



Civil Protection Orders and their Courtroom Context: the Impact of Gatekeepers on Legal Decisions

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Abstract

Using observational data obtained from a sample of 303 protection order hearings in a large Southwestern city, the current study explores the impact of formal (i.e., presiding Hearing Master, legal counsel, courtroom-employed translator) and informal actors (i.e., victim advocate, family members, friends) on civil protection order (CPO) decisions. Several multivariate analyses were conducted to assess the net and context-specific effects of these legal and informal actors on the likelihood of receiving an order of protection and its length of time. When examining the effectiveness of courtroom actors in assisting domestic violence (DV)/intimate partner violence (IPV) victims with their CPO cases, this study finds that whether or not a victim successfully obtains a protection order, and for how long, depends on a range of case attributes as well as who is actually present in the courtroom with the victim. As these findings suggest, gatekeepers matter depending on a range of case attributes. States should allocate additional resources and funding to non-profit agencies to continue to promote affordable/free legal services through legal aid and other similar legal entities as well as offer continued support for victim advocacy and self-help centers.

Keywords Domestic violence · Intimate partner violence · Civil protection orders · Civil court · Courtroom context · Gatekeepers

Introduction

In the United States, an average of 20 individuals are physically abused by an intimate partner every minute. This equates to roughly more than 10 million abuse victims annually (Black et al. 2011). In fact, these figures suggest that 1 in 3 women have been physically abused by an intimate partner, 1 in 4 women have been *severely* physically abused by an intimate partner while 1 in 10 women have been raped by an intimate partner during their lifetime (Black et al. 2011). Given these profiles, it is important to note that personal experiences with domestic violence and/or intimate partner violence are gendered.

Since the passage of the Violence Against Women Act (VAWA) in 1994, civil protection orders (CPO) have been increasingly used as a legal resource against various types of domestic violence (DV) and intimate partner violence (IPV) (Moracco et al. 2010; Sorenson and Shen 2005). In fact, an

estimated 1.5 million civil protection orders are issued each year in the United States alone (Tjaden and Thoennes 2000) thus making CPOs one of the most commonly sought remedies for DV/IPV, second only to calling 911 (Goldfarb 2008; Keilitz 2002; Merry 2003). Protection orders are civil court issued orders that prohibit contact between victims and their offenders.¹ Their overall goal is to safeguard victims, and oftentimes their children, from future abuse and violence (Logan et al. 2006; Malecha et al. 2003).

There are several advantages to CPOs. First, since protection orders are issued through the civil courts, they require a lower burden of proof (i.e., preponderance of the evidence) when compared to criminal cases (i.e., beyond a reasonable doubt) (Logan and Walker 2009). As a result, there are fewer financial and time costs associated with pursuing a civil protection order than a criminal case. Second, CPOs serves as a source of empowerment for victims (Eigenberg et al. 2003; Fischer and Rose 1995; Goodman et al. 2016). For instance, unlike criminal cases, the victim (and not the state) must initiate the application process. In doing so, victims are not

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¹ The terms “applicant/survivor/plaintiff” and “adverse party/abuser/opposing party” are also used in this literature to describe victims and offenders, respectively. For sake of brevity, we use the term victims and offenders to describe these groups.

required to retain legal counsel and can opt to represent themselves in court *pro se*.² This difference, between the criminal and civil system, is key as it makes relief attainable to victims who are economically dependent on their offenders. Through the application process, victims are also able to request other types of relief including provisions for children, child support, and counseling among others. Thus, CPOs are tailored to meet victim's unique needs.

Previous studies on CPOs have focused on their ability to be “victim-friendly” (see DeJong and Burgess-Proctor 2006; Richards et al. 2017), their preventive effects in decreasing re-victimization, and their limitations (see Logan et al. 2007; Logan et al. 2006; Malecha et al. 2003). However, little is known about whether or not a states' protection order statute is, in fact “victim-friendly” and effective in actually reducing rates of recidivism, in practice. Additionally, very little research has explored the impact of courtroom actors on the nature of legal processing and its outcomes in these cases (see Lucken and Rosky 2016; Ptacek 1999; Trinch 2001, 2003).

Thus, albeit a few studies have been conducted (summarized below), the lack of attention to these contextual factors is surprising given that formal and informal actors are often indispensable as the “gatekeepers” to a complex and intimidating legal system (Hartman and Belknap 2003; MacDowell 2016; Marshall 2005). Importantly, prior research on legal gatekeepers has focused specifically on those formal actors who can encourage or discourage the victim's pursuit of a protection order (i.e., legal professionals, members of the courtroom workgroup). Here, we also consider family member and friends as “informal” gatekeepers in that they also impact victim's help-seeking behavior overall as well as whether or not a victim initiates and follows through with a protection order (see Liang et al. 2005; Moe 2007).

In analyzing case specific attributes (e.g., abuse history, weapon use, child presence) as well as the impact of both formal and informal actors present during CPO hearings, the current study seeks to help fill this gap in research. After a review of previous research on factors associated with the granting of protection orders, it examines the impact of legal and informal actors present during CPO hearings on case outcomes. Observational data from a sample of 303 protection order hearings in a large Southwestern city were gathered to explore the impact of formal (i.e., presiding Hearing Master, legal counsel, courtroom-employed interpreter) and informal (i.e., victim advocate, family members, friends) actors on civil protection order decisions and their length of time. Multivariate analyses are also conducted to assess the net and context-specific effects of these factors on case dispositions. This article concludes with a discussion of main

findings and their implications for future research on protection orders as well as their role in preventing future acts of interpersonal violence.

Review of Relevant Literature

Protection orders and related terms (i.e., protective orders, restraining orders, peace bonds, no contact orders) have been examined from several theoretical perspectives (e.g., legal, sociological, historical, psychological). However, the primary empirical focus of previous studies has centered on protection order effectiveness at preventing future abuse (e.g., Burgess-Proctor 2003; Holt et al. 2003; Russell 2012). Additionally, recent research also indicates that judicial decisions about granting protection orders is influenced by a variety of (1) case attributes (e.g., type of abuse and its history, and presence of a child/children) and (2) elements of the decision-making context (e.g., the presence/absence of legal representation, victim advocates, court-appointed interpreters). The results of previous research in these two areas are described below.

Case Attributes and CPO Decisions

Research since the early 1990s reveals that a myriad of factors influence the overall effectiveness of protection orders. These include incident attributes and aspects of the victim-offender relationship (e.g., the type of abuse experienced by the victim, whether or not children are involved). Indeed, research continues to note those women with little economic support and whom share children with the abuser are most at-risk for re-abuse (Gondolf et al. 1994; Kanuha and Ross 2004; Keilitz 1994). These same case attributes are also factors in judicial decisions about the granting of protection orders.

Abuse History The type of abuse experienced by the victim is an important factor in judicial decisions about protection orders. For instance, when success rates of protection orders are compared for victims with both mild and severe abuse, the severity of violence experienced is found to be a major predictor of future effectiveness of protection orders (Burgess-Proctor 2003). Other studies (e.g., Durfee and Messing 2012) also document that cases involving sexual and economic abuse were more likely to be granted a protection order when compared to cases involving other forms of abuse such as physical and emotional/verbal abuse. In other studies, victims of sexual abuse, physical assaults, and verbal threats were found to have a greater chance of receiving a protection order (Agnew-Brune et al. 2015; Vittes and Sorenson 2006). Overall, past research findings are somewhat mixed on which type of abuse is most impactful on CPO issuance rates.

² *Pro se* means “for oneself” or “on one's own behalf” and was established in *Faretta v. California*, 422 U.S. 806 (1975).

Weapon Use Previous research has also examined the impact of firearms as another case factor influencing these legal decisions. Surprisingly, two studies found that the mention of a firearm in the application did not increase the victim's likelihood of receiving a protection order (Lucken et al. 2015; Vittes and Sorenson 2006). Yet, and importantly, the role of a weapon becomes significant when the analysis is bifurcated by whether or not the offender objects to the protection order; when they object, weapon becomes the most important factor (see Lucken et al. 2015). However, despite these findings and limited empirical studies on the role of weapons in these decisions, one would expect the mention of a firearm to increase perceptions of risk of physical danger and increase the likelihood of a protection order being granted, particularly when federal guidelines mandate that all convicted abusers surrender firearms (Diviney et al. 2008).

Children Presence The influence of children on protection order outcomes has been well documented. Overall, previous research reveals that protection orders are far more likely to be granted when a child/children witnessed the abuse taking place (Vittes and Sorenson 2006), when the couple had a child/children in common (Fleury-Steiner et al. 2014), when the victim mentioned being pregnant during the time of abuse, when the victim experienced a miscarriage, and/or when the victim lived in a shelter with a child/children in common (Durfee and Messing 2012).

In contrast, Lucken et al. (2015) found that the presence of children did not significantly impact the issuance of a protection order. Yet, Agnew-Brune and colleagues (Agnew-Brune et al. 2015) found that some judges were more likely to grant protection orders when a child was present during the incident, whereas other judges feared that children were only brought up to gain leverage in ongoing custody battles and not out of a need for protection. Even so, as Gondolf and colleagues (Gondolf et al. 1994) discuss, even when protection orders are liberally granted, provisions for protection orders are inadequate to ensure successful separation from the offender particularly if the victim has a low financial status or shared custody of children.³ Overall, these findings albeit one (Lucken et al. 2015) suggest that when children are mentioned, in some form or another, it leads to higher protection order issuance rates.

The Impact of Legal and Informal Actors on CPO Outcomes

Although these case and individual attributes are important, little attention has been given to the courtroom actors that are

often present in protection order hearings. These courtroom personnel include legal professionals (i.e., lawyers, presiding Hearing Master), courtroom-employed interpreters (if needed by either party), victim advocates, and informal support persons (i.e., family and friends of either party). Victims rely on these courtroom actors to help them navigate through the civil system, to ensure that their safety is achieved, and that their experiences of abuse are accurately represented to the court. Despite the role that they play, little is known about whether or not these individuals impact protection order decisions. The general effects of these formal and informal actors are summarized below.

Victim Advocates Victim advocates often serve as informal counselors; they aid victims in filling out courtroom paperwork and help acquire a range of information on services and resources based on individual need. These usually include information on affordable/free legal services, safe shelter and/or alternative living arrangements, transportation, and employment issues (Bell and Goodman 2001; Coulter et al. 2007; Finn and Colson 1990). Research dedicated to victim advocates finds that they are important and have an impact on victims' feelings of emotional support that, in turn, have been shown to reduce future victimization (Bell and Goodman 2001).

Despite their importance in helping victims navigate through court processes, previous research has yielded conflicting results about the impact of victim advocates on case outcome. For example, in researching the role of the victim advocate, Trinch (2001, 2003) and colleagues (Trinch and Berk-Seligson 2002) discuss the unforeseen consequences of a "second-victimization" occurring via interviews that are designed to help victims in articulating their claims of violence to the court. Additionally, Durfee (2009) found that applications filled out with the help of a victim advocate were less successful at securing protection orders when compared to applications filled out with the help of a lawyer, as well as by *pro se* victims. Similarly, Fleury-Steiner and colleagues (Fleury-Steiner et al. 2014) note that the presence of a victim advocate during the court hearing did not impact the legal outcome. However, cases with victim advocates may be qualitatively different than cases without them, requiring extensive statistical controls to establish the net effect of this variable. Thus, more research is needed that examines the role that victim advocates play in judicial decisions about protection orders.⁴

Legal Counsel Similar to victim advocates, lawyers and/or legal counsels also provide a number of services to

³ Grauwiler (2008) also notes that women seeking protection orders are frustrated and dissatisfied with the process, specifically when they feel like they have an unfair burden to secure safety when children are involved.

⁴ For examples of research on the role of victim advocates in domestic violence cases processed in criminal courts, see Camacho (2008) and Coulter et al. (2007).

victims seeking protection orders. Their most important function is to represent the victims in court and offer legal advice throughout the process. However, since protection orders are issued through civil courts, victims are not required to retain legal counsel and typically opt to represent themselves in court. In fact, previous research suggests that the vast majority of victims navigate the CPO process on their own and without legal representation (Burgess-Proctor 2003; Fleury-Steiner et al. 2014).

Prior research indicates that being represented by a lawyer improves victim's chances of achieving legal protection (Durfee 2009; Finn and Colson 1990; Goldfarb 2008). However, more recent studies of legal counsel in these cases provide conflicting results. For example, Fleury-Steiner and colleagues (Fleury-Steiner et al. 2014) suggests that retaining legal counsel is advantageous for the offender but not for the victim. Overall, these findings suggest that legal counsel seems to matter depending on who is being represented.

Court-Employed Interpreter Another important legal actor includes courtroom-employed interpreters. These court personnel are requested to ensure that English as a Second Language (ESL) and Limited English Proficiency (LEP) victims can accurately communicate their needs for protection to the judge via third party. ESL/LEP individuals include undocumented immigrants, lawful permanent residents (green card holders), naturalized U.S. Citizens, and U.S. born English proficient children/dependents of ESL/LEP individuals (Crawford 2007). Without the presence of these courtroom-employed interpreters, ESL/LEP victims would not be able to articulate their experiences of abuse to the judge. Previous research reveals that ESL/LEP victims have limited resources and a lack of access to qualified and certified court-employed interpreters (Abel 2009; Lemon 2006).

When courtroom-employed interpreters are available, studies have found that errors in translation and incomplete statements are often presented to the presiding judge. These language barriers and errors made during translation can affect the victim's likelihood of receiving a protection order. Furthermore, when a courtroom-employed interpreter is not available, previous studies also reveal that the hearing continues with the help of an "informal interpreter." These informal interpreters include other family members or friends of the victim and/or offender who provide language assistance and support to victims while they navigate an English-speaking courtroom (Lemon 2006; Sylaska and Edwards 2014; Trotter and Allen 2009; Weisz et al. 2007).

Hearing Master Of the legal and informal actors that are common among these types of hearings, perhaps the most important are the Hearing Masters or the judges who have the power to grant, extend, or deny the protection order. In fact, one study observing 174 domestic violence cases found that the only significant factor related to case outcomes was the judge hearing the case (Ford et al. 1995). The impact of the judge's demographic characteristics on judicial decision-making has been explored in a variety of studies of civil and criminal case processing (see Cramer 1999; Crocker 2005; Hartman and Belknap 2003).

In studying gender bias in a family court, Czapan斯基 (1990) documents how courts disbelieve credible evidence of domestic violence and discount its seriousness particularly when judges ignore substantive law along with evidence. Gender bias in court is a complex phenomenon: Judges often fail to listen (or believe) women's articulations of domestic violence and, when victim's have a female lawyer, judges tend to dismiss claims. Indeed, some prior research has argued that a client of a female lawyer can be at a disadvantage (Angel 1990; Bolton and Muzio 2007; Czapan斯基 1990, 1993; Patton 2004). Moreover, research completed by Ptacek (1999) documents how judges respond to protection order hearings; they can either be "good-natured" (i.e., firm with their encounters with offenders), "bureaucratic" (i.e., detached seemingly neutral), and/or "condescending" (pp. 95–110). Importantly, images of judicial authority impact the outcomes of cases as well as the meaning of protection for a range of victims. Of late, research on perceptions of judicial behavior and civil protection order outcomes have found similar findings (see Lucken and Rosky 2016).

However, the impact of judge's gender or political orientation has not been explored in previous studies of protection orders.

The Current Study

Using courtroom observational data obtained from a large sample of CPO cases, the current study builds on previous research by examining how effective are various formal and informal actors in assisting victims at securing a civil protection order and its duration. These individuals include the presiding Hearing Master, victim advocates, legal counsels, courtroom-employed interpreters, as well as informal support people. After conducting univariate, bivariate, and multivariate assessments of these relationships, the results of this study are discussed in terms of their implications for future research on protection orders and the role of various courtroom actors in these legal decisions.

Methods

The Study Context

The CPO Process and Definitions

The research site for this study is a specialized civil protection order court located in a public civil justice facility. This specialized courtroom is the only one in the county authorized to grant protection orders against domestic violence.⁵ The other courtrooms in this jurisdiction can issue protection orders against stalking and harassment, sexual assault, harm to minors (other than domestic violence), and workplace harassment. Similar to other state laws, the statute in this jurisdiction indicates that the victim and offender must fit one of the following relationship categories in order to qualify for a protection order against domestic violence: current or former spouse, current or former dating partners, current or former cohabitants, have child in common, or be related by blood. Additionally, the victim must show that an *act of domestic violence* or *threat of domestic violence* has occurred between the parties. More specifically, the victim has to show that the offender has either threatened to commit a DV act, physically injured, sexually abused or engaged in harassing type behavior, including but not limited to, trespassing, stalking, and destruction of property.

Similar to other states, the protection order process in this jurisdiction is typically two-fold. First, the victim must petition for a Temporary Protection Order (TPO) by filing an application through the civil court system. If the hearing masters determines that an act of DV has occurred or a threat of DV exists based on the information presented in the application, the TPO is granted immediately and is valid for a period of up to 30 days. Second, during this time, the victim and offender must attend an evidentiary hearing to determine whether the TPO was justified and needs to be extended. In this jurisdiction, these evidentiary hearings are referred to as Hearings for Extended Protection Orders (EPO). During the hearings, the victim and offender are given an opportunity to testify in regard to the DV allegations. The EPO can be issued for up to 1 year. It is up to the court's discretion to determine whether to grant the order for the full year period. This study examines these protection order cases in which a hearing took place.

⁵ In order to preserve this courtroom's anonymity, neither the name nor the location or any other identifying information will be referenced throughout this paper. This is done, as to protect the privacy of the victims and offenders as well as the legal and informal actors that frequent this courtroom.

Court Appointed Hearing Masters

Within this legal setting, two Hearing Masters (i.e., one female and one male) oversee requests for civil protection orders. Hearing Masters are attorneys licensed to practice law in this state, who were selected for this position through a three-tiered recruitment process that included public input. They are appointed by the court to handle family law cases. In this case, civil protection order cases. Since they are not judges, they issue recommendations, which are later signed by the supervising judge. Both Hearing Masters are required to participate in specialized domestic violence trainings sessions annually and have been practicing family law for over 15 years.

In this courtroom, CPO hearings are held Monday through Thursday, 9:00 AM to 4:00 PM, and are split equally between the two Hearing Masters. Official court records, provided by a self-help center that handles all CPO applications for this court, indicate that between 2010 and 2013, there were 33,000 hearings held and 31,000 protection order applications filed within this one courtroom. During this time period, there were on average 8000 applications submitted for an order of protection and 8200 held protection order hearings. This means that together, these hearing masters hear around 23 CPO cases per day.

Victim Advocates

The victim advocates, within this research site location, are non-profit advocates who have successfully completed a 43-h advocacy training session and passed a criminal background check. The advocacy training sessions are operated by the largest and most comprehensive non-profit DV organization in this county. The non-profit agency works closely with a variety of community partners including law enforcement and the courts, and has been serving the county since 1977.

The victim advocates volunteer at several self-help centers created within this courthouse to assist victims with civil protection order requests. They provide numerous services to victims of domestic violence including aiding victims in developing their narratives and filing their CPO application with the court as well as accompanying victims' to court. In so doing, they help victims navigate a complex and intimidating legal system, provide emotional support during the hearings as well as debrief victims after the proceeding is over. To acknowledge the work of victim advocates as being important, each year, this court hands out victim advocate awards during an awards ceremony. In addition to providing guidance through the CPO court process, victim advocates also offer safety planning and aid victims in acquiring other types of community resources including shelter, counseling services, and employment among others.

Research Design

The research design for this study consists of ethnographic observations. Prior to conducting the observations, a memorandum of understanding with the court was established and IRB approval was obtained.⁶ Over the course of 2 years (between October 2013 and July 2015), a socio-legal interdisciplinary research team observed 430 civil protection order hearings. The research team consisted of ten members including a criminal justice professor, a law professor, four criminal justice graduate students, and four law students. All research team members were females.

Research team members conducted observations both individually and collectively to increase consistency. Observations were conducted based on the research team's availability. Neither audiovisual recording of the court proceedings nor the names or other personal identifiers (e.g., addresses, phone numbers) of the people present within this legal hearing were recorded. Within this setting, the research team members acted as passive observers so as to not alter the court's natural socio-legal environment. By developing a template for note taking (i.e., court watch forms), the research team was able to record quickly and unobtrusively the case attributes and composition of the legal and informal actors within each hearing. The observational data was coded for a range of variables present in the research on protection orders and assigned specific values.

Sampling Design

Of the 430 courtroom observations completed, 76 were excluded due to being duplicate cases. These duplicates were due to multiple research members conducted the observations simultaneously. Similarly, those cases in which the victim requested that the legal order be dissolved ($n = 37$) were also excluded from the sample. When this occurs, the Hearing Master no longer has jurisdiction over the case and thus, has no choice but to dissolve the protection order regardless of the information presented in the application or the seriousness of the offense. Because the cases were dissolved at the victim's request, they were not included in the present study.

To ensure that only protection order hearings were analyzed, cases involving motions to retrieve documents, show cause, and dissolve a case via requests from the offender were also excluded from the sample ($n = 11$). Those cases in which a decision regarding whether to grant a CPO was not made but rather the case was continued for the following day ($n = 3$) were also excluded from the sample. Based on these various exclusions, the final sample size for this study includes 303 civil protection order cases.

⁶ Reviewed/approved by Institutional Review Board (IRB) and compliant with human subjects protection rules and regulations.

Data and Variables

The analysis of the research questions underlying this study involves two dependent variables, multiple independent variables that focus on the presence of legal representation and other courtroom actors, and various control variables involving case attributes. Table 1 provides a summary of these variables and their coding. A brief description of them is provided below.

Dependent Variables Dummy variables were created from the observational data to evaluate (1) whether or not a case was granted a protection order (0 = No, 1 = Yes) and (2) the length of time the protection order was granted for (0 = Less than 6 months, 1 = Greater than 6 months). The labels "CPO Outcome" and "CPO Length" are used to describe these dummy variables.

Independent Variables The independent variables in this study represent measures of the presence or absence of various courtroom actors (i.e., presiding Hearing Master, legal counsel, victim advocate, courtroom-employed interpreter, and informal support person). As shown in Table 1, each of these variables was dummy coded to signify the presence (coded 1) and absence (coded 0) of each of these types of courtroom actors. In the case of the presiding Hearing Master, the coding simply represents the two different Hearing Masters (e.g., Hearing Master 1, Hearing Master 2).

Control Variables Several case-related factors are considered control variables for this study. These include references, during the CPO hearings, to (1) children (0 = No, 1 = Yes), (2) a weapon (0 = No, 1 = Yes), (3) abuse (0 = No [abuse was not mentioned], 1 = Physical Abuse, 2 = Verbal Threats of DV such as threats to kill or injure the victim and/or family members, 3 = Other [i.e., destruction of property, sexual abuse, stalking],⁷ or 4 = Multiple types [i.e., combination such as physical and stalking]). Whether abuse was mentioned out loud, during the CPO hearings, was determined based on evidence presented verbally in court.

Other control variables include (1) the gender of victim and offender (0 = Male, 1 = Female), (2) the race/ethnicity of victim and offender (0 = White and 1 = Non White), and (3) parties present (0 = Neither party was present, 1 = Victim only present, 2 = Offender only present, or 3 = Both parties present). Whether the parties were present during the scheduled hearing date was determined based on actual court appearance. The demographic characteristics were classified based

⁷ Initially, the "abuse" variable was coded using multiple categories of abuse including sexual assault, stalking, destruction of property (acts which constitute domestic violence in this jurisdiction). However, since there were not enough cases within some of the categories, they were collapsed in one category, namely "Other".

Table 1 Univariate descriptive statistics (*N* = 303)

Variables	Coding	% (N)
Dependent variables		
CPO granted		
No	0	35.0% (103)
Yes	1	65.0% (191)
CPO length		
< 6 months	0	61.0% (105)
> 6 months	1	39.0% (67)
Independent variables		
Presiding hearing master		
Hearing master 1 (male)	0	49.8% (151)
Hearing master 2 (female)	1	50.2% (152)
Victim lawyer present		
Absent	0	89.4% (271)
Present	1	10.6% (32)
Offender lawyer present		
Absent	0	90.1% (273)
Present	1	9.9% (30)
Victim advocate present		
Absent	0	83.5% (253)
Present	1	16.5% (50)
Court-employed translator		
Absent	0	90.4% (274)
Present	1	9.6% (29)
Informal support person for the victim		
Absent	0	78.9% (239)
Present	1	21.1% (64)
Informal support person for the offender		
Absent	0	94.4% (286)
Present	1	5.6% (17)
Control variables		
References to children during hearing		
No	0	63.0% (191)
Yes	1	37.0% (112)
References to a weapon during hearing		
No	0	89.8% (272)
Yes	1	10.2% (31)
Abuse mentioned during hearing		
No	0	50.2% (152)
Physical abuse	1	14.5% (44)
Verbal threats of DV	2	6.3% (19)
Other types of abuse	3	5.0% (15)
Multiple types of abuse	4	24.1% (73)
Victim gender		
Male	0	15.7% (40)
Female	1	84.3% (215)
Offender gender		
Male	0	88.0% (243)
Female	1	12.0% (33)
Victim race		

Table 1 (continued)

Variables	Coding	% (N)
White	0	44.7% (93)
Non-white	1	55.3% (115)
Offender race		
White	0	37.3% (57)
Non-white	1	62.7% (96)
Parties' present during hearing		
None present	0	0.7% (2)
Victim only	1	40.3% (122)
Offender only	2	23.1% (70)
Both parties present	3	36.0% (109)

CPO CIVIL Protection Order

on their appearance and sometimes by using information presented in court (such as request for a Spanish or Mandarin interpreter, or the use of masculine or feminine pronouns). The parties involved in these cases may self-identify differently.

Findings

A series of univariate, bivariate, and multivariate analyses were conducted to answer this study's research questions. These results of these analyses are summarized below.

Univariate Analysis

Of the 303 cases observed, protection orders were issued in nearly two-thirds (65%) of all cases observed. This proportion is similar to the rate provided in the official court data for this jurisdiction. Similar to the annual reports from official court data, more than half (61%) of those cases in which a protection order was granted involved a period of less than 6 months (see Table 1). Compared to other studies, these estimates of the prevalence of CPO issuance are within the general range of 50% (Moracco et al. 2010), 54% (Malecha et al. 2003), 63% (Durfee 2009), 69% (Fleury-Steiner et al. 2014), and 89% (Vittes and Sorenson 2006). Limited empirical studies have been conducted on the average CPO length of time. This is surprising, particularly when considering its immediate and long-term effects on victim's safety (Bell et al. 2011; Logan et al. 2007).

Among the primary independent variables, Table 1 indicates that the majority of cases in this study do not typically involve either the presence of legal counsel or other courtroom actors. For example, an informal support person for the victim was present in only about one-fifth of the cases (21%), and an even smaller percent of the sample involved the presence of a victim advocate

(17%). The presence of legal counsel was even less common for both the victim (11%) and offender (10%). Furthermore, only a small proportion of these cases involved courtroom-employed interpreters (10%) and the presence of an informal support person for the offender (7%). Among the key control variables, over a third of cases involved the mention of children (37%) while a quarter of cases involved the mention of multiple types of abuse (24%), followed by physical abuse (14%). Only a small percent (6%) involved verbal threats of DV and even fewer cases (5%) involved other forms of abuse. Similarly, a firearm was mentioned in only a small proportion of cases (10%).

In terms of individual characteristics, the clear majority of the cases in which the party's gender was known involved female victims (84%) seeking a protection order against male offenders (88%). Similarly, when the party's race was known, more than half of the cases involved Non-White victims (55%) and Non-White offenders (63%). The most common CPO case observed involved the presence of the victim and the absence of the offender (40%), followed by cases in which both the victim and offender were present (36%). Thus, it is important to note that when a Hearing Master oversees a CPO case, they are often dealing with only the victim in court. Again, this scenario is similar to previous research (Burgess-Proctor 2003; Fleury-Steiner et al. 2014) and highlights the reality that most CPO cases include the presence of the victim by herself *pro se* and without any formal (i.e., legal representation) or informal (i.e., friend, family) support.

Bivariate Analysis

A series of contingency table analyses were conducted to assess the nature and magnitude of the bivariate association between the likelihood of being granted a protection order and its duration and the independent variables in this study (i.e., presence of a victim advocate, legal representation, courtroom-employed interpreter, informal support person, and presiding Hearing Master). Chi-square tests were performed to evaluate the statistical significance of each of these bivariate relationships. These results are summarized in Table 2.

Predicting the Likelihood of CPO Being Granted As shown in Table 2, several of the independent variables in this sample had a significant ($p < .05$) impact on the likelihood of a protection order being granted. In particular, when looking at the impact of those actors present in the courtroom, a victim was significantly more likely to receive a protection order when: (1) a victim advocate was present during the hearing (92% when victim advocate present but only 60% when absent, (2) an informal

Table 2 Bivariate analysis for CPO granted and CPO length

Variables	CPO granted (Yes) (N = 294)	CPO length (> 6 Mo) (N = 172)
Dependent variables		
CPO granted		
No	35.0%	–
Yes	65.0%	
CPO length		
< 6 months	–	61.0%
> 6 months	39.0%	
Independent variables		
Presiding hearing master		
Hearing master 1 (male)	66.4%	30.8%
Hearing master 2 (female)	63.5%	48.1%*
Victim lawyer present		
Absent	62.4%	42.0%
Present	87.1%**	18.2%*
Offender lawyer present		
Absent	65.3%	42.0%
Present	62.1%	6.7% **
Victim advocate present		
Absent	59.8%	34.6%
Present	91.7%**	52.4%*
Court-employed translator present		
Absent	63.3%	41.1%
Present	81.5%	23.8%
Informal support person for victim		
Absent	58.0%	38.8%
Present	90.5%**	39.3%
Informal support person for offender		
Absent	64.3%	41.5%
Present	76.5%	7.7%*
Control variables		
References to children during hearing		
No	54.4%	42.9%
Yes	83.2%**	34.6%
References to a weapon during hearing		
No	61.7%	38.4%
Yes	93.3%**	42.3%
Abuse mentioned during hearing		
No	46.9%	30.6%
Physical abuse	82.9%	56.7%
Verbal threats of DV	73.7%	30.8%
Other types of abuse	73.3%	60.0%
Multiple types of abuse	87.5%**	36.8%
Victim gender		
Male	64.1%	31.8%
Female	74.8%	40.7%

Table 2 (continued)

Variables	CPO granted (Yes) (<i>N</i> = 294)	CPO length (> 6 Mo) (<i>N</i> = 172)
Offender gender		
Male	67.4%	41.7%
Female	50.0%	12.5%*
Victim race		
White	83.7%	38.4%
Non-white	86.5%	39.1%
Offender race		
White	50.0%	38.5%
Non-white	49.5%	31.7%

*Significant Chi-Square value at $p < .05$

**Significant Chi-Square value at $p < .01$

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support person was present on behalf of the victim (91% when informal support present but only 58% when absent), and (3) a lawyer was present on behalf of the victim (87% when lawyer present but only 62% when absent).

The likelihood of granting a protection order was also significantly influenced by several case attributes. Specifically, protection orders were significantly more likely to be granted when: (1) a weapon was mentioned during the hearing (93% when weapon mentioned but only 62% when not mentioned), (2) multiple types of abuse were mentioned during the hearing (87% when multiple types of abuse were mentioned but only 47% when not mentioned), and (3) a child/children were mentioned during the hearing (83% when child/children mentioned but only 54% when absent).

Predicting the Length of CPO The length of an imposed protection order was also significantly ($p < .05$) associated with several of the independent variables. In particular, longer protection orders were more likely to be issued by Hearing Master 2 (48% for Hearing Master 2 but only 31% for Hearing Master 1) and when a victim advocate was present (52% when victim advocate present but only 35% when absent). In contrast, shorter protection orders were more likely to be issued when (1) legal representation was present on behalf of the offender (7% when legal counsel present for offender and 42% when absent), (2) when the offender was a female (12% when offender is female but 42% when male), (3) when legal representation was present on behalf of the victim (18% when legal counsel present for victim and 42% when absent), and (4) when an informal support person on behalf of offender was present (8% when informal support present for offender and 42% when absent).

Logistic Regression Analysis

A logistic regression analysis was conducted to assess the net effects of the independent variables on the likelihood of being granted a protection order and its duration. The relative importance of each independent variable was assessed through significance tests of the logistic regression coefficients. These results are summarized in Table 3.

As shown in Table 3, several of the independent variables had a significant net impact on the likelihood of a protection order being granted.⁸ Overall, protection orders were more likely to be granted when: (1) legal counsel was present on behalf of the victim, (2) a victim advocate was present during the hearing, (3) an informal support person was present during the hearing on behalf of the victim, (4) physical abuse was mentioned during the hearing, (5) multiple types of abuse were mentioned during the hearing, and (6) children were mentioned during the hearing. In contrast, protection orders were significantly less likely to be granted when the offender retained legal counsel.

In the prediction of the length of time the protection order, the three independent variables that were statistically significant included: (1) the Hearing Master presiding over the case, (2) whether physical abuse was mentioned during the hearing, and (3) the gender of the offender. More specifically, shorter protection orders of less than 6 months were more likely to be granted when the offender was a female, while longer protection orders were more likely to be issued by Hearing Master 2 and when physical abuse was mentioned during the hearing.

Discussion of Findings

Overall, when examining the effectiveness of courtroom actors in assisting DV/IPV victims with their CPO cases, this study finds that whether or not a victim successfully obtains a protection order, and for how long, depends on a range of case attributes as well as who is actually present in the courtroom with her.

First, based on the results of the logistic regression analyses (Table 3), findings suggest that the presence of legal counsel, victim advocate, and informal support person for the victim - along with references to children and physical and multiple types of abuse during the CPO hearing - led to a greater likelihood of a CPO being granted. In contrast, when the offender retains legal counsel, protection orders were less likely to be granted. As for CPO length of time, the findings indicate that

⁸ Logistic regression analyses were performed on other potential variables of interest, such as other demographic factors (e.g., race). This variable was not included in the final regression model because it substantially reduced the sample size. Nevertheless, when race of the offender and victim were included in the regression model, the net impact of race was not statistically significant ($p > .05$).

Table 3 Logistic regression analysis of CPO granted and CPO length

Variables	CPO Granted (<i>N</i> = 238)		CPO Length (<i>N</i> = 158)	
	B	Odds ratios	B	Odds ratios
Independent variables				
Presiding hearing master	.27	1.31	1.11	3.05**
Victim lawyer present	1.44	4.21*	-.78	.46
Offender lawyer present	-1.48	.23**	-1.84	.16
Victim advocate present	1.57	4.79**	.32	1.38
Court-employed translator	.44	1.55	-1.07	.35
Informal support for victim	1.64	5.17**	.194	1.21
Informal support for offender	-.864	.42	-1.58	.21
Control variables				
References to children	.93	2.54*	-.14	.87
References to a weapon	1.02	2.78	-.09	.92
Physical abuse	1.09	2.97*	1.27	3.53*
Verbal threats of DV	.58	1.79	.52	1.68
Other types of abuse	.45	1.56	1.00	2.73
Multiple types of abuse	1.25	3.48**	.73	2.08
Victim gender	.00	1.00	.34	1.40
Offender gender	-.410	.66	-1.84	.16*
Nagelkerke R ²	.333		.297	

*Significant Chi-Square value at $p < .05$ **Significant Chi-Square value at $p < .01$

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longer protection orders were more likely to be granted by Hearing Master 2 and when the victim mentioned she had been physically abused. Shorter protection orders were more likely to be granted when the offender was a female.

Although civil protection orders are designed to allow the victim to proceed without legal counsel, this research documents that being represented by a lawyer increases the victim's chances of receiving a CPO. This finding is consistent with previous research completed (see Durfee 2009; Finn and Colson 1990; Goldfarb 2008) and is an important finding given that, within this research site location, civil self-help centers are available for *pro se* victims and were created to provide meaningful access to justice for those victims that cannot afford legal counsel.

Additionally, this study indicates that victim advocates are another important gatekeeper in assisting DV/IPV victims secure an order of protection. In fact, each year the courtroom under study acknowledges the work of victim advocates as being important by giving out advocacy awards. In doing so, the court recognizes victim advocates outstanding achievements and commitments to enhancing victim safety.⁹ This study also verifies that showing up to court with an informal

support person (such as a family member or a friend) increases the victim's chances of receiving an order of protection.

Since data for this study was gathered through ethnographic observations, official court data, provided by a self-help center that handles all CPO applications for this court, was used for convergent validity purposes. According to official court data, 65% of cases were granted a CPO. This proportion matches the one found in this study. Similarly, of the nearly 5600 applications received via self-help center, the vast majority (80%) were filled by women while less than a quarter were filled by men (20%). Similarly, the vast majority of offenders identified as males (76%). These distributions are comparable to those in the study (i.e., 84% of the victims were women and 88% of the offenders were males).

Limitations, Future Research, & Implications

A civil protection order is a legal injunction documented via a piece of paper. In order to secure these papers, a victim must petition the court and articulate claims of harms and violence. Even when a victim applies for an order of protection and appears at her case hearing, it is not guaranteed that she will leave with a protection order in place. What has been highlighted throughout this study

⁹ This official acknowledgment of victim advocate's work, however, might be specific to this courtroom's particular subculture.

includes those moments/scenarios when a victim is most successful at securing an order of protection. Even so, obtaining an order of protection does not safeguard against future abuse.

Even though these findings are important, timely, and applicable to other victim experiences in civil courts across the U.S., there are some limitations to this research project. First, all data were gathered through ethnographic observations of one specialized protection order court in one urban area. Thus, courtroom conversations and behavior were observed. The limitation with this type of data is the reliance on what was said in the courtroom as the sole information source. Information reported within the application for a protection order was not always discussed during a hearing. For example, cycles of past abuse reported within the application may not have been brought up in court; whether or not the offender and victim were married or cohabitating was not always mentioned in court; whether or not the offender and victim were employed was also not always made clear during the hearings. Therefore, our ability to conceptualize relationships between a range of factors was limited only to audible (legal language and articulations of harms) and visual (gestures and postures) information captured via public courtroom observations.

Despite this limitation, observational analyses are important because they show how officials' frame and construct their narrative of these protection order cases. Gatekeeper language as well as judicial approach to justice is not fully captured in quantitative analysis of secondary data from court records alone.

Future research should continue to analyze the relationship between these case aspects (i.e., mention of children, types of abuse, weapon use) and others (i.e., prior experiences of abuse, relationship status of victim and offender), rates of temporary protection orders issued, inclusive of time (i.e., 1 month, 3 months, 6 months), as well as rates of protection orders extended and for what legal reasoning. Importantly, future research should also provide findings from both observational and court records as data.

Given the results of this study, access to justice through protection order courts is not consistent. Even with a self-help center available to *pro se* victims, as these findings suggest, gatekeepers (still) matter depending on a range of case attributes. States should allocate additional resources and funding to non-profit agencies to continue to promote affordable/free legal services through legal aid and other similar legal entities as well as offer continued support for victim advocacy and self-help centers. Taken together, these resources would better assist victims with their protection order filings and court appearances. Indeed, research suggests that civil legal assistance improves the likelihood that women will be able to apply for and

receive protection orders and that the availability of civil legal aid is useful in reducing rates of violence (see Holt et al. 2003; Russell 2012).

As states increase the availability of legal aid, future research should continue to study their overall effectiveness. Supplemental research that compares the availability of civil legal aid to the likelihood of victims seeking orders of protection as well as rates of future abuse is needed. Future research should also assess whether the availability of legal aid is most effective in combination with access to other resources and services (i.e., safety planning, shelters, housing assistance, job training). Policy implications would therefore consider allocation of resources towards the most effective programs or combinations thereof.

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