

Legal Process Committee of the San Mateo County Domestic Violence Council

Meeting Minutes

July 13, 2023

11:45 a.m. – 1:15 p.m.

Location: Room 101, 455 County Center, Redwood City, CA

Present: Sara Afu (Superior Court/Clerks Ofc), Tanya Both (Superior Court/ADR), Jeffrey Carr (SMC Sheriff), Charles Cavallino, Co-Chair (CORA), Melissa Gibbs (CORA), Mitri Hanania (SMCBA Private Defender), Stephanie Bilinski (LASSMC), Elisa Kuhl, Co-Chair (Victim Services), Lindsay Marum (Justice at Last), Morris Maya (District Attorney’s Office), Alessandra Robleto (Superior Court/FL Clerks), Kevin Raffaelli (District Attorney’s Office), Jessica Dayton (ADZ Law LLP), Paula Vielman-Reeves (ADZ Law LLP), Theresa Dah (SMC Probation)

Also Present: Martin Fox, Robert Spencer (San Mateo Medical Center/DV Council)

ISSUES	DISCUSSION	ACTION
Adopt/Approve Agenda	Jessica Dayton moved to adopt and approve the agenda. Melissa Gibbs seconded. Lindsay Marum abstained. No opposition.	Approved
Introductions and Updates	<p><u>Court:</u> Live chat hours and in person hours remain the same. Those seeking in person assistance at Family Law Facilitator’s office should get there early. They continue to monitor demand to determine how to move forward. Currently hiring for an attorney position in the Facilitator’s office. The new attorney funded under the GVRO program starts August 7th.</p> <p><u>Clerk’s Office:</u> Court order filing instructions are being provided by courtroom clerks in English and Spanish. Implemented the purple pass for litigants to get processed ASAP once order is signed.</p> <p><u>CORA:</u> CORA is hosting a 5k run/walk on August 26th in Brisbane in honor of a survivor who lost their life to domestic violence. Registration is available on the CORA website.</p> <p><u>Victim Services:</u> Staffing remains a challenge but expect to be onboarding new staff soon.</p> <p><u>Rally:</u> Staffing remains a challenge, virtual visitations are available Tuesday through Friday. Feel free to refer those who may be interested in working for Rally over to apply, especially in San Mateo.</p> <p><u>Gun Violence Prevention Program:</u> Daily reporting from the Court and review of cases to determine if there are firearms involved. Reaching out to survivors to verify if there is any firearm involvement. Not many physical relinquishments, those that have occurred were for prohibited persons. Substantial compliance occurring thanks to the courts providing information to parties. For consults and case talks it is better to contact the local agency.</p>	
Review/Adopt Minutes from 4/13/23 meeting	Jeffrey Carr moved to adopt the minutes. Mitri Hanania seconded the motion. Lindsay Marum abstained. No opposition.	Approved

Carry Over Items	<p>a) DV Training for Judges: DVC is working on setting a budget request to present to the Board of Supervisors, which then could be utilized for funding this kind of project.</p> <p>b) DV Police Reports Involving Minors: Judge Etezadi shared the proposed standing order with the Deputy DA in charge in the Juvenile Division, Nadia Hahn, and the managing attorney for the Private Defender Program, Ron Rayes, for input. Edits were suggested to clarify scope of standing order and approved, awaiting final approval from Nadia and then submission to Judge. Etezadi.</p> <p>c) Respondent DVPA Service Packet: Family law clerk's office is handing out respondent packets when petitioners pick up a copy of their processed TRO with instructions.</p>	<p>Elisa K. will continue to monitor.</p> <p>Charles C. will continue to follow up.</p>
New Business	<p>a) Interpreting "Community of Residence" as stated in PC 679.06: AB 547 added language requiring notification of victim of domestic violence, abuse, or stalking of perpetrator's current community of residence. Historically there would be notification of county of residence when supervised probation was ordered. Discussion ensued about what cases would trigger the domestic violence conditions, including the notification/supervised probation. Current court policy is that if the case arises from a domestic violence case then those probation conditions apply. Review of the legislative comments indicated this would be the address of the perpetrator. Elisa Kuhl and Theresa Dah will reach out to County Counsel to seek guidance for implementation of the law.</p>	<p>Elisa K. and Theresa D. to reach out to County Counsel regarding notification requirements.</p>
Work Plan Reports	<p>a) Civil-Criminal Crossover: Melissa Gibbs reached out to Andy Cooper at the District Attorney's Office regarding Penal Code section 278.5 carry over issue. It is rare to charge abduction cases and the goals are for reunification, deterrence, and guidance. These cases are assessed on a case by case basis. Discussed issues regarding the Court ordering return of the minor forthwith by police and how that is addressed by law enforcement – generally not an enforceable order and they will work with parents. Discussed possible responses by law enforcement, information gathering, and referrals to family court and the District Attorney's Office. Presentations regarding DV investigations by DDA Negeen Abrishamcar are moving forward with CORA representatives present.</p> <p>b) DV Firearms Compliance Unit: Hiring on a data analyst is TBD.</p> <p>c) Judicial Bench Card: Draft will be presented at next meeting in October 2023.</p>	<p>Subcommittee to prepare draft update for next meeting.</p>

	<p>d) Law Enforcement DV Protocol Update: Ongoing work continues, focus is reorganizing the protocol for better flow and language.</p> <p>e) Protective Orders: Alessandra Robleto raised issue where the Clerk’s Office is unable to send notices/etc. to petitioners because there is no address on file due to it being marked ‘Confidential’. Discussed potential ways to address. Safe at Home registration raised as one, though it takes some time for that to be finalized. Other method would be electronic notifications once requirements are active in July 2024. Discussed Clerk’s Office also retrieving the petitioner’s address from the CLETS-001 form for purposes of mailing and keeping it confidential from respondents. Confirmed that CLETS-001 forms still need to be submitted with filings.</p> <p>f) Allocation of Court Resources: Use of purple sheets to identify priority filings of newly signed restraining orders is working well.</p> <p>g) Courtroom Safety: Parties generally are being sent back outside to await their case being called. No plans for reassignment of the courtroom at this time. Court calendar has been lighter so less crowding.</p>	<p>Melissa G. will reach out to Bay Area Legal Aid to update clinic protocol.</p>
<p>Public Comment</p>	<p>Mr. Fox requested that the Legal Process Committee place SB 1182 and SB 975 on the October 12 agenda for discussion. SB 1182 implemented procedural changes and requirements regarding providing a list of resources to self-identified veterans as of 1/1/2024. SB 975 creates a pathway for survivors of domestic violence to have debts cleared and reassigned to their abuser in cases involving coercion. This applies to debts incurred on or after July 1, 2023, except as specified.</p>	

Next Meeting:

October 12, 2023
11:45am-1:15pm
Room 101, 455 County Center, Redwood City, CA