



JUDICIAL COUNCIL
OF CALIFORNIA

Center for Families,
Children & the Courts

455 Golden Gate Avenue
San Francisco, CA
94102-3688

Tel 415-865-4200
TDD 415-865-4272
www.courts.ca.gov

FACT SHEET

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Violence Against Women Education Project

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, equipment, 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 for 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.

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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;
- 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 equipment 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.

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 twice a year, once by conference call and once in person.

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
- Requires 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 project 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 project develops, staffs, and sponsors a series of in-depth courses on domestic violence, sexual assault, stalking, dating violence, and human trafficking that 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 designed for judicial officers new to their relevant assignments. The courses are designed by CJER 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 project team has developed components on domestic violence issues for each of these programs. The following orientation courses are offered during this grant cycle:

November 2018	<i>Juvenile Law (Delinquency) Primary Assignment Orientation</i> San Francisco
January 2019	<i>Probate Law Primary Assignment Orientation</i> <i>Juvenile Law (Dependency) Primary Assignment Orientation</i> <i>Criminal Law Primary Assignment Orientation</i> <i>Family Law Primary Assignment Orientation</i> San Francisco
February 2019	<i>Family Law Primary Assignment Orientation</i> <i>Juvenile Law (Delinquency) Primary Assignment Orientation</i> Sacramento
June 2019	<i>Juvenile Law (Dependency) Primary Assignment Orientation</i> <i>Criminal Law Primary Assignment Orientation</i> San Francisco
September 2019	<i>Criminal Law Primary Assignment Orientation</i> Sacramento

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 to others seeking hours-based continuing education under rule 10.452(d). The following courses are offered during this grant cycle:

October 2018	<i>Ethics and Self-Represented Litigants in Domestic Violence Cases</i> , Sacramento This 1½-day course focuses on general judicial ethics issues that arise in domestic violence cases such as disqualification, disclosure, ex parte communication, and community outreach, as well as application of the canons of ethics in the context of
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the increasing numbers of self-represented litigants that judicial officers are seeing in domestic violence cases. The course provides an opportunity to demonstrate and practice demeanor and communications skills during a video recording and feedback session. A workshop on the nuts and bolts of California restraining order law precedes the course.

February 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 provides 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.

March 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 emphasizes these key issues and guides the judge through managing a sexual assault trial from arraignment to sentencing and post-sentencing procedures.

June 2019

Handling Cases Involving Abuse In Later Life, San Francisco
Judicial officers face unique and complex issues when handling cases involving abuse in later life, where older victims age 50+ may be more vulnerable to domestic violence, sexual assault, stalking, or human trafficking due to perpetrators' abuse tactics that exploit older victims' perceived frailty, cognitive decline, or mental illness. This 2½-day course will highlight the unique issues in abuse in later life cases, discuss misconceptions and interpersonal dynamics between victims and perpetrators, identify the needs of victims and the promising practices to ensure access to the courts, and address ethical considerations for court leadership.

Judicial Institutes

VAWEP courses are included as part of the Family Law Institute, Cow County Judges Institute, and the B. E. Witkin Judicial College. These institute trainings and educational events provide information specific to target audiences.

Family Law Institute (April 2019)

The Family Law Institute is held in conjunction with the Child and Family Focused Education (CaFFE) Conference to provide an opportunity for judicial officers, family court services mediators and evaluators, and court clerks to jointly attend courses.

The Constantly Evolving Area of DVROs

The course will review DVROs, the evolution of disturbing the peace and self-defense in DVRO cases, and competing requests for DVROs. In addition, the effect of misdemeanor convictions, what is required for a kick-out, new consequences for spousal support and retirement plans, what debt payments should be ordered and for what period, when to order a batterer's program, animal protection, requests for restitution, and more will also be discussed with regard to DVROs.

Cow County Judges Institute (June 2019)

The Cow County Judges Institute provides an opportunity to present courses to rural judges in an environment that allows for discussion of substantive and procedural law and their unique features in a rural setting. A series of workshops for this audience is presented at the institute.

The domestic violence courses include:

- Ensuring Access and Fairness When Handling Immigration Issues in Domestic Violence Cases
- Selected Issues with DVROs and CPOs

B. E. Witkin Judicial College (July 2019)

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 course 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. 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 impact immigration proceedings and vice versa.

Court Staff Education

Family Dispute Resolution Institute for New Court Professionals

(November 2018 and April 2019)

The Family Dispute Resolution Institute 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
- DV Victim Support: An In-Depth Discussion on the Comprehensive and Culturally Competent Delivery of Domestic Violence Services in One's Community
- Role-Playing Case Scenarios Involving DV, Substance Abuse, LGBTQ and/or Typical Impasses

Family Court Services Directors Training (April 2019)

This training is designed for directors, managers, supervisors, and administrators of court-connected family dispute resolution programs throughout the courts. This session provides Family Court Services (FCS) 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 workshop highlights safety concerns and the measures that should be taken in a case of child abduction. The discussion includes information on the prevalence of child abduction and risk factors, including steps that family court personnel should take to assess risk potential and prevent abduction, and how to be prepared to work with law enforcement, social service agencies, and district attorney's offices if an abduction occurs. FCS directors also explore supervision of staff and effective interventions when critical incidents occur in efforts to alleviate and cope with secondary trauma.

Family Court Services Regional Training (November 2018)

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 Red Bluff and Orange County this grant year and typically occurs every other year.

- Domestic Violence Cases in the Courts: Cultural and Gender Considerations
- Batterers Program: What Does the Lens Show Us Today?
- Legal Update: Family Law and Domestic Violence
- From Criminals to Victims: Los Angeles' Evolving Response to Commercially Sexually Exploited Children

Multidisciplinary Education

Child and Family Focused Education (CaFFE) Conference (April 2019)

The biennial statewide Family Law Education Program changed its name to Child and Family Focused Education Conference. The conference is designed to meet annual training requirements for child support commissioners; supervised visitation providers; juvenile dependency mediators; Family Court Services directors, managers, supervisors, mediators, child custody recommending counselors, and evaluators; and dependency counsel and probate investigators. Over 400 judicial officers and court stakeholders attend this multidisciplinary education event. The program looks at current and emerging issues for court-affiliated practitioners working with children and families, including programs with a special focus on the challenges facing court litigants, cultural competency, and meeting the diverse needs of families.

The domestic violence courses include:

- Family Law and Domestic Violence Legal Updates
- Resiliency in Children Exposed to Domestic Violence
- Domestic Violence in Dependency Court: What Judges and Attorneys Should Know

- From Criminals to Victims: Los Angeles' Evolving Response to Commercially Sexually Exploited Children
- Brief Study of Strangulation in DV
- 30 Minutes on 3044
- I Am Not the Same: The Impact of Traumatic Brain Injury and Strangulation
- Starting With Families to Prevent Gun Violence
- Hacking Into Tech: Understanding DV in the Digital World

Pathways to Justice, Family Law Self-Help Conference (June 2019)

The Judicial Council, the Legal Aid Association of California, and the California State Bar Association in collaboration facilitate the Pathways to Justice Conference for self-help center staff dealing with family law issues. The training meets the most pressing education and practice needs of a wide range of lawyers, paralegals, self-help providers, facilitators, advocates, and volunteers providing family law and domestic violence assistance to low-income individuals in California.

The domestic violence courses include:

- #ImmigrantWomenToo: Protections for Non-Citizen Women Fleeing or Experiencing Domestic Violence
- Assisting Tribal Communities with Restraining Orders
- The Family Law Refresher Game
- Decoding Domestic Abuse Across Cultures
- Recent Domestic Violence Appellate Decisions and Statutory Changes Directly Affecting Your Work
- Intersectional Approaches to Overcoming Legal System Barriers for Underserved Communities
- Legal Ethics & the Intersection of DV and Workplace Violence
- Supporting Transgender and Gender Nonconforming Survivors of DV/IPV
- Self-Help Mobile Application for Victims of Crime

Webinar*Privacy in DVROs and CHROs: New Law to Protect Information of Minors (January 2019)*

In 2018, a new law went into effect that allows a minor or minor's legal guardian to ask that certain information regarding a minor (e.g., name, address, description of abuse related to minor) be made confidential in a domestic violence or Civil Harassment Restraining Order proceeding. The webinar reviews the new forms and court processes for these requests to inform and prepare anyone who helps self-represented litigants

complete restraining order forms. This webinar is available for viewing throughout the year.

Training and Technical Assistance

Domestic Violence Safety Partnership Program

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 equipment that courts may use to enhance the administration of justice in domestic violence and related cases.

Training supported by DVSP:

- *Domestic Violence Training*. Training for judges and court staff of the Superior Court of San Francisco County.
- *The 25th Annual Domestic Violence Conference*. Training for justice partners and staff of the Superior Court of Santa Clara County.

HotDocs (Ongoing 2018–2019)

The VAWEP project 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. There is now a “live chat” feature to assist users in navigating the program.

Publications

The VAWEP project 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* (CEB, 2019)
- “Immigration Issues for Noncitizens” in *California Judges Benchbook: Domestic Violence Cases in Criminal Court* (CEB, 2019), Domestic Violence Selected Case Summaries and Statutes

VAWEP funds are also used to translate domestic violence court forms DV-160, DV-165, DV-170, DV-175, and DV-630 into Spanish, Korean, Chinese, and Vietnamese. In addition, *Domestic Violence and Child Custody*, a handout covering Family Code section 3044, was translated to Spanish.

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 project 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:

- Missing and Murdered Indigenous Women and Girls Report (Tribal Forum, February 2019)
- Addressing Tribal Communities in Response to Sex Trafficking (Tribal Forum, February 2019)

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.

The VAWEP project team presented a course at the 16th National Indian Nations Conference: Justice for Victims of Crime in December 2018.

State and Tribal Court Collaboration to Improve Victim Safety

Tribal victims of domestic violence face greater risks and challenges when seeking protection. In California, these challenges include the jurisdictional challenges of Public Law 83-280, lack of tribal resources, and lack of access to law enforcement

databases, among many others. This session will discuss some of the innovations undertaken at a statewide and local level within the California Court system to improve access to justice for tribal victims of domestic violence.

Ongoing projects include:

- State and 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

Tribal Resource Fairs

In response to the research report of the Native American Communities Justice Project describing how “access to courts is effectively blocked by a lack of understanding about what courts can and should do to address family violence issues,”¹ the project will continue to share information at statewide and national events. VAWEP tribal project staff attended the following resource fairs:

- Native American Day (Sacramento, August 2019)

To be determined. **For additional information about VAWEP activities, please contact:**

Center for Families, Children & the Courts
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Project Staff

Ms. Bonnie Rose Hough, Project Manager and Managing Attorney
Center for Families, Children & the Courts
415-865-7668
bonnie.hough@jud.ca.gov

Ms. Lisa Chavez, Senior Analyst
Center for Families, Children & the Courts
916-643-7021
lisa.chavez@jud.ca.gov

Ms. Frances Ho, Attorney
Center for Families, Children & the Courts
415-865-7662
frances.ho@jud.ca.gov

¹ Judicial Council of Cal., *Native American Communities Justice Project—Beginning the Dialogue: Domestic Violence, Sexual Assault, Stalking, & Teen-Dating Violence* (May 2010), p. 13.

Ms. Khanh T. Nguyen, Attorney
Center for Judicial Education and Research
415-865-8855
khanh.nguyen@jud.ca.gov

Ms. Ann Gilmour, Attorney (Tribal Project)
Center for Families, Children & the Courts
415-865-4207
ann.gilmour@jud.ca.gov

Ms. Vida Castaneda, Senior Analyst (Tribal Project)
Center for Families, Children & the Courts
415-865-7874
vida.castaneda@jud.ca.gov

Ms. Loral Ayala, Administrative Coordinator
Center for Families, Children & the Courts
415-865-7459
loral.ayala@jud.ca.gov

Planning Committee

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

Hon. Sherrill A. Ellsworth (Ret.)
Judge of the Superior Court of
California, County of Riverside

Hon. Mark A. Juhas, Cochair
Judge of the Superior Court of
California, County of Los Angeles

Ms. Karen Fletcher
Chief Adult Probation Officer, City and
County of San Francisco

Dr. Bajlit Atwal
Director of Psychology Assessment
Resource Center (PARC)

Hon. Suzanne Gazzaniga
Judge of the Superior Court of
California,
County of Placer

Hon. Sue Alexander (Ret.)
Commissioner of the Superior Court of
California, County of Alameda

Hon. Scott M. Gordon
Supervising Family Law Judge of the
Superior Court of California, County
of Los Angeles

Hon. Susan M. Breall
Judge of the Superior Court of
California, County of San Francisco

Ms. Sandra Henriquez
Executive Director
California Coalition Against Sexual
Assault (CALCASA)

Dr. Gena Castro Rodriguez
Chief of Victim Services and Parallel
Justice Program, Office of District
Attorney George Gascón San
Francisco

Hon. Joni T. Hiramoto
Judge of the Superior Court of
California, County of Contra Costa

Hon. Leona Colegrove-Martinez
Chief Judge Hoopa Valley Tribe and
Elk Valley Rancheria
Associate Judge Tulalip Tribal Court

Hon. Sam Lavorato, Jr.
Judge of the Superior Court of
California, County of Monterey

Ms. Emberly Cross
Coordinating Attorney
Cooperative Restraining Order Clinic,
San Francisco

Mr. Rick Layon
Law Offices of Richard H. Layon,
Vista

Hon. Harry Mark Elias
Judge of the Superior Court of
California, County of San Diego

Ms. Patricia Lee
Managing Attorney
San Francisco Public Defender's Office

Ms. Mary Majich Davis
Chief Deputy Executive Officer
Superior Court of California,
County of San Bernardino

Ms. Amanda Martin
Assistant Chief Executive Officer
California District Attorneys
Association

Ms. Krista Niemczyk
Public Policy Manager
California Partnership to End
Domestic Violence

Ms. Nancy O'Malley
District Attorney
Alameda County District Attorney's
Office

Ms. Sudha Shetty
Assistant Dean
Goldman School of Public Policy at
UC Berkeley

Ms. Lynda Smallenberger
Executive Director
Kene Me-Wu Family Healing
Center, Inc., Sonora

Deputy Roena Spiller
San Mateo County Sheriff's Office

Hon. Glenda Veasey
Commissioner of the Superior Court of
California, County of Los Angeles

Hon. Christine Williams
Chief Judge of the Northern California
Intertribal Court System (NCIS)
Chief Judge of the Shingle Springs
Tribal Court