



Evaluation of the Introduction of Plain Language Forms with a Spanish Translation in Two Family Court Settings



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INTRODUCTION

There is a continuing interest in expanding access to justice for those who are facing difficulties in understanding the court system or court orders due to the complicated “legalese” documents and culture, language barriers, and for *pro se* litigants. Plain language forms, and forms in a language in which the litigant is comfortable, pose a likely remedy to improve access to justice. As of 2013, 24 states and the District of Colombia have enacted mandatory or recommended use of plain language court forms (Dyer et al., 2013). In some contexts (e.g., Texas), a specific aim of introducing plain language forms is to reduce the incidents of violation of protective orders. NPC Research, under a contract from Texas Rio Grande Legal Aid, funded under grant 009473 provided by the Legal Services Corporation Technology Improvement Grants, has undertaken an examination of the effectiveness of the provision of the plain language, English/Spanish forms in two sites: Sonoma County Family Court Services (California) and Travis County Family Court Services (Texas). With Sonoma County, we will focus on the effect of the forms on compliance with its Court Services program; with Travis County, we will focus on the effect of the form on reducing violations of protective orders.

SONOMA COUNTY FAMILY COURT SERVICES

Introduction

Sonoma County Family Court Services requires that all family custody litigants attend an orientation followed by a mandatory mediation session before they go to court. The clerks issue administrative orders to litigants when they file the custody pleadings. This protocol is reflected in Local Form FL-017, Further Orders for Parties with Custody and Visitation Matters before the Courts. Sonoma Courts agreed to participate in a pilot that would modify FL-017 into plain language, translate it to Spanish, and automate it for use by court clerks. The online interview allows clerks to print plain language orders in English and Spanish that calls for litigants to attend an orientation class followed by an appointment to engage in mediation (Child Custody Recommending Counseling program). Following this, a court date is issued, for resolution of the custody issues. The Legal Services Corporation (LSC) provided funding to modify the court order into plain language and translate it into Spanish, so that through use of the questionnaire, the clerks could quickly print out the order at their counters upon receipt of the filing. The underlying process requiring orientation and mediation existed before the automation of the court order. The changes in the form language were not intended to alter the program work flow, but were designed to increase compliance by increasing an understanding of the contents of the court order.

Starting in 2012, Sonoma County Superior Court implemented the new online interview to create the court form. At the same time, due to general county budget funding cuts, the court changed the process for pro se litigants to participate in an online orientation workshop instead of the in-person orientation class. The mediation session was referred

to as the “Child Custody Recommending Counseling,” emphasizing that the mediation process would produce a recommendation to the court, but the preference would be for the parties to reach agreement themselves, either fully or partially. The online questionnaire was modified accordingly to reflect these changes in the process.

NPC Research was hired to conduct an evaluation of the success of the changes to the form and their impact on improving compliance with the requirements of the court.

Research Design

After considering several methodological options including random assignment (highly unlikely to be approved by the court), NPC Research settled on a pre-post design. That is, we took a sample of those clients from a period of time before the change to the new form (2009-2010) and one after implementation (2012- 2013). Although a clear cut and common method, its disadvantage is that the analysis must take into account all changes to the program that occurred between the two periods. This issue will be addressed further in this report.

Since the main objective, of allowing clerks to give litigants plain language and translated forms through the online questionnaire, was to improve compliance with the requirements of the custody process by increasing comprehension, the main outcomes of the data collection and analysis were threefold: 1) to increase the percentage of clients completing the orientation session; 2) to increase the percentage of clients who show up for mediation; and 3) to increase the percentage of clients who appear in court, having fulfilled the previous two obligations of the program. This strategy made sense to both the program site and the partners of this project, Texas Rio Grande Legal Aid, Pro

Bono Net, the Sonoma County Courts, the Travis County Law Librarian, and the County Attorney.

The source of data to determine these outcomes came from two main sources. The first came from NPC staff's on-site review of court records for each case. The second was additional information that came from a court database. Both data sources were merged for the final analysis.

Overall Sample

The program sample was chosen by randomly selecting 150 cases from a pool of all cases in 2013, and the comparison sample (also 150) was randomly selected from a pool of all cases in the 2009-2010 period. Several adjustments were made to the sample to exclude case files that were completely devoid of data, exclude cases in which the clients immediately moved out of the county, and exclude case files with litigants who appeared on both lists (in that case, the first appearance was used). The final sample numbers are shown in Table 1.

Table 1. Overall Sample

	Overall Sample Total
Pre-plain language form	116
Post plain language form	141
Total	257

Indigent Status: Fee Waiver

LSC is particularly interested in the use of legal plain language and Spanish translation for those who are below the federal poverty level. Sonoma did not collect actual data on client incomes but did use a self-report application for fee waiver as an assessment of the clients' ability to meet the federal poverty level. This enabled NPC Research to assess which individuals were over the federal guidelines according to self-reported income. Unfortunately, a large number of clients in both the program and control group did not seem to fill out an application, and/or the results were not reported. The program staff indicated that in these instances, a decision was made without the application form, often by the judge. We therefore treated those that were not denied as our indigent sample.

Table 2. Fee Waivers

Fee Waiver		
Outcomes	Frequency	Percent
Accepted	182	71%
No Application	42	16%
Missing	15	7%
Denied	18	7%
Total	257	100%*

*Due to rounding, percent totals may not equal 100%.

Only 7% (18) of both sample cases were denied fee waivers because one or both of the individuals had income that was too high. The program staff felt that proportion was in

accordance with fact, as a measure of the percentage of clients above the federal poverty line. We then excluded those individuals (as the study focuses on financially disadvantaged individuals) and conducted the rest of the analyses on the remaining sample.

Table 3. Final Sample

	Overall Sample Total: Low Income Only
Pre-plain language form	111
Post plain language form	128
Total	239

Effect of the Spanish Translation of the Form

Since the new form actually has two purposes—first to provide a plain language form for better comprehension (less legalese) and second to provide a Spanish language version for Hispanics with limited English reading comprehension—we were initially interested in seeing whether there was a different impact of each purpose. Unfortunately, it quickly became clear that was not possible in Sonoma County.¹ The plain language form was translated into Spanish on the back side of the form and therefore all clients received the form in both versions. This made a great deal of sense because it ensured that all individuals would have a translated document available, even if they initially felt they would be able to understand its contents without translation. Unfortunately, this precluded an assessment, by researchers, of how many research subjects actually

¹ At this time, courts were often not tracking language needs by litigants. Since that time, the American Bar Association has implemented a standard for language access in courts.

needed the translation, making it impossible to assess the unique impact of the Spanish translation. It is also possible to argue that the two elements—plain language and Spanish translation—always go together in a population with some, but not complete, English comprehension.

Orientation

The first requirement of the Sonoma custody process was for both parties to attend an orientation to the court process. At the inception of this project, in 2010, the orientation was in person and offered at a specific time in which attendance was monitored. Beginning in 2013, it was moved by the courts to an online format, with an online exam requiring an 80% score for a certificate of completion. These changes were implemented by the court due to general county budget cuts and were independent of the form automation project. The certificate of completion was required to be presented at the mediation appointment with the child recommending counselor, or filed with the court.

Hypotheses #1: The introduction of a plain language form with a Spanish translation will increase the compliance with participating in the orientation.

When we initially received the data, there was a surprisingly large number of missing data for orientation attendance for the program group. Nearly 28% of the program group was reported as missing data compared to 4% of the comparison group. This was unanticipated, as Veronica Pineda (Court Operations Manager, overseeing the Family Law, Probate and Juvenile Delinquency Divisions) indicated that “Attendance is a requirement of the program,” and the certificate of completion was supposed to be necessary before the mediation session with the counselor would occur. However, while the 2010

comparison group received an in-person orientation, the 2013 plain language form group was required to go online to receive the orientation and then complete a test to receive the certificate of completion (which they had to print out). This is likely the cause of the missing data as it may have been harder for some who did not have the technological access or experience to accomplish this goal.

Still, from the point of view of the study, this means litigants did not complete the orientation, and so, based on the advice of Rick Wishnak (Court Operations Manager, overseeing Probate and Family Court Services), we counted the missing as not having participated in the orientation. The results are shown in Table 4.

Table 4. Orientation Attendance

	Attended	FTA	Settled Before Mediation or Dropped	
Pre-plain language form	41 (36.9%)	66 (59.5%)	4 (3.6%)	111
Post plain language form	26 (20.3%)	95 (74.2%)	7 (5.4%)	128
Total	67	161	11	239

$X^2 = 8.281$, $p = .04$, statistically significant

These data indicate that a **smaller** proportion of the group receiving the plain language form complied with the orientation requirement than the pre-form comparison group.

We should be careful here about the decision to assign all the missing to the failed-to-appear category. Perhaps that is wrong and therefore skewed our results. To test this, we ran an analysis in which **all** of the missing were classified as having attended (highly unlikely). With that extreme test we still could not confirm Hypothesis #1. (These data

eliminated the statistically significant finding that the plain language form group was worse in compliance but did not produce the condition that it was better.) Thus, we can say with a high degree of confidence that Hypothesis #1 is not supported; the plain language form did not increase compliance with the first step of the program: completion of the orientation. It is likely, however, that this is not due to implementation of the automated form per se, but the decision to move orientation to an online format by the court and of the technological demands of the online orientation in 2013.

Mediation: Child Custody Recommending Counseling (CCRC)

The centerpiece of the Sonoma program is the CCRC. Couples receive counseling and mediation in order to resolve disputes before their court appointments or to come up with a recommended plan that will be enforced by the court.

"The Family Court Services' (FCS) child custody recommending counseling sessions (hereafter referred to as recommending counseling sessions) provide an opportunity for parents to meet with a trained professional to develop a parenting plan that is in the best interest of their children. The Family Law Code governs the recommending counseling session and sets forth its purposes: In part, to reduce acrimony that may exist between parents, develop a parenting plan that ensures the children have frequent and continuing contact with both parents (absent any risk factors) and to effect a settlement that is in the best interest of the children. Recommending counseling sessions afford the parents the opportunity to develop their own plans to raise their children after the decision to separate has been made, rather than to delegate that responsibility to others, such as mediators, psychologists, evaluators or judges." (Family Court Services Web site, Superior Court of California, County of Sonoma).

The plain language forms combined with the Spanish translation was thought to increase the attendance for the all-important counseling and mediation sessions.

Hypotheses #2: The introduction of a plain language form with a Spanish translation will increase the compliance with participating in the Child Custody Recommending Counseling (CCRC) sessions.

Results

Table 5. Mediation Attendance

Mediation (CCRC)							
		Failed to Appear	Attended Mediation	Settled Before Mediation or Dropped	N/A	Missing	Total
Low income only	Pre-plain language form	37 (33%)	68 (62%)	1 (1%)	3 (3%)	1 (1%)	111 (100%)
	Post plain language form	49 (38%)	70(55%)	1 (1%)	7(6%)	2 (1%)	128 (100%)*
Total		86	138	2	10	3	239

*Due to rounding, percent totals may not equal 100%.

$X^2 = 3.24$, $p = .51$, not statistically significant

The attendance at the CCRC mediation did not increase in the plain language form group over the pre-form group. Some litigants may have felt that they would not be permitted to attend the mediation without completing the orientation, so they may not have attended the mediation session if they had not completed the online orientation. According to the notes in the records, some litigants did not attend for this reason, while others seemed to have attended mediation at the CCRC as long as they appeared on the scheduled date.

Nonetheless, these data do not support Hypothesis #2 that the application of the plain language/Spanish form would increase attendance at the mediation CCRC.

Hypotheses #3: The introduction of a plain language form with a Spanish translation available will increase the compliance with required court appearance.

Table 6. Court Attendance

Court Appearance							
		Failed to Appear	Attended Court	Settled Before Court	N/A	Missing	Total
Low income only	Pre-plain language form	49 (44%)	49 (44%)	2 (2%)	7 (6%)	4 (4%)	112 (100%)*
	Post plain language form	39 (31%)	68(54%)	1 (1%)	13 (10%)	7 (5%)	128 (100%)*
Total		88	117	3	20	11	239

*Due to rounding, percent totals do not equal 100%.

$\chi^2 = 5.705$, $p = .22$, not statistically significant

Court appearance is slightly higher with the plain language form sample, supporting hypothesis #3, but it is not statistically significant. Thus, though promising, we cannot say that these data support Hypothesis #3.

It is interesting to note that these data would be consistent with individuals who did not complete the orientation or could not print off their certificate, but nonetheless appeared for their court appointment. Thus, it does appear that the lower orientation completion may have played havoc with any attempt to assess the impact of the plain language form.

Telephone Interviews

We conducted a small number of interviews (8) with our sample subjects chosen at random from the list of subjects provided by the site, and who had good phone numbers. (This may well have produced interviewees who were more likely to have completed each stage of the process since they would be more likely to have good phone numbers.) The results were useful for a sense of how things had gone for the subjects.

The subjects were asked about their attendance at the orientation, the mediation and the court appearance and their views as to how useful the experience was for them. All the subjects contacted had completed the orientation successfully, but only 75% found it a valuable experience. All had also attended the CCRC mediation session but only 37.5% found it helpful. All had also attended the court session and 87.5% suggested it was useful.

Interviewees were also asked to speak to their sense of fairness of the process. Their comments are below.

Fairness of process:

"No. It was frightening how much control the courts had over the custody of my kids."

"It was fair, but it took awhile."

"The process was fair. I didn't feel like I wasn't being heard in regards to the court order." (Note - participant felt like there were parts of the mediation that were fair and other parts that were not. We settled on ""not sure"" because she felt like it could go both ways.)

"I have 2 children that live in 2 different counties (same dad) and the judge would not combine the cases to make it easier for us. Also, I was served a court date but I was never notified. The judge made an order without me being there which negatively affected me. It allowed for the father to receive 52 visits, even though he has only made 9. It has been a nightmare (long and drawn out) to get that undone."

"If I were to rate it, I would rate it as a 7 because there is not enough time in front of the judge. Usually it's only five minutes."

"Yes. Nothing else to add."

"Yes. I think these were good questions. I got a lot from the orientation and every parent should watch it."

"I think it's very biased towards women. For example, I had to fill out paperwork that was specifically worded with only women in mind. e.g. questions like ""does your husband/male partner/father of children...? I couldn't answer the question because it wasn't worded in the other direction."

Fairness of outcome:

"No (interviewee was crying). The judge was very kind and he did the best for me. However, the mediation experience was life changing. The mediator was callous. It was terrible. I lost everything; my kids, husband, business and house. The mediator recommended that my kids couldn't spend the night at my house because I only had one bed-

room (children were male and female and not allowed to share a single bedroom because of gender differences.) It was one of the worst experiences of my life. I lost custody of both of my children."

" Yes I did."

"I ended up with 50/50 custody which was fair. But the father wasn't putting in enough effort into taking care of the kids. I was working and going to school and I didn't miss any appointments and he did and that wasn't fair."

"I don't think the outcome was fair. Not for the providing parent. Overall the decisions that were made have been negative and I am not happy with the outcome. I am happy that I have a different judge."

" (Case still in mediation) The only thing that I would like to say is that they (court) are understaffed and all of my court dates have been pushed back. This is difficult because my custody case is a life-changing thing. Other than that, the court case/process as been fair."

"Yes, everything has been fair."

"Yes, I got everything that I requested."

"Yes, it's been fair for both my custodial and financial cases involving my children. Everything has been 50/50. Additionally, it would be helpful if there were more people in the law library to help people work on their cases or answer questions."

Summary

One of the potential hazards of a pre-post research design is that other changes (other than the introduction of the plain language/Spanish translation forms) may also occur to interfere with the effects of these form innovations. In this case, it appears that the introduction of an online orientation may have had a ripple effect in the system, masking the effect of the forms. However, it is also possible that the forms had no measurable impact regardless. Because the online orientation was introduced at the same time as the plain language/Spanish translation, it is not possible to tease out which of the changes was responsible for observed outcomes.

The following table provides an interesting comparative look at attendance at all three aspects of the CCRC program, with and without the plain language forms.

Table 7. Attendance for All Aspects of the CCRC Program

Overall Attendance					
		Orientation	CCRC Mediation	Court	Total sample
Low income only	Pre-plain language form	41 (37%)	68 (61%)	49 (44%)	111
	Post plain language form	26 (20%)	70 (55%)	68 (53%)	128
Total					239

Note: Percentages are percent of each total sample.

Attendance at the orientation significantly dropped and also dropped for the mediation, but rose for the court appearance. This would be consistent with a ripple effect of the

online orientation issues, where fewer people showed up for the CCRC mediation because they did not have their orientation certificate, and then at least some of those showed up for their court appearance to let the judge figure it all out. This would mean that the judge may be bearing the brunt of the issues with the online orientation. However, it also means that the CCRC system is not working as efficiently as it could.

Nonetheless, these data do not support a conclusion that the plain language/ Spanish translation forms had a measurable impact on increasing compliance with the requirements of the CCRC program in Sonoma.

TRAVIS COUNTY FAMILY COURT SERVICES

Clear legal communication has been identified as a route to improving access to justice, particularly for individuals with Limited English Proficiency and low English literacy.

Plain Language and non-English translation is imperative to a justice system that is used increasingly by self-represented litigants (SRLs). Cases involving SRLs become costly to the courts when parties don't understand the legal process or the many forms that are part of that process, resulting in more protracted court proceedings. According to the Texas Commission on Access to Justice, one third of all family law litigants are self-represented.²

In Travis County, 38.8%³ of the population identifies as Hispanic or Latino, and 31% of the population speaks a language other than English at home.⁴ For at least 56 clients or

² See <http://www.texasatj.org/SRL> for statistics on self-represented litigants in Texas.

³ Updated to reflect 2015 census numbers.

⁴ Census.gov

20% of the sample, English proficiency is low enough that this is considered a language barrier to service providers (see Figure 1 on page 17). Language access is critical to individuals who face personal safety issues and need the government's protection.

Goals

The primary goal of the Plain Language Project (PLP) is to implement automated document assembly court forms that have the effect of increased compliance with orders and access to the courts.⁵ Specifically, in Travis County, the program is also intended to make the court process more efficient by implementing electronic forms that would prevent the need for manual translation of each form and afford access to different agencies. It was hypothesized that successful implementation of the translated forms would lead to a reduction in the number of violations of protective orders emanating from a lack of understanding of court orders. To achieve this goal, both the filing party and the respondent were to be provided an order of protection in Plain Language English and Spanish. As in Sonoma, an online questionnaire was developed that would produce plain English and translated forms to be used by attorneys working the DV and sexual assault dockets.

Travis County Protective Order Process Prior to PLP Implementation⁶

According to stakeholders, 97% of protective orders filed in Travis County originate with either the County Attorney's Office (CAO) or Texas Rio Grande Legal Aid (TRLA). Eight

⁵ As described in the Legal Services Corporation Project Evaluation Plan.

⁶ Much of the process information was provided by Lisa Rush, law librarian, and Erin Martinson, Travis County Attorney Family Protection Team's lead attorney, via documents and interviews. Some was collected by NPC during court hearing observations.

percent of applicants who qualify for protective orders but cannot be assessed by the CAO are sent to TRLA. This is typically due to a conflict that the CAO has with their case. For example, perhaps the CAO is working with a designated respondent on another case. The remaining 3% are either pro se or are assisted by a private attorney.

Applicants first apply for a temporary ex-parte protective order (TPO) with the CAO (or TRLA if there is a conflict). TPOs are typically in effect for 14 days. During that time, the respondent is served with the ex-parte protective papers and notice that a hearing for a final protective order has been set. In some instances, such as a request for a continuance by counsel, the TPO period can be extended. Protective order cases come before a district judge if the case involves children. Otherwise, the county court-at-law will preside over the hearing.

If the respondent does not show up for the PO hearing, the filing party will receive the final protective order, and the Constable will hand deliver the order to the respondent. The Sheriff's Office, enters the order into the Criminal Justice Information System (CJIS) database. The Constable must then serve the respondent.

The judge's orders are drafted by the Assistant County Attorney (ACA) in the courtroom, who has a template for protective orders. S/he would then fill in case information by hand and edit the forms by crossing out sections that did not apply. Once the order was revised and completely filled out, it was given to the judge for his/her signature. Photocopies of the completed forms were then created in another office in the courthouse (usually the clerk's office). Copies were made for the litigants, the Constable and the

TCA's office. Copies are also mailed to law enforcement agencies and schools. The district clerk keeps the original signed orders. The ACA explains the orders to each of the litigants. If necessary or requested, an interpreter would attend this meeting. Copies of the PO, in English only, are given to the litigants.

Implementation Plan

For the Plain Language Project, multiple legal documents were to be translated into Plain Language English and Spanish. Using "document assembly software," through the LawHelp Interactive system, the ACA would be able to import already collected information into the draft order. Implementation of the software would also allow for form completion in the courtroom via a laptop computer, using the court's wireless network. The order could then be printed in the courtroom in Plain Language and English or in Spanish. The judge would have the ability to sign the orders electronically.

NPC Research conducted two site visits to the Travis County Courthouse. During the Year 1 site visit, the NPC researcher reviewed the various forms that were available and used in the court's protective order process. There were over 30 possible forms that could be used with the document assembly software, including the application for protective order, the temporary protective order, a judgment of contempt and order, an application to modify existing orders, and forms for the various types of modifications. This was a large number of forms to translate and automate.

Challenges to Implementation

The Austin site experienced considerable obstacles with the implementation of the documentation software. The Travis County Attorney's (TCA) office attempted to implement

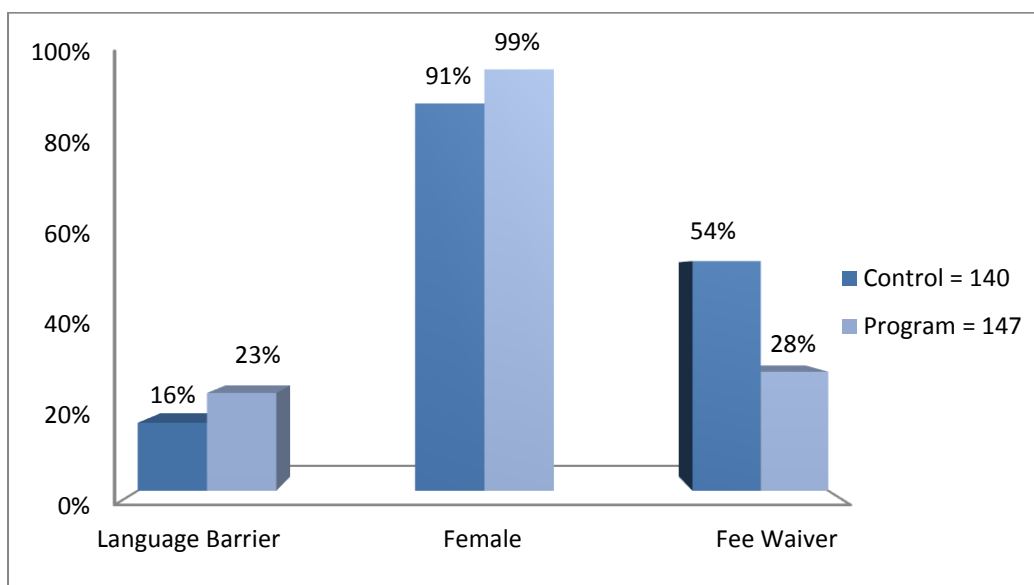
a Plain Language version of the ex parte temporary protective order. However, they experienced numerous issues at each attempt, which impeded their ability to manage a very large client caseload. In the courtroom, the protective order form completion actually added time because the forms needed to be uniquely prepared depending on specific aspects of each case. The forms consistently needed revisions, such as incorrect referencing to other sections and blank answer boxes appearing where there were no questions. Moreover, a seemingly minor edit to one form required the same edit to be made in numerous other forms. In late October 2013, the TCA's office implemented an automated Spanish translation of the final protective order only. Spanish versions were then printed and given to litigants who identified as Spanish speakers. Both versions were also provided upon request. Litigants who identified as English speakers were given orders only in English.

Methodology

A sample of 287 clients filing paperwork for a temporary protective order was randomly drawn from a population of clients filing on or before October 31, 2013 (control) and after October 31, 2013 (program). There were 140 clients in the control group and 147 clients in the program group. Of the 287 clients identified, 273 were female.⁷ They ranged in age from 16 to 76, with an average age of 36.

⁷ One client's gender was not reported.

Figure 1. Participant Characteristics by Group



In PO proceedings, court fees are part of the final order. Court fees are waived when the respondent asks the court to waive them because s/he is indigent. In those cases, there will simply not be any fees ordered. However, sometimes fees are waived as part of an agreement, so the absence of fees in a final order does not always indicate poverty level.⁸ For this sample, court fees were waived for 57% of the control group litigants and 28% of the program group litigants.

Protective Order Violations

Compliance with protective orders is being used as a measurement of the impact of the Spanish translation of the orders. The rate of reported PO violations varies widely in the research literature. In a 2009 research paper, Logan (2006) looked at several studies and one meta-analysis that showed rates of PO violations from 23 to 76 percent. These

⁸ Email communication with Erin Martinson, 12/13/13

studies varied in length of time from protective order issuance, but findings in one study showed that most PO violations occur within 90 days of the order's issuance (Benitez, 2010). Reported violations make up a fraction of actual PO violations.

Table 8. Reported Violations, Control vs. Program

Was the Order Violated?				
	No	Yes	Missing	Total
Control	112	12	3	127
Program	141	4	1	146
Total	253	16	4	273

According to the lead county attorney, there are “probably quite a lot” of violations that go unreported for various reasons. Some of the reasons described include reconciliation that is not reported to the courts or fear on the applicant's part to make a report. There may be prohibited communication that takes place that the applicant doesn't feel is serious enough to report. The same may happen for prohibited visits. A 2003 study (Hotaling & Buzawa, 2003) using victim surveys revealed that 49% of respondents had experienced a violation of a restraining order. However, official criminal justice data showed less than half (22%) of the respondents had reported a violation.

Outcomes

For the outcome data, 273 protective order filings were analyzed. There were 127 cases in the pre-implementation group and 146 in the post-implementation group. For this assessment, NPC Research looked at the rate of reported violations in a 6-week post-issuance period. The protective orders had been translated into Spanish in November 2013. A very small number of English-speaking litigants in the post-implementation

group did not receive the Spanish version of their orders. For the treatment group, we looked only at those orders filed from November 2013 to March 2014 in order to allow for a window of at least 6 weeks from the date of the order's issuance.

For cases proceeding before Spanish translation of the orders was implemented, 12 out of 127 or 10% of protective orders were violated within 6 weeks. After Spanish translation of the orders, 4 out of 146 or 3% of protective orders were violated within 6 weeks. A chi square test was performed and a relationship was found between translation of orders and rate of violation.⁹ Four of the 273 cases had no data on violations. In one case, the respondent committed suicide within days of the order and in another, a respondent was apprehended by immigration before any violation occurred. In the other two cases, the respondent could not be located for service of final orders.

The pre-implementation group had a rate of violation over 3 times that of the group receiving Spanish-translated printed orders. The lead county attorney felt that although the orders were explained to the parties on the day of the hearing, "...it's really hard for people to remember everything that happens in court once they walk out the door. Stress, nerves, anxiety, etc. contribute to the memory loss...[h]aving a document to refer to, one that they can understand, probably does make a big difference."¹⁰

While the online form did not achieve the project goal of time savings efficiency, the online interview achieved added efficiency through a reduction of violations. Compliance with protective orders precludes the need for further court proceedings and/or any

⁹ $\chi^2(2, N = 273) = 7.036, p = .03$

¹⁰ Email communication with Erin Martinson, 5/15/14

time used to serve court papers, thereby saving the court's resources. Additionally, in responding to PO violations, resources used by law enforcement and the jails are saved. Most importantly, the safety of the protective order applicants appears to be enhanced when the respondent has a Spanish version of the details of the protective order.

Cost savings estimates

Travis County, Texas had 302 violations of protective orders (VPO) for 2013. A full study of the cost of a VPO in tax payer funded related services in Travis County was beyond the resources of this contract. However, automation of forms creates a long-term benefit for the courts of not having to translate each order by hand.

In addition, using data available from a VPO cost study in Delaware, we can estimate that costs per victim to be about \$4,665 in taxpayer funds and much more in social costs. Since in this study, the presence of the plain language form is associated with 7% fewer violations, we can expect that the number of VPOs would have been 325, had not the plain language/translation been implemented, a cost savings of \$107,295 (23*4665).

SUMMARY

The attempt to introduce plain language and language appropriate forms in these programs was a mixed experience that differed depending on the location and work flow of each court house. Sonoma experienced delays in the implementation of the forms, nonetheless the courts were able to go forward with implementation of the forms. The key value of implementing the forms for Sonoma was to increase compliance with the various requirements of the program. Unfortunately, a resource-driven decision to change from an in-person orientation to an on-line orientation (the crucial first requirement) interfered with investigation of success due to the plain language nature of the forms.

The Austin site experienced considerable obstacles with the implementation of the documentation software. The Travis County Attorney's (TCA) office attempted to implement a Plain Language version of the ex-parte temporary protective order. However, they experienced numerous issues at each attempt, which impeded their ability to manage a very large client caseload. In the courtroom, the protective order form completion actually added time because they needed to be uniquely prepared depending on specific aspects of each case. The forms consistently needed revisions, such as incorrect referencing to other sections and blank answer boxes appearing where there were no questions. Moreover, a seemingly minor edit to one form required the same edit to be made in numerous other forms.

In spite of these problems in late October 2013, the TCA's office implemented an automated Spanish translation of the final protective order only. This at least offered the researchers to examine this limited implementation and its impact on the frequency of the violations of protective orders as compared to a pre-implementation group. A statistically significant positive result occurred. The data showed that the pre-implementation group had a rate of violation over 3 times that of the group receiving Spanish-translated printed orders. The lead county attorney felt that although the orders were explained to the parties on the day of the hearing, "...it's really hard for people to remember everything that happens in court once they walk out the door. Stress, nerves, anxiety, etc. contribute to the memory loss...[h]aving a document to refer to, one that they can understand, probably does make a big difference."¹¹

While the program that was implemented did not achieve its goal of reducing the time it took to create the orders in court, it did achieve added efficiency through a reduction of violations, and it did enable the creation of a Spanish form, a capacity that did not exist before.

¹¹ Email communication with Erin Martinson, 5/15/14

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