

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Approved Minutes

February 12, 2019; 10:00 a.m.

Arizona State Courts Building

Conference Room 119A/B

1501 W. Washington Street, Phoenix, AZ 85007

Present: Judge Wendy Million (chair), Judge Marianne Bayardi, Diane Culin, Judge Statia Hendrix, Patricia Madsen, Officer Christopher Malast, Amy Offenber, Judge Wyatt J. Palmer, Sgt. Lauren Pettey, Pearl Puente, Rebecca Strickland, Whitney Walker, Kristi Ward, Tracey Wilkinson, Chief Terry Young

Telephonic: Michelle Chamblee, Lynn Fazz, Deborah Fresquez

Absent/Excused: Anna Harper-Guerrero, Susan Johnson-Molina, Leah Meyers, Judge Bruce Staggs, Judge Patricia A. Trebesch, Judge Adam Watters

Presenters/Guests: Nida Alvi, Ruhi Bengali, Kathleen Hallgren, Jacqui Pitt, and Michael-Sean Spence with Everytown for Gun Safety; Judge Carol Scott Berry (Ret.); Judge Catherine Gaudreau, Surprise City Court; Lt. Theresa Arviso, Surprise Police Department; Michelle Fisher, ASU student; Sgt. Brian Knight, Tucson Police Department; Trinidad Gullet, AOC-ITD; Amy Love, AOC; Stacy Reinstein, AOC; Elaine Armfield

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The February 12, 2019, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) was called to order at 10:07 a.m. by Judge Wendy Million, chair.

B. Approval of Minutes

The draft minutes from the November 13, 2018, CIDVC meeting were presented for approval.

Motion: To approve the November 13, 2018, meeting minutes as presented. **Moved by:** Amy Offenber. **Seconded by:** Judge Statia Hendrix. Motion passed unanimously.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Everytown for Gun Safety

The presenters from Everytown for Gun Safety introduced themselves, explained their roles within the organization, and then gave a brief overview of its formation and purpose. They gave a PowerPoint presentation broken down into three parts: The Nexus of Firearms and Domestic Violence, presented by Ruhi Bengali; Protecting Arizona Families From Domestic Violence, presented by Nida Alvi and Kathleen Hallgren; and Evidence-Based Prevention of Domestic Violence, presented by Jacqui Pitt and Michael-Sean Spence. Important points included:

- The use of guns in domestic violence acts toward women is a uniquely American problem. Among developed nations, the United States is the most deadly country for women.
- Arizona has one of the highest homicide rates of women murdered by men.
- Relinquishment processes and enforced prohibited possessor laws correlate to a 10 – 12 percent drop in intimate partner homicide rates.
- In Arizona, the group is currently working on legislation in the form of SB1219 and HB2740 to match or complement the federal Lautenberg Amendment.

The committee asked questions and provided feedback to Everytown for Gun Safety, including:

- the knowledge that in Arizona, a defendant can avoid becoming a prohibited possessor by not contesting the Order of Protection.
- the difference between the Arizona and federal definitions of domestic violence.
- additional discussion about the King County, Wash., model.
- ideas on how to gather information about weapons a defendant may own or possess.
- how to enforce surrender orders and store surrendered weapons.

B. Legislative Update

Amy Love, AOC deputy director of governments affairs, explained that the bills supported by Everytown for Gun Safety have not been scheduled for a hearing but have been assigned to the Senate Judiciary Committee, as has SB1250, sexual assault protective orders, which is coming from the Arizona Coalition to End Sexual and Domestic Violence (ACESDV). Regarding HB2161, severe threat order of protections, Ms. Love said it has not been assigned to a committee yet.

Ms. Love was asked about the Administrative Office of the Courts' (AOC) recommendation for CIDVC to draft legislation on judicial discretion to extend the length of an Order of Protection

past one year. Ms. Love stated that approximately a month after the legislative session ends, a request for proposals goes out from her office. Judge Million will be able to submit a recommendation from CIDVC at that time.

C. Potential ARPOP Revisions

Judge Marianne Bayardi presented several protective order scenarios that pose questions, expose patterns of unpredictability, and have shown a division of opinion in the judiciary. Kay Radwanski, AOC, suggested having the ARPOP Workgroup look at the issues to see if there is a way to use the rules to clarify without changing the law. Recommendations should be presented at the September meeting.

Judge Million congratulated Judge Bayardi on her appointment as assistant presiding judge, Phoenix Municipal Court.

D. AZ Statewide Protective Order Project 2020

Trinidad Gullett, AOC-ITD, and Ms. Radwanski spoke about upcoming changes based on HB2249, which was signed into law in 2018.

Implementation of HB2249 will require revisions to some of the Arizona Rules of Protective Order Procedure (ARPOP). CIDVC's proposed changes were presented in [Rule Petition R-19-0009](#). Comments on the petition will be accepted until May 1, 2019, on the Rules Forum.

Ms. Radwanski then discussed changes, and reasons for those changes, to the protective order forms based on comments given during the last meeting. She explained that even though HB2249 will not take effect until January 1, 2020, the forms need to be ready for the Glendale court pilot program beginning this June.

Additional changes were suggested, including:

- adding a question to the petition in which the plaintiff can indicate whether the defendant owns or carries a firearm or other weapons.
- modifying the Notice of Brady Indicator to remove all references to "Sheriff" (as the courts, not the sheriffs, will transmit to NCIC) and indicating affirmatively that the defendant is disqualified from possessing firearms for the duration of the Order of Protection.
- Other modifications included restyling and grammatical improvements.

Ms. Gullett then gave a status report on the protective order portal. Requirements have been submitted to the vendor. Moore Creative will give committee members who have volunteered to assist with the portal a first look at the web portal wireframes (storyboards) on March 6, with additional dates to follow. Ms. Radwanski then gave a brief overview of how the portal is expected to work and the requirements that have been provided to the vendor.

E. Workgroup Reports

Firearms

The Firearms Workgroup met by conference call on January 15, but because of previous obligations, Judge Million was present for only part of the meeting. She expressed a desire to schedule in-person meetings, not just for the Firearms Workgroup, but for all the workgroups, so that the workgroups can be more productive.

Orders, Enforcement & Access

Judge Carol Scott Berry reported that the Orders, Enforcement & Access Workgroup met by conference call on February 5. The workgroup reviewed the content of a bench card for contested protective order hearings drafted by Judge Catherine Gaudreau. She is updating the draft based on the workgroup discussion.

Judge Berry informed the committee that she will attend the Limited Jurisdiction Committee meeting on February 20 to present on remote video hearings and encourage courts to implement the remote video process.

Education/Judicial Education

The Education/Judicial Education Workgroup made three recommendations to the Education Services Division on domestic violence-related topics for the 2019 Judicial Conference. One recommendation was chosen. Two sessions of “Comings and Goings: Why do They Stay” will be offered. This is an interactive simulation that will allow participants to understand the options and the decisions that a domestic violence victim may face.

After the workgroup discussion, Judge Hendrix spoke about the Judicial Engagement Network (JEN) and offered praise for her involvement with JEN. JEN has partnered with the Center for Court Innovation to establish a fellowship program. Judge Hendrix has been accepted into the fellowship program after submitting an application that included a proposal for a project which she would work on in her court and community. Judge Million suggested that Judge Hendrix submit an article on the video remote process through the JEN website.

F. Report of the Study Committee on Domestic Violence and Mental Health in Family Law Cases

Judge Million directed members to the report in the meeting packet and pointed out that many of the suggestions in the report fall into education. She informed members that Ms. Radwanski has met with the AOC administrative director to get direction on which recommendations CIDVC should take on. Further discussion will take place at the May meeting.

G. Rule 28 Petitions

Rule 28 Petitions are petitions that anyone can file with the Supreme Court to amend or suggest changes to court rules. In addition to CIDVC’s petition, there were four other petitions filed regarding ARPOP. The committee may file comments but is not obligated to do

so. The consensus was that the committee will decline to comment on these petitions, unless requested to do so by the justices. The comment period ends May 1, and the justices will meet in late summer to make decisions about all pending petitions.

III. OTHER BUSINESS

A. Announcements/Call to the Public

- No one responded to the Call to the Public.
- Tracy Wilkinson suggested that committee members monitor HB2249 (mental health; injunction; firearm possession) and HB2161 (order of protection; firearm possession) during the legislative session.
- Kristi Ward invited the committee members to a domestic violence treatment expo for providers being put on by the Maricopa County Adult Probation Department. The expo will be on March 18.

B. Next Meeting. Tuesday, May 14, 2019; 10 a.m. Arizona State Courts Building, Conference Room 119 A/B 1501 W. Washington, Phoenix, AZ 85007

The meeting adjourned at 2:18 pm.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Approved Minutes

May 7, 2019 10:00 a.m.

Arizona State Courts Building

Conference Room 119A/B

1501 W. Washington Street, Phoenix, AZ 85007

Present: Judge Wendy Million (chair), Judge Marianne T. Bayardi, Diane L. Culin, Judge Statia Hendrix, Patricia Madsen, Officer Christopher Malast, Amy Offenber, Sergeant Lauren Pettey, Pearl Puente, Judge Bruce Staggs, Rebecca Strickland, Judge Debra Phelan (proxy for Judge Patricia A. Trebesch), Judge Adam Watters, Tracey Wilkinson

Telephonic: Leah Meyers, Chief Terry Young

Absent/Excused: Lynn Fazz, Deborah Fresquez, Anna Harper-Guerrero, Susan Johnson-Molina, Judge Wyatt J. Palmer, Kristi Ward

Presenters/Guests: Lt. Theresa Arviso, Surprise Police Department; Judge Catherine Gaudreau, Surprise City Court; Michele Gillich, AOC ITD; Sergeant Joseph Wall, Tucson Police Department; Chief Justice Scott Bales

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The May 7, 2019, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) was called to order at 10:07 a.m. by Judge Wendy Million, chair. Judge Million informed the committee that Judge Patricia Trebesch was being represented by a proxy, Judge Debra Phelan, and that Judge Trebesch would be retiring at the end of July. Judge Million also advised the members that Michelle Chamblee with the Pima County Attorney's Office had been reassigned from domestic violence cases, and thus had resigned. She thanked her for them both for their service to the committee.

Judge Million also discussed openings on the committee, including the newly established positions for a family court judge and family court administrator. There are also openings for a limited jurisdiction metro judge, a public member, and a sheriff's candidate. An application packet is being prepared for consideration by the Chief Justice.

B. Approval of Minutes

The draft minutes from the February 12, 2019, CIDVC meeting were presented for approval. A committee member noted that the date of the next meeting on these minutes was

incorrect; however, this change was not made until after the meeting, so the minutes will remain unchanged to reflect the expected date at the time of the February 12 meeting.

Motion: To approve the February 12, 2019, minutes. **Moved by** Amy Offenberg. **Seconded by** Judge Marianne Bayardi. Motion passed unanimously.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Update: AZ Statewide Protective Order Project 2020

Michele Gillich, AOC ITD project manager, provided an overview of HB2249 and an update on Arizona Statewide Protective Order Project 2020, which is a result of those legislative changes.

HB2249, which was passed in the 2018 session, requires the Supreme Court to become the holder of record and provide a central repository for injunctions and Orders of Protection. Also, return of service to the court must take place within 72 hours, and the serving agency must continue to try to serve the order until it is served, or a year from the date of issuance, whichever comes first.

In order to facilitate the changes, a web-based application is being developed by the AOC ITD. From application to issuance and service, the process will be able to be managed online. Ms. Gillich discussed development of the application, its process and features, and timeline phases until launch.

Discussion, comments, and questions took place during and after Ms. Gillich's presentation. Important points included:

- Petitions submitted via the web application will be kept in "the cloud" for 90 days. Every action or update conducted online will restart the clock at 90 days. A plaintiff must complete the process by going to an Arizona court and requesting that the petition be filed.
- Plaintiffs can sign up to receive email and text notifications about the status of their petitions.
- Upgraded security features include:
 - using a "delegate" email address;
 - using a picture or image with text as an access feature instead of security questions that a relationship partner could know; and
 - a floating safety button for quick exit of the application, if the plaintiff is not able to work in a secure space.

- Petition software works as a guided interview and will autofill all fields based on information that is entered (e.g., name must be entered only once). Hover text will provide additional information as the plaintiff fills out the petition.
- Questions about legal separation or dissolution, maternity, paternity, custody, parenting time, or support will inform the judge of any parallel family court cases.
 - Hover text will inform the plaintiff that if there is a related family court case, the plaintiff must file the OP petition in the superior court in which the family court case is located.
- Testing and updates to all courts are upcoming, with a pilot program scheduled for Glendale City Court this summer.
- The Education Services Division (ESD) has been charged with developing the training for the courts.
- There were concerns about the preparedness of the police departments. It was suggested that CIDVC might be able to provide an informational flyer or an infographic to judges and victim's services organizations and possibly get on the Arizona Association of Chiefs of Police July agenda.

B. ARPOP Rule Petition R-19-0009 (Taken out of order.)

Petition R-19-0009 to conform the Arizona Rules of Protective Order Procedure to statutory changes was filed in January. Two comments were received, and a response has been drafted. Several of the questions posed are answered within the statutes. One concerned based on changes to the statutes could be remedied by adding a sentence to Rule 31(c) stating, "The court may accomplish transmission of the order of protection and accompanying documents by using a service portal managed by Administrative Office of the Courts."

There was a brief discussion revisiting the workings of the portal and the best way to address service, e.g., home address vs. work address, especially if they are in different towns, lack of address, or transfer of service based on changes of address.

Motion: To authorize Judge Million, on CIDVC's behalf, to reply to comments filed in response to Petition R-19-0009. **Moved by** Judge Bruce Staggs. **Seconded by** Judge Statia Hendrix. Motion passed unanimously.

C. Legislative Update – SB 1250; Proposal for Extended Order of Protection

Kay Radwanski gave a brief overview of Senate Bill 1250. Senate Bill 1250 allows a person who is a victim of certain acts of sexual violence to obtain an Injunction Against Harassment based on only one incident. This assumes the victim does not have a qualifying relationship with the defendant that would allow for an Order of Protection. In response to this, changes will need to be made to the ARPOP Rules, certain forms, the web portal, and other judicial education and public materials. An emergency petition will need to be filed to adopt the

changes. Ms. Radwanski will work with the AOC Legal Department on this, and the matter will be revisited at the September meeting.

Last December, the Study Committee on Domestic Violence and Mental Illness in Family Court Cases offered a recommendation to propose legislation to extend Orders of Protection for longer than one year. CIDVC was charged with drafting this legislation. Ms. Radwanski researched and found language in Texas law that could be adapted for this purpose.

Discussion ensued with about protective orders including children and how to handle protective orders and custody issues. There was also discussion about what length of time should be suggested. The consensus was to ask for 84 months to be consistent with the aggravated domestic violence statute. It was also suggested that such an order should be called a “long-term” order instead of an “extended” order, as Arizona does not change the length of time on a protective order once issued.

Motion: Recommend submission to the AOC Legislative Team draft legislation to extend the duration of an Order of Protection and an Injunction Against Harassment under certain circumstances. **Moved by** Patricia Madsen. **Seconded by** Tracey Wilkinson. Motion passed unanimously.

D. Workgroup Reports

Orders, Enforcement, and Access

Judge Catherine Gaudreau, Surprise City Court, presented the workgroup’s draft of the Contested/Pre-Issuance Hearing bench card. She asked for suggestions and feedback from the group. Members discussed policy and procedure regarding a defendant being absent from a contested hearing and possible language and formatting changes. Work based on the suggestions is to be completed as quickly as possible so that the cards can be handed out at the Judicial Conference in June.

Other Workgroup News

Judge Million thanked Judge Hendrix, Judge Trebesch, and Judge Marianne Bayardi for their leadership in several workgroups. Inspired in part by them and new charges delegated to the committee by the Study Committee on Domestic Violence and Mental Illness in Family Court Cases, the CIDVC workgroups will be reorganized.

The Judicial Education Workgroup will include all the judges and will come up with ideas for the Judicial Conference. Judge Million also proposed that CIDVC work with the AOC on a statewide domestic violence conference, with the Judicial Education Workgroup suggesting some topics. Additionally, she charged this workgroup with drafting a proposal to change the COJET code to include mandatory domestic violence training.

The new Family Law Workgroup will include a family law judge, a family court administrator, and an additional general jurisdiction judge. The Lethality and Firearms workgroups will merge into the High Risk and Lethality Issues Workgroup.

During the workgroup reports, Chief Justice Scott Bales arrived and addressed the committee. He told the committee his last day on the Supreme Court will be July 31, and he thanked the committee for all the work they have done during his term as chief justice.

Judge Million informed the group that development of training and educational materials will be distributed among the workgroups based on subject matter. As a result, the Protective Orders, Enforcement, and Access to Justice Workgroup will be responsible for working with the Department of Corrections on service of Orders of Protection.

The PO2020/Forms/ARPOP Workgroup will work with ESD to coordinate training efforts based on the changes regarding HB2249.

Judge Million said she would like to have a “working day” for members to focus on their workgroup tasks. An email will be sent out to poll the group on their availability.

E. Court Projects

Judge Hendrix apprised the committee of her Scottsdale City Court Remote Video Project. After seeing advocates working in another courtroom with victims, she wanted to see the same thing happening in her courtroom. She applied for and received a fellowship to partner with Chrysalis on a remote Order of Protection pilot. Plaintiffs can petition for Orders of Protection at the Scottsdale City by remote video from the Chrysalis location.

Judge Million briefed the committee on the Tucson City Court Domestic Violence Mentor Court Open House that will take place May 16 and 17.

III. OTHER BUSINESS

A. Announcements/Call to the Public

- Ms. Madsen will receive the Desert Sunflower Award from the Arizona Coalition to End Sexual and Domestic Violence on May 11 at the coalition’s Thrive Gala and Awards Dinner.
- Spanish Domestic Violence and Domestic Violence Legal Info pages have gone live on www.AZCourts.gov .
- No one responded to the Call to the Public.

- B. Next Meeting.** Tuesday, September 10, 2019; 10 a.m.
Arizona State Courts Building, Conference Room 119 A/B
1501 W. Washington, Phoenix, AZ 85007

The meeting adjourned at 2:00 pm.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Approved Minutes

September 10, 2019 10:00 a.m.

Arizona State Courts Building

Conference Room 119A/B

1501 W. Washington Street, Phoenix, AZ 85007

Present: Judge Wendy Million (chair), Elaine Armfield, Judge Marianne T. Bayardi, Diane L. Culin, Judge Catherine Gaudreau, Anna Harper-Guerrero, Judge Statia Hendrix, Joi Hollis Ph.D., Officer Christopher Malast, Leah Meyers, Doreen Nicholas, Amy Offenber, Sergeant Lauren Pettey, Pearl Puente, Rebecca Strickland, Patricia A. Tracey, Kristi Ward, Police Commander Phillip Johnson (proxy for Chief Terry Young)

Telephonic: Deborah Fresquez

Absent/Excused: Judge Bruce R. Cohen, Lynn Fazz, Susan Johnson-Molina, Patricia Madsen, Judge Wyatt Palmer, Judge Debra R. Phelan, Judge Bruce Staggs, Judge Adam Watters, Tracey Wilkinson

Presenters/Guests: Michele Gillich, AOC ITD; Amy Love, Deputy Director – AOC Government Affairs, Vice Chief Justice Ann A. Scott Timmer

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The September 10, 2019, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) was called to order at 10:05 a.m. by Judge Wendy Million, chair.

Judge Million introduced the new members of the committee.

B. Approval of Minutes

The draft minutes from the May 7, 2019, CIDVC meeting were presented for approval.

Motion: To approve the May 7, 2019, minutes. **Moved by** Amy Offenber. **Seconded by** Judge Statia Hendrix. Motion passed unanimously.

After approval of the minutes, Judge Million advised the committee that the Interim Report for the Committee on Mental Health was in the meeting packet, but there would not be a presentation on it.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Update: AZ Statewide Protective Order Project 2020

Michele Gillich, AOC ITD project manager, announced to the committee that the official branding name for the project is AZ POINT, which stands for “Arizona Protective Order Initiation and Notification Tool.” The domain name is currently awaiting final approval from the Arizona Department of Administration (ADOA).

Ms. Gillich then provided a brief overview of the current and future status, along with the process of AZPOINT.

Discussion, comments, and questions took place during and after Ms. Gillich’s presentation. Important points included:

- Based on legislation, if the plaintiff has signed up for electronic notifications, the plaintiff will receive an electronic notification of the status of the order. If the plaintiff did not sign up for electronic notifications, then the servicing agency will receive a notification that they need to inform the plaintiff of the status.
 - At this time, if the plaintiff does not use the electronic portal, they will not have the option of receiving electronic notifications. Work is being done to rectify this.
- Only Orders of Protection will be sent for service electronically. For Injunctions Against Harassment and Injunctions Against Workplace Harassment, the service process will not change, but the Declaration of Service will need to be updated in the electronic portal.
- After service, the servicing agency will be responsible for completing the Declaration of Service in the system.
 - Notifications will go to the plaintiff and to DPS to forward to NCIC.
 - Should a defendant have an interaction with law enforcement, the information about the order or injunction would be available to law enforcement.
- Logistics of the transfer and retrieval of the electronic data are still being finalized.
 - Data will be sent every 15 minutes.
- Testing and pilot programs will run through the end of December.

B. Proposal for Extended Order of Protection

Amy Love, deputy director, AOC Government Affairs, provided the committee with a legislative update on a proposed long-term Order of Protection. The draft proposal was presented to the Committee on Superior Court (COSC) at their September 6 meeting. COSC expressed

support for the proposal but had concerns about the length of time (84 months), along with questions about when a long-term order should be granted, and whether the order could or should be revisited during that extended time. She suggested that these issues be addressed now to give the draft proposal the best chance of making it through the legislative process.

Discussion ensued.

- Ms. Love suggested that the long-term Order of Protection would be treated similarly to Title 36, where a person could come back to court to request review of the order.
 - Opening the door for further hearings provides opportunity for:
 - modifications;
 - risky or dangerous behaviors by defendants by providing opportunity for scheduled meetings with the plaintiff;
 - additional stress or harm to the plaintiff being expected to see the defendant in court on a scheduled basis.
- Could a risk assessment be added to the questionnaire?
 - The risk assessment would have to be codified.
 - The risk assessment would be come part of the record, and if not being asked by appropriate personnel (police or advocate), it could come across as being suggestive.
- Could the 84 months be a “cap” instead of the absolute?
 - Where do the conditions and standards to set a long-term Order of Protection in different time lengths come from?

After the discussion, it was decided that additional time is needed for consideration, conversation, and changes to the language. They will apprise Ms. Love when they are ready to move forward.

C. Update on ARPOP Rule Petitions

Kay Radwanski, AOC, recapped the ARPOP petitions that were submitted to the Supreme Court for consideration. Of the petitions submitted, only R-19-0009 was approved. There were no comments from the court on denied petitions R-19-0021 – 19-0024.

D. Workgroup Reports

The meeting was closed to the public while the workgroups met to discuss their separate charges and projects.

E. Legal Services Task Force

Vice Chief Justice Ann A. Scott Timmer discussed the work the Legal Services Task Force (LSTF) has completed and asked the committee for input to assist with the completion of the LSTF report to the Arizona Judicial Council (AJC).

The LSTF was tasked with making recommendations to improve the delivery of legal services. They are working on recommendations for a legal document preparers program, tiers of non-lawyer practitioners, co-ownership of legal firms by non-lawyers, unbundling legal services, and possible restyling of Rule 31(d) (the practice of law). This effort is based on movement in the numbers showing the majority of lawyers are now representing businesses or entities rather than individuals and the increase in legal technology and the do-it-yourself economy.

Motion: To support the concepts and recommendations put forth with any comments forwarded on. **Moved by** Judge Marianne Bayardi. **Seconded by** Diane Culin. Motion passed unanimously.

III. OTHER BUSINESS

A. Announcements/Call to the Public

- Judge Million requested the workgroups meet again before the November meeting, and reminded the committee that the November meeting has been moved to November 5.
- Melinda Sherwyn, public, addressed the committee.
- Martin Lynch, public, addressed the committee.

B. Next Meeting. Tuesday, November 5, 2019; 10 a.m. Arizona State Courts Building, Conference Room 119 A/B 1501 W. Washington, Phoenix, AZ 85007

The meeting adjourned at 1:55 pm.

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Approved Minutes

November 5, 2019 10:00 a.m.

Arizona State Courts Building

Conference Room 119A/B

1501 W. Washington Street, Phoenix, AZ 85007

Present: Judge Wendy Million (chair), Elaine Armfield, Judge Marianne T. Bayardi, Judge Bruce R. Cohen, Diane L. Culin, Judge Catherine Gaudreau, Judge Statia Hendrix, Patricia Madsen, Sgt. Jorge Lomeli (proxy for Officer Christopher Malast), Leah Meyers, Doreen Nicholas, Amy Offenber, Judge Wyatt Palmer, Pearl Puente, Rebecca Strickland, Patricia A. Tracey, Kristi Ward, Sgt. Jose Ferreira (proxy for Tracey Wilkinson)

Telephonic: Anna Harper-Guerrero, Dr. Joi Hollis, Sergeant Lauren Pettey, Judge Bruce Staggs

Absent/Excused: Lynn Fazz, Deborah Fresquez, Susan Johnson-Molina; Judge Debra R. Phelan, Judge Adam Watters, Chief Terry Young

Presenters/Guests: Lt. Theresa Arviso, Surprise Police Department; Judge Carol Scott Berry (Ret.), Jean Egelston; Michele Gillich, AOC ITD; Jennifer Greene, AOC Assistant Legal Counsel; Judge Sharon Sauls, Kyrene Justice Court; David Withey, AOC Chief Legal Counsel

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

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

The November 5, 2019, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) was called to order at 10:10 a.m. by Judge Wendy Million, chair.

B. Approval of Minutes

The draft minutes from the September 10, 2019, CIDVC meeting were presented for approval.

Motion: To approve the September 10, 2019, minutes. **Moved by** Amy Offenber. **Seconded** by Judge Catherine Gaudreau. Motion passed unanimously.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Update: AZ Statewide Protective Order Project 2020

Michele Gillich, AOC ITD project manager, provided an update on the AZPOINT system and pilot courts. She and Kay Radwanski then provided a step-by-step demonstration with a test

order. CIDVC members asked for clarification on the process during the presentation and provided additional suggestions on how to make the process more efficient, user-friendly, and safer for domestic violence victims.

B. “Near” and Enforceability of Protective Orders (Topic taken out of order.)

Judge Bruce Cohen discussed an opinion issued by the Superior Court in Maricopa County based on an appeal of Order of Protection issued by the Manistee Justice Court. In this case, the order was deemed defective, and therefore unenforceable, because it prohibited the defendant from “go[ing] to *or near*” several different places related to the whereabouts of the defendant. The order did not define “near,” and the lower appeal court determined that “near” was unconstitutionally vague. In that case only, the order was invalidated and remanded to the justice court for further action.

David Withey, AOC chief legal counsel, noted the possibility that the protective order forms would need to be changed. Changes to the Order of Protection and Injunction Against Harassment statutes require the plaintiff’s address and contact information to be protected. Mr. Withey said research showed that about 25 states have similar “shall not go near” language in their statutes, and none have been declared unconstitutional.

The committee asked for clarification on the case background and discussed possible solutions to the issue of defining “near” in a protective order. Mr. Withey offered to send the case law from other states that were referenced in his research of this case.

C. Phoenix Firearms Transfer Pilot Project

Judge Marianne Bayardi discussed a pilot project at the Phoenix Municipal Court for a defendant in a domestic violence case to comply with a firearms transfer order. Processes documenting the firearms transfer, declaring no ownership of firearms (and thus no need to transfer), and filing a motion for release are included in this pilot. Judge Bayardi said other courts may adapt the forms for their own use.

D. Mandatory Parent Education Programs and Domestic Violence

A.R.S. § 25-351 requires any party involved “in an action for dissolution of marriage, legal separation or annulment that involves a natural or an adopted minor, unemancipated child ... in which a party has requested that the court determine custody, specific parenting time or child support” to attend and complete a parental education program. Judge Cohen proposed that the committee, or a workgroup of the committee, develop a five to ten-minute segment on domestic violence that could be included in the parent education program.

E. Draft Legislation: Long-Term Order of Protection

A draft proposal for a long-term Order of Protection has been discussed at several previous CIDVC meetings. After discussion with the committee and with AOC legislative staff, the plan is to have CIDVC will work on this proposal jointly with the newly formed Family Court Improvement Committee (FCIC).

F. Workgroup Reports

Judge Million would like to have the workgroups come together for another “working day” to possibly reorganize the workgroups and decide on upcoming projects.

Judicial Education. Judge Million has contacted Dr. Christopher Wilson, who has previously presented at the 2018 Judicial Conference on domestic violence victims and trauma. He is willing to present at the 2020 Judicial Conference. She will ask the conference planning committee to consider asking Dr. Wilson to present a second session. CIDVC may also want to propose a session involving either Dr. Neil Websdale or Dr. Kathleen Ferraro.

The **High Risk and Lethality Assessment Workgroup** is collecting fatality review reports and will ask law students to review them. A questionnaire will be given to the students so they know what information to evaluate.

The **Protective Orders, Enforcement, and Access Workgroup** will update the Ex Parte Hearing bench cards with the new service information. The contested hearing bench cards are also being developed, and the remote video hearing bench cards are being promoted.

The **PO2020/Forms/ARPOP Workgroup**, using a PowerPoint from Marc Peoples along with slides from Ms. Radwanski, has created a training on the ex parte protective order process that includes an update on the legislative changes effective January 1, 2020, and AZPOINT. This group would also like to create an infographic for dissemination to the public and advocates on the legislative changes, the web portal, and new process for service of protective orders.

The **Family Law Workgroup** is planning to develop danger assessment bench cards. They would also like to make recommendations for training modules that could be made available at the Judicial Conference or judicial trainings.

III. OTHER BUSINESS

A. Announcements/Call to the Public

- Judge Bayardi asked Ms. Radwanski to email the materials on firearms transfer to the committee.
- The committee was asked to forward topics of interest or proposed agenda items to Ms. Radwanski.
- No one responded to the Call to the Public.

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

The meeting adjourned at 1:38 pm.