

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

Hon. David B. Mitchell (Ret.)
Executive Director

TESTIMONY STOP VIOLENCE AGAINST WOMEN CONGRESSIONAL BRIEFING

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Madam Co-Chair and honorable Members of the Congressional Caucus for Women's Issues, thank you for this opportunity to testify here today, and for your steadfast leadership on the issue of violence against women. I am recently retired from the Circuit Court in Baltimore, Maryland, where I served for more than 16 years. My last assignment was as Administrative Judge of the Criminal Division. Now, I am very proud to serve as Executive Director of the National Council of Juvenile and Family Court Judges, the nation's oldest judicial membership organization. Headquartered in Reno, Nevada, we are a non-profit 501 (c)(3) organization focused on improving justice for children and families in the courts. Started in 1987, our Family Violence Department was, I believe, the first in the country to address these issues on behalf of battered women from the perspective of the judiciary and the courts.

The progress we have made in the past 20 years in improving the court's responses to victims of domestic violence and their abusers is truly impressive. I say this as a judge whose own daily practice was changed dramatically by increased awareness of the dynamics of family violence and of the role that courts can play in keeping women and children safe. Much of this progress can be attributed to the extraordinary work of advocates for battered women and children, and the leadership of those in Congress who fought for and won passage of the Violence Against Women Act. Thank you for your work.

The progress we have made is impressive, but there is much more that we can and must do to improve the response to family violence, and the coordination among courts, child welfare agencies and battered women's advocates. Judges can play a critical role not just in courts, but also in communities, in addressing violence against women. The National Council of Juvenile and Family Court Judges believes that judges should be leaders in this area. And I am happy to report that, increasingly, judges are ready to take on that role.

We begin that work in our own backyards. We need to examine and improve practices in all courts – criminal, civil, family and juvenile. We need to make courts safer and more accessible. Domestic violence doesn't happen just between 9 AM and 5 PM on weekdays and we need to be prepared to respond when victims need help. In the community, judges can serve on coordinating councils that involve police, child welfare agency leaders, battered women's advocates, consumers and others to improve responses and press for more adequate resources.

Courts and specifically judges must do more to hold batterers accountable and keep women safe. That work should include enforcing protection orders regardless of the state or tribe in which they originate. It should include holding oversight hearings and compliance reviews and using graduated sanctions. It should include sentencing batterers to attend certified intervention programs. Judges need to take responsibility for getting feedback on the progress of offenders who may pose a threat to their families or communities if they are not monitored. We need to seek input from victims and advocates, and be more aggressive about ordering the confiscation of firearms owned by batterers.

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Our experience in operating the national *Resource Center on Domestic Violence: Child Protection and Custody* and my experience as a judge underscore the urgent need for battered women to be represented by attorneys who are trained in domestic violence. We cannot continue to send battered women who desperately need help from court to court where they get a disjointed and sometimes conflicting set of responses. Attorneys trained to understand domestic violence could make a real difference to victims trying to navigate the court system and win rulings and orders that will keep them and their children safe.

The recent case in New York City illustrates well many issues facing battered women in the courts – woefully inadequate representation, accountability and blame for their own victimization and the very real threat of losing their children. But that case illustrates another sad reality, that in many cases child welfare and domestic violence agencies are not working together to keep families safe, but rather are at odds – and sometimes in fierce battles – over how to respond when families experience violence.

That needs to change. That is why, 6 years ago, the National Council's Family Violence Department launched what has come to be known as the "Greenbook Project." Research has shown that domestic violence and child abuse occur in the same family in about half of the cases. Experience has taught us that the system's response has been, to be frank, abysmal. And vulnerable families are suffering as a result.

Our goal was to improve the system and change the way courts and social service agencies protect victims of abuse. So we convened leading judges and experts on family violence, and they produced a set of recommendations for change. In 1999, we published *Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice*. It is the first-ever report to offer a comprehensive set of responses designed to eliminate or decrease the enormous risks that individual battered mothers, caseworkers and judges must take on behalf of children.

Thanks to federal support, today six demonstration sites around the country are using the recommendations contained in that report to test a variety of ways to improve practice among juvenile courts, child protection agencies and domestic violence service providers. Although the demonstration sites are just one year into their work, the results are most promising. We hope that Congress will appropriate more funds to allow further collaborations and community efforts to help battered mothers and their children, especially those who are caught in the child protection system or at risk of losing their children simply because they are victims of abuse.

Our Greenbook Project has touched a nerve. Upon request, we have already distributed more than 22,000 copies of *Effective Intervention* to advocates, judges and experts around the country. People recognize that current practices are not working, and they want to find ways to collaborate and to serve vulnerable families better. We ask for your support to help them do that, and to explore the needed reforms for juvenile and family courts.

We know that we can improve the response to family violence. Our work is designed to make early interventions more effective so that violence does not escalate. We believe that, when courts, child welfare and domestic violence systems collaborate more effectively – and when communities take responsibility for stopping family violence and helping victims – we will move away from our current over-reliance on the criminal justice system. And we will keep many more women and children safe.

Thank you.