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ARTICLE: **RETHINKING ACCESS TO JUSTICE: THE NEED FOR A HOLISTIC RESPONSE TO VICTIMS OF DOMESTIC VIOLENCE**

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LEXISNEXIS SUMMARY:

... Domestic violence victims and their children need easier access to our state courts to ensure their safety and well-being. ... Families in crisis are often plagued with a myriad of issues including, but not limited, to domestic violence, physical, mental and sexual abuse, juvenile delinquency, probation violations, housing, employment,

benefits, alcohol and other substance abuse, custody, and guardianship battles. ... Many of these families simultaneously are struggling with domestic violence issues, which may be alleged or not. ... Because probate courts do not generally refer litigants to the services usually provided in child dependency cases, and may not review civil protective order histories, the mother may not gain access to information about other options available and may agree to an unfavorable custody agreement. ... Despite the prevalence of domestic violence and substance abuse issues in dependency court, dependency judges' training is quite limited in these areas. ... Clearly, criminal courts are on the front line responding to domestic violence, and their understanding of domestic violence and of a particular litigant needs are critical to achieving safety and accountability. ... Santa Clara County adopted its Local Criminal Rule 11, to provide for inter-court communication when courts issue or modify protective orders. ... First and foremost, judges and other community stakeholders in all divisions that intersect with domestic violence issues should receive education on domestic violence, family and child development, and substance abuse issues.

TEXT:
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In five years in the court system, I had 14 separate cases in seven different courtrooms before seven different judges. 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.
ⁿ¹

Domestic violence victims and their children need easier access to our state courts to ensure their safety and well-being. All too frequently, they get lost in this maze of the courts intended to offer refuge and reprieve.

State court structures are divided into distinct subject matter divisions, responsible for different types of cases. ⁿ² While these divisions of family, criminal, and juvenile matters were created for good reason, ⁿ³ they often have the unintended consequence of impeding justice for a domestic **[*450]** violence victim. When court response is fragmented, critical information is often not shared, thus jeopardizing the quality of judicial decision-making.

This article is based on one author's 20 years of experience as a judge presiding over all divisions of the court in California: civil, criminal, family, probate, and juvenile, and the other author's experience working with court jurisdictions across the country. ⁿ⁴ The authors will argue that there is a better way; a one-judge, one-family approach, that can facilitate safety for victims and their children as well as accountability for offenders.

THE IMPACT OF DOMESTIC VIOLENCE ON FAMILIES

According to the Center for Disease Control and Prevention, domestic violence is a serious, preventable health problem affecting 1 in 4 American women.ⁿ⁵ Children's exposure to intimate partner violence is also rampant, with a recent Office of Juvenile Justice and Delinquency Prevention study finding that 6.6% of all children were exposed to intimate partner assault in just the last year, and that 17.9% were exposed over their lifetime.ⁿ⁶

Domestic violence manifests itself in many forms. The most commonly recognized forms of abuse are physical aggression and sexual abuse. However, the lesser known forms of abuse that may fall under the radar can be just, if not more, devastating, such as emotional abuse, controlling behavior, intimidation, stalking, and economic deprivation.ⁿ⁷

Just as there are multiple forms of violence, domestic violence impacts a family in multiple ways; both victims' and children's physical and mental health, education, employment, housing, and community relationships are often disrupted.ⁿ⁸ All too often, however, our system of response treats each of these impacts as if they arose separately and requires the victim to engage in multiple overlapping proceedings.ⁿ⁹ From the victim's perspective, our court and social services systems can resemble this **[*451]** complex diagram of the military's response in Afghanistanⁿ¹⁰: it is confusing, filled with roadblocks, delays, information gaps, cultural misunderstanding, myths, and misconceptions. It can become an inflexible system plagued with sclerotic channels of communication.

[SEE FIGURE IN ORIGINAL]

In the social service context, many communities have turned to the idea of a Family Justice Center in order to streamline access to services for victims and their children.ⁿ¹¹ This important reform creates a one-stop shop for those impacted by domestic violence.ⁿ¹² Even if it is not possible to co-locate all services, the family justice center movement challenges communities to rethink how communication and collaboration can better support those in need of assistance.ⁿ¹³ It is equally critical that communities undertake a similar effort to examine how to better streamline access to justice throughout the courts.

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GARBAGE-IN, GARBAGE-OUT: THE IMPORTANCE OF INFORMED DECISION-MAKING:

Judges are asked to make critical decisions every day. Many of those decisions are made based on limited, incomplete, or de-contextualized information, often missing readily available critical information in the case. Courts handling divorce and custody matters, for example, are frequently unaware of relevant criminal data, and conversely, criminal courts may not have access to relevant information available in family court files.

The problem is not only reluctance to share information, but also court structures that may actually prevent judges from gaining access to the information needed to protect victims of domestic violence. There are well-intentioned roadblocks, put in place to prohibit the misuse and possible abuse of sensitive material,ⁿ¹⁴ which may have unintended consequences. Limits on intra-court communication are not always necessary or effective in maintaining confidentiality and victim safety.ⁿ¹⁵ Without inter-court communication, a court hearing a civil protection order petition may make a finding that a petitioner's address should be kept confidential only to have a child support court issue an order listing her address on the order.

FAMILIES - NOT UNNECESSARY LEGALITIES

As stated above, part of the problem is how the courts are currently structured. Divisions within the courts may be required by statute or put in place by presiding judges or by court administrators.ⁿ¹⁶ Regardless of their genesis, such divisions within a particular jurisdiction can become silos with rigid blinders responding only to a single set of legal issues before it. Families specifically, however, come to court with many multifaceted issues that span several divisions of the court, often at the same time.

Families in crisis are often plagued with a myriad of issues including, but not limited, to domestic violence, physical, mental and sexual abuse, juvenile delinquency, probation violations, housing, employment, benefits, alcohol and other substance abuse, custody, and guardianship battles. Fitting family issues into the discrete, disparate court system is tantamount to fitting a star into a square peg.

[*453] Below we attempt to describe how several divisions within the California court structure can overlap with domestic violence issues. While this paper highlights the particular jurisdictional boundaries in California, similar divisions exist in states across the country.ⁿ¹⁷

DIVISIONS WITHIN THE CALIFORNIA SUPERIOR COURT SYSTEM

In many California counties, there are three divisions of the superior court that have direct jurisdiction over families: family, probate, and juvenile.ⁿ¹⁸ Criminal court also

has jurisdiction because of its ability to issue protection orders and conditions of contact with the victims on the part of the defendant in domestic violence cases. ⁿ¹⁹

Family Court

Family Courts' Response to Domestic Violence

Family courts in California hear primarily divorce and custody cases. ⁿ²⁰ Many of these families simultaneously are struggling with domestic violence issues, which may be alleged or not. As many commentators have noted, family courts handling custody cases have struggled to balance allegations of domestic violence and sex abuse with visitation access. ⁿ²¹ In part, the courts' failure to adequately address protective parents' safety concerns stems from a lack of information. Many of these family court judges do not have access to existing information from criminal or juvenile proceedings, which would highlight the victim's safety concerns. ⁿ²²

[*454] In California, many family courts are supported by pro-se offices that assist litigants in filing papers, but do not otherwise provide counsel. ⁿ²³ Additionally, despite efforts to require access to interpreter services, the reality finds translation services for litigants with limited English proficiency very scarce. Thus, the court cannot rely on the litigants themselves to relay pertinent information concerning other proceedings.

Training for Family Court Judges

Family court judges in California, as elsewhere, have limited access to training. ⁿ²⁴ Family law judges in California receive a one-week introduction course when they begin a family law assignment. Approximately one day during that week is devoted to issues of custody and access, and about how professionals examine children and parents making recommendations to the court. ⁿ²⁵

Apart from this limited orientation, there is significant disparity in the background of judges. Family court judges may or may not have familiarity with criminal law or procedure. Many judges do not have any formal training or meaningful experience with child behavioral or developmental issues. Direct judicial experience with domestic violence also varies. Finally, despite the pervasive problem of substance abuse affecting family members in the courts, judges have inconsistent training on substance abuse issues.

In California, Family Court Service evaluators are employees of the court. ⁿ²⁶ They generally have a graduate degree in a counseling-related subject and are licensed therapists. They are required to have training in domestic violence, and to participate in annual professional development on this issue. ⁿ²⁷

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Probate Court's Interaction with Domestic Violence

Probate court usually becomes involved in domestic violence cases when there are issues of guardianship that have fallen outside the child protective system. For example, a family member, an aunt, brother, cousin, may have assumed stewardship over the child in order to remove a child from a home affected by domestic violence.

When a petition for guardianship is made, a probate investigator will conduct an inquiry and make recommendations to the judge concerning the appropriateness of the proposed guardian.ⁿ²⁸ These investigators are court employees who may or may not learn about a domestic violence history. Therefore, domestic violence issues may not be accounted for in the final arrangements. For example, the aunt petitioning for custody may be the sister of an abusive father and may have participated in isolating the mother from her children. Because probate courts do not generally refer litigants to the services usually provided in child dependency cases, and may not review civil protective order histories, the mother may not gain access to information about other options available and may agree to an unfavorable custody agreement.ⁿ²⁹

Training for Probate Court Judges

Probate judges may have some criminal experience, few have child development experience, and presumably even fewer are trained on domestic violence issues. Probate investigators usually have BA or BS degrees, but not surprisingly, lack sufficient training in child development or domestic violence issues. They have insufficient understanding of criminal court or probation procedures. Since they are in a position to perform record checks through the Sheriff's Department and obtain police reports, they will determine if a potential guardian has a criminal record, but may not have access to civil findings.ⁿ³⁰

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Juvenile Dependency

The California Welfare and Institutions Code Section 246 requires the creation of a juvenile court which includes both issues of delinquency and abuse.ⁿ³¹ Larger counties divide the two types of cases into separate courts.

Juvenile dependency cases often involve issues of domestic violence, both interfamilial and intimate partner, and may frequently overlap with custody, child support, and criminal proceedings within the same family.ⁿ³² The complicated dynamics involved in responding appropriately to each of these overlapping issues has been the

subject of numerous studies and pilot projects.ⁿ³³ While individual courts have developed communication protocols, California continues to struggle with system-wide approaches that ensure a more holistic response to families in crisis.

Training for Judges in Dependency Court

Children in abuse and neglect situations are also likely to be involved in dependency court. This court processes youths, and awareness of developmental and abuse issues are paramount because youths, by nature, bring unique needs to the courts.

Again, as is the case for most judges, dependency judges may have minimal criminal experience, but they are unlikely to have knowledge of child development issues or domestic violence expertise. Dependency judges in California, take a three-day training course at the beginning of their assignment. Despite the prevalence of domestic violence and substance abuse issues in dependency court, dependency judges' training is quite limited in these areas. The same is true for juvenile delinquency judges.

Juvenile dependency court is probably one of the only courts that have highly trained social workers providing recommendations to the court. Social workers generally hold masters degrees and a keen understanding of child-related issues. They usually have domestic violence training as well.

[*457] As separate parties who are not employees of the court, social workers are mandated by law to stay current in their fields of expertise, and are mandatory reporters of abuse.ⁿ³⁴ Broadly speaking, their role is to file a petition on behalf of the child who accordingly is represented by lawyers in court.ⁿ³⁵ Unfortunately the lawyers, who represent them, are not even as knowledgeable about issues as the social workers are. However, social workers too, lack a comprehensive legal understanding. While social workers are able to obtain criminal records, they rarely have a working understanding of probation officer responsibilities or how criminal defendants are supervised.

Juvenile Delinquency Court

As noted above, juvenile court is established under California Welfare and Institutions Code, Section 246. These courts hear allegations of criminal conduct committed by youth. Domestic violence cases present in the juvenile delinquency court in a number of ways. First, many juvenile defendants are exposed to domestic violence as children; second, juvenile defendants may be perpetrators of domestic violence against their partners, wives, and even parents.

Training for Juvenile Delinquency Judges

Judges hearing juvenile delinquency dockets receive the same training as other judges. In addition, depending on funding, they may have access to specialized training provided by the court or national organizations that focuses specifically on juvenile development and delinquency. They are less likely to participate in training sessions focused on domestic violence issues.

Juvenile delinquency courts work closely with local departments of probation. Probation officers generally receive training on domestic violence but may not have the skills to focus on the defendant as both the child victim of domestic violence, and a potential perpetrator. Additionally, neither the court nor the probation officer will have full access to a young person's abuse and neglect history which is critical for the judge to make an informed decision.

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Criminal Court

Criminal Court Response to Domestic Violence

Local criminal courts hear misdemeanor allegations of domestic abuse.ⁿ³⁶ These courts are responsible for setting bail conditions, sentencing offenders, and issuing criminal protective orders.ⁿ³⁷ Clearly, criminal courts are on the front line responding to domestic violence, and their understanding of domestic violence and of a particular litigant needs are critical to achieving safety and accountability.

Training for Criminal Court Judges and Stakeholders

Criminal court judges in California have minimum training requirements as provided for in California Court Rule 10.462 and 10.463. Other criminal justice stakeholders also receive training in a hit or miss fashion.

Court Communication Concerning Protective Orders

In California, there exists a pecking order to the "muscle" behind various court orders that are issued.ⁿ³⁸ Understandably, criminal court orders take precedence, followed by juvenile delinquency, juvenile dependency, family, and then probate. This distinction is intended to provide simplification and clarity to situations where there is a conflict of orders, for example, in child custody, visitation, and access.ⁿ³⁹ This rule, however, does not address how the court itself is supposed to take other orders into account when issuing orders.

As a consequence, individual jurisdictions have developed their own protocols to respond to the persistent problem of overlapping and inconsistent protective orders.

Santa Clara County adopted its Local Criminal Rule 11, to provide for inter-court communication when courts issue or modify protective orders.ⁿ⁴⁰ This policy requires that "the criminal court shall inquire of the defendant/restrained person whether there are **[*459]** children of the relationship...and whether there are any court orders for custody/visitation for those children."ⁿ⁴¹

Even though this is a necessary and important determination for the court to make, it is not ideal for the court to rely on the truthfulness of information from the defendant about pending court orders in effect. Even assuming that the defendant is motivated to share accurate information with the court, litigants are often uncertain as to whether court orders are pending.ⁿ⁴²

The Overlap between Family and Criminal Court

It is critically important that communication barriers between criminal and family courts be addressed. It is all too common for those in criminal court to make decisions that are not reflected or respected in family court outcomes.ⁿ⁴³ Currently, it is rare for a criminal court judge to be aware of family court orders, and it is even rarer for family court orders to incorporate probation conditions.ⁿ⁴⁴

Family and criminal courts operate with different burdens of proof, confidentiality requirements, as well as different services. These important due process protections must be maintained all the while providing avenues for safe and appropriate exchange of information.

The One-Family, One-Judge Approach

Several jurisdictions are currently piloting approaches that radically change this piecemeal response to families in crisis.

New York's Integrated Domestic Violence Court

New York has developed a one-judge, one-family approach for domestic violence cases, and implemented it in over forty jurisdictions across the state.ⁿ⁴⁵ These courts, called Integrated Domestic Violence Courts (IDVC), are committed to minimizing the burden on litigants with more than one case type pending, by providing a more holistic response to **[*460]** the issues that each individual family is grappling with.ⁿ⁴⁶ For example, when child visitation and misdemeanor assault cases occur simultaneously, involving the same litigants, both cases are heard before the same judge, on the same day. Each individual case is handled according to its rules, procedures, and burden of proof. Separate records are made for each case administratively, but more importantly, victims do not have to take multiple days off of work or recount aspects of their cases before multiple judges.ⁿ⁴⁷

Ontario Canada

Acknowledging the need to have consistency in court orders, and the requirement to have faster, more effective resolutions, the Ontario (Canada) Court of Justice recently launched a pilot court modeled on the New York Integrated Domestic Violence Court.ⁿ⁴⁸ This holistic, stream-lined, and comprehensive approach enables families to have both their criminal and family law cases to be heard by the same judge.

National Council of Juvenile and Family Court Judges' Project ONE Initiative Supports Multi-Court Collaboration

In 2010, with funding from the Office of Juvenile Justice and Delinquency Prevention to support critical cross-departmental and cross-system work, the National Council of Juvenile and Family Court Judges (NCJFCJ) began work on the Multi-Court Collaboration (MCC) Initiative. This project is now known as Project ONE, named to signify a holistic approach to families through One Family/One Judge, No Wrong Door, and Equal Access to Justice for All).ⁿ⁴⁹ Project ONE seeks to provide judges with guidance for supporting the needs of families and children no matter which jurisdictional "door" of the courthouse - family court, child welfare, domestic violence, juvenile justice, etc. - they enter.ⁿ⁵⁰

Central to Project ONE is a holistic view of individuals and families, a life-course perspective on human development, and a focus on ensuring equal and coordinated access to justice regardless of presenting issues.ⁿ⁵¹ A Steering Committee of NCJFCJ member judges convened to lead the **[*461]** initiative with NCJFCJ staff and develop a road map for its success. One of the initiative's goals is to develop and share resources for innovative practices across the country, where courts effectively demonstrate multi-court collaboration in practice.ⁿ⁵²

RECOMMENDATIONS

Domestic violence victims and their children demand an informed response from our public institutions.ⁿ⁵³ Although a one-judge, one family approach is optimal, it may not be a realistic option to pursue in all jurisdictions. In the alternative, courts can consider other means to ensure that judicial decision-making is as informed as possible. For example, in New York, several rural jurisdictions have developed written protocols to ensure that information is exchanged between criminal and family court judges hearing cases concerning the same families.ⁿ⁵⁴

Regardless of the specific approach, courts should consider other measures that can be taken to enhance judicial decision-making. First and foremost, judges and other community stakeholders in all divisions that intersect with domestic violence is-

sues should receive education on domestic violence, family and child development, and substance abuse issues. ⁿ⁵⁵

Additionally, judges across divisions should be able to access reports, prior decisions, and orders generated by the other divisions. For example, it is critical that judges know what terms and conditions of prior protective orders and whether those terms were complied with. A judge who has information that a particular offender previously failed to complete a mandated batterer program, for example, may be less likely to simply re-order attendance at that program.

Third, it is critical that each individual stakeholder has an understanding of the information that other system players have access to, even if that information cannot be shared. For example, judges may not be aware of what information the probation department has access to concerning the offender's family or living arrangements. While some information, especially that held by community-based domestic violence [*462] advocates, cannot and should not be shared, other players should, at the very least, understand what each agency's role.

Lastly, it is recommended that all stakeholders and each court division operate with a consistent understanding of critical risk factors. While each stakeholder may use different risk-assessment tools based on the position and the court, it is important that information concerning high-risk situations be shared whenever possible.

Regardless of which strategies one chooses to employ, the courts should aspire to serve justice in a manner that is humane, comprehensive, effective, proactive, and holistic.

CONCLUSION

It is possible improve response to vulnerable families. In order to ensure true access to justice for victims and their children, courts must rethink their structures and develop a way to coordinate response across issue areas. In many ways, the justice system is currently facing the same problems confronting our medical system: all too often patients with multiple illnesses fall through the cracks between medical specialists without someone tasked with overseeing their care. ⁿ⁵⁶ By having one single court responding to each family, the courts can enhance victim safety and defendant accountability and reduce the burden on litigants by sharing critical information across criminal and civil jurisdictional limes.

Legal Topics:

For related research and practice materials, see the following legal topics:

Criminal Law & Procedure
 Criminal Offenses
 Crimes Against Persons
 Domestic Offenses
 General Overview
 Family Law
 Family Protection & Welfare
 Children
 General Overview
 Governments
 Courts
 Judges

FOOTNOTES:

n1. Orchid G., Statement Orchid G. in Support of the Constitutional Amendment for NYS Court Reform (quoting a victim of domestic violence victim speaking about her experience trying to access justice through the courts).

n2. See e.g., Cal. R. of Ct. 10.950-10.951 which requires a criminal division. See also Cal. Wel. & Inst. § 246, requiring a juvenile division in each court; Cal. R. of Ct. 5.530(a), regarding juvenile court proceedings.

n3. Creating a "unified family court" is well-documented way to promote efficiency and can enhance serving to children. See e.g., "Special Issue: Unified Family Court: Summit on Unified Family Courts: Serving Children and Families Efficiently, Effectively, and Responsibly" 46 Fam.Ct. Rev 227. (2008). See also Unified Family Court Evaluation Literature Review, American Institutes for Research (Nov. 4, 2002), available at, <http://www.courts.ca.gov/documents/uf-clitreview.pdf>. It is difficult if not impossible, however, to prevent overlapping issues from falling outside the Court's jurisdictional bounds, including criminal and housing proceedings, that have a tremendous impact on family functioning.

n4. Hon. Eugene M. Hyman served as a judge of the Santa Clara County Municipal Court from 1990 to 1996 and was then elected to the Superior Court of California for the County of Santa Clara where he served from 1997 until his retirement in March, 2011. Liberty Aldrich, Esq., is currently the Director of Domestic Violence and Family Court Programs at the Center for Court Innovation, a national technical assistance provider working with the federal Office on Violence Against Women. All opinions in this article are the opinions of the authors and do not reflect the policy of the Office on Violence Against Women.

n5. Patricia Tjaden and Nancy Thoennes, Extent Natural, and Consequences of Intimate Partner Violence: Findings From the National Violence against Women Survey, The Centers for Disease Control and Prevention and The National Institute of Justice, 9 (July 2000), available at, <https://www.ncjrs.gov/pdffiles1/nij/181867.pdf>.

n6. David Finkelhor Et Al., Children's Exposure to Violence: A Comprehensive National Survey, OJJDP (Oct. 2011), available at <https://www.ncjrs.gov/pdffiles1/ojjdp/227744.pdf>.

n7. See e.g., The Duluth Model - Wheel Gallery, Domestic Abuse Intervention Programs, <http://www.theduluthmodel.org/training/wheels.html> (last visited Apr. 12, 2012).

n8. See The Effects of DV on Children, The Alabama Coalition Against Domestic Violence, <http://www.acadv.org/children.html> (last visited Apr. 12, 2012).

n9. American Institutes for Research, *supra* note 3, at 2.

n10. Elisabeth Bumiller, We Have Met the Enemy and He is Powerpoint, N.Y. Times, Apr. 26, 2010, <http://www.nytimes.com/2010/04/27/world/27powerpoint.html>.

n11. The Family Justice Center Alliance, About Us, <http://www.familyjustice-center.com/overview/overview.html> (last visited Apr. 4, 2012).

n12. *Id.*

n13. Id.

n14. See Cal. Ct. R. 5.552; Cal. Welfare & Inst. Code (1976). §§827-828.

n15. In New York's Integrated Domestic Violence Courts, judges are able to take notice of other findings reducing the need to re-litigate issues. *Rhoulac v. Umbarger*, 2002 N.Y.L.J. 27 (2002).

n16. See Cal. R. Ct. 10.603 (describing duties of a presiding judge which allows for the determination of divisions). See Cal. Welfare & Inst. Code, (requiring that a judge will sit as a juvenile judge even in a two judge county and there will be a criminal division per Cal. Ct. R. 10.950).

n17. See e.g., *The Budgetary Impact of Trial Court Restructuring*, New York Unified Court System, (Feb. 2002), available at <http://www.courts.state.ny.us/reports/trialcourtrestructuring/ctmerger2802.pdf>.

n18. Divisions, Superior Court of California, County of Riverside, <http://www.riverside.courts.ca.gov/divisions.shtml> (last visited Mar. 3, 2012).

n19. Criminal - General Information, Superior Court of California, County of Los Angeles, <http://www.lasuperiorcourt.org/criminal/main.html#13> (last visited Mar. 3, 2012).

n20. Family Law, Superior Court of California, County of Riverside, <http://www.riverside.courts.ca.gov/familylaw/familylaw.shtml> (last visited Mar. 3, 2012).

n21. Peter Jamison, California Family Courts Helping Pedophiles, Batterers Get Child Custody, SF Weekly, Mar. 2, 2011, <http://www.sfweekly.com/2011-03-02/news/family-court-parental-alienation-syndrome-richard-gardner-pedophilia-domestic-violence-child-abuse-judges-divorce/>.

n22. Although courts in many states are obligated to consider domestic violence when determining custody, they are only required to consider domestic violence findings. Those findings may be found in other court proceedings and often do not have to be re-litigated.

n23. Self-Help, Superior Court of California, County of Los Angeles, <http://www.lasuperiorcourt.org/familylaw/ui/selfhelp.aspx> (last visited Mar. 3, 2012).

n24. The AOC Office of Children and Families provides considerable support to California Courts and produces invaluable documents, including an extensive self-evaluation checklist intended to assist jurisdictions as they seek to improve their response to domestic violence. But see For Families and Children, California Courts, The Judicial Branch of California, <http://courts.ca.gov/programs-cfc-c.htm> (last visited Mar. 3, 2012)(showing AOC funding is limited and cannot support all training needs).

n25. See Cal. Ct. R. 10.462(c)(1)(C); for required domestic violence education see Cal. Ct. R. 10.464; for family court education, see Cal. Ct. R. 10.463.

n26. Family Court Services, Superior Court of California, County of Santa Clara, http://www.sccscourt.org/court_divisions/family/fcs/fcs_home.shtml (last visited Apr. 12, 2012).

n27. See Cal. Ct. R. 5.230 for domestic violence training standards for investigators and evaluators; for general education, see Cal. Ct. R. 5.225, 5.230 and

Family Code sections 1815, 1816, and 3111; for counsel appointed to represent children in family court see Cal. Ct. R. 5.242 for qualifications.

n28. Guardianship Checklist, Superior Court of California, County of Santa Clara, http://www.scscourt.org/self_help/probate/guardianship/guardianship_checklist.shtml (last visited Mar. 3, 2012).

n29. See Self Help Probate, Superior Court of California, County of Santa Clara, http://www.scscourt.org/self_help/probate/probate_help.shtml (last visited Mar. 3, 2012).

n30. Cal. Probate code § 1513 (West 1990).

n31. Cal. Welfare & Inst. Code § 246 (West 1976).

n32. Juvenile, Superior Court of California, County of Riverside, <http://www.riverside.courts.ca.gov/juvenile/juvenile.shtml> (last visited Mar. 3, 2012).

n33. See Nat'l Council of Juvenile & Family Court Judges, *Effective Intervention in Domestic Violence & Child Maltreatment Cases: Guidelines for Policy & Practice*, Nat'l Council of Juvenile & Family Court Judges (1991), http://www.ncjfcj.org/images/stories/dept/fvd/pdf/greenbook%20_final_4-5-07.pdf, for a groundbreaking analysis of how the child protective and domestic violence communities can work together. In 2009, the Los Angeles Juvenile Court handling child protective cases introduced a protocol to enhance and coordinate its response to cases involving domestic violence. The protocol includes procedures intended to increase communication between criminal, civil and juvenile dependency dockets issuing protective orders.

n34. See California State University, Fresno Title IV-E Child Welfare Stipend Project, Child Welfare Practice in the Legal System: A Curriculum Module 8-15 (1995), available at <http://www.csulb.edu/projects/ccwrl/Child%20Welfare%20Practice%20in%20the%20Legal%20System.pdf>.

n35. Id.

n36. See Cal. Pen. code § 836 (West 2011).

n37. Id.

n38. See Cal. Pen. Code § 136.2(f) and Cal. Ct. R. 5.450.

n39. Administrative Office of the Courts, Elkins Family Law Task Force: Final Report and Recommendation 30-32 (Center for Families, Children & the Courts, 2010), available at <http://www.courts.ca.gov/documents/elkins-final-report.pdf>.

n40. California, County of Santa Clara, Local Criminal Rule 11 (Cal. Super. Ct.).

n41. Id. at A(1).

n42. Beware Family Court: What Victims and Advocates Should Know, Women's Justice Center, http://www.Justicewomen.com/help_family_law.html (last visited Apr. 12, 2012).

n43. Id.

n44. Id.

n45. Office of Policy and Planning, New York State Courts, Overview, Integrated Domestic Violence Courts, http://www.courts.state.ny.us/courts/problem_solving/idv/home.shtml (last visited Apr. 5, 2012).

n46. Id. at Mission and Goals.

n47. Id.

n48. Center for Court Innovation, <http://www.courtinnovation.org> (last visited Mar. 3, 2012).

n49. Project One, National Council of Juvenile and Family Court Judges, <http://www.ncjfcj.org/our-work/project-one> (last visited Apr. 5, 2012).

n50. Id.

n51. Id.

n52. Id.

n53. Jonna Lundwall, Teresa Genta Fons & Milena Sanchez De Boado, Domestic Violence Is a Public Affair, En Breve (World Bank), Apr. 2009, at 1, avail-

able at http://www.siteresources.worldbank.org/intlacregtoppovana/resources/enbreve_domestic_violence_UY_FINAL_design.pdf.

n54. See *infra* New York's Integrated Domestic Violence Court.

n55. *Id.*

n56. *Jane E. Brady, Tackling Care as Chronic Ailments Pile Up, N.Y. Times, Feb. 21, 2011, <http://www.nytimes.com/2011/02/22/health/22brody.html>.*