

Family Court: CONSISTENT APPROACHES LACKING

By Dawn Dougherty, Court Monitoring Coordinator

This past December, a judge told a petitioner in family court that her order for protection (OFP) case did not fit the domestic abuse statute and dismissed the temporary OFP without a hearing. The respondent and the petitioner, who rented a room from him, lived under the same roof and had a previous sexual relationship. The judge explained his decision with a flawed analogy—that if the petitioner had lived at Motel 6, she couldn't get an order for protection against the clerk.

What would this case's outcome have been before another judge? Would another judge have felt it fit the statute? While we support judicial discretion and independence, we have concerns about the lack of consistency among the Family Court bench and how this impacts domestic violence victims.

WATCH regularly receives calls from battered women and their advocates decrying the inconsistencies in the OFP process. Depending on the judge, a battered woman's hearing might begin with the bench chastising her for seeking an OFP while a divorce is in process or asking a non-adjudicated respondent-father what kind of parenting time he wants. Parties may be encouraged to seek marriage counseling, pressured into mutual

orders, or ordered to undergo blood tests to determine paternity.

Many family court judges and referees consistently apply the standards of the law and expertly unravel and adjudicate difficult and challenging cases before them. Still, the cases we have included here are not isolated instances but rather illustrate definite trends in family court that must be addressed in the interests of safety and justice.

MARRIAGE COUNSELING

The judge kept urging the couple to seek marriage counseling even though the petitioner stated that the respondent had attempted to "choke" her and that he had slapped her 16 year old when she tried to intervene. The judge also kept stressing that their living costs would go "way up" if they separated. He focused less on the safety of the petitioner and her minor child and more on the couple working it out in counseling.

Marriage counseling, with its goal of "saving" the marriage, can be a dangerous place for battered women. The underlying assumptions are that the violence is a problem of the relationship and not the batterer, that there is something the victim can do to stop the abuse, and that both parties have an equal footing in the relationship.

Michael Paymar, training coordinator for

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WHAT'S NEW

WATCH welcomes two new board members, Beverly Balos and Ron Beining.

Bev Balos participated in drafting Minnesota's Domestic Abuse Act, one of the first statutes in the country concerning domestic violence. She is a clinical professor of law at the University of Minnesota Law School, where she teaches courses and clinics on domestic violence; which include criminal prosecution, civil orders for protection, and law and violence against women.

Ron Beining is a Licensed Landscape Architect in Minnesota and California and President of Ron Beining Associates, LLC. He is an active member of the Human Rights Campaign (HRC) and the HRC Twin Cities Federal Club, a member of OutFront Minnesota as well as a supporter of the Southern Poverty Law Center. Welcome Bev and Ron.

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Seeking "enlightenment" in family court

By Marna Anderson

"Do the courts fail to protect battered women because a few judges are 'bad apples' or because of a deeper patriarchal bias in the judiciary? More than anything else, how the problem is defined influences what will be done about it." ¹

The first time I attended an order for protection (OFP) hearing at the Hennepin County Family Justice Center two years ago, the presiding judge told me that many petitioners inappropriately use the hearing to begin divorce proceedings and avoid paying a \$250 filing fee.

He is not the only judge harboring such suspicions.

Last June, I spoke with a judge regarding his troubling decision to deny an OFP to a woman whose petition stated that she had been strangled by the respondent. He said the petitioner's demeanor in the courtroom "did not help her cause" and that he believed the relationship was one with "a lot of jealousy and animosity and it is being played out in a domestic violence court proceeding."

This mistrust of women's reports of abuse came up again at a meeting of the Hennepin County Bar Association (HCBA) last September where members of the family court bench shared their perspectives on family law proceedings. One of the judges said he had been told to expect that much of what he would hear at order for protection hearings would be a result of women positioning themselves for divorce proceedings.

A few months ago as I was waiting for a hearing to begin, yet another judge told me that he and his colleagues estimate that approximately 10% of what they hear in order for protection hearings is false. I am uncertain whether the majority of his colleagues would agree with him, but WATCH monitors have heard such comments often enough to be concerned about how this attitude impacts the treatment of petitioners (89% of whom are women) in order for protection hearings.

Oddly enough, despite the obvious motivation batterers have for lying in court and the countless studies showing that abusive men tend to minimize or deny their violence, I cannot think of a time when a judge addressed a WATCH monitor to comment on the suspicion that respondents lie in OFP proceedings. Instead,

¹ All quotes used in this article are taken from the following source: Ptacek, James. (1999) *Battered Women In the Courtroom: The Power of Judicial Responses*, Boston: Northeastern University Press.

the suspicion that petitioners are "making it up" gets articulated.

Not every family court judge believes petitioners bring unfounded allegations of abuse—the judge addressing the HCBA stated that his experience thus far did NOT support what he had previously been told by his colleagues. Nevertheless, the examples above reveal a culture of mistrust and disbelief of petitioners that can too often lead to judicial bias and prejudice in the courtroom.

This suspicion of petitioners influences the tone of voice used by judges, their choice of words, the types of questions they ask, how they interpret the allegations in the petition, and whether an OFP is granted. Most importantly, it influences how women perceive the justice system and whether or not they feel encouraged to seek protection from the courts now and in the future.

Unfortunately, WATCH monitors note all too often that judges speak harshly to petitioners, do not allow them time to consult with their domestic violence advocates, and show their impatience by rushing through the hearing and even rolling their eyes.

"...no institution has greater authority to redress this injustice on a daily basis. Seeing battering as social entrapment gives heightened significance to judicial responses. How do the courts affect women's ability to resist or escape violence? What judges do with their authority can break through this social isolation; what judges do can also worsen women's entrapment."

We have chosen to focus on OFP hearings in this issue of the WATCH Post because of these concerns and because they are usually the point of first contact for abused women with the justice system, setting the tone for all future encounters. It is at these hearings that women are either encouraged or discouraged from requesting protection from the courts. They thus can either enhance women's safety or "worsen women's entrapment."

WATCH Post readers often request that WATCH print the names of judges who exhibit poor courtroom demeanor or whose words and actions do not hold abusers accountable. Rather than pointing to problematic individuals serving on the bench and hoping that getting rid of the "bad apples" will solve the problem, WATCH wants to address the systemic problems rooted in the generalized doubt of petitioners' allegations. Our readers should rest assured that we regularly contact individual judges

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the Duluth Domestic Abuse Intervention Project and a leading expert on batterers' intervention programs, notes the following lengthy criteria should be met before a couple is offered joint counseling:

- The man has successfully completed a reputable domestic abuse program that focuses on changing sexist beliefs and attitudes about controlling women.
- The therapist is convinced that the battering—violence, coercion, threats, intimidation, and psychological abuse—has ceased.
- The battered woman has worked with a victims' advocate and has developed a safety plan to get help if her partner becomes abusive.
- The battered woman feels safe.
- The therapist has discussed the risks associated with marriage counseling privately with the woman and feels relatively sure abusive acts will not take place as the result of these sessions.

WATCH urges the family court bench to recognize the perils of marriage counseling for women in violent relationships and to refrain from suggesting it in domestic abuse proceedings.

PARENTING TIME

When given the options, the respondent said he agreed to have no contact with the petitioner, whom he allegedly strangled, but wanted contact with the child, whom he allegedly dropped in the snow. He was not adjudicated as the father nor had he signed a recognition of parentage. ...Inexplicably, the referee proceeded to an evidentiary hearing and ultimately

denied the order.

It is unclear why the judge went ahead with the hearing after the respondent agreed to the order and in light of the fact that the respondent had no legal rights to the child. Non-adjudicated respondent-fathers should not receive parenting time unless it is brought up by one of the parties at the hearing and the petitioner agrees to allow it. The ensuing order should clearly state that the parenting time is the result of the petitioner's agreement and not ordered or enforced by the court.

Judges should do more to educate petitioners of their rights regarding child visitation and refrain from pushing them to negotiate visitation with a man with no legal standing who may never have taken an interest in or spent time alone with the children.

When making any decision about custody or visitation, the domestic abuse statute clearly states that the court must give primary consideration to the safety of the victim and the children. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted parenting time, the court should condition or restrict parenting time.

MUTUAL ORDERS

The judge offered the option of mutual OFPs in all three cases I monitored today even though neither the respondents nor the petitioners asked for them. In one case, the judge repeatedly asked the petitioner if she would accept a mutual order. She finally had to tell him that if the respondent wants an OFP against her, he must go through the same process she went through. The judge finally relented...

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Volunteer notes

I feel the judge's explanation of the three options respondents have in OFP hearings could be greatly improved if it were standardized.

When one of the petitioners in an OFP hearing referred to her child as "my child," the judge interrupted her to say "it's not 'my child,' it's 'our child.'"

After the last OFP hearing today, the judge speculated that jealousy about the respondent's new girlfriend was a factor in the petitioner's OFP request.

The judge very clearly explained the three options to the respondent.

The judge issued a mutual order for protection after the respondent's attorney stated that the parties had agreed to one. The petitioner did not have an attorney or an advocate and very little information was given by the judge. The judge then suggested the petitioner have a third party other than a police officer escort her to the apartment to get her things because "police sometimes give petitioners a hard time."

The referee was polite to the petitioner and clearly explained why the hearing was being continued. And he explained the process for serving the petition to the respondent at his last known address in Florida.

During the hearing the judge started a conversation with the respondent about his mental health issues. When the respondent stated that he thought his mental health was irrelevant to the case, the judge said, "It is. I'm just curious because I've had my own mental health problems."

The judge allowed the respondent to make a lengthy speech in the courtroom asking the petitioner for her forgiveness and promising his undying love. The petitioner appeared to be very upset by it.

From Vision to Action

By Susan Lenfestey

When the leader of a business or non-profit organization speaks of the future, it's common to hear the phrase "going to the next level."

It's a vague, catch-all phrase, sometimes expressing not much more than a collective vision or desire to be – more. After all, who wants to say they have few ideas for the future?

But bringing that vision to life requires a realistic plan, the ability to communicate the plan to others, and the leadership to implement it.

WATCH has been careful to manage its growth in a way that kept the gnawing need for expansion from overwhelming the also-gnawing need for funding. We've remained focused, effective, and in the black – thanks to so many of you. We've resisted the impulse to do it all and be everywhere. (If I had a dollar for every time someone has asked me why we're not in Ramsey County, we could stop holding fundraisers.)

That doesn't mean WATCH hasn't assisted groups from other parts of the country, or even the world, who want to start a court monitoring organization – although we do refuse to lend them our name. For many reasons, including legal ones, we do not want to become a chapter organization and we guard our hard-earned credibility carefully.

Over the years WATCH has developed a start-up manual, provided telephone support – and in some cases on-site training – to over 30 groups, and hosted several national conferences of court-monitoring organizations. WATCH is the go-to organization for this level of assistance, and we have wanted to be able to do more.

A generous two-year planning grant from the Bush Foundation is making this possible.

First, we surveyed those who had purchased start-up manuals to determine how helpful they were and to assess current and future needs for training and technical assistance. With those results in hand, and with an additional grant from the Phillips Family Foundation, we are in the process of revising and updating the training manual, which will be available by July, 2006.

We are also developing a business/marketing plan to make our services more widely known and to lay out the most effective ways to connect court-monitoring groups across the country – with WATCH and with each other. This will likely include a web-based linkage for better communication, more national conferences – perhaps sponsored in conjunction with other organizations – and more trainings around the country as needed.

Not a week goes by that WATCH doesn't hear from an individual or organization somewhere with a question about court-monitoring. It is our mission, not only to respond to these questions with immediate assistance and ongoing support when needed, but to better promote WATCH's model court-monitoring program as an effective tool for criminal justice system reform.

In the early years of WATCH, in order to help people understand our mission better, we used to say that WATCH is to sexual assault and domestic violence as MADD is to drunk driving – that both organizations believe that the criminal justice system has a role to play in defining cultural mores. As Anna Quindlen put it, "a prison

sentence has many purposes, but surely one is to make clear what we as a culture abhor and what we will tolerate." I remember wondering back then if WATCH would ever become a national presence as MADD had done.

So it's thrilling to be where we are today. Under the gifted leadership of executive director Marna Anderson, along with our staff and board, we are clarifying what the next level really is and creating a solid plan to get there. With your continued support, we're on our way.

Seeking "enlightenment" Cont'd. from page 2

through letters and phone calls regarding their courtroom demeanor and decisions. And, if we do not receive an adequate response, we communicate with the chief judge and, if necessary, the Minnesota State Board on Judicial Standards.

This newsletter should make clear that the Hennepin County courts can do a much better job of ensuring that women and children receive the protections they deserve and that decisions about their lives are made with regard to their safety.

At the Family Justice Center, this means relegating the culture of disbelief of petitioners to where it belongs—the Dark Ages.

This petitioner knew her rights, but many petitioners do not and end up agreeing to mutual orders without understanding the ramifications. In their 2003 “Mutual Orders for Protection” information sheet, the Battered Women’s Legal Advocacy Project wrote,

Mutual orders often endanger victims of abuse. They hide who has the history of abusive behavior and who is the victim. Mutual orders imply both parties are equally abusive to the other. This frequently results in no action taken to protect the true victim from dangerous assaults. Mutual orders make it easier for the abusers to call the police and have the victim arrested by alleging she was abusive.

Judicial officers should not initiate offering mutual OFPs and should direct respondents who ask for a mutual OFP to follow the same process as petitioners.

DENIAL OF ORDERS

The judge in one recent case denied an order for protection to a petitioner who appeared in court with a black eye. The petitioner stated that her husband had beaten her with a telephone. The respondent in this case had two prior 1998 domestic assault cases. Additionally, the judge did not inform the respondent or petitioner of her decision from the bench. Instead, both parties and their advocates were sent back to the monitored waiting rooms, where they waited for several hours, only to be told that the request had been denied.

WATCH’s 2004 OFP report states, “[I]mproving the parties’ understanding of the OFP process is an important component of victim safety. Both petitioners and respondents often appeared to be left confused by the

minimal assistance provided by the family court, by a lack of attorney representation, and by judicial officers who do not explain what they are doing.”

The judge stated in his decision denying the order that he did not understand why the petitioner would call the respondent or stay at or attend parties where the respondent was present after he choked her. He said he believed the respondent’s threatening phone message, which the petitioner played in court, was in response to a previous conversation between the two parties. The respondent denied threatening her in the message and said he simply wanted to make her stop leaving messages on his phone, which he said he had erased. The respondent shook his head, laughed, and put his hand up over his face repeatedly throughout the petitioner’s testimony.

The outcomes of the above cases are perplexing. One can only assume that the judicial officers found the respondents to be more credible than the petitioners. Despite a Federal Bureau of Investigation report that less than 2% of domestic assault charges are false (the same rate of false reporting for all other major crimes), the myth that women are lying about or exaggerating the abuse holds strong.

NOT ALL BAD NEWS

At the end of the hearing, the petitioner told the judge, “Thank you for providing me some relief from 19 years of hell.”

Many battered women do find relief and support in the OFP process. While this article focuses on areas that need immediate improvement, WATCH monitoring notes are full of positive examples from OFP proceedings as well.

Several encouraging steps have been taken recently to ease the OFP process for non-native English speakers.

Spurred by suggestions from WATCH’s 2004 OFP report and the Limited English Proficiency Act, the monitored waiting rooms in the Family Justice Center now contain audio presentations on compact disc and written information explaining the OFP process in English and six other languages. Additionally, community organizations have the opportunity to place brochures describing their services in information kiosks in the waiting rooms. The Minnesota Supreme Court Interpreters Program is also working on increasing language access and will soon make nine order for protection forms available in bi-lingual formats.

WATCH applauds these changes and appeals to the Family Court to provide greater consistency in case review and response in the civil OFP process and, most importantly, to place the primary focus on increasing victim and child safety.

ISSUES IN OFP DISMISSALS

The petitioner asked that the OFP be dismissed. The respondent is in custody and undergoing counseling, and she wants him to see his children. The judge is concerned for her safety since the respondent has repeatedly strangled her and punched her in the head. The judge reminds her of the seriousness of the assaults and asks if she is sure about the dismissal. She says she is, so the order is dismissed.

Every day, family court judges preside over at least one hearing where a woman in a dangerous situation is seeking to dismiss the OFP against her abuser.

Most women claim they are no longer worried for their safety or the safety of their children, but fear or threat of further violence by the abuser is often the unspoken reason for their request.

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Digital Storytelling

By Deena Anders, Domestic Abuse Project

We all have a story to tell, a story that is moving and funny and sad and inspirational, from which others can learn. Silence Speaks is a digital storytelling project piloted in Minnesota in 2005 that seeks to capture the stories of survivors and witnesses of violence and create from them a violence prevention and social justice project. It is a collaboration of the Minnesota Center Against Violence and Abuse (MINCAVA), the Domestic Abuse Project (DAP), the University of Minnesota, the Minnesota Coalition for Battered Women, and the Minnesota Coalition Against Sexual Assault. MINCAVA and the University of Minnesota provided technical support, computer resources and meeting space for the project.

Thanks to the efforts of Ann Kranz, of MINCAVA, who secured funding for the project, clients from DAP therapy programs recently participated in this project as storytellers. Silence Speaks uses a workshop curriculum to help each person create short digital videos and tell their story through elements of creative writing, art therapy, filmmaking and oral history. Digital Storytelling is working with a number of local grassroots agencies to recruit storytellers and develop community screening and education opportunities. A special screening was held on October 27 and anyone interested in viewing the stories may contact DAP.

Silence Speaks is based on the belief that "long-term healing from violence is dependent upon creating opportunities for survivors to tell their stories...various kinds of violence pervade popular media in the United States and around the world. Few of these representations portray the enduring ability of survivors

to integrate histories of trauma, resist violence in the present, and weave beauty, power, and art into their inspiring work on behalf of prevention." Silence Speaks provides this opportunity.

You can learn more about the Digital Storytelling Silence Speaks project at www.silencespeaks.org.

What follows, in her own words, is one woman's story.

In 2002 my husband wrote, "one thing I've always loved about you is your tender conscience, you always stand for the truth."


Shattered Dreams -Caroline's Story


On a family vacation in Colorado he slams my head against a metal door frame while squeezing my throat. The children are all screaming and I'll never forget the look in his eyes. At first he is remorseful, he says he's going to get help, instead he gets an attorney. We're separated when he tells the girls and me, "I'm on a mission from God to break your generational curses. You believe women and children have all these rights and you don't. You'll learn to respect and submit to a man." I filed for divorce when he refused to support us. He says, "You'll be sorry, I know how to win a lawsuit and it isn't about the truth. When you get hungry enough, you'll submit." But I don't and the violence continues to escalate. One night my son sobs, "I'm worried that daddy is going to hurt you so badly that you won't be able to take care of us then he'll be in prison, who will take care of us mommy?" The next day I file for an Order for Protection. My husband violates the order repeatedly, he's arrested and pleads guilty. He tells the children, "Your mom has me arrested every time she gets


mad." We're still scared. Annalisa, youngest, begs her sisters to come with her to visit her dad. She said, "Dad is so scary when he gets mad steam comes out of his eyes." In counseling she is asked to choose animals to represent her parents. She picks a giraffe for mom and a rattlesnake for dad because a rattlesnake can kill a giraffe, she explains. Countless police reports document my husband's abuse, he's on probation, we have a criminal no contact order, yet a recent custody evaluation states, "The youngest three children do not believe their father has been physically abusive and do not report witnessing domestic violence in the home. A pattern of physical domestic violence during the marriage was not substantiated." It is recommended that he be given custody of our three youngest children after all he can afford to hire a nanny. I've been a stay-at-home mother for 16 years; I sold my wedding ring last week to pay the bills. The children all want to live together. "You promised mommy that if we told the truth they would believe us and our family will get help." "Mom, you have to start lying," they told me, "it is the only thing that works." Our family was torn apart by violence, now it is being torn apart by lies. I am so sorry for my children, I'm sorry I stayed too long. I don't know what will happen next but I will stand for the truth.


WATCH thanks DAP and MINCAVA for implementing this creative project, and ensuring women's stories are told.


Thumbs Up/Thumbs Down

 Thumbs up to Judge Heidi Schellhas for taking on a leadership role at the Domestic Violence Court. In addition to appointing a dedicated group of judges to serve at DV Court, Judge Schellhas has developed a standardized approach for handling domestic violence probation violations. Rather than relying solely on their individual judicial discretion, now judicial officers have a standardized grid with a recommended amount of time to revoke and/or sanctions to impose for specific violations (such as dirty urine analysis or new domestic violence charges). Thanks to all of the judges serving at the domestic violence court for approving the guidelines in November 2005.

 Thumbs up to the AARP for providing information to its members about domestic violence. The January/February issue of AARP Magazine contains a lengthy article, "And Then He Hit Me," about the effects of domestic abuse in later life. Citing a study in The Journal of Elder Abuse & Neglect, the article shows that the majority of victims have been abused for many years, some as long as 50, but have not sought help due to shame, fear, and social isolation. In addition to revealing the many faces of domestic violence through survivors' stories, the article includes links to national organizations assisting victims of abuse in later life. As the U.S. population continues to age, it will be extremely important for all of us to recognize this hidden abuse and for advocacy services and the criminal justice system to be prepared to address this unmet need.

 Thumbs down to family court judges who begin hearings by asking about property and divorce proceedings. The following are a sample of responses from monitors when asked to note how the judge or referee began the hearing: He asked about divorce proceedings and who owns the property; Asked about living arrangements and parental adjudication; By discussing their marriage and if they are divorced or in the process of a divorce. Perhaps a better way to start would include asking about the incident that brought the petitioner to court seeking protection.

 Thumbs up to Judge Tanya Manrique for upholding the federal firearms prohibition. At an order for protection hearing on November 28, advocate Kathy Brennan requested that Judge Manrique ask the respondent whether he had any guns. The respondent answered that he had asked his brother-in-law to take his guns out of the car, but he was not sure that it had been done. After the hearing, Judge Manrique asked the deputy to accompany the respondent to his car to see about the guns. Three guns were found in the trunk of his car and confiscated.

 Thumbs up to the Native American Women's Health Education Resource Center for organizing a national roundtable on the reproductive rights of American Indian women last June. The U.S. Department of Justice estimates the rate of sexual assaults against American Indian women is three and one-half times greater than among all other racial groups. Despite this alarming statistic, many federally-funded clinics and hospitals on Indian reservations either do not have protocols for treating victims of sexual violence or have protocols that are not well understood or utilized.

The Indian Health Service (IHS) is the federal agency designated to provide health care to American Indian people, and advocates say IHS is partly to blame for failing to provide comprehensive reproductive health education and services to indigenous women.

Participants called for better training for medical staff at Indian Health Services-funded clinics and this spring will launch a national campaign to end the sexual abuse of indigenous women.

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WATCH is a small organization with a big agenda, matched by the heart of our donors. We continue to operate well within our shoe-string budget, squeezing every dime out of your contributed dollars. We are deeply honored to receive such solid support from so many of you, year after year, and we thank you for your generosity. If you'd like to make a donation before our fiscal year ends on June 30, I encourage you to use the envelope in this newsletter, or go to the donate page at www.watchmn.org. Please feel free to call the office at 612-341-2747 if you have any questions.

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An OFP is a civil order and can be dropped by a petitioner at a court hearing with no questions asked. When faced with this situation, however, judges, as in the case above, should ask questions that express their concern for the victim and the level of danger she is in. Judges/referees should also take the following steps to further support the petitioner:

1. Ask the petitioner for photo identification. There has been at least one case where a respondent had his new girlfriend pose as the petitioner to have the order dropped.
2. Ask if the petitioner is being pressured into dropping the order. She may disclose information that will be helpful for the judge in determining the next steps.
3. Remind the petitioner of the level of danger she may be in and, if appropriate, refer her to the self-help center or the Domestic Abuse Service Center for assistance.
4. Let her know that she can return at any time if she is in need of an OFP in the future.

Another option some judges give petitioners is a "no abuse" only order that allows the respondent to have contact with the petitioner while prohibiting further abuse.

Become a WATCH Volunteer

Court monitoring is carried out by WATCH through the tireless efforts of volunteer monitors who dedicate time each month to observing hearings and reporting on what they see and hear. To become a volunteer, please contact Shahidah at smaayif@watchmn.org or call 612-341-2747, ext. 2. Application forms can be found at www.watchmn.org. The next training will be held in May.

THANK YOU TO OUR 2005 SUPPORTERS

Thank You Continued from page 9

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2005 in review

DAILY MONITORING

WATCH conducts daily monitoring in the Hennepin County criminal and civil courts. In 2005, 78 volunteers contributed 1,967 hours monitoring 3,566 hearings. As a result of their careful observations, WATCH has been in contact with a number of judges and other members of the criminal justice system to relay concerns and discuss solutions. Beyond addressing issues with individuals, WATCH also participates in committees relevant to its mission and task forces charged with improving the courts overall.

Targeted monitoring – OFP court

Last year, WATCH worked to implement two of the recommendations of its 2004 order for protection (OFP) report view the full report at www.watchmn.org. The changes we have been promoting focus on removing language barriers facing non-native English speakers.

Katrin Johnson, Coordinator of the Court Interpreter's Program of the Minnesota Supreme Court, has taken a strong leadership role in these efforts. Her office is working directly with WATCH to ensure that nine of the state's OFP-related forms, including the information sheet, request for extension, and request for hearing, among others, will soon be bilingual in English and nine target languages.

WATCH presented its OFP project findings and recommendations to the Hennepin County Family Violence Coordinating Council and its Civil Committee, and worked with a number of individual members as well. Following WATCH's recommendations, the Council initiated an improvement in the monitored waiting rooms that provide safety for OFP petitioners by separating petitioners and respondents who are waiting to be called for hearings. The Council initiated making CDs and written information explaining the OFP process available in both the

petitioners' and respondents' respective waiting rooms. The information has been translated into six languages, and three more languages will be added soon.

In addition, community agencies may now display brochures describing advocacy, support, or treatment programs. The brochures are displayed in the monitored waiting rooms and are available free of charge.

WATCH will continue to press for consistency so that all judicial officers issue orders orally from the bench at the conclusion of OFP hearings. This is their opportunity to reinforce the specific provisions of the order, including clearly explaining all terms of an order and the penalties for violating them, and informing all parties of federal firearms prohibitions.

Eye on Justice

Another WATCH initiative focused on strengthening relationships with community organizations serving immigrant women and women of color. WATCH sponsored an Eye on Justice initiative where representatives of community groups participated in observing Hennepin County courts. Seven culturally-specific organizations serving victims of domestic violence and sexual assault participated in this initiative, including the Minnesota Indian Women's Resource Center; Women of Nations, a shelter and advocacy program serving American Indian women and their children; the Minnesota Coalition for Battered Women, whose member programs serve women across the state; OutFront Minnesota, which has a domestic violence program for same-sex partners; the International Self Reliance Agency for Women, which provides a range of services to African immigrant women; and a Ramsey County Health Department parent educator, who works with many immigrant families experiencing domestic abuse. WATCH will sponsor this successful initiative again in 2006.

Communications

WATCH works diligently to ensure that the results of its efforts are effectively communicated to the public and criminal justice system personnel. The January 2005 issue of the WATCH Post included a report of WATCH's Greater Minnesota project as well as case summaries of six defendants whose cases WATCH monitors had been following in the previous months. The April WATCH Post reported on the successful legislative campaign by advocates and others to increase criminal penalties for domestic assaults involving strangulation. That issue also contained a chronology of an offender with a record of violent assaults against at least 13 women spanning nearly 20 years.

WATCH also provides information to the public via the local media. Executive director Marna Anderson's opinion pieces have appeared in the St. Paul Pioneer Press, the Star Tribune, and La Prensa de Minnesota. Topics have included the need for stronger interventions in assaults involving strangulation, loopholes in recent sex offender legislation, and the need for increased language access in the courts.

National training and technical assistance

Thanks to funding from the Phillips Family Foundation, we are in the process of updating Developing a Court Monitoring Program, the training manual we created in 2001, and we are developing a marketing/business plan for its dissemination. The Bush Foundation is supporting WATCH's national efforts through a planning grant allowing us to provide on-site technical assistance to start-up groups, and to foster greater collaboration among programs around the country.

WATCH

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We'd like to thank the WATCH volunteers who help to keep our organization alive and running by donating time to monitor the courts, assist in the office and help out at events. We really appreciate your time and effort. We plan to show our gratitude on April 11, 2006, at our annual Volunteer Appreciation party. Keep an eye out for an invitation in the mail. Thanks to:

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