

Coronavirus & the Courts: Survivors of Domestic Violence



A Pandemic Resource from NCSC

March 24, 2020 | Version 1

The use of social distancing to protect people from the virus can adversely impact victims of domestic violence. It provides an opportunity for abusers to unleash more violence. In a pandemic, many people feel as though they're losing control and search for healthy ways to cope. But when an abuser feels powerless, it puts their victim at risk. [Reports](#) show that abusers using COVID-19 as a means of further isolating their partners from their family and friends, threatening to throw their victims out on the street so they get sick, and withholding financial resources or medical assistance.

As courts limit their operations to help stop the spread of COVID-19, the needs and safety of victims of domestic violence must be considered

The National Network to End Domestic Violence (NNEDV) has created a list of [Resources on the Responses to Coronavirus](#), including a digital services [toolkit](#) in English and Spanish that has guides, worksheets, and recorded webinars focused on assessing capacity, choosing a platform and a vendor, and best practices for various types of tools (text, chat, and video). Tech Safety recommendations include:

- Programs that implement digital services during COVID-19 pandemic should do so temporarily and re-assess once the pandemic has passed
- Limit urgent adoption of these tools to ongoing advocacy or scheduled conversations with survivors
- Keep survivor safety and privacy in mind
- Use program-owned devices and accounts (not personal devices and accounts)

Domestic Violence related information from [NCSC's latest roundup](#):

Common practices:

- Exempt petitions, proceedings, and hearings related to domestic violence, civil protection orders, and temporary injunction relief from continuances or suspensions
- Extend expiration of orders of protection and temporary injunctions until courts are fully re-opened to the public

- When practicable and available, conduct domestic violence and civil order of protection hearings remotely through telephone conferencing or videoconferencing

By state: (only includes states that specifically mentioned domestic violence matters)

Alabama:

- Proceedings related to protection from abuse, protection orders, and temporary injunction relief are exempt from the suspension of all in-person hearings until April 16, 2020
- Orders of protection and temporary injunctions that otherwise expire between March 16, 2020, and April 16, are hereby extended until April 16, 2020

Alaska:

- Set up conference call lines for all parties and attorneys to appear by telephone for all court proceedings (includes domestic violence)

Arizona:

- Judges may hold ex parte hearings on orders of protection telephonically
- Domestic violence protective proceedings are exempt from the timing exclusions of when court proceedings are held

Arkansas:

- Proceedings pertaining to relief from abuse, including but not limited to, orders of protection and proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief are exempt from the suspension of in-person judicial proceedings

California:

- Chief judge provided guidance to superior court judge requests:
 - An extension, for up 30 days, of the duration of any restraining order that would otherwise expire within 14 days of the date of the order granting relief

Connecticut:

- Under COOP, the courts will schedule and hear matters identified as "Priority 1 Business Functions", which includes civil orders of relief from abuse, civil protection orders, criminal arraignments of defendants held in lieu of bond and all arraignments involving domestic violence cases, and domestic violence victim notification and scheduled court hearings will still take place

District of Columbia Superior Court:

- For survivors with existing protection orders, all orders are extended to May 1, 2020 and if orders are violated, DC police are still available to respond
- DC Safe is working in tandem with DC police, DC Superior Courts, and DC attorney general to execute emergency protective orders
 - Survivors should call police if they need an EPO
- All trials and non-emergency motions hearings in Domestic Relations scheduled before May 1, 2020 are continued
 - Court will review new filings and motions and hear matters if it determines are emergencies
- All arraignments and detention hearings in Domestic Violence Misdemeanor cases will be held as scheduled
- All Criminal Domestic Violence cases in which defendant is detained will be held. Additionally, all pretrial show cause hearings and probation revocation proceedings will be held as scheduled
- Court is still open for emergency matters - anyone looking to get a protection order can still do so
 - Domestic Violence Division Clerk's Office will be available remotely for questions by phone or email

Georgia:

- To the extent feasible, courts should remain open to address essential functions, and in particular courts should give priority to matters necessary to protect health, safety, and liberty of individuals.
- Domestic abuse temporary protective orders and restraining orders fall into the essential function category.
- To the extent court proceedings are held, they should be done in a manner to limit the risk of exposure, such as by videoconferencing, where possible.

Hawaii:

- Civil trials and hearings will be postponed to a date after Thursday April 30, 2020, except this postponement shall not apply to proceedings on petitions for temporary restraining orders and other proceedings that the presiding judge deems urgent.

Idaho:

- With the exception of [...] domestic violence hearings, all in-person appearances for civil and criminal dockets shall be excused. Judges are encouraged to use telephonic or video technology for all necessary hearings

Illinois:

- For domestic violence matters, petitioners may seek orders of protection during the 30 days. Litigants may also seek an order of protection related to an existing civil domestic relations case (such as dissolution of

marriage).

Indiana:

- Domestic violence hearings are exempt from the recommendation to continue or reschedule non-essential hearings

Kentucky:

- With the exception of emergency and time-sensitive matters, including but not limited to, domestic violence hearings, [...], all in-person appearances for civil and criminal dockets shall be canceled.

Louisiana:

- Civil protective orders are exempt from continuance.

Maine:

- Courts will schedule and hear:
 - Protection from abuse requests and hearings
 - Protection from harassment requests and hearings

Maryland:

- Court locations and offices will be minimally staffed to hear emergency court matters including domestic violence petitions and extreme risk protective orders

For emergency matters (domestic violence protective orders, appeals from peace orders, temporary restraining orders, motions regarding protection orders), the administrative judge determines whether it must be heard in person, can be heard with remote electronic participation, or scheduled after the emergency period

- [How to Seek Protection through the Courts During the Coronavirus Outbreak](#)
 - The following actions can still be filed through the Commissioner's Office while the courts are closed:
 - File for criminal charge
 - Domestic violence protection
 - Peace order protection
 - Extreme Risk Protective Order Protection

Massachusetts:

- Until at least April 6, 2020, Probate and Family Court shall remain open for in-person proceedings solely to address emergency matters that cannot be resolved through a videoconference or telephonic hearing
- All restraining order requests and requests for orders to vacate and their initial return dates, including return dates when notice has not been accomplished, shall be heard by telephone or videoconference.
- All emergency protection orders issued at a hearing after notice prior to the

issuance of this Standing Order and that are due to expire on or after March 16, 2020 shall remain in effect until the matter is rescheduled and heard by the Probate and Family Court.

- Any protection orders issued at a hearing after notice during the pendency of this Standing Order which was not heard in person may be issued only until such date at which the court can schedule an in-person hearing.

Minnesota:

- High priority and super-high priority cases (domestic assault, domestic abuse temporary protective orders) will continue as usual

Missouri:

- Petitions for temporary restraining orders or other forms of temporary injunctive relief are exempt from the suspension of in-person proceedings

New Hampshire:

- Requests for orders of protection for domestic violence and proceedings related to petitions for temporary emergency injunctive relief are exempt from suspension of in-person proceedings
- Presiding judge is authorized to determine the extent in which in-person court proceedings are to be conducted and may determine that such hearings are to be conducted telephonically
- Orders of protection and temporary injunctions that would otherwise expire between March 16 and April 6, 2020 are hereby extended to April 7, 2020

New Jersey:

- Municipal courts will continue to handle certain matters, such as applications for temporary restraining orders

North Carolina:

- Exception to rescheduling of proceedings for 30 days applies to proceedings for the purpose of obtaining emergency relief (domestic violence protection order and temporary restraining order)

Pennsylvania:

- Temporary protection from abuse hearings, emergency protection from abuse petitions, and other matters credibly labeled as emergency filings are considered an essential function and court will remain open to the public for these hearings
- Advanced communication technology or closed-circuit video technology shall be used to complete as many of these functions as practicable

Tennessee:

- Exceptions to suspension of in-person court proceedings, include:
 - Proceedings related to relief from abuse, including orders of protection

- Proceedings related to petitions for temporary injunctive relief
- The presiding judge is authorized to determine the manner in which in-person court proceedings for the exceptions listed above are to be conducted
 - Any Tennessee state or local rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies to limit in-person contact is suspended until March 31, 2020
- Orders of protection and temporary injunctions that would otherwise expire between March 13 and March 31, 2020 are hereby extended until April 6, 2020.

Utah:

- Domestic violence hearings, domestic violence post-arrest appearances, temporary restraining orders, protective orders, stalking injunctions, and dating violence protective orders are exempt from continuance

Virginia:

- Protective order cases and emergency protective order cases are exempt from continuance