

Stand Up to Domestic Violence

Poughkeepsie Branch AAUW, Inc

FAMILY COURT MONITORING INITIATIVE



Background

- Since July 2010 through June 2016, 10 people have died in Dutchess County in incidents involving domestic violence.
- The AAUW believes that the prevention of violence towards women and children and the fair and thoughtful treatment of victims within the court systems are integral to our mission to promote gender equity.
- The Stand Up to Domestic Violence Program was created to document ***systemic*** failures in the local justice system that result in the re-victimization of women and children who have suffered domestic abuse.
- The goal of the program is to facilitate a dialogue, based on this documentation, between representatives of family and criminal courts, law enforcement, the District Attorney's office and non-profits that serve victims of domestic violence.

Process

- Information was first disseminated in Fall 2010 with a call for volunteers
- Initial training in February/March/April of 2011
- Monitoring began May 2011 in Family Court, IDV Court and Criminal Court, using a set of questions to get volunteers familiar with proceedings
- Data collection form established in November 2011
- Form revised (for Family Court only) in April 2012 and subsequent data collection was for Family Court only.
- The observation form used to collect data has been periodically revised, as issues rise to our attention and at the suggestion of court monitors, to clarify and improve the data collected and to maintain relevance.

Phase 1: Data Collection from May 2011 through July 1, 2013

- 258 Family Court cases monitored; cases about evenly distributed among the 3 sitting judges.
- Data collection and analysis done manually and then via surveymonkey.com (\$292 donation from one of the participants).
- 61 Criminal Court cases (Hyde Park) and 16 IDV Court cases monitored during this period
- The data collected was analyzed and presented to the 3 sitting judges on Dutchess County Family Court. The meeting was collegial with the judges expressing interest in the findings, discussing their perspectives about their large calendars and limited time and expressing interest in the variations in how they handle domestic violence cases.

Favorable Findings

- Minimal issues relating to demeanor in the court room, accommodations for special needs, victim safety, removal of firearms when acknowledged, disruptions in the court room, clarity of proceedings, decisions aligning with agency input, proper handling of cases of strangulation, and parental alienation syndrome
- 63% of the family offense petitions initially requested resulted in a full stay away order
- In cases involving visitation with the alleged abuser, 9% of the time no visitation was granted, 13% supervised by an agency, 38% supervised by a 3rd party

Findings of Concern

- A full and clear explanation of the OP was given just 60% of the time
- In initial proceedings, the existence of firearms was questioned in 18% of the cases
- In initial proceedings, the judge asked about other criminal matters in 20% of the cases
- Of the cases in further proceedings, 17% were settled by ACD (Adjournment in Contemplation of Dismissal)
- Temporary support was addressed in 4% of the initial petitions
- In 24% of the cases, parties who were expected (petitioner, respondent, attorneys, agencies) did not appear
- 10% of the OP petitions were withdrawn and 8% were dropped by the judge
- 11% of cases had an advocate present
- 2 cases were referred to mediation

Phase 2: Data Collection from 2014—2015: Partnership with The Fund for Modern Courts

- In September of 2014, AAUW-Poughkeepsie Chapter Court Monitoring Initiative was contacted by The Fund for Modern Courts for New York State and asked to partner with us in data collection for a study of the functioning of Family Court in Dutchess County. The Fund for Modern Courts is an independent, statewide court reform organization committed to improving the judicial system for all New Yorkers. The Fund provided training on the use of their observation forms to AAUW Court Monitors and to volunteers from the League of Women Voters who were also engaged by The Fund to collect data for this project.
- Over a period of 10 months, AAUW Court Monitors collected data on 208 cases brought before Family Court.
- The Fund for Modern Courts used our data and data collected by volunteers from the League of Women Voters. The Fund used this data and the concerns and suggestions expressed in follow-up meetings to issue a report in May 2016.

Favorable Findings by AAUW Court Monitors Related to Domestic Violence Cases

- Minimal issues were reported relating to: the judges beginning the proceedings by clearly presenting the specific issues to be heard that day (91%); judges speaking in easy to understand language that made the proceedings easy to follow while being thorough (99%); parties being informed of their right to an attorney and how to obtain assistance (99%); giving each party an opportunity to speak, asking each party if they had any questions and answering questions presented by parties and/or attorneys (94%).
- If an order of protection was issued, the judge gave clear directions to the respondent about the terms of the order, if present in the courtroom, in 97% of cases.

Findings of Concern by AAUW Court Monitors Related to Domestic Violence Cases

- The judge went over/explained each part of the Order of Protection to the victim in just 68% of the cases, an improvement of 8% from 2012.
- The judge informed the victim of domestic violence (petitioner) of the steps that must be taken if the order of protection is violated in 38% of cases.
- The judge informed the victim about available resources for assistance with domestic violence in 28% of cases.
- The judge tried to persuade/convince parties to settle the domestic violence case in 17% of cases.
- The judge clearly explained the expiration date of the order of protection in 69% of cases.

Phase 3: Data Collection Starting April 2016

- A core group of AAUW court monitors met and planned a day-long training for new court monitors. Training was held on March 30, 2016 and included presentations by representatives of the Public Defender's Office and Domestic Violence Services and by court monitors.
- This new phase of observation of domestic violence-related cases in Dutchess County Family Court and relevant data collection began in April, 2016.

Next Steps

- Schedule meeting with Family Court judges to discuss 2015—2016 findings by AAUW court monitors
- Review specific findings with advocate and service agencies
- Review observation form to ensure focus on items of concern
- Schedule meetings with current court monitors to provide on-going training and support and opportunities to improve data collection
- Plan and schedule next training opportunity for new court monitors
- Continue to monitor the now 4 sitting judges of Family Court and collect sufficient data to complete next valid report