

CONFERENCE OF STATE COURT ADMINISTRATORS

Policy Statement

Domestic Violence

The judicial branch has a crucial role in responding to and preventing domestic violence through the issuance of protective orders, the disposition of criminal matters arising from acts of violence among family members, and the handling of child welfare and domestic relations matters. Domestic violence is a problem of such complexity that no one social institution acting in isolation can provide an adequate response. Intervention in domestic violence or potential domestic violence situations should emphasize the safety of family members as a priority. Efforts to protect victims and children of victims exposed to the violence and to hold abusers accountable will thus be most effective if they are coordinated among agencies and the respective branches of government in the justice system.

In its decision-making role, the judiciary must maintain its independence and neutrality, which are essential to fair dispute resolution. At the same time, courts must proactively work interdependently with agencies of other branches of government, their communities, and private service providers to ensure that the justice system responds effectively to domestic violence. The reduction of domestic violence will require adequate financial and technical assistance resources, allocated appropriately to all programs involved in addressing the problem.

Programs addressing this pervasive and persistent social problem require the concerted and collaborative efforts of all three branches of government at all levels of government. Of special concern is the need for closer coordination of all programs and policies affecting families and domestic violence. The state judicial branch should take a leadership role, in conjunction with other branches of government, in promoting and participating in research and evaluation efforts to identify effective sentencing alternatives for criminal cases involving domestic violence. The judicial branch, through state judicial education programs, should ensure that all judges regardless of their assigned docket and staff are well educated and informed regarding the dynamics of domestic violence; the impact of domestic violence on victims, families, and communities; perpetrators' use of social media to harass victims and intimidate witnesses; cyber-stalking; other crimes carried out through the internet; and human trafficking.

Issues affecting the family are complex in nature and often inter-connected. The consideration and development of policies and programs relating to juvenile justice and delinquency, child welfare, child sex trafficking, substance abuse, child support, child custody and parenting time, and domestic violence must be approached in an integrated fashion to ensure consistency across program areas. Coordination and communication among courts is also essential. Courts should review the record to identify related cases and/or inquire about related cases. The Conference of State Court Administrators is committed to working with other branches of government at the federal, state, and local levels in our respective roles to eliminate domestic violence.

Originally recommended by: Coordination Subcommittee of the Policy and Liaison Committee

Original adoption date: December 8, 2000

Renewal date: July 25, 2012

Renewal date: August 2, 2017

Renewals recommended by: Courts, Children, and Families Committee

Expiration date: August 31, 2022