

2020 Violence Against Women Act Statewide Needs Assessment



Findings & Recommendations Report
Kentucky Court of Justice
2020

Kentucky courts improving response to domestic, interpersonal violence cases



John D. Minton Jr.
Chief Justice of Kentucky

I am pleased to present the 2020 Violence Against Women Act Statewide Needs Assessment: Findings & Recommendations Report for the Kentucky Court of Justice.

Cases of domestic violence, dating violence, sexual violence and stalking often entail complex processes that require careful consideration by the court system.

Judges and court employees are in a unique position to help domestic and interpersonal violence victims gain access to justice and support services. An effective response from the courts can further victim safety and batterer accountability in a positive way.

To that end, the Kentucky Court of Justice took on this project with a two-fold purpose:

- To assess the readiness of Kentucky courts to identify and meet the needs of survivors of domestic violence, dating violence, sexual violence and stalking.
- To examine barriers that prevent service providers from providing direct support services to individuals seeking relief and protection through the courts.

Our goal is to build on the findings and recommendations in this report to enhance the quality of our domestic and interpersonal violence court dockets. We want to elevate the court system's response by educating judges and court personnel on best practices for these important cases.

Contents

1	Domestic Violence Is Pervasive in Kentucky
3	About the Administrative Office of the Courts, Family Court
4	2020 Needs Assessment Overview
4	Needs Assessment: 6 Areas of Focus
5	Needs Assessment: Methodology
5	Types of Data: Surveys, Focus Groups, Regional Forums
6	Needs Assessment Regions
7	Needs Assessment: Survey Response Rate, Demographics
7	Common Themes & Challenges
7	Survey Results: Anonymous and Unverified

Training and Education

8	Findings
13	Recommendations

Access Barriers

14	Findings
16	Recommendations

Protective Order Barriers

17	Findings
20	Recommendations

Safety Barriers

21	Findings
25	Recommendations

Offender Accountability Barriers

26	Findings
28	Recommendations

Other Barriers

29	Community Collaboration Barriers Data Barriers and COVID-19 Impact
30	Findings: Regional Community Forums
32	Needs Assessment: Conclusion
33	In Appreciation

Resource: The Appendices for this report can be found online at <https://bit.ly/3wHMqIA>.

Domestic Violence Is Pervasive in Kentucky

Domestic violence is prevalent in every community and can affect anyone regardless of age, socioeconomic status, sexual orientation, gender identity, race, religion or nationality.

Domestic violence is a systemic pattern of coercive, controlling behavior that can include physical abuse, emotional or psychological abuse, sexual violence or financial abuse. The frequency and severity of domestic violence varies, and its devastating consequences can span across generations and last a lifetime.

These offenses occur both in opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, dating or separated.¹

Domestic violence, dating violence, sexual violence and stalking cases have a significant and negative physical and psychological effect on individuals, families and children.

Impact of Domestic Violence. The immediate impact to victims may include physical harm, anxiety, unwanted

In Kentucky, 36% of men and 45% of women have experienced violence by an intimate partner in their lifetimes.

pregnancies or contracting a sexually transmitted disease. The long-term impact may include post-traumatic stress disorder, substance use disorders and chronic diseases.

Children may also be affected in these types of cases. In Kentucky, judges are required by law to consider a parent's domestic violence history in custody cases.²

Scope of Domestic Violence in Kentucky

The National Network to End Domestic Violence conducts an annual one-day count of adults and children seeking domestic violence-related services in a 24-hour period in the United States.³ In 2020, 15 domestic violence programs in Kentucky participated in the national count and reported the following:⁴

Continued on next page

Defining Domestic Violence & Interpersonal Violence in Kentucky

KRS 403.720(1) defines "domestic violence and abuse" as physical injury, stalking, sexual abuse, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault between family members or members of an unmarried couple.⁵

While those who are not involved in the court system may use the term "domestic violence" to refer to violence that occurs within current and/or former intimate partners, Kentucky's definition of domestic violence is more expansive and defines "family member" as a spouse, former spouse, grandparent, grandchild, parent, child, stepchild, or any other person

living in the same household as a child if the child is the alleged victim.

"Interpersonal violence" as defined by statute involves dating violence, and abuse, stalking, or sexual abuse that occurs between persons who are currently or formerly involved in a dating relationship.⁶

There are several factors that a judge considers in determining whether or not a dating relationship currently or formerly exists. The terms "domestic violence" and "interpersonal violence" as used in this report refer to Kentucky's statutory definition of those terms.

¹ National Coalition to End Domestic Violence (NCADV) – What is Domestic Violence? [Learn More \(ncadv.org\)](https://www.ncadv.org/).

² KRS 403.270(2)(g).

³ National Network to End Domestic Violence (NNEDV) – [Domestic Violence Counts, Domestic Violence Counts Archives - NNEDV](https://www.nnedv.org/).

⁴ 15th Annual DV Counts Report-Kentucky Summary (2020), NNEDV, <https://nnedv.org/wp-content/uploads/2021/05/15th-Annual-DV-Counts-Report-Kentucky-Summary.pdf>.

⁵ KRS 403.720. Found at <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=50863>.

⁶ KRS 456.010. Found at <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=50862>.

Continued from previous page

- 1,042 victims were served in one day. 729 adult and child victims of domestic violence found refuge in emergency shelters, transitional housing and other housing provided by local programs. 313 adult and child victims received nonresidential assistance, including counseling, legal advocacy and support groups.
- Local hotlines received 191 contacts, an average of 8 contacts per hour over a 24-hour period.
- There were 62 unmet requests for services (mostly for housing and emergency shelter) due to a lack of resources.

To understand the magnitude of the problem through the lens of the Kentucky court system, the Administrative Office of the Courts reported these statistics for Calendar Year 2020:

Domestic Violence Cases. 23,262 domestic violence-related protection orders were filed statewide, which included 16,349 emergency protective orders and 6,913 domestic violence protective orders.⁷

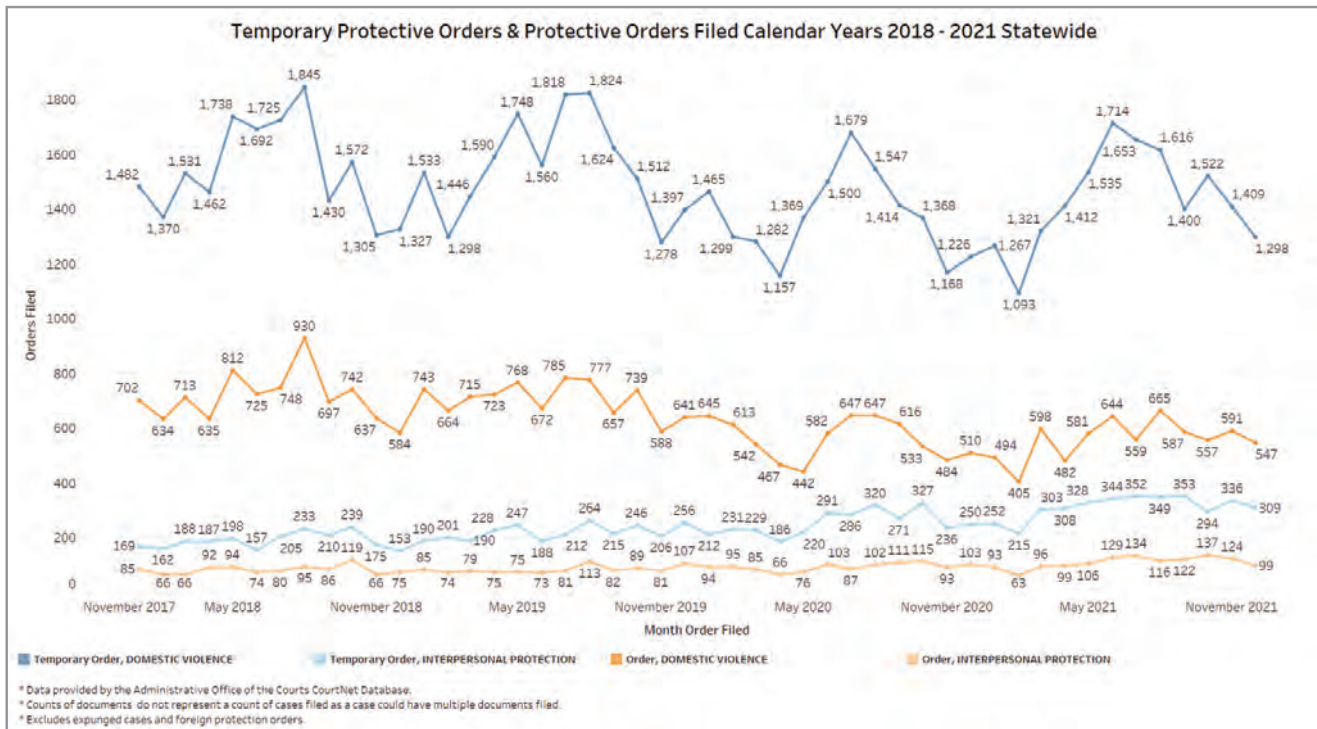
Interpersonal Violence Cases. 4,129 interpersonal violence-related protective orders were filed statewide,

which included 3,184 temporary interpersonal protective orders and 945 interpersonal protective orders.⁸

This data demonstrates a clear impact on individuals and families, along with the judges, circuit court clerks, law enforcement officers, prosecutors and service providers involved in domestic and interpersonal violence cases.

Note: For the purposes of this report, statistics were requested for the number of domestic violence and interpersonal violence orders that were granted and entered statewide during CY 2020. These statistics do not include the number of domestic violence and interpersonal violence petitions that were filed and not granted, nor the number of cases that were expunged. This process has revealed areas in the reporting and analysis procedures that will need to be addressed in the future.

One of the main drivers preventing victims from turning to the courts and law enforcement agencies for help is the stigma, fear, judgment and disbelief by officials in a position to help stop or minimize the harm from recurring. With so much at stake, judges and court professionals must have the knowledge, training and compassion to respond effectively to domestic violence, dating violence, sexual violence and stalking cases.



⁷ AOC Division of Research & Statistics: Domestic Violence and Interpersonal Protection Orders Filed, Calendar Years 2018 - 2021, Reports 21_RS3100. See Appendices.
⁸ Id.

Kentucky Court of Justice Response

In the mid-1990s, the Kentucky Court of Justice adopted local domestic violence protocols statewide to ensure court and community collaboration and 24-hour access to emergency protective orders.

Today, the AOC's Department of Family & Juvenile Services coordinates family law initiatives, including matters related to domestic violence and interpersonal violence. To enhance the court system's response to domestic violence dockets, Family & Juvenile Services promotes best practices statewide and provides domestic violence education to local jurisdictions as needed.

Since 2012, the AOC has received an annual STOP (Services, Training, Officers, and Prosecutors) Violence

Against Women Formula Grant. The federal STOP Formula Grant Program supports communities in their efforts to develop and strengthen law enforcement and prosecution strategies to combat violent crimes against women. The program also helps develop and strengthen victim services in cases involving domestic violence, dating violence, sexual violence and stalking.⁹

In 2013, the AOC added a full-time Domestic Violence Program coordinator to provide best-practice training and services to judges, circuit court clerks and community partners. As a grant recipient, the AOC is responsible for seeing that the court system brings an informed response to domestic violence issues while ensuring that all citizens of the commonwealth receive equal protection, due process and justice.

About the Administrative Office of the Courts, Family Court

Administrative Office of the Courts

The Administrative Office of the Courts is the operational arm of the Judicial Branch. The AOC supports court facilities and programs in all 120 counties, with its main campus in Frankfort, Ky.

The AOC carries out duties that are mandated by the Kentucky Constitution, including administering the Judicial Branch budget, building and maintaining court facilities, maintaining court statistics through a statewide case management database, administering personnel policies and payroll, and providing educational programs for judges, circuit court clerks and court personnel.

The Kentucky Court of Justice has earned a national reputation for many of its initiatives, including Family Court, Drug Court, judicial center facilities, judicial education, pretrial services, juvenile justice reform, court interpreting services and diversity awareness. Its statewide case management system has put Kentucky on the cutting edge of court technology.

The Kentucky court system is committed to providing fair and equal treatment to its personnel and to the citizens who come before its courts, regardless of race, gender identity, religion, ethnicity or sexual orientation.

The AOC promotes justice for all by offering training and technical support to judges, circuit court clerks and court personnel.¹⁰ The AOC is also committed to the ongoing review of current practices and procedures and collaborating with other state agencies, community partners and service providers.

Family Court

In Kentucky, Family Court handles family law cases, which involve the most intimate and complex aspects of human nature and social relations. Family Court is a division of Circuit Court.

Using a case management approach and a One Family, One Judge, One Court philosophy, cases are presented in a single court, which allows the same judge to hear all matters involving a particular family. This helps reduce stress for the parties involved by streamlining and prioritizing cases involving families and children.

Cases involving domestic violence, dating violence, sexual violence and stalking are typically heard in Family Court. In jurisdictions without a Family Court, cases are heard in District Court or Circuit Court.

⁹ Violence Against Women Act STOP Formula Program, Kentucky Justice & Public Safety Cabinet, [Violence Against Women Act - Kentucky Justice & Public Safety Cabinet](#).

¹⁰ Administrative Office of the Courts, [Administrative Office of the Courts - Kentucky Court of Justice \(kycourts.gov\)](#)

2020 Needs Assessment Overview

Nearly a decade after the Administrative Office of the Courts funded its first needs assessment with a grant from the Violence Against Women Act,¹¹ the AOC undertook its most comprehensive study yet with a VAWA grant awarded in 2020.

This funding allowed the AOC to conduct an in-depth statewide needs assessment that resulted in this report.

The purpose of this project was to improve the court system's response to cases involving domestic violence, dating violence, sexual violence and stalking.

This study set out to identify the needs of domestic violence survivors as they navigate the court system and the challenges service providers face in meeting those needs.

The findings and recommendations will be used to inform the court system's priorities and practices and guide the allocation of resources for services to domestic violence populations.

The intended outcome is to inspire and recommend a coordinated statewide response that brings together court professionals and community stakeholders to address some of the pressing barriers that dissuade victims from seeking help through the court system. When various systems work together, we can provide the support, trust, safety and accountability that domestic violence survivors deserve.

A respectful and positive response by judges, circuit court clerks and court employees sends a clear message to victims and offenders that the justice system has zero tolerance for acts of domestic violence, dating violence, sexual violence and stalking.

This needs assessment collected data on the current status of domestic violence services in Kentucky and analyzed the effectiveness of current domestic violence dockets. The study was guided by the six focus areas described below.

Needs Assessment: 6 Areas of Focus

1 Do Kentucky courts have informed and trained judges and court personnel who are equipped to assist and respond to cases of domestic violence, dating violence, sexual violence and stalking?

2 Do Kentucky court policies and practices prioritize and provide access to domestic violence protections and services, including language access and 24-hour protective order filing?

3 Are Kentucky court environments and interactions respectful, nonjudgmental and helpful toward victims and survivors of domestic violence, dating violence, sexual violence and stalking?

4 How do Kentucky courts ensure safety and stability for survivors of domestic violence, dating violence, sexual violence and stalking when they access and interact with the court system?

5 Are offenders being held accountable for violations of protective orders and other court orders related to domestic and interpersonal violence?

6 How did the COVID-19 pandemic affect the court experience for victims and survivors of domestic violence, dating violence, sexual violence and stalking?

¹¹ Court and Community Domestic Violence Needs Assessment Results (2013), CHES Solutions Group, available in Appendices at <https://bit.ly/3wHMqIA>.

Needs Assessment: Methodology

The Administrative Office of the Courts used an intensive, multidimensional process to collect data statewide about the court system's response to cases involving domestic violence, dating violence, sexual violence and stalking.

Leadership Advisory Team

The AOC's first step was to establish a Domestic & Interpersonal Violence Needs Assessment Advisory Team to guide the needs assessment project. The team was composed of judges, circuit court clerks, law

enforcement officials, survivor leaders, attorneys, representatives from batterer intervention programs, and domestic violence and sexual assault service providers. The Leadership Advisory Team first met in March 2021 and then quarterly during the yearlong project. The team members are listed on page 33.

The Leadership Advisory Team brought a wide range of expertise and insight to the project, and the AOC would like to continue this collaborative partnership as strategic priorities are identified.

3 Types of Data: Surveys, Focus Groups, Regional Forums

The AOC used three methodologies – surveys, focus groups and regional forums – to gather quantitative and qualitative data from sources and stakeholders.

Surveys

The AOC developed three electronic surveys to capture a broad overview of court professionals' understanding of the issues of domestic violence, dating violence, sexual violence and stalking, and to learn how Kentucky courts respond to these types of cases. The surveys were designed to elicit opinions about key topics, including training and education, access to services, protective orders, safety and offender accountability.

Court Professionals Survey. The Court Professionals Survey was sent to judges, circuit court clerks, court employees, prosecutors, law enforcement officials and groups that interact with the courts.

Service Community Survey. The Service Community Survey was sent to domestic violence and sexual violence service providers, victim advocates, community-based programs, batterer intervention programs and allied service providers.

Survivors Survey. The Survivors Survey was sent to survivors of domestic violence and interpersonal violence. It was available in both English and Spanish.

The surveys were disseminated widely, with participation being voluntary and confidential. To encourage participation, the AOC promoted the surveys on its social media platforms and to domestic violence and sexual violence coalitions.

During the two-month open response period in September and October 2021, the AOC received 187 responses from the Court Professionals Survey, 104 from the Service Community Survey and 54 from the Survivors Survey. *Resource: Survey responses can be found in the Appendices at <https://bit.ly/3wHMqIA>.*

Focus Groups

During October and November 2021, the AOC's Domestic Violence Program coordinator conducted focus groups to gauge the respondents' attitudes, beliefs and experiences related to domestic violence, dating violence, sexual violence and stalking. The focus groups were used to gather information about the professional experiences of those who work with domestic violence cases in court and the personal experiences of those who are navigating the court system for relief from domestic violence.

While scheduling can be a challenge with this type of data collection, the DVP coordinator was able to hold focus groups with survivors, judges and BIP staff, and glean some useful feedback and insight.

Regional Community Forums

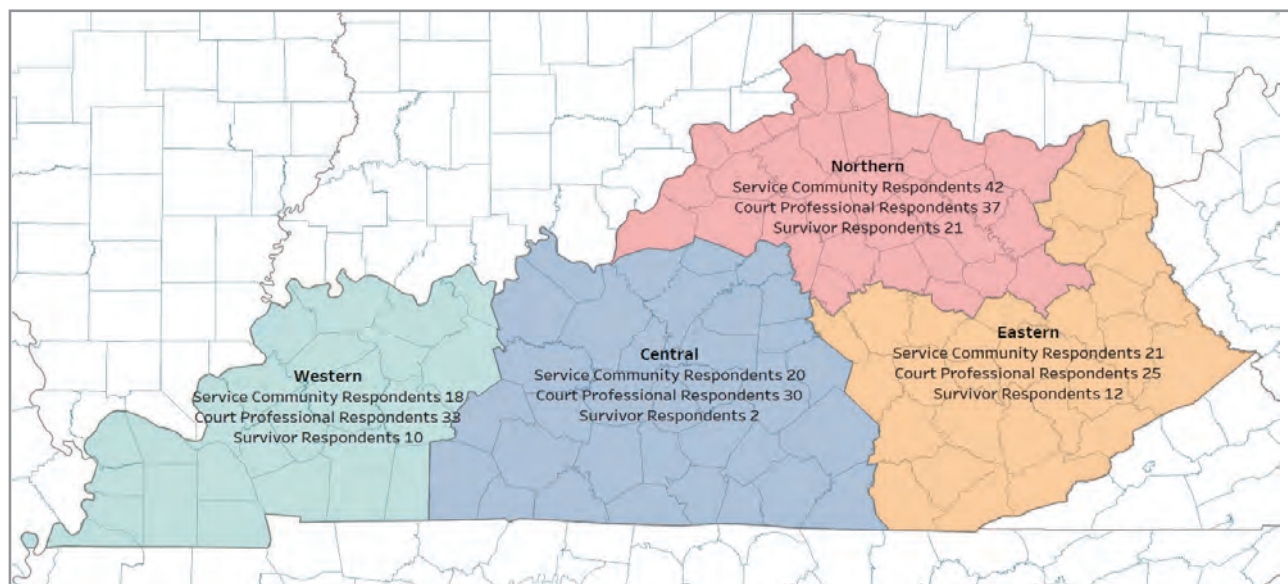
The AOC conducted four regional community forums during September 2021. These events were hosted virtually and lasted about 1.5 hours. The forums allowed the public, including citizens and professional stakeholders, to share thoughts, feedback and suggestions on enhancing the court system's response to these important issues.

The forums were held in four regions, following to a great extent the breakdown of counties on the service map for the Kentucky Coalition Against Domestic Violence (below).¹²

While the intent was to gather regional responses, individuals who could not participate in the forum held in their region were encouraged to participate in any forum convenient for them.

The regional forums were well attended, with an average of 40 attendees per session. The participants represented diverse experiences, including survivors, judges, prosecutors, service providers, batterer intervention program staff and petitioner attorneys. *Resource: The presentation used during the regional community forums can be found in the Appendices at <https://bit.ly/3wHMqIA>.*

Needs Assessment Regions



Region 1: Eastern Kentucky

Bell, Boyd, Breathitt, Carter, Clay, Elliott, Estill, Floyd, Garrard, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Madison, Magoffin, Martin, Owsley, Perry, Pike, Rockcastle, Whitley and Wolfe counties

Region 2: Northern Kentucky

Bath, Boone, Bourbon, Bracken, Campbell, Carroll, Clark, Fayette, Fleming, Franklin, Gallatin, Grant, Harrison, Henry, Jefferson, Jessamine, Kenton, Lewis, Mason, Menifee, Montgomery, Morgan, Nicholas, Oldham, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Shelby, Trimble and Woodford counties

Region 3: Central Kentucky

Adair, Allen, Anderson, Barren, Boyle, Breckinridge, Bullitt, Butler, Casey, Clinton, Cumberland, Edmonson, Grayson, Green, Hart, Hardin, LaRue, Lincoln, Logan, Marion, McCreary, Meade, Mercer, Metcalfe, Monroe, Nelson, Pulaski, Russell, Simpson, Spencer, Taylor, Warren, Washington and Wayne counties

Region 4: Western Kentucky

Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union and Webster counties

¹² Kentucky's Domestic Violence Shelter Programs, [Member Programs | The Kentucky Coalition Against Domestic Violence \(kcadv.org\)](https://www.kcadv.org/)

Needs Assessment: Survey Response Rate, Demographics

COURT PROFESSIONALS

Of the 187 respondents who participated in this survey, there were 53 judges, 42 court employees, 35 Administrative Office of the Courts staff and 18 circuit court clerks. A majority of the respondents (56.6%) identified as female and 22.5% identified as male.

SERVICE PROFESSIONALS

Of the 104 respondents who participated in this survey, 17% (18) identified their profession as government service provider, 16% (17) identified as domestic violence shelter and program, and 16% identified as sexual assault shelter and programs. Approximately 8% (8) identified their profession as batterer intervention program, and 7% identified as legal providers. About 65.4% identified as female and 15.4% identified as male.

SURVIVORS

Of the 54 respondents who participated in this survey, a majority (approximately 91%), identified as female, while 5.5% identified as male. To be more inclusive, this survey was offered in both English and Spanish. Despite promoting the Spanish survey to Latinx communities through direct outreach, social media and other creative methods, only 1 participant responded to the Spanish version of the survey.

Common Themes and Challenges

The needs assessment revealed several prominent barriers that may have prevented victims and survivors from reaching out to the courts for protection and legal relief. These barriers are addressed in this report under the overarching topics of training and education, access, protective orders, safety, offender accountability, COVID-19 pandemic impact and community collaboration.

While survivor and other stakeholder comments are helpful and appear throughout this report, it is important to note that the words of one survivor do not reflect the experience of every person who interacts with the courts, nor do they reflect on the court's overall performance.

Some survivors face many challenges as they seek assistance through the courts, and the gravity and impact of that experience may vary for each person. The goal of this needs assessment is to examine differing experiences with respect and address them efficiently, intentionally and responsibly.

Systems in place to help people leave violent situations must continue to assess the impact of their policies and procedures on the individual as well as the collective beneficiaries of their services.

Survey Results: Anonymous and Unverified

The survey data and quotes in this report are presented anonymously to protect the identity of the participants. In addition, the recommendations, comments

and quotes provided by the participants are unverified and reflect their actual statements, with limited edits for grammar.

Findings: Training and Education

Kentucky statutes require circuit and district judges, domestic relations commissioners and trial commissioners to be trained at least once every two years on the “dynamics of domestic violence, effects of domestic violence on adult and child victims, legal remedies for protection, lethality and risk issues, model protocols for addressing domestic violence, available community resources and victim services, and reporting requirements.”¹³ Circuit court clerks and deputy clerks are also required by statute to receive training on the same topics at least once every two years.¹⁴

The AOC’s Division of Education Services hosts regular educational colleges for judges and circuit court clerks. Over the last six years, Education Services has offered training on a variety of topics, including the following:¹⁵

Circuit Judges

- Intervention for Domestic Violence Cases: Taking Domestic Violence Seriously, Recognizing Victim Safety Issues, 2021
- Intricacies of Kentucky’s Human Trafficking Law, 2018
- Protecting the Children of Violent Households – Rethinking Domestic Violence Cases in DNA Court, 2016

District Judges

- Intimate Partner Violence: Understanding the Batterer, 2021
- Risky Business: How Can a Judge Identify and Respond to Risk in Criminal and Civil Domestic Violence Cases? 2018
- Domestic Violence, New Judges Orientation, 2018
- Domestic Violence, New Judges Orientation, 2017
- Every Rose Has Its Thorns – TIPO/IPOs and EPO/DVOs, 2016

Circuit Court Clerks

- Introduction to Domestic Violence, Webinar, 2020
- Understanding Coercion and Fear: Victim-Centered Perspectives on Human Trafficking and Domestic Violence, 2018
- Domestic Violence and Interpersonal Violence: Updates in Law, Policy and Best Practices, 2016

Judges. Judges play a vital role in ensuring fair and respectful processes that prioritize victim and child safety and offender accountability. In addition to continued substantive training on understanding the fundamental concepts and elements of domestic violence, dating violence, sexual violence and stalking, judges and staff must also receive training on trauma, implicit bias, working with diverse populations and other intersectional topics to ensure an inclusive and informed response to those seeking protection through the courts.

Judges who regularly preside over these cases should also make every effort outside of the statutorily mandated educational events to keep current on new statutory and case law affecting these cases.

Circuit Court Clerks. Similarly, circuit court clerks and deputy clerks are often the first contact when victims seek protection from an abusive partner through the court system. Victims and survivors who come to file for a protective order may present as being in a state of crisis, traumatized from their experience and in great fear for themselves, their children and other loved ones.

Trauma can manifest in numerous ways and without a thorough understanding of how to identify and respond to it, circuit court clerks and deputies may risk providing an unsupportive and judgmental experience to victims. It is critical that they are helpful, compassionate, patient and trauma-sensitive in their interactions with victims who come for assistance with matters related to domestic and interpersonal violence.

Other Officials. Prosecutors¹⁶ and law enforcement officials¹⁷ are also mandated by statute to complete continuing education on domestic violence. These two groups are outside the purview of the AOC and will not be discussed in depth in this report. However, recommendations provided throughout this report will also apply broadly to these stakeholders and the AOC will include them in discussions and training events as applicable.

¹³ KRS 21A.170

¹⁴ KRS 30A.015

¹⁵ Information provided by the AOC Division of Education Services.

¹⁶ KRS 15.718.

¹⁷ KRS 15.334.

Survey Results: COURT PROFESSIONALS

When asked about receiving adequate training and education on the topics of domestic violence, dating violence, sexual violence and stalking as it relates to their professional role, judges strongly agreed or agreed that they had received adequate training:

Domestic violence	74%
Dating violence	64%
Sexual violence	60.4%
Stalking	47.2%

This compares to 32.1% who strongly disagreed or disagreed.

When asked that same question, circuit court clerks strongly agreed or agreed that that had received adequate training:

Domestic violence	83%
Dating violence	89%
Sexual violence	66.7%
Stalking	55.6%

66% of judges reported that they had a clear understanding of the dynamics of power and control in abusive relationships compared with 38.9% of circuit court clerks.

Both judges (88.7%) and circuit court clerks (88.9%) reported confidence in their understanding of the barriers that victims and survivors face in trying to escape an abuser or abusive situation.

66% of judges reported that they engage in regular training opportunities to understand and properly apply trauma-informed principles. Only 38.9% of circuit court clerks reported the same.

Both judges and circuit court clerks reported less confidence in their training on how to handle cases involving same-sex couples involved in:

Domestic Violence

35.8% judges, 11.1% circuit court clerks

Dating Violence

32.1% judges, 11.1% circuit court clerks

Sexual Violence

26.4% judges, 5.6% circuit court clerks

Stalking

26.45 judges, 11.1% circuit court clerks

Both judges (77.4%) and circuit court clerks (50%) report that they have received training on the impact of domestic violence on children.

Both judges (56.6%) and circuit court clerks (77.8%) report that they have not received training on how to handle domestic violence cases involving pets.

Comments: Court Professionals

The court professionals' comments also provided insight into the types of training opportunities they engage in and a "wish list" of other topics they would like to be trained on.

One judge noted that they "do not feel [they] need training on these issues because [they] have over a decade of experience representing individuals involved, and received a lot of training before taking the bench, including having many LGBTQ clients. But [they] have not, as a judge, seen extensive training on these issues."

Another judge noted that they received more training as a practicing attorney than as a member of the bench. While these comments are not intended to reflect the judiciary as a whole, they provide an opportunity to develop a more robust strategy to educate, train and engage court professionals.

Respondents identified these topics as ones they would like to be trained on or to receive additional training on:

- Dynamics of domestic and interpersonal violence cases involving same-sex couples and individuals.
- Stalking, including cyberstalking and the use of technology to terrorize and/or control victims of domestic and interpersonal violence.
- Violence involving animals and pets.
- Trauma-informed practices, specifically using appropriate language when interacting with offenders.
- Dynamics of sexual violence.
- Impact of domestic violence on children.

Two survey respondents commented that the training opportunities should focus less on the topics of racial and ethnic disparities and more on topics related to domestic and interpersonal violence.

However, it is important to take a holistic approach that includes education around racial and ethnic disparities. For example, the University of Kentucky maintains the Kentucky Violent Death Reporting System, which tracks statewide data on intimate partner violence deaths. While 2020 data is not yet available, there's enough data to estimate that Black Kentuckians, especially Black women, are 94% more likely to die in intimate partner violence deaths.¹⁸

That is a staggering statistic. Race, socioeconomic status, gender, nationality and disability are all intersecting issues and potential root causes for power-based violence topics such as domestic violence, dating violence, sexual violence and stalking.

Because individuals from diverse backgrounds and demographics are affected by domestic and interpersonal violence, the court system must consider intersecting issues – such as diversity, equity and inclusion – when training court professionals.

Survey Results: SERVICE PROFESSIONALS

In response to the question about the court system's training on the topics of domestic and interpersonal violence, the service professionals reported:

Domestic Violence. 56% of service community respondents strongly agreed or agreed that in their experience and in their local area, judges were adequately trained on domestic violence. In contrast, only 38% of respondents strongly agreed or agreed that court personnel were adequately trained on domestic violence.

Dating Violence. 42% have confidence that judges are trained on dating violence and 29% of respondents have confidence that court personnel are adequately trained.

Sexual Violence. 41% strongly agreed or agreed that judges are trained on sexual violence, while only 30% responded that way for court personnel.

Stalking. Only 39% are confident that judges are trained on stalking. Only 29% are confident that court personnel are trained on stalking.

While judges and circuit court clerks reported confidence in their knowledge and understanding of topics such as the dynamics of power and control in relationships and barriers that victims face, it's noteworthy that the service professionals did not report the same level of confidence.

43% of survey participants are confident that judges have a clear understanding of the dynamics of power and control in relationships. Only 29% are confident in court personnel's understanding of this topic.

38% strongly agreed or agreed that judges have a clear understanding of the barriers victims face in trying to escape from an abuser. 24% are confident in court personnel's understanding.

43% strongly disagreed or disagreed that judges understand how to handle domestic violence cases involving same-sex individuals.

¹⁸ Kentucky Violence Death Reporting System (KVDRS)-Intimate Partner Violence Related Homicides, <https://kvdrs.ky.gov/Documents/September%2019%20Infographic.pdf> (2019).

50% have confidence that judges understand the impact of domestic violence on children.

Only 14% have confidence that judges understand how to handle domestic violence cases involving pets.

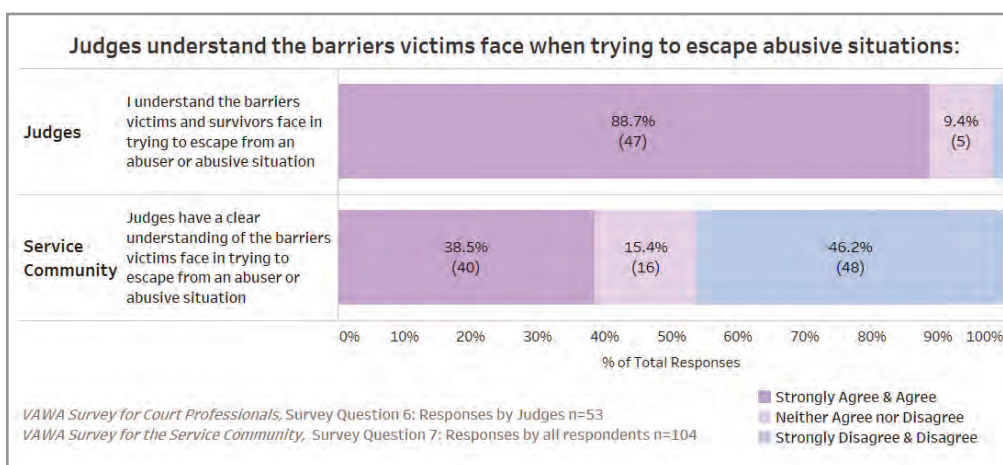
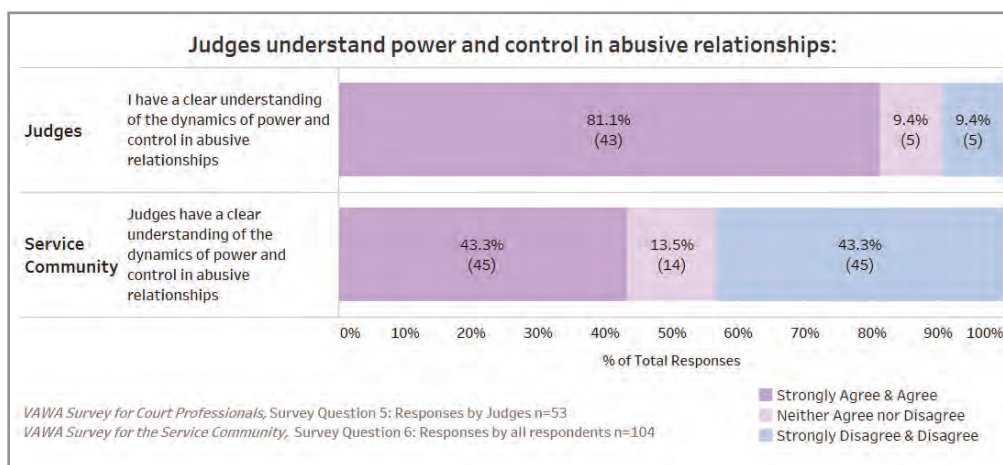
Participants were invited to share ideas for future training topics and the following were identified in the comments:

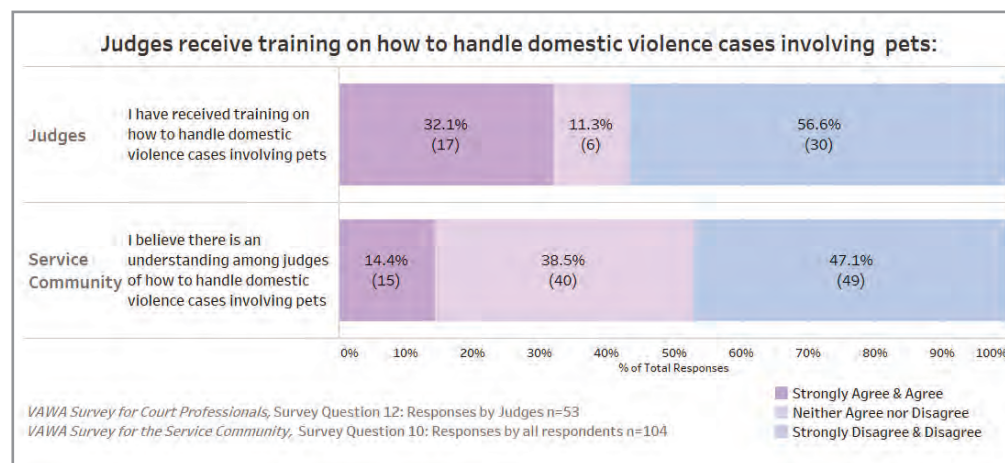
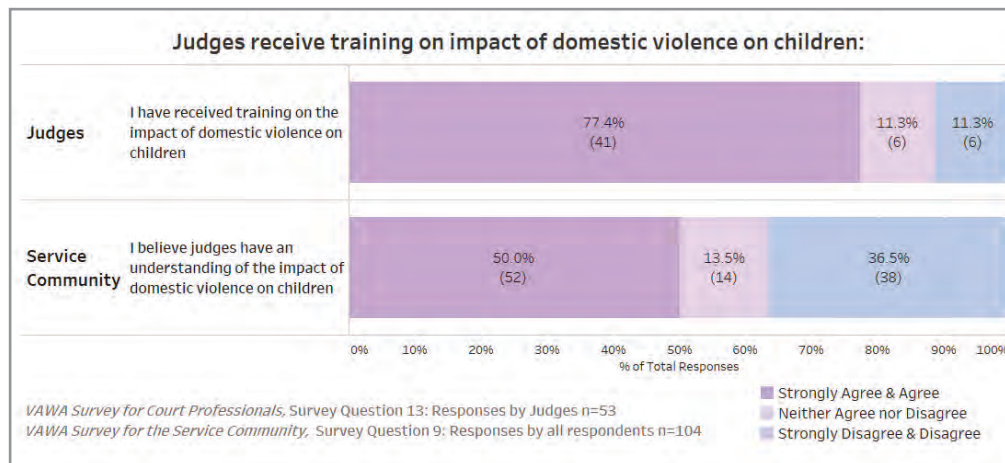
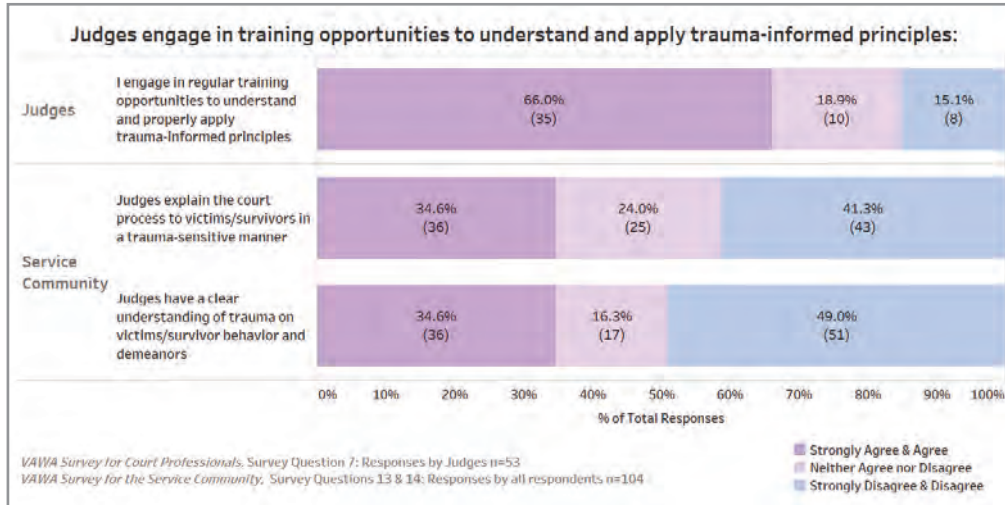
- Dynamics of domestic violence, dating violence, sexual violence and stalking. Trainings should be offered in collaboration with local domestic violence shelters and advocates to help others understand the victim experience.

- Stalking and the criteria for protective orders.
- Dynamics of elder abuse cases, especially those involving victims in domestic relationships who are not intimate partners.

As discussed in the Court Professionals Survey section, judges and circuit court clerks reported confidence in their knowledge and understanding of topics such as the dynamics of power and control in relationships and barriers that victims face.

It is noteworthy that the service community respondents did not report the same levels of confidence.





Survey Results: SURVIVORS

When survivors were asked if they felt that judges and court professionals had been adequately trained on topics of domestic violence, dating violence, sexual violence and stalking, the majority of the respon-

dents did not respond or selected “I don’t know.” No relevant analysis could be conducted on this portion of the Survivors Survey.

Recommendations: Training and Education

Provide progressive training for court professionals, especially judges, circuit court clerks and their employees. Consider hosting statewide training symposiums for judges and circuit court clerks annually.

Institutionalize a training curriculum to address the topics identified throughout this report for judges, circuit court clerks and the larger court community. Consider creating a statewide task force or working group to identify training priorities and plan training events.

Create a multidisciplinary stakeholder group to develop a statewide bench book for judges that addresses how to handle domestic violence, dating violence, sexual violence and stalking cases. This resource should be able to incorporate policies and procedures for local jurisdictions.

Partner with local professional and community stakeholders, including survivor leaders, to provide substantive training on topics of domestic violence, dating violence, sexual violence and stalking.

Training should encompass the neurobiology of trauma and the topics of equity, cultural and linguistic inclusion when serving diverse and underserved communities.

Suggested topics include the following:

- Dynamics of domestic and interpersonal violence cases involving same-sex couples and individuals.
- Stalking, including cyberstalking and the use of technology, to terrorize and/or control victims of domestic and interpersonal violence.
- Violence involving animals and pets.
- Recommended approaches and trauma-sensitive responses when interacting with offenders.
- Dynamics of sexual violence.
- Impact of domestic violence on children.
- Dynamics of elder abuse cases, especially involving victims in domestic relationships who are not intimate partners.
- Felony mediation and other legal options available to survivors.
- Differences between domestic violence and anger management.
- Intersectionality of substance use and perpetrating domestic violence.
- Trauma-informed and trauma-sensitive practices to alleviate victim blaming.
- Implicit bias, cultural nuances and microaggressions.
- How domestic violence, dating violence, sexual violence and stalking impact diverse communities.

Findings: Access Barriers

Access to justice¹⁹ through the court system and law enforcement agencies is one of the most fundamental and basic rights afforded to individuals. Access can include the provision of qualified court interpreters for all languages, the ability to obtain a protective order 24 hours a day, and information and assistance from court staff.

In Kentucky, civil protective orders for those seeking protection from domestic violence and interpersonal violence are available 24 hours a day at no cost to the individual seeking protection.

During business hours, a victim (petitioner) can file a petition at their local Office of Circuit Court Clerk. There is an Office of Circuit Court Clerk in every Kentucky county. After business hours, a victim can contact local law enforcement, a regional domestic violence shelter or a regional rape crisis center to seek help obtaining a protective order.²⁰

Also, all parties, regardless of their language, sexual orientation, gender identity, culture, country of origin or needed accommodations, must have meaningful access to the court system. Certified court interpreters, whether by phone, video or in person, must be available at all times for all languages, including indigenous dialects.

Family members, acquaintances, advocates and other noncredentialed individuals are never an appropriate alternative to certified professional interpreters. It is imperative that the court system and community work together to identify the diverse populations in their jurisdiction and ensure that culturally appropriate and sensitive services are available from the courts.

Legal documents and forms should also be available in multiple languages to ensure equal access. In Kentucky, legal forms for domestic violence matters are currently available in English, Spanish, Arabic, French and Swahili.²¹

Court personnel at entry points to the court system must be approachable and helpful to individuals seeking assistance with matters related to domestic and

interpersonal violence. Whenever possible, circuit court clerks and court personnel should try to provide a secure and private area for victims to complete their protective order petition paperwork.

Trauma sensitivity and awareness prepares court personnel to employ empathy and compassion when assisting individuals who present in different emotional states or appear numerous times to file petitions or dismissal orders. Circuit court clerks and deputy clerks should help individuals navigate this process and accept all filings by victims (petitioners) for protective orders, regardless of perceived merit.

While circuit court clerks are available to help individuals, they are not permitted to give legal advice or perform legal research.²² During the needs assessment, some community forum participants noted that some circuit clerks, in an attempt to ensure they're not giving legal advice, may unintentionally impact the court experience in a negative way for the person seeking help.

To ensure they are not crossing a legal line, some circuit court clerks and deputy clerks may take on the role of gatekeeper and evaluate the veracity of the contents or the statutory eligibility of the petitioner's submissions. However, these types of decisions are solely the responsibility of the judge and fall outside of the authority of circuit court clerks.²³

Explaining the petition process to victims seeking assistance requires a fine balance. What circuit court clerks and deputy clerks are permitted to do is explain the components of the paperwork and process, describe what the victim can expect to happen next, and provide a packet of information about what is available from local service agencies and advocates.

Another good practice would be for court personnel to partner with their local domestic violence and sexual violence service agencies to create a sustainable safety net for victims and their families by encouraging trust in the court system and making them aware of the services available to them.

¹⁹ United States Institute of Peace-Necessary Condition: Access to Justice, [Necessary Condition: Access to Justice | United States Institute of Peace \(usip.org\)](https://www.usip.org/press-releases/2017/05/23/necessary-condition-access-to-justice)

²⁰ KRS 403.725(2)

²¹ Kentucky Court of Justice, Legal Forms - [Legal Forms - Kentucky Court of Justice \(kycourts.gov\)](https://www.kycourts.gov/legal-forms)

²² Kentucky Circuit Court Clerk's Manual (2022). <https://kycourts.gov/Courts/County-Information/Documents/ClerksManual.pdf>

²³ Kentucky Circuit Court Clerks' Manual (2022). <https://kycourts.gov/Courts/County-Information/Documents/ClerksManual.pdf>

Survey Results: COURT PROFESSIONALS

78% of court professionals responded that they strongly agree or agree that victims have access to protective orders 24/7 and year round.

A respondent commented on the need to improve access for deaf individuals: “Although language access may be provided for the in-court proceeding itself, it is evident that the court, victim advocates and attorneys lack knowledge and understanding regarding a deaf person's culture and their specific language

needs. They should be doing their due diligence to ensure the best language accommodation on their own. Encourage more deaf culture training for all constituents/partners that work with, advocate or provide services to the deaf community.”

Similar gaps in sign language interpreters were identified during the community forums. Those findings are on page 31.

Survey Results: SERVICE PROFESSIONALS

52% of service professionals strongly agreed or agreed that petitioners can obtain a protective order 24/7 and year round without any barriers. 25% of participants strongly disagreed or disagreed with this statement.

31% have confidence that court personnel explain the court process to victims in a trauma-sensitive manner. In contrast, approximately 38% lacked confidence that court personnel were doing so.

Only 36% have confidence that law enforcement is available and willing to assist with filing a protective order after business hours.

42% strongly agreed or agreed that court professionals address the language, cultural and accommodation needs of the parties at all times.

While not reflective of the judiciary as a whole, the following comments by survey participants may

suggest that access to file for protective orders may be a challenge in certain jurisdictions and may need to be considered:

“Any person wishing to obtain a protective order after 4 p.m. will be told to wait until the next business day that the courthouse is open.” This sentiment was echoed during the community forums as well. Those findings are on page 30.

“Most of the time there are no barriers imposed by the courts for people to file for protection. However, there have been isolated incidents where a clerk has provided incorrect information or discouraged a survivor from filing.” This is a training issue that can be prioritized and addressed through the recommendations on page 13.

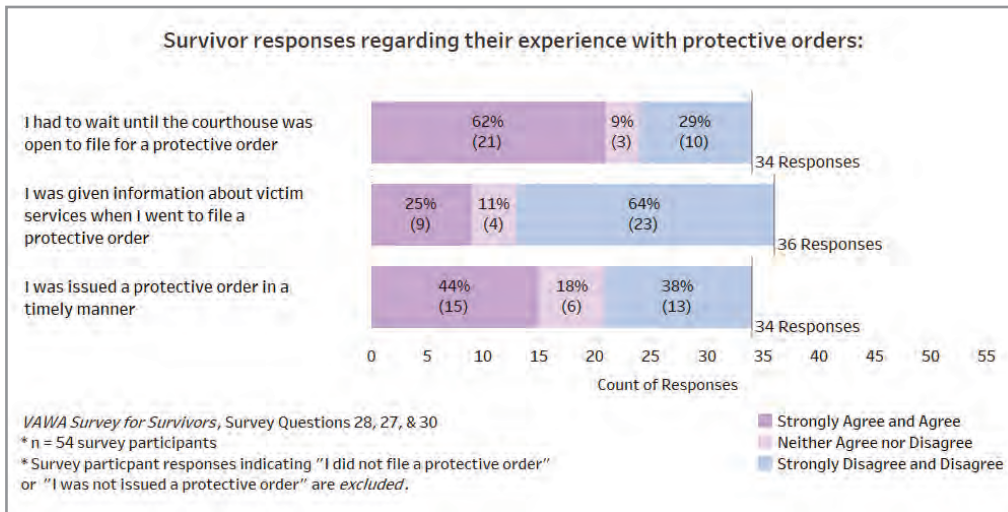
Survey Results: SURVIVORS

39% of the survivors who had interacted with the courts (34 out of 54 respondents) strongly agreed or agreed with the statement that they had to wait until the courthouse was open to file for a protective order.

16.7% of survivors who had interacted with the courts

(36 out of 54) received information about victim services when they went to file a protective order.

43% responded that they strongly disagreed or disagreed with the question as to whether they were provided information about victim services.



Recommendations: Access Barriers

Examine compliance with local protocols to ensure that all 120 counties in Kentucky are providing 24/7 and year-round access to protective order filings. Make certain that the protocols remain current, that there is a process for timely updates, and that the public knows how to access the protocols for their respective jurisdictions.

Collaborate with the Department of Language Access at the Administrative Office of the Courts to assess gaps and priorities to provide meaningful language access for all Kentuckians accessing the court system. Consider developing a work group to look at these needs through an equity lens.

Provide training to circuit court clerks and deputy clerks on acceptable and appropriate ways to aid protective order petitioners.

Provide court personnel with best practices and tools on how to implement a safe and secure court environment for victims and survivors of domestic violence, dating violence, sexual violence and stalking.

Consider exploring partnerships and other collaborative strategies to help address barriers to service access and enforcement.

This could include engaging in community mapping to identify and fill gaps with language access, learning about culturally sensitive and inclusive services, and building the cultural competency knowledge of court professionals and their employees to enable them to effectively serve individuals from diverse communities.

Findings: Protective Order Barriers

Victims of domestic or interpersonal violence may seek protective orders through civil case proceedings. The decision to seek protection through orders of the court is personal to each victim and many factors affect that decision.

Protective orders are designed to prevent further wrongful conduct and to expand law enforcement's authority to intervene and assist victims.

The protective order process begins with an individual (petitioner) filing an emergency protective order petition/summons with the local court. Once the petition is filed, a judge or trial commissioner will review the petition and determine if an emergency protective order (EPO), temporary interpersonal protective order (TIPO) or summons should be entered against the respondent (the person who allegedly committed the violent or abusive act).

If a temporary protective order or summons is issued, then a hearing will be scheduled within 14 days as to whether a domestic violence order (DVO) or interpersonal protective order is required (IPO). The EPO, TIPO and summons may be served up to six months, after which the petitioner will be required to complete another petition.

The EPO or TIPO issued by the judge shall remain in place until a hearing can be scheduled, no later than 14 days in the future. If service has not been made upon the respondent, the hearing shall be continued for an additional 14 days and a summons shall be reissued for the new date. If the respondent has not been served within six months from the date of the issuance of the EPO, the order shall be rescinded without prejudice. Upon the conclusion of the hearing, the EPO or TIPO shall be dismissed once a DVO or IPO is entered by the judge, or upon dismissal by the court. Additionally, an EPO or TIPO can also be dismissed upon the request of the petitioner.

Typically, and as reported by survivors, service issues present one of the biggest barriers to the petitioner

transitioning their emergency protective order to more permanent or long-term orders, as the burden falls on them to have and provide a current known address for the respondent at the time the petition is filed.

Survivors and advocates also reported that bias is another common barrier that prevents victims from obtaining a protective order. Common biases reported throughout the needs assessment may include denying a petition based on the victim's previous history of filing and/or dismissing protective order petitions; connections with individuals and families involved in the case, especially in small or rural communities; not believing individuals struggling with substance use disorders; or cultural stereotypes against certain communities.

In some instances, the legibility of the petitioner's handwriting on the form or the quantity or quality of information provided in the petition may also be factors that prevent the issuance of a protective order.

During regional forums, some participants reported concerns that judges throughout the state require evidence of physical harm, such as bruises, in order to grant protective orders. Victims of stalking or harassment cases are less likely to be issued a protective order if this criteria is required.

Moreover, protective order violations may be less likely to be reported for fear that the complaint may not be taken seriously or because there is insufficient proof to convince the authorities or the judge of the violation without evidence of physical harm.

Participants also identified the scheduling of protective order hearings as another barrier. While some judges and their employees try to accommodate petitioners' schedules, many reported during the focus groups and regional forums that they experienced the burden of making arrangements for child care or taking time off work to attend court hearings, only to find upon arriving at the courthouse that the hearing had been rescheduled to a different date or was continued due to service issues to the respondent.

Further, different dates and times for cases between criminal and civil dockets caused confusion and frustration for parties. Lengthy procedural and administrative delays created barriers and hardships on the victim. The needs assessment also found that in cases involving children, custody and child support, issues may also arise during the hearing process.

While it is understood that the court does not prejudicially accept one parent's word over the other when allegations of domestic violence, dating violence, sexual violence or stalking are present, there are important factors that must be considered, especially concerning visitation or joint decision-making.

Survey Results: COURT PROFESSIONALS

78% of court professional respondents reported confidence that protective orders are issued in a timely manner in their jurisdiction.

63% strongly agreed or agreed that protective orders are served according to statutory requirements and in a timely manner in their jurisdiction.

66% are confident that protective order violations are addressed promptly and adequately in their jurisdiction.

35% strongly agreed or agreed that they make sure to address child custody and visitation arrangements during the protective order process.

19% reported that they address child support issues during the protective order process.

Based on the comments provided in the protective order section of the survey, it appears there may be a misunderstanding about whether or not issues such as custody, visitation and/or child support should be addressed during the emergency protective order process. This might present an opportunity for additional training and resource development for stakeholders impacted by these matters.

Some of these comments are below:

“Child custody and visitation orders require best interest findings after a full opportunity to be heard. Domestic violence hearings, by their emergency nature, do not allow for proper notice or process for these matters.”

“For the most part, my Family Court judge refuses to take up custody, visitation or child support issues at a DV hearing unless there is a previous order to enforce.”

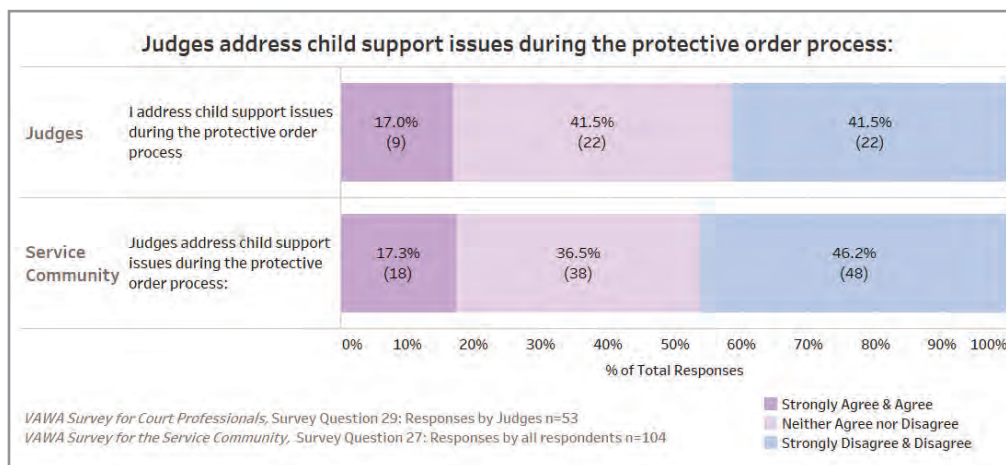
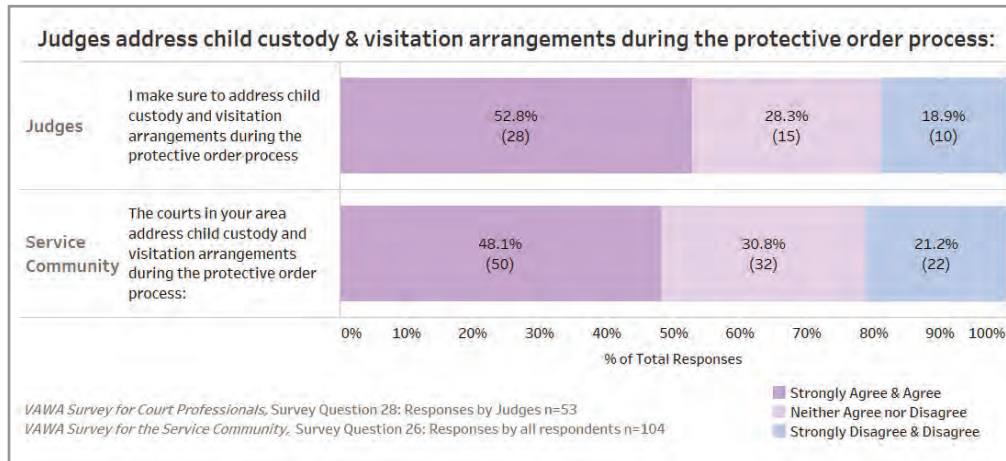
“I do not feel it is my place to put a visitation plan or child support into effect when the parties will ultimately be in front of a Family Court judge to address these issues. In my opinion those are things that are not 'emergency' issues. Protection of the people involved is the emergency. I also believe this is exactly why only Family Court judges should review EPOs, regardless of what time they come in, and district judges should review IPOs. District judges have no business establishing custody and child support through an EPO when they are not even the court where those issues can ever be handled.”

“I feel that those who have limited access to the courts due to language, etc. need to be provided with additional resources so that it is clear and easily understandable where they need to come for help. I also do not address custody or parenting time unless it is an issue of granting sole custody due to the violence being so severe. I will put in place a parenting schedule, supervised or not, on a case-by-case basis. I am not likely to address the issue of temporary child support unless there seems to be a large difference between the parties' incomes or unless financial abuse was a part of the power and control the respondent exhibited in addition to physical harm or threats of physical violence, sexual violence, or stalking.”

Survey Results: SERVICE PROFESSIONALS

17% of the service professionals strongly agreed or agreed that judges address child support issues during the protective order process. In contrast, 46% strongly disagreed or disagreed.

47% reported confidence that judges promptly and adequately address protective order violations.



Survey Results: SURVIVORS

28% of the survivors who had interacted with the courts (34 out of 54 respondents) strongly agreed or agreed with the statement that they were issued a protective order in a timely manner.

30% strongly agreed or agreed that their abuser was not served in a timely manner. 32% strongly disagreed or disagreed that their abuser was served in a timely manner.

33% strongly agreed or agreed that judges treated them with dignity and respect.

30% strongly agreed or agreed that court staff treated them with dignity and respect.

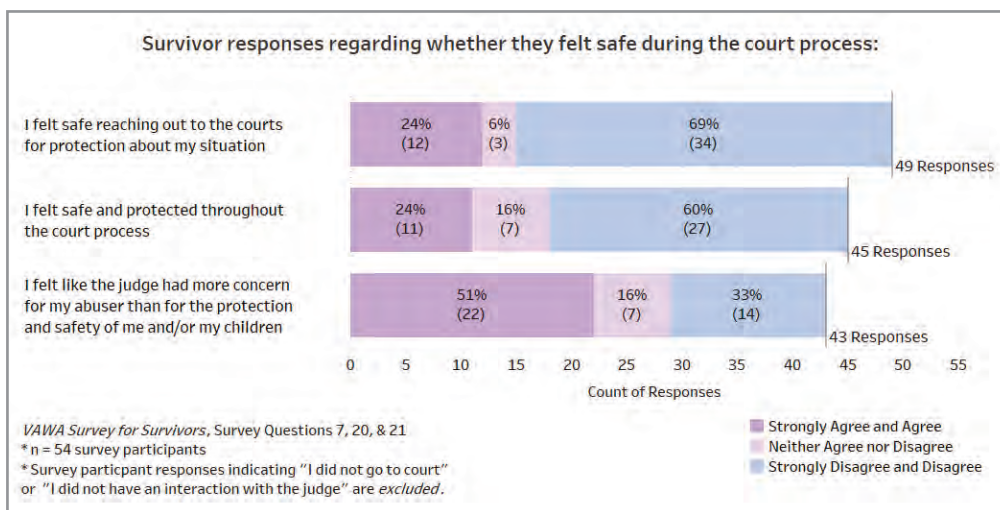
19% strongly agreed or agreed that the court staff made them feel heard and did not blame them for their situation. In contrast, 26% strongly disagreed or disagreed with this statement.

17% strongly agreed or agreed that court staff were respectful of their cultural, language and/or unique needs. 17% also strongly agreed or agreed that the judge was respectful of their cultural, language and/or other unique needs.

13% strongly agreed or agreed with the statement that they felt like the decisions made in their case were fair.

50% of the respondents strongly disagreed or disagreed with this statement.

When asked if they felt like the judge had more concern for their abuser than for the protection and safety of themselves and/or their children, 41% strongly agreed or agreed. 26% responded strongly disagreed or disagreed.



Recommendations: Protective Order Barriers

Develop more tools and resources to help court professionals understand stalking as defined by statute and as required for protective order eligibility. Include information about the dynamics and manifestations of stalking, using case law and other local examples.

Consider training and resource development opportunities to help circuit court clerks and deputy clerks distinguish between what constitutes acceptable assistance regarding protective order petitions and what may be considered providing legal advice.

Encourage collaboration with local victim advocates and organizations to clarify roles and expectations. This could include developing resource sheets

to make victims aware of the specific services each organization provides, such as court accompaniment, victim advocacy and emergency shelters.

Collaborate with local law enforcement agencies to address barriers that prevent timely service of protective orders, especially in rural communities.

The Division of Research & Statistics at the Administrative Office of the Courts can be a good resource for court data on matters related to domestic violence, including statistics on the timeliness of protective order hearings following the filing of protective order petitions.

Findings: Safety Barriers

It takes courage for victims and survivors to navigate the court process, knowing that the risk of fear and harm is still very present and heightened while they must interact with the perpetrator. Whether being physically present in the same courtroom for hearings or honoring visitation orders, victims have to be vigilant in their efforts to stay safe and minimize their risk.

A survivor's credibility should not be undermined because of their behavior or appearance, or because they don't meet the intended expectations of the court. Victims and survivors of domestic violence, dating violence, sexual violence or stalking have endured an ongoing pattern of coercive control through physical, psychological, sexual and/or economic abuse that varies in severity and frequency.²⁴

While courtroom proceedings may be unfamiliar, intimidating and overwhelming for victims and survivors, the situation may be exacerbated when they have to share space with their batterer. Courts must understand that there is no "typical" petitioner of domestic or interpersonal violence and that the behaviors that individuals may exhibit could be coping strategies and a manifestation of trauma.

Trauma can manifest differently for individuals victimized through domestic violence or interpersonal violence and may show up in ways that are unexpected and to some, surprising.

Some victims experience feelings of shock, terror, isolation, disbelief, despair and distrust of themselves and others. This can lead to further mental and behavioral health concerns, including depression, anxiety, hypersensitivity, sleep disruption and reliving the traumatic event.

Some may experience chronic post-traumatic stress disorder that may impact daily functioning, inhibit coping mechanisms and disrupt social connections due to lack of trust.

Some may appear both unhinged and confident on the outside, while others exhibit counterintuitive behaviors such as uncontrollable laughter or being combative in their approach.²⁵

Each person's story, reaction, demeanor and disposition are unique to them and their experience. Judges should approach each case without prior expectations and prejudices and should apply a trauma-sensitive and informed approach to their interactions with the petitioner.

This can include exercising extra care and diligence in explaining options, providing safe opportunities for the survivor to provide input, and minimizing additional intimidation factors in the courtroom and throughout the hearing.

It is important for court personnel to provide respectful, inclusive and safe spaces where victims can meaningfully and fairly engage in the court process without risk of revictimization and increased trauma.

This includes being aware of the following:

- Batterer intimidation tactics
- Trauma manifestations
- Victim blaming
- Lack of safe waiting areas
- Fear of confrontation with the batterer and their family/friends
- Long wait times

Another issue raised during this needs assessment was the open court process for domestic violence, dating violence, sexual violence and stalking cases. Many survivors recalled the humiliation and shame they felt from having to wait long hours to be heard, and then having to disclose sensitive and graphic facts about the nature of the abuse they experienced in front of people they knew from the community.

²⁴ National Coalition Against Domestic Violence-[Why Do Victims Stay? \(ncadv.org\)](https://www.ncadv.org/)

²⁵ The Trauma of Domestic Violence, [The Trauma of Domestic Violence. A research article to provide...](https://www.medium.com/@pamelajnikodem/the-trauma-of-domestic-violence-a-research-article-to-provide...) | by Pamela J. Nikodem, MSED | [Healthy Mind, Healthy Life | Medium](https://www.healthy-mind.com/healthy-life/) (2019).

Survey Results: COURT PROFESSIONALS

72% of court professionals strongly agreed or agreed that they plainly and patiently explain the court processes to the parties in the case.

55% are confident that they ensure victims/survivors have access to victim advocates during interviews and court processes.

66% strongly agreed or agreed that they proactively adapt their environment to ensure the psychological and physical safety of all parties involved during court and interview processes.

97% confidently report that they treat all parties with respect, dignity and without bias.

The following comment is an example of an approach that should be applauded and replicated in all jurisdictions to ensure equity and consistency for those who come before Kentucky courts:

“I believe in providing adequate information to clients about the court process. I also believe in treating defendants fairly, treating them how I would want to be treated or how I wish my family would be treated if they were arrested. I also believe we must be aware of unconscious bias and be aware of marginalized communities.”

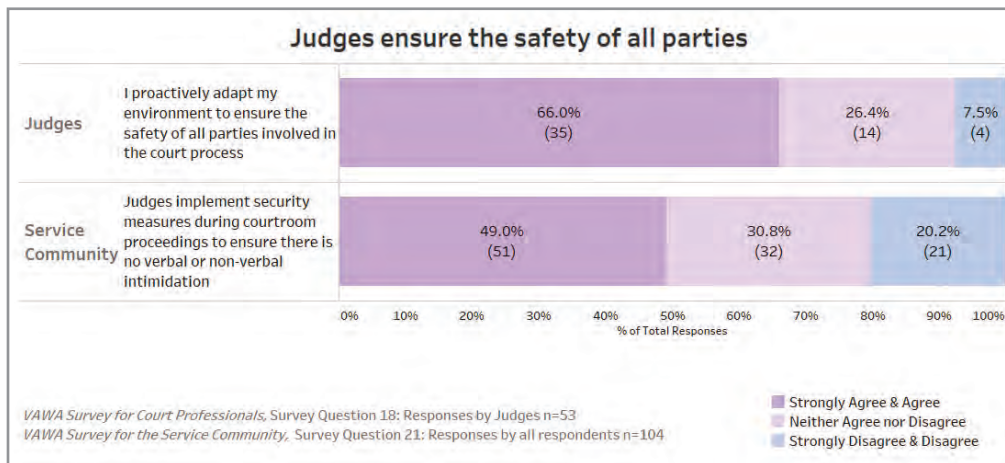
Another comment shows the importance of training judges and security officers on what measures to take to ensure a safe and secure courtroom environment:

“I was not provided any training as to proper courtroom security. After an advocate [name of organization removed to protect privacy] addressed concerns she had, I formulated a process for security as it relates to hearing domestic/dating violence and stalking. Things are much better now, and the advocates and witnesses feel safe, and courtroom security agrees that things are much better. My question is why didn't I have training on this? Why didn't courtroom security have training on this?”

Survey Results: SERVICE PROFESSIONALS

34% of service professionals are confident that judges have a clear understanding of the complexities, dynamics and manifestations of trauma on victim/survivor behaviors and demeanors. In contrast, 49% strongly disagreed or disagreed that this was the case.

Similarly, 27% are confident that court professionals have a clear understanding of the complexities, dynamics and manifestations of trauma on victim/survivor behaviors and demeanors. In contrast, 47% disagreed or strongly disagreed that this was the case.

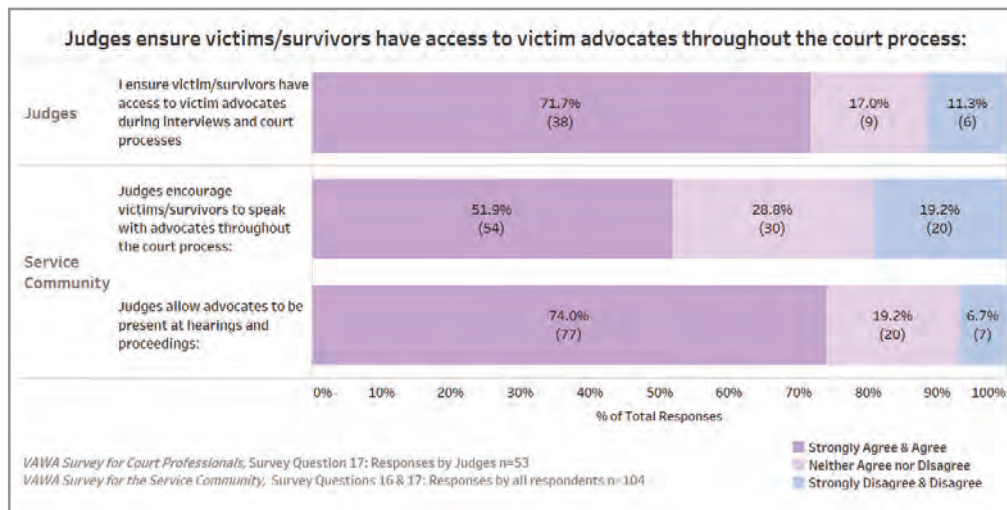


34% strongly agreed or agreed that judges explain the court process to victims/survivors in a trauma-sensitive manner. 31% strongly agreed or agreed that was also the case for court personnel.

46% are confident that judges treat victims/survivors with respect, dignity and without bias and 41% are confident that court personnel treat victims/survivors with respect, dignity and without bias. In both instances, 31% of participants strongly disagreed or disagreed with that statement.

52% of respondents are confident that judges encourage victims/survivors to speak with advocates throughout the court process and 74% strongly agreed or agreed that judges allow advocates to be present at hearings and proceedings.

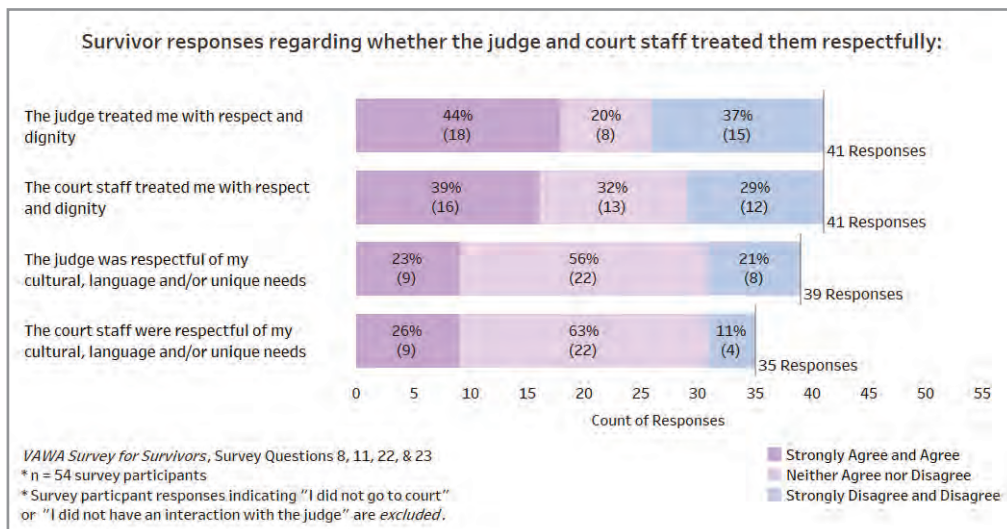
43% are confident that judges implement security measures during courtroom proceedings to ensure there is no verbal or nonverbal intimidation of the parties.



Survey Results: SURVIVORS

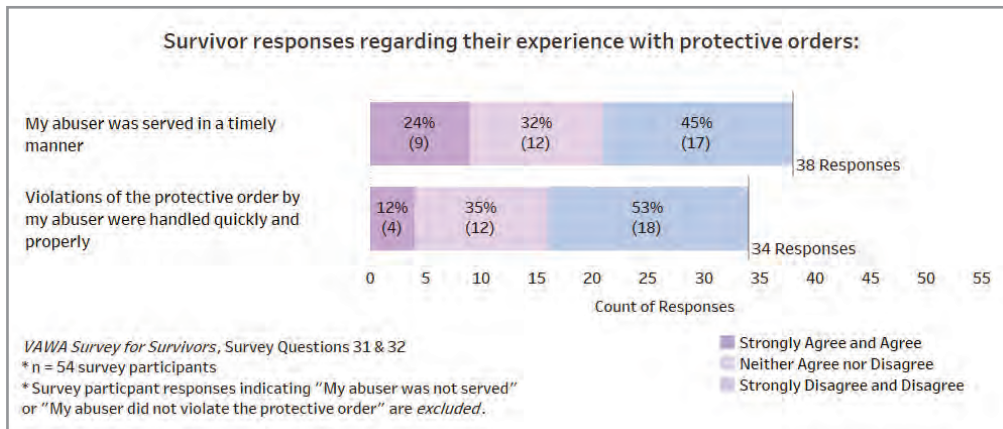
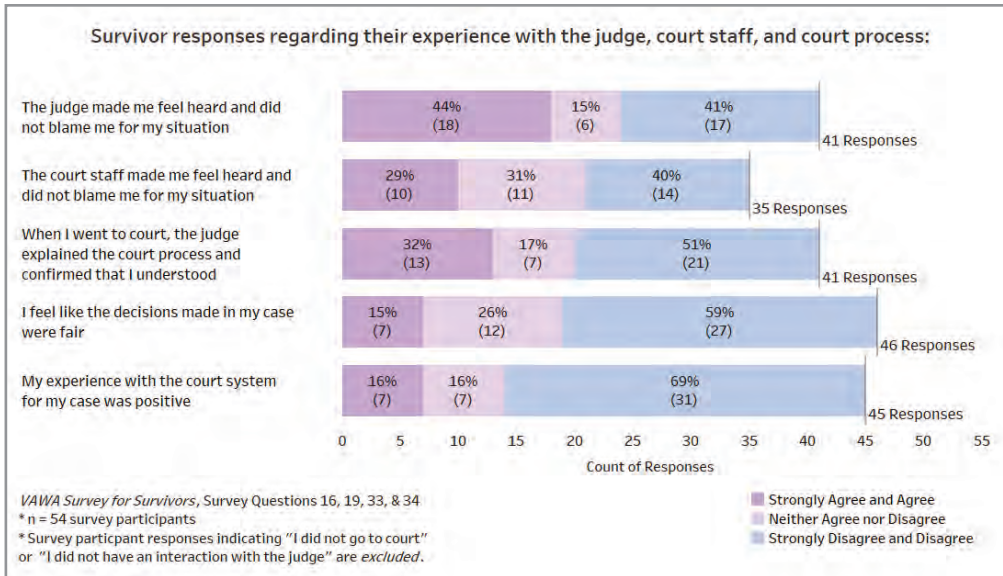
22.2% of survivors who had interacted with the courts strongly agreed or agreed that they felt safe reaching out to the courts for protection about their situation.

63% strongly disagreed or disagreed with this statement.



20% strongly agreed or agreed that they felt safe and protected throughout the court process. 50% strongly disagreed or disagreed with this statement.

24% strongly agreed or agreed that when appearing in court, the judge explained the court process and confirmed that they understood. 39% strongly disagreed or disagreed.



Recommendations: Safety Barriers

Courts should partner with law enforcement and local victim service organizations to develop security strategies and protocols for cases involving domestic violence, dating violence, sexual violence and stalking. Considerations such as separate waiting areas for parties, hallway security and courtroom policies and procedures should be explored and discussed with court security professionals.

Ensure that all court personnel are trained on the court's expectations and security measures.

Engage the Diversity & Inclusion Program coordinator at the Administrative Office of the Courts to brainstorm ways to implement safety and security measures through an equity and inclusion lens.

The AOC should consider developing a safety checklist or similar tool to ensure that all safety concerns and issues are identified and addressed. This tool or resource can be developed in partnership with law enforcement, prosecutors, individuals with lived experience, and domestic violence and sexual violence shelters and programs to ensure that the full breath of safety considerations are taken into account.

Make sure to assess the safety of both physical and virtual court environments.

Continue to find ways to ensure that victims and survivors have access to advocates, victim resources and support systems throughout the court process.

Findings: Offender Accountability Barriers

When an offender is held accountable, a message is sent to both parties that the courts take the situation very seriously and there is a strong interest by the court system to prevent future violence.²⁶

Offenders may exercise numerous tactics to manipulate the court into believing that the victim is lying or making ingenuine and superficial allegations about the situation and, in some instances, may be so bold as to try and argue that the petitioner is the one perpetrating the abuse.

Court professionals and judges can discourage domestic violence, dating violence, sexual violence and stalking by responding to these situations in a consistent manner and in a way that holds offenders accountable for their actions.

Accountability can take many forms, including:

- Granting protective orders.
- Issuing custody and visitation orders that promote safety.
- Providing a secure courtroom environment.

- Restricting an abuser's access to personally identifiable information about the victim and their family.
- Ordering the removal of weapons possessed by offenders.
- Ordering offenders to complete appropriate treatment, such as Batterer Intervention Programs.

Batterer Intervention Programs. BIPs are education-based programs designed to give offenders the skills to change the behavior, beliefs and attitudes that support their use of violence against their partners.²⁷

Referrals to this type of treatment and intervention vary across jurisdictions due to lack of knowledge, engagement, availability and accessibility.

Offenders may use the excuse that the BIP is cost prohibitive and that they lack sufficient finances to enroll in this program. However, when courts hold offenders responsible for paying the fees, it sends a strong message of accountability.

Survey Results: COURT PROFESSIONALS

40% of court professionals strongly agreed or agreed that they understand the role and responsibilities of the Batterer Intervention Programs in their jurisdiction.

In contrast, 35% strongly disagreed or disagreed with that statement.

44% strongly agreed or agreed that they support mandatory participation of offenders in the BIPs.

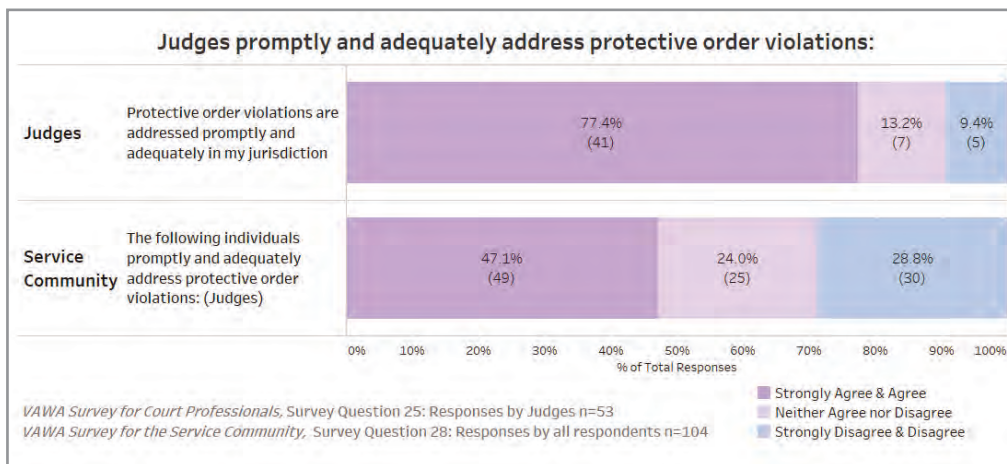
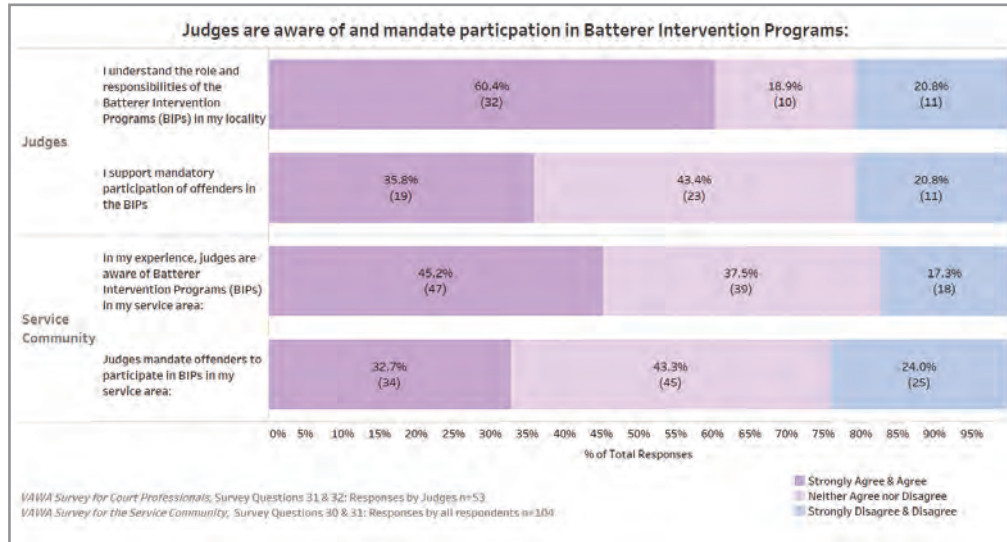
²⁶ Battered Women's Justice Project, [Batterer Intervention Programs and Victim Safety: Where Do We Go From Here?](http://www.bwjp.org) (bwjp.org) (2017).

²⁷ Batterer Intervention Provider Program, Kentucky Coalition Against Domestic Violence, <https://members.kdva.org/>

Survey Results: SERVICE PROFESSIONALS

45% of service professionals are confident that judges are aware of Batterer Intervention Programs in their service area.

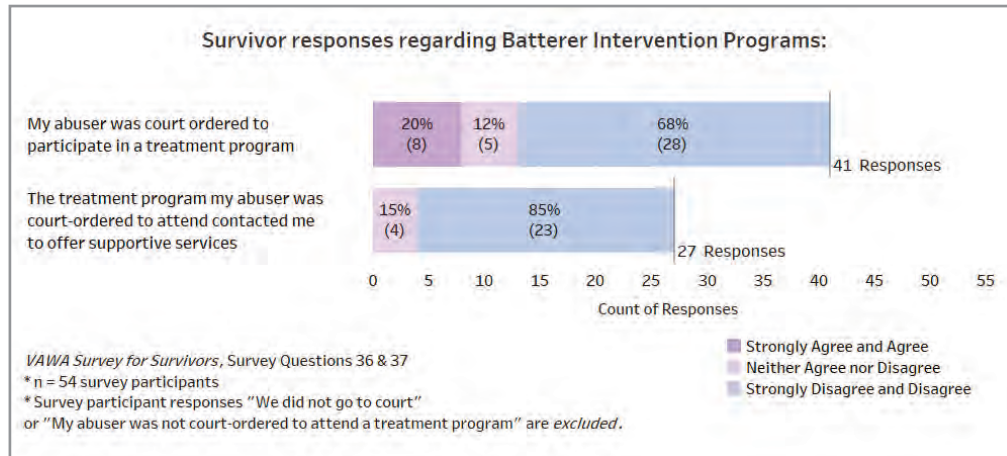
32% strongly agreed or agreed that judges mandated offenders to participate in BIPs in their service area.



Survey Results: SURVIVORS

7% of the survivors who interacted with the court system strongly agreed or agreed about whether protective order violations by their abuser were handled quickly and properly. In contrast, 39% strongly disagreed or disagreed with that statement.

43% strongly agreed or agreed that their abuser's court-order treatment program contacted them to offer support services.



Recommendations: Offender Accountability Barriers

Courts could consider developing tools or procedures to measure the effectiveness of their approach to offender accountability.

These evaluation measures should include provisions for regular review and monitoring, avenues to collect suggestions on how well the approach is working, and measures to determine whether it is an appropriate approach through an equity and inclusion lens.

The court system should partner with local Batterer Intervention Program providers and service providers to understand each other's roles and implement a process for referrals and court-ordered participation.

These collaborations should focus on ensuring that offenders understand the expectations required to comply with and complete court orders.

Community Collaboration Barriers, Data Barriers and COVID-19 Impact

The following three areas, community collaboration barriers, data barriers and the impact of the COVID-19 pandemic, were not specifically addressed as topics in any of the surveys. However, participants in the community forums highlighted sufficient concerns to give these topics an honorable mention in this report. Please note that there is no survey data analysis that corroborates the issues identified in these sections.

Community Collaboration Barriers

A coordinated community response is an effective way to combat domestic violence, dating violence, sexual violence and stalking. When community stakeholders collaborate, it expands the service array access, boosts the safety net, increases offender accountability, promotes information sharing, and sends a cohesive message that violence will not be tolerated.

The support of judges, circuit court clerks and court personnel is critical in the endeavor to demonstrate commitment at the highest levels of the court system.

Participants in the community forums and focus groups reported that coordinated community meetings are rarely attended by court personnel and judges. They also indicated that the community could benefit from improved communication between the local courts and community stakeholders.

Open lines of communication are essential to building trust, maintaining transparency and accountability, and creating efficiency within a community. This work is collaborative and court professionals should communicate with local stakeholders and participate in information-sharing events and initiatives.

Data Barriers

At the onset of this project, the Division of Research & Statistics at the Administrative Office of the Courts led efforts to determine the quality of data collected by the AOC. Staff looked at datapoints used in domestic and interpersonal violence cases as reported in CourtNet, the AOC's online civil and criminal case database.

This data quality analysis identified many areas in need of improvement and offered several recommendations.

The greatest quality concern is the ambiguity of data indicating whether a protection order has been granted. Stakeholders are interested in reports of granted protection orders and request them frequently. The AOC-275.3 Order for Protection form used in domestic violence and interpersonal violence cases does not clearly distinguish between the granting or denying of a protective order. As a result, the datapoints indicating a judicial order was entered do not distinguish whether the protection order was granted or denied.

Improvements to data quality will result in more accurate data reporting, which may be used to guide efforts to improve the delivery of court services. With stakeholders driving their strategic priorities for data, Research & Statistics can use data analysis to identify potential gaps in the data most essential to these groups.

COVID-19 Impact

From the very beginning of the COVID-19 pandemic, the court system was confronted with the responsibility of continuing operations while also prioritizing the health and safety of the public and court personnel.

Courts limited in-person operations to stop the spread of COVID-19 and pivoted to virtual services. Supreme Court Administrative Orders provided health and safety guidance that evolved during this tumultuous time. Now, as the positivity rate continues to decline, chief circuit judges have the discretion to order local courts to remain virtual, return to all in-person operations, or offer a hybrid model of virtual and in-person court proceedings and operations.

Due to the ongoing stress of the pandemic, the risk of increased domestic violence remains high. Courts continue to work with service providers to find inclusive ways to serve survivors while remaining aware of COVID-19 safety concerns.

Findings: Regional Community Forums

This summary is compiled from the VAWA Needs Assessment Regional Community Forums held in September 2021. The findings are based on recommendations from the public and have been categorized by topics that affect victims and families who navigate the court system for issues related to domestic violence, dating violence, sexual violence and stalking.

Please note that these comments have been summarized from those provided by the diverse participants of the community forums. Also, these comments do not necessarily reflect the opinion of elected officials and personnel of the Kentucky Court of Justice.

Training Needs

- Lack of awareness by law enforcement of the protocols for after business hours in their county.
- Increased training on dynamics of stalking and the eligibility criteria for protective orders.
- Court professionals appear ill-equipped to work with individuals who experience inequities and other disparities as their language and interactions are not trauma-sensitive or culturally informed.
- Professionals displayed bias against individuals with substance use disorders or with prior legal troubles.
- Uninformed on the severity of electronic harassment, such as social media and revenge porn.
- Need to know the difference between domestic violence and anger management.
- Misconception that substance use causes domestic violence.
- Court professionals used inappropriate language/communication with victims.

"My county had a stalker recently released. They forgot to give him an ankle monitor for several days. Not taken seriously by our system."

– Service Professional

"I was just told by a prosecutor in my county that it depends on which office you speak with as far as if they allow you to file protective orders after hours or make you wait. This is crazy, shouldn't everyone have the same training? This seems like an accident waiting to happen."

– Service Professional

Protective Order Process

- Difficulty filing EPOs and DVOs after business hours and on weekends.
- Inconsistency in communication and lack of accessibility makes it difficult to submit protective order petitions after business hours.
- When protective orders are issued, law enforcement is not serving respondents by the court date.
- Requiring a known address for the respondent in order to get assistance puts an undue burden on the victim.
- Circuit court clerks should not act as gatekeepers regarding whether a victim is eligible for a protective order petition, a role reserved only for judges.
- The protective order petition forms are available in only three languages, English, Spanish and Arabic.
- A prior petition or dismissal should not prevent a petitioner from filing for another EPO or TIPO.

Safety & Courtroom Practices

- Where in-person hearings are occurring, there are usually two to three bailiffs present to ensure safety of parties.
- Advocates are allowed to be present via Zoom in some jurisdictions.
- In some jurisdictions, bailiffs are walking petitioners back to their vehicles to ensure their safety.
- Open court proceedings are very humiliating for victims as they have to discuss intimate details of their abuse.

Safety & Courtroom Practices *continued*

- Some survivors must wait in the same waiting rooms and areas as perpetrators or their families.
- Need increased access to internet services for virtual court hearings, specifically in rural counties.
- Staff should be more sympathetic and supportive to petitioners, as well as provide more resources and assistance for filing.
- Victims are not being notified of judge reassignments prior to the day of the court hearing.
- Lengthy delays in cases due to heavy caseloads may lead victims to dismiss their case.
- Different dates and times for cases between criminal and civil dockets cause confusion for victims.

Coordinated Community Response

- Communication is not open enough to know what trainings to suggest for judges and court professionals.
- Community stakeholder meetings are rarely attended by court professionals.
- Improving communication between local courts and community and professional stakeholders needs to be prioritized.

Special Considerations: Children

- Need clearer and more specific language about visitation and child support issues in the orders.
- Need more consistency and clearer boundaries set in in cases where children are involved.
- Significant evidence of abuse to the mother involved, yet the children are allowed unsupervised visits with the father.

Special Considerations: Language Access

- Lack of availability of interpreters is a major obstacle.
- Courts need more language access and cultural awareness in their programs and services.
- Courts do not have the tools, resources or capacity to serve diverse populations. More specifically, they lack the cultural competence or sensitivity to work with Latinx and other diverse communities.
- Court professionals and judges are not representative of the communities they serve.

Batterer Intervention Programs & Offender Accountability

- Court professionals are unaware of BIP availability and are therefore not providing referrals.
- Transportation and other related barriers may prevent compliance with these programs.
- Expectation for fair treatment for women and men.
- The petitioner is not being held accountable for violating a court order.
- The expense of BIP classes make it almost impossible for the offender to comply.
- BIP services should be available in multiple languages, most especially in Spanish.
- Notifications about the release of perpetrators are not timely and could have devastating consequences for victims.

"I was notified 17 days after his release and actually came face to face with him 12 days before I was notified. That neglect could have meant disaster for me. This is how women get killed."

– Survivor

"The good ole boy club, people knowing people, is a huge problem. I experienced the good side of this and the very bad side of this."

– Survivor

Needs Assessment: Final Thoughts

Thank you for taking time to read the 2020 Violence Against Women Act Statewide Needs Assessment: Findings & Recommendations Report for the Kentucky Court of Justice.

While this project did not identify how local courts and communities have effectively addressed domestic and interpersonal violence since the last VAWA needs assessment in 2012, several jurisdictions are already carrying out initiatives that can be shared and used as templates statewide.

Nevertheless, the 2020 needs assessment report confirms that there are opportunities for improvement across the board. Whether it be to enhance training efforts, address language access gaps, implement robust safety measures or improve offender accountability, these recommendations can be adapted and

tailored to fit the needs, priorities and resources of local jurisdictions.

And while these recommendations are by no means an exhaustive list, they do provide a strong starting point for courts and communities to be more proactive and intentional about providing a trauma-informed and culturally inclusive response to victims and survivors of domestic violence, dating violence, sexual violence and stalking.

The Administrative Office of the Courts looks forward to offering resources to help courts and communities throughout this process.

The AOC appreciates everything you already do to support victims and their families. Together we can continue to make a positive difference.

In Appreciation

This report was compiled by Vanessa Chauhan, Domestic Violence Program Coordinator, Department of Family & Juvenile Services, Administrative Office of the Courts, with appreciation to:

Domestic & Interpersonal Violence Needs Assessment Advisory Team

Squire N. Williams III, Franklin County Family Court
Cindy Rhodes, Breckinridge Circuit Court Clerk
Kathy Witt, Sheriff, Office of the Fayette County Sheriff
Claud Porter, County Attorney, Daviess County
Meg Savage, Chief Legal Officer,
Kentucky Coalition Against Domestic Violence
Laela Kashan, Staff Attorney,
Kentucky Association of Sexual Assault Programs
Diane Fleet, Assistant Director, GreenHouse17
Melissa Gemmer, Survivor Leader, GreenHouse17
Valeria Smith, Community Court Advocate,
Cumberland Valley Domestic Violence Services
David Waters, LCSW, LCADC,
Crossroads Counseling Services (BIP Provider)
Karina Barillas, Executive Director, La Casita Center
Jo Ann Harvey (ret.), Attorney,
Appalachian Research and Defense Fund of Kentucky
Kristie Stephens, Chief Secretary,
Appalachian Research and Defense Fund of Kentucky
Amanda Anderson Young, Executive Director
Kentucky Legal Aid

Survivors Council, Kentucky Office of the Attorney General

Hilary Bickel Sykes, Michelle Kuiper and
Survivor's Corner President Kathleen Niestadt

Supreme Court

Chief Justice of Kentucky John D. Minton Jr.
Katie Shepherd, Chief of Staff

Administrative Office of the Courts

Laurie K. Dudgeon, Director, AOC
Rachel Bingham, Director, Statewide Programs
Shawna Mitchell, Compliance Administrator,
Statewide Programs
Eboni Thompson, Manager, Family Services
Ashley Clark, Statewide Operations Supervisor,
Family & Juvenile Services
Nathan Goins, Family Court Liaison,
Family & Juvenile Services
Robert Ian Shepard, Program and Data Analyst,
Statewide Programs
Daniel Sturtevant, Data Officer, Research & Statistics
Lyn Lee Guarnieri, J.D., Team Lead, Research & Statistics
Leigh Anne Hiatt, Public Information Officer
Jim Hoffmann, Communications Specialist
Sarah Bryant, Legal Counsel, Legal Services

The Administrative Office of the Courts also wants to express its immense gratitude to the survivors and individuals with lived experience who courageously and candidly shared their stories in an effort to improve the Kentucky Court of Justice's response to cases involving domestic and interpersonal violence.



KENTUCKY JUSTICE & PUBLIC SAFETY CABINET



Department of Family & Juvenile Services
Administrative Office of the Courts
1001 Vandalay Drive • Frankfort, Kentucky 40601
502-573-2350 or 800-928-2350
www.kycourts.gov



Printed with grant funds subawarded by the Office on Violence Against Women, U.S. Department of Justice

P-191, Printed March 2022