



Domestic Violence Court Participant's Handbook

7th Judicial District Court
Clay County

Clay County Courthouse
807 – 11th St. North
Moorhead, MN 56560

You have been designated for Domestic Violence (DV) Court. This handbook is designed to answer questions, address concerns and provide overall information about the Clay County Domestic Violence Court Program. As a participant, you will be expected to follow the DV Court Judge's instructions and comply with all of the terms and conditions of your pretrial release order and post-trial probation. This handbook will detail what is expected of you as a DV Court participant and will review general program information.

Goal of Domestic Violence Court

The Domestic Violence Court strives to ensure victim safety, offender accountability and coordination of services across the agencies and community partners that directly and indirectly interact with the Court. The goal of DV Court is to have cases resolved by way of a trial or plea within 90 days. This will expedite resolutions for victims, services for offenders and alleviate further domestic violence.

Program Description

The DV Court is a judicially monitored program. The Clay County Attorney's Office will identify cases eligible for DV Court. All criminal cases with charges of domestic violence (or DV related offenses) occurring between persons who have been or currently are intimate partners, as defined by statute, will be placed in DV Court, and will remain in DV Court throughout the entire case, including the period of probation.

DV Court requires you to make court appearances before a DV Court Judge on a regular basis. If you are convicted your progress will be monitored by a probation officer and will be reported to the DV Court Judge regularly. The program length, determined by your progress, will normally be twelve months and could extend up to the entire time of your supervised probation. If you plead guilty or are found guilty you must attend domestic violence group and any other treatment required by the DV Court Judge or your probation officer.

In the event, a minimum of 24 sessions or 36 hours of programming is ordered, it must be completed within one (1) year, unless the Court grants an extension.

Domestic Violence Court requires that you must be present in person for every court proceeding. Your attorney may not appear for you. Failure to personally appear at any scheduled hearing may result in the forfeiture of any posted bond and the issuance of a warrant for your arrest.

Hearings for a Misdemeanor Charge

Arraignment: The arraignment is the first court appearance. The Judge reviews the charges and sets the appropriate bail/bond and other conditions of release. You will be required to follow all of the terms of the Court's release order.

At this hearing you have the opportunity to enter a plea of guilty or not guilty. If you enter a plea of not guilty, you will be given a date to return for a pre-trial hearing. If you enter a guilty plea, you will be ordered to participate in a Pre-Sentence Investigation (PSI) and will be given a date to return for a review hearing in DV Court.

After the Arraignment, you may also be required to return to DV Court prior to pre-trial or sentencing for a Review Hearing.

Pre Trial Hearing: If you entered a plea of not guilty, the pre-trial hearing will be set within 14 days of your arraignment. You and your attorney will appear at this hearing.

The Judge will ask if all of the State's evidence has been given to you and your lawyer, and if there are any contested issues. If there are contested issues, your case will be set on for a contested (evidentiary) hearing.

If there are no contested issues, the Judge will ask if the matter is going to be settled or go to trial. If the matter is not settled, it will be set on the trial calendar. If the matter is settled, the Judge will take your guilty plea, will order a Pre-Sentence Investigation, and will set a Sentencing Hearing.

Sentencing Hearing: If you are convicted a Pre-Sentence Investigation will be conducted by a probation officer and a Sentencing Hearing will be scheduled. If you are sentenced to serve time in jail you are required to report to the jail by 7:00 PM the day of sentencing.

Prior to sentencing, you may be required to appear for Review hearings as determined by the Judge.

Post-Sentence Review Hearing: After you have been sentenced, you will be required to comply with the Judge's order for supervised probation. The frequency of Post-Sentence Review Hearings will be determined by the Judge and your cooperation with your probation.

You are required to attend all Review hearings your attorney is not required to appear with you.

Hearings for Gross Misdemeanor or Felony Charge

Rule 5 or First Appearance: The judge will set the appropriate bond. You will be required to follow all of the terms of bond or release and any orders prohibiting contact.

Rule 8 Hearing: You will be advised of your rights and the prosecution will provide information to you and your attorney about the case. If you are not represented by an attorney the judge will talk to you about representation.

Omnibus Hearing: The Judge will ask if all of the State's evidence has been given to you and your lawyer, and if there are any contested issues. If there are contested issues, your case will be set on for a contested Omnibus Hearing.

If there are no contested issues, the Judge will ask if the matter is going to be settled or go to trial. If the matter is not settled, it will be set on the trial calendar. If the matter is settled, the Judge will take your guilty plea, will order a Pre-Sentence Investigation, and will set a Sentencing Hearing.

Settlement Conference (also called Roll Call) and Jury Trial: This hearing is the deadline for reaching a plea agreement and the last hearing before a trial. If an agreement is not reached there will be a Jury Trial.

Plea Hearing: This hearing will occur if you accept a plea agreement and do not go to trial. The judge will ask you how you plead and ask you what you did that makes you guilty of the crime. A Pre-Sentence Investigation (PSI) will be ordered and the case will be set for sentencing. Prior to sentencing you will be required to appear for Review Hearings as determined by the Judge.

Sentencing Hearing: If you are convicted a Pre-Sentence Investigation will be conducted by a probation officer and a Sentencing hearing will be scheduled. If you are sentenced to serve time in jail you are required to report to the jail by 7:00 PM the day of sentencing.

Prior to sentencing, you may be required to appear for Review hearings as determined by the Judge.

Probation: Once sentenced, you will be placed on supervised probation. You are required to report to the probation office within 24 hours of sentencing. Your failure to follow the terms of probation or the orders of the DV Court Judge may result in a probation violation being filed.

Domestic Violence Court Post Sentence Review Hearings

Review Hearings: As a participant of DV Court, you will be required to appear in court on a regular basis. The Judge and prosecutor will be given a progress report on your probation, your attendance and participation in DV treatment and your progress in meeting the other terms and conditions of probation. The Judge may ask you questions about your progress and discuss any specific problems you have been experiencing.

If you are doing well, the Judge may decide you do not need to appear in DV Court as often. If you are not doing well, the judge will discuss this with you and determine what further action needs to be taken.

If you do not appear in DV Court on the date and time scheduled for any of the required court appearance, a bench warrant will be issued and you will be arrested. If you cannot

appear at a scheduled court appearance, you must notify the court and your probation officer PRIOR TO the court date.

**THE FOLLOWING PAGE OUTLINES THE POSSIBLE
MODIFICATIONS FOR VIOLATIONS OF JUDGE'S ORDERS**

Pre Trial Condition of Release Violation	Possible Modification 1st offense	Possible Modification 2nd Offense	Possible Modification 3rd Offense
Alcohol/Drug Use	Increase judicial review hearings	Re-evaluate Bail	Re-evaluate Bail
	Increase random testing	Increase Judicial Review Hearings	Increase Judicial Review Hearings
		Increase Random testing	Increase Random testing
			Electronic Alcohol Monitoring
NO Contact Order	Re-evaluate Bail	Re-evaluate Bail	Re-evaluate Bail
	Increase Judicial Review Hearings	Increase Judicial Review Hearings	Increase Judicial Review Hearings
Failure to be Law Abiding	Re-evaluate Bail	Re-evaluate Bail	Re-evaluate Bail
	Increase Judicial Review Hearings	Increase Judicial Review Hearings	Increase Judicial Review Hearings
Missed Court	Bench Warrant	Bench Warrant	Bench Warrant
Post Sentence Sanctions	<p>Post-sentence sanctions are used at the discretion of Probation and the Court with the input of the State. Sanctions may be imposed for violations of conditions of probation which include: drug and/or alcohol use; failure to appear for drug and/or alcohol testing; failure to remain in contact with probation agent; non-compliance with treatment; violation of a no contact order; and failure to remain law-abiding. Whether to file a probation violation with the Court is a discretionary decision of the probation agent. A request for a warrant for a violation of a probation condition may also be requested by the State. Before filing a violation, the probation agent may informally handle a violation by changing probation in order to ensure compliance with conditions of probation. Examples of such changes may include more frequent reporting, treatment, or testing. If a formal probation violation is filed with the Court, it may result in one or more of the following sanctions: community service work, increased review hearings, increased testing, additional evaluations, jail time, revoking a stay of imposition of sentence, or execution of sentence.</p>		

Conclusion

The Clay County Domestic Violence Court Program has been established to assist you in achieving an end to domestic violence. The Judge, probation officer and the treatment providers are present to guide and assist you, but the final responsibility is yours. You must be motivated to make this change and commit to ending domestic violence.

Important Phone Numbers

Clay County Court Administration: (218 – 299 – 5065)

Clay County Courthouse
807 – 11th Street North
Moorhead, MN 56560

Public Defender Office (218 – 236 – 3893)

715 – 11th Street North
Moorhead, MN 56560

Dept of Corrections (218 – 299 – 5052)

**Gross Misdemeanor and Misdemeanor
Office**
919 – 8th Avenue North
Moorhead, MN 56560

Dept of Corrections (218 – 304 – 3001)

Felony Office
919 – 8th Avenue North
Moorhead, MN 56560

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