

Violence Family Forum

Improving the Justice System's Response

NCSC FAMILY VIOLENCE Community of Practice

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Improving the Justice System's Response to Family Violence

The Family Violence Community of Practice newsletter shares ideas and keeps our colleagues informed about practices that improve the justice system's response in family violence cases.

Please contact Madelynn Herman, knowledge management analyst, at mhermann@ncsc.dni.us or (757) 259-1549 with questions, concerns, or suggestions for the Family Violence CoP. More information is on our web site at www.ncsconline.org.



Crossing Borders:

Full Faith & Credit Regional Meetings

The final meeting in a series of six held to promote cooperation and

improved practice in enforcing protection orders across state and tribal boundaries will be held in Tarrytown, N.Y., May 15-17, 2002.

The intent of the regional meetings is to promote enforcement of domestic violence protection orders across state and tribal borders by increasing understanding of requirements, identifying barriers to enforcement, sharing innovative practices, and providing networking opportunities.

In 1998, the National Center began work with the Violence Against Women Office (VAWO) on a series of meetings on implementing the full faith and credit provisions of the Violence Against Women Act of 1994. For the last three years, NCSC and the National Criminal Justice Association (NCJA) have collaborated to conduct meetings for the South, West/Southwest, Great Lakes/Central, Northwest, Southeast, and Northeast regions.

Follow-up from participants indicates that the meetings lead to further implementation of projects and programs to enable enforcement. For example, following the Great Lakes Meeting, Iowa revised its uniform orders and the Supreme Court of Ohio began working with their Attorney General's Office to develop an in-state protection order registry. In addition, several states joined the Kentucky Domestic Violence Association in an effort to develop a uniform first page for protection order forms for contiguous states. Other regions have expressed interest in integrating the first page into their protection orders.

In the coming months, NCSC will gather more

This series of regional meetings were planned on behalf of the Conference of Chief Justices and the Conference of State Court Administrators. NCSC and the NCJA collaborated with the Pennsylvania Coalition Against Domestic Violence's Full Faith and Credit Project and the National Council of Juvenile and Family Court Judges, as well as a national advisory committee.

detailed information through a follow-up survey on the status of full faith and credit implementation efforts generated by the meetings. Contact Hillery Efke at (703) 841-5606 or hefke@ncsc.dni.us for more information.

Case in Point

The enforcement of protection orders requires sensitivity to victim-offender relationship and awareness of the dynamic of domestic violence. A case in point is a recent decision in Fayette County, Kentucky, in which a judge held two women in contempt of court for returning to men who had been ordered to stay away from them. The judge's action created an outcry in Kentucky and made national news.

"An emergency protective order should be a shield that protects the victim of domestic violence, not a sword used to intimidate or coerce the victim. Penalizing victims as well as perpetrators of domestic abuse denigrates the statutory scheme carefully crafted to protect and assist the victims of domestic violence, discourages victims from seeking the judicial relief to which they are entitled under law, fails to hold lawbreakers sufficiently accountable for their own violent acts, and most importantly, jeopardizes the safety and well-being of victims attempting to escape the violence in their lives. Accordingly, the district court's ruling should be reversed."

MaryLee U. Perry
Kentucky Association of
Sexual Assault Programs
Counsel for *Amici Curiae*

Establishing an Elder Justice Center

Thirteenth Judicial Circuit Court, Tampa, Florida

In 1998, the Thirteenth Judicial Circuit Court in Tampa, Florida, a county with one of the highest concentrations of citizens over the age of 65 in the U.S., looked beyond traditional solutions to ensure access to justice for the elderly.

The court developed an interdisciplinary community group to identify barriers and to enhance links between these citizens and the court system, as well as with social and legal services. The result of this three-year effort was the Elder Justice Center. Its goals are

- To coordinate access to existing agencies that service the elderly
- To provide a specific facility for the elderly
- To provide for older adults and those who work with them public education programs that explain the role of the courts in assisting them
- To provide appropriate short-term case management services, specifically victim case management and guardianship reviews

An Emergent Issue

Today, one out of five senior citizens is unable to live independently. By the year 2030, 13.3 million Americans or one in three will be incapable of independent living. Not only will the number of frail or dependent adults increase but this population will encounter difficult problems far different from the generations that preceded them.

While many former generations either died at any earlier age than today or were cared for in the home by family members, many of today's elderly are or will be living alone, bereft of familial support and at greater risk for exploitation. How does such unprecedented growth in this segment of the American population impact the courts? Fifty states have enacted elder abuse statutes, based on the premise that the elderly require statutory protection based on the association of age with physical and/or cognitive impairments that increase the vulnerability to abuse. In cases of abuse, the elderly are often reluctant to press charges for many reasons

- They feel shame or embarrassment for the abuse
- They are dependent upon the abuser for support and/or care

- They may distrust the judicial system
- They may have a fear of testifying in court
- They may simply have basic transportation issues

Florida's Elder Justice Center

Realizing that Florida's existing statutes don't go far enough to protect the elderly, in 1998, former Chief Judge F. Dennis Alvarez founded a task force to address the unique needs of this growing population. The task force, comprised of

"Today, one out of five senior citizens is unable to live independently. By the year 2030, 13.3 million Americans or one in three will be incapable of independent living."

representatives from the courts, Adult Protective Services, academia, justice system organizations (including law enforcement); health and long-term care agencies; elder advocates; and other social service agencies, was funded by Florida's victims' crime grant, county government funds, and the Retirement Research Foundation. Various task force committees considered issues of services and programs; grants and assistance; the physical plant of the Center and access issues; guardianship and mental health issues; and criminal and civil law concerns.

The task force also formulated four issues that any court considering establishing such a center should consider

- Gaps in services in the community
- Community strengths that facilitate the development of a program
- Barriers to overcome before the program can be successful and strategies to overcome barriers
- Other components such as transportation for users, escorts and/or volunteers in the courthouse, mobile units, and mediation programs.

While space for this particular center was provided within the existing county courthouse complex, staff and operating expenses for the first year of operation were approximately \$200,000. The program is staffed by a program coordinator, two court counselor (guardianship case manager and aging network coordinator), and support staff. Funding for these positions was provided by the sources listed above. No fees are charged to users of the Center.

A critical component of this project involved measuring the impact of the Center. The Retirement Research Foundation also funded the evaluation component of to determine the efficacy and efficiency of the specific programmatic elements and the University of South Florida's School of Social Work was retained to complete the project. Preliminary research shows that the Center is a huge success, meeting the needs of its constituents, affording more ease of access and providing a much-needed service to the elderly of Hillsborough County, Florida.

For additional information, contact Michael L. Bridenback, court administrator of the 13th Judicial Circuit Court in Tampa, at 813-272-5894.

Family Violence Forum

The Family Violence Community of Practice includes professionals in court research, consulting, education, and information management employed by The National Center for State Courts, headquartered in Williamsburg, Virginia.



In 1971 Chief Justice Warren Burger imagined an organization, a "national center for state courts," that would strengthen and support the state, local, and territorial courts. For the past thirty years, judges and court managers have accessed our information, read our publications, been trained in our classes, benefited from our research, and received consulting services.

Family Violence Projects in Progress

Attaining Permanency for Abused and Neglected Children

Partners: American Bar Association, National Council of Juvenile and Family Court Judges

Description: Funded by the Packard Foundation to help courts, child welfare agencies, and advocates implement the Adoption and Safe Families Act (ASFA).

Contacts: Gene Flango (gflango@ncsc.dni.us), Dawn Marie Rubio (drubio@ncsc.dni.us)

Crossing Borders: Regional Meetings to Facilitate Implementation of Full Faith and Credit

Partners: National Criminal Justice Association, Conference of Chief Justices, Conference of State Court Administrators, Pennsylvania Coalition Against Domestic Violence

Description: Funded by the Violence Against Women Office. Series of regional meetings to promote enforcement of domestic violence protection orders, as required by the Violence Against Women Act.

Contact: Hillery Efke (hefkeman@ncsc.dni.us)

Data Collection and Communication Systems: An Impact Evaluation

Partners: The National Institute of Justice (NIJ), Violence Against Women Office

Description: Funded by NIJ to evaluate data collection and communication system projects using Violence Against Women Act STOP grant funds, administered through the Violence Against Women Office (VAWO). Including examination of state protection order registries. Will produce guide for grantees to use for data system projects.

Contact: Dawn Marie Rubio (drubio@ncsc.dni.us)

Evaluation of a Multi-Site Demonstration of Collaborations to Address Domestic Violence and Child Maltreatment (Greenbook)

Partners: Caliber Associates, Education Development Center, Inc.

Description: Funded by NIJ to assess performance of *Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice* (the "Greenbook") in six demonstration sites.

Contact: Martha Steketee (msteketee@ncsc.dni.us)

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In The News

Federal Judge Admonishes NYC for Removal of Children from Homes of Battered Women

From the New York Times, March 5, 2002

On March 4, Judge Jack Weinstein of the Federal District Court in Brooklyn excoriated city officials for what he said was a routine practice of removing children from battered mothers by claiming that the mothers were "engaging in domestic violence." Judge Weinstein said the practice harmed the children and resulted from "benign indifference, bureaucratic inefficiency and outmoded institutional biases." He also declared that the state provided such low payments to lawyers appointed to represent poor women facing the loss of their children that that, too, was a constitutional violation. Both city and state officials said they planned appeals.

"The evidence before this court," Judge Weinstein wrote, "reveals widespread and unnecessary cruelty by agencies of the City of New York towards mothers abused by their consorts, through forced unnecessary separation of the mothers from their children on the excuse that this sundering is necessary to protect the children."

In a letter to lawyers in the case, the judge said he was distributing the opinion as a proposed ruling. He said he planned to issue substantially the same decision in 10 days.

One of the lawyers for the women, Carolyn Kubitschek, said Judge Weinstein agreed with the plaintiffs' lawyers that child welfare workers often removed a child without considering the trauma that separation from a mother can cause. "The decision," Ms. Kubitschek said, "says to the agency that you can't hold the victims accountable for the act of the batterers."

Commentary On Judge Weinstein's Decision:

"The opinion is an astonishing, insightful and comprehensive discussion of the struggles and biases faced by battered mothers, not just within the child welfare system, but in other contexts as well. It is a resounding condemnation of practices that punish and judge, and an endorsement of best practices as described in the Greenbook and by domestic violence and child welfare experts. Judge Weinstein showed an extraordinary grasp of the battered mother's dilemma — I expect that his words will serve as a source of inspiration for domestic violence advocates, activists, jurists, lawyers, social workers and survivors everywhere."

Jill Zuccardy

*Sanctuary for Families Center
for Battered Women's Legal Services*

The "Greenbook"

Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice (the "Greenbook") was released in 1999 to facilitate more effective intervention for battered women and their children who may be involved with three systems: child welfare agencies, domestic violence service providers, and dependency courts. The Greenbook Implementation project is taking the Guidelines from recommendations to evaluated practice.

Partners in the Greenbook evaluation project are Caliber Associates, the Education Development Center, and the National Center for State Courts. This team works closely with the federal partners and technical assistance providers.

Effective Intervention in Domestic Violence & Child Maltreatment Cases: Guidelines for Policy and Practice, by Susan Schechter and Jeffrey L. Edleson, PhD, (1999, 132 pp.) Principles and recommendations for improving the policies and practices of child protection services, domestic violence services, and juvenile courts, which were adopted as official policy of the National Council of Juvenile and Family Court Judges. Single copy free, additional copies \$15.00 from the National Council of Juvenile and Family Court Judges Family Violence Department web site at www.dvlawsearch.com/pubs.

Should Family Court Jurisdiction Include Cases with Family Violence?

Description: Funded by State Justice Institute to study separation of family and criminal courts by examining cases where family courts have jurisdiction over intra-family criminal cases.

Contact: Brenda Uekert (buekert@ncsc.dni.us)

Developing a Model Written Policy Governing Electronic Access to Court Records

Partner: Justice Management Institute

Description: SJI continuation funding for draft refinement; public review and policy refinement.

Contact: Martha Steketee (msteketee@ncsc.dni.us)

Protecting Victims Through Community Supervision of Batterers

Description: Partnering with the American Probation and Parole Association to develop protocols for supervising batterers on probation.

Focus groups, site visits, team meetings.

Contact: Lynn Levey (llevey@ncsc.dni.us)

The Resource Corner

Family Violence & Victim Resources Available

NCSC has developed two resource guides for the courts that provide an extensive list of resources and information on the topics of **Family Violence** and **Victims** on their web site at www.ncsconline.org.

Information was gathered for the guides from Internet and library databases, the NCSC information clearinghouse, as well as from national, state and local agencies, courts, and news organizations—with emphasis on what would be helpful to the court community. Information is updated on a regular basis.

The **Family Violence** guide (www.ncsconline.org/wcds/Topics/topic1.asp?search_value=Family%20Violence) includes sections on FAQ's, education programs, state links, and bibliography on topics including: specialized domestic violence courts, domestic violence research, the criminal justice response to family violence, custody issues and domestic violence, orders of protection, the Violence Against Women Act, substance abuse and domestic violence, domestic violence and child abuse, batterer intervention, and a coordinated community response to domestic violence.

The **Victims** resource guide (www.ncsconline.org/wcds/Topics/topic1.asp?search_value=Victims) and includes information and resources on the topics of victim rights, legislation and laws, victim services/assistance, victims and the criminal justice process, victim notification, compensation and restitution, victim impact statements, victim/offender restorative justice programs, and state-specific information.

NCSC responds to requests from the court community, policy makers, and others. We also monitor the court2court listserv. To request information or technical assistance on family violence, victims, or other topics, see our online form at www.ncsconline.org/Information/info_info_Request_form.html or call **800-616-6164** or **757-259-1588**.

The National Center for State Courts is an independent, nonprofit, tax-exempt organization in accordance with Section 501(c)(3) of the Internal Revenue code. To find out about supporting the work and mission of The National Center, contact The National Center's Development Office at 1-800-616-6110 or development@ncsc.dni.us.

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