

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
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Report

TO: Members of the Judicial Council

FROM: Domestic Violence Practice and Procedure Task Force
Hon. Laurence Donald Kay (Ret.), Chair
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DATE: October 25, 2005

SUBJECT: Domestic Violence: Newly Formed Task Force
Project Plan and Status Report (No Action Required)

Issue Statement

On September 6, 2005, Chief Justice Ronald M. George appointed the Domestic Violence Practice and Procedure Task Force to recommend changes to improve court practice and procedure in cases involving domestic violence allegations. Recommendations of the task force should also address the fair, expeditious, and accessible administration of justice for litigants in domestic violence cases. The task force members appointed will serve for two years.

More specifically, the task force charge included the review and implementation, as appropriate, of court-related recommendations contained in *Keeping the Promise: Victim Safety and Batterer Accountability*, Report to the California Attorney General From the Task Force on Local Criminal Justice Response to Domestic Violence (June 2005). The report is available online at www.safestate.org/index.cfm?navid=386.

Recommendation

The Domestic Violence Practice and Procedure Task Force recommends that the Judicial Council accept this project plan and status report and direct staff to provide further updates and recommendations as needed during the two-year tenure of the task force.

Rationale for Recommendation

On February 25, 2005, Justice Richard D. Huffman, chair of the Executive and Planning Committee, and Justice Laurence Donald Kay, then chair of the Rules and Projects Committee, directed relevant Judicial Council advisory committees to incorporate specific objectives relating to domestic violence into their work plans. This request was consistent with the longstanding commitment of the council to enhance court practice in domestic violence cases and in anticipation of a forthcoming report and recommendations from a task force appointed by State Attorney General Bill Lockyer.

The Attorney General's task force issued its report and recommendations in June 2005 with public distribution of *Keeping the Promise: Victim Safety and Batterer Accountability*, Report to the California Attorney General From the Task Force on Local Criminal Justice Response to Domestic Violence. Administrative Director of the Courts, William C. Vickrey was a member of the task force. Chief Justice George and Mr. Vickrey participated in the press conference announcing the release of the report.

On September 6, 2005, Chief Justice George appointed a Judicial Council task force to make recommendations to the council and its advisory committees to improve practice and procedure in domestic violence cases. The task force, chaired by Justice Laurence Donald Kay, recently retired as presiding justice of the Court of Appeal, First Appellate District, Division Four, is composed of 16 judicial branch leaders. A news release announcing formation of the task force and naming its members is attached on pages 3–4.

The task force held its first meeting on October 19, 2005, and delineated a work plan consisting of five major projects. A summary outlining the projects, working groups and lead staff is attached on pages 5–7.

Alternative Actions Considered

Due to the council's focus on domestic violence and the importance of the issues raised in the report of the Attorney General's task force, the need for creation of a similar judicial branch task force became evident. No alternative actions were considered.

Comments From Interested Parties

None.

Implementation Requirements and Costs

The primary costs associated with the task force determined to date are for travel and staffing. Existing funds provided by the Administrative Office of the Courts (AOC), Office of Governmental Affairs, and grant funds from the Violence Against Women Education Project of the Center for Families, Children & the Courts will be used to defray some of the costs of the project. More information about project costs and implementation requirements will be provided as proposals are submitted to the council.

Attachments



NEWS RELEASE

Release Number: 55

Release Date: September 13, 2005

Chief Justice Names New Statewide Task Force on Domestic Violence

Retired Presiding Justice Laurence D. Kay to Head State Panel

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Lynn Holton
Public Information Officer

San Francisco—Chief Justice Ronald M. George today announced the appointment of a new statewide task force that will study ways to improve practice and procedure in domestic violence cases.

“This task force will recommend ways to improve the administration of justice in cases involving domestic violence,” said Chief Justice George. “Our goals are to ensure fair, expeditious, and accessible justice for litigants in these critical cases and to promote both victim safety and perpetrator accountability.”

The Chief Justice named recently retired Presiding Justice Laurence D. Kay, of the Court of Appeal, First Appellate District, Division Four (San Francisco) as chair of the 15-member statewide panel, which includes appellate justices, trial court judges, and court executive officers.

The task force is charged with developing best practices for domestic violence cases in California courts. The first priority of the task force will be to review the recent report of the Attorney General’s Task Force on Local Criminal Justice Response to Domestic Violence, issued in June 2005, and to consider implementation of court-related recommendations.

The recommendations under consideration generally relate to improvements in protective order forms, development of guidelines in domestic violence cases, and improvement of the accurate and timely entry of restraining orders into the statewide database.

“The creation of this task force is a recognition of the significant issues presented in domestic violence cases,” said Justice Kay. “We will address these issues calling upon the combined expertise, collaboration, and innovative thinking of judges and court administrators as well as our justice system and community partners.” A task force membership roster is attached. The task force is scheduled to end its service in September 2007.

Members of the Judicial Council Task Force on Domestic Violence Practice and Procedure

Hon. Laurence Donald Kay (Ret.), Chair
*Presiding Justice of the Court of Appeal,
First Appellate District, Division Four*

Hon. Tani Gorre Cantil-Sakauye
*Associate Justice of the Court of Appeal,
Third Appellate District*

Hon. Deborah B. Andrews
*Judge of the Superior Court of California,
County of Los Angeles*

Hon. Jerilyn L. Borack
*Judge of the Superior Court of California,
County of Sacramento*

Hon. Jeffrey Bostwick
*Judge of the Superior Court of California,
County of San Diego*

Hon. Sharon A. Chatman
*Judge of the Superior Court of California,
County of Santa Clara*

Hon. Mary Ann Grilli
*Judge of the Superior Court of California,
County of Santa Clara*

Hon. Quentin L. Kopp (Ret.)
*Judge of the Superior Court of California,
County of San Mateo
(effective November 4, 2005)*

Hon. Jean Pfeiffer Leonard
*Judge of the Superior Court of California,
County of Riverside*

Hon. William A. MacLaughlin
*Presiding Judge of the Superior Court of
California, County of Los Angeles*

Hon. George A. Miram
*Presiding Judge of the Superior Court of
California, County of San Mateo*

Hon. Rebecca S. Riley
*Judge of the Superior Court of California,
County of Ventura*

Hon. Dean Stout
*Presiding Judge of the Superior Court of
California, County of Inyo*

Ms. Tressa S. Kentner
*Executive Officer, Superior Court of
California, County of San Bernardino*

Mr. James B. Perry
*Executive Officer, Superior Court of
California, County of Yolo*

Mr. Alan Slater
*Chief Executive Officer, Superior Court of
California, County of Orange*

Attachment 2

Judicial Council

Domestic Violence Practice and Procedure Task Force

OVERVIEW OF PROPOSED PROJECTS

1. Domestic Violence Best Practices Project

Working group chair: Hon. Tani Gorre Cantil-Sakauye, Associate Justice of the Court of Appeal,
Third Appellate District

Lead Staff: Julia Weber, AOC Center for Families, Children & the Courts

Background

Several recommendations contained in *Keeping the Promise: Victim Safety and Batterer Accountability*, Report to the California Attorney General From the Task Force on Local Criminal Justice Response to Domestic Violence concern the improvement of court practice and procedure in criminal misdemeanor cases involving domestic violence offenses. At the same time, identification of recommended practices to improve the processing of domestic violence cases in the family law and Domestic Violence Prevention Act (DVPA) contexts has been an ongoing effort at the Administrative Office of the Courts.

Scope of the project and tasks

The task force would develop a mechanism to identify and document recommended practices in domestic violence cases. As preliminary tasks, the working group would:

- Determine the scope of the areas of the law to be covered and in what order (e.g., criminal law, family law, DVPA proceedings, juvenile law);
- Determine whether the practices would be documented as guidelines, protocols, manuals or educational materials, standards of judicial administration, rules of court, or some combination of the above;
- Identify existing research and reports in the field that list and discuss recommended practices;
- Delineate a timeline for completion of the project; and
- Conduct an invitational forum for judicial officers and other experts to discuss and analyze proposed best practices.

2. Restraining Orders/Domestic Violence Restraining Order System (DVROS) Project

Working group chair: Hon. Mary Ann Grilli, Judge of the Superior Court of California,
County of Santa Clara

Lead staff: Penny Davis, AOC Center for Families, Children & the Courts

Background

The Attorney General's task force report raises issues relating to the accuracy, clarity, and enforceability of restraining orders issued under various statutory schemes, as well as the degree to which they comply with legal mandates. The report also calls into question whether orders that are properly issued are promptly entered into relevant statewide databases. This project is designed to survey practices in this area, make recommendations for improving procedures, and provide technical assistance to the courts to enhance their abilities to ensure prompt entry of restraining orders into the Domestic Violence Restraining Order System and the California Law Enforcement Telecommunications System (CLETS).

Scope of the project and tasks

The task force would:

- Survey courts for practices relating to entry of domestic violence restraining orders into relevant databases;
- Make recommendations for improving practices in this area;
- Conduct a restraining order forum to provide a way for courts to exchange information about enhancements to their abilities to ensure timely entry of orders into the statewide databases; and
- Ensure that the development of case management systems and other statewide efforts include a priority to enhance the ability of courts to both access and enter data into the domestic violence restraining order database.

3. Forms Revisions

Working group: Task force as a whole

Lead staff: Tamara Abrams, AOC Center for Families, Children & the Courts, and
Joshua Weinstein, AOC Office of the General Counsel

Background and project tasks

Recently enacted legislation requires certain forms revisions, and recommendations contained in the Attorney General's task force report urge changes in forms or the creation of new forms. Forms changes will be handled according to the regular Judicial Council process for revising and creating forms. The task force will have an opportunity to comment on the proposed forms changes during the regular period for statewide comment, and the Judicial Council will ultimately decide if the changes are warranted.

4. Enhancing Community Collaboration Project

Working group: Task force as a whole

Lead staff: Tamara Abrams and Bobbie Welling, AOC Center for Families, Children & the Courts

Background

Historically, the AOC has supported the development of court/community collaborative councils to act as a feedback and monitoring mechanism for improving practice and procedure in domestic violence cases. A number of statewide conferences have focused on this important topic. The Attorney General's task force report recognized the significance of these important justice system partnerships and the need for judicial leadership in maintaining this public focus.

Scope of the project and tasks

The task force would:

- Provide technical assistance and support to courts seeking to establish or renew court/community domestic violence councils through the Center for Families, Children & the Courts' Domestic Violence Safety Partnership Project (DVSP);
- Consider establishing by standard of judicial administration or rule of court the parameters for judicial leadership of a domestic violence council in each county; and
- Conduct three regional conferences for court and community partners to focus on the recommendations of the Attorney General's task force report and to revitalize the court/community councils in the applicable region.

5. Education and Training Project

Working group: Violence Against Women Education Project Planning Committee and task force as a whole

Lead staff: Bobbie Welling, AOC Center for Families, Children & the Courts

Background

Since 2003, the Administrative Office of the Courts has received grant funding through the state Office of Emergency Services and the federal Violence Against Women Act to support judicial branch education and technical assistance in cases involving allegations of domestic violence, sexual assault, and stalking. The Violence Against Women Education Project (VAWEP) has conducted approximately 40 statewide and local education programs during this period and has published benchguides and produced statewide broadcasts since the inception of the project. Judicial branch education plays a vital role in ensuring compliance with mandates and the development of best practices in the domestic violence arena.

Scope of the project and tasks

Under the auspices of the VAWEP Planning Committee and the relevant AOC Center for Judicial Education and Research (CJER) education committees, the task force would:

- Seek to expand education in the critical areas identified in the Attorney General's task force report; and
- Recommend ways to ensure increased attendance at relevant educational programs.

Next Steps and Scheduled Events

February 1, 2006 Invitational Forum on Improving Access to CLETS

February 2, 2006 Next meeting of the Domestic Violence Practice and Procedure Task Force