Court Innovations in Domestic Violence Cases

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Acknowledgments

The Alaska Court System has worked for the past ten years to increase justice for all participants in the courts that handle domestic violence. Many of its actions have focused on improving the ways it handles these cases, to increase the safety of victims and children, to speed the court's responses, and to better serve the public. The court invited the Alaska Judicial Council to independently evaluate three recent projects: an advocate for domestic violence petitioners, a Family Law Self Help Center facilitator to help parents sort out the child visitation and custody issues often associated with domestic violence petitions, and case management software to improve judicial and public access to information about these cases.

The Judicial Council called upon many people in the court and community to assist it in the evaluation. The court provided data from its files, assistance with the mechanics of the work, and a staff very willing to discuss the projects throughout the evaluation. Court staff eased the Council's work at every step. Susanne Di Pietro managed the program for the court system, Masters Cole and Wells offered helpful perspectives throughout, Area Court Administrator Wendy Lyford provided data and coordination, and the Domestic Violence staff made files and working space easily available. Staff from the Family Law Self Help Center and from AWAIC (Abused Women's Aid in Crisis) contributed information throughout. The University of Alaska Justice Center through Dr. Darryl Wood created a detailed and careful analysis of the data compiled by the Council's staff. We deeply appreciate all of the effort and thought that has gone into this report, and hope that its readers find it useful in many ways.

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Summary of Report and Findings

The Alaska Court System requested funds from the United States Department of Justice in 2002 to try innovative ideas in the Anchorage court that responded to needs of participants in domestic violence cases and the court staff who handled the cases. Among the ideas funded by this project and evaluated in this report were an advocate for petitioners, a family law facilitator for parents in these cases, and improvements to the state's court management system for domestic violence cases. The court asked the Judicial Council to evaluate a set of outcomes for the advocate and facilitator, and to assess the effectiveness of the new case management software designed for this program.

The present evaluations showed some modest successes for the new projects, but some expected outcomes were not achieved. The limited time for their evaluation may mean that longer-term assessments of the projects' effectiveness would show more definable improvement in outcomes. At a minimum, some of the analyses suggested that the amount of subsequent criminal and civil domestic violence declined for the petitioners during the test years of 2003 and early 2004. On the other hand, the likelihood that a domestic violence petition would result in a long term order did not change. The analyses showed that several factors, some unexpected, were somewhat related to the issuance of long term orders. These included the identity of the judicial officer handling the case, whether the respondent had an attorney, and the gender of the petitioner.

The interviews conducted among stakeholders in the projects suggested that both projects provided significant new services and improved existing services to participants in domestic violence proceedings. Court staff, judicial officers, and petitioners all valued the advocate's assistance with preparation of petitions, motions, and other petitioner support. The family law facilitator position worked largely with the two domestic violence specialist judicial officers, and assisted many parents with plans for custody, visitation, and other child-related issues. The interviews suggested that some of the unexpected findings from the data, such as an increase in requests for modifications, reflected improvements in the process closely related to the work of the advocate and the facilitator.

The Judicial Council suggested that the court continue to assess the value of each of these projects over the next several years to determine whether the trends found in this analysis continue into the future. It will evaluate the case management system innovations when they are in place in the next year.

Part I:
Introduction

A. Background

The Alaska Court System requested funds from the United States Department of Justice in 2002 to try innovative ideas in the Anchorage court. The new projects would respond to needs of participants in domestic violence cases and the court staff who handled the cases. This report evaluates a court advocate for petitioners, and a family law facilitator for parents in these cases.

The report describes the advocate and facilitator programs, and gives the results of the interviews and data analysis carried out for these projects. The Court has not completed its installation of the case management software. The Council will complete its evaluation of the case management innovations when the software becomes available.

B. Domestic violence cases in the Anchorage court

1. How cases got to court

The Alaska Court System's report for fiscal year 2004 showed 3,479 civil petitions filed for protection against domestic violence or stalking.[1] Petitioners may learn about the court process through word of mouth, contact with an advocacy group, the court, or law enforcement. In Anchorage, petitioners go to the Boney Court Building at any time to file a petition, typically for a short-term order protecting them against further domestic violence for twenty days. Forms and information about filing a domestic violence petition are on the court system web site.[2]

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[1] See *2004 Annual Report*, Alaska Court System, at S-60. An additional number of cases involved criminal charges of violence, stalking, violation of a protective order or other domestic violence related offenses. This report deals primarily with the petitions for protective orders that are filed in district court. The Anchorage district court had 2,994 domestic violence cases in fiscal year 2002 and 3,174 cases in fiscal year 2003.

[2] Go to http://www.state.ak.us/courts/forms/dv-150.pdf.

2. The first stages of the court process

When petitioners come to the Anchorage courthouse between the hours of 8:00 a.m. and 9:00 p.m., they are directed to the domestic violence section on the first floor of the building.[3] There, a clerk helps the petitioner complete the forms needed to ask for a "twenty-day" or "ex parte" order.[4] Generally the petitioner asks that the judge prohibit contact by the respondent. Once the petitioner has filed the paperwork, the clerk schedules an ex parte hearing at the earliest opportunity. The respondent does not receive notice at this stage of the process. If a judicial officer is available, the petitioner can have the request heard relatively quickly.

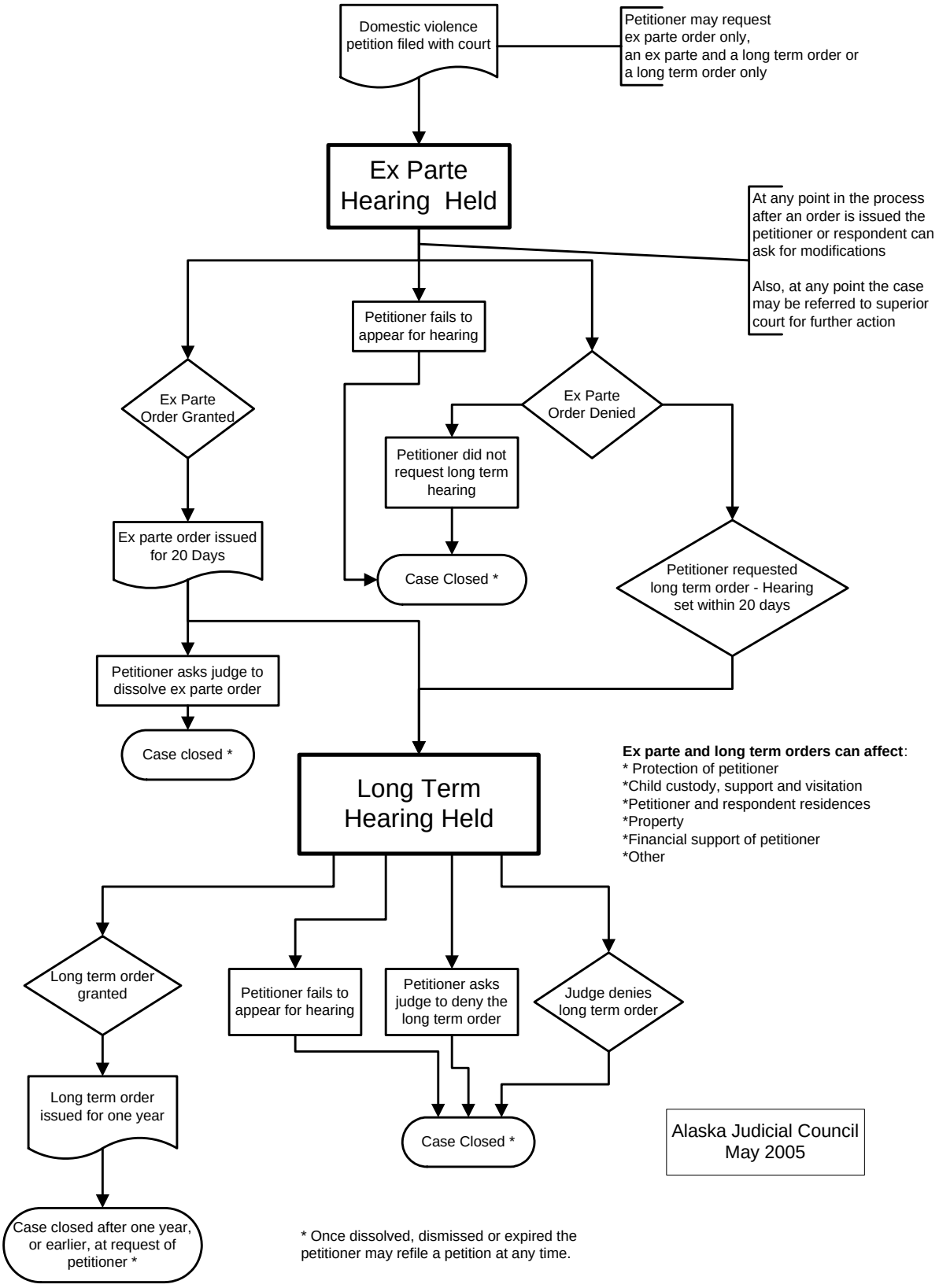
The flow chart below (Figure 1) shows the events that occur and the possible outcomes at each stage. At the ex parte hearing, the judge either grants (usually) or denies the petition (much less frequent). The ex parte order that grants the petitioner's request applies for twenty days from the date of the order. Typically, by the end of the ex parte hearing, a long term hearing is scheduled for a date within the next twenty days so that the petitioner can obtain longer-term protection. At the ex parte hearing, the judge can make arrangements for child custody, housing, support, and other matters. The advocate position evaluated in this report typically works with petitioners at this early stage of the process, and may continue to work with petitioners after the ex parte hearing.

[3] Hours for the domestic violence office are noon to 9:00 p.m. on Saturdays and Sundays. If a petitioner needs a protective order at another time, she/he may call the police who can issue a 72-hour protective order over the phone. Then the petitioner must go to the courthouse during the regular hours for the usual process to obtain longer term relief.

[4] Practitioners in domestic violence cases use a sometimes confusing array of terms to describe the events in the domestic violence court process. In this report, the first hearing is referred to as the "ex parte" hearing (a Latin term for "without the other party," meaning that the other person in the case does not have to be notified). Other people also use the terms "short-term hearing," or "twenty-day hearing" (because the protective order granted is in effect for only twenty days) to mean the same thing. The long term order is sometimes referred to as the "six-month order" (during the period of this report, when the order could only last for six months). To reduce confusion for the purposes of this report, the words "ex parte order" will be used for the order granted at the ex parte hearing. The words "long term" will be used to refer to the hearing at which a lengthier period of protection was granted, and also for the order granting the longer protection.

Figure 1

Domestic Violence Protective Order Process



3. Later stages of the court process

After the ex parte order is granted and the long term hearing set, one of several events can occur. The petitioner can ask to have the ex parte order dissolved, which cancels the long term hearing. The petitioner's ex parte order can become part of an ongoing or newly filed superior court case (typically, child custody, divorce or dissolution) that will provide a more permanent resolution to the issues in the case. The petitioner can miss the long term hearing without notifying the court which results in closure of the case. If the petitioner goes to the long term hearing, he or she can ask to have the case dismissed, or the judge can deny the long term protection order or (most commonly) can grant the long term order. The long term order then applies for as long as one year.[5]

The advocate may continue to work with petitioners between the ex parte and long term hearings. The facilitator typically reviews the list of petitioners scheduled for long term hearings, and contacts those who have children at this point in the process. Again, she may continue to work with petitioners up to, during and after the long term hearing.

After the judge grants a long term order, the petitioner (or respondent) may ask to have it modified or dismissed during the time that it is in effect. Among the types of modifications requested are changes in visitation schedules and child support. Petitioners (and respondents) also may ask to have the terms of the long term order changed in other ways, and they may ask to have the entire order dissolved (dismissed).[6] The order automatically expires at the end of one year, but the petitioner may return to court at that time and ask for a new order.

[5] During the years evaluated in this report, the long term order only protected a petitioner for six months. The legislature extended the protection to one year in 2004.

[6] Typically a protective (ex parte or long term) order severely restricts contact between the parties. Violation of a protective order is a misdemeanor offense, and the party violating the order – petitioner or respondent – can be charged with the crime. If the petitioner wishes to return to greater contact with the respondent, the court must dissolve the protective order or modify it to reflect new conditions.

Part II:
The Projects

The Council began its evaluation in June 2004, after reviewing with the court the outcomes that the court was expecting, and the methodologies that the Council planned to use. The two primary projects that the Council's evaluation focused on, and that are reported here, were the advocate and the facilitator. The description here draws from the grant application and other documents to show what the court planned to implement. The data reported later in this evaluation show participants' views from interviews about how the projects were actually implemented, and the statistical analysis of outcomes shows the events during the evaluation period associated with putting these projects into effect.

It is useful to note, throughout the report, that only one person has served as advocate, but several people have held the facilitator position. The advocate, who had about seven years' experience with similar domestic violence roles, started work in the position in November 2002. Three facilitators worked in the position during the grant period. The first was hired in December 2002, spent about four months in training and observation, and facilitated cases from March to June 2003. The second began work in July 2003 and left in mid-2004. The position remained open until late November 2004, when the third facilitator was hired and trained in divorce, child custody and domestic violence procedures. The third facilitator was handling cases at the time of this report's publication.

A. The advocate

"An advocate will be added to AWAIC's (the Anchorage women's shelter)[7] staff to work with victims at the shelter and come to court to help prepare the parenting plans in conjunction with the facilitator."[8] This brief statement of the advocate appeared in the grant abstract. Later discussions

[7] Abused Women's Aid In Crisis.

[8] Grant application number 2002-X0855-AK-WE, at 2, "Abstract."

expanded the definition of the advocate's role. The grant said that the project will "strengthen legal advocacy programs for victims of domestic violence."[9] It noted that the

> shelter-based advocate . . . will do intake with the parties at the time of hearings to help the court narrow down the issues in dispute and enter orders that will be less likely to require subsequent modification. These improvements will increase the likelihood of entering effective orders the first time around, minimize the confusion that frequently occurs, and ultimately facilitate the enforcement of orders once they have been entered.[10]

The grant suggested that success of the advocate's work could be measured by seeing whether the number of modifications of orders requested after long term hearings was reduced, and whether the number of repeat protective order filings by one victim was reduced.[11]

In May 2003, Judicial Council staff met with court planners responsible for work under the grant.[12] At that meeting, court staff said that they expected the advocate's work to have an effect in only the civil domestic violence cases, not in the criminal cases. Staff said that they wanted to see a reduction in the number of motions, and hoped that reaching out to petitioners between the granting of the ex parte order and the scheduled long term hearing would help that reduction. A May 2003 email from one of the court staff most responsible for developing the plan stated: "This person hopefully will help victims to receive more referrals and more support so that the number of repeat filings will drop. . . ."[13] Court staff hoped to require that each petitioner had talked with the advocate before the long term hearing, and they hoped to increase the number of cases in which the petitioner sought a more permanent solution – divorce, dissolution, or child custody order – in the superior court.

Later discussions with court staff during March 2004 clarified their expectations of the advocate's role, in part to distinguish it from the work expected to be done by the family law facilitator. In one discussion, court staff said that the advocate "only deals with people whom she thinks are victims. She is more of an advocate [than the family law facilitator]."[14] A consultant's

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[9] *Id.* at 5.

[10] *Id.* at 6.

[11] *Id.* at 12.

[12] AJC Notes from May 15, 2003 meeting with court staff.

[13] *Id.*

[14] AJC Notes from March 16, 2004 meeting with court staff.

report[15] described the advocate's work as including "the outreach to victims in the period between the issuance of the ex parte order and the long term hearing. The full-time advocate could coordinate with the evening volunteers [volunteer advocates] to gain necessary background and contact information, and then outreach to the petitioners." The report goes on to say that increased follow-through by the advocate could greatly increase the likelihood that victims will obtain a long term order. Victims also might make use of other services, to which they were referred by the advocate, that could create more permanent resolutions.

In summary, the initial expectations from the court were that the advocate would be:

- shelter-based;
- focused only on civil domestic violence petitions;
- assisting victims at several stages of the process, but particularly between the ex parte hearing and the long term hearing;
- increasing the number of ex parte orders in which the victim eventually obtained a long term order;
- decreasing the numbers of modifications requested by helping petitioners prepare better focused petitions;
- increasing the number of cases in which victims sought a more permanent solution in superior court;
- reducing the number of repeat filings by the same couples; and
- well-coordinated with the facilitator's work.

B. The family law facilitator

"Alaska Court System will place a facilitator . . . in its new Family Law Self Help Center . . . to help prepare parenting plans, based on intake information at the time hearing, to assist the court's efforts to enter effective orders that will serve victims meaningfully."[16] The grant abstract also noted that the advocate will "come to court to help prepare parenting plans in conjunction with the facilitator." The grant itself specified that the facilitator would work with the advocate to develop "intake and possibly other forms to assist victims in developing proposed custody, visitation, and child support orders," and "will serve as an innovative model [for other jurisdictions] of enhanced court service to domestic violence victims."[17] Among the expected outcomes from the facilitator's

[15] Emily J. Sack, *Report on Domestic Violence Practices and Services of the Anchorage Court System and Its Partners: Assessment, Evaluation and Recommendations*, June 9, 2003. Available from the Alaska Court System.

[16] Grant Application, *supra* note 8, at 2.

[17] *Id*. at 11.

work were more "child support orders entered in protective order cases," fewer "modifications requested after six month hearings," and fewer "repeat protective order filings by one victim."[18]

At the May 2003 meeting with court planners, the court noted that it expected that the facilitator would contact every party with children beforehand or at the long term hearing. The contact would result in resolution of many situations without motions to modify or dissolve after the long term order had been entered. In the follow-up email to that meeting, court staff suggested that measures of success for the facilitator could include "[h]as this person helped to develop more child support orders and more individually-tailored custody and visitation orders. Also, have victims gotten better access to divorce/custody proceedings."[19] The court staff suggested measuring the number of modifications, the number of parenting plans, the number of child support orders, and the number of domestic violence-related calls to the Family Law Self Help Center.

In her June 2003 report, the court's consultant did not address the facilitator position at any length. She noted that the position had only recently been filled, and that its purpose was to "focus on domestic violence protective order cases."[20] The consultant added that the facilitator "role was still being defined."[21] At a March 16, 2004 meeting, court staff characterized the family law facilitator as "only work[ing] with people with kids," distinguishing the position from the advocate who "will help anyone." The facilitator also was expected to "talk to both petitioner and respondent."

The Supreme Court's Domestic Violence Committee described the work of the facilitator in its October 2004 report[22] as "primarily handles protective order cases with children. The facilitator attempts to make personal contact with each party before the six-month [long term] hearing in order to explain custody/visitation resources and options, and attends all six-month hearings to receive in-court referrals." The report continues on to say that the facilitator "flags related files, collects child support information, and drafts proposed child support and custody/visitation orders for the court's use."

In summary, the initial expectations from the court were that the facilitator would be:

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[18] *Id*. at 12.

[19] Email from Master Jennifer Wells to court and evaluation staff, May 15, 2003.

[20] Sack, *supra* note 15, at 66.

[21] *Id.*

[22] *Supreme Court Domestic Violence Committee Report, October, 2004*, at 27-28. Available from Alaska Court System.

- based at the Family Law Self Help Center;
- working only with petitioners and respondents in cases that involved children;
- contacting petitioners and respondents between the ex parte hearing and the long term hearing (or if necessary, at the long term hearing);
- working with parents to develop parenting plans, child custody orders, child support orders, referrals to superior court, and referrals to other related resources.

Part III:
Description of the Evaluation

A. Data collection

The court system asked the Judicial Council to look at the long term hearings that petitioners (and/or respondents) attended to see whether the outcomes of those hearings had changed after the court began the two new programs. The Council chose to use cases handled during 2002, the year before the programs were implemented for baseline data about what happened in long term hearings. To look at the effect of the new programs, the Council chose cases in 2003 (from March on) and a few cases in early 2004. Part IV, Section A describes the selection of the cases used in this evaluation from the much larger numbers of domestic violence civil petitions filed in the Anchorage courts.

The Council designed an ACCESS database for compiling the types of information that could help understand both what had happened during the different years, and why it had happened. The database included demographic information about the petitioner and respondent, information about children involved in the case, and limited data about the events in the incident leading to the petition (e.g., Was a weapon involved? Were children present?). The data compiled also included information about the ex parte protective order, about the long term protective order, about the long term hearing, about motions to modify or dissolve the protective order, and about hearing lengths (a list of variables is attached as Appendix B).

To collect these data, the Council employed two research assistants to record data from each selected case that met its criteria. The research assistants took about six weeks to look through each of the 1,072 cases and enter the data from them directly into the computerized database. The Council's Research Analyst trained the research assistants, monitored their work, and prepared the data for analysis. The Council used the UAA Justice Center staff for the majority of the analyses reported here.[23]

[23] D. Wood, "Court Processing of Domestic Violence Protection Orders in Anchorage, Alaska," June 2005. University of Alaska Anchorage Justice Center. Dr. Darryl Wood's analysis is included in this report as Appendix A.

The Council also compiled information about the petitioner's and respondent's prior civil and criminal domestic violence cases with each other, and about subsequent civil and criminal domestic violence cases, after the date that the ex parte petition was filed. The data for that part of the analysis came from a separate review of cases using the court system's case management system, and paper files for criminal cases.

B. Interviews

The evaluators and court agreed that interviews would be conducted to determine whether the grant-funded programs were put in place, and if they were, whether they achieved the desired results from court administrators' standpoints. It was not anticipated that the interviews would yield qualitative data sufficient for statistical analysis. Instead, the interviews were designed to solicit information about perceptions of project implementation and outcomes. Interviewers sought to elicit a variety of perspectives from the interviewees.

After consultation with the court, the evaluators identified a sampling of those persons who were active participants in the domestic violence criminal justice process and who had some significant involvement in the advocate and facilitator projects. The evaluators chose interviewees from several groups of interest including: judicial officers who presided at domestic violence protective order hearings, court administrators, family law self help center staff, court staff in the domestic violence unit, and AWAIC staff. Early interviewees were asked about appropriate persons to contact for additional potential interviews. There was a limited pool of persons who met the criteria for interviews and who were willing or available to participate.

Evaluators developed questions that focused on the following areas: interviewee background, perceptions of project concept, implementation, efficacy, outcomes, and suggestions for improving the project and the handling of civil domestic violence cases generally. After initial questions were developed, they were reviewed by the entire research team and revised. The questions were then reviewed by the grant coordinator at the court and revised according to her suggestions. Last, several trial interviews were conducted and the questions were again revised.

Initial interviews were conducted between November 2004 and April 2005. Sixteen interviews were completed. One interviewer conducted all sixteen interviews in person for consistency. Each interviewee was assured confidentiality to the extent possible with such a limited pool of persons involved in the project. After explaining the purpose of the interviews and the interview process, the interviewer asked each interviewee the same questions in the same order. Interviews usually took from forty-five to ninety minutes, depending on the length of answers from the interviewees. Interviews were not recorded by electronic means but were recorded by hand. These interview notes were transcribed as soon as possible after the interview.

After the qualitative data analysis was complete, the interviewer and one other member of the research team conducted several focused follow-up interviews to solicit perceptions about the findings. Several additional follow-up questions were asked via telephone and electronic mail. These responses appear in the discussion section.

Part IV:
Analysis of the Data

A. Selection and distribution of cases

The Council began selecting cases by reviewing about two-thirds of the universe of civil domestic violence cases filed between January 1, 2002 and mid-February 2004. Of these cases, Council staff screened 6,103.[24] Staff went to the shelves that held the paperwork folders for each domestic violence petition filed, and looked into each case file to see whether the case met the Council's criteria defined for the evaluation:

- The relationship had to have been between intimate partners or former intimate partners;[25]
- The petition was for a domestic violence protective order, rather than for a newly created Stalking protective order.

1. Distribution of screened cases

Sixty-seven cases involved only emergency orders for 72 hours, or medical orders. They were not included in this data set. Of the remaining 6,036 cases, 1,394 (23%) did not meet the two criteria above, leaving 4,642 cases for further screening. Table 1 and Figure 2 show basic data about the distribution of the 4,642 cases that met the Council's criteria for the correct relationship and type of petition.

[24] A detailed memo on the case selection process is available from the Judicial Council (dated January 12, 2005) that discusses cases not on the shelves and therefore not easily available for review, cases screened but not used in the case selection process, and cases not screened for various reasons. About 107 cases were not on the shelf. These cases could have differed in some important way from the cases on the shelves, but because they constituted only 2% of all of the cases, their inclusion would not be likely to have affected the data analysis significantly.

[25] The statute defined domestic violence to include a variety of relationships. To meet the requirements of the grant and the proposed project, only couples with an intimate relationship were included in the analysis.

Table 1 Distribution of Screened Cases, 2002-2004			
	2002	2003-2004	Total 2002-2004
Long Term Hearing Held	**Number of Cases**	**Number of Cases**	**Number of Cases**
Long Term order granted	553 (26%)	652 (26%)	1,205 (26%)
Long Term order denied	100 (4%)	114 (5%)	214 (5%)
Long Term hearing, petitioner req. dismissal	102 (5%)	139 (5%)	241 (5%)
***Subtotal, long term hearings*:**	**755*** ***(35% of 2,148)***	**905*** ***(36% of 2,494)***	**1,660*** ***(36% of 4,642)***
Ex Parte Proceedings Only			
No show petitioner at scheduled long term hearing	633 (29%)	704 (28%)	1,337 (29%)
Ex parte order only**	221 (10%)	257 (10%)	478 (10%)
Ex parte petition denied at ex parte hearing	402 (19%)	479 (19%)	881 (19%)
Ex parte petition filed only, no hearings	137 (6%)	149 (6%)	286 (6%)
***Subtotal, Ex parte Only*:**	**1,393** ***(65% of 2,148)***	**1,589** ***(64% of 2,494)***	**2,982** ***(64% of 4,642)***
Total, DV Cases Reviewed:	**2,148** **(100% of cases screened in 2002)**	**2,494** **(100% of cases screened in 2003-2004)**	**4,642** **(100% of cases on this table)*** **

* *1,072 cases were selected for the evaluation sample from the 1,660 cases.*

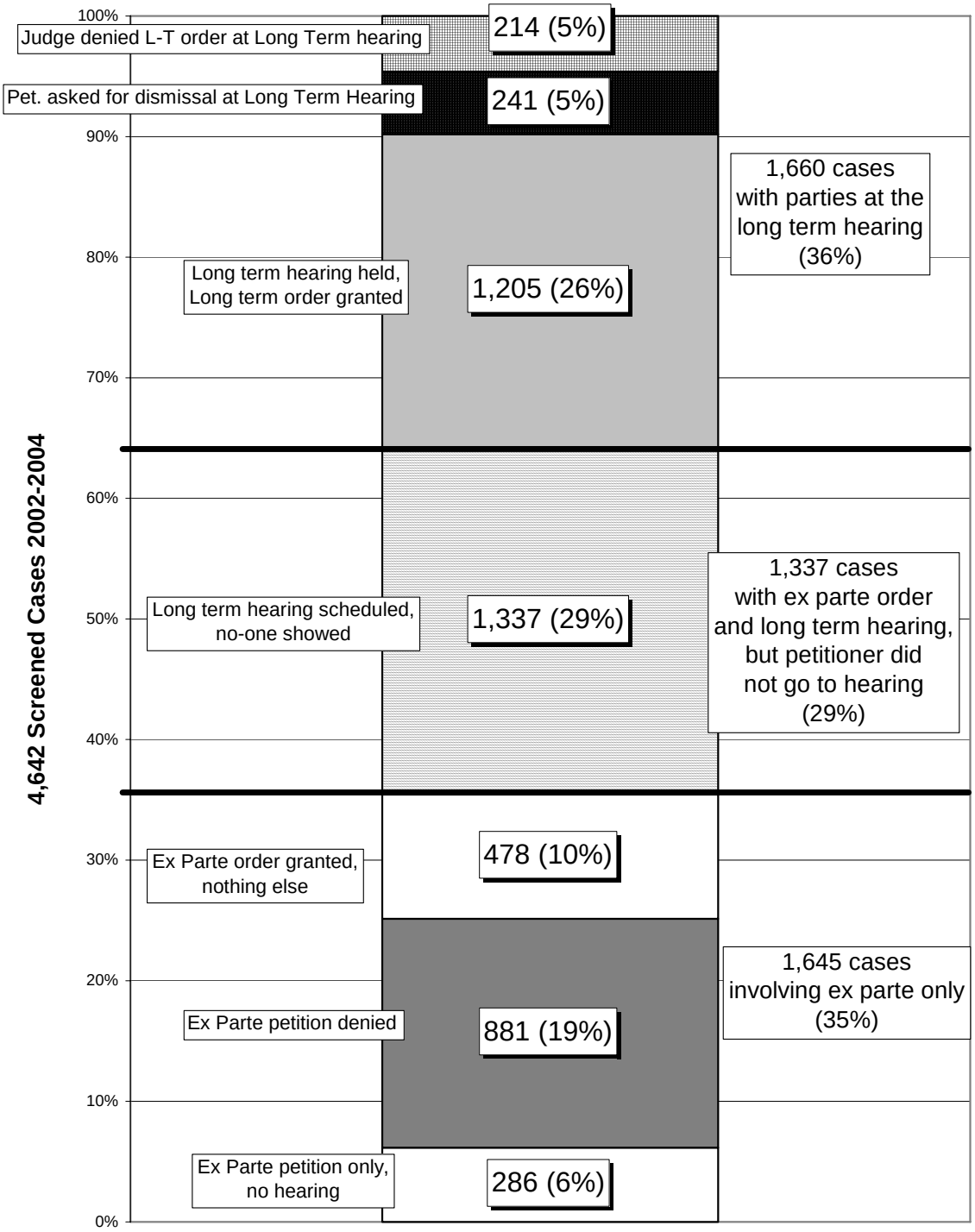
** *A long term hearing was typically scheduled for these cases, but in 478 cases, the petitioner asked to have the ex parte order dissolved (and therefore the long term hearing was cancelled), or the case was reassigned to a superior court judge, or the petitioner did not request a long term hearing.*

*** *A handful of cases - 67 - was excluded from the table because they were emergency or medical orders and would not typically have led to a long term hearing.*

Petitioners appeared for the ex parte hearing most of the time,[26] but judges in 881 cases (19% of 4,642) denied the request for an ex parte order. For those 3,475 cases in which judges granted ex parte orders, the court was particularly interested in encouraging the petitioners to go on to obtain long term orders or have their cases handled in a more permanent forum, usually by having the superior court make decisions in divorce, dissolution or child custody cases. In 478 cases (14% of 3,475), petitioners resolved the case in some other way (see notes, Table 1) and in 1,337 cases (38% of 3,475) the petitioner never returned to court for the long term hearing, with no explanation to the court.

[26] For 6% of the cases, the petitioner never appeared for the ex parte hearing.

Figure 2
Distribution of Screened Cases, 2002-2004



2. Selection of evaluation sample

The Judicial Council's 1,072 case sample was selected from the larger group of 1,660 cases that met the criteria set for the evaluation: parties had the correct relationship, and the case did not involve a stalking protective order. All of the selected cases had a scheduled long term hearing at which the judge, court staff, and one or both parties were present. A total of 501 cases was selected for a comparison group, starting on January 1, 2002, and continuing into October 2002.[27] All of these cases had been filed, and most had been completed, before the project advocate began work in late 2002. For the test group, staff selected cases filed between July 1, 2003, and December 31, 2003. Because there were not enough cases with long term hearings that actually occurred during these six months to meet the goal of 500 cases, staff selected additional test cases from March - June of 2003 and the first six weeks of 2004. The total number of test cases was 571.

B. Council analysis of data from screened cases

The Council collected information about domestic violence case characteristics and dispositions while it was screening the cases. These data were not included in the statistical analysis, but the findings from them are reported below. The screened cases represented the great majority of the civil domestic violence cases filed in the Anchorage court during 2002, 2003, and the first two months of 2004.

1. Cases excluded from the evaluation

Petitions filed by persons who were not intimate partners and petitions for stalking protective orders did not meet the criteria for inclusion in the evaluation. In 2002, this number was 573 (21% of 2,756). In 2003 - 2004, it was 821 (27% of 3,048). The number of cases that did not meet the Council's criteria for inclusion appeared to be increasing, from 21% in 2002 to 27% in 2003 - 2004.[28] A portion of this increase was due to the issuance of stalking protective orders in 2003 and 2004. Those orders were not available in 2002.

2. Cases without a long term order

[27] The original design for the evaluation proposed data collection from the months of April and November 2002 for the cases before the projects began, and from April and November 2003 for the test group of cases after the project began. The screening process quickly demonstrated that long term hearings were so infrequent that a much longer period would be needed to identify enough cases for the samples.

[28] Data from "Tally of Screened Cases for the DV Study," October 2004. Available from the Alaska Judicial Council.

One question asked was what decisions were made by the judge and what decisions were made by the parties, usually the petitioner. For both groups (comparison year and test years) together, the judge denied 881 (19%) of the petitions at the ex parte hearing, and another 214 (5%) at the long term hearing, for a total of 24% of the 4,642 decisions (Table 1). The remainder of the decisions to not seek a long term order appeared to have been made by the petitioners, who did not attend the ex parte hearing (286, 6%), did not appear at the long term hearing (1,337, 29%), or appeared at the long term hearing and asked the judge to dismiss the petition (241, 5%).

Table 2
Changes by Year in Selected Case Dispositions

Cases that had ex parte petition disposition	**2002**		**2003 - 2004**	
Judge denied ex parte order	402	19%	479	19%
Judge denied long term order	100	5%	114	5%
Petitioner did not follow through*	1,093	50%	1,249	50%
Long term order granted	553	26%	652	26%
Total ex parte petitions	**2,148**	**100%**	**2,494**	**100%**

* *No show at ex parte hearing or long term hearing; asked for dismissal at long term hearing*

Table 2 shows that there were no differences between the comparison and test years. The percentage of cases decided by a judicial officer, the percentage of cases in which the petitioner did not follow through, and the percentage of cases in which a long term order was granted were identical in 2002 and in 2003-2004.

3. Denial of ex parte orders

The data about reasons for the denial of ex parte petitions come from a subset of this larger database for all three years. For a subset of 601 cases in which the ex parte petition was denied, the reasons given in the file were that there was either not enough evidence that the petitioner was a victim of domestic violence (299 cases, 50%), or there was not sufficient proof that the order was needed to protect the petitioner from further domestic violence (296 cases, 50%).[29]

The data showed some differences by year in the reasons for the denial of the petition. Of the 329 petitions in the subset that were denied in 2002, 46% were denied because the judge found insufficient evidence that the petitioner was a victim of domestic violence, and 53% were denied because the judge found that there was not enough proof that the petitioner needed the order for

[29] *Id*. In six cases, other reasons were given.

protection from further domestic violence. In 2003-2004, of the 272 petitions denied, judges denied 54% because there was insufficient evidence of domestic violence and 45% because there was not enough proof of the need for protection from further violence.

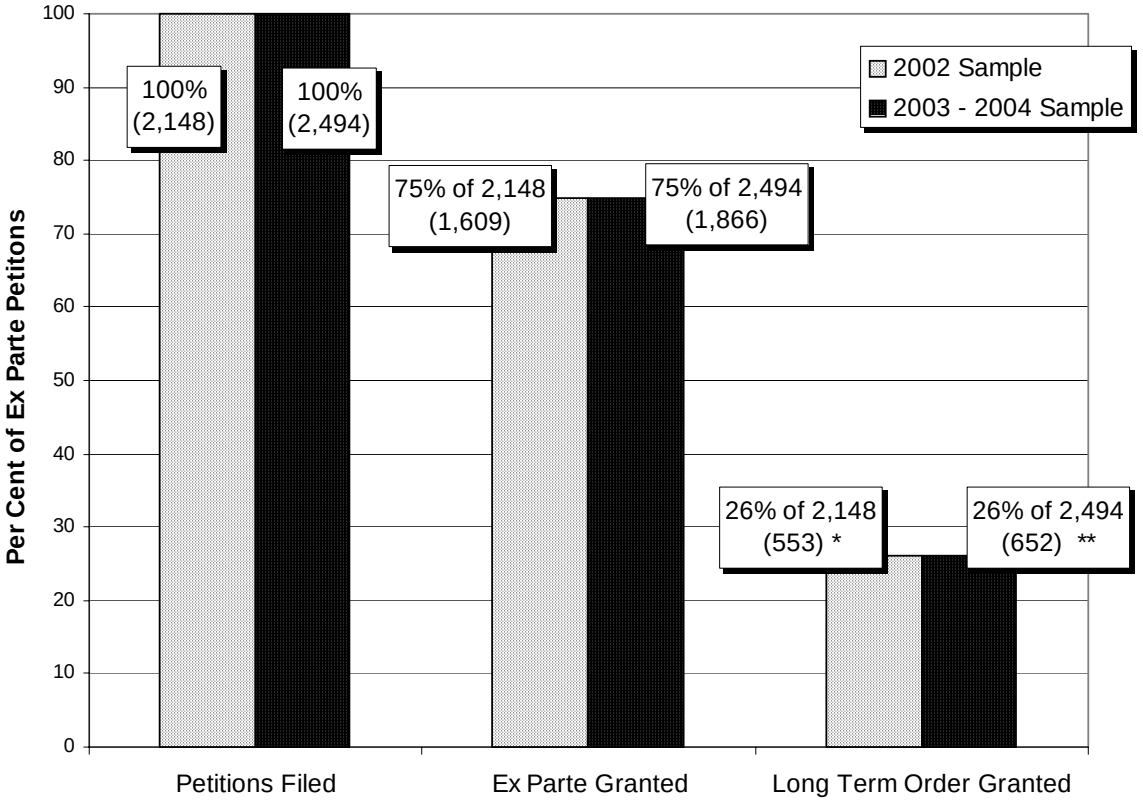
4. The petitioner's chances of obtaining a long term order

Although most petitioners did not go to a long term hearing, the data suggested that if they did, chances were good that the judge would grant a long term protective order. Of the 1,419 long term hearings where the petitioner sought a long term order, judges granted 1,205 long term orders (85%) (Table 1).

5. Differences by year

Figure 3 traces the outcomes of ex parte petitions filed in each year. (Table 1 shows the underlying data for each figure.) In the comparison year, 2002, 75% of the ex parte petitions filed had an ex parte order granted. In the test years (2003-2004), 75% of the ex parte petitions filed had an ex parte order granted. There were no differences in outcomes between the years. Similarly, in each year, 26% of the cases had a long term order granted.

Figure 3
Relationship Between Ex Parte Petitions and Long Term Orders

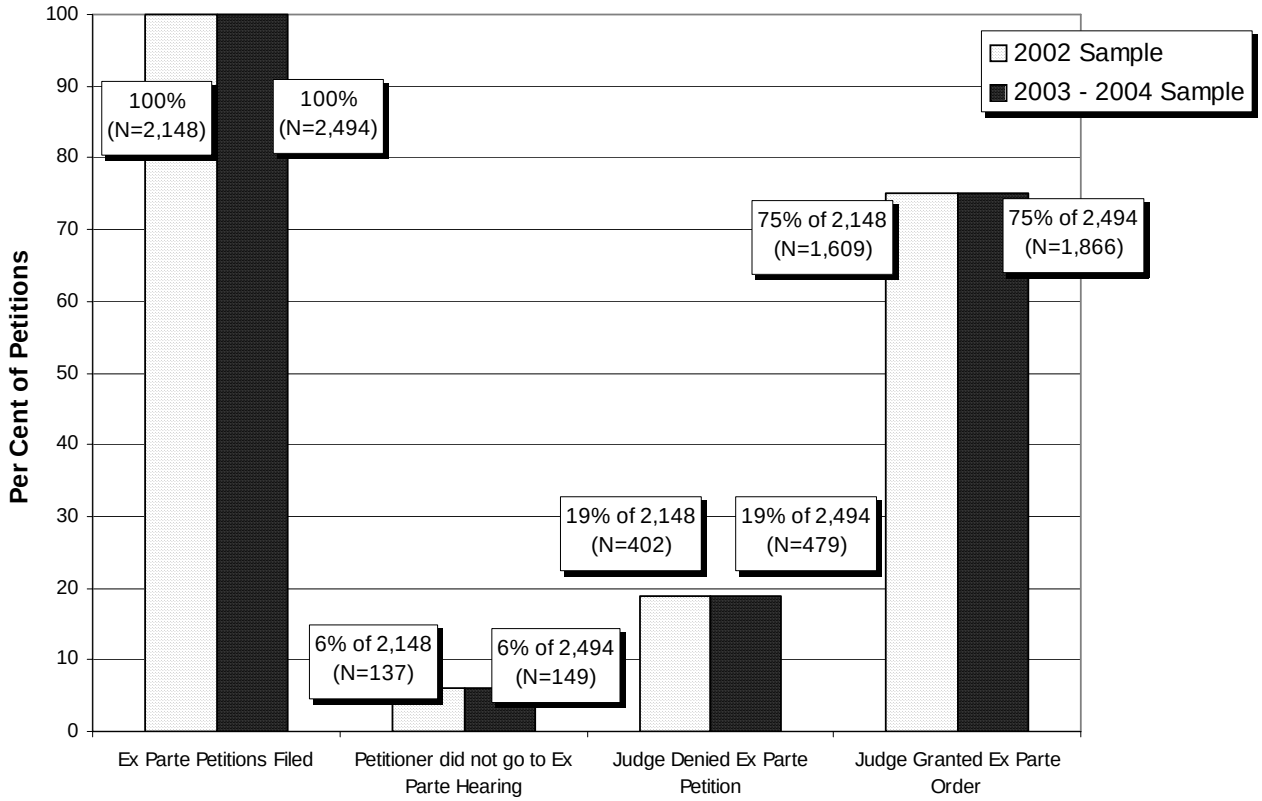


* *In 14 cases the judge denied the ex parte order, but granted the long term order.*

** *In 24 cases the judge denied the ex parte order but granted the long term order.*

Figure 4 shows the relationships between ex parte petitions filed, ex parte orders granted, and long term orders granted. Of the ex parte petitions filed, three-quarters of them were granted during each period. Judges denied about 19% of the ex parte petitions in each period, and 6% of the petitioners did not appear for the ex parte hearings in each period. There were no noticeable differences between the two periods in the processing of ex parte petitions.

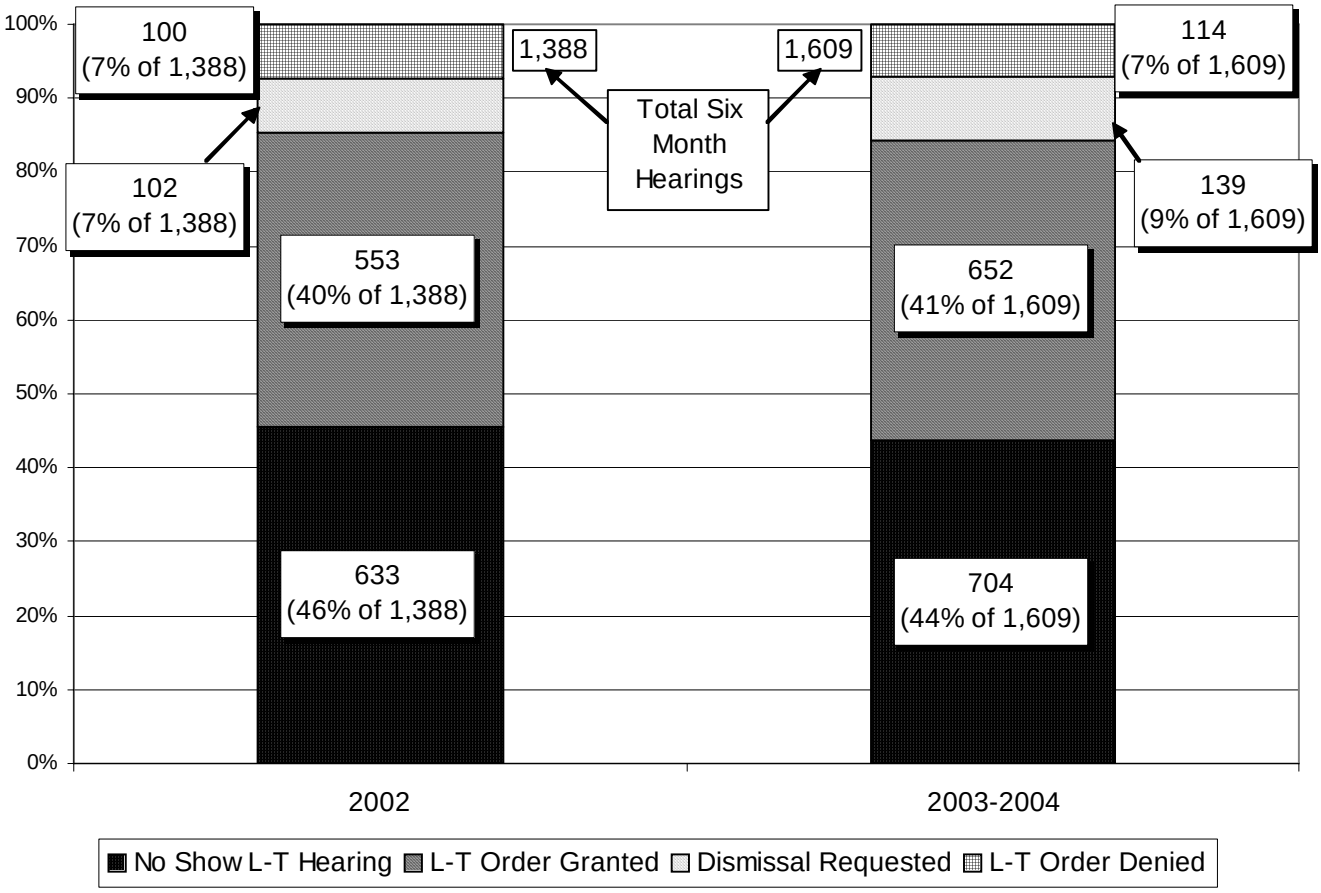
Figure 4
Ex Parte Process *



* *Data on this table from screening sample. N=4,642 cases.*

Figure 5 summarizes the entire range of outcomes for scheduled long term hearings.[30] Again, the distribution of cases is very similar for each period. About 40% - 41% of the cases in each year had a long term order granted, and similar percentages of defendants (about 44%-46%) did not appear for the hearings. One of the objectives of the project was to increase the number of petitioners who appeared for long term hearings. These very general data suggested that the percentage of petitioners at long term hearings might be increasing slightly, but it was not possible to directly associate the increase with the presence of the advocate and facilitator. The percentage of petitioners who appeared at the long term hearing and requested dismissal of the ex parte petition (or denial of the long term order) petition also increased very slightly, from 7% in 2002 to 9% in 2003-04.

Figure 5
Results of Scheduled Long Term Hearings, by Year



[30] For purposes of this analysis a "scheduled long term hearing" means one at which the judge and court staff were present, whether or not the petitioner or respondent appeared.

- **Judicial denial of ex parte and long term orders:** Judges denied a total of 502 petitions for ex parte or long term orders in 2002 (23.3% of 2,148), and a total of 593 petitions for ex parte or long term orders in 2003-04 (23.8% of 2,494). Taken together, judges denied 1,095, or 23.6% of the 4,642 ex parte or long term orders requested (Table 2).

- **Lack of follow-up by petitioners:** Petitioners did not pursue their petitions, at various stages of the process. A total of 2,101 petitioners did not follow through with the long term hearing (45% of 4,642 petitions, Figure 2) including petitioners who did not go to the ex parte hearing, those who did not pursue the process beyond the ex parte petition, and those who had a long term hearing set but did not attend. When petitioners did attend the long term hearing, another 241 (5% of the 4,642 petitions on Figure 2) asked to have the petition dismissed.[31] A total of 50% (Figure 2) of the original petitioners did not pursue their petitions or asked to have the orders dissolved by the time of the scheduled long term hearing. There were no differences (Table 2) between the comparison group (2002) and the test group (2003-04).

  The most notable finding was that 1,815 petitioners who had been to an ex parte hearing and received an ex parte order did not go on to a long term hearing (52% of 3,475) (Figure 2). This suggested that over half of the petitioners either found the ex parte process sufficient to meet their needs or were prevented from going further by other obstacles. Petitioners may have resolved the situation on their own and did not feel it necessary to go back to the court. Or, they may have lacked transportation or child care, or a job may have conflicted with the court hearing. Or, the petitioner may have decided to work things out with the respondent.[32]

- **Proportion of cases with long term hearings:** With little more than a third of the ex parte petitions filed going to a long term hearing, the long term hearings appeared to be the exception rather than the rule. Of the 4,642 cases that met the Council's criteria and were screened, an estimated 4,356 (94%) had an ex parte hearing,[33] but only about 1,660 had a long term hearing (36%) and only 1,205 (26%) had a long term order granted (Figure 2).

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[31] Figure 5 also shows requests for dismissal of the ex parte petition (or denial of the proposed long term order). That figure shows the 241 requests for dismissal as 7%-9% of the scheduled long term hearings (N=1,388 and 1,609), a smaller data set. The discussion of the evaluation data set (N=1,072 cases, below at page 39) shows 150 requests for dismissal, or 14% of 1,072.

[32] See page 86, *infra*, for further discussion. The data collected for this evaluation did not allow analysis of which reasons for not attending the long term hearing were most common.

[33] The 286 cases that met the Council's criteria and did not have an ex parte hearing were cases in which the petitioner filed a petition but did not appear at the ex parte hearing.

- **Changing profiles of petitioners for ex parte orders:** An increasing percentage of the protective order files on the court's shelves appeared to involve either persons who were not in intimate domestic relationships, or requests for stalking protective orders.[34] The court may wish to continue to track the changing mix of cases in the protective order area to see whether changes in services or approaches might be needed for the new types of cases if the trend continues.

- **Changes from comparison period to test period:** Project objectives included increasing the percentage of ex parte cases that went on to long term hearings and increasing the percentage of long term orders granted. The data showed that the percentage of cases with petitioners going to a long term hearing increased slightly during the evaluation period (35% of the 2002 cases had a long term hearing; 36% of the 2003-04 cases had a long term hearing, Table 1), suggesting that the court might be moving toward meeting one of its objectives in establishing these projects. However, the percentage of long term orders granted per petitioners filed was the same (26%, Figure 3) for the comparison and test periods.[35]

- The data also showed that the reasons for denial of ex parte petitions shifted somewhat, with fewer decisions saying that there was not enough proof that the petitioner needed the order for further protection and more decisions saying that there was not enough proof that the petitioner was a victim of domestic violence.[36] If judges did find sufficient proof that domestic violence occurred, they were correspondingly more likely to find that an order was needed for the victim's further protection.

C. Descriptive data from evaluation sample

1. Demographics of cases

To set the context for the report, this section describes the demographic characteristics of the parties who asked for and appeared at the long term hearings in the sample. For the most part, the following analysis draws on the 1,072 cases selected for the evaluation. Much of this information is presented by year, to highlight any significant differences between the comparison group (2002, 501 cases) and the test group (2003-04, 571 cases).

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[34] "Tally of Screened Cases," *supra* note 28.

[35] This finding was made from the screening database. The database that included only the selected cases with long term hearings made the same finding, of no change in the percentage of long term orders granted. *Infra*, Table 3a, at 38.

[36] "Tally of Screened Cases," *supra* note 28.

a. Age

The parties who went to long term hearings tended to be in their early thirties. Petitioners were about 34 years old, on average, and respondents (male and female combined) were about 35 years old. The median age in the evaluation group was 35 for men and 33 for women. The ages of petitioners and respondents were the same in 2003-04 as they were in 2002.[37] Census data gave the median age for all Alaskans in 2003 as 33 years, for both males and females, with the median age for Anchorage residents as 32 years old.[38] A recent federal report on domestic violence noted that the "average age of the 3.5 million victims of family violence was 34."[39]

b. Sex

The petitioner was a female in about 82% of the comparison cases (2002) and in about 79% of the test cases (2003-04), a slight drop between the two years. The difference was not statistically significant. The Anchorage population in the 2003 Census report was about 49% female and 51% male.[40] Similarly, federal data showed that "females were 51.6% of the U.S. population age 12 or older between 1998 and 2002 but 73.4% of the Nation's victims of family violence."[41] Looking only at spouses and romantic partners, the federal report notes that "females were about 50% of all spouses and romantic partners but were 84.3% of spouse abuse victims and 85.9% of the victims of violence between boyfriends and girlfriends."[42]

c. Ethnicity of respondent

Ethnicity information was available only for respondents in this group of cases. In 2002, about 37% of the respondents belonged to a minority ethnicity. In 2003-04, about 41% of the respondents were ethnic minorities. In 2003, the Anchorage population totaled an estimated 283,000,

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[37] Age data are available from the Alaska Judicial Council.

[38] 2003 Census data are from the State of Alaska's Department of Labor website, at http://almis.labor.state.ak.us/?PAGEID=67&SUBID=171.

[39] "Family Violence Statistics" (NCJ-207846), Bureau of Justice Statistics, http://www.ojp.usdoj.gov/bjs/pub/ascii/fvs.txt, June 2005, NCJ 207846.

[40] A long term order was significantly more likely to be granted for female petitioners than for male petitioners. See multivariate analysis below at pages 46-48.

[41] "Family Violence Statistics," *supra*, note 39.

[42] *Id.*

of which 72% were Caucasian and 28% were other ethnicities.[43] These data suggested that ethnic minorities were disproportionately present among the respondents in this sample of cases with long term domestic violence hearings.

d. Marital status of parties

In 2002, 36% of the parties at the long term domestic violence hearings were married; in 2003-04, the percentage had risen to 41%, a significant increase.[44] Alaskan census data for 1999[45] noted that about 52% of Alaska's households included married couples. Although the data were not entirely comparable, they suggested that higher percentages of unmarried partners were using the domestic violence process than were found in the Alaska population as a whole.

The increase in the percentage of married couples was associated with a decline in the percentage of parties with petitions involving former spouses (the percentage of parties who had never been married remained the same from the comparison year to the test years). In 2003-04, the percentage of cases involving former spouses was 11%, significantly lower than the 16% in 2002. The data suggested that couples may have been using the DV process earlier in their relationships than previously.

e. Children in household

Of the cases included in this sample, 73% in 2002 had children in the household, and 69% in 2003-04 had children.[46] The decline in households with children was not statistically significant. For comparison, of the households in the 1999 Census estimates for Alaska[47] 68% were family households.[48]

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[43] Of the other ethnicities, 6% of the Anchorage population was Black, 7% was Native Alaskan/American Indian, 6% was Asian and Pacific Islander, 2% was other, and 6% were characterized as two or more ethnicities (the percentages do not add to 100% because of rounding). The separate tally of Hispanic surnames showed 6%.

[44] Data available from the Alaska Judicial Council.

[45] *Alaska Population Overview: 1999 Estimates*, Alaska Department of Labor, May 2000, at 54-57.

[46] Appendix A, Table 1, at 5.

[47] *Id.*

[48] A household was defined for the Census estimates as including at least one adult and at least one younger or older related dependent. This definition differs somewhat from the definition used for selecting cases in this report.

f. Summary of demographic data

- Parties in domestic violence long term hearings resembled the state's population in median age, and percent of households with children. Looking within the confines of the sample of cases selected for the report, there were no significant changes in either petitioners' ages or percent of cases with children between 2002 and 2003-04.

- Petitioners were disproportionately female, when compared with the Anchorage population. While the Anchorage population was about 49% female in 2003, about 82% to 79% of the petitioners in these cases were female.

- Respondents were disproportionately of ethnic minorities when compared to the 2003 Anchorage population. About 28% of the Anchorage population, but 37% to 41% of the respondents belonged to an ethnic minority group (no data were available for petitioners).

- Disproportionately low percentages of the parties at the domestic violence long term hearings were married. About 36% of the 2002 parties and 41% of the 2003-04 parties were married, which was noticeably below the 52% of Alaska households that included a married couple in 1999. Also, the increase from 2002 to 2003-04 in the percentage of married couples at the long term hearings was statistically significant.

2. Case characteristics

The Council collected information about the characteristics of each case in the sample, including whether a weapon was used in the incident that brought the case to court, whether the parties had been involved with each other in prior domestic violence cases, and whether children were present during the domestic violence incident. Each variable was analyzed for significant differences between the comparison group and the test group.

a. Prior domestic violence

1) Petitioners' statements in files; court staff data in files

In 74% of the comparison group (2002) cases, the petitioner reported in the case file that the respondent had been involved in previous domestic violence incidents.[49] In the 2003-04 group, the percentage of petitioners reporting that the respondent had been involved in other domestic violence

[49] Information about prior domestic violence cases involving the respondent came from different sources: self-reports by the petitioners at the time of filling out their petitions for ex parte orders (Appendix A, at 5), and a court staff review of cases in the CourtView computerized case management system.

had dropped significantly to 64%.[50] The question on the ex parte petition did not ask that the petitioner specify whether the violence was directed against the petitioner or another person.

In a separate location in the file, court staff noted the prior court records for domestic violence incidents (both civil and criminal) involving the respondent, but they did not show whether the prior incidents involved the same petitioner. This variable is not reliable as a picture of the domestic violence involving this pair because it is reported by the court staff about the respondent only; civil and criminal incidents were grouped together; and it could include cases that did not involve the petitioner. Between 2002 and 2003-04 the number of cases with the court staff reporting prior domestic violence involving the respondent decreased significantly, from 58% to 46% (consistent with the finding above that reported the petitioners' perceptions of the respondents' prior domestic violence).[51]

The petitioners reported more prior domestic violence by the respondents than the court staff found recorded in the court's computer system. The difference may have come about because petitioners were reporting domestic violence incidents that were not reported to the court in earlier petitions or criminal cases.[52] However, in both sources of data, the number of respondents reported to have prior domestic violence dropped significantly between 2002 and 2003-04.

2) Records of civil domestic violence in CourtView

A Council review of CourtView[53] records about prior civil domestic violence events that involved this same pair gave a different picture than the data described above. The CourtView records tracked by the Council staff showed no significant difference in reported cases of prior civil domestic violence between 2002 and 2003-04. About 40% of the petitioner-respondent pairs in this selected sample of cases that went to long term hearings had prior domestic violence incidents with each other that resulted in a petition for a protective order. These data, taken together may suggest

[50] Appendix A, Table 2, at 6.

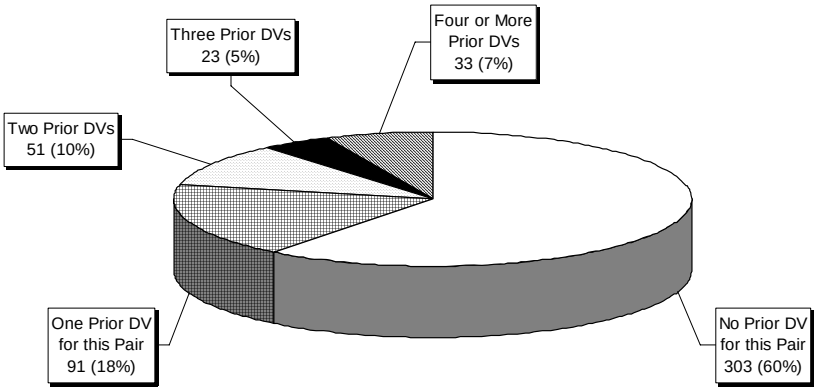
[51] Data available from the Alaska Judicial Council.

[52] The recent federal report noted that "Approximately 60% of family violence victimizations were reported to police between 1998 and 2002. The reporting rate among female victims was not significantly greater than the reporting rate among male victims. The most common reason victims of family violence cited for not reporting the crime to police was that the incident was a "private/personal matter" (34%). Another 12% of non-reporting family violence victims did not report the crime in order to "protect the offender." *Supra*, note 39.

[53] CourtView is the recently adopted computerized case management system used in the Anchorage, Palmer and Fairbanks courts. Until the new system is deployed statewide, remaining courts continue to use an older system called "RUG." The court makes non-confidential data from both systems available on its website for public use. CourtView contains more data than RUG and can only be used by authorized users.

that while individual respondents had higher rates of domestic violence, over half (60%) of the pairs in this sample were experiencing their first domestic violence incident together.[54]

Figure 6
Prior Civil Domestic Violence Cases from CourtView



3) Prior criminal domestic violence between this pair (N= 1,072)

Not all civil domestic violence cases were associated with corresponding criminal cases. The Council's data from CourtView showed little difference between the two years in the percentage of cases in which there were prior criminal domestic violence cases involving the same pair. In most cases (83%, Figure 7) there had been no prior criminal domestic violence. In 12% of the cases, the same pair had been involved in one prior criminal DV case, and in 5% of the cases, the pair had been involved in two or more prior criminal DV cases.[55]

[54] Data available from the Alaska Judicial Council.

[55] Data available from the Alaska Judicial Council.

Figure 7
Prior Criminal Domestic Violence Between this Pair

The data, viewed in the context of the prior civil DV cases, suggested that domestic violence incidents were more likely to result in civil petitions than in criminal charges. For both civil and criminal DV prior to the research case, there were no significant differences between the comparison year and the test year. The lack of differences suggested that the petitioners and respondents in the comparison and test groups were similar in their backgrounds, making any findings of differences in outcomes somewhat more likely to be associated with the projects being evaluated.

b. A weapon was used in the domestic violence incident

In 2002, a weapon was used (by either party) in about 9% of the domestic violence incidents in this sample of long term hearings.[56] In 2003-04, the percentage had increased significantly, to about 13%. Although the increase was statistically significant, the data still show that the great majority of petitions filed did not involve any weapons. The most frequently used weapon was "Other" (6% of the cases), with guns next (3% of the cases), and knives (2%) used least often.[57]

This is consistent with recent national data that indicated that most family violence did not involve weapons: "Among crimes recorded by police, 2% of family violence involved a firearm,

[56] Appendix A, Table 2, at 6 and Table 24, at 45.

[57] Data available from the Alaska Judicial Council.

compared to 6% of non-family violence. A weapon was used in 16% of family and 21% of non-family violence."[58]

The multivariate analysis showed that the use of a weapon did not help predict the likelihood that a long term order would be granted.[59]

c. Children were present during the domestic violence incident

Children were present during the domestic violence incident about one third of the time (34%), in each year. There was no change between the two years. The files contained too little information to show whose children were present, so no further analysis was done with this variable.[60]

3. Hearing characteristics

a. Presence of petitioner and respondent at long term hearing

Most petitioners in this sample were present at the long term hearing (98% in each year).[61] In 60% of the comparison cases (2002) and 59% of the test cases (2003-04), the respondent also was present.

b. Attorneys at long term hearing

The respondent was represented by an attorney in 15% of the hearings in each year, and the petitioner was represented by an attorney in 15% of the hearings in each year.[62] Both parties had an

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[58] *Supra*, note 39.

[59] See below, at pages 46-48.

[60] Appendix A, Table 2. Separate variables described whether the petitioner had or was requesting custody of children during the ex parte hearing, and whether there were children in the household (who may or may not have been present during the domestic violence incident). However, the files typically did not include enough information to decide whether the same children were included in each of the variables. Some of the variables related to children were significantly associated with the outcome of the case, and are discussed elsewhere in this report.

[61] For the larger group of cases shown in Figure 1, 29% of all the ex parte petitioners had a long term hearing scheduled that they did not attend. However, the sample of 1,072 cases was selected from only those cases in which at least one party (petitioner or respondent) appeared at the long term hearing.

[62] Appendix A, Table 3. Also see the discussion below in Part IV, D.3., at 46-48. Table 4. If the respondent had an attorney, the judicial officer tended to grant significantly fewer long term orders.

attorney present at the long term hearing in a small percentage of cases, about 9% in each year.[63] The use of attorneys did not change significantly between 2002 and 2003-04. The great majority of long term hearings occurred without attorneys representing either the petitioner or the respondent.

c. Judge identity at long term hearing

Four types of judicial officers handled the long term hearings. About 46% of the 2002 hearings, and 61% of the 2003-04 hearings involved the two specialized masters/magistrates, Jennifer Wells and Suzanne Cole.[64] Both of these judicial officers had substantial training in domestic violence matters and helped design the advocate and facilitator projects. Their share of the caseload increased significantly because when the projects started up, the two judicial officers assigned all of the cases involving children to their courtrooms to maximize the benefits from the advocate and facilitator.

Other Anchorage masters and magistrates handled about 39% of the hearings in 2002 and about 26% in 2003-04, a significant decline that was tied to the statistically significant increase in cases handled by the specialized judges. Superior court judges handled about 13% of the long term hearings in 2002 and about 12% in 2003-04. District court judges had about 2% in 2002 and 1% in 2003-04.

In the comparison year, 2002, it was much more likely that a long term order would be granted if the long term hearing was conducted by one of the specialized judicial officers. During the 2003-04 period, there was no statistically significant difference between the specialized judicial officers and the other judicial officers[65] in the rate at which the long term orders were granted.

d. Court action in cases

To measure the amount of court action in cases, the Council collected data on two variables: the number of hearings per case, and the number of requests for modification.

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[63] A recent evaluation of the Family Law Self Help Center (J. Greacen and K. Stinson, "Report on the Programs to Assist Self Represented Litigants of the State of Alaska," October 11, 2004 at 3) showed that the attorney representation in Anchorage and Palmer domestic relations cases was similar to this finding. The authors estimated that over 80% of all domestic relations cases in the first half of 2004 had at least one unrepresented party.

[64] See Appendix A, Table 25, at 47.

[65] See discussion below, at 46-48, Table 4. Note that the court chose change in the percentage of long term orders as one of its performance measures. The possible implications of the changes found are discussed elsewhere in this report, at page 87.

1) Two or more hearings in the case file

Over half of the cases filed in each year had a record of two or more hearings in the file. In 2002, 298 cases (59%) had more than one hearing, and in 2003-04, 350 cases (61%) had more than one hearing. The change between years was not significant.[66]

2) Requests for modifications

Parties requested modifications of the long term order in 198 cases (40%) in 2002, and in significantly more cases in 2003-04, 271 (47%).[67] Although one of the stated goals of the projects was to decrease the number of requests for modifications, some observers believed that the increase in requests for modifications showed benefits from the projects. They interpreted the increase as resulting from better assistance to parties from the project staff, and greater willingness on the part of parties to use the court domestic violence process.

4. Other court actions at long term hearings

a. Child custody and support

The case files of parties in the 2003-04 group contained many more child custody and visitation orders than did those in 2002. Forty-three cases in 2002 had orders related to visitation and custody, and 144 cases in 2003-2004, an increase of 230%. The number of temporary child support orders also increased from 19 in 2002 to 35 in 2003-04, a 218% increase.[68] Because one of the purposes of the two project positions was to increase the likelihood that judges would issue orders related to child custody and visitation, the data suggested that the projects achieved an important goal.

b. Reasons for denial of long term orders

Judges gave a variety of reasons for the denial of long term orders. The most frequent reason that appeared in the files for the denial of the long term order was that the petitioner did not request the long term order. About 57% of the reasons shown fell into that category. Second most frequent was that the judge found no evidence of domestic violence, in about 27% of the cases. The reasons given did not vary significantly between the comparison cases and the test cases.

[66] Appendix A, Table 4.

[67] Appendix A, Table 4.

[68] Data available from the Alaska Judicial Council.

D. Bivariate Analysis of Data

The proposed outcomes measuring the changes in processing and end results were chosen by the court, and to a lesser extent, by the evaluators. Tables 3a, 3b, and 3c show the outcomes reviewed, the anticipated outcomes, the actual outcomes and their statistical significance, and a note on whether they were expected or not. This section of the report includes the analysis of outcomes of cases before and after the new projects to determine whether the project goals were met. The next section of the analysis discusses the various factors associated with the likelihood that a judicial officer would grant a long term order.

Table 3a (Data from screening analysis N=4,642) Comparisons Between Grant Objectives and Data Report				
Source		**Grant Goals/ Expectations**	**Bivariate or Frequencies**	**Expected/ Not Expected**
Table 1	Change in attendance at ex parte hearings	Not part of grant	No change (94%-94%)	No measure expected
	Change in likelihood of ex parte order	Not part of grant	No change (75%-75%)	No measure expected
	Changes in likelihood that long term order was not pursued by petitioner *	Not part of grant	No change (10%-10%)	No measure expected
Figure 4	Change in attendance at scheduled long term hearings	Increase	Increase (54%-56%)	Expected (no statistical measure)

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* No long term hearing was scheduled for 221 cases in 2002 and 257 cases in 2003-2004 in which a) the petitioner asked to have the ex parte order dissolved and the long term hearing cancelled; or b) the case was reassigned to a superior court; or c) the petitioner did not ask for a long term hearing.

Table 3b (Data from evaluation sample, N=1,072) Changes in Measures at or Within Six Months of Long Term Hearing: Comparisons Between Grant Objectives and Data Report			
	Grant Goals/ Expectations	**Bivariate or Frequencies**	**Expected/ Not Expected**
At Long Term Hearing			
Change in likelihood that long term order was granted (Appendix A, Table 4)	Increase	No change (73%-73%) (not significant)*	Not expected
Change in child custody awards at long term hearing or within six months (Appendix A, Table 11)	Increase	Increased (44%-54%) **(significant**)	Expected
Change in child support awards at long term hearing or within six months (Appendix A, Table 11)	Increase	Increased (8%-11%) (not significant)	Expected
This Case, Before or After Long Term Hearing			
Change in hearings per case (ordinal, interval, means) (Appendix A, Table 4)	Decrease	Increased slightly or no change (59% -61%) (not significant)	Not expected
Change in motions to modify (ordinal, means) (Appendix A, Table 4)	Decrease	Increased (40%-47%) **(significant)**	Not expected
Long term order dissolved at petitioner's request after long term hearing (Appendix A, Text, p. 43)	Decrease	Increased (11%-17%) **(significant)**	Not expected

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* A measure of statistical significance is used to determine how likely it is that a distribution of data is due to chance. The standard for statistical significance is whether there is less than one chance in 20, or less than a 5% chance that an event occurred because of chance. A test used to determine this is called "chi square." Chi square results are usually expressed as $p=\leq.05$ (or as a smaller percentage, down to $<.001$). See Appendix A or contact the Judicial Council for significance test results for the data described in this report.

1. Change in attendance at long term hearings and change in likelihood that long term order was granted

One of the goals of the projects was to improve petitioner attendance at the long term hearings, by giving petitioners a better understanding of the process and helping them better focus their long term requests. The percentage of petitioners at the long term hearing did increase slightly from 35% of those who filed ex parte petitions to 36% of the ex parte petitioners, judging by the results found in the separate data set reported above.[69] Although there was no statistical analysis done with that data set, the increase was sufficient to suggest that the court was making progress toward achieving this goal.

As a percentage of long term hearings, there was no change in the percentage of cases in which the court granted a long term order. About 73% -74% of the long term hearings in each year ended with the judicial officer granting a long term order.[70] In about 14% of the cases, the petitioner came to the long term hearing and asked that the ex parte order be dismissed, with no further protective order.[71] The judicial officer denied the long term order in 9% of the cases, and in 4% of the cases, the long term hearing ended with another action. Other actions included transfer of the case to another court or extending the ex parte order.

2. Change in the percentage of long term orders dismissed after hearing

After the long term order was granted, a petitioner could return to court to ask that the order be dismissed. Of the total 788 long term orders granted during the two years, about 14% were dismissed by the court in both years together. By year, the judicial officer entered a dismissal of the order in 11% of the 2002 cases and in 17% of the 2003-04 cases, a statistically significant increase in the likelihood that the court would dissolve a long term order.[72]

3. Change in motions to modify the long term order

One of the goals set by the court was a reduction in motions to modify. The court hypothesized that the assistance from the advocate and facilitator should help petitioners prepare requests for long term orders that would need less revision after the order was granted.

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[69] See Table 1, *supra*.

[70] Appendix A, Table 4.

[71] Data available from the Alaska Judicial Council. See also Figure 1 and Figure 4. The percentages are different because Figures 1 and 4 data come from different databases.

[72] Appendix A, at 43.

Unexpectedly, the percentage of motions to modify showed a statistically significant increase, from 198 (40%) in 2002 to 271 (47%) in 2003-04.[73]

4. Change in the number of cases with more than one hearing

The number of cases with more than one hearing increased slightly but not significantly from 298 cases in 2002 (60%) to 350 cases (61%) in 2003-04.[74] About 40% of the cases had no hearings recorded or only one hearing.[75] Another 38% had two hearings, and 14% had three hearings. One goal of the projects was to reduce the number of hearings, hypothesizing that a decrease would represent better preparation of issues with the project staff and less need for hearings. Although the number of hearings did not decrease, it did not significantly increase either.

5. Changes in outcomes for couples with children

Outcomes for couples with children were measured using the presence of support orders in the case file, and whether child custody was awarded in the long term hearing or within the next six months.[76] For both measures the number of cases with these orders increased during the test years.[77] The number of support orders attached to a long term order or filed within the next six months increased, but not significantly.[78] The number of times that child custody was awarded in the long term hearing or during the next six months also increased, and the increase was statistically significant.[79] These changes in outcomes suggested that the court appeared to achieve its goals for these measures.

6. Additional bivariate analyses

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[73] Appendix A, Table 4.

[74] *Id.* Table 4.

[75] Appendix A, Table 6.

[76] Other measures of change for cases involving children looked beyond events at the long term hearing or during the next six months while the long term order was in effect. They included a change in likelihood of divorce filings for couples with children (slight increase, not significant), and a CourtView record of a custody case filing following the long term hearing (no change between years).

[77] In the Justice Center's report, Appendix A, the analyst used two different of methods of determining whether children were involved in the case. He looked at cases that had children in the home, and also at cases in which the file showed that the petitioners had the children or requested their custody at the ex parte hearing. The findings for both groups were the same: support orders increased, but not significantly. Custody orders increased significantly.

[78] Appendix A, Table 11.

[79] *Id.*

The analyst used bivariate analyses to assess the impact of various factors on the likelihood that the court would grant long term orders. The factors considered in those analyses[80] were:

- whether the respondent had no attorney or had an attorney;
- whether a weapon was used in the assault or not;
- whether the petitioner had or requested custody of the children in the ex parte hearing or not;
- whether the petitioner and respondent were ex-spouses, as compared to current spouses or never spouses;
- whether the petitioner was female rather than male;
- whether earlier domestic violence was reported in the case file (not CourtView) or not;
- whether the judicial officer in the case was one of the DV specialists or a different judicial officer;
- whether the petitioner asked that the order be denied at the long term hearing; and
- whether the case was a 2002 comparison case or a 2003-2004 test case.

The presence of many of these factors in a case was significantly associated in the bivariate analysis with the likelihood that an order would be granted. In the multivariate analysis, several of these factors lost their statistical significance. They are reported here for the sake of completeness. Petitioners were more likely to receive long term orders if:[81]

- the petitioner was female (76% of the female petitioners received long term orders as compared to 63% of the cases with male petitioners);
- the petitioner reported prior incidents of domestic violence in the court case file (77% of the petitioners who reported prior domestic violence had long term orders, as compared to 70% of the petitioners who did not);
- the petitioner's case was heard by a specialized DV magistrate/master (77% of petitioners whose cases were handled by specialist judges had long term orders granted, as compared to 69% of those whose cases were handled by other judges).

Petitioners were less likely to receive long term orders if:[82]

[80] See Appendix A, Tables 24 and 25, at 45-47.

[81] Appendix A, Table 24.

[82] Appendix A, Table 24.

- the respondent had an attorney (long term orders were granted in 54% of the cases in which the respondent had an attorney, as compared to 78% of the cases in which the respondent did not have an attorney); or
- children were involved in the case (70% of the cases with children had a long term order, as compared to 78% of the cases in which there were no children involved).

Some factors were not significantly associated with granting of a long term order in this bivariate analysis. These included whether a weapon was used in the assault, whether the petitioner and respondent were ex-spouses, and whether the case belonged to the 2002 comparison group or the 2003-04 test group.

E. Other analytical techniques

The analyst used several techniques in addition to the bivariate analyses as tools to look at the data from different angles. Each technique, despite its limits, can increase understanding of the data available. For clarity of discussion, the different techniques: crude rate analyses, survival analyses, and multivariate analyses are presented separately. Part VI will review the findings from each of the different techniques together with the other analyses of data and the interview findings, to synthesize the overall knowledge gained.

1. Crude rate analyses of the data

The crude rate analyses were done to take into account the fact that cases happened at certain point in time. This meant that some cases occurred earlier during the time frame of the evaluation, and therefore had a longer period during which events such as divorce or more domestic violence could occur after the long term hearing. The crude rate analysis takes this into account, making cases from 2002 and 2003-04 more comparable. The analyst's report[83] describes the methods used for calculating these statistics. The cases from 2002 had about one and a half to two and a half years for their followup periods (which were calculated for each individual case from the date of the long term hearing until the conclusion of data collection in August of 2004). The cases from 2003-04 had at least six months to about sixteen months for follow-up periods.

In theory, the crude rate comparisons help account for the fact that the test group was "at risk" for a much shorter period of time than the comparison group. They did not take into account another phenomenon. The analyst noted that other research shows that some events are more likely to happen in domestic violence cases soon after a triggering event (e.g., arrest for domestic violence), and less likely to happen as time goes on. If that assumption held true for these data, then

[83] See Appendix A, pages 2-4 for the methodological discussion.

caution was needed when drawing conclusions from analyses that did not take the assumption into account (e.g., the bivariate analyses and the crude rate analyses). The analyst used another technique, survival analysis, to account for this possible decline in the likelihood of an event happening over a period of time. Survival analysis is discussed below in Part IV.E.2.

The analyst used the crude rate analysis to consider the changes that might have taken place in several outcome measures: number of divorces, dissolutions, and child custody awards (change in permanent outcomes), and numbers of civil or criminal domestic violence cases filed by the same couple after the long term hearing (changes in likelihood of further domestic violence). In general, using crude rate analyses gave a much different view of the changes in the process than did the bivariate analyses.[84] Overall, in every outcome measure tested with the crude rate analysis, there was a significant increase during the 2003-04 period in the measure, compared with the 2002 period. For example, the analyst's report shows that the rates of custody cases being filed in 2003-04 were more than double the rates of filing for 2002.[85] The analyst explained[86] that:

> the 2002 group had a greater amount of time when it was much less likely that re-assaults or restraining order violations or divorces would occur [therefore] it is possible that the crude rates for the 2003-2004 group will seem much higher in comparison only because they are based more upon time periods when the time dependent outcomes were the most likely to happen.

The analyses showed that indeed, for every crude rate analysis, there was a finding of a substantial increase in the measures for the 2003-2004 period when compared to the 2002 period. Given the analyst's cautions, the crude rate analyses are not discussed further in this part of the report.[87]

2. Survival rate analyses of the data

The survival rate analyses of the data were done to take into account the possibility that some events were more likely to happen sooner after the long term protective order was issued rather than

[84] The crude rate analyses also gave much different results than the survival rate analyses. See below.

[85] Appendix A, Table 11 and Figure 11.

[86] Appendix A, at 3.

[87] Crude rate analyses also were used for two outcome measures: changes in the numbers of hearings and changes in the numbers of motions to modify. As later became apparent, both of these measures were time-limited. The hearings and motions to modify could only happen during the six months in which the protective order was in effect, whether in 2002 or in 2003-04. Thus, the reason for doing the crude rate analysis (that the analysis had to account for different lengths of time when the case would have been at risk) did not exist. In all instances, the cases were at risk for the same amount of time, six months, whether the cases started in 2002 or in 2003-04.

after more time had passed. They were appropriate for the variables that depended upon the passage of time after the long term hearing, so were used only for the analysis of a few variables: the changes in divorce and dissolution filings, the changes in child custody and support award filings, and the changes in civil and domestic violence cases after the long term hearing (see Table 3c).

Table 3c (Data from evaluation sample, N=1,072) Longer Range Outcomes: Comparisons Between Grant Objectives and Data Report			
	Goal	**Survival Analysis**	**Expected/ Not Expected**
Change in divorces or dissolutions filed for all married couples after ex parte petition filed (Ct view) (Table 9, Appendix A)	Increase	Decreased (not significant)	Not Expected
Change in div/diss filed for couple with children after ex parte petition filed (Ct view) (Table 10, Appendix A)	Increase	Decreased (not significant)	Not Expected
Change in child custody cases filed after ex parte petition filed, when judge granted L-T order (children in home) (Table 13, Appendix A)	Increase	Decreased (not significant)	Not Expected
Change in civil DV cases after ex parte petition filed (Ct view) this pair (Table 18, appendix A)	Civil DV decrease	Decreased (not significant)	Expected
Change in criminal DV cases after ex parte petition filed (Ct view & paper) this pair (Table 17, Appendix A)	Criminal DV decrease	Decreased (not significant)	Expected
Change in criminal and civil DV combined after ex parte petition filed (Ct view) this pair (Table 19, Appendix A)	Decrease	Decreased **(some groups significant)**	Expected

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* A measure of statistical significance is used to determine how likely it is that a distribution of numbers is due to chance. The standard for statistical significance is whether there is less than one chance in 20, or less than a 5% chance that an event occurred because of chance. A test used to determine this is called "chi square." Chi square results are usually expressed as $p=\leq.05$ (or as a smaller percentage, down to $<.001$). See Appendix A or the Judicial Council for significance test results for the data described in this report.

All of the survival analyses showed decreases in the variables being measured. Of the six survival analyses, only one showed some significance, the combined criminal/civil DV measure.

a. Survival analyses of divorce and dissolution filing rates

The survival rate analyses looked at the likelihood that couples who were married at the time of long term hearing would have filed for divorce or dissolution of their marriages at some point after the hearing.[88] One year after the date of the ex parte hearing, about 58% of all married couples from the 2002 period had not filed for divorce or dissolution (42% had filed), and about 61% of the married couples from 2003-04 had not filed for divorce or dissolution (39% had filed). In other

[88] Appendix A, Table 10. All of the cases were included in the survival analysis, whether or not the long term protective order was granted. Also, no information was collected about whether the divorce or dissolution was granted because the study period did not include enough time for those decisions to have been made in many of the cases.

words, it was slightly less likely that the 2003-04 couples would have filed for divorce or dissolution after the same period of time had elapsed (one year in each case). The difference was not statistically significant.

b. Survival analyses of changes in custody cases filed in superior court

Another survival analysis looked at the likelihood that petitioners would file custody cases in superior court as a follow-up to the long term order hearing. The grant anticipated that more petitioners would file these cases as a more permanent possible resolution of their situations. However, the survival analysis suggested that there was very little difference between the two years in the rates at which custody cases were filed in the superior court.[89] Slightly fewer custody cases were filed by the 2003-2004 petitioners who had a long term order during the same periods of time (i.e., 30 days after the long-order, 180 days after the long term order, 360 days after the long term order), which was not expected.

c. Survival analyses of changes in civil and criminal domestic violence cases filed after the long term hearing

The final variables covered in the survival analyses were the numbers of civil and criminal domestic violence cases that involved the same pair filed after the long term hearing. The grant anticipated that further domestic violence might diminish as a result of the changes in the domestic violence process. The survival analyses showed that fewer domestic violence cases, both civil and criminal were filed after the long term hearing in 2003-2004 than in 2002.[90] Figures 17 and 18 graphically show the results of the analyses. Because the statistical expectation would be that nothing would change, and because there was a change (some of the changes were statistically significant) in the hoped-for direction, the decline in domestic violence in 2003-2004 was an important finding.

3. Multivariate analyses of the data

Multivariate analyses provided a different view of the data. The analyst used them to discuss the various possible influences on the likelihood that judges would grant long term orders, and to show differences between the comparison and test groups. Factors used in the equation were:

[89] Appendix A, Table 13. The analyst also considered whether the case had a long term protective order or only a temporary protective order (i.e., the long term order was not granted, although the court held a long term hearing); this factor did not affect the likelihood that petitioners would file a custody case in the superior court after the long term hearing.

[90] Appendix A, Figures 17 and 18.

- whether the respondent had no attorney or had an attorney;
- whether a weapon was used in the assault or not;
- whether the petitioner had or requested custody of the children in the ex parte hearing or not;
- whether the petitioner and respondent were ex-spouses, as compared to currently spouses or never spouses;
- whether the petitioner was female rather than male;
- whether earlier domestic violence was reported in the case file (not CourtView) or not;
- whether the judicial officer in the case was one of the DV specialists or a different judicial officer;
- whether the petitioner asked that the ex parte order be dismissed (or the long term order denied); and
- whether the case was a 2002 comparison case or a 2003-2004 test case.[91]

In the logistic regression analysis[92] that included all of the cases, three of the factors were important: if the respondent did not have an attorney, if the petitioner was female, and if the petitioner did not ask at the long term hearing to have the ex parte order dismissed (or asked that the long term order be denied). Each of these was significantly associated with a greater likelihood of the long term order being granted.

The analyst created a multivariate model for each year, to determine whether the important factors changed between years. In 2002, the important factors included whether the respondent appeared without an attorney at the long term hearing, whether the petitioner was female, whether the petitioner asked that the judicial officer not grant the long term order (and dismiss the ex parte order), and whether the judicial officer was one of the domestic violence specialists. In 2003-04, only the appearance of the respondent without an attorney and the petitioner's request for dismissal continued to be important.

When the two models were compared to see whether the differences between the two years were significant, the only factor that was important was the identity of the judge, which was less important in 2003-2004 than it had been in 2002. If the judge in a 2002 case was one of the domestic violence specialist judges, the request for the long term order was significantly more likely to be granted. In the 2003-2004 period, the identity of the judge no longer predicted the likelihood that the long term order would be granted. The other change between the two years (the presence of a female petitioner also was important in 2002, but not in 2003-2004) was not statistically significant. In both years, the respondent's lack of an attorney and the petitioner's request for denial of the long term order were about equally significant, so that the change in years did not matter.

[91] Appendix A, Tables 23 and 24.

[92] Appendix A, Table 25.

Table 4
Results of Multivariate Analyses

Variables Tested (Appendix A, Tbl. 24)	**Variables Important, Bivariate** (Appendix A, Tbl. 23)	**Variables Important, Both Comparison and Test Years** (Appendix A, Tables 26 & 27)	**Important Changes Between Comparison and Test Years** (Appendix A, Tbl. 28)
Respondent had Attorney	If respondent had attorney, fewer L-T orders ***(significant)***	If respondent had attorney, fewer L-T orders	
Respondent used weapon	*(not significant)*		
Children in case-Petitioner had or asked for kids	If children involved, fewer L-T orders ***(significant)***		
Pet/Resp were ex-spouses	*(not significant)*		
Petitioner was female	If petitioner was female, more L-T orders ***(significant)***	If petitioner was female, more L-T orders	
Earlier DV, case file	If earlier DV in case file, more L-T orders ***(significant)***		
Judge was DV specialist	If judge was DV specialist, more L-T orders ***(significant)***		DV judge in 2002 more L-T orders ***(significant)***; not significant in 2003-2004
Pet asked judge to deny L-T order	If petitioner asked judge to deny order, fewer L-T orders ***(significant)***	If petitioner asked this, fewer L-T orders	
Case was 2002 (vs. 2003-2004)	*(not significant)*		

Part V:
Interviews

The scope and methodology of the interviews were discussed fully above at Part III.B. Interviews were conducted to determine whether the grant-funded programs were put in place, and if they were, whether they achieved the desired results from court administrators' standpoints. Evaluators focused their questions on the following areas: interviewee background, perceptions of the project concepts, implementation, efficacy, outcomes, and suggestions for improving the projects and the handling of civil domestic violence cases generally.

A. Background

1. Interviewee positions and work history

How long have you been working in your current position?

Interviewees had worked in their current positions an average of a little more than seven years. Interviewee experience ranged from twenty-seven years to six months. Four persons had worked in their current positions less than a year. Four had worked for one to three years. Two had worked three to five years. Three had worked from five to ten years and three had worked more than ten years. Many interviewees had previous experience working with the domestic violence justice system before working in their current positions.

2. Length of time working with the project

How long have you been working with the advocate/facilitator project?

Most interviewees showed consistent experience with the project. Most participants had worked with the project since its implementation, which was about two and a half years at the time of the interviews. Two had worked with it for two years, one for a year and a half, and one for six months. All but one of the interviewees were still working with the project at the time of the interviews.

3. Role in grant application, design, or implementation

Please describe your role in the grant application, design, or implementation.

Only four persons identified themselves as having any role in the grant application. One interviewee, however, identified six of the interviewees as having been involved in the grant application. Those identified as having been involved in the application process were the specialized domestic violence judicial officers and court administrators.

About a third of those interviewed stated that they had some role in the design of the positions. Three persons, who were all in supervisory roles, stated that, once the grant had been applied for and received, they designed or created the two positions "out of the grant." The two judicial officers spearheading the project were also involved in the design of the positions, as was one of the employees who was the subject of the grant. One person involved in the design of the positions remarked that the advocate position was "fluid" and "changed constantly" at first. Another stated that the advocate was given "space to find her own niche" and worked to develop the position from there.

One half of the interviewees stated that they did not have any role in the implementation of the project. Those denying any role in the project implementation included three judicial officers, a facilitator, a direct supervisor of one of the positions, and three members of the DV court staff.

In general, those identifying themselves as having a role in the grant application or design of the positions matched the perceptions of the interviewer. There was a discrepancy in perceptions between those who the interviewer identified as having had a role in the project implementation and those who perceived themselves as not having such a role. That discrepancy could be attributed to a poor understanding by some interviewees of the goals of the project and the ways in which it was to be implemented. The discrepancy could also be attributed to differences between interviewees and interviewer and what they categorized as "implementation."

4. Overall impression of the advocate and facilitator programs

What is your overall impression of the facilitator and advocate programs?

Interviewees had an overwhelmingly positive overall impression of the advocate program. No negative impression was noted by any person about the advocate program. Interviewees also expressed an overall positive impression about the facilitator program. Three interviewees made no "overall" statement about the facilitator program and two interviewees reported mixed or negative perceptions. One interviewee reported concerns with the facilitator program guidelines, which the interviewee stated could be remedied with additional guidance from the court about the facilitator's role. A different interviewee expressed concerns about consistency of the project, because several people had worked in the facilitator position, and about projected outcomes that did not meet

expectations. Overall, however, interviewees' impressions of both projects were positive. These perceptions are reported in more detail below.

B. Project advocate

1. "Buy-In" by interviewees: views of goals, expectations, effectiveness

a. Goals of the program; interviewees' understanding of goals

What did you understand as the goals of having the advocate?

The goal of having the advocate position was stated in the grant application abstract as "to work with victims at the shelter and come to court to help prepare the parenting plans in conjunction with the facilitator . . . communicating with the facilitator, and accessing the information on-line."[93] Elsewhere, the grant application stated other goals for the advocate as "improving judicial handling of cases" by helping the court narrow down the issues in dispute and enter orders that will be less likely to require subsequent modification.[94] All three improvements (the advocate, the facilitator, and the CMS module) were expected to increase the likelihood of entering initial effective orders, to minimize the confusion that frequently occurred, and to facilitate the enforcement of orders once they were entered.[95] Having a (shelter-based) advocate was also intended to further the goals of strengthening domestic violence advocacy programs within the community and ensuring victim safety and offender accountability.[96] The advocate program was also expected to lead to the entry of more child support orders and more individually-tailored custody and visitation orders in protective order cases.[97] In addition, it was intended to enhance victim access to permanent divorce and custody proceedings.[98]

There was considerable agreement among interviewees about the primary goals of the project advocate position. Most interviewees identified more than one goal and about two thirds identified three or more goals. Interviewees identified two goals most often. Two thirds of interviewees identified one goal as providing victims with information and assistance navigating the court's domestic violence protective order process. Half of the interviewees identified one goal as

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[93] Grant application number 2002-X0855-AK-WE at 8.

[94] *Id.* at 5, 6.

[95] *Id.* at 6.

[96] *Id.* at 6-7.

[97] *Id.* at 12.

[98] *Id.*

providing victims with emotional support during that process to increase victim comfort levels. Five interviewees identified improved safety planning and five identified the ability to provide social service referrals as goals of the advocate position. Several interviewees mentioned the following broader goals which were stated in the grant: improved communication and information from victims to the court; conservation of judicial resources in terms of shortened or fewer hearings; and links to the Family Law Self Help Center or other information about long term solutions such as divorce or custody orders.

Comparison of the interviewees' understanding of the grant goals and the goals stated in the grant application revealed that one of the primary goals identified by the interviewees -- the provision of emotional support to victims -- was not identified in the grant application. The drafters of the grant may have had an underlying assumption that emotional support would be provided by the advocate that did not need to be stated as a grant goal. The drafters of the grant may also have mis-targeted their goals to the advocate; instead of hiring an advocate who would naturally assume the role of emotional supporter, they may have better targeted their stated needs and goals to a different kind of position, such as a paralegal or DV law clerk to assist petitioners. Or they may have intended the provision of emotional support as an indirect benefit rather than a goal of the grant.

The identification of emotional support role as one of the primary goals by the interviewees and not from the grant, however, may be largely due to the nonidentification of a consistent provision of emotional support at the courthouse as a priority need in the domestic violence protective order process. The need for consistent advocate support resources at the courthouse was identified by the court's consultant after the grant was written but before its implementation.[99] Because emotional support roles had already been fulfilled by volunteer advocates at the courthouse for many years, that may not have been at the forefront of court priorities. Some interviewees noted, however, that there was a lack of consistency of emotional support services for petitioners at the courthouse before the hiring of the grant advocate. The subsequent consistency of the advocate's presence was identified by some as one of the most significant outcomes of the grant.

Conversely, one of the primary goals stated in the grant application -- working in conjunction with the facilitator to obtain more parenting plans -- was identified by only two interviewees as a goal.

[99] Sack, *supra* note 15 at 12-14.

b. Interviewees' expectations

Did you expect that having an advocate would help reach those goals?

More than two thirds of the interviewees expected the advocate to help reach the goals that they identified. Two persons did not know, one person had no expectations, and two were not responsive to the question. The overall expectation that the advocate could meet the identified goals demonstrates that the interviewees generally agreed with the concept of the advocate as potentially assisting the court's domestic violence protective order process. This is not surprising because most interviewees had experience with volunteer advocates at the courthouse.

c. Effectiveness of advocate in meeting goals and unintended consequences

In your view, was the advocate effective in reaching those goals? In other ways?

When asked whether the advocate was effective in reaching the goals they identified, interviewees overwhelmingly said "yes." Only two interviewees stated that they did not know or were unresponsive to the question. When interviewees responded in the affirmative, it was often accompanied by strong adjectives and modifying language, such as: "She's been very effective," "Extremely effective," "I didn't realize how helpful she would be," "It's phenomenal what she can do," and "She has such broad effects, I cannot stress enough how the position is needed."

When asked whether the advocate was effective in other ways, which were not goals of the grant, interviewees gave a wide range of responses. Some "unintended" effects reported were actually stated goals of the grant. Some were not. All were reported as positive effects. There was little consistency among interviewees about these unintended positive effects. They included:

- the advocate acting as a "bridge" between the court and the shelter and helping each culture understand the other better;
- the advocate providing a referral resource for the DV staff and providing more time, help and support to petitioners than the DV staff could offer;
- the advocate providing emotional support and referrals regarding social services;
- the advocate giving information to respondents, especially when parties are cross-filers;
- the advocate giving information about superior court cases (divorce and custody);
- the advocate presenting information to petitioners about the process immediately before the ex parte hearings;
- the advocate providing advocacy services on an ongoing basis to "continuing clients" who may or may not pursue a protective order and who use those services at the courthouse but would not use them if offered at a shelter;
- the advocate collecting data on the domestic violence protective order process;
- the advocate developing a good relationship with the facilitator and working in conjunction with her;

- the advocate serving as a liaison between the court and the petitioner by contacting petitioners for responses to motions to dissolve by respondents when the court did not receive a written response.

The identification of some goals of the grant as "unintended" consequences demonstrates some evidence that the goals of the grant were not well understood by those working with the advocate position.

2. Project implementation

a. Information transmission

How were you told about what the advocate would do?

In general, interviewees were told about the role of the advocate in three ways. Those who were involved in designing the grant attended meetings and discussed and developed the advocate's job description. Some judicial officers and some staff were given information by those who designed the job in group meetings. Other staff received information about the advocate's role from experience -- directly observing or working with the advocate once she was hired. Only one person who was not involved in designing the position identified the grant application as a source of information about the role.

b. Content of information

What were you told about what the advocate would do?

When asked about what they were told about the advocate's role, interviewees responded very generally. Sometimes they identified "advocacy" or "supportive" services, giving in-court support, providing social service referrals, and helping to fill out forms. Many interviewees stated that they were told "the same" information as they understood as the goals of having the advocate. This may suggest that those interviewees were told about the role of the advocate and interpreted the answer to the practical "what" she would be doing into an answer to the question of "why" she would be doing it.

c. Perception of tasks performed

In your experience, what does the advocate do?

Interviewees were asked what they observed the advocate doing on a day-to-day basis. They responded with the following picture of the scope of work the advocate performed:

- helps petitioners in the courtroom, makes sure kids are not in the courtroom;

- provides general advocacy services, safety planning, moral support, assistance understanding court procedures, social service referrals, help filing out forms;
- attends to walk-in clients;
- attends to clients on the telephone;
- assists with protective order petitions, and custody and divorce filings;
- gives social services and legal services referrals;
- attends hearings with victims in protective order, divorce, custody, and criminal cases;
- handles motions to modify to see if both parties can agree;
- calls petitioners to notify them of modification requests by the respondent;
- receives referrals from the DV counter staff;
- gives a presentation on the protective order process and her services at the 1:30 ex parte hearings;
- follows up with victims periodically;
- collects data;
- helps petitioners with paperwork/filling out forms;
- gives information about superior court cases;
- explains why petitions are not granted and gives petitioner other options;
- diffuses conflict and serves as a calming influence during hearings;
- provides crisis intervention;
- gives referrals to ANDVSA,[100] law enforcement, and doctors;
- takes photographs of victim's injuries;
- helps petitioners to find information on other legal procedures (e.g., FED or Forcible Entry and Detainer);
- when petitioner moves to dissolve, gives them information, options, and safety planning assistance, makes sure it is voluntary, signs off on it, and gives it to the standing master who signs it without need for a hearing;
- does safety/follow-up calls if victims want her to.

The interviewees provided an overall picture of the advocate providing services before, during, and after the civil justice system's protective order process. She assisted petitioners with safety planning and social service referrals for their immediate and longer-term needs unrelated to the protective order process. She documented their injuries for victims' use at protective order and criminal hearings. She provided emotional support and crisis intervention during the entire process. She provided assistance on whether and how to fill out a petition for a protective order, including custody, support, and visitation issues. She attended ex parte hearings with petitioners to provide support in that setting. She provided support to petitioners between the ex parte and long term hearings. She assisted with motions to modify and motions to dissolve. She attended long term protective order hearings, both at the specific request of the petitioner and to be available on an as-

[100] Alaska Network for Domestic Violence and Sexual Assault.

needed basis at the petitioner's request and through the referral by a judicial officer. She attended collateral proceedings including criminal bail setting hearings, criminal trials, criminal pleas and sentencing hearings, divorce, dissolution and custody hearings. She followed-up with victims if they wanted her to. Last, she provided assistance at the courthouse for ongoing clients not presently involved in a protective order case.

d. Consistency of role

Has that role been consistent or has it changed?

Interviewees were asked if the advocate's role had been consistent throughout the grant term or whether it had changed or evolved. For the most part, they responded that her role had been consistent. One interviewee stated that, in the beginning, the advocate focused on the identified priority of the grant -- which the interviewee identified as child custody issues -- and then began to assist petitioners with understanding the court's overall process, including its limitations, and safety issues. One interviewee stated that, at the beginning, the court did not know how to implement the grant and that the court was very cautious and didn't know how to use the advocate. As safety issues were resolved or better understood and the advocate's experience grew, her role expanded. Several interviewees noted that the position had evolved into a "legal advocate" position after the initial grant period, which was funded by a subsequent grant that provided legal advocacy training for the former advocate. Legal advocates were described as focusing more on assisting with legal information and assistance with procedures, including information and assistance with divorce/dissolution and custody issues, and less on the giving of emotional support and resource information.

e. Target population

What group of people was the advocate supposed to serve?

The grant application anticipated the target population as victims at the AWAIC shelter.[101] The granting document also anticipated that victims would be the target population, stating that AWAIC would "hire an advocate to help victims participate effectively in court" but it did not specify the location of the advocate.[102] By the time the Memorandum of Understanding between the Court and AWAIC was reached, the advocate was no longer to be located at the shelter, but instead was to work at the courthouse.[103] A footnote in the Memorandum explained: "It is anticipated that

[101] Grant Application, *supra* note 8 at 6.

[102] Program Overview (on file at the Alaska Judicial Council).

[103] Memorandum of Understanding between Alaska Court System and AWAIC at 2 (on file at the Alaska Judicial Council).

this person would be in a good position to access people that the shelter might not see and be able to help them develop safety plans or find counseling for children exposed to domestic violence."[104]

When asked whom the advocate was supposed to serve, interviewees most often responded with "victims" or "petitioners." One interviewee stated that the target population was primarily "female petitioners." One interviewee misidentified the target population "people coming into the courthouse to use the legal process." None of the interviewees recalled to the interviewer that the project advocate was originally to have been based at the shelter.

f. User population

Who actually uses the advocate's services?

When asked who actually used the advocate's services, most interviewees responded with "the same" as those they identified as the target population, namely victims or petitioners. Some interviewees stated that the users were "mostly female" although the advocate did serve some men. Some interviewees stated that the advocate sometimes served respondents but that she only gave them information, or only served them when there was a cross-filing situation (when the alleged perpetrator/respondent was also an alleged petitioner/victim). In those cases she would identify a primary victim. One interviewee stated that the advocate spoke with respondents at times to give information or referrals but did not reveal any confidential information or cross any inappropriate boundaries.

Some interviewees identified third parties as "using" the advocate's services, such as the judicial officers referring petitioners to her for in-court advocacy services, court staff referring petitioners to her from the DV counter, and extended family members associated with the petitioner who were not themselves the respondent. These third parties were seen as indirect beneficiaries and not a population which was unintended.

g. Perception of how much of target population served

What percent of petitioners use the advocate's services? Are there many who use her services for repeat DV petitions?

Most interviewees stated that they did not know how many, or what percent of, petitioners used the advocate's services. Some hazarded guesses which ranged from 20% to 80% of all petitioners. One person remarked that the answer to this question was difficult to discern because "use" ranged from people asking one casual question to repeated, extensive assistance with multiple protective order hearings and follow-up criminal or civil divorce or custody proceedings.

[104] *Id.* at note 1.

When asked how many of those were repeat or previous customers, most interviewees stated again that they did not know. One interviewee believed that almost half were repeats. One interviewee stated that there were definitely many repeat users including "some who latch onto her as a lifeline." Another interviewee noted that "clients stick with her as they go through a related superior/domestic court case." One interviewee who had an expert understanding of the domestic violence process responded that "we expect that" (i.e., repeats). Another person emphasized that she was told that domestic violence research showed that it takes an average of seven attempts for a victim to leave a perpetrator, so when the victims come back to court, it should be viewed positively. That person noted that the advocate did not "judge" chronic petitioners. One interviewee noted that "just having the protective order isn't the only thing necessary (to avoid repeats) – she (the advocate) tries to fill in the other pieces."

h. Consequences of having non-employee AWAIC advocate in courthouse

How does having a non-court employee working in the courthouse affect court staff, judicial officers, petitioners, respondents, or others?

Early observations of the advocate at the courthouse and an early interview suggested that the DV staff might have had a negative attitude about the advocate's presence there. For the most part, the interviews did not support these early perceptions. Instead, most interviewees stated that the advocate interacted well with the DV clerks and that the clerks routinely referred petitioners to the advocate. One interviewee noted that there was some resistence by in-court clerks and judges to the advocate giving informational presentations before the ex parte hearings. Another person remarked that it took a while for the advocate to create relationships with the court clerks but, after the relationships were forged, the clerks liked having a person to whom to refer a person in crisis.

Many interviewees stated that the DV clerks greatly appreciated the advocate because she had the ability to provide emotional support and to give more time to persons in need of assistance, which the clerks were not able to do because of neutrality and time constraints. One interviewee noted that it helped court staff to have an advocate at the courthouse consistently and that the advocate had developed a rapport with the staff, which the volunteer advocates had not achieved. Another noted that the advocate had done a wonderful job establishing relationships with the DV staff.

Although the perception was generally positive, there were some reported negative effects of having a non-court employee stationed at the courthouse. One interviewee noted that it was easy for the court staff to forget that the advocate is not a court employee and the staff needed to be mindful of the advocate's role. Another person expressed skepticism that petitioners and respondents actually understood the advocate's role. In contrast, two different interviewees remarked that the advocate's role and independence from the court were very clear.

Some other concerns about the advocate were expressed. One interviewee stressed the need to have the advocate not relay improper information to the court and to have the advocate understand court rules. Another person stated that the court sometimes had to explain the advocate's role to indignant respondents who may perceive that the petitioner was receiving unfair assistance. These concerns, however, were not agreed with by another interviewee who asserted that it was not inconsistent with the court's principles of justice to have an advocate assist petitioners. That person explained that providing an advocate was within reason if it helped petitioners present their case to the court, that advocating was not something court personnel could do, and that having someone to help the court with the truth-finding process was permissible and did not compromise the court's neutrality.

i. Use and promotion of advocate's services by judicial officers

Do different judicial officers promote or use the advocate differently? How? Why?

The advocate attended most ex parte and long term protective order hearings. Judicial officers did or could have made use of the advocate by referring litigants to her while in the courtroom. The interviewees perceived that different judicial officers used and promoted the advocate's services differently. Most interviewees agreed that the two specialist DV judicial officers used and promoted the advocate the most. This is not surprising because those two judicial officers were instrumental in applying for and obtaining grant funding to solve problems they perceived in domestic violence court.

Other judicial officers used the advocate's services to different degrees. Many interviewees believed that the other judicial officers were aware of the advocate's services but did not use them. Most of those interviewees did not know why. Some interviewees stated that the other judicial officers were aware of the advocate's services generally but were not aware of all the things that advocate was capable of doing. Some interviewees also perceived that the other judicial officers did not use the advocate because the non-specialized judicial officers usually only presided at long term protective order hearings once a month or when the specialized judicial officers were absent. They hypothesized that there was not as much opportunity for the non-specialist judicial officers to make use of the advocate, and not as much understanding by those judicial officers about the advocate's role and ways in which they could use her. One interviewee stated that the advocate's role was largely defined by how the judicial officer controlled the courtroom and how comfortable the advocate was in that courtroom. Judges who had an "open" courtroom and allowed considerable mobility were perceived as promoting and using the advocate more because the courtroom environment permitted more interaction. One interviewee stated that the more comfortable the advocate was with a particular judicial officer, the more likely it was that the advocate would interject and offer her services to that judicial officer.

Some interviewees noted that the non-specialized judicial officers used the advocate's services less because all or most of the cases involving children were assigned to the specialized judicial officers. Because the other judicial officers would generally hear cases not involving children there would be no need to use the advocate to assist with developing parenting plans, visitation and custody agreements, and child support information. This lack of consistent opportunity may have impacted their use of the advocate's services in ways other than which the non-specialist judicial officers were already familiar with from their experience with volunteer advocates – namely providing emotional support to the victim while in the courtroom.

Some interviewees perceived that some of the non-specialized judicial officers were reluctant to use the advocate's services due to concerns about prohibited ex parte contact. One interviewee noted that the emotional support role of the advocate was permissible but that a judicial officer obtaining information independently from the advocate, instead of directly from the parties, about the case would be impermissible.

3. Outcome perceptions

a. Effect of advocate on specific populations

In your view, does having an advocate help/hinder/have no significant effect on the following persons in the domestic violence protective order process:

Interviewees were asked whether they perceived that having an advocate helped, hindered, or had no significant effect on the following populations in the domestic violence protective order process. They were invited to share additional comments.

1) Court staff

Interviewees were uniformly positive regarding the advocate's effect on court staff. There were no negative perceptions reported and only two interviewees stated that they did not know. Interviewees generally believed that it was helpful to have an advocate because the staff was restricted on how much advice they could give and how much emotional support they could give because of neutrality requirements, and how much time they could allot to each petitioner because of limited resources.

2) Petitioners

Interviewees also unanimously reported that the advocate had a positive effect on petitioners. Effects included the ability to help petitioners navigate the court system and proceedings, the ability of the advocate to provide information on self-care issues, the advocate having a calming effect on petitioners, empowering petitioners by giving them more information, providing crisis intervention

and emotional support, allowing petitioners relief from having to attend a hearing on a motion to dissolve that they voluntarily submitted, and allowing petitioners to be more emotionally comfortable in court.

3) Respondents

The advocate's effect on respondents was seen as mixed. Most interviewees stated that the advocate had no effect or a limited effect on respondents. Many of those same interviewees followed up by stating that the advocate had a negative effect on respondents because some respondents became upset that the petitioner was receiving a type of assistance that was not available to them, which was perceived as unfair. A few interviewees believed that this negative reaction by respondents had the effect of inflaming the situation. A few interviewees perceived that the advocate had a positive effect on respondents because the advocate also assisted them in understanding the system, explaining orders, and diffusing tense situations. One interviewee commented that the advocate had a positive effect on the respondent because the victim was getting support and making clearer decisions.

4) Judicial officers

Interviewees reported an overwhelmingly positive effect on judicial officers. No negative effect was perceived. Only one interviewee did not know and one was neutral. For the most part, the advocate was seen as cutting down the judicial officers' time on the bench. Those interviewees perceived the advocate as helping petitioners be more poised and informed in court, which allowed hearings to run more smoothly. Several interviewees noted that if a petitioner appeared confused or ambivalent about pursuing an order, the judicial officer would refer the petitioner to the advocate and the petitioner would come back better prepared and focused. Several interviewees also noted that it relieved the pressure on judicial officers to provide crisis intervention or emotional support from the bench, which might be inappropriate due to neutrality requirements. One interviewee noted that it was helpful to the judicial officers because the advocate allowed them to have better information in the written documents. Several interviewees also noted that judicial officers were no longer required to schedule and hold hearings on motions to dissolve that the advocate verified as voluntary, which eased time burdens on the court calendar.

5) Children of the household

Interviewees perceived some direct and some indirect effects on children of petitioners and respondents. A few interviewees reported some direct effects including the advocate's instruction to the petitioners not to bring children to court and providing limited childcare during hearings if necessary. One interviewee commented that the advocate gave information to petitioners about how witnessing domestic violence affected children.

Most interviewees perceived that the advocate's effects on children were indirect. They speculated that if the advocate were effective in creating a safe home, it would be helpful to children. They also remarked that the advocate's linking of petitioners to social services through referrals would benefit the children. One interviewee reported indirect benefits of lessening conflict between parties, especially during visitation exchanges. One interviewee speculated that the advocate had an indirect effect because petitioners would be able to know where they stood with the court better and therefore be able to take care of their children better because petitioners would not be as frantic or desperate as otherwise.

6) Others

Interviewees were able to identify few other populations upon which the advocate had an effect. One interviewee noted that having the advocate had a positive effect on public perception of the court system because the court was able to look more sympathetic and involved in the community's domestic violence problem. Another interviewee noted that having the advocate stationed at the courthouse had a positive effect on the AWAIC staff because the advocate was able to support AWAIC's shelter work. One interviewee noted that the advocate had a positive effect on security issues, although that perception was not further explained. Last, one interviewee perceived that the advocate had a positive effect on the facilitator's work because they were able to develop a good working relationship and assist one another.

"Two interviewees noted that staff had observed significant overlaps between the population of domestic violence petitioners and respondents, and the parents of children involved in child in need of aid (CINA) cases." One interviewee remarked that the court needed more data on related CINA cases.

b. Effect on quality of communication to court from parties

Do you perceive that petitioners and respondents are communicating their circumstances and needs to the court more effectively or differently because of the advocate's work? Why?

Interview subjects were asked whether they perceived that petitioners and respondents were communicating their circumstances and needs to the court more effectively or differently because of the advocate's work and, if so, why. All but three interviewees responded that petitioners were communicating their needs more effectively. Three interviewees did not know. Those that responded positively perceived that the advocate's assistance allowed petitioners to focus better and to provide more relevant information to the court. One interviewee summed up the group's overall perception:

> Petitioners are able to communicate more clearly about the issues and about what they want. Petitioners usually give too much information in the petition and during the hearing and the judicial officer has to

> sift it out. Also, petitioners don't always understand what is important - like threats to kill, for example. So the advocate helps the petitioner to communicate those things to the court.

While most interviewees did not include the respondent in their comments, two interviewees believed that the advocate also affected the respondent's quality of communication, perceiving that helping the petitioner focus on the relevant facts better also helped the respondent address those elements better in response.

c. Perception of appearance rates and voluntary dismissals at long term hearings

Do you perceive any increase in appearances at long term DV hearings when the advocate is assisting petitioners? How about any decreases in voluntary dismissals by petitioners?

Most interviewees stated that they did not know whether the advocate's involvement affected rates of petitioners appearing at their scheduled long term hearings. One interviewee believed that the people the advocate helped "almost always show[ed] up." One believed that there may have been a slight increase in appearances. Two interviewees believed that the advocate's involvement made a difference by helping petitioners be and feel safe, which encouraged them to attend the hearing. In contrast, two interviewees stated that they did not believe that the advocate had any affect on long term appearance rates positively or negatively. One interviewee commented that the advocate's clients were often transitory, homeless, and sometimes felt that they did not even have the proper clothes to come to court, which had more effect on appearance rates than the advocate's services.

Again, most interviewees stated they did not know whether the advocate's involvement in a case affected whether the petitioner decided to voluntarily dismiss their case. One interviewee believed that it did not have an effect. Two interviewees had observed several instances of petitioners who changed their minds about pursuing their motions to dissolve after speaking with the advocate. One interviewee commented that one good outcome of having the advocate calling petitioners to make sure that their motions to dissolve were voluntary, rather than having a hearing on the issue, was that the transaction did not highlight the respondent's power over the petitioner, which often happened at a hearing. That interviewee believed it was better to have a motion to dissolve decided purely on the motion papers.

d. Perception of quantity of requests to the court

Do you perceive any increases or decreases in requests to the court from petitioners or respondents as a result of the advocate's work, for example, in custody or child support requests, or in motions to modify or dissolve?

Most interviewees again stated that they did not know whether they perceived any effect on the number of requests to the court (e.g., motions to modify, dissolve, visitation/custody, child support) as a result of the advocate's work. One person "had no clue" that the advocate could have a role in any of the requests mentioned being filed. One person stated that she observed more child support requests being filed because of the advocate's involvement. One interviewee stated that she did not notice any changes, except that every year there are more and more requests. One interviewee stated that she did not perceive any change for motions to modify or motions to dissolve but anticipated that there would be more after the change in law allowing one-year orders. One person observed the advocate telling petitioners that they needed to get an order dissolved or the respondent could go to jail, but the petitioner/respondent pair believed that no one would be checking up on them. That person believed that with long term orders people often "just get by" instead of moving for child support, custody, or dismissals of the order.

e. Perception of quantity of orders issued

Do you perceive any increases or decreases in the number of orders issued by judicial officers as a result of the advocate's work, for example, protective orders, child custody or visitation orders, child support orders, orders to modify or dissolve?

Like the perceptions of other outcome measures, most interviewees did not know whether judicial officers were issuing more orders because of the advocate's work. Three interviewees stated that they did not think that more were being issued. One person stated that custody/visitation orders were more thorough but that there were no changes in numbers. One person commented that the advocate attempted to get everything included in the ex parte order, so she did not see how that would lead to more modifications. One person commented that the advocate's work created an opportunity for more orders because more information was being given to petitioners. One person believed that more custody and visitation orders were included in protective orders (i.e., not granted separately). Four people believed that more long term protective orders were being granted because the information in the petitions was better due to the advocate's involvement.

f. Most significant outcome

What do you see as the most significant outcome of the advocate program?

Interviewees were asked what they perceived was the most significant outcome of the advocate program. The most common response was that the victims had better direct access to victims' services. The second most common response was the increased education, knowledge, and information the advocate was able to provide victims about the court process. Others identified the increased comfort levels and feelings of safety for victims in coming to the courthouse. Interviewees also identified the following: increased emotional support for victims that court staff could not provide, better follow-through by victims in going through the protective order process, easing the burden on judicial officers to give advice or emotional support from the bench, giving the public

someone to turn to, ensuring that motions to dissolve were voluntary, having fewer hearings on motions to dissolve, and having the advocate convey to petitioners that the protective order would be available for them again if needed, even if they chose to dismiss or dissolve an order.

g. Suggestions regarding the project advocate

What suggestions would you make to the advocate program?

Interviewees were asked what suggestions they had for the advocate program and they gave a wide range of responses. They included:

- have a separate legal advocate supporting the advocate;
- have the presiding judge issue an administrative order outlining how the court should work with the advocate;
- give information to the public about the advocate's role, if it is not being given;
- have the other masters meet with the advocate at least once a year to understand what she's doing – there hasn't been that opportunity for at least two years;
- have more of her! We need armies of advocates;
- continue it; have the program reach the villages;
- also have an evening advocate 4:30 - 9:00;
- work on how to fit the advocate's work in with the facilitator's work more;
- get the non-specialized judicial officers to understand and work with the advocate more;
- improve security for the advocate;
- have more follow up to see if the initial order is understandable, working, or being violated and to give more referrals;
- have the advocate go back to doing presentations and introductions at the ex parte hearings;
- have more resources including an interpreter and daycare provided;
- improve the night reception area;
- use the advocate more in both civil superior court and criminal cases;
- leave it the same.

C. Family Law Self Help Center facilitator

1. "Buy-In" by interviewees: views of goals, expectations, effectiveness

a. Goals of the program; interviewees' understanding of goals

What did you understand as the goals of having the facilitator?

The goal of having the facilitator position was stated in the grant application abstract as "to assist the court's efforts to enter effective orders that will serve victims meaningfully.[105] To that end, the facilitator was to "help prepare parenting plans, based on intake information at the time of the hearing."[106] The grant contemplated that the facilitator and the advocate would work together to create the parenting plans.[107] Elsewhere, the grant identified additional goals as to "help the court narrow down the issues in dispute and enter orders that will be less likely to require subsequent modification. These improvements will increase the likelihood of entering effective orders the first time around, minimize the confusion that frequently occurs, and ultimately facilitate the enforcement of orders once they have been entered."[108] When outlining "How Success Will be Measured" the grant identified other goals such as the entry of more child support orders, more individually tailored custody and visitation orders in protective order cases, and enhancing victim access to permanent divorce and custody proceedings.[109] In conjunction with adding the facilitator, a dedicated 800 number was to have been added to the Family Law Self Help Center to parallel the other statewide services.[110] The grant funding document stated, in the barest of terms, that "[T]he court will hire a court-based facilitator to help domestic violence victims correctly complete legal paperwork."[111]

Most interviewees identified three goals most often: assisting with visitation and custody planning, obtaining information for child support orders, and referring parties to appropriate superior court processes such as dissolution, divorce, and custody cases. Some of the interviewees noted that achieving these goals led to shorter, smoother, hearings because the parties were more prepared. Two persons identified a goal of entering fewer modifications to protective orders as a goal. No interviewees mentioned a goal as having the services available statewide through an 800 number.

Comparison of the goals stated in the grant and the goals identified by the interviewees revealed that most interviewees understood that the facilitator was to assist with parenting plans, child custody and visitation orders, child support orders, and giving parties information about divorce, dissolution, and custody cases in superior court. A few people understood that one goal was to have better orders so that fewer modifications would result. Overall, interviewees seemed to have

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[105] Grant Application, *supra* note 8, at 2.

[106] *Id.*

[107] *Id.*

[108] *Id.* at 6.

[109] *Id.* at 12.

[110] *Id* at 7.

[111] Program Overview (on file with the Alaska Judicial Council).

a good understanding of the grant goals, except for the 800 number component, which was never implemented.

b. Interviewees' expectations

Did you expect that having a facilitator would help reach those goals?

Most interviewees believed that the facilitator could help meet the goals they identified. Two did not. One person had no expectations. One interviewee who did not believe a facilitator would help to reach the grant goals did not expect that petitioners and respondents would agree to visitation and custody plans when given that opportunity.

c. Effectiveness of facilitator project and unintended consequences

In your view, was the facilitator project effective in reaching those goals? In other ways?

Most people saw the facilitator project as effective in meeting the goals of the grant. One person stated that the project was effective except in obtaining more child support orders. She explained that the calendar does not allow getting into child support issues and that unless someone specifically asks for one, they don't get one. One person noted that the only thing that has affected the efficacy of the project has been turnover in the position, although the advocate was able to provide some continuity.

Most interviewees did not report any unintended consequences. One person remarked that she did not know whether being a part of the "DV team" was anticipated but that one facilitator worked well with the team, which seemed to make things run a lot more smoothly. In that same vein, one interviewee noted that one facilitator had developed a good relationship with the advocate, which helped because they made many cross-referrals for appropriate services. One interviewee noted as an unintended consequence that the facilitator was a good link to the divorce/dissolution process and paperwork, which was actually a stated goal of the grant.

2. Project implementation

a. Information transmission

How were you told about what the facilitator would do?

Interviewees generally heard about the facilitator position in the same way they received information about the advocate. They were either a part of the design of the position, they met with the project leaders, or they learned about it through job training or experience. One person stated that some information had been conveyed about the facilitator through e-mail and that the message,

with its attachments, had been the only opportunity to hear about the program. One interviewee stated that no one had ever given her information on what the facilitator would be doing.

b. Content of information

What were you told about what the facilitator would do?

Most interviewees stated that they were told that the facilitator would be contacting both parties before the long term hearing to work out custody and visitation plans and to get information for calculating child support. Some identified the information they received about what the facilitator would be doing as the same things as the goals they previously stated, which included the giving of referrals to appropriate superior court proceedings such as dissolution, divorce, and custody.

One interviewee was startled when told about the facilitator project because the interviewee perceived the facilitator as potentially having inappropriate *ex parte* contact. According to the interviewee, when the interviewee conveyed these concerns, the project leaders responded that they didn't see it that way and that the program was going forward regardless of those concerns.

c. Perception of position tasks performed

In your experience, what does the facilitator do?

Most interviewees identified the facilitator's core role as taking steps to arrange custody and visitation plans with parents after the ex parte hearing and before the long term hearing. They stated that the facilitator called the petitioner to get a proposal for custody and visitation and to get financial information on child support such as income and expenses. She then called the respondent for the same information. After talking with both parties, she drafted proposed plans for the judicial officer based on those communications. Interviewees also stated that the facilitator talked with parties to give them information about how to open superior court cases and what resources were available to help them. If the facilitator was unable to contact the parties via telephone, judicial officers would refer parties to her at the long term hearings to obtain the same information from each party individually.

Several interviewees stated that the respondents almost always agreed to the petitioner's proposed visitation plan after it was conveyed to them by the facilitator. Some interviewees were very surprised by this outcome. Some interviewees stated that this was a positive result of removing the visitation issue from the conflict at a hearing. Several interviewees also stated that the facilitator was able to give respondents information about the protective order process that they did not otherwise have an opportunity to receive because they did not have access to advocates.

One interviewee continued to raise concerns about the facilitator's role. The concerns were that the information the facilitator was receiving and conveying to the court was not exchanged between the parties (unlike motions) and was not a formal report given to the parties that they could review and to which they could raise objections (unlike custody investigation reports). The interviewee perceived that the court did not know what information the facilitator was receiving, what she was conveying to or exchanging between the parties, and what information she was conveying to the court. This interviewee stated that it would be preferable if the presiding judge were to review the facilitator's role and issue guidelines for the facilitator and for judicial officers using the facilitator's information.

A different interviewee stated that if the facilitator spoke only to the petitioner and not to the respondent, any information that the facilitator received from the petitioner still went into the file for review by the judicial officer. The interviewee perceived that the facilitator did not give narrative (the "whys") about a proposed plan except when it was very specific information, such as a request by a petitioner that: "only my parents to supervise because he's threatened to kill everyone else." The interviewee also stated that if the facilitator was told that the Alaska Office of Children's Services already had restrictions in place, those restrictions were relayed to the court. The facilitator did not independently verify OCS restrictions but relied on information from the parties.

Other tasks performed by the facilitator that were mentioned by interviewees included: working at the Family Law Self Help Center's hotline, providing information about legal and social service resources, giving information about other court proceedings (e.g., forcible entry and detainer actions) gathering data and statistics, acting as the court's primary contact for the Cook Inlet Tribal Council's Safe Havens supervised visitation program, and giving information to parties about the facilitator's role before the ex parte hearings. Several interviewees incorrectly perceived that the facilitator worked half the time doing the "regular" Family Law Self Help Center tasks of assisting people with divorce and dissolution proceedings.

d. Consistency of role

Has that role been consistent or has it changed?

Most interviewees perceived that the facilitator role had been mostly consistent but had evolved somewhat from when it began. Some changes included the addition of a presentation before the ex parte hearing and acting a liaison with the Safe Havens supervised visitation program. Many interviewees who viewed the role as consistent allowed that the person fulfilling the role was able to offer more services and information as that person learned more skills and knowledge. One person

also noted that the role itself did not change but the procedures changed somewhat as processes and forms changed so that they were more effective and efficient. One interviewee also noted that the facilitator role did not change but that at first the facilitator had an office in the DV unit but was relocated to the Family Law Self Help Center, which negatively impacted her contact with the DV unit. A few interviewees did not know whether the role was consistent.

e. Target population

What group of people was the facilitator supposed to serve?

Almost all interviewees perceived that the target population was petitioners and respondents with children. Some added the qualifier "pro se," that is, without an attorney. A few perceived that the public as a whole was the target population for answering questions about divorce and custody issues. One person stated that the target was "[a]nyone who goes through the DV process. Those with kids have more complex needs. It has evolved to helping those with kids the most." One person stated that the judicial officers were part of the target population because the program was intended to streamline long term hearings. One person incorrectly perceived that victims were the intended user group.

f. User population

Who actually uses the facilitator's services?

Most interviewees stated that the same population actually used the facilitator's services as the target population. Two interviewees stated that they did not know. One interviewee noted: "They all [petitioners and respondents] talk to her. I can't think of anyone who refused to talk to her unless they knew they were going to dismiss the order."

g. Perception of how much of target met

What percent of petitioners and respondents use the facilitator's services?

Many interviewees perceived that the facilitator attempted to reach, or did reach, all or most (75-100%) of the parties. About an equal number of interviewees stated that they did not know how much of the target was met. One interviewee was more skeptical and responded that the facilitator reached about 30% of the target population.

h. Use and promotion of facilitator's services by judicial officers

Do different judicial officers promote or use the facilitator differently? How? Why?

Most interviewees stated that the two specialized judicial officers used the facilitator the most. Some stated that other judicial officers used the facilitator's information but that the opportunity did not often arise because after the facilitator concept was met with resistence, most

cases involving children were assigned to the two specialized judicial officers. One person stated that the facilitator never had contact with district court or superior court judges. A different interviewee contradicted this and stated that superior court judges were very aware of the facilitator's services, were increasingly using her, and were making referrals. One interviewee perceived that, although the facilitator most often saw the same two judicial officers, that other judicial officers seemed to be receptive once the facilitator explained her role to them. One interviewee stated that the non-specialist judicial officers were "unenthusiastic" about the facilitator project when those services were described. Two interviewees perceived that one or more of the non-specialized judicial officers might not use the facilitator because they had ethical concerns regarding the facilitator's role and ex parte contact.

3. Outcome perceptions

a. Effect of facilitator on specific populations

In your view, does having a facilitator help/hinder/have no significant effect on the following persons in the domestic violence protective order process?

1) Court staff

Many interviewees perceived that having the facilitator was helpful to court staff because it was an additional resource to which staff could direct customers. Four interviewees believed that the facilitator did not have much of an effect on staff because court staff could not refer people to her – the facilitator had to initiate calls to the parties instead. Two interviewees stated that the facilitator project may have lightened the staff's workload because the facilitator was calling the parties to get agreement on motions to modify visitation orders, thereby eliminating the need for a hearing on the matter. The remaining interviewees did not know what effect the facilitator had on staff.

2) Petitioners

Most interviewees believed that the facilitator had a positive effect on petitioners. They perceived that the facilitator got petitioners thinking about custody matters before the long term hearing and that forethought resulted in better orders. They also perceived that the facilitator provided information for long term planning, helped petitioners be more focused, and provided general information about the process. One interviewee commented that, prior to the facilitator doing custody and visitation planning with the parties, it was very difficult for the parties to do themselves because once the temporary ex parte order was in place, they could not have contact and could therefore do no planning or exchanging of information needed to create visitation schedules. No negative effects on petitioners were reported.

3) Respondents

Most interviewees also believed that the facilitator had a positive effect on respondents for most of the same reasons as with the petitioner. One person remarked that the facilitator was particularly helpful to respondents because there was a lack of other sources of neutral information available to them. A different person perceived that it was helpful to respondents because it gave them a voice, that being contacted might prevent them from coming to a hearing angry, and that most respondents do want to see their children. One interviewee reported that having details worked out beforehand, and not in court, neutralized emotions and that respondents most often agreed to what the petitioners proposed. No negative effects on respondents were noted.

4) Judicial officers

The facilitator was seen as particularly helpful to the judicial officers who utilized the information obtained by the facilitator. Interviewees commented that having visitation and custody information available and issues considered before the long term hearing enabled judicial officers to process more cases, made for quicker hearings, and made for better orders. Some interviewees believed that having the issues considered beforehand reduced tension and conflict in the courtroom. One interviewee believed that the facilitator enabled the judicial officers to perform at least some child support reviews whereas they did none before the facilitator. One person commented that there were many cases in which the visitation work up was done but the petitioner did not show up, which caused some inefficiency.

5) Children of the household

Interviewees perceived the facilitator project as beneficial, at least indirectly, to children of households involved in the domestic violence protective order process. Some perceived that the facilitator helped parents consider visitation issues and make more functional plans for the children. One interviewee believed that more detailed plans and reduced conflict between parents benefitted children because they knew more what to expect and there was less fighting between the parents. One interviewee stated that although the facilitator tried to be neutral to the parties, she did try to direct both parties to the children's best interest and that any benefit of a safe home would benefit children. One interviewee believed that it enabled children to see respondents more. In contrast, one interviewee believed that the facilitator could help respondents/perpetrators get custody when that was not appropriate. A few interviewees noted that child support orders were being entered as a result of the facilitator's work, which directly benefitted children, whereas none were being entered before the facilitator. No negative effects were reported.

6) Others

Interviewees did not identify many other groups that the facilitator might affect. Many interviewees believed that the facilitator and the advocate had mutually beneficial effects due to the possibility of cross-referrals. One person hypothesized that the facilitator might have an effect on court security by reducing the potential for conflict. Another mentioned that the assistant attorney generals in the child support enforcement division now received some enforceable child support orders due to the facilitator's work. One interviewee conjectured that there might be a positive effect on superior court judges in divorce cases involving domestic violence because it could cut down on early, expedited motions for support and visitation if there were already a plan and orders in place. No negative effects were reported.

b. Effect on quality of communication to court from parties

Do you perceive that petitioners and respondents are communicating their circumstances and needs to the court more effectively or differently because fo the facilitator's work? Why?

Almost all the interviewees perceived that petitioners and respondents communicated their circumstances and needs to the court more effectively because of the facilitator's work. Interviewees believed that the parties thought about the details before the hearing and the order was drafted to provide for those details. Several interviewees believed that the improved quality of information was limited to the facilitator's primary role of custody, visitation, and support and did not extend to the circumstances of the domestic violence incident. Several interviewees perceived that the quality of information the facilitator was able to elicit was better because it was obtained in a more comfortable environment than the courtroom. One interviewee perceived that the court was also receiving better information as a result of new forms that were recently drafted.

c. Perception of appearance rates and voluntary dismissals at long term hearings

Do you perceive any increase in appearances at long term DV hearings when the facilitator is assisting petitioners? How about any decreases in voluntary dismissals by petitioners?

Most interviewees perceived no difference in rates of petitioner appearances at long – term protective order hearings. Several interviewees perceived that receiving a phone call from the facilitator for visitation information would act as a reminder to come to court. One of those interviewees also believed that a call from a court employee might impart some authority, which could increase appearance rates.

Most interviewees also perceived no differences in rates of voluntary dismissals. One interviewee questioned whether there would be a logical link between the facilitator and any change in rates of voluntary dismissal because the advocate, and not the facilitator, handled those.

d. Perception of quantity of requests to the court

Do you perceive any increases or decreases in requests to the court from petitioners or respondents as a result of the facilitator's work, for example: custody or child support requests, or in motions to modify or dissolve?

Most interviewees stated either "No" or "I don't know" when asked whether they perceived any increase or decrease in the overall volume of requests to the court as a result of the facilitator's work. A few perceived that there was an increase in requests for child support. One person perceived increases in requests for visitation, supervised exchanges, restrictions on visitation, and alcohol treatment. Another interviewee perceived increases in child support orders but stated that if petitioners didn't ask for an order they still didn't get one because the judicial officers would not raise the issue on their own due to time constraints of the calendar.

One person questioned whether the goal to reduce motions to modify was achieved and stated that there was some possibility that they had increased. Another person agreed with this perception and stated:

> I perceived that there were more requests to modify centered around visitation issues - if something would come up the parties were good about contacting the court to make that modification.

Another stated:

> I would be curious about petitions to modify. I don't know if we met that because people feel more empowered with the facilitator. They are given confidence about their ability to access the court.

One person noted that she did not perceive any difference and that they always saw a lot of requests to modify because people changed their minds often on visitation issues.

e. Perception of quantity of orders issued

Do you perceive any increases or decreases in the number of orders issued by judicial officers as a result of the facilitator's work, for example: protective orders, child custody or visitation orders, child support orders, orders to modify or dissolve?

Again, most interviewees stated that they did not know whether there was a perceptible difference in the number of orders entered as a result of the facilitator's efforts. Some interviewees perceived increases in child support orders, supplemental visitation orders, supervised visitation orders, and Office of Children's Services referrals. In an earlier question, when asked whether the

facilitator was effective, a few interviewees mentioned that it appeared child support orders were up.

f. Most significant outcome

What do you see as the most significant outcome of the facilitator program?

Interviewees identified the greater efficiency of long term hearings most often as the most significant outcome of the facilitator program. They also frequently identified the ability of parties to engage in parenting planning and focus in advance about important issues like child custody, visitation, and support, which resulted in better custody and visitation orders, and more child support orders. One interviewee believed that the most significant outcome, although not the most frequent, was when a party was able to follow through and obtain a permanent solution by becoming linked to and filing a superior court case, and by obtaining a result of divorce or custody.

g. Suggestions regarding the facilitator

What suggestions would you make to the facilitator program?

When asked what suggestions they would make to the facilitator program, interviewees gave a wide variety of responses. They included:

- have an office in the DV unit for the facilitator;
- have the court give more guidance and educate the masters more;
- have the facilitator position be more a part of the DV team;
- have the facilitator attend ex parte hearings as well as long – term hearings;
- have more followup with parties to see if they are complying and if the order is working;
- have more supervised visitation and exchanges;
- have a facilitator follow through with the parties to any superior court case proceedings;
- have more supervision of the facilitator because there is a fine line between legal advice and legal assistance;
- have the facilitator give a presentation regularly on the domestic violence order process;
- offer services statewide.

Of all these suggestions, having the facilitator be more closely linked with the other staff in the DV office was most often mentioned by interviewees.

D. Interviewees' recommendations for the domestic violence court process

1. Other problems that could be addressed by facilitator or advocate

Do you see problems in the domestic violence protective order process that were not intended to be addressed by the original grant that the facilitator or advocate could help with?

Most interviewees believed that both programs were working well and could not identify other problems with which the facilitator or advocate could assist. A few interviewees mentioned such things as helping more with superior court cases, giving more education on the DV process in general and especially immediately before the ex parte hearings, assisting with compliance follow-up or hearings, and being available for night and weekend duty. Except for the compliance follow-up suggestion, these suggestions seemed to involve having the facilitator or advocate do more of what they were already doing, rather than performing different tasks.

2. Problems that need to be addressed by other means

Do you see problems in the domestic violence protective order process that need to be addressed by other means?

Interviewees identified a variety of problems in the domestic violence process that needed to be addressed by other means;

- have more education on the process for petitioners and respondents about how to prepare for hearings;
- the DV waiting area is too confined for disputing parties;
- we need child care for hearings;
- rethink how the hearings are scheduled. It is extremely difficult on litigants to wait all together in the same courtroom to deal with violence. It's an unnerving and hostile atmosphere waiting for the cases to be called. Security is not always there even though it is supposed to be;
- the process needs regularity. A lot of cases are filed aren't DV. Ex partes are granted that should not have been and then petitioners are confused about why the long term is denied. Everyone should be on the same page;
- there is a lot of inconsistency in how the law is applied. It is confusing to parties when not all judges would rule the same way in a case;
- it used to be that people were reluctant to get a DV order, now they are rushing down here. We call it divorce/dissolution by DV;
- there will be some strategic maneuvering by some attorneys due to House Bill 385, which creates a presumption against custody for a perpetrator of domestic violence. This will get worse if it hasn't already;
- we need more interpreters. Have petition forms in other languages;
- we were stunned to know how many people are involved in the DV process who are also involved with the Office of Children's Services. We need more data on related CINA cases. More coordination with CINA cases;

- batterers intervention and anger management is not being ordered. The masters perceive that they don't have a mechanism for enforcement;
- more time needs to be allocated for hearings. Fifteen to twenty minutes is not good.
- better security is needed;
- better, more instructive forms are needed;
- it is extremely difficult to get enforcement of elements in the protective order such as drug/alcohol treatment, no guns, Batterers Intervention Program, alimony, child support, and restitution;
- we need a more professional intake function in the DV unit to make sure that petitioners understand what a protective order is and what the consequences are. Improved intake would help weed out some people that don't belong.

3. Other comments

Are there any other comments you would like to add?

Interviewees often reiterated the positive nature of the program when asked whether they had any other comments that they would like to share.

> Just the existence of this grant has made everyone focus in on DV in a way that hasn't happened in the past. The clerk's office has changed a lot of systems. The DV office is completely changed. There used to be a lot of burned-out people there. Now they are managing DV more at the front end. We also have meetings monthly with all the people involved, including clerks. These are all "invisible" things . . . like happier clerks giving better customer service.
>
> I think both positions are really warranted and help the process so much. I can't imagine us doing all this without the back-up.
>
> We love both the facilitator and the advocate. They have made a big difference in Anchorage.
>
> On the whole, the project is having a positive impact. In a lot of ways, it is a population that is hard to get feedback from.
>
> It's great. I'm proud of it and support it, even though I had nothing to do with getting it. I hope it keeps going. It helps me sleep at night, knowing that there's people to help.

Others had further suggestions or evaluation comments:

> The roles should be publicized to the parties more so the services could be use by parties more. I'm not sure how you'd do that. There is an issue about compliance hearings. People would have these visitation plans and respondents wouldn't show up for scheduled supervised visitations. It didn't seem fair.

> An advocate could fill eighty hours. But the advocate provided support that wasn't there before. The advocacy community now understands the process and has an "in." Having a partnership with the Self Help Center keeps the facilitator at the forefront of the advocate's mind for referrals. AWAIC does not have a legal advocate, so that's helpful.

Last, one person provided a concise commentary:

> I like having them both.

Part VI:
Findings and Discussion

This section of the report ties together the statistical findings and the interviews, and provides a summary of the findings and suggestions throughout the report. It first sets out the concepts underlying the grant, and then discusses how the grant was implemented. A consideration of the outcomes measured in the statistical analysis compared with the comments of interviewees about the outcomes highlights some of the richness of perspectives gained by using both methods of understanding. Finally, Part VI pulls together the suggestions for possible further court action or consideration made in response to the findings from the data and interviews.

A. Grant concepts

The proposal funding the advocate and facilitator projects spoke in general terms about the concepts underlying the grant, and about the goals for the projects.[112] The grant envisioned an advocate position based at the local women's shelter, AWAIC,[113] who would help the facilitator prepare parenting plans and strengthen domestic violence advocacy programs in the community. The facilitator would help prepare parenting plans for information gathered before or during the long term hearing, which would aid the court's efforts to enter effective and meaningful orders. Both positions would work with parties early in the process to help the court narrow the issues in dispute and draft individualized orders. The proposal suggested that measures of success might include the number of child support orders entered, the number of modifications that parties asked for after the long term hearings, and a reduction in the number of repeat domestic violence incidents for the petitioner/respondent pair. Other documents expanded on the outcomes that the court hoped for, such as an increase in the percentage of ex parte petitions that resulted in a long term order.[114]

The grant's generality allowed considerable flexibility in designing and modifying the two positions when needed. But the lack of detail may have left the court's goals and expectations for

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[112] *See generally, supra,* Parts V.B1.a and C1.a.

[113] Abused Women's Aid In Crisis.

[114] *Supra.* Part II. A.

the two positions ambiguous. The indefiniteness also increased the complexity of the evaluation by requiring further meetings between the evaluation staff and the court. The meetings helped to develop the specific structure and measures of outcomes for the projects. The evaluation should be read in the context of the grant combined with the more specific expectations found in a Council memo documenting the meetings with the court.[115]

B. Grant implementation

One purpose of the evaluation was to find whether the court carried out the projects in the way that it designed them.[116] The interviews suggested that the court largely accomplished this, despite the generality of the proposal.[117] The advocate and facilitator were hired, trained, and began work shortly after the beginning of the grant cycle.[118] The facilitator position lacked continuity at the beginning. Three different individuals worked in the job and it was open for about six months total during the two-year grant cycle. The advocate remained the same, and filled in, providing some continuity for the court while the facilitator position was open.[119]

Court staff and judicial officers had worked with volunteer advocates regularly.[120] Their familiarity with traditional advocacy tasks, such as providing information and emotional support led them to appreciate having an advocate available consistently.[121] When the advocate performed less traditional tasks, some of which were more legally-oriented, it created some discomfort with her proper role at the courthouse.[122]

The concept of the facilitator position was not familiar to court staff or judicial officers. Staff seemed to accept the position better, perhaps because the facilitator's work largely did not impact

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[115] Memorandum from Larry Cohn to Susanne Di Pietro, June 2, 2004, on file at Alaska Judicial Council.

[116] *See supra* Part III.B.

[117] *See supra* Parts V.B., V.C.1.a.

[118] *See supra* Parts II, II.A., II.B.

[119] *See supra* II.A., II.B. The facilitator position was open for several months after the Judicial Council stopped selecting cases to evaluate, except for a month in June 2003. It was not likely that brief absence affected the data collected for the evaluation.

[120] *See supra* Part V.B.1.c.

[121] *See supra* Part V.B.3.a.1.

[122] *See supra* Part V.B.2.i.

them directly.[123] Judicial officers who did not work frequently in domestic violence were resistant to the concept and so the domestic violence calendar was adjusted so that almost all the cases with children, those cases on which the facilitator would work, would be heard by the specialized judicial officers.[124] This calendaring change, while possibly improving the initial training and transition to the facilitator program, may have also served to distance the other judicial officers from the program. Because they had fewer chances to work with the facilitator, they may have been more resistant to the program, they did not have an opportunity to learn of the potential assistance the facilitator could provide, and their concerns about ex parte contact went unaddressed.

For the most part, both the advocate and the facilitator provided services to their target populations.[125] The advocate mostly provided services to victims/petitioners. The facilitator mostly provided services to petitioners and respondents with children. The advocate was more fluid, though, and sometimes provided information or referrals to respondents if it did not pose a conflict with her core mission. This fluidity was seen as a positive attribute. It was unclear, however, what percentage of their target populations were served.

Most interviewees believed that the advocate and the facilitator could help meet the goals the interviewees identified for those positions.[126] This consensus demonstrates that the interviewees generally agreed with the concept of the advocate and the facilitator as potentially helpful to the court's domestic violence protective order process. This agreement most likely assisted with the ease of implementation of the programs.

Although program implementation went smoothly for the most part, a few issues were raised that may have had some effects.

1. Communication

Interviewees generally learned about the projects before they began in one of three ways: those who were involved in obtaining the grant attended meetings and discussed and developed the positions, others attended group meetings or obtained experience with the advocate or the facilitator

[123] *See supra* Part V.C.3.a.1.

[124] *See supra* Part V.C.2.h.

[125] *See supra* Parts V.B.2. f-g., V.C.2.f-g.

[126] *See supra* Parts V.B1.b., V.C.1.b.

directly by working with that person.[127] Interviewees seemed generally satisfied with how they were told about the grant-funded positions.

Overall, interviewees lacked a clear understanding of the differences between the court's goals (improved efficiency and quality of orders) in having the advocate position and the day to day operational expectations (helping to fill out paperwork, developing parenting plans) for that position.[128] It is not clear whether this lack of deep understanding of the project affected the project implementation. Interviewees had a better understanding of the facilitator position.[129]

Ongoing communication with judicial officers other than the specialized judicial officers about the positions seemed to be less than optimal.[130] This may have been due to initial resistance or disinterest from some judicial officers, an overall lack of time by judicial officers, or a lack of perceived need for such communication because the specialized judicial officers handled most of the relevant caseload. Most judicial officers, including both specialized and non-specialized officers, perceived the need for more and regular communication about the facilitator's and the advocate's roles at the courthouse. Some review and guidance from court administration and/or the presiding judge regarding judicial officer use of information gained from those individuals might also prove beneficial.

2. Use by judicial officers

In general, implementation of the advocate and facilitator programs went smoothly. One obstacle that interviewees noted was the difference in use between the specialized judicial officers and the nonspecialized judicial officers.[131] Interviewees identified several reasons for the difference in use of their services.

First, interviewees perceived that the specialized judicial officers presided at most of the hearings that involved children in the household, which would have affected judicial officers' use of information from the facilitator and advocate about custody, visitation, and support issues.[132] In fact, in 2002 and in 2003-04, the specialized judicial officers presided at about 46% and 61%,

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[127] *See supra* Parts V.B.2.a., V.C.2.a.

[128] *See supra* Parts V.B.1.a-c.

[129] *See supra* Parts V.C.1.a-c.

[130] *See supra* Parts V.B.2.i, V.C.2.h.

[131] *See supra* Parts V.B.2.i, V.C.2.h.

[132] *See supra* Part V.C.2.h.

respectively, of all domestic violence long term hearings. The remaining hearings were handled by the other masters (39% in 2002, 26% in 2003-04), superior court judges (12% in 2002, 13% in 2003-04), and district court judges (1% in 2002, 2% in 2003-04).[133] Thus, both nonspecialized judicial officers and superior court judges heard a substantial percentage of domestic violence long term hearings, including some that involved children's issues.

Second, there was a perception by some judicial officers the information obtained from the facilitator could pose a risk of unethical ex parte contact.[134] Because the facilitator provided all information that she obtained to the court, even when she did not contact both parties, this concern was valid.[135] This concern could be addressed easily by a presiding judge's order requiring the facilitator to give respondents who could not be contacted formal written notice of the petitioner's proposals before the long term hearing, to which the respondent could respond at the hearing. Addressing this ethical concern might result in more use of the facilitator.

Finally, interviewees perceived that some judicial officers were "set in their ways" to some extent.[136] Some interviewees perceived that the judicial officers did not know about all the ways that the facilitator or advocate could assist them.[137] Improved communication, discussed above, about the advocate's and facilitator's roles could inform judicial officers about how the advocate and/or facilitator could assist them in obtaining information for better quality orders and in improving the efficiency of hearings.

3. Co-occurring system changes

It was noted by some interviewees that, at the same time the facilitator and the advocate were hired and began their work, a major revision occurred in the Domestic Violence clerk's office.[138] The DV clerk's office was brought under supervision of the Customer Service division and two deputy clerks were appointed to rotate between Customer Service at the Nesbett Courthouse and the DV office every six months. Several new staff people were hired to replace longtime domestic violence

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[133] *Supra* at 35.

[134] *See supra* Part V.C.2.b-c.

[135] Judicial Council staff consulted with the Director of the Judicial Conduct Commission for advice about this issue. The Director believed that the judicial officers' concerns were appropriate but could be cured by providing respondents with notice about proposed custody and visitation plans.

[136] *See supra* Part V.B.2.i.

[137] *See supra* Parts V.B.2.i, V.C.2.h.

[138] *See supra Part* V.D.3.

clerks. Substantial changes were made to several forms. Last, regular meetings were conducted regarding domestic violence with community resource providers, judicial officers, court administration and court staff to identify and address needs in the domestic violence court processes. These administrative changes could have affected court processes from 2002 to 2003-04 in ways that this evaluation did not study. In any case, there was no evidence that these changes impeded the project implementation and most likely they complemented it.

C. Statistical report

As noted in the earlier sections on methodology, the Council conducted some statistical analysis, while relying upon the UAA Justice Center for more complex analysis. The Justice Center report by Dr. Darryl Wood is Appendix A to this report. The Council compiled a separate data set to look at domestic violence case processing from the time of filing the ex parte petition. This is also included in the Council's report, but was not analyzed by Dr. Wood, who focused on the sample of 1,072 cases with long term hearings.

The Justice Center report was created independently and has its own interpretations of the data. At some points, these differed from the Council's findings and conclusions. For example, Dr. Wood concluded that "when all these findings are taken together, it appears as though the programmatic changes implemented in 2003 for processing civil domestic violence cases in Anchorage District Court did not have their desired effects." Although many of the court's expected changes were not observed, the Council concluded, based on the Justice Center analysis, that the changes did have some of the desired effects. For example, survival analysis did show a statistically significant decrease in the rates of civil and criminal domestic violence combined. There was a statistically significant increase in the awards of child custody in the long term hearing. Finally, the data clearly showed that the number of hearings in cases, and the numbers of motions to modify increased, rather than the court's hoped-for decrease.

The Council concluded, based on the UAA analysis, and on the broader range of data and interviews available to it, that the data showed some change, some of it statistically significant. Some of the changes were entirely consistent with the court's goals for the project. Some, although opposite the court's expectations, were seen as beneficial. Some were seen as "interim" findings, that might become more significant with the passage of time. The UAA report is published in full as Appendix A to this report.

D. Outcome measures

1. Ex parte hearings

As part of its evaluation, Judicial Council staff collected data about ex parte hearings and their outcomes.[139] There were no expectations in the grant that the facilitator's or advocate's work would cause changes at that stage of the process. As expected, the data did not show any changes at that stage of the domestic violence protective order process. Interviewees were not asked about perceptions of outcomes at the ex parte stage.

Attendance rates for ex parte hearings in 2002 and in 2003-04 were about 94%.[140] There was also no change between 2002 and 2003-04 in the likelihood of an ex parte order being granted. Both years showed that ex parte orders were denied 19% of the time and granted 75% of the time.[141]

2. Long term hearings

a. Attendance

Twenty-eight to 29% of all persons who filed petitions for protective orders in both the 2002 comparison group and the 2003-04 test group did not appear at their scheduled long term hearings.[142] There was no statistically significant difference between years.[143] Of those petitioners who had long term hearings scheduled, 46% did not appear in 2002 and 44% did not appear in 2004.[144] The decline in no-shows at long term hearings was not statistically significant.

Given the data, it was difficult to discern if the advocate had any effect on appearance rates of petitioners at long term hearings. Most interviewees stated they did not know what effect the advocate had on appearance rates.[145] A few interviewees had some contrasting perceptions. Some interviewees believed that having an advocate helped petitioners to appear because it made

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[139] *See supra* Part IV.A.

[140] *See supra* Table 1 and note 26.

[141] *See supra* Table 1 and Figure 4.

[142] *See supra* Table 1.

[143] *See supra* Table 1.

[144] *See supra* Figure 5.

[145] *See supra* Part V.B.3.c.

petitioners feel safe but some believed that the obstacles that some petitioners faced, such as homelessness, were more significant than the advocate's emotional support services.

It was also difficult to discern if the facilitator had any effect on appearance rates at the long term hearing. Some interviewees noted that the facilitator's pre-long term hearing telephone call to the petitioners with children to perform visitation planning could have had a "reminder effect" on petitioners.[146] Any reminder effect was apparently not strong enough to induce a significant number of petitioners to appear at long term hearings who would not have appeared anyway.

Most likely, there were a variety of reasons that petitioners did not appear that were unconnected to the presence of the advocate or the facilitator: the circumstances that underlay the initial petition were resolved, there were obstacles to getting to a hearing (such as needing to work, lack of transportation, lack of childcare, etc.), petitioners were satisfied with the temporary order and did not need further protection, or petitioners were not ready to leave the respondent. Nonetheless, there was an underlying assumption within the grant expectations that most petitioners should seek long term orders and should attend the long term hearings. This may have been an unwarranted assumption. If the court was providing adequate services for petitioners' needs, there may have been little or no need to attempt to significantly increase long term hearing appearance rates. There also may have been little that the court could do in this regard. Interviewees reported that domestic violence studies have shown that it takes a petitioner an average of seven attempts to leave a respondent. The dynamics of an entrenched domestic violence relationship may be stronger than court procedural interventions that attempt to interfere with that cycle. The attempt to interrupt the cycle of violence sooner or more effectively may be better addressed outside the court's domestic violence protective order process.

If, however, there were significant obstacles to getting to court that prevented petitioners who wanted long term protection from appearing at long term hearings, such as lack of child care, transportation, or the need to work, the court could address those kinds of issues by investigating options to ease burdens on petitioners, such as providing child care, transportation vouchers, or providing long term hearing times after normal working hours or on weekends. Other parts of this evaluation showed that when the court had the resources to remove obstacles to getting to court (by removing the need for a formal hearing by replacing it with a telephonic process), petitioners used court processes more often. A survey of petitioners could shed light on why petitioners did not appear at long term hearings and, if they wanted long term protection, what the court could do to assist them in getting it.

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[146] *See supra* Part V.C.3.c.

b. Likelihood of a long term protective order being granted

The additions of an advocate and a facilitator were intended to increase the frequency and utility of long term protective orders. In 2002, the comparison year, only 35% of petitions filed resulted in a long term hearing.[147] In 2003-04, the percentage of petitions resulting in a long term hearing was very slightly higher, 36%.[148] Among cases that had a long term hearing, the court denied long term orders at a slightly higher rate in 2003-04 than in 2002.[149] In both periods, only 26% of petitions filed resulted in a long term order.[150] The addition of an advocate and a facilitator did not improve the frequency of long term orders. If the court wants to achieve more long term orders, substantial focus on the early stages of the domestic violence process would be required.

Most interviewees did not believe that more protective orders were granted due to the advocate, although a few perceived that judicial officers granted more orders because the of better information in the petitions due to the advocate's involvement.[151] Interviewees did not note any increase in the number of protective orders that were granted due to the facilitator.[152]

c. Child custody orders

Judicial officers issued more child custody and visitation orders in 2003-04 than in 2002. The 10% increase in 2003-04 was statistically significant.[153] There was wide variation in interviewee perceptions about the number of child custody orders.[154] Some perceived that no more were issued, some perceived that better, rather than more, orders were issued, and one perceived that there was the opportunity for more orders due to the advocate's work because more information was being given to petitioners. Some interviewees perceived that there were more supplemental visitation orders and more supervised visitation orders due to the facilitator's work.[155]

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[147] *See supra* Table 1.

[148] *See supra* Table 1.

[149] *See supra* Table 1.

[150] *See supra* Figure 2.

[151] *See supra* Part V.B.3.e.

[152] *See supra* Part V.C.3.e.

[153] *See supra* Table 3b.

[154] *See supra* Parts V.B.3.e, V.C.3.e.

[155] *See supra* Part V.C.3.e.

In a follow-up interview, the specialized judicial officers were at first surprised about this outcome. They perceived that child custody was an issue that needed to be resolved with any protective order involving common children in the household, before or after the project. They did perceive that they were issuing better and more detailed child custody and visitation orders. Upon some reflection, they hypothesized that the increase might be attributable not to the advocate or facilitator directly but due to the requirement that the intake clerks flag those files involving children for the facilitator's review. Apparently after the project began, clerks began asking petitioners directly about children in the household and marking the presence of children in the case on the front of the file so that the case could be easily identified for the facilitator. The judicial officers speculated that this flagging of cases may have alerted the judicial officers to cases involving children that otherwise would not have been brought to their attention.

d. Child support orders

Like child custody orders, there were more child support orders issued in 2003-04 than in 2002. The 3% increase was not statistically significant.[156] Although some interviewees perceived that more child support orders were being issued due to the facilitator, most stated that they did not know if more orders were being issued. One interviewee commented that there were virtually no child support orders issued before and now there were some being issued.[157] This perception is consistent with the data. Another interviewee believed that judicial officers did not solicit information for child support orders because they did not have time to do so, given the constraints of the calender. That interviewee also stated, however, that if the order was requested and the financial information available, an order would be considered and granted at the hearing. Another interviewee stated that many petitioners were reluctant to request child support, regardless of the facilitator's involvement.

In the 2002 sample, 73% of petitioners reported that there were children in the household. In the 2003-04 sample it was 69%.[158] In 2002, 8% of cases with children in the household had a child support award in the file. In 2003-04 it was still only 11%.[159] Although there were small gains with the advocate and facilitator, obstacles to issuing more child support orders persisted. If the court wishes to increase the numbers of those orders, it may wish to investigate whether resources are available to increase the amount of time allotted to long term hearings that involve children and to investigate why some petitioners are reluctant to request support.

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[156] *See supra* Table 3b.

[157] *See supra* Part V.C.3.e.

[158] *See supra* at page 29.

[159] *See supra* Table 3b.

3. Post-order indicators

a. Motions to modify

Once an order was granted, petitioners and respondents had the opportunity to modify it for the period it was in effect. Motions to modify increased from 40% in 2002 to 47% in 2003-04, which was a statistically significant increase.[160] This effect was the opposite of that anticipated by the grant. Interviewees did not note a perceived increase in modification orders, but some did perceive an increase in modification requests.[161] One hypothesis given by an interviewee for possible increased motions to modify was that, with the advocate and the facilitator providing petitioners with more information about the system, petitioners felt empowered and were more willing to access court processes when needed instead of solving problems that arose by ignoring the terms of the protective order.[162]

Several interviewees tied requests for modifications strongly to custody and visitation issues. In a follow-up interview, one interviewee hypothesized that perhaps there were more cases involving children in 2003-04 than in 2002.[163] This was not the case; there was a small decline in cases with children in the household in 2003-04.[164] But there was an increase in child custody and visitation *orders*. Because there were 10% more child custody and visitation orders issued, there could have been a coincident 10% increase in the opportunity for modification requests in those cases.

Another hypothesis for the increase was a change in the procedure for processing motions to modify. After the facilitator began work in 2003, she began to handle motions to modify involving custody and visitation.[165] After receiving the motion, she called the other party to see if he or she agreed to the change. If the facilitator verified that the change was not disputed, she routed the request to one of the specialized judicial officers, who granted it without having a hearing on the matter. Previously, all motions to modify were set on for a hearing. The ability to modify a protective order without having to attend a hearing may have had the effect of removing one obstacle to parties effectively using court processes for formal modification.

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[160] *See supra* Table 3b.

[161] *See supra* Parts V.B.3.d-e, V.C.3.d-e.

[162] *See supra* Part V.C.3.d.

[163] Interview notes on file at Alaska Judicial Council.

[164] *See supra* at page 29.

[165] Interview notes on files at Alaska Judicial Council.

The goal of reducing motions to modify protective orders was to increase court efficiency by reducing judicial officer time in court to resolve the modification request. Although there were more motions to modify, these motions did not require much judicial officer time, or time on-record due to the facilitator's involvement. So, although the quantity of orders increased, the increase did not necessarily impact court efficiency negatively. If efficiency remains the court's primary focus, the cost of the facilitator should be considered against the lessened judicial officer cost and increased number of motions to modify when evaluating whether the change in procedure is an efficient one for the court.

b. Dissolutions at petitioner's request

Like motions to modify, requests to dissolve a protective order by petitioners increased in 2003-04, from 11% in 2002 to 17% in 2003-04. The 6% increase was statistically significant.[166] Most interviewees stated that they did not know whether the advocate's or facilitator's involvement in a case affected whether the petitioner decided to dissolve an order.[167] Similar to motions to modify, some follow-up interviewees attributed the increase to increased willingness and confidence by petitioners to use court processes.[168]

Again similar to motions to modify, there was a change in the way a petitioner's request to dissolve an order was handled.[169] After the advocate began work, all petitioner motions to dissolve were routed to the advocate. The advocate called each petitioner to verify that the request was voluntary, as well as to give the petitioner options about safety planning. If the advocate believed that the request was voluntary, a specialist judicial officer would sign it dissolving the protective order without putting it on for a hearing. Before the advocate was hired, all motions to dissolve were determined at a hearing. If the petitioner did not appear for the hearing, the request was denied and the protective order remained in effect. Similar to the situation with motions to modify, the removal of the need by the requester to attend a hearing on the motion to dissolve may have been one reason for the increase.

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[166] *See supra* Table 3b.

[167] *See supra* Parts V.B.3.d-e, V.C.3.d-e.

[168] Interview notes on file at Alaska Judicial Council.

[169] Inteview notes on file at Alaska Judicial Council.

c. Hearings per case

There was a very slight (2%) increase in the number of hearings per case from 2002 to 2003-04.[170] About 40% of cases had no or only one hearing (the ex parte). About 38% had two hearings (the ex parte and the long term). About 14% had three hearings (one additional hearing). About 8% had four or more hearings (two or more additional hearings).[171] The percentages of cases having additional hearings (more than two) did not decrease from 2002 to 2003/4. This finding is surprising because, as described above, motions to modify that were not contested and petitioners' motions to dissolve that were verified as voluntary were no longer set on for hearings in 2003-04.

The lack of significant change in the number of hearings between 2002 and 2003-04, despite the procedural changes in motions to modify and motions to dissolve, could have been due to the fact that both motions to modify and motions to dissolve increased significantly between 2002 and 2003-04. Any decrease in numbers of hearings per case due to the procedural changes could have been offset by the increased total numbers of requests that did require hearings.

E. Superior court/permanent orders pursued

The court anticipated that the advocate and facilitator would work together to assist petitioners and respondents in the domestic violence process to seek resolution of their conflict by divorcing or dissolving their marriages, if they were married, or by obtaining permanent custody orders, if they were not married but had children in common. Contrary to expectations, fewer parties sought longer term solutions in 2003-04 than in 2002, although the decreases were not statistically significant.[172] Because divorces, dissolutions, and custody cases were filed in the superior court and were completely separate processes from the domestic violence protective order process, interviewees (who were almost entirely devoted to the court's domestic violence protective order processes) were not asked about perceived outcomes for superior court filings.

One hypothesis for the lack of change or decrease in divorce/dissolution and custody filings was that the increased quality of orders that the parties were able to obtain through the domestic violence process, and the parties' increased willingness to use that process to obtain modifications, created less incentive for parties to seek alternate relief. If a party was able to obtain a domestic violence protective order that worked, there would perhaps be less incentive for that party, or the opposing party, to seek permanent relief in superior court within the time frame studied here. The

[170] *See supra* Table 3b.

[171] *See* Appendix A, Table 6.

[172] *See supra* Table 3c.

significantly increased percentages of custody and visitation awards may lend some support for this hypothesis. Longer term follow-up would be necessary to test this hypothesis.

F. Subsequent domestic violence

One of the court's goals was to reduce the number of repeat civil domestic violence protective order cases for the same petitioner/respondent pair. The court hoped that civil and criminal domestic violence between this pair would decrease as a result of the assistance from the advocate and the facilitator. Subsequent civil domestic violence cases and subsequent criminal cases between the same pair decreased but the decrease was not statistically significant. When combined, however, subsequent domestic violence cases (civil and criminal) involving the same partners did decline, and the decline was statistically significant for some groups, between 2002 and 2003-04.[173] The interviews did not address this outcome directly, and most of the interviewees would not have been in a position to observe the parties over a period of time to see whether violence had decreased. The analyst remarked that the finding was "perhaps the best evidence of an effect in the desired direction" of the programs.[174]

G. Logistic regression and multivariate analysis findings

In a logistic regression analysis for all cases in the sample, three factors were associated with a statistically significantly greater likelihood of a long term protective order being granted for all cases: the respondent not having an attorney, the petitioner being female, and the petitioner not requesting that the long term order be denied or that the ex parte order be dismissed.[175] When the statistical analyst created multivariate models for each year, in 2002, the factors associated with a statistically significantly greater likelihood of a long term order being granted included all of those listed above plus having a specialist judicial officer preside at the long term hearing.[176] For 2003-04, the only statistically significant factors were the respondent not having an attorney and the petitioner not requesting dismissal of the ex parte order or denial of the long term order.[177]

[173] *See supra* Table 3c.

[174] Appendix A at 38.

[175] *See supra* Part IV.E.3.

[176] *See supra* Part IV.E.3., Table 4.

[177] *See supra* Part IV.E.3., Table 4.

When the two years were compared to see whether the differences were significant, the only factor that changed in significance was whether the presiding judicial officer was a specialist.[178] In 2002, if a specialized judicial officer presided, the long term order was significantly more likely to be granted. In 2003-04, whether a specialized judicial officer presided no longer predicted the likelihood that a long term order would be granted.[179]

Evaluation staff revisited the data to determine whether any change in patterns of granting long term orders occurred between 2002 and 2003-04 or whether the change occurred due to a different distribution of cases. In 2002, the specialist judicial officers granted long term orders 79% of the time. In 2003-04, the specialist judges granted long term orders 77% of the time. The 2% difference was not statistically significant.[180] In 2002, the other judicial officers granted long term orders 69% of the time. In 2003-04, the other judicial officers granted long term orders 70% of the time. Again, the difference between years was not statistically significant.[181]

Because the specialist and other judicial officer patterns of granting long term orders did not change between 2002 and 2003-04, the multivariate finding that judicial officer identity was no longer significant in 2002-04 was probably associated with the shift in the distribution of cases. Because the specialist judicial officers heard a greater percentage of all long term domestic violence cases in 2003-04, the standard for granting long term orders more closely resembled their standard in that period, rather than that of the other judicial officers.

One of the general comments coming out of the interviews was that it seemed that judicial officers were using different standards for granting long term orders and that there seemed to be variation in how the law was applied.[182] The above data are consistent with that perception. The court should first consider whether increasing the number of long term orders is a desirable goal. If the court decides that it is, and wishes to increase the numbers of long term orders that are granted, it may wish to investigate what legal and factual standards the specialist judicial officers are using, and train and encourage other judicial officers to apply those same standards. In any case, the court may wish to investigate why the different types of judicial officers are granting long term orders at different rates.

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[178] *See supra* Part IV.E.3., Table 4.

[179] *See supra* Part IV.E.3., Table 4.

[180] Figures on file at Alaska Judicial Council.

[181] Figures on file at Alaska Judicial Council.

[182] *See supra* Part V.D.2.

In a follow-up interview, the judicial officers were asked about reasons why the respondent not having an attorney could increase the likelihood of a long term order being granted. They were disturbed by this finding and hypothesized that when an attorney did represent the respondent at a long term hearing, in their experience, the parties were much more likely to settle the case without having any order issued. They also hypothesized that when attorneys were involved, the case was more likely to be referred to superior court for inclusion in a custody or divorce case.[183]

H. Positive effect on delivery of court services

The overwhelming outcome of the interviews was that the advocate and facilitator had a positive effect on the delivery of court services.[184] Interviewees perceived that the advocate and the facilitator had positive effects on court staff, petitioners, respondents, judicial officers, and, indirectly, children. Very few negative, or even neutral, perceptions were reported.

Interviewees overwhelmingly perceived that the advocate and the facilitator enabled petitioners to communicate their circumstances and needs to the court more effectively and efficiently.[185] Some also perceived that this effect also applied to respondents' communications.[186] The result of this improved communication could be taken as an overall improved *quality* of the orders.[187] In follow-up interviews, some interviewees noted that orders were more detailed and that people were more willing to use court processes when their circumstances had changed.[188] Although this evaluation was not able to study the difference in the quality of the orders, the interviewees' perceptions are consistent with the increase in requests for modification and dissolutions.

Another positive effect that the interviewees perceived that the data do not reflect was the effect of the advocate on the direct delivery of services to victims.[189] One of the main effects that the interviewees perceived was that the advocate enabled petitioners to be more focused in court.[190] Interviewees also perceived that victims received safety planning, information, and access to

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[183] Interview notes on file at Alaska Judicial Council.

[184] *See supra* Parts V.A.4., V.B.1.c, V.B.2.h, V.B.3.a-b, V.B.3.f., V.C.1.c, V.C.3.a-b, V.C.3.f.

[185] *See supra*, Parts V.B.3.b, V.C.3.b.

[186] *See supra* Part V.B.3.b.

[187] *See supra* Parts V.B.3.b, V.C.4.d.

[188] Interview notes on file at Alaska Judicial Council.

[189] *See supra* Part V.B.3.f.

[190] *See supra* Part V.B.3.b.

community resources from the advocate. Interviewees also noted that victims received increased education, knowledge, and information about court processes.[191] Interviewees perceived that victims received significant emotional support from the advocate that allowed the victim an increased comfort level and that relieved pressure on court personnel from having to address victim's emotional needs before providing court services.[192]

Interviewees perceived that the facilitator was mostly beneficial to judicial officers and enabled them to process more cases, have quicker hearings, and issue better orders.[193] The facilitator also provided the opportunity for at least some child support orders, whereas before there was little or no opportunity because information about income and expenses was not available.[194] Having child custody and visitation issues addressed before the long term hearing was also perceived as reducing a considerable amount of tension and conflict in the courtroom at the long term hearing.[195]

I. Conclusions and suggestions

Although the grant concept was generalized at first, the court developed and refined it over time. The implementation of the projects went smoothly for the most part, but may have been hampered by lack of communication at times and by some resistence by some judicial officers, in part due to legitimate ethical concerns. The outcomes of the data were not entirely what the court had expected. Some unexpected outcomes should nonetheless be seen as positive. The outcomes of the interviews were overwhelmingly positive but did reveal some areas in which the court could make positive changes to improve the facilitator and advocate programs.

Interviewees, court staff and evaluators made a variety of suggestions. The interviewee suggestions were reported in Part V.[196] Additional suggestions included:

- Continue to assess the value of each of these projects over the next several years to determine whether the trends found in this analysis continue into the future.[197]

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[191] *See supra* Part V.B.3.f.

[192] *See supra* Part V.B.3.f.

[193] *See supra* Parts V.C.3.a.4., V.C.3.f.

[194] *See supra* Part V.C.3.d., V.C.3.e.

[195] *See supra* Part V.D.4.a.4.

[196] *See supra* Part V.B.3.g., and Part V.C.3.g.

[197] *Supra* at 1.

- Because the majority of petitioners starting the domestic violence process with an ex parte petition did not go to a long-term hearing, and because this situation did not change between the comparison year and the test years, the court may wish to focus more on the petitioners' needs at the very early stages of the process if it wishes to effect major changes in the process as a whole.[198]

- An increasing percentage of the protective order cases on the court's shelves involve either persons who were not in intimate domestic relationships, or who requested stalking protective orders. The court may wish to track this changing mix of cases to see whether changes in services or approaches might be useful for responding to the more frequently occurring types of cases.[199]

- Court administration or the presiding judge might work with other judicial officers to help clarify the purposes of the projects and the use of information gained from the advocate and facilitator, which would help to reduce judicial concerns about ex parte contacts. The presiding judge could consider an order requiring the facilitator to give respondents whom the facilitator could not contact formal written notice of the petitioner's proposals before the long term hearing, with an opportunity for the respondent to comment at the hearing.[200]

- The court could consider whether the report's findings suggest that efforts to interrupt the cycle of violence could be made better earlier and outside the court process.[201]

- The court could consider surveying ex parte petitioners to find out why they do not appear at later stages of the process, and how the court could help them get longer term protection if they want to have it. The court could ask what obstacles stand in their way of getting to court, and what drawbacks they see to using the formal process.[202]

- The court may wish to discover whether resources are available to increase the time allotted to long term hearings that involve children, and it may wish to investigate the reasons why petitioners seem reluctant to ask for child support.[203]

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[198] *Supra* Part IV.B.5.

[199] *Supra* Part IV.B.5.

[200] *Supra* Part IV.B.1. and B.2.

[201] *Supra* Part IV.D.2.a.

[202] *Supra* Part IV.D.2.a.

[203] *Supra* Part IV.D.2.d.

- The court should consider whether factors such as the more effective use of judicial time and the increased number of motions to modify handled by the facilitator telephonically outweigh the costs of the facilitator position.[204]

- The court may wish to pursue the hypothesis that the improvements in the long term order process are working to reduce the perceived need by petitioners for more permanent solutions to their situations.[205] The court should consider the range of possible resolutions for domestic violence situations, including situations in which divorce or dissolution may not be the most desirable resolution for the children or the petitioner.

- Given the association noticed by interviewees between the petitioners/respondents served in the domestic violence process and the parents in CINA cases the court might wish to gather more information about parents and cases that appear in both categories. The association between domestic violence cases and CINA cases has been observed and discussed in more depth in other states.[206]

[204] *Supra* Part IV.D.3.a.

[205] *Supra* Part IV.E.

[206] *Supra* Part V.D.2.

Part VII
Appendices

Court Processing of Domestic Violence Protection Orders in Anchorage, Alaska

an analysis of data prepared for the
Alaska Judicial Council

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Court Processing of Domestic Violence Protection Orders in Anchorage, Alaska

INTRODUCTION

This is a report on analyses conducted for an evaluation of changes to the processing of civil domestic violence protective order cases in Anchorage District Court. Beginning in 2003 the Alaska Court System began a two year project to improve the handling of civil court cases involving domestic violence. During the project time frame a number of new programs were instituted toward that end including (1) the hiring of an advocate (by AWAIC) to assist civil petitioners in domestic violence cases, (2) the development of a facilitator position (by the Family Law Self Help Center) to provide further assistance to parents, and (3) the assessment of a new case management component for domestic violence cases. These new programs were implemented to reduce the number of cases heard by the civil courts and to increase the number of permanent solutions to those cases.

To determine whether these programs are achieving their intended purposes, the Alaska Court System contracted with the Alaska Judicial Council to conduct an evaluation of the two year project. The Alaska Judicial Council included in its proposal plans for an external researcher to analyze data gathered in its evaluation. The findings presented in this report are the results of that external analysis. The analytical methods used to arrive at those results are considered first before the presentation of the findings.

METHODS

Two types of analyses were conducted for this report. First of all, comparisons of outcomes for cases heard in 2002 (the comparison group) with cases heard in 2003-2004 (the test group) were carried out. Cross-tabulations, means comparisons, crude rate comparisons, and survival analyses were conducted to calculate the differences between the cases from the two time periods. The second type of analysis conducted for this report is a consideration of the factors associated with the granting of long term protective orders. Toward that end, multivariate logistic regression analyses were conducted to examine the relative effects of case characteristics upon the likelihood of long term orders being granted.

Three analytical strategies were employed to examine the differences between the test group of cases from 2003-2004 and the comparison group of cases from 2002. The strategy used was

determined by the type of case outcome examined and the types of data that were available for analysis. Cross-tabulations (with *chi-square* tests for statistical significance) and means comparisons (with *t*-tests for statistical significance) were used to examine case outcomes that were decided during ex parte or long term order hearings. For case outcomes that happened in the days following hearings, both crude rate comparisons and survival analyses were conducted to determine what effect, if any, the changes that were implemented at the beginning of 2003 had upon the cases that occurred after that point. Given that there was a much greater amount of time "at risk" for the cases in the 2002 comparison group than for the 2003-2004 test group, we would expect the cross-tabular analysis to show a greater incidence of outcomes such as divorce or re-victimization in the 2002 comparison group just because there was more time for those outcomes to occur. As a result, the effects of the program changes would seem greater than what would occur if equal times "at risk" for the two groups were considered. To counteract this problem, it was necessary to employ crude rate comparison techniques and survival analysis techniques to examine the outcomes that happened after the ex parte and long term order hearings were concluded because of the non-equivalent time periods of case follow-up.

CRUDE RATE COMPARISON TECHNIQUES

Comparisons of crude rates calculated for each group of cases were made using rate ratios and Poisson distribution based confidence intervals to deal with the non-equivalent time periods for case outcomes to occur. The crude rates for outcomes occurring after court hearings concluded were calculated on a person-year basis. It was necessary to use a person-year basis because cases were decided at all times during the years examined rather than one set point or a few set points in time. The denominator for calculating these rates is an aggregate of the length of time between the long term protective order hearing to when data gathering finished for each group (i.e., the 2003-2004 test group or the 2002 comparison group). For each case the number of days from when the long term hearing was held until the date of the conclusion of data gathering (August 23, 2004) was calculated. Next, the time periods for every case in each group were added together and that sum was then divided by 365 to ultimately arrive at the total number of person-years for all of the cases in each group. For example, there were a total of 416,994 days for the n = 501 cases in the 2002 comparison group from the date of their long term hearings until the date when data gathering ended. After dividing by 365, the result rounded to 1,142 person-years for time dependent outcomes to occur for the entire group. The n = 571 cases

in the 2003-2004 test group had a total of 213,112 days or 584 person-years in which time dependent outcomes could happen.

The rates for examining differences in time dependent case outcomes between the 2002 comparison group and the 2003-2004 test group were calculated using the crude rate comparisons function of the StatsDirect epidemiological statistical program. This function allows for the use of person-time denominators in order to compare the rates of two groups having exposures to risk factors that are of different time periods for groups with different population bases. The comparison of the two rates is made in the form of a ratio of the rates of one group (e.g., the 2002 comparison group) to the rates of the other group (e.g., the 2003-2004 test group) and confidence intervals for the rate ratios are calculated on the basis of a Poisson distribution (Sahai & Kurshid, 1996).

Although the crude rate comparison approach has some benefits over using cross-tabulations and means comparison when considering the differences of case outcomes in pre- and post-intervention groups, the use of crude rates to compare the groups on time dependent outcomes is also problematic. The use of the crude rates based on person-year denominators to make comparisons assumes that the likelihood of those outcomes is constant over time. However, the occurrence of most of the time dependent outcomes that were considered in these analyses are not constant over time and are more likely than not to happen in the time immediately following state intervention. For instance, in the case of arrests for domestic violence, re-victimization is most likely to occur within a few weeks following police intervention (Strang & Sherman, 1996; Wooldredge & Thistlethwaite, 2002). Given that cases in the 2002 group had a greater amount of time when it was much less likely that re-assaults or restraining order violations or divorces would occur, it is possible that the crude rates for the 2003-2004 group will seem much higher in comparison only because they are based more upon time periods when the time dependent outcomes were the most likely to happen.

As such, neither cross-tabulation/means comparison analyses nor crude rate analyses are entirely satisfactory for comparing the 2002 comparison group with the 2003-2004 test group to understand the effects of changes to the processing of domestic violence protective order cases. It is possible that the use of cross-tabulations and means comparisons will make the effects of those changes appear much more pronounced than they really are because there was more time for those effects to occur in the comparison group. On the other hand, it is possible that the use

of crude rates may mask the effects of changes to case processing because the time dependent outcomes for the cases in the test group were only considered during the time periods when those outcomes were most likely to occur. The results of both types of analyses are presented below because neither type of analysis is entirely satisfactory and the effects are probably under- or over-estimated depending upon the type of analysis used.

SURVIVAL ANALYSIS TECHNIQUES

Another alternative to using cross-tabulations to understand the impact of changes in long term protective order case processing is the set of data analysis techniques that is generally referred to as "survival analysis." These techniques allow for the quantification of survivorship to examine time until the occurrence of some event or outcome. Compared to conventional analytical techniques, the main benefit of survival analysis is that it allows for the inclusion of censored cases (the cases that do not experience the event or outcome of interest before the end of data gathering) in the analysis. Some survival analysis techniques can be used to estimate the distribution of survival times within a sample. Survival analysis can also be used to estimate regression models to understand the relative contribution of multiple independent variables upon both the time to, and the incidence of, a given outcome (Allison, 1984; Luke 1993). Of particular interest in this study are the techniques that are used to compare the likelihood of survival for two or more groups. Specifically, to consider the differences in case outcomes for the cases from 2002 versus those 2003 and 2004, Kaplan-Meier estimates of differences in survival functions of multiple groups (Kaplan & Meier, 1958) were calculated using SPSS. Computation of these estimates involved the calculation of survival functions — indicators of the proportion of persons 'surviving' as a function of time — for each of the groups followed by the calculation of the log-rank tests to determine if the differences in the groups' survival functions are statistically significant.

COMPARISON OF OUTCOMES BEFORE AND AFTER IMPROVEMENTS TO COURT PROCESSING

Prior to presenting results comparing the outcomes of cases in the comparison and test groups, it is first necessary to compare the groups on a number of variables unrelated to case outcomes in order to determine if there are any substantial differences between the characteristics of the groups or the events that led up to their cases being ruled on in civil court. The absence of substantial differences between the two groups on those characteristics and

pre-hearing events will help to establish the internal validity of the results presented below should they show differences in case outcomes for the two groups. It will be possible to attribute the differences between the comparison and test groups to the changes in case processing rather than some known preexisting difference between the groups.

First of all, it is possible to compare the two groups on a range of demographic indicators. The average age of petitioners in the comparison group was the same as in the test group (34.0 years). Respondents in the test group were only slightly older (mean = 35.7 years) than those in the comparison group (mean = 35.2 years); these differences were not statistically significant (t = -0.653; df = 1020; p = .514). The differences between the comparison and test groups on a number of other demographic characteristics are presented in Table 1. Compared with cases from 2002, the cases in the test group of 2003-04 were less likely to have female petitioners, more likely to have minority respondents, less likely to have children in the household, and more likely to involve married couples or couples that were married with children. Of these differences, only the increase of the proportion of cases involving married couples was statistically significant.

Table 1: Demographic Characteristics of Those with Cases in Test (2003-04) and Comparison (2002) Groups.

Percentage of cases with….	Comparison Group (n=501)	Test Group (n=571)
a married couple	36.3%	41.0%*
a married couple with children	27.9%	31.9%
a female petitioner	82.4%	78.6%
a minority respondent	36.6%	40.5%
children in household	72.5%	68.8%

*Differences between groups are statistically significant at the p < .05 level.

There were some important differences between the 2002 comparison group and the 2003-04 test group on a number of characteristics associated with the incident leading to the case being brought before the court. As seen in Table 2, cases in 2003-04 (the test cases) were more likely to involve weapons use and less likely to be brought against a respondent with prior incidents of domestic violence when compared to cases from 2002. There was no change in the proportion of cases with children who were present during the domestic violence incident.

Table 2: Incident Characteristics of Cases in Test (2003-04) and Comparison (2002) Groups.

Percentage of cases where….	Comparison Group (n=501)	Test Group (n=571)
respondent was involved in prior incidents of domestic violence	74.1%	64.3%*
a weapon was used in the domestic violence incident	8.8%	12.8%*
children were present during domestic violence incident	33.5%	33.5%

*Differences between groups are statistically significant at the $p < .05$ level.

The processing and the court findings of cases changed little from the 2002 comparison group to the 2003-04 test group. As is shown in Table 3, petitioners in the two groups were equally likely to be represented by an attorney at the long term hearing, respondents were equally likely to be present at the long term hearing, and long term protection orders were granted in an equal proportion of cases.

Table 3: Characteristics of Cases in Test (2003-04) and Comparison (2002) Groups.

Percentage of cases….	Comparison Group (n=501)	Test Group (n=571)
with a petitioner represented by an attorney at long term hearing	15.4%	14.9%
with a respondent represented by an attorney at long term hearing	15.0%	15.5%
with both petitioner and respondent represented by attorneys at long term hearing	8.6%	8.5%
with a petitioner present at long term hearing	98.0%	98.4%
with a respondent present at long term hearing	60.3%	58.8%

*Differences between groups are statistically significant at the $p < .05$ level.

On most of the available variables (12 out of 15) there were no differences between the comparison and test groups. The exceptions are that cases in the test group were more likely to involve a married couple and to have been brought about by a domestic violence incident that involved a weapon while the cases in the comparison group were more likely to have a respondent with prior incidents of domestic violence. Given these differences, it is necessary to present the results of the analyses with the caveat that differences between the two groups on the

various outcome measures could be a result of these preexisting group differences instead of a result of the changes to the processing of cases from one group to the next.

DIFFERENCES IN CASE PROCESSING AND CASE RESULTS

The first set of comparisons that were made between the comparison group from 2002 and the test group from 2003-2004 involved the examination of differences in the case processing and case results for the two groups. These comparisons were made on a number of case characteristics including the granting of long term orders, the length of the record for the long term hearing, the number of hearings per case, and the number of requests for modification per case. Given the changes in case processing from 2002 to 2003-2004, it was expected that there would be:

- increases in the number of long term orders granted,
- increases in the length of the record for the long term hearing,
- decreases in the number of hearings per case, and
- decreases in the number of requests to modify orders of the court.

The first tests of these hypotheses involved the calculation of simple cross-tabulations and *chi-square* tests. For the purpose of simplicity, the measures of long term hearing length, of the number of hearings per case, and of the number of requests for modification were collapsed into two categories. According to the results of the cross-tabulations on the collapsed measures that are presented in Table 4, the changes in case processing either did not have their hoped for effect or the outcomes were actually opposite of what was expected. There was no change in the number of long term orders granted (see also Figure 1) and a slight, although not statistically significant, change in the expected direction of the length of the long term hearing records that were kept (see also Figure 2). Unexpectedly, there was a slight increase in the proportion of cases with more than one hearing (see also Figure 3) and a statistically significant eight percent increase in the proportion of cases with requests for modifications of the court order (see also Figure 4).

Table 4: Case Processing and Outcome Characteristics During Comparison (2002) and Test (2003-2004) Periods.

Case Characteristic	2002 Number of Cases	2002 %	2003-2004 Number of Cases	2003-2004 %	χ^2 (df)	p
Long term order granted	367	73.25	421	73.73	0.031 (1)	.860
One or more pages of notes in L-T hearing	318	63.60	390	68.54	2.905 (1)	.088
More than one hearing per case	298	59.48	350	61.30	0.368 (1)	.544
One or more requests for modification	198	39.52	271	47.46	6.835 (1)	.009

Figure 1: Percentage of Cases with Long Term Orders Granted During Comparison (2002) and Test (2003-2004) Periods.

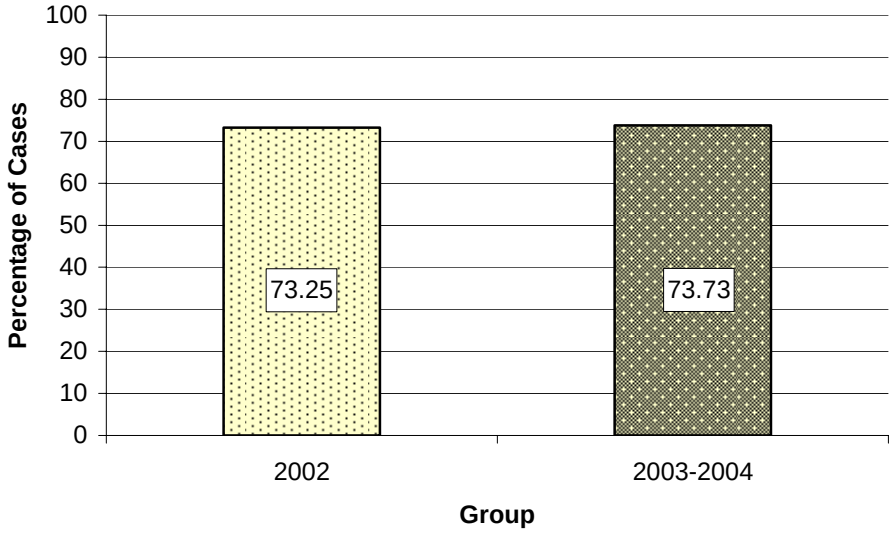


Figure 2: Proportion of Cases with One or More Pages of Notes in Long Term Order Hearings During Comparison (2002) and Test (2003-2004) Periods.

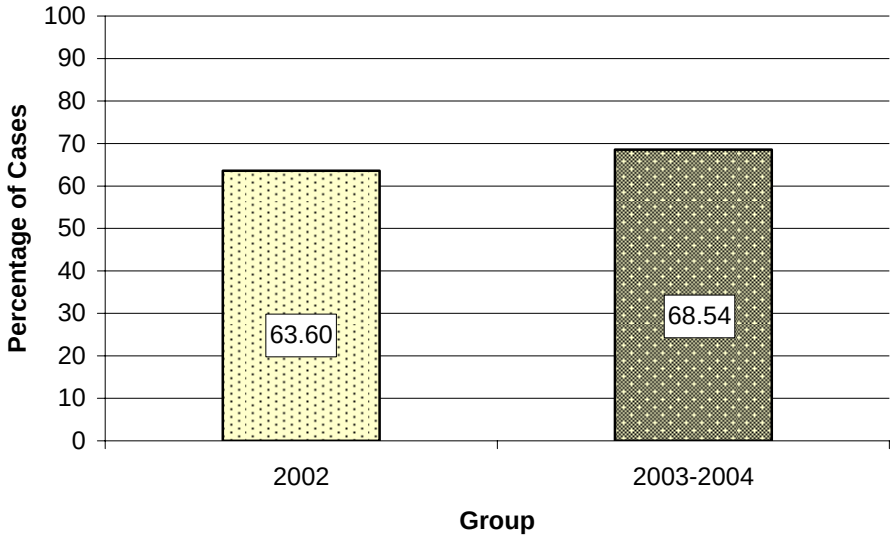


Figure 3: Percentage of Cases with More Than One Hearing per Case During Comparison (2002) and Test (2003-2004) Periods.

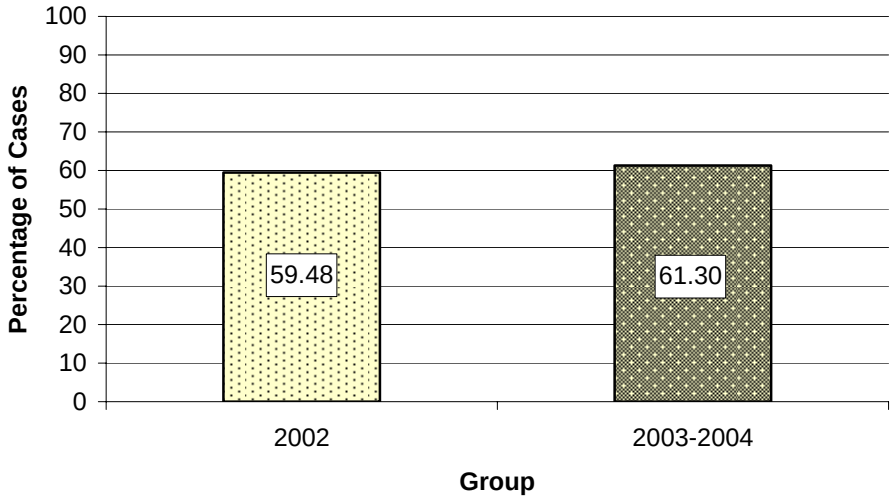
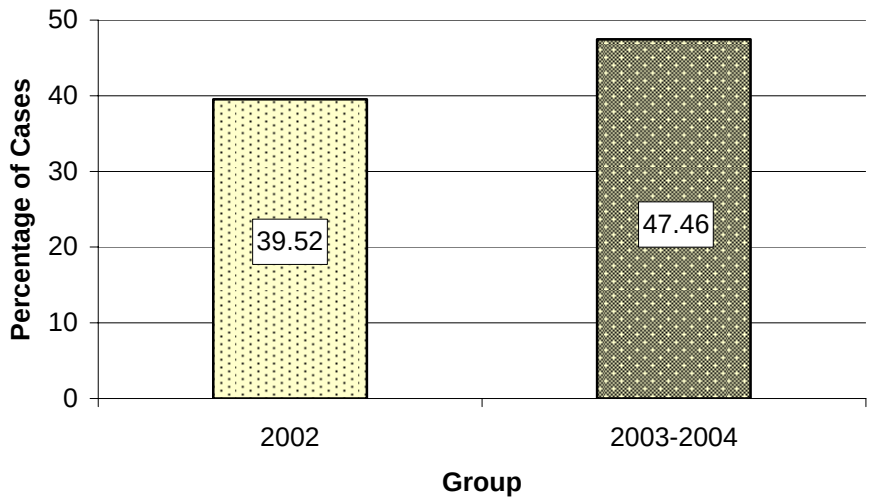


Figure 4: Percentage of Cases with Requests for Modification During Comparison (2002) and Test (2003-2004) Periods.

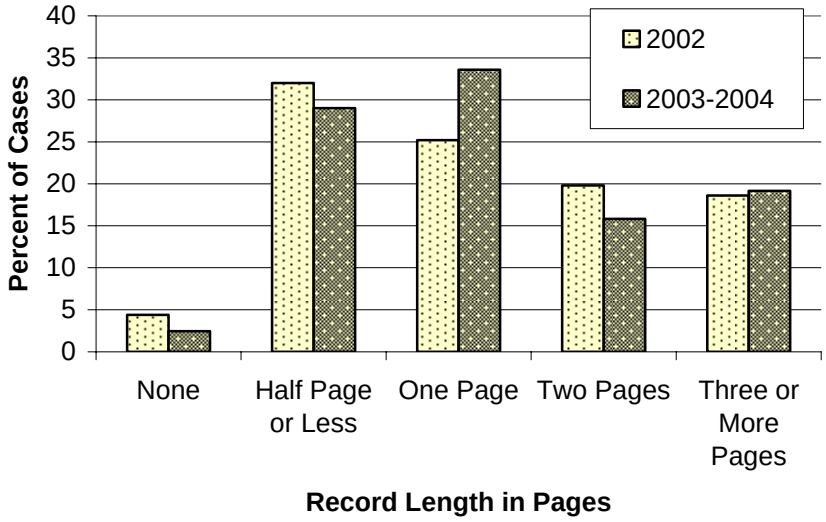


A comparison between the 2002 cases and the 2003-2004 cases using the same indicators considered in Table 4 in their original un-collapsed format yielded results that were similar to the results from the cross-tabulations. In Table 5 an ordinal level comparison of the number of pages per record for cases heard in 2002 and in 2003-2004 is presented. Although the difference between the two groups is statistically significant ($\chi^2 = 12.46$; df = 4; p = .014), the direction of that difference is difficult to discern (see also Figure 5). The *gamma* value (a measure of association based upon the proportionate reduction in error that results in predicting values on the dependent variable when values of the independent are known [Liebetrau, 1983]) of 0.029 (p = .521) indicates that the time period in which the cases were heard had little impact upon the record lengths of long term hearings; knowing which group a case belongs to reduces our error in predicting the categories of the number of records per long term hearing by only three percent.

Table 5 Length of Records in Pages Per Long Term Hearing During Comparison (2002) and Test (2003-2004) Periods.

	2002		2003-2004	
Length of Record	Number of Cases	%	Number of Cases	%
No notes	22	4.4	14	2.5
One-half page or less	160	32.0	165	29.0
One page	126	25.2	191	33.6
Two pages	99	19.8	90	15.8
3 or more pages	93	18.6	109	19.6
Total	500		569	

Figure 5: Length of Records in Pages Per Long Term Hearing During Comparison (2002) and Test (2003-2004) Periods.

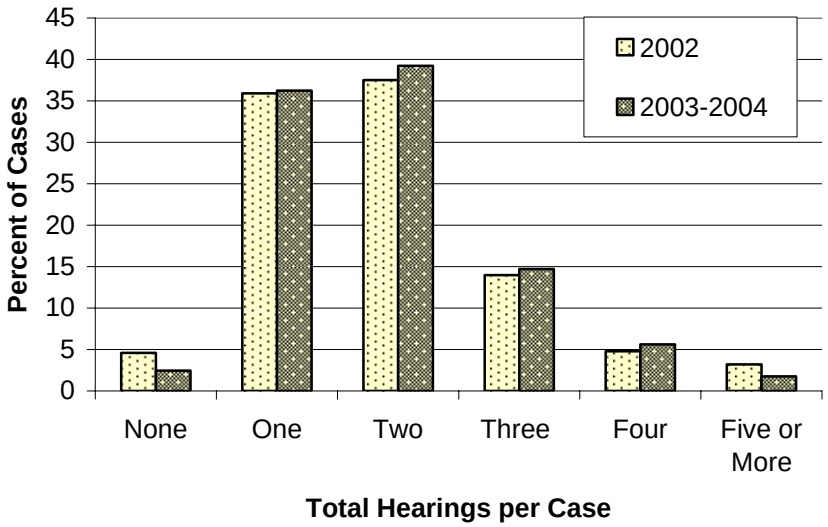


A similar comparison using the original un-collapsed measures of the number of hearings per case was also completed. This analysis, the results of which are shown in Table 6, indicates that there were no differences between the comparison and test groups in the number of hearings per case ($\chi^2 = 6.48$; df = 5; p = .263). Once again, knowledge of which group a case belonged to gave little improvement in the ability to predict the number of hearings for that case (*gamma* = 0.029; p = .545) (see also Figure 6).

Table 6: Number of Hearings Per Case During Comparison (2002) and Test (2003-2004) Periods.

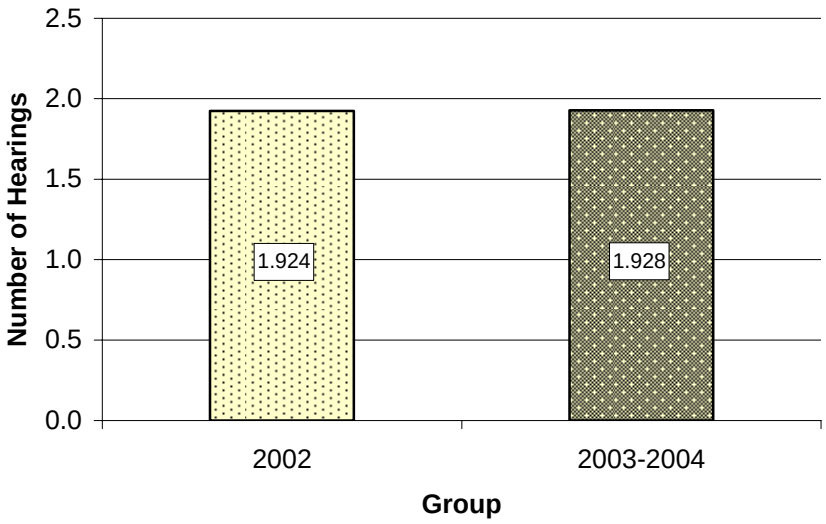
	2002		2003-2004	
Number of Hearings	Number of Cases	%	Number of Cases	%
0	23	4.6	14	2.5
1	180	35.9	207	36.3
2	188	37.5	224	39.2
3	70	14.0	84	14.7
4	24	4.8	32	5.6
5 or more	16	3.2	10	1.8
Total	501		571	

Figure 6: Number of Hearings Per Case During Comparison (2002) and Test (2003-2004) Periods.



Two of the measures of court involvement — the number of hearings per case and the number of requests for order modification — were gathered at the interval level. Because of this, it was possible to examine differences between the comparison and test groups on those two measures by calculating means comparisons. As seen in Figure 7, the two groups of cases had almost identical averages for the number of hearings per case. For the 2002 cases the mean number of hearings per case was 1.924 while for the 2003-2004 cases the mean was 1.928 hearings per case; not surprisingly, this difference was not statistically significant ($t = 0.05$; df = 959.25; p = .96).

Figure 7: Mean Number of Hearings per Case During Comparison (2002) and Test (2003-2004) Periods.

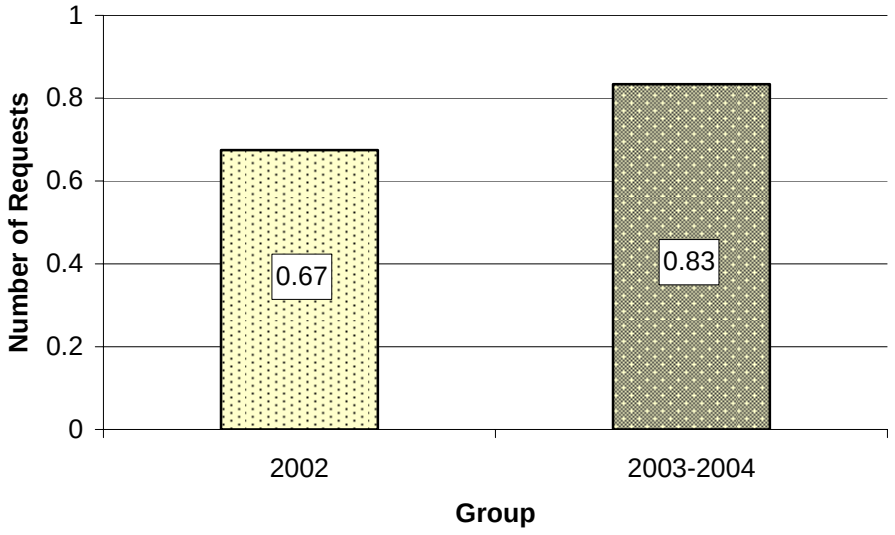


A means comparison was also completed for the measure of the number of requests for modifications of a court order. The results of this comparison are similar to what was found in the cross-tabular analysis.

In Figure 8, the mean number of requests for modification was higher for the 2003-2004 test group than for the 2002 comparison group. On average, there were 0.83 requests for modification per case among the 2003-2004 group compared to only 0.67 requests for modification per case among the 2002 group. This 23 percent difference between the averages of the two groups is statistically significant (t = -2.14; df = 1,050.533; p = .033).

Based upon the available data, it appears as though changes in the processing of long term order cases did little to decrease the number of hearings per case, to increase the amount of information being gathered at the long term hearing, or to increase the likelihood of long term orders being granted. Quite unexpectedly and contrary to the objectives of the project, the cases from the test group of 2003-2004 actually had a greater incidence of requesting modifications to their long term orders. Although we cannot be certain that this greater incidence of requesting modifications is the result of the changes to case processing instituted in 2003 or if it is rooted in some other origin, it is clear that the changes to case processing did not have their desired effect.

Figure 8: Mean Number of Requests for Modification per Case During Comparison (2002) and Test (2003-2004) Periods.



DIFFERENCES IN THE LIKELIHOOD OF PERMANENT SOLUTIONS TO CASES

A second primary objective of the programs that were implemented at the beginning of 2003 was an increase in the number of permanent solutions to cases that come to the court's attention by way of petitions for long term domestic violence orders. It was expected that the implementation of the programs would result in increases in filings for divorces and dissolutions among married couples. It was also expected that there would be an increase in the filing of child custody requests in cases involving couples that are parents.

A valid comparison of the 2002 group with the 2003-2004 group on the incidence of these filings for permanent solutions required the specification of the cases that were eligible for the particular outcome of interest. This was simple enough for the cases involving the ending of marriages between intimate partners. The examination of divorce and dissolution filings was completed for those couples that were married at the time of the incident leading to the long term hearing. Out of the entire 1,072 cases in the study, there were 416 couples that were married at that time.

While the denominator for making comparisons on marriage breakups was rather straightforward, it was somewhat more difficult to decide which cases to include when comparing the likelihood of child custody being awarded. The simplest measure available in the provided data set used as a denominator for the purpose of examining child custody is the

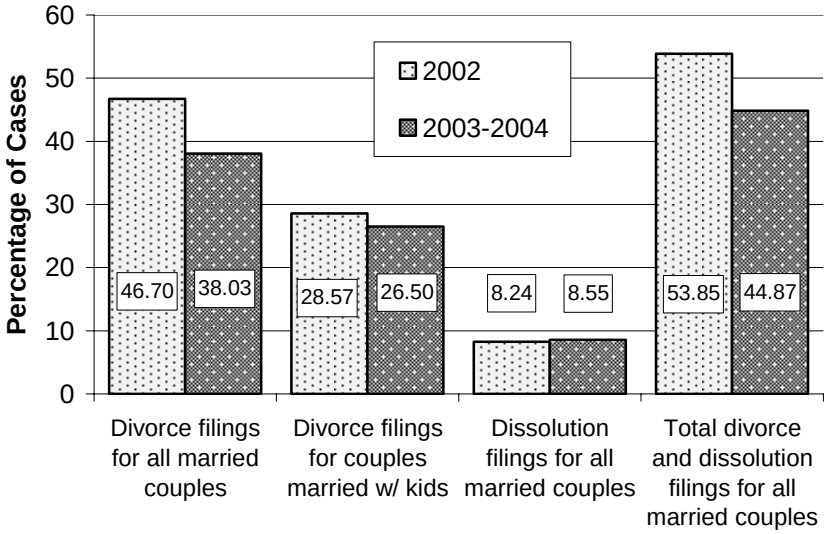
nominal level measure of the presence or absence of children in the household. Children were present in the household of 756 out of 1,072 cases in the study. Although the "children in the household" measure is the simplest, it is also problematic because it includes an unknown number of children from the partners' previous marriages for whom custody might not have been at stake in the case at hand. Given this problem, an alternative denominator was comprised to examine cases where child custody could have been at issue. This alternative denominator combined two different measures included in the data set: a nominal measure of whether the petitioner had the couple's children in the *ex parte* hearing plus a nominal measure of whether the petitioner requested an order to obtain the couple's children in the *ex parte* hearing. The petitioner either had custody and/or requested custody of the couple's children in 565 of the 1,072 cases (52.7 %) in the data set. In 507 of the cases (47.3 %) the petitioner neither had custody of children nor requested custody of children.

If using the number of children in the household overestimates the number of cases with child custody at stake, this latter measure probably underestimates the number of children for whom custody could have been at issue. It is possible that in some cases the petitioner neither had nor wanted the couple's children. A comparison of these two measures shows that in nearly four out of five cases (78.8 %) both measures are in concordance in terms of whether a case had a child or children for whom custody was an issue. In about a fifth of the cases (19.5 %) there was a report of children in the household even though there was no indication in the *ex parte* hearing record that the petitioner either had the children or wanted custody of the children. In the remaining 1.7 percent of cases there were no children reported in the household although the petitioner either had custody or requested custody of the couple's children. Given that it is impossible to know which measure provides a better indication of cases in which child custody was at stake, both are used in the analyses presented below.

The first permanent solution considered here is whether there was an increase in the proportion of cases that anticipated a permanent end to the couples' relationships through a filing for divorce or dissolution. The comparisons between the 2002 group (comparison cases) and the 2003-2004 group (test cases) were first completed using cross-tabulations and *chi-square* tests of statistical significance. These comparisons on a number of different measures of permanent endings to marriages are presented in Figure 9. On three of the four different measures of permanent endings to marriages there was a decrease (rather than the hoped for increase) in the

proportion of marriages that potentially ended in the 2003-2004 group of cases compared to the 2002 group of cases. There was an 8 percent decrease in the proportion of cases of married couples who filed for divorce, a 2 percent decrease in the proportion of cases of married couples with children who filed for divorce, and a 9 percent decrease in the proportion of cases with married couples who filed for divorce or dissolution. However, none of these decreases was statistically significant (see Table 7).

Figure 9: Outcomes of Cases Involving Married Couples During Comparison (2002) and Test (2003-2004) Periods.



Given that the permanent ending of the marriages considered here happened not at the time of the long term protective order hearing but sometime afterward, it was necessary to examine the differences between the comparison and test groups as if they were time dependent outcomes. To do this, the person-year based crude rates of potentially-ended marriages for the 2002 comparison group were compared with those for the 2003-2004 test group. As is shown in Figure 10, the rates of marriages ending in the 2003-2004 test group were much higher than the rates for the 2002 comparison group. The rate of divorce filings for all couples and the rate of the combination of divorce and dissolution filings in the 2003-2004 group were almost double what was found in the 2002 group while the rate of dissolution filings and the rate of divorce filings for couples with children in the 2003-2004 cases were more than double that found in the 2002 cases. For all four types of marriages considered the ratio of differences between the two groups were statistically significant. When compared with the 2002 cases, we can be 95 percent

certain that the 2003-2004 cases had a 21 percent higher rate of divorce filings for all married couples, a 40 percent higher rate of divorce filings for couples that were married with children, a 12 percent higher rate of dissolution filings, and a 39 percent higher rate of the combination of divorce and dissolution filings (see Table 8).

Table 7: Outcomes of Cases Involving Married Couples During Comparison (2002) and Test (2003-2004) Periods.

	2002		2003-2004			
Outcome by relationship	Number of Cases	%	Number of Cases	%	χ^2 (df)	p
Divorce filing for all married couples	85	46.70	89	38.03	3.162 (1)	.075
Divorce filing for married couples w/ kids	52	28.57	62	26.50	0.222 (1)	.638
Dissolution filing for all married couples	15	8.24	20	8.55	0.012 (1)	.911
Total divorce and dissolution filings for all married couples	98	53.85	105	44.87	3.300 (1)	.069

Figure 10: Crude Rate and 95 Percent Confidence Interval Comparisons of Cases Involving Married Couples During Comparison (2002) and Test (2003-2004) Periods.

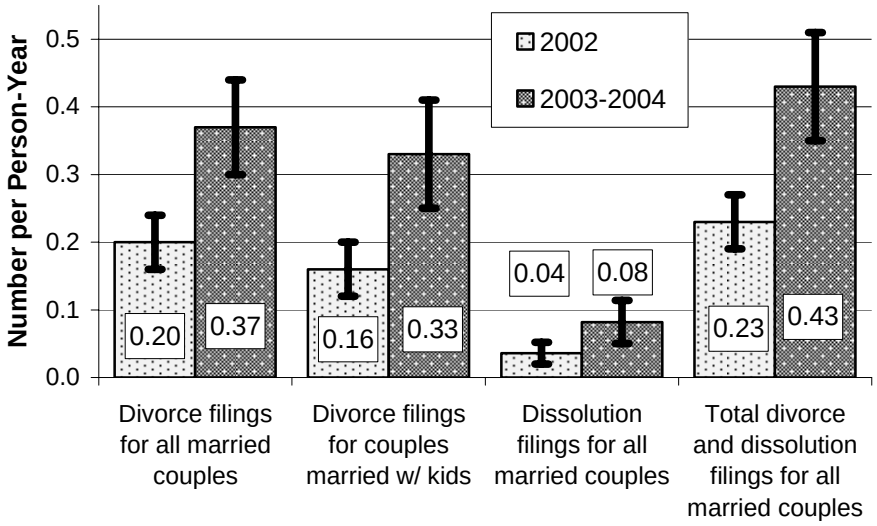


Table 8: Number and Crude Rate Comparisons of Cases Involving Married Couples During Comparison (2002) and Test (2003-2004) Periods.

Case Characteristic and Years	Number	Crude Rate per Person-Year	Rate Ratio (95% c.i.)
Divorce filings for all married couples			
2002	85	0.203	1.65 (1.21, 2.25)
2003-2004	89	0.378	
Divorce filings for married couples w/ kids			
2002	52	0.160	2.05 (1.40, 3.03)
2003-2004	62	0.330	
Dissolution filings for all married couples			
2002	15	0.036	2.30 (1.12, 4.83)
2003-2004	20	0.083	
Total divorce and dissolution filings for all married couples			
2002	98	0.234	1.85 (1.39, 2.46)
2003-2004	105	0.434	

Although the crude rate comparisons indicate that there was a higher rate of divorce filings in the post-test cases, an examination of divorce filings using survival analysis techniques shows that there were no differences between the two groups in the likelihood that they would file for divorce. The results of survival analyses comparing the 2002 comparison cases with the 2003-2004 test cases are presented in Table 9. For ease of interpretation, the comparisons made between the survival functions of comparison and test groups are presented in terms of the cumulative "survival" over a set period of days for couples from each group. For instance, the upper left hand cell of Table 9 indicates that 95.2 percent of cases from 2002 with long term orders "survived" and *did not* have a contested divorce filing within 30 days from when that long term order was granted. Conversely, 4.8 percent of cases from 2002 with long term orders did file for a contested divorce within the 30 days following the granting of the long term order. The majority of the comparisons between the survival functions of the comparison and test groups indicate that those cases from 2003-2004 were less likely to file for divorce as time progressed. For contested divorce filings and for "any divorce filing" (which included divorces with children) the couples from 2003-2004 were between 3 and 6 percent less likely to have filed for

divorce after a year's time had passed. However, according to the log-rank tests, none of these differences in the groups' survival functions were statistically significant.

The results of similar analyses to compare the comparison and test groups on the likelihood of divorce filings among couples with children are presented in Table 10. Couples with children whose cases were heard in 2002 were slightly more likely than similar couples with cases heard in 2003-2004 to file for divorce as time progressed. But, as was the case with the other survival analyses of divorce filings, the differences in the two groups' survival functions were not statistically significant.

The other permanent resolutions to cases brought before the civil court in long term hearings include the outcomes involving child custody and support. Comparisons between the 2002 cases and the 2003-2004 cases are made on one measure of child support and two measures of child custody for both sets of possible cases with children involved are made in Table 11. For the cases with children in the home, there were increases in the proportion of cases with support orders attached to the long term order and in the proportion of cases with child custody being awarded in the long term hearing. The nearly 10 percent difference between the two groups in the proportion of cases with child custody being awarded was statistically significant. There was no difference in the proportion of cases with records in CourtView of custody cases being filed after the date of the ex parte petition.

Table 9: Cumulative Proportion of Couples Without Divorce Filings by Number of Days Following the Granting of Long Term and Ex Parte Orders and from the Ex Parte Hearing Date for Cases from 2002 and from 2003-2004.

	Percentage of Couples Not Experiencing:					
	Contested Divorce Filing		Dissolution Filing		Any Divorce Filing	
Number of Days and Type of Case	2002	2003-2004	2002	2003-2004	2002	2003-2004
Cases with Long Term Orders						
30	95.20	96.43	98.40	97.62	89.60	89.88
60	93.60	95.83	97.60	96.43	82.40	86.90
90	91.20	94.64	96.80	95.83	76.80	81.55
180	89.60	93.45	96.00	95.24	72.00	74.40
365	88.80	92.26	92.80	93.45	63.20	70.83
730	87.20		91.20		56.00	
995	87.20		91.20		55.20	
Log-Rank Statistic	1.40 (1 df) p = .237		0.33 (1 df) p = .565		3.63 (1 df) p = .057	
Cases with Ex Parte Orders						
30	90.50	94.71	99.44	97.37	81.56	80.70
60	88.83	92.95	98.32	96.93	74.30	76.32
90	88.83	92.51	98.32	96.05	72.07	73.68
180	86.59	92.07	97.77	95.18	65.92	66.67
365	84.92	89.87	95.53	93.42	56.98	60.96
730	83.80		91.06		46.37	
995	83.80		91.06		46.37	
Log-Rank Statistic	2.08 (1 df) p = .149		0.14 (1 df) p = .709		2.80 (1 df) p = .094	
All Cases						
30	90.66	94.42	99.45	97.44	81.87	80.34
60	89.01	92.70	98.35	97.01	74.73	76.07
90	89.01	92.27	98.35	96.15	72.53	73.08
180	86.81	91.85	97.80	95.30	66.48	66.24
365	85.16	89.70	95.60	93.59	57.69	60.68
730	84.07		91.21		47.25	
995	84.07		91.21		47.25	
Log-Rank Statistic	1.75 (1 df) p = .186		0.15 (1 df) p = .695		2.11 (1 df) p = .146	

Table 10: Cumulative Proportion of Married Couples with Children Without Divorce Filings by Number of Days Following the Granting of Long Term and Ex Parte Orders and from the Ex Parte Hearing Date for Cases from 2002 and from 2003-2004.

Number of Days and Type of Case	Percentage of Couples Married with Children Not Experiencing Divorce Filing: 2002	2003-2004
Cases with Long Term Orders		
30	94.74	94.74
60	87.37	92.48
90	84.21	87.97
180	81.05	81.95
365	74.74	81.20
730	69.47	
995	68.40	
Log-Rank Statistic	2.56 (1 df) p = .110	
Cases with Ex Parte Orders		
30	89.21	85.96
60	82.73	82.58
90	79.86	80.90
180	75.54	74.16
365	69.06	71.91
730	61.87	
995	61.87	
Log-Rank Statistic	1.41 (1 df) p = .235	
All Cases		
30	89.29	85.71
60	82.86	82.42
90	80.00	80.22
180	75.71	73.63
365	69.29	71.43
730	62.14	
995	62.14	
Log-Rank Statistic	1.11 (1 df) p = .293	

Similar outcomes were found when the analyses considered the cases where the petitioner had children or requested custody of the children at the long term hearing. As is shown in Table 11, a greater proportion of cases in the 2003-2004 group than in the 2002 group had support orders and child custody orders attached to long term orders. Once again, the 10 percent

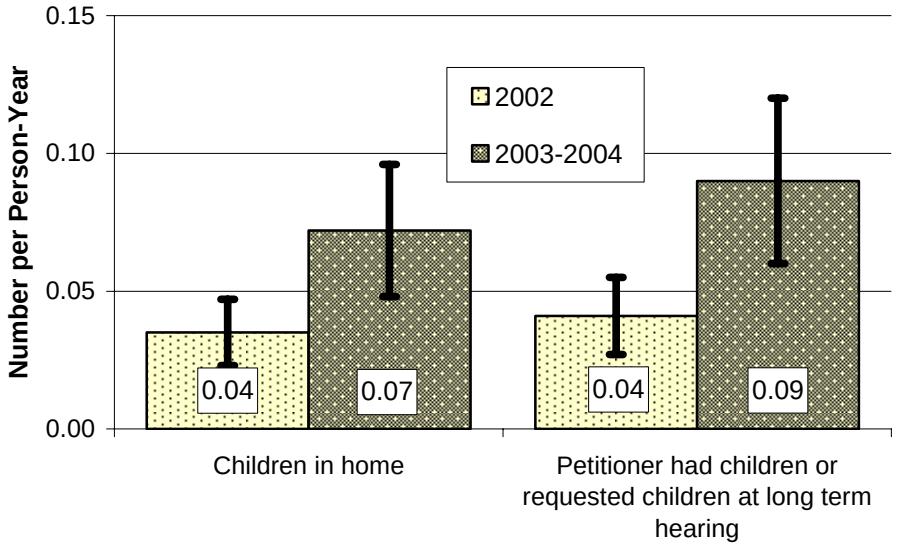
difference between the two groups on the proportion of cases in which child custody was awarded at the long term hearing was statistically significant.

Table 11: Proportion of Outcomes of Cases Involving Children that Resulted in Permanent Solutions During Comparison (2002) and Test (2003-2004) Periods.

Possible cases and case outcomes	2002 Number of Cases	2002 %	2003-2004 Number of Cases	2003-2004 %	χ^2 (df)	p
Children in home						
Support order attached to long term order	28	7.71	43	10.94	2.311 (1)	.128
Child custody awarded in long term hearing	161	44.35	213	54.20	7.318 (1)	.007
CourtView record of custody filing following long term hearing	29	7.99	29	7.38	0.099 (1)	.752
n =	363		393			
Petitioner had children or requested children at long term hearing						
Support order attached to long term order	25	9.51	36	11.92	0.851 (1)	.356
Child custody awarded in long term hearing	147	55.89	199	65.89	5.923 (1)	.015
CourtView record of custody filing following long term hearing	25	9.51	28	9.27	0.009 (1)	.924
n =	263		302			

As a time dependent outcome, the measure of whether or not there was a CourtView record of child custody being filed in the time following the long term hearing was also examined using a comparison of person-year based crude rates for the 2002 and 2003-2004 groups. Comparisons of the possible cases from the number of children in the home measure and of the possible cases from the petitioner having or requesting the children measure are shown in Figure 11. For both bases the rates of child custody being filed in the time following the ex parte filing date in 2003-2004 were more than double the rates for 2002. The confidence intervals of the rate ratios shown in Table 12 allow us to state with 95 percent certainty that the rates in 2003-2004 of child custody being filed in the time period following ex parte filings were, depending on the basis, at least 20 to 23 percent higher than similar rates for 2002.

Figure 11: Crude Rate and 95 Percent Confidence Interval Comparisons of Cases Involving Children that Resulted in Custody Being Filed During Comparison (2002) and Test (2003-2004) Periods.



Survival analysis was also used to determine if there were differences between the pre- and post-test groups in the rates at which child custody cases were filed in Superior Court. As is shown in Table 13 there were no differences in the survival functions when the analyses were conducted using all cases or when using those cases that had protective orders granted. For those cases with long term orders, the couples whose cases were heard in 2003-2004 were slightly less likely to have filed for child custody as time progressed. However, that difference was not statistically significant.

Table 12: Number and Crude Rate Comparisons of Cases Involving Children that Resulted in Custody Being Filed After Date of Ex Parte Filing For Comparison (2002) and Test (2003-2004) Periods.

Possible Cases and Years	Number	Crude Rate per Person-Year	Rate Ratio (95% c.i.)
Children in home			
2002	29	0.035	2.07 (1.20, 3.59)
2003-2004	29	0.072	
Petitioner had children or requested children at long term hearing			
2002	25	0.041	2.18 (1.23, 3.91)
2003-2004	28	0.090	

Table 13: Cumulative Proportion of Couples with Children Involved Without Custody Being Filed by Number of Days Following the Granting of Long Term and Ex Parte Orders and from the Ex Parte Filing Date for Cases from 2002 and from 2003-2004.

Number of Days and Type of Case	Percentage of Couples with Children Involved Not Having Custody Filed: 2002	2003-2004
Cases with Long Term Orders		
30	97.18	98.60
60	97.18	98.13
90	96.61	98.13
180	94.35	96.26
365	92.66	95.32
730	92.09	
995	92.09	
Log-Rank Statistic	1.32 (1 df) p = .251	
Cases with Ex Parte Orders		
30	97.65	95.16
60	96.86	94.81
90	96.08	94.81
180	94.12	93.77
365	92.16	92.04
730	90.98	
995	90.98	
Log-Rank Statistic	0.05 (1 df) p = .832	
All Cases		
30	96.96	95.03
60	96.20	94.70
90	95.44	94.70
180	93.54	93.71
365	91.63	92.05
730	90.49	
995	90.49	
Log-Rank Statistic	0.19 (1 df) p = .665	

Overall, the extent to which differences between the 2002 comparison group and the 2003-2004 test group on the prevalence of permanent solutions to intimate partner violence were found depends upon the methods used to make those comparisons. When the comparisons were made using cross-tabular analyses, there were very few differences between the 2002 cases and the 2003-2004 cases in terms of the extent to which permanent solutions were attempted. Some of the differences found when using cross-tabulations were in the direction opposite expected (as

was the case of filing for the permanent ending of marriages). The only difference in the expected direction that was found using cross-tabulations was that child custody was more likely to be awarded during long term hearings in 2003-2004 than in 2002.

While the cross-tabular analyses show few differences, the person-year based crude rate analyses indicate that there were changes in the intended direction for all of the time dependent measures of potentially permanent solutions in long term cases. The cases from the 2003-2004 group had crude rates of divorce and dissolution filings, and filing of child custody cases that were roughly double those of the 2002 comparison group. Based upon these crude rate analyses, it would appear that the programs did have their intended impact in terms of increasing the likelihood of filings for permanent solutions to these cases. Of course, these results must be presented with the caveat that the person-year crude rate analyses might not be appropriate for these time dependent measures because the outcomes in question do not occur in a linear fashion over time but are instead more likely to occur in times that are closer in time, rather than further in time, from the decision of the court.

The results of the survival analyses presented above do seem to indicate that the results from the crude rate analyses do inflate the apparent differences between the two groups. Based upon the comparisons of their respective survival functions, the cases from 2003-2004 were not any more likely than the cases from 2002 to result in filing for a permanent resolution. Over time, the comparison and test cases were similar in the likelihood that a divorce would be filed or that a child custody request would be filed.

DIFFERENCES IN THE LIKELIHOOD OF ADDITIONAL DOMESTIC VIOLENCE

The final test of the effects of changes in long term case processing that occurred after 2002 is a comparison of the cases in their likelihood of additional domestic violence occurring following the filing of the ex parte petition in court. Obviously, those changes were made by the court with the expectation that there would be a reduction in the future incidence of domestic violence among individuals who have brought cases before the court.

Two primary measures of additional domestic violence in the aftermath of civil court processing were provided for the analyses presented in this report. The first measure is of the number of additional criminal court cases found in the CourtView system and verified by looking at the paper files that involved the couple. This measure, an aggregate for each case of all criminal court cases following the filing of the civil ex parte petition, included offenses

associated with domestic violence including assault, and violations of domestic violence protection orders. The measure of additional criminal court cases was broken down into cases with additional assaults and cases with criminal violations of a protection order for the survival analyses presented below. These measures provide for an indication that something happened in the aftermath of the ex parte petition filing that was serious enough for the criminal justice system to be compelled enough to take action.

The second measure of additional domestic violence following filing of the ex parte petition is the number of domestic violence civil cases recorded in CourtView after the ex parte filing date. This measure provides an indication of the incidence of actions involving the couple in which one or both filed a new ex parte petition.

A comparison of these two outcome indicators indicates that they measure different aspects of the aftermath of the ex parte filings. A cross-tabulation of the two variables indicates that despite a correspondence between the two measures for the majority of cases, those cases that experienced domestic violence following the ex parte filing only showed up on one of the two measures. In the period of time following the ex parte filing, as shown in Figure 12, more than a quarter (28 %) of the cases studied had either a civil domestic violence case (16 %) or a criminal case (12 %), but not both. Only 8 percent of the cases had both civil domestic violence and criminal cases following the ex parte filing. Given their differences, both measures will be considered to examine the effects of changes to domestic violence case processing upon the likelihood of future domestic violence.

A few different techniques were used to compare the cases from 2002 with the cases from 2003-2004 in terms of the likelihood of additional domestic violence occurring following the ex parte filing. Cross-tabular analyses and, because of the time dependent nature of the measures, both crude rate comparisons and survival analyses were completed. These comparisons were made for all cases in the data set and for the subset of cases that had long term orders granted. Comparisons were also made in terms of the gender of the petitioner.

Figure 12: Correspondence Between Incidence of Criminal DV Cases and Incidence of Civil Domestic Violence Cases.

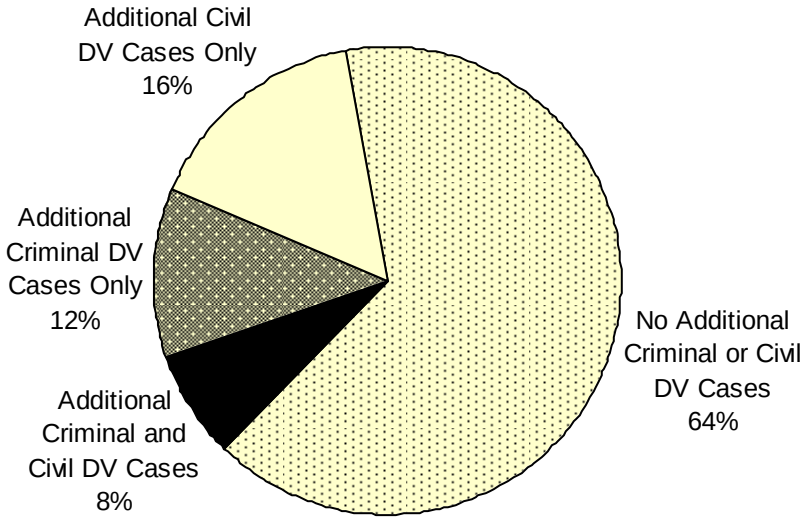
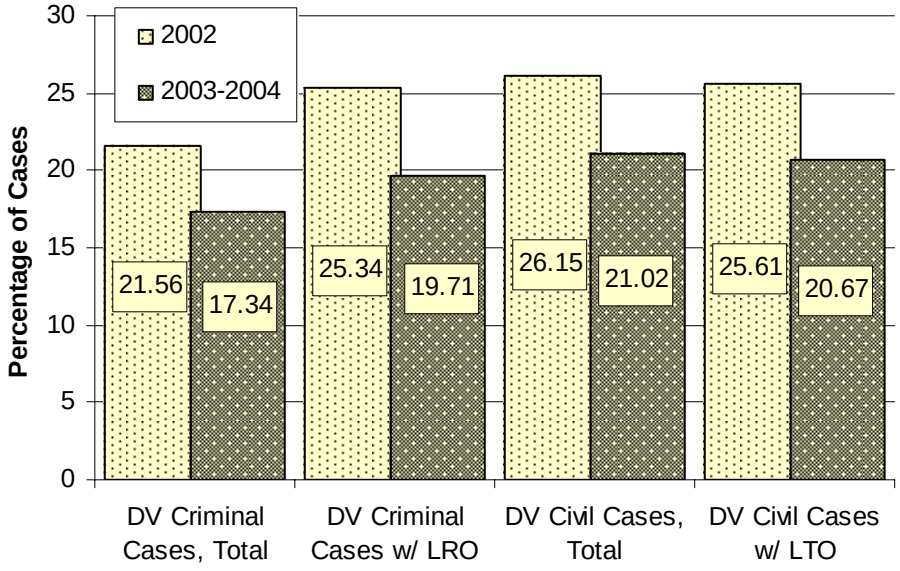


Figure 13: Additional Domestic Violence for All Cases and for Cases with Long Term Orders, During Comparison (2002) and Test (2003-2004) Periods.



The first comparisons of additional domestic violence in cases from the test group with those from the comparison group were completed using cross-tabulations and *chi-square* tests of statistical significance. The results of these analyses are presented in Table 14 which compares the two groups in terms of the likelihood of a case from each group being involved in a criminal

DV case or civil domestic violence case following the long term hearing (see also Figure 13). Each case was coded nominally as having or not having additional domestic violence cases.

We can first consider the effect of the changes in court processing upon the likelihood of additional civil cases. Compared with the cases from 2002, there was a decrease in the proportion of cases in the 2003-2004 test group with additional domestic violence civil cases. There was a five percent difference between the two groups for all cases in the study and for the subset of cases granted long term orders. Each of these differences was statistically significant at the $p < .05$ level. These differences remain when the comparative likelihood of civil domestic violence cases is broken down by gender but none were statistically significant.

Comparisons between the 2002 comparison group and the 2003-2004 test group are also made in Table 14 on the proportion of cases with criminal DV cases being recorded following the ex parte petition filing. Regardless of the petitioner's gender or long term hearing outcome, cases from 2002 had higher rates of criminal DV cases following the civil court's intervention than did the cases from 2003-2004. None of these differences, however, were statistically significant at the $p < .05$ level.

Given that the incidence of additional criminal DV cases and civil domestic violence cases following the long term hearing are both time dependent outcomes (i.e., their likelihood increases over time), it was also necessary to examine differences between the 2002 and the 2003-2004 groups using person-year based crude rate comparisons. The first comparisons using this method, as presented in Table 15, are for the incidence of criminal DV cases following civil court processing. The rate ratios presented there indicate that the rates of criminal DV cases in the 2003-2004 test group were higher than what was found for the 2002 comparison group (see also

Figure 14). This holds true for all types of petitioners examined (male, female, and total) and from either the entire sample of cases or from the sub-sample of cases that were granted long term orders. In five out of the six comparisons presented in Table 15 the rate ratios were statistically significant.

Table 14: Additional Domestic Violence by Long Term Hearing Outcome and by Gender of Petitioner During Comparison (2002) and Test (2003-2004) Periods.

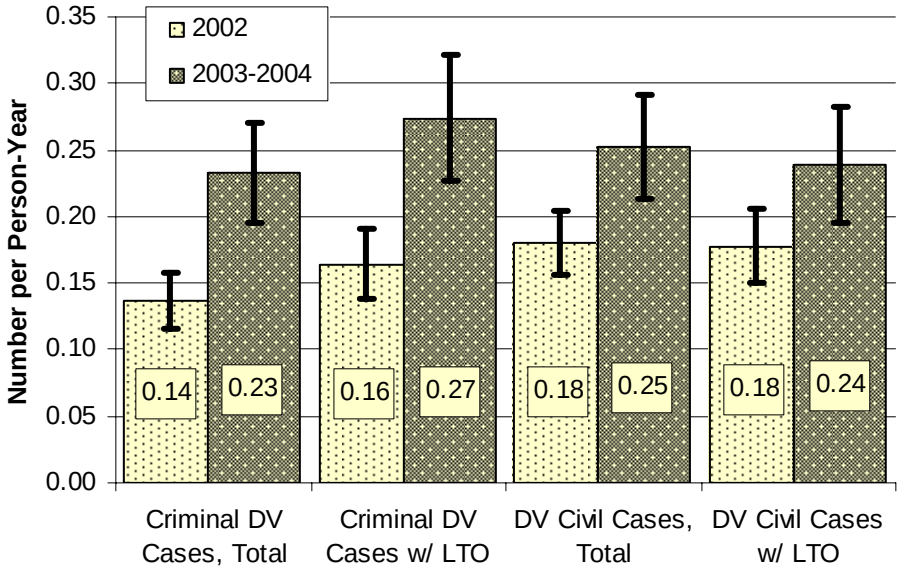
Petitioners by Hearing Outcome, Gender and Outcome	2002 Number of Cases	2002 %	2003-2004 Number of Cases	2003-2004 %	χ^2 (df)	p
Only Cases With Long Term Orders Granted						
All Petitioners						
Civil DV cases	94	25.61	87	20.67	2.713 (1)	.010
Criminal cases	93	25.34	83	19.71	3.577 (1)	.058
Female Petitioners						
Civil DV cases	75	23.81	64	18.77	2.492 (1)	.114
Criminal cases	79	25.08	69	20.23	2.200 (1)	.138
Male Petitioners						
Civil DV cases	19	36.53	23	28.75	0.881 (1)	.348
Criminal cases	14	26.92	14	17.50	1.674 (1)	.196
All Cases (With or Without Long Term Orders Granted)						
All Petitioners						
Civil DV cases	131	26.15	120	21.02	3.919 (1)	.048
Criminal cases	108	21.56	99	19.31	3.048 (1)	.080
Female Petitioners						
Civil DV cases	98	23.73	84	18.70	3.256 (1)	.071
Criminal cases	92	22.28	81	18.04	2.406 (1)	.121
Male Petitioners						
Civil DV cases	33	37.50	36	29.51	1.480 (1)	.224
Criminal cases	16	18.18	18	14.75	0.443 (1)	.506

Table 15: Number and Crude Rates of Criminal DV Cases Following Long Term Hearing by Long Term Hearing Outcome and by Gender of Petitioner During Comparison (2002) and Test (2003-2004) Periods.

Petitioners by Hearing Outcome, Gender and Years	Total Number	Crude Rate per Person-Year	Rate Ratio (95% c.i.)
Only Cases With Long Term Orders Granted			
All Petitioners			
2002	137	0.164	1.66 (1.29, 2.15)
2003-2004	118	0.237	
Female Petitioners			
2002	113	0.158	1.71 (1.29, 2.27)
2003-2004	95	0.271	
Male Petitioners			
2002	24	0.202	1.43 (0.77, 2.64)
2003-2004	23	0.288	
All Cases (With or Without Long Term Orders Granted)			
All Petitioners			
2002	154	0.137	1.70 (1.34, 2.15)
2003-2004	136	0.233	
Female Petitioners			
2002	128	0.136	1.72 (1.32, 2.24)
2003-2004	108	0.234	
Male Petitioners			
2002	26	0.129	1.78 (1.01, 3.17)
2003-2004	28	0.230	

Similar person-year based crude rate comparisons were also completed to consider the between group differences in the incidence of civil domestic violence cases following long term protective order hearings. As was the case with criminal DV cases after the long term hearing, the rates of civil domestic violence cases ending up in court were greater for the 2003-2004 test group than for the 2002 comparison group (see Table 16). The higher rates of civil domestic violence cases for the 2003-2004 group were statistically significant for all classes of comparisons when considering the entire sample. When considering just the cases with long term orders granted, only the rate ratio for the total of all petitioners was statistically significant.

Figure 14: Crude Rate and 95 Percent Confidence Intervals of Measures of Additional Domestic Violence for All Cases and Cases Awarded Long Term Orders (LTO) During Comparison (2002) and Test (2003-2004) Periods.



Contrary to the results of the crude-rate comparisons, the results of the survival analyses provide a bit of evidence that additional acts of domestic violence were less likely to occur among couples from the 2003-2004 test period than for couples from the 2002 comparison period. In Table 17 the survival functions for any criminal DV offense, for assaults, and for criminal protective order violations of the comparison and test cases are shown. A comparison of these survival functions for all additional criminal DV charges filed following the granting of ex parte and long term orders are shown in Figure 15 and in Figure 16, respectively. For the most part, those couples from the 2003-2004 group were less likely to have experienced the filing of criminal charges pertaining to additional domestic violence in their case. However, as is indicated by the log-rank statistics in Table 17, none of the differences between the two groups' survival functions were statistically significant.

Table 16: Number and Crude Rates of Civil Domestic Violence Cases Following Long Term Hearing by Long Term Hearing Outcome and by Gender of Petitioner During Comparison (2002) and Test (2003-2004) Periods.

Petitioners by Hearing Outcome, Gender and Years	Total Number	Crude Rate per Person-Year	Rate Ratio (95% c.i.)
Only Cases With Long Term Orders Granted			
All Petitioners			
2002	148	0.178	1.35 (1.04, 1.74)
2003-2004	103	0.239	
Female Petitioners			
2002	120	0.168	1.25 (0.93, 1.69)
2003-2004	74	0.211	
Male Petitioners			
2002	28	0.235	1.54 (0.88, 2.69)
2003-2004	29	0.363	
All Cases (With or Without Long Term Orders Granted)			
All Petitioners			
2002	204	0.179	1.41 (1.13, 1.75)
2003-2004	147	0.252	
Female Petitioners			
2002	153	0.163	1.31 (1.00, 1.69)
2003-2004	98	0.213	
Male Petitioners			
2002	51	0.252	1.59 (1.05, 2.40)
2003-2004	49	0.402	

Table 17: Cumulative Proportion of Couples Without Criminal DV Charges by Number of Days Following the Long Term Order Date and the Ex Parte Petition Filing Date for Cases from 2002 and from 2003-2004.

	Percentage of Couples Not Experiencing:					
	Any DV Offense		Assault		Order Violation	
Number of Days and Type of Case	2002	2003-2004	2002	2003-2004	2002	2003-2004
Cases with Long Term Orders						
30	95.50	96.38	100.00	99.77	95.50	96.38
60	92.59	92.76	99.47	99.10	92.86	93.21
90	91.01	91.40	99.47	99.10	91.27	91.86
180	85.71	88.68	98.68	99.10	86.50	89.13
365	83.32	87.48	97.62	97.14	85.18	88.90
730	81.99		96.02		84.91	
995	81.99		96.02		84.91	
Log-Rank Statistic	2.84 (1 df) p = .091		0.01 (1 df) p = .983		2.12 (1 df) p = .145	
Cases with Ex Parte Orders						
30	93.47	95.43	99.8	99.45	93.67	95.61
60	90.41	92.69	99.59	99.09	90.61	93.05
90	88.57	90.68	99.39	98.54	88.98	91.41
180	85.31	87.75	98.16	98.35	86.33	88.67
365	83.27	86.55	97.35	96.89	85.10	88.30
730	82.45		96.12		84.90	
995	82.45		96.12		84.90	
Log-Rank Statistic	2.36 (1 df) p = .125		0.01 (1 df) p = .939		1.72 (1 df) p = .189	
All Cases						
30	93.61	95.27	99.8	99.47	93.81	95.45
60	90.42	92.64	99.6	99.12	90.62	92.99
90	88.62	90.72	99.4	98.60	89.02	91.42
180	85.43	87.92	98.2	98.42	86.43	88.79
365	83.43	86.76	97.41	97.01	85.23	88.44
730	82.44		96.21		84.83	
995	82.44		96.21		84.83	
Log-Rank Statistic	2.27 (1 df) p = .132		0.12 (1 df) p = .730		1.44 (1 df) p = .119	

Figure 15: Cumulative Proportion of Couples Without Criminal DV Charges by Number of Days Following the Ex Parte Petition Filing for Cases from 2002 and from 2003-2004.

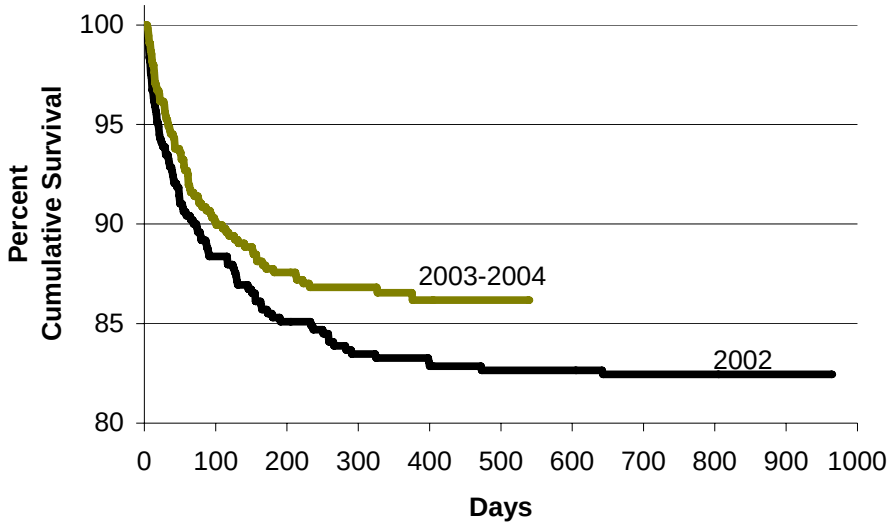
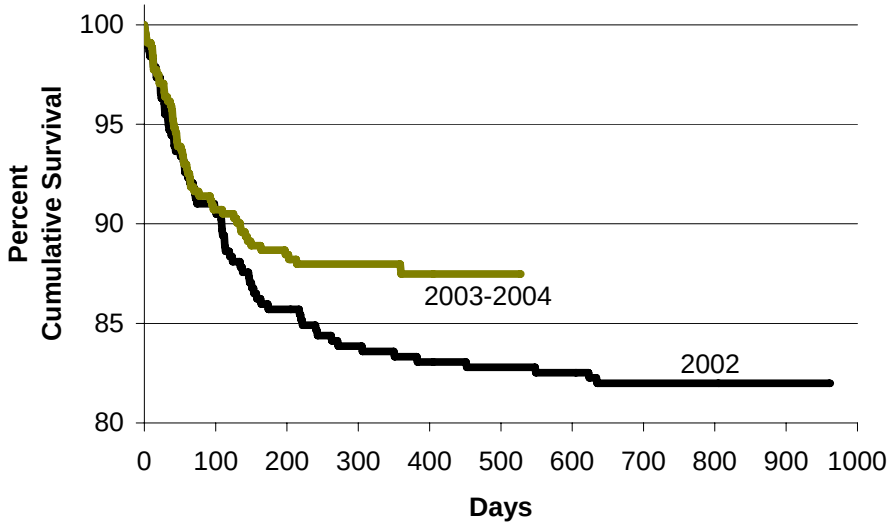


Figure 16: Cumulative Proportion of Couples Without Criminal DV Charges by Number of Days Following the Long Term Order Date for Cases from 2002 and from 2003-2004.



The results of the survival analyses comparing the pre- and post-test groups on the probability of couples experiencing additional civil domestic violence cases also call into question the findings of the crude rate comparisons presented above. As is shown in Table 18, the survival functions of the two groups of cases were similar indicating no differences in the

likelihood of additional civil domestic violence cases. Within a year roughly 16 to 20 percent of couples with cases from 2002 or from 2003-2004 had additional civil domestic violence cases.

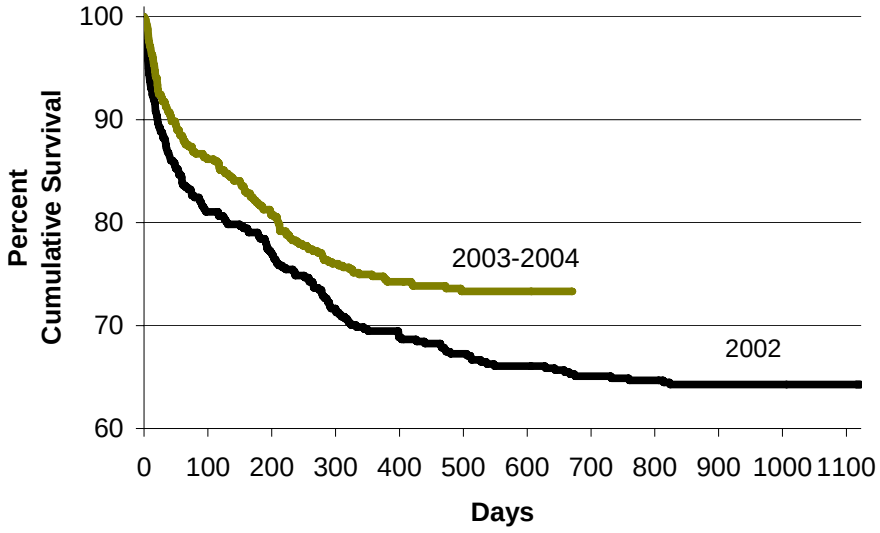
Table 18: Cumulative Proportion of Cases without Additional Civil Domestic Violence Cases by Number of Days Following the Granting of Long Term and Ex Parte Orders and from the Ex Parte Petition Filing Date for Cases from 2002 and from 2003-2004.

Number of Days and Type of Case	Percentage of Cases without Additional Civil Domestic Violence Cases	
	2002	2003-2004
Cases with Long Term Orders		
30	98.35	97.35
60	97.25	95.90
90	96.98	94.93
180	93.96	91.55
365	84.06	83.33
730	77.45	
995	76.90	
Log-Rank Statistic	0.41 (1 df) p = .520	
Cases with Ex Parte Orders		
30	94.29	96.16
60	92.65	95.06
90	92.04	94.52
180	90.41	90.49
365	80.82	83.00
730	75.31	
995	74.49	
Log-Rank Statistic	3.06 (1 df) p = .080	
All Cases		
30	94.41	96.15
60	92.81	95.10
90	92.22	94.22
180	90.62	90.37
365	80.64	82.31
730	75.05	
995	74.25	
Log-Rank Statistic	2.51 (1 df) p = .114	

Additional survival analyses were conducted to determine if couples from the pre- and post-test groups were different in terms of the likelihood of their having either additional criminal or additional civil domestic violence cases in the days following domestic violence

orders hearings. To conduct this analysis a code of "0" was given to couples with neither a criminal or civil case or "1" for couples who had a criminal and/or a civil case following their court proceedings. Comparisons of the two groups' survival functions for all couples (as shown in Figure 17), for cases with ex parte orders (as shown in Figure 18), and for cases with long term orders presented in Table 19 all indicate that couples whose cases were heard in 2003-2004 were less likely than those whose cases were from 2002 to have either additional criminal or civil court cases following their initial hearing. Based upon the log-rank statistics presented in Table 19, the differences in the survival functions for all cases and for cases with ex parte orders (but not for cases with long term orders) were statistically significant. This finding is perhaps the best evidence of an effect in the desired direction of the program implemented to improve the case processing of domestic violence order cases.

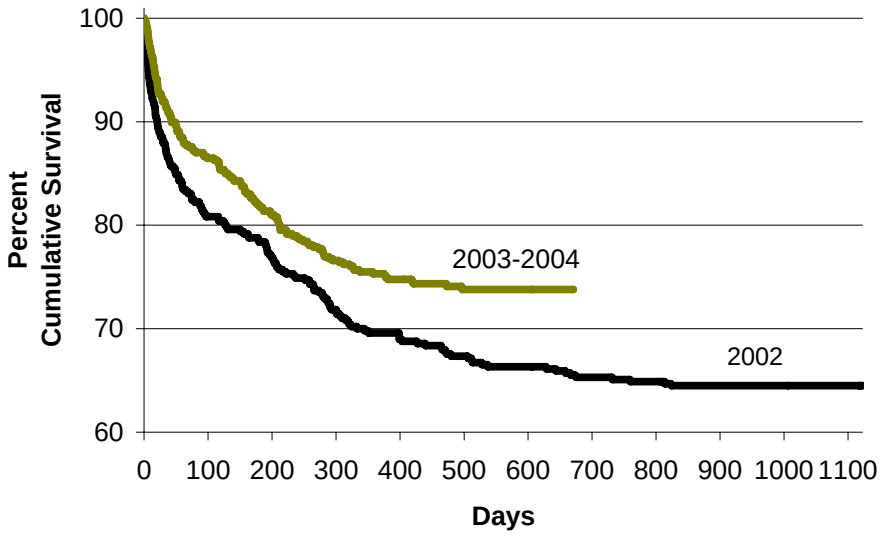
Figure 17: Cumulative Proportion of Couples Without Additional Criminal or Civil Domestic Violence Cases Following the Filing of the Ex Parte Petition for Cases from 2002 and from 2003-2004.



As has been the case when making other comparisons between the group from 2002 with the group from 2003-2004, the interpretation of these results is difficult given the time dependency of the measures of domestic violence in the aftermath of the long term order hearing. Depending upon the type of analysis conducted, the results are entirely contradictory. When compared using cross-tabulations, the proportion of cases with additional domestic violence following long term order hearings are at least as high, if not somewhat higher, for the 2002 group than for the

2003-2004 group. Given the goals of the court in changing the processing of these cases, this can be seen as a positive result. Based upon the cross-tabular analyses, then, it appears that additional violence against petitioners was less likely for those whose cases were dealt with in 2003 and 2004 when these changes were implemented.

Figure 18 Cumulative Proportion of Couples Without Additional Criminal or Civil Domestic Violence Cases Following the Granting of Ex Parte Orders for Cases from 2002 and from 2003-2004.



On the other hand, when the differences between the two groups are considered using crude rate comparisons, it appears as though the implemented changes to court processing either did not have their desired effect or, perhaps, actually made things worse. A majority of the crude rate comparisons (based upon person-year denominators) show that the rate of additional domestic violence following court processing was higher for couples from the years 2003-2004 than for couples from 2002. Although the crude rates of the test group are higher than those found for the comparison group, the interpretation of these higher rates is clouded by the fact that the group of cases from 2003-2004 were followed for a much shorter period of time and that the time frame for those cases was the period when additional domestic violence was most likely to occur.

Table 19: Cumulative Proportion of Couples Without Additional Criminal or Civil Domestic Violence Cases by Number of Days Following the Granting of Long Term and Ex Parte Orders and from the Ex Parte Petition Filing Date for Cases from 2002 and from 2003-2004.

Number of Days and Type of Case	Percentage of Couples without Additional Criminal or Civil Domestic Violence Cases	
	2002	2003-2004
Cases with Long Term Orders		
30	93.68	94.22
60	89.84	89.39
90	87.91	88.18
180	81.04	83.35
365	72.25	76.08
730	67.29	
995	66.74	
Log-Rank Statistic	2.94 (1 df) p = .086	
Cases with Ex Parte Orders		
30	87.96	91.69
60	83.67	88.48
90	81.63	87.02
180	78.37	81.90
365	69.59	75.32
730	65.31	
995	64.49	
Log-Rank Statistic	6.80 (1 df) p = .009	
All Cases		
30	88.22	91.77
60	83.83	88.44
90	81.84	85.69
180	78.64	81.79
365	69.46	74.78
730	65.07	
995	64.27	
Log-Rank Statistic	6.33 (1 df) p = .012	

Even if somewhat equivocal, the results of the survival analyses are more in support of the findings from the cross-tabular analyses and are contrary to the findings of the crude-rate comparisons. For the most part the survival analyses indicated that there were few differences in the survival functions of the pre- and post-test groups. Although usually not statistically significant, the survival analysis differences that did exist pointed toward there being a reduced likelihood of additional domestic violence in the group of cases from 2003-2004. The only

statistically significant results that did come out of the survival analyses did provide evidence that couples in the test group of cases were somewhat less likely to end up back in court either for criminal DV charges or for the purpose of having the civil court grant new protective orders.

While the effect of changes in court processing of long term order cases upon the chances of additional domestic violence is difficult to understand, there are some factors in the data set that can shed some light on the question of why some cases are more likely to end up with criminal or civil domestic violence cases following civil court processing. As is shown below, the likelihood of future domestic violence is greater (1) in cases that had long term orders granted, (2) in cases that had long term orders dissolved, and (3) in cases that resulted in the filing for divorce of a couple.

While there were no differences in the likelihood of future cases of civil domestic violence, cases in which long term orders were granted had a greater incidence of future criminal DV cases compared to those cases without long term orders. As is seen in Table 20, couples granted a long term order had 11 percent more criminal DV cases in the time following the ex parte petition than did those couples not granted a long term order. There were statistically significant differences in the future incidence of criminal DV cases between the groups of cases granted or not granted long term orders for all petitioners, for either male or female petitioners, and for either cases from the 2002 comparison group or from the 2003-2004 test group.

Although there were statistically significant differences in the incidence of future criminal DV cases, the extent to which the granting of long term orders caused the future incidence of criminal DV acts is disputable. It is impossible to determine if individuals committed criminal DV acts because a long term order was granted or if the granting of the long term order was predictive of future trouble for the couple. Also, the measure of criminal DV cases used in this analysis is an aggregate measure of all offenses that are associated with restraining orders, *including the offense of violating a restraining order*. It is possible that the differences in the incidence of criminal DV cases following the long term order hearings for cases with or without orders granted is largely a reflection of the fact that the offense of violating a restraining order was possible only for those cases that had long term orders granted.

Table 20: Additional Domestic Violence For All Cases, by Gender of Petitioner and by Comparison or Test Periods for Cases that Did Not and Did Have Long Term Orders Granted.

Petitioners and Case Years by Type of Additional DV	Long Term Order Not Granted		Long Term Order Granted			
	Number of Cases	%	Number of Cases	%	χ^2 (df)	p
All Petitioners						
Civil DV cases	70	24.65	181	22.97	0.328 (1)	.567
Criminal cases	31	10.92	176	22.34	17.472 (1)	>.001
Male Petitioners						
Civil DV cases	27	34.62	42	31.82	0.174 (1)	.667
Criminal cases	6	7.69	28	21.21	6.604 (1)	.010
Female Petitioners						
Civil DV cases	43	20.87	139	21.19	0.009 (1)	.923
Criminal cases	25	12.14	148	22.56	10.621 (1)	.001
2002 (Comparison) Cases						
Civil DV cases	37	27.61	94	25.61	0.203 (1)	.652
Criminal cases	15	11.19	93	25.34	11.617 (1)	>.001
2003-2004 (Test) Cases						
Civil DV cases	33	22.00	87	20.67	0.119 (1)	.730
Criminal cases	16	10.67	83	19.71	6.318 (1)	.012

Although it is difficult to establish the causal order of the variables presented in Table 21, it is clear that the rates of domestic violence following case processing for married couples was much higher among those couples that filed for divorce in the time period following the ex parte petition than for those that did not file for divorce. When considering only those cases in which long term orders were granted, couples filing for divorce were 10 percent more likely to have additional criminal DV cases and 15 percent more likely to have additional civil domestic violence cases following the processing of their long term orders. For all cases, couples filing for divorce were 19 percent more likely to have additional civil domestic violence cases in the aftermath of the ex parte filing. In couples with female petitioners the differences in the association between divorce filing and the rates of additional domestic violence were even more pronounced. In cases with long term orders granted, couples with female petitioners that filed for divorce (as opposed to couples with female petitioners where no-one filed for divorce) were 15 percent more likely to have additional criminal DV cases and 17 percent more likely to have additional civil domestic violence cases. When all cases involving married couples with female

petitioners are considered, those couples that filed for divorce were 11 percent more likely to have additional criminal DV cases and nearly 20 percent more likely to have additional civil domestic violence cases.

As with divorce, having a long term order dissolved by the court was also associated with the future incidence of domestic violence cases. Of the 788 long term orders granted, 114 (14.47%) were dissolved by the court. There was a statistically significant increase of 6 percent from the 2002 cases (11.4 %) to the 2003-2004 cases (17.1 %) ($\chi^2 = 5.07$; df = 1; p = .024). In Table 22 the rates of additional domestic violence for those cases with long term orders that were dissolved are compared with cases where long term orders were not dissolved. While there were few differences between the couples that did or did not dissolve their long term orders in terms of the rates of additional civil domestic violence cases, cases with dissolved orders had 13 percent more criminal DV cases in the time period following the initial long term hearing.

Table 21: Additional Domestic Violence by Long Term Hearing Outcome and by Gender of Petitioner for Married Couples That Did and Did Not File for Divorce.

Hearing Outcome, Type of Additional DV, & Petitioner Gender	Filed for Divorce		Did Not File for Divorce			
	Number of Cases	%	Number of Cases	%	χ^2 (df)	p
Only Cases With Long Term Orders Granted						
Additional Criminal Cases						
All Petitioners	37	30.08	34	19.42	4.516 (1)	.034
Male Petitioners	3	17.65	8	29.63	0.799 (1)	.371
Female Petitioners	34	32.08	26	17.57	7.205 (1)	.007
Additional Civil Domestic Violence Cases						
All Petitioners	41	33.33	32	18.29	8.843 (1)	.003
Male Petitioners	5	29.41	8	29.63	0.001 (1)	.988
Female Petitioners	36	33.96	24	16.21	10.781 (1)	.001
All Cases (With or Without Long Term Orders Granted)						
Additional Criminal DV Cases						
All Petitioners	42	24.13	42	17.35	2.889 (1)	.089
Male Petitioners	4	10.81	10	23.25	2.133 (1)	.144
Female Petitioners	38	27.73	32	16.08	6.684 (1)	.009
Additional Civil Domestic Violence Cases						
All Petitioners	62	35.63	40	16.52	19.959 (1)	>.001
Male Petitioners	15	40.54	11	25.58	2.028 (1)	.154
Female Petitioners	47	34.31	29	14.57	18.053 (1)	>.001

Table 22: Additional Domestic Violence by Gender of Petitioner for Cases with Long Term Orders That Were and Were Not Dissolved.

Petitioners by Type of Additional DV	Long Term Order Dissolved		Long Term Order Not Dissolved			
	Number of Cases	%	Number of Cases	%	χ^2 (df)	p
All Petitioners						
Civil DV cases	28	24.56	153	22.70	0.191 (1)	.662
Criminal cases	38	33.33	138	20.47	9.294 (1)	.002
Male Petitioners						
Civil DV cases	4	25.00	38	32.75	0.390 (1)	.532
Criminal cases	5	31.25	23	19.82	1.098 (1)	.294
Female Petitioners						
Civil DV cases	24	24.49	115	20.61	0.752 (1)	.386
Criminal cases	33	33.67	115	20.61	8.143 (1)	.004

Overall, it is not possible to say with any certainty that the changes to the court processing of long term order cases had a substantial impact upon the future incidence of domestic violence. Three different methods of analyzing that issue provided mostly contradictory results. While survival analyses did provide some evidence that there were fewer problems for couples in the year after the changes to court processing were instigated, those results for the most part showed that there were no real differences between the comparison and test groups in terms of the likelihood of future domestic violence. What is certain, however, is that there are other factors (such as divorce filing or the dissolution of long term orders) that are strongly associated with domestic violence in the aftermath of civil court processing.

Reasons for the Granting of Long Term Orders

It was possible using the available data to consider what impact the court's changes had upon the likelihood that long term orders would be granted by the court. Two analytical techniques were used to understand why some cases rather than others were more likely to have a long term order granted. Cross-tabulations and chi-square tests of statistical significance were conducted to consider simple bivariate associations between certain case characteristics and the granting of long term orders. Logistic regression was also used to examine the relative effects of multiple case characteristics upon the likelihood of long term orders being granted.

A number of case characteristics were examined when considering the bivariate associations with the granting of long term orders. The results of these cross-tabular analyses are presented in

Table 23. Three of the case characteristics shown there — the use of a weapon in the assault leading to the case, the petitioner and respondent being ex-spouses, and whether the case came from the 2002 comparison group of cases or the 2003-2004 test group of cases — had no impact on the likelihood of a long term order being granted.

Table 23: Proportion of Cases Resulting in Long Term Order by Presence or Absence of Case Characteristics.

	Presence of Case Characteristic		Absence of Case Characteristic			
Case Characteristic	Number of Cases	%	Number of Cases	%	χ^2 (df)	p
Attorney for respondent	85	54.49	671	77.57	36.649 (1)	<.001
Weapon used in assault	92	78.63	696	72.88	1.771 (1)	.183
Children involved in case	395	69.91	393	77.51	7.932 (1)	.005
Ex-spouses	104	71.72	683	73.76	0.266 (1)	.606
Female petitioner	656	76.10	132	62.86	15.212 (1)	<.001
Earlier DV reported in file	427	76.66	361	70.10	5.920 (1)	.015
DV case specialist judge	437	77.48	332	69.17	9.241 (1)	.002
Petitioner requested denial	4	3.17	743	83.95	373.036 (1)	<.001
2002 comparison group case	367	73.25	421	73.73	0.031 (1)	.860

There were significant associations between the nominal measure of whether a long term order was granted and five of the case characteristic variables shown in Table 23. For example, long term orders were granted in 23 percent more of the cases when the respondent did not have an attorney (orders were granted in 77.57 % of those cases) than when he or she did have an attorney (54.49 % of cases). There was a 13 percent difference in the rate of receiving long term orders for female petitioners (76.10 %) compared with male petitioners (62.86 %). Long term orders were granted in 6 percent fewer cases when children were involved in the case (measured by whether the petitioner had or was requesting custody of the children in the *ex parte* hearing) (69.91 %) than when children were not involved in the case (77.51 %). A similar 6 percent difference in receiving long term orders was found when comparing cases that had earlier incidents of domestic violence recorded in the case file (76.66 %) than when the case file lacked such reports (70.10 %). Finally, those cases that were heard by a judge that specialized in civil domestic violence cases (this includes the two judges that presided over more than half (52.6 %) of all long term order cases included in this study) were 8 percent more likely (77.48 %) to

receive a long term order than were the cases heard by a judge without a specialization in such cases (69.17 %).

Even though there are substantial bivariate associations between many case characteristics and the likelihood that a long term order will be granted, the extent to which the strength of these associations remains once rival plausible explanations are considered was examined here through multivariate analyses. Specifically, logistic regression was used to determine the relative effects of each of those case characteristics upon the likelihood that a long term order would be granted. A variant of ordinary regression, logistic regression is used when the dependent variable of interest takes on one of two values (i.e., it is a dichotomy) with independent variables at any level of measurement. It is used to predict the likelihood of an outcome — in this case the granting of a long term order — as a function of one or more independent variables measured at any level. Three different models of the likelihood that long term orders will be granted are estimated: one for the entire sample of cases, one for the cases from 2002, and one for the cases from 2003-2004. The differences between the 2002 and the 2003-2004 models are then examined. Complete data were available for 1,011 of the 1,072 cases included in the study. Of the 1,011 cases, roughly three quarters (74.28 %; 751 cases) resulted in a long term order being granted. In the other 258 cases the long term order was not granted.

The independent variables included in the models presented below were chosen through the author's commonsensical expectations of what might explain why some cases were more likely than others to have long term orders granted. These variables include all of the case characteristics considered in the bivariate analyses presented in Table 23. The descriptive statistics for the characteristics of cases included in the logistic regression analyses are presented in Table 24.

It should be noted that the variables included in these logistic regression analyses are only those that were available in the data gathered to evaluate this project and that many other possible explanatory variables are excluded from these models. It is very likely that factors such as the strength of the evidence, the extent to which the petitioner and respondent were co-combatants, the race of the petitioner, the income of the petitioner, the degree of physical injury to the petitioner, the petitioner's fluency in English, the extent of police involvement, and the level of local familial support for the petitioner all could have had an impact upon the likelihood that a long term order would be granted. No information about these variables was

consistently available from the court case files. A thorough understanding of why long term orders are granted would require consideration of those and other excluded causal factors.

Table 24: Characteristics of Cases used in Logistic Regression Models of the Likelihood of Long Term Orders Being Granted in Civil Domestic Violence Cases For the Entire Sample (n = 1,011), for Cases from 2002 (n = 472), and for Cases from 2003-2004 (n = 539).

	All Cases in Analysis		2002 Cases		2003-2004 Cases	
Case Characteristic	Number of Cases	%	Number of Cases	%	Number of Cases	%
Attorney for respondent	155	15.33	71	15.04	84	15.58
Weapon used in assault	113	11.18	41	8.69	72	13.36
Children involved in case	527	52.13	246	52.12	281	52.13
Ex-spouses	130	12.86	75	15.89	55	10.20
Female petitioner	815	80.60	392	83.05	423	78.48
Earlier DV reported in file	530	52.42	276	58.47	254	47.12
DV case specialist judge	545	53.91	215	45.55	330	61.22
Petitioner requested denial	126	12.5	60	12.70	66	12.20
2002 comparison group case	472	46.69	472	100.00	539	100.00

The results of the logistic regression analysis for all cases in the sample are shown in Table 25. Interpretation of these results is a fairly straightforward process. The coefficient estimates in the column second from the left (labeled β) in Table 25 are interpreted like unstandardized regression coefficients. The sign (i.e., positive or negative) of this coefficient indicates the direction of the relative effect of the independent variable upon the likelihood of the dependent variable (i.e., whether or not a long term order was granted) (DeMaris, 1992). For instance, in Table 25 the negative coefficient on the independent variable measuring the involvement of children in the case indicates a negative relationship between that variable and the likelihood of a long term order being granted. In other words, the chances of a long term order being granted decrease when children are involved in the case. The next column to the right, the column labeled *p*, indicates whether the association between each of the independent variables and the dependent variable is statistically significant.

The most useful interpretation of the effects of the individual explanatory variables is gained from the odds ratios shown in the far right hand column of Table 25. When using dichotomous independent variables, the odds ratio tells us how much greater or lesser the odds of the dependent variable are given a one unit change from the reference category to its opposite

(DeMaris, 1992). For instance, in Table 25 the odds ratio of 1.49 for the weapon used in the incident variable indicates that the odds of a long term order being granted are 1.49 times greater when a weapon was used as opposed to the reference category of cases where weapons were not used. These odds ratios can also be used to determine the percentage increase (when the odds ratio is greater than one) or the percentage decrease (when the odds ratio is less than one) in the odds of the dependent variable, controlling for other variables in the model, when a case 'changes' from the reference category to its opposite (DeMaris, 1992). Therefore, the odds ratio of 1.49 for the use of a weapon variable can be interpreted as meaning that when controlling for all other variables in the model, the odds of having a long term order granted increase by 49 percent when a weapon is involved in the domestic violence incident at hand. When the odds ratios are less than one, the percentage decrease is calculated by subtracting the odds ratio from one. For example, in Table 25, the odds ratio for the measure of children's involvement in the case is 0.74, which, when subtracted from one, can be interpreted to mean that the odds of long term orders being granted are 26 percent less in cases with children involved compared to the reference category of cases without children.

Table 25: Logistic Regression Model of the Likelihood of Long Term Orders Being Granted in Civil Domestic Violence Cases During Comparison (2002) and Test (2003-2004) Periods (n = 1,011).

Independent Variables	β	p	Odds Ratio (95% c.i.)
Constant	1.37	.001	
Respondent attorney at hearing	-1.16	<.001	0.31 (0.20, 0.49)
Weapon used in incident	.40	.211	1.49 (0.80, 2.78)
Children involved in case	-.30	.121	0.74 (0.51, 1.08)
Ex-spouses	-.30	.240	0.74 (0.45, 1.23)
Female petitioner	.55	.014	1.74 (1.12, 2.70)
Earlier DV reported in file	.12	.543	1.12 (0.77, 1.63)
DV case specialist judge	.38	.053	1.26 (0.99, 2.16)
Petitioner requested denial	-5.17	<.001	0.01 (0.00, 0.02)
2002 comparison group case	.01	.988	1.00 (0.69, 1.46)

Model $\chi^2 = 397.994$; df = 9; $p < .001$

With that brief explanation of logistic regression in mind, it is now possible to turn to the results of the analyses conducted for this report. The results of a model of the likelihood of long term orders being granted for all of the cases in the data set are shown in Table 25. Overall, the model predicted 85.5 percent of the case outcomes correctly. This model correctly predicted

99.2 percent of cases where a long term order was granted and 46.6 percent of cases where a long term order was not granted. The overall model, which explained 48 percent of the variation in restraining orders being granted, was statistically significant according to the model *chi-square* statistic.

Three out of the nine independent variables in the model for all cases shown in Table 25 had a statistically significant effect upon the likelihood of a long term order being granted. The strongest predictor of a long term order being granted was, quite obviously, when the petitioner did not request that the order be denied. When a petitioner did request a denial of the order there was a 99 percent likelihood that the long term order would not be granted. There were, however, other two other factors that had an influence upon the chances that a long term order would be granted. When the case involved a female petitioner, the odds of a long term order being granted in a particular case were increased by 74 percent. And when the respondent was represented by an attorney at the hearing the likelihood of the long term order being granted was reduced by 69 percent. Unlike the result of the bivariate analysis presented in Table 23, having the case heard by a judge with a specialty in civil domestic violence cases did not have a statistically significant impact upon the likelihood of a long term order being granted in the logistic regression model. The effects of the involvement of weapons in the case, the case being between ex-spouses, the case involving children, and the hearing of the case during the 2002 comparison period or the 2003-2004 test period also were not statistically significant.

Separate models of the likelihood of long term orders being granted were estimated for the cases from the 2002 comparison group and for cases from the 2003-2004 test group. The results of the logistic regression model for the 2002 comparison group are presented in Table 26. Overall, the model correctly predicted the outcomes of nearly five-out-of-six cases (86.2 %), it explained 53 percent of the variation in orders being granted, and it was statistically significant based on the model *chi-square* statistic. Four of the eight independent variables included in the model for the 2002 comparison group were statistically significant. As was the case in the model for all cases, the model for cases from 2002 indicates that the odds of long term orders being granted (1) are increased when the petitioner is female and (2) are decreased when the respondent is represented by an attorney during the long term hearing and when the petitioner requests that the long term order be denied. The other statistically significant association in the model for 2002 is for the measure of whether the case was heard by a judge that specializes in

civil domestic violence cases. The odds that a case brought before one of the two judges that specialize in protective order hearings in 2002 would result in a long term order being granted was more than double that of the reference group of cases heard by one of the other 20 judges dealing with long term orders in 2002.

Table 26: Logistic Regression Model of the Likelihood of Long Term Orders Being Granted in Civil Domestic Violence Cases During Comparison (2002) Period (n = 472).

Independent Variables	β	p	Odds Ratio (95% c.i.)
Constant	1.12	.009	
Respondent attorney at hearing	-1.35	<.001	0.26 (0.14, 0.48)
Weapon used in incident	.16	.754	1.17 (0.44, 3.07)
Children involved in case	-.41	.164	0.67 (0.38, 1.18)
Ex-spouses	-.36	.316	0.70 (0.35, 1.41)
Female petitioner	.75	.028	2.12 (1.09, 4.13)
Earlier DV reported in file	.34	.242	1.41 (0.79, 2.50)
DV case specialist judge	.78	.012	2.18 (1.19, 4.01)
Petitioner requested denial	-6.01	<.001	0.01 (0.00, 0.02)

Model $\chi^2 = 213.669$; df = 8; $p < .001$

The results of the logistic regression model for the group of cases from 2003-2004 are shown in Table 27. This model correctly predicted 461 of the 539 cases (85.5 %) included in the analysis and explained 44 percent of the variance. Similar to the other models considered above, the overall logistic regression model for the 2003-2004 cases was also statistically significant based upon the model *chi-square* statistic. Unlike those other models, however, only two of the associations between individual independent variables and the likelihood of a long term order being granted were statistically significant. Controlling for the effects of other variables in the model, the odds of long term orders being granted were 65 percent less for respondents represented by attorneys compared to those without attorneys and 99 percent less when the petitioner requested that the order be denied. The effects of children's involvement in the case, of reports of earlier incidents of domestic violence, of the gender of the petitioner, or of a judge who specializes in civil domestic violence cases hearing the case were not statistically significant.

Table 27: Logistic Regression Model of the Likelihood of Long Term Orders Being Granted in Civil Domestic Violence Cases During Test (2003-2004) Period (n = 539).

Independent Variables	β	p	Odds Ratio (95% c.i.)
Constant	1.57	<.001	
Respondent attorney at hearing	-1.04	.001	0.35 (0.19, 0.67)
Weapon used in incident	.66	.124	1.94 (0.83, 4.52)
Children involved in case	-.14	.581	0.87 (0.52, 1.44)
Ex-spouses	.22	.572	0.81 (0.38, 1.71)
Female petitioner	.40	.184	1.49 (0.83, 2.70)
Earlier DV reported in file	-.10	.694	0.90 (0.55, 1.49)
DV case specialist judge	.10	.714	1.11 (0.65, 1.89)
Petitioner requested denial	-4.75	<.001	0.01 (0.00, 0.03)
Model χ^2 = 192.518; df = 7; p < .001			

On its face, it appears as though the relative effects of individual independent variables upon the likelihood that long term orders would be granted changed from the cases that were heard in 2002 to the cases that were heard in 2003-2004. However, to be certain, it is necessary to determine if the between-group differences for the individual independent variables are greater than what would be expected by chance alone (i.e., whether they are statistically significant). According to Paternoster, et. al. (1998), it is possible to test for the statistical significance of the difference between two regression coefficients across independent samples by calculating a standardized *Z* score using the equation:

$$Z = \frac{\beta_1 - \beta_2}{\sqrt{SE\beta_1^2 + SE\beta_2^2}} \qquad \text{(Eq. 1)}$$

where β_1 and β_2 are the regression coefficients from the two models and $SE\beta_1$ and $SE\beta_2$ are their corresponding standard errors. This equation was used to determine if the apparent differences between the regression coefficients of the 2002 group and the 2003-2004 group were statistically significant. As is shown in the far right hand column of Table 28, only one of the differences between the pairs of independent variables was statistically significant at the p < .05 level. Specifically, there was a change in the effect that judges specializing in domestic violence cases had upon the likelihood of long term orders being granted. Cases from 2002 were more likely to have long term orders granted if heard by a judge that specialized in domestic violence cases. In the 2003-2004 post-test group it did not make a difference. For all of the other independent variables it is not possible to be confident that the differences between their effects in the two

models are the result of something besides chance alone. As such, we cannot be certain that those differences are indicative of changes in the factors associated with the granting of long term orders.

Table 28: Differences in Regression Coefficients from Models of Likelihood that Long Term Orders Would Be Granted During Comparison (2002) and Test (2003-2004) Periods.

	2002		2003-2004			
Independent Variables	β	SE	β	SE	| Z |	p
Respondent attorney at hearing	-1.354	0.321	-1.042	0.327	0.682	0.248
Weapon used in incident	0.155	0.493	0.664	0.431	0.778	0.218
Children involved in case	-0.408	0.293	-0.144	0.260	0.675	0.250
Ex-spouses	-0.360	0.359	-0.216	0.382	0.274	0.392
Female petitioner	0.750	0.341	0.401	0.302	0.765	0.222
Earlier DV reported in file	0.341	0.292	-0.101	0.256	1.139	0.127
DV case specialist judge	0.781	0.310	0.101	0.274	1.641	0.050
Petitioner requested denial	-6.007	1.030	-4.753	0.612	1.046	0.148

Although there was detectable change in the effects of only one causal factor upon the likelihood of long term orders being granted, the bivariate analyses and the multivariate logistic regression models presented above do provide some insights into why those orders were or were not likely to be granted. All other variables held equal, we can be fairly certain that cases with female petitioners are more likely to have long term orders granted. On the other hand, long term orders are much less likely to be granted in cases where the respondent is represented by an attorney or, axiomatically, when the petitioner requests that the order not be granted.

CONCLUSIONS

This report set out to accomplish two things. A first objective of this report was to determine whether programs implemented by the Alaska Court System had an impact upon the processing of long term domestic violence orders in civil court. The analyses conducted to meet that objective compared the outcomes of cases heard in 2002 (before program implementation) with those from 2003 and 2004 (after program implementation). The second objective of this report was to develop an understanding of the factors (including programmatic changes) that are associated with the likelihood of long term orders being granted. Multivariate logistic regression analyses were conducted to examine the relative effects of a number of factors upon the likelihood that the court would grant a long term order.

Our ability to understand the effect of changes in programs upon specific outcomes depends largely upon when in the civil court process each specific outcome occurred. The analyses of discrete outcomes that happened at the time of the *ex parte* and long term hearings was fairly straightforward. However, our understanding of the effects of changes to court processing of long term order cases was less precise for the outcomes that were time dependent in nature (i.e., their probability of occurring increased with time).

For the most part, programmatic changes from 2002 to 2003-2004 had little effect upon differences in case processing and case results for the two groups. There was no decrease in the number of hearings per case, no increase in the amount of information gathered at the long term hearing, nor was there an increase in the proportion of cases that were granted long term orders. Contrary to the objectives of project, there was actually an increase in the proportion of cases in the 2003-2004 group that requested modifications to their long term orders.

The programmatic changes implemented in 2003 also appear to have had little effect on increasing the chances of permanent solutions to the domestic violence cases heard in civil court in Anchorage. While person-year crude-rate comparisons did show that there were higher rates of filing for divorce and filing for child custody in the superior court following implementation of the programmatic changes in 2003, it is probable that those results are based on an analytical technique that is inappropriate given the time-dependent nature of the data examined. The differences in the crude rates of permanent outcomes are likely an artifact of the decline over time of the probability that those permanent solutions will be achieved. In other words, the reason why the crude rates for the group from 2002 are lower than for the 2003-2004 group is that cases from the 2002 group were examined over a greater period of time following their court hearings when the probability that permanent solutions would be achieved had been greatly reduced. The other types of analyses, cross-tabulations and, especially, survival analysis, clearly showed that there was no improvement in 2003-2004 in terms of an increased likelihood of permanent solutions to the cases at hand. On balance, it is most reasonable to conclude that there was no difference between the 2002 and the 2003-2004 groups in terms of the permanent solutions to their civil domestic violence cases.

The time dependency of the measures of domestic violence following the long term hearing also made it difficult to determine if the changes made to case processing beginning in 2003 improved the safety of petitioners. According to the cross-tabulations conducted to compare the

two groups, the cases from 2002 had rates of additional domestic violence that were at least as high, if not higher, than the rates for the group from 2003-2004. Based on those results the changes made in 2003 did have their intended impact. However, the crude-rate comparisons (based upon person-year denominators) tell a different story regarding the effect of court processing upon the future incidence of domestic violence in couples with long term orders. Most of the crude rate comparisons indicate that there were higher levels of additional domestic violence for those couples whose cases were adjudicated in 2003-2004 than in 2002. As with the analysis of permanent solutions to long term order cases, the lower rates of additional domestic violence in the comparison group from 2002 is most likely an artifact of the decline over time in the likelihood that petitioners would be re-assaulted or have their long term orders violated. Ultimately, the results of the survival analyses call into question conclusions drawn from either analytical technique. With the exception of the difference on the two groups' survival functions for the combined measure of additional criminal or civil domestic violence cases, there were no statistically significant differences in the comparison or test groups' likelihood of domestic violence following civil court intervention. These results indicate that the programmatic changes implemented in 2003 did not have their desired effect of reducing the incidence of domestic violence among couples whose cases were heard in Anchorage District Court.

The final comparison between the 2002 group and the 2003-2004 group was made, in a roundabout way, by examining the factors that are associated with the granting of long term orders. For the entire sample the likelihood of a long term order being granted increased in cases involving female petitioners while it decreased when the respondent was represented by counsel or when the petitioner requested that the order be denied. Although cases in the 2003-2004 group were not any more likely to receive a long term order than those from 2002, it does appear that judicial specialization was no longer the important determinant of the likelihood of long term orders being granted in 2003-2004 as it was in 2002.

In the end, when all of these findings are taken together, it appears as though the programmatic changes implemented in 2003 for processing civil domestic violence cases in Anchorage District Court did not have their desired effects. In terms of case processing, there were no increases in the amount of information at the long term hearing, no increases in the likelihood of long term orders being granted, no decreases in the number of hearings, or no decrease in the number of requested order modifications. Cases heard in 2003-2004 were not

any more likely to end in a permanent resolution such as filing for divorce. Finally, it does not appear that petitioners were any safer after obtaining long term orders in 2003-2004 than they were after doing so in 2002.

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Appendix B

Variable List
Domestic Violence Evaluation

Information from the Petition for Protective Order

1. ***NamePet*** - Name of petitioner
2. ***DOBPet*** - Date of birth of petitioner
3. ***NameRes*** - Name of respondent
4. ***DOBRes*** - Date of birth of respondent
5. ***CasNum*** - Case number
6. ***ResRelat*** - Relationship of respondent - (spouse, former spouse, or person with whom they have or previously had a dating or sexual relationship)
7. ***Children*** - Children in household Yes/No
8. ***Weapon*** - Weapon used? - (gun, knife, other or no weapon)
9. ***ChildrenPres*** - Children present while DV event occurred? - (petitioner said children were present at the time of the DV incident) Yes/No
10. ***ResDV*** - Petitioner's statement - respondent involved in other DV?
11. ***PetMoIncome*** - Petitioner's monthly income
12. ***ResMoIncome*** - Respondent's monthly income
13. ***SupCompletely, SupPartly*** - Supported "completely" or "partly" Yes/No questions
14. ***SupSince*** - Date that support started
15. ***NoKidsReqCust*** - Number of children listed for support
16. ***CustodyOrd*** - Custody order in place already? Yes/No
17. ***CustNo*** - Number of children with custody order in place
18. ***KidsHave, KidsWant*** - Who has children? (petitioner currently has the children or is requesting an order to get the children) Yes/No questions
19. ***Visitation*** - Safety concerns with visitation issues? Yes/No
20. ***ReqSupport*** - Child support requested? Yes/No
21. ***Dpetition*** - Date of petition
22. ***DateDatEn****t* - Date data entered by Council staff

Information from ExParte Protective Order (20 Day Order)

1. ***XPAlleg, XPTest*** - Basis of order. Order based on allegations in the petition or testimony of the petitioner. Yes/No questions
2. ***XPGrant*** - 20 day order granted? Yes/No
3. ***XptempCus, XPNoChildren*** - Temporary custody - Who has temporary custody (petitioner, respondent, other, split, unknown) and number of children listed
4. ***XPVisitAllow*** - Visitation is allowed Yes/No
5. ***XPSupport, XPSprtWho*** - Child support ordered (Yes/No) and who pays (petitioner, respondent, other, split, unknown)
6. ***XpnxtDate*** - Next hearing date
7. ***XPOrderDate*** - Date ex parte order signed

Information from Domestic Violence Protective Order (Long Term Order)

8. ***DVHrgDate*** - Date of long term hearing
9. ***DVPetit, Dvresp, dvgal*** - Who was present? (petitioner, respondent, guardian ad litem) Yes/No questions
10. ***DVOrdGrant*** - Long term order granted? Yes/No
11. ***DVPetsupport*** - Amount of money each month for support to Petitioner.
12. ***DVTempCus, DVNoChildren*** - Custody. Who gets temporary custody (petitioner, respondent, other, split, unknown) and how many children are listed
13. ***DVChldSprt*** - Child support order attached (custody must be paid as provided by an attached child support order)
14. ***Dvdate*** - Date of long term order

Information from Long Term Hearing

15. ***DVAttyPres*** - Attorneys present - (None present, Atty for Petitioner, Atty for Respondent, Atty for Both, Unknown)
16. ***DVLngthHrng*** - Length of hearing measured by length of log notes in file - (No Hearing Notes, ½ Page or less, 1 Page, 2 Pages, 3 pages or more)
17. ***DVJudge*** - Name of judge or magistrate
18. ***DVHrgNotesNotes*** - Notes field - List of anyone else present at the hearing.

Information from Motions to Modify *(Motions to modify, the related hearing and the resulting order)*

Information from the Request to Modify or Dissolve Protective Order

1. ***ReqInit*** - Who requests order? (petitioner, respondent, other, unknown)
2. ***DsslvXparteLT, ModXparteLT*** - Request is to dissolve or modify Order
3. ***RsnOne, RsnTwo, RsnThree*** - Three main reasons given on the form for request- (Child Custody Issues, Visitation Issues, Child Support Issues, Other Financial Support, Property Issues, Substance abuse counseling, Communication between parties, Reassignment request, Physical Distances of Parties, Spousal Support, Other, Denying Charges)
4. ***DmodReq*** - Date of the modification request

Information from Hearing for Request to Modify - *(Data from the log notes for the hearing)*

5. ***HrgDateMod*** - Date of Hearing
6. ***JudgeNameMod*** - Judge Name Select the judge or magistrate name from the drop-down list
7. ***HrngLngthMod*** - Length of Hearing Record - measured by length of log notes in file - (No Hearing Notes, ½ Page or less, 1 Page, 2 Pages, 3 pages or more)
8. ***AttyMod*** - Attorneys Present - (None present, Atty for Petitioner, Atty for Respondent, Atty for Both, Unknown)

Order Re Request to Modify or Dissolve Protective Order

9. ***HrgHldMod*** - *(a hearing was held)* Yes/No check box on form
   HrgNoMod - *(hearing not held)* Yes/No check box on form
   ModMeritless - *(the request is meritless)* Yes/No check box on form
   ModAgree - *(other party agrees)* Yes/No check box on form
10. ***DsslvOrdDen*** - *(Request is denied)* Yes/No check box on form

DsslvOrdGrnt - (*Request is granted)* Yes/No check box on form
CsupDsslv *- (box is checked dissolving any child support order)* Yes/No check box on form

11. ***ModOrdDen, ModOrdGrnt*** Request to modify is denied or granted Yes/No
12. ***RsnOneRslt, RsnTwoRslt, RsnThreeRslt*** - Result of each of the reasons to request to modify (listed above) - (granted, partially granted, denied or not mentioned).
13. ***DmodOrd*** Date of the order

Information from Confidential Envelope (information recorded by court staff from CoutView)

1. ***CFEthnicity*** Ethnicity of Respondent
2. Number of cases listed as prior records for respondent in confidential file
   CFDVI - Domestic violence
   CFDIV - Divorce
   CFDIS - Dissolution
   CFDVC - Divorce with children
   CFODR - Other domestic relations
   CFCUS - Custody
   CFOther - Other cases

General Questions From Case File

3. ***GNGendPet*** - Gender of petitioner
4. ***GNGenResp*** - Gender of respondent
5. ***GNNoHearings*** - Number of total hearings
6. ***GNCtFmlyLaw*** - Any forms from family law center facilitator present - Yes/No
7. Type of Form from Family Law Facilitator
   GN SrnFrm - Screening form Yes/No
   GNPrntFrm - Parenting form Yes/No
   GNCstdyFrm - Custody form Yes/No
   GNVstFrm - Visitation form Yes/No
   GNSpprtFrm - Support form Yes/No
   GNOthrFrm - Other type of form Yes/No

Other Orders (Record of other orders in file)

1. ***OrderName*** - Title of order
2. ***Order Date*** - Date order signed
3. ***OrderNotes*** - Brief description of order

Appendix C

EFFICACY OF FAMILY LAW COURT SELF-HELP FACILITATOR AND AWAIC ADVOCATE

CURRENT STAKEHOLDERS

Date of Interview: Time:
Interviewed by: At:
Name of Interviewee:
Job Title:
Questions:

Background

1. How long have you been working in your current position?

2. How long have you been working with the advocate/facilitator project?

3. Please describe your role in the grant application, design, or implementation.

3.a. What is your overall impression of the facilitator and advocate programs?

Questions about AWAIC Advocate

Interviewee's Understanding of and "Buy In" of the Project:

4. What did you understand as the goals of having the advocate?

5. Did you expect that having an advocate would help reach those goals?

6. In your view was the advocate effective in reaching those goals? In other ways?

Interviewee's Observations on Project Implementation

7. How were you told about what the advocate would do?

8. What were you told about what the advocate would do?

9. In your experience, what does the advocate do? At what point in the process does she get involved?

10. Has that role been consistent or has it changed?

11. What group of people was the advocate supposed to serve?

12. Who actually uses the advocate's services?

13. What percent of petitioners uses the advocate's services? Are there many who use her services for repeat DV petitions (i.e. "chronic" users)?

14. How does having a non-court employee working in the courthouse affect court staff, judicial officers, petitioners, respondents or others?

15. In your view, does having an advocate help/hinder/have no significant effect on the following persons in the domestic violence protective order process:
    court staff -
    DV petitioners -
    DV respondents -
    judicial officers-
    children of the household -
    others -

16. Do different judicial officers promote the advocate's services or use the advocate differently? How? Why?

Interviewee's Observations of Outcome Measures

17. Do you perceive that petitioners and respondents are communicating their circumstances and needs to the court more effectively or differently because of the advocate's work? Why?

18. Do you perceive any increase in appearances at DV hearings when the advocate is assisting petitioners? How about any decreases in voluntary dismissals by petitioners?

19. Do you perceive any increases or decreases in requests to the court from petitioners or respondents as a result of the advocate's work? (For example, in custody or child support requests, or in petitions to modify or dissolve).

20. Do you perceive any increases or decreases in the number of orders issued by judicial officers as a result of the advocate's work? (For example, in child custody/visitation orders)

21. What do you see as the most significant outcome of the advocate program?

22. What suggestions would you make or what would you leave the same?

Family Law Self Help Facilitator:

Interviewee's Understanding of and "Buy In" of the Project:

23. What did you understand as the goals of having the facilitator?

24. Did you expect that having a facilitator would help reach those goals?

25. In your view was the facilitator effective in reaching those goals? In other ways?

Interviewee's Observations on Project Implementation

26. How were you told about what the facilitator would do?

27. What were you told about what the facilitator would do?

28. In your experience, what does the facilitator do? At what point in the process does the facilitator get involved?

29. Has that role been consistent or has it changed?

30. What group of people was the facilitator supposed to serve?

31. Who actually uses the facilitator's services?

32. What percent of petitioners uses the facilitator's services? Are there many who use her services for repeat DV petitions (i.e. "chronic" users)?

33. In your view, does having a facilitator help/hinder/have no significant effect on the following persons in the domestic violence protective order process:
    court staff-
    DV petitioners -
    DV respondents
    judicial officers -
    children of the household -
    others -

34. Do different judicial officers promote the facilitator's services or use the facilitator more than others? How? Why?

Interviewee's Observations of Outcome Measures

35. Do you perceive that petitioners and respondents are communicating their circumstances and needs to the court more effectively because of the facilitator's work? Why?

36. Do you perceive any increase in appearances at DV hearings when the facilitator is assisting petitioners or respondents? How about decreases in voluntary dismissals?

37. Do you perceive any increases or decreases in requests to the court from petitioners or respondents as a result of the facilitator's work? (For example, in custody or child support requests, or in petitions to modify or dissolve).

38. Do you perceive any increases or decreases in the number of orders issued by judicial officers as a result of the facilitator's work? (For example, in child custody/visitation orders)

39. What do you see as the most significant outcome of the facilitator program?

40. What suggestions would you make or what would you leave the same?

Closing Questions and Comments

41. Do you see problems in the domestic violence process that were not goals of the original grant that the facilitator or advocate could help with?

42. Do you see problems in the domestic violence process that need to be addressed by other means?

43. Any other comments you'd like to add?

Thank you very much for sharing your experience with us. It will be invaluable in helping us understand the program. If you think of other points that you want to discuss, please feel free to give me a call at any time. (Give interviewee a card.)