

**Lessons Learned in
Implementing an Integrated Domestic Violence Court:
The District of Columbia Experience**

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Lessons Learned in Implementing an Integrated Domestic Violence Court

The Experience of the District of Columbia

The Bureau of Justice Statistics reported in May 2000 that in the five-year period of 1993-1998, the rate of intimate partner violence fell by 21 percent (Bureau of Justice Statistics, 2000). Although these statistics may signify progress for justice system professionals seeking to reduce domestic violence in their communities, this downward trend is not reflected in the domestic violence caseloads of state courts. In the ten-year period from 1989 to 1998, domestic violence filings in state courts increased 178 percent.

Some of the rise in reported filings no doubt can be attributed to data systems that have greater capacity to identify and count domestic violence cases previously included in the general caseload. Nevertheless, the volume of domestic violence cases clearly has grown. Moreover, the interactive effects of domestic violence on criminal, civil, and family caseloads have elevated domestic violence to the top of the leadership agenda for judges and court managers.

Over the past ten years, the limits of the traditional criminal justice responses to family violence have led to the development of models that are more focused on ensuring victim safety, bringing appropriate sanctions to bear on perpetrators for their abusive behavior, and administering justice fairly in complex and interrelated domestic violence cases (Tsai, 2000; Fritzler and Simon, 2000; Wexler and Winnick, 1996). We can estimate that over 300 courts now have some type of specialized structure, process, or service to address the distinct nature of domestic violence cases and the need for special attention to them.¹ These specialized approaches have collectively come to be called domestic violence courts, but they vary greatly in jurisdiction, organization, and practice, as well as in what they seek to achieve.

In 1998, the National Center for State Courts undertook a study of the Domestic Violence Unit of the Superior Court for the District of Columbia.² The District of Columbia Superior Court's Domestic Violence Unit is one of the few domestic violence courts that integrates case management and adjudication for civil, criminal, and related family cases, assigns judges to these cases exclusively, dedicates courtrooms and a clerk's office for these cases, and coordinates with an on-site intake center that is managed by other agencies.

¹In 1999, the National Center for State Courts examined specialized processes in 106 courts in 23 states under a grant from the National Institute of Justice (Keilitz, et al., forthcoming).

²This study was conducted under a grant from the State Justice Institute (No. SJI-98-N-016). The points of view expressed in this publication do not necessarily represent the official position or policies of the National Center for State Courts or the State Justice Institute.

The Domestic Violence Unit (DVU) began operations in November 1996. The DVU hears all cases except for juvenile delinquency and abuse and neglect cases that involve an "intrafamily offense," as defined in D.C. Code §16-1001(5);³ all criminal misdemeanors where the defendant and the victim have an intrafamily relationship as defined by D.C. Code §16-1001(5)(A) and (B); and all divorce, custody, and paternity and child support cases involving parties to cases in those two categories.

The DVU is part of the District of Columbia's Domestic Violence Project, which is a collaborative initiative of several government, university, and community agencies, departments, and service providers. Two other components of the Domestic Violence Project are integral to the operations of the DVU: a centralized intake unit, called the Domestic Violence Intake Center (DVIC); and a specialized clerk's office unit, called the Domestic Violence Coordination Unit (DVCU). All three of these components are located in the Superior Court for the District of Columbia. While judicial and clerk staff in the courtroom and coordination components of the DVU are employees of the Superior Court, none of the employees in the DVIC are court employees.

- The Domestic Violence Unit consists of the dedicated courtrooms, judges, hearing officers, and their staff in which cases involving domestic violence and related cases are heard. The staff includes courtroom clerks and attorney negotiators.
- The Domestic Violence Coordination Unit (DVCU) is staffed by court processing clerks and other personnel who manage the "paper" side of the cases that come through the Domestic Violence Unit.
- The DVIC is composed of intake counselors, victim advocates, attorneys from the Office of Corporation Counsel, representatives from the U.S. Attorney's Office, and other individuals who help victims to prepare their court documents to obtain Temporary Protection Orders, Civil Protection Orders, and child support orders under the federal Title IV-D program.

This guidebook presents a summary of key issues and lessons drawn from the District of Columbia's experience in implementing and managing an integrated

³ D.C. Code §16-1001(5) defines an "intrafamily offense" as "an act punishable as a criminal offense committed by an offender upon a person (A) to whom the offender is related by blood, legal custody, marriage, having a child in common, or with whom the offender shares or has shared a mutual residence; or (B) with whom the offender maintains or maintained a romantic relationship not necessarily including a sexual relationship. A person seeking a protection order under this subparagraph shall reside in the District of Columbia or the underlying intrafamily offense shall have occurred in the District of Columbia."

domestic violence court.⁴ The guidebook also is informed by commentary from professionals and practitioners in other jurisdictions who have examined the justice system's response to domestic violence. Because it is based primarily on the experience of one jurisdiction, the guidebook is not a comprehensive guide for implementing a domestic violence court. Rather, our intention is to highlight several issues that courts and their communities should consider as they undertake the challenges of designing and instituting new, more effective ways to address the complexities of domestic violence.

⁴*Implementing an Integrated Domestic Violence Court: Systemic Change in the District of Columbia* (Steketee, Levey, & Keilitz, 2000) presents the full report of the findings from the NCSC study of the D.C. Superior Court's Domestic Violence Unit. This report is available from the NCSC.

Collaboration in System Design, Implementation, and Management

The development of the Domestic Violence Unit (DVU) and the Domestic Violence Intake Center (DVIC) reflects the collaboration of many agencies working together to respond more effectively to family violence issues in the District of Columbia. Individuals who work with the courts, police, legal agencies, and various other public and private entities sought to join resources to create a vision for improving the community response to the complex and often conflicting issues raised by family violence.

Any new venture experiences growing pains as the vision confronts reality, and the DVU and DVIC are no exceptions. There have been conflicts and differences of opinion among the system players. But there has also been considerable dialogue among people with vastly different views to build consensus and to deal with the emerging problems associated with the DVU and DVIC. This positive environment stems from the commitment of various individuals to continuously improve and evaluate the services being provided to families seeking assistance from the DVU.

In interviews with individuals associated with a variety of disciplines, including victim advocates, clerks, attorneys on both sides of the issue, judges, law enforcement and other court personnel, the refrain was consistent: we are committed to improving the way these cases are handled with the ultimate goal of reducing family violence. As one judge explained, a key goal of the DVU is to "bring these efforts to parity with stranger crime." This approach represents a marked shift in the commitment of both public and private agencies in the District of Columbia to respond to family violence.

The high level of commitment and willingness to work across disciplinary lines demonstrated in the District of Columbia are key to success in implementing a true and effective reform. As anyone who has attempted to institute a reform can confirm, gaining the cooperation and engagement of all the interested parties in a change process is not always easy to achieve. Furthermore, active resistance can be a significant barrier to the development of new approaches (Fritzler and Simon, 2000). For those contemplating system change to address domestic violence, an important lesson from the District of Columbia and the many jurisdictions that have developed coordinated community responses is that thoughtful involvement of all the system and community agencies is vital to success.

Therapeutic Jurisprudence Applied to Domestic Violence

Experience is a great teacher and this axiom remains true in the ongoing development of domestic violence courts. Reflecting on the recent experience of Vancouver, Washington and the challenges faced in their attempt to create a domestic violence court, Judge Randal Fritzler and Dr. Leonore Simon offer their recommendations for effective domestic violence courts (Fritzler and Simon, 2000).⁵ The principles of therapeutic jurisprudence applied in the following selected recommendations should be followed only when they do not violate other standards of good court performance.

- Do not use the drug court model to deal with domestic violence. Drug courts focus on nonviolent offenders who want to change their behavior. In domestic violence cases, often neither party wants to be in court, albeit for different reasons, and it is typical for both parties to minimize or outwardly deny the existence of abusive behavior.
- Exhibit appropriate judicial demeanor towards both parties to increase compliance with court orders and achieve therapeutic effects.
- Confront the perpetrator's cognitive distortions that minimize his own behavior or blame the victim.
- Act on domestic violence cases quickly and maintain regular court contact; avoid continuances.
- Identify needs of children involved in these cases and use the opportunity to make appropriate referrals to services.
- Employ swift, not necessarily severe, sentencing options to get the offender's attention and to craft a proportional punishment
- Calendar routine post-sentencing reviews without cause; impose graduated sanctions when the offender does not comply with sentencing terms.
- Increase judges' familiarity with the special evidentiary considerations repeatedly raised in domestic violence cases; this will allow for improved jury instructions.
- Coordinate domestic violence cases with other ongoing matters between the two parties, including custody, divorce, abuse and neglect, and criminal matters, to decrease the issuance of conflicting or incompatible orders.

⁵For a more in depth overview of the experience in developing a domestic violence court in Vancouver Washington, see Fritzler and Simon, 2000, which appears in *Court Review*, Volume 37, Issue 1 (Spring 2000), which focuses on therapeutic jurisprudence, restorative justice and domestic violence.

This checklist identifies important dimensions of effective practice for domestic violence courts that gradually are becoming institutionalized in court settings (e.g., expedited calendars for protection orders, coordination of cases involving the parties, and review calendars to monitor batterer compliance with court orders). Yet there are other concepts related to the Fritzler/Simon checklist that need to become more widely recognized and implemented if the needs of this special population are to be met in a way that maximizes batterer accountability and victim safety (e.g., increasing judges' familiarity with evidentiary considerations and knowledge of perpetrators' cognitive distortions about his behavior; using graduated sanctions to address order violations).

The Judicial Role in Addressing Domestic Violence

Judicial demeanor and knowledge of domestic violence dynamics play a significant role in improving the justice system response to these complex cases. Those who hold the traditional view of the judicial role, however, express concern that specialized judges can lose their neutrality, or the appearance of neutrality, by becoming more educated to the effects of domestic violence and collaborating with the advocacy community on system reform (Epstein, 1999). Another obstacle to specializing in domestic violence is judicial burnout from the constant flow of difficult and emotionally charged cases.

Yet without specialized judicial knowledge and expertise, the batterer will continue to minimize his own behavior and try to convince court personnel that the problem does not warrant their intervention. Judges need to recognize at the outset that domestic violence cases differ from other crimes or civil cases they are accustomed to seeing on the bench. Accordingly, their response also must differ. Once the system is involved, it is incumbent upon the judge to promote the integrity and fairness of the process and to remain interested in monitoring compliance with orders of protection issued by their court (Karan, Keilitz, & Denaro, 1999).

Domestic violence crimes differ from "stranger" crimes in several ways. For instance, by the time the court hears about a domestic violence incident, it is probably not the first time one has occurred. Stranger crime most typically occurs within a finite time period and the crime usually is limited to a single event. Domestic violence, in contrast, usually involves multiple incidents of threatened or actual violence that occur over time with varying degrees of severity involved. Indeed, the unpredictability of the violence can often be especially harrowing.

Another key difference between domestic violence and stranger crime is that the victim and the offender usually have no contact outside the court process after a stranger crime event. Domestic violence often occurs between parties who share a home; and that home may also be where their children live, leading to considerably higher rates of ongoing contact between parties than is true after a stranger crime has occurred. In addition, the rate of recidivism among batterers is quite high, and it is likely that when they batter gain the target will be the same victim. Furthermore, the victim may be financially dependent upon her batterer, a powerful disincentive to press charges. For these reasons and others, it is critical that the judge recognize the effects their decisions are likely to have on the parties before them. It demands a different level of involvement and assessment than that used in other matters.

The judicial officer may in fact be the first system actor to challenge the batterer's cognitive distortions concerning his behavior. Judges experienced in hearing domestic violence cases routinely describe the tenacity with which batterers will pursue their victims and the manipulations they engage in to maintain their power over the abused party. Over time on the bench, a judge becomes sensitized to the more routine strategies batterers engage in for their personal gain. For example, one judge in the District of Columbia study explained that he began his assignment to the Domestic Violence Unit

thinking that the U.S. Attorney's Office policy of pursuing every case, regardless of victim wishes, was the right policy.⁶ After many months on the bench, however, he acquired a greater appreciation for the reasons some victims might prefer not to press charges against their batterers. This underscores the ongoing debate associated with prosecutors who seem to ignore or act in opposition to the survivor's concerns about safety in her community (Crenshaw, 1991; Epstein, 1999; Richie, 1996).

The judge's changed assessment is subtle but important, and has been usefully examined by James Ptacek in his 1999 publication *Battered Women in the Courtroom*. The power and control wheel model that has become a staple of domestic violence program initiatives is extended by Ptacek to provide a framework for judicial responses that empower battered women compared to those that reinforce women's entrapment (Ptacek, 1999). The Duluth "Power Wheel", as well as Ptacek's adapted figures from his 1999 publication are included in the Resources at the end of the guidebook. The concepts included in the three figures are summarized in Figure 1.

⁶In the District of Columbia, the U.S. Attorney's Office is responsible for prosecuting most criminal matters. Its Domestic Violence Unit adopted an official 'no-drop' policy in 1996.

Figure 1. Judicial Responses and the Dynamics of Domestic Violence		
POWER and CONTROL WHEEL^a	JUDICIAL RESPONSES THAT REINFORCE WOMEN'S ENTRAPMENT^b	JUDICIAL RESPONSES THAT EMPOWER BATTERED WOMEN^b
Using Coercion and Threats	Neglecting women's fears <ul style="list-style-type: none"> • Ignoring women's fears • Lack of safe waiting areas in courthouse • Lack of coordination with police and probation court personnel 	Prioritizing women's safety <ul style="list-style-type: none"> • Asking about weapons • Confiscating weapons • Training court personnel on battering • Making a safe space for women to wait for their hearings
Using Intimidation	Courtroom intimidation: <ul style="list-style-type: none"> • Inattention to the impact of a courtroom on victims • A bureaucratic and indifferent treatment of abused women • Failure to provide women with information about their legal options. 	Making court hospitable to abused women <ul style="list-style-type: none"> • Providing a separate restraining order office • Informing women of their legal options • Providing translators • Making the building handicap accessible
Using Emotion Abuse	Condescending or harsh demeanor <ul style="list-style-type: none"> • Patronizing displays of authority • Harsh or hostile remarks • Racist attitudes towards women of color • Bias against unmarried women 	Supportive judicial demeanor <ul style="list-style-type: none"> • Listening to abused women • Asking questions • Looking women in the eye • Recognizing the complexity of women's circumstances and choices
Using Isolation	Furthering women's isolation <ul style="list-style-type: none"> • Failure to provide advocates • Lack of resources for non-English speakers • Lack of resources for deaf and disabled women • Lack of coordination with community resources 	Connecting women with resources <ul style="list-style-type: none"> • Providing advocates for battered women • Developing relationships with shelters, batterers' programs and community services
Minimizing, Denying, and Blaming	Minimizing, denying and blaming <ul style="list-style-type: none"> • Mirroring batterers actions by making light of the abuse • Saying the abuse didn't happen; saying she caused it • Making her feel guilty • Saying it was just a "lover's quarrel" 	Taking the violence seriously <ul style="list-style-type: none"> • Communicating through words and actions that the court will not tolerate battering • Encouraging women to return to court if they need to
Using Children	Neglecting the needs of children <ul style="list-style-type: none"> • Failing to see how batterers manipulate women through their children • Lack of concern for safety of children • No space in the courthouse for children 	Focusing on the needs of children <ul style="list-style-type: none"> • Demonstrating concern for the safety of children • Making space in the courthouse for children • Recognizing effects of battering on children
Using Male Privilege	Colluding with violent men <ul style="list-style-type: none"> • Unwillingness to impose sanctions on batterers • Showing greater concern for defendants than for women seeking protection • Joking and bonding with defendants 	Imposing sanctions on violent men <ul style="list-style-type: none"> • Imposing sanctions for violating court orders • Refusing to joke and bond with violent men • Correcting institutional bias toward men
Sources: a. <i>Power and Control Wheel</i> . Reprinted with permission from Minnesota Program Development, Inc., Domestic Abuse Intervention Project. 202 East Superior Street, Duluth, MN, 55802. 218.772.2781. b. From <i>Battered Women in the Courtroom: the Power of Judicial Responses</i> by James Ptacek. Copyright 1999 by James Ptacek. Reprinted with the permission of Northeastern University Press.		

The comparisons presented in Figure 1 represent an excellent way to measure current court practices while also offering goals to work toward. Ongoing training and continuous examination of current practices will improve the services provided to families affected by partner violence. Given the fact that most people in court do not want to be there, it is especially important that the system respond effectively to the needs of those who seek assistance from the court. The judge is the cornerstone of the system response and sets the example for ensuring that all procedures and participants in the process remain focused on victim safety and batterer accountability.

Judicial interest and leadership have been critical to the development of the Domestic Violence Unit in the District of Columbia. Indeed, the commitment from the District's highest judge paved the way for many of the current programs. Judicial leadership confers legitimacy and brings people to the table. Furthermore, in the instant case, once the Chief Judge decided to make the DVU a reality, many of the other pieces necessarily fell into place. Without this commitment of judicial energy and resources, the DVU would have taken much longer to begin operations.

Administrative and professional support through the judiciary has also been a seemingly invisible benefit to the DVU. Judges in the DVU have examined other courts in an effort to devise their own system. There is mutual agreement that the development of the DVU is a vast improvement over the previous response to domestic violence. The progress to date has benefited greatly from continued judicial commitment.

In different ways, all the DVU judges interviewed for the NCSC study demonstrated an interest in learning more about the issue of domestic violence and how to better respond to it in their courtrooms and in the decisions they make. As one judge of the DVU explained: "We are always open to suggestions." As this judge reported, one important case processing innovation was suggested by a courtroom clerk. Judges saw this as a good idea and followed through accordingly.

The judiciary must confront a unique set of issues unlike those confronted by the other system players involved in operations of a domestic violence court. The high profile nature of judicial work makes judges susceptible to criticism. At times this criticism is valid; in other instances that criticism is borne out of an incomplete understanding of the criminal justice system, including the rules of evidence or other legal issues. An effective system must allow interdisciplinary information sharing.

Learning how best to respond to domestic violence is a fluid and evolving challenge. Each judge interviewed in the DVU study confirmed that he or she had learned a lot about the dynamics of domestic violence and how these cases differ from other more routine civil and criminal matters. For example, judges and prosecutors often have a difficult time understanding why victims are so reluctant to participate in the justice process. The judges of the DVU now have a greater appreciation for those reasons. As part of the continuing dialogue, these judges will be able to share their experiences with others in both formal and informal ways.

The lack of legal representation in court for both petitioners and respondents is a particular concern for judges assigned to the DVU. According to one judge, when more people have legal representation in court "you'll get more just results." When one side is not adequately represented in court, the judge is forced to 'walk the petitioner through her or his case.' This situation impedes the process by requiring more court time and taking the judge out of the traditional role of presiding over cases and rendering decisions. This becomes more challenging and ultimately more confusing for all involved when the judge must spend time in a function better left to lawyers representing clients. While judges concede that "Doing these cases does require you stepping out of the traditional judge role," they also note that "If we don't get these cases right for everyone, we don't get it right for anyone." This sentiment is decidedly neutral though it may not appear to be so at first.

Enforcing Orders of Protection

One feature of the Domestic Violence Intake Center that is particularly beneficial to domestic abuse victims is the streamlined process for a victim to obtain an order of protection. Furthermore, advocates in the DVIC are available to explain basic aspects of the court process and to address potential reluctance of victims to engage the system.

In most situations, civil orders of protection are a more readily accessible remedy for domestic violence than are criminal sanctions. In addition, their remedies are often broader than criminal orders issued in conjunction with criminal proceedings and can often prohibit conduct that the police do not view as serious (Zlotnick, 1995). A petition for a civil protection order brings the batterer and victim into the domestic violence system. Often the judge explains directly to both parties in court that the justice system is concerned about preventing further acts of abuse.

Once the system becomes involved in promoting victim safety and batterer accountability, the integrity of that system also becomes a focal point of interest. A system with the goal of holding others accountable must diligently work toward preserving the integrity of its own processes. When issuing orders of protection, to maximize equality, fairness and integrity the trial court should clearly indicate how compliance can be achieved and should take appropriate responsibility for the enforcement of its orders (Bureau of Justice Assistance, 1997).

Judges can promote the integrity of their orders by explaining to both parties at the time that the order is issued that the order's terms are to be adhered to regardless of the involved parties' wishes. That is, even if both parties agreed it was acceptable for one to visit the other, if this contradicts the terms of the order, it is the batterer who could potentially receive a sanction for contempt regardless of the circumstances. The judge must make it explicit that the terms of the order of protection are to be followed.

Contempt proceedings are about the relationship between the batterer and the judge. The judge, unlike the abused party, can demand that the abuse stop. Rather than dwelling on the history of the parties' relationship (such as the woman's decision to stay), the court's narrow interest is in whether the contemnor did something that violated the court's outstanding order. Because the court has issued a protection order based on evidence of abuse and has advised the batterer to avoid situations that could lead to violations, it is harder for the batterer to claim that the victim provoked him or instigated the confrontation (Zlotnick, 1995).

Failing to issue contempt sanctions for order violations also sends the batterer the message that he continues to be entitled to behave in an abusive way. Batterers are known for the persistent pursuit of their victims. As one judge who was interviewed in the DVU study explained: Batterers "are some of the most sophisticated and manipulative people I've seen." Failing to cite batterers for contempt may contribute to continued minimizing of abusive behavior. If the court does not take this behavior seriously, why should the parties?

According to a NCSC study of protection orders, 35% of people who receive an order of protection experience a violation of those terms within six months (Keilitz, et al., 1997). Another study indicated that 60% of those obtaining protection orders reported violations within one year (Buzawa and Buzawa, 1996). Indeed, most violations of protection orders leading to an arrest occurred within 90 days of the entry of the order (Buzawa and Buzawa, 1996).

Despite the high rate of order violations, enforcement is low. In the DVU study, civil contempt was filed in 6% of cases, and criminal contempt was filed in 4% of cases. Court outcomes of these filed contempt charges (e.g. whether contempt was found or whether charges were dismissed) were difficult to discern in the files, much less whether they led to desired changes in respondent behaviors. Other studies have found similarly low rates of contempt filings (Keilitz, et al., 1997; Harrell, Smith, & Newmark, 1993). This low contempt filing rate may be a consequence of a number of factors, including lack of knowledge that contempt is an option, lack of resources for victims to file contempt motions (i.e., legal representation), and a sense of futility because the court has failed to enforce its orders in the past. Each of these factors might be countered by providing legal representation to domestic violence victims.

Forty-three states and the District of Columbia make violation of an order of protection against domestic violence a separate criminal offense. Even in states where there is no criminal penalty, violation of a court order of protection may be punished by a court finding of criminal contempt, which usually calls for misdemeanor-level penalties. Four states allow a violation of an order of protection to rise to the felony level. In eight states, repeat violations of a court order may constitute a felony. Three other states make an assault in violation of a protective order a felony.

Some advocates feel that violating orders of protection should always be considered a criminal matter and see using the contempt sanction as "soft" (Zlotnick, 1995). Yet emphasizing the criminal dimension may backfire. Advocates and attorneys alike realize the continued difficulty in gaining victim cooperation in criminal prosecution matters.

Employing a one-size fits all approach may not yield intended results. There must be a range of punishments available to punish violations of protection orders. A violation of a stay away order should necessarily warrant a different sanction than a violation involving a misdemeanor assault or a felony. It may not make sense to criminalize every violation. Increasing the number of cases in an already overburdened system will likely only lead to further delays; this, in turn, may undermine the perceived credibility of the justice system in the eyes of the victim. She may be more reluctant to engage a seemingly unresponsive system in the future.

Child Protection Issues

Increasing attention is being paid to the overlap between child maltreatment and woman battering (Edleson, 1999; National Council of Juvenile and Family Court Judges, 1999). A 1998 literature review suggests that between 45% and 70% of children exposed to domestic violence are also victims of physical abuse, and that 40% of child victims of physical abuse are also exposed to domestic violence (Fantuzzo and Mohr, 1998). Yet policies and laws tend to treat these issues separately instead of recognizing the complexity associated in responding to both child and woman abuse. Indeed, fear of losing her children can be a major deterrent to a victim accessing the system to obtain relief from the violence.

Failing to consider the experiences of abused mothers and their children can, in effect, contribute to the longevity and severity of ongoing abuse. According to Miccio, "Failure to protect provisions...transform domestic violence into a sword to sever the mother-child relationship, regardless of the mother's non-culpability...Thus the law treats battered mothers and battering fathers or paramours equally" (Miccio, 1999). Or put another way, "By focusing on the mother's conduct, the father's assaultive behavior is viewed in the context of what the mother failed to prevent. Accountability is defined and culpability assessed in terms of maternal failure, thereby viewing assailant and survivor equally liable" (Miccio, 1999).

Most parties involved in abusive relationships, batterers and those they abuse, are reluctant to enter the justice process. Both parties tend to minimize the abusive behavior. The batterer may minimize his behavior because he believes his actions are appropriate while the victim may minimize her own abuse as a strategy to avoid increased abuse. Her reasons may not appear 'logical' to those who do not live with abusers, but that is not the test. The fact that both parties minimize the abusive behavior makes it difficult for outsiders, including those in the justice system, to gain an accurate assessment of what is actually happening.

In no way is this to suggest that women who are abusing their children in addition to being battered are not culpable for their own behavior. Rather, the needs of this population, mothers and children who are being abused, continue to present complex issues that demand greater attention.

The tension between domestic violence advocates and child protective services presents very real problems for both communities. These tensions are evident in the Domestic Violence Intake Center in the District of Columbia. During initial screening procedures in the DVIC, a victim may speak with an intake worker from one of two organizations with different training related to family violence: the Office of Corporation Counsel (OCC), whose main mission is to respond to allegations of child abuse; and the Emergency Domestic Relations Project, whose main mission is to respond to the needs of domestic violence victims. The OCC's two roles often become blurred and have led to internal conflicts related to OCC's dual responsibilities and the impact on domestic

violence victims' access to the remedies available through the court (see **Intake Unit Management and Staffing Issues**).

Some communities have begun the dialogue between domestic violence advocates and child protection advocates to try to craft solutions that promote safe families. There are complicated legal and social issues to consider. Communities have become somewhat polarized over the issue of battered women who also abuse their children, but more often, both the child and the parent are being abused by a single batterer. In many cases, neither the child nor the abused parent receives any meaningful intervention from the justice system. In effect, when the child protection system and the advocates for battered women continue to see themselves at odds, the batterer is "allowed" to continue his violent behavior. Those who are most vulnerable and in greatest need are ignored by a system that fails to respond.

Exploring the applicability of justice models that work beyond the contours of a strictly adversarial system, attention to judicial practices in domestic violence cases, and discussions on how best to provide services for families where spousal and child abuse co-exist continue to provide potential for identifying improved ways for the justice system to respond to the problem of family violence. This discussion sees the justice response as part of a more integrated series of community efforts to address the problems associated with partner and child abuse. Adjusting the dynamics of a systemic response requires ongoing reflection of what is working well and where adjustments need to be made. Interdisciplinary communication and direct feedback from the involved parties will improve the community response to this complex and difficult problem.

Intake Unit Management and Staffing Issues

Just as domestic violence courts vary in jurisdiction, organization, and the services they provide, they vary in how they manage intake of domestic violence cases (Keilitz, et al., forthcoming). Most courts manage intake exclusively, but some share management responsibilities with another agency. Very few courts have an intake process in which the court plays no direct role, such as the District of Columbia has implemented.

The model for joining a public agency (the Office of Corporation Counsel), a private enterprise (the Emergency Domestic Relations Project at Georgetown University Law Center), and a victim advocacy organization (the D.C. Coalition Against Domestic Violence) to work together to assist in the court response to domestic violence holds promise for assuring that the process addresses the needs of victims. However, the implementation of and continued management under this model (or any collaborative management model) require careful planning, coordination, and monitoring.

At the outset of the planning process, the collaborating entities should develop a mission statement that clearly describes the goals and philosophy of the intake unit, what services it will perform, and how it will fit into the court processing of domestic violence cases. The collaborating entities next should draft and execute documentation (e.g., a memorandum of understanding) that clarifies the organizational structure, responsibilities of each entity, the resources each will contribute to the intake center, how disagreements among the entities will be resolved, and how need for changes in policy or practice will be identified and addressed. Consensus on these issues, which will inevitably arise as the program evolves, will provide guidance to and reduce conflict among the collaborating entities.

More importantly, building and documenting this consensus will foster harmonious philosophies and consistent expectations of staff across the collaborating entities. These are key to ensuring that the level and quality of service to victims seeking the assistance of the justice system through the intake unit will be uniformly high. All persons seeking assistance in the intake unit should receive accurate information and have the same opportunities to avail themselves of the services provided.

Tension and conflict among staff and their respective employers impede monitoring of the products being distributed to victims: information, support, and service. To maintain service consistency and quality, the collaborating entities must have the same qualification standards for staff and provide consistent training to new and veteran staff.

The lack of standardized expectations for staff of an intake unit also sends conflicting messages to both staff and victims seeking support and service. When the victim senses internal confusion, she may question her own decision to use these services. Without on-going attention to consistency and clarity for all involved in the intake process, this confusion permeates and impedes the process. If victims are to believe their concerns are being taken seriously, that their family violence issues are just as serious as someone

attacked by a stranger, then the message she hears from the system must be consistent at each juncture, from intake through the judicial process.

Another related point underscores the need for well-trained and consistently trained staff to conduct intake. Often victims appear at intake seeking to file a petition for a protection order when the incident for which the victim is seeking a remedy or the relationship she has with the offender does not fit under the jurisdiction's protection order statute. Without an effective early screen for this fact, it is possible that will people appear before the judge without standing under the law. This wastes the time of the court, the intake unit, and the individual seeking relief. Moreover, this experience may deter the victim from seeking further assistance for other issues as well.

Training Issues

An effective system to address domestic violence requires professional staff that is well trained in the dynamics of domestic violence. A lack of professionalism at any level—intake staff, clerks, attorneys, advocates and judges-- undermines the integrity and effectiveness of the system. Judges and all others involved in the process should have training on the complex issues related to domestic violence. Included among these issues should be the dynamics of domestic violence, different cultural aspects of domestic violence, the effects of trauma on the victims of domestic violence, the more common issues facing women who try to leave their abusive partners, and the needs of children who have witnessed violence. Understanding of these issues will allow staff to make appropriate referrals and to assist with the preparation of petitions and other required documents.

The goals of intake and the court clerk's office should include providing courteous, informed, professional, and supportive information to people in crisis. Working with domestic violence differs from other assignments in the court system and the training should reflect this fact. Any significant variance in the type of assistance received at the intake level necessarily affects the remaining processes. Variations in assistance can be reduced through consistent and on-going training as procedures change and new staff is hired.

Training on domestic violence issues for judges is woefully lacking in courts across the country (Keilitz, et al., forthcoming). As of 1999, only 11 states mandate judicial training on domestic violence.¹ Many courts with exclusive assignment of judges to hear domestic violence cases are not required to have training (Keilitz, et al., forthcoming). An effective system should provide training consistently to all judges who hear domestic violence cases before they begin their assignment. As one advocate in the District of Columbia stated: "We don't have time for a judge to learn after the fact."

Fortunately, many judges seek training on their own. For example, the judges of the DVU designed their own annual training to discuss case processing issues and to explore the complex issues raised by these cases. An annual training is a good start but should be supplemented with other events throughout the year, such as speakers on child support or a discussion of the effects on children who witness domestic violence. These training efforts should provide continuous opportunities to discuss and digest the complexities of this caseload.

Judges also should attend cross-disciplinary trainings in addition to other sessions that may be more specifically tailored to their legal training. Finally, judges who have

¹Alaska Stat §18.66.310; Cal. Govt § 68555; Fla. Stat Ann § 25.385; KY Rev. Stat Ann § 21A.170; Minn. Stat Ann § 480.30; N.J. Stat. Ann §2C:25-20; Okla. Stat, tit. 10, § 1211; Tenn Code Ann, § 38-12-102, 38-12-107, 38-12-109; Texas Gov't § 22.011, 22.110; Wash. Rev. Code Ann § 74.14C.100; W. Va. Code § 48-2A-13 (information provided by Andrew Klein, Ph.D., a domestic violence consultant and advisor to the National Bulletin on Domestic Violence Prevention).

experience hearing and deciding domestic violence cases can mentor those who are new to the assignment in a range of ways. Their perspectives are invaluable and should be shared with their colleagues.

The burnout factor for all staff working regularly with domestic violence cases is high. Burnout can occur when a judge is reluctant to rotate off the domestic violence bench because s/he knows there is a shortage of judges who truly understand the complexities associated with domestic violence. And burnout can occur when intake workers and other court staff and advocates feel understaffed, overworked, and unsupported. Training and adequate resources will assist the professionals who are attempting to run the system to be fully informed and feel supported in the hard work that they do.

Facilities Issues

Attention to the location, size, and layout of space in a domestic violence court is vital to effective and safe system operations. A consistent message heard from virtually all participants interviewed in the NCSC study of the District of Columbia's Domestic Violence Unit was that the needs of victims and those who work in the DVIC would be better served by a larger space.

Not unlike in other courts, the current configuration of the DVIC is small and teeming with an influx of those requiring service. On Mondays, there are up to fifty people seeking assistance in the DVIC. The waiting area is cramped; there are virtually no private spaces for intake workers to talk directly with victims. The physical layout is not conducive to encouraging people, many of whom were recently assaulted or worse, to freely discuss their concerns with an intake worker. For those who do openly discuss the details of their case, complex and volatile issues are being discussed within earshot of the entire office.

People respond differently to their situations and the needs of people in immediate crisis vary widely. Improving the setting where victims are expected to disclose deeply personal and troubling issues may enhance the quality of information received and yield a higher rate of victim participation in subsequent stages of the justice process. It is extremely difficult for workers and victims alike to discuss such events while in the midst of so many other people's crises.

Child care facilities also should be readily accessible for domestic violence victims. Well appointed and supervised facilities are an important support for victims who may be afraid or unable to leave their children at home while they are at the court or who do not wish to expose their children to the trauma of their situation. Without such a support, victims may be discouraged from pursuing the process.

The location of courtrooms and waiting areas for them present safety issues. Separate waiting areas for victims and defendants reduce the opportunities for the batterer to try to talk the victim out of obtaining a protection order or proceeding with criminal charges. A common waiting area leaves the victim unprotected from contact with the batterer, which is the very thing she may be asking the court to prevent.

If creating separate waiting areas is not possible, the court should ensure that the waiting areas are monitored closely by deputies or other court personnel to prevent the petitioner and respondent from talking to one another while they are in the courthouse. The victim's willingness to participate in the judicial process is often tenuous in the best of circumstances. It therefore may be counterproductive to allow the batterer open access to the victim while she waits for her time to obtain the court's assistance.

Service Issues

The scope, quality and effectiveness of services for individuals involved in domestic violence cases are affected by several factors. Some of these have been noted in the context of other issues addressed in this guidebook: the clarity of mission, goals, and roles of intake services; consistency of procedures and information provided to parties; staff training on domestic violence; and the size, configuration, and security of court facilities. The issues discussed in this section relate to specific services that are critical to ensuring that the system is fair and effective in remedying the impact of domestic violence on victims, their children, and the community.

Intake services. When domestic violence victims appear in the courthouse seeking assistance from the justice system they may have overcome significant obstacles to take this action. The process and treatment they receive must be as accessible, clear, and thorough as possible because this one visit to the court may be the only opportunity the system has to intervene to stop the violence in the victim's life (Keilitz, et al., 1997). Many victims do not return to court for a permanent protection order after they receive a temporary order. The intake process therefore must maximize the time victims spend there to give them as much information on community referrals as possible, including resources related to mental health counseling, housing, and legal services (Karan, Keilitz, & Denaro, 1999).

In the NCSC study of the DVU in the District of Columbia, we learned from clients of the Domestic Violence Intake Center how services can be improved from the victim's perspective. As users of a systemic response geared towards their needs, these clients provide information that is critical for ensuring the system meets victims' needs.

The DVIC clients' assessments of their experience in the DVIC were generally favorable and support the view that an intake unit focused on the issues of domestic violence is an essential component of a responsive system. Many of the DVIC clients felt they were "really listened" to for the first time. The concerns they expressed about the process indicate that the initial explanation of the process of obtaining a civil protection order must be very clear. The time victims must wait in intake and in court to process the protection order should be as brief as possible. The process also should be as streamlined as possible, not only to reduce waiting time, but also to limit the number of times a victim must tell the details of the abuse she has experienced to intake and service staff and to the judge.

Legal representation. Increased civil representation for victims is urgently needed. The NCSC study of the DVU illustrates that only a small proportion of petitioners and respondents are represented in civil protection order proceedings in the DVU courtrooms (19% and 10%, respectively). Analyses of the study data suggest that those victims who receive representation are more likely to continue with the legal process to obtain a permanent protection order (Waul, 2000). Attorneys, advocates, and judges with whom we spoke underscored the need for increased representation of all parties in these proceedings.

System efforts and resources dedicated to the area of victim and batterer representation in court will promote the perception of the system as fair and balanced, which could enhance the probability that the batterer will comply with conditions and accept the judgment of the court. All of these benefits will then allow the judge to balance the facts of the case rather than to take on the responsibility personally to ensure that all of the unrepresented parties in the courtroom are fully informed of their options in the proceedings.

Assistance in obtaining Title IV-D child support. An area where the District of Columbia has been enormously successful in helping domestic violence victims is the collection of child support under the federal Title IV-D program. Assigning an attorney to deal exclusively with child support issues has been an important innovation of the DVU for many reasons. This component of the DVU and the DVIC has been universally well received and appreciated.

Through the efforts of the Office of Corporation Counsel, the court now routinely engages in wage withholding and proactive enforcement in response to those who refuse to pay the court-ordered child support. As an attorney who provides this service noted: "Most people don't have a problem paying some child support." This individual sees his role as extending beyond the facilitation of child support orders for victims. He also uses his time with respondents as an opportunity to talk about abuse issues, to discuss the importance of responsible fatherhood, and to tell the respondent that he knows about his behavior and that he must comply with the court order to support his children. This straightforward message reinforces what the respondent has already heard from the judge.

Service of process for protection orders. A special focus of the Violence Against Women Act (VAWA) is to improve access to the justice system for domestic violence victims by requiring that jurisdictions receiving VAWA funds provide service of process on offenders at no charge to the victim. Although relief from the payment of fees is an important service for domestic violence victims, relieving the victim of the burden of obtaining service at all is even more important to promoting victim safety and batterer accountability.

The NCSC study of the DVU captured evidence of service for the original Temporary Protection Order or Civil Protection Order hearing of participants in the study. All too frequently, notes in files indicated that the Metropolitan Police Department (MPD) was not able to serve the respondent due to the MPD's overwhelming caseload. We found evidence of service in 61% of the approximately 250 study cases. Among these cases, only 52% were served by the MPD.

The concerns raised by these case data were bolstered by system participants interviewed for the NCSC study, as well as by members of the D.C. Domestic Violence Coordinating Council. Many of these individuals identified service of process in Intrafamily Offense cases as a chronic problem in the District of Columbia. A Law Enforcement Block Grant that covered the period 1996 through September 1999 helped ameliorate low rates of

service by providing additional funds for MPD staff time to serve respondents in a timely manner. When the grant funds were exhausted, the rate of service dropped dramatically.

An effective systemic response to domestic violence must include service of orders by a neutral third party, preferably law enforcement. Failure to serve notice and orders on respondents in a timely manner leads to court continuances and increases the odds that a victim will withdraw her petition or not appear at the hearing for a protection order. The end result in these cases appears to be that the petitioner does not obtain a final order of protection. When the system, by design or by default, places the responsibility for service on the victim, it places an enormous obstacle in her path to safety and can negate any good accomplished for the victim in the court process.

Supervised visitation services. Just as batterers often harass their victims while they wait outside the courtroom, batterers can use the exchange of children on supervised visits to threaten and cause harm to the abused parents and their children. For this reason, every effort should be made to provide access to secure areas for children to visit with the non-custodial parent. If one or both of the parents are bound by a no contact order issued by the court, they should not see one another at all, even for the purpose of exchanging the children. The court must work to maintain the integrity of its orders when non-custodial parents wish to visit with their children. The system can remove the opportunity for the batterer to harass the victim by providing safe, secure visiting space and services.

Information and support for respondents. When the court establishes an intake unit, it opens access to the process for all parties, including batterers. The court should consider providing separate facilities for serving respondents and ensure that security measures are taken to prevent dangerous encounters between petitioners and respondents.

Some batterers who appear at an intake unit may be seeking to file cross-petitions, while others may simply be seeking information about their next court date or other related items. Because few respondents are represented by counsel and court time with the judge passes rather quickly, there are few opportunities to ask questions of someone familiar with the court processes. By providing access to information about the proceedings against him, the system may reduce delays later in the process and defuse volatile situations. Easing access to information for respondents also may balance their perceptions that the system is weighted in favor of the petitioner.

Technology Resources

Inadequate data systems hinder a court's capacity to gather existing civil and criminal case information in a complete and accurate way. In instances of family violence, where parties may have several cases pending in multiple courts, the need for an information system that easily and accurately retrieves information related to the involved parties is vital.

Without current and accurate information available on the system, decisions of great importance that directly affect the safety of individuals and the community are being made with incomplete and even distorted information. This has potentially lethal consequences for the involved parties. Family violence is rarely an isolated event, but instead is a pattern of behaviors over time. The context of past civil and criminal activity is critical to gain an accurate assessment of what is really happening and to craft an appropriate remedy.

Competent information systems also are critical to efficiently evaluating whether and how the justice system is meeting its goals and where improvements are needed. The data system should support the court's ability to identify key performance variables, such as case events and outcomes, and to readily organize the information for analysis. Serious effort therefore must be made to ensure the ways information is gathered, maintained, and shared are efficient, accurate, and reliable. The stakes are simply too great. In this era of technological advances there are few greater opportunities where effectively using technology can so profoundly affect people's everyday lives.

Evaluation

The final lesson learned from the District of Columbia's implementation of an integrated domestic violence court is that the implementation process is never really complete. The systemic change that has occurred in the District of Columbia has come about through hard work, long hours, compromise and, most of all, the strong commitment from justice system professionals and community members. Their efforts continue to ripple outward to improve lives touched by family violence in the District. In order to expand and improve this effort, the stakeholders in the system must continually examine how the system they built is functioning.

Evaluation often is the last concern of those who are struggling to get a new program or system up and running. Accountability and performance have become a mantra throughout the public and private sectors (Bureau of Justice Assistance, 1997), however, and initiatives to address domestic violence are no exception (Burt, et al., 1997). The District of Columbia built evaluation into its Domestic Violence Plan and was willing to undergo scrutiny from an outside source. We have learned that not all the innovations in the District of Columbia have been successful, that tensions among the collaborating parties can impede progress, and that resources have not always been adequate to do the job. But the strides this formerly fragmented and unresponsive system has made to develop a more integrated approach to addressing domestic violence have been great. Other jurisdictions that perceive overwhelming obstacles to system reform might take their cue from the District of Columbia: make that bold move forward and always be willing to look back to make sure you still are on track.

A Final Word

The staggering number of families that experience partner violence has begun to be counted in a systematic, albeit incomplete, way. Fashioning responses according to genuine needs remains a challenge that must be met by society. The justice system can lead in some important ways, but it cannot accomplish the eradication of family violence on its own. The problem is simply too large and the power of the justice system too limited. Instead, community members within and external to the legal system must engage in collaborative problem solving through ongoing dialogue and information sharing. Successes and failures can inform others about which practices are promising and which might be detrimental. In sum, the complexity of the issues associated with family violence demands vigilant and creative solutions crafted by professionals from a variety of fields.

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Resources: National Organizations

Battered Women's Justice Project

c/o PCADV Legal Office

524 McKnight St.

Reading, PA 19601

(800) 903-0111 (610) 373-5697 (610) 373-6403 Fax

National Resource Center on Child Custody and Child Protection

The Family Violence Project

National Council of Juvenile and Family Court Judges

P.O. Box 8970

Reno, NV 98507

(800) 527-3223 (702) 784-6160 Fax

National Resource Center on Domestic Violence

Pennsylvania Coalition Against Domestic Violence

6400 Flank Drive, Suite 1300

Harrisburg, PA 17112-2778

(800) 537-2238 (717) 545-9456 Fax

Resources: Websites

ABA Center on Children and the Law

<http://www.abanet.org>

ABA Commission on Domestic Violence

<http://www.abanet.org/domviol/home.html>

Center for the Prevention of Sexual and Domestic Violence

<http://www.cpsdv.org>

Family Violence Prevention Fund

<http://www.fvpf.org>

Federal Office of Child Support Enforcement

<http://www.acf.dhhs.gov/programs/cse>

Institute for Law and Justice

<http://www.ilj.org>

Minnesota Higher Education Center Against Violence and Abuse

<http://www.umn.edu/~mincava/center.htm>

National Coalition Against Domestic Violence

<http://www.webmerchants.com/ncadv>

National Council of Juvenile and Family Court Judges

<http://www.ncjfcj.unr.edu>

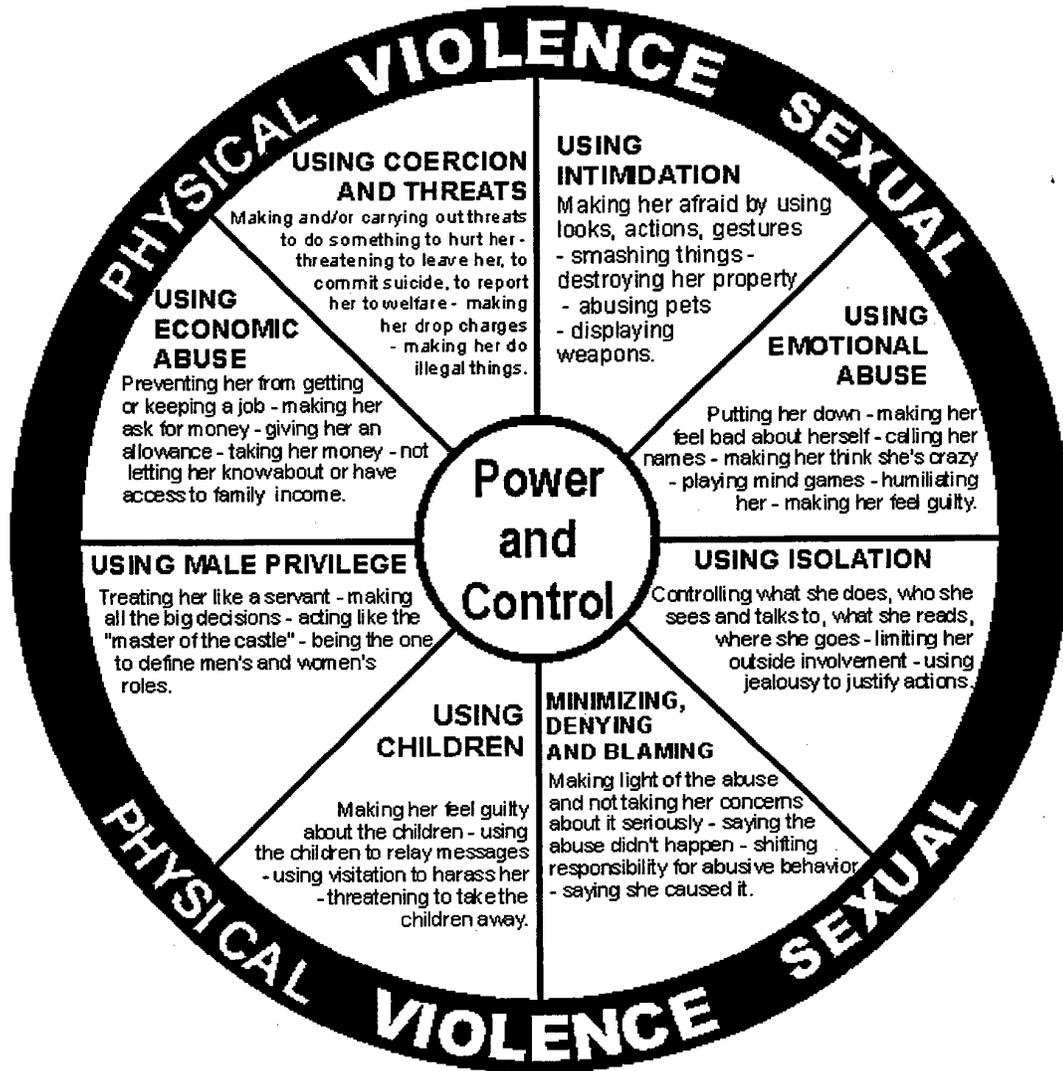
Office of Justice Programs

<http://www.ojp.usdoj.gov>

Power and Control Wheel and Adaptations

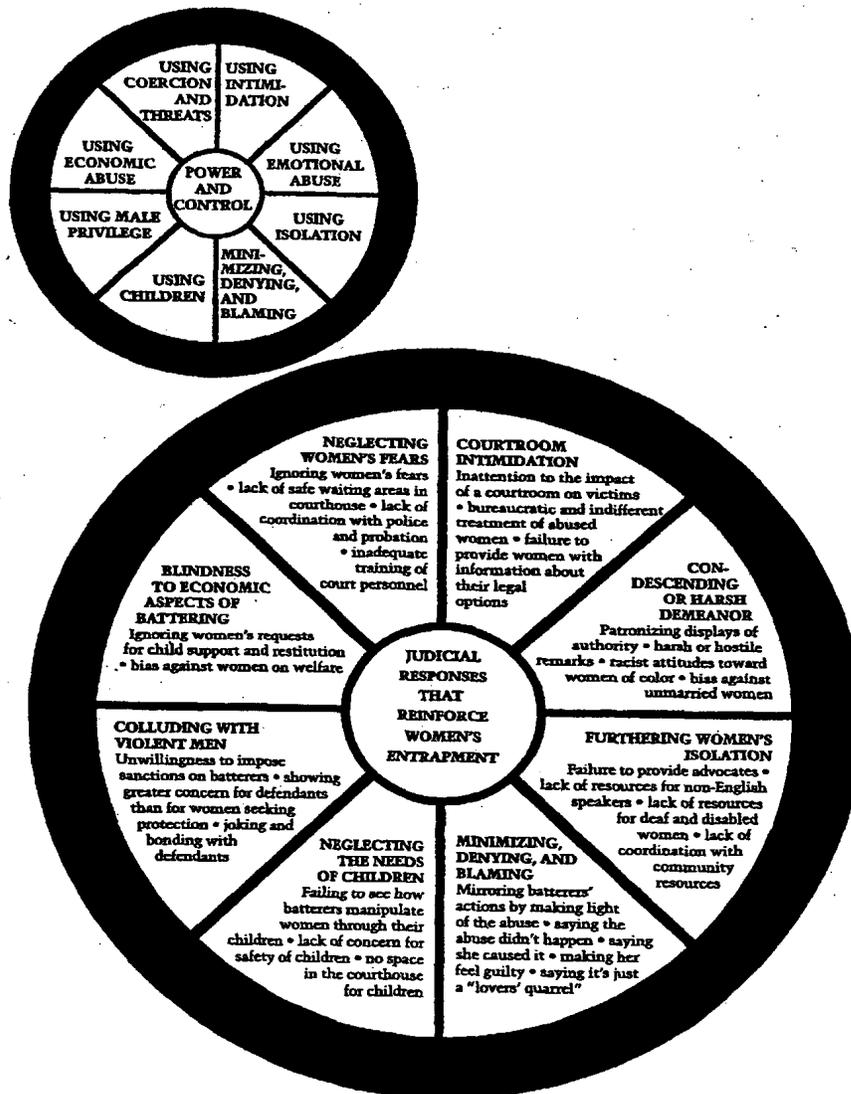
Figure 2

Power and Control Wheel



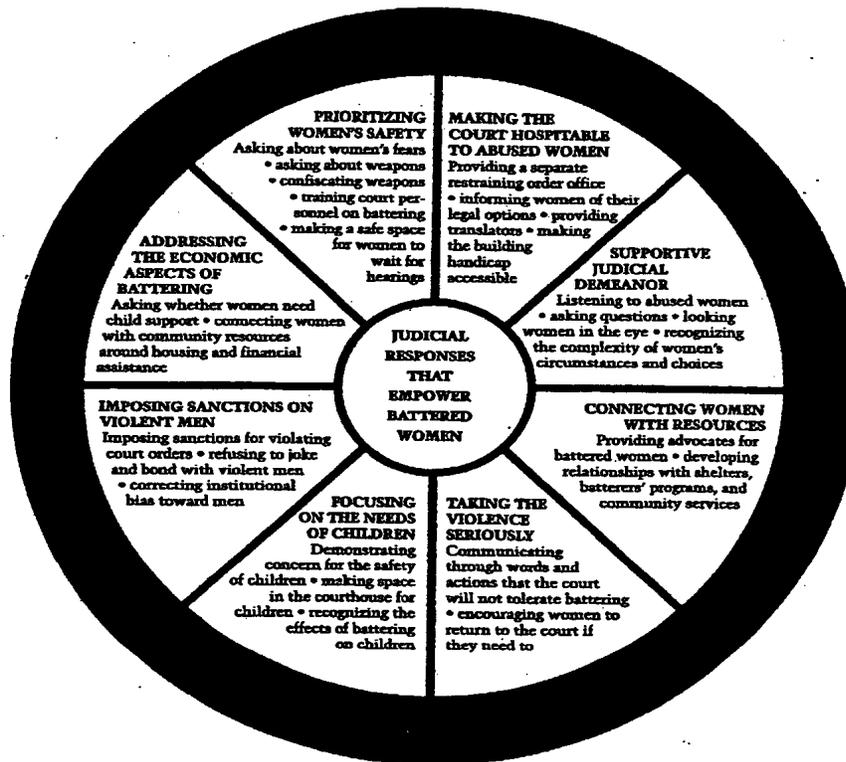
Source: *Power and Control Wheel*. Reprinted with permission from Minnesota Program Development, Inc., Domestic Abuse Intervention Project, 202 East Superior Street, Duluth, MN, 55802

Figure 3
Judicial Responses that Reinforce Women's Entrapment



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Figure 4.
Judicial Responses that Empower Battered Women



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