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RELIEF FROM ABUSE ORDERS IN VERMONT CASE PROCESSING 2004-2008

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VERMONT RELIEF FROM ABUSE ORDER CASE PROCESSING ANALYSIS

2004-2008

During the study period of 2004-2008, an average of 3,700 requests for relief for abuse orders were filed in Vermont Family Court. This study provides statewide and county analysis of the processing and disposition of relief from abuse orders.

Key Findings:

- The county in which the request is filed is statistically significant in determining whether an order will be issued.
- The gender of the filing party is statistically significant in the issuance of the temporary order but not the final order.
- The gender of the respondent is significant in the issuing of the final order and temporary order.
- There is a need for greater consistency in reporting outcomes from the Family Courts.

Demographics of Cohort:

There were 18,769 complaints filed during the study period. This represented 18,409 unique cases.¹ Gender information for the filing party was available in 96.5% of the cases. Females filed 13,998 (74.6%) of those complaints. Gender information for the responding party was available for 82.6% of the cohort. One thousand nine hundred and one (63.4%) respondents were male. Females filed against males in 10,858 complaints (57% of all complaints). Males filed against females in 2,537 (13.5% of all complaints). Same gender complaints numbered 1,602 (8% of all complaints filed).²

Age of the filing party was available in 97.5% of the complaints. The age range for the filing party was from 2-100 years of age. The average age was 37, and the mode was 29 years of age. One hundred and forty-eight plaintiffs were under the age of 10, and 205 were between the ages of 10 and 18.

¹ Analysis is based on complaints filed not unique cases. Unique cases can have different plaintiffs, and the focus of this study is individual plaintiffs.

² Of the 1,602 same gender complaints, 112 listed the relationship as either current/former spouse or current/former minor dating relationship.

The age of the responding party was available in 94.7% of the complaints. The age range was from 12-89 years of age. The average age of the responding party was 33 years of age, and the mode was 23. Respondents under the age of 18 accounted for 2.2% of the respondents.

The most common known relationship between the parties was a current spouse, with 4,641 (24.7%) complaints. Current household or family members accounted for 3,519 (18.17%) complaints. Former household or family members filed complaints number 3,275 (17.4%) and former spouses filed 1,550 complaints (8.3%). Minors in past or present dating relationships were .8% of the cases and child against parent accounted for 1.5% of the complaints.

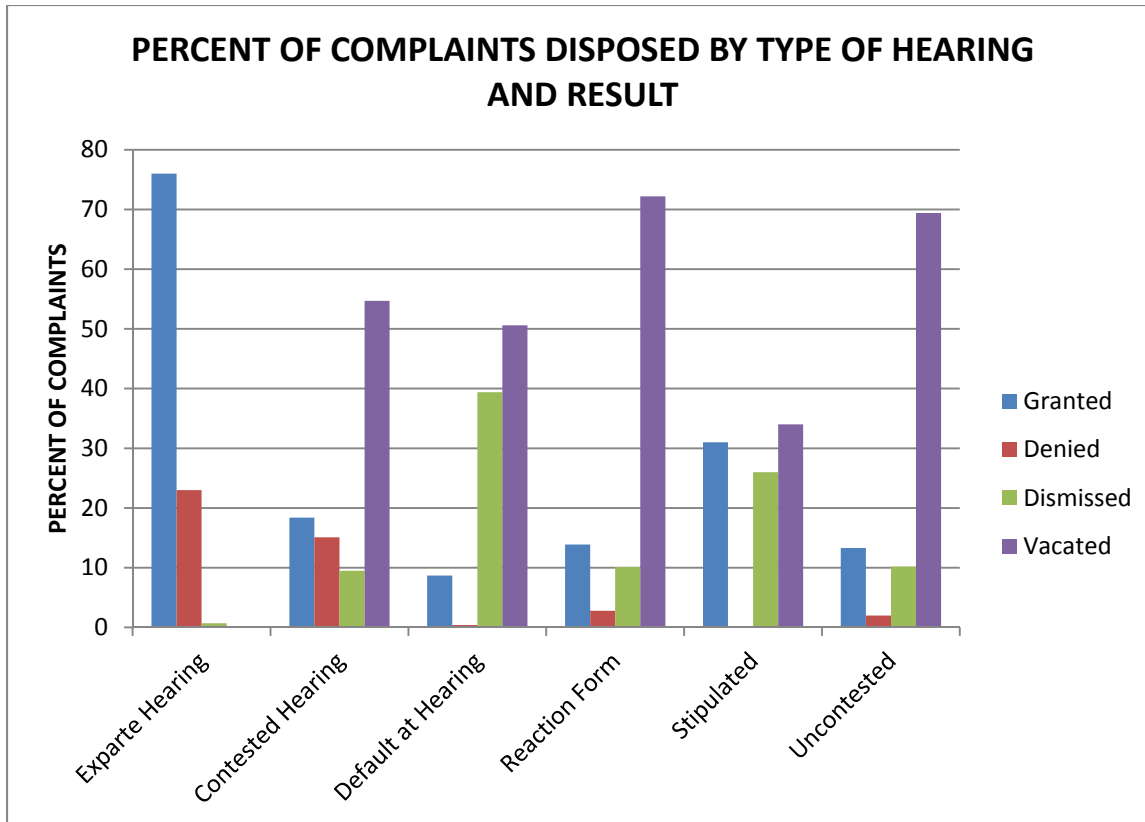
The largest category was “other” with 5,338 (28.4%) complaints filed. The category of “other” includes dating relationships and sexual relationships. However, the court data does not distinguish between the categories or other relationships that may be included.

Temporary Relief From Abuse Orders:

In the filings for temporary relief from abuse orders, 99% of plaintiffs requested emergency relief and 96% of plaintiffs requested final relief. Temporary orders³ were granted or issued in 61.5% of the complaints (11,546). They were denied in 3,488 (18.36%) complaints. Complaints were withdrawn in just 20 instances. An order was vacated in 2.9% of the cases. Data on the plaintiff’s intent to pursue a hearing was available in just 3,488 cases. Of those, only 801 (23.2%) plaintiff’s intended to pursue a hearing. Most granted orders were for 1 week or less (51.6%). Forty-three point four percent were granted for 1 to 2 weeks.

Complaint disposition circumstances were available in 15,894 complaints. Ninety-four point three percent (14,981) of complaints were disposed in an exparte hearing. Seventy six percent of those complaints were granted.

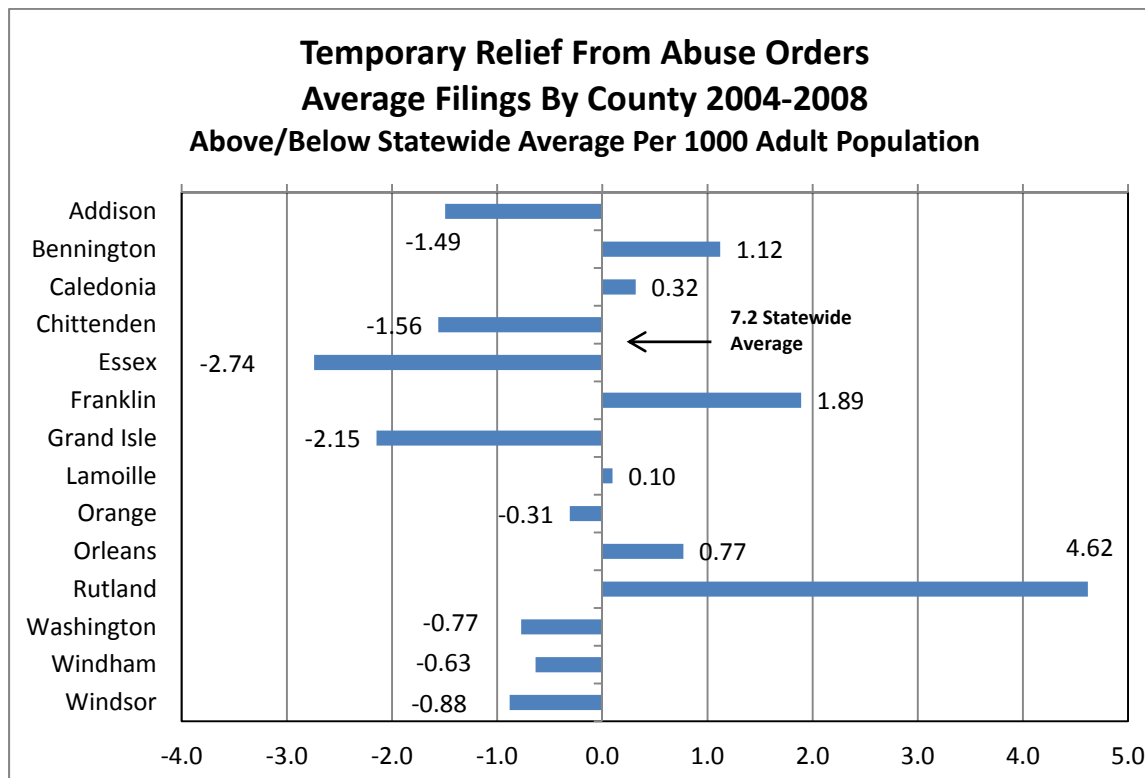
³ Information is only for the most recent temporary order on a complaint.



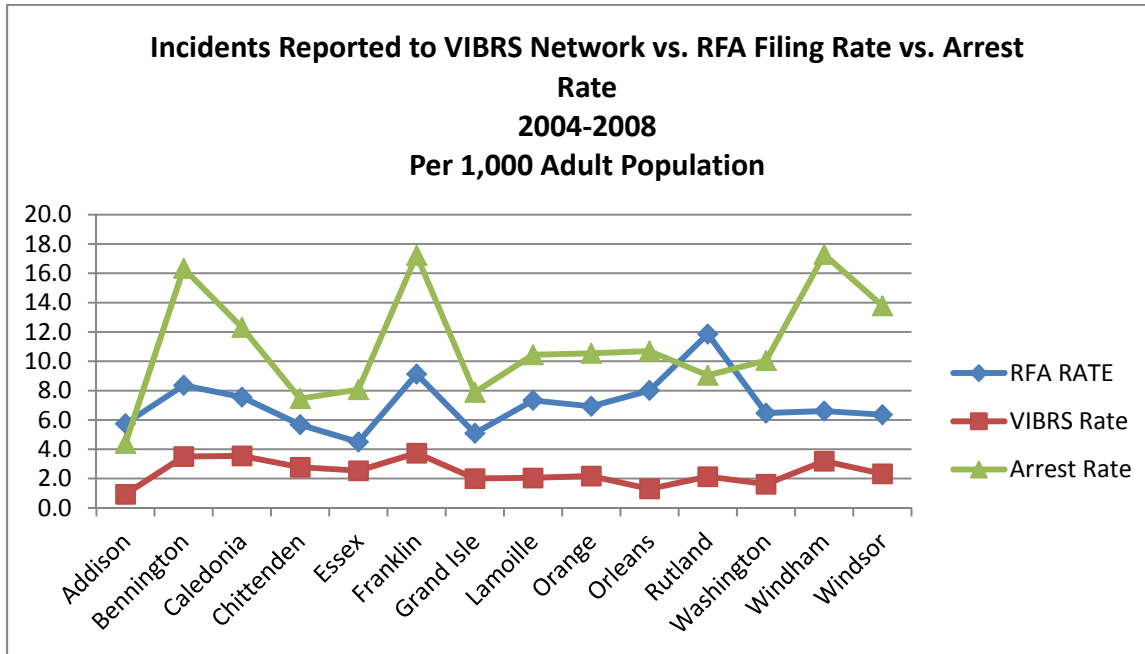
As expected, the most populous counties had the most filings. However, when filings per 1,000 of the population are examined, counties differ greatly. The following table and chart includes only relief for abuse complaints for adult respondents. The five year average is presented for both filings and county population. During the study period, an average of 7.2 adults, per 1,000 adult Vermonters, filed for relief for abuse orders. Rutland County had the highest rate with 11.9 adults per 1,000. Essex County had the lowest filing rate, with 4.5 adults per 1,000 filing.

2004-2008 AVERAGES								
	Male	Rate*		Female	Rate*		Total	Rate*
Addison	41	2.9		125	8.5		166	5.7
Bennington	47	3.4		196	12.8		244	8.4
Caledonia	42	3.6		139	11.4		181	7.6
Chittenden	142	2.5		529	8.7		671	5.7
Essex	4.6	1.8		19	7.1		23	4.5
Franklin	76	4.3		251	13.7		327	9.1
Grand Isle	6	2.0		25	8.1		31	5.1
Lamoille	30	3.1		111	11.5		141	7.3
Orange	44	3.9		115	9.9		159	6.9
Orleans	40	3.8		133	12.1		173	8.0
Rutland	147	6.0		454	17.3		601	11.9
Washington	74	3.2		230	9.6		304	6.5
Windham	46	2.7		184	10.2		230	6.6
Windsor	63	2.9		228	9.6		292	6.4
Statewide Totals	802	3.4		2,740	10.9		3,542	7.2

*Rate per 1,000 of average adult population for study period



The difference in filing rates between the counties may be reflecting the difference in domestic violence rates. The filings data was compared to physical and sexual assaults to the VIBRS⁴ network for the same period of time. The VIBRS data was further classified as family or intimate victim to offender relationship and only those over 18. The graph below illustrates the VIBRS rate versus the filings rate, versus the arrest rate for domestic violence offences. The patterns are similar. However, access to victim services, access to the courts and other service related issues may contribute to the discrepancy.

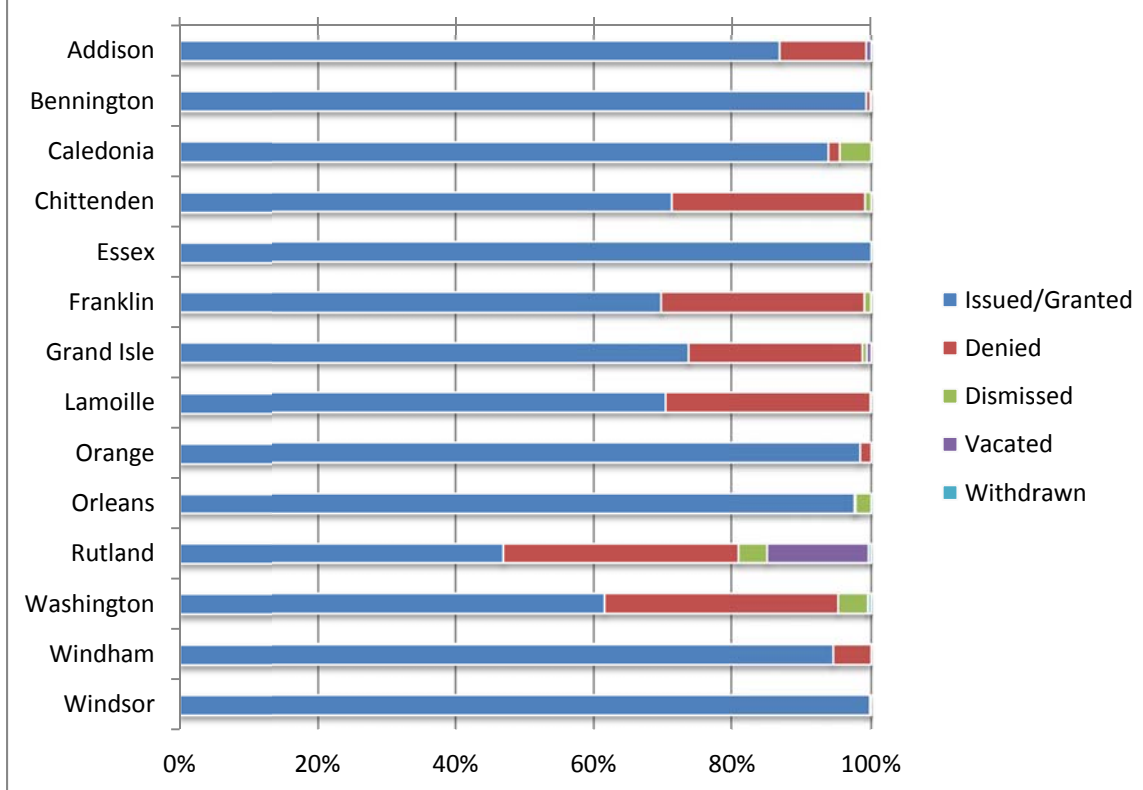


There are significant county differences in the granting of temporary orders. It is important to note, however, the data includes only the most recent temporary order decision. The data may also indicate a difference in court data collection. For example Rutland County vacated 535 orders during the study period with the next highest county being Addison, where 4 orders were vacated.

Windsor County had highest issue/granted rate at 99.8%. During the study period, Windsor granted 992 complaints and denied 2. Rutland County appears to have the lowest issue/granted rate, granting just over 46% of the complaints. However, because Rutland has an abnormally high vacated rate, this may be due to the way the Family Court codes their decisions, and not an actual reflection of practice.

⁴ Includes only those agencies that report to the VIBRS network.

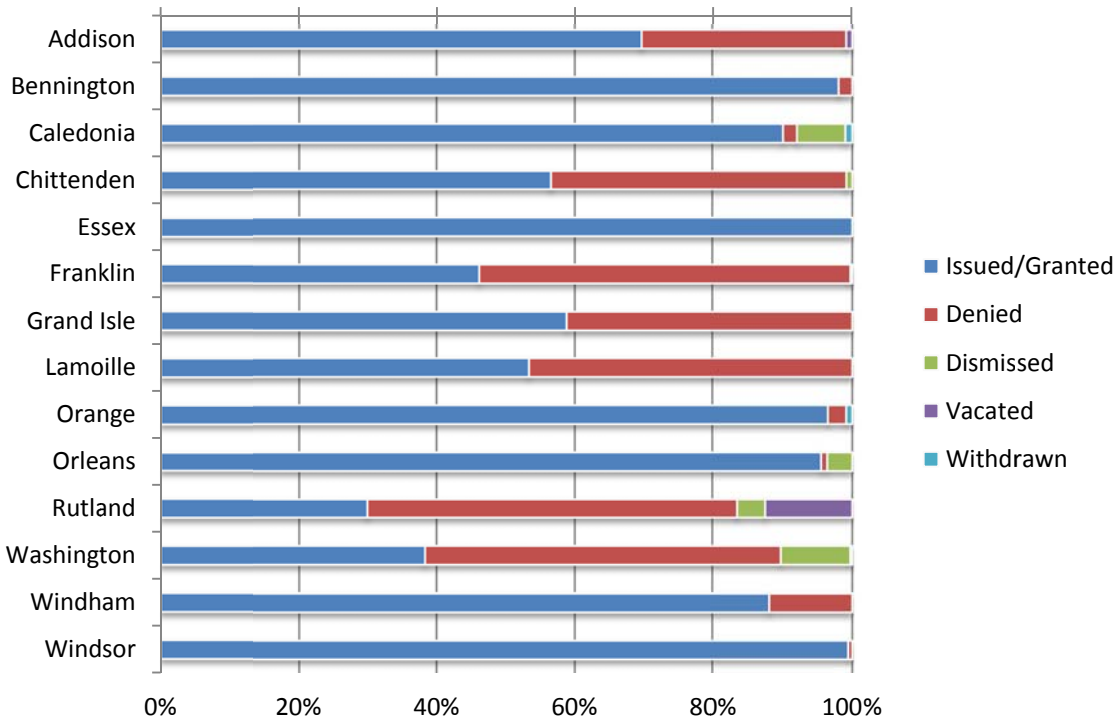
Temporary Relief From Abuse Orders County Totals 2004-2008

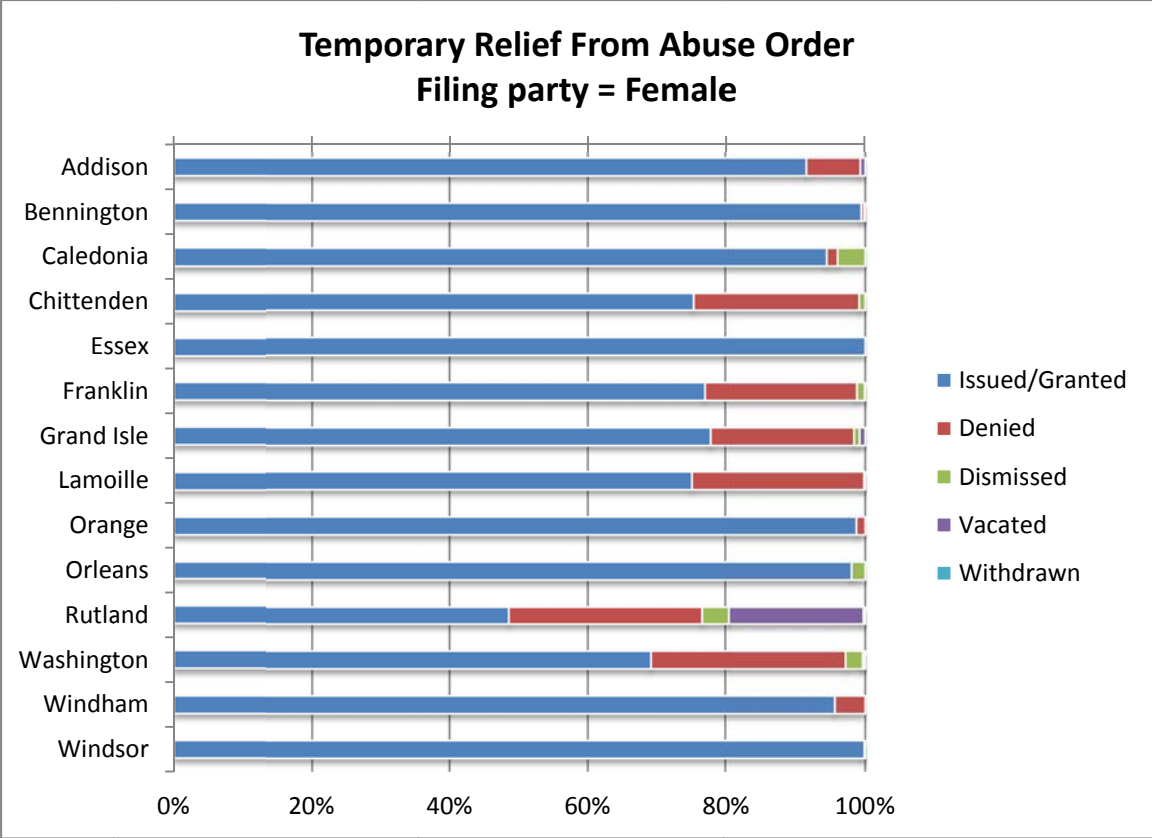


There was a difference in issue/granted rates between counties and gender of the filing party. Three thousand two hundred and thirty-four males filed for temporary relief, and 56.6% of those requests were granted. Windsor again had the highest granted percentage, granting 99.4% of complaints filed by males. Rutland County again, had the lowest, granting 29.9% of the complaints. Washington County had the next lowest granting/issued rate, granting 38.8% of complaints.

Twelve thousand one hundred and one females filed for temporary relief. Seventy-Seven percent of those requests were granted. Windsor and Orange counties had the highest rate of granted/issued orders. Windsor denied one order out of the 822 filed during the study period. Orange County denied five out of the 393 filed. Rutland County had the lowest rate of issuing orders, with 48.4% being ordered. Lamoille and Washington counties granted 75%, the next lowest granting rate after Rutland.

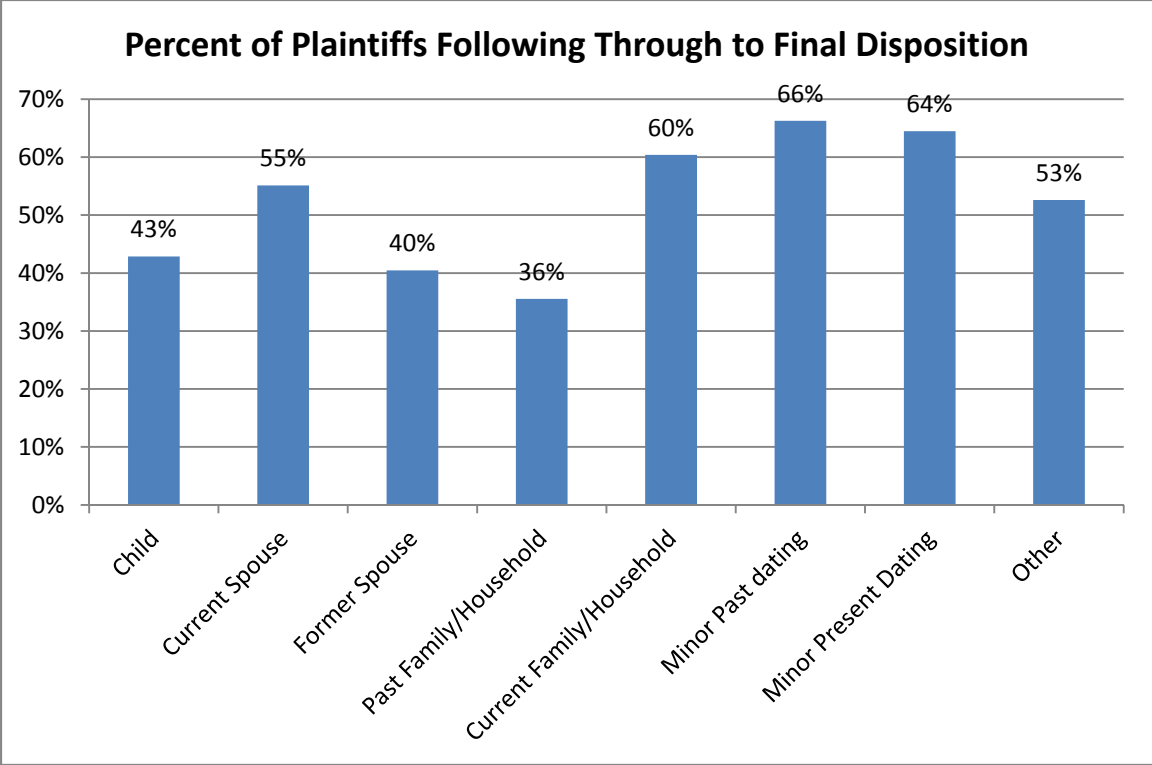
Temporary Relief from Abuse Order Filing Party= Male



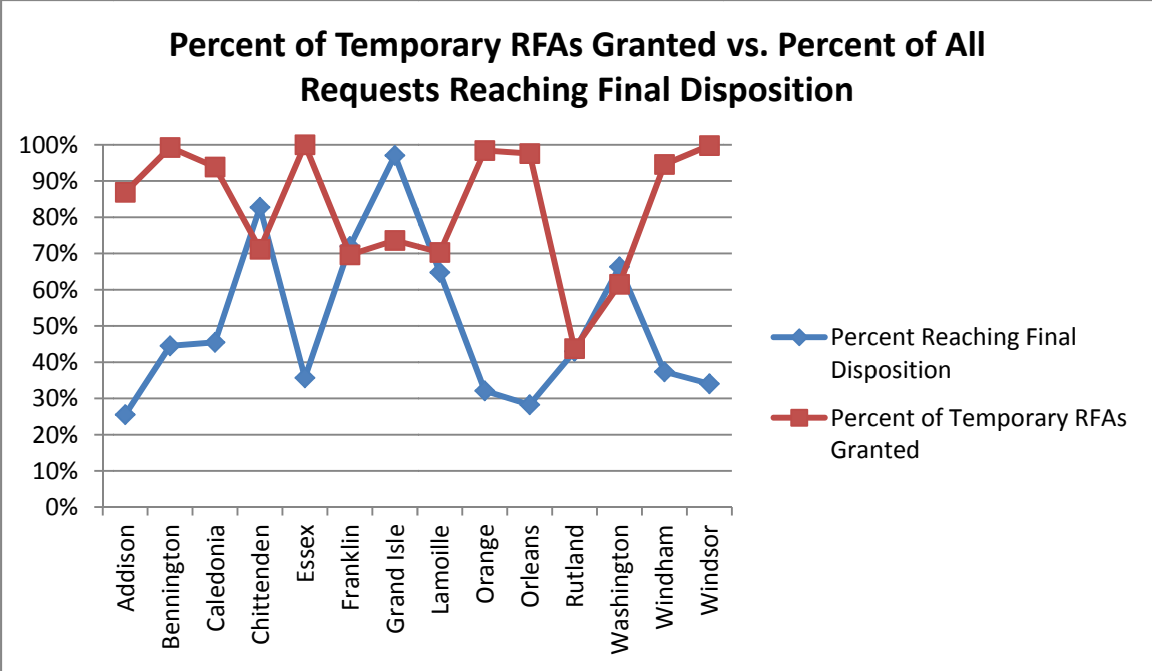


FINAL RELIEF FROM ABUSE ORDERS

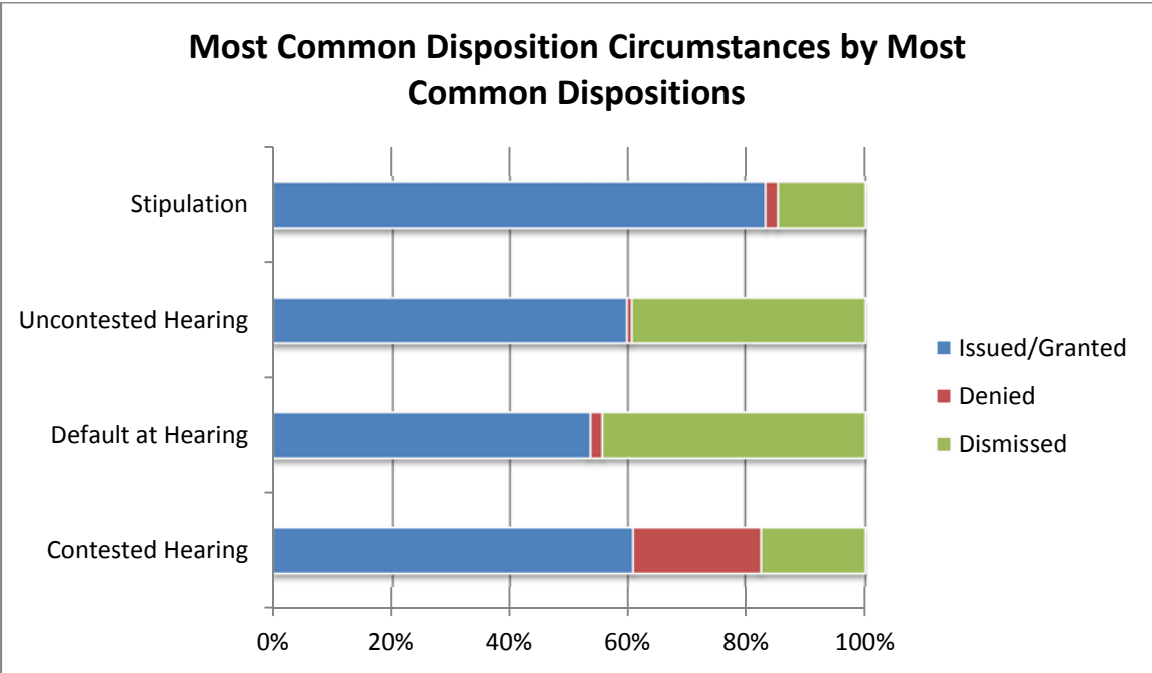
Of the original 18,769 complaints filed, 10,054 (53%) went to a final relief order disposition. Forty percent of male complainants (1,634) pursued to a final disposition, whilst 75.7% (8,087) females did. Eight hundred and ninety-two complainants had their most recent temporary order denied, and 172 of those had the final order granted. The relationship categories with the highest percentage of plaintiffs perusing to a final disposition were the minor with a past dating relationship (66%) and minors with a current dating relationship (64%). The relationship category with the lowest final disposition rate was past family/household member at 36%.



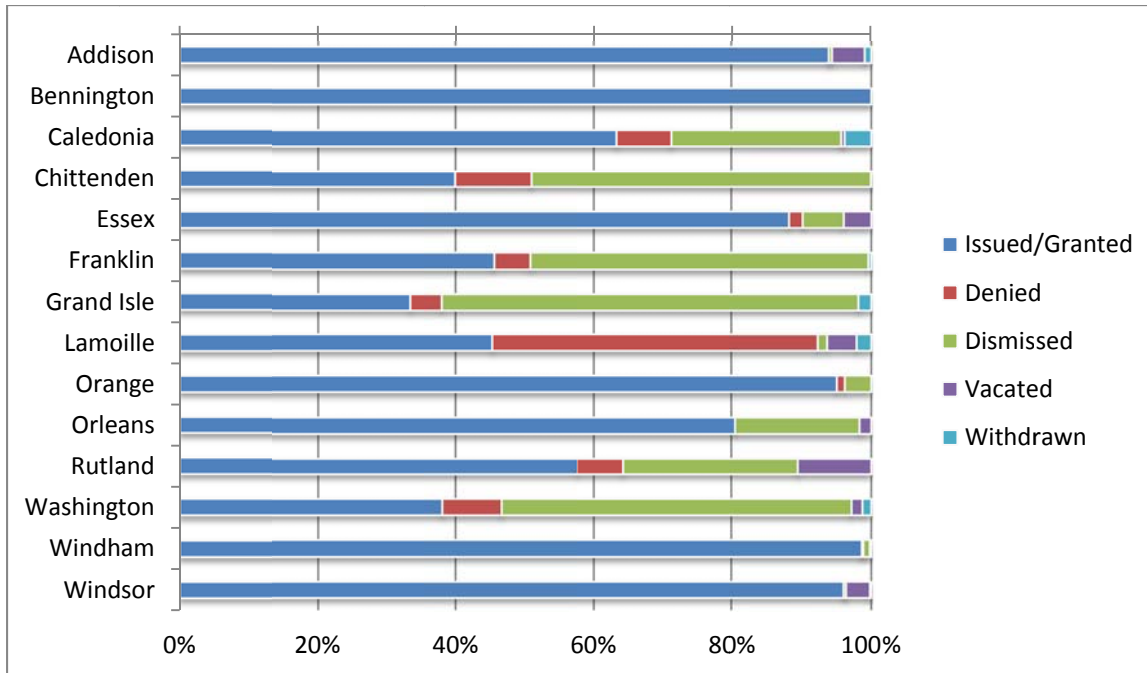
There was a difference amongst the counties in the percentage of complaints that reached a final disposition. However, those counties with the highest rate of granting temporary orders, had the lowest rate of complaints reaching a final disposition. Addison County granted 86.6% of requests for temporary relief. Only 25% of all the complaints went to a final disposition in that county. Likewise Windsor County, which granted 99.7% of temporary requests, saw only 34% of complaints reach final disposition.

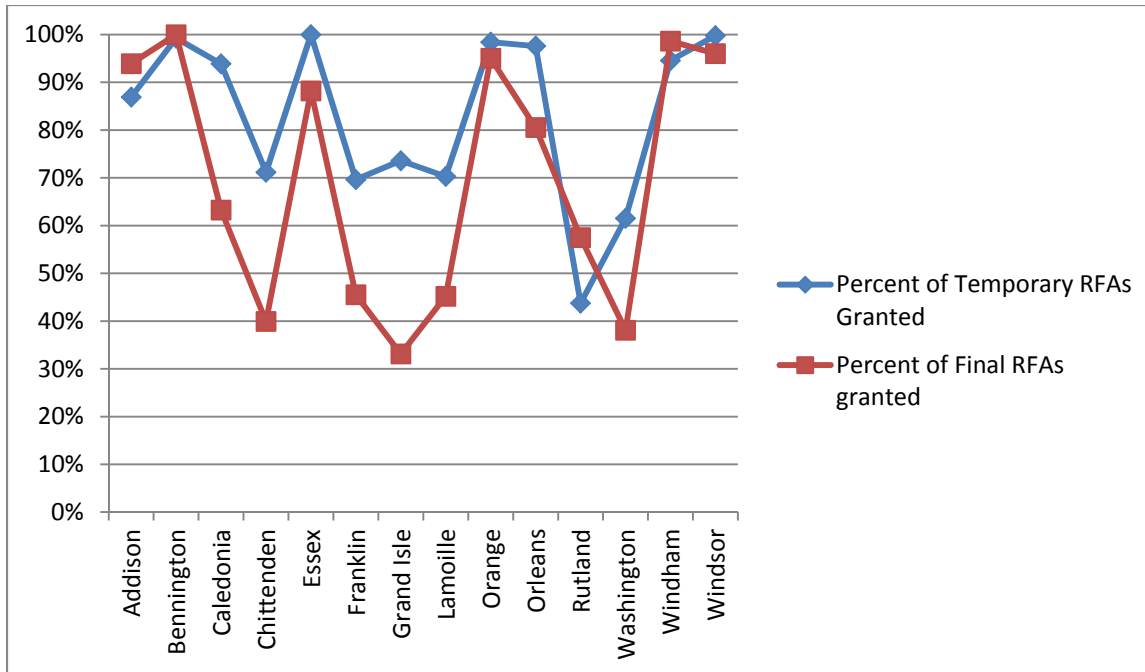


Of those reaching a final disposition, 56.9% (5,721) were granted, and 8.5% (854) were denied. Thirty-one point seven percent (3,192) were dismissed, while less than three percent were vacated, withdrawn or otherwise disposed. The most common manner of disposition was default at hearing with 32.8% being disposed in this way. Contested hearings accounted for 28.1% of the disposition. Stipulations (at hearing or without) accounted for 18.7% and uncontested hearings 10.9%.



As with the dispositions of temporary relief from abuse orders, there was a difference between the counties in the disposition of final relief from abuse orders. Grand Isle issued the fewest final orders, with only 33% being issued. Washington County issued final orders in 39% of the cases, and Chittenden County in 40%. Bennington County issued final relief from abuse orders in 100% of the cases.





Regression Analysis

All information for Relief From Abuse Order study was gathered from the extract provided to the Center from the Family Court. The center had no information on the nature of the abuse alleged, weapons that may have been used or anything about the circumstances of the event(s) that led the plaintiff to file for the order. Accordingly, the predicative model below should be viewed as informative but not dispositive.

Independent Variables:

Gender of Filing Party

From Family Court data. Female is reference category. (female=1, male=0)

Gender of Responding Party

From Family Court data. Male is reference.

County

From Family Court data. Chittenden is reference category.

Party Relationship

Current Spouse, Former Spouse, Current family/household, Past family/household, Minor dating present relationship, minor past dating relationship, Other.

Dependent Variables:

Temporary Granted

Binary, Granted =1.

Final Granted

Binary, Granted =1.

Logistic Regression Temporary Granted/Denied N=12,054

The model correctly predicted who would be granted a temporary order, 95% of the time. The model correctly predicted denial of the order 29.6% of the time. The overall Model percentage was 80.8%.

Variable	B	Se	p-value
Filing party gender	.512	.076	.000
Responding party gender	.917	.075	.000
County	NA	NA	.000
Relation	NA	NA	.000

P<.05

As the above sections of this report demonstrated, the regression analysis bore out the assumption that the county is significant in the granting/denying of relief from abuse orders. This may be because of screening programs within the county, or other non-program related variables. Females were more likely to be granted the order than males, however orders against females were more likely to be granted. The relationship of the parties is statistically significant, and may reflect the dangers posed in the home versus outside of the home.

Logistic Regression Final Granted/Denied N=5,212

The model correctly predicted who would be granted a final order 98.9% of the time. However, it only correctly predicted who would be denied 20.5% of the time. The overall model percentage was 90.2% .

Variable	B	Se	p-value*
Filing Party Gender	.302	.171	.077
Responding party Gender	.354	.169	.036
County	NA	NA	.000
Relation	NA	NA	.003
Temporary Granted	1.726	136.977	.000

P<.05

Here, the gender of the filing part was not significant, with males and females being treated equally. Again, however, filings against women were more likely to be granted. Likewise if the temporary order was granted, the final order was more likely to be granted. Relation of the parties was again significant as was the county.

Conclusion:

Although the county differences in filings and granting may be alarming, policy and stakeholders should carefully review what screening processes, access to advocates and other access to justice variables may be contributing to the differences.

Further research is needed to determine why relief from abuse orders against women are more likely to be granted than those against males. This analysis did not include the circumstances that led to the filing, and the answer to this gender disparity may lie there.

Finally, the high rate of final order follow through for minors in past/current dating relationships should be explored. It is possible that parents or other responsible adults are encouraging the minors to pursue to a final hearing. However, access to support for adult filers should be evaluated as well.