

Court Watch Project Report

July 2022 – May 2023
21st Judicial Circuit in Missouri



THE COURT WATCH PROJECT

The mission of the Court Watch Project is to make the justice system more effective and responsive in the handling of domestic violence cases and to create a more informed and involved public.

For over 20 years, the Court Watch Project has been sending trained volunteers to the St. Louis Circuit Courts to observe and collect data for adult order of protection hearings. Over the past decade, it has been an effective way to advocate for change and build partnerships between the courts and community agencies.

Since the Fall of 2016, the Court Watch Project produced 16 reports highlighting the observations of 292 order of protection dockets in both the 21st and 22nd St. Louis Circuit Courts. Recommendations focused on increasing safety and security practices, so victims feel safe coming to court, on enhancing accessibility of information and support, on improving language access for non-English speaking litigants, and on the transparency of the process, especially for pro-se litigants. The reports have been shared with the presiding judges, area family violence councils and other Family Court judicial officers, and the community at large.

The Court Watch Project is an integral part of the systems advocacy work of Saint Martha's, a ministry of Catholic Charities, with the support of other domestic violence victim service providers and community members. The intention is to strive to work as a partner and build a more coordinated community response to domestic and sexual violence adult abuse cases. In doing so, the Project has developed and coordinated several trainings for judicial officers and court staff and continues to serve on the St. Louis County Domestic and Family Violence Council and its committees as needed. Saint Martha's and community partners are committed to continued discussions on ways to improve our region's response to domestic violence survivors and their children, and to increase offender accountability and responsibility in learning and adopting non-violent response options.

Volunteering with the Court Watch Project as a community member has opened my eyes to the pervasiveness of adult abuse in our community and the many forms in which it manifests itself. With that recognition has come an awareness of my responsibility as a member of the community to help make our systems as manageable and understandable as possible so that victims of abuse will be comfortable seeking and receiving assistance and relief. I view my continued participation in the Court Watch program - observing and then communicating what I have observed - as a way for me to help. –*Volunteer Monitor*

ST. LOUIS COUNTY DOMESTIC VIOLENCE COURT

In 2009, the St. Louis County Domestic Violence (DV) Court was established to enhance the Family Court's response to domestic violence. The St. Louis County DV Court centralizes the order of protection intimate partner violence cases to achieve better outcomes for petitioners (victims) and respondents (offenders). It has invested many resources in improving the consistent use of best practices and enhancing offender accountability procedures. In 2018, in coordination with the Center for Innovative Justice, a needs assessment was conducted. Several of the resulting recommendations were consistent with recommendations previously made through the Court Watch Project. The St. Louis County Domestic and Family Violence Council created sub-committees to focus on key areas. Those areas included establishing and implementing defined best practices, offender accountability procedures, and risk assessments.

Several recommendations from those committees helped strengthen the policies and procedures we observe today. Safety practices have dramatically improved with the addition of court officers on staff and in the adult abuse dockets. In 2021, a separate Judicial Monitoring docket was formed to consistently hold offenders accountable for meeting order of protection conditions. Also, the Court solidified reporting standards for the approved local Batterer Intervention Programs (BIPs). Just this year, the court created a new position to assist respondents through this order of protection process. Assistance will be provided in the form of answering questions, explaining processes, and providing referrals to court/community resources.

In 2020, the St. Louis County DV Court was recognized as a Mentor Court by the Department of Justice Office of Violence Against Women and given the opportunity to provide other jurisdictions and communities with technical assistance in developing specialized courts. The following Court Watch report is the culmination of a year-long project where Court Watch, in collaboration with the judicial leadership of the St. Louis County Family Court, focused on the consistency of practices across five divisions of their specialized Domestic Violence Court. Volunteers observed three divisions simultaneously between August through December 2022 and two divisions from January through May 2023. Recognizing there are differences in judicial officers' life experiences and traits, monitors observed no two divisions are alike in every way. The outcomes outlined in the report demonstrate generally consistent observance of policies and procedures developed and implemented by the St. Louis County DV Court.

METHODOLOGY OF THE COURT WATCH PROJECT REPORT

The Court Watch Project uses a transparent process when monitoring the order of protection proceedings. The project shares all monitoring practices and areas of focus with judges and court administrators in advance. This provides all stakeholders with a clear understanding of the monitoring process and objectives. The Court Watch Project monitors three types of Domestic Violence Court dockets: (1) full hearings for an order of protection; (2) hearings for monitoring of compliance with a full order of protection that includes special conditions, and (3) hearings for non-compliance with a full order of protection.

The Court Watch Project monitors and documents a docket in two ways. First, it monitors Courtroom Protocol. Factors assessed are timeliness and efficiency of courtroom proceedings; safety and security of court personnel, petitioners, respondents, and observers; transparency of the legal process and Judge's ruling; and availability of courtroom victim advocates and interpreters. For each of the three dockets, a single Courtroom Protocol form is completed for that docket. A docket generally includes multiple cases.

Second, it monitors individual cases for a docket with full hearings for an order of protection, where the petitioner and respondent are present, and the respondent chooses not to consent to an order (a contested hearing.) Also, it monitors those hearings for which the respondent does not appear (a default hearing.) A single Case Observation form is completed for each case, other than those for which there is a continuance, or the respondent consents to the order of protection, or child orders are decided. Factors assessed are litigant support, judicial manner, and courtroom safety. In addition, the outcome of the full hearing (the judge's ruling), length of the order if granted, and special conditions are noted. Special conditions may include a requirement for firearms relinquishment, completion of a Batterer Intervention Program (BIP), or mental health or substance abuse evaluation and treatment.

For both the Courtroom Protocol and Case Observation forms, the Court Watch monitor is encouraged to provide clarifying comments and additional narrative observations regarding testimony or other observations. The narrative observations provide a more comprehensive perspective of the courtroom, the staff, and the proceedings and fill in any gaps the standardized questions cannot capture. The Project Coordinator reviews each form as it is turned in to ensure forms were completed accurately.

Annually, the Court Watch Project Advisory Team reviews the forms to ensure the assessments are relevant and the data collected is valid, and to identify ways to improve the forms and process for the next cycle. The Advisory Team also provides an opportunity for judicial leadership to provide input on data they would like to collect or suggest adjustments to the forms.

SINCE 2016, VOLUNTEERS HAVE OBSERVED 142 ADULT
ABUSE DOCKETS IN
ST. LOUIS COUNTY CIRCUIT COURT.

SAMPLE SIZE

Courtroom Protocol Forms - *Sample size – 15 individual monitors attended 39 separate dockets. For most dockets, only one monitor observed. Monitors’ narrative comments are notated in italic blue.*

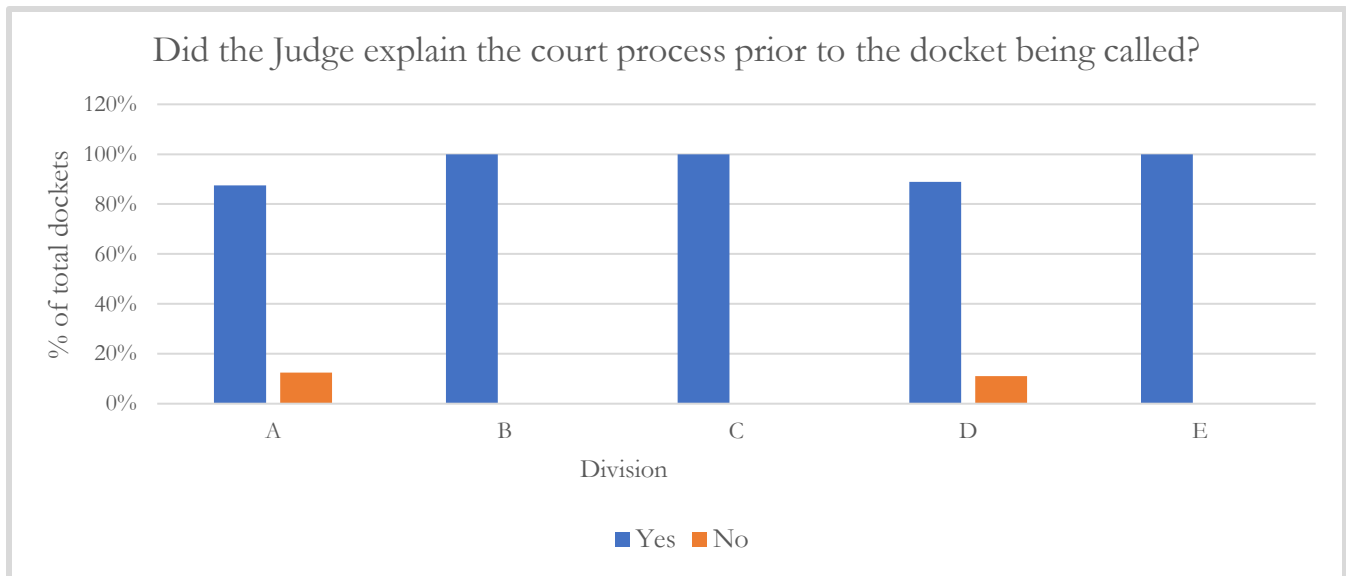
Case Observation Forms - *Sample size – 64 default hearings and 47 contested hearings were observed. Monitors’ narrative comments are notated in italic blue.*

TRANSPARENCY

Most litigants – petitioners and respondents – represent themselves without the assistance of an attorney. Self-represented (“pro se”) individuals are often confused by court procedures and how to access information about the next steps. The court experience itself can be overwhelming, causing petitioners to not pursue the process especially when they are unaware of what the next steps or options may be. When petitioners and respondents understand the process and judge’s communication, the likelihood increases of their utilizing the court in the future, abiding by the order, or internalizing the judge’s views and recommendations.¹ The Court Watch Project assesses the transparency of the legal process and the Judge’s comments and rulings by considering if relevant information is provided in a straightforward open way and can be easily and fully understood by all the parties.

Court Watch monitors found that while unique in nature, all five judges provided opening remarks with information about safety expectations, consent options, and no-service cases. Monitors responded “NO” on a few dockets where the introduction seemed rushed or limited information was provided. Opening remarks ranged in length. Some used more legal terms than others. Monitors noted that the shorter more informal narratives were often more informative, whereas longer prepared statements were at times too long to follow.

¹ Malangone, D. (2015). Integrating Procedural Justice in Domestic Violence Cases: A Practice Guide.



The judge is very clear with instructions "don't leave without paperwork, stay on separate sides."

The judge gave a complete description of the process including definitions of options, pertinent MO Law, BIP and firearm. She identified members of the court and their roles.

The judge was clear and considerate to all parties, explaining the process and options in understandable language.

The judge is very thorough in explaining the court process, yet it is so long and detailed that it is difficult to comprehend.

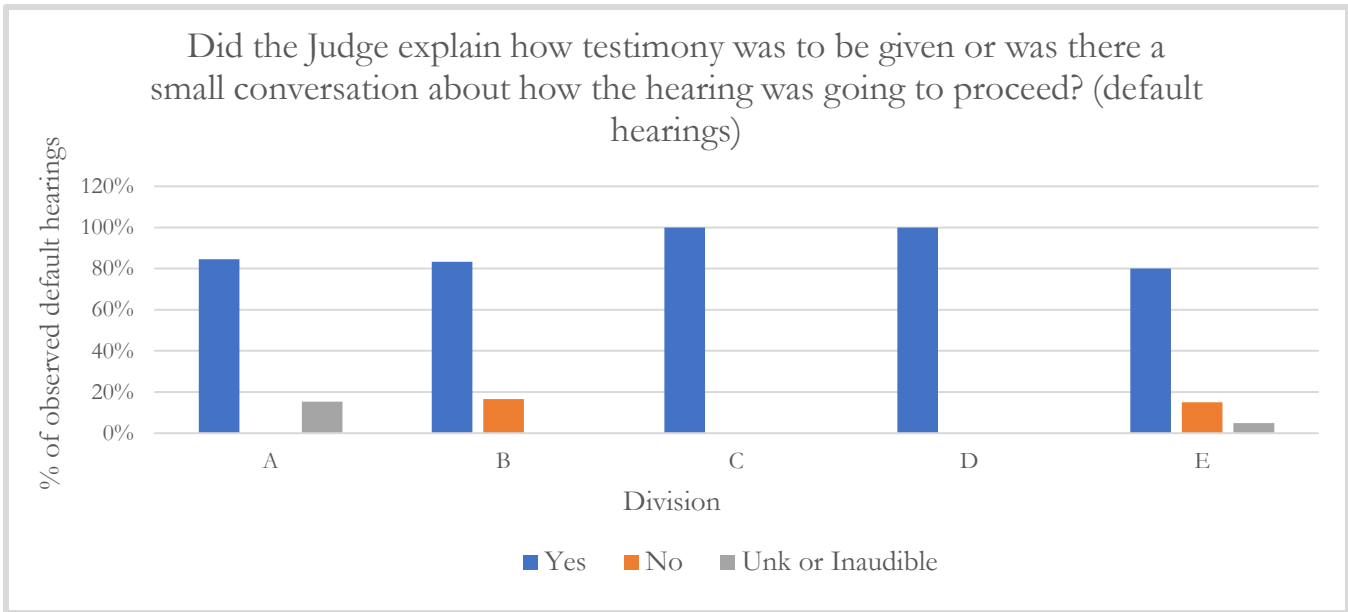
The judge focused on identifying parties with the court, not so much on the process.

[Judge] Explained consent agreement very clearly, and also explained special conditions which could be attached.

Before individual default and contested hearings, monitors observed differences in how each division addressed the individual parties before testimony was heard. While most judges provided information, the details of that information and the consistency from hearing to hearing varied.

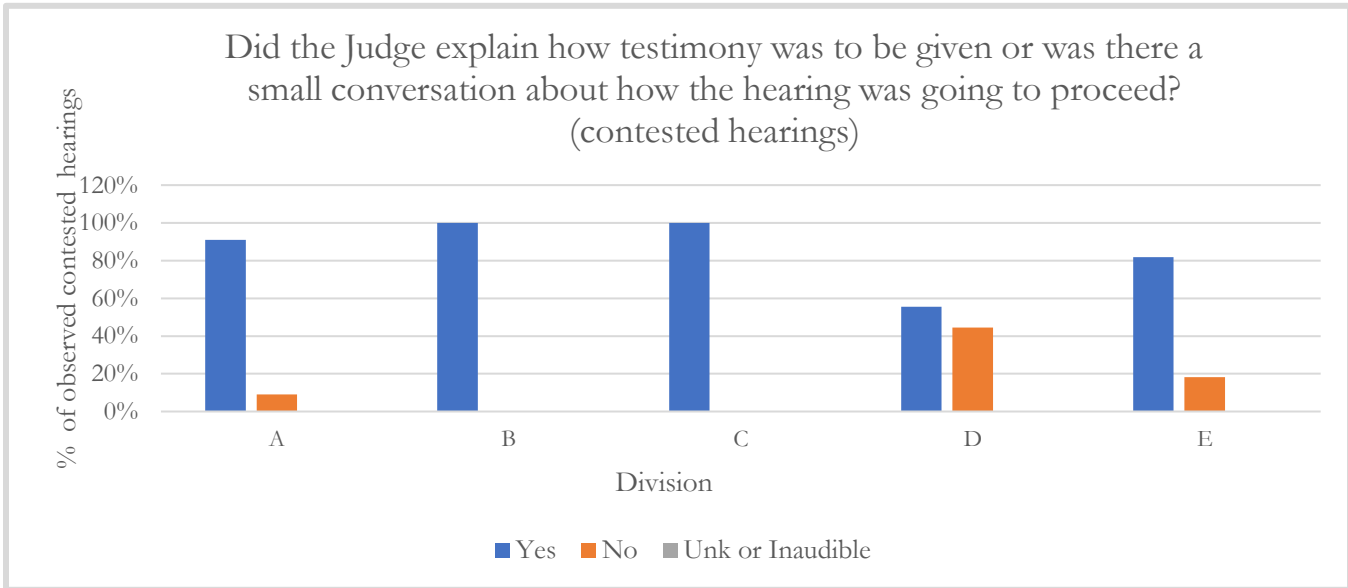
The judge asked every respondent if he wanted to consent but never explained what that meant to the petitioner.

In the two consent cases, both the petitioner and respondent were asking questions after the consent order was given. It seems no clarity was reached.



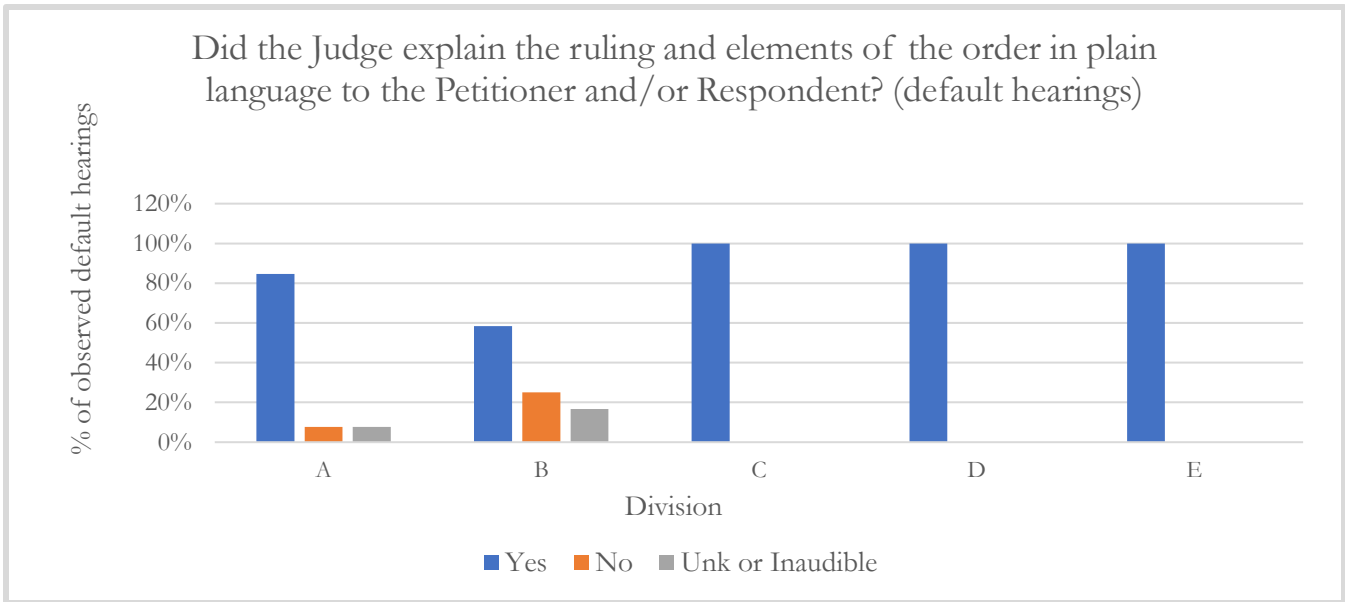
The judge explained the process again to the petitioner who came in late.

The judge gave the petitioner a complete explanation of her reasons for continuing the petitioner’s case. I have not witnessed this before.



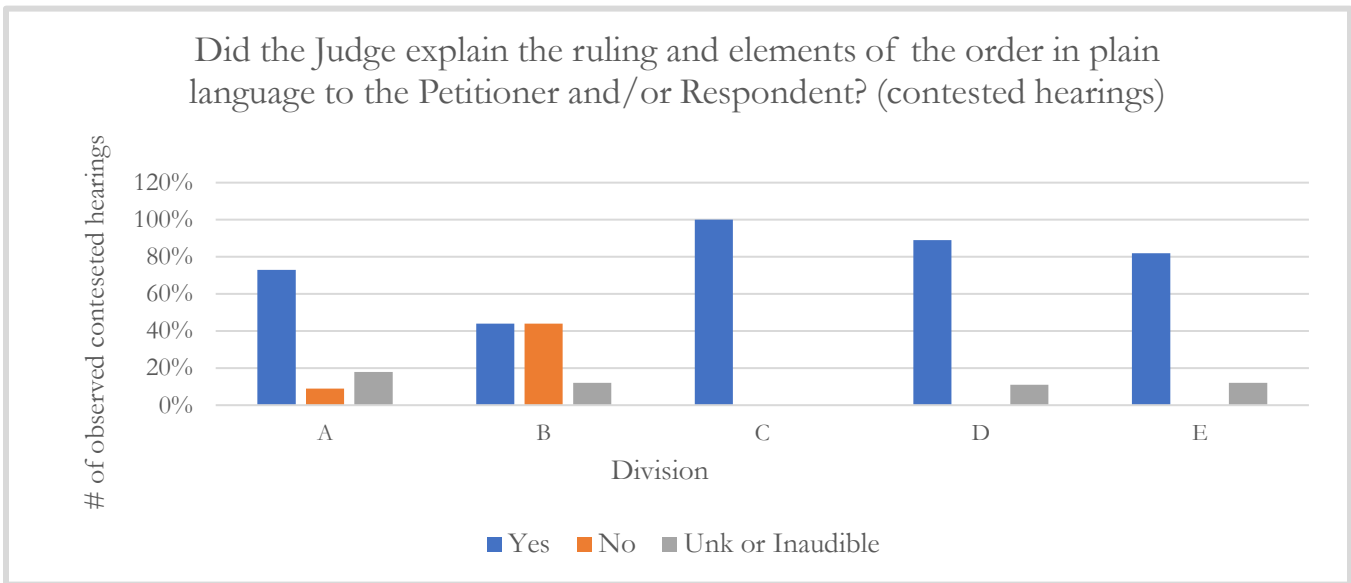
Also (the judge) required the respondent to stop interrupting and was very clear about limiting her scope of questioning.

Most litigants who appear before a judge for an order of protection hearing do so without representation. Therefore, it’s imperative that they leave the courtroom with a clear understanding of the judge’s instructions, comments, ruling, and conditions of the order. While all judges clearly stated their final ruling and the length of the order when granted, they varied in their communication regarding the elements and conditions within the ruling.



Petitioner seemed confused at the end of a continuance.

No discussion about what the petitioner should do if the order is violated.



The respondent seemed very confused. He did not have an attorney. The judge asked the petitioner’s attorney to talk with him. The respondent seemed very defeated after the hearing. He had no attorney and didn’t know why he couldn’t play a recording for evidence.

The judge discussed with the respondent that there should be no contact with the petitioner’s children.

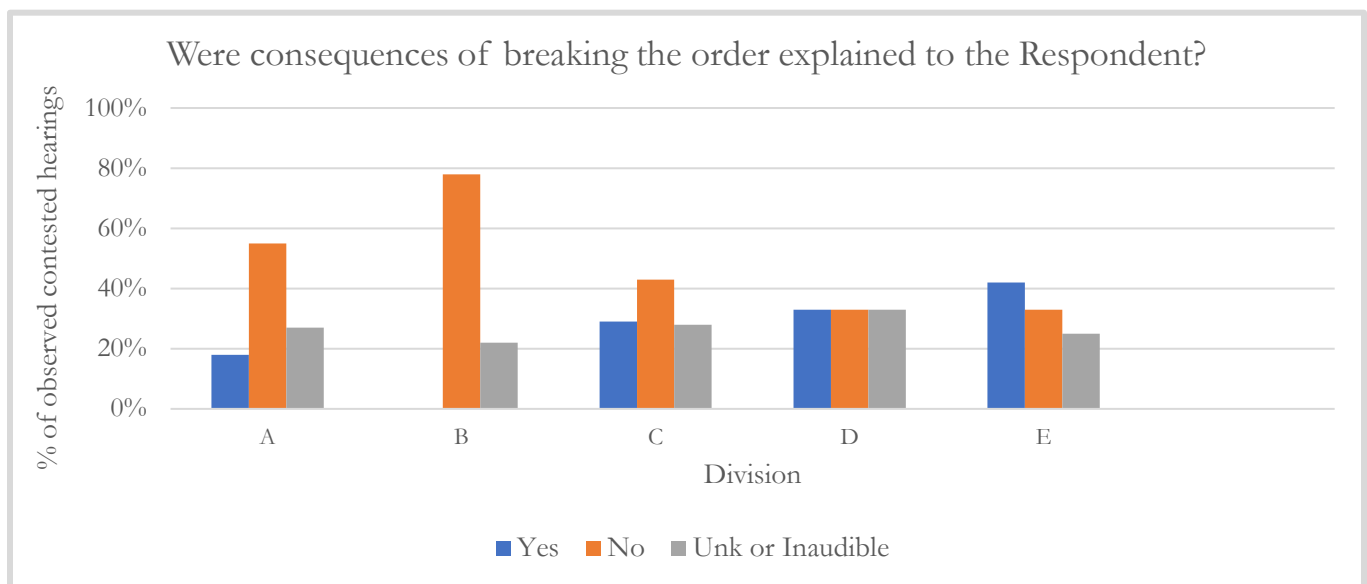
Respondent lives closer to her [petitioner] than 100 ft so the judge changed [separation distance] to 50 ft. The respondent asked for clarity around his mailbox being close to her door. The

judge did not explain any more about the ruling other than 1 year was granted. The respondent seemed confused.

The respondent seemed confused by what was being asked.

The respondent disagreed with the finding; judge reiterates the finding. The respondent wanted clarification why the judge ruled for the petitioner. The respondent wanted to know about child visitation. The judge instructed him to contact the family court and told him he should look for an attorney.

A respondent's thorough understanding of the conditions of an order and the consequence of violating that order increases the likelihood of compliance and reinforces the court's expectations that he/she assumes responsibility and accountability for his/her actions. Monitors noted that this varied from division to division and from case to case. No division consistently provided respondents with transparent communication regarding the consequences of violating the order. The consequences of violating an order can be severe and may include being criminally charged and jail time.



No consequences for breaking the order were discussed.

EFFICIENCY

Lengthy court dockets with many cases and multiple continuances often add to the frustration of navigating this process without representation or abiding by the order. The Court Watch Project assesses the efficiency of the legal process by considering the timeliness of proceedings as well as the order in which cases are handled; specifically, whether more straightforward cases are handled first, and more complex cases handled later. For example,

no service/no return cases and cases for which respondents consent to the order without a full hearing were handled first.

In 100% of all dockets observed, the judge and court staff were timely, and dockets started on time. No service/no return cases were handled quickly by the advocates, and paperwork was provided to litigants by the Court Clerk with little to no delay. For 98% of all dockets observed, monitors indicated they agreed or strongly agreed that court proceedings seemed controlled and serious in nature. Court proceedings – on average two to three hours – were efficient and productive.

The judge was organized.

The entire courtroom seemed to run very efficiently.

There were narrative comments on the Courtroom Protocol forms indicating some divisions handled cases in an order that was not the most efficient at times and seemed to delay cases that only took a few minutes to resolve.

Not all no-service or consent orders were handled before [full] hearings.

Early in the docket, a consent agreement was entertained. Both parties wanted a trial, so the judge proceeded with a trial. Later [in the docket], a default hearing was handled.

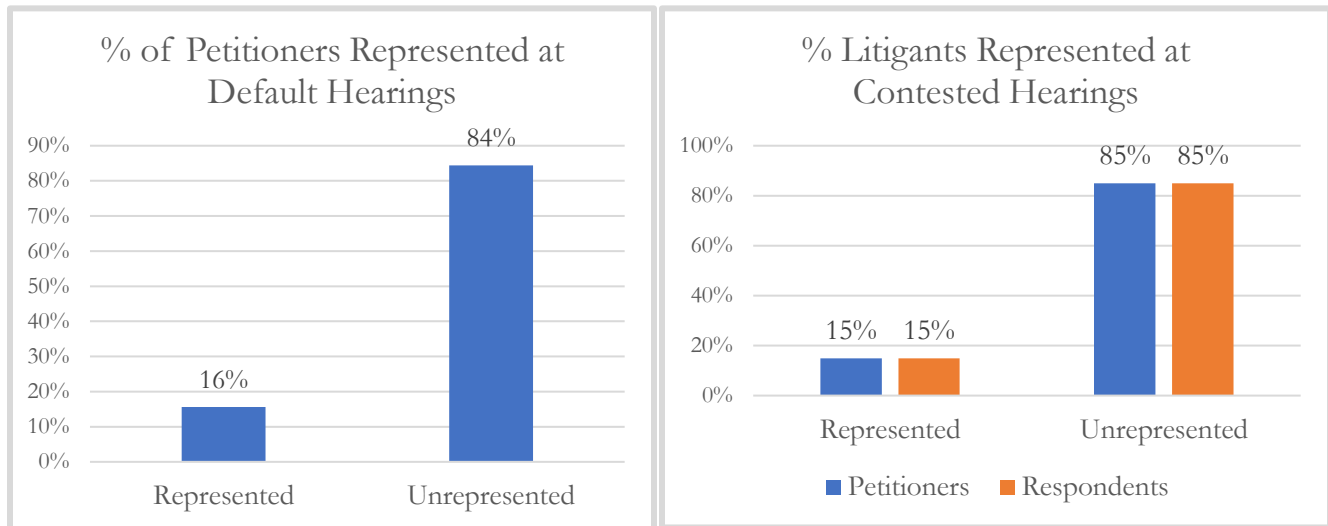
LITIGANT SUPPORT

Litigants may have no representation (pro se), may be represented by an attorney, and may have the assistance of an interpreter, and/or the support of a court or community advocate. Without assistance and going through the legal process alone can be confusing, anxiety-producing, and counterproductive. The Court Watch Project assesses litigant support by considering if the litigants are represented, by whom, and if their representatives are readily available, prepared, attentive, and responsive.

Self-Representation

It should be noted that many of the cases for which parties are represented by an attorney are often either continued (extended to a future date) due to other pending family court cases or the respondent enters a consent to the order without admitting to the allegations. Information collected by Court Watch monitors is only for cases that continue to a full hearing – a default or contested hearing. In 84% of the observed default cases (respondent is a no-show) for which a full hearing doesn't occur, petitioners were self-represented. In 85% of the observed full hearings, petitioners and respondents were self-represented. In two full

hearings where a petitioner was represented, the respondent was not. In the two hearings where a respondent was represented, the petitioner was not.



Language Access Services

For individuals who are non-English speaking or for whom English is a second language (ESL), language access is essential to understanding and navigating the legal system. In 2021, the St. Louis County Domestic and Family Violence Council created a sub-committee to look at language access specifically in the specialized domestic violence court. Recommendations were made by the committee and sent to the larger Circuit Court. In 2022, the Court Watch Project revised forms to specifically assess the availability and engagement of interpreters with litigants. There were ten hearings where interpreters were needed for an individual case. Only two hearings were continued because no interpreter was available or ordered. There were seven hearings where interpreters were needed and available. Monitors noted that the interpreters were sitting with the litigants and interpreting the entirety of the docket when needed. There was one case where an ESL litigant had requested an interpreter, but none was available. This petitioner, who was represented by an attorney, chose not to delay the case and to continue with the hearing. Throughout the year, monitors observed the use of Spanish, Swahili, and Bosnian interpreters.

Interpreters were engaging with litigants and available.

The petitioner's attorney had requested an interpreter two days earlier, but one was not available. She decided to continue the default hearing without interpretation.

Court Advocates

In 2010, the National Council of Juvenile and Family Court Judges developed the *Civil Protection Order Guide: A Guide to Improving Practice*. The Guide stressed advocates are an essential resource for victims in navigating the complex system of obtaining protection orders. An advocate may be a court advocate or an advocate from one of the community domestic violence agencies. Advocates are the primary source of information and resources for victims. Advocate interventions or “check-ins” should regularly occur throughout the process.

The Domestic Violence Court advocacy program has enhanced its program through the years to address no service/no return cases for the judges, and to have court advocates regularly meet with petitioners before their hearing when available or when possible. In 72% of observed dockets, Court Watch monitors noted they observed advocates regularly meeting with petitioners before the start of court or their cases being heard. Generally, court advocates do not appear in the courtroom until shortly before the docket begins. In-person engagements occur after the judge’s first docket call. When dockets are large and there are many no-service/no-return cases to address, the judge may call up some petitioners for default or consent when the petitioners have not previously spoken to a court advocate in person. As suggested in past reports, consideration should be given to adjusting practices. Court advocates should arrive early and work with the court officers during check-in to begin conversations with petitioners as they arrive and before the judge calls the court to order.

Prior to court starting, no advocates in court but they were active after docket call.

[The judge] offered to have the petitioner talk to an advocate before she dismissed.

Advocates approached the petitioner when she started to cry during her testimony. An advocate introduced herself and provided a Kleenex.

An advocate sat at the table with the petitioner, when the respondent had an attorney at this table.

An advocate walked to the table and gave the respondent advice when she asked if it would affect her probation in Texas and stated, "I'm not an attorney so I can't give legal advice, but this should not affect your probation".

A petitioner was sitting alone behind us for quite some time with no one engaging her until after hearing.

The case simply did not qualify for adult order; lots of evidence of sexual abuse of children but no harm or threats to mom. The judge encouraged the mom to talk to advocate.

The advocate sat at the table with the petitioner. She had not met the petitioner before because she introduced herself when she sat down. Not sure why she sat with her other than the respondent had an attorney.

The judge often used the advocates.

JUDICIAL MANNER

Victims of abuse may not trust the court system due to past experiences. There may be concerns the court will not believe them or understand their responses to the abuse. For victims who may have had other professionals ignore or minimize their experiences, the likelihood increases that they will not see the court as a place that could provide safety and help. For perpetrators of abuse, research shows that the feeling of being heard during the proceeding increases their perception of fairness and the likelihood that they will ultimately comply with the order.² For self-represented individuals in domestic violence cases, having a voice and being listened to and acknowledged by the judge is especially important.

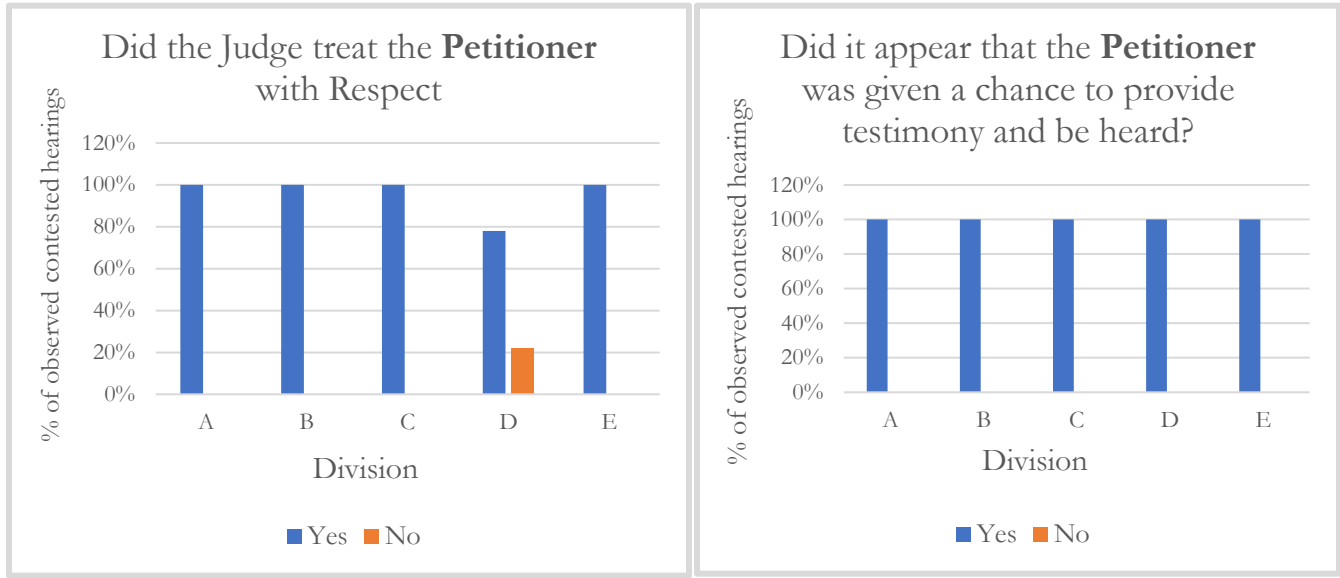
The Court Watch Project assesses judicial manner by considering whether the judge treats individuals with respect and impartially, gives the parties a chance to provide relevant testimony and listens carefully, explains the ruling and its elements, controls the courtroom environment, maintains a professional demeanor, and limits the respondent's voluntary comments when those comments could be incriminating.

The outcomes from hearings where both petitioner and respondent appeared to highlight the efforts made by the Court to ensure trauma-informed judges are hearing these cases who understand the complexities of domestic violence. Outcomes indicate the judicial officers displayed a consistent pattern of fairness and respect to both petitioners and respondents across all five divisions. Monitors' comments support this.

I've learned so much about court proceedings by being a part of Court Watch. I feel great concern for the victims in cases of abuse and I am very proud of the work we are doing to improve their safety. I very much still worry about how little they understand about what to expect and what is expected of them, especially if they have not met with a lawyer or advocate. I hope to be able to keep participating in Court Watch so that the experience of all parties can be improved, and I thank the court system for allowing us to be of service. –**Volunteer Monitor**

² Mitchell, D. Wurmfield, K. (2018). Assisting Self-Represented Litigants in Domestic Violence Cases. Center for Court Innovation.

Regarding Petitioners



The judge asked clarifying questions to make sure it [testimony] was understood.

The judge was compassionate to the emotional petitioner.

Petitioner stated, "he hit me, I blacked out and woke up covered in blood", [the judge] immediately granted the order, was compassionate, empathetic, and granted a 10-year order.

The judge required the petitioner's attorney to respect physical boundaries during his examination of her [respondent].

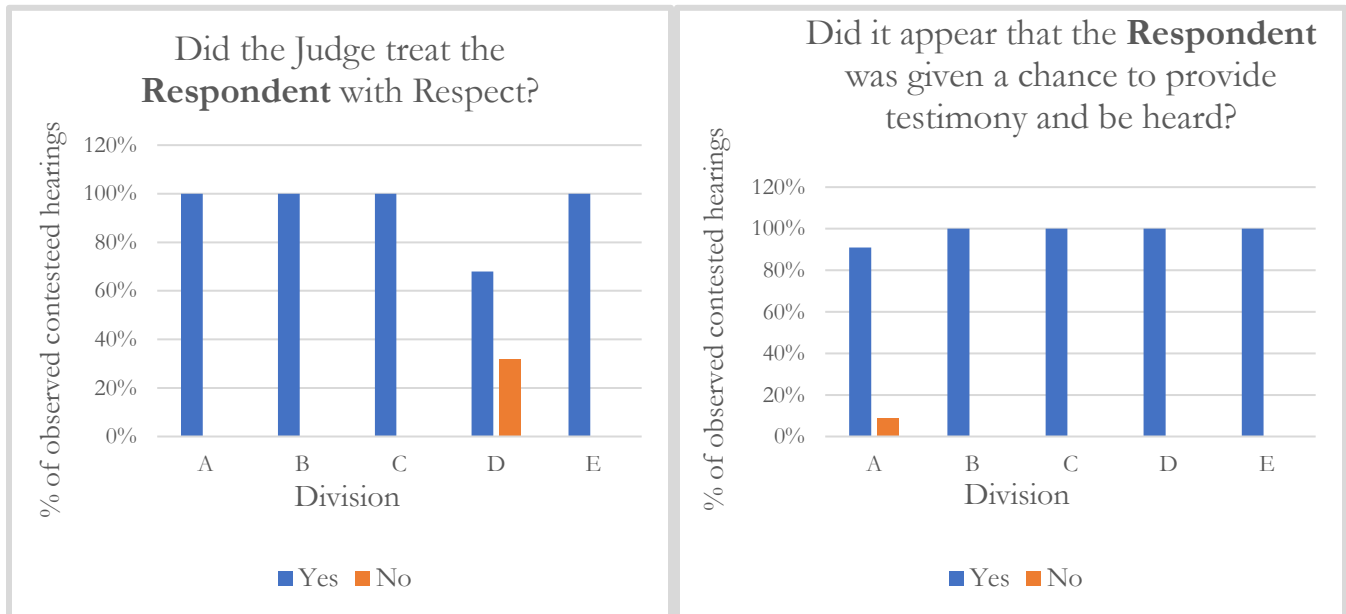
[Petitioner experienced] years of cyberstalking. The judge gave time for the petitioner to get her papers together. The Judge encouraged the Petitioner to report any violation right away.

The petitioner wanted to present information about the respondent that was not relevant to the petitioner's case. Judge reminded her to stick to the reasons she was requesting a court order.

The petitioner said there was "not too much" hitting. The judge made clear even one hit was not okay.

Original date of service showed being too late for default, but the petitioner was upset. [The judge] Checked again to see if the Sheriff's return of service was different than the court entry and case could move forward. She [judge] apologized to the petitioner.

Regarding Respondents



The judge took time with each party.

The respondent was late and the judge was issuing a decision when he arrived and allowed his testimony. The judge instructed the respondent several times to look at her, not the petitioner. The judge instructed the respondent to put down his phone. Petitioner's testimony was read for the respondent. The judge instructed the respondent to not testify to the clerk multiple times.

Early in testimony, she [the judge] was working on paperwork for another case. Little eye contact.

The judge has good eye contact when addressing the groups. She has very little eye contact when the petitioner, respondent, or lawyer is addressing her in that specific hearing. She is constantly looking at the computer.

[Case] Ultimately ended in consent. Respondent used his time to talk about how much he "loved his wife and wants her by his side as he works through his drug problem". The judge asked about consent and said that it would provide him an opportunity to get BIP. Did not ask the petitioner if she wanted the consent.

The judge asked kindly for clarification.

The judge was exasperated by this case. It was he said/she said situation with both parties displaying abusive behaviors. The judge wasn't happy that the parties weren't taking advantage of county resources or parenting specialists. The judge was stern and said "Grow up. Tamp down the problems. You have two kids. It's time to parent properly. You will never be

completely apart from each other as you have two kids. You need to figure out how to communicate." The petitioner didn't want help from a parenting specialist. The respondent didn't want to file for child custody.

Three cases were called with the same petitioner and three different respondents. Regarding whether or not the judge treated the parties with respect is inconsistent and complicated. The proceedings were chaotic and often devolved into the judge yelling and chastising all of the (individuals providing) testimony (calling them liars or stupid). However, after calling for a recess and then reconvening, the judge spoke calmly and rationally ordering that the adverse parties stay away from each other. She conveyed her concern for the safety of everyone involved. "You [parents of litigants] have beautiful children that are going to kill each other. I want to cry. I don't think you are bad people. I am worried about you. All of you. We have lost too many children. You are grown-ups, but you are still your mothers' children." Her plea felt appropriate and authentic to me.

SAFETY AND SECURITY

In any courtroom, safety and security are considerations. However, in domestic violence cases for which abuse is the basis for the filing of an order of protection, safety and security are paramount. Victims appearing before the court have reported abuse in the form of physical and sexual assault, attempts to assault, threats, and stalking or harassing behaviors.

The Court Watch Project assesses safety and security by considering if litigants are physically separated in the courtroom, if the time between the litigants leaving the courtroom is staggered, and the degree to which the courtroom is controlled, particularly when it appears tensions are escalating, the potential for violence exists or a litigant appears to be irrational or under the influence.

One key change over the course of the last five years has been the improved security practices and the increase in court officers available during the dockets. At every docket, monitors observed three court officers -- a court officer stationed in the hallway outside the courtroom, one checking each litigant in and ensuring they are separated from the other party, and the judge's bailiff. It was also common to see an additional court officer in the courtroom, particularly during busy times or when a potential escalation between the litigants might occur. In 100% of the observed cases, monitors agreed or strongly agreed that the bailiff was attentive during the individual hearings. In 94% of the observed dockets, monitors agreed or strongly agreed that the bailiff or deputy was closely monitoring the courtroom.

The judge was intolerant of bad behavior in the courtroom. The judge managed situations quickly and firmly.

Respondent was very reactive and had an outburst. The judge maintained a respectful approach while being firm about inappropriate behavior of the respondent.

Three bailiffs in the room most of the time.

The judge was very attentive to security issues.

One potential safety issue that bears mentioning – when the judge called the bailiffs to the front 2 advocates stood up and stood with them. It seemed really bizarre to me – it just added more people to the mix. Judge noticed it too and asked, “Do you have an idea, is that why you are approaching?”

[Court Officer] was very clear with instructions at the time of entry. He stood near the petitioners during defaults and was nearby for the consent discussions. There was no doubt about his presence. There were times there were three bailiffs present in the court.

The judge scolded an attorney for conferring with both petitioner and respondent [together] in the conference room. Emphasized safety.

[Court Officers] were very attentive to the court.

Respondent wanted to leave before 15 minutes [ordered waiting period], but Bailiff would not allow it.

Respondent began a small commotion at the table after the judge's ruling and bailiffs were quick to remove him.

[The judge] Redirected the conversation and warned the respondent to stay still as he was getting close to the petitioner.

The bailiff stood in between the petitioner and respondent when tense.

There were a few narrative comments from the monitors that were contrary.

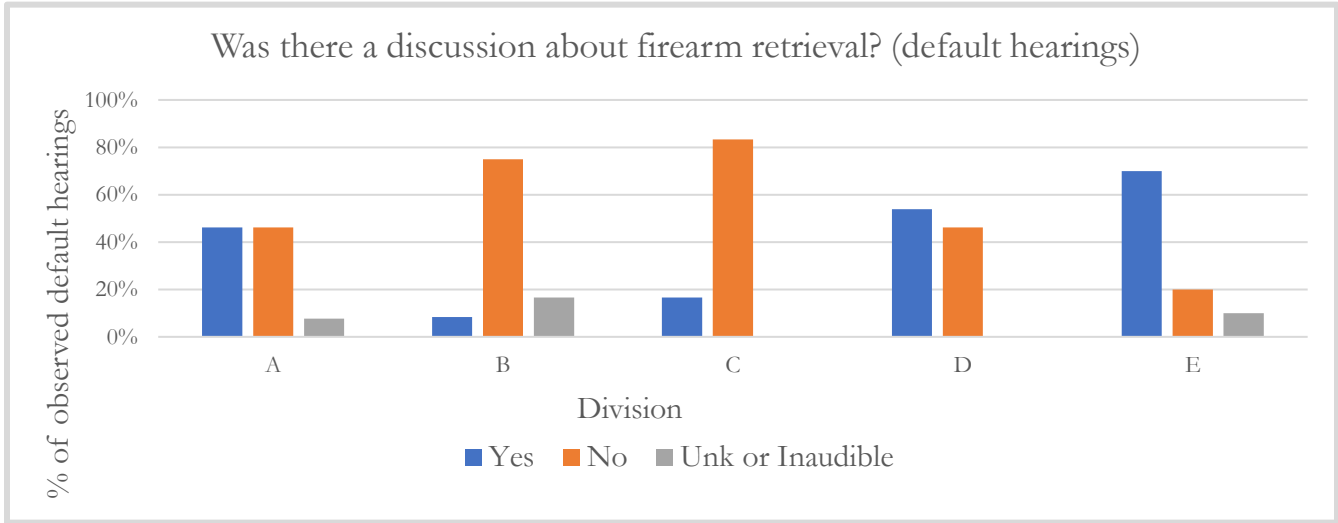
[Bailiff] – was terribly rude to both parties during a full hearing – he told the petitioner to “speak English”, he told him to stop yawning and wake up (?); in my opinion, the parties were not being disrespectful (yet) but escalated quickly; both parties had evidence on their phones (screenshots) but [Bailiff] had no idea how to use the phone so he kept yelling at them to fix it. The petitioner had no idea what was going on and was embarrassed.

The respondent was very combative to the petitioner, and was accusatory and defensive. The judge did not stop the behavior.

The judge did not have a lot of control of the situation. The respondent escalated but was allowed to continue with testimony. Judge often interrupted the Petitioner.

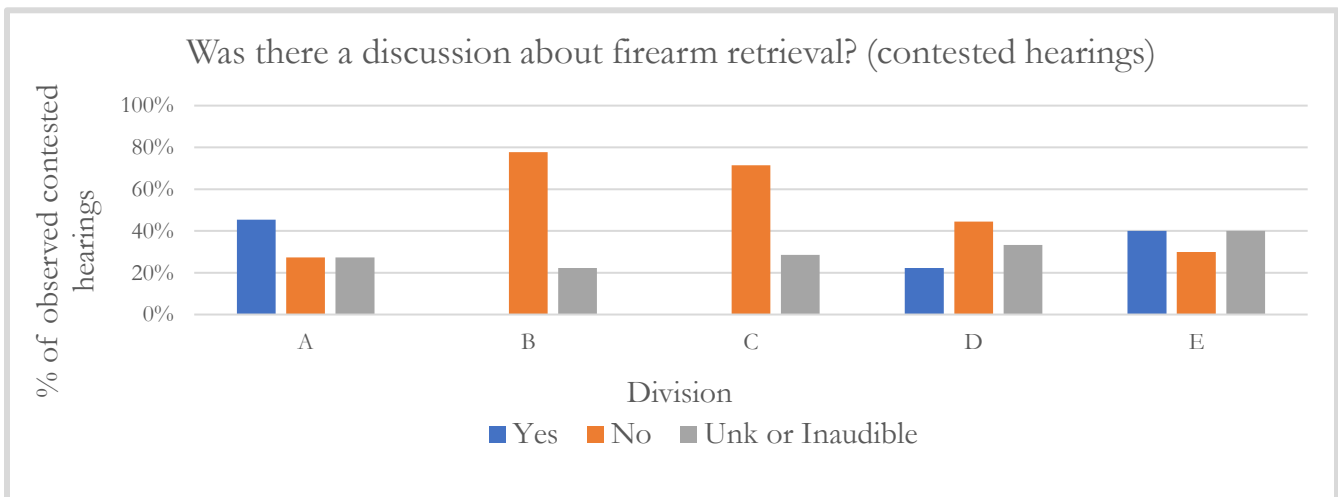
Firearm Relinquishment

St. Louis County Domestic Violence Court is one of a few jurisdictions in Missouri that order firearm relinquishment when an order of protection is in place. For all hearings – defaults, contested, and consents -- Court Watch encourages judges to ask respondents about firearms in their possession or to which they may have access. However, monitors observed inconsistencies regarding firearm discussions with litigants.



No discussion of the respondent's ownership or access to firearms.

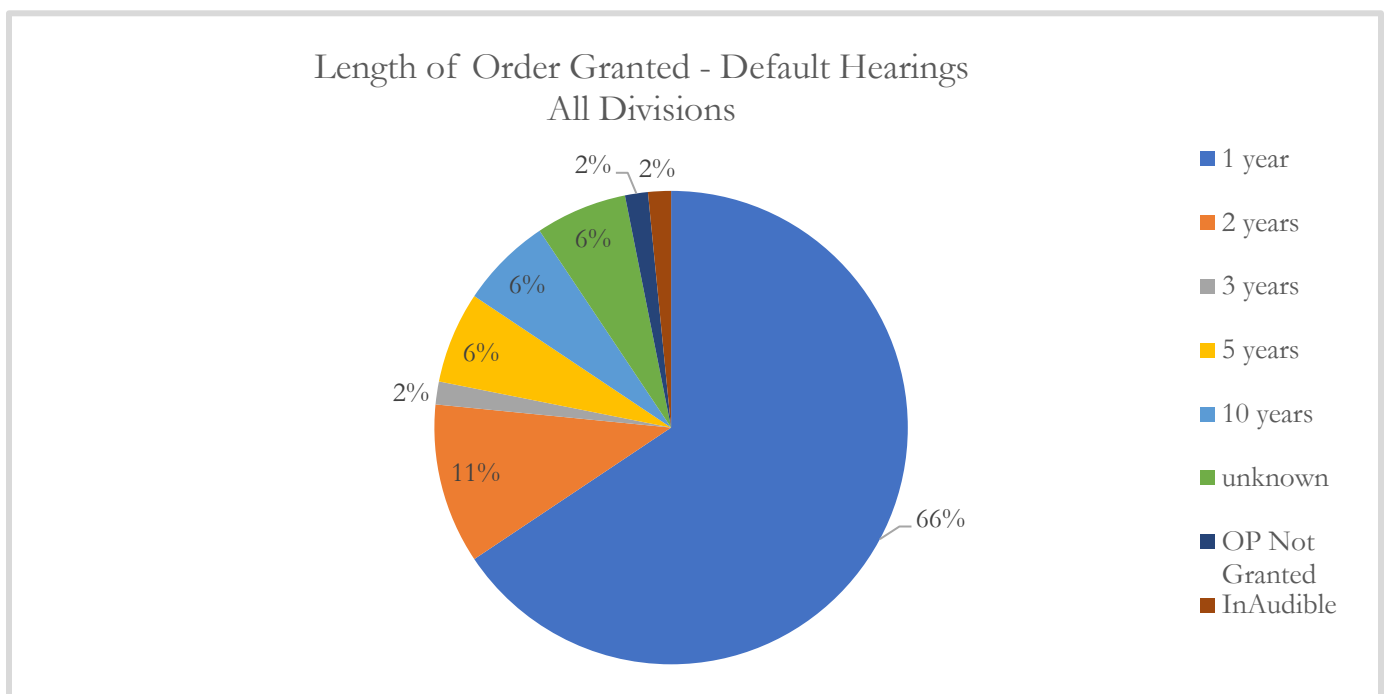
It should be noted that monitors are not privy to the ex-parte or final orders to assess if the special condition for firearms relinquishment was included in the order and specifically addressed in the courtroom. In default and contested hearings, the information the monitor collects is only what is heard in the courtroom, including the judge's explanations to the litigants after granting an order. From the data compiled, only a few divisions regularly discussed firearm relinquishment after an order has been granted.



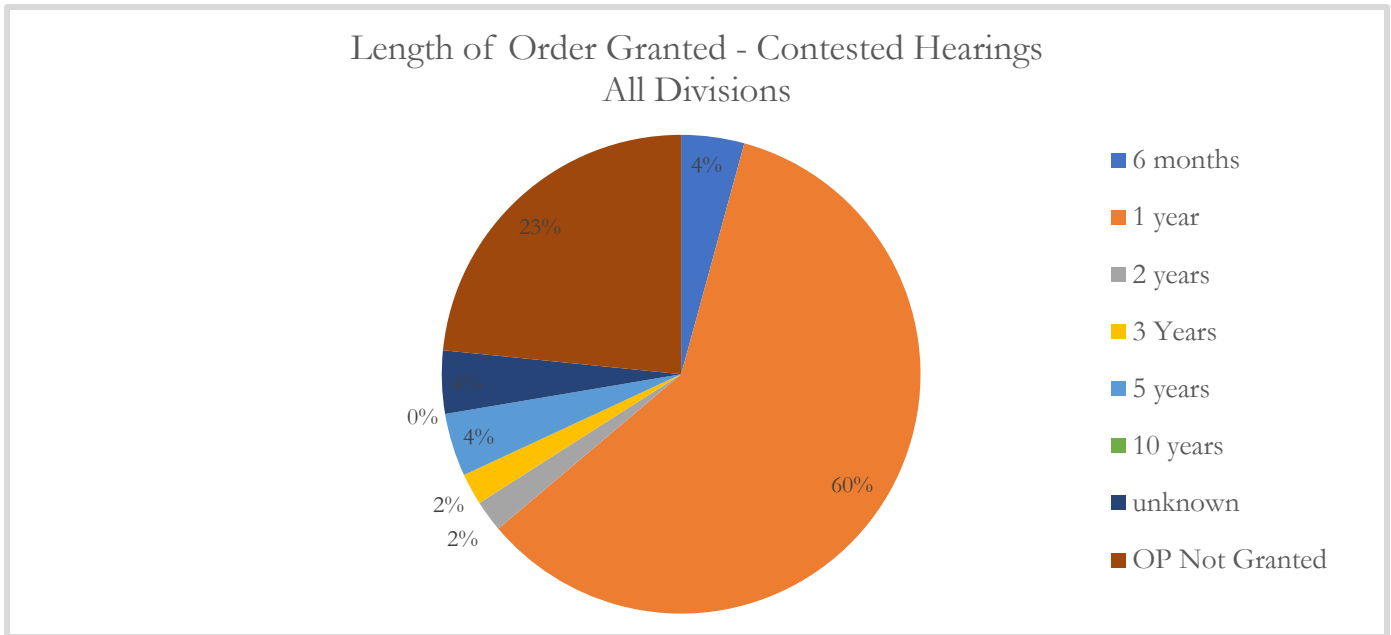
The respondent held gun to petitioner's head. Retrieval was discussed and planned.

REVISED STATUTE CHANGES

With the expansion of Missouri Revised Statute 455.010 allowing orders of protection for up to ten years with a “serious danger” finding, the Court Watch advisory team chose to revise forms to collect data on this new revision in practice. Data collected showed that the length of orders ranged from six months to ten years for default orders of protection, the majority being one-year orders with automatic renewals for an additional year. Five- or ten-year orders were granted for cases with a long history of physical violence when weapons were involved as well as cases with a long history of stalking or harassment.



Petitioners in contested hearings were often granted one-year orders with automatic renewal with a few granted orders for up to five years. Again, this was typical when evidence of a long history of violence or stalking was presented, and a firearm was involved. There was one renewal hearing where a petitioner was granted a lifetime order. That petitioner had testified to a long history of physical violence and violations of previous orders.



While we were collecting data specifically around the length of orders, other revisions to the statute were also observed. Monitors often overheard judges inquiring about the need for any protection of pets. On a few occasions, it was noted that judges reiterated to respondents that the use of third parties including friends or family members or social media to communicate with the petitioner, would be considered a violation of the order and grounds for a contempt order. This was dependent on the division and the individual judge's process.

This experience has heightened my awareness of the complexity of the issues facing all involved in the court proceedings due to intimate partner violence- petitioners, respondents, judges, and court personnel. The intersect of so many systems- legal, mental health, housing, education, and economic - are needed to provide resources for the safety and well-being of those coming before the court. It must be a daunting experience for those with little power to come before a powerful legal system desiring safety and freedom. I want to do my part as a member of the community to give voice to the call for justice, to vote for policy, bills and judges that affect the lives of those caught in the web of violence.

-Volunteer Monitor

RECOMMENDATIONS

Recommendation 1 - Clarity: Improve clarity for litigants around the conditions of the order and consequences for non-compliance.

Across the five divisions, there were inconsistencies around the discussion of the conditions of the order and the consequences of non-compliance. Monitors noted that there were no discussions of consequences for violating the order in at least 30% of all contested dockets observed with some divisions as high as 70%.

A protection order is more effective and equitable when both the petitioner and the respondent understand the conditions in the order and the implications.³ Much like the standard introduction that each division presents at the beginning of the docket, it is recommended that a similar plain-language approach to reading the individual parts of the order along with possible consequences to the respondent if the order is violated. The Court could also consider utilizing the newly created respondent case manager position to assist with conveying conditions of the order to the respondent as needed in addition to the judge's remarks. Printed materials or additional information for respondents on the website with clear expectations and next steps might also assist with clarity and understanding (Mitchell, D. & Wurmfield, K., 2018).

Recommendation 2- Accessibility: Increase accessibility to court-related information through technology, signage, and additional printed materials.

St. Louis County Domestic Violence Court has made many strides to improve the accessibility of information and the transparency of the court process. The 21st Circuit Court continues to improve and update its website with information about orders of protection and community resources. Additional information about preparing for the hearing, organizing evidence, and understanding possible outcomes can provide more transparency to the process for both petitioners and respondents. Updating signage outside the S01 Courtroom could include expectations of behavior, checking in with court officers, the phone number to reach advocates, or directing them to the website with more information.

Language access services for non-English speaking litigants is imperative and the St. Louis County Domestic and Family Violence Council created a subcommittee in 2021 to address this issue. The County's Language Access Plan was reviewed, and recommendations were made to the larger Circuit Court, which included some specific to the Domestic Violence Court. Outside of the Language Access Plan, the Court could consider other ways to improve the accessibility of information for ESL litigants. This could include utilizing technology both in and outside the courtroom. Relevant information about the docket or

³ Meyer, E., JD (2010). *Civil Protection Orders: A Guide for Improving Practice*. National Council of Juvenile and Family Court Judges.

requesting an interpreter can be displayed on the televisions in the courtroom in the more popular languages (Spanish, Bosnian, Vietnamese, Mandarin, and American Sign Language). Language Line, or telephone interpreter services, should be utilized in the courtroom to avoid the use of family or friends as interpreters, even for cases that are continued. While only a few cases observed by monitors were continued due to no interpreter, interpreter services via phone were not used to explain any continuance by the court and were left to the attorney or advocate.

Given that most interpreters meet the litigant inside the courtroom, it may be helpful to utilize the screens or use signage outside the courtroom to provide information to individuals as well regarding the check-in process and where to meet interpreters. Simple multi-lingual signage in the courthouse, increasing the availability of translated printed materials, and collaboration with community agencies to provide trained interpreters are innovative solutions suggested by the National Center for State Courts.⁴

Recommendation 3 – Needs Assessment: Utilize a group of community stakeholders and court representatives to conduct a needs assessment of the entire adult abuse protection order process from the application (the Petition for Order of Protection – Adult) to the full hearing.

Because of the nature and methodology of the Project, Court Watch recognizes there are limitations in fully assessing the order of protection process for litigants. As stated above, volunteers only observe adult abuse dockets and collect information on reasonably attainable and observable data. Information on the accessibility of the Court’s adult abuse office, details included in the process of applying for an order of protection, and elements incorporated in subsequent orders are unavailable. However, victims’ experiences may be reported by victim service providers and shared with Court Watch. The St. Louis County Domestic Violence Court and St. Louis County Domestic and Family Violence Council have worked diligently over the years to improve and enhance the court’s response to domestic violence. As part of this work, it is recommended that a committee of community stakeholders along with members of the DV Court assess the accessibility and usability of the entire order of protection process for both petitioners and respondents.

The National Center on Protection Orders and Full Faith and Credit published an assessment tool titled “*Engaging in a Best Practice Assessment of the Civil Protection Order System*” (Balos et al., 2012) that may assist communities in conducting assessments in different areas of their court’s protection order process. Representatives from victim service providers, Batterer Intervention Programs, court personnel, community agencies, and law enforcement would have an opportunity to explore the process from all points of entry into the Domestic

⁴ (2016). *Effective Court Communication: Assessing the Need for Language Access Services for Limited English Proficient Litigants in Domestic Violence, Sexual Assault, Dating Violence, and Stalking Cases* (pp. 10-11). National Center for State Courts.

Violence Court and ensure the objectives of victim safety, accessibility, and offender accountability are being met.

The use of surveys to collect information from petitioners, respondents, advocates, attorneys, and service providers should also be considered. The St. Louis County Domestic Violence court advocacy program conducts surveys of petitioners for grant funding reporting with helpful information regarding their experience. The goals of this survey are to receive feedback on the overall experience with the court and identify any gaps or opportunities to improve the accessibility of information, efficiencies in the court process, and achievement of stated objectives.⁵

It takes a village. Everyone is needed and responsible to make our society safe and healthy; this also requires the integration of social systems to provide available and accessible resources to survivors of violence.

–Volunteer Monitor

⁵ (2020). *Can Courts Be More User-Friendly? How Satisfaction Surveys Can Promote Trust and Access to Justice*. Center for Court Innovation.

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Saint Martha's fully funds the Court Watch Project. The advisory team is comprised of multiple advocates from the domestic violence community:

Carla Maley, Saint Martha's
Jessica Woolbright, Saint Martha's
Katie Dalton, Center for Crime Victims
Christina Holmes, RUNG for Women
Pam Peigh, community volunteer

***“Ensuring Justice for Victims
of Domestic Violence”***