

Results of Focus Groups with Women in Shelter:

- Lack of Pro Bono Services for DV cases, or poor services when it is pro bono (3)
- Lack of understanding of Domestic Violence dynamics by attorneys who take DV cases (2)
- Legal abuse by offenders (3)
 - Moving court dates
 - Ability to go to court over and over again; each time an opportunity to continue abuse (ex. “She’s crazy”; “She isn’t a fit mother”)
 - Child support process slow
 - Child support abuse
 - Lack of accountability for non-payment of child support
 - Existence of a child support order changes income support available through ISD – non-payment of child support compounds the problem
 - Ordered to stay in Santa Fe while process is going on
- Orders for Protection (4)
 - No consequence for violating orders for protection – both Law Enforcement & courts
 - Orders that allow in-person child exchange – no knowledge of safe child transfer serves
 - Courts and attorney suggest mediation when OP exists and DV criminal case is pending
 - Message from police when called for a OP violation: “We can’t be your bodyguards”; “I’m sick of you women coming crying to us, then 2 days later you are back together”
 - “Useless”
 - Won’t get an OP because it will let the abuser know where she lives

Courts Best Practices for Orders of Protection

from NMAG Manual: “Enhancing Enforcement of Orders of Protection in New Mexico”

- Partner with agencies to provide advocacy for individuals involved in Orders of Protection proceedings
- Provide workspace for people filling out Order of Protection forms
- Implement training and supervision procedures for staff involved in OP proceedings
- Advise victims that information provided may be publicly available and explain what information is stored
- Make provisions that district court judges are available by phone to hear and approve EOPs
- Provide pro se clinics for applicants
- Inform petitioners & respondents about how court works.
- Create educational materials in various formats (print, video) explaining how Orders of Protection work and the consequences of violations
- Explain to petitioners the importance of returning for the Order of Protection hearing, making sure they understand that the temporary order will expire and cannot be extended if they fail to appear
- Monitor compliance with Batterer Intervention Programs
- Recite and explain orally on the record, if possible, all conditions of the OP and ask parties if they have any questions about the order’s provisions or enforceability.
- Issue bench warrants for respondents who have been served but who fail to appear at OP hearing
- Explain to respondent, in the presence of the petitioner, the consequences for violating the OP, including provisions related to firearms
- Explain the requirements for modifying or extending the OP
- Provide a list of community resources to both parties
- Offer petitioner the opportunity to speak with an advocate about safety issues
- Use civil standard (preponderance of the evidence) when deciding whether or not to issue an extended OP
- Refrain from finding protected parties in contempt for violating their own OPs
- When protected parties ask for dismissal, avoid dismissing with prejudice and inform protected parties that they may file for a new OP at any time
- Conduct regular compliance hearings and schedule them when OP is issued
- Require a hearing before firearms or other weapons are returned to the restrained party after the OP expires
- Obtain funding for probation officers to assist in monitoring compliance
- Request and provide information to probation & parole officers, where appropriate

- Conduct prompt hearings on OP violations
- Treat failure by restrained party to participate in BIP as a violation
- Issue sua sponte orders to show cause on any contempt violations brought to courts attention by police, probation, service providers, counselors, or the protected party
- Use increasingly severe penalties for repeated violations
- Cross check new filings for pending criminal cases