

Specialist Domestic and Family Violence Courts

The Rockhampton Experiment

Introduction

The focus of this paper is to detail the initial efforts in the Queensland Magistrates Court to work towards developing a specialised domestic and family violence court.

The Rockhampton ‘experiment’ came about from the Chief Magistrate Judge Marshall Irwin’s interest in working towards a specialist domestic and family violence court. Following the Australian Institute of Judicial Administration (AIJA) (as it then was) conference on the topic in Adelaide in February 2006, Judge Irwin approved an initiative in Rockhampton to attempt to develop a model which might be sustainable for such a court in Queensland and to ascertain issues which might need resolution and resources which would be required to effectively operate such a court. Judge Irwin considered the Court process could be a “one stop shop” to deal with all matters arising from family violence rather than merely being responsive to the outcome of the violence.

Specialised domestic and family violence courts have been operating overseas (USA, Canada and UK) and in some Australian jurisdictions since the 1990s. Many jurisdictions have legislated court initiatives in place.

This paper will briefly look at the development of specialised domestic and family violence courts along with the need for this type of court process in Queensland, and the benefits of such specialist courts. Further, the paper will document the development of the Rockhampton initiative and the resourcing implications for the development of such a court in any Queensland centre.

The Development of Specialised Domestic and Family Violence Courts – a Brief History

Specialty courts represent a move towards a model of justice that recognises the behavioural and environmental factors that contribute to offending, and the judicial systems’ capacity to deal with these problems (Freiberg 2001). Where a marked shift in the role and power of the court is required for a specialty court, legislation will be enacted or amended.

Most specialised domestic and family violence courts utilise a problem-solving approach with a tendency towards therapeutic jurisprudential processes. Problem-oriented courts seek to use the authority of the courts to address the underlying problems of individual litigants, the structural problems of the justice system, the social problems of communities” (American Bar Association 1996).

Common elements of the problem-oriented court approach include re-engineering the criminal justice (and societal) response to a social problem, judicial monitoring, interdisciplinary collaboration, non-traditional roles in the courtroom and tangible case outcomes (Berman and Feinblatt 2001; Carney 2000).

Specialist domestic violence courts have developed out of recognition that traditional adjudicative approaches were not working particularly well and that a more holistic approach could have benefits to tackling the problem. As a problem-oriented court, the main objective of a specialised domestic violence court process is victim safety (Eley 2005). Courts established under existing legislation can be developed in a timely fashion but are constrained by the limits of the legislation which was not developed with the needs of the court innovation in mind (Payne 2006).

This paper provides a snapshot of only a few of the initiatives in this area in Australia and overseas. The development of specialised domestic and family violence courts commenced in the main in the U.S.A. and Canada in the 1990's.

Overseas Initiatives

The first specialist domestic violence court opened in **Brooklyn** in 1996 for felony level criminal cases, presided over by a single judge, with a fixed prosecutorial team and enhanced staffing to monitor defendants and provide assistance to victims (Mazur and Aldrich 2003). Victim services are linked into by the victim advocates provided by the court. The services include safety planning for victims, counselling, information about the court process, emergency shelter and food, job training, immigration services, child services and programs directed to improving self-sufficiency. There are strong relationships between the court and service providers, continual monitoring of defendants and service providers by the Judge, separate lists, modified court houses to provide safe places for victims, and specialised domestic violence education and training for all staff.

The **Santa Clara** Domestic Violence Court in California is an integrated court to deal with all aspects of family conflict arising from domestic violence. It provides a combination of criminal, juvenile and child safety courts and is co-ordinated with Family Court. Protection Orders are used in conjunction with Probation orders for offenders (including children) with programs for offenders being virtually mandatory. Probation Orders are monitored by the court until successful completion, with the Protection order conditions becoming part of the conditions of the probation order. Frequent review of offender progress on the programs is considered an essential element of the process (Hyman 2006).

The **Winnipeg** Family Violence Court in Manitoba, Canada, was established in 1990 to deal with child, spouse and elder abuse cases. The process required a social and cultural change in participants and workers involved with the Court in an environment of a creative response to challenges. The

process involved a mandatory arrest policy where there was evidence of a crime irrespective of the victim's wishes with a specialised prosecution team which attains a higher conviction rate than similar offences prosecuted in other settings in Canada. Protection Orders seek to achieve the immediate safety of victims which remains the focus throughout.

There is also a policy of rigorous prosecution of offenders without re-victimising the victims. This is achieved by the accompanying massive increase in funding of victim support services. Orders for criminal offenders focus on treatment and Corrections has developed specialised programs in the community and prison system. Domestic homicide rates reduced significantly as a result of the court initiative, there has also been a reduction in recidivism and earlier and more frequent reporting of violent offenders to Police (twice the national average), leading to more arrests (Ursel 2006).

The K Court in **Toronto**, Canada, includes elements of local justice community co-ordination, enhanced investigation by specially trained Police, co-ordinated prosecution led by trained crown attorneys, fast tracking of cases, victim support programs and a pro-charge policy. The specialised domestic violence court demanded changes to police practices to focus on collection of corroborating evidence which includes a detailed description of the crime scene including any broken furniture for instance, seizure of exhibits, photographs of the scene and of injuries to the parties, identification of witnesses and the obtaining of statements at an early stage.

Matters are handled by the same prosecutor for the duration of the matter to provide greater continuity for the victim and witnesses which enhances the likelihood of their co-operation. Victim assistance is offered as soon as possible after the incident of violence which includes referral to services and the provision of material about the court process. Probation and parole services have dedicated treatment places in programs to ensure fast tracking of rehabilitation services. Judicial leadership in management of court time, agencies, offenders and service providers, and case processing expediency are also features of K Court.

The Australian Experience

Family and Domestic Violence courts were first developed in Australia in South Australia in 1997. Later, initiatives were taken in other states of varying styles in all mainland states bar Queensland. Domestic and Family Violence courts operate primarily in an adversarial non-therapeutic environment in Australia.

The **South Australia** initiative was developed without a legislative base and involved four distinct court sessions on the one day in an effort to link the separate jurisdictions related to family violence. Treatment programs were offered to all offenders, victims and families which were supervised and monitored by the Department of Corrections. There are dedicated magistrates, Police and advocates for all parties.

In **Western Australia**, the Joondalup Family Violence Court was launched in 1999 with aims to improve the criminal justice response to family violence, make perpetrators accountable for their behaviour, support victims in the criminal justice system and ensure their safety and reduce the incidence of family violence in the Joondalup district (Final Report 2002). Civil matters for restraining orders and all criminal matters related to family violence are dealt with in the integrated Magistrates Court process. There is a Special Police Domestic Violence investigation unit which investigates all incidents and has a proactive role in targeting high risk offenders through early intervention. Formal risk assessment tools are administered at an early stage in relation to victim safety and offender risk of further offending. The victim support area is located in the court house.

Victim impact statements are received by the court. The Court utilises sentencing options with an emphasis on intervention with the offender through programs. There is close supervision of offenders through bail based programs which are taken into account in the sentencing process. The 2002 evaluation report on the process recommended a rollout of the process throughout WA.

In **Victoria**, a pilot project in the Magistrates Court of a Family Violence Division (2005-07) provided for all legal matters associated with family violence, including family law issues, to be attended to in the one jurisdiction. Court Staff were trained in family violence issues and separate support persons (called liaison officers) were provided for parties.

Their role was to explain the court processes involved for the parties, risk assess each of the parties and develop safety plans, make referrals to outside agencies providing counselling and programs and also to housing, financial, employment and support services. Counselling programs of 20-25 week duration to address violent behaviour are able to be ordered as a condition of the Intervention Order. Magistrates are required to enquire as to the welfare of children in the proceedings and are empowered to make orders relating to children on their own initiative.

In some areas, other initiatives provide a solid base for specialised court services to springboard from. In **Queensland**, the Gold Coast Domestic Violence Service has for the last 9 years in conjunction with the Southport Magistrates Court operated a community –based integrated agency response to domestic violence. The response focuses on accountability of the offender and includes a 24 week perpetrator program which the court can access as a sentencing option for breach charges.

Is a Specialised Domestic and Family Violence Court Needed in Queensland?

“There can be no doubt that domestic and family violence of this level affects the victims, their children, their family and friends, employers and co-workers. It also has repercussions for the quality of life in a local community. It affects people of all ages, cultures, backgrounds and life experiences. There can be

far reaching financial, social, health and psychological consequences. The impact of violence can also have indirect costs, including the cost of the community bringing perpetrators to justice or the costs of medical treatment for injured victims.” (Irwin 2005)

The Extent of the Problem

In the first year after the 2003 amendments to the *Domestic and Family Violence Protection Act 1989* (the Act) which significantly extended the categories of relationship coming within the jurisdiction of the Act, for instance, to include care and dating relationships, there was a 24 percent increase in applications for protection orders to the Magistrates Courts in Queensland which increase was largely maintained in the following financial year (Irwin 2005). There has been an overall increase in domestic violence applications to the Magistrates Court in Queensland of 38.2% in the last five years (Irwin 2007).

In the year ended 30 June 2007, the Magistrates Court heard 24,626 applications for protection orders. 12,666 temporary protection orders were made and 15,863 protection orders were granted. There were 4,082 variations made to those orders and 263 orders were revoked. Domestic Violence is a significant area of work for the Magistrates Court.

Existing Court Facilities

Many courts have had facilities developed to assist parties to attend court without confrontation or unnecessary trauma by providing appropriate and separate waiting facilities. Newer court buildings such as Brisbane, Thursday Island and Caloundra have been built with specialised facilities which provide separate access to the courtroom for aggrieved and respondent persons, waiting lounges with en suite facilities in secure areas, and separate play areas for children that reduce the exposure of children to discussions regarding the court process. Facilities vary from court to court but the initiative is at the forefront of development of new court houses and the redevelopment of existing buildings.

Counselling and assistance is provided to aggrieved persons in Queensland Courts by the trained Court Assistance workers from the Domestic and Family Violence Court Assistance Service funded by the Department of Communities. In some courts, services are provided for respondent persons by DV Connect or other service providers. Counselling is available through various service providers in many centres at all stages of the court process with some areas having access to treatment and support programs. The availability of such programs is heavily dependent on the funding available through non-government organisations. Some programs are able to be directly accessed by the Courts through a referral process.

Breaches of Orders

Unfortunately, once a domestic and family violence protection order is made by the court it is often breached by the person whose behaviour it seeks to modify. Criminal charges for breach of orders can be laid by Police with or without complaint by the aggrieved person. The Magistrates Court deals with charges of breach of domestic violence order. Associated charges of common assault, assault occasioning bodily harm, making threats, stalking and more serious offences of violence can accompany the breach charge. The incidence of domestic violence within a family unit may also lead to the intervention of the Department of Child Safety in the family's life and consequent applications to the court regarding the children. There may also be criminal compensation applications or less often civil proceedings for damages arising from the violent conflict.

Underlying Issues

The making of a domestic violence order does not of itself do anything to address the underlying causes of the violence or the dysfunction in the family or relationship contributing to the domestic violence. It has long been possible to make a condition of a protection order which requires a party (usually the respondent) to attend a program or counselling. Parties may also be referred to counselling by the Court during adjournment periods of applications.

Such orders by the court are not only dependent on the willingness of the party or parties to virtually voluntarily attend to address their issues but are also heavily dependent on the availability of appropriate, effective and affordable counselling and programs in the community in which the parties reside. Of course, the safety of the aggrieved person must remain the highest priority in this process and that in itself can mitigate against the structure of some forms of programs being practical or appropriate.

It is essential to address the underlying issues and causes of the domestic violence and the sooner the better. Early intervention with the respondent party tends to increase accountability for their actions at a time proximate to the aberrant behaviour and can encourage behavioural change which increases the safety of the aggrieved and associated persons.

Risk Factors

Risk factors for domestic violence perpetration include being a childhood victim or witness of violence, controlling behaviour, tendency to violence outside the home, abuse of alcohol, repeat victimisation, pregnancy of partner, time of day and day of the week (evenings and weekends are peak times), location in a regional or rural area, low education and income of male partner, personality disorders, and indigenous background (Makkai 2006). Witnessing domestic violence has been said to endanger the emotional wellbeing and development of children (Suderman and Jaffe 1999) in a number of ways including predisposition to committing violence in adulthood.

Police Approach

In some centres, Police have developed procedures which include providing information on services and programs to parties, particularly the respondent person, at a very early stage in a situation of conflict. On some occasions, when appropriate, this may be done before an application for an order is taken out. In the absence of any formal evaluation of the effectiveness of this approach, it can only be a positive move especially if the party takes up the opportunity for intervention at this early stage.

Court Jurisdictions

At present, issues of domestic violence in a family in particular, may lead to the family becoming involved in an application under the Act (civil closed jurisdiction), criminal charges (criminal open jurisdiction) and child protection proceedings (childrens' court closed jurisdiction). Of these three jurisdictions, the two closed jurisdictions are closed to all other jurisdictions. A respondent person may be subject at the same time to a protection order, bail conditions and directives under an interim order under the *Child Protection Act 1999*.

Given that these orders are generated from differing jurisdictions and cannot be determined at the same time, there is enormous potential for conflict between the orders. At the present time, court processes are not harmonised or co-ordinated internally to detect any such conflicts.

Due to there usually being a level of dysfunction in a family facing these issues probably accompanied by a lack of familiarity with the legal processes involved and the potential for either a lack of legal representation in and one or more of these three proceedings or varying legal representations in the various proceedings, there is unlikely to be sufficient identification possibilities at the disposal of the parties to detect or resolve in an effective way and conflict in orders. A respondent person in particular may become confused as a result of such conflicts (or deliberately abuse the confusion caused by the conflict) and is therefore much more susceptible to breaching orders and there is significant potential for exposure to further criminal charges.

A more co-ordinated court process is the only reliable way in which to address the potential for conflict or disharmony between orders in any of the three jurisdictions. This obviously creates a significant difficulty for the court due to the inability to combine any of the jurisdictions in the absence of legislative change. The absence of legislative mandate for such a procedure is usually accompanied by the imperative to approach the development of any new process within the current funding arrangements of the Court.

Further, the integrated court process allows parties to navigate one court system for all matters relating to domestic violence. This amounts to the provision of better access to justice and improves fairness to parties, particularly self-represented persons, by making the process easier and more immediate (less time consuming).

Problem Solving History

Queensland Magistrates Court has an illustrious history of initiating and implementing problem-solving and therapeutic court approaches including Drug Court, Murri Court, Homeless Persons Court Diversion Program, Special Circumstances List, QMERIT (Referral into treatment program), some of which have been developed within the current resources of the Court. The development of a specialised domestic violence court would dovetail with these other initiatives and the court has demonstrated its capacity to deliver justice services in this manner.

The Benefits of Specialised Domestic and Family Violence Courts

Research indicates that there a number of benefits in specialised domestic and family violence courts. The four major benefits are:

- (i) **Victim assistance, support and improved safety** – there are many benefits to this other than the obvious protection from further harm for the victim and children – an improved understanding of the legal process which can assist a victim to stay in the process until the conclusion of the issue, building stronger members of the community who are able to become self-sufficient, empowering victims and supporting them to improve their situation in life.
- (ii) **Increased accountability of offenders and fast tracking of offenders to programs and counselling** – programs can be offered to offenders on a number of bases – voluntarily either in conjunction with a protection order or otherwise, as a condition of a protection order, as a bail-based program pre-sentence or a post-sentence condition of a community-based order for criminal offences. The earlier in the process that an offender faces their violence and takes responsibility for their behaviour, the better for the prospect of behavioural change and for victim safety;
- (iii) **Potential to deal with complexity of cases across jurisdictions** – a more integrated approach to all of the legal issues facing a family who has been the subject of domestic violence to ensure consistency in orders, remove obstacles to the family from the system which is otherwise segmented and lengthy, providing more timely resolution of the legal issues through dedicated lists, and improving safety through timely intervention with the family.
- (iv) **Greater consistency in sentencing compared to prosecution of domestic violence cases in other courts** (Clark, Burt, Schulte and Maguire 1996) - a more consistent approach by the courts to the issue of sentencing increases the

likelihood of offenders becoming more accountable for their actions.

There is no universal model for specialised domestic violence courts but most courts involve certain processes which include specialised investigation and prosecution processes, a high level of collaboration between the court and agencies, an integrated approach from the courts across jurisdiction types and support for victims and offender behaviour change through service providers and programs.

The Rockhampton Experiment

Goals of the Rockhampton Specialised Domestic and Family Violence Court

The vision of the Rockhampton trial was to develop a procedure to meet the following criteria within the current framework of the courts and without funding but along the lines of the Australian and international models of specialised domestic violence courts. There have been obvious areas where the absence of resources has negated the possibility of adopting some processes. The goals were (not in order of priority):

- To **reduce the amount of unnecessary appearances** required by the parties in applications for domestic and family violence orders by having applications, hearings and breach proceedings heard on the one day in the one court;
- To ensure maximum **access to domestic violence support workers** for the aggrieved person in relation to applications for protection orders on a temporary and final basis (until then, the hearings of applications were listed at various times through the court list and were not able to be serviced by the support workers);
- To provide an opportunity for the aggrieved person to attend Court for breach charges should they wish to, enabling **victim impact information** to be received by the court;
- To **improve information available to parties** to applications at the earliest opportunity – regarding the court process but also support services – including improved prosecutorial knowledge of the matters through specialisation of prosecutors and providing consistency of personnel having access to the parties;
- **Improving child protection outcomes** by improving Department of Child Safety knowledge of the domestic violence court system, the contents of orders made and provide an opportunity for that Department to inform the Court of issues impacting on the making of orders relating to particular parties – Child Safety call-over listed on the same day in the same court;

- To **reduce conflict/ inconsistency between various orders** from different jurisdictions affecting the same parties;
- To provide the opportunity for **referral of offenders to perpetrator programs** or counselling during bail periods prior to sentencing on breach charges or as a condition of a community based order;
- To **provide further safety/comfort for aggrieved** spouses when attending court.

Early Achievements

Establishing Collaboration

Stakeholder meetings established the links between the court and services providers and stakeholders from the outset. The meetings were convened at the request of the Magistrate by the Queensland Police Service (QPS) Domestic Violence Liaison Officer (DVLO).

Court Facilities

Early on, the court was able to arrange for some minor remodelling to the existing facilities attached to Court 1 (the major arrest court). The domestic violence support room was moved into another office and was modified to provide access to Court 1 by a private corridor which permitted direct access to the courtroom (rather than through the public entrance) to avoid unnecessary distress for the aggrieved person and significantly reduce the potential for confrontation with the respondent person or persons associated with or supporting either party. The facility provides a comfortable waiting area in a supportive environment.

Unfortunately, one downfall is that the facility still opens into the main foyer where respondent spouses are waiting and where there is full public access, necessitating the aggrieved person to 'run the gauntlet' of potential contact coming and going from court. In other courts, there has been the ability to provide such a facility away from the main public areas (such as Yeppoon) which further improves comfort and safety of the aggrieved person. Alternately, a separate waiting area for the respondents would be beneficial as does exist in some courts.

Other Issues

A number of other issues were easy to address and changes were quickly made in the following areas:

- **changes to the listing arrangements** for Domestic Violence matters in 2007 – two dedicated domestic violence days per month were arranged with application mentions (9am), breach charges

(9.30am), hearings on applications (10am) and child safety matters (2pm) listed on the one day;

- a **dedicated prosecutions team** was created by the QPS with the Sergeant from the DVLO office prosecuting first return mentions of applications each morning and a prosecutor (with the assistance of the Sgt) prosecuting all Domestic Violence matters on the dedicated day, QPS Enquiries office personnel (responsible for service of applications and orders and taking of statements in support of applications) appear to support and instruct the prosecutor on each occasion;
- **domestic violence support officers** attend court to support aggrieved persons on each domestic violence day as well as on the first return mentions each morning;
- improved written material on and **referrals to service providers** being provided to parties to applications and appointments to provide statements to Police being made at Court, increasing the likelihood of the necessary preparation for hearing being achieved;
- **improved communication and liaison** between the court and all interested parties in the system through regular meetings and co-ordination of processes;
- Police changed their procedure to facilitate breach charges being returnable on the dedicated domestic violence court days.
- concurrent **Police follow-up** and call-back program by DVLO; Repeat Calls for Service were addressed by Police – families that Police are called to more than three times in a six month period are case managed with serious offences being managed by a senior officer, normally a Sergeant. DVLO (Sgt) will attend on families that are already known to her but otherwise a Sgt from the local police station will follow up. When attending the family, referrals to services for aggrieved, respondent and children if necessary are given. At appropriate times, a domestic violence worker attends with the Police officer. The anecdotal evidence from DVLO is that despite attempts to engage the family in the process, attendance at referred services is not high and even those who do attend tend not to engage in a meaningful way with the service, attending once or twice but then falling away.
- In Rockhampton, 1/3 of domestic violence callouts are to indigenous families. **Police Liaison officers** are aboriginal and islander officers who also attempt to engage with families who have issues with domestic violence. They attend on houses where an incident occurred a couple of days after the incident and encourage the respondent (and family members if appropriate) to attend the Indigenous Healing Centre – Helem Yumba.

Stumbling Blocks

Some issues were more difficult to achieve any changes or modification of and are still being developed:

- Difficulties around the **availability of perpetrator programs** through service providers, the transient nature of the funding arrangements for programs, the lack of sufficient places in programs dedicated for court use, and confidentiality issues regarding the provision of information on offenders to service providers and the reporting back of information from service providers to court;
- Lack of **legislative support** for a bail based treatment program, and reliance on local Police attitude to the laying of potential breach of bail charges where offenders fail to answer bail conditions to attend programs;
- Difficulties occasioned by the removal by Department of Corrections of **indigenous focused post-sentence perpetrator programs** available through Probation and Parole Service (the excellent program of Ending Family Violence was operating effectively but is no longer available in the new suite of programs);
- **Delays in engagement** with the process by Department of Child Safety.
- Effectiveness of Police Liaison officers actions in attending on families. **Domestic Violence training** for those officers and co-ordination with other services may be needed.

Later Achievements

Perpetrator Programs

At the commencement of the pilot arrangements, Relationships Australia, Centacare, and Anglicare were all running domestic violence programs of varying descriptions. Further, Helem Yumba (Indigenous Healing Centre) offered domestic violence counselling for indigenous people which extends beyond the respondent and includes assistance for the aggrieved and other members of the family in a holistic approach. Currently, only Relationships Australia and Helem Yumba run dedicated domestic violence perpetrator programs.

(i) Bail Program

An approach which was attempted earlier in the pilot arrangements has finally come to fruition. An arrangement has been made with Relationships Australia

(RA) and Helem Yumba for referral of offenders to attend a domestic violence program post plea but pre-sentence. Both services are only funded to provide services for male offenders.

The RA program is free of charge to the offender, is of 15 weeks duration (3 hours per week) and three programs will be run per year. RA has agreed to be flexible as to the entry time for the offenders, enabling them to start up to 4 weeks into the program. Helem Yumba will run a 12 week program. Consent for the release of information by the service providers will be signed by defendants and they will be provided with a copy of the Facts of the incident the subject of the charge before the court and their criminal history to provide to the program convenor. Court appearances of the defendant at regular intervals during the program will enable the court to monitor the progress of the defendant with feedback information being provided to the Court. Completion of the program can then be taken into account by the court in sentencing the defendant.

(ii) Post Sentence Programs

The same programs may also be available to be referred to as a condition of a community based order as Corrections offers no domestic violence programs.

Challenges for the Development of Specialised Domestic and Family Violence Courts

The Rockhampton Court arrangements are presently operating without funding.

Magistrates have to provide time for the development and operation of the program within the constraints of the list and other demands on the court. Provision needs to be made for court time in integrating the various jurisdictions (to improve access for the parties and avoid conflicts in orders) and monitoring time in supervising the offenders on programs. A liaison officer would benefit the need for continuing communication with key services and the court, as well as providing a facility for evaluation and monitoring of the development of the process.

Appropriate facilities need to be available at courts to provide for the safety of the victim while attending court and the appropriate housing of the respondent. Victim services need to be available, and readily accessed by the victim, preferably at any early stage in the proceedings.

Queensland Police Service may need to devote further resources to ensure the increased focus on evidence gathering and early intervention initiatives with families at risk of domestic violence as well as providing specialised prosecutorial and follow up services.

Further, funding needs to be provided for the service providers of treatment and counselling programs to provide those services in a sustainable and on-

going way with provisions to enable information sharing between the service provider and the court and court dedicated places in the programs.

Legislative support is needed for a bail based treatment regime which would consolidate the legal integrity of such a process and improve offender uptake of such programs without risk of further bail based charges. Depending on the approach favoured by government, legislative change may be necessary to address the difficulties in working between three jurisdictions to integrate the court matters.

Training for all staff of the Court and service providers would benefit effective and appropriate communication with parties.

Depending on the approach favoured by government, increased availability of legal representation for parties, particularly in applications for protection orders would assist parties.

Conclusion

Specialised Courts of this nature are seeking to achieve a therapeutic outcome for the parties (Frieberg 2001). Respect for victims needs to be at heart of the process, with a view towards improving safety and empowerment of victims through referral to appropriate services and support mechanisms being available at the court. At the same time, a focus needs to be on offenders taking responsibility and accepting accountability for their behaviour. This can best be achieved through the use of court ordered programs for criminal offenders with supervision of progress on the order by the court.

The process will best be achieved through high level co-operation and collaboration between court, service providers and stakeholders, including a mutual understanding of the response of the various agencies to domestic and family violence issues. The development of a more user-friendly environment at the court through moving away from traditional procedures, integrated court lists, case management subject to judicial monitoring, and the physical surroundings of the court ensures that victims in particular will be more likely to engage with the process. The lead agency needs to ensure co-ordination and monitoring of processes and data collection.

It is clear that domestic violence is an issue which has a marked impact on the community and it has been shown in other jurisdictions that through a moderated court process, the issue can be influenced in a positive way. If the will is there to assist the community to become safer and less violent and the resources are made available for this purpose, the court can deliver justice and safety outcomes for families subject to domestic violence in a realistic and sustainable way.

A M Hennessy
Magistrate
May 2008

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