

BENNINGTON CRIMINAL AND FAMILY DIVISIONS
DOMESTIC VIOLENCE DOCKET
SUMMARY OF PROCEDURES IN PLACE – MARCH 2012
Prepared by: Mary Frost, Clerk and Hon. David A. Howard, Presiding Judge

Since the State has pulled out of the IDV Docket in this Court, we have continued to implement the various new procedures we put into place with the IDVD Court. We will outline what we continue to do to streamline the process, protect victims and provide services to alleged offenders.

1. We provide a written summary of what the victim needs to know when preparing a complaint and affidavit for a relief from abuse order.
2. We provide assistance to the plaintiffs for service of the Temporary Orders or the Notice of Hearing in a denial if the plaintiff wishes to go forward.
3. We provide both plaintiff and defendant with the state-wide information sheet about what to expect at the final hearing.
4. We pull all files we have in the criminal and family divisions (both active and disposed) relating to the parties to the matter to give to the judge.
5. Our Criminal Division Judge hears all RFA cases and all related criminal cases, although our Family Division Judge will review the initial request for relief.
6. Criminal and Family Division Judges work together to set cases in an expedited manner if a case needs to be sent over to Family Court for further hearing in the domestic case or if the RFA hearing needs extended hearing time for the RFA in conjunction with the domestic case.
7. John Lamson, Esq., from Have Justice Will Travel is present on almost all RFA hearing days to consult with plaintiffs if they want legal advice.
8. An attorney from the public defender's office will be present on most RFA hearing days to consult with defendants who have been charged criminally.
9. Representatives from PAVE (Project Against Violence Encounters) are always present at all RFA days to assist victims.
10. We copy the complaint, affidavit and temporary order, as well as the schedule, for the attorney from Have Justice Will Travel for the plaintiffs and for the Public Defender who will be present in the event a defendant is charged criminally.
11. We show the state-wide educational video about the RFA process to both plaintiffs and defendants in different courtrooms.
12. We provide extra security on RFA mornings. We have 2 officers at the front scanner, one rover, and two court officers (one assigned to plaintiffs and one to defendants). We notice defendants to arrive for their hearing at 8:00 a.m. and the plaintiffs to arrive at 8:30 a.m. to prevent incidental contact. The security staff is in constant radio contact when one of the parties leaves the designated courtroom to keep track of folks so they don't accidentally bump into each other in the hallway or outside smoking a cigarette.
13. Our docket clerk responsible for the RFA docket prepares partial Final Orders before the hearings and records that day with the judge. She listens to the hearing and what the judge orders and issues a Final Order at the time of the hearing for the Judge to review and sign. We have a printer in the Courtroom, so the judge will sign it immediately. The plaintiff is given a copy and told to leave the premises. The front-door security staff will radio back when the plaintiff has left the parking area and then we serve the defendant with the order and send him/her on their way.

14. The very strict Domestic Violence Conditions of Probation are still being used in most domestic violence cases.
15. We have devoted all Thursdays to dealing with domestic violence cases, with RFA hearings in the morning and all other types of criminal cases in the afternoon.
16. We have also reserved one Thursday a month for a domestic violence trial, although it does not always work that way, depending on the age of cases ready for trial.
17. The Court continues to work cooperatively with our PAVE representatives in connection with domestic violence cases, such as:
 - a. We partnered in setting up a training with all LEO in the county for May. The Judges will be presenting what the court can and cannot do in RFA and Stalking cases; the Clerk will talk about what After-Hours Workers are permitted to do; PAVE will talk about what they can help victims with and a representative from LEO will talk about the importance of serving these orders in a timely manner.
 - b. The Clerk attends the DV/Sexual Assault Task Force, which meets once a month to talk about issues in our community surrounding these topics and how we can provide a consolidated effort.
 - c. The Clerk and a representative from PAVE met with the newly appointed Manchester Chief of Police to talk about the RFA process and provide information and forms for their use.
18. We provide a copy of the state-wide information sheet to plaintiff and defendant if a Final Order is issued.

If you have any questions about what is being done, please feel free to contact Mary Frost, Clerk, at mary.frost@state.vt.us or 802-447-2751.