

INTRODUCTION

The Fourth Judicial District's (the District) Family Court hosted advocates for a judicial listening session on April 20, 2018 at the Family Justice Center. The listening session allowed advocates to talk to nine judicial officers in a group conversation. The listening session was attended by 28 advocates. The advocates and facilitators had a pre-meeting to organize everyone's thoughts and concerns in a concise manner to ensure the time spent with the judicial officers was fully utilized.

Invitations were distributed electronically to advocacy agencies in the Twin Cities and a flier was sent out to advocate listservs. DASC advocates were notified through the DASC Manager. Invitations were sent to advocates regularly appearing on the domestic abuse calendars (DA and DR) and community agencies that are involved in the Family Court Enhancement Project and the Family Violence Coordinating Council. This was the second listening session hosted for advocates.

The goal of the session was to create a forum for advocates to describe their experience on the domestic abuse calendars and discuss ideas for improving the quality and efficiency of the domestic abuse calendars.

The session agenda and format was adopted from the District's Equal Justice Committees (EJC).

SUMMARY OF THE SESSION

The goals of the session were:

- To provide an opportunity for advocates to share thoughts, concerns, and experiences specific to issues related to domestic abuse proceedings.
- To hear from advocates who have interacted with the domestic abuse calendars directly.
- To hear what is and isn't working in terms of:
 - user-friendliness;
 - quality of service; and
 - perception of fair treatment.

Approximately 28 people attended the listening session. The discussion covered approximately four common themes including court interpreters, difficulties

comprehending court language/instruction, safety in the courtroom and outside of the courtroom, and judicial trends.

SESSION DETAILS

Moderators: Adam Miller, Project Coordinator, Family Court Enhancement Project and Amanda Keuseman, Co-Chair Family Violence Coordinating Council Civil Committee, Legal Advocate Home Free Community Programs.

Judges and Referees: Judge Engisch, Judge Robben, Judge Scoggin, Judge Siegesmund, Judge Sullivan, Referee Madden, Referee Hutchison, Referee Knight, Referee Garfinkel.

Advocacy Agencies Represented: Home Free Community Programs, Domestic Abuse Project, Cornerstone, Sojourner Project, Domestic Abuse Service Center, 360 Communities, Women's Rural Advocacy Programs, Aurora Center UMN, Oasis of Love, Asian Women United of MN, and the MN Elder Justice Center.

**For purposes of this report, the term "Petitioner" will mean the part petitioning for an Order for Protection. The term "Respondent" will mean the party against whom a civil protection order is being sought.*

MAJOR THEMES OF SESSION:

1. Court Interpreters

Advocates expressed various concerns with interpreters on the domestic abuse calendars. One of the concerns that was raised is that interpreters are not accurately translating the statements of the parties. There were also concerns about interpreters not providing headphones to use during hearings which results in the parties having to sit next to each other so that the interpreter can interact with both parties.

Advocates were interested in discussing the appropriate way in which to raise concerns with interpreters to the Court. Most agreed that if there is an issue with the interpreter it is best to bring it to the Court's attention immediately even if it is during a hearing.

There was also discussion about issues with interpreter services throughout the Fourth Judicial District. One of which is that for languages that are not commonly spoken, there is a lack of qualified interpreters available. Those in attendance with knowledge of interpreter services in Minnesota weighed in and provided that this is not just a Hennepin County issue, but a statewide issue as well.

2. Difficulty Comprehending Court Language/Instruction

Advocates discussed how parties often struggle to comprehend the legal/courtroom terms that are used during court proceedings. Parties also get confused when judicial officers ask them difficult questions and the Court expects them to understand and then respond using the legal/court language.

Advocates and parties found it effective when judicial officers lay out their expectations regarding testimony. Instructing the parties to keep their testimony focused on only the information they need to hear prevents parties from getting off topic.

Advocates also mentioned the issues Petitioners have been dealing with regarding Respondents failing to comply with the terms of the OFP. One possible solution to this is having the judicial officer walk them through the order while they are both present in the courtroom. Parties would also like to hear from the judicial officer either directly or through the order as to why the OFP was denied.

Further, advocates would like to have culturally specific information available to parties that are not familiar with the American legal system that help explain the dynamics of the Court.

3. Safety in the Courtroom and Outside of the Courtroom.

Advocates also voiced concerns that family, friends, and community members attend the hearings in support of the Respondent and instead of waiting with Respondent in the Monitored Waiting Room (MWR), the group will wait by the elevator bank and/or outside the courtroom and attempt to intimidate or attempt to convince him/her to dismiss the petition. Respondents will also frequently wander in the common areas looking for the Petitioner. There were also concerns raised about members of the gallery being disruptive and making threatening gestures towards the Petitioner while in the courtroom.

Advocates were encouraged to inform the staff of the MWR about individuals that may be threatening or intimidating to Petitioners. The MWR staff should then call the judicial officer's chambers to alert them to the situation. The Sheriff Deputies in the courtroom do intervene when people in the gallery are being disruptive. Advocates further stated that deputies are not always present during the family court cases. There is no language in dissolution notices about where the parties should wait for their hearing. By in large, advocates did express that the MWR staff does a good job handling these situations.

4. Judicial Trends

Advocates started out by stating their appreciation to the judicial officers that attended the listening session. Many advocates used to work in different jurisdictions where they could never imagine this sort of event taking place. Advocates felt valued and appreciated that the Bench would hear about their experiences. The Bench's willingness to consider improvements based upon advocates input is inspiring and they would like to see this happen in other jurisdictions.

One of the critiques that advocates had was that judicial officers often times talk in a casual manner with the opposing party and counsel which makes them feel uncomfortable. Parties prefer when judicial officers refrain from talking with parties and opposing counsel off the record or in a relaxed manner.

Advocates and parties appreciate the “one family, one judge” policy. For Petitioners it is mentally and emotionally draining to show up at the hearings and retell their story. Petitioners would like judicial officers to understand the trauma that has been inflicted upon them so that they can understand how tough it is for them to be present at the hearings.

Advocates and Petitioners also take issue with judicial officers ordering interim parenting time in OFP proceedings when it is not safe for the children. Advocates stated that Petitioners feel compelled to agree to it. Some participants felt as if the Guardian *ad Litem* often encouraged parenting time on an interim basis. Further, it was stated that it is ideal for families to be reunified, but often times parties would just like to distance themselves from their abusers.

Parties have stated that they often feel rushed during their hearings without an opportunity to ask questions of the Court. Advocates stated that parties would like for the Court to provide them an opportunity to ask questions before concluding hearings.

Advocates also wanted judicial officers to be aware that Petitioners are impacted when SENE’s are pushed on them. They feel as if they don’t have a choice in the matter.

PROPOSED SUGGESTIONS FOR IMPROVING THE DOMESTIC ABUSE CALENDARS

Many helpful suggestions for improving the domestic abuse calendars were received including:

- Judicial officers have expressed a desire to know more about incidents that happen in and around the MWR, particularly regarding large groups with the Respondent, in the main lobby area and in outside the courtroom. The judicial officers suggested that advocates ask the MWR staff to communicate information to chambers through Lync chat.
- Judicial officers have stated that they want to be made aware of issues involving court interpreters as soon as possible, either by alerting the judicial officer during the hearings or by alerting their law clerk.
- Advocates suggested that allowing Petitioners the opportunity to appear by phone for review hearings would be helpful to alleviate the time and effort that is required when coming downtown. Providing the Petitioner an opportunity to choose helps empower them by not having to be brought back to the Court to constantly deal with their abuser.
- Advocates suggested that judicial officers spend more time explaining their orders to the parties. In particular, when an OFP is issued, walking the parties through the order and making clear to Respondents what they can and cannot do as a result of this order.
- The District will look into options that will help clarify court language to parties.

- The District will also look into providing further clarifying information into family court case notices as to where parties should wait in instances where there is an Order for Protection in place. It was also recommended that if there are concerns about the safety of the Petitioner, advocates should contact the judicial officer's chambers to let them know that they will be waiting somewhere other than the MWR.
- Advocates suggested judicial officers clarify that the Respondent is in court for her/his actions, and not because the Petitioner is seeking an OFP.
- The Court will look into the availability of headphones for interpreters to use so parties are not reliant upon them. The Court will also look into ways in which parties can disclose their concerns about interpreters.
- Include *Guardian ad Litem*s at future listening sessions. Also, extend an invitation to judicial law clerks.

The Management Team along with the Family Violence Coordinating Council Civil Committee will develop a responses to address the above referenced suggestions.

CONCLUSION

The participants were provided a short evaluation form developed by the EJC. A majority of advocates requested another judicial listening session that is longer. The advocates enjoyed the opportunity to voice their concerns about how domestic abuse cases are handled and share their suggestions for improvement. Advocates also overwhelmingly enjoyed the pre-meeting with just the advocates and facilitators because the actual listening session was much more organized.

This report will be shared with the participants, presiding judge, FCEP Management Team, FCEP Subcommittee One, FCEP Subcommittee Three, Family Violence Coordinating Council Civil Committee, family court staff attorney, family court manager, and the Office on Violence Against Women.