

# Supporting Domestic Violence Survivors' Safety During the Court Process

## A Checklist of Recommended Practices

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Coming to the courthouse and participating in hearings can be confusing and intimidating for anyone, but is especially so for domestic violence survivors. They may have significant concerns for their and their children's emotional and physical safety; may be contending with the effects of recent trauma; and may have difficulty accessing the supportive resources that they need. As a result, it's essential for court teams to proactively design and implement strategies to support survivors' safety and well-being so they can meaningfully participate in the legal process, whether in-person or via videoconferencing.

One helpful strategy to identify safety and security concerns is to assume the perspective of a survivor and conduct a walk-through—asking what feelings and experiences a survivor might have when coming to your courthouse, navigating the building, sitting in the courtroom and accessing services. If you had never been to the courthouse before, would you know how to get in, where to go once you were inside, what to do at each step of the legal process, and what services and supports were available to you? If you knew that your abusive partner might be nearby, how safe would you feel during each stage of your journey and in each part of the courthouse? What, if anything, could the court do to make each location and stage of the process feel safer and less stressful?

In addition to the ideas your team generates while debriefing your walk-through, the following checklist provides some strategies for criminal and civil courts to consider:

### Traveling to and from the Courthouse

- Provide clear instructions for traveling to the courthouse via public transit, as well as for parking nearby. If possible, schedule hearings to minimize conflict with litigants' transportation needs.
- Assess for any safety and security concerns while walking to and from public transit and the parking lot to the front door of the courthouse.
- Provide survivors with an escort to and from their vehicle or public transit as needed.
- Post clear signage, in all languages commonly spoken in your community, on the exterior of the courthouse so survivors know how to get inside as quickly as possible.
- Ensure that all parking areas and walking paths are well lit, free from visual obstruction, and visible on a security camera.
- Confirm that the courthouse generally and all locations within the building are fully accessible to persons with disabilities.

### Inside the Courthouse

- Conduct screening for weapons upon entering the courthouse.
- Post clear signage, in all languages commonly spoken in your community, throughout the courthouse so survivors know how to get to the courtroom, restroom, victim services office, waiting room, children's center, and any other locations they may need to access.
- Collaborate with a local social service agency to provide safe childcare in the courthouse.
- Assign specially trained court security personnel to all spaces that are utilized for domestic violence-related hearings, including courtrooms, waiting rooms and busy hallways.
- Designate separate waiting areas for petitioners/witnesses and respondents/defendants. Minimize or eliminate the opportunity for any visual or auditory contact between the two groups of litigants.
- Provide survivors with an escort as they travel throughout the building as needed.
- Designate a private, secure interview room where survivors can meet with their attorney or victim advocate.
- Position petitioner and respondent tables as far apart from each other as possible, and in a way that impedes eye contact if possible.
- Communicate to defendants/respondents at the beginning of each court session that all contact with petitioners/witnesses is strictly prohibited in the courthouse. Advise the court audience of the potential consequences of attempted contact, as well as intentional witness intimidation.
- Require that each defendant/respondent remain in the courtroom for at least 10 minutes following their hearing so that the survivor can safely exit the building and the vicinity. Some courts require defendants/respondents to watch a video on the protective order process as a way to both provide essential information and delay their departure.

### Inside the Courtroom

- Collaborate with your local victim services provider to have a victim advocate present in the courtroom when domestic violence cases are being heard, to provide information and support to survivors as needed.
- Encourage survivors to bring one or more support people with them to court. This could be an advocate, friend or family member.
- Require that defendants/respondents sit in the front rows of the gallery, and keep the one or two rows behind them vacant. This impedes defendants/respondents from making eye contact or intimidating gestures, especially when their partners are sitting directly behind them.
- Have court security personnel positioned in close proximity to defendants/respondents so they can interfere immediately to deter or intervene in any attempted contact with a survivor.
- Confirm that the virtual hearing process is fully accessible to persons with disabilities.
- Require that every observer check in with the court clerk by providing their name and showing identification. Authorize the clerk to deny entry to observers and/or limit the number of observers in order to minimize the possibility of victim intimidation.
- Utilize virtual waiting rooms to keep litigants separated until the hearing begins.
- Communicate to defendants/respondents at the beginning of each hearing that direct communication with petitioners/witnesses is strictly prohibited. Advise litigants of the potential consequences of attempted contact, as well as intentional witness intimidation.
- Facilitate remote participation of victim advocates and other support people in virtual hearings.
- Advise litigants that allowing weapons or any other items associated with violence/abuse to be visible during a hearing is prohibited.
- Require that court security personnel continuously monitor the virtual hearing, including the chat box, to identify and immediately respond to any safety concerns.

### Safety During Virtual Hearings

### **For More Information**

To access training, technical assistance and other resources on this topic, contact the Center for Court Innovation at [dvinfo@courtinnovation.org](mailto:dvinfo@courtinnovation.org).

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