

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

September 15, 2009, 10:00 A.M.  
Conference Room 119 A/B, State Courts Building  
1501 W. Washington St., Phoenix, Arizona

**MEMBERS PRESENT**

Barbara Appenzeller, CPA  
Allison Bones, AzCADV  
Lt. Mark Carpenter  
Joan Fox, DDS  
Honorable Lynda J. Howell  
Cheryl L. Karp, Ph.D.  
Honorable Joseph P. Knoblock  
Honorable Dennis Lusk  
Patricia Madsen, Esq.  
Leah Meyers, GOCYF/DFW  
Honorable Wendy Million  
Ms. Marla Randall  
Honorable Emmet Ronan, Chair  
Honorable Kristi Youtsey Ruiz  
Ms. Renae Tenney  
Ms. Tracey Wilkinson

**MEMBERS ABSENT**

Professor Zelda Harris  
Ms. Laura Horsley  
Bridget Humphrey, Esq.  
Honorable Daniel Martin  
Commander Scott Mascher  
Jerald L. Monahan, Chief of Police  
Honorable Kathleen Nichols  
Honorable Jack Peyton  
Mr. Doug Pilcher  
Catherine Shugrue-Schaffner, Esq.

**STAFF**

Kay Radwanski  
Joanne Tucker

**Guests**

Stephanie Mayer, AzCADV  
Gloria Full  
Honorable Elizabeth Finn  
Heidi Muelhaupt  
Katie Komar  
Patricia Iniguez  
Theresa Barrett, AOC

---

**I. CALL TO ORDER**

**A. Welcome and Opening Remarks**

Judge Ronan called the meeting to order at 10:10 a.m. He then introduced himself as the new chair and gave some background information regarding his education and judicial experience regarding domestic violence cases.

Judge Ronan then asked if there were any changes that needed to be made to the new

membership list. None were mentioned.

Kay Radwanski, AOC staff, announced that the AOC has been advised by the Governor's Office for Children, Youth, and Families that it has received a grant of \$127,505 from the Recovery Act STOP Grant. The grant period goes from September 1, 2009, to March 31, 2011. The grant will fund a position for a specialist in the AOC's Education Services Division. The specialist will work on development of distance-learning training materials for judges, court staff, and law enforcement and will coordinate the second DV Summit.

#### **B. Approval of Minutes from May 12, 2009**

Minutes of the May 12, 2009, meeting of the Committee on the Impact of Domestic Violence and the Courts were presented for approval.

**MOTION: Motion was made and seconded to approve the May 12, 2009 meeting minutes. Motion passed unanimously. CIDVC #09-006**

#### **II. CIDVC's Role as a Standing Committee**

Kay Radwanski, AOC staff, gave a presentation explaining how CIDVC functions as one of the standing committees of the Arizona Judicial Council. She discussed:

- Pyramid structure of standing committees as they relate to the AJC.
- The path to approval of proposals decided on by each committee.
- The purpose of CIDVC.
- Membership make up and appointment process.
- Meeting schedules.
- Role of the chairperson.
- Public meeting laws and policies.
- Workgroups and their current projects.
- AOC staff and their functions.

#### **III. Risk Management: Assessing Domestic Violence Suspects Arrested in Phoenix**

Bill Hart, a researcher at ASU's Morrison Institute, at ASU discussed a report on how the Phoenix Municipal Court uses a DV screening instrument to assess DV suspects so the court has sufficient information to set pre-trial release conditions. The Morrison Institute's report is available at: <http://morrisoninstitute.asu.edu>.

#### **IV. Proposed Amendments to ACJA § 1-202: Public Meetings - withdrawn from agenda**

#### **V. Strategic Plan Workgroup**

Kay Radwanski reported on the proposals submitted to Janet Scheiderer, director of the Court Services Division, by the members of the Strategic Plan Workgroup, which met July 27,

2009. CIDVC's suggestions will be considered in development of Chief Justice Rebecca White Berch's strategic plan for the Arizona Supreme Court. Among the proposals were:

- Providing Access to *Efficient, Fair Justice* - Efficiency as it impacts various case types, (for example, "swift" custody hearings may not be in the best interests of children); fairness regarding educating the public about what the courts can and cannot do.
- Protecting Children, Families, and the Community - Consider long-term impact of domestic violence on families and children, particularly in family court cases.
- Technology and the Courts – Increase efficiency in the courts through technology; sharing information, leading to perpetrator accountability
- Partnership opportunities – Acknowledging funding limitations, explore creative opportunities to provide training.

## **VI. Protective Order Forms**

Kay Radwanski reported on the new language approved and signed into law by the Governor to ARS § 13-3601 regarding relationships between litigants in Orders of Protection and Injunctions Against Harassment. By indicating "current or previous romantic or sexual relationship," a petitioner will be eligible for an Order of Protection, rather than an Injunction Against Harassment. The new law is effective September 30, 2009. Because of this legislation, changes had to be made to the petition and the plaintiff's and defendant's guide sheets. Dave Byers, AOC executive director, signed Administrative Directive 2009-26 authorizing changes to the forms. Also, Rule Petition R-09-0026, approved by the Arizona Supreme Court, amends ARPOP R. 6(c)(3)(b) to make the rule conform to the statute.

## **VII. Workgroup Report: Forms and Processes**

The Forms and Processes Workgroup, chaired by Judge Elizabeth Finn, is involved in the electronic filing TurboCourt project. She explained the process of developing "intelligent questions" so that the AOC's vendor, Intreysys, can develop e-filing software for protective orders. Unlike other types of filings, there will be no user fee or filing fee for applying for a protective order electronically. Judge Finn discussed the development of the website's first few pages and the challenges faced by the workgroup.

## **VIII. AOC Education Services Director**

Jeff Schrade, new director of the AOC's Education Services Division, introduced himself to the committee and gave some background information regarding his qualifications. He previously spent nine years at the Arizona Foundation for Legal Services and Education.

## **IX. Update on the Arizona Supreme Court Strategic Plan**

Janet Scheiderer provided a report on the progress of the AJC's strategic plan sub-committee. All of the standing committees were invited to submit ideas for Chief Justice Berch's plan.

The goal of the AJC sub-committee is to meet in October and choose the best ideas from among those submitted and present them to AJC at its December meeting.

#### **X. Workgroup Report: Best Practices**

Judge Wendy Million discussed the need for information regarding diversion programs for offenders. She asks for input from law enforcement, prosecutors, and judiciary in response to the Morrison Institute's "System Alert" report. Workgroup members have prepared a draft report that is still a work in progress. The goal is to deliver the report to AJC at its December 3 meeting.

#### **XI. First Call to the Public**

- Judge Finn mentioned the October 6, 2009, DV summit and the lack of superior court judges registered. She encouraged participation and registration for the superior court judiciary. She also announced a satellite broadcast being held at the Supreme Court and at various locations around the state on October 27, 2009, from 1:30 p.m. – 4:00 p.m. The summit and the broadcast are funded by a STOP grant received by the Glendale Police department. The Glendale City Court, the Arizona Coalition Against Domestic Violence, and the AOC are grant partners.
- Judge Finn discussed Justice Sandra Day O'Connor's foundation (The O'Connor House) and the use of funds for domestic violence. Justice O'Connor has obtained a \$250,000 grant from the Avon Foundation and plans to use it for a domestic violence initiative. Her group has discussed, among other issues, the need for a centralized database for protection orders. Judge Finn has made Justice O'Connor's group aware that the AOC has such as database. However, access to it is limited. Because of discussion regarding a database, Judge Finn suggested a need for the re-creation of a policy workgroup for CPOR (Central Protective Order Registry) to address access and other issues. After asking for comments from the committee, Judge Ronan authorized reinstatement of the workgroup and asked for volunteers. Judge Finn and Allie Bones volunteered to participate in the workgroup.

#### **XII. Workgroup Report: Education**

Allie Bones, workgroup chair, reported that the group has not met yet. They will plan to meet after the October DV summit. Judge Million asked the workgroup to consider the possibility of mandatory DV training for judges. She noted that California is considering such a rule. Ms. Bones noted that Justice O'Connor feels strongly about judicial training. It is a priority identified by her foundation to focus on enhancing Arizona courts in the area.

#### **XIII. AZCADV Legislative Priorities**

Allie Bones, Arizona Coalition Against Domestic Violence, discussed her organization's legislative agenda for 2010 and the bills that were passed this year. The following bills were

passed and signed into law:

- SB 1088(romantic or sexual relationship)
- SB 1106(child custody and domestic violence)

For 2010, AZCADV is considering the following legislation:

- To add “dating relationships” to ARS§ 13-3601 by submitting improved language and removing “dating relationships” from Injunctions Against Harassment
- Increase the number of offenses in ARS § 13-3601 by adding:
  1. Murder
  2. Sexual assault
  3. Restricting the use of the telephone in an emergency
  4. Cruelty to animals
- Make strangulation/suffocation a class 4 felony
- Title 36 clean-up language (domestic violence shelters)
- Aligning state law on human trafficking with federal law
- Overhaul of the child custody statutes to resolve discrepancies in the language

#### **XIV. Second Call to the Public**

There was no public comment.

#### **XV. Adjournment**

The meeting was adjourned at 1:15 p.m.

#### **Next Meeting:**

Tuesday, November 10, 2009

10:00 a.m. – 2:00 p.m.

State Courts Building, Conference Room 119 A/B