



Recommendations & Action Plan

The Maryland
Attorney General's & Lt. Governor's
Family Violence Council

November 1996

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Message from Lt. Governor Kathleen Kennedy Townsend

A year ago, all of us knew the numbers. In 1994, more than 20,000 incidents of domestic violence were reported to police in Maryland. Nearly 80 people died at the hands of family members or intimate partners.

But as terrifying as the statistics were, they did not give us any sense of the fear, the horror of violence that is premeditated, repetitive, manipulative, and calculated to assert power and domination. Nor did they account for the harm inflicted on the children, who too often are forced to witness the brutality firsthand.

Through the Council's four public hearings, we witnessed the extraordinary resilience and strength of those who have survived family violence. We heard from women fighting to keep their children safe and themselves sane. We also saw the grit and determination of those who respond — the shelter operators, the sexual assault center operators and the law enforcement officers who recognize family violence as a serious crime and demand more action.

Preventing family violence throughout Maryland requires a comprehensive strategy that draws on this courage and dedication. The police must make domestic violence calls as much a priority as any violent incident. Medical personnel must report cases of suspected abuse. Prosecutors must use all the evidence at their disposal to win convictions. Judges and court commissioners must realize that fear, rather than reconciliation, is the reason many women do not press charges. Police offers and courts must treat violations of protective orders as the serious, even life-threatening, offenses they are. Maryland's General Assembly must strengthen the civil protective order. There must be adequate shelter. And victims must be notified when their abuser is released back on the street.

Without all the parts of the system working, and working together, the system drives women away, forcing them back into abusive — potentially lethal — relationships. More than anything else, the testimony of dozens of family violence victims at the Council's hearings brought this fact to life.

Their courage in coming forward profoundly increased our understanding and guided our actions. It is with a full appreciation of the dangers they face that we have committed ourselves to preventing similar tragedies in the future.

With warm wishes,

Kathleen Kennedy Townsend

Kathleen Kennedy Tommen D

Lt. Governor

Message from Attorney General J. Joseph Curran, Jr.

We live each day with violence. It is everywhere - in our streets, our schools, our communities, in our homes. A recent study comparing crime in developed countries around the globe revealed that our overall crime rates are not so far out of line, but what is unique and so alarming about America is the violence - its frequency, its brutality, its irrationality.

This epidemic of violence cries out for dramatic response on many different fronts. And one of the most crucial and essential targets of our efforts is the family - we *must stop* the violence in our families.

Combating family violence must be a top priority first and foremost because of the undeniable and horrific suffering of the victims - the countless women, children and others who are hurt or killed from violence inflicted by members of their own families or households.

Yet violence in families must be at the forefront of our efforts for another compelling reason - it is inextricably intertwined with so many other problems which plague our communities and threaten our children's chances of growing into happy and contributing members of those communities. We know, for example, that children's exposure to family violence increases their vulnerability to perpetrating violence as adults. We know family violence can increase susceptibility to substance abuse, which can in turn affect a host of other critical aspects of children's lives like academic achievement, employment opportunity, and the likelihood of teen pregnancy. Thus, allowing family violence to infect the health and well-being of our families, particularly our children, will doom us not only to the continued suffering and costs of the violence itself, but also to our continued failure to conquer so many related problems.

It is for all these reasons that I hope the fruit of this Council's work will lead to a more effective, more compassionate, and better coordinated response to family violence in Maryland. The long-standing commitment and dedication of many has already started us down the right path, but we now have a unique opportunity to build on their work and make our State a place where violence in families is no longer tolerated. It will mean a brighter future.

Sincerely,

J. Joseph Curran Jr.

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Attorney General

Members of the Family Violence Council

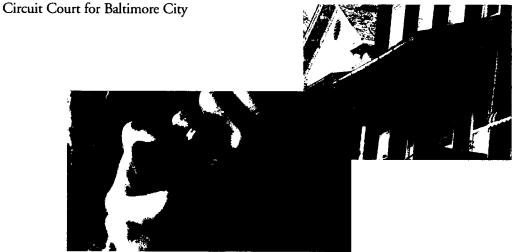
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The Family Violence Council gratefully acknowledges the contributions and assistance it has received. Special thanks goes to all of those who gave tirelessly of their time and efforts to serve on the Council's committees. *See* Committee Membership Lists attached as Exhibit A. For her valuable contributions we also thank the former Liaison to the Lt. Governor, Mary Pat Brygger. Without these efforts, the Council could never have come so far.

Thanks also to all those who came forward at our four regional public hearings to testify and inform the Council. Our special gratitude goes to those survivors of abuse who courageously shared their personal suffering with Council members. We also thank those who donated services and facilities to the public hearings, including Salomon Reporting Service for donating court reporters, and to the Maryland State Police, Allegany Community College, Chesapeake College and the Waldorf Jaycee Community Center, who provided facilities for the hearings.

The Council thanks the World Trade Center and the YWCA of Anne Arundel County for hosting the Council's two retreats. The retreats were pivotal sessions that helped the Council crystallize its vision.

For donating services and materials for this report, special thanks to the Maryland Network Against Domestic Violence, the Maryland Coalition Against Sexual Assault, the Maryland Alliance Against Family Violence, and the National Council of Juvenile & Family Court Judges. Thanks also to Michael Angelella for his editorial assistance; to the graphics designers, Robert Rytter & Associates, especially Joycelene Padilla; and to Karen Taylor and Brenda Crouse for their administrative assistance. Last, but not least, thanks to all of those who were not Council or committee members yet gave generously of their time and expertise: Ellen Alexander, consultant to the State Board of Victim Services; Marguerite Angelari, Esquire, The Women's Law Center of Maryland, Inc.; Professor Barbara Babb, University of Baltimore School of Law; Beth Boyd, Program Manager for Policy and Regulation, Department of Human Resources Family Investment Administration; Kathryn L. Hale, Council's clergy campaign coordinator; Shari Heise, Victim/Witness Specialist, United States Attorney's Office, District of Maryland; Zakia Mahasa, Esquire, House of Ruth; and Dana Shoenberg, Esquire, University of Baltimore School of Law.

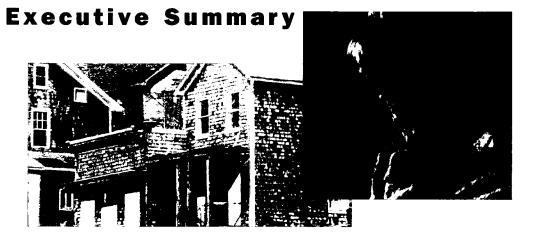
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1 American Medical Association, Family Violence, Building a Coordinated Community Response, at 1 (1996).

2 ld.

- 3 The Commonwealth Fund, First Comprehensive National Health Survey of American Women, New York (July 1993).
- 4 Bureau of Justice Statistics, National Crime Victimization Survey, Violence Against Women: Estimates from the Redesigned Survey, NCJ-154348 (1995).
- 5 Bureau of Justice Statistics, *Child Rape Victims*, 1992, NCJ-147001 (1994).
- 6 Maryland State Police, Crime in Maryland (1994 and 1995 draft). The Maryland State Police report 24.021 spousal assaults in calendar year 1995, and 20,378 in calendar year 1994. The report acknowledges that this figure is incomplete. It only measures unlawful attacks between spouses, living together or estranged, and unmarried males and females who currently or formerly lived together (excluding dating relationships). Furthermore, it only measures those incidents where a formal police report was written and forwarded to the State Police. The FBI has concluded that domestic violence "is under-reported by a factor greater than ten to one." Woods, Litigation on Behalf of Battered Women, 7 Women's Rts. L. Rep. 39, 41 n. 18 (1981).
- 7 Maryland State Police, Crime in Maryland (1994 and 1995 draft).
- 8 Administrative Office of the Courts,
 Annual Report of the Maryland Judiciary
 (1994-95; 1995-96 draft). There were
 19,556 ex parte petitions for protection
 filed in Maryland's circuit and district
 courts, combined, in fiscal year 199596. 16,983 were filed in both courts in
 fiscal year 1994-95.
- 9 Maryland KIDS COUNT, Special Report on Children and Violence, at 4 (1995). There were over 11,000 indicated investigations in 1994. Investigations are indicated when public welfare officials determine that there is a preponderance of evidence suggesting that abuse or neglect has occurred. The Special Report acknowledges that, due to underreporting, the number of investigations does not accurately reflect the high incidence of child abuse and neglect occurring in Maryland.



Domestic violence. Sexual assault. Child Abuse. Elder Abuse.

All are examples of the epidemic of family violence that has been spreading in households across the United States.¹ The statistics are staggering. Annually, at least two million children, two to four million women, and one and one-half million older adults are physically abused by the people closest to them.² Abuse by husbands or boyfriends is the single largest cause of physical injury to women in America, more common than burglary, muggings, and other physical crime combined.³ Nearly 30 percent of all murdered women are killed by current or former husbands or boyfriends,⁴ and in a U.S. Justice Department Survey, imprisoned rapists reported that 70 percent of their victims under the age of 12 were family members.⁵

In Maryland family violence statistics reveal a deeper concern: the problem is growing. Between 1994 and 1995, reported spousal assaults increased by 18 percent.⁶ During the same period, aggravated spousal assaults, which usually involve severe bodily injury and the use of a weapon, increased by 17 percent.⁷ In 1996, filings for civil orders of protection increased 15 percent over 1995,⁸ and between 1990 and 1994, child abuse and neglect investigations increased 17 percent.⁹ Those statistics, combined with the number of family violence incidents that are often hidden and unreported, constitute a crisis.

In the face of such undeniable evidence that Maryland's family violence epidemic is on the rise, Lt. Governor Kathleen Kennedy Townsend and Attorney General J. Joseph Curran, Jr. took action. In November, 1995 they created the Family Violence Council. Its mission: to prevent and reduce family violence in Maryland, and to break the cycle of violence between generations. The Council brought together the leaders of the various systems that respond to family violence to analyze the problems, devise comprehensive solutions and to serve as agents of change to implement the solutions. After a year of work, including holding public hearings in four regions of the State, their findings are in and the Family Violence Council's recommendations will:

- 1. Challenge the 911 Emergency System to Improve its Response to Family Violence
- 2. Challenge Law Enforcement Agencies to Adopt Preferred Arrest Domestic Violence Policies, Improve Protective Order Service and Enforcement, and Adopt Sexual Violence Policies
- 3. Challenge Court Commissioners to Prioritize Victim Safety
- 4. Challenge State's Attorneys to Adopt Pro-Prosecution Policies
- 5. Challenge Courts to have a Strong Coordinated Response to Family Violence
- 6. Challenge Legislators to Strengthen Protection for Victims and Supervision of Offenders
- 7. Challenge Lay Advocates to Develop Standards and Uniform Training
- 8. Challenge Parole and Probation to Create Specialized Family Violence Units
- 9. Challenge Abuser Intervention Programs to Follow Operational Guidelines and Improve Effectiveness
- 10. Standardize Data Collection to Set a Baseline for Justice System Evaluation
- 11. Create and Strengthen Local Family Violence Coordinating Councils
- 12.Increase Resources for Victim Service Programs by Building Long-Term Relationships with the Business Community
- 13. Create Supervised Visitation Centers to Protect Parents and Children
- 14. Challenge Schools to Teach Character Education to all Students and to Intervene with At-Risk Students from Violent Families
- 15. Challenge Health Care Providers to Screen for and Refer Family Violence Victims
- **16.**Warn Victims that their Abusers are being Released through an Automated Victim Notification System
- 17. Maintain a Safety Net for Family Violence Victims in Welfare and Medicaid Systems' Reform
- 18. Conduct Public Awareness Campaigns to Change Attitudes and Behavior
- 19. Challenge Leadership to Articulate and Demonstrate a Strong Commitment to End Family Violence
- 20. Create a Family Violence Unit to Monitor, Evaluate and Continue the Council's Work

These recommendations build a solid foundation for a coordinated systems approach to family violence. But the recommendations are only the first step. With their publication comes the call to action for the next phase of the Council's work. Council members are now organized into seven action teams -- Criminal Justice; Courts; Legislative; Local Family Violence Coordinating Councils; Victim Service Resources; Childrens; and Domestic Violence Abuser Intervention/Sexual Offender Treatment -- to work to implement the Council's recommendations.

And you can help as well. The task of ending family violence presents each of us with a challenge, one it will take the whole community's commitment and participation to meet. After reading the detailed recommendations and action plan in the pages that follow, if you have suggestions for the Council or want to get involved in the work of one of the Council's action teams, please tear out the "Feedback and Sign-Up Form" located on page 114 and mail it in to the Council. The Council would welcome the opportunity to work with you on the tasks ahead.

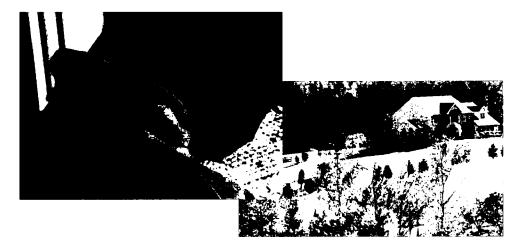
Overview

When we work with victims it is incredibly difficult for us to help them stay the course because to stay the course means pitfall after pitfall, and they finally just say, 'enough, this system doesn't help me, why should I get involved?'

Service Provider Testimony, Western Maryland Public Hearing, June 3, 199610

Violence in the home strikes at the heart of our society. Children who are abused or who live in homes where parents are battered carry the terrible lessons of violence with them into adulthood . . . To tolerate family violence is to allow the seeds of violence to be sown into the next generation.

Attorney General's Task Force on Family Violence, Washington, D.C. 1984



Family violence 11 is like a cancer growing in our communities.

It claims over seven million adults and children as victims each year.¹² The toll on society is enormous. Domestic violence is a major contributing factor in child abuse and neglect, female alcoholism, homelessness, mental illness and attempted suicide.¹³ Children who witness abuse are more likely to become substance abusers, to attempt suicide, to run away from home, to prostitute themselves, to engage in delinquent behavior and to commit sexual assault crimes.¹⁴ Researchers estimate that family violence costs our nation between \$5 and \$10 billion each year.¹⁵

- 10 Each quotation in this report which is taken from testimony presented at the Council's public hearings, accurately reflects the testimony of the person being quoted. To keep the quotations brief and to the point, however, we may have left out or slightly altered parts of the quote, without changing the substance or meaning of the testimony.
- 11 As used in this report, the term family violence means domestic violence, sexual assault, child abuse or elder abuse committed by a present or former household member, family member, or someone in an intimate relationship. The Family Violence Council focused primarily on domestic violence and the effects of domestic violence on family members, especially children. To fairly address the full range of sexual assault, child abuse and elder abuse issues, separate forums are necessary.
- 12 Annually, at least two million children, two to four million women and one and one-half million older adults are physically abused by intimates. American Medical Association, Family Violence, Building a Coordinated Community Response, at 1 (1996).
- 13 Joan Zorza, Woman Battering: A Major Cause of Homelessness, 25
 Clearinghouse Rev. 421 (1991); Mildred D. Pagelow, Effects of Domestic Violence on Children and Their Consequences for Custody and Visitation Agreements, 4 Mediation Quarterly 7, 347-363 (1990); Evan Stark & Anne H. Flitcraft, Spouse Abuse, in Violence in America: A Public Health Approach 141 (Mark L. Rosenberg & Mary Ann Fenley eds., 1991).
- 14 Commonwealth of Massachusetts,
 Department of Youth Services,
 Delinquent Youth and Family Violence: A
 Study of Abuse and Neglect in the
 Homes of Serious Juvenile Offenders, at
 17-18 (1985).
- 15 Harris Meyer, *The Billion Dollar Epidemic*, American Medical News, at 7
 (January 6, 1992).

Despite the alarming prevalence of family violence and the distressing consequences, there is still ambivalence within the justice system and within the community about intervening in "private" matters. The family violence victim and perpetrator have close ties and, for a variety of reasons, victims often become unwilling to pursue relief. Many of the forms of relief available are relatively new and still need refinement. Individuals on the front lines dealing with family violence often do not have the special training necessary to handle these cases effectively. Numerous different justice system agencies, courts and community-based groups may respond to a single family's violence problem, but there is little communication and virtually no coordination among the different groups.



Lt. Governor Kathleen Kennedy Townsend and Attorney General J. Joseph Curran, Jr. created the Family Violence Council to end the piecemeal handling of family violence in Maryland and to develop a coordinated systems approach. They invited representatives from the systems that respond to family violence —judges, legislators, police chiefs, sheriffs, court commissioners, State's Attorneys, parole and probation officials, battered women's advocates, children's advocates, law professors, family law lawyers and other policy makers — to analyze the systemic problems, devise solutions and work to implement the solutions. Council members recruited others with expertise to help with the task.

This report is the culmination of an intense year's work which began in November, 1995. The bulk of the work, thus far, was accomplished by five working committees of the Council. The Initial Response Committee covered the first systems that respond to family violence, including the 911 system, the police, shelters and emergency rooms. The Civil Process Committee examined the victim's process of seeking protection through the civil courts, including ex parte and protective order proceedings, as well as contempt and visitation issues. The Criminal Process Committee covered the court commissioner's system, the

¹⁶ It is only since 1988 that civil and criminal remedies for victims of family violence have been enacted in all 50 states. Meredith Hofford and Richard J. Gable, Significant Interventions: Coordinated Strategies to Deter Family Violence, Families in Court, National Council of Juvenile and Family Court Judges, at 91 (1989).

State's Attorneys, and the criminal courts. The Juvenile Process Committee examined the relationship between domestic violence, and child abuse and neglect proceedings, and the Post-Disposition Committee covered parole and probation, abuser intervention, and services for adult and child victims. Over one hundred people, including Council members and other committee members, actively participated in the work of the five committees.

For the first five months, the committees gathered information, conducted surveys and attended public hearings all around the State to learn more about the problems within and among the systems that respond to family violence. While a good deal of information and testimony highlighted outstanding efforts by some individuals and groups in all systems, the Council also found that a multitude of problems still exist.

For example, in many parts of the State, 911 operators and emergency dispatchers do not treat family violence with the same urgency as stranger violence. Police responses are inconsistent, evidence collection is often inadequate and arrests are not made as often as they are needed. Court commissioners often fail to retrieve information on prior incidents and fail to set conditions of release ordering defendants to have "no contact" with the victim or to "stay away" from the victim's residence, workplace, etc. State's Attorneys still choose not to prosecute numerous family violence cases, especially when victims do not wish to testify. Victims are generally not notified when their abusers are being released from custody. Despite the high numbers seen in emergency rooms, the medical community often continues to overlook domestic violence. There are not enough emergency shelter beds, legal services or counseling services available for women and children in need.

While many of our domestic violence laws are good, some still need to be strengthened and others need fine tuning. Many civil courts are not treating petitions for protection as emergency proceedings. There are still judges in both the civil and criminal courts that lack familiarity with the dynamics of family violence. There is little coordination between the civil and criminal courts. The criminal courts often treat family violence as less serious than stranger violence. Courts may refer abusers to "counselors" who have no experience in domestic violence and no protocols requiring them to address victim safety. Abusers on probation often do not get the intensive supervision that is needed. Probation agents frequently do not have time to make home visits to contact victims and other household members.

Children's legal proceedings, children's safety issues, and children's treatment programs are also problematic. In Child-in-Need-of-Assistance proceedings, children are often removed from their mother because of her failure to protect them

from abuse, without a determination about whether the children would be safe if their mother was safe from her abuser. Visitation is a very dangerous time for victims and children, and there are almost no supervised visitation centers in Maryland. There are not enough programs helping children heal from the abuse they have witnessed or suffered. Most schools do not teach violence prevention or intervene with children from violent homes.

Victim service programs are underfunded and are sorely lacking new sources of income. There are insufficient transitional services to help victims become self-sufficient. Victims often feel isolated, blamed, and without help. Sadly, in every corner of our State there are still those who believe that battering wives and children in private is acceptable behavior.

These problems, and others, cry out for solutions. The committees spent the past half-year working hard to craft solutions. They researched national best practices, consulted experts, reviewed the Model State Code on Family Violence¹⁷ and brainstormed practical solutions that will work in Maryland. The solutions are contained in the recommendations and action plan detailed in this report. The recommendations challenge the justice system and the community to consistently respond to family violence with the urgency needed to end this problem. They require a level of communication and coordination among systems that has been sorely lacking in our State.

The action plan at the end of this report describes how the Council will now move forward. In phase one of the action plan, the Council's seven action teams will carry-out strategic plans designed to propel all of the systems into action based on the Council's recommendations. Each action team will work with the Council's staff to move their assigned systems as close to the recommendations as possible, before the Council disbands at the end of September, 1997. For the next ten months, the full Council will coordinate efforts among its action teams.

Phase two of the action plan begins when the Council formally disbands. A Family Violence Unit is being designed to succeed the Council in September, 1997, to continue the Council's work, and to monitor and evaluate its accomplishments. ¹⁹ Ending family violence will require a significant sustained investment of time and leadership, as well as unprecedented coordination among all segments of society. The Council is now going forward to undertake this work and the Family Violence Unit will bring it to fruition.

¹⁷ Family Violence: A Model State Code, drafted by the National Council of Juvenile and Family Court Judges in 1994, has set a standard for state family violence laws that is being considered by groups in states around the country.

¹⁸ For example, the Victim Service
Resources Action Team will, among
other things, organize a business forum
to kick-off a Maryland Chief Executive
Officer Challenge Project pairing
Maryland businesses with battered
women's shelters and sexual assault
centers. The team will then follow
through to see that matches are actually
made and to facilitate building those
relationships.

¹⁹ A Council committee will design the Family Violence Unit. The Unit must have sufficient authority, combined with high level access to systems, to continue the Council's role as an effective agent of change.



We've got to realize that [family violence] is not just a public health problem, not just a criminal justice problem, not just an educator's problem. It is every-body's problem and we're all in this together . . . It's going to be solved by citizens, by educators, by doctors, by lawyers, by people coming together to try to make sense of the problem in a realistic way . . . we need to develop in each community a plan. A plan that makes sense.

The Honorable Janet Reno, U.S. Attorney General²⁰

The systems that respond to family violence are links in a chain.

If one breaks, the entire chain fails. That is why the following Council recommendations are so important. They outline the changes that are necessary for each system to serve as a strong link and help other systems consistently assure victims of family violence that the appropriate help will be there when they need it. If any link in the chain sends out the message that abuse is a "private family matter" or "she deserves what she gets" or "domestic cases are not important because the victims will not testify," the chain breaks, the victim's life is further endangered and the whole community suffers.

The Council came into being because some links in the chain are broken. Faced with a growing problem, the systems that respond to family violence in Maryland continue to react in a fragmented manner. A family that is experiencing problems with violence is often sent to ten or more different systems²¹ that generally do not coordinate efforts or even share information. After passing through all of these agencies the family may be in no better position than when the process began. Even worse, the victim may learn that reaching out for help does not protect her.²² She may then be reluctant to try again, leaving her and her children in greater danger.

One of the major goals of these recommendations is to forge an unbroken chain that will protect victims and hold abusers accountable. In a domestic violence criminal case, for example, 911 operators and dispatchers must react quickly and appropriately so that police officers can arrive on the scene in time to intervene

- 20 Keynote Address, American Medical Association National Conference on Family Violence: Health and Justice, Washington, DC, (March 11-13, 1994).
- 21 For example, a call to 911 from a family where a mother and child are being abused, could easily lead to contact with the police, a health care provider, a court commissioner, a victim service program, a lay advocate, the civil court, the State's Attorney, the criminal court, Child Protective Services, the juvenile court, the Department of Social Services and the Division of Parole and Probation.
- 22 While the Council acknowledges that same sex partner violence and male battering by women occurs, since the vast majority of domestic violence cases consist of women being battered by their male partners, throughout this report domestic violence victims may be referred to as women and children, and abusers may be referred to as men.

effectively. Police officers must then arrest the abuser and collect evidence in a manner that allows the State's Attorney to prosecute the case whether or not the victim is willing to testify. Then, in order for the police and the State's Attorney's efforts to be meaningful, the criminal court must follow through with a serious sentence for the abuser, including a period of probation with "no contact" with the victim, an abuser intervention program and, if possible, restitution as conditions of probation. The probation agent must then contact the victim, help her plan for her family's safety, strictly enforce the conditions of probation, maintain contact with the abuser intervention program and, if necessary, go back to the court to expedite a violation of probation proceeding. Again, the court must follow through with serious graduated sanctions.

If any system in this chain fails to respond in the required manner, the entire criminal justice response is compromised. The same kind of integration is needed to make the civil process and the juvenile process work effectively.

The Council recognizes that at a time when the State is operating under tight budget constraints, many of its recommendations raise funding issues. While the recommendations calling for changes in policies and procedures require little, if any, new spending, other recommendations clearly presuppose that some group or agency will fund them. The Council urges Maryland's Violence Against Women Act ("VAWA") Planning and Strategy Committee to make funding the Council's recommendations one of its top priorities. Where VAWA or other grant funds are not available, the Council recommends that the systems involved make preventing family violence a priority, both when allocating internal funds and when requesting new funds.

By following the Council's recommendations, we will take a giant step toward ending the problem of family violence in Maryland. With all of our systems working together, we will send a strong message: family violence in Maryland will be treated as a serious crime, a serious public health issue and a serious social problem. We will promote the safety of victims as a priority in all systems and empower victims to seek safety for themselves and their children. From a place of safety, survivors can build new lives, and end the cycle of violence between generations.

The Council issues a charge to everyone in Maryland to rise to the challenge and join with the action teams to make these recommendations a reality.

911 Emergency Response System:



I called 911 and I called my son-in-law. My son-in-law came from Virginia, and he got there before the police. I had to call 911 twice to find out where the officers were. It took a long time.

Survivor Testimony, Central Maryland Public Hearing, April 30, 1996

The 911 Emergency Response System serves as a vital link between victims and protection. If the link is weak, lives can be lost.

When victims of family violence cry out for help, a 911 operator is often their first contact with the criminal justice system. The primary concern of call-takers should be the safety of victims, and they should advise victims accordingly. For example, call-takers could advise victims to wait for officers at a neighbor's house or to remain on the 911 line. Information obtained by call-takers is also critically important for prosecuting family violence cases. Detailed information recorded on the 911 tape, including statements by the victim or caller, statements by the perpetrator, background noises such as sounds of a struggle, screaming, crying, objects breaking, children crying, and telephone hang-ups, are indications of a violent incident and are valuable evidence in establishing probable cause for arrest of the perpetrator.²³

After call-takers obtain information, 911 dispatchers send the appropriate emergency services to the scene. In cases of family violence, they would usually dispatch the police. They have the responsibility of processing calls, assigning priorities, and advising the responding units when a call involves family violence.

Findings and Conclusions

Family violence calls are the most prevalent type of call made to Public Safety Answering Points ("PSAP") in Maryland.²⁴ There is significant potential for injury during or following the time when these calls are made. Testimony at the

²³ Montgomery County Communications Division Standard Operating Procedure for Domestic Violence, 1996.

²⁴ PSAPs are the 911 emergency response centers in each county.

Council's public hearings indicated that some 911 operators and dispatchers do not respond to family violence calls with the requisite urgency. Moreover, most 911 emergency personnel have not received any specialized training on domestic violence and its criminal nature, or on how to respond to the calls. Nor have they had training on sexual assault and how best to respond to the needs of victims.

The Maryland Network Against Domestic Violence ("MNADV") has met some of the need for specialized domestic violence training. With a grant from the Governor's Office of Crime Control & Prevention it has conducted 11 regional training sessions, and educated 311 of the 750 PSAP personnel in Maryland. Participants in the MNADV sessions completed evaluation forms on which they requested more comprehensive presentations about how to handle 911 domestic violence calls and more information on the use of 911 tapes for prosecution of batterers. In addition to this feedback, the Research and Planning staff of the Maryland Police and Correctional Training Commission conducted a nation-wide 911 survey, in part to compare training requirements around the country. The results indicated that nationally fewer than half of all 911 emergency response personnel are certified, but that most, unlike Maryland, had to meet minimum entrance-level training standards.

The Emergency Number Systems Board ("ENSB")²⁵ has recognized the need for standardized training for PSAP personnel. The Board's Training Standards Committee is developing entry-level and in-service training standards, and a mechanism for certification. The Council concludes that an expanded and standardized domestic violence and sexual assault training curriculum should be developed and integrated into the entry-level and in-service training curricula currently being developed by the ENSB. MNADV has been awarded a grant through the STOP Violence Against Women Program to develop this curriculum. MNADV will subcontract with the Maryland Coalition Against Sexual Assault to develop the sexual assault component.

Because the Council had concerns about the lack of hiring qualifications for operators and dispatchers, the Maryland Police and Correctional Training Commission survey also gathered data on 911 emergency personnel selection standards. Most of the responding programs required personnel to meet minimum selection standards, including a criminal background check, education, medical testing, drug and substance abuse testing, and psychological testing. Currently PSAP centers do not have minimum selection standards for hiring new employees. The Council concludes that such standards are desirable and should include a criminal record review, drug and substance abuse testing, and psychological testing.

²⁵ The ENSB is the regulatory board for the Maryland 911 Emergency Response System.

In order to standardize a high level of competence within Maryland's 911 Emergency Response System, training and minimum hiring qualifications are necessary. With these additions in place, Maryland's system will be a strong link in the chain of protections for family violence victims.

Recommendations

- 1. Train entry-level and veteran 911 operators and dispatchers on the appropriate response to traumatized victims of domestic violence and sexual assault, and the evidentiary needs for 911 tapes.
- 2. Establish minimum hiring standards for 911 operators and dispatchers to include a criminal record review, drug and substance abuse testing, and psychological testing.
- 3. Have a written policy in each PSAP that establishes that domestic violence and sexual assault calls are to be treated as priority calls.
- 4. The ENSB should work with the Family Violence Unit 26 to develop tools to monitor and evaluate compliance with these recommendations.

Law Enforcement:

Preferred Arrest Policy, **Protective Order Service and**



It was Super Bowl Sunday, 1994. On that day I had a busted lip, I had scratches all over my face, I had a bruised and swollen chin. I had bruises all over my body. I called the police. My husband was standing outside the door and before I could get to the police officers my husband did. He manipulated them very well. So, they did nothing to my husband. They asked me if I would go upstairs and talk to him. They told me that he was sorry.

Survivor Testimony, Eastern Shore Public Hearing, May 29, 1996

The offender needs to be treated as a criminal. They are only different from the common street thug in that the crimes they commit are usually more methodical, they are more brutal and they are more cruel.

Police Official Testimony, Eastern Shore Public Hearing, May 29, 1996

26 The Family Violence Unit is the entity that will succeed the Council. See infra recommendation No. 20.

Law enforcement personnel are often the first representatives

of the criminal justice system to intervene in family violence cases. The way officers respond, including arrest of the offender and support for the victim, can deter further violence and communicate that family violence is serious criminal conduct. Making an arrest sends a clear message to the public, the victim and the offender that family violence will not be tolerated. Without this strong law enforcement intervention, violence typically escalates. By deterring further violence, making an arrest can prevent further injury, despair, and even death.



Across Maryland, some jurisdictions have excellent domestic violence policies and well-trained law enforcement personnel. In others, policies and training vary considerably. In some jurisdictions, officers do not write police reports for domestic calls, family violence perpetrators are seldom arrested, and evidence collection and investigation is inadequate. In addition, in many jurisdictions, law enforcement officers are not making arrests for violations of ex parte and civil protective orders.

To address these issues, the Maryland Network Against Domestic Violence ("MNADV") and Maryland law enforcement officials have almost completed a proposed model "preferred arrest" domestic violence law enforcement policy. This policy seeks to significantly reduce the level of domestic violence in the State by ensuring a consistent and uniform law enforcement response throughout the State, and by providing a safe, problem-solving approach during the delivery of services.

Like domestic violence, only a small percentage of crimes of sexual violence are reported or prosecuted. As a result, the Maryland Coalition Against Sexual Assault ("MCASA") and Maryland law enforcement officials are developing a proposed model sexual violence law enforcement policy. The policy will emphasize that law enforcement in Maryland is dedicated to bringing sexual offenders

to justice, and that the needs of victims of crimes of sexual violence are as important as the needs of the victims of any other violent crime.

The Council identified several other law enforcement-related problems. Testimony at the public hearings indicated that local police agencies and victim advocates have experienced difficulties with enforcement of ex parte and protective orders on military bases. Advocates testified that military courts are generally unwilling to remove military personnel from military housing. The Council concludes that the Governor should convene the law enforcement, advocacy, and military communities to meet with one another to resolve these difficulties.

Service of ex parte orders is another problem identified by the Council. It is important to maintain a system of personal service of ex parte orders if the protections afforded by the civil protective order system are to be effective. The service rate in most jurisdictions around the State is above 90 percent, which is quite good. There are some counties, however, that have problems with service that could jeopardize victim safety.²⁷ The Council concludes that jurisdictions which have service rates below 75 percent should create specialized units to serve ex parte orders. Some agencies, such as the Prince George's County Sheriffs Department, already have such units, and their service rate is excellent.

Another obstacle to the service of ex parte orders occurs when a respondent crosses the Maryland border into a neighboring state, such as Virginia, Delaware, Pennsylvania or the District of Columbia. Maryland law enforcement officials cannot cross the border to serve these individuals. The Council recommends a Gubernatorial initiative to enlist neighboring Governors and convene meetings between law enforcement officials in Maryland and her neighboring states to work out reciprocal service agreements.

As of October 1, 1996, Maryland law enforcement officers can enforce out-of-state protective orders if such orders are filed with a Maryland court, or if the person seeking protection "displays or presents to the law enforcement officer a copy of the order that is authenticated in accordance with an act of Congress or statute of the issuing state." In the meetings convened by the Governors, law enforcement officials should also address reciprocal enforcement issues with regard to out-of-state orders. The Council also recommends that Maryland's Governor propose to the National Governor's Association that it consider the State's efforts as a pilot project for a national initiative.

Finally, testimony at the Council's public hearings, and input from Council members, pointed to sporadic intrastate problems with service of ex parte orders. Law enforcement officials in counties experiencing these problems should work with one another to develop reciprocal service agreements.

²⁷ According to the results of a Family
Violence Council telephone survey, the
approximate service rate in Baltimore
City is 31%, and in Cecil County is 50%.
In Baltimore County no statistics are
kept.

²⁸ Md. Code Ann., Fam. Law § 4-508.1 (1996 Supplement).

Domestic Violence Recommendation

State and local law enforcement agencies should adopt a model "preferred arrest" domestic violence policy. The Council supports the policy under development by MNADV and Maryland law enforcement officials. The Council recommends that the policy include the following elements, some of which may already be in place in some jurisdictions:

- A. Dispatch all domestic violence calls, and assign them the same priority as other crimes of violence according to the degree of danger.
- B. Investigate domestic violence calls as a crime and:
 - Interview parties, employing knowledge of the characteristics of domestic violence:
 - ii. Be thorough in the collection of evidence to include photographing injuries, filing the Supplemental Domestic Violence Form²⁹ and obtaining 911 tapes as applicable;
 - iii. Prepare a written field report of all domestic incidents; and
 - iv. Provide a copy of the report to victims, upon their request.30
- C. Adopt arrest as the preferred enforcement action when probable cause exists.
- D. In cases of mutual battery, arrest the person whom the officer determines to be the primary aggressor.³¹ Do not arrest a person who the officer determines acted in self-defense.
- E. Provide victims of domestic violence with written notice of their rights,³² and verbally explain them to victims.
- F. Assist victims by ensuring their safety, listening to them, referring them for additional services, and providing other means of assistance as considered necessary and appropriate.
- G. Verify the safety of any children in the household and check children for injuries.
- H. Ensure that the victim and children receive necessary medical treatment and, if necessary, that transportation to a safe place is arranged or provided.
- I. Effectively administer and ensure prompt service and enforcement³³ of civil protective orders.
- J. Provide up-to-date, ongoing entry and in-service level training in the dynamics of domestic violence, domestic violence laws, and the "preferred arrest" policy to all law enforcement officers in the State.
- K. Treat all persons involved in domestic violence fairly, impartially, and consistently throughout the State, regardless of one's standing in the community.
- L. Where possible, consistent with local resources and perceived needs, establish specialized domestic violence law enforcement units.

- 29 See Maryland Domestic Violence Supplemental Form attached as Exhibit B.
- 30 Pursuant to Md. Code Ann., Art. 27 § 772 (1995 Supplement).
- 31 Pursuant to Md. Code Ann., Art. 27 § 594B(d) (1995 Supplement).
- 32 Pursuant to Md. Code Ann., Art. 27 § 771 (1995 Supplement).
- 33 Md. Code Ann., Fam. Law § 4-509(b) (1996 Supplement). "An officer shall arrest with or without a warrant and take into custody a person whom the officer has probable cause to believe is in violation of an ex parte order or protective order in effect at the time of the violation."

Protective Order Service and Enforcement Recommendations

- 1. The Governor should initiate efforts:
 - A. To convene high-ranking State and local law enforcement officials and victim advocates to meet with high-level military representatives from each Maryland military base to resolve problems surrounding enforcement of ex parte and protective orders on the military bases.
 - B. To develop reciprocal interstate protective order service agreements.
 - C. To resolve problems with enforcement of out-of-state protective orders.
 - D. To recommend these initiatives as a pilot project to the National Governor's Association.
- Law enforcement officials in Maryland counties which experience difficulties serving ex parte orders across jurisdictional boundaries within the State should develop reciprocal service agreements.

Sexual Violence Recommendation

State and local law enforcement agencies should adopt a strong policy for response to crimes of sexual violence. The Council supports the policy under development by MCASA and Maryland law enforcement officials and recommends that the policy should contain the following elements, some of which may already be in place in some jurisdictions:

- A. When responding to cases of sexual violence, the police officer's primary goals are to:
 - i. Respond sensitively to the victim;
 - ii. Supply referrals to assist the victim through the traumatic experience;
 - iii. Identify and arrest the individual(s) responsible; and
 - iv. Secure all vital information and evidence that will assist in the successful prosecution of the case.
- B. Crimes of sexual violence will be dispatched and assigned the same priority as other crimes of violence according to the degree of danger.
- C. Every complaint of sexual assault will be investigated thoroughly using clear police procedures.
- D. Information regarding the entire processing of the case will be available to the responding officer, as needed.
- E. Sensitive responses to victims will be combined with thorough investigation and clear police procedures, to contribute towards successful prosecution.
- F. Up-to-date training will be provided on sexual assault laws and issues.
- G. Police officers will treat each victim as an individual, focus attention on the crime which is being reported, and conduct an objective investigation, without assigning fault or responsibility to the victim.
- H. Victims will be kept informed of the processes needed to ensure their health and safety.
- I. The victims' right to confidentiality and privacy from publication of personal information in the media will be protected.

- J. An information and referral card will be provided to responding officers to give to sexual assault victims.³⁴
- K. Responding and investigating officers will ensure that:
 - i. The Sexual Assault Crisis Center Advocate is contacted;
 - ii. Any family member or friend requested by the victim is contacted;
 - iii. The victim is informed that the cost of evidence collection is paid for by the State if the crime is officially reported to the Police within 72 hours, and that additional costs may be covered by the Victims' Compensation Fund;
 - iv. The victim is advised about the availability of testing for sexually transmitted diseases and HIV, as well as other appropriate medical treatment; and
 - v. Transportation to a certified medical facility is provided for the victim when the incident is reported within 72 hours and the victim is not conveyed in an ambulance.

Accountability Recommendation

The Police Chiefs' Association and Sheriff's Association should work with the Family Violence Unit³⁵ to develop tools to monitor and evaluate all State and local law enforcement agencies' compliance with these recommendations.



- 34 The Council's Criminal Justice Action Team will work on developing these referral cards. See infra Action Plan phase one, No. 1.
- 35 The Family Violence Unit is the entity that will succeed the Council. See infra recommendation No. 20.

A woman swore out charges against a batterer and the commissioner released him on personal recognizance. He came back and broke her ribs, broke her teeth, and gave her an injury that required her to have an eyelid stitched back on. No one knew until after this occurred that he was on probation for battering two different women.

Service Provider Testimony, Central Maryland Public Hearing, April 30, 1996

After the police chastised me for being caught up in a violent relationship, for being a victim of domestic violence, and said nothing to my husband about the fact that he had terrorized me, I called the court commissioner's office. I was given the same song and dance as the police officer, and was told there's nothing that can be done until after 8:00 in the morning.

Survivor Testimony, Central Maryland Public Hearing, April 30, 1996

A victim of family violence can go directly to a court commissioner

without police intervention 24 hours a day, 7 days a week, and make application for a statement of charges against an abuser. If commissioners find probable cause to believe the offense occurred, they will decide whether to issue a summons or an arrest warrant. Commissioners also decide whether to require a bond and can set conditions of pretrial release. The victim's continued vulnerability is an important factor in family violence cases because the defendant has continuing access to the victim while criminal charges are pending, often for a period of six months or more.

Findings and Conclusions

A significant amount of feedback about commissioners was gathered during the public hearings. Victims, service providers, and advocates testified that some commissioners were not immediately available during the night, some were insensitive to the issues of domestic violence, and some released perpetrators on their own recognizance rather than setting terms of pretrial release to ensure the safety of the victim.

The managing commissioners in each jurisdiction around the State also provided feedback by responding to a Council survey. They reported that the commissioners lacked sufficient information in the statement of fact for charging crimes of domestic violence and lacked sufficient background information to set appropriate terms of release.

In family violence cases, which can escalate into lethally dangerous situations, victim safety must be of paramount concern. Commissioners should routinely consider setting conditions of release ordering the defendant to have "no contact" with the victim and to "stay away" from the victim's residence, workplace, etc.

In the Maryland Rules of Procedure,³⁶ which govern court commissioners' pretrial release determinations, victim safety should be elevated to be as important as ensuring the appearance of the defendant in court.

In order to make informed family violence decisions, commissioners need to review the defendant's prior history of violence. Existing data bases, including the local criminal record, Criminal Justice Information System ("CJIS"), National Criminal Information Center ("NCIC"), and the district court civil data base for protective orders, are available for reviewing an accused party's complete criminal history and for checking for any ex parte and civil protective orders during the initial appearance hearing. Additional training on the appropriate use of these tools, and on the dynamics and handling of domestic violence cases will facilitate better decision making with regard to conditions of release and thereby help to deter future violence.

Court commissioners are the only judicial officers in Maryland that any citizen may contact with a complaint 24 hours a day, 7 days a week. Because family violence victims may have an emergency need for a commissioner in the middle of the night, 24-hour accessibility is critical. In those jurisdictions where commissioners are not on site around the clock, commissioners should work with law enforcement and 911 personnel to ensure that all are especially sensitive to the importance of promptly putting family violence calls through to on-call commissioners.

Recommendations

- 1. Institute procedures designed to prioritize victim safety in court commissioners' approach to crimes of family violence:
 - A. Develop protocols for the initial appearance hearings to implement "no contact" and "stay away" conditions, to place a bond instead of releasing on personal recognizance, and to refer to pretrial release programs.
 - B. Ensure that the Court Commissioners' Manual prioritizes considerations of victim safety. Develop a safety checklist to be included in the manual.
 - C. Provide updated listings of local resources and referrals for family violence to the Chief Judge of the District Court for distribution to commissioners.
 - D. Create a user-friendly "Application for Statement of Charges" specifically designed to collect more accurate information.
- 2. Amend Md. Rule 4-216(f), "Factors Relevant to Conditions of Release," to make victim safety a consideration equal to that of ensuring the defendant's court appearance.
- 3. Provide additional and ongoing training to all court commissioners on:
 - A. Dynamics of domestic violence and how to handle family violence cases, including applications for statements of charges from citizens, initial

36 Md. Rule 4-216(f).

appearance hearings, referral to pretrial release programs, and referral for civil remedies.

- B. Impact of new family violence laws, policies, and practices.
- C. How to review an accused party's criminal history, to search for a history of violence as well as convictions, and to check for civil protective orders.
- 4. Ensure 24-hour accessibility to commissioners in the jurisdictions where commissioners are not on-site around the clock by having comissioners, law enforcement and 911 personnel sensitized to the importance of promptly putting family violence calls through during the off-shift hours.
- 5. The Chief Judge of the District Court should work with the Family Violence Unit³⁷ to develop tools to monitor and evaluate compliance with these recommendations.



The justice system is not user-friendly. My meeting with the victim witness coordinator lasted less than five minutes in the hallway of the State's Attorney's Office . . . Other victims I have been in contact with never heard anything about their case from the State's Attorney's Office until they went to court.

Survivor Testimony, Eastern Shore Public Hearing, May 29, 1996

We have a very low rate of prosecution. The message we are sending perpetrators is that we tolerate the legacy of abuse that exists in our county.

Service Provider Testimony, Eastern Shore Public Hearing, May 29, 1996

The State's Attorney is responsible for prosecuting criminal cases.

The State's Attorney has the power to decide whether to prosecute a particular case between the State of Maryland and the defendant. In domestic violence cases, victims often request that charges be dropped. They do this for a variety of reasons including fear for their safety or economic security. In the past, prosecutors sometimes complied with the victims' wishes because there was little additional evidence beyond the victims' testimony. This does not stop the violence. To the contrary, successful criminal justice system intervention is needed to hold the abuser accountable and stop the violence.

³⁷ The Family Violence Unit is the entity that will succeed the Council. See infra recommendation No. 20.

A pro-prosecution policy means that if State's Attorneys believe there is sufficient evidence to prove the accused guilty beyond a reasonable doubt they will prosecute. While the victim's testimony is important, it is not always necessary if appropriate investigation and trial preparation are conducted to compensate for the lack of victim testimony. What is always necessary, is cooperation and communication among the criminal justice agencies.

Findings and Conclusions

The Council studied State's Attorneys' practices around the State to identify problems that exist in domestic violence investigation, prosecution, and victim advocacy. While many State's Attorneys' Offices have made great strides in protecting the victim and holding the abuser accountable, others have further to go. Not all jurisdictions aggressively and vigorously prosecute domestic violence cases as a matter of policy; and victim advocacy, services, and prosecution support activities are not fully implemented in all jurisdictions. These findings were echoed in testimony given at public hearings across Maryland. The Council concludes that victims of domestic violence anywhere in Maryland should receive the same standard of care in prosecution regardless of their geographic location.

The Council also identified the need for additional specialized training for all personnel engaged in domestic violence prosecution. Specific training needs identified include the dynamics of domestic violence, specialized prosecution techniques, and evidentiary issues. The Council concludes that a basic curriculum should be available for all new prosecutors, and continuing education should be provided to all prosecutors who handle domestic violence cases. Selected personnel in each office should periodically be sent to state or national level training programs to develop sources of local expertise. Because the role of law enforcement and the role of the prosecutor are so intertwined, each State's Attorney's Office should provide training for the law enforcement agencies within its jurisdiction on the requirements for successful prosecution efforts against domestic violence perpetrators.

The Maryland Network Against Domestic Violence has developed a domestic violence prosecution and investigation curriculum and has taught it in several jurisdictions around the state. This curriculum needs to be replicated throughout all jurisdictions, and periodic updates need to be conducted.

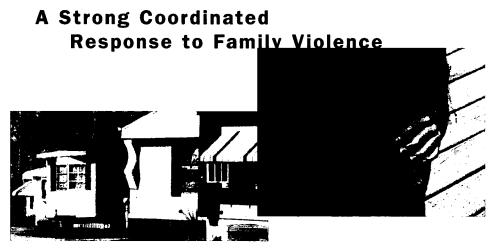
In addition to training on domestic violence, survey responses highlighted the need for training on sexual assault and child abuse. Educational units on these topics should be added to the domestic violence curriculum.

Recommendations

- 1. Each State's Attorney's Office should adopt a pro-prosecution policy. In executing this policy, each State's Attorney's Office should:
 - A. Have written policies and procedures regarding domestic violence prosecution.
 - B. Not automatically decline to prosecute domestic violence cases on the demand of the victim or because of the stated unwillingness of the victim to cooperate with prosecution of the case.
 - C. Monitor the use of spousal privilege by victims even when the underlying criminal justice event has been expunged from the system by the defendant.³⁸
 - D. Prosecute cases without the cooperation of the victim through the use of excited utterances (by officer or other witness, 911 tape, etc.), prior adopted statements, or other evidentiary procedures.
 - E. Require routine and regular use of the Supplemental Domestic Violence Form³⁹ and Police Report.
 - F. Require routine and regular use of law enforcement photography arising from domestic violence incidents, including photographs of the scene and injuries to the victim, with follow-up photography of injuries within 24 to 72 hours after the incident.
 - G. Require routine and regular use of written or taped statements taken from domestic violence victims by law enforcement agencies.
 - H. Identify cases which should be permanently assigned to a specific prosecutor or to a specific prosecution unit. Case evaluation criteria should include level of violence, type of crime, complexity of the case, and prior association of the victim with a specific prosecutor. Offices may, consistent with their resources and perceived needs, elect to establish specialized domestic violence prosecution units.
 - I. Maintain regular office communication with the domestic violence victim and ensure that prosecutors are informed of victim perspectives in plea bargaining matters.
 - J. Require prosecutors to base sentencing recommendations on expressed office policies.
 - K. Have a specialized staff to assist prosecutors in working up domestic violence cases; provide victims with information regarding their cases, the criminal justice system, safety planning, and social service and legal assistance organizations; prepare victims for court; and provide victims with procedures for notification when an inmate is about to be released.
 - L. Contact victim within 15 days of the time the defendant is served with a criminal summons or brought before a judicial officer.
 - M. Be aware of the potential for abuse, threats or harassment of victims when the victims come to or are at court. At-risk victims will be placed in a restricted access area such as the State's Attorney's Office while
- 38 It will only be possible to implement this recommendations if the Council's proposal -requiring court clerks to maintain a record that the privilege was asserted when the rest of the case is expunged -is enacted into law. See infra recommendation No. 6, Legislative Agenda.
- 39 See Maryland Domestic Violence Supplemental Form attached as Exhibit R

- awaiting call of the case, and will have victim escort by police or State's Attorney's staff while near or in the court area.
- N. Provide or arrange initial and ongoing training for its personnel, to include domestic violence, sexual assault, and child abuse issues, and specialized prosecution techniques.
- O. Provide training for and maintain a cooperative dialogue with other criminal justice agencies within its jurisdiction.
- Do cross screening for domestic violence, child abuse, and sexual assault.Move towards integration of the handling of these case within each State's Attorney's Office.
- 3. The State's Attorneys' Association should work with the Family Violence Unit⁴⁰ to develop tools to monitor and evaluate compliance with these recommendations.

Ocourts:



My daughter is a battered woman. She's been to court with her husband innumerable times. One time, when her husband gave her a concussion, the judge ordered counseling . . . It's wrong. It's a crime. If a man did that to another man it would be assault and battery. He'd go to jail.

Parent of Survivor, Testimony, Southern Maryland Public Hearing, May 22, 1996

I had a protective order against my husband. He violated the order. I filed contempt charges. The judge told my attorney, in front of me, in front of the whole court, to take this out in the hall and settle it.

Survivor Testimony, Southern Maryland Public Hearing, May 22, 1996

The courts play a critical and multi-faceted role in the justice system response to family violence. A victim of family violence can turn to the civil courts to file a petition for an ex parte order of protection. 41 See Protective Order Chart attached as Exhibit D. If the court finds reasonable grounds to believe that abuse occurred, it will issue an ex parte order of protection which will last for seven days. 42 Ex parte relief can include ordering the alleged abuser (referred to as

- 40 The Family Violence Unit is the entity that will succeed the Council. See infra recommendation No. 20.
- 41 Protective order proceedings are governed by Md. Code Ann., Fam. Law § 4-501 et seq. (1996 Supplement). Men, women, children and vulnerable adults can petition as victims under the statute. See Protective Order Forms attached as Exhibit C for samples of the petition for protection, ex parte order, and protective order.
- 42 The ex parte order can be extended for up to 30 days.

the respondent) to cease all abuse, threats and harassment, to vacate the family home and to stay away from the victim. It can also award temporary custody of children.

A second proceeding in the civil court, the protective order hearing, takes place after the ex parte order is personally served on the respondent by a law enforcement officer. At the hearing, if the court finds by clear and convincing evidence that abuse occurred, it will grant a protective order that can last for up to 200 days. The court can order the same relief available under the ex parte order, and, in addition, establish temporary visitation with children, award emergency monetary relief and order the abuser to attend an abuser intervention program. Civil courts can enforce violations of ex parte and protective orders through contempt proceedings.

The criminal courts also play a vital role in the State's response to family violence. They are society's means of holding abusers accountable for their criminal behavior. Family violence crimes appear before the criminal courts most commonly as assault and battery, but may also appear as homicide, sexual assault, child abuse, elder abuse, malicious destruction of property, stalking, telephone misuse, harassment, breaking and entering, violation of an ex parte or protective order or any other crime connected with violence or coercion of an intimate partner. *See* Criminal Prosecution Chart attached as Exhibit E.

In the realm of domestic violence, criminal and civil remedies are not mutually exclusive. A victim who obtains a civil protective order can also press criminal charges against the abuser for the same act of abuse. Accordingly, family violence incidents often lead to multiple cases pending before different courts. 46 Additionally, it is not uncommon to have a divorce and custody case pending while family violence cases are being pursued.

Juvenile courts generally become involved in family violence when a mother, who herself is a victim of domestic violence, is reported for abuse or neglect of her child. If a Child Protective Services ("CPS") worker investigates, and petitions to have the child adjudicated a Child-in-Need-of-Assistance ("CINA"),⁴⁷ the juvenile court will preside over the CINA proceeding.⁴⁸ If the court finds the child a CINA, it can order supervision within the home, place the child with a relative or other guardian, commit the child to the custody of the State or order the family to participate in rehabilitation services. CINA proceedings are especially serious because they may lead to termination of parental rights and adoption or long-term foster care for the children.

- 43 The ex parte order notified the respondent of the date, time, and place of the protective order hearing.
- 44 The Council's legislative agenda includes a bill to extend the duration of protective orders from 200 days to up to 18 months. See infra recommendation No. 6, Legislative Agenda.
- 45 Violations of the vacate and no contact provisions are also subject to criminal prosecution. Md. Code Ann., Fam. Law § 4-509(b) (1996 Supplement).
- 46 Advocates note a sharp increase in abusers cross-filing for protective orders. Since both the circuit and district courts have jurisdiction over these cases, there are instances where an abuser files in the circuit court, while the victim files in the district court, or vice versa.
- 47 A finding that a child is a CINA means that the child's parents are unable or unwilling to provide ordinary and proper care and attention.
- 48 CINA proceedings are governed by Md. Code Ann, Cts. & Jud. Proc. § 3-801 et seq. and Chapter 900 of the Maryland Rules.

Findings and Conclusions

An increasing number of victims of abuse are turning to Maryland's civil courts to file petitions for protection.⁴⁹ The Council recognizes that this presents difficulties to a court system that is already overburdened in many parts of the State. In the face of these difficulties, however, most Maryland courts still manage to take special recognition of the emergency nature of petitions for protection.⁵⁰ Although not a guarantee of safety, these civil orders give victims access to potentially life saving protections.

The Council learned, however, about some cases where courts failed to respond appropriately. The Council heard about victims who, after filing a petition for protection, waited in court for many hours and then were asked to return to court the next day for their ex parte hearings. Victims testified that some courts refuse to hear a cross-petition involving the same parties when relief has already been granted for the first petition.⁵¹ They testified about protective orders that granted abusers visitation with their children, but failed to specify reasonable terms for visitation.⁵² They testified that many courts do not treat violations of ex parte and protective orders as serious second offenses, and that the contempt hearings are sometimes not held for weeks or even months after the alleged violation. Finally, the Council heard that some victims were treated badly by court personnel who did not seem to understand the dynamics of domestic violence.

The problems the Council identified in the civil court system highlight the need for changes in the practices of some courts, for some revisions in forms used by the court, for judicial and court clerk training, and for some legislative changes.

The problem of delayed ex parte and violation proceedings can be resolved by changes in the practices of some courts. While acknowledging the difficulties experienced in the State's more populated jurisdictions, the Council concludes that in those jurisdictions that do not already do so, ex parte hearings and related contempt proceedings should be treated as emergency matters. Victims filing for these protections may be in danger and should be afforded expedited treatment. In addition, the Council recommends that courts adopt procedures designed to identify, and where possible, coordinate cross-petitions.

Another change in court practice that could help coordinate matters for victims and offer them much needed support is the creation of Family Divisions of the circuit courts in jurisdictions where there are sufficient judges. These divisions would handle civil domestic violence matters as well as the full domestic and juvenile dockets. Under the leadership of Judge Albert Matricciani, Jr., Council Vice-Chair, a Family Division pilot project is currently underway in the Circuit Court for Baltimore City. The division will be characterized by the resources it will offer to families. A case manager will coordinate services available to families

- 49 There were 19,556 ex parte petitions for protection filed in Maryland's circuit and district courts, combined, in fiscal year 1995-96. 16,983 were filed in both courts in fiscal year 1994-95. Annual Report of the Maryland Judiciary (1994-95; 1995-96 draft).
- 50 As the protective order statute recognizes, some petitioners, in fear for their lives and the lives of their children, are in hiding in the community or in battered women's shelters. Md. Code Ann., Fam. Law § 4-504(b)(2) (1996 Supplement).
- 51 Increasingly, abusers are rushing into court, alleging that they have been abused, and getting ex parte orders issued against victims. When the true victim then cross-petitions, some courts tell her to just wait for the protective order hearing. This amounts to a violation of the victim's right to due process. The court should hear the second petition and, if the evidence warrants, vacate the first order.
- 52 In a case of family violence, the victim is typically subject to the abuser's coercion and control. With this kind of blatant power imbalance, ordering "visitation as agreed to by the parties" is inappropriate.

and assist in moving cases to resolution. The Council will follow the progress of the Baltimore City pilot project.

The Protective Order Advocacy and Representation Project is another pilot project that will help coordinate matters for victims and provide them with support. The Women's Law Center of Maryland, Inc. and the House of Ruth have just received a one year grant through the Administrative Office of the Courts from funding available through the Violence Against Women Act ("VAWA"). Under this grant, the House of Ruth will be providing an attorney in the District Court for Baltimore City four days per week and the Women's Law Center will be providing an attorney three days per week in the Circuit Court for Baltimore City. In addition to providing legal representation to domestic violence victims in protective order cases, the objectives of this project are to: improve the handling of protective order cases by coordinating them with pending divorce and custody cases, when applicable; increase coordination between the civil and criminal court systems; publicize the availability of both civil and criminal remedies; and identify possible VAWA cases.⁵³

While the forms used in the civil protective order process -- the petition for protection, the ex parte order, and the protective order⁵⁴ -- are generally effective and easy to understand, some changes would be very helpful. To further simplify the forms for petitioners, and to assist judges in writing clear and unambiguous orders, the Council suggests several modifications which are also detailed below in this section's recommendations.

While the civil courts offer victims important protections, it is also essential for criminal courts to mete out the appropriate punishments to abusers. As the U.S. Attorney General's Task Force on Family Violence stated,

Judges are the ultimate legal authority in the criminal justice system. If they fail to handle family violence cases with the appropriate judicial concern, the crime is trivialized and the victim receives no real protection or justice. Using the yardstick of the court to measure conduct, the attacker will perceive the crime as an insignificant offense. Consequently, he has no incentive to modify his behavior and continues to abuse with impunity. The investment in law enforcement services, shelter support and other victim assistance is wasted if the judiciary is not firm and supportive...⁵⁵

Unfortunately, the Council learned of numerous serious cases of family violence that received little or no serious treatment in the criminal courts. While the Council is not offering specific sentencing guidelines,⁵⁶ it does conclude that criminal courts should sentence crimes of family violence at least on a par with stranger violence. Furthermore, because family violence generally involves a repetitive escalating pattern of abuse, repeat family violence offenders should receive enhanced sentences.

- 53 See infra recommendation No. 18, Public Awareness, for brief discussion of new relief available under the federal VAWA law.
- 54 See Forms attached as Exhibit C.
- 55 Final Report, United States Attorney General's Task Force on Family Violence, at p. 41, Washington, D.C. (1984).
- 56 The Council recognizes that the Maryland Commission on Criminal Sentencing Policy is addressing the Issues of sentencing, and defers to their authority.

The District Court for Baltimore City, under the leadership of Administrative Judge Mary Ellen Rinehardt, who is also a Council member, is initiating a Domestic Violence Court. This is a specialized court to handle criminal misdemeanor domestic violence cases. Domestic violence cases which meet the screening criteria will be tried in a central location, and will be handled by dedicated, specially trained personnel. The results should be increased sensitivity to victims who access the system, and greater accountability for the offenders. The Council will be following the court's progress with interest.



Juvenile courts also see many cases where family violence plays a role. Many studies have documented the relationship between domestic violence, and child physical abuse and neglect. As part of our own fact finding, the Council surveyed Maryland attorneys in CINA cases. Many of the attorneys who responded stated that roughly half of the mothers they represented either identified as or were suspected of being victims of domestic violence. The attorneys believed that domestic violence contributed to abuse or neglect in four respects: the abuser had also abused the children, the violence led to homelessness, the violence led to depression and neglect, and the violence led to parent alcohol or drug abuse relapse. When asked whether they raised the issue of domestic violence in CINA proceedings, the majority of attorneys representing mothers said they rarely raised the issue unless their client had taken affirmative, effective steps to separate from the abuser. The attorneys believed that otherwise, the CPS worker and juvenile court would use evidence of domestic violence against the mother.

The Council also surveyed CPS workers. Out of 278 child abuse and/or neglect cases filed over a two month period, domestic violence was identified in 13 percent of current relationships, and in 29 percent of current or prior relationships. These numbers are low because CPS workers typically asked general questions about relationships, but did not ask direct questions about domestic violence. Where domestic violence is identified, CPS workers weigh it as a factor in assessing harm or risk of harm to the children. Although CPS workers have the option to file a petition for protection of the child, only one worker in the Council's study indicated ever having initiated an ex parte proceeding where domestic violence had been identified. Petitions for protection on behalf of a child could

⁵⁷ Mildred D. Pagelow, Effects of Domestic Violence on Children and Their Consequences for Custody and Visitation Agreements, 4 Mediation Quarterly 7, 347-363 (1990).

result in having an abusive father vacate or stay away from the house, rather than removing the child and attempting to separate the child from its mother.

The Council finds that CINA proceedings generally fail to appropriately address the correlation between domestic violence and child maltreatment. Workers in the juvenile system -- CPS workers, judges, masters, advocates, prosecutors, case managers -- should be able to identify problems relating to domestic violence, and be equipped to offer services and referrals to mothers. This kind of intervention might help keep mothers and children together. At a minimum, domestic violence training, screening and referral are required. Ideally, the family unit should be dealt with as a whole, in a Family Division of the court that could render more holistic and coordinated resolutions to family problems.

The Council's recommended legislative changes are detailed in the section of this report containing the Council's legislative agenda.⁵⁸ The training recommendations are delineated in this section in the recommendations below, for all trial courts. Finally, all court personnel who deal with family violence, even if they are not in a specialized court, should be trained in the dynamics of family violence. Appropriate handling of these cases requires sensitivity to the issues of family violence, gender bias and sometimes differences in sexual orientation, culture and language. A greater depth of understanding within the court system as a whole should increase responsiveness to victims and intensify serious treatment for offenders.

Recommendations

1. Civil Courts:

- A. Proceedings for ex parte protection should be treated as emergency matters and expedited by the courts.
- B. Contempt petitions for violations of ex parte or protective orders should be expedited, treated seriously, and result in appropriate consequences for respondents.
- C. To the extent feasible, civil court clerks should check for cross-petitions for protection and append them to petition files sent to the court.
- D. Revise domestic violence forms to:
 - i. Highlight and simplify the emergency family maintenance language in the petition for protection;
 - ii. Add language to the ex parte order giving law enforcement officers express authority to remove children from non-custodial parents when serving ex parte orders granting custody;
 - iii. On the ex parte order, add notice to the respondent that service of the protective order by first class mail constitutes actual notice of the contents of the order. Request the respondent's mailing address and detail the consequences of violating a protective order;⁵⁹
 - iv. Add language to the protective order form requiring a respondent to successfully complete an abuser intervention program and stating the

⁵⁸ See infra recommendation No. 6, Legislative Agenda.

⁵⁹ Id. This recommendation will only be necessary if the Council's proposed legislation to permit service of the protective order by first class mail is enacted. In addition to alternative service of protective orders, the Council considered proposed legislation to permit alternative service of ex parte orders. Although some states do permit alternative service of ex parte orders, the Council concluded that more research on this matter is needed.

- consequences for violations:
- v. Add language to the protective order to limit the abuser to one return for clothing. Order should state date and time of return; and
- vi. Add language to the protective order to help the court structure appropriate visitation orders. For example, who is to supervise, where and when the exchange is to take place.
- E. Special protective order issues to raise in judicial training include the following:
 - i. Courts should hear conflicting ex parte petitions:
 - ii. Courts should routinely ask about a prior history of abuse between the parties and should allow sufficient hearing time to present evidence of family violence;
 - iii. Courts should routinely order abusers to attend abuser intervention programs that certify they follow the Council's Operational Guidelines:60
 - iv. Courts should impose earnings withholding orders for emergency family maintenance whenever possible;
 - v. Courts should order specific days and times for visitation. They should not order reasonable visitation or visitation as agreed by the parties in family violence cases;
 - vi. Courts should request proof of parentage when a noncustodial petitioner requests custody;
 - vii. Effects of domestic violence and sexual abuse on children; there should not be a judicial presumption in favor of visitation in domestic violence cases or in cases of child abuse;
 - viii. Violations of protective orders should be treated as serious offenses with serious consequences for abusers; and
 - ix. Enforcement of out-of-state protective orders.

2. Criminal Courts:

- A. Family violence crimes should receive sentences on a par with those imposed for stranger violence crimes.
- B. Repeat family violence offenders should receive enhanced sentences.
- C. Violation of probation proceedings should be expedited for family violence offenders, with serious consequences, including graduated sanctions for repeat offenders.
- D. To the extent feasible, criminal court clerks should check civil files for ex parte and protective orders and append them to the criminal files sent to the court.
- E. The District Court for Baltimore City's Domestic Violence Court should be followed to evaluate its success with domestic violence criminal cases.

3. Juvenile Courts:

- A. CPS workers should screen for domestic violence and sexual assault during parent intake.
- B. Case managers should refer mothers who are victims of domestic violence to services that will help them keep and protect their children.
- C. CINA judges, masters, prosecutors, and legal advocates should have training on:

60 See infra recommendation No. 9, Abuser Intervention Programs.

- i. the relationships among domestic violence, sexual assault, child maltreatment, juvenile delinquency, and parental substance abuse;
- ii. the admissibility and relevance of domestic violence evidence; and
- iii. domestic violence safety and treatment protocols in CINA case dispositions;

D. CPS workers should have training on:

- i. domestic violence, and the relationships among domestic violence, sexual assault, child maltreatment, juvenile delinquency, and parental substance abuse:
- ii. domestic violence and sexual assault screening techniques; and
- iii. the use of civil protective orders.

4. All Trial Courts:

- A. Judges should have consistent, periodic training in the dynamics of family violence:
 - i. Domestic violence, sexual assault, rape, and child abuse training should be incorporated within the judicial education curriculum; and
 - ii. Training should include sensitivity to special gender and sexual orientation issues, as well as sensitivity to cultural and language differences.
- B. Judges should be held accountable for their family violence decisions. Court watches, victim surveys and random sampling are some of the methods that have been effective in other contexts and may be useful here.
- C. The Council supports periodic judicial evaluations, and recommends that family violence decisions be reviewed during those evaluations.
- D. The Governor and Nominating Commissions should consider family violence in the personal backgrounds and judicial records of candidates in their decision-making process for appointments to the bench.

5. Circuit Courts:

- A. The Council supports a consolidated Circuit Court of Maryland with a unit of that court a Circuit Court for each of the 24 subdivisions.
- B. The Council supports efforts underway to centralize a circuit court computer system with linkage to the district court computer system.
- C. The Council recommends the establishment of Family Divisions within the circuit courts in jurisdictions where there are sufficient judges.
- D. The Circuit Court for Baltimore City's Family Division pilot project in Baltimore City should be followed to evaluate its success with family violence civil cases.
- 6. All court clerks should have consistent periodic training on the dynamics of domestic violence.
- 7. The Administrative Office of the Court should work with the Family Violence Unit⁶¹ to develop tools to monitor and evaluate compliance with these recommendations.

⁶¹ The Family Violence Unit is the entity that will succeed the Council. See infra recommendation No. 20.

Legislative Agenda:

Strengthen Protection for Victims and Supervision of Offenders

I had a protective order against my husband. My husband came and stood in the front yard, screaming and cussing at me. The police officer said I can't do anything because the ex parte order says he cannot enter the residence. After that my husband would come to the house, let the air out of my tires, cut my phone wires, break windows, kick the doors in. No one would do anything because the police officers said they could not become involved in a civil matter. So they would walk away.

Survivor Testimony, Southern Maryland Public Hearing, May 22, 1996

The woman got an ex parte order against her husband. When the police went to serve it, the man became violent. They left him there. The woman was forced to leave her home. She asked the officer if she could get her medication and her oxygen, that she had to have it. She was told no. She was refused again the next morning.

Service Provider, Western Maryland Public Hearing, June 3, 1996

Laws are one of the cornerstones of an integrated systems response to family violence. Victim advocates, law enforcement officers, court commissioners, State's Attorneys, judges, and parole and probation agents use our civil and criminal laws to protect victims of family violence and to hold abusers accountable by making them bear responsibility for their abusive behavior.

Maryland's civil protective order statute provides relief to thousands of victims of family violence each year. A strong, but easy to use statute is absolutely necessary for an effective, coordinated response to family violence.

Findings and Conclusions

Maryland's advocates have long been active in Annapolis proposing and lobbying for bills to protect family violence victims and to combat domestic violence, sexual assault and child abuse. Over the years, advocates have had many successes and suffered some defeats. Overall, their efforts have paid off and laws have been passed that protect victims and hold abusers accountable.

Slowly but surely, more and more legislators are championing family violence issues. For example, some members of the Family Violence Council are family violence victim advocates who also have seats in Maryland's General Assembly.⁶²

When the Council began its work, there was a desire on the part of some members to draft an omnibus bill which would attempt to bring Maryland's family violence laws in line with the Model Code.⁶³ Rather than proceeding with this course of action, however, the Council decided to investigate problems being

- 62 Delegate Sharon Grosfeld and Delegate Sue Hecht worked as domestic violence victim advocates for many years before being elected to the Maryland House of Delegates. Senator Delores Kelley and Delegate Ken Montague, the other legislators on the Council, are both long-time supporters of laws that strengthen protections for family violence victims.
- 63 Family Violence: A Model State Code, drafted by the National Council of Juvenile and Family Court Judges in 1994, has set a standard for state family violence laws that is being considered by groups in states around the country. While Maryland law has been moving in the direction of the Model Code, there is more that can be done.

experienced by people around the State who were using the family violence laws that currently exist.⁶⁴

For this reason, the Council is focusing its initial efforts on improving the implementation of family violence laws and on efforts to institute improved policies, procedures and coordination in and among the systems that respond to family violence. This explains why the Council's initial recommendations are aimed largely at non-legislative systems' reform.

There are, however, important improvements in the law that are still very much needed. After hearing from many different sources about the problems being encountered around the State, the Council concludes that in the upcoming 1997 legislative session five bills are essential to strengthen protections for victims of abuse and intensify supervision of family violence offenders. These five proposed bills make up the Council's legislative agenda for this session.

The first bill strengthens the existing protective order statute with three separate provisions. The first provision lengthens the duration allowable for the protective order from 200 days to 18 months.⁶⁵ Two-hundred days is not long enough for a victim to escape from an abusive relationship and establish a safe life on her own. In most jurisdictions, it takes at least 18 months to obtain an absolute divorce on grounds other than adultery. Many victims need protection throughout this entire time period. Maryland is in the minority of states that have protective orders lasting less than one year,⁶⁶ and many states have protective orders lasting two years or longer.⁶⁷

The second provision of the bill involves service of the protective order in cases where the respondent has been personally served with the ex parte order, ⁶⁸ but then refuses to attend the protective order hearing. The current statute requires that a law enforcement officer personally serve the respondent with a copy of the protective order, even though the respondent had an opportunity to appear at the protective order hearing and chose not to attend. In most jurisdictions ex parte orders are routinely served by law enforcement officers, but protective orders rarely get personally served. When the respondent then violates the protective order, the State's Attorney will not prosecute him for the violation, because he has not been personally served with the protective order. The result is that after being personally served with the ex parte order, the abuser can choose not to attend the protective order hearing, and then he is free to violate the protective order with impunity.

To remedy this, the Council concludes that the respondent who was personally served with the ex parte order but who fails to appear for the protective order hearing should be served with the protective order in the same way the petition-

- 64 For example, there is a law enforcement mandate to arrest abusers that violate certain provisions of ex parte and protective orders. Md. Code Ann., Fam. Law § 4-509(b) (1996 Supplement). In many jurisdictions around the State, these arrests are generally not being made.
- 65 Md. Code Ann., Fam. Law § 4-506(g) (1996 Supplement).
- 66 Catherine F. Klein & Leslye E. Orloff, Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law, 21 Hofstra L. Rev. 801, 1085 (1993).
- 67 Id. As of 1993, six states, Colorado, Michigan, New Jersey, North Dakota, Oklahoma, and Washington placed no limit on the duration of civil protective orders. California and Hawaii's courts issued civil protective orders lasting three years, and in Illinois and Wisconsin, courts issued civil protective orders lasting two years. Since 1993, Virginia, at least, has enacted legislation allowing courts to issue orders lasting two years.
- 68 The ex parte order contains notice to the respondent of the date, time and place of the protective order hearing.

er is served: "... by first class mail."⁶⁹ Furthermore, the statute should be amended to say that such service on the respondent will constitute actual notice of the contents of the protective order, and service shall be complete upon mailing. Language providing notice of this service provision, and its possible consequences, should be added to the ex parte order.⁷⁰ This change in the law will close a loop hole and enable State's Attorneys and courts to better enforce protective orders.

Finally, the Council was informed that in some parts of the State, law enforcement officers are interpreting the statutory language that orders an abuser to "refrain from entering the residence" to permit an abuser to enter the yard or property around the residence.⁷¹ This misguided interpretation can effectively imprison a "protected" victim in her house, which is clearly not the intent of the statute. To remedy this problem, the Council concludes it is best to define "residence" in the statute to include the yard, property or curtilage.⁷²

The second bill in the Council's proposed legislative agenda would amend Maryland's divorce law. Many married victims of abuse want to get divorced. Maryland law currently requires a one year period of separation before an absolute divorce can be obtained.⁷³ In cases where a court finds a history of abuse between the parties, the victim of abuse should not have to spend another year legally bound in marriage to her abuser. Accordingly, in such cases the Council proposes legislation to abrogate the one-year waiting period.

The third bill helps family violence victims take possession of their medicine. The Council learned that when law enforcement officers accompany some victims to get their clothes and personal effects out of their abuser's homes,⁷⁴ some abusers are refusing to turn over the victim's medicine and medical devices, such as inhalers. A simple addition to the law will expressly permit victims to take these medical necessities for themselves and their children.

Under Maryland's spousal privilege law, the spouse of a person on trial for a crime cannot be compelled to testify against that person except under two circumstances. First, spouses can be compelled to testify against one another in cases of child abuse. Second, in assault and battery cases, where the spouse is the victim and there has been a previous refusal to testify in an assault and battery case, the spouse can be compelled to testify. The problem the Council discovered is that in some cases where the privilege has been asserted, abusers are having the charges expunged and therefore no record exists to show that there has been a previous refusal to testify. A fourth bill is needed to correct this problem and require court clerks to maintain a record that the victim claimed spousal privilege in a case that was expunged.

- 69 Md. Code Ann., Fam. Law § 4-506(f)(1) (1996 Supplement). Both the petitioner and the respondent can also be served "in open court," and the mailing provision is for circumstances where they fail to appear in court.
- 70 See supra recommendation No. 5, Courts, under recommendation to revise domestic violence forms.
- 71 Md. Code Ann., Fam. Law § 4-505(a)(2)(iii) (1996 Supplement); Md. Code Ann., Fam. Law § 4-506(d)(3) (1996 Supplement).
- 72 Curtilage is defined as the enclosed space of ground and buildings immediately surrounding a dwelling-house. Black's Law Dictionary, at 346 (rev. 5th ed. 1979).
- 73 Md. Code Ann., Fam. Law § 7-103 (1991).
- 74 Pursuant to Md. Code Ann., Art. 27 § 798 (1996).
- 75 Md. Code Ann., Cts. & Jud. Proc. § 9-106 (1996 Supplement).

Finally, the Council concludes that there is a real need for specialized family violence units within the Division of Parole and Probation. The Division agrees that intensive supervision of family violence probationers is warranted and would help protect victims. The only impediment is money. Raising the probationers' supervision fee would provide the financial resources. Currently parolees pay a \$40 monthly supervision fee and probationers pay a \$25 monthly supervision fee. All monies collected go into the State's General Fund. The Council proposes raising the probationers' fee to \$40 and dedicating the extra \$15 to the Division of Parole and Probation to pay for the creation of specialized family violence units. This will make the parole and probation system a stronger link in the chain of protection for family violence victims.

After the 1997 legislative session, the Council will have the opportunity to evaluate the results of its non-legislative efforts. Based on the progress made in implementing its recommendations, the Council will determine its future legislative agenda.

Recommendations

- 1. A bill to extend and strengthen the Protective Order Statute:
 - A. Extend the duration of protective orders from 200 days to up to 18 months. Md. Code Ann., Fam. Law § 4-506(g) (1996 Supplement).
 - B. A protective order shall be served on the respondent in the same manner as it is served on the petitioner, "in open court or by first class mail."

 Service on the respondent in this manner shall constitute actual notice to the respondent of the contents of the protective order. Service shall be complete upon mailing. Md. Code Ann., Fam. Law § 4-506(f) (1996 Supplement) [repealing 4-506(f)(2), (3)].
 - C. Define "residence" to include the yard, property or curtilage in protective orders. Md. Code Ann., Fam. Law § 4-501 (1996 Supplement).
- 2. A bill to remove the one year waiting period for a divorce, when a court finds a history of abuse. Md. Code Ann., Fam. Law § 7-103 (1991).
- 3. A bill to give victims the power to take their own, and their children's, medicine and medical devises from their abusers when accompanied by a law enforcement officer pursuant to Md. Code Ann., Art. 27 § 798 (1996) to get clothing and effects for themselves and their children.
- 4. A bill to require that a record be maintained when spousal privilege is asserted by the victim in an assault and battery case and the case is subsequently expunged. The privilege can only be asserted once by the victim in such cases. Md. Code Ann., Cts. & Jud. Proc. § 9-106 (1996 Supplement).
- 5. A bill to raise probationers' supervision fee from \$25 to \$40 (parolees already pay \$40) and to dedicate the \$15 increase to the Division of Parole and Probation for Family Violence Units. Md. Code Ann., Art. 27 § 641B (1996).
- 76 See infra recommendation No. 8, Parole and Probation.
- 77 Md. Code Ann., Art. 27 § 641B (1996).
- 78 The Division already has domestic violence units in Baltimore City and in Montgomery County. Under this proposal those units would be expanded to include other family violence cases, and similar units would be created around the State.

Lay Advocates:



Domestic violence victims need access to legal services. Our county is small; there aren't many lawyers. And the majority are not willing to provide pro bono services for our victims. And most of the time the batterers have an attorney; the victims don't. The batterers get what they want. They get visitation with the kids. The women end up with nothing.

Service Provider Testimony, Southern Maryland Public Hearing, May 22, 1996

The family violence coordinator didn't return my phone calls, didn't meet with me. I actually had to seek this person out the first day of the court case.

Survivor Testimony, Western Maryland Public Hearing, June 3, 1996

Lay advocates provide services that are vital to victims of family violence.

For example, they provide domestic violence victims with information about protective orders and other legal options, help victims understand court forms, accompany victims to criminal court when they press charges against their abusers, and offer emotional support. Lay advocates provide these services because attorneys are not available to represent the vast majority of victims seeking protection in the courts.⁷⁹

Lay advocates also help Maryland's courts handle domestic violence cases more efficiently and effectively. With the assistance of an advocate, victims are better prepared for judicial proceedings, understand the information required by a court, and communicate with judges, clerks and court personnel more appropriately. This results in judicial economy.

Lay advocates do not perform any activity that we traditionally think of as the practice of law. They do not give legal advice, argue before a court, examine witnesses or draft pleadings. If lay advocates attempted to perform these functions, they would be engaging in the unauthorized practice of law.

Practices may differ greatly among lay advocates because they work for very different organizations. Some work for battered women's shelters, some for State's

⁷⁹ Some attorneys represent victims on a pro bono basis, and some law students also participate in clinics or other programs that provide free victim representation. The demand for assistance, however, especially among low-income victims, far exceeds the supply.

Attorneys' Offices, some for federal victim/witness programs, some for the Court Appointed Special Advocates ("CASA") program for children, some for private non-profits and some may be unaffiliated volunteers. Some lay advocates are supervised by attorneys and some are not. There is no standardized training for all lay advocates, so each organization trains their advocates differently.

Findings and Conclusions

The Council focused primarily on domestic violence lay advocates who assist victims petitioning for protection in the civil courts, and victim/witness advocates who assist victims in the State's criminal cases against their abusers. The Council concludes that lay advocates provide many valuable services to victims, to the courts and to State's Attorneys. At times, these services may even save lives.

The Council heard from both judges and abuse survivors that there are not enough lay advocates available to assist the steadily increasing numbers of pro se victims seeking protection. Because they are needed to help both victims and the courts, the Council recommends that lay advocacy programs be expanded to serve greater numbers of family violence victims around the State. Lay advocate programs should also coordinate their efforts with their local courts and State's Attorney's Office, where appropriate, to increase their ability to effectively protect victims as part of a strong coordinated response to family violence.

Concerns have been raised about whether the work performed by lay advocates is the unauthorized practice of law.⁸¹ While the Attorney General opined that the prohibition against unauthorized practice bars certain practices lay advocates might otherwise perform, he also recommended that the General Assembly "consider authorizing lay advocates to provide much-needed help that may not be permissible now."⁸² This problem is particularly troubling because, despite the need for more lay advocates, some programs and individuals, who would otherwise enter the field, are not doing so out of concern that they might engage in or supervise illegal activity.

The Council addressed these concerns by drafting legislation that would exempt certain practices from the prohibition against the unauthorized practice of law. The Council supported including this legislation in its legislative agenda, if the Council could build a consensus around the State to support the legislation in the up-coming session.⁸³ Despite its best efforts to do so, the Council has been unable to build such a consensus. For this reason alone, the Council will not introduce a lay advocacy bill this session.

Instead, the Council recommends efforts to ensure that all family violence victims receive consistent, high quality lay advocacy services within the bounds of the law. At its public hearings, the Council learned from victim testimony, that

80 To a lesser degree the Council also considered sexual assault victim advocates.

81 Both former Chief Judge Robert Murphy and Attorney General J. Joseph Curran, Jr., responding to inquiries on this issue, noted restrictions that some lay advocates had not been observing. The Attorney General opined that Maryland law restricts lay advocates from: advising victims to pursue a particular remedy, providing victims with information about how to present a case, using the advocate's own language on court forms and engaging in advocacy before a governmental representative on behalf of an individual victim. 80 Opinions of the Attorney General ____ (1995), Opinion No. 95-056 (December 19, 1995).

82 Id. at 8.

83 In the last two legislative sessions, different proposed bills created to address this problem failed, in large part, due to disagreements about the need for and scope of the proposed legislation. some disparities exist in the quality of services provided by lay advocates. While most dedicated legal advocates provide outstanding services, a few are failing to assist victims in a timely and professional manner.

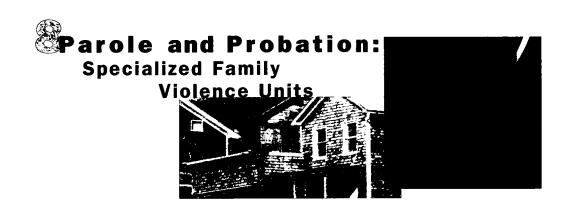
The best method to ensure that family violence victims consistently receive appropriate and professional assistance from lay advocates is to develop uniform standards and uniform training for domestic violence and sexual assault lay advocates. ⁸⁴ The Council recommends developing this training and these standards.

The Council also recommends continuing to work with advocacy groups, State's Attorneys, the State Bar Association and judges to build a consensus to support legislation which would exempt certain activities performed by lay advocates from the prohibition against the unauthorized practice of law.

Recommendations

- 1. Expand lay advocacy programs to serve a greater number of family violence victims.
- 2. Lay advocates should coordinate their efforts with their local courts and State's Attorney's Office, where appropriate, to increase their ability to effectively protect victims.
- 3. Develop uniform standards for domestic violence and sexual assault lay advocates, to protect and support victims in a consistent professional manner within the bounds of the law.
- 4. Develop uniform training for domestic violence and sexual assault lay advocates, to assure they fulfill their appropriate role within the civil and criminal systems within the bounds of the law.
- 5. Work with advocacy groups, State's Attorneys, the State Bar Association and judges to build a consensus to support legislation which would exempt certain activities performed by lay advocates from the prohibition against the unauthorized practice of law.

⁸⁴ The standards and training for these two types of lay advocates are likely to have some differences due to different victim needs and differences in the proceedings and relief available. Some lay advocates, for example CASA children's advocates, already have and follow National and State standards and use a national training curriculum.



Many times you have someone on probation for something like theft, and during his probation he gets charged with a domestic violence crime. You file a violation of probation based on the new charge and they hold off on it until he's convicted. This could take many months, sometimes over a year. And then the charge gets put on the stet docket.

Probation Agent Testimony, Western Maryland Public Hearing, June 3, 1996

Probation serves as a direct link between the criminal justice system and the offender. When family violence offenders are convicted in criminal courts, their sentences frequently include a few years of supervised probation. The courts often attach special conditions of probation to the sentence. In cases of family violence, conditions frequently include an order to have "no contact" with the victim, and an order to attend an abuser intervention program.

The probationer is then assigned to a specific probation agent, who will supervise him during his probation period. Agents are responsible for enforcing the conditions of probation that have been imposed on the probationer by the court. If agents find that probationers have violated a condition of probation, they approach the court to obtain a warrant or summons to be served on the probationer and to have a date set for a violation of probation hearing. At the hearing, the court may revoke probation and order incarceration, or order some alternative, such as participation in a work release program, or continuing the offender under supervision.

After the abuser is arrested by the police, prosecuted by the State's Attorney and sentenced by the court, the probation agent works with him on a long-term basis. The agent not only supervises the offender and holds him accountable for his behavior, but also works to see that the offender gets the services he needs to rehabilitate himself, if possible. Accordingly, probation agents play a key role in protecting victims, holding abusers accountable, and attempting to halt the repetitive nature of family violence.

Findings and Conclusions

According to the Council's survey of parole and probation agents, the number of offenders entering the criminal justice system for family violence crimes has been

drastically increasing in Maryland. The majority of these offenders are placed on probation. Agents can make a significant contribution to preventing family violence through intensive involvement with these offenders and their victims.

The National Council of Family and Juvenile Court Judges recommends that probation departments classify family violence probationers in the maximum supervision category (i.e., intensive supervision). In addition, probation agents are advised to maintain periodic private contact with the victim to monitor compliance with the terms of probation.

Providing services to victims⁸⁵ and abusers requires special training, sensitivity, commitment, time and intensive efforts on the part of these agents. Agents supervising abusers need to be concerned about victim safety and about protection for other household and family members.

Agents monitor abusers' attendance at treatment programs if treatment has been ordered, and also monitor "no contact" orders. These conditions must be strictly enforced. Agents should work cooperatively with substance abuse programs, abuser intervention programs, sex offender treatment programs, victim service programs, and pretrial services. To do so, agents need a firm understanding of the dynamics of family violence, the legal issues involved, crisis intervention and conflict resolution. They should be patient, effective listeners, able to impart advice and information to both victims and offenders. To be effective, agents providing this intensive supervision should carry reduced caseloads.

The Council concludes that it is most effective to deliver this specialized intensive supervision through a specialized family violence unit. These units will enable the Maryland Division of Parole and Probation to maximize its effectiveness as part of the criminal justice system's strong coordinated response to family violence.⁸⁶

Agents in specialized units should be trained to assess the safety of all household members. They should be cross-trained with domestic violence and sexual assault advocates, and with Child Protective Services and Department of Social Services workers.

Agents should also work with State's Attorneys, courts, and local law enforcement to expedite violation of probation proceedings. Once the court receives a request, a hearing should be held no later than three weeks from the time of violation. For accountability to be meaningful, the criminal justice system's response must be swift.

Agents should be provided access to statewide civil and criminal court files to obtain a probationer's criminal record and to note any prior or current protective

⁸⁵ Assisting victims is usually beyond the duties of probation agents, who lack the time and intensive training to offer such assistance.

⁸⁶ There is already one specialized domestic violence unit in Baltimore City's Parole and Probation office. It is called the Family Assault Supervision Team ("FAST" Unit). Montgomery County has a three agent unit and some other jurisdictions are identifying agents to handle domestic violence cases. The Council recommends that these units, and others that are created, broaden their scope to include all family violence offenders.

orders issued against him. Such access will help agents to assess the degree of lethality or danger posed by the probationer so they can provide the appropriate supervision. This information will also help agents assess victim safety so that they can assist victims with referral to services and safety planning.

Finally, the Council is interested in the new technologies being used and developed to assist victims and monitor abusers. Since these technologies are expensive, we recommend exploring the possibility of grant funding for pilot projects involving new technologies.

Recommendations

- 1. The Division of Parole and Probation should create specialized family violence units which include:87
 - A. Specialized periodic in-service training on domestic violence, sexual assault, rape, child abuse, elder abuse, crisis intervention and conflict resolution.
 - B. Periodic cross-training with domestic violence and sexual assault victim advocates, Child Protective Services workers, Department of Social Services workers, and other treatment providers.
 - C. Intensive supervision of family violence offenders as detailed in the statewide parole and probation contact standards.
 - D. Maintain reduced caseload to provide appropriate intensive supervision.
 - E. Conduct confidential lethality assessment of offenders based on interviews with the offenders, presentencing investigations, prior and current charges, and other case materials. Agents should not assume that victims are safe based on these assessments.
 - F. Maintain contact with the victim and other household members to assess their safety, determine if reabuse has occurred, and assist them with referral to services and safety planning.
 - G. Strictly enforce "no contact" conditions of probation.
 - H. Check to see whether the offender has prior or current ex parte or civil protective orders issued against him.
 - Coordinate with the local courts and police to develop protocols to expedite violation of probation proceedings and impose serious and graduated sanctions for violations.
 - J. Work cooperatively with substance abuse programs, abuser intervention programs, sex offender treatment programs, victim service programs, State's Attorneys, law enforcement, and pretrial services.
- Investigate new technology such as electronic monitoring being used and developed to assist victims and monitor abusers. Explore grant funding for pilot projects.
- 3. The Director of the Division of Parole and Probation should work with the Family Violence Unit⁸⁸ to develop tools to monitor and evaluate compliance with these recommendations.
- 87 The Council's proposed legislative agenda includes a bill designed to fund family violence units by increasing probationers' supervision fees. See supra recommendation No. 6, Legislative Agenda.
- 88 The Family Violence Unit is the entity that will succeed the Council. See infra recommendation No. 20.

Abuser Intervention Programs:

Follow Operational Guidelines
and Improve Effectiveness



I would like to give you an example of what happens when a batterer enters private counseling where there is no standard of care or protocol for treatment. The victim was asked to participate in a couples session as part of the batterer's private treatment. The husband became enraged during the session, and proceeded to verbally abuse and threaten his wife. Not only did the therapist fail to confront the batterer's abusive behavior, but the victim was told that she "provoked" her spouse by asking him to acknowledge his physical abuse.

Service Provider Testimony, Central Maryland Public Hearing, April 30, 1996

The batterer must come to understand that the behavior that worked for him in the past is unacceptable and it has consequences. Only after this is accomplished will be begin to accept responsibility and begin to learn new, nonviolent behaviors.

Service Provider Testimony, Central Maryland Public Hearing, April 30, 1996

Abuser intervention is now a link in the justice system's response

to family violence. Domestic violence abuser intervention programs ("AIP") began in the late 1970s and proliferated around the country in the 1980s. In the original programs, most clients were self-referred. As the justice system became more knowledgeable about family violence, courts began to refer family violence offenders to abuser intervention programs. Increasingly, abuser intervention is court ordered, either as a condition of probation, or as a provision of a civil protective order.

Most intervention programs deal with abusers in groups. There are a variety of different intervention methods, including cognitive behavior therapy and educational models that focus on the abusers' need for power and control. There is no national agreement or conclusive scientific data which indicates which model is the most effective at stopping abusive behavior.⁸⁹

89 As of October 1994, only three research studies had used adequate control groups to examine the effectiveness of abuser intervention programs. Two studies found that the programs significantly reduced recidivism, one found that it did not. Christopher M. Murphy, Ph.D., Treating Perpetrators of Adult Domestic Violence, Md. Medical J., at 877 (October 1994).

Findings and Conclusions

In Maryland, domestic violence programs must offer abuser intervention programs as one of the services they provide in order to receive domestic violence state funding. This requirement was originally recommended by members of the domestic violence victim advocacy community because they believed it was critical for abuser intervention programs to have strong ties to programs committed to victim safety. While some support and some oppose this requirement, the Council finds that the underlying belief, that abuser intervention programs must prioritize victims' safety, was well founded.

When abusers are ordered into an intervention program, victims often believe that their suffering will come to an immediate end. This often is not the case. Depending on the circumstances, it may be advisable for the victim to make a safety plan, seek counseling or take other measures to protect herself and her children. It is very important for programs to maintain contact with victims and offer them services. This contact may protect and empower the victim, and also provides a feedback mechanism for the program to learn about the abuser's behavior.

The link between the courts and abuser intervention programs breaks down when courts refer abusers to attend intervention with a "counselor" who does not have domestic violence experience and does not contact victims. There is a great deal of concern in the victim advocacy community that "counseling" of this sort allows abusers to evade responsibility for their actions, leaves victims out of a process that is critical to their safety, and does not ensure that abusers are held accountable to the courts for fulfilling court orders in a meaningful manner. While abuser intervention programs notify the court when an abuser fails to complete or comply with the intervention program, private counselors are under no obligation to do so, and may not even be aware of the necessity or the procedures used to notify courts.

To prevent this breakdown, the Council has developed Operational Guidelines for Domestic Violence Abuser Intervention Programs. See Operational Guidelines, attached as Exhibit F. The guidelines require intervention programs to make contact with victims and to notify the courts and/or probation agents about each abuser's progress. The Council concludes that the best method to ensure victim safety and abuser accountability is to have abuser intervention programs certify to their local courts, annually, that they follow the Operational Guidelines. The administrative judges for each local district court, and the appropriate judge in each local circuit court should maintain a list of intervention programs that make this certification, and distribute the list to all local judges. Judges should refer abusers only to programs on the list.

- 90 While there is some disagreement about this policy in the advocacy community today, the majority of programs support keeping this requirement until standards and a formal certification process for abuser intervention programs are developed.
- 91 This practice came into national focus when it was revealed that O.J. Simpson had fulfilled his court order to attend abuser intervention by having a one hour session on the phone with a counselor.
- 92 The Guidelines are based on a proposal developed by the Maryland Network Against Domestic Violence for programs that work with men who abuse women. They do not address intervention for sexual abuse offenders. Different methods are used to treat sex offenders. Accordingly, courts should not order sex offenders to attend domestic violence AIPs. Where physical abuse and sexual assault occur together, courts should determine which behavior predominates and order the offender to attend the appropriate program. The Council supports efforts to develop standards for sex offender treatment and to develop a certification process. Several such efforts are currently underway. The Baltimore Alliance Against Child Abuse and Neglect is working on standards for sex offender treatment, and the Central Maryland Sexual Abuse Treatment Task Force is working on a certification process for sex offender treatment programs.

Most abuser intervention programs do not accept offenders who are also active substance abusers. These programs make referrals for substance abuse treatment. Since many offenders never get into or complete the substance abuse program, they cannot participate in the abuser intervention treatment. This problem is particularly prevalent in parts of the State that have large populations of substance abusers. The Council concludes that there is a need for dual treatment programs to help domestic violence abusers who also have substance abuse problems.

The Council also considered whether to recommend a specific method of abuser intervention. Currently the abuser intervention programs in Maryland use a variety of different methods, and many combine elements of several different methods within their programs. While the directors of the programs have stated that they want to use the most effective intervention methods to stop abuse, there is no agreement about which methods are best.⁹³

To resolve this problem and improve effectiveness, the Council concludes that Maryland abuser intervention programs, together with research academicians, should create a Research Task Force that will serve as a national demonstration project to develop empirically-based standards for effective abuser intervention methods. The task force should identify gaps in knowledge about the effectiveness of abuser intervention, facilitate uniform outcome data collection by all intervention programs, ⁹⁴ and conduct controlled scientific studies of various intervention methods. This will be a collaborative effort and research results are to be used to assist all programs to increase their effectiveness. Based on its research results, the task force should promulgate standards and develop a formal certification process to ensure that all Maryland abuser intervention programs operate as effectively as possible.

The Council encourages intervention programs to seek grant funding from the National Institutes of Health, National Institutes of Mental Health, National Institute of Justice and other sources to convene the task force, conduct the research and promulgate standards. Grant funds are available for longitudinal studies on abuser intervention methods. To our knowledge, this taskforce would be the first collaborative statewide effort of this type in the nation. It could turn Maryland into a national laboratory for abuser intervention research. The task force should organize a national conference on this topic in Maryland.

It is well known that without any intervention, abusive behavior in relationships is repetitive and tends to escalate.⁹⁵ Even in the small percentage of family violence cases where the offender is incarcerated, the abuser will be released and will reenter society.⁹⁶ Accordingly, the Council agrees with the American Psychological Association's assessment that "[t]reatment of those who perpetrate family violence is essential, not only to end current behavior, but to prevent

⁹³ There is also speculation that different methods may work more effectively with different demographic populations.

⁹⁴ Some programs already conduct period ic follow-up calls to victims after the intervention program has ended to attempt to determine whether and how long the abuser refrains from abusive behavior. There is some concern, however, that due to difficulties in data gathering, victim follow-up may not accurately reflect a program's effectiveness. The Research Task Force should develop standardized outcome measures for all programs to use.

⁹⁵ Repeated severe violence occurs in one out of 14 marriages, with an average of 35 incidents before it is reported. Judith Avis, Where are all the Family Therapists? Abuse and Violence Within Families and Family Therapy's Response, Journal of Marital and Family Therapy 225, 227 (July 1992); Walker, Thyfault and Browne, Beyond the Juror's Ken: Battered Women, 7 Vt. L. Rev. 1, 3 (1982).

⁹⁶ With the exception of some subset of homicide cases.

future violence by the abuser."97 Unless abusers get help to change their behavior, the problem will never end.

Recommendations

- 1. All abuser intervention programs receiving court referrals should follow the Operational Guidelines for Domestic Violence Abuser Intervention Programs.
 - A. Abuser intervention programs should certify to the courts that they follow the Operational Guidelines developed by the Council, in order to receive court referrals.
 - B. Courts should keep lists of all abuser intervention programs that certify that they follow the Guidelines and refer abusers only to those programs.
- 2. Abuser intervention programs, together with research academicians, should convene a collaborative Research Task Force to develop standards and a certification process, and to operate as a national demonstration model on effective intervention.
- 3. Dual treatment programs should be established to treat domestic violence abusers who are also substance abusers.



Data Collection:

Standardize to Set a Baseline for Justice System Evaluation

The seriousness of domestic and sexual violence crimes is increasingly recognized, and the need for better measures to inform policy and planning decisions is clearly evident.

Domestic and Sexual Violence Data Collection, A Report to Congress under the Violence Against Women Act

The collection of accurate, reliable and accessible data is critical

for effective planning and policy making. Baseline data reflecting the current problem, and accurate data collection after changes are implemented are also critical for accurately monitoring and evaluating the effect of changes in policies and procedures. Data for cases involving domestic and family violence is particularly difficult to obtain because many cases are not officially reported. Research suggests that only one in every seven assault cases involving intimate partners is ever reported to the police.98

Currently in Maryland, data regarding arrest activities is collected from local law enforcement agencies and is sent to the Maryland State Police. The data is compiled and analyzed by the Maryland State Police Central Records Division and forwarded to the Federal Bureau of Investigation ("FBI") to be incorporated into the Uniform Crime Reports ("UCR").99 Data on the UCR Battered Spouse Reports is limited because only information pertaining to those individuals married or residing together is included within the document. The Battered

- 97 Report of the American Psychological Association Presidential Task Force on Violence and the Family, at viii (1996).
- 98 Dutton, D. The Criminal Justice Response to Wife Assault, Vol. 11 Law and Human Behavior 3 (1987).
- 99 The UCR was developed in 1930 to standardize data collection across states with different crime definitions and different laws.

Spouse Report is limited to offenses of murder, manslaughter and battery. Although the UCR report collects data pertaining to sexual violence, information pertaining to the relationship involved in those offenses is limited.

To address these limitations, and others, approximately 15 years ago, the FBI began developing the National Incident Based Reporting System ("NIBRIS"). This system will eventually replace the UCR data currently collected. NIBRIS information is more comprehensive in nature, and includes a broadened definition of forcible rape, more sexual violence related categories and victim-offender relationship data.

NIBRIS was implemented approximately ten years ago with the expectation that within five years, 80 to 90 percent of the United States would be using it. Now, ten years later, only two percent of the states have implemented the system. Most states have not been able to meet the huge automation costs involved in switching to NIBRIS.

In Maryland a Request for Proposal was recently issued for implementation of a Maryland Incident Based Reporting System ("MIBRIS") to collect NIBRIS, and possibly additional information. Once MIBRIS is operational, there will still be many problems related to collecting all of the data. Centralizing data collection so that all of the systems responding to family violence report in the same manner and to the same source, presents complex organizational, technological and financial problems.

Findings and Conclusions

In Maryland, the Maryland State Police and the Department of Public Safety and Correctional Services ("DPSCS") has recently finalized its efforts to operationalize a registry containing data on ex parte and civil protective orders issued within the State. This registry is maintained by the Maryland State Police in the Maryland Interagency Law Enforcement System ("MILES") database. It will eventually be transferred to the Maryland State Warrant System ("MSWS"), which is expected to be operational in May, 1997. The Data Collection Subcommittee of the Violence Against Women Act ("VAWA") Planning and Strategy Committee assisted in the planning and development of the registry that is utilized by law enforcement officers and courts statewide.

Within the next year, the National Crime Information Center ("NCIC") will complete its efforts to create a database to collect interstate data on ex parte and civil protective orders issued in other states and territories. This information will be accessible to law enforcement officers and courts within Maryland as early as May, 1997.

The Family Violence Council recommends that the Data Collection Subcommittee of the VAWA Planning and Strategy Committee continue its collaborative efforts to evaluate current database collection efforts around the State. Specifically, the Council recommends examining the potential for developing a database to collect criminal offense data from the inception of a 911 call through post-conviction on domestic and sexual violence cases as well as on other family violence cases. 100 Additionally, other possibilities for the information system database to enhance current data collection efforts throughout the state include establishing a comprehensive family violence database to be coordinated with the Statewide Automated Child Welfare Information System that is currently under design and development within the Department of Human Resources.

Recommendations

Establish a comprehensive family violence data base designed to be used for monitoring and evaluation purposes:

- A. Expand the Data Collection Subcommittee of the VAWA Planning and Strategy Committee to work on the creation of a statewide family violence data base through uniform justice system definitions, forms and reporting systems.
- B. Coordinate with federal efforts to create a national family violence data base through the FBI's NIBRIS system.



Lacoordination:

Create and Strengthen Local Family Violence Coordinating Councils

We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

The Rev. Dr. Martin Luther King, Jr.

Tell me and I'll forget; show me and I may remember; involve me and I'll understand.

Chinese Proverb



100 The Council recognizes the limitations associated with funding issues for such a database under the Violence Against Women Act and encourages actively seeking additional funding sources to supplement its efforts.

Around the country, local family violence coordinating councils

("LFVCC") are working to improve their community's response to family violence. It takes a multi-disciplinary coordinated approach to substantially decrease the incidence of family violence.¹⁰¹ Policies promoting such an approach can be set at the state level. To be effective, however, the actual coordination must take place at the local level.

Individual communities are in the best position to understand the needs and resources of that community and the efforts of family violence councils should therefore be community driven. Communities are also in the best position to prioritize community needs with regard to family violence and to allocate increasingly scarce resources. We recognize that interventions for family violence must be tailored to all specific forms of family violence under consideration (including, but not limited to: child abuse and neglect, child sexual abuse, partner abuse, emotional abuse, abuse of physically and mentally handicapped adults and children; and elder abuse, neglect and exploitation). Furthermore, specific approaches to family violence must be sensitive to the cultural, linguistic, and other diverse populations in which family violence occurs as interventions are contemplated.¹⁰²

LFVCCs develop prevention, intervention and treatment policies, facilitate coordination among all of the agencies and programs responding to family violence, work to reduce the incidence of family violence in the community, advocate for improved policies, services and resources, and increase community and professional awareness about family violence and its prevention. They are the key to coordinating efforts to prevent family violence at the local level.

Findings and Conclusions

Finding a critical need for coordination, policy-making and intervention at the local level in most parts of Maryland, the Council concludes that there should be an active LFVCC to address family violence issues in every jurisdiction. LFVCCs should be made up of representatives from all of the systems that respond to family violence: 911 Emergency Response personnel, law enforcement officers, court commissioners, State's Attorneys, judges, parole and probation officials, domestic violence program directors, sexual assault program directors, treatment providers, advocates, State officials from the Department of Social Services ("DSS"), the Department of Juvenile Justice ("DJJ") and Child Protective Services ("CPS"), clergy, business leaders, hospital administrators, public health officials, and education officials. Depending upon particular local issues, there may be other systems or groups that should be represented on an LFVCC.

Members of the LFVCCs should have sufficient authority to effect policy changes within their institutions. All member institutions and programs should make participation on the LFVCC one of their organizational priorities. ¹⁰³

¹⁰¹ Sarah Buel, An Integrated Response to Family Violence: Effective Intervention by Criminal and Civil Justice Systems, Harvard Law School, May 22, 1990.

¹⁰² This philosophy statement was taken from the Work Group Recommendations of the National Conference on Family Violence: Health and Justice, Washington D.C., March 1994.

¹⁰³ Some LFVCCs rotate leadership responsibilities periodically among member organizations and collect modest dues to cover the cost of mailings, etc. Others obtain grant funds to hire coordinators to run the LFVCC.

LFVCCs should promote a prevention and early intervention focus, rather than the crisis-oriented systems' responses that currently exist in most parts of the State. A family needs assessment should be conducted when a family first comes into contact with a member system. Necessary services should then be delivered to the family in a coordinated manner. Appropriate early intervention services should be utilized. The LFVCC should assure case coordination, standards of care, continuum of care and ease of service transfer.

The LFVCC should also foster coordination and communication between LFVCC members. It should monitor and solve problems between member systems that arise at the local level. In order to evaluate local conditions and monitor changes, LFVCCs should also collect and analyze local family violence data.

LFVCCs should be inclusive and consider the needs of the entire community. Public awareness about family violence is needed in every sector of the community. LFVCCs should create subcommittees to assist local special-needs populations with family violence problems.

Since Local Management Boards ("LMB") may have some funds to allocate at the local level, there should be a strong relationship between the LMBs and the LFVCCs.¹⁰⁴ LFVCC members should be represented on the LMB. The Council recommends that a briefing on its report be conducted for County Executives, who appoint LMB members. Additionally, all LMB members should be sensitized to family violence issues.

Because of the need for coordination, and because violent families often have multiple needs, representatives of all member systems on the LFVCC should be cross-trained in all other relevant systems. LFVCC member organizations should facilitate the cross-training. Services and intervention cannot be delivered to families in a coordinated manner unless members of different systems share a common understanding of a families needs, and the resources and capabilities of other member systems.

The Council plans to collaborate with the Governor's Office of Crime Control & Prevention, and the Violence Against Women Act ("VAWA") Planning and Strategy Committee to plan a Spring, 1997 statewide conference. The conference agenda will include programs which highlight existing LFVCCs, help create new LFVCCs and offer technical assistance to promote national best practices.

Recommendations

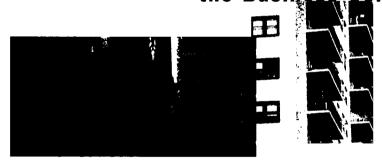
 Local high-ranking representatives from 911, law enforcement, court commissioners, State's Attorneys, courts, advocates, parole and probation, domestic violence programs, sexual assault programs, treatment providers, CPS, DSS, DJJ, clergy, business, hospital administration, public health, and

104 See infra recommendation No. 12, Victim Service Programs, for a more detailed explanation of LMB's. education should sit on a LFVCC in each jurisdiction to improve coordination between systems that respond to family violence. 105

- 2. LFVCC representatives should be cross-trained on the services that other members provide, and on data collection, analysis, tracking, and monitoring of cases.
- 3. LFVCCs should promote a prevention/early intervention focus. They should develop protocols for conducting family assessments and coordinating services to families.
- 4. LFVCCs should collect and share local family violence data.
- 5. LFVCC members should be represented on their county's LMB and have a close working relationship with their County Executive and LMB.
- 6. LFVCCs should create subcommittees to assist local special-needs populations with family violence problems.
- 7. LFVCCs should increase local public awareness of family violence issues.

12 ictim Service Programs:

Increasing Resources by Building Long-Term Relationships with the Business Community



I was afraid to follow through with criminal charges because I ran out of options. Six weeks in the shelter wasn't long enough to rebuild a new life for me and my children. The physical healing took that long. He controlled my life, and six weeks wasn't long enough for me to take back control.

Survivor Testimony, Eastern Shore Public Hearing, May 29, 1996

A lot of times a woman wants to leave, but there aren't any shelter beds in our county. We can send her to another county, but when there are children involved and they go to school, they would have to be pulled out. Often the mom doesn't want to take the kids out of school, and so she'll stay in a dangerous situation.

Service Provider Testimony, Western Maryland Public Hearing, June 3, 1996

Every day in Maryland domestic violence and sexual assault centers are helping victims in crisis, and their children. When a woman is raped, or goes into hiding in fear for her life, these programs open their doors. The services they provide can literally save lives.

105 Some jurisdictions have local domestic violence coordinating councils. These should be strengthened and expanded to include consideration of sexual assault, child abuse and elder abuse.

Moreover, while crisis intervention is critically important, domestic violence and sexual assault programs also provide many other much-needed services. They run hotlines, do safety planning, offer counseling services, act as legal advocates, make lethality assessments, have abuser intervention programs and provide services for children from violent families. They also help families transition from a life of dependancy to one of self-sufficiency.¹⁰⁶

Most of the domestic violence service programs in our State are organized into a coalition called the Maryland Network Against Domestic Violence ("MNADV") and the sexual assault centers are organized into a coalition called the Maryland Coalition Against Sexual Assault ("MCASA"). MNADV and MCASA provide training and technical support to the direct service programs and are ideally situated to implement and advocate for many of the Council's recommendations.

Findings and Conclusions

Survivors of abuse who testified at the Council's four regional public hearings served as ample evidence that family violence is endemic in Maryland, striking all races, all income levels, and all communities: urban, suburban and rural. Victims testified that they turn to their local domestic violence and sexual assault centers for help. According to MNADV, Maryland's 23 domestic violence programs provided services to 18,657 individuals (men, women and children) in fiscal year 1993-94. That same year the programs received 77,467 hotline calls, turned away 2,907 people and wait-listed another 702. A 1996 MCASA survey of 17 sexual assault centers in Maryland reports that 15,000 victims (men, women and children) were served in fiscal year 1994-95, 41,000 crisis calls were answered and at least 1,000 people were turned away. ¹⁰⁷ Many survivors testified at the Council's public hearings that they could not have turned their lives around without the help of their local programs.

The programs, however, lack the resources needed to respond effectively to growing demands. There are women and children in Maryland who do not have access to emergency shelter. ¹⁰⁸ There are only ten shelter beds serving the five mid-shore counties on the Eastern Shore. Garrett County is only now opening its first shelter, which is only able to shelter three families. Baltimore City's shelter, the only one serving battered woman in the entire City, is often forced to turn women and children away because the shelter is full.

Maryland's victim services programs need to grow and expand their services. Many articulate the need for more beds, more legal advocates, and more counseling services. There is general agreement that there is need for dual treatment programs to deal with victims of abuse who have substance abuse problems. ¹⁰⁹ Many want to expand into new and innovative programs, such as those that combine trauma treatment for children from violent families with conflict resolution skill training, to break the cycle of violence.

- 106 Some programs, such as Heartly House in Frederick, run short and longterm transitional housing projects with the assistance of HUD funds.
- 107 The crisis calls represent a 37% increase over fiscal year 1993-94. Figures on services rendered in fiscal year 1993-94 are not available.
- 108 Some programs, such as Walden/
 Sierra, Inc., operate safe home projects,
 sheltering victims with families in the
 community and rent short-term efficiency apartments for shelter. Other programs have determined that this is not
 a viable option in their communities.
- 109 Most domestic violence programs will not accept victims with active substance abuse problems. Instead, they refer them to substance abuse treatment. This creates major difficulties in parts of the State with large substance abuse problems and insufficient treatment facilities.

Despite the need and the desire, however, funding for Maryland's domestic violence and sexual assault service programs has been flat or declining for many years. ¹¹⁰ Programs are having difficulty maintaining the status quo in the face of ever growing needs. Given current economic conditions, new State or federal sources of funding are unlikely to appear.

The Council finds that victim service programs need to develop new sources of long-term funding. The Council concludes that two avenues should be pursued. First, service programs should build profitable relationships with the business community. Many national businesses, such as Polaroid and Liz Claiborne, have developed innovative approaches that assist victim service programs.

A practical method for Maryland is to institute the "CEO Challenge" program. Started in Massachusetts by James Hardeman, manager of Polaroid's Employee Assistance Program, the program has now spread to several other states. The program matches-up a local business with a victim service program, in a partnership. The business takes an active role in providing support and resources for the service program. The service program shares its expertise in awareness and prevention of family violence with the business.¹¹¹

These partnerships are profitable for businesses because family violence costs businesses money. Approximately half of abused women have missed work because of their abuse, and more than half have been harassed by their abusers at work. Domestic violence translates into hundreds of thousands of lost paid days of work every year and causes increased absenteeism, high turnover and unemployment. 113

At least one Maryland victim service program is already marketing services to businesses as an Employee Assistance Program. Walden/Sierra, Inc., in St. Mary's County, conducts training for businesses in domestic violence, child abuse, substance abuse and sexual harassment. It also takes referrals from those businesses to counsel employees who have difficulties in these areas. In return for these services, Walden/Sierra gets a flat fee per employee, per year. Walden/Sierra approaches businesses directly and also subcontracts with large national Employee Assistance Programs to provide these services in St. Mary's County. With some training and technical assistance, many of Maryland's victim service programs could develop and market similar Employee Assistance Programs.

The second line of recommendations address the State's Systems Reform Initiative Task Force's ("SRI") recommendations to reorganize the State's human resources funding mechanism. In an effort to foster local decision making, the SRI has recommended that the State channel human services funds to local providers through Local Management Boards ("LMB") in each county and in

- 110 With the exception of VAWA grant funds, which are only available for a limited period.
- 111 Victim service programs can help businesses develop and implement policies to combat workplace violence. A potential model was recently developed by the Baltimore City Commission for Women. See Domestic Violence In the Workplace: A Policy and Manual for the Workplace, Baltimore City Commission for Women, (Oct. 1996).
- 112 C. Stanley, Domestic Violence: An Occupational Impact Study, Tulsa Oklahoma (July 27, 1992).
- 113 U.S. Justice Department Survey cited in P. Horn, Beating Back the Revolution: Domestic Violence's Economic Toll on Women, Dollars and Sense 12 (Dec. 1992).

Baltimore City. LMB members are appointed by County Executives, and in Baltimore City by the Mayor.

It is the Council's understanding that at least through fiscal year 1997, under this proposal, funds currently dedicated to family violence programs will continue to be dedicated for that purpose. In addition, the SRI recommends pooling undedicated State human resources funds to give each LMB access to "flexible" funds. The ultimate goal is for the State to give LMBs a set of desired human resources "results" and "indicators," and then LMBs would spend their flexible funds locally in a manner that will best achieve the State's desired results.

In the current draft, the only "result" that addresses family violence is "[c]hildren safe in their families and communities." The only two "indicators" directly related to family violence are "[r]ate of reported, confirmed child abuse (sexual abuse/neglect)" and "[r]ate of reported domestic violence." Accordingly, if the SRI's proposal is going to be implemented, it is important for family violence service providers to develop additional "results" and "indicators" for family violence prevention to be included in the "results" LMBs attempt to achieve.

If the SRI recommendations are implemented, it would also be important to have family violence service providers represented on LMBs.¹¹⁵ As an LMB member, a service provider would be well-positioned to ensure that all LMB members are sensitive to family violence issues and understand local victims' needs. The Council plans to brief County Executives on this report and stress the importance of preventing and reducing family violence at the local level.

Recommendations

- 1. Build long-term relationships between victim service programs and the business community.
 - A. Start a Maryland Chief Executive Officer Challenge Project, which partners corporations with shelters and sexual assault centers.
 - B. Train victim service providers to hire themselves out to local businesses as Employee Assistance Programs.
- 2. If SRI's recommendations are implemented, influence the State, County Executives, and LMBs to allocate sufficient funds for short-term and transitional victim services.
 - A. Develop family violence prevention "results" and "indicators" to be included in the State's guides for LMBs.
 - B. Any legislation enacting the SRI proposal should include a provision requiring that family violence victim service providers be represented as members of the LMBs.
- 114 The term "results" is used in the SRI's Preliminary Draft Action Plan (10/2/96) to refer to goals the State is trying to achieve. The term "indicators" refers to outcome measures that can be used to determine whether the LMB has achieved the desired result.
- 115 The SRI proposal states that the State will develop "membership guidelines," for County Executives which "may include . . . Child/Family Advocate representatives."

13 upervised Visitation Centers:

Protection for Parents and Children

I divorced my husband because of repeated domestic violence and untreated alcoholism. Before the divorce he only abused me, not the children. Because of his alcoholism, he was given court-ordered supervised visitation with our sons at the home of his mother, under her supervision and care. At one of these visitations his mother left my children alone with him for two hours, and he brutally sodomized and raped my four-year-old, and forced him to perform explicit sexual acts in front of my three-year-old.

Survivor Testimony, Central Maryland Public Hearing, April 30, 1996

Supervised visitation centers¹¹⁶ ("Centers") provide a range of services

for families who have experienced family violence.¹¹⁷ Centers can be used simply to exchange children, safely, when a court grants a protective order with "no contact" between the victim and abuser, but also grants the abuser unsupervised visitation with the children. This service allows parents to exchange children for visitation without any threatening or violent parent contact, and also prevents the children from witnessing more abuse.

Centers also provide intensive one-on-one supervision to protect children at high risk. Visitation sessions with a supervisor continuously present are generally conducted in cases where child physical or sexual abuse is proven or suspected.¹¹⁸ This form of visitation satisfies a court order for supervised visitation.

In lower risk situations, where there have not been allegations of child abuse, supervision may be less intensive. The visit can be monitored by having a supervisor intermittently present, usually with a security employee observing the entire visit at a distance, via video cameras or two-way mirrors. Some Centers also provide off-site supervision as a transition for parents who are moving towards unsupervised access to their children.

Centers take a variety of precautionary measures including: having metal detectors installed to detect weapons; having separate entrances and staggered timing so that custodial and non-custodial parents can avoid contact; having security personnel and supervisory personnel present at all times; conducting background checks on all employees and volunteers; training all employees and volunteers in the dynamics of family violence and crisis intervention; and having parents sign agreements that detail the rules and requirements with regard to parental behavior.

- 116 General information about supervised visitation centers, contained in this section, was obtained in conversations with personnel at the Supervised Visitation Network, the Family Connection Center, and Families, Inc.
- 117 They may also be used when a separated or divorced parent: suffers from alcohol abuse, drug abuse, retardation or mental illness; when there is a risk of abduction; when a custodial parent is denying access; when a child is refusing visits; when a child and parent have been separated for an extended time period; and when a court is assessing conflicting allegations of risk to a child.
- 118 This may also be done when there are serious claims of parental manipulation of a child.
- 119 Security personnel may be observing numerous visits simultaneously, looking for signs of inappropriate behavior.

Centers may also conduct parenting and child development classes, offer support groups for custodial parents, and run programs to assist children from violent families. By teaching parents and children new ways of interacting, Centers can help break the cycle of violence between generations.

Centers are usually run as non-profit entities. Sliding scale fees, often from the non-custodial parent only, generally do not provide sufficient funds to run a Center. Fees usually are supplemented by some combination of support from parent agencies, foundation grants, contracts with state agencies and individual contributions.

Findings and Conclusions

At its public hearings, the Council heard many survivors of abuse testify about problems related to visitation. Exchanging children provides abusers with recurring opportunities to threaten and further abuse their victims. Children may also be victimized by visitation, both by witnessing their parent's abusive behavior, and by being physically or sexually abused themselves during visitation.

The highest risk of violence in abusive relationships occurs immediately after a victim leaves the relationship.¹²⁰ This is generally the time period when visitation is granted. It is also well documented that there is a high correlation between domestic violence and child abuse.¹²¹ When both have occurred within a family, the exchange and the visit both need protection. Even absent a history of child abuse, some abusers will try to use the children to force the victim to return or to retaliate against the victim.¹²²

The Council concludes that when visitation is granted in abusive relationships, the children and the custodial parent should be protected. The best way to provide this protection is through the services of a safe, child-friendly supervised visitation center.

Recommendations

- 1. Promote the creation of supervised visitation centers to:
 - A. Provide sufficient security to ensure the safety of parents and children.
 - B. Provide a healthy child-friendly visitation environment for families experiencing problems with violence.
 - C. Provide courts with the option of ordering safe visitation in family violence cases.
 - D. Provide drop-off sites so that parents under no contact orders can exchange children for visitation at a neutral site.
- 120 See e.g., Janet R. Johnston & Linda Campbell, *Parent-Child Relationships in Domestic Violence Families Disputing Custody*, 31 Fam. and Conciliation Cts. Rev. 282, 287 (1993).
- 121 Mary McKernan McKay, The Link Between Domestic Violence and Child Abuse: Assessment and Treatment Considerations, 73 Child Welfare 29 (1994).
- 122 There have been extreme cases, both in Maryland and nationally, where abusive fathers have murdered their children before committing suicide.



Character Education for all Students and Intervention for At-Risk Students



We have some kids who have walked into school, put their head down and gone to sleep. That's the only place they can sleep... We have other kids who come into school and take out their frustrations. They learn the violent behavior, and they take it out on the kids around them. They don't have to have a good reason. But, then again, the abusers at home don't have real good reasons, either. And then we have the kids at school who are so miserable, and so hurt, and so upset that they turn to substance abuse.

Classroom Teacher Testimony, Eastern Shore Public Hearing, May 29, 1996

We're having a lot of resistance to domestic violence education, even a specific 20-minute program in the schools. DARE got it. Sex education is in. Why can't we educate the children about domestic violence?

Service Provider Testimony, Western Maryland Public Hearing, June 3, 1996

Because children are the future, the State of Maryland

has recently created the State Character Education Office¹²³ within the Maryland State Department of Education to coordinate a pilot program in five of Maryland's local school jurisdictions¹²⁴ to develop character education curricula.¹²⁵ The curricula will be developed in consultation with parents, teachers, students and community members to consider the unique needs of each school in the pilot school systems.

Character education is designed to be a positive force in promoting students' ethical behavior and citizenship, while reducing a wide range of anti-social behaviors, including classroom disruption, alcohol and drug abuse, and teen pregnancy. While each school's program may be configured a little differently, in general, the character education curricula will focus on core ethical values, such as respect, responsibility, honesty and fairness. It is hoped that the pilot programs will lead to statewide character education curricula, so that all students can benefit from having these important core values reinforced.

- 123 This is only the second such office in the nation.
- 124 Baltimore City, and Baltimore, Calvert, Frederick and Prince George's counties will participate in the pilot program.
- 125 The State's efforts grew out of the work of the Youth Citizenship and Violence Prevention Task Force of the Cabinet Council on Criminal and Juvenile Justice. The pilot program is funded, in part, by a grant from the U.S. Department of Education, it is one of four such awards granted nationally.

Some Maryland schools also have programs, such as the Maryland Student Assistance Program ("MSAP"), to intervene and offer assistance to at-risk students. MSAP is a voluntary school Pupil Services Program¹²⁶ that originated in 1987 to identify, intervene and refer high school students thought to be at-risk for drug and alcohol abuse.¹²⁷ Patterned after Employee Assistance Programs, MSAP trains a core team of school personnel — typically an administrator, a nurse, a counselor and two or more teachers — to take referrals of students with negative behavior changes, and investigate whether to refer the student to an out-side adolescent addictions assessor. If necessary, the student is then referred to a drug or alcohol treatment program and given support to stay sober on returning to school.

While MSAPs still focus on substance abuse in most middle and high schools around the State, some schools, seeing a relationship between dysfunctional behavior, violence and substance abuse, have broadened the scope of the program. ¹²⁸ Kathleen O. O'Brien, Ph.D., ¹²⁹ who served on a Council Committee, states that,

[w]hen we began working with high school students in MSAP, we immediately recognized the students being referred as children from abusive families. By high school, their violent and self-destructive behaviors were already habitual, so we started programs in the middle schools. We quickly realized that elementary schools were the best place to intervene, and so we started MSAP programs there. By the age of five we can already identify the children that, without intervention, are likely to grow up to be abusers or victims.

Findings and Conclusions

While some schools have excellent family violence education and intervention programs, the Council learned that many schools in Maryland are not acknowledging or addressing this issue. Because of its prevalence, and because of its distressing effects on children, no school can afford to ignore family violence.

It has been well documented that children from violent families are at high-risk of suffering from a variety of emotional and behavioral problems. Just witnessing parental violence can cause children to develop psychosomatic disorders, such as stuttering, anxiety, fear, sleep disruption and school problems. ¹³⁰ There is a higher than average probability that child witnesses will become substance abusers, attempt suicide, run away from home, prostitute themselves, engage in delinquent behavior, and commit sexual assault crimes. ¹³¹ The impact of children's exposure to domestic violence can be traumatic. They may be traumatized by fear for their mothers' safety, feel helpless because they are unable to protect their mothers, and even blame themselves for causing the violence. ¹³² Children bring these problems to school.

- 126 All Maryland schools must have Pupil Services Programs that are coordinated by a team of school personnel to handle certain student problems. See COMAR 13A.05.05
- 127 MSAP was originally funded by the Masonic Charities and now is generally funded by federal Safe and Drug Free School grants. These grants are apportioned directly to schools according to their student head counts. Last year, \$4.6 million was apportioned to schools in Maryland. Individual schools generally decide how to allocate these funds.
- 128 For example, since 1989, in St.
 Mary's County, Walden/Sierra, Inc., a
 family violence victim service program,
 has been working in partnership with
 the Maryland State Department of
 Education in the MSAP program.
- 129 Executive Director of Walden/ Sierra, Inc.
- 130 E. Hilberman and K. Munson, *Sixty Battered Women*, Victimology: An International Journal, II, 460-470 (1977-78).
- 131 Commonwealth of Massachusetts,
 Department of Youth Services,
 Delinquent Youth and Family Violence: A
 Study of Abuse and Neglect in the
 Homes of Serious Juvenile Offenders, at
 17-18 (1985).
- 132 J.J. Gayford, Wife Battering: A Preliminary Survey of 100 Cases, Vol. I British Medical Journal, at 194-97 (1975).

Some children miss school because of family violence related physical injuries. Studies show a high correlation between abuse of women and physical abuse of their children. Children, adolescents and teenagers also may be harmed by blows or flying objects aimed at their mothers, or injured while trying to protect her from an assault. 134

Adolescents and teenagers often act out their trauma, in school and elsewhere. Seventy-five percent of boys who witness domestic violence have been found to have demonstrable behavioral problems.¹³⁵ A study by the Johns Hopkins Children's Center found that depression, hopelessness, and other forms of emotional distress in teenagers was strongly correlated to exposure to violence in the home.¹³⁶

For adolescents, teenagers and adults, dating violence is a serious problem throughout the country. According to one study, twelve percent of high school daters reported experiencing some dating violence.¹³⁷ In the same study, survivors in shelters were interviewed. Fifty-one percent of the women reported having been abused in dating relationships.¹³⁸ Another study reports that approximately one out of every five college students experiences violence in a dating relationship.¹³⁹

The Council finds that children from violent families bring their problems to school and, inevitably, interact with other students and with teachers. These problems spill-over into the hallways and classrooms of Maryland's schools and schools must address them intelligently. The Council concludes that schools should teach all students skills to prevent violence and intervene with students who are at-risk.

One of the primary ways for schools to reach students is through teachers. Students may confide in a teacher when they will confide in no one else. Teachers must be prepared to deal with family violence issues or they could, inadvertently, place a child at greater risk by passing on misinformation.

Teachers at every level, from day care to college, need to be educated about family violence dynamics and intervention. School social workers, counselors and psychologists also need this training. These professionals should have access to referral information for both adult and child victims.

An informed teacher or counselor can make it safe for students to talk about the reasons for their problems. Teachers and counselors can reassure students that they are not responsible for the violence, and refer the students to programs that will further educate and assist them. They can also help adolescents, teens and young adults recognize and deal with violence in dating relationships.

- 133 See e.g., J. Giles-Sims, A Longitudinal Study of Battered Children of Battered Wives, XXXIV Family Relations, at 205 (April 1985).
- 134 Sixty Battered Women at 462.
- 135 Peter G. Jaffe, et al., Promoting Changes in Attitudes and Understanding of Conflict Resolution Among Child Witnesses of Family Violence, 18 Canadian J. of Behavioral Science Rev. 356-366 (1987).
- 136 Don Colburn, Teen Depression Tied to Violence at Home, Washington Post, Health Section, at 5 (April 5, 1994).
- 137 Richard Gelles & Claire Pedrick Cornell, Intimate Violence in Families, at 66 (1990).

138 ld.

139 C.E. Jordan, *The Nature and Extent of Domestic Violence*, Domestic Violence Prevention and Services Plan (Department of Mental Health and Mental Retardation Service) pp. 5-6 (1987).

The Council also concludes that school character education programs for all students should incorporate non-violent conflict resolution skills and social skills, including refusal skills, designed to prevent school violence, dating violence and the ongoing cycle of family violence. Character education should also address the issues of family and dating violence in an age-appropriate manner, being especially sensitive to safety issues for students in violent homes or relationships.¹⁴⁰

In addition, schools need to have programs in place to intervene with at-risk children from violent homes. These should include early intervention elementary school programs, as well as intervention programs for adolescents and teenagers.

Schools should adapt programs like MSAP, where funds and structures are already available, to be used as family violence intervention programs. Once children are identified, these programs can help them understand that they did not cause the violence in their families; enable them to grieve losses resulting from violence; teach them empowerment strategies for preserving their safety and effective strategies to deal with their violent and victimized family members. It is only by reaching and helping the current generation of children from violent families, that we can effectively break the intergenerational cycle of violence.

Recommendations

- Train school social workers, counselors and psychologists on family violence dynamics and intervention.
- 2. Incorporate non-violent conflict resolution skills and social skills, including refusal skills, designed to prevent school, dating and family violence, into school character education curricula. Character education should address the issues of family and dating violence in an age-appropriate manner, being especially sensitive to safety issues for students in violent homes or relationships.
- Coordinate existing school funds and programs, such as the Maryland Student Assistant Program, to provide intervention for children, adolescents and teenagers from violent families.

140 Several potential model curricula exist, such as My Family and Me: Violence Free, available from the Minnesota Coalition for Battered Women in St. Paul, MN, and Peace Begins with Me, available from the Family Peace Center in Honolulu. HI.



ealth Care Providers:

Universal Medical Screening and Referral



Eighty percent of Americans feel they could tell a physician if they had been either a victim or a perpetrator of family violence. The patient's trust is there. Physicians can help break the cycle of violence by fostering this trust and identifying and treating the victims of family violence.

Martin P. Wasserman, M.D., J.D. 141

The numbers are staggering. Each year, more than one million women

seek medical treatment for injuries inflicted by an intimate partner.¹⁴² Thirty percent of women presenting with injuries in an emergency department were identified as having injuries caused by battering.¹⁴³ Of 218 women presenting at a metropolitan emergency department with injuries due to domestic violence, 28 percent required admission to the hospital and 13 percent required major medical treatment. Forty percent had previously required medical care for abuse.¹⁴⁴ Battering may start or intensify when a woman is pregnant. As many as 17 percent of adult pregnant women are battered. The number of teenagers that are battered during pregnancy may be as high as 21 percent.¹⁴⁵ Domestic violence is the leading cause of injury to women in the United States.¹⁴⁶

For a woman afraid to report her partner's criminal activity, a health care provider may be the first person that she turns to for help. The confidential and trusting relationship that exists between patient and medical professional could help to decrease the sense of isolation victims of domestic violence often feel.

Although health care professionals see the manifestations of domestic violence on a regular basis, some do not connect a woman's symptoms to the abuse she is experiencing, do not know how to ask if she is being battered, and would not feel comfortable intervening if the answer was yes. These crimes, therefore, are often not identified when the victim seeks assistance through the health care system. Misdiagnosis of the victims or improper intervention allows the cycle of violence to escalate.

- 141 Teaching Physicians about Family Violence, Maryland Medical Journal (April 1994). Figures from AMA research.
- 142 P.A. Langan and C.A. Innes, Preventing Domestic Violence Against Women. Bureau of Justice Statistics; at 3 (1986).
- 143 S. McLeer and R. Anwar, A Study of Battered Women Presenting in an Emergency Department, Vol. 79 American Journal of Public Health 1 (January 1989).
- 144 D.C. Berrios and D. Grady, Domestic Violence: Risk Factors and Outcomes, 155 The Western Journal of Medicine 133-135 (August 1991).
- 145 R.A. Chez, Complications of Pregnancy: Medical, Surgical, Gynecological, Psychosocial and Perinatal, Battering During Pregnancy (Biltmore, Williams & Wilkins) at 263-268.
- 146 The Commonwealth Fund, First Comprehensive National Health Survey of American Women. New York (July 1993).

Findings and Conclusions

The importance of having health professionals accept the responsibility for responding to the needs of battered woman has been recognized by a number of national health professional organizations. ¹⁴⁷ These organizations have prepared educational materials for their members and for the public they serve. The materials highlight the prevalence of the problem of domestic violence, provide methods to recognize its occurrence and outline procedures for treatment and referral.

The educational approach taken by national organizations was replicated by the Maryland Physicians' Campaign Against Family Violence, which was launched as a joint effort by Maryland Alliance Against Family Violence ("MAAFV") and the Medical and Chirurgical Faculty of Maryland ("Med Chi") in 1993. It is a three-year campaign focusing on domestic violence, child abuse, and elder abuse. Each campaign segment includes a manual for health care professionals, a training session based on the manual, and educational resource materials. At the present time the domestic violence and child abuse segments have been completed, and the elder abuse segment is currently under development.

The Physicians' Campaign offers domestic violence training free of charge to all Maryland hospitals, HMOs, and other interested parties. Over four thousand medical professionals, mostly hospitals and public health officials, have availed themselves of the training. Training is essential. Health care providers must learn how to identify and interview victims, assess patient safety, document findings, and provide appropriate referrals.

Once professionals are trained, appropriate materials must be available. Among the resource materials provided by the Physicians' Campaign is a domestic violence information package to assist health care providers develop their own domestic violence protocols. The package includes forms to assess and screen victims. *See* Health Care Information Package attached as Exhibit G.

The Council has reviewed the Physicians' Campaign domestic violence training and educational resource materials and finds them to be outstanding. The same model, tailored to the different approaches to patient/client care among the medical professions, could be effectively used to provide all Maryland health care providers with the knowledge, attitudes and skills needed to screen their patients for domestic violence and to appropriately support them.

As an outgrowth of the Maryland Physicians' Campaign, the Domestic Violence Medical Response Act was passed in 1994, authorizing the establishment of a domestic violence advocacy center at three hospital sites in Maryland. The hospitals selected - Sinai Hospital of Baltimore; Anne Arundel Medical Center; and the Memorial Hospital and Medical Center and Sacred Heart Hospital of

147 These organizations include the American Academy of Nursing, the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, the American Nurses Association, the American Psychological Association, the Association of Women's Health, Obstetric and Neonatal Nursing, and the National Association of Social Workers.

Allegany County - represent urban, suburban and rural areas of the state. These hospitals are participating in a three-year pilot to research the best training, protocol and intervention methods used in domestic violence and the health care system. The project is a joint effort of the Department of Health and Mental Hygiene, the Health Services Cost Review Commission, Med Chi, and MAAFV.

In addition to screening and referring female patients with a history of domestic violence, health care providers should also be screening and referring female patients with a history of sexual violence. Such screening uncovers incest survivors so that health care practitioners can refer them to the appropriate counseling services. As is the case with domestic violence, training and screening materials are essential.

Recommendations

- 1. Health care providers should have the following training:
 - A. Introduction to domestic violence and sexual violence.
 - B. Barriers to identification.
 - C. Interviewing the patient.
 - D. Diagnosis and clinical findings.
 - E. Intervention.
 - F. Documentation.
 - G. Legal considerations in Maryland, such as reporting requirement for a history of child abuse.
 - H. Local domestic violence and sexual assault programs, for referral.
- 2. Health care providers should routinely screen all female patients for a history of domestic violence and sexual violence.
- 3. Health care providers should use the Maryland Physicians' Campaign Against Family Violence domestic violence information package or similar materials, expanded to include information on how to screen for a history of sexual violence, to develop treatment protocols. The protocol should contain the following information:
 - A. How to understand and recognize common physical, behavioral, and psychological symptoms related to abuse.
 - B. How to ask questions about domestic violence.
 - C. How to discuss options and make appropriate referrals.
 - D. How to assess patient safety.
 - E. How to document injuries and suspected abuse.
 - F. Current written referral materials available for patients.

16 ictim Notification System:

Warning Victims that their



The victim's husband was under evaluation in the mental ward of a local hospital. She was notified when she woke from a nap with him standing over her holding a bat. She nearly was beaten to death.

Service Provider Testimony, Central Maryland Public Hearing, April 30, 1996

Maryland law entitles victims to notification of all proceedings

that affect a victim's interest, including a bail hearing or change in the defendant's pretrial release order, dismissal, nolle prosequi or stetting of charges, trial, disposition, or post-sentencing court proceedings.¹⁴⁸ In addition, victims are entitled to notification of parole release hearings,¹⁴⁹ of commitment for a crime of violence,¹⁵⁰ and of child sex offenders release or escape from confinement.¹⁵¹

What is not in place in Maryland is a way to warn victims of family violence when their abusers are being released from custody, confinement or commitment. Automated victim notification systems, such as Victim Information & Notification Everyday ("VINE"), are designed to issue these warnings and to provide victims with information about their abusers' whereabouts and cases.

Automated victim notification systems track offenders from the time of arrest through post-conviction confinement. Crime victims are provided with personal identification numbers and given an 800 telephone number to register for notification and to check on the status of perpetrators. When the victim calls, the system will inform her where the offender is within the justice system. Victims can also obtain case status information, such as court dates.

A major benefit of automated victim notification systems for family violence victims is their ability to place warning flags or markers in the system for victim notification. When an offender is released or escapes, registered victims are notified promptly through computer-generated telephone calls. If there is no

148 Md. Code Ann., Art. 27 § 770 (1996). 149 Md. Code Ann., Art. 27 § 786 (1996). 150 Md. Code Ann., Art. 27 § 787 (1996). 151 Md. Code Ann., Art. 27 § 792 (1996). response to a call, the system will continue trying to make contact. As a fail-safe mechanism, if the system calls to warn a victim and an answering machine answers the call, the system will leave a warning message on the machine and will keep dialing the victim's number until a human voice answers and supplies the system with the victim's personal identification number.

Finding and Conclusions

Currently, when an abuser is arrested and taken into police custody the victim has no way of knowing when he will be released. In the Council's public hearings several victims of abuse testified about being surprised when their abusers were unexpectedly released and returned home to attack them. The Council concludes that it is imperative to have a statewide automated victim notification system to protect family violence victims from surprise attack.

The State Board of Victim Services is developing a plan to create a statewide automated victim notification system. The Board has recently issued a Request for Proposals for four local pilot programs. Three pilots, in jurisdictions of different sizes, working with different justice system agencies, will use the VINE system. A fourth pilot will fund a county to develop its own alternative automated victim notification system.

The Council strongly supports the State Board of Victim Services' efforts to implement local victim notification pilot programs. Once a comprehensive statewide system is operational, it can literally be a lifesaver for victims of family violence.

Recommendations

- 1. Support the State Board of Victim Services' efforts to create a statewide automated victim notification system.
- 2. Support the State Board of Victim Services' efforts to implement local automated victim notification pilot programs using the VINE system and an alternative program.

Welfare and Medicaid Systems' Reform: Maintaining a Safety Net for Victims

I want to look at the intersection of violence and poverty and how that intersection is actually used against women. To repeat, I think the problem is not simply a lack of understanding but, again, that our society doesn't care about the women whose lives lead to that intersection.

Beth E. Richie¹⁵²

Federal and state welfare reform initiatives are underway.

Their major stated goal is to attack the societal problem of welfare dependency. New federal welfare reform law places time-limits on Aid to Families with Dependant Children ("AFDC"), now called Temporary Cash Assistance in Maryland ("TCA"), and imposes various work requirements on recipients. Because of the dynamics of domestic violence, however, the federal law permits states to exempt domestic violence victims from these requirements.¹⁵³

The exemption is necessary because domestic violence is "one of the most difficult barriers . . . to overcome in assisting participants to move off welfare and into the labor market." Abusive partners of some AFDC recipients have not allowed them to work, or have sabotaged their efforts to get training and retain jobs. Losing welfare benefits on this basis would make domestic violence victims even more economically dependant on their abusers and, in all likelihood, send them even deeper into poverty.

Maryland has developed a State Plan for welfare reform that includes the federal language ensuring that "the State will screen for and identify domestic violence." Public comments are being accepted on the Maryland State Plan until December 9, 1996, directed to Al Collins, Secretary of the Department of Human Resources ("DHR").

The State Plan makes no mention of domestic violence other than the Governor's certification to "screen for and identify" victims. An unapproved draft of instructions to local Department of Social Services Offices, 157 however, defines "domestic violence," suggests five questions to screen for victims, and instructs workers to refer those identified to local victim service programs.

While the federal law permits states to issue waivers on time-limits and work requirements for domestic violence victims, it gives states the discretion to determine criteria and procedures. Maryland's current draft instructions state that certain requirements "may be waived" if the local department has "good cause" to believe that compliance would make it more difficult for the victim to escape domestic violence. If "good cause" is found, then any month in which a victim

- 152 Beth E. Ritchie, Stigma, Stereotypes, and Gender Entrapment: Violence Against Women and Poverty, III Georgetown J. on Fighting Poverty 1, 36 (Fall 1995).
- 153 This provision is known as the Wellstone/Murray Family Violence Amendment
- 154 Jody Raphael, Domestic Violence and Welfare Receipt: Toward a New Feminist Theory of Welfare Dependency, 19
 Harvard Women's Law Journal 203 (1996). This article cites data from the Chicago Commons Employment Training Center, a welfare-to-work program, that indicates a strong inverse relationship between participants involved in current domestic violence and successful program completion.

155 *ld*.

- 156 Maryland State Plan TANF (Sept. 27, 1996). "TANF" stands for Temporary Assistance to Needy Families, the new umbrella term for welfare. Maryland's TANF program is being administered by the Family Investment Program in the Department of Human Resources.
- 157 In the form of a memo from Kevin Macon, Executive Director, F.A. and Linda Alert, Executive Director, SSA.

is working with a "counselor" toward "recovery or independence" does not count toward the 60-month time limit. In addition, if "good cause" is found to believe that a victim fled to Maryland to escape domestic violence, the victim will receive Maryland's benefits, even if she came from a state with lower benefits. 158

Another welfare provision also effects family violence victims. As of October 1, 1996, before an application for TCA will be accepted, 159 applicants are required to assign their rights to child support over to the State, and to cooperate with the State's efforts to establish paternity and collect support from their children's father. A "good cause" exemption from having child support pursued exists in federal and state law for victims of domestic violence and for mothers whose children have been abused. In order to get an exemption, a recipient must submit a claim stating she believes that pursuing child support against her abuser will lead to renewed violence. If "good cause" is found, the State will not pursue child support and the applicant will receive benefits. Despite the fact that workers are required to notify applicants of this exemption, very few claims are filed in Maryland. 160

Another federal and state system undergoing reform is the Medicaid system. Maryland recently received a federal waiver to require Medicaid recipients, many of whom are also AFDC recipients, to use managed care health maintenance organizations ("HMO") as their health care providers, beginning in January, 1997. It is unclear at present whether the HMOs absorbing this population will cover mental health services, substance abuse treatment, and domestic violence victim service programs.

Findings and Conclusions

Recent studies support the proposition that a high percentage of AFDC recipients are victims of domestic violence. ¹⁶¹ This population includes many young single mothers. Time-limited welfare-to-work proposals may exacerbate the violence directed at these victims, as they attempt to comply, and their abusers fight to retain control over them.

Even though time-limits may encourage some victim/recipients to leave their abusers, this would force them into what is statistically known to be the most dangerous time-period for victims. ¹⁶² Attempts to leave an abusive relationship, under external time pressures, rather than at a time when the victim feels safe to leave, could result in serious injuries and even deaths. Shelter space may not be available, and victims who may be suffering from post-traumatic stress disorder will need more time and treatment than time-limits may allow. ¹⁶³

The Council concludes that domestic violence victims should not be forced to comply with welfare reform time-limits and work requirements. It is unclear, at

158 ld.

- 159 Prior to welfare reform, domestic violence victims could obtain exemptions from the State's requirement that they cooperate with efforts to collect child support from their abusers. It was not, however, a precondition to obtaining benefits. On October 1, 1996, the State began requiring that child support assignments, or the exemption process if a victim makes a claim, be completed before an application for benefits is processed.
- 160 Learned in telephone conversation with Beth Boyd, Program Manager for Policy and Regulation in the DHR Family Investment Administration (Nov. 4, 1996).
- 161 A study of Welfare mothers in Worcester, Massachusetts, published in the Journal of the American Medical Association (August 28, 1996), found that 92% of those who were homeless, and 82% of those with homes, had experienced severe physical violence or sexual assaults. Washington Post (August 28, 1996). See also, Jody Raphael, *Prisoners of Abuse*, Vol. 30 Clearinghouse Review 3, 186-194 (Special Issue 1996).
- 162 See e.g., Martha F. Davis & Susan J. Kraham, Protecting Women's Welfare in the Face of Violence, 22 Fordham Urb. L.J. 1141, 1146 (1995).
- 163 Judith Herman, Trauma and Recovery, at 10-32 (1992).

this point, how the Maryland State Plan, including the as yet unapproved draft instructions to local offices, will work, or what the effect will be on family violence victims. Accordingly, victim advocates and others concerned about family violence victims should examine the State Plan and provide input to help protect the interests of family violence victims. Public awareness efforts are also needed to inform the public about a victim's ability to claim exemptions from the State's child support enforcement requirements.

In addition, the Council concludes that HMOs absorbing Medicaid recipients should cover services that are necessary to help family violence victims, including services for abused children. The Council recommends that family violence victims' interests be protected during and after the Medicaid reorganization.

Recommendations

- 1. Protect the interests of family violence victims in the State's new welfare system.
- 2. Protect the interests of family violence victims in the shift of Medicaid recipients to managed care HMOs.

18 ublic Awareness:



He who cannot change the very fabric of his thoughts, will never be able to change reality.

Anwar Sadat

The media is a powerful tool that can help shape public attitudes.

It can take any issue and very quickly move it to the forefront of public opinion. The media is constantly bombarding us with images designed to capture our imaginations. Most frequently, the goal behind the images is to capture our wallets. But despite the profit driven nature of much of the media, it also participates in public awareness campaigns for good causes. Such campaigns are critical to spread the word about issues of public importance that might otherwise be swept under the rug.

Most successful campaigns personalize the issues and give the public a reason to care. Public concern, when mobilized and directed, can accomplish a great deal, and bring public pressure to bear on systems that may be resisting necessary changes.

Media campaigns can also simply be educational. When there are new developments of public interest, the media provides a great avenue for reaching those who need to know.

Findings and Conclusions

The media in Maryland sporadically focuses on some aspect of the issue of family violence. There is no concerted or consistent effort, however, to make this issue a public priority.

In the Council's public hearings, held throughout the State, people from every region testified about encountering general indifference and ignorance about the devastating consequences of family violence. The attitude that family violence is a "private matter," and that husbands have license to beat their wives and children, is still alive and well in Maryland.

To combat this ignorance and create a general attitude that family violence is socially unacceptable, the Council concludes that continual creative media campaigns are needed. Serial campaigns that address different aspects of family violence should follow one another and get saturation treatment by the media. If people are continually moved to understand and care about family violence, they will be motivated to become part of the solution.

The Council is part of a coalition of groups working on one such campaign: the Silent Witness Exhibit.¹⁶⁴ This is a project that creates life-size figures representing real women who were killed by acts of domestic violence in a twelve month period in Maryland. Each red plywood figure of a woman has a breastplate shield attached that tells her name, age, date of death, place of death and the true story of her murder. The project began in 1990 in Minnesota with the creation of 27 figures representing the Minnesota women murdered in acts of domestic violence in 1990. Currently, over 800 figures have been created in 24 states as part of a national initiative to be exhibited in Washington, D.C., in October, 1997, at the "March to End the Silence."

The Silent Witness Exhibit campaign provides an intense visual and emotional experience of the lethality of domestic violence. It will create media stories, and it will also be exhibited in various public places: in the legislature, in schools, in churches, in malls and elsewhere. It will be accompanied by attempts to pass family violence legislation, by education programs, by sermons urging congregations to get involved and by fundraising efforts to support victim service programs. There should be media coverage for each use of the exhibit.

164 The Silent Witness Exhibit coalition consists of the Lt. Governor, the Attorney General, the Junior League of Baltimore, the House of Ruth, the Maryland Network Against Domestic Violence, the Domestic Violence Advocacy Project, and the Family Violence Council.

While it is very powerful, the Council concludes that this campaign alone is not enough. Other issues need to be addressed and different approaches need to be taken. For example, a campaign using a variety of male heros talking to other men about their lack of respect for those men who hit their wives and children, could be very effective. It is also important for the media to highlight family violence programs and initiatives that are working. We need leaders within the media to give priority status to campaigns to end family violence.

Finally, the Council concludes that public education is needed for two new legal developments. First, is the new relief for victims provided by the Violence Against Women Act ("VAWA"), a section of the Omnibus Crime Bill of 1994. The Act's seven titles provide for new federal crimes, permit certain victims to sue abusers for civil monetary damages, and enable city and state prosecutors to pursue violations of civil protective orders that occur outside the jurisdiction. These new provisions are not well known or understood by most advocates, victims, the legal community or the courts. A campaign to educate the public is needed.

Second, as of October 1, 1996, a new law allowing Maryland law enforcement officers to enforce out-of-state protective orders went into effect.¹⁶⁷ There is some confusion about how this law will operate. A campaign to educate law enforcement officers, the courts and the public is needed.

Recommendations

- 1. Conduct public awareness media campaigns, such as the Silent Witness Exhibit, to involve the general public in family violence issues and promote the belief that family violence is socially unacceptable. A campaign that uses male heros directing this message to other males would be particularly effective. A male responsibility campaign such as those for pregnancy, child support and AIDs may also be effective.
- Educate the public, service providers, the legal community and the courts about the new relief and prosecutorial provisions under the VAWA Act and about the new enforcement procedures for out-of-state protective orders.

165 The Violence Against Women Act of 1994, Pub. L. No. 103-322, 1994 U.S.C.C.A.N. (108 stat.) 1902.

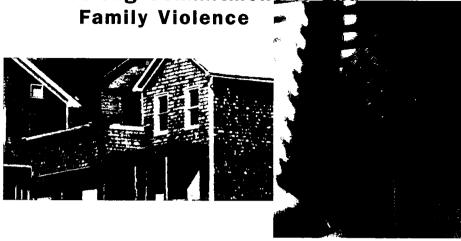
166 Lynne A. Battaglia, United States Attorney for the District of Maryland, has been training Maryland State's Attorneys on the new VAWA provisions, and will be working with Maryland Attorney General J. Joseph Curran, Jr., Co-Chair of the Council, to see that these provisions are used effectively to protect victims of abuse and prosecute abusers in Maryland.

167 Md. Code Ann., Fam. Law § 4-508.1 (1996 Supplement).

19eadership:

Articulate and Demonstrate

a Strong Commitment to End
Family Violence



Example is not the main thing in influencing others; it is the only thing.

Albert Schweitzer

A nation that does not call on its people to serve only becomes selfish and indifferent,

Thomas Jefferson

True leaders have a compelling vision of the future and the ability

to inspire others to help realize that vision. Leaders communicate their vision in a powerful manner that enrolls and engages their followers. They can convince others that, despite all difficulties, working for the vision will make a significant difference in the world.

When roadblocks loom, leaders are persistent and tenacious. They face rebuffs, learn from them, and keep moving forward. Leaders know that changing society, especially changing institutional behavior, is difficult. And they know that with their leadership, it can and will be done.

Findings and Conclusions

Lt. Governor Kathleen Kennedy Townsend and Attorney General J. Joseph Curran, Jr., had the vision to convene and lead the Family Violence Council. Their vision has set in motion a process that will have far-reaching consequences.

With the publication of this report, the Lt. Governor and the Attorney General will send a potent message to the general public: that family violence will not be tolerated in Maryland, that all of the systems that respond to family violence are going to strengthen and coordinate their efforts to solve this problem, and that working together we can make a real difference.

This message should be echoed by business leaders, by the clergy, by radio and television program hosts, by the leaders of all State and local subdivisions and by leaders in every sector of the community. When our leaders speak with one voice, powerful change follows.

The Lt. Governor and the Attorney General will play a key role in bringing other leaders on board. They will hold a series of briefings on this report with police chiefs, with State's Attorneys, with legislators, with County Executives, with business leaders and others. Through these briefings, they will enroll the leaders of all of the systems that respond to family violence in a commitment to work together to end the violence.

Real progress will be made when all of the leaders of these systems make stopping family violence a priority. All Maryland leaders should take up the banner to end this tragedy, and inspire those under them to follow the Council's recommendations.

Recommendations

- 1. Leadership, as exemplified by the Lt. Governor and Attorney General, should send the message to the public that family violence will not be tolerated in Maryland.
- 2. Leaders of all of the systems that respond to family violence police chiefs, State's Attorneys, etc. should publically commit to preventing family violence as a priority and to following the Council's recommendations.

Pamily Violence Unit:

Monitor, Evaluate and



Finally, there is no recipe. Prescriptions for "successful" evaluations are, in practice, prescriptions for failure. The techniques that evaluators may bring to bear are only tools, and even the very best of tools do not ensure a worthy product. Just as for any craft, there is no substitute for intelligence, experience, perseverance, and a touch of whimsy.

Richard Berk and Peter Rossi

The Family Violence Council was created to be an agent of change.

It was not designed to become institutionalized as another State bureaucracy. Instead, it was intended to improve, strengthen and coordinate the response to family violence in Maryland, and then disband, leaving a more flexible entity behind to monitor, evaluate and continue its work.

The Lt. Governor and the Attorney General set the Council's course. The Council's responsibility was to analyze the problems, recommend solutions and form action teams to implement as many of the recommendations as possible. The Council and its action teams are scheduled to disband in September, 1997.

In the Lt. Governor and Attorney General's original plan, they envisioned a more flexible entity, consisting of one or more skilled persons, to succeed the Council. The Council is calling this entity the Family Violence Unit ("Unit"). By dedicating the Unit to follow through and ensure that the recommendations are implemented in a manner that *actually improves peoples lives*, all of the Council's hard work will come to fruition.

Findings and Conclusions

Effectively implementing all the Council's recommendations is a complex undertaking. Changing and coordinating institutional behavior involves solving many complicated and difficult problems. The Council's seven action teams are beginning this process by tackling many challenging issues in the time remaining before September, 1997.

While the Council has full confidence that the action teams will make tremendous strides towards fulfilling the Council's mission, ¹⁶⁸ it also finds that the action teams' work must be continued after the Council disbands, and that the Unit must monitor and evaluate the results of the Council's work. Identifying what works and what does not work is essential in order to build on and replicate methods that prove effective for preventing or reducing family violence. Conversely, if any results of the Council's process prove ineffective or otherwise problematic, rather than abandoning change altogether, systems will need assistance to keep moving forward with different tactics.

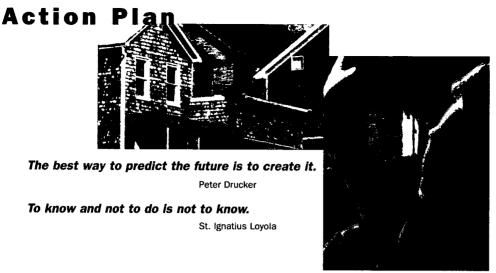
The Unit must have sufficient authority to continue the Council's work as an agent of change. 169 It should have an advisory board of high ranking members of the systems that respond to family violence. This will enable the Unit to have the necessary high-level access to the systems.

The Family Violence Council's purpose is not merely to produce recommendations or only to begin implementation efforts. If it was, then the Council could simply shut down in September, 1997. Rather, the Council's purpose is to make a real difference in peoples lives. Its purpose is to heal the gaping wounds in our communities inflicted by family violence. Its purpose is to save the children. For all of these reasons, it is imperative that the Unit assume the Council's responsibilities in September, 1997.

Recommendations

- 1. Create a Family Violence Unit with sufficient authority to continue the Council's work and to implement phase two of the Council's action plan.
- 2. The Unit should monitor and evaluate the results of the Council's efforts.

 The Unit should meet with the leaders of all systems that respond to family violence to develop and collect outcome measures to evaluate the systems' compliance with the Council's recommendations.
- 3. The Unit should have a high-level advisory council composed of leaders of the systems that respond to family violence.
- 4. The Unit should create task forces to address problems, as necessary.
- 168 The Council's mission is to prevent and reduce family violence and to break the cycle of violence between the generations.
- 169 Given the State's economic condition, the Unit's existence is contingent upon the Council's securing grant funding from the Violence Against Women Act ("VAWA") or from some other grant source. While the Council has relegated several important responsibilities to the Unit in phase two of the Action Plan, it has not yet decided where the Unit should be housed. A Council committee will make proposals to the Council about the most effective location for the Unit.



Phase One Council's Action Teams as Agents of Change

The Council's recommendations must be put into action to be of value.

To facilitate their implementation, the Council has reorganized into seven action teams. Under the leadership of the Lt. Governor and Attorney General, the Council's action teams will, among other things, organize briefings on this report for police chiefs, State's Attorneys, judges, legislators, County Executives and others to enlist their support for making the recommendations become reality.

Working with the Council's staff, members of the action teams will strategize to determine the most effective ways to implement the Council's recommendations. The action teams are the vehicle the Council will use to begin making the changes needed to protect victims, hold abusers accountable and break the cycle of violence between generations. Each action team will be responsible for promoting implementation of the recommendations assigned to it. The Council will meet periodically until September, 1997, to coordinate the teams' work. The action team assignments are as follows:

1. Criminal Justice Action Team

- A. Law enforcement and 911 training.
- B. Briefing for all police chiefs to promote "preferred arrest" domestic violence policy.
- C. Use of supplemental evidence collection forms for family violence incidents.
- D. Specialized law enforcement units where possible.
- E. Minimum qualifications for 911 operators and dispatchers.
- F. State's Attorneys' and parole and probation training.
- G. Briefing for all State's Attorneys to promote domestic violence pro-prosecution policy.

- H. Coordination among 911, law enforcement agencies and State's Attorneys.
- I. Specialized State's Attorneys' units where possible.
- J. Reciprocal interstate service agreements.
- K. Military base enforcement of protective orders.
- L. Reciprocal intrastate service agreements, where necessary.
- M. Specialized parole and probation units.
- N. Investigating new technology to assist victims and monitor abusers.
- O. Drafting sexual assault victims' services referral cards for law enforcement.

2. Courts' Action Team

- A. Court commissioners, judges, court clerks training.
- B. Rule change to make victim safety a condition of release equal in importance to that of ensuring the defendant's court appearance.
- C. Court commissioners' manual that prioritizes considerations of victim safety in cases of family violence.
- D. Victim safety checklist for commissioners' manual.
- E. 24-hour accessibility to court commissioners.
- F. User-friendly charging form for family violence cases.
- G. Treatment of ex parte and related contempt proceedings as emergency matters.
- H. Following and evaluating success of Family Division pilot in Baltimore City Circuit Court.
- I. Civil court clerks checking for cross-petitions of protection.
- J. Following and evaluating success of Baltimore City Domestic Violence Criminal Court.
- K. Expedited response to violations of probation.
- L. Criminal court clerks cross checking civil files for protective orders in criminal cases.
- M. Judicial accountability initiatives.
- N. Form changes to petition for protection, ex parte order, protective order.
- O. Governor and Nominating Commissions consideration of family violence background and judicial record.

3. Legislative Action Team

- A. Drafting the Council's legislative recommendations into bills.
- B. A strategy to promote the Council's legislative recommendations.
- C. Briefings for key legislators.
- D. Coalition building with other groups supporting the Council's recommendations.

4. Local Family Violence Coordinating Councils' Action Team

- A. Process for providing updated local referral information for family violence to Chief Judge for distribution to court commissioners.
- B. A statewide conference to highlight existing LFVCCs, help create new LFVCCs and offer technical assistance to promote best practices. This conference will be planned together with the Governor's Office of Crime Control & Prevention and the Maryland Violence Against Women Act Planning and Strategy Committee.
- C. Cross-training for all social service personnel.
- D. Capacity building for LFVCCs to do data collection, analysis, tracking, and monitoring of cases.

5. Victim Service Resources Action Team

- A. Innovative programs to increase resources available for services to victims.
- B. Efforts to build long-term relationships between businesses and providers.

 Organize a business forum to begin a Maryland CEO Challenge Project and provide technical assistance to help providers serve as Employee Assistance Programs for businesses.
- C. Developing meaningful family violence prevention "results" and "indicators" to be included in the State's guides for Local Management Boards ("LMB").
- D. Briefings on the Council's Report for County Executives and LMB members.
- E. Sensitizing LMBs to funding needs for short-term and transitional victim services.
- F. Developing standards and training for lay advocates.
- G. Working with advocacy groups, State's Attorneys, the State Bar Association and judges to build a consensus to support lay advocacy legislation.
- H. Efforts to protect family violence victims' interests in welfare and Medicaid systems' reform.

6. Children's Action Team

- A. Efforts within the Maryland State Department of Education to allocate existing resources to provide intervention for children, adolescents and teenagers from violent families.
- B. Incorporation of non-violent conflict resolution skills and family violence education into school character education curricula.
- C. Innovative treatment programs for abused children, for children who witness family violence, and for their parents.
- D. Supervised visitation center pilots; coordinating technical assistance.
- E. Child Protective Service screening and referral for domestic violence and sexual assault during intake, and CPS cross-training.
- F. Case manager referrals of abused mothers and children to victim services.
- G. Training for masters and family division judges who hear CINA cases.
- H. Drafting children's services referral cards for law enforcement.

7. Domestic Violence Abuser Intervention and Sexual Offender Treatment Action Team

- A. Promoting use of Guidelines for self-certification by domestic violence abuser intervention programs.
- B. Creating providers' collaborative Research Task Force to promote effective models of domestic violence abuser intervention.
- C. Efforts to establish dual treatment programs to deal with domestic violence abusers who have substance abuse problems.
- D. Monitoring efforts of the Baltimore Alliance Against Child Abuse and Neglect to develop standards for sex offender treatment.
- E. Monitoring efforts of the Central Maryland Sexual Abuse Treatment Task Force to develop a certification process for sex offender treatment programs.
- F. Educating courts on how to determine when to send offenders to sex offender treatment rather than to a domestic violence abuser intervention program.

Phase Two

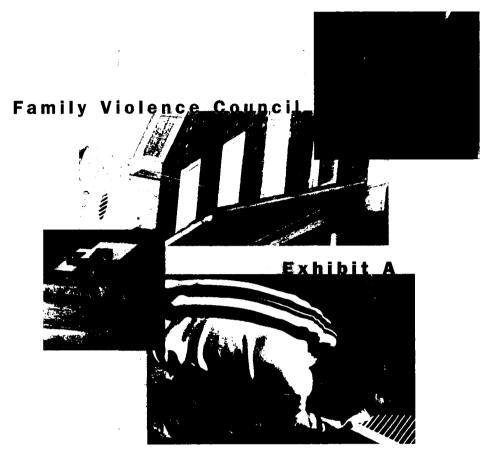
Family Violence Unit to Monitor,
Evaluate and Continue the Council's Work



The Council will establish a Family Violence Unit authorized to continue the Council's work as an effective agent of change. The unit should be in place by the end of Summer, 1997, to replace the Council when it phases out in September, 1997. The unit should have an advisory board comprised of the leaders of the systems that respond to family violence to ensure high-level access to all systems.

The Family Violence Unit will be responsible for:

- Monitoring and evaluating the Council's phase one accomplishments. Meeting
 with leaders of all systems that respond to family violence to develop and
 collect outcome measures to monitor and evaluate the systems' compliance
 with the Council's recommendations.
- 2. Working with a coalition of family violence groups and systems' representatives to determine future family violence legislative efforts.
- 3. Promoting use of the data collection task force's uniform reporting system to create a statewide family violence data base.
- 4. Conducting research to determine if alternative service of ex parte orders is possible.
- 5. Promoting a statewide automated victim notification system.
- 6. Collecting data to evaluate the effectiveness of specialized parole and probation units.
- 7. Promoting efforts in the medical community to institute universal screening and referral for domestic violence and for a history of sexual violence.
- 8. Evaluating whether the Council should support sex offender treatment standards and certification.
- Promoting efforts by Local Family Violence Coordinating Council's to help local special-needs populations with their family violence problems.
- 10.Developing procedures for fatality reviews that avoid raising liability concerns.
- 12. Monitoring possible Systems Reform Initiative legislation, to protect the interests of victim services.
- 13. Promoting family violence public awareness efforts.



Committee Membership Lists

Initial Response Committee
Civil Process Committee
Criminal Process Committee
Juvenile Process Committee
Post-Disposition Committee

Exhibit Acommittees

Initial Response Committee

Co-chairs

Carolyn Graham

Executive Director, Family Crisis

Resource Center

Colonel David B. Mitchell

Superintendent, Maryland State Police

Committee Members

Sheriff James V. Aluisi

Prince George's County

Bonnie Ariano

Executive Director, Sexual Assault

and Domestic Violence Center

Patrick Bradley

Deputy Director, Maryland Police and

Correctional Training Commission

Randye S. Brittain

Statewide Coordinator, Maryland Coalition

Against Sexual Assault

Jacquelyn Campbell, Ph.D., RN

Johns Hopkins University

School of Nursing

Commissioner Thomas C. Frazier

Baltimore City Police Department

Al Hall

Chief, Population Management Division

Prince George's County

Department of Corrections

The Honorable Sue Hecht

Maryland House of Delegates

Barbara King

Management Information Systems

Maryland Department of Public Safety

and Correctional Services

Linda Kinikin

Administrative Assistant,

Population Management Division

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Jeanne MacLeod

Training Director, Maryland Network Against

Domestic Violence

Ginny Nuta, Esquire

Heartley House, Inc.

Colonel Margaret Patten

Baltimore City Police Department

Lynn Putman

Executive Director, Mid-Shore Council on

Family Violence

Captain Richard Svertesky

Montgomery County Police Department

Emergency Communications Center

Joanne Tulonen

Maryland Alliance Against Family Violence

Captain Doug Ward

Maryland State Police

Ida J. Williams

Director, Maryland State Police

Central Records Division



Civil Process Committee

Co-chairs

The Honorable Sharon M. Grosfeld Maryland House of Delegates

The Honorable Dennis M. Sweeney Circuit Court for Howard County

Committee Members

Carole Alexander

Executive Director, House of Ruth

Ellen A. Callegary, Esquire

The Honorable Gale Rasin Caplan District Court for Baltimore City

Francine Chambers (Law Student)

The Honorable Bonita J. Dancy Circuit Court for Baltimore City

Jon Greene, Esquire

The Honorable Delores G. Kelley Maryland Senate

Carol Lawson, Esquire House of Ruth Legal Clinic Prince George's County

Dorothy Lennig, Esquire Legal Director, House of Ruth

Robin Mazur (Law Student)

The Honorable Kenneth C. Montague, Jr.

Maryland House of Delegates

Lynn Putman

Executive Director, Mid-Shore Council on

Family Violence

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District Director, Carroll County Family and Children's Services

Hannah Sassoon

Abused Persons Program

Keith N. Schiszik, Esquire

Kinaya Sokoya

Executive Director, Family Crisis Center, Inc.

of Prince George's County

Barbara Raga Trader, Esquire

The Honorable Julia B. Weatherly

Circuit Court for Prince George's County

Master for Domestic Relations Causes

Judy Wolfer, Esquire

Exhibit A

Criminal Process Committee

Co-chairs

The Honorable Susanne Hayman State's Attorney for Kent County

Jann Jackson

Executive Director

Advocates for Children and Youth

Committee Members

Stephen Bailey

Assistant State's Attorney, Baltimore County

Dario Broccolino, Esquire

Maryland State's Attorneys' Association

Michael R. Cogan

Assistant State's Attorney,

Anne Arundel County

Julie Drake

Division Chief, Child Abuse Unit

Assistant State's Attorney, Baltimore City

Dorothy A. Edwards

Law Enforcement Consultant

Sargent and Edwards

Sgt. Lee Goldman

Howard County Police Department

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State's Attorney for Baltimore City

Karen Keyser

Family Violence Unit, Baltimore County

Department Of Social Services

Melissa Lambert

Assistant State's Attorney, Harford County

Sgt. Sherina Long

Criminal Investigations Division

Crimes Against Persons

Jeanne MacLeod

Training Director, Maryland Network Against

Domestic Violence

Rose Matricciani, Esquire

President, Maryland Alliance Against

Family Violence

The Honorable Albert J. Matricciani, Jr.

Judge in Charge of Family Division/Domestic

Circuit Court for Baltimore City

Major Goldie Phillips

Criminal Investigation Division

Crimes Against Persons Section

The Honorable Martha F. Rasin

Chief Judge, District Court of Maryland

The Honorable Mary Ellen T. Rinehardt

Administrative Judge,

District Court of Maryland for Baltimore City

Lt. Peter Salocks

Prince George's County Police Department

David M. Sargent

Law Enforcement Consultant

Sargent and Edwards

Donna Smith

State's Attorneys' Office for Carroll County

Robert Weisengoff

Deputy Director, Pretrial Release Services

David W. Weissert

Coordinator of Commissioner Activity

District Court of Maryland

Exhibit A

Juvenile Process Committee

Co-chairs

Professor Susan P. Leviton University of Maryland School of Law

The Honorable Joseph P. McCurdy, Jr. Circuit Court for Baltimore City

Committee Members

Triste Copeland
TAMAR Treatment Program
Charles H. Hickey, Jr. School

Robert Davis
Baltimore City
Department of Social Services

Department of Social Services

Sheri DePetro, LCSW-C President, Maryland Coalition Against Sexual Assault

Julie Drake
Division Chief, Child Abuse Unit
Assistant State's Attorney, Baltimore City

Natalie Drinkard (Law Student)

Susan Fernandez
Deputy Secretary,
Department of Human Resources

Elaine Hughes

Executive Director, Maryland Network

Against Domestic Violence

Richard Kingswell Operations Manager, Treatment Agency of Maryland Charles H. Hickey, Jr. School Christina Koch
Child Advocacy Center
Anne Arundel County
Department of Social Services

Linda Koban Chief Attorney, CINA Division

Robin Mazur (Law Student)

Professor Jane C. Murphy University of Baltimore School of Law

Kathleen O'Brien, Ph.D. Executive Director, Walden/Sierra, Inc.

Pamela Scalio
Child Advocacy Center
Anne Arundel County
Department of Social Services

Susan Seling Director, Womens' Services Program Department of Human Resources

Jennifer Terrasa (Law Student)

Dr. Marcia Wolfe Licensed Clinical Psychologist



Post-Disposition Committee

Co-Chairs

Constance Pullen

Executive Director, For All Seasons

The Honorable Irma S. Raker Maryland Court of Appeals

Committee Members

Cynthia Anderson

Director, Abused Persons Program

Peggy Araya

Field Supervisor,

Division of Parole and Probation

Will Avery

Director, Batterer's Treatment Program

House of Ruth

Fern Blake

Director, Family and Children's Services

Social Services Administration

Department of Human Resources

Lorraine Chase

President, Maryland Network Against

Domestic Violence, and Director,

YWCA Domestic Violence Program

Colleen Davies

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Division of Parole and Probation

Dorothy R. Fait, Esquire

Rus Funk

Senior Social Worker and

Community Organizer,

Sexual Abuse Treatment Center

Adam B. Gelb

Senior Policy Advisor,

Office of the Lt. Governor

Honorable Barry A. Hamilton

District Court for Montgomery County

David Helfand, Esquire

Amy Hott (Law Student)

Anita Hunter

Regional Administrator

Division of Parole and Probation

W. Roland Knapp

Director,

Division of Parole and Probation

Patricia J. Lanning, LCSW-C

District Director,

West Baltimore County, Family &

Children's Services of Central Maryland

Tara Makoski

Women's Services Program,

Department of Human Resources

The Honorable Susan M. Marzetta

Circuit Court for Baltimore City

Master for Domestic Relations

Judith Mayer

Administrator of Standards and

Compliance, Department of

Juvenile Justice

Eugene Morris, LCSW-C

Coordinator, Court Ordered Project,

Abused Persons Program,

Montgomery County

Professor Chris Murphy

Department of Psychology,

University of Maryland-Baltimore County

Susan Rogers

Office of Legal Affairs,

Baltimore Police Department

Vicki Sadehvandi

Executive Director, CASA, Inc.

Adrienne Siegel

Assistant Director, Transitional Services

Department of Human Resources

Steve Stosny

Batterers' Counselor

Susan Wiant

Chief Administrator,

Montgomery County

Pre-Release Services

Terri Wurmser

Director of Clinical Services,

House of Ruth



B. Domestic Violence Supplemental Form

C. Protection Order Forms

Petition for Protection Ex Parte Order Protective Order

Exhibit B

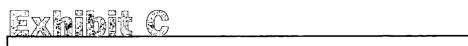
VIC	TIM'S NAME (L, F, M)	DAT	E OF BIRTH GENDER ((MF) CASE NUMBER				
	Victim's Home/Work Numbers:	Alternate Conta	### (close friend/relative) Name, address, phone:					
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	VICTIM							
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	SUSPECT ANGRY COMP OF PAIN APOLOGETIC BRUISE(S) CRYING ABRASION(S) FEARFUL MINOR CUT(S) HYSTERICAL LACERATION(S) AFRAID CONCUSSION(S) AFRAID ADMISSIONS IPRATICINAL ADMISSIONS NERVOUS OTHER: EXPLAIN ALWAYS explain OTHER: EXPLAIN		INCIDENTS: MINOR SERIOUS					
	RELATIONSHIP BETWEEN VICTIM AI MARK ALL THAT APPLY SPOUSE FORMER SPOUSE COHABITANTS PORMER COHABITANTS DATING / ENGAGED IF APPLIC	OF RELATIONSHIP (s)Month(s)	ALCOHOL OR DRUGS INVOLVED? YES NO IF YES, INDICATE TYPE:					
	□ NONE □ WILL SEEK OWN DOCTOR □ FIRST AID □ PARAMEDICS □ HOSPITAL □ REFUSED MEDICAL AID	RAMEDICS AT SCENE: E DEPARTMENT PERS IT NUMBER: ME(S) ID#:	ONNEL: YES I	NO ATTENDING PHYSICAN(S):				
1	EVIDENCE COLLECTED:		Follow Up:	······································				
	FROM: Crime Scene Hospit PHOTOS: Yes No Num TYPE: 35mm Polaroi 911 Tape: Yes No	oer:	☐ 6 Hours Miranda Rights Giver					
	TAKEN BY:		Action Taken: Arrest					
	DESCRIBE ALL PHOTE Photo's of victim(s) injuries: Photo's of suspect(s) injuries:	Yes No	If no arrest, give reason:					
	Weapon used during incident: Photos of crime scene: Follow-up photos of victim's injuries:	Yes No	Number of hours /days since incident:					
	Type of weapon used: Weapon(s) impounded: Firearm(s) impounded for safety:	Yes No						
			i					

Exhibit B

WITNESSES	CHILDREN PRESENT DURING DOME STATE NAMES:	MENT(S) TAKEN?	YES	<u>-</u>
TYP ISSI OR[PE: SEX PARTE ORDER OF PROTE UING COURT: SER OR DOCKET NUMBER:.			
VIC	CTIM WILL BE AT TEMPORARY ADDRESS	? YES N	O ADDRESS:	
To	be completed by victim: Mark and initial in the	Diagram below the a	rea(s) where you were struck.	
			HT. WI.	
I ha	ave physically pointed out to the officer:		Suspect Comments/Threats:	
a.	On the diagram where I was struck			
b.	On my person where I was struck	Yes □ No Yes □ No		
c. d.	title Later and the control of the c	Yes ☐ No		
		Yes D No		
	nature			
i af of r	firm that the information I have given is true and correct. I my medical records concerning this or other domestic viole forcement agencies/personnel investigating this incident. aseguro que la informacion que he dado es verdadera y cla presente doy permiso para que mi historia medica, con tros casos de violenda domestica, sean entregadas a las i cualquier otra entidad interesada en investigar este caso.	hereby grant release ence cases to law		
	ase(s)		Property Damage:	
Si	gned		Estimated Value:	_
Da	ate			
Marvla	and Network Against Domestic Violence	Copyright	© 1995 MNADY DAVPDOCS/MNADY/VIOLEO	RM.



Judge Time Hours Minutes				
□ CIRCUIT COURT □ DISTR	ICT COURT OF MARY	LAND FOR	City/County	
Located at	Court Address		. Case No	
this is the case, check here	an address if doing so risks	further abuse or revo	eals the confidential address of a shelter. l	
Petitioner		Respondent		
Street Address, Apt. No.	Home:	Street Address, Apt. No	Home:	
City, State, Zip Code	Telephone	City, State, Zip Code	Telephone	
☐ DOMESTIC VIO	PETITION FOR PR LENCE ☐ CHILD AI	OTECTION FI BUSE □ VULN	ROM ERABLE ADULT ABUSE	
(Please fill in the following. If you				
1. I want relief for myself mi	nor child vulnerable adu	lt, from abuse by	Respondent	
The reopendent committed the for	iowing acts of abuse agains	L	***************************************	
□ choking □ slapping □ shoo	ting Larage or other sexu	al offense (or attem	that apply) kicking punching pt) hitting with object stabbing	
			these acts occurred. Be as specific as	
2. (If the victim is a child or vulnera	ble adult, complete the follo	wing.) I am asking f	or protection for a child vulnerable At this time the victim can be found a	
I am State's Attornoy DSS		***************************************		
I am State's Attorney DSS				
3. The person(s) I want protected fi			fyou are a victim):	
Name		ndate	Relationship to Respondent	
	••••••			
		•••••		
4. The person(s) I want protected n	ow lives, or has lived, with	the Respondent for	the following period of time during the	
The name(s) on the deed or lease as				
Additional persons residing in the h	nome are:	•••••••••••••••••••••••••	••••••	
Name	Birth	date	Relationship to Respondent	
••••••	*******			
•••••		•••••		
5. I know of the following court cadivorce, custody, domestic violence	ses between me, or the pers	on I want protected	, and the Respondent. (Examples include.	
Court	Kind of Case	Year Filed	Results or Status (If You Know)	
		***************************************	***************************************	
		••••••		



I want the court to order the Respondent:	
NOT to contact, attempt to contact, or harass	
☐ NOT to go to the work place(s) at	
To leave the home at	
and give possession of the home to	
☐ To turn over firearm(s) to a law enforcement	agency.
To go to counseling.	
☐ To pay money as emergency family maintena	ance (may be taken from paycheck).
I also want the Court to order:	
•	
De granted to	
Use and possession of a vehicle.	The Desmandant has the fallowing financial recovers.
(Complete only if you are seeking financial support.) T	
Income from employment in the amount of \$.every ☐ week ☐ 2 weeks ☐ month ☐ other
Income from another source	
Theorie from another source	Name and address of source and amount(s) received.
Respondent also owns the following property of value:	: Automobile(s)\$ Home \$ Estimate value
Bank Account \$ Other	Estimate value Estimate value
Estimate value	
	ntents of the foregoing Petition are true to the best of my knowledg
formation, and belief.	
formation, and belief. Date	
Date	Petitioner
Date DESCRIPTIO	Petitioner N OF RESPONDENT
Date DESCRIPTIO eightWeightSex	Petitioner N OF RESPONDENT Race
Date DESCRIPTIO eightWeightDate of Bi	Petitioner N OF RESPONDENT Race
DESCRIPTIO eightWeightDate of Binther (tattoos, scars, etc.)	Petitioner N OF RESPONDENT Race Hair Color Eye Color
DESCRIPTIO eight	Petitioner N OF RESPONDENT Race Hair Color Eye Color rth Social Security Number
DESCRIPTIO eight	Petitioner N OF RESPONDENT Race Hair Color Eye Color rth Social Security Number
DESCRIPTIO eight	Petitioner N OF RESPONDENT Race Hair Color Eye Color rth Social Security Number
DESCRIPTIO eight	Petitioner N OF RESPONDENT Race Hair Color Eye Color rth Social Security Number e Number
eight	Petitioner N OF RESPONDENT Race Hair Color Eye Color rth Social Security Number e Number
eight	Petitioner N OF RESPONDENT Race
DESCRIPTIO eight	Petitioner N OF RESPONDENT Race Hair Color Eye Color rth Social Security Number e Number
DESCRIPTIO eight	N OF RESPONDENT Race Hair Color Eye Color rth Social Security Number e Number NOTE and that there is a danger of serious and immediate injury to you,
DESCRIPTIO eight	N OF RESPONDENT Race
DESCRIPTIO eight	N OF RESPONDENT Race
DESCRIPTIO eight	N OF RESPONDENT Race

Exhibit C

Judge Time Hours Minutes
☐ CIRCUIT COURT ☐ DISTRICT COURT OF MARYLAND FOR
Located at
Petitioner VS. Respondent
EX PARTE ORDER FOR PROTECTION FROM ABUSE
In consideration of the petition and evidence, the Court makes the following findings:
A. That, who is a Person(s) Eligible for Relief, is: The current spouse of the Respondent. A former spouse of the Respondent. A cohabitant with the Respondent. A person related to the Respondent. A parent, stepparent, child or stepchild of the Respondent or a Person Eligible for Relief who resides or resided with the Respondent or Person Eligible for Relief for at least 90 days within the past year. A vulnerable adult. An individual who has a child in common with the Respondent.
B. That the Petitioner is:
A Person Eligible for Relief In the case of vulnerable adult or minor child: A State's Attorney A relative The Department of Social Services An adult residing in the home
C. That there are reasonable grounds to believe that Respondent committed the following abuse(s):
☐ Act(s) which caused serious bodily harm:
Act(s) which placed Person(s) Eligible for Relief in fear of imminent serious bodily harm:
☐ Assault in any degree ☐ Rape or a statutory sexual offense (or attempt) in any degree ☐ False Imprisonment
Statutory abuse of a child (Forward to DSS for investigation.) Statutory abuse of a vulnerable adult (Forward to DSS for investigation.)
D. (Where an order to vacate the home is requested.) That the Respondent and the Person Eligible for Relief resided together at the time of the abuse and: A Person Eligible for Relief and the Respondent are married, or A Person Eligible for Relief and Respondent are not married but The name of a Person Eligible for Relief is on the lease or deed A Person Eligible for Relief has resided in the home with the Respondent for at least 90 days within the past year In the case of abuse of a child or vulnerable adult, an adult other than the Respondent lives in the home.
E. This Order is denied because:
DV 2 (Rev. 10/96)



Based on the foregoing findings, the Court hereby ORDERS:
1. That the Respondent SHALL NOT abuse, or threaten to abuse
2. That the Respondent SHALL NOT contact (in person, by telephone, in writing, or by any other means), attempt to contact, or harass
3. That the Respondent SHALL NOT enter the residence of
☐ 4. That the Respondent SHALL STAY AWAY from:
The following school(s):
☐ The following place(s) of employment:
☐ The temporary residence of
at
☐ The home of another family member at
5. That the Respondent SHALL VACATE the home at
immediately, and remain away until the hearing provided for in Paragraph 7 below. In the meantime, temporary use and possession of the home is granted to
6. That custody of
7. THAT A PROTECTIVE ORDER HEARING SHALL BE HELD ON, 19, AT
Any reasonable accommodation for persons with disabilities should be requested by contacting the court prior to the hearing date.
Date Judge
This Order is extended for not more than 30 days:
1. New Hearing Date Judge Date
2. New Hearing Date Judge Date
3. New Hearing Date Judge Date Date

NOTICE

VIOLATION OF THIS ORDER MAY BE A CRIME OR CONTEMPT OF COURT, AND RESULT IN IMPRISONMENT OR FINE OR BOTH. THIS ORDER MAY BE ENFORCED BY ANOTHER STATE OR OTHER JURISDICTION, WHICH MAY IMPOSE ADDITIONAL OR DIFFERENT PENALTIES.

NOTICE TO ALL PARTIES: (This applies only if financial support has been requested.) At the Protective Order hearing the Court may order the Respondent to pay emergency family maintenance and may pass an immediate and continuing withholding order for that purpose. Both parties must complete the attached financial statement before the hearing and bring it to court. You should also bring documents (such as pay stubs, copy of your lease, bills, etc.) to support the figures you supply.

At the Protective Order hearing the Court may order all or part of the same relief that is granted in this Order. Additionally, the court may order temporary use and possession of jointly owned vehicles, child visitation, surrender of firearm(s) to a law enforcement agency, and counseling or participation in a domestic violence program. A Protective Order may be effective for as long as 200 days.

Either party may be represented by an attorney at the Protective Order hearing. Due to the emergency nature of the hearing, however, the hearing may not be postponed for a party to hire an attorney



Ju	dge Time Hours Minutes					
	CIRCUIT COURT 🗆 DISTRI	CT COURT OF MA	RYLAN	D FOR	City/County	
L	ocated at	Constant		•••••		
		Count Address		Respondent		***************************************
·::	reet Address, Apt. No.	Home:	VS.	Street Address, Apt. No.	••••••	Home:
	ity, State,Zip Code	Work; Telephone		City, State, Zip Code		
	•	PROTEC				·
со	After the appearance of the \square nsideration of the Petition and ev	Petitioner Petitone idence, the Court make	r's Cour es the fo	nsel Respondent Rowing findings:	☐ Respondent'	s Counsel, and in
A.	That	spondent. ondent. ondent. ondent. stepchild of the Respo Eligible for Relief for a	ondent or at least 9	a Person Eligible for 0 days within one yea	Relief who reside	es or resided with g of the Petition.
В.	That the Petitioner is: The Person Eligible for Relie In the case of vulnerable adul A State's Attorney A relative	f t or minor child:] [☐ The Department of ☐ An adult residing in		
C.	☐ That the Respondent consent	s to the entry of a prote	ective or			
	OR		_			
	That there is clear and convin	ncing evidence that the ous bodily harm:	Respon	dent committed the fo	llowing abuse(s):	
	Act(s) which placed Pers		•••••••			
	☐Assault in any degree☐Rape or a statutory sexual☐False Imprisonment☐Statutory abuse of a child☐Statutory abuse of a vulner		any deg	ree		
D.	That, where an order to vacate the together at the time of abuse: A Person Eligible for Relief a A Person Eligible for Relief a	ne home is requested and the Respondent are	married	or	Eligible for Relie	ef resided

DV-3 (Rev. 10/96)

A Person Eligible for Relief has resided in the home with the Respondent for at least 90 days within the past

year.

In the case of abuse of a child or vulnerable adult, an adult other than the Respondent lives in the home. E. This Order is denied because:

The name of a Person Eligible for Relief is on the lease or deed.

<u> </u>	
п.	Based on the foregoing findings, the Court hereby ORDERS:
□ 1.□ 2.	That, unless stated otherwise below, this Order is effective until
LJ 2.	That the Respondent SHALL NOT abuse, of threaten to abuse,
□ 3.	That the Respondent SHALL NOT contact (in person, by telephone, in writing, or by any other means), attempt to contact, or harass
□ 4.	That the Respondent SHALL NOT enter the residence of
□ 5.	That the Respondent SHALL STAY AWAY from:
	☐ The following school(s):
	☐ The following place(s) of employment:
	☐ The temporary residence of
	☐ The home of another family member at
□ 6.	That the Respondent SHALL VACATE the home at
	immediately, and remain away. In the meantime, use and possession of
□ 7.	That custody of
□ /.	is awarded to
□ 8.	That visitation with the child(ren) listed in Paragraph 7 is granted to
	on the following terms:
9.	That the Degrandent CITALL DAY
□ 9.	That the Respondent SHALL PAY emergency family maintenance to
	☐ Earnings Withholding Order to issue.
□ 10.	That exclusive use and possession of the vehicle described as
	is granted to
□ 11.	That
	and/or a domestic violence program as follows:
□ 12	That the Respondent SHALL surrender firearm(s)
LJ 12.	to law enforcement agency
□ 13.	That the Respondent shall pay costs, including costs for out-of-state service of the Ex Parte Order and/or this
	Order.

NOTICE

1.

VIOLATION OF THIS ORDER MAY BE A CRIME OR CONTEMPT OF COURT, AND RESULT IN IMPRISONMENT OR FINE OR BOTH. THIS ORDER MAY BE ENFORCED BY ANOTHER STATE OR OTHER JURISDICTION, WHICH MAY IMPOSE ADDITIONAL OR DIFFERENT PENALTIES.



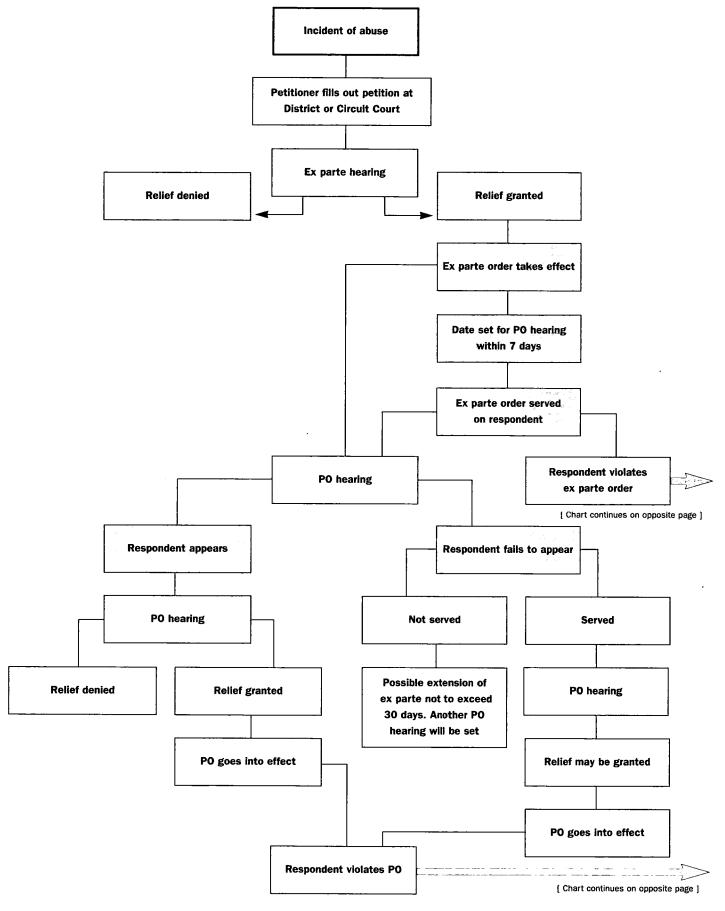
Flow Charts

- D. Ex Parte Protective Order

 Violation of Ex Parte Protective Order
- E. Domestic Violence Criminal Prosecution

 Domestic Violence Criminal Trial

EXMIDIT PEX Parte - Protective Order



Adapted with permission of University of Baltimore Family Law Clinic and House of Ruth.

EXhibit Wiolation of Ex Parte • Protective Order

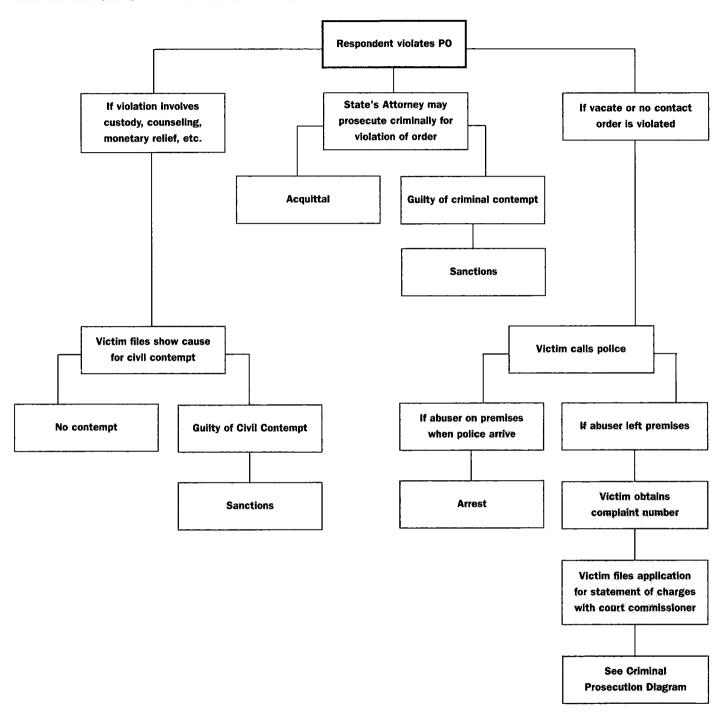
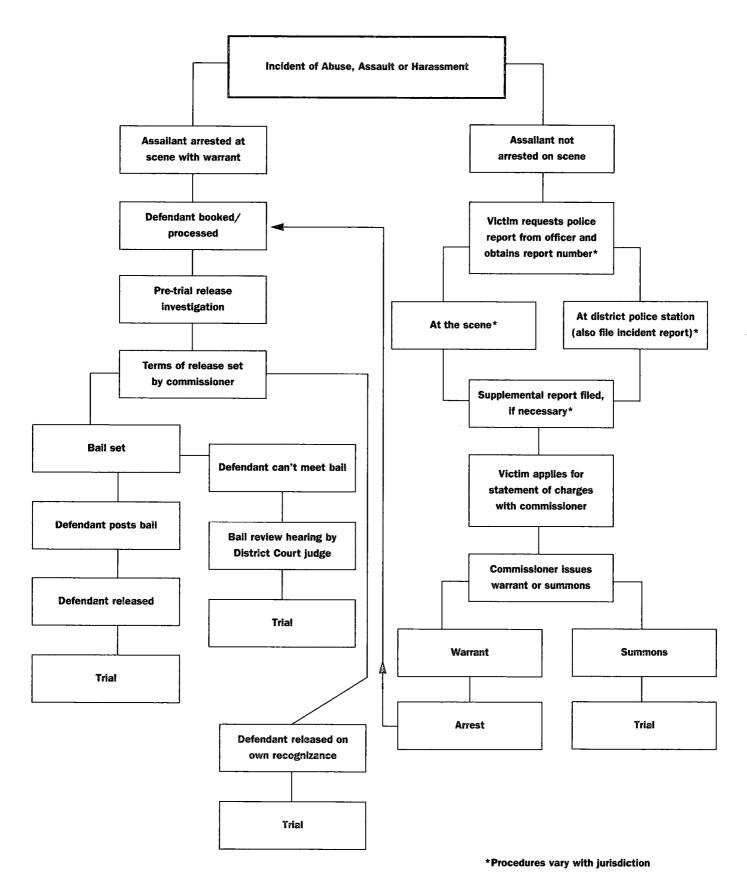
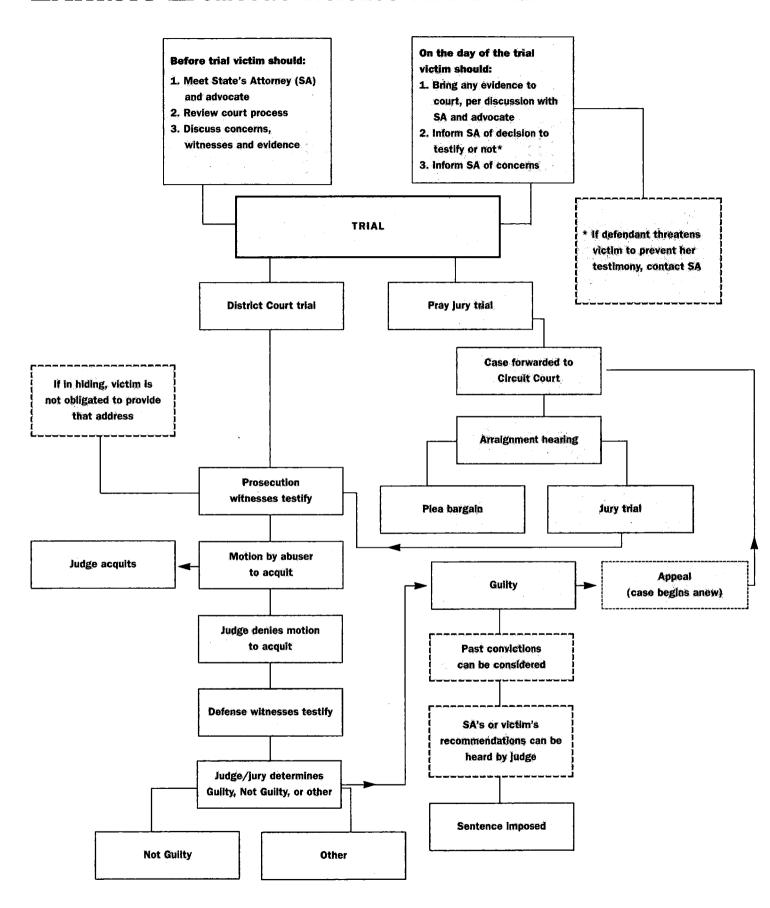


Exhibit Domestic Violence Criminal Prosecution



Adapted with permission of House of Ruth

Exploit Domestic Violence Criminal Trial



Adapted with permission of House of Ruth



Operational Guidelines
for Domestic Violence
Abuser Intervention Programs
in Maryland

Exhibit Foperational Guidelines:

Domestic Violence Abuser Intervention Programs in Maryland

Purpose

The purpose of these Guidelines is to promote victim safety by establishing minimum operating standards for Abuser Intervention Programs (AIP). In order to receive court-ordered referrals, AIPs must certify to local courts their compliance with these Guidelines.

Minimum operating standards contained in these Guidelines are intended to accomplish the following:

- establish program responsibility to victims and accountability to courts;
- ensure referral of abusers to intervention programs that focus on stopping abuse and preventing abusers from evading or minimizing their responsibility for abusive behavior;
- ensure AIPs participate in a coordinated approach to ending domestic violence that involves a partnership with the legal community and victim advocacy programs at the local and state level; and
- ensure outreach to victims.

1.0 Program Certification

An AIP seeking court-ordered referrals shall certify to the local court, on an annual basis, compliance with these Guidelines.

The Family Violence Council recommends that administrative offices of local courts develop a process to receive certification from AIPs and, on an annual basis, compile and distribute to judges within the jurisdiction a list of AIPs that have so certified.

2.0 Definition of Abusive Behavior as it Occurs in Domestic Violence

For the purpose of these Guidelines and as a reference for AIPs, abusive behavior occurring in intimate relationships is defined as follows:

- Abuse is a pattern of coercive control directed toward the victim.
- Abusive behavior involves the use of physical harm, emotional harm, or intimidation to control the victim's thoughts, feelings or actions.
- Abusive behavior results in a living environment of fear which impinges upon the victim's basic rights and freedoms.

2.1 Abusive behavior may consist of the following:

A. Deliberate use of physical force or threat to use physical force to harm another.

Specific behaviors include, but are not limited to: hitting, pushing, choking, scratching, pinching, restraining, slapping, pulling, hitting with weapons or objects, shooting, stabbing, damaging property or pets, or threatening to do one of these acts.

Exhibit F

- B. Verbal and emotional forms of assault and control, such as stalking, intimidation, coercion, threats, or degradation.
 - Specific behaviors include, but are not limited to: name calling, insults, labeling, threats, blaming, and humiliating actions to diminish the victim's sense of self-worth.
- C. Economic forms of control.
 - Specific behaviors include, but are not limited to: withholding or denying access to money or other basic resources, and sabotaging employment, housing or educational opportunities.
- D. Sexual abuse, assault or coercion.
 - Specific behaviors are those intended to have the effect of intimidation or harm in a sexual manner, including but not limited to: unwanted touching, voyeurism, sexual degradation, and rape.
- E. Social isolation.
 - Specific behaviors include, but are not limited to: denying communication with friends or family members, prohibiting access to transportation and telephone, and other possessive or jealous behaviors.
- F. Failure to comply with immigration requirements, making an immigrant spouse unable to work and vulnerable to deportation and/or loss of child custody.

2.2 Responsibility for abusive behavior.

The abuser bears sole responsibility for his or her actions. Substance abuse or emotional problems do not diminish responsibility for abusive behavior.

3.0 Operating Standards

AIPs must certify compliance with the following standards in order to receive court-ordered referrals of domestic violence abusers for program intervention.

3.1 Victim Confidentiality

- A. The AIP shall maintain the confidentiality of victims unless specifically waived by the victim or it is determined by the AIP that there is reason to believe the victim may be in imminent danger.
- B. The AIP shall inform victims upon initial contact that they are required by law to report incidents of child abuse to local authorities and to inform the police if they have reason to believe there is imminent danger to others as a result of the abuser's violent behavior.
- C. Files on victims shall be maintained separately from files on abusers. AIPs should not maintain files on victims unless the files are protected by the confidentiality privilege of a licensed supervisor.

3.2 Intake Process

A. The AIP shall indicate to the court or court monitor if the abuser is assessed as not being amenable to the program's services and, to the extent feasible, make appropriate recommendations.

- exhibit f
 - B. The AIP shall submit a report to the court or the court monitor if a courtordered abuser fails to contact the program, within either one month or the response time ordered by the court, whichever is shorter.
 - C. The AIP shall, under ordinary circumstances, offer a screening and intake appointment within ten (10) business days of the abuser's contact with the program.
 - D. The AIP shall develop a history and profile of the abuser's violent behavior based on descriptions from criminal justice agencies, the victim(s), treatment programs, and other relevant persons or agencies. The AIP shall require the abuser to provide the following information:
 - abuser's name, Social Security number, address, and employer;
 - partner and/or victim's name;
 - abuser's history of substance abuse;
 - abuser's history of psychiatric illness, including but not limited to threats or ideation of homicide or suicide, history of depression or paranoia;
 - history of abusive behavior as defined in Section 2.0;
 - whether the abuser possesses or has access to weapons, and any history
 of threat or actual use of weapons against the victim;
 - degree of possessiveness by the abuser toward the victim, including forced periods of isolation; and
 - abuser's compliance with court-ordered child support and/or family maintenance payments.
 - E. The AIP is encouraged to obtain the following information from the victim(s), court(s), and/or abuser:
 - copy of the criminal or civil domestic violence record; and
 - copy of the police report, statement of charges, petition for ex-parte protection and/or protective order.
 - F. The AIP shall secure a waiver of confidentiality from the abuser to allow communication with the victim and/or current partner about incidents of abuse and the abuser's participation in the program. The AIP will attempt to provide information to victims about services available to maintain safety, as well as educational and counseling resources.
 - G. The AIP shall either provide or refer abusers for treatment services to address factors contributing to the abusive behavior. The AIP will secure from the abuser a reciprocal release of information to allow for an exchange of information with relevant service providers.
 - H. A contract, specifying the responsibilities of both the AIP and the abuser shall be signed once the client is determined to be suitable for the program. The contract shall, at a minimum, reflect the following:
 - duration of the program;
 - agreement on fee rate and payment requirements;



- agreement to stop all forms of violence;
- agreement to refrain from drug and alcohol use while in attendance at group meetings; and
- conditions resulting in program non-compliance and the consequences thereof.

3.3 Victim Safety

- A. The AIP shall inform the victim about the abuser's attendance at the program unless the victim requests not to be informed.
- B. The AIP shall evaluate the abuser's lethality and warn victims determined to be at high risk. The AIP shall establish a "duty to warn" procedure directing staff to warn the victim and/or notify the police if a direct threat is made against the victim or other person.

4.0 Discharge Criteria

The contract signed by the abuser and the AIP shall specify criteria for discharge from the program.

4.1 Program Completion

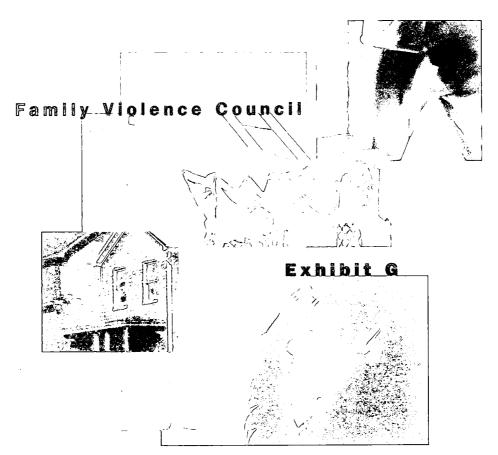
The abuser shall be deemed to have completed the program upon fulfilling the requirements set forth in the program contract.

4.2 Program responsibilities

- A. The AIP shall notify the referring court, corrections, probation or other court monitor of the abuser's attendance and participation and, to the extent feasible, make appropriate recommendations.
- B. The AIP shall notify the victim of the abuser's completion of or termination from the program, unless the victim requests not to be informed. Notification shall include, at a minimum, whether the abuser has complied with the court order. The AIP shall advise the victim that program completion cannot guarantee her safety.

5.0 Program Staffing

- A. Staff employed by the AIP shall be violence free in their own lives. No AIP shall hire an individual who has been a domestic violence abuser unless the program director is satisfied that the prospective staff member has successfully completed a certified AIP and has since remained violence free for a reasonable period of time, as determined by the program.
- B. Staff employed by the AIP shall not use alcohol or drugs to an extent or in a manner that is determined to impair the individual's ability to function in a responsible, professional manner.
- C. The AIP shall strive to employ staff who represent the cultural diversity reflected in the community being served, provide services to culturally diverse groups, and comply with the requirements of the Americans with Disabilities Act.



Health Care Information Package

EXPIDIT CHealth Care Information Package

These materials were provided by the Maryland Physicians' Campaign Against Family Violence to assist health care providers develop their own domestic violence protocols. The following assessment and screening information has been reproduced:

Interviewing Battered Women

This list provides suggested questions that medical personnel can use for a patient interview. Interviewers selects those questions they are comfortable with when interviewing victims.

Abuse Assessment Screen

This screen may be utilized as a self-assessment for victims.

Safety Plan

This plan may be used to help a battered woman develop a safety plan for herself and her children.

Danger Assessment

This assessment is used to assess the degree of danger to a victim. It is completed for all identified victims of domestic violence to ascertain their safety. The assessment is only a guideline - it is not a guarantee that the victim is safe if the score is low.



INTERVIEWING BATTERED WOMEN

- o Many patients tell me they have been hurt by someone close to them. Could this be happening to you? Are you being beaten?
- o I noticed you have a number of bruises. Could you tell me how they happened? Didsomeone hit you?
- o Your partner seems very concerned and anxious. Was he/she responsible for your injuries?
- o Have there been times during your relationship when you have had physical fights?
- o You seem frightened of your partner. Has he/she ever hurt you?
- o Have you ever been in a relationship where you have been hit, punched, kicked, or hurt in any way? Are you in such a relationship now?
- o You mentioned your partner loses his temper with the children. Does he lose his temper with you?
- o You mentioned your partner uses drugs /alcohol. How does your partner act when drinking or on drugs?
- o Sometimes when others are overprotective and as jealous as you describe, they react strongly and use physical force. Is this happening in your situation?
- o Do you and your partner argue often? What happens when you argue?
- o Is jealousy an issue between you and your partner?
- o Does your partner ever call you names or put you down?
- o Does your partner destroy things you care about?
- o Does your partner ever lose his/her temper, throw things, or threaten you?
- o Does your partner ever threaten to hurt you when you disagree with him?
- o Do arguments ever end in pushing, shoving, or slapping?
- o Has your partner ever forced you to engage in sex that makes you feel uncomfortable?
- o Does your partner watch your every move? Accuse you of having affairs?
- o Has your partner ever used a fist or weapon to hurt you?
- o Have you ever been injured, housebound, or hospitalized due to a fight with your partner?
- o Have you ever called the police?
- o Who controls the finances in your house?

ABUSE ASSESSMENT SCREEN

1.	Have you ever been emotionally or physically abused by your partner or someone important to you?
	YES
	NO
2.	Within the last year, have you been hit, slapped, kicked, or otherwise physically hurt by someone?
	YES
	NO
	If YES, by whom:
	Number of times:
Mark	the area of injury on body map
4.	Within the last year, has anyone forced you to have sexual activities? If YES, who: Number of times: Are you afraid of your partner or anyone you listed above? YES NO

Permission to reproduced given by Jackie Campbell, R.N. Ph.D.

Maryland Physicians Campaign Against Family Violence, June 1994

SAFETY PLAN

A safety plan, or protection plan, can help you identify possible ways to protect yourself and your children. The protection plan will give you an awareness of your personal and community resources. Also, it may help you to identify some of the signs and situations that may precede a violent episode.

We know from research and experience that violence repeats itself and gets worse

	reportant to have a safety plan for you and your children in case you anticipate or experience our partner's violence again. Answering the following questions will help with that plan.
1	What are some cues, behaviors, or circumstances that have happened before an abusive situation in the past? (i.e. time of day, chemical use, discussion about money, locations, relatives visiting, stress level of partner, etc.)
2.	What kinds of things have you tried to protect yourself and your children in the past?
3.	Have any of the methods worked?
4.	What people or organizations can you turn to for help? (Look up the numbers and write them down.)
5.	Are you familiar with the legal protection available to you? They are:

6. Are you familiar with the medical services available to you? They are:



As part of a safety plan, it is a good idea to keep a bag of clothes packed for you and your children, in case you need to leave quickly. If you leave, you will need the following important papers:

- -birth certificates
- -social security numbers
- -any divorce or legal papers

If possible, tuck some money away.

If I am in a situation where I am afraid violence will occur or is occurring towards me or my children, I know that the following options are available to me:

- o Relatives or friends I can call for support and/or for a safe place to stay:
- o The phone number for the shelter for battered women where I can stay in safety and get other support and help is:
- o I can call the police at 911.
- o The address and phone number to get an order for protection are:
- o One other thing I can do is:

Signed	
Intake Person	

Note: This can be done in person or over the phone. If done in person, keep a copy for the women's file. If done over the phone, have her pick it up or send it to a safe place where she can pick it up.

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Maryland Physicians Campaign Against Family Violence, June 1994



DANGER ASSESSMENT

Several risk factors have been associated with homicide (murder) of both batterers and battered women in research which has been conducted after the killings have taken place. We cannot predict what will happen in your case, but we would like you to be aware of the danger of homicide in situations of severe battering and for you to see how many of the risk factors apply to your situation. (The "he" in the questions refers to your husband, partner, ex-husband, expartner, or whoever is currently physically hurting you).

- A. Using the calendar, please mark the approximate dates during the past year when you were beaten by your husband or partner. Write on that date how long each incident lasted in approximate hours and rate the incident according to the following scale:
 - 1. Slapping, pushing; no injuries and/or lasting pain
 - 2. Punching, kicking; bruises, cuts and/or continuing pain
 - 3. "Beating up"; severe contusions, burns, broken bones
 - 4. Threat to use weapon; head injury, internal injury, permanent injury
 - 5. Use of weapon; wounds from weapon

(If any of the descriptions for the higher number apply, use the higher number.)

В.	Answer these questions yes or no
1.	Has the physical violence increased in frequency over the past year?
2.	Has the physical violence increased in severity over the past year and/or has a weapon or threat with weapon been used?
3.	Does he ever try to choke you?
4.	Is there a gun in the house?
5.	Has he ever forced you into sex when you did not wish to do so?
6.	Does he use drugs? By drugs I mean "uppers" or amphetamines, speed, angel dust, cocaine, "crack", street drugs, heroin, or mixtures.
7.	Does he threaten to kill you and/or do you believe he is capable of killing you?

Exhibit G

8. Is he drunk every day or almost every day? (In terms of quantity of alcohol.)
9. Does he control most or all of your daily activities? (For instance, does he tell you who you can be friends with, how much money you can take with you shopping, or when you can take the car? If he tries, but you do not let him, check here).
10 Have you ever been beaten by him while you were pregnant? (If never pregnant by him, check here).
11 Is he violently and constantly jealous of you? (For instance, does he say, "If I can't have you, no one can.")
12 Have you ever threatened or tried to commit suicide?
13 Has he ever threatened or tried to commit suicide?
14 Is he violent toward your children?
15. Is he violent outside of the home?
TOTAL YES ANSWERS
Thank you. Please talk to your nurse, advocate, or counselor about what the danger assessment means in terms of your situation.
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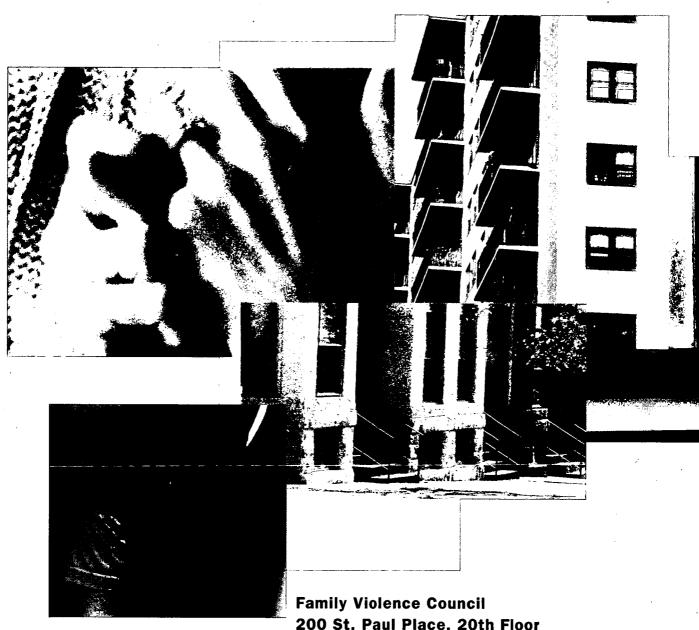
Address	
Affiliation	on
Phone I	Number ()
	ead the detailed recommendations and action plan of the Council.
☐ Yes	No ·
l have t	he following suggestions for the Council:
i would	like to become involved in the work of an action team.
☐ Yes	i No
Which a	action team?
What w	ork would you like to do?
Additio	nal Comments:

Fold along dotted lines

Place Stamp Here

Family Violence Council
200 St. Paul Place, 20th Floor
Baltimore, MD 21202

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200 St. Paul Place, 20th Floor Baltimore, MD 21202