

# **Promising Practices in the Family Justice System Response to Children Living with Domestic Violence**

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# Objectives

- To learn about existing evaluation outcome studies on integrated domestic violence courts.
- To learn about the implementation process of the only Integrated Domestic Violence Court in Toronto, Ontario that hears both family and criminal court matters sequentially.
- To learn what family justice stakeholders have to say about the IDVC.

# Challenges of Family/Criminal Justice Systems

- Family and criminal courts operate in independent silos with no information sharing.
- Children and victims, women in particular, are at risk because of conflicting court orders.
- Judges, lawyers, mediators and custody evaluators require ongoing education about differentiating high conflict custody disputes and domestic violence.

# Goals of IDVC

- One judge – one family model
- Victim safety
- Offender accountability
- Streamlined court process (i.e., no conflicting court orders, monitoring of court orders)
- Coordinated resources to children and families
- Better integrated involvement with community partners

# IDVC Evaluations: USA and England

- 7 evaluation reports (6 gov't funded USA and one gov't funded in UK) about IDVC; one report was based on a process analysis
- Methodology and design range from:
  - questionnaires, in person surveys, impact evaluations, and program logic design
  - comparison groups matched by propensity scoring and some with non IDVC courts
- Outcomes range from:
  - parent and child well being factors, recidivism rates, litigants trips to court, protection orders, number of court appearances, subsequent court filings, and disposition in criminal court

# Overall Results

- Reduced litigation trips to court
- Reduced court filings
- Case management increases length of case

# Limitations of Studies

- Different courts with different mandates and jurisdictions (i.e., child welfare, juvenile courts, trial courts, domestic relations courts, mixing of high conflict and dv issues, different language and terminology of outcomes)
- Not all comparison groups were matched with IDVC groups
- Focus is mainly on criminal court outcomes with little attention paid to child and family

# IDVC Implementation Process

- Planning began in 2010 led by judges, court opened in June, 2011
- Initially voluntary now “automatic”; hears only summary convictions with family disputes
- Funding obtained from DOJ for a community resource coordinator and evaluation component
- Implementation, community, operations and research sub-committees formed
- Mixed methods (quantitative & qualitative interviews)
- Stakeholder meetings were broad and inclusive
- Court operates one day every other week with dedicated judges, crowns, legal aid for criminal and family, victim witness service, and a family support worker



# Qualitative Methodology

- questions developed with each stakeholder in collaboration with research sub-committee
- 17 in-person tape recorded interviews; transcribed (judges, crowns, criminal and family duty counsel, family law lawyers, and community partners)
- Ongoing interviews with victims, accused and children over 7 years of age

# Questions For Stakeholders

1. What are the challenges and benefits of information sharing between courts?
2. What are challenges and benefits of hearing both matters before one judge?
3. What are the challenges and benefits of having social supports attached to court to assist victims?
4. Do you believe that the IDVC provides effective communication across the sectors?
5. Any other thoughts or comments about the IDVC, especially improvements needed?

# THEMATIC FINDINGS



# Stakeholder Interviews

## Judges

- Facilitates better understanding of how DV is impacting on family matter
- Facilitates better decision-making knowing crown's position and police records as background and context
- Tremendous benefit of having services coordinated
  - “hardest court I sit in”.. ...huge amount of energy, all high conflict cases”

# Stakeholder Interviews

## Crowns

- Experienced crowns
- Never knew family issues before and impact
  - “a good thing, better results so far and amount of work done in one day”
  - “get more information from all sides”

# Stakeholder Interviews

## Lawyers

- “takes longer to deal with case as lawyers are speaking and not efficient for counsel”
- “initial impression was that counsel had to be experienced in both”
- “not usual to hear both sides in criminal and family and share information”
- “I think it’s a great idea”

# Stakeholder Interviews

## Community Support

- “promising value of IDVC”
- “good to hear both sides and protect the victim who is usually the woman”
- “need more space at court as victim sits at back”
- “crown and VW speak to one another of who needs support”
- “so far....so good”

# LESSONS LEARNED.....

- ▶ Time is a factor for family lawyers and expense as waiting for both matters to be dealt with.
- ▶ Needs more communication with family lawyers to know when criminal matter is being heard and disposition.
- ▶ Administrative challenges (i.e., separate databases leads to challenges in obtaining and matching files, intake for PARS, fiscal challenges in obtaining human resource support for matching court files).



# Observations To Date

- Information sharing results in less duplication and more holistic understanding of dv and family issues.
- More efficient use of court time (i.e., bail variations, motions to vary access).
- Ongoing challenge with administrative issues and fiscal constraints.
- Further research with comparison data will greatly assist in examining whether objectives of integrated court are being met in criminal and family outcomes.

# *Questions/Comments/Thoughts ?*



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