

Title	Domestic Violence: Judicial Education on Domestic Violence Issues (adopt rule 10.464 of the California Rules of Court)
Summary	Proposed new rule 10.464 would require (a) participation in appropriate education on domestic violence issues by each judicial officer who hears matters in criminal, family, juvenile delinquency or dependency, or probate, and, in addition, for those with primary assignments in these areas, participation in periodic updates, and (b) inclusion of domestic violence issues in courses at the Judicial College and in primary assignment courses for both new and experienced judicial officers. This rule is intended to describe education which is included within the existing hourly requirements and expectations. No additional hours are proposed.
Source	Domestic Violence Practice and Procedure Task Force, Hon. Laurence Donald Kay (Ret.), Chair, and CJER Governing Committee, Hon. Ronald B. Robie, Chair
Staff	Bobbie Welling, Supervising Attorney, Center for Families, Children & the Courts, 415-865-7822, bobbie.welling@jud.ca.gov James M. Vesper, Assistant Director, Education Division/CJER, 415-865-7797, jim.vesper@jud.ca.gov
Discussion	<p>In February 2008, the Judicial Council approved the final report of the Domestic Violence Practice and Procedure Task Force and directed the task force, among other things, “to work collaboratively with the Judicial Council’s Governing Committee of the Center for Judicial Education and Research (CJER) to revise the rules relating to minimum education requirements so that domestic violence issues are mandatory components of courses that meet the minimum requirements for new judges and judges new to a family law, juvenile law, criminal law, or probate assignment.” The task force report to the council stated: “The task force wishes to underscore the importance of ensuring that every judicial officer who may potentially adjudicate these cases has sufficient education about their unique features and therefore recommends that the implementation task force work with the CJER Governing Committee to mandate education as appropriate.”</p> <p>In response to the task force recommendation and the council’s directive, the task force and the CJER Governing Committee developed a joint proposal, proposed new rule 10.464. The purpose of the proposed new rule would be to ensure the continued inclusion of education on domestic violence issues in relevant courses and programs and to impose a duty on judges and subordinate judicial</p>

officers to participate in domestic violence education.

Subsection (a) of the proposed new rule would require judges and subordinate judicial officers who hear matters in criminal, family, juvenile delinquency or dependency, or probate to participate in appropriate education on domestic violence issues. It would require, in addition, that judges and subordinate judicial officers whose primary assignments are in these subject areas participate in periodic updates. Participation in education on domestic violence issues would be intended to be part of the judge's or subordinate judicial officer's requirements and expectations under rule 10.462, and not in addition to those requirements and expectations (see rule 10.464(a)). Thus, this proposal will not result in judges and subordinate judicial officers having to participate in any additional hours or courses. Rather, education on domestic violence issues will be included in courses that already are required or expected, and participation in any other domestic violence education will count towards the existing number of continuing education hours required or expected.

Subsection (b) of proposed new rule 10.464 would require the education provider to include domestic violence issues in specified courses and programs. The courses specified would include (1) courses offered at the B. E. Witkin Judicial College of California (Judicial College), (2) courses on primary assignments in criminal, family, juvenile delinquency or dependency, and probate provided for new judges and subordinate judicial officers, and (3) courses on primary assignments provided for experienced judges and subordinate judicial officers beginning a new assignment in those subject areas.

Presently, new judges and subordinate judicial officers are required to participate in the Judicial College, an annual two-week residential program (rule 10.462(c)(1)(C)), and to take a course on their primary assignment (rule 10.462(c)(1)(b)). Experienced judges already are expected and experienced subordinate judicial officers are required to participate when beginning a new primary assignment in a course on that primary assignment (rule 10.462(c)(4)). This new provision would ensure that those courses in the criminal, family, juvenile, and probate areas include education on domestic violence issues as a mandatory component. This provision also would be consistent with Government Code Section 68555, which provides that the Judicial Council must establish judicial training programs for judges and subordinate judicial officers who perform duties in domestic violence matters.

The proposed rule does not require a specific number of hours of education for experienced judges and subordinate judicial officers who have not changed assignment. Instead, it provides that they participate in “appropriate” education on domestic violence issues (proposed rule 10.464(a)). The task force and governing committee intentionally chose this approach because the need of each individual judge and subordinate judicial officer for education on domestic violence issues varies so widely based on the individual’s size of court, nature of assignment, mix of assignments, and other factors. The task force and governing committee decided that a “one-size-fits-all” approach would not be effective. Rather, each individual judge and subordinate judicial officer should thoughtfully examine and determine his or her own need.

Consistent with its duties as enumerated under rule 10.50(c), the CJER Governing Committee is responsible for ensuring (1) that education on domestic violence issues is appropriately included in curricula in the criminal, family, juvenile, and probate subject areas, and (2) that education on domestic violence issues is available on a statewide basis through a variety of distance delivery methods in addition to traditional (face-to-face) education.

Substantial grant funding has been available to support education for judges and subordinate judicial officers in this subject area. As a result, appropriate courses already are contained in all of the required primary assignment areas and at the Judicial College. Domestic violence education is available through various distance learning delivery methods (publications and videotapes), and other distance learning programs are under development.

The CJER Governing Committee and the Domestic Violence Practice and Procedure Task Force seek comment on whether this rule properly addresses the needs of the judiciary in the critical area of domestic violence education in response to the council’s directive of February 2008.

The text of the proposed new rule is attached at page 4.

Attachment

Rule 10.464 of the California Rules of Court would be adopted, effective January 1, 2010, to read:

1 **Rule 10.464. Education requirements for judges and subordinate judicial**
2 **officers on domestic violence issues**

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5 **(a) Judges and subordinate judicial officers hearing specified matters**

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7 Each judge or subordinate judicial officer who hears criminal, family,
8 juvenile delinquency or dependency, or probate matters must participate in
9 appropriate education on domestic violence issues, as part of his or her
10 requirements and expectations under rule 10.462. Each judge or subordinate
11 judicial officer whose primary assignment is in one of these areas must, in
12 addition, participate in a periodic update on domestic violence issues as part
13 of these requirements and expectations.

14
15 **(b) Specified courses to include education on domestic violence issues**

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17 The education provider must include education on domestic violence issues
18 at the Judicial College (under rule 10.462(c)(1)(C)) and in courses for
19 primary assignments in criminal, family, juvenile delinquency or
20 dependency, or probate (under rule 10.462(c)(1)(B) or (c)(4).

Item SPR09-29 Response Form

Title: **Domestic Violence: Judicial Education on Domestic Violence Issues** (adopt Cal. Rules of Court, rule 10.464)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

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DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 17, 2009
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Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.