



Supreme Court of Appeals State of West Virginia

News

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Supreme Court Announces New Remote Technology Project to Promote Access and Safety in Domestic Violence and Sexual Assault Cases

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HUNTINGTON, W.Va. – The West Virginia court system announced a pilot project to allow victims of domestic violence and sexual assault to file petitions for protective orders without going to a courthouse.

The pilot also allows victims to attend follow-up hearings in magistrate court and family court virtually from a advocacy office, rather than in person, so they do not have to be in the same room with their alleged assailants.

The system is operational in Cabell County and will be expanded, Supreme Court Chief Justice Evan Jenkins announced during a kick-off event on August 18 in the courtroom of Sixth Family Court Circuit (Cabell County) Judge Patricia A. Keller.

“This is a really important day for West Virginia,” said Chief Justice Jenkins. “This year, there have been almost 500 petitions filed for domestic violence protective orders and personal safety orders right here in Cabell County. Today is about safety. Today is about access to the courts. Today is about improving the system to protect people.

“The use of remote technology during the COVID-19 pandemic has built our confidence and comfort in ensuring justice is delivered in a safe and secure way. Today in Cabell County video technology is up and running to protect victims from the people they allege assaulted them. We also are ensuring every person’s constitutional rights are protected,” Chief Justice Jenkins said.

“We are connecting victims to justice through the courts in a safe location. While we are using new technology, the focus remains on the victim, not the computers,” Chief Justice Jenkins said.

Previously, victims of domestic violence and sexual assault had to go in person to a magistrate court to file petitions for domestic violence protective orders or petitions for personal safety orders and attend follow-up hearings. Unfortunately, the alleged assailants sometimes follow victims to their cars or try to prevent them from entering court facilities.

Victims still can go to court buildings, but the pilot project also gives them the option of going to the Branches Domestic Violence Shelter Office or the CONTACT Rape Crisis Center in Huntington instead. They can file petitions there and return there to remotely attend follow-up hearings. Those sites are available from 8 a.m. to 5 p.m. Monday through Friday. Petitions can still be filed after hours and on weekends through Cabell County Magistrate Court by calling 911.

“This innovative and collaborative project is an example of the Supreme Court’s ongoing efforts to expand access to the West Virginia court system. I want to personally thank Branches Domestic Violence Shelter and

CONTACT Rape Crisis Center, Cabell County Magistrates, Magistrate Assistants, Family Court Judges and their staffs for coordinating all the efforts to make this important project a reality,” Chief Justice Jenkins said.

Cabell County Magistrate Daniel Goheen said the people who come into magistrate court to file petitions for domestic violence protective orders or personal safety orders “truly are scared. This will be a big step forward. It will help the magistrates. It will help the people who are scared, and it will help the children.”

Huntington attorney Sarah Dixon used the system in a custody hearing in Judge Keller’s courtroom in which domestic violence was involved. Ms. Dixon’s client was able to talk more freely because she was at the Branches office and was not in the physical presence of her abuser. “The intimidation element is gone,” Ms. Dixon said. “Often in these cases, the testimony we have to elicit from our clients is essential to the case.”

The virtual system also allows the presentation of evidence via video just like it would be if everyone was in the same courtroom, Ms. Dixon said.

Emily Lingenfelter, Court Advocate for Branches, said, “Seeing this technology in action in this particular case was really exciting because it gave the client the peace of mind of knowing that she could peacefully give her statement and communicate with Judge Keller and Ms. Dixon without fear of the opposing party’s erratic behavior. She was able to leave the remote office without fear that he would be waiting in the parking lot or would find a way to follow her home. This technology allows us the opportunity to help countless victims who may not feel comfortable moving forward with their hearing because they are in fear of coming face to face with their abuser and, in some cases, in fear for their lives. We’re so excited to continue to adapt and find new ways to promote survivor safety and very thankful that Cabell County was chosen for this opportunity.”

“On behalf of Branches Domestic Violence Shelter, I just want to say thank you to the Court for allowing us to be a part of this project,” said Shannon Petree Beckett, the Director of Systems Advocacy for Branches. “As someone who has been accompanying survivors to court for many years, I can attest that the fear and anxiety victims experience as they face their abusers in court is valid. The turmoil often spills over into the waiting room, the elevator, and the parking lot outside, and there are times that a victim simply cannot take that risk. This opportunity to provide remote access for protective orders aligns perfectly with Branches’ mission to reduce barriers for survivors, and I can say with confidence that this is a step in the right direction for a safer community.”

Sharon Pressman, executive director of the CONTACT, said “Our mission is to reduce barriers for victims. The fear and the anxiety they experience is valid because the danger is real. This project means so much for the victims to get justice.”

Judge Keller thanked the Supreme Court for providing the equipment and training to all the Cabell County family court judges and magistrates and their staffs. “We are all set and ready to go.”

The Remote Domestic Violence and Sexual Assault Outreach Pilot Project is made possible by funding through the West Virginia Department of Homeland Security, Division of Administrative Services, Justice and Community Services, the state administering agency for the STOP Violence Against Women Grant Program.