



2019 / 2020 Family Law and Family Protection Cases in Palau

A REVIEW OF THE 2019 / 2020 FAMILY LAW & FAMILY PROTECTION ACT SURVEY

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Background

Family protection legislation, and the court's role in implementing it, form part of a national response to ending family and other violence against women and girls.

The introduction of the Family Protection Act (**FPA**) in Palau in 2012 marked a significant step towards protecting women and girls from violence. The FPA allows for swift steps to be taken by victims of violence to seek restraining orders.

The Court has been presenting data on these cases filed under the FPA, along with data on family law cases more generally (including divorce, child custody and child support). The data is presented in the Court's [Annual Reports](#) and is effective in demonstrating trends in the volume of cases and the Court's capacity to deal with them. The data also provides an insight into outcomes and accessibility of the courts to vulnerable groups, including people with a disability.









An overview of the 2021 data on FPA cases is set out on the following page.

The publication of this data provides critical information to support Government stakeholders and Non-Government Organisations in their understanding of what is working well and what needs to be improved to provide the best service to women, girls, boys and men who come to the courts for restraining orders and other family law outcomes when faced with family violence.

In order to compliment this existing work with information on client perspectives, the Court decided to undertake the 2019/2020 court user survey. The aim of the survey was to improve access to the courts with a focus on family law matters and violence against women and children. The court user survey focuses on both family law cases and domestic violence cases given the recognised relationship between the two.



2021: Family Protection Act cases update

-  69 restraining order cases were filed in 2021, 71 cases finalized with a clearance rate of **103%**. The trend clearance rate for restraining order cases has not fallen below 94% in the last five years.
-  Restraining order cases made up 8% of total cases filed in the Court of Common Pleas. Note: citation cases that are paid at court and not heard by a judge are excluded from this calculation.
-  The average duration of a final restraining order case was **16 days**.
-  **77%** of applicants in restraining order cases were female, whilst 20% were male and 3% were filed jointly by male and female applicants. The proportion of female applicants is up from 2019 and 2020, where women made up 43% and 48% of applicants, respectively.
-  Only **1** restraining order case was reported to involve a person with disability. This is down from 4 cases in 2020, and 12 in 2019.
-  Majority of applicants and respondents were or had been in a dating relationship (36%) or were related (35%).
-  **84%** of applications for temporary restraining orders and **77%** of applications for final restraining orders were **granted**. This is down from previous years.
-  **53** criminal charges were filed under the Family Protection Act. Whilst this is lower than 2020 (where there 66 criminal charges filed), there is a general trend towards the number of charges increasing.

Methodology

In 2018 the author visited Palau at the request of the Chief Justice to consider how the court presented information on its work to the public. The Palau Courts had conducted Access and Fairness surveys in 2011, 2012, 2013 and 2014 and referred to the results in their Annual Reports. During the 2018 visit and in discussion with The Honourable Honora Rudimch, the Senior Judge of the Court of Common Pleas, a survey instrument was jointly developed with a focus on family law and Family Protection Act cases in Palau. In addition, a step-by-step guide was developed to assist the Palau courts when they decided to implement the survey.

The court user surveys were conducted between 25 November 2019 and 31 January 2020 at the court building in Koror. The Court clerk approached petitioners in recent family law and Family Protection Act cases and asked if they were willing to participate. If the answer was yes, they were invited to come to the court building to complete the survey. The court user surveys were completed directly by participants who filled in a paper form, and the Court clerk later collated this data and recorded it electronically.

The survey document asked potential survey respondents if they would like to participate in the court user survey:

We would like to learn from your recent experience with the Palau justice system. We will do this on a confidential basis and not store your name. The survey will take 15-20 minutes to complete. Would you be willing to answer some questions on your experience with the Palau justice system?

There were 65 survey respondents.

PJSP was provided with the survey data and has compiled this report after seeking feedback from Justice Rudimch and Senior Judge Bells of the Court of Common Pleas.

Key findings

<p>1</p>	<p>Majority of survey respondents were female:</p> <p>87% of survey respondents were female. This is because women initiate nearly 8 out of 10 applications for restraining orders, and 7 out of 10 family law cases.</p>
<p>2</p>	<p>Almost 40% of survey respondents faced difficulties in going to the police or courts:</p> <p>The most common difficulty was delays in police serving a restraining order. Other difficulties included a lack of knowledge and fear of stigma or physical attacks.</p>
<p>3</p>	<p>Survey respondents reported that a different response from police would have made things easier for someone else in their situation:</p> <p>When given an opportunity to provide a free text response, survey respondents made suggestions around improving the services provided by police. For example, suggestions were made around communication and training.</p>
<p>4</p>	<p>However, after going to the police or court, survey respondents reported getting the results they wanted:</p> <p>96% of survey respondents got all or part of the result they wanted after going to the police or attending court and</p>
<p>5</p>	<p>Survey respondents had positive things to say about the police and the courts:</p> <p>89% of survey respondents were impressed by some particularly good service offered by the police or courts. For example, one respondent noted a ‘feeling of being protected from the government’.</p>
<p>6</p>	<p>Family & friends play an important role in bringing people to court:</p> <p>Almost 3 out of 4 survey respondents decided to go to court because of family members, or friends / word of mouth.</p> <p>40% of survey respondents went to other people or organisations to seek help before they went to the police or courts. Of these, most approached a family member or friend.</p>
<p>7</p>	<p>More than eight out of ten respondents reported being informed if their hearing was postponed:</p> <p>This means they are not attending court (and incurring the associated expenses) unnecessarily.</p>

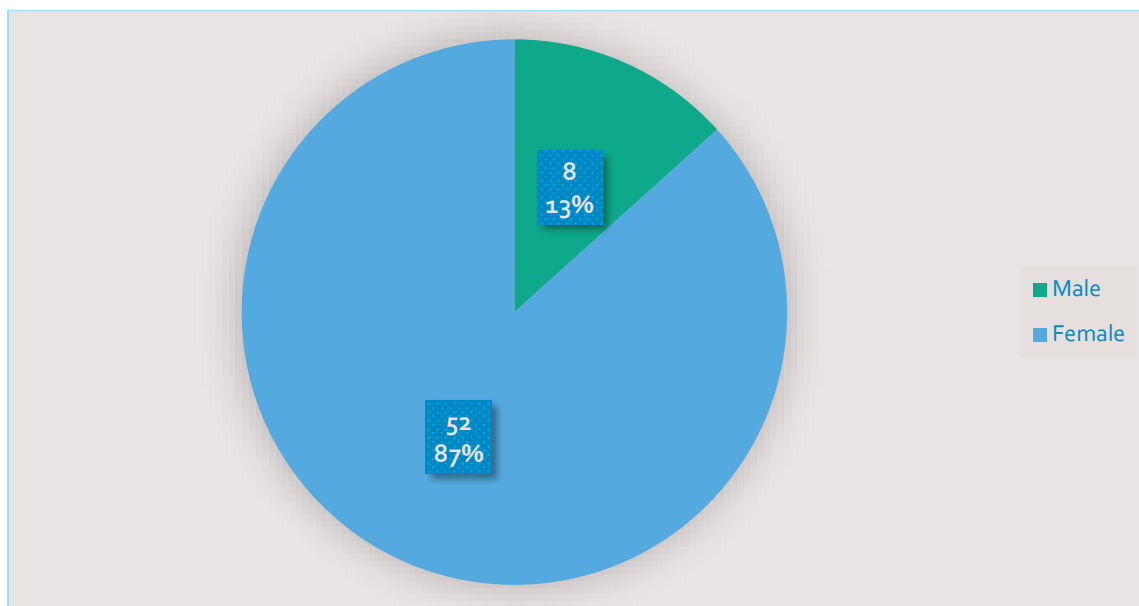
<p>8</p>	<p>More than half of the respondents found the Court’s website useful:</p> <p>However, nearly half did not. This may be because they did not use the website, however it may be that further work can be done to make the court website more useful for petitioners in family law and Family Protection Act cases.</p>
<p>9</p>	<p>Nearly nine out of ten respondents reported being able to get their court business done in a reasonable time.</p>
<p>10</p>	<p>Majority of survey respondents had a positive experience at court:</p> <p>More than 9 out 10 respondents reported feeling safe and feeling that their case was handled fairly.</p> <p>They also reported being treated with courtesy and respect by judicial officers and court staff, being able to find the court house and that the judge had enough information to make a good decision.</p>

Overview of survey results

Demographic data

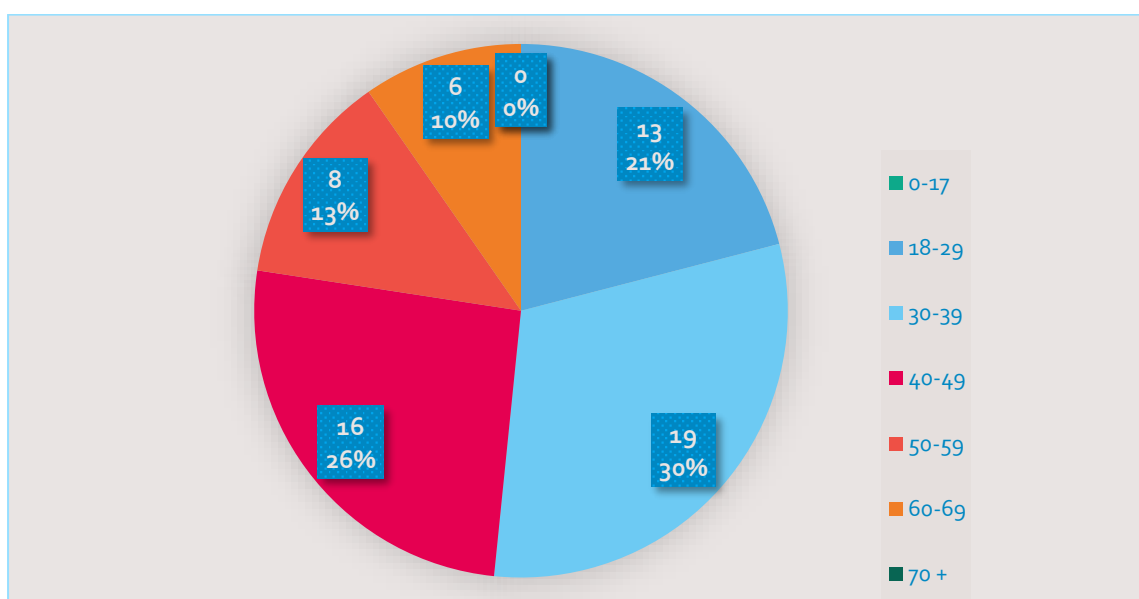
Gender

87% of survey respondents were female, whilst 13% were male. [As the survey was offered to petitioners/ applicants, the proportion of female respondents generally reflects the fact that women initiate almost 8 out of 10 restraining order applications and 7 out of 10 family law cases.]



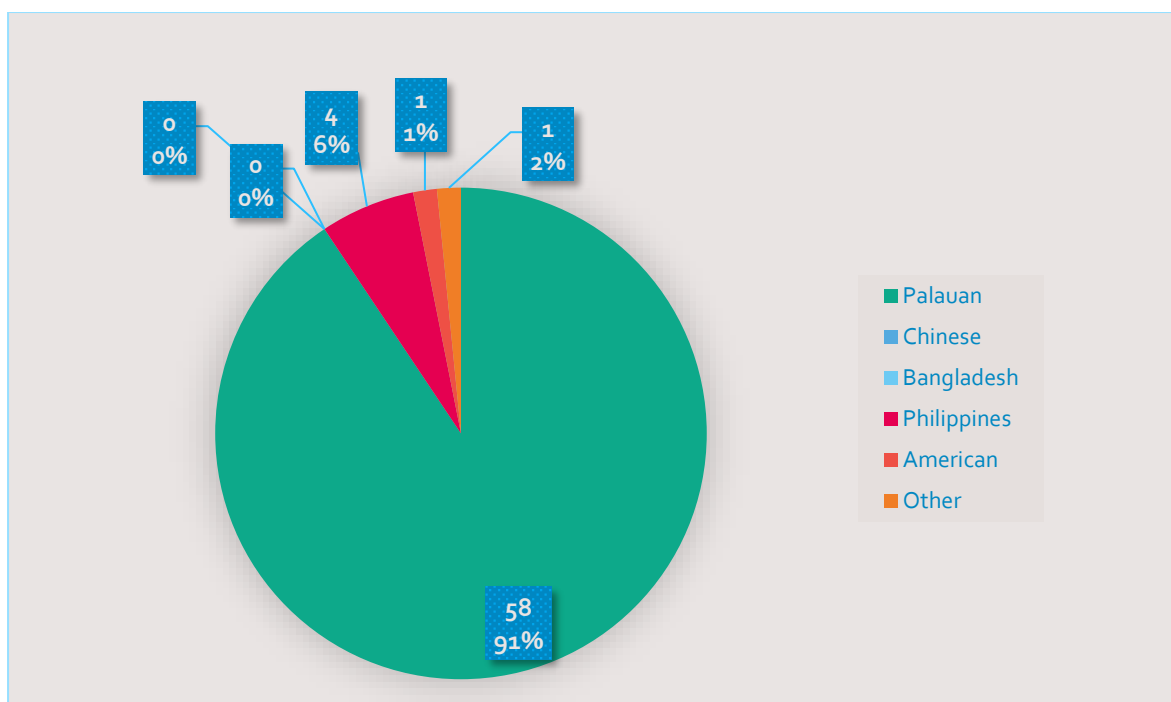
Age

Majority of respondents were aged between 18 and 49. People aged over 49 were less represented in the survey.



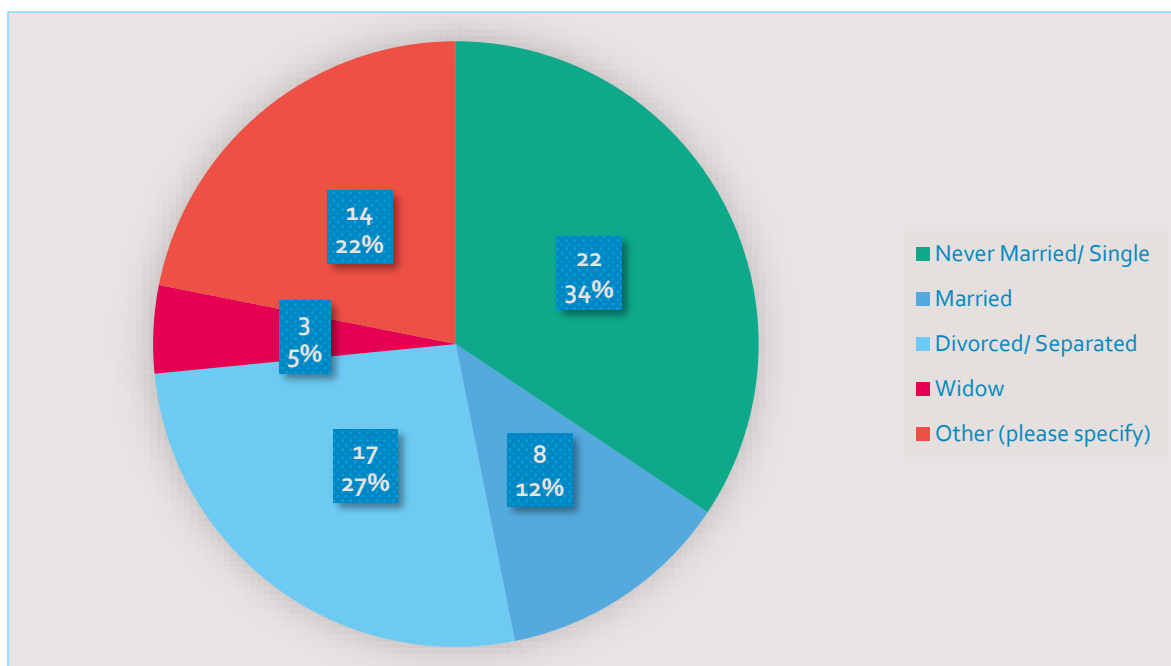
Nationality

Majority of survey respondents were Palauan, although some were Filipino, American or other.



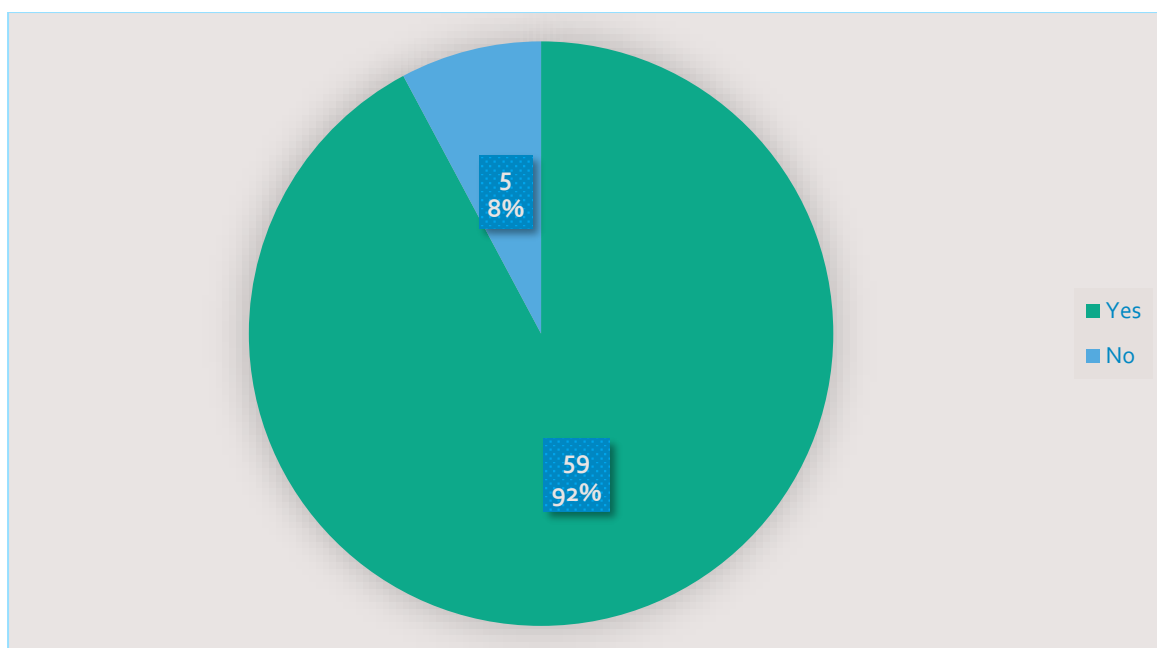
Marital status

The marital status of respondents varied, however 44% of respondents were either married or had been married. Interestingly, 12% of respondents selected 'other' as their marital status, and it is not clear what these respondent's situation is (e.g., it could be that they are in de facto partnerships).



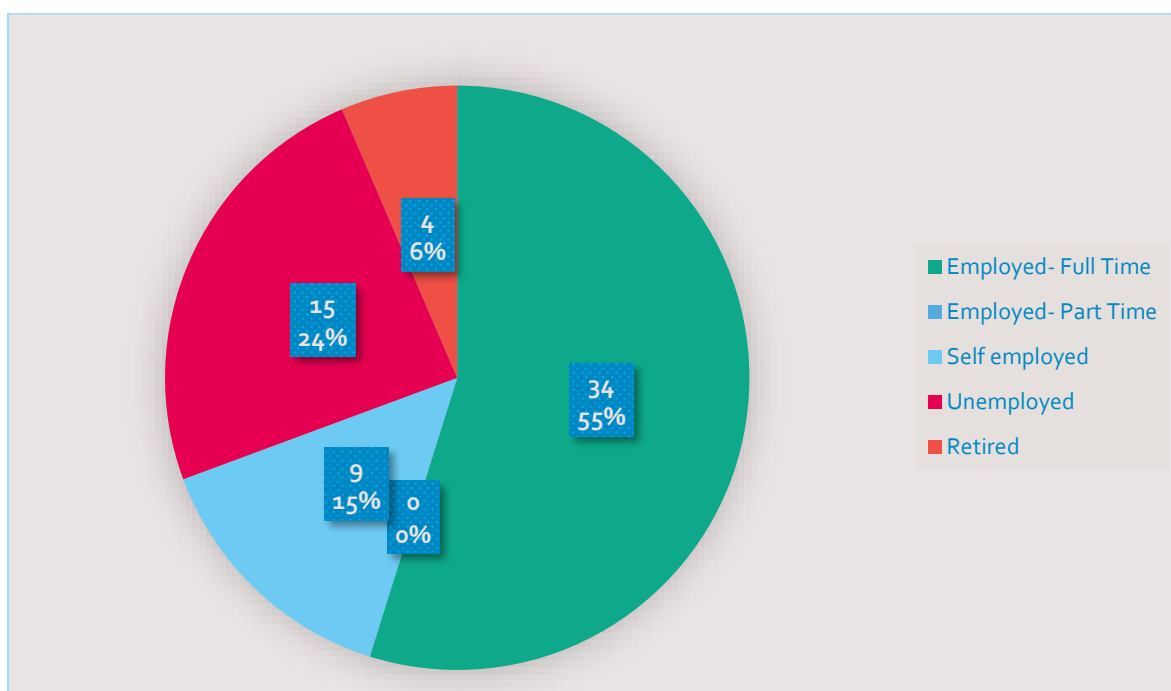
Children

The majority (92%) of respondents reported having children.



Employment status

The majority of respondents (70%) were employed either on a full or part-time basis.



Responses to survey questions

How would you recommend overcoming the difficulty that you faced? How could things be easier for someone else in your situation?

This was a free text response, however many of the survey responses had similar themes, including recommending:

- taking action (including in accordance with the Family Protection Act);
- seeking assistance from police and the courts; and
- accepting support from family and friends.

Many survey respondents spoke very highly of the courts. For example, one respondent said the following:

I overcame the difficulty because I knew there is a place to go for help. I came here looking for help and I was treated with courtesy respect from the court staff and most importantly I got the help that I needed.

Similarly, another respondent said:

I had the feeling of being protected from the government the moment someone answered my call.

Some of the other survey respondents appeared to have had difficult experiences with police. For example, one respondent said:

If you're a Law Enforcement you need to know what to do when assisting a problem. Try and understand the situation before you make judgement.

Another said:

I would recommend that the police make the victims feel safe and that they are working hard to resolve situations. Faster all response. The Court has been amazing in helping. If the police did what the courts do things would get better, more communication!

Were you impressed by some particularly good service offered to you by the police or courts?

This was a free text response which was answered by 54 or the 65 respondents. Again, many of the responses indicated that survey respondents were satisfied with the quality of services received from both the courts and police. For example, one respondent said the following:

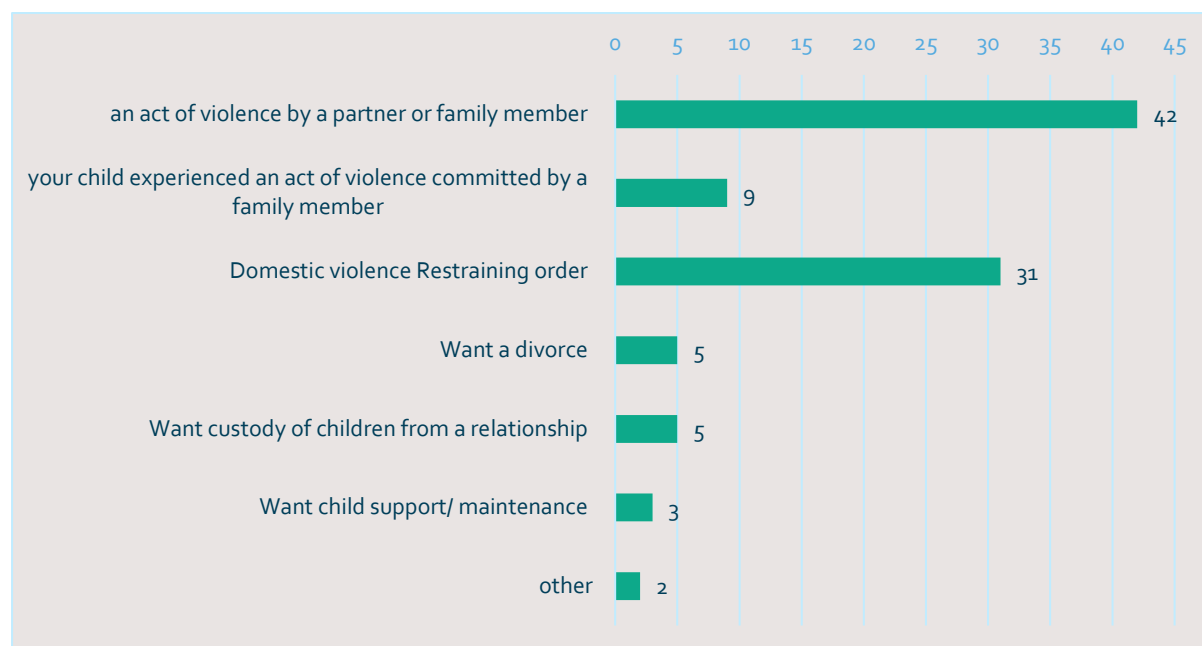
At first, I thought the police and the court would take my case lightly, but no they made me their priority. I felt good that they took their job seriously. There are no words to say, but a thank you. Thank you for an amazing job you do to help the one in need and I was satisfied.

It is also notable that a number of respondents referred to court staff by name in their responses, thanking them for their assistance.

What issues did you go to the police or courts for?

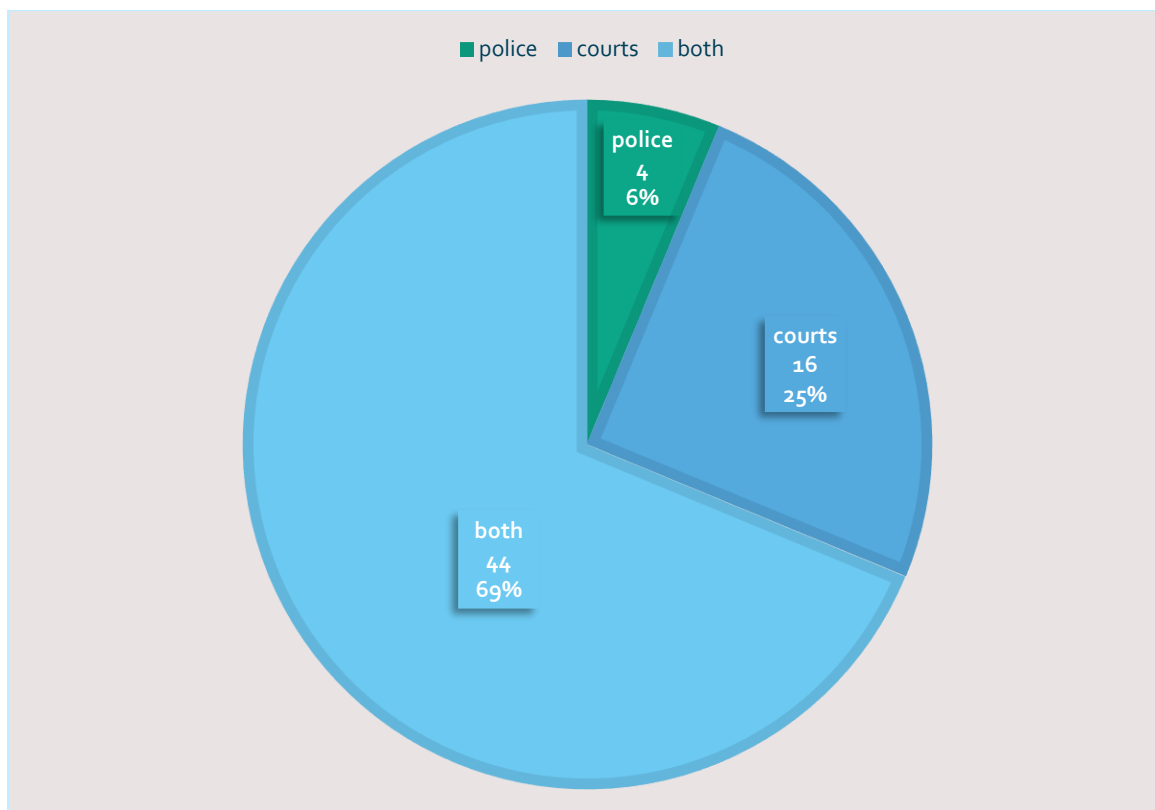
The most common reason survey respondents reported going to the police or courts was violence; either towards themselves (42) or their children (9). This suggests that most respondents first went to the police or court for violence related issues (as opposed to general family law issues, which may have arisen later).

Note that respondents could select multiple options, so were likely to select domestic violence restraining order AND an act of violence together.



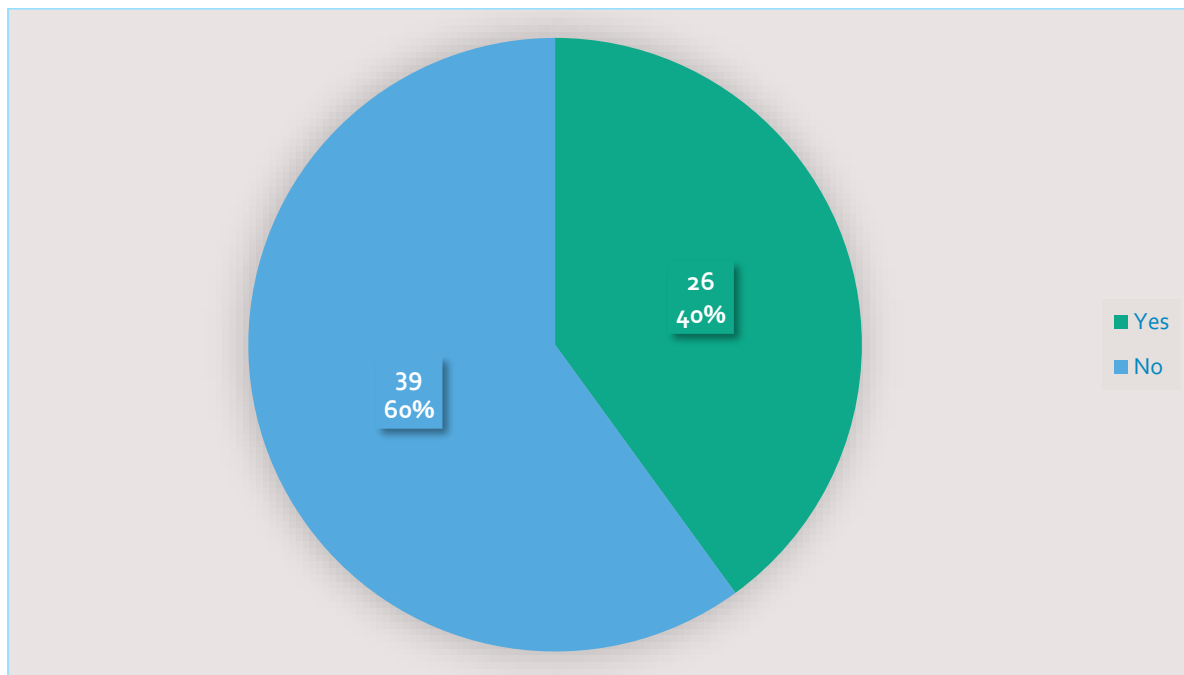
Did you go the police, courts or both?

69% of respondents went to both the police and courts, suggesting that the police is the gateway to the courts in most instances.

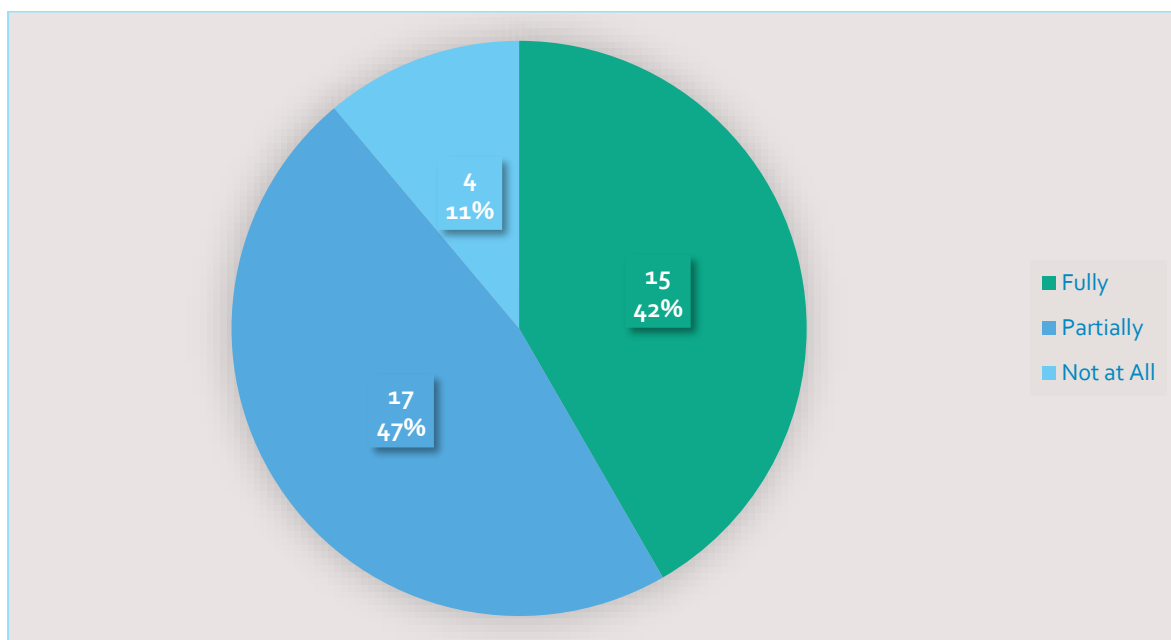


Did you go to other people or organisations to seek help before you went to the police or courts?

60% of survey respondents approached other people or organisations to seek help before going to the police or courts. The most common people approached were family members (including spouses or partners) and friends. Some survey respondents reported seeking assistance at a health service, using a hotline, or approaching a lawyer.

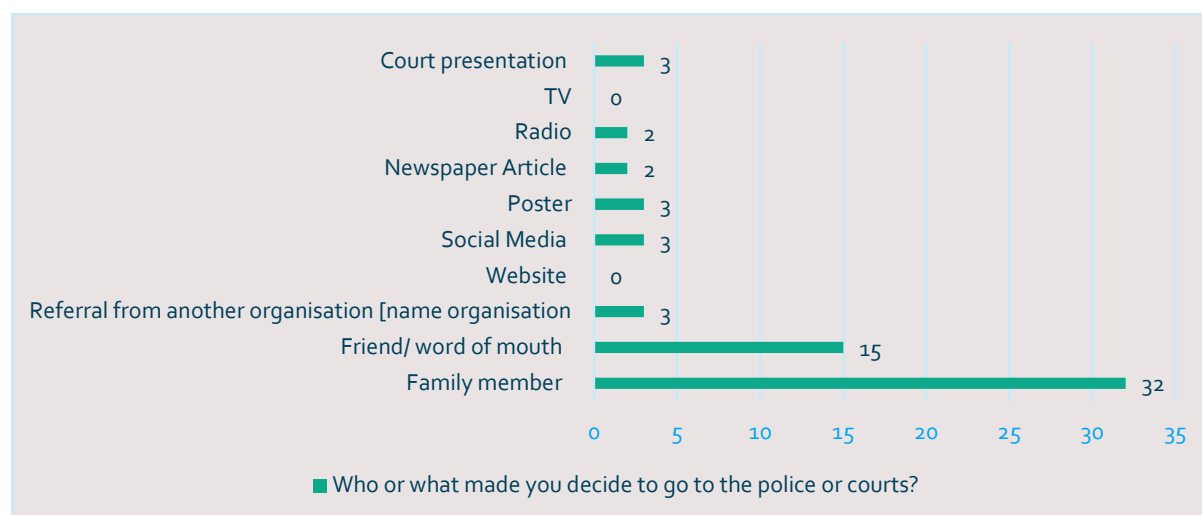


Survey respondents reported that approaching other people fully resolved the issue in 42% of cases and partially resolved the case in 47% of cases. In conversation with the Palau court the fact that these cases came to court suggests that the initial resolution did not hold over a longer period.



Who or what made you decide to go to the police or courts?

Almost 75% of survey respondents reported family, friends or word of mouth being what made them decide to go police or the courts. Other responses included radio, newspaper, posters and social media, demonstrating that disseminating information about the court’s role in the community has some impact.



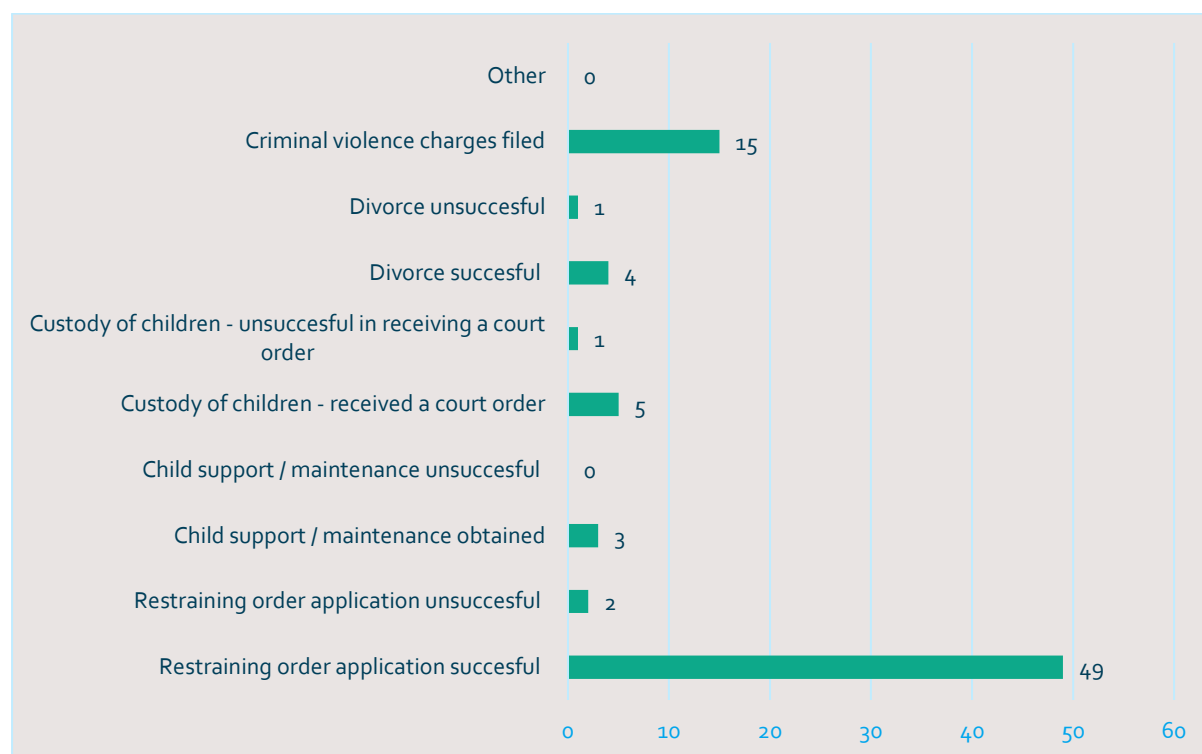
What did you want to happen as a result of going to the police or courts?

This was a free text response, however many of the survey responses had similar themes, including wanting:

- to seek protection from violence or be separated from the perpetrator;
- the problem to be solved; and
- family law remedies, including custody, divorce and maintenance.

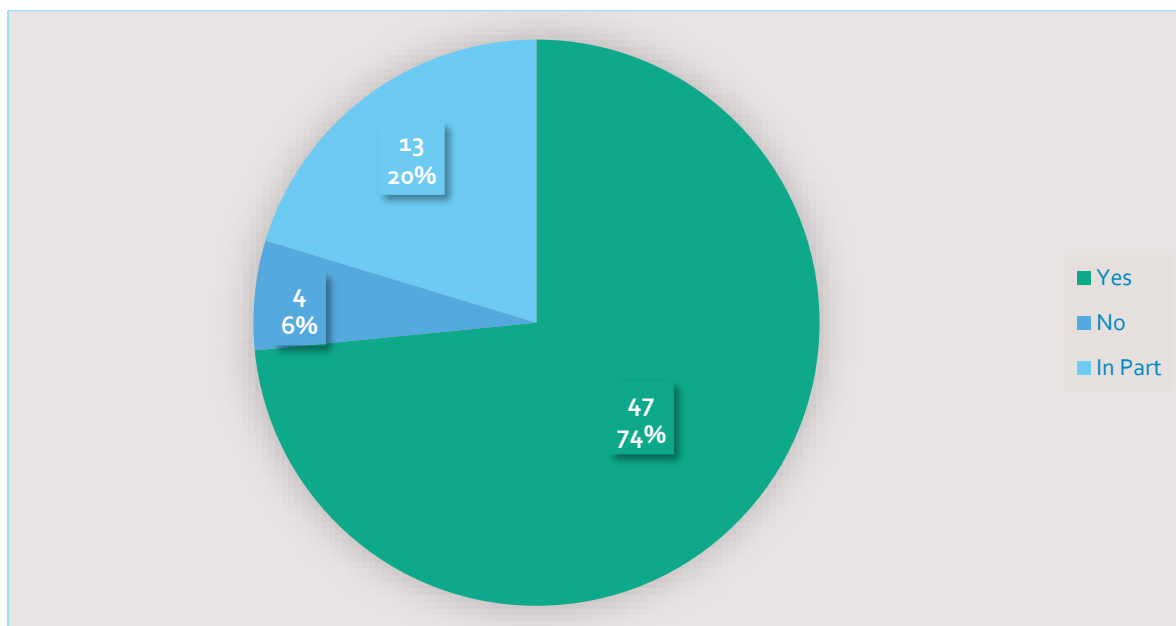
What happened after going to the police or courts?

Majority of survey respondents appeared to have favourable outcomes. For example, 49 survey respondents reported being successful in an application for a restraining order, whilst only 2 reported being unsuccessful. Similarly, 5 survey respondents reported being granted a court order for custody, whilst 1 respondent reported being unsuccessful in seeking an order.



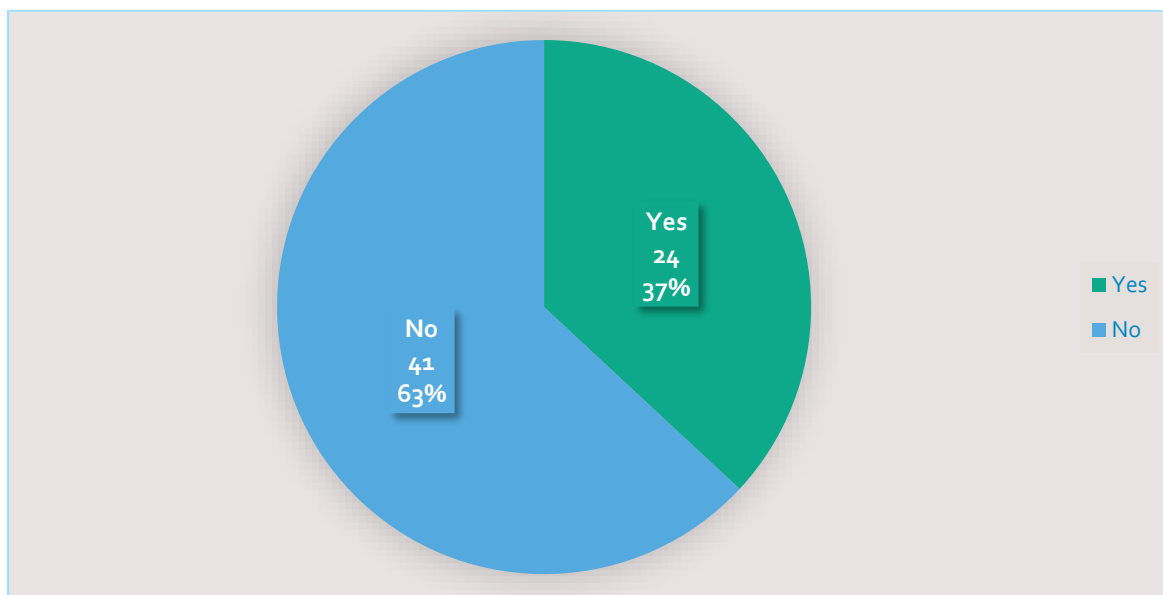
Did going to the police or court produce the result you wanted?

94% of respondents reported that they got the result they wanted (either in full or in part) by going to the police or court.



Did you face difficulties in going to the police or courts?

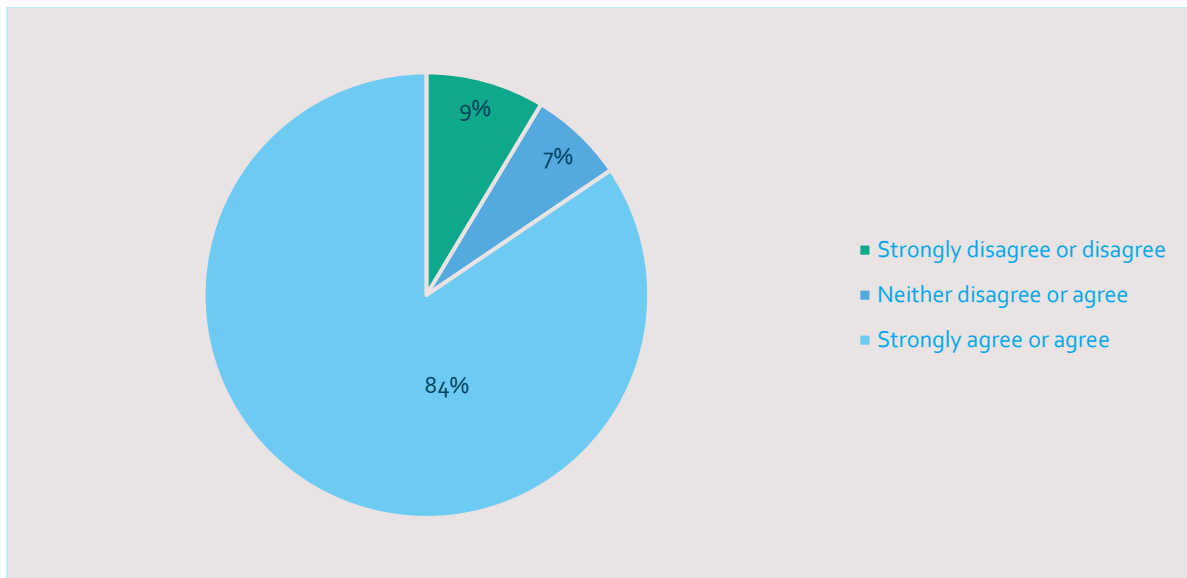
Whilst most respondents did not face difficulties in going to the police or courts, 37% did.



The most common difficulties were associated with the police, including: delays in police serving a restraining order (9), police not taking reports seriously (2) and police delays in responding to emergency calls (1). Other difficulties included lack of knowledge (3) and fear of stigma (3) or physical attacks (6).

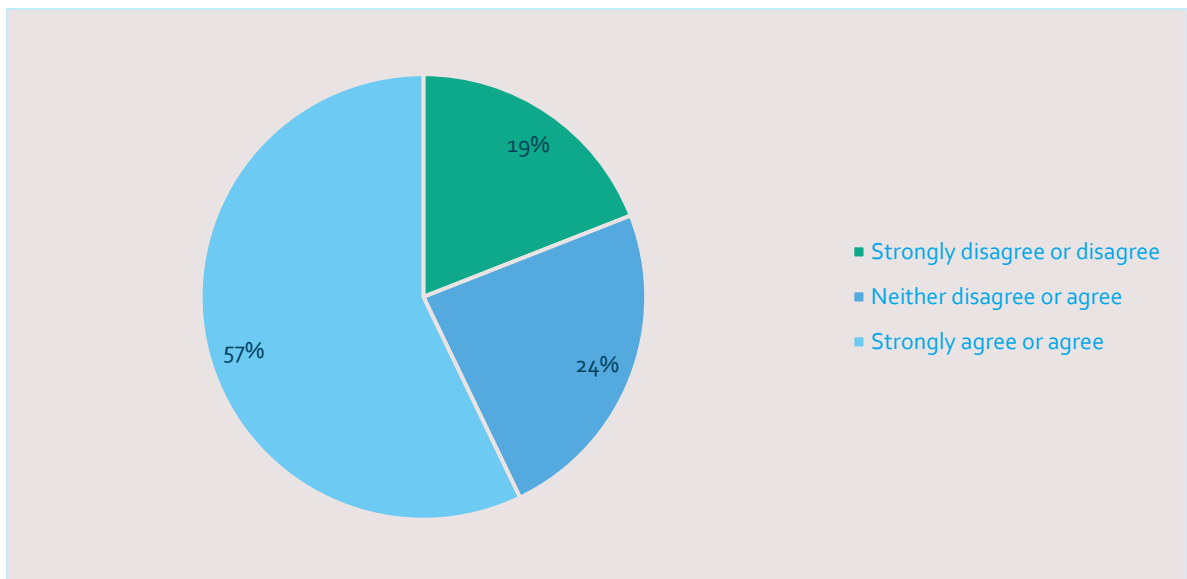
The court alerted my client and I if a hearing was postponed

More than eight out of ten respondents reported being informed if their hearing was postponed.



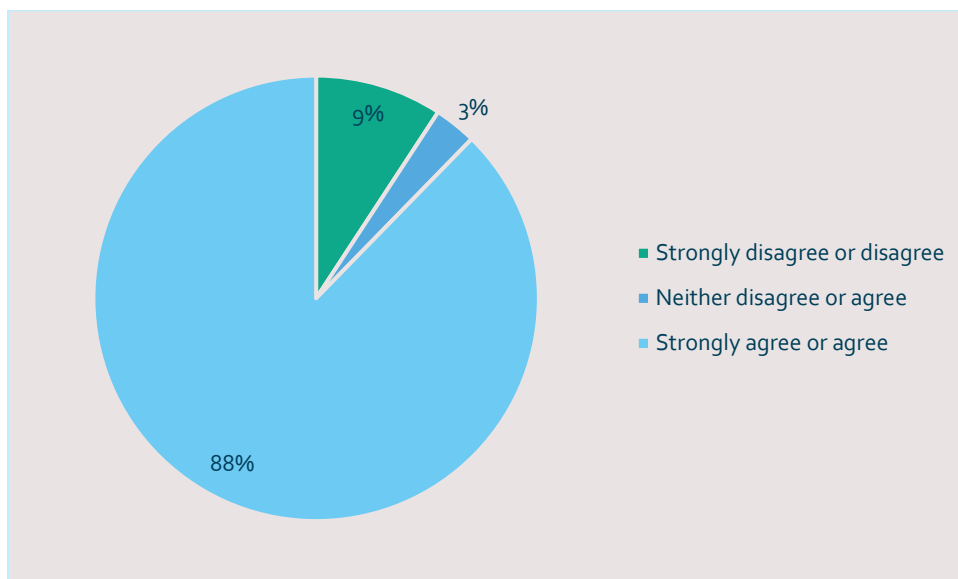
The court's website was useful

More than half of the respondents found the Court's website useful.



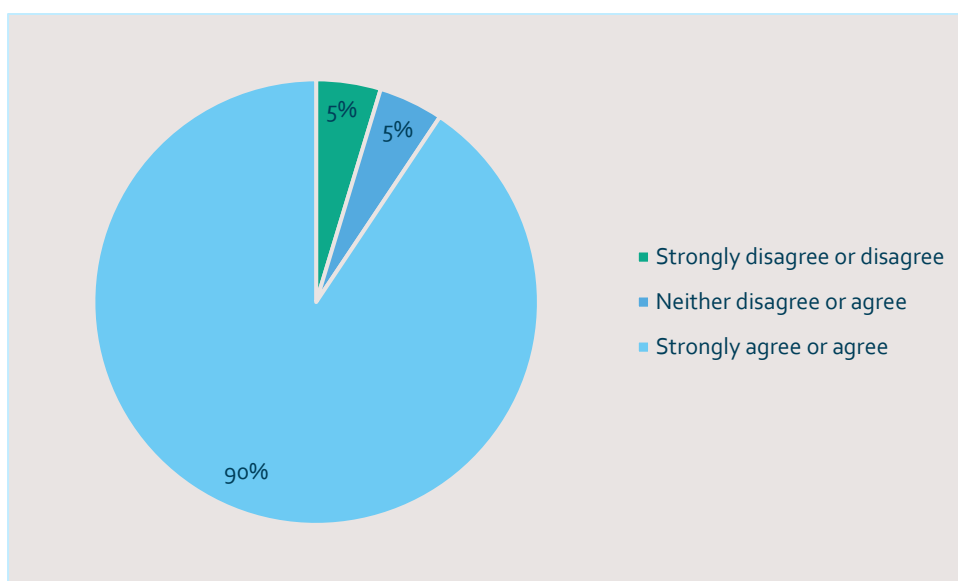
I was able to get my court business done in a reasonable time

Nearly nine out of ten respondents reported being able to get their court business done in a reasonable time.



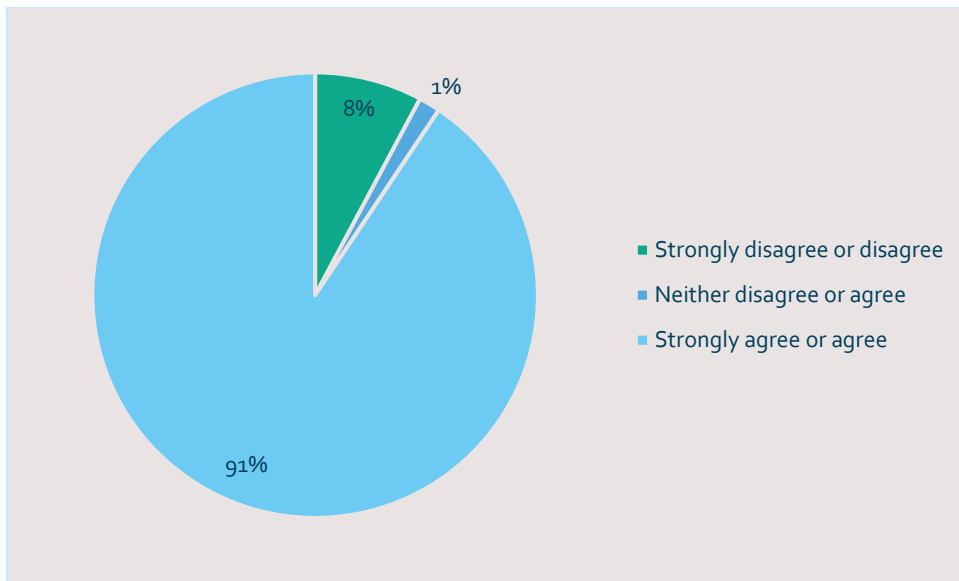
I felt safe in the court house

Nine out of ten respondents felt safe in the court house.



The way my case was handled was fair

More than nine out of ten respondents felt that their case was handled fairly.



Court user survey lessons learned

The court user survey presents a positive picture of the work of the Palau Courts in implementing the 2012 Family Protection Act.

If the Palau judiciary conducts this survey in future it will consider using an online version of the survey instrument to allow petitioners to provide feedback. This will mean that the data does not have to be entered by court staff and will provide a greater degree of anonymity for the survey respondents.

The Palau judiciary will present this report at the next meeting of stakeholders involved in implementing the Family Protection Act to seek their feedback and agree on any next steps.