



Facilitating Access to Protection Orders— Technology Solutions to Overcome Barriers

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Introduction

Domestic violence remains pervasive and affects survivors' physical safety, emotional well-being, and ability to function in their day-to-day lives.

- A national survey reports that over 1 in 3 women (37.3%) experienced intimate partner physical violence in their lifetime, and 36.6% to 57.2% experienced psychological aggression by an intimate partner in their lifetime.¹
- Domestic violence accounts for 15% of all violent crime.²
- On September 13, 2017, domestic violence hotlines nationwide answered approximately 20,352 calls.³
- In 2016, forty-nine states, the District of Columbia, Guam, and Puerto Rico reported a total caseload of over 928,128 civil protection/restraining orders.⁴
- Victims of domestic violence lose a total of 8 million days of paid work each year.⁵

Civil and criminal protection orders are key justice system responses to domestic violence, sexual assault, dating violence, and stalking. Civil protection orders can be a critical tool for survivors to employ on their own behalf to stop a perpetrator's abusive behavior, prohibit further contact and access to firearms, obtain economic remedies and other relief, and create stability for themselves and their children. However, numerous barriers survivors can face in both their lives and the court process may impede them from obtaining important legal protections. This report focuses on court strategies that use technology to enhance survivor access to civil protection orders and strengthen victim safety.⁶

The Importance of Enhancing Access to Protection Orders

Survivors are at greater risk of harm from their abuser following a decision to leave the relationship or seek intervention. When survivors act on this decision, speed and ready access to assistance and remedies are critical to their safety. State protection order statutes vary on the specific procedures, scheduling, venues, and eligibility requirements governing access to civil protection orders (e.g., court jurisdiction, relationship of parties, types of qualifying behaviors or actions). In navigating the civil protection order system, survivors may encounter significant challenges in an

intimidating and time-consuming legal process to obtain a protection order. Examples of these challenges include:

- Time and transportation burdens
- Complicated, multiple step court processes
- Confusion about required court forms
- Lack of guidance on completing the petition accurately, clearly, and concisely
- Privacy and confidentiality concerns
- Fear of potential increased danger and other harmful consequences of seeking help from the courts
- Language and communication barriers experienced by survivors with limited English proficiency and Deaf people.

To address these challenges, state courts and partner agencies have implemented a variety of solutions to streamline the protection order process and provide petitioner support. In the past few years technology advances have fueled the development of more innovative tools and creative strategies to further improve survivor access to protection orders.

Strategies to Improve Access to Protection Orders

Current technology solutions enhancing access to protection orders include online interview-based petition generating programs, some of which have an electronic filing component; videoconferencing; processes that facilitate more immediate access to judges; and enhanced language access services for survivors with limited English proficiency. These approaches help bolster a survivor's sense of safety and security, provide greater clarity and guidance during the process, and relieve time, transportation, and scheduling burdens.

Online Petition Generating Programs

A survivor of domestic violence often petitions for an emergency protection order soon after a traumatic event, without legal representation, and with little or no familiarity with the overall judicial system or court environment. Self-guided, online programs developed by non-profit organizations, private vendors, and state judicial systems make the process of obtaining a protection order more accessible and efficient. The various programs share some common functionalities, but also differ in specific capacities.

Table 1 provides a high-level comparison of the benefits and capabilities of online petition generating programs.

Table 1: Comparison of Online Petition Generating Program Benefits and Capabilities	
Similarities of Programs	<ul style="list-style-type: none"> • Provide flexibility in choice of locations and times to complete petition online • Reduce courthouse appearances • Allow several options for filing completed petition (online, in person) • Guide petitioner through application process (structured interviews, instructions or other assistance) • Improve quality of petitions • Enhance timeliness and victim safety
Distinctions Among Programs	<ul style="list-style-type: none"> • Access points vary (private computer, advocate’s office, kiosks) • Petitioners may not have direct access; advocate assistance may be required • Sophistication of guided interviews varies • Fees may be required (for both court and petitioner) • Electronic filing of petition may be integrated, require separate process, or be unavailable

Most online petition programs allow users to access a self-guided petition completion program. Self-guided interviews make the complex petition easier to understand and can provide information or FAQs regarding the protection order process. Information is entered once and pre-filled across the form after it is entered, to save time and ensure consistency throughout the document. Prompts in the online interview and questionnaire ensure that the most relevant information is captured in the petition. At the interview’s conclusion, the program assembles the petition based on a template created by the court to match its paper form, allowing the petitioner to save and print the documents to take to a courthouse for filing.

In some cases, rather than printing the forms and taking them to the courthouse for filing, these programs allow petitioners to e-file their documents, or transmit their documents via some other electronic method, such as email or efax. Electronic transmission removes the paper portion of a protection order application and may eliminate the need for petitioners to travel to a courthouse. Eliminating the courthouse

appearance in the process further reduces wait times and increases the likelihood that survivors will achieve protection in a timely, and potentially life-saving, manner.

Non-Profit Online Petition Programs

There are several non-profit online programs that assist petitioners in creating their documents. LawHelp Interactive⁷ and Access to Justice Author (A2JAuthor)⁸ are examples of non-profit online software programs that several states use to extend access to protection orders beyond the courthouse.

LawHelp Interactive (LHI) is a project created by ProBono.net, a nonprofit organization whose mission is to increase access to justice through technology. Courts and legal service organizations in several states have contracted with LHI to create a template based on their state's paper protection order petition that integrates with the HotDocs document assembly program.⁹ The template is populated by the petitioner's answers to a series of online guided questions, and the protection order petition is created based on the information entered. Some jurisdictions allow petitioners to use LHI directly from court websites and some require petitioners to work through advocates or legal assistance organizations to access the LHI interviews. As of March 2018, several state court systems were using LHI for web-based protection order petitions, including Idaho, Illinois, Kentucky, Maine, Michigan, Minnesota, Montana, Nebraska, New York, Ohio, Texas, Washington, and some California counties.¹⁰

New York's Advocate-Assisted Family Offense Petition Program has successfully integrated LHI with electronic transmission of protection orders to the court.¹¹ This program requires petitioners to complete their protection order by working with domestic violence advocacy groups and legal service providers that have been approved by the court system. Advocates assist petitioners in selecting and completing the appropriate forms and then electronically transfer the forms to the court's case management system using a secure password. While this program requires the petitioner to file the signed petition in the court, the electronic transmission of the petition populates the case management system so the process can move more quickly when the petitioner arrives at the courthouse. By the end of 2016, most of New York's 62 counties had electronically filed over 7,000 protective order petitions through this program. New York

subsequently expanded this program and developed the Remote Access Temporary Order of Protection (TOP) Program, which created additional electronic filing capability and added video appearances in certain cases (for further information on this program see the videoconferencing section below).

In California, Contra Costa, San Bernadino, and Riverside Counties allow petitioners to access the LHI interview process from any computer and without advocate assistance. These counties also allow petitioners to electronically transmit their petitions using an email or e-fax transmittal system, which court clerks can then enter into the court's case management system. Although this method is more cumbersome than true e-filing, it eliminates the paper process and saves the petitioner a trip to the courthouse to file.

The A2JAuthor forms assistance program was developed in 2004 by Chicago-Kent College of Law's Center for Access to Justice and Technology, in partnership with the Center for Computer-Assisted Legal Instruction ("CALI"). This program creates interactive online interviews designed to be used with LHI templates for a state's court forms. A2JAuthor enhances the LHI interview and template with an improved user interface to collect information from the petitioner. Depending on court procedure, the completed petition can be printed, saved, or e-filed by integrating A2J with a court's case management system. A2JAuthor is free to any legal services organization, government entity, court, or other non-profit for non-commercial use. Legal Aid departments in Ohio and Nebraska make A2J Author available to protection order petitioners.

Commercial Online Petition Programs

Some courts use commercial programs to assist petitioners in creating protection orders for filing. Both TurboCourt¹² and Odyssey Guide and File¹³ offer online forms assistance for petitioners. Adobe Smart Forms is another commercial product that can offer petitioners some assistance in completing protection orders.

TurboCourt is a commercial, online, guided interactive forms assembly available to courts and other government agencies for a fee.¹⁴ Petitioners seeking to file a protection order can use TurboCourt to prepare and submit their documents without

having to enter the same information on multiple forms, and complete only forms that pertain to their circumstances. Petitioners are able to use this online service from any computer and prepare their filing from any location. The forms can then be printed and taken to the courthouse for filing or, if the court has enabled e-filing, they can be electronically delivered to the court. TurboCourt also offers an option to connect petitioners with the court and law enforcement through a combination of notifications and messages regarding case status and actions, and filers can access their documents, including any court generated orders remotely. TurboCourt also has the functionality available to produce and electronically transmit protection orders to the sheriff's office for service and, upon successful service, to send immediate notification of service to the petitioner, which enhances personal safety.

Tyler Technologies Odyssey Guide & File offers customizable guided interviews for completing petitioners. Oregon currently uses customized Odyssey Guide & File tools to assist petitioners in applying for, modifying, dismissing, challenging, or renewing protection orders. Petitioners generate the completed forms on any computer and take their paper documents to court for filing. To further facilitate filing these forms, Oregon created a uniform trial court rule that requires every Oregon court to accept any filing created through Guide & File. In the future, Oregon plans to allow petitioners to e-file applications for protection orders through Odyssey File & Serve, an e-filing program that connects to court case management systems. Several counties in California, including Kern and Orange, also offer Guide & File to complete protection order petitions, which petitioners then print out and bring to the courthouse for filing. California hopes to expand this service to other counties.

Minnesota uses Adobe Smart Forms to give petitioners some assistance in completing protection order forms. While they are not as interactive as LHI or Odyssey Guide & File, fillable smart forms have built in "intelligence," so that when an answer is entered in one field the it populates all the other fields on the form that ask for the same information. Based on petitioner answers to certain questions, the smart forms hide subsequent questions that are not applicable. For example, if a petitioner indicates that he or she does not have children, subsequent questions involving children will not

appear. After completing the Adobe Smart Forms, petitioners can choose to print their forms and file them with the court on paper or save the forms as PDF documents and e-file them through Minnesota's e-filing system.¹⁵

State-Developed Online Petition Programs

A few jurisdictions have designed their own programs to assist victims with completing protection order petitions online. Virginia has developed I-CAN! Virginia, an online protection order form completion program that simplifies the application process for victims. Petitioners can access I-CAN! Virginia directly through a link on the Virginia Judicial System's website.¹⁶ Users create an account with a PIN that allows them to save information to their account, so they do not need to complete the petition in one session. After petitioners have completed the online interview they can either print the generated petition and file it in person at the court or save it so court staff can access it online and print it at the courthouse upon request.

Similar to I-CAN! Virginia, Utah has developed the Online Court Assistance Program (OCAP).¹⁷ The website is specifically designed to assist self-represented litigants and includes online versions of protection orders. While petitioners cannot electronically file OCAP documents with the court, Utah is in the process of designing an e-filing component to remedy this limitation.

Indiana developed a web-based program called Advocate Access, which allows petitioners to complete and submit an online application for a protection order and avoid going to court.¹⁸ Unlike Virginia's and Utah's solutions, petitioners do not have direct access to the Advocate Access program. Instead, they complete the petition with a self-help center advocate who is credentialed with an individual user ID and password. When the advocate enters the electronic petition, it is filed directly with the court and a case is created in both the court's case management system and the Protection Order Registry (POR). A judge can access the petition via the web through the POR and issue the order. The order is instantly transmitted to state and federal databases and the court's case management system. The advocate can then access the order and print it for the petitioner.

Dedicated Kiosks

A few jurisdictions offer web-based access to protection orders through dedicated kiosks housed at locations in and outside of the courthouse.¹⁹ Pierce County, Washington pioneered the use of kiosks equipped with an in-house created petition generating software. Kiosks now are accessible in nine locations, including municipal buildings, the YWCA, the Family Justice Center, and advocacy organizations, where survivors receive assistance in completing petitions for temporary orders at the kiosk. The completed petition is sent electronically to the court clerk, who forwards it to a judge through the court's e-filing system. At the same time, the petitioner is given a PIN to use with the kiosk phone to call the Superior Court for a time to call back for the petition's status. The waiting time is typically about an hour, but always less than 24 hours, depending on the time filed. After the petitioner receives notice that the order is approved, the petitioner can return to the kiosk and print the order. Although this system requires the petitioner to take a copy to the sheriff's office for service, locating kiosks throughout the county offers a survivor both assistance and timely access to an emergency order without a courthouse appearance.

New Mexico has developed and piloted Domestic Violence Kiosks in three court locations to provide petitioners access to protection orders through the Odyssey Guide & File interactive interview. The interview can be conducted in both readable and audible formats (accessible using headphones) and begins with a short PowerPoint presentation on the relationships that qualify for a protection order under New Mexico's Family Violence Protection Act. At the end of the interview the kiosk prints out a list of statewide resources for domestic violence and sexual assault services. New Mexico plans to place additional DV Kiosks to other court locations.

Table Two compares the options and functionalities of some of the online petition generating programs described in this article.

Table 2. Online Petition Generating Program Characteristics for Example Jurisdictions

Jurisdiction	Solution	Generates petition through guided interview	Requires advocate assistance	Saves petition to account	Creates PDF to print	E-files petition	E-fax or Email files petition
California: Riverside, San Bernardino, Contra Costa	LawHelp Interactive	✓		✓	✓		✓
California: Kern and Orange	Odyssey Guide & File	✓		✓	✓		
Indiana	Internal		✓			✓	
Minnesota	Adobe Smart Forms	✓ (minimal interview)		✓	✓	✓	
Nebraska	LawHelp Interactive/ A2JAuthor	✓		✓	✓		
New Mexico	Odyssey Guide & File	✓		✓	✓		
New York	LawHelp Interactive	✓	✓	✓	✓	✓	
Oregon	Odyssey Guide & File	✓		✓	✓		
Ohio	LawHelp Interactive/ A2JAuthor	✓		✓	✓		
Utah	Internal			✓	✓		
Virginia	Internal	✓		✓	✓		
Washington (Pierce County)	Internal		✓		✓	✓	

Videoconferencing

The use of videoconferencing facilitates access to protection orders in jurisdictions that require a hearing on the petition for a temporary order. After filing a petition electronically or by fax, petitioners can appear before a judge remotely by video from a safe setting, such as a local hospital, domestic violence service provider, or a family justice center. The video link may be a dedicated line or a web-based video technology such as Skype. Video conferencing provides access to protection for petitioners who may not be able to travel to a courthouse due to injury, fear of encountering the abuser, time constraints, or lack of child care or transportation. At the remote location, petitioners receive guidance from an advocate and support from other domestic violence services.

Several jurisdictions across the country have implemented videoconferencing for protection orders. For example, North Carolina's *eCourts Civil Domestic Violence System* (ECCDV) has been adopted in eight counties and will expand to seven to nine more counties by the end of 2019.²⁰ ECCDV allows victims to electronically file all ex-parte protection order paperwork from a family justice center or other domestic violence service agencies and appear before a judge via videoconference using Cisco Jabber. North Carolina also is expanding this service to victims living on one of North Carolina's military bases, who will be able to e-file a civilian restraining order from the base.

In 2016, New York State began the Remote Access Temporary Order of Protection (TOP) Program, which allows petitioners to electronically file their petition and appear before a judge by videoconference if they can demonstrate that traveling to or appearing in court poses an undue hardship or creates a risk of harm.²¹ The program requires petitioners to work through advocacy agencies or other legal service entities that have obtained secure accounts to facilitate communication with the court and assist in video appearances via Skype. The program builds upon New York's Advocate-Assisted Family Offense Petition Program, described above, by adding the videoconferencing component and a paperless process using electronic signatures. As of October 2017, the program operated in fifteen counties, with nine more in line for launch and the intent to implement the program statewide.²²

Other jurisdictions using videoconferencing technology to increase access to protection orders include the District of Columbia, New Jersey, and Multnomah County, Oregon. The District of Columbia's Southeast Domestic Violence Intake Center allows victims at a local medical center to communicate with a judge via videoconference to obtain a temporary protection order. After an original pilot in one county, New Jersey implemented a statewide program that supports video links to judges from hospitals, domestic violence shelters, and at least one family justice center.²³ Finally, the Multnomah County Gateway Center, which provides advocacy, legal assistance, and other victim services, offers videoconferencing options for petitioners to interact with a judge without leaving the center.²⁴

24/7 Access to Judicial Officials

A court's calendar and business hours do not always align with a survivor's urgent need to have a protection order put in place. Jurisdictions are developing strategies to allow petitioners round-the-clock access to protection orders. In Indiana, the Advocate Access program can be used to file online petitions both during and outside of the court's business hours. A judge can view a petition submitted through Advocate Access/Protection Order Registry (POR) from any location at any time and issue an ex parte order. The electronic petition for the emergency order is processed immediately. The court can store the order electronically with an electronic signature or a signed paper petition can be filed later.

New Jersey's *Electronic Temporary Restraining Order (eTRO)* application is typically used by court staff during business hours to generate a petition based on the petitioner's responses to an interview conducted by court staff. The eTRO system is also used by law enforcement officers on weekends and other times when the court is closed. The officer follows the same interview process with the petitioner that court staff use to populate the petition and e-file it with the court.

Nebraska has implemented an electronic protection order process through its statewide case management system. The process immediately sends an email notification of a pending protection order request to the assigned judge, who can review the petition and draft a protection order in PDF form from any location. The petitioner's email address

is collected at the time of filing and email notifications can be sent immediately to alert petitioners of orders that have been granted or denied.

Magistrate offices throughout Virginia, in both rural and urban areas, also offer 24/7 videoconferencing as an option for obtaining protection orders. Videoconferencing is available during the regular business day and after hours, so petitioners can access the magistrate on duty from any police department. Law enforcement also uses this technology to communicate with magistrates after hours for protection orders, and officers are available to assist petitioners in using this technology at the police department.²⁵

Enhancing Language Access for Limited-English Proficient Survivors

Survivors of domestic violence who have limited English proficiency (LEP) face the daunting task of navigating a court system that operates primarily in a language they do not speak or understand. This is a major barrier to accessing protection orders. Some jurisdictions are addressing the language barrier by offering protection order technology solutions in multiple languages. For example, the I-CAN! Virginia program provides its online interview process in Spanish. New Mexico's Domestic Violence kiosks offer petitioners the option to complete the Odyssey Guide & File interview process in English, Spanish or Dine (Navajo). New Mexico believes that its Domestic Violence Kiosks provide greater access to LEP petitioners and individuals with low literacy, and to petitioners who do not have the benefit of any legal advocacy.

The Circuit Court for Washington County, Oregon enhanced its fillable form kiosks in 2014 to provide services in English, Russian, Spanish, and Chinese. In addition to these kiosks, Oregon also uses remote language access technologies to assist litigants. Language Line telephone handsets and "I Speak" Language Access Counter Cards at courthouse public counters facilitate access to interpreters for LEP customers. Using the "I Speak" cards, LEP customers can point to their language need and staff can call the Language Line to connect to the appropriate interpreter. The Language Line handsets are then used in a 3-way call in which staff, the interpreter and the LEP customer can communicate with each other. Further, Oregon's Court Language Access Services provided laptops equipped with Language Line Video Remote Interpreting

(VRI) to 15 courts across the state. This innovative technology allows an LEP individual to communicate with the court staff via two-way video. When an LEP individual arrives at the court counter and needs an interpreter court staff opens the VRI application and chooses the language needed. Within a short time, an interpreter appears on the computer screen and facilitates communication between the LEP individual and the court staff. Individual courts also have the option to install VRI on desktops at public counters to provide ASL interpreters for Deaf individuals.

Conclusion

Courts across the country have been implementing and enhancing technology solutions to increase petitioner access to protection orders. Technology has enabled courts, law enforcement, and victim service agencies to create innovative solutions that overcome long-standing challenges petitioners face in seeking protection orders. Interactive, online protection order assembly programs have improved the quality and timeliness of petitions by providing uniformity and guidance for petitioners as they complete their protection order filing. Availability of these programs online allows petitioners flexibility in deciding when and where to complete the form. Similarly, e-filing options can relieve the burdens of time and transportation constraints, enabling petitioners to file a protection order without visiting the courthouse. Videoconferencing ensures safety and timely processing domestic violence survivors who are in remote locations such as rural areas, shelters, or hospitals. Technology used in some jurisdictions facilitates access to judicial officers 24 hours a day, seven days a week to grant an emergency order of protection. Remote interpreting capabilities at the court counter and multilingual online petition generating programs are ways in which jurisdictions are enhancing language access for LEP survivors. Increased adoption of promising technologies like these can significantly reduce the numerous barriers that can stand in the way of survivors obtaining the relief from abuse that protection orders offer.

¹ [Smith, S.G., Chen, J., Basile, K.C., Gilbert, L.K., Merrick, M.T., Patel, N., Walling, M., & Jain, A. \(2017\). The National Intimate Partner and Sexual Violence Survey \(NISVS\): 2010-2012 State Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.](#)

² [Truman, J. L. & Morgan, R. E. \(2014\). Nonfatal domestic violence, 2003-2012.](#)

³ [National Network to End Domestic Violence \(2017\). 12th Annual Domestic Violence Counts Report.](#)

⁴ Court Statistics Project (CSP), National Center for State Courts. 2017. Data accessed 1/18/2018.

⁵ Rothman, E., Hathaway, Jr., Stidsen, A. & de Vries, H. (2007). [How employment helps female victims of intimate partner abuse: A qualitative study. Journal of Occupational Health Psychology, 12\(2\), 136-143.](#)

⁶ Information for this report was gathered from inquiries to the NCSC's VAWA and Courts listserv about technology solutions courts have implemented to increase access to and enforcement of protection orders, outreach to other OVW Technical Assistance providers, telephone interviews with court staff, and online searches.

⁷ See [LawHelp Interactive](#).

⁸ See [A2J Author.org](#).

⁹ While HotDocs is a for-profit entity, its Charitable Organization Program provides free tools to LHI that are part of LHI's interactive interviews. See: [HotDocs Donates in Excess of \\$2 Million Worth of Software to Nonprofit Legal Organizations.](#)

¹⁰ Some of the California Counties offering LHI from their court websites are: Contra Costa, El Dorado, Imperial, Riverside, San Bernadino, San Luis Obispo, Santa Clara, and SHARP Courts, a consortium of 13 Northern California Courts.

¹¹ See [New York State Courts Access to Justice Program 2016 Report to the Chief Judge and the Chief Administrative Judge of the State of New York.](#)

¹² See: [TurboCourt](#). The jurisdictions using TurboCourt change frequently. Information about current jurisdictions using this product can be found on the TurboCourt website.

¹³ See: [Tyler Technologies – Odyssey Guide & File.](#)

¹⁴ See: [TurboCourt](#). The jurisdictions using TurboCourt change frequently. Information about current jurisdictions using this product can be found on the TurboCourt website.

¹⁵ Although the Minnesota Judicial Branch requires electronic filing for all case types, self-represented litigants are exempt from this requirement and can choose to e-file or file on paper. As of April 2018, Minnesota reported that the use of electronic filing for protection orders was low. To further assist petitioners in completing protection orders, Minnesota is also piloting Odyssey Guide & File and hopes to eventually connect Guide & File to its e-filing system.

¹⁶ See [I-Can! Virginia](#).

¹⁷ See [Online Court Assistance Program \(OCAP\)](#).

¹⁸ See [Indiana Judicial Branch Self-Service Legal Center: Getting a Protection Order](#).

¹⁹ Washington County, Oregon also provides kiosks in the courthouse for completing protection order petitions in English, Spanish, Chinese and Russian. See section on “Enhancing Language Access for Limited-English Proficient Survivors.”

²⁰ North Carolina: [eCourts Civil Domestic Violence System Launches in New Hanover County to Increase Victim Safety](#).

²¹ New York State Unified Court System, [press release](#), November 4, 2016.

²² Office of the Statewide Coordinating Judge for Family Violence Cases, [Bi-Annual Report](#), June 2015-October 2017; and Office of the Statewide Coordinating Judge for Family Violence Cases, [Summer 2017 Newsletter](#).

²³ Hospital to Court Domestic Violence Safety Assistance Project [Brochure](#); and Safe House to Court Domestic Violence Safety Assistance Project [Brochure](#).

²⁴ The Gateway Center for Domestic Violence Services: [Restraining Orders & Multnomah County Circuit Court](#).

²⁵ Magistrates in Virginia can use this same videoconferencing technology for all case types, not just protection orders.