

Delaware FCEP Affinity Group Questions

DV Advocates and Legal Services Providers:

1. As a lawyer or advocate who works with victim-parents, what do you need to know about domestic violence in cases where child-related relief is requested (in PFA and divorce/dissolution/other custody settings)?
 - a. Why is that important?
 - b. In practice, how do you find out about that?
 - c. Are there things that seem to get in your way of finding out about that?
2. In your experience, do *other practitioners* (judges, other lawyers, mediators, court staff, guardians, evaluators) know what *they* need to know about DV in cases where child-related relief is requested? If not, what are they missing? What's getting in their way?
3. Aside from professional privilege or case strategy, is there anything that inhibits your ability to convey the information that you feel is important about DV as it relates to child custody decision-making to others in the family court system?
4. What are your greatest challenges working with *victim-parents* in cases where child-related relief is requested?
5. What are your greatest challenges working with *other professionals* (GALs, evaluators, mediators, judges, court staff, and other lawyers) in DV cases where child-related relief is requested?
6. What are your greatest challenges working with *unrepresented opposing parties* in DV cases where child-related relief is requested?
7. What, in your experience, makes custody cases involving domestic violence so complicated?
8. Generally speaking, how do victim-parents fare in DV-related custody cases under the current system (during, immediately after, and over the long-term)?
 - a. If they fare well, what contributes most to their success?
 - b. If they fare poorly, what gets in their way?
 - c. What about the kids? How do they fare?
9. How do you think the current system could be improved?
10. Is there anything else you'd like to tell us about your experience working with victim-parents in family court or your observations in domestic violence-related child custody proceedings?

Commissioners:

1. What kinds of cases do you hear where child-related relief may be granted?
2. How do you know whether domestic violence is an issue in those cases?
3. What do you need to know about domestic violence in those cases?
 - a. Why is that important?
 - b. How do you generally find out about that?
4. In your experience, do *other practitioners* (lawyers, advocates, mediators, court staff, guardians, evaluators) know what *they* need to know about DV in cases where child-related relief is requested? If not, what are they missing?
5. How do *other practitioners* know what *you need (or expect) to know* about domestic violence in cases where child-related relief is requested?
6. How confident are you that you are getting the information about DV that you need in those cases?
 - a. What, if anything, is getting in the way?
 - b. What might make it more likely that you would get that information?
7. What information helps you distinguish domestic violence cases with serious child custody implications from domestic violence cases without serious child custody implications?
8. How do you account for the compromised stability of one parent (lowered income, loss of housing, in a shelter, etc.) when it appears to be the result of domestic violence by the other parent?
9. In your estimation, how do unrepresented parties fare in DV-related child custody cases?
 - a. What problems do you see them encountering?
 - b. What do you think could be done to rectify those problems?
10. The literature around custody and domestic violence indicates that some victim-parents do not disclose domestic violence or raise it as an issue in the case for fear that they will lose custody. What are your thoughts about attorneys and victim-parents who may be reluctant to raise allegations of domestic violence in the cases that come before you?
11. What are your greatest challenges in domestic violence-related child custody cases?
12. Is there anything else you'd like to tell us about your experiences or observations of domestic violence-related child custody proceedings?

Court Staff:

1. Can you briefly describe your basic job responsibilities as they relate to cases in which child custody may be at issue?
2. In your official work capacity, how important is it for you to know whether a party to a non-PFA child custody case is a victim or alleged perpetrator of domestic violence? Why is that?
3. How does domestic violence factor into your work, if at all?
4. How do you know whether a party to a non-PFA child custody case is a victim or alleged perpetrator of domestic violence?
 - a. Do you use a standard DV screening instrument? If so, can you describe it?
 - b. Who do you screen, if at all?
 - c. When do you screen them, if at all?
 - d. Do you record the results? If so, where are they recorded and in what form?
 - e. Who has access to the screening results?
5. How do you know whether a party is a victim or perpetrator of domestic violence in non-PFA cases where there is no PFA in place, no prior criminal conviction, and no other DV indicator in the file?
 - a. How important would it be for you to know about DV in a case like that?
 - b. Why is that?
6. What do you think an unrepresented party needs to know in order to navigate the court system in a DV-related child custody case?
 - a. Why is that important?
 - b. Where would unrepresented parties get that information?
 - c. Do you think that most unrepresented parties know those things?
7. Aside from the things you just mentioned, what other problems do unrepresented parties tend to encounter in DV-related child custody cases?
 - a. What, if anything, do you think could be done to rectify those problems?
8. What are the greatest challenges you face in domestic violence-related child custody cases? How do you think those challenges could be addressed, if at all?
9. Is there anything else you'd like to tell us about your experiences or observations of domestic violence-related child custody proceedings?

Mediators:

1. What kinds of cases do you handle where child-related issues are in dispute?
2. How do you know whether domestic violence is an issue in those cases?
 - a. Do you use a standard tool or instrument to screen for domestic violence?
 - b. If you use a screening tool:
 - i. Can you describe it?
 - ii. Who do you screen?
 - iii. When do you screen?
 - iv. How do you screen (in-person, over the phone, by mail)?
 - v. Where do you screen?
 - vi. How do you record the results of the screening, if at all?
 - vii. Who has access to the screening results?
 - viii. What do the results of the screening tell you?
3. What do you need to know about domestic violence in cases where child-related issues are in dispute?
 - a. Why is that important?
 - b. How do you generally find out about that?
4. What, if anything, do you do differently when you know that domestic violence is an issue in the case?
5. In your estimation, what does a “successful” mediation look like?
6. What do *victim-parents* need to know about the effect of a consent PFA before they sign it? How do they find out about that?
7. What do *alleged perpetrator-parents* need to know about the effect of a consent PFA before they sign it? How do they find out about that?
8. If the parties arrive at a mediated agreement in a domestic violence-related child custody case (whether PFA or non-PFA):
 - a. How is that agreement memorialized?
 - b. By whom?
 - c. How is it presented to the parties?
 - d. Who, if anyone, reviews it with the parties?
 - e. When and how does that happen?
 - f. How does it get presented to the court? (When and by whom?)
9. If the parties to a domestic violence-related child custody dispute arrive at a mediated agreement, what responsibility, if any, do you have to ensure that the outcome is: (1) fair; (2) safe; and/or (3) consistent with the best interests of the child?

Private Bar:

1. As a lawyer, what do you need to know about domestic violence in cases where child-related relief is requested (in PFA and divorce/dissolution/other custody settings)?
 - a. Why is that important?
 - b. In practice, how do you find out about that?
 - c. Are there things that seem to get in your way of finding out about that?
2. In your experience, do *other practitioners* (judges, other lawyers, mediators, court staff, guardians, evaluators) know what *they* need to know about DV in cases where child-related relief is requested? If not, what are they missing? What's getting in their way?
3. Aside from professional privilege or case strategy, is there anything that inhibits your ability to convey the information that you feel is important about DV as it relates to child custody decision-making to others in the family court system?
4. What are your greatest challenges working with *victim-parents* in cases where child-related relief is requested?
5. What are your greatest challenges working with *alleged perpetrator-parents* in cases where child-related relief is requested?
6. What are your greatest challenges working with *other professionals* (GALs, evaluators, mediators, judges, court staff, and other lawyers) in DV cases where child-related relief is requested?
7. What are your greatest challenges working with *unrepresented opposing parties* in DV cases where child-related relief is requested?
8. What, in your experience, makes custody cases involving domestic violence so complicated?
9. Generally speaking, how do *victim-parents* fare in DV-related custody cases under the current system (during, immediately after, and over the long-term)?
 - a. If they fare well, what contributes most to their success?
 - b. If they fare poorly, what gets in their way?
 - c. What about the kids? How do they fare?
10. Generally speaking, how do *alleged perpetrator-parents* fare in DV-related custody cases under the current system (during, immediately after, and over the long-term)?
 - a. If they fare well, what contributes most to their success?
 - b. If they fare poorly, what gets in their way?
11. How do you think the current system could be improved?

12. Is there anything else you'd like to tell us about your experience working with victim-parents in family court or your observations in domestic violence-related child custody proceedings?

Survivors:

1. What do you think *judges* should know about domestic violence in cases where child custody is in dispute?
 - a. Why is that important?
 - b. Did the judge in your case(s) know about that?

2. What do you think *lawyers* should know about domestic violence in cases where child custody is in dispute?
 - a. Why is that important?
 - b. If you had a lawyer in your case, did s/he know about that?
 - c. If the other party had a lawyer in your case, did s/he know about that?

3. Thinking back on your own case, did you have any trouble conveying information about domestic violence to your lawyer, or to the judge, GAL, mediator or evaluator, if you had one?
 - a. What, if anything, got in your way?
 - b. What, if anything, would have helped you get that information across?

4. Looking back on your case, is there anything you know now that you wish you knew then that would have helped you through the process?

5. Do you feel you were adequately prepared for court?
 - a. Did you understand why you were there each time?
 - b. Did you understand what was going to happen each time?
 - c. Did you know what was expected of you?
 - d. Did you know who everyone was (mediator, evaluator, commissioner, judge)
 - e. Did you know what role each person was supposed to play?
 - f. Did you leave feeling like what was *supposed* to happen actually *did* happen?

6. Overall, how fair do you think the process was?
 - a. Did you get to say what you needed to say?
 - b. Do you feel that your concerns, especially about your kids, were taken seriously?
 - b. Did you have adequate information to make good decisions?
 - c. Did you get the help you needed to make it through the process?
 - d. Did you feel pressured in any way to do something or agree to something that you didn't want to do?

7. How do you think the system could be improved for domestic violence victims and survivors?

8. How was your case resolved, if at all? How long did it take? How much did it cost?

9. How are your children doing now?

Judges:

1. What kinds of cases do you hear where child-related relief may be granted?
2. How do you know whether domestic violence is an issue in those cases?
3. What do you need to know about domestic violence in those cases?
 - a. Why is that important?
 - b. How do you generally find out about that?
4. In your experience, do *other practitioners* (lawyers, advocates, mediators, court staff, guardians, evaluators) know what *they* need to know about DV in cases where child-related relief is requested? If not, what are they missing?
5. How do *other practitioners* know what *you need (or expect) to know* about domestic violence in cases where child-related relief is requested?
6. How confident are you that you are getting the information about DV that you need in those cases?
 - a. What, if anything, is getting in the way?
 - b. What might make it more likely that you would get that information?
7. What information helps you distinguish domestic violence cases with serious child custody implications from domestic violence cases without serious child custody implications?
8. How does an award of temporary custody and/or visitation in a PFA order factor in, if at all, to custody decision-making in a non-PFA case between the same parties?
9. How do you account for the compromised stability of one parent (lowered income, loss of housing, in a shelter, etc.) when it appears to be the result of domestic violence by the other parent?
10. In your estimation, how do unrepresented parties fare in DV-related child custody cases?
 - a. What problems do you see them encountering?
 - b. What do you think could be done to rectify those problems?
11. The literature around custody and domestic violence indicates that some victim-parents do not disclose domestic violence or raise it as an issue in the case for fear that they will lose custody. What are your thoughts about attorneys and victim-parents who may be reluctant to raise allegations of domestic violence in the cases that come before you?
12. What are your greatest challenges in domestic violence-related child custody cases?

13. Is there anything else you'd like to tell us about your experiences or observations of domestic violence-related child custody proceedings?