



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 2022-2023

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, 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 and is funded by the California Governor's Office of Emergency Services (Cal OES).¹

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 for the courts useful information that relates specifically to California state and tribal law and federal Indian law;

¹ Support for this publication was awarded to the Judicial Council of California by Cal OES through Grant No. CW22211535. Points of view in this document are those of the author and do not necessarily represent the official position or policies of Cal OES.

- Institutionalizing the inclusion of the subject areas in all relevant judicial branch education curricula, programs, and publications;
- 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;
- 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 and survivors.

Impact of COVID-19 Pandemic

As the COVID-19 pandemic recovery continues, some in-person trainings for state court judicial officers, tribal judges, and court staff have resumed. Due to public health and safety reasons, and budget restraint, some trainings were delivered remotely in this grant year through webinars and other distance learning tools, including podcasts and online modules.

Planning Committee

The project's planning committee includes representation from tribes and tribal advocates, superior courts, prosecution and defense, and the advocacy community. The planning committee guides the project staff in identifying key areas of focus and developing appropriate educational programming. The committee meets at least once a year in person or by videoconference.

Judicial Education

In California, judicial officers who hear criminal, family, juvenile justice, juvenile dependency, or probate court cases participate in appropriate education on domestic violence issues.² Domestic violence content must also be included in certain education programs for new and experienced judicial officers.

VAWEP staff also provide educational programming for various court staff, including mediators, evaluators, self-help center staff, and court clerks.

Below are the educational programs provided during the 2022-2023 grant cycle:

² Cal. Rules of Court, rule 10.464.

“From Awareness to Action: Addressing Human Trafficking of Underserved Population in Juvenile Courts” (Sep. 2023)

In an era where vulnerability knows no bounds, it's imperative that we equip our juvenile courts with the knowledge and tools to identify and effectively respond to human trafficking. This webinar is designed to challenge conventional perspectives, inviting participants to shift their lens and embrace a comprehensive understanding of human trafficking, especially within underserved and often overlooked populations, including boys/males, immigrants, those identifying as LGBTQ+, and more. Faculty will discuss ways to improve the identification of all forms of human trafficking, and provide strategies on how to incorporate a trauma-informed, survivor-centered, and multidisciplinary approach to our work in the child welfare and juvenile justice contexts.

B.E. Witkin Judicial College of California

Under California Rule of Court, rule 10.462(c)(1)(C), all recently appointed or elected California trial court judges, commissioners, and referees are required to complete the Judicial College within 2 years of taking the oath of office. In fiscal years 2022-23, the college included the following courses:

- Immigration Law for State Courts: Judge’s Role in Ensuring Access and Fairness When Handling Immigration Issues (Nov. 2022 & Aug. 2023)
- Domestic Violence: What Everyone New to the Bench Should Know (Oct. 2022 & Jul. 2023)

Primary Assignment Orientation Courses

A judge who is new to a particular court assignment or who is changing assignments (from criminal to juvenile law, for example) is required to participate in a week-long program called Primary Assignment Orientation (PAO). Domestic violence issues are consistently covered in these programs, in the following topics:

Family Law PAO (Oct. 2022, Jan. 2023, Jun. 2023)

- Domestic Violence Law
- Child Custody and Domestic Violence
- Firearms Relinquishment
- Domestic Violence Implications

Juvenile Dependency PAO (Jan. 2023, June 2023)

- The Role of Domestic Violence in Dependency
- Effects of Domestic Violence on Children
- Restraining Orders
- Reasonable Efforts

Juvenile Justice PAO (Nov. 2022, Mar. 2023)

- Commercial Sexual Exploitation of Children (CSEC): Identification of Risk and Addressing Trauma
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- Mental Health, Trauma, Domestic Violence
- Restraining Orders

Probate Law PAO (Jan. 2023)

- Civil Protective Orders
- Domestic Violence and Elder Abuse Restraining Orders
- Probate Conservatorships and Probate Guardianships
- Ethics and Specialty Probate Proceedings

Criminal Law PAO (Oct. 2022, Jan. 2023, June 2023)

- Arraignment/Pre-Trial Release
- Criminal Protective Orders
- Managing Defendants on Probation

Experienced Assignment Courses

Educational programs designed for experienced judicial officers are also supported by VAWEP. The following VAWEP courses were offered during this grant cycle:

“Ethics and Self-Represented Litigants in Domestic Violence Cases” (Mar. 2023)

This course focuses on judicial ethics issues that arise in domestic violence cases and application of the canons contained in the Code of Judicial Ethics considering the large proportion of self-represented litigants in these cases. The course begins with a half-day segment on the dynamics and context of domestic violence and the evolution of domestic violence law, including legislation on coercive control. The course also includes a practical skills-building exercise in which participants are recorded and given feedback on their demeanor and communication skills. Topics include:

- Dynamics of domestic violence and the context framework for assessing cases
- Elements of procedural fairness, and canons related to self-represented litigants (e.g., Canon 3B(8))
- Ethics, access, and fairness challenges when conducting remote hearings
- Judicial demeanor and communication skills
- Trauma-informed practices, emotional intelligence, and cultural responsiveness

“Promoting Compliance in Domestic Violence Cases (Part 1 & Part 2)” (Apr. 2023)

Compliance monitoring is a key strategy for courts to increase accountability for domestic violence offenders and ensure safety for victims and their children.

Compliance calendars and/or compliance hearings are used across the country and in California to ensure that offenders follow court-ordered probation conditions, such as protective orders, batterer intervention program attendance, and no new arrests. This two-part webinar provides criminal court judges with the legal framework, strategies, and best practices to effectively monitor and promote offender compliance in domestic violence cases.

“Family Law Domestic Violence Cases – Remote Hearings With Interpretation” (May 2023)

Remote hearings in domestic violence (DV) cases offer many benefits, but also pose unique challenges to access and fairness that judicial officers should be aware of. Panelists will discuss the importance of ensuring accurate interpretation, ways to promote equal participation by limited English proficient litigants when they are appearing remotely, and recommendations on how best to utilize remote technology and interpretation for DV cases, where safety and privacy concerns are high. This webinar is a collaboration between the National Center for State Courts and the Judicial Council of California’s Language Access Implementation Unit and Center for Judicial Education and Research.

“Handling Cases Involving Abuse in Later Life” (Jun. 2023)

Judicial officers face unique and complex issues when handling abuse in later life (ALL) cases. Older victims/petitioners may be more vulnerable to domestic violence, sexual assault, or stalking, and require additional support or accommodations, while older defendants/respondents require balancing accountability with safety and health considerations. Often, there are also challenging family and cultural dynamics that further complicate these matters. In this three-day course, judicial officers:

- Identify ways to better manage and navigate the complexities of ALL cases in probate, family and criminal court settings;
- Explore and discuss the dynamics of cases involving ALL, including family and cultural issues;
- Discuss considerations and approaches when older defendants/respondents are involved;
- Identify the needs of older victims and appropriate accommodations;
- Discuss the aging brain, neurocognitive diseases, capacity and undue influence, and their relevance to judicial fact-finding; and
- Discuss opportunities and ethical considerations for court leadership in the community.

“Handling Human Trafficking Cases” (Jul. 2023)

This two-day course for criminal and juvenile court judicial officers addresses key issues unique to the crime of human trafficking, including case management strategies, reluctant/difficult witnesses, obtaining juvenile court records, and the need for trauma-informed practices. Participants gain an understanding of the dynamics of human trafficking, including its intersection with domestic violence and sexual assault, and the distinction between coercion versus choice/consent. Human trafficking experts discuss the culture of exploitation and recruitment practices in sex trafficking cases, and a panel of lived experience experts address ways to improve court responses to human trafficking based on their experience with the court process. The course also covers the human trafficking victim affirmative defense under Pen C §236.23 and vacatur petitions under Pen C §236.14.

“Handling Sexual Assault Cases” (Aug. 2023)

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/survivors and offenders. This two-day course emphasizes these key issues and guide judges through managing a sexual assault trial, from arraignment to sentencing and postsentencing procedures. The course also includes a discussion of sex offender characteristics and psychological evaluations.

Judicial Institutes

Judicial Institutes programs for judicial officers provide tailored information to targeted audiences. During this grant year, VAWEP courses included an in-person Domestic Violence Judicial Institute.

Family Law Institute (Apr. 2023)

The 2023 Family Law Institute incorporates substantive law, procedural law, best judicial practices, and innovations in the family courtroom. Sessions included:

- Assessing Lethality and the Role of Supervised Visitation in Domestic Violence Cases
- Balancing the Multitudes: Custody and Visitation Orders in Domestic Violence Cases

Juvenile Law Institute (May 2023)

The 2023 Law Juvenile Institute incorporates substantive law, procedural law, best judicial practices, and innovations in the juvenile courts. Session included:

- Seeing Below the Surface: The Role of Culture, Identity, and Bias in Domestic Violence Cases in Juvenile Court

Cow County Judge Institute (June 2023)

This institute is designed to meet the needs of new and experienced judges from rural or small courts who may handle multiple calendar types. The institute includes substantive law courses in multiple disciplines and discussion forums regarding case and court management. Sessions included:

- Domestic Violence Update
- Select Issues in Criminal Domestic Violence Cases
- Firearms Relinquishment
- Crossover Issues with Restraining Orders
- Ethics and Evidentiary Issues in Cases Involving Self-Represented Litigants

Probate and Mental Health Institute (Sep. 2023)

This institute is designed to meet the needs of new and experienced who may handle probate and mental health cases. The institute includes substantive law courses in multiple disciplines and discussion forums. Sessions included:

- Practical Issues Regarding Culture and Fairness in Abuse in Later Life
- Elder Abuse Protective Order Petitions

Multidisciplinary Training

Firearm Relinquishment Convening (Sep. 2023)

This one-day event was hosted in person and focused on firearm relinquishment compliance in civil and criminal cases. Twenty-five counties were represented at the convening.

Topics included:

- Court's role in ensuring firearms compliance
- Implementation of firearm relinquishment programs
- Research and evaluation of firearm relinquishment programs
- Federal and state legal framework of domestic violence and firearm laws
- Introduction to protective order registries
- Statewide enforcement by the Department of Justice

Domestic Violence Program (Sep. 2023)

This half-day event was hosted in person and focused on domestic violence issues in a variety of case types.

Topics included:

- Impact of domestic violence on children and survivors
- Mitigating risk in domestic violence cases
- Ethics and Evidentiary Issues in Cases Involving Self-Represented Litigants (for judicial officers only)
- Making victims rights a reality (Marsy's Law)
- Providing increased access to LGBTQ survivors
- Abuse and first amendment issues

Family Court Services New Court Professionals training on Child Custody Domestic Violence Training (Oct. 2022)

Family Court Services Directors Training on Domestic Violence (Nov. 2022)

Training and Technical Assistance

Domestic Violence Safety Partnership

The Domestic Violence Safety Partnership (DVSP) provides local technical assistance to applicant courts that have a need for local training, or improving domestic violence policies or services. VAWEP funds are used to support training or technical assistance that is tailored to local needs.

Court Forms Program (ongoing)

VAWEP staff provides ongoing technical support to trial courts that use document assembly software programs to help self-represented litigants with domestic violence restraining order cases. One such program, called HotDocs, is a guided online interview that was developed by the Judicial Council and is currently maintained by VAWEP staff. HotDocs 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 and Other Resources

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

- Criminal Protective Orders Bench Card
- Batterer Intervention Program (BIP) Bench Card
- Discovery, Admissibility, and Confidentiality of Immigration Information Checklist

- Judge’s Role Related to Immigration Remedies Arising from Domestic Violence, Sexual Assault and Human Trafficking
- Court Response to U Visa and T Visa Certification Requests (Toolkit)
- Domestic Violence Selected Case Summaries and Statutes (Criminal, Family, and Dependency)
- Commercial Sexual Exploitation of Children (CSEC) Bench Card: “Harm Reduction and Commercial Sexual Exploitation of Children and Youth Bench Cards”

Tribal-State Activities

The VAWEP tribal team focuses on issues affecting tribal communities and provides resources to state and tribal courts.

This grant year, the following tribal educational courses were held:

- Webinar: “Practical Strategies to Identify, Serve and Engage Native Youth Impacted by Commercial Sexual Exploitation (CSE)” (Nov. 2022)
- Tribal Court-State Court Forum: “Murdered and Missing Indigenous People & California Response” (Oct. 2022)
- Tribal Court-State Court Forum: screening and discussion of “Bring Her Home” a documentary following three indigenous women whose relatives are victims in the growing MMIP epidemic. (Oct. 2022)
- “Missing & Murdered Indigenous Persons (MMIP): Continuing Challenges & Promising Solutions”
 - May 11, 2023 - CFCC Division Meeting
 - August 2, 2023 - Family Court Services Director's Meeting

Training and Technical Assistance

The STEPS (State-Tribal Education, Partnerships, and Services) program provides local educational and technical assistance to tribal courts and state courts on issues relating to domestic violence and tribal communities. Judges can request a tailored educational event to meet local needs or request technical assistance. Project staff also attend various tribal resource fairs to build community and share information and court resources.

- During this grant period, project staff provided technical assistance to on California Courts Protective Order Registry (CCPOR).
- Project staff provided technical assistance on recognition and enforcement of tribal court protective orders.

- Project staff provided substantial technical assistance and input to the Yurok tribal on proposed legislation AB-273 concerning youth missing from foster care and at-risk of trafficking as well as to the authors of AB-44 California Law Enforcement Telecommunications System: tribal police.
- Project staff provided technical assistance to the Collaborative Responses to Commercial Sexual Exploitation Initiative Unit at the National Center for Youth Law (NCYL) on their report: Commercial Sexual Exploitation and Native Youth Report for Advocates”.
- Support for tribal court tribal court personnel to attend National Indian Nations Conference: Justice for Victims of Crime conference in Palm Springs and the Healing to Wellness Court event in Palm Springs.

Ongoing projects include:

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

Contacts:

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

Project Staff

Center for Judicial Education and Research

Ms. Khanh T. Nguyen, Attorney

415-865-8855

khanh.nguyen@jud.ca.gov

Center for Families, Children & the Courts

Mr. Greg Tanaka, Supervising Attorney

415-865-7671

greg.tanaka@jud.ca.gov

Ms. Yolanda Leung, Senior Analyst

415-865-8075

yolanda.leung@jud.ca.gov

Ms. Frances Ho, Attorney

415-865-7662

frances.ho@jud.ca.gov

Ms. Elizabeth Diaz, Administrative Coordinator

916-643-6988

elizabeth.diaz@jud.ca.gov

Ms. Christy Simons, Supervising Attorney (Tribal Project)

415-865-7694

christy.simons@jud.ca.gov

Ms. Ann Gilmour, Attorney (Tribal Project)

415-865-4207

ann.gilmour@jud.ca.gov

Ms. Vida Castaneda, Senior Analyst (Tribal Project)

415-865-7874

vida.castaneda@jud.ca.gov

Ms. Amanda Morris, Administrative Coordinator (Tribal Project)

916-643-7049

amanda.morris@jud.ca.gov

Planning Committee

Hon. Stephanie E. Hulsey, Cochair
Judge of the Superior Court of
California, County of Monterey

Hon. Amy M. Pellman, Cochair
Judge of the Superior Court of
California, County of Los Angeles

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

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

Dr. Gena Castro Rodriguez

Hon. Leona Colegrove-Martinez
Chief Judge of the Elk Valley Rancheria
Tribal Court

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

Ms. Emberly Cross
Coordinating Attorney
Cooperative Restraining Order Clinic

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

Hon. Harry Elias (Ret.)
Judge of the Superior Court of
California, County of San Diego

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

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

Ms. Sandra Henriquez
Executive Director
ValorUS (formerly known as California
Coalition Against Sexual Assault
(CALCASA)

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

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

Mr. Richard H. Layon
Attorney at Law
Layon Law Firm

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

Ms. Nancy E. O'Malley
District Attorney
Office of the Alameda County District
Attorney

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

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

Hon. Christine Williams
Chief Judge of Wilton Rancheria
Tribal Court