

PROGRAM DESCRIPTION
FOR
Problem Solving Courts Program Area
Domestic Violence Courts
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

PROBLEM STATEMENT

It is well documented that family and domestic violence occurs at an alarming rate and the problem is compounded by the lack of services available to the victims of these crimes. The term domestic violence includes violence by an intimate partner and/or by other family members, wherever this violence takes place and in whatever form. As knowledge about domestic violence continues to increase, those strategies that promote a multi-disciplinary approach in addressing the growing problem of family, domestic and child violence are shown to be most effective in breaking the cycle of violence.

PROGRAM DESCRIPTION

The domestic violence court program area promotes a coordinated, multi-disciplinary approach to improving the criminal justice system's response to domestic violence, family violence and child abuse. The domestic violence court is a specialized court docket handled by a dedicated judge and court staff and linked to key partners, which serves to address gaps in traditional domestic violence case processing where multiple judges and prosecutors handle various aspects of the case. Although still in their infancy, effective domestic violence courts adhere to a core set of principles outlined below. Victim and child safety is paramount in developing a project and all components of a domestic violence court must be designed with this goal in mind.

Potential applicants are cautioned that domestic violence courts are not simply another specialized court such as a drug treatment court. Although some similarities may appear to exist among drug treatment courts and domestic violence courts, there are certain strategies that these types of programs do not share. Drug treatment courts typically focus on non-violent offenders whereas domestic violence courts, by their very definition, address violent offenders with a targeted victim. Drug treatment courts address substance abuse, which is seen as an addiction; in contrast, domestic violence is a learned behavior. Rehabilitative approaches to defendant's behavior in drug treatment courts are found to be most effective; however, this is not an appropriate response in domestic violence cases and adopting such strategies into domestic violence court programs may prove quite dangerous.

ADDITIONAL REQUIREMENTS

A signed copy of a Memorandum of Understanding (MOU) is required at the time awards will be made. The MOU must include the specific roles and responsibilities in relation to the program and, at a minimum, must include the following: dedicated domestic violence court judge, dedicated prosecutor, representative from victim-witness crime coordinating office, a representative from the local domestic violence shelter and a representative from probation. Applicants must attach a separate budget sheet to the application that outlines the other sources of funding that supports the project. These documents must be attached to the application at the time of submission.

Travel is an eligible expense but only to increase the supervision of offenders and for the purposes of transporting or assisting victims and children to and from critical or rehabilitative services. No out-of-state travel is allowed, and any other travel or training activities proposed must have prior approval of this office.

Awards under the American Recovery and Reinvestment Act of 2009 will be one-time awards, and accordingly, should propose project activities and deliverables that can be accomplished without additional grant funding. If desired, the award may be amortized over a three-year period.

All requests for personnel must describe if funding will:

- **create a new position**
- **restore a previously funded position (including positions that were being removed from the budget)**
- **increase the status of a current position (from part time to full time)**
- **add overtime hours not previously funded to a position**

Be sure to include the same information for any subcontractors.

DOMESTIC VIOLENCE VALUES AND CORE PRINCIPLES

The Byrne Justice Assistance Grant program description areas require applicants to adhere to a set of goals, objectives and associated project activities. **Applicants applying for domestic violence court funds under the problem solving courts program area must address each of the nine values and associated core principles in the application and discuss how they will be integrated into their domestic violence court program.** These values and principles are directly addressed in the document “*Creating A Domestic Violence Court, Guidelines and Best Practices*”, Emily Sack, JD, on behalf of the Family Violence Prevention Fund, May 2002.

Value # 1 Focus on Victim and Child Safety

Principles: Implement policies that:

- 1.) coordinate information and services in order that judges, attorneys and victim advocates are aware of a case history;
- 2.) better expertise on the part of all parties in order that the dynamics of abuse are thoroughly understood and appropriately addressed; and,
- 3.) link victims and their children to services while they are participating in the judicial process.

Value #2 Keeping the Victim Informed

Principles:

- 1.) View victims of abuse as the center of their own advocacy team.
- 2.) Court to make clear to victims all of the available options and help them to access resources.
- 3.) Court must strive to keep victims informed about all aspects of the case.

- Value #3** Offender Accountability
- Principles:**
- 1.) Defendants must be closely monitored to ensure that they are in compliance.
 - 2.) Defendants must face swift and certain consequences if they fail to comply with any court ordered conditions.
- Value #4** Information Sharing and Informed Decision-Making
- Principles:**
- 1.) Judges, advocates and other systems partners need up-to-date accurate information.
 - 2.) Information should be shared on a case-by-case basis, as well as on a more general level.
- Value #5** Institutionalized Coordination of Procedures and Services
- Principle:** A formalized system must be in place for partners in the domestic violence court to work together: institutionalization of written protocols, procedures, MOU's, and job descriptions.
- Value #6** Training and Education
- Principles:**
- 1.) Judges, prosecutors, clerks, court reporters, advocates, defense attorneys, probation, law enforcement, child welfare, and guardian ad litem all must be educated in the dynamics of abuse and effective interventions in order to improve operations and response.
 - 2.) All partners must also be educated about each others' roles and responsibilities in order work together more effectively on these cases.
- Value #7** Judicial Leadership
- Principles:**
- 1.) Use their authority in such a way to show that the court takes domestic violence seriously.
 - 2.) Maintain partiality and the appearance of partiality. Judges must assure that all parties are present at the table including the defense bar and must ensure due process.
- Value #8** Effective Use of the Justice System
- Principles:**
- 1.) The court as an access point to services and assistance to victims.
 - 2.) Monitoring defendants' adherence to court ordered terms, orders of protection and other requirements.
- Value #9** Accountability of Courts and Programs

- Principles:**
- 1.) Program accountability to ensure that partners are providing key documents in a timely fashion.
 - 2.) System accountability where safety audits are performed to determine how protocols are working, along with quantitative analysis of data to measure the project's results against stated goals.

This is a competitive grant and will be awarded based on merit, demonstrated need, data driven decision making and performance measures.

UNALLOWABLE EXPENSES AND ACTIVITIES

- Construction costs and/or renovation
- Costs in applying for this grant (e.g., consultants, grant writers, etc.)
- Any expenses incurred prior to the date of the contract
- Indirect costs rates or indirect administrative expenses (only direct costs permitted)
- Lobbying or advocacy for particular legislative or administrative reform
- Legal fees
- First class travel
- One-time events, prizes, entertainment (e.g., tours, excursions, amusement parks, sporting events)
- Management or administrative training, conferences (only pre-approved project-related training)
- Management studies or research and development (costs related to evaluation are permitted)
- Honorariums
- Fines and penalties
- Fund raising and any salaries or expenses associated with it
- Purchase of land
- Losses from uncollectible bad debts
- Memberships and agency dues, unless a specific requirement of the project (prior approval required)
- Contributions and donations
- Compensation to federal or state employees for travel or consulting fees
- Military type equipment such as armored vehicles, explosive devices and other items typically associated with the military arsenal
- Informant fees, rewards or buy money
- Animals (including related supplies and materials for animals)