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VIEWPOINT

CourtWatch keeps a vigilant eye on justice system

LINDA BAECHLE

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October is Domestic Violence Awareness Month.

Although our community has made strides in addressing domestic violence, it has also experienced the deaths of four members of our community in the last 12 months. Christine Freeman was beaten unconscious and left for dead on a South Bend city street allegedly by a man she had been dating only a matter of weeks. The heroic efforts of police officers and emergency rescue personnel on the scene were in vain -- Christine lingered for weeks before dying of severe head injuries. Kim White-Stout was strangled allegedly by her boyfriend who was enraged that she had gone out for the evening with friends. Her body was found dumped in a farm field. Marsha Cocot was struck with a hammer by her husband who then strangled her and turned on the gas in their home in an apparent attempt to cover up the crime.

Neighbors had heard the fighting for years but never imagined it would end so tragically. Michael Gensinger, who friends and family say had a "teddy bear" personality, was stabbed to death by the ex-husband of the woman he was dating. She was also stabbed multiple times but miraculously survived.

No, these are not made-for-television melodramas on the Lifetime TV channel. These are real-life, violent dramas played out right here in St. Joseph County. Further, these involve victims who were someone's mother or father, daughter or son, sister or brother. These are the types of tragic endings the YWCA North Central Indiana and the St. Joseph County Domestic Violence Fatality Review Team are working to prevent.

For more than a decade the YWCA has served as the public's eye on the local court system. Monitoring how domestic violence and sexual assault cases are handled is one way we seek to make the system more responsive for victims. Last year we expanded our CourtWatch program to include child abuse cases and our concern about the safety of children is the focus of this October's CourtWatch report.

In past years the YWCA has advocated that courts err on the side of safety and grant a temporary protective order even when the victim has a later court date with another judge in a divorce or child custody proceeding. In most cases, our local judges have adopted this "safety-first" philosophy. The Protective Order Registry and the ability of advocates to work directly with a petitioner to complete the process electronically makes this temporary protection more easily attained today than it was several years ago.

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But a flaw in the system seems to be protective orders for mothers or children when there is alleged child abuse. If a Department of Child Services case is pending, judges sometimes deny the protective order request until the DCS case is decided. This may be weeks or months away and in our opinion potentially puts children at terrible risk. Likewise, if there is an allegation of abuse but no mention of DCS, the judges seem reluctant to either grant a temporary protective order to the child or to ask whether DCS has been notified so there will be an investigation of the alleged child abuse. One disturbing case we monitored involved a mother stating her 3-year-old child returned from visitation with a dislocated shoulder and a cigarette burn. The judge did not ask whether a DCS report was filed, but appeared to take at face value the explanation provided in court that the injuries were caused by another child and it was a matter of insufficient supervision. Unfortunately, protective order cases involving children become even more complicated and challenging when the alleged abuser lives in another county or state.

We understand why judges may be reluctant to limit one parent's access to their child based on allegations from the other parent, particularly when child custody and visitation matters may be affected, or to make a DCS report concerning something alleged in their courtroom. However, we believe the safety of the child must outweigh all other concerns. We also believe that some of these concerns would be addressed by having all matters affecting the family consolidated in one court.

In 1999 the General Assembly and the Indiana Supreme Court partnered to allow for the creation of Family Courts so judges making decisions for families with multiple cases have more complete information available to them. Although funding continues to be a concern, we are hopeful St. Joseph County will find a way to enhance its existing family court project to ensure that children and their parents get the protection they need and deserve.

Currently, the St. Joseph Circuit Court has proposed the creation of a domestic violence court as part of the family court project, and we wholeheartedly support this effort. Whether or not St. Joseph County is able to create a new court focused on victims of family violence, the YWCA North Central Indiana will continue to be a voice for women and an agent of change. Most importantly, we want those who need our help to know we are here for them 24/7/365. We are just a phone call away: 866-YES-YWCA.

Linda Baechle is president/CEO of the YWCA of North Central Indiana.

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