



JUDICIAL COUNCIL  
OF CALIFORNIA

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## FACT SHEET

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# Violence Against Women Education Project 2021-2022

Domestic violence, sexual assault, stalking, dating violence, and human trafficking are critical issues facing tribal, family, criminal, and juvenile courts in California. The Violence Against Women Education Project (VAWEP) is an initiative designed to provide tribal and state courts with information, supplies, technical assistance, educational materials, and programs on the role of the courts in responding to cases involving these issues. VAWEP is a project of the Center for Families, Children & the Courts of the Judicial Council of California. The project is being implemented in collaboration with the Center for Judicial Education and Research and is funded by the California Governor's Office of Emergency Services (Cal OES).<sup>1</sup>

### Project Goals

The goal of VAWEP is to provide current education and program support in the areas of domestic violence, sexual assault, stalking, dating violence, and human trafficking.

VAWEP efforts include:

- Identifying the primary educational and informational needs of the courts;
- Initiating new judicial branch educational programming, including delivering regional training events and enhancing existing programming;
- Developing distance learning opportunities for judicial officers and court staff relating to court procedure and policy;
- Developing and compiling for the courts useful information that relates specifically to California state and tribal law and federal Indian law;

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- Institutionalizing the inclusion of the subject areas in all relevant judicial branch education curricula, programs, and publications;
- Increasing communication among state and tribal courts about best practices;
- Providing jurisdiction-specific technical assistance;
- Creating educational tools that aid in the administration of justice for self-represented litigants;
- Ensuring that trainings, educational resources, and other forms of assistance are available to tribal judges and tribal courts on an equal footing with state courts;
- Providing resources and technical assistance to tribal courts; and
- Supporting efforts to enhance access to and improve the administration of justice for Native American victims and survivors.

### **Impact of COVID-19 Pandemic**

Because of the COVID-19 pandemic, the majority of trainings for state court judicial officers, tribal judges, and court staff were delivered remotely in 2021–2022 through webinars and other distance learning tools, including podcasts and online modules. As the pandemic recovery continues, some in-person trainings have resumed.

### **Planning Committee**

The project’s planning committee includes representation from tribes and tribal advocates, superior courts, prosecution and defense, and the advocacy community. The planning committee guides the project staff in identifying key areas of focus and developing appropriate educational programming. The committee meets at least once a year in person or by videoconference.

### **Judicial Education**

In California, judicial officers who hear criminal, family, juvenile justice, juvenile dependency, or probate court cases participate in appropriate education on domestic violence issues.<sup>2</sup> Domestic violence content must also be included in certain education programs for new and experienced judicial officers.

VAWEP staff also provide educational programming for various court staff, including mediators, evaluators, self-help center staff, and court clerks, such as the following:

#### **“Human Trafficking in Criminal Court” (Sept. 2022)**

This two-part webinar for criminal judges and court research attorneys covered recent changes in the law that provide relief for human trafficking victims and survivors.

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<sup>2</sup> Cal. Rules of Court, rule 10.464.

### **Primary Assignment Orientation Courses**

A judge who is new to a particular court assignment or who is changing assignments (from criminal to juvenile law, for example) is required to participate in a week-long program called Primary Assignment Orientation (PAO). Domestic violence issues are consistently covered in these programs. During this grant year, the following courses were supported by VAWEP, covering the topics listed:

#### **Family Law PAO (Feb. 2022, Mar. 2022)**

- Domestic Violence Law
- Child Custody and Domestic Violence
- Domestic Violence Overlay

#### **Juvenile Dependency PAO (Jan. 2022, June 2022)**

- The Role of Domestic Violence in Dependency
- Effects of Domestic Violence on Children
- Restraining Orders

#### **Juvenile Justice PAO (Dec. 2021, Feb. 2022)**

- Mental Health, Trauma, Domestic Violence
- Commercial Sexual Exploitation of Children
- Restraining Orders

#### **Probate Law PAO (Feb. 2022)**

- Civil Protective Orders
- Probate Conservatorships and Probate Guardianships
- Ethics and Specialty Probate Proceedings

### **Experienced Assignment Courses**

Educational programs designed for experienced judicial officers are also supported by VAWEP. The following VAWEP courses were offered during this grant cycle:

#### **“Ethics and Self-Represented Litigants in Domestic Violence Cases” (Dec. 2021)**

This course focused on ethics issues that arise in domestic violence cases and application of the canons contained in the Code of Judicial Ethics in light of the large proportion of self-represented litigants in these cases. The course began with a half-day segment on the dynamics and context of domestic violence and the evolution of domestic violence law, including recent legislation on coercive control (Sen. Bill 1141; Stats. 2020, ch. 248). The course also included a practical skills-building exercise in which participants were recorded and provided feedback on their demeanor and communication skills.

**“Handling Sexual Assault Cases” (Mar. 2022)**

Sexual assault cases require the judge to be familiar with a unique body of substantive and procedural law that is not necessarily applicable in other criminal cases. The judge must also be aware of and understand the dynamics of sexual assault cases, the needs of the victim and specially mandated accommodations, and myths and misconceptions about sexual assault victims/survivors and offenders. This course emphasized these key issues and guided judges through managing a sexual assault trial, from arraignment to sentencing and postsentencing procedures. The course focused on the topic of sex offender characteristics and psychological evaluations.

**Judicial Institutes**

Judicial Institutes programs for judicial officers provide tailored information to targeted audiences. During this grant year, VAWEP courses included an in-person Domestic Violence Judicial Institute.

**Domestic Violence Judicial Institute (May 2022) (3.5 days)**

The project uses an interdisciplinary curriculum developed by the National Council of Juvenile and Family Court Judges and Futures Without Violence (formerly the Family Violence Prevention Fund) to present an educational institute based on the curriculum. The institute includes workshops on fact-finding, judicial officers’ roles in a community response to domestic violence, fairness and cultural issues in domestic violence cases, decisionmaking skills and enforcement, victim behavior, and perpetrator behavior. The institute also includes sessions designed to engage judicial officers in practical courtroom exercises addressing the complexity of domestic violence cases and the specific issues facing California courts.

The project offers a preinstitute workshop to address the nuts and bolts of California law in domestic violence cases. The preinstitute workshop provides a judge new to a criminal or family law assignment with the basics of domestic violence cases, focusing on common errors, unique features, and hot spots. Issues arising in criminal domestic violence cases include emergency protective orders, pretrial release and bail, criminal protective orders issued both pretrial and as a mandatory condition of probation, sentencing, review hearings, and probation violations. Issues related to family law include statutory requirements for restraining orders, firearms issues, and cross-over issues such as avoiding conflicting orders.

Course outline:

- Practical Courtroom Exercises
- Judicial Application of Domestic Violence (Nuts and Bolts)
- Victim and Perpetrator Behavior
- Fact-Finding: How to Get the Right Information

- Access to Justice: Role of the Judge in Court and Community
- Fairness & Cultural Issues in Domestic Violence Cases
- Domestic Violence & Immigration
- Decisionmaking Skills: Applying the Law to the Facts

#### **Family Law Institute (Apr. 2022)**

The Criminal Law Institute is designed to meet the needs of judicial officers in a criminal law assignment and often includes content on emerging issues or recent developments in criminal law. The course, “Refuse/Resist Dynamics,” was offered this year.

#### **Multidisciplinary Training**

- Two part webinars focused on implementation of Senate Bill 320 (Mar. 2022):
  - DV & Firearms Legal Update: What You (We) Need To Know
- Two-part training on domestic violence for professional supervised visitation providers (Sept. 2022)
- 2022 Family Court Services Statewide Educational Institute (May 2022)

Sessions included:

- Whose Best Interests? When Domestic Violence is a Factor in Child Custody Cases
  - Safety First: What You Should Know About Supervised Visitation
  - Children and Risk of Lethality in the Context of Domestic Violence
  - Gun Violence in Domestic Violence Cases
  - Now and Beyond: Considerations for Remote Hearings and Services in Domestic Violence Cases
  - Survivor Voices: The Future of Victim Services
- When Domestic Violence Goes Digital

#### **Training and Technical Assistance**

##### **COVID-Related Reports**

Domestic violence is a critical issue facing family, criminal, and juvenile courts in California, and was especially so during the pandemic, as families and systems had to adjust to constant change. Staff continued to provide technical assistance to courts, as needed, to allow the courts to answer questions related to emergency protocols, changes in the law, and court procedures.

### **Court Forms Program (ongoing)**

VAWEP staff provides ongoing technical support to trial courts that use document assembly software programs to help self-represented litigants involved in domestic violence file petitions for restraining orders. The Judicial Council developed an questionnaire to allow litigants to complete their forms by answering guided questions in a program called HotDocs. This program is currently being used by more than 25 courts and service providers. A “live chat” feature is available to assist users in navigating the program.

### **Publications**

VAWEP staff reviews various benchguides, pamphlets, and other publications to determine whether updates are required during the grant period. Below are the current publication updates:

- *California Judges Benchbook: Domestic Violence Cases in Criminal Court* (CEB, 2022);
- Domestic violence online course update: “Domestic Violence Restraining Orders Prohibiting Family or Relationship Abuse”;
- Domestic violence selected case summaries and statutes;
- Criminal protective orders at a glance; and
- *Judges Guide to Emergency Protective Orders* benchguide (domestic violence, elder abuse, and civil harassment orders).

### **Tribal-State Activities**

The VAWEP tribal team focuses on issues affecting tribal communities and provides resources to state and tribal courts.

This grant year, the following tribal educational courses were held:

- “State/Tribal Joint Jurisdictional Courts Improve Outcomes in Civil and Criminal Cases” (Webinar, Dec. 2021)
- “Coming Together to Improve Safety in California Indian Country” (In-Person, Sept. 2022)

### **Training and Technical Assistance**

The STEPS (State-Tribal Education, Partnerships, and Services) program provides local educational and technical assistance to tribal courts and state courts on issues relating to domestic violence and tribal communities. Judges can request a tailored educational event to meet local needs or request technical assistance. Project staff also attend various tribal resource fairs to build community and share information and court resources.

- During this grant period, project staff provided technical assistance to a tribal court regarding access to the California Law Enforcement Telecommunications System and issues related to trafficking of foster children missing from care.
- The team also presented at the June Forum on the Amnesty International report, *The Never-Ending Maze: Continued Failure to Protect Indigenous Women From Sexual Violence in the USA*, and discussion on education and prevention efforts in California.
- The STEPS program provided funding for technology, securities equipment and supplies, and court remote video appearance technology to the following tribal courts to improve court services to domestic violence victims and survivors:
  - Hoopa Valley Tribal Court;
  - Yurok Tribal Court;
  - Intertribal of Southern California Tribal Court;

Ongoing projects include:

- Tribal Court-State Court Joint Jurisdiction Toolkit;
- Bench cards and educational tools;
- Local tribal-state agreements to improve recognition of tribal protective orders; and
- Jurisdictional tools for law enforcement and judges.

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