

# The Santa Clara County Juvenile Domestic and Family Violence Court

Children who abuse their parents or siblings often do so because they have observed interparental violence or have themselves been abused and know no other way to behave. As they reach dating age, they in turn are more likely to engage in partner violence and react to internal family conflicts with violence than are youth who have not been exposed to interparental violence. Instituted in April 1999, the Santa Clara County Juvenile Domestic and Family Violence Court presents a promising approach to the problem of intimate violence among youth.

## THE PREVALENCE OF JUVENILE AND FAMILY VIOLENCE

The 2000 National Violence Against Women Survey estimates that approximately 1.5 million women each year are raped or physically assaulted by an intimate partner.<sup>1</sup> Another national survey has revealed that more than 35 percent of both men and women inflict some kind of physical aggression or sustained violence on their dating partners.<sup>2</sup> In 1997, according to the Federal Bureau of Investigation, almost one-third of all female homicide victims were killed by their husbands or boyfriends.<sup>3</sup>

While adult domestic violence has received much attention both by researchers and the justice system, juvenile domestic violence (i.e., teen relationship violence) was largely ignored until very recently. Some observers now refer to teen dating violence as a social problem of “epidemic proportion”<sup>4</sup> and as a “hidden epidemic.”<sup>5</sup> In an important study recently published in the *Journal of the American Medical Association*, one in five female high school students reported physical or sexual abuse by a dating partner.<sup>6</sup> This abuse was associated with high-risk behaviors, such as early onset of sexual activity, early pregnancy, increased risk of substance abuse, unhealthy weight-control behaviors, and suicidality. The authors concluded that “dating violence is extremely prevalent among this population, and . . . is associated with serious health risk factors.”<sup>7</sup> According to a study by the American Association of University Women, more than 80 percent of girls and more than 70 percent of boys reported that they experienced unwelcome and unwanted sexual behavior that interfered with their lives.<sup>8</sup> Juvenile domestic violence appears to begin in the early teen years.<sup>9</sup>



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In recent years juvenile domestic and family violence has become a growing problem while state laws and courts have

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largely ignored the issue. This article describes an innovative court-based intervention program and presents an evaluation of its effectiveness. In 1999 the Superior Court of California, County of Santa Clara established the nation's first juvenile domestic and family violence court characterized by a dedicated court docket and specialized probation caseload, specialized services for offenders and victims, and interagency collaboration.

Both the juvenile and adult records of the youth in the program (the target group) and of a control group were tracked over two years. Almost half of the youth had a history of family violence or child abuse. The offenders in the target group who completed the court-based program (75 percent) had significantly lower recidivism rates than those who did not complete the program and generally lower recidivism rates than the offenders in the control group. The program's results demonstrate the importance of a proactive juvenile court response to the growing problem of juvenile domestic and family violence. ■

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Several research studies have concluded that parental domestic violence and abusive behavior increase the risk that youth will become domestic and family violence offenders. Maura O'Keefe's study of a racially, ethnically, and socioeconomically diverse sample of high school students found that males were more likely to inflict violence against a dating partner when they had witnessed interparental violence and were more likely to believe that male-female dating violence was justifiable when they had witnessed such violence.<sup>10</sup> Other studies have also found that experiencing interparental violence was an important predictor that a youth would commit dating violence<sup>11</sup> or become an adolescent sex offender.<sup>12</sup> Cathy Widom found that victims of childhood sexual abuse were at greater risk than the general population of being arrested for committing crimes, including sex crimes, as adults.<sup>13</sup> All of these studies indicate the importance of early intervention in adolescent dating violence to reduce the risk of repeated domestic violence across generations.

Studies on the impact of ethnic background on juvenile domestic violence have been inconclusive. The recent study by Silverman et al. found that the reports of dating violence showed no clear racial or ethnic differences.<sup>14</sup> Two earlier studies found higher rates of dating violence among African Americans compared with Caucasians;<sup>15</sup> another study found higher rates among Caucasians;<sup>16</sup> and a fourth study by White and Koss reported no racial or ethnic differences.<sup>17</sup>

Family violence (juveniles' violence against parents, siblings, and their own children) has received less attention. Vernon Wiehe has argued that sibling abuse is often an unrecognized form of violence that can leave terrible scars for life.<sup>18</sup> Timothy Brezina has noted that teen violence toward parents is often an adaptation to family strain. Juvenile family violence often is due to lack of parental attachment and can best be explained as having been learned from a model of parental punitiveness.<sup>19</sup> Some researchers have focused on the extreme form of parent abuse, i.e., parricide. According to Paul Mones, most youth who kill their parents have been severely abused by them over a long period.<sup>20</sup> Child abuse is so well recognized as a precursor to parricide that the "abused child syndrome" has been used successfully as a defense in several notable cases involving children who have killed their parents.<sup>21</sup>

## THE SANTA CLARA COUNTY JUVENILE DOMESTIC AND FAMILY VIOLENCE COURT PROGRAM

The Santa Clara County Juvenile Domestic and Family Violence Court is a collaborative response to family and domestic violence in Santa Clara County. The court presently supervises approximately 125 cases. In 1997, two years before the initiation of the specialized court, the Santa Clara County Juvenile Probation Department established its first designated domestic

violence caseload and developed domestic violence protocols. The court is located in Santa Clara County, a large urban county in Northern California with a population of close to 2 million and a major city, San Jose, with a population of almost a million.

#### REASONS FOR A SPECIALIZED COURT

The local community has not historically viewed domestic violence committed by juveniles as a serious concern. Yet the Santa Clara County Domestic Violence Council's Death Review Committee, which has periodically reviewed all domestic violence-related deaths in the county since 1993, has found that many of the total domestic violence-related deaths (from 11.7 to 41.6 percent per period) occurred in relationships that started when the victim was underage.<sup>22</sup> Clearly, domestic violence among teens can have very serious outcomes. Moreover, the *JAMA* study referred to above found that physical and sexual abuse by a dating partner was associated with many other high-risk behaviors.<sup>23</sup>

#### LEGAL FRAMEWORK OF THE COURT

Recent changes in federal and state law have increasingly added juvenile intimate violence to the statutory framework, thereby allowing the development of the Santa Clara court. Recognition of the problem's scope is, however, relatively recent in both U.S. and state law. In 1994, Congress passed the Violence Against Women Act (VAWA) to improve the criminal justice system's response to violence against women and to provide funding for programs addressing the problems of domestic violence. Although the act applied to females age 12 and older, it otherwise gave very little attention to the problem of juvenile domestic and family violence. Only in 2000, when VAWA was reauthorized, was language specifically added to ensure interstate enforcement of protective orders in juvenile as well as adult courts.<sup>24</sup>

Traditionally, juvenile courts and state laws have ignored the prevalence of adolescent domestic and family violence and the special problems it presents.

While the dynamics of teen and adult intimate violence are quite similar, the protections provided by the law are often dramatically different.<sup>25</sup> In his review of the law related to dating violence, Roger Levesque asserted that the legal system has failed to protect juvenile victims of adolescent relationship violence.<sup>26</sup> He argued that the past failure of the courts and related victim-support services to recognize juvenile domestic violence has meant that appropriate services are simply "nonexistent" for adolescent victims.<sup>27</sup> Often adolescents are left without legal resources and without mandated or otherwise available services.

State laws often do not include youth in domestic violence statutes or are written in such a way that youths are specifically excluded. Most criminal domestic violence laws explicitly or effectively define *domestic violence* as abuse against adults and, hence, do not provide protections for teen victims or include provisions for the arrest of juvenile offenders under the domestic violence statutes. In other states, domestic violence codes apply only to persons who live together or have children together. Even teen victims who are co-parents or who were or are cohabitants are denied relief in many states because the domestic violence statutes specifically require majority status or emancipation.<sup>28</sup>

Several states do not include youth dating violence in their definitions of *domestic violence*.<sup>29</sup> For example, California Penal Code section 273.5(a) prohibits violence against a minor victim only if he or she is a spouse, cohabitant, or mother or father of the defendant's child:

Any person who willfully inflicts upon a person who is his or her spouse, former spouse, cohabitant, former cohabitant, or the mother or father of his or her child, corporal injury resulting in a traumatic condition, is guilty of a felony . . . .<sup>30</sup>

Until recently, another important provision, California Penal Code section 13700(b), defined *domestic violence* as "[a]buse committed against an adult or a fully emancipated minor who is a spouse, former spouse, cohabitant, former cohabitant, or person

with whom the suspect has had a child or is having or has had a dating or engagement relationship.”<sup>31</sup> Though this section did include minors who were having or had had a dating relationship with the defendant, it applied only to emancipated minors.

Thus, if the victim was an unemancipated minor and was not cohabiting or did not have a child with the batterer—the condition of most children and youth—he or she was afforded no protection by either section 13700 or 273.5(a).

To rectify this problem, in August 2002 the California Legislature passed Assembly Bill 2826 to amend sections 836 and 13700 of the Penal Code. The amendments took effect January 1, 2003. The bill expanded section 13700(b)’s definition of domestic violence to include “abuse against any minor who is involved in one of those relationships or who previously had one of those relationships with the suspects.”<sup>32</sup>

Amended section 13700(b) reads:

“Domestic violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship.<sup>33</sup>

Most of the minors who come to the attention of the Santa Clara County Juvenile Domestic and Family Violence Court are not emancipated and do not have children or live with the victims. These minors have therefore been arrested and charged under Penal Code section 243(e).<sup>34</sup> The statute does not explicitly include minors; it applies to any “person” in a dating relationship. Section 243(e)(1) states:

When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant’s child, former spouse, fiance, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine . . . or by imprisonment . . .<sup>35</sup>

The code further defines the term *dating relationship* as “frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.”<sup>36</sup> While the Penal Code specifically requires mandated services for adult victims of domestic violence, such services are not mandated for victims of juvenile domestic violence offenders. However, the Santa Clara County Juvenile Domestic and Family Violence Court also orders such services for the victims of juvenile domestic violence offenders, applying the adult code section to the juvenile court as well.<sup>37</sup> Such services are not mandatory for juveniles but are extended to the juvenile victims through the specialized court program.

In addition to the Penal Code, section 6211 of the California Family Code defines *domestic violence* as abuse committed against any of the following: a spouse or former spouse, a cohabitant or former cohabitant, a person with whom the respondent is having or has had a dating or engagement relationship, a person with whom the respondent has had a child, a child of a party, or any other person related by consanguinity or affinity within the second degree.<sup>38</sup> This provision does not impose an age, shared-child, cohabitation, formal-relationship, or emancipation requirement and hence can be applied to minors in a dating relationship with no restrictions.

Although in California a person 12 years of age or older may apply for a protective order without a parent,<sup>39</sup> the exclusion of minors from many domestic violence laws extends to protective orders. Only 17 states have a provision through which minor victims of dating violence may apply for protective orders, and some of those states require the involvement of an adult.<sup>40</sup> In the Santa Clara court, the following definitions are used in determining whether a case is assigned to the specialized calendar:

- *Domestic violence* is physical abuse perpetrated by a juvenile against a person with whom he or she has or has had a dating or an intimate relationship.<sup>41</sup>
- *Family violence* is physical abuse perpetrated by a youth against a parent, sibling, or family member.<sup>42</sup>



## GOALS AND OVERVIEW OF THE COURT

A specialized court helps to dispel the belief that juvenile domestic violence is not important and, through its focused oversight, offers a better chance than is now available for safety, rehabilitation, and prevention. The Santa Clara court's first priority is to protect victims and the community and to hold offenders accountable for their actions; its second goal is to prevent further violence. The court is based on the principle that early intervention combining strict accountability with educational programs and victim services is more effective than any other approach in preventing continued escalation of violent behavior into adulthood. It implements this principle by (1) offering greater advocacy for victims through delivery of necessary services and (2) emphasizing offenders' accountability for their actions and providing rehabilitative services. Extensive investigation and intensive supervision of offenders by probation officers increase the likelihood of an appropriate and speedy response protecting the victim and rehabilitating the batterer.

By imposing appropriate conditions of probation that protect the victim, provide community safety, and help rehabilitate the offender, the court sends a clear message that it will not tolerate violent and abusive behavior. There are immediate sanctions for noncompliance with court orders, and violations of probation quickly appear on the court's docket.

Another key feature of the specialized juvenile court is a structured collaboration of all related agencies to increase the consistency and appropriateness of both court and agency treatment of batterers and victims. Therefore, probation officers, juvenile hall and ranch staff, district attorneys, public defenders, and court personnel receive specialized training to increase their competency and to improve consistency in the overall treatment of domestic and family violence across different agencies. Training on current applicable case law, statutory updates, and best practices for case management help ensure that agencies base their actions on the same, shared knowledge base.

## PROGRAM COMPONENTS

The Santa Clara County Juvenile Domestic and Family Violence Court program consists of these components:

- ***Referral and assessment.*** Domestic violence cases are identified at the intake process by specially trained probation officers who conduct a detailed risk assessment.
- ***Specialized investigative and judicial procedures.*** The court, the district attorney's office, and the public defender's office have established special units and procedures to handle juvenile domestic violence cases.
- ***Probation conditions and offender programs.*** The teen batterer program, a major component of the court-based intervention, is supplemented by substance abuse programs, mental health services, and other counseling as needed.
- ***Victim services and advocacy.*** Victims are offered direct and confidential victim advocacy, referrals to support groups and other community resources, legal assistance, a support person at court, and assistance with restitution claims.
- ***Intensive probation supervision procedures.*** In addition to periodic reviews by the court, batterers are subject to intensive probation supervision that stresses accountability and competency skills.

### *Referral and Assessment*

The Santa Clara County Domestic Violence Protocol for Law Enforcement 2003 requires officers to arrest juvenile offenders, not to cite and release them.<sup>43</sup> Domestic and family violence offenders admitted into juvenile hall are considered high risk and therefore are not released and must appear before the specialized court for a detention hearing. A juvenile-hall screening officer refers all minors arrested for domestic or family violence offenses to the specialized probation caseload. The specialized probation officers assess each case for assignment to their specialized probation caseload if space is

available. If the case qualifies for assignment and no space is available within the specialized caseload, the case is assigned to a regular caseload, but the specialized probation supervision protocols still apply and the case remains in the specialized court.

The screening process first looks at the relationship between the parties—the parent-child relationship or the dating or prior dating relationship—and then examines the criminal charges presented. For example, in the case of a minor charged with vandalism where the victim is a former or present dating partner, the minor may be accepted for supervision in the probation department's domestic violence specialized caseload as the charge qualifies as a domestic violence-related offense under Family Code section 6211. Thus, the court goes beyond specific criminal domestic violence codes when assigning minors to the specialized program. The court has adapted the criminal court requirements set forth in Penal Code section 1203.097(a) for adult offenders to this specialized juvenile court program, even though the law does not require these provisions for juvenile offenders.<sup>44</sup> If the case falls under section 1203.097(a), the district attorney issues a petition and the case is calendared in the specialized court for a detention hearing if the youth is still in custody.

### *Specialized Investigative and Judicial Procedures*

The probation officer reviews all "reported incidents" and "calls for service," including any "information-only" reports that the referring law enforcement agency has on record, for inclusion in the court report. Information on child abuse and neglect, including all relevant history from the Department of Family and Child Services regarding the offender and his or her family, is also collected.

A standing court order permits information exchange among all agencies collaborating in the program. A criminal history check of the offender's parents or guardians and other family members is provided in the court report. A check is also made of the statewide registry for current restraining orders against the offender and members of his or her family.

Both the district attorney's and public defender's offices have specially trained attorneys to handle juvenile domestic violence cases. In addition, the court has established a dedicated docket, in which review, jurisdictional, and dispositional hearings for 20 to 30 cases are heard one afternoon a week in one court with a judge specially trained in domestic and family violence. Detention hearings are held any day; contested trials are set as court time becomes available.

### *Probation Conditions and Offender Programs*

The court typically imposes certain probation conditions on offenders based on provisions in the Penal Code,<sup>45</sup> as well as in the Welfare and Institutions Code, which mandates the safety of victims and rehabilitation of offenders.<sup>46</sup> In addition, the court may order offenders to attend a variety of treatment programs. The typical conditions and programs include

- juvenile delinquency protective orders<sup>47</sup>
- attendance at 26-week batterer intervention programs, developed by a collaborative committee for use with both domestic violence and family violence offenders
- frequent court review of the probationer for compliance with probation during review hearings
- detention in a county facility, such as a juvenile rehabilitation facility (ranch) or juvenile hall, as well as placement services, long-term California Youth Authority alternative placement, or the California Youth Authority to ensure safety and accountability
- Parenting Without Violence classes if the youth has a child
- restitution to the victim for any losses related to the offense
- prohibition against weapons possession or the presence of weapons in the offender's home
- search of the person or place of residence or business of the minor and seizure of any items prohibited

by conditions of probation or the law by law enforcement, probation, or the offender's school-teachers at any time of the day or night, with or without probable cause, and with or without warrant

- counseling and education if substance abuse issues are present and special education accommodations when necessary
- drug and alcohol testing of the offender at the request of any police officer or probation officer, with or without probable cause, and with or without a warrant
- strict curfew, compliance with protective orders, and school attendance to prevent new law violations
- mandatory school, employment, or vocational training
- fines and fees to hold the offender accountable
- gang orders (if applicable) to help prevent new criminal offenses
- psychological or family counseling

### *Victim Services and Advocacy*

The probation officer first tries to obtain a statement from the victim detailing his or her concerns and fears regarding the offender, the current incident, past abuse, the offender's use of alcohol or drugs, the offender's use and possession of weapons, and the victim's preferred disposition of the case. As the judicial and probation procedures progress, the victim is notified, as required, of the offender's custody status, the "charges," and pending court hearings. The court refers victims to domestic violence advocacy agencies that provide free and confidential support groups, shelter, and crisis intervention. In addition, victims may receive free legal assistance in obtaining protective and restraining orders, paternity determinations, and custody, visitation, and support orders in cases involving children.

After the case is adjudicated, the probation officer plays a central role in the effort to prevent future abuse:

- The officer tries to contact the victim either in person or on the phone to explain the conditions of probation imposed on the offender. The probation officer explains to the victim (either in person or on the phone) both the process and principles of protective orders: Their purpose is to protect the victim, but safety is not guaranteed just because the offender is on probation or an order has been issued. The order does not prohibit any action by the victim, but neither the victim nor the offender—only the court—can modify the order. The probation officer explains that he or she is responsible for enforcing the protective order and for maintaining continuous contact with the victim.
- The officer helps the victim file a victims-of-crime claim with the victim-witness program to collect court-ordered restitution. The probation officer encourages the victim to develop an individualized safety plan and provides a referral to an advocacy agency for additional assistance. The advocacy agency can also obtain a civil restraining order for the victim.
- In addition, the probation officer tries to contact the teen victim's parents regarding the conditions of probation imposed on the offender and refers the parents to free advocacy services. Limited information is given to the collaborating agencies in the court program so that they also may contact the victim and parents to offer services.

### *Intensive Supervision Procedures*

The specialized caseload's supervision procedures are modeled after adult probation provisions. Probation officers strictly enforce protective orders. They review monthly reports from the batterer intervention program and make frequent unannounced visits at the offender's home, school, and work, which may include random searches for weapons and illegal drugs as well as random drug testing. The probation officer refers the batterer to a teen batterer program, a major component of the specialized court's programming, and to appropriate rehabilitative, educational, and

vocational services. The teen batterer intervention program focuses on reeducating the offender regarding the use of violence to dominate or control the victim. The program covers issues such as the dynamics of power and control, socialization, gender roles, the nature of violence, and the effects of violence on children and others. California statute requires these themes to be covered in adult programs;<sup>48</sup> the Juvenile Domestic and Family Violence Court and the probation department mandated the program for underage offenders who are under the juvenile court's jurisdiction.

#### INTERAGENCY COLLABORATION

To coordinate the components discussed above and review the court's operation, involved agencies attend monthly meetings in the probation department's conference room. The presiding judge of the Juvenile Domestic and Family Violence Court convenes the meetings. Participants include court administrators and representatives from the probation department, victim advocacy agencies, law enforcement, and the district attorney's and public defender's offices, as well as juvenile hall and ranch supervisors, batterer intervention and mental health providers, the project director, research assistants who are evaluating the program, and community representatives. The purpose of these meetings is to develop intra- and interagency protocols and to discuss and resolve issues and problems. Future plans are to expand the community base to include schools, medical facilities, faith communities, colleges, businesses, and local government.

It is important that all of the program's collaborative partners annually review protocols and program content to ensure that they are consistent with current law and best practices for safety and intervention. To be most effective, the annual review must provide the opportunity for "cross-pollination" among community groups, especially those that rarely work together. Perspectives from different disciplines strengthen policies, procedures, and protocols and provide opportunities for team building and an

awareness of the practices of other groups and disciplines.

#### EVALUATION OF THE COURT PROGRAM

While there has been a proliferation of research on the effects of adult batterer programs,<sup>49</sup> little research has been conducted on the effects of court-ordered interventions for youth, primarily because few such programs exist. Consequently, there is no substantive body of literature on how the justice system responds to juvenile violence.

The results presented in this article are based on data collected through June 2001, two years after the initiation of the program. The data are based on information contained in juvenile court and probation department records, as well as county and state criminal record registries, to determine recidivism rates. All information was carefully coded according to a coding instrument developed and pretested by the authors. Several modifications were made to the coding instrument as operational definitions were developed and data sources (automated case management systems, paper files, and criminal records) from which to retrieve the information were identified.

The specific research questions were developed based on the central issues discussed in the literature review and were intended to provide a complete profile of both domestic violence and family violence offenders and to evaluate the effectiveness of the court program.

The main issues addressed in the evaluation were the following:

1. What is the demographic and prior delinquency profile of the children in the specialized court program, and does the profile differ for domestic violence and family violence offenders? Are there different risk profiles or predictors for minors who abuse their family members versus minors who abuse their partners?



2. What is the history of parental family violence, abuse, criminality, and substance abuse, and does it differ for the two groups?
3. What is the impact of the intervention program on the above factors, and how do the present interventions differ from those interventions used in the comparison group?
4. What effect did completing the court program have on the recidivism rates for new domestic and family violence offenses as well as on new delinquency or adult crimes and probation violations?
5. What were the recidivism rates for the minors in the court program compared to those of similar offenders in a comparison group?

#### EVALUATION DESIGN

We used a quasi-experimental design to evaluate the effectiveness of the specialized court program. Therefore the research design included a historical comparison of cases assigned to the specialized court (the target group) with domestic or family violence cases adjudicated prior to the initiation of the program (the control group). The two groups of cases were matched based on commission of the same domestic violence and family violence offenses, primarily violations of Penal Code sections 273.5 and 243(e), as well as other related offenses. Specifically, the juvenile probation records and adult criminal records of the offenders assigned to the program (the target group,  $N = 127$ ) were compared with those of domestic or family violence offenders in a two-year period prior to the initiation of the program (the control group,  $N = 67$ ). The majority of qualifying offenses were willful infliction of corporal injury or battery;<sup>50</sup> however, there were also domestic or family violence–related threats or assaults with a deadly weapon,<sup>51</sup> as well as a number of other related offense categories that are also used for minors in the current court program.<sup>52</sup> The control group was found through a computer search for minors who had committed violations in the above Penal Code offense categories.

Within the target group, we compared the records of the minors who were domestic violence offenders ( $N = 84$ ) with the minors who were family violence offenders ( $N = 43$ ). We also traced the records of these same offenders when they came under the supervision of the adult probation department's domestic violence unit. In addition to numerically coding the records for the relevant demographic, social-background, intervention, and outcome data, we carefully read and analyzed the qualitative case histories contained in the files to gain a better understanding of the dynamics underlying the violent incidents that brought these minors to court. A court order from the judge presiding over the specialized juvenile court program allowed access to the data. All records were coded on a semiannual basis.

#### *Variables*

The evaluation included background variables, intervention variables, and outcome variables. Specifically, we collected data on *background* variables such as the demographic profile of the offenders, their prior delinquency records, their histories of family violence and child abuse, and the criminal and substance abuse histories of their parents. *Intervention* variables included orders to attend the teen batterer program, no-contact orders, numbers of court reviews, and orders to other services, such as substance abuse programs. We also measured completion of batterer intervention programs, compliance with no-contact orders, and incarceration as a result of the initial domestic or family violence offense. *Outcome* variables measuring program effectiveness included the youths' overall successful adjustment as indicated by the probation officers, new probation violations, new juvenile delinquency or adult criminal records, and any new domestic or family violence offenses.

#### *Statistical Analysis*

In the statistical analysis we first compared the socio-demographic and family violence backgrounds of the offenders in the target group and the control group to make sure that the two groups were similar in most respects. Second, we compared the domestic

violence (DV) offenders with the family violence (FV) offenders and conducted a multivariate analysis to develop risk profiles for the two groups. The purpose of this analysis was to give us much-needed information about the background of both groups and to determine whether different risk factors could predict whether a minor would be more likely to be a domestic violence offender or a family violence offender. This information would aid the probation officers in their risk/needs assessments during the intake process. Third, we analyzed the relationship between various individual background factors and successful completion of the intervention program to learn whether specific offender factors interacted with the effectiveness of the program. This information would in turn be used to make the program more effective. Finally, we conducted two outcome comparisons: a within-group comparison, between those individuals in the target group who successfully completed the program and those who did not; and a between-group comparison, between youths in the target group and those in the comparison group.

The between-group comparison was done two ways. First, we compared the outcomes of the entire target group with those in the control group. However, this comparison also included in the target group all minors whose cases were still active and who had not yet had time to complete the program, as well as those who had dropped out and had not participated in the entire service delivery. We therefore also compared minors in the target group who had successfully completed the program with the total target group.

At the time of the coding, only 31.6 percent of the total target group (40 cases) were coded as having successfully completed the program. There were 54 closed cases at the time of the coding, so in about 75 percent of the closed cases the youth had successfully completed all court interventions (as indicated by the probation officers in their case records), and 25 percent had “failed” to complete the program. In the second-year group, only 8 had completed the program at the time of the coding.

According to Edward W. Gondolf, who has conducted national evaluation studies of batterer intervention programs for the National Institute of Justice, a valid study of a program’s effectiveness must compare only those members of the intervention group who have actually completed the intervention program with the control group.<sup>53</sup> Comparing all the cases assigned to the target group with the control group would not measure the effectiveness of the delivered program. Minors who moved away, never participated in the program, or had not yet completed the intervention services would not have met the conditions of the intervention program or received its full benefit and therefore would skew the comparison.<sup>54</sup>

Although we hope that the program will result in a lower recidivism rate for the target group, in the short run the target group may actually show more new law violations because they are subject to more frequent court reviews and other monitoring.

## RESULTS

The results of the comparisons between the target group and the control group, the background profiles of domestic violence and family violence offenders, the interrelationships between background and interventions, and the outcome comparisons are presented below.

### *Comparisons of Target and Control Groups*

Tables 1a and 1b show that there were no significant differences between the minors in the target and control groups with respect to their demographic and social-background profiles, except that the target group had a higher percentage of DV offenders and their parents were more likely to have criminal histories and substance abuse issues. The higher percentage of DV cases in the target group is probably due to the greater attention given to these cases since the initiation of the specialized court program. Also, these cases are now given a more careful assessment and background check than previously, probably accounting for the greater incidence of parental criminal and substance abuse background in the recent cases. Otherwise, the target group and the control

group samples are very similar for comparison purposes. Almost all the cases in the control group were closed at the time of the evaluation.

**Table 1a. Social Characteristics and Delinquency Background by Comparison Group**

Variable	Target Group		Control Group	
	n	Percentage	n	Percentage
<b>Gender</b>				
Male	95	75	55	82
Female	32	25	12	18
<b>Ethnicity</b>				
Hispanic	72	57	28	42
Caucasian	28	22	18	27
African American	8	6	3	4
Asian/Pacific Islander	8	6	10	15
Multiracial/other	10	9	8	12
<b>Probation status of ward</b>				
Active	70	55	3	5
Closed	54	43	57	85
Out of state	3	2	7	10
$\chi^2 = 49.33^{***}$				
<b>Type of offense</b>				
Domestic violence	84	66	29	43
Family violence	43	34	38	57
$\chi^2 = 9.42^{**}$				
<b>Prior juvenile delinquency</b>				
Yes	76	60	40	60
No	51	40	27	40
<b>Age at first 602 offense</b>				
12 or younger	22	22	6	13
13	14	14	6	13
14	18	18	15	30
15	18	18	13	27
16	16	16	6	13
17 or older	11	11	2	4
<b>Age at first DV/FV offense</b>				
15 or younger	31	25	25	37
16	41	32	16	24
17 or older	55	43	26	39
<b>Age at current DV/FV offense</b>				
15 or younger	21	17	20	30
16	42	33	16	24
17 or older	64	50	31	46
Target-group total: N = 127; control-group total: N = 67 **p < .01; ***p < .001 (two-tailed significance)				

**Demographic Profile and Background Variables**

Tables 2 and 3 describe the social-background profiles of the domestic and family violence offenders studied. A multivariate analysis was conducted to determine which of a series of background and family history variables were significantly associated with a risk that a youth would become either a domestic violence or a family violence offender.

The juvenile domestic violence offender was significantly more likely to be male, to be Hispanic, and to have a prior history of delinquency, while family violence offenders were significantly more likely to be female, to be Caucasian, and to have a history of mental illness. With respect to the domestic and child abuse histories of these offenders, there

**Table 1b. Domestic Violence and Child Abuse History by Comparison Group**

Variable	Target Group		Control Group	
	n	Percentage	n	Percentage
<b>Offender was abused as child</b>				
Yes	40	32	20	30
No	79	62	42	63
N/A	8	6	5	7
<b>Offender's parents have DV history</b>				
Yes	56	44	24	36
No	71	56	42	63
N/A	0	0	1	1
<b>Offender's parents have criminal history</b>				
Yes	61	48	13	20
No	60	47	47	70
N/A	6	5	7	10
$\chi^2 = 16.88^{***}$				
<b>Offender's parents have substance abuse history</b>				
Yes	57	45	21	31
No	62	49	40	60
N/A	8	6	6	9
$\chi^2 = 7.06^*$				
<b>Offender was diagnosed with mental illness</b>				
Yes	25	20	20	30
No	102	80	47	70
Target-group total: N = 127; control-group total: N = 67 *p < .05; ***p < .001 (two-tailed significance) N/A = Not available				

**Table 2. Correlations of Social Characteristics, Delinquency Background, and Offender Group**

	DV offender	Male	Hispanic	Caucasian	Prior delinquency	Prior referrals	Age at first 602 offense	Mental illness
<b>DV offender</b> <i>n</i>	—							
<b>Male</b> <i>n</i>	.240** 194	—						
<b>Hispanic</b> <i>n</i>	.251*** 193	-.030 193	—					
<b>Caucasian</b> <i>n</i>	-.214** 193	.014 193	-.580*** 193	—				
<b>Prior delinquency</b> <i>n</i>	.158* 194	.183* 194	.220** 193	-.258*** 193	—			
<b>Prior referrals</b> <i>n</i>	.183* 194	.196** 194	.241** 193	-.245** 193	.979*** 194	—		
<b>Age at first 602 offense</b> <i>n</i>	-.021 147	.015 147	-.073 146	.119 146	-.414*** 147	-.401*** 147	—	
<b>Mental illness</b> <i>n</i>	-.352*** 194	-.023 194	-.278*** 193	.324*** 193	-.197** 194	-.209** 194	.036 147	—

*N* = 194 (cases excluded pairwise) \*\**p* < .05; \*\*\**p* < .01; \*\*\*\**p* < .001 (two-tailed significance)

**Table 3. Correlations of Domestic Violence History, Child Abuse History, and Offender Group**

	Adjudication as DV offender	Offender's parents have DV history	Offender's parents have criminal history	Offender's parents have substance abuse history	Offender was abused as child
<b>Adjudication as DV offender</b> <i>n</i>	—				
<b>Offender's parents have DV history</b> <i>n</i>	.067 193	—			
<b>Offender's parents have criminal history</b> <i>n</i>	.011 181	.363*** 181	—		
<b>Offender's parents have substance abuse history</b> <i>n</i>	.021 180	.422*** 180	.581*** 177	—	
<b>Offender was abused as child</b> <i>n</i>	-.114 181	.281*** 181	.317*** 175	.211** 173	—

*N* = 194 (cases excluded pairwise) \*\**p* < .01; \*\*\**p* < .001 (two-tailed significance)

were no significant differences between the two groups, although family violence offenders were more likely to have been abused children and domestic violence offenders were more likely to have parents with a history of domestic violence, crime, and substance abuse. Parental history of domestic violence was also significantly correlated with parental criminal history and substance abuse as well as childhood abuse of the minor. The case histories often portrayed in further detail the very harmful ways in which these offenders had been treated throughout childhood.

The actual percentage distributions of social-background factors for domestic and family offenders in the target group are listed in Tables 4 and 5.

Not unexpectedly, there were significantly more male than female offenders in this court program. However, even among the domestic violence offenders, 12 percent were female, a higher percentage of female offenders than is typically reported in the adult population. Their case histories showed that girls often initiated the violence, but in many incidents their violence was a reaction to previous victimization by a partner who was also an offender. In many of the cases, there was an overlap of offender and victim roles, and the violence was repetitive and interactive. Often the two were involved in mutual combat, and both claimed victim and offender status. A frequent precipitating factor of violence was jealousy (often because one partner had talked or spent time with another person).

Significantly more females (46 percent) were family violence offenders than domestic violence offenders. This is not surprising because family violence is less gender-typed. They were also younger than the DV offenders. Family violence offenders were also significantly more likely than DV offenders to have a mental illness background. More than 40 percent of the FV offenders had a history of mental illness, making this a very difficult population to deal with. FV offenders were twice as likely to victimize their parents than their siblings. In many of the case histories, everyday family conflicts seemed to escalate into violent behavior. Witnessing domestic violence

**Table 4. Social Characteristics and Delinquency Background of Target Group by Offender Subgroup**

Variable	Domestic Violence Offenders		Family Violence Offenders	
	n	Percentage	n	Percentage
<b>Gender</b>				
Male	72	86	23	54
Female	12	14	20	46
$\chi^2 = 16.67^{***}$				
<b>Ethnicity</b>				
Hispanic	54	64	18	41
Caucasian	14	17	14	33
African American	6	7	2	5
Asian/Pacific Islander	4	5	4	9
Multiracial/other	5	6	5	12
<b>Probation status of ward</b>				
Active	48	57	22	51
Closed	35	42	19	44
Out of state	1	1	2	5
<b>Prior juvenile delinquency</b>				
Yes	55	66	21	49
No	29	34	22	51
<b>Age at first 602 offense</b>				
12 or younger	18	21	4	10
13	8	10	6	14
14	12	14	6	14
15	10	12	8	18
16	12	14	4	9
17 or older	9	11	2	5
N/A	15	18	13	30
<b>Age at first DV/FV offense</b>				
14 or younger	3	4	10	23
15	4	5	14	33
16	29	34	12	28
17 or older	48	57	7	16
$\chi^2 = 40.98^{***}$				
<b>Age at current domestic violence or family violence offense</b>				
14 or younger	1	1	4	9
15	3	4	13	30
16	26	31	16	37
17 or older	54	64	10	24
$\chi^2 = 31.32^{***}$				
Total domestic violence offenders: N = 84				
Total family violence offenders: N = 43				
***p < .001 (two-tailed significance)				
N/A = Not available				



in the home, witnessing the parents' drug or alcohol addiction, modeling parental behavior, and the minor's predisposition toward violence all contributed to the minor's volatile behavior.

About one-half of the offenders in this study were Hispanic, about one-fourth were Caucasian, and the remainder were African American, Asian/Pacific Islander, multiracial, or another ethnicity. There were no significant differences in the five-category ethnicity variable between DV and FV offenders, although the majority of both the DV and FV offenders were Hispanic.<sup>55</sup> Domestic violence offenders were more likely to be Hispanic than non-Hispanic. Most (66 percent of the DV offenders, 49 percent of the FV offenders) had prior juvenile delinquency records. Some (about 20 percent) had committed their first

delinquent acts by age 12, but most of the DV offenders were 16 or 17 and most of the FV offenders were 15 or 16. Almost half of the FV offenders and about a third of the DV offenders had child abuse histories. Half of the DV minors came from families with histories of family violence and in which the parents had criminal backgrounds and substance abuse issues. The percentages were slightly lower for the FV offenders. The case histories reveal an often-chaotic and -violent family background. Frequently one of the parents was absent or in and out of jail.

More than 30 percent of the DV offenders and victims in the court program had children together; some had multiple children with different partners. Often the violence erupted when the offender came to see the child against the victim's wishes. Many victims reported that they had experienced violence while pregnant. Most of the time the victim and her baby were still living with her parents, often in a chaotic family situation where the parents themselves had major problems. Victims with children were all given representation from the Legal Assistance for Children and Youth office in obtaining custody and visitation orders, as well as protective orders in the family court.

### Interventions

As seen in Table 6a, the domestic violence offenders in the target group were significantly more likely than the family violence offenders to be ordered into the batterer intervention program and to have no-contact orders issued. There were no differences in the number of court reviews, orders to substance abuse programs, or rates of incarceration for the two groups. The DV offenders were more likely than the family violence offenders to have completed the program.

According to Table 6b, those with prior delinquency were less likely to complete the program; older minors were more likely to complete it. As seen in Table 6c, those minors who came from families with criminal and substance abuse histories or who had been diagnosed with mental illnesses were significantly less likely to complete the court-ordered

**Table 5. Domestic History and Child Abuse History of Target Group by Offender Subgroup**

Variable	Domestic Violence Offenders		Family Violence Offenders	
	n	Percentage	n	Percentage
<b>Offender was abused as child</b>				
Yes	24	29	16	37
No	54	64	25	58
N/A	6	7	2	5
<b>Offender's parents have DV history</b>				
Yes	40	48	16	37
No	44	52	27	63
<b>Offender's parents have criminal history</b>				
Yes	40	48	21	49
No	39	46	21	49
N/A	5	6	1	2
<b>Offender's parents have substance abuse history</b>				
Yes	40	48	17	40
No	39	46	23	53
N/A	5	6	3	7
<b>Offender was diagnosed with mental illness</b>				
Yes	7	8	18	42
No	77	92	25	58
$\chi^2 = 20.22^{***}$				
Total domestic violence offenders: <i>N</i> = 84				
Total family violence offenders: <i>N</i> = 43				
*** <i>p</i> < .001 (two-tailed significance)				
N/A = Not available				

**Table 6a. Program Interventions in Target Group by Offender Subgroup**

Variable	Domestic Violence Offenders		Family Violence Offenders	
	n	Percentage	n	Percentage
<b>Ordered to batterer intervention</b>				
Yes	79	94	26	60
No	4	5	5	12
N/A	1	1	12	28
$\chi^2 = 25.60^{***}$				
<b>Attending batterer intervention</b>				
Yes	55	65	20	46
No	19	23	6	14
N/A	10	12	17	40
$\chi^2 = 14.30^{**}$				
<b>Completed batterer intervention</b>				
Yes	33	39	7	16
No	46	55	18	42
N/A	5	6	18	42
$\chi^2 = 25.97^{***}$				
<b>Substance abuse program ordered</b>				
Yes	68	81	31	72
No	16	19	12	28
<b>Number of court reviews</b>				
0	23	27	10	23
1-3	29	35	20	47
4 or more	32	38	13	30
<b>No-contact order issued</b>				
Yes	82	98	30	70
No	2	2	13	30
$\chi^2 = 12.93^{***}$				
<b>Complied with no-contact order</b>				
Yes	48	57	21	49
No	29	35	8	19
N/A	7	8	14	32
$\chi^2 = 12.93^{**}$				
<b>Incarcerated as a result of a DV/FV offense</b>				
Yes	76	90	38	88
No	8	10	5	12
Total domestic violence offenders: N = 84 Total family violence offenders: N = 43 **p < .01; ***p < .001 (two-tailed significance) N/A = Not available				

**Table 6b. Social and Delinquency Background of Target Group by Completion of Batterer Intervention**

Variable	Intervention Completed		Intervention Not Completed	
	n	Percentage	n	Percentage
<b>Gender</b>				
Male	30	75	52	82
Female	10	25	12	18
<b>Ethnicity</b>				
Hispanic	25	63	40	64
Caucasian	7	18	9	14
African American	1	2	7	11
Asian/Pacific Islander	1	2	5	8
Multiracial/other	6	15	2	3
$\chi^2 = 28.62^{**}$				
<b>Probation status of ward</b>				
Active	10	25	52	81
Closed	30	75	10	16
Out of state	0	0	2	3
$\chi^2 = 40.36^{***}$				
<b>Type of offense</b>				
DV	33	82	46	72
FV	7	18	18	28
$\chi^2 = 25.97^{***}$				
<b>Prior juvenile delinquency</b>				
Yes	21	52	46	72
No	19	48	18	28
$\chi^2 = 8.86^*$				
<b>Age at first 602 offense</b>				
12 or younger	7	23	15	28
13	4	13	6	11
14	4	13	11	20
15	3	10	12	22
16	7	23	7	13
17 or older	5	17	3	6
<b>Age at first DV/FV offense</b>				
15 or younger	5	13	16	25
16	10	25	25	39
17 or older	25	62	23	36
$\chi^2 = 24.62^*$				
<b>Age at current DV/FV offense</b>				
15 or younger	2	5	10	16
16	11	28	25	39
17 or older	27	67	29	45
$\chi^2 = 20.47^*$				
Intervention completed: N = 40; intervention not completed: N = 64 *p < .05; **p < .01; ***p < .001 (two-tailed significance)				

**Table 6c. Domestic Violence and Child Abuse History of Target Group by Completion of Batterer Intervention**

Variable	Intervention Completed		Intervention Not Completed	
	n	Percentage	n	Percentage
<b>Offender was abused as child</b>				
Yes	12	30	17	27
No	23	58	45	70
N/A	5	12	2	3
<b>Offender's parents have DV history</b>				
Yes	18	45	31	48
No	22	55	33	52
<b>Offender's parents have criminal history</b>				
Yes	18	45	36	56
No	17	42	28	44
N/A	5	13	0	0
$\chi^2 = 12.54^*$				
<b>Offender's parents have substance abuse history</b>				
Yes	15	38	34	53
No	20	50	30	47
N/A	5	12	0	0
$\chi^2 = 10.23^*$				
<b>Offender was diagnosed with mental illness</b>				
Yes	2	5	15	23
No	38	95	49	77
$\chi^2 = 9.34^{**}$				
Intervention completed: N = 40; intervention not completed: N = 64				
* $p < .05$ ; ** $p < .01$ (two-tailed significance)				
N/A = Not available				

programs. Obviously, such disadvantaged backgrounds pose significant obstacles to rehabilitation.

The comparison between the target-group offenders and the control-group offenders in Table 6d shows that the new court program has made a great deal of difference in frequency and type of interventions for the juvenile DV/FV offenders. Minors in the target group were significantly more likely to be ordered into a batterer program, to attend the program, to complete it when ordered, to have substance abuse programs ordered, to have more frequent court reviews, to have no-contact orders issued, and to comply with orders. In the past, the offenders in the control group were significantly more likely simply to have been incarcerated.

**Table 6d. Program Interventions by Comparison Group**

Variable	Target Group		Control Group	
	n	Percentage	n	Percentage
<b>Ordered to batterer intervention</b>				
Yes	105	83	22	33
No	9	7	23	34
N/A	13	10	22	33
$\chi^2 = 48.79^{***}$				
<b>Attending batterer intervention</b>				
Yes	75	60	12	18
No	26	20	4	6
N/A	26	20	51	76
$\chi^2 = 53.90^{***}$				
<b>Completed batterer intervention</b>				
Yes	40	32	6	9
No	64	50	8	12
N/A	23	18	53	79
$\chi^2 = 66.16^{***}$				
<b>Substance abuse program ordered</b>				
Yes	99	78	39	58
No	28	22	25	37
N/A	0	0	3	5
$\chi^2 = 6.14^*$				
<b>Number of court reviews</b>				
0	33	26	47	70
1-3	49	39	19	28
4 or more	45	35	1	2
$\chi^2 = 48.01^{***}$				
<b>No-contact order issued</b>				
Yes	111	88	32	48
No	15	12	35	52
$\chi^2 = 37.69^{***}$				
<b>Complied with no-contact order</b>				
Yes	69	54	22	33
No	37	30	9	13
N/A	21	16	36	54
$\chi^2 = 28.37^{***}$				
<b>Incarcerated as a result of a DV/FV offense</b>				
Yes	114	90	66	98
No	13	10	1	2
$\chi^2 = 5.01^*$				
Target-group total: N = 127; control-group total: N = 67				
* $p < .05$ ; *** $p < .001$ (two-tailed significance)				
N/A = Not available				

*Effectiveness of the Program and Outcome Variables*

**Within-group comparisons.** There were no differences in outcomes for DV/FV offenders, except that the DV offenders were more likely now to be in adult court (as they were older at the time they committed their offenses). Within the target group, the minors who successfully completed the batterer intervention program were significantly more likely to have fewer new probation violations and new DV/FV offenses, and (of course) their overall adjustment was significantly more likely to be judged successful by their probation officers. Similarly, those who complied with the no-contact orders were significantly less likely to have adult criminal records or to later go into adult court, significantly less likely to have new probation violations, and most important, significantly less likely (at the  $p = .0001$  level) to commit any new DV/FV offenses. These findings

strongly indicate that the program is effective for those completing it, at least for a short time period afterward (up to two years). These results are shown in Tables 7a and 7b.

We also compared the outcomes for domestic violence offenders versus family violence offenders, and there were no significant differences.

**Between-group comparisons.** The results of the first comparison between the entire target group and the control group did not look encouraging for the court program. The minors in the target group were actually more likely to have new 602 or adult criminal referrals; and the probation officers described the youths' adjustment as a success more often in the control-group cases. Otherwise there were no significant differences. These results are shown in Table 8.

As discussed earlier in this article, however, it is better to compare only those offenders in the target

**Table 7a. Target-Group Outcomes by Completion of Batterer Intervention**

Variable	Intervention Completed		Intervention Not Completed	
	n	Percentage	n	Percentage
<b>Now in adult court</b>				
Yes	14	35	22	34
No	26	65	42	66
<b>New probation violations</b>				
Yes	19	48	43	67
No	21	52	21	33
$\chi^2 = 20.66^{**}$				
<b>New 602 or adult criminal referrals</b>				
Yes	18	45	40	62
No	22	55	24	38
<b>New DV/FV offenses</b>				
Yes	7	18	24	37
No	33	82	40	63
$\chi^2 = 16.78^*$				
<b>Youth's adjustment a success</b>				
Yes	21	53	1	2
No	19	47	63	98
$\chi^2 = 37.34^{***}$				
Intervention completed: N = 40; intervention not completed: N = 64 * $p < .05$ ; ** $p < .01$ ; *** $p < .001$ (two-tailed significance)				

**Table 7b. Target-Group Outcomes by Compliance With No-Contact Court Order**

Variable	Complied With Order		Did Not Comply	
	n	Percentage	n	Percentage
<b>Now in adult court</b>				
Yes	19	28	19	51
No	50	72	18	49
$\chi^2 = 14.48^{**}$				
<b>New probation violations</b>				
Yes	31	45	32	86
No	38	55	5	14
$\chi^2 = 26.81^{**}$				
<b>New 602 or adult criminal referrals</b>				
Yes	35	51	27	73
No	34	49	10	27
<b>New DV/FV offenses</b>				
Yes	10	15	24	65
No	59	85	13	35
$\chi^2 = 39.40^{***}$				
<b>Youth's adjustment a success</b>				
Yes	18	26	5	14
No	51	74	32	86
Complied with order: N = 69; did not comply: N = 37 ** $p < .01$ ; *** $p < .001$ (two-tailed significance)				

group who have successfully completed the program (i.e., met the target conditions) with those in the control group.

In the second comparison, we compared outcomes for those minors in the target group who had successfully completed all of the intervention programs with the outcomes for the entire control group. Although there were no significant differences in recidivism rates between these target-group cases and the control group after the initial case closed, the results pointed in a positive direction. The minors in the target group who successfully completed all programs had fewer new probation violations than the control group. More important, the juveniles who went through the specialized program had fewer new juvenile delinquency or adult criminal referrals and fewer new domestic violence or family violence offenses. The probation depart-

ment also was more likely to judge the youths' adjustment a success. These results are shown in Table 9.

Finally, we compared only the first-year cases with those of the control group, in order to obtain a more comparable time frame after the initial DV/FV offense in which to study recidivism rates. The trends were the same for this smaller subgroup as for the entire target group.

### LESSONS FROM THE COURT PROGRAM

While agency collaboration and specialized training of agency personnel have proved to be very positive outcomes of the court program, the early results on recidivism rates are somewhat mixed. When the total target group is compared to the control group, the recidivism rates of the two groups are similar, with the target group having even higher recidivism rates in some instances. However, when we consider only those minors in the target group who had successfully completed the program—75 percent of the closed cases—the trends indicated lower recidivism rates for the target group. Within-program comparisons showed that minors who completed the program had significantly lower recidivism rates than those who did not. Before reaching any final conclusions about the success of the program, we need to better ascertain how many of those in the “not-completed” category simply had not yet had time to complete the program, versus those who had “failed” the program or simply moved away. We will need to conduct additional comparisons after members of the entire target group have had time to complete the program, and to fully evaluate the control group we will need to allow a comparable time to pass after the initial offense.

It is also clear that in the short run the increased supervision and attention given to these cases may well increase the number of probation violations as well as arrests for new offenses. This intense scrutiny is intended to improve victim safety and set a higher level of accountability for the offender.

**Table 8. Outcome Variable Frequencies for Entire Target and Control Groups**

Variable	Target Group		Control Group	
	n	Percentage	n	Percentage
<b>Now in adult court</b>				
Yes	39	31	23	34
No	88	69	44	66
<b>New probation violations</b>				
Yes	70	55	29	43
No	57	45	38	57
<b>New 602 or adult criminal referrals</b>				
Yes	70	55	34	51
No	57	45	33	49
$\chi^2 = 19.34^*$				
<b>New DV/FV offenses</b>				
Yes	35	28	18	27
No	92	72	49	73
<b>Youth's adjustment a success</b>				
Yes	30	24	34	51
No	97	76	29	43
N/A	0	0	4	6
$\chi^2 = 26.22^{***}$				
Target-group total: $N = 127$ ; control-group total: $N = 67$				
* $p < .05$ ; *** $p < .001$ (two-tailed significance)				



**Table 9. Outcome Variables for Target-Group Individuals Successfully Completing All Programs and the Control Group**

Variable	Completed All Programs		Control Group	
	n	Percentage	n	Percentage
<b>Now in adult court</b>				
Yes	14	34	23	34
No	28	66	44	66
<b>New probation violations</b>				
Yes	15	36	29	43
No	27	64	38	57
<b>New 602 or adult criminal referrals</b>				
Yes	17	40	34	51
No	25	60	33	49
<b>New DV/FV offenses</b>				
Yes	6	14	18	27
No	36	86	49	73
<b>Youth's adjustment a success</b>				
Yes	26	62	34	51
No	16	38	29	44
N/A	0	0	3	5
Completed all programs: N = 42; control-group total: N = 67				

From the perspective of safety and accountability, higher rates of rearrests and probation violations can indeed be seen as a positive outcome for the program. It is hoped, however, that in the long run this combination of frequent court review and specialized probation and victim services will serve to end the cycle of violence, improve victim safety, and discourage the offender from committing new offenses.

In addition to the numerical data, the case histories give further insight into the nature and frequency of juvenile domestic and family violence. The histories show that these are very difficult cases to deal with, and that juvenile offenders often come from very difficult, chaotic family backgrounds. Many, if not most, of the juvenile batterers who appear before the court weekly have come from homes where fathers frequently beat their mothers and, in many instances, also beat or terrorized their children. This behavior then became the norm for them as teenagers. The behavior is identical to

adult domestic violence, although fortunately the level of violence is less severe and the use of weapons less frequent.

The case histories also indicated a frequent interactive pattern of violence between the young offender and victim. Often one would be the victim in one incident and the offender in the next. Our program evaluation showed that we had a higher percentage of female batterers than is typically reported for adult batterers. The program's increased supervision may simply mean that more girls are arrested than otherwise would be the case. At the same time, it may be that younger women are more likely to be a primary aggressor than their adult counterparts.

Interagency collaboration and improved communication focusing on the issue of juvenile domestic and family violence are major features of Santa Clara County's specialized court program. Representatives from the court and all the participating agencies and organizations continue to meet on a monthly basis to deal with problems as they present themselves and to develop interagency protocols and solutions.<sup>56</sup> While this collaboration is now working smoothly, it has taken several years to develop it, and it continues to be a work in progress.

Currently we are considering how information may be better shared between the juvenile and adult court systems. As a case moves from juvenile court to the adult system, the youth may still be under orders from the juvenile court or on juvenile probation. The adult court, however, may have no system in place to acquire that information from the juvenile court. While felony cases are reasonably easy to trace in the adult system, information on misdemeanor cases is less readily available.

We also would like more programs focused on the special circumstances of teen victims and more opportunities for parental involvement. Victim services could be improved with better notification of services. Initially, the county counsel issued an opinion that names and addresses of victims could not be released to service agencies in order to protect the confidentiality of victims. This, however, meant that service agencies could not contact the victims directly;

victims had to take the initiative to contact services themselves, which proved to be very difficult for them, even when information about services was offered to them. Over time, this problem was resolved through a standing court order giving service agencies limited contact information so they could contact victims.

Another issue is whether parents may apply for restraining orders on behalf of their children. In some cases, parents have wanted to file a restraining order, but the victims have not. In such cases, the court has sided with the victim. We are also seeking to determine whether all domestic and family violence cases should be handled by a traditional delinquency (i.e., criminal model) court, or whether some cases might better be handled in a civil proceeding (as in the adult family court model). Finally, we hope to address whether this DV/FV court should combine both civil and criminal aspects and orders.

Other jurisdictions contemplating a similar court program should be aware of the many issues it involves. First, the program must be court-driven and led by a judge who is committed to the process. A judge is able to convene agency representatives who would not otherwise be in the same room. He or she can also enable communication across agencies by means of court orders and similar measures. The program must be institutionalized so that when a judge or other important participant leaves, the program will continue. The program must secure funding through grants to ensure the availability of appropriate services and the evaluation of the program's effectiveness.

In his book on batterer intervention systems, Gondolf concluded that batterer program outcomes are more likely to be improved with swift and certain court referrals, periodic court review or specialized probation surveillance, and ongoing risk management—in other words, with everyone in the justice system having a role in the prevention of battering and controlling behavior.<sup>57</sup> His study also indicated that the length of the program is itself not determinative of a successful outcome; what determines success is whether a batterer enters a program quickly

and is responsible to the program, probation, and the court. Program intensity is more important than program length. Continuing group attendance (aftercare) is critical to a batterer's ongoing efforts to live a life free of violence and controlling behavior. Aftercare must continue even after court proceedings and probation are completed and "the system" can no longer require the batterer's participation. Alcohol and substance abuse issues must be addressed initially as well as on an ongoing basis by all in the system. To avoid the earlier mistakes of adult batterer programs, juvenile programs should follow these guidelines. A coordinated community response incorporating both rehabilitation and accountability is our hope for stopping the violence.

The Santa Clara County Juvenile Domestic and Family Violence Court is the first juvenile domestic violence court program in California and possibly in the United States. It has already inspired other jurisdictions to start their own juvenile domestic and family violence courts, such as in San Francisco County. During its short history, it has produced better services for victims and offenders and has raised the awareness of the important problem of juvenile domestic and family violence. We hope that this program will inspire others and serve as a model for other juvenile courts.

#### NOTES

1. PATRICIA TJADEN & NANCY THOENNES, EXTENT, NATURE, AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE 5 (U.S. Dep't of Just. 2000).
2. Jacquelyn W. White & Mary P. Koss, *Courtship Violence: Incidence in a National Sample of Higher Education Students*, 6 VIOLENCE & VICTIMS 247 (1991).
3. Judith Owens-Manley, *Battered Women and Their Children: A Public Policy Response*, 14 AFFILIA: J. WOMEN & SOC. WORK 439 (Winter 1999).
4. Kathryn E. Suarez, Comment, *Teenage Dating Violence: The Need for Expanded Awareness and Legislation*, 82 CAL. L. REV. 423 (1994).

5. Carole A. Sousa, *Teen Dating Violence: The Hidden Epidemic*, 37 FAM. & CONCILIATION CTS. REV. 356 (1999).
6. See Jay G. Silverman et al., *Dating Violence Against Adolescent Girls and Associated Substance Abuse, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality*, 286 JAMA 572 (2001).
7. *Id.*
8. AM. ASS'N OF UNIV. WOMEN EDUC. FOUND., *HOSTILE HALLWAYS: THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN SURVEY ON SEXUAL HARASSMENT IN AMERICA'S SCHOOLS* (Am. Ass'n of Univ. Women 1993).
9. See Teresa M. Bethke & David M. Dejoy, *An Experimental Study of Factors Influencing the Acceptability of Dating Violence*, 8 J. INTERPERSONAL VIOLENCE 36 (1993).
10. See Maura O'Keefe, *Predictors of Dating Violence Among High School Students*, 12 J. INTERPERSONAL VIOLENCE 546 (1997).
11. See F. Curtis Breslin et al., *Family Precursors: Expected and Actual Consequences of Dating Aggression*, 5 J. INTERPERSONAL VIOLENCE 247 (1990); Louise Foo & Gayla Margolin, *A Multivariate Investigation of Dating Violence*, 10 J. FAM. VIOLENCE 351 (1995); Linda L. Marshall & Patricia Rose, *Premarital Violence: The Impact of Family of Origin Violence, Stress, and Reciprocity*, 5 VIOLENCE & VICTIMS 51 (1990).
12. See Jaana Haapasalo & Tiina Hamalainen, *Childhood Family Problems and Current Psychiatric Problems Among Young Violent and Property Offenders*, 35 J. AMER. ACAD. CHILD & ADOLESCENT PSYCHIATRY 1394 (1996); Dorothy O. Lewis et al., *Juvenile Male Sexual Assaulters: Psychiatric, Neurological, Psychoeducational, and Abuse Factors*, in *VULNERABILITIES TO DELINQUENCY* 89 (Dorothy O. Lewis ed., R.B. Luce Publ'g 1981); Steve Spaccarelli et al., *Psychosocial Correlates of Male Sexual Aggression in a Chronic Delinquent Sample*, 24 CRIM. JUST. & BEHAV. 71 (1997).
13. See Cathy S. Widom, *Victims of Childhood Sexual Abuse: Later Criminal Consequences*, RESEARCH IN BRIEF (U.S. Dep't of Just. 1995).
14. See Silverman et al., *supra* note 6.
15. See James M. Makepeace, *Social Factors and Victim Offender Differences in Courtship Violence*, 36 FAM. RELATIONS 87 (1987); Nona K. O'Keefe et al., *Teen Dating Violence*, 31 SOC. WORK 465 (1986).
16. See Katherine E. Lane & Patricia A. Gwartney-Gibbs, *Violence in the Context of Dating and Sex*, 6 J. FAM. ISSUES 45 (1985).
17. See White & Koss, *supra* note 2.
18. See VERNON R. WIEHE, *SIBLING ABUSE: HIDDEN PHYSICAL, EMOTIONAL, AND SEXUAL TRAUMA* (Sage Publ'ns 2d ed. 1997).
19. See Timothy Brezina, *Teenage Violence Toward Parents as an Adaptation to Family Strain: Evidence From a National Study of Male Adolescents*, 30 YOUTH & SOC'Y 416 (1999).
20. See PAUL A. MONES, *WHEN A CHILD KILLS: ABUSED CHILDREN WHO KILL THEIR PARENTS* (Pocket Books 1991).
21. INGER J. SAGATUN & LEONARD P. EDWARDS, *CHILD ABUSE AND THE LEGAL SYSTEM* 247 (Nelson Hall 1995).
22. From 1993 through September 1998, 18 of 71 domestic violence-related deaths were in relationships that started when the victims were under the age of 18. From October 1998 through December 1999, 24 deaths were determined to be related to domestic violence and 10 of the victims were under the age of 18 when they had started their relationship with their murderers. From January 2000 through December 2000, 4 deaths out of a total of 18 occurred in relationships where the murder victim was under 18 when the relationship began. In 2001, 2 deaths out of a total of 17 deaths occurred in such relationships. See FAMILY VIOLENCE COUNCIL, SANTA CLARA COUNTY: REPORT OF THE DEATH REVIEW COMMITTEE (2002); interview with Rolanda Pierre-Dixon, District Attorney of Santa Clara County and head of the Death Review Committee (2002).
23. See generally Silverman et al., *supra* note 6.
24. Full Faith and Credit Enforcement of Protection Orders, Violence Against Women Act of 2000, Pub. L. No. 106-386, § 1513(a), 114 Stat. 1533 (codified at 8 U.S.C. § 1101 (2000)).
25. See generally Suarez, *supra* note 4, at 435–49.
26. Roger J.R. Levesque, *Dating Violence, Adolescents, and the Law*, 4 VA. J. SOC. POL'Y & L. 339, 356–62 (1997).
27. *Id.* at 369.
28. *Id.* at 358–60.
29. See Nat'l Ctr. for Victims of Crime, *Public Policy Issues: Dating Violence* (2002), at <http://www.nvcv.org/policy/issues/datingviolence> (visited Nov. 2, 2003).

- NOTES
30. CAL. PENAL CODE § 273.5(a) (West 1999 & Supp. 2003).
31. *Id.* § 13700(b).
32. A.B. 2826, 2002 Cal. Stat. 534, § 2.
33. CAL. PENAL CODE § 13700(b) (West 1999 & Supp. 2003).
34. California Penal Code section 243 defines and prohibits battery. Section 243(e) specifically addresses battery in a domestic, family, or dating situation. The potential punishment for section 243(e) battery includes up to one year in jail, double the punishment for ordinary battery. CAL. PENAL CODE 243(e).
35. *Id.* § 243(e)(1).
36. *Id.* § 243(f)(10).
37. CAL. PENAL CODE § 1203.097.
38. CAL. FAM. CODE § 6211 (West 1994 & Supp. 2003).
39. CAL. CODE CIV. PROC. §§ 372(b)(1)(C)–374.2 (West 1973 & Supp. 2003).
40. Nat'l Ctr. for State Courts, *Juvenile Domestic Violence: Judicial Processing and the Impact of a Court-Based Intervention Program* (2002) (unpublished proposal to the National Institute of Justice).
41. *See* CAL. PENAL CODE §§ 243(e), 13700; CAL. FAM. CODE § 6211.
42. *See* CAL. FAM. CODE § 6211(f).
43. All of the county's law enforcement agencies have agreed to this protocol. It is updated annually; the last protocol was updated in March 2003.
44. *See* CAL. PENAL CODE § 1203.097.
45. *See id.* § 1203.7.
46. CAL. WELF. & INST. CODE § 602 (West 1998 & Supp. 2003).
47. An example of a juvenile delinquency protective order is appended to this article.
48. *See* CAL. PENAL CODE § 1203.097.
49. *See, e.g.*, JEFFREY L. EDLESON & RICHARD M. TOLMAN, *INTERVENTION FOR MEN WHO BATTER: AN ECOLOGICAL APPROACH* (Sage Publ'ns 1992); Jeffrey L. Edleson, *Judging the Success of Interventions With Men Who Batter, in FAMILY VIOLENCE: RESEARCH AND PUBLIC POLICY ISSUES* 130 (Douglas J. Besharov ed., Am. Enter. Inst. Press 1990); Edward W. Gondolf, *Batterer Programs*, 12 J. INTERPERSONAL VIOLENCE 83 (1997).
50. CAL. PENAL CODE §§ 243, 273.5.
51. *Id.* §§ 245, 422.
52. For other DV/FV-related offenses, see CAL. PENAL CODE §§ 148, 236, 240, 242, 261, 417, 422, 594, 646, 647 (West 1999 & Supp. 2003).
53. EDWARD W. GONDOLF, *BATTERER INTERVENTION SYSTEMS: ISSUES, OUTCOMES, AND RECOMMENDATIONS* (Sage Publ'ns 2002).
54. *Id.*
55. Generally, compared to the county population, there was an overrepresentation of Hispanics in this study. *KIDS IN COMMON, SILICON VALLEY CHILDREN'S REPORT CARD 2000*, at 1–62 (2000).
56. Participants: The judge, the district attorney's office, the public defender's office, law enforcement agencies, the probation department, the schools, juvenile hall, ranches, mental health, batterer programs, the Legal Advocacy for Youth program, the Victim Assistance Program, victim support networks, the county Commission on Domestic Violence, and the project evaluation team from San Jose State University.
57. GONDOLF, *supra* note 53.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA 191 North First St. San Jose, California  JUVENILE DELINQUENCY DIVISION	FOR COURT USE ONLY
IN THE MATTER OF     MINOR	
<b>PROTECTIVE ORDER - JUVENILE DELINQUENCY</b>	CASE NUMBER: _____

TEMPORARY                     
  PERMANENT                     
  MODIFICATION

**1. GOOD CAUSE APPEARING, THE COURT ORDERS that the above named minor**

<input type="checkbox"/> Male <input type="checkbox"/> Female                Ht.:                Wt.:                Hair Color:                Eye Color:                Race:                Age:                DOB:
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- a. Shall not annoy, harass, strike, threaten, sexually assault, batter, or otherwise disturb the peace of the protected persons named below.
- b. Shall not attempt to or actually prevent or dissuade any victim or witness from attending a hearing, testifying or making a report to any law enforcement agency or person.
- c. Shall have no personal, telephonic, electronic or written contact with the protected persons named below.
- d. Shall have no contact with the protected persons named below through a third party, except an attorney of record.
- e. Shall not come within \_\_\_\_\_ yards of the protected persons named below.
- f. Shall have no contact with the protected person named below without written permission of the Probation Officer.

2. NAMES OF PROTECTED PERSON(S): \_\_\_\_\_

3. Other orders (*specify*): \_\_\_\_\_

4a. The restrained person named above as a minor was served on \_\_\_\_\_  
*(City, Date & Time Served)*

b. The restrained person named above as the minor is present in court and is informed of this order and is personally served with a copy. \_\_\_\_\_ *(Time Served)*

5. This order continues in effect during the time the minor is under the jurisdiction of the court (including any probationary period). This order will expire on \_\_\_\_\_ *(Date)*.

**Date:** \_\_\_\_\_  
JUDICIAL OFFICER      Department \_\_\_\_\_

**This order is effective when made and enforceable in all 50 states, the District of Columbia, all tribal lands and all U.S. territories by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). Violation of this order may be a crime punishable both as a contempt of court (Penal Code Sec. 166), as a violation of Penal Code Sec. 273.6 and a violation of probation and, if you travel across state or tribal boundaries with the intent to violate the order, a violation of VAWA, 18 U.S.C. 226(a)(1). If you cause the protected party to cross a state or tribal boundary, you may be convicted of a violation of 18 U.S.C. 2262(a)(2). You also may be prosecuted for purchasing, possessing or transporting a firearm or ammunition [18 U.S.C. 922(g)]. If you have children with the protected person, you should initiate an action in Family Court to establish visitation and custody rights.**