

# IMPLICATIONS OF DOMESTIC VIOLENCE WITHIN THE TRIAGE PATHWAYS APPROACH IN CONNECTICUT

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May 23, 2023



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# EXECUTIVE SUMMARY

NCSC has been pleased to evaluate the implications of domestic violence within a Triage Pathways Approach in Connecticut. Though preliminary in nature, early indications are that the approach assists in identifying risk and violence earlier in the process, and when identified, the court is responding appropriately.

The Connecticut Judicial Branch has been a forerunner in family court innovations, pioneering a triage process to match resources with family needs over a decade ago. This current evaluation is an example of Connecticut's continuing efforts to improve service to families. Once Connecticut put in place a new triage tool and "Pathways" approach, they sought out this study to consider how the new Pathways Triage and RPD processes were responding to intimate partner violence.

There were data limitations and implementation issues that are to be expected with any new process. However, both focus groups and data analysis indicated that the Early Resolution Date is working as it should in bringing parties and issues to the attention of the courts sooner. Further, when intimate partner violence is identified as an issue, the court is responding appropriately.

## BACKGROUND

As the COVID-19 pandemic ends, courts worldwide grapple with backlogged cases, service waitlists, and numerous self-represented parties, conditions which can impede timely response to potentially violent conditions. Courts nationally are seeking improved family service methods, exploring innovations like triage, complexity screening, intensive case management, and differential dispute resolution for prompt needs identification and service provision.

The Connecticut Judicial Branch is at the forefront of these endeavors, implementing novel family court procedures that address case complexity and align court resources with family needs. A decade ago, it was among the first to implement a triage process for families in separation and divorce proceedings, a model later emulated by other courts. Connecticut has continuously refined its processes, including a triage redesign in 2021 featuring a Pathways approach and the Resolution Plan Date (RPD) process. This replaced the traditional Short Calendar. It involved Family Relations Counselors (FRCs) screening cases shortly after filing during a RPD in order to recommend a Pathways

Track. When FRCs detect issues of power and control or other elements of potential intimate partner violence, they refer parties to advocates or community services, and schedule immediate hearings before a judge, as recommended by the model.

This evaluation aims to assess whether the triage processes by Judicial Branch Family Services (JB - Family Services) adequately meet the needs of parties impacted by domestic violence. Recognizing the complexity of discerning domestic violence impacts in family courts, this study focuses specifically on the sensitivity of the RPD process to family violence dynamics.

## METHODOLOGY AND LIMITATIONS

NCSC scrutinized the RPD process within Pathways, considering Connecticut's response to domestic violence in family court. This analysis evaluated how domestic violence is integrated into law, training, advocacy, representation, and service connectivity as part of Pathways.

Employing a mixed-method approach, involving court file analysis and stakeholder focus groups, NCSC sampled 17,344 RPD cases between March 2021 and May 2022. NCSC, along with JB - Family Services, established key indicators and developed the extraction plan, coordinating with court data specialists. Qualitative focus groups, comprising judges, FRCs, and domestic violence advocates, were conducted in Connecticut in Fall 2022.

The study has certain limitations that warrant consideration. These include unclear data variables, an absence of demographic context, and a large sample size potentially skewing statistical significance. Consequently, these results cannot be generalized across all Connecticut jurisdictions. The study's scope didn't accommodate individual case analysis, limiting the predictability of personal experiences with the Pathways Approach. While initial findings are promising, the Judicial Branch and JB - Family Services rightly consider this evaluation as a first step in a quality cycle in assessing the new processes. They plan to further investigate the RPD approach and improve data quality to enable more robust study in the future.

# RESULTS

Results demonstrate that considerable efforts have been made by JB - Family Services to integrate a domestic violence lens in the development and implementation of the Pathways Approach and RPD process in Connecticut. Preliminary indications suggest that these efforts are translating into prompt attention and appropriate referrals to resolve parenting and financial disputes.

Quantitative and qualitative results are considered along the following categories:

## ***Comprehensive Law***

The court file analysis revealed that protection orders (POs) were granted in 6.6% of RPD cases (1,143 cases), and Temporary Restraining Order (TRO) hearings occurred in 6% of cases (1,045 cases). Cases with an existing PO were more likely to have TRO hearings, as seen in 31% of all cases where a PO was granted. This could suggest that cases with significant safety concerns that warranted a PO also required further immediate protections like a TRO.

Connecticut holds a more comprehensive view of domestic violence than many jurisdictions, acknowledging physical violence, coercive control, and any crime involving family or household member harm or fear as forms of domestic violence. This broad understanding was reflected in the views of Family Relations Counselors (FRCs), advocates, and judges in interviews and focus groups. They affirmed the availability of domestic violence training and that allegations of domestic violence were typically prioritized once identified by JB - Family Services in the RPD process.

Last year, Connecticut designed a 5 Pillars Framework for Protection Orders. This framework encompasses components necessary for effective systemic response, such as law, training, advocacy, and streamlined processes. The National Center for State Courts (NCSC) recognizes the merits of the 5 Pillars Framework and encourages its utilization as a checklist for Family Services to convene CCADV and internal to consider court processes involving domestic violence systemically.

## ***Extensive Training on Domestic Violence***

Focus group feedback indicated that Family Relations Counselors (FRCs) receive regular training on various facets of domestic violence, including screening, support to parties in

family law and criminal cases, safety plan assessment, and advocate collaboration. The training repertoire also encompasses trauma-informed practices, dispute resolution, discerning conflict from violence, and cross-disciplinary training on common terms and considerations in domestic violence cases. Training is offered statewide, allowing FRCs to choose relevant courses from a comprehensive catalog.

There were requests for additional training areas such as intercultural competence and safety planning. JB - Family Services affirmed that they prioritize collaborative training with the Connecticut Coalition Against Domestic Violence (“CCADV”), and that they intend to continue joint training events. These training courses are reciprocal, enhancing the knowledge base of both organizations.

NCSC recommends that JB - Family Services continue to expand on the collaboration and connection that exists with the advocacy community. Joint training for frontline staff should be maintained and frequency increased. These events facilitate mutual learning about the diverse roles in supporting parties affected by violence and clarify the mandates of different roles.

### ***Broad-Based Advocacy***

Focus group results with FRCs suggested that RPDs offer the opportunity to combat domestic violence by offering extra support resources to individuals within the court, particularly when advocates are available.

Some advocates reported that they did not have knowledge of the Pathways Approach. In the focus groups, most of the advocates focused on challenges with parenting plans when domestic violence was present rather than the Pathways Approach. Joint training between FRCs and advocates is recommended to address Pathways and parenting plans.

FRCs and advocates stated that courts and services vary across the state with regards to facilities, the physical proximity of advocates, and the availability of marshals. Several people opined that these differences influenced the relative safety and attention to parties. It may be useful to conduct safety audits in various locations to identify and enhance potential risk areas.

### ***Advocate Assistance***

The Judicial Branch reports a longstanding relationship with CCADV that has grown increasingly collaborative. All courts have advocates available to provide applicant

assistance throughout the state. Hours, availability and accessibility vary by location. When CCADV advocates are available, they can be found throughout the courthouse on days that RPDs take place. Pro bono attorneys are also available from CCADV for parties that do not have legal representation in some locations.

In cases without a TRO in place, cases are screened for domestic violence at the RPD. When a FRC detects domestic violence dynamics, parties are referred to advocates and other community-based services. When a TRO is in place, advocates explain the process to obtain additional services and case notifications.

If a person affected by violence needs legal representation, they are typically guided to the Court Services Center. According to advocates, there are many possible sources of legal assistance that could be recommended to parties that FRCs may not be fully aware of. This topic is recommended as a subject for further conversation, to determine the breadth of the issue and to include in cross trainings as needed.

### ***Streamlined Process***

This area represents one of the most encouraging aspects of this study. Connecticut had a clear goal of re-engineering court processes to address dissatisfaction with the amount of time and financial resources required to resolve family cases. For years, Connecticut had considered alternatives to the Short Calendar process for addressing family court matters. They found an effective solution in the Resolution Plan Date (RPD), part of the Pathways to Resolution Approach. This process sorts cases into three distinct paths, aiming to align each case with suitable services. JB - Family Services has been instrumental in implementing these new procedures.

The data collected and discussions in the focus groups suggested that when domestic violence is flagged as a potential concern during the RPD, there is a differentiated handling of such cases. This indicates that the Pathway Approach and the RPD process enhance both the visibility and responsiveness to these issues.

An analysis of the case files revealed that these identified cases get swift judicial review and possibly more extensive services, such as custody evaluations, connections to advocacy groups, and the development of appropriate parenting plans. Judges, FRCs, and advocates all emphasized the significance of continuous domestic violence screening, not only at the beginning of the court process but throughout it. Case outcomes involving RPDs, Temporary Restraining Order (TRO) hearings, and Protective Orders (POs) suggest that once identified, these cases are processed more efficiently

based on their risk. For instances where a PO was already in effect, it was more likely for these cases to be recommended for an issue-focused evaluation (18.3%), the early intervention program (15.1%), comprehensive evaluation (14.7%), general case management (10.2%), or a family pre-trial (8.2%). However, RPD cases with a PO in place were less likely to reach full agreements (24%), with more instances of no agreements (33%) or partial agreements (18%).

When a TRO hearing was involved, these cases also had higher recommendations for issue-focused evaluation (15%), early intervention program (11%), comprehensive evaluation (12.5%), general case management (8.5%), or intensive case management (8.3%). However, when a PO was in effect, or there was a TRO hearing, there was a decreased likelihood of reaching partial agreements (PO: Agreements = 32.9%, No Agreements = 42.7%, Partial Agreements = 24.4%; TRO: Agreements = 31.0%, No Agreements = 42.2%, Partial Agreements = 26.8%).

## CONCLUSIONS AND NEXT STEPS

Connecticut, known for its innovation in family court services, remains a leader in this field. This evaluation gives an initial insight into the new triage and Resolution Plan Date (RPD) processes, focusing on how JB - Family Services identifies and responds to domestic violence through these mechanisms.

Despite the unprecedented challenges of the pandemic, the Judicial Branch maintained effective case assignments and service delivery. Remarkably, amidst this turmoil, it revamped its triage approach to expedite the handling of cases when possible and ensure prompt and adequate attention to more complex cases.

Connecticut's comprehensive response to domestic violence, particularly the all-inclusive role of FRCs in the RPD process, is commendable. As with any new process, there are areas that have been identified for potential improvement, including:

1. **Comprehensive Domestic Violence Framework.** The National Center for State Courts (NCSC) recognizes the merits of Connecticut's 5 Pillars Framework and encourages broadening its utilization to other court processes involving domestic violence.
2. **Continued collaboration and joint trainings with CCADV.** Committed to service improvement, JB - Family Services is standardizing the RPD process. They're diligently training Family Relations Counselors (FRCs) to handle RPDs uniformly,



while recognizing local variations. By identifying areas that need adjustment, and emphasizing joint training with advocates, the organization can refine how domestic violence is addressed within the RPD and continue to improve upon implementation efforts.

3. **Data quality.** Data collection for family cases can be daunting due to difficulties in connecting related cases, changing family dynamics, and the inherent limitations of court case management systems. Despite these obstacles, Connecticut has expressed a strong desire to improve upon the availability of key data that will enhance case management capability and reporting.
4. **Judicial Branch is encouraged to re-integrate the standardized screening tool into both the RPD process and the Court's Case Management Information System (CMIS).** This integration would enhance the identification of case complexity and risk data capture, proving beneficial for future analyses.

The provided tools, data recommendations, and analysis aim to support the Judicial Branch's future studies, assisting Connecticut in sustaining its tradition of constantly enhancing its family services.



# BACKGROUND

## A BRIEF HISTORY OF PATHWAYS IN CONNECTICUT

The Judicial Branch has a long history of implementing innovative processes in family court to address the complexity of these cases and produce better outcomes for parents and their children. These innovations also aim to better match court resources to the needs of each family.

The Connecticut Judicial Branch addresses some 40,000 matters annually involving child custody, child access, financial matters, property disputes, and restraining orders with approximately 30 full-time family court judges statewide. Between 70 and 80 percent of parties are self-represented.

JB - Family Services, an operational unit of the Court Support Services Division (“CSSD”), oversees thirteen primary offices and five satellite locations statewide. It has a professional staff of one hundred and thirty-one FRCs. FRCs are highly trained and experienced in assisting judges in the timely resolution of highly complex family and interpersonal conflicts.

In the summer of 2002, the CSSD began development of an empirically based screening instrument for JB - Family Services.<sup>1</sup> The project team conducted site visits, direct observation, review and assessments of services, focus groups with stakeholders, and a literature review on screening protocols. A new Family Civil Intake Screen began to be employed when families were referred for family services at the Court.

The screen was created to streamline families into appropriate services by paving more efficient and appropriate paths through the family court system based on each family’s needs. CSSD revised its menu of services on the recommendation of the project team. The screening protocol was developed, trainings were conducted, the screen was piloted, and finally, the screening instrument was rolled out statewide. In 2009, an evaluation

<sup>1</sup> Salem, P., Kulak, D., & Deutsch, R. M. (2007). Triage family court services: The Connecticut judicial branch's family civil intake screen, *Pace Law Review*, 27(4), 741. <https://digitalcommons.pace.edu/plr/vol27/iss4/9>; see also, Salem, P. (2009). The Emergence of triage in family court services: The beginning of the end for mandatory mediation, *Family Court Review*, 47(3), 37. <https://law.marquette.edu/assets/news-and-events/courtadr/salem-triage.pdf>

determined that the screen was largely being fully implemented without difficulties and with a moderate to high level of comfort and support.<sup>2</sup>

In terms of improving outcomes for families, agreement rates improved significantly with the introduction of the screen and additional services. Agreements increased at the time of first service, suggesting that the screen was helping to triage families into more appropriate services. Since the agreement rate was comparable across the original two services and the full four services, the conclusion reached was that the screen, rather than the new services, contributed to the increase in agreements reached.

Despite these results, this initial effort relating to “triage” left room for further improvements. In Connecticut, the Family Civil Short Calendar was a regularly scheduled court docket for attorneys or self-represented litigants with motions relating to a dissolution of marriage complaint or custody application. Typically, the types of motions heard on a Short Calendar included pendente lite and post-judgment motions for custody, access, child support, financial orders, modifications and contempt.

The Short Calendar gave parties access to the court within two to three weeks of filing a motion, but a culture of repetitive motions developed around it. The often-crowded court calendars could not allow for meaningful consideration of the matters asserted. One of the primary and most challenging functions for FRCs was to conduct negotiations in these court proceedings. Their role in negotiations was to hear the viewpoints of the litigants/attorneys, review any collateral information if available, and offer the parties a recommendation with the goal of resolving the dispute. Parties with a relatively simple matter who required a very short meeting with JB - Family Services did not receive priority status over cases that had high levels of conflict and required significantly more time and resources.

In 2015, Connecticut conducted a public perception survey as part of continuous improvement. While 73.6 percent of family court customers reported satisfaction, areas of dissatisfaction were the time and cost it took to resolve cases. This spurred Connecticut forward in reengineering its processes for addressing family court matters, with an eye on improving upon the Short Calendar. In 2019, the Judicial Branch secured a technical assistance grant to design and implement the Pathways Approach in Connecticut. The National Center for State Courts (NCSC) worked with Connecticut staff to develop a model for assisting families to achieve better outcomes by establishing a

<sup>2</sup> Kline Pruett, M., & Durrell, M. (2009). *Family Civil Intake Screen Services Evaluation: Final Outcomes Report*. Connecticut Judicial Branch Court Support Services Division. <https://www.afccnet.org/Portals/0/Committees/ConnecticutFinalReport.pdf>

pathway approach to triage family cases and match parties with appropriate resources and services.

## THE PATHWAYS APPROACH

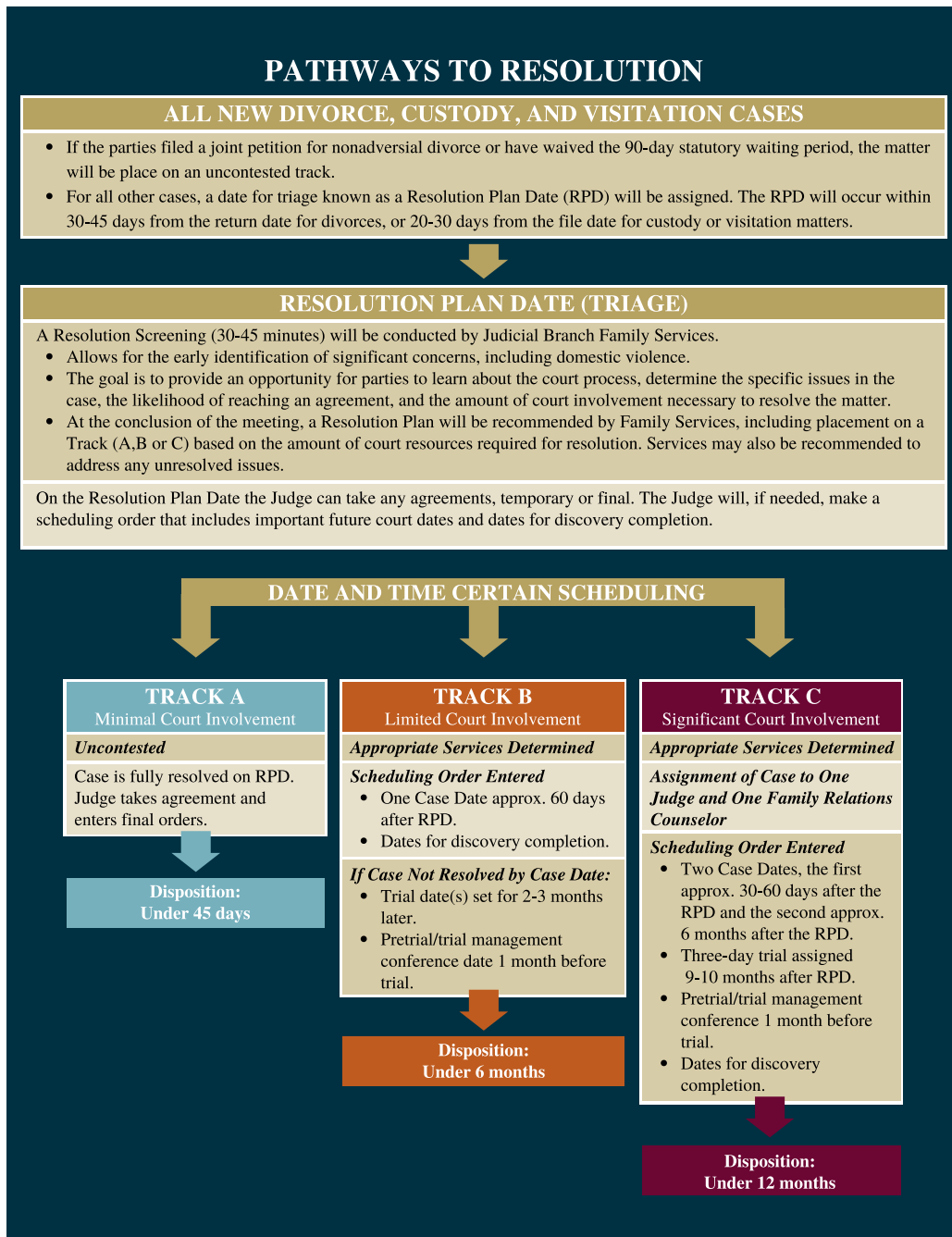
The Pathways Approach involves early triage of cases; placement of cases on a specific track based on court services required; and time-certain scheduling by the court. The goal is: 1) to treat cases differently and to assist parties who have agreements in getting their matter resolved as quickly as possible and, if possible, without the need to come to court; 2) to provide tailored services to those parties who may need assistance resolving one or two issues; and 3) to provide the bulk of the resources and interventions to those complex cases where the parties can agree on very little.

Connecticut designed three Pathways, going from minimal to significant levels of court involvement. JB - Family Services meets with parties within 30-45 days of the filing of the return pleading to ascertain party needs and establish a Pathway for resolution. During these meetings, called Resolution Plan Dates (RPDs), FRCs develop a plan for the case, recommending placement on one of the Pathways Tracks to match the case and parties to appropriate resources and services both within and outside the court. FRCs work to detect the potential presence of domestic violence and address this by assessing the severity of the information shared, paying attention to nonverbal cues, and identifying manipulation and power imbalances. FRCs ask parties if temporary restraining or protective orders have been filed or if they are considering filing, and separate parties if this is requested or deemed necessary for the parties' comfort. The FRCs use this information to refer parties to legal or advocacy services (if appropriate) and recommend placement of cases on the Pathways Track that will best address their varied needs. The Pathways are flexible, and cases can move between tracks if more information indicates a greater or lesser need for services or court oversight.

With implementation of Pathways in January 2021, Connecticut hosted a virtual Triage and Pathways workshop training in September 2020, facilitated by NCSC. The workshop brought together JB - Family Services, Court Operations and Caseflow to ensure that everyone understood the new processes and how to use the tools and calendaring practices. Connecticut originally planned to discuss the new processes broadly with all stakeholders prior to the intended January 2021 rollout, but the pandemic prevented this outreach from happening as planned. The Judicial Branch initiated the RPD process, which could be conducted remotely.

After a year and a half of Pathways implementation, Connecticut secured funding to conduct an evaluation to consider how JB - Family Services addresses domestic violence in the RPD, whether the RPD Screening completed by JB - Family Services places cases on appropriate Tracks based on case characteristics, and if this process protects persons affected by violence.

**Figure 1. Pathways to Resolution Model**



## BRIEF REVIEW OF THE LITERATURE ON TRIAGE IN FAMILY COURTS

Over the past decade, various approaches have been developed to assist in the resolution of disputes for separating and divorcing families. The cited advantages of these differential approaches to assisting families include that they are cost-effective, less time-consuming, and private; that they promote opportunities for preserving relationships; and have a process that is flexible and informal.<sup>3</sup> Studies have also shown that, when differential approaches are used, conflict is decreased and there is more child-focused communication between parents. Additionally, evidence of increased involvement in the children's life by the non-custodial parent has been shown.<sup>4</sup>

The triage approach emphasizes early assessment to identify client needs and offer services proportionate to these needs. At first contact with the courts, the triage model requires clients to complete a standard set of forms that provide personal information and a statement of what action they are requesting. After meeting with a court worker, parties are referred to the most appropriate service. This could include legal aid, information, education, mediation, case management, court-connected counselling, or other services. After accessing services, some clients may leave the court system with their issues resolved without having to be seen by a judge, while others may have significantly reduced the number of issues still needing litigation. These efficiencies then free up more resources within the family justice system to address the needs of those with the highest levels of conflict and those involved in entrenched litigation. A study by the Alaska Court System found that their Early Resolution Program, a triage approach, was an effective and efficient way to resolve newly filed contested divorce and custody cases involving two self-represented parties. Triage resulted in faster resolutions with fewer processing steps than typical adversarial procedures.<sup>5</sup>

## TRIAGE FROM A DOMESTIC VIOLENCE CONTEXT

Despite the preliminary success and benefits of triage, there remains a debate about whether triage can adequately protect and safeguard persons affected by violence of

<sup>3</sup> Ibid, 6.

<sup>4</sup> Saccuzzo, D. P., Johnson, N. E., & Koen, W. J. (2003). *Mandatory Custody Mediation: Empirical evidence of increased risk for domestic violence victims and their children* (195422). San Diego State University. 6. <https://www.ojp.gov/library/publications/mandatory-custody-mediation-empirical-evidence-increased-risk-domestic>

<sup>5</sup> Marz, S. (2019). Faster and as satisfying: An evaluation of Alaska's early resolution triage program. *Family Court Review*, 57(4), 478-490. <https://doi.org/10.1111/fcre.12441>

domestic violence. There exists a great divide among feminist scholars, advocates of women affected by violence, practitioners, and researchers regarding this topic.<sup>6</sup> Arguments against the use of triage in cases of domestic violence include concerns for safety, fairness, effectiveness, and power imbalances.<sup>7</sup> In contrast, others have suggested that the same criticisms can be applied to the traditional adversarial court process.<sup>8</sup>

Critics note that people may be rushed through the justice process with such approaches, and as a result proper attention may not be paid to safety concerns. This is a particularly important critique to address given the high rates of domestic violence, under-reporting of violence in court proceedings, and the negative long- and short-term impacts of unaddressed violence on children and families. Additionally, there exists a lack of empirical research regarding the appropriateness and effectiveness of these approaches for cases where domestic violence is present.

At the same time, proponents of these approaches have noted that if properly implemented, alternate approaches can empower persons affected by violence and more effectively connect them to valuable programs and interventions.<sup>9</sup> To close the research gap and adequately address the criticisms raised by domestic violence advocates, it is critical to explicitly explore the dynamics of domestic violence within triage frameworks. The RPD process is being evaluated because it represents a first engagement between the parties and the JB - Family Services. It is here where immediate issues should be identified so that they can receive the expedited attention they require.

## RESOLUTION PLAN DATE AND DOMESTIC VIOLENCE

Connecticut is an excellent place to explore the inclusion of domestic violence in the Pathways Approach, as it has remained a leader and pioneer in transformative family court reform for decades. Through the RPD process, JB - Family Services provides a

<sup>6</sup> Tishler, C. L., Bartholomae, S., Katz, B. L., & Landry-Meyer, L. (2004). Is domestic violence relevant? An exploratory analysis of couples referred for mediation in family court. *Journal of Interpersonal Violence*, 19(9), 1042-1062. <https://doi.org/10.1177/0886260504268003>

<sup>7</sup> Rivera, E. A., Sullivan, C. M., & Zeoli, A. M. (2012). Secondary victimization of abused mothers by family court mediators. *Feminist Criminology*, 7(3), 234-252. <https://doi.org/10.1177/1557085111430827>

<sup>8</sup> Greatbatch, D., & Dingwall, R. (1999). Professional neutralism in family mediation. *Talk, work and institutional order: Discourse in medical, mediation and management settings*, 271-292. <https://doi.org/10.1515/9783110208375.3.271>

<sup>9</sup> Ban, T. L. (2022). Is mediation an appropriate forum for dispute resolution in the context of domestic violence?. In *Contemporary Issues in Mediation*, 6, 85-93. [https://doi.org/10.1142/9789811241437\\_0009](https://doi.org/10.1142/9789811241437_0009)



supportive and structured place for discussions to occur, to identify party needs and the most appropriate Pathway. At the RPD, parties are given the opportunity to arrive at a resolution that best suits their situation, while allowing FRCs to meet parties in a forum that prioritizes the safety of attendees.

Upon receiving notice of the RPD, parties are instructed to notify Family Services if there are any safety concerns that need to be addressed or accommodated. When parties arrive at their scheduled RPD, JB Family Services asks whether there are any active Temporary Restraining Orders (TROs) or Protection Orders (POs), as well as any concerns of abuse prior to the RPD. If there are safety concerns, the RPD may be conducted separately or with measures taken to minimize contact with the other parties involved. Additionally, Marshalls and other court staff may be informed about the situation. If a TRO or PO is reported, FRCs have the ability to gather additional information to help inform the recommendations for case tracks.

FRCs are equipped to detect signs of manipulation, coercion, or aggression, even if safety concerns or prior incidents of violence have not been officially reported. They undergo training to recognize nonverbal cues. By engaging in conversations with attendees and carefully observing the behavior of the parties involved, FRCs are often able to identify instances or dynamics of power and control within relationships.

When domestic violence has been identified, FRCs are able to offer options for legal services or assistance from CCADV. This agency has a collaborative relationship with the Court; some of their advocates are stationed throughout courthouses to support persons affected by violence of domestic violence.

In addition to the RPD process, Connecticut has made ongoing efforts to identify safety concerns and offer additional support to individuals who may be impacted by violence. The National Center for State Courts (NCSC) conducted an analysis of how the Judicial Branch addresses domestic violence according to the dimensions of comprehensive law, training, legal support, advocacy and streamlining.

**Comprehensive law** includes the passage of Jennifer's Law,<sup>10</sup> which expands the definition of domestic violence to include coercive control. Jennifer's Law also establishes a new program to provide legal representation for domestic violence persons affected by violence who file restraining orders.

<sup>10</sup> House of Representatives, Congress. (2015, December 30). *42 U.S.C. 140A - JENNIFER'S LAW*. [Government]. U.S. Government Publishing Office. <https://www.govinfo.gov/app/details/USCODE-2015-title42/USCODE-2015-title42-chap140A>

**Extensive training on domestic violence** includes using a comprehensive understanding of violence as the framework for both educating the Bench and Bar on the types of violence, severity and frequency, and providing specialized training to JB - Family Services' staff.

**Broad-based advocacy** includes efforts of JB - Family Services to maintain a generative, collaborative relationship with advocate groups including CCDAV as well as legal service providers.

**Advocate assistance** includes providing differential services for persons affected by violence of domestic violence. Family court cases involving prior or current domestic violence typically require specific attention due to safety concerns for the parent and children exposed to the violence, who may be directly abused as well. The Judicial Branch's longstanding relationship with CCADV involves courts having CCADV advocates available to provide applicant assistance throughout the state.

**Streamlined processes** includes measures taken to streamline the process of filing restraining orders, aiming for increased efficiency. Previously, individuals were required to hand-deliver forms to the courthouse, but now they have the option to email them to marshals. Furthermore, there have been advancements in allowing individuals affected by domestic violence to testify remotely during court proceedings related to restraining orders, protective orders, or standard criminal protective orders. These changes have facilitated accessibility and reduced potential barriers for victims seeking legal protection.

Preliminary assessments indicate that the implementation of the Pathways Approach and the RPD process has resulted in enhanced responsiveness. NCSC also evaluated the extent to which cases involving domestic violence are prioritized for court consideration, recognizing the importance of addressing such cases promptly and effectively.

## PURPOSE OF REPORT

The objective of this evaluation is to assess whether the recently implemented processes, particularly the RPD process employed by JB - Family Services, effectively meet the specific requirements of individuals involved in family court cases affected by domestic violence. This evaluation specifically focuses on litigants who have: 1) an active or previous order for protection in adult criminal court and/or an active temporary

restraining order, and 2) a divorce or filing related to custody/visitation matters. Although the evaluation has a limited scope, it serves as a significant initial undertaking in establishing a methodology for examining the broader impacts of the Pathways Approach.

A unique aspect of this evaluation is the identification of the impact of domestic violence in triage, which addresses concerns raised by the domestic violence community regarding the potential risks of differentiation based on risk factors. Thus, these findings offer insights not only to Connecticut but to other jurisdictions considering similar approaches to triage.

This evaluation was conducted in collaboration with JB - Family Services project personnel, court professionals, Court Services, and CCADV staff. NCSC researchers actively engaged in regular meetings with JB - Family Services project personnel to gain a comprehensive understanding of the current RPD process within the Pathways Approach, review the evaluation methodology, and analyze preliminary data. These efforts were aimed at developing an evaluation plan that provides meaningful insights into how JB - Family Services addresses domestic violence within the RPD process.

## METHODOLOGY

The evaluation used a mixed quantitative/qualitative design that included a court file analysis and focus groups of key stakeholders. The mixed-method design provided the opportunity to compare and contrast the results in the court file analysis with the experiences of key stakeholders, including judges, FRCs, and domestic violence advocates.

### ***Court File Analysis***

The NCSC team met with the Connecticut team to suggest variables for consideration based on current research on Pathways and other court outcomes studies. Once a clear understanding of the data available in the case management system was reached, the data extraction plan for the court file analysis was designed. It was important to identify the case variables, i.e., presence of a protection order, criminal assault charges, statements by the parties, that were used to identify the presence or absence of domestic violence and enable comparison of domestic violence/non-domestic violence cases. Time was spent with the Data Unit, who provided training on entry in the JB - Family Services case management system so that the data could be properly understood.

Recommendations were also provided for improving data collection in certain areas (see limitations section).

### *Sampling*

The analysis was conducted on data from the court file review of 17,344 RPD cases between March 2021 and May 2022, using the SPSS statistical software package. In order to remove duplicate cases from the data, only one RPD was included per family per day. Removing duplicates in this way ensured that, if a family may have had multiple separate RPDs on different dates within the period of analysis, each separate RPD would still be counted.

Key questions that guided the court file analysis included:

- whether domestic violence cases in the RPD process were identified more quickly
- whether domestic violence cases in the RPD Process were triaged to more effective court processing
- whether domestic violence cases in the RPD Process were provided more appropriate services

The NCSC team created an extraction plan in cooperation with the court's data specialists. Judicial Branch personnel compiled the required data sets and provided them to NCSC. The excel file with the database was uploaded into SPSS, a statistical software package, to conduct the analysis.

### *Data analysis*

Continuous demographic data are presented in means and standard deviations. Categorical data are presented as frequencies and percentages. The outcome measures and dependent variables have been conceptualized and operationalized using instruments to examine the co-variation, direction and magnitude of these relationships. To complete comparative analysis of nominal data, we used chi-square test (nominal). Analysis of variables measured at the interval and/or ratio level included the use of paired t-tests for differences between means, between baseline data and post for exploratory analysis. The assumptions underlying each statistical test have been tested. For all parametric tests of means, the homogeneity of variance was examined using Levene's test. All measures were examined for normality of distribution in the explore procedure in SPSS. Unless indicated otherwise, all p-values are reported at the .05 level of significance.

## ***Qualitative Focus Groups***

To gain a detailed picture of the effectiveness of the Pathways Approach in handling cases involving domestic violence, it was important to seek information from court professionals. Qualitative focus groups were conducted with a sampling of key stakeholders internally involved with Pathways as identified by the Connecticut team such as judges, FRCs, and advocates. These focus groups were conducted in-person in Connecticut during the fall of 2022.

### *Sampling*

The NCSC evaluation team received a site visit schedule assembled by the Northern and Southern Region JB - Family Services Managers, who scheduled a total of six focus groups across four judicial districts (Waterbury, Hartford, Norwich, New Haven). The four in-person focus groups with Court Support Services consisted of an average of 11 FRCs, their regional manager, and the JB - Family Services Deputy Director. There was one judges' focus group consisting of 6 judges that was conducted via Microsoft Teams. The focus group with CCADV advocates was conducted in-person with 12 advocates and JB Administration in attendance.

Prior to the visit, the NCSC evaluation team prepared a presentation for each of the three types of focus groups that contained a descriptive analysis of a deidentified sample of 17,344 RPD screenings and tailored questions designed to obtain insights about their experience with the process.

### *Data Analysis*

Focus groups were transcribed and then imported into MAXQDA for qualitative analysis to identify themes across groups. Data analysis included exploring the transcripts for fit, relevance, and workability about the emerging categories and relationships between them by producing a set of themes.<sup>11</sup> To increase trustworthiness, themes were compared for negative evidence not supporting the themes.

<sup>11</sup> Glaser, B. (1992). *Basics of Grounded Theory Analysis*. Mill Valley, CA: Sociology Press.

# RESULTS

## QUANTITATIVE RESULTS

### Protection Orders and TROs

TRO Hearings are more likely to occur in cases when there is a PO in place. POs occurred in 6.6% of the RPD cases. TRO Hearings also occurred in 6% of the RPD cases. TRO Hearings are more likely to occur in cases when there is a PO in place. 30% of all POs also included TRO Hearings (p. <.000).

When there was a PO in place, cases were more likely to be recommended for an issue focused evaluation (18.3%), the early invention program (15.1%), comprehensive evaluation (14.7%), general case management (10.2%) or a family pre-trial (8.2%).

When there is a PO in place, RPD cases are less likely to result in agreements (Agreements = 24%, No Agreements = 33%, Partial Agreements = 18%).

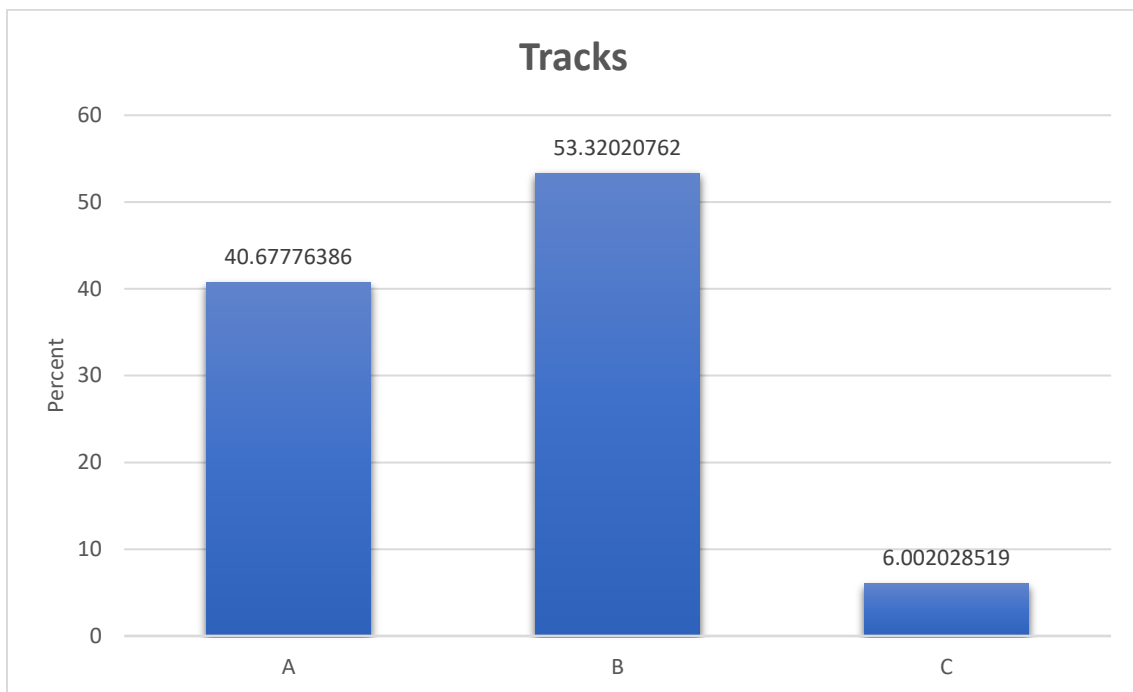
**Table 1: TRO Hearings and Protection Orders**

		<i>TRO Hearing</i>				
		No		Yes		
		N	%	N	%	
<b>Protection Order in Place</b>	No	15470	94.9%	731	70.0%	<b>Chi-Square</b> 993.997 (df= 1) p. <.000
	Yes	829	5.1%	314	30.0%	
<b>Total</b>		16299	100.0%	1045	100.0%	

## Use of Pathway Tracks

Quantitative analysis was performed on a deidentified dataset that contained a sample of 17,344 RPD screenings performed between March 2021 and May 2022. Looking at all 17,344 cases, 40.7% (n = 6,818) were deemed Track A, 53.3% (n = 8,937) were deemed Track B and 6.0% (n=1,006) were deemed Track C. These tracks have been defined by Connecticut and represented below Figure 2. Track A is “minimal”, Track B is “limited” and Track C is “significant” and often expedited court involvement.

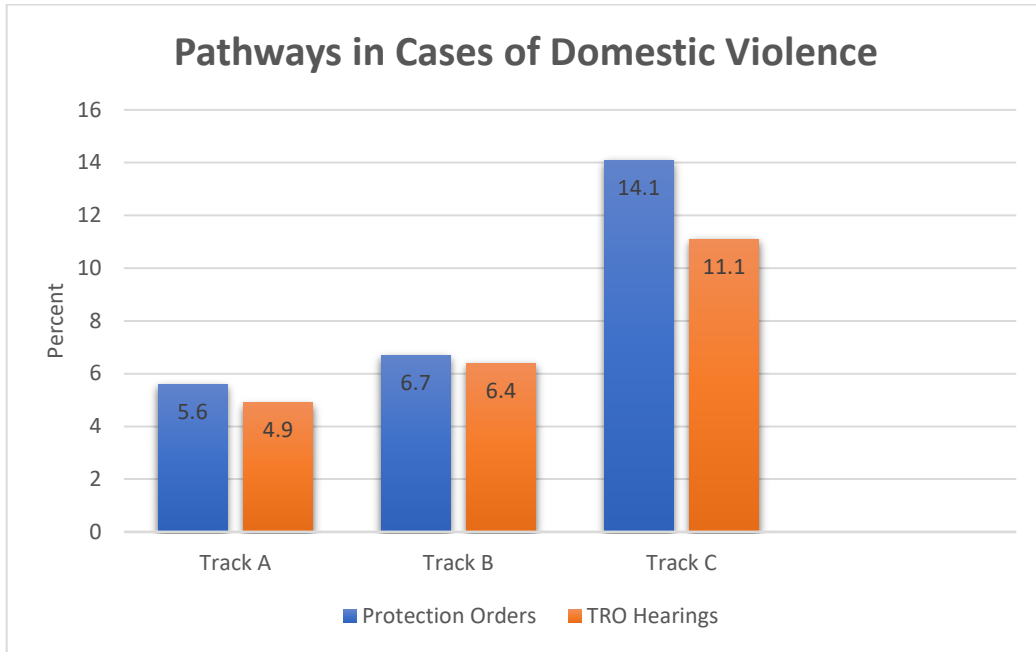
**Figure 2. Tracks**



## Assignment of Tracks by PO/TRO

Looking at POs and TROs as proxies for domestic violence, the largest share of cases that involves POs and TROs were observed to be placed in Track C, which speaks to the severity of the cases that involve POs and TRO hearings.

**Figure 3. Tracks by PO / TRO**



***Negotiation Outcome***

Of the reported outcomes, cases were almost evenly split between agreements (29.5%) and no agreements (27.1%) with another 15.8 percent with a partial agreement (see table 2). This suggests that negotiated outcomes alone do not provide sufficient details about the context of these agreements. Below we consider negotiation outcomes across the three tracks.

**Table 2. Overall Negotiation Outcomes**

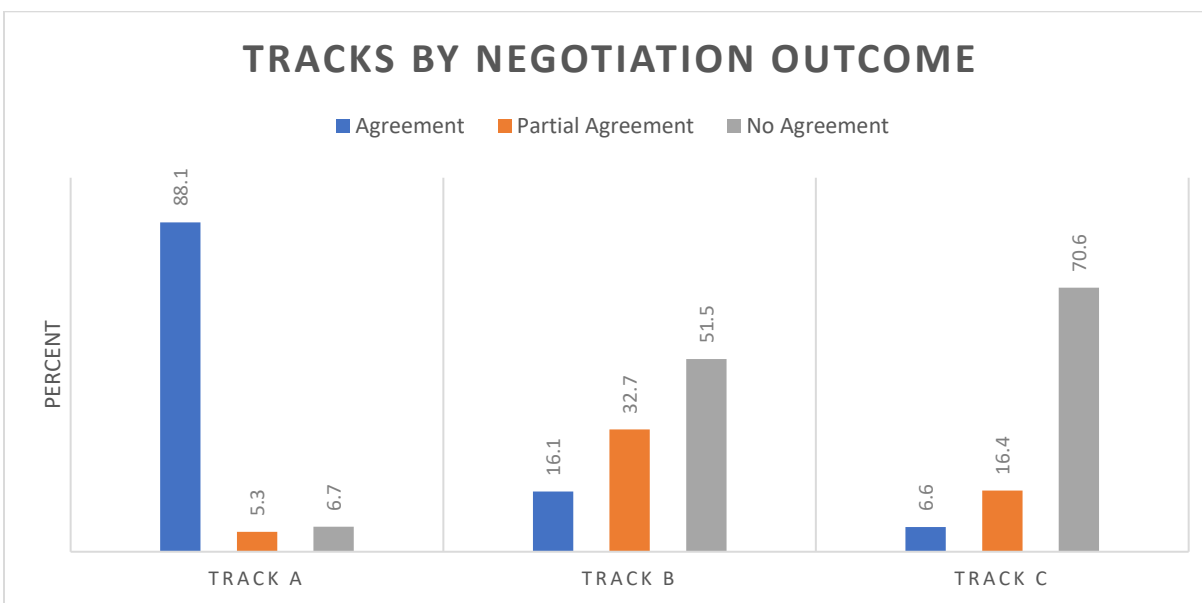
	N	%
Agreement	5,112	29.5%
Partial Agreement	2,733	15.8%
No Agreement	4,695	27.1%
Missing	4,804	27.7%



## Tracks by Negotiation Outcome

Considering the Tracks by their negotiation is important to know whether agreements are being made according to the tracks that people are assigned to. For example, Track A cases should theoretically have the lowest amount of conflict, and therefore should be the most amenable to negotiation and the most able to develop a parenting plan without court intervention. Thus, Track A was expected to have the highest agreement rate, and the negotiation outcome data reflects this. Similarly, fewer agreements are expected for cases in Track C because we expected that these cases contain parties who are unable to develop an agreement without court intervention. When looking at cases in Tracks A, B, and C, by their negotiation outcome, the data are consistent with the notion that cases with a higher level of agreement were placed in a Track with less court involvement. 88% of cases assigned to Track A resulted in an agreement, whereas 71% of cases in Track C had an outcome of no agreement.

**Figure 4. Tracks by Negotiation Outcome**



In Track B, the higher rate of partial agreement (33%) compared to other tracks (5% in Track A and 16% in Track C) is an interesting finding as well. In mediation, there has been an overreliance on agreement as an outcome. Partial agreement as an outcome could indicate that the involved parties are better off than if they reached an agreement because they have taken extra time and become more prepared for future stages of the case.

It is not surprising that the most variability in negotiation outcome is present in Track B given that the majority of cases were put into this track, and as such there exists a wide range of cases here. If the cases in Track B were further examined and put into Track A or Track C instead, we would see the outcomes shift. Cases with agreement as an outcome would move to Track A and cases with no agreement would move to Track C.

### ***Tracks by Service Recommendation***

Overall, the percent of cases that involve a service recommendation is low (84% of cases do not have a recommendation included in the database). This may be due to reporting errors (not reporting when recommendations are made) or due to the lack of involvement in other services. When service recommendations are made, they are more likely to be scheduled for family pre-trial, general case management, court ordered mediation and comprehensive evaluations (see table 3).

Comprehensive Evaluations (CEs), were recommended in 1.6% of all 17,344 cases studied, amounting to just 275 evaluations conducted across all jurisdictions in Connecticut during this time period. Given the extent of these evaluations, they require more time, more expertise, and are more intrusive than other interventions.

**Table 3. Resolution Plan Date Recommendations**

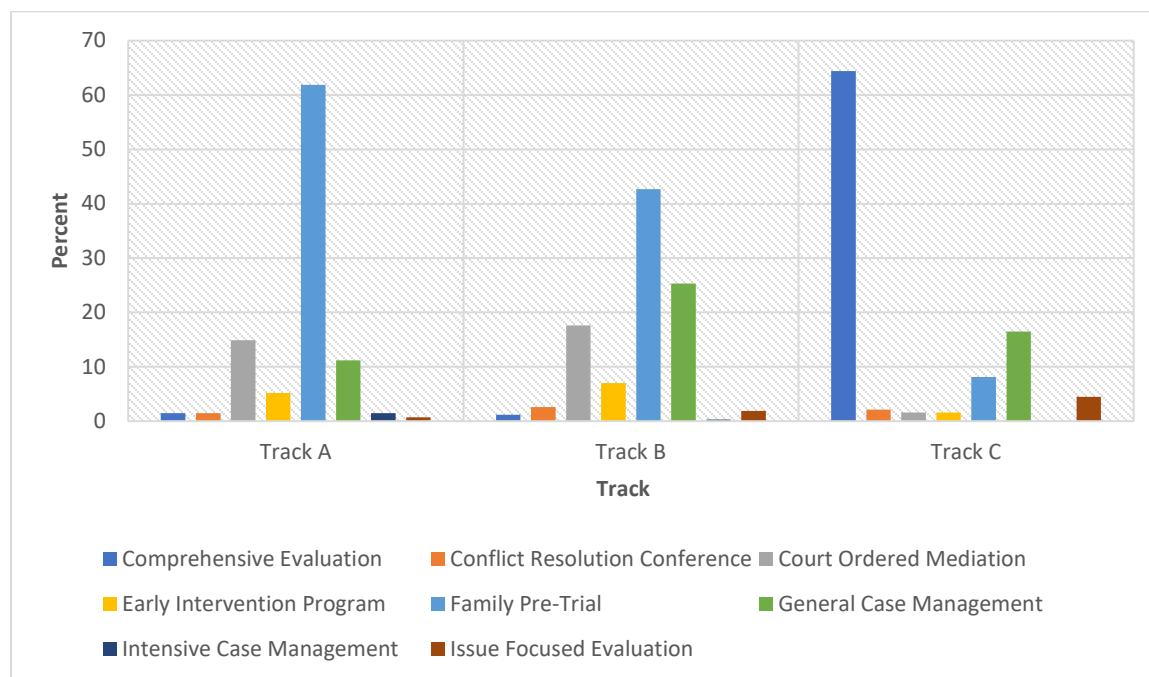
		Frequency	Percent of Recommend	Percent of total
Valid	Comprehensive Evaluation	272	10.0	1.6
	Conflict Resolution Conference	69	2.5	.4
	Court Ordered Mediation	424	15.5	2.5
	Early Intervention Program	172	6.3	1.0
	Family Pre-Trial	1078	39.4	6.2
	General Case Management	646	23.6	3.7
	Intensive Case Management	12	.4	.1
	Issue Focused Evaluation	60	2.2	.3

A comparison of RPD recommendations by Track type also showed that cases on Track C involved more recommendations for the most intensive type of court intervention, Comprehensive Evaluation. Track A had the largest share of cases recommending family

pretrial. The trends in this preliminary analysis of RPD screenings show that the RPD process is working to place cases with domestic violence into tracks with more intense court involvement.

When looking across the recommendations, it can be seen that evaluations were recommended for 64.4% of cases in Track C. This is to be expected given the higher risk and amount of conflict present in these cases, as well as how there are more factors to consider and investigate. Interestingly, 1.5% of cases in Track A and 1.2% of cases in Track B were also recommended for CEs. This could indicate that FRCs are using discretion in placing parties on tracks. Given that this is a low percentage for Tracks A and B, this is not a significant concern.

**Figure 5. Resolution Plan Date Recommendation by Track**



The biggest outcome for Track A was a recommendation of Family Pre-Trial. Next was Court-Ordered Mediation, followed by General Case Management. This suggests that recommendations are being given at different times for each Track. In Track A, clients are getting these recommendations if their case does not come to agreement, while in Track C, clients are getting a recommendation for evaluation at the beginning of their involvement in the Track.

# QUALITATIVE RESULTS

The presentation to the focus groups also included questions on participants' experience with the new process, what challenges they have encountered, and how the process assisted in working with families with histories or risk of domestic violence.

After the presentation of information, focus groups consisting of FRCs, advocates and judges were conducted with questions that considered the role of Pathways in the multipronged approach Connecticut has in place for assisting persons affected by domestic violence.

## ***Comprehensive Law***

As previously mentioned, there is a widespread understanding among FRCs, judges, and advocates of Jennifer's Law, which broadens the definition of domestic violence to encompass coercive control. The significance of such an inclusive legal structure was underscored by all parties. Typically, judges and advocates believe that FRCs' experience and comprehension of violent dynamics aid their support for parties impacted by such violence. Advocates also suggested that domestic violence allegations, once identified in the RPD or other court proceedings, tend to be prioritized properly. Moreover, appropriate service referrals seem to be made for the parties involved. One FRC mentioned that numerous allegations could emerge during the RPD, yet they are adept at recognizing nonverbal cues that might substantiate these allegations, thus activating the protections granted by Connecticut's extensive legal framework.

## ***Extensive Training Received Regarding Domestic Violence***

Focus group representatives affirmed the availability of thorough training on domestic violence, encompassing physical abuse and other forms, and trauma-informed care. This training, along with their experience in criminal and civil proceedings, enhances FRCs' ability to recognize violence dynamics, making them more effective in the RPD and Pathways process. Judges also undergo training to discern violence patterns and handle complex factual situations.

The training is delivered in various forms. Judges regularly receive training on intimate partner violence. Experienced FRCs mentor new hires to facilitate knowledge transfer. Joint training events, often held by CCADV and JB - Family Services, contribute to an

informed community-centric approach, with aspirations to continue and expand such initiatives.

FRCs and other court representatives identified areas that would benefit from more training, particularly safety planning and cross-cultural understanding. FRCs wanted guidance on creating parenting plans in situations involving violence, as well as instructions on how to effectively implement safety plans. They emphasized the scarcity and necessity of cross-cultural training and called for enhanced cross-cultural services and strategies to link communities with such services.

### ***Broad-Based Advocacy - CCADV***

The meeting involving advocate community representatives, advocates, CCADV leaders, and court leadership proved beneficial. The ongoing cooperation between court officials and CCADV was mutually recognized.

In several judicial districts, advocates and FRCs have built notably strong bonds, fostering effective communication and a coordinated approach to safety. However, this availability and co-location of advocates varies across the state.

The security and assistance provided by the Marshals is complementary to advocacy services, although their presence is not uniform in every court location. As shared by the focus groups in four locations, they are described as reliable but understaffed. At some locations, marshals will offer greater presence or even walk parties to their car after RPDs. However, their availability to assist during difficult client interactions is not equally assured in every court location. There are inconsistencies in safety measures, including alarms and secure entry/exit points, as well as separate waiting areas, across different court buildings.

When specifically asked about the RPD processes, only two advocates had direct experience. One advocate expressed high appreciation for the "smoothness" of the RPD process. She praised the interpersonal skills of the FRC in her jurisdiction. She found the FRC's initiative to invite the advocate to the RPD proceedings beneficial.

### ***Legal Assistance***

During the focus groups, participants noted that access to legal representation across the state is inconsistent. The Connecticut Coalition Against Domestic Violence (CCADV) strives to provide pro bono lawyers, yet the degree of assistance varies by region. For

instance, New Haven and Waterbury enjoy substantial legal support, even during hearings. These lawyers collaborate with the court and support victims of violence. Despite this, there is a shortage of such legal professionals, and full in-court representation is relatively rare.

It was particularly emphasized by FRC and advocate groups that many parties lack legal representation, especially during divorce proceedings where patterns of violence and coercion may persist.

When victims of violence require legal help, FRCs direct them to the Court Services Center. Advocates, however, pointed out that FRCs might not possess complete information about all available legal services and assistance for applicants. This topic is spotlighted for future policy discussions with a goal to enhance the provision of legal representation in domestic violence cases.

### ***Streamlined Processes***

This section explores how streamlined processes contribute to earlier detection and service provision.

The RPD process aims to expedite the detection of domestic violence, accelerate judicial attention by moving them to Track C, and promptly link parties to services. Feedback from focus groups, including judges, FRCs, and advocates, affirmed that the Pathways Approach and RPD process are achieving these objectives.

In the case process, the initial RPD meeting is scheduled within a month of filing to evaluate the parties' preparedness and to confirm the availability of the necessary paperwork for resolution. When receiving notice of the RPD, parties are also advised to notify court personnel if there are concerns in meeting with the other party. FRCs said that the timing of the RPD contributed to seeing parties sooner and that it permitted violence or coercion to be detected quickly.

During the RPD, FRCs gain insights into the situation and discern dynamics of power and control. Several FRCs mentioned that they took additional time with cases when violence or coercion was present. This close attention allows the FRCs to then make court recommendations, such as referring parties for help in crafting a parenting plan.

Judges praised the RPD process for its efficiency and effectiveness in identifying concerns. Before the RPD process, heavy caseloads often left judges, FRCs, and court

staff exhausted by day's end, with clients frustrated with the lengthy court process. During a hectic Short Calendar, it could be difficult to identify subtle signs of violence or to provide trauma-responsive attention to parties. However, now that cases go through the RPD process, judges reported that many issues can be identified earlier, and parties can be routed to services rather than additional court hearings. Legal issues needing court attention are made evident by FRCs, expediting hearings and assisting judicial officers in understanding case needs.

Judges praised FRCs for effectively identifying domestic violence, including coercive behavior, at the RPD stage. If an appeasement or inequitable situation appears during a RPD, FRCs aim to present the case before a judge that same day. The judges appeared to agree that this practice not only saved time for the Judicial Branch but promoted a ready response to observe the parties and identify concerns.

In one location, the practice of scheduling court cases on the same day as the RPD proved particularly effective. By building judicial case dates on the RPD dates in half-hour blocks, the Caseflow Coordinators could then calendar cases in front of the judge on the same day as the RPD according to the judge's criteria. When flags for domestic violence existed, the judge would seek to have a conversation with the party. The judge would provide information about Safe Haven, a local shelter, and the availability of supportive counseling services. She would evaluate the proposed parenting plan and whether it appeared that one party was being coerced into shared parenting. In that case, she would create a plan for minimal parenting time with the parent identified as a potential abuser and a safe exchange process but would also set for a proximate General Case Management hearing to receive information on the viability of the order. Both the FRCs and the judge felt that this was a particularly effective practice that could be emulated in other jurisdictions. This practice, the judge suggested, provides better party protection and avoids unnecessary denial of parenting time.

There are some challenges related to the RPD. One is that JB - Family Services is not using a standardized tool in the RPD process. The FRCs and judges regularly expressed high regard for their internalized detection mechanisms, but research might question this assumption. Connecticut should implement a process for entering the data from its tools, which would provide a significant opportunity to analyze data and develop predictive capacity.

Despite scheduling considerations, with RPDs being scheduled in two-hour blocks, a challenge with RPDs and domestic violence in general is that parties may need to take the day off for an RPD. If the RPD is only afforded 20-30 minutes, the issues may be held

over for another day, leaving parties potentially in a high-conflict situation. An advocate stated that educating parties about what a RPD can and cannot do would address this problem. It was suggested that a general information sheet go out with the RPD to instruct parties to watch the video about the RPD process.

Lastly, language barriers significantly hinder justice access for non-English dominant parties. While services like Language Line can help, it isn't always a practical solution.

## CONCLUSION

Connecticut has a long history of providing innovative services for children and families post separation and divorce. Connecticut was one of the first jurisdictions to develop and implement a triage framework within the family court system. This current evaluation expands on Connecticut's leadership in family court matters by exploring the implications of domestic violence within the Pathways approach, specifically, the attention that JB - Family Services and FRCs provide during the RPD process. For the past decade, critics of triage have often cited concerns about those at risk of domestic violence. By considering these implications, Connecticut has been able to provide a valuable contribution to the field regarding how best to consider and plan for concerns around domestic violence within the Pathways Approach.

While acknowledging the limitations of the methodologies, the evaluation results indicate that JB - Family Services is expanding its services in a manner that addresses concerns surrounding domestic violence. The evaluation shows distinct treatment of POs and TROs during the RPD, along with the provision of more intensive services to protect individuals at risk of violence. These patterns were consistently supported by all stakeholder groups participating in the focus groups, including judges, FRCs, and domestic violence advocates. Overall, there is a shared belief that Pathways, despite being in the early stages of implementation, aligns with the objective of prioritizing the needs of those vulnerable to domestic violence.

### ***The Pathways Approach***

The court file analysis has documented positive trends for differentiating cases based on the triage approach within the RPD process. Based on quantitative court file analysis, the proportion of cases being assigned to the various tracks are what one would expect from general research regarding proportionality of cases and attention by the courts. It



appears that cases are being assigned time and services appropriately from a triage perspective. More complicated cases are receiving more intrusive services.

Over half of all cases (53%) were recorded as Track B. It appears that Track B is being used as a safeguard to provide additional analysis about the potential risk and the needed services for these families. Within a domestic violence framework, this extra safeguard provides another layer of safety. Based on the focus group information from judges, there seems to be an overwhelming positive impression of the Pathways Approach.

However, one of the concerns is the potential for backlog due to heavy caseloads and the inability to differentiate cases on the front end. The significant proportion of cases in Track B may lead to increased workload issues, thereby removing the benefits of differentiating cases. For triage to be successful, further refinement of the screening tool is needed so that low risk families are provided with minimal intervention, thereby freeing up time to address the more complicated and complex cases.

Further, 1.6% of all 17,344 cases (n = 275) reviewed across Connecticut included an evaluation. Given the extent of evaluations, they require time as well as expertise, and are more intrusive than other interventions. Further research should be conducted to consider the unique aspects of these services, including methodology used, guidelines followed and impact of these services.

Results suggest that the RPD screening tool that was developed in Connecticut is not consistently integrated into the decisions about Tracks. Additionally, the RPD screening tool has not been inputted into the Court's CMIS system in its entirety, resulting in an inability to consider these factors in the court file analysis. Using a standard screening tool is considered key for evaluating the success of the Pathways Approach.

## LIMITATIONS

The NCSC and Connecticut teams worked together to finalize the key indicators for this evaluation. Unfortunately, the database did not allow for analysis of many key factors at this time. Specifically, no information about age, gender, economic status, location of the parties, time since separation, level of conflict and history of domestic violence was available for analysis.

In addition, data lacked family dynamic variables that are known to impact the degree of conflict and risk of violence. The presence of a TRO or PO served as a proxy measure of

domestic violence, as cases with these orders were considered to have domestic violence present. Unfortunately, this proxy measure does not give us the full context, breadth and severity of domestic violence present in the sample. Thus, we must be mindful of this limitation and not generalize; these findings are only relevant for TROs and PO hearings.

Further, this data does not give a full picture of socioeconomic status as a demographic variable. We know that it can cost a significant amount of money to proceed in litigation, but the data does not provide the specific financial circumstances of the conflicts, or the impacts finances have had on these issues. Information on location, household income, and access to courts would enable us to know how families are able to access family court services and what barriers to justice may be present.

NCSC must also address a caveat to results due to the large sample size, there is tremendous power in the sample to derive a statistically significant result. As the sample is so large, even the smallest number of discrepancies and differences will come out to be statistically significant, even if there is no significant practical impact. Thus, there needs to be an analysis of whether these findings have any policy implications. We do not want to over rely on findings because, though they could show discrepancies in the large sample, the findings are not apparent in day-to-day cases. Complimenting data with interviews would clarify the nuances of these findings.

NCSC also recognizes that the qualitative results based on focus group methods lack generalizability to other stakeholders, or across Connecticut, as participants were pre-selected based on location, size of judicial district and profession. Though differentiated by stakeholder group, we had supervisors, new hires, and more tenured staff. These variations can limit answers that reflect true experiences and opinions.

## NEXT STEPS

This evaluation is an initial step in knowing how JB - Family Services' implementation of the Pathways Approach within the RPD is working. Commendably, Connecticut's initial research effort concerning the Pathways Approach is to know its impact on persons affected by violence. The literature expresses concern that expedited processes may put persons affected by violence at greater risk. Connecticut is commended for leading this analysis. As a first step, interviews and focus groups indicate that the Pathways Approach is not putting persons affected by violence at greater risk. However, more research is needed.

Despite being limited by the data currently being collected at this time, Connecticut representatives and NCSC project staff see opportunities to deepen consideration of how the Court handles cases involving domestic violence. NCSC is impressed by the comprehensive nature of the [Five Pillars of Connecticut's Temporary Restraining Order Process](#) and suggests that it may provide a useful framework for examining how services for cases are operationalized to deliver effective and tailored services for parties that come before the family court. Towards this end, NCSC created the Connecticut Pathways [Five Pillar Checklist](#) to demonstrate how the Five Pillars fit together to support persons affected by violence of domestic violence in the Pathways Approach in Connecticut. JB - Family Services can serve as a convener, bringing together CCADV and Court Services periodically (biannually) to review the 5 Pillars and consider opportunities for systemic improvements. Establishing screening tools, triage processes and overall assessments of violence are essential to the implementation of triage and other differentiated processes in any jurisdiction. NCSC hopes that this framework can also be used in other jurisdictions applying Pathways approaches.

Connecticut has always stated that this evaluation was a first step. For future evaluation, outcomes of interest include the length of time from filing to trial or agreement and, if cases shift tracks during the proceedings, and how these cases are settled. Further, to support ongoing evaluation, examples of key data elements to be captured in the court database include:

1. Number of cases involving DV and number in each track;
2. Average amount of time spent by the court per case;
3. Number of services ordered per case; number of services delivered;
4. Number of cases designated high conflict;
5. Number of cases involving additional complex issues, such as mental illness or substance abuse;
6. Number of cases resolved per track;
7. Number of unresolved cases requiring hearings;
8. Number of post-judgment motions entered;
9. Number of cases involving attorneys for one of both parties;
10. Number of cases involving an existing order of protection;
11. Litigant characteristics, such as age, gender, marital status, race;
12. National Open Court Data Standards for Family Court;
13. Number of days from filing to triage date;
14. Number of days from initial to final mediation session;

15. Indicators related to patterns of coercive control (Jennifer's law, severity, intensity and the patterns present, past behaviors and conduct that indicate the risk of violence).

By broadening its available family court data, Connecticut would continue to expand upon the promising findings from this evaluation.

Connecticut's commitment to better outcomes for families is evident in their implementation of Pathways even amidst the unprecedented challenges posed by the global COVID-19 pandemic. The triage and RPD processes, although in their preliminary stages, show promising signs of effectiveness. While concerns have been raised about expedited processes rushing individuals affected by violence, the findings of this limited study suggest that the use of Resolution Plan Dates (RPDs) allows court personnel to engage with parties earlier and expedite services, including domestic violence support services.

As with any new process, there are opportunities for continued progress, set forth here:

- 1. Comprehensive Domestic Violence Framework.** Last year, Connecticut designed a 5 Pillars Framework for Restraining Orders. This framework encompasses components necessary for effective systemic response, such as law, training, advocacy, and streamlined processes. The National Center for State Courts (NCSC) recognizes the merits of the 5 Pillars Framework and encourages its utilization as a checklist to consider court processes involving domestic violence systemically.

- 2. Continued Collaboration and Joint Trainings with CCADV.** Building on their commitment to service refinement, JB - Family Services is currently standardizing the RPD process. With comprehensive training of FRCs to ensure a uniform approach to RPDs (while also acknowledging the need for local adaptations), the organization can fine-tune their response to domestic violence within the RPD process. Further joint training with advocates is recommended to strengthen implementation efforts.

- 3. Improvement in Data Quality.** Despite the inherent complexities of data collection in family cases, Connecticut has displayed a strong desire to improve the quality and accessibility of crucial data that can enhance both case management and reporting capabilities. With the goal of facilitating more robust future studies, the Judicial Branch is encouraged to address data limitations and improve the consistency of key variables.

- 4. Re-integration of the Standardized Screening Tool:** There is a strong recommendation for the Judicial Branch to re-integrate the standardized screening tool

into both the RPD process and the Court's CMIS. This integration would boost the identification of case complexity, risk data capture, and provide invaluable insights for future analyses.

The tools, recommendations, and analyses provided in this report aim to guide the Judicial Branch's future investigations, supporting Connecticut's longstanding commitment to continually enhancing its family services. It is our hope that these strategies will ensure that cases of domestic violence are identified early and responded to effectively, ultimately contributing to the safety and well-being of families within Connecticut.

# APPENDICES

## Appendix A. The Five Pillars of Connecticut's Temporary Restraining Order Process

# The Five Pillars of Connecticut's Temporary Restraining Order Process

## Comprehensive Law

- Broad definition of domestic violence including coercive control
- Flexible relief
  - Immediate orders of protection (ex parte)
  - Protection and temporary custody of children
  - Financial support
- Expedited hearings
- Validated risk assessments provided by Family Services to Court for applicant's safety
- Applicant's address held confidential if requested
- Remote testimony available
- Protection Order Registry

## Streamlined Process

- Applications may be brought in person, e-mailed or faxed
- Conveniently located courthouses across the state
- Plain language forms, information and instructional materials online and in courthouses
- Interaction with professionally trained staff
- No cost to applicant
- On-call state marshal available for service of process in each location

## Extensive Training – Domestic Violence/ Intimate Partner Violence

- Comprehensive and regular training for all judges
- Training led by nationally recognized experts
- Training of court staff (Family Services, Clerks, Judicial Marshals, etc.)
- Extensive resource materials
- Comprehensive domestic violence bench book for judges



**CT JUDICIAL BRANCH**

## Legal Representation & Applicant Assistance

- Legislatively created program for legal representation for qualified applicants
- Judicial Branch Volunteer Attorney Program
- Connecticut Coalition Against Domestic Violence's Pro Bono Restraining Order Project
- Court Service Center in each Judicial District with trained staff
- Instructional materials on website and in courthouse locations
- Law Libraries
- Judicial Marshal Services

## Broad-Based Victim Advocacy

- Connecticut Coalition Against Domestic Violence, a non-profit statewide domestic violence agency with 18 member organizations
  - CT Safe Connect 24/7 call center
  - Court-based advocacy
- Judicial Branch financial compensation for victims
- Victim notification programs

# Restraining Order Process in Chronological Order

## (Connecticut General Statutes § 46b-15)

### Individuals who approach the Clerk's Office or Court Service Center inquiring about applying for a Restraining Order are:

- Given a preliminary explanation of the process.
- Given the Restraining Order forms packet, which includes all possible forms needed, an informational pamphlet, information regarding advocacy services and a one-page explanation on how to file an application.
- Told how to obtain assistance.

### If the applicant needs assistance with determining which forms to use and how to fill them out or has any questions regarding available resources:

- Court Service Centers, with trained staff in each Judicial District, will provide information and assistance, which includes:
  - Assistance to applicants for whom English is not their first language.
  - Information regarding the different types (or kinds of) relief available.
  - Information regarding accuracy and completeness of the application.
  - Information regarding serving the application on the respondent.
- CT Safe Connect, operated by the Connecticut Coalition Against Domestic Violence (CCADV) with whom the Judicial Branch contracts and to whom the Judicial Branch provides extensive funding through the Office of Victim Services (OVS), maintains a 24-hour Domestic Violence Hotline, and can provide information and assistance, including referrals to one of CCADV's 18 member organizations which exist throughout the state providing services to applicants in need of help, including safety planning.
- OVS's victim services advocates assigned to the helpline answer calls from victims seeking assistance across the state. With regard to Temporary Restraining Orders they:

- Explain the process to obtain a Temporary Restraining Order.
  - Provide the Safe Connect contact number for additional services when an arrest has not been made.
  - Provide information about CT SAVIN, Connecticut's victim notification system, and assist with registering victims to receive
    - notifications related to the status of their court case, the custody status of an offender who has been arrested, and modifications, terminations, or scheduled expirations of orders of protection.
  - Explain that compensation may also be available to victims of domestic violence regardless of whether a crime is reported to the police. Compensation may be available to victims who suffered a personal injury, or an emotional injury from a threat of either physical injury or death and received treatment; to relatives of domestic violence victims; and to children who witness domestic violence.
- Pursuant to statute, in five court locations, legal services organizations under contract with the Connecticut Bar Foundation will soon provide legal assistance and representation to income qualified applicants who request such assistance/ representation.
  - Volunteer Attorney Programs for Family Matters also offer advice (not representation) on a first come, first served basis and operate out of the Hartford, Waterbury and Stamford Judicial Districts.
  - The Pro Bono Restraining Order Project, a collaboration between CCADV and a number.

### If the applicant is concerned about the respondent locating the applicant:

- The applicant may file a Request for Nondisclosure of Location Information (JD-FM-188) that will keep the applicant's physical address out of the court file.
- The applicant may omit the residential address from the application.



- The applicant may use the Safe at Home program through the Secretary of the State.
- The applicant may file a Request for Nondisclosure of Information in the Protection Order Registry.

### The applicant signs their affidavit under oath before a clerk, notary public, or lawyer which can happen:

- At the Clerk's Office in front of a clerk at the courthouse.
- At a Court Service Center at the courthouse.
- In front of any notary public.
- In front of any attorney.

### The applicant files the documents with the clerk as follows:

- There is no fee to file the application.
- For applicants who had their oath taken at the Court Service Center or Clerk's Office, the application may immediately be filed with the clerk at the courthouse.
- If the applicants were able to have their oaths taken outside of the courthouse, the applicants may:
  - Go to the court and file the documents with the clerk.
  - E-mail the application to the court.
  - Fax the application to the court.

### The court will review the application carefully, and rule on it promptly, while the applicant is present in the courthouse and waiting, or, if not present, as expeditiously as possible, and no later than that same day. The court may:

- Grant ex parte relief and assign a hearing date (within 14 days unless firearms/ammunitions alleged, in which case within 7 days) if the court finds that the allegations, if true, establish grounds to find that the respondent has committed domestic violence, as defined by statute, against the applicant and that there is an imminent and present physical danger to the applicant.
- Deny ex parte relief and assign a hearing date if the Judge determines that the allegations, if true, do not establish grounds to find that the respondent has committed domestic violence, as defined by statute, against the applicant, or that the allegations do not

demonstrate an imminent and present physical danger to the applicant.

- Determine that the applicant does not have the statutory relationship with the respondent that authorizes the court to issue a Restraining Order.

### After the judge rules on the application, the clerk will, that same day:

- Assign a hearing date.
- If the applicant applied in person, give the applicant the original and two copies, including any Ex Parte Restraining Order if ex parte relief is ordered, plus the copies that the state marshal will need for service on the respondent. If the application was e-mailed
- to the court, the order will be e-mailed back to the applicant or applicant's designee, such as any attorney or victim advocate who e-mailed the application to the court on the applicant's behalf.
- Enter the Restraining Order information into the Protection Order Registry (POR), which will, in turn, transmit the order to the appropriate law enforcement agency or agencies.
- If the applicant has asked that a school or schools be notified, inform the Protection Order Registry manager who will send the order to such school(s).

### The applicant, either directly if unrepresented, through their attorney, or through a victim advocate with whom they have been working, connects with a state marshal for service of the order (hearing date and any ex parte order) on the respondent:

- The Judicial Branch will pay for the cost of service of process on the respondent.
- State marshals are on call or at the courthouse twice a day to collect Restraining Order documents for service. If the application was made at the end of the court day, the state marshal must remain until a ruling has been made.
- It is recommended that the applicant use the on-call state marshal, however, the applicant need not wait for a state marshal and will be provided with a list to contact a state marshal for service of the Restraining Order on the

respondent.

- There are two State Marshal Commission forms to facilitate communication between the applicant and the state marshal. One is an instructional and informational form for the applicant and which also provides the state marshal's name and contact information to the applicant, and the other is for the applicant to provide the state marshal with as much information as possible about how to identify and where to find the respondent.
- The applicant has up to three days before the hearing date for service to be made and if the applicant is unable to serve the respondent in that time, may request up to an additional 14 days for service.

### After service is made:

- Within two hours the state marshal is required to enter the service information into the Service Tracking System (part of the Protection Order Registry). If no service is ultimately made, the state marshal is required to enter that into the Protection Order Registry.
- The state marshal returns the documents to court with a return of service stating where, when, and how service was made.

### The day of the hearing:

- If there are any safety concerns expressed, the judicial marshals will be informed and will provide whatever security is needed to ensure safety.
- If the applicant has asked to appear at the hearing remotely, the clerk will ensure that the applicant is able to do so, and will have made arrangements with the applicant in advance which could include (whichever is more convenient for the applicant):
  - The applicant participating from home or another remote location.
  - The applicant participating from a different location within the courthouse.
  - The applicant participating from a different court facility than the respondent.

### *Family Services will conduct a case conference meeting with each party separately at which they will:*

- Review the affidavit and determine the issues.
- Gather information on the history, level of violence, arrests, fear and intimidation, other protection orders or cases between the parties, gun disclosures/safety concerns (Family Services will file a gun disclosure notice if informed that the respondent has access to firearms), any violations since an ex parte order was entered, living arrangements, and child issues.
- Explain any differences between what was requested and what was ordered.
- Explore possible resolutions and feasibility of child access.
- Provide the parties with information regarding the modification process and how to extend the order if the order is granted.
- Conduct a risk assessment (each party is given the outcome of the assessment and if a party objects, it is explained that the counselor may be called by that party to testify).

### *Family Services provides a written report to the court that includes:*

- Domestic Violence Screening Instrument (DVSI) and Supplemental Risk Indicators (SRI) risk/danger assessments.
- Criminal record checks.
- A Paperless Arrest Warrant Network (PRAWN) check on the respondent.
- Other cases that involve both parties (including protection orders).

### *Accommodations*

- If the applicant or respondent requires an interpreter, the clerk will have arranged in advance with Interpreter and Translator Services to have such services available for the hearing.
- If either party has been granted an ADA accommodation, the Clerk or the local ADA contact will coordinate the accommodation for the day of the hearing.

*At the hearing, the judge takes any agreement of the parties after they have been canvassed that it was voluntary, and if the judge finds it reasonable.*

**At the hearing, if there is no agreement, the judge:**

- Explains the procedure for the hearing and the legal grounds for granting a Temporary Restraining Order. (Note: the level of specificity of the explanation may be lower if both parties are represented by counsel.)
- Advises the parties that if there are pending or possible future criminal proceedings arising from the same incidents that are the subject of the application, any statements they make in the hearing may also be used against them in a criminal proceeding, and that therefore their right against self-incrimination applies.
- Explains the right against self-incrimination in greater detail if either party is unrepresented by counsel.
- Asks if the parties have any questions about the hearing procedure.

*The judge may review the Family Services report*

- If the judge, in his or her discretion, wishes to review the Family Services report prepared for the hearing pursuant to statute, the judge confirms each party's receipt of a copy of it and asks if either party has a legal objection to the court receiving the report in evidence.
- If neither party objects, or if a party's objection is overruled, the report may be admitted into evidence as a court exhibit and reviewed by the Judge.

*Relationship of the parties*

- The judge addresses the issue of whether the parties have the requisite relationship under the statute for the court to have jurisdiction over the application.

*Merits of the hearing*

- The judge moves onto the merits of the hearing, giving the parties a fair opportunity to be heard and to cross-examine the opposing party and such party's witnesses.
- Note: The judge may ask questions to elicit more specificity if testimony is vague; redirect the parties to the relevant issues if their testimony strays far afield;

and instruct the parties to talk only in turn, and only to the Judge (not to the other party).

*The judge decides on the application*

- The judge rules promptly from the bench.
- If the judge needs time to consider the evidence or review the law before ruling, he or she calls a recess and then reconvenes the hearing before stating a decision from the bench.
- The judge articulates clear findings as to the requisite statutory relationship and, if domestic violence is found to have occurred, the factual basis for the finding in relation to the statutory definition.
- If domestic violence is not found to have occurred, the judge explains why, taking particular care in cases where ex parte relief had previously been granted.
- If the application is granted, the judge states the specific terms of the Temporary Restraining Order in full and confirms that the respondent understands each element. The judge states the duration of the restraining order, up to the one-year statutory maximum.
- If only a partial restraining order is granted, and/or a duration of less than one year is ordered, the judge explains why the relief granted is sufficient for the protection of the applicant.
- If a full or partial restraining order is entered, the judge explains:
  - The potential criminal penalties for violating the Restraining Order.
  - That if there is also a criminal protective order in effect, the respondent is bound to obey the terms of both orders; that the Restraining Order remains in effect until it terminates or until the court orders otherwise upon motion of a party; and that the applicant has the right to file a motion for an extension of the Temporary Restraining Order, but in that case should file the motion soon enough to allow a hearing on it to be scheduled before the termination date.

*If there are nonappearing parties:*

- If the applicant fails to appear for the hearing, the judge, on the record, canvasses the courtroom to confirm the applicant's absence; confirms that the applicant is not

outside the courtroom or meeting with Family Services; notes the current time in comparison to the time the hearing was scheduled; and dismisses the application without prejudice.

- If the applicant appears but the respondent does not, the court first makes a finding whether proper service was made.
  - In-hand service is preferable, but the judge may find that abode service is sufficient, especially if there is confirming testimony about the accuracy of the identity of the abode and/or respondent's subsequent acknowledgment of service.
  - If proper service is found, the judge may allow the applicant to proceed unopposed. In that case the court still hears evidence supporting the granting of the application before ordering a Temporary Restraining Order.
  - If the application is sufficiently detailed and the applicant affirms the truth of the allegations under oath in court, the need for additional testimony may be limited.
  - If the judge cannot conclude that proper service has been made, then the judge may continue the hearing for up to two weeks to allow more time for service to be made.

### **Protection Order Registry**

- The clerk will enter the terms of the order, if granted, into the Protection Order Registry, which will fax copies of the order to the appropriate law enforcement agencies, print the order from the Protection Order Registry for the court file, scan the order into the electronic file and provide copies to the applicant and respondent.

### **Five weeks before the order expires:**

- The victim services advocates at OVS generate letters to notify protected parties of the scheduled expiration of restraining orders five weeks in advance to allow the protected party time to determine if an application for an extension is appropriate.
- Helpline victim services advocates respond to requests for additional information as a result of those notification letters and provide referrals to CT Safe Connect for additional support and advocacy services.

### **If the applicant seeks an extension:**

- The Court Service Centers, Public Information Desks and Clerks' Offices will assist the applicant with filing the motion to extend the order.
- The clerk will assign a hearing date and instruct the applicant to serve the respondent by first class mail to the respondent's last known address.
- The hearing day will operate in the same way for an extension as it did for the application hearing (except that Family Services reports are not prepared on motions for extension as a matter of course.)
- Any applicant who misses the expiration date of the order before filing an extension may reapply at any time. There is no limit to the number of times an individual may apply for a restraining order.

**Appendix B. Connecticut Pathways Five Pillars Checklist**

# CONNECTICUT PATHWAYS

## 5 PILLARS



In 2022, the Connecticut Judicial Branch designed The Five Pillars of Connecticut's Temporary Restraining Order Process. This document presents a comprehensive description of Connecticut's restraining order infrastructure, developed after an intensive review of its law, resources and process. Connecticut's legal framework, intensive multidisciplinary training, victim advocacy, legal representation/assistance, and streamlined procedures are designed to achieve the best possible outcomes for those seeking restraining orders.

Given the comprehensive nature of this framework, and Connecticut's ongoing commitment to families, there is value in using the Framework on an annual basis to consider court processes involving domestic violence systemically. Establishing screening tools, triage processes and overall assessments of violence are essential to the implementation of triage and other differentiated processes in any jurisdiction. NCSC hopes that this framework can also be used in other jurisdictions applying Pathways approaches.

In the meetings occurring between Family Services and CCADV, the below checklist is offered as a decisional tool to build agendas for policy discussions as well as joint trainings occurring between the Connecticut Judicial Branch and CCADV. The tool may be administered anonymously to advocates, Family Relations Counselors, Court Services and leadership to allow for reflection in preparation for

### COMPREHENSIVE LAW



1. How are allegations of domestic violence identified within the Pathways approach?
2. What safeguards / approaches have been put in place to increase feelings of safety to make disclosures of violence?
3. How are cases involving domestic violence being expedited?
4. Is coercive control, as defined in state statute, recognized as a form of violence in court processes involving domestic violence?
5. Are cross cultural services available?
6. What data is available to consider these questions? What data is not available?

### EXTENSIVE TRAINING DOMESTIC VIOLENCE/INTIMATE PARTNER VIOLENCE



1. How are you using standardized tools to identify case complexity, understand risk and lethality, and trends? What additional tools would be helpful? How would you use them?
2. What training would be helpful with regards to Safety Planning?
3. What training would be helpful with Cross Cultural services?
4. What data is available to consider these questions? What data is not available?

### BROAD-BASED VICTIM ADVOCACY



1. What opportunities would you identify for collaboration between the Connecticut Judicial Branch and CCADV?
2. What opportunities do you see to involve advocates in court processes involving domestic violence?
3. What data is available to consider these questions? What data is not available?

### LEGAL REPRESENTATION & APPLICANT ASSISTANCE



1. What has been the experience of persons affected by domestic violence in the RPD process?
2. What additional opportunities exist to support self-represented parties when domestic violence is an issue?
3. What data is available to consider these questions? What data is not available?

### STREAMLINED PROCESSES



1. Are persons affected by violence of domestic violence receiving expedited services? Please offer one short example to explain your answer.
2. Once domestic violence is identified, how can safety continue to be supported as a priority throughout the remainder of the process?
3. What data is available to consider these questions? What data is not available?

## **Appendix C. Focus Group Interview Guides based on Five Pillars**

### **Quantitative Impressions**

Based on what we have just reviewed, what thoughts do you have about the data?

### **Case Administration**

- Do you have enough time to conduct an adequate RPD?
- How do you decide if a case is Pathway A vs. B/C?
- What is the average length of time that you spend conducting an RPD?
- What factors make it a hard RPD? What are some of the strategies for dealing with difficult cases?

### **Pathways Approach**

- What has been your experience?
- What is working well / not well with the approach?
- Are there any challenges with the approach?
- How has the Pathways approach assisted in working with families with histories and/or risk of domestic violence?

### **Comprehensive Law**

- Is the definition of domestic violence used in the Connecticut Judicial Branch sufficiently broad to capture various forms of violence (including coercive control)?
- How are allegations of domestic violence identified within the Pathways approach?
- What safeguards / approaches have been put in place to increase feelings of safety to make disclosures of violence?
- At the end of the RPD, are you recommending expedited hearings for DV?

### **Streamlined Process**

- Are person affected by violences of domestic violence being sent to services?
- Once domestic violence is identified, is safety a priority throughout the remainder of the process?

### **Broad-Based Advocacy**

- Do you think there is sufficient collaboration with the Connecticut Coalition Against Domestic Violence?
- Are the civil advocates involved in the process?
- Does the availability of person affected by violence services increase a person affected by violence's trust/satisfaction of the court system?

## **Legal Representation and Applicant Assistance**

- What has been the experience of person affected by violence of domestic violence in the RPD process?
- Does the fact that a litigant is self-represented impact their experience in the RPD process when DV is an issue?

## **Training in Domestic Violence / IPV**

- Do you feel you have received sufficient domestic violence training? What type of training have you received? Why who? Local or national expert? When?
- Would a screening tool related to DV assist you in the RPD process?
- Do you think the Pathways is making a difference?