



**Georgia  
Commission on  
Family  
Violence**



# GEORGIA DOMESTIC VIOLENCE COURTS *BEST PRACTICES*

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## Disclaimer

The views, opinions, findings, and recommendations expressed in this resource do not necessarily reflect the views of individual Judicial Council members, JC-AOC team members, or GCFV Commission members.

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# INTRODUCTION

The Georgia Commission on Family Violence and the Judicial Council-Administrative Office of the Courts developed this resource to identify domestic violence best practices for courts in Georgia based on local and national research. For the purposes of this resource, a “domestic violence court” refers to courts that have a dedicated, separate calendar for domestic violence cases, assigned judge(s) trained in domestic violence dynamics, and an approach to the handling of domestic violence cases centered on victim safety and offender accountability. Georgia has a non-unified court system, and the way domestic violence cases are managed and heard can vary from court to court. This resource outlines a framework and best practices for domestic violence cases, and gives insight and resources on how to form a domestic violence court.

In 2016, GCFV and the JC-AOC administered a survey to each of the 49 judicial circuits in Georgia across the Superior, State, and Magistrate court levels. The survey explored the existence of domestic violence courts in Georgia, calendar frequency, and specialized domestic violence training received by the courts. There were 54 responses to the survey. Of the respondents, 41% stated that their jurisdiction has a domestic violence court. This number includes jurisdictions that hold TPO (temporary restraining order) calendars, but do not have a domestic violence court calendar as defined for the purposes of this resource. GCFV reached out to the survey respondents and scheduled site visits and/or interviews to learn more about the courts who have a dedicated domestic violence court/calendar.

During the third and fourth quarters of 2016, GCFV conducted five structured site visits to domestic violence court sites around the state, as well as eighteen in-person and phone interviews with judges and court staff. The results and findings of the site visits, interviews, and research inform the court examples and best practices listed in this resource.

## WHY DOMESTIC VIOLENCE COURTS?

A coordinated community response (CCR) to domestic violence is the standard for successfully protecting victims and holding offenders accountable in domestic violence cases. A CCR involves domestic violence stakeholders who operate in an informed, interconnected way to respond to domestic violence in their community. The American Medical Association notes:

*Coordinated community response programs often use the full extent of the community's legal system to protect victims, hold batterers accountable, and enforce the community's intolerance of domestic violence. Coordinated community response programs also often engage the entire community in efforts to change the social norms and attitudes that contribute to domestic violence (1996).*

Domestic violence continues to be a severe issue on the national, state, and local level. Community stakeholders who respond to domestic violence in a connected, organized way are a key component of effective intervention in domestic violence cases (Clark, 1997).

Nationally, domestic violence remains a serious, widespread issue with **1 in 4 women** and **1 in 7 men** experiencing severe physical violence by an intimate partner at some point in their lifetime (Black et al., 2010). Additionally, **15.5 million children** witnessed domestic violence at least once in the past year (Whitfield, 2003). In Georgia, domestic violence is a pervasive issue as well, with at least **1,671 people** losing their lives due to domestic violence from 2003–2016 (Georgia Domestic Violence Fatality Review Project Annual Report, 2016).

The statistics below show the extensive impact domestic violence has on Georgia's residents and resources:

### GEORGIA DOMESTIC VIOLENCE STATISTICS

*This information was taken from the Georgia Commission on Family Violence's 2017 Domestic Violence In Georgia. For updated statistics and information, visit [www.gcfv.georgia.gov/annual-stats-facts](http://www.gcfv.georgia.gov/annual-stats-facts).*

- **Georgia was recently ranked 8th in the nation for its rate of men killing women.**  
*Violence Policy Center (2016). <http://www.vpc.org/studies/wmmw2016.pdf>*
- **Firearms were the cause of death in 71% of recorded domestic violence fatalities in 2016.**  
*Georgia Domestic Violence Fatality Review Annual Report (2016). [www.georgiafatalityreview.com](http://www.georgiafatalityreview.com)*
- **In 37% of the cases studied by Georgia's Domestic Violence Fatality Review Project, children witnessed the domestic violence homicide.**  
*Georgia Domestic Violence Fatality Review Annual Report (2016). [www.georgiafatalityreview.com](http://www.georgiafatalityreview.com)*
- **In 2015, law enforcement officers responded to 65,487 family violence incidents in Georgia.**  
*Georgia Bureau of Investigation (2017). Personal Communication.*
- **In 2015, there were 24,710 protective and stalking orders issued in Georgia.**  
*Georgia Protective Order Registry, Georgia Crime Information Center (2017). Personal Communication.*
- **In FY 2016, there were 53,414 crisis calls to Georgia's certified domestic violence agencies.**  
*Criminal Justice Coordinating Council (CJCC) (2017). Personal Communication.*

# INTRODUCTION

Developing and establishing a specialized court operation in domestic violence cases can provide a consistent response to domestic violence by the judicial system, support for victims of domestic violence, due process for defendants, and offender accountability. With specialized training, dedicated judges and staff gain expertise in domestic violence, which ensures more consistency in the handling of domestic violence cases. In turn, they will be more sensitive to the needs of victims and be able to direct them to additional community resources. A coordinated domestic violence court may also be able to process cases more quickly, thus reducing the opportunity a batterer has to intimidate his partner into abandoning the charges (Mazur, 2003). Specialized domestic violence courts can improve and streamline the delivery of services and resources available to domestic violence victims and their children, as well as increase the coordination of offender accountability in domestic violence cases.

## HOW THEY DIFFER FROM OTHER ACCOUNTABILITY COURTS

Domestic violence courts are a specialized court model; however, the domestic violence court model differs from other accountability court models, particularly those such as a drug court or DUI court. Sack (2002) notes:

*While there may be some superficial similarities among these models (e.g., specialized caseload, utilizing judicial authority), there are central components that these models do not share. For example, while most drug courts focus on non-violent offenders, domestic violence courts are by definition focused on violent offenders, with a targeted victim. In addition, while substance abuse is an addiction, domestic violence is a learned behavior (p. 2).*

Domestic violence courts do not offer rewards or graduations like other accountability courts, and recidivism should be dealt with sanctions that reflect the serious nature of the issue, not as a relapse. A determination of guilt is also important in domestic violence cases, which can lead to an adversarial courtroom environment atypical of other problem solving cases (Center for Court Innovation, 2003). For more information about the differences between domestic violence courts and other problem solving courts, visit the Center for Court Innovation: <http://www.courtinnovation.org/research/how-do-domestic-violence-compare-other-problem-solving-courts>.

## DOMESTIC VIOLENCE COURT OVERVIEW: COMPONENTS

Domestic violence courts come in several forms and are implemented in different classes of courts; however, the following basic components should be in place for a domestic violence court response:

### ASSIGNED JUDGE

A specific judge or judges should be assigned to the domestic violence calendar, and should preside over cases through sentencing and compliance monitoring. The domestic violence court judge should receive training on domestic violence dynamics and related topics prior to starting a domestic violence court and as part of their ongoing continuing education. This supports the consistency of court orders and efficiency of court processes.

### COMPLIANCE MONITORING

Judicial supervision of compliance with court orders is a key element of offender accountability and is a crucial cornerstone of a domestic violence court response. Ensuring compliance with temporary protective orders (TPOs), attendance and completion of family violence intervention programs (FVIPs), and other court mandates can be an important tool for victim safety and affirms the court's authority.

### ON-SITE VICTIM ADVOCATE

An on-site advocate will link victims to services and resources such as housing and counseling. The advocate will also offer safety planning to victims, as well as keep them informed about civil and criminal court proceedings. The victim should have access to a community-based advocate as well as a prosecution advocate.

### RESOURCE COORDINATOR

A resource coordinator collects and prepares victim and offender information for the judge, including information needed for compliance monitoring. The resource coordinator is the liaison to agencies that report information to the court, such as FVIPs, treatment programs, and other community agencies. The resource coordinator may be solely dedicated to the domestic violence court, or in jurisdictions with smaller caseloads, the resource coordinator may have other duties.

### COORDINATED COMMUNITY RESPONSE

A coordinated community response to domestic violence involves criminal justice agencies and community agencies working together by sharing information, increasing communication, and coordinating their efforts to respond to domestic violence cases in a collaborative way. The coordinated community response also includes training opportunities and continuing education on domestic violence and the courts.

*Wolf (2004)*

## DOMESTIC VIOLENCE COURT OVERVIEW: PRINCIPLES

### NOTE

A domestic violence court judge in Georgia observed that the justice system can protect and support victims of domestic violence by “educating victims on resources, making victim safety a priority, keeping victims informed of court proceedings, and listening to victims.”

[Futures Without Violence](#) and the [Center for Court Innovation](#) recommend the following principles to serve as the foundation for the courts’ response to domestic violence (MacLeod, 2000). These principles form the basis for the best practices detailed in this resource.

- Victim and child safety
- Providing victims immediate access to advocates
- Quickly linking victims to social services
- Keeping victims informed about court processes
- Scheduling cases promptly
- Offender accountability
- Creating safe spaces in the courthouse
- Information sharing and informed decision making
- Coordination of procedures and services
- Domestic violence training and education
- Judicial leadership
- Effective use of the system
- Accountability of courts and programs



The Center for Court Innovation has mapped federally funded domestic violence court locations nationwide. For more information on each domestic violence court, visit the Center's [technical assistance page](#).

## NOTE

A Georgia domestic violence court staff member, emphasizing the importance of judicial leadership in domestic violence courts, noted, “**The Judge must champion the court, must lay the ground work and expectations, and must pay attention to all the moving parts.**”

# HIGHLIGHT

## THREE DOMESTIC VIOLENCE COURTS IN GEORGIA

### DEKALB COUNTY

The [Center for Court Innovation](#) has documented 53 federally funded domestic violence court projects across the country, two of which are located in Georgia (see map on p.7). In 2014, the DeKalb County Compliance Project in the DeKalb Magistrate Court was selected by the Office on Violence Against Women (OVW) to serve as one of six domestic violence mentor courts in the nation. Chief Magistrate Judge Berryl Anderson presides over the court, where she and her staff of judges sit by designation as Superior Court judges to hear petitions for temporary protective orders. The DeKalb County court has a dedicated resource coordinator who works closely with the local domestic violence agency, the Women's Resource Center to End Domestic Violence. The resource coordinator also works closely with other community partners for service referrals and information sharing within set confidentiality guidelines. The DeKalb County Court has hosted court personnel from around the nation who want to learn more about developing and implementing compliance review for civil matters, as well as criminal domestic violence court responses.

### ROCKDALE COUNTY

The Rockdale County State Court has developed a dedicated domestic violence court with an assigned judge and a court coordinator to assist the court in addressing accusations, arraignments, and opportunities for trials or pleas in a more expedient manner. The court is led by State Court Judge Nancy Bills, and has a dedicated coordinator and compliance officer to support the court's functions. Among other duties, the coordinator and compliance officer work closely with community agencies to monitor defendants' compliance with court orders. The Rockdale Court has been able to quickly resolve cases while keeping victims informed and offenders compliant. Rockdale County has been an Office on Violence Against Women domestic violence court grant recipient since 2010, and has used this federal funding to launch and expand the domestic violence court.

### WHITFIELD COUNTY

The Conasauga Judicial Circuit Superior Court launched a specialized domestic violence court in 2014, presided over by Judge Cynthia Morris. Judge Morris's domestic violence court has jurisdiction over felony and misdemeanor criminal cases, granting of bail, issuance of protective orders, and any other matters heard in Superior Court. The Conasauga Circuit is currently the only court system in the state of Georgia with a dedicated court calendar for monitoring both felony and misdemeanor domestic violence offenders' compliance with court orders. The Conasauga Circuit is not federally funded; however, they streamlined existing court processes and coordinated agency and community organization partnerships in order to develop a more effective response to domestic violence cases.

*For more information about DeKalb County and Rockdale County's domestic violence courts, please refer to the 2014 Georgia Domestic Violence Fatality Annual Review Report at [www.georgiafatalityreview.com](http://www.georgiafatalityreview.com).*

*For information and technical assistance on how to plan and create a domestic violence court, contact the [Center for Court Innovation](#).*

# DOMESTIC VIOLENCE COURT BEST PRACTICES

- #1: Develop a Domestic Violence Court Team
- #2: Domestic Violence Training for Court Staff
- #3: Plan for Courtroom Safety and Security
- #4: Connect Victims to Resources
- #5: Develop the Court's Offender Accountability Approach
- #6: Conduct Compliance Reviews for Court Orders
- #7: Expedite Cases
- #8: Court Accessibility for Victims
- #9: Respond Proactively to Underserved Communities
- #10: Develop a Language Access Plan

# BEST PRACTICE #1

## DEVELOP A DOMESTIC VIOLENCE COURT TEAM

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A coordinated domestic violence court team is essential to the development of an effective domestic violence court response. A domestic violence court team is composed of court and community stakeholders who develop a coordinated, consistent way to handle domestic violence cases, centered on the principles of victim safety and offender accountability. The details of this collaborative process are then institutionalized in a written document such as a memorandum of

understanding or protocol, and stakeholder meetings occur regularly, or periodically, depending on the caseload (Sack, 2002).

The domestic violence court team may be more formalized, with some court personnel dedicated solely to domestic violence cases, or it may be composed of court and community members who are managing their normal duties on domestic violence cases in a collaborative way. Both types of court teams should include the agencies that handle domestic violence cases, and the community organizations that provide resources and services for victims and offenders in DV cases. The domestic violence court team should participate in regular court meetings regarding cases, as well as troubleshooting issues that may arise. It is important to frequently evaluate and monitor the effect the domestic violence court team is having on victims, as well as court processes.

Judicial leadership is an important factor when creating and maintaining a domestic violence court team (Sack, 2002). Other stakeholders could include: a dedicated resource coordinator, court staff, clerks, prosecutors,

defense attorneys, sheriff, bailiffs, police department, community-based advocates, prosecution advocates, family violence intervention program (FVIP) providers, drug and alcohol treatment providers, community supervision officers, civil legal service providers and other judges/staff who may hear related cases.

Developing a domestic violence court team that specifically addresses victim safety and offender accountability in the court process is beneficial to court litigants, victims, and defendants, as well as court and community stakeholders. When all of the stakeholders in a court are collaborating consistently and effectively, the victim is connected to advocates and resources in a more efficient manner, and can perceive the court as a legitimate means for protection (Malangone, 2016). An organized domestic violence court team allows for court and community stakeholders to link their processes, communicate consistently, and troubleshoot problems in a coordinated way.

Participation in your local Family Violence Task Force is a good way to learn about the different agencies and community organizations in your area. Task Forces are made up of local stakeholders who are developing a response against domestic violence. The response and membership are not court-specific; however, many Task Forces have developed court responses through the use of Task Force subcommittees.

There are several Family Violence Task Forces located around the state. To locate a Family Violence Task Force in your area, visit [www.gcfv.georgia.gov](http://www.gcfv.georgia.gov).

### EXAMPLE

#### LIST OF STAKEHOLDERS WHO MAKE UP A DOMESTIC VIOLENCE COURT TEAM IN NORTH GEORGIA

- Presiding Superior Court Judge
- District Attorney
- Public Defender
- Sheriffs
- Chiefs of Police
- Prosecution Advocate
- Community-based Advocate
- FVIP Provider
- Felony Probation (DCS)

# BEST PRACTICE #2

## DOMESTIC VIOLENCE TRAINING FOR COURT STAFF

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A fundamental part of a domestic violence court response is initial and ongoing training for the domestic violence court staff. The initial trainings should provide basic domestic violence education, and should ensure the court team has a shared knowledge of domestic violence dynamics. A study of 48 domestic violence community collaborations found that the presence of stakeholders who are perceived to be out-of-sync by other stakeholders with regard to their understanding of domestic violence can negatively impact the effectiveness of the collaborative if this disconnect is not addressed (Nowell, 2009). Domestic court staff should attend multi-disciplinary trainings as a way to ensure stakeholders receive the same knowledge. Domestic violence court teams in Georgia have found that attending trainings together is also helpful for building team rapport and facilitating team relationships.

Possible training topics include:

- Impact of domestic violence on society
- Dynamics of domestic violence
- Statutes and case law regarding domestic violence
- Protection Orders
- Strangulation
- Availability of local community services, support services, and treatment providers
- Family Violence Intervention Programs (FVIPs)
- Cultural awareness and its impact on effective domestic violence response
- Domestic violence and the LGBT community
- Elder abuse
- Domestic violence and disability issues
- Impact of domestic violence on children
- Cross training on the roles of other domestic violence response partners
- Federal immigration laws and victim remedies
- Federal weapon laws
- Interstate enforcement of protective orders
- Stalking

*(Adapted from Sack, 2002)*

Domestic violence court staff should attend trainings annually at a minimum, and the trainings should include current or emerging topics in the domestic violence field, as well as information relevant to the domestic violence court and the people it serves. Courts should contact local domestic violence service providers who may be able to provide training at no cost. National domestic violence service providers also conduct training to provide technical assistance for domestic violence courts.

## DOMESTIC VIOLENCE TRAINING FOR COURT STAFF

Stakeholder-specific training is another important way to develop domestic violence expertise; for example, judicial-specific trainings are conducted throughout the year by the National Judicial Institute on Domestic Violence, a partnership between the Office on Violence Against Women, Futures Without Violence, and the National Council of Juvenile and Family Court Judges. Courts should also identify trainings from local and national domestic violence experts for non-judicial personnel.

When asked about local domestic violence court training needs, a Superior Court judge with a domestic violence court in Georgia identified the following training topics: court stakeholder training on victim obstacles and issues, law enforcement lethality assessments, and the intersection of substance abuse and domestic violence.

*Trainings on these topics are available from the list of service providers below.*

For more information, please visit this list of local and national organizations who offer domestic violence training:

- [Georgia Commission on Family Violence](#)
- [Georgia Coalition Against Domestic Violence](#)
- [Georgia Prosecuting Attorneys' Council](#)
- [Battered Women's Justice Project](#)
- [Center for Court Innovation](#)
- [Futures Without Violence](#)
- [National Center For State Courts](#)
- [National Council on Family and Juvenile Court Judges](#)
- [National Judicial Institute](#)

### NOTE

An important resource for domestic violence court stakeholders is the Georgia Domestic Violence Benchbook, a comprehensive guide to civil and criminal domestic violence proceedings and related matters. Appendix S of the Benchbook gives an overview of judicial compliance review, including domestic violence courts. To access the Benchbook, visit <https://gcfv.georgia.gov/domestic-violence-benchbook>.

# BEST PRACTICE #3

## PLAN FOR COURTROOM SAFETY AND SECURITY

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Taking a proactive approach to courtroom safety and security in domestic violence cases is important to the safety of victims, spectators, and court personnel. The courtroom setting offers a perpetrator an opportunity to intimidate and influence the victim, especially if there is a temporary protective order in place. Due to the heightened emotions and judicial decisions that occur in these cases, there is also a risk of the perpetrator becoming violent. Court bailiffs and staff should monitor and report to the judge both overt and subtle acts of intimidation by the batterer or other spectators, including prolonged staring, gestures, and order violations (Domestic Abuse Intervention Program, 2015). There are several approaches a court can take to minimize victim intimidation and increase safety for all court stakeholders:

- Monitor waiting areas and court room gallery for signs of intimidation and order violations from the batterer, as well as family or friends of the batterer. The judge may impose assigned seating and separate the court room with the opposing parties and their friends and family sitting on opposite sides of the gallery.
- Assign at least two bailiffs with training on domestic violence dynamics to court rooms, especially in cases that have a volatile history.
- Impose staggered departures of the parties, with the victim leaving first, and the batterer leaving no less than 20-30 minutes after the victim. A bailiff should escort the victim to the parking lot whenever possible.
- Assign a bailiff to stand between the counsel tables during hearings, especially when one or both of the parties represent themselves.
- Develop and memorialize a court protocol for court room security and safety and ensure that all court staff is trained on the court's expectations and security measures.

# BEST PRACTICE #4

## CONNECT VICTIMS TO RESOURCES



A key feature of domestic violence courts is the referral to services as early as possible in the legal process. Connecting a victim to support and assistance can help remove some of the barriers that may cause the victim to stay in the abusive relationship. Studies have shown that when victims receive assistance swiftly, and understand what is going on in their case as well as the court process, they are much more likely to remain involved in their cases (Aldrich, 2005). Court response teams can build this service linkage into their court protocols so that the referrals to services happen quickly and on a consistent basis.

Victim advocates, both prosecution-based and community-based, should be a key part of the domestic violence court team. All of the domestic violence court stakeholders should be familiar with the wide range of services domestic violence programs offer, so they are aware of resources that may fit a particular victim's needs. Victims have many barriers to escaping violence, and resources that address a victim and her family's physical, emotional, medical, and economic needs are a crucial support system.

Services offered to domestic violence victims should also be culturally appropriate and reflect the needs of the community, ensuring access to service for underserved populations.

It is important to note that the services offered to victims should not be mandatory or conditional; victim participation in offered services should be voluntary, and should respect a victim's autonomy.

Certified domestic violence programs in Georgia offer the following services and more:

- 24-hour crisis line
- Safe, confidential shelter accessible to victims 24/7
- Links with community agencies
- Children's services
- Emotional support
- Community education services
- Legal and social service advocacy
- Household establishment assistance
- Follow up services
- Parenting support and education

From the [CJCC Georgia Certification Standards for Domestic Violence Shelters](#)

The Georgia Statewide Domestic Violence Hotline can be reached by calling 1-800-33-HAVEN (1.800.334.2836). The hotline will connect the caller to the nearest CJCC-certified domestic violence agency based on the caller's number exchange. The Hotline is available 24 hours a day, and programs answering the calls have access to language interpreters. To locate your local certified domestic violence agency online, visit [www.gcadv.org](http://www.gcadv.org).

# BEST PRACTICE #5

## DEVELOP THE COURT'S OFFENDER ACCOUNTABILITY APPROACH

Improving the court's response to offender accountability increases a victim's safety, independence, and opportunity to take advantage of available resources. When the offender is held accountable, it sends a message to both parties that the abuse is being taken seriously, and that the court is engaged in preventing future violence. Model domestic violence courts generally develop their offender accountability approach around tools such as batterer intervention programs, firearms removal, and probation supervision. Courts should decide how they want to measure the effectiveness of their approach to offender accountability and regularly monitor and evaluate the extent to which their approach is working.

### FAMILY VIOLENCE INTERVENTION PROGRAMS (FVIPS)

There are over 100 state-certified Family Violence Intervention Programs (FVIPS), also known as batterer intervention programs, in Georgia, which hold 24-week class sessions for domestic violence offenders. The Georgia Commission on Family Violence staff certifies and monitors the FVIPS' adherence to the state's rules and guidelines for the programs.

Georgia statute mandates the use of FVIPS as offender accountability tools in both civil and criminal family violence matters. Courts should order FVIP attendance and completion according to statute; however, if a court does not order FVIP, the court must state on the record why FVIP is not appropriate for the defendant/respondent.

#### O.C.G.A. 19-13-16(A)

A court, in addition to imposing any penalty provided by law, when sentencing a defendant or revoking a defendant's probation for an offense involving family violence, or when imposing a protective order against family violence, shall order the defendant to participate in a family violence intervention program...unless the court determines and states on the record why participation in such a program is not appropriate.

Developing a domestic violence court and gaining domestic violence expertise makes it more likely that court stakeholders will understand the importance of following the Georgia statute in domestic violence cases. "Studies comparing domestic violence courts to general criminal dockets have found that domestic violence courts are more likely to mandate completion of a batterer program as part of a sentence" (Labriola, 2010). This is likely due to the knowledge the stakeholders gain by receiving specialized training and hearing domestic violence cases, as well as the communication between stakeholders who participate in the domestic violence court. When the stakeholders understand the resources and programs that are available in their community, they are able to coordinate a better response to offender accountability in their cases.

Research on batterer intervention programs found a reduction in absences and increase in completion rates of programs when the offenders were promptly ordered to attend. When intervention happened quickly and consistently, the rate of enrollment increased from 70% to 95% (Gondolf, 2004).

Research also notes that the effectiveness of batterer programs were connected to a coordinated system where there is a quick, consistent response to abuse; graduated sanctions; and attention to risk factors exhibited by offenders (Gondolf, 2004). A coordinated domestic violence court response enhances the intervention because there is a consistent expectation from all stakeholders that the offender will be ordered to complete the program, and monitored while in the program.

For more information about FVIPS and a list of certified Family Violence Intervention Programs, please visit [www.gcfv.georgia.gov](http://www.gcfv.georgia.gov).

## DEVELOP THE COURT'S OFFENDER ACCOUNTABILITY APPROACH

### FIREARMS REMOVAL IN DOMESTIC VIOLENCE CASES

The [2015 Georgia Domestic Violence Fatality Review Project Annual Report](#) found that 80% of the domestic violence-related deaths that year were caused by firearms. The same report also stated that firearms were the leading cause of death for victims in 57% of the reviewed cases from 2004 – 2015. These findings emphasize the need to organize a streamlined response to firearm removal and retrieval in domestic violence cases, a key tool for offender accountability and victim safety.

Federal law (18 U.S.C. §§ 922(g)(8), (9)) prohibits the purchase and possession of firearms and ammunition by persons who have been convicted in any court of a “misdemeanor crime of domestic violence” and/or who are subject to certain domestic violence protective orders.

Federal law (18 U.S.C. § 922(g)(8)) also prohibits subjects of protective orders from purchasing or possessing firearms and ammunition, but only if the protective order was issued after notice to the abuser and a hearing, and only if the order protects an “intimate partner” of the abuser or a child of the abuser or intimate partner.

Georgia does not currently have state laws that mirror federal laws regarding domestic violence firearms legislation. However, some jurisdictions in Georgia have organized firearms removal in their courts under the purview of federal law.

DeKalb County’s State Court Probation, Clerk of State Court, Solicitor General, and State Court Judges coordinated to develop and implement a protocol for notification and removal of firearms after a defendant is convicted of a domestic violence misdemeanor. The weapons are surrendered to the State Court’s Probation Office in DeKalb County. The implementation of this protocol would not have been possible without the cooperation and coordination of committed stakeholders. Additionally, the DeKalb County Magistrate Court requires that all respondents subject to a family violence TPO surrender their firearms to the DeKalb County Sheriff’s Office. The [2014 Georgia Domestic Violence Fatality Review Project Annual Report](#) includes findings from what courts are doing across the state to remove firearms, as well as specific information on DeKalb County’s firearm removal process.

### DEPARTMENT OF COMMUNITY SUPERVISION (DCS) OFFICERS/PROBATION

The American Probation and Parole Association’s (APPA) guidelines recognize that probation functions in an important role with regards to offender accountability, victim safety, and violence intervention (Crowe et al., 2009). Probation and DCS officers are uniquely positioned to hold offenders accountable and increase victim safety, and are a crucial stakeholder in a domestic violence court response. Not only do the probation and DCS officers interact with offenders, but they also interact with the victims of the offenders on their caseload, as well as the victims of domestic violence who may be on probation for other crimes. Probation and DCS officers should be aware of the breadth of victim services offered in their community so they can make referrals, and they also should work closely with FVIPs as well. The court should develop a protocol for information sharing between probation and DCS, FVIPs, treatment providers, and victims.

# BEST PRACTICE #6

## CONDUCT COMPLIANCE REVIEW FOR COURT ORDERS

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Enforcement of compliance with criminal and civil court orders is one of the most important components of a domestic violence court response, and it is one that builds upon the relationships and communication between the partners in the domestic violence court team. The monitoring of adherence to the court's orders is also a cornerstone of offender accountability. Compliance reviews, also known as judicial reviews, are court hearings held at regular intervals post-court order or post-conviction (Vera Institute of Justice, 2006). The purpose of these hearings is to provide a mechanism for the court to enforce and ensure compliance with the orders it issues. The court stakeholders compile and report information about compliance with court orders, including enrollment, attendance, participation in, and completion of court-ordered programs and/or conditions.

Research indicates that ongoing judicial review and sanctions may be the most effective means of reducing domestic violence recidivism (Gondolf, 1997). Holding regular compliance hearings and imposing sanctions sends messages to batterers and victims that the court takes domestic violence seriously.

In some jurisdictions in Georgia, a resource coordinator or compliance officer is the point person who coordinates with various agencies and organizations to gather this information for the compliance hearings. Other jurisdictions do not have a dedicated staff member to assemble the pertinent information, and rely on various agencies' input during the court hearings.

A Superior Court judge in Georgia, who does not currently have a dedicated resource coordinator, holds status checks in which the local FVIP and probation report on the status of a defendant's compliance with court orders. The court hears compliance status on cases that are both pre-adjudication and post-adjudication. Because the court hears pre-adjudication matters, the judge cannot have ex parte contact with either side and does not participate in staffing cases prior to court.

Another court jurisdiction in Georgia has dedicated compliance officers who work with community agencies to ensure that TPO respondents who are ordered to FVIPs enroll and complete the program in accordance with O.C.G.A. § 19-13-16(a). The civil compliance court has ongoing judicial oversight, as well as participation and cooperation by the Clerk's office, Sheriff, legal advocacy organizations, and legal services organizations.

**A domestic violence court judge in Georgia noted that a crucial best practice for criminal domestic violence courts consists of regular status checks that include victim input, appropriate consequences, and involvement by the district attorney and public defender.**

## CONDUCT COMPLIANCE REVIEW FOR COURT ORDERS

## STEPS TO PLANNING JUDICIAL REVIEW HEARINGS

- Identify and coordinate with certified FVIPs and substance abuse treatment programs in your area. Be aware that anger management and couples counseling are not appropriate for intimate partner violence cases. Contact the Georgia Commission on Family Violence [for more information](#) on why anger management should not be ordered for intimate partner violence cases.
- Ensure that FVIPs are following the Georgia Commission on Family Violence rules including, but not limited to, guidelines for attendance and dismissal for non-attendance or other violations.
- Develop protocols to ensure that programs and DCS officers report timely, accurate information including terminations and violation of probation conditions.
- Establish regular, frequent monitoring dates for defendants/respondents, starting within two weeks if possible.
- Create a sanctioning plan which features graduated sanctions such as increased frequency of appearances, more stringent probation conditions, and jail time.
- Determine what type of information the court wants to gather in preparation for compliance hearings, including drug test results, FVIP attendance and participation, DCS reports, information from the victim advocate, and any new court cases or police reports.

*(Center for Court Innovation, n.d.)*

## EXAMPLE

A western Georgia state court has formed a longstanding domestic violence judicial review process where status hearings in domestic violence cases are conducted with the cooperation and coordination of the court, local FVIPs, and probation. The court is regularly kept informed of defendants' compliance with court orders and probation or other court conditions. The court also ensures defendants have not committed new offenses, and applies sanctions when defendants are not in compliance.

# BEST PRACTICE #7

## EXPEDITE CASES

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Expediting domestic violence cases is paramount to victim safety. Case scheduling delays may allow more time for the offender to convince the victim not to cooperate with prosecution, and can put the victim at risk for experiencing further threats and violence. Between arrest and prosecution, 30% of offenders may re-assault, and as many as half of victims may be threatened with retaliation for cooperation with prosecutors (Goldsmith, 1991). Additionally, research has found that “20-30% of arrested offenders re-assault their partners before the court process concludes or shortly afterward, often as retaliation for involving them in the court system” (Goodman, 2008). Expediting domestic violence cases sends a strong message to batterers and victims that legal action will be swift.

A national mentor domestic violence court developed a “fast-track” domestic violence court model, with arraignments averaging 12 days after the arrest, versus 100 days in their traditional criminal court (Harper, 2010). This approach connects the victims to services early in the legal process, and also refers offenders to batterer intervention programs and treatment. For more information on fast-tracking cases, including information about the fast-track Domestic Violence Mentor Court in Ada County, ID, visit the [Center for Court Innovation](#).

# BEST PRACTICE #8

## COURT ACCESSIBILITY FOR VICTIMS

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A common source of frustration for court stakeholders in domestic violence cases is a victim's refusal to cooperate with the prosecution, or when a victim recants. When a victim requests to drop a case or refuses to testify, many stakeholders may believe that the victim is continuing to place himself/herself in danger, has wasted the court's time and resources, and is possibly being untruthful about the abuse. If the victim does recant and then decides to seek a justice system intervention in the future, the court stakeholders' perception of the victim may be consciously or unconsciously influenced by her prior decision to not go forward as a witness for the case.

A victim's reasons for not cooperating with the prosecution of the abuser can be complex and varied. There are many barriers to leaving an abusive relationship, and there can be multiple reasons why a victim would choose to stay in the relationship. The domestic violence court response team should be trained on those topics and have a shared understanding of the dynamics of domestic violence early in the process of forming the court response. One such barrier many victims face is the court's response if they choose not to testify against the abuser. If a victim has a negative interaction with the court when deciding not to go forward with the case (such as being threatened with arrest for perjury) or when returning to report a new offense, it is likely that the victim will not view the court as a source of intervention and support.

**The domestic violence court response team should specifically address any frustrations and concerns that its stakeholders may have regarding victim recantation, and make sure the dynamics behind this issue are covered in the court stakeholders' training program. The court should ensure the realities of domestic violence dynamics are a foundation of their formal and informal policies and procedures, and the court is accessible for all victims seeking a domestic violence intervention.**

A coordinated court response to domestic violence cases can provide victims with the support they need, which can lead to increased current or future cooperation with prosecution. Specifically, "research has shown that women who experience government officials as listening to their stories and responding to their individual needs are more likely to feel treated fairly and therefore to cooperate with the prosecutor's requests than are women who feel forced into a mandatory model dismissive of their input" (Goodman, 2008). Immediately linking victims to services (Best Practice #4), may also provide the victim with the support and resources to autonomously leave the relationship. Studies also show that a victim's positive perception of whether community agencies were working together on the case significantly impacted conviction rates in domestic violence cases (Zweig, 2006).

# BEST PRACTICE #9

## RESPOND PROACTIVELY TO UNDERSERVED COMMUNITIES

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Domestic violence occurs across all races, ethnicities, genders, sexual orientations, religions, education levels, and socio-economic statuses. The domestic violence court response should reflect an awareness of the diversity, needs, and resources of the community it serves. The court team should assess the community's populations and needs, develop and cultivate the appropriate partnerships with community stakeholders, and create and implement a resource and action protocol for addressing the underserved populations in the jurisdiction.

The 2013 Reauthorization of the Violence Against Women Act (VAWA) defines “underserved populations” as “populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs such as language barriers, disabilities, alienage status, or age” (Civic Impulse, 2016).

The domestic violence court team should be intentional and specific during the planning period of the court about how it will address the needs of the court participants from underserved communities. The local domestic violence agency is often a great resource for linkages with community partners who service underserved communities. To locate your local certified domestic violence agency, visit the [GCADV](#). Courts can also access the [census report](#) for their jurisdiction to obtain statistical information reported to the federal government about their local communities.

# BEST PRACTICE #10

## DEVELOP A LANGUAGE ACCESS PLAN

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All courts, not only domestic violence courts, should develop a language access plan for the individuals it serves who are limited English proficient (LEP). Title VI of the Civil Rights Act of 1964, along with the Title VI regulations that prohibit discrimination on the basis of national origin, govern the court and its partners' responsibility to ensure justice is accessible to all the members of its jurisdiction. Any government agency, partner, or organization that receives federal financial funding is required to provide access to LEP individuals, as well as develop and implement a language access plan.

LEP domestic violence victims are a wide-ranging, diverse group, but they share the issue of language as a barrier to escaping a violent relationship. The abuser can leverage this barrier to isolate the victim; additionally, because of the language barrier, the court may not be accessible to the victim, or the victim may not perceive the court as accessible, and may not see it as a viable intervention. Assessing your community's needs and engaging the appropriate partners should begin the process of developing the court's language access plan. It is important to note that the language access plan should include an action plan and protocol for persons who are deaf or hard of hearing, in addition to a protocol for spoken languages. For more in-depth information about how to develop a language access plan, visit [www.lep.gov](http://www.lep.gov). For Georgia-specific resources, including language identification resources and bench cards, contact the [Georgia Commission on Interpreters](#).

### ADDITIONAL RESOURCES

To locate an interpreter in Georgia, visit [www.coi.georgiacourts.gov](http://www.coi.georgiacourts.gov).

Appendix H:16 of the [Georgia Domestic Violence Benchbook](#) outlines the Georgia statute requirements on language access and interpreters in domestic violence cases.

The National Latina Network has developed a resource [toolkit](#) entitled, "Increasing Language Access in the Courts."

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