

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS
MEETING MINUTES
February 14, 2002
AOC Conference Room 119 A & B
Phoenix, AZ

CIDVC Members Present

Hon. Karen O'Connor, Chair
Hon. George Anagnost
Margaret Bentzen (phone)
Jerry Bernstein, Esq.
Hallie Bonger-White, Esq. (phone)
Martha Fraser Harmon
Hon. Dana Hendrix
Bob James
Hon. Ronald Karp
Patricia Klahr
Dr. Teresa Lanier
Sheri Lauritano, Esq.
Denise Lundin
Hon. Mark Moran
Hon. Mary Helen Maley
Dr. Anu Partap
Tracey Wilkinson

Members RSVP (unable to attend)

Hon. Chris Wotruba
Hon. Sherry Geisler
Donna Irwin
Ass't. Chief R. M. Lehner, Jr.
John Pombier, Esq.
Dee Wheeler-Cronin

Guests

Allie Bones, ACADV
Sheila Scoville, public
Lt. Doug Kline, Mesa PD
Det. Jerry Smith, Mesa PD
Sgt. Al Moore, Mesa PD

Staff Present

Catherine Drezak, MA
Chris Claxton

Quorum: Yes

Call Meeting to Order Judge O'Connor

The meeting was called to order at 12:10 PM. As this was the first meeting of the newly appointed committee, all members introduced themselves and gave a brief biography. Public attending introduced themselves.

Approve December 6, 2001, Meeting Minutes Committee

Minutes of the December 6, 2001 meeting were reviewed and one amendment was proposed. Proposed amendment: add Allie Bones as attending.

Motion: Approve the December 6, 2001 minutes as amended.

Action: Pass

MEETING BUSINESS AGENDA

A. Video: “Small Justice, Little Justice in Family Courts” Allie Bones

The video “Small Justice;” is 66 minutes long and dealt with giving custody to DV abusers and child molesters. Currently there are several cases of this type in Arizona. The ACADV is sponsoring a Battered Mother’s Testimony Project to increase awareness about this issue. Also SB1433 will prohibit the use of “Parental Alienation Syndrome” (PAS) unless the concept becomes approved by the American Medical Association or the American Psychiatric Association. PAS is not a recognized syndrome at this time. Send concerns regarding judicial actions to CIDVC and Catherine Drezak. Many times there are accusations that the child abuse issue is used as a “leg up” tactic in a divorce or child custody case; however, a large number of women are self-represented and do not have an attorney advising them to make these allegations.

A.

Motion: None

Action:

B. Service of OP by Mesa Police Lt. Doug Kline

Service of OPs by local police departments is a long standing issue. At the last meeting the committee heard from Glendale PD. CIDVC has also received complaints regarding Mesa police failing to serve or enforce OPs. By inviting them to speak to CIDVC we gained a clearer understanding of their policies and how to address complaints. The officers are receiving the training and the Mesa Police Department is interested in knowing if their policies are violated. Lt. Kline advised us to instruct people with complaints to contact the Mesa Family Advocacy Center or a Field Supervisor. Lt. Kline requested that the OP form be changed to clarify “stand by” situations in paragraph 4. Additionally Lt. Kline stated that OPs stating “Keep xx number of feet away” is not a problem; perhaps stating “on or near” will be more helpful. Judges should be very specific about the details of their orders.

B.

Motion: None

Action:

C. CIDVC Policies Catherine Drezak

A brief presentation on CIDVC’s policies and procedures, proxy forms, and the last strategic plan to orient the new members and refresh returning members to CIDVC’s business processes was provided. The proxy form, paragraph 1. should be revised to remove the “two week” notice to the Chair and replace it with a “one day” notice. Committee members wanted to change paragraph 3, which limits the use of a proxy to twice annually. This may be in conflict with AO 98-54 and will be discussed at the next meeting. The next meeting will be devoted to reviving or revising the strategic plan.

C.

Motion: None

Action:

D. Forms Completion Concerns Bob James

Some concerns were raised that petitioners were having difficulty in completing the forms and getting information from Self Service Center staff. Bob said the most prevalent problem is the relationship issue on the petition. Plaintiffs do not understand which box to check. Another is the “Military or law enforcement” box; when does this choice apply; if the defendant is currently in the military or law enforcement or if they were at any time? Most of the questions are in regard to the process, what happens next, etc. The forms committee may want to update dismissal of OPs to include the court that dismissed the order. The last concern is with the DV Forms workgroup. Judge O’Connor, Bob James and Staff should contact Karl to get clarification on whether the Commission on Technology must approve forms changes or merely acknowledge the changes; the DV Forms committee is suspended indefinitely until Bob James reports back to CIDVC.

D.

Motion: None

Action:

Old Business Judge O’Connor

A. Criminal DV Benchbook:

Judge Moran has the work product; the final still needs to be completed. A draft final should be ready by the middle of the year. Hallie volunteered to do the Full Faith and Credit section. The Criminal Benchbook will look like OP Benchbook and be an all purpose resource.

B. DV Quarterly:

Commissioner Wotruba will report on the progress of the DV Quarterly at the next meeting.

New Business Judge O’Connor

A. Legislation update

A brief rundown of the bills currently in the legislature, included: S1050, S1394, S1219, H2232, H2482, H2340, H2472 and H2473. CIDVC will be informed of changes.

B. Ethics opinion

New information received, revisit the issue and consider filing a motion for reconsideration. Send original ethics opinion prior to next meeting for discussion.

Call to the Public Public Attending

A. Ms. Sheila Scoville: commented as a victim of DV who was involved in a case in which PAS was used. She lost custody of children and is very concerned about the “ivory tower” in which some judges live. She strongly believes that judges should be required to have DV training. Recommended book published by the State Justice Institute regarding Child Custody and DV cases.

Next Meeting April 11, 2002, Tucson TBD

Adjournment Judge O’Connor

The meeting adjourned at 4:00 PM.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Meeting Minutes

May 13, 2002, 10:00 AM - 2:00 PM
State Courts Building
1st Floor, Conference Room 119 A & B
Phoenix, AZ

CIDVC Members Present

Hon. Karen O'Connor, Chair
Hon. Chris Wotruba, Vice Chair
Hon. George Anagnost
Martha Fraser Harmon
Hon. Dana Hendrix
Bob James
Hon. Ronald Karp
Sheri Lauritano
Robert M. Lehner
Denise Lundin
Hon. Mary Helen Maley*
Hon. Mark Moran
John Pombier
Tracey Wilkinson

Hallie Bonger-White
Donna Irwin

Members not Present

Hon. Sherry Geisler
Patricia Klahr
Dr. Anu Partap
Dee Wheeler-Cronin

Guests

Allie Bones, ACADV
Dianne Post, ACADV

Presenters

Karl Heckart, ITD Director, AOC
David Berg, IBM Consultant
Martha Anderson, Court Assistance Unit, CSD
Nancy Phegly Court Assistance Unit, CSD

Members RSVP (unable to attend)

Margaret Bentzen
Jerry Bernstein
Dr. Teresa Lanier

* Attended by telephone

Staff Present

Janet Scheiderer, CSD Director, AOC
Karen Kretschman, FLU Manager, AOC
Pam Peet, ITD, AOC
Sandeep Menden, ITD, AOC
Tony Shanks, ITD, AOC
Catherine Drezak, Committee Staff

Quorum: No (Note: Due to members arriving late or leaving early a quorum was not reached.)

Call Meeting to Order Bob James

The meeting was called to order at 10:20 AM. Bob James was asked by the Chair to lead the meeting until the Vice Chair or she arrived. All those persons present introduced themselves. Guests attending the meeting were welcomed.

Review of Previous Meeting Minutes Bob James

Minutes of the February 14, 2002 meeting were reviewed and no revisions were proposed. Since there was not a quorum present at this time, the vote on the minutes was delayed while awaiting more members to arrive.

Motion: Quorum not present

Action: Minutes will be approved at the June 5, 2002 meeting.

MEETING BUSINESS AGENDA

A. Strategic Planning - Presentations by the Information Technology Division (ITD) and the Court Services Division (CSD)

The two presentations were requested by the Chair with the goal of updating the new members on the Court Protective Order Repository (CPOR) implementation. Bob James introduced the intent of the presentations, which was to assist the committee in their strategic planning process.

David Berg, representing ITD, was the first presenter. He provided a PowerPoint demonstration which included an summary of the CPOR Project, a synopsis objectives and time-lines, overview of the life cycle a protective order (PO) case and an outline of phases for the implementation of the CPOR project in the courts. Problems include: date requirements for entry of an OP; which data elements that are most often missing; gaps in the criminal justice system processes; courts not using the module printed forms causing increased work for the clerks; undisciplined and inconsistent application of business process by the courts; tracking transferred orders; integrating ITD into the forms update procedure; DPS second party verification of PO for entry into NCIC and ownership of the data. Benefits include immediate availability of PO data for enforcement; more reliable information, reduce double handling of the forms by courts; reduce L.E. double entry; eliminate illegible orders; compiling statistics to obtain grants; streamlining the PO process and increasing the number of POs that are accepted by NCIC. June 2001 completed the scoping project for the development of a repository. October 2001 started collecting information from select Arizona Court Automation Project (ACAP) courts. March 2002 completed pilot project between AOC and Department of Public Safety (DPS) which demonstrated that a query from LE to DPS could tap into the CPOR and get a response back to law enforcement. June 2002 is target for getting all courts statewide to send PO data to CPOR. December 2002 is the target time for getting all law enforcement using the CPOR. Need to convince law enforcement that CPOR contains reliable information. Karl Heckart, ITD Director, assisted with answering some of the questions posed by the committee.

Bob James offered to follow up on the illegibility issue within Maricopa County.

The second presentation was given by Martha Anderson and Nancy Phegly, representing CSD. They provided a demonstration of the Domestic Violence (DV) Module for the AZTEC program. While they reviewed the various screens, they also explained reasons for the mandatory and selected non-mandatory data entry fields. Problems include: DV module does not coordinate with calender or docketing system; non-mandatory fields present on the module; title and party information not linked to verify the information; no automatic cross reference of existing cases; default date does not check if service occurs after one year; relationship not linked to type of PO; marriage date not linked to relationship table; petition screen does not print out; attorney field not clear; Brady flag appears on Ex Parte screen; printed order prints abbreviated order. Benefits include: eliminates illegible writing; allows POs to be available statewide; allows statistical reporting; allows LE to get up-to-date information; allows a default for mandatory fields if data is

unknown; automatically fills in data fields previously entered.

Bob James requested that Karl Heckart return to the meeting and provide an estimated time frame when the DV module will update the docketing and calender programs. Karl stated that it will be included in either the summer release or the end of year release. The committee also asked for a time line for when recommendations from CIDVC can be made for new AZTEC releases. Karl answered that the recommendations need to be received by the end of July to be included in the end of the year release. CIDVC requested statistics on the courts' use of the CPOR. A public policy group is looking at the issue of what is appropriate for release of information and to whom it is released. CIDVC requested a survey of projected AZTEC enhancements be sent to the members for suggested prioritization and input.

Motion:

Action: Informational item

B. Open discussion by committee members to provide input on the possible goals for the committee. The ideas were captured on flip chart and this chart will be sent to all of the CIDVC members to prioritize and include additional suggestions.

Motion:

Action: Discussion was advisory.

Old Business Judge O'Connor

No Old Business items were brought forward.

New Business Judge O'Connor

A. Change DV forms to conform to new legislation

The bill to eliminate the service fees for protective order will require the addition of a check box on the Injunction Against Harassment form. This check box will indicate that the injunction arises out of a dating relationship and removes the fee for service.

Call to the Public Public Attending

None of the public present offered any comment.

Next Meeting June 05, 2002, Conference Room 119 A&B, AOC, Phoenix, AZ

Adjournment Judge O'Connor

The meeting adjourned at 2:05 PM.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Meeting Minutes

June 05, 2002, 12:00 Noon - 4:00 PM

State Courts Building

Conference Room 119 A&B

Phoenix, AZ

CIDVC Members Present

Hon. Karen O'Connor, Chair
Hon. Chris Wotruba
Hon. George Anagnost
Margaret Bentzen
Jerry Bernstein, Esq.
Martha Fraser Harmon
Hon. Dana Hendrix
Donna Irwin
Bob James
Patricia Klahr
Dr. Teresa Lanier
Sheri Lauritano, Esq.
Hon. Mark Moran
Dr. Anu Partap
Tracey Wilkinson

Members participating by telephone

Hallie Bonger-White, Esq.

Staff

Catherine Drezak

Quorum: Yes

Call Meeting to Order **Judge O'Connor**
The meeting was called to order at 12:20. All those persons present introduced themselves. Guests attending the meeting were welcomed.

Review of Previous Meeting Minutes **Judge O'Connor**
Minutes of the February 14, 2002 and May 13, 2002 meetings were reviewed and no revisions were proposed.

Motion: Approve the February 14, 2001 and May 13, 2002 minutes as written.

Members using a Proxy

Hon. Ronald Karp
Robert M. Lehner
Denise Lundin
Hon. Mary Helen Maley

Members RSVP (unable to attend)

Hon. Sherry Geisler
John Pombier, Esq.

Members not present

Guests

Allie Bones, ACADV
Laura Guild, DES
Kathy Seeglitz, DES
Virginia Chafen, public
Sydney Gleba
Stacia Erkrnbrack
Pam Peet, ITD
Tim Lawler, AOC
David Berg, AOC

Action: Pass

MEETING BUSINESS AGENDA

A. STRATEGIC PLANNING Judge O'Connor

1. Review member surveys

Very few member surveys were received, but the majority listed education, technology and batterer intervention as the top three priorities.

2. Discuss and rank priorities

There was variety of topics discussed by the committee and it was decided to lump the topics into four broad categories. The following are the topics discussed, listed by the committee's category priorities:

a) *Education*

1) *Judicial*

Mandatory, new judge orientation, family and integrated court, benchbooks, ethics opinion, CLE, Tribal courts on service, issues which judges see in cases (priority for OP cases is questioned), intervention to focus on judges, what to do if intervention/ procedures for when system doesn't work as envisioned, How to get through the system, NEW ISSUE: attorneys representing ask for OP be delayed making OP ineffectual, specific program of education- ethics training only requirement, CLE, recommendation from supreme court DV mandatory, unique ways to deliver info to judges.

Task Assignment: (August agenda item)

- Develop a blueprint (goals and objectives) to focus judicial education: Judge Moran, Comm. Wotruba, Dr. Partap, Donna Irwin, Margie Bentzen, Tracey Wilkinson
- Time-line development: Judge Moran
- Set up meeting: Catherine

2) *General Public*

Bookmark, Spanish forms, Pamphlet on domestic violence and child custody, assistance materials for victims- how to pathway.

Task Assignment:

- Send Spanish forms to Catherine to post on CIDVC web: Bob James
- Send protection order booklet material to Donna Irwin for printing:

Catherine

3) *Collaboration*

DV broadcast, confidentiality, Law enforcement, law enforcement response goes hand in hand with courts, FF&C issues, work with Tribal courts

Task Assignment: (August agenda item)

FF&C Team presentation Aug agenda: Donna Irwin

4) Effects on children

Physicians' information and referrals, effects on children (decisions made), child witnessing, community services, gaps in service.

Task Assignment:

- Get aba and web site articles on effects to Catherine: Dr. Partap

b) Technology issues

- 1) Communications
- 2) Forms- user friendly, stream-line, victim friendly
- 3) Continuity in processes

Task Assignment: (August agenda item)

- Work with technology group and develop a presentation for CIDVC August agenda: Judge Anagnost, Bob James, Denise Lundin, Donna Irwin, Tracey Wilkinson
- Forms, review for simplification to assist for staff and victims
- Coordinate meeting with ITD - tech issues workgroup: Catherine
- 2002 legislative DV forms changes for August agenda: Catherine

c) Legislation

- 1) Confidentiality
- 2) Reporting requirements
- 3) Interfacing with LJC and other committees

Task Assignment: (August agenda item)

d) Victim safety/ Batterer accountability/ Justice (overarching concern)

- 1) Increase communications between courts
- 2) Confidentiality issues

Task Assignment:

- Conduit from Governor's DV Commission to CIDVC: Donna Irwin
- Bring MAN recommendations to CIDVC: Martha Harmon
- In charge of Victim safety / Batterer accountability: Donna Irwin and Martha Harmon

3) Set goals & objectives

The CIDVC Mission statement will be included in the 2003 strategic plan. Essentially CIDVC is charged to study and make recommendations on the impact of DV issues on local & state courts. As the committee has only three meetings remaining in 2002 the strategic plan should be both practical and doable by the committee. Although CIDVC focuses on the courts, CIDVC recognizes that victims and the community have to be a part of the overall solution to domestic violence. In a variety of ways the members expressed a feeling of a disconnect between CIDVC and other committees, the AOC, courts and the community. The committee has been busy but seems to have gone "off track" and has become a reactive rather than a proactive body. In defining a focus

CIDVC should build on power of committee instead of being lost in the minutia. Domestic Violence is an expanding area between courts and public and this broader perspective needs to be taken into account when CIDVC develops its goals. How the committee addresses the administration of justice, and the promotion of recommendations are as important as how the committee approaches these topics. The committee as a whole needs to be involved, not just the workgroups. CIDVC can also serve as a conduit “service” for law enforcement, victims, advocacy groups, batterer services and the communities. In developing the forms the committee needs to combine information from judicial statistics as well as community/ victim aspects to get a good view of the DV problem in Arizona. The committee accepted the proposed topics.

B. REVIEW 2002-2003 MEETING SCHEDULE Judge O’Connor

1) Suggested changes

The committee reviewed the proposed 2003 schedule of meetings which was based on the responses to the survey emailed to the members. Members reviewed their calendars and no known conflicts were noticed.

2) Advance agenda planning

Place agenda items on the meeting agendas to reflect the strategic plan.

Old Business Judge O’Connor

A. Legislative Update

Committee members found the legislative update during the legislative session to be useful. Members also want regular legislative updates from the AOC while the bills go through the process.

New Business Judge O’Connor

A. Legislation recommendations

The legislation recommendation packets were distributed at the meeting and members encouraged to submit their DV issues at the August meeting. A copy of the packet and previous year(s) CIDVC legislation packets will also be available on the CIDVC web site.

B. Announce Service Provider opening

There is an opening on CIDVC for a Service Provider position and a Sheriff Department position. Catherine: check into the Sheriff Department requirements to clarify who is eligible.

Call to the Public Public Attending

Speaker: Allie Bones

Item: Victim safety/ batterer accountability needs to be an overarching values in all activities. The ACADV is doing a variety of things such as: setting up a group to discuss abuse of protective orders; working with Child Protective Services and courts on protocols screening for domestic violence and advocate confidentiality. She stated that differing protective order forms can hinder enforcement across the state. Although the advocate confidentiality legislation did not pass but she appreciated CIDVC’s help in defense of ACADV bills legis on abuse of orders of protection.

Speaker: Sydney Gleba

Item: Maricopa case on custody issue, father abandoned the child but given custody, judge didn’t apply the AZ laws to case and disregarded DV issues. CIDVC will develop a pamphlet to

assist persons with the navigation of the system when there is domestic violence and child custody in DR cases.

Next Meeting August 8, 2002, 12 Noon - 4:00 PM, Flagstaff, TBD
Catherine will check on conference call ability on the site.

Adjournment **Judge O'Connor**

The meeting adjourned at 2:45 PM.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Meeting Minutes

August 08, 2002, 12:00 Noon - 4:00 PM

Coconino County Department of Health

Flagstaff, AZ

CIDVC Members Present

Hon. Karen O'Connor, Chair
Hon. Chris Wotruba
Margaret Bentzen
Hon. Sherry Geisler
Hon. Dana Hendrix
Donna Irwin
Bob James
Hon. Ronald Karp
Patricia Klahr
Dr. Teresa Lanier
Denise Lundin
Hon. Mary Helen Maley
Dr. Anu Partap
John Pombier, Esq.

Members using a Proxy

Sheri Lauritano, Esq.
Martha Fraser Harmon
Hon. Mark Moran
Tracey Wilkinson

Members RSVP (unable to attend)

Hon. George Anagnost
Hallie Bonger-White, Esq.
Robert M. Lehner
Jerry Bernstein, Esq.
Allie Bones

Members not present

Members participating by telephone

None

Guests

Dianne Post, AzCADV

Staff Present

Catherine Drezak

Quorum: Yes

Call Meeting to Order Judge O'Connor

The meeting was called to order at 12:15. All those persons present introduced themselves. Guests attending the meeting were welcomed.

Review of Previous Meeting Minutes Judge O'Connor

Minutes of the June 05, 2002 meeting was reviewed. One clerical revision was proposed: in the education workgroup discussion (page 2), clarify that the attorney representing plaintiffs recommends the OP be delayed making OP ineffectual.

Motion: Approve the June 05, 2002 minutes with clerical correction.

Action: Pass

MEETING BUSINESS AGENDA

A. Forms Change Bob James

At two separate meetings the workgroup decided that they didn't want to make significant changes now and then make further changes later. The decision was made to only make the changes necessary to comply with the statutory changes. There are other considerations worthy of discussion and the workgroup wants to address all of the issues. A series of meetings will be set up to discuss revising forms to meet AOC ITD deadlines. Next scheduled roll out is January so changes need to be approved by October. Several committee members expressed great concern with the possibility of reducing the type and quality of data found on the DV forms, particularly the petition forms. Affidavits/ petition often contains information that doesn't reach law enforcement by any other means, the fear is that this information will be eliminated. Additionally, there should be consideration to adopt Spanish language or bi-lingual forms. Bob James was named as the Chair of the DV Forms Workgroup by Judge O'Connor, CIDVC Chair.

Action Item: It must be noted that a complication exists: any changes made will effect automation technology. Include ITD and other concerned persons in the workgroup meetings.

Action Item: Members of the committee requested that the forms be made available on disk and mailed to the courts.

The documents presented to the committee reflect legislation, which becomes effective on Aug 22. These changes include the following forms:

Petition for Order of Protection: paragraph # 5- remove checkbox requesting service fees to be waived or deferred.

Petition for Injunction Against Harassment: paragraph # 1 - add a checkbox to stating "I have / had a dating relationship with the Defendant."

Injunction Against Harassment: add a new paragraph (#7) stating "The court finds that this injunction arises out of a dating relationship, per A.R.S. §§ 12-1809; 11-445 law enforcement officers must serve this Injunction Against Harassment at no cost to the plaintiff."

Two different formats were agreed upon in an effort to resolve the margin issue. One form will comply with Rule 10(d) and will be used by superior courts. The second form reflects the current format found on the mandatory standard forms and will be used by limited jurisdiction courts.

Since there is not a statute, which defines the term "dating relationship", the committee recommends that the federal Violence Against Women Act 2000 (VAWA) definition be used. Dating relationship is defined by VAWA as:

"the term 'dating violence' means violence committed by a person–
"(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- "(i) the length of the relationship;
- "(ii) the type of relationship; and
- "(iii) the frequency of interaction between the persons involved in the relationship."

In the proposed legislation for the 2003 session, CIDVC will introduce a definition for “dating relationship.” Until a definition is determined, training should include the VAWA dating relationship definition.

Motion: Approve the DV Forms revisions presented.

Action: Pass

B. Court Watch Findings Presentation Dianne Post

The Arizona Coalition Against Domestic Violence (AzCADV) is doing several different projects to assess the courts response to victims of domestic violence. The statistics presented are a draft of the Court Watch survey. One of the target populations is judges who have complaints against them on file at the Coalition. In these instances, several court watch personnel will visit the court at differing times to get an accurate assessment of the judges responses. Maricopa, Mohave, Pima & Pinal have enough data for independent reports however, rural courts lumped together. This will be an annual report and made available on the ACADV web site.

A survey of mothers in custody battles involving domestic violence is being conducted by the ACADV. Interviews to obtain detailed information can last 3 hours long. Reports from Coconino, Maricopa and Pinal counties will be individualized but rural courts will be lumped together in the fall report. This research is replicating a Wesley College study and will include a write up by a local DV lawyer.

Also presented were:

Expose: A battered mothers testimony project on failure of family courts to protect victims and children. It is from studies that have been done in other states.

2000-2001 fatality review report of murder: suicides- 4 of 6 happened when women in process of leaving; a report is due in September. ACADV is planning a press conference to discuss victims, children, advocates interaction. An astounding number of guns are found in the Arizona homes where a murder-suicide was committed; sometimes 18 – 29 guns are found.

Motion: None

Action: Informational

C. Orders Against Unknown Defendants Bob James

Judge Finn asked Bob James to bring up the issue of issuing injunctions against a defendant who is unknown, such as a person who lives next door who is harassing the plaintiff. There is no consensus on this issue. Issues brought up during the discussion included: get a police report to get the name, entering into the database, possible legislation. Is this an issue CIDVC wants to address and recommend a policy or course of action? The committee decided to place it as an agenda item for next meeting.

Action Item: Members should gather information from their local area/courts. An email poll will be sent to the members, please forward it to appropriate people for input.

Motion: None

Action: Place on October agenda

D. Proposed Legislation Catherine Drezak

Currently A.R.S. § 12-1809 allows a judge to issue an Injunction Against Harassment (IAH) to persons in a “dating relationship.” However, the term “dating relationship” is not defined which can lead to inconsistent practices throughout the court system. Additionally, IAH orders that arise out of a “dating relationship” must be served by law enforcement at no charge per A.R.S. § 11-445. Fees may be assessed for all other IAH orders. Orders of Protection issued under A.R.S. § 13-3602 are all served at no charge by law enforcement. This proposed legislation would provide definition for “dating relationship” and remove “dating relationship” from the IAH statute (A.R.S. § 12-1809) and place it in A.R.S. § 13-3601. The advantages are: 1) a single definition of “dating relationship” and 2) place all orders which must be served at no cost by law enforcement under one statute with one set of guidelines.

It will create a separation between statutes involving “family or intimate partner” abuse and abuse between persons with no family or intimate relationship. Consolidating all of the “family or intimate partner” definitions into one statute will provide a distinctive category of cases. It affirms that cases involving intimate partners are considered a separate category from cases strangers or persons with no family or intimate relationship. In others words, the “barking dog” or “noisy neighbor” cases will not be lumped together with the “spouse abuse” or “date assault” cases. Some reprogramming of data collection systems will need to be reprogrammed to separate IAH from “domestic violence” reporting.

Motion: Submit legislative proposal to define “dating relationship”

Action: Approved

OLD BUSINESS

A. Strategic Plan

Training: Education workgroup discussed developing a “roadshow” type training to address: judicial issues, understanding dynamics, Court Watch, and ethics training. One way to develop

ideas is to send an email poll to judges asking for input on what topics they want to receive training. Also include Cojet credit. The Governor's Division for the Prevention of Family Violence (GOPFV) sent judges to training with stipulation that they provide training; we should ask them about developing a Roadshow.

Action Item: The Education Workgroup needs to set up meeting for developing a Roadshow.

B. Victim safety/ batterer accountability

A concrete safety-planning prototype needs to be available to the public. A large number of persons do not contact a victim service agency and need access to safety planning. Catherine should contact AzCADV to request a sample safety-planning guide. The plan should be put on the AOC website.

C. 2003 Meeting Schedule

Members asked about the 2003 schedule of meetings. It is based on an email poll of the CIDVC members. Catherine will email the new 2003 schedule to the members.

NEW BUSINESS

A. Ethics Opinion

New ethics opinions on judicial involvement in multi-disciplinary committees have been crafted around the country that gives hope to the possibility of revising Arizona's ethic opinion. The committee needs to develop reconsideration with a narrow focus. The arguments, pro & con, need to be distilled with a focus on how question is framed. Include a question on court staff participation; specifically ask if are they included. Workgroup, perhaps a spokes person from CIDVC / AOC to represent the courts

Action Item: Dianne Post volunteered will develop the framework for the question and submit it to the committee for review.

Action Item: Catherine will check and see if any changes in membership on the ethics committee have been made since 1997.

Action Item: The committee members should try to find a judge who wants to participate on a workgroup as a focus person.

B. Lunch

The committee needs to decide on the format for lunch. Staff cannot continue to provide arrangements for individual orders, but group arrangements can be accommodated. Staff can arrange a simple cater order and send the members the amount it will cost. Members agreed to bring money (correct change) to the meeting. October staff will order a tray from Miracle Mile for the committee and email a reminder regarding funds to the members.

C. Notices

1. The draft criminal benchbook was disseminated: the committee needs persons to write the missing parts
2. Judge Finn: Form IV needs revision, especially from a law enforcement point of view.
3. Stop grant RFP out: Draft a grant for developing roadshow type training – specific target rural courts.
4. Volunteer: There is a need for a member to review the STOP grant RFP to read and score 70+ proposals.

Call to the Public **Public Attending**

Speaker: NONE

Item: None

Next Meeting 12:00 am - 4:00 PM, October 16, 2002, Phoenix, AOC Room 119 A&B

Adjournment **Judge O'Connor**

The meeting adjourned at 3:20 PM.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Meeting Minutes

October 16, 2002

12:00 – 4:00 PM

State Courts Building

Conference Room 119 A&B

Phoenix, AZ

CIDVC Members Present

Hon. Karen O'Connor, Chair
Hon. Chris Wotruba, Vice Chair
Hon. George Anagnost
Jerry Bernstein, Esq.
Martha Fraser Harmon
Donna Irwin
Bob James
Hon. Ronald Karp
Patricia Klahr
Sheri Lauritano, Esq.
Robert M. Lehner
Denise Lundin
Hon. Mary Helen Maley
Hon. Mark Moran
John Pombier, Esq.
Tracey Wilkinson

Members participating by telephone

Hon. Dana Hendrix

Members using a Proxy

Allie Bones

Members RSVP (unable to attend)

Margaret Bentzen
Hallie Bonger-White, Esq.
Hon. Sherry Geisler
Dr. Teresa Lanier
Dr. Anu Partap

Guests

Theresa Barrett, Court Services, AOC
Nancy Grey-Eade, Conciliation Court,
Yuma
Karen Kretschman, Court Services, AOC
Dianne Post, AzCADV
Nicole Winiecki, AzCADV
Danella Yaloz, AzCADV

Staff Present

Catherine Drezak

Quorum: Yes

1. Call Meeting to Order

Judge O'Connor

The meeting was called to order at 12:15 PM. All those persons present introduced themselves. Guests attending the meeting were welcomed.

2. Review of Previous Meeting Minutes

Judge O'Connor

Minutes of the August 08, 2002 meeting were reviewed. A couple of clerical revisions were proposed, such as: Roll call- include Dianne Post as a participant; Section B (Expose)- remove "an Arizona perspective" to clarify the studies were conducted in other states; rewording sentences to clarify the meaning.

Motion: Approved August 08, 2002 as amended.
Vote: Pass
Tasks: Catherine revise August 08, 2002 minutes and send to members.

3. Meeting Business

Judge O'Connor

A. Orders of Protection Issue

Erin Szajna

Ms. Szajna researched the issue of whether a victim can be arrested for violating an order of protection taken out against an abuser. Ms. Szajna's research appears to indicate that the victim cannot legally be arrested for violation of another's order. In one case in Kentucky, a victim was arrested and convicted of violating the protection order in direct contradiction of the state statutes that prohibit such actions. The legislative intent of Arizona's order of protection statutes (enacted in 1980) was to make domestic violence the equivalent of violence against strangers. Several drawbacks included: it allowed for mutual orders of protection; the court had authority to enjoin both parties from contacting each other; the order was automatically effective against the plaintiff but only the defendant was allowed a hearing on the order. These problems have since been removed because it was recognized that they created a double standard and violated the victims' due process rights. As a result of an Arizona Supreme Court Domestic Violence Taskforce finding that mutual orders of protection were unconstitutional, in 1991 the statute was changed to focus the sanctions against the defendant and not the plaintiff. The victims' due process rights are violated when a mutual order is granted because the defendant is given the opportunity to defend him/herself yet the victim is not given the same opportunity. In 1998 the statute was changed to prohibit mutual orders which put Arizona in compliance with the Violence Against Women Act. The history of changes in the statutes clearly indicates that the intent of the legislature is to protect the victim from both the defendant and from the effects of mutual orders. Unfortunately, the issue of mutual orders is a nation wide problem. In a variety of cases, courts in other states recognize that the victim is entitled to due process and that the victim may not be held accountable for violating the very act that protects them.

Motion: None, informational only
Tasks: None

B. DV Forms Workgroup Report

Bob James

Mr. James presented a progress report on the workgroup's accomplishments. The workgroup reviewed 3 forms: Certificate of Service, Brady Notice and Request for Hearing, prepared by Judge Finn and Judge Anagnost. A lively discussion regarding the need for a Brady Form ensued but no resolution was reached. There was also a contrast in opinions voiced on the need for warning the defendant of the possible Brady prohibitions on the "Request for Hearing" form. Another meeting will be held on November 20 at the AOC. Send comments on the forms to the committee for review. Direct questions to ITD on rollouts included a 1.0 rollout underway in Pinal County and Flagstaff Municipal. The 1.5 rollout is in the works but no timeline available. David Berg noted that it is important to preserve the business process when considering the redesign of the forms. The workgroup requested that an ITD representative be prepared to discuss timelines at the next DV Forms Workgroup meeting.

Motion: None, informational only.
Tasks: Committee is to review the proposed forms and submit comments to the DV Forms Workgroup.
Catherine will invite an ITD representative to the next meeting.

C. CPOR Policy Workgroup Report

Judge Moran

Judge Moran presented a progress report on the workgroup's accomplishments. Many issues are still not agreed upon, so there is no formal document for the committee to review. Part of the problem is that the various criminal justice agencies have very differing needs and concerns. It may be easier to agree on general guidelines than specific rules at this point. With this in mind, the workgroup did agree on a break down by users : victim, courts, LE, etc, and suggested a general rule with specific exceptions granted as needed. As a general rule, only make available to any group orders that have been served. No information on unserved orders will be available to the public in general. A protected address is not disclosable, even by judges. The issue of allowing law enforcement access to unserved orders has been deferred. This issue will be brought to the full committee.

Motion: None, informational only.
Tasks: The next meeting is scheduled for November 20, 2002.

D. Criminal Benchbook Workgroup Report

Judge Moran

Judge Moran presented a progress report on the workgroup's accomplishments. The criminal DV benchbook is virtually complete and will be completed by the end of the year. Some sections still need to be written. Perhaps the work can be incorporated into the regular criminal benchbook instead of being published as a separate book. Offender accountability recommendations from MAN are available for inclusion. The next meeting is scheduled for December 11, 10:00 – 12:00, before the CIDVC meeting.

Motion: None, informational only.
Tasks: Catherine to get a copy of the MAN recommendations to Judge Moran.

E. Integrated Family Court Plan

Dr. Renee Bartos

Dr. Bartos presented a report on the Integrated Family Court proposal. The presentation started with an introduction by Nancy Gray-Eade from the Conciliation Court in Yuma. The Domestic Relations Committee (DRC) has been instrumental in developing the Integrated Family Court (IFC) proposal. They used research from various IFCs around the nation to develop this proposal. Last year SB1088 gave the DRC the authority to develop a statewide IFC plan which will eventually become a legislative proposal. Divorce is a large issue in this state, as well as family disputes involving children. All the stakeholders were included in the workgroup. The focus is to create a single court, one team for one family, to hear family relations cases including juvenile, some probate and non-criminal DV cases. Alternative Dispute Resolution (ADR) will become the rule not the exception, except in the cases where the judge rules there is domestic violence. A component will also focus on making the IFC court "more attractive" to judges. There were 10 recommendations developed by the subcommittee including essential elements, authority and structure, services and resources, information systems and confidentiality, minimum standards, judicial officer and staff assignments,

facilities, case management, ADR, and the implementation timeline. There will be guidelines and benchmarks to address domestic violence issues. Implementation planned for December 2005. The implementation plan is set and dependant on the passage of the legislation. They have a sponsor for the bill. Still need to fully develop the statewide AOC committee and funding. Objections were voiced as follows: the plan as written does not guarantee that a DV victim will not be forced into mediation; there was not a single victim advocate on the subcommittee and the criminal aspect, although considered, was not included. So basically, it is a plan for most of the family issues and not a 100% holistic approach. Need to be able to include misdemeanor DV crimes. Having a more integrated system will assist with OP/IAH issues however, all courts will remain able to issue orders of protection. It is unclear if the IFC will become an appellate court for order of protection cases. Superior court judges may find the IFC concept more appealing if they knew they would not have to hear order of protection appeals. Although Maricopa County has a pilot project that seems successful, the research for the IFC plan being proposed is based on research from other states. These states have well established programs and the published results are favorable. It remains to be seen if this plan can be successful using Arizona laws and with Arizona's unique culture. The legislature has stated that the state will not fund this project through a general funds appropriation and the IFC subcommittee is still discussing funding strategies. However, the IFC details are scarce in terms of public policy issues, confidentiality issues, family law and domestic violence issues. Minimum standards are to be developed by the Supreme Court as part of the proposed statutory draft.

Motion: Table the committee's recommendation until the December meeting.

Vote: Pass

Tasks: Committee is to read the IFC documents and be prepared to discuss specific concerns and suggestions at the December meeting.

F. Ethics Opinion

Dianne Post

Ms. Post presented a report on the ethics opinion reconsideration task. One solution includes developing a guideline for determining the acceptability of a commission or commission to include judges. There are many groups/ commissions on which judicial participation will be very helpful. The committee needs to define a specific question with a very narrow focus. A systematic evaluation of a problem needs input by judges along with the other criminal justice representatives; this could be the focus of the question. For instance: can a judge sit on the Governor's DV Commission? The aim or purpose of the commission on which the judge wants to participate must be considered. However, there are various judges currently on various commissions, using any one of them as an example for a question specifically opens up the possibility of removing these judges from these groups. One person suggested that it may be best to try to get an opinion that allows a judge to recuse him/herself if needed. Judges need the contact with the community as well to keep in touch with what is happening in their jurisdiction. The committee should craft the question in such a way that leads to an affirmative response using the administration of justice or connection to the community as a key. In the request putting a package together we should discuss the efficacy of the system and working together to provide expertise and ask if the "example commission's" agenda conforms to ethics rules. It may be wise to use a different, non-DV committee. This avoids using precedent in deciding the response, if it results in a positive response, then send a second request to clarify the discrepancy. Perhaps we should use a different fact pattern, with a similar, yet different set of circumstances, instead of asking for a re-consideration. This unfortunately makes it a two step approach.

Motion: Table for further research and discussion
Vote: Pass
Tasks: Committee is to Review Dianne's document and prepare to discuss the issue at the December meeting.

G. A.O 98-66

C. Drezak

The AOC is in the process of changing a variety of Administrative Orders (AO) into Administrative Codes. AO 98-66 outlines court policies for domestic violence cases. The rewritten version into Administrative Code is an updated version that includes new statutes and a requirement for mandatory DV training. Some suggested changes include rewording of B.(1)(b) regarding the hearing of a petition; clarifying the section discussing "mutual orders;" rewording section C(1)(a) regarding the availability of courts to issue protective orders, except for as applicable in section 2(b).

Motion: Defer until the December meeting.
Vote: Pass
Tasks: Committee is to review the document and email any suggested changes to Catherine.

4. Old Business

Judge O'Connor

A. Revive DV Benchbook Workgroup

The DV benchbook needs to be updated and CIDVC should reconvene this workgroup. Add: Dianne Post and Nicole Winiecki to the workgroup.

Tasks: Members need to volunteer.

B. Training

The next Judicial conference is being planned for June 17, 2003 in Phoenix. A DV segment will be included. Other possible activities include a roadshow to get educational training to rural judges.

Tasks: Education Workgroup consists of: Judge Moran, Judge Karp, Tracey Wilkerson; any one else interested please contact Catherine.

C. Victim safety plan.

Catherine is working on the revision of the "Safety Plan" for the CIDVC web site to include children's safety. Using bullet points and considering existing safety plans she will develop a brief draft for the committee.

Tasks: Any suggestions, please send them to Catherine.

D. 2003 meeting schedule OK

E. Unnamed defendants

At the August meeting, Judge Finn requested the committee to review policies on the issue of filing an OP against an unnamed defendant.

Tasks: Catherine will ask Judge Finn to give a presentation at the December meeting. Catherine will ask the ITD Data Warehouse people to query DV Module for “John Doe for statistical information.

5. New Business

Judge O’Connor

A draft data sheet was presented to the committee to demonstrate the information we can gather from the CPOR. Committee noted that there are a large number of Injunctions granted for persons who have a relationship with the defendant that qualifies for an order of protection.

6. Call to the Public

Public Attending

Dr. Renee Bartos spoke to the committee and urged them to support increased accountability in cases where children are involved. She is pursuing “parenting time centers” as an option for parents to exchange children for court ordered parenting time.

7. Next Meeting: December 11, 2002, 12:00 – 4:00 PM, AOC conference room 119 A&B, Phoenix, AZ

8. Adjournment

Judge O’Connor

The meeting adjourned at 3:30 PM.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Meeting Minutes

December 11, 2002

12:00 – 4:00 PM

State Courts Building

Conference Room 119 A&B

Phoenix, AZ

CIDVC Members Present

Hon. Karen O'Connor, Chair
Hon. Chris Wotruba, Vice Chair
Hon. George Anagnost
Allie Bones
Martha Fraser Harmon
Bob James
Hon. Ronald Karp
Dr. Teresa Lanier
Robert M. Lehner
Hon. Mark Moran
John Pombier, Esq.

Margaret Bentzen
Hallie Bonger-White, Esq.
Hon. Sherry Geisler
Dr. Anu Partap
Donna Irwin
Patricia Klahr
Hon. Mary Helen Maley
Tracey Wilkinson

Guests

Dr. Rene Bartos, Tucson
David Berg, Information Technology
Division, AOC
Steve Gram, Sage Counseling
Karen Kretschman, Court Services, AOC
Carl Mangold, Dynamic Living
Susan Pickard, Court Services, AOC
Dianne Post, AzCADV
Dawn Russo, West Valley Court Diversion
Services

Members participating by telephone

Denise Lundin

Members using a Proxy

Jerry Bernstein
Hon. Dana Hendrix
Sheri Lauritano

Members RSVP (unable to attend)

Staff Present

Catherine Drezak

Quorum: Yes

1. Call Meeting to Order: Commissioner Wotruba

The meeting was called to order at 12:30 PM. All those persons present introduced themselves. Guests attending the meeting were welcomed.

2. Review of Previous Meeting Minutes: Commissioner Wotruba

Minutes of the October 16, 2002 meeting were reviewed and no additions or corrections were offered.

Motion: Approve October 16, 2002 as presented.

Vote: Pass

Tasks: None

3. Meeting Business: Commissioner Wotruba

A. Batterer Accountability Recommendations: Men's Anti-violence Network, Carl Mangold, Dawn Russo and Steve Grams presenting.

Originally a group of providers from around the state, all of whom are licensed to provide domestic violence treatment services, met with the Batterer Accountability Subcommittee. They discussed which programs work, which do not and what to do differently. A primary focus was to work with the state criminal justice system and related agencies. The final proposal was brought to the Governor's Commission on Domestic Violence. Of the recommendations, MAN recommends three priorities:

1. Send offenders to licensed and appropriate domestic violence treatment.
There is a problem across the state of offenders being sent to unlicensed programs or inappropriate programs such as anger management. In rural areas especially the problem is that there are not licensed programs available. However, continuing referrals to unlicensed programs does not provide an incentive for them to become licensed. Another issue is that clients get enrolled in a class, marriage counseling or church run program to get a "jump" on the system. The court should refer the offender with a dv problem and the prosecutor needs to be involved as well. There needs to be a focus on the domestic violence issues.
2. Let the providers, not the courts, determine the length of the program based on an intake assessment.
Offender treatment curriculums have developed and improved over time. The current "second wave" programming- structured such as "Amend," "Emerge" or the "Duluth Model"- are a "one size fits all" program. Lengths vary from 16-52 weeks and are imposed for first time offenses, with no exceptions. Although there are not many studies available, a variety of studies show low recidivism rates. Also, earlier intervention by the criminal justice system is helping to get offenders into treatment earlier and imposing sanctions is getting better results. Studies appear to show that longer treatment plans for repeat offenders achieve better results. A cooperative relationship between courts and providers helps to decrease recidivism.
3. Develop standard consequences for non-compliance.
Courts often just send the abuser back to the program, with City and Justice courts doing this most often. Also, summary probation is a court order and failure to comply is a violation of a court order. Prosecutorial discretion allows the offender to be charged for violating summary probation. There needs to be open communication between the court and the prosecutor. Most offender accountability programs send monthly reports to the courts and coordination needs to occur to hold offenders accountable. Everyone is aware that budgets for all of the courts are being

severely cut and additional “status hearings are not likely in the near future.” Developing a formalized sanction program can help to meet the need. These recommendation could be included into the benchbook and may at some point, be incorporated into new judge orientation. The next step is to create a package to hand out at judicial conferences.

Motion: Approve recommendations.
Vote: Pass
Tasks: Get into DV Benchbook by the Education Workgroup. Contact Sierra Vista city court- has a program.

B. Integrated Family Court (IFC) Recommendations: Mr. Phil Knox

At the October 16, 2002 meeting of this committee, the IFC Plan (Plan) was presented. The members had a number of questions about this proposal and asked that Mr. Knox attend today’s meeting to clarify those issues. Mr. Knox began by stating that he would like to cover three specific areas in his presentation:

- outline the Plan changes that have been offered,
- respond to the questions and concerns raised during the October 16, 2002, CIDVC meeting, and
- answer any additional questions the committee may have during the presentation.

The goal of the presentation is to garner support from CIDVC for the Plan.

Several changes have been offered and are indicated in the Plan (underlined) regarding high volume courts, membership on the statewide and local family court committees, confidentiality and the National Council of Family and Juvenile Court Judges Model Code. These changes will be offered to the Domestic Relations Committee (DRC) on Friday, December 13, 2002, to be included in the final proposal.

Regarding the concerns about domestic violence victims and alternative dispute resolution, the IFC Workgroup used the phrase “most appropriate and available dispute resolution possible” throughout the document. This does not guarantee that mediation will not be ordered in some cases where there is domestic violence present; however, it also does not mandate that mediation will be ordered in those cases

Another concern was the apparent lack of a DV advocate on the IFC Workgroup. While not listed in the membership list at the back of the Plan, a DV advocate was in attendance at the meetings and invited to provide input.

The criminal aspect of domestic violence was not addressed in the Plan, but other recommendations were made to encompass that possibility, such as creating one court to hear “full range of cases,” when possible. CIDVC members believe that the plan should at least include DV misdemeanor crimes because victims get shuffled around and often have to go to a variety of courts and they need a “one stop shopping” concept. As a member pointed out the Plan does not deal with enforcement, but issuance of protective orders.

The timeliness of judicial training on domestic violence remains an issue.

The committee members noted that court record confidentiality; how to protect domestic violence victim information needs to be specifically addressed. As Mr. Knox explained, this is still an open issue and it ultimately comes down to implementation at the local level. One committee member stated, “The Clerks office is swamped now; to believe that they will be able ... to process documents... as a result of this proposal... is naive.” Confidentiality remains a concern not only in cases involving domestic violence, but those where a mental health evaluation has been done and dependency and juvenile matters.

The IFC Plan outlines which cases are eligible for the IFC versus regular superior court. The mechanism is that the family court advisory counsel in each county will submit a proposal for entry of a case into the IFC system. A case screening by case coordinators will be made to make the determination.

Another concern that was raised is how to make the assignment to the IFC more attractive to judicial officers. Mr. Knox related comments from the judges and court staff that were involved in the Maricopa County Integrated Family Court Pilot Project., stating that the experience did provide for a more attractive assignment.

The Self-Funding Proposal, which increases user fees, is the recommended funding source. The Proposal is part of the package that will be submitted to the Legislature to further enhance the rough bill that Legislative Council has already drafted.

Several members expressed reservation about the process of going from concept to implementation; the concept is a good one, but it needs additional detail. It was suggested that the IFC Workgroup recognize that in its current form the Plan, when submitted to the Legislature, may “sputter and die”. One member suggested that if the committee members were to vote “no,” the message they would be sending is that they do not approve of this concept. The member went further to state that this proposal is the philosophical underpinnings and provides a path for the implementation at the county level based on their resources and uniqueness. Offering this framework assists the counties’ focus; it offers a lot of flexibility that is not found in many other systems in other states.

Copies of the rough draft legislation were distributed to and reviewed by the membership. They found no large deviation between the Plan and the proposed legislation; the legislative language is essentially “lifted” from the IFC document and is more “concept” than “detail.”

Motion: Support of approving the recommendations of IFC Workgroup as personified by the legislation.

Vote: Passed, Unanimously
Allie Bones explained her vote as in favor of concept, tempered by the concern that the use of alternative dispute resolution as it relates to domestic violence, judicial training and the make up of the county committees needs to explicitly addressed.

Tasks: None

C. “J. Doe” on Protective Orders Issue: Judge Ellie Finn

These types of orders are not frequently issued. When they are used it is usually in injunction against harassment cases and rarely in order of protection cases. You can issue civil proceedings against unknown persons and since protective orders are civil cases, some judges believe they can issue a protective order against an unknown person. However, protective orders are enforced in a criminal proceeding, which means the defendant has to have notice. There is no way to send a notice to an unknown person and no clear way to prosecute someone as a “John Doe who lives at (listed) address.” There is way to prosecute for a violation. However, the committee doesn’t want to hamper judicial discretion in the event a need arises due to unusual circumstances.

Motion: Amend the DV Benchbook to include a strong recommendation, as a policy decision do not issue a protective order against an unknown person. - except in “exigent” circumstances.

Vote: Pass

Tasks: Draft up and submit for DV Benchbook Workgroup review

D. Children & DV: Dr. Renee Bartos

Dr. Bartos presented a detailed presentation on the effects of DV on children. Her research included statistics on the negative effects of witnessing DV. Witnessing DV is as damaging to children as being abused. Although much of the information is focused on women due to the overwhelming number of female victims it should not be viewed as an “anti-Dad” campaign. Along with the misconception that domestic violence services are a “female” campaign is the concept of “false” allegations. While there is a misuse of the criminal justice system by both men and women, the number of these abuses of the system pales in comparison to the overall DV problem in our society. Action items include: focus on three aspects: legislation, education and enforcement. Additionally, Dr. Bartos prepared a legislative comparison of statutes regarding supervised access to children and parenting time centers.

Motion: Table issue until Dr. Bartos discusses it with the Governor’s Community Policy Office.

Vote: None

Tasks: Post materials on the Web site.

E. Budget Issues: Karen Kretschman

Initial budget cuts during the spring cut the Court Programs funding. Recently, the new round of cuts eliminated four positions from the unit, including two unfilled positions and two staff positions. One staff member we lost was an executive secretary and the other was relocated to another division. As a result, the remaining 2 secretaries have to cover 17 committees and an equal number of workgroups and Catherine is taking on additional duties. This will impact CIDVC by reducing the amount of time the staff can devote to the committee’s activities, including lunch arrangements and the meeting schedule. We will endeavor to assist the goals of the committee. The bottom line is that there are no funds available for publishing hard copies of booklets, Benchbooks and many handouts. The

website for these matters as much as possible in the future, with the focus of keeping the committee and program going to the extent possible.

Motion: None, informational

Vote: None

Tasks: None.

F. L.E. Access to Unserved Orders: Gerald Hardt

Tabled and send to CPOR Policy Workgroup to make arrangements.

Motion: None, informational

Vote: None

Tasks: Set up a meeting.

G. CIDVC Website: Susan Pickard

Susan provided an educational presentation on the development of the CIDVC web site and its intended use to streamline the committee's business processes. When the site becomes fully activated, all minutes, agenda and meeting materials will be posted two weeks in advance of a meeting. The final website will resemble the DV Forms site but tailored for committee business.

Motion: None, informational

Vote: None

Tasks: Continue to work on site and apprise members of progress.

H. Child Safety Plan: Catherine Drezak

Catherine presented the draft Child Safety Plan to the committee. Some suggestions for improvement include: add lines for child to fill in names of people they can talk to, places they can go to, and phone numbers on the back for a child crisis line such as "Latchkey Child" program.

Motion: None, informational

Vote: None

Tasks: Update and send to members for review.

4. Old Business: Judge O'Connor

None brought up

5. New Business: Judge O'Connor

None brought up.

6. Workgroup Reports: Judge O'Connor

A. Criminal Benchbook Workgroup Report: Judge Moran

The work is almost completed and the last remaining item to be completed is an introduction chapter. The document has been completely reformatted and it will be posted for the members to review.

B. DV Forms Workgroup Report: Mr. Bob James

The workgroup decided to focus on the OP form first to incorporate some data flow changes. We need to meet a March AZTEC deadline and will be meeting on an aggressive schedule. If we meet the deadline, then the forms update will be rolled out with a planned implementation of the Maricopa Justice Courts in later fall. This will lead to an October rollout to all of the courts statewide on the Aztec system. Anyone with forms changes suggestions, please send them to any workgroup member or Catherine. The next meeting is Wednesday, Dec 18 at 2:00 PM in the AOC.

7. Call to the Public: Public Attending

8. Next Meeting: February 19, 2003, 10:00 - 2:00, AOC Rm. 119 A&B, Phoenix

9. Adjournment: Judge O'Connor

The meeting adjourned at 4:00 PM.