
HIM 1990-2015

2014

Domestic Violence: The Need for Integrated and Specialized Courts in the Ninth Judicial Circuit of Orange and Osceola County, Florida

Rose Caldero
University of Central Florida

 Part of the [Legal Studies Commons](#)

Find similar works at: <https://stars.library.ucf.edu/honorstheses1990-2015>

University of Central Florida Libraries <http://library.ucf.edu>

This Open Access is brought to you for free and open access by STARS. It has been accepted for inclusion in HIM 1990-2015 by an authorized administrator of STARS. For more information, please contact STARS@ucf.edu.

Recommended Citation

Caldero, Rose, "Domestic Violence: The Need for Integrated and Specialized Courts in the Ninth Judicial Circuit of Orange and Osceola County, Florida" (2014). *HIM 1990-2015*. 1560.
<https://stars.library.ucf.edu/honorstheses1990-2015/1560>

DOMESTIC VIOLENCE: THE NEED FOR INTEGRATED AND
SPECIALIZED COURTS IN THE NINTH JUDICAL CIRCUIT OF ORANGE
AND OSCEOLA COUNTY, FLORIDA

by

ROSE CALDERO

A thesis submitted in partial fulfillment of the requirements
for the Honors in the Major Program in Legal Studies
in the College of Health and Public Affairs
and in The Burnett Honors College
at the University of Central Florida
Orlando, Florida

Spring Term 2014

Thesis Chair: Dr. Abby Milon

© 2014 Rose Caldero

ABSTRACT

Over the last 30 years, the justice system has increased attention toward domestic violence. In many states, the emphasis has emerged to a specialization, separate dockets and specially trained judges (Center for Court Innovation 2009). Domestic violence courts have evolved, however the Ninth Circuit Court in Orange and Osceola County has yet to adopt this concept. At present, the Osceola County Courthouse utilizes the Unified Family Court (UFC), an integrated comprehensive approach which handles all cases simultaneously addressing the families involved in disputes, as well as the adults and the children of domestic violence. The Orange County Courthouse on the other hand, has the court rooms on one designated floor of the Orange County Courthouse which is dedicated to domestic relation's cases. There are (3) specialized judges for domestic violence cases which rotate every (6) months. This thesis will explore the different challenges that are faced by the judicial system in domestic violence courts in Orange and Osceola County. One of those challenges is that there is no set "model" to develop a consistency in practices and policies; therefore there is no mutual understanding or agreement for the purposed outcome. With the study of case law, statutes, court research, court observation, and goal assessments, this thesis will explore the possibilities of change in this court system. The purpose of this study is to contribute awareness, present recommendations to the legal system, and state that it is not enough -although critical- to focus on the victim's safety and the offender accountability, but also it is crucial to place an emphasis on specially trained judges and stakeholders in order to create a more unified structure.

DEDICATION

To my boys; George and John Henry Medina, whom I love with all my heart,
my kids Joey and Nikki Medina, and my mother Lydia Caldero, who are no longer with us,
to my father Jesus C. Padilla, my brothers and sisters, both in blood and in spirit,
and a special thanks to Pastor Ricardo Rodriguez, Deb Jenkins/Manning, Victor M. Rosa,
Tami Anderson, and Claudia Borja who inspired me throughout this process.

ACKNOWLEDGEMENT

A special thank you to the following: Dr. Abby Milon; for taking this on, Dr. Kathy Cook; for helping me in my future decisions and Professor Malendevych, who encouraged me throughout the development of this thesis, and Dr. James Beckman for joining the committee and Denise Crisafi who helped me in more ways than one.

There are many who have encouraged me throughout this process, but my sons George and John Henry Medina have been my ultimate inspiration. You have both brought happiness to my life, and now I leave you with this legacy, “nothing is impossible; for those who believe.” Dream, dream big! Do not allow the obstacles in life to deter you from reaching your ultimate goals.

TABLE OF CONTENTS

INTRODUCTION	1
PURPOSE AND SIGNFICANCE	5
HYPOTHESIS	6
DEFINITION OF WORDS	7
METHODOLOGY	9
SOLUTION.....	10
BACKGROUND ON FORMATION OF THE DOMESTIC VIOLENCE COURTS.....	13
Historical Origen of the Domestic Violence Court.....	13
Early Modern Period	14
Post Modern	17
Statistics from the Florida Department of Law Enforcement	22
Statistics from the Ninth Judicial Circuit Annual Report	23
THE CURRENT STRUCTURE OF THE NINTH JUDICIAL CIRCUIT DOMESTIC VIOLENCE COURT	27
MANDATORY LAW OR NONDISCRECTIONARY	30
RECOMMENDATIONS	31
Law Enforcement Group	33
Harbor House Group	34
State Attorney.....	34
Post Sentencing	35
Juveniles	36
All Work Groups.....	37
Current Changes	37
Cases Observed Orange County Court.....	39
Case # 2 Orange County Court	40
Case # 3 Orange County Court	40
Case # 4 Orange County Court	41

Case # 6 Osceola County Court	42
Case # 7 Osceola County Court	43
Case # 8 Osceola County Court	44
Case # 9 and # 10 Osceola County Court	45
QUALITATIVE STUDY	46
SUPREME COURT DIRECTIVE	49
GRANTSMANSHIP.....	54
CONCLUSION.....	55
APPENDIX A:.....	56
COURT APPEARANCE FORM FOR THE DOMESTIC VIOLENCE COURT.....	56
APPENDIX C	64
PERMISSION LETTER FOR SURVEYS A AND B.....	64
ANNOTATED REFERENCES.....	71
REFERENCES	78
BIBLIOGRAPHY	81

LIST OF FIGURES

Figure 1: Chart from 2009-2012 from the Department of Children and Family Services	21
Figure 2: 2008-2009 FDLE Annual Report	22
Figure 3: 2011- 2012 FDLE Annual Report	22
Figure 4: 2006 Overview of Case Filings in the 9th Circuit.....	24
Figure 5: 2011 Overview of Case Filings in the 9th Circuit.....	25
Figure 6: 2012 Overview of Case Filings in the 9th Circuit.....	26

INTRODUCTION

Domestic violence has taken on a different light, in contrast to a number of years ago; when the courts frowned about involving the judicial system with domestic affairs of the home. In the 1970's, feminist activists began a movement which reshaped the way the criminal justice system responded to domestic violence. In 1994, Violence Against Women Act (VAWA) was established; it created funding for victim services and recognition for the safety of women. Domestic violence is now defined as a pattern of abusive behavior in a relationship, in which one partner uses physical, sexual, emotional, economic, or psychological action to exert power and maintain control over another intimate partner.¹ The courts no longer view domestic violence as a family matter, but as a crime. Due to the growing number of criminal courts that handle domestic violence, the courts have been termed domestic violence courts. However, it is more in the context of "problem-solving courts" with some of the characteristics of specialized courts, separate dockets and specially trained judges.²

In 2004, after several tragic cases, the Ninth Judicial Circuit Court, along with policy makers, service providers and advocates came together to attempt to find solutions in ending domestic violence. These individuals represented a diverse spectrum. Among the group were Mayor Teresa Jacobs, Honorable Belvin Perry Jr., Chief Judge, Honorable Lydia Gardner, Clerk

¹ United States Department of Justice, Office on Violence Against Women: Crime of Focus Domestic Violence (March 2013), available at <http://www.ovw.usdoj.gov/domviolence.htm>

² Melissa Labriola, Center for Court Innovation: A National Portrait of Domestic Violence Courts, (October 15, 2013, 11:30 AM), <https://www.ncjrs.gov/pdffiles1/nij/grants/229659.pdf>

of the Circuit Court, (deceased), along with Honorable Alice Blackwell, Circuit Judge of the Ninth Judicial Circuit, and Mr. Dick J. Batchelor, President of Dick Batchelor Management Group, Inc. Also included were Orange County Officials, criminal justice stakeholders and community leaders/advocates.³ This committee was labeled the Domestic Violence Commission. Throughout the years, the group has met to implement innovative ideas and make recommendations for necessary changes. For the next several years after its formation, the DVC would continue to make recommendations.

Again, in February 2013, the Domestic Violence Commission convened as a result of several more tragic cases that occurred in recent years in Orange County. The Commission released a report in June 2013. After reviewing various components, the Domestic Violence Commission: *Findings and Recommendations*, reported the responsibility of each work group. Each work group was appointed to research and report in a specified area; 9-1-1 to Arrest – Major Mike McKinley, (Orange County Sheriff’s Office), Chair; Arrest to First Appearance – Carol Wick, CEO, (Harbor House), Chair; First Appearance to Charging Decision – Honorable Jeff Ashton, (State Attorney), Chair; Charging Decision to Sentencing – Honorable Alice Blackwell, (Circuit Judge), Chair; Post Sentencing – Dr. Jill Hobbs, (Orange County Corrections), Chair; Juvenile – Gerald Glynn, Esquire, (Dubois Law Group), Chair.⁴ Each group had one “common theme,” that the lack of education and training for judges and stakeholders

³ Domestic Violence/Child Abuse Commission, Findings and Recommendations (May 2005) <http://www.orangecountyfl.net/portals/0/library/Open%20Government/docs/Domestic%20Violence%20Commission%20Report.pdf> (accessed August 18, 2013) p. 7.

⁴ Domestic Violence Commission, Findings and Recommendations (June 2013) <http://www.orangecountyfl.net/portals/0/library/Open%20Government/docs/Domestic%20Violence%20Commission%20Report.pdf> (accessed August 18, 2013) p. 7.

were a major issue. Some groups recommended a Unified Family Court or a similar program such as; Family Justice Center in Tampa (FJC). However, the FJC in Tampa announced that it would close its doors in the month of August 2013, for lack of funding.⁵

According to the Domestic Violence Commission, the Florida Supreme Court has mandated a Unified Family Court (UFC) to be implemented in Orange County; however it has not been done. One of the major concerns is the funding obstacles faced by the court. An additional concern is the workload for the professionals that handle the caseloads. The Honorable Judith I. Kreeger wrote about these concerns in an article; Association of Family and Conciliation Courts, Special Issue: Unified Family Court: Family Court Improvement and the Art of Grantsmanship: A Judges Perspective, 46 Fam. Ct. Rev. 331 (2008).⁶ This article pointed out how to address the obstacles; which prevented the courts from implementing the UFC and the concern for the lack of funding. Justice Kreeger also pointed out a strategic way for the courts to identify the skills and expertise needed before implementing this innovative program. Apparently, the current funding for the traditional family court is not enough for the implementation of a Unified Family Court in Orange County. However, the court system cannot afford to be fragmented by different courts issuing conflicting orders, even conducting repeated interviews, inadequately addressing the need for substance abusers, and even more vital; failing to protect those at risk of domestic violence. Justice Kreeger further states that the courts have to

⁵ WFLH Web Staff, Family Justice Center in Tampa to Close, WFHL.com (July 31, 2013), <http://www.wfla.com/story/22984490/family-justi>

Judith L. Kreeger, Association of Family and Conciliation Courts, Special Issue: Unified Family Court: Family Court Improvement and the Art of Grantsmanship: A Judges Perspective, 46 Fam. Ct. Rev. 331 (2008).

⁶ Id at 1

struggle at the end of each year to retain the staff of the family court services, but gives recommendation on applying for grants.⁷

⁷ Id at 2

PURPOSE AND SIGNFICANCE

It is the focus of this study to develop an understanding and analyze the current practices of the Ninth Judicial Circuit in Orlando and Osceola Courts, in order to recommend a Unified Family Court System for a more effective domestic violence court. This in turn, will not only increase victim safety, and offenders' accountability, but it will produce informed decisions by trained, dedicated judges and staff. This effective case handling will also produce reduced recidivism. This study will focus on what the court is doing today, along with what practices, and policies are currently being implemented. When this study is completed, it will bring focus and attention to the flow of the court and the structure in place.

HYPOTHESIS

The purpose of this research is to theorize the cases observed in the Court Observation Survey and the tragic cases on domestic violence that have occurred throughout Orlando. This will enforce the theory that Orange County Court should adopt the Unified Family Court System. Therefore, the question remains; why has Orange County not adopted the Unified Family Court System?

To establish this theory, this research will bring forth three sections that will evaluate the problems of the existing court structure in Orange County. The first section will be the introduction, along with the history of the Domestic Violence Courts. Second, I will present evidence with case tragedies, along with court observations and recommendations from the Domestic Violence Commission. Last but not least, a conclusion that will draw a determination on the hypothesis.

DEFINITION OF WORDS

Throughout this thesis terms such as domestic violence and Unified Family Court are referenced. The term domestic violence can be construed by many to have different meanings, however according to a textbook definition, domestic violence means “the inflicting of physical injury by one family or household member on another; also: a repeated or habitual pattern of such behavior.”⁸ Although, the definition of this word is accurate, it does not depict the entire meaning.

Under the provisions of Section 741.28 of the Florida Statutes; “domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. A family or household members are spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.”⁹

For further description of domestic violence, it also includes: Physical Abuse Pushing, slapping, kicking, punching, choking, and beating, Emotional/Verbal Abuse Threats, verbal

⁸ [www.merriam-webster.com/dictionary /domestic%20violence](http://www.merriam-webster.com/dictionary/domestic%20violence)

⁹ See Fla. Stat. § 741.28 (2013)

intimidation, following and stalking, or acting out in anger, Sexual Abuse or Battery, any unwanted touching or forcing of someone to engage in a sexual act against his or her will.¹⁰

Within the research the latter term will be used, in describing domestic violence.

The meaning of a Unified Family Court System according to the Eleventh Judicial Circuit of Florida refers to “the name of a model family court with an integrated, comprehensive approach to handling and resolving all cases involving children and families within the judicial system. A matter may qualify for transfer into the UFC when two or more open ‘cross-over’ cases among family members with issues concerning the same children are pending simultaneously in the Family, Juvenile and/or Domestic Violence Divisions”¹¹

¹⁰ Florida Department of Law Enforcement; Brochure on Domestic Violence Revised 2011
<http://www.fdle.state.fl.us/Content/getdoc/f89193ac-64a1-4876-8ff3-5bac4a225607/RightsRemediesEnglish2008.aspx>

The meaning of Domestic Violence has been broadened and its definition has a wider scope.

¹¹ <http://www.jud11.flcourts.org/multitop.aspx?pid=371>

METHODOLOGY

In this research, the past studies, court observations, and statistical data will be utilized, along with domestic violence cases, which will be retrieved from the online data base such as Lexus Nexus, Find law, and law journals. The Court Observation Survey utilized in this research will elaborate on the existing structure of the court system in Orange County, compared to the court system currently in place in Osceola County. These cases will conclude that the function of the court system in Orange County needs to be a modified and unified structure for better case outcomes. The object of this thesis is geared towards observation on how judges conduct their cases between the different courtrooms.

SOLUTION

Under Fla. Stat. § 741.29 (2013), the mandatory arrest for domestic violence is still in effect in Florida. After 20 years, and numerous arrests, a study by Harvard University indicates that states with mandatory arrest have a 50% higher rate of homicides. If a victim of domestic violence calls the police, the victim knows that the arrest is certain, therefore, many victims do not call police on their abusers. The mandatory arrest law was intended to impose a cost on the abuser not the victim. However, due to the emotional and psychological ties the victim has for the abuser, it is the victim that eventually pays. Another scenario, if the victim defends themselves against the abuser, the probability of them both being arrested is more likely than not. Mandatory arrest laws have complicated the domestic violence court system.¹² When the victims want their abusers to be arrested, the victim fears retaliation when their abuser is released. The angrier the abuser the worse it is for the victim.

With this said, in accordance with the Florida Rule of Criminal Procedure 3.131(d)(2), the state receives at least three hours' notice for the setting or modification of bail. Three hours is not sufficient time to notify the victim, so they may present themselves before the court or seek shelter. The recommendation is that instead of a three hour window, the state and victim should be given at least 24 hours' notice, giving the victim enough time to be informed and to respond accordingly.¹³

¹² Radha Iyengar, The protection Battered Spouses Don't Need, Harvard University, Cambridge, Massachusetts, (2007) accessed November 12, 2013.

¹³ See Fla. R. Crim. P. 3.131(d)(2),

Another area that can affect the safety of a victim is the lack of implementing a “no contact” order. In the last report of the work group for the Domestic Violence Commission in June 2013, there was still no process in place to inform or assist law enforcement that a “no contact” was in place between the victim and the abuser. There is an urgent need for law enforcement to know if there is a “no contact” in place, in order to assist them in the process of apprehension. It would also help prosecuting a defendant, who violates an order, in turn, protecting the victim.¹⁴

In a cross-over case, a Civil Judge handles the dissolution of marriage, at the same time; the same family has a criminal matter in domestic violence court that is pending. The domestic violence judge has issued a “no contact” order, but the Civil Judge issues a conflicting order, this inconsistency may cause serious consequence. Unfortunately, the problem of overlapping is common in a fragmented court system. Both judges should coordinate to avoid any conflict between the victim and the abuser. One of the most important recommendations is that all judges who are involved in domestic violence courts should have mandatory training in sentencing domestic violence abusers and how to handle “no contact” orders. This should consist of periodic training and should be conducted by other judges.

An innovative concept is a one-stop-shop, a concept that would allow a victim to receive assistance in every area needed; from counseling through assistance with food. However, in order to maintain a low overhead, it would be more cost-effective if this was merged with a non-

¹⁴ Domestic Violence Commission, Findings and Recommendations (June 2013)
<http://www.orangecountyfl.net/portals/0/library/Open%20Government/docs/Domestic%20Violence%20Commission%20Report.pdf> (accessed August 18, 2013) p. 10.

profit organization such as The Advocacy Program Inc. With this in mind, the court should initiate a partnership with a local university, as well as community leaders. Most universities such as the University of Central Florida participate in programs that instill a sense of community service. Participating in the court system and volunteering for programs within the court, should be a requirement in the academic career of a Legal Studies Major, and should be considered a Core Requirement. Graduate students should be given internships in their prospective field; however, every undergraduate and graduate student should be exposed to some part of the judicial system regardless their major.

BACKGROUND ON FORMATION OF THE DOMESTIC VIOLENCE COURTS

This section consists of a combination of the movements of domestic violence and the laws that followed significant cases that created precedence. This section will also bring a more concise and narrow study of the Florida courts. The main focus will be the courts in Orange and Osceola County, which fall under the umbrella of the Ninth Judicial Circuit. This thesis will focus on the changes throughout history, and how the courts may not be where they should be regarding domestic violence. In order to understand the history of the courts and how they evolved, it is important to look the origin and formation of domestic violence laws throughout history.

Historical Origen of the Domestic Violence Court

During the reign of Romulus in Rome in 753 B.C., wife beating was acceptable under the Laws of Chastisement. The phrase “Rule of Thumb” was coined when Romulus established laws allowing a husband to beat his wife, as long as it was a switch or rod as big as the circumference of the girth.¹⁵ The rod was not to be thicker than his thumb, hence the phrase. In 202 B.C., women obtained more freedom and rights. For example, women had the rights to property and they were allowed to sue their husbands for “unjustified beatings.” However in 300 A.D., the

¹⁵ 'girth : the size of someone or something measured around the middle : a band or strap placed around the body of an animal (such as a horse) to hold something (such as a saddle) on its back, which was measured from the base of the man's right thumb. These laws became part of the English Common Law through Europe.
www.merriamwebster.com

Roman and Jewish law reestablished the husband's authority. Constantine the Great, the Roman Emperor at the time, burned his wife alive because he had no further use for her.¹⁶

Middle Ages

In the Middle Ages between 900-1300's, the Church sanctioned women to subject to their husbands, as per the Theological Manual, which instructed the husband to beat his wife for correction. In the 1400's Friar Cherbubino, a Medieval Christian Scholar wrote in support of wife beating but also gave instructions through his book *Rules of Marriage* to the husband's on how to carry it out. In 1405, Christine de Parzin wrote, *The book of the City of Ladies* on behalf of women and their treatment as wives, Parzin stressed a better education and basic humanity for women. Then in 1427, Bernard of Siena spoke to the male parishioners on how women should be treated with mercy as one would treat a hen or a pig.

Early Modern Period

In the 1500's, Lord Hale's position was that the husband had the right to rape his wife, since the wife had given herself to him in marriage. However, in the late 1500's, Russian women started to fight back, after Ivan the Terrible issued a Household Ordinance describing when a man could beat a woman and even kill her for disciplinary purposes. Women who would kill their husband would be punished by being buried alive with their heads above the ground. These women were left to die. In Parliament close to 1861, John Stuart Mills, the author of *The Subjection of Women*¹⁷, wrote this essay in which he pleads to reform the divorce laws in order to allow women to divorce on the grounds of cruelty and domestic violence. It took Mills eight

¹⁶ History of Battered Women's Movement: A project of the California of Health Services, Maternal and Child Health Branch, Domestic Violence Section, and Interface Children Family Services. 1999

years to publish this essay for fear that society was not ready for such a change. During the “Golden Age of the Rod” the women and children were taught to obey the man of the house. Violence was accepted during this time as a part of life. Close to the 1800’s, Mary Wollstonecraft wrote, *A Vindication of the Rights of Women*, asserting a better education and better treatment from their lovers and husbands.¹⁸ However, the courts were still having trouble interfering with what they would call, “family problems.”

In *State v. Jesse Black*, 60 N.C. 266 (1864), a woman who lived apart from her husband called out to her husband as he passed by her residence. She called out in an angry manner. He went inside the home and began to pull her hair after she continued her remarks. Although, he was found guilty, the presiding judge in the case gave this Opinion;

“A husband is responsible for the acts of his wife and he is required to govern his household, and for that purpose the law permits him to use towards his wife such a degree of force as is necessary to control an unruly temper and make her behave herself; and unless some permanent injury be inflicted, or there be an excess of violence, or such a degree of cruelty as shows that it is inflicted to gratify his own bad passions, the law will not invade the domestic forum, or go behind the curtain...it has a pernicious tendency: so, *pro bono publico* such matters are excluded from the court room.”¹⁹ In Alabama in *Fulgrham v. State*, 46 Ala. 143 (1871), the court acknowledged the violent treatment of a woman in this case and declared “wife beating” illegal, the State of Massachusetts follows.

¹⁷ . It took 8 years for John Stuart Mills to publish this essay for fear that the public was not ready. He felt the society was not ready for this type of change.

¹⁸ History of Battered Women’s Movement: A project of the California of Health Services, Maternal and Child Health Branch, Domestic Violence Section, and Interface Children Family Services. 1999

¹⁹ *State v. Jesse Black*, *Superior Court of North Carolina, Raleigh*. 60 N.C. 266 (1864).

In *State v. Richard Oliver*, 70 N.C. 60 (1874), defendant was found guilty and fined \$10.00, for taking a switch and beating his wife, leaving bruises on her arm. Defendant appealed, however the North Carolina Supreme Court affirmed the decision. The headnotes read like this: “The doctrine of years ago, that a husband had the right to whip his wife, provided, he used a switch no larger than his thumb, no longer governs the decisions of our Courts: and the opinion, more in accordance with our present civilization, that a husband has no legal right to chastise his wife under any circumstances, prevails.”²⁰ Back in England in the 1880’s, the change in the law, allowed women to separate from their husbands on the grounds of “endangering the life,” but were not allowed to divorce.

In the late 1800’s, the North Carolina Supreme Court released the remaining restrictions on a husband’s liability, prohibiting him from the slightest assault. In Mississippi, the court overruled moderate chastisement in *Harris v. State*, 71 Miss. 462 (1894). In Maryland in 1882, the state passed a law that made “wife-beating” a crime, punishable with up to a year in prison or 40 lashes. In Texas, in the early 1900’s, in *Frazier v. State*, 48 Tex Crim. 142, 86 S.W. 754 (1905),²¹ a husband was charged and convicted with assault with intent to rape, it was overturned by the appellate court with the court restating Lord Hale’s rule.

By the 1920’s, “wife beating” became illegal in all the states.²² Toward the 1950’s and 60’s, the Black Liberation, Anti-War and the Civil Rights Movement, laid a foundation for the Feminist Movement, that in turn established a foundation for Battered Women’s Movement.

²⁰ *State v. Richard Oliver*, Superior Court of North Carolina, Raleigh. 70 N.C. 60 (1874)

²¹ See *Frazier v. State*, 48 Tex Crim. 142, 86 S.W. 754 (1905).

²² Cheryl Hanna. "Domestic Violence." Encyclopedia of Crime and Justice. 2002. Retrieved March 12, 2014 from Encyclopedia.com: <http://www.encyclopedia.com/doc/1G2-3403000096.html>

Women started to fight back stating, “we will not be beaten.”²³ After a number of Intervention Centers and Project Outreach emerged, a group called Women’s Advocates in Minneapolis developed a program for women awareness in the early 1970’s. Their first project was to create a legal information center in the County Legal Aid Office. During this time, many outreach programs opened, one of those programs was the Bureau of Family Relations of San Francisco District Attorney’s Office that handled several thousand complaints, but only eight lead to prosecution. Minneapolis continued with other programs such as the Law Enforcement Assistance Programs (LEAA), funded a Night Prosecution Program, a 24 hour service to pre-arrest diversion. However, out of 3,626 complaints, only 2% resulted in criminal charges.²⁴ At the same time, during the 1970’s in Italy, after several years of debate, wife-beating was abolished as well, along with “patris potesta,” which meant that the father had sole authority over the male lineage and could implement capital punishment.²⁵

Post Modern

The story of Francine Hughes in 1977, entails her killing her husband after years of abuse. Hughes was acquitted.²⁶ Although, Hughes divorced her husband, he would not move out of their home. While she suffered the abuse, no police officer or social worker helped her. As the 1970’s was coming to an end, the Florida State Legislature introduced a bill that allowed police officers to arrest someone without a warrant, if the offender was believed to be assaulting

²³ The 1960s-70s American Feminist Movement: Breaking Down Barriers For Women
<http://tavaana.org/en/content/1960s-70s-american-feminist-movement-breaking-down-barriers-women>

²⁴ History of Battered Women’s Movement: A project of the California of Health Services, Maternal and Child Health Branch, Domestic Violence Section, and Interface Children Family Services. 1999

²⁵ Definition of Patris Potesta <http://www.britannica.com/EBchecked/topic/446579/patria-potestas>

²⁶ See Faith McNulty. The Burning Bed: The true Story of an Abused Wife. (1980)

or committing battery against a spouse. Prior to this, English common law was followed, which required for an officer to witness the act of domestic violence before making a warrantless arrest. Unless the offense was repeated in front of the officer, no arrest could be made. This would lead to women's organization developing to fight back for changes in the court system. Advocates joined in to create statutory laws to solve the problem of women who could not escape their estranged husbands.²⁷ Their goal was to also implement a safeguard for women and prevent future violence. Up to this point, the law had protected the perpetrators..

In 1977, Pennsylvania enacted a landmark law Protection from Abuse Act, that brought reform throughout all the states.²⁸ California enacted a law that granted restraining orders in domestic violence cases.²⁹ Fast forward to 1992, where 47 states including the District of Columbia enacted statutes that authorized arrest in domestic violence cases. Currently, all states have codified and adopted similar worded statutes, including temporary restraining orders, which brought about a significant increase in arrest.³⁰

This increased developed as mandatory arrest for domestic violence which came into affect due to the increase in "police discretion"³¹ This led to the "Minneapolis Experiment"³² conducted by the Department of Justice at a cost of \$4 million on replication studies.³³ This experiment, which consisted of six replication studies, focused on the affect of mandatory arrest

²⁷ Hart, B. J. Legal Advocacy Against Domestic Violence (1991). Retrieved from <http://www.mincava.umn.edu/documents/hart/legal/legal.pdf>

²⁸ The Protection from Abuse Act No. 206 approved December 19, 1990, 23 Pa.C.S.A. § 6101 et seq.

²⁹ See Stats 1977 ch 720 § 1

³⁰ The Role of State and Federal Legislation 9: Legal Advocacy Against Domestic Violence

³¹ See "Decontextualization of Domestic Violence," Lisa G. Lerman et al., State Legislation on Domestic Violence, in RESPONSE (Sept./Oct.).

³² *Id.* at 217

³³ *Id.* at 218

and the correlation of abused women. After extensive research, the same sociologists stated that mandatory arrest may cause an increase in violence.³⁴

The case of *People v. Liberta*, 64 N.Y.2d 152, 474 N.E.2d 567, 485 N.Y.S.2d 207(1984) took a surprising turn in marital rape. Liberta raped his estranged wife, and was convicted of non-marital rape. The lower court dismissed the indictment, stating that he was protected under the marital exemption statute. Even though they were separated at the time, they were still considered married. The People appealed and the Courts of Appeals of New York reversed and remanded. Liberta was convicted. The court found that any person including a female “who engages in sexual intercourse or deviate sexual intercourse with any person by forcible compulsion is guilty of either rape or sodomy.” The marital exemption and female exemption law were struck down in the State of New York.³⁵ The California State Legislation sessions in 1999-2000 reviewed 14 bills introduced on various areas in domestic violence issues. Florida was not far behind.

³⁴ *Id.*

³⁵ See *People v. Liberta*, 62 N.Y. 2d 651; 1984 N.Y. Retrieved from www.casebriefs.com/blog/law/family-laaw-keyed-to-weisberg/being-married-regulation-of-the-intact-member/people-v-leberta-3/2/2014

STATISTICS

The Florida State Legislation passed laws in 2000, governing the review teams for domestic violence. After exhausted research on Florida Statute 741.36 and 741.365 (2013), there were no past or present statutes indicating that these statutes existed, according to the footnotes in an annual report by Faces of Fatality. The Faces of Fatality and the Florida Coalition Against Domestic Violence (FCADV) were incorrect in their references to the statutes. In fact, the correct citation and statute that applies to the formation of the Fatality Review Team is Florida Statute 741. 316 and 741.3165 (2013).³⁶ In 2009, the FCADV, the former Attorney General Bill McCollum and the Department of Children and Families (DCF) joined forces due to the concern of the increase in domestic violence murders. The increase in murders was 15.6% and 71.4% in manslaughter, according to the Federal Department of Law Enforcement (FDLE). These statistics were for the entire State of Florida. The mission and purpose of the team was to identify trends and make recommendations. The current Attorney General Pam Bondi maintains full support as well as participation. Since 2009, the team has gained strength in numbers, with representatives such as; “domestic violence centers, legal and direct service providers, state agencies, a faith-based organization, probation, parole, law enforcement, health care, the military, the court system, prosecutors, and a survivor.” The emphasis of the domestic violence fatality review team is to identify system breakdowns and gaps in the “service delivery” to avoid

³⁶ See Fla. Stat. § 741.316 (2013). Domestic violence fatality review teams; definition; membership; duties and 741.3165 Certain information exempt from disclosure.

and prevent “domestic violence homicides.”³⁷ The team places importance on honesty among team members. Therefore, the philosophy that the team holds in place is that “no blame, no shame” is given to no one system for a homicide; that responsibility belongs to the perpetrator.³⁸

Statistics from the Department of Children and Family

Highlighted are some statistics from the groups that make up the Faces of Fatality organization. According to the Florida Statutes 741.316, the Fatality Review Team was established for the “review of fatal and near-fatal incidents of domestic violence”³⁹ This includes but not limited to: FCAVC, DCF, and FDLE. Most reports reflect a decrease in domestic violence, however, many attribute this to the mandatory arrest laws in place. The following are some of the statistics from 2008 – 2012 from Department of Children and Family, these are services rendered to domestic violence victims.⁴⁰ Although, there is a decrease in most categories, there is a slight increase in emergency shelter and safety planning. These statistics are a combination of monitor performances and data reported by the FCADV.

Persons Served	FY2008-09	FY2009-10	FY2010-11	FY2011-12
Emergency Shelter	14,667	15,076	15,789	15,997
Safety Plans	46,665*	71,610	87,474	90,129
Counseling & Advocacy	53,520	56,006	60,628	55,181
Outreach Services	40,421	42,196	40,007	36,389
Hotline Calls	101,299*	100,342	101,194	98,763

Figure 1: Chart from 2009-2012 from the Department of Children and Family Services

³⁷ Faces of Fatality (2013) Report of the Attorney General’s Statewide: Domestic Violence Fatality Review Team.

³⁸ *Id.* at 3

³⁹ See Florida Statute sections § 741.316

⁴⁰ Department of Children and Family 2013 Quick facts <http://www.dcf.state.fl.us/newsroom/docs/quickfacts.pdf>

See Figure 1The chart describes the services rendered from 2008-2012.

Statistics from the Florida Department of Law Enforcement

PRIMARY OFFENSE	2008	2009	Percent Change
Murder	180	208	15.6
Manslaughter	14	24	71.4
Forcible Rape	931	958	2.9
Forcible Sodomy	290	334	15.2
Forcible Fondling	744	850	14.2
Aggravated Assault	20,462	20,115	-1.7
Aggravated Stalking	193	254	31.6
Simple Assault	87,303	90,565	3.7
Threat/Intimidation	2,655	2,822	6.3
Simple Stalking	351	417	18.8
TOTAL	113,123	116,547	3.0

Figure 2: 2008-2009 FDLE Annual Report⁴¹

PRIMARY OFFENSE	2011	2012	Percent Change
Murder	180	191	6.1
Manslaughter	12	11	-8.3
Forcible Rape	948	981	3.5
Forcible Sodomy	329	377	14.6
Forcible Fondling	777	931	19.8
Aggravated Assault	17,541	16,828	-4.1
Aggravated Stalking	217	192	-11.5
Simple Assault	88,353	85,929	-2.7
Threat/Intimidation	2,675	2,209	-17.4
Simple Stalking	647	397	-38.6
TOTAL	111,681	108,046	-3.3

Figure 3: 2011- 2012 FDLE Annual Report⁴²

***Note:** In comparison to 2011 and 2012, the statistics show a decrease in offenses, however an increase in other categories such as; Forcible Rape and Forcible Sodomy.

⁴¹ See Figure 2 These statistics show an increase from the previous years.

http://www.fdle.state.fl.us/Content/getdoc/563b1fa3-3c7b-4787-ac6d-96c8fea73dcd/CIF_Annual09.aspx

⁴² See Figure 3 These statistics show a decrease from the previous years, although certain categories show an increase. Crime in Florida by the Florida Department of Law Enforcement

Statistics from the Ninth Judicial Circuit Annual Report

In 2006, the Ninth Judicial Circuit Annual Report stated that 6,293 injunctions were filed with 2,726 arrests made by the Orange County Sheriff's Office, and 1,163 by the Orlando Police Department.⁴³ After the 2006 report, the Ninth Judicial Circuit Annual Reports omitted the number of arrests made by each agency. (see Figure 4, 5 on p.24, 25). The annual report in 2012 also reported that 5,158 injunctions were filed. The numbers indicate a decrease in filings, however according to the Domestic Violence Commission, in 2012, there were actually 8,086 domestic violence cases reported. Not all cases filed for injunctions; however, it is not the number of filings that should be the concern. If not, the tragedies resulting from the cases that slipped through the cracks.⁴⁴ According to the Faces of Fatality, in 2013 there were two hundred and two deaths; women, children and men in Florida.⁴⁵

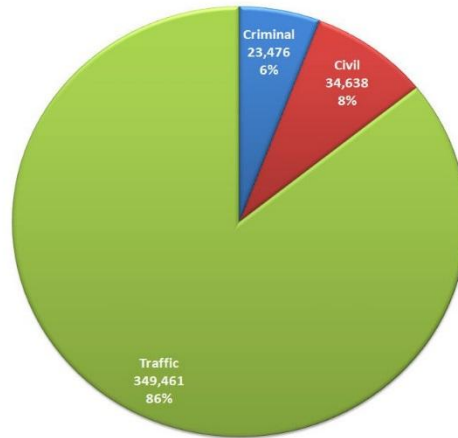
While there are many benefits to the establishment of these groups such as the Domestic Violence Commission, the structure of the court remains the same. In Orange and Osceola, Kristi Gray, Community Relations Manager created a preventive plan for child abuse. In her statistics report, she stated that the Ninth Judicial Circuit has the highest rate of family violence cases.

Orange County reflecting 32%, Osceola County 33%, while Florida as a whole reflects 28% in comparison to other cities.

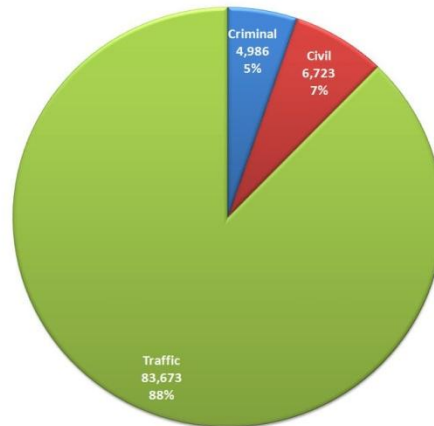
⁴³ The Ninth Judicial Circuit Annual Report 2006 Retrieved from <http://www.ninthcircuit.org/news/annual-reports/downloads/AnnualReport-06.pdf>
Since the 2006 Report, the Ninth Judicial Circuit no longer reports on arrest made by Law Enforcements.

⁴⁴ Domestic Violence Commission: *Findings and Recommendations June 2013*

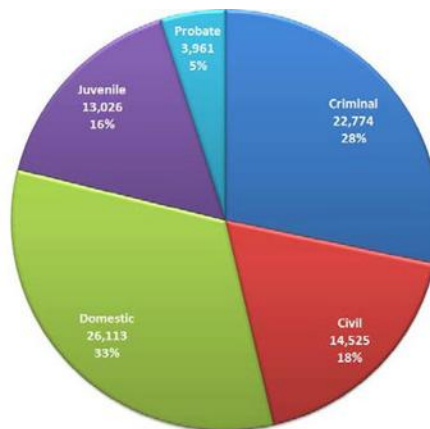
⁴⁵ Faces of Fatality Volume II 2012 Retrieved from <http://www.fcadv.org/sites/default/files/FACES%20OF%20FATALITY%20II.pdf>



County Case Filings Orange County 2006



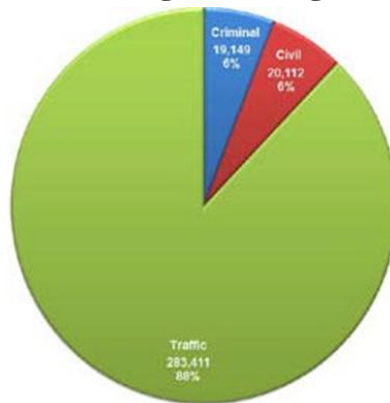
County Case Filings Osceola County 2006



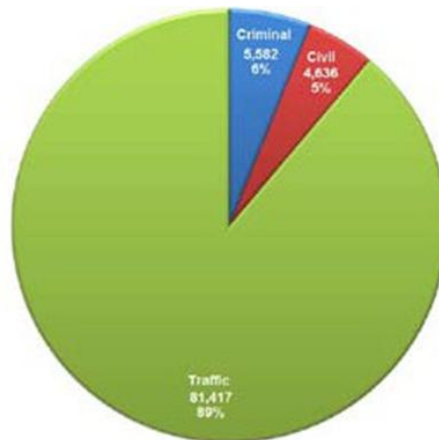
Total Circuit Case Filings 2006

Figure 4: 2006 Overview of Case Filings in the 9th Circuit

County Case Filings - Orange County 2011



County Case Filings - Osceola County 2011



Total Circuit Case Filings - 2011

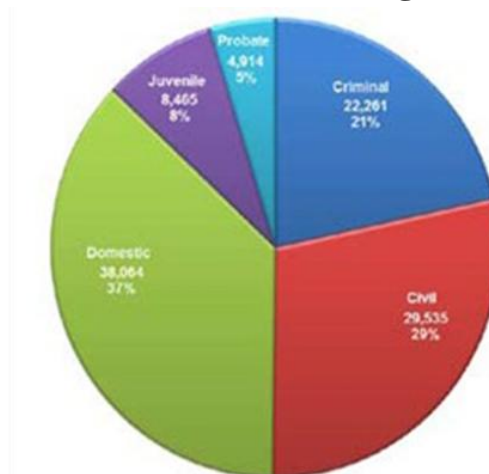
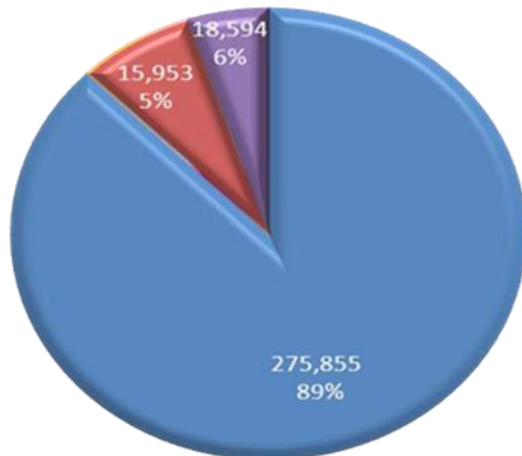


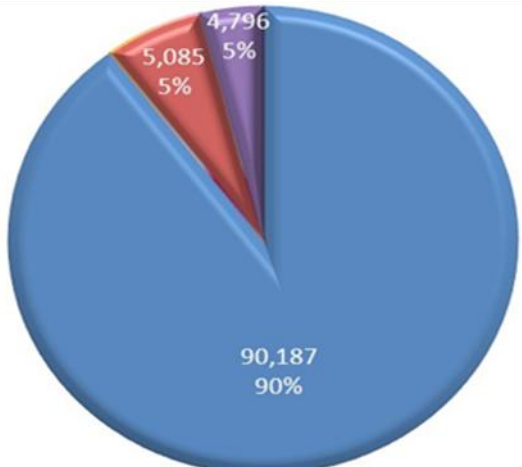
Figure 5: 2011 Overview of Case Filings in the 9th Circuit

County Case Filings Orange County 2012



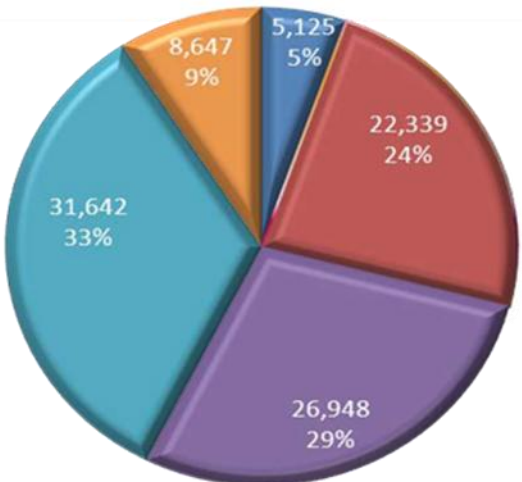
- Traffic
- Criminal
- Civil

County Case Filings Osceola County 2012



- Traffic
- Criminal
- Civil

Circuit Case Filings 2012



- Probate
- Criminal
- Civil
- Domestic
- Juvenile

Figure 6: 2012 Overview of Case Filings in the 9th Circuit

THE CURRENT STRUCTURE OF THE NINTH JUDICIAL CIRCUIT DOMESTIC VIOLENCE COURT

The structure of the Ninth Judicial Circuit Court has 65 judges and 6 magistrates; it also has 4 child support hearing officers. The Domestic Relations Court is the family court section on the 16th floor of Ninth Judicial Circuit in Orange. It has (7) judges in Orange and (2) in Osceola. In Orange County, there are (3) judges in the “specialized” domestic violence court that rotate every six months, whereas, Osceola has two specialized judges, that handle all the family services, including injunctions. (See figure 5). While Osceola and Orange County are under the same umbrella of the Ninth Judicial Circuit; Osceola is the only one that has implemented the Unified Family Court System (UFC), with (2) judges that oversee all family related cases. While the courts are experimenting with an “integrated” court system in family relations in Osceola, Orange County does not apply this structure. There are (7) judges for this division, but there are two separate sections. The (3) judges that rotate only review civil cases that pertain to alleged domestic violence.

In the UFC in Osceola, there is however a great concern for the court’s physical space; the petitioners and respondents are directly seated in close proximity of each other. The rows alternate, one pew is designated for the petitioner, the next pew for the respondent. This may cause a conflict with family members who have had physical altercations. Both petitioners and respondents are allowed to come and go at the same time. There are no separate entrances or seating. For many, this may not seem strange, but the cases being heard are relating to some kind of altercation or stalking, which can prove deadly for a victim or their family members. All

participants can come in and sit in the courtroom, while the judge dispenses with each case. As in one of the cases, the petitioner came to court seeking an injunction against two of his brothers. The petition accused his brothers of harassment for inquiring about the Mother's estate. One of the respondents lived in Massachusetts, therefore the judge dismissed the complaint, stating that the brother lived out of the state and there was no need for further action. After hearing the complaint, the judge decided to dismiss the complaint against second brother as well. The judge advised the petitioner that he was in noncompliance with disclosing information regarding his mother's estate to his brothers, and to the pertinent parties. The judge continued on to say that the court that would best suit this disagreement, would be the Probate Court, and dismissed everyone. However, the petitioner was so upset that he stormed out causing concern for the safety of the respondents. Again, the safety issues at Osceola are of great concern.

In Orange County, the (3) courts designated to hear domestic violence cases have a different structure for petitioners and respondents. Each has their own waiting room on opposite sides of each other on the 16th floor. Upon arrival, each party is instructed where to go by deputies. There is a clerk in each waiting room, and a monitor indicting on a flat screen the procedure of filing a domestic violence injunction. The cases are called individually, one case at a time. After the hearing, the judge will allow the petitioner to leave first, while the respondent waits in the courtroom for an undetermined period of time, at the judge's discretion. Regardless of the outcome, even if the judge has ruled against a "no contact" order, the parties still leave at separate intervals. They do not leave together.

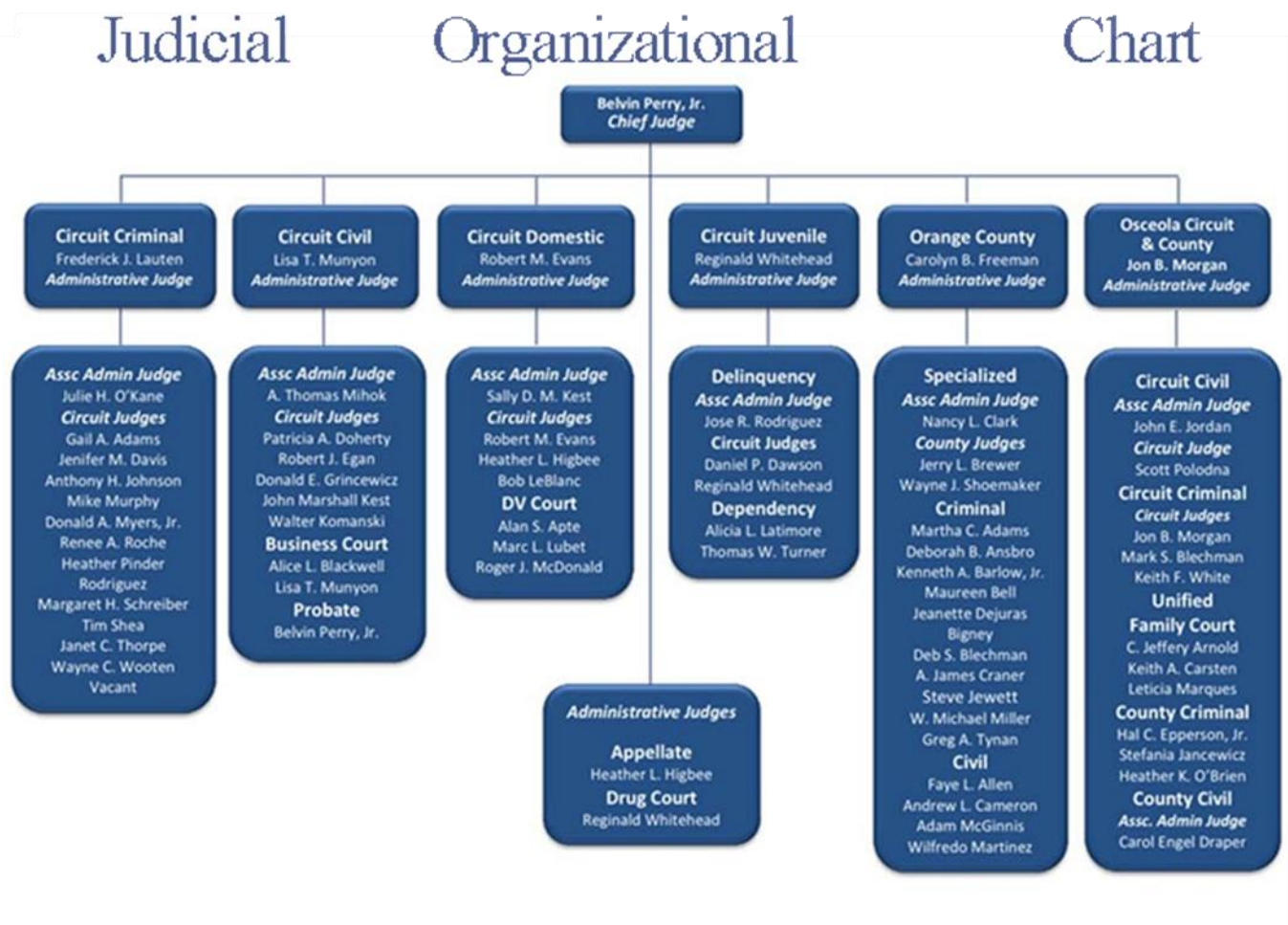


Figure 7: Organizational Structure of the Ninth Judicial Circuit in Orange and Osceola County.

Note: The organizational structure of the Domestic Violence Orange County Court versus the Domestic Violence Osceola Courts is quite different.

MANDATORY LAW OR NONDISCRETIONARY

Regarding mandatory law, Florida is under Pro Arrest law. “Fla Stat. Ann. §741. 29 (4) (b), “if a law enforcement officer has probable cause to believe that two or more persons have committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer shall try to determine who was the primary aggressor. Arrest is the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner to protect or defend oneself or another family or household member from domestic violence.”⁴⁶

There have been numerous studies regarding mandatory law in domestic violence cases throughout the years. The studies have taken a close look, as to whether the mandatory law has deterred offenders from continued domestic violence behavior. The studies in themselves have different findings. There is no actual result that can determine if mandatory arrest in domestic violence situations has truly worked. However, some studies indicate that it was not the law of mandatory arrest that was the problem, but the actual arrest itself.

In the statistics (see Figure 5, 6) there is a decrease in domestic violence in the “Total Circuit Case Filing”⁴⁷ for 2012 in comparison to the previous year, which may not be indicative of the true number. The decreased may be contributed to the fear of the mandatory law in place. In other words, this law may keep the victim from reporting any abuse. Current studies and further experiments are needed for future consideration, regarding the impact, if any; mandatory law has had on domestic violence cases.

⁴⁶ See Fla. Stat. Ann. § 741.29 (4) (b)

⁴⁷ Ninth Judicial Circuit Annual Report 2012

RECOMMENDATIONS

Another organization that came together as a result of tragic events in 2004 was the Domestic Violence Commission (DVC), with members such as; Mayor Teresa Jacobs, Honorable Belvin Perry Jr., the late Honorable Lydia Gardner and other judicial circuit judges, stakeholders and community leaders. The function of this group was to focus on the safety of the individuals involved in the “courts, law enforcement officers, policy makers, and domestic violence service providers and advocates.”⁴⁸ They come together finding solutions and making recommendations to end domestic violence. Some of the recommendations presented in 2004 by the committee were; that the petitioners and the respondents should have separate entrances/exits, this was adopted by Orange County but not by Osceola County. The domestic violence petitioners and respondents come and leave the court room at the same time, but what is even stranger is that they sit in front or behind each other on the same side. This proves to be a dangerous practice for the victim and court members. The courts have no way of determining the demeanor of either the respondents or the petitioners.

Other recommendations made by the DVC, were that judges share “combined dockets in the domestic abuse/child abuse court...a unified docket,” both in criminal and civil cases, utilizing existing personnel for management and coordination of the cases. This may be one of the most crucial recommendations made. While a judge can only rule on the evidence that is in front of him/her, the lack of information furnished by others including prosecutors and law enforcement officials can affect the outcome of the ruling. Conflicting orders may also prove to

⁴⁸ Domestic Violence Commission: Findings and Recommendations June 2013

be significantly dangerous, in the same family dynamic. An example of an overlapping ruling can be that there is a pending criminal case and the domestic violence court rules against a “no contact order” endangering the lives of the victim and their family. Mandating a judge to domestic violence training should be a part of working as a domestic violence judge. According to DVC, the training should be conducted by judges from other circuits. The training should cover understanding and sentencing in domestic violence cases. The group also recommends a one-stop-shop, that consists of an overall service in all the facets that include; “support groups for adults and children, mental health and substance abuse counseling, provide food and clothing, legal assistance with child custody, divorce and immigration issues, job training, family budgeting, and financial management, and assistance with transportation.”

On another note, the Florida Rule of Criminal Procedure 3.131(d) (2) stipulates that; “applications by the defendant for modification of bail on any felony charge must be heard by a court in person at a hearing, with the defendant present and with at least 3 hours’ notice to the state attorney and county attorney, if bond forfeiture proceedings are handled by the county attorney. The state may apply for modification of bail by showing good cause and with at least 3 hours’ notice to the attorney for the defendant.”⁴⁹ The recommendations that the DVC group gave is for the rule to be modified through legislation to at least 24 hours, giving more time to notify the State and the victim. This will allow for prosecutors and the victim ample time to appear in court with the victim, if they so desire. In 2013, the DVC met in an emergency meeting after some fatal domestic violence attacks. The following were more recommendations made:

⁴⁹ See Fla. R. Civ. P. 3.131(d)(2)

“•Require more training on handling domestic-violence cases for judges, attorneys and law-enforcement officers.

•Notify criminal prosecutors when a defendant is facing a civil injunction in the case so that prosecutors can attend the hearing, gathering potentially valuable information.

•Allow victims to testify remotely so they aren't intimidated in the courtroom, and have the court set up separate waiting areas for alleged abusers and the victims who do come to court.

•Offer counseling for all children and teens exposed to domestic violence so they don't perpetuate the cycle as adults.

•Consider establishing a family court, modeled after one in Tampa that would handle all cases involving domestic violence, divorce, child custody and child welfare. Ideally, Commissioner Gerard Glynn suggested, the same judge would hear all the cases involving a single family.”⁵⁰

Law Enforcement Group

The DVC made over sixty recommendations in their Commission meeting of June 2013. The Commission divided the members into six groups. Each group was responsible for researching and evaluating major issues in order to enhance the safety of those involved in domestic violence. The following was the break-up of each group's responsibility; “911-to Arrest” would be the responsibility of Major Mike McKinley, Orange County Sheriff's Office, and Chair. This group was responsible for sharing their policies and practices with the domestic violence “response teams.” They were also responsible for reviewing the handout prepared by the State Attorney's Office, in order to answer any questions that the victim would have regarding what happens after the “arrest and prior to the first appearance.” This group was also

⁵⁰ Kate Santich, Commission Calls for Reform in Legal System to help Domestic Violence Victims. Orlando Sentinel. May 2013.

responsible to ensure that all the agencies handling domestic violence calls, and investigations, are properly trained. They were also to review all stalking and dating violence policies,” making sure that law enforcement personnel received the proper training. Additional recommendations included that law enforcement remain up to date reading and reviewing all their “policies and procedures.” They were also to ensure that all literature was up to date with the proper contacts, “such as Harbor House.”⁵¹

Harbor House Group

Another group was; “Arrest to First Appearance,” this was the responsibility of Carol Wick, CEO, Harbor House, and Chair. These recommendations were with the collaboration of law enforcement, which was to “insert ‘First Appearance’ information in victim witness pamphlets,” which law enforcement would hand out.⁵² Harbor House was to be allowed to work with victims throughout the “911- probation” process.⁵³ In collaboration with the Court Administration and the Clerk’s Court, Harbor House would also be allowed to file injunctions and probation violations “outside the courthouse” with their advocates.⁵⁴

State Attorney

“First Appearance to Charging Decision” was the responsibility of Honorable Jeff Ashton, State Attorney. The responsibilities of this office would have been to place a “representative present at civil injunction hearings on cases where criminal charges are filed or are under review.” Although no specifics were discussed, another recommendation was to bring

⁵¹ Domestic Violence Commission: Findings and Recommendations June 2013

⁵² *Id.* at 15

⁵³ *Id.* at 16

⁵⁴ *Id.*

improvements to “Pretrial Diversion Programs”.⁵⁵ This office would also be involved in collaboration with other groups.

Sentencing Decisions

Another group was in charge of “Charging Decision to Sentencing” with Honorable Alice Blackwell, Circuit Judge as head of this group. The responsibilities that were given to this group were to “notify the State Attorney’s Office of its injunction docket.” In cross-over cases in different courts with the same family, the judges needed to coordinate with other judges so that the orders given were not conflicting. This also included that “the ‘no contact’ orders be accessible to law enforcement.”⁵⁶ This office also had the responsibility to ensure that all “defendants on probation” participate in the “Batters Intervention Program (BIP)” and ensuring the completion of the program.⁵⁷

Post Sentencing

The “Post Sentencing” was handled by Dr. Hobbs, Orange County Corrections Chair; which entailed identifying jail inmates that would not participate in the BIP program. It was determined that while a defendant was incarcerated, it would not prove conducive that they participate in this the (BIP) program. Another recommendation for this group was to create a phone line for access to other agencies, for the victims, in order to get information on things such as; financial assistance. A recommendation also included for a clearinghouse system that would protect all of the victim’s information. Further recommendations were to “create a separate

⁵⁵ Domestic Violence Commission: Findings and Recommendations June 2013 pg.16

⁵⁶ *Id.* at 15

⁵⁷ *Id.* at 17

holding cell for offenders prior to ‘First Appearance’ with no access to telephones.”⁵⁸ In consideration to the families that were involved in a domestic violence dispute and had juveniles with mental health needs, one of the recommendations was to provide the program; “Wrap Around Orange.” This program basically assisted children under twelve that have “emotional disorders.” It had a “team of supporters” and approached the children’s needs with a “family-centered” approach. The recommendation made by the DVC, was to expand the age group to eighteen.⁵⁹ Yet another recommendation was for Orange County to partner with the University of Central Florida, for a long term study on the impact that violence has had on the children from domestic violence homes, with this question; “Do these children have violent relationships as adults?”⁶⁰

Juveniles

Another group was the “Juvenile” group that was led by Gerard Glynn, Esquire, Dubois Law Group, Chair. Although, there were not many individual recommendations made for juveniles, there were a number made in conjunction with other groups, such as “Orange County Mental Health with cooperation with DJJ and DCF, along with CBC of Central Florida.”⁶¹ Some of the recommendations were the need for programs designed specifically for children that were accused of domestic violence, whether in dating, parent violence, or violence against siblings;

⁵⁸ Domestic Violence Commission: Findings and Recommendations June 2013 pg. 22

⁵⁹ *Id.* at 25

⁶⁰ *Id.* at 26

⁶¹ *Id.* at 24

these programs should be available for the courts' referral. Included in this recommendation was that the judges should "use the power to require parents to participate in counseling."⁶²

All Work Groups

In a combined group effort, there were a number of recommendations. To name a few; making sure that defendants receive copies of all documents pertaining to their court orders and notifications, ensuring victims "are kept informed" of all procedures, keeping the victims information up to date, specifically addressing the need for a designated line for victims."⁶³ Further group recommendations involved Harbor House, the State Attorney's Office, Victim Service Center, stating that advocates were attending felony cases, but needed to attend misdemeanor cases as well, judges and court administrators "needed to have a unified family court that involves one judge."⁶⁴ Again, this meeting took place in June of 2013. Since this meeting, there has been little change in light of the outlined recommendations. Most of the changes that have taken place were not a part of the list mentioned.

Current Changes

As of February 2014, the following were accomplishments by the Domestic Violence Commission (DVC); legislation regarding a bill "to ensure that victim's addresses are kept confidential;" approved Harbor House Advocates to serve as "special deputies" working together with the Clerk of Court, to take "injunction violations and no contact order violation affidavits from survivors, this would allow the victims to file complaints without coming to the

⁶² Domestic Violence Commission: Findings and Recommendations June 2013 pg.18

⁶³ *Id.* at 16

⁶⁴ *Id.* at 18

courthouse;” there has been an attorney assigned as “liaison for domestic violence survivors with civil and criminal domestic violence cases;” there has also been training completed with “law enforcement and state attorneys” regarding evidence collected in a domestic violence incidence; “the University of Central Florida, through its Department of Public and Allied Health,” is currently reviewing all state attorney’s records in order to determine how to proceed in domestic violence cases; a “Just-Drop-In Center” is in the works at present for victims and their children for any physical and emotional needs; this program enables an Advocate to engage in the early stages of an incident of domestic violence, as early as when the incident occurs; a number of groups have applied for a \$1 million three-year grant to “engage in the Hispanic Community” in order to address the needs of children who have witnessed domestic violence; Orange County Courthouse has opened six new internships for law students from Florida A & M College of Law, in order to assist survivors in the injunction procedure and assist the court with forms. These are some of the current changes that have taken place.⁶⁵ Although, these changes are commendable, they are not the changes that need to take place to make a difference in the way the court handles domestic violence cases.

⁶⁵ Major Accomplishments of Domestic Violence, a report from Harbor House of Central Florida.
<http://www.harborhousefl.com/2013/11/major-accomplishments-of-domestic-violence-commission/>

CASES OBSERVED ORANGE COUNTY COURT

During a four week period, there were twenty-five cases observed in Orange and Osceola Courts. In Orange County, most of the cases proved to substantiate the theory, that the need for an integrated and specialized court is a necessity. In one particular case, the petitioner and the respondent were both represented by counsel. The petitioner was appealing a decision made by another judge on the same floor. The temporary injunction was dissolved according to case law; Florida Rules of Civil Procedure under Rule 1.540 (b), where a relief of judgment was given, due to communication between the parties while the temporary injunction was in place. The respondent –up to now- has had thirteen different attorneys. He also had a Criminal Case pending, and had filed four lawsuits against Petitioner. In previous months, while there were negotiations going on between attorneys and the parties over the phone, an offer was made by petitioner that was accepted by respondent, on the condition that the injunction filings would be dropped. However, once the offer was accepted, the petitioner said on the phone, “just kidding.” After the conversation ended abruptly, allegedly both attorneys spoke and violated the “Confidentiality of Information,” attorney client-privilege Rule 4-1.6(a). The attorney representing the petitioner in the appeal for injunction, called the attorney that supposedly violated this confidentiality rule and was the same attorney who came to testify on behalf of his client who he represented in a civil law suit against the respondent. Another issue in the case was that the presiding judge announced that he had worked with one of the law firms present in the courtroom. He stated, “Since no one has asked me to recuse myself from this trial, I guess we will continue.”

Case # 2 Orange County Court

This case had a petitioner requesting an injunction against the father of her child, after a family dispute in the respondent mother's home. The respondent left with their child, after allegedly hitting petitioner, breaking her glasses and threatening to kill her. When police arrived, they found petitioner outside of the home. The officer took petitioner to a nearby McDonald's. As the judge heard this, he was outraged and asked for the officer's name and said something to this effect: "Why did that officer not follow protocol. He/she needed to arrest someone, under the law. I can give that officer five years."⁶⁶ The prosecutor, who was sitting in the courtroom, called the court deputy over and asked the deputy to look up the report. As the case proceeded, the respondent was requesting visitation rights, but was also requesting a paternity test. The petitioner was requesting child support, but also filed for an injunction. Both were scolded by the judge. The judge stated to the respondent; "why would you request a paternity test, if you are also requesting visitation rights." To the petitioner; he spoke quite sternly, "why would you request child support, if you do not want him to see the child?" The judge ruled on the visitation rights and actually changed the ruling issued by another judge from a "no contact" to a "no hostile contact" stating that he would be trumped by the Family Court Judge for making that decision. This is an example of a change in a ruling that can later cause repercussions.

Case # 3 Orange County Court

In this case, there was a sixteen year old male whose mother petitioned the court for an injunction against the father. The child stated that while visiting his father, the respondent,

⁶⁶ This case was held in the Domestic violence Court in Orange County.

during a visitation weekend, the respondent burned the boy's mustache with a lighter. According to the respondent, this was a prank gone wrong. However, the Family Court Judge had issued a temporary injunction, stating that this incident was borderline child abuse. After further testimony from the father stating it was an accident, the Domestic Violence Court Judge ruled that there was no need for an injunction. Although the boy did not want to see his father, the judge ruled that the boy was to go with his father during his scheduled visitations and that the father was to maintain "no hostile contact" with the boy. This is a good example of what happens when a case within the family court is handled by two different judges.

Case # 4 Orange County Court

In this case, a father had not seen his child in over three months; he was petitioning the Family Court to restore his visitation rights. The mother was not present in court. Both parents were represented by counsel. The mother was in South Carolina with the child, and would not allow the father to see the child. The respondent's attorney presented the court with the reason why the respondent had not complied with the court ordered visitations. According to the respondent, the child had complained of her private parts hurting. The respondent took her daughter to the doctor, where she was told by the doctor, that there may have been sexual child abuse. The mother also reported this situation to DCF, and it was currently under investigation. The judge called the respondent on the phone. The judge asked the respondent a series of questions regarding her allegations. The judge asked the respondent if she had sent proof to the court of the findings by the doctor. She responded; no. The judge then ruled that the child was to be returned

immediately to Florida and he added that if she did not comply, there would a bench warrant issued for her arrest. No further investigation!

Case # 5 Orange County Court

In this paternity case, the petitioner was requesting sole custody. The Respondent (mother) had been arrested with charges of Driving Under the Influence (DUI), while the child was in the vehicle. The petitioner stated; that the respondent did not have a valid driver's license and requested a temporary injunction. Judge issued a temporary injunction for two weeks. The judge stated that the Domestic Violence Court Judge should have been the one to issue this protective order, but that he was going to issue it anyway. This is a good example of a cross-over case; where there is no communication between the judges and there are two courts involved in the ruling of the same case.

Case # 6 Osceola County Court

In this case, the respondent is in custody for criminal stalking. His bail has been set at \$500.00. The hearing before this judge is a request for an injunction. This judge was also handling the divorce, and the paternity rights. The judge informed the respondent that the court records all conversation, and that anything he would say in this hearing could be used against him in the criminal stalking proceedings. At which point, respondent waived his rights and started to explain to the judge that the new boyfriend in the petitioner's life, "Mr. Potato Head" was the cause of his behavior. The communication between petitioner and respondent had become hostile. The judge ruled against the injunction request. The judge asked the petitioner to keep a log on any future text or e-mails sent to her by the respondent. He continued to rule, that

all visitations were to be conducted in the Center for supervised visits. According to the judge, the respondent in this case is a “frequent flyer.” Although, the judge is familiar with the dynamics of this family, the ruling causes a big concern with this case.

Case # 7 Osceola County Court

In this case, the petitioner was requesting an injunction against two of his brothers, stating that he was being harassed and needed this to stop. When the judge asked the respondent to explain why they were harassing the petitioner, they explained that their mother, who had passed away, had left an estate that was to be divided among the brothers. One of the respondents stated that he was not an heir, but an administrator of the estate, who lived in Massachusetts. When the respondent asked the petitioner for accountability of the remaining estate, the petitioner refused to give account. The judge immediately dismissed the injunction against him, since the judge believed there was no immediate threat, because the respondent lived out of state. The judge stated to all involved, “this belongs in the Probate Court.”⁶⁷ He further explained that as an heir the respondent had the right to inquire of the estate, therefore, dismissing the injunction with the other respondent as well. The petitioner was very angry and stormed out of the courtroom. A concerned judge, told the respondents to wait a few minutes before leaving. At this point, it is hard not to notice the structure of the courtroom. There are no separate entrances or exists causing concern for safety. The pews are alternating, one for respondents and the other for petitioners. In other words, the petitioner sits either in front or behind the respondent. Although, this court is considered a Unified Family Court, there are no

⁶⁷ This case was heard in the Unified Family Court in Osceola.

safety precautions in place. Respondents and petitioners arrive at the court with no deputies outside the courtroom.

Case # 8 Osceola County Court

This case is about a child support petition. The respondent had not paid child support in a few years. Petitioner was represented by counsel; however respondent represented himself (pro se). Another issue was visitation. Respondent was not picking up his son, once a month as per the court order. The couple had been divorced since 2005. The petitioner has since remarried and her current husband is actively involved in the 14 years life. In 2008, petitioner had been refused the DOR submitted to the IRS for child support. Prior to petitioning the court, and submitting another DOR to the IRS, petitioner met with respondent in a coffee shop, to come to some type of agreement. Part of the stipulations in the agreement was that respondent would share in the expenses for the child, and that the petitioner would withdraw the DOR. However, respondent did not keep his part of the agreement, therefore petitioner petitioned the court for child support, for the respondent to pick up their son at least once a month and to be involved in his life. The petitioner's attorney presented proof that the respondent had a business online and still had an active real estate license. Exhibits were presented by petitioner's attorney regarding the text sent from respondent to petitioner. Most were offensive. Respondent asked the judge, if he could object to the exhibits? The judge responded was yes. The respondent objected stating that it was all hearsay, the judge overruled, stating that there was a hearsay exception. The petitioner's attorney presented evidence that the respondent had a substance abuse and drinking problem, at which point the respondent admitted to the problem and stated that he would accept the

responsibilities to help with his son and would start complying with the court orders. The judge ruled and stressed the importance of complying with the orders. He set up a hearing for June 27, 2014, to confirm that respondent is still complying with the court orders. The ruling of the court; the respondent is to pay \$50.00 a month from the support in arrears, and \$3,500 in the petitioner attorney's fees. The judge stipulated that he does not revisit cases, but in this case he was going to make an exception. This case seemed to be a complicated case. Especially since respondent was representing himself.

Case # 9 and # 10 Osceola County Court

There were eight cases that involved filings for injunctions, and they were placed for continuance on the court docket. All eight cases involved children, causing a more complicated ruling, due to the visitation rights between the parents. Two of eight cases were continued because the Legal Aid attorney did not show-up. Both parties requested continuance, pending representation. Another case was continued, due to the fact that the respondent had a criminal case pending in criminal court and the judge wanted to know the charges. Therefore, he rescheduled the case for 90 days, in order to have time to review the other charges.

The ruling of the cases in the Osceola County in the Unified Family Court System, were geared toward counseling by the judge. The judge would point out the importance of the family and took the time to speak to both the petitioner and respondent individually thereby reiterating the importance of the family dynamic, whereas, in the Orange County Court, there was little said other than the ruling of the case.

QUALITATIVE STUDY

The following graph shows the ruling on each of the twenty-three cases observed, with two cases as no-show. The qualitative study breaks down the rulings by county and by outcome. In the cases observed in Orange and Osceola County Courts, there is a slight spike in Orange County in the “no hostile contact” (see Figure 6: series 1). In Osceola County there is quite a spike in the “Continuance” category. (see Figure 6: series 2). Based on these cases, the final determination would be that there is still room for improvement in both Orange and Osceola County Courts. However, the one court that needs the most modification would be the Orange County Court. There were a number of cases in Orange County Court that had conflicting cross-over decisions with another court. One judge would rule one way on a temporary injunction, while another judge handling the paternity case in the same case would dismiss the injunction all together and vice a versa. Rotating the judges every (6) months, is a major factor in these rulings.

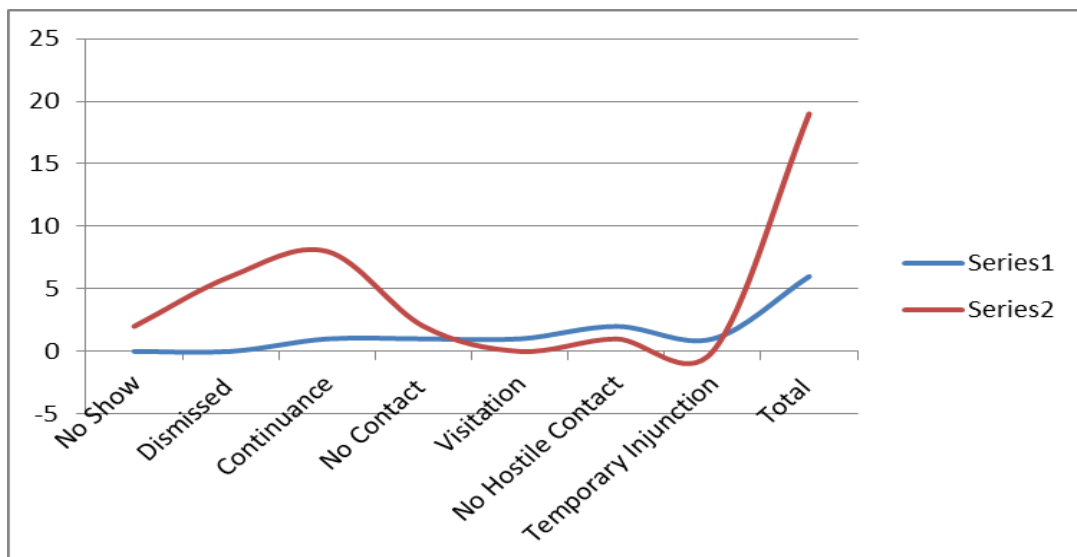


Figure 8: Chart for Orange and Osceola County Court 25 Cases Observed Line Chart Series 1 (Blue) Orange Series 2 (Red) Osceola Counties

GLOBAL POSITIONING SYSTEM (GPS)

In the words of Honorable Justice Belvin Perry Jr., Chief Justice of Orange and Osceola County Courts, “the Orlando area ranks first (1st) in the State for domestic violence, with five thousand injunction petitions filed each year in Orange County alone.”⁶⁸ This should give an indication as to how serious the problem of domestic violence is in the Ninth Judicial Circuit. On February 14, 2013, Chief Justice Perry Jr. announced a new Global Positioning System (GPS) program as a remedy to improve monitoring on domestic violence offenders. Although, there is speculation that the program was short lived due to lack of funding, there are other contributing factors. Another reason that this program lasted only three months may have been also due to fact that the monitoring system did not work properly.

The company called Court Programs Inc. (CPI) was the sole company in Orlando that serviced the GPS monitoring for the court in Orange County. There was no need for a contract, since this is the only monitoring company in Orange County. According to a circuit judge in Orange County the monitoring system did not work, after realizing that the company did not monitor the defendants properly. A judge at the Orange County Court, who issued a GPS monitor was under the impression that when they issued the monitoring device it would be more than just putting it on someone’s ankle. The controversy grew even greater, when CPI was given an office in the Orange County Courthouse on the 10th floor. In 2010 and 2011, CPI was

⁶⁸ <http://www.wesh.com/news/central-florida/orange-county/Domestic-violence-offenders-to-be-tracked-by-GPS-in-new-300-00-program/18473122#!DOVpf>

recommended by judges to defendants in “560 out of the 800-plus times” in spite of the fact that Judge Perry prohibited “judges from directing clients to a specific GPS company.”⁶⁹

The reporting of the defendants violating the monitoring system had proved to be a concern. In Seminole and Osceola County the company used was iSECUREtrac, this company was required to report within minutes of a violation to the Sheriff’s office. In turn, the CPI in Orange County was not required to report to law enforcement at all, and under the terms of the order issued by Judge Perry, they were required to report within one business day, but if the violation occurred on a Friday, it would not make it to the judge for days.

Another concern, was that the cost for this monitoring system in Orange County was \$12.00 a day, while Osceola paid \$4.90 per day. The fact that this is the only authorized company in Orange County, did not allow room for negotiations. A comment by an outside company, referred to Orange County being unusual in their dealings chose not to be identified for concern of losing out on a bid in the future with Orange County.⁷⁰

⁶⁹ DBMG Dick Batchelor Management Group: Dick in the News

⁷⁰ *Id.* at 3

SUPREME COURT DIRECTIVE

In the 1990's, the Commission on Family Court was established by the Florida legislature. In turn, the Florida Supreme Court created the Florida Steering Committee, whose main goal was to create an "integrated" approach to the handling of cases involving children and their families. In 2000, the Family Court Steering Committee petitioned the Florida Supreme Court with recommendations in response to a directive; In re Report of the Commission on Family Courts, 633 So. 2d 14, 19 (Fla. 1994). In this report, the Commission expressed a unanimous decision for the model family court. The Florida Supreme Court ordered that all circuits establish a family division. This indicated that all circuits would coordinate and monitor cross-over family and domestic violence cases in one "unified family division."⁷¹ To implement these changes, the Florida Supreme Court identified the need for a case manager and an administrative judge to oversee the family division. In the model family court, the division should include the following; dissolution of marriage, division and distribution of property arising out of dissolution of marriage, annulment, support unconnected with dissolution of marriage, paternity, child support, custodial care of and access to children, adoption, and name change."⁷²

The others divisions that also needed to be included were the following; declaratory judgment actions related to premarital, marital or post-marital agreements, civil domestic and repeat violence, injunctions, juvenile dependency, termination of parental rights, juvenile

⁷¹ Supreme Court of Florida In re: Report of the Family Court Steering Committee 633 So. 2d 14, 19 (Fla. 1994)

⁷² *Id.* at 15

delinquency, emancipation of a minor, CINS/FINS, truancy, modification and enforcement of orders. The data in these cases should be entered into a secure data base.⁷³

The idea for these recommendations was to establish the Unified family Court (UFC) as “one judge - one family,” or “one organization approach – one family.”⁷⁴ However, the Eleventh Judicial Circuit, filed a comment to the Florida Supreme Court in response to the directive in 2000, In re: Report of the Family Court Steering Committee, recommending that the decision to include or segregate the criminal misdemeanor, be left up to each individual Circuit. The Court accepted the recommendation and left it up to each Chief Justice within the County Court to decide on whether to include the criminal misdemeanor cases in the family division.

These recommendations started over ten years earlier, and today there are still emergency meetings by the Domestic Violence Commission recommending the same recommendations as the Florida Supreme Court’s decision based on the recommendations from the Family Court Steering Committee (“Commission”) in 2000.⁷⁵ Whenever there is a murder that slips through the cracks of the courthouse, there are more recommendations. An example of this is a case , where in 2013 a defendant who was wearing a GPS monitoring device, still managed to kill the witness scheduled to testify against him. Another emergency meeting took place by the DVC. This was quite an impact, since the GPS program was being included and designated for domestic violence offenders. This program failed for several reasons.

⁷³ *Id.* at 15 Supreme Court of Florida

⁷⁴ [http://www.quinnipiac.edu/prebuilt/pdf/SchoolLaw/LawReviewLibrary/04_27QLR55\(2009\).pdf](http://www.quinnipiac.edu/prebuilt/pdf/SchoolLaw/LawReviewLibrary/04_27QLR55(2009).pdf)

⁷⁵ Supreme Court of Florida In re: Report of the Family Court Steering Committee 633 So. 2d 14, 19 (Fla. 1994) (“Commission) was established by Legislature.

During the ten years, the “Commission” set out on a mission to improve and address the problems within the court system, especially the courts that handled children and family cases. Legislature directed the “Commission” to do the following: “1) develop specific guidelines for the implementation of a family law division within each judicial circuit; 2) provide recommendations for statutory, rule, and organizational changes; 3) recommend necessary support services. See Family Court I, 588 So. 2d at 587.”⁷⁶

During this time, the “Commission” included in their recommendations the “guardians ad litem and the domestic violence assistance programs.”⁷⁷ This was also the time that the Family Court was recommended, with the directive that anything that affected one family be under one judge. However, the Florida Supreme Court wanted to implement a more specific directive, therefore, the Court issued a second opinion with a more comprehensive approach that read like this: “To better accomplish this goal, a family’s interaction with the courts in all circuits shall be administratively coordinated and monitored in one unified family division., whether that interaction involves dissolutions of marriage (and attendant determinations of custody, visitation, the child support, alimony and modifications thereof), cases under the Uniform Child Custody Jurisdiction Act, adoption and paternity, domestic and repeat violence, juvenile delinquency and dependency, termination of parental rights, or cases of children or families in need of supervision.”⁷⁸ The Florida Supreme Court went on to say that each Court should maximize the resources and implement these programs and include computer systems for the

⁷⁶ *Id.* at 4 Supreme Court of Florida In Re: Report of the Family Court Steering Committee

⁷⁷ *Id.* at 5

⁷⁸ *Id.* at 7

benefit of the families and children in litigation so that they may access the links with community based resources. The Idea for all the recommendations was to bring about the “best practices for a model family court.”⁷⁹ Here are the twelve principals that are found in Family I and Family II as the

Family Court Guiding Principles:

1. Children should live in safe and permanent homes.
2. The needs and best interests of children should be the primary consideration of any family court.
3. All persons, whether children or adults, should be treated with objectivity, sensitivity, dignity and respect.
4. Cases involving inter-related family law issues should be consolidated or coordinated to maximize use of court resources to avoid conflicting decisions and to minimize inconvenience to the families.
5. Therapeutic justice should be a key part of the family court process. Therapeutic justice is a process that attempts to address the family’s interrelated legal and non-legal problems to produce a result that improves the family's functioning. The process should empower families through skills development, assist them to resolve their own disputes, provide access to appropriate services, and offer a variety of dispute resolution forums where the family can resolve problems without additional emotional trauma.

⁷⁹ Id at 8 Supreme Court of Florida In Re: Report of the Family Court Steering Committee

6. Whenever possible, parties and their attorneys should be empowered to select processes for addressing issues in their cases that are compatible with the family's needs, financial circumstances, and legal requirements.
7. The court is responsible for managing its cases with due consideration of the needs of the family, the litigants, and the issues presented by the case.
8. There should be a means of differentiating among cases so that judicial resources are conserved and cases are diverted to non-judicial and quasi-judicial personnel for resolution, when appropriate and consistent with the ends of justice.
9. Trial courts must coordinate and maximize court resources and establish linkages with community resources.
10. The court's role in family restructuring is to identify services and craft solutions that are appropriate for long-term stability and that minimize the need for subsequent court action.
11. Court services should be available to litigants at a reasonable cost and accessible without economic discrimination.
12. Courts should have well trained and highly motivated judicial and non-judicial personnel.

These principals coincided with Fla. Stat. §61.001 (2000). To reiterate, each Chief Judge had the discretion to include the domestic violence cases as part of a family division.⁸⁰ Although, the Ninth Judicial Circuit in the Orange County Court has adopted certain characteristics of the Unified Family Court, it still has a long way to go.

⁸⁰ *Id.* at 9, 10 of the Supreme Court of Florida In Re: Report of the Family Court Steering Committee

GRANTSMANSHIP

The reason most courts have not adopted the Unified Family Court has been for lack of funds, stated Honorable Judith L. Kreeger circuit judge of the 11th Judicial Circuit in Miami-Dade County with the Family Court Division. Judge Kreeger served on the Supreme Court of Florida Family Court Steering Committee. In order to achieve this process, it is necessary to have a team that works together, especially with the grant process. A recommendation that Judge Kreeger presented, was that if the court did not have an in-house grants writer, it could get collaboration from outside help.

The courts have faced “funding obstacles” as they have tried to implement the “Unified Family Court” process.⁸¹ One of the reasons it would be important to include domestic violence as part of the Unified Family Court is because there are so many children that have been “affected by the exposure to high-conflict litigation.”⁸² It is imperative that additional funds be obtained, even from private foundations. Families that have suffered in a fragmented court, understand too well, the consequences of the delays in adjudication, conflicting orders, repeated interviews, and protection against the offender in a domestic violence case.

Protecting the families, especially the children of domestic violence should be the biggest priority. The courts are constantly saying, the court needs to watch for “the best interest of the child,” yet the court continues in the cycle of a fragmented court.

⁸¹ Special Issue: Unified family Court: Family Court Improvement and the Art of Grantsmanship: A Judge’s Perspective Family Law Review 46 Fam. Ct Rev. 331

⁸² Id at 1

CONCLUSION

The proposed thesis constitutes modest steps toward developing a domestic violence court model such as Unified Family Court. This research has brought awareness to the fact that a fragmented court, affects everyone, including the victim. The results of the survey that were conducted, along with the court observations have indeed determined what this theory is proposing, that the Orange County Court needs a Unified Family Court System.

This research has taken a look at Honorable Judge Judith Kreeger's law review and recommendations on how to apply for grants and funding for the Unified Family Court. Most courts do not implement the changes needed in the family courts due to the lack of funds. Therefore the recommendations that have been made throughout the years have not been adopted.

It has been noted that every time there is a tragedy due to domestic violence, there are a number of groups that meet to try to solve the problems. The same recommendations are presented over and over again. It has been close to fourteen years since the Supreme Court gave a directive to the Florida Courts to implement a Unified Family Court System. To this day, Orange County has still not adopted this model. After reviewing the recommendations made by Domestic Violence Commission in June 2013, and comparing to the changes that have taken place in the last year, it did not constitute any changes within the court. They will most likely continue to go around in circles, until another tragedy occurs. The court is like a person who does not acknowledge the existence of a Creator, unless there is a tragedy, and then they request an emergency meeting.

**APPENDIX A:
COURT APPEARANCE FORM FOR THE DOMESTIC VIOLENCE
COURT**

Appendix A
Court Observation Form
DOMESTIC VIOLENCE COURT SESSION OBSERVATION FORM

1. Name of Court: _____
2. Date: _____
3. Judge: _____
4. Observer: _____

5. Part Observed: ☐ Trial ☐ Compliance monitoring part
- ☐ All-purpose (hears domestic violence cases at all stages of processing)
- ☐ Other: _____

5a. if compliance monitoring part did it hear regular reviews or only cases known to be out of compliance? ☐ Reviews ☐ Noncompliant cases only

6. Session Length: Start Time (1st case called): _____ Hrs. /Mins. _____ End Time: _____ Total

7. Total Number of Court Appearances (count from court appearance protocols):

Pre-disposition: _____ Disposition/Sentencing: _____ Trial: _____
Compliance: _____ Unclear: _____ Other _____ (describe other):

Court Set Up

8. Court safety and security

8a. Is there a separate waiting area for victims and offenders outside the court? ☐ Yes ☐ No

8b. Do court officers accompany victims? ☐ Yes ☐ No

8c. Do the size and layout of the court allows victims and offenders to sit separately? ☐ Yes ☐ No

8d. Any other comments about the courtroom itself, waiting space, or safety arrangements?

9. Types of Cases Seen (e.g., felony, misdemeanor, types of charges):

10. Staff Present in Courtroom

- | | | | | |
|----|------------------------------------|------------------------------|-----------------------------|----------------------------------|
| a. | Resource Coordinator | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unclear |
| b. | Dedicated ADA | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unclear |
| c. | Single (dedicated) public defender | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unclear |
| d. | Multiple public defenders | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unclear |
| e. | Private defense attorney's | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unclear |
| f. | Victim Advocate | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unclear |
| g. | Probation Officer | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unclear |
| h. | Batterer program representative | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unclear |
| i. | Other | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unclear |
| j. | Other | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unclear |

Interactions

11. If victims were in the courtroom:

a. Were they accompanied? Check all that apply.

☐ With the defendant ☐ With an advocate ☐ With family/friends ☐ Alone

☐ Unclear

b. Did advocates talk to victims? ☐ Always ☐ Sometimes ☐ Never ☐ Unclear

c. Did advocates sit with victims? ☐ Always ☐ Sometimes ☐ Never ☐ Unclear

12. Was testimony given in any cases? ☐ Yes ☐ No ☐ skip to 17

13. If testimony, who testified? (check all that apply)? ☐ Defendant ☐ Victim
☐ Other:

14. If victim(s) testified: Did advocate stand up with victims when they were speaking?

☐ Always ☐ Sometimes ☐ Never ☐ Unclear ☐ Not applicable – complainants did not testify)?

15. Overall, how would you describe the tone of the judge when talking to victims? (e.g., stern, intimidating, distracted, caring, respectful, impatient – or does it depend on whether victim is in court to support defendant)?

☐ NA – victims not in court

16. Overall, how would you describe the pace of each case hearing?

17. a. Were “on the record” comments audible? ☐ Entirely ☐ Mostly ☐ Barely (e.g., front row or loud remarks only) ☐ Not at all

b. Did the judge have a microphone? ☐ Yes ☐ No

Appearance Outcomes

18. What were the most common reasons for adjournment?

☐ DA not ready ☐ Defense not ready ☐

Defense attorney not present

☐ Waiting for paperwork ☐ Motion pending ☐ Trial pending

☐ To consider plea offer ☐ Other

Convictions ☐ NA – No convictions in this session – Skip to 24

19. How many sentences did you observe in total?

20. What were the sentences you observed?

☐ Jail time: # jail sentences

☐ Probation: # probation sentences

- ☐ Fine: # sentences with fine
- ☐ Program mandate (batterer): # batterer program sentences
- ☐ Program mandate (other): # other program sentences Specify program types:
- ☐ Restraining order # sentences with restraining order
- ☐ Other Notes/additional details about sentencing:

APPENDIX B:
COURT APPEARANCE FORM FOR THE DOMESTIC VIOLENCE
COURT

Appendix B
Court Appearance Form
DOMESTIC VIOLENCE COURT APPEARANCE OBSERVATION FORM #_____

1. Name of Court: _____
2. Observer Initials: _____
3. Date: / / _____
4. Appearance Start Time: _____ End Time: _____
5. Case stage: Arraignment____Pre-disposition____Disposition/Sentencing____ Trial
Compliance monitoring ____Unclear____Other: _____
6. Is defendant in custody?____ Yes____No
7. Defendant sex:____ Male____Female
8. Was a protection order in effect at the end of the appearance?____Yes____No
Unclear

Answer for all except compliance cases:

9. Was there a plea offer? Yes____No____
10. Appearance disposition (check all that apply):
 - ☐ Adjourned until: _____ Reason/Who requested: _____
 - ☐ Dismissed
 - ☐ Pretrial diversion: _____
 - ☐ Pled guilty
 - ☐ Convicted at trial
 - ☐ No contest
 - ☐ Other:

Answer only if convicted (on plea or other):

11. Charge:

11a. Charge severity: Violation____ Misdemeanor____ Felony _____Unclear_____

11b. Conviction charge: _____

12. (Sentence (complete all that apply):

Fine (amount: _____) Restitution (amount(_____) Conditional discharge_____

Community service____ Probation(term length:____) Jail/prison(term length:____)

Order of protection (describe)_____

Answer if defendant was given conditional discharge, probation, or other special conditions:

13. Conditions (complete all that apply): _____

Program mandate (Describe:)_____

Court Monitoring (How often:_____

Other: _____

14. Did the judge clearly indicate the consequences of noncompliance?

_____Yes/indicated specific consequences_____Yes/indicated possible consequences,
_____No.

Answer for compliance monitoring cases only:

15. Type of program (check all that apply):

Batterer program_____ Alcohol or substance abuse treatment_____

Mental health treatment_____ Anger management_____

None_____ Other _____

APPENDIX C
PERMISSION LETTER FOR SURVEYS A AND B

EXPRESS PERMISSION AND RELEASE TO USE
MATERIAL REQUESTED MATERIALS

The undersigned, [Melissa Labriola], hereby grants express permission for the use of the below requested material to Ms. Rose Caldero and her professor C. Chad Cronon of the University of Central Florida for the purposes of Ms. Caldero's research, data preparation and writing of her Honors in the Major Undergraduate Thesis as more fully described above and for the purposes described in the formal request for permission letter hereto attached. The permission contained herein includes non-exclusive world rights in all languages to use the material and will not limit any future publications-including future editions and revisions by the undersigned or others so authorized. The undersigned certifies that that she/he is the person who controls the copyright and/or is authorized by law to grant permission to use the below-captioned copyrighted materials under penalty of perjury and agrees to release and hold harmless Rose Caldero, Dr. C. Chad Cronon and the University of Central Florida. The undersigned expressly takes note that C. Chad Cronon is an attorney licensed in the State of Florida, but is serving in his role as a professor and that as such, he has not offered legal advice or is anyway engaged in any legal matter with the undersigned as an attorney in any way whatsoever in any jurisdiction in Florida so to avoid any and all possible appearances of any conflict of interest pursuant to the Florida Bar Rules of Professional Conduct. The undersigned acknowledges the same.

Requested Materials: Site Visit Interview Protocols ; Court Observation
Form ; Court Appearance Form ; Court Survey ; Prosecutor
Survey

Agreed to by and signed by the undersign copyright holder or authorized designee:

Melissa Labriola
Printed Name: Melissa Labriola
Title: Associate Director of Research
Affiliation: Center for Court Innovation
Date: 1/20/14

APPENDIX D
IRB APPROVAL FOR EXEMPTION HUMAN RESEARCH



University of Central Florida Institutional Review Board
Office of Research & Commercialization
12201 Research Parkway, Suite 501
Orlando, Florida 32826-3246
Telephone: 407-823-2901 or 407-882-2276
www.research.ucf.edu/compliance/irb.html

Approval of Exempt Human Research

From: UCF Institutional Review Board #1
FWA00000351, IRB00001138

To: Christopher Chad Cronon and Co-PIs: Rose Caldero

Date: February 25, 2014

Dear Researcher:

On 2/25/2014, the IRB approved the following activity as human participant research that is exempt from regulation:

Type of Review:	Exempt Determination
Project Title:	Domestic Violence: The Need for Integrated and Specialized Courts in the Ninth Judicial Circuit of Orange and Osceola County, Florida
Investigator:	Christopher Chad Cronon
IRB Number:	SBE-14-10086
Funding Agency:	
Grant Title:	
Research ID:	N/A

This determination applies only to the activities described in the IRB submission and does not apply should any changes be made. If changes are made and there are questions about whether these changes affect the exempt status of the human research, please contact the IRB. When you have completed your research, please submit a Study Closure request in iRIS so that IRB records will be accurate.

In the conduct of this research, you are responsible to follow the requirements of the Investigator Manual.

On behalf of Sophia Dziegielewski, Ph.D., L.C.S.W., UCF IRB Chair, this letter is signed by:

A handwritten signature in black ink that reads "Joanne Muratori".

IRB Coordinator

APPENDIX E
PERMISSION LETTER FOR FACES OF FATALITY

3/27/2014

RE: Permission for use of "The Faces of Fatality" 2011

RE: Permission for use of "The Faces of Fatality" 2011

DELETE

REPLY

REPLY ALL

FORWARD

Leisa Wiseman <wiseman_leisa@fcadv.o

mark as unread

Mon 3/10/2014 2:26 PM

To: ☐ Rose Caldero <rcaldero@knights.ucf.edu>;

You replied on 3/10/2014 3:15 PM.

[Bing Maps](#)

[Get more apps](#)

Hello, I'm happy to assist you. Below, please find a link to our publications page, if you scroll to the bottom you'll see all three of the Faces Of Fatality reports, the most recent is the 2012 report, Faces of Fatality III. Tiffany Carr is the FCADV President/CEO and Nina Zollo services as Chair of the Statewide Domestic Violence Fatality Review Team.

You may use the data provided with the appropriate attribution and acknowledgements.

<http://www.fcadv.org/publications>

Please let me know if you need any additional information.

Leisa Wiseman
Director, Communications & Government Affairs
Florida Coalition Against Domestic Violence
425 Office Plaza Drive
Tallahassee, FL 32301
850-425-2749/office
850-284-4352/cell

APPENDIX F

ANNOTATED REFERENCES

ANNOTATED REFERENCES

ADELE HARRELL, ET AL., FINAL REPORT ON THE EVALUATION OF THE JUDICIAL OVERSIGHT DEMONSTRATION, VOLUME 2: FINDINGS AND LESSONS ON IMPLEMENTATION...FINAL REPORT. WASHINGTON, DC: NATIONAL INSTITUTE OF JUSTICE (2007).

These authors bring an interesting concept to the table. It is called the Judicial Oversight Demonstration (JOD). Although this study took place in 2007, the data collected was 1999-2003. The idea behind this study in domestic violence was to bring a coordinated community, focused judicial system and systematic criminal justice system. This in turn would create an increase in victim safety and offender accountability. It also would create improved victim services. This study showed a number of court hierarchies, demonstrating how it would work, if implemented.

ANAT MAYTAL, SPECIALIZED DOMESTIC COURTS: ARE THEY WORTH THE TROUBLE MASSACHUSETTS? 18 B.U. PUB. INT. L. J. 197 (2008).

There are several parts to this study. Maytal compares the advantage and disadvantages of the specialized courts, and includes a historical recollection on Domestic Violence. Maytal also presents the before and after of the specialized court, along with whether or not the Domestic Violence Specialization courts should be established. This study also takes a look at mandatory arrest laws and how law enforcement officers respond to domestic violence, and how discretion has been taken away from the officers. Maytal points out the changes that have taken place since the 1990's, especially the enactment of Violence Against Women Act (VAWA).

ANDREW R. KLEIN, PRACTICAL IMPLICATIONS OF CURRENT DOMESTIC VIOLENCE RESEARCH: PART I LAW ENFORCEMENT, U.S. DEP'T OF JUSTICE (2008).

This report has been published by the U. S. Dep't of Justice. The researcher brings a scope of questions that apply to certain jurisdiction. Questions asked by researcher; How widespread is the problem, What domestic violence is actually reported to law enforcement, Can arrest rates actually correspond to estimated actual rates for domestic violence and stalking found in victims surveys, and Who are the perpetrators and victims? These questions are answered by the researcher with numerous data. This data will be used in this report.

ANGELA R. GOVER, ET AL., SPECIALIZED DOMESTIC VIOLENCE COURT IN SOUTH CAROLINA: AN EXAMPLE OF PROCEDURAL JUSTICE FOR VICTIMS AND DEFENDANTS. VIOLENCE AGAINST WOMEN, VOL. 13, NO. 6, 603-626 (2007).

The authors Gover, Brank, and Macdonald studied the procedural judicial system in South Carolina, where they studied the specialized court and treatment of the victims and defendants. The process and evaluation proved effective in improving safety for the victim and intervention for the defendant. This study shows a significant reduction of recidivism, it will also show the principals of the specialized domestic violence court. These authors bring in the scope of the problem, procedural justice, case processing and responses by both the victim, as well as the defendant.

CHERON DUPREE, CHICAGO HEIGHTS, ILLINOIS, DOMESTIC VIOLENCE UNIT: INSTITUTE FOR LAW AND JUSTICE, A PROCESS EVALUATION, NO.201881 (2000).

In 2000, the author of this study made recommendations to the court in the suburb of Chicago Heights, Illinois. Dupree goes as far as to point out that the court needed to monitor the offenders, design batterers intervention programs, along with educating all persons involved with the judicial system, starting with the police. At the time this report was issued, the court was moving toward an “evidenced based” prosecution.

CHERYL HANNA, “NO RIGHT TO CHOOSE: MANDATED VICTIM PARTICIPATION IN DOMESTIC VIOLENCE PROSECUTIONS.” HARVARD LAW REVIEW, 109, 1850–1910 (1996).

Professor Hanna studies how the courts use their power to compel the women of domestic violence to assist in the prosecution against their batterers. She points out that there is not a consensus in the community that advocates against domestic violence, regarding whether or not women should be compelled to assist in the prosecution. She also points out that feminist theory has heightened and has brought awareness about domestic violence. A case presented by Hanna, was the O. J. Simpson trial. Although, this trial is dated, it contains several incidents where O.J. Simpson was not prosecuted, even after the evidence was damaging. If the prosecutors would have charged Mr. Simpson with assault, it may have prevented the circumstances leading up to the death of his estranged wife Nicole Simpson. See *State v. Simpson*, No BA097211, 1995 WL 21768, at *8 (Cal. Super. CT. Jan 18, 1995).

CHRISTY VISHER, ET AL., FINAL REPORT ON THE EVALUATION OF THE JUDICIAL OVERSIGHT DEMONSTRATION, FINDINGS AND LESSONS ON IMPLEMENTATION, VOLUME 2 (2007).

Judicial Oversight Demonstration (JOD) was developed in order to test the effectiveness of monitoring offender’s accountability. Several recommendations are made by the

researchers. One of these recommendations is that the judge should impose conditions that would restrict the defendant's access with the victim, but if contact occurred, the courts would strictly enforce the order.

DOMESTIC VIOLENCE COMMISSION, FINDINGS AND RECOMMENDATIONS (JUNE 2013).

[HTTP://WWW.ORANGECOUNTYFL.NET/PORTALS/0/LIBRARY/OPEN%20GOVERNMENT/DOCS/DOMESTIC%20VIOLENCE%20COMMISSION%20REPORT.PDF](http://www.orangecountyfl.net/portals/0/library/open%20government/docs/domestic%20violence%20commission%20report.pdf) (ACCESSED AUGUST 18, 2013)

The Commission, which consists of judges, attorneys, criminal justice stakeholders and leaders, as well as advocates, all with expertise in the field of domestic violence, met to come up with a solution to the tragic cases that have taken place in Orlando in the last several years. As they convened they brought valuable ideas that would provide the judicial system with an innovative way to help victims, as well as other resources for the defendant. Recommendations were made by each group, which consisted of six (6) groups. Each group took responsibility for the process from the initial arrest to post sentencing and each needed to enhance the safety.

DONALD E. SHELDON, THE CURRENT STATE OF DOMESTIC VIOLENCE COURTS IN THE UNITED STATES; NATIONAL CENTER FOR STATE COURTS WHITE PAPER SERIES (2007).

In 2007, Honorable Donald Sheldon started out wanting to update and catalogue a list of domestic violence specialized courts. During this time, there was not enough information to evaluate the courts. Judge Sheldon breaks up his study into three parts; the first part is the history of domestic violence, second, he defines the various models and lastly, Judge Sheldon probes into the study done by the Center for Court Innovation. This study was an intensive look at the court system in 45 states.

FLA. STAT. § 741.29 (2012).

The 2012 in the Florida Statute Chapter 741 the entire Chapter is on Marriage, and Domestic Violence. In Section 29, it relates to domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting. It contains statements such as; "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE," you may ask the state's attorney to file a complaint. We will look further into the meaning of this statute and how it pertains to this paper.

FLA. STAT. § 741.2901 (2012).

In Florida Statute 741.2901, the section relates to domestic violence cases; prosecutors; legislative intent; investigation; duty of circuits; first appearance. In referring to the staff that handles domestic violence, the statute goes on to say; "these prosecutors, specializing

in domestic violence cases and their support staff shall receive training in domestic violence issues. “When a law enforcement officer investigates an allegation that an incident of domestic violence has occurred, the officer shall...”

HENRY A. DOENLIN, THE FACES OF DOMESTIC VIOLENCE: UNDERSTANDING POST TRAUMATIC STRESS DISORDER, AUGUST 18, 2013, 9:31 PM),

[HTTP://WWW.PSYASSOCIATES.COM/PRESENTATIONS/FACES OF DOMESTIC VIOLENCE DOENLIN](http://www.psyassociates.com/presentations/faces_of_domestic_violence_doenlin)

In 2001, the author of *The Faces of Domestic Violence* looked at the domestic violence screening, as well as the treatment considerations. Doenlin also took a close look at the post-traumatic stress disorder of the victims of domestic violence. Included in this study was the interview, questions asked to the victim, medication and treatment. This study will prove relevant for a psychological evaluation.

JOANN MILLER & DONALD C. JOHNSON, PROBLEM SOLVING COURTS: A MEASURE OF JUSTICE, (2009) (REVIEWING COREY S. SHDAIMAH, TEXAS LAW REVIEW DICTA).

Shdaimah reviews the book *Problem Solving Courts*, where one of the authors Donald Johnson is a judge of a problem-solving court. His experience is firsthand, whereas, Joann Miller brings a sociologist’s point of view. They reflect on the problem-solving team and the different roles the team plays. The book provides a helpful introduction to the layperson, as well as providing insight to practitioner. The authors, although strongly side with the problem-solving-court model, they also bring to light that they are in a criminal justice system and they do not always agree with this model.

JONATHAN COHEN, VCS COMMUNITY CHANGE PROGRAMS: DOMESTIC VIOLENCE PROGRAMS FOR MEN, A NY BATTERED PROGRAM (2005).

The author Cohen, writes about the meaning of the word accountability. The conventional meaning is referenced as meaning ; someone with power having authority over someone with lesser power. The word accountability takes on a different connotation in the arena of domestic violence. It refers to the dominating groups having accountability toward the oppressed. Cohen continues to add that it is important to listen to the collective voice of the battered person. According to the author, accountability should be present from the criminal justice system all the way to the faith community.

JULIE A. HELLING, SPECIALIZED CRIMINAL DOMESTIC VIOLENCE COURTS. VIOLENCE AGAINST WOMEN RESOURCES (2003) RETRIEVED NOVEMBER 27, 2013 FROM:

Helling depicts a typical day in the Domestic Violence Home Court in Sacramento, and specifies all the participants with their case loads. This will be a guide that will assist me in formatting a structured agenda for Orange and Osceola Courts. Helling describes and compares other courts throughout the state. She also points out the advantages, as well as the disadvantages.

JUDITH I. KREEGER, SPECIAL ISSUE: UNIFIED FAMILY COURT: FAMILY COURT IMPROVEMENT AND ART OF GRANTSMANSHIP: A JUDGES PERSPECTIVE (2008).

Honorable Judge Kreeger wrote a Family Court Review, that reflects relevant issues for the court Unified Family Court, along with the art of grantsmanship. According to Justice Kreeger's Family Court Review, she breaks down how a court can transit into becoming a Unified Family Court. She also goes through the process of how to apply for grant money, and stressing the importance for the court to become unified, due to the numerous cases that have had conflicting orders from different courts.

LARRY BENNETT & OLIVER WILLIAMS, CONTROVERSIES AND RECENT STUDIES OF BATTERER INTERVENTION PROGRAM EFFECTIVENESS UNIVERSITY OF MINNESOTA, APPLIED RESEARCH FORUM (2004). RETRIEVED FROM

[HTTP://WWW.VAW.UMN.EDU/DOCUMENTS/VAWNET/AR_BIP/AR_BIP.HTML](http://www.vaw.umn.edu/documents/vawnet/ar_bip/ar_bip.html)

The author Iyengar presents a background on "mandatory arrest" laws. He points out that police officers would prefer to exercise police discretion in their encounters with victims of domestic violence. The irony is that since the "mandatory arrest" laws went into effect; there has been a rise in murdered victims of dv. The author also brings to light the fact that even after two decades of this change, domestic violence remains a serious problem.

ROBYN MAZUR & LIBERTY ALDICH, WHAT MAKES A DOMESTIC VIOLENCE COURT WORK? KEY ISSUES. NEW YORK, NY: CENTER FOR COURT INNOVATION (2002).

The authors present the frustration of the judges and attorneys in seeing repeat offenders in domestic violence cases, and how it directed the courts in New York to seek alternatives to the constant revisits by the same offenders. Hence, creating the problem-solving-courts. Step-by-step, the authors take us on a journey of the New York court system and how the court's innovative changes, proved to be successful.

MEG OBENAUF, "ESSAY: THE ISOLATION ABYSS: A CASE AGAINST MANDATORY PROSECUTION," UCLA WOMEN'S LAW JOURNAL, SPRING/SUMMER 1999.

The author of this study represents victims as an advocate in Legal Aid Society. Her side of her study will reflect the mandatory prosecution as well her personal experience with the court system. Her 18 year old daughter was a victim of domestic violence abuse, who died as a result. Her narrative story of her daughter's death, will show us firsthand the battle with the legal system. She points out how the offender disbanding the victim from her social network, by cutting off her ties with other people. The author presents several cases, and studies to show the patterns that develop in an abusive relationship. She also emphasizes the importance of awareness.

MELISSA LABRIOLA, ET AL., CENTER FOR COURT INNOVATION: A NATIONAL COMPENDIUM OF DOMESTIC VIOLENCE COURTS (2009).

This research by the authors includes the location, names and contact information of the courts that currently have domestic violence courts. According to this data, as of December 2009, there are 208 confirmed criminal domestic violence courts. The courts handle separate calendars, dedicated judges or assigned criminal domestic violence cases. This report also includes formatted guide to questions and surveys conducted by the researchers.

MELISSA LABRIOLA, ET AL., CENTER FOR COURT INNOVATION: A NATIONAL PORTRAIT OF DOMESTIC VIOLENCE COURTS (2009).

This is an extensive study of the criminal domestic violence courts. They are considered courts that handle cases on separate calendars, it also includes dedicated judges or judicial officers. This study has four stages: Court Compendium (considered for networking), Site Visits (interviewing stakeholders), and National Survey (administer survey), Phone interviews (particular questions). For the benefit of my study, we will only implement two (2) of the stages; Site Visits and National Surveys (modified to local usage).

MELISSA LABRIOLA, ET.AL., (FORTHCOMING). TESTING THE EFFICACY OF JUDICIAL MONITORING: A RANDOMIZED TRIAL AT THE ROCHESTER DOMESTIC VIOLENCE COURTS. NEW YORK, NY: CENTER FOR COURT INNOVATION (2012).

This study presents four (4) monitoring techniques implemented by the courts. The four conditions of monitoring are; batterer program, monthly judicial monitoring, batterer program plus "graduated" monitoring, monthly monitoring only, and graduated monitoring only. This study will present a thorough look at the four specific approaches presented by the court.

MELISSA LABRIOLA, ET AL., TWO DECADES OF SPECIALIZED DOMESTIC VIOLENCE COURTS (2009)

The researchers of this study show a negative finding on the judicial monitoring with domestic violence offenders. The study three sentencing judges, and in the case of one of those judges, the increased appearance ordered by the judge proved effective. There was a better outcome as far as complying with the programs. The study also includes two group studies of judicial monitoring and no judicial monitoring. A baseline characteristics by study group included demographics, prior arrests, and prior convictions. This study will be considered a guideline for my study.

RADHA IYENGAR, THE PROTECTION BATTERED SPOUSES DON'T NEED, HARVARD UNIVERSITY, CAMBRIDGE, MASSACHUETTS, (2007).

Iyengar presents the reader with an interesting article on “mandated arrest.” He states that the purpose for mandatory arrest laws, were intended to impose cost on the abuser, not the victim. It apparently passes onto the victim, when the victim choses to protect the abusers, because of a psychological or emotional ties. The author also conveys that the rate of homicides is higher in comparison to a state that does not have “mandatory arrest.”

U.S. DEP'T OF JUSTICE, OVERSIGHT OF THE OFFICE ON VIOLENCE AGAINST VIOLENCE, available at (2012) <http://www.justice.gov/ola/testimony/112-2/02-16-12-ovw-carbon-testimony.pdf>

This report is one of the most recent, issued in 2012. The author of this report, Director Office on Violence Against Women Susan B. Carbon states that the violent crime has decreased nationwide. However, she also states that one in every four women and one in every seven men have experienced severe physical violence by current, former spouse or boyfriend/girlfriend. Carbon also specifies how the grants are distributed. They have implemented four new programs that are focused on children and youth exposed to domestic violence. This study will include; how the court system handles these cases that involve children.

REFERENCES

AMERICAN FEMINIST MOVEMENT: BREAKING DOWN BARRIERS FOR WOMEN
[HTTP://TAVAANA.ORG/EN/CONTENT/1960S-70S-AMERICAN-FEMINIST-MOVEMENT-BREAKING-DOWN-BARRIERS-WOMEN](http://TAVAANA.ORG/EN/CONTENT/1960S-70S-AMERICAN-FEMINIST-MOVEMENT-BREAKING-DOWN-BARRIERS-WOMEN)

B. J. HART, LEGAL ADVOCACY AGAINST DOMESTIC VIOLENCE (1991). RETRIEVED FROM
[HTTP://WWW.MINCAVA.UMN.EDU/DOCUMENTS/HART/LEGAL/LEGAL.PDF](http://WWW.MINCAVA.UMN.EDU/DOCUMENTS/HART/LEGAL/LEGAL.PDF)

CHERYL HANNA, DOMESTIC VIOLENCE: ENCYCLOPEDIA OF CRIME AND JUSTICE. 2002.
RETRIEVED MARCH 12, 2014 FROM ENCYCLOPEDIA.COM:
[HTTP://WWW.ENCYCLOPEDIA.COM/DOC/1G2-3403000096.HTML](http://WWW.ENCYCLOPEDIA.COM/DOC/1G2-3403000096.HTML)

CIRCUIT 9 ABUSE PREVENTION AND PERMANENCY PLAN JULY 2012-2015. DRAFT 2010.

DEPARTMENT OF CHILDREN AND FAMILY 2013 QUICK FACTS
[HTTP://WWW.DCF.STATE.FL.US/NEWSROOM/DOCS/QUICKFACTS.PDF](http://WWW.DCF.STATE.FL.US/NEWSROOM/DOCS/QUICKFACTS.PDF)

DICK BATCHELOR MANAGEMENT GROUP: DICK IN THE NEWS DBMG

DOMESTIC VIOLENCE/CHILD ABUSE COMMISSION, FINDINGS AND RECOMMENDATIONS (MAY 2005) RETRIEVED FROM AUGUST 18, 2013)
[HTTP://WWW.ORANGECOUNTYFL.NET/PORTALS/0/LIBRARY/OPEN%20GOVERNMENT/DOCS/DOMESTIC%20VIOLENCE%20COMMISSION%20REPORT.PDF](http://WWW.ORANGECOUNTYFL.NET/PORTALS/0/LIBRARY/OPEN%20GOVERNMENT/DOCS/DOMESTIC%20VIOLENCE%20COMMISSION%20REPORT.PDF)

DOMESTIC VIOLENCE COMMISSION, FINDINGS AND RECOMMENDATIONS (JUNE 2013) RETRIEVED FROM AUGUST 18, 2013.
[HTTP://WWW.ORANGECOUNTYFL.NET/PORTALS/0/LIBRARY/OPEN%20GOVERNMENT/DOCS/DOMESTIC%20VIOLENCE%20COMMISSION%20REPORT.PDF](http://WWW.ORANGECOUNTYFL.NET/PORTALS/0/LIBRARY/OPEN%20GOVERNMENT/DOCS/DOMESTIC%20VIOLENCE%20COMMISSION%20REPORT.PDF)

ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, UNIFIED FAMILY COURT (UFC).
[HTTP://WWW.JUD11.FLCOURTS.ORG/MULTITOP.ASPX?PID=371](http://WWW.JUD11.FLCOURTS.ORG/MULTITOP.ASPX?PID=371)

FACES OF FATALITY (2013) REPORT OF THE ATTORNEY GENERAL'S STATEWIDE DOMESTIC VIOLENCE FATALITY REVIEW TEAM

FAITH McNULTY. THE BURNING BED: THE TRUE STORY OF AN ABUSED WIFE. (1980)

FLORIDA DEPARTMENT OF LAW ENFORCEMENT: BROCHURE ON DOMESTIC VIOLENCE REVISED 2011 [HTTP://WWW.FDLE.STATE.FL.US/CONTENT/GETDOC/F89193AC-64A1-4876-8FF3-5BAC4A225607/RIGHTSREMEDIESENGLISH2008.ASPX](http://WWW.FDLE.STATE.FL.US/CONTENT/GETDOC/F89193AC-64A1-4876-8FF3-5BAC4A225607/RIGHTSREMEDIESENGLISH2008.ASPX)

FLA. R. CIV. P. 3.131(D) (2)

FLA. R. CRIM. P. 3.131(D) (2),

FLA. STAT. § 741.28 (2013)

FLA. STAT. §741.316 (2013).

FLA. STAT. § 741.3165 (2013)

FLA. STAT. ANN. §741.29 (4) (B)

FRAZIER V. STATE, 48 TEX CRIM. 142, 86 S.W. 754 (1905)

HISTORY OF BATTERED WOMEN'S MOVEMENT: A PROJECT OF THE CALIFORNIA OF HEALTH SERVICES, MATERNAL AND CHILD HEALTH BRANCH, DOMESTIC VIOLENCE SECTION, AND INTERFACE CHILDREN FAMILY SERVICES. 1999

JUDITH L. KREEGER, ASSOCIATION OF FAMILY AND CONCILIATION COURTS, SPECIAL ISSUE: UNIFIED FAMILY COURT: FAMILY COURT IMPROVEMENT AND THE ART OF GRANTSMANSHIP: A JUDGES PERSPECTIVE, 46 FAM. CT. REV. 331 (2008).

KATE SANTICH, COMMISSION CALLS FOR REFORM IN LEGAL SYSTEM TO HELP DOMESTIC VIOLENCE VICTIMS. ORLANDO SENTINEL. MAY 2013.

LISA G. LERMAN ET AL., DECONTEXTUALIZATION OF DOMESTIC VIOLENCE STATE LEGISLATION ON DOMESTIC VIOLENCE, IN RESPONSE (SEPT. /OCT.).

MAJOR ACCOMPLISHMENTS OF DOMESTIC VIOLENCE, A REPORT FROM HARBOR HOUSE OF CENTRAL FLORIDA. [HTTP://WWW.HARBORHOUSEFL.COM/2013/11/MAJOR-ACCOMPLISHMENTS-OF-DOMESTIC-VIOLENCE-COMMISSION/](http://www.harborhousefl.com/2013/11/major-accomplishments-of-domestic-violence-commission/)

MELISSA LABRIOLA, CENTER FOR COURT INNOVATION: A NATIONAL PORTRAIT OF DOMESTIC VIOLENCE COURTS, (OCTOBER 15, 2013, 11:30 AM) RETRIEVED FROM [HTTPS://WWW.NCJRS.GOV/PDFFILES1/NIJ/GRANTS/229659.PDF](https://www.ncjrs.gov/pdffiles1/nij/grants/229659.pdf)

WWW.MERRIAM-WEBSTER.COM/Dictionary /DOMESTIC%20VIOLENCE

NINTH JUDICIAL CIRCUIT ANNUAL REPORT YEAR REVIEW 2012

PEOPLE V. LIBERTA, 62 N.Y. 2d 651; 1984 N.Y. RETRIEVED FROM
WWW.CASEBRIEFS.COM/BLOG/LAW/FAMILY-LAAW-KEYED-TO-WEISBERG/BEING-MARRIED-
REGULATION-OF-THE-INTACT-MEMBER/PEOPLE-V-LEBERTA-3/2/2014

RADHA IYENGAR, THE PROTECTION BATTERED SPOUSES DON'T NEED, HARVARD UNIVERSITY,
CAMBRIDGE, MASSACHUSETTS, (2007) ACCESSED NOVEMBER 12, 2013.

SPECIAL ISSUE: UNIFIED FAMILY COURT: FAMILY COURT IMPROVEMENT AND THE ART OF
GRANTSMANSHIP: A JUDGE'S PERSPECTIVE FAMILY LAW REVIEW 46 FAM. CT REV. 331

STATE V. JESSE BLACK, SUPERIOR COURT OF NORTH CAROLINA, RALEIGH. 60 N.C. 266 (1864).

STATE V. RICHARD OLIVER, SUPERIOR COURT OF NORTH CAROLINA, RALEIGH. 70 N.C. 60 (1874)

STATS 1977 CH. 720 § 1

SUPREME COURT OF FLORIDA IN RE: REPORT OF THE FAMILY COURT STEERING COMMITTEE 633
SO. 2d 14, 19 (FLA. 1994)

THE PROTECTION FROM ABUSE ACT NO. 206 APPROVED DECEMBER 19, 1990, 23 PA. C.S.A. §
6101 ET SEQ.

THE ROLE OF STATE AND FEDERAL LEGISLATION 9: LEGAL ADVOCACY AGAINST DOMESTIC
VIOLENCE, RETRIEVED FROM HISTORY OF BATTERED WOMEN'S MOVEMENT: A PROJECT OF THE
CALIFORNIA OF HEALTH SERVICES, MATERNAL AND CHILD HEALTH BRANCH, DOMESTIC
VIOLENCE SECTION, AND INTERFACE CHILDREN FAMILY SERVICES 1991.

THE NINTH JUDICIAL CIRCUIT ANNUAL REPORT 2006 RETRIEVED FROM
[HTTP://WWW.NINTHCIRCUIT.ORG/NEWS/ANNUAL-REPORTS/DOWNLOADS/ANNUALREPORT-06.PDF](http://www.ninthcircuit.org/news/annual-reports/downloads/annualreport-06.pdf)

UNITED STATES DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN: CRIME OF
FOCUS DOMESTIC VIOLENCE (MARCH 2013), AVAILABLE AT
[HTTP://WWW.OVW.USDOJ.GOV/DOMVIOLENCE.HTM](http://www.ovw.usdoj.gov/domviolence.htm)

WESH NEWS CENTRAL FLORIDA CHANNEL 2 [HTTP://WWW.WESH.COM/NEWS/CENTRAL-FLORIDA/ORANGE-COUNTY/DOMESTIC-VIOLENCE-OFFENDERS-TO-BE-TRACKED-BY-GPS-IN-NEW-300-00-PROGRAM/18473122#!DOVPF](http://www.wesh.com/news/central-florida/orange-county/domestic-violence-offenders-to-be-tracked-by-gps-in-new-300-00-program/18473122#!DOVPF)

WFLH WEB STAFF, FAMILY JUSTICE CENTER IN TAMPA TO CLOSE, WFHL.COM (JULY 31, 2013),
[HTTP://WWW.WFLA.COM/STORY/22984490/FAMILY-JUSTICE-CENTER-TAMPA](http://www.wfla.com/story/22984490/family-justice-center-tampa)

BIBLIOGRAPHY

DANIEL D. SAUNDERS, A TYPOLOGY OF MEN WHO BATTER: THREE TYPES OF DEPRIVED FROM CLUSTER ANALYSIS. AMERICAN JOURNAL OF ORTHOPSYCHIATRY, 62, 264-275, (1992).

DANIEL J. WHITAKER & PHYLLIS HOLD ITCH NYLON, ADVANCING INTERVENTION FOR PERPETRATORS OF PHYSICAL PARTNER VIOLENCE: BATTERER INTERVENTION PROGRAMS AND BEYOND, 8, 169-185.

DONALD G. DUTTON, THE ABUSIVE PERSONALITY: VIOLENCE AND CONTROL IN INTIMATE RELATIONSHIPS (2ND ED.2006). ELAINE WEISS, SURVIVING DOMESTIC VIOLENCE: VOICES OF WOMEN, WHO BROKE FREE, (2004).

EDWARD GONDOLA, EVALUATING BATTERER COUNSELING PROGRAMS: A DIFFICULT TASK SHOWING SOME EFFECTS. AGGRESSION AND VIOLENT BEHAVIOR, 9, 605-631, (2004).

J.C. BABCOCK, ET AL., DOES BATTERERS' TREATMENT WORK? A METS-ANALYTIC REVIEW OF DOMESTIC VIOLENCE TREATMENT. CLINICAL PSYCHOLOGY REVIEW, 23, 123-153 (2004).

JEAN REYNOLDS, THE DOMESTIC VIOLENCE CONTROVERSY, LAW ENFORCEMENT TODAY (OCTOBER 24, 2013, 3:12) [HTTP://LAWENFORCEMENTTODAY.COM/2013/01/03/THE-DOMESTIC-VIOLENCE-CONTROVERSY/](http://LAWENFORCEMENTTODAY.COM/2013/01/03/THE-DOMESTIC-VIOLENCE-CONTROVERSY/)

L. KEVIN HAMBURGER & AMY HOLTZWORTH-MUNROE, PSYCHOPATHOLOGICAL CORRELATES OF THE MALE AGGRESSION, 4, 79-94.

LUNDY BANCROFT, WHY DOES HE DO THAT? INSIDE THE MINDS OF ANGRY AND CONTROLLING MEN (2002).

NURIT SHNABEL & ARIE NADLER, A NEEDS-BASED MODEL OF RECONCILIATION: PERPETRATORS NEED ACCEPTANCE AND VICTIMS NEED EMPOWERMENT TO RECONCILE, 21, 409-425.

OLA W. BARNETT, ET AL., HOSTILITY AND STRESS AS MEDIATORS OF AGGRESSION IN VIOLENT MEN. JOURNAL OF FAMILY VIOLENCE, 6, 217-241, (1991).

RICHARD DAVIS, UNDERSTANDING DOMESTIC VIOLENCE, POLICEONE.COM (OCTOBER 24, 2013, 2:50 PM), [HTTP://WWW.POLICEONE.COM/COLUMNISTS/RICHARDDAVIS/](http://WWW.POLICEONE.COM/COLUMNISTS/RICHARDDAVIS/)

SAMUEL R. AYMER, BEYOND POWER AND CONTROL: CLINICAL INTERVENTION WITH MEN ENGAGED IN PARTNER ABUSE. CLINICAL SOCIAL WORK JOURNAL, 36, 323-332, (2008).

TRICIA B. BENT-GOODLEY ET AL., TREATMENT FOR PERPETRATORS OF DOMESTIC VIOLENCE, 10, 199-210.