

Using Profile Analysis for Assessing Need in Domestic Violence Courts

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Abstract This study utilizes profile analysis to evaluate the social and economic justice impacts of domestic violence court processes. Data were gathered from all cases involved in a Domestic Violence Unified Family Court in one Florida county from January 1 through December 31, 2003. Findings suggest domestic violence courts are not responding equitably to victims (petitioners), which means that some petitioners may be revictimized by the system. Furthermore, in cases involving criminal behavior, the court system's focus on criminality may not be having an impact on reducing the recurrence of domestic violence.

Keywords Domestic violence · Domestic violence victims · Domestic violence courts · Civil injunctions

Introduction

In conjunction with a federal response through the Violence Against Women Act of 1994 and its reauthorization in the Violence Against Women Act of 2000 (P.L. 106–386), all states have implemented varying degrees of legislative responses to the problem of domestic violence. These include expanding definitions of domestic violence, protection orders, and criminal penalties (National Council of Juvenile and Family Court Judges 2003). The legislative activity is occurring despite the lack of conclusive evidence that the criminalization of domestic violence is a suitable response to the problem (Bohmer et al. 2002; Buzawa and Buzawa 1996; Fagan 1996;

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Sherman and Berk 1984). Studies have examined legal interventions (Hart 1993; Stalans and Lurigio 1995), social service interventions including victim advocacy (Edelson 1996; Mills 1996), and coordinated efforts within the court system or entire communities (Bybee and Sullivan 2002; Mills 1998; Tolman and Weisz 1995). These research findings suggest that coordinated efforts that link services may be a more effective response to domestic violence than are individual approaches alone.

While society may have an obligation to protect domestic violence victims from harm (Reamer 1993), such initiatives are being proposed without knowing the social and economic implications or the effectiveness of these interventions (Danis 2003). Thus, it is important to evaluate whether court processes that enforce penalties and mandate services are equitable and just for all citizens who come before the court. This study creates a profile of domestic violence case outcomes using information collected from the DV Coordinator's assessment survey of petitioners as they entered and exited the court system; it also used secondary data from court records. Profile analysis identified petitioner and respondent demographics, service usage, need for specialized services, and case outcomes as a means of assessing whether established domestic violence court processes are grounded in social and economic justice.

The Domestic Violence Unified Family Court (DV Court) in this study utilizes a coordinated community response and specialized court to intervene and provide services to families seeking civil injunctions (protection orders) in cases of domestic violence. Rather than solely issuing the civil injunction, the DV Court coordinates interventions and services for adult and child victims, who either witness or have violence directed toward them, and for domestic violence perpetrators. Research on families experiencing domestic violence, whether in the form of violence between partners or in child abuse or neglect, shows these families need a variety of support from community and social services to leave violent homes or to restore family functioning (Barnett et al. 1997; Berry 1997; Mills 1996).

While research identifies some of the community supports needed for victims and children who experience domestic violence, it is unclear which interventions, if any, are actually having an impact on domestic violence (Crowell and Burgess 1996). Mills (1996) suggests domestic violence interventions be designed to fit the way a community adjudicates and prosecutes domestic violence cases. This allows the court to provide legal remedies and recommend social service assistance as needed. It also avoids re-victimization and gives victims more control in the process. However, the court's ability to level the playing field for all victims of domestic violence by intervening to protect their rights as citizens to live free from harm (Reamer 1993) can be hampered by fiscal constraints at federal, state and local levels as well as a lack of standardized policy (Office of Program Policy Analysis and Government Accountability 2002). This study assesses whether the service distribution and the consistency of response from the DV Court are equal for all victims.

Methods

To determine whether the current court structure and processes DV Court are providing equitable services and referrals to support violence-free stable families, both the processing of domestic violence cases through the system and the outcomes

after cases are closed were examined. Client initiated services, court ordered services, and treatment interventions were analyzed for each case to determine whether court actions were equitable. Petitioners who seek an injunction for domestic violence anywhere in the state of Florida do so in accordance with Florida Statute 741.29(1)(b). Domestic violence is defined within Florida Statute 741.28 as

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 who is or was residing in the same single dwelling unit. ((Criminal Justice Standards and Training Commission 2003, para. 1)

Data were gathered from all cases involved in the DV Court in one Florida county from January 1 through December 31, 2003. Data were collected from temporary injunction forms used in the civil court process and from court records following adjudication by the judge. It was important to augment the temporary injunction data with that obtained following adjudication, because domestic violence victims might minimize or omit incidents of violence in their injunction paperwork (K. Hope, personal communication, 2003).

Data collected included demographic characteristics of victims (petitioners) and offenders (respondents), the relationship, whether the case involves child abuse, services utilized at date of offense, severity of the offense, intervention programs and services mandated by the court, and the case outcome. Information regarding whether a child witnessed the domestic violence incident was also collected because victims frequently first seek outside help when it appears that their children are at risk of injury too (Barnett et al. 1997).

A profile of the domestic violence victims and perpetrators, as well as a profile of incident and court related factors is particularly relevant to explore interaction effects among demographic variables, incident-level variables (e.g., use of object or being high on drugs), and the court disposition. This analysis is especially important when comparing the economic and social impact of court recommendations when certain incident-level factors are present. For example, petitioners stated that the use of drugs (16.9%) or alcohol (32.7%) was involved in the domestic violence incident, yet only 3.2% of the cases were referred for substance abuse issues.

Data Analysis

Petitioner Demographics

There were 997 petitioners who sought a civil injunction from January 1, 2003 to December 31, 2003. The petitioner demographics are consistent between national and county-level data. The county has a population of 117,743 persons; 58,684 (49.8%) are female, 59,059 (50.2%) are male (US Census Bureau 2000). As is true nationally for victims of domestic violence, petitioners for domestic violence protection orders in the County are predominantly female (85.3%).

The county population (US Census Bureau 2000) is 90.7% White, 4.2% Black, and 5.1% other. The county is primarily rural with three population centers. Two

military installations add some diversity to the population and contribute economically to county revenue. The median family income is \$3910 per month; males earn a median of \$2905 and females earn a median of \$1858. Thirty eight percent of female-headed households with children under the age of 18 are in poverty status. Those households headed by females with children under the age of five comprise 55.3% of families living in poverty. The median age is 36.8 years.

Demographic data in this study reflect similar characteristics, but much lower income levels. Petitioners reflected the county demographics; 89.9% are White, 4.5% are Black, and 5.6% are other. Petitioners in 39% of the cases had from one to four children. The median age of petitioners is 34 years; respondents mean age is 37 years. Table 1 highlights petitioner and respondent demographics.

While the median income for females in the county is \$1858, the median income for petitioners was \$800. This \$800 represents full-time employment at minimum wage. If one considers \$800 to be the cutoff for minimum wage workers, then 316 petitioners ($316/630=50.2\%$) with known income make a monthly wage less than minimum wage. Just over one-half were either unemployed or work part-time. These

Table 1 Petitioner and respondent demographics

Variable	Petitioner		Respondent	
	<i>N</i>	% ^a	<i>n</i>	%
Sex	n=997		n=997	
Male	146	14.6	842	84.5
Female	850	85.3	153	15.3
Race	n=997		n=997	
White	896	89.9	875	87.8
Black	45	4.5	68	6.8
Other (Hispanic, Pacific Islander)	42	4.2	28	2.8
Employment	n=997		n=997	
Full-Time	396	38.2	531	53.3
Part-Time	124	12.4	50	5.0
Not Employed	381	39.7	229	23.0
Age	n=988		n=888	
Minimum ^b		18.0		15.0
Maximum		82.0		75.0
Mean		34.6		36.5
Median		34.0		37.0
Education Level	n=559		n=405	
Less than high school		130.00		131.00
High school		238.00		190.00
Some college		133.00		56.00
At least four years of college		58.00		28.00
Mean (years)		12.18		11.68
Median (years)		12.00		12.00
Monthly Income ^c (\$)	n=630		Not Available	
Minimum		0.00		
Maximum		9,000.00		
Mean		1,074.85		
Median		800.00		

^a Percentages may not add to 100% due to rounding.

^b Minimum age does not include cases "on behalf of minor"

^c Monthly income may include respondent's income.

two findings suggest that financial support is a vital need for the working poor. Approximately 34% reported either no monthly income or were currently receiving welfare assistance.

Although not a viable alternative in the political and fiscal environment of government and social service agencies today, financial support is a constraint for domestic violence victims seeking to leave abusive situations and a primary factor in their reunification with perpetrators (Barnett and LaViolette 1993). The income levels of petitioners Table 2 strongly align with national petitioner data showing a higher risk of violence among women with household incomes below \$625 per month (Rennison and Welchans 2000). The unemployed status of petitioners illustrates the pull of economic need in victim decisions to return to live with domestic violence offenders. Policy makers need to identify services that will ameliorate this financial inequity. For example, victims may need short-term financial assistance while they learn or improve skills, or vocational services to obtain employment at a sufficient income level to support their family.

Most of the incidents of domestic violence involved family member relationships. In fact, 98% (n=977) of all cases involved intimate partners (i.e., spouses, ex-spouses, co-parents, or other dating/romantic relationships). The high level of cases involving intimate relationships presents the court and the county with added programmatic issues about long-term intervention with these couples. For example, in a recent study by Harris et al. (2001), 63.7% of all domestic violence couples sampled were in relationships less than 2 years. Two-thirds (66.8%) of the domestic violence cases involved active relationships, which includes individuals having a child in common. This compares to 64% of women who reported violence by intimate partners (Tjaden and Thoennes 2000). Thus, services directed to helping families remain intact and violence-free may be more desirable to petitioners than those helping them to leave the relationship.

Circumstances surrounding incidents of domestic violence illustrate several important social justice issues involving children. Directly witnessing or being in the home when violence occurs can lead to behavioral, health, emotional problems in children (English et al. 2003; Holden 2003; Osofsky 2003). There is a 30 to 60% overlap between domestic violence and child abuse (Levin and Mills 2003), yet the interventions that work best for these children are unclear (Wolfe et al. 2003). The

Table 2 Petitioner monthly income^a (N=630)

Income Range (\$)	<i>n</i>	%
None (0)	107	17.0
1–200	11	1.7
201–400	41	6.5
401–600	83	13.2
601–800	74	11.7
801–1,000	66	10.5
1,001–1,200	67	10.6
1,201–1,400	31	4.9
1,401–1,600	35	5.6
1,601–1,800	15	2.4
1,801–2,000	24	3.8
Over 2,000	76	12.1

^a Monthly income may include respondent's income

ramifications of this uncertainty underscore a system failure because 54% of the petitioners reported children present at the time of the domestic violence incident. Similarly, 10.5% of petitioners reported being already involved with the Department of Children and Family at the time they filed for an injunction, and 4.3% of the petitions filed “on behalf of minor” cases (ages 0–17).

Another 40% of the petitioners reported they had children, but that they were not home when the domestic violence incident occurred. This means that fully 93% of the petitioners have children who may be impacted by their exposure to domestic violence. These cases are of particular interest because of the demonstrated connection between family violence involving children and juvenile delinquency (Loeber et al. 2001; Shaffer and Ruback 2002) or the learned intergenerational transmission of violence (Bandura 1973; O’Leary 1987).

Additionally, since there were previous reports of domestic violence incidents by more than a fourth (28%) of the petitioners, there is a strong likelihood that even those children who were not present for the incident that brought the petitioner to the civil court have been exposed to domestic violence in the past. Regardless of whether they were present or not, attempts to control the petitioner by using threats to remove or hide the children were reported by 25% of petitioners.

Incident Characteristics

An interesting finding regarding children in this study warrants further investigation. Despite the abovementioned prevalence of children in the family structure in these domestic violence cases, the court provided for standard, supervised or monitored exchange visitations in less than 7% of the cases Table 3. Victim advocates and shelter workers anecdotally report that couples frequently reunite or violate protection orders around issues related to children or visitation (Hope, personal communication, 2003), so domestic violence history should be a factor in the court’s action regarding child custody (Levin and Mills 2003). These findings suggest that in at least three intervention points, the system fails to level the playing field for children who have no other means to protect themselves. The system has missed opportunities to intervene when 1) children are known to have witnessed the

Table 3 Custody and visitation recommendations from the court (N=997)

Recommended Action	<i>n</i>	%
Custody		
Petitioner	59	5.9
Respondent	2	0.2
Not Applicable	906	90.0
Missing	30	3.0
Visitation		
Standard	23	2.3
Supervised	11	1.1
Monitored Exchange	11	1.1
No Contact	9	0.9
Other	510	51.0
Not Applicable	932	93.5
Missing	1	0.1

domestic violence incident, 2) the Department of Children and Families is already involved with the family, and 3) the victim reports a previous history of domestic violence incidents.

It is critical to know the characteristics of the incident that “brought” the petitioner to the civil court. Alcohol was involved in 326 (32.7%) incidents, drugs in 168 (16.9%), and use of an object in 310 (31.1%) of the cases that brought the petitioner in to file an injunction. In comparison, the NVAW Survey found 21% of women reported the use of an object including a gun or knife in violence *during their lifetime* (Tjaden and Thoennes 2000). These cases suggest a higher risk for severe levels of violence and resultant injuries which may increase demands on the criminal justice system and domestic violence advocates.

Despite the apparent risk factors (Paymar 1993) above and the court’s role in the equitable distribution of resources, only 7.5% of respondents were reported “ordered” to a batterer’s intervention program, and only 3.3% of the respondents were “ordered” to substance abuse counseling. Further, mental health evaluation or treatment was recommended in 2.6% of the cases and counseling for the victim in only 1.6% of the cases. This represents an underutilization or the unavailability of services to assess or treat substance abuse problems because only 3.3% of the domestic violence perpetrators were referred for service. Although the services are available, our findings reveal a need for the court to make systematic referrals for services. Meanwhile, the low referrals reported for mental health evaluation or counseling for the victim may reflect a positive trend. Although purely speculative, this may be indicative a shift away from blaming the victim (Murphy-Milano 1996; Walker 1979) rather than a deficit in the DV Court system.

The Case in Court

Over four-fifths of the cases were categorized as domestic cases (83.4%), 12.9% were repeat cases, and 2.4% were classified as dating Table 4. If “dismissal” violations are removed from the violation profile, then 11.7% of the cases had at least one violation reported (e.g., stalking, sexual assault, modification of contact). For some petitioners, this is not their first attempt to use the power of the criminal justice system as a means to stop the cycle of violence. In fact, 57.7% had previously contacted law enforcement for a domestic violence incident, and 28.0% of petitioners previously filed an injunction.

Sixty percent of all petitioners showed up at the hearing and 62.7% of them had attorneys present. Almost a third (31%) of the cases were dismissed and at least 13.5% were due to insufficient evidence. Chi-square and t-test analyses were used to explore “which petitioners” and “which cases” were dismissed.

Table 5 shows the frequency distribution of dismissal type by petitioner education level, employment status, income, and petitioner’s attorney being present. Of these, only the dismissed cases in which the petitioner had an attorney present was significant ($p=.00$). This means that petitioners who have an attorney present are less likely to have their case dismissed. The same analysis was completed for a case being dismissed by respondent attorney being present. Interestingly, no significant difference was found for cases being dismissed by whether or not the respondent had an attorney present.

Table 4 Case information (N=997)

Variable	N	%
Type of Case		
Domestic	841	84.4
Repeat	62	12.9
Dating	17	2.4
Missing	3	0.3
Violations ^a		
None	831	83.4
Stalking	6	0.6
Enforce	18	1.8
Dismissal	48	4.8
Modification contact	32	3.2
Extention	1	0.1
Sexual assault	3	0.3
On behalf of minor	57	5.7
Missing	1	0.1
Disposition		
Dismissed: Insufficient evidence	135	13.5
Dismissed: Petitioner request	85	8.5
Dismissed: Petitioner failed to appear	75	7.5
Dismissed: Combination of above	15	1.5
Rescheduled	275	27.6
Final Judgment: Until further ordered	114	11.4
Final Judgment: No objection	37	3.7
Final Judgment: Entered	63	6.3
Final Judgment: Dismissed	37	3.7
Completed court order	3	0.3
Arrest order	24	2.4
Other	54	5.4
Missing	75	8.5

^a 165 (16.5%) cases had at least one violation, and 3 (0.003%) cases had at least two violations.

Only 21.7% of the petitioners stated they had contacted a victim's advocate. Low rates of petitioner contact with a victim advocate may be directly impacting upon DV Court processes and outcomes. Victim advocates typically educate domestic violence victims with resources and the dynamics of violence, but more importantly to the court, they also provide legal information and guide victims through the court process so that they are more likely to be present for court hearings (Danis 2003). Systematically engaging petitioners with victim advocates might eliminate the almost 40% of petitioner no-shows for court hearings (only 60.2% of petitioners were present for their court hearing). Moreover, more routinely connecting petitioners with victim advocates should decrease the number of cases that are dismissed (31%) because petitioners with an attorney present were less likely to have their case dismissed. These findings suggest an area that deserves renewed emphasis on education, awareness, and routine involvement of existing victim advocate services.

Table 6 reflects regression analyses using incident-level variables (e.g., use of object, alcohol, kids at home); only two of the tests had findings of significance. Those cases in which the petitioner had an attorney present was significant ($p=.000$) and those in which the petitioner reported use of an object in the domestic violence incident was substantively significant ($p=0.012$). These findings indicate that the presence of one of two factors in the case, the petitioner had an attorney present or

Table 5 Dismissed by education level, employment status, and petitioner attorney present

Disposition			
Education (n=209) ^a	HS or less Education	At least HS education	
Dismissed: Insufficient evidence	54	41	
Dismissed: Petitioner request	40	41	
Dismissed: Petitioner failed to appear	35	18	
Total	129	80	
Employment Status (n=163) ^b	Not Employed	Part-Time	Full-Time
Dismissed: Insufficient evidence	55	18	53
Dismissed: Petitioner request	30	7	41
Dismissed: Petitioner failed to appear	28	6	39
Total	70	20	73
Income (n=135) ^c	No Income	\$0–\$800	\$800 and Above
Dismissed: Insufficient evidence	9	13	29
Dismissed: Petitioner request	2	20	29
Dismissed: Petitioner failed to appear	9	10	14
Total	20	43	72
Petitioner Attorney Present (n=295) ^d	Attorney Present	Attorney Not Present	
Dismissed: Insufficient evidence	34	101	
Dismissed: Petitioner request	8	77	
Dismissed: Petitioner failed to appear	2	73	
Total	44	251	

^aNo significant difference by education level (.298).

^bNo significant difference for dismissed by employment type (.149).

^cNo significant difference by income (.232).

^dSignificant at Chi-square (.00); however, expected count less than five in one case.

an object was used in the domestic violence incident, made it less likely that the case was dismissed by the court.

Conclusion

Although mostly descriptive in nature because the Domestic Violence Court had never previously examined its processes and outcomes, the findings suggest that the court’s actions are having an uneven impact in the distribution of resources and in leveling the playing field for domestic violence victims. That is, domestic violence victims who petition the court for civil injunctions are much more likely to receive a just response (or any response) from the court if they have an attorney present at their hearing. Some victims may not be able to afford an attorney or may not be

Table 6 Logistic regression: dismissed-insufficient evidence, failure to appear, petitioner request, order to show cause, final judgment (N=997)

Independent Variable	B	Exp(B)
Alcohol Involved in Incident	-.093	.907
Drugs Involved in Incident	-.059	.943
Kids at Home during Incident	-.088	.915
Object Used*	-.400	.670
Petitioner has Past DV Injunction	.019	1.020
Petitioner’s Attorney Present at Hearing*	-1.198	.302
Respondent’s Attorney Present at Hearing	.044	1.045
Constant	-.088	.915

**p*<.05

aware of the need for one. This is compounded by low referral rates to domestic violence related services, i.e., batterer's intervention or substance abuse programs.

Despite being limited to one court jurisdiction, there may be broader implications for those looking to civil courts for social and economically just remedies in cases of domestic violence. In addition to providing individual assistance for victims to ameliorate financial inequity, findings imply that policy makers, providers, and grant writers may best help domestic violence victims and stop cycles of violence by securing resources for full time attorneys who are solely dedicated to the DV court. Similarly, using (limited) resources to connect domestic violence victims and their children with victim advocates may assure that cases are not dismissed. Appropriating resources for victim advocates and attorneys assures that the children present in more than one-half of domestic violence cases are likely to remain in the judicial system and receive services.

This study finds social and economic disparity in domestic violence court processes. This implies the court is not responding equitably to victims, which may lead to their revictimization by the governmental institution most able to intervene. The transfer of cases involving criminal behavior to criminal court diverts attention and resources from the victim and, therefore, does not focus on reducing the recurrence of domestic violence. It is important that domestic violence courts respond more systematically and consistently in order to uphold public confidence and trust that the court system, as an extension of our communities, is protecting all citizens.

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