

Domestic Violence Court Judges Survey

The Family Court Enhancement Project

A collaborative project of the National Council of Juvenile and Family Court Judges (NCJFCJ), the Department of Justice's Office on Violence Against Women (OVW), the Battered Women's Justice Project, and the National Institute for Justice

- Research conducted by: Dr. Christine George
- The Center for Urban Research and Learning (CURL) at Loyola University Chicago

As a domestic violence judge, you are being asked to participate in a survey as a part of the planning phase of the Family Court Enhancement Project. This survey is administered by the Center for Urban Research and Learning at Loyola University Chicago.

The goal of the Family Court Enhancement Project is to improve the family court response to custody cases involving domestic violence so that resulting parenting and co-parenting arrangements protect the emotional and physical well-being of victimized parents and their children.

The data gathered from this survey will help us assess the information made available to judges managing child-related remedies in orders of protection in the Domestic Violence Division. From this survey, we ultimately hope to identify the information made available to judges hearing orders of protection, the information judges believe necessary for properly adjudicating child-related remedies, and any possible difficulties obtaining this information.

This survey should take **approximately 30 minutes**. Please make every effort to answer each question carefully and with thorough consideration. This survey is completely anonymous, and it does not record your name. There are no identifying pieces information that can be traced back to participants of this survey.

If you have any questions regarding this survey, please contact Dr. Christine George, Research Associate Professor at the Center for Urban Research and Learning at Loyola University Chicago, at 773-508-8533 or cgeorg@luc.edu.

For this survey, please keep in mind the following parameters

"Always" indicates an action completed **above 70%** of the time

"Sometimes" indicates an action completed **between 70% and 50%** of the time

"Rarely" indicates an action completed **between 50% and 30%** of the time

"Never" indicates an action completed **below 30%** of the time

Thank you!

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1. When child related remedies are being sought in a civil Order of Protection what are your key considerations when making a decision about children in common?

2. When child related remedies are being sought in an Order of Protection in a criminal case what are your key considerations when making a decision about children in common?

3. The next 5 questions ask about the frequency in which petitioners seek certain child-related remedies in an order of protection when there are children in common and your granting and/or reserving of such remedies. Please reply based on your discretion as a domestic violence judge.

1. Children named as protected parties
This remedy is *always* sought This remedy is *sometimes* sought This
remedy is *rarely* sought This remedy is *never* sought
 • How often do you grant this remedy?
Always Sometimes Rarely Never
 • How often do you reserve this remedy?
Always Sometimes Rarely Never

2. Physical Care and Possession of Children in common
This remedy is *always* sought This remedy is *sometimes* sought This
remedy is *rarely* sought This remedy is *never* sought
 • How often do you grant this remedy?
Always Sometimes Rarely Never
 • How often do you reserve this remedy?
Always Sometimes Rarely Never

3. Temporary custody
This remedy is *always* sought This remedy is *sometimes* sought This
remedy is *rarely* sought This remedy is *never* sought
 • How often do you grant this remedy?
Always Sometimes Rarely Never
 • How often do you reserve this remedy?
Always Sometimes Rarely Never

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4. Establish or Deny Visitation

This remedy is *always* sought This remedy is *sometimes* sought This
remedy is *rarely* sought This remedy is *never* sought

- How often do you grant this remedy?

Always Sometimes Rarely Never

- How often do you reserve this remedy?

Always Sometimes Rarely Never

5. Child Support

This remedy is *always* sought This remedy is *sometimes* sought This
remedy is *rarely* sought This remedy is *never* sought

- How often do you grant this remedy?

Always Sometimes Rarely Never

- How often do you reserve this remedy?

Always Sometimes Rarely Never

4. Which of the following circumstances would require a proof of paternity beyond testimony that a Voluntary Acknowledgement of Paternity (VAP) was signed?

- Visitation? Yes ___ No ___
- Temporary custody if granting to father? Yes ___ No ___
- Child support? Yes ___ No ___

5. When addressing child-related remedies when there is NO pending domestic relations case, which of the following decisions do you make?

- Granting temporary child related remedies with designation of possible modification from domestic relations judge
Always Sometimes Rarely Never
 - Reserving all child related remedies
Always Sometimes Rarely Never
 - Having children named as protected parties with physical care and possession awarded, but issues of visitation and custody reserved
Always Sometimes Rarely Never
 - Other (please list)
-

6. When addressing child-related remedies when there IS a pending domestic relations case (involving the same parties) which of the following decisions do you make?

- Grant temporary child related remedies with designation of possible modification from domestic relations judge

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- | | | | | |
|--|---------------|------------------|---------------|--------------|
| | Always | Sometimes | Rarely | Never |
|--|---------------|------------------|---------------|--------------|
- Reserve all child related remedies
- | | | | | |
|--|---------------|------------------|---------------|--------------|
| | Always | Sometimes | Rarely | Never |
|--|---------------|------------------|---------------|--------------|
- Have children named as protected parties with physical care and possession awarded but issues of visitation and custody reserved
- | | | | | |
|--|---------------|------------------|---------------|--------------|
| | Always | Sometimes | Rarely | Never |
|--|---------------|------------------|---------------|--------------|
- Other (please list)
-

7. Now we are trying to determine what information is provided to you in domestic violence cases involving children in common when you are hearing issues related to temporary custody, visitation, and support. Below is a list of possible information.

There are 5 bulleted options. Please indicate which among the following are or are not provided.

- Pending cases involving the same parties
This information IS provided to me This information is NOT provided to me
(If this information is not provided to you, skip to next bullet point)
 1. Do you think this information is needed?

	Always	Sometimes	Rarely	Never
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 2. Is it available to you at an emergency hearing?

	Always	Sometimes	Rarely	Never
--	---------------	------------------	---------------	--------------
 3. Is it available to you at a plenary hearing?

	Always	Sometimes	Rarely	Never
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- 4. Sources of this information?
 1. Litigant testimony and pleadings? **Yes ___ No ___** (if NO, skip to 2)
If YES, how informative is this source?

	Always	Sometimes	Rarely	Never
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 2. Documentary evidence introduced by the parties? **Yes ___ No ___** (if NO, skip to 3)
If YES, how informative is this source?

	Always	Sometimes	Rarely	Never
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Please list the type and nature of the evidence below: i.e., Police report(s)

 3. Documentary evidence or testimony offered by police officer, school personnel, other family members **Yes ___ No ___** (if NO, skip to 4)
If YES, how informative is this source?

	Always	Sometimes	Rarely	Never
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 4. Information/reports or testimony provided by DCFS? **Yes ___ No ___** (if NO, skip to 5)
If YES, how informative is this source?

	Always	Sometimes	Rarely	Never
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5. Court information regarding case outcomes in pending or prior cases involving the parties? **Yes** ___ **No** ___ (if NO, skip to 6)
If YES, how informative is this source?
Always Sometimes Rarely Never
Who provides this information to the court?
-

6. Testimony of the minor child? **Yes** ___ **No** ___
If YES, how informative is this source?
Always Sometimes Rarely Never

If possible, please list any other potential sources of this information below:

- Prior criminal involvement of either party
This information IS provided to me This information is NOT provided to me
(If this information is not provided to you, skip to next bullet point)
 1. Do you think this information is needed?
Always Sometimes Rarely Never
 2. Is it available to you at an emergency hearing?
Always Sometimes Rarely Never
 3. Is it available to you at a plenary hearing?
Always Sometimes Rarely Never
- 4. Sources of this information?
 1. Litigant testimony and pleadings? **Yes** ___ **No** ___ (if NO, skip to 2)
If YES, how informative is this source?
Always Sometimes Rarely Never
 2. Documentary evidence introduced by the parties? **Yes** ___ **No** ___ (if NO, skip to 3)
If YES, how informative is this source?
Always Sometimes Rarely Never
Please list the type and nature of the evidence below: i.e., Police report(s)

 3. Documentary evidence or testimony offered by police officer, school personnel, other family members **Yes** ___ **No** ___ (if NO, skip to 4)
If YES, how informative is this source?
Always Sometimes Rarely Never
 4. Information/reports or testimony provided by DCFS? **Yes** ___ **No** ___ (if NO, skip to 5)
If YES, how informative is this source?
Always Sometimes Rarely Never
 5. Court information regarding case outcomes in pending or prior cases involving the parties? **Yes** ___ **No** ___ (if NO, skip to 6)
If YES, how informative is this source?
Always Sometimes Rarely Never
Who provides this information to the court?

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6. Testimony of the minor child? **Yes** ___ **No** ___
If YES, how informative is this source?
Always **Sometimes** **Rarely** **Never**

If possible, please list any other potential sources of this information below:

- Law enforcement interventions involving the parties
This information IS provided to me **This information is NOT provided to me**
(If this information is not provided to you, skip to next bullet point)
- 6. Do you think this information is needed?
Always **Sometimes** **Rarely** **Never**
- 7. Is it available to you at an emergency hearing?
Always **Sometimes** **Rarely** **Never**
- 8. Is it available to you at a plenary hearing?
Always **Sometimes** **Rarely** **Never**
- 9. Sources of this information?
 1. Litigant testimony and pleadings? **Yes** ___ **No** ___ (if NO, skip to 2)
If YES, how informative is this source?
Always **Sometimes** **Rarely** **Never**
 2. Documentary evidence introduced by the parties? **Yes** ___ **No** ___ (if NO, skip to 3)
If YES, how informative is this source?
Always **Sometimes** **Rarely** **Never**
Please list the type and nature of the evidence below: i.e., Police report(s)

 3. Documentary evidence or testimony offered by police officer, school personnel, other family members **Yes** ___ **No** ___ (if NO, skip to 4)
If YES, how informative is this source?
Always **Sometimes** **Rarely** **Never**
 4. Information/reports or testimony provided by DCFS? **Yes** ___ **No** ___ (if NO, skip to 5)
If YES, how informative is this source?
Always **Sometimes** **Rarely** **Never**
 5. Court information regarding case outcomes in pending or prior cases involving the parties? **Yes** ___ **No** ___ (if NO, skip to 6)
If YES, how informative is this source?
Always **Sometimes** **Rarely** **Never**
Who provides this information to the court?

- 6. Testimony of the minor child? **Yes** ___ **No** ___
If YES, how informative is this source?

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Always Sometimes Rarely Never

If possible, please list any other potential sources of this information below:

- Past and current involvement of DCFS

This information IS provided to me This information is NOT provided to me
(If this information is not provided to you, skip to next bullet point)

1. Do you think this information is needed?

Always Sometimes Rarely Never

2. Is it available to you at an emergency hearing?

Always Sometimes Rarely Never

3. Is it available to you at a plenary hearing?

Always Sometimes Rarely Never

4. Sources of this information?

1. Litigant testimony and pleadings? **Yes** ___ **No** ___ (if NO, skip to 2)

If YES, how informative is this source?

Always Sometimes Rarely Never

2. Documentary evidence introduced by the parties? **Yes** ___ **No** ___ (if NO, skip to 3)

If YES, how informative is this source?

Always Sometimes Rarely Never

Please list the type and nature of the evidence below: i.e., Police report(s)

3. Documentary evidence or testimony offered by police officer, school personnel, other family members **Yes** ___ **No** ___ (if NO, skip to 4)

If YES, how informative is this source?

Always Sometimes Rarely Never

4. Information/reports or testimony provided by DCFS? **Yes** ___ **No** ___ (if NO, skip to 5)

If YES, how informative is this source?

Always Sometimes Rarely Never

5. Court information regarding case outcomes in pending or prior cases involving the parties? **Yes** ___ **No** ___ (if NO, skip to 6)

If YES, how informative is this source?

Always Sometimes Rarely Never

Who provides this information to the court?

6. Testimony of the minor child? **Yes** ___ **No** ___

If YES, how informative is this source?

Always Sometimes Rarely Never

If possible, please list any other potential sources of this information below:

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- Existence of past or current orders of protection involving the same parties
This information IS provided to me This information is NOT provided to me
(If this information is not provided to you, skip to next bullet point)

1. Do you think this information is needed?
Always Sometimes Rarely Never
2. Is it available to you at an emergency hearing?
Always Sometimes Rarely Never
3. Is it available to you at a plenary hearing?
Always Sometimes Rarely Never
4. Sources of this information?
 1. Litigant testimony and pleadings? **Yes ___ No ___** (if NO, skip to 2)
If YES, how informative is this source?
Always Sometimes Rarely Never
 2. Documentary evidence introduced by the parties? **Yes ___ No ___** (if NO, skip to 3)
If YES, how informative is this source?
Always Sometimes Rarely Never
Please list the type and nature of the evidence below: i.e., Police report(s)

 3. Documentary evidence or testimony offered by police officer, school personnel, other family members **Yes ___ No ___** (if NO, skip to 4)
If YES, how informative is this source?
Always Sometimes Rarely Never
 4. Information/reports or testimony provided by DCFS? **Yes ___ No ___** (if NO, skip to 5)
If YES, how informative is this source?
Always Sometimes Rarely Never
 5. Court information regarding case outcomes in pending or prior cases involving the parties? **Yes ___ No ___** (if NO, skip to 6)
If YES, how informative is this source?
Always Sometimes Rarely Never
Who provides this information to the court?

 6. Testimony of the minor child? **Yes ___ No ___**
If YES, how informative is this source?
Always Sometimes Rarely Never

If possible, please list any other potential sources of this information below:

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8. In a plenary hearing, how conclusive is a petitioner's testimony alone for you to make a decision that child-related remedies are necessary as a matter of safety for the petitioner?

Always Sometimes Rarely Never

9. How often would you reserve a decision on child-related remedies related to safety for the petitioner when you have a petitioner's testimony alone?

Always Sometimes Rarely Never

10. What, if any, of the following things represents a primary concern that may limit your ability to make a decision on child related issues on a case? (check all that apply)

- One parent is represented while the other is not
 - Lack of witnesses
 - Lack of sufficient documentary evidence to meet the burden of proof
 - Credibility related to motivation is seeking child related remedies
 - Other (please explain)
-

11. If you believe visits or access to children represents a threat of harm, what restrictive provisions might you order if that threat is:

- To the children

- To the petitioner

- Both petitioner and child

12. Do you require an affidavit from anyone who is supervising child exchange or visits?

Always Sometimes Rarely Never

- If yes, what must it address?

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13. For cases where there is no pending domestic relations case requiring transfer, would you allow time for visitation supervisors to execute an affidavit?

Always Sometimes Rarely Never

14. In cases where there is no pending domestic relations case requiring transfer, would you be willing to enter and continue child custody, visitation and support related remedies for short time to allow for consultation with a resource information facilitator to work with the parties toward a possible agreement and/or to help the parties make clear their needs and requests?

Always Sometimes Rarely Never

15. Feel free to offer any additional insights or comments below including (but not limited to) an indication of what other information you would like to have to make child-related decisions:
