

**COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS  
MINUTES**

February 8, 2006

10:00 AM – 2:00 PM

State Courts Building,

1501 W. Washington St, Room 119 A&B

Conference Call Number: (602) 542-9003

CIDVC Website: <http://www.supreme.state.az.us/cidvc/>

**MEMBERS PRESENT**

Hon. William O'Neil, Chair  
Barbara Appenzeller, CPA  
Evelyn Buckner, MSW  
Lt. Mark Carpenter  
Capt. Larry Farnsworth  
Joan Fox, DDS  
Hon. Sherry L. Geisler  
Tracy Hannah, Esq.  
Hon. Jeanne Hicks  
Kristen Hoffmeyer, Esq  
Bridget Humphrey, Esq.  
Sheri Lauritano, Esq.  
Hon. Michelle Lue Sang  
Hon. Dennis Lusk  
Paul O'Connell  
Hon. Carolyn Passamonte  
Doug Pilcher  
Robert Roll  
Ginger Spencer  
Dale Wiebusch  
Tracey Wilkinson  
Patricia Wuensche  
Hon. Benjamin Zvenia

**GUESTS**

Richard Toon, Ph.D., Morrison Institute for Public Policy  
Bill Hart, Morrison Institute for Public Policy  
Dave Weinstock via teleconference  
Leila Gholam, AOC  
JoAnne Del-Colle, Governor's Division for Women

**MEMBERS NOT PRESENT**

Hon. Ellie Brown  
Hon. Wendy Hernandez  
Hon. Ronald I. Karp  
Patricia Klahr  
Jerald Monahan  
Hon. Mark Moran  
Doris Robinson Wait, Esq.

**STAFF PRESENT**

Konnie Neal, Committee Specialist  
Kim Ruiz, Support Staff

**QUORUM: YES**

## **I. CALL TO ORDER**

### **A. WELCOME AND OPENING REMARKS**

Judge William O'Neil, chair, called the February 8, 2006 meeting for the Committee on the Impact of Domestic Violence and the Courts to order at 10:13 am. Judge O'Neil welcomed new members and guests to the Committee and meeting. All members introduced themselves and received their new 2006 binders. Judge O'Neil gave a brief description of the specific parameters for member appointments to ensure statewide representation.

### **B. APPROVAL OF MINUTES FROM November 2, 2005**

Minutes for the November 2, 2005, Committee on the Impact of Domestic Violence and the Courts meeting was presented for approval.

**MOTION: Motion was made and seconded to approve the November 2, 2005 meeting minutes. Motion passed unanimously. 23-0-0. CIDVC-06-001**

## **II. DOMESTIC VIOLENCE RULES COMMITTEE**

Judge O'Neil gave a brief history of why the DV Rules Committee was established and identified the following work results:

- The mission is to protect the public.
- It is important to place Domestic Violence Rules in both ARFLP and Civil Law to capture Limited Jurisdiction Courts and Superior Courts.
- The DV Benchbook would be best served as a true benchbook for Judges. The intent is to make it more usable and easier for judges. This requires pulling the rules, scripts and directives to the judge out of the references and resources. Then creating a Benchbook for judges and a Reference book available to the public.

## **III. *LAYERS OF MEANING: DOMESTIC VIOLENCE AND LAW ENFORCEMENT ATTITUDES IN ARIZONA* (Morrison Institute)**

Richard Toon, PhD and Bill Hart of the Morrison Institute presented the results of their study on law enforcement attitudes toward domestic violence.

Their study addressed three issues:

1. WHAT – Surveyed 1<sup>st</sup> responders, since they are the gatekeepers of the entire justice response, about their views, values and attitudes.
2. WHO – 777 patrol-level officers and 31 detectives, supervisors and Domestic Violence experts.
3. HOW – Surveyed officers and conducted individual interviews with detectives and supervisors.

Their major findings were:

- Officers believe domestic violence spreads crime and violence throughout the state
- Officers consider domestic violence a major problem
- Officers view domestic violence as a “real crime”
- Officers consider arrest alone of limited value in reducing domestic violence
- Officers often struggle to understand victims' actions and attitudes

- Officers feel too few cases are prosecuted
- Officers want more discretion in domestic violence cases

Suggestions from the findings:

- Promote domestic violence training for officers
- Strengthen community efforts to prevent domestic violence
- Strengthen Arizona's criminal justice response to domestic violence
- Map key domestic violence decision points
- Review how prosecution functions as part of the overall system

Ginger Spencer asked if having Victim Advocates helps keep the victims involved in the process. They confirmed that officers felt having someone there advocating for the victim would help them through the process and keep the victim involved.

Judge O'Neil recommended the next study to focus on the attitudes of Judges and Prosecutors.

#### **IV. LEGISLATIVE UPDATE**

Dale Wiebusch and Leila Gholam gave the following updates:

HB2716: "Judicial Gatekeeper bill" the judge assigned to a case will have a hearing to determine the "reasonableness" of a complaint made against mental health professionals. The chilling effect of mental health professionals removing themselves from cases due to threats is that children are not being evaluated and treated. (Presented by Dr. David Weinstock via teleconference)

SB1097: It would have taken us backwards with our Orders of Protection and would have threatened VAWA funds as it was originally worded, but now it is a striker bill that is not going anywhere; it would have included the line to this effect: "You have the right to get an Order of Protection if you so desire."

SB1147: This bill updates the language in statute 13-2915 from "party line" and specifying that individuals and businesses cannot deny phone usage to people in a domestic violence emergency. This bill would make such a denial a Class 2 misdemeanor. This will not be a stand alone statutory change; it will be a change in the domestic violence code only.

SB1342: Has been pulled and needs to be worked on this summer, because it currently blurs the line of who serves Orders of Protection. It was to allow a victim to take an Order of Protection to any law enforcement agency where the defendant is located. There was opposition from Chiefs of Police due to blurring the service lines.

SB1493: Similar bill to SB1342, and it has also been killed.

SB1164: Strangulation bill that will move it up from a misdemeanor to a felony if you strangle or suffocate someone.

HB2124: Is moving forward.

SB1145: "Castle Doctrine" states a person can shoot and kill a person who breaks into his or her home. There was talk of expanding this to a person's car. The problem is that it currently excludes people who are named on the lease or title, even when they have an Order of Protection against them. They are going to add language to address domestic violence situations.

## **V. DV TRAINER REPORT / PROJECT PASSPORT UPDATE**

Pat Wuensche explained that the process of rewriting the DV module to correspond with the DV Project Passport will not change the initial rollout date of Fall 2006. She then gave a brief history and update of what Project Passport is:

- It is a national movement to make the first page of all Order of Protection forms look similar and contain the same information to make it easier for law enforcement;
- She is working on having the form more accessible on the internet.

The following points were raised:

- Concern was expressed about having the form on the internet for people to complete by themselves without professional assistance; because they will potentially think once they fill out the form that is all they need to do, not knowing they need to take it to be served.
- It was proposed that counties just starting up their internet self-service forms just attach a link to the CIDVC site, so they don't have to recreate the form.

## **VI. COURT DOMESTIC VIOLENCE ISSUES**

### **A. LIMITED JURISDICTION COURTS RETENTION OF PROTECTIVE ORDER RECORDS**

Konnie Neal presented the issue: LJC currently keep Protective Orders five years and Melinda Hardman, of the AOC, is working with an LJC subcommittee who has proposed reducing retention to three years. She then posed the following questions to the Committee:

- Are there legal issues? Would any federal laws be violated?
- Superior Court currently retains for five years; should both Superior and LJ courts have the same retention period?
- Is an electronic record the same as the actual document?
- Should records that have Brady implications be held longer?

The following discussion ensued:

- Robert Roll mentioned that NCIC currently retains records for five years after their expiration, so that is a back-up.
- It was pointed out that cases where a bench warrant has been outstanding for more than three years (which is not uncommon) and finally gets to court would be dropped because the file has been destroyed.
- Cases with Brady implications are another concern; because there will be no record after three years, what happens to Brady?
- What if someone violates an Order of Protection after three years but there is no record of the Order of Protection?
- Are there plans to microfilm the Orders before they are destroyed? (No, because they are not considered court records.)
- Electronic storing is not available to all courts, so that is not an option at this time.
- Regarding other states: New York retains their Protective Orders 50 years.

- The city of Glendale has the following retention record: 25 years for sex crimes; 5 years for felonies and 2 years for misdemeanors. However, in reality they keep all records indefinitely.

Another discussion ensued about the timeline of Protective Orders:

- They have to be served in the State of Arizona within 12 months or they expire;
- Once they are served they are good for another 12 months from the date of service;
- The five or three year timeline for retention starts running once the Order expires.

**MOTION: Motion was made and seconded for the Committee to recommend that Limited Jurisdiction Courts continue to retain their Protective Order records for five years, for the protection of the victims. 23-0-0. CIDVC-06-002**

## **B. JUDICIAL ACCESSIBILITY TO PROTECTIVE ORDER COURT RECORDS (CPOR/LPOR & DV CASE LOOK-UP)**

Konnie Neal presented the issue: An email that was sent to the Chief Justice's Good to Great website questioned whether courts communicate with each other. The woman who wrote the email had a situation where an ex-spouse was filing protective orders against her in multiple courts to force her to show up in court for all the hearings. She was frustrated and asked why the courts could not see that he had orders of protection frivolously filed against her in other courts that were quashed. It sounds like a "court shopping" situation. Konnie then posed the following questions:

- Do courts currently have the necessary technology to communicate?
- If they do, is it ethical for a judge to access this information prior to issuing protective orders?
- Would this impede a victim from getting a protective order by slowing the process? Would it cost more in court time and resources?

The following discussion ensued:

- Should it even be a factor whether someone has multiple protective orders filed when a judge is considering the validity of the order before them?
- If there was electronic ability, is it reliable? It isn't the original document and there could be errors in data entry and also information from the original left out due to lack of space.
- Is this investigative work for a judge? Does this go against the adversarial system? Judges would have the ability to not only review a defendant's history, but also a victim's, which could also affect the decision. Is that appropriate?
- Doesn't this violate the Rules of Evidence for judges who are only supposed to review the information of the case before them?

Robert Roll gave a presentation of DV Case Look-up and a brief review of CPOR and LPOR:

- DV Case Look-up maintains a database of all protective orders, in all states, in every stage of the process.
- Currently only a limited few have access to the full database.

- Only protective orders that have been served go onto the public access site. A person's name is typed in, and the program pulls up every case with which the name is associated, whether defendant, plaintiff or just a party named in the case (i.e. children).
- One issue: It cannot be determined if all the listings under a name are in fact the same person.

Discussion then ensued about the use of DV Case Look-up:

- Concerns were stated about introducing this technology as something judges should look at or are required to look at, because then the judge is kind of being directed on to use that information, which is at the detriment of the people before them.
- Not enough credit is given to the judges. It just provides them information to determine if there are more questions they need to ask, not disqualify the protective order.
- Do you fall into a trap that allows legislature to suggest doing away with *ex parte* hearings, because the judge is already doing research and presenting evidence of their own? Isn't it really a hearing they're doing? Shouldn't the other party have the same opportunity to do what the judge is doing?

Some stated concerns and dilemmas with CPOR and DV Look-up follow:

- There are data entry errors, on top of reconciling the orders coming out of courts with CPOR. A judge considering this data before issuing an Order could have inaccurate information.
- This could potentially slow the process down.
- Rules of Evidence require that if the court is going to use a court record from another court, that it be a certified copy. This is not a copy of the record; this is an entry by an unknown person.
- As heard above in the *Layers of Meaning* study, officers do not want to respond to a DV call to a house that they repeatedly go to. Isn't this allowing a judge to consider the same thing? To not issue an Order of Protection because they've already been to multiple courts seeking one?
- Our own Benchbook says there is no limit to the number of protective orders a person can petition.
- This is just another way of gathering information for a judge. It is also a way of determining the candor of the person before them.

It was determined that this discussion requires more debate, and it should be placed on the next meeting's agenda.

## **VII. WORKGROUP REPORTS**

Judge O'Neil gave a brief overview of the CIVDC Workgroups then had all the workgroup chairs introduce themselves and summarize what their Workgroup does. Konnie Neal gave a refresher of the Workgroups and encouraged new members to join and also recommend non-committee members.

### **A. DV EDUCATION WORKGROUP (Shari Lauritano for Judge Moran)**

Shari Lauritano gave a PowerPoint presentation of a portion of the work product the DV Education Workgroup is rolling out to local schools.

- Their pilot school was South Mountain High School, but they changed it to Phoenix Union High School.
- They will go to schools and have a troop of kids act out various Domestic Violence skits for the schools.
- They will show the PowerPoint presentation which explains what domestic violence is and various perspectives of a DV case: Victim, Police, Advocate, Prosecutor, Defense Attorney, Defendant and the Judge.
- Their intent is to go into all school levels, so they will adapt the skits and PowerPoint content to be age appropriate.

It was suggested that they also adapt their skits and PowerPoint to be culturally representative of their audiences.

No other Workgroups presented.

#### **VIII. FATALITY REVIEW TEAM UPDATE**

Evelyn Buckner gave the current status of review teams. Points discussed were:

- There are currently no teams up and running, but Phoenix has been working on their team since October.
- The Governor's Office presented and pushed this bill through, but at this time it does not provide funding or staff for the review teams.
- Communities need to create their review teams.
- The Attorney General's Office will gather the information and disseminate it.
- They are currently not sure who will be making recommendations of systematic change.
- There will be a lag time while review teams are still being established.

#### **IX. CALL TO THE PUBLIC**

There were no public present

#### **X. ADJOURNMENT**

Judge William O'Neil, chair, adjourned the meeting at 1:50 p.m.

#### **NEXT MEETING**

Wednesday, May 3, 2006

10:00 am to 2:00 pm

State Courts Building, Conference Room 345 A/B

**COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS  
MINUTES**

May 3, 2006

10:00 AM – 2:00 PM

State Courts Building,

1501 W. Washington St, Room 345 A&B

Conference Call Number: (602) 542-9003

CIDVC Website: <http://www.supreme.state.az.us/cidvc/>

**MEMBERS PRESENT**

Hon. William O'Neil, Chair  
Barbara Appenzeller, CPA  
Hon. Ellie Brown  
Lt. Mark Carpenter  
Capt. Larry Farnsworth  
Joan Fox, DDS  
Hon. Sherry L. Geisler (teleconference)  
Tracy Hannah, Esq.  
Hon. Wendy Hernandez  
Hon. Jeanne Hicks  
Bridget Humphrey, Esq.  
Hon. Ronald I. Karp  
Patricia Klahr  
Sheri Lauritano, Esq.  
Hon. Michelle Lue Sang  
Summer Dalton for Hon. Dennis Lusk  
Jerald Monahan  
Hon. Mark Moran  
Hon. Carolyn Passamonte  
Doug Pilcher  
Robert Roll  
Dale Wiebusch  
Tracey Wilkinson

**GUESTS**

Veronica Martinez, Oracle Justice Court  
Ginger Guyton, Oracle Justice Court

**MEMBERS NOT PRESENT**

Evelyn Buckner, MSW  
Kristen Hoffmeyer, Esq  
Paul O'Connell  
Doris Robinson Wait, Esq.  
Ginger Spencer  
Hon. Benjamin Zvenia

**STAFF PRESENT**

Konnie Neal, Committee Specialist  
Kim Ruiz, Support Staff

**QUORUM: YES**

## **I. CALL TO ORDER**

### **A. WELCOME AND OPENING REMARKS**

Judge William O'Neil, chair, called the May 3, 2006 meeting for the Committee on the Impact of Domestic Violence and the Courts to order at 10:15 am. All members introduced themselves, and Judge O'Neil welcomed new members. Konnie Neal encouraged members to forward recommendations to her for the medical doctor committee membership vacancy. She also reminded the Committee members the importance of participating in the workgroups and recommending non-committee members to join workgroups.

### **B. APPROVAL OF MINUTES FROM February 8, 2006**

Minutes for the February 8, 2006, Committee on the Impact of Domestic Violence and the Courts meeting was presented for approval.

**MOTION:**                   **Motion was made and seconded to approve the February 8, 2006 meeting minutes as amended. Motion passed unanimously. 23-0-0.           CIDVC-06-003**

## **II. PROJECT PASSPORT & PROTECTIVE ORDER FORMS**

Judge O'Neil gave a brief review of Project Passport, a national effort to make the first page of all Orders of Protection look the same with similar information. Arizona has been a forerunner in this movement for the past year. The technological presentation has also driven some of the changes we will see in the Protective Order forms today. The forms were reviewed as a group and Committee consensus was reached on the following items:

### **A. Order of Protection (OP)**

- It was suggested that language be added to the OP to specify the distance the defendant needs to stay away from the plaintiff.  
The Committee agreed that it is best to not limit law enforcement and the courts with specific measurement statements on the OP.
- It was proposed and agreed to add the language "and prosecuted" after "will be arrested" in the last paragraph of the second page.
- It was proposed and agreed to clarify "5-10 days" to mean 5-10 "business" days.
- Concern was stated that the new language added to the defendant warning implies they will automatically be granted their own Order of Protection if requested.  
Consensus of the Committee was to keep the language as stated.
- It was recommended that a time limit be stipulated in the law enforcement stand-by for when a defendant can return to the home. The problem with stating a 5-10 day limit is that statute states they can go back one time during the life of the Order, which is one year. Also, the courts do not have a law enforcement schedule. The legislature may also see this as a problem of the courts changing statute with a rule.  
Consensus of the Committee was to keep the language as stated.
- It was proposed and agreed to add "Finding Reasonable Cause" language to the bottom of the first page.

**MOTION:** Motion was made and seconded to approve and forward the Order of Protection form as amended. Motion passed unanimously. 23-0-0. CIDVC-06-004

#### **B. Emergency Order of Protection (EOP)**

- The Committee agreed to take the appropriate above stated changes to comply with the OP (e.g. add “prosecuted” and “business days”).

**MOTION:** Motion was made and seconded to approve and forward the Emergency Order of Protection form as amended. Motion passed unanimously. 23-0-0. CIDVC-06-005

#### **C. Injunction Against Harassment (IAH)**

##### **Injunction Against Workplace Harassment (IAWH)**

- The Committee agreed to take the appropriate above stated changes to comply with the OP (e.g. add “prosecuted”, “business days” and “finding reasonable cause”).

**MOTION:** Motion was made and seconded to approve and forward the Injunction Against Harassment and Injunction Against Workplace Harassment forms as amended. Motion passed unanimously. 23-0-0. CIDVC-06-006

#### **D. General Petition**

- It was questioned whether “is pregnant” or “has been pregnant” was statutory language, and it was determined “is pregnant” was statutory language.

**MOTION:** Motion was made and seconded to approve and forward the General Petition form as amended. Motion passed unanimously. 23-0-0. CIDVC-06-007

#### **E. Plaintiff’s Guide Sheet**

- The changes made to the Guide Sheet were to comply with the changes to the OP.
- It was recommended and agreed to add language recommending the plaintiff carry a copy of the protective order with them at all times.
- It was suggested and agreed to add the option of making an “other” address confidential (e.g. school address, daycare etc). The “(leave blank if confidential)” qualifier will need to be added to the “other” option on the OP, IAH and IAWH.
- It was proposed and agreed to add language that clarified what information referenced in section 11 would be released for public access.
- It was proposed and agreed to clarify the language in section 5 regarding the importance of appearance at the hearing.

**MOTION:** Motion was made and seconded to approve and forward the Plaintiff’s Guide Sheet as amended. Motion passed unanimously. 23-0-0. CIDVC-06-008

## F. Defendant's Guide Sheet

- It was proposed and agreed to add and change language to section 8 regarding documentation as proof of compliance to the surrendering of firearms.
- It was proposed and agreed to change the language in section 4 regarding a hearing and the potential for firearms prohibition.

**MOTION: Motion was made and seconded to approve and forward the Defendant's Guide Sheet as amended. Motion passed unanimously. 23-0-0. CIDVC-06-009**

The other ancillary forms just had formatting updates to comply with all other forms, so there were no substantive changes. There is no need for review for approval.

## III. CALL TO THE PUBLIC

Susan Ledbetter, a member of the public, called into the Committee to discuss the effects of her past legal matters. She had an Order of Protection filed against her with crimes against children specified. She had a hearing and no evidence was presented against her for the charge. It was her understanding, after the hearing the Order was supposed to be sealed. She has since found out it was not sealed and the information is available on the internet. She has not been able to get a job, because the charge of crimes against children shows in a background check. She would like the Committee to address the issue of the need for evidence to be present with a charge of crimes against children, and the importance of information being sealed from public access.

Olga Chaikheeva, General Manager of the Shield Foundation, presented four issues to the Committee:

- Many times police officers have problems finding Order of Protection in their systems, so plaintiffs need to know the importance of having the OP on them at all times, to ensure enforcement.
- She would like the court to accept evidence from the plaintiff at the initial hearing for an Order of Protection. Then, if the plaintiff is unable to attend the hearing (due to hospitalization, etc.) the evidence will already be present for consideration.
- She would like an Order of Protection to include protection for, and exclusive use of the family car. There should also be a statement to the defendant that the family vehicle is protected. Many times it is the only form of transportation to and from work for a plaintiff, so the defendant damages it to stop the plaintiff from leaving the house.
- She would like the Order of Protection to include protection of the plaintiff's cell phone. Many times they have a family plan for cell phones, with no other home telephone, and the defendant disconnects them. The plaintiff then has no access to a telephone.

## IV. DOMESTIC VIOLENCE LEGISLATION

Dale Wiebusch gave the following legislation updates:

HB2716: This bill has been killed due to a lack of compromise language.

SB1097: This is a striker and was changed to a human egg donor bill.

SB1147: This bill was signed by the Governor yesterday (interfering with the emergency use of a telephone).

SB1342: This bill has been gone for awhile. It comes down to movement from both the judicial side and the law enforcement side to reach an agreement. It will come up again next year.

SB1493: Same outcome as SB1342.

SB1164: A striker has been applied to the "strangulation bill" making it a displaced pupil grant program. It has been sent back to the Senate to pass as amended, but there has been no movement. This probably means there is not enough support for the striker, so we may still have a chance to get it returned to the original strangulation legislation.

HB2124: This bill was signed by the Governor yesterday (victims cannot be evicted for the summoning of 911 on their behalf).

SB1145: This bill had an emergency clause in it, so it went into effect last week. It expands the areas in which you can claim self-defense and it changes the burden of proof on self-defense from the assailant to the prosecutor. This has a potential effect on domestic violence cases.

Budget: There is agreement on how much can be spent (around \$10.2 billion), but the biggest stumbling block has to do with tax cuts vs. rebates.

There was a House bill that had to do with cleaning up the language related to restaurants that serve liquor such as: what percentage of sales are from liquor vs food and how close they can be to schools. Yesterday, on the Senate floor, an amendment was attached to allow people to carry guns into restaurants that serve liquor. This is a repeat of last year's "guns in bars bill". It passed the Senate, but has to go back through the House.

## **V. DOMESTIC VIOLENCE RULES**

A draft of the Rules was handed out to the Committee members for review. Input from CIDVC members is important to the final draft. A comment website will be established for the new Rules, and any input from CIDVC members would be very helpful. The draft of the Rules will be presented to the DV Rules Committee later today for approval to move forward for petition in November. The Rules will go through the same Committee schedule for approval as the Protective Order Forms.

## **VI. JUDICIAL ACCESSIBILITY TO PROTECTIVE ORDER COURT RECORDS**

Konnie Neal provided follow up information from the discussion in the last Committee meeting. The recommendations from CIDVC and DV Rules that it would not be a good idea for judges to access any prior protective orders or history that was available electronically, was sent forward to the AOC.

## **VII. Brainstorm Ideas for Protective Order Forms and Rules Outreach**

Konnie Neal encouraged the Committee to provide ideas for getting the word out about the new Rules and Protective Order Forms, and arranging trainings. Non-AZTEC courts have been working with Robert Roll since last year, but we probably need to send out a reminder of the changes coming. Their goal is to keep what the courts have and just enhance what is already there. AZTEC courts should contact Pat Wuensche.

## **VIII. WORKGROUP UPDATES**

- Judge Moran, Chair of the DV Education Workgroup, asked the Committee to start thinking about some solid suggestions for a training program for all judges at the Judicial Conference for next year.
- Judge Moran, Chair of the Criminal Benchbook Workgroup, said the workgroup will meet after the legislature adjourns to address the legislative changes and how they affect the Benchbook.
- Bridget Humphrey informed the Committee that the DV Benchbook Workgroup will need to rework the DV Benchbook once the DV Rules Committee completes the Rules. What remains will be split into a true Benchbook and a resource book.
- Robert Roll updated the Committee regarding the work of the Technology Workgroup. They are about to bring in Cochise County to CPOR/LPOR. There are currently 5 counties with full functionality in CPOR/LPOR.

## **IX. GOOD OF THE ORDER / ADJOURNMENT**

Judge William O'Neil, Chair, adjourned the meeting at 1:30 p.m.

### **NEXT MEETING**

(This is a date change from the original Committee Calendar)

Wednesday, August 9, 2006

10:00 am to 2:00 pm

State Courts Building, Conference Room 345 A/B

**COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS  
MINUTES**

August 9, 2006

10:00 AM –2:00 PM

State Courts Building,

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Conference Call Number: (602) 542-9003

CIDVC Website: <http://www.supreme.state.az.us/cidvc/>

**MEMBERS PRESENT**

Hon. William O'Neil, Chair (Proxy for Hon. Jeanne Hicks)

Barbara Appenzeller, CPA

Evelyn Buckner, MSW

Lt. Mark Carpenter

Capt. Larry Farnsworth

Joan Fox, DDS

Hon. Wendy Hernandez

Kristen Hoffmeyer, Esq.

Bridget Humphrey, Esq.

Hon. Ronald I. Karp

Sheri Lauritano, Esq.

Hon. Dennis Lusk

Hon. Michelle Lue Sang

Jerald Monahan

Hon. Mark Moran

Hon. Carolyn Passamonte

Doug Pilcher

Robert Roll

Leah Myers (Proxy for Dale Wiebusch)

Tracey Wilkinson (Proxy for Patricia Klahr)

**MEMBERS ABSENT**

Tracy Hannah, Esq.

Hon. Ellie Brown

Hon. Sherry L. Geisler

Hon. Benjamin Zvenia

**STAFF PRESENT**

Konnie Neal, Specialist

Kim Ruiz, Support Staff

Lorraine Nevarez, Support Staff

**Quorum: Yes**

**GUESTS**

Pat Wuensche

## **I. CALL TO ORDER**

### **A. WELCOME AND OPENING REMARKS**

Judge Mark Moran, acting chair until Judge O'Neil arrived, called the August 9, 2006 meeting for the Committee on the Impact of Domestic Violence and the Courts to order at 10:10 am. All members introduced themselves, and Judge Moran welcomed new members and reminded members of the open vacancy for a Vice Chair for this committee. Konnie Neal encouraged members to forward recommendations to her for the following committee membership vacancies: medical doctor, Attorney, Service Provider and Coalition Member. She also reminded the members about the importance of participating in the workgroups and recommending non-committee members to join workgroups.

### **B. APPROVAL OF MINUTES FROM May 3, 2006**

Minutes for the May 3, 2006, Committee on the Impact of Domestic Violence and the Courts meeting was presented for approval.

**MOTION: Motion was made and seconded to approve the May 3, 2006 meeting minutes as amended. Motion passed unanimously. 19-0-0. CIDVC-06-010**

## **II. Satellite Broadcast: ARPOP & Project Passport**

Konnie Neal gave a brief review of ARPOP & Project Passport, a national effort to make the first page of all Orders of Protection look the same with similar information. She also encouraged members to participate in the upcoming broadcast. The Satellite Broadcast is a great way for courts to receive information about projects the committee is working on such as New Protective Order Forms and Domestic Violence Rules. The Broadcast is going to be aired on September 12, 2006 to 32 sites across the state. Copies of the broadcast will be available at the request and will also be sent to courts for subsequent local trainings.

## **III. Protective Order Forms Automation/Implementation Update**

Konnie Neal introduced Pat Wuensche, Domestic Violence Automation Trainer along with Robert Roll, Warehouse Manager, who has been implementing the new protective orders through automation and technology. Robert Roll and the Warehouse and Integration Group on the Impact of the Repository looked at the fields that are needed in the new forms and gave it a gap analysis of what we have now and what it takes to get it into the new system. They are going to meet with the Non-AZTEC courts to look at the draft specs and review the solution the Warehouse and Integration group came up with in order to get there input and determine what it will take them program the additional fields. Pat Wuensche and the Automation Group looked at the DV Module and decided to rewrite it. The DV Module will be released in conjunction with the new forms. Some of the enhancements that want to be included are automatically printing out certain forms, such as, the defendant guide sheet which will come out with the order, putting in dates and judges names, and automating docket entries for the clerks. The main goal is to make the process smoother for everyone.

#### **IV. DOMESTIC VIOLENCE RULES COMMITTEE REPORT**

Judge O'Neil has been making reports to bar groups and different advocate groups. Additionally, Tucson has an Annual Coalition Conference that he will be providing the closing preliminary session. He expressed his hope to have members' suggestions for the final modification before the petition goes for approval. The petition is due November 1<sup>st</sup>.

#### **V. ARPOP & NEW PROTECTIVE ORDER FORMS (JUDGE FINN'S PRESENTATION)**

Judge Finn presented the PowerPoint presentation at the Judicial Conference to the Limited Jurisdiction Court Judges. The presentation included very specific information about the new forms.

#### **VI. BEGIN REVIEWING ARPOP FOR CIDVC APPROVAL**

ARPOP clearly addresses three areas: Orders of Protection, Injunction Against Harassment, and Injunction Against Workplace Harassment. There are nine rules of protective orders with multiple subparts. This was done to give people categorization for review. Judge O'Neil has asked the Committee to please review these before members make any more presentations and request approval of the proposed Rules. The Rules were reviewed as a group and Committee consensus was reached on the following changes:

##### **A. RULE 1: GENERAL ADMINISTRATION**

- It was agreed that statute A.R.S. § 12-1810 be added to *section A: Scope of Rules* in replacement of A.R.S. §12-1809 which is not governed by workplace harassment.
- It was agreed to add statute A.R.S. § 12-1810 be added to *subsection c: Injunction Against Workplace Harassment* in replacement of A.R.S. §12-1809 which is not governed by workplace harassment.
- It was proposed and agreed in section C: *Access to the Courts* to clarify "at all times" to mean "during normal operating hours." And to add an additional sentence to explain emergency orders of protection by adding "For emergency order of protection after normal operating hours see Rule 6(D)."
- Concern was stated that the language within section C: *Access to the Courts* referring them to "a law enforcement agency" did not apply this to section. It was agreed upon and deleted.
- It was proposed and agreed upon in section K(1). to delete the words "to believe that the..." and replace it with the word "under" adding the words "protective order" and deleting the words "has been violated."
- It was suggested in section N(6). to delete the word "conformed" and change the words "Order of Protection" to "Protective Order."
- It was suggested in section Q(2)(b). that the words be changed from "Order of Protection" to "Protective Order."

**MOTION: Motion was made and seconded to approve and forward Rule 1 General Administration as amended. Motion passed unanimously. 19-0-0. CIDVC-06-011**

**B. RULE 2: FEES AND COSTS**

- It was proposed to delete statute A.R.S. § 13-3602(D) in section B1: *Fee Deferrals and Waivers* because it did not apply. Cannot defer or waive a fee that cannot be charged.
- It was suggested and agreed upon to delete the words “and Injunction Against Workplace Harassment” because it did not apply to section B2.
- It was recommended to add statute A.R.S. § 12-1810(N) to section C1: *Cost and Attorneys’ Fees*.

**MOTION: Motion was made and seconded to approve and forward Rule 2: Fees and Costs as amended. Motion passed unanimously. 19-0-0. CIDVC-06-012**

**C. RULE 4: FAMILY LAW CASES**

- There was a grammatical change to section A2: *Jurisdiction* a colon was added after the word “either.”

**MOTION: Motion was made and seconded to approve and forward Rule 4: Family Law Cases as amended. Motion passed unanimously. 19-0-0. CIDVC-06-013**

**D. RULE 5: RULE OF EVIDENCE AND DICLOSURE FOR PROTECTIVE ORDER HEARINGS**

- Rule 5 was deferred to the DV Rules Committee to revisit again to consider how the Family Law Rules addressed the rules of evidence and how this committee comments on the rules of evidence to decide what is admissible.

**E. RULE 6: RULE OF PROCEDURE FOR ISSUING PROTECTIVE ORDERS**

- It was discussed whether to change or leave the word “immediately” in section C under subsection d1b. Committee members decide to defer the discussion to the DV Rules Committee.
- It was suggested and agreed in section E to add a subheading to 4(a). “Findings Required” and to E(4)(d). “Protected Persons” to be in conjunction with the other subheadings.
- There was a grammatical change under the Committee Comments Rule 6(D) to add the word “an” after the word “issue” and delete the “s” off the word “Protection.”

**MOTION: Motion was made and seconded to approve and forward Rule 6: Rules of Procedure For Issuing Protective Orders as amended. Motion passed unanimously. 19-0-0. CIDVC-06-014**

## F. RULE 7: MOTION TO DISMISS, QUASH OR MODIFY

- It was suggested and agreed to add and change language to section A(3) deleting the word “without” and changing it to “and” and deleting the word “being” and changing it to “is not.”
- It was proposed and agreed to add statutes A.R.S. §§ 12-1809(J) and 12-1810(I) at the end of section B(4). These statutes refer to injunctions against harassment and the workplace harassment.
- It was proposed and agreed to add statutes A.R.S. §§ 12-1809(K) and 12-1810(J) to section B(5). These statutes refer to filing of an affidavit.

**MOTION: Motion was made and seconded to approve and forward Rule 7: Motion To Dismiss, Quash Or Modify as amended. Motion passed unanimously. 19-0-0. CIDVC-06-015**

## G. RULE 8: CONTESTED HEARING PROCEDURES

- It was proposed and agreed upon to delete section A(1)(c).
- It was suggested to change “*ex parte* and full hearings” to “all hearings” in section E.

**MOTION: Motion was made and seconded to approve and forward Rule 8: Contested Hearing Procedures as amended. Motion passed unanimously. 19-0-0. CIDVC-06-016**

## H. RULE 9: FORMS

- It was suggested to change words “are required” to “will” in section B: *Courts Required to Provide all Forms Without Charge*. It was also suggested to delete the second sentence within the paragraph.
- In the Committee Comments section Rule 9(D) it was suggested and agreed upon to include “(C)” before the “(D).”

**MOTION: Motion was made and seconded to approve and forward Rule 9: Forms as amended. Motion passed unanimously. 19-0-0. CIDVC-06-017**

## VII. CALL TO THE PUBLIC

Mike Jenkosky, a member of the public, came to the Committee to discuss the effects of his past legal matters regarding Protective Orders. He had an Order of Protection filed against him alleging crimes against his wife. He had a hearing and his collections of guns were taken away. It was his understanding, after the hearing he would be able to claim his gun collection. He has since found out that his ex-wife has continuously filed Orders of Protection against him which does not allow him to claim his extensive gun collection. He would like the Committee to address the issue of the need to represent evidence to support an allegation of domestic violence, and the importance of information being presented by both parties before issuing an order of protection.

## VIII. WORKGROUP UPDATES

- Judge Moran, Chair of the DV Education Workgroup, asked the Committee for suggestions for a training program for I judges at the annual Judicial Conference

next year. He also reported the workgroup is in the process of solidifying a date for the High School Domestic Violence Education Program.

## **IX. ADJOURNMENT**

Judge William O'Neil, Chair, adjourned the meeting at 2:05 p.m.

## **NEXT MEETING**

Wednesday, November 1, 2006

10:00 am to 2:00 pm

State Courts Building, Conference Room 119 A/B

**COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS  
MINUTES**

October 04, 2006  
10:00 AM –12:00 PM  
State Courts Building,  
1501 W. Washington St, Room 230

**MEMBERS PRESENT**

Hon. William O'Neil, Chair  
Evelyn Buckner, MSW  
Lt. Mark Carpenter via teleconference  
Capt. Larry Farnsworth  
Tracey Hannah, Esq.  
Honorable Wendy Hernandez (via proxy Hon. Karp)  
Honorable Jeanne Hicks via teleconference  
Kristen Hoffmeyer, Esq. (via proxy Hon. O'Neil)  
Bridget Humphrey, Esq.  
Hon. Ronald I. Karp  
Hon. Dennis Lusk (via proxy Kelli Bunker)  
Hon. Mark Moran (via proxy Hon. O'Neil)  
Paul O'Connell  
Hon. Carolyn Passamonte  
Doug Pilcher  
Robert Roll  
Tracey Wilkinson  
Honorable Benjamin Zvenia via teleconference

**Staff**

Konnie K. Young  
Lorraine Nevarez

**MEMBERS ABSENT**

Hon. Ellie Brown  
Barbara Appenzeller, CPA  
Joan Fox, DDS  
Honorable Sherry L. Geisler  
Patricia Klahr  
Sheri Lauritano, Esq.  
Honorable Michelle Lue Sang  
Jerald Monahan

**Quorum: Yes**

## **I. CALL TO ORDER**

### **A. WELCOME AND OPENING REMARKS**

Judge O'Neil, Chair, called the October 4, 2006 meeting for the Committee on the Impact of Domestic Violence and the Courts to order at 10:15 a.m.

### **B. APPROVAL OF MINUTES FROM August 9, 2006**

Minutes for the August 9, 2006, Committee on the Impact of Domestic Violence and the Courts meeting was presented for approval.

**MOTION: Motion was made and seconded to approve the August 9, 2006 meeting minutes as amended. Motion passed unanimously. 18-0-0. CIDVC-08-018**

## **II. Discuss Recommended Changes ARPOP**

Judge O'Neil gave a brief overview of the recommended changes from Limited Jurisdiction Committee made to *ARPOP*. Judge O'Neil asked the Committee to review the changes and give further input for recommended changes to Domestic Violence Rules Committee. The Committee reviewed *ARPOP* as a group and Committee consensus was reached on the following items:

### **A. RULE 1: GENERAL ADMINISTRATION**

- It was agreed in paragraph G to add the language "based on the plaintiff's petition" along with the correct VAWA language.
- In paragraph L it was agreed to change the language "de novo" to "new" and add the language "at the trial court."

**MOTION: Motion was made and seconded to approve and forward Rule 1 General Administration as amended. Motion passed unanimously. 180-0. CIDVC-09-019**

### **B. RULE 4: Family Law Cases**

- It was agreed in paragraph A(1) to add the language "Superior Court" at the end of the sentence.
- It was agreed in paragraph A(3) to add the introduction sentence "When a presiding judge of the county delegates" and add the word "applies" at the end of the sentence.
- In paragraph B(4) it was agreed to add the language "with whom the defendant has legal relationship."
- In paragraph B(5) it was agreed upon to change the language to read "No protective order which prohibits contact with the plaintiff shall include exceptions that allow the defendant to contact or come near the plaintiff for child custody or parenting time with the children. "

**MOTION: Motion was made and seconded to approve and forward Rule 4: Family Law Cases as amended. Motion passed unanimously. 18-0-0. CIDVC-09-020**

**C. RULE 5: Rules of Evidence and Disclosure for Protective Order Hearings**

- It was agreed upon to add a comment to paragraph A(1) that states “This rule is intended to give the court broad discretion in determining whether proffered evidence shall be admissible in any individual protective order hearing.”

**MOTION: Motion was made and seconded to approve and forward Rule 5: Rules of Evidence and Disclosure for Protective Order Hearings as amended. Motion passed unanimously. 18-0-0. CIDVC-09-021**

**D. RULE 6: Rule of Procedure for Issuing Protective Orders**

- It was agreed upon in paragraph C(4) to add the language “inquire of the plaintiff” and the word “determine.”
- It was agreed upon in paragraph C(5) to make the “no contact “ language consistent throughout the rules.
- It was agreed upon to add the language to add the same language in paragraph C(8) in paragraphs E and F.
- It was agreed upon in paragraph E(4)(b) to make it consistent with the “no contact” language in the other rules.
- In paragraph E(4)(e) it was agreed upon to change the language and the title of the paragraph to “Other Relief” and moving the language to subdivision 2 and adding language to made subdivision 1.
- It was agreed upon to add the “Denial of an Order of Protection” language to paragraphs E and F to make it consistent.
- It was agreed upon to delete language from paragraph F(4)(b) the second sentence.
- It was agreed upon to add language to paragraph F(4)(e) “If an Injunction Against Workplace Harassment is granted,” in the beginning of the paragraph.
- It was agreed upon to add a comment to Rule 6(E) making it Rule 6(E)(1);6(F)(1) and adding the language Injunction Against Workplace Harassment.

**MOTION: Motion was made and seconded to approve and forward Rule 6: Rule of Procedure for Issuing Protective Orders as amended. Motion passed unanimously. 18-0-0. CIDVC-09-022**

**E. RULE 7: Motion To Dismiss, Quash, or Modify**

- It was agreed upon to add the language “and served” in the first sentence and the language “after the court receives the Certificate or Acceptance of Service” to paragraph B(5).

**MOTION: Motion was made and seconded to approve and forward Rule 7: Motion To Dismiss, Quash, or Modify as amended. Motion passed unanimously. 18-0-0. CIDVC-09-3**

### **III. ADJOURNMENT**

Judge William O'Neil, Chair, adjourned the meeting at 11:35 a.m.

**Next Meeting:**

Wednesday, November 1, 2006

10:00 a.m. – 2:00 p.m.

State Courts Building, Conference Room 119 A/B

**COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS  
MINUTES**

November 1, 2006  
10:00 AM –2:00 PM  
State Courts Building,  
1501 W. Washington St, Room 119 A/B

**MEMBERS PRESENT**

Barbara Appenzeller, CPA  
Lt. Mark Carpenter  
Capt. Larry Farnsworth (via proxy Dan Jones)  
Joan Fox, DDS  
Hon. Sherry L. Geisler (via teleconference)  
Tracy Hannah, Esq.  
Hon. Wendy Hernandez  
Kristen Hoffmeyer, Esq. (via proxy Hon. O'Neil)  
Bridget Humphrey, Esq.  
Hon. Ronald I. Karp  
Patricia Klahr  
Hon. Michelle Lue Sang  
Hon. Dennis Lusk (via proxy/telecon. Kelli Bunker)  
Jerald Monahan  
Paul O'Connell  
Hon. Carolyn Passamonte  
Doug Pilcher  
Robert Roll  
Tracey Wilkinson

**GUESTS**

Leah Meyers  
Patricia Wuensche

**STAFF**

Konnie K. Young, Committee Specialist  
Lorraine Nevarez, Support Staff

**MEMBERS ABSENT**

Evelyn Buckner, MSW  
Sheri Lauritano, Esq.  
Hon. Mark Moran  
Hon. William O'Neil, Chair  
Hon. Benjamin Zvenia

**QUORUM: Yes**

## **I. CALL TO ORDER**

### **A. WELCOME AND OPENING REMARKS**

Paul O'Connell, acting chair, called the November 1, 2006 meeting for the Committee on the Impact of Domestic Violence and the Courts (CIDVC) to order at 10:25 a.m. Konnie discussed the six committee vacancies: (1) Clerk (General Jurisdiction); (2) Limited Jurisdiction Court Judge; (3) Attorney; (4) Coalition Member; (5) Service Provider, and (6) Medical Doctor. Konnie asked the Committee to send any potential member recommendations they might have for these vacancies. Konnie encouraged the workgroups to refocus and to set goals for 2007. Konnie informed the Committee that the Petition to *Adopt Arizona Rules of Protective Order Procedure* has been filed but the Committee will still entertain comments. Konnie shared a letter from Denise Dancy commending the Committee on Project Passport.

### **B. APPROVAL OF MINUTES FROM October 4, 2006**

Minutes for the October 4, 2006, CIDVC meeting were presented for approval.

**MOTION: Motion was made and seconded to approve the October 4, 2006 meeting minutes as amended. Motion passed unanimously. 21-0-0. CIDVC-011-024**

## **II. MORRISON INSTITUTE PROJECT-JUDICIAL ATTITUDES SURVEY**

Bill Hart, Morrison Institute at Arizona State University (ASU), Morrison is a research unit at ASU and they did a study last year on behalf of the Governor's Commission to Prevent Violence against women, AZ POST, and DPS on attitudes and perceptions of domestic violence by first responding police officers and sheriffs deputies throughout the state. About 800 law enforcement officers were interviewed and surveyed about how they felt about domestic violence itself and the effectiveness of policies, laws and statutes. The study received a lot of interesting results and the Governor's Office has asked the Morrison Institute to continue to develop the study in terms of similar questions addressed to judges, prosecutors, probation officers, victim advocates, and victims throughout the state. The main goal of the research project is to get a system-wide look at what the criminal justice response is to domestic violence in the state of Arizona. This project is in its second stage, and an advisory committee has been established to continue the process. It is anticipated the surveys will go out this month to all judges.

## **III. PROPOSED COURT DV STATISTICS REPORT**

Mark McDermott, and Bert Cisneros, AOC, work in the Caseflow Management Unit specializing in research and statistics. They collect information from the courts and produce a monthly case collection survey, filing and determinations, quarterly revenue survey and a yearly expenditure and personnel survey. The current case management system used by some courts, AZTEC, provides information that assists in creating these reports and surveys. Currently, the case management project is looking at information that is specific to superior court and limited jurisdiction courts to try and develop event codes that indicate which types of events are going to get captured in regards to domestic

violence. This may also include looking at a possible new statistical package with the new case management software. Currently the reports are high level and are basically a summary level of data. Requests have been made to receive reports on more specific information for different cases. The data warehouse that gathers up all the information from the AZTEC system. Bert and Mark, AOC staff have access to information gathered about specific court cases, but only for those courts who use AZTEC. The project is to analyze the statistical package annually. The National Center for State Courts (NCSC) has a model for a statistical reporting method. It was determined we would use their standard and apply that to Arizona Courts. The statistics being collected will help us determine how many felonies are related to domestic violence. The newly collected statistics will help determine whether felonies and misdemeanors are inactive or active and which domestic violence cases are still pending in the individual courts. This information is used to allocate resources.

#### **IV. EFFECTS OF DV ON CHILDREN AND CAAFA DV PREVENTION PROGRAM**

Kim Van Nimwegen, from the Community Alliance Against Family Abuse (CAAF), presented information about CAAFA, a non-profit agency that serves northern Pinal County. CAAFA's mission is to empower individuals, families and communities affected by domestic violence. CAAFA's intervention services include a 16-bed shelter. CAAFA also provides community outreach groups and individual empowerment sessions with women in the community.

Tracey Kruckshank, Director of Community Partnerships within CAAFA, also spoke about CAAFA, which has over 120 community partnerships in their Safe Home Network that include law enforcement, behavioral health agencies, and numerous community members who are directly or indirectly affected by domestic violence. Some of their goals include: (1) to increase awareness of domestic violence, and (2) to increase the resources provided for victims of domestic violence. Community partnerships have quarterly trainings and focus education on various topics. Every three months CAAFA changes their marketing theme. The latest was highlighting domestic violence awareness for children. Changing the marketing theme so often allows this concentrated effort to reach more people who have not been reached before.

Ms. Van Nimwegen gave a brief overview of how children are exposed to domestic violence: (1) children hear harmful words and (2) experience harmful actions. Children are severely affected by the aftermath. There are behavioral symptoms of exposure to domestic violence that are typical and specific to each gender; boys seem to be more aggressive, and girls tend to be extremely withdrawn. CAAFA provides a program for the youth called Girl Circle which is being used around the county in the juvenile system. This program is geared toward reaching girls who are pregnant or parenting, young women in the juvenile detention center, and young women who are aging out of the foster care system. These three categories of women are considered at high risk for unhealthy relationships. Children in domestic violence homes learn that there are no safe places in the world. Children who witness domestic violence learn that domestic violence is an

appropriate behavior when under stress. The main goal of the programs is to promote resiliency among youth affected by domestic violence.

## **V. UPDATE ON ARPOP & PETITION**

Konnie gave a brief update on *ARPOP* & the Petition for Adoption. *ARPOP* was presented at the Family Law Judicial Conference. Some of the Judges at the conference had some concerns with Rule 4: Family Law Cases. There were two main issues of concern. First, some judges raised concerns about the ability of a protective order to impact a prior custody or visitation order. For example, a superior court judge's visitation order could be trumped by a party seeking an order of protection. The concern about court-shopping also resurfaced; if a plaintiff requests an order of protection but is denied in one court, the same plaintiff will go to another court and maybe another court after that until an order of protection is issued. A motion was put forth for CIDVC to propose legislation that a presiding judge of a county can delegate to limited jurisdiction court judges the ability to take action on a protective order even in a family court matter is pending.

**MOTION: Motion was made and seconded to approve the motion to propose legislation for limited jurisdiction judges to take action on a protective order even if a family court matter is pending. Motion passed unanimously. 21-0-0. CIDVC 006-025**

## **VI. LEGISLATIVE UPDATE**

Chris Groninger, Systems Advocate, Arizona Coalition Against Domestic Violence (ACADV), gave a brief overview of potential domestic violence legislation. The Coalition had polled the community to find out what kind of needs and priorities exist in regards to domestic violence in Arizona. The polls focused on (1) what services providers perceived their clients needs to be, and (2) what service providers themselves needed. Some known existing legislative priorities focus on the results of this poll and any new issues that might have surfaced. Some highlights included the legal needs of clients of domestic violence that service providers serve. The service providers have identified that legal services in the areas of child custody, divorce, and protective order issuance are some of the higher needs of their clients. On the criminal justice side the high ranking issues are protective order service, protective order enforcement, and immigration related issues. In the Human Service area, people identified affordable housing, emergency and transitional housing and financial assistance as high priorities. Providers and agencies are both looking for more collaboration and trainings. The highest needs that would affect the budget are emergency shelters, transitional housing, and legal assistance. The highest legislative priority is establishing a legal assistance fund. The legislative committee has been identified and has begun to work on assistance in this area. The State Bar and the Foundation have increased court filing fees to establish the courts legal assistance fund and have lessened the requirements to access those funds. Also, there are concerned parties who are looking at legislation that would amend custody, specifically ARS §§ 25-403 (the best interest of the child) and 25-403.03 (domestic violence and child abuse).

These are still in discussion. Other proposed legislation includes a bill that would increase the penalty from misdemeanor to felony charges for strangulation and suffocation cases. Other proposed legislation addresses some possible proactive remedies like providing more domestic violence and protective order training opportunities. Amending the “significant” language in § 25-403 was also discussed.

Konnie gave a brief overview of the Family Law Related Bills Summary. The Governor’s Office is looking again at the cross-jurisdictional service issues, and the Governor’s report entitled, “State Agency Coordination Team Report,” includes an initiative to explore the development of a task force to address service issues related to orders of protection throughout Arizona.

Kim Ruiz, Support Staff to the Child Support Committee, reported on a proposed legislative change to add temporary custody and parenting time and presumption of paternity to § 25-817, Temporary Support Orders. The Committee is in the process of drafting proposed amendment language to § 25-817. Within the statute, there are four criteria for a temporary order of support to be issued as pending; if one of these four criteria of paternity are met before actual paternity is established, the Child Support Committee would like to amend this statute to also include temporary custody and parenting time orders that may also be entered if one of these criteria are met.

## **VII. TEACHING DOMESTIC VIOLENCE TO JUDGES & MANDATORY TRAINING; OTHER STATES’ APPROACHES**

Judge Finn was invited to participate in a symposium at the Center for Court Innovation (CCI), which is located in New York. There were advocates, judges, coalition members and judicial educators, and they were looking at the best way to teach domestic violence to judges. The CCI is known as an intermediary court organization that researches information and deploys it to the New York judiciary; if a pilot program is successful in the New York judiciary, then usually it rolls out nationally.

Judge Finn shared the commonly held perception, that Arizona is recognized nationally as the leader in the area of addressing issues of domestic violence through the Arizona Supreme Court. The National Center for State Courts (NCSC) has the Arizona Benchbook located as a link on their webpage. Judge Finn proposed that CIDVC should become more involved in creating mandatory criteria for general jurisdiction judges for new judge orientation. Since many general jurisdiction judges hear about every family court matter, Judge Finn stated that CIDVC should approach Education Services Division or COJET to request, at minimum, mandatory information/training on domestic violence to be disseminated to judges. The Committee would like to also look at monitoring policies with non-compliant judicial officers, and there should be another step in remedying a concern with judicial misconduct. One idea proposed was to approach the Supreme Court to come up with an advisory board. For example, someone could bring an issue and meet with a judge in a non-threatening manner; it would not be a formal complaint, but there would be a chance for the issue to be discussed. Such topics were just highlights that were part of discussion at the symposium.

**VIII. CALL TO THE PUBLIC/ADJOURNMENT**

No public was present.

Paul O'Connell, acting Chair, adjourned the meeting at 2:25 p.m.

**Next Meeting:**

Wednesday, February 7, 2007

10:00 a.m. – 2:00 p.m.

State Courts Building, Conference Room 119 A/B