2018 Celebrating Solutions and Roth Awards Nomination Form

Legal name of organization: Battered Women's Justice Project

Year established: 2013 (however, BWJP was a division of another organization from 1993-2013, and initiated this program in 2009)

Name of program being nominated (if different): SAFeR

Year established: 2009

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City/State/ZIP code: Minneapolis, MN 55403

Agency phone number: 612-824-8768

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How did you learn about the Celebrating Solutions Awards? email

Brief description of organization: BWJP is the national resource center on civil and criminal justice responses to domestic violence, in partnership with the National Clearinghouse for the Defense of Battered Women. We also manage the National Center on Protection Orders and Full Faith and Credit and the National Resource Center on Firearms and Domestic Violence. Our mission is to promote change within the civil and criminal justice systems to enhance their effectiveness in providing safety, security and justice for battered women and their children.

Geographical area served: national

Is the organization tax-exempt under IRS 501 (c) (3) guidelines or a public agency/unit of government? BWJP is a 501(c)(3) organization.

Please check up to five descriptors that best apply to the program you are nominating:
Release of Information

As one of the goals of the Mary Byron Project is to disseminate information about cutting edge programs and best practices, we wish to post exemplary Celebrating Solutions Award nominations on our website (www.marybyronproject.org).

Those posted will include the organization’s website address, telephone number, and email address. If you have concerns about this request, please address them to kathypaulin@marybyronproject.org, prior to submitting a nomination.

By my signature on this letter, I grant the Mary Byron Project permission to use the contents of my nomination for the Celebrating Solutions Award in the manner and for the purposes set above. I further affirm that I am fully authorized to grant such permission to the Mary Byron Project.

Signature

Date 11/5/18
Program Outline - SAFeR

1. Describe the work of the nominated program and explain how the mission of the program is accomplished. (We want to know the specifics of how your program works.)

We are proud to nominate our SAFeR program for your consideration, an innovative approach to decision-making in child custody cases involving intimate partner violence (IPV).

Somewhere between 8.2 and 15.5 million American children live in families in which IPV occurred within the past year. About 90% of them directly observed the abuse, roughly half of them intervened in a violent episode by yelling at their parents to stop. Sometimes, they tried to get away, and just about a quarter of them called for help. Millions of these kids are drawn into the legal system when one of their parents is charged with a crime, or decides to separate, or seeks a protection order, or files for child support. The fate of many of those children and their battered parents is decided by people who hardly know them, acting within a legal system that is not organized to consistently and appropriately respond to their experiences of IPV.

In an effort to improve the legal system’s response to these children, BWJP created the SAFeR approach which consists of four parts: (1) screening for IPV; (2) assessing the full nature and context of IPV; (3) focusing on the effects of IPV on parenting, co-parenting and the best interests of the child; and (4) responding to the lived experience of IPV in all family court recommendations, decisions, and interventions.

The approach is relevant to all professionals involved in custody decision-making cases (attorneys, advocates, judges, custody evaluators, guardians ad litem, mediators). BWJP has developed a number of practice guides to operationalize the SAFeR approach, including an initial IPV screening guide, an IPV-informed interview protocol, a tool for assessing parenting in the context of IPV, a best interest analysis, case planning guides, IPV assessment guides for mediation and early neutral evaluation, a judicial guide, and a co-parenting assessment guide. These guides have been adapted for the various professionals involved in these cases.

While the SAFeR approach seems intuitive, its implementation compels professionals to focus on information about the nature of the violence that has been too often overlooked. By
sequentially laying out a process for analysis of the extent, severity and impact of IPV, the SAFeR approach guides family court professionals to make the best and safest decisions in these cases.

Here’s how the SAFeR approach is implemented:

**Screening:** The first element of SAFeR is to screen effectively for IPV to identify whether it is or may be an issue in the case. The goal of this first step is simply to explore whether there is reason to take a closer look at IPV. The SAFeR screening guide tells the family court professional when a more thorough IPV assessment is needed.

**Assessing the Nature and Context of IPV:** The SAFeR IPV assessment requires family court professionals to explore the full nature and context of any potential IPV that is detected during the screening process. It’s not enough to know that IPV has occurred or has been alleged. IPV is not a fixed or uniform condition, but is carried out and experienced differently by different people in different relationships, and even at different times within the same relationship. Consequently, family court practitioners need to know what is actually going on in people’s real lives. They need to know whether the IPV is an isolated incident or part of a larger pattern or history of abuse; whether the IPV is designed to instill fear or compliance with unilateral and self-proclaimed rulemaking – or whether it represents resistance to violence that has been perpetrated against that partner. Family court practitioners need to know whether the abuse includes markers of lethal danger – and/or whether it is associated with other life stressors, such as major mental health problems or substance abuse. In short, family court professionals must attempt to gain a full and complete understanding of IPV in context – to discern who is doing what to whom and why. A response that treats everything and everybody the same can endanger children and battered parents, embolden abusers, and undermine effective interventions.

**Focusing on the Effects of IPV:** Next, the SAFeR guides lead practitioners to explore how the experience of abuse has impacted the parties and the children, and continues to affect them. In the broadest sense, this means discovering what it is like to live in an environment of IPV, to parent and to be parented in an atmosphere of abuse. The framework directs family court professionals to consider how IPV shapes everyday life and communication, daily responsibilities and authority in the home, and general parenting beliefs, attitudes and practices. It guides family court professionals to discern the relative needs and interests of the children and parents, so that they can determine whose needs are satisfied and whose interests are protected. SAFeR asks family court professionals to seek a clear understanding of the effects of the IPV on the parties, because only then can they take decisions or actions that will effectively respond to these effects.

For instance, if the practitioner must decide what sort of access arrangement is appropriate, the pertinent implications of IPV revolve around such things as the physical and emotional safety of the child, the capacity of the abuser-parent to recognize and respond to the child’s
individual needs, the degree to which the abuser-parent takes responsibility for past abuse or continues to use the child as an instrument of abuse, the extent to which the child and the victim-parent trust the abuser-parent’s parenting, and so forth. If, on the other hand, the practitioner is trying to explore the parents’ competence to make joint parenting decisions, the relevant implications of IPV include the ability of the parents to communicate in a direct, civil, constructive and child-focused manner, the willingness of the abuser-parent to support the parental authority of the victim-parent, and the abuser-parent’s ability to separate his role as parent from his role as partner, among other things.

Responding to the Lived Experience of IPV: Research indicates that even when IPV is detected, cases often proceed to resolution without regard to safety, power differentials, and other effects of abuse. The goal of this last element is to respond directly to – and to correct, if possible – the harm resulting from IPV, whatever it is, and to minimize the opportunity for ongoing abuse and future unwelcomed intrusion into the lives of battered parents and children. Parenting plans could include requirements that a parent accommodate the child’s interests and activities if the parent has made rigid demands for a schedule that would interfere with the activities important to the children; or the establishment of automatic bill-paying procedures if it appears that a parent repeatedly attempts to manipulate the other by failing to fulfill financial obligations.

The four steps of the SAFer approach come together seamlessly in practice. For example, suppose a custody evaluator performs an initial IPV screen and learns that one of the parents has been emotionally abused by the other parent. This signals to the evaluator that she should take a closer look and assess what is actually going on. The evaluator investigates further and discovers that the emotionally-abusive parent is intentionally withholding necessary and available financial support to punish the victim-parent for leaving the relationship. The evaluator also learns that the child does not want to spend time with the emotionally-abusive parent. The evaluator proceeds to the third element of SAFer to determine why and how that matters. Upon inquiry, the evaluator learns that the child’s basic needs are not being met, the victim-parent is anxious and depressed about finances, the child feels resentful of the abuser parent for not supporting him, and the child feels betrayed by the victim-parent for breaking up the family. Equipped with this knowledge, the evaluator must figure out how to craft a parenting recommendation that accounts for the nature, context and effects of IPV in this case. The evaluator might consider incorporating terms into the parenting recommendation that set clear and enforceable financial obligations for the abuser-parent, impose some form of financial oversight to ensure those obligations are being satisfied on a consistent basis, support the victim-parent’s health and economic self-sufficiency, and restore the child’s trust in both of his parents.

SAFeR is designed to transform a family court system that is not ideally organized to respond to IPV into one that produces safer, more workable outcomes for battered parents and their children.
2. **Describe the most innovative aspects of the program you are nominating for consideration.**

Approximately 5 million domestic relations cases and more than 6.5 million child support proceedings are initiated in the United States each year. A significant percentage of those new cases involves intersecting issues of IPV, child custody, and parenting time. The SAFeR approach is the first attempt to provide a unified framework and comprehensive guidance that can prevent family court professionals from crafting custody and parenting plans in cases involving IPV that are dangerous or unworkable for victim-parents and children. These innovative practice guides are especially valuable to professionals who have limited experience with IPV because they provide a step-by-step process to follow to conduct screening, assessment and the development of a safe and effective parenting plan.

This effort also represents an innovative approach to addressing and resolving systemic problems in large institutions. The problems that survivors are experiencing in family courts have been identified and discussed for many years. The Battered Mother’s Conference which focuses on these problems was initiated 13 years ago! We were frustrated with the lack of progress in resolving these issues and felt we could make progress if we applied systems-change strategies we had successfully used in the criminal justice system. Applying an institutional analysis methodology to custody determinations in family courts (based on the work of the late Ellen Pence who worked with us in the early stages of the project) enabled us to identify the causes of problems, which allowed us to create solutions that effectively addressed these causes. The findings of our analysis are described in the next section.

3. **Was there a catalyst for the creation of the nominated program? If so, please describe. What barriers did your organization have to overcome to implement the program? How did you marshal the necessary resources for implementation?**

BWJP has been the national resource center on civil and criminal justice responses to IPV since 1993, and since our opening, the highest number of calls received each year are from victims struggling with divorce and child custody matters who felt that their attorneys, or the GALs, custody evaluators or judges in the courts, were ignoring the violence they and their children endured, and crafting parenting plans that were unworkable at best and dangerous at worst. In addition, in recent years, the vast majority of survivors in these cases are not represented by an attorney and navigate these complex systems alone.

While BWJP will never have the resources to provide legal representation to the millions of survivors across the country, we felt that we could focus on preventing the problems victims were experiencing, so we aimed to develop a more IPV-informed response by the professionals involved in custody and parenting plan determinations that would result in safer and more workable case outcomes.

BWJP was successful in securing a grant from the DOJ Office on Violence against Women (OVW) to change the approach to custody determinations involving IPV. We identified three
converging trends that combined to compromise the safety and wellbeing of children and survivor-parents involved in IPV-related custody and parenting disputes: (1) the proliferation of private, ill-defined and relatively informal custody dispute resolution processes; (2) the explosion of private, virtually unregulated professionals engaged in custody and parenting disputes; and (3) the absence or erosion of an infrastructure to ensure that parenting interventions, recommendations and outcomes are safe, consistent, accountable, and IPV-informed—no matter where they occur or by whom they are offered. The following problems were the result:

- Inverted priorities that favor private custody settlements over victim and child safety and offender accountability;
- Uncertainty about which professional is doing what and under what authority;
- Compromised judgment and decision-making based on incomplete, unreliable, and/or inaccurate information about the nature, context and implications of IPV;
- Inconsistent and unpredictable approaches and responses to IPV, often within the same case, such as ignoring the existence of a protection order when drafting parenting plans;
- Conflicting ideas and theories about IPV and its relevance to parenting, co-parenting and the best interests of the child; and,
- Very limited recourse when mistakes are made by interveners.

A significant barrier to addressing these problems was the number of independent actors in family court cases. While most of these systems are public (courts and government agencies, for instance), the workers who function in them are overwhelmingly private (attorneys, mediators, Guardians ad litem, self-help volunteers, and advocates, among others). The biggest challenge to universal utilization of available IPV resources is standardizing the work of private actors in these public systems. This makes it difficult to introduce a comprehensive framework and require its adoption by all interveners in these cases. Once we developed the SAFeR approach and the set of guides for the professionals involved, we pilot-tested their use in local jurisdictions, such as Henry County, OH, and Milwaukee, WI, and later in the four jurisdictions involved in the OVW Family Court Enhancement Project as well as other communities that requested trainings on SAFeR.

As family court professionals began putting the Guides to work, they reported that they were learning much more about IPV in their cases than they had in the past, which allowed them to craft more nuanced recommendations in the parenting plans to address the types of abusive actions identified. This has fueled the great interest in SAFeR and its growing influence on family court practices around the country.

4. How do you know the nominated program is successful? Please site two examples. Although anecdotal examples are helpful, at least one example must include quantitative data.
Since 2009, BWJP has made over 70,000 training and technical assistance contacts. For instance, the Framework emerged as an integral component of the OVW Family Court Enhancement Project. Under that initiative, the SAFEr framework served as the lynchpin for the development of guiding principles, multidisciplinary trainings, pilot projects, policy reforms, and self-help enhancements. In addition, the SAFEr framework has been incorporated into statewide training protocols for Guardians ad Litem in Minnesota, Ohio, Oklahoma, West Virginia, Wisconsin, and Washington; and it has been integrated into statewide training protocols for mediators in Indiana, Friends of the Court in Michigan, and child welfare workers in West Virginia. It is being utilized to inform a statewide risk assessment and case management protocol in Colorado. It served as the organizing principle for the recently-published AFCC National Guidelines on Domestic Violence and Child Custody Evaluations. In communities all over the country, it is becoming standard training fare for judicial officers, custody evaluators, family law attorneys, LAV grantees, and domestic violence advocates. We have a multitude of training evaluations that span the whole project. They include generally high scores and positive comments about the guides. Lastly, organizations like Global Rights for Women and Advocates for Human Rights are using the SAFEr Framework to inspire change abroad!

The demand for the SAFEr screening, assessment, and response protocols has never been greater. Our guides have been downloaded from our website over 4300 times in the last couple years, indicating a positive demand for the material. We received a request from the Michigan Supreme Court to provide the guides to the entire state family law bench, and recently received a request for permission to distribute our guides at a Canadian mediation training for 90 family law attorneys. Hardly a week goes by when BWJP does not receive a request for training or technical assistance on this approach. In fact, BWJP sometimes can’t respond to training and technical assistance requests in this area due to lack of resources.

Notwithstanding these gains, BWJP has reached only a fraction of the vast field of system workers who decide the fate of the millions of children drawn into the civil legal system each year because of IPV. We are unaware of any jurisdiction in the country that doesn’t struggle with intersecting issues of DV, child custody, and parenting time. In the long run, BWJP expects that hundreds of thousands – if not millions – of battered parents and children will obtain safer, more workable outcomes in DV-related parenting disputes because the systems that decide their fate will be better trained and organized to understand and address their specific experiences of abuse.

5. If funding were not an issue, what (if any) changes or additions would you make to the nominated program in the future? What are the long-term goals for your program? (We are interested in hearing both your practical goals in addition to any lofty dreams you have for the future.)

If funding were available, BWJP would expand the SAFEr program to allow us to train the range of professionals involved in these cases to improve their individual interventions, while also
conducting systems-wide advocacy and training efforts to promote comprehensive improvements in local family courts that would result in better outcomes for victim-parents and their children.

There is currently no comprehensive, multi-disciplinary technical assistance effort funded to train, coordinate and hold to account family courts around the country. There is an urgent need for training, technical assistance and resource development for jurisdictions engaged in court and parallel non-court processes to ensure that custody interventions of the future produce safe, consistent, and workable outcomes for battered parents and their children.

6. **Who are your key community partners? What are their roles?**

Key partners in the development of the SAFeR approach were Praxis International, the National Council of Family and Juvenile Court Judges (NCJFCJ) and the Association of Family and Conciliation Courts. Representatives from these organizations participated in the work group that examined the national studies and data, identified the causes of the systemic problems we observed, and crafted the elements of the approach that evolved into the SAFeR program. We continue to partner with NCJFCJ in a national project to improve family courts and have been introducing the SAFeR approach and guides into the four jurisdictions participating in the project.

When we work in a local jurisdiction, key partners are typically judges, family law attorneys, custody evaluators, GALs, mediators, and advocacy programs.

7. **Could/should your program be replicated in other areas of the country? Why?**

Absolutely! We are currently replicating the SAFeR approach in some of the jurisdictions involved in OVW Family Court Enhancement Project and other jurisdictions, so it’s clear that this approach can be applied in many communities. We are doing our best to secure resources to continue our training and technical assistance efforts to promote SAFeR across the country.

8. **Does your agency have a workplace policy that addresses domestic violence? If so, please include a copy.**

    Attached.

9. **Has the agency and/or nominated program received VAWA funding? (“Yes” or “No” is sufficient)**  Yes.
BWJP Workplace Policy on Violence

In addition to a policy on "Workplace Harassment, including Sexual Harassment," BWJP has the following policy on violence:

Workplace Violence

BWJP is committed to providing a safe work environment. Employees who engage in behavior that threatens the safety of employees or visitors may be subject to immediate disciplinary action, up to and including termination. Such threatening behavior includes, but is not limited to, any action or communication that is intended to harm or physically intimidate, or has the effect of harming or physically intimidating, another person. No form of weapon (knives, guns, explosives, or toxic substances) will be tolerated on BWJP premises. Employees, who bring weapons on BWJP premises, imply they have such weapons on BWJP premises, or make statements that appear to threaten the safety of others, may be subject to disciplinary action, up to and including termination.
November 5, 2018

Kathy Paulin, Program Coordinator
Mary Byron Project
9901 Linn Station Road, Suite 500
Louisville, KY 40273

Dear Kathy,

I have enclosed the 5 copies of our responses to the supplemental questions, the letters of support, and the original application as well as 5 thumb drives with the requested documents. If you need further information, please don’t hesitate to contact me.

We feel truly honored by your consideration of the SAFeR project for the Celebrating Solutions award!

Warm regards,

Denise Gamache, MSW
Executive Director
RESPONSES TO SUPPLEMENTAL QUESTIONS

Reviewers: The following SAFeR documents are included on the thumb drive submitted with this document so that you have them to review when they are referenced in our responses.

A. Re-tooled Manual: A SAFeR Approach to Better Outcomes in Intimate Partner Violence-Related Parenting Cases
B. Compiled Practice Guides May 2018
C. Consolidated SAFeR Worksheets
D. Restructured Guide to Child Related Relief in Civil Protection Order Cases
E. Motions to Terminate or Modify Civil Protection Orders
F. Mediation Discussion Guide
H. Expectations of ADR Providers and Attorneys: Guidance on ADR in the Context of Domestic Abuse

1. How do the Family Court professionals obtain the practice guides and other SAFeR materials? How are Family Court professionals educated/trained on the use of the SAFeR materials? Is a specific training curriculum used? Is there a charge for the materials?

Obtaining the Practice Guides and Other SAFeR Material. All of our practice guides and other SAFeR materials are freely available on BWJP’s website at: https://www.bwjp.org/our-work/projects/safer.html. In addition, other resources are posted on our website, including: early reports on the safety audits of local family courts that identified systematic issues to be addressed, articles on the evolution of the SAFeR framework, and webinar recordings on SAFeR and the topic of custody cases involving intimate partner violence (IPV) in general.

Professional Education and Training. BWJP has developed a wide range of training options on the use of SAFeR materials. Family court professionals can access a 15-minute tutorial on the SAFeR approach, which is available on our website at: https://vimeo.com/248175519. In addition, BWJP offers standard and customized SAFeR training packages designed to meet the needs of individual communities and professions. Trainings can be anywhere from a 60-minute introduction to SAFeR to a 2-day intensive skill-building institute for specific professional groups (mediators, attorneys, advocates, Guardians ad litem, etc.) or legal settings (protection order cases, custody cases, mediations, etc.).
BWJP staff conduct SAFEr trainings across the country – from presentations at national, regional, and statewide conferences – to workshops in local communities. For instance, BWJP recently conducted a half day SAFEr training for judicial officers in Delaware; a full day SAFEr training for attorneys in Maryland; and a 90-minute SAFEr training for mediators in New Hampshire. Next week, BWJP will present a SAFEr workshop for Guardians ad litem in Washington state and a SAFEr mediation workshop at an AFCC conference in Denver.

Training Curricula. All SAFEr trainings follow written curricula that utilize adult learning theory and methods. Typical trainings involve interactive, hands-on exercises that encourage professionals apply the SAFEr approach in real-life, practical ways. For example, training exercises for mediators help them to structure conversations with parties about their readiness for mediation. Training for custody evaluators emphasizes how to obtain information about the impact of the abuser’s violence on the children and its links to the abuser’s parenting, so that parenting plan recommendations address these issues. Judges are taught to understand the evidence they hear about IPV in context, identify information gaps, and connect the evidence to prospective parenting plans.

Charge for Materials. As previously noted, all of our SAFEr guides are available online free of charge. Under grants from the Family Violence Service and Prevention Bureau of DHHS and the Office on Violence Against Women of DOJ, BWJP has been able to provide a number of SAFEr trainings at no cost to trainees. However, as federal funding has shifted to other priorities, we have had to charge fees for these trainings to support our work. We have a few outside consultants who have been trained on SAFEr and we plan to slowly build a train-the-trainer program to enable us to meet the growing demand for SAFEr trainings in the future.

2. Are any danger or lethality screens used in the process to screen for IPV? If so, how did you determine which screening tools to utilize?

The SAFEr model draws a careful distinction between screening for IPV and assessing danger or lethality. One reason for this is that we have learned that family court practitioners frequently conflate the two. They sometimes use danger or lethality assessments to screen for IPV. This can have serious unintended consequences. For example, certain forms of IPV, like economic or emotional abuse, will not be detected by a danger or lethality assessment tool. Since economic and emotional abuse can have serious ramifications in family law cases, BWJP advocates for the use of a broader IPV screening mechanism. Another consequence is that certain factors, like the presence of non-biological children in the home, can raise unnecessary alarm when they are not accompanied by the presence of IPV. Consequently, BWJP advocates for universal IPV screening first, followed by a danger or lethality assessment whenever it appears that IPV is or may be an issue.

SAFEr’s initial IPV screening guide helps professionals identify if any forms of coercive control or emotional, economic, physical or sexual abuse are or might be an issue for the person interviewed. The goal of this first step is simply to explore whether there is reason to take a closer look that requires a more thorough IPV assessment.
A more complete assessment of the nature and extent of the violence in this case is obtained through the SAFeR IPV Interview Guide and related SAFeR worksheets. During this assessment, interviewers are directed to inquire about factors that research has found to be associated with heightened levels of risk of reassault and/or lethality. When any of these factors are present, interviewers are directed to refer clients to an appropriate community resource that can provide a risk assessment using a validated instrument, such as the well-researched Danger Assessment (Jacquelyn Campbell, 1985; 2001), and comprehensive safety planning. Obviously, ensuring that this service is available must be part of the implementation of the SAFeR approach in a jurisdiction.

Part of the SAFeR training effort has been to promote the view that all family court professionals must recognize and address safety needs when cases involve IPV - to ignore signs of risk would be unethical and dangerous. Thus, for example, the SAFeR mediator guide aids mediators in decision-making unique to this process, such as whether to suspend, delay or proceed at all, whether to pre-set procedures or rules, or whether to add an expert co-mediator. That is why all of the SAFeR guides and worksheets explicitly reference evidence-based danger and lethality factors.

3. What suggestions do you make to engage all the family court professionals in a jurisdiction in utilizing the SAFeR approach?

The civil legal system is especially difficult to organize because the workers (attorneys, mediators, Guardians ad litem, custody evaluators, self-help volunteers, and advocates, among others) are largely private, unregulated actors. In our initial SAFeR implementation project in rural Henry County, OH, BWJP provided extensive training on the framework and guides to the private family law bar in that jurisdiction. The training was very well received, but when we returned several months later, we discovered that many attorneys weren’t using the resources. Through a series of focus groups, we learned that the private bar lacked a strong motivation to incorporate the tools into their daily practices, in part because they believed they were doing a pretty good job on their own.

Thereafter, with technical assistance from BWJP, the bench issued a local court rule requiring lawyers to screen their clients for IPV prior to filing an initial pleading in any family law case. The local judges called a meeting of the private bar to explain their expectations around screening — and to clarify that attorneys were not required (for obvious reasons) to disclose the screening results to the court. Only then did the attorneys initiate real screening efforts.

Thus, we learned early on that broad utilization of the SAFeR approach by private system workers requires some infrastructure to set institutional expectations and ensure some measure of accountability. In family courts, the expectations set by the bench for the range of private actors in the system is an invaluable catalyst for change and their leadership can promote a more broad-based implementation of SAFeR that improves its effectiveness immeasurably.

Specific suggestions to achieve that goal could include the following:

1. Form a leadership committee to guide the process. This committee would ideally include judicial officers, attorneys (both legal aid and private), advocates, mediators and other
ADR providers, custody evaluators, Guardians ad litem, and child welfare workers. It is not essential that every one of these professionals be represented on the leadership committee except for advocates, who can carry the voice and experience of survivor parents and their children and are essential to this process. Judicial leadership is also very important, as other family court practitioners are far more likely to participate if they know that the bench is serious about examining and improving its own response to custody cases involving domestic abuse.

2. *Engage in mapping the family court system.* Create a map that shows how a survivor parent who is separating from an abuser and wants assistance in obtaining a safe and workable custody and parenting time arrangement currently gets into and around the family court system. Such a map will show where parties go for what, what practitioners are involved in providing services at each point of intervention and, therefore, where there are gaps between what these parents and their children need and what the system is providing.

3. *Identify the challenges faced by survivors and their children that the jurisdiction wants to address.* This could take several months. The leadership team should seek input from many stakeholders, including from the groups listed above and, most importantly, from survivor parents and their advocates. Again, the point is to identify gaps between what is needed and what the family court system is providing in the way of assistance. It helps to examine how, for example, there might be issues with the way certain kinds of professionals screen, assess, focus on the effects, and respond to IPV (SAFeR) in their work. The effort here is not to place blame on or evaluate individual practitioners, but to look at how the system and practitioner groups within it are organized to think about and act upon IPV.

4. *Choose a few challenge areas to focus on.* Not all issues can be addressed at once, so start by choosing a few that are easy to work on and some that are more difficult but essential to work on.

5. *Clearly define each of the chosen challenges.* An example of such a statement is “Survivor parents feel pressured to participate in mediation even when they know that the process will not result in a safe and workable outcome for themselves and their children.” Decide how that problem is created and what roles in the system could function to improve the situation.

6. *For each challenge area, form one committee that will do the lion’s share of the work on that challenge area.* The subcommittees should somehow report to and be represented on the larger leadership team and each subcommittee should include (preferably) at least one judicial officer and one advocate.

7. *Choose a range of strategies to address each challenge area.* Training is an obvious but not sufficient strategy. Other activities can include (1) examination of and improvements in forms and procedures, (2) reallocation of resources and, ultimately (3) issuing guidance on how each kind of practitioner who is implementing SAFeR would do it, including how they would screen, assess, focus on the effects, and respond to IPV in their work.

Not every jurisdiction will be able to elicit the court’s commitment to engage in a system-wide SAFeR implementation effort, making the foregoing comprehensive project impossible. However, a jurisdiction could take on SAFeR implementation in a more limited way that would still improve the response to IPV in custody/parenting plan determinations. It could: train and mentor all advocates and/or attorneys to use the SAFeR approach in their work; engage the entire mediation/ADR community in learning to conduct SAFeR screening, assessment and planning.
conversations with each party prior to the parties’ decision to use that ADR process; train all evaluative professionals (including GALs) to utilize SAFeR in their work, or persuade judicial officers to issue appointment orders that specify the evaluators’ obligation to examine all the factors outlined in SAFeR.

4. **Is technical assistance/support provided if the professionals in a jurisdiction have issues or concerns with any section of the SAFeR materials?**

SAFeR program staff are available to provide ongoing technical assistance to professionals who use our guides and materials. In fact, we welcome dialog with users as this is a key strategy by which we have improved our guides over the course of their development. Ongoing revisions of our guides will continue based on feedback from the field.

5. **Have you created any evaluations on the SAFeR materials for professionals to provide feedback or to make recommendations for change?**

The SAFeR guides and materials were created through a highly collaborative process that sought feedback from all family court professionals as well as from focus groups of IPV survivors and perpetrators. In addition, as we work to tailor the guides to specific professional roles, we solicit feedback on their design and content from representatives from that field. For example, the judicial guide was vetted by groups of judges in 8 states: Arizona, Delaware, Minnesota, New Hampshire, New Mexico, Oregon, Washington, and Wisconsin. We piloted the guide to be used in issuing temporary custody/parenting arrangements in civil protection order cases with judicial officers in 6 states: Delaware, New Hampshire, Washington, Illinois, Minnesota, and Georgia. The interview guide was reviewed by advocates, attorneys, and child protection workers in Minnesota, Ohio and Wisconsin, as well as by focus groups of battered mothers.

Examples of the various questions used to solicit feedback are included on the thumb drive.

6. **The screening and assessment for IPV could potentially be traumatic or triggering for a domestic violence victim. Do the materials provide suggestions for what the professionals may do to assist the victim in these situations? Are any safety planning materials provided?**

Both the screening guide and the interview guide are accompanied by detailed instructions about how to structure conversations in a way that promotes safe and informed disclosure of IPV. The instructions are designed to prepare survivors for the discussion and include the following guidance:

"Screening for domestic abuse is often complicated by the fact that victims: (1) may not know why it might be in the interests of their children or themselves to disclose abuse; (2) may be unclear or concerned about the ramifications of disclosure; (3) may not trust you with information about domestic abuse, in spite of your good intentions; and (4) may not perceive that their current level of risk warrants disclosure. For these and other reasons, victims are often reluctant to"
disclose abuse. Screening for domestic abuse, therefore, is not a one-time event, but should occur periodically over the course of your involvement in the case. Bear in mind that talking about abuse may be an emotionally difficult experience for the interviewee, as well as for you. It is important to plan accordingly.”

The instructions continue....

“Before conducting the interview, you should explain to the interviewee:
(1) That the professional standards that guide your work require that you look into certain issues in every case, including domestic abuse, and that knowing about any history of domestic abuse will help you carry out your functions and fulfill your professional responsibilities.
(2) What your specific role and function is in relation to the case, including:
   a. What you were appointed, hired or referred to do;
   b. How you intend to do it;
   c. What you will and won’t share with the court, the opposing party, and others;
   d. Whether the information will appear in the record and/or a pleading or report.
(3) The scope and/or limits of confidentiality and your duty to report suspected child abuse and certain serious crimes.”

The instructions continue....

“If a person discloses domestic abuse, you should:
1. Obtain as much information as possible in order to fully understand its implications, without confining yourself to the topics listed in this guide;
2. Assess with the person the risks s/he may be facing, including risks of injury, death or other dangers, especially those arising from disclosing abuse; and
3. Refer the person to a qualified domestic violence advocate for safety planning assistance and a more in-depth risk assessment, as appropriate.”

They conclude:

“Remember that risk from domestic abuse is never static, that it is difficult to predict, that it can fluctuate over time, and that it often escalates once it has been disclosed and/or the parties separate.”

We are aware that some people will be engaged in screening and assessment who aren’t qualified to do safety planning. Therefore, our recommendation is for people to refer survivors to someone who is qualified rather than attempt to do it themselves.

7. The application states, “We have a multitude of training evaluations that span the whole project”. Please provide quantitative data that supports the efficacy of the program.

SAFeR trainings have scored consistently highly. Some examples include these ratings:
• 4.39 out of 5 from a workshop at the Association of Family & Conciliation Courts 55th National Conference, June 2018.
• 4.11 out of 5 for an AFCC webinar on SAFeR for 229 participants, May 2018
• 4.15 out of 5 for a workshop at BWJP’s Coalition of Attorneys and Advocates meeting in May 2014

As we noted in question 5, during the development of the SAFeR materials we gathered extensive qualitative data from a wide variety of professionals and a number of IPV survivors and perpetrators, that informed the design and content of the SAFeR materials. When OVW launched its Family Court Enhancement Project, it was originally going to be evaluated by NIJ and we had hoped that would generate quantitative data on SAFeR’s implementation at these sites. However, NIJ abandoned its evaluation due to shifting priorities of the new leadership and the local sites did not have the funds to conduct formal evaluations. Without a research grant, it’s very difficult to gather qualitative data in the family court system. For example, in Hennepin County, MN, there is no database that tracks the reliefs requested or granted in divorce orders, nor the reliefs requested or granted in CPOs -and this is the case in most jurisdictions. Now that our materials are fairly well-developed, BWJP will continue to talk with researchers around the country to solicit interest in applying for funding to conduct more formal evaluations of SAFeR.

The effectiveness of SAFeR and its relevance to the professionals we train is also evidenced in the continuing demand for the SAFeR screening, assessment, and response protocols. Since 2009, BWJP has made over 70,000 training and technical assistance contacts. We have just initiated an effort with the New Hampshire courts to implement SAFeR into a protocol for assessing and providing resources, such as dispute resolution/mediation, supervised visitation, etc., to custody cases in family court involving IPV. In FY 2019, we’ll also be working with the city of La Crosse, WI, which just received an OVW grant to implement SAFeR in its family court. SAFeR has also been incorporated into a new statewide basic training for GALs in the state of Washington, where we’ll be doing a second training next year. Our guides have been downloaded from our website over 6500 times in the last couple years, indicating a positive demand for the material. BWJP receives requests for training or technical assistance on a weekly basis, and sometimes can’t respond due to lack of resources.

Have any measurable outcomes been noted from jurisdictions which have utilized the SAFeR approach?

As noted in question 3, the bench in Henry County, OH, issued a court rule requiring lawyers to screen their clients for IPV prior to filing an initial pleading in any family law case. Three months after the local rule went into effect, we returned to Henry County for follow-up focus groups. We learned not only that members of the private bar were utilizing the screening protocol, but that they reported identifying more DV in their caseloads — and feeling better prepared to represent their clients — than they had before.

When asked about what had changed, one attorney reported,
We talk more. I document more. I file more detailed affidavits with supporting documentation. I'm more attuned to safety issues. And, I'm more careful of the consequences of what we decide to file, of strategies, and how timing is relevant.

When asked if they were concerned about an increase in false claims, another attorney reported,

*I just haven’t seen them. The opposite, in fact. I’m the one who tells my clients that they need a protection order instead of the other way around.*

When asked whether their cases were any more complicated than they were before, several attorneys reported,

No. I know my cases better and can handle things better now.
The tools help me prepare better for pre-trials.
[The material] helps me prepare my clients better, even my abuser-clients!
The tools help contextualize and explain what’s going on.
I get the relevance of past violence that I didn’t get before.

Another important outcome has resulted from BWJP’s work with Hennepin County, MN. The leadership committee issued: Guidance on ADR in the Context of Domestic Abuse, which delineates expectations of attorneys, ADR providers, and judicial officers to ensure that alternative dispute resolution processes address safety concerns in cases involving IPV. This jurisdiction continues to build a more coordinated response to custody cases involving IPV based on the SAFeR approach.

8. Please share copies of all the screening tools and guides used in the SAFeR approach.

See documents on thumb drive.

9. Please feel free to briefly share any additional information about your program that may be helpful for our reviewers to know.

The voices of survivors say it all:

“My lawyer didn’t get it.”
“The guardian didn’t want to hear about it.”
“The mediator told me to get over it.”
“The parenting class instructor warned me not to talk about it.”
“The custody evaluator said I’m the one with the problem.”
“The judge didn’t believe me.”
“The visitation center said they didn’t see any sign of it.”
“The parenting coordinator told me I’m overreacting.”
“And he keeps saying, ‘I told you so.’”
These words are all too familiar to battered parents involved in visitation and custody disputes. They tell the story of a system so inadequately prepared to recognize, understand, and account for IPV that safety is often out of reach.

SAFeR guides the family court system to produce safer, more workable outcomes for battered parents and children. It is now fully developed, widely endorsed, and ready to roll out more globally to the field. As Judge Maureen McKnight – a principle judge from the Multnomah County Family Court – put it:

"With the SAFeR approach and its related materials and trainings, BWJP has given the field exactly what it needs to respond effectively to child custody and visitation cases."

Judge Chris Wickham – a recently retired family court judge from Olympia Washington reported:

"The [SAFeR] analysis and resulting judge/GAL tool developed by Loretta and Gabby is the most significant improvement in family law that I have seen in 25 years on the bench!"

And Dr. Alan Ravitz from New York recently said of a recent SAFeR training:

"I’m an experienced custody evaluator, have done 1000 over the last 35-40 years. This was one of the most helpful seminars I’ve ever attended."

10. Please provide copies of any evaluation forms, screening tools or assessments used to determine client eligibility.

SAFeR isn’t a program for which clients must be “eligible” but rather is a structured approach, universally applied, to identify whether IPV is a factor in a custody case, assess its nature and extent, and develop a safe and workable parenting plan. Family court professionals who adopt this approach would use the SAFeR screening guide with all clients to identify cases involving IPV, and the subsequent assessment guides with the clients whose cases involve IPV.

11. Please include copies of any tools or forms used for safety planning with clients and determining danger and/or lethality.

See documents on thumb drive.

All requested written materials may be submitted on thumb drives.
October 30, 2018

Ms. Denise Gamache, Director
Battered Women’s Justice Project
1801 Nicollet Ave #102
Minneapolis, MN 55403

RE: Recommendation for SAFEr Program

Dear Ms. Gamache:

I understand that the SAFEr Program of the Battered Women’s Justice Project is a semi-finalist for a Celebrating Solutions Award, and I am very pleased to submit this letter of support for this nominee.

Since 2016, I have been an Associate Justice of the Minnesota Supreme Court. Before that, I was the Presiding Judge of the Hennepin County Family Court in Minneapolis, Minnesota. During the last four years of my service on the family court bench, Hennepin County was one of four sites chosen by the U.S. Department of Justice’ Office on Violence Against Women to design and pilot reforms in the courts’ handling of custody cases involving domestic violence. The goal was to improve the family court response to custody cases and parenting decisions involving domestic violence, so that resulting parenting arrangements would protect the emotional and physical well-being of victimized parents and their children.

Loretta Frederick, of the Battered Women’s Justice Project, and I worked together to implement the SAFEr approach to these cases in Hennepin County. Together, we have sponsored and offered many SAFEr trainings for members of the family court community and beyond. In December 2017, this training was offered at our state-wide judge’s conference to extend the implementation of SAFEr to the entire judiciary. We have also received requests to begin training our juvenile court justice partners so that they can use this approach in child protection proceedings.

The SAFEr approach has offered us a framework for every kind of family court practitioner (judicial officer, attorney, mediator, guardian ad litem; advocate, custody evaluator) to screen for domestic abuse, examine its nature and context (including the existence of risk factors, the child’s experience of the abuse and any problematic parenting of the abuser parent), the effects of the abuse, and then to account for it in their work. The worksheets and practice guides that assist practitioners in implementing this approach are invaluable to practitioners, including the bench.
SAFeR is a revolutionary and groundbreaking approach. I have spent my entire professional career working with children and families in crisis. This is the first time that there is a tangible approach that can assist professionals making difficult decisions. As a result, courts and their business partners have a tool that can better inform decision-makers working with families effected by domestic violence.

This project is deserving of recognition because of its creative and innovative approach to providing a framework and guidance to individuals working within the family court system. I expect to continue to see positive results from the implementation of SAFeR for years to come.

Sincerely,

[Signature]

Associate Justice Anne K. McKeig
Minnesota Supreme Court
427 Minnesota Judicial Center
25 Rev. Dr. MLK Jr. Blvd.
St. Paul, MN 55155
Chambers Phone: 651.297.7676
Email: anne.mckeig@courts.state.mn.us
Assistant Email: kassia.becker@courts.state.mn.us
November 1, 2018

Marcia Roth, Executive Director
The Mary Byron Project
10401 Linn Station Road
Louisville, KY 40223

Dear Ms. Roth,

It is my pleasure to write this letter in support of the Battered Women’s Justice Project’s SAFeR Program, which has been nominated for a Celebrating Solutions Award.

The NCJFCJ is the nation’s oldest and largest judicial membership organization and provides cutting-edge training, wide-ranging technical assistance, and research to a variety of professionals. Our mission is to provide all judges, courts, and related agencies involved with juvenile, family, and domestic violence cases with the knowledge and skills to improve the lives of families and children who seek justice. The NCJFCJ’s Family Violence and Domestic Relations program (FVDR) has been working on improving court responses since its inception 30 years ago. Since then, it has provided training to tens of thousands of professionals, developed field-influencing publications, and launched significant reform in court responses to domestic violence. The Battered Women’s Justice Project (BWJP) has been a critical partner for decades in many of our most significant efforts, including serving as faculty to the National Judicial Institute on Domestic Violence and national Custody Evaluator Institute on Domestic Violence; as advisors in various publications designed for custody evaluators, mediators, and judicial officers; and, as design partners and technical assistance provider in our Family Court Enhancement Project. Whereas NCJFCJ works to support and represents the needs of courts and judicial officers in systems change efforts, BWJP represents the needs and experience of domestic violence victims and their children. Their insight and advocacy has proven invaluable.

The FVDR was proud to serve as a key partner in the initial custody project that evolved into the SAFeR Program. From 2009 through 2012, BWJP directed a collaborative project funded by OVW to identify the structural issues in family court that contributed to unsafe and unjust outcomes in custody cases involving DV, and to develop recommendations for changes in policies and procedures to resolve them. Representatives from NCJFCJ as well as the Association of Family and Conciliation Courts and Praxis International participated in the project’s multidisciplinary National Workgroup which developed the initial conceptual framework that later became the SAFeR model. NCJFCJ
participated with particular urgency; judicial officers confirmed time and time again that their decisions regarding the safety and custody of children were only as good as the information before them. And many judges were eager for critical discussion about what they needed in order to craft orders that honored the rights of parents, recognized the volatility of divorce and/or custody disputes, and protected children and victims. The SAFeR Framework had the potential to align advocate, attorney, and judicial officers in a process through which the nature and context of the violence were clarified and the impact of the violence on parenting and child well-being was prioritized.

In 2014, NCJFCJ was selected by the Office on Violence Against Women to coordinate an ambitious demonstration initiative, the Family Court Enhancement Project (FCEP). With our partners from the Center for Court Innovation and BWJP, we were privileged to work intensively in four communities across the country to improve custody decision-making when domestic violence was a factor. What we learned from these four pioneering communities will be disseminated across the country. Each of the four communities received training on the SAFeR Framework; judicial officers universally appreciated the elegance, logic, and neutral approach that it presented and were eager to discuss how the approach might shift practice among attorneys, custody evaluators, as well as their own judicial inquiry, decision-making, and writing. (In fact, this enthusiasm led the FCEP Team to develop a tool for judges based on the SAFeR approach.) While each of the FCEP sites have made remarkable changes in their communities and courts over the last five years, our site in Hennepin County has used the SAFeR Program (the conceptual framework and the host of tools developed to support it) to align and improve practice throughout their legal community. Judicial officers, court staff, legal services, and advocates in Hennepin County have all affirmed that the collaboration and clarity it has facilitated in their community has improved the experience of survivors in court, the quality and specificity of court orders, and the safety of children and domestic violence survivors.

I urge you to consider the SAFeR Program as worthy of the Celebrating Solutions Award. It is as innovative in its approach as it is in its interest in custody and civil-legal remedies for domestic violence survivors. Under BWJP’s leadership, the SAFeR Program has successfully evolved from a conceptual framework to an impressive program (including curricula and multi-disciplinary tools). More remarkably, BWJP presents the country with an opportunity to fundamentally shift our thinking and practice so that custody decision-makers seek relevant information, seek to avoid bias, and arrive at parenting arrangements that are relevant to the nature, context, and impact of violence in a specific family.
In so doing, the SAFeR Program enables courts and communities to interrupt cycles of violence, and provide victims and their children the safety they need to heal. If I can be of any further assistance, please contact me at (775) 507-4866 or jhastings@ncifci.org.

Respectfully,

[Signature]

Joey Orduna Hastings  
Chief Executive Officer
October 30th, 2018

Amanda Keuseman
Home Free Community Program
3409 Kilmer Lane North
Plymouth, Minnesota 55441

Dear Ms. Roth,

I understand that the SAFeR Program of the Battered Women’s Justice Project is a semi-finalist for a Celebrating Solutions Award, and I am very pleased to submit this letter of support for this nominee. I’m a Legal Advocate at Home Free Community Program that provides services to victims of domestic violence. I also co-chair the Advocacy Network and have served for two years on the Advocacy Subcommittee of the Family Court Enhancement Project effort in Hennepin County, MN.

Hennepin County was one of four sites chosen by the U.S. Department of Justice’ Office on Violence Against Women to design and pilot reforms in the courts’ handling of custody cases involving domestic violence. Its purpose is to improve the family court response to custody cases and parenting decisions involving domestic violence so that resulting parenting arrangements protect the emotional and physical well-being of victimized parents and their children.

I worked with Loretta Frederick of the Battered Women’s Justice Project in implementing the SAFeR approach to these cases as she was providing technical assistance to Hennepin County in this effort. Together we have planned trainings, informed policy and trained many advocates and attorneys in how to use the SAFeR tools to improve our work for battered parents and their children in Orders for Protection and child custody cases.

The SAFeR approach aids advocates to provide language and understanding to the courts about the larger effects of domestic violence that must be considered when making parenting time and custody decisions. When I share the SAFeR tools with clients, they are able to recognize and name various types of abuse that they’ve endured, and the implications that abuse has on their lives and the lives of their children. These clients are then able to provide the court with a detailed account of abuse in a manner that presents a more complete picture beyond the statutory definition, which allows the court to make informed parenting recommendations and decisions that allow for continued growth and healing for families.

I intend to continue advancing the SAFeR work in Hennepin County by chairing the Advocacy Network and organizing the Judicial Listening sessions which have brought together advocates and judicial officers to trouble shoot the family court’s handling of domestic abuse cases.

I would highly recommend BWJP’s SAFeR approach for the Celebrating Solutions award.

Sincerely,

Amanda Keuseman
(763) 545-7080
akeuseman@missionsinc.org
October 30, 2018

Ms. Denise Gamache, Director
Battered Women’s Justice Project
1801 Nicollt Ave #102
Minneapolis, MN 55403

RE: Recommendation for SAFeR Program

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Ms. Denise Gamache, Director
Battered Women’s Justice Project
October 30, 2018
Page 2

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This project is deserving of recognition because of its creative and innovative approach to providing a framework and guidance to individuals working within the family court system. I expect to continue to see positive results from the implementation of SAFeR for years to come.

Sincerely,

[Signature]

Associate Justice Anne K. McKeig
Minnesota Supreme Court
427 Minnesota Judicial Center
25 Rev. Dr. MLK Jr. Blvd.
St. Paul, MN 55155
Chambers Phone: 651.297.7676
Email: anne.mckeig@courts.state.mn.us
Assistant Email: kassia.becker@courts.state.mn.us
November 1, 2018

Marcia Roth, Executive Director
The Mary Byron Project
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Ms. Marcia Ruth  
November 2, 2018

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[Signature]

Joey Orduna Hastings  
Chief Executive Officer
October 30th, 2018

Amanda Keuseman
Home Free Community Program
3409 Kilmer Lane North
Plymouth, Minnesota 55441

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I would highly recommend BWJPs’s SAFeR approach for the Celebrating Solutions award.

Sincerely,

Amanda Keuseman
(763) 545-7080
akeuseman@missionsinc.org