

## Critical Scaffolding:

Strengthening Maryland's transitional financial support for domestic violence survivors and their children



by Laurie Duker and Judy Whiton  
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**CourtWatch**  
**MONTGOMERY**  
A Public Eye on Domestic Violence

## Critical Scaffolding:

### Strengthening Maryland's transitional financial support for domestic violence victims and their children

Put simply, if you prevent all contact between an abuser and his victim, you end the violence. Legal "no contact" provisions in protective orders provide the broad, fundamental structure that effectively shelters most domestic violence survivors and their children.<sup>1</sup>

**Are domestic violence survivors receiving the financial assistance they often desperately need?**

**If there are procedural barriers to eligible survivors getting the financial help they need, it is important to identify and address them.**

But what if survivors are forced to return to an abuser because they can't meet their own and their children's basic living requirements? Without sufficient funds, survivors and their children often return to abusers, "no contact" protections crumble, and abuse begins anew.

An estimated 7-14 million children witness domestic violence each year in the United States.<sup>2</sup> Transitional funds to defray the cost of basic needs or to keep children in their own home and school can prevent additional trauma, build resilience and help break the cycle of violence.

**New data from a Court Watch Montgomery study show that emergency financial support is being awarded in**

**fewer than one-quarter of the final protective orders involving children – the cases where financial support is typically most crucial to break the cycle of violence.**

**While there are reasons why emergency support may not be awarded in every case, there are also many unnecessary barriers to getting this vitally needed help. Court Watch suggests systemic reforms that could help more eligible domestic violence survivors obtain emergency financial assistance.**

Nationwide, economic dependency plays a role in the vast majority of domestic violence cases. Between 94-99% of domestic violence survivors – no matter what their socio-economic strata – have experienced some form of economic abuse as well as physical harm.<sup>3</sup> Financial abuse both delays decisions to leave abusers and complicates safe separations.

Economic abuse can take many forms: the abuser may prevent the victim from earning her own money or continuing her education. He may coerce her into debt by applying for credit,



obtaining loans or opening accounts in the victim's name without her consent. He may use force or threats to convince a victim to sign financial documents. Financial abuse can cost victims their jobs, their credit, or their ability to pay off debt; it may mean they sacrifice their personal property and assets, and ultimately, their economic independence.<sup>4</sup>

Women with children in common with the abuser have the fewest economic options when they seek to flee abusive relationships. Victims often endure additional abuse solely to have stable shelter and food for their children.

Ultimately financial dependency may lead domestic violence victims to become homeless. An astounding 38% of domestic violence victims become homeless at some point.<sup>5</sup>

### **Emergency Family Maintenance**

Twenty-five years ago the Maryland legislature recognized that emergency financial assistance was essential to victims' safety. In 1992, the General Assembly gave judges the power to require respondents in protective order cases to pay Emergency Family Maintenance (EFM) if the victim demonstrates need and the respondent has sufficient income.<sup>6</sup> In rare instances, judges grant EFM to spouses without children, but judges overwhelmingly use the statute to defray costs related to children in common. The specific amount of EFM ordered is based on current Maryland Child Support Guidelines.

Prior to the inclusion of financial assistance in protective orders, survivors had to make a separate trip to Circuit Court to request child support. Delays of four months were not uncommon. Today, it still takes too long for victims to get child support or other forms of financial assistance during the dangerous period immediately after separation from an abuser. It now takes an average of 90-180 days to establish a child support order in Maryland.<sup>7</sup> Actually collecting payment often takes even longer.

Even after the Maryland legislature provided a mechanism for financial assistance in protective orders, many District Court judges across the state refused to consider requests for awards of emergency financial assistance, again effectively postponing all financial support until after a future higher court case involving divorce or child custody. Such delays endanger the safety of survivors and their children.

New language recently added to the Maryland District Court Judges' Domestic Violence Resource Manual clearly states that judges should avoid this practice, and not defer awards of financial assistance.<sup>8</sup> Despite this clear language, at least one District Court judge continues to decline to consider granting EFM, even when the parties in the case have lawyers, who can often save the judge time by reviewing the parties financial statements and negotiating a mutually agreed upon amount of EFM.

**"I don't want to give anyone a leg up in the Circuit Court [custody & child support] case."**

A District Court judge, declining to consider granting EFM, despite a clear mandate from the legislature to provide emergency funds in protective orders to prevent re-abuse.

## **Are domestic violence survivors receiving the temporary financial assistance many so desperately need?**

In the first five months of 2017, an average of 31% of final protective orders state-wide in Maryland contained custody provisions, indicating that the parties had children in common. Yet only 6% of orders, on average, included Emergency Family Maintenance.<sup>9</sup> Court Watch's data indicates that, in Montgomery County, approximately 54% of petitioners granted final orders had children in common, but only 13% received Emergency Family Maintenance - less than a quarter of these critical cases.<sup>10</sup>

While there are many reasons why petitioners who share children with their abuser may not request EFM, or may be denied it by a judge, **the gap between the percentage of survivors with children who are granted orders, and the percentage who receive financial support, is surprisingly large and raises cause for concern, an imperative for better data, and the need for further investigation.**

If there are procedural barriers that limit eligible petitioners from obtaining financial assistance, it is important to identify and address them. This study by Court Watch Montgomery identifies a series

**The Petitioner explained that her 3 year old's father was being treated for PTSD. He recently grabbed her by the neck, blocked her from leaving home, and told the child that her mommy didn't love her. Incidents were occurring every three to four weeks. This time, the petitioner got away. She called the police and the Crisis Center.**

**The judge granted a final protective order but told the parties that he would decide on EFM when they came back to court with financial statements.**

**The respondent was present and had a lawyer. The petitioner was alone.**

**No date was set for a hearing on EFM, and none ever occurred.**

of critical questions that require answers to ensure that eligible domestic violence survivors in Maryland are receiving the financial help they are entitled to in order to break the cycle of violence for them and their children:

- Are all petitioners with children informed that they may be eligible for emergency financial help?
- Do all survivors who need EFM have access to help in filling out their protective order petitions, so that they can adequately assert their need for financial help?
- Are survivors also offered help filling out the complicated one page Financial Statement required by the court prior to the final protective order hearing?
- A full 42% of survivors with children do not have lawyers or victim assistants in their final protective order hearings. Can these victims adequately make their case for EFM to the judge?
- Does the current time-consuming system that requires judges to wade through financial

statements in order to set an EFM amount deter some judges from discussing or granting EFM?

The current study raises these questions, but cannot completely answer them, in part because of major gaps in the available data. No data is currently collected on how many survivors request EFM in their petitions each year. No county or statewide annual data is available on the percentage of final protective orders that include EFM.

Many of the possible explanations for the gap between the proportion of final protective orders with custody provisions and those with financial support are listed in Footnote 11. Explanations range from the respondent not having any income, to child support having already been set in Circuit Court, to judges who grant final orders but refuse to address EFM or custody.



## **Findings**

Court Watch Montgomery examined all publicly available EFM data from the Maryland Administrative Office of the Courts. We reviewed data collected by Court Watch volunteers in Montgomery County District Courts from September 2015 through March of 2017, which included information on 954 final protective order hearings. We also discussed EFM with a limited number of judges and others involved in the process to gain insight into how the system is working and possible barriers to victims obtaining EFM.

Court Watch identified five reasons that might explain why less than a quarter of domestic violence survivors with children are obtaining the Emergency Family Maintenance they need.

**1. Obtaining emergency family maintenance (EFM) is a complicated and difficult process. Survivors need to be empowered with knowledge about their options and provided assistance to ensure their paperwork indicates a clear request for EFM and provides the court with the information it needs to make a rapid decision.**

Many traumatized survivors suffer from PTSD, severe anxiety, or more generalized reactions to trauma that make focusing and clarity difficult and complicate filling out protective order petitions. Survivors needing foreign language interpreters face additional challenges.

The three-page petition is daunting enough. Standard content analyses of the language in the petition show that its text ranges from “difficult to read” to “highly difficult to read,” and requires an 11th grade education to a four year college degree to comprehend the form.

If a survivor fails to check off on her written petition that she needs EFM, judges may decline to even consider EFM, because the omission means the respondent has not been notified in a timely manner that funds are being requested.

**The Financial Statement form, required by judges to determine EFM, is not regularly handed out or explained to either party before the key hearing.**

It is also challenging for petitioners who need EFM to complete the additional one-page Financial Statement worksheet, which they must complete before coming to their final protective order hearing. Many survivors at this point may have little sense of the costs they will have to pay as they relocate, but still need to document their housing, utility and child-related costs. It may be difficult to assess the financial impact of changes in their relationship with the abuser, such as new baby-sitting costs or changes in health insurance.

In addition to helping victims get the provisions they need in their protective orders, victim assistants benefit the court by creating more accurate, concise, and more complete petitions. Helping survivors understand their options can streamline hearings.

**2. A majority of survivors do not get the assistance they are likely to need in filling out their protective order petitions, to ensure they apply properly for financial assistance.**

**Interim Orders**

From July 1, 2015 to June 30, 2016, 48% of the domestic violence survivors in our county who applied for protective orders did so during evenings or weekends when the courts were closed.<sup>12</sup> That required going to a Commissioner Station, where staff are empowered to grant Interim Orders. There are no victim assistants in any of the three Commissioner Stations.

Although trained on domestic violence issues and the granting of protective orders, Commissioners have complex job responsibilities that include reviewing criminal charging documents and setting pre-trial release conditions in thousands of cases each year. It is not a Commissioner's job to sit with each petitioner who fills out a protective order petition and help them fully understand their options.

**Each year, approximately 48% of the Montgomery County domestic violence survivors who apply for protective orders do so at a Commissioner Station in the evenings or on weekends, when the courts are closed.**

**There are no victim assistants available at any of the three Montgomery County Commissioner Stations.**

## In the District Courts

Although there are often either pro bono lawyers from House of Ruth or victim assistants from Abused Persons Program in the District Courts who can assist survivors with petitions, staff and volunteers often close their offices during morning domestic violence dockets so they can provide assistance to survivors in the courtroom. When the House of Ruth or the County's Abused Persons Program offices are closed, survivors who come to court to file must fill out their paperwork without help.

In addition, court clerks at the Rockville District Court – who may not know whether the victim assistance office is open and staffed – often give the petition to survivors and tell them to fill it out at the clerk's office, unaided. Clerks are constrained in the questions they can answer, to avoid saying anything that could be construed as legal advice.

Assistance with petitions is available during business hours at the Family Justice Center (FJC), but many survivors come straight to court to file for protection. Although every petitioner who obtains a temporary order is sent to the FJC following their hearing, by then the petition has been written.

**3. In 42% of all final protective order hearings involving children, petitioners lacked assistance from a lawyer or advocate. When petitioners lack such help, they are less likely to get a final protective order. When they are not empowered by having a lawyer or victim assistant to educate them on the process and appear with them in court, petitioners rarely request EFM, and are far less likely to receive it.**

Not surprisingly, domestic violence survivors fare much better in this complex process if they have help from a lawyer or victim advocate (a county employee who specializes in helping such survivors). Survivors who were alone were far less likely to orally ask the judge for EFM. Survivors with lawyers or advocates were far more likely to obtain EFM than those who were alone.

**6% of petitioners who were alone and granted final protective order hearings received EFM.**

**37% of petitioners who had victim assistants and were granted final protective orders received EFM.**

**40% of petitioners who had lawyers and were granted final protective orders received EFM.**

**Over 90% of the petitioners who asked a judge orally for EFM in their final protective order hearing had a lawyer or victim assistant with them.**

Survivors who lack assistance from a lawyer or advocate often tend to go to court without their financial statement filled out – which may result in a decision on EFM being delayed until a later hearing. Victims without assistance may also lack a sense of when it is appropriate to ask the judge a question about EFM. Court Watch monitors heard one judge rebuke a victim, who asked for EFM early in her hearing, saying: "orders are about safety, not about getting money."

One judge at District Court briefly educates both parties

in domestic violence cases about EFM at the beginning of the docket, without giving advice on whether to request it or not. More petitioners may be likely, following this introduction, to seek out a lawyer or victim assistant to find out more.

**“I would rather eat ground glass.”**

One judge, on his feeling about awarding EFM. The judge explained that it is exceedingly difficult to assess what a fair and sufficient amount of EFM is, given that there can be either a dearth or excess of financial information provided by the parties.

**4. Granting EFM is currently a time consuming and difficult process for judges – but it may not need to be.**

To grant EFM, judges typically must wade through financial statements filled out by each party to try to ascertain an amount that is fair to both parties. Even using the formula laid out in the Child Support Guidelines, complex questions often arise about what expenses constitute the "new normal" of maintaining two households. Setting an EFM amount is currently a time consuming process.

As a result, more than one District Court judge has voiced concern to Court Watch about the process. A visiting judge told us he would "rather eat ground glass"

than set EFM, due to the complicated process. A District Court judge told a Court Watch researcher: "we don't have the time" to wade through financial details at a sufficient depth to set an amount of EFM that is fair to both parties. He felt that EFM should be handled in Circuit Court.

District Court judges do have the option of transferring protective order cases to Circuit Court for final disposition if there is an ongoing divorce or custody case. In our study period approximately 14% of temporary protective orders were transferred.<sup>13</sup>

Although financial statement forms are available in the courtroom, the time for the parties to have the forms is prior to the hearing so that they can accurately fill them out and so the process can move expeditiously. Neither party regularly being given the needed forms before the morning of the hearing creates unnecessary delays and confusion. EFM decisions are too often postponed because the forms have not been filled out.

**5. There may be insufficient deterrents for respondents who don't pay court-ordered EFM.**

Some respondents evade payment in an attempt to force survivors to return, sometimes going as far as quitting their jobs to deny their ex-partners money. If a respondent does not pay the required EFM, petitioners must initiate a civil contempt process in order to try to

**A separate hearing on EFM requires both parties to make an additional trip to courthouse and possibly lose needed funds due to missed work, or additional babysitting or parking costs.**

**Survivors may also be frightened of yet another encounter with their abuser in the courtroom. Most important, delays mean more time with no financial relief, and more pressure to return to abusers.**

gain the judge's help in forcing payment. Without a lawyer or victim assistant a petitioner is unlikely to know exactly how to do this.

A judge's tools to compel compliance are limited.<sup>14</sup> Although ultimately a judge can jail a respondent for contempt it is a rare occurrence. Most judges feel it is illogical to put someone in jail to make them pay, since it is more difficult to pay from jail and it could result in a respondent losing his or her job.

One judge at times issues a "body attachment" warrant for any respondent who fails to come to a contempt hearing. The judge usually sets the bond amount for the exact amount owed in EFM; the funds are then transferred to the petitioner.

## Recommendations



### **1. Assistance with filling out domestic violence petitions should be available whenever court is open – and every domestic violence survivor should be offered help.**

Additional pro bono lawyers and victim assistants are needed in the Rockville and Silver Spring district courthouses to assist domestic violence survivors with the challenging process of getting the emergency transitional funds they need to protect themselves and their children. Victim assistant offices need to be staffed whenever court is open, with enough staff to assist with petitions *and* help clients during morning dockets.

Clerks should tell every person filing out a protective order that there are people available right down the hallway to answer any questions and assist with filling out petitions, and that lawyers or advocates may also be available to accompany them to court.

### **2. The courts, County domestic violence programs and local non-profits should work together to carefully assess what percentage of domestic violence survivors are being offered assistance by victim assistants or lawyers when completing their protective order petitions and financial statements.**

Understanding the size and geographic locations of any gaps in services is an essential first step to improving protective order petitions and subsequently strengthening final protective orders, to better protect domestic violence survivors and their children.

### **3. Victim assistants should be placed at Commissioner Stations during peak hours.**

In addition to helping survivors ensure their protective order petitions are clear and complete, victim assistants could assist victims with other tasks, such as filing criminal charges. Assistants could document any visible injuries by taking photos and ensure that all survivors are linked to available services.

**4. Administrative court personnel and judges should consider changing the EFM process to make it easier for judges to evaluate and rule on EFM requests.**

- **Having clerks who are trained and able to clarify financial data and run initial Child Support Guideline calculations, could save judges a great deal of time.**

Assigned clerks could be available for questions from either party to improve the accuracy of the forms. Clerks could ensure all financial statements are correctly filled out and in the case file prior to hearing day. We recognize that additional funds may be needed for additional court staff.

- **Judges should consider briefly educating all parties about Emergency Family Maintenance and the process for obtaining it during an introduction to the domestic violence docket.**

Without giving legal advice, judges might consider giving a simple description of EFM during a brief introduction to the protective order docket. Petitioners could be referred to House of Ruth or to the Abused Persons Program victim assistants for questions or assistance.

- **At a minimum, Financial Statement worksheets should be automatically handed to petitioners with a brief explanation when they receive a temporary protective order. Respondents should be given the required financial form when they are served, if EFM will be determined at the final protective order hearing.**

Respondents should be given simple instructions that list documents they are required to bring to the final hearing, such as pay stubs or the previous year's tax returns. Educating both parties about EFM can increase the chances of a timely resolution of financial questions without having to return to court for additional hearings. Providing the phone number of a clerk that parties could call with questions could help streamline the system.

Improved EFM case flow would also greatly benefit parties who may be spared an additional separate trip to court for an additional hearing. Making the process easier for judges may result in increased percentages of final orders that include EFM.

**5. Maryland District Court judges should be required to attend some level of continuing education on domestic violence. Programs could include practical training on EFM and include a review of national protective order "best practices" and any updates to the Maryland Judges' Domestic Violence Resource Manual.**

Chief Judge of the Court of Appeals Mary Ellen Barbera established a requirement last year that all Circuit Court judges who handle family law cases attend relevant continuing education at certain intervals. Chief Judge Barbera's Family Law University approach could be extended to District Court judges with respect to domestic violence.<sup>15</sup>



**6. The legislature, courts and domestic violence advocacy groups should evaluate whether there are ways to improve compliance with required EFM payments in final protective orders.**

The arduous process of obtaining EFM can all be for naught if abusers are able to withhold payment without consequence.

- **The Maryland legislature might consider stiffening civil contempt penalties or giving judges other tools to better compel abuser compliance** with a range of protective order provisions including the payment of EFM.<sup>16</sup>

Compelling child support payment, however, is an extremely knotty problem. Placing those who do not pay in jail may only compound the problem and make earning an income impossible.

- **Judges should consider requiring one or three month status hearings in high risk cases to ensure that EFM payment and any counseling requirements are being adhered to.**

In states that do so, the number of economic relief violations has decreased.<sup>16</sup>

- **When ordering use of the Earnings Withdrawal system, which moves funds directly from employers to petitioners, judges might consider requiring the first payment to be made directly.**

Initial set up of the system often results in a significant delay of the initial payment.

- **At a minimum, petitioners should regularly be given information on what to do if required payments are not forthcoming.**

Survivors should be educated about what to do when abusers violate any aspect of their protective orders.

**7. The Maryland Administrative Office of the Courts should release monthly and annual data on EFM provisions in final protective orders and take steps to ensure the accuracy of EFM data by ensuring that clerks regularly document all provisions, including EFM, electronically.**

Regular reports on what is being included in final protective orders (such as how many include respondent counseling, as well as EFM), would be of great value to policymakers, service providers and researchers. Information about protective orders granted at both District and Circuit Court levels is needed.

**8. The AOC should evaluate how it might collect data on the number of petitioners requesting EFM in their petitions. Local courts, service providers and non-profits in Montgomery County should not wait for the state courts, and establish a process for tracking these data locally.**

Information on the number of petitioners requesting EFM is essential to ascertain how well our protective order law is being implemented and whether domestic violence survivors are getting essential help they need to create safe lives.

### **Questions requiring additional research**

1. Do judges raise the issue of EFM with every petitioner who has specifically requested EFM in their petitions, but who may not be represented by a lawyer in court?
2. How quickly are eligible domestic violence survivors granted EFM when their cases are transferred to Circuit Court? Do Circuit Court judges always handle EFM on an emergency basis, as part of a protective order, as opposed to folding the request into slower divorce or custody cases?
3. What percentage of respondents are able to pay some amount of support?
4. Are there ways to compel respondents to share additional income data when they may not have traditional pay stubs, such as requesting to view rental agreements or other documents?
5. How well does the EFM system work once a judge requires it in a final protective order? What are the main challenges for domestic violence survivors who receive EFM? Are there better ways to coordinate EFM and public benefits for survivors, who are sometimes forced to navigate between the two when respondents do not pay?
6. Are EFM levels (set using Child Support Guidelines) adequate to ensure that domestic violence survivors will not be forced to return to abusers due to economic constraints? The Child Support Guidelines have not been updated since 2010.
7. Since EFM payments only last as long as the final protective order (usually one year), petitioners are urged by advocates, pro bono lawyers and judges alike to begin the regular child support process quickly to ensure there is no gap in assistance when their court order expires.

How victim-friendly is the standard child support system for domestic violence survivors? Are victim assistants able to accompany survivors through the entire process? Is "no contact" between parties with protective orders ensured throughout the process? Do survivors have access to court companions for all child support hearings?

## **Conclusion**

Montgomery County judges currently award emergency transitional financial support (EFM) in less than a quarter of final protective orders granted to domestic violence survivors with children. More study is needed to understand how many petitioners are eligible for EFM, how many request it, how many receive it, and how well the system works once financial help is granted.

There is much that Maryland courts, policymakers and domestic violence programs can do to reduce barriers to obtaining EFM. Transitional financial support is often a critical step in empowering domestic violence survivors to escape from abuse and build new and safe lives for themselves and their children.



## Footnotes

1. Protective orders can offer powerful protection by legally banning abusers from returning to the victim's home, work, school or day care, and barring contact wherever the victim may be. When paired with a safety plan, protective orders are very effective at halting physical contact. See:

Logan, T.K., Robert Walker et al. The Kentucky Civil Protective Order Study: a Rural and Urban Multiple Perspective Study of Protective Order Violation, Consequences, Responses and Cost. National Institute of Justice Grant. 2009.

Logan, T, Walker, R, Shannon L, Cole, Jennifer. Factors Associated with Separation and Ongoing Violence Among Women with Civil Protective Orders. Journal of Family Violence. Vol. 23. No. 5, 377-385.

2. Carlson, Bonnie. Children exposed to intimate partner violence: research findings and implications for intervention, *Trauma, Violence & Abuse*, Vol. 1(4):321-42, 2000.

3. NCADV Fact Sheet on Economic Abuse- 2016. Wider Opportunities for Women, Policy Brief, Economic Security for Victims of Violence Against, Women, Justice System Sector Series, Washington, D.C. 2014, p.6.

Domestic violence survivors cite financial stability as the number one reason they did not flee their abuser. (Wider Opportunities for Women, "Policy Brief on Protection Orders & Survivors, Washington, D.C. 2009).

4. NCADV Fact Sheet on Economic Abuse. Common forms of economic abuse include 1) dictating when and how the victim can access or use cash, bank accounts or credit cards; 2) forcing a victim to give the abuser money, ATM cards or credit cards. 3) demanding that the lease or mortgage or assets be in the abuser's names; and 4) using the victim's checkbook, ATM card, or credits cards without the victim's knowledge.

5. Family and Youth Services Bureau, Domestic Violence and Homelessness Statistics (2016), June 2, 2016

6. Md. Code, Family Law, Subtitle 5 – Domestic Violence, § 4-506 (d) (e),

Significantly, 35 other states have added EFM provisions to their protective order statutes and over ¾ of states now authorize some forms of economic relief for victims and their children. Kay, Amanda, "Child-Related Relief in Protective Orders," National Council of Juvenile and Family Court Judges, Resource Center on Domestic Violence: Child Protection and Custody. Dec. 2016.

7. Length of child support cases: <http://dhr.maryland.gov/child-support-services/apply-for-support-services/receiving-support-frequently-asked-questions/>

8. Administrative Office of the Courts, Dept. of Family Administration, Maryland Judge's Domestic Violence Resource Manual, Policy Statement on Section e) Contents of Final Protective Order, revised May 2016, p. 28.

9. See <http://www.mdcourts.gov/eservices/dvmonthlypublicreports.html> for monthly DV data reports provided by the Maryland Administrative Office of the Courts. This data on numbers of cases with certain components cannot be annualized as cases may appear in more than one monthly report.

Court clerks may not fully record electronically either custody or EFM provisions in final orders. In Court Watch data, 54% of the parties had children in common, compared to the Montgomery County Domestic Violence Monthly Reports, which show custody arrangements in 35% of final orders.

Maryland's Administrative Office of the Courts may collect some EFM data that is unavailable to the public; other data may not be being collected electronically at all.

10. Volunteers collected data in 955 District Court cases from Sept 15, 2015 to August, 2016 and 708 protective order hearings in the County's District Courts from September 6, 2016 March 31, 2017. During this period, we documented 294 final protective orders granted to women with children.

11. Some petitioners with children in common with the abuser do not apply for EFM. Others are denied EFM by judges. There are numerous reasons for either outcome.

Petitioners who have been separated from their children's father for some time may already receive standard child support payments. Approximately 4% of our sample already had child support arrangements in place. Some petitioners worry that a request for funds will spark extreme anger, leading to dangerous violations of the protective order. Some petitioners feel EFM constitutes an ongoing connection with their abuser that may increase the chances that additional communication or contact with their abuser will be necessary. Petitioners may know that their abuser is working but are unable to prove it due to the "under the table" nature of the work. Respondents may be unemployed and unable to provide funds.

12. During the 2016 fiscal year (July 2015-June, 2016) a full 1,162 Montgomery County residents sought protective orders before or after regular courthouse hours, during evenings and weekends. See District Court of Maryland - Domestic Violence and Peace Order Report, FY 16. <http://www.courts.state.md.us/district/statistics/2016/fy2016.pdf>

13. Although some District Court judges feel that Circuit Court judges should handle domestic violence cases requiring emergency child support, it is a poor idea to require all survivors with children to have their protective order cases heard in Circuit Court.

Two-thirds of protective order cases are currently heard in Montgomery County's district courts, and that tends to serve survivors well. All cases that begin after hours at Commissioners' offices must go through District Court. Requiring a large number of protective order cases to be then transferred to

Circuit Court would add a week or more to the process and require an unnecessary additional step. Beginning at District Court also allows survivors who are not granted orders to appeal de novo to Circuit Court; there is no de novo appeal process if an order is denied at Circuit Court. Lastly, denial rates at Circuit Court continue to be significantly higher than in District Court, for no discernible reason.

14. Op Sit., Maryland Judge Domestic Violence Resource Manual, p. 39, citing Lynch v. Lynch, 342 Md. 509, 677 A.2d 584 (1996). civil contempt process - under MD. rules 5-206 and 15-204.

15. See Chief Judge of the Maryland Court of Appeals Mary Ellen Barbera's June 6, 2016 announcement on required continuing education on family law matters for all judges and magistrates who hear family law cases.

<http://www.mdcourts.gov/adminorders/20160606continuingeducationofjudgesmagistratescommissioners.pdf>

16. Wider Opportunities for Women, Protection Orders and Survivors: Policy Brief. October 2012, Washington, D.C.).

## Bibliography

Administrative Office of the Courts, Dept. of Family Administration, *Maryland Judges' Domestic Violence Resource Manual*, (May 2016 Ed.) Annapolis, MD 2016.

<https://courts.state.md.us/family/publications/dvmanualcomplete.pdf>

Administrative Office of the Courts, Dept. of Family Administration. STATS on District Court Emergency Family Maintenance % of Final Protective Orders with EFM, Annapolis, MD 2017.

Family & Youth Services Bureau, *Domestic Violence & Homelessness: Statistics (2016)*, June 2, 2016

[www.acf.hhs.gov/fysab/resource/dv-homelessnessstats-2016](http://www.acf.hhs.gov/fysab/resource/dv-homelessnessstats-2016)

Administrative Office of the Courts, Monthly Domestic Violence Data Reports  
<http://www.mdcourts.gov/eservices/dvmonthlypublicreports.html>

Carlson, Bonnie. Children exposed to intimate partner violence: research findings and implications for intervention, *Trauma, Violence & Abuse*, Vol. 1(4):321-42, 2000.

Court Watch Montgomery. All reports issued are available online at:

<http://courtwatchmontgomery.org/court-watch-montgomery-home/resources/publications/>

Logan, T.K., et al. The Kentucky civil protective order study: a rural and urban multiple perspective study of protective order violations, consequences, responses and cost. National Institute of Justice Grant. 2009.

Logan, T.K, Walker, R. Shannon, Jennifer Cole "Factors Associated with Separation and Ongoing Violence Among Women with Civil Protection Orders." *Journal of Family Violence*, Vol.14, No.2. 2009.

Kay, Amanda, "Child-Related Relief in Protection Orders." National Council of Juvenile and Family Court Judges, Resource Center on Domestic Violence: child protection and custody. Dec., 2016

<https://rcdcvpc.org/resource/child-related-relief-in-protection-orders.html>

Mary Kay Foundation, "2012 Truth About Abuse Survey Report," Mary K, Inc. Dallas, Tex., 2012.

Md. Code, Family Law, Subtitle 5 – Domestic Violence, § 4-506, et seq.

Synopsis of 1992 Amendments to Maryland Domestic Violence law, 5 Md. Fam. L.M. 18, 1992.

Md. Code, Family Law, Subtitle 12, §12-101--204 Child Support

Md. Rules, §15-206 & 207, Constructive Civil Contempt

Flowchart of Contempt Procedures for Protective Order Cases. Maryland Judges' Domestic Violence Resource Manual. (May 20216 Ed.) at p. 41

Md. Dept. of Human Resources, eChild Support, Worksheet.

<http://www.dhr.state.md.us.CSOCGuide/App/worksheetA.do>

Md. Dept. of Human Resources, Frequently asked questions on child support.

<http://dhr.maryland.gov/child-support-services/apply-for-support-services/receiving-support-frequently-asked-questions/>

National Bureau of Justice, Statistics: Intimate Partner Violence in the U.S.: Victim Characteristics 2016. <https://www.bjs.gov/content/pub/pdf/ipvus.pdf>

National Coalition Against Domestic Violence, Facts about DV and Economic Abuse, Fact Sheet, available on line at

<https://ncadv.org/files/Domestic%20Violence%20and%20Economic%20Abuse%20NCADV.pdf>

National Coalition Against Domestic Violence, Economic Abuse, Fact Sheet, at

[http://www.mmgconnect.com/projects/userfiles/file/dcestop\\_now/ncadv\\_economic\\_abuse\\_fact\\_sheet.pdf](http://www.mmgconnect.com/projects/userfiles/file/dcestop_now/ncadv_economic_abuse_fact_sheet.pdf)

National Coalition for the Homeless, *Fact Sheet: Domestic Violence*. July, 2009.

District Court On-line Forms, Petition for Protection from Abuse, CC-DC-DV-001 (Rev. 07/2016); Definition of Terms CC-DC-DV-001B (for use with CC-DC-DV-001), Financial Statement (CC-DC-DV-004), Petition for Contempt (CC-DC-DV-007)

<http://www.courts.state.md.us/district/dctcivforms.html#dv>

Renzuli, Kerry Anne, "Money Fears Keep Women in Abusive Relationships: Here's How to Change that." *Time*, Family Money, September 10, 2014

Shin, Laura, "I'll Take Care of the Bills: the Slippery Slope into Financial Abuse," *Forbes*, March 19, 2015.

<https://www.forbes.com/sites/laurashin/2015/03/19/ill-take-care-of-the-bills-the-slippery-slope-into-financial-abuse/#2ac6e220558d>

Sussman, Erika A. "The Civil Protection Order as a Tool for Economic Justice." *The Advocate's Quarterly*, 2006 Issue 3, Grant #2000-WL-VX-K002, Office of Violence Against Women, Washington, D.C.

Suter v. Stuckey, 398 Md. 3114, 920 A.2d 1058 (2007), p. 7.

Thomas, Christine, "Advancing the Economic Rights of Domestic Violence Survivors in Protection Order Proceedings." Battered Womens Justice Project, Civil Office, June, 2014.

Wider Opportunities for Women, *The Courts Guide to Safety & Economic Security for Victims of Violence Against Women*, Justice System Sector Series, Washington, D.C. 2014.

Wider Opportunities for Women, "Policy Brief, Protection Orders & Survivors," Washington, D.C.  
2009 [www.wowonline.org](http://www.wowonline.org)

Wolfer, Judith and Prof. Jane Murphy, "Domestic violence law poses challenges for the courts."  
Md. Family Law Monthly, June 1992.



Court Watch Montgomery is a 501c3 non-profit organization with over 70 volunteers.

We believe anyone experiencing intimate partner violence in Maryland should be able to easily obtain a protective order that fully and effectively protects them and their family.

We work to reduce domestic violence by creating lasting, systemic changes in how Maryland courts handle protective order and assault cases -- and highlight gaps in our domestic violence safety net that reduce the effectiveness of protective orders.

[courtwatchmontgomery.org](http://courtwatchmontgomery.org)

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