



INTEGRATED DOMESTIC VIOLENCE COURTS

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NEW YORK'S IDV COURT STATISTICS

As of August 1, 2014, there were 42 IDV courts in New York that, since their inception in 2001, had handled 163,969 cases and served 31,079 families.

Source: nycourts.gov

ISSUE

Summarize the key elements of any existing integrated domestic violence (IDV) court. (This report takes a look at the [New York model](#).)

SUMMARY

In an IDV court, one judge handles family (civil), criminal, and matrimonial (divorce) cases in which domestic violence is an underlying issue (i.e., the "one family-one judge" model). In 2001, New York became the first state in the country to establish an IDV court.

IDV courts are intended to reduce contradictory court orders and enhance services to victims and families. These courts are staffed by judges trained in many areas of law and the underlying aspects of domestic violence. According to New York's Office of Court Administration, IDV courts coordinate with victim advocates and a network of services and outside agencies to reduce burdens on victims and families and also improve information flow to litigants and service providers.

Under the New York model, IDV court judges and non-judicial staff participate in statewide training and education programs. These programs address the dynamics of domestic violence, staff roles and responsibilities, program coordination among court agencies and outside organizations, and the use of specialized computer systems.

IDV COURT GOALS

According to New York's Office of Court Administration, an IDV court should be designed to, among other things, promote:

1. informed judicial decision-making and consistent handling of matters relating to the same family by a single judge;



2. efficient use of court resources, with reduced court appearances and quicker dispositions;
3. connection to social services and collaboration among stakeholders (e.g., criminal justice and child welfare agencies and community-based groups that offer assistance to domestic violence victims and their children); and
4. victims' rights and safety.

IDV COURTS' JURISDICTION

Cases transferred to IDV courts include family court cases (which include family offenses and custody or visitation petitions), supreme court contested divorce cases, and criminal court domestic violence cases. (In New York, a supreme court is a trial court and is not the highest court.)

Criminal domestic violence cases include violations, misdemeanors, or felonies that involve parties who:

1. are or were formerly involved in an intimate relationship, including same-gender couples;
2. are or were formerly married to each other;
3. have a child together, regardless of marital status or living arrangement; or
4. are blood relatives.

CASES ELIGIBLE FOR TRANSFER TO IDV COURT

In New York, the presiding IDV court judge is responsible for reviewing potentially eligible cases to determine whether transfer to IDV court would promote the administration of justice based on court rules, the IDV court model, and the facts of the cases. The judge may transfer the cases to IDV court if (1) the criminal domestic violence case overlaps with a family court case, divorce case, or both and (2) at least one defendant or complaining witness to the criminal case is a party to the family or divorce case.

If the IDV judge transfers the cases, they all become supreme court cases but are handled separately based on the evidence in each case. The substantive and procedural laws that would have applied in the case's court of origin apply to each case in the IDV court.

According to the Office of Court Administration, IDV courts take felony-level criminal cases as well as misdemeanors and violations, but misdemeanors represent the majority of criminal cases. The most common type of family court cases are family offenses and custody or visitation petitions.

In the New York model, the IDV courts work with the courts of origin and local stakeholders (e.g., the district attorney's office, legal services groups, and nonprofit organizations) to create protocols and procedures for identifying eligible cases and transfer them as early in the process as possible.

The New York IDV courts schedule all related family, criminal, and matrimonial matters on the same day but preserve the individual integrity of each case (http://www.nycourts.gov/courts/problem_solving/idv/home.shtml).

INFORMATION SHARING AND TECHNOLOGY

Under the New York model, IDV courts must adhere to strict record-sharing rules. They must also preserve the integrity and distinct characteristics of each type of case or proceeding, such as information-sharing rules, policies, and burdens of proof.

The New York IDV courts use a specialized computer system called the "IDV Application" to enter relevant and consistent case information in a database that helps IDV courts generate calendars and reports (http://www.nycourts.gov/courts/problem_solving/idv/key_principles.shtml).

New York's domestic violence courts use an Internet-based tool to connect with criminal justice agencies and social service providers. This tool allows users, such as judges, attorneys, victim advocates, and batterers' intervention programs, to share information instantaneously. For example, it immediately notifies courtroom staff when an order of protection has been violated. The tool's stated goal is to promote greater coordination among relevant entities and help improve the criminal justice system's response to domestic violence crime. According to the Center for Court Innovation, the developers of the tool, a centralized and secure communication system helps hold defendants accountable and protects victims.

An overview of the New York domestic violence court technology application is linked here: http://www.courtinnovation.org/pdf/info_response.pdf.

ADDITIONAL INFORMATION

For additional information on New York's IDV courts, including their goals, mission, structural planning and implementation process, see the following:

1. [New York State Unified Court System Problem-Solving Courts](#)
2. [The official home page of the New York Unified Court System](#)
3. [New York State Division of Criminal Justice Services](#)
4. [Center For Court Innovation – Domestic Violence Court technology](#)

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