



Supplement to

**CIVIL  
PROTECTION  
ORDERS:**

**A Guide for Improving Practice**

**COURT STAFF  
COURT ADMINISTRATION**

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The National Council of Juvenile and Family Court Judges® (NCJFCJ), an affiliate of the University of Nevada, Reno since 1969, provides cutting-edge training, wide-ranging technical assistance, and research to help the nation's courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation's juvenile courts, the NCJFCJ has pursued a mission to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation's children and families.

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## COURT STAFF/ADMINISTRATION Introduction

In 2010, the National Council of Juvenile and Family Court Judges (NCJFCJ) published *Civil Protection Orders: A Guide for Improving Practice (CPO Guide)*, which contains strategies for various disciplines involved in the civil protection order process. This supplement addresses the role of Court Staff and Court Administration in improving civil protection order practice and provides concrete strategies for their involvement. A parallel supplement addresses the role of Community Supervision professionals.<sup>1</sup>

Court personnel, including both those in administrative or managerial roles and those who staff clerk's offices, intake centers, self-help centers, and other public-facing offices, are critical to the implementation of a fair and effective civil protection order (CPO) process. Because they interact with the entire range of litigants who come to the court as petitioners or respondents in CPO cases, they are uniquely situated to assess litigants' experiences in the court and to identify emerging issues and gaps or challenges created by existing processes. Their location at the center of the action in CPO cases means that they work on a daily basis with professionals from all of the multiple stakeholder groups involved in the CPO system, providing them with a system-wide perspective and a basis for engaging in meaningful collaboration to improve court processes.

But perhaps even more important than their ability to identify challenges and opportunities for systemic change, court staff often provide litigants with their first experience with a professional within the court system. The nature of this critical initial interaction sets the stage for how a litigant will experience the CPO process as a whole: will the court be a safe, helpful, trauma-informed, and accessible institution, or will the litigant be treated disrespectfully, dismissively, or with indifference as they attempt to navigate a complex, confusing, and stressful process? Court staff can help ensure that the experience for litigants is the former rather than the latter, through their interpersonal

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<sup>1</sup> Selected sources in these footnotes are reproduced at the NCJFCJ's web page on civil protection orders at <http://www.civilprotectionorders.org/#resources>.

skills and ability to create a welcoming, helpful environment that persists throughout the entire court process.

This supplement to the original *CPO Guide* was written *by court personnel* to provide useful guidance *for court personnel* on creating and sustaining a CPO court process that provides safety, autonomy, and justice for victims of domestic violence in a neutral manner that protects the rights of all respondents.

**What specific roles do court staff play in the effective issuance and enforcement of civil protection orders?**

***Court personnel ensure that the court is accessible to all litigants, especially those from underserved communities***

Ensuring access to justice is a core function of courts, and court personnel are at the forefront of those efforts. Court personnel, who interact daily with a diverse array of litigants, can identify physical, language, and cultural barriers to court access experienced by those litigants with CPO cases. They can ensure that court signage and informational materials are designed to be understood by litigants, and that those needing additional assistance get it from the appropriate service providers. They can ease the burden of obtaining information and filing for relief by using technology and other means of remote access. And they can collaborate with community-based organizations working with underserved communities to inform individuals about the CPO process, the available relief, and how to initiate a case, as well as to learn more about how to maximize access to the courts for those communities.

***Court personnel provide meaningful assistance to all litigants, especially those who are self-represented***

True access to justice for litigants requires that they can make choices and seek relief based upon accurate information, and that they are able to navigate the CPO court process safely and effectively. Well-trained court personnel are able to provide much of this assistance to litigants, within the confines of their professional and ethical responsibilities.

***Court personnel identify opportunities to improve the CPO process and meet emerging needs of litigants, and work with other stakeholders to develop and implement new strategies***

With their front-line vantage point of the CPO process and daily interaction with the key professional stakeholders and with litigants, court personnel are uniquely positioned

to identify problems and gaps as they arise and bring them to the attention of others in the system. By spotting opportunities to streamline and simplify processes and eliminate barriers for litigants, court personnel can facilitate efforts by courts and allied professionals to enhance access to justice for litigants. They also bring practical experience and a hands-on understanding of the CPO system to conversations aimed at developing and implementing more effective approaches, and so can be critical participants in assessment and problem-solving activities.

***Court personnel understand and deploy technology to ensure better access for litigants and to improve efficiency of court processes (with the needs of litigants at the forefront)***

Courts across the country increasingly are deploying modern communication and other technologies to improve access for litigants and render the system more efficient and responsive to the courts' and other stakeholders' needs. In the context of CPO cases, implementation of remote filing and other innovations demands careful attention to safety, confidentiality, and other considerations. In addition, ensuring that technology actually benefits litigants, and does not only serve courts' and other professionals' needs, should be a focus of these efforts. Court personnel who understand domestic violence, effective protections for victims and their children, and litigants' needs can prevent technological "solutions" from jeopardizing litigants' safety or impeding their ability to obtain needed legal relief.

***Court personnel promote and engage in collaborative efforts with multi-agency, multi-disciplinary partners***

Effective court personnel recognize that working alone the court cannot possibly identify and address all of the gaps and impediments that prevent the CPO system from providing true access to justice for litigants. By collaborating with other system stakeholders, court personnel are able to obtain a broader, more diverse perspective on how the CPO court process is functioning and can draw upon a deeper understanding of the challenges to develop new processes and approaches. They also can offer feedback to partner organizations regarding the court's perspective on issues related to the CPO process. In addition, court personnel who understand the needs of victims and their children recognize the importance of facilitating access to community-based service providers. Court personnel promote greater access to services by collaborating with such organizations to implement referral processes and, in some cases, by inviting organizations to staff a courthouse office to provide on-site services to litigants.



# PRACTICE STRATEGIES

## Strategy #1:

### Ensure a safe courthouse environment

- **Implement best practices for building and courtroom security to provide safety for all court personnel and users.<sup>2</sup>**
- **Adopt specific safety practices for civil protection order cases; consider:**
  - Separate entrances and waiting rooms for victims and respondents
  - Separate and safe seating of victims and respondents in the courtroom
  - Physical presence of security officers throughout courthouse, including in courtrooms
  - Use of separate departure times for petitioners and respondents
  - Security escorts
  - Training for security personnel regarding safety practices and the particular risks in protection order cases
- **Engage in a safety audit for judicial officers and court personnel (the National Center for State Courts can assist with this).<sup>3</sup>**
- **Adopt a protocol for court staff and court-based service providers for handling situations in which both parties are present in the courthouse at the same time to file for CPOs; consider ways to keep parties separated and ensure confidentiality.**
- **Develop a protocol and provide training to court staff (including clerks of court and bailiffs/security personnel) regarding how best to help de-escalate situations in DV cases.**
  - Use panic buttons or code words and adopt emergency response protocols for staff.

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2 For specific guidance on court security, see *Steps to Best Practices for Court Building Security* (National Center for State Courts), <http://cdm16501.contentdm.oclc.org/cdm/singleitem/collection/facilities/id/170/rec/6>.

3 See Physical Security Checklist (National Sheriffs' Association), <http://ncsc.contentdm.oclc.org/cdm/ref/collection/facilities/id/178>.



# PRACTICE STRATEGIES

## Strategy #2:

### Comply with all confidentiality requirements imposed by law

- **Adopt protocols (and/or code of conduct provisions) for court personnel that ensure confidentiality for litigants and children in CPO cases.**
  - Ensure that protocols incorporate all state laws and court rules regarding confidentiality of records and proceedings.
  - Ensure that protocols adhere to confidentiality requirements without creating unnecessary barriers to enforcement of orders (for example, rather than sealing an entire court record, which could impede enforcement, keep confidential only the information that must be so protected under governing law and court rules).
  - Provide training on all confidentiality requirements for court staff.
  - Include specific guidance to court staff regarding what information must be kept confidential and specify practices to ensure that such information is not accessible on forms, in publicly available records, etc.
  - Explain whom confidentiality of information is intended to protect (generally, petitioners, not respondents or the court).
  - Include information on differences in confidentiality that apply to information in different types of cases (CPO cases versus dissolution/support/custody cases) and any distinction made between information that is publicly accessible and information that is accessible only to the court or to another court.
- **Provide all litigants with information about whether confidentiality attaches to any information provided to the court, how to request that information remain confidential, and whether any information may be shared among components of the court or with another court.**
  - Comply with statutory address confidentiality requirements and provide litigants with information and assistance regarding how to apply for such protections.

- Consider partnering with a victim advocacy organization to provide this information to victims<sup>4</sup>; for respondents, self-help centers or other strategies should be considered.
- Conduct outreach to court constituencies, including immigrant populations,<sup>5</sup> to inform them of available confidentiality protections.
- **Comply with confidentiality/privacy requirements imposed on OVW grantees by the Violence Against Women Act (VAWA), 42 U.S.C. § 13925.**
  - Generally, VAWA prohibits sharing of personally identifying information about victims without informed, written, and reasonably time-limited consent.
- **Provide court personnel with guidance regarding confidentiality in information sharing among courts and/or court components, including through the use of technology (both private and public-facing, such as court websites).**
  - Existing laws and court rules may address these topics.
  - Consider adopting a court document access security matrix that governs access to documents by different user types (electronic case management systems can include such a matrix).<sup>6</sup>

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4 In Washoe County (Reno), Nevada, the court partners with a community domestic violence services program to provide petitioners with information about confidentiality in the CPO system. The topic may be quite complex and might not lend itself to handouts or brochures as information sources.

5 Outreach to immigrant populations in particular requires a partnership with community-based organizations serving those populations. It is critical that immigrant victims have an opportunity to carefully discuss the risks and benefits of seeking court relief, even with strict confidentiality standards, with a trusted advocate, attorney, or other qualified advisor. This is not a court function, of course, but courts should strive to maintain collaborative relationships with agencies that can provide such services. For guidance regarding such relationships, see *Fact Sheet: Collaborating with Victim Service Agencies* (Center for Court Innovation), [http://www.courtinnovation.org/sites/default/files/documents/dvwork\\_advocates.pdf](http://www.courtinnovation.org/sites/default/files/documents/dvwork_advocates.pdf). Examples of such an approach include those found in Florida

6 Examples of such an approach include those found in Florida (<http://www.floridasupremecourt.org/clerk/adminorders/2015/AOSC15-18.pdf>) and Maine ([http://www.courts.maine.gov/maine\\_courts/committees/tap/V-E-3-FLAccessMatrix.pdf](http://www.courts.maine.gov/maine_courts/committees/tap/V-E-3-FLAccessMatrix.pdf)).





# PRACTICE STRATEGIES

## Strategy #3:

### Maximize access to justice through the civil protection order system for all community members

- **Provide meaningful language access (including for Deaf and Hard of Hearing litigants) to court processes.**
  - Develop a language access plan that incorporates best practices.<sup>7</sup>
  - Provide interpretation services for all court hearings.
    - Ensure that all interpreters are trained on domestic violence and how to interpret safely and effectively in such cases, as well as how to comply with confidentiality requirements.<sup>8</sup>
  - Strive to provide (or work with community partners to provide) interpretation services for litigants in non-hearing courthouse settings (clerk's office, etc.).
    - Use "I Speak" cards, signage, and other means to assist non English

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7 For further guidance and examples, see *Increasing Language Access in the Courts Toolkit* (National Latina Network/Casa de Esperanza 2015), [http://nationallatinanetwork.org/images/files/Increasing\\_Language\\_Access\\_in\\_Courts\\_ToolKit\\_Eng\\_FINAL.pdf](http://nationallatinanetwork.org/images/files/Increasing_Language_Access_in_Courts_ToolKit_Eng_FINAL.pdf); *Language Access Toolkit: Resources for the Courts* (webpage: The Judicial Branch of California), <http://www.courts.ca.gov/lap-toolkit-courts.htm>; *Effective Court Communication: Assessing the Need for Language Access Services for Limited English Proficient Litigants in Domestic Violence, Sexual Assault, Dating Violence, and Stalking Cases* (National Center for State Courts and Center for Court Innovation), [http://www.courtinnovation.org/sites/default/files/documents/LEP%20Needs%20Assessment%20Report\\_FINAL.pdf](http://www.courtinnovation.org/sites/default/files/documents/LEP%20Needs%20Assessment%20Report_FINAL.pdf). In addition, the National Center for State Courts and the New Mexico Center for Language Access have developed the Language Access Basic Training online course to "ensure that all court employees have a basic understanding of their ethical and legal obligations, as well as current best practices in serving limited English proficient and non-English speaking individuals." <http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/Resources-for-Program-Managers/Language-Access-Basic-Training.aspx>. NCSC's Language Access Services Section (LASS) contains a host of resources for courts, program managers, and interpreters on enhancing language access in the courts; the Program Managers' section provides resources for states on developing language access plans, etc.: <http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/Resources-for-Program-Managers.aspx>.

8 Contact the Asian Pacific Institute on Gender-Based Violence for information and resources on domestic violence training for court interpreters; see <http://www.api-gbv.org/organizing/interpretation.php>. In addition, the National Center for State Courts provides an introductory online course on *Interpreting for Domestic Violence and Sexual Assault Cases*, available at <https://courses.ncsc.org/course/lep>.

proficient litigants.

- Translate all court forms, including petitions, supplemental documents, and informational materials for petitioners and respondents into languages used by the communities served by the court.
  - Use inter-linear forms and/or side-by-side guides.
  - Provide translated documents on the court website.<sup>9</sup>
  - Employ a mechanism to ensure quality of translations.<sup>10</sup>
- Ensure written and online materials are provided in multiple languages and written in an accessible way.
  - Work with community partners, including victim advocacy organizations serving specific populations.
  - Work with partners to publicize the availability of such materials; note in all materials that interpreters are available to assist litigants with court processes.
- Consider allowing litigants to file petitions and other documents in a language other than English.
  - One approach, sometimes used for temporary CPOs in the Washington, D.C. Superior Court, is for the court to accept petitions completed in Spanish, with qualified court staff translating the filing into English and both copies scanned into the court docket. Some judges will sign both English and Spanish orders, once bilingual staff verifies their equivalency.
- While any delay in entry of the final order should be avoided in CPO cases, if absolutely necessary due to the time required to translate documents, encourage judicial officers to enter interim orders addressing safety of petitioners and children to ensure that any delay does not present a safety issue.
- **Ensure that court processes and services are culturally responsive.**
  - Collaborate with community partners to conduct outreach to underserved populations.

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9 For examples, see California: <http://www.courts.ca.gov/1271.htm?rdeLocaleAttr=es>; Maryland: <http://www.courts.state.md.us/courtforms/joint/ccdcdv00tbls.pdf>; and Wisconsin: [https://www.wicourts.gov/forms1/circuit/ccform.jsp?FormName=&FormNumber=&Language=es&beg\\_date=&end\\_date=&StatuteCite=&Format=&Category=](https://www.wicourts.gov/forms1/circuit/ccform.jsp?FormName=&FormNumber=&Language=es&beg_date=&end_date=&StatuteCite=&Format=&Category=)

10 See *Guide to Translation of Legal Materials* (National Center for State Courts 2011), <http://ncsc.contentdm.oclc.org/cdm/ref/collection/accessfair/id/232>.

- Potential vehicles include health fairs, advocacy-based clinics, or public outreach/info sessions through public housing councils.
- Consider holding listening sessions at convenient times in communities with underserved populations to learn more about their needs and challenges to utilizing the court.<sup>11</sup>
- Work with advocacy and other community organizations to develop a plan tailored to the particular groups the court is attempting to reach; note that not all constituents read brochures or online materials, and therefore other means should be used for outreach.
- Outreach efforts should provide communities with information regarding language and culturally responsive help available at the courthouse.
- **Provide support and services to increase access to justice for self-represented litigants.**
  - Provide guidance for court staff regarding how to assist self-represented litigants to have a meaningful hearing before the court, including how to provide information without engaging in the unauthorized practice of law.
  - Develop court-based resources for self-represented litigants regarding the CPO process, including the relief available and how to request it.
    - Resources to consider include self-help clinics, court “concierges” and helpdesks, and informational brochures and other written materials.<sup>12</sup>

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<sup>11</sup> The family court in Hennepin County (Minneapolis) convened such sessions to learn from Native Americans how they could better serve that community; as a result, they introduced new policies and practices that resulted in increased use of the court by the Native American population in Hennepin County. In Washoe County (Reno), NV, Project Homeless Connect is an annual event in which the county courts participate where underserved populations can access the services they need in one location; court staff are available to answer questions and connect folks with court resources. In 2015 and 2016, the Montana Supreme Court Access to Justice Commission conducted seven listening sessions across the state including multidisciplinary representatives and community members, addressing the needs of several underserved populations, including indigenous communities, homeless, seniors, those with limited English proficiency, veterans, and victims of abuse. Information about the sessions, resulting reports, and a short video on the sessions can be found at <https://courts.mt.gov/courts/supreme/boards/a2j>. Examples of outreach to communities by California courts are described on this website: <http://www.courts.ca.gov/5291.htm>.

<sup>12</sup> The Domestic Violence Division of the Cook County Circuit Court has developed brochures for litigants with children describing available child-related relief in civil protection orders and information about how to seek it. In addition, the court’s Help Desk interviews victims to help determine if they are interested in pursuing a CPO, and conducts a triage system which helps connect litigants with service providers, including on-site agencies, that can provide specific assistance and/or advice. Factual information about what relief is available, risk assessment, resources and what to expect in court are also provided in written form to all self-represented litigants, in both English and Spanish. Many other jurisdictions offer plain-language brochures and informational materials about the CPO process for litigants, including Colorado (<https://www.courts.state.co.us/userfiles/File/Media/Brochures/restraining.pdf>), Kentucky (<https://courts.ky.gov/resources/publicationsresources/Publications/P123ProtectiveOrderBooklet.pdf>), and West Virginia (<http://www>.

- Collaborate with community-based organizations to provide support and services to assist self-represented litigants throughout the CPO process.
- Assume responsibility for helping litigants to understand all court orders, without engaging in unauthorized practice of law or other practices forbidden by professional ethics.<sup>13</sup>
- **Facilitate litigants’ ability to obtain legal services.**
  - Host court-based legal services programs and make general referrals to on and off-site legal service providers.<sup>14</sup>
  - Collaborate with partner organizations to develop and promote pro-bono representation programs in the community.
    - Consider collaborating with legal service providers to offer training programs on protection orders that provide continuing legal education credits to potential pro bono attorneys who agree to represent petitioners in CPO cases.<sup>15</sup>
- **Maximize victims’ access to temporary protection orders during non-court hours.**
  - Access may be made available through law enforcement (who contact an assigned emergency judicial officer) or court staff.<sup>16</sup>

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[courts.wv.gov/lower-courts/pdfs/DomViolence.pdf](http://courts.wv.gov/lower-courts/pdfs/DomViolence.pdf)).

13 For guidance on how court personnel may assist litigants without engaging in prohibited activities, see <http://www.txcourts.gov/media/1220087/legalinformationvslegaladviceguidelines.pdf> and <http://www.courts.ca.gov/documents/mayihelpyou.pdf>.

14 Many courts provide space for and partner with legal services providers to provide same-day legal advice and/or representation for litigants in CPO cases, sometimes in conjunction with court self-help centers. Examples include: Cook County (Chicago), Illinois (<http://www.dvlcchicago.org/get-help/emergency-services-division/>), Hennepin County (Minneapolis), MN, Los Angeles County, CA (<https://www.lacba.org/domestic-violence-legal-services-project>), and Maryland (<https://hruth.org/get-help/legal-services/>). The Second Judicial District Court in Washoe County (Reno), NV hosts the Lawyer in the Library program, which connects self-represented litigants with licensed attorneys in a specific area of the law, including family law (<https://www.washoecounty.us/outreach/2017/04/2017-04-17-lawyer-library.php>). Other courts, including in New York, offer “Lawyer for a Day programs” on a rotating schedule, with services available face-to-face or remotely using telephone or internet communication. A growing number of states are also providing legal services via remote services delivery mechanisms (i.e., video, live chat, email, dedicated websites) or in conjunction with face-to-face services. Additional information and resources can be found on NCSC’s Center for Access to Justice for All: <http://www.ncsc.org/atj>.

15 The Cook County Circuit Court’s Domestic Violence Division recruited pro bono attorneys from major law firms and partnered with a legal service provider to serve as a mentor to these attorneys once they had a case. The court and the legal service provider jointly train volunteers. The court’s Help Desk connects litigants to these pro bono attorneys in partnership with the legal services provider.

16 Examples of jurisdictions offering 24-hour access include: Maryland, Pennsylvania, Vermont, Washoe County (Reno), NV, and others.

- **Explore electronic filing (e-filing), use of kiosks, web-based resources, and other mechanisms to facilitate safe filing of petitions and gathering of information by victims.**
  - Examples of courts that have adopted e-filing include New York City; Washoe County (Reno), Nevada; Multnomah County (Portland), Oregon (also provides videoconferencing for remote appearance before the court); and Pierce County (Tacoma), Washington (uses kiosks found throughout the county, including at victim advocacy organizations).<sup>17</sup>
  - When introducing remote filing, engage in community outreach to publicize its availability and how to obtain access; in addition, courts have found that when implemented without designated personnel to assist litigants with use of the technology, remote filing can be under-utilized—litigants desire a human touch and someone who can answer questions and provide guidance if needed.
- **Work with partner organizations to provide child care and other services to make the court litigant and family-friendly.**<sup>18</sup>
  - Consider collaborating with community partners to offer supervised visitation and exchange services in the courthouse.<sup>19</sup>
- **Conduct, in collaboration with community partners, public outreach to inform court constituencies about the availability of legal relief through the CPO system.**
  - Make it clear to potential petitioners that CPOs are an available option even for victims who have not yet decided to leave their abusers.

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17 General guidance regarding remote access may be found at [http://www.srln.org/system/files/attachments/Remote%20Guide%20Final%208-16-16\\_O.pdf](http://www.srln.org/system/files/attachments/Remote%20Guide%20Final%208-16-16_O.pdf).

18 For information regarding court-based children’s waiting rooms and child care centers, see <https://www.ncsc.org/Topics/Courthouse-Facilities/Courthouse-Design-and-Finance/Resource-Guide.aspx>. An example is found in Cook County, IL, which has “children’s rooms” that offer child care to any parent, petitioner or respondent, who has a child accompanying them to court. Protocols addressing security and access are in place and parents are offered this resource by the courts Help Desk and other court personnel.

19 For example, the Washoe County (Reno), NV Family Peace Center provides on-site supervised visitation and exchange services at the courthouse. In Cook County, IL, through the Family Court Enhancement Project, the CPO court has established a Supervised Visitation Court Liaison who works for one of the supervised visitation centers but serves as a conduit to all the centers and assists the litigants and the court in accessing those services pursuant to a court order. For further information, consult the Safe Havens Supervised Visitation and Exchange Program’s 10- year retrospective report on lessons learned during the project, which was a demonstration initiative funded by the Office on Violence Against Women, U.S. Department of Justice. The report provides myriad resources for communities who seek to establish or enhance supervised visitation and safe exchange programs to serve families affected by domestic violence, and offers guidance regarding the leadership role that judicial officers and others can play in a collaborative approach to the issues. The report may be obtained online at <http://www.ncjfcj.org/Safe-Havens-Retrospective>.



# PRACTICE STRATEGIES

## Strategy #4:

### **Explore and consider adoption of alternative court models and other innovative processes to improve response to domestic violence cases**

- **Examples of alternative court models to consider include the following:**
  - Integrated domestic violence courts: usually based on one family/one judge model, with criminal cases and related civil matters heard together.<sup>20</sup>
  - Unified Family Court: also generally one family/one judge, with all civil (not criminal) matters involving a family heard by the same judge.<sup>21</sup>
  - Coordinated Court: uses separate criminal and civil domestic violence dockets, but locates them in the same “division” and coordinates the cases, with a unifying goal of safety for victims and children and accountability for offenders.<sup>22</sup>
  - Other models include specialized or dedicated civil protection dockets within more general court settings.
- **Even if such models are not implemented, courts should recognize that many of the benefits of these approaches may be achieved through effective calendaring or other means that do not require grant funding or large resource expenditures.**
  - “Isolating” particular dockets can yield benefits in terms of efficiency, informed decision-making, clarity for litigants, etc.
    - Examples of separate dockets could include cases involving children, those requiring interpretation, compliance matters, and modification matters.

<sup>20</sup> See <https://www.courtinnovation.org/programs/domestic-violence-court>.

<sup>21</sup> For example, North Carolina, see <https://www.nccourts.gov/courts/family-court> and Florida, see <https://www.jud11.flcourts.org/About-the-Court/Court-Divisions/Family>.

<sup>22</sup> One example is the Cook County Circuit Court’s Domestic Violence Division, which functions as a coordinated court in a very high-volume, urban setting. See [http://www.courtinnovation.org/sites/default/files/attachments/page/Winnebago\\_County\\_Fact\\_Sheet\\_final.pdf](http://www.courtinnovation.org/sites/default/files/attachments/page/Winnebago_County_Fact_Sheet_final.pdf).



- **When exploring possible court models, recognize that CPO cases cannot be treated in isolation; the relationship between such cases and other matters, both civil (custody, divorce, parentage, etc.) and criminal needs to be carefully considered.**<sup>23</sup>
- **Recognize that one important goal for specialized courts or dockets is more timely relief for petitioners.**
- **Make calendaring/scheduling decisions that strike an appropriate balance between several competing needs:**
  - Schedule domestic violence case dockets to maximize the time available for judges to hear cases, minimize time to disposition (prioritize scheduling of these cases), and enable community partners to provide assistance to litigants.<sup>24</sup>
  - Consider the balance struck between efficiency for the court and attorneys (by dealing with all issues at one time) versus victims' ability to take time off work and be present at the courthouse for extended periods.
  - Consider the balance between court efficiency and need to devote sufficient court time to appropriately address complex issues.
    - Efficiency and timely decision-making is paramount in emergency *ex parte* hearings; the balance may be different for hearings on final orders.
- **Consider developing a resource coordinator/case manager position for the CPO docket whose role may include:**<sup>25</sup>
  - Preparing respondent and victim information for the judge (including other court matters involving the parties)
  - Holding agencies accountable for accurate and prompt reporting
  - Identifying any problems that challenge court components
  - Screening and referring respondents to court-mandated programs
  - Coordinating information with law enforcement and other external stakeholders

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23 For guidance on the relationship between CPO cases and long-term custody and visitation cases, see Custody and Visitation in *Civil Protection Orders: Guiding Principles and Suggested Practices for Courts and Communities* (NCJFCJ 2017), [http://www.ncjfcj.org/sites/default/files/NCJFCJ\\_CPO\\_GuidingPrinciples\\_Final\\_08022017.pdf](http://www.ncjfcj.org/sites/default/files/NCJFCJ_CPO_GuidingPrinciples_Final_08022017.pdf).

24 For suggestions regarding CPO case management and related issues, see *Recommended Guidelines and Practices for Improving the Administration of Justice in Domestic Violence Cases* (California Administrative Office of the Courts 2008), [http://www.courts.ca.gov/documents/dvpp\\_rec\\_guidelines.pdf](http://www.courts.ca.gov/documents/dvpp_rec_guidelines.pdf)

25 For example, these roles are fulfilled by DV Resource Coordinators in New York's Domestic Violence Courts Program; see [http://www.courtinnovation.org/sites/default/files/documents/Resource\\_Coordinator\\_Fact\\_Sheet.pdf](http://www.courtinnovation.org/sites/default/files/documents/Resource_Coordinator_Fact_Sheet.pdf) for additional information about the roles of resource coordinators in DV courts.

- **Take steps to avoid issuance of conflicting court orders.**
  - Consider developing a “conflicting orders calendar” to address the problem.<sup>26</sup>

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<sup>26</sup> The Thurston County (Olympia), Washington Superior Court implements a dedicated conflicting orders calendar, focused on eliminating conflicts between non-contact criminal orders and civil protection orders issued by the Superior Court. Litigants with conflicting orders may request a hearing to resolve the conflicts.





# PRACTICE STRATEGIES

## Strategy #5:

### Comply with governing professional and ethical standards

- **Provide services to all litigants in a neutral manner consistent with the professional and ethical standards for court personnel.**
  - Recognize that neutrality is a fundamental value for court personnel and act accordingly in all interactions with litigants and others.
- **Provide information to litigants within bounds of ethical and other professional standards.**
  - Use attorneys with appropriate expertise to train staff on the ethical considerations in providing information regarding court processes to litigants.
  - Develop guidelines (including as part of an employee handbook) for court personnel regarding ethical issues, including unauthorized practice of law (including the difference between legal information and advice).<sup>27</sup>
  - Note that the close relationship between interpreters and litigants can create opportunities to cross ethical boundaries regarding provision of legal advice and other challenges, including compliance with confidentiality requirements; consider developing a handbook or practice manual (as well as training programs) to provide guidance, including the importance of avoiding offering advice to litigants in the interpreter role.<sup>28</sup>

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27 For examples of such guidance for court staff, see Texas Office of Court Administration, *Legal Information vs. Legal Advice: Guidelines and Instructions for Court Personnel Who Work with Self-Represented Litigants in Texas State Courts*, <http://www.txcourts.gov/media/1220087/legalinformationvslegaladviceguidelines.pdf>; Supreme Court of Colorado, Office of the Chief Justice, *Directive Concerning Colorado Courts' Self-Represented Litigant Assistance*, [https://www.courts.state.co.us/Courts/Supreme\\_Court/Directives/13-01.pdf](https://www.courts.state.co.us/Courts/Supreme_Court/Directives/13-01.pdf); Massachusetts Supreme Judicial Court Steering Committee on Self-Represented Litigants, *Serving the Self-Represented Litigant: A Guide by and for Massachusetts Court Staff*, <http://www.mass.gov/courts/docs/serving-self-rep-guide.pdf>. See also <http://www.srln.org/system/files/attachments/Greacen%20ARTICLE%20Legal%20Information%20v%20Legal%20Advice%202001.pdf>.

28 The National Association of Judiciary Interpreters and Translators Code of Ethics (available at <https://najit.org/wp-content/uploads/2016/09/NAJITCodeofEthicsFINAL.pdf>) addresses some of these issues more generally and is a good resource for those looking to create policies, manuals, etc.

- **Ensure that court staff are sufficiently trained and knowledgeable about subject matter and personal jurisdiction issues that they do not play an inappropriate gatekeeping role and prevent litigants from filing for relief to which they are entitled.**
  - For example, staff should not incorrectly tell CPO petitioners from another state that they cannot file for a court order because they have not resided in the state for long enough or because the abuse took place in another state; this may not be true under the governing law.
- **Assess and address court staff's implicit bias regarding domestic violence victims, gender, and litigants' cultural identity, gender identity and sexual orientation.**
  - Adopt a code of conduct for court personnel that addresses these issues.<sup>29</sup>

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<sup>29</sup> For example, see New Jersey Code of Conduct for Judiciary Employees, Canon 1, available at <https://www.njcourts.gov/attorneys/assets/rules/appemploy.pdf>.



# PRACTICE STRATEGIES

## Strategy #6:

### Collaborate with justice system and community partners

- **Recognize that collaboration and coordination with stakeholders inside and outside of the court system is an appropriate role for court personnel and that such stakeholders provide an essential perspective in efforts to improve the CPO system.**
- **Collaborate with court and community-based service providers, including batterer intervention programs, supervised visitation and exchange providers, and others to:**
  - Address inconsistent or contradictory policies among stakeholder agencies.
  - Share information and educate colleagues about the different professional stakeholders' ethical and professional standards and limitations.
  - Assess the accessibility, adherence to procedural justice principles,<sup>30</sup> and other characteristics of existing processes from a litigant-centered perspective.
- **Adopt or reinvigorate current collaborative efforts, including coordinated community response teams.<sup>31</sup>**
- **Collaborate with law enforcement agencies responsible for service of process to ensure timely and effective service of court orders and that information**

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<sup>30</sup> Procedural justice, sometimes called procedural fairness, refers to litigants' perceptions that they were treated fairly and had a full opportunity to present their case. The four elements of procedural justice which communities should strive to achieve in their CPO systems (especially for self-represented litigants) are voice (opportunity to be heard), respect (perception that litigants are treated with dignity), understanding (litigants understand court processes and decision-making), and neutrality (perception that decision-making is unbiased). For more information about how to enhance procedural justice in domestic violence cases, see *Integrating Procedural Justice in Domestic Violence Cases* (Center for Court Innovation) (available at <http://www.courtinnovation.org/research/integrating-procedural-justice-domestic-violence-cases>).

<sup>31</sup> In Winnebago County, IL, the Winnebago County Domestic Violence Coordinated Court convenes regular meetings of a thriving team of court and community stakeholders. See [http://www.courtinnovation.org/sites/default/files/attachments/page/Winnebago\\_County\\_Fact\\_Sheet\\_final.pdf](http://www.courtinnovation.org/sites/default/files/attachments/page/Winnebago_County_Fact_Sheet_final.pdf). In Cook County, IL, the Circuit Court's Domestic Violence Division has taken responsibility for convening a very large group of stakeholders (more than 60 people regularly attend) on a regular basis, a commitment considered to be a fundamental court function.

regarding service is provided to the court (see Practice Strategy #8 below for specific guidance).

- **Collaborate with law enforcement agencies and others to monitor compliance with court orders to surrender firearms.**
  - Provide court personnel with guidance regarding how to ensure that any firearms-related provisions in CPOs are understood by respondents and petitioners and that respondents comply with them.
  - Develop a two-way communication process with law enforcement agencies responsible for receiving surrendered firearms.
  - Designate dedicated court staff to firearms-related activities.<sup>32</sup>
- **Collaborate with legal service providers and community-based victim advocacy organizations to facilitate the provision of legal and advocacy services to self-represented litigants.**
  - Provide space in the courthouse, as well as information and appropriate referrals to litigants.<sup>33</sup>
  - Apply for funding to develop and/or improve such collaborative efforts.
- **Coordinate with tribal courts in and near the court’s jurisdiction.**
  - Potential topics for state and tribal courts to address in a collaborative manner include full faith and credit and enforcement of CPOs across jurisdictional lines and access to registries and databases.<sup>34</sup>
- **Work with collaborative teams to inform and educate local, tribal, county, and state funders regarding the financial support and resources needed to implement an accessible, effective CPO court system.**
- **Maintain neutrality and the perception of neutrality when working on**

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32 For additional information and examples of compliance-review mechanisms addressing firearms in CPO cases, see the website of the National Domestic Violence and Firearms Resource Center website, <https://www.preventdvgunviolence.org/community-strategies/civil/civil-process.html?step=surrender-and-seizure-process-including-compliance-monitoring>.

33 In Cook County, IL, the CPO court provides advocacy and legal service agencies with space, phones, and computers within the courthouse.

34 For example, in California the Tribal Court-State Court Forum has served for several years as a mechanism for collaboration and coordination on numerous topics. See *Accomplishments—Highlights (2010-2016)*, California Tribal Court-State Court Forum (June 2016). Washington State has published a guide for state courts on tribal courts, including full faith and credit issues: Washington State Supreme Court Gender and Justice Commission, *Domestic Violence Manual for Judges*, Chapter 13 (2016), available at <https://www.courts.wa.gov/content/manuals/domViol/chapter13.pdf>. For additional resources on state-tribal court collaboration, see the Tribal Law and Policy Institute’s website <https://www.walkingoncommonground.org>.

**collaborative efforts with others outside the court system.**<sup>35</sup>

- **Collaborate with community stakeholders and partners (e.g., volunteer attorneys, advocates, social service providers, batterers intervention program providers, judges, school personnel, community supervision) to develop and provide cross training opportunities on domestic violence and the CPO system.**
  - Endeavor to develop training programs and collaborative conversations that move beyond the basics of domestic violence and instead help participants address more difficult challenges identified by the court and stakeholders.
  - Potential topics include maintaining a safe and confidential process; ensuring access to justice and procedural justice for all litigants, especially those who are self-represented; providing effective assistance to litigants without engaging in unauthorized practice of law; gaining expertise on the dynamics of domestic violence in marginalized communities; and maintaining an effective CPO system in the face of scarce resources.

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35 Just as the canons of judicial ethics generally permit judicial officers to participate in collaborative work with stakeholders outside the court to improve the administration of justice in domestic violence cases, so too can court personnel working in conjunction with or under the auspices of the judicial officers. The National Council of Juvenile and Family Court Judges is developing guidance on this topic for judicial officers, which it expects to release by the end of 2017.



# PRACTICE STRATEGIES

## Strategy #7:

### Facilitate informed participation by litigants in court processes

- **Develop informational materials (written and/or video format) for litigants regarding court processes, the relief available through a CPO, and how to request such relief (and how to support the request for relief).**
  - Provide litigants with practical information, such as on the potential length of time a hearing or other process will take (so that they have realistic expectations and can plan accordingly), where to park based on the expected length of time required, whether children are allowed in the courtroom, if food is allowed, and other logistical information.<sup>36</sup>
- **Provide support in the courthouse for self-represented litigants in CPO cases.**
  - Support and services should include:
    - A welcoming, linguistically and culturally responsive environment with assistance provided to litigants about where to go within the courthouse to get further assistance, where hearings are held, etc.
    - Assistance with identifying and gathering the materials and forms

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<sup>36</sup> Courts across the country (as well as victim service providers and other stakeholders) have developed informational brochures, instructional videos, and other resources to enhance informed participation by litigants. Some examples include:  
<http://www.courts.state.md.us/courtforms/joint/ccdcvpo001br.pdf>  
<http://www.courts.wv.gov/lower-courts/pdfs/DomViolence.pdf>  
<http://www.idaholegalaid.org/sites/idaholegalaid.org/files/Protection%20Order%20Process.brochure.pdf>  
<https://courtselfhelp.idaho.gov/brochures/CTI-11.pdf>  
<http://courts.ky.gov/resources/publicationsresources/Publications/P123ProtectiveOrderBooklet.pdf>  
<http://www.courts.oregon.gov/Multnomah/docs/FamilyCourt/HowToObtainRestrainingOrderInMultnomahCounty.pdf>  
<http://ptla.org/protection-abuse-how-law-works-maine>  
In Cook County (Chicago), IL, the Domestic Violence Division of the Circuit Court partnered with legal services providers to develop informational brochures on obtaining child-related relief as part of civil protection orders. Contact NCJFCJ for copies.

necessary to file for a CPO, modify or enforce an existing order, and obtain other forms of relief

- Referrals to legal and advocacy services (which, ideally, are located in the courthouse), directing litigants to courtrooms and other offices, providing informational materials about court processes and services, etc.
- Referrals to court and community-based service providers for litigants' holistic needs
- Consider implementing one or more of the following mechanisms for providing the support for self-represented litigants described above<sup>37</sup>:
  - Concierges/help-desk: a space at or near the entry to the courthouse that welcomes litigants and orients them to the court, providing information on how to find courtrooms, services, etc.
  - Facilitators/self-help centers: ideally supervised by an attorney, provide assistance with identifying and gathering the materials and forms necessary to file a case as well as additional litigant needs related to their court case.
  - Navigators: court personnel who provide guidance to self-represented litigants regarding appropriate court processes to meet their needs, make referrals to service providers, and respond to litigant questions, among other duties<sup>38</sup>
- A specialized, court-based program for self-represented litigants with CPO cases can be an effective mechanism to serve the particular needs of victims and respondents.<sup>39</sup>

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37 Note that these different resources for self-represented litigants may play similar or overlapping roles; the most important consideration is to ensure that dedicated courthouse personnel in some combination provide all of the forms of assistance described herein (e.g., directions to courtrooms and services, assistance with forms, provision of informational materials, appropriate referrals, etc.).

38 The Court Navigator of the Circuit Court of Multnomah County (Portland), Oregon, meets with self-represented litigants to guide them while they select the appropriate court processes, makes referrals to free/low cost legal services, responds to litigant questions by phone and in person, prepares correspondence through email or letter for self-represented litigants, and provides additional information and support to litigants, as needed, to seek and secure services and legal relief to protect their and their children's emotional and physical well-being. See <http://familycourtenhancementproject.org/multnomah-county-or/help-for-self-represented-litigants/>.

39 Courts in many locations across the country have developed CPO-focused help centers, or have integrated CPO services into broader family court and/or domestic violence centers (including using the Family Justice Center model). Examples include the Los Angeles Superior Court's Restraining Order Center (<http://www.courts.ca.gov/27737.htm>); the Help Center/Screening Room of the Domestic Violence Division of the Cook County, IL Circuit Court (<http://www.cookcountycourt.org/ABOUTTHECOURT/CountyDepartment/DomesticViolence/OrdersofProtection.aspx>); the Cuyahoga County (Cleveland, OH) Domestic Violence and Child Advocacy Center (<http://domestic.cuyahogacounty.us/en-US/Domestic-Violence.aspx>); and the Jefferson County (Louisville), KY Domestic Violence Intake Center (<http://courts.ky.gov/courts/Jefferson/>

- Consider offering services within the communities served by a court, including in areas that are under-served.<sup>40</sup>
- **Facilitate litigants’ access to advocacy services.**<sup>41</sup>
  - Devote space for court-based advocacy service providers and take additional steps to maximize the availability of such services for victims.
  - Refer petitioners who have not met with an advocate to court-based or external advocacy programs; if possible, offer to assist the petitioner by contacting the program yourself and scheduling a meeting or through other support .
- **Ask questions (e.g., at help/intake desk) about child-related needs and provide litigants with relevant information about how to request relief through the CPO process to address those needs.**<sup>42</sup>
- **Ensure that information provided to self-represented litigants is accessible to those with limited English proficiency and Deaf/hard-of-hearing litigants (see Practice Strategy #3 for detailed guidance).**

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[domesticviolence/Pages/default.aspx](#)).

40 The District of Columbia Superior Court has established a community-based Domestic Violence Intake Center, which houses court personnel, domestic violence advocates, law enforcement, and prosecutors and enables petitioners to file remotely for temporary civil protection orders.

41 As noted in the *CPO Guide*, “[a]dvocacy for victims is essential to an effective civil protection order system. Advocates are in a unique position both to help individual victims of abuse navigate the complex protection order system safely and to promote systemic change that improves responses for victims, their families, and the community.” See the “Advocates” section of the *CPO Guide* for more information about the roles that advocates play in an effective CPO system.

42 As part of the OVW-funded Family Court Enhancement Project, the Domestic Violence Division of the Circuit Court of Cook County (Chicago), IL developed a process in which help-desk personnel asked petitioners questions about child-related needs, provided them with information and assistance (including referral’s to legal services providers), and tracked the outcome of their cases. For additional information, see the following presentation: <https://www.ncjfcj.org/family-court-enhancement-project-part-iii-iv-reflections-cook-county>.





## PRACTICE STRATEGIES

### Strategy #8:

### Collaborate with key stakeholders to ensure that service of CPOs is safe and effective

- **Facilitate effective service of CPOs by coordinating with serving agencies.**
  - Develop a clear protocol for service of orders that sets expectations for service and addresses, among other things, the collection of necessary information to facilitate service and timely delivery of orders to serving agencies with accompanying information re: respondent whereabouts, etc.
  - Ensure that communication is two-way: court provides orders and necessary information to serving agency; serving agency communicates with court regarding new address information and other relevant information to be included in court file.
- **Take steps to maximize safety of the service process and to provide litigants with information related to the process.**
  - Provide petitioners with information about the service process, including contact information for safety planning and other resources, upon issuance of *ex parte* orders.<sup>43</sup>
  - Develop a safe and effective mechanism to obtain respondent information from petitioners to facilitate service; a confidential, supplemental form can serve this function.<sup>44</sup>
  - Ensure that victim notification protocols are in place regarding the results of service, any order regarding firearms surrender (including where and when surrender is to occur), and any upcoming hearing dates.<sup>45</sup>

43 For an example of a form that explains service in the CPO context, see California Form DV-200-INFO, <http://www.courts.ca.gov/documents/dv200info.pdf>.

44 Many jurisdictions employ such forms; examples include Indiana (<https://www.in.gov/judiciary/center/files/center-bb-po-form-po-0104.pdf>) and Washington State ([https://www.courts.wa.gov/forms/documents/All%20Cases%2001\\_0400.DOC](https://www.courts.wa.gov/forms/documents/All%20Cases%2001_0400.DOC)).

45 Victim Information Notification Everyday (VINE) systems may be used to provide some of the information. See <https://apprissafety.com/solutions/vine/>.

- Include victim advocacy programs in development of service and victim notification protocols.
- **Comply with legal requirements and court rules regarding the availability of alternative forms of service and/or granting of extensions when service is not perfected.**
  - Recognize that extensions and alternative forms of service (including short-form service and notice by publication) may be necessary to protect victims in some cases; where authorized by statute and/or court rule, provide petitioners with information about the use of such mechanisms.
- **Ensure that CPOs from other jurisdictions are served in your jurisdiction in a timely fashion and without fees being charged to out-of-state petitioners.**<sup>46</sup>
  - If an out-of-state jurisdiction refuses to serve a protection order from your jurisdiction, or to do so without charging a fee, contact the National Center on Protection Orders and Full Faith and Credit for assistance.<sup>47</sup>
  - Work with courts and law enforcement agencies in neighboring jurisdictions to develop a joint protocol to ensure timely service of protection orders across jurisdictional lines.

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<sup>46</sup> Under the Violence Against Women Act, states, tribes, and local units of government receiving STOP Formula Grants and grants under the Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program must certify that their laws, policies, and practices do not require victims to bear the costs associated with the filing, issuance, registration, modification, enforcement, dismissal or service of a protection order or a petition for a protection order, whether issued inside or outside the state, tribal, or local jurisdiction. See 42 U.S.C. §§ 3796gg- 5(a) and 3796hh(c)(1). For further information, see <https://www.justice.gov/ovw/costs-criminal-charges-and-protection-orders-chart>.

<sup>47</sup> The NCPOFFC may be reached at 800-903-0111, prompt 2 or [www.fullfaithandcredit.org](http://www.fullfaithandcredit.org).



# PRACTICE STRATEGIES

## Strategy #9:

**Ensure that information sharing processes, both within the court and with outside entities, are safe, confidential, and effective**

- **Internal (within/among courts) information sharing**
  - Recognize the benefits of intra- and inter-court information sharing and communication, which include avoidance of conflicting court orders, prevention of re-traumatization of victims and children, increased judicial access to relevant information for decision-making (including information regarding risk), detection of litigation abuse, and others.
  - Recognize and develop an information-sharing plan that responds to risks and unintended adverse consequences of information sharing, including the potential exposure of confidential and/or potentially harmful information, the possibility of inappropriate *ex parte* communication, and the sharing of irrelevant but potentially damaging information.
  - Develop a protocol or guidelines for information sharing that specifically describes the type of information from court files that should be shared and the mechanism to be used.
    - In determining whether or not judicial officers should have access to a particular form of information, use a determination of the information's relevance and probative value in the other case as a guidepost.<sup>48</sup>
    - Ensure that information is shared in a transparent manner that protects the due process rights of all parties; for instance, litigants should be told about any information obtained and considered by the judge beyond that

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48 There is disagreement in the field regarding how wide-ranging a search for criminal history information should be, especially regarding the victim/petitioner's criminal history. Courts developing information-sharing protocols or guidelines may reach different conclusions about the relevance and probative value of certain types of criminal history, but they are encouraged to engage in critical thinking about this issue and to use their interpretation of relevance to place limits upon the information that should be available to judicial officers deciding a CPO case.

provided in the pleadings.

- Consider adoption of an integrated case management system or other information-sharing mechanism that facilitates effective sharing of information from related cases among judicial officers and court components.<sup>49</sup>
  - An integrated case management system may allow for “case association” based upon a litigant name search to coordinate cases involving the same parties; judicial officers may be able to obtain information from all associated cases from the bench.<sup>50</sup>
  - Consider giving court case managers or other court personnel responsibility for gathering information about related cases and providing it to the judicial officer.<sup>51</sup>
  - Train judicial officers and relevant court staff on the process for information sharing implemented by the court.
  - Ensure that any information-sharing mechanism maintains confidentiality of litigant information where required and that staff understand and comply with all confidentiality requirements.
- **External information sharing (with non-court entities)**
  - Where collaborations with agencies outside of the court calls for information sharing among agencies, protocols should be developed to guide practice and ensure adherence to the participating agencies’ (including the court’s) professional and confidentiality standards, which may differ.<sup>52</sup>

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49 State courts use a variety of vendors to address their case management system needs. These systems offer an array of features or components to address various court capacities and needs, including file and serve functionality and electronic filing (e-filing). NCSC’s Court Technology Bulletin provides courts a “go-to” source for up-to-date technology information related to court processes, data privacy and access, case management, and other technologies that enhance the functioning of the courts: <https://courtechbulletin.blogspot.com>.

50 Such a process is used by the Winnebago County (IL) Domestic Violence Coordinated Courts.

51 In Florida, Case Managers gather this information from multiple sources and use a form to organize it and convey it to the judicial officer. See [https://www.flcourts.org/content/download/218197/1975128/Case\\_Management\\_Guidelines.pdf](https://www.flcourts.org/content/download/218197/1975128/Case_Management_Guidelines.pdf).

52 Although focused on coordinated court-community responses to child maltreatment cases, this protocol developed in King County (Seattle), WA addresses information-sharing considerations and related matters that are relevant to collaboration in civil protection order cases: *Domestic Violence and Child Maltreatment Coordinated Response Guidelines* (King County Domestic Violence and Child Maltreatment Coordinated Response Guideline Revision Project 2015): [https://www.courts.wa.gov/programs\\_orgs/gjc/documents/Child%20Maltreatment%20Guidelines.pdf](https://www.courts.wa.gov/programs_orgs/gjc/documents/Child%20Maltreatment%20Guidelines.pdf).

- **Databases and registries**
  - Work with statewide agencies responsible for civil protection order databases and/or registries to ensure two-way access for courts (entry and search access).
  - To facilitate judicial decision-making and enforcement of orders, urge databases and registries to permit communication among different jurisdictions and/or access to orders from jurisdictions across the state.
  - Collaborate with tribes and tribal courts to facilitate tribes' access to state protection order registries/databases.
  - Ensure accurate and timely entry of protection order information in the federal National Criminal Information Center Protection Order File (NCIC POF), maintained by the Federal Bureau of Investigation (FBI).<sup>53</sup>
    - If orders do not qualify for entry in the NCIC POF, ensure that they are entered into the National Instant Criminal Background Check System (NICS) Index.<sup>54</sup>
    - Obtain training from the FBI on how best to enter orders into its databases.<sup>55</sup>
  - Adopt protocols and procedures to ensure accuracy and timeliness of entry of protection order information into databases/registries.<sup>56</sup>
    - Audit the protection order entry process at least two times per year to ensure quality and timeliness of entry.

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53 The following report describes the extent to which courts across the country have entered protection orders into the NCIC POF, challenges to submission of orders, and success stories: <https://www.ncjrs.gov/pdffiles1/bjs/grants/249864.pdf>. Federal support to enhance state courts' entry of protection orders in federal databases, and related activities, is available through the National Criminal History Improvement Program (NCHIP), administered by the Bureau of Justice Statistics, U.S. Department of Justice, <https://www.bjs.gov/index.cfm?ty=tp&tid=47>.

54 The NICS Index is a federal database created by the Federal Bureau of Investigation specifically for use during background checks for firearm purchases and includes information about persons against whom protection orders have been issued which disqualify them from possessing a firearm based upon state or federal law. For more information, see <https://www.fbi.gov/news/pressrel/press-releases/national-instant-criminal-background-check-system-posts-nics-index-data>.

55 In addition, a free web-based course (one for judges, another for law enforcement officers) provides an overview of the NCIC Protection Order files, discusses essential data needed, and describes related firearms prohibitors. Course registration is free: <http://survey.confirmit.com/wix/6/p1464530996.aspx>.

56 New Hampshire has developed a statewide protocol for domestic violence courts regarding entry of protection orders into state and federal databases. See <https://www.courts.state.nh.us/district/protocols/dv/c17.pdf>.

- **Participate in collaborations with relevant personnel from military installations within your jurisdiction to develop a coordinated response to CPO cases involving military families.**<sup>57</sup>

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<sup>57</sup> See *Collaborating for Safety: Coordinating the Military and Civilian Response to Domestic Violence - Elements and Tools* (Battered Women's Justice Project 2010), available at [http://www.bwjp.org/assets/documents/pdfs/collaborating\\_for\\_safety\\_coordinating\\_military\\_civilian\\_response\\_domestic\\_violence.pdf](http://www.bwjp.org/assets/documents/pdfs/collaborating_for_safety_coordinating_military_civilian_response_domestic_violence.pdf).



# PRACTICE STRATEGIES

## Strategy #10:

### Implement procedures to monitor respondents' compliance with and facilitate enforcement of CPOs

- **Participate in the design and implementation of compliance-review processes to monitor compliance with orders (including participation in mandated programs, surrender of firearms, etc.).<sup>58</sup>**
- **Elements to consider incorporating into a compliance-review process include:**
  - Designate dedicated staff to oversee compliance monitoring activities.<sup>59</sup>
  - Notify victims of review hearings, but do not mandate participation.
  - Provide clear information to litigants about the compliance-review process, orally and in writing.
  - Implement a dedicated docket for compliance review.
  - Collaborate with relevant stakeholders in the design and implementation of

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58 The North Carolina Administrative Office of the Courts recommends that courts hold compliance-review hearings, noting that they are “especially important in serious cases including those where the offender has not complied with court orders in the past and when there is no companion criminal case and therefore no other way to hold the offender accountable or monitor compliance.” See North Carolina Administrative Office of the Courts' *North Carolina Domestic Violence Best Practices Guide for District Court Judges*, p. 60 (2012), [https://www.sog.unc.edu/sites/www.sog.unc.edu/files/course\\_materials/DVBestPracticesGuide.pdf](https://www.sog.unc.edu/sites/www.sog.unc.edu/files/course_materials/DVBestPracticesGuide.pdf).

In Florida, courts are required to serve the respondent with an order to appear at a compliance hearing in 30 to 45 days “for purposes of confirming compliance with any court ordered obligations (such as [batterers intervention program, mental health], parenting, child support etc.) and to review on-going safety and time-sharing considerations.” See Florida Office of State Courts Administrator, *Florida's Domestic Violence Benchmark*, p. 1-6 (2014). The Center for Court Innovation has developed an informative video on effective use of compliance-review hearings: <http://www.courtinnovation.org/research/promoting-compliance-domestic-violence-cases-morning-judge-jerry-bowles>.

59 The Center for Court Innovation notes that court-employed “resource coordinators” can serve this function. See [http://www.courtinnovation.org/sites/default/files/documents/DV\\_Civil\\_Fact\\_Sheet.pdf](http://www.courtinnovation.org/sites/default/files/documents/DV_Civil_Fact_Sheet.pdf). The DeKalb County, GA Magistrate Court uses compliance officers to monitor compliance with CPOs. See [http://www.courtinnovation.org/sites/default/files/attachments/page/DeKalb\\_County\\_Fact\\_Sheet\\_final.pdf](http://www.courtinnovation.org/sites/default/files/attachments/page/DeKalb_County_Fact_Sheet_final.pdf). In Winnebago County, IL, a case docket/resource coordinator plays that role. See [http://www.courtinnovation.org/sites/default/files/attachments/page/Winnebago\\_County\\_Fact\\_Sheet\\_final.pdf](http://www.courtinnovation.org/sites/default/files/attachments/page/Winnebago_County_Fact_Sheet_final.pdf).

the compliance-review process, including:

- Law enforcement agencies and prosecution offices for monitoring compliance with firearms surrender provisions
- Batterers intervention program and other mandated program providers
- **Elements to include in a compliance-review process for orders to surrender firearms<sup>60</sup>:**
  - Ensure clarity in orders regarding the specific firearms to be surrendered, the surrender process, and the required steps to demonstrate compliance; a separate instruction sheet may be used.
  - Ensure direct communication between designated personnel at the court and the law enforcement agency receiving the firearms.
  - Establish a means for the respondent to demonstrate compliance (e.g., by a receipt from the law enforcement agency and/or an affidavit); the court may wish to cancel a review hearing if the proof is received by the court within the established time period.
  - Include prosecutor's office in the development of a compliance-review process for firearms to design a mechanism to address non-compliance.
- **Facilitate enforcement of CPOs by adopting accessible, litigant-friendly contempt procedures.**
  - Upon issuance of orders, provide litigants with information regarding how to seek enforcement for any violations; describe the steps petitioners must take to obtain enforcement of the specific provisions of the order (including relief related to children), and any options that are available through the court or outside agencies.
  - Provide information to litigants regarding whether violations of any CPO provisions constitute a criminal offense and how to seek enforcement.
  - Ensure that enforcement processes are fully accessible by providing meaningful language access and culturally welcoming services and by conducting outreach to communities (see Practice Strategy #3 above for additional information).
  - Prioritize enforcement proceedings in docketing; consider holding enforcement

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60 For further information regarding compliance-review processes for CPOs that include firearm surrender provisions, see the website of the National Domestic Violence and Firearms Resource Center, <https://www.preventdvgunviolence.org/community-strategies/civil/civil-process.html?step=surrender-and-seizure-process-including-compliance-monitoring>. The National Center provides technical assistance in this area and may be reached through its website: <http://www.preventdvgunviolence.org/contact-us.html>.



- hearings early in the court day to signal to all litigants in attendance in the courtroom the priority the court places on ensuring compliance with orders.
- Consider establishing a resource coordinator or compliance officer position with a role in facilitating enforcement processes for litigants.
  - Maximize victim voice and autonomy in defining the results of the enforcement process by providing a process for victims to describe for the court their desired outcome, either at the hearing or by written means.
  - Facilitate access to legal services for litigants bringing enforcement proceedings.
  - Collaborate with the local probation/community supervision agency to facilitate enforcement of CPOs.<sup>61</sup>
- **Ensure that the court appropriately addresses inter-jurisdictional issues, including affording full faith and credit to CPOs from other jurisdictions.**
    - Implement processes for optional registration and to facilitate enforcement of CPOs from other jurisdictions.<sup>62</sup>
      - Develop instructional materials for litigants seeking to register out-of-jurisdiction CPOs.<sup>63</sup>
      - In accordance with federal mandates, do not charge fees for registration of CPOs and do not provide notice to the respondent of the filing of an out-of-jurisdiction protection order.
    - Be responsive to requests for information from litigants in other jurisdictions and facilitate, to the extent possible, remote appearances in court proceedings by telephone or video.
      - Such measures may be critical for the safety of victims who have fled the jurisdiction due to abuse.
    - Facilitate judicial communication between judges in different jurisdictions.

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61 See *Supplement to CPO Guide: Community Supervision* for information about how community supervision officers can assist with enforcement of CPOs by, among other activities, educating respondents about their responsibilities and holding them accountable for violations, assisting victims, and bringing violations and other pertinent information to the attention of law enforcement, prosecutors, and the court.

62 Under the Violence Against Women Act's Full Faith and Credit provisions, 18 U.S.C. §§ 2265 and 2266, all jurisdictions must honor and enforce qualifying protection orders from other jurisdictions as if they had been issued by a court in the enforcing jurisdiction. Registration or domestication of out-of-jurisdiction orders must not be required for enforcement, but optional registration processes may be made available to facilitate subsequent enforcement. See 18 U.S.C. § 2265(d)(2).

63 North Dakota has developed instructions regarding optional registration of CPOs. See <http://www.ndcourts.gov/ndlshc/forms/pdf/Instructions%20Register%20Foreign%20DVPO%20Oct%202016.pdf>.

- Such communication may be mandated by statute (including the Uniform Child Custody Jurisdiction and Enforcement Act).<sup>64</sup>
- Collaborate with tribal courts in and near your jurisdiction regarding inter-jurisdictional enforcement of CPOs and related issues.<sup>65</sup>

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64 Washoe County, NV has developed a form to request judicial communication in family law cases. See <https://www.washoecourts.com/Forms/Family/MiscellaneousForms/Request%20for%20Judge%27s%20Conf%20UCCJEA.pdf?t=1/5/2018%203:52:04%20AM>.

65 See Footnote 33 above for helpful resources regarding coordination between local/state and tribal courts. For general information regarding enforcement of CPOs issued by tribal courts, see <http://tribalprotectionorder.org>.



# PRACTICE STRATEGIES

## Strategy #11:

### Facilitate litigants' ability to modify civil protection orders

- **Implement fully accessible, litigant-friendly procedures for modification.**
  - Develop easy-to-use forms, in multiple languages, for modification of orders.
  - Upon issuance of orders, provide written information to litigants regarding the process and standards for modification of CPOs; also make such information generally available at the courthouse and online.<sup>66</sup>
  - Facilitate access to advocacy and/or legal services programs for petitioners seeking to modify or dismiss CPOs to promote informed decision-making.
- **Consider creative docketing/scheduling strategies to enable petitioners to pursue modifications.**
  - Consider holding regular modification calendars to provide ready access to a hearing and allow for modification of orders as an alternative to seeking dismissal of the order.<sup>67</sup>

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66 Several courts and other stakeholders have developed informational materials for litigants regarding modification of court orders, including Washington State ("Contempt of Court in Family Law Cases: The Basics," Northwest Justice Project, <https://www.washingtonlawhelp.org/resource/contempt-of-court-in-a-family-law-case-the-ba>); Minnesota ("Family Court Matter: Instructions For Request To Have Other Party Held In Contempt of Court," Minnesota Judicial Branch, [www.mncourts.gov/mncourtsgov/media/CourtForms/DIV1401.pdf?ext=.pdf](http://www.mncourts.gov/mncourtsgov/media/CourtForms/DIV1401.pdf?ext=.pdf)); Nebraska ("Enforcement of Visitation Orders," Nebraska Supreme Court Committee on Self-Represented Litigation, <https://supremecourt.nebraska.gov/self-help/families-children/enforcement-visitation-orders>); and Oregon ("Developing and Enforcing Your Parenting Plan," Multnomah County Superior Court, <http://www.courts.oregon.gov/Multnomah/docs/FamilyCourt/DevelopingAndEnforcingYourParentingPlan.pdf>). In Maine, Pine Tree Legal Services has developed an online course addressing modifications and enforcement of parental-rights orders. See <http://ptla.org/change-enforce-maine-divorce-parental-rights>.

67 The Domestic Violence Coordinated Courts in Winnebago County, IL hold modification hearings every Friday morning, with an advocate in regular attendance to assist petitioners (advocates also reach out to petitioners prior to the hearing to address concerns and discuss options). Advocates ensure that petitioners are aware of the fact that a decision to modify or vacate an order is theirs alone (supporting victim autonomy) and that the doors of the courthouse remain open to re-file if necessary in the future.



## PRACTICE STRATEGIES

### Strategy #12:

### **Ensure that court staff receive ongoing, state-of-the-art training and education on domestic violence and related topics**

- **Establish minimum training requirements regarding domestic violence for all court personnel, with an emphasis on those serving litigants in CPO cases.<sup>68</sup>**
- **Institutionalize training for court personnel at the state-wide level.**
  - Include meaningful domestic violence and CPO-related content in standardized curricula for court personnel, developed by subject-matter experts.
  - Include domestic violence and CPO-related expertise as a component of court personnel's professional development requirements.
  - Collaborate with other state-wide training and leadership entities (e.g., for judicial officers or law enforcement) to coordinate domestic violence and CPO training efforts.
- **Training topics for court personnel should include:**
  - Interactive, experiential training on the fundamentals of domestic violence, tailored to the staff roles and responsibilities (not cookie-cutter)
  - Risk and lethality assessment (including any high-lethality or high-risk

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<sup>68</sup> In Massachusetts, biannual domestic violence training covering specific topics is statutorily mandated for all court personnel. See Mass. Gen. Laws ch. 211B, § 9B. See also New Mexico Judicial Education Center, *Domestic Violence Training for Frontline Court Staff*, <http://jec.unm.edu/education/online-training/domestic-violence-training-for-frontline-court-staff-1>. The Center for Court Innovation, in partnership with the National Council for Juvenile and Family Court Judges, the Battered Women's Justice Project, and the National Center for State Courts, has developed a highly interactive, experiential training program for court staff to improve court responses to domestic violence, sexual assault, stalking, and dating violence. This program, the Domestic Violence Fundamentals Training Project (DVFTP), is available to court administrators, court clerks, court-based mediators, and other court staff who interact with victims of domestic violence and sexual assault.

- programs being implemented in the community)
- Policy and procedures for CPOs and related matters
- Providing assistance during the intake process
- Serving self-represented litigants, including how to provide effective assistance without engaging in the unauthorized practice of law
- Vicarious trauma and how to avoid burnout
- Victim autonomy and voice in the process, including an exploration of the reasons why victims may not follow through after issuance of a temporary, *ex parte* order and how to minimize demoralization and other negative effects on court staff
- Specialized training for court security personnel on domestic violence and dynamics as they may play out in the courthouse
- Addressing implicit bias
- **Convene, to the extent possible, inter-disciplinary training programs providing multiple stakeholder agencies and professions with consistent messages regarding domestic violence and the CPO system's response.**



# PRACTICE STRATEGIES

## Strategy #13:

### Evaluate CPO processes and establish mechanisms for institutional accountability

- **Use litigant surveys and focus groups to assess their satisfaction with the process.**<sup>69</sup>
  - Include both respondents and petitioners in assessment processes.
  - Include litigants from underserved communities and those with limited English proficiency in assessment processes.
  - Consider including victims who have chosen not to seek court relief in the processes.<sup>70</sup>
  - Use procedural justice as a metric for assessing litigants' experience in the CPO system.<sup>71</sup>
- **Consider conducting “walk-throughs” to educate court staff and judicial officers about self-represented litigants’ experiences in the courthouse and to identify areas for improvement.**<sup>72</sup>
- **Implement a process for reviewing the findings of assessment activities and**

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69 For an example of a study of litigant perspectives about an integrated domestic violence court, including the use of a litigant survey (included in the report), see *Litigant Perspectives in an Integrated Domestic Violence Court: The Case of Yonkers, New York* (Center for Court Innovation 2011), [http://www.courtinnovation.org/sites/default/files/documents/Yonkers\\_IDV.pdf](http://www.courtinnovation.org/sites/default/files/documents/Yonkers_IDV.pdf).

70 The Domestic Violence Division of the Cook County (Chicago), IL, Circuit Court, as part of the Family Court Enhancement Project, conducted focus groups of such victims identified by local domestic violence advocacy programs.

71 For an example of a statewide assessment of procedural justice, including a copy of the instrument used, see [http://www.courtinnovation.org/sites/default/files/documents/Procedural\\_Fairness\\_CA.pdf](http://www.courtinnovation.org/sites/default/files/documents/Procedural_Fairness_CA.pdf). For a guide to incorporating procedural justice principles in domestic violence cases, see [http://www.courtinnovation.org/sites/default/files/documents/DVFactSheet\\_November2016\\_IntegratingPJinDVCases.pdf](http://www.courtinnovation.org/sites/default/files/documents/DVFactSheet_November2016_IntegratingPJinDVCases.pdf).

72 The Nevada Administrative Office of the Courts has conducted an on-site Access and Fairness survey, in which court users exiting courthouses were interviewed regarding their experiences and the results later shared with court administrators for follow-up. In Multnomah County (Portland), OR, as part of the Family Court Enhancement Project, judicial officers and court staff engaged in a walk-through of family court processes to identify areas for improvement. Resources they developed to support the process are available at <http://www.familycourtenhancementproject.org/delaware/court-walk-through-protocol/>.

**for revising processes and procedures in response.**<sup>73</sup>

- Obtain buy-in from judicial officers and other key stakeholders.
- Emphasize desire for improvement, rather than casting judgment on existing practices and processes, to help overcome any defensiveness.
- Recognize that the assessment process is both time-consuming and may not be pleasant for judicial officers, court staff, and others.

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73 The National Center for State Courts' CourTools (<http://www.courtools.org/>) provide courts a set of 10 balanced and realistic performance measures that are practical for courts to implement, use, and report on. The first of the 10 measures - on Access and Fairness - provides a modifiable survey instrument that asks court users to reflect on their court experience and rate the "court's accessibility and its treatment of customers in terms of fairness, equality, and respect." The survey instrument can be modified to capture the most relevant aspects of the individual court(s). It is intended for "litigants and their families and friends, victims and witnesses, attorneys, law enforcement officers" as well as other users of the court. Court staff, including judicial officers, are excluded. To learn about how state court systems or individual courts have implemented the CourTools, see <http://www.courtools.org/Trial-Court-Performance-Measures/Reports-from-Courts.aspx>.

