alternative when there is interest in a domestic violence court from a variety of system players, but for a number of reasons, it is not feasible to dedicate a judge or court docket to the project.

The success of a domestic violence court project depends on careful planning efforts that focus on issues ranging from broad questions about the appropriate court model, to details in designing report forms for partners to use in communicating with the court. Planning should be both guided by the fundamental values and principles a domestic violence court is designed to promote, and informed by the needs of the local community. While representatives from the court system or any particular organization that interacts with that system may initiate planning efforts, it is crucial that the planning process include court administrators and all partner agencies and community groups involved with the court. The domestic violence court's credibility and effectiveness depend upon coordination among numerous partners, and their experience, responsibilities and concerns must be addressed on an ongoing basis throughout the planning and implementation stages of the court.

The following steps are designed to provide guidance on issues that should be examined by a jurisdiction interested in developing a domestic violence court project. These steps offer help in deciding whether such a project is feasible in the jurisdiction. If planners decide to pursue the project, subsequent steps provide assistance in addressing important planning issues. Clearly, each jurisdiction will be knowledgeable about specific issues and additional steps that must be taken to implement a domestic violence court in the local community. This Action Plan is designed to provide guideposts to help lead jurisdictions through the planning process, and ensure that issues important to all domestic violence court planning are addressed.

◆ **Identify Key System Partners and Develop a Court Planning Working Group**

To improve the administration of justice in domestic violence cases, the court system must collaborate with a variety of system partners. While involved groups may vary somewhat according to the scope of the court's caseload, key partners for effective domestic violence court or specialized domestic violence docket projects will typically include groups such as: judges and judicial officers; bail commissioners; court administrators; court technology staff; court clerks; court security; law enforcement; prosecutors; defense bar; victim advocates, from both community-based agencies and the

prosecutor's office; shelter providers; pre-trial services; probation; parole; corrections; batterers intervention programs; mental health and substance abuse programs; child protective services; town/city/county government; civil attorneys; immigration bar; advocates for children; supervised visitation services providers; health care providers; school system representatives; and public assistance providers. It should be noted in particular that defense counsel need to be consulted during the planning process. While the defense bar may not agree with some domestic violence court goals or procedures, the defense perspective and its important role in protecting due process and defendants' rights are essential in ensuring the court's credibility and effectiveness.

Development of a wide-ranging partnership is extremely helpful, and it typically will evolve over time. If the domestic violence court project is working effectively, it will naturally broaden to include an expanding range of agencies as project partners work intensively with a domestic violence caseload and develop new project components. While this broad collaboration may not yet exist as planning gets underway, it is important to begin the process by bringing key partners together. When considering a domestic violence court, project planners should first determine if there is an existing domestic violence coalition that may encompass many of the necessary agencies. Where possible, planners should build on such existing efforts. If this is not feasible, planners should aim to start with representatives from essential agencies, and anticipate building outward as the planning and project develops. Court planning can be so intensive and detailed that it requires a smaller group willing to work hard and get into the "nitty-gritty" of court planning. This working group should then bring efforts back to the larger group for discussion and review.

◆ **Conduct a System-Wide Audit to Determine Needs**

A critical step in the planning process is a system-wide audit to determine the strengths and weaknesses of the jurisdiction's existing domestic violence response. This review can be done independently by an outside consultant, or can be a self-audit. The audit should include: a review of all written protocols by the court and all agencies and groups involved in domestic violence response; observation of actual operating procedures; interviews with key system players; and where possible, focus groups with users of the court, particularly victims. The audit should produce a written report that outlines all areas that were reviewed, and delineates the strengths and the gaps in the system response. This audit should be as detailed as possible. The results of the audit will guide the planning process; for example, if the audit reveals that there is great dissatisfaction within the jurisdiction with the civil protective order

process, planners may determine that this caseload should be a top priority for inclusion in the domestic violence court. If a focus group with victims reveals that the services provided to them are located in too many different places, court planners may focus on designing a victim intake center on-site at the court. The audit report should be shared with court and partner personnel, and used as a basis for discussion about the development of a domestic violence court.

◆ **Determine Goals and Priorities of the Domestic Violence System Response**

As discussed in this document, all domestic violence court models share some fundamental values and goals, including the promotion of victim safety and perpetrator accountability. However, in order to determine if a domestic violence court will serve the needs of a particular jurisdiction, and if so, to decide on a particular court model, it is important for planners to be clear on their specific goals and priorities. These goals can be determined through both the system audit as well as conversations among representatives of all involved partners. For example, if it is determined that a focus on providing improved services for children affected by domestic violence is paramount, then planners may decide to include child-related case matters, supervised visitation programs, and comprehensive counseling services in a domestic violence court project as high priorities. If, in evaluating domestic violence crime statistics, it is determined that there is a concentrated group of high repeat domestic violence offenders, planners may want to focus on increasing intensive monitoring of this population. The court model for this jurisdiction may concentrate on criminal cases, and include frequent court appearances, the imposing of court conditions and an extensive sanctioning scheme for failing to comply. Articulation of specific goals will impact the development of project components, operating protocols, and data collection procedures, and ensure that all partners are coordinating efforts.

◆ **Determine the Domestic Violence Caseload**

While administrators and court planners may have a sense of the number of domestic violence cases handled by the court system, it is important not to rely on anecdotal information, but rather to obtain statistics that are as accurate as possible. Much will depend on these numbers, including decisions regarding the types of cases handled by the court, the deployment of judicial and agency staff resources, and development

of a phase-in plan. Before planners define the domestic violence caseload, it is helpful to monitor cases for one or two court terms (a few months) in a broad range of areas, such as misdemeanor domestic violence, felony domestic violence, and civil protective orders. If planners are considering an Integrated Domestic Violence Court model, it is important to capture estimates of particular caseload overlaps (e.g., misdemeanor domestic violence and CPOs, CPS and custody petitions) so that planners can have a sense of what kind of caseload particular court models would produce. The monitoring of cases should include a breakdown not only by case type, but also by party relationship, such as married, non-married intimate partners, and other familial relationships.

This caseload analysis should be done not only by the court system, but also by agencies which will be involved in handling cases pending in the court, such as prosecutor and defense offices, batterers' programs, and advocacy groups. This will help these agencies determine what their staffing needs may be, or how existing staff can be re-deployed to provide consistent staffing at the domestic violence court.

◆ **Review State and Federal Domestic Violence Laws, Pending Legislation and Any Laws Affecting Court Jurisdiction**

State and federal law can impact the operating procedures for the domestic violence court project, and it is important that planners be fully informed and up-to-date on all such developments. For example, in order to comply with federal Full Faith and Credit requirements for orders of protection under the Violence Against Women Act, the court may need to revise protocols to ensure that all due process requirements are met. Order of protection forms should be reviewed to ensure that they are in accordance with federal laws involving gun possession. In addition, state law in the domestic violence area is changing rapidly, and planners should be aware of any new legislation in such areas as criminalizing violations of orders of protection, stalking, and evidentiary issues in domestic violence litigation. There may also be some statutes that can affect the jurisdiction of the court. For example, laws defining judicial authority to hear civil or criminal cases may affect the choice of domestic violence court model. There may be a statutory definition of domestic violence to which the court may want to conform its caseload definition.

◆ **Determine Whether a Dedicated Domestic Violence Court or Specialized Domestic Violence Docket Would Be Feasible, Determine Model, and Develop Working Definition of Domestic Violence to Be Employed by the Court**

Based on the system audit and caseload analysis described above, planners will be well-situated to determine whether the jurisdiction would benefit from a dedicated domestic violence court, whether the caseload would sustain a fully dedicated court or a periodic specialized docket, and which cases (because of either volume or weaknesses in system handling) should receive priority for inclusion. The background research will also help planners to develop a definition of domestic violence that will address the greatest number of cases in the system, or produce a caseload that the court or docket can handle.

◆ **Learn from Other Jurisdictions**

Each jurisdiction has specific needs and features, and development of an effective domestic violence court must grow from the configurations of the local community. However, it is also very helpful for planners to learn from the experiences of other jurisdictions that have developed these courts. Though not attempting simply to adopt another jurisdiction's model, planners can benefit from understanding both strengths and weaknesses of particular models; challenges encountered and solutions developed; and innovative features and outcome measures. Planners can review written materials on several of these courts, communicate directly with administrators at these projects, and where possible, go on-site to observe the court. These site visits serve both to bring the court and the principles underlying it to life, and to help bring the planning groups closer together as they observe another court and collectively compare its features to those sought in their jurisdiction.

◆ **Bring in Senior Administrators from Court and Partner Agencies**

Senior administrative judges, court administrators and agency personnel can be crucial to a domestic violence court project's success. They may be helpful – and in some jurisdictions their authority may be required – in making needed protocol changes, identifying staff, obtaining funding, and providing public support for the project. In some jurisdictions, these senior administrators may spearhead the planning process, or may initi-

ate the process and delegate detailed planning to others. In these circumstances, planners need only be certain that administrators are kept informed and consulted on planning issues. In other jurisdictions, senior personnel may not have initiated the planning, may be unaware that it is ongoing, or may even be concerned about aspects of the project. In these cases, it is important for planners to bring senior administrators into the planning process by making presentations, holding frank discussions to air any concerns, including them in any site visits and trainings, and ensuring that there is productive communication throughout the planning stages.

◆ **Determine Staffing Needs of Court and Agency Partners**

After deciding upon a court model, caseload type and volume, and case priorities, planners should determine the number of court and partner staff needed to handle the caseload effectively; the necessary qualifications for such staff; whether there are existing staff to fill these positions; or whether new positions are required. In identifying staffing requirements, it is important to assess the needs of public defenders or other counsel representing defendants. If funding is secured to increase the quantity or quality of prosecutors, equivalent resources and training should be secured for defenders. Planners should also identify whether staff needs to be fully dedicated to the domestic violence court project or can be assigned additional tasks as well. Virtually all jurisdictions must work within limited resources, and so planners should evaluate these staffing needs in the context of what is feasible, and also view staffing as an ongoing process. There may be a few essential staff assigned to the court at the initiation of the project, with the goal of adding more personnel as the project expands. Planners should also be creative about identifying existing staff within each agency who may be qualified and available for redeployment in the domestic violence project.

Finally, given the complexities of domestic violence, planners should make efforts to identify staff interested in the project, including the additional responsibilities that it is likely to entail, who are willing to be educated about the subject, and prepared to commit to the specialized court for some period. This will help to reduce turnover of personnel, ensure the high quality of judicial and staff assigned to the project, and improve project operations.

◆ **Determine Service Needs and Ensure Cultural Diversity Appropriate for Court Population in Service Providers and Staff**

Once planners have determined the court model and caseload that the project will handle, they should focus on the services necessary to address these cases. Domestic violence courts will all share the need for certain essential services, such as independent victim advocacy. However, a family court model may require a multitude of direct services for children, while a criminal model may need more intensive compliance and sanctioning schemes. Moreover, specific populations may require particular services available to suit them. For example, a jurisdiction with a large elderly population will need domestic violence victim advocate organizations with expertise in elder abuse and the capacity to conduct home visits. A jurisdiction with a large immigrant population will require culturally specific and linguistically appropriate victim advocacy and batterers' intervention programs. Not all such services may be immediately available; however, planners should identify needs and initiate the process of finding these services and developing a strategy to fund additional services.

◆ **Assess Available Resources and Explore Options for Additional Funding Where Necessary**

With careful planning, a highly effective domestic violence court project may be implemented without substantial additional resources or funding. The same number of domestic violence cases that will be concentrated in one court project previously existed; these cases were likely scattered throughout several courtrooms. Similarly, system partners handled the same number of domestic violence cases, but, without dedicated staffing, they may have been distributed among several staff caseloads. Therefore, the provision of appropriate staffing at the court and among partners may require primarily a reorganization of caseloads, rather than additional personnel. While previously several judges, court and partner staff handled part of the domestic violence caseload, now a smaller number of these personnel will be fully dedicated to domestic violence cases, simultaneously reducing the caseloads of the remaining judges and staff. Planners should undertake a systematic analysis of caseloads to determine how existing staff and resources can be utilized most effectively.

Nevertheless, it is quite possible that some additional resources will be needed. For example, in developing the domestic violence court project, planners may determine that a new position needs to be created to coordinate information. Partners may decide that their dedicated domestic violence staff requires smaller caseloads to increase their

effectiveness. Services that did not previously exist at the court may need to be developed. Case volume may grow early in the project as confidence in the court increases. Planners should assess the resources that may be available within the court and among partners. Court administration officials or agency heads may be able to create an additional staff line without seeking additional outside funding. The court or some agencies also may be able to provide in-kind support, such as office space for additional staff. In addition, some new resources for a domestic violence court project may create enhancements for the justice system as a whole. For example, improved information technology that increases access to case histories can benefit multiple courts beyond those handling domestic violence cases. This may enable planners to access general administration funds. As discussed above, planners should be creative about identifying existing resources that may be deployed in the domestic violence project, and also recognize that the development of the project is ongoing. Both staff and services may be expanded as the project matures.

After a thorough assessment of existing resources, it may be clear that some additional funding and outside support is necessary or desirable. Planners should undertake a comprehensive review of potential funding sources, including local, state and federal governmental agencies, as well as private foundations. All partners should be included in this process, so that they coordinate fundraising. Some funding streams may be available only to particular partners; for example, while one organization may not fund court personnel, it may support additional victim advocates to work with victims at the court. A grant application strategy should be developed as soon as possible, because the grant award process can take several months. This strategy also needs to include plans for institutionalizing in subsequent years the positions or services created through initial grant funding. In addition, private corporations should not be overlooked as potential sources of in-kind support. For example, telecommunications and security companies may be able to provide cell phones and safety pendants for victims that automatically dial 911 in emergencies; children's book publishers and toy companies may be willing to make in-kind donations for a children's center located at the court.

◆ **Review Security at the Courthouse and All Related Locales Frequented by Victims**

It is important to include a physical review of the court building and other locales that court parties may be required to frequent. The review should include a walk-through of the route that a victim would take to the courthouse, including parking facilities; the

domestic violence court; petition room; advocates office; and child care center. Planners should be alert for security concerns in all locales, and discuss changes to improve safety, including the posting of security officers and use of screening machines.

◆ **Develop Written Protocols for Court and Partner Coordination**

Planners should work closely with all partners to establish written protocols that outline the roles, responsibilities, and commitments of each partner, the means by which each partner will provide information and communicate with the court and the other partners, and the standards to which each partner will adhere. Developing written protocols ensures a consensus among the partners about project operations; it also institutionalizes procedures and promotes consistency.

Advocates should be asked for their advice on these protocols to ensure that victim safety is promoted at all times. Prior to the beginning of project operations, these protocols may be fairly general; as operations mature they will become more detailed and may also change somewhat over time. However, it is helpful to have broad outlines in place before the project is initiated. In addition, planners should work with partners to develop standardized report forms that will be useful for the project, particularly those used to communicate with the court.

◆ **Identify and Access Information Systems**

Coordination of information is crucial to the effectiveness of a domestic violence court project. In planning the operating protocols described above, it is particularly important to identify all existing information systems that are relevant to domestic violence cases, and develop methods of ensuring that they are fully utilized. For example, if a Domestic Violence Order of Protection Registry exists in the state, planners should determine if it is possible to make it available to personnel directly in the domestic violence courtroom. Planners should also ensure that data entry into the Registry from the court is prompt, complete and accurate.

◆ **Institute a Data Collection/Evaluation Plan**

In order to assess the effectiveness of the domestic violence court project, there must be protocols for data collection by the court and its partners, and an evaluation plan that delineates who will be responsible for reviewing data, how the evaluator will obtain the data from sources, and what outcome measurements will be the focus of the evaluation. Any evaluation plan should also include a method for providing regular feedback to court personnel and partners, as well as court administrators and other supervisory personnel. It is easier to address these issues before the project gets underway than after it is operational and personnel have established routines. Moreover, the development of this plan will provide further incentive for planners to become clear on project goals. Outcome measures should be designed to assess the project's progress in meeting these delineated goals.

◆ **Conduct Domestic Violence Trainings for All Partners**

Central to any specialized domestic violence court or docket is educated case handling and decision-making by judges and all involved court and partner staff. While the intensive experience of a specialized caseload can promote this education, it is important that all personnel bring to the project as much knowledge and information about domestic violence as possible. Because domestic violence cases will be concentrated in one court with a small number of involved personnel, it is particularly crucial that these personnel learn as much as possible before the project begins on the multiple, complex issues surrounding domestic violence. Training on domestic violence topics, as well as cross-training on the roles of all agencies, should be initiated as part of the planning process and should continue on an ongoing basis throughout planning and implementation stages.

◆ **Develop a Phase-In Plan for Caseload and/or Services**

The operation of a domestic violence court project is complicated, involving coordination of multiple agencies and court personnel who are frequently performing new tasks or handling cases under procedures different from those in traditional case processing. An effective strategy may be to plan a number of phases for project implementation, separated by time periods that are designed to ensure that each phase is fully implemented and operating well before expanding to the next phase.

The phase-in process allows for court planners to test various components and assess effectiveness before expanding. These phases can be divided by case type; for example, in an Integrated domestic violence court model, planners may decide to handle certain cases, such as orders of protection and visitation, first, and then expand later to matrimonial matters that may require additional training for the judge and staff. Phases can also be divided by services provided; for example, the court may open with certain essential services, such as victim advocates, and expand in a later phase to include additional services for specific victim populations. This phase-in process allows for a smoother and more successful implementation and provides the ability to assess project development in stages. In addition, the phase-in process more accurately reflects the realities of project planning and implementation; while it would be ideal to have all staff and services in place on the day the project begins, in most jurisdictions, identifying staff, identifying potential funding sources, and hiring can take some time. While a project should not begin operations without essential services, it is also important to build on momentum and not to wait until everything is “perfect” before opening. A phase-in plan allows the project to operate responsibly on a smaller scale while additional components are added.

◆ **Expect Challenges and Prepare for Change**

The development of a domestic violence court project is complex and ongoing. As the project matures, new issues will be discovered, additional problems will be encountered, and challenges will arise. These can range from new understandings about the needs of the court population, to legal changes that necessitate adjustments to operational protocols, to staffing issues or procedures that do not seem effective. A healthy and growing court project will develop a mechanism for recognizing these challenges and addressing them. Planners should anticipate this need by institutionalizing a method for identifying issues and problem-solving productively. This method can include the regular feedback from evaluation of the court and partner data, regular self and/or independent system audits, ongoing partnership meetings where concerns can be voiced, and regular trainings to bring awareness to staff of new issues in domestic violence case handling.

SECTION VI CONCLUSION

The values and principles laid out in this paper can help form the backbone of any jurisdiction's plan to create an effective judicial response to domestic violence in its community. The components listed offer tools from which to draw, and the examples of court models, along with the case studies which follow, suggest ways that potential court systems can be adopted or modified to fit a community's particular needs. The Action Plan provides concrete, specific steps that planners can take to assess their own jurisdiction's needs and resources, and begin the process of integrating the values of a domestic violence court into their system. Many additional resources related to domestic violence courts exist to help guide jurisdictions that are working to improve their response to domestic violence cases; see the Resources section of this paper for further reading on how to bring domestic violence courts to your community.

While adhering to the fundamental values that must guide all domestic violence case processing and addressing the central components outlined in Section III, each court should reflect the culture of the jurisdiction in which it operates and the needs of the population it serves. The development and implementation of a specialized domestic violence court involves concrete decisions by court personnel and multiple partner agencies on many detailed issues, and no two courts will be exactly alike. This section provides three case studies, in order to provide tangible examples of existing domestic violence courts. While each is quite different in structure, they all share the principles and core components of effective domestic violence courts. They bring to life some of the strengths of various court models, and demonstrate how issues and challenges faced by any court can be addressed productively. These studies are designed to illustrate the different kinds of court models, and provide valuable lessons for jurisdictions considering domestic violence courts or beginning the planning process.

Given the complexities of domestic violence cases, it is not surprising that each of the courts examined here continues to face numerous challenges, and continues to improve and refine its operations. While some of these challenges are specific to domestic violence courts, many relate more generally to domestic violence case handling, whether or not in a specialized court setting.

The issues raised consistently at several of the sites are instructive for all court planners. They include:

- the need for additional victim services, particularly in the areas of immigration legal services and multi-lingual advocacy programs
- the importance for the court in maintaining impartiality and the appearance of impartiality in all decision-making, and including the defense bar in project planning and ongoing collaboration
- the need for additional services for specific components of the defendant population, particularly those with substance abuse and/or mental illness issues

- the need for integrated technology systems to access related pending cases and domestic violence histories

Developing an effective response to domestic violence is an ongoing process. Each of the courts described below is engaged in this difficult process, and continues to assess and improve its operations, guided by the central values and goals that will promote safety for domestic violence victims and their children.

CASE STUDY 1

Westchester, NY Integrated Domestic Violence Court

The Westchester Integrated Domestic Violence Court is located in Westchester County, New York, a geographically and economically diverse area that includes suburban communities, rural farmland, as well as a few cities located close to New York City. The Court opened in 1999, with a combined felony/misdemeanor caseload, handling domestic violence felonies from throughout the county, and domestic violence misdemeanors from the city of White Plains. The caseload includes murders, marital and date rape cases, assaults, arsons, and property crimes, as well as criminal contempts for violations of protection orders.

In the Fall of 2001, the Court expanded operations in two areas. The Court caseload now includes domestic violence misdemeanors from New Rochelle, another city in the county. And, when a criminal domestic violence case is pending at the Court, the Court now hears all related civil protection order cases (termed “family offenses”), custody and visitation petitions, as well as related matrimonial cases. The Court also hears support and paternity proceedings in which the parties contest a hearing examiner decision. The Court has now moved from a criminal to an integrated domestic violence court model. All of these cases are presided over by a single judge who is dedicated full-time to the Court.

The judge hears cases at all stages, from pre-trial monitoring and case status hearings to pleas, trials, and post-disposition review hearings. The Court has specialized its calendar days to enable appropriate parties, attorneys and program representatives to be present on specific days, to promote victim safety, and to improve court efficiency. In particular, with the addition of the family-related cases, the Court has determined that, while the same judge would hear a criminal domestic violence matter and a related family case, it would best serve the Court’s goals for the criminal and family cases to be heard on separate calendar days. This guards against “horse-trading” among cases in order to reach settlements and conflation of issues involved, and promotes safety for domestic violence victims. The Court now hears the criminal case pre-trial calendar each Thursday, the criminal post-disposition compliance calendar each Monday, and the family case calendar each Friday; all remaining court time is devoted to hearings and trials.

◆ **Dedicated Staff, Intensive Monitoring and Accountability of Defendants**

The Court has focused on enhancing defendant accountability through the institution of several specific protocols. The judge brings all defendants back to court every two to three weeks pre-disposition to monitor case status, including compliance with orders of protection and any court-ordered conditions, which may include participation in a batterers' intervention program. Post-disposition, non-incarcerated offenders continue to return periodically for status review. The time between these appearances varies according to offender conduct; appearances are increased if activity raises judicial concern. In addition, post-disposition defendants are monitored through an intensive probation program described below.

The Court includes specialized staff to promote accountability. The Court Case Manager ensures that the judge is fully informed at each court appearance. She is responsible for obtaining information from several court partners on each case prior to each court date, and updating the partners on court orders and case status. The Case Manager receives regular reports from Probation, batterers' intervention programs, and other programs that the court has ordered the defendant to attend. She provides these reports to the judge, so that he may respond to any failures to comply at the court appearance. With victim consent, the victim advocate also notifies the Case Manager of any alleged violations by the defendant. In situations where non-compliance occurs substantially before the next scheduled court date, or in an emergency, the Case Manager, after consultation with the judge, can advance the court appearance and notify all parties to appear. This enables the judge to respond promptly and effectively in these situations. The Case Manager works with each program to ensure that it has up-to-date intake lists of defendants ordered to the program, and provides the program with information about court response to any noncompliance. With the addition of family-related matters to the Domestic Violence Court caseload, a Senior Court Assistant with a background in family court cases now works with the Case Manager to access family-related programs, such as supervised visitation, and obtains information from these programs prior to each court date.

Several partners have dedicated staff on-site at the Domestic Violence Court, including prosecutors from the District Attorney's Domestic Violence Bureau, defense attorneys from the Legal Aid Society, a victim advocate from My Sister's Place, an independent victim advocacy organization, and probation officers from the Probation Department's Domestic Violence Unit. This helps to ensure consistency in case protocols, and provides experienced, trained staff to handle cases at the Court.

Creating A Domestic Violence Court

The Westchester County Probation Department plays a central role in offender monitoring at the Court. The dedicated Domestic Violence Unit handles all stages of probation cases originating from the Domestic Violence Court. The Unit prepares enhanced pre-sentence reports that include multiple interviews with involved parties, visits to the offender's home, and consultation with the local police precinct to review all domestic violence history of the defendant known to the local officers, including calls that may not have resulted in arrests.

Domestic Violence Probation Officers work with defendants sentenced to probation from the Court. These officers have a smaller caseload than is typical of officers in the county, in order to permit more intensive interaction with each probationer. Domestic violence probationers must attend weekly visits with their probation officers. Probation officers also visit the probationer's home twice a month; in a new project, Operation Safe Watch, probation officers are conducting these visits in the evenings and on Saturdays, accompanied by local police.

In addition, domestic violence probationers must participate in a Probation-referred batterers' intervention program, as well as attend any treatment programs that Probation deems necessary. The Probation Department works closely with the programs and with the Court Case Manager to obtain up-to-date compliance reports. The Court requires probationers to return to court regularly for review of their compliance with all court conditions. The Court typically will bring probationers back every three months; however, if any issues arise, these appearances can be increased substantially, and sometimes escalate to weekly court dates. The assigned probation officer also appears at each court date and reports on case status.

This regular review of all probationers instituted at the Domestic Violence Court provides far more intensive monitoring than existed before the Court opened. At that time, only probationers charged with violating their probation, which typically involved a re-arrest or other serious transgression, were brought before the sentencing judge. The decision to charge a violation is within the discretion of the probation officer so that if no violation were charged, the sentencing judge would not know of any transgression. Now the domestic violence judge reviews all non-compliance at the regular court appearances, and imposes sanctions for failures.

The Probation Department also works with respondents in family offense cases, where the judge may authorize probation monitoring and program referrals upon the issuing of a final protection order. When these cases are related to criminal domestic violence matters, they are now being heard in the Domestic Violence Court; and there are plans to have probation officers handle these cases at the Court as well as the criminal caseload.

◆ Independent Victim Advocacy

A victim advocate from My Sister's Place is based on-site at the Domestic Violence Court. She reaches out to all victims immediately after the case is brought, and provides comprehensive referrals to services both at My Sister's Place and at other community agencies. These services include crisis counseling, safety planning, shelter placement, and long-term counseling, housing services, a child advocate and children's support group. The advocate is available at any stage of the case, as well as after the court case has ended. Frequently victims who initially refuse services will call the advocate later to ask for assistance. With victim consent, the advocate reports any allegations of protection order violations or other concerns to the Court, which the judge can address at court appearances. When necessary, these appearances are expedited by court staff to handle any concerns regarding victim safety. My Sister's Place also has a legal department that can represent victims in civil matters, and is currently establishing an attorney position that will be fully dedicated to representing domestic violence victims in civil matters before the domestic violence court.

◆ Partnership Coordination

The Westchester Domestic Violence Court has established a broad partnership that collaborates on several levels: formal participation in regular court partnership meetings and trainings, individualized meetings with court staff to provide feedback on court process, and ongoing interaction as part of daily court operations. The Partnership includes: senior court administrators and personnel from all involved courts; county executive office staff; victim advocacy organizations; shelter providers; the District Attorney's Office; the Legal Aid Society; members of the private defense bar; Probation; Parole; Corrections; civil legal assistance providers; batterers intervention programs; lesbian and gay community services; pre-trial services; mental health programs; substance abuse treatment programs; child protective services; supervised visitation services; emergency medical technicians and health care providers; and representatives from the more than 20 law enforcement agencies operating in the county.

The Court has created a special staff position, the Project Director/Resource Coordinator, to maintain and develop this partnership and expand the project's operations. The Project Director/Resource Coordinator originally held the responsibilities of the Case Manager in addition to these project development functions. However, as the project has grown, court administrators recognized that it required two separate positions in order to maintain project quality and facilitate expansion. With the Case

Manager now responsible for obtaining information from court partners on defendant compliance, the Project Director/Resource Coordinator coordinates quarterly partners meetings at the Court, and conducts individual meetings with key partners, including prosecution, defense, victim advocates, and probation, in order to obtain feedback on a continuous basis. This has been helpful in maintaining ongoing communication as the Court nears completion of its third year of operations. It has been particularly important as court operations have expanded to include family-related matters. The Project Director/Resource Coordinator serves as the point person for multiple court staff involved in the Integrated Court operations, including court administrators and all relevant court personnel in several affected courts, attorneys for parties in the various case types, and relevant programs. He works with these groups to plan and implement the Integrated Court operations and develop additional protocols for the Court. The Project Director/Resource Coordinator is also responsible for maintaining and expanding the Court's ongoing training program. Several times a year, the Court organizes trainings by experts on specific domestic violence topics for all the partners involved at the Court.

◆ **Challenges and Opportunities: Caseload Coordination**

The original caseload at the Court combined a felony and misdemeanor docket, an innovative project that raised both legal and logistical issues because misdemeanors originated and were previously handled in a separate court. The Court's ability to address these issues demonstrates the importance both of a collaborative partnership and the support of senior court administrators to successful domestic violence court operations. The Chief Administrative Judge of New York State issued an administrative order creating the Westchester Domestic Violence Court and establishing its combined felony/misdemeanor caseload. The Legal Aid Society was concerned about moving the misdemeanor cases, and brought a challenge to the misdemeanor transfers. Court staff and partners worked to create protocols for transferring the cases into the Domestic Violence Court that addressed some defense concerns, as well as issues raised by clerical personnel; and the Court ultimately issued an opinion ruling that it had the authority to approve these case transfers. Throughout this process, however, the Legal Aid Society continued to provide dedicated staff in the Court, to participate in partnership meetings, and to communicate with the Court. The Court worked to facilitate open discussion so that all partners, including the defense bar, could voice their concerns. When the Court's caseload expanded to include misdemeanors from a second city court in Fall 2001, the addition went smoothly, with the existing transfer protocols extended to the new misdemeanor caseload.

The addition of family-related cases has created another layer of complexity for court operations. Cases now heard in the Domestic Violence Court come from the Westchester County Supreme Court (felonies and matrimonial cases); local criminal courts in White Plains and New Rochelle (misdemeanors); and three separate branches of the Westchester Family Court (civil protection orders, custody, visitation, paternity and support cases). Court staff and partners have consulted on an ongoing basis regarding court operations, and worked carefully to protect confidentiality rights of both victims and defendants. Partners credit the lines of communication that have been created at the Court, through both regular, formal meetings and more informal discussions. Several stress the importance of this communication and the need to discuss ongoing challenges and concerns that are present in all courts handling domestic violence cases.

While still at the beginning stages of integrated operations, partners and court staff have noted several benefits resulting from the expanded caseload, particularly the ability of the Court to gain a full understanding of the issues faced by each family and to ensure that all court orders, such as orders of protection and those relating to visitation and custody, are consistent. The Court and its partners are also focusing on expanded services for victims and children, identifying and developing community resources related to children and families, and expanding the Court's domestic violence training program to include participants from family programs and to cover additional topics related to children and families. Court personnel and partners believe that all of these efforts provide a more comprehensive approach to domestic violence in their community.

CASE STUDY 2

Philadelphia, PA Dedicated Protection Order Court and Domestic Violence Unit

Since 1990, protection orders in domestic violence cases for the city of Philadelphia have been handled in a specialized court and centralized intake and clerical unit within the Domestic Relations Division. Operating in a high volume urban setting, the Philadelphia Court handles approximately 15,000 civil protection orders each year. The jurisdiction of the Court includes family relations and all intimate partners (including same-sex partners) past or present, married or unmarried, who seek orders of protection in the Court.

Two courtrooms are dedicated full-time to handling petitions for civil protection orders, including both initial ex parte orders and hearings on final protection orders. The ex parte orders are valid until the hearing date on the final order, which is held within 10 days after the initial order is granted. The petitioner does not need to serve the respondent personally; the Philadelphia Police Department provides personal service of the order and notice of hearing on the respondent, and has made this service a priority in the department. Final protection orders are valid for eighteen months. Protection orders may also contain temporary orders concerning related family matters, including custody and visitation.

One courtroom is presided over by a full-time dedicated judge; the other is staffed by one of three judges who rotate through this courtroom. In addition, a third courtroom is dedicated twice a week to handling violations of the orders, which are criminal contempt charges subject to sentences of up to six months incarceration. If misdemeanors are charged in addition to the protection order violation, they are also handled in this courtroom. The contempt docket is staffed by an assistant district attorney from the DA Family Violence/Sex Assault Unit who is assigned to this calendar. Defendants are provided with attorneys from an assigned counsel panel.

◆ Access to the Court

The Philadelphia Court has worked to promote ease of access to petitioners seeking protective orders in several ways. The Court is structured to enhance victim security and comfort during the court process. All three domestic violence courtrooms are located in the same physical area, together with the Domestic Violence Unit intake area and the on-site victim advocate office. Each courtroom space is divided into a waiting area and the actual courtroom. A court security officer is present where parties wait to enter the courtroom. Only parties on one case at a time enter the courtroom, so that the appearance before the judge is in a private setting. Parties, most of whom are pro se, may speak to the judge without being in front of a large audience. Though the volume in each courtroom is high (with each judge hearing approximately 30 to 50 cases a day), hearing each case individually creates a calm tone in the courtroom, and the judge makes individualized inquiries to work out appropriate terms for the orders. For example, when the judge is issuing a visitation order as part of the conditions in a civil protection order, he will make specific inquiries regarding possible drop-off and pick-up points for the child, and include these specific terms in his order. This helps to ensure that the custody and visitation arrangements are consistent with the terms of the protection order, and promotes victim safety.

Petitioners may obtain protection orders on a 24 hour/seven day a week basis. After business hours, on weekends and holidays, protection order petitions are heard by Masters in the Municipal Court. Orders granted by Masters are valid until 5:00 p.m. on the next business day that the domestic violence courtrooms are operating. However, at that time, the petitioner does not need to reappear at the Domestic Violence Court; the emergency order is automatically converted to a temporary protection order that is valid until the hearing date on the final order. The petitioner receives that date at the time of her initial petition before the Master. Similarly, no new service of the extended temporary order is required.

The Court's Domestic Violence Unit plays a central role in promoting petitioners' access to the courts. This Unit, which is staffed with six Case Interviewers, four clerical staff, three filing clerks and one supervisor, functions as a centralized intake center for all petitioners seeking protection orders. All petitioners are directed to the Unit by court staff at the entry to the courthouse. The Unit is a welcoming space located on the same hallway as the rest of the domestic violence operations. This area has pastel colored walls, carpeting and private offices where Case Interviewers meet with petitioners, who are referred to as clients. The petitioner completes an initial intake form, which includes basic demographic information on the petitioner, defendant and any involved children; a court-employed Case Interviewer then conducts an in-depth inter-

view with each petitioner. The Interviewer asks about the incident that brought the petitioner to court, the history of domestic violence, issues relating to children that pertain to custody and visitation concerns, and potential risk and lethality factors. The Interviewer provides the petitioner with written information regarding the court process and community resources, such as domestic violence counseling and civil legal assistance. The Interviewer also refers the petitioner directly to on-site domestic violence advocates. The Interviewer draws up the petition form, incorporating all relevant information. The petitioner reviews the form, and has the opportunity to make any additions or revisions to it before signing the petition.

The Case Interviewers are then responsible for ensuring that one of the domestic violence judges reviews the petition. Petitioners seeking ex parte orders are not required to appear in the courtroom, unless the judge has a specific question regarding the petition. Frequently, the judge may send a member of his staff to find out any necessary additional information. While waiting for the judge's decision on the order, petitioners may wait in the Domestic Violence Unit. They may also meet with a domestic violence victim advocate. The Case Interviewer will provide the petitioner with a copy of the signed protection order for service by police on the defendant, and a copy for the petitioner to keep.

◆ **Centralized Information Systems and Case Coordination**

The Domestic Violence Unit also functions as a centralized clerical operation. Unit staff have developed protocols designed to promote coordination of protection order cases with any related matters, to ensure consistency in court orders and to enhance decision-making. Clerks at the Domestic Violence Unit utilize an integrated technology system, which permits them to access information on other pending or prior protection orders involving the same parties, as well as to cross-reference custody and visitation cases. In addition, they may obtain criminal history information. Clerks at the Unit check these databases electronically on each petition and attach any relevant information to the file that can be utilized by the Case Interviewer and by the judge.

The Unit also keeps and maintains all domestic violence files for the Court. Clerks handling these records are specialized in this area, helping to ensure consistency and accuracy in domestic violence records. The Unit also maintains systems to promote efficiency in data collection. For example, all protection orders are collected in this office daily; and copies are sent by messenger to the Pennsylvania State Police, who enter the data into the Pennsylvania State Domestic Violence Registry.

◆ **Victim Advocacy and Legal Assistance**

Two independent domestic violence organizations are integrally related to the Domestic Violence Court operations. Congreso de Latinos Unidos provides domestic violence victim advocacy, and an advocate is on-site at the Court several days a week. The Congreso advocate has an office close to the Domestic Violence Unit to meet with petitioners, and also frequents the Unit waiting area to maintain a visible presence and offer her services. She meets with petitioners from the Unit, frequently while they are waiting for issuance of a protection order. The advocate refers petitioners to comprehensive services both within her own agency and to numerous other community organizations. This includes both emergency services, including relocation and safety planning, as well as longer-term counseling, support groups for victims and their children, education and job training programs, housing referrals, and health care.

Women Against Abuse, a second independent domestic violence organization, focuses on legal and court assistance for petitioners. Women Against Abuse lawyers can provide legal assistance at the hearing on the final order, as well as represent clients in other civil matters, such as custody and support cases. In addition, several Women Against Abuse court lay advocates operate at each order of protection courtroom and at the courtroom where criminal contempts are heard. They also frequent the Domestic Violence Unit, and can meet with petitioners in the victim advocate office located close to the courtrooms and Unit. These advocates assist victims during the court process, explain the court procedures and discuss legal options. Women Against Abuse also maintains several related programs, including a 24-hour hotline and a battered women's shelter and has been involved in providing domestic violence training to Domestic Violence Unit staff.

◆ **Challenges and Opportunities: Continuing to Improve Access in a High Volume Court**

The Philadelphia Court staff and partners have worked hard to promote access to the Court for petitioners seeking orders of protection, and have instituted several innovative procedures to achieve that goal. Maintaining and improving this access in the extremely high volume urban setting is a challenging task and remains a high priority. For example, access to protection orders on a round-the-clock basis has been critical, particularly because petitioners seeking orders after hours are frequently in the most dangerous situations; many are referred or brought to the Municipal Court by the police after a domestic violence incident and arrest of the defendant at the petitioner's home. Because the after-hours operation is physically located in a courthouse sep-

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arate from the Domestic Violence Unit and dedicated courtrooms, the Court and its partners are working to improve flow of information, consistency in protocols and coordination between this operation and the Domestic Violence Court. Partners have also focused on expanding the community resources available for domestic violence victims, particularly domestic violence shelter space, which is severely lacking in the city. Another priority is to identify why some petitioners fail to appear for their hearings on final protection orders and to address petitioner needs and concerns. In addition, while the Court is able to obtain much related case information, as in many jurisdictions, there remain independent databases of information that the Court cannot easily access. The Court continues to consider additional technology systems that can promote greater efficiency and access to more information, a particularly critical need in a high volume jurisdiction. Guided by goals of victim safety, access to justice, respectful treatment of litigants, links to advocacy and legal services, and informed judicial decision making, the Court and its partners are focused on continuing to expand and improve the protection order process in this large city.

Case Study 3

Washington, D.C. Coordinated Domestic Violence Court

The District of Columbia Superior Court established a Domestic Violence Unit and opened its coordinated domestic violence court in the Fall of 1996 to handle all civil protection order cases and all misdemeanors where the defendant and complainant have an intra-family relationship. In addition, the Domestic Violence Court handles divorce, custody, paternity and child support cases where a civil protection case is pending and a civil protection order is subsequently issued. Caseloads are high at this large urban court. In 2001, an average of approximately 300 new civil protection order petitions are filed at the Court each month, and monthly criminal filings range from just under 250 to over 340 cases.

◆ Multi-Track Coordinated Case Processing

The Domestic Violence Unit of the Court includes six full-time dedicated court dockets operating simultaneously to hear components of the domestic violence caseload. These courtrooms are physically located next to each other in one hallway of the courthouse, just off the main entrance of the building, which is staffed with several security officers. Independent victim advocates are present in each courtroom to assist domestic violence victims during the court process. The coordinated case tracks include a Civil Protection Order calendar (called the Master Calendar) for hearings in less complex protection order cases and status hearings in criminal cases where there is also a civil protection order request. Guilty pleas in the related criminal matters are also taken in this courtroom. A second Civil Protection Order calendar hears more complex cases assigned from the Master Calendar involving contested protection order matters and those with related family issues. If these related family issues are particularly complicated or may involve protracted litigation, however, all of the cases, including the protection order, will be handled in the Family Court. Contempt motions and motions to modify existing CPOs are also heard on this second Civil Protection Order calendar. Two criminal calendars handle all matters relating to criminal cases from review of bond conditions to sentencing. The judges on the criminal calendar may also resolve civil protection order cases after a related criminal trial. Judges from each calendar may assist the other judges in the Unit. After their calendars are completed for the day, they may hear matters from

the other court calendars. Magistrate Judges preside over two additional calendars. One Magistrate Judge hears paternity and child support hearings related to other matters filed in the Unit, less complex contested protection order cases referred for resolution, and prevention detention hearings in misdemeanor criminal domestic violence cases. The second Magistrate Judge hears requests for temporary civil protection orders.

Judges presiding over each calendar have access to related case files, which are provided to them at the time of the court appearance, to ensure consistent orders and assist judges in ascertaining the nature of each case. Judges are dedicated to the Domestic Violence Unit, but rotate through each of the court calendars within the Unit during the year, spending six months hearing the criminal calendars and six months hearing the civil calendars. This enables each judge to gain a full understanding of all types of cases handled in the Unit.

◆ **Dedicated Court Staff to Enhance Access to Information, Case Coordination and Efficiency**

Two court-employed Attorney-Negotiators play a central role at the Court. In cases involving civil protective orders, including those with related matters involving children, an Attorney-Negotiator reviews the case file before the court appearance to ensure that all related cases are in the file, and to review pleadings to ascertain the issues involved in the case. The Attorney-Negotiator meets individually with each party to explain the court process, discuss goals, identify issues where the parties are in agreement as well as central disputed issues, and when appropriate, explore whether a consent order may resolve the issues. However, the Attorney-Negotiators do not mediate cases. The Attorney-Negotiator prepares a consent order if agreement is reached, and if not, he prepares a form for the judge outlining the issues and providing information that is relevant to an order, particularly those involving financial support, custody and visitation. This individual case review helps to clarify case issues, resolves a number of cases, ensures that the judge has comprehensive information about the context of the pending case, and aids in judicial decision-making.

◆ **Early Access to Comprehensive Services for Victims**

The Domestic Violence Intake Center, based on-site at the courthouse, provides multiple services for victims of domestic violence in one location, and is their entry point

into the court system. The Intake Center serves victims who are seeking a civil protection order, including conditions concerning related family issues, as well as those victims who are complainants in a criminal case. The Intake Center is staffed by: two independent victim advocacy organizations: the D.C. Coalition Against Domestic Violence and Women Empowered Against Violence (WEAVE), the Office of the Corporation Counsel, which provides civil legal assistance to victims, prosecutors and advocates from the U.S. Attorney's Office, which prosecutes criminal domestic violence cases in the District of Columbia, and the Metropolitan Police Department.

Victims seeking civil protection orders are interviewed by Intake Center staff, who assist them with drafting and filing protection order petitions. Requests for the protection order can include: protection and no contact, temporary custody of children, child support, and batterers' intervention programs and drug and alcohol counseling for the respondent. The Intake Center staff also assesses victims' need for other legal remedies, including paternity orders. Corporation Counsel attorneys provide civil legal assistance; and additional referrals are made to private attorneys who receive training and handle divorce, custody and immigration cases for domestic violence victims on a pro bono basis. Advocates from the D.C. Coalition Against Domestic Violence and WEAVE provide emergency services, safety planning, and referrals for victims and their children to multiple service organizations. Victims who are complainants in a criminal case, or who may want to bring criminal charges, can meet with the U.S. Attorney's Office representatives on-site; and the officer from the Metropolitan Police Department can gather information to execute warrants in criminal cases. The U.S. Attorney's Office also runs a targeted offender program that focuses on high-risk offenders, and collaborates with advocates to work with victims in these cases. The Intake Center staff performed more than 5,100 intakes of domestic violence victims at the Center in 2001.

The Court Project continues to expand the services available at the Intake Center. It recently has developed an innovative collaboration with health care providers. The Medical Advocacy Program, initiated in January 2002, places a medical resident from one of several D.C. hospitals on-site at the Intake Center to provide voluntary medical and psychiatric evaluations and referrals, as well as treatment for physical injuries. The resident also makes referrals for children's medical services and counseling. The Medical Advocacy Program is the outgrowth of a Domestic Violence Advocacy Project located at Providence Hospital in the city, which has operated for more than three years. The Domestic Violence Advocacy Project provides comprehensive victim advocacy services for all battered patients on-site at the hospital's Emergency Department. The hospital-based project also provides information to aid medical personnel in the Emergency Department in identifying domestic violence and in interacting sensitively

with patients who may be victims of abuse. The Medical Advocacy Program represents the converse of the hospital-located advocacy services; both identify crucial access points for services – health care for victims at the court, and advocacy for victims at the hospital emergency room. Other new services focus on teen dating violence. A newly funded project will begin publicizing the services of the Intake Center and the Court at several community-based teen organizations.

The Court Project is currently planning the development of a satellite Intake Center to be based in a city neighborhood with a high number of domestic violence incidents. The satellite Center would provide all of the services currently available at the court-based Center, including the ability to file petitions for orders. It is also envisioned that the Center will have a teleconferencing connection to the Court, enabling petitioners to obtain temporary protection orders from the local site, rather than having to travel to the Court downtown. The goal of the satellite Center is to increase victims' ability to obtain services in their local community and promote access to the court process. All of the partners currently staffing the Intake Center have committed to providing staff for the satellite Center. The Project has found an appropriate physical site and is currently seeking some overhead funding.

◆ Collaborative Partnerships

The staffing of the Domestic Violence Intake Center demonstrates the daily working collaboration of several partners at the Court. In addition, key partners at the court are members of a Domestic Violence Implementation Committee and meet monthly to discuss ongoing issues at the Court. Led by the presiding judge of the Domestic Violence Unit, the meeting includes representatives from the D.C. Coalition Against Domestic Violence, WEAVE, the U.S. Attorney's Office, the Office of the Corporation Counsel, the Metropolitan Police Department, the Public Defender Service (which provides legal representation to defendants in criminal cases at the Court), the Court Services and Offender Supervision Agency (which provides pre-trial and probation services, batterers' intervention and other program referrals and offender monitoring), and senior court administrators, court staff and judges presiding in the coordinated court parts.

The meetings cover a range of operational issues, such as the introduction of a revised protection order form, the notification of upcoming events (such as a dialogue between the Public Defenders and the U.S. Attorney's Office on domestic violence case handling), statistical updates on domestic violence cases, and discussion of plans for

new project components, such as the development of the satellite Intake Center. These partners, as well as additional agencies and community groups, including schools, medical organizations, treatment providers and several victim organizations, also meet regularly as a Domestic Violence Coordinating Council, which is chaired by the presiding judge of the Domestic Violence Unit. The Council has a variety of working groups devoted to specific components of a coordinated domestic violence response.

◆ **Challenges and Opportunities: Collaboration of Multiple Service Partners and Information Coordination**

The co-location of multiple agencies at the court-based Intake Center permits victims to receive numerous services at one site early in the court process. It is a highly innovative component of the court project and one of its strengths. However, one challenge faced by the project is the differing standards of confidentiality governing the various agencies staffing the Center. In particular, the Office of the Corporation Counsel serves a dual role. It provides civil legal assistance to victims of domestic violence, and other attorneys in the agency prosecute child protection cases for the city's child protection agency as well. There have been concerns that victims working with Corporation Counsel attorneys may be vulnerable to child protection charges. This issue has been discussed frankly among all involved parties, and Corporation Counsel has worked out clear protocols to determine when they must report on child neglect or abuse, and tracks all such referrals. Partners have worked together to develop Center staffing procedures that will avoid the revictimization of domestic violence victims seeking services at the Center. While this issue has not disappeared, it is continually monitored and all concerns are discussed on an ongoing basis both among Intake Center staff and at Court partnership meetings. Bringing together diverse agencies to address the needs of victims is a complex process. The strong partnerships developed at the Court are assisting the project in working through these challenges, and enabling victims to access comprehensive services at the Court.

Coordination of case processing is central to the Court's success and court personnel have worked hard to structure the project so that judges can access related case information and make informed and consistent rulings. Currently, this process is highly labor-intensive. Clerks must search for the files in all related cases, retrieve them and deliver them to the appropriate judges to ensure that they have all relevant case information. The Court and partners believe that an integrated electronic case tracking system would greatly facilitate the coordination of cases at the Domestic Violence Unit, and are working toward implementation of this technology system. In preparation for

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this system, court administrators are also working to create electronic forms, so that all data can eventually be stored and accessed via the technology.

In just a few years, the Court and its partners have instituted a multifaceted project that includes several coordinated court calendars handling civil and criminal domestic violence cases and multiple related family matters, comprehensive service provision to victims, and a collaborative partnership, all in the high volume setting of a large city court. With this strong foundation, the project is reaching out to provide additional services to victims, such as health care and teen-focused programs, and a neighborhood-based satellite Intake Center. It is also within this structure that the Court and its partners will continue to work to address the challenges of developing an effective domestic violence response in an urban area.

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Notes

Notes

The Family Violence Prevention Fund (FVPF) works to end domestic violence and help women and children whose lives are devastated by abuse, because every person has the right to live in a home free of violence.

FVPF is a national non-profit organization committed to mobilizing concerned individuals, allied professionals, and social justice organizations to join together to prevent violence against women and girls through public education, policy reform, model training, advocacy programs and public action.



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