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RESEARCH

The Suffolk County Integrated Domestic Violence Court

Policies, Practices, and Impacts

October 2002 - December 2005 Cases

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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 Suffolk 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 this study covers only the earliest years of implementation of the IDV court model. In the intervening years, there have been changes in the technology, operations, training, and other court practices, any of which may have had an effect on IDV court efficiency and outcomes.

Process Evaluation Results

- *Building a Statewide Model:* Lessons learned during the planning and implementation of the state’s first IDV courts—including the Suffolk County IDV Court—became valuable tools for planning future IDV courts, shaping a set of IDV court planning recommendations formalized by the then Office of the Deputy Chief Administrative Judge for Court Operations and Planning and the Center for Court Innovation. The Suffolk IDV Court engaged in an extensive planning process, including an analysis of potentially eligible cases; development of a staffing plan and outreach to local stakeholders and service providers; definition of eligibility criteria and planning for case identification and transfer; development and documentation of project goals; and formalization of all court policies and procedures in an official planning document. The court also adapted the model to site-specific preferences in defining eligibility criteria and phasing in expanded eligibility criteria.
- *Impetus for Establishing the IDV Court:* Suffolk was identified by the then Office of the Deputy Chief Administrative Judge for Court Operations and Planning as a potential IDV court pilot site; however, stakeholders also reported a high level of interest in implementing what many expressed was a “logical” system for streamlining the court

process for litigants, improving offender accountability, and promoting victim safety. In addition, stakeholders cited previous county-wide familiarity with other “problem-solving court” models as an important factor in their selection as one of the first IDV court sites.

- *Outreach to Stakeholders:* The Suffolk County IDV Court involved a diverse group of stakeholders during its planning process. These outreach efforts helped to facilitate continued community support for the IDV court. Both a close-knit local domestic violence community and the selection of a judge with strong ties to the local community were also effective tools for facilitating stakeholder buy-in.
- *Defining Eligibility Criteria:* Results highlighted the importance of not only assessing the local climate when establishing eligibility criteria, but of maintaining enough flexibility within these criteria to make qualitative assessments to ensure that the court reaches the population thought to most benefit from the IDV court model. The large matrimonial caseload in Suffolk County led that court to focus on matrimonial cases from the outset, though the IDV court model does not necessarily emphasize these cases. Because the eligible IDV court caseload in Suffolk was too large for one court to feasibly handle, staff also reported relying on some qualitative assessment in order to identify which of the many eligible families would benefit most from the IDV court.
- *Tracking Case Information:* Tracking case information is complicated by 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 and triplicate data entry and placing strain on staff.
- *Court Personnel:* The additional tasks created by the IDV court model (especially the identification of eligible cases and data entry into multiple information systems) placed burdens on existing court personnel. Implementing alternative staffing plans—for instance, identifying a court attorney-referee to conference cases and hiring a project director and resource coordinator—helped overcome some of these challenges.
- *Transfer to the IDV Court:* It takes around one and one-half months for eligible cases to be transferred to the IDV court. During the pre-transfer period, litigants make fewer than two (1.30) court appearances per case on average.

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 (October 2002) 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 10.47 trips to court, whereas comparison litigants averaged more than two and half times as many (27.56), potentially meaning fewer days of work missed and reduced need to secure childcare for IDV court litigants.
- *Subsequent Family Court Filings:* Families in the IDV court were significantly less likely than comparison families to have a subsequent family filing (10% v. 16%).
- *Family Court Case Outcomes:* Family cases in the IDV court were significantly more likely to be settled or withdrawn (51% v. 43%), significantly more likely to be granted (34% vs. 25%), and significantly less likely to be (13% v. 30%) than comparison cases.
- *Criminal Court Case Outcomes:* Conditional discharges and probation sentences – both sentences that allow for continued defendant monitoring – were more common in the IDV court (23% v. 15%; 6% v. 3%), whereas outright jail sentences were less common (10% v. 24%).
- *Post-Disposition Monitoring:* Post-disposition monitoring, a recommended practice in IDV courts, serves in part as a mechanism for courts to detect and respond to noncompliance swiftly. IDV court defendants did not make significantly more post-disposition *appearances* than comparison defendants, reflecting no increase in the use of post-disposition judicial monitoring in the IDV court.
- *Violations of Protective Orders:* Defendants in the IDV court were significantly more likely than defendants in the comparison sample to have a new criminal charge for the violation of a protective order (18% v. 13%). 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.
- *Time to Disposition:* Family cases processed in the IDV court took significantly longer to be disposed than comparison cases (104 v. 64 days). This increase in case processing time was not simply a function of a lengthy transfer process to the IDV court. On the other hand, case processing time did not significantly vary between the samples in either criminal or matrimonial cases.
- *Court Appearances:* Overall, cases processed in the IDV court averaged significantly more appearances (6.95) than comparison cases (4.81). This difference was evident across all case types (i.e., family, criminal, and matrimonial) and was not fully explained by the average of 1.30 court appearances that take place prior to the formal transfer of an IDV case from its court of original to the specialized IDV court.

Conclusion

Among this study's findings, it is particularly significant that same-day scheduling of concurrent cases meant that litigants in the IDV court made significantly fewer trips to court. This study also suggests positive impacts with regard to family court case outcomes. Family cases in the IDV

court were 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. Petitions were also more likely to be granted; in particular, this finding suggests that victims may be particularly successful in obtaining civil orders of protection in an IDV court. In addition, families in the IDV court were less likely to have a subsequent family court filing—another possible measure of satisfaction with case outcomes. The study’s results with regard to criminal court outcomes suggest that defendants in the IDV court received more sentences that enable continued defendant monitoring, although defendants in the IDV court did *not* make significantly more post-disposition court appearances.

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 the impact of the IDV court on the 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. 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. 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; allegations of criminal domestic violence and child abuse are prosecuted in any of several criminal courts (town, city, county, district, supreme); and civil orders of protection, custody, visitation, and other family matters are resolved in family court.¹ 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 a descriptive look at the planning, policies, and caseload of one of the earliest IDV courts in New York State. In addition, the study presents an impact evaluation of that court, comparing key outcomes of families whose cases were heard in the Suffolk County IDV Court to outcomes for families whose cases were heard in traditional courts during the same time period.

The remainder of this chapter provides an overview of both the unified family court and integrated domestic violence court models, and describes research in this area. Chapter Two describes this project’s methodology and the site in which the current research was conducted (Suffolk County, New York). Chapter Three describes the results of an in-depth case study of the integrated domestic violence court in Suffolk County, including court planning, operations, caseload, and volume. Chapter Four presents the results of the quasi-experimental impact

¹ 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).

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, some legal reformers began calling for an end to the fragmentation of the country's courts dealing with families and children. Millions of domestic relations cases—including divorce, custody, visitation, paternity, support, adoption, and civil protective orders—are processed in a fragmented manner by the 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 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, with the potential for multiple court appearances, conflicting court orders, repeated interviews of parties, unnecessary delays due to missing information, multiple days of missed work, and numerous additional complications (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 threats to safety.

Unified family courts are a potential remedy to the problem of fragmented courts. Such courts 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, unified family courts can potentially provide greater continuity for litigants. In addition, the single judge concept serves to prevent "forum 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 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 should be comprehensive and easily accessed by litigants. Depending on 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).

In addition to these key elements, many unified family courts have sought to help to reduce the burden brought about by increased caseloads. For instance, often 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 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 speed case processing (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. This represents an 8% increase over the number of such courts in 1998. 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, 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 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 first developed by the office of the Honorable Judy Harris Kluger, then Deputy Chief Administrative Judge for Court Operations and Planning for the New York State Unified Court System, with the help of the Center for Court Innovation, in 2000. 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 were Bronx, Monroe, Onondaga, Rensselaer, Suffolk, and Westchester counties, with each adapting the model to local conditions. Following the initial pilot courts, New York State Chief Judge Judith Kaye approved their replication 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. During both the planning and implementation periods in Suffolk county, technical assistance was provided by the Center for Court Innovation. During the planning process, courts had to develop procedures for screening and transferring 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. A separate designated compliance monitoring calendar was recommended 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. 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 17th 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 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.² 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, three 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 and criminal court

² 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.

outcomes across several³ New York State IDV courts to outcomes in traditional courts (Katz and Rempel 2011). The study finds that both family court and criminal cases in the IDV court take longer to reach final disposition and litigants in the IDV court make about twice as many appearances as comparison cases. IDV family cases 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 prior 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 Erie County IDV Court (Picard-Fritsche, Cissner, and Puffett 2011). The study finds that, due to same-day scheduling, litigants in the IDV court made fewer trips to court overall and that IDV court cases averaged fewer court appearances than comparison cases. Families processed in the Erie 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 or settled 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 case dispositions were found to be *more* severe in the IDV court, with guilty pleas and adjournments in contemplation of dismissal more common in the IDV court and outright dismissals less common in the IDV court. Criminal defendants in the IDV court were subject to enhanced post-dispositional monitoring and, possibly as a result of this increased surveillance, IDV court defendants were also more likely to have a new criminal charge involving a violation of the initial protective order.

³ Nine IDV courts are compared to traditional family courts located in the same nine counties for the family court analysis. Six IDV courts are compared to traditional criminal courts located in the same six counties for the criminal court analysis.

CHAPTER TWO RESEARCH DESIGN AND METHODOLOGY

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

SUFFOLK COUNTY, NEW YORK

Suffolk County, New York State’s 10th Judicial District, is a suburb of New York City and encompasses the central and eastern portions of Long Island, an area of just over 900 square miles, 86 miles long. In 2000, the total population of Suffolk County was 1.4 million. As Table 2.1 shows, the county is predominantly white (85%), with proportionately fewer black (7%) and Hispanic (11%) residents than in New York State or the country as a whole. The county’s median income (\$65,288) is significantly higher than both national and state averages. Consistent with this, Suffolk also has a relatively lower rate of poverty (6%) and higher rate of home ownership (80%) than national or state averages.

Table 2.1. 2000 Demographics, Suffolk County

	United States	New York State	Suffolk County
Total population	281,421,906	18,976,457	1,419,369
Race			
White	75%	68%	85%
African-American	12%	16%	7%
Other	13%	16%	8%
Hispanic (any race)	13%	15%	11%
High school degree or higher ¹	80%	79%	86%
Bachelor's degree or higher ¹	24%	27%	28%
Individuals living in poverty	12%	15%	6%
Median household income	\$41,994	\$43,393	\$65,288
Percentage of homes that are owner-occupied	66%	53%	80%
Percentage of households made up of married-couple families	51%	53%	61%

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

¹ Of residents 25 years or older

PROCESS EVALUATION DESIGN

The process evaluation component of the current research included a series of site visits and courtroom observations over the course of a year (July 2003-July 2004, see Appendix B for court observation form), 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 judges, resource coordinator, project director, IDV court clerks, dedicated prosecutor, dedicated law guardian, and victim advocates—as well as several attorneys who appeared regularly in the IDV court. 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 the quantitative analyses of the IDV court caseload, 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 (October 2002) 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.⁴ Cases identified in CRIMS, UCMS, and CCIS which occurred before the family was

⁴ *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

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;⁵ 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 (October 2002) 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 Suffolk 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 instance with the criminal court data used for the current study.⁶ In lieu of

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 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).

⁵ 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.

⁶ 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

matching data using a common docket number, data in CRIMS was matched to criminal cases in the IDV application using 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, 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 SAMPLES

The comparison sample is contemporaneous to the IDV court sample; cases were adjudicated between the IDV court opening date and December 2005. 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 case in two of the three courts of origin;
- Eligible family cases include family offense, custody/visitation, neglect/abuse, and paternity;
- Eligible criminal cases are misdemeanor 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?
- **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)?

matrimonial cases, so identifying corresponding cases in CCIS and the IDV application was also fairly straightforward.

- **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.

- **Basic demographics:** The management information systems utilized by the IDV courts 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 is not included in any of the analyses that include family or matrimonial cases. Demographic variables are included as control variables for outcomes that are limited to criminal cases (i.e., criminal dispositions, subsequent criminal activity).
- **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, paternity), 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.

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 Tables 3.6 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 SUFFOLK COUNTY IDV COURT: PLANNING AND IMPLEMENTATION

The Suffolk County Integrated Domestic Violence Court opened in October 2002, one of six initial pilot IDV courts in New York State. This chapter details the results of an in-depth process evaluation undertaken during 2003 and 2004, including a description of the court planning process and court operations. The results are informed by structured courtroom observations and interviews with key stakeholders. 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 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.

THE SUFFOLK IDV COURT PLANNING PROCESS

Suffolk County boasts the highest number of divorce filings—and one of the highest per capita rates of divorce filings—of any New York county outside of New York City: 4,636 in 2004 alone (NYS UCS 2005). This can be compared with the county with the next-highest number of matrimonial filings outside of New York City, neighboring Nassau, which is nearly equivalent in population size and characteristics, and which filed only 3,220 matrimonial cases in 2004 (NYS UCS 2005). This volume of matrimonial cases has had a strong influence on the county's legal culture, and consequently on the design and operations of the IDV court.

In 2000, Suffolk County became one of the first jurisdictions in the state to open a specialized court for criminal (misdemeanor) domestic violence cases. The need for the specialized court is underlined by statistics for the following year, 2001, in which time 29,189 domestic violence incidents were reported to the county police—approximately 80 reports a day (Suffolk County Police Department 2002). Thus, domestic violence was well established as a significant concern of the county's courts at the time that the IDV court was introduced. In choosing to address the problem with specialized courts, Suffolk was following a state-wide trend as well as building on its own previous experience with specialized courts; criminal, juvenile, and family drug courts had already been operating in the county for several years.

INITIAL PREPARATION AND SELECTION OF A PRESIDING JUDGE

Late in the summer of 2001, Center for Court Innovation staff (including the Executive Director, Director of Domestic Violence Programs, and Associate Director of Domestic Violence Programs) met with the District Administrative Judge for Suffolk County—initially the Honorable Gail Prudenti, who was succeeded in November 2001 by the Honorable Alan D. Oshrin—to begin planning the court. Because of Suffolk County's exceptionally large matrimonial court caseload, there was particular interest in the matrimonial aspect of the integrated court. This was unusual: in most other counties, the IDV court's primary jurisdiction is overlap of criminal and family court cases; matrimonial cases are often added only after the court has been operating for some time and make up a relatively small percentage of the caseload. In contrast, Suffolk identified matrimonials as an area of particular interest from the outset, and made matrimonials the crux of its initial eligibility criteria (discussed further below). This decision led to a greater emphasis on the role of the matrimonial bar than was perhaps the case for IDV courts in other counties; it also made expertise in matrimonial law a more important factor in the selection of a presiding judge.

Selection of an IDV court judge can be difficult: for many counties it is a challenge to find judges with experience in multiple areas of the law, an interest in domestic violence, and a willingness to take on the pressures of a demanding, multi-jurisdictional court model. In Suffolk County, such a judge was identified in the Honorable H. Patrick Leis III, then-Supervising Judge of the Matrimonial Division of Supreme Court. Judge Leis had extensive experience presiding over family, criminal, and matrimonial matters. In addition, it was hoped that Judge Leis' professional history and reputation within the county would enhance stakeholders' willingness to participate in the new court.

There was reason to make judicial reputation a priority in selecting the IDV court judge. Many stakeholders, including Judge Leis himself, had concerns about the fundamental premise of hearing such different types of cases— subject to differing laws, burdens of proof, and court procedures—in a single court. While few people could object to the goal of simplifying the court process for families and victims, many worried about the implications for criminal cases in particular—for the protection of defendants' rights, as well as for the pursuit of an aggressive criminal prosecution. As was revealed in interviews, attorneys in particular seem to rely on the judge to ensure the integrity of the court process. That is, whatever the potential for manipulation or abuse posed by the IDV court structure, such manipulation is perceived to be possible only to the extent that it is permitted by the judge. Thus, the abilities and character of the judge become paramount, and the court's perceived legitimacy may derive directly from that of the judge.

CASELOAD ANALYSIS

Before proceeding further with the planning process, it was necessary to estimate the size and nature of the potential IDV court caseload in Suffolk. First, in December 2001, the chief family court clerk compared the pending caseload in the district courts' domestic violence courts with the family court's pending custody and visitation and family offense caseloads, finding 65 instances of overlap for the 1,000 criminal cases and 1,952 family court cases.^{7,8}

That same month, the supreme court chief clerk reviewed the pending contested matrimonial caseload and found that 514 cases, 27% of the contested matrimonial caseload, had concurrent pending protective orders in either family or criminal court. This suggested that there were at least 500 cases eligible for the IDV court (with the actual number depending in part on the degree of overlap between the two analyses), more than enough to support a full-time court. These planning estimates also confirmed planners' suspicions regarding the importance of matrimonial cases; by far the largest source of cases for the IDV court would be overlaps of criminal or civil domestic violence cases with matrimonial cases.

THE PLANNING PROCESS

The planning team that was assembled to develop the IDV court reflected the legal and operational challenges that the model poses, including not only the administrative and supervising judges from three courts (district, family, and supreme matrimonial), but also the

⁷ This number was actually an overestimate; as discussed below, only overlaps of criminal domestic violence cases with family offense cases—not custody and visitation cases—would initially qualify families for the IDV court.

⁸ Members of the planning team suggested that one possible explanation for this extremely low number was the speed with which family offense cases are disposed.

chief clerks from each court, as well as relevant court attorneys and law clerks. This team was assembled in November 2001, and met over the course of nearly a year to plan the court, create and fill new staff positions, and conduct outreach to external partners (see Planning and Implementation Timeline, Figure 3.1). The full planning group included:

- The Honorable Alan D. Oshrin, District Administrative Judge;
- The Honorable K. Patrick Leis, III, Supervising Judge of the Matrimonial Division, Supreme Court;
- The Honorable Madeleine A. Fitzgibbon, Supervising Judge of the District Court;
- The Honorable David Freundlich, Supervising Judge of the Family Court;
- The executive assistant to the District Administrative Judge;
- The chief court attorney from the family court;
- The principal law clerk from the supreme court; and
- The chief clerks from the supreme, district, and family courts.

A planning document is particularly important for IDV courts, which face so many logistical issues; for Suffolk, as for the other five pilot courts, this was compounded by the lack of precedent on which to draw. Accordingly, the Suffolk planning document is quite detailed, providing a virtual blueprint for court operations. In particular, it lays out a detailed plan for case identification and transfer, and specifies a schedule under which the court would open with a restricted caseload and progressively phase-in additional case types as operations stabilized. The planning documents developed by the initial six pilot courts served as a template for future courts, as outlined in subsequent chapters.

TABLE 3.1 SUFFOLK IDV COURT PLANNING AND IMPLEMENTATION TIMELINE	
<u>2001</u>	
August - September	<ul style="list-style-type: none"> • CCI and Suffolk County Administrative Judge begin discussions about the possibility of opening an IDV court in Suffolk
October - December	<ul style="list-style-type: none"> • IDV court presiding judge is selected by Suffolk County Administrative Judge • Planning team created • Caseload analyses conducted by all courts and District Attorney • Additional staffing needs of the IDV court identified
<u>2002</u>	
January - June	<ul style="list-style-type: none"> • Meetings of planning team and CCI staff with stakeholders • Planning document drafted and revised by planning team and CCI • Chief clerks begin developing clerical protocols • Domestic violence training for judge and court staff
July	<ul style="list-style-type: none"> • Project Director and Resource Coordinator hired, begin • Back-up judge identified • Security protocol developed • Protocols finalized for case identification, transfer, docketing, and calendaring, as well as for data entry
August	<ul style="list-style-type: none"> • Court Attorney-Referee hired, begins • IDV court judge and staff attend legal and operational training created by the Office of Court Administration and CCI for the six pilot IDV court sites

- October**
- Judicial order empowering Justice Leis to transfer cases to the IDV court
 - Official opening of the Suffolk County IDV Court, October 8

OUTREACH TO STAKEHOLDERS

Because they raise such a broad range of procedural and substantive questions, IDV courts require collaboration among a wide spectrum of external organizations: prosecutors, police, probation, legal services agencies, and community service providers. The planning group drew on the experience of Suffolk's specialized drug and domestic violence court staff in identifying representatives of these groups. Community stakeholders continued to meet with the IDV court planning team throughout the spring of 2002 and included:

- Law Enforcement agencies, including:
 - The Suffolk County District Attorney's Office (Child Abuse and Domestic Violence Bureau, Domestic Violence Unit);
 - Suffolk County Police (Domestic Violence Unit); and
 - Suffolk County Department of Probation;
- Attorney organizations, including:
 - Legal Aid Society;
 - Assigned Council Defender Plan of Suffolk County;
 - Hofstra Law School, Touro Law School (Domestic Violence Clinic);
 - Law Guardian Bureau;
 - Legal Aid Society, Nassau/Suffolk Law Services; and
 - Suffolk County Bar Association, Criminal Bar Association & Matrimonial Bar Association.
- Government agencies, including:
 - Suffolk County Office of Women's Services, Task Force on Family Violence; and
 - Suffolk County Department of Social Services.
- Victim and Child advocacy organizations, including:
 - Brighter Tomorrows;
 - The Retreat;
 - Suffolk County Coalition Against Domestic Violence, Victims Information Bureau;
 - Education and Assistance Corporation;
 - Hope for Youth;
 - Sagamore Children's Center; and
 - Smart Parenting, Parent Education and Custody Effectiveness (PEACE) Program for Suffolk.
- Other community service providers, including:
 - Social services and counselling (Employee Assistance Resource Services, FECS, Family Counselling Service, Family Service League, Hampton Council of Churches Family Counselling Center, Veterans Administration);
 - Clinical Care Associates batterer program;
 - FOCUS Paralegal services (civil cases); and
 - Substance abuse and alcohol treatment providers (Bellport Outreach Project, CK Post, Catholic Charities, Crossings Recovery Center, Daytop Village, Huntington Drug and Alcohol Outpatient Alcoholism Clinic, Pederson-Krag Center, Phoenix House, Saint Charles Hospital, Seaford Services, South Oaks Hospital).

During these stakeholder meetings, planners explained the purpose and process of the IDV court and explored stakeholders' concerns. As might be expected, stakeholders' concerns varied by role, with domestic violence advocates raising safety issues, the bar association suggesting a potential for abuse by litigants trying to get an advantage in divorce proceedings, and prosecutors perceiving the possibility that criminal cases might be taken less seriously. Prosecutors were also concerned about the resource implications of having to remain in the courtroom all day, waiting as family and matrimonial cases were heard. Other issues raised by stakeholders included the ability of law guardians to follow cases from family to supreme court; resource restrictions on defense agencies; and the qualifications of the as-yet unidentified back-up judge. Some of these issues were addressed immediately (e.g., it was decided that the criminal calendar would be called first to accommodate prosecutors' schedules), while others could be resolved only after the court opened, as events unfolded and operations evolved (e.g., potential abuse by "forum-shopping" litigants looking for an advantage in divorce matters).

GOALS OF THE COURT

In both its planning document and in materials produced later for wider dissemination, the Suffolk IDV court describes its mission as:

Utilizing the "one family, one judge" concept, the Integrated Domestic Violence court exists to handle all the matters which may bring a family into the court system when the underlying issue is domestic violence. The court seeks to promote justice by ensuring victim safety, increasing the accountability of abusers, providing a comprehensive approach to case resolution, integrating the delivery of social services and eliminating inconsistent or conflicting judicial decisions.

Beyond the broader IDV court goals presented in Chapter One, the Suffolk County IDV Court identified the goals and objectives outlined in Table 3.2. These are primarily operational objectives serving the larger IDV court goals: the adjudication of all of a family's matters by a single judge, linkages to services, and monitoring of offenders. This list does, however, make the addition of a commitment to maintain distinctions between cases and case types. While this need to keep cases separate was undoubtedly implicit in the original list, its inclusion here underscores the need that planners and staff felt to reassure stakeholders on this point.

TABLE 3.2 SUFFOLK IDV COURT GOALS AND OBJECTIVES

Many families come to the court system with myriad problems which, under the current court structure, must be adjudicated in different forums. The formation of the IDV court recognizes the need to create a single court that can adjudicate all the matters which may bring a family into the court system. This unique pilot program is designed with the following objectives in mind:

- When fully implemented, every civil and criminal issue facing the family, including divorce, custody, visitation, child support, child abuse and neglect, criminal prosecutions, juvenile delinquent proceedings, PINS petitions, orders of protection and domestic violence will be heard before one judge;
- We will eliminate the necessity of the parties having to make multiple appearances in various courts such as district, family, county and supreme courts to resolve inter-related issues arising from the same family;

- The court will provide for victim safety and batterer accountability, as well as combining the services and resources of the family court, the criminal prosecution of the district court, and the supreme court's jurisdiction to adjudicate matrimonial cases;
- Cases sent to the IDV court for adjudication will be transferred and are not considered consolidated for any purpose. All case filings and orders will be kept separate to preserve the integrity of each case. This will ensure one of the primary goals of the court: that related cases are not diluted and that distinctions between burdens of proof and legal standards in different courts are maintained;
- The IDV court seeks to connect litigants with the services they need on every single case. Whether it be connecting litigants to victim advocates or ensuring proper legal representation for all the parties, we seek the assistance of each partner agency and organization to establish an adequate level of dedicated support staff to make sure that no one is left without the services they require;
- Various studies have shown that judicial monitoring of defendants or respondents in domestic violence cases makes a significant difference in defendant compliance with judicial mandates, reducing the rate of recidivism. The IDV court will have a comprehensive plan for monitoring all defendants and respondents directed to attend a court-mandated program.

COURT OPERATIONS

This section addresses core operational issues of the IDV court, such as the physical courtroom and court staff; eligibility criteria for families and cases; and administrative and clerical matters. Throughout this section, note is made wherever implementation differed from the expectations of the planning phase, or where practice has evolved over time.⁹

THE SETTING

The Suffolk County Integrated Domestic Violence Court officially opened on October 8, 2002, in Courtroom S-32, on the third floor of the supreme court building. The supreme court occupies one wing of the large Cohalan Complex in Central Islip, which also houses the district and family courts and the District Attorney's Offices. From the outset, the IDV court operated full time, five days a week, though the court itself is often inactive while matrimonial and family court cases are conferenced in chambers.

An easily overlooked element of victim safety is the experience of the victim in the court itself. Before the court opened, all staff, including court officers, received domestic violence training that included courthouse safety measures. Best practice suggests that domestic violence courts provide safe, separate waiting space for victims of domestic violence, but few courthouses are designed to accommodate this. While the IDV court did not originally have a separate waiting space for victims, the layout of the building and the presence of security cameras and a nearby court officers' security station suggested that litigants' behavior could be monitored.

Since the court's opening, an adjacent jury room has been converted to a waiting area for victims. The room is kept locked; victims or advocates ask a court officer to let them in, and to

⁹ Changes through 2006, when the process evaluation was completed, noted.

alert them when their case is called in the courtroom. While this provides for extra security, it may also reduce the extent to which it is used. Most informal conferencing—between victims and advocates, between clients and attorneys, and between parties—takes place in the hallway, which is large and quiet, and in full view of the security station.

The courtroom itself has a relatively small audience area. This means that parties sometimes cannot be separated, but should also make it more difficult for harassment to go unnoticed by court officers, victim advocates, and attorneys.

COURT STAFF

The experience of criminal domestic violence courts, as well as other problem-solving courts in Suffolk County, strongly suggested a need for enhanced staffing in the IDV court. A supreme court (civil term) part is normally staffed by a judge, law clerk and secretary, as well as a court clerk, court reporter, and court officer. The planning team determined that the IDV court would also need a court-attorney referee, primarily to conduct conferences and perhaps some hearings. A project director would oversee case identification and transfer as well as administrative issues and outreach to stakeholders; and a resource coordinator would identify and liaise with community services, referring parties to programs and monitoring their compliance. (See Table 3.3 for job descriptions for these supplemental positions.) In addition, the part would need two additional court officers, to comply with security requirements for parts hearing felony criminal cases; and a court assistant, to support the IDV court’s extensive clerical and data requirements. While such new problem-solving court positions are often supported by grant funds, in Suffolk they were funded entirely by the Unified Court System, and all personnel were hired as permanent court employees.

TABLE 3.3 SUFFOLK IDV COURT SPECIAL COURT STAFF

COURT ATTORNEY-REFEREE

- Conduct conferences and promote settlement discussions where appropriate
- Research and analyze complex legal issues
- Hold hearings as required by the IDV court Judge
- Monitor compliance with court orders

PROJECT DIRECTOR

- Assist in program planning and development of the IDV court
- Screen, identify and arrange for the transfer of all cases to the IDV court
- Coordinate the activities of the Judge, Court Attorney-Referee and Resource Coordinator to facilitate the goals of the IDV court
- Train courtroom, clerical and administrative court personnel in IDV court policies and procedures
- Monitor discovery, case milestones and other deadlines to ensure timely case dispositions and compliance with court mandates
- Serve as a liaison to the Bar and local partners and constituents to provide information and establish a forum for feedback
- Research all program providers to ensure that each program is fulfilling the goals and objectives of the IDV court

- Analyze data and prepare regular reports to measure the effectiveness of the court
- Create protocols and monitor (through continuous on-site reviews) all programs that the IDV court will be referring or mandating litigants to attend

RESOURCE COORDINATOR

- Identify all types of programs for the litigants (referrals as well as court-mandated programs)
- Review all cases transferred to the IDV court to identify appropriate services
- Perform assessment of all parties in each case and make referrals to service providers for supervised visitation, batterers’ intervention, victim advocacy, mental illness, substance abuse, psychological counseling, and other social service needs
- Serve as a liaison to all treatment and service providers to ensure prompt and efficient processing of all referrals
- Monitor the progress and compliance of all referrals by receiving periodic reports from service providers and keeping the IDV court Judge informed
- Collect data and prepare reports regarding the outcome of all referrals
- Train courtroom, clerical and administrative court personnel in IDV court policies and procedures

In interviews with court staff, it was clear that the first few months of operations were marked by some confusion regarding roles and responsibilities. The position of resource coordinator, for instance, is relatively uncommon, that of project director even more so; their responsibilities usually evolve in response to the needs of the judge and experience of the individual in the position. Yet the newness of the court meant that the judge, whose expectations normally define all staff members’ roles, had not yet fully identified his support needs. Other sources of confusion included the lack of clear differentiation between the positions of the court attorney-referee and principal law clerk.

All of this was eventually resolved, and the positions have remained essentially as they were envisioned in the job descriptions above. One exception is that the court attorney-referee has rarely been able to conduct hearings, due to practical constraints—the need for another room, court officer, and reporter. Both the court-attorney referee and the principal law clerk conference cases, though the extent to which the principal law clerk does so has varied with the individual in the position.

Between 2002 and 2006, the court underwent a change in judge, court attorney-referee, and court clerk, and two changes in principal law clerk. Because it has sometimes been observed that participation in a problem-solving court, particularly a new and controversial court, can be politically risky for judges in particular (e.g., Farole, Puffett and Rempel 2005), it is worth noting that this is not generally true of New York State, or of the Suffolk IDV court in particular. The original Presiding Judge was made Administrative Judge for the 10th Judicial District in 2003; his principal law clerk accompanied him to that position; his court attorney-referee is now practicing in the family court; and the court’s second principal law clerk has recently been elected to the bench.

IDV COURT ELIGIBILITY

In discussing eligibility, a distinction is made between two types of cases. *Qualifying cases* are those cases that, in combination, qualify the family for the IDV court. All other cases are *additional cases*. Additional cases include both pre-existing cases that are transferred to the IDV court along with the qualifying cases, as well as cases that arise once the family is in the IDV court, or even after the family has left the IDV court, and are subsequently adjudicated in the IDV court. The term “additional” is not intended to suggest that these cases are less important, or that they receive less attention from the court.

Eligibility Criteria

Like all other IDV courts, the Suffolk court was intended to open in a series of phases, with each successive phase adding to the list of case types that the court would accept as additional cases, and perhaps even expanding the criteria for qualifying case combinations. What was unique about Suffolk was the prominent role played by matrimonial cases; while in many other counties, matrimonials are added in later phases, in Suffolk, they were the initial requisite element for eligibility.

The Suffolk plan anticipated four phases. In Phase One, eligibility was restricted to families who had a pending contested matrimonial case and at least one other civil or criminal domestic violence case: either a pending family offense case in family court; or a pending misdemeanor criminal contempt case in district court; or an unindicted felony criminal contempt case in district court.

During Phase Two, eligibility was expanded to include families that did not have a matrimonial, but had both a civil and a criminal domestic violence case as defined in Phase One. In this phase, the court also began accepting additional cases for families that met the eligibility criteria: support, paternity and custody and visitation cases in family court.

Phase Two eligibility criteria were final, and remain in effect today: to be transferred to the IDV court, families must have either domestic violence cases pending in two courts (district and family) or a domestic violence case pending in one court (district or family) and a contested matrimonial pending in supreme court. However, Phases Three and Four expanded the types of additional cases that the court would accept. All other types of family court cases were added in Phase Three, as were felony indictments pending in county court, though admission of the latter would be based on the judge’s assessment of their relevance to the matters pending in the IDV court. In Phase Four, the court added post-judgment applications in supreme court (even if the initial matrimonial was not adjudicated in the IDV court), and criminal domestic violence cases originating in the county’s 31 town and village courts.

In all phases, it was anticipated that if a family already had pending cases in the IDV court and new cases arose, those cases would be transferred to the IDV court if they met the current admissions criteria for additional cases. On a few occasions, the judge chose to accept these cases even when the criteria had not yet officially been expanded to include that case type, if he thought it closely related to the IDV court cases (e.g., in Phase Two, he might accept a juvenile case in which the child’s behavior was perceived to be directly related to the parental divorce). Anecdotal report suggests that this has occurred in most IDV courts.

Progress through the Phases

The Suffolk IDV court moved relatively quickly from Phase One to Phase Two and then to Phase Three. The court has never suffered from a lack of cases, but rather the opposite; it cannot accommodate all eligible families, and some would argue that the county needs a second IDV court part. One possible means of limiting the caseload would be to restrict by case type—e.g., to adhere to Phase One or Two criteria and exclude families with particular types of additional cases, or to accept those families but not the additional cases. The planning team anticipated such a possibility, noting in the planning document that “we may be required to alter the case eligibility criteria in a particular phase to ensure that the Part’s inventory is at a manageable level (p. 16).” However, such a strategy seems antithetical to the IDV court’s fundamental purpose. Both Suffolk IDV court judges have chosen instead to emphasize a qualitative assessment of the number and complexity of the family’s cases, in the hopes of identifying the families that would most benefit from the advantages of the IDV court. In contrast to the imposition of case type restrictions, one would expect this strategy to result in an IDV court caseload of the most troubled of eligible families.

During the period covered in this evaluation (i.e., through December 2005), the court did not move fully into Phase Four. In this phase, the court planned to accept families whose criminal cases arose in the town and village courts on the east end of the island. If these families do not have a matrimonial, their cases are normally heard in the courts in the town of Riverhead, approximately 30 miles east of Central Islip, where the IDV court is located. Since forcing litigants to drive an additional 30 miles to court would diminish the practical advantages of the IDV court, in Phase Four the IDV court was intended to convene periodically in Riverhead to hear these cases. However, due to a combination of personnel issues and the court’s full caseload in Central Islip, the court did not implement Phase Four until 2008. (The court does take families with criminal cases arising in the town and village courts if they also have matrimonial cases, since they already have to travel to Central Islip for the matrimonial.)

In considering the potential for an excessive caseload, the planning team noted that an alternative to restricting case eligibility was to create a second IDV court part. However, this is not currently being considered by court administrators.

Eligibility and Case Age

In addition to case types, eligibility hinges on the temporal relationships between cases. Families often file cases days, weeks, or even months apart. The question, then, is whether it is possible to identify an arbitrary point at which a case (though still pending) is too far advanced to justify transfer to the IDV court. It might well be counterproductive to move a case that has had multiple appearances over many months before a single judge; that judge has an understanding of the case that the IDV court judge will not immediately be able to equal, and the transfer might actually disrupt progress toward disposition. Recognizing this, the IDV court planning document recommended that the two qualifying cases should have been filed within 60 days of each other, but left final transfer decisions to the IDV court judge’s discretion. In practice, this discretion has sometimes extended not only to the age of the case but to the preferences of the original judge, who may sometimes wish to retain the case.

CASE IDENTIFICATION AND TRANSFER

The identification of eligible families is probably the greatest administrative challenge faced by any IDV court. In New York State, the family court, supreme court civil term, and various criminal courts (e.g., county, district) all use different, incompatible management information systems. As a result, it is challenging to automate the search for eligible families; courts must generally find ways of manually comparing lists of qualifying cases for overlap. In a high-volume jurisdiction, such a search is likely to be tremendously time-consuming; and yet it must be done on a regular basis, preferably every day.

The *Integrated Domestic Violence Court Model Court Components* notes that the first step in identifying eligible families for the IDV court is to be able to identify criminal domestic violence cases. In Suffolk, this was already being accomplished by the existing criminal domestic violence court, which had developed procedures for flagging cases as domestic violence at arraignment in order to route them to the specialized part.

Screening was expected to take place in each of the three originating courts. In the criminal domestic violence court, a staff member (unspecified, but presumably either a clerk or the resource coordinator) was to check defendants' and complaining witnesses' names in the family court and matrimonial databases for pending qualifying cases "initiated within a reasonable time frame (p. 8 of the planning document)." Parties' names were also to be checked in the statewide Domestic Violence Registry, which records all criminal and civil protective orders issued in the state of New York; and in the application created specially for the IDV courts (the IDV application) by the Office of Court Administration.

In the supreme court, a similar process was to be conducted for each new contested matrimonial filing: names of both parties were to be checked against the family court and criminal databases, the Domestic Violence Registry and the IDV application. Again, no specific staff member was charged with the task of checking for overlap with incoming matrimonial cases, but the task would presumably be assigned to the back-office clerk receiving the new filing (rather than the courtroom clerk at the first appearance, which might occur sometime later).

The family court was expected to enact a parallel procedure, to be conducted by clerks receiving family offense petitions (i.e., petitions for a protective order). In all three courts, when a family was found to be eligible, a form was to be completed and emailed to the IDV court. IDV court staff would then prepare a transfer order—essentially declaring that the supreme court, in the person of the IDV court judge, is taking jurisdiction of the case from the originating court—and arrange for the physical case files to be moved to the IDV court. Families would then be alerted by mail that their next court appearance would be in the IDV court.

This plan places a tremendous burden on clerks in the three courts, and on large numbers of clerks in each court, meaning that there is no single person to hold responsible for implementation. The result is that, while the three courts do some of this screening themselves, the project director has taken on much of the responsibility herself, spending up to eight hours a week on screening, sometimes assisted by the resource coordinator and calendar clerk. In addition to reviewing the various courts' information systems, the project director receives paper copies of all new filings for contested matrimonials, family offenses, and domestic violence

felonies, allowing her to identify families as early as possible. The family court and district court may also email notifications of new filings and new arrests, which in the latter case may result in the case being transferred to the IDV court for arraignment. (This is most likely to happen if the family is already in the IDV court, which can be confirmed simply by checking the IDV application, rather than having to check multiple databases and paper lists.)

As is perhaps inevitable, informal notification networks have also developed, primarily in regard to new cases for families already in the IDV court. For instance, Child Protection Services and the District Attorney's Office may all be aware that the family already has cases in the IDV court, and may request that the case be transferred there, or contact IDV court staff and alert them to the need for a transfer order. Attorneys and even litigants may raise the subject of cases pending elsewhere during their IDV court appearance. Probation officers may also let the court know if they are planning to file a violation against a current or former defendant in IDV court.

Procedures for physically transferring paper files to the IDV court have also changed slightly from those outlined in the planning document. This is less of an issue for matrimonials, since the IDV court is housed within the supreme court, and there are established mechanisms for moving files between the central file room and individual courtrooms. For district and family court, however, which do not routinely transport cases to courtrooms outside of their own court jurisdictions, new systems had to be developed. While the district court has taken responsibility for getting files to the IDV court, the family court instead sets files aside for the project director to retrieve. This situation again places an unanticipated responsibility on the project director that may someday prove difficult to sustain.

DATA TRACKING

The planning document lays out an unusual plan for managing data entry, under which the district and family courts would “complete the necessary data entry during the life of the case,” while the supreme court would “maintain the actual case files and forward marked calendars on a daily basis for the other courts to update their databases (p. 15).”

It is difficult to imagine a scenario in which such a plan would not impose a tremendous burden on the district and family courts, while generating almost as much work for the IDV court as if it did the data entry itself. This plan seems to have been motivated by a legitimate concern for the ability of the IDV court clerical staff to keep up with data entry, but it raises a host of concerns, particularly in light of the difficulties encountered in the related processes of screening and transferring cases.

The IDV court is staffed by a court clerk and a data entry typist. The court clerk manages the day's calendar and the actual case files, while the data entry typist updates the computerized case files. This entails entering data into two management information systems for each case—the system used by the court of origin, and the IDV application. The data requirements of the court of origin are usually more extensive than those of the IDV application, which is generally used to collect only basic case information and court appearance dates. Nonetheless, this is still twice the work required of a clerk in any other court part. The IDV court also requires that both clerks be familiar with the procedures and forms of three different court jurisdictions, in addition to four different databases. Yet the civil service classification system prevents IDV court clerks from

being paid more for their additional knowledge and effort. In interviews, clerks spoke positively about the court, and some seemed to enjoy the challenge; but they were also very conscious that they could be receiving the same salary for doing less work in other court parts.

The planning document also anticipated that the family and district courts would generate calendars for the IDV court. Fortunately, this was made unnecessary by the IDV application, which is the only information system capable of producing a single calendar that includes cases from all three courts. The IDV application was initially a Lotus database created by the New York State Office of Court Administration (OCA) for use by the six pilot IDV courts. It was designed to capture basic case information and allowed users to generate a calendar and basic reports. In late 2003, with IDV courts becoming more numerous, OCA created a more extensive management information system, adapted from an application created for family drug treatment courts. This application allows users to collect information on attorneys, children, use of programs and services, and compliance with court orders, in addition to the standard case information. In addition, the application generates a calendar and allows users to produce basic reports. All courts must enter basic case information and updated court appearance dates into the IDV application in order to create an accurate calendar. However, the degree to which additional information is entered varies by court. This is understandable: not only are court staff under pressure to complete data entry into other systems, but there is little incentive for them to enter more than the bare minimum into the IDV application. It is understood that the benefit of the application to the court is in generating a calendar and tracking litigant compliance with court mandates; otherwise, the data is useful only to OCA. That the data is important to OCA is undeniable: the IDV application is the only way for IDV court caseloads to be monitored by the court system, without conducting a labor-intensive matching of cases across the different courts' management information systems. But until the application provides more benefits to court users, data entry efficiency (i.e., enter what is absolutely necessary while foregoing use of all parts of the database) will probably continue to take precedence over robust and complete IDV application maintenance.

CALENDARING CASES

The Suffolk IDV court maintains three separate calendars which are called in a prescribed order: first criminal, then family, and then matrimonial. This may seem counter-intuitive, given that the IDV court model is intended to reduce litigants' wait time and to enhance coordination across cases. However, this organization was recommended in the original *IDV court Model Court Components* document, and stakeholders cite several reasons, both practical and symbolic, for dividing the calendar along jurisdictional lines. Most importantly, it emphasizes that individual cases retain their original legal jurisdiction, and are not combined in any sense. Court staff and judges also suggest that there is a benefit, particularly to the judge, in keeping within one area of the law at a time—that it may be practically but also mentally challenging to move back and forth between cases subject to different laws and procedures.

Court staff also expressed a belief that the separation of calendars “makes a symbolic statement to attorneys: your case won't be pre-judged.” Yet in interviews, attorneys expressed considerably less concern about such issues than might be expected. One attorney was surprised that there are not more objections from the criminal bar about evidence being used across cases, but attributed the lack of concern about the process to satisfaction with final outcomes. A criminal attorney

agreed that he's not interested in the "hair splitting" of due process issues, saying that a good decision is more important. Attorneys also agreed that, however the cases are called, the judge still has all of the information, and they did not perceive it to be any more difficult for him to use it appropriately in one calendar arrangement than another.

Attorneys expressed far greater concern about the negative implications of the three-part calendar for their practice. Attorneys are expected to check in with the IDV court clerk in the morning and to be present in court when their case is called; for at least one attorney, this often meant sitting in court all day, which meant an increased bill for his client. Another attorney noted that criminal and family court lawyers often leave after their case is called, meaning that they miss hearing the family's other cases, which might seem to defeat part of the IDV court's purpose.

Clearly, the greatest practical advantage of this calendar arrangement is to the District Attorney's Office, as it allows prosecutors to come to court in the morning and then leave at the conclusion of the criminal calendar, rather than having to remain all day, waiting for cases to be called intermittently. This may help explain why some lower-volume IDV courts are calendaring the family as a unit and hearing each of its cases in succession (maintaining the sequence of criminal first, then family, then matrimonial). Judges in these courts did not perceive this practice to threaten the integrity of the court, and did feel that it offered an advantage to litigants. A critical distinction, however, is that many of these lower-volume IDV courts operate only a few hours a week, and prosecutors are willing to remain in court for that time.

CASELOAD AND VOLUME

During the period from the inception of the Suffolk County IDV Court in October 2002 through December 2005,¹⁰ we identified 382 families with a total of 2,105 cases transferred to the IDV court. On average, these families had just over six cases each (6.04). In contrast with the other courts included in this study, Suffolk does not require a criminal domestic violence matter for IDV court eligibility; the majority of families (80%), though not all, had a criminal case. Seventy-eight percent of families had a family case and over half (59%)—more than in any other site—had a contested divorce case. Nearly half of all families (46%) had a case in each of the three jurisdictions; more than a third of families (35%) had both a criminal case and a family case; and the remaining families had either a family case and a contested matrimonial (12%) or a criminal case and a contested matrimonial (5%).

During this period, the Suffolk County IDV Court accepted a variety of family cases, with family offense (47%) and custody/visitation (23%) cases making up the largest portion of family cases and a smaller number of neglect/abuse (16%), support (10%), and paternity (3%) cases transferred to the IDV court. Criminal contempt (39%) was the single most common top charge on criminal cases transferred to the IDV court.

¹⁰ Unless otherwise indicated, all analyses in this chapter reflect the 38-month time period from October 2002 through December 2005.

Table 3.4. Appearance Volume in the Suffolk County IDV, Six Months to Three Years

	6 months	1 year	2 years	3 years
Average Number of New Cases/Month	18.00	37.67	46.00	35.58
Average New Criminal Cases/Month	10.17	12.25	14.54	12.75
Average New Family Cases/Month	-	16.83	23.46	16.47
New Family Offense Cases	-	10.42	14.54	10.08
New Custody/Visitation Cases	-	3.08	3.92	2.89
New Paternity/Support Cases	-	0.25	0.50	0.42
New Abuse/Neglect Cases	-	3.08	4.38	2.94
Average New Matrimonial Cases/Month	7.83	8.58	8.00	6.36

During the first three years of operations, the Suffolk County IDV Court averaged between 18 and 46 new cases per month (Table 3.4). During the first six months of court operations, the court accepted only families with a matrimonial case and an overlapping domestic violence case (criminal or civil); however, all cases entering the court during this period originated in the criminal court or supreme matrimonial. After this initial period, the majority of new cases in each period originated in the family court, with slightly fewer criminal and matrimonial cases. In general, volume increased over the first two years of court operations, with intake declining slightly in year three. The number of active cases in the IDV court (Table 3.5) increased over the first year of operations, leveling off in year two.

Table 3.5. Active Caseload in the Suffolk County IDV, First Two Years

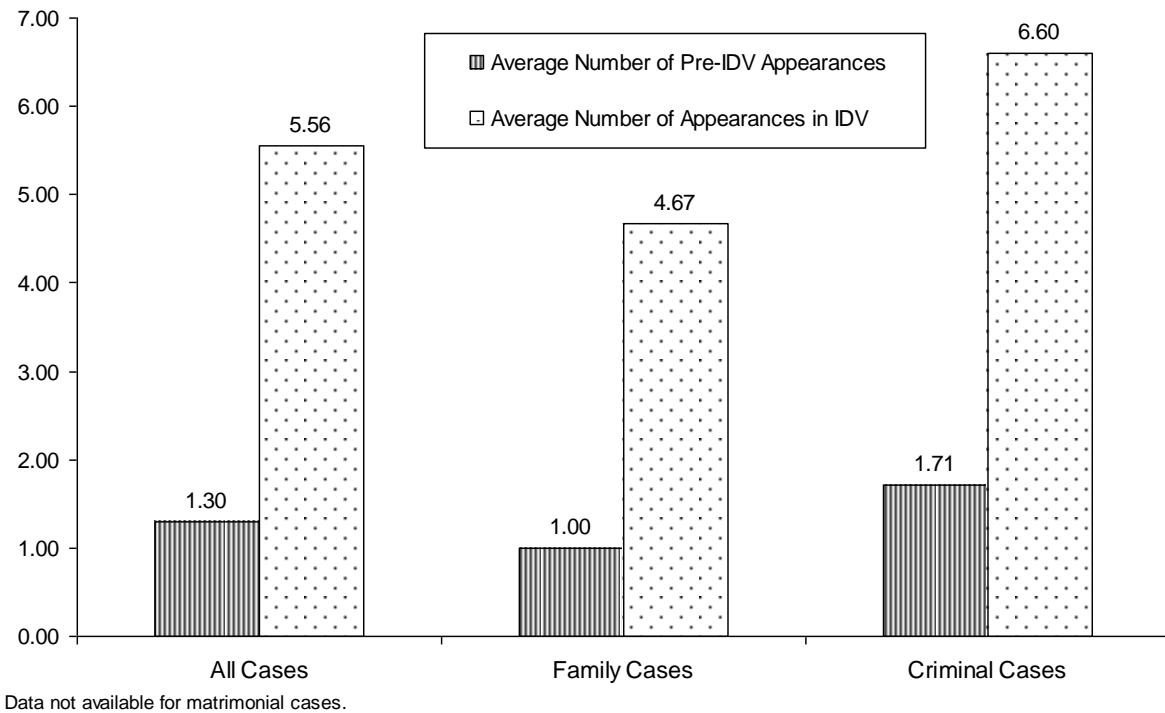
	6 months	1 year	2 years
Families with Open Cases in IDV	63	151	182
Cases Open in IDV	91	378	333
Open Criminal Cases	50	132	183
Open Family Cases	-	163	68
Open Matrimonial Cases	41	83	82

CASE PROCESSING: TRANSFER TO THE IDV COURT

From the time a case is filed, it takes around one and one-half months (49 days) on average for cases to appear in the Suffolk County IDV Court. During this period, litigants typically have just over one (1.30, Figure 3.1) appearance in the court of origin.

Figure 3.1 represents both pre-IDV court and IDV court appearances for cases heard in the Suffolk County IDV Court. On average, IDV court cases have over five (5.56) scheduled court appearances in the IDV court. Criminal cases have more court appearances (6.60) than family court cases (4.67). Matrimonial data was not available.

Figure 3.1. Average Number of Court Appearances, IDV Sample



COURT APPEARANCES IN THE IDV COURT

As part of the intensive process evaluation conducted in Suffolk, research staff observed a total of nine court calendars between July 2003 and July 2004. During these observations, a total of 96 families with 121 cases were observed. The majority of observed cases were divorce cases (45%), possibly due in part to the relatively longer time it takes for such cases to be resolved. Just over one-quarter of cases (27%) had an adjournment date noted on the court observation form; the average adjournment time was about one month (31.26 days). The average adjournment time was longer for matrimonial cases (35 days) than for either family (26 days) or criminal (30 days) cases. Of the 75 cases where data was available, litigants spent just under seven minutes (6.96) before the judge at each case appearance. When looking at total amount of time each *family* spent before the judge per court date, the 60 available families spent 8.23 minutes before the judge on *all* cases. During judicial interactions with litigants, the researcher noted a good deal of lecturing from the bench, including lectures by the judge on parental responsibility; legal obligations (following the protective order, using the order as “a shield, not a sword”); avoiding incarceration (for both defendants and as a warning to plaintiffs); and proper court demeanor. Notes further indicate that a frequent cause for adjournment in this court is that one or more parties were not available in court. Most often, it was indicated that attorneys for one side were in another court; however, there were also instances in which one or more of the litigants and/or the District Attorney were not in court, necessitating an adjournment. While this issue arises in courts of all types, it may be of particular concern in a cross-jurisdictional court such as the IDV court, where litigants may be represented by a number of attorneys on a diverse range of cases. While many IDV courts would like to see litigants represented by a single

attorney across cases, in many parts of the state, there is simply not a pool of cross-trained attorneys widely available.

CHAPTER FOUR THE SUFFOLK 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

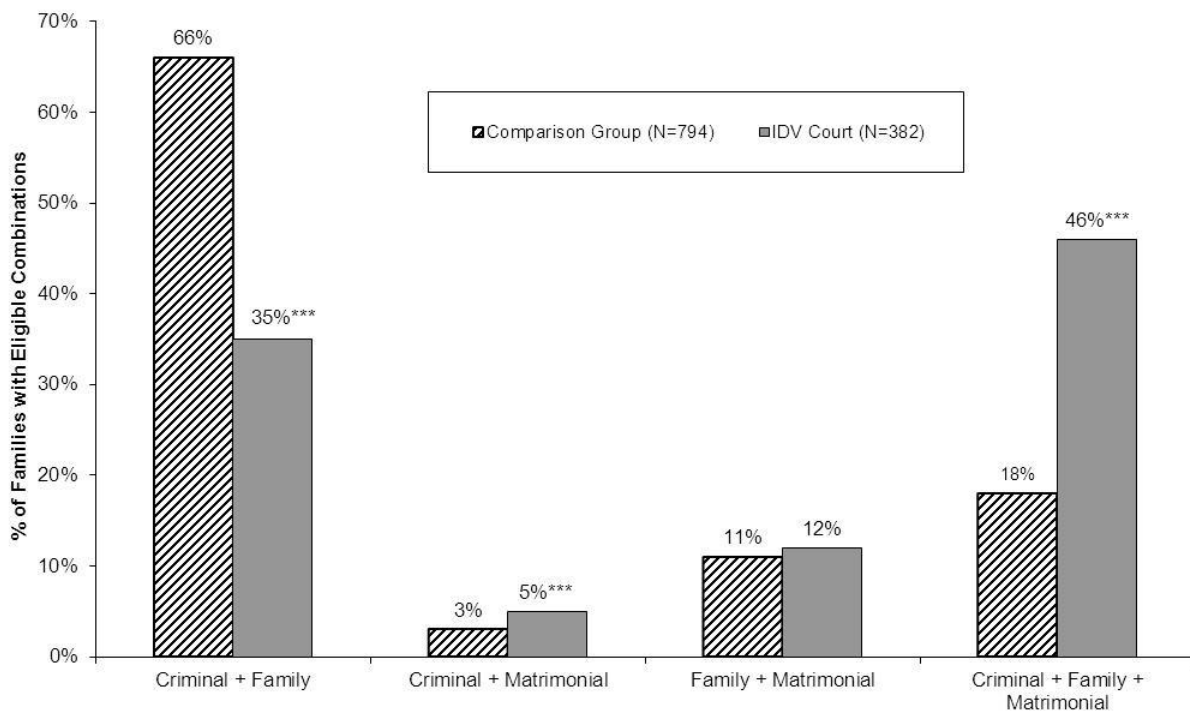
	Comparison Group	IDV Court
<i>Total Number of Families</i>	794	382
<i>Total Number of Cases</i>	4847	2105
<i>Family Cases</i>	3086	1078
Family Offense	46%	47%
Custody/Visitation	26%	23%*
Neglect/Abuse	11%	16%***
Support	13%	10%*
Paternity	1%	3%**
Other	2%	1%
<i>Criminal Cases</i>	1440	761
Top Charge		
Assault	3%	6%**
Harassment	8%	9%
Menacing	1%	1%
Criminal Contempt	38%	39%
Other	32%	37%*
<i>Matrimonial Cases</i>	321	266
<i>Case Type by Family</i>		
% of Families with a Family Court Case	93%	78%***
% of Families with a Criminal Court	77%	80%
% of Families with a Matrimonial Case	41%	59%***
<i>Average Number of Cases/Family</i>		
Average Number of Family	5.86	6.04
Average Number of Criminal	3.65	3.32**
Average Number of Matrimonial	1.78	2.07*
Cases/Family	0.43	0.65***
+ p<.10 *p<.05 **p<.01 ***p.001		

As discussed in Chapter Two, the comparison group was composed of families whose cases originated during a contemporaneous time period (October 2002 through December 2005), met the criteria for formal IDV court eligibility, but for some reason were not actually transferred to the IDV court. As illustrated in Table 4.1, the families in the comparison group were

significantly more likely than IDV court families to have a family court case ($p < .001$) and less likely to have a matrimonial case ($p < .001$). On average, comparison group families had significantly *more* total family cases than IDV court families ($p < .01$), but fewer criminal ($p < .05$) and matrimonial ($p < .001$) cases.

Figure 4.1 provides a simple illustration of the major differences between IDV court and comparison families in terms of case combinations. Comparison families are significantly more likely than IDV court families to have one or more criminal combined with one or more family cases ($p < .001$). Due to the relatively lower number of matrimonial cases in the comparison group overall, comparison group families are significantly less likely to have either one or more criminal cases combined with a contested divorce ($p < .001$) or one or more criminal case combined with *both* one or more family cases and a contested divorce ($p < .001$).

Figure 4.1. Case Combinations



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

DEALING WITH DIFFERENCES BETWEEN THE SAMPLES

As discussed in Chapter Two, we sought to adjust for the differences between the comparison group and the IDV court samples in all impact analyses. Due to limited available background variables, outright matching of the two samples using propensity scores was not indicated. Therefore, all frequencies and means are adjusted using univariate ANOVA analyses to control for a small number of key family-level characteristics. In Suffolk County, this included the total number of cases the family had, what case combination the family had (i.e., criminal and family

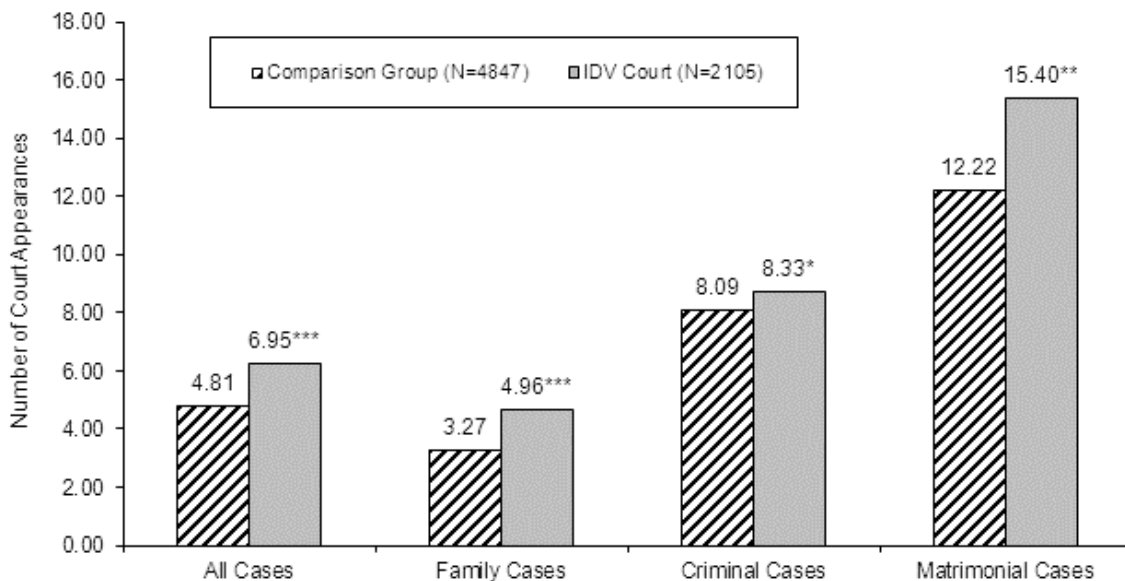
cases; criminal and matrimonial cases; family and matrimonial cases; or criminal, family, and matrimonial cases); and whether the family had a matrimonial court case (yes or no).

CASE PROCESSING

COURT APPEARANCES

Figure 4.2 represents the average number of court appearances through case disposition per case. For cases transferred to the IDV court, this includes not only appearances in the IDV court (seen in Figure 4.1, above), but also appearances prior to being transferred. On average, IDV court cases have significantly more appearances across all case types. Multivariate analyses (Table 4.2) also show that—for both IDV court and comparison families—family cases have significantly fewer court appearances, while matrimonial cases have significantly more court appearances than other case types. The interaction effect included in models three and four further illustrates that, while matrimonial cases tend to have more court appearances in general, those in the IDV court have disproportionately more appearances. One possible explanation for this finding is that, on occasion, the IDV court may calendar cases that would not have otherwise been scheduled to appear because the litigants will already be in court on another matter. For instance, if parties are already appearing on a matrimonial case, the judge may calendar the visitation case for the same day.

Figure 4.2. Average Number of Court Appearances per Case



+ 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 matrimonial or criminal case (as appropriate). Significance levels are also taken from univariate ANOVA analyses.

Table 4.2. Predictors of Number of Court Appearances

	Model 1	Model 2	Model 3	Model 4
Total Sample Size	6952			
IDV Court	2105			
Comparison Group	4847			
F	136.117***	999.196***	757.536***	757.536***
Adjusted R Square	0.021	0.301	0.303	0.303
O.L.S. Beta Coefficients:				
Family is in IDV	0.145***	0.095***	0.079***	0.079***
Case is a Family Court Case		-0.822***	-0.384***	
Case is a Criminal Court Case		-0.417***		0.364***
Case is a Matrimonial Case			0.206***	0.424***
Case is a Matrimonial Case*Family is in IDV			0.067***	0.067***
+ p<.10 *p<.05 **p<.01 ***p.001				

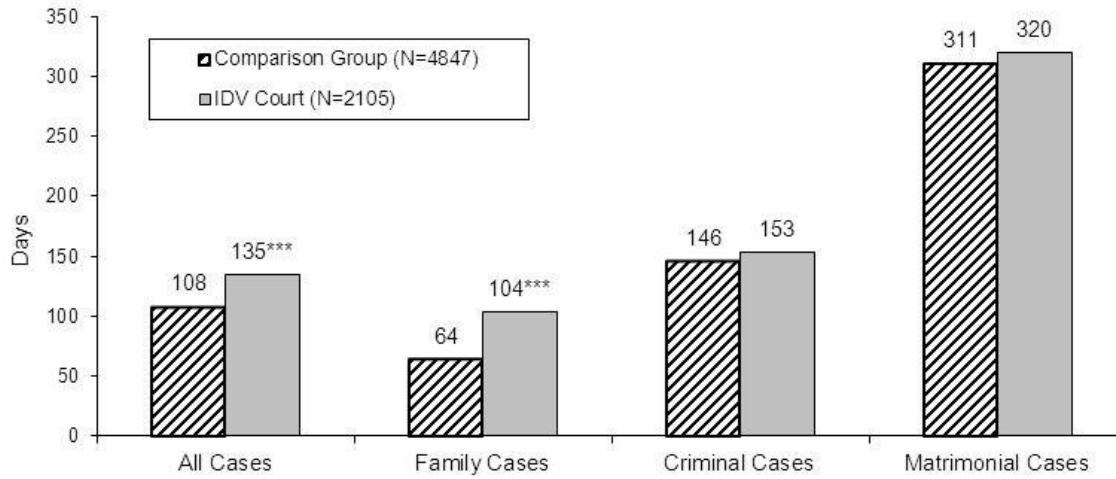
TIME TO CASE COMPLETION

Not surprisingly, given the finding that IDV court cases have significantly more court appearances than cases in the comparison group, IDV court cases also spend significantly 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 nearly one month longer (27 days), on average, than comparison group cases (p<.001). While neither criminal or matrimonial cases take significantly longer to reach disposition in the IDV court, family cases transferred to the IDV court last more than a month longer than comparison group cases (p<.001). Time to case disposition remains significantly longer for IDV cases even when only the period from first appearance in the IDV court through disposition is included (p<.05, results not shown). That is, it is not simply that IDV cases face increased processing time due to a lengthy IDV transfer process.

Neither is the longer case processing time for cases transferred to the IDV court solely due to post-disposition monitoring in criminal cases in the Suffolk IDV court. In fact, post-disposition appearances on criminal cases do not differ significantly between the IDV court and comparison samples (Figure 4.4). In addition, as illustrated in Figure 4.3, while family cases transferred to the IDV court take significantly longer to reach disposition than comparison cases, the same trend is not seen in criminal or matrimonial cases.

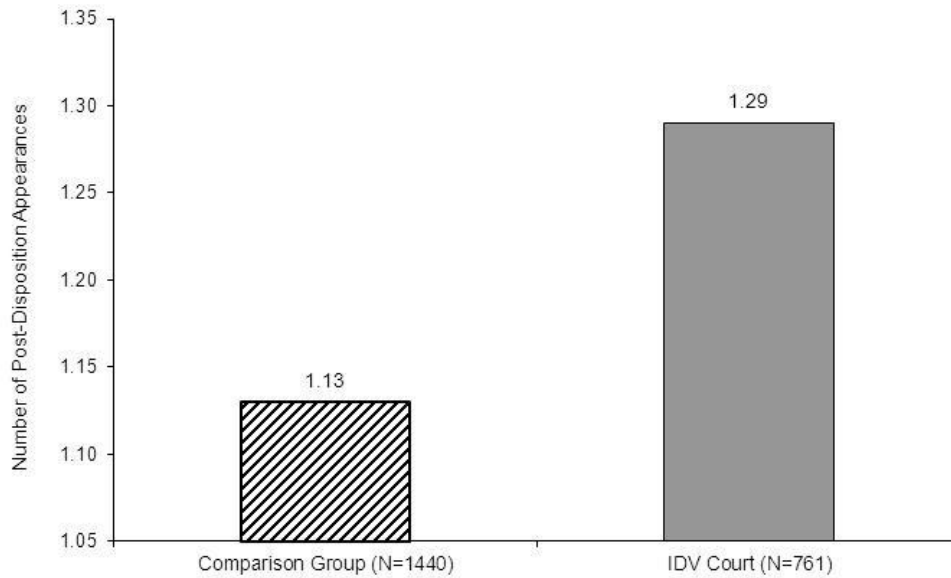
Overall, these results suggest that IDV court cases take longer to reach disposition, with the principal cause being additional case processing time on family court cases. Although criminal cases in the IDV court spend more *time* from final disposition to final court appearance (249 days versus 217 days, p<.01), criminal defendants in the IDV court are not making significantly more appearances during this time period. While the finding that IDV court cases take longer and have more court appearances, on average, than comparison cases, the IDV court’s use of same-day scheduling may result in fewer trips to court for IDV court families.

Figure 4.3. Average Time to Case Disposition (Days)



+ 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 matrimonial or criminal case (as appropriate). Significance levels are also taken from univariate ANOVA analyses.

Figure 4.4. Post-Disposition Monitoring in Criminal Cases

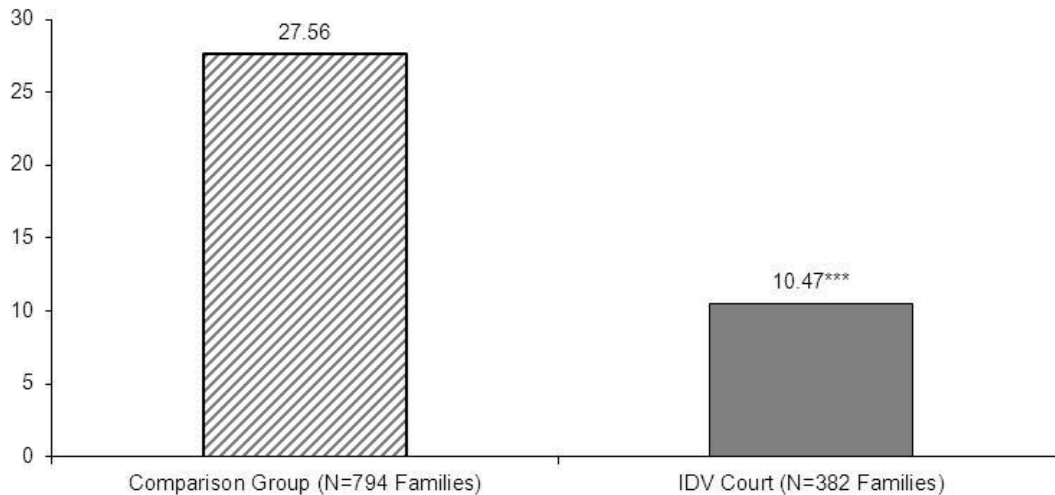


+ p<.10 *p<.05 **p<.01 ***p.001. Frequencies are adjusted using univariate ANOVA analyses to control for group assignment (transferred to the IDV or not), the family's combination of cases, total number of cases, and whether the family has a matrimonial or criminal case (as appropriate). Significance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

IMPACT OF SAME-DAY SCHEDULING

One of the anticipated advantages of the IDV court model is that, by scheduling multiple cases on the same day, families will have to make fewer trips to court. And, indeed, IDV court litigants do make significantly fewer trips to court (27.56 versus 10.47, $p < .001$, Figure 4.5). While we might anticipate that criminal defendants in the IDV court would make *more* post-disposition trips to court, the low number of post-disposition appearances overall means that comparison families actually make slightly more post-disposition trips to court ($p < .10$, results not shown).

Figure 4.5. Number of Trips to Court



+ $p < .10$ * $p < .05$ ** $p < .01$ *** $p < .001$. 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 matrimonial or criminal case (as appropriate). Significance levels are also taken from univariate ANOVA analyses. Results do not include matrimonial cases.

FAMILY COURT OUTCOMES

FAMILY COURT CASE DISPOSITIONS

As shown in Table 4.3, family cases heard in the IDV court are significantly more likely to be withdrawn ($p < .001$) and significantly less likely to be dismissed ($p < .001$) than comparison group cases. These same patterns applied to both family offense and custody/visitation cases. Cases in the IDV court were also significantly more likely to end in a final order of protection or custody/visitation ($p < .05$). The finding that more cases in the IDV court were withdrawn may represent a greater likelihood that the parties in the specialized court were able to come to a mutually acceptable resolution to their case; however, the finding that family offense cases in the IDV court were less likely to be settled than comparison cases ($p < .001$) indicates that mutually acceptable settlement resolutions were less prevalent in the IDV court. Overall, findings are mixed.

Table 4.3. Family Court Case Dispositions

	All Cases		Family Offense		Custody/Visitation		Support	
	Comparison Group	IDV Court	Comparison Group	IDV Court	Comparison Group	IDV Court	Comparison Group	IDV Court
<i>Number of Cases</i>	3086	1078	1450	483	819	239	389	114
<i>Family Disposition</i>								
Final Order Issued ¹	25%	34%***	23%	32%**	16%	14%	42%	41%
Petition Dismissed	30%	13%***	26%	13%***	46%	18%***	31%	24%
Petition Settled	20%	10%***	20%	5%***	21%	20%	14%	19%
Petition Withdrawn	23%	41%***	32%	50%***	17%	41%***	13%	16%
Transferred out of IDV Court	0%	0%	0%	0%	0%	0%	0%	0%
Other ²	2%	2%	0%	0%	0%	0%	0%	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, whether the family has a matrimonial case or a criminal case. Significance levels are also taken from univariate ANOVA analyses.

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

² Includes Suspended Judgement (n=22); Probation (n=9); Extension of Supervision (n=18).

SUBSEQUENT FAMILY COURT FILINGS

Table 4.4 represents subsequent family court filings made within six months post-adjudication of the instant case. Families in the IDV court were significantly less likely to have a subsequent family court filing within six months. It is possible to interpret this finding as an indication that litigants in the IDV court were less likely to violate court orders—possibly because they were more satisfied with case resolutions. However, in order for a violation of a family court order to come to the court’s attention, litigants must be willing to file a subsequent case. Consequently, we might expect to see an *increase* in subsequent court actions where litigants felt that the legal system was responsive and fair. Therefore, these findings should be interpreted with caution.

	Comparison Group	IDV Court
<i>N</i>	794	337
Family has a Subsequent Family Court Filing	16%	10%**
Average Number of Subsequent Family Filings per Family	0.40	0.26+

+ 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, total number of cases, whether the family has a matrimonial case. Significance levels are also taken from univariate ANOVA analyses.

CRIMINAL COURT OUTCOMES

CRIMINAL COURT DISPOSITIONS

Final dispositions on criminal court cases are presented in Table 4.5. Just under 40% of disposed criminal cases pled guilty (37% for the IDV court group, 39% for the comparison group). Another one-third of comparison group cases received an adjournment in contemplation of dismissal (ACD); significantly more IDV court cases received an ACD (p<.001). Outright dismissals made up nearly one-quarter of criminal dispositions in both the IDV court and the comparison group.

	Comparison Group	IDV Court
<i>N</i>	1440	761
<i>Criminal Dispositions</i>		
Plead Guilty	39%	37%
ACD	33%	43%***
Dismissed	25%	23%
Other	3%	1%

+ 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, total number of cases, whether the family has a matrimonial case, defendant race, age, and gender. Significance levels are also taken from univariate ANOVA analyses.

CRIMINAL COURT SENTENCES

Sentencing data for those defendants who pled guilty is presented in Table 4.6. While cases in the comparison group were more likely to receive a jail sentence ($p < .001$), IDV court cases were more likely to receive probation ($p < .10$) or a conditional discharge ($p < .05$). The latter of these may include additional conditions such as participation in a batterer program, alcohol or substance abuse treatment, or on-going judicial monitoring. Particularly as the IDV court judge is privy to ongoing issues with the family, it may be that these non-incarceration sentences are preferred by the court, as they allow defendants to work and to make child support and child care contributions.

	Comparison Group	IDV Court
<i>N</i>	474	248
Incarcerated	24%	10%***
Probation	3%	6%+
Conditional Discharge	15%	23%*
Fine	44%	50%
Other Sentence	14%	11%

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

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, total number of cases, whether the family has a matrimonial case, defendant race, age, and gender. Significance levels are also taken from univariate ANOVA analyses.

SUBSEQUENT CRIMINAL ACTIVITY

Table 4.7 illustrates that families in the IDV court are more likely to violate the criminal court protective order (as measured by new criminal contempt charges) while the instant case is pending ($p < .05$). This may indicate that the additional surveillance created by continued court monitoring in the IDV court serves as a mechanism for detecting such violations. An alternative explanation is that more of those comparison defendants who *might* have violated the protective order were incarcerated and, therefore, unable to violate the order (see Table 4.6). In the six months following disposition on the instant case, the difference between the two samples disappears and IDV court and comparison defendants are equally likely to violate the criminal court protective order. The average number of violations per family during case pendency is higher in IDV court (0.19 versus 0.29 per family, $p < .05$), though the overall number is low for both groups.

Table 4.7. Violations of Criminal Court Protective Orders ¹		
	Comparison Group	IDV Court
<i>N</i>	794	311
Family has an OP Violation while instant case is pending	13%	18%*
Family has a Post-Disposition OP Violation ²	7%	8%

+ 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, total number of cases, whether the family has a matrimonial case, defendant race, age, and gender. Significance levels are also taken from univariate ANOVA analyses.

¹ Violations of the Order of Protection indicated by a new criminal contempt charge.

² 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 Suffolk County IDV Court during only the first 38 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

Process evaluation findings highlight the importance of assessing the local climate for establishing eligibility criteria and other court policies; being realistic in assigning additional job responsibilities and in planning project expansion; selecting a leader who not only has the requisite expertise, but who will facilitate buy-in from other key players; balancing formal eligibility criteria with qualitative assessment to reach the population thought to most benefit from the intervention; and understanding the technical implications for tracking information in a cross-jurisdictional project such as the IDV court.

Lessons learned during the planning and implementation of the Suffolk IDV Court (and the other five IDV courts opened in 2002, including Bronx, Monroe, Onondaga, Rensselaer, and Westchester Counties) became valuable tools for planning future IDV courts, shaping a set of IDV court planning and implementation recommendations formalized by the then Office of the Deputy Chief Administrative Judge for Court Operations and Planning and the Center for Court Innovation. Suggested practices taken from the Suffolk County experience include outreach to key stakeholders, developing case identification and transfer protocols, formalizing all court protocols in a planning document, and continued technical assistance.

On average, the Suffolk County IDV Court saw just over 35 new cases per month, including an average of 16.47 family, 12.75 criminal, and 6.36 matrimonial cases. It took one and one-half months for eligible cases to be transferred to the IDV court. During the pre-transfer period, litigants made fewer than two (1.30) court appearances per case.

KEY IMPACT EVALUATION FINDINGS

Case Processing in the IDV Court

In general, the case processing story borne out by this research supports the limited previous IDV court research. Cases transferred to the IDV court generally took longer to reach disposition and had more scheduled court appearances than cases in traditional court. That IDV court cases took longer to reach disposition is not merely a result of a lengthy pre-IDV transfer period; the difference remained significant when the pre-IDV transfer period was excluded. IDV court cases required more court appearances across all three case types (4.96 v. 3.27 for family; 8.33 v. 8.09 for criminal; 15.40 v. 12.22 for matrimonial). While matrimonial cases had the most scheduled court appearances across both samples, the number of court appearances was disproportionately higher for matrimonial cases transferred to the IDV court.

Somewhat surprisingly, post-disposition monitoring in criminal cases was *not* significantly greater in the IDV court; while criminal court cases in the IDV court made slightly more post-disposition monitoring appearances than comparison cases, this difference was not statistically significant. 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.

The results of this research further indicate that, although the IDV court increases both case processing time and scheduled court appearances, the use of same-day scheduling in the IDV court still results in overall reductions in litigant trips to court. IDV court litigants average 10.47 trips to court, which is less than half the number of trips made by comparison litigants (27.56). Previous research (Mennerich et al. 2005) supports this finding.

Family Court Outcomes

Family cases in the IDV court were more likely to be withdrawn or settled (51% v. 43%), more likely to be granted (34% v. 25%) and less likely to be dismissed (13% v. 30%). The finding that more cases in the IDV court were withdrawn or settled while fewer were dismissed may represent a greater likelihood that the parties in the specialized court were able to come to a mutually acceptable resolution to their case; however, the finding that family offense cases in the IDV court were less likely to be settled than comparison cases indicates that mutually acceptable settlement resolutions were less prevalent in the IDV court. Overall, findings are mixed.

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

Results with regard to final dispositions in criminal cases are mixed. Cases in the IDV court were more likely to be resolved with an adjournment in contemplation of dismissal (ACD).¹¹ In addition, conditional discharges and probation sentences – both sentences that allow for continued defendant monitoring – were also more common in the IDV court, while jail was less common. It is possible that these sentencing differences reflect that victims' wishes are being taken into account; mandated services and/or keeping offenders out of jail may be in the best interest of victims, who can use child care and financial assistance that would be impossible if the offender was in jail.

Defendants in the IDV court were significantly more likely than defendants in the comparison sample to violate the protective order while the initial case was pending. This finding may be the result of increased surveillance in the IDV court; through ongoing judicial monitoring (including

¹¹ 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.

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.

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—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 court 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 sample, 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.

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 provides a description of the planning and implementation process in one of New York State's earliest IDV courts. In addition, impact analyses seek to determine how effectively this court is meeting key project goals, including case processing goals (reduced case processing time, reduced litigant trips to court); offender accountability goals (changes in final criminal case dispositions; increased post-dispositional monitoring); and case resolution goals (decreases in future filings). 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 Suffolk IDV Court 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 COMPONENTS¹²

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

¹² The IDV Model Court Components included here represent the key components as identified during the period covered by this evaluation (2002-2005). Since that time, the key components have undergone several modifications. The most recent version of the IDV Model Court Components is available through the NYS Unified Court System's Office of Court Administration.

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.

**APPENDIX B.
SUFFOLK COUNTY IDV COURTROOM OBSERVATION FORM**

Date _____

Name: _____ Case (circle one): Criminal Family Matrimonial

1st call

Time starts: _____ Time ends: _____
If 2nd called, why? _____

2nd call

Time starts: _____ Time ends: _____
If 3rd called, why? _____

3rd call

Time starts: _____ Time ends: _____

Present at the “real” or “final” call (circle): Him His attorney Her Her attorney
Law guardian(s) DA

Type of hearing/what’s happening today: _____

Pre-conferenced? Y N Break for conferencing? Y N To be conferenced after calendar? Y N

	Her	Him	Both	Nature of Comments (e.g., informational, warning, congratulatory)
Judge speaks directly to parties? (indicate for how long)				

Any other court staff (resource coordinator, court attorney) say/do anything?:

Anything DV-specific?:

What kind of information does the judge have, what does he use, and what does he want? (e.g., does he refer to program or forensic reports that he already has? does he ask the law guardian or parties questions about how things are going? does he have questions that no one can answer?):

Are there any references made to the other cases? What?:

(Once appearance is concluded)

What was accomplished?:

Notes:

Adjourned to (date):