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FACT SHEET

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Violence Against Women Education Project

Domestic violence (DV), 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 (CJER) and is funded by the California Governor's Office of Emergency Services (Cal OES), with resources from the federal STOP (Services, Training, Officers, Prosecutors) Violence Against Women Formula Grant Program and the Victims of Crime Act Victim Assistance Formula Grant Program.

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 useful information for the courts that relates specifically to California state and tribal law and federal Indian law;
- Institutionalizing the inclusion of the subject areas in all relevant judicial branch education curricula, programs, and publications;

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- Creating incentives to increase attendance and participation in judicial branch education;
- 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;
- Purchasing computer or audiovisual supplies for court projects;
- 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.

Impact of COVID-19 Pandemic

On March 19, 2020, Governor Gavin Newsom issued a stay-at-home order for Californians in response to the 2019 Corona Virus Disease (COVID-19) pandemic. As a result, the Judicial Council postponed or cancelled some in-person trainings for state and tribal judicial officers and court staff. Local courts have limited staff and hours due to the pandemic, and project staff are developing webinars and other ways to provide education through remote methods.

To support domestic violence victims and the courts during the COVID-19 pandemic, project staff worked to prepare an emergency court rule extending emergency protective orders up to 30 days, temporary restraining orders and gun violence restraining orders up to 90 days, and criminal protective orders by 90 days. The rule also specifies that courts must provide a means for filing a request for temporary restraining orders and that all orders must be entered into the California Law Enforcement Telecommunications System (CLETS) without regard to whether they are issued on Judicial Council forms or in another format. Project staff created a job aide for courts regarding these orders. Staff also assisted in providing court signage for domestic violence victims seeking a restraining order and updated the California Court's website so that victims can access information and file the necessary paperwork. This plain-language guidance was translated into Spanish, Vietnamese, Chinese, and Korean, and those translations were provided to all courts.

Project staff provided technical assistance and guidance to Access to Visitation grantee courts and supervised visitation providers on safety considerations and protocols during COVID-19 and court closures. In addition, staff provided a tip sheet for parents to consider if participating in virtual visitation and a checklist for courts and providers on following DV and safety protocols.

Please note that at the time of this publication, programs scheduled for June through September 2020 were scheduled to occur as in-person trainings. However, because of the pandemic, these trainings may be further postponed or cancelled in accordance with the state's health and safety guidelines.

Planning Committee

The project's planning committee is composed of tribal court judges, state judicial officers, prosecutors, defense attorneys, attorneys with expertise in the field of domestic violence, victim advocates, and other subject-matter experts. The planning committee guides the project staff in identifying key areas of focus and developing appropriate educational programming. The committee meets once a year in-person or by conference call.

Judicial Education on Domestic Violence

The Judicial Council adopted rule 10.464 of the California Rules of Court to provide education on domestic violence for state court judges, commissioners, and referees.

The rule requires:

- Participation in appropriate education on domestic violence issues by each judicial officer who hears matters in criminal, family, juvenile delinquency, juvenile dependency, or probate court and, in addition, for those with primary assignments in these areas, participation in periodic updates; and
- Inclusion of domestic violence issues in courses at the B. E. Witkin Judicial College and in Primary Assignment Orientation courses for both new and experienced judicial officers.

The VAWEP team provides statewide programs, local programs, and distance-learning opportunities so that judicial officers have diverse ways to fulfill the requirement of the rule. The project also provides educational programming for various court staff, including mediators, evaluators, and court clerks.

The VAWEP team develops, staffs, and sponsors a series of in-depth courses on domestic violence, sexual assault, stalking, dating violence, and human trafficking; these courses are integrated into CJER's regular programs.

Primary Assignment Orientation Courses

The Judicial Council offers week-long Primary Assignment Orientation programs in juvenile law, criminal law, and probate law designed for judicial officers new to their relevant assignments. The courses are designed by CJER staff to satisfy the content-based requirements of rule 10.462(c)(1)(B) of the California Rules of Court applicable to new judges and subordinate judicial officers. The courses also satisfy the expectations and requirements of rule 10.462(c)(4) applicable to experienced judges and subordinate judicial officers new to, or returning to, an assignment. The VAWEP team has developed components on domestic violence issues for each of these

programs. The following orientation courses were offered during or are scheduled for this grant cycle:

December 2019	“Juvenile Law (Delinquency) Primary Assignment Orientation” Sacramento
January 2020	“Probate Law Primary Assignment Orientation and Juvenile Law (Dependency) Primary Assignment Orientation” San Francisco
June 2020	“Juvenile Law (Dependency) Primary Assignment Orientation” San Francisco

Experienced Assignment Courses

CJER develops and implements programming designed to satisfy the content-based expectations of California Rules of Court, rule 10.462(c)(4), for experienced judges returning to a criminal assignment and for others seeking hours-based continuing education under rule 10.452(d). The following courses were offered during or are scheduled for this grant cycle:

December 2019	“Immigration Issues in Domestic Violence Cases,” Sacramento. Issues of immigration increasingly affect judicial decision making, the nature of the information presented to the court, and the safety issues in family, juvenile, and criminal law matters that contain allegations of domestic violence. This 1½-day course provided a broad overview of the elements of immigration law that may affect decisions in these cases and an understanding of the challenges facing victims of domestic violence as a result of the immigration concerns and status of the parties.
December 2019	“Handling Sexual Assault Cases,” Sacramento. 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 and offenders. This two-day course emphasized these key issues and guided judges through managing a sexual assault trial from arraignment to sentencing and post-sentencing procedures.
June 2020	“Human Trafficking,” San Francisco. This two-day course focuses on how trafficking victims appear in juvenile and criminal courts as dependents, delinquents, defendants, and witnesses. This course also looks at dynamics of trafficking, myths and misconceptions, risk factors, and characteristics of victims and perpetrators. The course addresses the legal definitions of human trafficking, and the many

crossover issues that must be grappled with when trafficking victims appear before juvenile or criminal court judges.

Additional training for judicial officers will be held by webinar because of the COVID-19 stay-at-home order.

Judicial Institutes

VAWEP courses are included as part of the Juvenile Law Institute and the B. E. Witkin Judicial College. The training from these institutes provides information specific to target audiences.

Juvenile Law Institute (June 2020)

The Juvenile Law Institute provides training on dependency and delinquency matters. The courses focus on understanding the legal issues while also understanding the various layers, such as mental health, developmental delays, child development, domestic violence, and educational requirements. A description of the course follows:

“Immigration Issues in Juvenile Court Arising from Domestic Violence, Sexual Assault, and Human Trafficking.” Immigration remedies for children and parents who may be victims of crime go beyond Special Immigrant Juvenile Status (SIJS). In this course, the various paths to immigration status will be explained; best practices for assisting eligible children in applying for SIJS and for T visas, U visas, and Violence Against Women Act self-petitions will be discussed; and whether juvenile court decisions or dispositions affect eligibility or access to these remedies will be explored.

B. E. Witkin Judicial College (Aug. 2020)

A course on issues of domestic violence is part of the nationally recognized B. E. Witkin Judicial College of California, a program providing comprehensive education for all new superior court judges, commissioners, and referees. The course provides background information on domestic violence and is mandatory for all program participants as required by Government Code section 68555. A description of the courses follows:

“What Every Judge Should Know About DV.” By the time any judge completes five years on the bench, he or she will have presided over several cases involving domestic violence issues. Many judges will have handled dozens of these cases, some daily, some weekly, some yearly. This course explores the complexities confronting judicial officers handling domestic violence cases and promotes an understanding of victim and perpetrator dynamics, recanting witnesses, the effects of domestic violence on children, and ways to assess risks of dangerousness and lethality. Judges will acquire knowledge of the varying legal standards and technical requirements in different case types, including criminal law, family law, juvenile law, and occasionally other proceedings. Faculty will present information

and conduct interactive discussions to better prepare the judicial officer new to the bench for these difficult and important cases.

“Immigration Law for State Courts.” This course provides an overview of the intersection and misalignment between federal immigration laws and state court laws. The panelists will discuss how decisions in civil, family, and criminal proceedings affect immigration proceedings and vice versa.

Court Staff Education

Family Court Services

Staff of the Family Court Services (FCS) unit in the Center for Families, Children & the Courts assist courts in the implementation of child custody and administer mandatory training of court personnel involved in family law proceedings. The FCS unit in collaboration with project staff develop and provide domestic violence training to FCS directors, managers, supervisors, and mediators. New FCS court staff are required to obtain 16 hours of domestic violence education their first year of service and 4 hours of domestic violence education annually.

Family Court Services Directors and New Directors Trainings (Nov. 2019 and June 2020)

This training is designed for directors, managers, supervisors, and administrators who directly supervise court-connected child custody and visitation mediators and/or child custody recommending counselors and oversee family dispute resolution programs throughout the courts. This session provides Family Court Services directors with key strategies and tools for analyzing and addressing critical incidents by addressing lethality factors and identifying staff roles and responsibilities and the decision-making process in child custody disputes where domestic violence is indicated. The training includes advanced topics in personnel management, effective interventions when critical incidents occur in efforts to alleviate and cope with secondary trauma, language access assistance in court-ordered services, and technology-enabled abuse in domestic violence cases. The sessions will provide for mandated California Rules of Court credit.

Family Court Services Directors, Managers, Supervisors, and Court Administrators Training Conference Call (Feb. 5, 2020)

This training shared and discussed the podcast *An Invisible Epidemic: A Survivor's Story and What Courts Should Know About Traumatic Brain Injury* (TBI). This podcast follows the story of “Mary” who lives with TBI as a result of being brutally beaten by her ex-boyfriend while held captive in his home. Dr. Eve Valera, Associate Professor, Harvard Medical School, outlines her research on the signs and symptoms of brain trauma in women who have experienced intimate partner violence, highlighting limitations in research specific to women with TBI, physical markers of a damaged brain, recovery factors, and limited knowledge about TBI by law enforcement and the courts. Judge Julie Emede, Superior Court of Santa Clara County, provides practical

advice on how the justice system can help survivors with possible brain injury navigate the court experience, how the symptoms of TBI affect court professionals' approach to handling these cases, and the need for trauma-informed training in the court system.

Family Court Services for New Court Professionals (Feb. 2020)

The Family Court Services for New Court Professionals provides training on the California family law legal system, how laws and rules are made and interpreted by the courts, and confidentiality in the context of child custody mediation. The complexity of domestic violence is discussed throughout the two-day training. Courses include:

- “Legal Framework: Child Custody and Domestic Violence”
- “Your Role in the Context of Legal Systems: Statutes, Rules, Cases and Confidentiality”
- “Mediation Skills, Concepts, and Practice”
- “Mediating When Domestic Violence Is an Issue: Separate Sessions, Support Persons, and Other Key Legal Issues for Family Court Services”

Family Court Services Regional Trainings (June 2020, July 2020, and August 2020)

The Family Court Services Regional Training provides directors, managers, supervisors, and professional staff with mandated training and continuing education as required by the Family Code and the California Rules of Court. This one-day training is provided in Sacramento, Butte, and Madera Counties this grant year and typically occurs every other year. Additional trainings may occur in San Francisco, San Bernardino, San Diego Counties in the later part of the grant year. Courses include:

- “Approaching Tech-Enabled Abuse in Your Work by Defining and Understanding Common Forms of Abuse”
- “Identifying Red Flags and Tech Safety Planning: Helping Victims Prioritize Their Digital Safety”
- “Legal Update: Family Law and Domestic Violence”
- “Defusing the Sparks in High-Conflict Mediation”
- “A Future 2020 Vision for Family Court Services”

Multidisciplinary Education**Beyond the Bench (Dec. 2019)**

The VAWEP project featured a series of domestic violence-related courses at the Beyond the Bench conference. This is a multidisciplinary conference of judicial officers, court professionals, mediators, attorneys, evaluators, probation officers, mental health workers, Court Appointed Special Advocates, social workers, Child

Custody Recommending Counselors, self-help staff, educators, psychologists, practitioners, youth, and others working with families and children coming to court to address and discuss problems affecting the populations served.

The courses included:

- “Enhancing Safety & Accountability: Incorporating Risk Assessment in Domestic Violence Cases” (judicial officers only)
- “Safety & Accountability in DV cases Through Juvenile Court Final Custody Orders”
- “Beyond Trauma-Informed Care: The Epigenetics of Racial and Historical Trauma”
- “Talking About Sexual Violence: How to Use Trauma-Informed Communication”
- “Missing and Murdered Indigenous Women and Girls: Creating Change Through Data, Research, Policy, and Practice”
- “Creating System Change: How Five Rural Counties Plan to Break the Cycle of Violence and Childhood Trauma”
- “Invisible Injuries, Part 1: Up-to-Date Research on Brain Injuries in Female Survivors of DV”
- “Invisible Injuries, Part 2: Access to Justice for Survivors With Brain Injuries Due to DV”
- “Legal Updates: Family and Domestic Violence”
- “More to the Story: How the Economic Effects of DV Can Lead to Dangerous Custody Outcomes”

Webinar

“The Emergence of Technology-Enabled Abuse in Domestic Violence Cases” (Dec. 2019)

Abuse has gone digital. This statement is particularly relevant in the field of domestic violence, with the National Domestic Violence Hotline reporting a 146 percent increase in digital abuse calls in the last two years. Given the ubiquity of technology in our lives, we expect this statistic to continue to rise. This webinar explored why domestic violence survivors are at such high risk of technology-enabled abuse, some of the common ways this form of abuse manifests, likely red flags, and ways to verify and assess allegations of technology-enabled abuse.

Training and Technical Assistance

Domestic Violence Safety Partnership Project

Under the auspices of the Domestic Violence Safety Partnership (DVSP) project, VAWEP provided targeted, local technical assistance to applicant courts that have

identified a need for training. DVSP distributes a self-assessment tool that enumerates required procedures, recommended practices, and provides training and technical assistance based on the issues identified. Courts have identified needs ranging from understanding warning signs for lethality in domestic violence cases to improving communication between the many types of courts that may be involved in a particular case.

The project provides experts whose specialties vary based on the needs of the specific court. This assistance is accomplished by delivering a subject-matter expert to speak to the issues at hand, providing speakers at trainings with expertise in issues related to violence against women, or facilitating a peer-mentoring meeting in which courts come together to learn about individual best practices. Recipients of this assistance are asked to evaluate what they have received. Assistance can also include purchasing audiovisual and technological supplies that courts may use to enhance the administration of justice in domestic violence and related cases.

Some DVSPs included the following:

- Provided domestic violence court education credit for the 26th Annual Domestic Violence Conference for the Superior Court of Santa Clara County
- Supported tribal domestic violence faculty travel to present at the 2019 Challenging Changes: Collaborative Solutions California Association of Collaborative Courts Annual Conference
- Provided travel assistance to judicial participants and project staff to serve as volunteer faculty for “Disarming Prohibited Persons: Strategies for Implementing Restraining Order and Other Firearms Restrictions in California”
- Conducted a site visit of the Superior Court of San Diego County to observe how domestic violence victims were served, and provided technical assistance
- Provided iPads to family court services to improve court services to DV victims, such as online court form completion

HotDocs (Ongoing 2019–2020)

The VAWE team provides ongoing technical support to trial courts that use document assembly software programs to help litigants involved in domestic violence file petitions for restraining orders. The Judicial Council developed an interview to allow litigants to complete their forms by answering guided questions in HotDocs, a document assembly program. The 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

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

- *California Judges Benchbook: Domestic Violence Cases in Criminal Court*
- “Immigration Issues for Noncitizens” in *California Judges Benchbook: Domestic Violence Cases in Criminal Court* (CEB, 2020), Domestic Violence Selected Case Summaries and Statutes
- *Emergency Protective Order Benchguide*

Additional juvenile publications will also be updated by the end of the grant year.

Tribal-State Activities

The Judicial Council shares educational resources between the state’s judicial branch and the tribal justice systems and incorporates content on federal Indian law and its impact on state courts into judicial education institutes, multidisciplinary symposia, distance learning, and other educational materials. The educational resources and programs for tribal-state projects relate specifically to domestic violence, sexual assault, stalking, dating violence, and human trafficking.

Educational Programs

The VAWEP tribal team develops tribal court and state court training relating to domestic violence and tribal communities. This grant year, the following tribal educational courses were held:

- “Beyond Trauma-Informed Care: The Epigenetics of Racial and Historical Trauma” (Beyond the Bench, Dec. 2019)
- “Missing and Murdered Indigenous Women and Girls: Creating Change Through Data, Research, Policy, and Practice” (Beyond the Bench, Dec. 2019)
- “Tribal Court Administrator Training” (UC Davis Tribal Justice Project, Jan. 2020)

Additional courses will be provided at the Tribal Court–State Court Forum meeting.

Tribal Training and Technical Assistance

Modeled after the Domestic Violence Safety Partnership, the S.T.E.P.S. (State-Tribal Education, Partnerships, and Services) to Justice–Domestic Violence provides local educational and technical assistance to tribal courts and state courts on issues relating to domestic violence and tribal communities. At the request of judges, S.T.E.P.S. to Justice–Domestic Violence can tailor an educational event to meet local educational needs or provide technical assistance in response to locally identified and targeted needs. Project staff also attend various tribal resource fairs to build community and share information and court resources:

- Supported tribal domestic violence faculty travel to present at the 2019 Challenging Changes: Collaborative Solutions California Association of Collaborative Courts Annual Conference
- Supported tribal faculty to present at *Bay Area ICWA Symposium* on missing and murdered indigenous women (Oct. 2019)
- Provided iPads to tribal courts seeking to improve court services to domestic violence victims
- Provided technical assistance to Yurok Tribal Court regarding domestic violence restraining orders during the COVID-19 pandemic

Ongoing projects include:

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

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