

Task force to Study the State Wide Response to Minors Exposed to Family Violence

MEETING MINUTES

Tuesday, October 27, 2015

10:00 AM in Room 2A of the LOB

The meeting was called to order at 10:00 AM by Garry Lapidus,

The following committee members were present:

Rachel Powlowski; Donald Frechette; Cynthia Mahon; Damion Grasso; Christine Rapillo; Kayte Cwikla-Masas; Sen. Marilyn Moore; Karen Jarmoc; Garry Lapidus; Stephen Grant; Nikki Richer; Mary Painter; Steve Grant; Elizabeth Bozzuto; Rep. Diana Urban; Karen O'Connor; Nina Livingston; Linda Harris; Sarah Eagan and Joel Rudikoff

Garry Lapidus brought the meeting to order at 10:00 AM.

Karen Jarmoc thanked everyone for coming and discussed the nature of the task force. She noted that the scope of the meeting today was to discuss judicial responses to family violence. She stated that the presenters at the meeting were invited to discuss their work regarding judicial training and coordinated community responses to family violence. The first presenters were members of the National Council of Juvenile and Family Court judges, an organization established in 1937 with a drive to improve juvenile and family court system practice.

Karen introduced the presenters:

Hon. Janice Rosa sat on both the family court and Supreme Court benches while in New York, and was district supervising judge for matrimonial and divorce matters. Currently Judge Rosa is doing consulting work for the National Council.

Darren Mitchell is Co-Executive Director of the Resource Center on Violence Against Women. Both Judge Rosa and Attorney Mitchell have committed extensive time to training on violence and other family matters. Karen Jarmoc stated that later in the meeting the task force would be hearing from Connecticut judges through the State Judicial Department

Janice Rosa noted that neither she nor Darren worked directly for the Council, but they were happy to work with the Council as consultants.

Darren started by expressing his sympathy for the events that led to the convening of the task force and noted that many people had been affected by the effects of family violence. He commended the task force on its desire to do something in response to family violence.

Janice Rosa referred to the brochure that she and Darren had brought. The Council sits on the University of Nevada campus and was formed by judges for judges interested in addressing family law matters in a holistic manner. This is the largest judicial membership organization and has a network of over 2,000 judges, attorneys and other professionals of all disciplines. The Council is a national leader in providing judicial training and resources to courts, judges and administrators as well as to the communities that these judges serve in. She noted that the Council does not work in a theoretical academic manner but the emphasis is on how the philosophies can be applied in the daily activities of judges. She stated that the Council is interested in providing evidence-based and evidence-informed practices around all aspects of family law, including juvenile justice reform, child welfare reform and domestic relations reform. The Council advocates for judicial leadership and ethics to improve outcomes for communities and families. The Council has been conducting various projects regarding domestic violence, including the Green Book initiative which looks at improved outcomes and better ways for families to interact with child welfare programs. Most recently, the NJIDV -- National Judicial Institute on Domestic Violence—was formed, which hosts a very intense immersion for criminal and civil judges. Over the years, the national council has been able to train over 60,000 judges, court administrators and other people working in the field.

Darren Mitchell discussed other programs of the Council and stated that they had been working on a full faith and credit project to focus on enforcing restraining orders between states and at multiple levels of government. Darren also discussed the Green Book project as a means to focus court services around the effects of domestic violence on child protection. This focuses on practical decision making, such as custody and parenting time. The Council also provides resources around this training and has recently partnered with other groups to focus on family court through a demonstration initiative to help courts improve their methods for obtaining information around the family court context and making better decisions based on communications around domestic violence cases. He also mentioned that the Council was working on developing policy around firearms in domestic violence cases.

Janice Rosa highlighted the inclusivity of the work of the Council and stated that there were several staple policy areas that they worked on, such as elder abuse; adolescent partner violence; and domestic minor sex trafficking. She stated that any community that is looking to improve its response to domestic violence has to find ways to promote victim safety and better accountability, and insulate children from harm to protect their well-being. She noted that judges play a key role in this process and are at the apex of the various community systems. Judges are given the charge to protect communities from harm and must send a consistent message to the justice system that domestic violence is not to be tolerated. She noted that changes within the court system will need an understanding from the judges and these judges have to operate under a code that requires that they are removed from the social fray so that the public can expect that judges will be fair and partial. She noted that judges are often frustrated when cases are brought before them that are a clear indication of inadequacies in other social systems. This frustration spurred creation of national council in 1930's because judges had to know there would be a better way to deal with family violence issues.

Darren Mitchell

Discussed the format of the trainings. He stated that the Council places an emphasis on evidence-based training with exercises that were highly interactive and based on adult

education practices. The Council focuses a lot of its time on conveying information in the best way possible and brings in multidisciplinary perspectives of both prosecution and defense perspectives so that judges get to hear conflicting opinions. These trainings bring in different advocacy groups and academics to ensure that they integrate information from many different and possibly conflicting sources. He noted that Dr. Peter Jafee conducted a follow-up efficacy study which found that four times as many judges consider themselves to be leaders on domestic violence after the training as compared to before the training. Mr. Mitchell stated that trainings can be conducted either on-site at the Council's headquarters, or these can be brought to different communities to focus on specific issues. He commended Connecticut on its judges' training and invited the task force to comment on ways that the Council could help Connecticut.

Janice Rosa noted that they had conducted training for military personnel because they have done work with veterans, and that the trainings educated all professionals across multiple disciplines, not just judges. This helped to integrate the trainings into as many aspects of communities as possible. She noted that during the budget cutbacks starting in 2008, a lot of judicial trainings were eliminated to save costs. She noted that Connecticut has been able to maintain continuing ongoing and relevant training in domestic violence competencies. Judge Rosa noted the importance of this kind of training and that there will still be inconsistencies in the judicial system, but proper and consistent training of judges will reduce these inconsistencies. She also noted that there is a larger body of research on domestic violence than there was 20 or 30 years ago, and that there is more information on the impacts of domestic violence on children regarding lethality and risk assessment; firearms; adolescent relationships and elder abuse. She reiterated that training was an ongoing process and that judges would need to be consistently updated on best practices and the newest legal research on this issue.

Darren Mitchell discussed the role that the Council plays in technical assistance and its ability to bring experts in various fields to judges and other community providers. He stated that the Council worked to help communities build their capacities to address these issues, and that the Council tailors trainings to respond to individual community needs. This method has been very successful and very well-received. He noted the importance of involving different perspectives in these trainings, from those of decision makers to victims. When the Council approaches technical assistance, they examine things from both ends and works to empower people to obtain what they need and make better decisions to address safety concerns. The Council also conducts legal statutory reviews to look at how different communities have addressed different challenges. The Council also has a research arm that has done some work in family court contexts that can offer technical assistance to courts. Mr. Mitchell noted that the Council had conducted research in a tribal jurisdiction where they looked at every aspect of the system and helped the community identify different strategies to make their response to domestic violence more comprehensive. He noted that with firearms, there are different jurisdictions that come into play and that there needs to be a larger conversation about getting guns from people who shouldn't have them. He stated that even though the law requires people to surrender their firearms, there are many reports that this isn't happening and this is contributing to further problems.

Janice Rosa discussed the merits of community anonymity as it applied to the Council's judges' trainings. She noted that it was beneficial that the Council did not have any prior experience in the communities they worked in, and so were able to offer a fresh perspective to these communities through their training. She noted that the best court trainings and technical assistance cannot happen in a vacuum and that it is important to have a coordinated community response to these issues. Ms. Rosa went on to say that to obtain the best results from a judicial system, everyone in the community needs to understand their role in defining and reaching a solution. She noted the role of judicial ethics in these cases and the issue of insulating judges who address domestic violence cases every day. She again mentioned the economic crisis and its role in changing the scope of what judicial branches were able to accomplish within the financial parameters set by state governments during this time. She noted that the fact that Connecticut still has litigants after the financial crisis is a testament to the efforts to preserve justice in the state.

Darren Mitchell suggested that Connecticut focus on how to get information through volunteer litigants and lawyers. He noted that there is significant research suggesting that representation in court cases makes a difference in terms of protection and that representation yields better results for domestic violence victims. He noted that legal aid furnished many of these attorneys and reiterated that representation makes a significant difference in court proceedings in these cases.

Janice Rosa emphasized the commitment of the Council to advancing justice for domestic violence victims and welcomed questions from the Task Force.

Karen Jarmoc requested that task force members begin asking questions.

Cynthia Mahon asked whether there were any court systems with universal or centralized systems of delivery to avoid the problem of one family being involved in many court cases at the same time to make the process more efficient.

Janice Rosa mentioned that the National Council designed Project ONE to address this, which focuses on having One family one judge; No wrong doors; and Equal access to justice. She noted that various jurisdictions are struggling with the sharing of information given both legal and technological constraints. She noted that rural jurisdictions have less trouble with this as there are fewer intersecting judicial systems, and that the Council is focusing on urban areas to promote information sharing.

Karen Jarmoc stated that in Connecticut, courts are not permitted to share information.

Judge Bozzuto noted that in Connecticut, there are some jurisdictions that have different computer systems, and that they're currently working on integrating these systems. She noted that there are significant financial constraints to integrate technologies, but the judicial branch is making efforts to do so. In family court, judges don't have access to information regarding previous proceedings and there are significant confidentiality issues regarding this information as well. Working within these parameters, though, the court system could stand to benefit greatly from better information sharing.

Karen Jarmoc asked the Judiciary Department to give the task force guidance in terms of possible statutory fixes to alleviate this problem.

Judge Bozzuto voiced her support for this.

Karen O'Connor asked about the Green Book initiative and how this was facilitated.

Darren Mitchell stated that the initiative was a bit more of an historical project that communities have used to address the concurrence between child maltreatment and domestic violence. The Green Book sets out a number of principles for courts to adhere to in an effort to ensure that court proceedings don't result in unintended consequences for children. He offered to share the Green Book and other tools the Council had developed as a result of this initiative. Though the Green Book isn't still funded, there is a site with downloadable information.

Bernadette Conway stated that Connecticut had been using the Green Book Initiative for the last 15 years and that this brought judges and social workers into the same room to discuss cases. This laid the groundwork for the network between state agencies that presently exists and helped to build the protective order registry.

Janice Rosa stated that the intent of the Green Book Initiative was to shift culture and the supportive communities surrounding families changed the way they conducted themselves, which shifted the way these cases were handled and led to better outcomes for these families.

Karen Jarmoc asked whether there was a Green Book for Connecticut and Massachusetts and whether there was a time frame during which this was established.

Janice Rosa

Stated that the program is still functioning, but there is no ongoing funding. The philosophy behind this initiative was to integrate the principles into communities so that they would become part of the communal cultural response to these cases. She noted that not every case involves child welfare and that there are families that don't fall under the purview of the Green Book.

Karen Jarmoc asked whether the collaborative effort went away when the funding dried up for this initiative.

Janice Rosa stated that the collaborative effort was still functioning, as the Green Book principles became part of the culture of how judicial departments conduct business. In Buffalo, New York, they took up the initiative, but after the funding went away, they still conducted business under these principles. The court system has a better understanding of how families should be served in the courtroom.

Karen Jarmoc asked whether there was an opportunity to revisit the Green Book and reconvene around this work.

Judge Conway stated that there were a lot of positive things that came out of this work and Connecticut was able to bring in Dave Mandell, a national expert, to write policy such as the

Safe and Together Model, which became a national and internationally recognized program for child abuse. Mr. Mandell did work with DCF and started the program to teach about domestic violence, which DCF has incorporated into their corporate structure. She noted that this stemmed from when Connecticut convened the Green Book and brought together all relevant state agencies where they spent a year identifying the barriers to communication and networking, and working with the present institutional knowledge to improve practices regarding domestic violence.

Mary Painter agreed that there had been a philosophical shift in the work around domestic violence. The existing green book continues to offer guidance on moving forward on this issue.

Donald Frechette had the following questions about these trainings:

What is offered from the National Council on training?

What is the length of the training?

What is the cost for one judge and who pays for the training?

Janice Rosa stated that the training doesn't cost anything because the Council has a national grant to cover these expenses. Additionally, judges can use set-aside funds to cover travel cost. The Council also comes into different communities to conduct these trainings. Ultimately, the trainings are funded through various different methods to minimize the burden for individuals.

Darren Mitchell stated that the trainings vary in length, depending on the type of training and the specific needs of the community.

Janice Rosa stated that the trainings are available to all judicial educators across the country.

Joel Rudikoff asked about a study the presenters mentioned regarding better outcomes for people who were represented in court by an attorney.

Darren Mitchell offered to send the study to the task force and noted that the main component of the study had to do with restricted visitation provisions and the outcome for the children and families. This study concluded that representation made a difference.

Donald Frechette asked about the significant degree of noncompliance with regard to firearms. He asked if the data suggested a reason for noncompliance, whether this was a lack of judicial response; a lack of judicial initiative; a regulatory framework; or a combination of the three.

Darren Mitchell stated that the instance he is most familiar with is that statutory framework makes it clear that all protection orders similar to federal disqualifying factors include specific surrender provisions on a mandatory basis and a respondent must comply by surrendering their firearms and bringing an affidavit of surrender or an affidavit of no possession of firearms. In a study conducted in Seattle, Washington, it was found that about 10% of these cases, a respondent would come back with an affidavit, which was typically an affidavit of non-possession, and there has been no documented instance where someone turned in an affidavit of surrender with their firearms. He stated that this data was consistent with anecdotal information he's received from courthouses around the country which stipulate that people walk out of the courthouse with orders and don't return them. There are significant issues with the laws surrounding guns in domestic violence cases. He voiced that the national Council is

committed to addressing this topic and that he would be happy to help Connecticut move forward on this issue. Mr. Mitchell also mentioned that there have been some compliance systems that have worked.

Donald Frechette asked about areas where compliance systems have worked. Mr. Mitchell responded that he would be happy to share this information with the task force.

Judge Bozzuto asked a follow-up question about the study in Seattle, Washington as to the people represented and the type of case the study was conducted on.

Darren Mitchell stated that these were protection order cases.

Janice Rosa reiterated that these were civil protection order cases where women were asking for protection for themselves and their children. In these cases, legal representation for these women made a significant difference in the outcomes for their children.

Janice Rosa stated that when legal aid represented these cases and presumed a certain proficiency, there were better outcomes.

Karen Jarmoc stated that there is some work being done with CCADV and CT Legal Services and private law firms. Robinson and Cole, for example, has been a leader in doing pro bono work to help applicants with restraining orders and create a comprehensive statewide initiative and capturing data to measure this initiative's impact. She noted that there is an upcoming training on this and the study is important in developing an understanding of different outcomes for applicants. She asked whether there are national strategies being developed around this issue.

Janice Rosa stated that New York had to undergo a reverse process where they provided legal representation to respondents, not petitioners in legal court, so they had to put parameters in place to ensure that petitioners could get free legal help in court. She stated that both the respondent and the petitioner in these cases do better with legal representation.

Karen Jarmoc noted that there are people who are advocating for victims, and that there is an opportunity on the defense side. She noted that providing representation was not a requirement, but that it is being done because there is a gap. She advocated that victims should not be penalized in cases where respondents hire a public defender to help in their case.

Janice Rosa noted that there is a certain percentage of protective orders that have that criminal component where the defendant is going to be represented.

Karen Jarmoc asked if there had been reductions in judicial trainings as a result of the state budget. There have been efforts to create a more robust judicial training system. Karen noted that it would be helpful if there was more data on the relationship between judicial trainings and the state budget. She asked whether states have to apply as a state for judicial trainings. She asked whether the system focused on empowering people to ask for what they need. Karen noted that most applicants are pro se and not represented when they're applying for protective orders.

Janice Rosa stated that in Buffalo before she left the bench, she became interested in providing information based on risk assessment and lethality with regards to protective orders. They did get some grant money to study this and studied Connecticut because the probation department is connected to the judicial branch. Connecticut has been doing well with providing this information. With regards to self-represented cases, Judge Rosa stated that they worked with a stakeholder group and decided to ensure that the information was provided in the creation provision so that the self-represented litigant had the opportunity to do their own risk assessment with someone who wasn't a judge to examine the larger context of the case. They trained judges and domestic violence advocates to improve petitions with better evidence and a better picture of the whole story in these cases. This made petitions more robust in court and led to better outcomes. This also became part of a community discussion around domestic violence and New York designated judicial officers to answer questions for self-represented individuals. Changing the nature of how information was taken and used in one jurisdiction in New York allowed for better outcomes in these cases.

Rep. Diana Urban asked whether therapy animals had been used to help children when testifying in court to make the process less intimidating.

Janice Rosa stated that she hadn't seen this in her courtroom, but that she has a therapy animal herself and that she is interested in bringing in more therapy animals to assist in these cases. She believes that the presence of therapy animals will make the courtroom experience better for children.

Rep. Diana Urban voiced her approval of Judge Rosa's advocacy in this area, and stated that the child-animal bond could be used to help children recover better from these situations.

Linda Harris asked about the multidisciplinary training that the judges had mentioned earlier and what this entailed.

Darren Mitchell stated that the Council takes different approaches to multidisciplinary trainings depending on the needs of an individual community. This involves identifying stakeholders and thought leaders and understanding the specific problem, then formatting a training to respond to these needs. Sometimes, the Council will conduct pre-meetings where they talk with judges and then the Council enters the community to facilitate different conversations. The Council orients its trainings around problem solving and works to help communities identify problem areas then gives these communities the tools to solve their problems. Often, the communities complete the training then engage in more collaborative approaches which lead to better outcomes.

Janice Rosa stated that the Council custom-fits and tailors these trainings to address what the jurisdiction is asking for.

Joel Rudikoff asked about which branches invites these trainings.

Janice Rosa stated that the judicial department typically initiates the invitation because the National Council is a judicial membership organization, but invitations do come from different sources.

Joel Rudikoff asked whether the Council had conducted a training in Connecticut.

Janice Rosa stated that to her knowledge there had not been a training here.

Karen Jarmoc asked whether the trainings were offered to probate judges.

Janice Rosa responded that yes, the trainings are offered to probate judges.

Karen Jarmoc thanked the Council for their presentation. The meeting then segued into a presentation from Connecticut judges. Karen stated that it would be meaningful for the task force to hear from these judges with regard to the work being done in Connecticut.

Judge Bozzuto began with an introduction. Judge Bellis would be first to present on domestic training. The judges would then offer their perspectives on training and provide some recommendations for the task force.

Judge Bellis began by stating that this subject was very important to her. The State of Connecticut has robust and extensive domestic violence training for judges. This begins with a full-day pre-bench orientation. There is also an annual judges' institute training and a transitional training for when judges change their assignments to work in family court. There's an annual training session in each division and a yearly domestic violence roundtable. She discussed the areas that she had been involved in. The domestic violence training has been around for 6 years, which is comprised of a group of several judges who discuss a list of topics brought in for discussion. These conversations are kept confidential so that judges feel comfortable discussing these cases. There is an upcoming training where Jackie Campbell will be speaking. The program has brought in other domestic violence experts, such as Peter Jaffee, in the past.

The pre-bench orientation is a full-day domestic violence training for all judges. Judge Bellis then referred to the power point and went through each bullet point. She noted that in the criminal courts, the judicial system works to address behavior in hopes of reducing the potential for domestic violence. She noted that the Connecticut legislature has done a good job of recognizing the severity of domestic violence crimes. There is an opportunity to figure out where the issues are and how to address these. In Connecticut, there is a next court date arraignment so that cases aren't continued for a few days after an arrest. Additionally, there is judicial monitoring available for defendants coming back to court more frequently so judges are checking with victims' advocates to ensure that there aren't any major problems.

Connecticut also has cap sentencing instead of probation, which means that defendants are reporting to judges before being sentenced. This helps to improve outcomes for petitioners. With regard to training, Judge Bellis stated that there is a heavy emphasis on role playing to ensure that judges interact with respondents in a manner that conveys the weight of the situation. Judges are trained to act in such a way that respondents leave the courtroom with an understanding that they are to comply with protective orders. This training is well-received and many judges are interested in this training.

Joel Rudikoff asked whether the domestic violence roundtable was mandatory.

Judge Bellis responded that this is voluntary but well attended. The roundtable is open to anyone, but typically criminal and family judges attend.

Joel Rudikoff asked about the duration of the pre-bench orientation.

Judge Bellis that the full pre-bench orientation lasts for several weeks, but the domestic violence training is one full day.

Joel Rudikoff asked how long domestic violence training has been part of pre-bench orientation.

Judge Bellis stated that this has been a part of training for at least 13 years. Judge Houser had done her domestic violence training and the training carries over into other areas of pre-bench orientation.

Joel Rudikoff asked whether there were many judges who had not undergone the domestic violence training.

Judge Bellis responded that she didn't think there were any judges who did not receive this training. The domestic violence roundtable is also well-attended and in some jurisdictions dockets have been cancelled because so many judges want to attend this training.

1:25:37

Judge Devlin began his presentation by stating that he'd been a judge for 23 years and had domestic violence training at the beginning of his time on the bench. He discussed the issuance of protective orders, which start with arrests. There are 30,000 domestic violence arrests in Connecticut each year and each case comes to court. When individuals are released from a police department, they are assigned a court case within 14 days of the arrest, but in domestic violence cases, these cases are typically scheduled for the next day. When cases come into court, there is an array of professionals such as family relations officers and domestic violence advocates that conduct a risk assessment. These individuals have access to police reports and protective order registry and they can also look at dismissed cases that were family violence related. Family violence officers work to determine whether the case is appropriate for family violence referral. More serious cases are referred to a higher court. This information is acquired to protect a victim's interest and determine what kind of protective order is required. The family relations officers are relied upon to determine the lethality factors in these cases. Typically, family relations officers recommend a protective order, which goes before a court and in the first court appearance of the person who has been arrested, the family relations officer will make a recommendation for a protective order to the judge. The case is then reviewed with the police report so that judges have the framework to make an assessment about the case as to the appropriateness of the family's recommendation. These recommendations span a range of allowing people to live together and not have any violence between them to forcing them to live apart and monitoring both parties with GPS. In cases where children are endangered, there are opportunities to provide protections to the children as well. Judges typically rely on family relations officers to determine the proper protective order in these cases.

There is also a ceremonial aspect to these protective orders. Judges are trained to give these situations a certain amount of weight and importance to ensure that people understand the importance of protective orders to judges.

Judge Devlin stated that when an individual violates a protective order, they also violate their bond, which is subject to change and can become more severe. Violations of protective orders are punishable by up to 10 years in jail. Judge Devlin stated that judges take their time with these cases and the person is given a continuous date in court. Domestic violence cases are usually given specially trained prosecutors to handle the case. Court clerks put these cases into a protective order registry so that any police department in Connecticut can access this information immediately if there's a claim that a protective order has been violated. Judges have an array of techniques and resources at their disposal for each individual case, such as family violence programs. There is also a longitudinal study going on right now to determine how many people in these cases are repeat offenders after they successfully complete the programs set forth by judges. 80% of people don't reoffend after entering these programs.

Someone asked about the protections for children that family relations officers can offer.

Judge Devlin responded that these protections can be things like restrictions on visitation, such as supervised visitation. In cases where children are crime victims, they are given full protections. In cases where children are bystanders, the children are seen as crime victims and are given a panoply of protections. Even in cases where children are proximate to the criminal event, the children are still protected.

Donald Frechette asked about the right of confrontation. He asked how frequently children were able to testify outside of the vicinity of the accused. How often was this constitutionally permissible or fairly protected? What kinds of procedures are in place to accommodate this in Connecticut's current system?

Judge Devlin responded that in sexual assault cases, judges use the Jarrs-Beckham procedure, which is very effective and codified in state statute. This involves a preliminary hearing where a judge makes the determination that having the child testify will have an adverse effect on the child's testimony. If the judge makes the appropriate findings, the child is put in a separate room where they testify. This practice is currently limited to sexual assault cases and whether this practice will be extended to other cases is a policy question for the legislature, but the technical capability for doing this exists.

Donald Frechette asked how this could be done in a civil context.

Judge Bellis responded that she had only encountered a few cases where the minor was a respondent and these were typically sexual assault cases that are sometimes represented by an attorney. She noted that though there had been few cases like this, judges would need to prepare themselves better to handle these situations.

Donald Frechette asked whether this only occurred when a minor is a victim of sexual assault and not of other crimes where there is potential child could be a witness.

Judge Bellis responded that they hadn't had this in civil protective orders or in non-abusive relationships.

Judge Bozzuto stated that in her experience, there have been very few actions where the respondent is a minor. There have been a few cases where the applicant is a minor and the action is brought by a PPA since minors can't bring civil process. The process doesn't differ that much from a criminal court. Her court has litigants that are almost always self-represented, so the rules of practice and evidence are relaxed, but it is uncommon to have minors filing 46B-15 (protective order) forms.

Judge Bozzuto went on to say that she would talk briefly about the 46B-15 protection orders. This is a statutory process that is a civil action brought between two private citizens and the state is not involved. There is a broad category of people who can bring an application for a restraining order in family court, and this extends to people related by blood or marriage, or roommates or people who have lived together. This also extends to people who have a child in common or are in a dating relationship. Last year there were 8500 applicants and 37% of these had children involved. The statute is exacting and this represents a civil process to quickly put an end to overt abuse. In order for the court to give rise to having the authority to pursue this order, there has to be a continuous present threat of physical pain or injury or stalking or a pattern of threatening.

Filing protection orders is a two-step process where first an application has to be filed and then the applicant must swear to an affidavit. The application is then reviewed by a judge that day and every single action is addressed on the day that it is filed. Should the court determine that there is an immediate danger; the court then enters an ex parte order. All cases are scheduled for a hearing within 14 days where only the applicant and respondent testify. There is no probation, bail or lawyers involved in these hearings. Typically family relations officers negotiate cases entering divorce. Occasionally courts will use shuttle diplomacy between two different rooms if the parties have a difficult time reaching a compromise. The applicant testifies first in these cases and has to demonstrate their case by evidence that they are subject to a present and continuous physical violence, stalking or a pattern of threatening. These cases are entitled to cross-examination by the accuser and the proceedings tend to be very uncomfortable for all parties involved. Typically the court has to get involved in the proceeding by asking the necessary questions required in statute and there are significant jurisprudence problems present in these proceedings. Rulings are made on the spot at these hearings, and children involved can enter temporary orders for visitation or no contact. These orders can last for up to one year.

Judge Bellis stated that the new civil orders of protection under 46b-16A are similar to those in family court. These orders are for victims of sexual abuse, sexual assault or stalking as assigned by statute where there are no other orders of protection and where victims don't qualify for relief under 46b-15. This law was implemented on January 1st of this year, and there have been over 1000 civil orders of protection filed. Judge Bellis then discussed some statistics on these protection orders. Victim advocates assist in the filing process, so they cannot interact with the court or advocate on behalf of the victim but they can assist in filing. When an advocate files these forms, 68% of these applications are for stalking; 6% are for sexual abuse and 26% are for other issues.

When the applicant files the affidavit, this is typically done with the help of the advocate and when these meet statutory requirements, the hearing must be scheduled within 14 days from the date of the application. 56% of the cases filed are given hearings and if the court finds that danger exists, the court may issue an ex parte order. Connecticut courts have issued 360 ex parte orders through October 4th of this year and these orders are typically filed with just an applicant and a respondent and no other evidence is presented. 94% of parties are self-represented and typically the cases only involve the applicant and the respondent with occasional witnesses. In cases where the applicant does not appear for the hearing, the court dismisses the case and any ex parte order issued.

If the applicant does appear at the hearing and the court finds reasonable grounds to believe that the respondent committed the acts and presents the potential for further harm to the victim. Approximately half of the cases that proceed to this hearing stage are granted an order of protection, and these can be granted for up to one year. Applicants can file a motion after the year is up that the protection orders be extended. While 94% of the parties are self-represented, as of October 21st, 25% of the cases had an attorney present and 3% of these cases involved minors. Most of these cases are extended domestic cases involving a former girlfriend and a current girlfriend. Sometimes there are landlord-tenant cases, but domestic cases make up the majority of the caseload.

Karen Jarmoc asked a clarifying question about whether these were family violence cases. She noted that the judges presented on information that was less relevant to the work of the task force, as restraining orders don't always have an impact on children. She noted that ex parte restraining orders have over 9000 applications per year, with over 5000 of these being granted a hearing and 3500 being granted a protection order.

Judge Bellis noted that the difference between civil orders of protection and the 46B-15 orders of protection is that in civil orders of protection, judges are only permitted to consider the information that's available to the public and is not permitted to access the protective order registry.

Judge Bozzuto discussed the judges' recommendations to the task force, and recommended that the task force amend 46B-15 to allow family courts to have access to lethality assessments in cases where there are children. She suggested granting authority to the family courts to review the protective restraining order registry and have access to criminal records to give information to family judges that criminal judges currently have access to.

Judge Bellis noted that in the criminal context, they have the criminal record and know if there has been a history of domestic violence and also have information on whether it is the same victim as previously or if it is a different victim. This is information not available to the public and if perpetrators have used programs in the past, the court's bail commissioners or family relations commissioners will be able to determine whether the perpetrator is going after the same victim. It is important for the court to know whether the same person has been victimized in the past, as this helps with sentencing and developing protective orders.

Joel Rudikoff asked how many judges are hearing the 8500 civil restraining order applications.

Judge Bozzuto responded that there are currently at least 14 judges that take on family cases, but these judges do so on a rotating basis.

Joel Rudikoff asked how judges rotate in and out of courts. He noted that this was in a civil arena where 85% of the time, at least one of the parties is not represented.

Judge Bozzuto stated that in TROs, it is different and in other cases over 90% are underrepresented. There are very few lawyers in these cases, and there are lawyers they are representing respondents.

Joel Rudikoff asked about the nature of the challenging environment for judges. He asked when the pre-bench training occurred for family court judges regarding restraining orders and whether this was an immediate training.

Judge Bozzuto responded that she conducts the training for new judges coming into family court and this training includes 46B-15 and domestic violence training. She noted that in addition to this, there's an additional half-day training that covers the actual process of filing these protective orders. This happens for each judge that comes into family court.

Karen Jarmoc noted that it could be helpful to include people from different disciplines in the domestic violence roundtable conversations, as the roundtable is currently limited to judges only.

Judge Bozzuto responded that there is currently a Connecticut judges' institute which covers various topics, but brings in people from different disciplines. This doesn't always cover domestic violence, but it is available to judges and other individuals.

Karen Jarmoc asked whether the judges were hearing from people practicing in the field with domestic violence. She noted that there are close to 30,000 arrests each year, and each of them are a circumstance where family violence is coming before the courts. She asked whether this element included an opportunity for more work in this area.

Judge Bozzuto agreed that there could be opportunities for greater inclusion.

Judge Bellis noted that victim services training is included as part of new judge training. They have brought in national experts as part of the roundtable and from the Connecticut Judges' Institute so they present things from multiple perspectives including judicial, advocacy and defense. There was a multidisciplinary panel in 2007 where they discussed affecting change through dialogue, which was very effective.

Cynthia Mahon asked whether there is a mechanism in place to find existing orders in probate or juvenile court for judges issuing orders during a TRO hearing and if not, whether this would be helpful.

2:00:00

Judge Bozzuto responded that there currently was not such a mechanism and that it would be helpful to gather juvenile records because these are confidential and could have important relevant historical information for judges. Currently, these judges only have access to 46B-15 cases and orders in custody and dissolution cases.

Cynthia Mahon asked whether the judges would be recommending a statutory change so they could access these juvenile court or probate court records.

Judge Bozzuto responded that this is something to consider, and there is a current protocol in place between the juvenile and family courts. Typically, the people filing these orders aren't familiar with the court system and it's difficult for the judges to obtain all of the information they need. If judges had access to the protective order registry, it would be good to know if there are some other cases pending.

Karen O'Connor discussed the role of law enforcement in these cases. She noted that law enforcement does place a condition of release order on domestic violence arrests and in 2014, they gave juveniles the same protection as any other victim. Law enforcement uses all of the information available to them to issue the conditions of release. They have a standard document that they use then add things to which become modified by the judge once the document becomes a protective order. Perpetrators are then given two business days to turn over any firearms. With regard to restraining orders, if these are issued ex parte, law enforcement asks people to turn over their guns voluntarily and creatively. This represents a significant area of concern for law enforcement when they're trying to protect children and keep them safe. She then asked if there are requirements that firearms be turned in under 16A.

Judge Bozzuto responded that she would look for this information.

Rep. Diana Urban asked about the connection between child abuse and animal cruelty. She mentioned that there have been several cases where there has been a link between animal cruelty and future violent behavior. In these cases, sometimes a pet is used as a way to control children or domestic partners so that information about domestic violence doesn't leave the home. She mentioned her previous work to get this aspect included in domestic violence training and asked whether judges were given information on animal cruelty convictions and issues.

Judge Devlin stated that judges were informed of any conviction regarding animal cruelty and factual information regarding whether pets were involved is brought to the judges' attention.

Rep. Diana Urban noted that these records were previously purged and that since 2000, they had been archiving records on animal cruelty.

Judge Bellis stated that judges are given a list of lethality factors and animal abuse is on there. Judges are also trained to respond to reports of animal abuse where a perpetrator abuses a pet and then tells the victim that they're next. With regard to firearms, in the criminal court, they get input from the victim if the contact has been made and it has been reported to the family relations officer if the respondent has firearms. This typically applies in cases where there is threatened or actual use of physical force. In orders of protection that she has drafted, if the

respondent has firearms it is made clear that this is unacceptable. Judges are very careful to make sure that defendants understand the ramifications of these proceedings and feel comfortable asking questions. She does not ask whether someone has a gun, but emphasizes that people can't have any guns or permits.

Judge Devlin stated that they had done a program with their criminal judges that emphasized the link between animal abuse and domestic violence.

Sarah Eagan asked for a clarification as to whether minors can petition for restraining orders.

Judge Bozzuto responded that restraining orders have to be brought forward by a parent or guardian.

Sarah Eagan asked about 46A, which states that anyone can bring an application for a restraining order and the stipulations of this.

Judge Bozzuto responded that everyone is able to file an application, but these have to be brought forward by a PPA or under the legal capacity of a parent.

Sarah Eagan stated that she wanted to be sure that youth can seek protection.

Garry Lapidus noted that the GPS monitoring system is intended to increase compliance on protective orders. He asked if the judges could share their experience with this system.

Judge Devlin responded that they ran a pilot of this a few years ago and the system seems to be working. The system monitors people under the protective order and in instances where respondents come from within the buffer zone, local police departments are notified.

Steve added that over the four years that judges have employed this system, there have not been any injuries to victims.

Karen Jarmoc stated that the system is working well, but it is expensive relative to the outcomes. She added that the state should be looking at other options that are less costly to protect victims. She added that at the next meeting on November 10, the task force would be hearing from the child welfare system and discussing policy and practice.

A motion was duly made and seconded to adjourn the meeting.

The meeting was adjourned at 12:13 PM.

Sara LeMaster
Task Force Staff

