

hcdvcc



**Assessing the Protective Order  
Process in Harris County**

**Safety Assessment Findings  
and Recommendations**

**“Alone we can do so little, together we can do so much.”**

**- Helen Keller**

# Harris County Domestic Violence Coordinating Council



## Assessing the Protective Order Process in Harris County Domestic Violence Safety Assessment Findings and Recommendations

*September 2014*

Barbie Brashear  
Executive Director

Amy Smith  
Deputy Director

*This project was supported by the Houston Endowment, The Simmons Foundation, United Way Community Development Block Grant, and the Alice Kleberg Reynolds Foundation.*

### *Team Members:*

Lieutenant Noel Araguz  
Harris County Sheriff's Office

Rhonda Gerson  
Community Advocate

Deputy Teresa Moneyhun  
Harris County Sheriff's Office

Beth Barron, J.D.  
Protective order Prosecutor  
Family Criminal Law Division  
Harris County District Attorney's Office

Heidi Gilroy, Researcher  
Texas Women's University Houston

Dr. Angeles Nava, Researcher  
Texas Woman's University, Houston

Sherryl Becker, Program Director  
Texas Child Protective Services

Linda Good, J.D.  
Lone Star Legal Aid

Michelle Permenter  
Director – Victims' Rights Division  
Harris County District Attorney's Office

Assistant Chief Susan Clifton  
Pasadena Police Department

Jessica Howton, J.D.  
Supervising Staff Attorney  
Tahirih Justice Center

Q. Olivia Rivers  
Shelter Case Work Manager  
The Bridge of Troubled Waters

Maisha Colter, J.D.  
Director of Litigation  
Aid to Victims of Domestic Abuse

Sherri Kendall, LPC  
Chief Executive Officer  
Aid to Victims of Domestic Abuse

Sargent Bill Tyson  
Houston Police Department

Judy Cox, Executive Director  
Family Time Crisis & Counseling Center

Lisa Levine, LCSW  
Clinical Director  
Houston Area Women's Center

Jennifer Varela, LCSW  
Director of Family Violence Services  
Harris County District Attorney's Office

Carrie Enriquez, Legal Advocate  
Bay Area Turning Point

Dr. Judith McFarlane  
Researcher  
Texas Woman's University, Houston

Allison Vogt, LMSW  
Montrose Center

Maricarmen Garza, J.D.  
Domestic Violence and Family Law  
Team Manager  
Texas Rio Grande Legal Aid

Stacey Mitchell, DNP, MBA, RN,  
Director Forensic Nursing Services  
Harris County Hospital District

Sybil Winters-Little  
Vice President  
Bay Area Turning Point

The Harris County Domestic Violence Coordinating Council would like to thank all the advocates who work every day to increase safety for victims of domestic violence in our community. Without the hard work, long days, and tireless dedication to their jobs that would not be possible. The Assessment Team would like to thank everyone for answering our questions and allowing us to observe your work and interactions with survivors and victims. Thank you for committing to increasing safety in Harris County for victims of domestic violence.

This Safety Assessment would not have been possible without the support of the Harris County District Attorney's Office under the leadership of Mike Anderson and Devon Anderson, Aid to Victims of Domestic Abuse under the leadership of Sherri Kendall, and the 280<sup>th</sup> District Court, under the leadership of Judge Lynn Bradshaw-Hull. The Team would especially like to thank the following individuals for their support to make this assessment possible: Harris County District Clerk, Chris Daniel, with the assistance of Paul Coselli and Annie Garcia from his office, Retired Senior Judge Doug Warne, Judge Judy Warne 257<sup>th</sup> District Court, Susan Lindemann, 280<sup>th</sup> Court Coordinator, Family Attorney Lynn Kamin, Captain Nancy Hennessy, Harris County Constable Precinct One's Office, and Deputy Constables from Precincts Two, Three, Four, Five, Six, Seven, and Eight, and Andy Kahan, Crime Victim Liaison City of Houston. A special thanks to Jane Sadusky of Praxis International for her continued support and guidance throughout this process.



*This report is dedicated to the survivors of domestic violence who took the time to tell us their stories and experiences. As promised, your stories do make an impact, and they helped shape the direction of this assessment. Thank you for your courage and strength.*

## Glossary

**APPLICANT** – the person applying for the Protective order

**AVDA** – Aid to Victims of Domestic Abuse

**BIPP** – Battering Intervention and Prevention Programs

**FCLD** – Family Criminal Law Division (of the Harris County District Attorney’s Office)

**A Final Protective order (PO)** - a court order meant to stop the abuser from engaging in abusive, threatening or harassing behavior, and from contacting the victim in any way. It is intended to protect the victim and his/her children from further abuse and violence. A Protective Order lasts for up to two years. The order is effective for “the period stated in the order, not to exceed two years; or if a period is not stated in the order, until the second anniversary of the date the order was issued”(Texas Family Code Ch.85.025.).

**HCDA** – Harris County District Attorney’s Office

**Magistrate’s Order for Emergency Protection (MOEP)** - A MOEP is a court order issued at a “defendant’s appearance before a magistrate after arrest for an offense involving family violence” (Texas Code of Criminal Procedure Art.17.292.). It is meant to stop the abuser from engaging in abusive, threatening or harassing behavior, and from contacting the victim in any way. It is intended to protect the victim from further abuse or violence.

**RESPONDENT** – the person the Protective order is against

**Temporary Ex Parte Protective order (TPO)** – A TPO can last for up to 20 days and can be extended at the request of the Applicant or court (Texas Family Code Ch.83.001). TPOs are criminally enforceable, IF they have been served (Texas Code of Criminal Procedure Art.7A.02.). In order to receive a TPO, the Applicant must provide detailed facts concerning the alleged family violence and demonstrate the need for the immediate Protective Order. There must be a “clear and present danger of family violence,” (Texas Family Code Ch.83.002.), “sexual assault or other harm” (Texas Penal Code Ch.25.07.).



## Table of Contents

Introduction	5
Why do an Assessment?	8
Collective Strengths	15
What We Learned	17
Victim Safety and the Intake Process	18
Gap Identification and Recommendations for Intake	20
Safety, Accessibility, and the Judicial Response	25
Gap Identification and Recommendations for the Judicial Response	32
Safety, Accountability and Protective order Enforcement	40
Increasing Safety and Community Commitment	41
Appendix A: Focus Group Questions	43
Appendix B: AVDA Protective Order Timeline	44
Appendix C: FCLD Flowchart	45
References	46

## **INTRODUCTION**

Each year in the State of Texas, Harris County (as the State's largest county) has the highest number of women who are killed by their intimate partners. In 2012, 114 women in Texas were killed by their intimate partners. Thirty of those deaths occurred in Harris County, (Texas Council on Family Violence, 2013). Each year the Harris County Domestic Violence Coordinating Council (HCDVCC) gathers information related to service delivery from our local partners. We know that there are over 35,000 calls to law enforcement on an annual basis in Harris County, and more than 82,000 calls to domestic violence hotlines within the county (HCDVCC annual collection of data from domestic violence systems, 2012). Harris County is the third largest county in the United States with a population of more than 4.1 million people. It is estimated that 1 in 3 women are victims of domestic violence in their lifetime (Catalano, S, 2007).

According to Futures without Violence:

- On average, more than three women are murdered by their husbands or boyfriends in this country every day.
- Of females killed with a firearm, almost two-thirds were killed by their intimate partner.
- Women are much more likely than men to be killed by an intimate partner. In 2005, intimate partner homicides accounted for 33 percent of the murders of women but less than four percent of the murders of men.

### ***Harris County Domestic Violence Coordinating Council Background***

Harris County has an 18 year history of working toward creating community collaborations that impact systemic change for survivors of domestic violence. The Harris County Domestic Violence Coordinating Council (HCDVCC) was formed in 1996, in response to identifying collaboration as an essential building block to establish a coordinated and systemic response. The efforts to coordinate have evolved out of frustrations with the fragmentation of the policies and activities of the various agencies serving victims of domestic violence. These frustrations have been expressed by victims, the community and the service providers themselves.

HCDVCC serves as the coordinated community response for domestic violence and plays a central role in increasing collaborations among service providers. Because there are more than 100 different organizations from various systems responding to victims of domestic violence, collaboration building was identified as an essential building block to addressing the barriers to increasing safety for victims, and decreasing violent deaths. HCDVCC is distinguished by its strong, volunteer board of local leaders, which include representatives from the Harris County District Attorney's Office, Houston Police Department, Harris County Sheriff's Office, Pasadena Police Department, and Executive Directors of various victim service agencies. HCDVCC is positioned to be an agency whose sole interest is working to create strong collaborative partnerships in the community that increase communication among services providers to effect positive change.

The Board of the Harris County Domestic Violence Coordinating Council determined that the best way to meet its mission to build formal collaborations that effect systemic change is by conducting an assessment of the

systems that serve victims of domestic violence, and determining how each system is organized to enhance or diminish victim safety and offender accountability. This work is leading HCDVCC to implement plans for best practices that link systems in ways to streamline services and minimize the gaps that exist to accessing services.

### ***The Community Safety Assessment***

The Safety Assessment process is a problem-solving tool for communities that are interested in more effective intervention in domestic violence cases (developed by Dr. Ellen Pence and Praxis International). The Safety Assessment is a tool used by interdisciplinary groups and domestic violence advocacy organizations to further their common goals of enhancing safety and ensuring accountability when intervening in cases involving intimate partner violence. Its premise is that workers are institutionally organized to do their jobs in particular ways—they are guided to do jobs by the forms, policies, philosophy, and routine work practices of the institution in which they work. When these work practices routinely fail to adequately address the needs of people it is rarely because of the failure of individual practitioners. It is a problem with how their work is organized and coordinated. The Assessment is designed to allow an interagency Team to discover how problems are produced in the structure of case processing and management and discover ways to bridge gaps and maximize resources to meet those gaps.

The assessment process began with training a carefully selected and representative Team about the core foundation of the assessment techniques and tools, and information regarding the complexity of risk and safety for victims of domestic violence.

The fundamental principles guiding the work and recommendations of the Team were adapted from the ***Blueprint for Safety 2010*** (Praxis International, 2010). *The Blueprint for Safety 2010* is a prototype to link criminal justice agencies together in a coherent, philosophically sound domestic violence intervention model. The following points helped to establish the framework for the Team's work.

- When work is coordinated across agencies and within agencies, the overall capacity to protect is increased.
- The action of one practitioner is strengthened by the cumulative effect of coordinated actions across the criminal justice system.
- When the system is organized to treat a case as part of an ongoing pattern of criminal activity rather than a singular event, outcomes improve.
- Interagency coordination is strengthened when information is organized around common risk markers that are uniformly collected and shared. Not all domestic violence is the same. Interventions for cases where coercion, intimidation and control create the context for violent acts are different than when this context is absent (e.g. cases of mental illness, isolated events, victims of abuse reacting).
- Sending clear and consistent messages of offender accountability and victim safety can reduce the violence.
- Whenever possible we must shift the burden of confrontation from the victim to the intervening practitioner.
- Danger and repeat violence from the perpetrator can be anticipated when certain actions and behaviors are visible.

- It is important for every act of aggression by the offender to be met with sure and swift consequences.
- Intervention policies and protocols should be adapted to diminish unintended consequences that adversely affect marginalized populations.

Over the past year, the staff of the Harris County Domestic Violence Coordinating Council and 18 members of the Community Safety Assessment Team have spent more than 80 cumulative hours gathering information from meetings with stakeholders, 36 hours in focus groups with victims (see appendix A for focus group questions), 20 hours in focus groups with advocates, 180 hours observing the intake process and Court proceedings, 360 hours as a group to analyze information, formulate problem statements, identify system strengths, and craft recommendations, and more than 1760 hours spent in research and consultation. In total the staff and Team dedicated over 2,436 hours to the process of this assessment.

The Team has attempted to work systemically to map cases through the protective order process. The method included holding focus groups with survivors who have accessed the protective order process, interviewing advocates, social workers, attorneys, and law enforcement officers. The Team also talked with staff from the Harris County District Clerk's Office, Aid to Victims of Domestic Abuse (AVDA), Harris County District Attorney's Office (HCDA) Family Criminal Law Division (FCLD), Advocacy Agency Staff, Harris County Constable's Offices, and Lone Star Legal Aid. Additionally the Team analyzed texts such as case reports, policy and procedures, job descriptions, checklists and protocols. Lastly the Team conducted observations of the intake process at both AVDA and HCDA, as well as the 280<sup>th</sup> District Court.

The following report and discussion represents the discoveries of the Team and the recommendations the Team proposes to improve the systemic response to the Protective Order process in Harris County. The Team developed the following question to guide the work...

**How is the protective order process in Harris County organized to enhance or diminish victim safety and uphold offender accountability?**



## Why do an Assessment?

“Each year, many of the millions of women who are battered by their partners look to the civil protection order system as a way to stop the abuse. In the act of seeking protection, a victim is putting her trust and safety in the hands of numerous professionals: from the advocates and attorneys who explain the system and assist the victim in obtaining an order; to the judge who crafts an order appropriate to the victim’s unique needs; to the law enforcement officers who serve and enforce the order; and to the prosecutor who prosecutes violations. Anywhere along that complex chain, a victim can find that the promise of the civil protection order system is either kept, or broken.”(Meyer, E, 2010).

HCDVCC was asked to engage in this process by community members who expressed concerns about how challenging it is for victims of domestic violence to apply for and receive Protective Orders in Harris County. The following table provides a snapshot of the numbers of protective orders filed and granted over the last six years. This information does not include the number of Applicants who may have been unable to apply or turned away for lack of resources.

**Table 1: Harris County Protective orders 2008 to 2013<sup>1</sup>**

	Protective order Applications Filed	Orders Denied <sup>2</sup>	Dismissed <sup>3</sup>	Granted <sup>4</sup>	Number of Reports to Law Enforcement in Harris County
2008	2,303	27	1,161	1,105	35,161
2009	2,271	36	1,123	1,103	36,215
2010	2,123	89	948	1,086	33,913
2011	2,101	150	860	1,073	34,424
2012	1,519	92	553	843	35,168
2013	1,440	114	605	721	Not available at time of publication

<sup>1</sup> Table 1 – Information from Harris County District Clerk’s Office – Reports to law enforcement from DPS

<sup>2</sup> Granted: An order has been granted by the Court after hearing evidence. It may have been granted as requested, or with changes

<sup>3</sup> Denied: The court heard evidence and denied the protective order.

<sup>4</sup> Dismissed: It is the policy of the 280th District Court that all Applications that are not served, may, upon request, remain on the Court's docket for up to 60 days to allow additional address attempts for service. The 60 day retention policy is the same for cases where service is had upon a Respondent, who then fails to appear at the hearing, and Applicant also fails to appear at the hearing. This avoids the need to refile the Application and new service on Respondent. Furthermore, when a case has been dismissed and was unserved, the Applicant may petition the Court to set aside the dismissal and reinstate the case within 30 days of the dismissal order (Judge Lyn Bradshaw-Hull, 280<sup>th</sup> District Court, August 2014).

The information in Table 2 was offered by the Harris County District Attorney's Office (HCDA) in response to the Assessment Team's work to discover how the Protective Order process is organized in Harris County. This information offers a look at information specific to Applicants who utilize the Harris County District Attorney's office as their resource for filing for a Protective Order. The Team had specific discussion related to the decrease in Protective Orders granted, in particular the number of HCDA Protective orders denied by the Court at a Contested Hearing. The number of orders denied increased by 224% from 2008 to 2013.

### Harris County District Attorney - Family Criminal Law Division

#### Protective orders 2008 to 2013

TABLE 2 <sup>5</sup>

	Number of Protective order Requestors	Number of Applications Filed (After DA Research and Evaluation)	PO Applications filed as a % of POs Requested	Number of Contested Cases (PO Applications Heard by Judge)	Number of Cases Denied by Judge at Contested Hearing	% of Cases Denied by Judge at Contested Hearing	Final PO Order - Number Granted
2008 <i>Before 280th Established as Sole PO Court</i>	3,324	1,652	50%	58	10	17%	800
2009 <i>October 2009 - protective orders in one court - 280th</i>	3,649	1,724	47%	97	15	15%	928
2010	3,291	1,450	44%	104	28	27%	844
2011	3,218	1,401	44%	98	39	40%	756
2012	3,182	1,148	36%	54	25	46%	638
2013	2,985	1,068	36%	47	26	55%	526

**How to interpret this table using 2013 as an example:** In 2013, 2,985 people came to the HCDA-FCLD, requested that the DA's Office represent them in a protective order case, and completed a protective order screening application. The FCLD staff reviewed their request, conducted background research (criminal and civil histories), gathered or documented evidence, and met with the requestor. After mutual agreement (FCLD staff determined the applicant met the legal and policy requirements and Applicant determined that a protective order was desirable), 1,068 (or 36% of 2,985) Protective order applications were filed in the Court. Of those applications, 47 cases ended up in a contested hearing (a hearing in which the respondent objected to the order and wanted the judge to hear the case). Of the 47 contested hearings, 26 (55%) were denied. For 2013, HCDA obtained 526 final protective orders (protective orders that were granted by the court).

<sup>5</sup> Information from Harris County District Attorney's Office

Table 3 represents information gathered from Aid to Victims of Domestic Abuse (AVDA). At the time of release for this report, AVDA was only able to offer information from 2013. This information offers a look at information specific to Applicants who utilize AVDA as the resource for filing for a Protective Order. The Team had specific discussion related to the success in the number in Protective Orders granted.

**Table 3: Aid to Victims of Domestic Abuse**

**Protective orders 2013 (information unavailable before 2013)**

Number of Applicants requesting AVDA assistance	Number of Requestors Assigned an attorney after research and Evaluation	PO Applications filed as a % of PO's Requested after assignment to Attorney	Number of cases heard by 280 <sup>th</sup> District Court	Number of Cases Denied by 280 <sup>th</sup> District Court	Number of Final PO's Granted	% Granted
808	342	39%	110	9	101	92%

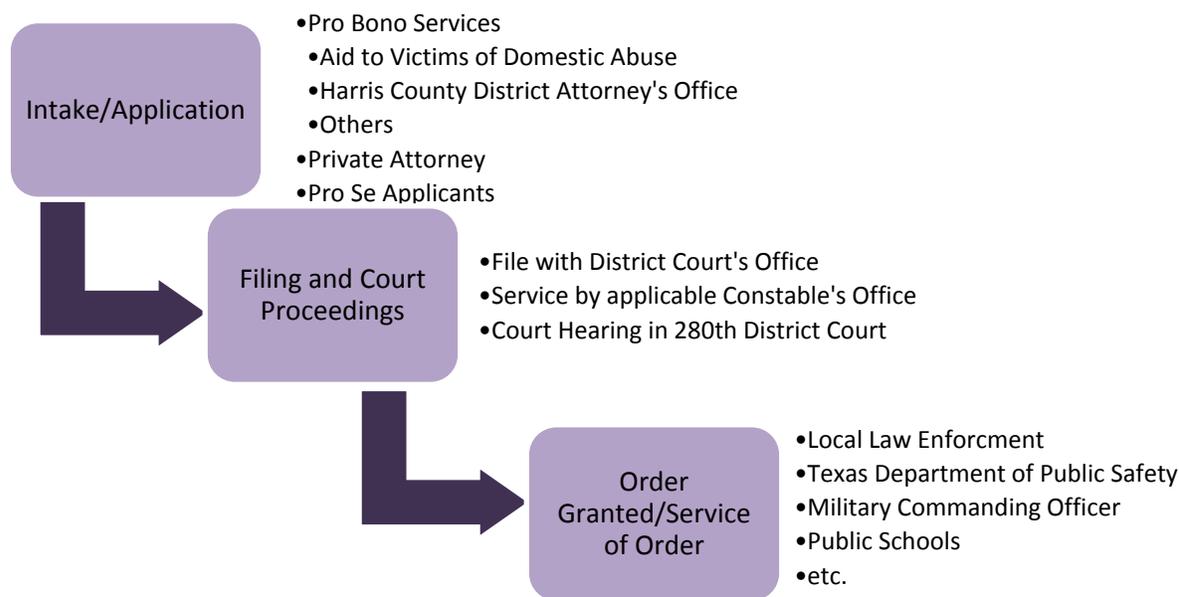
342 people who requested AVDA's help to obtain a Protective Order were accepted as clients and assigned an attorney to represent them. 136 or 40% of those applicants chose to terminate the process before filing the Protective Order for a hearing. AVDA however had reviewed those requests, conducted background research, and gathered documented evidence and agreed that a Protective Order was appropriate to pursue on their behalf.

Research by Dr. Judy McFarlane tells us that "Abused women who apply and qualify for a 2-year protection order, irrespective of whether or not they are granted the order, report significantly lower levels of violence during the subsequent 18 months" (McFarlane, J et al., 2004).

There are several entry points for victims to apply for Protective Orders in Harris County. This includes private attorneys, pro-se (victim self-petitioning), and legal aid services such as Aid to Victims of Domestic Abuse. The most frequently utilized place to apply for a Protective Order in Harris County is the Harris County District Attorney's Office, Family Criminal Law Division (HCDA/FCLD). After the application process is complete, the affidavit and supporting documentation are filed by electronic filing with the Harris County District Clerk's Office. The Clerk's Office then assigns the case to the 280<sup>th</sup> District Court. This is the dedicated Protective Order Court in the county, as defined by SB 2217, which was filed and passed in the 81<sup>st</sup> Texas Legislative Session in 2009. A hearing is scheduled in the Court within fourteen (14) days of the filing and the notice to appear is sent to the local Constable's Office for service to the appropriate parties.

Harris County has eight (8) separate elected Constables. Each Office is responsible for serving notices to identified Respondents to appear in Court for a certain geographic area of the County. Once the Protective Order is filed, reviewed, and signed by the Judge the paperwork is sent to the Constable's Office in the area of the Respondent's address as given by the Applicant. Each of the 8 Constables' Offices has policies and procedures in place about how to serve public notices; however, they are not specific to Protective Orders. The practice of each Office is to give top priority to the service of the notice to appear for Protective Orders. Each of the 8 Constables' Offices gathers as much information as possible about the Respondent so they are able to serve the notice. Officers have described feelings of frustration when they are not able to serve the notice because they cannot locate the Respondent due to a bad address, not being able to gain access to a location, or the Respondent dodging service. All felt the information they received from HCDA-FCLD and AVDA about the Respondent, including a picture of the Respondent, were helpful in their service attempts. Finally, most would like more detailed information for the Applicant when they are trying to serve the notices for additional information in real time.

On the hearing date, a Protective Order is granted, denied, dismissed, or reset. If granted, a copy of the Order is given to both parties, and the Court Clerk disseminates the order to the appropriate agencies (local law enforcement agencies, Texas Department of Public Service, Military Commanding Officer, school districts, etc.) and the enforcement period begins.



HCDVCC's assessment of the Protective Order process included a critical look at the process from application to filing and proceedings. The Assessment Team briefly looked at service and enforcement, and determined that this would require more time. The Assessment Team began with conducting focus groups of providers and survivors to gather information and stories from those who are accessing the process. We obtained Memorandums of Understanding (MOU) with the Harris County District Attorney's Office and Aid to Victims of Domestic Abuse. We met with the 280<sup>th</sup> District Court to review the assessment process, and the role that Court observations would play. We also spoke with local law enforcement organizations to gain information regarding

Protective Order service and enforcement. Each of the Constable's Offices within Harris County offered feedback and information for the process.

In the work of the safety assessment, the Team worked to identify the assessment trails (see below), and the core methods of standardizing work. It was also up to the Team to make suggestions for bridging the gaps when they were identified. The focus was on the gap between what victims experience and need, and what institutions are providing. When a problem/gap was discovered to be produced by the practices of the system, we were able to identify potential solutions for the problem. Our recommendations directly link to the creation of practices, policies, procedures, forms, and training.

## **ASSESSMENT TRAILS:**

### **#1. Rules and Regulations**

- Policies
- Laws
- Court Rulings
- Legislative mandates
- Directives: What workers must do

### **#2. Administrative Practices**

- Forms
- Protocols
- Screening tools
- Routing instructions
- "Paperwork"
- Instructions: How to carry out directives

### **#3. Resources**

- For workers and victims
- Technology
- Support staff
- Case loads
- Financial help
- Legal representation

### **#4. Concepts and Theories**

- Language
- Categories
- Assumptions
- Ways of thinking and talking about an issue
- Philosophical framework

### **#5. Linkages**

- To previous and subsequent interveners
- With people whose cases are being processed

- To systems and processes outside local community
- To concepts and theories

#6. Mission, Purpose, and Function

- Mission: Overall Process
- Purpose: Specific Process
- Function: Worker in specific context

#7. Accountability

- Batterer to victim
- Process and practitioners to victims
- Practitioners to practitioners

#8. Education and Training

- Formal and informal
- Field or discipline
- Exposure to concepts and theories
- Specific skills

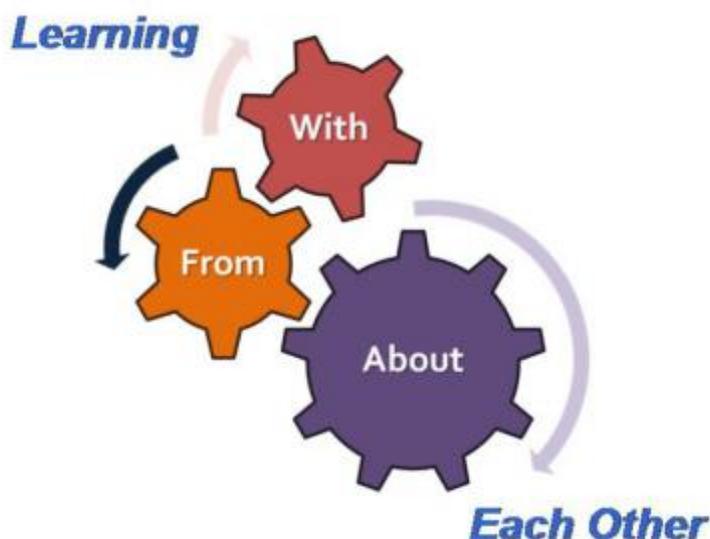
#9. To be discovered...What have we discovered?



The following 8 Tenants taken from **ENGAGING IN A BEST PRACTICE ASSESSMENT OF THE CIVIL PROTECTION ORDER SYSTEM**, served to guide the information gathering as well as the recommendations for systemic improvements for Harris County (Balos, B et al., 2012).

1. **Safety:** Victim safety requires an ongoing evaluation of risk, orders that address custody, visitation and support, and consistent enforcement of orders.
2. **Autonomy:** Victims should be able to decide when to access the system, what relief will best serve their needs and when to exit the system.
3. **Accessibility:** A process that is open, has 24-hour access, and is linked to services so as to enhance victim safety. Physical and language barriers should be identified and removed.
4. **Competence:** Practitioners should have available on-going training to maintain and update knowledge about the protection order process and a broad range of information in order to provide appropriate assistance.
5. **Reliability:** Standardized policies should guide the protection order process so that intervention and enforcement is consistent and predictable. Practitioners need to be linked to each other so that the system as a whole is effective.
6. **Collaboration:** Institutionalized opportunities for collaboration among state, tribal, federal and military organizations should be created. Policies should promote collaborative relationships that include review and evaluation of the system as a whole.
7. **Culture and Diversity:** Practitioners should recognize their own assumptions and beliefs, and work with diverse community groups to ensure a system response that accounts for culture and diversity.
8. **Community Engagement:** Engage with community members to create opportunities for discussion to facilitate an understanding of domestic violence and the protection order process.

An effective system requires adherence to these overarching values and recognition of the need for interagency cooperation and collaboration. It is with this in mind that the Team worked to discover information, develop problem statements, and make recommendations for improvements to ensure that risk and safety are at the forefront of our work in ensuring survivors' access to services.



## Building on a Foundation of STRENGTHS

### THE COLLECTIVE STRENGTHS OF OUR COMMUNITY

Collectively we have learned that Harris County provides a vast number of services to victims and survivors. We have learned that we are committed to working together to increasing safety and access to services. We have learned that by taking a reflective look at how our systems are currently structured and organized, we can find ways to build on our strengths to bridge the gaps that exist.

#### Aid to Victims of Domestic Abuse (AVDA)

- AVDA has intentionally created safe, welcoming environments that offer pro bono legal representation to the Harris County community.
- AVDA offers a “One Stop” approach by partnering with Houston Police Department sub-stations so that safety planning and Protective Order Intake can be accessed in several locations throughout Houston.
- Services are offered in both Spanish and English at all locations.
- Attention and focus is placed on preparing clients for court and building relationships between the client and attorney.
- Policy and Procedures focus on maintenance of files to be very detailed and consistent with information.
- Continuity of Care is optimized through the provision of the same attorney to represent clients through all proceeding including Divorce or Suits Affecting Parent Child Relationships (SAPCR).
- AVDA employs knowledgeable legal staff, who receive ongoing training specific to issues related to protective order law, and access in the state of Texas and Harris County.
- There are strong collaborations between law enforcement and AVDA.
- Support groups are offered on site while going through the protective order process.
- Strong emphasis is placed on efforts to ensure that Applicants have access to translator services in their native languages while meeting with AVDA staff members.
- Easy and free parking at sub-stations.
- Free parking at the downtown office.

#### Harris County District Attorney’s Office Family Criminal Law Division:

- There is a culture of offering services from the social work perspective of person-in-environment that places risk and safety at the forefront of the intake process; this is also present in written policy for the office. This serves as a best practice model for the county and the state.
- Cooperation exists with various Domestic Violence agencies to provide informational groups in the waiting room and increases access to other agencies and services.

- The Harris County District Attorney's Office (HCDA) has arranged for a separate place for victims to wait in when utilizing the 280<sup>th</sup> District Court. This allows Applicants to feel safe in and separated from the Respondents.
- A formal risk assessment is completed by each caseworker. This increases the ability to offer comprehensive safety planning and referrals to appropriate resources.
- Pro Bono legal representation is offered to the Harris County Community.
- There is a strong collaboration with law enforcement and family violence prosecutors and social service staff that address the criminal prosecution of perpetrators.
- Access to the Justice Information Management System (JIMS) and other law enforcement data bases are readily available for use when researching the Applicant's case for prosecution of the Protective order.
- The District Attorney's Office employs a Team of licensed and expertly trained social workers and caseworkers who meet with Applicants at the outset of the application for the protective order process.
- Free language translators in court.
- Applicant has access to translator services in their native languages while meeting with Family Criminal Law Division (FCLD) staff members.

#### **280<sup>th</sup> DISTRICT COURT:**

- The Court offers the community one specific place to hear all Protective Orders with the intent of streamlining the process in a timely fashion, and focusing on victim safety and offender accountability.
- The Bailiff in the courtroom offers safety and addresses safety needs and concerns for the community.
- The Court offers organized and streamlined dockets.
- Court personnel are generally observed to be courteous and helpful.
- The Court provides the public and attorneys with written instructions about the Court's expectations and policies. Information online and handouts are easily and readily available with the clerks. (I.e. documents to include and file with the Protective Order etc. (note - this is only in English)).
- The Court website is helpful, easy to use and contains necessary information.
- The Court has been successful in building partnerships for referrals to Battering Intervention and Prevention Programs (BIPP). It has also developed a system for consistently checking and assuring that they only refer to accredited programs.



## ***What We Learned...***

During the course of the Assessment Team's work to discover how the Protective Order process is organized to respond to victims of domestic violence in Harris County, the Team centered our findings on 3 key factors:

- Victim Engagement
- Attention to Risk and Danger
- Interagency Collaboration

The first of these factors addresses victims' risk and safety. The Team recognized that there were opportunities to organize work in ways that account for victims' risk for future danger, the level of current violence, and the need for intervention that addresses the immediate safety needs of the victim and any children. The second factor addresses victims' ability to access the system and receive a response that allows them to craft safety for self and children that is organized to meet the needs of the community first, rather than centered on the needs of the systems. Lastly, interagency collaboration is a need defined by the community as a whole and one HCDVCC endeavors to meet.

### **GETTING IN THE DOOR: APPLYING FOR A PROTECTIVE ORDER**

"LISA"

(This story represents a composite of information received from women who agreed to participate in focus groups for this project)

It was Saturday night and Lisa was settling her 7 year old and 5 year old for bed. Her husband had been calling her all day, and she had refused to answer the calls. She had been separated from him for 2 months after the last time that he hit her. Lisa heard pounding at the door and her heart stopped; she knew instinctively who was at the door. She grabbed her cell phone, approached the door to tell him to leave and she noticed that it was too late. He was coming in and he was angry. He began yelling and telling her that he had the right to see his children and there was nothing she could do to stop him. She started dialing 911 for help; he slapped the phone out of her hand and punched her in the side. She managed to get to her phone and make the call for help. He punched her again, and when he heard that she called the police he ran out of the apartment. When the patrol officer arrived Lisa told him what had happened, and asked for him to help her. She was afraid of her husband coming back. He had threatened to kill her, and she was sure that he still had the gun he purchased several years ago. The officer informed her he would make a report, and she would be contacted by an investigator. He also told her he would file for a Magistrate's Order of Emergency Protection (MOEP), and that would give her time to go to the District Attorney's Office to file for a Protective Order. He handed her a card with resource and referral information, and then was on his way. This began Lisa's journey to craft a plan for keeping her family safe.

On Monday morning, after her children were off to school, Lisa made her way downtown to file for a Protective Order. She called work to let them know she may be late, and wasn't sure what time she would make it in to work. Lisa, who rarely drives downtown, was confused about where to park, and she found herself wishing she had worn more comfortable walking shoes. She walked 3 blocks to the building on Franklin Street and waited in line to go through security. After taking off her shoes, belt and jewelry, she made it through the line and metal detectors, reclaimed her items, and followed the scores of people in front of her to the elevator, where she

found herself waiting again. She wondered if she would see anyone she knows or anyone who might have known her ex. After getting onto the crowded elevator to ride to the second floor, she made her way to the Family Criminal Law Division office, and informed the woman behind the glass that she was told to come there by a police officer. She was given paperwork to complete and instructed to have a seat. She joined the handful of others in the waiting room and proceeded to work on her application that included describing what happened to her, the types of violence that have occurred, her contact information, her partner's contact information, information about her children, as well as other descriptive information.

When she turned in her paperwork, she asked how long it would be before she could talk with someone. She was told it could be a 2-3 hour wait. Looking at her watch, she decided she should call work to let them know it would be longer than she thought. She was a bit worried about taking too much time off of work without risking losing her job.

## **VICTIM SAFETY and the INTAKE PROCESS**

Two agencies agreed to participate in the Assessment to learn how Harris County is assisting victims with applying for Protective Orders (see Appendix B and C for Aid to Victims of Domestic Abuse and Harris County District Attorney's Office flowcharts). While there are other ways to apply for Protective Orders, including hiring a private attorney or using other pro bono (free) services, the Team's work to discover how victims' apply for Protective Orders centered on Aid to Victims of Domestic Abuse (AVDA), a community based non-profit organization and the Harris County District Attorney's Office Family Criminal Law Division (FCLD). These two agencies provide free intake services for the victims who are seeking Protective Orders and between them; they file a majority of Protective Orders in Harris County, with the Harris County District Attorney's Office providing the highest number of pro bono services for the community.

### **Aid to Victims of Domestic Abuse**

There are several locations where AVDA services can be accessed between the hours of 8am-5pm, Monday – Friday. AVDA has developed a collaborative effort with the Houston Police Department to offer Protective Order intake services at three different Houston Police Department sub-stations within the city. This has allowed clients to have easier and timelier access to services. The Team held focus groups with clients of AVDA to hear about their experiences accessing services. The Team observed intakes at the main office and the Houston Police Department sub-stations. Finally, the Team reviewed a sample of client files held by the AVDA staff.

Victim safety is a key element of the intake process with risk assessment that includes questions related to threats of violence, threats to kill, presence of weapons, use of strangulation, past history of violence, etc. These elements were present in the review of the sample client files. The files also revealed that 92% of the clients indicated their partner had threatened to kill them at some point in their relationship. Team observations conducted at the Houston Police Department sub-stations revealed safety planning did not always take place. The Team did learn that the protocol for the Domestic Violence Counselors employed by the Houston Police Department is to meet with everyone who comes into the substation and offer safety planning,

consisting of addressing the issues identified from the risk assessment, having a plan for escape, offering referrals, and developing other safety measures. The file review offered evidence and documentation of staff conducting safety planning upon each intake.

The Team observations also noted the physical environment at the main location to appear to be secure and safe, offering easy access to free parking. Observations provided information about the intake process and its focus on the worker completing the paperwork, as well as the heavy burden that the paperwork process can be for the victims. Team members who observed the intake process noted information about the Protective Order process and the intake process itself was not always explained to the client. It was also noted that if the worker could provide an introduction of what to expect from the intake process, it could be most beneficial to the victim in anticipating next steps and increasing understanding of the process. Finally, it was suggested that victim education about risk assessment and safety planning could help improve the process for the AVDA workers as well as the victims. Focus groups informed the Team that once the victim was seen by the intake worker and the attorney, they felt very satisfied with the services they received.

“ROSE”

(This story was offered by a survivor, in her words as provided to the Team)

When I walked up to the Criminal Justice building downtown, I was confused about where to go. When I got there, I still wasn't sure if I was in the right place. The lady behind the window was on the phone and just told me to fill out a form. I filled out a form and waited for about 30 minutes.

The social worker I met with was “professional and appropriately compassionate”. I felt the social worker listened carefully to my story, and ultimately was advised that “you would never be given the Protective Order given that this was the first offense for your husband.” The social worker did ask why the case wasn't filed as a felony, and agreed to help me get some of the details on the magistrate's order amended. I again felt that the social worker was extremely friendly, however I felt that would have little to no influence over the case in court. Ultimately I felt this this was a waste of my time and a quick way to ruin my hopes of getting further protection.

#### **Harris County District Attorney's Office Family Criminal Law Division (FCLD)**

Each year more than 7,500 people go to the FCLD at 1201 Franklin Street (downtown Houston), between the hours of 8am-5pm, Monday – Friday. The FCLD staff approach their work from a social work perspective, utilizing a person-in-environment, strengths-based approach. Risk Assessment and Safety Planning are at the forefront of the work, and the office offers a model approach to offering intake services. The social workers and staff employed by the office assess clients in terms of strengths, needs, risk indicators of violence, and resources available. The staff assists clients with developing and implementing safety plans based on risk assessment, as well as strive to link victims to the appropriate community resources. Finally, the Team held focus groups with staff to hear about their experiences providing services, they observed intakes, and they reviewed a sample of client files.

Victim safety is a key element of the intake process, with risk assessment that includes questions related to threats of violence, threats to kill, presence of weapons, use of strangulation, past history of violence, etc. These elements were present in the review of the sample client files. The files also revealed that 70% of the clients indicated their partner had threatened to kill them at some point in their relationship. Observations provided information regarding the focus of the intake to be on the risk and safety of the victim.

The Team observations revealed concerns about the physical environment not allowing for safety considerations. Victims must wait in public lines for the security entrance as well as for the elevators. There is no possible way for victims to enter the public location without having direct contact with everyone using the building. Parking is expensive and often requires walking several blocks to the building. The waiting room on the second floor does not always offer privacy when signing in, and questions asked by staff and answers given by victims can be heard by those in the waiting area. Observations revealed that victims are told their wait time could be 2-3 hours before seeing a caseworker. Focus groups informed the Team that once the victim was seen by the caseworker, she felt very satisfied with the services she received.

## **GAP IDENTIFICATION AND RECOMMENDATIONS FOR INTAKE**

In the work of the safety assessment, the Team worked to identify the assessment trails, and the core methods of standardizing work of each agency or institution. It was up to the Team to make suggestion for bridging the gaps when they were identified. The focus remained on the gap between what victims experience and need, and what agencies and institutions are providing. When a problem or gap is produced by the practices of the system, we were able to discover ways to help solve the problem. Our recommendations directly link to the creation of practices, policies, procedures, forms, and training.

### **TEAM DISCUSSION OF ISSUES RELATED TO ACCESSING INTAKE PROCEDURES FOR PROTECTIVE ORDERS:**

Several issues emerged as topics for the Team to discuss. These included four categories:

- Accessing Intake
- Confidential Environment
- Screening
- Court Preparation and Presentation

The following points represent the issues that emerged related to:

#### **ACCESSING INTAKE SERVICES**

1. **Aid to Victims of Domestic Abuse's (AVDA) practice of opening files and providing intake services centers on completion of paperwork by the victim and may miss the opportunity to build rapport, assess needs, and provide thorough risk assessment and safety planning. (see recommendations 1-1 and 1-2)**
2. **While recognizing that most domestic violence cases can rank high in lethality; when accessing intake services at the Harris County District Attorney's Office (HCDA), the practice of operating on a first come first serve basis can mean unforeseen waiting times for the victims. This process can create a gap in access to services for those who are unable to wait because of life circumstances, those who have childcare concerns, those who have employment concerns, or those with other time constraints. (see 2-1 through 2-5)**

3. **The practice of offering intakes only occurs during traditional work hours creating a gap in access to services for those victims who need access after 5pm or on the weekends. (see 3-1)**
4. **The HCDA practice of not filing Protective Orders for victims who already have divorce and/or custody cases pending, or those that are represented by an attorney in another court creates a gap in assisting all those seeking services. Victims could leave not understanding the reasons for not qualifying for intake and/or assume that they have no other options or access to other resources for assistance with filing for a Protective Order. (see 4-1 through 4-3)**
5. **Starting the intake process at the HCDA requires victims to enter the building through public entries with long waiting lines for security and elevators. There is limited, unsecured parking, and there is no ability to enter through an alternate safe location. This could create a gap in safety for victims as well as the greater community. (see 5-1)**

#### **TEAM RECOMMENDATIONS**

- 1-1 Agencies and organizations should review and assess their internal paperwork process and create systems of data collection that streamlines the process and minimizes the amount of time Applicants spend filling out forms. This allows the focus to shift from completing paperwork to workers building rapport and providing safety planning.
- 1-2 Agencies and organizations should develop training for staff that includes relationship building, understanding trauma and its impact on victims, and how to communicate and work with those impacted by trauma.

#### **AVDA RESPONSE**

- **AVDA is assessing the internal paperwork process and re-organizing the file process to focus on immediate needs for paperwork at the beginning and moving other information to be completed later in the process.**
- **AVDA supervisors will observe and assess the intake process at each location for opportunities for improvements and relationship building.**
- **AVDA is developing and implementing training for the Intake Advocate and developing a script for staff to include instructions for first contact and opening a file. This will include the development of a checklist for the workers as well as an informational sheet for the clients describing the steps in the process. This will also include training on the importance of safety planning.**
- **AVDA intake procedures will now include intentionally building in time in the interview for safety planning with the clients.**

- 2-1 Agencies and organizations should explore and improve the process for offering updates and information that is given on a regular and consistent basis to the victims who are waiting to be seen.

- 2-2 Agencies and organizations should explore options for making accommodations for appointments for those with unique and extenuating circumstances to provide more flexible access to the intake process.
- 2-3 HCDA should re-new and re-fresh community partnerships with advocacy agencies to offer information in the waiting room.
- 2-4 Agencies and organizations should develop written information with a description of the intake process and explanation of wait times.
- 2-5 Agencies and organizations should develop and offer (at first contact) a list of referrals for connection to other resources.

#### AVDA AND HCDA RESPONSE

- AVDA will update referrals list and will ensure that the HCDA's intake office has a steady supply of AVDA brochures.
- HCDA – FCLD is working on updating their referral list and will provide this to all those seeking services.

- 3-1 Agencies and organizations should strive to offer services beyond the hours of 8am-5pm on Monday through Friday so that victims have access to intake services that meet their needs.

#### AVDA AND HCDA RESPONSE

- AVDA has expanded the intake hours at the main office and will monitor the use and effectiveness.
- AVDA will explore the opportunity to expand hours at the Houston Police Department Sub-Stations located in the community
- AVDA will explore opportunities to partner with other non-law enforcement community partners to offer extended hours in the evenings and/or weekends.
- HCDA will explore options for making accommodations for appointments for those with unique and extenuating circumstances to provide more flexible access to the current intake process.

- 4-1 Agencies and organizations should continue to explore opportunities to increase resources and access to resources for those in need of services with filing for protective orders.
- 4-2 Agencies and organizations should increase awareness within the community about the available resources and how and when to access those services. This should include the opportunity for Pro-Se Applications.
- 4-3 Agencies and organizations should offer written information about reasons that an Applicant did not qualify for their specific service, offer referrals to other appropriate organizations, and offer information related to pro-se applications (see [www.texasadvocacyproject.org](http://www.texasadvocacyproject.org) for application).

**AVDA AND HCDA RESPONSE**

- It is not the policy of the HCDA to file for Protective Orders when a divorce or custody case with another attorney has been filed. Therefore HCDA will work with AVDA and other pro bono organizations to offer referrals. HCDA will also develop a written checklist to offer victims related to reasons their case did not meet the minimum qualifications for HCDA.
- AVDA will work to develop a written checklist with reasons their case did not meet the minimum qualifications.
- Both HCDA and AVDA will offer information and referral to pro se applications.
- HCDVCC will work with its partners to develop a community plan for increasing awareness within the community about pro se applications, as well as current pro bono services for assistance with filing for Protective Orders.

- 5-1 The Harris County District Attorney's Office should address the needs of victims to have safety when parking and entering the Criminal Justice Center at 1201 Franklin to access services.

**HCDA RESPONSE**

- HCDA will explore opportunities to move the location of the intake office to have their own entrance and/ or create a safe entrance for victims accessing services.
- HCDA will explore options for making accommodations for appointments for those with unique and extenuating circumstances to provide more flexible and safe access to the intake process.

The following point represents the issue that emerged related to:

**CONFIDENTIAL ENVIRONMENT**

1. At the Harris County District Attorney's Office the entrance for the intake office does not offer a confidential space for Applicants to discuss the reasons they are at the office and often Applicants can be heard discussing their private affairs by those sitting in the waiting area. (see 1-1)

**TEAM RECOMMENDATIONS**

- 1-1 The Harris County District Attorney's Office should create spaces and or processes where Applicants have the ability to discuss circumstances in a safe and confidential manner.

**HCDA RESPONSE**

- HCDA will explore an opportunity for pre-screening space or procedure that allows for privacy.
- HCDA will implement a staff training program related to client confidentiality, asking questions, and understanding trauma.

The following point represents the issue that emerged related to:

### **SCREENING**

1. A casework practice that evolved in response to the challenges encountered for receiving orders in the 280<sup>th</sup> District Court created a more stringent review by the FCLD staff to attempt to protect victims from being re-victimized and having cases denied (thus empowering perpetrators). This resulted in fewer cases being filed by FCLD casework staff, thus victims are potentially losing the option of a Protection Order as an element of safety planning. (see 1-1 through 1-3)

#### **TEAM RECOMMENDATIONS**

- 1-1 Agencies and organizations will have policies and procedures for screening cases for intake.
- 1-2 Agencies and organizations will provide clients and community partners with written criteria for eligibility for intake services.
- 1-3 Agencies and organizations will work with and through HCDVCC to increase awareness within the community about eligibility requirements.

#### **AVDA AND HCDA RESPONSE**

- AVDA and HCDA will develop and distribute written criteria for client eligibility.
- HCDA, AVDA, community partners, staff from the 280<sup>th</sup> District Court, and HCDVCC will develop and convene a steering committee to meet on a quarterly basis to increase communication, problem solve, build relationships among community partners, and increase awareness within Harris County.

The following point represents the issue that emerged related to:

### **COURT PREPARATION AND PRESENTATION**

1. The practice of HCDA assigning only one Protective Order Attorney for the tremendous caseload creates a gap in the ability to give attention to Applicants to prepare for hearings. Applicants do not have an opportunity to meet or talk with the attorney or have preparation for court until they get to the court for the hearing.

#### **TEAM RECOMMENDATIONS**

- 1-1 The Harris County District Attorney's Offices should have the ability to provide services to Applicants to assist with preparation for hearings before the court date.

#### **HCDA RESPONSE:**

- HCDA will explore opportunities for the addition of attorneys and/or paralegals to assist with the caseload.

## SAFETY, ACCESSABILITY AND THE JUDICIAL RESPONSE

Studies reveal that between 30 percent and 77 percent of victims report that the process and act of receiving the order ends the violence (Logan, TK and Walker, R, 2009). For many successful Applicants, the temporary or emergency order was all that was needed: “the most common reason for not returning for a permanent order was that the Respondent had stopped bothering the Applicant, which suggests that being the subject of the court’s attention can influence the perpetrator’s behavior” (Keilitz, S et al., 1997).

### The 280<sup>th</sup> District Court:

In 2009, Senate Bill 2217 created legislation that allowed Texas counties with populations of 1.5 million or greater to designate specific courts as Domestic Violence Courts. In response to this law, Harris County designated the 280<sup>th</sup> District Court as a Domestic Violence Court with the duty of hearing Orders of Protection. Prior to this time, all nine Family District Courts heard these cases, and often it was challenging for the full dockets to meet the time requirements for the Protective Order hearing. The Family District Courts in Harris County were overwhelmed with cases, and this legislative effort was prompted by the need to decrease the delay in time it took for these busy courts to hear Protective Orders. In 2007-2008, there were over 45,000 cases filed in the Harris County Family and Juvenile Courts. No new family courts have been added since 1985, when Harris County’s population was or 1.2 million less than the size of what it is today, the nation’s third-populous county. The result is the highest workload of any such court in the State, and lengthy delays in scheduling hearings that could have serious, if not deadly consequences in domestic violence cases. Thus, with the support of many advocacy groups, Judges, and State Senator Rodney Ellis, the legislation passed, and the 280<sup>th</sup> District Court was created to hear Family Violence Protective Orders in Harris County (Jeremy Brown, personal communication, April 4, 2014).

According to documentation obtained from the Texas Legislature regarding what was then SB 2117, it was estimated that this Court would dispose of 3,109 cases per year. There has been a steady decline in both the number of cases filed and the number of Protective Orders granted over the past 5 years. According to information from the Harris County District Clerk’s Office (2014), county-wide Protective Order application filings have declined 37% from 2008 to 2013 (2,303 in 2008, 1,440 in 2013), and granted Protective Orders are down 36% (1,109 in 2008, 721 in 2013).

To the knowledge of HCDVCC and the Assessment Team, there has been no formal or informal examination of the effectiveness of the single-court approach intended to serve victims of domestic violence in Harris County. This assessment is the first opportunity to explore how the process is working for victims of battering, those causing harm, and the wider community.

Prior to beginning the work of the assessment, the Team held focus groups with survivors to hear about their experiences accessing services and with utilizing the Protective Order Court. The Team also held focus groups with advocates to hear about their experiences in advocating on behalf of victims who are seeking Protective Orders in Harris County. Over the course of one month, members of the Team observed Court proceedings on

various days and times, and many members had the opportunity to meet individually with the Judge of the 280<sup>th</sup> District Court. The Team also reviewed the website for the Court who provides information for victims, attorneys, and the general community. The Team observations revealed practices that can create gaps in access to safety for victims and their children.

The following case examples illustrate the unique needs of victims.

### **GAINING PROTECTION: THE COURT HEARING**

“Angela”

This was the first time that Angela had applied for a Protective Order. She finally felt that she had the strength to stand up for herself and use her voice to find protection for herself and her children. Her husband had called her names and put her down, hit her, punched her and slapped her many times, and was controlling of the money for the household. Angela said that for two whole months she was living with the fear of being hurt by a violent and hostile man, while she was waiting for her hearing date for the Protective Order. She said she never knew when or where he might show up and she had not been able to sleep or rest well for that entire two months. Angela said that it was so hard for her to just find the courage to apply for the Protective Order because her husband was so controlling and angry. She was afraid that when he found out that this is what she was doing, it would be the thing that pushed him over the edge. All she wanted to do was protect her children and minimize the damage that being around this behavior was doing to them.

On the day of the hearing, Angela left feeling defeated and hopeless after her experience. She said she was questioned by the court about why she didn't follow through with her divorce in the first place. She felt she didn't have the ability to explain the fear she felt every time she tried to separate from her husband and how hard she was working to try just stay safe. She said she was also questioned about why she wanted to be present when her husband had visitation. She said she was having a hard time understanding how the court could not know how dangerous it was for the mental well-being of her children to be around a hostile and violent father. She said she left feeling that the court did not hear her or her concerns for safety and she felt chastised for not following through with the divorce. She said she was told by the court that the reason her case was being dismissed today was “because my husband only seemed to be violent when I tried to leave.” She said that should have been the exact reason to grant the order, and it is when leaving she was the most terrified of what her husband might do to her. He had threatened to kill her if she left.

Angela said she felt that if the court had a concern about her using the court as a weapon to prevent her husband from seeing the children, she should have been asked how often they see him now since receiving the temporary order. She could have told the court that her husband sees the children every day for at least a couple of hours. She felt that the fact that her husband didn't even show up today for the hearing should have been enough to show the court his lack of caring. She felt like it was a slap in the face when the court told her “your kids will blame you for this”. She said it was if her husband's abusive words were coming back to haunt her. Angela was attempting to utilize the protective order to increase her family's safety. Upon leaving being denied the order, she felt as though she would end up being one of those cases that gets overlooked until one day her husband snaps and kills her and the children.

**The result of this hearing was the Protective Order was denied with the Court citing no evidence that domestic violence is likely to occur in the future. Also note that the Respondent did not appear in Court.**

**The protection order “becomes an announcement that the abused woman refuses to ‘take it’ anymore and is acting on her own behalf” (Judith McFarlane et al., 2004).**

When victims utilize our complex systems to access services and become a part of crafting solutions for their safety, it is up to the systems to recognize the unique needs and tremendous strength it takes for those victims to come forward. In this case, “Angela” was left feeling helpless and hopeless about the system. We have learned through our focus groups that victims assume that how they are treated and responded to by one practitioner or system may be how they anticipate they will be treated by others. If this experience is negative at the first point of intervention, there is a barrier created for victims to reach out in the future. **“When the police officer acted like he didn’t believe me, I felt as if there was no point in asking anyone else to help me”** (HCDVCC, 2012). Our systems are at their best when they recognize the diverse and complex lives of those we are serving, and also when they respond in ways to meet those diverse and complex needs.

### **GAINING PROTECTION: THE COURT HEARING**

“Stacy and Jonathon”

Stacy came to the Harris County District Attorney’s Office to seek a Protective Order. During her interview she described incidents related to stories of her husband hitting her and her son on many occasions. She gave information about an incident that involved her child’s father pushing her to the ground and he was charged with assault to a family member. She also described a time when he assaulted her father and was charged for that as well. The last incident that occurred with her child convinced her of the need to seek help to achieve safety. She believed that applying for and receiving a protective order would be one way to help end the violence that she and her son had been enduring. She described her son, “Jonathon” of elementary school age, being diagnosed with PTSD and depression. She explained that at his very young age he had attempted suicide and was currently in therapy. She told the caseworker that his father had been very physically abusive, and there was an open CPS case. She stated that her son informed her that his father pointed a gun at him. He saw his father putting bullets in the gun and then he pointed it at him. He said his father told him he was going to kill him, and that he hated him. She said her son’s father told him today he was sparing him, but one day this bullet would be for him. She said, “My son also told me that his father threatened my life and would say things like, I hate your mother, one day I will kill her, I want to stab her in the throat, I will kill your mother if it is the last thing that I do.”

**The result of this application was that the Temporary Protective Order was denied.**

In this case, the victim and child may have been left without the protection that a Protective Order might have offered, and which they needed. Thus, leaving us to think of many questions to consider...

Who is at risk if Stacey's husband has contact with his son? What safeguards should be in place to support Stacey and Jonathon's safety and well-being? What did Stacey need from her protection order? How is it in the best interests of Jonathon for his father to have access to him? How should that access account for his use of coercion and violence? What knowledge and tools must practitioners, advocates, attorneys, and courts have to make decisions that maximize safety for families?

**Witnessing violence between one's parents or caretakers is the strongest risk factor of transmitting violent behavior from one generation to the next (Erensaft, MK 2003).**

**30% to 60% of perpetrators of intimate partner violence also abuse children in the household (Edelson, JL, 1999).**



**280<sup>th</sup> District Court Response to "Stacey and Jonathon"**

The description implies a Court Hearing was held yet specifies the result of this application was that the Temporary Protective order was denied. In addition, the reader must guess: 1) the status of the intimate partner relationship, 2) the issue of separate residences since HCDA does not file cases requesting temporary orders involving a "kick out" hearing, and 3) the intricacies of an open CPS case that may include an ongoing investigation, other parties, Court orders or a directed safety plan. Furthermore, the description is unclear and incomplete as to whether, a final order is in place as a result of a contested hearing or a Section 85.005 TEX FAM CODE agreed protective order or was dismissed without prejudice.

As a matter of procedure, the court rulings on any motion for temporary orders are subject to any motion for reconsideration by Applicant or Applicant's Attorney. Additional sworn testimony may be received in person or by supplemental affidavits.

**Sec. 83.001. REQUIREMENTS FOR TEMPORARY EX PARTE ORDER.** (a) If the Court finds from the information contained in an application for a protective order that there is a clear and present danger of family violence, the Court, without further notice to the individual alleged to have committed family violence and without a hearing, may enter a temporary ex parte order for the protection of the applicant or any other member of the family or household of the applicant.

(b) In a temporary ex parte order, the court may direct a respondent to do or refrain from doing specified acts.

**Section 71.004 TEX FAM CODE**

"Family violence" means

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

(2) abuse, as that term is defined by Sections 261.001 (1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or

(3) dating violence, as that term is defined in Section 71.0021.

**Sections 261.001 (1)(C), (E) and (G)**

(1) "Abuse" includes the following acts or omissions by a person:

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code.

## GAINING PROTECTION: THE COURT HEARING

“Carla”

Carla’s boyfriend, a member of a gang, was physically abusive to Carla and her teenage daughter. Carla described incidents of being strangled, punched with closed fists, and being threatened to be killed by his gang friends. On one occasion, she watched as he stomped her dog to death. He was charged and convicted of assault to the teenage daughter. Carla had a Magistrate’s Order of Emergency Protection (MOEP) and was seeking a long term Protective Order because of the violence that her boyfriend was causing to her and her daughter. The boyfriend also had been charged with assaulting a previous girlfriend by strangling her with one hand and holding a one year old child in the other.

**The result of this hearing was that the Protective Order was granted however, the Court removed the children from the order.**

This case required the Team to examine the impact of removing children from a Protective Order. How do systems need to respond to victims’ requests for safety in ways that increase safety for the entire family and reduce the trauma experienced by children who are exposed to violence in the home?

Research indicates that males exposed to domestic violence as children are more likely to engage in domestic violence as adults; similarly, females are more likely to be victims (Brown & Bzostek, 2003). Higher levels of adult depression and trauma symptoms also have been found (Silvern et al., 1995). Exposure to domestic violence is also one of several adverse childhood experiences (ACEs) that have been shown to contribute to premature death, as well as risk factors for many of the most common causes of death in the United States. (Adverse Childhood Experiences (ACE) Study website: [www.acestudy.org](http://www.acestudy.org)).



**280<sup>th</sup> Court Response to “CARLA”**

This description does not indicate that the boyfriend would have any basis for any contact with the Applicant's teenage daughter or any unidentified children.

Addressing the issue of how to draft an order to protect children without naming the children as protected parties:

The Protective order may be written to prohibit the Respondent from coming within 200-400 feet of the Applicant's current and future residence, place of work or business and day care and school attended by minor child(ren) whether the children are named protected parties or not. The Court Clerk delivers copies of Final Protective order to all schools and daycare facilities.

The Protective order may also provide that access and visitation with minors, whether by agreement or Court Order, is suspended until the successful completion of the evaluation and a specified number of the 18 BIPP counseling sessions determined on a case by case basis. If the Respondent chooses not to attend, then the Respondent does not have access.

In all cases, Applicants are advised on the record by the Court that a Protective order must remain protective for the duration and, therefore, is subject to modification to assure it remains protective. In most cases where a Respondent is ordered to attend BIPP, a compliance date is set and the Applicant is invited but is not ordered to attend. The Respondent is advised to sign a release to allow direct communication of counseling progress between the BIPP Facilitator and Applicant or Applicant's attorney. The BIPP facilitator also forwards same to the Court Coordinator for 280th for filing among the documents of the protective order case and therefore, available to any judge electronically and either party upon request.

**GAINING PROTECTION: THE COURT HEARING**

“Katie”

Katie went to the Harris County District Attorney's Office seeking assistance for a Protective Order. She described a 3-4 year history of physical violence with her child's father that included being hit and punched, having her hair pulled, strangling her, and having him hit her when she was pregnant. He threatened to hurt and kill her. She attempted to separate on more than one occasion and was now very concerned for her safety and the safety of her daughter. On many occasions he threatened to kill her if she ever left him or attempted to keep her daughter from him. He told her that this is his daughter and he will do whatever he has to do to keep her. He said that if she took her daughter away he would have nothing left to live for. On the last occasion where he threatened to kill her, Katie was living in her own apartment. She didn't know how he found her or got her new phone number. He was angry about custody of their daughter, he slapped her, and said he was going to kill her. She called the police. Katie applied for the Protective Order and it was denied, with no reason

given. Five months after the Protective Order was denied Katie was walking to a friend's house to get a ride to an appointment. She had an encounter with her child's father, and Katie was shot several times, resulting in her death, as her daughter watched. The father then turned the gun on himself and he died at the scene.

**The result of this hearing was that the Court denied the Protective Order.**

**It has been estimated that the danger to a victim increases when she attempts to leave, as the abuser escalates the use of violence, and when they begin to lose control. The most dangerous time for a woman who is being abused is when she tries to leave (United States Department of Justice, 1995).**

This case exemplifies the need for our systems to be accountable for partnering with victims when they are seeking solutions to increasing their safety, and ensuring that victims have access to information and referrals for safety.

HCDVCC has facilitated an Adult Violent Fatality Review Team in Harris County since 2003. Based on the cases it reviewed, the Team has learned that fewer than 5% of the victims killed by their intimate partners reached out for assistance from an advocacy agency. However, many of the victims called the police, sought medical services, and applied for Protective Orders (Harris County Domestic Violence Coordinating Council Adult Violent Death Review Team 2003-2010).

**Women are most at risk at the time they leave the relationship.  
In approximately 19% of Intimate Partner Homicides, children are also killed.  
For every one femicide, there are 8-9 attempted femicides. (Campbell, J, 1995).**

#### **280<sup>th</sup> Court Response to "Katie"**

**HCDVCC identified the case herein. The description of the case and the affidavit filed obtaining the temporary protective order are inconsistent with the record of hearing. Furthermore, the description of the case is inconsistent with the Court's rendition.**

### **GAP IDENTIFICATION AND RECOMMENDATIONS for JUDICIAL RESPONSE**

In the work of the safety assessment, the Team worked to identify the assessment trails, the core methods of standardizing work for the 280<sup>th</sup> District Court (or Protection Order Court). The focus remained on the gap between what victims experience and need and what the 280<sup>th</sup> District Court is providing. The following text represents the identification of these gaps and recommendations from the HCDVCC Assessment Team to bridge those gaps.

Several issues emerged as topics for the Team to discuss. These included seven categories:

- Courtroom and Court Environment
- Compliance Hearings

- Gun Surrender
- Granting Temporary Protective orders
- Protective orders and Children
- Translation and Interpretation
- Orders issued with a Focus on Victim Safety

The following points represent the issues that emerged related to:

### **COURTROOM AND COURT ENVIRONMENT**

1. During observations and discussions with focus groups, the Assessment Team observed that Applicants and accompanying family members may be asked to wait in an unsecured hallway within reach or influence of the Respondent, or others acting on his/her behalf. This could create a gap in safety for victims and their families.
2. During observations and discussion with focus groups, the Assessment Team observed that there is a practice of asking visitors in the Courtroom to be identified to the Court staff. When Applicants are accompanied by advocates, this could mean that the Respondent may learn where the Applicant is receiving services and/or living in a shelter.
3. During observations, the Assessment Team noted that there is a practice of the Court allowing Applicants and Respondents in the Courtroom together (other than the days that the District Attorney's Office is in Court) this could create a gap for victim safety.
4. During observations and focus groups, the Assessment Team learned that the Court may address an Applicant about using the Court as a tool to litigate civil matters. Victims informed the Team that they left feeling that their need to get a protective order for their safety did not get addressed by the Court.
5. During observations and through focus groups, the Team learned that the practice of the Court in using legal terms with Applicants can leave some Applicants and Respondents confused or uncertain about the Court's process and decisions.
6. During observations the Team learned that there are no holding cells for prisoners and they are left in the Courtroom to await their hearing. This could create an opportunity for Applicants to feel unsafe, or intimidated by the Respondent, particularly since there are no separate waiting spaces for Applicants.

### **TEAM RECOMMENDATIONS**

- The Court is a public space and public forum, therefore outside of any legal or justified security reason for a person to be removed from the Court or asked to wait outside; people should be allowed to remain in the Courtroom.
- The Court should offer and provide a safe and welcoming environment that recognizes the unique safety needs for Applicants and their families.
- The Court should review existing security procedures to ensure that the environments are safe for victims, including courtrooms, lobbies, and parking areas.
- The Court should develop safeguards to protect the confidentiality of Applicants' information which includes inquiring about who may be accompanying an Applicant to Court.

- The Court should provide a safe and secure waiting space, inform Applicants of the Court's confidentiality provisions, and keep the Applicants' addresses confidential if so requested.
- The safety needs of victims and their families require that the system develop strategies for creation of safe entrances, waiting spaces, and exits for victims. The Child Support Court has separation of waiting spaces and can serve as a model that already exists.
- The practice of the Court should strive to communicate in ways that demonstrate the unique needs of victims of battering. It should also develop communication practices that recognize the unique needs of those who experience trauma and account for those unique needs.
- The Court should develop protocol for the presence of prisoners in the Courtroom that takes into consideration intimidation tactics used by the perpetrator against the victim. The Court could examine the practice of utilizing video conferencing with the jail.
- The Court should ensure that personnel are trained to provide information about the Court process that includes information related to community resources, legal representation and access to advocates.

#### **280<sup>th</sup> District Court Response to Court Environment**

The Court has addressed the concerns about nonparties being asked to wait outside of the courtroom. My bailiffs have assured me that they will address the Court before doing so in future, absent security reasons. The bailiffs will continue to segregate the courtroom seating based upon the party affiliation. Applicants' advocates may decline to answer verbally and present identifying credentials to be allowed to sit with Applicants opposite to Respondents area in the courtroom. Respondents and those with them are seated on the side of the courtroom closest to the bailiffs' desk area and one bailiff remains at the entry door area. It would be ideal to be able to direct Applicants and their advocates directly to a secure location in the Court suite rather than the courtroom.

The plans for remodeling of the 15th floor are underway and with all family courts being moved into the building, a holding cell for inmates. However, there is a tendency to make all courts the same and a potential for losing the extent of the accommodations currently in place, including 2 ADA restrooms, for an Associate Judge Bench. The 280th welcomes any assistance in this process to enhance the security and accommodations.

The Court will continue strive to use language that may be understood and appropriate to each party in each case.

The court will have the inmates seated in front of the bailiffs' desk facing the bench at all times until a holding cell is available. Unfortunately, video conferencing does not provide appropriate communications necessary for review of documents/exhibits for negotiations or a hearing. The presence of the Respondent in the courtroom facilitates translating and obtaining his/her signature on an agreed protective order and Clerk's delivery of the Protective order to the Respondent pursuant to the law.

The Court maintains on its website a proposed Order of Confidentiality pursuant to Section 85.007 of the Texas Family Code for all Applicants who are requesting their addresses remain confidential.

The Court Clerks have a purple slip of paper to give to Applicants or prospective Applicants relating to community resources, legal resources and access to advocates. The Court has addressed with the Court Clerks about making a docket entry when they provide it to an Applicant who ultimately files. The information on the purple slip will also be included on the Court's website as "Domestic Violence Contacts".

The following points represent the issues that emerged related to:

### **COMPLIANCE HEARINGS**

1. While the Court practice of conducting Compliance Hearings can strive to increase offender accountability, an unintended consequence of questioning the Respondents when there is no offered information from the Applicants, can give the appearance that only the Respondent is being heard. This could shift the focus away from the Court's intent to also uphold access to safety for the victim and the victim's children. Specifically, when the compliance hearing does not address the nature of the harm, risk, or danger to the victims and only focuses on the Respondent's answers to how the Battering Intervention and Prevention Program(BIPP) is going.

#### **TEAM RECOMMENDATIONS**

Compliance Hearings can increase accountability on the part of the offender when they are utilized to acquire information related to points of the order, and it is a strength of the Court to practice compliance hearings.

- Prepare a pre-set compliance review form so Judges may check off with a high degree of specificity what will be reviewed at the compliance hearing. This could include elements such as issues contained in the protection order including, but not limited to, any contact, visitation, economic restitution, and firearms surrender. Offer this information to Applicants so they are informed about the process of compliance hearings.
- To close the gap in how compliance hearings can negatively impact Applicants in the Courtroom, the Court should increase education and training on the tactics used by batterers to exert power and control in relationships.

#### **280<sup>th</sup> District Court Response to Compliance Hearings**

The court is open to a pre-set compliance review form. In all Protective orders that have compliance hearings on BIPP, the first setting is included in the Protective order. Applicants and Applicants' Attorneys are always invited at the signing of the Protective order to attend compliance settings and schedule dates to accommodate the Applicant's Attorney e.g., all Respondents with compliance settings on the HCDA dockets are scheduled on Wednesdays or Thursdays. Any subsequent orders for additional compliance setting are available to the Applicant upon request to the Court Clerk as well as any information filed with the Court by the BIPP provider or the Respondent.

The Court is open to conducting compliance settings outside the presence of Applicants in the courtroom.

The following points represent the issues that emerged related to:

### **GUN SURRENDER**

1. Assessment Team observations revealed the Court's practice of asking about the surrender of Gun Possession. On a few of the observations, it was found that Respondent did not offer proof of gun

surrender. One observation revealed the Respondent to say the gun was given to a sister, however no proof was offered. This could create safety risks for victims.

**TEAM RECOMMENDATIONS:**

- The Court should develop specific protocols and written procedures for the surrender of guns, and offer this information to the Applicants.
- The Court should increase and consistently pursue opportunities for surrender of weapons and require proof and evidence of Respondent's surrender.

**280<sup>th</sup> District Court Response to Gun Surrender**

In 2011, one of the largest gun sales and storage establishments in Harris County began accepting guns from Respondents in the 280th on a 24 month prepaid basis and provided the Court with affidavits certifying receipt of the guns received, including photographs. Unfortunately, this service was discontinued due to litigation. This leaves the Court with compliance settings for Respondents to return to certify dispossession by Bills of Sale or by affidavit and TDL of the recipient. The Court remains open to all solutions to this issue.

The following points represent the issues that emerged related to:

**GRANTING TEMPORARY PROTECTIVE ORDERS**

1. Team observations revealed Temporary Protective orders may not always be granted when it is determined by the Court that a Magistrates Order of Emergency Protection is in place (MOEP). A MOEP is usually about one incident. Sometimes after it has been granted subsequent incidents have occurred and the person has not been charged with the violation of the MOEP. The Court should consider that at the scene of a crime, law enforcement may be unable to obtain all the information that could be included before requesting a MOEP. According to interviews with Law Enforcement, if the information is not included on the MOEP they cannot enforce the elements that are not included. The Court should also consider the time left on the MOEP and the time needed to serve the Respondent before denying the Temporary Order.

**TEAM RECOMMENDATIONS**

- The Court should establish a process whereby risk is assessed throughout the proceedings to ensure that the Applicants' safety is addressed.
- The Court should consider the time left on the MOEP and the time needed to serve the Respondent before denying a Temporary Order of Protection.
- The Court should participate in a Steering Committee created by HCDVCC that includes HCDA, AVDA and other service providers, to increase communication and collaboration across disciplines, create opportunities for training and education, and problem solve.

**280<sup>th</sup> District Court Response to Temporary Protective orders**

The Court is open to additional processes to ensure an Applicant's safety. Many Applicants provide a copy of the MOEP that has been signed by the Respondent at the time the Application is filed and have indicated their preferred date of hearing. When considering the issue of clear and present danger of family violence, the Court has and will continue to review all protective orders that the Respondent has signed. The Respondent may have no contact orders as a condition of bond from a criminal court which the Court reviews as well. In addition, the Court considers whether the Respondent is in jail, the status of bond or no bond, and the date of the next criminal court setting. The Court is open to participation in a Steering Committee created by HCDVCC.

The following points represent the issues that emerged related to:

**PROTECTIVE ORDERS AND CHILDREN**

1. The Assessment Team observed the Court to remove children from the Protective Order. This practice limits the safety-seeking strategies of protective parents who are trying to free themselves and their children from domestic violence.

**TEAM RECOMMENDATIONS**

- The Court should exercise the full weight of its power to see that children are protected.
- Protocol for Removing Children from a PO should be developed, that includes and explanation for the removal of children from the order. Removal of children from the order will only occur after an extensive examination related to children witnessing abuse, children being used as pawns in the relationship, issues related to power and control and use of children, and issues related to safety and risk for the children have been taken into consideration for the safety and well-being of all parties.
- The Court should develop Protocol for ongoing training for court personnel to maintain and update their knowledge and keep current about new and emerging practices and strategies. This includes receiving training on the impact of domestic violence on children.
- The Court should develop and implement a protocol that demonstrates the following:
  - Court evaluates risk and lethality factors to create appropriate relief that includes risk and safety of the children.
  - Provide information on advocacy and community resources to enhance safety.
  - History, context, and severity of the violence is taken into consideration when court considers children to be left on or removed from the Protective Order.
  - Court will consider harm to children and use of children as an instrument of abuse in deciding custody and visitation matters in Protection Orders.
  - Develop protocols that consider harm to children and use of children as an instrument of abuse in deciding custody and visitation matters in Protection Orders.
  - Develop Protocol for Orders that ensure the safety of Applicants and minor children during visitation and exchanges.
  - Develop Protocol that carefully evaluates appropriateness of allowing family members or other third parties to supervise visitation.

**280<sup>th</sup> District Court Response to Children and Protective orders**

The Court will continue to exercise the full weight of its power for the protection of the children under the law based upon the unique facts admitted and procedural history in each case including, but not limited to, any orders for access or visitation.

The Court is open to all training made available to court personnel on the impact of domestic violence on children.

The following points represent the issues that emerged related to:

**TRANSLATION AND INTERPRETATION**

1. The Assessment Team observed an occasion where that the Court used children of the Applicant and Respondent to translate the questions from the Court. This raises concerns for the safety and well-being of children. Harris County does not always allow for the provision of translation services to those whose first language is something other than English in the Protective Order Court. This creates a gap for Applicants and Respondents to understand the Court's rulings and process.

**TEAM RECCOMENDATION**

- The Court and Harris County should ensure that interpreters are available to meet the language needs of victims who utilize the Court for Protective Orders.

**280<sup>th</sup> District Court Response to Translation Services**

The uncontested proceeding in question and exigencies of the circumstances of parties who travel together with their teenager to the courthouse to ask me to consider modifying or vacating the protective order they had previously agreed upon is not unusual, language barrier notwithstanding.

The Court follows the law related to interpreters in contested proceedings and implements the policies of Harris County formulated as of March 12, 2012. See FAQs at Harris County Court Website.

<http://www.justex.net/JustexDocuments/0/Frequently%20Asked%20Questions/HC%20Approved%20OLEP%20Policy%20MAR2012.pdf>

The following points represent the issues that emerged related to:

**ORDERS ISSUED WITH A FOCUS ON SAFETY and OTHER NEEDS**

1. The Assessment Team observed when Protective Orders are not granted, Applicants could leave without an explanation of the decision and without follow-up regarding safety and links to other resources. (see 1-1 through 1-2)
2. The Assessment Team observed Applicants to have limited access to the full range of Protective Order relief that supports ongoing safety for themselves and their children. This relief is not always being requested by the agency or organization that assists with the Application process. (see 2-1)

**TEAM RECOMMENDATIONS**

- 1-1 The Court should review and implement recommendations from *Civil Protection Orders: A Guide for Improving Practice, National Council of Juvenile and Family Court Judges 2010*. This report advises that all victims should have the opportunity to participate in conversation with an advocate. It also informs us that in order to increase the Applicant's safety and the Respondent's compliance, the Court's practice should be to help both parties fully understand the protection order.
- 1-2 To ensure that Applicant safety is always at the forefront of the Court's response, the Court should offer to contact an advocate each time an Applicant comes to court, if one is not on site. Also a very clear and precise explanation should be offered when orders are changed, with opportunities for Applicants to ask questions and get clarification.
- 2-1 The Court, as well as agencies and organizations that assist with the application process, should develop protocols for practice that demonstrates requesting and insuring access to:
  - Broadest relief available under protection order statute will be provided.
  - Explanation is given for reason for no request of specific relief.
  - Orders will clearly identify relief granted.
  - Explanation is given for denial of requested relief.
  - If applicable, order should address the removal of personal property.
  - Economic relief as requested or allowable by statute will be provided, including:
    - Child support
    - Service Fees
    - Maintenance
    - Medical Expenses
    - Mortgage
    - Debts
    - Car payments
    - Other Expenses
    - Attorney's fees
    - Court costs

These recommendations reflect many of the principles found in the *2010 Best Practice Recommendations from the National Council of Juvenile and Family Court Judges*. They also represent the best interest of the victims, survivors, and families that we are serving in Harris County. Harris County Domestic Violence

Coordinating Council is committed to helping each of these systems not only bridge the gaps for safety and services but create responses that keep safety and security at the center of the work.

#### 280<sup>th</sup> District Court Response to "Other Needs"

Consistent with the actual rendition in the "Angela" case, the Court states on the record in every case a protective order is denied:

"If I have made a mistake here today by denying the application, I can correct myself. Do you understand?"

Each party's response is made part of the record.

The Application may include the full range of relief afforded in Sections 85.021 and 85.022. To avoid potential conflict with any of the family courts or IVd courts, any such relief requested and granted by the 280th is made with a specific duration and subject to any subsequent orders of a court of competent jurisdiction. For most Protective order cases, an agreement for monetary relief in a related divorce suit, paternity suit or SAPCR is reached and filed in the respective court.

## SAFETY, ACCOUNTABILITY AND PROTECTIVE ORDER ENFORCEMENT

### **INCREASING SAFETY: PROTECTIVE ORDER ENFORCEMENT**

"Andrea"

(Story derived from a police report that was reviewed for the Phase I Safety Assessment with Law Enforcement conducted by the Harris County Domestic Violence Coordinating Council)

Andrea's husband threatened to kill her on many occasions and beat her regularly. After the last incident where she called the police because he had beat her, she thought she was given a Magistrate's Order of Emergency Protection (MOEP). Her husband was threatening her after that incident. She called 911 for help and wanted her husband arrested. She was told by the responding officer that he could not find the MOEP. The responding officer searched the computer and found no MOEP and he contacted Central Dispatch who made a search and also had negative results. The officer then contacted the District Attorney's Intake Division and was advised that there was no MOEP and no arrest could be made. The victim thought from a previous incident that occurred two days earlier that charges were filed and a MOEP was in place, when in fact neither of those things had taken place.

We found that the enforcement of violations of Protective Orders is often confusing because of the three types of Protective Orders available in Texas. Patrol officers, who are first on the scene, can be as confused by the orders as the victims themselves. Once the correct type of order is established, it is often a simple case of arresting the suspect if present, and if the order allows. If the suspect has fled the scene it can become even more challenging to ensure that enforcement happens in a timely fashion. This issue was also discovered in Phase I of the Harris Domestic Violence Coordinating Council's Community Assessment Findings – A Review of the Law Enforcement System's Response to Domestic Violence.

While most of the energy and time of the Assessment Team was spent examining the Intake and Court process, the Team did find issues related to enforcement. This Team's work to discover more about enforcement will require more in-depth information and is left to be discovered.

## **INCREASING SAFETY AND COMMUNITY COMMITMENT TO INTERAGENCY COLLABORATION**

The process of conducting the Safety Assessment has allowed the agencies committed to the process to develop a greater understanding of the process, as well as each other. The Council exists to continue creating dialogue and opportunities for our partners, responding systems, and community to work collectively to increase victim safety, hold offenders accountable, and create solutions for the prevention of domestic violence. To this end,

### **HCDVCC is committed to the following goals:**

- Help build victims' trust in the civil protection order system by working collaboratively and collectively to understand and eliminate impediments and biases.
- Develop and maintain relationships with diverse community groups.
- Collaborate with community members to enhance their ability to be proactive in safety and to raise their awareness of protection order relief.
- Explore models of sustainability for promising community collaboration programs and investigate opportunities for holistic, non-crisis-driven involvement.
- Work with the media, including print, radio, television, and the blogosphere, to educate community members about domestic violence and civil protection orders.
- Create opportunities for open dialogues with communities that facilitate both an understanding of domestic violence and civil protection orders and an opportunity for feedback.



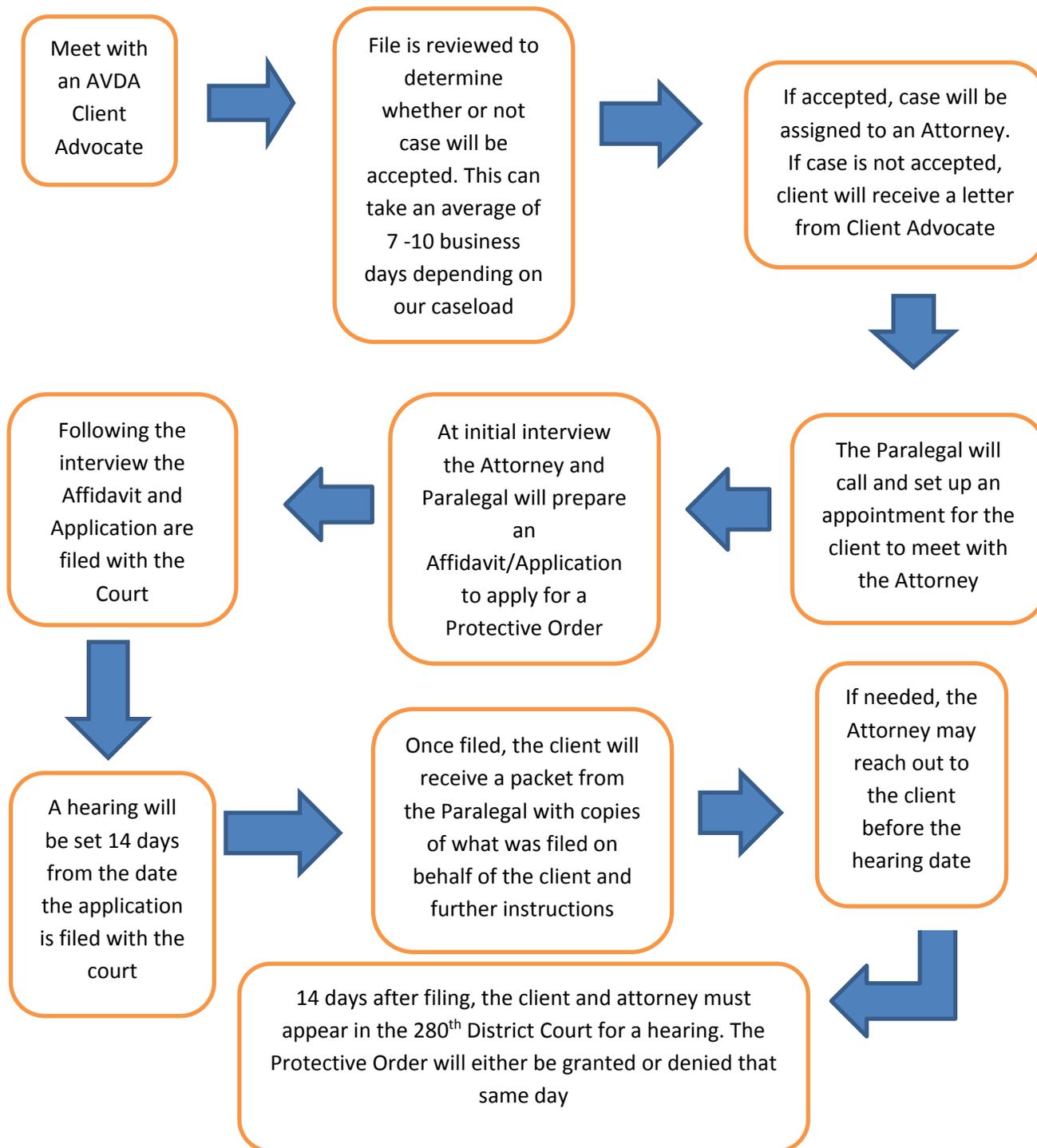
## Appendix A: Focus Group Questions

HOW IS THE PROTECTIVE ORDER PROCESS IN HARRIS COUNTY ORGANIZED TO ENHANCE OR DIMINISH VICTIM SAFETY AND OFFENDER ACCOUNTABILITY?

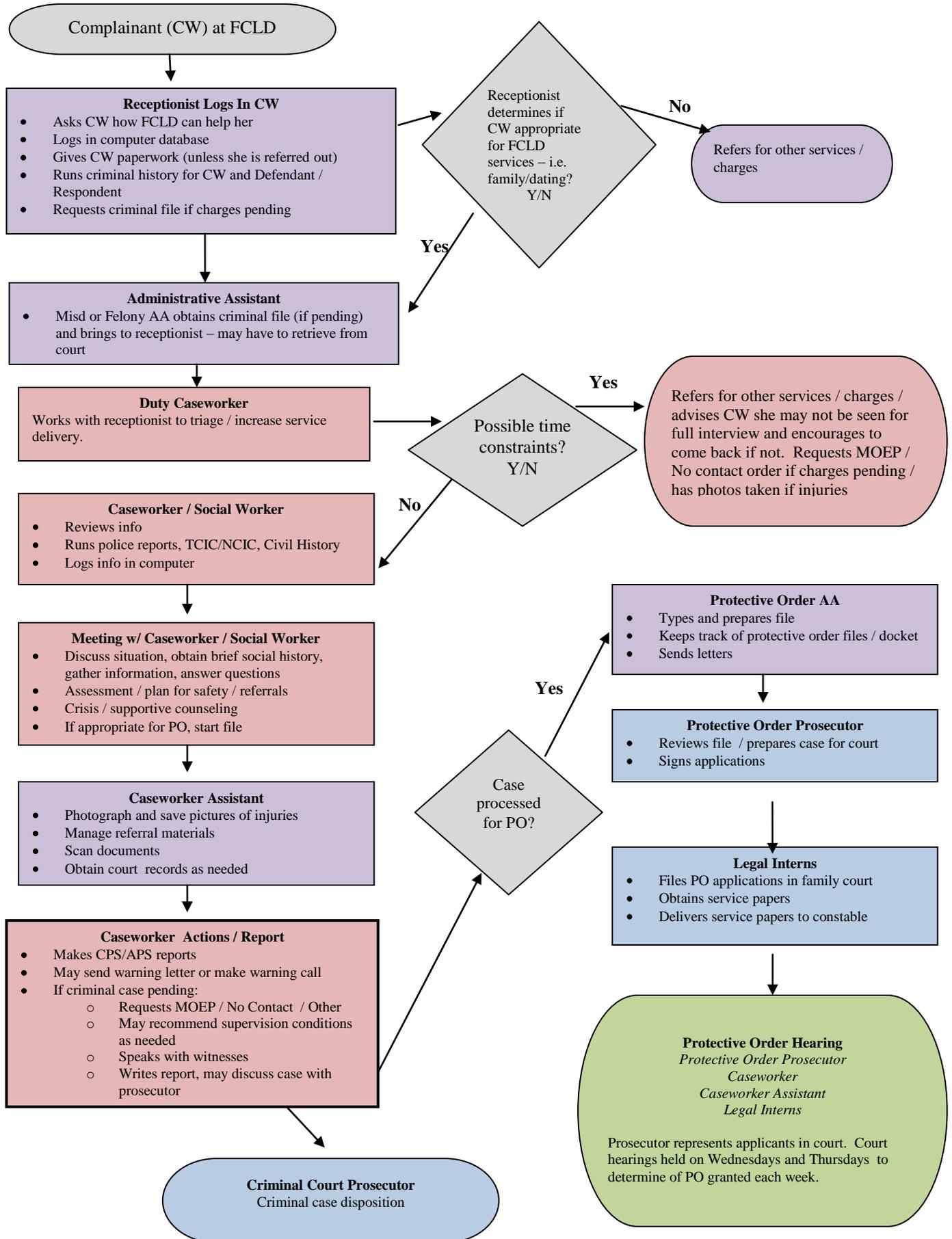
## FOUCS GROUP QUESTIONS:

1. When you applied for a protective order in Harris County, what was the process like?
  - a. How did you start the process for applying/where did you go?
  - b. Was it what you expected?
  - c. What did you find helpful?
  - d. What helped you feel safe?
  
2. When you went to court for the protective order, what was the process like?
  - a. Was it what you expected?
  - b. What did you find helpful?
  - c. What helped you feel safe?
  
3. Were you given other resources by anyone involved in the process?
  - a. Did you use those resources?
  - b. What did you find helpful?
  - c. What helped you feel safe?
  
4. Is there anything else you would like to tell us about your experience with the Protective order process?

Appendix B: AVDA Protective Order Timeline



# FCLD Social Service Delivery Flowchart



---

## References

- Balos, B et al., (2012). *Engaging in a Best Practice Assessment of the Civil Protection Order System*. National Center on Protection Orders and Full Faith & Credit: Arlington, VA. Available online: <http://www.fullfaithandcredit.org/files/bwjp/files/Engaging%20in%20a%20Best%20Practice%20Assessment%20of%20the%20Civil%20Protection%20Orders%20System.pdf>
- Brown, BV, & Bzostek, S (2003). Violence in the lives of children. *CrossCurrents*, 1, Child Trends DataBank.
- Campbell, J (1995). *Assessing Dangerousness: Violence by sexual offenders, batterers, and child abusers*. Sage: Newbury Park, CA.
- Catalano, S (2007). *Intimate Partner Violence in the United States*. U.S. Department of Justice, Bureau of Justice Statistics; Washington, DC. Cited online: <http://www.futureswithoutviolence.org/resources-events/get-the-facts/>
- Centers for Disease Control and Prevention. (2014). ACE Study. In *Injury Prevention & Control*. Retrieved July 8, 2014, from <http://www.cdc.gov/violenceprevention/acestudy/>.
- Edelson, JL (1999). The Overlap Between Child Maltreatment and Woman Battering. *Violence Against Women*. 5, 124-154.
- Ehrensaft, M.K., Cohen, P., Brown, J., et al. (2003). Intergenerational Transmission of Partner Violence: A 20-Year Prospective Study. *Journal of Consulting and Clinical Psychology* 79(4), 741–753.
- Harris County Domestic Violence Coordinating Council (2012). *Domestic Violence Safety Assessment Findings and Recommendations*. HCDVCC: Houston, TX.
- Keilitz, SL et al. (1997). *Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence*, Pub. No. R-201. National Center for State Courts: Williamsburg, VA.
- Logan, TK & Walker, R (2009). Civil Protective Order Outcomes Violations and Perceptions of Effectiveness, *Journal of Interpersonal Violence*, 24, 675-677.
- McFarlane, J et al. (2004), Protection Orders and Intimate Partner Violence: An 18-Month Study of 150 Black, Hispanic, and White Women, *American Journal of Public Health*, 94, 613-617.
- Meyer, E (2010). *Civil Protection Orders: A Guide for Improving Practice*. National Council of Juvenile and Family Court Judges: Reno, NV.
- Praxis International (2010). *The Blueprint for Safety: An interagency response to domestic violence crimes*. Praxis International: St. Paul, MN. Available online at: <http://praxisinternational.org/files/praxis/files/Blueprint/BPAllChaptersSept32013.pdf>

Silvern, L, et al., (1995). Retrospective reports of parental partner abuse: Relationships to depression, trauma symptoms, and self-esteem among college students. *Journal of Family Violence*, 10(2), 177-202.

Texas Council on Family Violence (2013). *Honoring Texas Victims: Family violence fatalities 2012*. Texas Council on Family Violence: Austin, TX. Available online at: [http://www.tcfv.org/wp-content/uploads/2013/10/HonoringTexasVictims\\_FullReport\\_8.5X11.pdf](http://www.tcfv.org/wp-content/uploads/2013/10/HonoringTexasVictims_FullReport_8.5X11.pdf)

United States Department of Justice (1995). *Civil Protection Orders: A guide for improving practice*. USDOJ: Washington, DC.

