

Domestic Violence Training

Directive #9-95
Issued by:

May 3, 1995
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Administrative Director

The Chief Justice has asked me to clarify advice given in a Domestic Violence training session conducted last year for new Municipal Court judges. While overall the training session was excellent, one of the trainers, in answer to a question from the audience, in effect told the judges that they should grant all domestic violence temporary restraining order applications without exception, regardless of the provisions of the domestic violence law or the constitution. That advice is not accurate and would violate the requirement imposed on all judges in all matters to make decisions only in accordance with the law and the constitution. Specifically, applications for temporary restraining orders in domestic violence matters shall be granted in accordance with the provisions of the domestic violence law and shall be granted only if they conform to those provisions.

The Chief Justice asked that I also emphasize, however, that the central purpose of this law is to provide protection for the victims of domestic violence and that, to a very great extent, it is thus a law for the protection of women, who nationwide are the victims 95% of the time. Further, it is a strong law, in that it includes various presumptions in favor of the victim, provisions for emergency *ex parte* protection, and an express direction that it be construed liberally in favor of the victim. It is thus a law clearly intended to afford the most substantial protection to victims; and just as it is the judge's sworn duty to afford relief only in accordance with the provisions of the law, it is also the judge's sworn duty to give the victim all of the protection that the law intends in accordance with those provisions.

The Chief Justice believes that while it is essential to correct any advice that would have the effect of extending domestic violence protections beyond the provisions of that law, it is also essential that any such correction not be allowed to dilute in any way the protection given to victims by that law.

EDITOR-S NOTE

No change has been made to the original text.