

# **Court Innovations in Domestic Violence Cases:**

## **Evaluation Report**

### **Executive Summary**

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**By: Alaska Judicial Council**

**for the Alaska Court System**

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# Court Innovations in Domestic Violence Cases: Evaluation Report

## Introduction

The Alaska Court System asked the Department of Justice in 2002 to fund a court advocate for petitioners in domestic violence cases, a family law facilitator for parents in these cases, and improvements to the state's court management system for domestic violence cases. The court invited the Judicial Council to evaluate the projects, and to assess the effectiveness of the new case management software. This report describes the programs, and the results of the interviews and data analysis.<sup>1</sup> Because the court's contractor has not completed its installation of the case management software, the Council will evaluate case management innovations next year.

The present evaluations showed some modest successes for the new projects, but some expected outcomes were not achieved. The limited time for their evaluation may mean that longer-term assessments of the projects' effectiveness would show more definable improvement in outcomes. At a minimum, some of the analyses suggested that the amount of subsequent criminal and civil domestic violence declined for the petitioners during the test years of 2003 and early 2004. On the other hand, the likelihood that a domestic violence petition would result in a long term order did not change. The analyses showed that several factors, some unexpected, were somewhat related to the issuance of long term orders. These included the identity of the judicial officer handling the case, whether the respondent had an attorney, and the gender of the petitioner.

Interviews with people who worked on the projects described ways in which the advocate and the facilitator served those in domestic violence proceedings. Court staff, judicial officers, and petitioners all valued the advocate's assistance in preparing petitions and motions, and giving petitioners other support. The facilitator worked most closely with the two domestic violence specialist judicial officers, and assisted many parents with plans for custody, visitation and child-related issues. The interviews suggested that some of the unexpected findings from the data, such as an increase in requests for modifications, showed improvements in the process closely tied to the advocate's and facilitator's contributions.

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<sup>1</sup> The Council published a detailed description of its methods, data, interviews and findings as COURT INNOVATIONS IN DOMESTIC VIOLENCE CASES: EVALUATION REPORT (August 2005). The detailed document includes the report of the statistical analysis by Dr. Darryl Wood at the University of Alaska Justice Center as Appendix A. The full report and this executive summary are both available to download at the Council's website, [www.ajc.state.ak.us](http://www.ajc.state.ak.us).

## **A. Domestic Violence Process in the Anchorage Court**

The Alaska Court System's report for fiscal year 2004 showed 3,479 civil petitions filed for protection against domestic violence or stalking. In Anchorage, petitioners could go to the Boney Court Building at any time to file a petition, typically for a short term order protecting them against further domestic violence for twenty days.<sup>2</sup> A flow chart (see figure 1, appended) shows the events in the civil domestic violence process.

Clerks at the Anchorage courthouse helped petitioners complete the forms needed to ask for a "twenty-day" or "ex parte order,"<sup>3</sup> but could not help them in many other ways. The court designed the advocate and facilitator programs to help with some of the petitioners' unmet needs. The court hoped that better-prepared petitioners would have better outcomes in their cases, and that the program staff would assist the judicial officers who heard domestic violence civil cases.

After an ex parte hearing before a judicial officer, the petitioner could return to court within twenty days for a long term order. Between the ex parte hearing and the long term hearing, the petitioner could ask to have the ex parte order dissolved, which canceled the long term hearing. Alternatively, the petitioner's ex parte order could become part of an ongoing or newly filed superior court case (typically, child custody, divorce or dissolution) that would provide a more permanent resolution to the case. The court believed that more permanent resolutions were a desirable outcome for the domestic violence cases, and asked the Council to use these outcomes as one measure of the success of the projects.

Petitioners often missed the long term hearing without notifying the court. If the petitioner went to the long term hearing, he or she could ask to have the case dismissed, or the judge could deny the long term protection order, or (most commonly) could grant the long term order. The long term orders granted during the years evaluated lasted for six months (because of a 2004 legislative change, the long term orders now last for up to one year).

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<sup>2</sup> Forms and information about filing a domestic violence petition are on the court system web site. Go to <http://www.state.ak.us/courts/forms/dv-150.pdf>.

<sup>3</sup> Practitioners often refer to the long term hearing as the "20-day" hearing because it must occur within twenty days of the time that the ex-parte order was granted. The long term order is sometimes referred to as the "six-month order" (during the period of this report, when the order could only last for six months). To reduce confusion for the purposes of this report, the words "ex parte order" will be used for the order granted at the ex parte hearing. The words "long term" will be used to refer to the hearing at which a lengthier period of protection was granted, and also to the order granting the longer protection.

## **B. Relationships Between the Ex Parte Process and Long Term Orders**

Table 1 (appended) shows information about approximately 4,600 petitions for ex parte orders filed during the periods used in the study (2002 cases were comparison cases; 2003-2004 cases were drawn from the period during which the projects were effective), and the relationships among ex parte petitions filed and long term orders granted. These data give context for understanding the sample of cases used in the actual evaluation and help describe any changes between 2002 and 2003-04 in the court's domestic violence processes.

Petitioners usually came to the ex parte hearing. Judges in 81% of the 4,642 ex parte hearings granted the ex parte order. In this project, the court wanted to encourage petitioners to pursue long term orders, or to have their cases handled in a more permanent forum, usually by having the superior court make decisions in divorce, dissolution or child custody cases. However, slightly over half (52%) of the petitioners who had ex parte orders granted did not pursue a long term order, including 14% (478) of the cases in which the petitioners resolved the case in some other way (see notes on Table 1) and 38% (1,337) of the cases in which the petitioners never returned to court for the long term hearing.

One purpose of these data was to show whether the court processes for most cases changed from 2002 (before the new projects were in effect) and 2003-2004 (the years in which the projects started operation). Little changed between the two years in the court process. In each period, about 6% of the persons who filed an ex parte petition did not attend the ex parte hearing and judicial officers denied 19% of the ex parte petitions in each year. After the projects started, a slightly higher percent of those with a scheduled long term hearing actually went to the hearing (35% in 2002 and 36% in 2003-04). At the hearing, however, little changed. In both periods the petitioner asked for dismissal at 5% of the hearings, and the judge granted the long term order for 26% (of all who filed an ex parte petition) of the cases.<sup>4</sup> The later analysis of the sample chosen for this evaluation shows more detail about the long term hearings.

If the judge granted a long term order, the petitioner could ask to have it modified or dismissed while it was in effect. Petitioners or respondents often wanted to change visitation schedules and child support. They also could ask to have the terms of the protective order changed

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<sup>4</sup> If different denominators are used, such as the number of people who had long term hearings scheduled (see Figure 4, page 24, main report), the percentage of petitioners with long term orders granted increased slightly, from 40% to 41%. Using only the 1,072 cases selected for the evaluation sample, there was no change (73% of cases in each year) in the percentage of long term orders granted. All three analyses lead to the conclusion that no significant increase in the percentage of long term orders granted occurred between 2002 and 2003-04.

in other ways, and they could ask to have the entire order dissolved (dismissed).<sup>5</sup> The order automatically expired at the end of six months for the cases in this evaluation but the petitioner could return to court at that time and ask for a new order.

### **C. Evaluating the Long Term Hearings and Orders**

After looking in detail at the ex parte process and outcomes, the evaluators focused on the long term process and outcomes. The Council selected a sample of 1,072 cases in which petitioners or respondents attended a long term hearing. About half the cases came from 2002 before the new projects were in place, and about half from 2003-early 2004 during the first one and a quarter years of the advocate and facilitator work. The people who petitioned the court for assistance were:

- mainly female (about 82%);
- about 34 years old (average);
- not married (although the percentage of married petitioners increased from 36% in 2002 to 41% in 2003-04);
- had children in the household (about 71%); and
- often had prior domestic violence between them (about 40%).

The Council also looked at the details of the hearings held in these cases, and found that:

- the petitioner was almost always at the hearing (98% of the time), and the respondent was at a majority of the hearings (about 60% of the time);
- neither the petitioner nor the respondent had an attorney most of the time;
- the judges who heard domestic violence long term hearings changed significantly after the programs started, with the two specialized domestic violence masters handling about 46% of the 2002 cases, but 61% of the 2003-04 cases;
- about 60% of the cases in each year had two or more hearings;
- case files in 2003-04 had many more orders related to child custody, visitation and support than cases in 2002, indicating that the court had achieved one of its goals in instituting the projects; and
- parties asked for more modifications of the long term orders in 2003-04 than they did in 2002, an unexpected outcome (the court had expected fewer modifications).

The court hoped for several changes in the court process as a result of beginning these

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<sup>5</sup> Typically a protective order severely restricts contact between the parties. Violation of a protective order is a misdemeanor offense, and the party violating the order – petitioner or respondent – can be charged with the crime. If the petitioner wishes to return to greater contact with the respondent, the court must dissolve the protective order or modify it to reflect new conditions.

programs. Tables 3a and 3b (appended) show the court expectations, and what actually happened. The court had hoped that having the advocate and facilitator helping petitioners between the ex parte filing and the long term hearing would result in better-prepared petitioners who were more willing and able to use the court process. It believed that several indicators could be used to measure whether the projects achieved the goals set. The indicators included:

- a higher percentage of petitioners going to the long term hearings. In fact, slightly more petitioners did go to the hearings;
- more long term orders granted. There was no change in the likelihood that a long term order would be granted;
- more child custody awards at the long term hearing or within the six months following. The percentage of cases with child custody awards increased significantly during the test years.
- more child support awards at the long term hearing or within the following six months. The percentage of child support awards did increase during the test years;
- fewer hearings in each case. The number of hearings in each case stayed about the same.
- fewer motions to modify the long term order. The motions to modify the order increased significantly during the test years. Staff and observers interviewed for the report believed that the presence of the advocate and facilitator actually encouraged people to use the court process appropriately, rather than violating the terms of the orders because they had changed their minds about aspects of their relationships. Thus, although this was unexpected, the court believed that it represented a positive result of the projects;
- fewer long term orders dissolved at the petitioner's request after the long term hearing. The number of orders dissolved actually increased significantly during the test years. Again, the court and other observers believed that this represented the petitioners' willingness to use the court process as it was intended to be used;

The interviews conducted to evaluate the work of the advocate and facilitator supported the findings from the data. Generally, everyone interviewed believed that the court had benefitted from the projects (one exception had to do with concerns about the facilitator's role in presenting information from only one party to the judge). Interviewees found the two new staff people to be helpful to petitioners by giving them a better understanding of the process, help in stating their needs more clearly, and by providing emotional support. The new staff helped judges by focusing the petitioners on their needs so that the judges had better information for decisions. The advocate in particular could assist other court staff by responding to petitioners' needs that court staff did not have the time or authorization to meet. Overall, the response to the projects was positive in most ways.

## **D. Longer Range Effects Associated with the Projects, and Other Data**

In addition to hoping to improve the process for handling civil domestic violence cases, the court also hoped to have a longer-range effect on domestic violence in Anchorage. It set goals for the projects that the Council evaluated using a complex form of analysis described in detail in its full report.<sup>6</sup> The court believed that two types of measures (see table 3c, appended) would indicate, in its view, longer range improvements. These included an increase in the likelihood that couples would seek a divorce, dissolution or permanent child custody order in superior court (measured by filings in superior court), and a decrease in the likelihood of further civil or criminal domestic violence cases involving the couples in the evaluated cases (measured by a review of the court's computerized case tracking system and review of paper files).

On the first set of measures, the Council found that although the court expected more divorces, dissolutions and child custody decisions, couples in the test years had fewer filings for each. The analysis took into account the fact that more time had elapsed for the comparison couples (those in 2002), and that filings in superior court were more likely to happen soon after the granting of the long term order. The decreases were not statistically significant. One hypothesis about the reasons for this finding was that parties perceived that they were better served through the domestic violence process with the advocate and facilitator and did not feel the need for longer term solutions.

On the second set of measures, the Council found that the court had hoped for decreases in civil and criminal domestic violence cases between the two parties in the evaluated cases, and that the decreases had actually occurred. Both civil domestic violence petitions and criminal charges for domestic violence involving these two parties decreased more in the months following the long term hearings for the 2003-04 group than they did for the 2002 group. For criminal domestic violence cases, the finding was statistically significant. Although the data could not say whether the presence of the advocate and facilitator caused the decreases, they were strongly associated with the decreases.

The Council also used another complex form of analysis (see Table 4, appended) to see what factors were associated with the granting of long term orders.<sup>7</sup> It found that three factors were important (when reviewing all of the cases from both periods together) in knowing whether a long term order was likely to be granted:

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<sup>6</sup> The Council used a technique called survival analysis, which shows how likely certain events are to happen after a target date, taking into account the fact that some events are more likely to happen soon after the event and less likely to happen as time passes. See more discussion at pages 44 - 46 in the Council's full report (*supra* at note 1, and in Appendix A of the report, at pages 31 - 39).

<sup>7</sup> The Council used multivariate analyses, described in the full report (*supra* note 1) at pages 46 through 48, and in Appendix A of the report at pages 42 through 50.

- if the petitioner was female, the order was more likely to be granted (conversely, if the petitioner was male, the order was less likely to be granted. This factor was not important when the data were analyzed by the individual years);
- if the respondent did not have an attorney, the order was more likely to be granted (conversely, if the respondent did have an attorney, the order was less likely to be granted); and
- if the petitioner, at the long term hearing, did not ask to have the ex parte order dismissed (or the long term order denied), the order was more likely to be granted (conversely, if the petitioner asked the judge to dismiss the ex parte order or to deny the long term order, the long term order was very unlikely to be granted).

The Council also found that in 2002 cases, there was a greater likelihood that long term orders would be granted in cases heard by the specialist domestic violence masters. In 2003-04, the presence of the specialist master in the case was no longer associated with a greater likelihood of a long term order being granted. One reason for the change may have been that because the specialist judges were hearing a significantly greater proportion of the cases, their standards for granting long term orders would have affected more cases in 2003-04. This finding was consistent with interviewee comments that the specialist judges seemed to have different criteria for granting long term orders.

## **E. Council's Conclusions and Suggestions**

The Council concluded that on the whole the projects were successfully implemented, and had some modestly positive results. In the future, the Council suggested that the court might want to look at some aspects of the domestic violence process in greater detail.

- Because most people who filed an ex parte petition never went to a long term hearing, the court might want to see how better to serve the needs of people at the beginning of the process, or before the beginning of the process (through educational and prevention programs for the general public).
- Because more people were filing petitions for ex parte orders either not involving the types of intimate relationships that were the focus of the these projects or involving stalking, the court might want to assess the needs of these groups of parties.
- Because many parties did not ask for child support, the court might ask how they met their needs.
- Because improved long term processes could have reduced the need for more permanent solutions in superior court, the court might ask whether that should continue to be a goal for these projects.
- Because interviewees saw close associations between child in need of aid cases and domestic violence cases, the court might review the implications of the associations for court policies

in both of these types of cases.

## **Tables**

Figure 1

**Domestic Violence Protective Order Process**

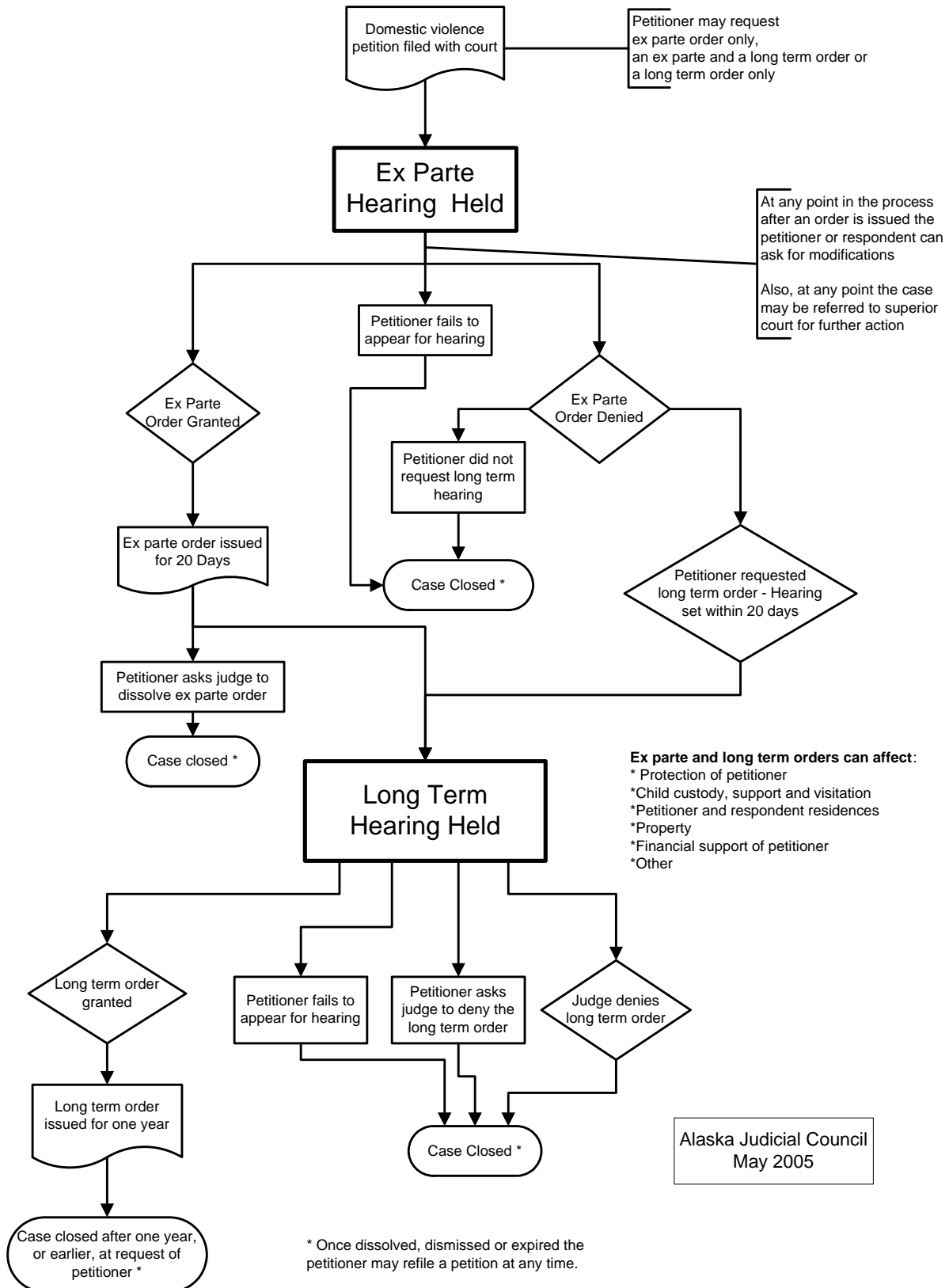


Table 1 Distribution of Screened Cases, 2002-2004			
	2002	2003-2004	Total 2002-2004
<b>Long Term Hearing Held</b>	<b>Number of Cases</b>	<b>Number of Cases</b>	<b>Number of Cases</b>
Long Term order granted	553 (26%)	652 (26%)	1,205 (26%)
Long Term order denied	100 (4%)	114 (5%)	214 (5%)
Long Term hearing, petitioner req. dismissal	102 (5%)	139 (5%)	241 (5%)
<b>Subtotal, long term hearings:</b>	<b>755*</b> <i>(35% of 2,148)</i>	<b>905*</b> <i>(36% of 2,494)</i>	<b>1,660*</b> <i>(36% of 4,642)</i>
<b>Ex Parte Proceedings Only</b>			
No show petitioner at scheduled long term hearing	633 (29%)	704 (28%)	1,337 (29%)
Ex parte order only**	221 (10%)	257 (10%)	478 (10%)
Ex parte petition denied at ex parte hearing	402 (19%)	479 (19%)	881 (19%)
Ex parte petition filed only, no hearings	137 (6%)	149 (6%)	286 (6%)
<b>Subtotal, Ex parte Only:</b>	<b>1,393</b> <i>(65% of 2,148)</i>	<b>1,589</b> <i>(64% of 2,494)</i>	<b>2,982</b> <i>(64% of 4,642)</i>
<b>Total, DV Cases Reviewed:</b>	<b>2,148</b> <i>(100% of cases screened in 2002)</i>	<b>2,494</b> <i>(100% of cases screened in 2003-2004)</i>	<b>4,642</b> <i>(100% of cases on this table)***</i>

\* 1,072 cases were selected for the evaluation sample from the 1,660 cases.

\*\* A long term hearing was typically scheduled for these cases, but in 478 cases, the petitioner asked to have the ex parte order dissolved (and therefore the long term hearing was cancelled), or the case was reassigned to a superior court judge, or the petitioner did not request a long term hearing.

\*\*\* A handful of cases - 67 - was excluded from the table because they were emergency or medical orders and would not typically have led to a long term hearing.

Table 3a (Data from screening analysis N=4,642) Comparisons Between Grant Objectives and Data Report				
Source		Grant Goals/ Expectations	Bivariate or Frequencies	Expected/ Not Expected
Table 1	Change in attendance at ex parte hearings	Not part of grant	No change (94%-94%)	No measure expected
	Change in likelihood of ex parte order	Not part of grant	No change (75%-75%)	No measure expected
	Changes in likelihood that long term order was not pursued by petitioner *	Not part of grant	No change (10%-10%)	No measure expected
Figure 4	Change in attendance at scheduled long term hearings	Increase	Increase (54%-56%)	Expected (no statistical measure)

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\* No long term hearing was scheduled for 221 cases in 2002 and 257 cases in 2003-2004 in which a) the petitioner asked to have the ex parte order dissolved and the long term hearing cancelled; or b) the case was reassigned to a superior court; or c) the petitioner did not ask for a long term hearing.

Table 3b (Data from evaluation sample, N=1,072) Changes in Measures at or Within Six Months of Long Term Hearing: Comparisons Between Grant Objectives and Data Report			
	Grant Goals/ Expectations	Bivariate or Frequencies	Expected/ Not Expected
<b>At Long Term Hearing</b>			
Change in likelihood that long term order was granted (Appendix A, Table 4)	Increase	No change (73%-73%) (not significant)*	Not expected
Change in child custody awards at long term hearing or within six months (Appendix A, Table 11)	Increase	Increased (44%-54%) <b>(significant)</b>	Expected
Change in child support awards at long term hearing or within six months (Appendix A, Table 11)	Increase	Increased (8%-11%) (not significant)	Expected
<b>This Case, Before or After Long Term Hearing</b>			
Change in hearings per case (ordinal, interval, means) (Appendix A, Table 4)	Decrease	Increased slightly or no change (59% -61%) (not significant)	Not expected
Change in motions to modify (ordinal, means) (Appendix A, Table 4)	Decrease	Increased (40%-47%) <b>(significant)</b>	Not expected
Long term order dissolved at petitioner's request after long term hearing (Appendix A, Text, p. 43)	Decrease	Increased (11%-17%) <b>(significant)</b>	Not expected

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\* A measure of statistical significance is used to determine how likely it is that a distribution of data is due to chance. The standard for statistical significance is whether there is less than one chance in 20, or less than a 5% chance that an event occurred because of chance. A test used to determine this is called "chi square." Chi square results are usually expressed as  $p \leq .05$  (or as a smaller percentage, down to  $< .001$ ). See Appendix A or contact the Judicial Council for significance test results for the data described in this report.

Table 3c (Data from evaluation sample, N=1,072) Longer Range Outcomes: Comparisons Between Grant Objectives and Data Report			
	Goal	Survival Analysis	Expected/ Not Expected
Change in divorces or dissolutions filed for all married couples after ex parte petition filed (Ct view) (Table 9, Appendix A)	Increase	Decreased (not significant)	Not Expected
Change in div/diss filed for couple with children after ex parte petition filed (Ct view) (Table 10, Appendix A)	Increase	Decreased (not significant)	Not Expected
Change in child custody cases filed after ex parte petition filed, when judge granted L-T order (children in home) (Table 13, Appendix A)	Increase	Decreased (not significant)	Not Expected
Change in civil DV cases after ex parte petition filed (Ct view) this pair (Table 18, Appendix A)	Civil DV decrease	Decreased (not significant)	Expected
Change in criminal DV cases after ex parte petition filed (Ct view & paper) this pair (Table 17, Appendix A)	Criminal DV decrease	Decreased (not significant)	Expected
Change in criminal and civil DV combined after ex parte petition filed (Ct view) this pair (Table 19, Appendix A)	Decrease	Decreased ( <b>some groups significant</b> )	Expected

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\* A measure of statistical significance is used to determine how likely it is that a distribution of numbers is due to chance. The standard for statistical significance is whether there is less than one chance in 20, or less than a 5% chance that an event occurred because of chance. A test used to determine this is called “chi square.” Chi square results are usually expressed as  $p \leq .05$  (or as a smaller percentage, down to  $<.001$ ). See Appendix A or the Judicial Council for significance test results for the data described in this report.

Table 4 Results of Multivariate Analyses			
<b>Variables Tested</b> (Appendix A, Tbl. 24)	<b>Variables Important, Bivariate</b> (Appendix A, Tbl. 23 )	<b>Variables Important, Both Comparison and Test Years</b> (Appendix A, Tables 26 & 27)	<b>Important Changes Between Comparison and Test Years</b> (Appendix A, Tbl. 28)
Respondent had Attorney	If respondent had attorney, fewer L-T orders <b>(significant)</b>	If respondent had attorney, fewer L-T orders	
Respondent used weapon	<i>(not significant)</i>		
Children in case-Petitioner had or asked for kids	If children involved, fewer L-T orders <b>(significant)</b>		
Pet/Resp were ex-spouses	<i>(not significant)</i>		
Petitioner was female	If petitioner was female, more L-T orders <b>(significant)</b>	If petitioner was female, more L-T orders	
Earlier DV, case file	If earlier DV in case file, more L-T orders <b>(significant)</b>		
Judge was DV specialist	If judge was DV specialist, more L-T orders <b>(significant)</b>		DV judge in 2002 more L-T orders <b>(significant)</b> ; not significant in 2003-2004
Pet asked judge to deny L-T order	If petitioner asked judge to deny order, fewer L-T orders <b>(significant)</b>	If petitioner asked this, fewer L-T orders	
Case was 2002 (vs. 2003-2004)	<i>(not significant)</i>		