



CEDV Court Process Workgroup Joint Meeting

January 25, 2023

8:00 a.m. – 9:00 a.m.

ZOOM Meeting

Members Present: Judge Susan Stoney (chair), Leigh Taylor (co-chair), Judge Maha Abejuela, Ayaan Ali, Bolivia Bustamante, Renee Carol-Grate, Ashley Coleman, Fazia Deen, Detective April Heard, Susan Madsen, Nora Mahoney, Josh Peterson, Stephanie Romonchuk, Pam Sejas, Tina Spurlock, Ann Thayer, Detective Amanda Wallace, Brittany Vera, Angela Yeboah, and Stacy Ziebell

Technical Assistance Provider: David Steib (Ayuda)

Members of the Public: Mary Ottinot

I. Electronic Meeting Requirements

Judge Stoney read the script required for electronic meetings. Judge Stoney moved to ensure the voices of all members were audible to the other group members and Nora Mahoney seconded the motion and it passed without objection. Nora Mahoney moved to verify that the state of emergency makes it unsafe to meet in person and that video conferencing technology should be utilized to conduct the meeting. Ann Thayer seconded the motion, and it passed without objection. Nora Mahoney made a third motion that all matters discussed in the meeting are necessary to continue operations and the discharge of the Committee's lawful purposes, duties, and responsibilities. Fazia Deen seconded the motion and it passed unanimously.

Judge Stoney opened the meeting by welcoming members. She explained that the group would spend the meeting reviewing the existing goals of each subgroup, what each group has accomplished, and what the goals for the coming year might be.

II. Revisiting Mapping Exercise – Where Are We Now?

Brittany Vera reminded the group of the systems walkthrough that began in September 2020 of the protective order process in Juvenile and Domestic Relations Court (JDRDC) and General

District Court (GDC). This walkthrough mapped the entire process from the Emergency Protective Order to appeals process. The process was supported by a technical assistance provider from the National Council of Family and Juvenile Court Judges (NCFJCJ). The walkthrough also noted the gaps in the process, which was the basis for formation of the two current workgroups.

Brittany explained that the group used a survey to prioritize the gaps and barriers that they wanted to address through the workgroups. The group worked hard through this survey process to achieve consensus to move forward.

Brittany explained the gaps covered by the Victim Access Workgroup for both courts, JDRDC and GDC. Gaps included language access for the public to file preliminary protective orders, the process of filing for preliminary protective orders (PPOs) due to confusion about where to go, which court to file in, or not having all the contact information for the respondent. Another significant gap included having clear information to the public about how to file a protective order and the entirety of the process from start to finish. The group recognized the importance of having information about the entire protective order process and having the information housed in on one website online. This information was housed on different agency websites for the County, such as for the Courts and DSVS, but does not provide all the information necessary. All of these prioritized gaps became the focus of the Victim Access Workgroup.

Stacy Ziebell explained the original gaps that were identified to form the Criminal/Civil Protective Order Process Workgroup. Stacy explained that in 2021, the Commonwealth Attorney's policy was not prosecuting criminal misdemeanor cases aside from sexual battery. The policy has since been reversed and the office is now prosecuting assault and battery cases where there is a non-IPV relationship. Other issues raised included a uniform process for victims filing protective orders, the divergence of how magistrates might issue emergency protective orders (EPOs), especially if the victim is petitioning the magistrate for the EPO and not a member of law enforcement. Another issue was setting the criminal matter and final protective order hearing on the same day, which could be overwhelming for victims. Evidentiary issues were also raised, as well as the concern of victims following through to file for a PPO after obtaining a EPO. Stacy noted that other previously raised issues about relief grant under POs are being covered by another workgroup.

III. Workgroup Report Outs

Judge Stoney reviewed what the Victim Access Workgroup has been addressing. Judge Stoney chairs this group and explained the members started with examining language access issues in each court. There was a series of meetings exploring learning from each court about how interpreters are utilized in each court. The workgroup identified that interpreters came from different sources and the challenges of navigating those resources.

The workgroup then brought in technical assistance through David Steib (Ayuda) and Cannon Han (Asian Pacific Institute for Gender Based Violence). They discussed the importance of trauma informed training. The challenges of the interpreter hiring agency for the interpreters may present challenges. The group explored the possibilities and limitations of trying to improve the quality of interpreters through trauma informed training and other training.

The workgroup decided to set up focus groups to learn from survivors who spoke Spanish and Arabic to hear from victims first-hand. There were more challenges than anticipated to recruit and gain attendance. The group recently decided to shift their approach to collecting data from identified service providers who frequently serve individuals with limited English proficiency who seek protective orders. This work is ongoing.

The group next focused on the goal of providing clear information to the public. A joint group formed with members of the Criminal/Civil Workgroup to update the JDRDC Protective Order application and Attorney of the Day packet, both of which were successfully updated and approved. The group is now working on developing content about the protective order process to provide to the public. The group is starting with the JDRDC protective order process and will then address the GDC process. The protective order process was broken down into 16 steps. The group is focusing on what information each step of the process should contain and how to present it to the public in a way that is accurate and easy to understand. The ultimate goal will be to put this information on the CEDV's website.

Leigh Taylor shared the three main goals of the Criminal/Civil Workgroup: 1) Streamlining evidentiary issues in protective order hearings 2) align and promote consistency of relief granted in protective orders and in the application process between the two courts 3) to provide education and training about the different processes in the two courts by people utilizing the courts, whether they were members of the public or other stakeholders.

The concrete activities that developed around these activities included revising the JDRDC protective order application packet with members of the Victim Access Workgroup. The revised packet had a thorough vetting through different stakeholders, including survivors. The JDRDC bench ultimately approved the packet. The English version of the packet are used and the translation process for other languages is under way. The new packet is much more streamlined and puts the information into easy-to-understand language.

The joint group just began revising the General District Court packet in conjunction with members of the Victim Access Workgroup and other stakeholders, including the Clerk and some judges. The group is being mindful of the needs of the GDC court with its different structure since GDC does not use intake officers for this process.

The group recognized that for the third goal that it would be difficult to hold public information sessions about the protective order process. The group identified the need for training for the magistrates regarding trauma informed training and understanding domestic violence.

Susan Madsen asked whether petitioners could file the protective order file the packet in another language before it goes into the court file. Tina Spurlock explained Domestic Relations schedules an interpreter to translate the application and affidavit into English so the judge can read the affidavit. Tina explained they had originally thought the packet would only be translated into five languages but there is a chance they might be able to translate the packet into additional languages. Susan Madsen asked who was funding the translation. Tina shared normally the agency would provide the funding, but JDR is looking at other funding opportunities to allow for additional language translation.

Fazia Deen asked a question about how judges approve the packet. Judge Stoney explained that once the group arrives at a final product, the packet is presented to the Chief Judge of the appropriate court, and the packet is then reviewed at a judge's meeting. The judges then vote on the approval of the packet.

Mary Ottinot, a member of the public, made a public comment with concerns about misconduct in the Clerk's office. She shared that she has concerns about survivors being able to file records with the Clerk's office and concerns about filing police reports and inappropriate conduct from law enforcement. Mary asked the workgroup to ensure they consult survivors and various stakeholders so that survivor voice is represented throughout the process.

Judge Stoney thanked Mary for the comment and acknowledged the importance of hearing from survivors. Judge Stoney stated that the work is ongoing and the group is constantly looking for ways to improve their response to survivors.

Stacy explained the training the Criminal Civil Workgroup conducted with the magistrates. Chief Magistrate Emery was a strong partner in the work and made the training mandatory for the magistrates. A technical assistance provider delivered the training used a fantastic set of faculty to provide the training. Evaluations of pre and post-tests demonstrated the training was effective in increasing the knowledge of the magistrates. There will be follow up meetings with the magistrates to ensure they have sufficient resources, including brochures, pamphlets and one-pagers to give to petitioners. The group is also going to be developing a resource card for the magistrates to use.

Ayaan Ali asked a question about whether the magistrates had started giving out information about DV services. Stacy shared there is more information forthcoming on changes on this topic.

Leigh explained the final goals the workgroup is focused on. The group is also concerned about having consistency in relief granted on the protective orders. The group may partner with LSNV or other stakeholders to achieve this goal.

IV. Discussion – What Has Changed in Our Work?

Judge Stoney shared that one new change is having a DVAC Navigator General District Court, which is a needed resource for the court since it does not have the same resources as JDRDC.

Angela Yeboah added that the funding for the DVAC Navigator position was something that was identified from the protective order systems walkthrough process. The DVAC Advisory Board recognized the need for this position and sought funding through Office on Violence Against Women. Angela extended her thanks to Judge Stoney, Susan Madsen, and other members of the judiciary for their collaboration and support in bringing this position to GDC.

Tina Spurlock shared that during the pandemic, there were concerns from victims about filing by affidavit only. This concern continues because there are many days where this is still the only option due to judges' meetings, judges' conferences, or other administrative needs with the Clerks' office. There are victims who are still choosing to wait to file for a PPO until they can use the *ex parte* hearing process. Tina advocated for this group continuing to address that issue and concern since it impacts victim safety.

Nora shared that she has seen more emergency protective orders attached to PPOs given as a result of a petitioner's testimony instead of the police officer's testimony. Nora saw this as an indicator that the magistrate training helped.

Tina shared that they are seeing a similar trend, but she is concerned that fewer EPOs are being sworn out by law enforcement officers, which she suspects is due to the shortage of police officers. Typically, if charges were being filed, they law enforcement official would go and obtain the EPO for the victim and bring it to them. Law enforcement is now telling victims to go to the magistrate to get their own EPO, which is not always as feasible for a survivor.

V. Participation in 2023

Judge Stoney asked the group about additional goals for the coming year, in addition to what Tina had already mentioned about the affidavit process for PPOs.

Nora raised a concern about having someone from the Commonwealth Attorney's office since so much of what the Criminal/Civil Workgroup has identified involved the Commonwealth Attorney's office. Leigh shared that Amelia Nemitz used to participate on the workgroup. She rotated off the DV Docket and Leigh is working on obtaining a new representative.

Stacy added that there is a lot of work going on in other places and if the group cannot find a representative, this workgroup might have to pause their work until a representative is obtained for the group and the group members join other work already under way. The group will have to evaluate this possibility based on different factors.

Judge Stoney shared that the Victim Access Workgroup is focused on finishing the protective order development process. She would like to have someone from the County share with the group how it could be formatted and presented on the website. Brittany acknowledged that the DSVS Communications' staff could come to a future meeting to give an overview of how material may be presented in an easily understood way on a county website, especially if there are limitations from the county. This will be much easier for the Communications' staff to envision and propose how this material would be presented online.

Nora Mahoney asked about whether there were other resources or people who might be needed to move the work forward, but no additional names were suggested. Judge Stoney acknowledged the continued importance of including survivor voice and continuing to address these issues in the coming year.

VI. Adjourn

With no further comments, Judge Stoney thanked the group for their work and adjourned the meeting.