

2019 Convening of Domestic Violence Services Providers



On June 3 and June 28, 2019, FVAP (Family Violence Appellate Project) and the Los Angeles Center for Law & Justice (LACLJ) facilitated two working sessions with California domestic violence service providers to determine the impact of changes made to domestic violence laws in the past five years and to identify future priority areas.

Improvements in Court Outcomes

Efforts to strengthen legal protections for domestic violence (DV) survivors have had a positive impact. Due to new case precedent and changes to laws, courts have better guidance in applying DV laws leading to more certain outcomes. Judges are providing more detailed reasons for orders, but this can also hinder a successful appeal.

Significant improvements have been made to DV court forms. The forms were easier to understand and properly complete. Additional improvements should continue.

New housing protections for survivors under VAWA and state laws are helping but more awareness of these protections is required to maximize their positive impact. Housing unavailability still contributes to the denial of move out orders requested by survivors

Challenges with Court Proceedings

Litigants continue to face language access challenges in court including a lack of qualified interpreters in court and at self-help centers, and judicial impatience with delays caused by translated testimony. Advocates in some counties reported ongoing concerns regarding a lack of court reporters, and difficulties obtaining court records.

Many participants highlighted the need for judicial education in DV issues. Survivors are revictimized through the court process. Judges dismiss allegations of non-physical abuse and ignore abusive relationship dynamics. Survivors are accused of trying to leverage abuse for advantage in custody matters. Many reported inconsistent outcomes in cases before different judges and an overreliance on adverse credibility findings in denying restraining orders.

Courts are still reluctant to properly apply California's presumption against granting custody to abusers. The presumption is rebutted prematurely and factors are simply listed on the record instead of courts engaging in an analysis of each factor before making a decision. Many counties reported trial court's delegation of authority to recommending counsellors in custody and visitation cases.

Courts are reluctant order support and attorney's fees early in the proceeding when they would most benefit survivors. This has led to many survivors losing representation and facing extreme financial hardship for the duration of court proceedings.

Issues with Restraining Orders

Some counties are still requiring survivors to give notice of restraining order requests to abusers before granting a temporary restraining order (TRO).

Many survivors appear in court many times before they obtain a restraining order. Courts are regularly granting continuances and some counties have seen delays in reissuing protective orders, leaving survivors with a gap in protection. Restraining orders are often short in duration, forcing survivors to return to court to face their abuser over and over.

Police are reluctant to enforce restraining orders and courts are not taking violations seriously. *N.T. vs. H.T.* addresses this but it is too recent to know what impact it will have for survivors.

Sexual assault victims face systematic difficulties in obtaining restraining orders due to gaps in restraining order legislation.

Appellate Priorities

- Timing of Attorney's Fees Orders
- Trauma Response in Court vs. Perceived Lack of Credibility
- Restraining Order Duration



Legislative Priorities

- State housing vouchers for survivors
- Increased funding for attorneys/advocates
- Additional training for judges and police
- Sexual Assault restraining orders

Many agencies reported
Law enforcement reluctance to serve and enforce RESTRAINING ORDERS