



BATTERED WOMEN'S JUSTICE PROJECT
**National Center on Protection Orders
and Full Faith & Credit**

ENGAGING IN A BEST PRACTICE ASSESSMENT OF THE CIVIL PROTECTION ORDER SYSTEM

**Beverly Balos
Sarah Henry
Monica N. Player
Millicent Shaw Phipps**

**National Center on Protection Orders and Full Faith & Credit
1901 North Fort Myer Drive
Suite 1011
Arlington, VA 22209
800-903-0111, prompt 2
www.fullfaithandcredit.org**

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http://www.ncjfcj.org/images/stories/dept/fvd/pdf/cpo_guide.pdf

The Community Assessment (formerly known as a Safety Audit) methodology was developed by Ellen Pence, Ph.D., from her study of institutional ethnography, and has proved invaluable in structuring efforts to analyze and improve the responses of social institutions to domestic violence and other social problems. The authors are deeply indebted to Ellen's vision and strategies for making system's change. Her inspirational work informs this guide, which adapts her methodology to an assessment of the civil protection order process. This best practice assessment guide is an adaptation of previous work conducted by Praxis International and the Battered Women's Justice Project, and is adapted from Praxis' publication: *Planning and Conducting a Best Practice Assessment of Community Response to Domestic Violence, Criminal Justice System Response: Emergency Communications (911) & Police Patrol*, by Jane Sadusky, with contributions from Rhonda Martinson, Casey McGee, Ellen Pence and Denise Eng, Praxis International (2010). Further information about Community Assessments can be obtained at: www.praxisinternational.org.

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Engaging in a Best Practice Assessment of the Civil Protection Order System

Every year hundreds of thousands of victims of domestic violence, dating violence, sexual assault and stalking seek to stop the violence by requesting a civil protection order. This legal remedy is a critical part of the justice system's response to intimate partner violence. Research indicates that the risk of experiencing domestic violence increases during attempts to separate and after separation.¹ The best practices in a civil protection order system are designed to create safeguards for victims and their children during this time of increased risk. When seeking protection from the court, victims should encounter a system staffed by competent professionals that focuses on safety and accessibility, and is reliable in its issuance and enforcement of orders.

In pursuit of encouraging the effective issuance, service and enforcement of protection orders, the National Council of Juvenile and Family Court Judges (NCJFCJ), in partnership with the U.S. Department of Justice's Office on Violence Against Women (OVW) and the National Center on Protection Orders and Full Faith & Credit (NCPOFFC), created a comprehensive guide to describe best practice strategies for practitioners and the civil protection order system as a whole. In 2005, these efforts resulted in the creation and publication of "A Guide for Effective Issuance & Enforcement of Protection Orders" (popularly known as the *Burgundy Book*). In 2009, experts were convened to update and streamline the guide, which resulted in NCJFCJ's publication: "Civil Protection Orders: A Guide for Improving Practice" (CPO Guide) in 2010. The purpose of the CPO Guide is to increase the capacity of communities to enhance safety for victims and address problems in the issuance, service and enforcement of civil protection orders.

The CPO Guide outlines the following values and practices as essential to a strong and effective civil protection order process:

1. **Safety:** Victim safety requires an ongoing evaluation of risk, orders that address custody, visitation and support, and consistent enforcement of orders.
2. **Autonomy:** Victims should be able to decide when to access the system, what relief will best serve their needs and when to exit the system.
3. **Accessibility:** A process that is open, has 24-hour access and linked services enhances victim safety. Physical and language barriers should be identified and removed.
4. **Competence:** Practitioners should have available on-going training to maintain and update knowledge about the protection order process and a broad range of information in order to provide appropriate assistance.
5. **Reliability:** Standardized policies should guide the protection order process so that intervention and enforcement is consistent and predictable. Practitioners need to be linked to each other so that the system as a whole is effective.

¹ Walter S. DeKeseredy, et al., *Separation/Divorce Sexual Assault: The Current State of Social Scientific Knowledge*, 9 AGGRESSION & VIOLENT BEHAV. 675 (2004)(citing numerous studies and concluding that the risks of non-lethal and intimate femicide are highest when women seek to separate from spouses or intimate partners with whom they have been living).

6. **Collaboration:** Institutionalized opportunities for collaboration among state, tribal, federal and military organizations should be created. Policies should promote collaborative relationships that include review and evaluation of the system as a whole.
7. **Culture and Diversity:** Practitioners should recognize their own assumptions and beliefs, and work with diverse community groups to ensure a system response that accounts for culture and diversity.
8. **Community Engagement:** Engage with community members to create opportunities for discussion to facilitate an understanding of domestic violence and the protection order process.²

An effective system requires adherence to these overarching values and recognition of the need for interagency cooperation and collaboration.

In order to evaluate existing practices against the best practices described in the CPO Guide, communities must engage in an assessment of their current protection order system. This assessment guide was developed by NCPOFFC to assist local communities in that effort. The suggested assessment techniques and worksheets can serve as an efficient review of the civil protection order process. This review uncovers which policies and protocols are currently in force and if they are being implemented, how those policies compare to best practices, what is being done well, what are the gaps in the system, and what can be improved.

Each worksheet focuses on one aspect of the civil protection order system: accessibility, service, issuance, or enforcement. Depending on time, size of the jurisdiction and available resources, a community may wish to evaluate all or only one portion of the entire system, or to assess portions of the system sequentially until completed. A more limited, focused assessment can be accomplished with a relatively small number of participants over a shorter timeframe. The process is flexible in order to meet the needs of larger, more complicated jurisdictions as well as smaller jurisdictions.

Once a jurisdiction has determined that it is interested in taking a close look at its protection order system, NCPOFFC will provide assistance in initiating the assessment process, providing guidance and leadership from the beginning of the review through its completion. This technical assistance may range from providing initial training and additional information and advice while a jurisdiction conducts the assessment activities on its own, to participating on site with the jurisdiction throughout the assessment process. For those jurisdictions seeking greater support, NCPOFFC can provide soup to nuts assistance that includes organizing and preparing for the assessment, mapping the protection order process, gathering and analyzing information, and reporting findings and recommendations. Please contact NCPOFFC staff if you require any assistance in using this tool.

Organizing a Best-Practice Assessment

NCPOFFC will guide the assessment and aid the small group of individuals serving as the assessment work group. The assessment will produce richer results if the work group is

² See Civil Protection Orders: A Guide for Improving Practice, National Council of Juvenile & Family Court Judges. (2010). Pp 1-25.

comprised of the various interested professionals involved in the CPO process, as well as advocates who are familiar with the experiences of domestic violence victims who use the process. The work group should represent all of these points of view. The members should familiarize themselves with the entire CPO Guide and the assessment worksheets for each part of the system. While one part of the system may be evaluated at a time, each part is interconnected with the others.

In order to engage in an assessment that provides useful results, there should be a basic commitment to participate from the agencies involved in the process to be examined. At minimum, the leadership of these agencies should understand the assessment process, designate participants for the work group, and commit the time of personnel to be interviewed as needed. Optimally, this means to be engaged in the observations and discussions, but at a minimum to spend time answering questions generated through the assessment process. In addition, someone from the participating governmental or advocacy agencies should act as the assessment coordinator, working with NCPOFFC to organize information gathering and schedule meetings.

The assessment process gathers information about existing practices through the following activities:

1. Mapping the current process with specificity.
2. Identification of existing laws, court rules, and agency regulations that are applicable.
3. Observations and walk-throughs of the civil protection order process, from completing an initial petition for a civil protection order to enforcement.
4. Interviews with practitioners.
5. Review of forms or standard texts used in the process.
6. Review of files.
7. Focus groups.

Using these information gathering techniques, the assessment adheres to the following path:

1. Identify what is assumed or expected to happen in the existing protection order process (mapping and gathering applicable rules/regulations).
2. Identify what is actually happening (file and form review, observations, walk-throughs and interviews).
3. Identify where and how policies and procedures need to change to support a system that comports with best practices.
4. Develop recommendations for change and present to agency leaders.

Steps in an Assessment Process

1. Organize and Prepare

- **Select a Central Coordinator(s):**

Tasks for the coordinator:

- a. Read the CPO Guide and be familiar with the assessment tool.

- b. Collect relevant laws, rules, policies and protocols.
 - c. Gather appropriate files for review.
 - d. Schedule meetings of the assessment work group.
- **Assemble Assessment Work Group:** An assessment requires a small group of practitioners who are willing and able to do the work guided by the assessment tool. The assessment process benefits from dialogue and discussion with a small group of experienced practitioners. The work group should always include a community-based advocate in order to ensure that the viewpoint of victims is represented in the process. The size of the work group is dictated by the scope of the assessment.

Work group members will:

- a. Read policies, protocols, forms and files.
 - b. Attend meetings.
 - c. Participate in observations, walk-throughs, and interviews.
 - d. Take notes on observations, walk-throughs, and interviews.
 - e. Participate in discussions that result in agreed upon findings and recommendations.
- **Decide on a Structure and Timeline:** At the outset, NCPOFFC will assist the work group with deciding how and when they will meet. A series of meetings, with specific tasks to be completed at each meeting may be useful. The length and frequency of meetings can be adjusted to meet the specific needs of the work group and the scope of the assessment. The structure and number of meetings is less important than a commitment to complete the work and finish the assessment in a timely way.
 - **Establish an agreement regarding confidentiality.** Assessing the protection order system requires information sharing among work group members. When conducting the assessment, work group members will likely have access to agency or court files and gain information about specific cases or individual practitioners. As a result, issues of privacy and information sharing will arise, and ground rules regarding confidentiality should be established to promote an open and collegial atmosphere. The assessment will not be successful if the information gathered in the process is misused in some way or if needed information is not available.

Work groups may wish to consider utilizing a confidentiality agreement to foster candid communication between work group members. The document can define exactly what information can be shared and how it is disclosed. A sample confidentiality agreement is provided. (Attachment A)

This agreement assumes that files and other documents have not been redacted. In some jurisdictions, information in files and other documents may need to be redacted, i.e. removing personal information so that files are unidentifiable, to maintain the litigants' anonymity.

- **Gather and Organize Policies and Files for Review:** Depending on the scope of the assessment, NCPOFFC will help the group decide what information needs to be compiled. This may include:
 - a. Policies and protocols relevant to access, service, issuance and enforcement of civil protection orders;
 - b. Sampling of files;
 - c. NCPOFFC will assist the group in making a plan regarding observations, walk-throughs, and/or interviews.
 - d. Assessment worksheets for each part of the CPO system.

The assessment tool will help each work group member identify existing practices and gaps in the system.

2. Mapping the Civil Protection Order System

NCPOFFC will assist the work group in mapping the current civil protection order system. This is the critical first step of the assessment. Mapping reveals the steps in the process, how practitioners respond and are guided in their actions, if and how actions are linked to other practitioners, and the role safety plays in the process. The mapping process involves discussion with work group members who have experience and expertise with the process under review. The discussion includes questions posed by other work group members to those who are the most experienced as practitioners in the part of the process being assessed. This questioning process will help develop an understanding of the civil protection order process.

Steps in the Mapping Process:

1. Select the form for the map. It should be in a form that can be brought to subsequent meetings and that can be revised as more information is obtained. The form could be a flip chart that can be taped together as needed, a long sheet of paper taped to a wall or an electronic version that is printed.
2. Read applicable policies and protocols for the point of intervention being mapped.
3. Direct questions to team members who are experienced in the point of intervention being reviewed.
4. Work group members may use observations, personal knowledge and discussion to map the protection order process. Start with a question such as how do requests for civil protection orders first come to the attention of the court? What is the initial point of contact?
5. The map should be a point of reference for the assessment and amended as new information is obtained.
6. Encourage questions. Mapping benefits from the work group members' participation, experiences, and perceptions.
7. During the mapping exercise, questions will arise and commonalities will be revealed.
8. Assign each work group member questions to address.

3. Gathering and Analyzing Information

NCPOFFC will assist work group members who will gather information by engaging in the following as needed:

1. Observations;
2. Walk-throughs of court processes;
3. Interviews of practitioners; and
4. Case file analysis.

A best practice assessment is a systemic analysis of the court process. It is not to assess or judge any individual practitioner. During interviews, walk-throughs and observations, it should be made clear to the practitioners being observed or interviewed that the purpose of the observation or interview is to gather information on the system, and not to focus on any individual practitioner.

Notes should be taken during observations, walk-throughs and/or interviews. These notes should be shared with the full work group. Be prepared to add to and revise the map of the system based on the information obtained.

Observations

Observations can be used to gather detailed information on the protection order process. Observing offers an important look into the protection order system and an opportunity to identify its strengths and weaknesses. Observations are not to be used to judge or evaluate system personnel. It is important that the observer is free of any conflict of interest and is aware of personal biases that may affect the observation analysis and interpretation. Sufficient time should be allowed to look and listen prior to taking notes and completing the assessment tool. Comprehensive observations should be recorded through notes to provide the most detailed information possible.

Steps to Engage in Observations

1. Choose varied observation times with different practitioners to ensure observation of a sufficient range of experiences.
2. Observe practitioners in real time and place work settings.
3. Do not assume certain processes or procedures are occurring.
4. Note questions and areas that require additional information.
5. Prepare and allow for enough time.
6. Watch for what practitioners actually do and the conditions under which they work.
7. Prepare and review your notes as soon as possible.

Walk-Through

The purpose of the walk-through is to learn what actually happens in the part or parts of the protection order process to be assessed. Walk-throughs allow work group members to experience the protection order process from the perspective of the battered individual.

Walking through the system will reveal processes that help or hinder survivors' progress through the protection order system. Look for key linkages between services and how users navigate the system to obtain the assistance they need.

Steps to Engage in a Walk-Through

1. Choose different times to engage in a walk-through to ensure a sufficient range of experiences.
2. Observe the process in real time and place work settings.
3. Take notes.
4. Do not assume certain processes or procedures are occurring.
5. Engage in the walk-through from the perspective of a petitioner requesting a protection order and from the perspective of a respondent in the process.
6. Obtain all written policies, procedures, forms and information available to users of the protection order system.
7. Note questions and areas that require additional information.
8. Prepare and review your notes as soon as possible.

Interviews

NCPOFFC will prepare the work group to conduct informational interviews of practitioners who work in the protection order system. This is an important source of information on the protection order process. An interview is an opportunity to learn about and evaluate the protection order process from the standpoint of someone who deals with the system daily. This information gathering may also highlight gaps in the system, lack of linkages and areas where weak cross-disciplinary ties compromise efficiency or victim safety.

It is important that interviewers follow the same basic guidelines. Approach the person to be interviewed as the expert. Create a rapport and ensure that the interviewee understands that the interview is confidential, seeks information, and is not judgmental regarding a practitioner's performance. An effective interviewer understands the topic area, does not make assumptions and does not impose judgments. This will assist interviewers in obtaining accurate and detailed information.

Steps for Engaging in Interviews

1. Choose a number of practitioners to interview to ensure a sufficient range of experiences and information.
2. Take notes but avoid trying to record verbatim what is said.
3. Do not assume certain processes or procedures are occurring.
4. Ask open-ended questions.
5. Ask about the details of the practitioner's job as if you had to do the job.
6. Ask about how specific forms, practices, and policies work.
7. Ask about a specific case and what happens to that case at each step of the protection order process that you are assessing. Ask the practitioner to describe in detail how he/she obtains the case, what happens from the time he/she gets the case to when the case leaves this practitioner and where it goes after leaving this practitioner.

8. Ask follow up questions to fully understand the work of each practitioner.
9. Note questions and areas that require further information.
10. Obtain all written policies, procedures, forms and information available.
11. Ask for examples of what you are discussing.
12. Prepare and review your notes as soon as possible.

Case File Analysis

Case file analysis helps compare current practice to best practice recommendations. Analysis consists of reading a sample of court files and comparing the information with the assessment tool checklists of best practices. Files are read individually, discussed and then themes are discerned so that gaps in practice can be identified. For example, when reviewing the issuance process, the work group may review transcripts if available, as well as the orders issued. Work group members should look for the court to evaluate lethality factors, if the relief issued matches that requested, and if the demeanor of the judge is respectful and informative. Review of redacted advocacy files may illustrate that survivors faced challenges accessing services, obtaining non-judicial enforcement of orders already in effect, or that requests for orders were repeatedly denied. For those jurisdictions that are able to engage in file analysis, files will help work group members understand the protection order process, identify obstacles to access, gaps in service and enforcement, the extent to which the system is focused on safety, and any areas that need additional information.

Steps in Analyzing Case Files

NCPOFFC will aid the work group in determining which approach to case file analysis the work group will use. After the approach has been selected, NCPOFFC will provide guidance in conducting the case file analysis. NCPOFFC will record the results of the discussion and summarize the case analysis findings. This summary will be useful when the work group meets to discuss overall findings, including detecting commonalities across protection order cases, spotting gaps in the process that may heighten risk and identifying needed changes to enhance safety for the victim of abuse and accountability for the abuser.

4. Policy Analysis

This assessment process provides guidance on practices as well as policies that govern the protection order process. Policies set the parameters of what practitioners do. A part of the assessment involves analyzing policies to discover how they comport with best practices and CPO Guide principles. There are specific checklists to use when engaging in an assessment of the jurisdiction's policies. These checklists, in conjunction with technical assistance from NCPOFFC, includes evaluation of policies to ensure that their purpose comports with increasing survivor safety and offender accountability, the procedures ensure an appropriate system response utilizing best practice standards and that the systems in place are monitored in a way that will ensure their future success through training and mechanisms that allow for review.

NCPOFFC will lead the work group members in considering the following questions:

1. Does the policy set out procedures that provide for linkages to other practitioners and monitoring of practices for periodic review and assessment?
2. Has the policy been constructed to support best practices or is the current policy making implementing best practices more difficult?
3. How does the policy need to change to support the implementation of best practices?

With the assistance of NCPOFFC, the work group will identify written policies that govern the step or practice being assessed, review and discuss the policy, and determine whether the policy supports best practices. If there are no written policies, the work group may recommend for policies and protocols to be developed based on best practice standards for certain areas.

5. Report Findings and Recommendations

NCPOFFC will integrate results from the mapping process, case file reviews, interviews, walk-throughs, observations and the assessment tool, and aid the work group in preparing a summary and report of what it has learned, including suggested recommendations for implementing changes. The report, while not necessarily formal or complicated, is an account of key findings. It will include points of needed change, as well as illustrating where the existing practice is consistent with the CPO Guide best practice recommendations. Drafts of the report will be reviewed by the working group. Once findings and recommendations are agreed upon by the work group, a meeting of the work group and agency administrators can be convened to report on and discuss the assessment's findings and recommendations. NCPOFFC will incorporate suggestions and changes that agency administrators have and finalize the summary and key findings.

When the process of developing findings and recommendations is complete, NCPOFFC will aid the work group in convening a meeting with agency administrators, appropriate practitioners and community groups to discuss the report and its findings and recommendations. This discussion will include examples of best practices and CPO Guide principles that are currently in place, as well as recommended changes to improve current systems. Depending on the response and comments from administrators, NCPOFFC will aid the work group in developing a time-line and assignments to take the next steps to implement the suggested changes.

The meeting with agency administrators can begin a dialogue on how to implement CPO Guide best practices within the civil protection order system so that safety, efficiency and fairness are enhanced. Taking into account the response and comments from agency administrators, practitioners and work group members, the findings and recommendations can serve as a basis for a plan, with the addition of a timeline and assigned tasks, to begin the implementation process of recommended, best practice changes.

**ENGAGING IN A BEST PRACTICE ASSESSMENT
OF THE
CIVIL PROTECTION ORDER SYSTEM: ACCESSIBILITY WORKSHEET**

For interviews, observations, and walk-throughs, notes should be taken.

1. Complete one worksheet per interview, walk-through or observation. (Work group members should receive a blank copy for each interview, walk-through or observation.) Depending on the activity, work group members may wish to take notes directly on the form, or to organize any notes taken onto the form. Either way, it's important that group members are very familiar with the items on the worksheet in order to gather the required information.
2. Go through the protection order process focusing on how people obtain (access) protection orders and review the policies, procedures and paperwork for obtaining an order.
 - a. Begin your observations and walk-throughs outside the courthouse as if you were going to petition for a protection order.
 - b. Read through the access information as if you were going through the process.
 - c. Let the words in the information provided do the talking.
3. Go through the access process and the paperwork a second time and turn to the worksheet.
 - a. If the worksheet is divided among assessment team members, pay primary attention to the sections assigned.
 - b. Check off all practices that are observed or learned about in the protection order access process and note specific examples.
 - c. Note what is missing.
 - d. Use the notes column to record additional observations, questions, or examples related to obtaining a protection order, access to court and advocates, court personnel and judges' responses.
 - e. Go through the access process, policies, procedures, and paperwork as needed to thoroughly address the practices included on the worksheet.
4. Repeat all steps for each area related to protection order access.

CASE # OR NAME:

Instructions: Check all practices and give examples when possible.

Notes:

NA = Not applicable in this case

NP = Not possible in this case (explain)

1. The civil protection order system is open and welcoming.	
<input type="checkbox"/> The court process is available on a 24-hour basis, or there are alternative means for obtaining an emergency order.	
<input type="checkbox"/> Court processes are explained in a way that allows pro se litigants to understand the protection order process.	
<input type="checkbox"/> Court personnel provide information on advocacy and community resources to enhance safety and facilitate requests for orders.	
<input type="checkbox"/> Statutory criteria to obtain a protection order and/or an emergency order are broad as to who is eligible to request an order.	
<input type="checkbox"/> Court personnel are familiar with protection order eligibility requirements and can accurately communicate those requirements to petitioners.	
<input type="checkbox"/> Child care is available for litigants seeking orders.	
<input type="checkbox"/> The courthouse is physically accessible to all persons.	
<input type="checkbox"/> Interpreters are available to assist throughout the civil protection order process.	
<input type="checkbox"/> No fees are charged for requesting, filing, modifying, dismissing or serving an order.	
<input type="checkbox"/> The court provides information on the civil protection order process to litigants in an understandable way through brochures, websites and/or videos in multiple languages.	

<input type="checkbox"/> The forms for requesting orders are easily understandable and directions are available in multiple languages.	
<input type="checkbox"/> Advocates are knowledgeable about the protection order process and readily available to provide information.	
<input type="checkbox"/> Courthouse is accessible by public transportation.	
2. The civil protection order system is efficient and streamlined.	
<input type="checkbox"/> The forms are uniform statewide with a uniform front page.	
<input type="checkbox"/> Court personnel are knowledgeable about the civil protection order process, registration and filing of foreign protection orders, and are willing and able to communicate that knowledge to petitioners.	
<input type="checkbox"/> Ongoing training is available for court personnel to maintain and update their knowledge of the protection order process and to keep current on new and emerging practices and strategies.	
<input type="checkbox"/> Hearings are scheduled to facilitate the parties' attendance at hearings and reduce waiting time.	
<input type="checkbox"/> Courts allow for different methods of filing and participation to include fax, telephone, video, and other electronic means when appropriate.	
3. The court provides a safe environment for petitioners and enhances potential compliance by respondents.	
<input type="checkbox"/> Address confidentiality is available to the petitioner if so requested.	
<input type="checkbox"/> The courthouse provides separate, monitored waiting rooms for petitioners and respondents.	
<input type="checkbox"/> Security personnel are present in the courthouse and courtroom.	
<input type="checkbox"/> Security personnel are available to accompany petitioners/witnesses to parking areas and/ or bus stops.	

<input type="checkbox"/> At the conclusion of the court appearance, petitioners are permitted to leave the courtroom and courthouse before respondents.	
List gaps in best practices:	

Add additional pages if necessary.

**ENGAGING IN A BEST PRACTICE ASSESSMENT
OF THE
CIVIL PROTECTION ORDER SYSTEM: ISSUANCE WORKSHEET**

For interviews, observations, and walk-throughs, notes should be taken.

1. Complete one worksheet per interview, walk-through or observation. (Work group members should receive a blank copy for each interview, walk-through or observation.) Depending on the activity, work group members may wish to take notes directly on the form, or to organize any notes taken onto the form. Either way, it's important that group members are very familiar with the items on the worksheet in order to gather the required information.
2. When observing a protection order hearing, pay attention to what is happening between all parties, the judge, and court staff. Initially, minimal notes may be created to assist with memory retention.
3. When reading protection orders, read completely without stopping to take notes on the worksheet or jumping into analysis.
 - a. Read as if you were reading a story of the events.
 - b. Let the words in the order do the talking.
 - c. Highlight what catches your eye in relation to the overall response and ways in which victim safety and offender accountability are enhanced or diminished.
4. Read the protection order and your notes a second time and then turn to the worksheet.
 - a. If sections of the worksheet have been divided among assessment team members, pay primary attention to the sections assigned.
 - b. Check off all practices that are evident in the protection order issuance process and note specific examples.
 - c. Note what is missing.
 - d. Use the notes column to record additional observations, questions, or examples related to the protection order and the court outcome.
 - e. Read the protection order as many times as needed to thoroughly address the practices included in the worksheet.
5. Repeat all steps for each protection order hearing attended/witnessed and protection order reviewed.

CASE # OR NAME:

Instructions: Check all practices evident from observing the protection order hearing and the review of the protection order; note specific examples.

Notes:

NA = Not applicable in this case

NP = Not possible in this case (explain)

1. The court is a safe and welcoming environment.	
<input type="checkbox"/> Demeanor of the judge and court personnel is respectful and informative regarding protection orders.	
<input type="checkbox"/> Court communicates in a way that allows pro se litigants to understand the protection order process.	
<input type="checkbox"/> Court personnel provide information on advocacy and community resources to enhance safety.	
2. The court issues orders with an emphasis on victim safety.	
<input type="checkbox"/> Court evaluates risk and lethality factors to craft appropriate relief.	
<input type="checkbox"/> Advocates are available to assist petitioner in protection order process, registration or filing of foreign protection orders, and safety planning.	
<input type="checkbox"/> Advocates encourage petitioners to request comprehensive relief that is tailored to their lives, including economic and custody provisions when appropriate.	
<input type="checkbox"/> History, context, and severity of the violence is alleged in the petition or provided as testimony.	
<input type="checkbox"/> Court considers harm to children and use of children as an instrument of abuse in deciding custody and visitation matters in protection orders.	
<input type="checkbox"/> Procedures are available to protect victim information and limit collection of identifying data to the extent permissible by state law.	

3. The courts findings are clear, concise, and on the record.	
<input type="checkbox"/> Court order does not create undue burden on petitioner.	
<input type="checkbox"/> Court is aware of other court orders in effect, e.g. juvenile, family court, and does not create contradictory mandates for petitioner or respondent.	
<input type="checkbox"/> Court engages and collaborates with the petitioner in crafting the protection order relief.	
<input type="checkbox"/> Protection order clearly specifies the protected party (parties), the restrained party, and the prohibited behavior.	
4. The court clearly communicates with petitioner and respondent during proceedings and directly responds to all inquiries.	
<input type="checkbox"/> Court explains orally and on the record all orders that are being imposed, using interpreters, when needed.	
<input type="checkbox"/> Court clearly identifies how parties obtain copies of the order.	
<input type="checkbox"/> Court clearly communicates that full faith and credit applies to the order making it enforceable in other jurisdictions.	
<input type="checkbox"/> Court explains in detail the consequences of violating the order.	
<input type="checkbox"/> When declining to issue a protection order, court clearly indicates to all parties the basis for the declination and clearly states that a new petition can be filed if certain criteria are met.	
5. Court considers all relief available in protection orders.	
<input type="checkbox"/> Broadest relief available under protection order statute is provided.	
<input type="checkbox"/> Court clearly identifies relief granted.	
<input type="checkbox"/> Relief mimics the request of the petitioner.	
<input type="checkbox"/> Explanation is given for denial of requested relief.	
<input type="checkbox"/> If applicable, order addresses the removal of personal property.	

<input type="checkbox"/> Economic relief as allowable by statute is provided, including: <ul style="list-style-type: none"> • Child support • Maintenance • Mortgage • Car payments • Attorney’s fees • Court costs • Service fees • Medical expenses • Debts • Other economic restitution 	
<input type="checkbox"/> Catchall statutory provision is used to include relief that is not specified in the statute, or on the protection order forms.	
6. If allowable under statute, the court addresses child custody issues in the protection order process.	
<input type="checkbox"/> Orders are crafted to ensure the safety of petitioner and minor children during visitation and exchanges.	
<input type="checkbox"/> Safe visitation and exchange procedures or ordering the use of a visitation center are considered.	
<input type="checkbox"/> When ordering the use of a visitation center, court provides center with additional information on the parties and children.	
<input type="checkbox"/> Court carefully evaluates appropriateness of allowing family members or other third parties to supervise visitation.	
<input type="checkbox"/> Court confirms that selected third party supervisors accept responsibility for supervision.	
<input type="checkbox"/> Visitation schedule in protection order is created.	
<input type="checkbox"/> If the petitioner objects to visitation and paternity has not been established pursuant to state requirements, the court should withhold visitation until paternity is established.	

7. The presence, use, and control of firearms are considered in the protection order process.	
<input type="checkbox"/> Information on state and federal firearm prohibitions is on the protection order form.	
<input type="checkbox"/> Judge verbally advises respondent about potential firearm prohibition applicability as required by VAWA.	
<input type="checkbox"/> Petitioner is encouraged to provide information on the use and control of firearms in the petition or through court inquiry.	
<input type="checkbox"/> Order bars possession or control of firearm(s) and ammunition.	
<input type="checkbox"/> Procedure is established to ensure respondent's surrender of firearm(s).	
8. Compliance review hearings are scheduled to occur on a regular basis at the time of issuance of the order.	
<input type="checkbox"/> Preset compliance review forms are utilized.	
<input type="checkbox"/> Compliance review hearings are scheduled to ensure respondent complies with terms and conditions of the order.	
9. Protection orders are considered fluid with modification, extension or dismissal available by court.	
<input type="checkbox"/> Petitioner is notified of post-issuance options.	
<input type="checkbox"/> Order can be modified to address the parties' changing needs.	
<input type="checkbox"/> Petitioner has the ability to terminate or extend the order as needed.	
<input type="checkbox"/> Petitioner is informed of all proceedings involving the protection order.	

Review of the Protection Order: There are certain things that should be included in the protection order. Take a look at the actual order.

1. Court uses clear and concise forms to facilitate enforcement.	
<input type="checkbox"/> Court name clearly stated.	
<input type="checkbox"/> Court phone number on order.	

<input type="checkbox"/> Judge's, Referee's or Magistrate's name clearly identifiable.	
<input type="checkbox"/> Order signed by fact finder.	
<input type="checkbox"/> The expiration date is clearly identifiable.	
<input type="checkbox"/> Court clearly states full faith and credit provision language.	
<input type="checkbox"/> Order clearly states that issuing Court has personal and subject matter jurisdiction.	
<input type="checkbox"/> Order is available in multiple languages.	
2. The order clearly identifies the parties and prohibitions.	
<input type="checkbox"/> The protection order clearly specifies the protected party (parties).	
<input type="checkbox"/> The respondent is clearly identified including numeric identifiers, or address to help aid in service.	
<input type="checkbox"/> The prohibited places are identified to ensure enforcement, including but not limited to: <ul style="list-style-type: none"> • Petitioner's home, • Petitioner's workplace, • Petitioner's school, • Schools/daycares of covered children, • Relative's addresses (if applicable). 	
3. Relief in order is clearly marked or written.	
<input type="checkbox"/> Appropriate check boxes are filled in identifying the findings and relief the court deemed appropriate.	
<input type="checkbox"/> All writing on the order is clear, understandable and legible.	
List gaps in best practices:	

Add additional pages if needed.

**ENGAGING IN A BEST PRACTICE ASSESSMENT
OF THE
CIVIL PROTECTION ORDER SYSTEM: SERVICE WORKSHEET**

For interviews, observations, and walk-throughs, notes should be taken.

1. Complete one worksheet per interview, walk-through or observation. (Work group members should receive a blank copy for each interview, walk-through or observation.) Depending on the activity, work group members may wish to take notes directly on the form, or to organize any notes taken onto the form. Either way, it's important that group members are very familiar with the items on the worksheet in order to gather the required information.
2. Go through the protection order service process and the paperwork for service provided without stopping before taking any notes on the worksheet or jumping into the analysis.
 - a. Read through the protection order service information as if you were going through the process.
 - b. Let the words in the information provided do the talking.
3. Go through the protection order service process and the paperwork a second time and turn to the worksheet.
 - a. If the worksheet is divided among assessment team members, pay primary attention to the sections assigned.
 - b. Check off all practices that are observed in the protection order service process and note specific examples.
 - c. Note what is missing.
 - d. Use the notes column to record additional observations, questions, or examples related to service, the court and law enforcement responses.
 - e. Go through the protection order service process, and paperwork as needed to thoroughly address the practices included on the worksheet.
4. Repeat all steps for each protection order case focusing on service.

CASE # OR NAME:

Instructions: Check all practices evident in the mapping exercise, observations, walk-throughs, interviews and document review as applicable; note specific examples.

Notes:

NA = Not applicable in this case

NP = Not possible in this case (explain)

1. The court facilitates prompt service of the protection order on the respondent.	
<input type="checkbox"/> Petitioner is provided with free copies of the protection order at the end of the proceedings.	
<input type="checkbox"/> Court personnel know the procedures for service in their jurisdiction.	
<input type="checkbox"/> When the respondent is present at the hearing, court personnel are instructed to serve the respondent with a copy of the protection order prior to leaving the courthouse.	
<input type="checkbox"/> Court delivers the order to the appropriate law enforcement agency for service on the respondent and service is effectuated at no cost to the petitioner.	
<input type="checkbox"/> Court extends the protection order as allowed by state law to facilitate service.	
<input type="checkbox"/> Service by fax or electronic copy of protection orders is allowed in lieu of the original if permitted under state law.	
<input type="checkbox"/> Notice of service is properly documented in court file and database.	
2. Advocates should assist the petitioner throughout the process of serving the protection order.	
<input type="checkbox"/> Safety planning and information is provided to the petitioner.	
<input type="checkbox"/> Advocates gather information from the petitioner to assist law enforcement or the service agency.	
<input type="checkbox"/> Advocates coordinate with law enforcement to share information to facilitate service.	

<input type="checkbox"/> Advocates assist petitioners in obtaining information on status of service of protection order, when possible.	
<input type="checkbox"/> Training is available for advocates on their role in the protection order system, safety planning, dynamics of domestic violence, firearms restrictions, and full faith and credit provisions.	
3. Law enforcement gathers information about respondents and their location.	
<input type="checkbox"/> Law enforcement gathers detailed background information on the respondent to facilitate service and improve officer safety, including respondent's history of abuse and access to weapons.	
<input type="checkbox"/> Petitioner is considered a source of information about the respondent's location and activities.	
<input type="checkbox"/> Respondent's criminal history is checked for warrants, convictions, and firearms licenses or permits prior to serving the protection order.	
<input type="checkbox"/> Numerical identifiers (social security numbers, date of birth, vehicle identification number, make and model and year of car, and address and phone number) are listed on the form for entry into the National Crime Information Center Protection Order File (NCIC POF) Database, and state and local registries.	
4. Law enforcement serve all protection orders including, domestic violence, stalking, dating violence and sexual assault orders regardless of title or format.	
<input type="checkbox"/> Prioritize service of protection orders, regardless of issuing jurisdiction.	
<input type="checkbox"/> Document each service attempt and the results, including dates and times.	
<input type="checkbox"/> Obtain additional leads and provide a status update to the petitioner and the court when initial attempts to serve the protection order have been unsuccessful.	
<input type="checkbox"/> Alternative means of service are allowed by state law.	

<input type="checkbox"/> Officer schedules are flexible to allow for service at various times, including evenings and on weekends.	
<input type="checkbox"/> If the respondent has not been served and law enforcement contact occurs: <ul style="list-style-type: none"> • Respondent is provided notice of the terms and conditions of the protection order and served the order. • Affidavit of service form is filled out and sent to the agency or individual that requested service of process (or to the court that issued the protection order, if directed to do so on the return of service form). 	
<input type="checkbox"/> When the officer is on the scene, respondent has not been served, and the order is not available for service, the respondent is: <ul style="list-style-type: none"> • Verbally informed of the existence of the protection order and it is noted in the report that he/she was informed of the existence of the protection order, along with the case number of the protection order. • Advised that he/she should go to the courthouse where the order was issued and request a copy of the order. 	
<input type="checkbox"/> Seize firearms and ammunition in respondent's possession when serving protection order as permitted under state or federal law.	
5. Law enforcement provides prompt notification that the respondent is served.	
<input type="checkbox"/> Issuing authority is notified that the respondent received notice or service of the protection order.	
<input type="checkbox"/> Affidavit of service is immediately filed with the court to ensure entry into state and local registries and NCIC database.	
<input type="checkbox"/> Petitioner is notified promptly after service of the protection order or if service has been unsuccessful.	

<input type="checkbox"/> Law enforcement documents the respondent's behavior during service that indicates a potential elevated threat to the petitioner and notifies the petitioner and his or her advocate, if known to law enforcement.	
6. Law enforcement officers communicate and collaborate with military personnel to facilitate service of civilian protection orders on military installations.	
<input type="checkbox"/> Formal memorandum of understanding (MOU) between the local military installation and the local jurisdiction allows for military respondents to be served civilian protection orders on base.	
<input type="checkbox"/> Military police or provost marshal officer are contacted to assist with obtaining service on military respondents.	
List gaps in best practices:	

Add additional pages if necessary.

**ENGAGING IN A BEST PRACTICE ASSESSMENT
OF THE
CIVIL PROTECTION ORDER SYSTEM: ENFORCEMENT WORKSHEET**

For interviews, observations, and walk-throughs, notes should be taken.

1. Complete one worksheet per interview, walk-through or observation. (Work group members should receive a blank copy for each interview, walk-through or observation.) Depending on the activity, work group members may wish to take notes directly on the form, or to organize any notes taken onto the form. Either way, it's important that group members are very familiar with the items on the worksheet in order to gather the required information.
2. When observing protection order enforcement proceedings, pay attention to what is happening between all parties, police, the judge, and court staff. Minimal notes may be created to assist with memory retention.
3. Read the protection order and related court documents completely without stopping to take notes on the worksheet or jumping into analysis.
 - a. Read as if you were reading a story of the events.
 - b. Let the words in the order do the talking.
 - c. Highlight what catches your eye in relation to the overall response and ways in which victim safety and offender accountability are enhanced or diminished.
4. Read the documentation and your notes a second time and then turn to the worksheet.
 - a. If sections of the worksheet have been divided among assessment team members, pay primary attention to the sections assigned.
 - b. Check off all practices that are evident in the protection order enforcement process and note specific examples.
 - c. Note what is missing.
 - d. Use the notes column to record additional observations, questions, or examples related to the enforcement process.
 - e. Read the documentation as many times as needed to thoroughly address the practices included in the worksheet.
5. Repeat all steps for each protection order enforcement action.

NON-JUDICIAL ENFORCEMENT OF PROTECTION ORDERS

CASE # OR NAME:

Instructions: Check all practices evident in the mapping exercise, observations, walk-throughs, interviews and file reviews, as applicable; note specific examples.

Notes:

NA = Not applicable in this case

NP = Not possible in this case (explain)

1. Law enforcement responds to all calls for protection order enforcement.	
<input type="checkbox"/> Dispatch provides information to law enforcement prior to arrival on scene.	
<input type="checkbox"/> History on parties, presence of weapons and location is given to law enforcement prior to arrival.	
<input type="checkbox"/> Officers take into account victim and officer safety: <ul style="list-style-type: none"> • Secure the scene, • Separate the parties, • Ask about presence of weapons, and • Ask about history of violence and fear. 	
2. Officers determine facial validity of protection order.	
<input type="checkbox"/> Law enforcement are trained on facial validity assessment.	
<input type="checkbox"/> Officers access NCIC-POF, or local/state database to assist with determining validity.	
<input type="checkbox"/> If state statute requires service in order to enforce the order, service is verified.	
3. Law enforcement enforces protection orders.	
<input type="checkbox"/> Protection orders are enforced without requiring registration or filing of the order.	
<input type="checkbox"/> Arrest is made for a violation when the respondent has actual or constructive knowledge of the protection order, pursuant to enforcing jurisdiction's laws.	

<input type="checkbox"/> Provisions in out-of-state and tribal protection orders are enforced, even if the enforcing jurisdiction's statutes do not provide for similar relief.	
<input type="checkbox"/> Custody provisions are enforced.	
<input type="checkbox"/> Economic relief provisions are enforced.	
<input type="checkbox"/> Non-arrestable violations of the protection order are documented in the police report.	
<input type="checkbox"/> If an arrestable offense has not occurred, survivor is directed to next steps.	
4. Law enforcement engages in positive interaction with survivor.	
<input type="checkbox"/> Survivor provided with contact information on applicable community resources.	
<input type="checkbox"/> Information on seeking judicial enforcement is provided.	
<input type="checkbox"/> Incident report number is provided.	
<input type="checkbox"/> Law enforcement discuss a safe and reliable way to follow up with the victim regarding information included in the police report, and provide information on how to contact law enforcement.	
<input type="checkbox"/> Victim is referred to available resources, including a victim advocacy program, even if an arrest has not been made.	
5. Law enforcement makes effort to pursue protection order violation when respondent is not on the scene.	
<input type="checkbox"/> Attempt to locate the perpetrator in the vicinity of the violation.	
<input type="checkbox"/> Arrest warrant is obtained if the defendant is not located.	
6. Post arrest/enforcement actions are completed by law enforcement.	
<input type="checkbox"/> Reports are completed and forwarded.	
7. Law enforcement officers communicate and collaborate with military personnel to facilitate enforcement of protection orders on military installations.	

<p>□ A formal memorandum of understanding (MOU) between the local military installation and the local jurisdiction facilitates the enforcement of protection orders against service members or civilians living on base. (See Federal statutes, rules and Department of Defense Directives.)</p>	
<p>List gaps in best practices:</p>	

Add additional pages if necessary.

The Role of Prosecutors: At this point in the non-judicial enforcement section of the evaluation, the system actor role transfers from law enforcement to prosecutorial staff. Prosecutors play an integral role in aiding in the enforcement of civil and criminal protection orders by seeking criminal sanctions for violations. However, as this tool focuses on the civil court system, assessment of the prosecutor's role in the criminal court system is outside the scope of this tool.

JUDICIAL ENFORCEMENT OF PROTECTION ORDERS

CASE # OR NAME:

Instructions: Check all practices evident in the mapping exercise, observations, walk-throughs, interviews and file reviews, as applicable; note specific examples.

Notes:

NA = Not applicable in this case

NP = Not possible in this case (explain)

1. Court facilitates petitioner enforcement of protection orders.	
<input type="checkbox"/> Court personnel provide information on advocacy, community resources, and the court process.	
<input type="checkbox"/> The court provides information that links the protection order process to other needed services, e.g. child support services.	
<input type="checkbox"/> Court considers safety of petitioners: <ul style="list-style-type: none"> • Security escort on court property. • Separate waiting areas. • Security presence in the courtroom. 	
2. Proactive enforcement is practiced by the court.	
<input type="checkbox"/> Court enforces all protection orders including orders from other states, tribes, and territories.	
<input type="checkbox"/> Proactive enforcement of protection orders is practiced by the court through the use of compliance hearings.	
<input type="checkbox"/> Judicial sanctions and incentives are used to influence respondent behavior.	
<input type="checkbox"/> Petitioner input is sought regarding compliance.	
<input type="checkbox"/> Protection order terms and conditions are reviewed with the respondent.	
<input type="checkbox"/> Detailed findings are made if the respondent is in violation of the protection order.	

<input type="checkbox"/> Custody and visitation provisions are enforced to the same degree as no contact or stay away provisions, pursuant to state statutes.	
<input type="checkbox"/> Record indicates when the respondent is a repeat violator.	
<input type="checkbox"/> Court imposes appropriate sanctions as allowed by statute.	
<input type="checkbox"/> Follow up compliance proceedings are scheduled.	
3. Court prioritizes motions for enforcement.	
<input type="checkbox"/> Court provides forms for pro se litigant use.	
<input type="checkbox"/> Detailed findings are made when the respondent is in violation of the protection order.	
<input type="checkbox"/> Compliance proceedings are scheduled.	
<input type="checkbox"/> Case file is updated to show repeat violations.	
4. Court imposes appropriate sanctions for protection order violations.	
<input type="checkbox"/> Sanctions address context of the violation.	
<input type="checkbox"/> Consequences for future violations are explained orally or through written order.	
<input type="checkbox"/> Sanctions impose no undue burden on the protected party.	
5. Court contacts issuing jurisdiction to provide information on enforcement action.	
<input type="checkbox"/> Issuing court is contacted and informed of action taken.	
List gaps in best practices:	

Add additional pages if necessary.

**ENGAGING IN A BEST PRACTICE ASSESSMENT
OF THE
CIVIL PROTECTION ORDER SYSTEM: POLICY ANALYSIS CHECKLIST**

A policy review checklist should be completed for each part of the protection order system being assessed.

Instructions:

1. Read the policy and highlight all of the items related to the section of the checklist that has been assigned:
 - a. Principles
 - b. Procedures
 - c. Monitoring
2. Check off all elements that are found in the existing policy and note how the policy ensures a best practice response and enhances safety and accountability or is an obstacle that diminishes safety and accountability. Cite specific policy sections and language.
3. Use the checklist to identify policy gaps when preparing section two of the findings template.

POLICY ANALYSIS CHECKLIST

Policy Title: _____

A. Principles	
Does the policy ensure a response that:	How does this happen?
<input type="checkbox"/> Adheres to principle of survivor safety and autonomy.	
<input type="checkbox"/> Adheres to an approach that streamlines the protection order process.	
<input type="checkbox"/> Allows the broadest availability of protection orders consistent with state law eligibility.	
<input type="checkbox"/> Acknowledges the roles that different disciplines play in the protection order process and the different goals of each discipline.	
<input type="checkbox"/> Recognizes the importance of collaboration among system actors to improve the protection order process.	
<input type="checkbox"/> Prioritizes swift action and consequences for protection order violations.	
<input type="checkbox"/> Prioritizes timely communication to enhance the protection order system's response.	
<input type="checkbox"/> Encourages a protection order process which is convenient and easily understood by a diverse group of individuals.	
<input type="checkbox"/> Values victim safety and offender accountability.	
<input type="checkbox"/> Reduces unintended consequences and the disparity of impact on victims and offenders.	
<input type="checkbox"/> Recognizes that protection orders from other jurisdictions are to be enforced as if they were issued locally.	
<input type="checkbox"/> Recognizes that only the respondent, not the petitioner, can violate the protection order.	

B. Procedures	
Does the policy ensure a response that:	How does this happen?
<input type="checkbox"/> References applicable laws, definitions, and authority.	
<input type="checkbox"/> Accounts for how victims use violence in response to battering by an abuser.	
<input type="checkbox"/> Provides mechanisms for documenting the pattern and history of abuse when and wherever possible.	
<input type="checkbox"/> Reinforces swift, timely response focused on victim safety.	
<input type="checkbox"/> Recognizes the ways in which abusers use children to control adult victims of abuse.	
<input type="checkbox"/> Provides effective mechanisms to ensure victim notification, access to advocacy and victim services, and safety planning.	
<input type="checkbox"/> Provides criteria and procedures for addressing the use, possession, and control of firearms.	
<input type="checkbox"/> Provides processes and procedures that avoid placing undue burden on the victim.	
<input type="checkbox"/> Gives priority to serving protection orders in an expedited fashion.	
<input type="checkbox"/> Provides clear, concise documentation at all stages of the protection order process, including procedures for processing of foreign orders, that is shared appropriately among system actors.	
<input type="checkbox"/> Includes tracking offender accountability and more stringent compliance measures for repeat offenders.	
<input type="checkbox"/> Recognizes the importance of holding the offender accountable through compliance hearings and other means of oversight.	
<input type="checkbox"/> Recognizes the need for flexibility in allowing the victim access to the protection order system.	

<input type="checkbox"/> Provides for forms that facilitate issuance and enforcement of protection orders.	
C. Monitoring	
Does the policy ensure a response that:	How does this happen?
<input type="checkbox"/> Links practitioners to those who intervene at the next point of intervention.	
<input type="checkbox"/> Includes steps to ensure compliance and address non-compliance.	
<input type="checkbox"/> Provides continuing education and training for practitioners on an on-going basis.	
<input type="checkbox"/> Allows for internal and external review of protection order system.	
<input type="checkbox"/> Includes a multi-disciplinary process to periodically review and monitor policies and protocols to evaluate and address barriers to access, issuance, service and enforcement of protection orders.	
<input type="checkbox"/> Includes mechanisms for monitoring system actors' compliance with policies at all stages of protection order process.	
<input type="checkbox"/> Provides criteria and procedures for data sharing and monitoring between agencies to facilitate protection order issuance, service, enforcement, and enhanced victim safety.	
<input type="checkbox"/> Specifies how and under what time frame events in the protection order process occur.	
<input type="checkbox"/> Includes steps to ensure procedures and policies are followed by system actors throughout the protection order process.	

**ENGAGING IN A BEST PRACTICE ASSESSMENT
OF THE CIVIL PROTECTION ORDER SYSTEM:
FINDINGS AND RECOMMENDATIONS TEMPLATE**

Instructions for Completing the Findings and Recommendations Template:

1. Review the assessment tool checklists, notes, map, and policy analysis checklists.
2. Assign applicable sections of Part 1 of the findings template to each working group member.
3. Each working group member completes the list of findings for their assigned sections (Part 1- Column A on the template).
4. Reconvene as the full assessment work group and review the findings, section by section.
 - a. Each person or working group member reports conclusions for the assigned sections.
 - b. Work group members ask clarifying questions and suggest additions to the findings for that section.
 - c. Confirm that all members of the work group are in agreement on the key findings and suggested changes.
 - d. Identify any areas of practice where work group members are not in agreement or additional fact gathering is necessary. Conduct further fact gathering as necessary to reach final conclusions.
5. Return to the assessment work group and complete any recommendations for change (Part 1- Column B on the template).
6. Divide the assessment work group members and assign each group to complete Part 2- Summary of Policy Changes for each part of the protection order system assessed.
 - a. Review the policy analysis checklist section by section.
 - b. Each sub-group completes the assigned sections of Part 2- Summary of Policy Changes.
7. Reconvene the assessment work group members and review the policy changes section by section.
 - a. Each person or working group member reports conclusions for the assigned sections.
 - b. Work group members ask clarifying questions and suggest additions to the findings for that section.
 - c. Confirm that all members of the work group are in agreement on the key findings and suggested changes.
 - d. Identify any areas of practice where work group members are not in agreement or additional fact gathering is necessary. Conduct further fact gathering as necessary to reach final conclusions.
8. If the assessment work group is authorized to prioritize its recommendations and further develop a plan for change, complete Part 3 of the findings template.
9. Convene a meeting of the work group, agency administrators, appropriate practitioners and community groups to report on and discuss the findings and recommendations, including examples of best practices and CPO Guide principles that are currently in place, as well as recommended changes. Depending on the response and comments from administrators, discuss a time-line and assignments to take the next steps to implement the suggested changes.

FINDINGS AND RECOMMENDATIONS

Date assessment completed:

Part 1

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
Accessibility		
<p><i>The civil protection order system is open and welcoming.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> The court process is available on a 24-hour basis, or there are alternative means for obtaining an emergency order. <input type="checkbox"/> Court processes are explained in a way that allows pro se litigants to understand the protection order process. <input type="checkbox"/> Court personnel provide information on advocacy and community resources to enhance safety and facilitate requests for orders. <input type="checkbox"/> Statutory criteria to obtain a protection order and/or an emergency order are broad as to who is eligible to request an order. <input type="checkbox"/> Court personnel are familiar with protection order eligibility requirements and can accurately communicate those requirements to petitioners. <input type="checkbox"/> Child care is available for litigants seeking orders. 		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<ul style="list-style-type: none"> <input type="checkbox"/> The courthouse is physically accessible to all persons. <input type="checkbox"/> Interpreters are available to assist throughout the civil protection order process. <input type="checkbox"/> No fees are charged for requesting, filing, modifying, dismissing or serving an order. <input type="checkbox"/> The court provides information on the civil protection order process to litigants in an understandable way through brochures, websites and/or videos in multiple languages. <input type="checkbox"/> The forms for requesting orders are easily understandable and directions are available in multiple languages. <input type="checkbox"/> Advocates are knowledgeable about the protection order process and readily available to provide information. <input type="checkbox"/> Courthouse is accessible by public transportation. 		
<p><i>The civil protection order system is efficient and streamlined.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> The forms are uniform statewide with a uniform front page. <input type="checkbox"/> Court personnel are knowledgeable about the civil protection order process, registration and filing of foreign protection orders, and are willing and able to communicate that knowledge to petitioners. 		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<ul style="list-style-type: none"> <input type="checkbox"/> Ongoing training is available for court personnel to maintain and update their knowledge of the protection order process and to keep current on new and emerging practices and strategies. <input type="checkbox"/> Hearings are scheduled to facilitate the parties' attendance at hearings and reduce waiting time. <input type="checkbox"/> Courts allow for different methods of filing and participation to include fax, telephone, video, and other electronic means when appropriate. 		
<p><i>The court provides a safe environment for petitioners and enhances potential compliance by respondents.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Address confidentiality is available to the petitioner if so requested. <input type="checkbox"/> The courthouse provides separate, monitored waiting rooms for petitioners and respondents. <input type="checkbox"/> Security personnel are present in the courthouse and courtroom. <input type="checkbox"/> Security personnel are available to accompany petitioners/witnesses to parking areas and/ or bus stops. <input type="checkbox"/> At the conclusion of the court appearance, petitioners are permitted to leave the courtroom and courthouse before respondents. 		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
Issuance		
<p><i>The court is a safe and welcoming environment.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Demeanor of the judge and court personnel is respectful and informative regarding protection orders. <input type="checkbox"/> Court communicates in a way that allows pro se litigants to understand the protection order process. <input type="checkbox"/> Court personnel provide information on advocacy and community resources to enhance safety. 		
<p><i>The court issues orders with an emphasis on victim safety.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Court evaluates risk and lethality factors to craft appropriate relief. <input type="checkbox"/> Advocates are available to assist petitioner in protection order process, registration or filing of foreign protection orders, and safety planning. <input type="checkbox"/> Advocates encourage petitioners to request comprehensive relief that is tailored to their lives, including economic and custody provisions when appropriate. <input type="checkbox"/> History, context, and severity of the violence is alleged in the petition or provided as testimony. <input type="checkbox"/> Court considers harm to children and use of children as an instrument of abuse in deciding custody and visitation matters in protection orders. 		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<input type="checkbox"/> Procedures are available to protect victim information and limit collection of identifying data to the extent permissible by state law.		
<p><i>The courts findings are clear, concise, and on the record.</i></p> <input type="checkbox"/> Court order does not create undue burden on petitioner. <input type="checkbox"/> Court is aware of other court orders in effect, e.g. juvenile, family court, and does not create contradictory mandates for petitioner or respondent. <input type="checkbox"/> Court engages and collaborates with the petitioner in crafting the protection order relief. <input type="checkbox"/> Protection order clearly specifies the protected party (parties), the restrained party, and the prohibited behavior.		
<p><i>The court clearly communicates with petitioner and respondent during proceedings and directly responds to all inquiries.</i></p> <input type="checkbox"/> Court explains orally and on the record all orders that are being imposed, using interpreters, when needed. <input type="checkbox"/> Court clearly identifies how parties obtain copies of the order. <input type="checkbox"/> Court clearly communicates that full faith and credit applies to the order making it enforceable in other jurisdictions.		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<ul style="list-style-type: none"> <input type="checkbox"/> Court explains in detail the consequences of violating an order. <input type="checkbox"/> When declining to issue a protection order, court clearly indicates to all parties the basis for the declination and clearly states that a new petition can be filed if certain criteria are met. 		
<p><i>Court considers all relief available in protection orders.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Broadest relief available under protection order statute is provided. <input type="checkbox"/> Court clearly identifies relief granted. <input type="checkbox"/> Relief mimics the request of the petitioner. <input type="checkbox"/> Explanation is given for denial of requested relief. <input type="checkbox"/> If applicable, order addresses the removal of personal property. <input type="checkbox"/> Economic relief as allowable by statute is provided, including: <ul style="list-style-type: none"> • Child support • Maintenance • Mortgage • Car payments • Attorney’s fees • Court costs • Service fees • Medical expenses • Debts • Other economic restitution <input type="checkbox"/> Catchall statutory provision is used to include relief that is not specified in the statute, or on the protection order forms. 		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<p><i>If allowable under statute, the court addresses child custody issues in the protection order process.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Orders are crafted to ensure the safety of petitioner and minor children during visitation and exchanges. <input type="checkbox"/> Safe visitation and exchange procedures or ordering the use of a visitation center are considered. <input type="checkbox"/> When ordering the use of a visitation center, court provides center with additional information on the parties and children. <input type="checkbox"/> Court carefully evaluates appropriateness of allowing family members or other third parties to supervise visitation. <input type="checkbox"/> Court confirms that selected third party supervisors accept responsibility for supervision. <input type="checkbox"/> Visitation schedule in protection order is created. <input type="checkbox"/> If the petitioner objects to visitation and paternity has not been established pursuant to state requirements, the court should withhold visitation until paternity is established. 		
<p><i>The presence, use, and control of firearms are considered in the protection order process.</i></p>		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<ul style="list-style-type: none"> <input type="checkbox"/> Information on state and federal firearm prohibitions is on the protection order form. <input type="checkbox"/> Judge verbally advises respondent about potential firearm prohibition applicability as required by VAWA. <input type="checkbox"/> Petitioner is encouraged to provide information on the use and control of firearms in the petition or through court inquiry. <input type="checkbox"/> Order bars possession or control of firearm(s) and ammunition. <input type="checkbox"/> Procedure is established to ensure respondent's surrender of firearm(s). 		
<p><i>Compliance review hearings are scheduled to occur on a regular basis at the time of issuance of the order.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Preset compliance review forms are utilized. <input type="checkbox"/> Compliance review hearings are scheduled to ensure respondent complies with terms and conditions of the order. 		
<p><i>Protection orders are considered fluid with modification, extension or dismissal available by court.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Petitioner is notified of post-issuance options. <input type="checkbox"/> Order can be modified to address the parties' changing needs. <input type="checkbox"/> Petitioner has the ability to terminate or extend the order as needed. 		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<input type="checkbox"/> Petitioner is informed of all proceedings involving the protection order.		
<p>Review of the Protection Order: There are certain things that should be included in the protection order. Take a look at the actual order.</p> <p><i>Court uses clear and concise forms to facilitate enforcement.</i></p> <input type="checkbox"/> Court name clearly stated. <input type="checkbox"/> Court phone number on order. <input type="checkbox"/> Judge’s, Referee’s or Magistrate’s name clearly identifiable. <input type="checkbox"/> Order signed by fact finder. <input type="checkbox"/> The expiration date is clearly identifiable. <input type="checkbox"/> Court clearly states full faith and credit provision language. <input type="checkbox"/> Order clearly states that issuing Court has personal and subject matter jurisdiction. <input type="checkbox"/> Order is available in multiple languages.		
<p><i>The order clearly identifies the parties and prohibitions.</i></p> <input type="checkbox"/> The protection order clearly specifies the protected party (parties). <input type="checkbox"/> The respondent is clearly identified including numeric identifiers, or address to help aid in service.		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<input type="checkbox"/> The prohibited places are identified to ensure enforcement, including but not limited to: <ul style="list-style-type: none"> • Petitioner’s home, • Petitioner’s workplace, • Petitioner’s school, • Schools/daycares of covered children, • Relative’s addresses (if applicable). 		
<p><i>Relief in order is clearly marked or written.</i></p> <input type="checkbox"/> Appropriate check boxes are filled in identifying the findings and relief the court deemed appropriate. <input type="checkbox"/> All writing on the order is clear, understandable and legible.		
Service		
<p><i>The court facilitates prompt service of the protection order on the respondent.</i></p> <input type="checkbox"/> Petitioner is provided with free copies of the protection order at the end of the proceedings. <input type="checkbox"/> Court personnel know the procedures for service in their jurisdiction. <input type="checkbox"/> When the respondent is present at the hearing, court personnel are instructed to serve the respondent with a copy of the protection order prior to leaving the courthouse. <input type="checkbox"/> Court delivers the order to the appropriate law enforcement agency for service on the respondent and service is effectuated at no cost to the petitioner.		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<ul style="list-style-type: none"> <input type="checkbox"/> Court extends the protection order as allowed by state law to facilitate service. <input type="checkbox"/> Service by fax or electronic copy of protection orders is allowed in lieu of the original if permitted under state law. <input type="checkbox"/> Notice of service is properly documented in court file and database. 		
<p><i>Advocates should assist the petitioner throughout the process of serving the protection order.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Safety planning and information is provided to the petitioner. <input type="checkbox"/> Advocates gather information from the petitioner to assist law enforcement or the service agency. <input type="checkbox"/> Advocates coordinate with law enforcement to share information to facilitate service. <input type="checkbox"/> Advocates assist petitioners in obtaining information on status of service of protection order, when possible. <input type="checkbox"/> Training is available for advocates on their role in the protection order system, safety planning, dynamics of domestic violence, firearms restrictions, and full faith and credit provisions. 		
<p><i>Law enforcement gathers information about the respondent and their location.</i></p>		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<ul style="list-style-type: none"> <input type="checkbox"/> Law enforcement gathers detailed background information on the respondent to facilitate service and improve officer safety, including respondent’s history of abuse and access to weapons. <input type="checkbox"/> Petitioner is considered a source of information about the respondent’s location and activities. <input type="checkbox"/> Respondent’s criminal history is checked for warrants, convictions, and firearms licenses or permits prior to serving the protection order. <input type="checkbox"/> Numerical identifiers (social security numbers, date of birth, vehicle identification number, make and model and year of car, and address and phone number) are listed on the form for entry into the National Crime Information Center Protection Order File (NCIC POF) Database, and state and local registries. 		
<p><i>Law enforcement serve all protection orders including, domestic violence, stalking, dating violence and sexual assault orders regardless of title or format.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Prioritize service of protection orders, regardless of issuing jurisdiction. 		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<ul style="list-style-type: none"> <input type="checkbox"/> Document each service attempt and the results, including dates and times. <input type="checkbox"/> Obtain additional leads and provide a status update to the petitioner and the court when initial attempts to serve the protection order have been unsuccessful. <input type="checkbox"/> Alternative means of service are allowed by state law. <input type="checkbox"/> Officer schedules are flexible to allow for service at various times including evenings and on weekends. <input type="checkbox"/> If the respondent has not been served and law enforcement contact occurs: <ul style="list-style-type: none"> • Respondent is provided notice of the terms and conditions of the protection order and served the order. • Affidavit of service form is filled out and sent to the agency or individual that requested service of process (or to the court that issued the protection order, if directed to do so on the return of service form). <input type="checkbox"/> When the officer is on the scene, respondent has not been served, and the order is not available for service, the respondent is: <ul style="list-style-type: none"> • Verbally informed of the existence of the 		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<p>protection order and it is noted in the report that he/she was informed of the existence of the protection order, along with the case number of the protection order.</p> <ul style="list-style-type: none"> • Advised that he/she should go to the courthouse where the order was issued and request a copy of the order. <p><input type="checkbox"/> Seize firearms and ammunition in respondent's possession when serving protection order as permitted under state or federal law.</p>		
<p><i>Law enforcement provides prompt notification that the respondent is served.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Issuing authority is notified that the respondent received notice or service of the protection order. <input type="checkbox"/> Affidavit of service is immediately filed with the court to ensure entry into state and local registries and NCIC database. <input type="checkbox"/> Petitioner is notified promptly after service of the protection order or if service has been unsuccessful. <input type="checkbox"/> Law enforcement documents the respondent's behavior during service that indicates a potential elevated threat to the petitioner and notifies the 		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<p>petitioner and his or her advocate, if known to law enforcement.</p>		
<p><i>Law enforcement officers communicate and collaborate with military personnel to facilitate service of civilian protection orders on military installations.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Formal memorandum of understanding (MOU) between the local military installation and the local jurisdiction allows for military respondents to be served civilian protection orders on base. <input type="checkbox"/> Military police or provost marshal officer are contacted to assist with obtaining service on military respondents. 		
Enforcement		
<p>Non-Judicial Enforcement of Protection Orders</p> <p><i>Law enforcement responds to all calls for protection order enforcement.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Dispatch provides information to law enforcement prior to arrival on scene. <input type="checkbox"/> History on parties, presence of weapons and location is given to law enforcement prior to arrival. <input type="checkbox"/> Officers take into account victim and officer safety: <ul style="list-style-type: none"> • Secure the scene, • Separate the parties, • Ask about presence of weapons, and 		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<ul style="list-style-type: none"> • Ask about history of violence and fear. 		
<p><i>Officers determine facial validity of protection order.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Law enforcement are trained on facial validity assessment. <input type="checkbox"/> Officers access NCIC-POF, or local/state database to assist with determining validity. <input type="checkbox"/> If state statute requires service in order to enforce the order, service is verified. 		
<p><i>Law enforcement enforces protection orders.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Protection orders are enforced without requiring registration or filing of the order. <input type="checkbox"/> Arrest is made for a violation when the respondent has actual or constructive knowledge of the protection order, pursuant to enforcing jurisdiction’s laws. <input type="checkbox"/> Provisions in out-of-state and tribal protection orders are enforced, even if the enforcing jurisdiction’s statutes do not provide for similar relief. <input type="checkbox"/> Custody provisions are enforced. <input type="checkbox"/> Economic relief provisions are enforced. <input type="checkbox"/> Non-arrestable violations of the protection order are documented in the police report. 		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<input type="checkbox"/> If an arrestable offense has not occurred, survivor is directed to next steps.		
<p><i>Law enforcement engages in positive interaction with survivor.</i></p> <input type="checkbox"/> Survivor provided with contact information on applicable community resources. <input type="checkbox"/> Information on seeking judicial enforcement is provided. <input type="checkbox"/> Incident report number is provided. <input type="checkbox"/> Law enforcement discuss a safe and reliable way to follow up with the victim regarding information included in the police report, and provide information on how to contact law enforcement. <input type="checkbox"/> Victim is referred to available resources, including a victim advocacy program, even if an arrest has not been made.		
<p><i>Law enforcement makes effort to pursue protection order violation when respondent is not on the scene.</i></p> <input type="checkbox"/> Attempt to locate the perpetrator in the vicinity of the violation. <input type="checkbox"/> Arrest warrant is obtained if the defendant is not located.		
<p><i>Post arrest/enforcement actions are completed by law enforcement.</i></p> <input type="checkbox"/> Reports are completed and forwarded.		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<p>Judicial Enforcement of Protection Orders</p> <p><i>Court facilitates petitioner enforcement of protection orders.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Court personnel provide information on advocacy, community resources, and the court process. <input type="checkbox"/> The court provides information that links the protection order process to other needed services, e.g. child support services. <input type="checkbox"/> Court considers safety of petitioners: <ul style="list-style-type: none"> • Security escort on court property. • Separate waiting areas. • Security presence in the courtroom. 		
<p><i>Proactive enforcement is practiced by the court.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Court enforces all protection orders including orders from other states, tribes, and territories. <input type="checkbox"/> Proactive enforcement of protection orders is practiced by the court through the use of compliance hearings. <input type="checkbox"/> Judicial sanctions and incentives are used to influence respondent behavior. <input type="checkbox"/> Petitioner input is sought regarding compliance. <input type="checkbox"/> Protection order terms and conditions are reviewed with the respondent. <input type="checkbox"/> Detailed findings are made if the respondent is 		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<p>in violation of the protection order.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Custody and visitation provisions are enforced to the same degree as no contact or stay away provisions, pursuant to state statutes. <input type="checkbox"/> Record indicates when the respondent is a repeat violator. <input type="checkbox"/> Court imposes appropriate sanctions as allowed by statute. <input type="checkbox"/> Follow up compliance proceedings are scheduled. 		
<p><i>Court prioritizes motions for enforcement.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Court provides forms for pro se litigant use. <input type="checkbox"/> Detailed findings are made when the respondent is in violation of the protection order. <input type="checkbox"/> Compliance proceedings are scheduled. <input type="checkbox"/> Case file is updated to show repeat violations. 		
<p><i>Court imposes appropriate sanctions for protection order violations.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Sanctions address context of the violation. <input type="checkbox"/> Consequences for future violations are explained orally or through written order. <input type="checkbox"/> Sanctions impose no undue burden on the protected party. 		
<p><i>Court contacts issuing jurisdiction to provide information on enforcement action.</i></p>		

Best Practice in the Civil Protection Order System	A. Findings:	B. Recommendations
<input type="checkbox"/> Issuing court is contacted and informed of action taken.		

Part 2

Summary of Recommended Policy Changes		
Principles	Procedures	Linkages & Monitoring

Part 3

<i>Priority:</i>	<i>Next steps in meeting the priority:</i>	<i>Assigned to:</i>	<i>Target date:</i>
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**ENGAGING IN A BEST PRACTICE ASSESSMENT
OF THE
CIVIL PROTECTION ORDER SYSTEM**

Sample Confidentiality Agreement

The Civil Protection Orders Best Practices Assessment of [jurisdiction name] will involve reviewing case records and other documents. To ensure the integrity of the process, respect the role of practitioners in the process, protect the privacy of parties, and the privacy of community residents, the work group members agree to the following:

1. The material collected and distributed to work group members is intended only for use in conducting the Best Practice Assessment and to inform the work group members and policy makers on the need for changes in the practices.
2. Work group members will keep any materials containing case information confidential, in a secure location, and will return materials to the assessment coordinator as requested on designated dates.
3. Work group members will not identify or discuss any person named in any case materials, except as necessary within work group meetings.
4. Work group members will not remove any non-public forms files, or other records containing personal identifying information.
5. Work group members will adhere to agreed-upon procedures for releasing information about the assessment to agency administrators.
6. Work group members are not authorized to release or discuss any details of the assessment to anyone outside of [jurisdiction name].

Work Group Member Signature: _____

Print Name: _____ Date: _____

**PLEASE RETURN THE SIGNED ORIGINAL TO THE ASSESSMENT WORK GROUP
CENTRAL COORDINATOR.**