

Statewide Domestic Violence Initiatives

New Court Seeks to Prevent Domestic Violence

By Hon. Richard Halloran



The Third Judicial Circuit Court in Wayne County has been awarded a Department of Justice, Office on Violence Against Women grant to establish a new domestic violence prevention court. The mission of the new Solution Oriented Domestic Violence Prevention Court (SODVPC) is to fill the gaps left by the current personal protection order (PPO) system by using a solution-oriented approach to the issue of domestic violence in family division cases.

Domestic violence has become an epidemic in Michigan and across the United States. As reported by the Michigan State Police, victims of domestic violence in Michigan totaled 101,388 in 2007, with 29,793 of those in Wayne County.

In the entire southeastern Michigan tri-county area, 8,243 victims of domestic violence are from Oakland County and 7,071 from Macomb County. This means 44 percent of all reported victims of domestic violence in the state resided in the tri-county area.

The court currently has a civil PPO docket meant to serve the needs of domestic violence victims. In 2008, the PPO docket alone processed 9,319 new cases. Some of these are true instances of domestic abuse. Domestic abuse is the use of power and control over your partner. All cases of domestic abuse constitute domestic violence, but not all cases of domestic violence involve abusive, controlling behavior.

The SODVPC is designed to provide a comprehensive response to family division domestic violence cases in which allegations of domestic abuse, power, and control are made between current or former intimate partners; there is a high risk of recurring violence, stalking, or lethality; and the litigants could benefit from the enhanced services of the SODVPC.

With the addition of the SODVPC, our goals are to increase the safety of victims of domestic abuse and increase offender accountability during the court process by investing in a strong coordinated community response, creating a unified case management

system, stressing judicial monitoring, and increasing safety within the court building.

Giving petitioners the opportunity to participate in the SODVPC will provide and promote victim safety and enhance the prevention of domestic violence. Giving the court access to a trained and dedicated domestic violence prevention staff and specially trained judges provides the court resources for extended judicial monitoring and access to a coordinated community response beyond that available in the current system. To achieve this, we will be working with domestic violence organizations and service providers in the area.

Cases before the SODVPC may also include litigants with substance abuse problems or mental health concerns, or those who have previously shown disregard for court orders or are facing allegations of sexual assaults or forced or coerced sexual contact. Other cases may involve litigants who have allegedly used weapons to perpetuate the cycle of violence, or those with ongoing litigation in a criminal court or a past violent history.

In essence, the court hopes the SODVPC will transform the routine processing of PPOs into a full-service refuge for survivors of domestic abuse. ■



Judge Richard Halloran has served on the bench since 1990 as a magistrate and district judge of the 36th District Court and, since 1998, in the Family Division of Wayne County Circuit Court. He has written articles, served on various boards, and taught classes on the subject of domestic violence. He spearheaded the application for the SODVPC grant from the U.S. Department of Justice, Office of Violence Against Women.

Preventing the Unnecessary Entry of Children into Foster Care

THE WORK OF THE DETROIT CENTER FOR FAMILY ADVOCACY

By Vivek S. Sankaran



A young mother of three endures abuse at the hands of the children's father. Her children repeatedly witness the violence in their home and describe it to a school teacher, who in turn places a call to Child Protective Services (CPS). A CPS investigator arrives at the home the next morning with a plethora of questions for the mother and her children. Have the children been hit? Did they observe the beatings? What steps has their mother taken to protect them? An adversarial conversation ensues. Unsatisfactory answers may lead to tragic consequences—the removal of the children from their home.

Historically, the child welfare system has viewed battered women with skepticism. Blaming the victim for the domestic violence, the system has intervened by placing the children in foster care, which inevitably inflicts unnecessary emotional harm on the children and increases the likelihood the children will never return home. Many commentators have criticized the child welfare system's approach to domestic violence cases.

This flawed approach, however, does not need to be our reality. What if, rather than intervening by removing the children from the home, the child welfare system offered the victim assistance in providing her children with a safe and more stable home? What if the system offered her the assistance of an attorney to obtain a restraining order? What if the system made available housing for her to escape the abusive relationship? What if the system provided her with counseling to help her escape the cycle of violence? These alternative possibilities would help remove the danger rather than removing the child from a nonabusive parent.

The Detroit Center for Family Advocacy (CFA), an initiative of the University of Michigan Law School's Child Advocacy Law Clinic, aims to do this by providing families with legal and social work advocacy to prevent the unnecessary placement of children in foster care. The CFA provides parents with the assistance of an attorney, social worker, and parent advocate who work as a team

to formulate a plan to address safety risks, while at the same time preserving the child's placement with the nonabusive parent. For example, while the attorney helps the domestic violence victim obtain custody over her children, the social worker and parent advocate link the parent to resources such as a transitional housing program, educational assistance, or a job training agency and provide her with emotional support. This multidisciplinary approach ensures that the needs of the client and the children are met, thereby obviating the need for CPS involvement.

Since opening in July 2009, the CFA has served approximately 250 children in a variety of cases. Cases are referred to the agency primarily by the Michigan Department of Human Services, and a comprehensive evaluation of the center's work is underway. Preliminary indications suggest that this holistic approach may yield solutions that can safely keep the child with the nonabusive parent, thereby eliminating the unnecessary trauma that would be created by the child's removal from the home and entry into foster care.

For more information about the CFA, visit <http://www.law.umich.edu/centersandprograms/ccl/cfa/Pages/default.aspx/>. ■



Vivek S. Sankaran is a clinical assistant professor of law in the Child Advocacy Law Clinic at the University of Michigan Law School and directs the Detroit Center for Family Advocacy. Prof. Sankaran sits on the Steering Committee of the ABA National Project to Improve Representation for Parents Involved in the Child Welfare System and was recently appointed by the governor to the Child Abuse Prevention Board.

Domestic Violence Court—55th District Court

By Hon. Thomas P. Boyd



Program Description

Domestic assaults, unlike most simple assault cases, are too often a sign of deeper problems and a precursor to something much more dangerous. Eighteen percent of all Michigan homicides in 2010 were related to domestic violence.¹ Court programs can intervene in domestic relationships to prevent escalation of violence. This article briefly describes one such program.

In October 2006, the 55th District Court for Ingham County initiated the Fast Track for Domestic Violence. The Fast Track was the first step toward building a domestic violence (DV) court similar to those in neighboring communities. In an effort to keep victims safe, the Fast Track and now the DV court expedite domestic violence cases using a coordinated approach to address DV cases more effectively and achieve consistent results. The current DV court was inaugurated in 2009 with the institution of judicial compliance review hearings and the assignment of all DV cases to the same judge (and, eventually, the same probation officer). The DV court implements specific procedures at three important stages of the proceedings.

Arraignment/Pre-Trial

A conditional bond is issued at arraignment on all DV charges. The bond includes a no-contact order with the alleged victim.² This no-contact condition will generally remain in place until the case is resolved. Defendants are told that if they violate the no-contact order they will be immediately arrested or may be held in contempt of court and face up to 93 days in jail. The case is set for the next available pretrial date (within 14–21 days) and jury selection (within 30 days). The defendant is required to enroll in a mandatory batterers' intervention program (BIP) within 24 hours of pleading or being found guilty. A bench warrant may be issued if the defendant fails to enroll immediately or fails to appear at a session. These requirements provide incentive for the defendants to successfully modify their behavior.

Sentencing

A coordinated community response is the most effective way to combat domestic violence and protect victims. The court works with local BIP providers. These providers produce a domestic violence assessment (DVA) for each defendant in lieu of a presentence report. The DVA is used to craft a highly individualized sentence that will include batterers' counseling and may include drug or alcohol counseling (or both), community service, jail time, and fines and costs.

Review Hearings

Repeat offenders are ordered to participate in judicial compliance review hearings. Defendants report to court weekly, with judicial compliance review hearings held usually on alternate Fridays. At each hearing, the judge is given reports from the probation officer and BIP counselor(s) highlighting positive achievements as well as areas in which the defendant needs improvement. This is a zero-tolerance probation. Each and every violation has a consequence. The goal is behavior modification through successful completion of counseling, probation, and intensive judicial oversight.

A national study evaluating domestic violence cases indicates that when a BIP is coupled with periodic judicial compliance review hearings, defendants achieve better success rates. Defendants involved in the study were found to be more likely to comply with referrals to counseling programs and probation conditions because they were faced with review hearings.³

Conclusion

The 55th District Court implemented its DV court in two phases. Recidivism statistics are not yet available. However, offender accountability has been greatly increased. All program enhancements were made with existing resources.⁴ Any district

court judges interested in additional information about this program should contact me directly. ■

Photo by David Trumpie, Trumpie Photography



Judge Thomas P. Boyd was appointed to Ingham County's 55th District Court in July 2005 and elected to continued service in 2006 and 2008. He was an assistant attorney general from February 1995 until taking the bench. Judge Boyd earned a BA from James Madison College at Michigan State University in 1985 and a JD from Wayne State University Law School in 1990.

The Family Connection Center Supports Safe Parenting in Howell

By Carole Church



In 2009, Livingston County received a Safe Havens grant from the U.S. Department of Justice Office on Violence Against Women (OVW) to offer supervised parenting time and a safe exchange center for families with a history of domestic violence. The center is called The Family Connection Center (TFCC). Besides TFCC, the grant supports coordination of services for these families within the community.

A collaborative team worked on this grant. The team was led by Hon. Carol Hackett Garagiola, Livingston County Probate Court chief judge and 44th Circuit Family Court judge, and included domestic violence organization LACASA and supervised parenting time provider The Livingston Family Center.

TFCC is now open in Howell. Its policies and procedures are carefully designed using a set of guiding principles from OVW to consider complex situations in families with domestic violence history, keep both children and adult victims safe, and support the development of positive relationships between parents and children. For example, there is no contact between parents at TFCC. In addition, arrivals and departures are staggered, and parents park, enter, and wait in separate areas. Security is in place to address incidents that may occur, and visit monitors are trained to support positive interactions while being alert to any continuing patterns of abusive behavior. TFCC offers a more supportive and safer alternative to other supervised parenting arrangements, such as using family members whose close involvement and lack of perspective about domestic violence can contribute to increased risk.

FOOTNOTES

1. Michigan State Police Criminal Justice Information Center, Michigan Incident Crime Reporting (MICR) [preliminary counts for 2010, as of February 4, 2011] (on file with author).
2. Public Act 53 of 1993; MCL 765.6b(1).
3. See Judicial Oversight Demonstration Initiative, *Judicial Review Hearings: Keeping Courts on the Case 2* (2006), available at <<http://www.vera.org/download?file=141/Judicial%2Breview%2Bhearings.pdf>> (accessed August 6, 2011); Visher, Newmark & Harrell, Urban Institute Justice Policy Center, *Final Report on the Judicial Oversight Demonstration Volume 2: Findings and Lessons on Implementation* 148 (2007), available at <<https://www.ncjrs.gov/pdffiles1/nij/grants/219383.pdf>> (accessed August 6, 2011).
4. There may be grant funds available through either state or federal programs. However, grant money is not required to get started and make a difference. The 55th District programs have all been implemented within existing resources.

Coordination with other services and support in the community provides an opportunity to build knowledge of the nature and dynamics of domestic violence and tactics used by batterers. It also helps to minimize the batterers' ability to use the system as part of a pattern of abuse, and instead provides a consistent message that battering behavior must stop.

Having a center like TFCC helps the courts allow parents and children to see each other in a safe setting, while parents who have perpetrated domestic violence participate in important services like batterer intervention and parenting classes. The goal is to keep families safe. Visits without incident are to be expected in a supervised, neutral setting, but they should not be considered evidence of change. Successful participation in other services, such as batterer intervention, can demonstrate that changes have been made.

Similar centers are available in other Michigan counties. The Michigan Domestic Violence Prevention and Treatment Board also received a Safe Havens grant, which funds three centers—Washtenaw, Saginaw, and Grand Rapids. A center is also opening in Ingham County, and planning grants are in progress in other counties. ■

Carole Church, JD, MBA, MSW, is a family attorney, mediator, and social worker who is currently serving as project coordinator for the Safe Havens grant in Livingston County. In addition to Safe Havens, she supports projects for the county's National Council of Juvenile and Family Court Judges Model Court, which is a collaborative community effort to improve services to families involved in child protection and juvenile justice cases.

Specialized Services for Survivors and Perpetrators of Battering

By Mary M. Lovik



The Michigan Domestic Violence Prevention and Treatment Board is a legislatively created, governor-appointed body that funds domestic violence advocacy agencies serving each Michigan county. These agencies offer emergency shelter and 24-hour crisis lines. Additionally, they employ specialized staff who provide confidential counseling and safety planning to both resident and nonresident survivors. Other services for residents and nonresidents include transportation assistance, advocacy with social service agencies, help locating permanent housing, children's services, referrals for health care or legal assistance, and support at court proceedings. A listing of these agencies is available at www.michigan.gov/domesticviolence (click on "Michigan's Resource Directory").

Batterer intervention services provide opportunities for change to those who purposefully use ongoing violence and other coercive tactics to control their intimate partners. Although some individuals participate voluntarily, courts frequently order batterer intervention as a probation condition for persons convicted of misdemeanor domestic violence crimes. Some family courts also require batterer intervention for perpetrators involved in child custody cases.

Batterer intervention focuses on safety for survivors and other family members as it works to hold perpetrators accountable and provide opportunity for change. Where ongoing coercion is at issue, batterer intervention is safer than couples counseling, alternative dispute resolution, and other interventions that require cooperative participation. Such interventions endanger survivors by requiring them to disclose information that batterers may later use against them or by bringing the parties into physical proximity, creating opportunities for violence. Cooperative interventions may also implicitly communicate to the parties that the survivor has some responsibility to facilitate change in a batterer's behavior, when it is solely the batterer who controls the choice to use violence.

Batterer intervention is likewise preferable to interventions focusing on deficits in skills like communication, parenting, or anger or stress management. Learning these skills will not address the dynamic of coercive control that characterizes domestic violence unless it occurs within a program that also focuses on accountability for abuse. Some batterers may already possess communication, parenting, or anger/stress management skills but choose not to use them, or choose to use them in selected situations when it is to their advantage.

Finally, addiction therapy is no substitute for batterer intervention because it does not address issues with violence. If both types of intervention are needed, a batterer's substance abuse therapist must understand the dynamics of coercive control; otherwise, the two interventions may work at cross purposes. For example, addiction treatment plans may ask family members to provide insight into the effects that substance abuse has had on them, which may place them at risk of harm from a batterer.

Michigan has adopted standards for batterer intervention services for men, available at <http://www.biscmi.org>. The Batterer Intervention Services Coalition of Michigan is a nonprofit organization of providers seeking to offer services consistent with these standards. This organization can be contacted for information about programs for both men and women who use violence. The domestic violence service agencies described above may also have such information. ■

Mary M. Lovik is a staff attorney at the Michigan Domestic Violence Prevention & Treatment Board, where she assists state and local agencies with policy and training initiatives addressing domestic violence. Her published writings include the first and second editions of Domestic Violence: A Guide to Civil & Criminal Proceedings, a judicial benchbook published by the Michigan Judicial Institute.