

**5th Judicial District  
Domestic Violence Court**



**Domestic Violence Court Coordinator:**

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## Domestic Violence Court Description

### Case Assignment:

Misdemeanor cases of Domestic Violence I.C. §18-918 and Violation of No Contact Order I.C. §18-920 will be assigned to the Domestic Violence (DV) Court Docket at the time of arraignment. Domestic Violence Court dockets will vary between each court. Assignment of cases to the DV Court Judge will allow for the familiarity of the case, promote a consistent and efficient administration of justice, and provide the offender with potential funding for Domestic Violence Evaluations and SUDS Funding. **Defendants assigned at the arraignment do not automatically have to appear for DV Court Review hearings post-sentencing.** Felony charges of Attempted Strangulation I.C. §18-923 and Felony Domestic Battery that are amended to a Misdemeanor shall be assigned to DV Court for sentencing. Domestic Violence Court is **mandatory** for any misdemeanor case of Domestic Violence 18-918 regardless of amendment or reduction of charge (i.e., Disturbing the Peace I.C. §18-6409). Deferred Prosecution and Stipulated Cases are eligible for DV Court Review hearings.

The Domestic Violence Court Judge will preside over all matters for DV Court offenders, including; Pre-Trial Conference, Trial, Motion Hearings, Dispositions, Order to Show Cause Proceedings, Review Hearings, No Contact Order Hearings, and Probation Violation Hearings. Unless the sentencing Judge is from a different jurisdiction (i.e. Cassia County). The Mini-Cassia DV Court Judge will not hear Cassia County cases until after sentencing. All review hearings are initiated after sentencing. The court's goal is to have Domestic Violence cases resolved within 45-60 days from filing; however, the court is mindful of extenuating circumstances. Accelerated hearings and dispositions of cases will expedite the offender's entrance into treatment and increase the court's ability to monitor the defendant. Victims will benefit from early access to victim services, knowing the offender is monitored through the court system, and receiving DV Offender intervention/treatment

### Transferring Cases to the DV Court Judge:

The Domestic Violence Court aims to identify other pending cases of the DV Court offender to inform the Court of other existing orders to promote more consistent sentencings. The Domestic Violence Court Judge will request the aforementioned cases, and the Domestic Violence Court Clerk will provide the file(s) to the Court for review. The DV Court Judge may also request to hear other pending civil cases (CPOR, Domestic Relations, and Child Protection orders related to the same parties) or criminal matters (DV Related, DUIs, Drug Related, etc.). The cases must reside in the jurisdiction of the Domestic Violence Court Judge; however, the DV Court Judge will be made aware of any pertinent information set by the other sentencing Judge (i.e., Mini-Cassia). The decision to hear these cases is left to the discretion of the DV Court Judge.

## **Domestic Violence Evaluation**

The court shall order the defendant to obtain a Domestic Violence Evaluation prior to sentencing. Defendants who experience financial limitations may qualify for funding that can cover **up to 75%** of the evaluation cost. A plea of **Guilty** is required to be eligible for funding. Defendants seeking funding must meet with the Domestic Violence Court Coordinator to go through the application process **before scheduling** an appointment with a **state-approved** Domestic Violence Evaluator. The defendant is responsible for any late fee that may occur for missing their appointment.

## **Domestic Violence Intervention**

Any offender sentenced to Domestic Violence Court who has to attend offender intervention classes shall attend a **state-approved** Offender Intervention Program (OIP). Providers shall assess the needs and risks of the offender through reviewing DV Evaluations and the use of collateral data, which may include previous Domestic Violence evaluations, police reports, pre-sentence reports, victim impact statements, and risk assessments. Victim safety and offender accountability are central to effective domestic violence offender intervention programs. Providers shall attempt to inform the victim upon the offender's enrollment into the program. Providers are present at DV Court review hearings to provide updates on the offender's compliance with the program. Providers shall notify the offender's probation officer and the court if the offender is administratively discharged from the program.

## **Domestic Violence Court Review Hearings:**

Domestic Violence Court offenders will appear before the Domestic Violence Court Judge during their probationary term to monitor their DV intervention/treatment progress. The frequency of monthly review hearings is at the discretion of the Domestic Violence Court Judge. Hearings are held **following a conviction**. Risk assessments are conducted through evaluations an offender may have to obtain, review hearings, and probation reports. Individuals present during the review hearings may include the Domestic Violence Court Judge, Domestic Violence Court Clerk, Domestic Violence Court Coordinator, Offenders, Misdemeanor Probation, Prosecution, Defense Counsel, Victims, Victim Witness Coordinators, Victim Advocates, Law Enforcement, and Treatment Providers.

## **Misdemeanor Supervised Probation:**

Misdemeanor supervised probation is instrumental in the Domestic Violence Court proceedings. Probation will assign an officer to Domestic Violence Court to ensure defendants comply with the

disposition order, which includes attending court-ordered treatment, following orders of contact with victims, payment of fees and restitution, and monitoring the consumption of alcohol or illegal substances. The probation department will inform the prosecuting attorney if a formal probation revocation, contempt proceeding, or status change in probation is necessary. A structured and monitored probation reduces jail capacity and lessens the risks of reoffending by directing and assisting the Domestic Violence Court offender in personal and community adjustment. A **2-year misdemeanor supervised probation sentence** has shown to be beneficial for offenders in court. The Misdemeanor probation department is responsible for the utilization of discretionary jail time for Domestic Violence Court offenders. If necessary, the offender can be taken into custody during a review hearing if the DV Court Judge has a discretionary order from probation. Domestic Violence Court encourages the usage of discretionary jail time before probation violations are filed, unless a violation is necessary.

### **On-Site Court Advocacy:**

Victim advocates are available throughout the district to provide victim support, resources, referrals, and information about the court process. Safety planning and domestic violence education classes are available, at no cost, to the victim through local victims' shelters. Representatives from victim advocacies are encouraged to attend Domestic Violence Court review hearings and any hearing a victim may be present.

### **Victim's Rights:**

The prosecutor's office will strive to contact the victim within 24-48 hours after the initial filing. The prosecutorial agency notifies all Domestic Violence Court victims of; their constitutional rights, upcoming hearings, victim's compensation and restitution, education regarding VINE (Victim Information and Notification Link), no contact orders, civil protection orders, and the court process. Information for no-contact and protection orders is also available in the county courthouses. The prosecutorial agency will also notify Victims of their right to be heard during the court process. Victims will **always** have the right to speak during a Domestic Violence Court Review hearing. Referrals to the victim advocates and other resources will be made if necessary.

### **Successful and Unsuccessful Completion of Program:**

Successful completion of Domestic Violence Court requires the offender to complete all intervention/treatment recommendations provided by the Domestic Violence Evaluation, unless the Domestic Violence Court Judge modifies the recommendations. Furthermore, the offender must have completed all requirements of their court-ordered probation term (Community service, fines, restitution, work detail, etc.). The Domestic Violence Court Judge **may** re-address the terms of the participant's probation after completion of intervention programs and review hearings.

Unsuccessful completion of Domestic Violence Court occurs if the offender does not complete the recommendations from the Domestic Violence Evaluation, and/or the recommendations given by the Domestic Violence Court Judge. Further actions that will cause an offender to be removed

from the court include; criminal charges, non-compliance with their court-ordered probation, failing to appear for DV Court review hearings, and multiple discharges from intervention programs. Failing to appear for **two consecutive** DV Court review hearings is grounds for issuing an FTA Warrant or probation violation. A Probation Violation may be filed, or the Court may extend the probation period if a participant cannot finish their intervention/treatment program before their original probation period expires. The offenders **Sentencing Judge** must handle the extension of probation (i.e. Minidoka County cannot extend a Cassia County case). An order **must be filed** to extend the probationary period. Probation violation hearings would reside before the Domestic Violence Court Judge unless the offender was originally sentenced in a different county (i.e., Mini-Cassia).

## **Courthouse Safety**

Courthouse security personnel will be available for review hearings, sentencings, protection hearings, etc. Every individual entering the courthouse will go through a metal detector operated by security personnel. Furthermore, security personnel, victim advocates, and victim-witness coordinators can assist victims in and out of the courthouse. Victims are provided the opportunity to be separated from the offender during any point of the judicial process. DV Court will strive to provide security personnel with information on potential volatile court hearings, including review and protection hearings.

## **Stakeholder Collaboration and Meetings**

Domestic violence courts collaborate with community agencies and key stakeholders to streamline and enhance the coordination of services. An Implementation and Oversight Team will meet at least quarterly to develop policy procedures, address gaps and barriers, and oversee the domestic violence court. The team may include, but is not limited to, the presiding Judge, Administrative District Judge, Trial Court Administrator, public defender, prosecutor, probation, victim advocate agencies, Family Court Services, and the Domestic Violence Court Coordinator. Members of an existing local domestic violence task force and/or coordinated community response and law enforcement will also be present. The domestic violence court will continually search for new and relevant stakeholders/agencies to participate in the Oversight Team.