

FAMILY COURT ENHANCEMENT PROJECT: IMPROVING ACCESS TO JUSTICE

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In 2013, Minnesota's Fourth Judicial District was one of four courts in the country selected by the U.S. Department of Justice, Office on Violence Against Women to receive a Family Court Enhancement Project (FCEP) grant, a multiyear demonstration initiative designed to build the capacity of court systems and partner stakeholders to improve child custody decision making in cases involving domestic violence. The FCEP enabled the project sites to explore, implement, and assess new and innovative court and noncourt procedures and practices. This article is an exploration of the outcomes of this project.

Key Points for the Family Court Community:

- Courts and family law professionals can identify primary challenges to address barriers and gaps domestic violence victims and their children face in family court proceedings.
- Community-based, trauma-responsive, and culturally specific strategies are beneficial in implementing court reform in matters involving domestic violence.
- The use of an interdisciplinary collaboration of community, court, and professional stakeholders are effective for courts and family law professionals seeking to institute system or practice reforms.

Keywords: *Community Collaboration; Custody; Domestic Violence; Family Court Enhancement Project; Family Court Reform; Family Court Systems Change; Interdisciplinary Stakeholders; and Trauma Responsive.*

I. INTRODUCTION

In 2013, Minnesota's Fourth Judicial District (the District)¹ was one of four courts in the country selected by the U.S. Department of Justice, Office on Violence Against Women (OVW) to receive a Family Court Enhancement Project grant (FCEP), a multiyear demonstration initiative designed to build the capacity of court systems and partner stakeholders to improve child custody decision making in cases involving domestic violence.² The National Council of Juvenile and Family Court Judges (NCJFCJ) is responsible for coordinating technical assistance to the four sites through dedicated technical assistance teams composed of representatives from each of the project's National Partner organizations: the NCJFCJ, the Center for Court Innovation, the Battered Women's Justice Project (BWJP), and OVW. The grant has provided the district with the opportunity to determine how its "procedures, practices, and structures related to custody and parenting time can reduce further violence and trauma and enhance victim and child resilience and well-being."³

The FCEP enabled the project sites to explore, implement, and assess new and innovative court and noncourt procedures and practices designed to improve custody and parenting-time decision making and overcome existing barriers identified during the assessment phase of the project.⁴ As a demonstration initiative, grant sites shared lessons learned and experiences and outcomes with other communities so each could benefit from the focused work at each project site. During the course of that work, several themes emerged. Building on those themes in partnership with multiple stakeholders at each site, five fundamental values were identified that underlie the work and developed a set of Guiding Principles that enable courts and communities

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to incorporate those values into their systems, processes, and decision making. The five values identified by the project partners are:

- Safety and well-being of children and parents,
- Access to justice,
- Due process,
- Collaboration, and
- Accountability and transparency.⁵

This article discusses the challenges the district has identified through the FCEP, review what the district has learned while implementing the project, and address remaining issues and challenges as the grant draws to a close.

II. THE EFFECTS OF DOMESTIC VIOLENCE

Domestic violence affects millions of Americans each year.⁶ In the United States, 37% of women and 30% of men are subjected to physical violence, sexual violence, and/or stalking by an intimate partner at some point in their lives.⁷ Almost 25% of women and 14% of men experience “severe physical violence” at the hands of an intimate partner at least once in their lives.⁸

The consequences of domestic violence are startling. One in three female homicide victims are killed by a current or former intimate partner.⁹ Women who are in relationships where domestic violence occurs are four times more likely to contract sexually transmitted infections, including potentially fatal diseases like HIV.¹⁰ Domestic violence has also been linked to a general decline in domestic violence survivors’ physical and mental health, including higher rates of depression, anxiety, symptoms of post-traumatic stress disorder, asthma, diabetes, and irritable bowel syndrome.¹¹ Adults are not the only ones who suffer the effects of domestic violence. In a 2011 study, 27% of children polled reported exposure to physical domestic violence, and 25% reported psychological or emotional domestic violence.¹² Ninety percent of the children exposed to physical domestic violence were eyewitnesses to that violence.¹³ Like direct victims of domestic violence, children who witness domestic violence are more likely to develop anxiety, depression, and post-traumatic stress.¹⁴ Studies also correlate exposure to serious domestic violence as a child to that child then committing a criminal offense as an adult.¹⁵ Children who witness domestic violence also report being victims of other crimes at a far greater rate than their counterparts who do not experience domestic violence.¹⁶

III. CHALLENGES FOR THE COURT

The volume of district and family court cases stemming from domestic violence is a well-known challenge to judicial resources. In Minnesota alone, 26,876 criminal and civil domestic violence cases were filed in 2016.¹⁷ Of those cases, 5,101, or approximately 19%, were filed in the Fourth Judicial District. The district is the most populous in the state,¹⁸ making up about 22% of the total population.¹⁹ However, the fact that these ratios are comparable does little to alleviate the burden that hearing over 5,000 domestic violence cases each year puts on the district’s forty-three criminal court judges and fifteen family court judges and referees.²⁰ In 2016, family court handled the 2,931 petitions for civil protective orders filed (Orders for Protection [OPPs]).²¹ In 2016, 2,170 criminal domestic abuse no-contact orders were issued.

The same strain is experienced by Hennepin County Child Protection Services, whose current caseloads are double the national standard.²² In the last nine years, Hennepin County Child Protection has seen a 96% increase in screening reports.²³ In the last four years, child protection investigations have increased by 74%; out-of-home placements have increased by 65%; and cases opened for case management services have increased by 28%.²⁴

Perhaps most startling is the fact that over 60,000 domestic violence victims and their children sought some form of assistance from Minnesota's domestic violence victim programs in 2016.²⁵ Many of those 60,000 were denied due to lack of resources.²⁶

IV. FCEP HISTORY

In 2008, OVW began holding roundtable discussions regarding the intersection between domestic violence and custody.²⁷ Experts at those roundtables determined that children were being left in homes where domestic violence was present due to four main factors: (1) failure to identify, understand, and account for domestic violence by courts and in third-party assessments and recommendations; (2) structural and procedural barriers; (3) limited legal and advocacy resources; and (4) the effects of race, class, and gender biases on outcomes.²⁸ In response, the OVW funded the FCEP.²⁹ National experts and consultants now provide FCEP sites with technical assistance and national judicial training and input.

V. THE DISTRICT'S IDENTIFIED CHALLENGE AREAS AND EFFORTS TO ADDRESS THEM

The district established an FCEP Management Team and assembled a Collaborative Workgroup consisting of members of the family court bench, court staff, and county and community stakeholders to implement the FCEP's goals and to inform the district's work under the grant. During the grant, the district held roundtable sessions with attorneys, advocates, guardians ad litem, social workers, and survivors and perpetrators of domestic violence and conducted surveys of the bench. Following those roundtables and surveys, the district identified four challenge areas to address barriers and gaps faced by domestic violence victims and their children participating in family court proceedings that were consistent with the five Guiding Principles that underlie the work:

1. Courts' inconsistent identification and assessment of domestic violence in custody and parenting-time cases;
2. Pressure on litigants to participate in and resolve family court cases in alternative dispute resolution (ADR) processes;
3. Inadequate representation, advocacy, or information necessary for victims of domestic violence to access relief in family court; and
4. The disproportionately low rate at which Native Americans seek relief in family court as compared to the Native American population in the district.

Each of these challenge areas are addressed below.

A. COURTS' INCONSISTENT IDENTIFICATION AND ASSESSMENT OF DOMESTIC VIOLENCE IN CUSTODY AND PARENTING TIME CASES

The overall goal of the FCEP is to determine how court procedures, practices, and structures related to custody and parenting time can reduce further violence and trauma and enhance victim and child resilience and well-being. However, a large district with over a dozen family court judicial officers³⁰ poses significant challenges with respect to implementing a more consistent approach to the identification and assessment of domestic violence in custody and parenting-time cases in general. All civil protective order cases were heard on mass calendars by one of any nine judges.³¹ Time constraints on those calendars precluded custody, parenting time, and financial issues from being addressed, as did philosophical differences between judges.

Under the FCEP, and consistent with values set forth in the Guiding Principle related to promoting the safety and well-being of the children and parents, the district launched a civil domestic abuse “child-related relief” pilot calendar on January 1, 2016 (the “DR calendar”) in an effort to begin that assessment process on a more manageable scale.³² Cases scheduled on the DR calendar are those in which parties have a child or children in common and either (1) the petition requests some type of child-related relief (custody, parenting time, and/or child support) and/or programming/treatment and a required hearing is scheduled³³ or (2) the petition requests no child-related relief and no hearing is scheduled but the respondent requests a hearing after being served. The approaches taken on the DR calendar include:

1. Providing petitioners and children with financial relief allowed by statute but not consistently provided previously due to time constraints on standard domestic abuse calendars;
2. Providing for custody and parenting-time arrangements that protect the safety and well-being of petitioners and their children;
3. Holding the offending parent accountable for his/her abusive behavior; and
4. Establishing the least restrictive parenting-time arrangement considering the above priorities.

The DR calendar began with two calendars a week and alternating those calendars between three judicial officers. The number of judicial officers was limited so new practices could be implemented and changes could be made as the district encountered challenges and learned from our experiences. It also provided for quality handling of these cases. It immediately became apparent that this calendaring was insufficient. Given the additional time judicial officers take with DR calendars, it was not uncommon for these calendars to take up to six consecutive hours to conclude. This was unsustainable for judicial officers and their staff, court administration staff, guardians ad litem, interpreters, parties, and attorneys representing parties.

Approximately six weeks later, a third calendar a week was added as well as a fourth judicial officer. Still, over the next year the district continued to struggle with calendars routinely lasting four to eight hours without any breaks for judicial officers, law clerks, court administration staff, legal services attorneys and staff,³⁴ guardians ad litem, and parties. Beginning January 1, 2017, two time-staggered DR calendars are held three days a week and are heard by seven judicial officers.³⁵ While the DR calendar began as a pilot, it has become a permanent calendar that will be heard by all fifteen family court judicial officers beginning January 1, 2018.

When parties first appear on the DR calendar, respondents are provided three options: (1) admit the allegations in the petition and agree to the issuance of a two-year OFP; (2) deny the allegations in the petition and proceed to an evidentiary hearing; or (3) deny the allegations in the petition, but agree to the issuance of a two-year OFP. Also discussed are any appropriate exceptions to the orders’ no-contact provisions, primarily with respect to the parties’ children.

If there are allegations of abuse toward a child and/or there are safety concerns related to parenting time and/or parenting-time exchanges, a guardian ad litem is appointed for the child. However, the utilization of a guardian ad litem also varied greatly from judicial officer to judicial officer. After numerous discussions on this issue throughout the FCEP, the role for a guardian ad litem on the DR calendar is as follows:

to assess whether the child(ren) are safe in respondent’s care; whether it is in the child(ren)’s best interest to have parenting time with respondent, and if so, under what conditions, if any; any safety issues related to parenting time exchanges; and to make any other recommendations that are in the child(ren)’s best interest.

The order appointing a guardian includes the above language. Guardians typically need at least two weeks from appointment to gather the necessary information resulting in a continuance for an evidentiary hearing on the issue of domestic abuse and/or to review the guardian’s parenting-time recommendations. When appropriate, parenting time is ordered that may be restricted as to time, place,

duration, or supervision as well as a respondent's participation in domestic abuse programming, chemical health assessment, and/or therapeutic services as may be appropriate.

Critical to the district's improved handling of domestic relations cases and consistent with the accountability and transparency Guiding Principle is the scheduling of review hearings when restricted parenting time or programming, chemical health, and/or therapeutic services have been ordered. These hearings are scheduled two to four months from the date the OFP is issued. Review hearings assist in holding perpetrators of domestic violence accountable by monitoring court-ordered participation in programming and/or evaluation(s), determining the readiness of respondents and children for unsupervised/expanded parenting time, and reviewing any appropriate exceptions to no-contact provisions to facilitate safe communication between parents regarding children and parenting.

Also critical to improved handling of domestic abuse cases is court administration staff's role in implementing changes to procedures and policies, including assignment/reassignment of domestic abuse cases and any current and/or future related family court cases to the appropriate judicial officer. With some exceptions, every domestic relations case heard is assigned to the judicial officer who initially heard that case.³⁶ Any review hearings or motions to modify or dismiss an OFP are then heard by that judicial officer. For any new domestic relations or family court case involving the same family filed, court administration staff review the Minnesota case information system (MNCIS) for assignment to the same judicial officer who heard the domestic relations case—a "one family, one judge" approach. Dually assigned domestic relations and family court cases can then be handled in tandem as needed.

In an effort to achieve more consistency in the handling of domestic abuse cases, judicial officers utilize form orders that have been developed and modified throughout the course of the FCEP. Form orders ensure the use of consistent language, approaches, and management of civil protective order cases. The orders include clear and concise language that ease parties' and law enforcement's understanding of and access to information and improves family court judicial officers' communication with child protection services, fulfilling the project's goal of avoiding child placement in unsafe environments.³⁷

Additionally, the district now requires all new family court judicial officers to undergo training with BWJP and attend the Enhancing Judicial Skills in Domestic Violence Cases offered by the National Judicial Institute on Domestic Violence. The SAFeR Approach to custody and parenting time cases developed by BWJP has been particularly useful for the district with respect to identifying and addressing domestic abuse in a relationship.³⁸ The SAFeR Approach consists of four steps: Screening for domestic violence, Assessing the nature and context of the domestic violence, Focusing on the effects of the domestic violence, and Responding to the effects of domestic violence. Each step of the SAFeR Approach is accompanied by specific color-coded guides, charts, and worksheets to analyze domestic violence in any given case.³⁹ As part of the FCEP, the district has begun utilizing and has likewise encouraged involved stakeholders to utilize the applicable domestic violence guides and worksheets. Efforts to standardize the utilization of the SAFeR Approach will increase the likelihood that domestic violence will be detected and ideally lead to more consistent responses to the effects of domestic violence.

B. PRESSURE ON LITIGANTS TO PARTICIPATE IN AND RESOLVE FAMILY COURT CASES IN ADR PROCESSES

The district has established an Early Case Management protocol for family court cases that involves parties' participation in an Initial Case Management Conference (ICMC) with the assigned judicial officer three to four weeks after filing.⁴⁰ Early Case Management and ICMCs have been extraordinarily effective tools for resolving family court cases efficiently and without unnecessarily burdening parties with the costs of litigation. It is routine for the court to discuss ADR processes with parties, in particular, the use of Early Neutral Evaluations (ENE) to resolve financial issues and issues related to the parties' children. However, the presence of domestic violence may make

participation in ENE or other ADR processes inappropriate.⁴¹ Inversely, the existence of domestic violence does not necessarily preclude a dispute from being resolved via an ENE or other ADR process.⁴²

The identification of domestic violence in any given case is particularly challenging for a court, especially at the beginning of a case. At the time of the ICMC, typically only the petition has been filed. Discovery has not been conducted and motions have not been filed. In fact, Early Case Management discourages those practices prior to the ICMC. Therefore, little information is available to the court at the time of the ICMC. Any direct effort by the court to determine if domestic violence is an issue in any given case could likely be perceived as bias and may place a victim in further jeopardy. However, by assuming that domestic violence is not an issue, the court may inadvertently place undue pressures on survivors to participate in ADR proceedings.

To improve courts' awareness of possible domestic violence in light of the above challenges, the district modified certain information routinely sent to parties when a family court case is filed and forms parties complete prior to the ICMC. Specifically, an ICMC Data Sheet is mailed to each party along with the Notice of Case Assignment and Notice of ICMC. That data sheet asks parties to identify whether s/he and the other party have been involved in any child protection, paternity, child support, domestic abuse, harassment, or criminal cases; the file number, if known; and whether there are any civil or criminal no-contact orders in place. This relatively innocuous disclosure can alert the court to safety issues that may exist between the parties so the court's comments to the parties at the ICMC are tailored with that in mind.

Both mailed to the parties and provided to them in the courtroom at the ICMC are a description of the ENE program(s). That description asks the following questions:

1. Do you feel safe meeting in the same room with the ADR provider and other party to try to resolve the issues in your case?
2. Do you feel free to participate, not participate, or withdraw from an ADR process without fear of harm or the threat of harm, including when the process is over?
3. Are you and the other party willing and able to negotiate freely, deal fairly with each other; follow the rules set up for the process, and make your own decisions without fear of harm or the threat of harm, including after the process is over?

The ENE program description(s) also contains the following notice:

VI. WHEN DECIDING WHETHER TO PARTICIPATE IN AN ENE IT IS IMPORTANT THAT:

- You feel safe meeting in the same room with the ADR provider(s) and the other party;
- You feel free to participate or not participate in the process or withdraw from the process without fear of harm or the threat of harm, including after the process is over; and
- You and the other party are willing and able to negotiate freely, deal fairly with each other; follow the rules set up for the process and make your own decisions without fear of harm or the threat of harm, including after the process is over.

If you are uncomfortable trying an ENE, it may not be the right choice for you. You should talk to your attorney if you have one, or you may talk to an advocate or contact the Hennepin County Domestic Abuse Service Center at 612-348-5073.

Best practices require a court to take domestic violence into account when evaluating whether an ENE would be appropriate.⁴³ Thus, by addressing the first challenge area, courts can make gains in the second—if domestic violence is more readily and consistently identified and, in particular, if it

is identified by legal practitioners even before the ICMC, courts can make more informed determinations as to the appropriateness of an ADR process.

A. INADEQUATE REPRESENTATION, ADVOCACY, OR INFORMATION NECESSARY FOR VICTIMS OF DOMESTIC VIOLENCE TO ACCESS RELIEF IN FAMILY COURT

The Domestic Abuse Service Center (DASC) is a collaborative effort of the district, the Hennepin County Attorney's Office, the Hennepin County Sheriff's Department, the Minneapolis City Attorney's Office, the Hennepin County Department of Corrections, and multiple community-based and culturally specific domestic violence advocacy agencies. DASC opened twenty-two years ago as a one-stop shop where victims of domestic violence can access a coordinated approach to legal and advocacy services when seeking protection from domestic violence.

DASC is located in the lower level of the Hennepin County Government Center, approximately four blocks from the Family Justice Center (FJC), where civil domestic abuse cases are heard. Earlier this year, construction began at the FJC to relocate DASC to the FJC so that domestic violence-related services would be available under one roof. However, Hennepin County's recent purchase of another building will suspend that move until 2022. Nevertheless, the goal remains to have the FJC and DASC in one building, behind weapons screening. The district anticipates that more victims will take advantage of the opportunity to work with trained staff to seek protection and access relief through family court. The district also hopes that this will increase victims' awareness of court resources and options and comfortability in accessing family court to increase safety for themselves and their children.

DASC maintains its own culturally specific victim services' statistics.⁴⁴ The statistics listed below indicate the number of people that received services through DASC and self-reported their race/ethnic background. Services provided through DASC include advocacy, housing services, petitioning for an OFP, and developing safety plans for victims of domestic violence to navigate the system. Statistics for the past four years are summarized as follows:

Victims Served by DASC				
	2013	2014	2015	2016
Asian	66	154	65	173
LGBTQ	87	100	103	157
Hispanic/Latino	277	506	523	471
Native American	189	282	250	189
Somali	123	189	198	271
TOTAL	742	1,231	1,139	1,261

Prior to the district's receipt of the FCEP grant, the relationship between the district and domestic violence advocacy agencies was strained. Advocates did not have much trust in the way that the bench handled civil domestic abuse cases. It was not uncommon for petitioners seeking an OFP to request protection and no contact only. It appeared there was little belief that any other relief allowed by statute would actually be granted by judicial officers.

Advocates have played an important role in the FCEP. Several trainings and Judicial Listening Sessions have been held with domestic abuse advocates. The improved approaches being taken on the DR calendar have also served to improve the relationship between advocates and the bench. The Judicial Listening Sessions begin with a thirty-minute period before judicial officers join the session to allow advocates to discuss a variety of issues outside of judicial officers' presence. This format and the resulting conversations have served to increase trust and improve those relationships. In turn, advocates are better able to assist victims in seeking overall relief that best assures safety.

While domestic violence crosses all lines of race, ethnicity, religion, and socioeconomic backgrounds, lower-income households are impacted at a far greater rate than higher-income households.⁴⁵ As a result, many victims are unable to afford legal representation when appearing in family court. To begin addressing this challenge and to improve access to justice for victims and families, the district has had the privilege of partnering with Central Minnesota Legal Services (CMLS). CMLS provides victims day-of, on-site consultations and/or representation on domestic violence cases and/or representation on a related family court at no cost. CMLS has communicated to the district that the approaches to domestic violence utilized on DR calendars are resulting in greater safety for victims of domestic violence and their children and more effective handling of cases involving domestic violence.

B. RATE AT WHICH NATIVE AMERICANS SEEK RELIEF

A recent study by the National Intimate Partner and Sexual Violence Survey found that almost half of Native American women experienced physical violence, sexual violence, and/or stalking by an intimate partner at some point in their lives.⁴⁶ In fact, over 80% of Native American women and men experience some form of domestic violence in their lifetime.⁴⁷ Despite the high rate of domestic violence reported in research, Native American survivors of domestic violence seek assistance from family court far less frequently than survivors of other races.

This is a particular problem for the district, which has one of the largest urban Native American populations in the country. Of the 1.23 million people who live in the district, 1.1%, or 13,557 identify as Native American, a number that actually underestimates the Native American population because it does not include people who identify as two or more races.⁴⁸ In Minnesota, 71,759 residents identify solely as Native American, meaning that almost 20% of the state's Native population resides directly in the district, with the remaining 80% distributed across the remaining eighty-six counties.⁴⁹

In an effort to combat this disparity, the family court now offers handouts specifically designed to address Native American concerns and misapprehensions about the court process. In addition, judicial officers are periodically visiting Native communities for Judicial Listening Sessions, where community members are encouraged to offer their thoughts about and experiences with the court system. Through the FCEP, the district appointed a Native Tribal/State Court Liaison whose responsibility is to bridge the gap between the Native community and the district's family court. The liaison meets with both individuals and community organizations and provides education, training, and outreach to both stakeholders in the legal system and in the Native community. This outreach includes going to Native resource fairs, pow wows, and other events in the community, rather than merely waiting for Native American community members to come to the court and say why they do not utilize family court.⁵⁰

These sessions have revealed that the Native American community faces a lack of access, whether it is access to information about where and how to seek domestic violence help, access to the court's website, or access to legal representation.⁵¹ Some were also afraid that seeking relief for domestic abuse could result in intervention by child protective services, while others expressed frustration with prior attempts to enforce OFPs they had already obtained.⁵² By recognizing these barriers and acknowledging the historical trauma that Native Americans routinely associate with family court, the district has already observed a 38% increase in the number of Native American survivors of domestic violence seeking assistance in family court in 2016 and 2017. This is a trend the district hopes to foster through continued outreach.⁵³

VII. CONCLUSION

The FCEP grant was scheduled to conclude in February 2018 but has been extended through August 2018. In light of this deadline, the district has focused over the past several months on

sustainability in the face of ongoing and future challenges. The district has modified and improved numerous internal procedures, policies, and processes over the course of the past four years. Weaving these changes into the fabric of court operations long term requires continued reinforcement of these procedures, policies, and processes. However, operating in a large district with multiple divisions, departments, and competing interests challenges the sustainability of those changes.

While most family court referees remain in family court for many years, the nine family court judges in the district typically have a three-year assignment and then rotate out of family court into a new assignment. Relatively new judges with typically little, if any, family law experience rotate into family court. Staff changes with respect to judicial officers' law clerks, the family court staff attorney, and court administration pose additional challenges with respect to maintaining relatively new institutional memory. As part of the effort to reinforce and sustain our newly modified procedures, policies, and processes, the district conducted its first day-long in-house training for judicial officers, law clerks, and district court administration staff in November 2017 and a second in December 2017. This training included: (1) a review of our state domestic abuse statute (definition of domestic abuse, qualifying relationships, authorized relief, etc.); (2) participation in the "Comings and Goings" interactive exercise, which demonstrates the difficult choices victims of domestic violence must make each day to protect themselves and their children⁵⁴; (3) a presentation by domestic abuse advocates describing their work with survivors seeking civil protective orders, appearances in court, and the trauma survivors experience and how that may manifest itself in how survivors present; (4) use of SAFeR Approach worksheets in an exercise involving an actual petition for a civil protective order; and (5) a detailed review of the form domestic abuse orders referenced above. The district plans to conduct this comprehensive training annually.

The district's improved approaches to family court cases involving domestic violence will only continue to be successful with continued access to and expansion of outside resources; specifically, supervised parenting-time centers, batterers' intervention programming, and culturally appropriate resources and programming. Making legal consultation and representation available to victims of domestic violence has also been critical to the success of the DR calendar with respect to improving outcomes for those victims and their children and will continue to be critical.

In spite of the above challenges, the FCEP management team and collaborative workgroup remain committed to building on the work that has been done over the past four years. A key component of the FCEP's success was bringing together a multidisciplinary group of business partners and professionals willing to engage in critical thinking about the challenges and barriers victims of domestic violence face—and to do so on a voluntary basis. Those continued relationships are also key to sustainability and future progress.

NOTES

The information provided in this document was created by the Minnesota Judicial Branch, 4th Judicial District, Family Court Enhancement Project under grant number 2016-FJ-AX-K001. The opinions and views expressed in this document are of the author's and do not necessarily represent the official position of the Office on Violence Against Women, U.S. Department of Justice.

1. The district encompasses the entirety of Hennepin County.

2. Although the FCEP grant was scheduled to conclude on September 30, 2016, the district received supplemental funding and extensions to continue its work under the grant through August 31, 2018.

3. Battered Women's Justice Project, Center for Court Innovation & National Council of Juvenile & Family Court Judges, *Guiding Principles for Effectively Addressing Child Custody and Parenting Time in Cases Involving Domestic Violence*, NAT'L COUNCIL OF JUVENILE & FAMILY COURT JUDGES 1, https://ta2ta.org/media/com_library/resources/235-ncjfcj-fcep-guiding-principles-final.pdf (last visited Nov. 29, 2017).

4. *Id.*

5. *Id.*

6. *Id.*

7. SHARON G. SMITH ET AL., CTR. FOR DISEASE CONTROL, THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY (NISVS): 2010–2012 STATE REPORT 9 (2017), <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>.

8. *Id.* at 117, 121.

9. *Id.* at 118, 122. “Severe physical violence” is defined as “hit with a fist or something hard, kicked, hurt by pulling hair, slammed against something, tried to hurt by choking or suffocating, beaten, burned on purpose, used a knife or gun.” *Id.*

10. CTR. FOR DISEASE CONTROL, COSTS OF INTIMATE PARTNER VIOLENCE AGAINST WOMEN IN THE UNITED STATES 3 (2003), <https://www.cdc.gov/violenceprevention/pdf/IPVBook-a.pdf>.

11. CTR. FOR DISEASE CONTROL, INTERSECTION OF INTIMATE PARTNER VIOLENCE AND HIV IN WOMEN 2 (2014), https://www.cdc.gov/violenceprevention/pdf/ipv/13_243567_Green_AAG-a.pdf.

12. See Sherry Hamby et al., *Children’s Exposure to Intimate Partner Violence and Other Family Violence*, U.S. DEP’T OF JUSTICE 3 (Oct. 2011), <https://www.ncjrs.gov/pdffiles1/ojdp/232272.pdf>.

13. *Id.* at 4.

14. *Id.* at 6.

15. See *id.* at 2.

16. Sherry Hamby et al., *The Overlap of Witnessing Partner Violence with Child Maltreatment and Other Victimization in a Nationally Representative Survey of Youth*, 34 CHILD ABUSE & NEGLECT 734, 738 (2010).

17. E-mail from Marcy Podkopacz, Dir. of Research and Bus. Practices Divs., Fourth Judicial Dist. of Minn., to Shannon Wachter, Family Court Enhancement Project Coordinator, Minn. Fourth Judicial Dist. Family Div. (Apr. 26, 2017, 10:37:44 AM CST) (on file with authors).

18. E-mail from Matthew Johnson, Research Analyst II, Fourth Judicial Dist. of Minn., to Shannon Wachter, Family Court Enhancement Project Coordinator, Minn. Fourth Judicial Dist. Family Div. (Apr. 25, 2017, 01:31:40 PM CST) (on file with authors); E-mail from Catherine Brey, Sr. Administrative Manager, Court Admin Management, Minn. Fourth Judicial Dist., to Shannon Wachter, Family Court Enhancement Project Coordinator, Minn. Fourth Judicial Dist. Family Div. (Jan. 3, 2017, 12:11 PM CST) (on file with authors).

19. *Compare Hennepin County Minnesota: Population Estimates, July 1, 2016*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/hennepincountyminnesota/PST045216> (last visited Nov. 29, 2017) [hereafter *Population Estimates*] (estimating that 1.23 million people live in Hennepin County) with *Minnesota: Population Estimates, July 1, 2016*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/MN/PST045216> (last visited Nov. 29, 2017) (estimating that 5.52 million people live in Minnesota as a whole).

20. *Hennepin County Judicial Officers*, MINN. JUDICIAL BRANCH, <http://www.mncourts.gov/About-The-Courts/Overview/JudicialDirectory.aspx?c=hennepin&ps=off> (last visited Nov. 29, 2017).

21. E-mail from Catherine Brey, Sr. Administrative Manager, Court Admin Management, Fourth Judicial Dist. of Minn., to Shannon Wachter, Family Court Enhancement Project Coordinator, Minn. Fourth Judicial Dist. Family Div. (Jan. 3, 2017, 02:22 PM CST) (on file with authors).

22. *Hennepin County Child Protection and Child Well-Being*, HENNEPIN CTY. 16 (Nov. 11, 2016), <http://www.hennepin.us/-/media/hennepinus/residents/human-services/docs/child-protection-briefing-2016.pdf?la=en>.

23. *Id.* at 17.

24. *Id.*

25. MINN. COAL. FOR BATTERED WOMEN, 2016 FEMICIDE REPORT 2 (Jan. 31, 2017), <http://www.mcbw.org/femicide-report>.

26. *Id.*

27. *Family Court Enhancement Project Call for Proposals*, NAT’L COUNCIL OF JUVENILE & FAMILY COURT JUDGES 2, <http://www.ncjfcj.org/sites/default/files/Call%20for%20Proposals.pdf> (last visited Nov. 29, 2017).

28. *Id.*

29. *Id.*

30. Judicial officers referred to herein are both judges and referees who serve in the district’s family court division.

31. Family court referees did not hear civil protective order calendars at that time.

32. The calendar is referred to as the “DR calendar” to distinguish it from the regular domestic abuse or “DA calendar.”

33. In addition to protection and no contact, Minnesota’s domestic abuse statute permits the court to address custody, parenting time, child support, spousal maintenance, domestic abuse programming, and treatment services. Generally, any relief in addition to protection and no contact requires a hearing.

34. Specifically, Central Minnesota Legal Services discussed more fully below.

35. Three additional “DA” calendars are also held each week for a total of nine DA/DR calendars.

36. Those not assigned include cases that are dismissed after hearing or due to a petitioner’s failure to appear and cases that are continued because service has not yet been effectuated.

37. See FCEP Application at 4.

38. GABRIELLE DAVIS ET AL., BATTERED WOMEN’S JUSTICE PROJECT, PRACTICE GUIDES FOR FAMILY COURT DECISION-MAKING IN DOMESTIC ABUSE-RELATED CHILD CUSTODY MATTERS 4–5 (2015), <http://www.bwjp.org/assets/documents/pdfs/practice-guides-for-family-court-decision-making-ind.pdf>.

39. See *id.* at 6 (listing the charts and worksheets that accompany each step).

40. MINN. JUDICIAL COUNCIL, *Early Case Management and Early Neutral Evaluation Best Practices for Family Court* 4 (Jul. 1, 2012), [http://www.mncourts.gov/mncourtsgov/media/scao_library/ENE/ECM-ENE_Statewide_Best_Practices_520-1_\(final_5-17-12\).pdf](http://www.mncourts.gov/mncourtsgov/media/scao_library/ENE/ECM-ENE_Statewide_Best_Practices_520-1_(final_5-17-12).pdf).

41. *Id.* at 9.

42. *Id.* at 5–6.

43. *Id.* The Minnesota Judicial Council also notes that an existing OFP or Harassment Restraining Order, requiring the parties to participate in an ENE may force the respondent to violate a court order. *Id.* at 6. Thus, one area of activity that the district identified in its FCEP application was to increase training for judicial officers to review the case history for these orders and any other domestic abuse-related proceedings. *2014 Family Court Enhancement Project Application 1* (Aug. 1, 2014) (on file with authors).

44. These figures include any victim services provided, not just statistics for those filing a petition for an OFP.

45. *Causes and Consequences of Intimate Partner Violence*, NAT'L INST. OF JUSTICE (Oct. 24, 2007), <https://www.nij.gov/topics/crime/intimate-partner-violence/Pages/causes.aspx#carlson>.

46. SMITH ET AL., *supra* note 7, at 3, 121.

47. ANDRÉ B. ROSAY, *VIOLENCE AGAINST AMERICAN INDIAN AND ALASKA NATIVE WOMEN AND MEN: 2010 FINDINGS FROM THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY 2* (2016), <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

48. *Hennepin County Minnesota: Population Estimates, July 1, 2016*, U.S. CENSUS BUREAU, *supra* note 19.

49. *Population Estimates*, *supra* note 19.

50. Anne K. McKeig & Liza G. Garcia, *How Minn. Courts Respond to Domestic Violence Against Indians*, INDIAN COUNTRY TODAY (Aug. 13, 2016), <https://indiancountrymedianetwork.com/news/opinions/how-minn-courts-respond-to-domestic-violence-against-indians/>.

51. *Id.*

52. *Id.*

53. *Id.*

54. This exercise was adapted from the “Chutes and Ladders” exercise developed by the National Center on Domestic and Sexual Violence. *Chutes and Ladders for Diverse Populations*, NAT'L CTR. ON DOMESTIC & SEXUAL VIOLENCE, http://www.ncdsv.org/images/WCADV_Chutes-and-Ladders-Activity_2007.pdf (last visited Nov. 29, 2017).

The Honorable Anne K. McKeig joined the Minnesota Supreme Court in September, 2016, making her the first American Indian appointed to the state's highest court. She previously served as an assistant Hennepin County Attorney and district court judge. She has worked on several committees focusing on child welfare and domestic violence issues, teaches as an adjunct professor at both St. Thomas School of Law and Mitchell Hamline School of Law, and has spoken at numerous conferences regarding child protection and tribal community issues. A descendant of the White Earth Nation, she is a native of Northern Minnesota.

The Honorable Mary Madden serves as a family court referee in Minnesota's Fourth Judicial District which encompasses the entirety of Hennepin County. She has served as a referee for the past ten years and, before joining the family court bench, practiced exclusively family law for twenty years. She is a former president of the Association of Family and Conciliation Courts—Minnesota Chapter board of directors and has worked on numerous committees to improve court processes and procedures and revise family law statutes. She is currently the lead judicial officer on the Fourth Judicial District's Family Court Enhancement Project, a multiyear demonstration project funded by the Department of Justice, Office on Violence Against Women, and the more recently received Mentor Court and Justice for Families grants also funded by the Office on Violence Against Women.