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CHILDREN, THE VULNERABLE VICTIMS OF JUSTICE

How the Courts Can Help

by Christy Magers

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ACKNOWLEDGMENTS

First and foremost, I wish to express my deepest appreciation to the judges of the Reno Municipal Court: Judge Jay Dilworth, Judge Paul Hickman, Judge James Van Winkle, and Judge Kenneth Howard for their encouragement and support of this undertaking over the last four years. They have consistently demonstrated the utmost faith in my ability to stay the course and successfully accomplish the goals of the Court Executive Development Program. Secondly, I would like to thank my husband and daughter for their patience during the numerous weekends I sat pounding away at my laptop and feverishly searching for information on the Internet. I could never have succeeded without your love and support.

There are so many who have been instrumental in the completion of this project. Lucy Hudson with the Center for the Study of Social Policy; and Alice Reitz, Director of the CourtCare Project for the Massachusetts Trial Courts provided a great deal of the research material and referrals needed to properly present this paper. Nia Alimayu, Program Director at the Roxbury District Court Child Care Center, inspired me with her dedication and passion and instilled in me the desire to provide love and support for the at-risk, frightened, and confused children coming within our sphere of influence everyday.

Appreciation is extended to the employees of Reno Municipal Court, the Victim/Witness Unit of the City Attorney's office, and the Misdemeanor Complaint Unit of the Reno Police Department for taking the time and energy to complete the surveys and provide their own comments on the subject of children in the court. Their concern and dedication to continuous improvement of the criminal justice system is remarkable.

Of course, I wish to thank Diana Myer, my Phase III supervisor, for her patience with me, her encouraging comments, her valuable insights, and for her diligence in keeping me on track and on time. Without her, I would still be staring at my keyboard wondering where to start.

Last, but certainly not least, I wish to thank God for giving me the courage to undertake this course of study when it seemed impossible to complete, for encouraging me to take the next step, and for giving me the many friends and supporters noted above to help in this endeavor.

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ABSTRACT

Domestic violence is an ever-increasing blight upon our communities and the fabric of our society. These cases and others related to family matters pose unique and urgent problems for the justice system. While the justice system has made significant changes to accommodate adult victims of crime, one group's interests have gone largely unrepresented -- those of the *children*.

Courts have begun providing separate, safe, and comfortable spaces for adults involved in family law issues but their children are going without the same benefit. Children are the most unrepresented constituency in the courts and therefore, the most vulnerable...And seldom is there any special physical accommodation made for children in court...¹

This project assesses and expounds the value of children's waiting areas in courthouses, particularly those adjudicating family law cases. Serving the needs of the families in our communities in this manner will demonstrate that this nation's courts can do more than just sentence offenders; they can extend a helping hand to the innocent *and unheard* victims. Courts can provide child care to these dysfunctional families and, thus become an integral part of a meaningful solution to end the cycle of violence. This report will examine, more specifically, the effects of violence on children, the effect of children's presence on the courts, courts currently operating child care programs, and will evaluate the need for such a program, in particular, at the Reno Municipal Court.

INTRODUCTION

Awakened in the night by a scream in the next room, a child - heart pounding, confused - hears the sickening sound of a fist striking flesh. More screams and her father's voice says, "I'll kill you, b---h."

In a state of panic, she opens the door and sees her father with his hands around her mother's throat, slamming her head against the wall. There are screams, curses, and blood. Terrified, she crawls under her bed and covers her ears. Her protectors, the people she loves, are shattering her sense of security. Her confidence in the adult world is crushed.²

Tragically, this scene is becoming more and more common in our communities and in the nation as a whole. Not only does a young child have to endure the agony and terror of a domestic battery the first time, but oftentimes she is again forced to relive these events in a courtroom setting when the case goes to trial.

Crying or confused children and anxious adults comprise everyday scenes in the courthouses throughout our country. The courthouse is no place for a child. Instead, it is an adult arena where games are never played, where gentle, reassuring voices are seldom heard. But believe it or not, children spend much time here. Whether accompanying a family member or family friend, whether serving as sympathy props for law-breaking parents or testifying as witnesses of crimes, children are indeed visible in the corridors, clerk's offices, attorneys' areas, and most certainly in the courtrooms. A woman charged with a crime will testify while cradling her child. Children traumatized by domestic violence accompany their victimized parent seeking court protection. Children are embarrassed and humiliated as public scapegoats for litigants feeling the need to vent their frustration on the child in the courthouse hallways in full view of

anyone around. These situations leave indelible images on young minds, causing severe emotional damage and perpetuating the generational cycle. Children are the silent victims in the halls of justice.³

The provision of court-based child care will be evaluated by the following criteria:

1. Young children are protected from the sometimes shocking testimony of violence and misfortune,
2. The administration of justice is improved by eliminating the distractions caused by children in the courthouse and courtrooms, by permitting parents to fully participate in the proceedings, and by allowing staff and the public to more efficiently engage in court business.

LITERATURE REVIEW

HOW VIOLENCE AFFECTS CHILDREN

According to the National Coalition Against Domestic Violence, children from homes where domestic violence occurs are abused at a rate 1500 times higher than the national average. Up to 50% of all homeless women and children in this country are fleeing domestic violence.⁴ These children typically develop their own strategies for survival in these abusive environments. These strategies include:

1. **Avoiding conflict by being the “perfect child”.** Children often view themselves as the cause of the anger and violence in their families. They assume guilt and believe that the violence can stop if they behave well.
2. **Trying to diffuse family tension to avoid violence.** These children may attempt to manipulate their parents’ behavior, feelings and actions to circumvent the violence. They may draw attention to themselves or attempt to divert the abuser’s attention.
3. **Trying to intervene during violent outbursts on their mother’s behalf.** Children frequently try to protect their mothers from the violence and end up victims themselves.
4. **Becoming passive and withdrawn.** Once children realize that they cannot control the violence in their homes, they may withdraw to protect themselves. They are often frightened to see the people that they love the most being abusive and being hurt.
5. **Learning to use violence to control others.** Children from violent homes often use physical force with their friends, siblings, or mothers. They learn that violence is an effective means of gaining power over others.

6. Acting out in destructive ways. Children may act out through abuse of alcohol and drugs, delinquent behavior, school discipline problems, criminal behavior, depression or suicide.⁵

Other studies of children from abusive families addressed problems of child witnesses by dividing them into two groups (1) internalized problems such as withdrawn or anxious behavior and (2) externalized problems such as aggression and delinquency.⁶

School-age children often experience increases in anxiety and sleep disturbances with exposure to violence. They may have difficulty paying attention and concentrating because they often experience intrusive thoughts. Both school-age children and pre-schoolers exposed to violence are less likely to explore their physical environment and play freely, showing less motivation to master their environment.⁷

Some studies have been conducted to determine whether there is a difference in reaction between children who witness violence *outside* the home versus those witnessing violence *inside* the home. Children witnessing violence between parents in the home seem to manifest more severe consequences.⁸ Often these children see violence as an appropriate and even integral part of a close relationship.⁹

Young children exposed to violence reveal a deep effect on their world perception. One little boy who witnessed the death of his mother draws pictures of boys with gaping mouths, screaming silently. The boys in the pictures are unable to communicate their terror. Children also revealed their fear of repeat trauma and expressed anger at the failure of their parents to protect them. Some of this anger is irrational, rooted in a child's need to believe that parents and adults are invincible.¹⁰

Tragically, one study found that 27% of domestic violence homicide victims were children. It also found that 90% of these children were under age 10 and 56% were under age two.¹¹

Perhaps, the most significant effect on children who witness family violence and on the future of our society is that men who have witnessed their parents' domestic violence are three times more likely to abuse their own wives than children of nonviolent parents, with the sons of the most violent parents being 1000 times more likely to become wife-beaters.¹² Clearly, there is opportunity to divert future domestic violence if remedial action is taken on behalf of these innocent victims.

THE EFFECTS OF CHILDREN IN THE COURTS

Children are present in courthouses. Whether they accompany a parent, a sibling, or a family friend, they are visible in the corridors, in the clerks' offices, in waiting areas, and in courtrooms. An infant crying, a mother hushing her five-year-old who wants to know what the man is saying to his daddy, the two-year-old pounding the bench with her feet because her aunt won't let her go look out the window; courtrooms across the country are disrupted by children who are being asked to sit quietly for extended periods of time, behavior that we generally would not expect from them in other settings. Out in the corridors there are accidents waiting to happen: toddlers exploring uncovered electrical outlets, preschoolers climbing the railing that separates the second floor hallway from the atrium overlooking the main lobby, distraught and, sometimes, desperate adults who could take a small hostage. Court and probation officers, clerks,

lawyers, and court services staff, are all pressed into service to ensure the children's safety and to reduce the chaos caused by the presence of children.¹³

The long hours of waiting often end in a courtroom where the children are exposed to grim tales which, from the children's perspective, are better left untold. "It shouldn't be necessary for children to listen to a re-enactment of a crime. The court system ought to be able to do better than that," says Massachusetts Superior Court Judge Julian Houston, who started a child care program in Boston's Roxbury District Court. Deborah Bialczak, now program director of child care services in the Circuit Court of Cook County, Illinois, recalls how stressful it was for her at the age of four when she and her brother spent countless hours waiting in courtroom hallways while their parents were in the midst of divorce proceedings.¹⁴ There is potential for children to enter the courthouse with two parents and leave with only one, the other being led to jail in handcuffs fully within sight of the child.¹⁵ Obviously, this trauma has to take a toll on impressionable young minds and hearts and is likely to trigger highly emotional outbursts from them.

The safety of children in the courthouse is not limited to the configuration of the facility alone. Distraught parents can react irrationally to sentences just handed down to them and attempt to abduct their children from the legal custodian. In San Diego, a father who had just learned he had lost custody rights dashed back to the children's waiting room with the mother rushing behind him. Each grabbed hold of their 2-year old, but the volunteer supervisor refused to let them leave until a court marshal resolved the problem.¹⁶ Without the proper safeguards, this child could have easily been on the next edition of the abducted children list.

Both the physical and emotional safety needs of children are left unmet by most courthouses. Data about violence and poverty indicate that the children exposed to court through family involvement are at risk for reappearing in court in the future as defendants themselves.¹⁷

Court personnel indicate that parents often miss their court dates because they have no child care for their children or they take their children into court, often disrupting court proceedings or exposing their children to adult matters and testimony that are inappropriate for children to hear.¹⁸

Judge Alice A. Lytle of Sacramento Municipal Court in California summarized the dilemma of children in the court system:

"To the extent that persons are prevented from using or responding to the court system, the quality of justice is compromised. When parents are forced to bring children into the courtroom, the dignity and efficiency of court proceedings may be reduced and unnecessary trauma may result to the child. When child victims of crime and witnesses come into contact with the accused, the integrity of the truth-finding process may be jeopardized. The availability of a children's waiting room removes an obstacle to full access to the courts and helps to assure that those persons responsible for the care of children have equal access to a gender neutral system of justice."¹⁹

The Permanent Judicial Commission on Justice for Children, based at the Pace University Law School in White Plains, New York, found that child care in courthouses was a statewide problem and determined that there was an enormous need to develop a system to provide a safe and secure place for children to play while their parents were in court. Sheryl Dicker, commission director, said,

"The sheer numbers of people bringing their children into court are unprecedented. And the people who are here are the people less likely to have support systems and other people to watch their children. People do not by and large bring their children to court

because they want their child sitting in their lap while they testify. They do so because they have no one to watch the child.”²⁰

FURTHER OBSERVATIONS ON THE NEED FOR COURT CARE

“I’ve had to send children of witnesses out into the hallway because they were making so much noise. It’s not safe for the kids because we don’t have anyone to watch them. And it’s not fair to the parent because he or she can’t concentrate on the testifying because they’re worried about their children.”²¹ -Honorable Linda Miller, Orange County Municipal Court

“My first view of the courthouse was in 1987 before the children’s room opened. As I entered the building and passed security, I saw a father rip a baby bottle out of his baby’s mouth and throw it down the hallway where it hit a wall and shattered, spraying milk all over. He tore a pair of shoes off the baby. These were things that he had paid for and he didn’t want his wife to have them.”²² -Janice Kehoe, Founding Head Teacher, Courts Caring for Kids

“I wouldn’t be able to think clearly and to really understand what the court and the attorney would be saying if I had my children with me. My mind would be focused on keeping them quiet.”²³ -Ursula Massey, court user at Roxbury District Court

“As a judge assigned to hear evidence..., I had become accustomed to scanning the courtroom in the midst of a particularly gruesome piece of testimony, only to discover, to my horror, a child (or several) seated in the courtroom, nestled into the corner of its mother’s arms, listening in rapt attention as a trembling, weeping victim described the excruciating details of a rape or beating, or both. ‘Why is that child here?’ I would ask myself with annoyance. ‘And what on earth can she be thinking of all of this?’²⁴ -Honorable Julian T. Houston, Associate Justice of the Superior Court of Massachusetts

REVIEW OF COURT-BASED CHILD CARE PROGRAMS

Most states that have some form of court-based child care provided have done so at the initiative of the locality and not as a result of mandate. The states of New York, California, and Massachusetts have taken the lead and enacted legislation directing courts to develop such programs. Pennsylvania, Illinois, and New Jersey appear to be next in line to adopt similar

legislation.²⁵ An overview of several programs in operation throughout the United States follows.

Arizona The Superior Court of Arizona in Maricopa County is a general jurisdiction court that handles family, civil, and criminal matters. This court has entered into an agreement for services with a local child care agency to supervise children while their parents are in court. The services are only provided upon approval of the presiding Domestic Relations judge. Vouchers are used as the means of payment for a maximum of four hours per visit.²⁶

California In September 1986, then Governor Duekmejian signed the following legislation:

Each county is encouraged to provide a room, located within, or within a reasonable distance from, the courthouse, for the use of minors under the age of 16...If a county newly constructs, substantially remodels or refurbishes any courthouse or facility used as a courthouse on or after January 1, 1988, that courthouse or facility shall contain the room described in this subsection.

California Penal Code, Section 868.6, Section 1.(b)

Therefore, there are many courts in California that have implemented such programs since the adoption of this legislation. "Children's Chambers" in the city of Orange is housed in the Lamoreaux Justice Center where two child care providers supervise as many as 29 children between the ages of two and a half and 17 years old. Parents are permitted to leave their children at the center while they transact their business with the Justice Center. In the second year of operation, utilization was up by 29% over year one. During fiscal year 1992-93, the center served 2,290 children, and in the following fiscal year there were 2,945 children who spent time in the center. The court hears family law cases including divorce, child custody, mediation, restraining orders, probate, and child dependency.²⁷

The Superior Court of San Diego operates four children's waiting rooms for court-involved children or children whose parents are involved in court business. These centers are supervised by two volunteers and can serve as many as twelve children under 18 years of age. Since 1986, these centers have served over 43,000 children and their families. The cases in this court are civil, criminal, and family matters.²⁸

The San Francisco Hall of Justice quarters both the Municipal and Superior Courts of that city. These courts hear the criminal cases committed in that area ranging from minor criminal infractions, to domestic violence, and the most heinous violent crimes. One of the county's jails is housed on the top two floors of the building and has 860 prisoners. The children's waiting area is supervised by a full-time coordinator and a part-time assistant. The center can accommodate a maximum of eight children from the age of "toilet-trained" to 15 years. All children who accompany their parents are welcome in the center and parents are encouraged to use the room for diaper-changing and may remain with their children on a space-available basis. In 1994, 1,935 children were served by the court care program.²⁹

Massachusetts has taken an active role at the state level in providing child care in the trial courts. The first of these centers was opened in 1989 in the Roxbury District Court in one of the poorest neighborhoods in inner city Boston. The center provides care to up to twelve children at a time through the services of Associated Day Care Services of Metropolitan Boston. There are three full-time staff, a half-time social worker, and two part-time foster grandparents to care for the children. The center serves approximately 1,500 children annually. Any child, from birth to twelve years, is eligible for the program if accompanied by an adult using the court. This court handles small civil claims, domestic violence restraining

orders, arraignments for criminal cases and trials for misdemeanors and less serious felonies. This center was the first of its kind to receive professional accreditation from the National Academy of Early Childhood Programs.³⁰

New York The Albany County Family Court in Albany, New York, provides care for as many as fifteen children at a time. Children ages eight weeks to seven years are welcomed to the YWCA Children's Center while they conduct their court business. The center is located on-site on the courthouse ground floor. The center opened in June 1994 and serves children whose parents or guardians are involved in cases of child abuse and neglect, custody, visitation, child support, juvenile delinquency, or domestic violence.³¹

The Yonkers Family Court's child care center is run by The Westchester Children's Association, a nonprofit independent agency based in White Plains, New York. Although only one flight of stairs away from the courtroom, the child care center is a small but cheerful room that seems light years away from the accusations and acrimony being played out in the courtroom. The atmosphere is calm and gentle. It can accommodate up to six children from infancy to eight years of age. The director is a professional social worker while the rest of the staff are volunteers. The center was started with a \$300,000 grant from the State Legislature.

RESULTS OF COURT-BASED CHILD CARE PROGRAMS

"We know that the children that are coming into court-based child care are coming from very difficult to reach, multi-stressed families. These are families and children living life at the margins. And when these families come into court, bringing their children with them, it really represents a window of opportunity to try to reach out to these families through the children that they're bringing into court child care. We know these families are experiencing multiple stressors and we also know about the intergenerational transmission of problems such as family instability, child neglect and abuse, school failure and dropout, teen pregnancy,

economic disadvantage, criminal behavior, a whole host of problems that we would like to be able to prevent. And the children that we see in court-based child care as very young children, if we reach them at that point, may be the children [who] will not come to court as defendants when they're 15 or...20. Court-based child care represents the opportunity to interrupt cycles of disadvantage that these children and their families are experiencing, to possibly alter their developmental trajectories toward more positive outcomes to promote competence and resilience in the children and more effective parenting among adults."³²

A Developmental Psychologist (1997)

This is the hope of those providing court-based child care to the children of litigants and users of the courts. A study submitted by the Center for Family, Work and Community in June 1998 indicates that many of the objectives of court child care have been met. These include:

1. Child care agencies providing administration and services have brought years of experience to working with high-risk families.
2. The child care staff and administrators are well trained.
3. The child care space is well-designed, located near the courts, and appropriate for the families who use the centers.
4. The materials and programming available in the centers are appropriate for children.
5. Many justices support the court care centers and encourage their use.
6. Core court personnel are knowledgeable about the care centers and their goals.
7. Methods for communicating between the courts and the care center exist.
8. Strategies and practices are in place for making parents aware of the centers and their goals.
9. The centers are widely used by families directly involved in court cases.³³

Some of the challenges facing court-based child care were noted in the study:

1. It is difficult and time-consuming to get child care authorities at the state level to understand these programs and then to waive or tailor some of the requirements so that these programs can function effectively in their context.
2. The number of spaces available in the program can be too many or too few on any given day because the court dockets are so unpredictable.
3. The ages, numbers, and types of children coming to the centers are so varied each day that it is difficult to plan suitable activities for the day.
4. Oftentimes, a crisis may arise when the parent who brings the child to the center may not return because of an outstanding warrant or when there are numerous children with severe problems presented to the center at the same time.
5. Parents have numerous reasons for not using the centers for fear of their children being taken from them or because they need their children to serve as interpreters for them.
6. Security measures and procedures have to be worked out and occasionally reviewed so that children continue to be safe and protected on the court's premises.
7. Standard in-service training for day care personnel may not be adequate for the challenging situations presented to court care workers.
8. Research indicates that child care providers often achieve their satisfaction from watching children grow and change. The type of satisfaction in which one is able to chart progress is not possible in court care.
9. Parents do not always understand that the child care personnel are not affiliated with the courts in the sense that the care givers' observations will not influence the outcome of court proceedings.

10. Funding is often not sufficient to meet the many needs of the court care settings and many people find that substantial amounts of time is taken up in dealing with funding problems.³⁴

The Roxbury District Court conducted some initial research that indicated the administration of justice improved as a result of offering child care options. The Roxbury Court excelled in efficiency and work environment as compared with two other courts of comparable size and demographics having no child care services:

1. Only one-fourth as many children were present in courtrooms in the Roxbury District Court as in three comparable courtrooms where child care was not an option.
2. Those district courts without provisions for child care were up to twice as loud and disorderly as compared to the Roxbury District Court.

Results from detailed observations in these courtrooms suggest that children's presence makes a significant contribution to the level of noise in the courtroom. The most frequent disruptions caused by children were infants and young children crying and talking.

The absence of children in the courtroom resulted in a significant improvement in the level of decorum.³⁵

The study conducted by the Center for the Study of Social Policy surveyed courts through the United States to determine the need for and the existence of court care programs. Over half of the respondents to their surveys indicated that they had never worked in courthouses where child care was offered, but overwhelmingly they agreed that a child care program for the children of litigants would improve the functioning of the court. One attorney said, "Some sort of child care at the courthouse is an idea whose time has come. It would be of great benefit to every individual trying to deal with usually difficult court issues."

The key findings of this study were:

1. *The presence of a child care center improves the ability of court employees to perform their jobs efficiently.* Sixty-seven percent of the survey respondents said that a child care center makes it easier for parties to hear what is being said and 78% believe it facilitates parties' ability to concentrate on court business. Seventy-eight percent of the people answering the survey believed that parties to their cases were more likely to appear in court as scheduled and that the quality of witness participation would be better. Seventy-one percent of the survey population believe that a child care center improves the ability of court employees to perform their jobs.
2. *Children should not be present in courts where they are subject to testimony that might be disturbing to them.* Eighty percent of the survey respondents believe children should be shielded from courtroom activity.³⁶

METHODOLOGY

The Reno Municipal Court has been advocating for a new courthouse facility for the better part of five years. It is expected that the City Council will commit in 1999 to an active design phase of this project. A children's waiting room is already included in conceptual drawings of the courthouse floor plans. (See Appendix A.) It would behoove us, therefore, at this juncture to determine whether a court-based child care facility would be a worthwhile and reasonable venture before investing funds in the project.

The primary source to determine the need for and value of a court-based child care program was a survey of court users, particularly those staff involved in domestic violence cases, including judges, court security, victim/witness advocates, police officers, and other court personnel. These surveys were developed using, as a basis, the Court care Needs Assessment provided in the Massachusetts Trial Court's planning guide for child care in the courts. (See Appendix B, Surveys). Forty-three surveys were sent to different groups to get a well rounded and more accurate picture of the current perception and conditions within the system. It focused on the incidence of children in the courthouse, in the courtroom, in the clerk's office, at the scene of the domestic violence incident, and the impact these children had on court proceedings and operations. Thirty-four surveys were returned and follow-up interviews were conducted to gather more detailed information from those participating.

The information provided was then collected and the results compiled. The data was analyzed to determine if there were sufficient deficiencies in the system to warrant establishing a child care program in the court.

FINDINGS

The compilation of the data from the surveys resulted in these findings:

1. *There are sufficient numbers of children visiting the Reno Municipal Court to support a full-time child care center.* Approximately 18 children per day enter Reno Municipal Court.

2. *There is a risk of liability to the City due to unsupervised children in the courthouse.*

Court personnel say that children have been left alone to play in the children's waiting area, an unsupervised activity center in the clerk's waiting area, while their parent was upstairs involved in a courtroom hearing.

3. *The presence of children causes distraction in the court clerk area.* Of the surveys returned from court clerk personnel, 46% indicated that they were distracted from their work by the presence of children. Of those 46%, 85% of the respondents' work stations were located at or very near the children's waiting area which would result in greater exposure to the noise level. Those indicating that the presence of children did not disrupt their work had workstations located some distance from the children's waiting area.

4. *The presence of children causes serious distraction and disruption of courtroom proceedings.* The answer to the same question posed to courtroom personnel indicated that children had a significantly more negative impact on courtroom proceedings. All courtroom personnel respondents indicated that children were disruptive to their work.

5. *The presence of children seems to frustrate and irritate the supervising adult who is attempting to conduct court business.* Seventy-five percent of respondents said that they had heard adults (family members or care-takers) speaking angrily to a child while in court for their business.

6. *The presence of children distracts other court users from the optimum and most effective participation in the judicial process.* Eighty-five percent of the respondents said that those court users unrelated to the child seemed to have difficulty concentrating on their court business or appear to be bothered by the child.

7. *The presence of children distracts attorneys, their clients, and co-workers from their business.* Seventy-seven percent of the respondents said that other employees or attorneys in the court appear to have difficulty concentrating on court business due to the presence of the children.

8. *Children are frequently in attendance in the courtrooms and cause disruption of proceedings.* Judges responses indicate that they have children in their courtrooms approximately 60% of the time they are on the bench and they oftentimes cause distraction and disruption of the courtroom proceedings.

9. *Children are present in the courtroom on domestic violence cases.* Judges also indicate that they see young children in their courtrooms on 28% of their domestic violence cases.

10. *Numerous requests for extension of time are filed with the court due to a defendant's inability to find child care in order to comply with judicial orders.* Judges also indicated that they receive many defendant motions requesting extensions on community service, counseling, or court dates due to lack of child care available to the defendants.

11. *Domestic violence is a prevalent crime in Reno.* Police officers responded to 6405 domestic violence calls in 1998.

12. *Children are present in the homes when domestic violence occurs and are often witnesses to the incidents.* Police estimate that there were children present at 50% of these calls for

service. Victim advocates estimate that children are present at the scene of a domestic violence incident 70% of the time and say that 90% of their clients have children living in their homes. These estimates indicate that these children are likely to be in a state of trauma when they come to court with their caretakers and therefore, require nurturing and careful attention to their particular emotional needs.

13. *Participation in the judicial process is often hindered by the parties' lack of child care.*

Victim advocates indicated that this was a real problem for many of their clients since most of them are on the lower end of the economic scale and are often isolated from their families. Therefore, these parties often fail to appear for their court hearings and other related court matters such as community service and counseling appointments.

14. *Court-based child care services would be an integral part of victim advocates assistance to their clients.* Victim advocates indicate that the lack of court-based child care often puts their clients at a disadvantage because of the distraction the children cause the victim. They know that child care would help them to help their clients to be more effective at the hearing.

Comments - Some of the comments noted on the surveys are cited below.

"..numerous occasions where the parent had no one else to care for the child and the child had to be held by the parent while testifying or be attended to by a bailiff or victim's advocate. The presence of children at the courthouse, in the hallways and in the courtroom itself, is very disconcerting, particularly in cases of violence."

-Judge Kenneth Howard, Reno Municipal Court, Dept. 4

"I am aware of past instances where children sat in court during the prosecution process. A viable, low or no cost child care service might prevent this from occurring in the future." -Sgt. Tim Yardic, Reno Police Department

"For the most part, the children are happy to play in the area provided, but you get the ones where the parents pay them no attention and they scream and yell, jump on the table. They just aren't supervised." -Joni Cole, Court Clerk

"I am very opposed to the presence of children of victims and defendants during trials. I am talking of the age of 4 and above. I do not feel that the language used and the anger directed at the other parent are at all appropriate for children to hear. I receive many motions citing lack of child care as a reason for [inability] to get to court or for completing suspended sentence orders." -Marilyn Tognoni, Dept. 3 Office Manager

"Kids shouldn't be in the courtroom, hearing what's going on. It can be very emotional and disturbing to kids - especially if one of the parents is remanded into custody!"

-Cat Todd, Dept. 4 Office Manager
(CASA volunteer)

"Oftentimes victims believe that children are not allowed in the courthouse and do not even appear at their hearings for lack of child care. They are often reluctant and even frightened to release their unruly child into the custody of a court official for fear of not getting him/her back. There are no snacks available at the court for the children who often have to wait long hours in the courtroom. We have had to help transport some of our clients' children to court and then provide child care for them while they are testifying at their trials." -Lori Brown, Victim/Witness Advocate, City Attorney's Office

"When I worked the counter, sometimes [I heard] a person say things that the children shouldn't hear. These were just little comments made about cops, judges, etc... There were times when I was offended [by these comments] so I can imagine how a young child felt." -Chris Prince, Court Clerk

"When children are disruptive in the courtroom, their parents are often given a sheet that explains their rights rather than sitting in the courtroom with other defendants to hear the videotape of the rights explained by the judge. The recording of the proceedings can also be compromised when children have outbursts in the court that drown out the proceedings." -Dale Hailstone, Bailiff, Dept. 3

"There was one instance when a parent was arrested (actually handcuffed) in front of her child in the clerk's office. The child was very upset and had to be calmed down by the court administrator. The child's young brother was outside waiting in the vehicle. I'm sure this child will remember this incident for a very long time." -Maria Borrego, Court Operations Manager

"It's unfortunate that children have to witness the booking of their own parent. There have been some instances where my staff has had to call a family member to pick up a child because his parent has been cuffed and taken to jail. This traumatizes the child. A children's center would prevent the child from witnessing the cuffing of his parent and provide a safe waiting area for the child to be picked up by another family member."

-Judge Jay Dilworth, Reno Municipal Court, Dept. 1

"The Reno Municipal Court is a facility [accommodating] people from all walks of life -- from the person who sleeps on the street or park bench to the doctors and business people of this city. The dilapidated...and out-dated facility is not a good place to have children...prisoners are moved through the court in the presence of children and may send the wrong message to these kids." -Louis DeAnde, Chief of Court Security

These are just a few of the comments made on the surveys. Most of the comments reflect the sentiments of those above. Some unique comments that had not arisen in the research or other survey responses are listed below.

"Oftentimes officers who are off duty are called into court to testify. Their wives are working and they have responsibility for their pre-school or sick school-age children. They have to bring them into the courtroom and supervise them until they are called to testify. Then the children are left on their own while the officer is in the witness box. It would really help to have child care for these children." -Dale Hailstone, Bailiff, Dept. 3

"I had a woman with an eight-year old child and a temporary protective order against the child's father. The father violated the order and was arrested. Our office sent a subpoena to the mother and the child and they were waiting in the same hallway with the father. The order prohibited the father to have contact with the victim and the child. It was the little girl's birthday, and she wanted to talk to her dad. I moved them to a different floor of the courthouse because the father kept motioning the daughter to come to him. The mother felt extreme guilt and was hesitant to pursue the case because of the pressure it exerted on her.

I have children all the time crying in the hallway because they see their dad in handcuffs. ...I have kids trying to hug their dads legs while shackled."

-Lori Brown, Victim/Witness Advocate

CONCLUSIONS

There appears to be ample evidence that establishment of a child care program at Reno Municipal Court would greatly enhance the effectiveness of courtroom proceedings, improve court decorum, protect children from retraumatization and inappropriate exposure to adult matters, assist parties in effective participation in the administration of justice and in completing their court-ordered counseling and community service, allow co-workers an improved level of concentration on their duties, and reduce liability by providing supervision of the children inside the courthouse.

Therefore, the Reno Municipal Court will begin plans for the design and construction of a supervised children's waiting room in a new courthouse. The waiting area will be located near the court security area in order to provide an additional degree of security for the children. The court will begin soliciting funds from local children's advocates associations, victims' advocates groups, women lawyers association, and other judges who recognize the need for such facilities in courthouses. Volunteers will be solicited for part-time child care assistance from the local university, preferably those majoring in early childhood education and care. A full-time director will be hired to run the center.

Since Reno has the uncommon characteristic of being a 24-hour, gambling town, special precautions will be taken to ensure that parents or supervising adults will not leave their children in the center to pursue other entertainment options after completing their court business.

Therefore, the center will offer child care for a maximum of two hours per child. Each adult dropping off a child in the center will be given a card to be used to identify and retrieve the child

from the center. The card will also be activated to set off an alarm if the parent/adult attempts to leave the courthouse without retrieving the child from the center.

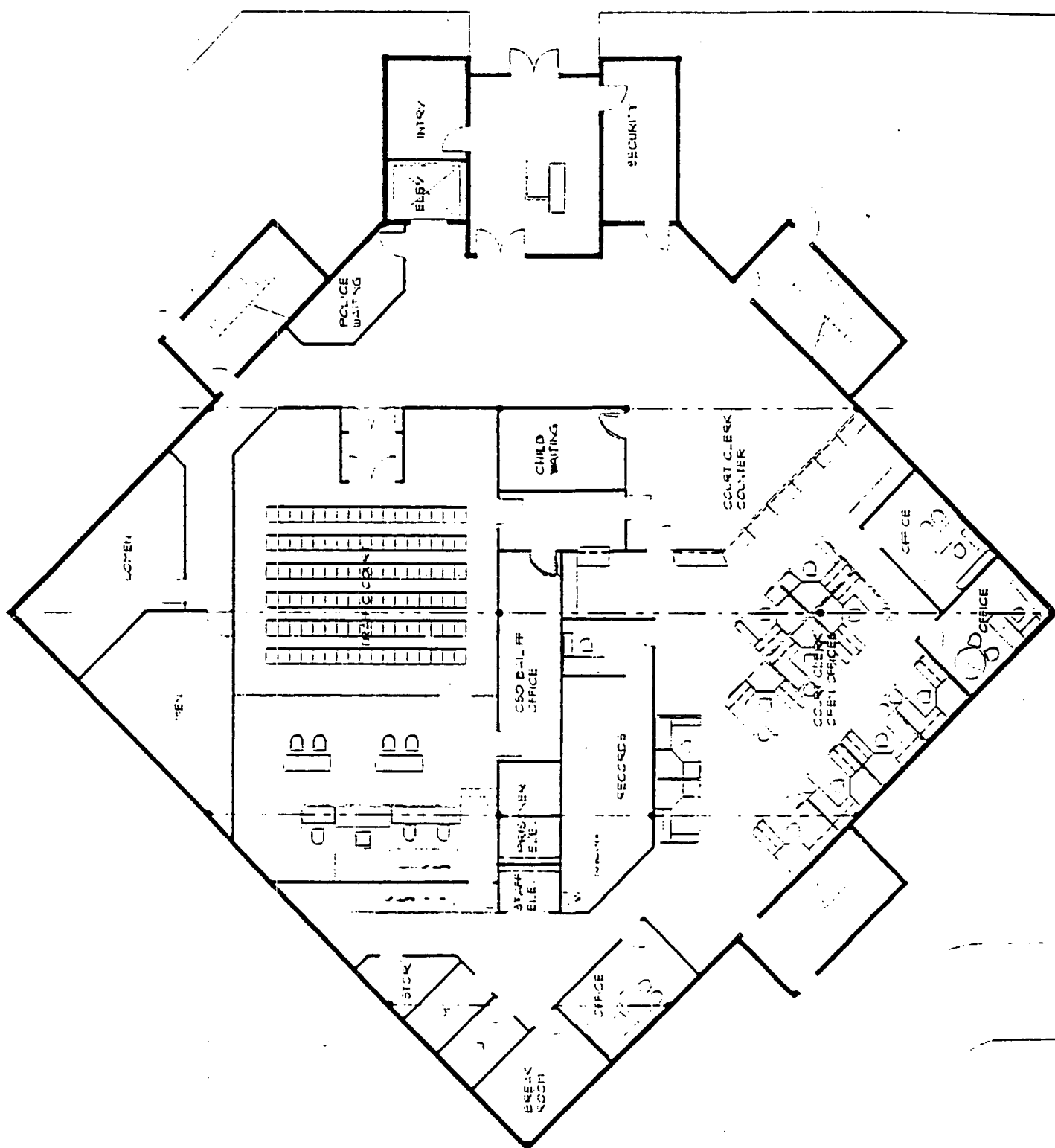
Many of the court's customers are unable to complete their required counseling or community service due to lack of child care. Therefore, the court will provide child care for them on a space available basis. Also, off-duty police officers required to testify in court often bring their dependent children with them to court. The children's center would be an optimum solution for these officers and must be large enough to accommodate at least 20 children at a time, recognizing that all court users will not opt to place their children in the center.

Many of the centers evaluated in this report indicated that financial support caused them significant operational problems. We will attempt to overcome some of these obstacles by gaining local foundation support. If we are successful, the children's center will most likely be named after that foundation's benefactor.

A cost projection for the construction of the center is included as Appendix C. Annual operating cost is approximately \$73,000 (See Appendix D). The court may solicit financial assistance from the police department and victim advocates in the City prosecutor's office since they or their clients may use the children's center on a regular basis.

This center would be the first of its kind in Nevada. If successful, the program will be presented to the Nevada Administrative Office of the Courts for promotion around the state and for the solicitation of grant funding.

APPENDIX A



APPENDIX B

SURVEY QUESTIONS (Domestic Violence Advocate)

Name _____

This survey is intended to gather your impressions and not necessarily hard data. You may want to collaborate with other staff members to answer the questions. If you would like a personal interview, please check the box at the bottom of this form. Thank you for your participation.

How many DV victims did your office assist in 1998? _____

What percentage of those cases had children in the family? _____

Was participation in the judicial process hindered by the lack of child care available? _____

Would your clients have been referred to a court-based child care program if offered? _____

Can you cite any particular incidents that might be of interest with regard to the need for child care in the courts?

Please provide any other comments in the space below. Thank you for your participation.

☐ Yes, I would like an interview.

SURVEY QUESTIONS (Police Officer)

Name _____

This survey is intended to gather your impressions and not necessarily hard data. You may want to collaborate with other staff members to answer the questions. If you would like a personal interview, please check the box at the bottom of this form. Thank you for your participation.

How many DV calls has your department responded to in 1998? _____

What percentage involved children? _____

What percentage were witnessed by the children? _____

Would the offering of court-based child care enhance your assistance of the victim at the scene of the alleged crime? _____

Can you cite any particular incidents that might relate directly to the need for child care in the courts?

Please provide any other comments in the space below. Thank you for your participation.

☐ Yes, I would like an interview.

SURVEY QUESTIONS (Court Personnel)

Name _____

This survey is intended to gather your impressions and not necessarily hard data. You may want to collaborate with other staff members to answer the questions. If you would like a personal interview, please check the box at the bottom of this form. Thank you for your participation.

Does the presence of children often disrupt or distract you from your work? _____

Have you heard incidents of family members speaking angrily to a child? _____

Have you witnessed family members striking a child? _____

Do those unrelated to the child seem to have difficulty concentrating on their court business or appear to be bothered by the child? _____

Do other employees or attorneys in the court have difficulty concentrating on court business due to the presence of the child? _____

Can you cite any particular incidents that might relate directly to the need for child care in the courts?

Please provide any other comments in the space below. Thank you for your participation.

☐ Yes, I would like an interview.

SURVEY QUESTIONS (Judges)

Name _____

This survey is intended to gather your impressions and not necessarily hard data. You may want to collaborate with other staff members to answer the questions. If you would like a personal interview, please check the box at the bottom of this form. Thank you for your participation.

How often do you have children in your courtroom? _____

How often do you see children in your courtroom on domestic violence cases? _____

Does it cause you concern to know that the children may be hearing testimony that may cause them further trauma? _____

Does the presence of children often disrupt proceedings or cause distraction? _____

How many motions for continuance do you receive indicating the need for court child care?

Can you cite any particular incidents that might relate directly to the need for child care in the courts?

Please provide any other comments in the space below. Thank you for your participation.

☐ Yes, I would like an interview.

SURVEY QUESTIONS (Court Security Personnel)

Name _____

This survey is intended to gather your impressions and not necessarily hard data. You may want to collaborate with other staff members to answer the questions. If you would like a personal interview, please check the box at the bottom of this form. Thank you for your participation.

During a typical week, how many children enter the courthouse? _____

Does the presence of children often disrupt or distract you from your work? _____

Have you heard incidents of family members speaking angrily to a child? _____

Have you witnessed family members striking a child? _____

Do those unrelated to the child seem to have difficulty concentrating on their court business or appear to be bothered by the child? _____

Do other employees or attorneys in the court have difficulty concentrating on court business due to the presence of the child? _____

Can you cite any particular incidents that might relate directly to the need for child care in the courts?

Please provide any other comments in the space below. Thank you for your participation.

☐ Yes, I would like an interview.

APPENDIX C

Reno Municipal Court Space Requirements Database

Page 3 of 4

Project No: 6055.00
Unit: Court Support
Division:
Department:

Location:
Respondent:
Phone:
FAX:

File Code: AAD
Revision No.: 0
Date: 22-Aug-95
Interviewer: JHS

Staff & Space Category	Space Code	Std. NSF	Quantity			Net Sq. Feet			Remarks/Notes
			1996	2005	2015	1996	2005	2015	
1 STAFF AREA									
2 Security Officer	NTWS	0	0	1	2	0	0	0	
3 Attorney Shared Office	PO-3	168	0	0	0	168	168	168	
4 Public Defender Shared Office	PO-3	168	0	0	0	160	160	160	
5 Victim/Witness Advocate	PO-1	120	1	1	1	120	120	120	
6 Subtotal Staff Area						448	448	448	
7 % Circulation Allowance	30%					134	134	134	
8 Total Staff Area NSF			1	2	3	582	582	582	
9 SPECIAL AREAS									
10 Standard Court	SP	1280	2	3	4	2,560	3,840	5,120	Cap 42., 32' x 40'
11 Traffic Court	SP	2200	1	1	1	2,200	2,200	2,200	Cap 100.
12 Sound Vestibule	SP	100	3	4	5	300	400	500	
13 Attorney/Witness Conference	SP	100	4	6	8	400	600	800	
14 A/V Equipment Storage	SP	60	1	1	1	60	60	60	
15 Evidence Storage/Exhibits	SP	60	2	3	4	120	180	240	
16 Judicial Lounge/Robing	SP	200	1	1	2	200	200	400	
17 Private Restrooms	RR	60	2	2	2	120	120	120	
18 Court Waiting	OA	140	3	4	5	420	560	700	Cap 16 each.
19 Elevators/Vestibule	SP	128	2	2	2	256	256	256	
20									
21 In Custody Holding Area	SP	650	1	1	1	0	0	0	
22 Male Holding		168	1	1	1	168	168	168	Cap 8., 7' x 24'
23 Female Holding		84	1	1	1	84	84	84	7' x 12'
24 Single Cell (Isolation)	JS-6	49	2	2	2	98	98	98	7' x 7'
25 Toilet Compartment		35	1	1	1	35	35	35	5' x 7'
26 Attorney / Client Interview	JS-40A	70	1	1	1	70	70	70	7' x 10'
27 Security Station		49	1	1	1	49	49	49	7' x 7'
28 Internal Circulation (40%)						194	194	194	
29 Subtotal						698	698	698	
30									
31 Visitor Vending	SP	140	1	1	1	140	140	140	
32 Witness Waiting Lounge	SP	240	0	1	1	0	240	240	
33 Law Enforcement Waiting	SP	140	0	1	1	0	140	140	
34 Traffic Clerk/Cashier Counter	SP	280	0	1	1	0	280	280	
35 Children Waiting (Volunteers)		250	1	1	1	250	250	250	
36 Smoking Lounge		140	1	1	1	140	140	140	Outside access.
37 Subtotal Special Areas						7,864	10,304	12,284	
38 % Circulation Allowance	20%					1,573	2,061	2,457	
39 Total Special Area NSF						9,437	12,365	14,741	
40 Total Staff and Special Areas NSF						10,019	12,947	15,323	
41 Composite Circulation Factor						20.5%	20.4%	20.4%	

250sf @ \$160/sf = \$40,000

APPENDIX D

Children's Center Operating Budget

(Court Care for 20 children)

Staff

Director Salary	\$ 30,000
Benefits	10,500
Training	1,000
Equipment	2,000

Child Care Volunteers (University students earning work credit)	No cost
--	---------

Supplies

Food (20 children @ \$1.50 x 250 days)	7,500
Program supplies and materials	10,000
Maintenance/cleaning	2,000
Telephone	600

Overhead (15%)	9,540
----------------	-------

APPROXIMATE ANNUAL OPERATING BUDGET \$73,140

APPENDIX E

COURTCARE

by Andrea M. Luppi

Crying or confused children and anxious adults comprise the everyday scenes in courthouses throughout our country. The courthouse is no place for a child. Instead, it is an adult arena where games are never played, where gentle, reassuring voices are seldom heard. But believe it or not, children spend much time here. Whether accompanying a family member or family friend, whether serving as sympathy props for law-healing parents or testifying as witnesses of crimes, children are indeed visible in the corridors, in clerk's offices, in the DA's office, in waiting rooms and most certainly in the courtrooms. A woman charged with a crime will testify while cradling her child. Children traumatized by domestic violence accompany their victimized parent seeking court protection. Children are subjected to the humiliation of being the public scapegoats for litigants who need to vent their frustration right there, in the hallways. These situations leave indelible images on young minds, causing severe emotional damage.

But, despite these heartbreaking scenes, parents and family members who must appear in any of the five Hampden County Courts are no longer forced to hold their children hostage to the proceedings. In October of 1992, Springfield Day Nursery opened one of two free, court-related drop-in child care centers in Massachusetts, with a sister center operating in Roxbury. Children ranging in age from one day through 11 years are able to stay at the center for as long as the need exists. The Children's Center for the Hampden County Courts operates Monday through Friday from 8:30am to 4:30pm. After a brief intake process, parents or guardians are free to go about their court-related business while the children are introduced to a bright and cheerful environment and quickly get involved in age appropriate activities. Breakfast, lunch and snacks are provided, and when necessary, clean clothing is available.

Visitors to the courthouse come from all walks of life, every social and economic class, every culture and ethnic background. The majority, however, are single parent families or parents living with a significant other

in a quasi-marital situation. Many of these parents have no extended families to entrust their children to and certainly have little money to spend on day care while they attend to their court-related business.

With funding made possible by a start-up grant from the Community Foundation, and operational funding through the Department of Social Services, the Center has served the needs of over 2,500 children, free of charge, since its opening. Collaborations with court officers, local attorneys, the DA's office and the Hampden County Bar Association, as well as the Foster Grandparent Program, account for the success and smooth operation of this center. The Department of Social Services, working in harmony with the Center staff, are available for emergency situations or to handle any questions regarding the possibility of abuse and neglect that may arise. Staff of the Center also provide referral information to parents who may be in need of food stamps, fuel assistance, housing or support groups to help see them through their legal struggles.

As we look forward, the future seems bright for the development of additional child care centers to serve families, courts and communities. With support and guidance from the Trial Court Child Care Advisory Committee of the Massachusetts Trial Court Child Care Project, Courtcare has been established in Massachusetts. Presently, there are plans for the opening of centers in West Roxbury and Fall River in 1994.

With strong support and a never-ending determination to make it happen, advocates like Justices Nancy Dusek-Comez and Julian T. Houston do their best to see that children are no longer subjected to the confusion, violence and turmoil that occurs in the courthouse. Instead, they are cared for in a safe and nurturing environment, far removed from the activities of the courthouse, where, if only for a short period of time, they experience the pleasures of being children. For more information about the Children's Care Center for the Hampden County Courts, please call (413) 732-5527.

Andrea Luppi is Director of Community Relations at Springfield Day Nursery, Springfield, MA.



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High tide: 7:40 a.m.

Full report: 1

WEDNESDAY, JULY 14, 1993

Center a haven for children while parents in court

By Gloria Negri
GLOBE STAFF

Superior Court Judge Julian T. Houston remembers the days when infants, toddlers and pre-teens sat with their parents during the often grim criminal business at the Roxbury District Court, hearing tales that would make many children cringe.

Nowadays, the children are placed in the court's child care center. It is the first such center in the country accredited by the National Academy of Early Childhood Programs and the professional review board of the National Association for the Education of Young Children.

For four years, the center has been caring for the children of parents who have to appear in the court and have no choice but to bring their children.

"With accreditation comes the acknowledgment that this is a high-quality child care center," Nia-Naina Alimayu, the center's director, who designed the program, said this week. "We provide a learning environment that is trusting and safe. Our curriculum is not academic subjects, but trust and care."

These are 'among the most vulnerable children in the community. They have been witness to criminal acts and subjected to criminal violence in the home. The program is magnificent.'

JULIAN T. HOUSTON, Superior Court judge

The idea was born nine years with Houston, who then sat in the Roxbury court.

Houston said it wasn't unusual for him to hear cases involving drugs and domestic and gang violence with young children in the courtroom.

It took over two years to find the right site for the program and get support from trustees of the public library to use the Dudley Square Branch Library, he said.

These are "among the most vulnerable children in the community," the judge said. "They have been witness to criminal acts and subjected to criminal violence in the home. The

program is magnificent, thanks to Nia Alimayu and her staff. It has been completely integrated into the life of the courthouse."

The center cares for babies and children up to 12 in cheerful, spacious quarters on the second floor of the library.

Under the watchful eye of staff, volunteers and members of Foster Grandmothers, the children play, draw, read or are read to while their parents are in the court. Breakfast and lunch are served.

The center is a program of Associated Day Care Services, a United Way agency, and has an operating budget of \$135,000. 75 percent of it from the Department of Social Services, ac-

cording to Douglas Baird, the agency's president.

"We were the first to provide court-based child care in New England because we saw the importance of sheltering children from traumatic courtroom experiences," Baird said.

Baird said 3,500 children have been through the program since it opened in 1985. He said a program in Springfield is the only other one of its type in the state.

"If you speak to court officers and other professionals," Baird said, "they will tell you that having a child care center has been a great blessing to them, that what now goes on in the courtroom does not have to be censored. The notion that a child belongs in a courtroom at all borders on brutality."

The center's hours are the same as the court's, 8:30 a.m. to 4:40 p.m. The children stay for as long as is needed.

Under the direction of Alimayu and Darlene Pounce, head teacher, the center offers arts and crafts and games and is full of pinatas and toys.

"Most of our activities encourage self-expression," Alimayu said. "We don't want to have to say too many no's."

JAMES W. DOLAN

The silent victims

Awakened in the night by a scream in the next room, a child — heart pounding, confused — hears the sickening sound of a fist striking flesh. More screams and her father's voice says, "I'll kill you, bitch."

In a state of panic, she opens the door and sees her father with his hands around her mother's throat, slamming her head against the wall. There are screams, curses and blood.

Terrified, she crawls under her bed and covers her ears. Her protectors, the people she loves, are shattering her sense of security. Her confidence in the adult world is crushed.

She wonders what she can do. Why are they fighting? Is it her fault? Will it happen again? Will her mother be dead?

Approximately 43,000 children each year in Massachusetts witness similar scenes, according to a study released this month by the office of the commissioner of probation.

Scores of these children suffer permanent psychological injury as a result of the experience. Often the damage is more severe than that caused by other, more direct forms of child abuse.

A just-convicted batterer begins to cry as a judge explains the probable consequences of the defendant's behavior on his 5-year-old daughter who saw the incident. He loves his child and never considered hurting her. Perhaps this new awareness will prompt him to exercise greater self-control.

The report confirms that domestic abuse is child abuse. People who might never physically abuse their children inflict deep emotional scars on them by engaging in spousal abuse.

Few of these children are treated for their trauma. They are unseen, silent witnesses, until now the overlooked casualties in this conflict.

Children are the overlooked casualties of domestic violence.

The seeds of violence are sown in the home. Children are taught that violence is an acceptable way to deal with conflict. This lesson is carried into the streets as the children grow and is manifested in the appalling levels of teen-age violence, particularly in our cities. As adults they, too, become batterers, and this vicious cycle is completed.

While more and more convicted batterers are being sent to jail and required to attend batterer's programs, little is being done for the children. They need help to understand and cope with the violence they have witnessed and to prevent this insidious legacy from being passed on and repeated.

The resources available in the medical and child welfare communities must be brought to bear through the courts to address this problem. The courts become a useful vehicle in this process because they can identify cases and provide incentives to assure participation.

About half of all domestic violence cases are dismissed because the parties have reconciled and wish to stay together. A comprehensive, court-mandated, family violence prevention program could be particularly effective in such cases. It would also be useful when the batterer has left the household but children were exposed to domestic violence.

Before dismissing a domestic violence case, the court would oversee the entire family's participation in a counseling program that:

- Stresses the effects of family abuse not only on the batterer and the victim, but on the children.

- Assesses the damage done to children and what corrective measures should be taken.

- Educates children as to what they should do when they witness violence in the home.

The program would not be offered as an alternative to jail. Many cases require severe sanctions. In those cases, services would be offered to the victim and children on a strictly voluntary basis.

However, where the parties are intent upon continuing the relationship and the victim either refuses to cooperate with prosecutors or is reluctant to testify, participation in the program might be offered as a precondition to the eventual dismissal of the case or as a term of probation.

There often is more than just one victim in these conflicts. Attention tends to be focused only on the batterer and the adult victim. However, most of the damage lies hidden below the surface.

Trying to rehabilitate the batterer by providing alcohol or drug treatment and counseling only for him is insufficient. The entire family probably needs rehabilitative services.

The probation study documents the problem and demands a response. The silent terror of the child hiding under the bed cannot be ignored.

James W. Dolan, former presiding justice of Dorchester District Court, is acting presiding justice of West Roxbury District Court.

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Domestic Violence Summary

The Intersection of Child Abuse and Domestic Violence

A sample of findings from the academic literature:

- Children from homes where domestic violence occurs are physically or sexually abused and/or seriously neglected at a rate 15 times the national average.
- Findings from a number of studies suggest that between 53% and 70% of male batterers also abuse their children.
- A separate study found that women who have been hit by their husbands are twice as likely as other women to abuse a child.
- In several studies, between 75% and 87% of the children in households where domestic violence was present observed the beating of their mothers.

Findings from Oregon's Cohort Study:

- Twenty-six percent (26%) of the families with children entering care between 1991 and 1993 had domestic violence as a Family Factor.
- Domestic violence was one of the Factors which distinguished severe physical abuse cases from cases of moderate or mild abuse.

Out-of-Home Care

Domestic violence was present in:

- 34% of the cases where children were removed due to physical abuse
- 31% of the cases where children were removed due to neglect
- 22% of the cases where children were removed due to sex abuse
- 36% of the cases where children were removed due to threat of harm
- 36% of the cases where children were removed due to mental abuse
- The Return Home Rate for families with domestic violence as a Barrier was 43%.
The overall Return Rate was 52%.
- Domestic Violence was a Barrier to returning the child home in 8% of the cases.
Only 37% of the families completely or partially resolved this Barrier.
- Two percent (2%) of (all) families were offered domestic violence treatment.
Twenty-five percent (25%) of participants completed these services.
- Approximately 7% of the families were offered anger management.
Thirty-one percent (31%) of participants completed these services.

Family Factors

Domestic violence present		Domestic violence not present	
Drug/Alcohol involvement	73%	Drug/Alcohol involvement	47%
Poor parenting skills	65	Poor parenting skills	47
Unemployment	51	Unemployment	34
Abusive to children	48	Abusive to children	27
Teen parent (at first birth)	45	Teen parent (at first birth)	33
Single parent	45	Single parent	49
Criminal involvement	43	Criminal involvement	21
Chronic neglect	41	Chronic neglect	21
Parent abused as child	34	Parent abused as child	20
Inadequate housing	34	Inadequate housing	21
Overwhelming child care	33	Overwhelming child care	24
Inadequate income	32	Inadequate income	23
New baby	26	New baby	16
Social isolation	11	Social isolation	8

Parental Factors/Domestic Violence Present

Mother Factors		Father Factors	
Drug/Alcohol involvement	65%	Drug/Alcohol involvement	67%
Poor parenting skills	64	Poor parenting skills	49
Unemployment	48	Unemployment	23
Abusive to children	27	Abusive to children	51
Teen parent (at first birth)	47	Teen parent (at first birth)	5
Single parent	43	Single parent	8
Criminal involvement	35	Criminal involvement	34
Chronic neglect	42	Chronic neglect	22
Parent abused as child	32	Parent abused as child	7
Inadequate housing	34	Inadequate housing	23
Overwhelming child care	32	Overwhelming child care	20
Inadequate income	33	Inadequate income	21
New baby	27	New baby	15
Social isolation	11	Social isolation	8

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Page

For further information please contact:

Peter H. Coulson

Portland State Child Welfare Partnership

(503) 315-4266

coup@chemek.cc.or.us





A year after he busted down a door, flung his wife to the ground and threatened to kill her, Ernest Cushman Jr. was serving 13 months in a Vermont prison and Brenda Shores had divorced him. But seven-year-old Ernie, who had witnessed his father's harrowing attack, was on the warpath: He hit kids at school, hit his mother, hit his four-year-old sister, Brianna. "Ernie had his sister on the edge of terror," says Donna Ferrato, who spent a year following the family. It was hardly Ferrato's first foray into the world of domestic violence: She has spent 18 years taking intimate pictures of families in its awful thrall. Her work makes many viewers uneasy, but the Manhattan-based photographer sees no choice: "If you have a camera and you have a reaction, you have to capture it."

DONNA FERRATO

"VIOLENCE LESSONS"

MOTHER JONES, AUGUST 1998



Top left: Ernie Cushman, seven, vents his anger. Above: Ernie, sister Brianna and mother Brenda Shores. Bottom row, from left: Ernie sulks; pins his sister; looks away after tearing out Brianna's earring; and, after a year of progress in counseling, fools around with his mom. "He's getting 100s in spelling and English," Ferrato says. "He's learning that expressing himself can be his power."

CITY

WEEKLY

APRIL 4, 1993

'I wanted to be completely different from the court. We consider the court to be the darkness, and this is the light.'

NIA-NAIMA ALIMAYU, center program director

For children, a court reprieve



Free center nearby offers respite from adult world of arraignments

By Luz Delgado
GLOBE STAFF

R OXBURY - Roxbury District Court is not a happy place. The walls are gray and dingy. The corridors are long and narrow. The only light seems to rush in through opening doors and an occasional window in a private office. There are no visible plants. Colors exist only in shades of black and white and a hospital green. Few smile. Laughter is rare. A constant drone of voices - serious, preoccupied voices - fills the building.

Clearly it is not a place for children.

Yet until 1989, many children filled those corridors and the courtrooms to which they lead. Many sat quietly, and sometimes not so quietly, as judges decided the fate of a family member. Many entered with two parents and left with one and didn't understand why, why their daddy or mommy was taken away in handcuffs, why they couldn't hug goodbye. But not anymore. At least not so often.

Now parents can take their children to the Roxbury District Court Child Care Center next door. Free of charge. There the children can play and laugh with other children while their families tend to court business. There they can be spared the kinds of experiences other children faced and cried over day after day after day until someone realized children need a safe haven from the adult concerns aired in a courtroom.

"It was a common practice for parents to bring their children into the courtroom," said Mass-

DAY CARE. Page 7

Darlene Pounce, head teacher at the Roxbury day care center, holds 5-month old Kerry.

Courthouse Day Care Programs Increasing

Facing tight budgets, administrators become fund-raisers, security specialists

BY LAURA DUNCAN

A 5-year-old boy curls up with a coloring book in a kid-sized chair in a room with a panoramic view of Chicago's downtown high-rises. Next to him, his 4-year-old sister giggles over a game with a child care worker.

The playroom looks like a typical day care setting, but these children's parents are not at work. Tucked away in a high-rise courthouse, the room is designed to keep young children from disrupting court and to shield them from their parents' legal battles.

Lately, it seems as if courthouse day care has become as popular as Pocahontas merchandise.

There are more than 30 courthouse child care centers across the country, according to Lucy Hudson, senior associate at the Center for the Study of Social Policy in Washington, D.C. And there are dozens of other, less structured options to occupy children, from small, unsupervised waiting rooms with toys to vouchers that can be used at nearby private day care facilities.

The trend is quantified in the center's report, "Children in the Halls of Justice," which also recommends guidelines to set up day care programs. The report was funded by the Department of Justice to help make the courts more accessible to the public.

A Comforting Alternative

Supporters say the centers provide a safe, comforting environment for children whose families have no other choice but to bring their offspring to court. Harried mothers and fathers in the throes of litigation can drop off their children for free and focus on their legal troubles. For judges, the facilities keep out the screaming, crying and other distractions that inevitably arise when children sit for hours on

hard courtroom benches.

Massachusetts, New York and California have passed legislation to encourage courthouse child care centers by appropriating funds to build them or by requiring all new

knows firsthand how stressful it can be for a youngster to hang around a courthouse: At the age of 4, she and her brother spent countless hours waiting in courtroom hallways while their parents were



Child care director Deborah Bialczak: "I remember what it was like being a kid in a courthouse."

courthouse construction to include a room for such services. Several other states are considering similar measures.

Many of the programs were started by judges, lawyers or court administrators who were troubled by children witnessing gruesome details of violent crimes, angry custody battles and parents in shackles wearing prison uniforms.

"It shouldn't be necessary for children to listen to a re-enactment of a crime. The court system ought to be able to do better than that," said Massachusetts Superior Court Judge Julian Houston, who in 1984 started a child care program in Boston's Roxbury District Court where he was an associate judge at the time. Another child care center is being created at his urging at the superior court.

Deborah Bialczak, program director of child care services at the Circuit Court of Cook County, Ill.,

in the midst of divorce proceedings.

"I remember what it was like being a kid in a courthouse," she said. "Most of the kids here are having domestic relations problems. We provide an escape. We try to give kids a break from that."

Social Services Component

Courthouse child care centers, as defined by the Center for the Study of Social Policy, are situated in or near a courthouse, employ at least one paid staff person and provide games and other amusements. Some offer referrals for social services, and a handful provide social workers onsite.

"What I hope that these programs can do is connect the courts and the social service programs in a sort of team approach that will meet the needs of the court ... while it protects children," said the Center's Hudson.

Yet some program directors

Children Finally Get Day In Family Court

By KATE STONE LOMBARDI

WHEN 4-year-old Ritchie arrived at the new child-care center in Yonkers Family Court recently, his arms were pinned around his mother's neck in a desperate embrace, and he was wailing at full throttle.

"I want to give Daddy a kiss!" cried Ritchie, whose last name is being withheld to protect his family's privacy. "I want to give you a hug, Mommy!"

Mommy and Daddy, in Ritchie's case, were embroiled in a bitter legal

dispute involving the child himself, and it was being heard in the courtroom one floor above. The judge presiding over the case had asked that Ritchie leave the courtroom, both to spare the child

the trauma of witnessing the proceedings and to prevent him from disrupting them.

Until last April, there would have been no appropriate place for Ritchie to go. Children removed from the courtroom were sent to hallways or waiting rooms, where court officers or lawyers waiting to try other cases were sometimes asked to watch them. Frequently, small children roamed the courthouse unattended. With no supervision, no toys and nothing for them to do, the children often disturbed both litigants and court staff.

In cases where children remained in the courtroom, they often witnessed vitriolic exchanges between

their parents. Children who lived through emotionally painful and often violent situations at home had to relive the experience in court. Some children witnessed their fathers being led in and out of the room in handcuffs. Often parents testified with children on their laps.

"Our biggest problem was trying to find someone to take care of the child," said Judge Howard Spitz, a Family Court judge. "Most of the cases here have to do with the children — abuse or neglect, paternity, custody and especially horrendous cases of sexual abuse. As a judge, the most important thing about having a place for the children to go is that it relieves both the trauma to the litigant and to the child."

When Ritchie arrived at the center howling, Josephine Keilman, the director, quickly went to work. She first showed him the water fountain in the hall. "It's

**A new program
that relieves
trauma of litigants
and their offspring.**

pretty much magic how it works," she explained. After that she showed him a toy phone and then a truck with a siren. Within a few minutes she had him intrigued, and the little boy's sobs dissipated into a few desultory sniffs. Soon the child, who sported a blond tail down the back of his neck, a gold earring and a baseball shirt, was engrossed in painting a picture.

The child-care center in Yonkers Family Court is one of five in the state. (The others are in Albany, Erie and Monroe County Family Courts and at the Manhattan Civil, Criminal and Housing Courts. A sixth center is opening in July on Staten Island.) The

Continued on Page 4

The Changing Face of



More and more men are raising children alone, like Franklin L. Baraff whose wife was killed in an automobile accident last year. With him are Crissa, 6,

Keeping the Memory of Judy

By ALAN W. PETRUCELLI

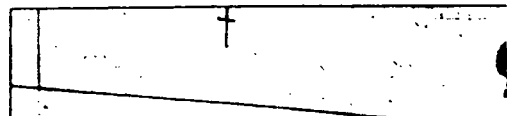
SHE lies in Crypt 31, Alcove HH, Unit 9, in the Ferncliff Mausoleum here. She rests in a blue velvet-lined coffin, wearing a gray chiffon gown, the same dress she wore when she married her fifth husband just six months before. According to records, her white-gloved hands rest on a small Bible, and silver slippers adorn her feet. Her hair is perfectly coiffed. In eternal slumber, Judy Garland is ready for her next number.

Wednesday marks the silver anniversary of her death. From West Hollywood, Calif. (where gay bars are commemorating the event by having Come as Judy drag balls), to

always will be — an original."

Ferncliff, a 70-acre sanctuary of rolling lush landscape and the final resting place for more than 30,000 people, is Westchester's and Hollywood's most famous dead end, Forest Lawn. And it has an equally impressive Who's Who cemetery provides a free list of notables in there).

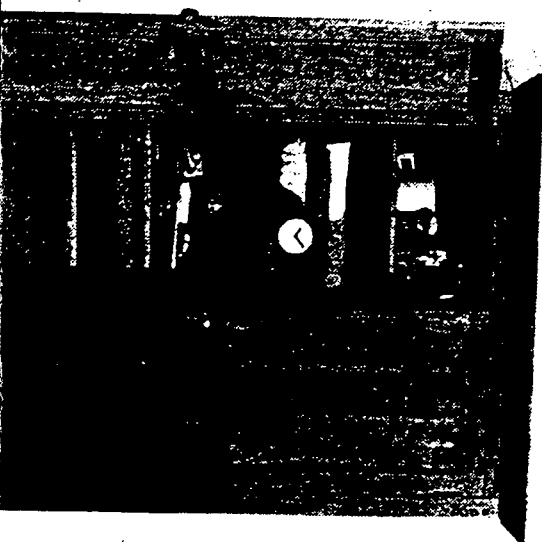
There is Joan Crawford (1908-1977), Paul Robeson (1898-1976), Basil Rathbone (1892-1967), John Sturges (1898-1959), Sigmund Romberg (1895-1951), Moms Mabley (1899-1975), Malcolm X



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Children Get Place In Court

Continued From Page 1

Program is the brainchild of the Permanent Judicial Commission on Justice for Children, based at the Pace University Law School in White Plains and headed by Chief Judge Judith Kaye and Ellen Schall, a lawyer and professor at New York University.

The commission, which studies the problems of very young children affected by the state court system, found that child care in courthouses was a statewide problem and deter-

rent's paintings decorate the wall. The center, open from 9 A.M. to 5 P.M. whenever court is in session, can accommodate six children from infancy to 8. Although the director at each center is a professional social worker, the rest of the staff are volunteers. The entire system was started up with a \$300,000 grant from the State Legislature.

"It's good for everybody," Judge Spitz said. "We no longer have children running around the courtroom, which is very helpful to me. The child is not exposed to the courtroom, which can be very frightening, and parents are relieved of the responsibility of taking care of a child while going through a legal proceeding. It's an idea that was a long time coming, but it is finally here."

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GET UP AND GO



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