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Judicial Differences in Protective Orders Issuance Rates: An Examination of Courtroom Actors, Case Aspects, and Individual Characteristics

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JUDICIAL DIFFERENCES IN PROTECTIVE ORDERS ISSUANCE RATES: AN
EXAMINATION OF COURTROOM ACTORS, CASE ASPECTS, AND
INDIVIDUAL CHARACTERISTICS

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2012

A thesis submitted in partial fulfillment
of the requirements for the

Master of Arts – Criminal Justice

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Judicial Differences in Protective Orders Issuance Rates: An Examination of Courtroom
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Abstract

Using a mixed methods approach, this study examines whether: (1) *courtroom actors* (i.e., presence of legal counsel, translator, victim advocate, or informal support person; and presiding judge), (2) *case aspects* (i.e., abuse mentioned, type of abuse mentioned; weapon mentioned; children mentioned; and session time), and (3) *individual characteristics* (i.e., presence of applicant and/or adverse party; and race and gender of applicant and adverse party) influence an applicant's likelihood of being granted a civil protective order and the length of time it is granted for. Several types of analytic methods were conducted (i.e., bivariate analyses, logistic regression analyses, and sets of 3-way interaction analyses) to answer this study's research questions. The results of this study were then supplemented with qualitative descriptive data to illustrate the complex nature of domestic violence cases. Based on a sample of 303 protection order cases, this study found that a range of variables were associated with the success of a litigant actually receiving an order of protection and its length of time.

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CHAPTER 1

INTRODUCTION

Intimate partner violence (or IPV throughout), commonly referred to as domestic violence (or DV throughout), is a widespread social problem affecting millions of women nationwide. In fact, each year nearly 5 million IPV incidents are committed against women in the United States (Logan, Shannon, Walker, and Faragher, 2006). The *National Intimate Partner and Sexual Violence Survey* (NISVS, 2010) reports that more than 1 in 3 women have been physically assaulted, raped, and/ or stalked by an intimate partner throughout their lifetime. To break this down even further, NISVS (2010) estimates that nearly 11.1 million women have been raped, approximately 12.7 million women have been stalked, and roughly 36.2 million women have been physically assaulted by an intimate partner in their lifetime.

Furthermore, homicide victimization rates reveal that intimate partner homicides represent the most prevalent type of homicide among females (Moracco, Andersen, Buchanan, Espersen, Bowling, and Duffy, 2010) with approximately one third of female murder victims being killed by an intimate partner (Diviney, Parekh, and Olson, 2009). IPV not only affects women's physical and mental health but also has negative consequences for society (Moracco et al., 2010). According to the Centers for Disease Control and Prevention (CDC), in 2003, the cost of medical and mental healthcare services associated with IPV related incidents surpassed \$8.3 billion. Although IPV is now recognized as one of the major health problems that women face, this was not always the case.

History of Civil Protection Orders

It was not until the early 1970's that feminist activists began to raise awareness about the prevalence and seriousness of domestic violence in the United States (Dejong and Burgess-

Proctor, 2006). Prior to this time, DV was considered a family issue rather than a legal one (Worden and Carlson, 2005) and, as a result, DV offenders were rarely prosecuted by the criminal justice system (Anderson, 2015).

Seeing that DV victims were mistreated by the justice system, feminist activists and battered women began lobbying for the criminalization of domestic violence (DeJong and Burgess-Proctor, 2006). They began by creating hotlines, shelters, and providing counseling services to victims of domestic violence in order to help them cope with the abuse. Through their lobbying efforts, feminist activists were successful at reforming the justice system responses to domestic violence (Fagan, 1996). As a result, starting in 1976, many states began enacting legislations allowing women to obtain civil protective orders (POs or TPOs throughout) without having to apply for divorce (Grau, Fagan, and Wexler, 1984) and by 1980, civil protective order legislations were available in most states (Fagan, 1996).

Currently, protective order statutes are available in every state; however, eligibility requirements vary from jurisdiction to jurisdiction (DeJong and Burgess-Proctor, 2006). Protective orders (POs), also known as restraining orders or no contact orders, are in fact one of the most common types of legal resources available to IPV victims with more than one million civil protective orders being granted annually in the United States (Moracco et al., 2010; Sorenson and Shen, 2005). Despite their various names, they all serve the same purpose, which is to reduce the risk of future harm and minimize contact between victim and offender (Logan et al., 2006).

Applying for a Civil Protection Order

To obtain a protection order, the applicant (i.e., the victim/survivor/petitioner) has to file an application with the local civil court system. In the application, victims must clearly describe

the DV incidents that lead them to initiate the PO application as well as, their concerns for future abuse/victimization if the protection order is not issued. When filling out the PO application, victims are encouraged to provide as much detail and information as possible (such as the time and place the abuse occurred, who witnessed the abuse taking place, and whether children were involved). In some jurisdictions, applicants are also required to include any previous history of abuse.

Once the applicant initiates the protection order process, a hearing before a civil court judge is scheduled to review the original application. During the hearing, the judge, based on the information presented, determines whether to issue a temporary protection order (TPO). If needed, applicants can also request to have their protection order extended, which is typically referred to as an extended protection order. Similarly, if applicants are in need of immediate protection and cannot wait for a hearing to be held, they can request an emergency protection order by contacting their local law enforcement.

It is important to note that the vast majority of applicants seeking civil protection orders do so without retaining legal counsel (i.e., *pro se*, self-represented litigant, self-litigant, or litigant). Therefore, applicants place their trust in the justice system and/or courtroom actors including judges, victim advocates, and other courtroom personnel. These courtroom actors function as “gatekeepers” to a complex legal system and play a pivotal role in the protection order process. The process of applying for a civil order of protection is important to understand, particularly when we realize that civil protection orders serve an especially vulnerable population, marginalized on multiple intersecting grounds including gender, class, race, ethnicity, and language.

The Current Study

This thesis attends to questions about the process of attaining a protection order. In researching a local protection order court, this study will highlight the complexity associated with domestic violence cases, particularly in a civil court system and include the following topical areas.

First, a review of the literature will document past research completed on protection orders, including their effectiveness, differences in outcomes for those applicants with and without a lawyer, as well as the range of violence experienced by victims who apply. Additionally, in reviewing theories related to the courtroom workgroup and feminist criminology, this thesis will also highlight supplemental research that documents the effects of courtroom actors and a range of DV violence claims (as experienced and acknowledged in court).

Then, the current study will be discussed including the project background, research site location, and a research design that incorporates a mixed-methods approach to understand judicial differences in the issuing of civil protection orders. A review of the findings of the project will document that, similar to previous research completed, civil court hearings on protection orders are complex. Indeed, there are a range of variables associated with the success of a litigant actually receiving an order of protection. Lastly, this thesis will end with a discussion about the findings, including some thoughts on policy implications and future research directions.

CHAPTER 2

REVIEW OF RELATED LITERATURE

Civil protective orders have been examined from several perspectives (e.g., legal, sociological, historical, and psychological). However, the primary empirical focus of previous studies include assessments of their effectiveness at preventing future abuse (Logan and Walker, 2009; McFarlane et al., 2004; Spitzberg, 2002), the impact of legal representation on PO issuance rates (Durfee, 2008; Fleury-Steiner et al., 2014; Lucken, Rosky, and Watkins, 2015), and the effects of applicant and adverse party having children together and weapon use on judicial decisions to grant a PO (Durfee and Messing, 2012; Fleury–Steiner et al., 2014; Vittes and Sorenson, 2006). The research summarized herein suggests that protective orders are only effective in approximately 40% to 58% of cases and that PO outcomes vary depending on whether litigants acquired legal counsel and have children in common. Since these findings are of particular importance to the current study, they will be discussed in further detail below.

Overall Effectiveness of Protection Orders

A review of previous research on PO effectiveness reveals that a large proportion of women experience abuse even after obtaining a protective order. For instance, Spitzberg (2002) examined 32 DV studies and reported that protective orders were violated 40% of the time. Similarly, a study conducted by McFarlane et al. (2004) found that 44% of women in their sample experienced a PO violation during an 18-month follow up period. Even higher violation rates were found by Logan and Walker (2009) who summarized that 58% of the women in their sample reported PO violations during a 12-month follow up period. In fact, Logan and Walker (2009) found that PO violations were more likely to occur if the victim: (1) continued the relationship with the (violent) partner, and (2) had been stalked prior to obtaining the protective

order. In sum, it appears that POs are effective for some women; yet in approximately 40% to 58% of the cases nationally they are found to be ineffective.

Effects of Legal Representation in Protection Order Cases

Although legal counsel is not required when applying for a PO, previous research suggests that litigants with legal counsel are more likely to obtain a PO than self-represented litigants (or *pro se* litigants). For instance, Durfee (2008) analyzed whether PO petitions written by lawyers differed from those written by victim advocates and litigants themselves. Based on a sample size of 101 petitions filed in an urban county in 2000, Durfee (2008) found significant differences among these three groups in terms of their structure and content. In particular, petitions written by lawyers were more likely to include crucial information about the abuse, which met the state's legal definition of DV. They were also less likely to include information that did not pertain to the DV incident and more likely to follow a thematic structure. Thus, civil protection order petitions, written with the help of a lawyer, were more successful at securing a protective order than petitions written by victim advocates or litigants themselves.

Contrary to Durfee's findings, Lucken, Rosky, and Watkins (2015) found that having a lawyer present is advantageous for the respondent (i.e. adverse party or offender) but not necessarily for the applicant (i.e. victim). In fact, Lucken et al., (2015) identified several factors that impacted the way judicial decisions about protection orders were produced. In particular, the judges in their study were more likely to deny the applicant/victim a protective order if the respondent/adverse party had a lawyer present and was employed at the time of the hearing. Similarly, respondents who challenged a protective order initiated by an applicant were more likely to get that protective order against them dropped. In sum, when a lawyer is present on

behalf of the adverse party, the outcomes are beneficial for the respondent while the chances of the applicant successfully obtaining a PO diminish.

A study conducted by Fleury-Steiner et al., (2014) yielded similar results. In particular, this study found that protective orders were less likely to be granted when legal counsel was present on adverse party's behalf. However, whether the applicant had a lawyer present did not impact the PO outcome. Overall, these findings suggest that legal representation seems to matter depending on who the lawyer is representing.

These party-specific results are of particular importance especially when considering that applicants without legal counsel initiate the vast majority of civil protective order cases. Given this fact about civil PO cases, it appears that applicants who cannot afford legal counsel and choose to represent themselves in court via *pro se* are less likely to be granted a protective order especially when going up against a respondent/adverse party with counsel.

Effects of Children and Weapon Use in Protection Order Cases

Several studies suggest that protective orders are more likely to be granted when children are involved. For instance, Durfee and Messing (2012) found that women who moved out of their homes, as a result of the DV incident, and into shelters with their children were more likely to be granted a protective order. Additionally, researchers Durfee and Messing (2012) identified several other factors that were found to increase PO issuance rates for applicants. Some of these factors included having a higher income and education level, prior experiences of sexual and economic abuse, and whether the person sought previous help from law enforcement.

Fleury-Steiner et al., (2014) also found that PO outcomes varied depending on whether applicant and adverse party have children in common. More specifically, these authors found that cases where the applicant was co-parenting with the adverse party were more likely to be

issued a protective order. Conversely, protection order cases involving no co-parenting were more likely to be continued rather than granted (Fleury-Steiner et al., 2014). Clearly, case aspects (i.e. co-parenting with adverse party, abuse experienced, help-seeking behavior) play a role in PO outcomes.

As another possible situational factor in case outcomes, Vittes and Sorenson (2006) examined whether individuals who mentioned firearms in their applications were more likely to be granted a protective order. Based on a sample size of 1,354 applications, they found that the mention of a firearm did not increase an applicant's likelihood of receiving a protective order. However, despite these findings and limited empirical studies on this factor, one would expect the mention of weapons to increase perceptions of risk of physical danger and thus be an important case attribute in TPO decisions. Instead, Vittes and Sorenson (2006) found three other factors to be associated with higher PO issuance rates. Similar to other research (e.g., Durfee and Messing 2012), these important case factors include whether or not (1) the applicant/victim was sexually assaulted; (2) children were present during the abuse, and (3) the applicant received threats from the adverse party. The likelihood of a PO being granted is increased when each of these case characteristics are present.

Overall, this previous research on the case attributes associated with the successful issuance of a protective order reveals important factors underlie these decisions. These include (1) the presence of children in the case (i.e., either litigants have a child in common or a child witnessed the abuse taking place), (2) the type of abuse experienced by applicant (e.g., sexual), (3) a record of applicant seeking help from law enforcement, and (4) legal representation for the litigant. Based on its association with the high risk of physical injury to the applicant, as well as the new federal legislation that requires arrest (i.e. The Lautenberg Amendment to the Gun

Control Act of 1968), one would expect the reported presence of weapons to influence the PO outcome but prior research suggests that it does not (Adelman and Morgan, 2006).

CHAPTER 3

REVIEW OF THEORY RELATED TO CURRENT STUDY

Based on a review of research done on civil protection orders, the current study incorporates two theoretical perspectives: (1) Courtroom Workgroup Theory (Eisenstein and Jacob, 1977) and (2) Feminist Criminology (Chesney-Lind, 2006; Daly and Chesney-Lind, 1988). Together, these two perspectives provide guidance for understanding judicial decision making within a local context (i.e. Courtroom Workgroup) and issues of inequality including gender (sexism), race (racism), and class (classism) and stereotypes associated with IPV/victims/offenders, what is considered abuse, and its causes and contextual variability (i.e. Feminist Criminology).

Courtroom Workgroup Theory

As developed by Eisenstein and Jacob (1977), Courtroom Workgroup Theory attempts to explain how courtroom dynamics affect the nature of criminal case outcomes. In particular, they argue that daily interactions between the judge, the prosecutor, the defense attorney, and other courtroom members (i.e., clerk, bailiff) influence how judicial decisions are produced in criminal proceedings. Eisenstein and Jacob (1977) contend that these courtroom members share common beliefs and values on how the courtroom should operate and how cases should be handled. These shared beliefs and values are referred to as the court's "local legal culture".

Even though Courtroom Workgroup Theory was originally developed to explain criminal case outcomes, several studies have examined the impact of courtroom workgroups on domestic violence cases. For example, Currul-Dykeman (2014) interviewed and observed 23 courtroom members from a specialized domestic violence court and a traditional court. When comparing and contrasting domestic violence cases in these two courts, Currul-Dykeman (2014) found that

the two courts handled DV cases differently and attributed these differences to each court's local legal culture. In particular, the courtroom members in the specialized domestic violence court followed a rehabilitative model in which domestic violence cases were treated more seriously, assigned more resources, and investigated more thoroughly; whereas the courtroom members in the traditional court followed a case efficiency model in which domestic violence cases were not perceived as important and therefore, received less resources.

Similarly, Hartman and Belknap (2003) interviewed and surveyed 62 courtroom workgroup members from a municipal court in the Midwest that handled misdemeanor domestic violence cases. Their sample included 14 judges, 18 prosecutors, and 31 public defenders. Hartman and Belknap (2003) found that, when determining whether a defendant should be prosecuted or convicted, the courtroom actors in this sample were greatly influenced by the legal variables presented throughout each case (i.e. case aspects). Some of the legal variables that were considered to be of importance included the seriousness of the offense, extent of injuries inflicted to the victim, the offender's criminal history, and any prior violations.

Even though Courtroom Workgroup Theory has been effective at explaining how interactions between courtroom actors shape PO outcomes, the theory has several weaknesses. In particular, it does not address gender (sexism), race (racism), and class (classism) issues that are a structural component to the traditional legal system. Feminist Criminology, as a theoretical perspective, attends to issues of inequality (i.e., gender, race, class) that are present within the research on civil protection orders.

Feminist Criminology

Feminist Criminology provides guidance for understanding issues of inequality including gender (sexism), race (racism), and class (classism) as they relate to domestic violence and

victims of domestic violence. As a mode of feminist criminological inquiry, *multiple inequalities research* (i.e. sometimes called “class-race-gender” research) conceptualizes social phenomenon (and research data that describes the phenomenon under study) as consisting of intersecting and interlocking inequalities (Daly, 1993; 1997). Therefore, for this line of feminist criminological inquiry, a focus is on multiple relations of inequality and systems of inequality that are not only inclusive of class-race-gender but also include sexual orientation, language, physical ability, and age, etc. (Daly, 1997).

Therefore, Feminist Criminology encourages an understanding of structural inequality, including an analysis of systems of inequality like patriarchy. From this feminist criminological perspective, men use violence to coerce, show dominance, and exert their power over women (Loseke, Gelles, and Cavanaugh, 2005). There is a power imbalance that has existed throughout history reinforcing male dominance and female subordination. In what is considered “civilized” cultures, men have been predominantly in a place of power while women have been oppressed by law, tradition, and by men’s patriarchal belief that it is their right to control women (Loseke et al., 2005). Society has a tendency to protect these male figures while neglecting (and sometimes re-victimizing) their female counterparts.

Several courtroom studies have used Feminist Criminology to explain women’s abuse outside of the household. For example, Wan (2000) conducted courtroom observations and found that women re-experience abuse upon entering the court system. In particular, Wan (2000) explained that court personnel routinely treated many women seeking protective orders in a condescending way. Wan (2000) argued that, “Because the court system is patriarchal in structure, court personnel, despite their personal characteristics, may have been expected to react to battered women in a patronizing fashion” (p. 24). In addition, this author argued that

minorities and low-income women are more likely to be subjected to these types of negative behaviors than women with higher incomes.

In studying “equal justice” for applicants with and without a lawyer, Durfee (2008) also contends that feminist scholars adequately acknowledge that law in theory is different than law in practice (pp. 2-3). This author charts the protection order process and the assumption that all litigants, with or without legal counsel, are treated the same. However, what Durfee (2008) found is that (1) victims of domestic violence are even more vulnerable to inequalities associated with the legal system, (2) victims who utilize the civil court system are often times women with little education and low income, and (3) victims are at an additional disadvantage if they go to court and their respondent/adverse party has counsel (pp. 4-5). In addition, Durfee (2008) found that experiencing the civil protection order process, for litigants, not only impacts their short- and long-term safety, but it also dramatically shapes their ideas about the legal system.

The contribution of Feminist Criminology, here, allows us to conceptualize social phenomena as a matrix of multiple social relations promoting and/or reproducing structural inequality based on gender, race, class, and other identities. Such a framework is helpful in understanding civil protection orders (specifically) as well as domestic violence and justice system responses to violence more broadly.

The Current Study

Based on a review of research and theory, this thesis builds upon the Courtroom Workgroup Theory and also incorporates a Feminist Criminology lens. Using data coded from ethnographic observations of a local civil court, the current study examines what factors influence an applicant’s likelihood of receiving a civil protective order. More specifically, this research study examines whether: (1) *courtroom actors* (i.e., presence of legal counsel,

translator, victim advocate, or informal support person; and presiding judge), (2) *case aspects* (i.e., abuse mentioned, type of abuse mentioned; weapon mentioned; children mentioned; and session time), and (3) *individual characteristics* (i.e., presence of applicant and/or adverse party; and race and gender of applicant and adverse party) influence an applicant's likelihood of being granted a civil protective order and the length of time it is granted for.

Several bivariate and multivariate analyses were conducted to assess the impact of these factors on the likelihood of being granted a civil protective order (PO). Several sets of 3-way interaction analyses were also conducted to supplement these findings. Additionally, qualitative data (i.e., case transcripts) were used to frame, highlight, and give context to the complexity of these domestic violence cases. The results are then discussed in terms of their implications for future research and public policy on civil protective orders in Nevada and nationwide.

CHAPTER 4

PROJECT BACKGROUND

Current Research Project

Site Demographics.

The current study was conducted in an urban Nevada county with a population of approximately 2.1 million inhabitants and over 44 million visitors a year. The Census Bureau estimates that this county's racial makeup is composed of 46% White, 30% Hispanic or Latino, 11% African American or Black, and 12% whom I have classified as "other." This last category is composed of American Indians and Alaska Natives in addition to Asians, Native Hawaiians, and other Pacific Islanders. The average household income for this county is approximately \$53,000 with 15% of individuals living under the poverty line (www.quickfacts.census.gov).

Nevada was selected for analysis due to the state's extensive history of violence against women and the role it plays in assisting litigants with protective order applications. According to a report conducted by the Violence Policy Center (VPC, 2015), Nevada ranks fifth in the U.S. for homicide rates of women killed by men. In 2013 alone, 27 women were killed by men in Nevada (VPC, 2015). Of those homicides, 55% were committed by using a gun. In 2014, over 40,900 individuals benefited from domestic violence services such as shelters and counseling statewide (Nevada Network Against Domestic Violence [NNADV], 2014). In the same year, there were 11,354 PO applications filed in Nevada, 12,999 Law Enforcement DV contacts made, and 132,376 referrals given to DV victims (NNADV, 2014).

Research Site Location.

The courtroom under analysis is located within one of Nevada's most populated counties, representing 70% of the state's population. This court was selected for analysis over other courts in Nevada due to its high caseload and unique model in handling domestic violence cases in a civil court system.

In fact, a report compiled by the Family Violence Intervention Program (FVIP) reveals that 30,735 TPO applications were filed and 32,871 protection order hearings held in this court between 2010 and 2013 (FVIP, 2013). To narrow down this even further, in 2013, the same year in which this research project started, there were a total of 7,382 TPO applications filed (5,563 were filed in the office while 1,819 were completed via fax) and 8,837 protection order hearings held. From those 5,563 applications filed, a lawyer was not present in 1,625 of those applications (FVIP, 2013). See Appendix F for a summary of the FVIP report.

This court differs from other traditional courts in that it operates as a specialized domestic violence court (DVC) in which TPO judges who have received specialized DV training hold hearings. In fact, this is the only court in this county that is authorized to issue temporary protective orders against domestic violence --- the remaining courts can only issue temporary protective orders against stalking and harassment. Thus, all civil protective orders pertaining to domestic violence are heard by this one civil court in this urban Nevada county.

Unlike other domestic violence courts who are managed by a single specialized judge (Cissner, Labriola, and Rempel, 2015), the courtroom under analysis is managed by two hearing masters, one female and one male, who preside solely over civil protection order cases. Hearings about civil protective orders are held Monday through Thursday, during both the morning and afternoon sessions. These hearings are open to the public.

Since most of the TPO applications are filed here, several self-help centers were created within this courthouse to better assist victims with civil protective order requests. Some of the advocacy programs include the Family Violence Intervention Program (FVIP), the Family Law Self-Help Center, and partnering organizations, such as Safe Nest. The first two programs provide information regarding court proceedings and assistance with filing TPO applications, which are free of charge to litigants (<http://www.familylawselfhelpcenter.org>). In contrast, Safe Nest is a non-legal domestic violence advocacy organization that offers DV victims shelter, counseling, and advocacy (<http://www.safenest.org>).

In addition to these programs, several other court programs were created to aid with family matters. These include (1) Court Appointed Special Advocate (CASA) program which provides help to abused and neglected children, (2) Family Law-Ask-A-Lawyer Program which offers free legal advice to self-represented litigants, (3) Pro Bono Project which offers free legal assistance to individuals who cannot afford legal counsel, (4) Peggy's Attic which provides clothing and other vital necessities to children, (5) Family Mediation Center (FMC) services, and (6) DONNA'S House Central which facilitates supervised visits between parents and their children. However, the last two services are only available to individuals with court-mandated orders.

Types of Protection Orders Available in Nevada

In the county under analysis, an applicant (the person who files the TPO application) can request the following types of protection orders: (1) Emergency Temporary Protective Order (ETPO), (2) Temporary Protection Order (TPO), and (3) Extended Protection Order (<http://www.safenest.org>). An applicant can request an ETPO over the phone by calling the DV Hotline or 911. However, ETPO's are only granted on an emergency basis and are usually

effective for only 7 days. An applicant can also file for a Temporary Protection Order (TPO), which usually lasts up to 30 days [NRS 33.080 (1)], and if needed, an applicant can also request to extend the original order of protection (i.e., Extended Protection Order) for up to a year [NRS 33.080(3)]. As stated under NRS, “The court MAY require the applicant or the adverse party, or both, to appear before the court before determining whether to grant the temporary or extended order” [NRS 33.020 (2)].

Protection orders can include a number of provisions such as prohibiting the adverse party from contacting the applicant, requiring the adverse party to vacate the residence, and paying for child support [NRS 33.030 (1)-(2); NRS 33.031 (1a)]. If the adverse party violates any of these provisions, he/she can be held in contempt and face criminal charges. For example, an adverse party who violates a Temporary Protection Order can be found guilty of a gross misdemeanor [NRS 33.400 (6a)] and face up to a year in jail and/or be required to pay a fine up to \$2,000 (NRS 193.140). Similarly, an adverse party who violates an Extended Protection Order can be found guilty of a category C felony [NRS 33.400 (6b)] and face one-to-five years in prison and may be required to a pay a fine of up to \$10,000 [NRS 193.130 (2c)].

Even with all these provisions in place, DeJong and Burgess-Proctor (2006) classified Nevada as only being “moderately progressive” in assisting DV victims by “indicating an awareness of the importance of PPOs but lacking the support provided to victims by the most progressive states” (p.10). The PPOs referenced here stand for personal protection orders. DeJong and Burgess-Proctor (2006) identified which state statutes were more “victim friendly/progressive” by examining their compliance with the Violence Against Women Act (VAWA), PO eligibility requirements, the simplicity of navigating through the PO process, and

criminal penalties imposed for PO violations in each of the 50 states and the District of Columbia.

Based on those measures, Missouri was classified as the “most progressive” state and given the highest score, 10.0, Nevada along with Alabama, Maryland, Montana, New Jersey, Rhode Island, Tennessee, Utah, Vermont, and West Virginia, were classified as a “moderately progressive” states and received a score of 6.0 while South Carolina was classified as the “least progressive” state and given the lowest score, 4.0.

Irrespective of the level of progressiveness a state has, the reality is that states do differ in their language regarding temporary protection orders and all other orders of protection. Additionally, other legal factors (i.e. case law, court rules, interpretation of state statutes and local practices) need to be considered when doing research on civil protection orders. The following chapter discusses the methods associated with this thesis research – a mixed-methods project located at the local level.

CHAPTER 5

RESEARCH METHOD

Research Design

The data used for this study is part of a larger research project examining the effectiveness of several courthouse self-help centers within California and Nevada that assist self-represented litigants with civil domestic violence protective orders. The current study will continue to expand upon this research by examining what factors influence an applicant's likelihood of receiving a civil protective order and the length of time it is granted for in a Nevada site location.

The research design for the current study is a combination of both qualitative and quantitative data that first utilizes field research methodologies, codes qualitative data in to variables, and then analyses them statistically.

More specifically, the first qualitative phase consists of ethnographic observations, including institutional ethnography (Campbell and Gregor, 2002; DeVault, 2006), in a civil protection order court, located in a civil justice facility. Between October 2013 and July 2015, researchers trained in ethnographic observation, qualitative method, and qualitative and quantitative analysis observed 430 civil protective order hearings. Hearings were selected for observation based on the researcher's schedule and not at the request of court personnel, litigants, or legal aid services. To ensure observational accuracy and project robustness, there were days in which multiple researchers were present in the courtroom simultaneously to conduct the observations. This type of research design was crucial to understanding the court's local legal culture and case proceedings of TPOs. Prior to going into the field, IRB approval was received and a memorandum of understanding with the court was obtained.

Field research, conducted via direct observations, was selected over other types of research designs because it provided direct access to the research site location while also allowing for a better understanding of the research topic (i.e. the protection order process) within a real world context. Therefore, by conducting ethnographic observations, I was able to witness firsthand the processes through which litigants go in order to secure a civil protective order and better understand how judicial decisions are produced. To preserve the courtroom's natural socio-legal environment, my role as a researcher was only disclosed to litigants when either asked directly or when introduced by court personnel who were aware of my affiliation with the research project.

Field research, ethnographies, and institutional ethnographies have several strengths. First, these types of qualitative methodologies are some of the least expensive approaches to data collection. Social encounters and on-goings occurring in a natural environment are observed and recorded, using simple tools (i.e., a notebook and a pencil) and institutional ethnography allows the researcher to focus on institutional and/or organizational texts (i.e. reports, applications, planning documents, charts and records) already free and available to the public. The combination of these qualitative methodologies also allows the researcher to analyze complex and dynamic situations, occurring in real-time, as in this case. These methods also allow for the recording of very detailed, context-specific, and sometimes extensive information about the research setting/research topic under study. Qualitative data (i.e. field notes, transcripts, memos) were then collected and coded based on variables chosen for the quantitative portion of this project (see *Sampling Plan*, below).

As with any research methodology, there are strengths and limitations. The limitations associated with this project include the fact that, while conducting field research and observing

the TPO court, courtroom personnel were aware of my affiliation with the research project. Furthermore, they also knew I was conducting observations on the protection order process, including their interactions with each other and with applicants and adverse parties. One limitation, then, is my presence in the field (i.e. researcher effects) - this may have had an impact on the judicial decision making process.

Researcher effects were minimized by keeping the observation schedule completely spontaneous (i.e. the judges never received a schedule of when the researcher/research team were going to be observing) and by acting as only an observer in court. Questions were not asked, no informal interviews took place, and conversations held between researcher and courtroom personnel were always kept to a minimum and only occurred between cases.

It should be noted that this civil courtroom is a public space where all hearings are video-recorded and open to the public. Furthermore, applicants of this courtroom are individuals who have self-selected to use self-help centers/clinics services, and have their application reviewed in a public TPO court. Applicants and adverse parties oftentimes show up to court with a friend or family member, law school students observe for experiential learning credits, and journalists observe cases when writing about domestic violence. Therefore, because of the public nature of this site location, courtroom personnel – including the two presiding judges - are used to having an “audience” present when presiding over these cases. Thus, limiting any researcher effects.

Field Notes.

In terms of recording qualitative observations as “data,” a notebook and pencil were used and field notes were created for all observations. In my field notes, I provided a description of the courtroom environment/setting, case outcomes, and interactions between courtroom actors and litigants. I paid close attention to specific behaviors including rulings made and reasoning

behind them (i.e., whether a TPO was granted and if it was granted, why and for how long), litigants' demographic information (i.e., gender, race), individual case characteristics (i.e., whether formal and informal support individuals were present, type of abuse mentioned, child abuse allegations and allegations of firearm possession), litigants' emotional state and physical demeanor, conversations between courtroom personnel during and after case hearings, and exchanges between judges and litigants (i.e., questions from the judge addressing litigants and vice versa) were also recorded. For the duration of this project, identifying information and names were not recorded.

Immediately after leaving the field site location, observational field notes were transcribed into a Word document and uploaded onto the secure Dropbox sharing system. Once every field note was successfully transcribed and uploaded onto Dropbox, I began identifying the variables needed in order to test the research hypotheses. I then assigned values to each of these variables and created a codebook in an Excel Spreadsheet highlighting these values. To ensure intercoder reliability, several researchers were responsible for coding cases (independently and collectively). Once each case was coded, I then uploaded the Excel Spreadsheet into SPSS and began analyzing it. See Appendix G for example of transcribed observations; Appendix H for codebook; and Appendix I for TPO data set.

Sampling Plan.

This sample initially consisted of 430 civil protective order cases observed between October 2013 and July 2015. Since there were days in which multiple researchers were present in the courtroom simultaneously to conduct the observations, there were instances in which the same case was recorded more than once. Therefore, those duplicate cases (N=76) were dropped from the sample. This brought the sample size to 354 cases. Additionally, cases in which the

applicant requested that the protective order be dismissed/dissolved (N=37) were excluded from this sample. Once the applicant requests that the PO be dissolved, the judge, regardless of the seriousness of the case and the information presented in the PO application, no longer has jurisdiction over the case and has no choice but to dissolve the protective order. This brought the sample size to 317 cases.

Similarly, to ensure that only hearings for the issuance of POs were analyzed, other types of hearings were excluded from this sample including motions to dissolve filed by the adverse party (N=7), motions to show cause filed by the applicant (N=3), motions to retrieve documents (N=1), bringing the sample size to 306 cases. Also excluded were those cases in which a decision to grant or deny the PO was not rendered (N=3). Rather, the hearing was rescheduled for the upcoming day. Therefore, the final sample size was comprised of 303 PO cases. This sample included cases filed by either female or male applicants against either a male or female adverse parties. Thus, the sample was comprised of both same-sex and opposite-sex cases.

Study Purpose and Hypotheses

Based on a review of past research done on civil protection orders, this current study examines whether 1) *courtroom actors* (i.e., presence of legal counsel, translator, victim advocate, or informal support person; and presiding judge), 2) *case aspects* (i.e., mention of abuse, type of abuse mentioned, weapon mentioned, children mentioned; and session time), and 3) *individual characteristics* (i.e., presence of applicant and/or adverse party; and race and gender of applicant and adverse party) influence an applicant's likelihood of being granted a civil protective order.

Several bivariate and multivariate analyses were conducted on a sample of 303 PO cases observed over the course of 24 months to assess the impact of these factors on an applicant's

likelihood of receiving a protective order and the length of time the PO was granted for. The results of this study were also supplemented with several sets of 3-way interaction analyses and qualitative data of the case transcripts to highlight and understand the complexity of these PO outcomes. The research findings presented herein will help answer the following research questions:

RQ#1: Does the presence of courtroom actors' (i.e., legal counsel, victim advocate, translator, informal support person, or presiding judge) influence an applicant's likelihood of receiving a PO and its length of time?

RQ#2: Does the presence/ mention of case aspects (i.e., mention of abuse, type of abuse mentioned, mention of weapon, mention of children, and session time) influence an applicant's likelihood of receiving a PO and its length of time?

RQ#3: Do individual characteristics (i.e., presence of applicant and/or adverse party, and gender and race of applicant and adverse party) have an impact on the PO outcome and its length of time?

Measurement.

The variables collected for this study consist of 2 dependent variables and 17 independent variables. Each set of variables is described below.

Dependent Variables.

The dependent variables assess (1) whether or not a case was granted a protective order and (2) the length of time the protective order was granted among those receiving a TPO. Dummy coding was used to represent whether the TPO was granted (i.e., 0=No; 1=Yes). TPO length of time was coded using the following categories: 0= Less than 6 months, 1=Greater than

6 months, 4=Not applicable (TPO not granted), and 9=Missing information. Values for both dependent variables were derived from the field notes of the information presented in court.

Independent Variables.

The independent variables in this study represent measures of 1) ***courtroom actors*** (i.e., presence of legal counsel, translator, victim advocate, or informal support person; and presiding judge), 2) ***case aspects*** (i.e., mention of abuse, type of abuse mentioned, weapon mentioned, children mentioned; and session time), and 3) ***individual characteristics*** (i.e., presence of applicant and adverse party; and race and gender of applicant and adverse party).

Courtroom Actors.

The ***judge presiding*** over the case was determined based on court appearance, through information presented in the transcripts, or by referring back to the TPO judicial schedule/calendar. If a transcript did not include which judge was presiding over the case but it included the date and time of the observation, I was able to look up what day the observation fell on and reference it to the TPO judicial schedule. In this courtroom, two judges, one female and one male, oversee PO cases, rotating equally between the morning and afternoon sessions. This variable was coded with the following categories: 0=Judge 1, 1=Judge 2, or 9=Missing information.

A similar coding scheme was used for classifying the presence or absence of other courtroom personnel (i.e., ***lawyer for applicant, lawyer for adverse party, victim advocate, translator, informal support persons*** for each party). In particular, the presence of each type of courtroom actor at the scheduled court hearing was dummy coded (i.e., 1=Present; 0= Absent). An informal support person refers to either a family member or friend that was present during the

scheduled hearing date. The presence of each of these groups was derived from field observations based on court appearance and information presented in the transcripts.

Case Aspects.

Various case attributes are included in this study. They represent factors identified in past research as important for understanding the nature of PO outcomes. The specific case factors and their coding include the following: (1) ***abuse mentioned*** in the hearing (0=No, 1=Yes), (2) the ***type of abuse*** mentioned (1=Physical, 2=Verbal, 3=Other [i.e., destruction of property, sexual, stalking]), or 6=More than one type [i.e., combination such as physical and verbal]), (3) ***weapon mentioned/used by adverse party*** (0=No; 1=Yes), (4) ***child(ren) mentioned*** (0=No; 1=Yes), and (5) ***time of court session*** (0=Morning; 1= Afternoon). Type of abuse was determined based on evidence presented in court (such as applicant's testimony, police reports, pictures showing abuse, hospitalization due to abuse, or any other type of physical evidence). Whether a weapon/child/children were mentioned during the hearing were determined based on information presented in the transcripts. The cases scheduled for the afternoon session were often times dual cases involving both the civil and criminal system, as a result of adverse party's arrest. Because of the dual processing of these afternoon cases, they were also acknowledged to include experiences of increased violence.

Individual Characteristics.

The individual litigant's characteristics were based on their gender, race, and presence. These variables were coded in the following ways: (1) ***gender of applicant and adverse party*** (0=Male, 1=Female, or 9=Missing information), (2) ***race/ethnicity of applicant and adverse party*** (0=White/Caucasian, 1=Black, 2=Hispanic, 3=Other, 5=Party not present, or 9=Missing information), and (3) ***litigants' presence*** (0=Neither party was present, 1=Applicant only

present, 2=Adverse party only present, or 3=Both parties present). Whether the parties were present during the scheduled hearing date was determined based on court appearance. The demographic characteristics were classified based on their appearance and sometimes by using information presented in court (such as request for a Spanish or Mandarin translator, or the use of masculine or feminine pronouns). The parties involved in these cases may self-identify differently.

Analytic Methods.

Several types of analytic methods were conducted to address the research questions in this thesis. First, univariate statistical analyses were performed to provide a count (i.e., frequency and percentage) for each variable in this sample. Second, a contingency table analysis was conducted to assess the nature and magnitude of the bivariate association between the dependent variables and the independent variables. Third, a logistic regression analysis was used to assess the net effects of the independent variables on the PO outcome and PO length of time. Fourth, to explore for context specific influences of particular variables, several sets of 3-way interaction analyses were conducted to assess the joint influences of certain courtroom actors and case aspects on PO outcomes. Fifth, qualitative descriptive data was derived from the case transcripts to illustrate the complex nature of court processing and how the particular factors identified in the statistical analysis may influence these PO decisions. The results of this study are summarized below.

CHAPTER 6

FINDINGS

Univariate Analysis

As shown in **Table 1**, the majority (65%) of the cases in this sample were granted a civil protection order. More than half (61%) of those applicants who received a protection order had these provisions established for a period of less than 6 months. The most typical case in this sample involved female applicants (84%) seeking a protection order against male adverse parties (88%) among cases in which the party's gender was known. Similarly, when the party's race was known, a third of the cases involved White applicants (33%) while less than a quarter involved White adverse parties (21%).

The sample was also divided into 4 categories based on litigants' presence (i.e., applicant only present, adverse party only present, both applicant and adverse party present, and neither party was present during the PO hearing). Of those 4 categories, the most common case involved the presence of an applicant and the absence of an adverse party (40%) while the next most common case involved the presence of both the applicant and adverse party (36%). Only a small percentage of cases (0.7%) had neither party present.

The vast majority of the cases in this sample were litigated in the afternoon session (76%). However, an equal proportion (50%) of hearings were conducted by both Judge 1 and Judge 2. Of the courtroom actors present during these types of hearings (i.e., legal representation, victim advocate, translator), the victim advocates were the most common. More specifically, a victim advocate was present about one-fifth of the time (17%) while legal representation was less common for both the applicant (11%) and adverse party (10%). Similarly, a translator was rarely present (10%) during these hearings.

The presence of an informal support person (i.e., friend, family member) was more common for the applicant (21%) than for the adverse party (6%). Children were mentioned in over a third of all cases (37%) while the use of a firearm was rarely mentioned (10%). Abuse was mentioned in almost half of the cases and, of the cases in which abuse was mentioned, almost half (48%) involved multiple forms/types of abuse while another third (29%) mentioned only physical abuse.

Therefore, in sum, and based on the analysis of 303 protection order cases, most applicants' receive a protection order (65%), but for less than six months (61%). A typical protection order hearing involves only the applicant being present (40%) followed by both parties (36%). Furthermore, in 21% of all cases, the applicant typically shows up to court with either a friend or family member while, in another 17% of cases, they are there with a victim advocate. Legal counsel was rare for both applicant (11%) and adverse party (10%) as was the use of a translator (10%). When they express their concerns to the Judge, children are often mentioned as well as experiences with a range of abuses.

Bivariate Analysis

A contingency table analysis was conducted to assess the nature and magnitude of the bivariate association between the likelihood of being granted a PO and its length of time and the independent variables in this study (i.e., presence of a victim advocate, legal representation, translator, informal support person, and presiding judge). Chi-square tests were performed to evaluate the statistical significance of each of these bivariate relationships. Separate analysis were also conducted for (1) cases in which only the applicant (and not the adverse) was present, (2) cases in which both the parties were present, and (3) the entire sample. Because cases in

which only the adverse party was present are rarely granted (i.e., 2% granted while 98% not granted), the bivariate relationship in this particular subsample was not examined.

As shown in **Table 2**, several of the independent variables in this sample had a significant impact on the likelihood of being granted a PO. However, the nature and magnitude of these bivariate relationships varied depending on which party was present during the hearing (i.e., applicant only, both the applicant and adverse party present, adverse party only). For example, POs were significantly less likely to be granted when only the adverse party was present (i.e., granted only 2% of the time). In contrast, POs were significantly more likely to be granted when only the applicant was present (i.e., granted 92% of the time). Therefore, the presence or absence of one of the parties significantly influences the likelihood of a PO being granted.

Bivariate Relationships for PO Granted.

When examining those **cases in which only the applicant was present (N=122)**, only two of the independent variables were statistically significant ($p < .10$). In particular, POs were significantly more likely to be granted when a victim advocate was present (100% granted when present but only 89% when absent; $p < .10$) and when the applicant was Black or White (96% when applicant is Black or White versus 81% for when applicant is Hispanic and 50% when applicant is Other; $p < .10$).

However, when examining those **cases in which both the applicant and adverse party were present (N=109)**, there was no significant relationship between the likelihood of a protective order being granted and the independent variables. Also, as previously stated, an analysis of cases in which only the adverse party was present (N=70) was not performed since those cases are rarely granted a PO (i.e., 2% granted while 98% not granted).

Lastly, **when examining the entire sample (N=303)**, POs were significantly ($p<.10$) less likely to be granted when adverse party was a female (50% granted when female but 67% when male; $p<.10$). However, female adverse parties only represented about 12% of the sample (N=33) while male adverse parties represented about 88% of the sample (N=243).

In contrast, POs were significantly more likely to be granted in the presence of the following independent variables: (1) when legal representation on behalf of applicant was present (87% when present but only 62% when absent; $p<.01$), (2) when a victim advocate was present (92% when present but only 60% when absent; $p<.01$), (3) when an informal support person on behalf of applicant was present (91% when present but only 58% when absent; $p<.01$), (4) when children were mentioned (83% when mentioned but only 54% when not mentioned; $p<.01$), (5) when a weapon was mentioned (93% when mentioned but only 62% when not mentioned; $p<.01$), (6) when abuse was mentioned (83% when mentioned but only 47% when not mentioned; $p<.01$), and lastly (7) when a translator was present (82% when present but only 63% when absent; $p<.10$).

In summary, based on the bivariate analysis, POs were more likely to be granted when only the applicant attended the hearing (granted 92% of the time) but less likely when only the adverse party was present (granted only 2% of the time). In addition, cases involving applicants (but no adverse parties) were more likely to result in a positive PO outcome when the victim was Black or White and showed up to the hearing with a victim advocate. However, none of the independent variables had an impact on the PO outcome when both parties were present (i.e., applicant and adverse party).

In addition, when analyzing the entire sample, a successful PO outcome was more likely to occur in the presence of courtroom actors (i.e., legal counsel for applicant, victim advocate,

translator, and informal support person for applicant) and when case aspects were mentioned (i.e., children, weapon, and abuse). However, greater importance should be placed on the findings from the analysis involving solely the presence of an applicant as well as the analysis involving the presence of both parties. Less of an importance should be placed on the analysis involving all cases because that analysis combines all cases regardless of who was present during the hearing.

Bivariate Relationships for Length of Protective Order (PO).

As shown in **Table 3**, the likelihood of receiving a PO for over 6 months was significantly ($p < .10$) influenced by several of the independent variables in this study. However, similar to **Table 2**, the nature and magnitude of these bivariate relationships varied depending on which party was present during the hearing (i.e., applicant only, both the applicant and adverse party present, adverse party only).

For example, when examining those **cases in which only the applicant was present (N=109)**, this study found that five of the independent variables were of statistical significance. In fact, POs were significantly more likely to be granted for over 6 months when: (1) a victim advocate was present (63% when present but only 33% when absent; $p < .01$), (2) abuse was mentioned (53% when mentioned but only 23% when not mentioned; $p < .01$), and (3) in the afternoon session (48% in the afternoon but only 27% in the morning; $p < .05$).

In contrast, POs were significantly less likely to be granted for over 6 months when adverse party was a female (11% granted when female but 44% when male; $p < .10$) and when legal representation was present on behalf of applicant (44% when not present but 12% when present; $p < .10$).

Similarly, when examining those **cases in which both the applicant and adverse party were present (N=80)**, this study found that six of the independent variables were of statistical significance. More specifically, POs were significantly more likely to be granted for over 6 months in the afternoon session (41% in the afternoon but only 8% in the morning; $p < .05$). In addition, Judge 2 was significantly more likely to grant the PO for over 6 months than Judge 1 (54% for Judge 2 but only 18% for Judge 1; $p < .01$).

In contrast, POs were significantly less likely to be granted for over 6 months in the following conditions: (1) when legal representation on behalf of adverse party was present (7% when present but 43% when absent; $p < .01$), (2) when an informal support person was present on behalf of adverse party (8% when present but 41% when absent; $p < .05$), (3) when a translator was present (10% when present but 39% when absent; $p < .10$), and (4) based on type of abuse (only 14% when verbal but 54% when physical, 60% when other, and 22% when multiple forms of abuse were mentioned; $p < .10$).

Lastly, when examining **the entire sample (N=191)**, the granting of a PO for over 6 months was significantly more likely to occur in the afternoon session (45% in the afternoon but only 22% in the morning; $p < .01$), when a victim advocate was present (52% when present but only 35% when absent; $p < .05$), and when abuse was mentioned (44% when mentioned but only 31% when not mentioned; $p < .10$). Similarly, Judge 2 was significantly more likely to grant a PO for over 6 months than Judge 1 (48% for Judge 2 but only 31% for Judge 1; $p < .05$).

In contrast, POs were significantly less likely to be granted for over 6 months in the following conditions: (1) when legal representation was present on behalf of adverse party (7% when present and 42% when absent; $p < .01$), (2) when the adverse party was a female (12% when female but 42% when male; $p < .05$), (3) when legal representation was present on behalf of

applicant (18% when present and 42% when absent; $p < .05$), and (4) when an informal support person on behalf of adverse party was present (8% when present and 42% when absent; $p < .05$).

Again, since those **cases involving solely the adverse party (N=70)** are rarely granted (only 2% are granted), there is not enough variation in the dependent variable with this sample size to produce reliable estimates of the correlation between the independent variables and whether the PO was longer or shorter than 6 months.

In summary, based on the bivariate analysis, cases involving applicants (but not adverse parties) received a longer PO in the afternoon session and when the applicant showed up to court with a victim advocate; a shorter PO was issued when adverse party was a female and surprisingly, when the applicant retained legal counsel. Similarly, cases involving both parties received a longer PO in the afternoon session and, interestingly, from Judge 2. Shorter POs were imposed when adverse party showed up to court with a lawyer and/or a family member or a friend, when a translator was present, and when the victim expressed being verbally abused.

When examining the entire sample, 4 independent variables were associated with a longer PO (i.e., afternoon session, presence of victim advocate, the mention of abuse, Judge 2), while 4 variables were associated with a shorter PO (i.e., female adverse party, presence of legal counsel for both parties, and presence of informal support for adverse party). However, greater importance should be placed on the findings from analysis involving solely the presence of an applicant and involving the presence of both parties. Less importance should be placed on the analysis involving all cases.

Logistic Regression Analysis

A logistic regression analysis was conducted to assess the net effects of the independent variables on the likelihood of being granted a PO and its length of time. The relative importance

of each independent variable was assessed through significance tests of the logistic regression coefficients. Separate analyses were conducted for (1) cases in which only the applicant (and not the adverse party) were present and (2) cases in which both the parties were present.

When only the applicant was present (see **Table 4**), several of the independent variables listed in the model had a significant impact on the length of time the PO was granted but not for the likelihood of a PO being granted. More specifically, this study found that POs were significantly more likely to be granted for over 6 months when a victim advocate was present during the hearing ($p < .05$) and when abuse was mentioned ($p < .01$). However, as previously mentioned, none of the variables in the estimated model had a significant impact on the PO outcome ($p < .10$).

When cases in which both the applicant and adverse party were present together (see **Table 5**), several of the independent variables had a significant impact on the likelihood of both a PO being granted and its length of time. More specifically, this study found that POs were significantly more likely to be granted in the afternoon than morning session ($p < .05$), when legal counsel on behalf of applicant was present ($p < .10$), and when children were mentioned ($p < .05$). In contrast, POs were significantly less likely to be granted when legal counsel on behalf of adverse party was present during the hearing ($p < .05$).

Several independent variables also had a significant impact on whether the PO was less or greater than 6 months in length. In particular, Judge 2 was significantly more likely to grant a PO for over 6 months than Judge 1 ($p < .01$). Longer POs were also more likely to be given when an informal support person on behalf of the applicant was present ($p < .10$) and when a weapon was mentioned ($p < .10$). In contrast, POs were significantly less likely to be granted for over 6 months when an informal support person on behalf of adverse party was present ($p < .05$).

Overall, based on the logistic regression analysis, cases involving applicants (but not adverse parties) received a longer PO when the applicant showed up to court with a victim advocate and expressed being abused to the judge (regardless of type of abuse). However, none of the variables in this model had an impact on PO outcome. When examining those cases involving both parties, a positive PO ruling was more likely to occur in the afternoon session, when applicant retained legal counsel, and when children were mentioned but less likely when adverse party had legal counsel. As for length of time, longer POs were more likely to be imposed by Judge 2, when a weapon was mentioned, and when the applicant showed up to court with a friend or family member. However, shorter POs were more likely to be imposed when adverse party showed up to court with a friend or family member.

CHAPTER 7

EXPLORING MULTIPLE INTERACTION EFFECTS FOR WHEN BOTH PARTIES ARE PRESENT

The results of the logistic regression analysis (see **Tables 4 and 5**) indicated that the presence of legal counsel for applicant (i.e., victim) and the mention of children leads to a greater likelihood of a PO being granted. In contrast, the presence of legal counsel for adverse party (i.e., offender) leads to a lower likelihood of a PO being granted when both parties (i.e., applicant and adverse party) are present.

To explore for possible context-specific influences of particular variables, several analyses involving sets of three-way interaction effects were conducted to assess the joint influences of particular courtroom actor characteristics (e.g., presiding judge, legal counsel, victim advocate) and case aspects (i.e., children presence, weapon use, abuse mentioned) on the likelihood of receiving a TPO. Separate analyses were conducted for particular combinatorial profiles of these variables. The general pattern of the results from these analyses is summarized below.

The Interactive Effects of Presiding Judge and Legal Counsel for each Party

A 3-way interaction analysis was conducted to assess whether the effects of the presiding judge depend on the presence or absence of legal counsel for either or both parties. As shown in **Table 6**, the effects of the presiding judge are not uniform across these different contexts. In particular, when neither the applicant nor the adverse party have legal counsel, there is only a 3-point difference (i.e., *minor influence*) between Judge 1 and Judge 2 on the likelihood of a PO being granted. However, when the applicant has legal counsel but the adverse party does not,

there is a 20-point difference (i.e., *strongest influence*) between Judge 1 and Judge 2, with Judge 2 being more likely to grant a PO. Thus, the magnitude and nature of differences in the likelihood of a TPO being granted based on the judge presiding over the case is highly contextual, depending on the presence or absence of legal counsel between both parties.

Table 6:
Effects of Presiding Judge on TPO Granted Across Contexts defined by Presence (1) or Absence (0) of Legal Counsel for Each Party

Applicant's Lawyer	Adverse Party's Lawyer	Presiding Judge (0=Judge 1; 1=Judge 2)	% TPO Granted (N)	Variation
0	0	0	77 (35)	} +
0	0	1	80 (35)	
0	1	0	56 (9)	} -
0	1	1	43 (7)	
1	0	0	80 (5)	} +20
1	0	1	100 (3)	
1	1	0	100 (6)	} -20
1	1	1	80 (5)	

As shown in **Table 7**, the presence of legal counsel for the adverse party is often associated with a *lower* likelihood of a TPO being granted, but the nature and magnitude of these differences vary across contexts defined by the judge presiding over the case and the

presence/absence of legal counsel for the applicant. For example, the influence of the adverse party's lawyer on lowering the likelihood of a TPO being granted is *highest* when Judge 2 is presiding over the case and the applicant does not have legal counsel (i.e., a negative 37 percentage point difference).

In contrast, the presence of legal counsel for the adverse party is associated with a *higher* likelihood of a TPO being granted when Judge 1 is presiding over the case and when the applicant also has legal counsel (i.e., a positive 20 point difference). These context-specific effects of the influence of the adverse party's counsel would go unnoticed in the previous bivariate and multivariate analyses.

Table 7:
Effects of Adverse Party’s Lawyer on TPO Granted Across Contexts Defined
by Presence (1) or Absence (0) of Applicant’s Lawyer and Presiding Judge
(0=Judge 1; 1=Judge 2)

Presiding Judge	Applicant’s Lawyer	Adverse Party’s Lawyer (0=Absent; 1=Present)	% TPO Granted (N)	Variation
0	0	0	77 (35)	} -31
0	0	1	56 (9)	
0	1	0	80 (5)	} +2
0	1	1	100 (6)	
1	0	0	80 (35)	} -37
1	0	1	43 (7)	
1	1	0	100 (3)	} -20
1	1	1	80 (5)	

As shown in **Table 8**, the presence of legal counsel for the applicant is associated with a *higher* likelihood of a TPO being granted, but the magnitude of these differences also varies widely across legal contexts. For example, the influence of the applicant’s lawyer on increasing the likelihood of a TPO being granted is *most pronounced* when the adverse party also has a lawyer regardless of which judge is presiding over the case (i.e., a 44 percentage point difference for Judge 1 versus a 37 percentage point difference for Judge 2). In sharp contrast, there is virtually *no difference* in the likelihood of granting a TPO by the presence or absence of

applicant’s legal counsel when Judge 1 is presiding over the case and adverse party does not have legal counsel (i.e., only a 3 percentage point difference).

Overall, the results in **Table 8** suggest that the presence of legal counsel for the applicant increases the likelihood of a PO being granted across these particular contexts, but its effect is least beneficial to the applicant when Judge 1 is presiding over the case and adverse party does not have a lawyer present.

Table 8:
Effects of Applicant’s Lawyer on TPO Granted Across Context Defined by Presence (1) or Absence (0) of Adverse Party’s Lawyer and Presiding Judge (0=Judge 1; 1=Judge 2)

Presiding Judge	Adverse Party’s Lawyer	Applicant’s Lawyer (0=Absent; 1=Present)	% TPO Granted (N)	Variation
0	0	0	77 (35)	} +
0	0	1	80 (5)	
0	1	0	56 (9)	} +4
0	1	1	100 (6)	
1	0	0	80 (35)	} +20
1	0	1	100 (3)	
1	1	0	43 (7)	} +37
1	1	1	80 (5)	

The Interactive Effects of Applicant's Lawyer, Victim Advocate and Adverse Party's Lawyer

As shown in **Table 9**, the presence of legal counsel for applicant (i.e., victim) is associated with a *higher* likelihood of a TPO being granted, but the magnitude of these differences vary by the presence/absence of legal counsel for adverse party and victim advocate for applicant. In particular, the influence of legal counsel for applicant on increasing the likelihood of a TPO being granted is *greatest* when the adverse party has a lawyer and there is no victim advocate present (i.e., a 41 percentage points increase in the likelihood that a TPO is granted). In contrast, the presence of legal counsel for applicant had the *weakest* influence on TPO outcome when neither a victim advocate nor legal counsel for adverse party were present (i.e., only a 9 percentage point difference).

Overall, the results in **Table 9** suggest that the presence of legal counsel for the applicant increases the likelihood of a PO being granted across these particular contexts, but its effect is most beneficial to the applicant when there is no victim advocate and a lawyer is present for the adverse party.

**Table 9:
Effects of Applicant’s Lawyer on PO Granted Across Contexts Defined by
Presence (1) or Absence (0) of Victim Advocate and Adverse Lawyer**

Victim Advocate	Adverse Party’s Lawyer	Applicant’s Lawyer (0=Absent; 1=Present)	% TPO Granted (N)	Variation
0	0	0	77 (56)	
0	0	1	86 (7)	} +
0	1	0	50 (12)	
0	1	1	91 (11)	} +4
1	0	0	86 (14)	
1	0	1	100 (1)	} +14
1	1	0	50 (4)	
1	1	1		} NA

As shown in **Table 10**, the direction and magnitude of the effects of legal counsel for adverse party also vary across different legal contexts. In particular, the presence of legal counsel for the adverse party has its *most pronounced* impact on lowering the likelihood of a PO being granted when the applicant does not have a lawyer present regardless of whether or not a victim advocate is present (i.e., a -36 percentage point difference when victim advocate is present and a -27 percentage point difference when advocate is absent). In contrast, the presence versus absence of legal counsel for the adverse party is associated with a *slightly higher* likelihood of a PO being granted (i.e., a +5 percentage point difference) when the applicant also a lawyer present and there is no victim advocate present. Thus, the impact of the presence of legal counsel for the adverse party on this PO decision is highly context specific.

Table 10:
Effects of Adverse Party’s Lawyer on PO Granted Across Contexts Defined by Presence (1) or Absence (0) of Victim Advocate and Applicant’s Lawyer

Victim Advocate	Applicant’s Lawyer	Adverse Party’s Lawyer (0=Absent; 1= Present)	% TPO Granted (N)	Variation
0	0	0	77 (56)	} - 27
0	0	1	50 (12)	
0	1	0	86 (7)	} +
0	1	1	91 (11)	
1	0	0	86 (14)	} -36
1	0	1	50 (4)	
1	1	0	100 (1)	} NA
1	1	1		

As show in **Table 11**, the presence of a victim advocate is often associated with a *slighter higher* likelihood of a TPO being granted, but the magnitude of these differences varied widely across legal contexts. For example, the influence of a victim advocate on increasing the likelihood of a TPO being granted is *highest* when applicant has a lawyer and the adverse party does not (i.e., a 14 percentage point difference). There is *no difference* in the likelihood of a TPO being granted by victim advocacy status when the adverse party has a lawyer and the applicant

does not (i.e., a 0 percentage point difference). Thus, the impact of the presence of a victim advocate for the applicant on PO decisions is highly contextual.

Table 11:
Effects of Advocacy on TPO Granted Across Contexts Defined by
Presence (1) or Absence (0) of Legal Counsel for Litigants

Adverse Party's Lawyer	Applicant's Lawyer	Victim Advocate (0=Absent; 1=Present)	% TPO Granted (N)	Variation
0	0	0	77 (56)	} +
0	0	1	86 (14)	
0	1	0	86 (7)	} +1
0	1	1	100 (1)	
1	0	0	50 (12)	} 0
1	0	1	50 (4)	
1	1	0	91 (11)	} NA
1	1	1		

The Interactive Effects of Abuse, Weapon, and Children on TPO Decisions

As shown in **Table 12**, the effects of abuse vary across different case contexts defined by the mention of the presence of children (coded as 1) and weapon (coded as 1). For example, the

effect of abuse presence on increasing the likelihood of a TPO being granted is *most pronounced* when a weapon is mentioned and there are no children mentioned (i.e., a 67 percentage point difference). In contrast, whether or not the case involves abuse has *no effect* (i.e., a 0 percentage point difference) when children and weapon are mentioned. In this particular context, a TPO is always granted (100%) regardless of whether abuse is mentioned in the case. Thus, as found in other comparisons throughout this chapter, the effects of abuse being mentioned on PO decisions are highly contextual.

**Table 12:
Effects of Abuse on TPO Granted Across Contexts defined by Presence (1) or
Absence (0) of Weapon and Children**

Children Mentioned	Weapon Mentioned	Abuse Mentioned (0=Not Mentioned; 1=Mentioned)	% TPO Granted (N)	Variation
0	0	0	83 (12)	} -10
0	0	1	65 (26)	
0	1	0	0 (1)	} +6
0	1	1	67 (3)	
1	0	0	87 (15)	} -12
1	0	1	75 (40)	
1	1	0	100 (1)	} 0
1	1	1	100 (7)	

As shown in **Table 13**, the mention of children is associated with a higher likelihood of a TPO being granted, but the magnitude of these differences varied across case contexts defined by their abuse and weapon characteristics. For example, the influence of children on increasing the likelihood of a TPO being granted is *highest* in cases in which a weapon is mentioned but no abuse is mentioned (i.e., a 100 percentage point difference). In contrast, a *minimal effect* of children presence (i.e., only a 4 percentage point difference) is found when neither abuse nor weapon is mentioned. Thus, as found in other comparisons, the effects of children's presence on TPO decisions are highly contingent on the particular characteristics of the case context.

Table 13:
Effects of Children on TPO Granted Across Contexts Defined by Presence (1)
or Absence (0) of Weapon and Abuse

Weapon Mentioned	Abuse Mentioned	Children Mentioned (0=Not Mentioned; 1=Mentioned)	% TPO Granted (N)	Variation
0	0	0	83 (12)	} +
0	0	1	87 (15)	
0	1	0	65 (26)	} +1
0	1	1	75 (40)	
1	0	0	0 (1)	} +100
1	0	1	100 (1)	
1	1	0	67 (3)	} +33
1	1	1	100 (7)	

As shown in **Table 14**, the mention of a weapon (coded as 1) is often associated with a higher likelihood of a TPO being granted, but the nature and magnitude of these differences vary across particular case contexts defined by the mention of children and abuse. For example, the influence of weapon on increasing the likelihood of a TPO being granted is *greatest* when abuse and children are mentioned (i.e., a 25 percentage point difference).

In contrast, the mention of a weapon is associated with a *substantially lower* likelihood of a TPO being granted when neither abuse nor children are mentioned (i.e., a -83 percentage point difference). Again, the wide disparity in the direction and magnitude of these differences by

weapon status suggests major context-specific effects that are not revealed in the previous bivariate and logistic regression analyses.

**Table 14:
Effects of Weapon on TPO Granted Across Contexts Defined by Presence (1)
or Absence (0) of Children and Abuse**

Abuse Mentioned	Children Mentioned	Weapon Mentioned (0=Not Mentioned; 1=Mentioned)	% TPO Granted (N)	Variation
0	0	0	83 (12)	} - 22
0	0	1	0 (1)	
0	1	0	87 (15)	} +1
0	1	1	100 (1)	
1	0	0	65 (26)	} +2
1	0	1	67 (3)	
1	1	0	75 (40)	} +25
1	1	1	100 (7)	

CHAPTER 8

DISCUSSION

The findings presented herein show that a majority (65%) of the cases were granted a PO, however more than half of those (61%) were issued for less than six months. These findings are generally consistent with previous research on protection orders, which reported issuance rates of 50% (Moracco et al., 2010), 54% (Malecha et al., 2003), 63% (Durfee, 2009), 69% (Fleury-Steiner et al., 2014), and 89% (Vittes and Sorenson, 2006). Based on a review of previous PO studies, limited research has been conducted on the average PO length of time with the vast majority of studies focusing primarily on POs' effectiveness in reducing future abuse and/or identifying those factors associated with a more successful PO. However, PO length of time is important to consider because of its immediate and long-term effects on victim's safety.

The profile of the "the most typical case" often times involves a white female applicant seeking a PO against a white male adverse party. Of the litigants that frequent these types of hearings (i.e. applicant and adverse party), the applicant is the most likely to attend. Furthermore, when the applicant shows up to the hearing, she typically shows up with a friend and/or victim advocate, mentions children, and expresses her abuse to the judge.

In what follows, this discussion will highlight observations in court via analysis of courtroom transcriptions in order to provide context and emphasize the complex nature of domestic violence cases, as was mentioned throughout the 3-way interaction analyses. The discussion section will also be organized into three areas based on this study's research questions: courtroom actors, case aspects, and individual characteristics. This study's research questions are reiterated below:

RQ#1: Does the presence of courtroom actors' (i.e., legal counsel, victim advocate, translator, informal support person, or presiding judge) influence an applicant's likelihood of receiving a PO and its length of time?

Applicant Only Present.

When examining those cases in which only the applicant was present, only one of the courtroom actors – *victim advocate* – had an impact on the *PO outcome*, however only at the bivariate level. More specifically, showing up to court with a victim advocate proved to be advantageous for the applicant because it increased her chances of receiving a PO. Even though the victim advocate's function in court is relatively limited (they cannot speak in court or interfere with the proceedings), they do offer tremendous emotional support to the applicant prior, during, and after the proceedings. They also help with filling out the paperwork prior to the hearing, and can aid the applicant in acquiring other services (i.e. employment aids, shelter, facilitate pro bono legal aid, counseling services, etc.).

Based on this finding, victim advocates are critical for applicants seeking a PO. This finding is generally consistent with previous research on protection orders, which suggests that civil legal advocacy programs work to the applicant's benefit. For example, Bell and Goodman (2001) found that women working with victim advocates reported lower re-abuse rates and higher levels of emotional support when compared to women who were not assisted by victim advocates. Durfee (2008), however, found that victim advocates had a minimal impact on PO outcomes when compared to legal representation. Similarly, Fleury-Steiner et al., (2014) found that victim advocates had no impact on PO outcomes. Research on the impact of victim advocates is therefore conflicting.

However, findings here suggest that the presence of a *victim advocate* also had an impact on *PO length* of time at both the bivariate and multivariate level. More specifically, applicants who showed up to court with a victim advocate were more likely to receive longer POs. One explanation for this finding might be that the presence of an advocate may reaffirm to the judge/hearing master the claim of the abuse's legitimacy and/or helps highlight a stereotypical "victim" – someone helpless and in need of more protection. Additionally, there might be something unique about this courtroom's subculture, where victim advocates here are valued and accepted as experts. For instance, through courtroom observations, it was discovered that each year this court gives out victim advocate awards. In so doing, the court acknowledges the work of the victim advocate as being important. Again, this official acknowledgement of victim support may well be something that is unique to this specific civil court system.

Another courtroom actor – *legal counsel on behalf of applicant*- had a negative impact on *PO length*, however only at the bivariate level. Surprisingly, this negative impact means that shorter POs were granted when the applicant retained legal counsel. Therefore, it appears that retaining legal counsel works to the detriment of the applicant when the adverse party does not show up to the hearing.

One explanation for this conflicting finding might be that when the applicant retains legal counsel, they no longer need to voice their fears and concerns to the judge instead, the lawyer does all the talking and, in turn, the hearing becomes heavily focused on the legality of the case including an increased use of legal jargon. Another possible explanation for this finding could be that these cases are also divorce cases, in which, the judge typically defers to the divorce case ruling before making a decision on the PO case. Frequently, transcripts highlight a judge issuing a PO, but only after the divorce case is heard (a process that is typically less than 3 months).

Both Applicant and Adverse Party Present.

When examining those cases in which both parties were present, two of the courtroom actors – *legal counsel for applicant and legal counsel for adverse party* – had an impact on *PO outcome* in the logistic regression model. More specifically, the presence of legal counsel on behalf of applicant was associated with a higher likelihood of a PO being granted. This finding is similar to research by Durfee (2008), which suggests that applicants who had retained legal counsel were more likely to be issued a PO when compared to self-represented litigants (i.e., *pro se*). Given this finding, it is not surprising that, when adverse party also retained a lawyer, there was a lower likelihood of a PO being granted for the applicant.

Several other courtroom actors – such as *the judge presiding over the case* – had an impact on *PO length* of time both at the bivariate and multivariate level. More specifically, Judge 2 was more likely than Judge 1 to issue longer PO's (i.e., over 6 months). Therefore, despite receiving the same weeklong judicial domestic violence training, these results clearly show there are judicial differences between judges; in particular, Judge 2 is more likely to grant longer POs than Judge 1.

Similarly, *having an attorney present for adverse party* appeared to have an impact on *PO length*, however only at the bivariate level. Particularly, shorter POs were granted when the adverse party retained legal counsel. This finding is consistent with previous research which states that legal counsel can be advantageous for the opposing party but not for the applicant (Fleury-Steiner et al., 2014; Lucken et al., 2015; Jordan et al., 2008; Muller et al., 2009).

These findings also reveal that the courtroom actor – *translator* – has a negative impact on *PO length* of time, as well, however only at the bivariate level. More specifically, POs were *less* likely to be granted for over 6 months when a translator was present during the hearing.

Since translators are only requested when dealing with LEP/ESL litigants, this finding could be a function of a “language barrier” still being an issue even in the presence of translators.

This finding is troublesome especially, when considering that a quarter of the litigants in this sample were minorities (i.e., 22.5% Hispanic and 3.6% classified as Other). Another explanation for this finding could be that these cases are also dual cases (i.e., PO and divorce cases), in which, the judge typically defers to the divorce case ruling before making a decision on the PO case. An excerpt from a case transcript, summarized below in support of these explanations, highlights how communication is still an issue for ESL/LEP litigants even in the presence of court translators and how having a dual case (i.e., PO and Divorce case) can also dictate the PO outcome.

During a TPO hearing, scheduled for the afternoon session, a Hispanic female applicant who is accompanied by two female friends is explaining to the judge why she would like to extend her TPO for another year. The adverse party who is a Hispanic male is present as well. A white male translator is also present during the hearing to facilitate the exchange, as both the applicant and adverse party are ESL litigants. The applicant tells the judge, with the help of the translator, that she does not want the adverse party to be granted visitation of their children since he is using drugs. The judge now wants to know if the applicant has any evidence that he (the adverse party) is using drugs. Question to which, the applicant provides no response. To get a response from her, the translator keeps asking the same question over and over, sounding more assertive and intimidating each time. Throughout this exchange, the applicant stays quiet and looks scared. When asked by the judge about the drugs, the adverse party denies the allegations.

The judge starts making stipulations regarding visitation of their children and decides that the applicant will be in charge of dropping off and picking up the children from the adverse

party's house. Initially, the applicant agrees with the decision but soon after, she timidly tells the judge that she does not have a car to do so. During this exchange, the applicant looks confused and does not seem to understand what is being asked of her. The interpreter appears to only be making matters worse as he is getting frustrated with the applicant's responses.

The judge concluded the case by requesting adverse party to pay child support for their three children and extended the PO for another 6 months, even though the applicant requested a 12-month extension. At the end of the case, the judge noted, "I will extend the order until 12/4/14 because divorce court action District Court Judge will make a decision. Other orders will be made before this order expires" (AB_6.24.14_PM).

This example is used to suggest that, as highlighted, information is lost in translation. The applicant was clearly confused about what was being asked of her via the Judge and translator. Then, when she realized that she was being asked to drive, she said that she could not, which caused even more confusion. Additionally, when a divorce case is also co-occurring, a judge's ruling to extend a PO (or not) could also be premised on that.

Lastly, two other courtroom actors – *informal support person for applicant and informal support person for adverse party* – had an impact on *PO length* of time. More specifically, based on the logistic regression model, longer POs were more likely to be granted when the applicant showed up to court with a friend or family member. Therefore, it would appear that if applicants have an ally present, it increases their chances of receiving a longer PO. Again, similar to the effects of having a victim advocate present in court, this might be because the presence of an informal support person for the applicant signifies abuse legitimacy and/or helps highlight a stereotypical "victim".

In contrast, shorter POs were granted when the adverse party showed up to court with a friend or family member (both at the bivariate and multivariate level). These findings suggest that having an “ally” present (someone with the adverse party/offender, such as friend, family member) decreases the chances of the applicant receiving a longer PO. This might be because the presence of an informal support person, on the side of the adverse party, enhances the believability of him not continuing to harm the applicant.

This study found that the *presence of informal support person* had no impact on the *PO outcome*; a finding which is consistent with previous research. For instance, Fleury-Steiner et al., (2014) found that the presence of an informal support person for either the applicant or adverse party did not have an impact on the PO outcome. Nonetheless, its effects on PO length of time were not examined. Future research should continue to analyze the effects of “advocates” or “supporters” on judicial decision-making.

RQ#2: Does the presence/ mention of case aspects (i.e., mention of abuse, type of abuse mentioned, mention of weapon, mention of children, and session time) influence an applicant’s likelihood of receiving a PO and its length of time?

Applicant Only Present.

When examining those cases in which only the applicant was present, two of the case aspect variables – *session time and the mention of abuse* – had an impact on *PO length of time*. Particularly, applicants who had their hearings scheduled for the afternoon session were more likely to receive a longer PO however, only at the bivariate level. Similarly, applicants who expressed to the judge that they had been victimized were more likely to receive longer POs, both at the bivariate and multivariate level.

One reason that might explain why cases are granted longer POs in the afternoon session could be that the more serious cases are scheduled for the afternoon than in the morning. For instance, every day at one o'clock the court reviews in custody hearings; more specifically, the adverse parties who were arrested as a result of the DV incident are able to take part in the hearings via live video recording from jail and given the opportunity to present their side to the judge. These cases might equate to a higher threshold of violence since they resulted in adverse party's arrest as well as the dual processing of the violent episode via civil and criminal court. Either way, future research should focus on the similarities and differences of "dual involved" domestic violence cases (i.e., in both civil and criminal systems) compared to the handlings of just civil cases.

Both Applicant and Adverse Party Present.

When examining those cases in which both the applicant and adverse party were present, two of the case aspects – *session time and the mention of children* – had an impact on *PO outcomes* in the logistic regression model. More specifically, POs were more likely to be granted in the afternoon session and when children were mentioned.

As previously stated, one reason why POs were granted for longer in the afternoon session might be because the more violent cases, which resulted in the adverse party's arrest, were scheduled for the afternoon. For example, during one afternoon case, a white female applicant requested an extension to her original order of protection due to the gravity of the abuse experienced. The applicant showed up to the hearing unaccompanied and tells the judge that she was sexually abused by the adverse party and required 17 stitches.

The adverse party, who is a white male, was consequently arrested and was present in the courtroom via live video recording from jail. After listening to both the applicant and adverse

party, Judge 1 concluded the case by stating that, “Police found probable cause, which lead to adverse party’s arrest, which is a basis to extend TPO as well” (AB_6.25.14_PM). The PO was thus, extended for another year. The justification given for the PO extension, here, was primarily due to the judge’s belief that the criminal justice system found probable cause for an arrest. Justification for extension was not based on the PO application or the testimony from the applicant in this civil court hearing.

Regarding the *effects of children on PO outcomes*, these findings are consistent with previous research, which found that cases involving children are granted at higher rates when compared to cases where children were not involved (Durfee and Messing, 2012; Fleury-Steiner et al., 2014; Vittes and Sorenson, 2006). It is possible that judges, in having concerns for the children’s health and wellbeing, consider the detrimental effects associated with witnessing DV (Fleury-Steiner et al., 2014) and are more likely to grant the PO in these cases where children are involved.

Two of the case aspect variables – *session time and type of abuse mentioned* – had an impact on *PO length* of time, however only at the bivariate level. More specifically, longer POs were more likely to be granted in the afternoon session. In contrast, shorter PO’s were more likely to be granted when the victim was only verbally abused. Therefore, it would appear that the judges were less persuaded by applicant’s claims of verbal abuse as compared to other forms of abuse (i.e., physical, sexual, etc.); thus, granting shorter POs.

This finding runs parallel with previous research, which has found that *type of abuse* has an impact on *PO outcome*; however, its effects on length of time were not examined. For instance, Durfee and Messing (2012), found that when applicants expressed to the judge they had been either sexually or economically abused, they were more likely to have their PO granted.

Similarly, Vittes and Sorenson (2006), found that applicants who had been threatened or sexually assaulted had their POs granted at higher rates. Unlike Durfee and Messing (2012) and Vittes and Sorenson (2006), this study did not find a relationship between type of abuse and PO outcome. Rather, this study found that type of abuse had an impact on PO length of time.

Surprisingly, the *mention of a weapon* had no impact on the *PO outcome* but rather on the *PO length of time*, with longer POs being granted when a weapon was mentioned. This finding is concerning especially when considering that 55% of the women killed by men in Nevada in 2013, were committed by using a gun (Violence Policy Center, 2015). Although surprisingly, this finding is consistent with previous studies, which have examined the impact of weapons of PO outcomes. For instance, Vittes and Sorenson (2006), found no relationship between the mention of a weapon and PO outcome. However, the effects of weapon on PO length of time were not examined.

RQ#3: Do individual characteristics (i.e., presence of applicant and/or adverse party, and gender and race of applicant and adverse party) have an impact on the PO outcome and its length of time?

In examining PO outcomes, this study has shown that judicial decisions are shaped by the presence or absence of applicants, who are predominantly females. Specifically, the judges in this study were more likely to grant a PO when only the applicant (but not the adverse party) was present during the hearing. Based on these findings, it is not surprising that the judges rarely granted a PO when the applicant did not show up to the hearing. Therefore, the presence of an applicant is critical for the granting of a PO.

One explanation for this might be that the judges perceive the applicants' absence as a sign that they do not wish to move forward with the PO. Several case transcripts are summarized herein to illustrate the judge's reasoning and language used when not granting POs. These case transcripts are summarized below.

During a TPO hearing scheduled for the afternoon session, Judge 1 is reviewing a case involving a female applicant who is not present. A black female adverse party is present and accompanied by her husband. Judge 1 starts off by stating, "The record will reflect that applicant is not present," and then continues by asking the adverse party whether she disagrees with the order, if she has had any contact with the applicant, and the reasons for her arrest. The adverse party replies that she would like for the TPO to be dissolved since she has stayed away from the applicant.

The adverse party continues to explain to the judge that she is not sure why she was arrested. Judge 1 responds by stating, "The fact that she is not here speaks volumes. I will dissolve the TPO...". And then, before leaving the courtroom, the judge cautions the adverse party by stating, "The police did make an arrest so don't let things escalate again" (AB_6.17.2015_PM). The justification given for dissolving the TPO is because the judge questions the applicant's credibility, as she did not show up to court in defense of her own application.

In the following example, Judge 1 is reviewing an afternoon case involving an applicant, who is not present, and a white male adverse party, who is present via live video recording from jail. The adverse party was detained as a result of the domestic violence incident. Judge 1 wants to know if adverse party disagrees with the order. The adverse party firmly replies: "Yes, I disagree with it." The judge asks no further questions. Instead, concludes by stating: "We will

accept your opposition since applicant is not here today and dissolve the TPO immediately” (AB_6.25.2014_PM). Again, it seems as if the judge perceives applicants’ absence as a sign that they do not wish to move forward with the PO.

Similarly to the above example, a female applicant had requested a TPO extension. However, she is not present in support of her application. Judge 1 is reviewing the case, which was scheduled for the afternoon session. The judge starts off by asking the male adverse party, who is present, if he disagrees with the order. Adverse party seems confused at first but then replies, “Sorry, I have never been in this position before.” Soon after, the judge states, “Application was disconcerting to the court. I am not saying that it is true but her absence is compelling, she might not be telling the truth. Whatever happened and ended us up here we do not want it to happen again” (CW_6.18.2014_PM); and thus, the TPO was dissolved. Again, the judge is questioning applicant’s credibility as she failed to appear to court.

The following three summaries of case transcripts highlight the language used by Judge 2 in dissolving TPOs when applicant is a no show. For instance, during a request for a TPO extension, scheduled for the morning session, Judge 2 is reviewing a case involving a female applicant, who is not present, and a black male adverse party, who is present. The adverse party is wearing a white shirt and long black pants. This is a very brief hearing. Judge 2 tells the adverse party that because the “applicant failed to appear in support of her application” (AB_6.25.2014_AM), the TPO will be dissolved. The marshal then gives the adverse party a copy of the paperwork and the session is adjourned. This example is used to suggest that, even though both judges declined to grant or extend a PO when the applicant is not present, the language used when rendering those decision, is very different.

In the following example, Judge 2 is reviewing a case involving an applicant, who is not present, and a white male adverse party, who is present. The adverse party appears to be in his 40's and is very well-dressed. This hearing scheduled for the afternoon session lasts only a couple minutes. Judge 2 does not ask any question nor goes over the information presented in the application. Instead, informs the adverse party that, "Since applicant did not show up, the court assumes that the applicant does not wish to follow through" (referring to the TPO) (CW_6.11.2014_PM). Thus, the TPO gets dissolved. Again, the judge is taking applicants' failure to appear in court as a sign that they do not wish to continue with the PO request.

In this final example, Judge 2 is reviewing a case involving an applicant, who is not present, and a white male adverse party, who is present. The adverse party in this case is the same as the one from the previous example. It appears that two applicants requested a TPO against the same adverse party. Similar to the previous example, Judge 2 informs the adverse party that, "Since applicant is not present, the court assumes that applicant wishes not to extend it" (CW_6.11.2014_PM). Thus, the TPO gets dissolved. This was a very brief hearing, with Judge 2 informing the adverse party at the end, that the proceeding was just a formality. Despite having two TPO applications/requests against the same person, the judge, in both cases, decides to dissolve the TPO since the applicants did not show up to the hearing.

It appears that both Judge 1 and Judge 2 assume that applicants do not wish to further pursue an order of protection if they do not show up to the PO hearing. As highlighted throughout these narratives, it would appear that the judges are not willing to grant or extend a protection order unless applicants are present in support of their own applications. Even though the Nevada Revised Statute (NRS) clearly states that the presence of an applicant and/or adverse

party is not mandatory when seeking a PO. But rather, the decision to grant or extent a PO is left up to the judge's discretion.

Regardless of the judge's reasoning, the applicant's absence might be explained by other circumstances; such as work related obligations, unforeseen childcare issues (not being able to find a sitter, illness, etc.), threats by the adverse party to not go forward with the PO, financial dependency (applicant may be unemployed and may be reliant on the adverse party for economic means), or immigration obstacles (i.e. fear of deportation).

Some of these reasons, and others, have been well documented in prior research. For instance, Postmus (2007), after examining several PO studies, including both qualitative and quantitative research, identified several factors that explain why applicants do not follow through with the PO hearing. These include financial dependency, fear of retaliation, lack of service by law enforcement, perceptions of ineffectiveness, and belief that the PO was no longer necessary. As Postmus (2007) points out, "Regardless of the reasons they gave, the women, by and large, did not frivolously use the court system when seeking relief from abuse" (p.5).

In some instances, the judges even expressed their "concerns" regarding the missing applicant's whereabouts. Yet, no real action was taken by the court to locate the missing applicant. For example, after dissolving a PO since the female applicant failed to appear to court, Judge 1 tells one of the researchers who was conducting observation that day, that "(it) scares me. Where is she?..." (Referring to the missing applicant).

Applicant Only Present.

When examining those cases in which only the applicant was present, only one of the individual characteristics - *the race of the applicant* - appeared to have an impact on the *PO outcome*, however only at the bivariate level. For example, White and Black applicants were

more likely to receive a PO than Hispanics or “other” applicants. This might be a function of Limited English Proficient (LEP)/ English as A Second Language (ESL) litigants being unable to express their fears and concerns to the judges, as well as, being unable to fully understand the judge’s questions or comments due to a “language barrier.” If the ESL/LEP applicant is unable to voice their concerns in a way that is understandable to the judge, they may not have a strong enough case for the PO to be granted. This finding is troubling especially, when considering that a quarter of the applicants in this sample were Hispanic or Other.

Another individual characteristic variable - *the gender of the adverse party* - appeared to have an impact on *PO length*, however only at the bivariate level. Particularly, shorter POs were granted when the adverse party was a female when compared to cases in which the adverse party was a male. This may be because the judges perceive a female as less of a threat in comparison to a male adverse party. Limited research has been conducted on female adverse parties as most studies focus on opposite sex cases involving female applicants and male adverse parties. Future research should examine how same sex cases differ from opposite sex cases.

CHAPTER 9

CONCLUSION

Thus far, this discussion has focused on those cases involving (1) the presence of an applicant, (2) the presence on both parties during the hearing, and (3) which, if any, of the courtroom actors, case aspects, and individual characteristics have an impact on the PO outcome and PO length of time. Similar to previous research completed, this study has found that a range of variables were associated with a successful and longer PO. The results of this study were also supplemented with several sets of 3-way interaction analyses and qualitative data to illustrate the complex nature of DV cases. Based on the results of the 3-way interaction analyses, this study found that the effects of specific courtroom actors (i.e., legal counsel, victim advocate, presiding judge) and case aspects (i.e., mention of children, weapon, and abuse) are not independent of one another but rather, the effects of these variables are highly conjunctive and contextual. Thus, the effects of the aforementioned variables vary across different legal contexts.

Similarly, it is important to note that the presence or absence of one of the parties (i.e., applicant and/or adverse party) has an impact on the PO outcome and PO length of time. Therefore, the results of this study vary dramatically depending on who shows up to court. This finding is interesting especially when considering that, in almost a quarter of the cases, only the adverse party showed up to court (N=70) and, in almost half of the cases, only the applicant showed up to court (N=122). Therefore, only 36% of the cases involved the presence of both parties (N=109). This finding begs the question: How can justice be distributed equally and fairly when only one party is present? The fact that judicial decisions are still being made in the absence of litigants constitutes a lack of due process and procedural fairness.

Theoretical Implications

Courtroom Workgroup Theory.

As noted in Chapter 3, Courtroom Workgroup Theory provides guidance for understanding judicial decision making within a local context. In particular, the theory explains how interactions between courtroom actors influence the nature of case outcomes. Thus, using a Courtroom Workgroup framework, this study has shown, both at the bivariate and multivariate level, that the presence of courtroom actors (such as victim advocate, legal counsel, informal support person, and the judge presiding over the case) has an impact on both the PO outcome and PO length of time. Hence, different PO outcomes are rendered depending on which of the courtroom workgroup actors are present during the hearing, indicating that these courtroom actors play a pivotal role in the protection order process.

For instance, POs were more likely to be granted when legal counsel was present on behalf of the applicant while POs were less likely to be granted when adverse party had a lawyer present. Similarly, longer POs were more likely to be granted when the applicant showed up to court with a victim advocate and depending on which judge was presiding over the case (with Judge 2 granting longer POs). The 3-way interaction analyses also revealed that not only these courtroom actors matter but that their effects are highly contextual and conjunctive, depending on the presence or absence of other courtroom actors. For instance, as shown in **Table 9**, the presence of legal counsel for applicant has the greatest influence on increasing the likelihood of a PO being granted when the adverse party has a lawyer present as well and in the absence of a victim advocate. Therefore, the effects of these courtroom actors vary depending on the legal context.

Under a uniform system of justice, having all or any of these courtroom actors present should not matter but rather, greater judicial weight should be placed on individual case aspects such as whether the applicant was abused, whether there are any concerns regarding children's wellbeing, and if a weapon was used in the DV incident. This should be especially true given that these are civil court cases. Future research should continue to examine the impact of courtroom actors on civil protection order cases through a Courtroom Workgroup framework.

Feminist Criminology

As noted in Chapter 3, Feminist Criminology provides a helpful framework for understanding issues of inequality including gender (sexism), race (racism), and class (classism). Using a Feminist Criminology lens is important when discussing PO cases, especially when we realize that protection orders serve an especially vulnerable population, marginalized on multiple intersecting grounds including gender, race, class, and language. In thinking about the findings of this research, it is apparent that justice (here, civil justice) is not equally distributed even though the court system is based on this idea of equal justice and procedural fairness.

First, the results of this study suggest that women are more vulnerable to violence than men, as 84% of the cases in the sample were initiated by female applicants who were seeking protection against male adverse parties. So, gender (i.e. of applicant, of adverse party) is important to consider when evaluating protection order cases.

The results of this study suggest that race is also important. For example, as this research suggests, some minority applicants are less likely than White and Black applicants to receive a protection order. Similarly, since shorter POs were more likely to be granted in the presence of court translators indicates that ESL/ LEP applicants are even more vulnerable to inequalities associated with equitable justice (i.e. access to justice). These findings thus suggest that, certain

minority applicants (ESL/ LEP) are at an additional disadvantage when entering the court system to obtain a PO than non-minority (i.e. White) and other minority applicants (i.e., Black).

Additionally, these results suggest that class is also important, as there is potential for increased/continued disparity, as poor, disadvantaged applicants may not afford to hire legal counsel to represent them in court when compared to those more financial stable applicants and adverse parties with legal counsel. As Durfee (2008) points out, “Victims of domestic violence are even more vulnerable to inequalities in access to legal representation because women, women of color, and women in poverty are more likely to be abused by an intimate partner than are men or individuals with higher incomes and are less likely to have access to a lawyer” (p.10).

Future research should continue to examine domestic violence cases through a Feminist Criminology lens in order to get at these issues of gender, race, language, and class inequalities including any barriers to access to justice experienced by DV victims.

Strengths

This study builds on prior domestic violence (DV) and intimate partner violence (IPV) research in six different ways. First, this study examines a large sample of cases (N=303) obtained from one jurisdiction during approximately a 24-month period of time.

Second, this study takes a more holistic approach at examining protective order outcomes. More specifically, protective order outcomes were observed through field research methodology (i.e., ethnographic observations) and then coded and analyzed using quantitative methods.

Third, this study looked at new variables that were not examined in prior studies (i.e., session time, presiding judge, translator, PO length), along with several variables that have been examined in the past (i.e., legal counsel, informal support person, victim advocate). For instance,

some of this study's variables included the importance of judicial characteristics, role of litigant's gender and race in TPO issuance rates, the impact of a formal and/or informal support person (i.e., lawyer, victim advocate, translator, family member, friend, etc.) and case aspects (i.e., mention of weapon, children, and abuse) in securing a protective order. Again, "*See Appendices*" for examples of transcripts, codebook, and variable list.

Fourth, to my knowledge, this study is the first to examine what factors shape judicial decisions in granting longer protection orders (i.e., over 6 months). In fact, previous research has focused primarily on examining the effectiveness of POs in reducing future domestic abuse and/or identifying those factors associated with a more successful PO but have completely overlooked the importance of examining what factors increase an applicant's likelihood of receiving a longer PO.

It is important to examine the length of time a PO is granted for because of its implications for victim's long-term safety particularly, when considering that more than half of the cases in this study were granted a PO for less than six months. In addition to affecting victim's long-term safety, the length of time a PO is granted for also has implications for the opposing party; particularly, if or when the PO is violated.

For instance, an offender can be charged with a gross misdemeanor if found guilty of violating a temporary protection order (which lasts for up to 30 days) but can face a class C felony charge if found guilty of violating the extended order (which lasts up to a year). Thus, the offender would be less likely to violate the extended order since it has more serious repercussions, which is why it's important to examine PO length of time in addition to PO outcome.

Fifth, in addition to performing several bivariate and logistic regression analyses, sets of 3-way interaction analyses were conducted to assess the joint influences of courtroom actors (i.e., legal counsel, victim advocate, presiding judge) and case aspects (i.e., mention of children, weapon, abuse) on PO outcomes across different contexts. These 3-way interaction analyses were included to illustrate the complex nature of DV cases (Please see chapter “*Exploring Multiple Interaction Effects for when Both Parties are Present*”).

Lastly, this study has also supplemented its findings with qualitative data via court transcripts to provide context and emphasize the complexity of domestic violence cases.

Limitations

As true of nearly any research study, this particular study also has limitations. Each of these problems are summarized below:

First, the data was collected from one jurisdiction. Accordingly, the findings may not be representative of other civil court systems.

Second, since the data was collected through ethnographic observations, researchers were only previewed to what was occurring within the courtroom at the time of the observation and not to what was reported in official court documents. Some of the information reported in the original TPO applications might not have been discussed or brought up by the judge during the hearing, thus limiting the context of each case observed. For example, whether or not the applicant experienced abuse was not always brought up in court. Similarly, the length of time a protection order was granted for was not always discussed during the hearing, which is why some of those variables were listed as “Missing” (See **Table 1**). Several other variables, which were of interest to the researcher (such as age, education level, employed status, immigration

status, history of abuse) were rarely brought up by the judge and therefore, could not be recorded.

Third, race and gender were determined by the observers based on litigant's appearance and sometimes by using information brought up during the hearing (such as request for a Spanish or Mandarin translator, or the use of masculine or feminine pronouns). However, the litigants involved in these cases may self-identify differently.

Fourth, since courtroom personnel were aware of my affiliation with the research project and knew I was conducting observations, my presence in the courtroom may have had an impact on the judicial decision making process (i.e., researcher effects). However, since these hearings are open to the public and it is common for the applicant and adverse party to show up to court with a friend or family member, the courtroom personnel, including the judges, are used to having an "audience" present. Thus, limiting any researcher effects. Even though these limitations are noted, the benefits of doing mixed methods research at the local level compensate/outweigh these shortcomings.

Policy Implications

The findings presented herein have important implications for future DV research, public policy in Nevada, and victim's short- and long-term safety. This research not only provides insights into courtroom dynamics and proceedings, but also identifies several factors that impact PO issuance rates and length of time. From a policy standpoint, several solutions can be derived.

First, since the presence of an applicant is critical for the granting of a PO, a very clear and straightforward step in increasing the odds of a PO being granted, would be for the applicant to attend the PO hearing if permitted/possible. Additionally, civil court systems should do whatever necessary to make sure that an applicant can access the court, and, if needed, bring

their children with. In order to facilitate this, courts could perhaps provide a drop-in day care center where applicants can leave their children for the duration of their hearing: an option, which is currently not available in the courthouse under study. In fact, applicants who show up to court with their children are forced to leave them unattended outside of the courtroom.

Second, it is apparent that the judges presiding over these cases should be required to undergo additional DV and IPV training in order to minimize errors in the interpretation/rendering of cases. Throughout the discussion section of this study, narratives from case transcripts were provided to reveal the judge's verbal legal evaluations and inconsistencies in reviewing these types of cases (i.e., when applicant is a no show). Additionally, there were judicial differences in PO length of time with Judge 2 granting longer POs than Judge 1, indicating again that there is a need for additional judicial training in order to improve consistency across PO hearings. The judges in this sample were only required to attend a weeklong domestic violence training, which, as pointed out throughout this paper, may not be sufficient enough to understand the complexities associated with civil domestic violence cases.

Third, there is clearly a need for a new PO legislation. Or, at least, the current legislation should be updated/rewritten to include a stipulation, requiring courts to take measures in locating applicants (when they fail to appear in court) to ensure that they are not in danger. Another legislative stipulation to consider would be to eliminate the requirement of applying for and being granted a temporary protection order first (which is good for up to 30 days) before being able to apply for an extended order (which is good for up to a year). Thus, this study suggests that the PO process be simplified in order to better assist/meet the needs of all applicants.

By moving away from a two-step process to a one step process, it will lead to a decrease in the amount of paperwork and number of hearings conducted per year (in 2013 alone, there

were 8,837 hearings conducted and 7,382 POs filled). Future research should examine what states, if any, are tracking/locating those applicants who fail to appear in court and also allow applicants to apply for a full order without having to apply first for a temporary order.

Fourth, since these findings show that victim advocates are critical for DV victims who are seeking POs, the State should provide additional funding to advocacy programs, local domestic violence shelters, and/or educational programs. For instance, during a conversation with one of the victim advocates, she revealed that, during summer months, the advocacy office is short staffed since most of the advocates go on vacation during that time. This is consistent with previous research on the matter, which states that legal aid programs lack the resources necessary to function efficiently and consistently (Durfee, 2008). Therefore, by increasing funding for local non-profits, including advocacy models as well as self-help models such as legal aid, their staff numbers will also increase and legal aid offices will be able to better assist DV victims with filling PO applications and appearances in court.

Fifth, this study also highlights the importance of the applicant describing/mentioning to the judge the context surrounding the abuse experienced including type, concerns for children, and weapon use as those increase the odds of a PO being granted and length of time. Therefore, legal aid personnel, such as victim advocates, can use the findings presented herein as a guideline when assisting applicants filling out the PO application. To better assist these *pro se* litigants, victim advocates should also undergo additional training, during which, the emphasis should be on the importance of including the aforementioned factors in the PO application (violence experienced, type, children present, use of weapon, etc.)

Based on these findings, a “best practices” pamphlet should be created and shared with all applicants to educate/demonstrate to them how to construct a successful PO application. In

addition to learning how to prepare a PO application/case, applicants should also be instructed/encouraged to show up to court with a victim advocate and a friend or family member since having a support person was associated with a higher likelihood of receiving a longer PO.

Lastly, this study found that legal counsel for the applicant was associated with a positive PO outcome while, not surprisingly, legal counsel for the adverse party was associated with a negative PO outcome. This finding is not problematic when both parties have acquired legal counsel. However, the problem arises when one of the parties acquires legal counsel but the other one chooses to represent themselves, *pro se*, in court because it creates disparities in the PO process. One solution could be, as pointed out by Durfee (2008), that when one of the parties retains legal counsel; the court assigns a lawyer to the remaining party. By doing so, justice is distributed equally among parties.

Appendix A

**Table 1:
Univariate Descriptive Statistics Total (N=303)**

Variables	N	%
Session Time		
Morning	73	24.1%
Afternoon	230	75.9%
Presiding Judge		
Judge 1	151	49.8%
Judge 2	152	50.2%
Applicant's Gender		
Male	40	15.7%
Female	215	84.3%
Missing	48	
Adverse Party's Gender		
Male	243	88.0%
Female	33	12.0%
Missing	27	
Applicant's Race		
White	93	33.2%
Black	42	15.0%
Hispanic	63	22.5%
Other	10	3.6%
Not Present	72	25.7%
Missing	23	
Adverse Party's Race		
White	57	20.6%
Black	42	15.2%
Hispanic	47	17.0%
Other	7	2.5%
Not Present	124	44.8%
Missing	26	
Applicant's Lawyer Present		
No	271	89.4%
Yes	32	10.6%
Adverse Party's Lawyer Present		
No	273	90.1%
Yes	30	9.9%

Victim Advocate Present		
No	253	83.5%
Yes	50	16.5%
Translator Present		
No	274	90.4%
Yes	29	9.6%
Informal Support Person for Applicant		
No	239	78.9%
Yes	64	21.1%
Informal Support Person for Adverse Party		
No	286	94.4%
Yes	17	5.6%
Children Mentioned		
No	191	63.0%
Yes	112	37.0%
Weapon Mentioned		
No	272	89.8%
Yes	31	10.2%
Abuse Mentioned		
No	152	50.2%
Yes	151	49.8%
Type of Abuse Mentioned		
Physical	44	29.1%
Verbal	19	12.6%
Other	15	9.9%
Multiple	73	48.3%
Parties' Present		
None	2	0.7%
Applicant Only	122	40.3%
Adverse Party Only	70	23.1%
Both Parties	109	36.0%
TPO Granted		
No	103	35.0%
Yes	191	65.0%
TPO Length		
< 6 Mo	105	61.0%
> 6 Mo	67	39.0%
Not Applicable	103	
Missing	28	

Appendix B

**Table 2:
Bivariate Relationships Between TPO Status and Independent Variables**

TPO Granted?	Applicant Present (N=122)		Both Parties Present (N=109)		All Cases (N=303)	
	No	Yes	No	Yes	No	Yes
Session Time						
Morning	12.2%	87.8%	32.0%	68.0%	27.4%	72.6%
Afternoon	6.4%	93.6%	21.3%	78.8%	37.6%	62.4%
Presiding Judge						
Judge 1	6.9%	93.1%	23.6%	76.4%	33.6%	66.4%
Judge 2	9.8%	90.2%	24.0%	76.0%	36.5%	63.5%
Applicant's Gender						
Male	13.3%	86.7%	25.0%	75.0%	35.9%	64.1%
Female	7.1%	92.9%	24.4%	75.6%	25.2%	74.8%
Adverse Party's Gender						
Male	7.3%	92.7%	24.2%	75.8%	32.6%	67.4%
Female	10.0%	90.0%	30.0%	70.0%	50.0%	50.0%**
Applicant's Race						
White	4.3%	95.7%**	28.3%	71.7%	16.3%	83.7%
Black	3.8%	96.2%**	26.7%	73.3%	12.2%	87.8%
Hispanic	13.9%	86.1%	15.4%	84.6%	14.5%	85.5%
Other	50.0%	50.0%	0%	100%	12.5%	87.5%
Not Present					97.1%*	2.9%
Adverse Party's Race						
White	NA	NA	28.9%	71.1%	50.0%	50.0%
Black	NA	NA	15.0%	85.0%	59.5%	40.5%
Hispanic	NA	NA	20.7%	79.3%	47.7%	52.3%
Other	NA	NA	0%	100%	14.3%	85.7%
Not Present					9.1%	90.9%*
Applicant's Lawyer Present						
No	7.5%	92.5%	26.7%	73.3%	37.6%	62.4%
Yes	16.7%	83.3%	10.5%	89.5%	12.9%	87.1%*
Adverse Party's Lawyer Present						
No	NA	NA	20.5%	79.5%	34.7%	65.3%
Yes	NA	NA	33.3%	66.7%	37.9%	62.1%
Victim Advocate Present						

No	11.1%	88.9%	24.4%	75.6%	40.2%	59.8%
Yes	0%	100%**	21.1%	78.9%	8.3%	91.7%*
Translator Present						
No	8.5%	91.5%	24.7%	75.3%	36.7%	63.3%
Yes	7.7%	92.3%	16.7%	83.3%	18.5%	81.5%**
Informal Support for Applicant						
No	10.5%	89.5%	26.7%	73.3%	42.0%	58.0%
Yes	3.0%	97.0%	16.7%	83.3%	9.5%	90.5%*
Informal Support For Adverse Party						
No	NA	NA	24.7%	75.3%	35.7%	64.3%
Yes	NA	NA	18.8%	81.3%	23.5%	76.5%
Children Mentioned						
No	8.9%	91.1%	31.0%	69.0%	45.5%	54.5%
Yes	7.5%	92.5%	19.0%	81.0%	16.8%	83.2%*
Weapon Mentioned						
No	9.9%	90.1%	24.7%	75.3%	38.3%	61.7%
Yes	0%	100%	16.7%	83.3%	6.7%	93.3%*
Abuse Mentioned						
No	12.2%	87.8%	17.2%	82.8%	53.1%	46.9%
Yes	5.7%	94.3%	26.3%	73.7%	17.0%	83.0%*
Type of Abuse Mentioned						
Physical	8.7%	91.3%	23.5%	76.5%	17.1%	82.9%
Verbal	14.3%	85.7%	33.3%	66.7%	26.3%	73.7%
Other	0%	100%	44.4%	55.6%	26.7%	73.3%
Multiple Forms	2.9%	97.1%	21.1%	78.9%	12.5%	87.5%
Parties Present						
None					50.0%	50.0%
Applicant only					8.4%	91.6%*
Adverse Party only					98.5%	1.5%
Both Parties					23.8%	76.2%

Notes: *=Significant Chi-Square value at $p < .05$

**= Significant Chi-Square value at $p < .10$

Appendix C

**Table 3:
Bivariate Relationship TPO Length and Independent Variables**

TPO Length?	Applicant Present (N=109)		Both Parties Present (N=80)		All Cases (N=191)	
	< 6 Mo	> 6 Mo	< 6 Mo	> 6 Mo	< 6 Mo	> 6 Mo
Session Time						
Morning	72.7%	27.3%	92.3%	7.7%	78.3%	21.7%
Afternoon	51.5%	48.3%*	58.6%	41.4%*	54.8%	45.2%*
Presiding Judge						
Judge 1	61.5%	38.5%	81.6%	18.4%	69.2%	30.8%
Judge 2	55.3%	44.7%	45.5%	54.5%*	51.9%	48.1%*
Applicant's Gender						
Male	66.7%	33.3%	70.0%	30.0%	68.2%	31.8%
Female	57.0%	43.0%	62.7%	37.3%	59.3%	40.7%
Adverse Party's Gender						
Male	56.1%	43.9%	62.3%	37.7%	58.3%	41.7%
Female	88.9%	11.1%**	85.7%	14.3%	87.5%	12.5%*
Applicant's Race						
White	59.5%	40.5%	64.5%	35.5%	61.6%	38.4%
Black	50.0%	50.0%	45.5%	54.4%	48.6%	51.4%
Hispanic	60.7%	39.3%	77.8%	22.2%	67.4%	32.6%
Other	100%	0%	80.0%	20.0%	83.3%	16.7%
Not Present					50.0%	50.0%
Adverse Party's Race						
White	NA	NA	64.0%	36.0%	61.5%	38.5%
Black	NA	NA	58.8%	41.2%	58.8%	41.2%
Hispanic	NA	NA	73.7%	26.3%	73.7%	26.3%
Other	NA	NA	80.0%	20.0%	80.0%	20.0%
Not Present					59.0%	41.0%
Applicant's Lawyer Present						
No	56.0%	44.0%	61.4%	38.6%	58.0%	42.0%
Yes	87.5%	12.5%**	78.6%	21.4%	81.8%	18.2%*
Adverse Party's Lawyer Present						
No	NA	NA	57.1%	42.9%	58.0%	42.0%
Yes	NA	NA	93.3%	6.7%*	93.3%	6.7%*
Victim Advocate Present						
No	66.7%	33.3%	64.3%	35.7%	65.4%	34.6%

Yes	37.0%	63.0%*	66.7%	33.3%	47.6%	52.4%*
Translator Present						
No	58.0%	42.0%	60.7%	39.3%	58.9%	41.1%
Yes	63.6%	36.4%	90.0%	10.0%**	76.2%	23.8%
Informal Support for Applicant						
No	59.7%	40.3%	63.8%	36.2%	61.2%	38.8%
Yes	56.3%	43.8%	66.7%	33.3%	60.7%	39.3%
Informal Support for Adverse Party						
No	NA	NA	58.6%	41.4%	58.5%	41.5%
Yes	NA	NA	92.3%	7.7%*	92.3%	7.7%*
Children Mentioned						
No	56.3%	43.8%	57.7%	42.3%	57.1%	42.9%
Yes	62.9%	37.1%	68.9%	31.1%	65.4%	34.6%
Weapon Mentioned						
No	60.2%	39.8%	63.9%	36.1%	61.6%	38.4%
Yes	50.0%	50.0%	70.0%	30.0%	57.7%	42.3%
Abuse Mentioned						
No	76.9%	23.1%	57.1%	42.9%	69.4%	30.6%
Yes	46.7%	53.3%*	68.0%	32.0%	56.4%	43.6%**
Type of Abuse of Mentioned						
Physical	42.1%	57.9%	45.5%	54.5%	43.3%	56.7%
Verbal	50.0%	50.0%	85.7%	14.3%**	69.2%	30.8%
Other	40.0%	60.0%	40.0%	60.0%	40.0%	60.0%
Multiple	50.0%	50.0%	77.8%	22.2%	63.2%	36.8%
Parties Present						
None					100%	0%
Applicant only					58.6%	41.4%
Adverse Party only					0%	100%
Both Parties					64.8%	35.2%

Notes: *=Significant Chi-Square value at $p < .05$

**=Significant Chi-Square value at $p < .10$

Appendix D

Table 4:
Multivariate Analysis for PO Granted & PO Length when only Applicant is Present

Independent Variables	PO Granted (N=108)		PO Length (N=94)	
	B	Exp (B)	B	Exp (B)
Session Time	.48	1.62	.61	1.84
Presiding Judge	.12	1.12	.89	2.43
Applicant's Gender	.44	1.55	.49	1.63
Applicant's Race	-1.05	.35	.01	1.01
Applicant's Lawyer Present	-.51	.60	-.65	.52
Victim Advocate Present	NA	NA	1.16	3.18*
Translator Present	.05	1.05	-.47	.62
Informal Support Person Present	1.10	3.00	.13	1.14
Children Mentioned	.28	1.33	-.58	.56
Weapon Mentioned	NA	NA	.25	1.29
Abuse Mentioned	.43	1.54	1.62	5.04 *

Note: * $p < .05$

NA = cannot compute odds ratio due to 0 cell frequencies with some categories

Appendix E

**Table 5:
Multivariate Analysis for PO Granted & PO Length when Both Applicant
and Adverse are Present**

Independent Variables	PO Granted (N=92)		PO Length (N=65)	
	B	Exp (B)	B	Exp (B)
Session Time	2.03	7.58*	1.63	5.09
Presiding Judge	0.02	1.021	2.64	14.06*
Applicant's Gender	-1.47	0.23	1.10	3.01
Adverse Party's Gender	-1.21	0.30	-2.95	0.05
Applicant's Race	0.88	2.42	0.05	1.05
Adverse Party's Race	0.69	2.00	-0.49	0.61
Applicant's Lawyer Present	1.90	6.71**	0.20	1.23
Adverse Party's Lawyer Present	-1.69	.18*	-2.28	0.10
Victim Advocate Present	0.42	1.52	-1.59	0.20
Translator Present	-0.62	0.54	-2.50	0.08
Informal Support for Applicant	0.91	2.48	1.86	6.42**
Informal Support for Adverse Party	0.83	2.30	-3.82	.022 *
Children Mentioned	1.55	4.70*	-0.84	0.43
Weapon Mentioned	0.34	1.41	. 2.57	13.10 **
Abuse Mentioned	-1.31	0.27	0.68	1.97

Note: * p < .05 ** p < .10

Appendix F

**Table 15:
Violence Intervention Program Services Report – Summary**

Year	PO Fillings			Total Hearings
	In Office	By Fax	Total	
2010	6,096	1,997	8,093	8,152
2011	5,768	1,983	7,751	7,102
2012	5,603	1,906	7,509	8,780
2013	5,563	1,819	7,382	8,837

Appendix G

Example of court transcript from 2/27/2014

FIRST CASE

A young Hispanic man enters the courtroom. He has redish brown hair, no facial hair. He is wearing slacks and a white button up shirt. He seems to be in his mid- to late- 20s.

There is a young woman that enters the courtroom after him. She sits behind him on the adverse party side.

A blond female, same age bracket, follows behind the adverse party and young woman that just entered. She is wearing a simple skirt and shirt. Her hands are crossed in front of her while she moves to the right and sits where the applicant sits. She is also Hispanic. Seems like she recently dyed her hair to be very very blond.

There are two other young women that enter after her. They sit in the same row as me – the second row – still behind the adverse party. My feeling is that these two women are a sister and a friend? Both sisters? They both seem concerned and are watching the applicant from that second row where they are seated.

→ Note: It is interesting that there are not any available seats BEHIND the applicant. Everyone has to sit behind adverse party. The applicant literally has no one supporting her from behind. If applicant has a lawyer or advocate, they sit on the side of her. There are no general seating behind her.

A translator enters the courtroom. This translator is an older female in her mid 40s. While she enters the courtroom, she is mentioning something about a divorce to the Marshall. Maybe they are talking about a mutual courtroom friend? Or a previous case? That conversation is unclear to me. What is clear is that the translator and Marshall seem to be comfortable and friendly towards one another.

They are both sworn in [and I missed the case number]

Judge: We are here on a request to extend the existing TPO that was issued on February [] of two thousand and fourteen. Is that correct?

Applicant: Yes.

The Judge looks at the applicant and says, "Okay." Then he immediately states, "I have read your request and the threats described rise to the level of threats we consider domestic violence. There is a basis to extend the P.O."

After the translator delivers this news, the blond applicant shakes her head in an affirmative but does not say anything. The adverse party is looking down at the desk not saying anything.

The Judge continues, "However, we do need to resolve adverse party's visitation. Because it seems as though he took one of the children and you had some concerns about that."

Applicant says, "Yes."

The Judge looks down at the paperwork and then back up at the applicant and says, "What is this about a timeshare? Do you mean a timeshare or do you mean the time that you need to share with him because of visitation rights? Is this something that you are waiting to resolve at the family court hearing?"

The translator looks at the applicant and speaks Spanish quickly.

Applicant says nothing. She looks confused.

The Judge continues, "He is the father of your children. A 2 and 3 year old and a baby, is that correct?"

Applicant shakes her head in the affirmative.

Judge: And you're not working?

Applicant: No. That was before I had the baby. I was not working before November. Then I had the baby. Now I'm working.

Judge: Okay. So what is your schedule?

Adverse Party: I don't have a fixed schedule. Sometimes I work weekends. Sometimes not. It's whatever she decides.

Judge: So, you can let her decide?

Adverse Party starts crying lightly while looking down at the table, "It's been a month since I've seen the baby."

The Marshall brings over a box of Kleenex to the adverse party. The applicant is not crying. She looks stoic and calm. She is looking down at the table in front of her. I notice that she is chewing gum.

Judge: Okay, so let's figure out a schedule for visitation.

Adverse Party: Weekends are fine. Whatever she wants.

He takes the Kleenex and whips his eyes and nose. He looks over at the applicant and continues, "I want you, to prove to you that I'm not taking drugs and what matters most to me is family and children."

The Marshall asks him to look forward towards the Judge.

The Judge responds, "I hear you. I do. But you two are not on the same page here."

Adverse Party is still looking at the Judge and responds, "I'm upset because she wants to accuse me all the time. About everything. She doesn't care about me. She moved and is living with her father,"

Judge, to applicant: Is that where you are living now?

Applicant: Yes. Because he hit me and I was afraid.

Applicant starts crying. The Marshall walks over to the adverse party and grabs the Kleenex box from him and then offers it to the applicant.

Judge: What was it specifically that made you afraid?

Applicant: He threatened to cut off the part of the anatomy that only a woman has. And then, and then feed it to the dogs.

Adverse party interrupts: That's because of the photos!

The Judge holds up his hands as if he is signaling to the adverse party to be quiet. The Judge says, "Okay okay let the interpreter catch up."

Applicant continues, "I was not working because of the baby. I will live there, with my father, until I find work."

Judge: Okay so your intent is to stay in your father's residence? With the children?

Applicant: Yes. We got into an argument and I was so upset. I will remain there with my children.

Adverse Party: I would like to be with my family. I am willing to do anything.

Judge, to adverse party, "What is your schedule?"

Adverse party, "Can we do weekends?" and then he started crying again.

The Marshall walks over to the applicant and grabs the Kleenex. He passes it over to the adverse party.

Judge: Okay. The problem here is that you were very aggressive.

Adverse Party: That's because she knows how to make me upset.

Judge: She knows how to do that?

Adverse Party: Yes.

He (adverse party) looks over at the applicant and starts raising his voice.

The Marshall tells adverse party, "You can not speak to her"
The translator is translating all of this.

The Judge looks at the applicant and continues, "He was aggressive with you. He threw a knife at you"

Applicant: Yes. He held it like a madman and threw it against the wall.

Judge: When this happened, was he cooking with the knife? Was it on his person? Where did he get the knife?

Applicant: Yes.

The translator, at this point, looked at the Judge and kind of shrugged. Because the applicant was just asked several questions but responded, "Yes."

Judge: So he struck you? Slapped you?

Applicant: Yes. [then a pause while the applicant looks like she is about ready to cry again. The translator and the Judge are both looking at her. She continues] There was a Sunday. All day the baby was in the crib. I came home and he was aggressive and upset. I think he was taking drugs and using meth. I don't want my children there. With him. Like that. I would like the children supervised on visitations.

The adverse party is looking down and is shaking his head side-by-side.
Adverse party starts to cry again.

Judge: The schedule with the 2 and 3 year old will be different than the schedule with the 3 month old. You two are not married. You are considered a common law wife but you are still not legally married.

Looking over at the applicant, "Is he on the birth certificate?"

Applicant: Yes.

Judge: So he signed an affidavit of paternity at the hospital?

Applicant: "Yes." Then she continued, "He wanted me to do a blood test at the hospital."

Judge: Are you currently breastfeeding?

Applicant: Yes.

Judge: Has he exercised any time with the baby these past three months? Since the baby was born?

Applicant: Only once. He took him to the store. I haven't left the baby with him because he didn't believe that it was his.

The adverse party interrupts: I was with her the whole time after he was born. He looks at the applicant and speaks something in Spanish that the translator does not repeat. The Marshal says, "Hey! You can't speak to her!"

Judge: Okay. Okay. How are we going to do the exchanges of the two children?

Looking at the applicant: Is your father or your brother able to assist?

Applicant: Ill ask my brother to meet at a place where we can exchange children.

Adverse Party: Yeah. By law the three children are my children.

Judge: Yes. She wrote down that they were yours in the application.

The Judge signs the paperwork and announces, "I move to extend the PO until August [] , 2014. Saturday and Sunday visitation will occur from the hours of 9:00am until 4:00pm for the 2 boys."

Adverse party is crying and asks, "What about the other?" (meaning the baby)

The Judge continues, "... and then from 9:00am until 10:00am and again at 3:00pm to 4:00pm for the 3 month old." During this ruling, the adverse party and applicant are both crying.

The Judge continues, "This is a reminder to both of you that you can make changes to the visitation. I would do this through either a text or an email. And then you just need to let us know. For the three boys, child custody is set at \$200 per kid. That's \$600 dollars. Therefore, \$300 will be due on the 1st and the 15th of each month." Looking over at the applicant the Judge says, "And you're going to have your brother with you when you deliver the boys?" The applicant is still crying and shakes her head in the affirmative.

Judge: This is just temporary. Please get to family court and figure this out. This is a challenging case because of the age of the children. You two need to work together to figure this out.

Adverse Party: I am willing to do anything. I will go to therapy. Whatever she wants. Because it is important to me – family.

Judge, looking at the adverse party, explains what an extension is including how he can have absolutely no contact with her. The Judge also explains that he should not call or text or email her. That he needs to let her contact him, and only about the children. The Judge says, "For now, you need to treat this like you've never met. That's how little contact you should have." The adverse party starts crying again.

The Marshall walks over and hands him the Kleenex box again. He tells adverse party to take a seat while the applicant leaves the courtroom. Adverse party sits down in the first row of chairs. He is crying and looking at the paperwork with the ruling on it. He does not make eye contact with the applicant.

Applicant, with her head still down, and with her final paperwork, leaves the courtroom. The two other young women get up and follow her out of the courtroom. The friend of the adverse party is sitting behind him rubbing his back between his two shoulder blades. The translator follows and on her way out she talks to the Marshall and they make plans to catch up later.

Appendix H

**Table 16:
Codebook**

Independent Variables	Values
Session Time	0=morning session 1=afternoon session
Presiding Judge	0= Judge 1 1= Judge 2 9=missing info
Applicant's Gender	0= male 1= female 9=missing info
Adverse Party's Gender	0= male 1= female 9=missing info
Applicant's Race	0= white 1= black 2=Hispanic 3= Other 5= not present 9= missing information
Adverse Party's Race	0= white 1= black 2=Hispanic 3= Other 5= not present 9= missing information
Applicant's Lawyer Present	0= no 1= yes
Adverse Party's Lawyer Present	0= no 1= yes

Victim Advocate Present	0= no 1= yes
Translator Present	0= no 1= yes
Informal Support Person for Applicant	0= no 1= yes
Informal Support Person for Adverse Party	0= no 1= yes
Child/Children Mentioned during hearing	0= no 1= yes
Weapon Mentioned during hearing	0=no 1= yes, weapon was used by adverse party
Abuse Mentioned	0= no, abuse was not mentioned 1= yes, abuse was mentioned
Type of Abused Mentioned	1= physical 2= verbal 3= Other (i.e., destruction of property, sexual, stalking) 6= more than one type 9= missing information
Litigants' Presence	0= Neither party present 1= Applicant only present 2= Adverse party only present 3= Both parties present
Dependent Variables TPO Granted	Values 0=no 1=yes 9=missing info
TPO Length	0= less than 6 months 1= over 6 months 4= Not applicable, TPO not granted 9= Missing Info

Appendix I

**Table 17:
TPO Data Set**

Variables	Description
Presiding Judge	Judge 1, Judge 2
Applicant's Gender	Male, Female
Adverse Party's Gender	Male, Female
Applicant's Race	White, African American, Hispanic, Asian, Other
Adverse Party's Race	White, African American, Hispanic, Asian, Other
Weapon Mentioned	Yes, No
Type of Weapon	Gun, Knife, Other
Type of Abused Mentioned	Physical, Verbal, Stalking, Sexual, Destruction of Property, Combination
Session Time	Morning, Afternoon
Police Involvement	Yes, No
Reason for Police Involvement	DV call, PO Violation, Other
CPS Involvement	Yes, No
Criminal Case Pending	Yes, No
Type of Criminal Case	i.e., aggravated assault
ADV Incarcerated	Yes, No
PO Service	Sheriff's Office, APP, Third Party, APP's Friend/ Family Member
Applicant Present	Yes, No
Adverse Party Present	Yes, No
Evidence Presented	Yes, No
Type of Evidence	Messages, Emails, Pictures of Abuse, Police Reports and Testimony, Other
APP Employment Status	Unemployed, Part-time, Full-time
ADV Employment Status	Unemployed, Part-time, Full-time
Child Support Ordered by Judge	Yes, No
Gun Restriction imposed by Judge	Yes, No
Type of Civil Case Pending	Divorce, Custody Battle, Child Support, Other
Relationship type btw APP and ADV	Family Member, Intimate Partner, Other
Eyewitness to Abuse	Family Member, Child, Police, Friend, Other
ESL APP	Yes, No
APP Maintaining Contact	Yes, No
APP's Reasons for Maintain Contact	Child, Economic, Other
Applicant's Demeanor	Scared, Confident, Crying, Other
Effectiveness of PO	Extremely Effective, Fairly Effective, Ineffective, Other

APP's Age	18-25, 26-33, 34-41, 42-49, over 49
ADV's Age	18-25, 26-33, 34-41, 42-49, over 49
Number of Years in Relationship	a year or less, 2-3 years, 4-5 years, 6 years or more
APP's History of Victimization	i.e., first time
ADV'S Criminal History	i.e., arrested for either DV or non DV related incident
First Time Applying for PO	Yes, No
Type of Filing	Emergency (over the phone), In person
Protection Order Granted	Yes, No
Advocate Present	Yes, No
Translator Present	Yes, No
APP's Lawyer Present	Yes, No
ADV's Lawyer Present	Yes, No
Children Mentioned	Yes, No
Number of Children	1, 2, more than 2
Living Arrangements	Single, Cohabiting
Current Relationship Status of APP	Single, Married, Divorced, Widowed, Engaged, Other
Current Relationship Status of ADV	Single, Married, Divorced, Widowed, Engaged, Other
Emergency PO in Place	Yes, No
Length of PO	1 month or less, 2-3 months, 4-6 months, over 6 months
Informal Support Present	Yes, No
Violation of PO	Yes, No
Type of Hearing	TPO, TPO extension, Order to Show Cause/ Contempt, Order to Modify/ Dissolve
ADV Present via CCDC Camera	Yes, No

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