

## Recommendations for Court Systems, Judges and Judicial Personnel

Court systems, judges and judicial personnel are uniquely positioned to impact safety for victims and accountability for perpetrators of domestic violence.

The Georgia Domestic Violence Fatality Review Project has developed recommendations geared to reduce incidents of domestic violence and domestic violence-related homicide. To affect change, local communities must work diligently to implement these recommendations, which were developed by fatality review teams across the state. Acting on established best practices and calls to action from the Project's 15-year history is how Georgia will see real change in the future.

### Out of the Courtroom

- + Ensure all victims of domestic violence seeking relief from the courts under the Family Violence Act have access to victim advocates to complete a survivor-centered safety plan.
  - o Provide warm referrals to domestic violence advocates for ongoing supportive services and safety planning.
  - o Make contact information for domestic violence programs available on a widespread basis in all of Georgia's communities. Both traditional and non-traditional systems will benefit from referral information for supportive services such as the statewide domestic violence hotline 1 (800) 33-HAVEN [1 (800) 334-2836] and local domestic violence programs. Domestic violence programs and task forces should consider developing materials such as palm cards, resource guides, and other awareness materials which can be distributed in their communities. Posters and other awareness resources are also available for download at [GeorgiaFatalityReview.com](http://GeorgiaFatalityReview.com).
- + Make brochures and materials on domestic violence program services available in judicial and clerk's offices.
- + Ensure up-to-date Family Violence and Stalking Temporary Protective Order (TPO) forms are provided to victims seeking relief.
- + Provide information on the intersection of suicide and domestic violence to people requesting involuntary commitments.
- + Provide information about supportive services such as the crime victims' compensation program or the Georgia Commission on Family Violence's Support for Survivors of Murder-Suicide (SSMS) Program to individuals involved in probate court, resulting from a domestic violence-related suicide or murder-suicide.



# FATALITY REVIEW PROJECT

- + Attend training on the dynamics of domestic violence and high-risk indicators.
  - + Ensure there are adequate resources to provide FVIP in all areas of the state. In circumstances where no FVIP program is present, judicial and prosecutorial leadership should encourage local providers or other agencies to apply for certification. Knowledgeable stakeholders have a duty to educate those in positions of influence regarding the difference between FVIP and anger management classes, and encourage policies which require FVIP attendance by abusers.
- 

## In the Courtroom

- + Craft orders that are safety-focused and encourage accountability.
  - o Whenever possible, obligate intimate partner stalkers to participate in a Family Violence Intervention Program (FVIP).
  - o Require large distances of separation for the abuser from the victim and frequent locations the victim may be found. Consider restrictions of 500 yards or more.
  - o List specific dates of visitation or attach a calendar which outlines the visitation schedule.
  - o Include detailed language about what qualifies as third-party contact or relaying of information, and list prohibited relationships and locations with which the abuser must refrain from contact.
- + Develop protocols for response to abusive, retaliatory court filings. Note on the record that the action is believed to have been retaliatory and dismiss the case with prejudice.
- + Recognize many threats made by abusers are often implicit and appear benign to outsiders. Consider the context of the circumstances and why the behavior could be frightening or distressing to the victim.
- + Develop safety procedures such as staggered leaving from the courthouse, with the victim leaving in advance of the perpetrator.
- + Require appropriate mental health assessments for parties who are alleged to have co-occurring mental health and domestic violence issues.
  - o Pay particular attention to suicide indicators and safety issues, which require assessment throughout the court process.
  - o When the Court determines mental health issues should be addressed, clarity of language is paramount. Provide a clear method of achieving completion of the provisions; add to standard language the specific type of evaluation that should be completed, in what time frame it should be completed and how the



abuser can provide proof of compliance with the provision.

- + Ensure criminal judgments are entered into the Georgia Crime Information Center and TPOs are entered into the Georgia Protective Order Registry.
  - + Ensure court outcomes for perpetrators of stalking appropriately reflect the severity of the behavior. Prior intimate partner stalkers are the most likely to recidivate, fail on conditional release, engage in both violent and non-violent re-offenses, and to commit new stalking offenses. Criminal sentences should be crafted with those findings in mind to enhance accountability for stalking offenders and to minimize the ongoing risk to victims.
- 

## Civil Cases

- + When the parties meet the required relationship criteria, encourage the filing of Family Violence TPOs over Stalking TPOs, as they allow for additional relief.
- + Address abusers' access to firearms.
  - o Ask victims about the presence of firearms during the Ex Parte TPO process.
  - o Notify law enforcement of any abusers believed to have possession of firearms in violation of the law, so their presence can be addressed at time of service.
- + Plan to proactively address violations.
  - o Explain that violation of orders is subject to criminal or civil penalty, even if the contact is "allowed" by one of the parties.
  - o Inform victims of the process for taking action when a violation occurs.
  - o At the time of a final Temporary Protective Order hearing, inform victims of the process to apply for a Three Year/ Permanent Protective Order, prior to the expiration of the 12 Month Order, if the perpetrator violates the 12 Month Order. Encourage victims to seek extensions of their orders in the event of ongoing safety concerns.
- + Ensure victims are aware of the risk of using a TPO as a bridge to another order (such as a divorce decree), or relying on other types of orders (perhaps a Domestic Standing Order, a Temporary Order or a divorce decree) for protective provisions such as reduced contact with the abuser or removal of firearms. These orders often do not satisfy requirements for immediate criminal enforceability, nor do they trigger federal firearm prohibitions or full faith and credit enforcement.



## Criminal Cases

- + Carefully consider the private, repetitive and escalating nature of domestic violence when setting bond, rendering sentences and imposing post-sentencing sanctions.
- + Ensure access to the defendant's prior criminal history when setting bond. Bond amounts and conditions should reflect the serious nature of the crime committed and the potential risk a perpetrator poses to a victim.
  - o Consider the defendant's past behavior toward the victim in any bond or release conditions. Understand even if the defendant has no other criminal history, the defendant can still pose a threat to the victim.
  - o Consider ordering No Contact as a condition of bond versus No Violent Contact based on the victim's safety and wishes.
    - Establish guidelines considering whether or not to rescind No Contact Orders in criminal domestic violence cases when risk levels have changed.
- + Look for risk indicators in every case, including those appearing to be lower level violence.
- + Develop and use a variety of sentencing options for abusers, including FVIP programs, timely court review, jail time, work release, electronic home monitoring, and intensive probation.
- + Employ consecutive sentences for abusers who commit crimes during multiple incidents. Allowing concurrent sentences sends a clear message to perpetrators that they can get away with committing crimes, free from accountability.

## Domestic Violence and Children

- + Understand abusers may use children in common with the victim as justification for ongoing stalking and harassing behavior or to coerce the victim to return to the relationship. Be aware their strategy for maintaining contact and control may include indicating they need to have contact with the victim to discuss and co-parent the children.
- + Include children as protected parties on TPOs so they receive protection during the victim's parenting time.
- + When a history of stalking or harassing behavior has been present, discourage the practice of abuser providing technology, such as cell phones for the children. Instead, require the stalker to provide the victim compensation for purchase of technology to decrease the likelihood of electronic stalking.
- + Develop safe public visitation exchange locations.



# FATALITY REVIEW PROJECT

- Be aware not all law enforcement precincts are staffed at all times and may not be an ideal exchange location.
  - Consider developing funding for a safe or supervised visitation exchange location.
  - Encourage the victim and abuser to develop third-party resources who can conduct custody exchanges on their behalf.
- + Directly state arrangements for child support and visitation in orders between the parties. If your order references or incorporates a prior order, it should be attached.
- Outline specific remedies for addressing financial support, such as use of Child Support Services, a Family Support Registry or a safe mailing address for the victim.
- + Regularly assess teens for dating violence and link them with helping resources.
- Develop creative, non-criminal, community-based solutions for teens who use violence and for teen victims.
  - Increase awareness of resources available to teens, such as textlines. Georgia teens can contact the Breaking Silence Teen Textline any time at (706) 765-8019 for confidential support. Love Is Respect also offers teens a safe place to connect with an advocate via text. Users can text “loveis” to 22522 to receive assistance from a peer advocate.

---

## Firearms

- + Ensure firearms access is restricted for abusers subject to Temporary Protective Orders. Until Georgia codifies the federal firearms prohibitions into local law, much of the work of reducing abuser access to firearms will be done from the bench. Georgia judges should proactively address firearms access in TPOs and compliance hearings to ensure prohibitions are followed.
- + Develop countywide protocols to establish how each agency will cooperate to restrict access to firearms by domestic violence offenders and protective order respondents. Georgia’s communities must carry the torch for this important issue until legislative and legal system actions catch up with the risk firearms pose to citizens of our state. Develop a plan to address abuser access with your local task force or coordinated community response.
- + Develop policies that ensure firearms are removed from domestic violence offenders. These may include incorporating “take and maintain” or prohibitive language in special conditions of bond orders.
- + When determining bond, take into account a perpetrator’s possession of firearms and consider ordering surrender of weapons and ammunition as a condition of release.



# FATALITY REVIEW PROJECT

- + Provide abusers with notice of federal firearms prohibitions upon issuance of a protective order and at time of sentencing in criminal cases.
- + Ensure protective order forms include language explicitly requiring removal of firearms and ammunition from the abuser and sign the TPO provision confirming the case meets federal firearm prohibition requirements.
- + In TPO proceedings, sign the provision confirming the case meets federal firearm prohibition requirements.
- + Routinely provide TPO petitioners with a Petition for Surrender of a Weapon, and establish procedures to ensure orders are forwarded to law enforcement.
- + In TPO cases where weapons are seized, notify offenders of the process for retrieving them upon expiration of the order.
- + Set compliance hearings to ensure abusers have surrendered firearms and ammunition.
- + Courts handing TPOs or handling domestic violence-related misdemeanors should send names and other identifying information of perpetrators to Probate Courts in order to enforce prohibitions from obtaining or maintaining a firearms permit.

---

## New Responses

- + Consider developing a domestic violence court and/or domestic violence accountability court dates.
  - o Utilize the guide “Georgia Domestic Violence Courts Best Practices” developed by the Judicial Council-Administrative Office of the Courts and the Georgia Commission on Family Violence. The guide is available for download at [gcfv.georgia.gov/georgia-domestic-violence-courts-best-practices](http://gcfv.georgia.gov/georgia-domestic-violence-courts-best-practices).
  - o Hold compliance hearings on firearms issues.
  - o Explore protocols for tracking compliance with the FVIP provision in orders. Promising solutions being tried around the state include:
    - Judicial compliance hearings
    - A court officer and the FVIP track attendance and the officer notifies a volunteer lawyer of non-compliance, and the volunteer lawyer brings contempt
    - A community-based advocate and FVIP track attendance and the Assistant District Attorney brings contempt for non-compliance.
    - On the criminal side, probation officers are the obvious gatekeepers for accountability mechanisms. Many communities are instituting best practices which address batterers who fail



# FATALITY REVIEW PROJECT

to enroll in FVIP timely, and are taking steps to ensure that probation sentences do not end prior to completion of FVIP.

- + For Magistrate Courts, when a victim requests a warrant application, escort her to victim services for safety planning and information regarding safety implications filing a warrant may present.
  - o If the best practice model of escorting the victim is not appropriate, provide a warm referral to victim services before the warrant is filed.
  - o Do not require the defendant/abuser to receive notice in pre-warrant hearings in domestic violence incidents. The practice is not required under Georgia law and not providing notice minimizes safety concerns for victims in your court.
- + In cases where the victim recants or seeks to dismiss an action, refer the victim to a domestic violence program for safety planning, counseling and resources. However, do not mandate contact or participation.
- + Minimize how often a victim has to tell her story, particularly when she has just experienced a traumatic event.
- + Partner with your domestic violence program to obtain training on the dynamics of domestic violence and lethality indicators, impact of trauma, identifying mental health issues and intervention strategies.
- + Address co-occurring mental health issues in domestic violence cases.
  - o Obtain training on mental health and suicide to assist in identifying needed interventions for suicidal perpetrators.
  - o Develop a response model or protocol within the Court to address abusers who display passive mental health status identifiers; this can include making statements such as “I can’t seem to catch a break” or “I am feeling hopeless and drained.”
- + Develop integrated intervention responses which address both domestic violence and substance abuse issues simultaneously.
- + Develop a language access plan ensuring Title VI is being followed and language services are provided for all Limited English Proficient (LEP) persons during court proceedings, court- and prosecutor-based victim advocacy services, and in written materials (followup paperwork, notice of court dates).
  - o For adequate translation, use “I Speak” booklets to help identify which languages the victim and perpetrator speak. Screen to make certain victims can read their own language and make sure that materials are written for a lower reading level. Have a backup plan for when victims are unable to read their language.



## Use the Georgia Domestic Violence Fatality Review Project Annual Report

### + Read and Remember

- Read the fatality review reports and remember the stories of those who have lost their lives to domestic violence.
- Share victims' names and stories at events that honor domestic violence victims and survivors.

### + Share with Others

- Copies of this report and prior reports are available at [GeorgiaFatalityReview.com](https://www.GeorgiaFatalityReview.com). Email the link to coworkers, advocates, judges, police officers, mental health professionals, substance abuse counselors, attorneys, health care workers, religious leaders, teachers, family, and friends.
- Print the sections you think are relevant to others' work and share these sections with them.
- Print sections as handouts and use them in community presentations.

### + Discuss with Coworkers

- Discuss the report during a staff meeting at your workplace.
- Identify which recommendations are most relevant to your agency, and develop specific steps forward and work toward their implementation.

### + Incorporate into Strategic Planning

- Use the recommendations as a tool for strategic planning.
- Identify other agencies with which you want to collaborate, and discuss specific goals you can work toward together.
- Use fatality review statistics and recommendations in grant proposals.

### + Develop Task Force Initiatives

- As a group, identify areas in which the community is doing well and areas in which improvement is needed.
- Identify two to four recommendations that are priorities for your community and implement them.
- Create a subcommittee for your priority areas and report your progress to the Georgia Commission on Family Violence.





GEORGIA DOMESTIC VIOLENCE

# FATALITY REVIEW PROJECT

GeorgiaFatalityReview.com

## + Increase Community Awareness

- Create discussion groups in your community to talk about the fatality review reports and recommendations for change. These groups can be interdisciplinary groups of professionals or groups of community members interested in making their communities safer and healthier.
- As a group, identify action steps toward implementing the recommendations in this report.
- Contact the Georgia Commission on Family Violence or the Georgia Coalition Against Domestic Violence for further conversations and presentations.

## + Alert the Media

- Alert the local media about fatality review findings, recommendations, and local work being done to help victims of domestic violence.
- For additional suggestions about working with the media download our Domestic Violence and The Media tip sheet here [GeorgiaFatalityReview.com/resources/](https://GeorgiaFatalityReview.com/resources/).



Georgia Coalition Against Domestic Violence | 114 New Street, Suite B, Decatur, GA 30030 (404) 209-0280 | [gcadv.org](https://gcadv.org)

Georgia Commission on Family Violence | 270 Washington Street, SW, Suite 5145, Atlanta, GA 30334 (404) 657-3412 | [gcfv.georgia.gov](https://gcfv.georgia.gov)