

# Committee on the Impact of Domestic Violence and the Courts

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Tuesday, May 19, 2020 – 10:00 a.m.

[CIDVC Home Page](#)

Arizona State Courts Building, 1501 W. Washington – Virtual Meeting

**Conference Call:** +1 253 215 8782 US (Tacoma), +1 346 248 7799 US (Houston), +1 669 900 6833 US (San Jose), +1 301 715 8592 US (Germantown), +1 312 626 6799 US (Chicago), +1 929 205 6099 US (New York)

**Meeting ID:** 911 9557 1163

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Time*	AGENDA ITEM	Presenter
10:00 a.m.	Call to Order/Welcome and Introductions	<i>JUDGE WENDY MILLION TUCSON CITY COURT</i>
	Approval of Minutes – February 11, 2020 <input type="checkbox"/> <i>Formal Action/Request</i>	
10:05 a.m.	Arizona Bar Foundation DVLDP Project	<i>CHRIS GRONINGER ARIZONA FOUNDATION FOR LEGAL SERVICES &amp; EDUCATION</i>
10:20 a.m.	Unsung DV Community Heroes of COVID-19	<i>JUDGE BRUCE COHEN SUPERIOR COURT IN MARICOPA COUNTY</i>
10:30 a.m.	DV Fatality Report Review—Domestic Violence Law Clinic, University of Arizona	<i>PROF. NEGAR KATIRAI MARGARET (PEGGY) ROWE DAKOTA FRANCIS SAM PREMINGER</i>
10:50 a.m.	ARPOP Rule Petitions	<i>KAY RADWANSKI, AOC</i>
11:00 a.m.	Update: AZPOINT	<i>KAY RADWANSKI, AOC</i>
11:10 a.m.	Announcements/Call to the Public Adjournment	<i>JUDGE MILLION</i>

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*\*All times are approximate and subject to change. The CIDVC chair reserves the right to set the order of the agenda. For any agenda item, the committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration § 1-202. Please contact Kay L. Radwanski, CIDVC staff, at (602) 452-3360, with any questions concerning this agenda. Any person with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting Angela Pennington at (602) 452-3547. Requests should be made as early as possible to allow time to arrange for the accommodation.*

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**Next Meeting**

Tuesday, **September 15, 2020**; 10 a.m.  
Conference Room 119 A/B  
Arizona State Courts Building

**Remaining 2020 Meeting Dates**

September 15  
November 10

**\*\*NOTICE\*\***

The Arizona Supreme Court and the Administrative Office of the Courts are taking necessary steps to protect employees and partners and help prevent the spread of the Coronavirus in the community. According to federal government guidelines, no more than 10 people should be gathered in a room at the same time. Therefore, the CIDVC meeting will be held via phone conference. Anyone from the public who wishes to submit comments on any item on the May 19, 2020, agenda or wishes to speak during the Call to the Public, CIDVC agenda should email comments and requests to [CIDVC Committee Staff](#) by **9:00 a.m. on May 19, 2020**.

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# COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

## Draft Minutes

February 11, 2020 10:00 a.m.

Arizona State Courts Building

Conference Room 119A/B

1501 W. Washington Street, Phoenix, AZ 85007

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

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

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

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

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

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## I. REGULAR BUSINESS

### A. Welcome and Opening Remarks

The February 11, 2020, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) was called to order at 10:02 a.m. by Judge Wendy Million, chair. Judge Million introduced and welcomed new and reappointed members.

### B. Approval of Minutes

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

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

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

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

## II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

### A. Gender, Victimization, and Victim Service Needs

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

Points, issues, and concerns discussed included:

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

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

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

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

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

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

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

### C. ARPOP Rule Petitions

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

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

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

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

### E. Legislative Update

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

### F. Workgroup Reports

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

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

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

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

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

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

### III. OTHER BUSINESS

#### A. Announcements/Call to the Public

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

#### B. Next Meeting. Tuesday, May 19, 2020; 10 a.m. Arizona State Courts Building, Conference Room 119 A/B 1501 W. Washington, Phoenix, AZ 85007

The meeting adjourned at 1:15 pm.

## COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

<b>Meeting Date:</b> 5/19/2020	<b>Type of Action Requested:</b> <input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	<b>Subject:</b> Bar Foundation DVDLP Pilot Project
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**From:** Jennifer Albright

**Presenter:** Chris Groninger

**Description of Presentation:** Ms. Groninger will share information about a pilot project that was supported by the Task Force on Delivery of Legal Services and approved by the Arizona Judicial Council in December 2019. The pilot program involves a path for lay legal advocates to become legal document preparers with limited scope. The project is aimed at increasing access to legal services among domestic violence survivors seeking assistance from shelters and legal aid agencies.

**Recommended Motion:** n/a

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
)  
AUTHORIZING A LEGAL DOCUMENT ) Administrative Order  
PREPARER PILOT PROGRAM FOR ) No. 2020 - 25  
DOMESTIC VIOLENCE CASES AND )  
RELATED MATTERS )  

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In October 2019, the Arizona Judicial Council (AJC) approved a recommendation of the Task Force on the Delivery of Legal Services for a pilot program proposed by the Arizona Bar Foundation that would increase access to free assistance in completing civil legal forms for domestic violence victims. Known as the Domestic Violence Legal Document Preparer Pilot Program (DVLDP), the proposal would allow authorized employees of domestic violence shelters and service providers in Arizona to assist their shelters' clients in completing court forms to be filed in Order of Protection cases and related civil proceedings, including Family Law, Creditor/Debtor Law, and Landlord/Tenant Law, as well as applications for public benefits.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that:

1. The Domestic Violence Legal Document Preparer Pilot Program is hereby established.
2. Individuals meeting the qualifications for DVLDP certification shall be certified by the Administrative Office of the Courts (AOC) as legal document preparers with a certification as restricted by this Order and are otherwise subject to the provisions of ACJA §§ 7-201, 7-208 and this Order.
3. Candidates for provisional certification as DVLDP's must be nominated by the program director, and must possess the following minimum qualifications:
  - a. A citizen or legal resident of the United States;
  - b. At least eighteen years of age;
  - c. Of good moral character;
  - d. A high school diploma or a general equivalency diploma (GED) evidencing the passing of the general education development test;
  - e. Employment by a domestic violence shelter or service provider in Arizona participating in the pilot program;

- f. Successful completion of a course of study presented by the Arizona Coalition to End Sexual & Domestic Violence in Arizona law related to domestic violence and related Family Law, Creditor/Debtor Law, Landlord/Tenant Law, and Public Benefits.
  - g. A passing grade on a DVLDP Pilot Program substantive law examination administered by the Certification and Licensing Division of the Administrative Office of the Courts (AOC).
4. An individual who has been disbarred by the highest court in any state or who has been denied admission to the practice of law in Arizona or has been denied certification or had their certification revoked or suspended by the Board of Legal Document Preparers is not eligible to participate in this pilot program.
  5. Candidates shall furnish fingerprints to the AOC for a criminal background investigation pursuant to A.R.S. § 12-323 and ACJA § 7-201(E).
  6. Individuals who meet the above-stated requirements will be granted a provisional DVLDP certification by the AOC. Individuals who have a high school diploma or GED shall work under the supervision of an Arizona Legal Aid agency licensed attorney participating in the pilot program for 12 months. Those who have a four-year college degree shall work under the supervision of an Arizona Legal Aid agency licensed attorney participating in the pilot program for six months.
  7. After completing the supervised work requirement and passing the court forms examination administered by AOC, provisional DVLDP certificate holders shall be eligible to apply for full DVLDP certification. The application shall be accompanied by a nominating letter from the applicant's supervising attorney indicating that the applicant has demonstrated proficiency in the areas of law permitted under this program and is capable of working independently.
  8. The AOC shall develop and administer the examinations required for certification under this program and shall issue the certification to applicants who meet the foregoing requirements.
  9. Recipients of DVLDP's services shall not be charged any fees for those services.
  10. DVLDP certification is restricted and such certified individual is only authorized to provide assistance and legal information, but not legal advice, to clients of the participating domestic violence shelter or service provider by which they are employed in the following areas of law:
    - a. Preparing, completing, or assisting clients with completion of court forms and other court or administrative agency documents for filing with any court or administrative agency related to Order of Protection cases and related Family Law, Landlord/Tenant Law, Creditor/Debtor Law, or Public Benefits matters;

- b. Assisting in service of process;
  - c. Assisting in the preparation of evidence for hearings and mediations in the case types noted above;
  - d. Assisting clients during court and administrative hearings; and
  - e. Responding to requests for information from the presiding judicial officer or administrative hearing officer during a hearing.
11. A DVLDP certification expires upon the occurrence of any of the following:
- a. Termination of the pilot program;
  - b. Leaving employment with a participating domestic violence shelter or service provider; or
  - c. On June 30<sup>th</sup> of odd-numbered years. A certification expiring on June 30<sup>th</sup> of an odd-numbered year may be renewed as prescribed in ACJA § 7-208.
12. Until further order of the Court, during the duration of the DVLDP Pilot Program, an applicant for DVLDP certification or renewal shall not pay a certification or renewal application fee.
13. Hours worked in preparing legal documents and related services in this pilot program may be applied toward the law-related work experience requirement in ACJA § 7-208(E)(3)(b)(6).

IT IS FURTHER ORDERED that the Administrative Director of the AOC is authorized to establish forms, and additional policies and procedures, including evaluation forms and procedures, required to implement this program.

IT IS FURTHER ORDERED that the Chief Executive Officer, Arizona Bar Foundation, is hereby appointed DVLDP Pilot Program Director.

IT IS FURTHER ORDERED that the DVLDP Pilot Program Director shall provide quarterly reports to the AOC and an annual report to the Judicial Council, on or before February 15th of each year.

Dated this 29th day of January, 2020.

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ROBERT BRUTINEL  
Chief Justice

## COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

<b>Meeting Date:</b>  5/19/2020	<b>Type of Action Requested:</b>  <input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	<b>Subject:</b>  DV Fatality Report Review by the Domestic Violence Law Clinic (DVLC), University of Arizona
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**From:** Negar Katirai, Director, Domestic Violence Law Clinic (DVLC), University of Arizona, with law students Margaret (Peggy) Rowe, Dakota Francis, and Sam Preminger.

**Presenter:** Negar Katirai, Director, Domestic Violence Law Clinic (DVLC), University of Arizona, with law students Margaret (Peggy) Rowe, Dakota Francis, and Sam Preminger.

**Description of Presentation:** The Honorable Wendy Million asked the DVLC to review Fatality Review Reports from various counties in Arizona produced from 2016 to 2019 to determine whether there are any trends in such reports and to provide recommendations as to how such fatality reviews can make the most impact with respect to reducing fatalities from intimate partner violence.

**Recommended Motion:** n/a

## COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

<b>Meeting Date:</b> May 19, 2020	<b>Type of Action Requested:</b> <input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	<b>Subject:</b> Rule Petitions--Arizona Rules of Protective Order Procedure
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**From:** Kay Radwanski, AOC

**Presenter:** Kay Radwanski

**Description of Presentation:** In the 2020 court rules cycle, five petitions (including R-20-0002 filed by CIDVC) were filed. The comment period closed on May 1, 2020. Ms. Radwanski will review comments regarding petitions R-19-0045, R-19-0047, R-19-0048, R-20-0002, and R-20-0032. The rule petitions and comments can be found at [Rules Forum](#).

**Recommended Motion:** n/a

1 Lisa M. Panahi, Bar No. 023421  
2 General Counsel  
3 State Bar of Arizona  
4 4201 N. 24th Street, Suite 100  
5 Phoenix, AZ 85016-6288  
6 (602) 340-7236

7 **IN THE SUPREME COURT**  
8 **STATE OF ARIZONA**

9 In the Matter of:

Supreme Court No. R-20-0002

10 **PETITION TO AMEND RULE 38,**  
11 **RULES OF PROTECTIVE ORDER**  
12 **PROCEDURE**

**COMMENT OF**  
**THE STATE BAR OF ARIZONA**

13 Pursuant to Rule 28(e) of the Arizona Rules of Supreme Court, the State Bar  
14 of Arizona (the “State Bar”) hereby submits the following as its comment to the  
15 above-captioned Petition.  
16

17 The Petition filed by the Honorable Wendy Million requests a modification to  
18 Rule 38 of the Arizona Rules of Protective Order Procedure to clarify the procedures  
19 for contested protective order hearings, specifically dealing with the appearance of  
20 the parties at a contested hearing.  
21

22 The State Bar of Arizona concurs with the logic of the Petition and supports  
23 the proposed modification.  
24  
25

1 **CONCLUSION**

2 The State Bar of Arizona respectfully requests that this Court adopt the  
3 proposed changes to Rule 38 of the Arizona Rules of Protective Order Procedure as  
4 stated in the Petition.  
5

6  
7 RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of May, 2020.

8 /s/ Lisa M. Panahi  
9 Lisa M. Panahi  
10 General Counsel

11 Electronic copy filed with the  
12 Clerk of the Supreme Court of Arizona  
13 this 1<sup>st</sup> day of May, 2020.

14 by: Patricia Seguin  
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## COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

<b>Meeting Date:</b> May 19, 2020	<b>Type of Action Requested:</b> <input type="checkbox"/> Formal Action/Request <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Other	<b>Subject:</b> AZPOINT Update
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**From:** Kay Radwanski, AOC

**Presenter:** Kay Radwanski

**Description of Presentation:** AZPOINT was deployed on January 1, 2020. These statistics reflect the numbers of petitions (OP, IAH, IAWH) that have been created in the petition portal in the first four months of 2020. This does not reflect the number of petitions actually filed. A user may start a petition but not file it.

2020-01	3,328
2020-02	3,232
2020-03	3,503
2020-04	4,745

Total	14,808
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**Recommended Motion:** n/a



**Arizona Protective Order Initiation & Notification Tool**

Find AZPOINT at <https://azpoint.azcourts.gov/>.