

ONE JUDGE... ONE FAMILY

The goal of an Integrated Domestic Violence Court is to better serve families that are in the system due to wide-ranging domestic violence issues. Many times, these families must appear in multiple courts in front of multiple judges in order to address various issues that result from domestic violence, ranging from criminal to matrimonial and family issues.

Besides the difficulties inherent in having to return to the courthouse numerous times, problems may arise when different judges in different courts issue conflicting orders. "Sometimes, two types of court jurisdiction are needed to resolve these cases well—sometimes even three (juvenile court is the third piece)," states Rob Valente, assistant director, Family Violence Department, National Council of Juvenile and Family Court Judges. "At times, these cases are a custody matter which would mean family law court, sometimes the kids are acting out and they may be status offenders—meaning truant from school—or other issues may be coming up that put them either in dependency court, a child abuse child welfare concern or in juvenile court where those status offenses or other juvenile behavior might have to be handled."

Thus it may require three court systems to review what is occurring within one family. That is why an integrated court with One Judge—One Family becomes an ideal solution for dealing with domestic violence victims.

Honorable Amy B. Karan, Administrative Judge of the dedicated Domestic Violence Court in Miami, Florida, has served in this position since 1995. Karan previously practiced law for nine years—specializing in family law and child litigation. She also serves as a mediator of



**Honorable Amy B. Karan, administrative judge,
Domestic Violence Court, Miami, Florida**

sor of law at St. Thomas University teaching Evidence, Family Law and Trial Practice, and serves as the chairperson of the Code & Rules of Evidence Committee and the Domestic Violence Committee for the Florida Bar.

DV courts serve a specific purpose. Their aim is to break the domestic violence cycle of abuse through a coordinated community response. Judge Karen notes that "domestic violence is a learned behavior and the primary place that it's learned is in the home—but not in all cases. [It] is learned in our society, from television, from friends and from the example of other adults."

To keep close tabs on them, DV courts follow offenders as long as they're on probation, with the maximum probation for a domestic violence misdemeanor being one year. Offenders may be ordered to attend the Batterer's Intervention Program—a program based on the Duluth Model—which runs a minimum of 26 weeks. "I can't say that Batterer's Intervention is perfectly effective, but it

the best that we've got and far better than the alternative, which is nothing," says Judge Karan.

In regard to offender accountability, batterer intervention and substance abuse treatment are sometimes co-ordered. Substance abuse and domestic violence are very often linked. "We have a program now that we're calling the Enhanced Judicial Review Calendar—it's a combination of a drug court concept and a domestic violence court—so if you have a dual diagnosis problem, we bring you into court every Friday morning and drug test you right there," notes Judge Karan. "That's how we deal with that. If you are on probation with us, you must come into court every 30, 60 or 90 days so that we can see how you are progressing in the program." If the offender is not doing well, they can be revoked and put in jail right away at that calendar. She is hoping that if the offender knows they are going back in court in 30 days, it will give them incentive to try to do a better job.

VICTIMS OF VIOLENCE

When children have been victimized by violence in the home—and if the mother is being battered then the children are likely to be suffering from abuse as well—there are numerous ways to intervene. "In this community," notes Karan, "we have groups for children who have been victimized by domestic violence, we have education through the school systems, education for the parents, rehabilitation for the father, and hopefully, through this coordinated community effort, the cycle of abuse should be broken."

Research shows that the best thing for a child is a strong adult role model. "We have to provide children those strong role models—whether it's the mom, a teacher, a counselor, a big brother or sister, or somebody from the community organization," Karan continues.

Children react to abuse in different ways: Some grow up to be batterers, some grow up to be victims and some grow up to be exactly the opposite. To break the cycle, the most important component is to do what is best for the child. "Keep the children in mind first in making these orders," Karan says, "so they can turn into a better person than what they've seen modeled in their own family."

PERSISTING IN THE VICTIM ROLE

Domestic violence victims remain in a physically abusive situation for several reasons, which Karan calls her "'four letter words': "hope, love, kids, cash and fear—fear being the number one reason."

Often, it can be difficult to get the victim to come on board, especially if it's only the first or second time that abuse has occurred. "Usually, if it's the 5th, 6th or 7th time it's happened, it's a little easier to get the victims on board, although a lot of times victims feel let down by the system because nothing ever happens," she notes. The person goes to Batterer Intervention and then they're right back in the system again. "We have to keep our thumbs on the recalcitrants or repeat people so that the victims can feel safe."

That's why the One Judge—One Family Model can be the ideal. But if the model isn't feasible Karan suggests creating a coordinated model where all judges are knowledgeable about all cases. This can prevent overlapping orders and differences in judicial philosophies.

Social services are essential when trying to help make a family whole again. "We're lucky in Miami that we have so many great social services in our community—our probation department is on board, victim's service, children's services, the shelter, job training for the victim, rehabilitation for the men—we have a

great variety of social services," says Judge Karan.

In this effort, community resources are invaluable. "We have to have a place for a mom to get food stamps, money, job training, shelter, a place for her children and all those types of things, because if you don't have those available, the only place to go is back to the abuser," says Judge Karan.

Domestic violence is a pervasive problem. "We have a community of about 2 million people," said Judge Karan. "We have about 9,000 arrests for DV misdemeanors each year and about 9,000 requests for restraining orders each year." That doesn't count the felony cases where the violence is more severe, usually involving a gun or knife or some type of permanent injury. A handgun is usually the weapon used in domestic violence homicides. Judge Karan has been instrumental in changing a procedure and protocol dealing with the issue of firearms in the hands of convicted batterers. A victim is in the most danger when she is trying to get away from her abuser. "The federal government passed a law a while back called The Gun Control Act of 1968. An amendment to this law, the Lautenberg Amendment, provides that if you have a restraining order against you or you are convicted of a misdemeanor of domestic violence—the only misdemeanor included in the statute—you are never able to own a gun or ammunition again," she says. "What I've done is to create a procedure, a protocol and a set of forms so that we can get the guns out of batterer's hands." Judge Karan read an article earlier this year and discovered a big loophole in the current law. When people get their guns taken away from them—when they're ordered to surrender their guns—nobody was ordering them to surrender their concealed weapons permit

Judge Karan says people who had injunctions against them were keeping their permits and then walking into a store on a Saturday afternoon and purchasing a weapon. "So, I took that chance and opportunity and changed the whole protocol and practice and rewrote the whole formula and format," said Judge Karan. "Now when we take the guns away from batterers – both in DV final injunction cases and criminal cases – we require the surrender of the concealed weapons permit as well." That is not going to do anything to stop the people who are in possession of illegal weapons, but it certainly makes a difference in regard to those who have legal weapons. Now that the law requires the surrender of concealed weapons permits, the offender will need to apply to the state of Florida to get their

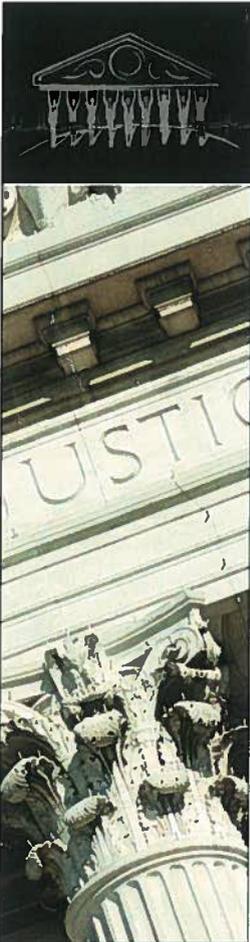
permit back. "If there is a restraining order in effect, the abuser cannot get their firearm back," said Judge Karan. "If they have been convicted of a DV misdemeanor they can't get it back – no matter what." If, however, the crime was a withhold, then under Florida law they can get a firearm back after three years.

Judge Karan believes it is very important for courts to make domestic violence a priority. "In order for intervention to be effective, it has to be a quick intervention—it has to be right at the time," said Judge Karan. "The longer the case goes on, the more likely it is that people are willing to forgive and forget and change their mind about prosecuting, which is all fine and good but if we are going to nip the problem in the bud we really have to get it when it is happening." Victims

need to be put together with resources and the family needs to get into the programs available. "We need to give them community assets so that they can assert independence if they're willing to and the court can make a difference in society," says Judge Karan.

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, FAMILY VIOLENCE DEPARTMENT

"What we often have is a case that is very much divided up by the separate courts and the judges never speak to each other," says Rob Valente, assistant director, National Council of Juvenile and Family Court Judges, Family Violence Department. "For instance, in a juvenile case the judge may say the abuser is putting the child at risk so



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they issue a court order that says the abuser can't come anywhere near the child and it is the responsibility of the mom to make sure that doesn't happen. Then the family law court will say that the abuser is the

do not work this way. Instead, courts may have multiple judges but they can get the same effect by making certain the court orders are shared with each other. "And then there are ranges in between that which may

lence," Valente points out. "In other cases, there are folks who, when they know they are being watched, will ratchet down the violence but may go to something else instead." It could be something like sending flowers to the

"WE HAVE TO HAVE A PLACE FOR A MOM TO GET FOOD STAMPS, MONEY, JOB TRAINING, SHELTER, A PLACE FOR HER CHILDREN AND ALL THOSE TYPES OF THINGS, BECAUSE IF YOU DON'T HAVE THOSE AVAILABLE, THE ONLY PLACE TO GO IS BACK TO THE ABUSER."

—JUDGE KARAN

biological father of this child, so they are going to issue custody to the mom but the father gets visitation. So the mother is now in the position of defying one set of orders—she has no choice."

Valente says when the systems are not integrated it's up to the mother to point out to the court that she has these two conflicting orders at a time when she has enough to deal with already. "Then they're likely to put a criminal restraining order on—let's just say that they haven't come to a full hearing yet—and there might be some kind of restraining order that says he can't come anywhere near the kids but he has a family law order saying that he can visit with the kids."

Domestic violence is a one-sided criminal behavior where one party is attempting to intimidate, harass or coerce behavior out of the other. Having a One Judge—One Family model means that the court can really make an assessment about what is going to work best to hold the abuser accountable, what is going to work best to give resources to the victim and what is going to work best for the children.

States fall in different points on the spectrum for court integration. "Some places it is just that; it is One Judge—One Family and these have...the ability to decide all of these things at once," he points out. Other systems

include some of both," Valente adds. "Sometimes it is just the misdemeanor part of the criminal court—that jurisdiction is shared with whoever is doing the protection order—but when you're doing custody of children, you are completely out of the criminal law arena and when you're doing felony, you are completely out of the family law arena."

A lot of courts are realizing that they need to focus on domestic violence in a different way even if they can't change anything about their court structure. "For example, rural courts might have limited resources—they have courts of general jurisdiction and are worrying about everything from the neighbor's dog barking to gangs and methamphetamine use in the area," said Valente. These courts can solve the issue by having a dedicated docket—meaning a day where they'll hear just the domestic violence cases." The advantage is that they can invite all community resources that deal with this at one time. The big key to this is that the court can't solve it by themselves. "All the judges will tell you this," explains Valente. "If they can't work with the shelter, the batterer's intervention program, the job training program, children's counseling program—there is nothing they can do."

Success is really measured case by case. "Some folks, when they are held accountable, will escalate the vio-

lence, which even though it looks benign is scary to the victim. "In specialized courts, judges who do this all the time start to recognize these behaviors," she says. "The judge will tell the offender—you are saying that you're sending flowers because you love her but every single day you are sending the message that you know where she is and exactly how to find her because you can get the flowers to her. You are saying I'm watching you and you've got to stop it."

Dedicated Domestic Violence Courts hope to remedy the problem by promoting informed judicial decision making and enhancing the availability of community services to the family. In addition, by following the progress of the offender and holding them accountable, domestic violence courts are in the position to prevent future violence from occurring in the first place.

For further information, contact Rob Valente, 202.558.0031, www.ncjfcj.org [click on Family Violence]

Battered Women's Justice Project at 800.903.0111

American Bar Association, Robin Runge, runger@staff.abanet.org.

The Office on Violence Against Women at the U.S. Department of Justice, www.usdoj.gov/ovw/

The U.S. Department of Justice, for studies and statistics on domestic violence. www.ncjrs.org