

MICROFILM

FAMILY OFFENSE CASES IN THE FAMILY COURT SYSTEM:  
A STATISTICAL DESCRIPTION

prepared for  
Henry Street Settlement  
by  
Stephen J. Leeds

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**HENRY STREET SETTLEMENT**  
**OFFICE CENTER**  
100 NASSAU STREET NEW YORK, N.Y. 10002

Arthur Schiff / Stephen Leeds / Consulting Services  
340 Duane Street, Forest Hills, N.Y. 11375

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The report was reviewed in draft form by the staffs of Commissioner Thomas L. Jacobs, New York City Department of Probation; Chief Administrative Judge Richard J. Bartlett, New York State Office of Court Administration; and Deputy Administrative Judge Joseph B. Williams, New York City Family Court Division. All substantive comments received from these agencies were incorporated into this final version of the report.

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Whatever is to be learned from this report is a direct result of the access to individual case files granted to the researchers by the New York County Family Court and by the New York City Department of Probation.

## Summary of Findings

Our findings are based on the information contained in the individual case files of the New York County Family Court and the Probation Department, the two components of what we refer to as the Family Court "system." We have examined the files of a randomly selected sample of 142 cases which involved allegations of family offenses (i.e., assault, attempted assault, harassment, reckless endangerment, menacing, or disorderly conduct between adult members of the same family). These cases all entered the Family Court system on a new matter sometime during the five-month period of September 1976 through January 1977; and we collected data not only for that sampled intake but also for any subsequent intakes by the same family members over the next year and a half, through April 1978.

Three-fourths of the family offense cases entering the Family Court system involve allegations of abuse between spouses; and in 29 of every 30 such cases, a husband stands accused of abusing his wife. In most cases that don't involve spouses, a son is accused of abusing his mother. In half of all family offense cases, the individual making the complaint (i.e., the "petitioner") and the alleged abuser (the "respondent") are not living together at the time of intake.

The median age of the petitioners in family offense cases is about 33. Over all, two-fifths are black and two-fifths, Hispanic; almost half were not born in the United States; but over two-thirds have lived in New York City for more than ten years.

Among cases involving spouses, four-fifths of the wives have been married to their husbands for at least three years. A majority of the wives no longer living with their husbands at the time of intake have been separated for a month or less. Over half the abused wives have either no child or only one residing in their households; and almost two-thirds are at least partially self-sufficient. At the time of intake, two-fifths are working; and a third are receiving welfare or other cash aid like social security and unemployment compensation.

Three-quarters of all petitioners alleging family offenses claim to have been physically assaulted, but only two-fifths report more than one such incident. Among those alleging any physical abuse, a third report nothing more than having been pushed or slapped, or having an arm

twisted; but a seventh accuse the respondents of having clubbed, cut, stabbed, or shot at them. Most petitioners also allege non-physical abuse, and almost half of these accuse their respondents of either having threatened to kill them or having actually menaced them with a gun or knife.

Cases follow one of three paths through the Family Court system: 40 percent are served only by the Probation Department's intake section and thus diverted from the Family Court; 48 percent are served first by the Probation Department's intake unit and then referred to the Court; and 12 percent bypass the services of the intake probation officers and go instead directly to Court. Cases involving whites and cases involving multiple assaults are both more likely to end up before the Court than are other cases.

Three of every ten petitioners entering the Family Court system on new family offense matters have been there before in at least one other action. Previous contact appears to increase only marginally a case's likelihood of ending up before a Family Court judge.

#### The Probation Department

Almost a fourth of the petitioners receiving intake services in family offense actions are interested in effecting a reconciliation or obtaining support payments rather than securing protection from future abuse. Two-thirds of the petitioners in the intake section are not scheduled for a further appointment with the probation officer after their initial meeting. Only one case in forty is scheduled for three or more appointments. While the Probation intake unit may, by law, handle a family offense matter for as long as two months, in reality it disposes of seven-eighths of these cases within two weeks. Most of the cases referred to Court by the intake section are sent there on the heels of their first interview. Consequently, the frequency and duration of services provided family offense cases by the intake section seems quite low because so many of these cases are sent to Court so quickly by the probation officers.

The main service scheduled by Probation intake--in about a third of its cases--is a conference at which both the petitioner and respondent are supposed to be present. However, in 60 percent of the cases the respondent never attends any sort of meeting with the probation officer.

If the respondent is seen by the probation officer, the case is less likely to be referred to Family Court.

The Probation intake unit sends over half of all the family offense cases it serves on to Court, refers a tenth to social service agencies, and settles, or "adjusts," the remainder itself. About one adjusted case in three is assumed to be resolved because the petitioner has not attended a scheduled appointment nor initiated any further contact with the probation officer. Two-fifths of the adjusted cases reenter the Family Court system on a new matter within 18 months, as do one-fifth of the cases referred to Court.

### The Family Court

Seven of every ten cases seen in Family Court in an action involving family abuse get before a judge on the same day they enter the system, and eight of the ten get there by way of the Probation intake unit. Over all, almost three-tenths of the Family Court cases involving abuse are issued orders of protection, generally restraining the respondent from further abusing the petitioner for a period of one year. However, the cases that bypass the probation intake section are only one-third as likely as those coming through it to receive such an order.

The chances of receiving a final order from the Court may be modestly increased if multiple incidents are reported. Surprisingly, the more severe the abuse alleged, the less likely a case is to be issued a final order.

Almost three-fourths of the petitioners receive temporary orders of protection at their first Court hearing; but hardly anyone else receives such an order subsequently. Cases in which temporary orders are issued seem less likely to result in final orders, however. Most temporary orders of protection contain stock language; and a fourth have special conditions, usually restraining the respondent from disturbing the petitioner (and, at times, her children) in the home or on the job.

Cases take longer to be disposed of by the Court than by the Probation Department. Only an eighth of the cases involving family abuse require just one hearing date; a third are scheduled for three or more. Most cases take longer than a month to be resolved, and a fourth take longer than two months. The respondent never appears in half the cases. Since no final order can be issued until

the respondent has had an opportunity to defend himself in Court, the respondent's appearance in a case dramatically affects its chances of resulting in an order of protection and/or support.

In the end, two-thirds of the cases involving family offenses are dismissed by the Court, mostly because the petitioner fails to appear at a hearing. Only 2 percent are dismissed because the petitioner's charges were not substantiated. Among the three-tenths of the court cases in which a final order is issued, one petitioner in five receives an order of support--often in conjunction with the order of protection. A quarter of the orders of protection issued contain special conditions, mostly related to visitation rights.

Tracking a group of family offense petitioners from their time of intake until a year and a half later, we find that eventually seven in ten will get on the Court's docket and one of these seven will appear in at least two different cases. Similarly, a fifth of the entire original group eventually will receive a final order, and a few will even be issued two or more. About a sixth of the group will formally accuse their respondents of violating the terms of a temporary or final order; and one respondent in 25 will be placed on probation or incarcerated by the Family Court because of such violations.

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## Introduction

New York's Family Court system is primarily concerned with child welfare and family matters, including juvenile violations, child neglect, custody, placement and adoption, support and paternity determination, and certain offenses committed between adult family members. This paper describes both the people served by the New York County Family Court system on family offense matters and the processes these people go through in being served. Our analysis is based on the information contained in the individual case files of the New York County Family Court and the Probation Department.

Family offenses consist of assaults and attempted assaults, as well as reckless endangerment, harassment, menacing and disorderly conduct, involving members of the same family over sixteen years of age. In Family Court parlance, the person who allegedly committed the abuse is the "respondent," and the person abused--i.e., the one making the allegations--is the "petitioner." The terms "respondent" and "petitioner" are analagous to "defendant" and "plaintiff," respectively, in other courts. Most family offense cases involve spouses; the remaining cases involve abuse between other adults related by blood, marriage, or adoption, typically between parents and older children, or between adult siblings. (Abuse occurring in common-law relationships does not qualify for Family Court treatment except if the parties are also involved in a paternity determination before the Court.)

Processing the family offense matters that are the subject of this report involves two components of the criminal justice system: the Probation Department and the Family Court itself. (We refer to these two components together as constituting the Family Court "system.")

The Probation Department performs a number of tasks with respect to family offense actions. Some of its staff serve as an intake unit for the Family Court system, screening new cases and referring those requiring immediate attention to the Court, while

first trying to resolve the balance itself. Other probation officers serve as liaison officers to the Court, presenting the facts gathered by the intake, investigation and supervision units, as well as providing cases with additional services requested by the judges. Still other probation officers provide services, as needed, to cases after the judges have handed down their decisions.

The Family Court system process, according to law and administrative policy, is sketched out in the following paragraphs. Actual practice may vary, at times, from what is suggested below.

Persons entering the Family Court building on new family offense matters must first go through an intake screening process during which any past contacts with the Family Court system are identified. After being registered in a "Daily Intake Log Book," the new cases then see a probation officer assigned to the intake section who is to offer them services and explain the options available to them, including that of going directly to Family Court and bypassing any further probation services at the time. Most cases do not follow this route; and they may receive counseling, referral and evaluation services from the intake section for as long as two months. If a case cannot be satisfactorily resolved, i.e., "adjusted," within this span or if, at any time, the petitioner so requests, then it must be referred to the Court. In fact, most cases eventually are referred to Court, and well in advance of the two-month limit. In essence, cases proceeding through the Family Court system demonstrate three patterns of use: those served only by the Probation intake unit; those served only by the Court (i.e., the "bypass" group); and those served by both.

Persons wishing to appear in the Family Court itself on family offense matters generally must first file either of two kinds of petitions describing their allegations. If their only purpose in appearing in Court is to prevent further abuse, they file a family offense petition for an order of protection. If they are also seeking support payments, they file instead a support petition under which the family offense issues are subsumed.

Petitioners typically appear alone in Court the first time. In this situation, the initial hearing usually results in a summons being issued to the respondent for a return date at Court. (It is the petitioner's responsibility to have this summons served on the respondent by someone at least eighteen years of age.) If the petitioner so requests, a temporary order of protection may also be issued by the judge, ordering the respondent to refrain from any offensive conduct until the next court hearing. Such a temporary order is not a finding of wrong-doing, however. If very serious allegations are made, such as those involving the use of a gun or knife, then a bench warrant may be issued for the respondent in place of the usual summons. A warrant may also be issued in the event of a respondent's subsequently not appearing at a scheduled court hearing, given proof of his having been served the appropriate summons. Petitioners and respondents may choose to be represented in Family Court by an attorney, although our reading of case files indicates that this occurs only a quarter of the time. Of course, a fact-finding hearing on the merits of a petition can only be held when both the petitioner and respondent are present and, if either so chooses, represented by counsel.

A hearing in Court may result in a number of outcomes: the case can be adjourned to a future date; the charges can be dismissed by the judge, or withdrawn by the petitioner; a temporary order of support or protection can be issued, modified, extended, or vacated, or a final order can be issued, modified, or vacated; the case can be recommended for counseling, or referred for evaluation, by a social services agency; or a suspended judgment can be entered. Orders of protection, which are usually of a year's term, can require the respondent to abstain from offensive conduct against the petitioner and other family members, to stay away from the home or place of employment of the petitioner, and/or to refrain from acts that tend to make the home not a proper place for family members. An order may also establish the circumstances under which a respondent may visit his child(ren) in the event of

a separation. A respondent violating the conditions of an order of protection places himself at risk of arrest and being incarcerated or placed on probation.

Prior to September 1977, cases involving even the most severe assaults on family members almost all ended up in Family Court. Although an attacker might have been arrested and arraigned before the Criminal Court, he would have been referred to Family Court for adjudication. (Family Court judges had the power, but very infrequently exercised it, to refer severe assault cases to the Criminal Court for prosecution.) Since September 1977, when Chapter 449 of the Laws of 1977 went into effect, petitioners are to be given their choice of Courts: a proceeding in Family Court, which is a civil action with a major focus on attempting to keep the family together; or a proceeding in Criminal Court, prosecution of which can result in a jail term and criminal record for the defendant. It is commonly understood that, for a variety of reasons yet to be fully examined, the implementation of Chapter 449 lagged considerably in New York County and throughout the state, with consequently very little impact to show for its first year on the books. (In fact, the law has already been amended by Chapters 628 and 629 of the Laws of 1978, in an effort to improve its effectiveness.)

#### The Data Base

The cases we examined for this paper all entered the New York County Family Court building during the period of September 1, 1976, through January 31, 1977.

Our information is based on a random sample of family offense cases drawn from that section of the "Daily Intake Log Book" covering September 1976 and the succeeding four months. By selecting our sample from that period, we are able to examine retrospectively cases having a maximum span of interaction with the Family Court System averaging almost a year and a half (i.e., from late 1976 to April 1978, when we examined the case files). Furthermore, we are able to establish a series of baseline data

covering the year leading up to the implementation of Chapter 449, from which perspective we can analyze the subsequent impacts of the new law on the Family Court system's activity.

Since every case provided any assistance on support or family offense matters is initially registered in the Probation Department's "Daily Intake Log Book," our sample should be comprehensive. Each case, including "bypass" cases, is assigned a unique identification number, and former cases returning on new matters retain their old number, so their file can be updated with the latest developments. Cases involving only support issues have the suffix "NS" posted to their identification number; those involving any allegations of abuse are assigned the suffix "NSO", even if the matter at issue is primarily support. (Cases of abuse subsumed under paternity actions go directly to Court on paternity petitions. These cases are not found in the "Log Book," and they are not included in our study.)

We selected every fourth NSO case from the "Daily Intake Log Book" for the five-month baseline period. Our selection yielded 148 cases, accordingly:

<u>Month</u>	<u>Number</u>
September 1976	32 cases
October 1976	30 cases
November 1976	26 cases
December 1976	24 cases
January 1977	36 cases
Total	148 cases

From this sample set we were able to derive 142 case records for analysis. (One case was dropped because it was a duplicate within the sample set; one case could not be located in the files of either the Probation Department or the Family Court; and four cases were deleted when it became apparent that their NSO designation was erroneous, since their files contained no material whatsoever concerning family offenses.)

From the individual case files of the Probation Department, we obtained demographic data on the characteristics of petitioners

and, to a lesser extent, their respondents, as well as some descriptive information regarding the type, frequency and severity of abuse. Of course, these files also yielded information concerning the numbers and kinds of sessions that probation officers held with petitioners and respondents, not only for the sampled intakes but also for any prior or subsequent intakes on other matters. Since sampled "bypass" cases by and large avoided the intake function of the Probation Department, their case files contained little information, unless they were previously or subsequently served on other matters.

From the docket files of the Family Court, we obtained more specific information regarding those instances of abuse that led to the petitioner's request for an order of protection and, at times, supplementary demographic data. In addition, the Court's files yielded information on the number and kinds of hearings held and their outcomes. By using the Court's crossfiling system, we were also able to track down and examine the docket files of other cases involving the same petitioner and respondent both before September 1976 and subsequently through April 1978.

It must be stated at the outset that none of these file systems is constructed or utilized with research in mind. Data are often missing or inconsistently provided; and some of the more important forms are unstructured, leaving the decision about the quality and comprehensiveness of their ultimate contents to the discretion of the individual filling them out. Therefore, the researchers often had to read between the lines to ascertain a given piece of information.

### The Analysis Scheme

In describing the persons served by the Family Court system and the processes these people go through, we have adopted the method of examining our sample shown in Table 1. We can look at cases involving spouse abuse separately; and we can isolate the cases seen by the Probation Department (columns 1 and 2) and those

Table 1

Analysis Scheme for Sampled Family Offense Intakes  
(Distribution of Cases)

<u>Relationship of Petitioner to Respondent</u>	<u>Case Served By--</u>			<u>TOTAL</u>
	<u>1. Probation Dept. Only</u>	<u>2. Probation and Family Court</u>	<u>3. Family Court Only</u>	
Spouses	41	55	14	110
Others	16	13	3	32
TOTAL	57	68	17	142
Probation Dept.	← (125) →			
Family Court		← (85) →		

Source: Case records of the New York County Family Court and Probation Department, for a one-in-four random sample of cases drawn from the "Daily Intake Log Book," designated as involving family offenses, and entering the Family Court building on a new matter sometime during the period September 1976 through January 31, 1977.

seen by the Family Court (columns 2 and 3). There is quite a bit of overlap between these two groups, since the cases seen eventually by both agencies (column 2) comprise 54 percent of all those served by the Probation Department (columns 1 and 2) and 80 percent of all those served by the Court (columns 2 and 3). We can also compare the cases diverted from Family Court by the Probation Department (column 1) to those it ultimately refers to Court (column 2). However, we really cannot compare this latter group to those who go more or less directly to Court (column 3) because of the small number of "bypass" cases in our sample and the paucity of demographic information in their files.

Table 1 shows that three-quarters (110 of 142) of the family offense cases entering the Family Court system concern spouse abuse. Moreover, the Probation Department is more apt to pass these cases along to the Family Court (N=55) than to adjust them itself (N=41). Thus, 57 percent (55 of 96) of the spouse cases served by the Probation Department are eventually referred to Court, as are 45 percent (13 of 29) of the cases involving other family members.

Looked at in terms of the total system, of all family offense cases provided services on a new matter, 12 percent (17 of 142) go more or less directly to Court, another 48 percent (68 of 142) get there after being served by the Probation Department, and 40 percent (57 of 142) don't go past the Probation Department.

To the extent that the people currently entering the Family Court system are similar to those of almost two years ago, and there is no evidence of any significant shifts brought about by the new law or other factors, then our findings--though based on intakes occurring two years ago--should pertain to the present. Our confidence in the general applicability of our data is buttressed by unpublished statistics of the Office of Court Administration. These figures, calculated from statewide data for fiscal year 1973 and from a 5-percent sample for October 1977 through January 1978, show little, if any, change, over the intervening

four years, in the numbers or characteristics of persons involved in family offense dispositions. In the earlier period, there were 17,277 family offense dispositions; in the latter period, an annualized rate of 17,508. In both the earlier and latter periods, 83 percent of the family offense cases involved allegations by wives against their husbands. In the earlier period, 53 percent of the alleged offenses involved assaults or attempted assaults; in the latter period, 56 percent. Because the statewide system shifts so little from year to year, we assume that our 1976-77 data should still be valid in 1978-79.

## Who Uses the Family Court on Family Offense Matters?

Cases involving spouses account for three-fourths of our sample, and all but a very few of these cases result from allegations of wife abuse. Accordingly, we present our descriptive data in two statistical series: the first, for all family offense cases; and the second, for that subset involving spouses. We do this because much of the current interest in the Family Court system, as well as much of the impetus for Chapter 449 of the Laws of 1977, stems from a concern about the problem of spouse abuse and, more specifically, wife-beating.

Before we proceed to a description of the family offense caseload and that segment involving spouses, a few words are in order about the relatively small number of cases that do not involve spouses. These other cases differ in several important respects from those containing spouses, and they tend to skew the statistics for all cases in certain directions. In other words, when a characteristic of the total family offense caseload varies considerably from the characteristic of its major component, spouse cases, this difference is attributable to the non-spouse cases included in the total.

In half the non-spouse cases, a mother is petitioner and a son is respondent. In another quarter of these cases, a mother and a daughter are petitioner and respondent, respectively. Most of the remaining non-spouse cases involve adult siblings. Non-spouse cases are much more likely than spouse cases to contain an older petitioner and a teenage respondent (i.e., a parent and child), neither of whom is in the labor force and who live together rather than apart. The respondent in non-spouse cases is much more likely than his counterpart in spouse cases to have been born in New York City, to have no income of his own, to reveal mental- and drug-related problems as contributory factors to the pattern of family abuse, and not to abuse the petitioner physically.

(These differences are all implicit in Tables 2, 4 and 5, in the comparison of the column for "all cases" to the column for "spouse cases.")

Table 2 presents most of the demographic characteristics which we were able to glean from the case files of the New York County Family Court and Probation Department. In examining this and the ensuing tables, it is important to remember that we are describing a cohort of family offense cases entering the Family Court system on new matters, regardless of whether they are served only by the Probation Department, or only by the Court, or by both; and we are looking at the characteristics of these cases at their time of intake, regardless of what happens after that event. In other words, we are viewing a snapshot of what the total system's family offense clients look like as they first come through the door.

Although the figures we present are based on the total system and could conceivably mask differences between the Probation Department's cases and the Court's, this rarely occurs because of the high degree of overlap between the clientele of the two agencies. Only infrequently do percentage differences between either the Court and Probation components exceed 5 or 6 points; and even these few larger differences generally fall within the confidence intervals surrounding the figures we present. (See Appendix.) Where such differences are substantial, even if not statistically significant, we shall mention them in the text below.

#### Demographic Characteristics

Among all family offense cases in the New York County Family Court system, female petitioners predominate overwhelmingly (92.9%), as do male respondents (91.7%). Among cases involving spouses, the wife is 27 times more likely than the husband to be the aggrieved party (96.4% vs. 3.6% of petitioners). (See Table 2a.) Within the Family Court context spouse abuse, for all intents and purposes, means wife abuse. Consequently, in our references to

Table 2

Characteristics, at Intake, of Family Offense Cases  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>
<u>a. Sex of</u>		
<u>Petitioner-Respondent</u>		
female - male	96.4%	85.9%
male - female	3.6	4.2
female - female	---	7.0
male - male	---	2.8
	<u>100.0%</u>	<u>99.9%</u>
	(110)	(142)
<u>b. Petitioner's Ethnicity:</u>		
Hispanic	42.2%	37.9%
Black, Non-Hispanic	35.8	37.9
White, Non-Hispanic	20.2	22.9
Other	1.8	1.4
	<u>100.0%</u>	<u>100.1%</u>
	(109)	(140)
<u>c. Petitioner's Age:</u>		
19 and under	6.1%	4.8%
20-29	43.9	35.7
30-39	33.7	29.4
40-49	10.2	17.5
50 & older	6.1	12.7
	<u>100.0%</u>	<u>100.1%</u>
	(98)	(126)
<u>d. Respondent's Age:</u>		
19 and under	2.1%	13.1%
20-29	43.2	41.0
30-39	22.1	18.0
40-49	23.2	20.5
50 & older	9.5	7.4
	<u>100.1%</u>	<u>100.0%</u>
	(95)	(122)

Table 2 (cont.)

Characteristics, at Intake, of Family Offense Cases  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>
<u>e. Petitioner's Birthplace:</u>		
New York	28.1%	29.8%
Rest of U.S.	24.0	26.4
Puerto Rico	19.8	20.7
Other Carribean	17.7	14.9
South America	7.3	5.8
Rest of World	<u>3.1</u>	<u>2.5</u>
	100.0%	100.1%
	(96)	(121)
 <u>f. Respondent's Birthplace:</u>		
New York	32.0%	43.5%
Rest of U.S.	20.6	17.7
Puerto Rico	18.6	15.3
Other Carribean	15.5	12.9
South America	11.3	8.9
Rest of World	<u>2.1</u>	<u>1.6</u>
	100.1%	99.9%
	(97)	(124)
 <u>g. Petitioner's Residency in New York City:</u>		
Under one year	2.7%	2.0%
1 to 5 years	9.5	7.0
6 to 10 years	24.3	20.0
11 or more years	27.0	35.0
Lifetime	<u>36.5</u>	<u>36.0</u>
	100.0%	100.0%
	(74)	(100)
 <u>h. U.S. Citizenship:</u>		
Petitioner only	8.6%	6.7%
Respondent only	5.7	4.5
Both	71.4	76.9
Neither	<u>14.3</u>	<u>11.9</u>
	100.0%	100.0%
	(105)	(134)

Table 2 (cont.)

Characteristics, at Intake, of Family Offense Cases  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>
<u>i. Children Present in</u>		
<u>Petitioner's Household:</u>		
None	21.7%	20.6%
1	33.0	30.9
2	27.4	23.5
3	11.3	15.4
4, or more	<u>6.6</u>	<u>9.6</u>
	100.0%	100.0%
	(106)	(136)
<u>j. Welfare Reciprocity in</u>		
<u>Petitioner's Household:</u>		
None	72.7%	68.5%
AFDC	19.2	22.8
Home Relief or SSI	<u>8.1</u>	<u>8.7</u>
	100.0%	100.0%
	(99)	(127)
<u>k. Petitioner's Employment</u>		
<u>Status</u>		
Working full-time	34.0%	31.2%
Working part-time	6.0	5.5
Unemployed	9.0	7.0
Not in labor force	<u>51.0</u>	<u>56.2</u>
	100.0%	99.9%
	(100)	(128)
<u>l. Petitioner's Work History</u>		
<u>for Last Few Years</u>		
Worked most of time	38.8%	35.7%
Worked some of time	14.3	12.7
Not in labor force	<u>46.9</u>	<u>51.6</u>
	100.0%	100.0%
	(98)	(126)

Table 2 (cont.)

Characteristics, at Intake, of Family Offense Cases  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>
m. Petitioner's Occupation (Those Working in Last Few Years):		
<u>Professional, Technical, Managerial</u>	10.4%	8.9%
Other White Collar	29.2	28.6
Skilled Blue Collar	2.1	3.6
Semi- & Unskilled Blue Collar	22.9	21.4
Service	<u>35.4</u>	<u>37.5</u>
	100.0%	100.0%
	(43)	(56)
n. Petitioner's Own Net Weekly Income (From All Sources):		
<u>No Income of Own</u>	35.1%	30.3%
\$99, and under	30.9	37.8
\$100-149	29.8	27.7
\$150-199	2.1	2.5
\$200 and over	<u>2.1</u>	<u>1.7</u>
	100.0%	100.0%
	(94)	(119)
o. Respondent's Occupation (Those Working in Last Few Years):		
<u>Professional, Technical, Managerial</u>	12.3%	11.5%
Other White Collar	6.2	8.0
Skilled Blue Collar	37.0	35.6
Semi- & Unskilled Blue Collar	22.2	21.8
Service	<u>22.2</u>	<u>23.0</u>
	99.9%	99.9%
	(81)	(87)

Table 2 (cont.)

Characteristics, at Intake, of Family Offense Cases  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>
p. Respondent's Own Net Weekly Income (From All Sources):		
<u>No Income of Own</u>	17.1%	27.5%
\$99, and under	24.4	23.5
\$100-149	25.6	22.5
\$150-199	9.8	7.8
\$200, and over	<u>23.2</u>	<u>18.6</u>
	100.1%	99.9%
	(82)	(102)
q. Respondent's Employment Status:		
<u>Working full-time</u>	64.4%	56.0%
Working part-time	4.0	4.0
Unemployed	20.8	20.8
Not in labor force	<u>10.9</u>	<u>19.2</u>
	100.1%	100.0%
	(101)	(125)
r. Petitioner's and Respondent's Living Arrangement:		
<u>Living together</u>	46.4%	53.5%
Living apart	<u>53.6</u>	<u>46.5</u>
	100.0%	100.0%
	(110)	(142)

Source: See Table 1.

Note: Cases for which information on an item is not available are excluded from the percentage base for that item. Also, for items m. and o., inapplicable cases are excluded from the percentage base.

spouse abuse cases, the term "petitioner" may be read as "wife," and "respondent," as "husband."

A fifth of all family offense petitioners are white, and the remainder are fairly evenly divided between blacks and Hispanics. (See Table 2b.) Ethnicity is one of the few demographic areas where we have found evidence suggesting that the Court and Probation components are serving different cross-sections of the total caseload. The Probation intake unit's clients include twice as many Hispanics (38%) as whites (19%); but the Family Court's clients include equal numbers from both groups (31% each). (Among spouse cases whites constitute 16 percent of the Probation Department's intake clients and 25 percent of the Family Court's.) Because whites constitute a greater proportion of the Family Court's clients than the Probation Department's, the Court is somewhat more likely than the Probation Department to see lifetime residents of New York City, who are currently employed, holding better jobs, and earning more.

Non-spouse cases generally involve petitioners at least 40 years old (i.e., parents) and respondents in their late teens (i.e., children). Very few spouse cases, on the other hand, contain either petitioners or respondents in their teens; from two-thirds to three-fourths of the spouses are in their 20s or 30s. (See Tables 2c and 2d.) The median age of petitioners in cases of spouse abuse is just under 30, and the median age of their respondents is about 32.

Most adults involved in New York County family offense cases were not born in New York City. (See Tables 2e and 2f.) Of those born in other states, eight of ten came to New York from the South. Our data also show that about half the Hispanic adults in family offense cases were born in Puerto Rico; a third, in the Dominican Republic, Cuba or South America; and a sixth, in the United States.

In one-third of the family offense cases, the petitioner has lived in New York City all her life; and in another third, the

petitioner moved here over ten years ago. In only a tenth of the cases, has the petitioner resided in New York for less than five years. (See Table 2g.) In about a fourth of all family offense cases, the case records seem to indicate that either the petitioner or respondent, or both, is not a citizen. (See Table 2h.) In almost all instances, these non-citizens are permanent residents of Hispanic or West Indian extraction.

In a majority of family offense cases, there are either no children or only one residing in the petitioner's home. Interestingly, non-spouse cases seem more likely than spouse cases to come from households containing at least three children. (See Table 2i.)

#### Income Sources

Three of ten family offense petitioners are receiving some form of cash welfare assistance at their time of intake into the Family Court system. (See Table 2j.) On the other hand, over one-third of the petitioners are working at their time of intake, and almost another tenth are looking for work. (See Table 2k.)

Among cases involving spouses, not only are 40 percent of the petitioners currently working, but a total of 53 percent have worked for some period during the few years prior to intake. (See Table 2l.) Three-tenths of those who worked in the last few years held secretarial or clerical positions (i.e., "other white collar"). Over a fifth worked as factory operatives ("semi-skilled blue collar"); and most, over a third, as waitresses, hospital or school aides, or cleaning ladies ("service"). Only a tenth worked in professional, technical or managerial positions. (See Table 2m.)

Nevertheless, between welfare and work--as well as Social Security and unemployment compensation (which are not detailed in Table 2)--two of every three petitioners in spouse abuse cases are at least partially self-supporting in that they have some income of their own. In almost all cases, however, this income nets out to less than \$150 weekly. (See Table 2n.)

Respondents who worked in the last few years are barely more likely than their spouses to have held professional, technical or managerial positions. Over a third worked in the construction and other trades, or as mechanics or truck drivers (i.e., "skilled blue collar"); a fifth, as factory operatives, packers and porters ("semi- and unskilled blue collar"); and a fifth, as "service" workers, half of whom were security guards. (See Table 2o.)

A third of the respondents in spouse abuse cases have a net weekly income in excess of \$150. (See Table 2p.) Most respondents in cases not involving spouses have no income of their own, because they are not even in the labor force. While this is true of one-tenth of the respondents in spouse abuse cases, over three-fifths are working; and another fifth are unemployed. (See Table 2q.)

#### Abuse Within the Family

In a majority of spouse abuse cases, the husband and wife are living apart at the time of intake into the Family Court system. (See Table 2r.) In two-fifths of the spouse abuse cases, the husband and wife have been married for six years or longer; in only one case in twenty have they been married for less than a year. (See Table 3a.) Of those separated at intake, most (52%) have been living apart for less than a month. Many of these separations may, in fact, be temporary. In only a third of the separations have the husband and wife already been living apart for more than a year by the time of intake. (See Table 3b.) That such cases require the services of the Court system indicates that a "permanent" separation is no guarantee that abuse of one spouse by another will cease. In fact, our reading of case records showed not infrequently that the act of separating, itself, precipitated a pattern of abuse that did not exist previously.

In over a quarter of all family offense cases, no physical abuse (i.e., no assault) is alleged by the petitioner. In fact, less than half of the petitioners report more than one incident of physical violence. (See Table 4a.) Among those who do state

Table 3

Marital Characteristics, at Intake, of  
Family Offense Cases Involving Spouses  
(New York County Family Court System)

	<u>Spouse Cases</u>
<u>a. Duration of Marriage:</u>	
Under one year	4.9%
1-2 years	17.5
3-5 years	35.0
6-10 years	20.4
11 or more years	<u>22.3</u>
	100.1%
	(103)
<u>b. Duration of Separation</u> (Those Separated at Time of Intake):	
Under one month	51.7%
1 month to 11 months	13.8
1-2 years	17.2
3 or more years	<u>17.2</u>
	99.9%
	(58)

Source: See Table 1.

Note: Cases for which information on an item is not available are excluded from the percentage base for that item. Also, for item b., inapplicable cases are excluded from the percentage base.

Table 4

Characteristics of Family Offenses Alleged by Petitioners  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>
<b>a. Instances of Physical Abuse Alleged by Petitioner:</b>		
None	22.2%	28.8%
One	30.6	30.9
2 or 3; "several"	13.0	12.2
4 or more; "numerous"	<u>34.3</u>	<u>28.1</u>
	100.1%	100.0%
	(108)	(139)
<b>b. Most Severe Form of Physical Abuse Alleged by Petitioner (For Those Physically Abused):</b>		
Push, twist, slap	29.8%	31.3%
Punch, kick, choke	56.0	53.5
Hit with solid object	6.0	8.1
Cut, stab, shoot, including attempts	<u>8.3</u>	<u>7.1</u>
	100.1%	100.0%
	(84)	(99)
<b>c. Instances of Non-Physical Abuse Alleged by Petitioner:</b>		
None	34.3%	35.3%
One	21.3	20.1
2 or 3; "several"	12.0	10.1
4 or more; "numerous"	<u>32.4</u>	<u>34.5</u>
	100.0%	100.0%
	(108)	(139)
<b>d. Most Severe Form of Non-Physical Abuse Alleged by Petitioner (For Those Abused Non-Physically):</b>		
Vile language	19.7%	21.1%
Harrassment	19.7	17.8
Threatening harm	16.9	22.2
Threatening to kill	25.4	22.2
Menacing with gun, knife	<u>18.3</u>	<u>16.7</u>
	100.0%	100.0%
	(71)	(90)

Source: See Table 1.

Note: Cases for which information on an item is not available are excluded from the percentage base for that item. Also, for items b. and d., inapplicable cases are excluded from the base.

that they were assaulted, between a quarter and a third report that the most severe occurrence involved their being pushed or slapped, or having had their arm twisted. Over half describe violence as severe as being punched, kicked or choked; and another 15 percent accuse their respondents of having clubbed, cut, stabbed, or shot at, them. (See Table 4b.)

While 31 percent of the family offense cases dealt with by Probation intake staff do not involve allegations of physical abuse, this is true of only 18 percent of the Family Court cases. (Data not shown in Table 4.) Among spouse abuse cases seen by Probation staff, 45 percent allege multiple assaults; but this is true of 62 percent of those eventually seen in the Family Court. So, the more instances of physical violence alleged, the more likely a case is to end up being seen in Family Court. With regard to the severity of abuse, the picture is not so clear-cut. Among cases containing allegations of assault, those centered on pushing, slapping and arm-twisting are less likely to end up in Family Court (19%) than in Probation (31%); however, allegations concerning clubbing, cutting, stabbing, and shooting, are no more likely to be heard in the Family Court (16%) than in the Probation intake unit (15%).

Instances of non-physical abuse may consist, at the least severe level, of cursing or the use of vile language. Then again, they may involve harrassment such as repeated phone calls, being followed through the streets, or having an apartment door banged on in the middle of the night. Worse yet, non-physical abuse may consist of threats, even threatened murder; and, in a more severe form, may involve the brandishing of a gun or knife.

In two-thirds of the family abuse cases, at least one incident of non-physical abuse is alleged, and when there is non-physical abuse, it is slightly more likely to occur repeatedly rather than just once or twice. (See Table 4c.) Two-fifths of the petitioners alleging non-physical abuse mention being threatened with death or being menaced with a gun or knife; and one-fifth talk only in terms

of vile or obscene language. (See Table 4d.) Neither the frequency nor severity of non-physical abuse seems to be related to where a case ends up in the Family Court system, except that cases involving only vile language are somewhat less likely to end up in Court than in the Probation intake section.

Alcohol is most frequently mentioned in the case records as a contributing factor in the abuse pattern. Drugs are mentioned much more frequently among non-spouse than spouse cases, as is mental illness. About a fourth of the spouse cases involve money problems, suspected infidelity, and separation or abandonment. Among the "other" factors cited, the more frequently mentioned are children or pregnancies, legal problems around separation, divorce, visitation, custody or residency, and problems involving sexual relations. (See Table 5.)

Table 5

Factors Contributing to Family Offenses,  
as Alleged by Petitioners and Respondents  
(New York County Family Court System)

<u>% of Cases Mentioning as Contributing Factors--</u>	<u>Spouse Cases</u>	<u>All Cases</u>
Alcohol	37.2%	34.5%
Drugs	17.0%	23.5%
Money, Finances	27.6%	25.2%
Infidelity	26.6%	21.0%
Separation, Abandonment	25.5%	21.0%
Mental Illness	3.2%	10.0%
Others	42.5%	34.4%
	(94)	(119)

Source: See Table 1.

Note: Cases for which information on contributing factors is not available are excluded from the percentage base. Petitioners and respondents may allege more than one factor per case, so percentages do not sum to 100%.

## What Processes Do Family Offense Cases Go Through?

Within the Family Court system, family offense cases may be assisted both by the Probation Department and by the Court itself. Each of these agencies has its own set of procedures and services, the effects of which are detailed in the following pages. To help the reader better comprehend these pages, an overview of how cases flow through the system is presented below. In Chart A, which is based on statistics derived from our sample, we can follow a hypothetical cohort of 100 cases as it proceeds through the Family Court system (i.e., as it moves down the page from top to bottom). Of every 100 cases entering the system, our data indicate that 30 have been there before. So, 30 former cases and 70 new ones comprise the cohort of 100 processed by intake personnel. After being screened and presumably having been informed of their options, twelve cases elect to bypass any further services by the Probation intake unit.

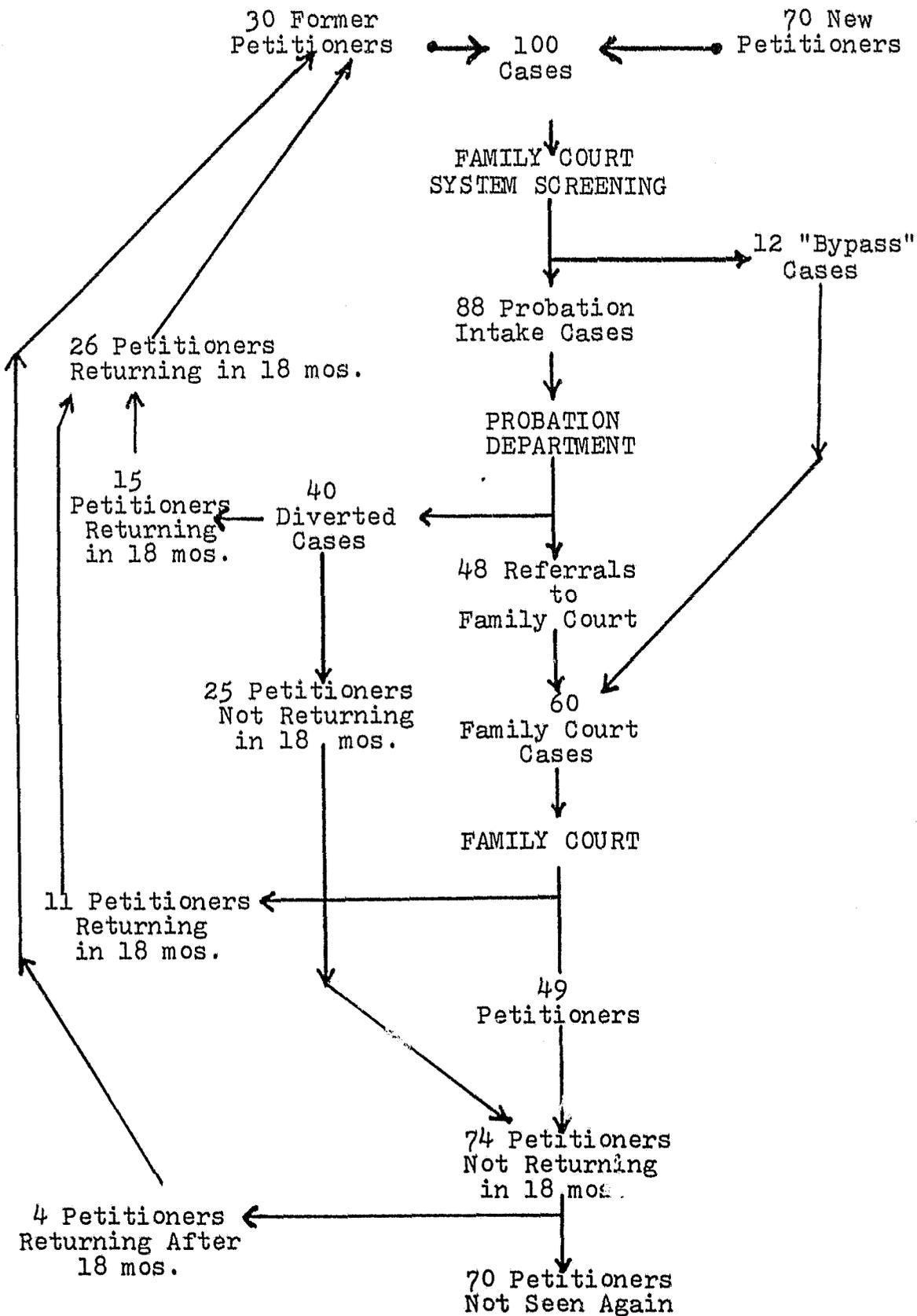
Of the 88 cases remaining to be served by probation officers in intake, 40 are diverted from the Court. However, two-fifths of these "adjusted" cases (i.e., 15 of the 40) return to the Family Court building within the next year and a half. The 48 cases that proceed through the Probation intake section to the Court join up with the 12 bypass cases to constitute that portion of the cohort which is placed on the Court's docket.

Some disposition is made in each of these 60 cases reaching the Court, but 11 petitioners eventually return to the Family Court building within the next 18 months. These individuals, together with the 15 returning from Probation intake and four others last seen longer ago than 18 months, comprise the 30 intake renewals that make up a new incoming cohort.

Because of this "revolving door" aspect, some petitioners are able to obtain more than one chance of getting on the Court's docket and securing an order of protection. Thus, while 60 of each 100 petitioners in intake will reach the Court on their current matter, subsequent actions on other or related matters will result

Chart A

Family Offense Case-Flow Diagram  
(New York County Family Court System)



in 70 petitioners in all reaching the Court. Similarly, while 18 of each 100 petitioners in intake will obtain a Court order on their current matter, 22 in all will get such an order on some matter during the next year and a half.

We are able to report on such short- and long-term interaction because our data collection was not limited to each petitioner's immediate intake in the period of September 1976 through January 1977. Our data cover the ensuing period, and any subsequent intakes through early 1978. While this is an important improvement over Court statistics which only tally "cases"--since the identity and number of petitioners have no relevance to court management purposes--only a quarter of our sample had more than one intake during the 18-month span that we analyzed.

In the following pages, our analysis is not based on the caseloads of the Probation Department or Family Court but rather on a cohort of cases as it proceeds through the two agencies. A caseload consists of all cases being served at one time, and cases that take longer to be served accumulate within a caseload and account for a greater proportion of it. Because of the typically short duration of Probation intake services, the characteristics of an intake cohort and the Probation intake caseload should be similar. However, because a Court proceeding may go on for quite some time, the characteristics of all cases on the Court's docket and of the cases filing initial petitions at that time should be somewhat less similar.

In the tables below, we still present our findings separately for cases involving spouses and for all cases in the cohort. However, since there are apparently very few differences in the way that spouse and non-spouse cases proceed through the Probation intake unit or through the Court, we rarely discuss spouse cases separately in the text. Unless we explicitly state otherwise, any figures cited in the text below pertain to all cases.

### Previous Contacts

Although family disturbances reportedly account for 40 percent or more of the calls for police assistance in New York City, we find a surprisingly low incidence of police contact mentioned in the files of our sample. In less than a fourth of the files is there any indication of police involvement prior to intake. In another 5 percent, the first contact with the police occurs after intake. (See Table 6a.) The evident low frequency of such contact might result, in part, from under-reporting by petitioners or under-recording by probation officers. However, one of the Probation Department's intake forms contains a box for "referral sources"; and, even here, we find the police mentioned in only one of every six files.

Police involvement with a family prior to intake may affect somewhat its chances of getting before a Family Court judge. Of the 33 cases in our sample reporting prior police contact, two-thirds were not diverted from the Court by the Probation intake unit; but this was true of relatively fewer of the 109 cases with no prior police contact.

As we discussed previously, about one family offense intake in three has been to the Family Court building before. (See Table 6b.) In two-fifths of these cases, the first contact with Probation intake staff occurred within the prior eight months or so. In just under a fourth of the returning cases did the earliest intake occur longer ago than a year and a half.

Previous involvement in the Family Court system appears to be marginally related, at most, to a case's likelihood of getting on the Court's docket. Almost two-thirds of those intakes which have been through the same process at least once before are seen by a judge on their current matter; but this is also true of almost three-fifths of those intakes with no previous Family Court experience.

Table 6

Previous Police and Probation Department  
Involvement in Family Offense Cases, at Intake  
(New York County Family Court System)

	<u>Spouse Cases</u>		<u>All Cases</u>	<u>% of All Cases Getting on Court's Docket</u>
<b>a. Extent of Previous Police Department Involvement in Case</b>				
Some, prior to intake	21.8%		23.2%	66.7%(33)
...Referred by police	13.6		15.5	
...Other contacts	8.2		7.7	
None, prior to intake	78.2		76.7	57.8%(109)
...But some afterwards	6.4		4.9	
...No police contact	71.8		71.8	
	<u>100.0%</u> (110)		<u>99.9%</u> (142)	<u>59.9%(142)</u>
<b>b. Extent of Previous Probation Department Involvement in Case</b>				
Some, prior to intake	30.0%		29.6%	64.3%(42)
1st contact occurred-				
...1/76-8/76	12.7		12.0	
...7/75-12/75	4.5		4.2	
...1/75-6/75	6.4		6.4	
...Prior to 1975	6.4		7.0	
None, prior to intake	<u>70.0</u>		<u>70.4</u>	<u>58.0%(100)</u>
	<u>100.0%</u> (110)		<u>100.0%</u> (142)	<u>59.9%(142)</u>

Source: See Table 1.

Note: Police Department includes New York Housing Authority Police. Percentage of cases getting on Family Court docket is based on sampled intakes (9/76-1/77) only, disregarding the results of any prior or subsequent intakes.

### Probation Department Interaction

If we look at interaction with the Probation Department over a year and a half, we find that the proportion of petitioners making an appearance before the Court increases from six-tenths to seven-tenths. (See Table 7a.) Included in the larger figure in our sample are (a) all 15 petitioners who bypassed Probation intake services during their one and only intake, (b) almost two-thirds (63.8%) of the 94 petitioners served by the Probation intake unit only once (including two who bypassed Probation on their first intake), and (c) three-fourths (75.8%) of the 33 petitioners handled by the Probation intake unit on two or more occasions.

Looking at these same data from another angle, we find that only one of every ten new petitioners will not be served by the Probation intake unit at some point during an 18-month span following their intake. Of those served more than once, a fifth are handled on at least three separate intakes.

Each new intake can result in a number of appointments being scheduled with a probation officer; but an appointment scheduled is not necessarily an appointment kept. (Compare Tables 7b and 7c.) Of all petitioners in an intake cohort, a tenth will bypass Probation and have no appointment scheduled subsequently during the next 18 months, and two-fifths will have only one appointment scheduled with the Probation intake section during the period. Just one petitioner in five will have more than two such appointments scheduled. (See Table 7b.)

Petitioners with two appointments scheduled during the year and a half are substantially less likely to be referred to Court than either those with one appointment or those with three or more. There are at least two reasons for this. If the probation officer initially perceives any chance of reconciliation in a matter, then the officer will generally schedule a second appointment, usually a conference. If the petitioner and respondent attend, the case may be adjusted at that time and thus diverted from Court. If the petitioner does not appear, it is generally

Table 7

Long-term Interaction with Probation  
 Department of Family Offense Petitioners  
 (New York County Family Court System)

	<u>Spouse Petitioners</u>	<u>All Petitioners</u>	<u>% of All Petitioners Ever Getting on Court's Docket</u>
<b>a. Total Separate Probation Dept. Intakes</b>			
Bypass only	10.9%	10.6%	100.0%(15)
One intake	61.8	64.8	63.8%(94)
Multiple intakes	27.3	24.6	75.8%(33)
...Two	20.0	19.0	
...Three or more	7.3	5.6	
	<u>100.0%</u> (110)	<u>100.0%</u> (142)	<u>69.7%(142)</u>
<b>b. Total Number of Appointments Scheduled with Probation Intake</b>			
Bypass only	10.9%	10.6%	100.0%(15)
One	40.0	42.2	71.7%(60)
Two	30.0	27.5	53.8%(39)
More than two	19.1	19.7	71.4%(28)
...Three	10.0	11.3	
...Four or more	9.1	8.4	
	<u>100.0%</u> (110)	<u>100.0%</u> (142)	<u>69.7%(142)</u>
<b>c. Total Petitioner's Attendance at all Appointments with Probation Intake</b>			
Bypass only	10.9%	10.6%	100.0%(15)
Once	47.3	50.0	63.4%(71)
Twice	27.3	25.4	61.1%(36)
Three or more times	14.5	14.1	85.0%(20)
	<u>100.0%</u> (110)	<u>100.1%</u> (142)	<u>69.7%(142)</u>

Table 7 (cont.)

Long-term Interaction with Probation  
 Department of Family Offense Petitioners  
 (New York County Family Court System)

	<u>Spouse Petitioners</u>	<u>All Petitioners</u>	<u>% of All Petitioners Ever Getting on Court's Docket</u>
<b>d. Total Respondent's Attendance at all Appointments with Probation Intake</b>			
<u>Bypass only</u>	10.9%	10.6%	100.0%(15)
Never appeared	41.8	50.0	71.9%(71)
Appeared	47.3	39.5	58.9%(56)
...Once	37.3	31.0	
...Two or more times	10.0	8.5	
	<u>100.0%</u> (110)	<u>100.1%</u> (142)	<u>69.7%(142)</u>
<b>e. Total Time from First to Last Contact with Probation Intake</b>			
<u>Under one week</u>	58.2%	60.6%	75.6%(86)
...1 day	50.9	52.1	
...2-6 days	7.3	8.5	
One week to one month	18.2	16.2	39.1%(23)
More than one month	23.7	23.1	75.8%(33)
...31-90 days	3.6	4.9	
...91-180 days	5.5	5.6	
...181-365 days	7.3	7.0	
...More than one year	7.3	5.6	
	<u>100.1%</u> (110)	<u>99.9%</u> (142)	<u>69.7%(142)</u>
<b>f. Total Contacts with Probation Service After Family Court Order</b>			
<u>None</u>	91.8%	92.3%	67.2%(131)
At least one	8.2	7.7	100.0%(11)
...One	4.5	4.9	
...Two or more	3.6	2.8	
	<u>100.0%</u> (110)	<u>100.0%</u> (142)	<u>69.7%(142)</u>

Source: See Table 1.

Note: Characteristics and percentages of petitioners ever getting on Family Court docket refer to all intakes from September 1976 through April 1978.

assumed that matters have been resolved between the parties in the interim; but, in any event, the case cannot be referred to the Court. The more appointments scheduled, the more likely it is that matters cannot be worked out or that the petitioner was not satisfied with the results of the first intake; so the chances of getting to Court increase.

A minority of all petitioners in an intake cohort will be seen by the Probation intake unit more than once over the next 18 months, but a substantial majority of their respondents are never seen at all by a probation officer during this period. (See Tables 7c and 7d.) Respondents in spouse cases demonstrate somewhat better attendance at these sessions. In any event, a respondent's attendance cannot be enforced by a probation officer but only by the Court in a legal proceeding. If a respondent does attend an appointment called by a probation officer, the chances of that case ever reaching Court drop somewhat, presumably because the respondent's voluntary participation is indicative of some desire to work out his differences with the petitioner.

Most petitioners are seen by the intake unit once and then not again during the ensuing 18 months. They either elect to bypass probation services, are referred to Court or a social services agency, or do not attend any further appointments scheduled for them. (See Table 7e.) Only one petitioner in four will be in contact with Probation intake staff over a span of time exceeding one month. Most such petitioners are those with more than one intake. Petitioners with both the longest and shortest spans of contact evince dramatically higher Court-referral rates than the group in between, primarily for the same reasons as given above (in relation to Table 7b).

Besides their contact with the intake section, some cases receive services from other probation officers after obtaining a final Court order. By definition, all such cases must have been on the Court's docket; but they constitute only 8 percent of the intake cohort. (See Table 7f.)

### Probation Department Intake Services

To understand what happens to cases in the Probation intake unit, we must examine their short-term behavior during and immediately after the intake process, with regard to the matters for which petitioners elect to receive services. In so doing, we disregard those petitioners who bypass Probation intake services, and we focus on the current intakes of the others. Of this group, just over half will proceed through the Probation intake unit and get to Court on the matter at hand.

Although there are allegations of family offenses in the situations of every case in our sample, not all petitioners sought orders of protection. Almost a fourth of the cases involving abuse and receiving Probation intake services are primarily interested either in conciliation or in support payments. As one might expect, those cases desiring conciliation are markedly less likely to go on to Court than other cases. (See Table 8a.) One petitioner in every four seeking protection is mainly interested in effectuating or maintaining a separation from the respondent (i.e., keeping him out of the home).

In only a quarter of the initial interviews conducted by the intake probation officers is the respondent present. If the respondent attends this first interview, a second appointment is scheduled or subsequently arranged only a fourth of the time. If the petitioner appears alone at first, a second meeting is called almost half the time. (See Table 8b.) Cases in which the petitioner initially appears alone are more likely to be referred to Court than those in which both parties come forward, probably for reasons explained previously (in relation to Tables 7c and 7d).

All in all, over three-fifths of the family offense cases electing to receive intake services have no scheduled interaction with a probation officer after their initial interview. Almost two-thirds of these cases are referred to Court after the first interview. Cases with further appointments are much less likely to end up in Court. (See Table 8c.)

Table 8

Interaction of Family Offense Cases with Probation Department  
(New York County Family Court System)

	<u>Spouse Cases</u>		<u>All Cases</u>	<u>% of All Cases Getting on Court's Docket</u>
<b>a. Petitioner's Purpose in Seeking Probation Intake Services</b>				
<u>Support</u>	21.9%		16.8%	52.4%(21)
...Support only		11.5	8.8	
...Support and protection		10.4	8.0	
<u>Protection</u>	67.7		68.8	61.6%(86)
...Wants respondent out of home		14.6	18.4	
...Other		53.1	50.4	
Advice, referral, conciliation	<u>10.4</u>		<u>14.4</u>	<u>22.2%(18)</u>
	100.0% (96)		100.0% (125)	54.4%(125)
<b>b. Attendance at Probation Intake Initial Interview</b>				
<u>Petitioner only</u>	68.7%		73.6%	58.7%(92)
...2nd app't ever made		33.2	32.8	
...No 2nd app't made		35.5	40.8	
<u>Petitioner &amp; respondent</u>	31.2		26.4	42.4%(33)
...2nd app't ever made		7.2	6.4	
...No 2nd app't made		24.0	20.0	
	<u>99.9%</u> (96)		<u>100.0%</u> (125)	<u>54.4%(125)</u>
<b>c. Appointments Scheduled with Probation Intake After Initial Intv'w</b>				
<u>None</u>	61.5%		63.2%	63.3%(79)
<u>At least one</u>	38.5		36.8	39.1%(46)
...One		38.5	34.4	
...Two or more		0.0	2.4	
	<u>100.0%</u> (96)		<u>100.0%</u> (125)	<u>54.4%(125)</u>

Table 8 (cont.)

Interaction of Family Offense Cases with Probation Department  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>	<u>% of All Cases Getting on Court's Docket</u>
<b>d. Respondent's Attendance at all Appointments with Probation Intake</b>			
Respondent never appeared	52.1%	60.0%	61.3% (75)
Respondent appeared	47.8	40.0	44.0% (50)
...Alone	3.1	2.4	
...With petitioner	44.7	37.6	
	<u>99.9%</u> (96)	<u>100.0%</u> (125)	<u>54.4% (125)</u>
<b>e. Time from Initial Interview to Last Scheduled Appointment with Probation Intake</b>			
Under one week	72.9%	74.4%	61.3% (93)
...1 day (1 contact)	58.3	60.0	
...2-6 days	14.6	14.4	
One week or more	27.1	25.6	34.4% (32)
...7-13 days	16.7	13.6	
...14 or more days	10.4	12.0	
	<u>100.0%</u> (96)	<u>100.0%</u> (125)	<u>54.4% (125)</u>
<b>f. Services Scheduled to be Provided by Probation Intake</b>			
Conference(s) only	38.5%	34.4%	39.5% (43)
Referral(s) to outside agency	11.5	13.6	35.3% (17)
...Referral(s) only	7.3	8.8	
...Conf. and ref'l.	4.2	4.8	
None	50.0	52.0	69.2% (65)
	<u>100.0%</u> (96)	<u>100.0%</u> (125)	<u>54.4% (125)</u>

Table 8 (cont.)

Interaction of Family Offense Cases with Probation Department  
(New York County Family Court System)

g. Outcome of Case in <u>Probation Intake</u>	<u>Spouse Cases</u>	<u>All Cases</u>	<u>% of All Cases Getting on Court's Docket</u>
Adjusted	34.4%	34.4%	2.3%(43)
...Due to non-appearance	11.5	11.2	
...At petitioner's request	7.3	8.8	
...By mutual agreement	15.6	14.4	
Referred to outside agency	6.2	8.8	0.0%(11)
Referred to Family Court	59.4	56.8	94.4%(71)
...At petitioner's request	50.0	48.8	
...By mutual agreement	9.4	8.0	
	<u>100.0%</u> (96)	<u>100.0%</u> (125)	<u>54.4%(125)</u>

Source: See Table 1.

Note: All characteristics and percentages of cases getting on Family Court docket refer to sampled intakes (9/76-1/77) only, and disregard any processing of prior or subsequent intakes by the Probation Department and Family Court. Cases electing to bypass Probation intake services (N=17) are excluded from all percentage bases.

Generally speaking, the purpose of scheduling further appointments is to get the respondent and petitioner together with the probation officer for counseling. However, in three of every five cases the respondent is never seen by the probation officer. The situation is slightly better among spouse cases, where almost half of the respondents appear. Cases in which the respondent ever appears are less likely to result in a referral to Court than other cases. (See Table 8d.)

Despite the two-month statutory limit on the length of time that the Probation intake unit can provide services to a case, three cases in four are disposed of in under a week. Only in one case in eight, does this process take over two weeks. (In 5 cases of the sampled 125 served at intake, the intake period exceeded a month.) Cases handled for a week or longer are half as likely to be referred to Court as those handled for shorter durations. (See Table 8e.)

Most cases electing to receive Probation intake services in fact receive no other service than the initial interview; and seven-tenths of such cases are referred to Court thereafter. (See Table 8f.) In a third of all cases choosing Probation intake services, a conference is the only other service scheduled. One case in seven is referred to a social service agency, often after a conference; and this referral is generally for marriage counseling. While cases with scheduled referrals and conferences are half as likely as the others to end up in Court, it is unclear how much of this is a function of the service itself. Cases referred to outside agencies are frequently not contacted again by Probation intake staff, so they can't be sent to Court. Petitioners scheduled for conferences may not attend; or, if they do attend, may have initially desired reconciliation more than a Court referral.

Examination of the recorded outcomes of cases processed by the Probation intake section reveals that a third are considered "adjusted," a twelfth are referred to outside agencies, and over

half are referred to Family Court. Almost half the adjusted cases are resolved by mutual agreement of the petitioner and respondent; and another third are considered adjusted because the petitioner did not attend a scheduled appointment. Among cases referred to Court, only one in seven is done so by mutual agreement of the parties. (See Table 8g.)

All referrals to Court do not end up on the docket; about 6 percent of the petitioners never follow through. And all adjusted cases are not necessarily diverted from Court; two percent somehow or other get on the docket on their current matters. These latter cases may just be the product of erroneous paperwork.

Although the frequency and duration of services delivered to family offense cases by the Probation intake unit may seem somewhat low, this is partly the result of so many cases being referred to Court so quickly. However, some petitioners return to the intake section within 18 months, at which time they again may be provided intake services. Tracking a cohort of petitioners originally choosing to receive intake services, we find that the proportion ever scheduled for a conference during the next year and half rises to 45 percent, that the proportion ever referred to a social services agency rises to 18 percent, and that the proportion ever referred to Court increases by a fifth, to 66 percent. (See Table 9a through 9c.) Again, we see that not all petitioners referred to Court actually follow through and that some petitioners not referred to Court do manage to get on the docket. Part of this latter situation is accounted for by cases electing to bypass Probation intake services during subsequent intakes.

#### Getting on the Family Court's Docket

In preceding sections we saw that 59.9 percent of the family offense petitioners entering the Family Court system get to appear before a judge on their current matters and that this group of Court cases consists of 54.4 percent of the petitioners re-

Table 9

Probation Department's Long-term  
Processing of Family Offense Petitioners  
(New York County Family Court System)

	<u>Spouse Petitioners</u>	<u>All Petitioners</u>	<u>% of All Petitioners Ever Getting on Court's Docket</u>
<b>a. Total Conferences Scheduled by Probation Intake</b>			
None	52.1%	55.2%	72.5%(69)
At least one	47.9	44.8	57.1%(56)
...One		41.7	
...Two or more		6.2	
	100.0%	100.0%	65.6%(125)
	(96)	(125)	
<b>b. Total Referrals to Outside Agencies by Probation Intake</b>			
None	83.3%	81.6%	65.5%(102)
At least one	16.7	18.4	47.8%(23)
...One		16.7	
...Two or more		0.0	
	100.0%	100.0%	65.6%(125)
	(96)	(125)	
<b>c. Total Referrals to Family Court by Probation Intake</b>			
None	31.2%	34.4%	7.0%(43)
At least one	68.8	65.6	96.3%(82)
...One		52.1	
...Two or more		16.7	
	100.0%	100.0%	65.6%(125)
	(96)	(125)	

Source: See Table 1.

Note: Petitioners initially electing to bypass Probation intake services (N=17) are excluded from all percentage bases. Characteristics and percentages of petitioners ever getting on Family Court docket refer to all intakes from September 1976 through April 1978.

ceiving Probation intake services as well as all those bypassing such services.

Looking backward from the perspective of the Court, we find that four-fifths of the cases placed on its docket come through the Probation intake section. A third of these cases have been through the intake section previously, on at least one other occasion, as have an almost equivalent proportion of the "bypass" cases placed on the docket. (See Table 10a.) Family Court cases that bypassed the Probation intake unit are only one-third as likely as those coming through the unit to be issued a final order of protection and/or support by a judge. Over all, three Family Court cases in ten receive such final orders; but these cases represent less than a fifth of the family offense petitioners who originally entered the system.

Of the cases involving family abuse placed on the docket, for seven-tenths this occurs on the same day as their entry into the Family Court system; and for nine-tenths this occurs within a week of intake. (See Table 10b.) The latter cases are more likely to receive a final order than the former, because the same-day group contains the bypass cases with their lower probability of getting an order.

Only one case in every six placed on the Court's docket has been before a Family Court judge on a previous matter, but these cases are twice as likely to be issued final orders as those with no prior experience. (See Table 10c.) Two-thirds of those previously on a docket were there on family offense matters.

#### Family Court Petitions

Each case appearing before the Family Court is based on a petition filed with the Court, containing a formal statement of allegations, and specifying the type of relief sought by the petitioner. The original petition may be amended as the case proceeds, or it may be supplemented by other petitions on related matters.

Table 10

Previous Probation Intake and Family Court Involvement  
in Family Offense Cases Placed on Family Court Docket  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>	<u>% of All Cases Getting a Final Order</u>
<b>a. Previous Probation Intake Services</b>			
<u>Received services this intake</u>	79.7%	80.0%	33.8%(68)
...And on prior intake	27.5	25.9	
...No prior intake	52.2	54.1	
<u>Bypassed services this intake</u>	20.3	20.0	11.8%(17)
...But served on prior intake	5.8	5.9	
...Never served	14.5	14.1	
	<u>100.0%</u> (69)	<u>100.0%</u> (85)	<u>29.4%</u> (85)
<b>b. Time from Intake Screening to 1st Hearing in Court</b>			
<u>Same day</u>	71.0%	72.9%	25.8%(62)
<u>More than one day</u>	28.9	27.1	39.1%(23)
...2-6 days	21.7	20.0	
...One week or more	7.2	7.1	
	<u>99.9%</u> (69)	<u>100.0%</u> (85)	<u>29.4%</u> (85)
<b>c. Previous Family Court Docket</b>			
<u>Prior docket(s)</u>	18.8%	16.5%	50.0%(14)
<u>1st time on docket</u>			
...1/76-8/76	7.2	5.9	
...1975	5.8	5.9	
...Prior to 1975	5.8	4.7	
<u>No prior docket</u>	<u>81.2</u>	<u>83.5</u>	<u>25.4%</u> (71)
	<u>100.0%</u> (69)	<u>100.0%</u> (85)	<u>29.4%</u> (85)

Source: See Table 1.

Note: Percentage of cases getting a final order is based on Court proceedings resulting from sampled intakes (9/76-1/77) only, disregarding the results of any prior or subsequent intakes.

The original petition filed in four of every five cases with any history of family abuse is, not unexpectedly, a family offense petition. The other cases file support petitions under which, in most instances, the family offense issue is subsumed. (See Table 11a.) Cases originally filing support petitions are more likely to end up with a final Court order because they have two chances of getting such an order: one for support and another for protection.

While we shall continue referring to all the cases in our sample as "family offense" cases, the reader should be aware that the segment filing support petitions are considered "support" cases by Family Court personnel.

The allegations contained in the petitions filed with the Court are similar to those that had been made previously at intake. In a third of all cases involving family abuse and in a quarter of such spouse cases, there is no allegation of assault. In fact, in about a fifth of all cases, there has been no alleged harm nor threat of harm but only vile language or harrassment by the respondent. (See Table 11b.) In half the cases, allegations center on the severe forms of assault, and spouses are more likely to make such accusations than other family members. Surprisingly, the more severe the abuse alleged the less likely a case is to be issued a final order by the Court.

While the severity of abuses alleged in the petitions is similar to that stated at intake, the frequency of abuse is considerably downgraded. This reduction in the number of offenses reported is brought about by the petition clerk, since one instance of abuse is legally sufficient to make a case for an order of protection. Only a little over a third of the petitions refer to more than one incident of abuse, whether physical or non-physical, and only one in seven mentions two or more assaults. (See Table 11c.) At intake, we found that two-fifths of all petitioners alluded to multiple assaults, as did almost half the spouses.

Table 11

Characteristics of Original Petitions  
Filed in Family Offense Cases  
(New York County Family Court System)

<u>a. Type of Petition</u>	<u>Spouse Cases</u>	<u>All Cases</u>	<u>% of All Cases Getting a Final Order</u>
Support	24.6%	20.0%	41.2%(17)
...Support only	4.3	3.5	
...Support and offense	20.3	16.5	
Family offense	<u>75.4</u>	<u>80.0</u>	<u>26.5%(68)</u>
	100.0% (69)	100.0% (85)	29.4%(85)
<u>b. Type of Abuse Alleged</u>			
No physical abuse	26.1%	32.9%	35.7%(28)
...And no threats of harm	15.9	18.8	
...But threats of harm	10.1	12.9	
Pushing, twisting, slapping	21.7	21.2	33.3%(18)
...And no threats of harm	15.9	16.5	
...And threats of more harm	5.8	4.7	
Punching, choking, or worse	52.2	45.9	23.1%(39)
...And no threats of harm	37.7	34.1	
...And threats of more harm	14.5	11.8	
	<u>100.0%</u> (69)	<u>100.0%</u> (85)	<u>29.4%(85)</u>
<u>c. Number of Incidents Alleged</u>			
One incident	63.8%	62.4%	26.4%(53)
More than one	36.2	37.6	34.4%(32)
...But only one physical	20.3	23.5	
...Two or more physical	15.9	14.1	
	<u>100.0%</u> (69)	<u>100.0%</u> (85)	<u>29.4%(85)</u>

Table 11 (cont.)

Characteristics of Original Petitions  
Filed in Family Offense Cases  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>	<u>% of All Cases Getting a Final Order</u>
<b>d. Who Was Allegedly Abused</b>			
<u>Petitioner only</u>	81.2%	81.2%	30.4%(69)
<u>Petitioner and others</u>	18.8	18.8	25.0%(16)
	100.0% (69)	100.0% (85)	29.4%(85)
<b>e. Site of Alleged Abuse</b>			
<u>In home or apartment</u>	79.7%	82.4%	30.0%(70)
<u>In public place</u>	20.3	17.6	26.7%(15)
	100.0% (69)	100.0% (85)	29.4%(85)

Source: See Table 1.

Note: All characteristics and percentage of cases getting a final order refer to Court proceedings resulting from sampled intakes (9/76-1/77) only, disregarding any prior or subsequent intakes.

We found in previous sections that the more instances of physical violence initially alleged, the more likely a case is to end up in Family Court. Upon reaching the Court, however, the number of alleged instances is reduced in the formal statement contained in the petition. Nevertheless, within the Court, the chances of receiving a final order may be modestly increased if multiple incidents are alleged.

Four-fifths of the family offense cases involve abuse directed only against the petitioner; in most of the remaining cases, children are targets as well. (See Table 11d.) Also, four-fifths of the cases involve abuse that occurs only within the confines of the home. (See Table 11e.) Neither the target nor the site of the abuse seems to bear on whether or not a case is issued a final order.

#### Family Court Processing of Cases

Generally, petitioners initially come to the Family Court building alone; and, because so many are referred to Court on the same day, most do not appear together with their respondents at their first hearing. Only in one-sixth of the family offense cases placed on the docket are both the petitioner and respondent present at the first hearing. In half such cases, no second hearing is necessary or, if scheduled, neither party attends. (See Table 12a.) In three-eighths of the family offense proceedings in which the petitioner first appears alone, there is no second hearing for the same reasons. Over two-thirds of the cases in which both parties attend the first hearing receive a final order, often because they have already agreed to such a course of action in a preliminary meeting with their probation officer. However, a final order is issued in only a fifth of the cases in which the petitioner appears alone at the first hearing, often because neither party attends the second hearing.

Disregarding supplementary proceedings, only a third of the family offense cases have more than two hearing dates scheduled on

their original petitions. In over half the cases, the initial hearing is followed by just one more scheduled appearance. (See Table 12b.)

The more hearings on a case, the greater is the likelihood that more than one judge will preside over it. In half the cases, at least two judges preside, and in a sixth, three or more preside. (See Table 12c.) When two judges hear a case, there is the least likelihood of a final order being issued, but this is more a function of the number of hearings held than of the number of judges. Cases requiring only one hearing (i.e., one judge) are those resolved immediately--often through the issuance of a final order. Those requiring many hearings (i.e., three or more judges) generally have either enough substance to merit an extensive investigation or a recalcitrant respondent--both of which conceivably could indicate the need for a final order.

In over half the family offense cases placed on the Court's docket, the respondent is never seen by a judge. The charges are either explicitly withdrawn at the petitioner's request or implicitly withdrawn as a result of the petitioner's non-attendance, or else a bench warrant for the respondent is issued and remains outstanding. If the respondent appears at all, nine-tenths of the time he will show up by the second hearing. Obviously, until a respondent attends a hearing to present his side of the case, no adjudication is possible nor can a final order be issued. (See Table 12d.)

Because the respondent is generally not present at the first Court hearing, he is issued a summons for the next hearing date in eight-tenths of the cases. Infrequently, a second summons is issued as well because of the respondent's subsequent non-appearance. (See Table 12e.) In a tenth of the cases, a bench warrant is issued for the respondent, either because of the seriousness of the allegations made against him or because of his disregard of a previously served summons. (See Table 12f.)

Table 12

Interaction of Family Offense Cases with Family Court  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>	<u>% of All Cases Getting a Final Order</u>
<b>a. Attendance at First Hearing on Original Petition</b>			
Petitioner only	82.6%	83.5%	21.1%(71)
...2nd hearing attended	50.7	51.7	
...No 2nd hearing	31.9	31.8	
Petitioner & respondent	17.4	16.5	71.4%(14)
...2nd hearing attended	10.1	8.2	
...No 2nd hearing	7.3	8.2	
	<u>100.0%</u> (69)	<u>100.0%</u> (85)	<u>29.4%(85)</u>
<b>b. Hearing Dates Scheduled on the Original Petition</b>			
Two or less	66.7%	67.1%	28.1%(57)
...One	11.6	12.9	
...Two	55.1	54.2	
Three or more	33.3	32.9	32.1%(28)
...Three	21.7	20.0	
...Four or more	11.6	12.9	
	<u>100.0%</u> (69)	<u>100.0%</u> (85)	<u>29.4%(85)</u>
<b>c. Number of Different Judges Presiding over Hearings on Original Petition</b>			
One judge	34.8	32.9	39.3%(28)
...One hearing	11.6	12.9	
...Two or more hearings	23.2	20.0	
Two judges	47.8	50.6	18.6%(43)
...Two hearings	39.1	40.0	
...Three or more hearings	8.7	10.6	
Three or more judges	<u>17.4</u>	<u>16.5</u>	<u>42.9%(14)</u>
	<u>100.0%</u> (69)	<u>100.0%</u> (85)	<u>29.4%(85)</u>

Table 12 (cont.)

Interaction of Family Offense Cases with Family Court  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>	<u>% of All Cases Getting a Final Order</u>
<b>d. Repondent's Attendance at All Scheduled Hearings on Original Petition</b>			
Respondent never appeared	53.6%	51.8%	0.0%(44)
Respondent appeared	46.4	48.2	61.0%(41)
...By the 2nd hearing	40.6	43.5	
...After the 2nd hearing	5.8	4.7	
	<u>100.0%</u> (69)	<u>100.0%</u> (85)	<u>29.4%</u> (85)
<b>e. Number of Summonses Issued for Respondent Related to Original Petition</b>			
None	21.7%	21.2%	50.0%(18)
One or more	78.3	78.8	23.9%(67)
...One	69.6	71.7	
...Two	8.7	7.1	
	<u>100.0%</u> (69)	<u>100.0%</u> (85)	<u>29.4%</u> (85)
<b>f. Number of Bench Warrants Issued for Respondent on Original Petition</b>			
None	89.9%	88.2%	28.0%(75)
One or more	10.1	11.8	40.0%(10)
	<u>100.0%</u> (69)	<u>100.0%</u> (85)	<u>29.4%</u> (85)

Source: See Table 1.

Note: All characteristics and percentage of cases getting a final order refer to Court proceedings resulting from sampled intakes (9/76-1/77) only, disregarding any prior or subsequent intakes.

### Case Dispositions

Only a seventh of the family offense cases are disposed of by the Court in less than three weeks after their first hearing. It takes longer than two months to adjudicate a fourth of the cases. One case in twenty is not disposed of within 18 months because a bench warrant for the respondent is still unexecuted. (See Table 13a.)

Only a tenth of the family offense cases are adjudicated during their first hearing. Half of these are dismissed, and half receive a final order. However, three-quarters of the first hearings result in a temporary order being issued, and this almost always is a temporary order of protection. About a sixth of the first hearings simply are adjourned, usually for the service of a summons on the respondent. (See Table 13b.) Somewhat surprisingly, it seems that the adjourned cases may be more likely to receive a final order than those issued temporary orders. We might speculate that, when a temporary order produces either no change in a respondent's abusive behavior or a change for the worse, the petitioner is discouraged from further pursuing a final order. On the other hand, a temporary order may be enough to cause another respondent either to mend his ways or at least to promise to do so, which might persuade the petitioner that a final order will be unnecessary.

Of the cases with a second hearing scheduled, six in ten are adjudicated at that time; but only a quarter of these receive a final order. Very few temporary orders are issued during second hearings; the cases not disposed of are either adjourned to a third hearing or granted an extension of the existing temporary order to such time. (See Table 13c.) Most of these adjournments or extensions are necessitated either by the non-appearance of the respondent at the second hearing or by his request to be represented by counsel.

Ultimately, of course, all cases appearing before the Court are supposed to be adjudicated. All in all, two in three are

Table 13

Disposition of Cases Involving Family Offenses  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>	<u>% of All Cases Getting a Final Order</u>
<b>a. Time from First Hearing to Disposition of Original Petition</b>			
<u>Under one month</u>	44.9%	48.2%	31.7%(41)
...Same day	10.1	10.6	
...1-20 days	2.9	4.7	
...21-30 days	31.9	32.9	
<u>More than one month</u>	55.1	51.8	27.3%(44)
...31-60 days	29.0	27.1	
...61 days or more	21.7	20.0	
...No disposition	4.3	4.7	
	<u>100.0%</u> (69)	<u>100.0%</u> (85)	<u>29.4%</u> (85)
<b>b. Outcome of First Hearing on Original Petition</b>			
<u>Adjourned</u>	15.9%	15.3%	46.2%(13)
...For service of summons, warrant	10.1	10.6	
...For other reason	5.8	4.7	
<u>Temporary order issued</u>	73.9	74.1	22.2%(63)
<u>Disposition</u>	10.1	10.6	55.6%(9)
...Dismissed	2.9	4.7	
...Final order issued	7.2	5.9	
	<u>99.9%</u> (69)	<u>100.0%</u> (85)	<u>29.4%</u> (85)
<b>c. Outcome of Second Hearing on Original Petition (For Those with a 2nd Hearing)</b>			
<u>Adjourned or temporary order extended</u>	37.7%	36.5%	22.2%(27)
...For absence of either party	26.2	24.3	
...For other reasons	11.5	12.2	
<u>Temporary order issued</u>	3.3	4.1	100.0%(3)
<u>Disposition</u>	59.0	59.5	25.0%(44)
...Dismissed	44.3	44.6	
...Final order issued	14.8	14.9	
	<u>100.0%</u> (61)	<u>100.1%</u> (74)	<u>27.0%</u> (74)

Table 13 (cont.)

Disposition of Cases Involving Family Offenses  
(New York County Family Court System)

	<u>Spouse Cases</u>	<u>All Cases</u>	<u>% of All Cases Getting a Final Order</u>
d. Disposition of <u>Original Petition</u>			
Dismissed	63.8%	65.9%	0.0%(56)
...Charges not substantiated	1.5	2.4	
...Failure to prosecute	39.1	37.6	
...Charges withdrawn	10.1	12.9	
...Other	13.0	12.9	
Final order issued	31.9	29.4	100.0%(25)
...Order of protection	24.6	23.5	
...Order of support	4.3	3.5	
...O/P and O/S	2.9	2.4	
No disposition	<u>4.3</u>	<u>4.7</u>	<u>0.0%(4)</u>
	100.0% (69)	100.0% (85)	29.4%(85)

Source: See Table 1.

Note: All characteristics and percentage of cases getting a final order refer to Court proceedings resulting from sampled intakes (9/76-1/77) only, disregarding any prior or subsequent intakes.

dismissed; three in ten receive a final order; and one in twenty remains with an unexecuted bench warrant. (See Table 13d.) Hardly any of the dismissals are based on the petitioner's not substantiating the charges made; but over half the dismissals stem from the petitioner's not attending a scheduled hearing (i.e., "failure to prosecute"). Another fifth of the dismissals occur because the petitioner withdraws the charges made. The remaining dismissals result from a variety of other factors, such as lack of jurisdiction, divorce proceedings having been instituted, or the respondent having been jailed or hospitalized.

Although the data are not shown in the tables, some description of the temporary and final orders issued to cases involving family offenses is necessary. One tenth of the temporary orders are either temporary support orders or mutual temporary orders of protection, restraining the petitioner as well as the respondent from any further offensive conduct. Of the temporary orders of protection issued, approximately a quarter contain special conditions. A third of these special conditions relate to the respondent's not approaching or entering the petitioner's home or place of work; another third, to the respondent's not disturbing or attempting to remove his children under the petitioner's care; and most of the final third, to conditions under which either party may enter an apartment to secure personal effects. However, three quarters of the temporary orders of protection contain no such provisions; they are literally rubber-stamped with stock language.

A fifth of the final orders issued to cases involving family offenses are orders of support. Nine of every ten orders of protection are for a year's duration. In a quarter of the orders of protection, some special condition is to be found. About half of these conditions refer to visitation rights, and most of the others require the respondent to move or stay away from the petitioner's home.

A tenth of the final orders of protection issued are mutual orders. Our reading of Court files indicates that both temporary and final mutual orders of protection are often issued without the respondent's having initiated a cross-complaint or filed a family offense petition. Such mutual orders seem to be based on allegations made by the respondent in his own defense during a hearing.

### Long-Term Interaction

Up to now, our analysis of Family Court has been based on those family offense petitioners in an intake cohort who make it to Court on their current matters. Some of the other petitioners who are initially diverted from Court get placed on the docket in a subsequent action, and some of those who appear before a judge the first time will return in further actions.

Over a year and a half, seven of every ten petitioners in intake will be placed on the Court's docket, and a fifth will be issued a final order. Thus, with time, the proportion of petitioners ever placed on the Court's docket rises by a sixth (from 59.9% to 69.7%); and the proportion ever securing a final order rises by a fourth (from 17.6% to 21.8%). Looking only at those petitioners who get to appear in Court, the proportion securing a final order changes little over time (from 29.4% of those on their original matters to 31.3% of those on all matters during 18 months).

About a seventh of all family offense petitioners ever placed on the Court's docket in the year and a half following intake will appear in two or more separate cases. (See Table 14a.) The more cases a petitioner brings before the Court, the more likely the petitioner is to receive a final order. If a petitioner initiates both a support case and a separate family offense case, the support case seems almost always to follow the other in time; and if a petitioner initiates more than one family offense action, then three or more such actions (rather than just two) are almost always brought before the Court.

Table 14

Summary of Family Court's Processing of Family Offense Petitioners  
(New York County Family Court System)

	Spouse Petitioners	All Petitioners	% of All Petitioners Ever Getting a Final Order
<b>a. Total Separate Cases Placed on Docket</b>			
One	82.9%	84.8%	28.6%(84)
...Family offense	62.2	67.7	
...Support	20.7	17.2	
Two or more	17.1	15.2	46.7%(15)
...Family offense only	7.3	7.1	
...Family offense & support	9.8	8.1	
	100.0% (82)	100.0% (99)	31.3%(99)
<b>b. Total Hearing Dates Scheduled on All Matters</b>			
Two or less	54.9%	53.5%	24.5%(53)
...One	8.5	9.1	
...Two	46.3	44.4	
Three or more	45.1	46.5	39.1%(46)
...Three	14.6	15.2	
...Four or five	15.9	16.2	
...Six or more	14.6	15.2	
	100.0% (82)	100.0% (99)	31.3%(99)
<b>c. Total Hearing Dates on Supplementary Proceedings</b>			
None	82.9%	81.8%	21.0%(81)
Any	17.1	18.2	77.8%(18)
...One	4.9	5.1	
...Two or more	12.2	13.1	
	100.0% (82)	100.0% (99)	31.3%(99)

Table 14 (cont.)

Summary of Family Court's Processing of Family Offense Petitioners  
(New York County Family Court System)

	Spouse Petitioners	All Petitioners	% of All Petitioners Ever Getting a Final Order
<b>d. Total Attendance at All Hearing Dates</b>			
<u>Petitioner once</u>	35.4%	35.4%	11.4%(35)
...Respondent appeared	6.1	7.1	
...Respondent did not appear	29.3	28.3	
<u>Petitioner twice</u>	34.1	33.3	33.3%(33)
...Respondent ever appeared	19.5	18.2	
...Respondent never appeared	14.6	15.2	
<u>Petitioner three or more times</u>	30.5	31.3	51.6%(31)
...Respondent ever appeared	25.6	26.3	
...Respondent never appeared	4.9	5.0	
	100.0% (82)	100.0% (99)	31.3%(99)
<b>e. Total Respondent's Attendance at All Hearing Dates</b>			
<u>Never</u>	48.8%	48.5%	0.0%(48)
<u>Once</u>	20.7	22.2	54.5%(22)
<u>Twice or more</u>	30.5	29.3	65.5%(29)
	100.0% (82)	100.0% (99)	31.3%(99)
<b>f. Total Time from First to Last Hearing Date</b>			
<u>Under one month</u>	32.9%	36.4%	25.0%(36)
...1 day	8.5	9.1	
...2-20 days	2.4	3.0	
...21-30 days	22.0	24.2	
<u>More than one month</u>	67.1	63.6	34.9%(63)
...31-60 days	28.0	27.3	
...61-180 days	18.3	16.2	
...181-365 days	13.4	13.1	
...More than one year	7.3	7.1	
	100.0% (82)	100.0% (99)	31.3%(99)

Table 14 (cont.)

Summary of Family Court's Processing of Family Offense Petitioners  
(New York County Family Court System)

	<u>Spouse Petitioners</u>	<u>All Petitioners</u>	<u>% of All Petitioners Ever Getting a Final Order</u>
<u>g. Total Different Judges Presiding Over Hearings on All Matters</u>			
One	24.3%	22.2%	27.3%(22)
Two	46.3	48.5	22.9%(48)
Three or more	29.3	29.3	48.3%(29)
...Three	11.0	12.1	
...Four or more	18.3	17.2	
	<u>99.9%</u> (82)	<u>100.0%</u> (99)	<u>31.3%(99)</u>
<u>h. Total Referrals to Outside Agencies on All Matters</u>			
None	80.5%	79.8%	24.1%(79)
Any	19.5	20.2	60.0%(20)
...One	14.6	15.2	
...Two or more	4.9	5.0	
	<u>100.0%</u> (82)	<u>100.0%</u> (99)	<u>31.3%(99)</u>
<u>i. Total Temporary Orders Issued on All Matters</u>			
None	26.8%	25.2%	40.0%(25)
Any	73.2	74.7	28.4%(74)
...One	63.4	66.7	
...Two or more	9.8	8.1	
	<u>100.0%</u> (82)	<u>99.9%</u> (99)	<u>31.3%(99)</u>
<u>j. Total Dismissals Issued on All Matters</u>			
None	34.1%	31.3%	83.9%(31)
Any	65.9	68.7	7.4%(68)
...One	58.5	62.7	
...Two or more	7.3	6.1	
	<u>100.0%</u> (82)	<u>100.0%</u> (99)	<u>31.3%(99)</u>

Table 14 (cont.)

Summary of Family Court's Processing of Family Offense Petitioners  
(New York County Family Court System)

	<u>Spouse Petitioners</u>	<u>All Petitioners</u>	<u>% of All Petitioners Ever Getting a Final Order</u>
k. <u>Total Orders Issued on All Matters</u>			
None	65.9%	68.7%	0.0%(68)
Any	34.1	31.3	100.0%(31)
...One	24.4	23.2	
...Two or more	9.8	8.1	
	<u>100.0%</u> (82)	<u>100.0%</u> (99)	<u>31.3%(99)</u>

Source: See Table 1.

Note: Characteristics and percentages of petitioners ever getting a final order refer to Court proceedings resulting from all intakes from September 1976 through April 1978. Percentage base excludes those petitioners with no cases placed on the Court's docket during this period.

Almost half the family offense petitioners ever placed on a docket will have a total of at least three hearing dates scheduled for all their matters. The more hearing dates a petitioner has before the Court, the more likely the petitioner is to receive a final order. (See Table 14b.) Some of these hearing dates stem from supplementary proceedings, usually due to alleged violations by respondents of temporary or final orders. Supplementary proceedings are required by almost a fifth of the petitioners. (See Table 14c.)

During a year and a half of potential Court interaction, a third of the family offense petitioners actually appear only once before a judge; and another third, only twice. The more times a petitioner does come to Court, the more likely the respondent is ever to attend a hearing. (See Table 14d.) However, half of all respondents never appear before a judge. (See Table 14e.) The more hearings a petitioner attends and the more a respondent attends, the more likely a case is to be issued a final order.

Even allowing for up to 18 months of interaction, we find that all proceedings for almost two-thirds of the petitioners are heard within a two-month period. (See Table 14f.) Almost four petitioners in every five who get to Court see more than one judge during the 18 months; a sixth see four or more different judges. (See Table 14g.)

A fifth of the family offense petitioners appearing in Court are referred to outside agencies; and, since these referrals are often recommended as part of a case's disposition, they are highly correlated with receiving a final order. (See Table 14h.) Of the 25 referrals made in cases brought by 20 petitioners in our sample, eight were for psychological evaluation, two for welfare assistance, and 15 for marriage counseling and related social services.

Three-fourths of the family offense petitioners ever placed on the Court's docket receive at least one temporary order, and nine-tenths of the time this is a temporary order of protection.

(See Table 14i.) Temporary orders of protection seem less likely to be associated with final orders, probably for reasons stated in the preceding section.

Two-thirds of all the family offense petitioners ever appearing before the Court have at least one case dismissed, and almost a third receive at least one final order. (See Table 14j and k.) In our sample, 31 petitioners received 40 Court orders: 24 orders of protection; 5 mutual orders of protection; and 11 orders of support. Only two petitioners were issued multiple orders of protection, and six were issued both an order of protection and an order of support.

In our sample, four respondents were either placed on probation or sent to jail by a Family Court judge, as a result of serious violations of temporary or final orders of protection. Only one case was transferred to Criminal Court, presumably because of the severity of the assault involved.

### Conclusion

In the preceding pages, we followed a cohort of family offense cases through the Family Court process. We saw how some of this group were diverted for service by the intake probation officers and how those going on to Court dwindled in number as they proceeded, step by step, through the system--until, at the end, just over a sixth were issued orders of protection. We also saw how a quarter of the original cohort reentered the system fairly quickly, after their first experience, and how some of these eventually obtained orders of protection too.

While our data regarding these people and the processes they go through are enlightening in a descriptive fashion, our statistics raise as many questions as they answer. Often, these questions can only be addressed outside the Family Court building and its files. These questions relate both to the petitioner's and respondent's perceptions of what occurred in the system and to the nature of their subsequent relationship to one another.

We plan to examine some of these issues over the next year, as our research effort continues into the problem of spouse abuse and the effectiveness of the society's response to the problem.

## Appendix

### Sampling Variability

The data in this study's descriptive tables are based on a sample of persons entering the New York County Family Court system and thus may differ from the results that would have been obtained by a complete count of all such persons. A different sample of equal size would, in all likelihood, yield somewhat different results, because of what is called "sampling variability."

Although a sample characteristic, such as a percentage, may differ from the population characteristic, a statistical procedure can be used whereby an interval around the sample percentage is computed which should include the population characteristic at a specified degree of confidence.

The confidence interval may be expressed as  $p \pm ZS_p$ ,

$$\text{where } S_p = \sqrt{\frac{p(100-p) \cdot \frac{N-n}{N-1}}{n}}$$

In this equation, " $S_p$ " represents the standard error of the estimated percentage, " $p$ " represents the percentage of sampled cases having a certain attribute, " $N$ " the population size, " $n$ " either the sample size or percentage base, and " $Z$ " is the number of standard errors.

$S_p$ , the standard error of the estimated percentage, is a measure of the variation of the observations. The degree of confidence we wish to have in a computed interval will determine the value of  $Z$ , the number of standard errors, used above. The greater the required degree of confidence, the larger the value for  $Z$ . A 95-percent degree of confidence is commonly used in computing confidence intervals, requiring a value for  $Z$  of 1.96. Thus, a 95-percent confidence interval is estimated as  $\pm 1.96 S_p$ .

As an example of this formula's application, we look at Table 2a and note that 7.0 percent of all sampled New York County family offense cases ( $n=142$ ) contained a female petitioner and a

female respondent. To estimate the true percentage that such cases account for of all New York County's incoming family offense cases (N=4x142), we compute:

$$7.0 \pm 1.96 \sqrt{\frac{(7.0)(93.0)}{142} \cdot \frac{568-142}{568-1}} = 7.0 \pm 3.6$$

We have, then, 95-percent confidence that the true percentage of all New York County family offense cases with a female as both petitioner and respondent was between 3.4 percent and 10.6 percent in late 1976 and early 1977.

The approximate confidence intervals for selected percentages, and for selected percentage bases appearing in this note, may be found in the table below. To use this table, all we need do in the above example is look down the column of sample bases for "all cases" to 140, and then across the row of confidence intervals, until we reach the appropriate estimated percentage. Since 7.0 percent (or 93.0 percent) falls just below the 10 percent level, we would approximate the confidence interval at somewhat below 4.3 percent--which in fact it is, at 3.6 percent.

Table of  
Approximate 95-Percent Confidence Intervals

Selected Sample Sizes or Percentage Bases	Selected Estimated Percentages				
	10 or 90	20 or 80	30 or 70	40 or 60	50
All Cases					
80	6.1	8.1	9.3	10.0	10.2
100	5.3	7.1	8.2	8.7	8.9
120	4.8	6.4	7.3	7.8	8.0
140	4.3	5.7	6.5	7.0	7.1
Spouse Cases					
70	6.4	8.6	9.8	10.5	10.8
90	5.5	7.4	8.5	9.0	9.2
110	4.9	6.5	7.4	7.9	8.1

**END**