


Slide 1



**MANAGING DOMESTIC VIOLENCE
ACROSS MULTIPLE COURT SYSTEMS**

Protecting Delaware's Children
Domestic Violence Track
March 2015

Slide 2

LEARNING OBJECTIVES

By the end of this workshop, participants will be better able to:

- Recognize the different approaches different legal systems take to domestic violence
- Recognize the competing expectations different legal systems have of victims and perpetrators of domestic violence
- Manage professional expectations and responses to domestic violence across multiple court systems

Slide 3

CASE STUDY

Facts:

- 7-year old boy calls 911 – his father is beating up his mother
- 911 operator can hear a commotion in the background
- Mother is yelling for help
- Son is upset and screaming at his father to stop

What is the Typical Criminal Justice Response?

- 911
- Law enforcement
- Prosecutor

Slide 4

SAME FACTS...

Facts:

- 7-year old boy calls 911 – his father is beating up his mother in the kitchen
- 911 operator can hear a commotion in the background
- Mother is yelling for help
- Son is upset and screaming at his father to stop

What is the Typical Child Welfare Response?

- Intake
- Investigation
- Intervention

Slide 5

AS TO...



Criminal Court **Child Welfare**

Slide 6

INSTITUTIONAL GOALS & PRIORITIES

<p>Criminal Justice = Public Safety</p> <p>Goals:</p> <ul style="list-style-type: none">• Hold criminals accountable• Protect victims• Deter future harm <p>Priorities:</p> <ul style="list-style-type: none">• Prove their case• Gain victim cooperation• Keep victim away from defendant	<p>Child Welfare = Child Safety</p> <p>Goals:</p> <ul style="list-style-type: none">• Protect children• Achieve permanency• Strengthen families <p>Priorities:</p> <ul style="list-style-type: none">• Establish a care plan• Monitor compliance• Keep source of danger at bay
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Slide 7

BACK TO OUR CASE...

Facts:

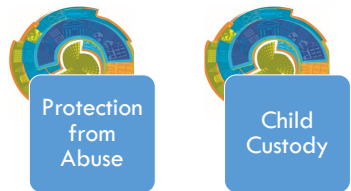
- 7-year old boy calls 911 – his father is beating up his mother
- 911 operator can hear a commotion in the background
- Mother is yelling for help
- Son is upset and screaming at his father to stop

What is the Typical Civil Response?

- Protection from Abuse
- Child custody

Slide 8

AS TO...



Protection from Abuse

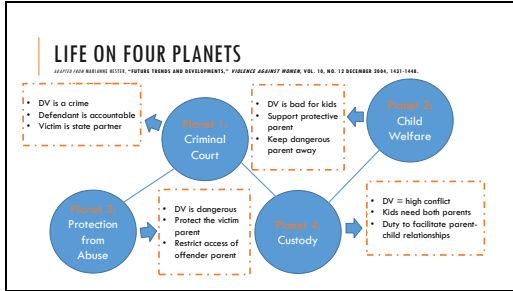
Child Custody

Slide 9

INSTITUTIONAL GOALS & PRIORITIES

<p>PFA = Victim Safety</p> <p>Goals:</p> <ul style="list-style-type: none">• Protect victims• Provide relief to manage safety• Deter future harm <p>Priorities:</p> <ul style="list-style-type: none">• Keep defendant away• Punish violations	<p>Custody = Restructuring Family</p> <p>Goals:</p> <ul style="list-style-type: none">• Establish parental access• Allocate parental decision-making• Foster post-separation stability <p>Priorities:</p> <ul style="list-style-type: none">• Support parent-child relationships• Promote best interests of the child
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Slide 10



Slide 11

BACK TO OUR HYPOTHETICAL

Facts:

- 7-year old boy calls 911 – his father is beating up his mother
- 911 operator can hear a commotion in the background
- Mother is yelling for help
- Son is upset and screaming at his father to stop

Posture of the Case:

- Father has been arrested and charged with domestic violence
- Child welfare has substantiated abuse
- Mother has filed a petition for a PFA
- Father has filed for divorce

Slide 12

IN SUM...

Different legal settings have different:

- Missions and purposes relative to domestic violence
- Approaches to domestic violence
- Expectations of people who experience domestic violence
- Tools and limitations that can impact their response to domestic violence

Different professionals within those legal settings have different:

- Roles and functions relative to domestic violence and the parties
- Approaches, expectations, tools, and limitations regarding domestic violence

Slide 13

IN SUM...

Professionals tend to operate within one or two legal settings

- Sometimes, that is due to statutory authority and/or limits
- Sometimes, it is a matter of resource allocation
- Sometimes, it is just business as usual

Parties tend to bounce between and among different legal settings


- Sometimes, they are where they are by virtue of choice
- Sometimes, they are where they are due to circumstances beyond their control

Practitioners should endeavor to:

- Understand the complexity of managing safety across multiple systems
- Recognize and account for the competing demands on parties
- Develop coordinated responses that include PFA and custody interventions

Slide 14

QUESTIONS AND COMMENTS



**BATTERED WOMEN'S
JUSTICE PROJECT**

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