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RESEARCH

# The Erie County Integrated Domestic Violence Court

Policies, Practices, and Impacts

December 2003 - December 2005 Cases

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## TABLE OF CONTENTS

<b>Acknowledgements</b>	<b>i</b>
<b>Executive Summary</b>	<b>iv</b>
<b>Chapter One. The Integrated Domestic Violence Court Model</b>	<b>1</b>
The Call for Unified Family Courts	2
The NYS Integrated Domestic Violence Court Model	3
Evaluations to Date	6
<b>Chapter Two. Research Design and Methodology</b>	<b>10</b>
Erie County, New York	10
Process Evaluation Design	10
Impact Evaluation Design	12
<b>Chapter Three. The Erie County IDV Court: Planning &amp; Implementation</b>	<b>16</b>
The Suffolk IDV court Planning Process	16
Court Operations	18
<b>Chapter Four. The Erie County IDV Court: Impact</b>	<b>24</b>
Comparison Group Caseload and Volume	24
Dealing with Differences between the Samples	25
Case Processing	26
Family Court Outcomes	29
Criminal Court Outcomes	
<b>Chapter Five. Conclusion</b>	<b>32</b>
Discussion of Major Findings	32
Study Limitations	33
Future Directions	35
<b>References</b>	<b>37</b>
<b>Appendix A. IDV court Model Court Components</b>	<b>40</b>

## LIST OF TABLES AND FIGURES

### **Chapter One. The Integrated Domestic Violence Court Model**

Table 1.1. The Integrated Domestic Violence Court Model: Hypothesized Impacts and Benefits

### **Chapter Two. Research Design and Methodology**

Table 2.1. 2000 Comparative Demographics for Select Sites

### **Chapter Three. The Erie County IDV Court: Planning & Implementation**

Table 3.1. Proposed Erie County IDV Court Staff

Table 3.2. Appearance Volume in Erie County IDV, First Twenty-Five Months

Table 3.3. Active Caseload in the Erie County IDV, First Twenty-Five Months

Figure 3.1. Average Number of Court Appearances IDV Court Sample

### **Chapter Four. The Erie County IDV Court: Impact**

Table 4.1. Erie County IDV Intake and Volume

Table 4.2. Predictors of Number of Court Appearances

Table 4.3. Family Court Case Dispositions

Table 4.4. Subsequent Family Court Filings within Six Months Post-Adjudication

Table 4.5. Criminal Court Case Dispositions

Table 4.6. Violations of Criminal Court Protective Orders

Figure 4.1. Case Combinations

Figure 4.2. Average Number of Court Appearances per Case

Figure 4.3. Average Time from Case Origin to Case Disposition (Days)

Figure 4.4. Post-Disposition Monitoring in Criminal Cases

Figure 4.5. Number of Trips to Court

## EXECUTIVE SUMMARY

The concept of unified family courts, a “one family-one judge” system in which a single judge hears all of a family’s cases, has been widely endorsed in recent years as a remedy for the perceived fragmentation and incoherence of the present justice system. Such court restructuring has great appeal, as it holds the potential for more informed and consistent judicial decision-making, more efficient case processing, more coherent case outcomes, and a more meaningful court experience for litigants and judges alike.

Unified family courts may be particularly advantageous for victims of domestic violence and their children, who frequently have complex and interrelated cases, the resolution of which may determine their safety. Based on the one family-one judge concept, New York State’s integrated domestic violence (IDV) courts handle all related cases pertaining to a single family where the underlying issue is domestic violence (e.g., criminal, custody/visitation, and divorce cases). The courts seek to protect the rights of all litigants while providing a comprehensive approach to case resolution, increasing offender accountability, ensuring victim safety, integrating the delivery of social services, and eliminating inconsistent and conflicting orders.

This report provides one of the first examinations of the IDV court model. First, it provides a descriptive look at the planning, policies, and caseload of the Erie County IDV Court, one of the earliest IDV courts in New York State. Second, the study examines the impact of that court, comparing key quantifiable outcomes of families whose cases were heard in the IDV court to outcomes for families whose cases were heard in traditional courts during the same time period. It should be noted that the study covers the first years of implementation of the IDV court model in Erie County. In the intervening years, there have been changes in technology, operations, training and other tools and practices, all of which have an effect on the programs efficiency and outcomes.

### Process Evaluation Results

- *Statewide Model:* The Erie County IDV Court was implemented in a fashion consistent with a series of formal planning recommendations developed by the then Office of the Deputy Chief Administrative Judge for Court Operations and Planning in New York State, in collaboration with the Center for Court Innovation. The statewide model recommended outreach to key stakeholders (both court- and community-based), development of detailed case identification and transfer protocols, formalization of court protocols in a written planning document, and continued technical assistance.
- *Outreach to Stakeholders:* The Erie County IDV Court involved a particularly large and diverse group of stakeholders during its planning process. These outreach efforts helped to facilitate continued community support for the IDV court. The existence of a close-knit local domestic violence community was cited by court planners as an effective tool for facilitating stakeholder buy-in.
- *Estimating Caseload:* The cross-jurisdictional nature of the IDV court made estimating potential IDV court caseloads before the court’s opening particularly difficult. Labor-intensive estimates were conducted, but resulted in only vague estimates of the potential

IDV court caseload. The large pool of potential IDV court cases drawn from non-unified town and village courts throughout Erie County created additional challenges. By building in flexibility—for instance, by gradually phasing in additional eligibility criteria—the court was able to account for initially inaccurate caseload estimates.

- *Tracking Case Information:* Tracking case information is particularly challenging and time-consuming given the cross-jurisdictional nature of the IDV court model. During the period covered in this study, the IDV court relied on four independent management information systems, requiring duplicate data entry and placing strain on staff responsible for keeping records up-to-date. In the years subsequent to this study, case management systems were modified to allow some data to be imported into multiple databases, cutting down on duplicate data entry.
- *Court Personnel:* The additional tasks created by the IDV court model (especially regarding the identification of eligible cases and data entry into multiple management information systems) placed strain on existing court personnel. Exploring the potential benefits of alternative staffing plans—for instance, scheduling trials before a back-up judge and hiring additional clerks to assist with data entry—helped the court to overcome some of these staffing and resource challenges. Further, in the years following the period covered in this study, the Office of Court Administration created automated search tools to assist with case identification.
- *Transfer to the IDV Court:* It took just over one month for eligible cases to be transferred to the IDV court. During the pre-transfer period, litigants made fewer than two (1.54) court appearances per case on average.
- *Actual Caseload:* During the first 25 months of court operations, the Erie County IDV Court totaled 1,223 cases, with an average of nearly 60 (57.36) new cases per month. The court averaged about the same number of criminal (26.24) and family (25.92) court cases each month, with fewer (6.12) matrimonial cases. The majority of new family cases each month were custody/visitation cases (19.95), followed by family offense (4.70) and other (0.77) cases.

### **Impact Evaluation Results**

The impact evaluation was limited to several readily quantifiable outcomes (court appearances, litigant trips to court, dispositions, and subsequent case filings). Cases appearing in the IDV court from court inception (December 2003) through December 2005 were included. The comparison sample consisted of families that met IDV court eligibility criteria but were not transferred to the specialized court during the same time period. All impact analyses control for a limited array of baseline characteristics that differed between the IDV court and comparison samples. Major findings include:

- *Impact of Same-Day Scheduling:* IDV court litigants averaged significantly fewer trips to court than comparison litigants (10.48 v. 18.89). These results suggest that same-day scheduling of multiple cases spanning multiple court jurisdictions enables IDV court

litigants to make fewer trips to court, potentially meaning fewer days of work missed and reduced need to secure childcare.

- *Court Appearances:* Overall, cases processed in the IDV court averaged significantly fewer court appearances (4.50) than comparison cases (5.24). This difference was consistent across both family and criminal cases.
- *Subsequent Family Court Filings:* Families in the IDV court were significantly less likely than comparison families to have a subsequent family filing (18% v. 39%).
- *Family Court Case Outcomes:* Family cases in the IDV court were significantly *more* likely to be withdrawn or settled (28% v. 13%) and *less* likely to be dismissed (35% v. 53%) than comparison cases. This finding may suggest a greater likelihood that the parties in the specialized court were able to come to a mutually acceptable resolution to their case.
- *Criminal Court Case Outcomes:* Adjournments in contemplation of dismissal (ACDs) were more common in the IDV court (34% v. 20%),<sup>1</sup> as were guilty pleas (36% v. 26%). Combined with the finding that outright dismissals were less common in the IDV court (12% v. 35%), this suggests that criminal dispositions were *more* severe in the IDV court overall.
- *Post-Disposition Monitoring:* Overall, criminal cases transferred to the IDV court averaged significantly more post-disposition appearances than comparison cases (2.75 v. 0.36 appearances), reflecting greater use of post-disposition judicial monitoring.
- *Criminal Recidivism:* Defendants in the IDV court were significantly more likely than defendants in the comparison sample to have a new criminal charge involving a violation of the initial protective order (13% v. 5% while the initial case was pending). This change may result from a variety of potential changes in the IDV court: more protective orders given; higher numbers of violations; a higher incidence of violation reporting; or increased surveillance provided through enhanced offender monitoring. Hence, interpretation is difficult.

## Conclusion

Overall, the results of this study suggest that many of the anticipated benefits of the IDV court model are realized in Erie County. Same-day scheduling of concurrent cases means that litigants in the IDV court make significantly fewer trips to court overall. Post-disposition court monitoring, a recommended practice for increasing defendant accountability in criminal cases, is implemented more frequently in the IDV court, potentially resulting in greater victim safety during the post-disposition period.

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<sup>1</sup> As compared to an outright dismissal, an ACD gives the court added leverage, as it allows the court to reopen the defendant's current case in the event of future criminal behavior. However, as compared to a guilty plea, the ACD provides *less* legal leverage.

This study also suggests positive impacts with regard to family court case outcomes. Family cases in the IDV court are more likely to be withdrawn or settled and less likely to be dismissed, suggesting a greater likelihood of a mutually agreed upon resolution in the IDV court. In addition, families in the IDV court are less likely to have a subsequent family court filing—another possible measure of satisfaction with case outcomes.

Notably, since the timeframe for both the IDV and comparison samples involved cases initiated in the early 2000s, results may not necessarily reflect current IDV court practice. In addition, the IDV court model has a number of hypothesized benefits that were not examined. Specifically, the current research did not look at impact of the IDV court on use of batterer program mandates, litigant and judicial satisfaction, or victim service referrals. In addition, while the study did take a preliminary look at the use of protective orders in the IDV court and efforts at improved information-sharing, a deeper examination of these areas could better illuminate potential benefits of the IDV court model. Finally, although IDV courts commonly seek to increase victim access to legal representation in their family and matrimonial cases, legal representation data was unavailable. Some of these limitations have been explored through other IDV court research (e.g., Picard-Fritsche 2011; Levy, Ross, and Guthrie 2008), while others might be meaningful areas for future research.



## **CHAPTER ONE**

### **THE INTEGRATED DOMESTIC VIOLENCE COURT MODEL**

The concept of unified family courts, a “one family-one judge” system of adjudication in which a single judge hears all of a family’s cases, has been widely endorsed in recent years (American Bar Association Commission 1990; American Bar Association 1993, 1998; Institute of Judicial Administration-American Bar Association 1980). Unified family courts are proposed as a remedy for the perceived fragmentation and incoherence of the present system, a remedy that would make the court process simpler, more consistent, and more meaningful for litigants and judges alike. Such an arrangement could take many forms, and would pose a host of procedural and substantive challenges; but unified courts have great appeal, as they hold the potential for more informed judicial decision-making, more efficient case processing, more coherent case outcomes, and improved victim safety and satisfaction.

A system of unified family courts may be particularly advantageous for victims of domestic violence and their children, who frequently have complex and interrelated cases, the resolution of which may determine their safety. While not all unified family courts seek to incorporate criminal domestic violence matters, the integrated domestic violence (IDV court) court model implemented throughout New York State focuses on families in which domestic violence underlies the family’s diverse array of court cases.

The concept of integrated domestic violence courts may have particular resonance in New York State for two reasons. First, the state has been at the forefront of judicial innovation in recent years, particularly in regard to the use of specialized problem-solving courts to address social issues such as addiction, domestic violence, and mental illness. Second, the state labors under one of the most complicated trial court structures in the country. In New York, families divorce in the matrimonial branch of the supreme court, prosecute allegations of criminal domestic violence and child abuse in any of several criminal courts (town, city, county, district, supreme), and resolve civil orders of protection, custody, visitation, and other family matters in family court.<sup>2</sup> Thus, in 2001 New York State Chief Judge Judith Kaye announced the introduction of the state’s first integrated domestic violence courts and a plan to make such courts available statewide in the ensuing years.

This report provides one of the first examinations of the integrated domestic violence court model. First, it provides a descriptive look at the planning, policies, and caseload of one of the earliest IDV courts in New York State. Second, the study presents an impact evaluation of that court, comparing key outcomes of families whose cases were heard in the Erie County IDV Court to outcomes for families whose cases were heard in traditional courts during the same time period (court implementation through 2005).

Chapter One provides an overview of both the unified family court and integrated domestic violence court models, and describes research to-date. Chapter Two describes this project’s methodology and the site in which the current research was conducted (Erie County, New York).

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<sup>2</sup> New York State established a statewide family court system in 1962. However, New York’s family courts have limited jurisdiction and do not include key components of unified family courts noted below (e.g., comprehensive jurisdiction, a one family-one judge model).

Chapter Three describes the results of a process evaluation of the integrated domestic violence court in Erie County, including court planning, operations, caseload, and volume. Chapter Four presents the results of the quasi-experimental impact evaluation, comparing key outcomes for families transferred to the IDV court to comparable families processed in traditional courts. Chapter Five concludes with a summary of the emergent themes and findings from both the impact study and more qualitative assessments of IDV court operations and challenges.

### **THE CALL FOR UNIFIED FAMILY COURTS**

Beginning in the 1990s, a movement began throughout the legal community calling for an end to the fragmentation of the country's courts dealing with legal issues surrounding families and children. Millions of domestic relations cases—including divorce, custody, visitation, paternity, support, adoption, and civil protective orders—are processed in the nation's fragmented court system each year. Domestic relations cases make up about one-quarter of the civil court caseload in this country. Filings of domestic relations cases have increased each year since 1998, with record filings of 5.7 million such cases filed in 2005 (National Center for State Courts 2006). The complex nature of family discord and dissolution mean that many of the families filing these cases will have multiple, concurrent cases, each requiring multiple court appearances and potentially resulting in conflicting court orders, repeated interviews of parties, unnecessary delays due to missing information, multiple days of missed work, and numerous additional complications for families in crisis (American Bar Association 1998). Such complications are of particular concern when domestic violence is involved. For victims of domestic violence, fragmented courts can mean delays in justice, manipulation of the system by batterers, and jeopardized safety.

Unified family courts present a proposed remedy to the problem of fragmented courts and have gained widespread support. Such courts could take a variety of forms, but would generally incorporate all of a single family's cases into a comprehensive court. Although the specifics of such a court might vary by jurisdiction, there are several key components of all unified family courts (see especially Ross 1998):

1. ***Comprehensive Jurisdiction:*** The American Bar Association and the National Council of Juvenile and Family Court Judges recommend that such courts have jurisdiction over *all* matters affecting families and children; while such a broad definition includes jurisdiction over intra-family criminal offenses (e.g., domestic violence), some have raised concerns that including criminal matters under the purview of the family court might diminish the perceived severity of the proceedings in the eyes of perpetrators (Babb 1998).
2. ***One Family-One Judge:*** By putting all of a family's cases in front of a single judicial officer who can see the broad range of interrelated issues faced by the family, unified family courts can potentially provide greater continuity for litigants. In addition, the single judge concept serves to prevent judge shopping, judicial inconsistency, and manipulation of the system by batterers (Page 1998).
3. ***Specialized Training:*** The National Family Court Symposium recommends mandatory judicial training on "custody, support, dissolution, separation, child development,

substance abuse, sexual abuse, domestic violence, child abuse and neglect, juvenile justice, adoption, social services and mental health” (Katz and Kuhn 1991). In addition, the Symposium further recommends that the assignment of judges to unified family courts be extended beyond standard terms (if not made permanent), so that specialized knowledge remains in the family courts (Ross 1998).

- 4. *Comprehensive Services:*** The complex nature of problems arising in a family court setting requires that courts have the capacity to connect litigants with needed services. Kuhn (1998) maintains that services linked to the court should be comprehensive and easily accessed by litigants. Depending on the resources of individual courts as well as the needs of the target population, some services courts may consider include education services, child care, emergency and subsidized housing, drug and alcohol treatment, victim advocacy, counseling, alternative dispute resolution, and legal assistance for pro se litigants (Ross 1998).

Other recommendations that unified family courts may consider include methods that may help to reduce the burden brought about by increased caseloads. For instance, it is recommended that the single judge is supported by an intake team and a case manager for each family to provide administrative support and to alleviate the judge’s workload. Mediation or alternative dispute resolution may be advised for appropriate cases and may also help to lighten the judge’s caseload, although some have raised the concern that mediation is inappropriate when there is a power disparity, such as in domestic violence cases (Dunford-Jackson et al. 1998). Finally, a computerized case management information system is recommended to help coordinate case information and hasten case processing times (Ross 1998).

According to a 2006 national survey, 38 states have either implemented or are planning some form of unified family court. This includes statewide unified family courts, courts in select areas of the state, and pilot courts and represents an 8% increase over the number of such courts in 1998. The number of statewide unified family courts has also increased from 11 to 15 in the years between 1998 to 2006. As of 2006, eighteen additional states had implemented unified family courts in select areas of the state and four more states had initiated pilot projects. As Babb (2008) notes, these changes are particularly impressive given the complexity of court reform.

#### **THE NYS INTEGRATED DOMESTIC VIOLENCE COURT MODEL**

Based on the one family-one judge concept central to the unified family court movement, New York State’s integrated domestic violence courts exist to handle all related cases pertaining to a single family where the underlying issue is domestic violence. The courts seek to promote justice and protect the rights of all litigants while providing a comprehensive approach to case resolution, increasing offender accountability, ensuring victim safety, integrating the delivery of social services, and eliminating inconsistent and conflicting judicial orders.

The model for integrating criminal, family and matrimonial cases for families experiencing domestic violence was developed by the office of Honorable Judy Harris Kluger, then Deputy Chief Administrative Judge for Court Operations and Planning for the New York State Unified Court System, and a non-profit think tank, the Center for Court Innovation. In an early

publication, *Integrated Domestic Violence Courts: A Model Court Response to Domestic Violence*, the Center for Court Innovation explained that the goals of the model are to promote:

1. *“Informed judicial decision-making, by obtaining comprehensive and up-to-date information on all issues involving the family;*
2. *Consistent handling of all matters relating to the same family by a single presiding judge;*
3. *Efficient use of court resources, with reduced numbers of appearances, and speedier dispositions due to greater availability of complete information;*
4. *Concentration of social services and other resources to address family members’ needs comprehensively;*
5. *Victim safety, by eliminating conflicting orders and decisions that do not reflect domestic violence or child neglect histories;*
6. *Increased confidence in the court system by reducing inefficiencies for litigants as well as opportunities for manipulation; and*
7. *Coordinated response and collaboration among criminal justice and child welfare agencies, community-based social services and domestic violence and child victim advocacy groups (CCI 2000, p. 7).”*

The first six pilot courts introduced in 2001 and 2002 included Bronx, Monroe, Onondaga, Rensselaer, Suffolk, and Westchester counties, with each county adapting the model to local conditions. Support for planning and technical assistance in all courts was provided primarily by the Center for Court Innovation. Following the perceived success of the initial pilot courts, Judge Judith Kaye approved their replication, appointing then Deputy Chief Administrative Judge Judy Harris Kluger to coordinate the effort statewide. In 2003, five additional courts opened in Erie, Queens, Richmond, and Tompkins counties and in New York’s Fourth Judicial District (encompassing three counties). Over the next five years, courts were opened in 36 more counties throughout New York State, with additional courts still in planning.

Implementation of subsequent IDV courts was more uniform, based on a model codified as the *Integrated Domestic Violence Court Model Court Components*. The complete list of key components is presented in Appendix A. Of particular note, the model suggests a comprehensive six-month planning process followed by a six-month implementation period in all new IDV courts. During both the planning and implementation periods, technical assistance was provided collaboratively by the Office of the then Deputy Chief Administrative Judge for Court Operations and Planning and the Center for Court Innovation. During the planning process, courts had to develop procedures to screen cases in all three originating courts for IDV court eligibility and to then transfer eligible cases to the IDV court. Once cases are transferred, they continue to be governed by both the substantive and procedural laws of the originating courts; cases are not combined in a legal sense. In a further effort to maintain the integrity of each individual case, official documents recommended that each case type (criminal, family court, matrimonial) be called separately, with criminal cases being heard first, and recommended creating a separate designated compliance monitoring calendar as well. Under the recommended model, although all of the family’s cases are heard on the same day, they are not necessarily heard consecutively.

**TABLE 1.1 THE INTEGRATED DOMESTIC VIOLENCE COURT MODEL:  
HYPOTHESIZED IMPACTS AND BENEFITS**

Victims

- *Court orders:* Victims are more likely to get an Order of Protection and to get requested conditions on the Order of Protection; are more likely to get longer Orders of Protection; are more likely to get requested conditions of custody and visitation; and are less likely to get conflicting orders.
- *Services:* Victims are more likely to be connected to victim advocates and other social services.
- *Experience of the system:* Victims are more likely to be satisfied with the court process, to feel that the court process contributed to keeping them safe, and to be willing to use the courts in the future; they may also be more likely to cooperate with the prosecution on current and future cases.

Defendants/Respondents

- *Program mandates:* Defendants/respondents are more likely to be mandated to programs, such as batterers programs.
- *Monitoring and compliance:* Defendants/respondents are more likely to receive judicial monitoring, to be monitored for compliance with programs (including programs assigned on civil cases), and to comply with mandates and orders.

All Litigants

- *Efficiency:* Litigants make fewer total appearances in court and fewer total trips to court due to centralization of all cases within one court part.
- *Representation:* Litigants are more likely to have legal representation on civil cases, and to be represented by the same attorney on all cases.

Judges

- *Information and awareness:* Judges are more likely to be aware of all developments on all cases, to have comprehensive information about the family, and to be aware of litigant non-compliance.
- *Orders:* Judges are more likely to give consistent, specific and appropriate orders, mandates and sentences.

Attorneys

- *Information and awareness:* Attorneys are more likely to be aware of all developments on all of their clients' cases, and to have comprehensive information about the family.

Court System

- *Efficiency:* Cases take fewer appearances and less time to disposition.

All

- *Recidivism and new filings:* Litigants are less likely to be re-arrested or to file new cases because initial case resolutions in the integrated part were comprehensive and appropriate, and because parties know they will be returning to the same judge.

The initial population served by IDV courts was intended to be intimate partners who had both a criminal domestic violence case and a family court *or* matrimonial case pending. Over time, courts might choose to expand these criteria (e.g., accepting couples with a family court case and a matrimonial case and no criminal domestic violence case). In some jurisdictions that

anticipated large caseloads, the criteria may have been even more restrictive at start-up, usually limiting admission to couples with both a domestic violence case in criminal court and a family offense case (which involves a petition for a protective order) in family court.

Once the court has confirmed that a given family meets its case eligibility requirements, the court may identify and accept additional family cases – most commonly custody and visitation and paternity, but often neglect and abuse, and cases related to juveniles. These may even extend to other family members and partners: for instance, a couple may have qualifying criminal and family court cases, while one partner has another family court case with a former spouse.

There is also a temporal dimension to the IDV court model. Not only does it hear all of the family's currently pending cases, but it was also intended to hear all of a family's subsequent family, matrimonial, or criminal domestic violence cases.

The IDV court model is hypothesized to benefit not only litigants but also judges, attorneys, and the court system as a whole. Table 1.1 presents some of these hypothesized advantages or impacts, several of which will be further explored in the impact analysis included in this report.

## **EVALUATIONS TO DATE**

### **EVALUATING UNIFIED FAMILY COURTS**

Despite the deluge of new unified family court programs in the past ten years, relatively little conclusive research measuring their effectiveness has been conducted. In a 2002 review of the literature, the American Institutes for Research identified eight evaluations conducted in seven states. Three evaluations largely focused on the process of planning and implementing unified family courts, and a fourth evaluation served primarily as a needs assessment (Indiana). All process evaluations (Kentucky, Ohio, Oregon) found general support of and satisfaction with unified family court initiatives.

Only four evaluations (Colorado, two New Hampshire evaluations, Virginia) used a rigorous experimental or quasi-experimental design to examine the impact of the consolidated model on key outcomes (Hirst 2002). A 2001 evaluation of the unified family court in Colorado's 17<sup>th</sup> Judicial District randomly assigned litigants in dependency and neglect hearings to either the newly formed family court or traditional court processing (Thoennes 2001). Despite a rigorous study design, the study findings should be interpreted cautiously, due to a small sample size (27 family court cases and 28 comparison cases). The results indicate that although the unified family court increased the number of issues addressed during each hearing, it did not reduce the total number of hearings per family. Furthermore, case processing time for unified family court cases was nearly identical to that for comparison cases. The author explained that this case processing result may be a function of state requirements for processing dependency cases, which are the same for both unified family courts and traditional courts. In fact, there was some limited evidence that the non-dependency cases in the family court were resolved faster than comparison group cases. Unified family court cases were found to be more likely than comparison cases to involve counseling and mental health services. Finally, the study found that children placed out-of-home through the family court had shorter placements than comparison cases.

Two quasi-experimental evaluations of the New Hampshire unified family court pilot projects in Grafton and Rockingham Counties have been undertaken to date. The first study examined key outcomes for family court cases as compared to cases processed through traditional means in the year preceding the opening of the family court; the second study compared survey responses from litigants processed through the family courts to responses from a comparison group processed through traditional courts in two other counties. The outcome evaluation results indicated that case processing time to disposition did not meet the standards set by the pilot project (or mandated by statute in juvenile cases) for either the family court sample or the comparison group. However, the unified family court disposition time was a marked improvement over traditional case processing. Litigant survey results revealed that litigants found court locations convenient (as did attorneys); that the unified family court made the process easy to understand and user-friendly; and that they were treated fairly by family court judges and staff. The study also found that a single judge saw all of a single family's cases 90 percent of the time. The family court was less successful in reaching stated goals of emphasizing alternative dispute resolution (20% of litigants and attorneys reported using these services) and specialized training for judges (50% reported receiving special training) (Solomon 1997). The results of a 1999 follow-up study were similar to the 1997 results, with litigants expressing general satisfaction with both the unified family court and traditional courts. Attorneys familiar with both courts expressed that the unified family court provided better services than traditional courts. The evaluation also found that the unified family court was more expensive to run than traditional courts (Office of the Legislative Budget Assistant 2000).

An evaluation of the unified family court pilot in Virginia relied on a contemporaneous sample drawn from the caseload of judges who continued to process cases in traditional courts after the pilot family court was implemented. The results of this study indicated that case processing time in divorce proceedings was about the same in family courts and comparison courts; however, litigants, attorneys, and judges rated the case processing time as more favorable in the family court. Overall, litigants in the family court viewed their court experience more positively, were more satisfied with case outcomes, found the process more just, and had a more positive interpretation of the impact of the experience on themselves and their families than comparison group litigants (Judicial Council of Virginia 1993).

A 2004 study not included in the review by the American Institutes for Research examined three unified family courts in Washington State. Methodologies and findings varied by site, but generally, the study found that the unified family court had a positive impact on compliance with court mandates and that fewer redundant and/or conflicting orders were issued in the family court than in the traditional court. The unified family courts were less successful in impacting case processing; there was no evidence that the unified courts reduced either continuances or court appearances. Interviews and focus groups revealed widespread support for the unified family court; there was consensus among litigants and key stakeholders that the family court improves judicial oversight and that the case management provided through the family court benefits children and families. However, there was also consensus that the unified family court requires more time and resources at the front-end.

## EVALUATING NEW YORK'S INTEGRATED DOMESTIC VIOLENCE COURTS

The model of unified family court adopted by New York State places more emphasis on domestic violence than many other jurisdictions. To date, there have been only two published evaluations of this model. In 2005, the Center for Court Innovation and the Urban Institute conducted a study looking into the cost-effectiveness of a proposed restructuring of the New York State trial court system. As part of that evaluation, the authors examined the impact of the Bronx and Erie County IDV Courts on key outcomes and found that IDV courts produced a significant reduction in the overall number of trips litigants were required to make to court. However, IDV court families had significantly *more* appearances on family cases than the comparison group. Although the IDV court did not produce reductions in criminal recidivism, there was some evidence that IDV court may have produced a slight reduction in supplemental family filings. The IDV court also significantly increased favorable dispositions on family cases (withdrawn, settled) (Mennerich et al. 2005).

The Vera Institute of Justice recently completed a qualitative evaluation examining the impact of the Queens IDV court on victims of domestic violence. The 14 victims interviewed generally found the IDV court more efficient than the traditional court system. When asked whether they had an opportunity to convey their experiences in court, victim responses were mixed, with positive responses correlated with a relationship with their attorney and feeling that the judge was responsive to their concerns. The role of the prosecutor was also pivotal in determining victims' sense of procedural justice. Victims gave positive feedback on both the victim advocates and the physical layout of the court, which led to a greater sense of safety. Some victims expressed frustration that batterers were not always sanctioned for retaliatory actions; others were frustrated that the court did not place more emphasis on securing child support payments.<sup>3</sup> Victim responses indicated a high level of coordination between the IDV court and local service providers; victims reported having access to numerous services for themselves and some also requested service referrals for their batterers. Finally, victims consistently rated the domestic violence advocates in the IDV court highly, citing them as a source of emotional support and technical knowledge (Levy, Ross, and Guthrie 2008).

In addition, two other evaluations that were recently completed by research staff at the Center for Court Innovation examine the impact of IDV courts. The first of these examines the litigant experience in the Yonkers IDV court. The study finds that about half of all litigants (victims and defendants) felt that their case was handled fairly in the IDV court and more than half of all litigants felt that the IDV court judge listened to their side of the story. Overall, litigants reported that having all of their cases in one court made getting to and from court logistically easier. Victims in the court rated the outcome in their family case as more important than the outcome in the criminal case; defendants more frequently rated both cases as equally important (Picard-Fritsche 2011). The second forthcoming IDV court report compares family court outcomes in nine New York State IDV courts to outcomes in traditional family courts from the same nine counties (Katz and Rempel 2011). The study finds that family court cases in the IDV court take longer to reach final disposition and litigants in the IDV court make about twice as many

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<sup>3</sup> New York's Family Court Act §§ 439 and 439-a (L.1985, ch.809) requires the use of support magistrates to expedite child support and paternity determinations, unless a federal waiver is obtained. Therefore, the IDV court does not hear support matters, though it is recommended that IDV courts coordinate closely with the support magistrates.



appearances as comparison cases. Cases in the IDV court were more likely to be withdrawn than those in the comparison group, possibly signaling a greater prevalence of resolutions that were mutually acceptable to both parties in the IDV court. Finally, few subsequent family court filings were filed within one year of the initial case filing in either the IDV court or comparison sample; the two groups did not differ significantly on this measure. Regarding criminal court outcomes, the study found few differences in case processing or outcomes but did find that IDV court defendants were more likely to be re-arrested on criminal contempt charges, suggesting that the IDV courts may have been more effective in obtaining orders of protection and/or detecting violations of them. It is worth noting that, unlike the present study, this analysis did not require that cases in the comparison group have overlapping family court and criminal court cases; rather, the comparison group was comprised of any family offense cases and any custody/visitation cases with an overlapping family offense case in the nine sites. This may influence some results, particularly in regard to case processing outcomes, where we might anticipate that families with *more* ongoing cases across multiple jurisdictions (i.e., IDV court families) might be reasonably expected to spend more time to case disposition.

Finally, in a companion piece to the current report, research staff at the Center for Court Innovation examine policies, practices, and impacts of the Suffolk County IDV Court (Cissner, Picard-Fritsche and Puffett 2011). The study finds that, due to same-day scheduling, litigants in the IDV court made substantially fewer trips to court overall despite the finding that IDV litigants made more court appearances per case than comparison cases. Families processed in the Suffolk County IDV Court were significantly less likely to have a subsequent family court filing and were more likely to have their family court case withdrawn and less likely to have their case dismissed outright. Both of these findings may suggest that families in the IDV court were more likely to come to a mutually acceptable resolution to their case. Criminal cases in the IDV court were less likely to be dismissed outright and more likely to receive an ACD, conditional discharge or probation sentence. On the other hand, fewer criminal defendants in the IDV received outright jail sentences. Suffolk County IDV court defendants were also more likely to have a new criminal charge involving a violation of the initial protective order, possibly due to greater supervision through probation or judicial monitoring.

## CHAPTER TWO RESEARCH DESIGN AND METHODOLOGY

This report considers one of New York State’s earliest integrated domestic violence courts, located in Erie County. The report reflects the results of both process and impact evaluations. After describing the community characteristics of Erie County, this chapter presents the research design and methods used respectively in the process and impact evaluations.

### ERIE COUNTY, NEW YORK

Erie County, New York is located on the western border of the state. Bounded by Lake Erie to the west and Canada to the north, the county covers just over 1,000 square miles. The county seat, Buffalo, is the second largest city in New York State (after New York City). In 2000, the population of Erie County was just under one million (950,265). As shown in Table 2.1, the educational attainment in Erie County mirrors national statistics; 83% of the population has a high school degree or higher and a quarter has a bachelor’s degree. The county resembles the national population in other ways: 12% of Erie County’s population lives in poverty, 65% own their own homes, and the median household income falls just short of the national average (\$38,567). However, Erie County has more white residents (82%) and fewer Hispanic residents (3%) than either the country or the state.

**Table 2.1. 2000 Demographics, Erie County**

	United States	New York State	Erie County
Total population	281,421,906	18,976,457	950,265
Race			
White	75%	68%	82%
African-American	12%	16%	13%
Other	13%	16%	5%
Hispanic (any race)	13%	15%	3%
High school degree or higher <sup>1</sup>	80%	79%	83%
Bachelor's degree or higher <sup>1</sup>	24%	27%	25%
Individuals living in poverty	12%	15%	12%
Median household income	\$41,994	\$43,393	\$38,567
Percentage of homes that are owner-occupied	66%	53%	65%
Percentage of households made up of married-couple families	51%	53%	54%

*American Community Survey Profile 2000, U.S. Census Bureau*

<sup>1</sup> Of residents 25 years or older

### PROCESS EVALUATION DESIGN

The process evaluation component of the current research included two site visits (the first in May 2004 and a follow-up visit in January 2006), review of official documents and policies, stakeholder interviews, and a quantitative analysis of the court’s caseload. During interviews,

stakeholders were asked about the court planning process; the physical layout of the courtroom; court staffing; eligibility criteria; case screening and transfer protocols; case calendaring; case management and data entry; advocacy services and safety measures; court use of batterer and other programs; and the perceived purpose of and relative benefits of the IDV court. Interviews were conducted with key court personnel—including the dedicated IDV court judge, resource coordinator, IDV court liaison, IDV court clerks, dedicated prosecutor, dedicated law guardian, and victim advocates. The information gained during site visits and interviews not only informed the descriptive component included in Chapter Three, but also helped to define eligibility criteria for identifying IDV court and comparison samples for the impact study (see below).

To inform quantitative analyses of the IDV court caseload at each site, data was obtained from four separate management information systems:

- The Criminal Records and Information Management System (CRIMS) is used to track criminal case information, including defendant identifiers (name, date of birth, New York State identification number); court appearance information (dates, courtrooms, and judges); arrest and arraignment charges; final dispositions; and sentences.
- The Universal Case Management System (UCMS) is used to track family case information, including litigant information (respondent and petitioner names, respondent and petitioner role in the case); court appearance information (dates, courtrooms, and judges); petition type; final dispositions; and information on family court orders.
- The Civil Case Information System (CCIS) is used to track matrimonial actions in the supreme court, including litigant names; date of the request for judicial intervention; judge information; final disposition; and trial dates.
- The Integrated Domestic Violence Application (IDV application) is the case management system used to track cases transferred to the IDV court. Available data in this system varies depending on which fields are utilized by court personnel, but typically includes litigant names and common family identifiers; court appearance information (dates, attendance, adjournment reason, judges); court of origin and case type; criminal charges; case status; appearance and final disposition; and probation and program mandates and compliance.

Data from each system includes cases initiated between the date of the IDV court opening (December 2003) through December 2005.

All cases processed by the IDV court and appearing in the IDV application from court inception through December 2005 were included in the IDV court sample. Where possible, additional cases for individuals and families in the IDV court sample were identified in CRIMS, UCMS, and CCIS.<sup>4</sup> Cases identified in CRIMS, UCMS, and CCIS which occurred before the family was

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<sup>4</sup> *Defining an Individual* Other than first and last name, analogous individual-level identifiers are not available across the four management information systems. First and last name were used to link litigants across databases. Within a single database, in order to determine whether litigants with the same first and last name were the same person or two different people, we made two primary assumptions: (1) Two litigants with the same first and last name in CRIMS were assumed to be the same individual if they had the same date of birth; and (2) Two litigants with the same first and last name in UCMS were assumed to be the same individual if they were linked to a specific second litigant on more than one case. (Because the same litigant name rarely appears multiple times in CCIS, visual inspection was sufficient for defining individuals in that system.) The second of these is a fairly conservative

transferred to the IDV court were considered family history. Cases identified in CRIMS, UCMS, and CCIS which were transferred to the IDV court were retained as part of the IDV court sample. Cases identified in CRIMS, UCMS, and CCIS filed after the initial cases were transferred to the IDV court were considered future filings.

Using these criteria, we established the IDV court sample and reported general descriptive statistics for the IDV court, including appearance volume and active caseload during the period from court implementation through December 2005; intake and volume; case processing time in the IDV court; trips to court made by litigants in the IDV court;<sup>5</sup> and dispositions on family and criminal cases.

### **IMPACT EVALUATION DESIGN**

In order to examine IDV court impacts, we implemented a quasi-experimental design, comparing key outcomes of families whose cases were heard in the IDV court to otherwise similar families whose cases were heard in traditional courts during the same period of time.

As with the process evaluation, the IDV court sample included all cases processed by the IDV court and appearing in the IDV application from court inception (December 2003) through December 2005. The use of a sampling frame from the first several years of court operations means that results may not necessarily reflect practice in Erie County IDV Court today. Details for identifying the IDV court sample are noted above.

### **MERGING DATA ACROSS DATA SYSTEMS**

Each case transferred to the IDV court is assigned a new IDV court docket number, distinct from the docket number associated with the case in the court of origin. While some cases entered in the IDV application also retain a field indicating the original docket number associated with the case, this was not the case with the criminal court data used for the current study.<sup>6</sup> In lieu of matching data using a common docket number, data in CRIMS was matched to criminal cases in

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assumption, which undoubtedly mistakenly led to some litigants being counted as two separate people, potentially resulting in a deflated estimate of the number of cases per litigant. However, it was felt that it was preferable to err on the conservative side, rather than assuming that name alone was a unique identifier.

**Defining a Family** The IDV application contains a family identification number that links all a single family's cases, enabling a straightforward definition for IDV court families. Comparison group cases in UCMS and CCIS were considered to belong to the same family if the names of at least two of the parties associated with one case were also associated with a second case; no single-party overlap was included. For example, if two litigants are involved in both a divorce case and a family offense case, they are defined as a family. However, if one of those litigants also has a concurrent custody case with an ex-spouse (a third litigant), that custody case is not included as one of the initial family's cases. Criminal court cases were linked to the family's cases if the criminal defendant was identified as the same individual in any of the family's other cases (see defining an individual, above).

<sup>5</sup> In order to estimate the total trips to court made by litigants in the IDV court, we made the assumption that concurrent cases are scheduled on the same day. Therefore, we assumed that the IDV court case with the most court appearances represents the total number of trips to court each litigant in the family made. In contrast, we assumed that all cases *not* routed to the IDV court would be scheduled on different days. Therefore, we assumed that the total sum of appearance dates on all cases represents the total number of trips to court each litigant in the family made.

<sup>6</sup> The original family court docket numbers were preserved in the IDV application and allowed us to more easily identify corresponding family court cases in UCMS and the IDV application. Very few families had multiple matrimonial cases, so identifying corresponding cases in CCIS and the IDV application was also fairly straightforward.

the IDV application using first and last name, arrest and arraignment dates, appearance dates, and criminal charges. However, due to the lack of a common identifier across data management systems, it was not always possible to accurately identify corresponding cases in the IDV application and CRIMS. When it was not possible to determine which case in the CRIMS database corresponded to the IDV court case (a problem in 24% of criminal cases transferred to the Erie IDV Court), the data from the IDV application alone was preserved. Because many background variables (race, date of birth, sex) are not consistently available through the IDV application, this process led large amounts of missing data on key variables.

#### THE COMPARISON SAMPLE

The comparison sample is contemporaneous to the IDV court sample. The sample includes criminal and family cases that were adjudicated between the IDV court opening date and December 2005.<sup>7</sup> Eligibility criteria was determined based on IDV court eligibility criteria. This meant that families that met the following criteria were eligible for the comparison group:

- The family does not have a case in the IDV court;
- The family has an IDV court-eligible criminal case and a concurrent eligible case in *either* the matrimonial or the family court ;
- Eligible family cases include family offense, custody/visitation, and neglect/abuse;
- Eligible criminal cases include misdemeanor and felony domestic violence cases.

IDV court cases are transferred to the specialized courts not only based on case type, but because the eligible cases are concurrent. In order to be considered concurrent, comparison group cases were required to be filed within 60 days of each other. Therefore, comparison group families not only have IDV court-eligible case types, but the eligible cases had to be pending simultaneously. Finally, additional temporal criteria excluded cases that were settled or dismissed incredibly quickly, with the rationale that it is unlikely that such cases would be transferred to the IDV court in any instance. In order to be eligible for the comparison group, cases were required to have at least two court appearances, scheduled at least 30 days apart.

#### DEPENDENT VARIABLES

As illustrated in Table 1.1, the IDV court model is hypothesized to have several positive impacts for families. Available data through the four management information systems used by the IDV court allow us to examine several of the hypothesized benefits of the IDV court, including impacts on court efficiency, recidivism, and new filings. Specifically, the impact analyses examine seven key dependent variables of interest:

- **Number of Court Appearances:** How many court appearances were scheduled for each case?

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<sup>7</sup> Note: During the period under study (2003-2005), the Erie County Supreme Court ran a specialized matrimonial court dedicated to the expedited processing of contested matrimonial cases. In fact, many cases that were handled in the IDV court were likely to have initially been assigned to the expedited matrimonial part but, ultimately, to have been deemed inappropriate for it specifically due to their high conflict nature. For this reason, IDV cases and cases that *remain* in the expedited matrimonial part are inherently different, with cases that remain in the expedited part inherently more likely to reach a rapid disposition. Since up to 75% of potential comparison matrimonial cases may have been disposed in the expedited matrimonial part, this report omits matrimonial cases entirely, presenting findings on the impact of the IDV Court on case processing efficiency for family and criminal cases only.

- **Time to Case Completion:** How much time passed from case initiation to case disposition? How much time passed from case initiation to final court appearance?
- **Number of Trips to Court:** Did same-day scheduling result in fewer total trips to court for families in the IDV court?
- **Family Court Dispositions:** How were family cases resolved? Did case dispositions vary by family case type (e.g., family offense or custody/visitation)?
- **Subsequent Family Court Filings:** Were new family cases filed in the six months after the initial case was adjudicated?
- **Criminal Court Dispositions:** How were criminal cases resolved?
- **Subsequent Criminal Activity:** Was there a violation of the protective order while the initial case was pending? Was there a violation of the protective order in the six months after the initial case was disposed?

#### INDEPENDENT VARIABLES

For the impact analyses, the primary independent variable was whether the family was transferred to the IDV court or not. In addition, limited individual background, case, and family characteristics were included as independent variables in univariate ANOVA analyses.<sup>8</sup>

- **Current case:** When looking at case-level outcomes (i.e., case processing time, dispositions), characteristics of the current case were introduced as control factors. Case characteristics include the court of origin (family, criminal, or civil supreme), the type of family court case (custody/visitation, family offense, neglect/abuse), arrest charge on criminal cases (assault, criminal contempt), and the number of court appearances per case.
- **Characteristics of the family:** When examining family-level outcomes (i.e., number of trips to court, subsequent activity), family-level characteristics were introduced as independent variables. Family characteristics include what types of cases the family has, the total number of cases the family has, and the family's combination of cases.

#### HYPOTHESES

The working hypotheses are as follows:

Hypothesis 1: IDV court cases will be processed more efficiently, meaning fewer court appearances and less time to final disposition than comparison cases.

Hypothesis 2: IDV court cases will be subject to increased post-disposition monitoring, meaning more post-disposition appearances for criminal cases in the IDV court than comparison cases.

Hypothesis 3: Same-day scheduling will reduce the number of trips to court made by IDV court families.

Hypothesis 4: Family cases in the IDV court will be more likely to be resolved with a mutually agreeable disposition (petition withdrawn or settled) and less likely to be dismissed than comparison cases.

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<sup>8</sup> The management information systems utilized by the IDV court contain limited background information. Information on litigant age, race, and sex is consistently available only through the criminal court data management system and is available only for the criminal defendant in the case. Consequently, demographic information was unavailable for all analyses including family or matrimonial cases. Moreover, due to the data-matching issues in Erie County noted above, an excessive amount of background data was missing and, therefore, demographic variables were excluded from all criminal analyses.

Hypothesis 5: Fewer subsequent family cases will be filed by IDV court families, due to a more comprehensive initial case resolution.

Hypothesis 6: IDV court families will have fewer violations of the protective order, due to litigants' more complete understanding of the order and to the tone set by the IDV court.

Hypothesis 6 (Alternative): IDV court families will have *more* detected violations of the protective order, due to the increased scrutiny faced by litigants in the IDV court.

#### ANALYTIC METHODS

IDV court families differed significantly from comparison group families on key characteristics (see Table 4.1 for details). Typically, a method such as propensity score matching would be implemented to adjust for some of the selection bias between the IDV court and comparison groups. However, propensity score matching requires the development of a logistic regression model to predict the probability that a family is in the treatment group. Because neither UCMS nor CCIS contain critical background variables for developing a predictive model (e.g., date of birth, sex, race), propensity score matching was not indicated.

Instead, all impact analyses rely on univariate ANOVA, which allowed us to control for a limited array of baseline characteristics that differed between the IDV court and comparison samples. Therefore, results presented in the impact sections are adjusted to control not only for group assignment (IDV court or comparison group), but for any other key family-level characteristics where data was available.

## **CHAPTER THREE**

### **THE ERIE COUNTY IDV COURT: PLANNING AND IMPLEMENTATION**

As one in the first wave of pilot sites designed to expand the IDV court model across New York State, the Erie County IDV Court opened in December 2003. The court was phased in over a one-year period and by December 2005 it had a full-time calendar and had served over 400 families. This chapter describes the planning and implementation process. In interpreting all the results presented throughout this chapter, it is worth again noting that the process evaluation was limited to the time period covering the first two years of court operations (through December 2005). Changes in court policies, staffing, and caseload occurring since December 2005 are not reflected in the results presented herein.

#### **THE ERIE COUNTY IDV COURT PLANNING PROCESS**

Planning of the Erie County IDV Court began in January 2003. During interviews, stakeholders cited a request by the Administrative Judge of the Eighth Judicial District as the principal stimulus to the decision to implement an IDV court in Erie County. The planning process was overseen by the Honorable Judy Harris Kluger, Deputy Chief Administrative Judge for Court Operations and Planning, Supreme Court Justice Janice M. Rosa and a planning team of court staff from family, criminal, and civil courts across New York's Eighth Judicial District. Core members of the planning committee included:

The Honorable Sharon Townsend, Administrative Judge of the 8<sup>th</sup> Judicial District;

- The Honorable Janice M. Rosa, New York State Supreme Court Justice;
- The Honorable Thomas Amodeo, Chief Judge of the Buffalo City Court;
- The Honorable Richard Kloch, New York State Supreme Court Justice and Presiding Judge of the Erie County Felony Domestic Violence Court;
- The Honorable Michael Griffith, Erie County Family Court Judge;
- The Honorable John F. O'Donnell, New York State Supreme Court Justice and Presiding IDV Court Judge;
- The Honorable Sybil E. Kennedy, Grand Island Town Court Judge;
- A court attorney from the Buffalo City Court;
- Abena Darkeh, office of Hon. Judge Judy Harris Kluger
- Robyn Mazur, Center for Court Innovation
- The IDV court project coordinator;
- The chief clerks of the Buffalo City and Erie County Family Courts;
- The deputy chief clerks of the Buffalo City and 8<sup>th</sup> District Family Courts; and
- The principal court analyst of the 8<sup>th</sup> Judicial District.

At the time of its founding, planners described the courts' overarching goal as "chang[ing] the way the justice system in Erie County treats families and children facing the scourge of domestic violence."<sup>9</sup> To achieve this goal, the court was designed to protect victims and hold domestic violence offenders accountable through four key means:

1. Incorporate a dedicated, on-site domestic violence advocate to increase victim safety and provide services and referrals;

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<sup>9</sup> Erie County, Eighth Judicial District, Integrated Domestic Violence Planning Document.



2. Utilize a defendant monitor to enhance accountability of offenders both to the court and associated service providers;
3. Establish protocols for coordinated community services for offenders, victims, and children to minimize conflicting orders and more easily identify violations of court orders; and
4. Bring all of a family's court cases together under one roof so that a more fully informed judge can make decisions in the best interest of the family.

In order to address the many complex issues involved in developing an IDV court, the planning committee was split into six subcommittees:

- The Policy and Implementation subcommittee, responsible for authorization and integration of policies developed in other subcommittees; and for oversight of the implementation of IDV court policies.
- The Case Identification subcommittee, responsible for development of protocols for identifying parties with overlapping cases in criminal and matrimonial or family court; and for ensuring that protocols are transparent and practical for implementation by staff in each of these courts.
- The Intra-Court Case Management subcommittee, responsible for creating communication strategies between originating courts and the IDV court concerning the management of transferred cases; and for developing protocols for managing transferred cases (e.g., moving case records to the IDV court without compromising confidentiality of families).
- The Stakeholder Liaison subcommittee, responsible for initiating and maintaining relationships with outside organizations that may be working directly with the IDV court or have a stake in IDV court activities.
- The Evaluation and Survey subcommittee, responsible for planning for the assessment of the processes and impact of the court.
- The Security subcommittee, responsible for developing protocols for the physical safety of families with cases in the IDV court.

Working groups met regularly over the first three months of 2003 to develop protocols for guiding the implementation of the IDV court.

#### CASELOAD ANALYSIS

As part of the planning process, the planning team conducted a preliminary review of eligible cases in March 2003. Because criminal domestic violence cases are the lynchpin of IDV court-eligibility in Erie County, the first step was identifying the total number of pending misdemeanor domestic violence cases in the Buffalo City Court. These cases were cross-checked for concurrent IDV court-eligible family court cases. Of 100 criminal domestic violence cases identified, 36 cases had any overlapping family case. However, only eight of these families had pending or subsequently filed family offense cases, which the planning committee considered the easiest type of family case to transfer for jurisdictional reasons. Another eight families were identified with overlapping matrimonial cases.

In addition to criminal cases originating in the Buffalo City Court, the team examined caseload information from Amherst, one of Erie County's 55 town and village courts. With a population

of over 100,000, the Amherst Town Court serves one of the largest non-urban areas in Erie County. Amherst reported a 75% overlap between criminal domestic violence cases and matrimonial petitions filed in March 2003.

These examinations of potential IDV court caseload did not yield specific projections, but provided general guidance regarding the degree of overlap between families included in criminal and other types of domestic violence matters.

#### **OUTREACH TO STAKEHOLDERS**

The stakeholder liaison subcommittee was responsible for reaching out to local organizations, including victim services, batterer programs, law enforcement, the Erie County Department of Social Services, law guardians, and children's advocacy groups. The planning team was able to take advantage of the close-knit and well-organized domestic violence community in Erie County, attending regular meetings of the local domestic violence consortium to introduce the IDV court.

The outreach efforts of the planning team paid off in July 2003, when over 100 stakeholders attended a community-wide forum on the integrated domestic violence court model led by judges from across New York State. Following the forum, stakeholders convened five new subcommittees to advise court planners, including batterer programs, victim advocates, service providers, law enforcement, and children's services.

#### **COURT OPERATIONS**

##### **THE SETTING**

The Erie County IDV Court is located in the city of Buffalo, on the third floor of the newly renovated supreme court building. The IDV court suite, which was designed to include a large courtroom, judge's chambers, clerk's offices, and a court deputies' area, was complete and ready for operations in December 2003, when the first IDV court cases were calendared. Additional courtroom features include a secure jury room with a separate entrance, which is available for victims and advocates waiting for cases to be called. At least one conference room is also available for litigants to meet with their attorneys. The hallway is monitored by security officers so that litigants may move safely between conference rooms, the court room, and the secure waiting room. Although the supreme court building does not provide childcare, litigants may drop their children off at the criminal court building, which is only a few blocks from the supreme court and offers free childcare to litigants in all local courts.

The Erie County IDV Court opened in December 2003 under the supervision of Supreme Court Justice Judge John F. O'Donnell, who was chosen in part due to his previous experience with family violence issues. Judge O'Donnell and other core planning members attended a training in June 2003 on the IDV court model. At inception, the proposed court staff included a resource coordinator charged with keeping the court linked to community service agencies for both victims and defendants; a dedicated victim advocate; a defendant monitor; and IDV court and originating court liaisons, who assisted in identifying and transferring eligible cases (see Table 3.1). Over time, the court added two back-up judges (both who have their own non-IDV court calendars), a dedicated law guardian, and two clerks, responsible for case tracking and record-keeping.

**TABLE 3.1 PROPOSED ERIE COUNTY IDV COURT STAFF**

**PRESIDING JUDGE**

- Preside over the IDV court
- Identify IDV court-eligible cases
- Issue transfer orders

**CHIEF IDV COURT CLERK**

- Assist judge with case identification and transfer
- Advise judge on legal and operational issues

**IDV COURT CLERKS**

- Initialize IDV court cases in the IDV application
- Maintain the IDV court calendar
- Process court orders

**RESOURCE COORDINATOR (1) AND DEFENDANT MONITOR (1)**

- Facilitate linkages with community service providers
- Oversee compliance monitoring
- Maintain court statistics for reporting purposes
- Explain protective orders to defendants

**IDV COURT LIAISON**

- Coordinate screening for IDV court eligibility
- Identify IDV court-eligible cases up to the point of case transfer
- Communicate with liaisons from courts of origin

**IDV COURT LIAISONS, ORIGINATING COURTS**

- One per court of origin (i.e., criminal, family, supreme civil)
- Transmit information about eligible cases to the IDV court liaison

**IDV COURT ELIGIBILITY, IDENTIFICATION AND TRANSFER**

IDV court-eligible families have a pending criminal domestic violence case, as well as one or more pending family court or matrimonial cases. Implementation proceeded in five phases. Phase One took place over the first four months of court operation, during which Erie limited the range of eligible cases to misdemeanor domestic violence cases originating in the Buffalo City Court, family offense petitions, and contested matrimonial petitions. Custody and visitation cases already linked with eligible family offense cases were also transferred during Phase One. Because family court clerks already checked for outstanding protective orders and pending criminal domestic violence cases each time a civil protective order application (family offense petition) was filed, this afforded a convenient opening to pilot transfer procedures from family court. To identify eligible criminal cases, Buffalo City police began to routinely ask parties involved in misdemeanor domestic violence incidents about any current divorce or family court cases. Police then included an IDV court transfer form with the case file to alert the criminal court staff and Buffalo City Domestic Violence Court to check for overlapping family or matrimonial cases. Finally, a copy of the list of eligible cases was also sent to the matrimonial court clerk in the supreme court, who searched for pending matrimonial petitions. Phase One focused on ensuring that this complex screening process was properly implemented and

successfully identifying all eligible cases. Phase Two opened eligibility to Erie County felony domestic violence cases and to custody and visitation cases that were not accompanied by a family offense case. Because the family court does not automatically cross-check these custody/visitation cases against the statewide domestic violence registry, their eligibility can be more challenging to verify. Thus, such cases generally appear at least once in the family court prior to transfer to the IDV court. Once an eligible custody/visitation case is identified, the IDV court liaison communicates with originating court liaisons and notifies the IDV court judge, who makes the final transfer decision.

Phases Three and Four, initiated in the summer of 2004, brought in misdemeanor domestic violence cases from the 55 town and village courts throughout Erie County. Eligible cases from town and village courts in which there was already an existing criminal domestic violence court were brought in first (Phase Three), followed by cases originating in jurisdictions with no existing DV court (Phase Four). Each town and village court designated an existing staff member, typically a court clerk, to act as IDV court liaison for the court. Town and village courts face some unique challenges in case identification, as they rarely have access to the same case information as city and county courts. In order to maximize the number of identifications, each court reviews the domestic incident reports that are routinely filed by police after any domestic violence arrest. The originating court liaison then faxes these reports to the liaison in the IDV court, who checks for overlapping criminal, family, and matrimonial cases.

Phases Five and Six began approximately one year following the opening of the IDV court. During Phase Five, neglect and abuse cases among families already in the IDV court became eligible for transfer. Because these cases are only transferred on a case-by-case basis following the approval of the IDV court judge, they are uncommon in the IDV court and do not substantially affect the court's overall caseload. The same applies to Phase Six cases, which included select PINS (persons in need of supervision) and support cases related to IDV court families.<sup>10</sup> The smooth transfer of all cases is overseen by the IDV court liaison and the resource coordinator, who are both in daily contact with the presiding IDV court judge.

A primary goal of the Erie IDV court is to preserve the integrity of each case transferred to the court while achieving the benchmark of increased efficiency and improved outcomes under the one family-one judge model. After a transfer order has been approved by the IDV court judge, the order is immediately forwarded to the IDV court liaisons at the originating courts. After receiving the order, the liaisons at Buffalo City Criminal Court and Erie County Family Court hand-deliver original case files to the IDV court liaison. Both civil and criminal protective orders stay in place during the transfer period. Copies of these and the IDV court transfer order are retained by the originating court. In situations where criminal cases originate in town and village courts, original paperwork is forwarded via fax to the IDV court. In order to preserve case integrity, IDV court staff create a separate paper file for each case within a larger file jacket containing all cases for a single family.

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<sup>10</sup> NYS law requires support cases to be handled by specially trained support magistrates. In the event that a support case is filed in Erie County Family Court during the pendency of the IDV court case, this matter will also be included in the IDV court docket, but will be handled by a designated IDV court support magistrate.

## DATA TRACKING

Once cases are transferred to the IDV court, each case is entered into the specialized IDV court management information system (the IDV application). In addition, electronic files are maintained for each case in the management information system for the originating court (CRIMS for criminal cases, UCMS for family cases, and CCIS for matrimonial cases). During the court's initial phases, the resource coordinator was responsible for entering case information into the four management information systems. However, as caseload increased, two IDV court clerks were hired to manage data tracking under the supervision of the resource coordinator.

## CALENDARING CASES

During Phase One, the IDV court operated one-half day per week, and was running two full days per week by the summer of 2004. During early court phases, the presiding IDV court judge handled all trials during the IDV court calendar in addition to presiding over new cases and compliance hearings. The IDV court team anticipated that this arrangement might become impossible to maintain once the IDV court was operating full-time and created a strategy for dealing with case overflow. In the event that a lengthy trial originating in the IDV court cannot be accommodated by the IDV court judge's calendar, the case is referred to the designated IDV court back-up judge or the domestic violence court judge to be heard outside the IDV court.

In order to achieve increased efficiency for families with multiple cases, the IDV court makes every effort to calendar all of a family's cases on one day. While each case is called individually to preserve case integrity, whenever possible, a single family's cases are announced consecutively to reduce litigant wait time. The IDV court usually handles the family's criminal case first, followed by family and matrimonial cases. Family court attorneys and law guardians are often present for the criminal cases in order to maximize information sharing between the parties. The court also holds a separate compliance calendar for the purposes of monitoring criminal defendants sentenced to batterer or other programs. Compliance cases are calendared in the morning, prior to new criminal cases and cases that have yet to be disposed. While some stakeholders felt that calendaring by case type—rather than by family—would more clearly preserve the distinction between cases, stakeholders also largely agreed that the system of calendaring by family was more convenient for litigants.

## CASELOAD AND VOLUME

Over the first 25 months of court operations,<sup>11</sup> we identified 445 families with a total of 1,434 cases transferred to the IDV court. Transferred families had an average of just over five cases each (5.63). Every family transferred had one or more criminal cases, most families had at least one family court case (78%), and just over one-quarter had a matrimonial case (28%). Individual IDV court families most frequently have a criminal case coupled with a family case (72%), followed by families with criminal and matrimonial cases (22%), and families with all three eligible case types (6%).

Combined, criminal cases made up about 45% of the overall IDV court caseload. A majority of these cases had a top arrest charge of harassment (32%), criminal contempt (29%), or assault (11%). Family cases made up another 45% of overall caseload. Over the 25 months studied, the

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<sup>11</sup> Unless otherwise indicated, all analyses in this chapter reflect the 25-month time period from December 2003 through December 2005.

Erie IDV court accepted nearly 500 (499) custody/visitation filings, making these by far the most common type of family court petition (77%). Other accepted family court case types included family offense (18%) and neglect/abuse (3%) cases. Contested matrimonials made up about 11% of the cases in the IDV court sample.

**Table 3.2. Appearance Volume in Erie County IDV, First 25 Months**

	Month 1- Month 6	Month 7- Month 12	Month 13- Month 18	Month 19- Month 25	Total
Average Number of New Cases per Month	12.16	55.50	62.16	74.16	57.36
Average Number of New Criminal Cases per Month	4.00	23.00	25.00	28.66	26.24
Average Number of New Family Cases per Month	7.33	24.16	29.33	38.16	25.92
New Custody/Visitation Cases	5.00	17.16	24.16	26.66	19.95
New Family Offense Cases	1.66	4.00	4.66	7.00	4.70
New Abuse/Neglect/Other Cases	0.00	1.83	0.33	1.50	0.77
Average Number of New Matrimonial Cases per Month	0.83	8.33	7.83	7.33	6.12

Table 3.2 illustrates the court’s rate of new cases on a monthly basis. During the first six months, intake was low due to initial restrictions, particularly on the type of family cases accepted. The greatest increase in volume can be seen around the sixth month of operation, following the inclusion of felonies and custody/visitation cases not also connected with a family offense case. At this point, town and village courts were also sending cases with overlapping family matters to the IDV court. Caseload and volume continued to increase steadily through month 25, with the court accepting an average of 74 new cases per month during the last six months of 2005.

As shown in Table 3.3, the volume of open cases increases steadily over the full 25 months. Because the rate of new case intake was considerably higher than the rate at which the court was able to resolve cases, a full-time calendar was necessary to manage the court’s active caseload by the end of the second year of operations.

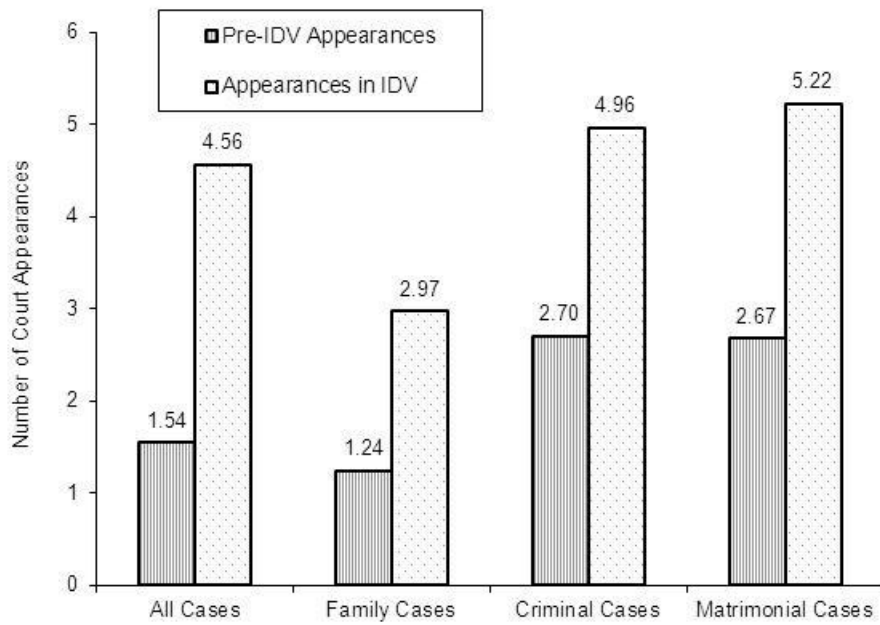
**Table 3.3. Active Caseload in the Erie County IDV, First 25 Months**

	Month 1- Month 6	Month 7- Month 12	Month 13- Month 18	Month 19- Month 25
Families with Open Cases	17	130	226	317
Cases Open in the IDV	73	385	626	914
Open Criminal Cases	44	178	260	399
Open Family Cases	24	159	280	412
Open Matrimonial Cases	5	48	86	103

**CASE PROCESSING: TRANSFER TO THE IDV COURT**

From the time a case is filed, it takes just over one month (36 days) on average for cases to appear in the Erie County IDV Court. In general, family cases take longer than criminal cases to be transferred to the IDV court (52 versus 17 days). During the period prior to transfer, litigants make an average of one and one-half court appearances (1.54, Figure 3.1). Despite taking longer to be transferred into the IDV court, litigants actually make fewer pre-IDV court appearances on family cases (1.24) than on criminal cases (2.70).

**Figure 3.1. Average Number of Court Appearances, IDV Court Sample**



**Figure 3.1. Average Number of Court Appearances, IDV court sample**

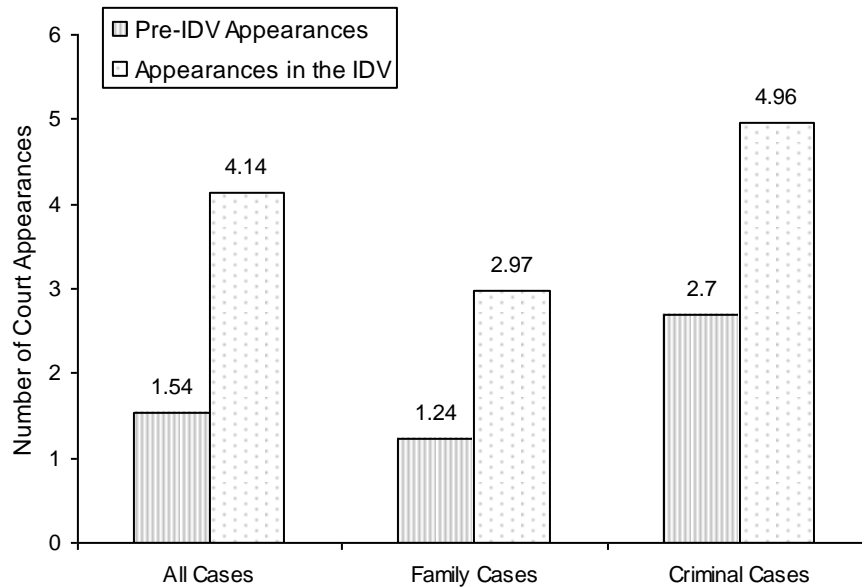


Figure 3.1 represents both pre-IDV court and IDV court appearances. On average, cases are scheduled for just over four and one-half (4.56) appearances in the IDV court. Family cases have the fewest appearances in the IDV court (2.97), followed by criminal (4.96) and matrimonial cases (5.22).



## CHAPTER FOUR THE ERIE COUNTY IDV COURT: IMPACT

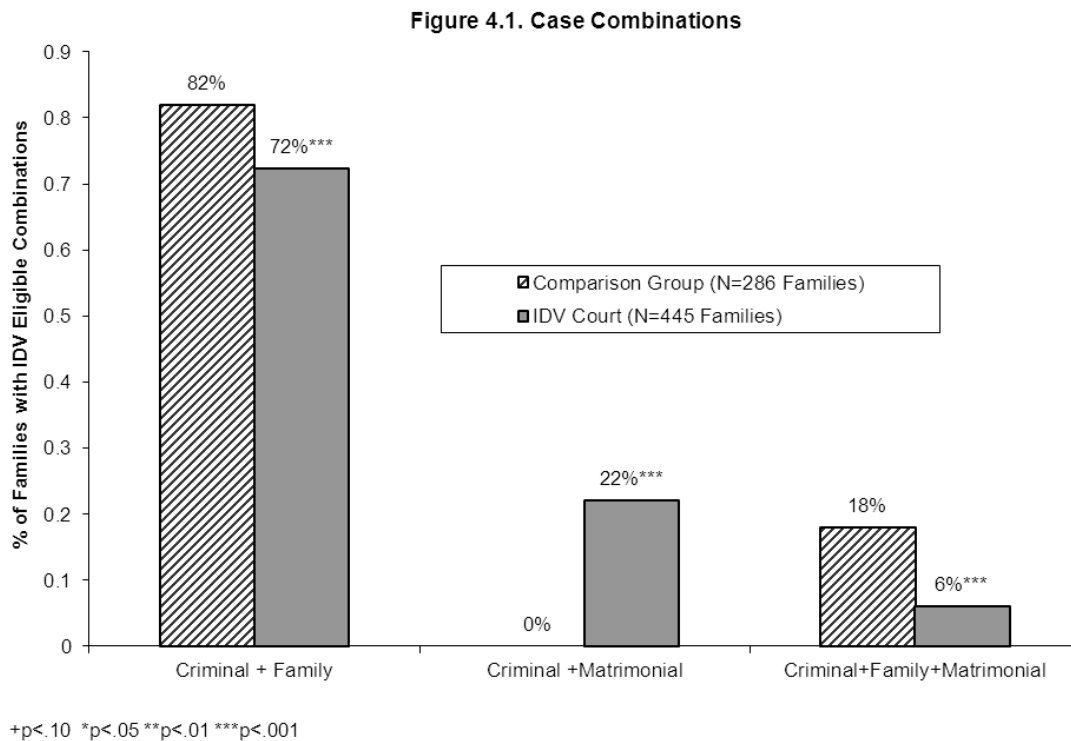
This chapter describes the results of a quasi-experimental impact evaluation examining the impact of the IDV court on case processing, dispositions, and subsequent court actions by comparing the IDV court sample and a contemporaneous sample of IDV court-eligible cases that were not transferred to the IDV court. In interpreting all the results presented throughout this chapter, it is worth again noting that the impact evaluation was limited to the time period covering very earliest court operations (through December 2005). Changes in court policies, staffing, and caseload occurring since December 2005 are not reflected in the results presented herein.

### COMPARISON GROUP CASELOAD AND VOLUME

	<b>Comparison Group</b>	<b>IDV Court</b>
<i>Total Number of Families</i>	286	445
<i>Total Number of Cases</i>	1223	1434
<i>Family Cases</i>	836	648
Family Offense	16%	18%
Custody/Visitation	84%	77%**
Neglect/Abuse	-	3%
Support	-	-
Paternity	-	-
Other	0%	1%
<i>Criminal Cases</i>	334	656
Top Charge		
Assault	18%	11%*
Harassment	25%	32%***
Menacing	5%	4%
Stalking	-	-
Criminal Contempt	14%	29%***
Other	37%	23%***
<i>Matrimonial Cases</i>	54	151
<i>Case Type by Family</i>		
% of Families with a Family Court Case	100%	78%**
% of Families with a Criminal Court Case	100%	100%
% of Families with a Matrimonial Case	18%	28%***
Average Number of Cases/Family	6.86	5.34
Average number of Criminal Cases/Family	1.79	1.86
Average number of Family Cases/Family	4.27	3.84
Average number of Matrimonial Cases/Family	0.07	0.11
+ p<.10 * p<.05 ** p<.01 *** p<.001		

For the purposes of the impact analysis, families transferred to the IDV court between December 2003 and December 2005 were compared with a contemporaneous sample of cases filed in Erie County that were not transferred, despite meeting the criteria for IDV court eligibility. As illustrated in Table 4.1, families in the comparison group were significantly more likely than IDV court families to have a family court case ( $p < .01$ ) and less likely to have a matrimonial case ( $p < .001$ ). (Reflecting IDV court eligibility criteria, all comparison group families have at least one criminal case.)

Figure 4.1 provides a snapshot of case combinations in the IDV court and comparison groups. In both groups, the overwhelming majority of families had one or more overlapping criminal and family cases, although in the IDV court sample this combination was less common ( $p < .001$ ). The criminal/matrimonial combination made up a sizeable proportion of the case combinations in the IDV court sample (22%). In contrast, no eligible criminal/matrimonial combinations were identified in the comparison group over the time studied, possibly because families with this case combination were effectively identified and transferred to the IDV court. Families with all three case types were less likely to be transferred to the IDV court ( $p < .001$ ).



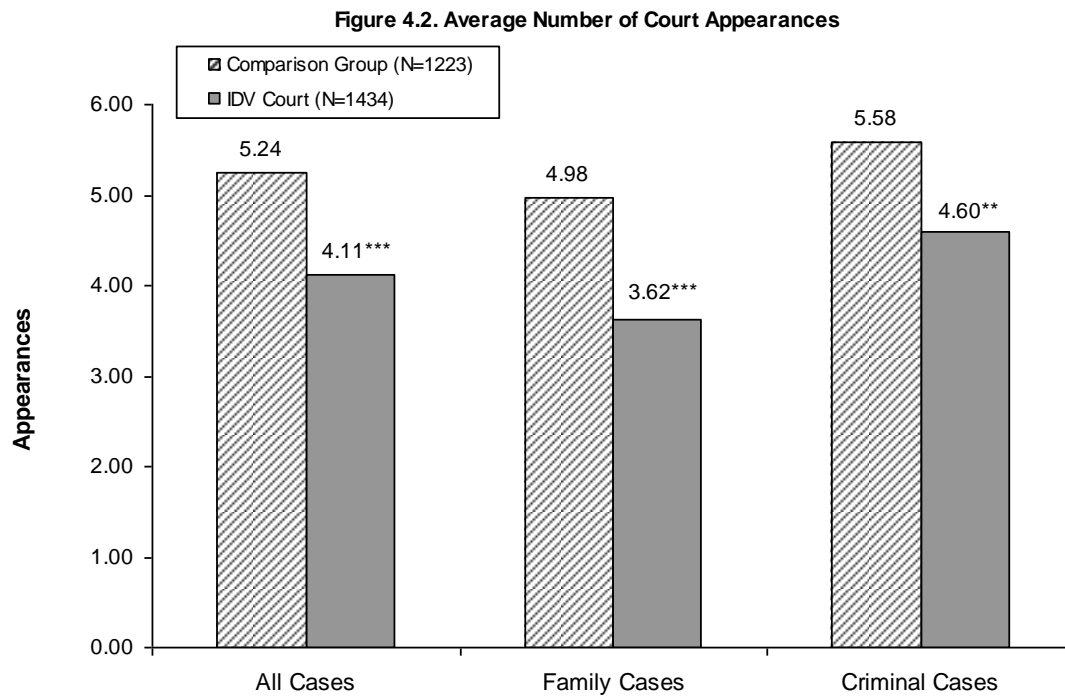
#### DEALING WITH DIFFERENCES BETWEEN THE SAMPLES

To control for the impact of significant differences in background characteristics between the IDV court and comparison group samples, all frequencies and means reported in the following sections were adjusted using univariate ANOVA analyses. Background characteristics controlled in this fashion included total number of cases per family, case combination, and whether the family had a matrimonial court case (yes or no).

## CASE PROCESSING

### COURT APPEARANCES

Figure 4.2 represents the average number of court appearances through final disposition by case type. For cases transferred to the IDV court, this includes not only appearances in the IDV court (seen in Figure 3.1, above), but also appearances prior to being transferred. Overall, cases in the IDV court were scheduled for significantly fewer court appearances ( $p < .001$ ). Both family cases ( $p < .001$ ) and criminal cases ( $p < .01$ ) in the IDV court make significantly fewer court appearances.



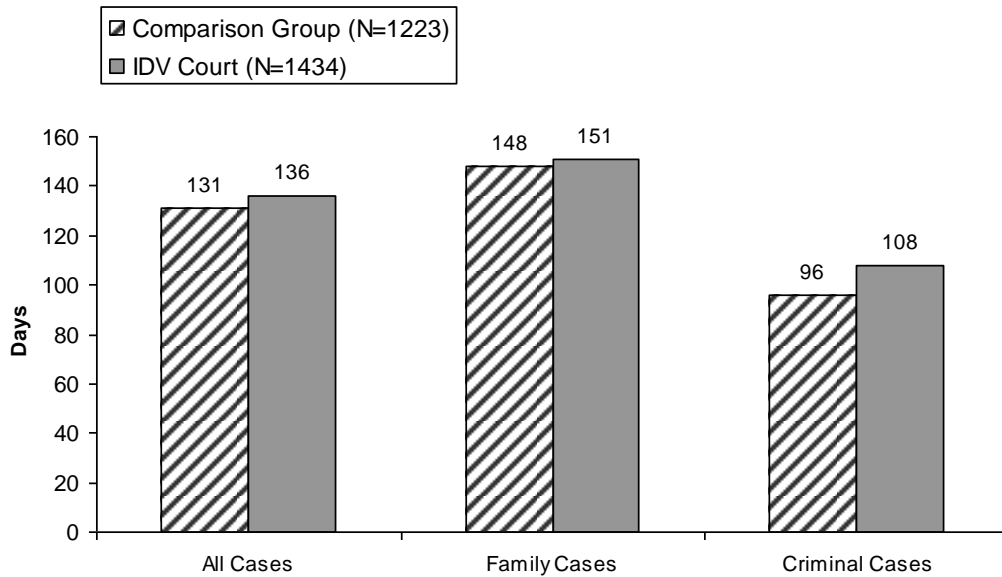
+ $p < .10$  \* $p < .05$  \*\* $p < .01$  \*\*\* $p < .001$  Means and frequencies are adjusted, as appropriate, using univariate ANOVA analysis to control for group assignment (transferred to IDV or not), the family's combination of cases, total number of cases and whether or not the family has a matrimonial case. Significance levels are also taken from univariate ANOVA analysis.

### TIME TO CASE COMPLETION

IDV court cases generally spend more time from the case origin (petition date for family court cases, arraignment date for criminal cases, and request for judicial intervention for matrimonial cases) to final disposition. As illustrated in Figure 4.3, IDV court cases last slightly longer (two weeks), on average, than comparison group cases ( $p < .10$ ). While neither criminal or family cases are significantly longer in the IDV court, matrimonial cases in the IDV court last more than five months longer, on average, than comparison cases ( $p < .001$ ). Time to case disposition remains significantly longer for matrimonial IDV court cases even when only the period from first appearance in the IDV court through disposition is included ( $p < .001$ , results not shown). That is, it is not simply that matrimonial cases in the IDV court face increased processing time due to a lengthy transfer process.

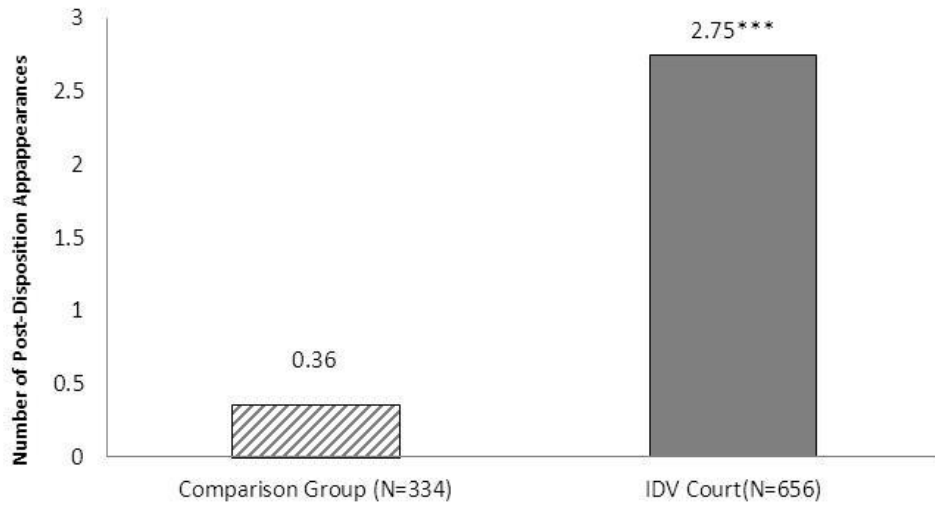
Criminal cases transferred to the IDV court incur additional post-disposition monitoring time. As illustrated in Figure 4.4, criminal defendants in the IDV court make more return trips to court following final disposition than comparison defendants ( $p < .001$ ). Overall, these results suggest that IDV court cases take only somewhat longer to reach disposition, but make more total court appearances—including more post-disposition appearances on criminal cases—than comparison cases.

**Figure 4.3. Average Time from Case Origin to Case Disposition (Days)**



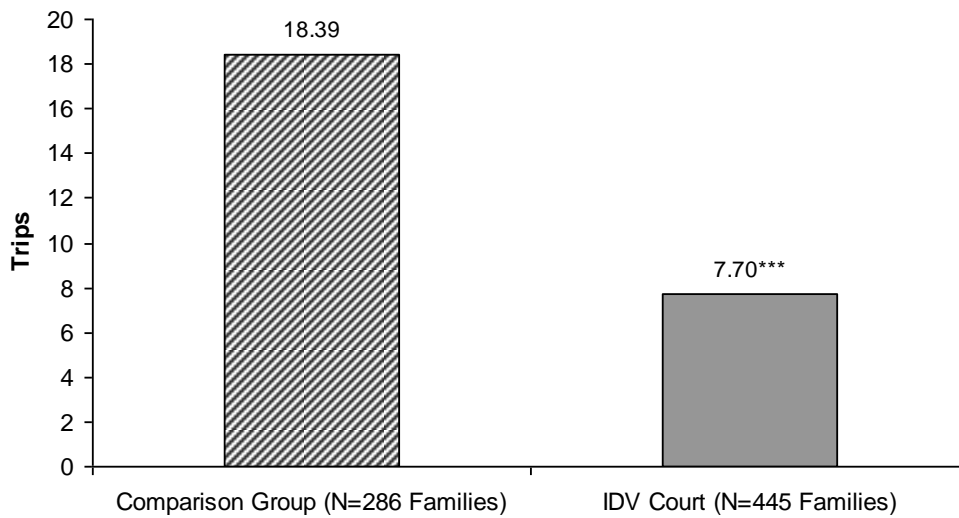
+ $p < .10$  \* $p < .05$  \*\* $p < .01$  \*\*\* $p < .001$  Means and frequencies are adjusted, as appropriate, using univariate ANOVA analysis to control for group assignment (transferred to IDV or not), the family's combination of cases, total number of cases and whether or not the family has a matrimonial case. Significance levels are also taken from univariate ANOVA analysis.

**Figure 4.4. Post-Disposition Monitoring in Criminal Cases**



+  $p < .10$  \*  $p < .05$  \*\*  $p < .01$  \*\*\*  $p < .001$ . Frequencies are adjusted using univariate ANOVA analyses to control for group assignment (transferred to the IDV or not), the family's combination of cases, total number of cases, and whether the family has a family court case. Significance levels are also taken from univariate ANOVA analyses.

**Figure 4.5. Total Number of Trips to Court**



+  $p < .10$  \*  $p < .05$  \*\*  $p < .01$  \*\*\*  $p < .001$  Frequencies are adjusted, as appropriate, using univariate ANOVA analysis to control for the family's combination of cases, total number of cases, and whether or not the family has a matrimonial case. Significance levels are also taken from univariate ANOVA analysis.

## IMPACT OF SAME-DAY SCHEDULING

It is the practice of the Erie IDV court to schedule all of a family’s overlapping cases on the same day, with the objective of reducing the number of trips litigants must make to court. Based on the assumption that the IDV court successfully schedules each family’s multiple cases on the same day, Figure 4.5 compares the total number of trips to court made by IDV court and comparison group litigants. Our analysis shows that IDV court litigants do make considerably fewer total trips to court, averaging approximately ten trips total as compared to the nearly 19 trips made by litigants in the comparison group ( $p<.001$ ).

## FAMILY COURT OUTCOMES

### FAMILY COURT CASE DISPOSITIONS

Table 4.3 provides an overview of the most common dispositions among eligible family court cases. The majority of family cases heard in the IDV court are custody/visitation petitions, followed by family offense petitions. Across these two case types, family cases in the IDV court are more likely to be withdrawn ( $p<.05$ ) and less likely to be dismissed ( $p<.001$ ) than eligible comparison cases. While settlement of petitions is uncommon in both groups, it is significantly more likely in the IDV court ( $p<.001$ ). Higher rates of withdrawn and settled cases may suggest that the IDV court is achieving family case dispositions that are more acceptable to all involved parties. This is underscored by our finding that significantly fewer IDV court families have a subsequent family petition within six months of disposition (see below).

	All Cases		Family Offense		Custody/Visitation	
	Comparison Group	IDV Court	Comparison Group	IDV Court	Comparison Group	IDV Court
<i>Number of Cases</i>	836	648	134	116	702	499
<i>Family Disposition</i>						
Final Order Issued <sup>1</sup>	33%	36%	24%	18%	35%	39%*
Petition Dismissed	53%	35%***	57%	42%***	53%	33%***
Petition Settled	1%	11%***	2%	4%	1%	13%***
Petition Withdrawn	12%	17%**	17%	36%**	11%	14%
Transferred out of IDV Court	0%	1%+	0%	0%	0%	1%
Other <sup>2</sup>	1%	0%	0%	0%	1%	0%

+  $p<.10$  \* $p<.05$  \*\* $p<.01$  \*\*\* $p<.001$

Note: Frequencies are adjusted using univariate ANOVA analyses, to control for group assignment (transferred to the IDV or not), the family's combination of cases, and whether the family has a matrimonial or criminal case. Significance levels are also taken from univariate ANOVA

<sup>1</sup> Includes petition granted and modifications of existing orders. The final order is an order of protection in family offense cases and an order of custody/visitation in custody/visitation cases.

<sup>2</sup> Includes Cases consolidated or satisfied by a disposition on another case( $n=6$ ).

### SUBSEQUENT FAMILY COURT FILINGS

Table 4.4 represents subsequent family court filings made within six months following the disposition of the instant case. As the table shows, significantly fewer IDV court families filed a new family petition within six months post adjudication ( $p<.001$ ). This may suggest that the IDV court is crafting more sustainable solutions in family cases. Although families in the comparison group are more likely to file at least one subsequent case, the total number of subsequent filings does not differ between the groups.

**Table 4.4. Subsequent Family Court Filings within Six Months Post-Adjudication**

	Comparison Group	IDV Court
<i>Number of Families</i>	286	445
Family has a Subsequent Family Court Filing	39%	18%***
Average Number of Subsequent Family Filings per Family	0.55	0.61

+ p<.10 \* p<.05 \*\* p<.01 \*\*\* p<.001

*Note:* Frequencies and means are adjusted using univariate ANOVA analyses to control for group assignment (transferred to the IDV or not), the family's combination of cases, total number of cases, and whether the family has a family court case. Significance levels are also taken from univariate ANOVA analyses.

**CRIMINAL COURT OUTCOMES**

**CRIMINAL COURT DISPOSITIONS**

While criminal sentencing information was unavailable due to matching issues described in Chapter Two, Table 4.5 compares criminal court dispositions between IDV court and comparison cases. IDV court defendants are significantly more likely to plead guilty than comparison defendants (p<.001). Additionally, while defendants in the IDV court are more likely to receive an adjournment in contemplation of dismissal (ACD, p<.01), they are less likely to receive straight dismissals (p<.01). A disposition of ACD allows the court to reopen the defendant's current case in the event of future criminal behavior.

**Table 4.5. Criminal Court Case Dispositions**

	Comparison Group	IDV Court
<i>Number of Cases</i>	1223	1434
<i>Criminal Dispositions</i>		
Pled Guilty	26%	36%***
ACD	20%	34%**
Dismissed	35%	12%**

+p<.10 \*p<.05 \*\*p<.01 \*\*\*p<.001 Frequencies are adjusted using univariate ANOVA analysis to control for group assignment (transferred to IDV or not), the family's combination of cases, total number of cases and whether or not the family has a matrimonial case. Significance levels are also taken from univariate ANOVA analysis.

**SUBSEQUENT CRIMINAL ACTIVITY**

A key objective of the IDV court model is improved enforcement of protective orders. Therefore, we attempted to identify any differences between the two groups with respect to criminal enforcement of such orders, both while families had cases pending in the court and after disposition. Table 4.6 reveals that considerably more IDV court litigants were brought back on new criminal contempt charges while they had cases still pending (p<.001). Families in the IDV court were also more likely than comparison group families to have new criminal contempt charges in the six months following disposition (p<.001). Greater numbers of criminal contempt filings may be due to more protective orders given in the IDV court; higher numbers of

violations in the IDV court population; a higher incidence of violation reporting by victims, attorneys, or advocates; or increased surveillance provided through enhanced offender monitoring in the IDV court.

<b>Table 4.6. Violations of Criminal Court Protective Orders<sup>1</sup></b>		
	Comparison Group	IDV Court
<i>Number of Families</i>	286	445
Family has an OP Violation While Instant Case is Pending	5%	13%***
Family has a Post-Disposition OP Violation <sup>2</sup>	2%	5%***
+p<.10 *p<.05 **p<.01 ***p<.001		
<i>Note:</i> Frequencies are adjusted using univariate ANOVA analysis to control for group assignment (transferred to IDV or not), the family's combination of cases, total number of cases and whether or not the family has a family court case. Significance levels are also taken from univariate ANOVA analysis.		
<sup>1</sup> Violations of the Order of Protection indicated by a new criminal contempt charge.		
<sup>2</sup> Within six months of sentence on the instant case.		



## CHAPTER FIVE CONCLUSION

This chapter seeks to synthesize the major findings presented in the preceding two chapters, identifying common trends and suggesting possible implications. The discussion includes lessons taken from both the process and impact evaluations and reflect policies, procedures, and caseload in the Erie County IDV Court during only the first 25 months of court operations (through December 2005). We conclude by identifying some of the limitations of the current study and recommending possible areas for future IDV court research.

### DISCUSSION OF MAJOR FINDINGS

#### KEY PROCESS EVALUATION FINDINGS

Following the opening of the initial six IDV courts in 2002 (and based in part on lessons learned during the planning and implementation of the original courts in Bronx, Monroe, Onondaga, Rensselaer, Suffolk, and Westchester Counties), the then Office of the Deputy Chief Administrative Judge for Court Operations and Planning and the Center for Court Innovation formalized IDV court planning and implementation recommendations. The planning and implementation of the Erie IDV Court were strongly informed by these recommendations and included outreach to key stakeholders, development of case identification and transfer protocols, formalization of court protocols in a planning document, and continued technical assistance.

Process evaluation findings highlighted the potential benefit of a pre-existing, close-knit local domestic violence community in terms of both stakeholder outreach and support; the challenges to both caseload estimates and case identification and transfer that may be experienced by courts which draw a large pool of eligible cases from non-unified town and village courts; and the importance of flexibility in developing solutions to scheduling and other challenges as they arise (e.g., assigning trials to alternative judges, hiring additional staff to keep up with the data entry needs of the IDV court).

On average, the Erie County IDV Court saw just over 57 new cases per month, including an average of 25.92 family, 26.24 criminal, and 6.12 matrimonial cases. It took one just over one month for eligible cases to be transferred to the IDV court. During the pre-transfer period, litigants made fewer than two (1.54) court appearances per case.

#### KEY IMPACT EVALUATION FINDINGS

##### *Case Processing in the IDV Court*

The case processing story borne out by this research indicates an overall positive impact of the Erie County IDV Court. Family and criminal cases did not take significantly longer to process in the IDV court. In contrast to the limited previous IDV court research, the results of this study found that cases transferred to the Erie IDV Court averaged significantly *fewer* court appearances overall than comparison cases. In addition, thanks to same-day scheduling of concurrent cases, litigants in the IDV court also made significantly fewer trips to court overall, averaging 10.48 trips as opposed to the 18.89 trips made by comparison litigants. Previous research (Mennerich et al. 2005) supports the finding that same-day scheduling reduces litigant trips to court.

Defendants in the IDV court were required to make significantly more post-dispositional monitoring appearances in criminal matters than defendants in traditional court. The use of post-dispositional monitoring has been promoted as one of the key tools of the court for increasing offender accountability in domestic violence and, in most instances, victims of domestic violence do not return to court on such post-disposition appearances. Consequently, increases in post-disposition appearances may have lesser impacts on victims in terms of missed work and transportation and child care needs due to extra court appearances.

#### *Family Court Outcomes*

Family cases in the IDV court were more likely to be withdrawn (17% v. 12%) or settled (11% v. 1%) and less likely to be dismissed (35% v. 53%). This finding may represent a greater likelihood that the parties in the specialized court were able to come to a mutually acceptable resolution (i.e., withdrawn or settled) to their case as opposed to a dismissal.

IDV court families were less likely to return to court with a new family court filing within six months of initial case adjudication, possibly suggesting that the parties were more satisfied with the initial case resolution. These results should be interpreted with caution; in order for a subsequent action to be filed, at least one of the parties must bring any noncompliance or new complaint to the attention of the court. Therefore, if IDV court litigants are less willing to involve the court in future disputes for any reason, we could expect to see parallel results. For this reason, additional research into the litigant experience could be useful.

#### *Criminal Court Outcomes*

While cases in the IDV court were more likely to end in a guilty plea and less likely to end in an outright dismissal, IDV cases were also more likely to end in an adjournment in contemplation of dismissal (ACD).<sup>12</sup> Overall, these findings seem to suggest more severe criminal dispositions in the IDV court; however, without sentencing information, the results should be interpreted with caution.

Defendants in the IDV court were significantly more likely than defendants in the comparison sample to violate the protective order both while the initial case was pending and in the six months post-disposition. The finding that such violations are more likely in the IDV court may be due to the increased surveillance in the IDV court; through ongoing judicial monitoring (including post-disposition monitoring in many cases), the court is more likely to learn of new violations of the protective order. Even if this added monitoring is not functioning to *reduce* new offenses, it may promote victim safety through increased detection of new offenses. Alternatively, increased criminal contempt filings may be the result of a variety of possible changes in the IDV court: more protective orders given in the IDV court; higher numbers of violations in the IDV court population; or a higher incidence of violation reporting by victims, attorneys, or advocates in the IDV court.

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<sup>12</sup> As compared to an outright dismissal, an ACD gives the court added leverage, as it allows the court to reopen the defendant's current case in the event of future criminal behavior. However, as compared to a guilty plea, the ACD provides *less* legal leverage.

## STUDY LIMITATIONS

In undertaking the current project, we encountered a number of data challenges which both limited the questions we could successfully address and complicated our sampling plan. Although we hoped to examine additional anticipated goals of the IDV court model—for instance, whether IDV court families are being linked with needed services; whether the IDV court improves the litigant experience; whether the IDV court results in increased coordination and information-sharing between agencies; whether program mandates are being used to increase offender accountability in the IDV court; and whether legal representation is more prevalent and/or more efficient in the IDV court, particularly for the victims of domestic violence in their family or matrimonial cases—for many such variables, data was simply not available or not consistently available. Although we anticipated that such information would be unavailable for the comparison group, the IDV application does provide courts with a mechanism for tracking many such performance measures. However, as noted throughout this report, the information entered into the application varies and optional fields are frequently incomplete. Particularly given the complicated and time-consuming task of entering relevant information across multiple data systems, it is unlikely that such data will ever be captured in high volume courts or courts where one or two staff members are responsible for entering all case information. Therefore, while the current research examines the key IDV court outcomes that we were successfully able to quantify, it by no means represents an evaluation of *all* of the potential IDV court impacts, or even the most important ones.

Identifying our participant sample was more difficult than anticipated. Again, this largely stems from the inability of management information systems used by the IDV courts during the evaluation period to communicate with each other. Once we successfully identified IDV court cases, we were reliant on inconsistent individual-level identifiers to identify corresponding cases and families across the three originating court management information systems. In many cases, name was the only identifier available across systems, leading us to make a series of assumptions which may have underestimated the overlap between data systems. (Based on fairly conservative assumptions—see Chapter Two—we do not feel it is particularly likely that we *overestimated* overlap.) Therefore, there is some risk that the resulting sample excludes some IDV court cases. While we do not have reason to believe that such selection bias was *systematic*—that is, that cases excluded from the IDV court sample shared any particular characteristics—without knowing which cases were missed, it is impossible to determine whether this is truly the case.

With regard to the selection of our comparison samples, we likewise faced challenges in determining whether individuals within and across management information systems were the same individual. Again, particularly in cases in which name was the only available identifier, we ran the risk of underestimating the overlap between data systems and, consequently, of missing some cases or entire families which met our eligibility criteria. With that consideration in mind, we do believe that it is unlikely that our conservative selection criteria led us to *overestimate* the overlap and include cases or families in the comparison sample that did not meet eligibility criteria. Specifically with respect to Erie County, we discovered after final impact analyses were conducted that a specialized matrimonial part, which was designed to expedite the processing of contested matrimonial cases across the county, was operating concurrent to the period under study. The expedited matrimonial court likely compromised the comparability of our matrimonial case samples with respect to case processing efficiency, since matrimonial cases

transferred to the IDV did not receive the benefit of expedited case processing that cases in the comparison sample may have received. Therefore, as discussed previously in Chapter 2, findings with respect to the impact of the Erie County IDV on number of court appearances and time to disposition in matrimonial cases were removed from the study.

Since the period covered by this report, the Office of Court Administration and the Center for Court Innovation have developed and implemented an automated system for case identification. The new system enables users to enter basic information on a party or family with an open case in any IDV-eligible jurisdiction into a single data system and performs an automated check of all management information systems for concurrent cases. Not only does this system alleviate many of the difficulties in screening and identifying IDV-eligible cases discussed throughout this report, but it holds the potential for streamlining sample identification for future IDV court research.

### **FUTURE DIRECTIONS**

The current project represents a first step in fully understanding the impact of the IDV court model on families and the justice system response to domestic violence. Possible future areas for IDV court research might include:

- **Judicial satisfaction:** Particularly given the goal of achieving informed judicial decision-making by connecting judges with comprehensive, current information, do judges feel that the IDV court enables them to respond more effectively to families' problems? Do judges have more access to timely, relevant information in the IDV court? How does this information impact their ability to respond to the issues before them?
- **Litigant satisfaction:** Understanding what litigants hope to get out of their court experience provides context for the changes in case outcomes revealed through the current research. Previous research (Levy et al. 2008; Picard-Fritsche 2011) examines the victim and litigant experiences in the IDV court and generally find the IDV court satisfactory from the litigant perspective. Future research might seek to examine additional relationships between case outcomes and litigant satisfaction (e.g., teasing out the interplay between family court dispositions, criminal court dispositions and sentencing, and litigant perceptions of fairness and general satisfaction with the court experience) in order to gain a better understanding of *which* court components most strongly influence satisfaction.
- **Domestic violence re-offense:** The follow-up period during which new violations of the protective order (serving as a proxy for new domestic violence against the same victim) were tracked was limited to six months post-sentence in the current study. Future research might examine longer follow-up periods and extend re-offense charges beyond the scope of criminal violations of the protective order.
- **IDV court use of batterer and other program mandates:** As noted previously, the five courts included here did not consistently track program mandate information during the period covered by this report. However, the extent to which IDV courts use batterer and other program mandates could be examined in courts that regularly track program compliance data.

- **Family-level resolutions:** Although the results of the current study suggest that the IDV court may result in more mutually acceptable outcomes in family court matters, the findings with regard to criminal case resolutions are less clear-cut. In conversations with practitioners, it was suggested that there is frequently a complex interplay between the resolutions on a family's diverse array of cases. For instance, if a victim is primarily concerned with receiving custody and, consequently, declines to cooperate with the prosecution of a criminal case once the custody case has been settled to her satisfaction, an outright dismissal in the criminal case may still represent a positive outcome from the victim's perspective. Alternatively, family court cases may be withdrawn because the offender has successfully completed the conditions of his conditional discharge. Again, in this instance, a withdrawal may represent a positive outcome for all family members. Future research might examine the inter-related nature of criminal and family court dispositions. While tying the timing of various case dispositions to less formal outcomes or situations would be difficult or impossible through the data management systems, litigant interviews or focus groups or even extensive review of courts' paper files might facilitate a better understanding of how these decisions are reached and how even outcomes that do not inherently appear to be ideal may address the complex needs of the family.

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**APPENDIX A.**  
**INTEGRATED DOMESTIC VIOLENCE COURT**  
**MODEL COURT COMPONENTS**

**1. Jurisdiction**

- a. *Jurisdiction of the IDV courts.* Because the supreme court is the only trial-level court in New York State with jurisdiction over criminal cases, (civil) family court cases, and (civil) supreme court matrimonial actions, all IDV courts are created as supreme court parts, and are presided over by supreme court justices.
- b. *Jurisdiction of the IDV court Cases.* Cases are governed by the substantive and procedural law of the courts in which they originated. The cases are not combined or consolidated in any legal sense.
- c. *Family Eligibility for IDV courts.* Families are eligible for the IDV court if they have both a criminal domestic violence case and at least one family court or matrimonial case pending.

**2. Planning, Staffing and Technical Assistance**

- a. *Planning and Implementation.* IDV courts should undergo a comprehensive six-month planning process, to be followed by a six-month implementation period.
- b. *Staffing.* All IDV courts should be staffed by a supreme court justice; a court attorney/law clerk; and a dedicated courtroom clerk. IDV courts must also designate a staff person to liaise with community service providers; identify personnel to screen for eligible cases; and locate security personnel with training in domestic violence for the court room and offices.
- c. *Technical Assistance.* Technical assistance to individual IDV courts is provided collaboratively by the then Office of the Deputy Chief Administrative Judge for Court Operations and Planning and the Center for Court Innovation.

**3. Case Identification and Screening and Court Calendaring**

- a. *Case Identification and Screening.* All IDV courts must develop procedures to screen cases in all three courts for eligibility, and transfer eligible families' cases to the IDV court part.
- b. *Court Calendaring.* While IDV courts are expected to calendar all of a family's cases on a single day, it is recommended that each case type (criminal, family court, matrimonial) be called separately, with criminal cases being heard first. The courts are also asked to reserve a designated compliance monitoring calendar (meaning that all cases being monitored for compliance with court orders will be heard at once). Under the recommended model, although all of the family's cases are heard on the same day, they are not all heard consecutively. This separate calendaring is recommended in order to maintain the integrity of each individual case.

**4. Legal Representation** IDV courts are expected to “identify all potential sources of legal representation...and facilitate litigants’ access to [them] (NYS Unified Court System 2004, p. 9).” However, “IDV courts do not create a right to counsel where none existed before”—that is, in the originating court.

**5. Judicial Monitoring and Offender Accountability** IDV courts are expected to develop protocols for supervising and monitoring offenders, preferably in collaboration with local

departments of probation and service providers. Imposition of program mandates in criminal domestic violence cases is encouraged, as is the use of graduated sanctions and other proactive responses to non-compliance with court orders.

6. **Judicial and Non-Judicial Training** Judges, court staff and local agencies receive training on domestic violence, relevant legal issues and case law, and IDV court operations.
7. **Technology** IDV courts must enter data into all information systems used in individual cases' courts of origin, as well as into a specialized "IDV application" and the state Domestic Violence Registry.
8. **Courthouse Safety** In planning, IDV courts must address safety issues, including provision of security personnel and safe waiting areas.
9. **Case Integrity, Confidentiality and Record Keeping** Confidentiality requirements are the same as those of the case's originating court.
10. **Domestic Violence Services** IDV courts are expected to connect victims with advocacy as early in the court process as possible. Protocols should be developed to support existing victim-advocate relationships (i.e., relationships formed prior to the victim's transfer to the IDV court).
11. **Use of Community Resources** Collaboration with community providers in order to provide all parties with comprehensive services is recommended.
12. **Assessment** "IDV courts should consider evaluation a critical part of their mission (NYS Unified Court System 2004, p. 16)." All IDV courts participate in on-going data collection by the then Office of the Deputy Chief Administrative Judge for Court Operations and Planning, and individual courts will be the subject of more in-depth evaluation by Center for Court Innovation research staff.