

**COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS
MINUTES**

February 7, 2007
10:00 AM –2:00 PM
State Courts Building,
1501 W. Washington St, Room 119 A/B

MEMBERS PRESENT

Barbara Appenzeller, CPA
Evelyn Buckner, MSW
Lt. Mark Carpenter
Jennifer J. Casaletto, M.D., F.A.C.E.P
Honorable Anita Escobedo (via proxy Esther Rios)
Capt. Larry Farnsworth
Joan Fox, DDS
Honorable Sherry L. Geisler (via teleconference)
Honorable Wendy Hernandez
Kristen Hoffmeyer, Esq. (via proxy Hon. O'Neil)
Bridget Humphrey, Esq.
Cheryl L. Karp Ph.D.
Hon. Ronald I. Karp
Patricia Klahr
Sheri Lauritano, Esq.
Honorable Michelle Lue Sang
Hon. Dennis Lusk
Christy Moore (Proxy Pearlette J. Ramos)
Honorable Mark Moran
Paul O'Connell
Honorable William O'Neil, Chair
Hon. Carolyn Passamonte
Honorable Jack Peyton
Doug Pilcher
Robert Roll
Catherine Shugrue-Schaffner
Kim Van Nimwegen, MSW
Tracey Wilkinson
Honorable Benjamin Zvenia

Guests

Leah Meyers, CADV
Lt. Lane Roger, Mesa Center
Sgt. Glenn Shough, Mesa Center

MEMBERS ABSENT

Tracey Hannah, Esq.
Jerald Monahan

STAFF

Konnie K. Young, Specialist
Lorraine Nevarez, Support Staff

Quorum: Yes

I. CALL TO ORDER

A. WELCOME AND OPENING REMARKS

Judge O'Neil, Chair, called the February 7, 2007 meeting for the Committee on the Impact of Domestic Violence and the Courts to order at 10:05 a.m. Judge O'Neil welcomed the newly appointed members. Konnie encouraged workgroups to refocus and to set goals for 2007.

B. APPROVAL OF MINUTES FROM November 1, 2006

Minutes for the November 1, 2006, Committee on the Impact of Domestic Violence and the Courts (CIDVC) meeting were presented for approval.

MOTION: Motion was made and seconded to approve the November 1, 2006 meeting minutes as amended. Motion passed unanimously. 31-0-0. CIDVC-07-001

II. UPDATE ON PROJECT PASSPORT FORMS

Staff gave a brief update on the Project Passport Forms which became effective for use January 1, 2007. Courts will begin to implement the forms once training has occurred on AZTEC. AZTEC is the statewide management system. There are courts that have their own management systems. Non-AZTEC courts are reporting to the Court Protective Order Repository (CPOR). CPOR gathers all the data regarding protective orders within Arizona and forwards the protective orders that have been issued into Law Enforcement Protective Order Repository (LPOR); this allows access for law enforcement officers to look up the orders electronically and enforce. Project Passport is a nationwide collaborative effort, and Arizona has taken the lead in developing a model first page that can be recognized across the nation.

III. IMPLEMENTATION OF NEW FORMS AT MESA MUNICIPAL

Lenny Montanaro, Mesa Municipal, gave a demonstration for implementation of the Protective Order forms online. Mr. Montanaro explained the court user is able to view on-line the directions, information, and what will be printed out in the packet for the order. The Protective Order forms on-line allow the court staff to effectively and efficiently prepare and update information.

IV. MESA CENTER AGAINST FAMILY VIOLENCE

Lt. Lance Rogers, Mesa Family Violence Center, gave a brief overview of the advocacy center. Mesa Family Violence Center was the first in Arizona to have a unit dedicated to domestic violence cases. Other units include: personal crimes unit, computer forensic unit, sex offender notification unit, missing persons unit and victim services. The program geared toward domestic violence cases is called DIVERT which stands for Domestic Violence Enforcement Response Team. This team provides quick responses to domestic violence.

Andrea Sierra, Domestic Violence Intervention Specialist, gave an overview of the DIVERT program. DIVERT provides help to victims in Mesa who are involved in domestic violence cases. DIVERT receives over 300 domestic violence reports a month. DIVERT is

a collaboration between police officers and victim services. The goal of DIVERT is to provide immediate victim assistance. The program offers information assistance, protective order services and safety planning. DIVERT also offers the Recorder Program which allows victims to capture evidence against suspects who violate an order of protection. DIVERT also provides home visits and education training.

V. Update on ARPOP & Petition

The Domestic Violence Rules Committee has made changes to the comments already submitted. The petition will be reviewed in September on the Justices' Rules Agenda, and the anticipated date for adoption is January 1, 2008. The process is slow because the Committee wants comments. The Committee is addressing comments formally and informally.

VI. WORKGROUP REPORTS

Staff encouraged new members to join the different workgroups: DV Forms, DV Benchbook, DV Criminal Benchbook, Education, Legislative and Technology, The workgroups are very important to the Committee. The following workgroups met over lunch and formulated goals for the upcoming year:

A. DV Forms Workgroup: Discussed ideas of looking into training opportunities for limited jurisdiction judges and general jurisdiction judges informing them of the changes in the protective order forms.

B. DV Education Workgroup: Discussed training and assigned workgroup members to contact various conferences for their individual constituencies to find opportunities to present the new protective order forms. Other goals include: putting together proposals for the Judicial Conference, a high school education program dealing with teen violence and creating outreach domestic violence trainings to rural communities.

C. DV Benchbook Workgroup: The Benchbook will be transitioning into a resource book. The workgroup is in the process of discussing a new name for the Benchbook/ Resource Book.

D. DV Criminal Benchbook Workgroup: This workgroup is currently inactive.

E. Legislative Workgroup: This workgroup will endeavor to keep the Committee informed on legislation and establish a legislative agenda to work on in committee. The workgroup also discussed topics such as mandatory sentencing, making recommendations to the AZ Judicial training, and coordinating with the Governor's Office.

F. Technology Workgroup: This workgroup is currently inactive.

VI. Cross-Jurisdictional Service of Protective Orders Task Force

Many times victims have expressed challenges and issues getting an order of protection across jurisdictions. The Governor's Office has begun to facilitate meetings to address the current system looking at the broad view to better the system. Current members include

law enforcement, prosecution, courts, and victim services. The goals are to: 1) increase law enforcement patrol officers' electronic access to orders, 2) make the transferring of orders between courts easier, 3) improve confidentiality, 4) look at the flow of information into the data collection, and 5) include dating relationships in protective orders and standardized training for law enforcement.

VII. Legislative Update

Chris Groninger, AZCADV, gave an overview of the bills in session:

SB 1006: ADOT records; domestic violence victims: This bill would allow domestic violence victims to protect their MVD records from public access. It passed in the senate and now is awaiting its read in the house.

SB 1009: Appropriation; domestic violence; emergency beds: Funding would allow domestic violence shelters to work towards ending turn-away for service. This bill is written for 3 million dollars. This bill has made it out of the committee and will be going to the Appropriations Committee.

SB 1016: Civil legal assistance fund; fees: This bill would increase court filing fees on civil cases (\$5) to support a civil legal assistance fund. It is ranked as the highest domestic violence priority even though the bill would not be domestic violence specific. This bill has not moved yet. The AOC is tracking for court impact.

SB 1020: Consecutive Sentencing: This bill would make the sentences given for certain violent offences committed while incarcerated to be required to serve consecutive to a current sentence, rather than concurrently. This was introduced on behalf of a constituent of Senator Waring's. It passed in the senate.

SB 1021: Aggravated assault; strangulation and suffocation: This bill would increase and define the penalties for intentional strangulation and suffocation offenses per domestic violence. This passed out of the judiciary committee.

SB 1143: Appropriation; domestic violence shelters: Funding would support operating costs of existing domestic violence shelter beds and services. The bill did not pass in Committee.

SB 1227: Landlord tenant act; lease termination; domestic violence victims: This bill would allow victims of domestic violence to terminate their rental agreements upon notice and demonstration of domestic violence without penalty. The bill will be heard in the Public Safety and Human Services Committee.

DV Custody: Child custody; domestic violence; best interests of the child: This bill would amend existing statute and distinguish domestic violence from the best interest standards used in determining custody in domestic violence situations. This bill will come back next session.

HB 2531: Victim's Rights; employment rights; protective order hearings: This bill would amend existing victims' rights language to extend employment protections to protective order hearings. This bill is not moving currently.

HB 2733: Legal Assistance Fund: This initiative identifies an alternative revenue source to create and sustain a civil legal assistance fund (as well as support housing and affordable housing initiatives). This would possibly require significant support from the business community. This bill is in the process of its third read.

VIII. Title 25 Workgroup Proposed Revisions

Judge Armstrong, chair of the DV Rules Title 25 workgroup, gave a brief overview of the changes to Rule 4, Family Law Cases. Language was drafted to give superior court judges who are handling domestic violence cases some guidelines on how to draft protective orders to deal with issues that arise during family court cases such as parenting time and visitation.

VIII. Call to the Public/Adjournment

No public was present.

Chair, adjourned the meeting at 2:25 p.m.

Next Meeting:

Wednesday, May 2, 2007

10:00 a.m. – 2:00 p.m.

State Courts Building, Conference Room 119 A/B