

# GOVERNOR'S FAMILY VIOLENCE COUNCIL MEETING MINUTES

Friday, October 18, 2013  
Heritage Office Complex – Chesapeake Room

## ATTENDEES

**COUNCIL MEMBERS PRESENT:** Patricia E. Arriza, Michael Brady on behalf of Colonel Marcus L. Brown, L. Tracy Brown, Diana Cheng on behalf of Secretary Joshua Sharfstein, Michaele Cohen, Jeanne Cooper on behalf of Secretary Theodore Dallas, Debbie Feinstein, Kieran P. Dowdy, Julie Drake on behalf of Richard Barth, Jodi Finkelstein, Lisae C. Jordan on behalf of Delegate Kriselda Valderrama, Secretary Gary D. Maynard, Justice Schisler on behalf of Tammy Brown, Kara Shawyer on behalf of Senator Bryan Simonaire, Anne Sheridan, and Joan Stine.

**COUNCIL MEMBERS NOT PRESENT:** Secretary Sam Abed, Lt. Governor Anthony G. Brown, Attorney General Douglas F. Gansler, Dorothy Lennig, Superintendent Lillian Lowery, Chair, Scott G. Patterson, Adam Rosenberg, David Shultie, Delegate Cathy Vitale, and Jeanne Yeager

**STAFF:** Nakita Long and Ashley White

**GUESTS:** Leigh Goodmark, Karen Payne, Akeda Pearson, and Beth Volk

**WELCOME/INTRODUCTIONS:** Nakita Long began the meeting at approximately 10:05 a.m. Introductions were made.

## APPROVAL OF MINUTES:

- ❖ Motion: To approve Minutes of July 19, 2013 Council Meeting.
- ❖ Vote: Seconded and unanimously approved.

## PRESENTATION

- ❖ Leigh Goodmark is a Professor of Law at the University of Baltimore where she teaches Family Law and supervises students representing clients in the Family Law Clinic. She has written several books on domestic violence. She presented the following information about the LGBTQ community to the Council.
  - Domestic violence statistics in the LGBTQ community and the heterosexual community are approximately the same ranging from 25% - 33%.
  - There is a rise of cyber abuse and it is prevalent in teens in the LGBTQ community.
    - There is a bill that will be put forth this session that addresses sexually explicit material over the internet.
  - The transgender community is almost completely unstudied regarding intimate partner abuse.
  - Most transgender individuals do not use the legal system as historically the legal system has not serve this population well.
    - Transgender persons are perceived as less credible.
  - Abuse in this population comes in many forms:
    - Assault of body parts by calling someone “it.”
    - Destroying medicine and other needed hormones.
    - Threat of “outing” someone.
  - The National Coalition of Anti-Violence Programs (NCAVP) is dedicated to reducing violence against the LGBTQ community.
    - NCAVP’s 2012 data shows that there is police abuse in the LGBTQ community.
      - Some police refuse to acknowledge gender identities
      - When clients call the police they are often arrested

- ❖ Members of the FVC acknowledged the many barriers confronting members of the LGBTQ community and more specifically transgender people seeking relief from intimate partner abuse.
- ❖ It was suggested that the FVC look at the inadequacy of the legal system to address the needs of transgender people who are victims of domestic abuse.

## **GOVERNOR’S DOMESTIC VIOLENCE ROUNDTABLE DISCUSSION**

- ❖ Governor Martin O’Malley and Lt. Governor Brown hosted a Domestic Violence Roundtable discussion, which included 14 panelists, on October 16 to discuss innovative suggestions and ideas with respect to domestic violence.
- ❖ The following innovative initiatives were recommended:
  - Offering domestic violence screening in all community health care centers;
    - Jeanne Cooper advised that as part of a federal mandate, the Department of Human Resource’s Family Investment Office screens people who apply for Temporary Cash Assistance.
  - Increasing usage for Vine Protective Orders (VPO); and
  - Using LAP to hold offenders accountable, specifically by incorporating LAP into the Courts and expanding the Baltimore Police Departments warrant initiative that matches high-risk LAP offenders with open warrants statewide.
- ❖ GOCCP will keep the FVC abreast of and seek their input on progress related to these initiatives.

## **LEGISLATION**

- ❖ 2014 Proposed Legislative Agenda
  - Peace Orders and Protective Orders – Burden of Proof
    - This bill would change the burden of proof for those seeking final protective orders and peace orders from “clear and convincing evidence” to “preponderance of the evidence.”
      - Senator Brian Frosh will be the primary sponsor of this bill.
      - This bill has failed to receive a favorable report during past legislative sessions, but with Senator Frosh’s support and a grassroots effort in 2014, MNADV believes the bill will be successful.
      - MNADV will reach out to Chairman Vallario for support.
      - Statistics from the Administrative Office of the Courts (AOC) suggests that 65% of final protective orders and peace orders are denied for failing to meet the standard.
      - It was suggested that the FVC also support this bill.
      - Prior arguments against this bill include gun issues and removing the spouse from the home.
  - Family Law- Domestic Violence – Permanent Final Protective Orders
    - This bill would add the crime of 2<sup>nd</sup> degree assault to the list of enumerated crimes.
    - This bill would also alter the language from “served” to “sentenced” meaning the respondent is sentenced to a term of imprisonment of at least five years, but does not need to actually serve five years.
    - This bill failed to pass in legislation last year as it was amended in the House and the Senate and the session ended before there was a compromised bill.
  - Domestic Violence – Persons Eligible for Relief
    - This bill would move dating violence and sexual assault out of the peace order statute and into the protective order statute.
    - It would add to a person eligible for relief “an individual who has had a consensual or nonconsensual sexual relationship with the respondent.”
    - Over 41 other states have the ability to get protective orders for dating violence.
  - Protective Orders – Extensions
    - This bill is currently being drafted.

- The bill would allow for a protective order to remain in effect for a maximum of thirty days from the date of expiration when a petitioner files for an extension. Additionally, a protective order would remain in effect for thirty days to allow an appeal denying the extension to receive a hearing.
- Crimes - Committing a Crime of Violence in the Presence of a Minor – Penalties
  - This bill would enhance the penalty for persons who commit a crime of violence in a residence when the person knows or reasonably should have known that a minor was within sight or hearing of the crime.
  - This bill failed to pass in legislation last year and was spearheaded by Attorney General Douglas Gansler.
- Ending Rapists Parental Rights When a Child is Conceived During Rape
  - Senator Jamie Raskin and Delegate Kathleen Dumais sponsor this bill which will permit courts, upon a motion by the victim, to deny all paternity rights to men who conceive in the course of a sexual assault.
- Sexually Explicit Images on the Internet
  - Delegate Jon Cardin is proposing legislation that would outlaw the practice of posting sexually explicit images of another person online without their permission.
  - Under the legislation would be five years in prison and/or a \$25,000 fine.

## **WORKGROUPS**

### **❖ DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD**

- Workgroup Status
  - The Domestic Violence in the Presence of a Child Workgroup was divided into two subgroups (Criminal Justice and Schools) to more effectively focus on gaps in services and develop recommendations and best practices.
  - As part of the response A brochure entitled “Fighting in the Home: Is Your Child Being Affected?” was developed by several clinicians to be provided to parents to address a child’s exposure to domestic violence. Council members were provided with a draft of the brochure to review.
  - Because the Family Violence Council voted to continue the important work of the Domestic Violence in the Presence of a Child Workgroup for an additional year, both subgroups will continue to meet to develop a comprehensive protocol.
  - An Interim Report will be submitted to the Governor on December 1, 2013.

### **❖ VINE PROTECTIVE ORDER (VPO)**

- **VPO Quarterly Report**
  - During the 3rd quarter of this year, Maryland averaged 308 registrations and 957 notifications. This is a 7% increase in registrations from the 2<sup>nd</sup> quarter (926: 865).
    - In July 2013, 9% of the total number of protective orders issued had related VPO registrations.
    - In August 2013, 10% of the total number of protective orders issued had related VPO registrations.
    - In September 2013, 9% of the total number of protective orders issued had related VPO registrations.
- **VPO Outreach**
  - In an effort to increase VPO usage statewide, Nakita Long advised that the following outreach efforts will occur:
    - Nakita will provide the Maryland Network Against Domestic Violence (MNADV) with VPO material including the revised brochure to add to its website and for listserv distribution.

- Nakita Long and Ashley White, will conduct two VPO trainings each month for victim service providers in different jurisdictions throughout the state.
  - Nakita Long will continue to conduct site visits at the District and Circuit Courts to ensure that brochures are being distributed as mandated by law.
  - Nakita Long and Justice Schisler met with Administrative Office of the Courts (AOC) staff to discuss having VPO language added to Protective Orders and Petitions for Protective Orders.
    - Information is being distributed to AOC subcommittees to begin the vetting process.
  - Nakita Long will work with Appriss, the vendor for VPO, to host Webinar trainings on VPO.
  - A special condition to “promote the use of VPO” will be added to victim service grants funded by GOCCP.
  - VPO will be incorporated into the VINE training at the Roper Victim Assistance Academy of Maryland (RVAAM) in 2014.
  - GOCCP will provide media coverage on VPO.
  - Any other suggestions or comments regarding outreach efforts should be forwarded to Nakita Long.
- **VPO Brochures**
    - VPO brochures have been revised to include language regarding Requests for Waivers of Appearance. The revised brochures should be received at GOCCP by October 25, 2013 and distributed by the end of the month.
  - **VPO Issues**
    - FVC members and guests were reminded to contact Nakita Long if they encounter any problems with VPO.

#### ❖ **ABUSERS NOT MEETING THE CONDITIONS OF COURT ORDERS WITHOUT CONSEQUENCE**

- The purpose of this group is to examine the various responses by the criminal justice system when abusive partners fail to meet the conditions set by a civil or criminal court order. The aim is to raise awareness of patterns within the system and to identify opportunities to help the courts hold abusers accountable to their orders.
- This workgroup is chaired by Lisa Nitsch, House of Ruth, Maryland.
- Due to scheduling conflicts, the group has not yet convened. The first meeting will take place on November 18, 2013 at 1:30 PM at the House of Ruth, Maryland.

#### **ABUSER INTERVENTION PROGRAM AUDITS (2013)**

- ❖ Three programs were audited this past September. They were all in compliance and recertified until 2014.
- ❖ The list of Certified Abuser Intervention Programs has been updated and provided to the Administrative Office of the Courts for inclusion into the Judges Benchbook.

#### **FVC MEMBERSHIP UPDATE**

- ❖ Debbie Feinstein, Chief of the Family Division at Montgomery County State’s Attorney’s Office is now a member of the FVC.
- ❖ Manual Ruiz, Family Crisis Center of Prince George’s County, Inc. has been recommended for appointment to the Council. His appointment is pending.
- ❖ One FVC member will not be reappointed to the Council. Therefore, there is one vacant Council seat.

#### **OLD/NEW BUSINESS**

- ❖ **211 – Victim Resource**

- Prince George's County has implemented a 211 service (instead of 911 or 311) for domestic violence and sexual assault victims to call for victim resources in the county. If deemed necessary, the 211 call will be transferred to 911.

❖ **Upcoming Trainings**

- **Prince George's County Women's Legislative Conference:** Saturday October 26, 2013 at the Prince George's Community College, Queen Anne Auditorium.

**NEXT STEPS**

- ❖ Nakita Long Ashley White will continue to do follow-up visits at the Court to ensure that brochures are being distributed as required.
- ❖ Nakita Long and Ashley White will continue to reach out to victim service providers to provide training on VPO.
- ❖ Nakita Long will provide Michael Cohen with VPO information for inclusion on MNADV's website.
- ❖ Nakita Long will work with GOCCP funding managers to develop a VPO special condition for grants and add to all victim service grants.
- ❖ Nakita Long will work with GOCCP's Public Information Officer for a media blitz on VPO.
- ❖ Nakita Long will distribute VPO new brochures statewide.
- ❖ Lisa Nitsch will contact members of MAIC to see if they would be willing to take on the task of developing a brochure or one-page handout for perpetrators regarding the impact their violence may have on their child.

**MEETING ADJOURNED:** 11:40 AM

**UPCOMING MEETINGS**

The next Council meeting will be held  
January, 2014 (date to be determined)

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The Domestic Violence in the Presence of Child  
School Subgroup meetings will be held  
November 12, 2013 at 10 AM and December 13, 2013 at 1:00 PM  
GOCCP  
Towson, MD

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The Domestic Violence in the Presence of Child  
Law Enforcement Subgroup meetings will be held  
November 12, 2013 at 1:00 PM and December 13, 2013 at 10:00 AM  
GOCCP  
Towson, MD

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The Abusers Not Meeting the Conditions of Court Orders  
Without Consequence  
Workgroup meeting will be held  
November 18, 2013  
House of Ruth Maryland  
Argonne Drive, Baltimore, MD