



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County



## COUNCIL TO END DOMESTIC VIOLENCE

### Court Process Workgroup & Firearm Surrender Workgroup Protective Order Systems Walkthrough Recommendations April 12, 2021

#### FINDINGS / RECOMMENDATIONS

The Court Process Workgroup is an ad hoc workgroup formed during the July 2019 Council to End Domestic Violence meeting. The Workgroup is charged with enhancing coordination of criminal and civil justice responses to domestic violence and has decided to focus on the following objectives:

- 1) To identify gaps in court processes and responses to domestic violence within the court system; and
- 2) to study ways to enhance communication and coordination between justice system participants in the protective order process.

The Firearm Surrender Workgroup was formed in 2016 to identify non-legislative strategies to improve implementation of the 2016 Family Abuse Final Protective Order Firearm Prohibition Statute, including subsequent amendments to the law. This Workgroup focuses on process improvements, exploring administrative “fixes” to firearm surrender protocols, strengthening data collection and providing updates to the Board of Supervisors.

#### **Process:**

The Court Process Workgroup has worked jointly with the Firearm Surrender Workgroup to conduct a systems walkthrough or mapping exercise of the process of filing for a protective order in Juvenile and Domestic Relations Court (JDR) and the General District Court (GDC). A technical assistance provider (Darren Mitchell) from the National Council of Family and Juvenile Court Judges (NCFJCJ) led the group through the systems walkthrough and continues to deliver support through this process. The members of the groups represent a variety of agencies and organizations from the county and community to ensure there is wide representation.

Members worked in small groups (which included survivors) to create the steps a survivor must take to petition for a protective order and created ‘maps’ showing the entire journey of a victim.

The groups mutually agreed on one map for JDR and one map for GDC that is an accurate representation of each system. Through this process, the group identified gaps in the system and opportunities to improve and then voted on which gaps to prioritize and which issues to focus on. These gaps and areas of opportunity will be explained in more detail at the April 15<sup>th</sup> Council meeting. The following issues were prioritized in the following order for both GDC and JDR:

GDC	JDR
Language access	Parallel criminal process/criminal POs/Commonwealth Attorney involvement
Lethality Assessment Protocol administration (LAP) (LAP is not administered for dating violence cases where partners do not cohabit or have a child in common)	Firearm surrender process
Filing of Preliminary Protective Order (PPO)	Communication amongst stakeholders
Firearm surrender process	Relief granted by the court: Children, batterer's intervention; mental health and substance use services; etc.
Providing clear information to public about filing and appeal process	Police response (investigation; arrest decision; LAP administration)
Parallel criminal process/criminal Protective Orders (POs)/Commonwealth Attorney involvement	Other entry points (DV Action Center/other advocate; faith-based; friends/family; hotline)
Victim services/DV detective follow-up	Providing clear information to petitioners about filing, available options for relief, and appeal process

**Recommendation:**

The Court Process and Firearm Surrender Workgroups make the recommendation to take the work forward to address the above identified issues through the creation of new subgroups to address specific issues, as well as utilizing existing structures within the coordinated community response as follows:

**1) Formation of a subgroup (through existing Court Process Workgroup) on victim’s access to the protection order process in both the GDC and JDRDC**

Focus includes:

- Providing clear information to petitioners about filing, available options for relief, and appeal process
- Filing of the PPO
- Language access

- Interjurisdictional service of process
- 2) **Formation of a subgroup (through existing Court Process Workgroup) on the relationship between the criminal and civil protective order processes**  
Focus includes:
    - Parallel criminal process
    - Criminal POs
    - Commonwealth Attorney involvement
    - Police response (initially, may break out to separate group)
  - 3) **The Step Up 4 Kids Coalition and ad hoc members from the Court Walkthrough Workgroup** will address various issues regarding children that were highlighted, including information and support for victim parents and judicial training on resources, including training for substitute judges. The subgroup will also address concerns about inconsistency with the inclusion of children on protective orders and ensuring that petitioners are aware of the relief that can be ordered to ensure safe contact between a respondent and the children. Other forms of relief that are also available, such as offender services, substance use, and mental health services may also be addressed by this workgroup.
  - 4) **The DV Network** will examine forming a workgroup to address how to enhance communication among stakeholders and other entry points to the PO process. It will become a standing agenda point for meetings.
  - 5) **The Firearm Surrender Workgroup** will address the firearm surrender issues highlighted in the mapping exercise.
  - 6) **The Countywide LAP Team** will address expansion of LAP administration. Currently the LAP is only administered in cases of domestic violence involving spouses or ex-spouses, when a child is in common or the couple cohabitates. The LAP is not currently administered in cases of dating violence. The LAP team will work towards implementation in all cases of intimate partner violence.