

EASING THE BURDEN OF SURVIVORS OF DOMESTIC
VIOLENCE THROUGH THE “ONE FAMILY, ONE
JUDGE” COURT MODEL: WHY INTEGRATED
DOMESTIC VIOLENCE (“IDV”) COURTS SHOULD BE
INSTITUTED THROUGHOUT THE UNITED STATES

*Elka B. Blonder**

TABLE OF CONTENTS

I.	INTRODUCTION	166
II.	UNDERSTANDING DOMESTIC VIOLENCE AND ITS HISTORY IN THE UNITED STATES LEGAL SYSTEM.....	168
	<i>A. What is Domestic Violence and How Rampant is it Really?...</i>	168
	<i>B. Disproportionate Tolls on Minority Groups and Women in Poverty.....</i>	169
	<i>C. From Casual to Criminal: The Evolution of America’s Perspective on Domestic Violence</i>	170
	<i>D. The Origins of Specialized Courts for Domestic Violence.....</i>	171
	<i>E. Dealing with Domestic Violence in the Legal System Today..</i>	171
	<i>F. The Introduction of IDV Courts</i>	172
	<i>G. Current Status Report: Where Domestic Violence Cases May be Addressed in Each State’s Court Systems*</i>	174
III.	FAILURES OF THE TRADITIONAL COURT SYSTEM IN ADDRESSING DOMESTIC VIOLENCE	179
	<i>A. The Challenge of Navigating the Court System</i>	179
	<i>B. Communication Failings Between Courts.....</i>	180
IV.	WHY IDV? ANALYZING THE ARGUMENTS FOR THE NATIONAL INSTITUTION OF IDV COURTS	181
	<i>A. How Do IDV Courts Help?</i>	182
	<i>B. Court Efficiency.....</i>	182
	<i>C. Survivor Safety and Offender Accountability.....</i>	183

* Elka Blonder is graduating Cardozo Law with a specialty in Dispute Resolution and will be continuing her work to help families face legal challenges. She wishes to thank her family and friends, particularly her husband Shmulik, for their support throughout law school and her work on this Note. Elka would also like to thank the staff of CJERSJ for their extraordinary efforts in developing this project. .

166	<i>EQUAL RIGHTS & SOCIAL JUSTICE</i>	[Vol. 29:2
	<i>D. Survivor’s Resources</i>	184
	<i>E. Why Would Any Jurisdiction Not Want IDV?</i>	185
	<i>F. How Are IDV Courts Implemented?</i>	185
V.	CONCLUSION.....	188

I. INTRODUCTION

Kristina was a single mother in her early thirties when she met James and felt an instant connection.¹ James expressed interest in all the same music and hobbies as Kristina, which she comments in hindsight was his way of “grooming her”—by “parroting her every like as his own.”² James had already proven himself to be a domestic abuser, having severely abused two of his former wives, but he twisted the stories from his past to portray himself as the victim to Kristina—particularly the tale he told regarding his most recent wife, who had shot him in self-defense.³ None of the news articles mentioned that domestic violence triggered James’ ex-wife shooting him in the face; it was easy for him to convince Kristina that he had been the victim of a horrible situation of his so-called “alcoholic” ex-wife’s making.⁴ Kristina could not help but empathize with James and the past he claimed to have, being misled and mistreated in love.⁵

When Kristina became pregnant with twins, James moved in with her and her daughter, and his true demeanor was revealed.⁶ Beyond leaving all household responsibilities to a bedridden Kristina and generally neglecting her needs, James’ temper quickly escalated.⁷ He started throwing things when he was angry, and he would physically block any attempt by Kristen to escape from the frenzy.⁸ One day, Kristina’s car malfunctioned, and she came home late.⁹ James lost his temper and all control.¹⁰ He pulled out a gun, put it to his head, and threatened suicide.¹¹ When Kristina tried to call the police, James ran outside and “threw himself down a nearby

¹ Amanda Kippert, *Part III: One Abuser, Three Wives and Zero Accountability*, DOMESTICSHELTERS.ORG (July 5, 2021), <https://www.domesticshelters.org/articles/true-survivor-stories/part-iii-one-abuser-three-wives-and-zero-accountability>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

2023] *INTEGRATED DOMESTIC VIOLENCE COURTS* 167

embankment.”¹² James came back inside appearing as though he had been in an altercation, and he told Kristina that if she involved the police, he would tell them “what [she] did to [him].”¹³ Kristina reached out to a domestic violence shelter to form an escape plan, but she did not know how to leave James, whom she relied on for the twins’ daycare.¹⁴ The abuse only got worse.¹⁵

Finally, when James threw his e-cigarette at Kristina’s head on their porch, she ran inside, locked the door, and called the police.¹⁶ “I was hysterical, sobbing, with my small children at home, terrified he’d come back and kill me.”¹⁷ The officer refused to listen to Kristina, even with recorded evidence of the abuse.¹⁸ She had gathered her courage and strength to get the authorities involved, only to be told that this was a “civil matter, not a criminal one.”¹⁹

This story is not from the 1960s or even the 2010s.²⁰ It was published on July 5, 2021.²¹ In some minds and even in some laws, there still exists the concept that domestic violence is strictly a problem in the home, a private relationship matter, and not a crime.²² In some states, domestic violence is for the family courts to resolve with a divorce, if anything.²³ As the police officer indicated to Kristina, there is still a prevailing idea in the legal system that civil and criminal courts do not overlap.²⁴

This Note will explore the history of the law’s response to domestic violence in the United States, beginning with its criminalization, and exploring specifically the invention of specialized problem-solving Domestic Violence (“DV”) Courts and Integrated Domestic Violence (“IDV”) Courts. The original DV Courts were created in the 1990s as criminal courts specializing in domestic violence cases, while IDV Courts—a twenty-first century system—oversee all cases for a family unit with domestic violence, including the criminal charges and civil, family, and matrimonial court proceedings, such as divorce, custody, support, and family offense

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Interview with Hon. Esther M. Morgenstern, Judge, Supreme Court of Kings County, in Brooklyn, N.Y. (Oct. 18, 2021).

²³ *Id.*

²⁴ Kippert, *supra* note 1.

petitions.²⁵ This Note will then discuss the benefits of the IDV court system and how to implement them further. In doing so, this Note suggests IDV Courts as a more supportive system for domestic violence survivors in seeking justice and the resolution of any remaining issues related to the domestic violence.

II. UNDERSTANDING DOMESTIC VIOLENCE AND ITS HISTORY IN THE UNITED STATES LEGAL SYSTEM

A. *What is Domestic Violence and How Rampant is it Really?*

“[W]omen, in every country, [are] brutalized and controlled by men as a matter of routine. Men [make] the rules, primarily through physical violence,” writes domestic violence researcher and author, Rachel Louise Snyder, on her journalistic observations of domestic violence around the world.²⁶ The United Nations Office on Drugs and Crime called home the “most dangerous place for women.”²⁷ Domestic violence is a global crisis, and the United States is no exception: on average, nearly twenty people in the United States are physically abused by an “intimate partner” every minute.²⁸ In one year, more than ten million people in the country experience intimate partner abuse.²⁹ In the United States, one in three women experiences “some form of physical violence by an intimate partner,” and one in four women experiences “severe intimate partner physical violence.”³⁰ These experiences can include being subjected to “slapping, shoving, [and] pushing” and yet still not be “considered ‘domestic violence.’”³¹ The statistics for men who have been physically abused are also appalling, with one in nine men “physically abused by an intimate partner,” but these rates are not nearly as high as they are for women.³² The most highly-impacted

²⁵ See DANIEL D. ANGIOLILLO, *THE INTEGRATED DOMESTIC VIOLENCE COURT: NEW YORK’S SUCCESSFUL EXPERIENCE*, *LAWYER’S MANUAL ON DOMESTIC VIOLENCE: REPRESENTING VICTIM 150* (Mary Rothwell Davis, Dorchen A. Leidholdt, & Charlotte A. Watson eds., 6th ed. 2015); see also Interview with Hon. Esther M. Morgenstern, *supra* note 22.

²⁶ RACHEL LOUISE SNYDER, *NO VISIBLE BRUISES: WHAT WE DON’T KNOW ABOUT DOMESTIC VIOLENCE CAN KILL US 4* (2019).

²⁷ *Id.* at 6 (quoting Press Release, Office on Drugs and Crime, Home, the most dangerous place for women, with majority of female homicide victims worldwide killed by partners or family, UNODC study says, U.N. Press Release (Nov. 25, 2018)).

²⁸ *National Statistics*, NAT’L COAL. AGAINST DOMESTIC VIOLENCE, <https://ncadv.org/statistics> (last visited Feb. 2, 2023).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

2023] *INTEGRATED DOMESTIC VIOLENCE COURTS* 169

group abused by an intimate partner is women between the ages of eighteen and twenty-four.³³

Domestic violence has various definitions under different jurisdictions and in different studies. In New York, “criminal domestic violence” includes violations, misdemeanors, and/or felonies involving parties that are or were in an intimate relationship, married, have a child together, or are blood relatives.³⁴ This differs slightly from what would fall under domestic violence by other jurisdiction and organization definitions, since the term sometimes only includes partners and not any blood relative,³⁵ and definitions can include any parties that are currently or previously cohabitating, or anyone protected under the relevant jurisdiction’s laws on domestic or family violence, according to the Department of Justice’s Office on Violence Against Women.³⁶ For this Note, the exploration of domestic violence will focus specifically on intimate partner violence, while using New York’s definition of domestic violence above; this definition sets jurisdictional parameters regarding domestic violence courts.³⁷

B. Disproportionate Tolls on Minority Groups and Women in Poverty

Perhaps one explanation for the slow progression in advancing the legal process for survivors of domestic violence is that domestic violence disproportionately impacts members of marginalized groups.³⁸ Eighty-five percent of reported domestic violence survivors are women.³⁹ Women who are indigent, especially women of color who are indigent, have “heightened vulnerability” to crimes of domestic violence, which negatively impacts their security at home and in the courtroom.⁴⁰ Women of color are “often reluctant to call the police” in cases of domestic violence, fearing the intrusion into their lives from “frequently hostile” police forces.⁴¹ In one study, Black women felt that reporting their domestic abuse situations was a “breach of

³³ *Id.*

³⁴ MICHELLE KIRBY, OLD RSCH. REP., *INTEGRATED DOMESTIC VIOLENCE COURTS* (2016), <https://www.cga.ct.gov/2016/rpt/2016-R-0012.htm>.

³⁵ Katie Arnold, Jacob Haynes, Nick Ohmann, & Megan Waterman, *Cultivating a Successful Future for the Integrated Domestic Violence Court in Tulsa County*, U. TULSA. COLL. L. 3 (2014).

³⁶ *Domestic Violence*, U.S. DEP’T JUST., <https://www.justice.gov/ovw/domestic-violence> (last visited Feb. 2, 2023).

³⁷ KIRBY, *supra* note 34.

³⁸ CALLIE MARIE RENNISON, U.S. DEP’T JUST., *INTIMATE PARTNER VIOLENCE, 1993-2001*, NCJ 197838 (2003), <https://bjs.ojp.gov/content/pub/pdf/ipv01.pdf>.

³⁹ *Id.*

⁴⁰ Donna Coker, *Crime Control and Feminist Law Reform in Domestic Violence Law: A Critical Review*, 4 BUFF. CRIM. L. REV. 801, 811 (2001).

⁴¹ Deborah Epstein, *Effective Intervention in Domestic Violence Cases: Rethinking the Roles of Prosecutors, Judges and the Court System*, 11 YALE J.L. & FEMINISM 3, 18 (1999).

loyalty” because it could further perpetuate the racist stereotype of Black men as “violent.”⁴²

C. From Casual to Criminal: The Evolution of America’s Perspective on Domestic Violence

When America was founded, wives were not legally considered to be their own persons, but rather, the property or subset of their husbands.⁴³ The legal system considered violence in the home a total non-issue: a husband was legitimized to control his wife however he saw fit, and it was common for men to use physical force to maintain their authority in the home.⁴⁴ Even as domestic violence became less socially acceptable—as movements to protect battered women gained popularity—it was still considered a “private matter,” one for the state to turn a blind eye towards until the 1970s.⁴⁵ Law enforcement officers “often played the role of ‘mediator or peacemaker.’”⁴⁶ An Oakland, California police training bulletin showed that police officers were directed not to arrest men who abused their wives.⁴⁷ Instead, police protocol was to tell these men to “cool off” by “taking a walk around the block.”⁴⁸ The Battered Women’s movement in the late 1960s and 1970s brought some attention to the plight of abused women, introducing services and shelters for domestic violence survivors.⁴⁹ However, it was not until the 1990s that every state had legislation recognizing the criminal nature of domestic violence and the availability of civil protection orders.⁵⁰ The 1990s also saw the enactment of the federal Violence Against Women Act (“VAWA”), increasing funding for state courts, law enforcement, and community programs to aid domestic violence survivors.⁵¹ VAWA has been reauthorized three times since its enactment in 1994, with goals to “expand access to safety and support for all survivors and increase prevention efforts.”⁵²

⁴² *Id.*

⁴³ Emily J. Sack, *Battered Women and the State: The Struggle for the Future of Domestic Violence Policy*, 2004 WIS. L. REV. 1657, 1661 (2004).

⁴⁴ *Id.*

⁴⁵ *Id.* at 1662.

⁴⁶ *Domestic Violence: Cape and Islands District Attorney’s Office Domestic Violence Unit*, MASS.GOV, <https://www.mass.gov/service-details/domestic-violence-0> (last visited Feb. 2, 2023).

⁴⁷ Sack, *supra* note 43, at 1662.

⁴⁸ *Id.*

⁴⁹ *Id.* at 1666.

⁵⁰ *Id.* at 1667.

⁵¹ Anat Maytal, *Specialized Domestic Violence Courts: Are They Worth the Trouble in Massachusetts?* 18 B.U. PUB. INT. L.J. 197, 197-98 (2008).

⁵² *Fact Sheet: Reauthorization of the Violence Against Women Act (VAWA)*, WHITE HOUSE (Mar. 16, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/16/fact-sheet->

2023] *INTEGRATED DOMESTIC VIOLENCE COURTS* 171*D. The Origins of Specialized Courts for Domestic Violence*

A third development in the 1990s was the introduction of DV courts.⁵³ In 1996, the Honorable John Leventhal presided over the first-ever felony DV court in Kings County, New York, which operated specifically to handle domestic violence felonies.⁵⁴ “Since that time,” says the Honorable Daniel D. Angiolillo, “[s]pecialized courts have expanded rapidly, a reflection of their success.”⁵⁵ In the late 1990s, DV courts expanded to include cases of domestic violence with misdemeanors as well as felonies.⁵⁶

There was some resistance to DV courts during their formation: critics were skeptical of “problem-solving” courts, which are courts that take a holistic approach to a problem instead of focusing only on legal decisions (such as drug courts or DV courts) in general, arguing that judges were turning into social workers or policy-makers in these areas.⁵⁷ Some critics were explicitly concerned about judicial neutrality in DV courts.⁵⁸ However, there is now “a broad consensus that the primary goals of DV court are survivor safety and offender accountability.”⁵⁹

E. Dealing with Domestic Violence in the Legal System Today

Currently, in many states, legal separation and protection from an abuser still involves a family court, a criminal court, and sometimes more.⁶⁰ In these states, each court has its own location, paperwork, and system.⁶¹ For a survivor of an abusive partner, a new nightmare awaits with seemingly endless domestic violence survivors’ court proceedings.⁶² Even with specialized problem-solving courts such as the 1990’s DV courts, there is a separation of family and criminal court cases, with only the latter belonging

reauthorization-of-the-violence-against-women-act-vawa/#:~:text=In%20the%20nearly%20three%20decades,survivors%20and%20increase%20prevention%20efforts.

⁵³ Jennifer Koshan, *Investigating Integrated Domestic Violence Courts: Lessons from New York*, 51 OSGOODE HALL L.J. 989, 1002 (2014).

⁵⁴ ANGIOLILLO, *supra* note 25.

⁵⁵ *Id.* Judge Angiolillo presided over Westchester County’s IDV court from its origin in 2001 through 2005.

⁵⁶ *Id.*

⁵⁷ Judith S. Kaye & Susan K. Knipps, *Judicial Responses to Domestic Violence: The Case for a Problem Solving Approach*, WESTERN STATE U. L. REV. (1999-2000).

⁵⁸ *Id.*

⁵⁹ Koshan, *supra* note 53, at 1003.

⁶⁰ Elizabeth L. MacDowell, *When Courts Collide: Integrated Domestic Violence Courts and Court Pluralism*, 20 TEX. J. WOMEN & L. 95, 110 (2011).

⁶¹ Interview with Hon. Esther M. Morgenstern, *supra* note 22.

⁶² *Statement Orchid G. in Support of the Constitutional Amendment for NYS Court Reform*, CTR. JUST. INNOVATION, <https://www.innovatingjustice.org/sites/default/files/Orchid.pdf>.

to DV courts.⁶³ Survivors of domestic violence often suffer through prolonged court proceedings, sometimes purposely manipulated by the abuser to continue the abuse, such as in the case of “Orchid G.”⁶⁴

Orchid G.’s story is used in domestic violence literature as an example of how the United States court system has failed survivors of domestic violence.⁶⁵ In 1994, at age nineteen, Orchid G. was forced into an arranged marriage to her second cousin, who abused her severely throughout their marriage.⁶⁶ When Orchid G. fled their marital residence and turned to the courts for help, her husband manipulated the system any way he could to ensure that she would still be suffering at his hands.⁶⁷ In her Statement in Support of the Constitutional Amendment for New York State (“NYS”) Court Reform, Orchid G. testified, “I am not only a victim of domestic violence. I am a victim of a court system that is confusing, unfriendly, and dangerous to victims. . . . Instead of stopping abusers, too often our court system gives them another weapon to use against their victims.”⁶⁸ By ensuring that Orchid G. would have to spend several years of her life in constant court battles even after she left him, her abuser retained the power to control her through other means.⁶⁹ Her story is an example of how a physical abuser can continue abuse—even when they have no physical power—through the power they have over their survivors in the legal process.⁷⁰

F. The Introduction of IDV Courts

Some jurisdictions have worked to find a solution to the convoluted process of achieving legal remedies for domestic violence survivors.⁷¹ The IDV court system, created in 2001, is an expansion of DV courts to include not only felony and misdemeanor domestic violence cases but also related or

⁶³ Amanda B. Cissner, Sarah Picard-Fritsche, & Michael Rempel, *New York State’s Integrated Domestic Violence Court Model: Results From Four Recent Studies*, 1904 DOMESTIC VIOLENCE REP. 51 (2014).

⁶⁴ See Emmaline Campbell, *How Domestic Violence Batterers Use Custody Proceedings in Family Courts to Abuse Victims, and How Courts Can Put a Stop to It*, 24 UCLA WOMEN’S L. J. 41, 42 (2017); see also *Statement Orchid G. in Support of the Constitutional Amendment for NYS Court Reform*, *supra* note 62.

⁶⁵ *Statement Orchid G. in Support of the Constitutional Amendment for NYS Court Reform*, *supra* note 62.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ See *Integrated Domestic Violence (IDV) Courts*, N.Y. STATE UNIFIED CT. SYSTEM, <https://ww2.nycourts.gov/COURTS/8jd/idv.shtml> (last visited Dec. 29, 2022).

2023] *INTEGRATED DOMESTIC VIOLENCE COURTS* 173

concurrent family and matrimonial cases.⁷² IDV courts combine civil, criminal, and matrimonial courts into one, with the motto “one family, one judge,” ensuring that domestic violence is handled through both a civil and a criminal lens, all in one court.⁷³ Instead of pursuing multiple legal solutions by going to separate courthouses, presided over by separate judges, and having to file separate cases, a domestic violence survivor can be transferred to an IDV court as one answer to their legal problems.⁷⁴ This type of court belongs to a category called problem-solving courts, meaning it is a court that focuses on one specific issue in the legal world and addresses the matter with a holistic approach.⁷⁵ IDV courts recognize that domestic violence is not only a civil or criminal court issue, but a combination, and should be solved as efficiently and painlessly as possible for its survivors.⁷⁶ Policymakers realized the need for IDV court when they recognized how many families had cases in multiple courthouses simultaneously.⁷⁷ As the Idaho Code explains:

[T]he legislature finds that there is an increasing incidence of children and family members in more than one (1) court proceeding, including juvenile corrections, domestic violence, domestic relations, adoptions, and child protection actions, and there is a need to coordinate these diverse cases and related family services to provide an effective response to the needs of these children and families.⁷⁸

When Judge Esther M. Morgenstern, a pioneer of IDV courts and presiding judge over a National Mentor Court for IDV in the Brooklyn Supreme Court,⁷⁹ was asked for her thoughts on encouraging more states throughout the country to adopt the IDV court system, she replied that IDV courts should be promoted “throughout the world.”⁸⁰ Domestic violence is a minimized problem globally, one not even criminalized or illegal in all

⁷² *Id.*

⁷³ Juliana Dalley, “One Family, One Judge”: Towards a New Model for Access to Justice for Families Facing Violence in BC, 18 *APPEAL* 3 (2013).

⁷⁴ *Integrated Domestic Violence (IDV) Courts*, *supra* note 71.

⁷⁵ *Problem-Solving Courts*, NAT’L INST. JUST. (Feb. 20, 2020), <https://nij.ojp.gov/topics/articles/problem-solving-courts#citation—0>.

⁷⁶ *Integrated Domestic Violence (IDV) Courts*, *supra* note 71.

⁷⁷ *Id.*

⁷⁸ IDAHO CODE § 32-1401 (2001).

⁷⁹ See Matthew J. Schwartz, *Brooklyn Leading the Way in Helping Domestic Violence Victims with Integrated Domestic Violence Court*, *BROOKLYN DAILY EAGLE* (Nov. 5, 2018), <https://brooklyneagle.com/articles/2018/11/05/brooklyn-leading-the-way-in-helping-domestic-violence-victims-with-integrated-domestic-violence-court/>; see also Arnold, Haynes, Ohmann, & Waterman, *supra* note 35, at 9-10.

⁸⁰ Interview with Hon. Esther M. Morgenstern, *supra* note 22. In this interview, Judge Morgenstern discussed her time in South Korea educating legal officers and students about the IDV court model as an example of her hope that IDV courts will become a global phenomenon.

countries,⁸¹ let alone an issue taken seriously enough to have specialized courts. “Domestic violence is the only crime where . . . [even] the complainant sometimes doesn’t think it’s a crime, [but that] it’s a family problem.”⁸²

When Judge Morgenstern presided over criminal court, the defense bar was “up in arms,” arguing that calling a court a “DV court” implies a *presumption* of violence—a presumption of guilt.⁸³ Criminal courts can be called criminal courts without a presumption of a crime—in fact, with the supposed presumption of innocence until proven guilty.⁸⁴ Just as a criminal court intends to determine whether or not a crime has been committed, not to automatically assume guilt of a crime, a domestic violence court intends to assess the existence of DV.⁸⁵ An imputation of the implication of guilt in the court’s name is illogical and subjects these courts to a different standard than any regular court. The skeptical attitude towards IDV courts perhaps indicates deeper issues that arise from facing the realities of domestic violence head-on. Domestic violence was considered a “private” issue, to be dealt with in the home and not by the state, from this nation’s inception until, at the earliest definition, the 1970s, and arguably not until the 1990s.⁸⁶ The comment by the defense bar that a DV court unfairly implies a presumption of crime, as well as other criticisms of the progression towards survivor safety and abuser accountability, reflect: (a) the ingrained American attitude of ignoring the dark, abusive history of the country; and (b) the determination to make minimal remedial efforts.⁸⁷

*G. Current Status Report: Where Domestic Violence Cases May be Addressed in Each State’s Court Systems**

⁸¹ Benjamin Elisha Sawe, *Countries Without Laws Against Domestic Violence*, WORLD ATLAS (Aug. 15, 2018), <https://www.worldatlas.com/articles/nations-without-domestic-violence-regulation.html#:~:text=The%20Middle%20East%20countries%20that,Palestine%2C%20Yemen%2C%20and%20Armenia>.

⁸² Interview with Hon. Esther M. Morgenstern, *supra* note 22.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Integrated Domestic Violence (IDV) Courts*, *supra* note 71.

⁸⁶ Sack, *supra* note 43, at 1662.

⁸⁷ Interview with Hon. Esther M. Morgenstern, *supra* note 22.

2023] *INTEGRATED DOMESTIC VIOLENCE COURTS* 175

IDV Courts	Specialized DV Courts or Dockets	Criminal/Family Courts (Not Specialized)
Arizona ⁸⁸	Colorado ⁸⁹	Alabama ⁹⁰
Idaho ⁹¹	California ⁹²	Alaska ⁹³
Illinois ⁹⁴	Washington D.C. ⁹⁵	Arkansas ⁹⁶
New York ⁹⁷	Florida ⁹⁸	Connecticut ⁹⁹

⁸⁸ See *Domestic Violence Mentor Court Fact Sheet*, CTR. CT. INNOVATION (2018), <https://www.courtinnovation.org/sites/default/files/media/documents/2018-07/tucson.pdf>.

⁸⁹ *Domestic Violence*, COLO. JUD. BRANCH, https://www.courts.state.co.us/Courts/County/Custom.cfm?County_ID=6&Page_ID=529 (last visited Dec. 29, 2022).

⁹⁰ *Court Referral Officers Map*, ALA. ADMIN. OFF. CTS., <https://www.alacourt.gov/CROMap.aspx> (last visited Dec. 12, 2022) (indicating a complete list of Alabama's specialized courts, which does not include a DV or IDV court); ALA. STAT. § 30-5-3- (1975) (detailing the non-specialized courts a domestic violence victim can use in Alabama).

⁹¹ *Idaho DV Ct. History*, STATE IDAHO JUD. BRANCH, <https://isc.idaho.gov/domestic-violence/dvc-court-history> (last visited Dec. 29, 2022).

⁹² *Domestic Violence*, JUD. BRANCH CAL., <https://www.courts.ca.gov/programs-dv.htm> (last visited Dec. 29, 2022); *Domestic Violence Court*, SAN JOAQUIN SUPERIOR CT., <https://www.sjcourts.org/self-help/domestic-violence-court/> (last visited Dec. 29, 2022).

⁹³ Petition for Domestic Violence Protective Order(s), ALASKA STAT. §§ 18.66.100-.990, <https://public.courts.alaska.gov/web/forms/docs/dv-100-127-one.pdf> (petitions for orders of protection are filed in Alaskan District or Superior courts).

⁹⁴ See *Domestic Violence Courthouse*, CIR. CT. COOK CNTY STATE ILL., <https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Domestic-Violence/Domestic-Violence-Courthouse> (last visited Dec. 29, 2022); Robert V. Wolf, William Harkins, & Robyn Mazur, *Winnebago County Domestic Violence Coordinated Courts: Working with the Community to Address Family Violence*, CTR. CT. INNOVATION (June 2018), <https://www.courtinnovation.org/publications/winnebago-county-domestic-violence-coordinated-courts-working-community-address-family>.

⁹⁵ *Domestic Violence Division*, D.C. CTS., <https://www.dccourts.gov/superior-court/domestic-violence-division> (last visited Dec. 29, 2022).

⁹⁶ ARK. CODE ANN. § 9-15-201 (domestic violence petitions in Arkansas are filed in circuit court).

⁹⁷ *Integrated Domestic Violence (IDV) Courts*, *supra* note 71.

⁹⁸ *Office of Problem-Solving Courts*, FLA. CTS. (Feb. 20, 2020), <https://www.flcourts.gov/Resources-Services/Office-of-Problem-Solving-Courts>; *Domestic Violence*, ELEVENTH JUD. CIR. FLA., <https://www.jud11.flcourts.org/About-the-Court/Court-Divisions/Domestic-Violence> (last visited Dec. 29, 2022); Telephone Interview with Domestic Violence Case Management Unit, Eleventh Jud. Cir. of Fla. (Dec. 29, 2022) (clarifying distinguishments of civil and criminal cases by different courtrooms or days).

⁹⁹ *CT Domestic Violence Laws*, CONN. COAL. AGAINST DOMESTIC VIOLENCE, <https://www.ctcadv.org/information-about-domestic-violence/ct-domestic-violence-laws/> (last visited Dec. 29, 2022); CONN. GEN. STAT. § 46b-15; CONN. GEN. STAT. § 46b-38c.

176 *EQUAL RIGHTS & SOCIAL JUSTICE* [Vol. 29:2]

Oklahoma ¹⁰⁰	Georgia ¹⁰¹	Delaware ¹⁰²
	Indiana ¹⁰³	Hawaii ¹⁰⁴
	Missouri ¹⁰⁵	Iowa ¹⁰⁶
	Maine ¹⁰⁷	Kansas ¹⁰⁸
	Michigan ¹⁰⁹	Kentucky ¹¹⁰
	Minnesota ¹¹¹	Louisiana ¹¹²
	North Dakota ¹¹³	Maryland ¹¹⁴

¹⁰⁰ See *Integrated Domestic Violence Court*, TULSA CNTY. DIST. CT., <http://www.tulsacountydistrictcourt.org/accountabilitycourts.html> (last visited Dec. 29, 2022).

¹⁰¹ See *“Changing Thoughts, Changing Lives”*, DOMESTIC VIOLENCE CT. CONASAUGA CIR., <https://www.whitfieldcountyga.com/sc/dvcourt.htm> (last visited Dec. 29, 2022); see also *Accountability Court Program*, CRIM. JUST. COORDINATING COUNCIL, <https://cjcc.georgia.gov/grants/grant-subject-areas/criminal-justice/accountability-court-program> (last visited Dec. 29, 2022).

¹⁰² *Understanding the Protection from Abuse Process*, DEL. JUDICIARY, <https://courts.delaware.gov/family/pfa/index.aspx> (last visited Dec. 29, 2022).

¹⁰³ IND. CODE § 33-23-16-4 (2020).

¹⁰⁴ *Family Courts*, HAW. STATE JUDICIARY, https://www.courts.state.hi.us/courts/family/family_courts (last visited Dec. 29, 2022).

¹⁰⁵ See *Domestic Violence Court*, CITY KAN. CITY, MO., <https://www.kcmo.gov/city-hall/departments/municipal-court/probation-and-problem-solving-courts/domestic-violence-court> (last visited Dec. 29, 2022).

¹⁰⁶ IOWA CODE § 236.3 (2022).

¹⁰⁷ DENNIS E. ZELLER, HELAINE HORNBY, MARK RUBIN, & JENNIFER BATTIS, *DOMESTIC VIOLENCE DOCKET: PROCESS AND RECIDIVISM REPORT 29-30* (Hornby Zeller Assoc., 2015).

¹⁰⁸ *Domestic Violence and Courts: Frequently Asked Questions*, KAN. LEGAL SERVS., <https://www.kansaslegalservices.org/node/1597/domestic-violence-and-courts-frequently-asked-questions> (last visited Mar. 8, 2023) (protection from abuse orders is issued by District Court clerks).

¹⁰⁹ *Domestic Violence Court*, GRAND TRAVERSE CNTY., <https://www.gtcountymi.gov/360/Domestic-Violence-Court>.

¹¹⁰ *Protective Order Process*, KY. COAL. AGAINST DOMESTIC VIOLENCE, <https://kcadv.org/resources/laws/protective-order-process> (protective orders for domestic violence victims are issued by the Circuit Court clerks).

¹¹¹ *Domestic Violence Court*, CLAY CNTY., MINN., <https://claycountymn.gov/1371/Domestic-Violence-Court> (last visited Mar. 8, 2023).

¹¹² *Louisiana Protective Order Registry (LPOR)*, LA. SUP. CT., <https://www.lasc.org/lpor> (last visited Apr. 9, 2023).

¹¹³ *Domestic Violence Court*, STATE N.D. CT., <https://www.ndcourts.gov/other-courts/domestic-violence-court>.

¹¹⁴ *How Do I Get Domestic Violence (DV) Assistance?* MONTGOMERY CNTY. CIR. CT., <https://www.montgomerycountymd.gov/cct/dv-assistance.html> (last visited Apr. 9, 2023) (original jurisdiction is in District Court or Circuit Court).

2023] INTEGRATED DOMESTIC VIOLENCE COURTS 177

	Ohio ¹¹⁵	Massachusetts ¹¹⁶
	South Carolina ¹¹⁷	Mississippi ¹¹⁸
	Tennessee ¹¹⁹	Montana ¹²⁰
	Texas ¹²¹	Nebraska ¹²²
	New Jersey ¹²³	Nevada ¹²⁴
	North Carolina ¹²⁵	New Hampshire ¹²⁶

¹¹⁵ *Criminal Domestic Violence Courts: Key Principles*, SUP. CT. OHIO (2011), <https://www.supremecourt.ohio.gov/JCS/domesticViolence/topics/DVCourts/DVCriminalFactSheet.pdf> (last visited Mar. 8, 2023).

¹¹⁶ MASS. GEN. LAWS ch. 209A, § 2 (2022) (domestic relations cases are filed in Superior Court or the Boston Municipal Court); *see also Domestic Violence: Cape and Islands District Attorney's Office Domestic Violence Unit*, *supra* note 46; *see also* Maytal, *supra* note 51, at 197-198.

¹¹⁷ Angela R. Gover, Eve M. Brank, & John M. MacDonald, *Specialized Domestic Violence Court in South Carolina: An Example of Procedural Justice for Victims and Defendants*, 13 VIOLENCE AGAINST WOMEN 603 (2007), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/specialized-domestic-violence-court-south-carolina-example>.

¹¹⁸ However, legislation is in place for the establishment of DV courts. H.B. 135 § 1, Reg. Sess. (Miss. 2020).

¹¹⁹ *See Domestic Violence Court*, GEN. SESSIONS CT. NASHVILLE, <https://gscourt.nashville.gov/domestic-violence-court/> (last visited Dec. 29, 2022).

¹²⁰ MONT. CODE ANN. § 40-15-301 (2021) (“District courts, justices’ courts, municipal courts, and city courts have concurrent jurisdiction to hear and issue orders”).

¹²¹ *See Brazoria County Domestic Violence Court Program*, BRAZORIA CNTY., <https://www.brazoriacountytx.gov/departments/adult-probation/domestic-violence> (last visited Mar. 8, 2023).

¹²² *See PSC Court Models*, STATE NEB. JUD. BRANCH, <https://supremecourt.nebraska.gov/probation/adult/problem-solving-courts> (last visited Dec. 29, 2022) (Nebraska’s list of Problem-Solving Courts does not include one for DV/IDV).

¹²³ *See Domestic Violence Ct. Procedures*, N.J. COMM’N ON SEX DISCRIMINATION STATUTES & WOMAN SPACE (1994), <https://www.nj.gov/def/news/publications/DVCourtProcedures.pdf>.

¹²⁴ *Protection Orders*, EIGHTH JUD. DIST. CT., CLARK CNTY., NEV., <http://www.clarkcountycourts.us/departments/protection-orders/> (last visited Dec. 29, 2022) (Domestic violence protection orders are filed in Family Court).

¹²⁵ *How to Get a Protection Order*, N.C. JUD. BRANCH, <https://www.nccourts.gov/help-topics/domestic-violence/how-to-get-a-protection-order> (last visited Mar. 8, 2023) (most North Carolina counties have separate civil and criminal courts for DV, but some counties do combine the courts for DV).

¹²⁶ *Domestic Violence Protocols*, N.H. JUD. BRANCH, <https://www.courts.nh.gov/our-courts/circuit-court/district-division/protocols/domestic-violence-protocols> (District Courts and Family Courts hear orders of protection).

178 *EQUAL RIGHTS & SOCIAL JUSTICE* [Vol. 29:2]

		New Mexico ¹²⁷
		Oregon ¹²⁸
		Pennsylvania ¹²⁹
		Rhode Island ¹³⁰
		South Dakota ¹³¹
		Utah ¹³²
		Vermont ¹³³
		Virginia ¹³⁴
		Washington ¹³⁵
		West Virginia ¹³⁶
		Wisconsin ¹³⁷

¹²⁷ *Second Judicial District Court, Domestic Violence FAQs*, N.M. CTS., <https://seconddistrictcourt.nmcourts.gov/home/courts/family-court/domestic-violence-faqs/> (last visited Dec. 29, 2022) (DV orders of protection are filed in New Mexico Second Judicial District Court).

¹²⁸ OR. REV. STAT. § 107.710 (2022) (DV relief is sought through the Circuit Court).

¹²⁹ 42 PA. CONS. STAT. § 931 (2005) (except where specified, jurisdiction on all matters is in the Court of Common Pleas); 23 PA. CONS. STAT. § 6103 (2021).

¹³⁰ 15 R.I. GEN. LAWS § 15-15-3 (2022) (protective orders for DV are filed in Family Court).

¹³¹ See S.D. CODIFIED LAWS § 25-10-2 (2022) (DV relief is filed for in Circuit Court or a Magistrate Court).

¹³² *Problem Solving Courts*, UTAH CTS., <https://www.utcourts.gov/courts/psc/> (last visited Apr. 9, 2023) (Utah's list of problem-solving courts does not include DV or IDV).

¹³³ *Vermont Protection Orders Chart*, STATE VT. CRIM. JUST. COUNCIL, <https://vcjc.vermont.gov/domestic-violence>; VT. STAT. ANN. tit. 15, § 1102 (2022) (the Family Division of Superior Court has DV jurisdiction).

¹³⁴ *Lynchburg Juvenile and Domestic Relations District Court: Domestic Violence or Family Abuse*, VA. JUD. SYS., <https://www.vacourts.gov/courts/jdr/lynchburg/violence.html> (last visited Dec. 29, 2022).

¹³⁵ WASH. REV. CODE §§ 26.50.010, 26.50.020 (2021) (DV jurisdiction is in Washington's Superior Courts, District Courts, and Municipal Courts).

¹³⁶ W. VA. CODE § 48-27-301 (2021) (DV jurisdiction is concurrent in West Virginia Circuit Courts, Family Courts, and Magistrate Courts).

¹³⁷ See WIS. STAT. § 813.12 (2021) (DV petitions are filed in Wisconsin's Circuit Courts).

2023] *INTEGRATED DOMESTIC VIOLENCE COURTS* 179

		Wyoming ¹³⁸
--	--	------------------------

*May vary by jurisdiction.

III. FAILURES OF THE TRADITIONAL COURT SYSTEM IN ADDRESSING DOMESTIC VIOLENCE

A. *The Challenge of Navigating the Court System*

In non-IDV court systems, no matter where they initially file, survivors of domestic abuse often must learn to manage separate courts with concurrent jurisdiction, with three separate judges, in many separate court appearances.¹³⁹ These separate court appearances include: (1) a civil court for a temporary order of protection while the criminal order of protection is still in progress; (2) a matrimonial court for a divorce if they are married, and custody or child support if there are children in common; and (3) a criminal court for more permanent protection and possibly incarceration.¹⁴⁰ As Judge Morgenstern puts it, survivors “run from court to court . . . criminal court, family court.”¹⁴¹ The time, energy, and money required to pursue cases pending in three different courts creates an undue burden upon survivors of domestic violence.¹⁴²

Without IDV courts, the process for survivors of domestic violence to have their cases adequately heard involves learning how to navigate several courts’ procedures, hours of filing papers, traveling to different courthouses, and waiting in long lines.¹⁴³ The bureaucracy of these court proceedings can prove impossible for survivors with jobs, children, or other significant responsibilities.¹⁴⁴ This burden particularly affects “marginalized women and their children, including those who live in poverty, face immigration-related consequences, cannot speak English, have disability-related accessibility issues, or lack access to legal representation and other services.”¹⁴⁵ For a single mother with no means to secure childcare while she

¹³⁸ See *Domestic Violence Resources*, EQUAL JUST. WYO., <https://www.legalhelp.wy.gov/index.php/get-legal-help/self-help/protection-from-abuse/domestic-violence/resources> (last visited Dec. 29, 2022) (Orders of Protection are filed in Circuit Court).

¹³⁹ Epstein, *supra* note 41, at 23-24.

¹⁴⁰ *Id.*

¹⁴¹ Interview with Hon. Esther M. Morgenstern, *supra* note 22.

¹⁴² *Statement Orchid G. in Support of the Constitutional Amendment for NYS Court Reform*, *supra* note 62.

¹⁴³ MacDowell, *supra* note 60, at 110.

¹⁴⁴ *Id.*

¹⁴⁵ Koshan, *supra* note 53, at 1009.

makes a court appearance; for a non-English speaker to understand instructions on how to navigate a courthouse or even how to enter the building; for someone who cannot afford a lawyer that will spend the necessary hours on their case, this can prove to be too challenging to circumvent.¹⁴⁶ In some instances, survivors can be so confused and overwhelmed by the different courts that they simply do not respond to court notices, which threatens the success of their cases.¹⁴⁷

Abusers can also take advantage of the long and arduous court proceedings, like in Orchid G.'s story, to further torture their survivors, making the survivors' lives as complicated as possible.¹⁴⁸ In some of these cases, the abuser purposefully delays the court proceedings to "prolong contact" with their survivor—to stay involved in the survivor's life for as long as possible, for various motives.¹⁴⁹ The fragmented court system often further harms survivors—both domestically abused partners and children—by necessitating that they record their stories many times before different judges.¹⁵⁰ Retelling their stories numerous times can cause revictimization for families, as they are forced to relive their trauma over and over.¹⁵¹

B. Communication Failings Between Courts

Another problem that arises when separate court systems deal with the same family is a lack of communication between the courts.¹⁵² A family court judge may be "unaware of relevant criminal data," while the criminal court judge "may not have access to relevant information available in family court files."¹⁵³ The dangers of this lack of communication are numerous, especially pertaining to matters of survivor safety and child custody, even leading to inconsistent orders, such as a partial order of protection issued by one judge and a full order of protection issued simultaneously by another.¹⁵⁴ Retired associate justice of the Appellate Division of New York's Supreme Court, Second Department, Daniel D. Angiolillo, writes, "Ordinarily there was little communication among the judges presiding over related family court, criminal, and matrimonial cases, and rarely would a criminal court judge

¹⁴⁶ *Id.*

¹⁴⁷ Epstein, *supra* note 41, at 26.

¹⁴⁸ *Statement Orchid G. in Support of the Constitutional Amendment for NYS Court Reform*, *supra* note 62.

¹⁴⁹ Campbell, *supra* note 64.

¹⁵⁰ Koshan, *supra* note 53, at 1009.

¹⁵¹ *Id.*

¹⁵² Eugene M. Hyman & Liberty Aldrich, *Rethinking Access to Justice: The Need for a Holistic Response to Victims of Domestic Violence*, 33 *WOMEN'S RTS. L. REP.* 449, 452 (2012).

¹⁵³ *Id.*

¹⁵⁴ Telephone Interview with Esther M. Morgenstern, Judge, Sup. Ct. of Kings Cnty., in Brooklyn, N.Y. (June 21, 2022).

2023] *INTEGRATED DOMESTIC VIOLENCE COURTS* 181

exchange information with a family court judge about a related domestic violence case and vice versa.”¹⁵⁵

Even when judges try to communicate critical pieces of data to one another, sending information between courts is like a broken game of “telephone”—there is a good chance of miscommunication along the way.¹⁵⁶ This leads to confused parties and uninformed judges in various cases dealing with the same incidents.¹⁵⁷ When Judge Morgenstern moved from criminal court to family court, she would see parties that had been in her criminal court and ask what was happening with those criminal cases.¹⁵⁸ The answer would often be, “I don’t know.”¹⁵⁹ Judge Morgenstern describes, “[h]e didn’t know, she didn’t know. It was a mess. . . . I could see the criminal case was pending, but he didn’t know the date, and nobody had a lawyer. Again, a mess.”¹⁶⁰ Judge Morgenstern tried using her past experience in criminal court to obtain additional information from other courts while presiding over DV court, but “too many faxes were flying, hundreds and hundreds of cases.”¹⁶¹ In 1996, Judge Morgenstern’s first year on the bench, there were ten thousand domestic violence cases in Brooklyn, meaning that ten percent of Brooklyn’s arraigned cases in 1996 involved domestic violence.¹⁶² One-third of those cases were also in family court: 3,000 cases yearly.¹⁶³ Domestic violence cases were too chaotic to be organized.¹⁶⁴

IV. WHY IDV? ANALYZING THE ARGUMENTS FOR THE NATIONAL INSTITUTION OF IDV COURTS

The IDV Court system should be instituted across the United States as a better alternative to the separation of criminal and civil cases involving the same family seeking legal remedy following domestic violence. This section will present the benefits, hesitations, and practicalities of implementing IDV

¹⁵⁵ Daniel D. Angiolillo, *The Trials, Tribulations, and Rewards of Being the First, Part II: The First Integrated Domestic Violence Court*, 53 JUDGES’ J. 10 (2014); see generally: The Battered Women’s Justice Project has a published webinar by Judge Angiolillo and others, summarizing some key aspects of IDV courts’ importance and mission, which can be found at <https://bwjp.org/site-resources/integrated-dv-courts-dedicated-dv-courts-vision-reality-research/>.

¹⁵⁶ Interview with Hon. Esther M. Morgenstern, *supra* note 22.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

Courts to argue that they are currently the superlative solution to the many problems presented in the previous section.

A. How Do IDV Courts Help?

“The goals of the IDV Court include providing integrated services to families, increased offender accountability, enhanced victim safety, improved court efficiency and consistent judicial making while protecting the rights of each litigant.”¹⁶⁵ The Connecticut General Assembly (“CGA”), citing New York’s Office of Court Administration, broke down the original IDV court goals and listed four additional target goals of their IDV system.¹⁶⁶ These four goals are: (1) informed and consistent judicial decision-making, protecting the right of each litigation, by having one judge for one family; (2) “efficient use of court resources,” such as fewer appearances; (3) stakeholder collaboration, which refers to different agencies whose goals are to help domestic violence survivors, often brought in to help families in IDV court; and (4) survivors’ rights and safety.¹⁶⁷

B. Court Efficiency

Impact studies of three IDV courts in different New York counties found a decrease in litigants’ trips to court, with both survivors and defendants reporting that the logistics made it easier to get to court and miss fewer work days.¹⁶⁸ Fewer pending family court cases were dismissed outright in IDV courts, and thus, survivors were less likely to “come away empty-handed.”¹⁶⁹ These studies also showed an increase in survivor safety and offender accountability, particularly through a higher number of criminal contempt charges in IDV court: these charges hold defendants accountable for previous violations of protective orders, showing that IDV courts will not allow ongoing contact with survivors against an order of protection to go undetected.¹⁷⁰ Additionally, these studies found an increase in “mutually favorable” resolutions for families compared to non-IDV courts, leading to “fewer subsequent family court filings.”¹⁷¹ However, to ensure judicial integrity, each case maintains separate elements: IDV judges often call criminal, family, and matrimonial cases as separate calendars, even if they are called consecutively on the same day, to distinguish the matter at hand,

¹⁶⁵ The Kings County Integrated Domestic Violence Court, N.Y. STATE UNIFIED CT. SYS. OFFICE POL’Y & PLAN I (2017) (unpublished pamphlet) (on file with author).

¹⁶⁶ KIRBY, *supra* note 34.

¹⁶⁷ *Id.*

¹⁶⁸ Cissner, Picard-Fritsche, & Rempel, *supra* note 63, at 52.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.* at 62.

¹⁷¹ *Id.* at 63.

2023] *INTEGRATED DOMESTIC VIOLENCE COURTS* 183

“preserving fundamental due process rights and evidentiary rules.”¹⁷² Furthermore, while the cases remain separate, IDV courts can maintain consistency with records and cases more efficiently, since there is one judge and one courthouse with cross-trained attorneys.¹⁷³ This prevents problems of contradictory decisions by judges with different information, such as a civil court granting an abuser access to the children after the criminal court prohibited such contact.¹⁷⁴

C. Survivor Safety and Offender Accountability

Research shows that centralizing information through “one family, one judge” increases safety for survivors and their families.¹⁷⁵ The four IDV “Mentor Courts,” named as such by the Department of Justice Office on Violence Against Women, located in Brooklyn, New York; Dallas, Texas; Boise, Idaho; and Rockford, Illinois have proven “records of improving victim safety” by restructuring court logistics, hiring advocates to work for and with the survivors, and educating courthouse staff on domestic violence.¹⁷⁶ Judges and court staff for an IDV courtroom receive training not only on the unique combination of law that these courthouses involve, but also on domestic violence issues overall; including the dynamics of domestic violence and the impact on children in the home.¹⁷⁷

Another significant improvement of the IDV court system is the enforcement of offender accountability, which goes hand-in-hand with survivor safety, such as IDV courts including Compliance Parts.¹⁷⁸ In a study done on the implementation of IDV courts in Tulsa, Oklahoma the authors note that the four aforementioned Mentor Courts and other IDV courts focus on holding offenders accountable with strict but “meaningful” sanctions, following up on offenders’ compliance carefully but with orders that seem “fair” and “reasonable,” based on the danger presented by the offender, in order to be respected by all parties.¹⁷⁹ A resource coordinator refers defendants in IDV court to applicable services such as batterers’ programs, parenting classes, and treatment programs for problems such as substance abuse.¹⁸⁰ The judge can then mandate the defendant’s participation in the

¹⁷² *Integrated Domestic Violence Courts: Key Principles*, CTR. CT. INNOVATION, https://www.courtinnovation.org/sites/default/files/documents/IDV_FACT_SHEET.pdf (last visited Dec. 29, 2022).

¹⁷³ Dalley, *supra* note 73, at 15.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.* at 14.

¹⁷⁶ Arnold, Haynes, Ohmann, & Waterman, *supra* note 35.

¹⁷⁷ *Integrated Domestic Violence Courts: Key Principles*, *supra* note 172.

¹⁷⁸ Telephone Interview with Esther M. Morgenstern, *supra* note 154.

¹⁷⁹ Arnold, Haynes, Ohmann, & Waterman, *supra* note 35, at 14.

¹⁸⁰ *Integrated Domestic Violence Courts: Key Principles*, *supra* note 172.

recommended programming.¹⁸¹ These resource coordinators follow up with the programs to get reports on the defendant's compliance with the court.¹⁸² Additionally, IDV courts provide special waiting rooms for survivors before a trial, with security cameras and/or officers, as well as having a courtroom layout to keep survivors separate from perpetrators.¹⁸³

D. Survivor's Resources

Perhaps the most interesting aspect of the IDV court system is what is known as stakeholder collaboration, or community partner involvement: different resource groups are contributors to the IDV court system beyond the ordinary staff members found in a regular courtroom.¹⁸⁴ The Kings County Integrated Domestic Violence Court brochure lists a slew of “free civil legal services” that its IDV court collaborates with, including Safe Horizon, South Brooklyn Legal Services, Sanctuary for Families, New York Legal Assistance Group, and the Urban Justice Center.¹⁸⁵ Representatives from these organizations are consulted by the court in different cases, and Justice Centers are available in the boroughs of New York as survivor resources.¹⁸⁶ Additionally, the judge presiding over an IDV court has a regularly-scheduled stakeholder meeting with “all the participants in the process—police, prosecutors, defense attorneys, family court judges, survivor advocates, treatment providers, representatives from the Departments of Health, Probation, Parole, Corrections, Social Services and others—to discuss how to improve systemic performance.”¹⁸⁷ In Brooklyn, for example, this meeting is set quarterly,¹⁸⁸ in some jurisdictions, these meetings are held monthly.¹⁸⁹

Canada has also started to incorporate the IDV model into its court systems, and the Representative for Children and Youth in British Columbia reported that “several opportunities for meaningful intervention were lost” when the court systems were separated.¹⁹⁰ These stakeholders act as partners

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ Cissner, Picard-Fritsche, & Michael Rempel, *supra* note 63, at 62.

¹⁸⁴ *Domestic Violence Courts*, IDAHO SUP. CT. (Apr. 6, 2009), <https://web.archive.org/web/20090416062008/https://isc.idaho.gov/links/Domestic%20Violence%20Courts-FINAL.pdf>.

¹⁸⁵ The Kings County Integrated Domestic Violence Court, *supra* note 165.

¹⁸⁶ Telephone Interview with Esther M. Morgenstern, *supra* note 154.

¹⁸⁷ Kaye & Knipps, *supra* note 57.

¹⁸⁸ *Integrated Domestic Violence Courts: Key Principles*, *supra* note 172.

¹⁸⁹ Kaye & Knipps, *supra* note 57.

¹⁹⁰ Dalley, *supra* note 73, at 14.

2023] *INTEGRATED DOMESTIC VIOLENCE COURTS* 185

in ensuring that survivors and defendants get the resources that they need for safer, healthier lives by addressing a family's holistic needs.¹⁹¹

E. Why Would Any Jurisdiction Not Want IDV?

A critical reason more states have not subscribed to the IDV court system is that it is expensive, says Judge Morgenstern.¹⁹² “We have Safe Horizon in the courtroom, we have a resource coordinator, we have social workers, a lot of different programs . . . [including] drug [and] alcohol programs.”¹⁹³ These programs are integral to IDV courts' mission of integrated services—bundling all the family's needs into one—but they involve many resources, and often in multiple languages.¹⁹⁴ In Brooklyn, for example, the Brooklyn Family Justice Center (“FJC”) “provides comprehensive family services . . . which are free and confidential, [and] are offered in a variety of languages.”¹⁹⁵ Working in collaboration with the IDV court, other organizations can address the needs of families with their cases and beyond.¹⁹⁶ An informational pamphlet from the Kings County Integrated Domestic Violence Court describes, “[v]ictims can meet with a prosecutor, petition for an order of protection, receive legal and immigration advice on housing and custody issues, speak with a counselor, and apply for housing and financial assistance—all while their children play safely in the supervised children's playroom.”¹⁹⁷ These services can help to repair families, and there is a correlation between continued use of these services and fewer abused children being removed from their abused parents,¹⁹⁸ but this all comes with a heavy price tag.¹⁹⁹

F. How Are IDV Courts Implemented?

IDV courts are instituted through an administrative order, such as the Order of the Chief Administrative Judge to create IDV parts in the New York State Supreme Court in January 2004.²⁰⁰ The definitions section of Rule 141 of the New York Codes, Rules, and Regulations states that “IDV Part shall

¹⁹¹ *Integrated Domestic Violence Courts: Key Principles*, *supra* note 172.

¹⁹² Interview with Hon. Esther M. Morgenstern, *supra* note 22.

¹⁹³ *Id.*

¹⁹⁴ The Kings County Integrated Domestic Violence Court, *supra* note 165.

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ Epstein, *supra* note 41, at 37-8. In cases where mothers have psychological damage from being abused, children can be placed into foster care if the court deems the mother unfit to parent. IDV courts have resources in place, such as social work, to heal psychological damage and allow families to remain intact. *Id.*

¹⁹⁹ Interview with Hon. Esther M. Morgenstern, *supra* note 22.

²⁰⁰ 29 N.Y. JUR. COURTS & JUDGES § 876 (2022).

186 *EQUAL RIGHTS & SOCIAL JUSTICE* [Vol. 29:2]

refer to an Integrated Domestic Violence Part established by the Chief Administrator of the Courts pursuant to section 141.2 of this Part.”²⁰¹ Section 141.2 states,

Following consultation with and agreement of the presiding justice of the Judicial Department in which a county is located, the Chief Administrator, by administrative order, may establish an IDV part in Supreme Court or a DV part in Supreme Court or County Court in such county and assign one or more judges or justices to preside therein.²⁰²

However, because “multiple actors within the judicial system” are involved in an IDV court—as is the case in the extensive list of staff for IDV courtrooms above—advocacy and support must be established for an IDV court to be created.²⁰³ New York State has the Center for Court Innovation, which was a key factor in implementing IDV courts in the state.²⁰⁴ IDV courts require a “buy-in” of the administrative judges and the District Attorneys (“DAs”); i.e., the consent of these offices to the formation of an IDV court in their jurisdiction.²⁰⁵ If a DA’s office does not want to participate in the IDV court system and refuses to send prosecutors to IDV courts, the criminal cases cannot be integrated.²⁰⁶ IDV courts call for judges who are passionate about both family law and criminal law, and DAs who will cooperate by sending their Assistant District Attorneys to IDV court and by conferencing with the defense attorneys.²⁰⁷ Some DAs might argue that the family law aspect is not their responsibility, Judge Morgenstern says, and that they only want to prosecute.²⁰⁸ On the other hand, some DAs, like former Kings County DA Charles J. Hynes, advocate for an IDV court system because they have a strong interest in protecting domestic violence survivors.²⁰⁹ Other vital players needed to implement IDV courts include resource coordinators for survivor services, survivor advocates, and attorneys cross-trained in criminal and family law, since the primary concerns of IDV courts include comprehensive resources for survivors in addition to the legal aspects.²¹⁰

²⁰¹ N.Y. COMP. CODES R. & REGS. tit. 22 § 141.1 (2022).

²⁰² N.Y. COMP. CODES R. & REGS. tit. 22 § 141.2.

²⁰³ *Program Profile: New York Integrated Domestic Violence Courts*, NAT’L INST. JUST. (Oct. 26, 2015), <https://crimesolutions.ojp.gov/ratedprograms/435#ii>.

²⁰⁴ Interview with Hon. Esther M. Morgenstern, *supra* note 22.

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Id.*; *Program Profile: New York Integrated Domestic Violence Courts*, *supra* note 203.

²⁰⁸ Interview with Hon. Esther M. Morgenstern, *supra* note 22.

²⁰⁹ *Id.*

²¹⁰ *Program Profile: New York Integrated Domestic Violence Courts*, *supra* note 203.

2023] *INTEGRATED DOMESTIC VIOLENCE COURTS* 187

While the Center for Court Innovation has sent educators into other states and countries to speak about incorporating IDV courts, there is a reluctance to fund such an expensive project that not all states deem necessary.²¹¹ It is vital for all organizations interested in protecting and empowering domestic violence survivors to push for IDV courts in their respective states and to show state officials the need for these courts.²¹² Supporters of the IDV court system can also appeal for grant money from various government departments.²¹³ For example, in Idaho, the U.S. Department of Health and Human Services funded the Ada County IDV court with a three-year grant starting in 2003, and in 2005, the U.S. Department of Justice Office on Violence Against Women awarded a grant to the Idaho Supreme Court to expand this model into more counties throughout the state.²¹⁴

Once an IDV court can be established, the Integrated Domestic Violence Court Model recommends six months of intense planning and another six months to implement all the necessary components, of which twelve are listed under “IDV Court Model Court Components.”²¹⁵ The criteria are the following:

[J]urisdiction planning, staffing and technical assistance; case identification, screening, and court calendaring; legal representation; judicial monitoring and offender accountability; judicial and nonjudicial training; technology; courthouse safety; case integrity, confidentiality and record keeping; domestic violence services; use of community resources; and assessment.²¹⁶

When working with survivors of domestic violence, IDV courts take even relatively minor logistical details into consideration, as the smallest factor can damage or boost both a survivor’s feeling—and possibly reality—of safety.²¹⁷ For example, a private waiting room before a trial or signs with instructions that complaining witnesses and criminal defendants must sit on opposite sides of the courtroom can contribute to survivors’ feelings of security.²¹⁸ Survivors’ safety needs are prioritized in IDV courts and enforced by advocates from the government, or a non-profit whose job is to understand and ensure that the survivor’s needs are met throughout the process.²¹⁹ Additionally, while general DV courts “face the issue of

²¹¹ Interview with Hon. Esther M. Morgenstern, *supra* note 22.

²¹² *Id.*

²¹³ *Idaho DV Ct. History*, *supra* note 91.

²¹⁴ *Id.*

²¹⁵ *Program Profile: New York Integrated Domestic Violence Courts*, *supra* note 203.

²¹⁶ *Id.*

²¹⁷ Arnold, Haynes, Ohmann, & Waterman, *supra* note 35, at 11-12.

²¹⁸ *Id.* at 11.

²¹⁹ *Id.*

insufficiently educated judges and staff dealing with complex and challenging legal and psychological issues,” IDV courts now stress the importance that all staff be educated in the area of domestic violence; providing many special trainings for judges, attorneys, and other staff members.²²⁰

V. CONCLUSION

From the founding of the United States to the modern day, progress has been made in the realm of women’s rights, including the awareness and prevention of domestic violence.²²¹ However, recent statistics²²² and real world accounts demonstrate that there is still much more that must be done.²²³ Organizations and individuals continue to urge the public and lawmakers to be proactive about the endemic problem of domestic violence, yet as few as thirty-four percent of those injured by domestic abuse even receive medical care.²²⁴ Minorities are afraid to call for help.²²⁵ Much domestic violence goes unreported.²²⁶

Tackling any and all issues related to domestic violence is essential to reduce the number of domestic violence victims and show survivors that there are safe and attainable ways to get help. By improving the legal system for domestic violence through IDV courts, there is not only increased efficiency and safety for survivors, but there is also hope for the future. Improving the grueling court process is a beacon, showing survivors that they can rely on the legal system for help, and not be further abused. Improving the court process with IDV courts is not a perfect solution to the legal burden on domestic violence survivors; no system can account for the many individual problems that arise in every case. A step in the right direction, though, can go a long way towards helping survivors of domestic violence seek help.

“Violence by an intimate partner is linked to both immediate and long-term health, social, and economic consequences.”²²⁷ Survivors of domestic violence suffer economic repercussions, often requiring time off from work

²²⁰ *Id.* at 12.

²²¹ See Sack, *supra* note 43.

²²² *National Statistics*, *supra* note 28.

²²³ Kippert, *supra* note 1.

²²⁴ *Id.*

²²⁵ Epstein, *supra* note 41, at 18.

²²⁶ Enrique Gracia, *Unreported Cases of Domestic Violence Against Women: Towards an Epidemiology of Social Silence, Tolerance and Inhibition*, 58 J. EPIDEMIOLOGY & CMTY. HEALTH 536 (2004).

²²⁷ *Overview of Intimate Partner Violence*, NAT’L INST. JUST. (Oct. 23, 2007), <https://nij.ojp.gov/topics/articles/overview-intimate-partner-violence>.

2023] *INTEGRATED DOMESTIC VIOLENCE COURTS* 189

and sometimes even losing their jobs.²²⁸ They suffer negative mental health impacts, including an increase in depression and suicidal behavior, anxiety, and post-traumatic stress disorder.²²⁹ Survivors also suffer from reproductive issues, such as unintended pregnancy, miscarriages, or stillbirths,²³⁰ and further physical impacts, like chronic pain, hemorrhages, gastrointestinal issues, neurological disorders, disabilities, and even cancer.²³¹ Survivors of domestic violence are at a higher risk for alcohol, tobacco, and drug addiction.²³²

IDV courts provide a way to ease the burden on survivors, increase their safety, and allow cases to be heard and addressed most efficiently, by a courtroom filled with staff knowledgeable on the specific issue of domestic violence—who are there to treat the case with their focused experience and resources.²³³ Given the success demonstrated by IDV courts, there should be a stronger prioritization of their implementation. The legal system—a supposed haven of justice—should not inflict any further suffering upon those bearing heavy burdens already. Domestic violence survivors deserve a system designed with more support for them during the pursuit of justice.

²²⁸ *National Statistics, supra* note 28.

²²⁹ *Id.*

²³⁰ *Id.*

²³¹ *Id.*

²³² *Id.*

²³³ The Kings County Integrated Domestic Violence Court, *supra* note 165.