



"I couldn't believe I could go one place to get my restraining order and everything else I needed...it was like the Verizon network of domestic violence was there for me in one place..."

Former FJC Client

**The Role of Judges and Courts in the Family Justice Center
Service Delivery Model
December 10, 2008
Prepared by Casey Gwinn, President**

The Family Justice Center movement is rapidly evolving around the United States and the world.¹ The concept of a Family Justice Center is simple and straightforward: Co-locating needed services and agencies for victims and their children in order to increase the effectiveness and efficiency of services. The goal is victim-centered program development through multi-agency, multi-disciplinary service delivery. The model rejects the categorical social service referral system which is so common today in the domestic violence intervention movement in favor of model that is more responsive to the needs of victims. The model prioritizes one location in order to make it easier for victims to receive the diverse support they need instead of making victims and their children subservient to the needs of established, bureaucratic systems and service delivery structures. In less than six years since the opening of the San Diego Family Justice Center in October 2002, Family Justice Centers have opened in more than forty communities around the United States, Canada, Mexico, and Great Britain. Today, there are more than sixty communities in the process of planning Family Justice Centers or modifying existing service delivery models to increase multi-agency participation through the on-site presence of staff members seeking to meet the needs of victims of domestic violence stalking, and sexual assault and their children. The model has been identified as a best practice in the field by the U.S. Department of Justice.²

¹ The National Family Justice Center Alliance provides training and technical assistance across the United States and around the world related to the development and operation of co-located, multi-agency, multi-disciplinary services for victims of family violence and their children. Go to www.familyjusticecenter.org for more information.

² See (www.usdoj.gov/ovw/pfjci.htm).

One of the pressing questions in the Family Justice Center movement relates to the role of courts and judges in communities where Family Justice Centers exist or are currently developing. In some communities, courts have already moved down the road of multi-agency, co-located services with court-based service delivery models that integrate the philosophy of co-located services with a specialized domestic violence court. Many of these models, however, are primarily focused on services to court ordered offenders and the coordination of those services. In contrast, the Family Justice Center model (as incorporated in the 2005 amendments to the Violence Against Women Act) rejects offender services being provided in the same location with victim services. The Family Justice Center's victim-centered model seeks to create locations where aggressors and abusers are not welcome and are not receiving services in the same place where victims come for help. The philosophy underlying this model is rooted in victim-safety considerations, danger reduction policies, and the expressed wishes of survivors in focus groups conducted in Family Justice Center communities across the country and around the world.

The pressing question, therefore, becomes: What is the role of judges and courts in communities where Family Justice Centers exist? How can judges and courts support the model and play a vital role in ensuring the success of this federally designated best practice model for co-located services to victims of domestic violence and their children? This issue is not a new one in the domestic violence movement. Many organizations have addressed the role of judges in dealing with domestic violence and many resources exist to guide judges in working with community collaborations focused on stopping family violence.³

Judges and courts can play and are already playing powerful roles in supporting the success of numerous Family Justice Centers around the United States. Technical assistance being provided by the National Family Justice Center Alliance is also assisting communities in identifying important roles for judges and courts to play. The primary ways judges and courts can partner with and support Family Justice Centers fall into four categories: Advocacy and Support Related to the Effective and Timely Administration of Justice; Participation in Planning Processes for Centers to Facilitate Coordinated Service Delivery; Development of Electronic and Video-Based Court Processes for Protection Orders and Related Hearings from Family Justice Centers; and Referrals of Petitioners to Family Justice Centers for Advocacy, Support; and Safety Planning. Each of these topics deserves to be addressed separately.

³ The American Judges Association (<http://aja.ncsc.dni.us/index.html>), the Center for Court Innovation (<http://www.courtinnovation.org>), the Center for Family Violence and the Courts (<http://www.ncsconline.org/famviol/index.html>), the National Center for State Courts (<http://www.ncsconline.org>), and the National Council of Juvenile and Family Court Judges (<http://www.ncjfcj.org>) have all produced materials to assist judges and courts in evaluating these issues.

Advocacy and Support Related to the Effective and Timely Administration of Justice

Judges and court personnel have a strong interest in the effective and timely administration of justice in the handling of civil and criminal cases involving family violence. Equal protection under the law, the protection of basic human rights, and consistent enforcement of laws designed to protect victims of domestic violence are all core responsibilities of local court systems in the United States. While judges are often concerned about the appearance of bias or partisan advocacy related to domestic violence intervention and prevention strategies, there is rarely a proper objection to judges that seek to ensure equal protection, and the protection of the rights of petitioners, respondents, the people/state, and criminal defendants. Much has been written on the role of judges in meeting the needs of victims of domestic violence.⁴

In communities across the country, local judges have played powerful roles in advocating for the creation of Family Justice Centers to create more effective service delivery systems to help victims of domestic violence and their children. More recently, communities are beginning to look at the simple concept of multi-agency, multi-disciplinary co-located services for offenders seeking to comply with treatment plans and other conditions of probation or parole based on court orders. Wraparound services for offenders and wraparound services for victims both advance the cause of fair, equitable, and timely administration of justice by the courts.

Inclusive planning processes for Family Justice Centers often create a more open environment for judges to participate if all service providers including the public defender's office and the family law bar are invited to participate in the early development stages of Family Justice Centers. Judges can be influential voices with local elected officials and policy makers in supporting best practices for victims of trauma and abuse. The specialization which occurs in a Family Justice Center is often similar in its positive impacts to the impacts realized through the use of specialized personnel in Domestic Violence Courts, Drug Courts, and other types of court-based interventions to address complex social problems. As is noted later in this position paper, early involvement of the courts will facilitate and expedite later efforts to have electronic filings and video communication with civil legal services available to victims at Family Justice Centers.

Participation in Planning Processes for Centers to Facilitate Coordinated Services

As noted above, judges and court personnel bring a wealth of experience to Family Justice Center planning processes given their expertise in the facilitation of coordinated services for customers of legal services in courthouses across the country. Often, such experience is particularly helpful in evaluating the myriad of legal issues which can arise in the processing of information related to the underlying allegations in criminal and civil cases involving domestic

⁴ See http://www.ncsconline.org/projects_Initiatives/Family/vol3No2.htm published by the National Center for State Courts.

violence. Judges and court staff played an important role through the San Diego Domestic Violence Council in the four year planning process for the San Diego Family Justice Center. They assisted in identifying how case filings would get to court and coordinated the electronic and manual processes to be used, the deadlines for such filings, and the expectations for the evidence to be included in such filings. They also assisted in later referring clients to the Family Justice Center from the court because of their knowledge of the services available at the Center.

California Supreme Court Chief Justice Ronald George has called for the participation of local judges in ensuring that legal services are available to all Californians and indeed formally endorsed the recommendations of the 2005 California Attorney General's Task Force on Domestic Violence and the call for the creation of Family Justice Centers across California.⁵ Leading judges in Washington, Oregon, Texas, Ohio, California, New York, and many other states have played important roles by participating in community-based planning processes seeking to enhance access to local legal services. In Family Justice Centers, civil legal services for both men and women who are victims of domestic violence become the #1 service requested by clients. Such a fact should compel local judges to participate in Family Justice Center planning processes particularly related to the provision of civil legal services and the interface of those services with the courthouse and courthouse personnel.

Development of Remote Access to Court for Protection Orders and Related Hearings

Family Justice Centers provide an excellent opportunity to increase access to justice and court-based services without bringing more traumatized victims of abuse and their children into the elevators, hallways, and courtrooms of local courthouses. Indeed, in virtually every Family Justice Center currently operating in the United States, local judges and court clerks and administrators have assisted in creating electronic or fax filing processes for ex parte protection order applications. In other communities, judges have supported video cameras to create communication on individual petitions between Family Justice Centers and the local Family Court. In each situation, the particular requirements must be addressed based on local or state court rules. But the result is often increased safety for victims of domestic violence and less work for court personnel dealing with victims of trauma and abuse in the hallways and offices of the courthouse. At the Pierce County Family Justice Center in Tacoma, Washington the courts worked cooperatively with the Center to create "kiosks" for the filing of protection order applications without having the petitioner in a courtroom in every case.⁶ In San Diego, the courts have allowed fax filing of protection order applications and the attendant paperwork

⁵ To obtain a copy California Attorney General's Report "Keeping the Promise: Victim Safety and Batterer Accountability" (June 2005) online, go to: <http://safestate.org/index.cfm?navId=9>.

⁶ See www.co.pierce.wa.us/pc/abtus/ourorg/fjc/index.htm for more information about the Crystal Judson Family Justice Center in Tacoma, Washington and the kiosks that make legal assistance to victims more accessible at the Family Justice Center, the YWCA, and other locations.

while the victim and his/her children remain at the Family Justice Center. Most recently, in Montgomery County, Maryland, the courts have required the creation of video hook-up to the Family Justice Center for the ex parte consideration of protection order applications but have not permitted fax or PDF filing of applications when the Center opens.

In focus groups conducted at many Centers, clients in Family Justice Centers have praised processes that allow them to avoid the fear and intimidation which accompanies traveling to a courthouse (often without legal representation) to apply for legal protection from a violent partner. Most Family Justice Centers have food, child care, and counseling services on-site along with civil attorneys to assist the victim with the filing of his/her ex parte paperwork.

As the Family Justice Center movement develops, Centers are evaluating the potential of using video communication, between the court and the Center, for child support hearings, custody hearings, and contested protection order hearings. It is clear that all strategies that can reduce danger to a victim or children and reduce the potential for a violent encounter in a courthouse or outside a courthouse are a win-win for the courts and for victims of abuse.

Referrals of Petitioners to Family Justice Centers for Advocacy, Support

The fourth major area where courts and judges can support Family Justice Centers involves developing referral procedures for pro per and represented petitioners in Family Court and victims in criminal cases who come to court seeking assistance. One of the most frustrating and challenging situations for court personnel is the angry, crying, upset victim of family violence who appears in a courtroom seeking to “drop charges” or “lift the stay away order.” Often, it is difficult for a judge to assess the dynamics of the abusive relationship in open court or based on a brief encounter between court personnel and the victim. The most common, unpleasant path is often the least effective: The judge asks the victim to stand in open court in front of many total strangers and describe the most intimate details of her life or share her heartfelt concerns about her partner going to jail or prison. In civil matters, it is often difficult for a judge to evaluate the danger to a victim from lifting a protective order based on a few minutes of interaction with the petitioner. Family Justice Centers offer an alternative to this challenging dynamic.⁷

Family Justice Centers offer a diverse team of civil and criminal justice professionals, advocates, medical professionals, counselors, chaplains, and other service providers to assist a terrified, traumatized abuse victim that comes to the courthouse seeking support. In communities with Family Justice Centers, courts have found the Center is an excellent partner in welcoming a referred victim from Family Court or the criminal court. As the relationship between Centers

⁷ Effective resources have been created for the courts to use when making such referrals. One excellent example is in Seattle, Washington. See www.protectionorder.org for more information about a federally funded resource site for victims of domestic violence seeking civil legal assistance.

and judges evolves, the potential exists for Center professionals to provide feedback to the courts similar to the work currently done in Child Advocacy Centers when courts are dealing with victims of child abuse. Though Family Justice Center professionals must be cognizant of confidentiality issues, most clients in Centers generally grant permission to their service providers to share information with others in order to enhance their safety. Feedback to the criminal court judge or family court judge from an advocate or other professional at a Family Justice Center can be of immense assistance to the judge attempting to determine the appropriate course for criminal or civil litigation.

Even in the absence of such feedback to the courts, however, having a single referral to use when concerned about the social and legal needs of a victim of domestic violence provides powerful assistance to the court system. Court personnel are not able to play all those advocacy and investigative roles represented in the professionals and volunteers in Family Justice Centers. Many Centers report that victims tend to utilize the criminal justice system less with wraparound social services in Family Justice Centers and Gael Strack and Casey Gwinn have documented that victims recant less and articulate far less refusal to “cooperate” with criminal justice system professionals when their safety, housing, medical, and mental health needs are being addressed by a coordinated team.⁸

⁸ See Gwinn, Strack, *Hope for Hurting Families: Creating Family Justice Centers Across America*, (Volcano Press 2006).