

Small actions, big impacts:
**Innovative approaches by Montgomery
County District Court personnel in domestic
violence cases**



CourtWatch
MONTGOMERY
A Public Eye on Domestic Violence

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Small actions, big impacts: Innovative approaches by Montgomery County District Court personnel in domestic violence cases

What happens in domestic violence courtrooms changes lives. How judges, bailiffs, interpreters and clerks act often determines whether a domestic violence victim and their children become safe.

"It's devastating and I understand. Best of luck."

Judge, to both parties following the granting of a Final Protective Order

Montgomery County District Court judges and other courthouse personnel often approach domestic violence protective order cases in new and innovative ways that provide particularly effective legal protection and empower victims. They often "go the extra mile" to calm the parties and ensure that key provisions in orders are workable and will keep parties safe.

We think these numerous innovative approaches deserve recognition. We hope other judicial personnel will consider adopting them. Broad dissemination of innovative approaches to domestic violence court cases can make all communities safer

places to live.

The following chart provides descriptions of promising approaches by judicial personnel during protective order hearings that:

- enhance victim safety;
- enhance the safety of victim's children;
- ensure both parties understand the parameters of orders; and
- empower victims to become self sufficient, reducing the likelihood of future abuse.

"Where were the children when this incident occurred? Where were they during past incidents?"

Judge, to petitioner

Promising practices to promote victim and child safety

Many Montgomery County District Court judges and other court personnel have used an approach described in the chart below during the protective order process. Each of these approaches can improve victim safety.

Other judges, interpreters, bailiffs and clerks may want to consider the value of utilizing some of the following approaches:

Judges

Topic	Quotes from judges and Court Watch monitor reports
<p>Set the stage at the temporary hearing for a full & effective Final Protective Order.</p> <ul style="list-style-type: none"> • Let the petitioner know that it is important to bring any evidence or witnesses to the next hearing.¹ • Briefly link the petitioner to court-related services. 	<p>Judge to petitioner:</p> <p><i>"Your hearing next week will be more thorough - there is a higher legal standard for granting final orders than for temporary orders. You need to make sure you bring every bit of evidence you have such as photos or texts to make your case. All witnesses need to come in person."</i></p> <p>Monitor notes:</p> <p><i>"The judge told the petitioner that there might be pro-bono legal representation or a victim assistant available to help. He noted there is a victim assistance office on the 2nd floor of the courthouse & that services are also available at the nearby Family Justice Center."</i></p>
<p>Discuss safety with petitioners.</p>	<p>Judges to petitioners:</p> <p><i>"Protective orders are usually effective, but we don't really know how the respondent will respond to this Order. You should call 911 immediately if you are in any danger. You might talk to an advocate about a safety plan - they can help with things such as changing your locks, or providing shelter."</i></p>

<p>Discuss safety with petitioners. (cont'd)</p>	<p><i>"Any violation of this order is a crime and you should immediately contact the police."</i></p> <p>Monitor notes:</p> <p><i>"The judge urged the victim in a particularly serious case to go talk to the State's Attorney's Office about possibly filing criminal charges."</i></p>
<p>Minimize trips to the courthouse for both parties.</p>	<p>Monitor notes:</p> <p><i>"The judge explained to the petitioner that she could sign up for the Maryland VINE Protective Order service [provides victim notification when the order has been served and lists upcoming hearing dates]. If the respondent has not been served by the date of the next hearing she can avoid an unnecessary trip to court. The judge made sure she had a brochure about VINE before she left the courtroom."</i></p> <p>Judge to parties:</p> <p><i>"Since you are both here for a hearing on a temporary order we can proceed with the final order so you don't have to return to court next week. Sometimes it is better to wait so that you can talk to a lawyer or advocate, and so you are sure you have all your evidence and witnesses with you. If either of you would like to wait we will."</i></p>
<p>Ensure that respondents understand the allegations made in the protective order petition, and the proposed restrictions.</p>	<p>Monitor notes:</p> <p><i>"The judge asked each respondent whether he or she had had a chance to read the Temporary Order and the petition written by the petitioner. She then asked if they understood or had any questions."</i></p>

<p>Carefully assess the potential for danger to the victim and their children when deciding the terms of visitation.²</p>	<p>Judges to petitioners:</p> <p><i>"Where were the children when this incident occurred? Where were they during past incidents?"</i></p> <p><i>"How have the children reacted to the trouble at home?"</i></p> <p><i>"Has the respondent ever threatened to kidnap the children? Has he ever hurt them or threatened to hurt them?"</i></p> <p><i>"Are there any substance abuse or mental health issues I should know about?"</i></p> <p><i>"Has the respondent violated this or any other protective order in the past?"</i></p>
<p>Set visitation arrangements that do not require any physical contact between parents.</p>	<p>Judges to respondents:</p> <p><i>"Is there a family member or friend who could help you exchange the children so that there is no contact between you?"</i></p> <p><i>"I'm going to require that you exchange the children for visits either at pick up or drop-off time at school, or at the Armand Center [supervised visitation/monitored exchange center]."</i></p> <p><i>"Do you have a third party who could be a go between for setting up regular visits? If you must, you may text or email each other about visitation, but visitation specifics are the only thing that may be discussed."</i></p>

<p>Set additional parameters that may be necessary to ensure safe visits.</p>	<p>Judges to respondents:</p> <p><i>"I am requiring you to attend and complete parenting classes and also the County's "New Beginnings" [batterer intervention/treatment] program. You have a chance to learn skills to reduce your anger, and take a look at issues you may have with control and empathy. You need to sign up immediately."</i></p> <p><i>"I am requiring that you abstain from alcohol before visits, during them, and through the transfer of your children after visits."</i></p> <p>Judge to petitioner:</p> <p><i>"Have you ever heard of a program called Safe Start? They provide counseling for children who have witnessed violence at home. You might want to look into it. Here is a brochure."</i></p> <p>Judge to parties:</p> <p><i>"I'd like to set a date to see you both back here so I can hear how this visitation plan is working because I'm concerned about the safety of the petitioner and the children."</i></p>
<p>When it is unsafe for a child to be alone with a parent for visits, mandate supervision by a certified third party or agency.</p>	<p>Judge to both parties:</p> <p><i>"I'm going to require in the order that supervised visits occur at the Armand Center [supervised visitation/monitored exchange center], which has a sliding fee scale. They will go over the parameters with you for safe, constructive visits."</i></p>

<p>If relatives or friends must be used to supervise visits provide detailed instructions to supervisors & the respondent that ensure safety of the child and petitioner.</p>	<p>Judge to respondent:</p> <p><i>"Any intimidation of the supervisor, the petitioner, or the children could result in you losing your visits. You are not to ask the kids questions about their mother's living arrangements, or actions. You can't ask for her phone number."</i></p>
<p>Ensure that petitioners know that emergency financial support may be available and facilitate immediate commencement of support.³</p>	<p>Monitor notes:</p> <p><i>"The judge announced at the beginning of the docket that petitioners may be eligible for temporary emergency funds from the respondent, depending on their financial situation."</i></p> <p>Judges to parties:</p> <p><i>"I see that you marked on your petition that you need emergency financial assistance. Do you have a sense of the amount of money you need each month to meet basic needs?"</i></p> <p><i>"I'm going to ask you to step back and to take a few minutes to fill out the financial forms the clerk will give you. When you are finished come sit in the front row and we'll get you back up here to discuss what level of monthly support is going to be required in the Final Protective Order."</i></p>
<p>Ensure offenders do not retain guns following the issuance of a final protective order.</p>	<p>Judge to clerk, after a petitioner indicated the presence of a gun:</p> <p><i>"I've noted the make, model and location of the firearm in the file. Please make sure that that information gets to the Sheriff's Department."</i></p> <p>Monitor notes:</p> <p><i>"The judge didn't just state that guns should be turned in to law enforcement. He asked the petitioner if she knew whether the respondent had guns."</i></p>

<p>When an order is denied, let the petitioner know that they may return to court in the future if new incidents occur.</p>	<p>Judge to petitioner:</p> <p><i>"I can't give you a protective order today because your case doesn't meet the law. But that doesn't mean you can't get one tomorrow if something dangerous happens. You can come back at any time if you are hurt or are given reason to feel afraid that someone is going to hurt you."</i></p>
<p>Prevent injury or harassment after the hearing is over.</p>	<p>Judge to parties:</p> <p><i>"I'm going to ask the petitioner to leave the courtroom first and the respondent to wait 15 minutes until the bailiff indicates to them it's fine to go."</i></p> <p><i>We've just spent time on a hearing to keep the peace by separating you both and we don't want to do anything that compromises that. We don't want any misunderstandings about inadvertent violations in the courthouse or on the way home."</i></p>

Bailiffs

<p>Topic</p>	<p>Quotes from bailiffs and Court Watch monitor reports</p>
<p>Prevent courtroom intimidation.</p>	<p>Bailiff to courtroom prior to the judge taking the bench:</p> <p><i>"All petitioners should be sitting on the right side of the courtroom, and all the respondents and their friends and families on the left. There should be no conversation or communication of any kind between you."</i></p>

<p>Prevent injury or harassment after the hearing is over.</p>	<p>Bailiff to courtroom prior to the judge taking the bench:</p> <p><i>"After your hearing is complete the respondent will come sit in the first row. When I give the petitioner his or her papers they can leave. I will let the respondent know when it is time for them to leave in 15 minutes."</i></p>
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Interpreters

<p>Topic</p>	<p>Court Watch monitor reports</p>
<p>Automatically use headsets when both parties need interpretation in the same language.</p>	<p>Monitor notes:</p> <p><i>"Both of the victim's hands were bandaged. She was shaking with fear. When the judge realized both parties needed a Spanish interpreter she requested that the interpreter & parties use court-provided headsets so that the victim did not need to huddle near her attacker so they could both hear the translation."</i></p> <p><i>"When the interpretation headsets are used both parties seem to get a more complete understanding of the hearing, since the one interpreter doesn't have to keep turning from one party to the other to explain or translate."</i></p>
<p>Ensure parties who required translation understand their written court order & that it is correct.</p>	<p>Monitor notes:</p> <p><i>"The interpreter sat down with the respondent and answered his questions about the written Final Protective Order to ensure he understood what was written. When the respondent caught an error in the order the interpreter explained the problem to the clerk."</i></p>

Clerks

Topic	Court Watch monitor reports
Link every person who requests a protective order petition against an intimate partner to court-house based services prior to drafting their petition.	Monitor notes: <i>"A woman told the clerk that she needed a protective order. The clerk told her there was an office right down the hall where someone could answer all their questions about how to fill out the form."</i>

Footnotes

1. The petitioner is the alleged victim, who writes the petition. The respondent is the person whose activities may be curtailed by the court order and who is served the order by the Sheriff's Office.
2. According to an NIJ study, "nowhere is the potential for renewed violence greater than during visitation." (Finn, Peter & Sarah Colson, Civil protection orders: legislation, current practice and enforcement. National Institute of Justice 43, 1990). Another study found that during visits 34% of fathers threatened to kidnap their children and 25% threatened to hurt their children. (Zorza, Joan, Protecting the children in custody disputes when one parent abuses the other, 29 Clearinghouse Rev. 1113, 1119 (1996).
3. The regular child support process (as opposed to emergency family maintenance, which is granted as part of a protective order) often takes more than six months to set up. Domestic violence victims may be forced to return to abusive relationships if they are not given needed temporary financial assistance on an emergency basis, since they become unable to pay rent or daycare.