

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Minutes

January 6, 2020 12:15 p.m.

Arizona State Courts Building

Conference Room 227

1501 W. Washington Street, Phoenix, AZ 85007

Telephonic: Judge Wendy Million (chair), Elaine Armfield, Judge Marianne T. Bayardi, Judge Bruce R. Cohen, Diane L. Culin, Lynn Fazz, Judge Catherine Gaudreau, Judge Statia Hendrix, Dr. Joi Hollis, Patricia Madsen, Officer Christopher Malast, Leah Meyers, Doreen Nicholas, Amy Offenber, Judge Wyatt Palmer, Sergeant Lauren Pettey, Judge Debra R. Phelan, Judge Bruce Staggs, Rebecca Strickland, Patricia A. Tracey, Judge Adam Watters, Tracey Wilkinson, Chief Terry Young

Absent/Excused: Deborah Fresquez, Anna Harper-Guerrero, Susan Johnson-Molina, Pearl Puente, Kristi Ward

Administrative Office of the Courts (AOC) Staff: Kay Radwanski

I. NEW BUSINESS

Judge Wendy Million, chair, called a special meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) to order at 12:15 p.m. All participating members appeared telephonically. The purpose of the special meeting was for the committee to decide whether a Rule 28 petition should be filed in its name to amend Rule 38, Rules of Protective Order Procedure.

The need for revision to Rule 38 was brought to CIDVC by Judge Bruce Cohen, who had conducted an informal survey of procedures in courts in Maricopa and Pima counties. The survey results showed inconsistent results when one or both parties failed to appear contested protective order hearings.

Kay Radwanski, CIDVC staff, presented a draft petition to CIDVC members for discussion. Revisions were proposed, and consensus was reached on a final version. It was noted that Judge Gerald Williams, North Valley Justice Court, has filed a Rule 28 petition that also addresses Rule 38. Judge Cohen agreed to contact Judge Williams to let him know that CIDVC will be filing a petition on the same subject.

Motion: To approve the filing of a Rule 28 petition to amend Rule 38, Rules of Protective Order Procedure, and authorizing Judge Million to file it on CIDVC's behalf by the January 10, 2020, deadline. **Moved by** Dr. Joi Hollis. **Seconded by** Judge Marianne Bayardi. Motion passed unanimously.

II. OTHER BUSINESS

A. Announcements/Call to the Public

- No one responded to the Call to the Public.

B. Next Meeting. Tuesday, February 11, 2020; 10 a.m. Arizona State Courts Building, Conference Room 119 A/B 1501 W. Washington, Phoenix, AZ 85007

The meeting adjourned at 12:55 p.m.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Minutes

February 11, 2020 10:00 a.m.

Arizona State Courts Building

Conference Room 119A/B

1501 W. Washington Street, Phoenix, AZ 85007

Present: Judge Wendy Million (chair), Judge Marianne T. Bayardi, Sergeant Anthony M. Castro, Judge Bruce R. Cohen, Gaelyn Davis (proxy for Maria Christina Fuentes), Judge Catherine Gaudreau, Anna Harper-Guerrero, Judge Statia Hendrix, Joi Hollis Ph.D., Patricia Madsen, Officer Christopher Malast, Doreen Nicholas, Amy Offenber, Sergeant Lauren Pettey, Pearl Puente, Rebecca Strickland, Sean McMillen (proxy for Kristi Ward), Tracey Wilkinson, Chief Terry Young

Telephonic: Elaine Armfield, Lynn Fazz, Judge Wyatt Palmer, Judge Debra R. Phelan, Judge Bruce Staggs

Absent/Excused: Diane L. Culin, Deborah Fresquez, Susan Johnson-Molina, Leah Meyers, Patricia A. Tracey, Judge Adam Watters

Presenters/Guests: Lt. Theresa Arviso, Surprise Police Department; Judge Carol Scott Berry (Ret.), Dr. Alesha Durfee, Arizona State University; Michele Gillich, AOC ITD; Elise Kulik, AOC

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The February 11, 2020, 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 introduced and welcomed new and reappointed members.

B. Approval of Minutes

The draft minutes from the November 5, 2019, CIDVC meeting were presented for approval.

Motion: To approve the November 5, 2019, minutes. **Moved by** Elaine Armfield. **Seconded by** Sergeant Lauren Pettey. Motion passed unanimously.

The draft minutes from the January 6, 2020, CIDVC meeting were presented for approval.

Motion: To approve the January 6, 2020, minutes. **Moved by** Judge Bruce Staggs. **Seconded by** Judge Statia Hendrix. Motion passed unanimously.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Gender, Victimization, and Victim Service Needs

Dr. Alesha Durfee, Arizona State University, presented information on a pilot program she has been conducting in the Mesa Municipal Community Court. She gave a brief overview of the “community court” concept, which focuses on chronic, low-level offenders who have been subject to victimization. She expressed the opinion that the committee would be “the ideal team to lead” the effort for a larger study.

Points, issues, and concerns discussed included:

- How do sexual and domestic violence influence the probability of a victim committing a criminal offense?
- Community court caters to misdemeanor crimes only, focuses on co-occurring issues, especially trauma history, and prosecution and defense work together to get charges dismissed upon program completion.
- Would the patterns and needs of a new study duplicate the previous study?
- Would like to find a way to get courts to share information and connect the trauma-affected defendants to non-profits for services.
- With increased effort to identify high-risk cases, limited resources are causing providers to have to pick and choose who they can help, especially when law enforcement is not involved in the case.

Judge Million asked Dr. Durfee to send a letter to CIDVC, summarizing the needs and wants for a new study. After the letter is received, the committee will discuss it. In the interim, Kay Radwanski will email judges to gauge interest and ascertain if this type of court is already being conducted.

B. Proposal to Amend ACJA § 1-302: Education and Training

Judge Million introduced CIDVC’s proposal to amend [ACJA § 1-302](#) Education and Training to require mandatory periodic domestic violence training for judicial officers and court staff. Currently, the code requires judges and court staff who work with protective orders to have regular training on domestic violence. The proposal suggests three hours of mandatory training every other year for judges, clerks, and court staff who work with family, juvenile, criminal, probate court, or protective orders. Ms. Radwanski explained what COJET means for court personnel and the mandatory training requirements.

The committee discussed recommended revisions and changes to the draft proposal and discussed the process of posting for comments on ACJA forum. It was noted that the committee would like to maintain the connection to the Study Committee on Domestic Violence and Mental Illness in Family Court Cases. They would also like to take the proposal

to the Family Court Improvement Committee (FCIC). Judge Million will ask for volunteers to present the proposal to other committees.

Motion: To file the draft proposal after completion of editing. **Moved by** Judge Bruce Cohen. **Seconded by** Joi Hollis, PhD. Motion passed unanimously.

C. ARPOP Rule Petitions

Ms. Radwanski presented five petitions affecting the Arizona Rules of Protective Order Procedure (ARPOP). She discussed the process of filing and commenting on petitions. The committee discussed the merits of each petition and whether they would file any comments.

- R-19-0047—regarding Rule 35, ARPOP—The committee agreed to file a comment, indicating its concerns with this proposal.
- R-20-0032—regarding Rules 23, 24, 25, and 26, ARPOP—The committee agreed to file a comment indicating that it does not agree with this proposal.
- R-20-0002—regarding Rule 38, ARPOP, filed by CIDVC. After the comment period closes on May 1, CIDVC will discuss whether any responses to comments should be filed.
- R-19-0048—regarding Rule 38, ARPOP. Judges Million and Cohen will discuss with Judge Gerald Williams, who filed this proposal.
- R-19-0045—regarding Rules 38 and 39, ARPOP—The committee agreed to file a comment, indicating that it does not agree with this proposal.

D. Update: AZ Statewide Protective Order Project 2020 (taken out of order)

Michele Gillich, AOC ITD, provided an update on the Arizona Protective Order Initiation and Notification Tool (AZPOINT). AZPOINT officially launched on January 1, 2020. Minor issues are being addressed as they happen. Data is being compiled and shows that the volume of plaintiffs accessing AZPOINT is trending up. Ms. Gillich asked court personnel to open a remedy ticket should any issues arise. Changes are being made based on feedback. There was brief discussion about functionality as relating to specific organizations. CIDVC, specifically Judge Cohen and Ms. Radwanski, thanked Ms. Gillich and her team for the months of effort that has gone into the AZPOINT project.

E. Legislative Update

Elise Kulik, AOC legislative liaison, who recently joined the AOC's Government Affairs team, introduced herself to the committee. She and members discussed several bills of interest to CIDVC, and she asked members to forward any feedback they might have them to her.

F. Workgroup Reports

Judicial Education Workgroup. Judge Million advised that Dr. Christopher Wilson, Portland, Ore., an expert on the neurobiology of brain trauma, will present at the 2020 Judicial

Conference. She noted that there is another opening for a second speaker at the Judicial Conference. Committee members offered suggestions on topics they would like to see Dr. Wilson discuss.

Protective Orders/Forms/ARPOP 2020 Workgroup. Judge Statia Hendrix, workgroup lead, is seeking feedback from CIDVC members regarding an infographic created by the workgroup.

Orders, Enforcement, and Access Workgroup. Judge Carol Berry (ret.) and workgroup have completed a revised version of the *Ex Parte* Hearing bench card and are seeking CIDVC comments on it.

Family Law Workgroup. Patricia Madsen, workgroup lead, advised that workgroup is developing an article on coercive control and how that issue should be interpreted in family court cases. They hope to have it published by the June Judicial Conference.

High Risk and Lethality Issues Workgroup—led by Judge Million and Judge Marianne Bayardi, is working on comparing fatality review data for future recommendations.

III. OTHER BUSINESS

A. Announcements/Call to the Public

- On March 11, 2020, Judge Million and her court's domestic violence team will conduct a best practices training on DV courts at the Granite Reef Senior Center in Scottsdale.
- No one responded to the Call to the Public.

B. Next Meeting. Tuesday, May 19, 2020; 10 a.m.

Arizona State Courts Building, Conference Room 119 A/B
1501 W. Washington, Phoenix, AZ 85007

The meeting adjourned at 1:15 pm.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Minutes

May 19, 2020 10:00 a.m.

Virtual Meeting

Present:

Telephonic: Judge Wendy Million (chair), Elaine Armfield, Sergeant Anthony M. Castro, Judge Bruce R. Cohen, Deborah Fresquez, Maria Christina Fuentes, Judge Catherine Gaudreau, Anna Harper-Guerrero, Judge Statia Hendrix, Joi Hollis Ph.D., Patricia Madsen, Officer Chris Malast, Doreen Nicholas, Amy Offenbergl, Judge Wyatt Palmer, Sergeant Lauren Pettey, Judge Debra R. Phelan, Pearl Puente, Judge Bruce Staggs, Kristi Ward, Tracey Wilkinson, Chief Terry Young

Absent/Excused: Judge Marianne T. Bayardi, Diane L. Culin, Lynn Fazz, Susan Johnson-Molina; Leah Meyers, Rebecca Strickland, Judge Adam Watters

Presenters/Guests: Jacquelyn Grace Berry; Judge Carol Scott Berry (Ret.); Gaelyn Davis, Governor's Office of Youth, Faith, and Family; Chris Groninger, Arizona Foundation for Legal Services & Education; Professor Negar Katirai, Dakota Francis, Sam Preminger, and Margaret (Peggy) Rowe, University of Arizona Domestic Violence Law Clinic; Erin Lowry, University of Arizona; Judge Sharron Sauls, Kyrene Justice Court; Dr. Neil S. Websdale, Northern Arizona University

Administrative Office of the Courts (AOC) Staff: Jennifer Albright, Theresa Barrett, Chris Manes, Angela Pennington, Kay Radwanski

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The May 19, 2020, 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. All participants attended the virtual meeting via Zoom. Judge Million thanked Susan Johnson-Molina, Judge Wyatt Palmer, Judge Bruce Staggs, Judge Adam Watters, and Chief Terry Young for their service to the committee. Their terms expire June 30, 2020.

B. Approval of Minutes

The draft minutes from the February 11, 2020, meeting were presented for approval.

Motion: To approve the February 11, 2020, minutes. **Vote requested by** Judge Million. Motion passed unanimously.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Arizona Bar Foundation DVLDP Project

Chris Groninger, Arizona Foundation for Legal Service & Education, spoke to the committee about the Domestic Violence Document Preparers Pilot project. The program, authorized by [Administrative Order 2020-25](#), involves domestic violence lay legal advocates who will work under the supervision of legal aid attorneys to gain the ability and experience to become legal document preparers.

The program will start with 10 legal advocates throughout the state. Dependent upon experience and education, the advocates will be paired with attorneys and supervised for 6-12 months. After the supervision period, the advocate will be eligible to take a practical exam administered by the Supreme Court to become a certified domestic violence legal document preparer. A person providing services under this program must be employed by a non-profit domestic violence service provider, cannot charge fees for services, and must work within a focused scope of practice. The goal for this program is to enhance access to justice, increase access to free legal help, and make services available more broadly.

Currently, the foundation is working with the AOC on the pre-test for the advocates and preparing to open the application process. They believe the number of applications will exceed spots available. This will enable them to move new advocates into open spots as soon as the supervisory period has been completed.

B. Unsung DV Community Heroes of COVID-19

Judge Bruce Cohen addressed the committee, speaking about the changes in the courts because of the COVID-19 pandemic and offering his appreciation to those who have helped keep the courts running. He suggested that CIDVC think about ways, such as certificates, to recognize them for their service.

C. DV Fatality Report Review – Domestic Violence Law Clinic, University of Arizona

Professor Negar Katirai, Domestic Violence Law Clinic, University of Arizona, and students Dakota Francis and Margaret “Peggy” Rowe presented on a project they recently conducted on Domestic Violence Fatality Report Review.

Judge Million and Dr. Neil Websdale, director of the National Domestic Violence Fatality Review Initiative, had provided the Domestic Violence Law Clinic with reports filed by various domestic violence fatality review (DVFR) teams around the state and questions to examine in each report. Ms. Francis explained that the students reviewed the questions and then decided which ones would be the most manageable for their semester. They developed a review tool for consistency, and six reviewers applied it to the Arizona DVFR reports. Project goals were to identify general trends across the fatality reviews, identify and provide procedural recommendations to the fatality review board to help create a consistent format for future reviews across the counties, and provide substantive recommendations to decrease the risk of lethality among intimate partner victims and survivors.

Inconsistencies in reporting affected the comparison analysis, but general trends found after reviewing the reports included:

- Varied or lack of details about:
 - the relationship between the perpetrator and the victim,
 - contact with law enforcement, and
 - recommendations by law enforcement.
- Few reports addressed how law enforcement recommendations, if given, were implemented.
- Only some of the reports provided domestic violence statistics.

The team provided both procedural and substantive recommendations to the committee.

- Procedural recommendations included:
 - Consistent formatting to assist in future data collection.
 - A review of past recommendations and their implementation. This could help encourage DVFR teams to give more detailed recommendations and promote implementation.
 - Use of the Fatality Review Project Tool, the APRAIS lethality assessment, and in certain cases the predominant aggressor analysis, to obtain a greater level of detail about the parties' relationships and contact with law enforcement.
 - Avoid victim-blaming language.
- Substantive recommendations included:
 - Outreach and education for both professionals and the community.
 - Development of a metric to assess the level of community education.

The team took questions and said they welcome the opportunity to continue the project. Judge Cohen asked about future work on this project and the possibility of collaboration with Arizona State University (ASU). CIDVC learned that it is already a semi-collaboration, as three of the reviewers were social work majors from ASU.

Dr. Websdale said he will submit written comments on the work the team had done, and he commended them on their work. He then discussed his general comments.

- A.R.S. § 41-198(A)(2) specifies that the report cannot contain any information that identifies specific incidents of domestic violence fatalities or near fatalities. He asked the team to consider the following:
 - How do DVFR teams navigate preparing reviews without identifying the parties?
 - To what extent do the reports, either implicitly or explicitly, breach the terms of their own enabling statutes?

He believes that review templates can be used for discussion on standardization and which direction to move but suggested a metric to know whether recommendations were implemented, in full or in part, because of fatality reviews. He stated that acquiring this information could lead to partnerships and collaboration with other agencies. He touched briefly on the topic of victim blaming and advocated for multi-system education, asserting coordination and collaboration are key.

Regarding question 7a on the APRAIS assessment, Dr. Websdale suggested that the committee submit an amendment to modify the form, as this question is not scored. This will ensure that the form comports with explanatory language on page 2 of the APRAIS form. He feels strongly about standardizing and believes it to be a pivotal step. On the Fatality Review Template Tool created by the team, he recommended that the statutes be referenced in the introduction, along with a mission, vision, and value statement. Also on the tool, he discouraged listing actual names of persons who had been interviewed. This could contravene confidentiality and endanger people, encourage feuding, and dissuade people from providing information. He discussed the use of the word “tactics” on the tool, noting that the term is problematic. He asked how the DVFR teams and other agencies would know that a method used by an abuser is a “tactic” versus instinct, subconscious, etc.

Judge Million asked if the members would approve of the committee moving the report forward, and they agreed. Judge Million thanked the University of Arizona Domestic Violence Law Clinic and Dr. Websdale for their work and comments.

D. ARPOP Rules Petitions

Kay Radwanski, AOC Court Programs Unit, gave an update on comments to petitions affecting the Arizona Rules of Protective Order Procedure (ARPOP). The comment period for petitions ended May 1. There were comments both filed and received by CIDVC.

R-19-0045 would amend the rules concerning first-time plaintiffs filing for Orders of Protection, lowering the standard of proof at contested hearings, limiting the court’s discretion in dismissing or modifying such orders, and dismissing attorney fee claims. This petition affects ARPOP Rules 38 and 39. Both the Arizona State Bar and CIDVC filed comments indicating that they do not support this petition.

R-20-0002, filed by CIDVC, offers solutions for next steps when one or both parties fail to attend a contested hearing. This petition affects Rule 38. The State Bar of Arizona filed a comment in support of this petition.

R-20-0032 would require dismissal of a defective petition without a hearing and bar judicial advice on how to cure it. This petition affects Rules 23 – 26. CIDVC filed a brief comment stating that the committee does not support this petition.

R-19-0048, filed by Justice of the Peace Gerald Williams, affects Rule 38 and seeks direction on whether judicial officers should dismiss a protective order if both parties fail to appear at a contested hearing. CIDVC did not file a comment on this petition.

R-19-0047, filed by Justice of the Peace Gerald Williams and Judge Bruce Cohen, would prohibit a court from issuing an Injunction Against Harassment (IAH) that includes a minor if the IAH would or could impact a family court order or an action involving the same child. CIDVC filed a comment to which Judge Cohen filed a reply.

E. Update: AZPOINT

Ms. Radwanski provided an update on AZPOINT, the Arizona Protective Order Initiation and Notification Tool. Almost 15,000 petitions have been started in the application since its deployment in January. Future enhancements, such as a color-coded dashboard for law enforcement agencies and a Spanish language equivalent to the site, are pending further funds. Judge Million noted Ms. Radwanski will present on AZPOINT during a May 20 webinar sponsored by the National Center for State Courts and the Battered Women's Justice Project.

During discussion, it was noted that the ACESDV Sexual Violence Response Team had requested a change in language on the AZPOINT petition portal. Ms. Radwanski said she will evaluate the requested language, explaining that any language on the judicial website must be neutral. There was a larger discussion about what the process is for orders with minimal or no addresses. Ms. Radwanski stated she would follow up with Mark Peoples, Arizona Criminal Justice Commission. The committee was asked to follow up with law enforcement about their capabilities for address searches. Further discussion revealed the process varies from agency to agency. Judge Million asked when the database would be open to courts to search for additional orders. Ms. Radwanski stated it is a possible future enhancement but who would be allowed access is a policy decision

III. OTHER BUSINESS

A. Announcements/Call to the Public

- The House of Representatives is expected to resume the legislative session soon, and SB1441 will be on their agenda.
- No one responded to the Call to the Public.

B. Next Meeting. Tuesday, September 15, 2020; 10 a.m. Venue TBD

The meeting adjourned at 11:35 a.m.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Minutes

September 15, 2020 10:00 a.m.

Virtual Meeting

Present:

Telephonic: Judge Wendy Million (chair), Elaine Armfield, Judge Marianne T. Bayardi, Sgt. Anthony M. Castro, Judge Bruce R. Cohen, Gaelyn Davis (proxy for Maria Christina Fuentes), Anna Harper-Guerrero, Judge Statia Hendrix, Ashley R. Klaas, Patricia Madsen, Julia Martin (proxy for Officer Christopher Malast), Leah Meyers, Doreen Nicholas, Amy Offenber, Sergeant Lauren Pettey, Pearl Puente, Judge Lyle D. Riggs, Judge Sharron Sauls, Rebecca Strickland, Kristi Ward, Tracey Wilkinson

Absent/Excused: Lt. Theresa Arviso, Lynn Fazz, Deborah Fresquez, Judge Catherine Gaudreau, Joi Hollis Ph.D., Judge Dyani M. Juarez, Judge Deborah Phelan

Presenters/Guests: Judge Karen Adam (ret.), Pima County; Stacy Butler, director, Licensed Legal Advocate Pilot Program, Innovation for Justice Program, University of Arizona, James E. Rogers College of Law; Jessica Findley; Elise Kulik, legislative liaison, AOC Government Affairs; Jerry Landau, director, Government Affairs; Patricia Cummins; Melinda Sherwyn; Suzy Kassem; Mona Madini; Mavis Schmall

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The September 15, 2020, 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. Kay Radwanski went over the virtual meeting etiquette. Proxies were introduced, and roll call was performed, with members introducing themselves. New members were welcomed.

Approval of the Minutes (taken out of order)

The draft minutes from the May 19, 2020, CIDVC meeting were presented for approval.

Motion: To approve the May 19, 2020, minutes. **Moved by** Sgt. Lauren Pettey. **Seconded by** Kristi Ward. Motion passed unanimously.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Overview of Innovation for Justice Program Licensed Legal Advocate Pilot Program

Stacy Butler, director, Innovation for Justice Program, University of Arizona, James E. Rogers College of Law, spoke to the committee about the Licensed Legal Advocate (LLA) Pilot

Program. The new LLA pilot program is a partnership between the Innovation for Justice Program (i4J) at the University of Arizona's James E. Rogers College of Law, the Arizona Supreme Court, and Emerge! Center Against Domestic Abuse. The program provides training specific to domestic violence (DV) issues to licensed lay legal advocates, so they may provide legal advice to DV survivors.

While the program is being conducted, i4J will be conducting a research study to show how the program works and may be an opportunity to expand access to justice for under-represented populations.

Ms. Butler provided statistics on *pro se* litigants and the current limitations of low or no-cost legal assistance. She also provided an overview of the LLAs, their scope of service, education and training, and licensing and regulation requirements. As a pilot, the program will function only in the city and superior courts in Pima County. The program differs from the Arizona Bar Foundation's DV Legal Document Preparer project. A person in the DVLDP project can assist victims with preparation of legal documents and forms; however, a legal document preparer cannot give legal advice.

Training will take about two months, followed by a one-year evaluation of the pilot, with results being shared in 2022.

Eligible participants will have been lay legal advocates for a year. All persons in the program currently are tenured advocates. Education standards include two hours of online instruction, class preparation that includes hands-on learning, learning how to use the SAFeR tool from the Battered Women's Justice Project. Exams are being prepared by the AOC and will be given once a week to assist in assessing the curriculum.

B. 2021 Legislative Proposals

Jerry Landau, director, AOC Government Affairs, presented court-related bills that have been proposed for inclusion on the Judiciary's legislative agenda. He introduced Elise Kulik, AOC legislative liaison. Mr. Landau stated there is only one potential bill that could affect AZPOINT. The bill would modify the process in which Orders of Protection (OP) and Injunctions Against Harassment (IAH) are entered into NCIC. He did not ask for vote as his team is still trying to work through whether legislation will be necessary.

The second part of the bill incorporates an amendment to ARS § 13-3624, Emergency Order of Protection (EOP). SB1441, passed in the most recent session and effective August 25, 2020, requires a person who is given exclusive use of a residence by an OP to provide five days' written notice to the court if moving out of the residence while the OP is still in effect. A similar provision was applied to ARS § 13-3624, requiring a person who is given exclusive use by an EOP to provide five days' written notice if moving out of the residence while the EOP is in effect. However, an EOP lasts, at most, only 72 hours.

After discussion about inconsistencies in the amended OP statute, Mr. Landau asked the committee to vote on a recommendation to amend the law as it applies to OPs or leave it as

is. He also requested a vote on whether CIDVC's position regarding repeal of the exclusive use notice requirement in the EOP statute.

Motion: To leave inconsistent. **Moved by** Leah Meyers. **Seconded by** Judge Marianne Bayardi. Motion passed unanimously.

Motion: To repeal the notice requirement in the EOP statute. **Moved by** Ms. Meyers. **Seconded by** Judge Bayardi. Motion passed unanimously.

C. Update: ARPOP Rule Petitions

Kay Radwanski gave a brief overview of rules petitions filed this year that affect the Arizona Rules of Protective Order Procedure (ARPOP). The court met in August to decide the petitions.

R-20-0038 was filed by Dave Byers, AOC administrative director. It was necessitated by SB1441, discussed earlier by Mr. Landau, and adjusted the rules to comply with the statute. The court adopted the petition on an emergency basis. The petition is currently open for comment and will be on the Supreme Court's December rules agenda. Mr. Byers also issued an administrative directive approving revisions to the Plaintiff's and Defendant's Guide Sheets and the Hearing Request form. The forms changes explain the notice requirement and advise that the federal Brady firearms prohibition could apply in certain circumstances if a hearing on exclusive use is requested. A new Notice Regarding Exclusive Use of a Shared Residence was approved.

R-20-0002 was filed by Judge Million on behalf of CIDVC. The petition affects Rule 38 and gives judges guidance on procedures when one or both parties fail to appear at a contested hearing. The petition was adopted with minor modifications. **R-19-0048**, also relating to Rule 38, was denied in favor of CIDVC's more detailed proposal.

R-19-0047 affects Rule 35 regarding Injunctions Against Harassment and family court cases. The petition was continued and referred to the Family Court Improvement Committee for a response.

Petitions **R-20-0032**, affecting Rules 23, 24, 25, and 26, and **R-19-0045**, affecting Rules 38 and 39, were denied.

D. Ensuring Access to Justice by Adapting Practices During a Pandemic

Judge Million conducted a roundtable discussion about practices adopted by the members' different agencies during the COVID-19 pandemic to ensure access to justice for domestic violence victims. Practices discussed included:

- Establishing remote or virtual processes for protective order *ex parte* hearings, civil traffic hearings, arraignments, pre-trial conferences, review hearings, and custody matters.
- Granting continuances for all cases when the shutdown occurred.

- Staggering appearance times for in-person hearings.
- Phoenix City Court continued its firearms transfer project, following up on orders and submitting information to the local police department when necessary.
- Mandating the wearing of masks, temperature checks, signage, social distancing, and use physical barriers to maintain distance.
- Allowing staff telecommuting where possible.
- Updating webpages with more information and resources; providing online training and seminars.
- Providing additional resources for DV victims by increasing shelter capacity, providing cell phones and data cards; creating a resource board for issues concerning domestic violence, food, and education.
- Increasing advocacy and advocacy resources.
- Increasing collaboration with other agencies.

Judge Million acknowledged the work done at the AOC on AZPOINT. Ms. Radwanski gave a brief overview of how the online automated protective order petition system works, how it has assisted during the pandemic, and the total number of petitions for protective orders that were started (16,229) and the number that were filed (8,010) between March and June 2020.

III. OTHER BUSINESS

A. Announcements/Call to the Public

- 2021 meeting dates (February 9, May 11, September 14, and November 9) were announced.
- The Family Court Improvement Committee (FCIC) will meet on October 15, 2020. Patricia Madsen asked for volunteers for an FCIC workgroup.
- During the Call to the Public, Patricia Cummins, Melinda Sherwyn, and Mavis Schmall addressed the committee.

B. Next Meeting. Tuesday, November 10, 2020; 10 a.m. Arizona State Courts Building, Conference Room 119 A/B 1501 W. Washington, Phoenix, AZ 85007

The meeting adjourned at 12:10 pm.