

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Meeting Minutes

March 23, 2005, 10:00 AM – 2:00 PM

State Courts Building, Conference Room 119 A&B

Conference Call Number: (602) 542-9003

C.I.D.V.C. Website: <http://www.supreme.state.az.us/cidvc/>

C.I.D.V.C. Members Present

Bob James
Bridget Humphrey, Esq.
Carolyn Passamonte
Dale Wiebusch
Evelyn Buckner
Ginger Spencer
Hon. Benjamin Zvenia (Telephonic)
Hon. Danna Hendrix (Telephonic)
Hon. Elizabeth Finn
Hon. Ellie Brown (Telephonic)
Hon. Mark Moran
Hon. Michelle Lue Sang
Hon. Ronald Karp
Hon. William O'Neil, Chair
John Pombier, Esq.
Larry Farnsworth
Patricia Klahr
Richard McLane
Robert Roll
Sheri Lauritano, Esq.
Tracey Wilkinson

Allie Bones (Evelyn Buckner, Proxy)
Hon. Denise Lundin (Judge O'Neil, Proxy)
Martha Harmon (John Pombier, Proxy)

Members Not Present

Anu Partap, M.D.
Donna Irwin
Hallie White, Esq.
Hon. Sherry Geisler
Mary Ann Lanzilotta, Ph.D.

Staff Present

Annette Mariani
Konnie K. Neal
Shon Moore

Guests

Amy Wood
Pat Wuensche

Quorum: Yes

Members using a Proxy

Lt. Mark Carpenter (Jeff Turney, Proxy)
Kristen Hoffman (Jerry Bernstein, Proxy)

1. Call Meeting to Order

Judge O'Neil called the meeting to order at 10:12 AM. New members introduced themselves: Commissioner Carolyn Passamonte, Judge Ben Zvenia, Judge Ellie Brown (telephonic), Ginger Spencer, Robert Roll, Bridget Humphrey and Dale Wiebusch. Guests attending the meeting were welcomed. Judge O'Neil recognized two members who are resigning: Martha Harmon and Jerry Bernstein and stated that their contributions to this committee are appreciated.

2. New Materials

The following new materials were distributed to the members:

- a) *Revised Membership List*
- b) *Workgroup Membership Lists*
- c) *2005 Meeting Schedule*
- d) *Draft Minutes (November 10, 2004)*
- e) *Extending Project Passport Information*
- f) *Transfer of Orders Handout*

Review & Approval of November 10, 2004 Minutes

The minutes of the November 10, 2004 meeting were reviewed and approved with no further discussion, corrections, deletions, or additions.

3. Project Passport Update

Judge O'Neil summarized Project Passport and outlined the strategy and desire of, one day, having a nation wide identifiable/recognizable first page for orders of protection. Having a uniform first page on all orders of protection would ensure that all necessary agencies will be able to easily identify what the document is and provide appropriate safety accommodations to victims.

The prospect of introducing Project Passport at the annual Judicial Conference was discussed. The Judicial Conference would be a superb place to introduce Project Passport and begin training activity. Judge Finn spoke about the protective order form and discussed suggestions to simplify and unify the form. Various members offered suggestions on the language that should be included on the form. The Domestic Violence Forms Workgroup will convert the language included on the form and work on an all-inclusive version.

4. Transfer of Protective Orders

Pat Wuensche and Amy Wood presented on the Court Protective Order Repository (C.P.O.R.). Some of the issues that are arising with the transfer of protective orders include: databases are not communicating between courts (i.e. lower courts is not transferring into higher courts) and specificity of language when transferring orders between courts. The proposal presented includes: once a case is transferred into an upper court, the judge in the upper court sends a notice to the sheriff that they are now maintaining jurisdiction of the case. This will ensure that C.P.O.R. will not reflect two different orders (one issued in a lower court and one issued in an upper court) when, in fact, there is only one order in place.

TASK: Judge O'Neil referred the issues pertaining to the protective order form to the DV Forms Workgroup, Bob James, Chair.

5. Special Announcement: Annual Walk to End Domestic Violence on April 23, 2005

Patricia Klahr speaks about the Arizona Republic and Channel 12, 3rd Annual Walk to End Domestic Violence. This is a 5K run and fitness walk to benefit local domestic violence programs. The event will take place on Saturday; April 23, 2005 at 7:00 a.m. at Wesley Bolin Plaza, Downtown Phoenix.

6. Governor's Office and Morrison Institute Research Project

Honorable Elizabeth Finn speaks about the Morrison Institute. The Morrison Institute is a project in which the Governor's Division for Women in partnership with the Department of Public Safety and AZ Post are sponsoring an independent research body at Arizona State University, to develop and implement a law enforcement survey focused on determining the knowledge, skills and abilities required when responding to domestic violence calls. This research will aid in policy making and identifying training needs at the state and local agency level.

7. Court Access Issues

Judge Ron Karp and Judge Paul Julien, who joined in telephonically, commented on victims and their requirement to travel long distances in order to receive an order of protection. One downfall to this is that in the traveling process, victims become overwhelmed and sometimes end up abandoning the effort all together. Judge Karp shared two instances of a victim being turned away from Chandler Justice Court and sent to Chandler Municipal Court.

TASK: Judge O'Neil states that he is going to call Judge Porter and follow up on who these particular judges are and speak with them about the importance of protecting victims of domestic violence.

Larry Farnsworth commented on opening up a regional civil division in the Southeast Superior Court within the next two weeks; he also suggested that there is a commitment to move this project into the new Northeast Superior Court, as well. This will assist the victims in outlying regions, so they will no longer need to travel to downtown Phoenix Superior Court to receive an order of protection.

8. Service of Process Issues

Honorable Elizabeth Finn spoke about problems in getting orders of one court served by the proprietary agency of another court. An example of this is when Superior Court issued an order, and the party to be served works in Mesa, Mesa Police Department will not serve it. Under the law they are not required to serve it.

TASK: Members agreed that the Legislative Workgroup needs to start working on a bill (that is supported by law enforcement) so that a proposal can be made to the Arizona Judicial Council.

Judge O'Neil suggested that licensed process servers be required to complete a certain number of pro bono hours, just as members of the State Bar are required to do. This would allow for more Orders of Protection to be served and increase the percentage of Orders issued to Orders served.

9. Workgroup Reports:

DV Benchbook Workgroup (Evelyn Buckner, Chair):

- The group has not met since the last revision of the DV Benchbook.
- The group would like to review and revise the court access language in the Benchbook.

DV Criminal Benchbook Workgroup (Judge Mark Moran, Chair):

- The group is waiting to hear what happens with the legislature.

DV Education Workgroup (Judge Mark Moran, Chair):

- The group has not met since last CIDVC meeting.
- Presentation of Project Passport will be made at the Judicial Conference in June.

Legislative Workgroup (John Pombier, Chair):

- The group has met and talked about current legislative activity.
- Focus is planning for next year.
- Orders of Protection is the main goal for next year.

CPOR/Technology Workgroup (Robert Roll, Chair):

- The group would like to meet and go over some of the technical issues brought up in today's meeting.
- The workgroup will assist in updating the website and add statistics, links, and various other information.

10. Call to the Public:

There were no comments from the public.

- 11. Motion: CIDVC Members relay an official position to the Domestic Relations Rules Committee for the proposed rules (*Arizona Rules of Family Law Procedure*) to be consistent with CPOR policy: unserved Orders of Protection will not be displayed on the Internet.**

Seconded

Discussion: Briget Humphrey offered the fact that the rule started out to include all Domestic Relations filings before service. This rule was proposed to protect all victims of domestic violence. A proposed change would include language that refers to served orders of protection and exempt unserved orders of protection.

Vote: Unanimous

TASK: Judge O'Neil asks Bridget Humphrey "Did the committee talk about its application on all protective orders, or specific to orders of protection"? Judge O'Neil asks that Bridget follow up on the rule and if it is restricted to orders of protection, ask the committee if they would be willing to expand it to all three remedies available.

12. Next Meeting:

Konnie announced that the next meeting is on Wednesday, May 4, 2005 from 10:00 a.m. – 2:00 p.m., State Courts Building, Conference Room 119 A&B.

13. Adjournment:

Judge O'Neil adjourned the meeting at 12:32 p.m.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Meeting Minutes

May 25, 2005 10:00 AM – 2:00 PM

State Courts Building, Conference Room 119 A&B

Conference Call Number: (602) 542-9003

C.I.D.V.C. Website: <http://www.supreme.state.az.us/cidvc/>

CIDVC Members Present

Hon. Elizabeth Finn
Bridget Humphrey, Esq.
Bob James
Hon. Ronald Karp
Sheri Lauritano, Esq.
Hon. Michelle Lue Sang
Hon. Denise Lundin (Telephonic)
Hon. Mary Helen Maley
Richard McLane
Hon. Mark Moran
Hon. William O’Neil, Chair
Hon. Carolyn Passamonte
John Pombier, Esq.
Robert Roll
Ginger Spencer
Dale Wiebusch
Hon. Benjamin Zvenia (Telephonic)

Members using a Proxy

Barbara Appenzeller (Public Member, Proxy)
Evelyn Buckner (Allie Bones, Proxy)
Hon. Danna Hendrix (Mark Moran, Proxy)

Members Not Present

Hallie Bongar White, Esq.
Hon. Ellie Brown
Larry Farnsworth
Hon. Sherry Geisler
Patricia Klahr
Mary Ann Lanzilotta, Ph.D.
Anu Partap, M.D.
Tracey Wilkinson

Staff Present

Konnie K. Neal, Committee Specialist
Theresa Barrett
A. Teaunee Duran
Susan Pickard
Pat Wuensche

Guests

Jason Blair
Joan Fox

Quorum: Yes

1. Call Meeting to Order

Judge O'Neil called the meeting to order at 10:15 AM. Members introduced themselves and Konnie Neal introduced Barbara Appenzeller, who served as a proxy for one of the, currently vacant, public member positions. Judge Zvenia and Honorable Denise Lundin, both joined the meeting via teleconference.

2. New Materials

The following new materials were distributed to the members:

- a) *Revised Membership List*
- b) *Workgroup Membership Lists*
- c) *2005 Meeting Schedule*
- d) *Draft Minutes (March 23, 2004)*
- e) *Project Passport Materials (Draft Action Plan, Model Template, & Questions and Answers from Denise Dancy)*
- f) *Draft Orders of Protection*

Review & Approval of March 23, 2004 Minutes

The minutes of the March 23, 2004 meeting were reviewed; Robert Roll pointed out one inaccuracy, regarding the workgroup to which Judge O'Neil referred the task of drafting new Orders of Protection. The previous Minutes referred the issue to the CPOR Workgroup, the appropriate workgroup is the DV Forms Workgroup. The minutes, as amended, were approved.

3. Project Passport Update

Jude O'Neil summarized the ideals and goals of Project Passport, including a nationwide common "recognizable" first page Order of Protection.

Bob James, DV Forms Workgroup Chair, presented the Order of Protection along with ancillary forms (Emergency Order of Protection, Injunction Against Harassment, and Injunction Against Workplace Harassment). The Protective Order forms are an effort of the DV Forms Workgroup to incorporate the current Order of Protection form that is being used in Maricopa County and the Model template from Project Passport.

Judge Elizabeth Finn discussed the challenges the DV Forms Workgroup faced in trying to conform to the Model template, while also trying to incorporate necessary information/language that law enforcement agencies and victims' rights advocates wanted to appear on the form. Discussion ensued.

Judge O'Neil suggested and the Committee agreed to eliminate the bold bars at the bottom of the first page and top of the second page.

Judge O'Neil opened the floor for discussion regarding amending the current language that read "verify expiration" to be changed to read "verify validity." No discussion. The Committee considered the language to be modified accordingly.

Judge Finn suggests that the “verify validity” language be moved. This proposal would stand to gain two benefits: it would change the Order of Protection so that it would conform more closely to the model template, and it would separate the “validity” box from the Orders, therefore, making it easier for law enforcement to find.

The Committee agreed to amending the Order of Protection accordingly.

Bob James, workgroup chair, clarifies that the workgroup did, in fact, produce the Order of Protection form; however, the ancillary forms were products of Judge Finn and AOC staff.

MOTION: CIDVC approved the DV Forms that the workgroup proposed, amended as previously discussed, for submission to the Arizona Judicial Council.

Discussion: No discussion.

VOTE: Unanimous

Bob James presented the issue of the ability of various courts (i.e. Superior Court, Limited Jurisdiction Court) to “cosmetically” change forms (i.e. margins, font size) pursuant to the Arizona Code of Judicial Administration.

MOTION: Courts should be allowed to adjust margins and font size on forms to meet their needs.

Discussion: Judge Karp expressed concern in using the “one form fits all” approach.

Discussion ensued.

VOTE: Unanimous

MOTION: Courts be allowed to produce dynamic forms (eliminate language pertaining to Orders that are not actually ordered)?

VOTE: Unanimous

4. DV Trainer Report & Review of Transfer of Protective Orders Issue

Pat Wuensche discussed the fact that when Orders of Protection are transferred between courts, various case management systems require that information be re-entered. The fact that information is entered twice, albeit into two different case management systems, results in false queries in the Court Protective Order Repository (CPOR). Pat suggested that a solution to this problem could be to develop a form that would “allow” the holder of record permission to unaccept duplicate cases, this would eliminate confusion and inaccurate information to be viewed by law enforcement agencies. Discussion ensued.

TASK: Judge O'Neil referred the transfer of protective orders issue to the DV Forms Workgroup, Bob James, Chair.

5. Circles of Peace Restorative Justice Program

Judge Maley presented on a program, designed by New York University professor Linda G. Mills and the Nogales, Arizona community, to address the concern that abusers come out of batterer's intervention and various other domestic violence programs without obtaining skills that will benefit them and their victims in the long run.

As a result of studies done on the effects of Domestic Violence, the Circles of Peace Program was developed. The Circles of Peace Program involves the abuser, the victim (victim participation is voluntary) and others affected by the violence. Circles of Peace is a comprehensive approach that seeks to restore peace to families and communities affected by domestic violence, participation in the program is voluntary and one may withdraw their participation at any time. The underlying issues and behaviors to prevent future violence, as well as sexist attitudes and beliefs are addressed, and community members, friends and family help to facilitate the circles, while also providing added safety to the victim.

Judge Maley has started a program in her jurisdiction (Santa Cruz County) that is thriving as a result of community volunteers and various grants/local funding, which have allowed for the placement of staff to oversee the programs goals.

6. Follow up on Court Access Issues

Judge O'Neil stated that he was made aware of a Judge who has been issuing alternative orders, along the lines of a diversion program, to domestic violence perpetrators and their victims. Judge O'Neil expressed that these Orders are of great concern in terms of victim safety. This issue will be dealt with appropriately.

7. Call to the Public:

Jason Blair expressed concerns he had with the issuance of Orders of Protection and what he sees as the relative ease that plaintiffs have in obtaining them. Jason shared a brief story regarding his personal experience with Orders of Protection and his wishes to make the Committee aware of frustration with the Order of Protection process.

8. Inappropriate Filing of DV Offenses

The guest who was to present on this matter was not able to appear. This topic will be presented at the next CIDVC meeting.

9. Legislative Update

The guest who was to present on this matter was not able to appear.

10. Next Meeting:

Judge O'Neil announced that the next meeting is on Wednesday, August 17, 2005 from 10:00 a.m. – 2:00 p.m., State Courts Building, Conference Room 119 A&B.

11. Adjournment: Judge O'Neil adjourned the meeting at 1:12 p.m.