

The Resource Center Newsletter

Spotlight: The Family Court Enhancement Project

The Resource Center on Domestic Violence: Child Protection and Custody is hosted by the National Council of Juvenile and Family Court Judges (NCJFCJ). The NCJFCJ implements other projects that, like the Resource Center, seek to improve how child custody cases are handled in family courts across the country. One such project was the Family Court Enhancement Project (FCEP or Project), under which four courts designed and engaged in a range of activities to promote safety and wellbeing for survivors and children. Lessons from this project offer advocates and other family court practitioners a wealth of creative ideas for innovations in other communities. This month, we highlight some of this work. For more information on what can be done in your community, please contact us.

The Family Court Enhancement Project

A domestic violence survivor with children faces many challenges when separating from an abuser. Such challenges include obtaining safe child-related relief in custody-related court proceedings. Custody issues may be part of a divorce, a civil protection order, or may arise in a case between unmarried parents. Courts often struggle to properly assess and respond to the needs of families experiencing domestic violence. The Project was an intensive effort to help courts and other stakeholders involved in these cases improve their systems to result in better responses that meet the individual needs of survivors and their children. The FCEP yielded several resources that can help the courts in other communities, which may be found on the Project's website: <https://familycourtenhancementproject.org/>.

Project Overview

The Project was a demonstration initiative funded by the U. S. Department of Justice, Office on Violence Against Women (OVW) and its goal was to improve the family court response to custody cases and parenting decisions involving domestic violence so that resulting parenting arrangements protect the emotional and physical well-being of victimized parents and their children. The four demonstration court sites—Cook County, Illinois (Chicago), the State of Delaware (all three counties), Hennepin County, Minnesota (Minneapolis), and Multnomah County, Oregon (Portland)—received technical assistance provided by NCJFCJ and its partners, the Battered Women's Justice Project and the Center for Court Innovation (National Partners). Profiles of each site are available at

<https://familycourtenhancementproject.org/courts/>, and more information about the

national partners may be found at <https://familycourtenhancementproject.org/partners/>.

Project coordinators at each site were responsible for managing day-to-day matters and helped to maintain consistent progress. Work at the sites was led by a Management Team composed of representatives from the court, including judges and staff, as well as key stakeholders. A larger Collaborative Workgroup provided broader perspective to inform the site's efforts.

The four sites engaged in a variety of activities and developed resources based on priorities identified by the Management Teams and Collaborative Workgroups at each site. Some activities were unique to a particular site, such as Hennepin's pilot court and Multnomah's procedural fairness efforts, while several activities, such as training and help for self-represented survivors, occurred across all four sites, though often implemented differently. The sites' experiences were distilled into several publications and other "lessons learned" resources. More information about the activities at each site and resources developed by the site and the national partners is available at <https://familycourtenhancementproject.org/>. Several of these resources are highlighted below.

Values and Guiding Principles

Over the course of intensive work at the FCEP sites, several themes emerged as each site engaged in efforts to improve their response to domestic violence in child custody cases. Building upon these themes in partnership with multiple stakeholders at each site, the Project identified five fundamental values that underlie the work:

- 1) safety and wellbeing of children and parents,
- 2) access to justice,
- 3) due process,
- 4) collaboration, and
- 5) accountability and transparency.

For more details, see <https://familycourtenhancementproject.org/values/>.

Elaborating on the core values, the Guiding Principles were developed to enable courts and communities to incorporate those values into their systems, processes, and decision-making. The 16 Principles are intended to be broadly applicable in diverse communities and courts across the country, despite some significant differences in governing legal standards, court processes and structure, demographic characteristics, etc. Rather than prescribe a specific approach to addressing domestic violence in child custody and related cases, they instead offer guidance

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that may be tailored to the unique characteristics and needs of each individual community and court. The FCEP publication *Guiding Principles for Effectively Addressing Child Custody and Parenting Time in Cases Involving Domestic Violence*, available at <https://familycourtenhancementproject.org/guiding-principles/>, sets forth the Principles and includes examples from the sites of the Principles in action.

Site Activities

Each of the sites came to the FCEP with its own strengths, challenges, resources, and opportunities. The Project's structure allowed the sites to create their own plans to address the priorities identified by the site. The resources developed and activities engaged in by the sites generally fall within one or more of the following areas:

- Access to justice/self-represented litigants (SRLs)
- Child-related relief in protection orders
- Community Outreach
- Data collection
- Procedural justice/litigant feedback
- Screening for domestic violence
- Training

All of the sites made efforts to improve access to justice for self-represented survivors. For example, Multnomah created a new staff position to provide domestic violence-informed assistance as well as videos explaining essential procedures and forms. *Perseverance in the Face of Challenges to Access to Justice: Lessons Learned from the Family Court Enhancement Project* describes the sites' efforts in more detail, see <https://familycourtenhancementproject.org/lessons-and-products/#publications>.

Cook County created a position and process to help judges in the court's Domestic Violence Division include parenting time in protection orders. The position, called the expediter, and the process are described in the publication and accompanying webinar, *Defining Child-Related Relief in Civil Protection Orders to Enhance Safety*, see <https://familycourtenhancementproject.org/lessons-and-products/>.

Hennepin also worked to improve the availability of child-related relief in protection orders, establishing a pilot court specifically for this purpose, see <https://familycourtenhancementproject.org/hennepin-county-mn/domestic-violence-pilot-court/>. Hennepin also engaged in outreach to its Native American population,

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one of the largest urban populations in the country and which is historically underserved.

The Delaware team decided to gather as much information as possible about the court's current operations, to determine where changes were most needed and how best to improve the court's handling of custody cases involving domestic violence. Various strategies were used, including affinity group conversations, case file reviews, and court walk-throughs. For the walk-throughs, judges and other professionals who thought they knew the court system took on the role of litigants, to see the system through their eyes. The experience was eye-opening as they realized they knew much less than expected about how families perceive the court process. The results sparked ideas for improvements in accessibility and transparency. Tools used by the site in this data collection effort are available at <https://familycourtenhancementproject.org/delaware/comprehensive-data-collection/>. The information gathered was used to formulate a comprehensive list of recommendations for the court. See <https://familycourtenhancementproject.org/resources/> for a complete list of activities and resources, where you can also browse by site or type of activity.

Lessons Learned and Products

Experiences at the four sites informed thinking on what tools, approaches, and resources are most helpful to survivors and their children. In particular, invaluable lessons were derived to improve practice beyond the four sites as well as products and materials to assist in such efforts. The FCEP website page devoted to this topic gathers reports, tools, videos, interviews, and other materials and information that reflect these lessons and offer a roadmap that can help communities become aware of how the FCEP principles' promising practices were implemented in the four sites. See <https://familycourtenhancementproject.org/lessons-and-products/>.

In addition to the publications described above, the page includes an identification and assessment guide. The presence of domestic violence can have major implications for child custody decision-making in any family court case. The Lessons Learned Guide on Identification and Assessment provides specific guidance, supported by illustrative examples from the FCEP project sites, on how each family court practitioner (e.g., family court services staff, mediators and other alternative dispute resolution professionals, court staff, judges, attorneys, and advocates) can maximize the likelihood that survivors make informed and safe disclosures of any abuse so that the information for an effective response is made available to decision-

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makers. An effective response also requires that each practitioner fully assess the nature and context of the abuse and its effects, so the guide also includes discipline-specific strategies for conducting such an assessment. See <https://familycourtenhancementproject.org/lessons-and-products/fcep-identification-and-assessment-lessons-learned/> for more information.

If you are interested in learning more about the FCEP or exploring what your court and community can do to improve the handling of custody cases involving domestic violence, please contact Jennifer Arsenian at jarsenian@ncjfcj.org.

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