

Integrated Domestic Violence Court: Process, Outcomes & Lessons Learned

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Goals & Objectives

- ✓ One judge – one family model; case management
- ✓ Victim safety
- ✓ Offender accountability
- ✓ Streamlined court process (i.e., no conflicting court orders, monitoring of court orders)
- ✓ Coordinated resources to children and families
- ✓ Better integrated involvement with community partners

APPROACH OF IDVC MODEL

- One judge-one family case management.
- In criminal, the case meets the same test for prosecution; due process and procedural fairness (Crown elects to proceed on summary charges only).
- In family, the focus is on children's best interests.

IDVC Implementation Process

- Court opened in June, 2011.
- Automatic referral to IDVC if Crown elects to proceed on summary conviction that also has a family law dispute.
- Implementation, community, operations and research sub-committees (stakeholder meetings were broad and inclusive).
- Court operates one day every other week with two dedicated judges, Crowns, legal aid lawyers for criminal and family, victim witness service, and a family support worker.

Methodology: Mixed Methods

- 21 in-person tape recorded interviews; transcribed (judges, Crowns, criminal and family duty counsel, family law lawyers, community partners, victims and accused).
- 160 control families (matched criminal and family disputes, but in separate courts)
- 45 IDV families (criminal and family in IDVC).

Descriptive Data: After Inclusion/ Exclusion Criteria

Control Group n=143

- Average age of first child is 5 years of age; second is 5 years.
- Mother's average age is 30; father's age is 34.
- Mother's average income is \$14,051; father's income is \$20,403.

IDVC n=42

- Average age of first child is 5 years of age; second is 6 years.
- Mother's average age is 33; fathers is 36.
- Mother's average income is \$18,232; father's income is \$31,168.

IDVC

Criminal & Family Data

- N= 45 cases.
- 6 criminal trials, 1 (male guilty); 1 male (not guilty); 3 cases pending (1 male awaiting judgment; 1 male & 1 female ongoing trials); 1 male accused returned to criminal court for trial.
- 1 family matter was successfully appealed; *Afful v. Laing*, 2014 ONSC 74.
- 25/45 family cases completed to date (family/criminal).

THEMATIC FINDINGS



Stakeholder Interviews

Judges

- Facilitates better understanding of how DV is impacting on family matter.
 - Facilitates better decision-making knowing Crown's position and police records as background and context.
 - Tremendous benefit of having services coordinated.
- “hardest court I sit in”.. ...huge amount of energy, all high conflict cases”

Stakeholder Interviews Crowns

- “never knew family issues before and impact”
- “a good thing, better results so far and amount of work done in one day”
- “get more information from all sides”

Stakeholder Interviews

Community Support

- “promising value of IDVC”
- “good to hear both sides and protect the victim who is usually the woman”
- “Crown and VW speak to one another of who needs support”
- “so far....so good”

Stakeholder Interviews

Lawyers

- “takes longer to deal with case as criminal lawyers are speaking first and not efficient for family counsel”
- “initial impression was that counsel had to be experienced in both”
- “do not like the physical set-up”
- “not usual to hear both sides in criminal and family and share information”
- “I think it’s a great idea”

Victim and Offender

- One female victim stated: “I was able to explain a lotI was provided with an opportunity to express myself as was the other party, and the system was fair”.
- One female offender commented that: “the judge saw me as more of a complete person”.

Victim and Offender (Male Plead Guilty & Joint Custody)

- Female victim stated: “He is a better father now than before”.
- Male offender stated: “I learned a lot about myself through this process and now understand the impact on my kids”.

LESSONS LEARNED

System & Administrative Issues

- ▶ Integrated courts require a significant amount of administrative, judicial, and government support.
- ▶ Goals/vision need to be identified clearly and early.
- ▶ Ongoing planning and engagement with all stakeholders.....not a one time event.

LESSONS LEARNED

Outcomes

- ▶ Majority of criminal matters resolved by being withdrawn, suspended sentence, peace bond, or probation.
- ▶ Majority of family matters resolved with sole custody to mother and access to the father.
- ▶ Criminal trials have required more court days than anticipated. No family trials to date; but, may also require more court days than anticipated.
- ▶ Sequencing criminal with family case is difficult at times due to adjournments/disclosure/OCL/CAS investigations.

LESSONS LEARNED

Court Observations

- ▶ Family and criminal disputes is a changing narrative over time. Impacts on how and what outcomes are identified when; what is measured.....what is success?
- ▶ Majority of criminal legal representation for accused (male). Majority of family legal representation for females than males.
- ▶ Unintended consequences of information sharing for both victims and accused.
- ▶ Family and criminal lawyers are uncommunicative with one another; know little of either case.

Preliminary Conclusions: IDVC Remains Promising.....

PRO: Information sharing provides Crown, lawyers and judges with more holistic understanding of dv and family issues.

PRO: More efficient use of court time (i.e., less duplication, bail variations, motions to vary; disclosure).

PRO: Victims and offenders value the court; justice stakeholders value the court.

PRO: Seamless court support services for victims and referrals to community partners in criminal matters.

PRO: Flexibility and ease of change when system & administrative issues are identified (i.e., when accused is in jail and requires a holding cell; referral to PARS, interpreters).

Challenge: Access to justice issue (i.e., need more catchment areas involved).

Challenge: Need for better integration of community/gov't supports (OCL/supervised access services, etc.) in family matters.

Challenge: Fewer programs for female accused to be referred to and fewer support services for male accused.

Next Steps: Obtain larger sample size; longer follow-up with IDVC cases; need written judgments in both criminal and family for IDVC to build case law.

Questions/Comments/Thoughts ?



For comments on presentation, please email:
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