

Family Court Approaches to Intimate Partner Violence and Abuse: Stakeholder Perceptions and Implications for Systemic Change

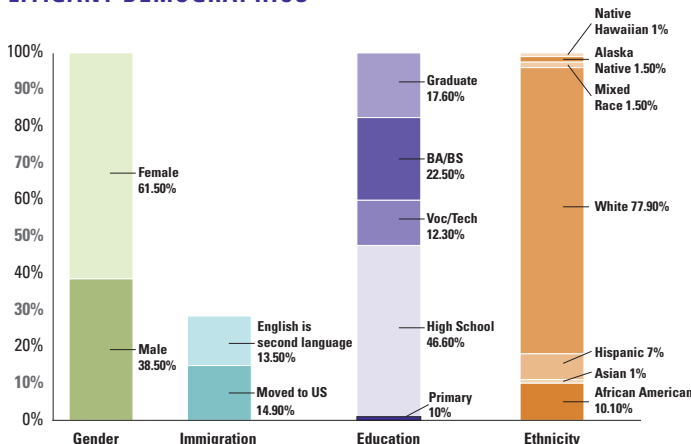
Intimate Partner Violence in Massachusetts: the Role of Family Courts

According to a 2010 study by the Centers for Disease Control, one in four Massachusetts women experiences violence that causes her to be afraid or concerned for her safety, a state of crisis that demands scrutiny of our intimate partner violence and abuse (IPV/A) response system.¹ Historically, little consideration has been given to **the role of family courts as first responders to IPV/A**. Restraining orders, divorce actions, and child custody disputes—all matters handled by family courts—can be the first public action a victim takes to escape abuse, giving family courts key opportunities to break the cycle of violence.

The Family Court Snapshot Data Collection Research Project

Finding a route to systemic change requires information about how often courts handle cases involving IPV/A and associated risk factors, and how such cases are handled. But family courts do not collect such data. Thus, beginning in 2008, the Wellesley Centers for Women began a limited-scope, short-term (or “snapshot”) study by surveying judges, probation officers, and litigants in Greater Boston area family courts. The project was guided by a multi-disciplinary advisory group, and received significant assistance from the Chief Justice of the Probate and Family Court and the Office of the Commissioner of Probation. Researchers obtained usable data from 212 litigants, 44 probation officers, and ten family court judges over the course of 12 days of sampling in four courts. This is the first field study of family courts where judges, probation officers, and litigants were surveyed simultaneously.

LITIGANT DEMOGRAPHICS



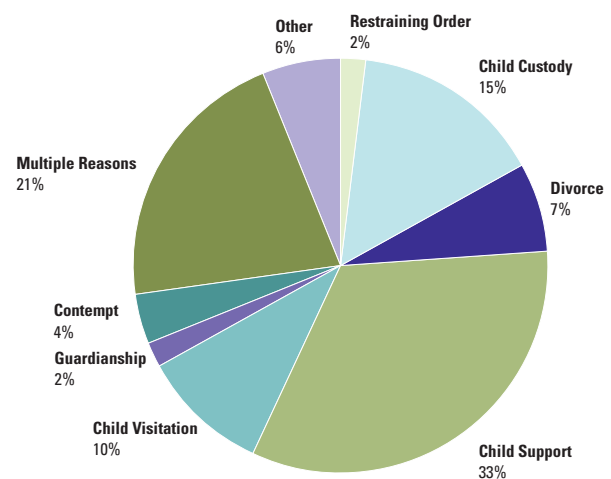
Family Court Litigants: Correlations between IPV/A Risk Factors and Safety-Related Concerns

Of the family court litigants we surveyed:

- 68% of family court litigants were not represented by an attorney
- 57% were in court for a child-related matter
- 51% reported that the other person in their case has made them feel unsafe
- 51% reported that the other person in their case has made them feel that their children are unsafe
- 38% reported that a mental health problem is associated with their case
- 33% reported that a substance abuse problem is associated with their case
- 14% reported receiving a referral to a domestic violence advocate

The high numbers of child-related cases and cases without legal representation are disproportionately burdensome for family courts. Substance abuse, mental health, and child trauma compound the burden. Further research is needed to determine how these risk factors affect case outcomes.

LITIGANTS' REASONS FOR VISITING FAMILY COURT



Further analysis of the data yielded **notable correlations between safety-related concerns and other risk factors:**

- Litigants who reported that the other person in their case made them feel unsafe were also more likely to report that the other party made them feel that their children were unsafe.
- Litigants who reported that the other person in their case made them feel unsafe were also more likely to report that there were substance abuse or mental health concerns in their cases.

Insufficient information about these co-occurring risk factors can lead to case outcomes that have little or no effect on the cycle of violence for IPV/A victims and their children.

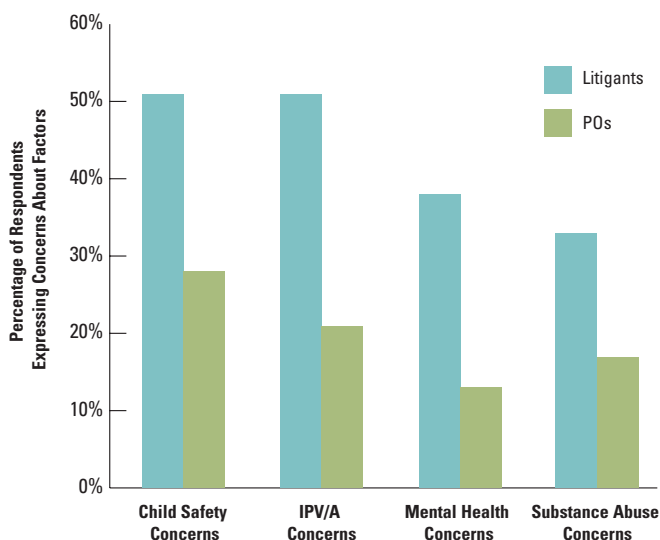
Family Court Litigants' Satisfaction with Court Performance

The research data did not show any significant differences between genders in satisfaction with the performance of probation officers or judges, indicating that the litigants we surveyed did not perceive any overt gender bias, a finding that runs contrary to claims by special interest groups representing mothers or fathers with family court cases. **However, litigants with safety concerns were less likely to express satisfaction with court personnel.** Since dissatisfied litigants are more likely to revisit courts to seek better outcomes, paying greater attention to high-risk cases at the outset may result in both satisfactory case experiences and satisfactory case outcomes and thereby reduce court visits.

The Information Gap in Family Court

Litigants consistently reported concerns about IPV/A, substance abuse, mental illness, and child safety at higher rates than did probation officers or judges.

COMPARING PO & LITIGANT RESPONSE ABOUT RISK FACTORS



Since probation officers interview litigants, gather background information, and conduct dispute resolutions, they are usually the first family court personnel to have the opportunity to detect IPV/A or associated risk factors. Yet, of the probation officers we surveyed, only 8% used mental health screening tools, 18% used drug screening tools, and none used standard IPV/A assessment tools. Accordingly, 40% of the judges we surveyed reported that information provided by litigants is seldom enough to understand whether IPV/A is present in a case. The disparity between what litigants report and what probation officers document leads us to conclude that **an information gap in family court that affects the ability of judges to determine whether IPV/A or other risk factors are present in a case.**

The Road Ahead: Instituting Systemic Changes and Developing Best Practices

Over a decade ago, Massachusetts initiated significant reforms in court approaches to IPV/A, but has been losing ground due to political challenges, severe funding cuts, and breakdowns in the probation system. The Commonwealth must now address family court operations as part of a sound, overall strategy to improve conditions for IPV/A victims. We offer five systemic changes for consideration:

1. **Improve the quality of case information given to judges by making comprehensive IPV/A, substance abuse, mental health, and child trauma assessments a mandatory part of the dispute intervention process;**
2. **Improve access to civil-legal advocates and increase their numbers;**
3. **Increase litigant satisfaction and improve compliance with court orders by improving litigants' in-court experiences;**
4. **Foster a culture of innovation at both the local and state-wide levels; and**
5. **Increase court research and promote data-driven policy-making.**

While family court is not the only avenue to mitigating IPV/A, breaking the IPV/A cycle is not possible without changing this institution. With sufficient resources and a strong commitment to systemic change, Massachusetts can regain its position as a source for judicial best practices that improve conditions for IPV/A victims and for *all* family court litigants.

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ⁱ U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. (2011). *The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report*. Atlanta, GA: Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R.