

# COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

## Minutes

February 9, 2021 10:00 a.m.

Virtual Meeting

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**Telephonic:** Judge Wendy Million (chair), Elaine Armfield, Judge Marianne T. Bayardi, Sergeant Anthony M. Castro, Judge Bruce R. Cohen, Det. Pierre De La Ossa, Lynn Fazz, Deborah Fresquez, Judge Catherine Gaudreau, Joshua Halversen, Anna Harper-Guerrero, Judge Statia Hendrix, Joi Hollis Ph.D., Ashley Klass, Patricia Madsen, Officer Christopher Malast, Leah Meyers, Doreen Nicholas, Amy Offenberg, Pearl Puente, Judge Sharron Sauls, Charles Seyffer, Rebecca Strickland, Andrea Videbeck (proxy for Maria Christina Fuentes), Kristi Ward, Tracey Wilkinson

**Absent/Excused:** Lt. Theresa Arviso, Judge Dyani Juarez, Judge Debra Phelan, Judge Lyle Riggs

**Administrative Office of the Courts (AOC) Staff:** Theresa Barrett, Sabrina Nash, Kay Radwanski

**Presenters/Guests:** Judge David Gass, Court of Appeals; Jennifer Greene, AOC; Catharina Johnson, Maricopa Co. Juvenile Probation Department; Elise Kulik, AOC; Laura Ritenour, AOC; Richard Rivera, AOC

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## I. REGULAR BUSINESS

### A. Welcome and Opening Remarks

The February 9, 2021, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) was called to order at 10:02 a.m. by Judge Wendy Million, chair. Judge Million welcomed new members Joshua Halversen, Graham County Superior Court; Detective Pierre de la Ossa, Tucson Police Department; and Charles Seyffer, staff attorney, Community Legal Services (Mohave/La Paz). She welcomed back reappointed members Leah Meyers, Arizona Rural Women's Health Network, and Amy Offenberg, assistant city prosecutor, City of Phoenix. She also acknowledged former members Sgt. Lauren Pettey, Tucson Police Department, and Diane Culin, court administrator, Santa Cruz County Superior Court. Sgt. Pettey did not seek reappointment because her assignment at TPD has changed, and Ms. Culin has retired. Judge Million has been reappointed as CIDVC chair for a three-year term.

### B. Approval of Minutes

The draft minutes from the September 15, 2020, CIDVC meeting were presented for approval.

**Motion:** To approve the September 15, 2020, minutes. **Moved by** Leah Meyers. **Seconded by** Patricia Madsen. Motion passed unanimously.

## II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

### A. Code Revision Proposal: ACJA § 1-107: Commission on Minorities in the Judiciary (COM)

Catharina Johnson, Maricopa County Juvenile Probation Department and member of the Commission on Minorities in the Judiciary (COM), presented a proposal to amend ACJA § 1-107. The proposal includes a new name for COM, specifically the Commission on Diversity, Equity and Justice, which reflects the goals of the commission and is in alignment with many other state court commissions.

The proposed changes to the commission's General Purpose are:

- Develop recommendations to promote diversity, equity, and inclusion in the recruitment, hiring, and training of judicial officers and court and probation department employees.
- Promote racial inclusion and fairness in the Arizona Judicial Branch by coordinating efforts with other justice system partners, the legal community, and non-governmental organizations.
- Identify court policies and procedures that disproportionately affect communities of color and advance solutions to ensure racial equity in Arizona's criminal justice, juvenile justice, and child welfare systems.
- Develop programs that encourage diverse group members to obtain internships, clerkships, and to participate in other career development and training programs for judicial, legal, court, and law-related positions.
- Monitor and assist in the implementation of goals and strategies identified in the Arizona Judicial Branch Strategic Agenda regarding diversity, equity, and justice.
- Provide reports on the commission's work and recommendations to the Arizona Judicial Council.

**Motion:** To support adoption of the code revision proposal. **Moved by** Judge Bruce Cohen.

**Seconded by:** Judge Marianne Bayardi. Motion passed unanimously.

### B. Arizona Child Support Guidelines

Judge David Gass, chair, Family Court Improvement Committee-Child Support Guidelines Review Subcommittee (FCIC-CSGRS), presented revised guidelines for CIDVC comment. He explained that the CSGRS was established to conduct the federal and state-mandated quadrennial guidelines review. Along with economic and case file reviews, the subcommittee conducted research on a variety of topics recommended by the previous review committee, changes to federal and state laws, and case law. The revised guidelines will be the subject of a public meeting on March 1, 2021. The [draft report](#) outlines substantive changes.

Among the revisions, the CSGRS:

- Restyled and reorganized guidelines to make them easier to follow.
- Added a table of contents to direct individuals to the information they are seeking.
- Made the guidelines gender neutral to eliminate ambiguous language and confusion and to reflect the diversity of modern families.
- Defined terms used in the guidelines in everyday language.
- Added a correlation table to assist attorneys and individuals in finding the section they are seeking in the revised guidelines.

- Recommended that an interim committee continue the work of reviewing child support guidelines in between quadrennial reviews.

Members discussed:

- The change in the meaning of “equal parenting time” from 164 days to 180 days and the effect on the child support calculation.
- Sensitivity to issues regarding domestic violence victims. The guidelines are straightforward and leave no room for a perpetrator to exert undue influence over a victim through the child support process.
- The cumulative effect of small changes that result a larger effect on a child support award.

**Motion:** CIDVC supports the restyling and clarity provided by the revised guidelines as these changes will assist self-represented users in the calculation of child support. **Moved by** Judge Cohen. **Seconded by** Ms. Madsen. Motion passed unanimously.

### C. 2021 Legislative Update

Elise Kulik, AOC legislative liaison, discussed the current legislative session, noting that it is a quarter of the way through and as of today, there are 1,700 pieces of legislation that have been introduced. Some bills are repeats from last year due to the session ending early because of the pandemic. The Arizona Judicial Council (AJC) and the courts have 12 bills going through the legislative process; five have gone through committee last week, and five will be heard in committee this week. Legislation of interest to CIDVC includes:

- **H2158 – Protective Orders; Central Repository; Notifications:** This legislation returns the responsibility of reporting data on served Orders of Protection and Injunctions Against Harassment to the National Crime Information Center (NCIC) to the county sheriffs. The Administrative Office of the Courts maintains the central repository for Orders of Protection and Injunctions Against Harassment.
- **S1138 – Address Confidentiality Program; Continuation** extends the Address Confidentiality Program an additional ten years.
- **S1412 – Probation; Prisoners; Protective Orders:** upon request of the victim and before the court terminates the period of probation or intensive probation early, the court shall determine whether to prohibit the defendant from contacting the victim and, if necessary, issue an Injunction Against Harassment against the defendant. If the court issues the injunction, the court shall inform the defendant of the order before terminating the period of probation or intensive probation.

### D. Interactive Data Dashboards: Order of Protection

Richard “Rico” Rivera, senior statistical analyst, AOC, demonstrated a statistical dashboard created for domestic violence Orders of Protection. Data on Injunctions Against Harassment is not included. The dashboard, located at [Statistics \(azcourts.gov\)](https://statistics.azcourts.gov), comprises data only from limited jurisdiction courts; superior court data is expected to be added in March. The goal is to update the dashboard data every month. The dashboard has six interactive screens—

Petitions by Calendar Year, Petitions by County Petition Rate (Filings per 100k of Population), Petitions by Month, Petitions: CY 2020 vs. CY 2019, and Petitions by Disposition.

**E. Petition to Amend ARPOP Rule 40; Other ARPOP Rule Petition**

Jennifer Greene, assistant legal counsel, AOC, withdrew her request for a vote on a possible petition to amend Rule 40, Rules of Protective Order Procedure (ARPOP). The petition was intended to address a situation in which a protective order is granted but includes an error that requires correction. There were concerns about whether a corrected order must be re-served. A correction is different than a modification that is granted at the request of a party. Modified orders must be re-served to have legal effect. Ms. Greene said that an automation fix in the AJACS case management system and training of judges and court staff will remedy the issue.

Also discussed was Petition [R-21-0003](#), filed by the Family Court Improvement Committee (FCIC), which proposes to modify Rule 35, ARPOP, and Rules 91.6 and 91.7, Rules of Family Law Procedure. This petition offers a solution to concerns raised by Petition [R-19-0047](#), which would limit the ability of limited jurisdiction courts to act on Injunctions Against Harassment if children who are also the subject of a family court case are involved. Judge Bayardi and Judge Elizabeth Finn, presiding judge, Glendale City Court, representing the Committee on Limited Jurisdiction Courts, met with the FCIC to work out a solution, which led to the FCIC filing its petition. CIDVC members agreed that a comment in support of the FCIC petition should be filed. Judge Million will draft the comment, and a special meeting will be held for the committee to approve the comment before it is submitted.

CIDVC members also reviewed [R-21-0020](#), filed by the Domestic Violence Law Clinic, University of Arizona James E. Rogers College of Law. The petition proposes a new Rule 16.1 that would allow a plaintiff to amend a protective order petition once as a matter of right after a petition has been filed and an order granted. The consensus was that the ARPOP Workgroup should draft an alternative proposal and ask for CIDVC approval at a special meeting.

**Motion:** To authorize Judge Million to draft comments in response to the rule petitions and to call a special meeting so CIDVC can approve the comments. **Moved by** Judge Bayardi.

**Seconded by** Dr. Joi Hollis. Motion passed unanimously.

**F. Everytown for Gun Safety Grant**

Doreen Nicholas, Arizona Coalition to End Sexual and Domestic Violence (ACESDV), reported that a small grant was awarded to the coalition. ACESDV plans to use the grant funding to develop a social media platform on domestic violence and gun violence. The coalition also wants to develop fact sheets on gun safety, safety planning for survivors, increasing community awareness about gun safety and gun violence, and training for judges.

**G. Strangulation Bench Card**

Judge Catherine Gaudreau, Surprise City Court, has drafted a strangulation bench card that she adapted from a card created by a judge in Virginia. The bench card's focus is on 13 Things Judges Should Know about Strangulation. The bench card was well received by the

committee. Judge Gaudreau suggested that the Wendell website or the Domestic Violence Bench Book would be ideal locations where judges can access the material.

Judge Million proposed that at the May CIDVC meeting, the goal should be to refocus the committee following a disrupted year of the COVID-19 pandemic. She asked members to submit suggestions on ways for CIDVC to be more effective, such as establishing the committee as a speaker's bureau to share members knowledge about domestic violence.

#### **OTHER BUSINESS**

**A. Announcements/Call to the Public**

No one responded to the Call to the Public.

**B. Next Meeting.** Tuesday, May 11, 2021; 10 a.m.

The meeting adjourned at 12:16 pm.

# COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

## Minutes

September 21, 2021 10:00 a.m.

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### Present:

**Telephonic:** Judge Wendy Million (chair), Elaine Armfield; Judge Marianne T. Bayardi, Judge Bruce Cohen; Det. Pierre De La Ossa; Judge Catherine Gaudreau; Joshua Halversen; Anna Harper-Guerrero; Judge Statia Hendrix, Joi Hollis Ph.D.; Lt. John Johnson; Judge Dyani Juarez; Ashley Klaas; Patricia Madsen, Ofc. Chris Malast; Leah Meyers, Doreen Nicholas; Amy Offenber, Judge Debra Phelan; Pearl Puente, Judge Lyle Riggs; Judge Sharron Sauls; Charles Seyffer; Kristi Ward (by her proxy Sean McMillen), Tracey Wilkinson

**Absent/Excused:** Lynn Fazz, Deborah Fresquez, Maria Christina Fuentes, Rebecca Strickland, Kristi Ward

**Presenters/Guests:** Paula Collins, Law Library Resource Center Administrator, Maricopa County Superior Court; Liana Garcia, AOC Government Affairs Director; Elise Kulik, AOC Legislative Liaison; Professor Nagar Katirai, University of Arizona Domestic Violence Law Clinic; Merri Tiseth, Executive Director, Office of the Secretary of the State Address Confidentiality Program

**Administrative Office of the Courts (AOC) Staff:** Theresa Barrett, Angela Pennington, Kay Radwanski

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## I. REGULAR BUSINESS

### A. Welcome and Opening Remarks

The September 21, 2021, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) was called to order at 10:03 a.m. by Judge Wendy Million, chair. She welcomed all the members back and then introduced the committee's new member, Lt. John Johnson of the Yavapai County Sheriff's Office, and thanked the reappointed members for their continued service.

### B. Approval of Minutes

The draft minutes of the February 9, 2021, CIDVC meeting were presented for approval at 10:05 am after a quorum was reached.

**Motion:** To approve the February 9, 2021, meeting minutes. **Moved by:** Judge Marianne Bayardi. **Seconded by:** Judge Lyle Riggs. Motion passed unanimously.

## II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

### A. Legislative Review

Elise Kulik, AOC Legislative Liaison, provided the committee with an overview of the process for legislative proposals. She then asked for CIDVC's consideration on three proposed changes and two external bills.

- Modifications to mandatory community service hours required in statute for drug offenses or for driving under the influence to allow for judicial discretion when setting the number of required hours.
  - This would affect A.R.S. §§ 13-3405 through 13-3408, 28-1381 and 28-1381 through 28-1382.
- From Maricopa County's Probation Department, a proposal for Earned Time Credit emphasizing positive progression and positive behavior changes instead of payments for court-ordered restitution and to make probation earned time credits available for probationers having a felony in conjunction with misdemeanors.
- Juvenile Intensive Probation Proposed Modifications, mirroring the adult intensive probation changes made last year in HB 2130.
  - Updating the statutes to conform to evidence-based practices, with a focus on individualized interventions and services instead of hour-based requirements and monetary restitution.

It was decided that the proposals were outside CIDVC's scope and charge, so the committee opted to abstain from taking a position on these proposals.

Elise then moved to the two outside proposals:

- Representative Mitzi Epstein is supporting a bill to:
  - prevent family court filings while an emergency order of protection (EOP) is in effect;
  - allow (domestic violence) shelter workers to call judges to issue EOPs;
  - extend the length of time of an EOP; and
  - provide additional notifications to increase the awareness of the expiration of EOPs.

Ms. Kulik asked the committee to specifically address the portion of Rep. Epstein's bill addressing shelter workers being able to facilitate the issuance of EOPs. Discussion ensued with the members discussing all the highlighted points of Rep. Epstein's bill. Based on the agenda, Judge Million suggested this topic be revisited at a later meeting. Ms. Kulik was unable to address Senator Victoria Steele's bill with the members but did ask them to

contact her via email with any concerns. No vote was taken to determine the committee's official position on the bills.

## **B. Fatality Review Project**

Professor Negar Katirai, Director of the University of Arizona Domestic Violence Law Clinic, spoke to the members the clinic's review of the data of the 2014-2019 Fatality Review Reports. Prof. Katirai discussed the first review of the data, which identified some common threads, provided some procedural recommendations on how to more effectively conduct the reviews, and also looked at the data substantively to identify prevailing themes. What the information revealed was the importance of outreach and education. The Domestic Violence Law Clinic also discerned that outreach and education works best with an accompanying system to design, deliver, and assess all outreach and education efforts. Prof. Katirai advised again it would be best to be able to look at the reports as a whole using a uniform report tool and that lack of information on the relationship between the perpetrator and victim made it harder to pull out information appropriately. Per the committee's request based on the last data inspection, the Domestic Violence Law Clinic agreed to look at the information again with a more defined scope of questions.

- Was there an Order of Protection (OP) in place; was the OP dismissed by either the victim or the court; and did law enforcement take action on the OP?
  - 25% of the reports showed that an OP was obtained. Another minute percentage of the reports showed that there was no OP obtained, and with the remainder not addressing the issue either through lack of information on the report, possibly because it was not discussed.
  - The Domestic Violence Law Clinic noted frustration with their inability to answer the questions asked by the committee because of the lack of information.
- Were domestic violence (DV) concerns taken into account by a family court in a domestic relations matter or by a juvenile court in a dependency matter?
- Was the victim referred for service or to a DV agency?
  - The clinic would like to see an increase use of the Arizona intimate Partner Risk Assessment Instrument System (APRAIS). Use of APRAIS facilitates a system where victims are being put in touch with victim's services.
- There were also questions about the demographics that play to the confidentiality keys.
  - A major caveat to their review is that most of the reports do not provide information to answer the questions in which the committee is interested. The numbers provided as statistics are from the small number of overall reports from which the Clinic could discern information.

- Were there family law issues, who was employed or unemployed, was there access to firearms or other weapons, were there substance abuse issues.
  - In about 1/5 of the cases, there was indication that the perpetrator had access to firearms or had a substance abuse issue.
  - Fewer than 10% indicated that the victim had previously left the relationship.
- Prof. Katirai discussed statistics on law enforcement, court, and other agency contact and prior arrests due to previous DV incidents.
  - They did find a small number of arrests based on previous DV incidents, as well as arrests due to non-DV issues such as harm to self or substance abuse. There were two cases where the victims refused to press charges and three cases where the perpetrator was not arrested but the report did not explain why.

Doreen Nicholas expressed appreciation to Prof. Katirai, and also stated their belief that in order to move forward, there is an increased need for prevention or intervention for offenders. Ms. Nicholas also mentioned that DCS is currently working DV programs statewide to request information to help develop an intervention program to build a new program with increased security for victims and their children and also contains an intervention component for offenders. Judge Million asked this her to present on this topic at the next meeting.

Discussion continued with Judge Million mentioning that in the past, the Arizona Supreme Court had been authorized by statute to approve DV offender treatment providers but the project stalled out. She stated that she and Kay Radwanski are going to begin work on reviving this project.

Lastly, Judge Million asked if anyone had any information on upcoming fatality reviews. One of the members stated that Phoenix's Fatality Review would start meeting again next month. During this conversation, it was mentioned that standardizing the report with a template or guidelines for the question would assist in being able to glean information. Judge Million asked if this was something the Law Clinic could assist with, and Prof. Katirai responded that her students had begun work on something that could apply.

### **C. Update: Address Confidentiality Program**

Merri Tiseth, Address Confidentiality Program (ACP) Executive Director, reported to the committee on the program's efforts to expand its outreach to other government agencies. She provided a brief overview of the program and its extension. The outreach goals include increasing kin-person coverage to Latinx and Native American communities along with other underrepresented communities. Ms. Tiseth also invited the members to provide input on the program and how to get additional training on ACP into the courts and if they had any ideas on how to generate more funding. Judge Million let Ms. Tiseth know that the committee will discuss her questions and share any comments or suggestions.

**D. Workgroup Organization; Newsletter Planning (taken out of order)**

Judge Million informed the committee that after discussion with and approval by the AOC, the committee has been approved to publish a quarterly newsletter. She also informed the committee that workgroups will be revamped. Each member is expected to join one of the following groups: Family Law; High Risk and Lethality, Protective Orders, or DV Offender Treatment. They may also join Rules, Laws, and Education, but it is not required. Each group will be expected to contribute quarterly one idea for a speaker for the next meeting and one article for each quarterly newsletter. Annually each workgroup should contribute an idea for a speaker for the Arizona Judicial Conference and an idea for a product specific to Arizona. Judge Million asked the members to email Ms. Radwanski with their choice of workgroup.

She followed up by informing the members of the next meeting date and letting them know the meetings would continue to be held virtually. She also provided the members with the 2022 meeting dates: February 8, May 10, September 13, and November 1, 2022.

**E. SB1007 – Amending A.R.S. § 8-533; Relating to Termination of Parent-Child Relationship**

Judge Bruce Cohen presented briefly to the committee on SB 1007, which allows for the termination of a parent-child relationship if the child is conceived as a result of sexual assault. He provided the history and backstory of the bill and shared details of similar laws from other jurisdictions. He stated the law will go into effect on September 29, 2021.

**F. Update: Supreme Court Rules Agenda – ARPOP Rule Petitions; Protective Order Form Changes**

Ms. Radwanski then provided an update on the Supreme Court's decision regarding rule petitions affecting the Arizona Rules of Protective Order Procedure (ARPOP).

R-21-0010: The University of Arizona Domestic Violence Law Clinic submitted a petition to amend ARPOP Rule 16. CIDVC submitted an alternate version of their amended version, which was accepted and approved by the Supreme Court. This change allows a plaintiff to amended petition for an OP during a contesting hearing. It is effective January 1, 2022.

R-19-0047 was denied and in its stead, R-21-0003 was approved. R-21-0003 affects ARPOP Rule 35 and Family Law Rules 91, 91.6, and 91.7. In summary, the changes allow for an Injunction Against Harassment (IAH) involving a minor child if the defendant is not the legal or biological parent of the child. The legal or biological parent may then request that the Family Court ask for that petition to be transferred to seek remedy for their parenting time rights. R-21-0003 will become effective January 1, 2022.

R-21-0031 was approved on an emergency basis, effective September 29, 2021, and will be heard again by the Supreme Court in December to decide if it should be final. This petition allows for victims of a crime to file for an IAH against the convicted defendant. It also makes clear that the Supreme Court is the central repository for OPs and all IAHs and is responsible for transmitting the data to the National Crime Information Center.

There were also changes to the OP forms that were authorized by Administrative Directives 2021-06 and 2021-16 based on legislation that had been passed and to make necessary corrections. Courts were required to implement the updated forms no later than July 30, 2021.

### **III. OTHER BUSINESS**

#### **A. Announcements/Call to the Public**

- Dr. Neil Websdale will speak about APRAIS at a webinar tomorrow.
- The Tucson City DV Court is sponsoring a webinar in October at which the Domestic Violence Screening Instrument (DVSII) assessment will be discussed.
- Melissa Skaya of the Global Rights for Women Organization will be speaking at a webinar in November about women's use of violence.
- No one responded to the Call to the Public.

#### **B. Next Meeting.** Tuesday, November 9, 2021; 10 a.m.

The meeting adjourned at 12:00 pm.

# COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

## Minutes

November 9, 2021 10:00 a.m.

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**Telephonic:** Judge Wendy Million (chair), Judge Marianne T. Bayardi; Judge Bruce Cohen; Det. Pierre De La Ossa; Sgt. Joe Ferreira (proxy for Tracey Wilkinson); Judge Catherine Gaudreau; Anna Harper-Guerrero; Judge Statia Hendrix; Lt. John Johnson; Judge Dyani Juarez; Ashley Klaas; Patricia Madsen; Leah Meyers, Doreen Nicholas; Amy Offenber; Judge Debra Phelan; Pearl Puente; Judge Lyle Riggs; Judge Sharron Sauls; Charles Seyffer; Kristi Ward

**Absent/Excused:** Elaine Armfield; Lynn Fazz; Deborah Fresquez; Maria Christina Fuentes; Joshua Halversen; Joi Hollis Ph.D.; Ofc. Chris Malast; Rebecca Strickland

**Administrative Office of the Courts (AOC) Staff:** Theresa Barrett, Angela Pennington, Kay Radwanski

**Presenters/Guests:** Jane Ahern; Paula Collins, Maricopa County Superior Court; Liana Garcia, AOC government affairs director; Bianca Harper, DSW, LCSW, Clinical Associate Professor, Arizona State University Family Violence Center; Elise Kulik, AOC legislative liaison; Dori Littler, AOC Adult Probation Services; Camille Swanson

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## I. REGULAR BUSINESS

### A. Welcome and Opening Remarks

The November 9, 2021, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) was called to order at 10:03 a.m. by Judge Wendy Million, chair.

Judge Million proposed that in the future, meetings scheduled to take place in person should begin at 10:00 a.m. but virtual meetings should begin at 9:00 a.m. The later start time for in-person meetings will allow for travel time; for virtual meetings, the 9:00 a.m. start time will allow for most agenda items to be covered by noon. Members agreed.

### B. Approval of Minutes

The draft minutes of the September 21, 2021, CIDVC meeting were presented for approval at 10:05 a.m. after a quorum was reached.

**Motion:** To approve the September 21, 2021, meeting minutes. **Moved by:** Leah Meyers.  
**Seconded by:** Lt. John Johnson. Motion passed unanimously.

## II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

### A. Domestic Violence Offender Treatment

Courts were authorized to approve domestic violence (DV) offender treatment programs, subject to rules established by the Supreme Court, after SB1035 became law in 2015. Rules

have not been implemented because of concerns about program cost and accessibility in rural areas among other reasons. However, the courts, after COVID, have embraced the idea of remote participation via technology. A new code section has been drafted incorporating remote participation.

Several members attended a presentation by the Arizona Department of Health Services (DHS) regarding DV offender treatment programs. They discussed with the other members what they learned and their thoughts on how to improve treatment.

- Many programs are still focused on “anger management.” Research has shown that this is neither an effective nor appropriate means of treatment for domestic violence offenders.
- To become a DV offender treatment program provider, one must pass the approval process, but the programs are not regulated. Complaints would be forwarded to the providers professional board, but would not necessarily preclude them from still offering their program. This is not something that CIDVC can address as it would involve changes to regulations.
- Judge Million and Anna Harper-Guerrero will be meeting with the Center for Court Innovation. A technical assistance provider grant which could be a possibility for a statewide training affirming recommended DV treatment options.
- Repetitive DV offenders need more intensive treatment.
- The regulatory language does not address felony offenders.

CIDVC will make another attempt to move the new code section through the Supreme Court committee process, ultimately seeking approval of the Arizona Judicial Council. Judge Million asked the DV Offender Treatment Workgroup, led by Kristi Ward, to look at and consider revisions to the previous draft code and provide input and suggestions on how to improve it. They will present their recommendations at the February meeting.

## **B. Discussion: Foot Distances on Protective Orders**

Kay Radwanski, AOC, gave a brief overview on the history of the conflict related to foot distances on Orders of Protection (OP). Over the years, the debate has focused on whether foot distances should or should not be required on protective orders. She referred the members to the foot distance table in the meeting packet that provides language from other states.

Judge Bruce Cohen then explained to the members that while the U.S. Supreme Court has found protective orders without foot distances to be constitutional, some law enforcement agencies have asserted that they do not know how to enforce “near.”

Discussion focused on various ways the language on the OP form could be modified to deal with the foot distance issue. Suggestions included:

- Adding a definition of “near” in parentheses that includes a foot distance and also addresses the defendant’s behavior—for example, “within X number of feet and

where the presence of [the defendant] can harass, disturb, or create fear in” the protected person.

- Adding the words “no foot distance required” to the protective order form.
- Defining “near” in the Arizona Rules of Protective Order Procedure (ARPOP) rules and then adding the definition to the forms.

Concerns were raised regarding:

- Whether adding language regarding foot distances would require a statutory change or if it could be done with a rule change or a forms change.
- If foot distances were added, what is the correct distance? It was noted that even a modest foot distance could encompass a large area in small town. But in other rural areas, large distances might be appropriate.
- Injunctions Against Harassment (IAH) typically apply to people in close proximity, such as neighbors or co-workers, so a definition including behavior standards would be useful.

The issue was delegated to the Protective Orders Workgroup, led by Leah Meyers, for review and report back to CIDVC at the February meeting. Ms. Radwanski will confer with AOC Legal regarding whether a statutory change would be needed.

### **C. Arizona Child & Adolescent Survivor Initiative (ACASI)**

Associate Professor Bianca Harper, ASU Family Violence Center, provided a brief presentation on the Arizona Child & Adolescent Survivor Initiative (ACASI). ACASI focuses on child and adolescent survivors of intimate partner violence (IPV), as well as their caregivers. The Family Violence Center is expanding its program to include survivors of near-fatal IPV. ACASI services are not time limited, are available to ages birth to 21, and can be accessed regardless of when the incident occurred. Professor Harper then discussed some of the survivor impact that they see and the different types of services ACASI provides. Services are available to survivors statewide. The ACASI program began providing services to families in 2016; currently, about 130 families The ACASI program began providing services to families in 2016,

### **D. Form: Supplement to the Petition**

In August, the Supreme Court adopted amendments to ARPOP Rule 38. This amendment allows a plaintiff to file a supplemental petition at a contested hearing alleging incidents not included in the original petition. Effective January 1, 2022, the rule states the court will provide the form. Ms. Radwanski shared a draft form with the members.

It was recommended that the form clarify that any incidents included on the supplemental petition can include only acts that occurred prior to the order being issued.

**Motion:** To approve the draft form with the additional clarification. **Moved by:** Ms. Meyers. **Seconded jointly by:** Judge Dyani Juarez and Ms. Harper-Guerrero. Motion passed unanimously.

**E. Workgroup Organization; Newsletter Planning (taken out of order)**

Judge Million and the members discussed the workgroups, who would participate on each, and who would be designated as workgroup lead. Judge Million also informed the committee that after discussion with and approval by the AOC, the committee has been authorized to publish a quarterly newsletter. She set a goal to publish the first issue by the end of January. Each issue should include one article from each workgroup.

Patricia Madsen volunteered to work with Merri Tiseth, Secretary of State's Office, about the Address Confidentiality Program for an article in the January newsletter. Judge Million also asked for a volunteer to do an article about the day's ACASI presentation.

**III. OTHER BUSINESS**

**A. Announcements/Call to the Public**

An invitation to an upcoming training on Orders of Protection and firearms transfer hosted by Judge Marianne Bayardi' and the Phoenix City Court was distributed. The training will be recorded.

The agenda for the Arizona Judicial Conference is being developed. CIDVC is expected to provide proposals for a DV topic speaker.

During the Call to the Public, Camille Swanson addressed the committee regarding cyberstalking. Judge Cohen suggested that issues regarding cyberstalking be placed on the next agenda.

**B. Next Meeting.** Tuesday, February 8, 2022; 9:00 a.m.

The meeting adjourned at 11:49 am.