

# *Substantive Law/Court Procedures Workgroup*

## *Minutes*

<b>Date:</b> April 29, 2011	<b>Time:</b> 12:00 PM – 1:30 PM	<b>Location:</b> Conference Room 230
-----------------------------	---------------------------------	--------------------------------------

**Minute Taker:** Tama Reily

**Members Attending:**

Steve Wolfson	X	Daniel Cartagena	X	Ella Maley	X	Russell Smolden
Brian Yee	X	Jami Cornish	X	Robert Reuss	X	David Weinstock
Thomas Alongi	X	William Fabricius	X	Donnalee Sarda	X	Sarah Youngblood X
Theresa Barrett	X	Jennifer Gadow	X	Ellen Seaborne	X	
Keith Berkshire		Grace Hawkins		Lindsay Simmons	X	
Sidney Buckman	X	Carey Hyatt	X	Laura Sabin Cabanillas	X	

**Staff/Admin. Support:** Kathy Sekardi; Kay Radwanski; Tama Reily

**Guests:** Dr. Evan Stark; Michael Espinoza; Karen Duckworth; Joi Davenport; Ana Jabkowski; John Weaver; Patricia Madsen; Timothy Frank; Brian Calaway

**Matters Considered:** (continue on separate sheet if necessary)

**I. Welcome and Announcements**

The April 29, 2011 meeting of the Substantive Law / Court Procedures Workgroup was called to order at 12:05pm. Members and guests were welcomed.

**II. Approval of Minutes**

The minutes of the Substantive Law / Court Procedures Workgroup meeting March 25, 2011 were presented for approval.

**Motion:** To approve the minutes from the Substantive Law / Court Procedures Workgroup March 11, 2011 meeting as presented. Motion seconded. Motion approved unanimously.

**III. Role of Coercive Control in an Analysis of Domestic Violence**

Dr. Evan Stark, Professor, School of Public Affairs and Administration, Rutgers University, addressed the workgroup about the concept of coercive control. He discussed domestic violence (dv) and its consequences with regard to children and custody. He noted several points: 1) dv is not one specific incident, 2) the majority of dv incidents are trivial physically; the hallmark is the frequency and duration, 3) it is an ongoing process – repeated assaults, 4) 60% to 80% is accompanied by other salient tactics, multiple tactics – coercive control. Dr. Stark discussed the significant, cumulative effect of dv and stated that the victim often may try to keep her/himself and the child away from the abuser. He stated that the vast majority of dv cases are coercive control. He also discussed that abuse is trivialized – if there is no physical injury, there is no recognition of abuse in family court, in fact, the victim’s fears can be viewed as exaggerated. He pointed out some of the tactics abusers use, including patterns of isolation, intimidation and control. About 54% of men arrested for dv have admitted to taking their partners’ money and other items, preventing them from driving, and isolating them from family and friends, in addition to threats of taking the children. He noted the evidence is quite compelling – thousands of studies showing that the effects of coercive control on children are dramatic and also that the risk of abusive incidents is higher during the separation and divorce and in post-separation visitation.

#### IV. Review Proposed Custody Rewrite

Members assigned to proposing language for certain provisions presented their suggestions.

- Danny Cartagena – discussed his proposed language changes for:

**A.R.S. § 25-812 Voluntary Acknowledgement of Paternity**

**A.R.S. § 25-814 Presumption of Paternity**

**A.R.S. § 25-815 Paternity; Full Faith and Credit.**

Mr. Cartagena explained he wanted to remove the ambiguity surrounding presumptions of paternity and establishing paternity, as well as to clarify the Acknowledgement of Paternity form process. The workgroup reviewed the suggested changes. There were questions as to the removal of the section on the rescission process and whether it would be federally mandated to include some language on this. Mr. Cartagena will continue to work on this and follow up with the Attorney General's Office for clarification.

- Keith Berkshire - proposed language for **A.R.S. § 25-422 Definitions: Parental Decision-Making.**  
*Item not discussed.*
- Tom Alongi – proposed language for **A.R.S. § 25-471 Sanctions for Misconduct.**  
*Item not discussed.*

#### VI. Call to the Public

See attached for public comments.

#### **Next Meeting**

May 13, 2011

12:00pm – 1:30pm

Arizona State Courts Building

1501 W. Washington

Conference Room 230