# CREATING E-FILING SYSTEMS IN DOMESTIC VIOLENCE PROTECTION ORDER CASES THAT ARE SAFE, ACCESSIBLE, AND EFFECTIVE

VAWA and the Courts

Promoting Effective Court Responses to Violence Against Women

# Learning Objectives

- As a result of this program, participants will be better able to:
- Explain the benefits and challenges, especially for users, of e-filing systems for domestic violence protection orders
- Identify the specific obstacles, and strategies to overcome them, regarding user safety, confidentiality/privacy, and accessibility of e-filing systems
- Describe the challenges petitioners face in navigating the e-filing process and how to address them by providing necessary support through access to advocates and other strategies
- Effectively collaborate with key stakeholders to develop, implement, and assess the effectiveness of e-filing systems
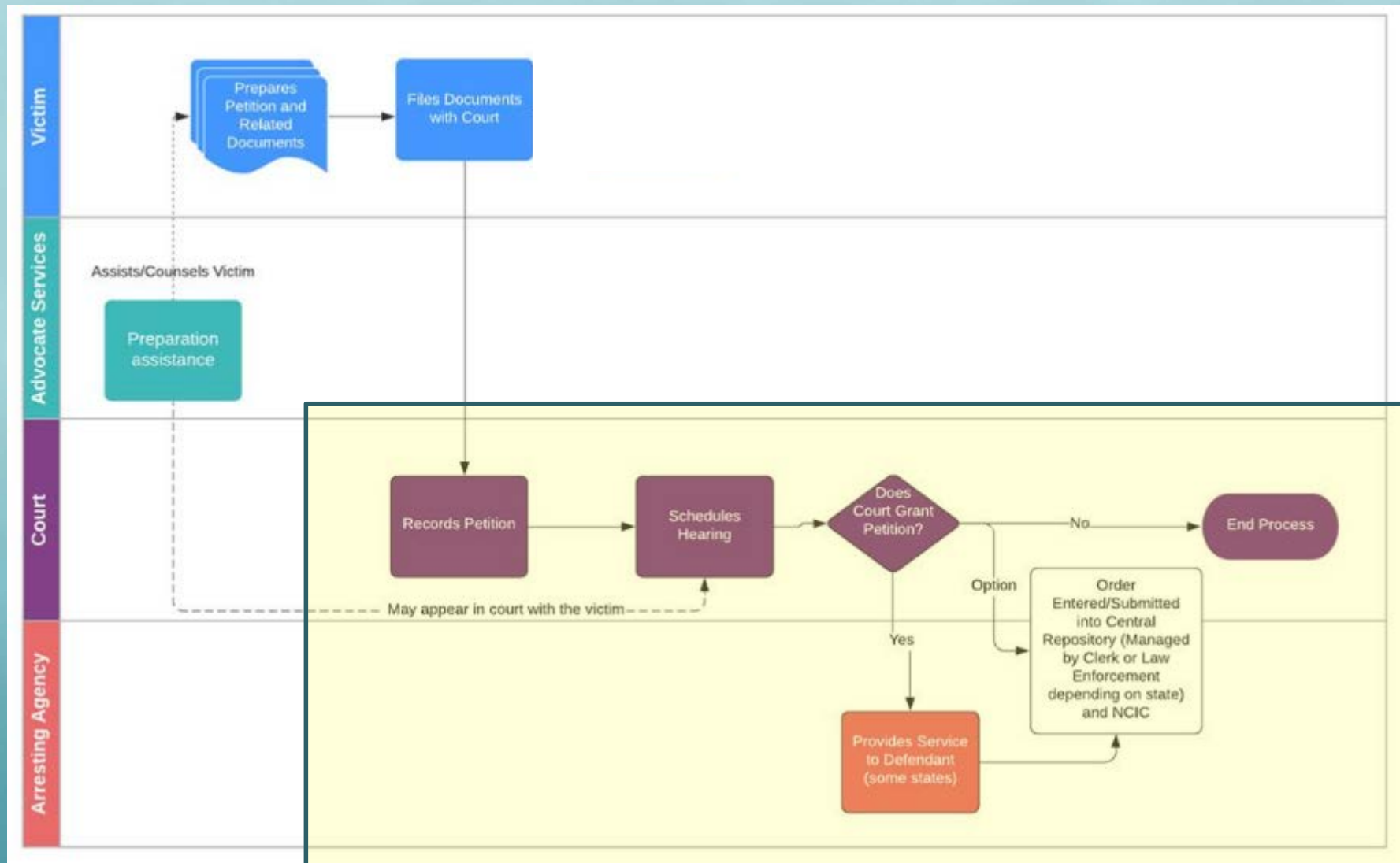
# Toward shared understanding

Defining our terms:

- What is "e-filing?"
- What is a "portal?"
- What are we focusing on today?

# Toward shared understanding

# Identifying shared values

Please use the mentimeter link in the chat to type in three **values** (up to three words each) that you think should guide our work in developing and implementing e-filing in DV protection order cases

# The promise and potential of e-filing

Please chat in your response:

- Why are you interested in e-filing in protection order cases?

- What are the benefits of e-filing?

# The promise and potential of e-filing

## Example 1: AZPOINT



**Arizona Protective Order Initiation & Notification Tool**

[https://azpoint.azcourts.gov](https://azpoint.azcourts.gov)

# The promise and potential of e-filing

## Example 2: KS-POP

# The challenges (and our responsibilities)

Please chat in your responses:

- From the perspective of a petitioner/victim of abuse, what challenges can e-filing present?

# The challenges (and our responsibilities)

One way to organize and address the challenges, based on lessons learned, is as follows:

1. Safety and confidentiality/privacy concerns

2. Accessibility challenges

3. Support petitioners need to navigate e-filing and understand how it fits into the overall process (including advocacy)

# Procedural justice

***Elements****:*

1. **Voice** (perception that litigants have an opportunity to be heard)

2. **Respect** (perception that judge/other court actors treated them with dignity)

3. **Neutrality** (perception that decisions are made without bias)

4. **Understanding** (comprehension of language used and how decisions are made)

5. **Helpfulness** (perception that system players are interested in your personal situation to the extent that the law allows)

# Safety and confidentiality/privacy

# Safety and confidentiality/privacy

Need to consider:

- Tech safety and other safety considerations <u>during</u> the e-filing process

- Educating petitioners about what may be confidential, what won't be, and how to make informed decisions about disclosures

- Additional safety concerns beyond e-filing that can be explained/addressed

# Safety and confidentiality/privacy

Tech safety and other safety considerations <u>during</u> the e-filing process:

- Sharing of tech with person causing harm

- Monitoring of tech

- Need to use public spaces

# Safety and confidentiality/privacy

Tech safety suggested practices:

- Clear, language accessible warnings and guidance

- Suggest use of new email address

- Escape buttons

- Connection to advocates

- Links to safety planning information

# Safety and confidentiality/privacy

Educating petitioners about what may be confidential, what won't be, and how to make informed decisions about disclosures:

- Petitioners do not know what may become publicly available and what respondent will see

- Do not know about sealing/protection of info

# Safety and confidentiality/privacy

Confidentiality/privacy suggested practices:

- Clear explanation of where info goes (incl. to respondent) and how it is used

- Guided interviews: include address confidentiality

- Pop-up messages/alerts re: ability to seal/protect information

- Data retention policy

# Safety and confidentiality/privacy

Confidentiality/privacy suggested practices:

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- Guided interviews: include address confidentiality

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- Data retention policy

# Safety and confidentiality/privacy

Additional safety concerns beyond e-filing that can be explained/addressed:

- Petitioners don't know how to stay safe after filing: service of process, final hearing, etc.

- What to do if the ex parte or final order is violated

- Issues related to children

# Safety and confidentiality/privacy

Additional safety concerns suggested practices:

- Clear explanation that service of process may elevate risk to petitioner and children

- Links to advocacy and legal assistance

- Clear information regarding the steps of the process after issuance of the ex parte order, especially service

# Accessibility

# Accessibility

Need to consider:

- Language access barriers

- Tech access barriers

- Use by people with disabilities or other challenges

# Accessibility

Language access barriers:

- May be difficult to obtain interpretation and translation assistance during process

- System not designed around language-access needs

- Automated translation is problematic

- Language access challenges combined with tech access challenges

# Accessibility

Language access barriers-suggested practices:

- Provide content in multiple formats/languages (written, infographics, videos, etc.)

- Clear, accessible option to request language access help

- Enable completion of forms in native language, with subsequent translation

- Use certified interpreters only

- Remote interpretation where available

- Use of scribing software

# Accessibility

Tech access barriers:

- Digital deserts, lack of technology access, limited wi-fi/bandwidth, etc.

- Lack of access to locations that provide tech access

- Discomfort with/distrust of tech; need for human engagement

- Tribal communities may not have access to the same and assumed technological infrastructure

# Accessibility

Tech access barriers-suggested practices:

- Partnership with community agencies and private companies: for space, for tech

- Mobile responsive system

- Outreach to advocates re: how to use system, enabling them to provide assistance in-person or remotely (especially in rural areas)

- Ensure wi-fi extends to parking lots

# Accessibility

Use by people with disabilities or other challenges:

- People with visual or hearing impairments
- People with limited dexterity
- People w/ intellectual/developmental disabilities

# Accessibility

Use by people with disabilities or other challenges-suggested practices:

- Design from the start with people having these disabilities in mind
- Ensure testing occurs with all of these user groups
- Voice activation options
- Encourage use of software/apps that assist with dexterity issues
- Avoid dropdown menus

# Setting up petitioners for success: Support strategies

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Need to consider:

- Challenges in navigating/understanding how to navigate the system successfully (including requesting and supporting requests for needed legal relief-evidence, describing the victim's experience and needs)

- Challenges regarding identifying the appropriate type of protection order

- Lack of understanding of complex court processes

# Setting up petitioners for success: Support strategies

Challenges in navigating/understanding how to navigate the system successfully:

- Lack of understanding re: info required in petition

- Lack of understanding re: how to support requests for relief

- Inability to "tell story" in a way that supports issuance and relief

- Lack of understanding re: the forms of relief to which petitioner is eligible

# Setting up petitioners for success: Support strategies

Challenges in navigating the system successfully-suggested practices:

- "Hover help" options
- Guided interviews
- FAQs (e.g, AZPOINT provides FAQs in addition to the hover help that applies to specific questions)
- Include advocates in the design process to ID "pain points"
- Easily accessed chat support, offered at multiple points
- Use "Design thinking": consider the outcomes and user stories to decide on functions to include

# Setting up petitioners for success: Support strategies

Challenges in navigating the system successfully-suggested practices:

- Use internal process markers and a road map, so users know where they are in the process and what they need to do to get to the next step

- Provide videos for specific questions and/or simple infographics; try to accommodate as many adult learning styles as possible

- Involve advocates/service providers in form revisions, portal/e-filing/decision tree development

# Setting up petitioners for success: Support strategies

Challenges in navigating the system successfully-suggested practices:

- User testing during development: From a perspective of lived experience in this process, could we evaluate the effectiveness of approaches?

- Beware of "statement builder" software

# Setting up petitioners for success: Support strategies

Challenges regarding identifying the appropriate type of protection order:

- Many jurisdictions offer multiple types of orders, creating confusion

- Determining eligibility for orders and relief may be difficult

- Referrals to a protection order (from law enforcement and others) may be inaccurate

# Setting up petitioners for success: Support strategies

Challenges regarding identifying the appropriate type of protection order-suggested practices:

- Eligibility test: decision trees and a simple eligibility test
- Guided interview to direct to appropriate application
- Early link to legal and/or advocacy services
- Shift to universal application for all POs, if possible

# Setting up petitioners for success: Support strategies

Lack of understanding of complex court processes:

- What is next in the court process (service, hearings, etc.)
- Timing of different events
- Evidentiary issues
- Don't know how to address violations of orders after issuance
- Lack of understanding about potential repercussions of court processes, such as tech privacy concerns when e-filing, serving the perpetrator, child custody, weapons surrender, requiring the party to vacate the premises, etc.

# Setting up petitioners for success: Support strategies

Lack of understanding of complex court processes-suggested practices:

- Links to legal assistance
- Instructional videos on key topics
- Cautions that court processes can have other consequences and that legal advice should be sought (provide links)
- Where the legal threshold is low for issuance of the ex parte order, do not include functionality to upload evidence

# Successful collaboration

# Successful collaboration

Need to consider:

- Who should be engaged in the development, implementation, and assessment?

- How to obtain buy-in and ensure meaningful collaboration

# Successful collaboration

Who should be engaged in the development, implementation, and assessment?

- Court staff
- Advocacy organizations
- Attorneys
- Law enforcement
- Social service agencies

# Successful collaboration

Who should be engaged in the development, implementation, and assessment?

- Survivors with lived experience can provide great insight into things that we may not be thinking about especially around safety
- LEP assistance agencies
- Law schools: students can assist with many aspects of the development

# Successful collaboration

Who should be engaged in the development, implementation, and assessment?

- Interpreter services and disability accommodation folks
- Culturally specific service providers or community agencies/leaders
- Experts on human or user-centered design as an approach

# Successful collaboration

Who should be engaged in the development, implementation, and assessment?

- Local independent living center, The ARC local affiliate, agency serving blind community, Deaf-led orgs
- Community centers
- Colleges/universities; researcher-practitioner relationships
- Tribal organizations
- Military representatives
- Hospitals
- Legislators (if law changes needed)
- Ask: who are you not seeing? Consider who isn't coming and what that means?

# Successful collaboration

How to obtain buy-in and ensure meaningful collaboration

- Start with shared values and explore shared vision for the system

- Work hard to establish collaboration among court personnel, advocates/attorneys, and technology experts

  - Need shared understanding of terms used and technological capability

  - Human-centered design can promote this

# Thank you so much for participating today!