

STATE OF MINNESOTA
HENNEPIN COUNTY

**CHILD-RELATED RELIEF ORDER FOR
PROTECTION COURT PILOT
PLANNING DOCUMENT¹**

¹ 12.1.15 Drafted by Tawnie Langenfeld

Introduction

This planning document is a living document created to reflect the Workgroup's vision for the Hennepin County Child-Related Relief Order for Protection (OFP) Court Pilot ('Pilot'). It sets forth the protocol by which the goals of the Pilot are to be achieved and will be reevaluated periodically to ensure the Court effectively meets the needs of the Hennepin County families requesting child-related relief who are affected by domestic violence.

In 2014, 2,754 family court civil orders for protection were filed in Hennepin County Family Court. Of those, 498 (18%) were filed on behalf of minor children. The Child-Related Relief Order for Protection Court Pilot has been created with the understanding that domestic violence is a serious family matter resulting from the abuse of control by one person over other family members or intimate partner.

In November, 2013, Hennepin County's Family Justice Center was one of four national sites selected by the Department of Justice's Office on Violence Against Women to participate in the Family Court Enhancement Project (FCEP). One of the goals of the FCEP is to improve Hennepin County Family Court's response to custody cases involving domestic violence so that resulting parenting arrangements protect the well-being of victimized parents and their children. Inconsistencies have been identified in how such cases are handled from Judicial Officer to Judicial Officer including whether financial relief will be considered, types and forms of evidence accepted by the Court and how much historical testimony Judicial Officers allow.

In addition, orders may be issued requiring programming or treatment for Respondents, but often the burden for enforcement falls on the victim. Ensuring compliance, holding Respondents accountable, and coordinating community resources available to abusers, victims and their children has been challenging for the Court.

This Pilot court seeks to address inconsistencies with the following overall goals:

- Increase clarity around practices, roles and processes and information to litigants about those roles and processes;
- Increase awareness of domestic violence and its implications in custody/access orders among stakeholders and the court;
- Increase access to court and services;
- Increase accountability around service usage for OFPs;
- Eliminate conflicting orders;
- Encourage a coordinated community response and greater collaboration among the court system and community based groups offering services to domestic violence abusers, victims, and their children;
- Increase confidence in the court system by reducing duplication and inefficiencies for litigants;
- Develop/test best practices that can be rolled out more generally.

This Pilot has been established to address and remedy these inconsistencies and enhance victim safety and outcomes for children involved in Hennepin County Family Court proceedings. This Pilot will focus on offering community resources and services to abusers, victims and their children, collaborating with the child support, child protection and Guardian ad Litem offices,

and scheduling review hearings to ensure compliance with ordered treatment and programming for abusers, victims and their children.

Resources

A compilation of referral services including a directory of Minnesota's Supervised Parenting Visitation Centers, advocacy agencies, chemical and mental health providers, parenting courses, therapists, anger management and batterer's intervention programming are being gathered for easy reference for Pilot Judicial Officers. This compilation will then be shared broadly among Family Court Judicial Officers.

Central Minnesota Legal Services

Affordable legal services are a critically necessary resource. Central Minnesota Legal Services (CMLS) has indicated a willingness and availability to have an attorney available to meet with parties with hearings on the Pilot. A CMLS attorney will be present on Monday's and Thursday's during the Pilot's calendar and will meet with parties desiring legal assistance. After conflict checking and a preliminary conversation with the party, the CMLS attorney will determine if full representation for the OFP hearing is possible. Additionally, in certain cases, CMLS may go on to provide full representation to the party in subsequent family court cases.

Child Support

Workgroup members have met with Hennepin County Attorney Child Support (CA/CS) staff in both August and November to discuss how to better connect parties with hearings on the Pilot calendar to child support services. CA/CS staff indicate a desire and willingness to be involved in the Pilot. FCEP staff has been working to provide CA/CS with a sample of cases that would allow them to estimate the volume of cases and type of work that would be required by them. The Pilot Workgroup and CA/CS staff are working together to determine the most efficient and fastest way to get financial resources into parties' homes.

Role of the Guardian ad Litem

Guardians have presented to the Workgroup what their typical process looks like now. A large group discussion including Workgroup members, advocates, guardians and other court staff will be held on December 15, 2015 to consider how to best utilize the Guardian role within the Pilot project and within Family Court going forward including when to appoint Guardian (before or after evidentiary) and a clear description of the exact role of the Guardian.

Review Hearings

To ensure compliance with ordered treatment and programming for parties, Pilot Judicial Officers will schedule review hearings within a reasonable timeframe.

Planning and Staffing

Planning for the Pilot will occur over a nine month period prior to the Pilot's launch in January, 2016. A Pilot Workgroup has been formed to develop policies and procedures of the Pilot. Members of the Workgroup include:

Anne McKeig, Presiding Judge, Hennepin County Family Court
Patrick Robben, Judge, Hennepin County Family Court

Mary Madden, Referee, Hennepin County Family Court
 Patty Moses, Referee, Hennepin County Family Court
 Brenda Langfellow, Operations Manager, Hennepin County Family Court
 Loretta Frederick, Senior Legal and Policy Advisor, Battered Women’s Justice Project
 Liberty Aldrich, Director, Domestic Violence & Family Court Programs
 Tawnie Langenfeld, Project Coordinator, Family Court Enhancement Project
 Olivia Brunzell-Garrett, Administrative Assistant, Family Court Enhancement Project

Planning Activities

| Date | Activity |
|----------------|---|
| July 2015 | Meeting with workgroup to discuss pilot and planning specifics such as case load and identification of pilot cases. |
| August 2015 | Begin drafting protocols for the pilot including expectations the Court has of other stakeholders. Meet with partners we would like included in the pilot (County Attorney, Child Support, Guardian ad Litem Program, Domestic Abuse Service Center, Family Court Services). |
| September 2015 | Meeting with workgroup to discuss draft pilot protocols and review the planning process and timeline. Submit proposed protocol to identified judicial partners for review/feedback. |
| October 2015 | Finalize pilot protocol/procedures. |
| November 2015 | Procedural training for Advocates, GALs, law clerks, Judicial Officers, self-help staff, child support, legal services attorneys. |
| December 2015 | Begin substantive training. Continue through March, 2016. |
| January 2016 | Court opens |
| February 2016 | Assess case load and allocation of Judicial Officer time. |
| July 2016 | Litigant and Stakeholder focus groups. Adjust pilot as necessary. Assess success of pilot’s operation – Metrics from 4 th Judicial Research |

Judicial Officers

The pilot will be presided over by four dedicated Judicial Officers on three separate days per week (Monday, Tuesday and Thursday). The Judicial Officers will have an understanding of the barriers facing victims, such as hesitation to disclose or testify, and the need for programming. Being knowledgeable about domestic violence requires an awareness of how to identify abuse, account for the nature and context of abuse and its implications in decision making for these families.

These Judicial Officers will be specially trained by attending a four-day Enhancing Judicial Skills in Domestic Violence Workshop through the National Judicial Institute on Domestic Violence (NJIDV). Additional training will be provided by experts involved in the FCEP such as the Battered Women’s Justice Project, Center for Court Innovation, and National Council for Juvenile Court Judges and Family Court Judges.

Judicial Officers assigned to Child-Related Relief Order for Protection cases include:

Referee Mary Madden
Referee Patty Moses
Judge Patrick Robben
Judge Holton Dimick
Judge Anne McKeig – backup and coverage as needed.

Case Identification

Case identification will be performed by the Domestic Abuse Service Center (DASC) staff and court administration. Petitions for Orders for Protection seeking child-related relief will be set for hearing on one of the three identified pilot court judicial officer's calendars.

Child related relief has been identified as the following:

- Petitioner requests an Order for Protection on behalf of a minor child (OBO) and a hearing is required. For example:
 - The Petitioner and Respondent were married during the birth of one of the OBO children.
 - Respondent has been adjudicated the parent of one of the OBO children through a paternity action and custody/parenting time has been addressed in an order.
 - Petitioner and Respondent have a custody file in relationship to one of the OBO children and a custody/parenting time order exists.
- If Petition requests any of the following:
 - Temporary custody of the joint minor child(ren)
 - Child support for the joint minor child(ren)
 - Temporary parenting time of the joint minor child(ren)
 - Financial support for child support or medical support/health for the child(ren)
 - Financial support for child care costs of joint child(ren)
 - Financial support for health insurance for joint child(ren)

A request has been made to District Business Practices Unit to modify the case file number nomenclature for Domestic cases (ex: 27-DA-FA-YY-#). By including the DA portion in the file number, Domestic cases will be more readily identifiable and allow for data analysis.

- Review hearings will be utilized by the Judicial Officers to follow up on programming compliance (ex: Parenting After Violence, Batterer's Intervention Programming).
 - Petitioner may be excused from attending the review hearing unless they choose to do so. Alternatively, Petitioner's may participate in the review hearing by phone if, for instance parenting time could change based on Respondent's compliance with programming.
 - The goal of utilizing review hearings is to maximize the Court's ability to ensure victim safety, compliance with Court orders, and consistently respond to noncompliance with Court orders.

- Subsequent (dissolution or custody/parenting time) actions involving the same parties and minor children will be assigned to the same Judicial Officer who heard the OFP matter.

Training

Working from the Battered Women's Justice Project Parenting Charts, training will be provided for stakeholders and key justice partners. Specifically, the training will focus on what information partners can provide to the Judicial Officer to assist them in making the most informed decisions about custody and parenting time in cases with domestic violence.

Additionally, all participants in the pilot will receive half-day training on the implications domestic violence has for parenting time. Training participants have been identified as:

- Judicial Officers
- DASC Advocates
- Advocates from other agencies
- Guardians ad Litem
- Supervisors
- Legal Services Attorneys
- Volunteer Attorneys (from Self-Help)
- Self-Help Center Staff
- Child Support Staff
- Child Protection Staff

Courthouse Facilities and Safety

Hennepin County Family Court is committed to safety of all parties. Deputies are present in the Courtroom for all OFP proceedings and may be requested for other Family Court proceedings at the Judicial Officer's discretion.

Separate Monitored Waiting Rooms are available for Petitioners and Respondents attending OFP hearings. Separate waiting areas means the Petitioners are able to avoid Respondents until the case is called. Additionally, parties are able to meet with advocates and attorneys in their respective waiting rooms. Deputies are able to observe both waiting rooms via remote camera feed to ensure the safety of all parties.

Assessment

In February, 2016, case load and Judicial Officer time will be assessed to determine if additional calendars or Judicial Officers are needed.

In July, 2016 two focus groups will be held: one for litigants and one for stakeholders. The focus groups will solicit feedback on the effectiveness of the pilot and feedback for possible adjustments or modifications.