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New York Courts Untangle Domestic Violence

By Juliette Terzieff, WeNews correspondent

BUFFALO, N.Y. (WOMENSENEWS) – New York is streamlining the way it processes domestic violence cases and many of those involved with the reformed court system recommend it as a way to mitigate the legal stresses of a problem plaguing some 5 million U.S. families a year.

“It’s something that allows the family to keep existing in some way, knowing that there is a place that will help them deal with all the issues,” says Justice John O’Donnell, who presides over the Erie County branch of New York’s so-called Integrated Domestic Violence Court.

Launched in 2001 in three counties, the integrated system now has 18 courts in as many counties and has handled over 13,000 cases. In Erie County, where Buffalo is located, the system, which got going in November 2003, is now processing 202 cases with another 800 set for hearings.

The reform – now expanding from county to county, and slated to be running state-wide by the end of 2006 – has a simple premise: one family, one judge.

Often, families involved in criminal domestic-violence charges go through criminal court proceedings, a family court for custody battles, other courts for divorce proceedings and sometimes even an additional court for dividing up the family finances. Different judges, sometimes different lawyers, different evidence and host of different rules and regulations are entailed. Appeals and repeat offenses often move on to new sets of judges and lawyers unfamiliar with the history of the case.

Under the new system families can still spend a lot of time in court and appointments with lawyers as family members go through court-ordered counseling and other measures to salvage households and relationships. But the swirling cast of characters and legal settings is gone.

“One of the problems before the integrated courts was that proceedings would play off each other,” said Louis Haremski, a lawyer with 22 years of service with the Erie County District Attorney’s Office. “A criminal hearing would adjourn in favour of pending results in family court and then lawyers would seek to adjourn the family court proceeding to wait for a verdict from the criminal court, and it would just keep going back and forth.”

Numerous Resolutions in One Place

Under the integrated system, proponents say victims of domestic violence can resolve numerous, emotionally charged disputes, in one place.

“In the new system, proceedings can move forward or pend awaiting counseling or other services without the case getting sidetracked,” Haremski said. “If the presiding judge orders counseling or other psychological assistance the parties face a return to the same judge upon completion. The courts also feature a resource coordinator who works directly with family members, recommending social or psychological services designed to help alleviate stress on the family.”

Some critics have raised concerns that under the new system a judge’s impartiality may be affected by the specialization in domestic violence cases or that the sitting judge might bargain away criminal penalties for cooperation on the civil issues.

Major U.S. Legal Issue

Domestic violence looms large over the U.S. legal system.

Nationwide studies show an average of 5.9 million domestic assaults annually. Congressional inquiries in the mid-1990s found that between 2 million and 4 million women were severely injured by their husbands or intimate partners every year.

In the eight counties of Western New York, including Erie County, authorities substantiate an average of 2,600 cases of domestic violence every year according to statistics compiled by the United Way. In 2003, police authorities responded to 14,071 calls leading to 5,600 arrests for incidents of domestic violence.

“There is no typical domestic violence victim, no particular income level that is affected, no particular geographical area, or ethnic group,” says Arlene Kaukus, president of the Buffalo and Erie County chapter of the United Way. “Domestic violence is clearly a societal issue that rears its poisonous head across the board.”

States across the nation have adopted different approaches to addressing the issue.

In 1984 Cook County, Ill., became the first county in the nation to set up a special approach to domestic violence when it launched a court specifically to address domestic violence misdemeanor cases.

Over the following years, over 200 domestic violence courts – some handling criminal and civil cases involving domestic violence, others handling only criminal cases related to domestic violence – have sprung up across the United States.

So far, however, New York is the only venue to establish a statewide, integrated approach.

Complicated Emotional Issues

Victims of domestic violence often face numerous complicated issues stemming from their children's needs, as well as their emotional attachment or economic dependence on the abuser. Many victims are pressured by family members and friends not to embarrass the family by airing dirty laundry.

“Generally you have victims with very low self-esteem,” says Lisa Bloch Rodwin, chief of the Erie County Domestic Violence and Sexual Assault Bureau, “who over the years have been abused into believing in the power and authority of the abuser to the core of their being.”

Rodwin said the new system means a judge understands the dynamic of domestic violence and who takes power away from the abuser by interposing his or her control over the situation.

Supporters say this improves official responses to domestic violence cases as traditionally many victims become overwhelmed by the gravity of their situation and withdraw the charges, choosing an abusive relationship rather than brave the perils of complicated potentially years-long multi-court procedures.

Under New York's integrated system, parties also know that should they fail to comply with court orders they will wind up in front of the same judge. In cases where leniency has been shown, this may reduce repeat offences.

“It's still early days, but so far we're seeing that having to face the same judge is a deterrent to compliance failure,” says Bloch Rodwin.

In urban courts, where offenders are less likely to encounter the same judge, repeat appearances in the courts for domestic violence violations hover around 20 percent. Under the new system, thus far, instances of repeat offences is half that percentage.

Juliette Terzieff is a freelance journalist currently based in Buffalo, N.Y., who has worked for the San Francisco Chronicle, Newsweek, CNN International, and the London Sunday Times during time spent in the Balkans, the Middle East, and South Asia.

For more information

New York State Unified Court System – Integrated Domestic Violence Courts:
<http://www.courts.state.ny.us/ip/domesticviolence/index.shtml>

Westchester NOW – The Pros and Cons of the Integrated Domestic Violence Courts:
<http://www.westchesternow.org/su02idvcourt.html>

stopVAW – Specialized Domestic Violence Court Systems:
http://www.stopvaw.org/Specialized_Domestic_Violence_Court_Systems.html

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