

NEW YORK STATE UNIFIED COURT SYSTEM



INTEGRATED DOMESTIC VIOLENCE COURT

MODEL IDV COURT

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I. GOALS:

New York's Integrated Domestic Violence Courts (IDV Courts) coordinate court action for families affected by domestic violence by bringing related cases involving the same family before a single judge, providing complete information about family issues to aid in the judicial decision-making, and concentrating comprehensive resources and services in one court to address the multiple needs of these families.

An Integrated Domestic Violence Court should be designed to promote:

- informed judicial decision-making based on comprehensive and current information on all issues involving the family;
- protecting the rights of all litigants;
- victim safety through the elimination of conflicting orders and careful monitoring of compliance;
- consistent handling of all matters relating to the same family by a single presiding judge;
- efficient use of court resources, with reduced numbers of appearances and speedier dispositions through consolidation of court operations into one courtroom;
- linkage to social services and other resources to comprehensively address the needs of family members;
- coordinated response and collaboration among criminal justice and child welfare agencies and community-based groups offering social services and assistance to domestic violence victims and their children; and
- increased confidence in the court system by reducing inefficiency for litigants and duplicative functions for courts.

II. NEW YORK STATE MODEL:

The New York State IDV Court Model is a synthesis of core principles that have emerged based upon research, experience, best practices and an analysis of the court system's current methods of addressing domestic violence. The IDV Court Model provides an opportunity to address the myriad of inter-related problems that may bring a family into the court system in a comprehensive manner while providing integrated service delivery and improving both court efficiency and informed judicial decision-making. There are twelve (12) key components of the New York State IDV Model, each of which is discussed in detail below.

1. Jurisdiction

IDV Courts must include criminal (misdemeanor domestic violence) cases and overlapping family court (family offense, custody, visitation, etc) and/or supreme court (matrimonial) cases. Other categories of cases may be included and are encouraged.

This definitional requirement will ensure that each IDV Court maintains a level of uniformity and operational consistency and will also promote public confidence in the expansion of the IDV Courts and aid the Administrative Judges in overseeing the successful implementation of the parts.

2. Planning, Staffing and Technical Assistance

IDV Courts must engage in a comprehensive planning process in order to ensure consistency among each of the IDV Courts as well as the continued advancement of three goals: victim safety, offender accountability and increased efficiency. The involvement of multiple courts, judicial and non judicial personnel, attorney organizations, related agencies and the coordination of services will inevitably require a significant amount of preparation. Based upon prior experiences with the pilot IDV Courts, it is suggested that a minimum six month planning period be set aside for this purpose, followed by at least a six month period that is designated for pilot implementation to test protocols and practices before expanding to full capacity.

3. Case Screening and Court Calendaring

The IDV Court must develop protocols for identification of eligible cases and ensure that these cases are moved at the earliest stage from the originating part to the IDV Court. Ideally IDV Courts should calendar all related family, criminal and matrimonial matters on the same day, while preserving the individual integrity of each type of case. Criminal cases should be handled first to the extent practicable and the court should reserve specific time periods for holding trials and monitoring compliance.

4. Legal Representation

IDV Courts must promote quality legal representation for all parties appearing before the court. Sources of representation for parties appearing before the court exist in all jurisdictions through offices such as assigned counsel panels, public defender organizations, legal services groups, non profit organizations, law guardian panels and the private bar.

5. Judicial Monitoring and Offender Accountability

IDV Courts must hold offenders accountable through structured supervision and monitoring on both criminal and civil cases. IDV Courts should establish strong links with local departments of probation and social service providers to effectively monitor offender compliance with court ordered sentences and conditions. The court must develop effective offender accountability protocols in consultation with probation and service providers to ensure immediate and comprehensive enforcement of violations and to ensure victim safety.

6. Judicial and Non-Judicial Training

Judges, court staff and local agencies must participate in comprehensive training programs delivered in three ways: (1) centralized IDV Court orientation and followup training, (2) local site training and (3) training organized through OCA's judicial educational seminars. These avenues will ensure that the court receives continuing education in legal issues and procedures, social dynamics and available services across case types. Additionally, court personnel will undergo a comprehensive and multi-layered training program that addresses the need for expanded staff roles and responsibilities, a team-oriented approach to case management, and working relationships with court agencies and outside organizations.

7. Technology

IDV Courts must continue to take advantage of and utilize existing technology for case identification, record keeping and statistical purposes. These tools can also assist the court in the collection of relevant information on all pending cases. Additionally, IDV Courts will be required to utilize the OCA specially designed IDV Application data program to ensure uniformity and consistency in case tracking.

8. Courthouse Safety

IDV Courts must provide a safe and secure environment in which to adjudicate family related civil and criminal court proceedings. Planners should reexamine existing security plans and protocols to ensure, that at a minimum, (1) there is sufficient security personnel who are well trained in the area of domestic violence and who can identify and respond to potentially volatile situations, (2) there are clear and visible signs posted to direct litigants to needed services, (3) there is a safe waiting area for victims of domestic violence and their children that is staffed with an advocate(s) who can offer a panoply of services and (4) there is separate space for offenders to avoid unwanted contact with victims. Some of these issues may already be addressed by the localities' compliance with the Fair Treatment Standards for Crime Victims Act. Moreover, planners should evaluate the quality of security services that are provided on a contractual basis to ensure that they meet the above requirements.

9. Case Integrity, Confidentiality and Record Keeping

Each IDV Court must take utmost care to preserve the integrity and distinct characteristics of each type of proceeding. Particular attention should be paid to the fact that there are different information sharing rules and policies as well as burdens of proof for the different types of cases. Rules concerning confidentiality and record-sharing must be strictly adhered to.

10. Domestic Violence Services

Each IDV Court should facilitate a victim's immediate access to victim advocates who are available to provide safety planning, counseling, and access to a range of social services, including supervised visitation. IDV Courts should work with local independent domestic violence agencies to provide coordinated on-site advocacy services. Additionally, IDV Courts should attempt to find a safe, secure and confidential location for victims and their children to meet with advocates.

11. Use Community Resources

Courts should collaborate with service providers to ensure a coordinated community response and the identification of comprehensive services for all parties.

12. Assessment

IDV Courts must comply with evaluation plans that will ensure reports to managers and policy makers on the compliance with the model and the effectiveness of the courts. IDV courts should cooperate in statewide data collection so that reports can be created for local and statewide monitoring and assessment of the achievement of designated benchmarks.