



Featured in this issue: Orders of Protection

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From the Executive Director

As we say goodbye to 2017 and welcome a new year, we also will mark Stalking Awareness Month and Human Trafficking Prevention Month in January and Teen Dating Violence Awareness Month in February. We would love to hear about any events, campaigns or initiatives you are planning to raise awareness of these issues in your community.

This bulletin focuses on orders of protection. Recent legislative changes have resulted in several new initiatives and programs statewide. I am grateful to Audrey Stone, Chief Counsel at the state's Office of Court Administration, for providing an overview of the Remote Access to Temporary Orders of Protection (TOP) Program, which began as a pilot program and is now expanding across the state.

On behalf of everyone at the Office for the Prevention of Domestic Violence, I wish you a peaceful and happy 2018. We look forward to your continued partnership in the coming year.

Signature of the Executive Director

Orders of Protection: A Primer

An order of protection (OP) is issued by a court and designed to prevent an individual (respondent/defendant) from threatening, harassing, communicating, and/or having physical contact with another individual (victim/petitioner). Criminal and Family Court judges have the authority to issue OPs. Orders can only be modified or vacated by the judges who issued them or a judge from a court of competent jurisdiction.

Types of OPs include:

- Emergency OPs
• Temporary OPS
• Family Offense OPs
• Temporary or Final OPs issued as part of Temporary or Final Divorce Orders

There are several types of orders of protection: emergency, temporary, family offense, and temporary or final OPs issued as part of a temporary or final divorce order. Under Executive Law § 221, OPs that involve intimate partners or family members are required to be filed with the state's Order of Protection Registry.

Consistent, coordinated and collaborative enforcement of OPs is crucial. Police, prosecutors, probation, parole and qualified others can access the New York State Order of Protection Registry via the eJusticeNY Integrated Justice Portal* to determine whether an OP is in effect. Together, they can work with victim advocates to enhance the safety of victims of domestic violence, reduce recidivism and hold offenders accountable for their behavior.

* The eJusticeNY Integrated Justice Portal (www.ejustice.ny.gov) is a secure, online portal that allows authorized agencies to access criminal history and other information.

1-800-942-6906
NYS Domestic & Sexual Violence Hotline

Confidential • 24 HRS/7 DAYS
English & español, multi-language Accessibility
711: Deaf or Hard of Hearing
In NYC: 311 or 1-800-621-HOPE (4673)
TDD: 1-800-810-7444

January is Stalking Awareness Month

National Human Trafficking Awareness Day is January 11

February is Teen Dating Violence Awareness Month

Shine the Light on Domestic Violence 2017

Thanks to everyone who supported the state's 10th annual Shine the Light on Domestic Violence campaign. For the first time, each of the state's 62 counties had at least one event, initiative, program or effort specifically dedicated to domestic violence awareness and prevention.

Visit the Shine the Light 2017 Photo Album on the OPDV Facebook page to check out those events and activities and don't forget to share photos by emailing opdvpublicinfo@opdv.ny.gov

Did You Know...

In 2016, New York State courts issued 310,395 orders of protection involving intimate partners or family members.

Source: 2016 Domestic Violence Dashboard

Remote Access to Temporary Orders of Protection Program

Audrey E. Stone, Esq., Chief Counsel, Office of the Statewide Coordinating Judge for Family Violence Cases, New York State Office of Court Administration

For petitioners requesting a temporary Family Court order of protection, the process of applying and serving an order can be both time consuming and stressful. Now, with [New York State's Remote Access to Temporary Orders of Protection \(TOP\) program](#), significant obstacles have been alleviated or removed. The Remote Access to TOP program enables petitioners with an advocate to electronically file a petition and appear in court via videoconference, eliminating the need for traveling to court, waiting to be heard, and arranging service.*

The Remote Access to Temporary Orders of Protection program is available where traveling to or appearing in court poses an undue hardship or creates a risk of harm to the petitioner.

The Program and Process

The program adapts the [New York State Advocate Assisted Family Offense Petition Program](#) by allowing for e-filing and the scheduling of a videoconference for ex-parte hearings. Authorized by The Family Court Act § 153-c, the program is available where traveling to or appearing in court poses an undue hardship or creates a risk of harm to the petitioner. The [Office of the Statewide Coordinating Judge for Family Violence Cases](#) (OFVC), under the leadership of Justice Deborah A. Kaplan, coordinates the program. OFVC assists courts and advocates with technical set up and implementation, including on-site training for advocate partners and court staff.

The paperless, electronic process lifts barriers for litigants facing challenges getting to court, such as difficulty with child care, limited transportation to a courthouse or poor health. It even allows for victims to apply for a temporary order from a domestic violence shelter or other safe location outside of the county that is hearing the petition. The program has been used to reach older homebound individuals and petitioners living in rural communities who lack transportation.

Pilot Jurisdictions

Family Courts and OFVC are working closely with advocacy agencies to implement use of the technology to further improve access to courts across the state. For example, OFVC and the court's Fifth Judicial District secured federal funding from the Department of Justice's [Office on Violence Against Women](#) (OVW), to serve victims in rural areas of Onondaga and Jefferson counties. Jefferson County encompasses more than 1,268 square miles and shares an international border with Canada. Onondaga County includes the city of Syracuse and surrounding rural communities. In these counties, petitioners are isolated and have limited options for transportation, which presents a barrier for accessing resources and help from advocates and the Family Court. The funding provided by OVW has allowed [Vera House](#) in Onondaga and the [Victim Assistance Center](#) in Jefferson to establish mobile response teams of advocates that travel to victims in these rural regions of the state. Using laptops and Wi-Fi hot spots, advocates meet petitioners near their home or work and help them file and appear in court remotely. The advocates can even print a temporary order of protection from their car.

At [Strong Memorial Hospital](#) in Rochester, the [Healing through Education, Advocacy and Law \(HEAL\)](#) program offers on-site access to the Remote TOP program. HEAL is a partnership among the [Willow Domestic Violence Center](#), the [University of Rochester Medical Center](#), the [Rochester Police Department](#), [Lifespan](#), [RESOLVE](#), the [Legal Aid Society of Rochester](#) and the [Monroe County Family Court](#). The program serves both hospital patients and anyone from the community; this hospital-based clinic is the first of its kind in the nation.

The Role of Family Justice Centers

In urban settings, Family Justice Centers are the hubs for remote appearances. The [Manhattan](#), [Bronx](#) and [Buffalo](#) Family Justice Centers are fully equipped for electronic filing and video appearances. In the coming months, the Brooklyn, Queens and Staten Island Family Justice Centers will join the fold. From the Family Justice Center setting, petitioners can access a full array of services and children can be cared for by trained professionals. The comfort of these centers provides petitioners with emotional support through the stressful process of obtaining an order of protection.

Expansion of the Pilot Program

Current counties participating in the Remote Access to TOP program are Broome, Chautauqua, Erie, Monroe, Onondaga, Jefferson, Columbia, Sullivan, Westchester, Saratoga, Manhattan, the Bronx, Nassau and Suffolk. Counties next in line for launch are: Queens, Richmond, Seneca, Ontario, Yates, Wayne, Livingston, Niagara, Tompkins and Albany.

*The Remote Access to TOP program is the first statewide process of its kind in the nation and promises to transform justice for litigants. Advocacy agencies interested in joining the program can contact OFVC at OFVC@nycourts.gov.

Q&A: Remote Access to Temporary Order of Protection: Pilot Program

This Q&A was conducted with Susan M. Leach, Deputy Chief Clerk, Monroe Family Court and Mike Williams, Chief Clerk, Suffolk County Family Court.

Q As part of the Remote Access to Temporary Orders of Protection (TOP) Pilot Program, the Hon. Deborah Kaplan, Statewide Coordinating Judge for Domestic Violence Cases, selected specific locations throughout the state to ensure diverse representation of the project's impact on communities, and to demonstrate the different applications of program based on community dynamics. Why was your jurisdiction chosen?

A Leach: Monroe County Family Court requested to be a pilot jurisdiction, based largely on our specialized Domestic Violence Intensive Intervention Court, which has been operating since 1998.

Williams: Suffolk County is one of the most populous suburban counties, fourth largest county in geographical size and has limited public transportation. It also has a high elderly and immigrant population.

Q Who were your partner agencies?

A Leach: Our partners included [Willow Domestic Violence Center](#), [Legal Aid Society](#), and the Department of Psychiatry at the [University of Rochester Medical Center](#).

Williams: Locally we worked with the District Administrative Judge's Office and several domestic violence agencies, including [Long Island Against Domestic Violence](#), [The Retreat](#), [Victims Information Bureau of Suffolk](#), [Brighter Tomorrows](#), the [Suffolk County Police Department](#) and [Suffolk County Crime Victims Center](#).

Q How did you begin the pilot?

A Leach: We began with planning meetings, at which all partners shared agency priorities, identified key personnel and tasks and established protocols.

Williams: We met with directors of the domestic violence agencies and court staff who would be filing petitions, scheduling Skype sessions, corresponding with advocates and litigants and coordinating with the courtrooms. The Chief Clerk's office also hosted training for the domestic violence agencies' staff.

Q What was the initial roll out like?

A Leach: The initial roll out went well, thanks to a dress rehearsal with the judge and a Willow Center advocate serving as a petitioner from the [Healing through Education, Advocacy and Law \(HEAL\)](#) office in Monroe County. We were especially happy about the court's ability to have court documents transmitted both securely and timely to petitioners.

Williams: The initial roll out was seamless, thanks to:

- **Support and leadership from the Office of Court Administration:** Chief Judge Janet DiFiore publicly championed how the program "offers domestic violence victims in urban, suburban and rural communities across New York an easier path to safety." Judge Deborah Kaplan assisted each county with local roll out, including assisting with court employee and advocate training. District Administrative Judge C. Randal Hinrichs and Family Court Supervising Judge Theresa Whelan prioritized the program, with Judge Whelan conducting Suffolk County's first domestic violence video conference.
- **The Program:** Our department of technology, Judge Kaplan's staff, Jan Fink in Counsel's Office, the Office of Justice Initiatives and local Family Court clerks thoroughly tested and addressed all the legal and technological aspects prior to implementation.
- **Domestic violence advocates:** Assisting with order of protection petitions is one of many services advocates provide. This program saves valuable time, reduces associated travel costs to and from court for both clients and advocates and enhances victim safety by allowing them to obtain an order without delay.

Q How has the program been going since the pilot ended?

A Leach: The pilot was launched on Feb. 14, 2017, and to date there have been more than 20 filings. Staff and judges have adapted to the program and the court appearance is no

different than if the petitioner were physically present in the courtroom. **Williams:** The program has become an institutionalized part of our operational protocols in Suffolk County Family Court. Court staff handle these cases quickly and routinely, and outreach continues.

Q What do you see as the overall value of this program?

A Leach: Monroe's first remote TOP proceeding involved a petitioner who was in the hospital for several days as a result of the respondent's abuse. This program allowed the petitioner to access an order of protection without delay, while receiving necessary medical care.

Williams: It is impossible to quantify the value of providing these services to a 94-year-old homebound mother who was being abused by her adult son, a person who is unable to drive because of the cast on her foot, or a young single mother without child care who is seeking protection for that very child. We could certainly calculate the cost and time efficiencies to the court and agency staff, but the real value lies in the immeasurable benefits to those who are served by the program.

Q Were there any unintended benefits or challenges to the program?

A Leach: The Court's collaboration with HEAL has exceeded all expectations. HEAL coordinators report that the program has received hundreds of referrals for victims who want to feel safe and get assistance. Although not everyone chooses to seek court intervention, all individuals are offered services and community linkages that may be able to assist them.

Williams: We had some initial, minor technological issues due to advocates going to multiple locations and/or using computers and IOS/mobile devices without proper software so we learned to test the equipment prior to scheduling a court video appearance. We are now seeing many benefits to the program and process, including improved communication between a local clerk's office and their county's

Compensation for Victims of Crime in New York State

The New York State Office of Victim Services (OVS) administers the state's Crime Victim Compensation program, which was one of the first programs of its kind in the country when it was established in 1966. Since its creation, the agency has provided a safety net for individuals who have no other way to pay expenses resulting from being the victim of a crime.

Initially, the agency focused on providing compensation for crime victims who had been physically injured or family of those who had been murdered. In the intervening 50-plus years, eligibility was expanded to assist certain victims,

including domestic violence victims, who were not physically injured. This recognized the fact that psychological and emotional trauma resulting from crime can also be costly for victims and their families.

For example, OVS may be able to assist victims of certain crimes, such as stalking, by reimbursing them for counseling expenses. The agency also can assist with moving expenses and domestic violence shelter services for victims and their children.

Last year, New York expanded eligibility for crime victims' compensation again.

Victims of hate crimes and certain robbery, menacing, criminal mischief, harassment, aggravated harassment and criminal contempt charges who are not physically injured may now be eligible for assistance. In addition, vulnerable elderly or disabled individuals incapable of caring for themselves who have lost up to \$30,000 in savings can now seek compensation from the agency.

These changes took effect on Oct. 17, 2017 and apply to crimes that occurred on or after that date. Visit www.ovs.ny.gov for more information about services and assistance the agency provides.

Orders of Protection in Town and Village Courts

Did you know that a local town or village criminal court judge may act as a Family Court judge and issue a Family Court order of protection? Most people are not aware that this option exists.

OPDV Counsel Ellen Schell has trained all town and village justices about this authority, which stems from Criminal Procedure Law § 530.12 (3-a & 3-b) and Family Court Act § 154-d. Local criminal court judges can accept petitions for new orders of protection or modify existing orders whenever Family Court is not in session and local courts are presented with "good cause" to issue the order.

The Court must have the respondent served with the order and petition, and send the papers to the Family Court "immediately." The order of protection is only valid from the time it is issued until the next day that Family Court is open, not to exceed a period of four days.

As soon as Family Court reopens, or can arrange to see the petitioner and respondent, both parties need to appear before the Family Court judge, who will determine whether to issue a new order of protection. At that time, the matter becomes a regular Family Court case, and is no longer under the purview of the local

court that issued the initial order.

The ability of local courts to issue orders of protection is beneficial in many cases, such as when a victim seeks to address custody or visitation conditions in the order. In some situations, such as long holiday weekends, or an immediate threat by the abusive partner to take the children, it may be unsafe for victims to wait until Family Court reopens to address these issues, and criminal court orders cannot address matters related to custody, visitation, and child support.

For more information, please [contact](#) OPDV.

Language Translation and Orders of Protection

In 2015, the [New York State Unified Court System](#) initiated a pilot project in selected courts in which orders of protection were issued in a bilingual format. The specific terms and conditions of the order were presented in two languages.

By 2016, use of these bilingual orders was expanded to all Family Courts and all Integrated Domestic Violence Courts throughout the state. Subsequently, translations for Russian and Chinese (the next most requested languages for interpreters in New York State courts) were added, increasing the number of litigants benefitting from this service. Last year, bilingual orders in Spanish and English were made available to criminal Courts.

Bilingual orders also have been integrated into the courts' electronic case management system, facilitating the expedient and accurate preparation of orders. Court clerks and interpreters have been trained to use bilingual orders when they learn of a party with limited English proficiency. Attorneys and advocates can also request bilingual orders during a Family Court or Integrated Domestic Violence court proceeding. The program has quickly become a cornerstone of the courts' language access initiatives. More than 21,000 bilingual orders have been issued since the pilot began.

Effective July 19, 2017, New York law codified this initiative and established time frames to further expand it to additional

courts and languages: Arabic, Italian, Creole, Korean and Polish all will soon be available. Additionally, parties will also be able to receive orders as part of a divorce action and in some of the state's town and village courts.

Since the pilot began, the program has quickly become a national model for use of bilingual orders of protection and language access for domestic violence victims. For more information, please [contact](#) the Unified Court System.

NYS Office for the Prevention of Domestic Violence www.opdv.ny.gov

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