Substantive Law/Court Procedures Workgroup
Minutes

Date: May 13, 2011	Time: 12:00 PM – 1:30 PM	Location: Conference Room 230

Minute Taker: **Tama Reily**

Members Attending:

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

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

Guests: Professor Joan S. Meier, Terry Decker, Michael Espinoza, Joi Davenport, Timothy Frank, Brent Miller, Karen Duckworth, Jarrett Williams.

Matters Considered:

I. Welcome and Announcements

The May 13, 2011 meeting of the Substantive Law / Court Procedures Workgroup was called to order by Steve Wolfson, co-chair, at 12:10 p.m. Members and guests were welcomed.

II. Approval of Minutes

The minutes of the Substantive Law / Court Procedures Workgroup April 8, 2011, meeting was presented for approval.

Motion: To approve the minutes from the Substantive Law / Court Procedures Workgroup April 8, 2011 meeting as presented. Motion seconded. Motion approved unanimously.

III. Evaluating Domestic Violence Allegations

Professor Joan S. Meier, George Washington University Law School, presented information to the workgroup regarding how an analysis of coercive control is helpful to evaluate domestic violence allegations. Professor Meier revealed that research trends put coercive control in the forefront, stating the power-control dynamic is considered to be dangerous and puts children at high-risk. Professor Meier stated there is enormous resistance from the courts to acknowledge coercive control in domestic violence cases. She noted that "intimate terrorism" (control and violence) is mostly perpetrated by males against females and is highly correlated to risk to children, whereas situational violence is less indicative of risk to children. She cited studies that assessed validity of abuse allegations and noted that findings indicate the vast majority of abuse allegations are made in good faith. In addition, assessments of validity found intentionally false allegations were more often made by noncustodial fathers.

IV. Review of General Public Comments Received

There were no workgroup member responses to the general public comments received at the April 29, 2011, meeting. The workgroup discussed a proposed language change to A.R.S. § 25-103 submitted by Laura Sabin Cabanillas. The proposed change would replace the term "strong" with "healthy" in section A(1)(2). Although

there was some agreement with the suggested change, consensus was that with so many revisions already being undertaken, it would be preferable to leave this section unchanged.

VI. Discuss June 3, 2011, Domestic Relations Committee Meeting

Mr. Wolfson put forth the idea of extending the timeframe for the workgroup to complete its review of the custody statute. He submitted that the draft in its current form not be presented to the DRC at its June 3, 2011, meeting, but rather, the workgroup request more time to work on the proposal. After some discussion, a motion was made to that effect.

Motion: To continue working on the custody statute revisions beyond the June 3, 2011 DRC meeting, as a complete work product will not be finished by June. Motion seconded. Motion passed unanimously.

Motion: To amend the above motion to state that the workgroup provide an interim report of the current draft of the custody statute at the June 3, 2011 DRC meeting for purposes of soliciting feedback from the committee. Motion seconded. Motion passed unanimously.

VII. Review Proposed Custody Rewrite

Item tabled.

VIII. Call to the Public

Several members of the public, including Terry Decker, Brent Miller, Karen Duckworth, Michael Espinoza, and Joi Davenport, addressed the workgroup. Their concerns included the following:

- Domestic violence and coercive control issues do not belong in the custody statute. They need to be managed in the criminal court.
- The statute needs a lot more work. It should not be rushed.
- Workgroup members are not true stakeholders, they are interest-holders, and as such there is a conflict of interest. In order to be effective, the workgroup needs more representation of true stakeholders.
- Coercive control needs to be in the custody statute because the strategies and tactics used to control a spouse or partner, such as threats of suicide, withholding money, isolating from family members, are not matters handled in the criminal court.

In closing, Mr. Wolfson informed members that additional meeting dates spanning the summer months will be forthcoming. The workgroup will be notified of potential dates as they are scheduled.

Meeting adjourned at 1:35 p.m.

Next Meeting
June 24, 2011
12:00 p.m. – 1:30 p.m.
Arizona State Courts Building
1501 W. Washington
Conference Room 119 A/B