

SECTION: Community Connections

TOPIC TITLE: Courts



Importance of Topic:

While not all survivors choose to access Virginia's court system, this system does provide a set of tools outlined in the Code of Virginia. The court system is intended to provide protective orders and offers different remedies related to domestic violence, child abuse and neglect, sexual violence, and the abuse of incapacitated people or vulnerable older adults.

See also Legal Advocacy.

Statutes/Professional Standards:

- Code of Virginia Reference:
 - Juvenile and Domestic Relations District Courts in Virginia are primarily governed by [Chapter 11 of Title 16.1 of the Code of Virginia \(Virginia Code sections 16.1-226 through 16.1-361\)](#).
 - Criminal Procedure information is included here <https://law.lis.virginia.gov/vacode/title19.2/>.
 - [Professional Standards Reference:](#)
 - Standard #12 - SDVAs will provide a range of individualized advocacy services which foster survivor healing from the trauma of violence. Provide a range of individualized advocacy services which foster healing from the trauma of violence, to include: justice system advocacy, counseling, support groups, case management, referral resources, accompaniment services, and/or other holistic services.
 - Standard #17 - SDVAs will participate in community engagement initiatives to improve the experiences of survivors and advocate for systemic change.
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Demonstrate participation in and/or leadership in sexual and/or domestic violence focused community groups. Provide training and education to allied professionals.

- Training Requirements - Level II training topic - Civil and Criminal Justice Systems.

Terms Used or Needed to Understand this Topic:

Juvenile and Domestic Relations Court: The Juvenile and Domestic Relations District Court in Virginia handles cases involving: • children accused of delinquent acts, traffic violations or status offenses • children in need of services or supervision • children who have been subjected to abuse or neglect, or abandoned • children whose custody, visitation, support, or parentage is before the court • children in foster care • children for whom relief of custody or termination of parental rights is sought • children seeking emancipation or work permits • children whose eligibility for federal or state benefits requires certain findings by the court • family or household members who have been subjected to or accused of abuse • adults accused of child abuse or neglect, or of offenses against a family or household member • spouses seeking support after separation • enforcement of support orders • court-ordered rehabilitation services • court consent for certain medical treatments • court-ordered blood testing of children ([Virginia Courts In Brief](#)).

General District Court: The General District Court hears all criminal cases involving misdemeanors under state law and offenses that are violations of ordinances and laws of the county or city where the court is located. A misdemeanor is any charge that carries a penalty of up to one year in jail or a fine of up to \$2,500, or both ([Virginia Courts In Brief](#)).

Court Services Unit: Court Services Units (CSU) mostly work with cases involving juveniles. They provide services for juvenile intake and court-ordered investigations and reports for youth. They also provide intake for domestic relations complaints ([Court Service Units \(CSU\)](#)).

Judge: An official with the authority and responsibility to preside in a court, try lawsuits and make legal rulings. Judges are almost always attorneys ([Legal Dictionary](#)). The judges of Virginia's district courts are elected by a majority vote of each house of the General Assembly for terms of six years. Vacancies in district court judgeships occurring when the General Assembly is not in session are filled by the circuit court judges of the

corresponding circuit. The judges so appointed must be elected during the next regular session of the General Assembly. Each judicial district has a chief general district court judge and a chief juvenile and domestic relations district court judge elected by peer vote for a two-year term ([Virginia Courts In Brief](#)).

Magistrate: In many instances, a citizen's first contact with Virginia's Judicial System is with a magistrate. A principal function of a magistrate is to provide an independent, unbiased review of complaints of criminal conduct brought by law enforcement or the general public. Magistrate duties include issuing various types of processes such as arrest warrants, summonses, search warrants, emergency protective orders, emergency custody orders, and certain civil warrants. Magistrates also conduct bail hearings in instances in which an individual is arrested to determine under what conditions the arrestee should be released from custody prior to trial. Magistrates provide services on an around-the-clock basis, conducting hearings in person or through the use of videoconferencing systems ([Virginia Courts In Brief](#)).

Docket: the cases on a court calendar.

Did You Know?

Emergency Protective Orders can be obtained 24 hours a day. Being familiar with this process can help with the safety of survivors. For example, the process may be different for people who are not married (i.e. dating violence). Language access may be an obstacle for survivors whose first language is not English.

Racial/Social Justice Focus:

People of color, especially Black people, have little reason to trust the criminal legal system. One out of every three Black boys born today can expect to be sentenced to prison, compared to one out of six Latino boys and one out of 17 white boys ([Criminal Justice Fact Sheet](#)). A survivor from an immigrant community may also be reluctant to access the criminal legal system. Language barriers may exist for those whose primary language is not English. Work with survivors from historically marginalized and oppressed communities will require advocates to be aware of these concerns to best help survivors.

Scenario 1: Sam is a transgender woman who is working with an advocate. She has gotten an emergency protective order. Her neighbor had called the police when she heard Sam

and her partner fighting. The police arrested Sam's partner at the scene, and he is currently in jail. Sam would like to get a protective order. Victim Witness has also contacted her about her willingness to testify against her partner for the assault charges. Before Sam transitioned, she had to go to court on two different occasions, once for a speeding charge and a second time for a DUI. She has concerns about going to court now since her gender identity and expression are in alignment and she doesn't know how the courts will deal with this.

- What can the advocate do to support Sam? Are advocates prepared to be supportive of trans clients?
- How does the advocate support Sam and also protect her privacy in regards to her transition?
- What should the advocate do if Sam decides that she does not want to pursue further legal action?

Scenario 2: Neidra is a bi-racial woman of Black and Hispanic descent. Her ex-husband, who is white, raped her after returning their children from a visit with him. She received a forensic exam and is prepared to go forward with the charges against her ex-husband. The prosecutor has suggested a plea bargain to a lesser charge as he is concerned that a jury will not believe Neidra because this was a man with whom she had formerly had consensual sex, both while they were married and for a short time after they separated. Neidra is willing to go forward with the trial.

- What should the advocate do?
- How can the advocate support Neidra with the prosecutor?
- Is there a way to support Neidra even if a conviction seems unlikely?

Trauma-informed Focus:

Going to court is scary and intimidating, regardless of the circumstances. Work with a survivor to normalize the process as much as possible. Visit the courtroom in advance, using connections with Victim Witness personnel as needed. Acknowledge that going to court and accessing the justice system can be re-traumatizing. Explain the process as well

as you can. If the perpetrator will also be there, work with the survivor to develop techniques to cope with that experience.

Promising Practices:

Overview of General Characteristics:

- The program builds connections with Victim Witness staff in all jurisdictions served. These connections can help the survivor through the court process.
- The program staff are familiar with the types of typical court proceedings that might concern a survivor and are comfortable with explaining them or knowing how to find answers for the survivor.
- The program staff are prepared to help support a survivor who may be concerned about bias in the court system.
- The program has experienced staff who can accompany survivors throughout the legal system processes.
- The program finds creative ways to support a client through the court process. For example, create a bag of items to take with you to court, or create this with the survivor in advance of going to court. This might include coloring books, fidget toys, a bracelet that the survivor made and other things to calm the survivor in the court situation as well as items to pass the time when in court. Practice grounding techniques before going to court. Just google, there are lots of resources. Square breathing is an easy one and easy to remember ([source](#)) but there are multiple options. Find some that resonate with the survivor. This can help with both children and adults.

Examples:

- The **Sexual Assault Center and Domestic Violence Program with the City of Alexandria** has significant involvement with the court systems in their city. All staff positions include a component of serving clients in court. They provide accompaniment to all civil and criminal cases and are in court every day of the week. They also provide advocacy services during pre-trial meetings with prosecutors and when a survivor is applying for a protection order. The program has a great

relationship with their local Victim Witness program and receives referrals from them each day from the police reports that come in and are domestic violence related. The program is also a core member of their local multi-disciplinary team.

The program staff are clear with survivors that they are not attorneys. They explain the court process and what they have seen happen in the past. They also ensure that the client meets with the prosecutor or a civil attorney for legal advice. They have worked with clients on immigration issues and make referrals to immigration-specific agencies. They have also assisted clients with housing issues. This is helped by their involvement with the governing board of their local COC (Continuum of Care).

- The **Women's Resource Center of the New River Valley** (WRC) is located in rural southwest Virginia. It serves 5 jurisdictions (one city and four counties). All of the jurisdictions operate differently in terms of courts and the need for legal advocacy. WRC has a staff position called Justice System Navigator; their legal advocacy team includes this position, a LAP coordinator, and two WRC staff who are part of the Victim Witness (VW) program for Pulaski County. The job title of Justice System Navigator accurately describes what they do and hopefully provides some clarity concerning their inability to give legal advice. They recognize, though, that no matter how clear they are that they cannot give legal advice, people in crisis/trauma don't always understand. WRC provides court accompaniment, most often in Pulaski County, as they get to see the docket from VW. In other jurisdictions, they rely on referrals from VW, calls from clients or as referrals through hotline calls.

Justice System Navigators meet with sheltered residents shortly after they arrive to address immediate legal and safety needs and are available each business day to respond to hotline callers who request information and require emergency legal accompaniment. Immigration or undocumented client cases happen a few times a year. WRC is able to tap into other resources to help with these cases, specifically a local attorney, Legal Aid and the Virginia Poverty Law Center. In regards to housing issues, they are able to work with the Department of Housing and Community Development funds for rapid re-housing and individual landlords, often accessing the housing advocates on the WRC staff.

The WRC staff facilitate the Coordinated Community Response in all 5 jurisdictions. Their Community Outreach Coordinator handles this, which gives them a way to introduce any concerns with the court response or to respond if there are concerns about how their staff have handled any situations.

Program Focus:

- How will your agency support survivors who request court services, even if an advocate cannot accompany them in person?
- What partnerships can you set up with other organizations to provide virtual legal counseling to survivors?
- Does your agency have resources if a client needs transportation to court?

Client voice:

Documenting Our Work Evidence

- When asked if there was anything survivors needed but did not receive:
 - “Dependable child care in case of court appt”
 - “Be able to work with the court without pressing serious charges against a person that's mentally ill.”
 - “poss. childcare in case of appt for court/housing”
 - “help with working with DSS and speaking up for domestic violence victims in court. So far courts treat us victims like idiots.”
- When asked what would have happened without the domestic violence program:
 - “I would have been out on the streets day and night in danger. I could not leave town because of court dates I had to appear and testify because I was the victim. There is still at least one more.”
 - “Wouldn't be able to navigate court system”

- "I wouldn't have been as supported or had anyone to accompany me to court."
- Other comments:
 - "I do wish the shelter had a lawyer on staff because, they cost alot. We don't have money and we all have to go to court."
 - "opportunity to reach out and get resources and help with court, housing and being supported."

COVID-19 Focus:

Court hours may be limited and survivors may fear going to court and contracting COVID-19. Limitations in services may make it more difficult for survivors to know how to get modifications to existing protective orders or file new orders. Protective orders may also lapse while survivors are stuck at home. Survivors may have limited access to technology or have their technology use monitored by an abuser. Advocates will need to consider these barriers when providing services and work with local courts to determine how to overcome them.

During COVID-19:

- What has changed about court availability with COVID-19? What resources or connections can you use to make sure you are up-to-date?
- Is there a limit on the number of people who can attend court?
- Are masks required to attend court? Is there screening with temperature checks? Is your client prepared for any additional requirements to attend court?

Examples from COVID-19:

- "With delays in courts and the level of desperation that the pandemic brings, we could use some funding to contract with an attorney on retainer. In so doing, we would reserve the services of the firm for those situations in which an attorney cannot be obtained through legal aid or by their own means but

that an attorney would bring great needed support through a protective order or custody case.”

- “Although the courts were closed to advocates, we were able to coordinate with the Commonwealth's Attorney's Office to ensure we could provide those we work with accurate information about continuances or other information.”

Additional Resources + Links:

Videos:

- [Protective Orders in Virginia](#): Recorded in Pulaski County, Virginia, this video covers information about protective orders. The captioned version and Spanish version are available here: [Court System](#).
- [Domestic Violence Court](#): This website of the Center for Court Innovation provides a video and information about an Integrated Domestic Violence Court in Manhattan, NY.

Publications/Collections:

- [The Juvenile and Domestic Relations District Court](#): This document explains the Juvenile and Domestic Relations District Court in Virginia.
- [What you Need to Know About Protective Orders](#): A one-page description about protective orders.
- <http://ican.courts.state.va.us>: I-CAN Virginia is a free online program to help someone fill out the forms needed for a Protective Order.
- [From police to parole, black and white Americans differ widely in their views of criminal justice system](#): This 2019 article includes results from several different surveys and illustrates the different ways that black and white Americans view the criminal legal system.
- [A National Portrait of Restorative Approaches to Intimate Partner Violence: Pathways to Safety, Accountability, Healing, and Well-Being | VAWnet](#): This 2019 article discusses pilot restorative approaches to promote accountability and safety

in cases of intimate partner violence in jurisdictions across the U.S. The study draws on a national survey of programs along with five in-depth cases based on follow-up site visits. While the survey results suggest a wide variation in how restorative approaches are being used, some overarching themes emerge: programs prioritize survivor agency and safety, focus on active accountability for those who have caused harm, and emphasize voluntary participation. They also strive to engage their communities in efforts to address intimate partner violence. The study concludes with a series of guiding principles and recommendations for the field.