

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

February 7, 2007  
10:00 AM –2:00 PM  
State Courts Building,  
1501 W. Washington St, Room 119 A/B

**MEMBERS PRESENT**

Barbara Appenzeller, CPA  
Evelyn Buckner, MSW  
Lt. Mark Carpenter  
Jennifer J. Casaletto, M.D., F.A.C.E.P  
Honorable Anita Escobedo (via proxy Esther Rios)  
Capt. Larry Farnsworth  
Joan Fox, DDS  
Honorable Sherry L. Geisler (via teleconference)  
Honorable Wendy Hernandez  
Kristen Hoffmeyer, Esq. (via proxy Hon. O'Neil)  
Bridget Humphrey, Esq.  
Cheryl L. Karp Ph.D.  
Hon. Ronald I. Karp  
Patricia Klahr  
Sheri Lauritano, Esq.  
Honorable Michelle Lue Sang  
Hon. Dennis Lusk  
Christy Moore (Proxy Pearlette J. Ramos)  
Honorable Mark Moran  
Paul O'Connell  
Honorable William O'Neil, Chair  
Hon. Carolyn Passamonte  
Honorable Jack Peyton  
Doug Pilcher  
Robert Roll  
Catherine Shugrue-Schaffner  
Kim Van Nimwegen, MSW  
Tracey Wilkinson  
Honorable Benjamin Zvenia

**Guests**

Leah Meyers, CADV  
Lt. Lane Roger, Mesa Center  
Sgt. Glenn Shough, Mesa Center

**MEMBERS ABSENT**

Tracey Hannah, Esq.  
Jerald Monahan

**STAFF**

Konnie K. Young, Specialist  
Lorraine Nevarez, Support Staff

**Quorum: Yes**

## **I. CALL TO ORDER**

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

Judge O'Neil, Chair, called the February 7, 2007 meeting for the Committee on the Impact of Domestic Violence and the Courts to order at 10:05 a.m. Judge O'Neil welcomed the newly appointed members. Konnie encouraged workgroups to refocus and to set goals for 2007.

### **B. APPROVAL OF MINUTES FROM November 1, 2006**

Minutes for the November 1, 2006, Committee on the Impact of Domestic Violence and the Courts (CIDVC) meeting were presented for approval.

**MOTION: Motion was made and seconded to approve the November 1, 2006 meeting minutes as amended. Motion passed unanimously. 31-0-0. CIDVC-07-001**

## **II. UPDATE ON PROJECT PASSPORT FORMS**

Staff gave a brief update on the Project Passport Forms which became effective for use January 1, 2007. Courts will begin to implement the forms once training has occurred on AZTEC. AZTEC is the statewide management system. There are courts that have their own management systems. Non-AZTEC courts are reporting to the Court Protective Order Repository (CPOR). CPOR gathers all the data regarding protective orders within Arizona and forwards the protective orders that have been issued into Law Enforcement Protective Order Repository (LPOR); this allows access for law enforcement officers to look up the orders electronically and enforce. Project Passport is a nationwide collaborative effort, and Arizona has taken the lead in developing a model first page that can be recognized across the nation.

## **III. IMPLEMENTATION OF NEW FORMS AT MESA MUNICIPAL**

Lenny Montanaro, Mesa Municipal, gave a demonstration for implementation of the Protective Order forms online. Mr. Montanaro explained the court user is able to view on-line the directions, information, and what will be printed out in the packet for the order. The Protective Order forms on-line allow the court staff to effectively and efficiently prepare and update information.

## **IV. MESA CENTER AGAINST FAMILY VIOLENCE**

Lt. Lance Rogers, Mesa Family Violence Center, gave a brief overview of the advocacy center. Mesa Family Violence Center was the first in Arizona to have a unit dedicated to domestic violence cases. Other units include: personal crimes unit, computer forensic unit, sex offender notification unit, missing persons unit and victim services. The program geared toward domestic violence cases is called DIVERT which stands for Domestic Violence Enforcement Response Team. This team provides quick responses to domestic violence.

Andrea Sierra, Domestic Violence Intervention Specialist, gave an overview of the DIVERT program. DIVERT provides help to victims in Mesa who are involved in domestic violence cases. DIVERT receives over 300 domestic violence reports a month. DIVERT is

a collaboration between police officers and victim services. The goal of DIVERT is to provide immediate victim assistance. The program offers information assistance, protective order services and safety planning. DIVERT also offers the Recorder Program which allows victims to capture evidence against suspects who violate an order of protection. DIVERT also provides home visits and education training.

#### **V. Update on ARPOP & Petition**

The Domestic Violence Rules Committee has made changes to the comments already submitted. The petition will be reviewed in September on the Justices' Rules Agenda, and the anticipated date for adoption is January 1, 2008. The process is slow because the Committee wants comments. The Committee is addressing comments formally and informally.

#### **VI. WORKGROUP REPORTS**

Staff encouraged new members to join the different workgroups: DV Forms, DV Benchbook, DV Criminal Benchbook, Education, Legislative and Technology, The workgroups are very important to the Committee. The following workgroups met over lunch and formulated goals for the upcoming year:

A. DV Forms Workgroup: Discussed ideas of looking into training opportunities for limited jurisdiction judges and general jurisdiction judges informing them of the changes in the protective order forms.

B. DV Education Workgroup: Discussed training and assigned workgroup members to contact various conferences for their individual constituencies to find opportunities to present the new protective order forms. Other goals include: putting together proposals for the Judicial Conference, a high school education program dealing with teen violence and creating outreach domestic violence trainings to rural communities.

C. DV Benchbook Workgroup: The Benchbook will be transitioning into a resource book. The workgroup is in the process of discussing a new name for the Benchbook/ Resource Book.

D. DV Criminal Benchbook Workgroup: This workgroup is currently inactive.

E. Legislative Workgroup: This workgroup will endeavor to keep the Committee informed on legislation and establish a legislative agenda to work on in committee. The workgroup also discussed topics such as mandatory sentencing, making recommendations to the AZ Judicial training, and coordinating with the Governor's Office.

F. Technology Workgroup: This workgroup is currently inactive.

#### **VI. Cross-Jurisdictional Service of Protective Orders Task Force**

Many times victims have expressed challenges and issues getting an order of protection across jurisdictions. The Governor's Office has begun to facilitate meetings to address the current system looking at the broad view to better the system. Current members include

law enforcement, prosecution, courts, and victim services. The goals are to: 1) increase law enforcement patrol officers' electronic access to orders, 2) make the transferring of orders between courts easier, 3) improve confidentiality, 4) look at the flow of information into the data collection, and 5) include dating relationships in protective orders and standardized training for law enforcement.

## **VII. Legislative Update**

Chris Groninger, AZCADV, gave an overview of the bills in session:

SB 1006: ADOT records; domestic violence victims: This bill would allow domestic violence victims to protect their MVD records from public access. It passed in the senate and now is awaiting its read in the house.

SB 1009: Appropriation; domestic violence; emergency beds: Funding would allow domestic violence shelters to work towards ending turn-away for service. This bill is written for 3 million dollars. This bill has made it out of the committee and will be going to the Appropriations Committee.

SB 1016: Civil legal assistance fund; fees: This bill would increase court filing fees on civil cases (\$5) to support a civil legal assistance fund. It is ranked as the highest domestic violence priority even though the bill would not be domestic violence specific. This bill has not moved yet. The AOC is tracking for court impact.

SB 1020: Consecutive Sentencing: This bill would make the sentences given for certain violent offences committed while incarcerated to be required to serve consecutive to a current sentence, rather than concurrently. This was introduced on behalf of a constituent of Senator Waring's. It passed in the senate.

SB 1021: Aggravated assault; strangulation and suffocation: This bill would increase and define the penalties for intentional strangulation and suffocation offenses per domestic violence. This passed out of the judiciary committee.

SB 1143: Appropriation; domestic violence shelters: Funding would support operating costs of existing domestic violence shelter beds and services. The bill did not pass in Committee.

SB 1227: Landlord tenant act; lease termination; domestic violence victims: This bill would allow victims of domestic violence to terminate their rental agreements upon notice and demonstration of domestic violence without penalty. The bill will be heard in the Public Safety and Human Services Committee.

DV Custody: Child custody; domestic violence; best interests of the child: This bill would amend existing statute and distinguish domestic violence from the best interest standards used in determining custody in domestic violence situations. This bill will come back next session.

HB 2531: Victim's Rights; employment rights; protective order hearings: This bill would amend existing victims' rights language to extend employment protections to protective order hearings. This bill is not moving currently.

HB 2733: Legal Assistance Fund: This initiative identifies an alternative revenue source to create and sustain a civil legal assistance fund (as well as support housing and affordable housing initiatives). This would possibly require significant support from the business community. This bill is in the process of its third read.

### **VIII. Title 25 Workgroup Proposed Revisions**

Judge Armstrong, chair of the DV Rules Title 25 workgroup, gave a brief overview of the changes to Rule 4, Family Law Cases. Language was drafted to give superior court judges who are handling domestic violence cases some guidelines on how to draft protective orders to deal with issues that arise during family court cases such as parenting time and visitation.

### **VIII. Call to the Public/Adjournment**

No public was present.

Chair, adjourned the meeting at 2:25 p.m.

### **Next Meeting:**

Wednesday, May 2, 2007

10:00 a.m. – 2:00 p.m.

State Courts Building, Conference Room 119 A/B

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

June 6, 2007

10:00 AM –2:00 PM

State Courts Building,  
1501 W. Washington St, Room 119 A/B

**MEMBERS PRESENT**

Barbara Appenzeller, CPA (via proxy Hon. O'Neil)  
Lt. Mark Carpenter  
Honorable Anita Escobedo (via proxy Hon. O'Neil)  
Capt. Larry Farnsworth (via proxy Lt. Mike Mitchell)  
Honorable Sherry L. Geisler (via teleconference)  
Tracey Hannah, Esq. (via proxy Hon. O'Neil)  
Honorable Wendy Hernandez  
Kristen Hoffmeyer, Esq. (via proxy Hon. O'Neil)  
Bridget Humphrey, Esq.  
Honorable Jack Peyton  
Pearlette J. Ramos  
Honorable Mark Moran (via proxy Hon. Lue Sang)  
Paul O'Connell  
Honorable William O'Neil, Chair  
Honorable Carolyn Passamonte  
Doug Pilcher  
Catherine Shugrue-Schaffner  
Kim Van Nimwegen, MSW  
Tracey Wilkinson (via proxy Hon. O'Neil)  
Honorable Benjamin Zvenia (via teleconference)  
Honorable Dennis Lusk (via proxy Hon. O'Neil)

**Guest**

Leah Heathcoat, CAAFA  
Jami Cornish, Community Legal Services  
Paul Julian, AOC

**MEMBERS ABSENT**

Jerold Monahan  
Jennifer J. Casaletto  
Robert Roll  
Joan Fox, DDS  
Cheryl L. Karp Ph.D.  
Honorable Ronald I. Karp  
Patricia Klahr  
Sheri Lauritano, Esq.  
Honorable Michelle Lue Sang

**STAFF**

Theresa Barrett  
Lorraine Nevarez

## **I. CALL TO ORDER**

### **A. Welcome and Opening Remarks**

Paul O'Connell, acting chair, called the June 6, 2007 meeting for the Committee on the Impact of Domestic Violence and the Courts to order at 10:25 a.m. Mr. O'Connell welcomed the newly appointed members.

### **B. Approval of Minutes from February 7, 2007**

Minutes for the February 7, 2007 Committee on the Impact of Domestic Violence and the Courts meeting was presented for approval.

**MOTION: Motion was made and seconded to approve the February 7, 2007 meeting minutes. Motion passed unanimously.  
CIDVC-07-002**

## **II. Teaching Domestic Violence to Judges/Mandatory Training**

Hon. Mark Armstrong, Staff Attorney, AOC gave a historical perspective on teaching domestic violence to judges as mandatory training. Hon. Armstrong is a member of the Domestic Violence Rules Committee and Chair of the Title 25 Workgroup which is a workgroup from the Domestic Violence Rules Committee. The Title 25 Workgroup created a sub-workgroup which proposed a written comment expressing concern that Superior Court Judicial Officers might abuse the procedure set out in Rule 4(B)(6). Rule 4(B)(6) allows Superior Court judges to make exceptions to the no contact order which is part of a protective order. This needs to be dealt with a great deal of care. The recommendation from the sub-workgroup was for the Workgroup to recommend to the Supreme Court that all Superior Court Judicial Officers who handle family court cases or protective orders be required to attend one hour of DV/Protective Order training each year. This was the initial comment directed to Superior Court Judges and the full Domestic Violence Rules Committee extended it to Limited Jurisdiction judges too. The Domestic Violence Rules Committee realizes the need to work with Education Services to discuss the impact and implications of requiring mandatory training. Training that was envisioned by the Title 25 Workgroup included topics such as (1) Dynamics of Domestic Violence (2) Appropriate interventions of Domestic Violence and (3) Domestic Violence Laws and Rules.

Marna Murray, Educational Services, led the discussion regarding mandatory training for judicial officers. Educational Services currently offers sessions at the Judicial Conference and three hours in New Judge Orientation. Many concerns of having mandatory requirements present many obstacles such as accountability issues. Computer based projects or broadcasts may be an option for educational training on domestic violence.

## **III. Morrison Institute Project-Judicial Attitudes Survey**

William Hart and Richard Toon presented some preliminary work on the process of their report on judicial attitudes towards domestic violence issues entitled "The Rest of the Story." In 2005 the Morrison Institute wrote a Report entitled "Layers of Meaning" which looked at the attitudes from law enforcement officers about domestic violence cases. Many were interested in the report and the Morrison Institute decided to further the study

looking at the rest of the criminal justice system. The Morrison Institute surveyed judges, prosecutors, victim advocates, probation officers and victims. Some of the findings indicate that more resources are needed as well as additional training in domestic violence. The full report will be available in October.

#### **IV. Legislative Update**

Ms. Pearlette Ramos gave an update of the following legislation:

SB1006: There is an addition to the categories of people eligible for redaction of personal information maintained by governmental entities by incorporating the following into the existing statute: a victim of domestic violence or stalking who are protected by an Order of Protection (OOP) or Injunction Against Harassment (IAH), a person with an Order of Protection (OOP) or Injunction Against Harassment (IAH), a corrections or detention officer or law enforcement or court support staff member. The bill has been signed by the Governor.

SB 1009: A budget appropriation of \$3,000,000 is anticipated (SB 1021) in the 2007 -08 budget for the expansion of DV shelters. The bill has not been signed by the Governor yet.

SB 1020: Sentences a person convicted of a felony offense to consecutive prison term if the offense was committed while the person was under the jurisdiction of the Arizona Department of Corrections. The bill has been signed by the Governor.

SB 1227: Allows a tenant to terminate a rental agreement if the tenant has been a victim of domestic violence on the property and sets forth guidelines relating to the tenant and landlord's rights and obligations. The bill has been signed by the Governor.

SB 1424: Increased the time period in which a person can be convicted of aggravated domestic violence from five years to seven years. The bill has been signed by the Governor.

HB 2756: Mandates that law enforcement agencies provide notice to victims of their right to a free copy of the police report and requires and employer to allow an employee who is a victim of a crime to leave work to obtain protection related court orders. The bill has been signed by the Governor.

#### **V. Update on ARPOP & Petition**

Judge O'Neil gave an update on *ARPOP*. He has made some presentations at COSC and LJC which gave their recommendations for adoption by AJC. The petition will be reviewed in September and anticipated date to be adopted in January of 2009. This will allow time for additional domestic violence training.

**MOTION: To recommend approval of ARPOP to AJC was seconded for approval of ARPOP. Motion passed unanimously. CIDVC- 07-002.**

## **VI. WORKGROUP REPORTS**

Staff encouraged new members to join the different workgroups: DV Forms, DV Benchbook, DV Criminal Benchbook, Education, Legislative and Technology, The workgroups are very important to the Committee.

A. DV Forms: Currently no discussion.

B. Education: The CIDVC session for the Judicial Conference is being developed.

C. DV Benchbook: The new chair is Honorable Hernandez.

D. DV Criminal Benchbook: Is currently inactive.

E. Legislative: The new chair is Pearlette Ramos.

F. Technology: A Pilot project for Phoenix Municipal Court to work with AOC, CPOR database to see if the information can become accessible for pretrial services.

**MOTION: To approve the Pilot Project for Phoenix Municipal was seconded and approved unanimously. CIDVC-07-003.**

## **VI. Call to the Public/Adjournment**

No public was present.

Chair, adjourned the meeting at 2:25 p.m.

### **Next Meeting:**

Wednesday, May 2, 2007

10:00 a.m. – 2:00 p.m.

State Courts Building, Conference Room 119 A/B

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

September 5, 2007  
10:00 AM –2:00 PM  
State Courts Building,  
1501 W. Washington St, Room 345 A/B

**MEMBERS PRESENT**

Barbara Appenzeller, CPA  
Lt. Mark Carpenter  
(via proxy Detective Brian Peach)  
Jennifer J. Casaletto  
Honorable Anita Escobedo  
Larry Farnsworth  
Joan Fox, DDS  
Wendy Hernandez  
Kristen Hoffmeyer, Esq.  
(via proxy Stephanie Low)  
Bridget Humphrey, Esq.  
Cheryl L. Karp, Ph.D.  
Honorable Ronald I. Karp  
Sheri Lauritano, Esq.  
Honorable Michelle Lue Sang  
Honorable Dennis Lusk  
Honorable Mark Moran  
Paul O'Connell  
Honorable William O'Neil, Chair  
Doug Pilcher  
Robert Roll  
Kim Van Nimwegen, MSW  
Tracey Wilkinson  
Honorable Benjamin Zvenia

**MEMBERS ABSENT**

Jerold Monahan  
Honorable Sherry L. Geisler  
Tracey Hannah, Esq.  
Patricia Klahr  
Honorable Carolyn Passamonte  
Honorable Jack Peyton  
Catherine Shugrue-Schaffner

**STAFF**

Kay Radwanski  
Lorraine Nevarez

**Guests**

Leah Heathcoat, CAAFA  
Jami Cornish, Community Legal Services  
Lindsay Simmons, AZCADV  
Kendra Leiby, AZCADV  
Amy S. Peter, MAG  
Renae Tenney, MAG  
Chris Groninger, AZFLSE  
Theresa Barrett, AOC  
Amy Wood, AOC  
Julie Dybas, AOC  
Paul Julien, AOC

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**I. CALL TO ORDER**

**A. Welcome and Opening Remarks**

Judge O'Neil, chair, called the September 5, 2007, meeting of the Committee on the Impact of Domestic Violence and the Courts to order at 10:05 a.m. Judge O'Neil welcomed the members.

**B. Approval of Minutes from June 6, 2007**

Minutes of the June 6, 2007, meeting of the Committee on the Impact of Domestic Violence and the Courts were presented for approval.

**MOTION: Motion was made and seconded to approve the June 6, 2007, meeting minutes. Motion passed unanimously.  
CIDVC-07-004**

## **II. Discussion -- Proxy Clarification**

Judge O'Neil gave an update on the ACJA § 1-104, advising that a proxy must be a non-member of the committee. Chief Justice McGregor clarified the proxy policy in a memo provided in the committee members' packets.

## **III. Maricopa Association of Governments**

Renae Tenney, Human Services Planner, Maricopa Association of Governments (MAG), gave a presentation about MAG's domestic violence initiatives. MAG, a council of governments serving communities across the region, is a voluntary association of 25 cities and towns. MAG is charged with policy making and regional planning in the areas of transportation, environmental issues and human services. The MAG Regional Domestic Violence Council was founded in 2000 and is comprised of elected officials, service providers, first responders, healthcare providers, and private business owners. Currently, the council has already initiated training, research and outreach in domestic violence.

One of MAG's recent projects is Youth Empowerment. The purpose of Youth Empowerment is to raise teen awareness about violence in dating relationships. Youth do not feel safe in their relationships, homes or their communities. About 51% of teens say they or someone they know has experienced violence in a dating relationship. Since there was a need for teen violence education, the council decided to create the Youth Empowerment Project targeted to junior high and high school students about the issue of teen dating violence. The deliverables for this project include: (1) fact sheets; (2) resource lists; (3) testimonials; (4) public service announcement competition, and (5) Web of Friends website. MAG is in the process of contacting schools, youth organizations, and faith-based groups, encouraging them to enter the public service announcement competition. Web of Friends is the official site for the project and has all the deliverables available. Volunteer opportunities include promoting the Youth Empowerment project and recruiting judges for the public service announcement competition.

## **IV. Revision of ACJA § 5-204. Administration of Victims' Rights**

Amy Wood, AOC, gave an update on the revision of the Administration of Victims Rights code section. The purpose for the revision is (1) legislation SB1286 (2) case law (State v. Klein and State v. Hansen) and (3) to make the code section complement the priority of payment code section as opposed to covering the same issue in both code sections. The code section includes new definitions of the terms *crime* and *victim* and addresses disbursement of restitution.

**MOTION: Motion was made and seconded to approve the recommendation for current changes in the Victims Rights Code Section. Motion passed unanimously.  
CIDVC-07-005**

## **V. Update on CPOR/Phoenix Municipal Project**

Doug Pilcher and Robert Roll gave an update on the CPOR/Phoenix pilot project. The Court Protective Order Repository (CPOR) contains data from the case management systems in the state of Arizona. Currently, CPOR receives protective order data from all but three courts, but in January, because of Project Passport moving forward, CPOR will receive protective order data from all courts. CPOR is the master of record and Law Enforcement is the holder of record, meaning the courts can modify protective orders. Currently, there are 231,000 protective orders in CPOR. The Law Enforcement Protective Order Repository (LPOR) contains data about protective orders that have been issued. Coconino, Navajo, Gila and La Paz counties are fully utilizing CPOR and LPOR. These counties are sending their information electronically into CPOR, which moves the information into LPOR and finally to NCIC, a national repository. The goal is to have protective orders transmitted electronically to these databases for better accuracy.

The CPOR/Phoenix pilot project will give probation officers in the municipal court's Pretrial Services Unit limited access to CPOR for the purpose of viewing a defendant's protective order history. The information will be used to complete a lethality assessment, which is part of a pre-sentence report. Any information Pretrial Services retrieves from CPOR is proprietary and will be destroyed after the judge has reviewed it.

## **VI. Draft Code: Priority of Offender Payment for Superior Court**

Julie Dybas, AOC, gave an update on the draft code for Priority of Offender Payment in Superior courts. The existing code deals with adult offenders in single cases. The Priority of Offender Payment for Superior Court Code was developed because of: (1) lack of juvenile-type information; (2) new case management systems and the need for more information, and (3) continuous questions regarding the definition of "active" and "inactive" cases. The Priority of Offender Payment code section provides clarification regarding allocation of fees and restitution paid by a defendant. The code section will be sent out to other Supreme Court committees for comment.

## **VI. ABA Annual Meeting-DV Update**

Judge Zvenia gave an update on the 2007 ABA Annual Conference in San Francisco, CA. He said he wanted to share all information that was presented so the domestic violence committees can continue to be progressive and innovative leaders in the 21<sup>st</sup> Century. The following information was presented:

### **A. VAWA 2005**

The Violence Against Women Act, unanimously reauthorized by the U.S. Congress and signed into law, amended federal criminal statutes, provided funding for proven effective programs, and created new programs to fill gaps in the original legislation. Changes in all three of these areas provided additional avenues to address domestic and sexual violence experienced by teens and young adults.

### **B. Changes in Criminal Law**

The original VAWA act passed in 1994 did not address dating relationships. Dating relationships were not subject to this statute, whether involving adults or minors.

VAWA 2005 amended the statute making it a federal crime to cross state lines or use the mail “with intent to kill, injure, harass, or intimidate...a dating partner” and place that person in reasonable fear. The amendment goes on to define dating partner as “a person who is or has been in a social relationship based on a consideration of (a) the length of the relationship; (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship.” (18 USC § 2266) This change provided additional protection for adult dating relationships, but it is particularly critical for teens and young adults who are less likely to be married to, living with, or having a child with their intimate partners.

Another important change in the federal criminal law under VAWA 2005 included expanded coverage of the crime of stalking. The federal crime of stalking (18 USC § 2261A) was broadened in three ways: the actions covered; the stalker’s intentions, and the victim’s resulting fear. The law previously only applied to interstate stalking. Responding to the ever-changing technology now available (i.e., text and instant messaging, emails, etc.) and opportunities for its misuse, VAWA 2005 amended the statute to include “plac[ing] someone under surveillance or using interactive computer service” in the course of stalking. With the high usage of technology by teens and young adults, this change is particularly important to address reality in their world. Prosecution is further aided by amendments expanding stalker’s required intent from “intent to cause death or injury” to “intent to kill, injure, harass or intimidate, or to cause substantial emotional distress.” Finally, cyber stalking was criminalized by amending the prohibition on “obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications” to cover internet communications as well (47 USC §v 223(h)).

### **C. Funding for Services to Victims of Teen Dating Violence**

As in the case in the federal criminal statutes, the definition of domestic violence within VAWA programs is limited to relationships where the parties have been married, live together, or have a child in common. In the 2000 reauthorization, a definition of dating violence was added to VAWA. However, most programs funded under VAWA were designated for domestic violence services only; they did not include the term “dating violence.” VAWA 2005 addressed this problem by expanding all existing programs to cover domestic violence, dating violence, sexual assault and stalking. Moreover, the language used had always been silent as to the age of the victims who could be served. VAWA 2005 amended all programs to clearly state that both adult and youth victims can be served under these programs. This includes the important Legal Assistance for Victims of Violence Programs (42 USC § 379gg-6). Programs will be targeted to provide services to victims of teen dating violence.

A new program in this area is called the Services to Advocate for and Respond to Youth program (42USC § 14043c) or STARY, which will provide much-needed funding to stop the cycle of violence where it is most likely to occur — youth ages 16-24. (Data for this comes from Bureau of Justice Statistics, USDOJ, NCJ 187635, Intimate Partner Violence and Age of Victim, 1993-1999 (October 2001)).

Also, the Access to Justice for Youth program (42 USC § 1043c-1) was created to help communities build a systemic response to teen dating violence. Finally, the Supporting Teens through Education and Protection program (42 USC § 14043c-3) or STEP focuses on resources on the one location where large numbers of youth can be reached — schools. While schools have been envisioned as a safe haven, this is far from the truth as violence in schools has shattered this idea and has left many young people afraid of the very place they are sent to grow and mature. Thousands of incidents of rape and sexual assault are reported in the public schools.

All above information was reported to bring this to the committee's attention to see if and what areas of its responsibility need changes or amending to stay focused in the future.

### **VII. Update on ARPOP and Petition**

Judge O'Neil gave an update on the status of the Rules. The Rules were made available for public comment but no comments were received. The Domestic Violence Rules Committee submitted a petition in June, requesting adoption of the Rules with a delayed effective date of January 1, 2009. The Supreme Court is meeting in September to review all Rules petitions.

### **VIII. Workgroup Reports**

- A. DV Forms Workgroup (Commissioner Passamonte, Chair) -- No update at this time
- B. DV Benchbook (Hon. Wendy Hernandez, Chair) -- In the process of working with Education Services in updating the Benchbook.
- C. DV Criminal Benchbook (Hon. Mark Moran, Chair) -- The criminal Benchbook was released in 2004 and needs a complete revision.
- D. DV Education Workgroup (Hon. Mark Moran, Chair) -- Requesting ideas for the next judicial conference.
- E. Legislative Workgroup (Chair Vacant)—No update at this time. Judge Zvenia agreed to be Acting Chair of this workgroup until a permanent chair is appointed. Paul O'Connell, Dennis Lusk, and Kyle Bryson asked to be added to this workgroup.
- F. CPOR Policy/Technology Workgroup (Robert Roll, Chair)—Update previously given in the minutes.

## **VIII. Legislative Update**

### *SB1424 Aggravated Domestic Violence*

Increases the look-back period in which a third or subsequent domestic violence offense becomes an aggravated domestic violence offense from 60 months to 84 months, similar to the Aggravated DUI statute.

### *SB1227 Domestic Violence; Lease Termination*

In pertinent part, permits a tenant who is a victim of domestic violence to terminate a rental agreement if written notice is provided within 30 days to a landlord and a request is made to be released from the rental agreement. The victim must provide the landlord with either a copy of any protective order or a copy of a written departmental report from a law enforcement agency that states that the tenant notified the law enforcement agency that the tenant was a victim of domestic violence. The landlord may request a receipt or signed statement that an order of protection has been submitted to an authorized officer of the court for service as well as the name and address of the person named if known by the victim. A person named in the departmental report or the order of protection who provokes an early lease termination is deemed to have interfered with the residential rental agreement between the landlord and the tenant, and may be civilly liable for all economic losses incurred by a landlord, including unpaid rent, early lease termination fees, costs to repair damage to the premises and any reductions or waivers of rent for the domestic violence early lease termination. An emergency order of protection or protection order issued to a resident of a rental property automatically applies to the entire residential rental property in which the tenant has a rental agreement.

### *SB1006 Public Records; Confidentiality*

Adds probation officers, among others, to the list of persons who may request redaction of personal identifying information, such as home address and phone numbers, from records maintained by the county assessor, recorder or treasurer or by the state Department of Transportation. Probation officers were already included in the statutes under different language.

### *SB1286 Victims' Rights Omnibus*

Requires probation officers supervising adults to monitor restitution payments. Requires the clerk of the court to provide to the prosecutor and the court a monthly report listing defendants who are in default of restitution. Failure to pay restitution subjects a defendant to an order to show cause re: contempt. Probation may be extended five years for a felony and two years for a misdemeanor if restitution is still outstanding. Effective January 1, 2008, modifies the warning on an *ex parte* Order of Protection to state that the defendant will be subject to arrest and prosecuted for interference with judicial proceedings and any other crime if the order is violated. Requires the agency with custody of the defendant to notify the victim and other designated persons, if known, on an Order of Protection if the defendant is released after being arrested for an IJP. The Prosecutor's Office must provide a victim with notice of any continuance.

Effective December 1, 2007. a victim who requests notice of post-conviction or appellate proceedings shall receive immediate notice from the prosecutor of proceedings and any

decisions that arise. A victim or victim's counsel who requests notice must receive a copy of the memorandum decision or opinion from the Supreme Court or the Court of Appeals concurrently with the parties.

Prohibits any victim contact or identifying information from becoming publicly accessible and requires victim contact information to be redacted from a police report by the originating agency. This provision does not apply to: a victim's name, records transmitted between law enforcement, prosecutors and the court, records that the victim consented to release, or the address or location at which the crime occurred.

Requires the court or clerk to provide at no charge to a victim the minute entry or portion of the record arising out of the offense committed against the victim if reasonably necessary for the purpose of representation regarding a claimed victim's right.

Requires the prosecutor to make reasonable efforts to notify a victim of any request for a continuance. Requires the court, if the request for continuance is in writing and the victim is represented by counsel who files a notice of appearance, to make reasonable efforts to notify the victim's counsel of the request in the same manner as the party notified. A continuance may be granted only if there are extraordinary circumstances and the delay is indispensable to the interests of justice and only for so long as is in the interest of justice. The reason for the continuance must be stated on the record. Does not apply to municipal and justice of the peace courts; however, the intent is that the extraordinary circumstances and interest of justice provisions apply to all courts.

## **V. Benchbook Updates**

Paul Julien, Judicial Education Officer, AOC, agreed to partner with CIDVC in updating the Criminal and Civil DV Benchbooks. The plan is to completely overhaul the benchbooks within the next year. The possibility of combining both the civil and criminal DV benchbooks was discussed. The goal is for the current materials to be developed into a true benchbook containing scripts and legal reference information. Resource material found in the current civil DV benchbook will be incorporated into a separate resource manual that will be available to the public. Meanwhile, Judge Hernandez will work on a revision of the civil benchbook that will incorporate the Arizona Rules of Protective Order Procedure. Likewise, Judge Moran will update the criminal benchbook. These two updated benchbooks will be used until the overhaul by Education Services. Judge Hernandez noted that court staff rely heavily on the current benchbook so CIDVC may want to consider development of a separate staff manual. The committee will consider whether the proposed resource manual will fulfill that purpose.

## **IV. Call to the Public/Adjournment**

No members of the public wished to address the committee. Chair adjourned the meeting at 2:00 p.m.

### **Next Meeting:**

Wednesday, November 14, 2007

10:00 a.m. – 2:00 p.m.

State Courts Building, Conference Room 345 A/B

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

November 14, 2007  
10:00 AM –2:00 PM  
State Courts Building,  
1501 W. Washington St., Room 345 A/B

**MEMBERS PRESENT**

Barbara Appenzeller, CPA  
Lt. Mark Carpenter  
Dr. Jennifer J. Casaletto  
Honorable Anita Escobedo  
Cdr. Larry Farnsworth  
Joan Fox, DDS  
Tracey Hannah, Esq.  
Honorable Ronald I. Karp  
Patricia Klahr  
Honorable Michelle Lue Sang  
Honorable Dennis Lusk  
Honorable Wendy Million  
Honorable Mark Moran  
Paul O'Connell (Cindy Roup)  
Honorable William O'Neil, Chair  
Doug Pilcher  
Robert Roll  
Catherine Shugrue-Schaffner, Esq.  
Honorable Benjamín Zvenia

**MEMBERS ABSENT**

Kristen Hoffmeyer, Esq.  
Bridget Humphrey, Esq.  
Cheryl L. Karp, Ph.D.  
Honorable Sherry L. Geisler  
Sheri Lauritano, Esq.  
Jerold Monahan  
Honorable Carolyn Passamonte  
Honorable Jack Peyton  
Kim Van Nimwegen, MSW  
Tracey Wilkinson

**STAFF**

Kay Radwanski  
Lorraine Nevarez

**Guests**

Leah Meyers, GOCYF/DFW  
Jami Cornish, Community Legal Services  
Chris Groninger, AZFLSE  
Natasha Ter-Grigoryan, Public  
Richard Shugrue, Esq., Ph.D.

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**I. CALL TO ORDER**

**A. Welcome and Opening Remarks**

Judge O'Neil, chair, called the November 14, 2007, meeting of the Committee on the Impact of Domestic Violence and the Courts to order at 10:05 a.m. Judge O'Neil welcomed the members.

**B. Approval of Minutes from September 5, 2007**

Minutes of the September 5, 2007, meeting of the Committee on the Impact of Domestic Violence and the Courts were presented for approval.

**MOTION: Motion was made and seconded to approve the September 5, 2007, meeting minutes. Motion passed unanimously.  
CIDVC-07-006**

## **II. Morrison Institute Report**

William Hart and Richard Toon, research and policy analysts at Arizona State University's Morrison Institute, reported on their recently released report, "System Alert: Arizona's Criminal Justice Response to Domestic Violence." Mr. Hart shared their findings on surveys completed by judges, prosecutors, victims, victim advocates, and probation officers regarding domestic violence. Their research has indicated that many find the judicial system needs to improve in some areas regarding victims' needs, level of victim involvement in the prosecution of DV offenders, and expanded domestic violence training for criminal justice professionals. Their recommendations to the criminal justice system are geared toward establishing a more efficient and effective reaction to domestic violence.

Judge O'Neil advised the committee that the Chief Justice has charged CIDVC with reviewing the "System Alert" report and making recommendations to bring about change. He urged members to think about the question, "If there were nothing in place, what would we put in place?"

## **III. DV Historical Perspective**

Judge O'Neil presented a power point on domestic violence and the response by the Arizona courts, including the formation of CIDVC and its many accomplishments since its inception. He identified the community needs that call for a judicial response to domestic violence and how the judicial branch has addressed those needs.

## **IV. Training-Arizona Rules of Protective Order Procedure**

Staff reported that the Supreme Court adopted the Arizona Rules of Protective Order Procedure (ARPOP) in September and the Rules will become effective January 1, 2008. The Project Passport forms are in the process of rolling out to the AZTEC courts, and the non-AZTEC courts also are in the process of implementing them. Also, a compact disc was produced to provide training information on ARPOP and the new protective order forms. The CD will be mailed to all presiding judges and training coordinators, and they may duplicate the training materials as necessary.

## **V. DV Rules Committee-Next Steps**

The DV Rules Committee has completed its charge. Judge O'Neil, chair of the Domestic Violence Rule Committee, will be making a presentation to the Arizona Judicial Council (AJC) regarding the Committee's recommendation for domestic violence training. Judge O'Neil also discussed the possibility that a committee might be formed by the Supreme Court for the purpose of reviewing the rules as any issues with them arise.

## **VI. Workgroup Reports**

- A. DV Forms Workgroup (Commissioner Passamonte, Chair) -- No update at this time.
- B. DV Benchbook (Hon. Wendy Million, Chair) – Judge Million advised that she has been working with Education Services to update the civil benchbook, including incorporating the ARPOP into it. Future updates of the benchbook will be handled by the Publications Committee, of which she is now a member. She also suggested

combining the DV Benchbook and Criminal Benchbook workgroups and changing the workgroup to a reference book workgroup. She noted that there is a need for a reference book for court staff, who rely on the benchbook for information about court procedure. Judge O'Neil delegated the reference book workgroup task to the current Criminal Benchbook workgroup to develop a reference book for staff and to also coordinate with the Publication Committee.

**MOTION: Motion was made and seconded to approve the new Reference Book Workgroup. Motion passed unanimously.  
CIDVC-07-007**

Judge Million also suggested establishing two new workgroups to begin acting upon the recommendations from the Morrison Institute's "System Alert" report. The workgroups would be a batterers' program workgroup and a victims' barrier workgroup. After further discussion, it was decided that one workgroup would study domestic violence courts and victims' barriers and another would study offender accountability issues.

As a result of this discussion, Judge O'Neil established three new workgroups: (1) Best Practices Workgroup (Judge Million, Chair); (2) DV Resource Book Workgroup (Judge Moran, Chair), and (3) Batterers' Treatment Policies & Programs Workgroup (Tracy Hannah, Esq., Chair).

- C. DV Criminal Benchbook (Hon. Mark Moran, Chair) – Judge Moran updated the material in the criminal benchbook and forwarded it to Paul Julien, judicial education officer. Like the civil benchbook, future updates of the Criminal Benchbook have become the responsibility of the Publication Committee and Education Services.
- D. DV Education Workgroup (Hon. Mark Moran, Chair) – The workgroup provided an education video to the Maricopa Association of Governments to incorporate into their existing teen education program. The workgroup has developed a preliminary plan proposal for the Judicial Conference next year. He noted that both Judge Lue Sang and Judge Million are members of the Judicial Conference Planning Committee. Tentative plans call for a two-part presentation, one of which will focus on the Morrison Institute report and the other to discuss the behavior of DV offenders in the courtroom and how judicial officers should deal with those behaviors.
- E. Legislative Workgroup (Hon. Benjamin Zvenia, Acting Chair)—Judge Zvenia reported that the workgroup has little activity as the Legislature is not in session at present.
- F. CPOR Policy/Technology Workgroup (Robert Roll, Chair) — Still coordinating with non-AZTEC courts in regard to the protective order forms and getting data into CPOR. Work continues with the Phoenix Municipal Court on providing limited access to CPOR so that the court's Pre-Trial Services Unit can provide relevant information in pre-sentencing reports.

## **VI. Announcements**

Because of schedule conflicts, Judge O'Neil changed the CIDVC meeting day from Wednesday to Tuesday for the next year. Meeting dates for 2008 are:

- February 12
- May 6
- September 9
- November 4

He reminded members that anyone serving as proxy must be from outside the committee. Also, a proxy may not carry multiple proxies. In addition, a member appearing telephonically must be present for the whole meeting to be included in the quorum.

Judge Zvenia reported on the North American Indian Courts Conference and gave accolades to Judge O'Neil for his efforts in steering Project Passport. Judge Zvenia noted that a number of tribes have adopted the Project Passport protective order forms. Judge O'Neil informed the members that he has been appointed to the State and Federal Tribal Forum. He noted that while not all Arizona tribes have adopted the forms, a number of them are using the Project Passport model.

## **VII. Call to the Public**

No public members addressed the committee.

## **VIII. Adjournment**

The meeting was adjourned at 1:35 p.m.

### **Next Meeting:**

Wednesday, February 12, 2007

10:00 a.m. – 2:00 p.m.

State Courts Building, Conference Room 345 A/B