

# Hate the Players, or the Game? The Role of Court Mediators and Hearing Officers in the Civil Protection Order Process

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Civil Protection Orders (CPOs) are among the most common legal tools that victims of intimate partner violence and abuse (IPV/A) use to protect themselves. The current study adds to the CPO research by using quantitative data to look at how female survivors' experiences with court personnel (attorneys, mediators, and hearing officers) shape their satisfaction with the court process, and what types of individual and court-related factors are related to perceived fairness of court personnel. The current study uses in-depth quantitative data collected from women over the age of 18 who sought a CPO due to violence from a male current or former partner. The findings indicate that women's satisfaction with the court process is significantly impacted by the perceived fairness of court personnel. In turn, specific behaviors by court personnel predict women's ratings of fairness of those personnel. Additionally, women's socioeconomic status impacts how fair they perceive the hearing officers to be. Court personnel play an integral role in helping victims navigate the legal system in ways that could protect their safety and influence how they perceive the CPO system as it relates to the abuse they have experienced.

**Keywords:** intimate partner abuse; protection orders; civil court; mediators; domestic violence

The law and the legal system can be a central component to building rights of disadvantaged populations (Schulzke & Caroll, 2014). One of the many facets of the civil justice system that the public navigates on a regular basis includes civil protection orders (CPOs) to address intimate partner violence and abuse (IPV/A). Generally

speaking, CPOs are used to reduce or eliminate the threat of harm from another individual. Although the overall intention is the same, the specifics of the orders and the procedures around them vary widely by state (DeJong & Burgess-Proctor, 2006; Richards, Tudor, & Gover, 2018; Sorenson & Shen, 2005). Encouraged by the Violence Against Women Act (VAWA), victims of IPV/A may apply for CPOs in all states and territories. Research shows that victims' perceptions of system fairness significantly affects compliance with the law and satisfaction with the outcome (Tyler, 1990; Tyler & Blader, 2003; Tyler & Huo, 2002). Indeed, CPOs are among the most common legal tools battered women use to protect themselves from partners and ex-partners (Goldfarb, 2008; Tjaden & Thoennes, 2000) so it is vital that we know more about the efficacy of CPOs from female victims' perspective.

CPOs, in broad terms, are legally enforceable documents specifying that a particular individual (the respondent) is not allowed to contact the individual that applied for the CPO (the petitioner). In addition, they can include other conditions, such as property division and temporary custody arrangements. These orders are named and defined differently by state, with common terms including "Restraining Orders" and "Protection Orders." Despite the different names, all of these orders serve the same purpose of creating a no-contact order between two parties without having to go through the criminal justice system. In this article, CPO refers to all such types of CPOs that individuals obtain. Additionally, the term "petitioner" refers to the woman applying for this order, and "respondent" is used to refer to the man against whom the order is sought.

CPOs are designed to give control of the process and possible relief to applicants, and can provide an alternative to the criminal legal system for victims when the criminal system has not been responsive. Moreover, as this is a civil process, neither applicants nor respondents are required to have an attorney at any point in the process, which allows those who cannot afford or access attorneys to use the process without needing to pay for representation (Buzawa, Buzawa, & Stark, 2011; Fleury-Steiner, Fleury-Steiner, & Miller, 2011). Yet CPOs also exemplify an area of the legal system in which victims confront increasingly bureaucratic and convoluted processes in order to secure legal protection from abuse. Obtaining an order cannot be separated from the process experienced to obtain that order. An ecological approach (e.g., Bronfenbrenner, 1979), which emphasizes the complex environmental contexts in which individuals live and interact, is critical to understanding how to improve those systems.

Because CPOs play a vital role in providing legal protection for victims, it is imperative that we continue to look at victim's perceptions of this system to understand if they perceive the system as working for (or against) them. In particular, an extensive body of research finds perceptions of fairness are related to individuals' trust in the law and likelihood of re-using the legal system (Tyler, 1990; Tyler & Blader, 2003; Tyler & Huo, 2002). Tyler's work has found that individuals who perceive the system as fair will also see that system as being legitimate and will trust the outcomes even if they are not necessarily in their favor (Tyler, 1990; Tyler & Blader, 2003; Tyler & Huo, 2002).

## **CURRENT STUDY**

Research on the CPO process remains slim, and although there are studies looking at mediation with regards to divorce and custody, existing research rarely examines how victims fare during the process of obtaining CPOs. Examining the relationships between victims

of domestic violence and the court system remains an important area of study, especially since research suggests that there is much work yet to be done to ensure that victims are empowered and are not deprived of opportunities to obtain valuable resources.

The current study adds to the CPO literature by looking at perceptions of fairness among women who utilized the CPO process. This study contributes to three major research areas: CPO research, Court Personnel research, and the Civil Justice System research. While the extant literature is robust in the areas of victimization and the justice system, little attention has been paid to CPOs and victims' perceptions of fairness within the civil process and its ability to adequately protect them. Our research questions are twofold: first, how do female survivors' experiences of fairness of court personnel (attorneys, mediators, and hearing officers) shape their satisfaction with the court process? Second, what factors about the individual, the abuse, the court outcome, and the actors' behaviors are related to perceived fairness of court personnel? Before answering these questions, it is important to outline the current literature and the gaps filled by answering these questions. We begin by outlining the gaps in the general CPO literature, and then outline gaps in the current court personnel and civil justice system literature.

The current study also frames women's perceptions of fairness within the protection order system using Ecological Theory (Bronfenbrenner, 1979). Women's experiences with IPV are thought of as interacting with various levels of social systems. In this case specifically, these interactions include the IPV between victim and abuser, and women's contact with multiple actors in the civil legal system (e.g., Ali & Naylor, 2013; Dutton, 1996; Heise, 1998). All levels of social interaction can influence how women perceive the larger social systems (with Family Court being the focus of the current study).

## CIVIL PROTECTION ORDERS

Research on CPO effectiveness for IPV/A is mixed, with the general consensus demonstrating that although these orders do not offer complete protection, they are useful and in many ways serve their purpose (Benitez, McNielm, & Binder, 2010; Fleury-Steiner et al., 2011; Zeoli, Rivera, Sullivan, & Kubiak, 2013). However, some studies reveal that the current CPO system can actually undermine autonomy of domestic violence survivors by limiting their options for contact (Goldfarb, 2008). Earlier studies found that women who apply for CPOs experienced significantly reduced violence than those who did not seek or obtain CPOs (Holt, Kernic, Lumley, Wolf, & Rivara, 2002; Holt, Kernic, Wolf, & Rivara, 2003). Benitez et al.'s (2010) more recent review of the literature suggests that reports of CPO violations vary wildly, and that most of the literature tends to focus mostly on physical violence, which is too simplistic given the range of abuse tactics employed by perpetrators (see also Baker, 2008).

However, new research from Messing, O'Sullivan, Cavanaugh, Webster, and Campbell (2017) found that CPOs did significantly reduce subsequent abuse in a sample of 755 women. Furthermore, other protective actions (changing locks, installing security devices, and safety planning) were revealed to have either no effect, or to increase the likelihood of subsequent abuse. The authors' findings suggest that the civil legal system does have an impact on reducing subsequent instances of violence, threats, and stalking, and may be a more effective strategy for women than staying out of the legal system (Messing et al., 2017). Indeed, legal means of protection may be all the more imperative once women

make the decision to separate from their abusive partners. Another recent study finds that women who were separated from their partners were significantly more likely to be victims of IPV/A than women who were not separated (Rezey, 2017).

With recent evidence mounting that reveals CPOs can be an effective way to reduce IPV/A, it is all the more important to take a closer look at the process itself. Procedural justice suggests that if women perceive this system positively, they may be more likely to seek CPOs, or they may be less hesitant to use the courts in the future. Obtaining a CPO is a multistep process, requiring survivors to fill out forms, tell their stories, interact with different system personnel and appear in court, typically at least twice. It is likely that this process impacts survivors' satisfaction with the court process, beyond simply being able to obtain an order.

The current study examined how the behaviors of mediators, attorneys, and hearing officers—the major court personnel who work most closely with victims at this stage in the jurisdiction studied—affect women's perceptions of the legal system with regards to their protection orders. This is something that is currently missing in the CPO general literature, and a topic that can broaden the conversation from talking about the outcomes to individual's interaction with court processes within the context of IPV. Another missing piece of the current literature is the importance (or lack thereof) of court personnel within the context of IPV and the CPO process.

## **COURT PERSONNEL—THE “PLAYERS”**

### **Mediators**

Most of the research exploring IPV/A in the civil justice system focuses on custody rather than CPOs (Chandler, 1990; Erickson, 2005; Erickson & McKnight, 1990; Haselschwerdt, Hardesty, & Hans, 2011; Imbrogno & Imbrogno, 2000; Kernic, Monary-Ernsdorff, Koepsell, & Holt, 2005; Morrill, Dai, Dunn, Sung, & Smith, 2005; Newmark, Harrell, & Salem, 1995; Pearson, 1997; Saunders, Faller, & Tolman, 2012). Custody is often involved during both protection orders and divorce proceedings. Therefore, much of the literature reviewed below focuses on divorce and custody cases. However, a great deal can be gleaned from understanding the role that the court system and personnel play in these sensitive cases. The majority of research findings support the idea that court officials, particularly custody evaluators, wield tremendous power in either minimizing or in raising awareness of domestic violence in custody cases. Additionally, the quality of domestic violence knowledge itself is limited and inaccurate among court officials. In particular, known cases of intimate partner violence often go undocumented and unaddressed when children are involved—leading to concerns about children's safety (Erickson, 2005; Haselschwerdt et al., 2011; Kernic et al., 2005; Morrill et al., 2005; Saunders et al., 2012).

Civil court mediation processes have the potential to be both empowering and also disempowering; on one hand, victims can face their abuser and have their experiences legally validated. On the other hand, court personnel may minimize survivors' experiences of abuse or survivors may not receive all of the protections they need. Although the existing research on mediation in civil court focuses on other civil processes, particularly divorce and child custody, there are scholars who argue that mediation remains a more empowering and better alternative to the traditional adversarial court processes, and offers greater chances for both victims and batterers to obtain the rehabilitative services that they need (Chandler,

1990; Erickson & McKnight, 1990; Imbrogno & Imbrogno, 2000; Newmark et al., 1995; Pearson, 1997). With regards to CPOs, the mediation process may place more power with the victims and may enable them to define their own terms of contact in addition to gaining the validation of their experiences from court officials and hearing officers. This positive assessment of mediation in civil court may ultimately be because it does not involve a finding of guilt/innocence, but rather, its goal is to determine the contours of contact, protection, and relief.

However, the mediation process is still adversarial, and some victims might not want to subject themselves to more unpleasant experiences with their abusers, or may be unprepared to face abusers in this informal way (Baker, 2008; Benitez et al., 2010; Goldfarb, 2008; Zeoli et al., 2013). Victims may also have less control over their own protection and may have to concede to conditions they may not want, or they may have to give up conditions of protection they felt were needed in order to get to an agreement (Baker, 2008; Benitez et al., 2010; Goldfarb, 2008; Zeoli et al., 2013). For example, a victim may want their abuser to pay them back for an item broken during an episode of abuse. During the mediation process, the abuser can then refuse and tell the mediator that they will go to a full hearing instead of consenting to pay the victim back. The mediator can then inadvertently cause the victim to acquiesce to the abuser's refusal by stating that the victim would have to go to a full hearing (where the protection order may not be granted at all), or consent to the refusal to pay for the broken item. More generally, victims may have to choose between obtaining a consent order that may not have all the conditions that the victim wanted, or spending up to a full day in the courtroom, often without an attorney, and risk not obtaining an order at all, effectively removing the power that they could have in this situation.

## Attorneys

Multiple studies find that the legal system is biased in different ways (Hayward, 2009; Zatz, 2000; Zatz & Hagan, 1985; Zatz, Lujan, & Snyder-Joy, 1991; ), exacerbated by how the legal system performs for those of different social statuses, including race and income level (Alexander, 2010; Jewel, 2008; Richie, 2012; Zatz & Hagan, 1985; Zatz, 2000; Zatz et al., 1991). Much of the earlier literature looks at discrimination based on singular statuses—race, class, gender, or disability—and demonstrates that advantaged social groups are more likely to benefit from aspects of law such as sentencing guidelines, written law, and police and judge discretion (Bortner, Zatz, & Hawkins, 2000; Chiricos & Crawford, 1995; Crutchfield, Bridges, & Pitchford, 1994; Daly & Chesney-Lind, 1988; Hagan & Bumiller, 1983; Kleck, 1981; Roberts, 1994; Simpson & Elis, 1995).

The CPO process is designed to be accessible by laypeople without legal representation (Fleury-Steiner et al., 2011). However, legal aides and pro bono attorneys, likely play an important role in navigating the system in that they can help those with less status gain equitable outcomes from their cases. A 2015 study by the Institute for Policy Integrity found that 83% of IPV victims who were represented by an attorney were able to obtain CPO's while only 32% of IPV victims were able to obtain CPO's without representation (Rosenberg & Grab, 2015). The research suggests that overall, having professional legal representation results in better outcomes for almost all civil cases (with the exception of juvenile cases; Poppe & Rachlinski, 2016).

## Judges and Hearing Officers

Far less research has examined the role of hearing officers themselves in civil court relative to the role of mediators and attorneys. Early research finds that judges and hearing officers were not sentencing according to VAWA and federal guidelines when respondents would violate their CPO, especially with the statutes involving the removal of firearms from respondents in CPO cases (Diviney, Parekh, & Olson, 2009; Seae, 2006). More recent research has shown that judges and hearing officers often use discretion when discussing terms of CPOs with both petitioners and respondents, with one study finding large differences in how hearing officers explained the firearms bans to victims based on the type of CPO requested, or the type of hearing held (Fleury-Steiner, Miller, & Carcirieri, 2016).

Because of research finding large amounts of judicial discretion with CPOs, a recent article reported on the factors that might influence judicial decision-making in CPO cases. Lucken, Rosky, and Watkins (2015) found that the factors that significantly associate with the denial of a CPO were surprisingly not the illicit behaviors of the respondent, but whether the respondent was employed, had representation, whether the respondent objected to the CPO, and whether the respondent had previously sought a CPO themselves against the petitioner (Lucken et al., 2015). While the body of literature around judicial discretion in CPO cases is modest, there is no research that examines the interactions between hearing officers and victims, and how these behaviors influence victims who are seeking a CPO.

While ample research demonstrates that individual interactions with attorneys and Judicial Officers are important to victims and their success with navigating various legal systems, there is no clear research looking at court personnel's interactions with victims within the context of the CPO process. This remains a critical missing area of research, as women going through the CPO process (as opposed to divorces or custody cases) are seeking protection and may have recently gone through severely traumatic experiences that could be exacerbated by bewildering court processes and/or insensitive personnel.

## PROCEDURAL JUSTICE AND COURT PROCESSES—“THE GAME”

Almost as important as the law “on the books” is the perception of the law and how “justice” is imposed by those who come into contact with it. The very nature of written law provides individuals with perceptions that law is fair and unbiased politically, no matter the effects or interpretations of these written laws (Baird & Gangl, 2006). The formality and inundation of these laws also adds to the legitimacy and importance to the general public (Bourdieu, 1984; Dezalay & Madsen, 2012). Research finds that the public’s view of how they are treated by the legal system (i.e., the process) is just as important as the outcome of their cases (Bottoms & Tankebe, 2012). This concept is known as Procedural Justice, as articulated largely from the works of social psychologist Tom Tyler. His work finds that it was individuals’ perceptions of the procedural fairness of law enforcement, rather than the perceived fairness of the outcome, that shapes compliance with the law and their satisfaction with the process (Tyler, 1990; Tyler & Blader, 2003; Tyler & Huo, 2002). The protection order process itself can also have detrimental impacts on the women applying for them: not only have the women been victimized by their partner, they now may face a second victimization by the court system as well. One study conducted in Britain found evidence that the protection order itself re-traumatizes women because their safety is not prioritized in the application process, and court officials are more concerned with the timely completion

of large volumes of cases rather than achieving quality solutions (Adams, 2009). Another study conducted in the United States finds that the process of applying for a protection order is also economically difficult; women often experience loss of income or interruptions of income during the process, although welfare may act as a buffer for negative effects experienced by women with lower income levels (Hughes & Brush, 2015).

Again, this concept of procedural justice is especially important for women applying for a CPO in civil court—if they do not perceive the system to be fair, or have negative views of the system based on their experiences, they may be less likely to utilize the courts when future abuse occurs (see Tyler, 1990; Tyler & Blader, 2003; Tyler & Huo, 2002). It is necessary to understand how women's interactions with professionals in Family Court shape their perceptions of the overall CPO process. If women endure more hardships and do not view court personnel as working to protect them, this may lead to negative perceptions of the justice system and refusal to use the justice system in cases of further abuse. The current study also offers practical implications, in that court personnel will be aware of how their behaviors impacts the victims.

While the current study prioritizes explorations of procedural justice rather than case outcomes, it is important to note that attorneys and related court personnel are important not only for outcomes, but also for their ability to help their clients navigate the increasingly complicated legal justice system. Lawyers' actions and explanations of the process can influence their clients' perceptions of fairness (regardless if lawyers were able to achieve their clients' desired outcomes). When court personnel actions or behaviors influence women's perceptions of fairness in a positive manner, it not only adds legitimacy to the legal process, but also contributes to women's satisfaction of the process and to their feelings of increased personal safety. Therefore, the current study seeks to add to the literature and overall body of knowledge in two critical ways. First, it seeks to study victims of IPV seeking a CPO via interactions with mediators, which will add to a literature that currently focuses on divorce and custody. Second, the study seeks to examine the interactions and behaviors of court personnel themselves, and how they influence women's perceptions of justice. Two research questions are addressed: (a) how do victims' perceptions of fairness of the court actors (mediators, attorneys, and hearing officers) shape satisfaction with the overall court process and (b) what factors are related to perceptions of fairness of court personnel?

## METHODS

### Community Context

Because the process of obtaining CPOs varies so widely by state (DeJong & Burgess-Proctor, 2006; Richards et al., 2018), it is necessary to outline the process and procedures faced by the participants in this jurisdiction located on the east coast. When individuals seek a CPO in this state, they go to the Family Court and fill out a petition packet. If they choose, they can also apply for an emergency ex parte CPO which means that the individual will fill out the packet and be able to see a hearing officer on the same day. The hearing officer then can grant the individual a temporary order which will expire in 15 days, providing the individual with some legal protections until returning to court for a more permanent order before the temporary order expires.

When petitioners arrive at court for the second time, they wait in a separate area (to avoid contact with their abuser). While some women are represented by counsel at court, most are not. Petitioners are greeted by a mediator, who explains the process of securing a consent order versus holding a full hearing. Consent orders are orders worked out without a hearing and without the hearing officer present; this is accomplished through court mediators. While the use of mediators is likely unique to the study locale, the use of court staff to work out a consent order between parties occurs in other states. When the respondent appears in court, the mediator will ask the petitioner if she will consent to an agreement without having to go to court for trial. The mediator then traverses between the two parties to try to work out a CPO with conditions and stipulations agreed upon by both parties. If an agreement is reached, the parties then go in front of a hearing officer, who reviews the order and typically signs off.

When the parties do not consent to mutually agreeable conditions, they have the option to call witnesses to testify and present evidence of their abuse to the hearing officer, and the end of the hearing could result in a finding of abuse. If there is a finding of abuse, the hearing officer will then issue a CPO with conditions including prohibitions on contact, temporary custody and visitation arrangements, and property division. In addition, under federal and state law, the respondent is prohibited from possessing firearms for the duration of the order.

It is also important to note that this is a civil procedure, and that there are no criminal charges filed or ruled on during the CPO process. However, CPOs can proceed at the same time as a criminal case filed against an abuser—in these cases, they remain on different tracks, with the CPO in civil court and the criminal charges going through a separate criminal court process. There does not have to be a criminal charge pending for a victim to choose to file for a CPO.

The current study was part of a larger longitudinal research project designed to explore women's experiences with obtaining or attempting to obtain CPOs against their male romantic partners/ex-partners. All women in our study disclosed during the interviews that they had experienced some form of physical, sexual, psychological abuse, or threats and that these instances of abuse were among the reasons for petitioning for a CPO (see Results section). The current article uses quantitative data from detailed, highly structured interviews conducted shortly after a CPO hearing to better understand how attorneys, mediators, and hearing officers help or hinder women going through the civil process, and how these key personnel influence women's perceptions of fairness.

**Participant Recruitment.** Women 18 years old or over seeking protection from a current or former male romantic partner were interviewed. All women were recruited at the Family Courthouse; researchers approached women in the separate waiting area designated for petitioners in CPO cases and told women about the study. At recruitment, women's names and phone numbers were collected and women received a flyer that included the study synopsis and contact information should the participant wish to reach out to the researchers. Researchers then called women several days later to schedule the initial interview. Interviews were conducted between 1 week and 1 month after the woman was recruited, depending on her availability.

The interviews were conducted at a location of the women's choosing with the majority completed either at the women's homes or at a public restaurant. The interviews lasted between 30 minutes to 2.5 hours, and were recorded with the participants' consent to ensure accuracy of the data. Interview questions were quantitative in nature; specific measures are

discussed below. In order to build trust between researcher and participant, and to maximize both the quality of data captured and the women's control over how they wanted to answer each question, these quantitative questions were asked in person rather than captured through written surveys (Roulston, 2010; Silverman, 2013). Upon completion of the interview, women were given the \$25 gift card and a resource list containing various local agencies that offered anything from legal assistance to childcare.

## Measures

**Demographics.** All participants were asked basic demographic questions, including race, age, number of children, whether they have a disability, and monthly income at the time of the interview. Women were also asked to classify their relationship with the batterer (married, divorced, living together, dating, ex-boyfriend/girlfriend) at the time of application for the CPO as well as at the time of the interview.

**Physical Abuse.** A modified version of the Conflict Tactics Scale—Revised (Straus, Hanby, McCoy, & Sugarman, 1996) was used to measure the frequency of physical abuse prior to applying for the CPO. Women indicated on an eight-point scale (0 = *never* to 7 = *every day*) how often their partners committed particular acts of physical violence, such as hitting, kicking, and choking or strangling. Reliability for this scale was high in the current study (Chronbach's alpha = .92, with corrected item-total correlations between .35 and .79).

**Psychological Abuse and Threats.** Psychological abuse committed by the abuser prior to the survivor applying for the order was measured with a modified version of the Psychological Maltreatment of Women Inventory Short Form (Tolman, 1999). Women indicated on a four-point scale (0 = *never* to 4 = *very frequently*) how often their partners engaged in different forms of psychological abuse, such as saying her feelings were irrational or crazy and calling her names. In the current study, this scale showed good reliability, with a Chronbach's alpha of .86 and corrected item-total correlations ranging from .46 to .68. In addition, all participants were also asked to indicate how often the abuser threatened them during the 3 months prior to applying for the order (0 = *never* to 7 = *every day*).

**Experiences in Court and Case Outcome.** All women were asked to rate their satisfaction with the court process on a five-point scale (1 = *very dissatisfied* to 5 = *very satisfied*). They were also asked to rate how fair the court process was on a four-point scale (0 = *very unfair* to 3 = *very fair*).

At the time of the interview, women were asked about the final outcome of their CPO filing: whether they had received the order, been denied an order, or if the case was still in process at the time of the interview.

**Experiences With Court Personnel.** All women were asked whether they were represented by an attorney at any point during the CPO process (yes/no). Women who did use an attorney at any point were asked if the attorney accompanied them to court for a CPO hearing (yes/no). In addition, if they used an attorney at any point, women were asked to rate the fairness of their attorney (0 = *very unfair* to 3 = *very fair*) and their satisfaction with the attorney (1 = *very dissatisfied* to 5 = *very satisfied*). Finally, women who did have an attorney were asked to rate on a four-point scale the extent to which the attorney engaged in specific behaviors, such as believing them, acting bored, or discouraging them from continuing with the case (0 = *not at all* to 3 = *very much*).

All women were asked similar questions about their experiences with court mediators and hearing officers. They were asked to rate the fairness of the mediator, and their satisfaction with the way the mediator handled their case. Similarly, they were asked to rate the

fairness of the hearing officer and their satisfaction with the way the hearing officer handled the case. Finally, women were asked to rate on a four-point scale the extent to which the mediator and the hearing officer each engaged in specific behaviors, such as believing them, discouraging them from continuing with the case, or acting bored (0 = *not at all* to 3 = *very much*).

## RESULTS

### Demographics

A total of 172 women participated in the study; 65 women identified as African American or Black (38%), 72 identified as White (42%), 16 (9%) identified as Latina, 14 identified as multiracial (8%), 4 identified as Asian/Pacific Islander (2%), 2 identified as Native American (1%), and 1 individual identified as "Other" (0.5%; see Table 1). For analysis purposes, race was re-coded to include a "White" category and a "Woman of Color" category which includes the remaining race/ethnicity options. This re-coding was done because of the statistically small number of women who identified as neither African American nor White and, if used in the model as is, would skew comparisons.

Participant age ranged from 19 to 71 years old with a mean age of 35 ( $SD = 10.3$ ; see Table 1). Nearly all women (93%;  $n = 160$ ) women had at least one child. Forty-nine women (28%) noted that their child or children had a disability, and 36 participants (21%) disclosed they themselves had a disability. At the time of the interview, most women were no longer in a relationship with their abuser (95.4%).

Most women ( $n = 115$ ; 67%) were employed at least part-time, and nearly all women disclosed that they supported at least one other person ( $n = 171$ ; 99%). Almost two-thirds of women reported receiving some form of government assistance such as Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF), and/or Supplemental Nutrition Assistance Program (SNAP) ( $n = 107$ ; 62%). Overall, women's mean monthly income was \$2,393 ( $SD = 2,478$ ).

### Violence Experienced

All women were asked about their experiences of physical and psychological violence by the person they were seeking an order against. All women indicated that they had experienced some form of psychological abuse, with an average frequency between "sometimes" and "often" ( $M = 2.68$ ,  $SD = 0.91$ ). During the 3 months before she applied for the order, most women were also threatened (85%;  $N = 146$ ). Most women had also been physically assaulted at some point in time by the respondent ( $N = 88\%$ ); the frequency of those assaults prior to applying for the order ranged from once to nearly every day ( $M = 1.10$ ,  $SD = 1.09$ ). Despite these high rates of violence against participants, fewer than half of order respondents had ever been charged criminally (47%;  $n = 81$ ).

### Experiences in Court

At the time of the interview, most women had either received a protection order (66.5%) or had their application for an order denied (20%). The remaining cases were still in process (13.5%). Given that attorneys are not required to obtain a protection order, it is not surprising that the majority of women did not have an attorney at the time they applied for the

**TABLE 1. Participant Demographics**

Demographics	% (n)
Race	
African American	38 (n = 65)
Asian/Asian American	2 (n = 4)
Latina	9 (n = 16)
Multiracial	8 (n = 14)
White	42 (n = 72)
Education	
Less than high school	8 (n = 13)
High school/GED	22 (n = 38)
Trade school	5 (n = 9)
Some college	36 (n = 62)
Associate degree or higher	29 (n = 51)
Has disability	21 (n = 36)
Age (years)	$M = 35 (SD = 10.3)$
Monthly income (dollars)	$M = 2,393 (SD = 2,478)$
Number of children	$M = 2.1 (SD = 1.3)$

*Note.* SD = standard deviation.

CPO, but many women ended up using an attorney during the process. In total, 18 women had private attorneys and the remaining 45 used a pro bono attorney (37% had an attorney;  $n = 63$ ). Out of the 63 women who were represented by an attorney (either public or private), 41 women (24%) noted that their attorney accompanied them to at least one CPO hearing. In general, women who had them were quite satisfied with their attorneys; 80% were either “somewhat” or “very” satisfied with them ( $M = 4.25$ ,  $SD = 1.2$ ). Women also rated their attorneys as fair, with 84% saying they were “very fair” ( $M = 2.8$ ,  $SD = 0.6$ ).

There was more variability in women’s ratings of experiences with the mediators than in their experiences with their attorneys. On average, women rated the mediators as somewhat fair ( $M = 2.2$ ,  $SD = 1.07$ ) and were between somewhat and very satisfied with the way the mediators treated them ( $M = 3.64$ ,  $SD = 1.50$ ). Women were also positive the hearing officers, rating them on average as somewhat fair ( $M = 2.34$ ,  $SD = 1.07$ ); women overall were also quite satisfied with the way hearing officers handled their cases ( $M = 4.10$ ,  $SD = 1.49$ ).

**Analysis Plan.** The current study broadens the current literature around CPO’s by examining more broadly why women are or are not satisfied with the court process. The following models draw on ecological approaches to understanding battered women’s

experiences with the CPO process. Ecological theory emphasizes the importance of the multiple interrelated layers of the social environment. In IPA/V, an ecological approach accounts for characteristics of the individuals, characteristics of the violence, as well as interactions with the service providers and agencies (e.g., Ali & Naylor, 2013; Dutton, 1996; Heise, 1998).

Data analysis was conducted in two phases. First, a hierarchical multiple regression was conducted to examine predictors of women's satisfaction with the overall court process. Hierarchical multiple regression was chosen in order to examine not just individual predictors and overall fit, but also the unique impact of blocks of variables: individual demographics, the history of violence itself, the case outcome, and the fairness of court actors on satisfaction.

The second phase of data analysis was to examine factors related to women's perceived fairness of the court actors. Two separate hierarchical multiple regressions were conducted to explore perceived fairness of the mediators and of the hearing officers. Again, this approach allows for an examination of overall model fit, the contribution of individual predictors, and the contribution of blocks of related variables: individual demographics of women, history of violence, case outcome, and specific court actor behaviors.

**Phase 1: Satisfaction With the Court Process.** The first model presented looks at predictors of women's satisfaction with the overall court process (See Table 2). The first block of predictors in the hierarchical regression model included women's race and monthly income, due to their relationship to experiences with court processes in other studies (Alexander, 2010; Jewel, 2008; Mazzotta, Crean, Pigeon, & Cerulli, 2018; Richie, 2012; Zatz & Hagan, 1985; Zatz, 2000; Zatz et al., 1991).

The second block of variables was the frequency of psychological abuse and of physical violence batterers had committed prior to women applying for the order. The case outcome was also included in this model as the only variable in the third block. The final block of predictors were women's experiences with and perceptions of court personnel. Because the women who had worked with an attorney overwhelmingly rated them as "very fair" (only six women did not), this variable was not included in the analysis. Instead, the fourth and final block included a dichotomous variable of whether or not she ever worked with an attorney. This block also included women's perceptions of fairness of the mediators and hearing officers.

In this model, two blocks of predictors led to a significant change in  $R^2$  when they were added. First, the addition of case outcome to the model significantly improved prediction of satisfaction with the process ( $R^2$  change = .18,  $F(1, 88) = 20.0, p = .000$ ). Women who received an order were more satisfied with the process. The final block of predictors as a whole, perceptions of court actors, also significantly improved prediction when it was entered ( $R^2$  change = .25,  $F(1, 85) = 13.2, p = .000$ ). Moreover, with the addition of the perceived fairness variables in the fourth block, case outcome was no longer significantly related to satisfaction with the court process.

For the full model, the significant individual predictors lie with the perceived fairness of the court actors. Specifically, women were significantly more likely to report higher levels of satisfaction with the overall court process when they also perceived the mediators and hearing officers that they interacted with as being fair to them (Beta = .29,  $p = .001$ ; Beta = .44,  $p = .000$  respectively). Demographic variables, the abuse itself, and having an attorney were not significant individual predictors of overall court satisfaction.

**Phase 2: Perceived Fairness of Court Personnel.** Two additional hierarchical regression models continued to dive into the relationship between court personnel and women's

**TABLE 2. Hierarchical Regression Model Predicting Satisfaction With the Court Process**

Block	$\beta$	Adj $R^2$	$R^2$ Change
Demographics		.02	.04
Woman of color (Y/N)	.08		
Income	-.12		
Abuse		-.00	.00
Psychological abuse	.07		
Physical abuse	.01		
Case outcome		.17	.18***
Received the order (Y/N)	.09		
Court Personnel		.42	.25***
Have attorney (Y/N)	-.03		
Fairness of mediator	.30**		
Fairness of hearing officer	.44***		

Note. Adj  $R^2 = .42$ ,  $F(8,85) = 9.3***$

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

perceptions of fairness. Specifically, we focused on women's perceptions of how fairly they were treated by mediators and hearing officers respectively. In both models, the same demographics (participant race and income), violence (physical and psychological), and court outcome blocks of variables were used as in the previously presented model. Additionally, several individual behaviors were included as a fourth block in the models—the degree to which mediators/hearing officers seemed to believe women's accounts of violence, whether they acted bored, and if they how much they actively discouraged women from continuing with their cases.

**Perceived Fairness of Mediators.** Two blocks of predictors led to a significant change in  $R^2$  as they were entered: the case outcome ( $R^2$  change = .06,  $F[1, 90] = 5.36$ ,  $p = .023$ ), and the individual mediator behaviors ( $R^2$  change = .6,  $F[3,87] = 63.8$ ,  $p = .000$ ; see Table 3).

As with the overall satisfaction model, however, the individual predictor of case outcome was no longer significant in the full model, leaving the three individual behaviors that the mediator exhibited as the only individual predictors. Women were significantly more likely to perceive their mediator as being fair if they had also perceived that the mediator believed their accounts of abuse (Beta = .56,  $p = .000$ ). Women were also significantly less likely to perceive their mediators as being fair when they had reported that mediators acted bored (Beta = -.237,  $p = .003$ ), and when they had reported that mediators discouraged them from pursuing the case (Beta = -.199,  $p = .004$ ). None of the demographic or violence variables were significant.

**TABLE 3. Hierarchical Regression Model Predicting Perceived Fairness of the Mediator**

Block	$\beta$	Adj $R^2$	$R^2$ Change
Demographics		-.02	.00
Woman of color (Y/N)	.02		
Income	-.07		
Abuse		-.03	.02
Psychological abuse	.03		
Physical abuse	-.04		
Case outcome		.02	.06*
Received the order (Y/N)	.10		
Hearing officer behavior		.68	.64***
Believed her	.56***		
Acted bored	-.24**		
Discouraged her	-.20**		

Note. Adj  $R^2 = .68$ ,  $F(8, 95) = 26.68$ ,  $p = .000$ .

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

*Perceived Fairness of the Hearing Officer.* As with the first and second models, two blocks of predictors led to a significant change in  $R^2$ . First, the addition of case outcome to the model significantly improved prediction of satisfaction with the process ( $R^2$  change = .353,  $F[1, 12] = 71.70$ ,  $p = .000$ ). The final block of predictors as a whole, which was the addition of the behaviors exhibited by the hearing officer, also significantly improved prediction ( $R^2$  change = .327,  $F[3, 125] = 45.08$ ,  $p = .000$ ). The demographic block (race and income) and the violence block (physical and psychological abuse) did not improve prediction (see Table 4).

For the full model ( $F[8, 125] = 36.0$ ,  $p = .000$ ), the significant individual predictors lie within the demographics, the court outcome, and the behaviors of the Hearing Officer. The only demographic variable that held as a significant predictor was participants' monthly income; as income increased, women were less likely to report the hearing officer was fair to them (Beta = -2.37,  $p = .02$ ). Perhaps not surprisingly, women were significantly more likely to report that the Hearing Officer was fair to them when they were able to obtain the PFA (Beta = 3.35,  $p = .001$ ).

Two individual behaviors from hearing officers were also significant predictors of fairness. Women were significantly more likely to report the hearing officer as being fair if they had also reported that they felt that the hearing officer had believed their accounts (Beta = 8.51,  $p = .000$ ). Women were significantly more likely to report the hearing officer as not being fair to them if they had noted that the hearing officer had acted bored during the hearing (Beta = -4.02,  $p = .000$ ). The degree to which the hearing officer discouraged

**TABLE 4. Hierarchical Regression Model Predicting Perceived Fairness of the Hearing Officer**

Block	$\beta$	Adj $R^2$	$R^2$ Change
Demographics		.00	.02
Woman of color (Y/N)	-.00		
Income	-.12*		
Abuse		-.01	.00
Psychological abuse	.00		
Physical abuse	-.07		
Case outcome		.35	.35***
Received the order (Y/N)	.21		
Hearing officer behavior		.68	.33***
Believed her	.54***		
Acted bored	-.23***		
Discouraged her	-.07		

Note. Adj  $R^2 = .68$ ,  $F(8, 133) = 36.01***$

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

them from continuing with the case did not have a significant effect on women's perceptions of fairness.

## DISCUSSION

The current study sought to understand women's perceptions of fairness and satisfaction with the court process when applying for a CPO against an abusive partner. The current study is generally supportive of the literature in that it further illustrates the many ways in which the legal system and the personnel within it can hinder women and affect their perceptions of fairness and satisfaction with the court process as a whole (Epstein, 1999; Hayward, 2009; Jewel, 2008; Poppe & Rachlinski 2016; Shalleck, 2009; Zatz, 2000; Zatz & Hagan, 1985; Zatz et al., 1991.). Court personnel play a much larger role than expected when influencing women's satisfaction with the court process, which in turn can influence how women feel about CPO's and the court's overall abilities to protect them. The findings indicate that women's demographics and the types of abuse they have experienced do not always predict court satisfaction, but how they are treated by court personnel is critical

to understanding satisfaction and fairness. However, women's income level indicates that socioeconomic status does play a role when interacting with hearing officers in particular and may have an effect on how they perceive the individuals that they come into contact with during the process.

The women who worked with attorneys reported an overwhelming high level of satisfaction, with the vast majority of women reporting that they were very satisfied with their attorneys. While lack of access to attorneys is generally seen as an additional barrier to women and disadvantaged populations accessing justice (Poppe & Rachlinski, 2016), most of the attorneys that women worked with when obtaining CPOs were pro bono legal aides who assisted individuals without financial means to hire private legal representation. Given that many survivors of IPV/A do not have capital to obtain private attorneys, our findings demonstrate that legal aides could be a critical component for court systems to help to "even the playing field" for individuals in disadvantaged positions, perhaps by being able to help women navigate through the myriad of legal barriers they face when trying to get help from the legal system. Following procedural justice interpretations, it could also mean that legal representation validates a victim's experience, leading to greater faith in the legitimacy of the legal process.

The current study also found that mediators and hearing officers significantly influenced how women viewed the legal system. Specifically, women were significantly less likely to be satisfied with the court process if the mediator discouraged them from continuing with the case or seemed bored. This finding might indicate that women perceive mediators in the same way as attorneys, as guides through the legal system and as vehicles for obtaining their goals throughout the process. Mediators are often the first people that women come into contact with in the waiting room prior to a hearing, and the mediator is often the first person that explains the process and what to expect from it. Mediators perform a "shuttle diplomacy" in that they go back and forth between respondent and petitioner to try to arrange an agreement or consent order prior to appearing before the court. Although the use of mediators is unique to this particular jurisdiction, the use of court staff to assist petitioners and respondent to reach a consent order prior to entering the courtroom is not unusual.

Although the effectiveness and issues of consent orders are debated academically (Baker, 2008; Benitez et al., 2010; Goldfarb, 2008; Zeoli et al., 2013), one positive aspect of consent orders is that they take much less time and resources. Because mediators are integral to the CPO process, discouragement from them could drastically alter the way women both perceive the court system overall in addition to their own victimization. Perhaps victims perceive mediators as working for both the petitioner and respondent, and not solely representing their own interests as an attorney would.

An interesting finding in all models was the lack of significant impacts race and income had on women's satisfaction and perceptions of fairness of the actors. Having financial independence is a key part of being able to separate from an abuser (Evans, Gregory, Feder, Howarth, & Hegarty, 2016; Katz, 2016; Rogers, 2016), and could influence the way that women view their navigation through the court system as well. However, in our models, demographic variables were not as important in women's perceptions of personnel and court fairness as the individual behaviors of the individuals that were connected with the court with the exception of one model.

There was one exception to this pattern. In the hearing officers model, having a lower monthly income was predictive of perceiving the hearing officer to be more fair. The inverse relationship between income and perceived fairness is interesting, given that women with

higher income levels are likely have access to more resources (e.g., Shoener, 2017). Perhaps women with higher incomes expected more from hearing officers, or assumed the system would work in their favor. In contrast, women with lower incomes may have had lower expectations of fairness when they began the process. Further research is needed to examine the complex relationship between income and perceived fairness of the legal system generally and of hearing officers in particular.

A notable limitation of the current study is that the role of public and private attorneys could not be separately examined because so few women had the means to hire private attorneys for their CPO cases. Relatively few women were able to work with attorneys in general—attorneys are not required for these processes in any state, and because many victims have few resources at their disposal, it is no surprise that there were relatively few women in our sample that used them. Examining the behaviors related to perceived fairness of attorneys was not possible in that there was virtually no variability in attorney fairness. The majority of women ( $n = 51$ ) who had attorneys rated them as being very fair, six women rated them as somewhat fair, and the remaining nine women rated their attorneys as not being fair. Future studies need to examine women's interactions with attorneys—both pro bono and private—and the role that these interactions play in experiences of fairness.

Additionally, as stated previously, CPO processes differ in each state, with some states not having a mediation process at all. The current study might not be generalizable to all states, but given the similarities in behaviors from mediators and from hearing officers that women rated as important to fairness (e.g., listening to her side of the story), it is likely these behaviors may be critical for any court personnel. The findings illustrate the importance of court personnel behaviors in shaping women's perceptions fairness of and their satisfaction with the overall CPO system. Future research can build upon the current study's findings by looking at different states, and different court personnel to examine all of the ways that these interactions affect the victims moving through the courts.

This study expands the literature in several ways. Our findings show that court personnel and their interactions with women and victims are critical in influencing the way that victims view the justice system. Negative perceptions of the CPS process may lead women to feel unprotected or unsafe, and may discourage women from using the courts as a resource when confronted with further abuse. Additionally, the current study expands the CPO literature and adds to the ongoing dialogue about the mediation processes. This is especially important considering most of the current mediation literature focuses largely on divorce and custody.

The findings indicate that interpersonal training for court staff should emphasize the importance of court personnel listening to and validating petitioners' experiences with abuse, and to be more encouraging of victims' right to seek protection in whatever form they feel is best, whether that be through a consent order or an appearance before a hearing officer. System efficacy should not be substituted for fairness. Our study also encourages the policy recommendation that the opportunity for legal representation should be extended or expanded for individuals who use the civil court process in order to level the playing field for disadvantaged populations coming into contact with the legal system. While having an attorney in and of itself did not significantly predict whether women thought the overall process was fair, women with attorneys were highly satisfied with them, suggesting that attorneys may still play an important role in the CPO process. Future research needs to address the work of attorneys in this context in more depth.

Finally, the current study focuses on the experiences of women seeking protection from violence through civil court. Additional work needs to focus on the experiences and perceptions of abusers against whom orders are sought—especially in the cases of cross-filing CPO petitions, where there may be cases of retaliatory filing by abusers. Additionally, future research could explore male victims and/or experiences for men moving through the courts, as the current study was only able to interview women. If we are to truly address and ultimately end intimate partner violence, future studies must explore in more depth how to effectively hold abusers accountable.

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