

**“I DON’T KNOW WHAT I DON’T KNOW”:
UNDERSTANDING THE EXPERIENCES OF WOMEN
SEEKING CIVIL PROTECTION ORDERS IN DELAWARE**

by

Victoria Becker

A thesis is submitted to the Faculty of the University of Delaware in partial fulfillment of the requirements for the degree of Master of Science in Human Development and Family Studies

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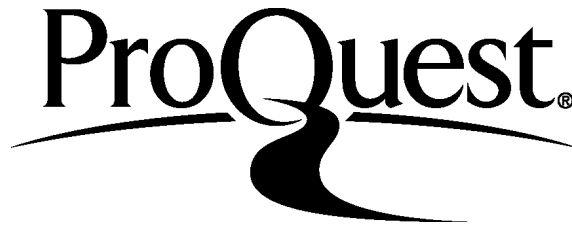
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Victoria Becker

Approved: _____
Ruth E. Fleury-Steiner, Ph.D.
Professor in charge of thesis on behalf of the Advisory Committee

Approved: _____
Rena Hallam, Ph.D.
Interim Chair of the Department of Human Development & Family
Studies

Approved: _____
Carol Vukelich, Ph.D.
Interim Dean of the College of Education & Human Development

Approved: _____
James G. Richards, Ph.D.
Vice Provost for Graduate and Professional Education

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ABSTRACT

Women who have decided to seek legal remedies through civil protection orders are taking bold steps to end abusive relationships. However, the civil protection order process can be complicated by situational and relational obstacles, causing increased emotional distress for women during a time when critical decisions are made. Women seeking civil protection orders must complete detailed legal paperwork instrumental in their case and make important decisions regarding their needs. In Delaware, cases may be presented at trials where parties can bring witnesses, supply evidence, and testify in court. To avoid a trial and testifying in court, parties may agree to a consent process. In these situations, the courts do not make a finding of abuse and order conditions as agreed upon by the parties.

This study is part of a larger mixed-methods National Science Foundation (NSF) longitudinal study of women seeking civil protection orders in Delaware. Research used the lenses of Ecological Systems and Procedural Justice Theories. To understand victims' perceptions about the civil court process, consent and full hearing, and institutional support, semi-structured qualitative interviews were analyzed. The findings revealed the following: (a) victims lacked a general knowledge about the protection order process and resources, (b) participants with institutional support reported increased procedural and emotional support, (c) participants noted challenges

with the consent process, and (d) minority Black and mixed-race participants were more likely to be discouraged and treated poorly by court personnel.

Results are significant to civil court procedures and the protection order process because they fill a gap by looking at victims who used the consent process and full hearings/trials. Findings encourage courts to increase dissemination about protection orders, the civil court process, and available support options. Effective dissemination will help ensure that victims are knowledgeable about the protection orders and the civil court process, and have essential resources, such as advocates and attorneys, to help end abusive relationships. Important findings are discussed with regard to the impacts of race across themes that merit additional research.

Chapter 1

INTRODUCTION

Intimate partner violence (IPV) impacts millions of households each day across the globe, affecting all communities and individuals regardless of age, race, economics, gender, sexual orientation, religion, or nationality (National Coalition Against Domestic Violence [NCADV], 2014). “The term ‘intimate partner violence’ describes physical, sexual, or psychological harm by a current or former partner or spouse. This type of violence can occur among heterosexual or same-sex couples and does not require sexual intimacy” (Centers for Disease Control and Prevention [CDC], 2014, IPV Section, para. 1).

According to the National Intimate Partner and Sexual Violence Survey (NISVS) 2010 Summary Report, 20 people per minute are physically assaulted by an intimate partner (Black, et al., 2011). NISVS statistics estimated that 27.3% of women in the United States will be a victim of IPV and reported that IPV is characteristically perpetrated by men against women. Catalano, Smith, Snyder, and Rand (2009) stated in the Bureau of Justice Statistics (BJS, 2008) report that 99% of IPV against women was committed by male offenders. The National Violence Against Women (NVAW) survey found that of 557,929 emergency room visits by adult victims, 87% were women who were admitted for injuries sustained from intimate partners during rapes and assaults

(Tjaden & Thoennes, 2000). According to Truman and Morgan BJS Special Report (2003–2012), “non-Hispanic Blacks (4.7 per 1000) and non-Hispanic persons with two or more races (16.5 per 1000) had the highest rates of IPV, compared to non-Hispanic Whites with 3.9 per 1000...” (p. 11). However, African American women may be reluctant to seek help because they feel left out of the formal system and have learned self-survival (Bent-Goodley, 2001). This research specifically focused on women seeking civil protection orders against male partners or ex-partners.

Civil protection orders are legal recourse granted by the courts to reduce the threat or occurrence of abuse. They are the most widely used justice remedy to help women cope with IPV and can be crafted to meet individual needs (Goldfarb, 2008; Logan & Walker, 2009; Wright & Johnson, 2012). Protection orders also help women to find a voice and are symbolic of the victim’s internal strength (Fischer & Rose, 1995). Research has shown a majority of women who have obtained civil protection orders felt they were effective (Logan & Walker, 2009), especially among women who wanted to end the relationship (Goldfarb, 2008). Despite the high level of satisfaction with protection orders, women have described the process as being difficult and confusing, noting that the court personnel lacked empathy and understanding; they expressed feelings of intimidation, fear, anxiety, and revictimization (Goldfarb, 2008; Ptacek, 1999; Roberts, Chamberlain, & Delfabbro, 2014). These negative experiences may predict victims’ choices not to reuse the civil court system.

Looking through the lens of Bronfenbrenner’s (1977) ecological system perspective, women’s decisions to seek help and pursue civil protection remedies can be

influenced by their microsystem, including family, friends, and social support; the mesosystem interrelationships between systems; the exosystem consisting of neighborhood environments, advocates, legal services, and court systems; and the macrosystem of norms, culture, and attitudes toward intimate partner violence. The court system as a part of the exosystem is also impacted by a victim's perceived experience, as it relates to how fairly women feel they have been treated by the court system. The chronosystem details how victims are changed over time by life transitions and environmental events impacting their view of their world. Procedural justice tells us the following: (1) that it is important for court officials to be fair in their decision making, by being impartial and providing people with a voice; and (2) that it is important for people to trust the court decisions and that people are treated with respect (Tyler & Mentovich, 2011). It is important for victims to feel that court officials have listened to their stories given them a voice, and treated them fairly with respect and dignity (Epstein, 2002). In order to regain control over their lives, women need to have a sense of empowerment and have their voices heard in the protection order process.

To aid women seeking help, Delaware has implemented institutional system responses and has a variety of available resources, including domestic violence hotlines, shelters, advocacy programs, and Protection from Abuse (PFA) hearings/orders. However, actually applying for the protection order can be difficult, and may require victims to overcome situational and institutional obstacles (Fleury-Steiner, Bybee, Sullivan, Belknap, & Melton, 2006). It is essential to understand the victims' perceptions of the court process to reveal what procedures produce a platform for women's voices,

sense of control, empowerment, and knowledge to make informed decisions during and after the civil protection process.

This study looks at women's experiences seeking PFA orders in Delaware and is unique because it combines Bronfenbrenner's ecological systems perspective and procedural justice theory. The data analyzed is a part of a larger National Science Foundation (NSF) mixed-methods study. Semi-structured interviews were analyzed for common themes across categories using qualitative analytic software to determine the results of women's court experiences. The research is important, in part, because it specifically looked at women's personal experiences with the civil court process and found common themes across the experiences of victims who filed for protection orders in Delaware. Currently, there are no other such studies.

Chapter 2

THEORETICAL APPROACH

Ecological Systems Perspective

Bronfenbrenner's (1977) ecological systems perspective is a multilayered interactional model that includes the microsystem, mesosystem, exosystem, macrosystem, and chronosystem. This theory is a tool we can use to look at the bidirectional interactions (as shown in Figure 1) of women in abusive relationships and their environment. Within this model, we can look at factors for women maneuvering through the court system that can support or create barriers to ending abusive relationships. Bronfenbrenner (1977) discusses how the reciprocal process works as multidirectional interactions "not only A on B, but also B on A" (p. 519), with environmental and situational stress on individuals impacting their development.

The microsystem reflects interactions between individuals and others and the subjective meanings of those interactions. Abusive environments of coercive control and violence shape family dynamics. Abusers may try to isolate women, restricting social interactions and relationships with family and friends, which limits their support and social network. Male dominance, along with control of finances, marital conflict, and alcohol abuse, have been shown to be microsystem risk factors for abuse of adult women (Heise, 1998). This type of coercive control tactic at the micro level is an attempt to

dominate one's partner and has been described as being a part of intimate terrorism as defined by Johnson and Leone (2005). Such coercive tactics shape patterns of power through privilege and lead to "dominance that entraps partners and make [*sic*] them subordinate" (Stark, 2007, p. 199). As noted by Heise (1998), the relationship between male patriarchal family structure and violence "may in part be fueled by macrolevel norms" (p. 270).

The exosystem's formal and informal structures have also been linked to violence against women and include unemployment and/or low socioeconomic status (Heise, 1998). The interface that victims have with formal support systems creates individual meanings and perceptions of that system. The intimate partner violence system as a formal support can place burdens on victims to secure and manage their own safety, and may expect women to uproot their lives by leaving their home and community (Grauwiler, 2008). Supportive court personnel, advocates, and lawyers who listen to and understand victims can increase the quality of their court experience (Ptacek, 1999). Courts can also have positive impact by connecting victims with resources and legal remedies available to them (Bell, Perez, Goodman, & Dutton, 2011).

Individuals and their environment are interdependent, with the psychological development of a person occurring over time, as noted in the chronosystem. To understand a person's future developmental trajectory, you need to examine one's developmental history to realize how individuals make sense of their world (Smith & Hamon, 2012). A victim's development is impacted by how they view life transitions, such as divorce, ending abusive relationships, death, and environmental events.

There are numerous reasons why women stay in abusive relationships, as found by Anderson, et al. (2003), including micro-level interactions with love, personal values, and a partner's promises to change; and exosystem-level factors such as a lack of community resources to address financial needs and shelter. A history of isolation and fear that has limited victims' development and growth by creating barriers to end abusive relationships can be seen over time in the chronosystem. All of these system components, as well as women's macrosystem social role expectations as the caretaker of the family, are barriers for women to overcome and can make it almost impossible for some women to leave abusive relationships (Anderson, et al., 2003). Adequate and appropriate resources are vital for women to overcome environmental barriers.

Considering Bronfenbrenner's (1977) transitions in the ecology of human development, he posits that reciprocal processes involve more than one setting and occur not only within but also involve interaction effects at higher-order systems. Research has shown that victims' decisional context around failing to report violations or reusing the court system may be related to their dissatisfaction with the court process, fueled by not having a voice or receiving respect during that procedure (Hotelling & Buzawa, 2003). Fleury-Steiner, Bybee, Sullivan, Belknap, and Melton's (2006) research also projected that future decisions were influenced by past "experiences with police, prosecutors, and courts" (p. 339). Women who seek civil protection orders perceive fairness and satisfaction with the court process through their interfaces with lawyers, advocates, mediators, and judicial officers and will make future decisions based on these interactions.

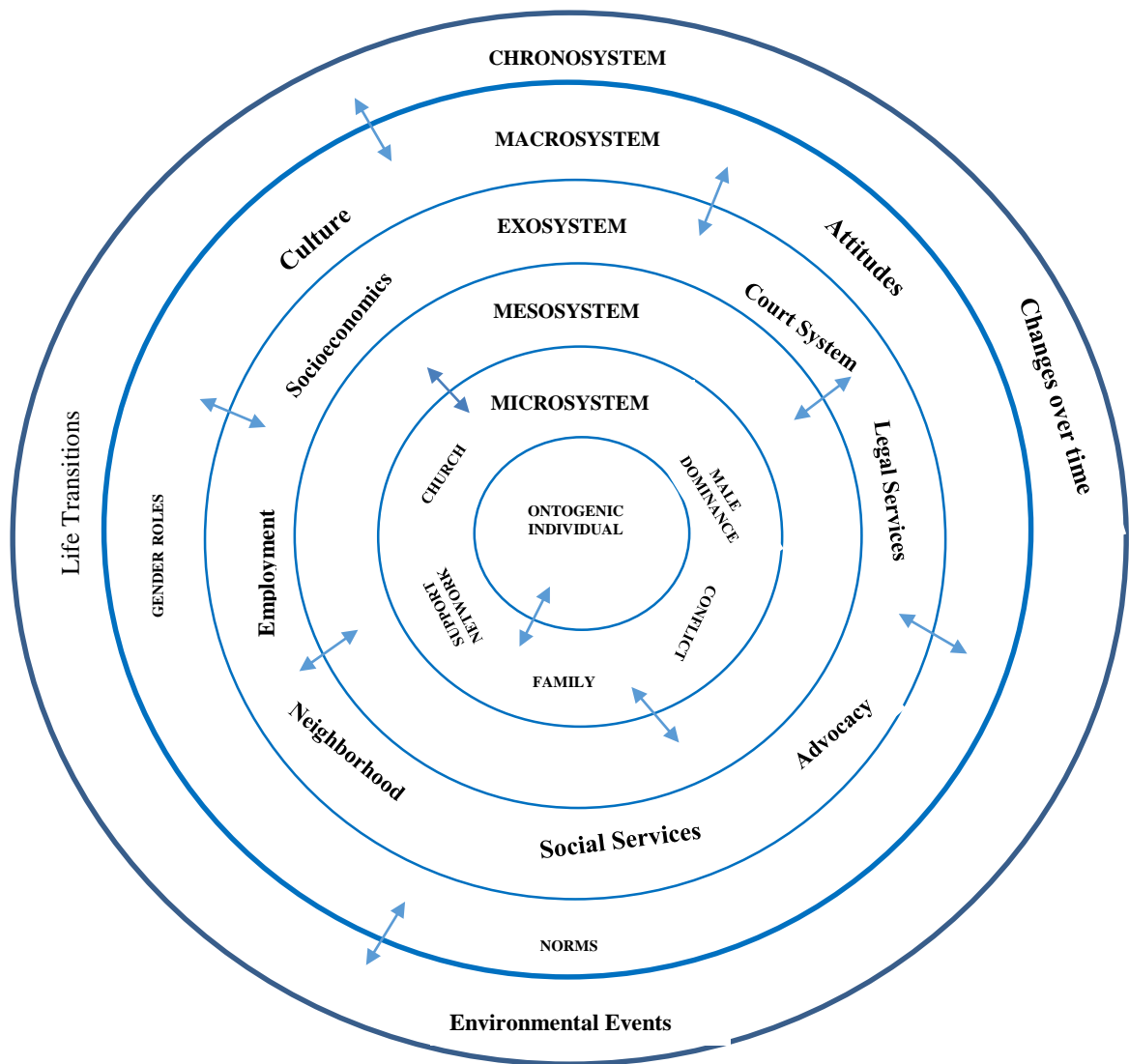


Figure 1 Bidirectional relationship of systems and factors related to women in abusive relationships and the civil protection order process.

Procedural Justice

System legitimacy can be built through fair procedures, when courts follow clear norms, including impartiality, transparency, and respect for persons (Tyler T. R., 2003; Tyler & Mentovich, 2011). Fair procedures are assessed by a person's involvement in the decision-making process, when a victim's views are listened to and considered (Howieson, 2002). The six components of procedural justice as cited in Paternoster, Brame, Bachman, and Sherman, (1997) are (1) representation, so that victims have had the opportunity to take part in the decision making; (2) consistency, having similar treatment as other persons; (3) impartiality, when legal authorities act without biases; (4) accuracy, when legal authorities make competent and quality decisions; (5) correctability, a mechanism by which victims can appeal decisions they feel are unfair; and (6) ethicality, treating victims with respect and dignity. When victims perceive the system as fair and legitimate, they will have faith in procedural justice and view the court as an effective mechanism to deal with intimate partner violence (IPV) (Richman, 2002). Important aspects of procedural justice that this research will highlight include representation (having a voice in the decision-making process) and ethicality (being treated with respect and dignity), which may prove to be integral components of empowerment and being satisfied with the court process and eventual outcome.

Procedural justice and valued support are important structures for women who have been oppressed and isolated from their social support network. Victims have to overcome key obstacles as reflected in the ecological system's perspective to secure

support and seek help from the legal system. Barriers to seeking help can be symbolized through situational and relational obstacles, such as victims' reluctance to seek outside help for personal reasons, individual history, limited social support, unemployment, or past negative experiences with institutional support systems (Grauwiler, 2008). Others who are not ready to leave may lack informational support about alternative solutions, lack essential financial support, or even fear the inability of the courts to hold their abuser accountable (Grauwiler, 2008). Procedural justice benefits can be minimized when consenting to conditions agreed to by their perpetrator, instead of electing to have a trial (Epstein, 2002). To ensure that victims are making good decisions, empowered, and satisfied with the legal process, it is vital that resources and information are easily available and the legal system and courts are perceived as legitimate avenues for victims to seek help. Legitimacy is a quality possessed by legal institutions that leads others to accept its orders (Tyler & Mentovich, 2011).

Chapter 3

LITERATURE REVIEW

Statistics

Internationally, 30% of women report physical or sexual abuse by their partner, and 38% of homicides against women are committed by their intimate partner (WHO Media Centre, 2013). In the United States alone, it is estimated that 27.3% of women will report some type of intimate partner violence (IPV), as reported in the National Intimate Partner and Sexual Violence Survey (Black, et al., 2011). “Intimate partner violence can occur among heterosexual or same-sex couples and does not require sexual intimacy” (Centers for Disease Control and Prevention [CDC], 2014, para. 1). IPV occurs with current and former spouses, current and former dating couples, and those with and without children (Domestic Violence Coordinating Council [DVCC], 2013). Non-Hispanic Blacks and non-Hispanic persons of two or more races have the highest levels of IPV (Truman & Morgan, 2014). Measuring IPV accurately has presented data collection inconsistencies, since there are broad definitions of *abuse*. Refining and narrowing terms among lines of *intimate terrorism* and *situational control* as described by Johnson and Leone (2005) are important distinctions for researchers’ findings. Situational control is not rooted in a wide pattern of violent behaviors and refers to family conflict that leads to violence; whereas intimate terrorism is an attempt to dominate the

relationship by using a wide range of power, controlling tactics, and violence primarily rooted in male domination of women, according to Johnson and Leone (2005). Their research also found that women who experience intimate terrorism were more likely to leave violent relationships and seek help. Tjaden and Thoennes (2000) reported that 17% of the women who have experienced abuse will obtain a protection order, and approximately one-half of the protection orders for women who had been physically assaulted are violated by respondents.

In her literature review (2012), Brenda Russell reported that approximately 40% to 50% of protection orders were violated. Logan, Shannon, Walker, and Faragher's (2006) research indicates that between 23% and 70% of women report a violation of protection orders, and the wide range in rates may be due to methodological differences in the studies using police reports and victim self-reports. Victims tend to make decisions whether or not to report violations based on individual context, which can include the perceived seriousness, proof, and past experience with the justice system response (Logan, Walker, Hoyt, & Faragher, 2009). Fischer and Rose (1995) noted that 95% of surveyed women who received temporary restraining orders had faith in the criminal justice system and believed that police would respond rapidly. However, women who want their assailant prosecuted may find a lack of response from the criminal justice system (Bachman, 1994) and inconsistent arrest procedures among police (Logan, et al., 2006).

Civil Protection Orders: History and Definitions

Pennsylvania was the first state to enact a domestic violence protection order statute, which was adopted in 1976. Civil protection order statutes are now part of every state's legislation as a result of the Violence Against Women Act (VAWA, 1994). Since its passing, IPV has received increased societal and criminal justice awareness. VAWA is a comprehensive approach that provides funding for investigations and prosecutions of violent crimes against women and funds programs to provide services for women (U.S. Government, n.d.). VAWA protection orders can be issued by a state, tribal, or territorial court if the court has jurisdiction over the parties and matters. Those who are granted civil protection orders can call upon law enforcement for protection, as violation of a protection order carries criminal penalties. The full faith and credit provision of VAWA states that any protection order granted in one state, tribe, or territory must be given full faith and credit in all other states, tribes, and territories. If a victim moves to another state, tribe, or territory, courts and law enforcement must enforce the existing protection order.

Since the passing of VAWA, IPV has been an increasing part of public policy agendas, which has led to increased attention to criminal sanctions for the abuser and an increase in advocacy programs, domestic violence shelters, and civil remedies (Capshew & McNeece, 2007). Many women find out about protection orders from police when they call to report violence (Logan, et al., 2006). The National Network to End Domestic Violence (NNEDV, 2014) reports that since the passage of VAWA, there has been a 51%

increase in reporting IPV by women and a 34% decrease in intimate partner homicide for women. Counter to these results are findings by Iyengar (2007), who reports that states with mandatory arrest laws have actually had an increase in intimate partner homicide, indicating that victims are unlikely to report violence because of mandatory harsh punishment for the abuser. Logan and Walker (2009) stated that women want the violence to stop but may have individual goals that determine whether or not to have their assailant prosecuted.

Protection orders are a civil remedy to prevent future violence through the courts and to allow women the opportunity to request orders that will meet their individual needs (Logan, et al., 2006). State legislation may have different eligibility requirements and a range of provisions that may be included in the civil protection orders (e.g., staying away from the petitioner, custody, child support, exclusive possession of residence (Berry, & Hall, 2003; Eigenberg, McGuffee, et al., 2003; Capshaw & McNeece, 2007) and relinquishing firearms.

Civil protection orders have different labels in different states: protection order (PO), restraining order (RO), and protection from abuse (PFA) order.

Delaware explains PFA as follows:

“An Order of Protection from Abuse is an order of Family Court ordering someone to stop abusing another person, and may include other relief, such as ordering the abuser to stay away from the person being abused. Abuse is defined as any threatening or harmful conduct including serious emotional harm.” (Delaware State Courts, n.d., Understanding the Protection from Abuse Section, para. 1)

The civil action is defined as follows:

“In a civil domestic violence action, you are asking the court to protect you from the person abusing you. You are not asking the court to send that person to jail for committing a crime. However, if the abuser violates the civil court order, he may be sent to jail for the violation. In a civil case, you are the person bringing the case against the abuser and (in most circumstances), you have the right to withdraw (drop) the case if you want to. The Delaware orders of protection from abuse are under the civil law system.” (WomensLaw.org, 2013, Overview of Criminal vs. Civil Law Section, para. 1)

The petitioner files for the PFA and is defined in Delaware as a “person who is a member of a protected class and files a petition alleging intimate partner violence against such person or against such person's minor child or an infirm adult,” filing a claim against the respondent, the “person alleged in the petition to have committed the domestic violence” (Delaware code §1041). Under Delaware Code Ann.TIT.10, §1044(b) and 1045(c), the petitioner must show a “preponderance of the evidence” for a judicial officer to find that abuse has occurred (State of Delaware, n.d.). Alternatively, the petitioner and respondent can agree to conditions and consent to the entry of a protective order, without any abuse being found (American Bar Association, 2014). Petitioners and respondents agreeing on conditions in a consent process can avoid a trial and lessen the burden on the judicial docket, thereby having a reciprocal effect between the individuals and the Delaware Family Court system.

Civil and Criminal Court System

The general purpose of civil protection orders is to prevent future abuse.

Goldfarb (2008) noted that protection orders “are among the most effective legal remedies available for domestic violence” (p. 1503). However, the effectiveness of protection orders for preventing future risks of violations may be measured by the value the abuser places on the protection order (Kethineni & Beichner, 2009; Wallace & Roberson, 2011). Women may have the option of pursuing relief through the criminal justice process in addition to or instead of the civil court process. Victims may not understand the differences between the criminal and civil court procedures and may not realize there is a civil protection process available to them (Durfee & Messing, 2012). Kethineni and Beichner (2009) found that emotional abuse was an important factor for women who filed a civil protection order, and physical abuse factored in criminal cases.

Women in a current relationship with their abuser may not want to seek criminal charges through the criminal justice system for contextual reasons and feel that the civil protection order is their best option. Women may fear harsh punishment if they seek criminal charges that will lead to retaliation, and/or women may not seek criminal charges because of their economic dependency on the abuser (Fischer & Rose, 1995; Fleury-Steiner, Bybee, Sullivan, Belknap, & Melton, 2006). Women of color may not want to call the police and subject their private lives to the scrutiny of police who are frequently hostile (Crenshaw, 1989). There is one major advantage to the criminal process, since it only takes a phone call to the police for the process to begin (Durfee &

Messing, 2012). One advantage to civil petitions is that there is a lower burden of proof for the petitioner, and potentially fewer personal and societal costs (Logan & Walker, 2009).

Family Court — Civil Protection Orders

Logan, et al. (2006) noted five advantages of civil protection orders: (1) victims may not want to have the abuser arrested; (2) there are fewer costs and less time involved; (3) violations fall under contempt of court charges and punishment is usually faster; (4) judges can order individual relief as needed; and (5) protective orders can be a source of empowerment. Even though there are advantages and a lower burden of proof on the part of the victim, there are also disadvantages of the civil protection order process. Goldfarb (2008) stated that the process of obtaining orders can be difficult or intimidating for women. A review of the literature by Logan, et al. (2006) found that the bureaucracy of the process was a barrier to obtaining protection orders, by including multiple trips to the courthouse for hearings, limited hours when orders can be obtained, difficulty serving the abuser with the protection order, and the victim's lack of knowledge of the court system. In addition, the research mentions that court appearances may require victims to take time off work and arrange for childcare (Logan, et al., 2006). Preparing evidenced-based petitions may be difficult for victims, especially under the duress of the situation and the impending hearing.

Roberts, Chamberlain, and Delfabbro (2014) found that women perceived the family court process in a negative manner, adding to their existing stress, and cited that

women were extremely traumatized by the abuse and violence. They also noted that women reported fear of retaliation by their ex-partner and confronting him at the hearing, reliving the abuse when preparing affidavits, and the lack of empathy and insensitivity of court officials. Logan, et al. (2006) also noted five negative perceptions victims have: (1) fear of the abuser, (2) lack of efficacy of the order, seeing it as “just a piece of paper,” (3) embarrassment that it is a family matter, (4) past negative experiences with the justice system, and (5) a lack of resources, including financial, community, housing, employment, counseling, and needing help with court proceedings. The court process can be difficult to navigate for women who may have little knowledge about the process, and can add to the cumulative psychological trauma stemming from coercive control tactics, abuse, and violence.

Petitioners with higher education may be better equipped to convey the necessity of the protection order (Durfee & Messing, 2012). The lack of legal knowledge about required evidence can be an obstacle for petitioners seeking a protection order. Legal representation by an attorney is not required to request a protection order. However, women seeking protection orders have increased success of securing orders with legal assistance, since cases that failed did not include detailed narratives to meet the legal criteria for the judicial officer to find abuse (Durfee, 2009). Securing legal representation may be difficult for victims because “there are marked inequalities accessing legal representation in the United States that disproportionately affect women” (Durfee, 2009, p. 28). Wan (2000) noted patronizing attitudes by court personnel toward women of color, stating that race and socioeconomic status may impact the behavior of the court

personnel, if victims could not afford legal representation. Lower socioeconomic status related to poverty and high rates of unemployment has been a key variable related to higher levels of IPV among African American women (Bent-Goodley, 2001). This illustrates the importance for victims to maintain accessible and effective advocacy (Wan, 2000). Advocacy support is free of charge and can be an alternative to legal representation for victims seeking help.

Delaware has IPV advocates available to petitioners of IPV through advocacy services. Advocate services need to be requested by the victim prior to the hearing, although advocates can assist on the day of the hearing. Advocates can provide resources, assist petitioners with the completion of the forms, and provide guidance on language use. Durfee (2009) found that advocates were less effective in securing protection orders than victims with legal representation and only marginally more effective than petitioners without assistance. Providing strong institutional support networks through legal services and/or advocacy services, in addition to information about the civil and criminal legal systems, is an important resource to offer female victims (Epstein, 2002).

One important benefit in obtaining protection orders is the empowerment and sense of control it can provide victims, as internalized strength and symbolic meaning that women refuse to “take it” anymore (Fischer & Rose, 1995, p. 424). Cattaneo and Goodman (2010) noted that women who had expressed their wishes and had those wishes reflected in the court response had an empowering experience. The legal process of obtaining protection orders is a way for victims to empower themselves, and often provides an introduction to the legal system (Richman, 2002). Empowerment through

decision making is noted as an important step in IPV psychological healing for victims (Dutton, 1992). Decisions made during protection hearings are a way for victims to have their voices heard and gain a sense of control. However, if they have engaged the system and felt re-victimized by the process, women may elect not to have contact with the system again (Grover, Welton-Mitchell, Belknap, & Deprince, 2013). Empowerment should be an important focal point of IPV policies, in order for women to take greater control over their lives (Belknap & Potter, 2005). However, Johnson, Luna, and Stein (2003) reported that empowerment feelings may have more to do with a temporal time frame; women surveyed at a hearing may feel a sense of empowerment, but six months later the victims may view the order as just a “piece of paper” (p. 321). That does not, however, lessen the initial impact of making empowering decisions when requesting conditions and receiving a PFA order.

Delaware Statistics and Process

Statewide in 2012, Delaware tracked 6,643 criminal incidents of IPV, (as shown in Figure 2) with 77% of the victims being female. Family Court processed 3,359 PFA petitions and of those cases, 48% were issued PFA orders and 52% were dismissed (DVCC, 2013). PFA petitions can be brought against family members such as brothers, sisters, sons, daughters, and/or parents, as well as intimate partners. During 2012, the report indicates that 4,184 calls were made to the domestic violence hotline and 353 women were placed in shelters statewide (DVCC, 2013).

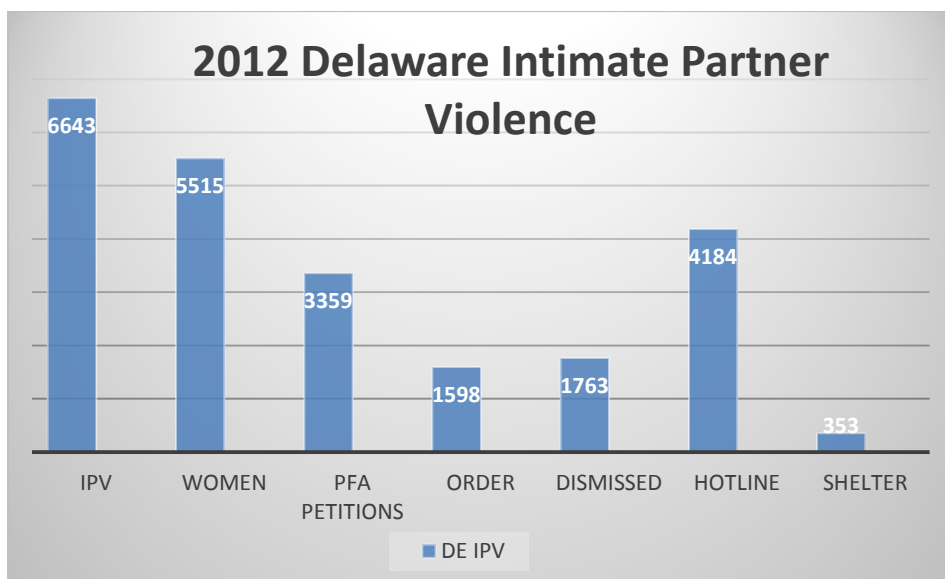


Figure 2 Delaware Statistics 2012 for IPV (DVCC, 2013)

Ensuring that women are protected in their homes is a vital element in making them feel safe and keeping continuity in their lives. Domestic violence shelters can provide a temporary safe haven permitting women to function away from their abuser, while providing information about community resources (e.g., legal assistance, financial support, counseling, and children's programs) (Baker, Cook, & Norris, 2003; Davies, Lyon, & Monti-Catani, 1998). However, domestic violence shelters are only a temporary solution and not a long-term housing option. One solution to promote housing stability for women and their children is for the courts to grant sole possession of the residence to the petitioner through the civil court process. Granting sole possession of the residence may be included as part of the civil protection order, but women need to request the condition and consider future household expenses in maintaining the residence.

Depending on state provisions, civil protection orders can be crafted to meet the individual needs of the petitioner (Logan & Walker, 2009).

New Castle County Family Court hears PFA petitions on Fridays. The process begins with the petitioner and respondent checking in at the desk. Petitioners and respondents are separated in different areas. The parties are asked if they would consent to conditions by trained court personnel, a court mediator, who shuffles between the parties ironing out details of the agreement before the hearing. The mediator will talk to individual parties or to their legal representation to discuss the conditions of the consent. If the parties agree to the consent process, no abuse will be found by the court. If no abuse is found, the petitioner is free to bring up any allegations of abuse toward the petitioner or children in future divorce/custody cases. In a consent process, parties come to a mutual agreement, which is then discussed and signed by the judicial officer as an enforceable document. Conditions that can be negotiated include stopping the abuse, limiting contact with the petitioner, exclusive rights to the residence, and deciding ownership of certain possessions, temporary custody, visitation, child support, payment for expenses, surrendering firearms, counseling, and other relief as requested to prevent future violence (Delaware State Courts, n.d.).

The consent process is intended to alleviate additional stress on the victim, by removing the process of testifying in court. Epstein (2002) reported that negotiations prior to trial are designed to alleviate court dockets, with mediators being pressured to get cases settled prior to court. Epstein (2002) also commented that procedural justice is minimized during the negotiation process, reducing the parties' chances and opportunities

to have their voices heard, and they may feel that their position was not heard, understood, or respected.

In Delaware, the negotiation process of consenting by the parties may demonstrate a continued relational power imbalance through a sustained fear of the respondent. In North Carolina, some districts only allow consent orders when one or both parties have legal representation (Supreme Court of North Carolina, 2012). For those who are not represented by lawyers or advocates, a power imbalance may lead victims to concede to conditions and decisions that are not in their best interests. Victims working with an impartial mediator, as the go between, may still be influenced by the power disparity in the relationship and make uninformed, quick decisions to get the process over with. Women's decisions when requesting conditions for protection orders can also be impacted by the demeanor of the mediator, which may also predict the level of satisfaction and fairness women perceive about the court process.

If the parties working with a mediator cannot come to an agreement, then they will go in front of the judicial officer and present their cases in a full hearing. They may or may not have lawyers or advocates present, as they are not required. However, petitioners must show a preponderance of evidence to meet the legal criteria for the judicial officer to make a finding of abuse. Each party can bring witnesses to testify and each party must question and cross examine witnesses. The judicial officer makes a decision based on the evidence provided. Cases can be and are typically rescheduled or extended for various reasons (e.g., the respondent has not been served with the paperwork, or parties may not agree on conditions and want to retain legal counsel).

A potential downside to the civil protection order is that it may not be taken seriously by the respondent; because there are no criminal charges, the respondent may simply ignore the order (Wallace & Roberson, 2011). Even if protection orders are not taken seriously by the respondent, they can still provide positive psychological benefits for victims to take control of their lives by seeking and obtaining legal documentation through a court protection order. Motivation to take control supported by public record documentation and legal reinforcement having “tangible power over their abuser” is one way to get past the fear and barriers to end the abusive relationship (Fischer & Rose, 1995, p. 423). An affirmative court process, positive interactions with court personnel, and having control over the outcome has a positive psychological impact for victims under psychological distress, including providing a sense of empowerment and satisfaction, and the likelihood to reuse the system (Cattaneo & Goodman, 2010).

Court Satisfaction

Women value information about court procedures, “including the meaning of legal terms, what to expect throughout the court process, and different options available to them” (Bell, Goodman, & Dutton, 2011, p. 80). Women seeking orders report discomfort with the courtroom process as well as varying treatment and interactions between the victims and court personnel, including (a) good-natured commissioners who expressed concern for the women’s safety and well-being and listened to their concerns, (b) bureaucratic commissioners who were passive and detached, appearing bored or impatient, and (c) firm and condescending commissioners using a strict authoritative tone

who were not supportive of women and trivialized the abuse (Fleury-Steiner, Fleury-Steiner, & Miller, 2011; Ptacek, 1999; Wan, 2000). Women's opinions may differ on their level of satisfaction with the court process and perception of fairness depending on individual experiences (Goldfarb, 2008).

Procedural Justice Theory indicates that victims who are not listened to, not treated fairly, and who are dissatisfied with the system may not reuse the system. African American women may be hesitant to use the formal court system because of systematic inequity of treatment for African Americans in the criminal justice system (Bent-Goodley, 2001). "Women of color who seek protection from violence are further burdened by a racist criminal justice system" (Ptacek, 1999, p. 143). Even though PFA orders are issued through the civil court process, racial biases may cross over from criminal to civil courts. "Black women sometimes experience discrimination in ways similar to White women's experiences; sometimes they share very similar experiences with Black men" (Crenshaw, 1989, p. 63). Court personnel and support systems need to be cognizant of the disempowerment of racial minorities by the courts' poor treatment and discouragement for victims seeking protection. IPV support systems need to embrace multicultural perspectives that require cultural competency by support systems (Sokoloff & Dupont, 2005).

Johnson, Luna, and Stein (2003) found that 10% of the participants in their research reported a "bureaucratic run-around" by the courts (p. 322). Ko (2002) cited that victims found the process inconvenient, time-consuming, and costly, which prevented them from getting permanent orders. Women who had cases cancelled or

rescheduled were found to be less likely to reuse the system in the future, noting that barriers (e.g., childcare, transportation, work) and confronting their fears make returning to court a difficult process (Fleury-Steiner, et al., 2006). Such obstacles can increase the likelihood of cases being dropped. As reported by Malecha, et al. (2003), decisions to drop cases were attributed to economic issues, attachment to the abuser, severity of violence, fear, harassment, and children. They also reported that 23.8% of their participants found court to be too inconvenient, with all the paperwork, multiple times to court, delays, fear of appearing in court in front of a judicial officer, plus overcoming barriers related to family and work. Victims may become discouraged and frustrated by the court process when their requests for relief are not part of the protection order, such as custody issues and counseling treatment for respondents.

Yearwood (2005) found that courts are granting protection orders and conditions, such as no contact, temporary custody of children, temporary residence in the home, and possession of a vehicle; but the courts are not ordering the respondent to attend batterer intervention, or alcohol or drug treatment programs. In some situations, Yearwood (2005) noted that courts may even refuse to consider issues of custody. Crafting orders to meet individual needs can be difficult for the courts and may create inconsistencies in implementing orders or sanctions for violations (Logan & Walker, 2009). Such inconsistencies can be perceived by victims as a lack of legitimacy with the court system. Obtaining a protection order is not a simple legal procedure to undertake at a time when victims are under psychological stress and perhaps fearful. Fugate, Landis, Riordan, and

Engel (2005) found that fear was presented as a barrier for not contacting police or other helpful resources.

Violence, Trauma, and Court Process

Abused women have an increased level of psychological stress disorders, emergency room visits, and diagnoses related to stress, including loss of appetite, anxiety, headaches, depression, post-traumatic stress disorder (PTSD), and suicide attempts as cited in Holt, et al. (2002). Women who experience intimate terrorism report being attacked more frequently, with severe violence that is less likely to stop, impacting both the physical and psychological health of women with increased levels of PTSD and depression (Johnson & Leone, 2005). In an interview with Michael Johnson, Ph.D., he reports that intimate terrorism in most cases will involve men who terrorize women through “threats, intimidation, economic control, psychological abuse, isolation, and the assertion of male privilege” (Ooms, 2006, p. 3). During court hearings for protection orders, judicial officers may misinterpret women’s behavior as lacking credibility because of induced trauma (Epstein, 2002). Victims who have filed for and were granted PFA orders have shown positive therapeutic outcomes and reductions in PTSD symptomology, as well as feelings of safety and control (Wright & Johnson, 2012). Court personnel need to employ principals of trauma-informed services by understanding the impacts of victimization, ensure female victims feel safe, are valued, validated, and empowered so they do not feel revictimized by the system (Elliott, Bjelajac, Fallot,

Markoff, & Glover, 2005) In order to seek help and end abuse, women make important decisions about their lives and must overcome personal and court system barriers.

Summary of Research Questions

Research on victims seeking protection orders has presented themes showing that victims may lack critical knowledge about the process; may not be aware of institutional support options; and are dealing with a significant amount of stress and fear. Institutional support may impact victims' degree of satisfaction and chances of obtaining a PFA order. During the consent process, victims may not feel their voices are heard. Opinions and perspectives of court satisfaction may vary, depending on the level of institutional support and fair treatment by court personnel and the court process. Research has shown that victims who have not been satisfied or feel they were not treated fairly may be less likely to reuse the court system (Fleury-Steiner, et al., 2006), thereby increasing chances of future abuse, possible violence, injury, and perhaps death.

This research will be looking at the protection order process to examine consistent themes from women who were processed through the Family Court System in Delaware. Using the following questions, this research analyzed transcripts focusing on women's perceptions of the court process.

1. What are some of the main themes women discuss when filing for civil protection orders?
2. Are there significant benefits or challenges using the consent process or full hearings?

- a. How do women perceive institutional support?
- b. How do women feel they are treated by court personnel?

This key research will disclose if the Delaware Family Court is meeting victims' needs and providing adequate support during a time of high psychological stress. Paying attention to victims' experiences is vital to understanding their needs. Research tells us that women who have been dissatisfied with the legal system may not reuse the system. It is imperative to provide victims of abuse with information about protection orders, quality resources, system equity, and support that will best meet their needs. Providing information and support will help to empower victims and inform their decision-making capability to take control of their lives, to end abusive relationships.

Chapter 4

METHODS

Design of the Study

The research was part of a larger National Science Foundation (NSF) mixed-methods longitudinal study conducted at the University of Delaware. The qualitative interview guide (see Appendix A) was developed by the NSF Principal Investigator, Ruth Fleury-Steiner, Ph.D., and Co-Principal Investigator, Susan Miller, Ph.D., who have backgrounds in qualitative studies. The interview guide was refined after pilot interviews and was approved by the Institutional Review Board at the University of Delaware (see Appendix E). Time 1, semi-structured interviews were transcribed by undergraduate and graduate researchers. This qualitative research design focuses on the process, meanings, and understandings as experienced by the women themselves using an inductive coding approach, both descriptive and interpretative, to find recurrent relationships. Research was grounded in an ecological systems perspective and focused on four main areas of critical content: general court process, institutional support, type of hearing, and treatment by court personnel.

Recruitment Sample

Participants for this project were a subsample from a larger longitudinal NSF study of English-speaking women seeking civil protection orders recruited from the Family Court in New Castle County, Delaware, on Fridays prior to Protection from Abuse (PFA) hearings. Criteria for the participants included (1) being over the age of eighteen and (2) having filed a PFA against a male partner or ex-partner. The larger study includes both quantitative and qualitative interviews; every fifth participant is assigned to the qualitative interview. The population (N=15) for this thesis research data is bounded by the time frame of June 2014 – January 2015, during which fifteen qualitative interviews were conducted.

Demographics

The sample population of the fifteen participants closely reflects New Castle County, Delaware. The demographics for this research consist of 60% White (n=9), 33% Black (n=5), and 7% two or more races (n=1). New Castle County's 2013 Census reports 67.6% White, 24.7% Black, and 2.3% two or more races (U.S. Census Bureau, 2015). Other demographics revealed the mean age of 39.6 years old, a higher education, and employed either part-time or full-time (see Table 1).

Table 1 Participant Demographics

Participant	Age	Race	Education	Employed
001	28	White	BS	Full-time
002	51	White	PhD	Full-time
003	49	Black	Some College	No
004	23	White	High School	No
005	28	White	Some College	Part-time
006	32	White	High School	Part-time
007	34	Black	Assoc. Degree	No
008	49	Black	Missing	Missing
009	49	White	Master's Degree	Part-time
010	21	White	Some College	No
011	34	White	Some College	Missing
012	48	Native Am/ Black	Some College	Self-Employed
013	56	Black	Some College	Full-time
014	49	White	Some College	Part-time
015	43	Black	Master's Degree	Full-time
Mean Age	39.6			

Data Collection and Interviewing Procedures

Graduate student researchers conducted semi-structured interviews with women seeking protection orders after their initial recruitment (see Appendix B) and consent at Family Court within one to two weeks. Interviews were conducted at a location, day, and time chosen by the participants, who were reminded that some questions could be sensitive in nature and privacy is optimal. Phone interviews were also an option for participants. The length of the interviews varied anywhere from forty-five minutes to two hours. At the beginning of the interview, participants were read the informed consent document (see Appendix C) and participants were provided with a copy. The researcher

explained the consent, noting that the interview was strictly confidential and voluntary, and participants did not have to answer any questions they did not want and could withdraw at any time without penalty. Permission to record interviews was decided by participants and did not impact eligibility if they did not agree. The consent form was signed by the participant and the researcher, and a copy was given to the participant. Participants were provided with a \$25 Visa gift card as an incentive for participation. Names were replaced with numbers to protect confidentiality.

Data Analysis

Data analysis explored the experiences of victims when they sought civil PFA orders through the Delaware Family Court System. This research examined victims' perceptions using the court process through each of the following five procedures: (1) ex parte (emergency hearing), (2) full hearing, (3) consent, (4) continuance, and (5) dropped charges. Specific sensitized research questions in the interview guide helped develop the focus of this research: (a) How did you learn about Protection from Abuse (PFA) orders? (b) What did you think about the process of filling out the paperwork? (c) What type of court hearing was used – consent or trial? (d) Did you have some type of representation (i.e., lawyer and/or advocate)? (e) What was the demeanor of the court personnel? (f) When you were in court did you feel you were listened to and treated fairly? (g) What did you think about the process? (h) What did you think of the judge?

In the coding phase, while reading the transcripts, sensitized concepts were used and additional codes emerged. During the coding phase, four separate areas were

determined to be significant: (1) general court process, (2) institutional support, (3) consent and full hearings, and (4) treatment by court personnel, as shown in Figure 3. Codes were split and placed under relevant categories and common themes developed.

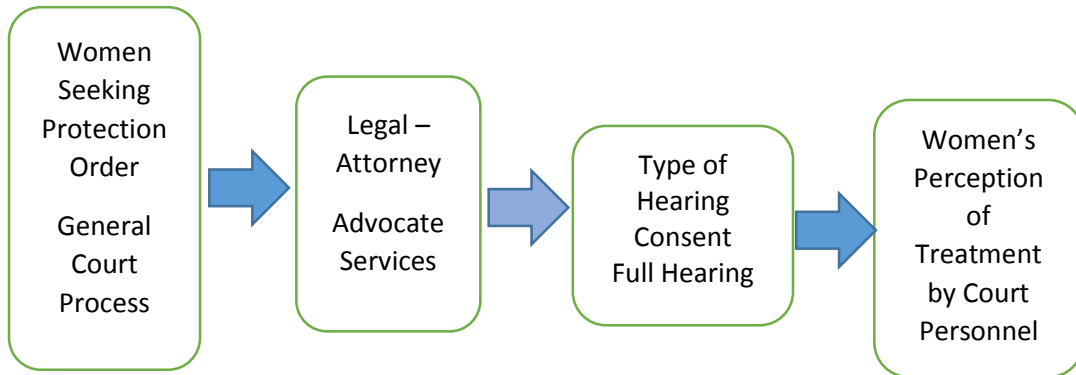


Figure 3 Focal Dimensions Impinging upon Court Process Factors and Outcomes

Interviews were transcribed by undergraduate and graduate researchers who were working on the research project, and were trained in the process of transcription. In vivo coding was employed for qualitative data analysis by using an inductive comparative approach and by using words or short phrases from participants' own language in the data record as codes (Miles, Huberman, & Saldana, 2014). The researcher used NVivo analytic software using interviews to create nodes, patterns, and explanations to help determine thematic analysis. Using inductive coding and NVivo analytic software, the researcher focused on the participants' own language as it related to initial concepts and codes. Analysis was grounded in ecological systems theory and procedural justice, sensitizing concepts of ethicality and representation to find an interrelationship between theory and outcomes of victims' experiences.

The research started with codes that included sensitized concepts (e.g., fairness, satisfaction, treatment) (see Appendix D) to focus the research, but it was not driven explicitly by original concepts and included emergent codes (e.g., expectations, paperwork, overwhelmed, voice). Transcripts were read numerous times, labeling constructs related to the areas of focus. The researcher made use of memo writing, comparing codes, adding codes, and returning to transcripts to identify language for specific content related to new codes from Time 1 qualitative transcripts.

After manually going through each transcript and completing the coding, the researcher began lumping and splitting codes under four identified categories (general court process, institutional support, type of hearing, and treatment by court personnel). For example, expectations, paperwork, and emotion codes were combined under the general court process. Major themes were then applied across categories to develop selective coding based on relationship. Data analysis is documented through tables and the use of quotes as evidence for findings.

Validity and Reliability

To ensure that the results are trustworthy, the researcher employed the following strategies: start with a quick scan to see what jumps out, noting patterns and themes, making contrasts, comparisons, clustering, and counting; re-read several times, making notes and organizing information; then reformulating for clarity and drawing up the first round of conclusions. Next, the researcher used follow-up techniques to look for surprises

and alternate explanations using triangulation methods looking at the data source, methods, and theory using if-then tests and checking for rival explanations, and finally reaching conceptual conclusions (Miles, Huberman, & Saldana, 2014).

Preconceived negative biases of the researcher were noted when interpreting the data. The researcher's biases toward lack of legal representation and imbalance of power between the petitioner and respondent during a PFA hearing were considered. The researcher has developed this bias as a result of research on intimate partner violence (IPV) and feels that legal representation increases improved outcomes. The researcher has empathy for the continued psychological trauma endured by the petitioner, and the dominate role created by the respondent. The researcher was sensitive to these biases that were shaped by experiences during recruitment and personal interviews and was open to alternative explanations.

Chapter 5

RESULTS

The results of this research cover four main areas of the protection order process: (a) general court process, (b) advocates and attorneys, (c) consent process and full hearings, and (d) treatment by court personnel. The areas are discussed as they relate to common themes developed by using an inductive coding approach focusing on participants' language and perceptions of the civil court process. The following three key themes emerged during analysis: (1) lack of knowledge can be a barrier to support, (2) support can lead to empowerment, and (3) the importance of being heard.

Lack of Knowledge Can Be a Barrier to Support

Knowledge and perceptions played a significant role in understanding how women came to file for protection orders. Participants indicated a lack of awareness about protection orders, the court process, and institutional support from advocates, attorneys, mediators, and commissioners.

Lack of Prior Knowledge

In this sample, women either had prior experience seeking protection orders or were given information by friends or legal authorities. Lack of knowledge about the system is noted as a bureaucratic barrier in Logan, et al., (2006). Without knowledge of protection orders, victims may not realize service agencies and community resources are available to them, thereby impairing their development and capacity to end abusive

relationships. One of the participants replied to the interview question about protection from abuse (PFA) knowledge with the following answer:

I014: Do you think that some women may not even know that it's an option or how to go about doing it?

P014: And that could be, I mean, I didn't know about it until somebody told me. You know, maybe they should do sponsors on the TV or something like that, like hey you know, there's, there's a way to go about this. You know, if you think you are in danger then you need to do this. And I don't see that on the TV. You know, so I think there's has to be something, there's gotta' be something more, you know, to it.

Misperceptions

Misperceptions about the process were also noted by participants, who thought that protection orders were only for victims of physical violence. Victims who did not experience, or infrequently experienced, physical violence may have difficulty naming the experience because it does not fit in the public perception of intimate partner violence (IPV) and may be reluctant to seek help (Grauwiler, 2008). The following women discussed their initial understanding about protection orders:

I009: What were your initial thoughts about the PFA, when you first learned about them?

P009: ...protection from abuse I always think of it as mostly physical abuse. I didn't really think about emotional and um, the financial portion of it.

P013: (Paraphrase) Her initial thoughts were that they were mainly for women in physically violent relationships, and then realized that abuse is abuse even if it is not physical, so she ended up filing for one.

Lack of Process Knowledge

In addition to a lack of understanding about protection orders, the general court process was another area where participants desired more knowledge. Without previous court experience or support, women may find the procedures and options confusing. The results show that women did not know what to expect and had little understanding of the process or available services. These women talked about the lack of process knowledge, not knowing how to access support, and not knowing what to expect.

P002: Nobody told me get a lawyer, nobody told me there were people I could talk to. Nothing is really explained to you...

P001... I initially wanted it for my daughter... I knew it was protection from abuse but I never even known anyone who had filed one, so I didn't have any information on the PFA.

P014: I just filled out the paperwork, I didn't even know the process that much, and I just knew I had to fill out the paperwork but when I got there I found out more about it. Um, and then reading it online a little bit, you know, consent and all that stuff. I didn't know what to expect, I didn't have expectations, I didn't know what to expect.

The lack of information about the process and available resources creates a barrier for victims to access support. "Even when resources are available in the community, women who do not know *how* to access information may not be privy to crucial resources" (Fleury-Steiner & Brady, 2011, p. 885). Women who did not know how to access institutional support resources had increased levels of confusion, frustration, and disappointment with the court system.

Lack of Advocate and Legal Services Knowledge

The following women talked about not knowing that advocate and attorney resources were available or that they could use their services.

I014: Did you work with any of the advocates?

P014: No, yeah, I really didn't know where to, I didn't know where, I didn't even know there was any.

P009: I wasn't sure how to get an advocate.

I009: Uh, and you didn't have an attorney, you said?

P009: No. I didn't know if I could have one

P002: ...I mean I was just disappointed that apparently there's support available and no one bothered to tell me about it.

P002: ...she wanted to know if I had an attorney and I said no, I didn't know I needed one....

If victims do not realize advocacy programs are available or if they lack legal support, they may be missing community resources and critical knowledge when seeking protection orders. Other court personnel, such as commissioners, can also provide important information to victims about the process and procedures.

Unfamiliar Legal Terminology

Commissioners who hear cases provide knowledge about the procedures and explain the conditions of the protection order; however, victims may not recognize the legal terms and may leave the courtroom confused about critical details contained in the protection order, as described by the following woman:

P011: (Paraphrase) The commissioner went over firearms ban, but did not explain the difference between unlawful contact and no contact, so the participant is still confused about some of the terminology in her order.

Victims who do not understand the conditions may not know what constitutes a violation of the protection order, thereby putting them at risk. In order to make the best decisions that will impact their lives, women need to be knowledgeable about the PFA process and have access to supportive resources.

Support Can Lead to Empowerment

The second theme that emerged was institutional support and the significant role it plays in a victim's court experience. This research found that victims talked about the importance of having emotional and procedural types of support when seeking protection orders. Research has shown that the quality of the court experience for victims can be dramatically improved if they have supportive representation by advocates, attorneys, or other court personnel in the legal system (Ptacek, 1999). This research agrees with research by Ptacek (1999) and found that women who worked with advocates or attorneys and received emotional and/or procedural support appeared to be less overwhelmed, when compared to women who did not have any support. Women also felt empowered when they had the support of the court and received protection orders. Support can come in different forms from different sources. For this research, institutional support (i.e., advocates, attorneys, mediators, and commissioners) was considered.

Emotional Support

Victims experience a variety of emotions the day of the protection order hearing. Under these conditions victims are vulnerable to judgment (Ptacek, 1999) and need to be affirmed that the system will help to protect them.

Reliving the Experience

The court day can be very emotional for victims and even more difficult to relive the events by writing detailed narratives required for the petition. This woman talks about how emotional it was to fill out the paperwork and relive the experience.

P064: (Paraphrase) The process of filling out the paperwork was hard emotionally – it brought up things that she doesn't talk about and things that she tried to forget about...

Overwhelmed and Empowered on the Day of Hearing

Protection orders can have symbolic meaning by representing internal strength and reclamation of victims' lives (Fischer & Rose, 1995). Participants who felt they had the court's support and received PFA orders indicated feelings of empowerment, even if the process itself was difficult, as one woman describes:

P014: ...I was overwhelmed. I was nervous and um but when I got done and I walked out of that courtroom I pulled my jacket down and I'm like I did it...when I left there I was, I felt really empowered and I called my brother.

One woman talks about the importance of having an advocate and receiving the protection order, with each contributing to her feelings of empowerment:

P003: The domestic violence advocate helped me fill out forms and if it was not for her help, I would have not filled them out. I felt empowered with the support of the domestic violence advocate and with the PFA.

Emotional Support Decreases Fear and Anxiety for Victims

Having feelings of empowerment and emotional support are crucial elements for victims to end abusive relationships. Advocates and attorneys who are empathic and help victims on the day of the hearing can provide emotional support, thereby reducing victims' fear and anxiety. This woman talked about the how attorney and advocate helped to lessen her fearful emotions on the day of the hearing:

P003: He (attorney) was very sensitive to my fear and was caring. The longer the mediation the more emotionally draining and he stayed with me, even after everyone left.

This woman talked about the first time she appeared in court feeling overwhelmed, and how the assistance of an advocate improved her outlook on the process and decreased her anxiety:

P006: The advocacy program, is that what it is? They, when I went to fill it out, they said do you have anybody here to help you? And I said no and she said well we'll help you, (so um [name], I don't know if that is the name has never come across as a female), she was helping me and it went really well....She was really able to guide me in it, so I wasn't as overwhelmed like I was the first time.

Victims Felt Scared and Alone without Emotional Support

An advocate or attorney support can mitigate the emotional distress for victims on an already traumatic day. Women who did not have institutional support felt scared and

alone. One woman commented on the difficulty in trying to recall crucial details, and another desired reassurance that she was not alone and was doing the right thing.

P002: ...making a decision and feeling isolated and alone it's hard to remember it all.

I: So do you think you might have liked to talk to an advocate?

P014: Yeah, I think so. Yeah, I think, I mean that's hard, I mean it was hard and it's scary. I think if somebody was there to talk to and explain and, you know, you are not alone in this. You're doing, you know, maybe you're doing the right thing. I think you are doing the right thing from what you have told me, you know. I think somebody should be there. I really do.

Having emotional support on the day of the protection order hearing can reduce the anxiety experienced by victims, and may decrease their feelings of being overwhelmed, increase their ability to think clearly, and allow them to feel comforted by knowing they are not alone. Emotional support was not the only type of support women talked about; they also discussed the importance of having help with the court process, from filing petitions to understanding the conditions of the protection orders.

Procedural Support

When victims are feeling overwhelmed by the PFA process, institutional support and court personnel can offer procedural support by providing instruction, guidance, and clear explanations.

Advocates Helpful with Paperwork

Advocacy support was most appreciated when women talked about the PFA paperwork. The following women expressed how happy they were to have had advocates

who helped them with the paperwork, advised them on critical details to strengthen their petitions, and explained the PFA process.

P001: Advocates were helpful with paperwork, but no one to speak on behalf of child...She just looked over it, we did have to add a few things...so like I would say that he said bad words to me but they said I actually had to write the words.

P011: (Paraphrase) Advocate helped fill out paperwork and said that if she did not have anyone to help her it would have been confusing.

P012: The court system was very helpful, they have an advocacy program that walks you through it, step by step and helps you with everything you need. Whether it be follow-up phone calls, calling to check on you, they make sure your paperwork is accurate, and they give you the best assistance they possibly can.

Without Procedural Support, Paperwork Can be Difficult

This type of detail support to prepare clearly written petitions is critical for the victim to show a *preponderance of the evidence* for the commissioner to find abuse, and can increase victims' chances of obtaining protection orders. The following women who lacked institutional support talked about their struggles with the procedural paperwork:

(014): I didn't think it was good. I didn't feel like I filled it out to the best of my knowledge

(015): (Paraphrase) Cumbersome and overwhelming, extensive and hard to fill out. She is an educated woman and could barely understand some of the things in the packet. She considered asking for spousal support but saw it involved more paperwork which dissuaded her from asking for those conditions.

Victims Seek Guidance from Commissioners and Mediators

This research found that advocates can alleviate some of the victim's stress and confusion by helping them with the court procedures. Commissioners and mediators can also provide procedural support, by providing clear explanations about the process.

However, a number of women noted the lack of procedural support when dealing with court personnel (e.g., commissioners and mediators). This woman talks about the aggressive demeanor of the commissioner, who became agitated when asked for clarification:

(P015) (Paraphrase) The commissioner did not say much, but she did mention that the commissioner was very aggressive to her, almost mean. She had a very curt tone and seemed agitated when asked for clarification about things.

Mediators can also provide guidance and instruction about the consent procedures and court process, which may impact the decisions of victims. This woman talks about the mediator who discouraged her from pursuing her case by suggesting the courts could not help her:

(P007)...the last mediator was like, you know, it's basically, like, whatever. Because again, if you feel as though this is not gonna help you, then just like, oh. Because it's not worth it. Like, you keep coming back and forth to court and we don't have no answer for you.

Social support and positive interactions with court personnel are seen as healing and empowering and can help facilitate victims' personal growth (Bell, et al., 2011).

Procedures Are Confusing without Legal Support

One woman mentions her confusion and fear of doing or saying something wrong during the hearing and her desire to have an attorney to help her through the process:

I010: How do you think an attorney can help you with the process with things otherwise you have to do yourself?

P010: ... you know, it might limit my, my state of being confused and not knowing what the hell is going on, because if you are confused that will screw something up. You know, I could say something that means something else and that would screw everything up.

Five of the participants had advocates and three had legal services (see Table 2).

Table 2 Hearings and Type of Support Representation

Participants	Race	Consent	Hearing	Ex-Parte	Dropped	Continuance	Petitioner Attorney	Advocate	No Representation	Respondent Attorney
001	W	X					Private	YES		X
002	W	X							X	Missing
003	B	X					Legal Aid	YES		
004	W			X					X	
005	W	X						Missing		
006	W					X		YES		
007	B				X				X	
008	B	X							X	
009	W	X							X	
010	W					X			X	
011	W		X				Legal Aid	YES		
012	M				X			YES		X
013	B	X							X	
014	W	X							X	
015	B		X						X	

The three participants who had an attorney also had an advocate. This may indicate that victims who are aware of legal services may be knowledgeable about advocacy services. Research has shown that having legal representation improves a victim's chance of achieving a favorable outcome (Durfee, 2009; Goldfarb, 2008). Legal services are available at the courthouse to assist victims on PFA hearing days, which raises the question, why did so few participants have attorneys?

Legal Services Reluctant to Advise under Certain Conditions

Legal aid services may be reluctant to provide counsel advice to victims when both parties are not present, or when parties are consenting, through a negotiated agreement. These women talked about being approached by legal aid but were not able to retain their services because she was consenting to conditions or he (the abuser) did not appear for court:

P014: ...yeah, but he (attorney) said he (abuser) consented so you don't need an attorney...

I007: Oh, the lawyer people

P007: Yeah, they, they wouldn't touch it because he wasn't there.

One woman, who had her companion with her on the day of the hearing, commented on being approached by court personnel about legal aid, but no one got back with her, leaving her somewhat disappointed.

I010: No Attorney?

P010: The closest thing we had was that one lady who talking to us about oh, I'm going to see if we can get somebody to represent you but she never got back to us, which was one thing that kind of bothered us (talking about her and her companion).

Legal aid can appoint an attorney to assist victims on the day of the hearing to help with the process; however, eligibility is based on income. One woman was informed she made too much money, and because it was the day of the hearing it was too late to retain a private counsel.

P002: ...we have some volunteer attorneys that help out but it is income based. I make too much money for that. And of course I was there for the hearing so it was too late to get one.

Legal Representation Could Have Changed the Outcome

Several women reported feeling at a disadvantage during the court process by not having legal support, and they placed a significant value on legal assistance. Women commented on how legal assistance may have strengthened their case or changed the outcome:

P012: *Note Case Dropped:* I dropped the charges without prejudice for a number of reasons. The first reason is that he had an attorney and I didn't...

P001: If I did have my lawyer there, maybe the court would've taken it more seriously. I felt alone in the decision-making process, maybe the two of us would've done a trial instead.

I010: So you talked about [man] having an attorney and you think you need one as well, can you tell me a little more about that and your thoughts around that.

P010: I mean, the only thoughts in that's sense to me is that I don't want him to have an advantage.

Procedural support is vital for victims to clearly present their case, help with paperwork, provide guidance, and offer clear explanations about the protection order process. Very few women had legal services and others felt disadvantaged without legal representation.

The Importance of Being Heard

The third theme that emerged was the importance of having victims' stories and voices heard by the courts. Seeking protection orders is finally a way for victims to let their abuser know that they are not going to take it any longer (Fischer & Rose, 1995). Some women who used the consent/negotiation process felt their story had not been heard by the court, either because they did not get to talk to the commissioner and/or a lack of time to present their case. The negotiation process was designed to alleviate the court docket, which is under a tight time schedule, and pressures negotiators to settle cases before hearings (Epstein, 2002).

Courts Not Taking the Time to Hear the Case

Women explained their experiences with the hearing process and described the importance of having their case heard and having adequate time to present their facts:

P001: I think the court system would be better help for victims if they took the time – they make all that money and went to school, they should take the 35 minutes, take the hour to hear the case because it's, its own case.

P003: I really wanted to talk to the judge. I don't feel like my voice was heard in court.

P001: I think they're okay to cookie cutter things, instead of you know, they're so worried about hurrying everything because there are so many cases. I have a year of verbal and physical abuse and for it to be decided in like ten minutes, I don't think that was right.

P009: ...you know, you only have a short amount of time to either answer yes or no and there's not much time for explanation of everything.

Two women who felt like they were not listened to also felt that the abuser was not being charged with anything and that he had gotten away with the abuse.

P001: And I feel like he's not being charged with anything since it was a consent...

P003: I felt after we had gone through mediation he had gotten away with it.

Not Everyone Wants to Testify

The women who did not feel heard used the consent process and worked with a mediator. These findings indicate that some women who use the consent process may desire to have their cases heard. Although this was not the response from everyone in this research who used the consent process, some victims may prefer to use the consent process because they do not want to testify and have a trial. As this woman indicated, she thought she had to have trial, and did not want a trial or to testify in front of the judge/commissioner:

P009: And also the initial paperwork always says trial. Like, all the paperwork, so here I am thinking I have to go to trial....I'm like, a trial? I don't want a trial.

I009: If you had the full hearing you would've gone in and testified in front of the judge

P009: I didn't want to testify.

Victims Heard in Full Hearings

During a full hearing/trial, the petitioner must prove by *a preponderance of the evidence* that abuse has occurred. Both parties can present and cross examine witnesses.

Two of the participants in this research had a full hearing. One of the women said her hearing lasted 1.5 hours, and each woman described how she felt listened to, which is a contrast with the consent process:

(P011) (Paraphrase) Trial lasted 1.5 hours, she had pro bono attorney and he did not. Because he did not have an attorney he was allowed to question the participant which shook her up. She felt listened to and treated fairly.

(P015) (Paraphrase) She felt listened to at the end and got what she wanted out of the process, no matter how difficult it was to go through.

This research shows that having adequate time to have your case heard may increase court satisfaction for victims, though not everyone wants to testify and go through a full hearing.

Chapter 6

DISCUSSION

Overall, the themes of knowledge, support, and being heard during the civil protection order process revealed (a) victims' need for increased knowledge and understanding about the civil protection order process; (b) a desire and need for assistance from institutional support (advocates, attorneys, mediators, and commissioners); and (c) the lack of empathic listening, and time equity with the consent process, when compared to full hearings. These are critical observations when looking at the court process to understand the needs of victims and the importance to be heard and to hold abusers accountable for their actions. Victims who have increased knowledge and support will be better prepared and empowered to make critical decisions during a time of high stress. These results are based on qualitative interviews from fifteen participants and are reflective of previous research findings.

Theoretical Application

Considering Bronfenbrenner's ecological systems perspective, we can look at the bidirectional relationships between the participants and the court system. This model shows the importance of receiving protection orders and having adequate institutional support to ensure optimal outcomes. Looking at the microsystem, victims are motivated by their increased need to seek protection through the courts, in the exosystem, to

improve their lives. Victims overcome psychological, environmental, and knowledge barriers to seek help and safety. Protection orders are one way to provide safety for the victim and her family in the microsystem. Victims' interactions with the courts in the exosystem, will impact her general attitudes and beliefs about the court in the macrosystem. Less-than-desired outcomes and lack of support can impact all systems in the ecological model. As an example, not receiving financial support in a protection order will (a) impact the family in the microsystem causing increased stress, (b) affect socioeconomics in the exosystem, (c) influence victims' attitudes, in the macrosystem, toward the court system in the exosystem, and (d) impact how victims feel about their life transition seeking to end abusive relationships in the chronosystem. Protection from abuse (PFA) orders can increase victims' chances for growth and personal development in the chronosystem, by helping to end abusive relationships. However, the protection order process can be complicated by the situational context of the court system and victims' lack of knowledge about the process and procedures.

Lack of Knowledge Is a Barrier to Support

Participants' lack of general knowledge about the system was found to be a barrier to seeking help. Two of the participants had initial misunderstandings that protection orders only applied to victims who experienced physical violence. This impression may limit victims of psychological abuse from seeking help and can negatively impact their well-being (Fleury-Steiner, Fleury-Steiner, & Miller, 2011). Lifting barriers to civil protection orders is important because they can "serve as a gateway through which victims gain access to various types of resources and support"

(Goldfarb, 2008, p. 1509). “Barriers at the community level, such as a lack of resources and support and a lack of information about those resources contribute to the entrapment of battered women” (Fleury-Steiner & Brady, 2011, p. 885).

Emotional Support

The absence of understanding and knowledge creates confusion about the process and feelings of being overwhelmed. When victims are highly stressed, as most reported in this research, and lack support, it may be difficult for them to be calm, think logically, and remember all the details needed to present their case. Participants identified needing resources for emotional support when seeking protection orders, and experienced a variety of mixed emotions on the day of the hearing. Emotions ranged from being overwhelmed to feeling empowered. Victims need to present cohesive, logical arguments for why they are seeking protection orders, and they may appear confused, forgetful, and indecisive on the day of the hearing (Wan, 2000). These are typical symptoms that result from endured physical and/or psychological trauma. Intimate partner violence (IPV) victims have higher rates of depression and post-traumatic stress disorder (PTSD), which can include symptoms of re-experiencing the trauma, trouble sleeping, irritability, trouble concentrating, feeling jumpy, and fearful (Jones, Hughes, & Unterstaller, 2001). To use the courts effectively, it is best to present a calm demeanor and remember the exact incidents that happened (Buzawa, Buzawa, & Stark, 2012). Participants who had advocate and/or legal services indicated that they had enhanced emotional and procedural support that gave them guidance and instruction. “Advocacy

services can increase a victim's perceptions of social support, improve her mental health, and increase her physical and psychological safety" (Epstein, 2002, p. 1890).

Procedural Support

This research indicates that victims may see advocates and attorneys as the gatekeepers to informational, procedural, and emotional support. Procedural support was typically related to not knowing what to expect and how to complete the paperwork for protection orders. Victims are required to submit a written narrative about their experiences to make a case against their abuser, but are not required to have legal counsel. Completing the paperwork was commented on as being one of the most stressful parts of the PFA process. One of the participants who did not have any support was even dissuaded from seeking financial support because it involved additional paperwork. It is important to note the important role of the advocates who assisted participants with paperwork processing. As cited in Wan (2000), advocates can help "women file petitions, prepare for hearings, deal with their fear and anxiety about the process, and provide them with positive outlets through which to express anger against their abusers" (p. 611). This research provides evidence for that finding as well. Court personnel such as commissioners and mediators can provide guidance, information, and explanations about court orders and process. Some women noted a lack of information and support from court personnel. In order for the PFA process to work for victims, they need to have access to and have their voice heard by support resources, including attorneys, advocates, and court personnel.

Participants saw institutional resources (i.e., advocates and attorneys) as playing a vital role in the protection order process. Even when participants did not have support resources, they placed a high value on advocates' and attorneys' expertise and knowledge. This research found that attorney support was overwhelmingly absent for participants. Agreeing with Durfee's (2009) research, many victims in this research composed and submitted the affidavits without the assistance of legal representation. Even though legal representation is not required to file for a PFA order, participants in this research indicated a desire to have legal support. Participants who used the consent process indicated having a difficult time trying to secure legal aid to assist them. Participants who had institutional support felt less overwhelmed using the court system and had a better understanding of the process. Those who agreed to the consent process commented on their lack of access to legal counsel and the significance of attorneys, with some indicating that their outcomes may have been different if they had used legal counsel.

The Importance of Being Heard

The consent process was found to be the most common procedure for participants seeking protection orders. It is important to understand if the court system is encouraging victims to pursue consents to benefit the courts and save time, or if victims see the consent process as the best method to seek protection, without the trauma of a full hearing. Participants commented on the challenges with the consent process in this research, indicating they did not feel their case was heard, they had issues with time constraints, they felt their abuser was not held accountable, and/or they were dissatisfied

with the negotiation process; this is also a replication of previous research by Epstein (2002). Grover, Brank, and MacDonald (2007) indicated from their court observation that “the outcome of a case would probably have been different if the defendant and victim were not given an opportunity to address the court” (p. 618), illustrating the importance of having victims’ concerns addressed as part of the decision-making process.

The Impacts of Race across Themes

For discussion purposes, the research compared the three themes (Lack of Knowledge, Emotional and Procedural Support, and the Importance of Being Heard) to determine if theme findings were consistent across racial lines.

Lack of Knowledge

This research study consisted of five Black participants, one mixed-race participant, and nine White participants (see Table 2). The findings in this research illustrated a lack of knowledge about protection orders and the general process was consistent across racial lines. Five of the women (2 Black, 2 White, and 1 mixed race) sought previous protection orders either in Delaware or another state and partially understood the court system. The remaining three Black and seven White participants did not have previous experiences with protection orders, and all indicated a lack of knowledge across all areas, as previously reported in the results.

Emotional Support

Under the support theme, the lack of emotional support provided by advocates and legal representation was also consistent across racial line. The majority of the participants did not have advocates and/or legal services to provide desired emotional

support. A few participants noted that they brought family members or friends as witnesses who may have provided emotional support, but most commented on their desire to talk to someone and to be reassured about the hearing process.

Procedural Support and the Importance of Being Heard

When analyzing procedural support and the importance of being heard, overall the minority Black and mixed-race participants in this research felt discouraged and most felt they were treated poorly by commissioners and mediators (see Table 3), when compared to the White participants, who felt commissioners and mediators provided support and treated them fairly (see Table 4).

Black and Mixed-Race Participants

Black and mixed-race participants were less likely to feel heard; for instance, one woman felt her evidence was disregarded by the commissioner. It is also important to note that the two cases that were dropped involved one Black participant and the one mixed-race participant, both having been discouraged by the mediator.

Table 3 Impacts of Race Across Themes – Black and Mixed Race

I D	Race	Hearing	Procedural Support	Importance of Being Heard
0 0 3	Black	Consent	ADV helped with paperwork Mediator more concerned with time and needing to wrap it up – Mediator did not value her and interjected personal opinions	Voice was not heard.– “he had gotten away with it” Judge did not get to hear her
0 0 7	Black	Dropped – No Show	Discouraged by mediator because abuser did not appear for hearing.	Case dropped
0 0 8	Black	Consent	Judge treated her poorly, judged her by her race and socioeconomics and yelled at her. Described Judge as “nasty.”	Judge refused to look at violent criminal history and see the case for what it was
0 1 3	Black	Consent	Judge insinuated physical abuse was the only one that counts.	She thought the judge could have a more sympathetic ear and recognize other types of abuse

0 1 5	Black	Full Hearing	1 out of 2 judges aggressive and mean because she kept asking for clarification Did not ask for financial support because it was additional paperwork	Full hearing – she felt listened to
0 1 2	Native Am/ Black	Dropped thru Consent	Discouraged by mediator who said she did not have strong enough case b/c he had attorney. ADV helped with paperwork.	Blew off her concerns because he had attorney Case Dropped

The following statements show an intersectionality between race, class, and poor treatment by court personnel. One woman described racially biased practices by the commissioner:

P008: (Paraphrase) Participant was extremely unhappy with the way she was treated. She said multiple times that that commissioner had judged her by the way she looked, and (implied race as well as socioeconomic status) yelled at her as well as giving her attitude throughout the hearing.

Another woman talks about not being treated fairly or listened to because she could not afford legal representation. This is reflective of Wan's (2000) research describing court personnel patronizing treatment of poor Black women who are unable to obtain legal services.

I012: And when you were in court for the most recent PFA, did you feel you were listened to and treated fairly?

P012: No. Because I just felt like they kind of blew off my concerns because he had a lawyer and I didn't and I couldn't afford one... they didn't look at his history prior because it was a while, it had been a while, so they felt as though I didn't have a fair chance. Even though he was sending me threatening text messages

Procedural justice says that when victims view the system as fair and legitimate they will have faith in the system and see it as a valid mechanism to deal with domestic violence (Richman, 2002). However, if racial biases exist in the civil courts, it may be

even harder for women of color to believe the court system will protect them. Out of the five Black participants and the one mixed participant, each provided descriptions of poor treatment and discouragement by the court personnel (i.e., mediator and/or commissioner).

White Participants

The nine White participants reported a need for support resources at some level, either through the courts, legal representation, or advocates (see Table 4). Three of the White participants had advocates and/or legal representation. Two women noted feelings of not being heard because of the limited time given to present their case, with one woman stating that the abuser got away with the abuse, because it was a consent. Most indicated better supportive treatment overall by the court personnel. None of the White participants indicated mistreatment or discouragement by the commissioners or mediators. Two of the cases were continued and one case was expedited where interactions were limited between court personnel and victims.

Table 4 Impacts of Race Across Themes – White

I D	Race	Hearing	Procedural Support	Importance of Being Heard
001	White	Consent	Wished she had brought custody attorney, she would have had full hearing. Consent did not protect child	I feel like he is not being charged with anything because it was a consent – Court wants to do everything real quick
002	White	Consent	Judge was great and really supportive – Important for judge to be fair	
004	White	Ex-Parte	Expedited case – must return for hearing Process fair so far	
005	White	Consent	Everyone was nice – listened to and treated with respect Judge read everything in the PFA order	
0	White	Continued	Advocate support helped with paperwork– but	

06			Bailiff & Legal Aid unsupportive	
009	White	Consent	Not much support for someone who is severely traumatized – Would have liked legal support. Judge took time and made sure to explain “his” rights	Not much time for an explanation – very short and specific -
010	White	Continued	Legal aid approached her but never came back	
011	White	Full Hearing – DFS	Advocate helped with paperwork – Felt safer having attorney with her Judge bored showed little emotion. Participant confused by legal terminology	Full hearing lasted 1.5 hours
014	White	Consent	No one at court to help her with procedures - Judge was really good and mediator was fine	

One woman talked about how important it was for the commissioner to be fair, to listen to what she had to say, and to explain the orders:

I002: What did you think about the judge’s personal characteristics, like what kind of effects did they have on the process?

P002: She seemed very much in that it was important for her to be fair and that to uh, you know, she wanted to hear what we had to say and she wanted to make sure we were clear on what the orders were.

This woman describes her interactions with two commissioners; both had a good demeanor and explained the procedures.

I014: Were you pleased with the judge, that you thought the judge treated you fairly?

P014: I think both judges were fine...the first one for the emergency was very good natured...and then the second one, she was very nice and explained everything...

The issues around the court process for White participants did not seem to be related to race, class, and treatment by court personnel but appear to be linked to the consent process and the lack of institutional support. The results show that minorities felt

discouraged by the courts and racial/class biases may be affecting interactions between court personnel and minorities. This finding about court personnel's attitudes toward minorities seeking civil protection orders merits further evaluation.

Finally, it is important to comment on the one participant who said to me as I was leaving her home after our interview, "I don't know what I don't know." This is a very poignant statement that reflects how the lack of knowledge about protection orders, access to support resources, and information can have detrimental impacts on the decisions and the lives of victims seeking protection.

Chapter 7

CONCLUSION

This research was conducted as part of a larger National Science Foundation (NSF) project and findings are from a sample of fifteen qualitative interviews. Initial findings indicate the following: (a) victims seeking protection orders may lack informational knowledge about the process and support; (b) victims need different types of support (e.g., emotional, procedural); (c) victims are dissatisfied with the consent process if they feel cases are not heard, there are time constraints, and when the abuser is not held accountable; and (e) victims who receive poor treatment by court personnel point to findings of racial disparity.

Overall, the findings reveal a need to improve how protection from abuse (PFA) information, legal aid, and advocacy resources are disseminated to victims prior to hearings. Increasing knowledge of PFAs by publicizing information with effective outreach mechanisms may open up doors for victims to seek help. Making use of public awareness campaigns may prove useful for increasing general knowledge about the process.

Court personnel need to be sensitive to victims' needs, employ empathic listening, and treat victims with respect, to ensure equality and fairness to all. It is important that court personnel use trauma-informed services and understand how violence impacts the

lives of female victims. Court personnel need to be trained in cultural competency best practices to improve relationships with minority victims. Civil protection orders impact victims and their families through interrelated psychological, physical, and environmental systems. Continued research on the process is vital to improve the lives of victims and their families; however, the limitations of this study must be recognized.

Limitations

Results can only apply to women seeking protection orders in New Castle County, Delaware. These findings may be important in a broader sense when considering how information is disseminated to victims in all counties and states about the civil protection process.

Another limitation is that the sample may be skewed from the entire project sample. Because these were the first qualitative interviews completed, the interviews may not have been as comprehensive as later interviews. Also, participants were asked to be part of the study prior to going in for the PFA hearing. They were informed that the study is about the protection order process to see what is working and what needs to be improved, which is part of the recruitment script (see Appendix C). Those who agreed to be part of the study may have felt as though they had something to say about improving the system and others who did not want to participate may have thought the system worked. It may also be that most women wanted to help other victims, and that is why they wanted to be part of the study.

Eight participants were processed through the consent procedures and only two had full hearings, so it was difficult to conduct a side-by-side comparison; however, the findings were relevant to report and should be useful for future research.

The researcher also holds biases that victims of intimate partner violence (IPV) need support systems to assist with the protection order court process. The researcher was open to alternative meanings and looked for other sources of support to discredit the bias; however, the results tended to agree with the bias of the researcher. It would be important for other researchers to review the same transcripts and create codes for meanings to see if similar results are found.

Areas for Future Studies

One interesting aspect that emerged in demographic information was the mean age of 39.6 for these fifteen participants, with the largest portion of the women having completed some college or higher education (see Table 1). Research has shown that rates of IPV are highest for women between the ages of 18 and 24 at the rate 8.7%; 25 and 34 at 7.3%; and 35 and 49 at 4.7% (Truman & Morgan, 2014). The results in this research may indicate that women are more likely to report IPV at an older age and have higher education, or alternatively the selected random sample may be slightly skewed from the larger sample being recruited. This cannot be determined until the full project has been completed, but it is an interesting finding.

The poor treatment and lack of support by civil court personnel of minority participants reveal a need to continue research in this area. Explanations may be a potential racial bias by the courts, or minorities may view the court system in a negative manner because of racial disparity within the court system.

Finally, it would be interesting to conduct a follow-up study to look at the consent process and the relationships of victims and negotiator/mediators, to see if results have significance. Are negotiators neutral during the process, are they providing advice, and what is their level of training and skills? To understand the relationship between the mediator and the victim, we need to look at what participants say about the consent process, interactions with the mediator, and the outcomes.

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Appendix A

INTERVIEW GUIDE

CIVIL JUSTICE PROJECT TIME 1 - INTERVIEW

This interview will take approximately 60 to 90 minutes to complete. The information you give me today will be used to tell us how the court system can better help women. Since you are the expert, any information you give us will be extremely helpful. Everything you tell me will be kept confidential and will not affect any services you receive from the court system or from any other agency. If any of the questions make you uncomfortable or don't apply to you, just let me know. We could skip that question and go back to it later or skip it entirely.

When you last spoke with us, you said: you didn't have a phone
your phone number was: _____

Is this information still right? _____ YES _____ NO

Do you have another phone number, such as a work number or a landline where we
can reach you? _____

CONFIRM NAME (esp. spelling) AND CURRENT ADDRESS:

Name _____

Address _____

City _____ Zip _____

Do you plan on living at this address for the next three months? YES NO

DON'T KNOW

(IF NO or DON'T KNOW) Do you know where you might be living during the next
three months?

_____ (phone)

When are the best times to contact you? (GET SPECIFIC DAYS & TIMES)

Weekdays _____ Weekends _____

Are there times that are unsafe or less safe for us to contact you?

When we contact you again in three months, what should we say when someone answers the phone? (e.g., ask for her, leave message from Civil Justice Project, from UD, from women's health study)

Is it all right if we leave a message with the person who answers the phone?
YES NO

Who should we say is calling? _____

Is it all right if we leave a message on voicemail? **YES NO**
Who should we say is calling?

Throughout this interview I will be asking questions **about the person you requested the protection from abuse order against**. The reason I'll be asking these questions is so that we can better understand your circumstances as well as the effect this person's violence and the court case have had on your well-being. Because these are personal questions, it may seem less awkward for me to refer to this person with a name. This **does not** have to be his real name.

Is there a **first name or nickname** I can use? _____
([GUY])_____ (substitute name for [GUY] in interview)

Interviewer ID: _____ Date: _____ Time
started: _____
Unique ID#

(TURN ON RECORDER)

First, I'd like to ask you some general questions so that we can get some background information about the women we are talking with.

Thank you very much again for agreeing to talk with me today. Your experiences and opinions are very important to the research project and we hope that by the end of the project, we will be able to make some policy suggestions that will better assist women in your position.

I also want to give you a resource list of available services in the community in case you do not know about them and may want to check them out. **(give respondent the resource list)**

Before we turn to the interview questions, I wonder if you can tell me a little bit about how you see yourself....Tell me about yourself? (Probes: what kinds of thing do you like to do? What is your general outlook on life? What makes you happy?)

Could you answer some basic demographic questions?

Your age ____ Age of [GUY] ____

Your race/ethnicity ____ Race/ethnicity of [GUY] ____

If you have a disability (specify) _____ Disability of [GUY] (specify)

Number of children and their ages (ask for each child if the father is abuser or not)

Do the children live in the home with you? Why or why not?

Does [GUY] live in the home with you? Why or why not?

Have you had to move recently? Why? What has that been like? Have you stayed in a shelter as a result of your relationship with [GUY] or as a result of seeking the order?

Your employment

Employment of [GUY]

Your highest education level

Highest education level of [GUY]

Income and sources of income (individual and household)

- before PFA
- after PFA

Relationship with [GUY]

- prior to PFA
- at time of final decision

Can you please tell me why you wanted to get a protection order?

What was your relationship history of abuse and violence with [GUY]?

(PROBE: psychological/emotional abuse, stalking, economic abuse, pet abuse, stalking by proxy (such as contacting her through other people), electronic stalking, (threats and intimidation). Ask her to be as specific as she can remember and to provide examples when possible.

Can you tell me a little bit more about the quality of your life before filing for a PFA?

(PROBE: how dangerous was it, how safe, how frightened was she of him? How did it affect her daily life and the lives of her family members?)

Was a protection order granted and what were the stipulations of the order?

I next will ask you a list of questions that ask about his behavior.

(PROBE for each YES answer: If so, how/can you tell me more about it?)(“He” refers to [GUY])

Has the physical violence increased in severity or frequency over the past year?

Does he own a gun?

Have you lived together during the past year? If so, have you left him after living together during the past year?

Has he ever used a weapon against you or threatened YOU with a lethal weapon? (If yes, was the weapon a gun?)

Has he ever threatened to kill you?

Has he avoided being arrested for domestic violence?

Do you have a child that is not his?

Has he ever forced you to have sex when you did not wish to do so?

Has he ever tried to choke you?

Has he ever used illegal drugs? By drugs, I mean “uppers” or amphetamines, “meth” speed, Angel dust, cocaine, “crack,” street drugs or mixtures. Does he still use _____ now?

Is he an alcoholic or problem drinker?

Does he control most or all of your daily activities? (For instance: does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car? (If he tries, but you do not let him, indicate here)

Does he express jealousy? (For instance, does he say “If I can't have you, no one can.”) If so, how? Provide examples. If so, how does this make you feel?

Have you ever been pregnant by him? If so, have you ever been beaten by him while you were pregnant?

Has he ever threatened or tried to commit suicide?

Has he ever threatened to harm your children?

Other family members?

Do you believe he is capable of killing you? Why or why not?

Some men use custody or visitation issues to harass the women they have been involved with. Did [GUY] use this to you? (PROBE: to try to stay in your life?

Harass or frighten you? Try to turn the kids against you? Any other reasons?)

Could you tell me a little bit more about the history of physical abuse with [GUY]?

Have you been injured by [GUY]? If yes, how so? (PROBE: Did you need to go to the doctor or hospital for any of your injuries? If you needed to go, but did not, can you talk a little about why you didn't go?)

Have you been injured by him in the past 3 months?

Were you injured at the incident that led to your filing of the PFA?

Did you ever respond to [GUY's] abuse with force against him?

If YES, why? (PROBE with these, only if she needs some help: in order to teach him a lesson; because I was tired of him hurting me; to stop him from hurting me; to protect my children; to leave the room/dwelling; other (describe))

What was the result of your use of force? (PROBE with these, only if she needs some help: nothing; he laughed it off – wasn't afraid of me; he stopped hurting me; he called the police; other (describe))

If NO, why not? (PROBE with these, only if she needs some help: too afraid of what he'd do to me if I fought back; he threatened to take my children if I touched him; it would have made him madder; other (describe))

Experience with the court process in general

How did you learn about Protection from Abuse Orders?

What were your initial thoughts about PFAs when you first learned about them?

(PROBE: Did you think it would be useful/was a good option? Did you think it would be a waste of time?)

For many women, deciding to apply for a protection order is a difficult process. What made it easier for you to decide to apply for a PFA the most recent time? (PROBE: support from family or friends; police advised you to apply; required by CPS or DFS; thought order would keep you/your children safer; you wanted him to get counseling; etc.)

Did you have to overcome any barriers when applying for a PFA? (from friends or family, fear of retaliation, prior bad experiences with the court, fear of being arrested yourself for something else, trouble getting childcare, transportation, time off work, etc.)

What did you think of the process of actually filing out the PFA paperwork?

What did you think of the process in the court/of the court hearing?

Experiences with police

Women often have many reasons for not calling the police. Did you decide not to call the police when [GUY] threatened or hurt you? If not, why not?

If you did call the police, did they ever tell you about PFAs?

If so, in what context did they tell you about them?

Have you had any prior contact with police concerning any abuse with [GUY] (prior to filing PFA)?

Did you feel you were listened to? Treated fairly? Treated with respect?

Were the police helpful? Why or why not? If they were helpful, how? What made them helpful or not? Give examples?

Did the police arrest him?

Would you call on the police for help again if there was a problem? Why or why not?

What influenced this decision?

Experiences with courts

Have you ever been to court before?

If so, what are your other court experiences, if any? (PROBE – other DV incidents, family court issues regarding divorce or custody, etc.).

When you were in court for the PFA, did you feel you were listened to? Treated fairly? Treated with respect?

Would you use the courts again if there was a problem with [GUY]? Why or why not? What influenced this decision?

Social support networks

Who knows about your experiences with abuse? How helpful/unhelpful were they?

How were they helpful/unhelpful (examples)?

(Probe on: family members, friends, co-workers, DV or victim services, clergy, others?)

What other kinds of support do you have? How helpful/unhelpful were they? How were they helpful/unhelpful (examples)?

(Probe on: family members, friends, co-workers, DV or victim services, clergy, others?)

Did any of them ever go to a hearing with you?

Let's talk about your experience with the protection order process.

First, if you think back to right before you applied for the order. At that point, what did you expect to have happen?

(Probe: Did you expect to get the order? Did you expect to have to see him again? Did you expect to have to go in front of a judge or testify in court? How did you expect [GUY] to react?)

What conditions did you ask for?

Was the PFA granted?

If not, how did you feel about this? (PROBE on why she felt it wasn't granted, how she felt about the judge and her/his decision, and also the aftermath – did she feel unsafe going home, would she consider going to file again if she had more evidence/problems with [GUY]?)

If she did receive the PFA:

What conditions were ultimately contained in the PFA?

_____Restrain the respondent from committing acts of domestic violence

_____Restrain the respondent from contacting or attempting to contact the petitioner;

_____ Grant exclusive possession of the residence or household to the petitioner or other resident,

_____ Order that the petitioner be given temporary possession of specified personal property

(Specify _____) property:

_____ Grant temporary custody of the children of the parties to the petitioner or to another family member (Specify whom: _____)

_____ Provide for visitation with the respondent, including third party supervision of any visitation. Specify conditions and third party:

_____ Order the respondent to pay support for the petitioner and/or for the parties' children,

_____ Order the respondent to pay to the petitioner or any other family member monetary compensation

_____ including medical, dental

_____ counseling expenses

_____ loss of earnings or other support

_____ cost of repair or replacement of real or personal property damaged or taken

_____ moving or other travel expenses

_____ litigation costs, including attorney's fees;

_____ Order the respondent to temporarily relinquish to the sheriff, constable or to a police officer the respondent's firearms

_____ Refrain from purchasing or receiving additional firearms for the duration of the order;

_____ Prohibit the respondent from transferring, encumbering, concealing or in any way disposing of specified property owned or leased by parties;

_____ Order the respondent, petitioner and other protected class members to participate in treatment or counseling programs;

_____ Grant any other reasonable relief necessary or appropriate

Specify: _____

What evidence was entered to support your claims?

If your requests were different from the final order's conditions, why do you think you didn't get what you requested?

ASK THE FOLLOWING QUESTIONS REGARDLESS IF SHE RECEIVED PFA OR NOT.

Did [GUY] file a cross-petition?

If so, do you believe his accounts were accurate?

What did you think of the PFA **process in the court**? In other words, what were your experiences with the process? (Probe: was it a consent order or a trial? What was that like?)

Did what you hoped or thought would happen occur in the actual PFA process by the court? If so, in what ways? If not, how not?

How many times did you ever go to a hearing about the most recent order, including times when you went but then it was cancelled or rescheduled?

What did you think of the **outcome of the PFA process**? In other words, what did you expect the outcome to be?? Why did you have this expectation?

Did what you hoped or thought would be the outcome actually happen?

Did you think it was fair?

Do you think that any of your personal characteristics had an effect (good or bad) on the process? (PROBE if she doesn't raise issues like race, class, other demographics, prior history of violence, etc.)

Do you think that any of [GUY'S] characteristics had an effect (good or bad) on the process? (PROBE if she doesn't raise issues like race, class, other demographics, prior history of violence, etc.)

Do you think that any of the judge's personal characteristics had an effect (good or bad) on the process? (PROBE: race, class, gender, sexual orientation, disability, etc.)

Go over same questions with:

Attorneys?

Other courtroom personnel?

Victim services who helped with PFA?

Mediators?

What was the demeanor of the judge like? By 'demeanor', I mean how did the judge treat you or act to you? (PROBES: treated you with respect? Was abrupt? Seemed disinterested? Seemed not willing to give you much time to talk? Seemed not to believe you? Talked down to you? Explained things fully? Interrupted you? Seemed to treat [GUY] different than you – if so, how so?)

Go over same questions with:

Attorneys?

Other courtroom personnel?

Victim services who helped with PFA?

Mediators?

Let's talk again about how you see the outcome of the protection hearing. You had said earlier that you thought the process was [fair/unfair]. Does your prior experience with the court system have an impact on whether or not you think:

- You were treated fairly?
- The outcome was fair?

Now that you've been through the court process, have your perceptions of PFAs stayed the same or changed since your initial perceptions about them? If so, how have they changed? What do you think influenced that change?

Use of attorneys

Did you have an attorney? (PROBE – was it pro bono or private?) If not, why not? If so, how did you become connected with the attorney? How much time did you spend with the attorney before you went to court? Was s/he respectful of your wishes? Did s/he understand your case? Did s/he listen to you? Can you tell me more about how you were treated?)

If you had an attorney, do you think this affected the case? (PROBE: did it increase or decrease whether you thought the process was fair? Did it increase or decrease whether you thought the outcome was fair?)

If you did not have an attorney, did you have someone representing you? If so, who? If not, why not? (PROBE: Were they from a community organization? If so, what organization were they from? How did you come in contact with

organization/advocate? How much time did you spend with the attorney before you went to court? Was s/he respectful of your wishes? Did s/he understand your case? Did s/he listen to you? Can you tell me more about how you were treated?))

If you had someone other than an attorney representing you, do you think this affected the case? (PROBE: did it increase or decrease whether you thought the process was fair? Did it increase or decrease whether you thought the outcome was fair? NOTE: Ask the same probes if the survivor had no legal or DV agency help at all.) If so, how do you think it affected the case?

Did [GUY] have an attorney? (PROBE – was it pro bono or private?)

Did either of you bring support people with you to the hearing? If so, who was there?

If the respondent didn't have any attorney did he have someone else representing him?

Do you think this affected the case? (PROBE: did it increase or decrease whether you thought the process was fair? Did it increase or decrease whether you thought the outcome was fair?) If so, how do you think this affected the case?

Style of judge

What did you think of the judge in your case? (PROBE: was s/he good natured? Bureaucratic (by this I mean did the judge stick to 'the rules' with little emotion; was the judge overly concerned with procedure at the expense of efficiency or common sense.)? Admonishing (by this I mean did the judge scold you, or seem to criticize you or disapprove?)

Do you think the judge's style as you just described affected how fairly you were treated? Do you think the judge's style affected the outcome of the hearing?

If you received a PFA, what kinds of specific information did the judge go over in the case?

Was the information about the conditions of the order clearly explained?

Did the judge go over the firearms prohibitions?

What other information did the judge go over after the PFA was granted?

If you did receive a PFA, how likely are you to report a violation of your PFA to the police? (PROBE – what would influence you to report or what would deter you?)

If you did not receive a PFA, how likely are you to use the legal system in the future to address intimate partner abuse? (PROBE – would you think the process would be fair in another incident? If not, why wouldn't you trust the system? Is there anything that could be done to instill a greater sense of fairness or trust in the system?)

Overall, how satisfied were you with the PFA process? (PROBE: why or why not?)

Overall, how satisfied were you with the PFA outcome? (PROBE: why or why not?)

Have you had any contact with [GUY] since the PFA was issued/denied? (has he tried to hurt you in any way since the PFA was issued/denied?)

If so, have you contacted the police or court about that contact or assault? (Probe on why or why not)

How likely is it that [GUY] will be violent against you in the future?

If [GUY] were ever to hurt you again, how likely is it that you would contact the police?

Do you think there is anything the legal system can do to better protect you from [GUY]?

Is there anything else about your experiences that you would like to share with me today? (PROBE: – anything you remembered that I somehow forgot to ask you about?!!)

We would love to be able to re-contact you in 3 months to see how things are going, especially in regard to the PFA. What is the best way to re-contact you in 3 months?

Do you anticipate moving? Your safety is foremost in our minds, so do you have a preferred way of getting in touch with you? For instance, do you have any alternative contacts, such as friends or family members who might be willing to pass along a message to you in case the contact number you give us doesn't work?

If you think this is best, we will first try to locate you by calling you, but if we can't connect in that way, can you please tell me what we should do to find you?

THANK YOU SO MUCH FOR YOUR TIME AND INSIGHT. We really appreciate all of your help. We look forward to meeting with you again in 3 months.

Time Ended: _____ Length of time in minutes:

PAY HER, and HAVE HER SIGN THE REIMBURSEMENT VOUCHER. Make sure payment is recorded.

Remind her that someone from the Project will be contacting her in three months to schedule a second interview.

ANY COMMENTS?

Appendix B

RECRUITMENT SCRIPT

Recruitment Script

Hi, my name is I'm at the University of Delaware, and we're working on a research project about women's experiences with family court and protection from abuse orders. The idea is to see what is working well for women and what could be improved.

The best way to understand what works well for women is to hear from women themselves. We think it is important to ask women about their experiences with getting a protection order because your opinions and experiences let us recommend better ways for the courts and the community to meet women's needs.

Do you have a minute? Could I ask you a couple of questions to see if you are eligible to be part of the study?

Are you 18 years of age or older?

Is the person you're seeking an order against a current or former partner, like a boyfriend, or an ex-husband? Or is it a different family member?

(If under 18 or if not partner) I'm sorry, but at the moment we're only interviewing women who are (over 18 / seeking an order against a current or ex partner). But thank you for your time, and good luck today.

(If eligible)

If you do want to take part in the study, you will be interviewed two times: once in the next few weeks and again three months from now. Each interview will take about an hour, though it may be a bit longer, depending on your individual situation. During the interviews, you will be asked about your experiences with

the courts and the police and any abuse you may have experienced. Do you have any question so far?

Because you are the expert and because we value any information you give us, you will receive a \$25 gift card for each of the two interviews. All the interviews will be done at a time and a place that is convenient for you. We can do interviews on the UD campus, in your home, or at another place that works for you.

Everything you tell us will be kept completely private. No one will be able to match your name to the answers you give us, and we won't tell anyone you're taking part in the study.

And just to be clear, your decision whether or not to participate will not affect your hearing today and it won't affect any services you receive from the court or from any other agency. So if you decide not to be in the study, that won't affect your hearing or any services. If you do decide you want to be in the study, then any information you give us will not affect any services.

Do you have any questions?

Does this sound like something we can give you a call about in a few days? You don't have to decide right now if you want to be in the study.

(If willing to be contacted, fill out contact information sheet)

Appendix C

INFORMED CONSENT

Research Participant Consent Form
Procedural Justice and Civil Protection Orders
Ruth Fleury-Steiner and Susan Miller, University of Delaware

Description and Procedures of Research

You are being asked to join a research study. This study will look at the views of women who have recently applied for a protection order against a current or former partner. The focus will be on your experiences in court and your thoughts about the process and outcome. Results from this study will be published for research purposes while maintaining your confidentiality. They will be presented to professionals, including court officials, and to the public through educational programs.

You were invited to participate because you are a woman who is 18 years old or older and who has recently applied for a Protection From Abuse order against a current or former partner, such as an ex-husband or a boyfriend.

Women will be recruited from the Family Court in New Castle County Delaware. It is expected that 250 women will participate in this study. Whether you participate or not, the services you receive from the courts, the police, and from any other agency will not be affected in any way.

You will be asked to take part in two in-depth interviews that will be audio-taped if you agree. The first interview will be done today and the second interview will be about three months from now. You will be asked about any violence or abuse in your relationship, any prior experiences with the police and courts, your reasons for applying for the protection order, and your experiences with the protection order system. You will be interviewed individually in a private room at your home, on the University of Delaware campus, or at another convenient location for you. Your interviews will take approximately 60 to 90 minutes, though they may be a bit longer or shorter, depending on your individual experiences.

Confidentiality

All information, including your name, your partner's or ex-partner's name, and the names of any other person, place or organization that you mention in the interview will remain strictly private and confidential, and will not be mentioned in the research

reports. You will receive a unique identification code which will be used on all forms, notes, tapes, and computer documents instead of your names. Reports on the study may use some quotes and situations, but these will not include any potentially identifying information. No one other than the researchers will have access to your name and interview information. All records will be stored in a locked cabinet and all computer files will be password-protected and encrypted. The interview data will be kept indefinitely.

We will do everything we can to keep others from learning about your participation in this study. To further help us protect your privacy, we have a Certificate of Confidentiality from the United States Department of Health and Human Services (DHHS). With this Certificate, we cannot be forced (for example by court order or subpoena) to disclose information that may identify you in any federal, state, or local civil, criminal, administrative, legislative, or other proceedings.

You should understand that a Certificate of Confidentiality does not prevent you from voluntarily releasing information about yourself or your involvement in this study. If an insurer or employer learns about your participation and obtains your consent to receive research information, then we may not use the Certificate of Confidentiality to withhold this information. This means that you and your family must also actively protect your own privacy.

Finally, you should understand that the Certificate of Confidentiality does not prevent us from disclosing information that would identify you as a participant in the research project if we suspect that your children are being abused or neglected, or if you or your children intend to hurt yourselves or others. We are required to notify the proper authorities if we suspect that your children are being abused or neglected, or if you or your children intend to hurt yourselves or others. This includes reporting any recent act or failure to act which presents a serious risk of harm to a child or results in serious physical, emotional, or sexual harm to a child. This reporting may be done without your consent.

Your participation in this project is voluntary. You can refuse to participate in this research study with no penalty. Participation has no effect on the services provided by the court system, the police, shelters, or other organizations. You can choose to not answer any question or withdraw from the study at any time without penalty. In addition, you can agree or refuse to be audio-tape recorded during the interview. If you do agree to be audio-tape recorded during the interview, you can ask that the recording be stopped at any time.

Benefits and Risks

Through completing the interview, research participants can gain insight into their experiences and the court system's response.

On the other hand, talking about issues surrounding intimate partner violence may bring up uncomfortable topics or sensitive memories. Some of the questions you will be asked are very personal and may cause you embarrassment or stress. You do not have to answer any questions that make you uncomfortable. Before the start of the interview, you will be provided with referral phone numbers and information that may be helpful if you would like further assistance or resources.

Compensation

An incentive for participation will be a \$25 gift card for each participant for each of the two interviews.

Contact Information

If you have any questions about this research project contact Ruth Fleury-Steiner, Ph.D., Department of Human Development & Family Studies, University of Delaware, Phone: (302) 831-8560 or Susan Miller, Ph.D., Department of Sociology and Criminal Justice, Phone: (302) 831-1562. If you have any questions regarding your rights as a participant, you may contact the Chairperson, Human Subjects Review Board, 210 Hullahen Hall, University of Delaware, Newark, DE 19716, (302) 831-2137.

I have read the consent form and agree to participate in the research study. I will receive a copy of this consent form.

Participant's Signature

Participant Name

Date

Researcher's Signature

Date

Audio-Tape Recording:

☐ Yes, I agree to have my interview audio-tape recorded. _____
Initials

☐ No, I do not agree to have my interview audio-tape recorded. _____
Initials

Contact for Second Interview

☐ Yes, I agree to be contacted to be interviewed again in 3 months. _____
Initials

☐ No, I do not agree to be contacted to be interviewed again in 3 months. _____
Initials

Initials _____

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Appendix D

SENSITIZED CONCEPTS

Consent: Is defined as the process of working with a mediator/negotiator prior to a PFA hearing and mutually agreeing on conditions between the parties and no abuse is found.

Domestic violence: As defined by Delaware, “physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Domestic violence includes, but is not limited to, actual or potential physical injury or harm, sexual abuse or threats of physical injury or harm, or sexual abuse against a person with a past or present intimate relationship such as marriage, dating, family, friends or cohabitation” (State of Delaware, 2012).

Empowerment: Will be interpreted by the researcher using coding of similar words and phrases retrieved from participants’ language.

Ethicality: To be treated fairly with conduct considered to be correct. To be treated with respect by court personnel.

Institutional Support: Will be operationalized by the level of access to, and support provided by, any domestic violence advocates and private and pro bono lawyers who have assisted a petitioner in any way with the protection order process.

Representation: For victims to feel that their views have been listened to and that they are part of the decision-making process.

Satisfaction and Fairness: Will be gauged on the answers to specific questions contained in the interview guide, using participants' meaning and subjective perception of satisfaction and fairness.

Trauma: Will be operationalized for the language of the women and interpreted from the transcripts by the researcher.

Trial: Is defined as a hearing before a judicial officer where the respondent and petitioner appear. Evidence and witnesses can be presented for each party, and a judicial officer makes a decision based on evidence presented.

Appendix E
IRB LETTER



RESEARCH OFFICE

210 Halliham Hall
University of Delaware
Newark, Delaware 19716-1551
Ph: 302/831-2136
Fax: 302/831-2828

DATE: February 23, 2015

TO: Ruth Fleury-Steiner, PhD
FROM: University of Delaware IRB

STUDY TITLE: [555809-5] PROCEDURAL JUSTICE AND CIVIL PROTECTION ORDERS: A LONGITUDINAL EXAMINATION OF BATTERED WOMEN'S EXPERIENCES

SUBMISSION TYPE: Amendment/Modification

ACTION: APPROVED

APPROVAL DATE: February 23, 2015

EXPIRATION DATE: January 14, 2016

REVIEW TYPE: Expedited Review

REVIEW CATEGORY: Expedited review category # (45 CFR 46.110 (b) (2))

Thank you for your submission of Amendment/Modification materials for this research study. The University of Delaware IRB has APPROVED your submission. This approval is based on an appropriate risk/benefit ratio and a study design wherein the risks have been minimized. All research must be conducted in accordance with this approved submission.

This submission has received Expedited Review based on the applicable federal regulation.

Please remember that informed consent is a process beginning with a description of the study and insurance of participant understanding followed by a signed consent form. Informed consent must continue throughout the study via a dialogue between the researcher and research participant. Federal regulations require each participant receive a copy of the signed consent document.

Please note that any revision to previously approved materials must be approved by this office prior to initiation. Please use the appropriate revision forms for this procedure.

All SERIOUS and UNEXPECTED adverse events must be reported to this office. Please use the appropriate adverse event forms for this procedure. All sponsor reporting requirements should also be followed.

Please report all NON-COMPLIANCE issues or COMPLAINTS regarding this study to this office.

Please note that all research records must be retained for a minimum of three years.

Based on the risks, this project requires Continuing Review by this office on an annual basis. Please use the appropriate renewal forms for this procedure.