

COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS

Minutes

February 11, 2020 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, 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

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 and 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, 24, 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.