

AT A GLANCE

Location of Court

Miami, Florida

Type of Court

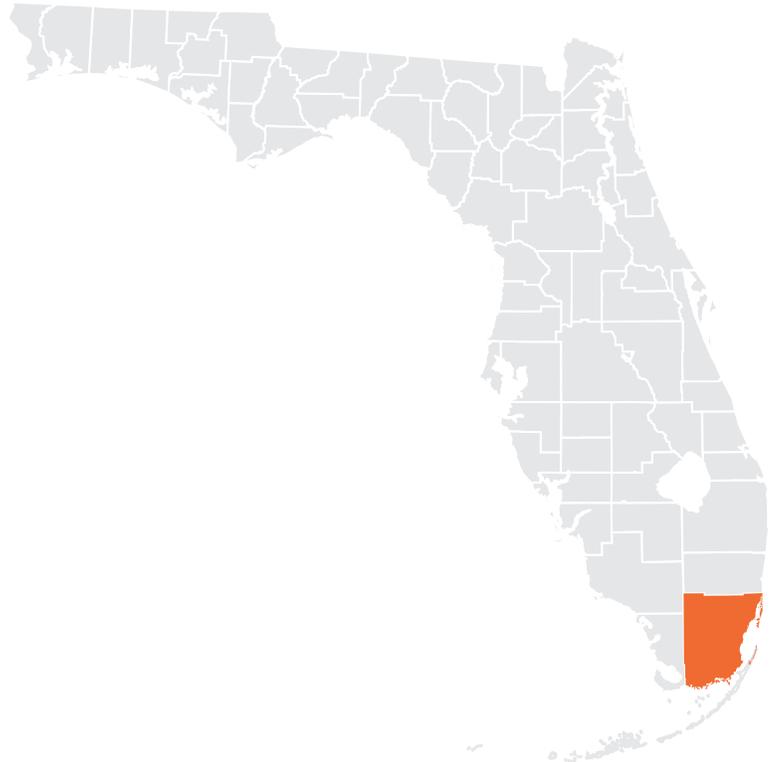
Civil and Criminal
Coordinated Domestic
Violence Court

Project Goals

- Improve integration between civil and criminal domestic violence cases
- Institute an advanced contempt calendar and detailed procedures for respondents who violate their injunction
- Ensure that family court and dependency court judges who hear domestic violence issues are trained in best practices of domestic violence

MIAMI-DADE COUNTY DOMESTIC VIOLENCE COURT

The Miami-Dade County Domestic Violence Court consists of full time, dedicated Domestic Violence Division judges who have concurrent jurisdiction over civil injunction/orders for protection, misdemeanors involving domestic violence, and injunction violation cases.



**Center
for
Court
Innovation**

520 Eighth Avenue, 18th Floor
New York, New York 10018
p. 646.386.3100
www.courtinnovation.org

This fact sheet is part of a series describing Domestic Violence Mentor Courts. Selected by the Office on Violence Against Women, Mentor Courts share their expertise and assist other domestic violence courts in implementing promising practices and procedures, and building the capacity of state court systems to respond effectively to these difficult cases.

COURT STAFF

- **Judges:** seven dedicated judges hear civil injunctions/orders for protection, misdemeanors involving domestic violence, and injunction violation cases full time; each judge at the central courthouse location employs one bailiff and one judicial assistant; six judges handle ex parte temporary injunctions/orders for protection and final injunction hearings filed at their respective courthouse locations part time
- **Court security monitors:** two monitors who provide additional security at civil and criminal domestic violence calendars at the central courthouse
- **Case Management Unit:** comprised of five attorneys, including a supervisor, who assist judges with their largely pro se civil injunction/order for protection caseload, and also during final injunction hearings at all court locations
- **Domestic Violence Division:** employed by the administrative office of the courts that manages the Division's court operations
- **Domestic violence clerk of courts:** assists judges with civil injunctions/orders for protection, misdemeanors involving domestic violence and injunction violation cases at the central courthouse location; and civil injunctions/orders for protection cases at the district court locations. Additionally, domestic violence clerk of court intake units—designed specifically for the purpose of assisting petitioners with the filing of civil injunctions/orders for protection—are available at all courthouse locations
- **Domestic violence prosecutor and public defender:** prosecute and defend misdemeanors involving domestic violence and injunction violation cases
- **Court interpreters:** available at all domestic violence hearings

CASE MANAGEMENT

Types of cases: The Domestic Violence Court hears civil injunctions/orders for protection (for domestic violence, repeat violence, dating violence, sexual violence, and stalking), misdemeanors involving domestic violence, and injunction violation cases. Additionally, petitions for risk protection orders are heard in the domestic violence division.

Case identification, screening, and transfer:

- **Civil injunction/order for protection cases:** All civil injunction/order for protection cases are heard by the seven judges in the central courthouse location or at one of the three district court locations if the petition is filed there. Cases identified at the domestic violence clerk of courts intake unit as being previously heard before a specific judge, will be set before that judge. Additionally, families identified by the domestic violence clerk of court intake unit, or subsequently identified by domestic violence case management, as having other related cases in the Family and/or Juvenile Divisions, are transferred under a unified family court administrative order to those other division judges to provide for convenience of the litigants, judicial economy, and consistency in case disposition.

- **Misdemeanor involving domestic violence and injunction violations:** All misdemeanor cases, from arrest to post-sentencing, involving domestic violence and all injunction violation cases are set before the judges in the central courthouse.

Information sharing: Judges have access to both civil injunction/order for protection and misdemeanor cases through online and file-based case information management systems. Additionally, in civil injunction/order for protection cases, judges have an assigned case manager who is present for most calendars and provides the presiding judge with information about the case, including but not limited to: guardian ad litem reports, batterers intervention program compliance, reports from child welfare agencies, pending motions in the case, etc. In criminal cases, the prosecutor's office provides additional information to the judges.

Schedule: At the central courthouse, domestic violence civil and misdemeanor cases are heard Monday through Friday 8 am - 5 pm. At the district court locations, civil injunction/order of protection cases are heard one to two days a week. Additionally, there are procedures in place that allow for the review of petitions for ex parte civil injunction/orders for protection 24 hours/7 days a week.

COMMUNITY STAKEHOLDERS

Frequency of stakeholder meetings:

- Monthly domestic violence judges meeting
- Quarterly domestic violence judicial assistants meeting
- Quarterly domestic violence court operations meeting (for court staff, clerk of court, prosecutor, public defender, corrections, and all other court staff from the dependency, family, and unified children's court divisions)
- Quarterly domestic violence coordinating council meeting (for court operations meeting participants listed above, and community stakeholders listed below)
- Quarterly Batterers Intervention Program (BIP) provider meetings (for all BIP providers, probation department, and BIP monitoring agency)

List of stakeholders: Domestic Violence and other court division staff, domestic violence court clerks, prosecutors, defense attorneys, Department of Corrections, probation officials, Batterers Intervention Program administrators and providers, court grant administration, victim advocates, domestic violence shelters, legal aid, child welfare agencies, and social service providers.

VICTIM SAFETY

Court security: In addition to secure entrances to the courthouses—which include security guards, metal detectors, and x-ray machines—and court liaison (who are active law enforcement officers) assigned to all courthouses, each domestic violence judge has an assigned bailiff. There are two additional court security monitors at the central courthouse to assist with security. Further,

in civil cases petitioners and respondents are kept separate during the injunction/order for protection process. Civil injunction/order of protection clerk of court intake centers have separate waiting areas, as do the areas outside of the courtrooms. Additionally, petitioners are permitted to leave from hearings first, with a 10-15-minute waiting period for respondents before leaving. Lastly, panic buttons, which are connected directly to building liaison officers, are available in all courtrooms in case of emergency.

Victim services: Victim advocates are also available at the courthouse during civil injunction/order for protection calendars to speak to petitioners and inform them of the wide variety of service that are available to them. Additionally, the prosecutor's office has victim witness counselors available for the criminal domestic violence cases. Courtcare offers free child care in the central courthouse for victims with children. On staff court interpreters are available at the courthouses for Spanish and Creole speaking victims. Lastly, a strong partnership with the local Family Justice Center allows the court to provide a multitude of services for victims, including filing dissolution of marriage, free counseling for the victims and their children, immigration services, food, yoga, financial assistance, and a wide host of other services.

Supervised visitation: The court's supervised visitation program—which is available in domestic violence cases—is part of the court's Family Court Services Unit that provides the visitation in-house and free of charge based on referrals from the judges. Security measures are in effect so that parties with injunctions/orders for protection in place have no contact during pick up and drop off. Therapeutic supervised visitation is also available through referrals to outside community partners for a fee.

Risk assessment: In civil injunction/orders for protection cases, a lethality assessment is incorporated in the domestic violence petitions. Additionally, the judges are trained in lethality and risk assessment and incorporate these principles when conducting hearings and referral to services. In criminal cases, risk assessment is done by a specialized trained law enforcement team who does an assessment at the scene of arrest. Prosecutors are required to provide the judge with a detailed history of the defendant at first appearance in criminal domestic violence cases.

OFFENDER ACCOUNTABILITY

Compliance reviews:

- **Civil injunction/order for protection cases:** All cases are monitored for compliance with the terms and conditions of the injunction, including referrals to treatment or counseling programs. All respondents ordered to treatment are also set on a 30-day compliance calendar to ensure that they have enrolled and are in the court-ordered treatment. Offenders who fail to comply with attendance at a batterers intervention program are returned to court for both civil and criminal contempt proceedings. The Case Management Unit prepares orders to show cause for hearing upon receipt of an affidavit of non-compliance from a treatment program, and working with the Advocate Program, which oversees the court approved providers. Additionally, a new program is currently being instituted for victims who report violations of injunctions/orders for

protection. An attorney contacts them, assists them in preparation of an affidavit, and assists them through the entire criminal/contempt procedures. The attorney also will serve as prosecutor for those cases where the respondent is charged with criminal contempt.

- **Misdemeanor involving domestic violence and injunction violations:** At the judicial review calendars, compliance with conditions of pretrial diversion or probation are regularly monitored through reports on the defendant's progress in the treatment program which are provided to the court for review. This ensures defendant accountability and keeps judges informed with regard to treatment progress. At probation violation calendars, defendants who are not in compliance with their probation requirements are set for hearing. Once a probation violation affidavit is filed by the probation officer, an arrest warrant is issued and the case is set for a probation violation hearing.

Offender services: The Domestic Violence Court has an established system of referral for domestic violence offenders in civil injunction/order for protection and criminal cases to a batterers intervention program, which includes evaluation and treatment for substance abuse, mental health evaluation, and parenting classes. All offenders are directed to report to the Advocate Program for intake and assessment, and are thereafter placed in a batterers intervention program. The Advocate Program acts as a gatekeeper, monitoring the court approved treatment providers and all referrals for compliance, and reporting back to the court on offender compliance. All providers have entered into a contract with the Administrative Office of the Courts, specifying the terms and conditions of the intervention program to be provided and their function of reporting to the court on offender compliance. The Advocate Program also serves as the probation agency for the domestic violence criminal court.

Services are available at locations throughout the county, at varying times, in English, Spanish, and Creole, and fees are on a sliding fee scale based on ability to pay. Compliance with court-ordered referrals is closely monitored on all civil and criminal cases.

Domestic Violence Drug Court: All cases are monitored for compliance with the term

Mental health calendar: Respondents in criminal cases who qualify are transferred to the domestic violence mental health calendar developed to dedicate additional judicial time and resources to domestic violence defendants with mental health issues. In cases where there are mental health concerns, defendants are transported to a crisis stabilization unit upon the recommendation of the psychologist or defense counsel. A bench warrant hold is placed on the defendant to ensure he/she is not released. Upon stabilization, the defendant is returned to court for case disposition, which frequently includes treatment and counseling. The emphasis is on aggressive mental health treatment as the court recognizes that rapid disposition of domestic violence charges without stabilization of mental health needs and appropriate domestic violence intervention can be harmful to victims and children.

LEGAL SERVICES

- Legal Services provide pro bono legal representation to victims/petitioners in civil injunction/order for protection cases.
- Under a state grant from the Florida Coalition Against Domestic Violence, six injunctions for protection attorneys that work out of the county's domestic violence shelters are available to represent petitioners pro bono.
- Another pro bono organization, Put Something Back, provides attorney guardians ad litem to domestic violence court to assist the court in making appropriate time-sharing decisions where there have been allegations of children exposed to violence or otherwise abused. Attorney guardians ad litem volunteers from the community are also appointed by the court to do the same.
- The Public Defender's Office has a pro-bono attorney program to represent defendants who are not entitled to the services of the Public Defender's office.
- Full-time attorney is assigned to assist and represent petitioners/victims who alleged a violation of the injunction/order for protection.

TRAINING

Court staff and stakeholders have participated in training that includes:

- Statewide domestic violence case management conferences
- Domestic violence training for Family and Unified Children's Court divisions
- *Florida Institute for Interpersonal Violence* (14 programs)
- Monthly Lunch and Learn trainings
- Additional training on various topics is conducted at the stakeholder meetings listed above

This project was supported by Grant No. 20 15-TA-AX-K023 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Special thanks to the Miami-Dade County Domestic Violence Court staff for their assistance in creating this publication.