

**2005-2006 ANNUAL REPORT
SPECIAL COMMITTEE ON DOMESTIC VIOLENCE
STATE BAR OF MICHIGAN**

Committee Name: Special Committee on Domestic Violence

Jurisdictional Statement:

Shall increase attorney awareness of the problem of domestic violence, encourage and coordinate training of attorneys and judges on legal remedies and community resources, develop and distribute legal resources, and improve victims' access to the legal process.

Officers and Membership:

Chair: Leslie A. Hagen, US Attorney's Office Western District of Michigan

Members: Eighteen

Associate Members: None

2005-06 Meeting Schedule (date and location):

December 17, 2005, State Bar of Michigan in-person and teleconference participation

February 18, 2006, State Bar of Michigan in-person and teleconference participation

Committee Activities:

Legislation

The committee reviewed seven pieces of legislation and submitted positions on three items to the State Bar Public Policy Committee.

It opposed HB 5267 (Mandatory Joint Custody) and the Bar adopted its position.

It opposed HB 5421 (Armed Sexual Assault) and the Bar adopted its position.

It supported proposed HB 4467 (Children Sex Victims) but the Bar did not adopt its position.

A fourth position in support of HB 5043 and SB 1024 ((Interference with Report of Domestic Violence) was not reported because, on information from the State Bar government relations staff, the bill was moving quickly with unanimous support. The Governor approved the law within a month of the Committee's meeting.

Education

The committee educated itself on several significant developments:

It reviewed and discussed details of the thirty-page *Intimate Partner Homicide in Michigan 1993-2003* report that presented findings from the Michigan Intimate Partner Homicide Surveillance system on the extent and characteristics of violent deaths related to these relationships. The willful killing of a current or former partner by another occurred about every six days in Michigan between 1999 and 2003. Three hundred occurrences of intimate partner homicide occurred during this time, with female intimate partner homicide victims outnumbering male victims by more than a five-to-one ratio.

It reviewed the grant of certiorari by the US Supreme Court in two post-Crawford confrontation clause cases: *People v Hammon* and *Davis v Washington*. The cases will hopefully clarify what statements can be considered testimonial.

It studied and discussed the extensive provisions of the Violence Against Women Act of 2005, signed by President Bush on January 6, 2006.

Projects

The Committee explored the following issues that could be addressed in the state:

- A. PPO Handbook Revisions— A committee member and ICLE have already made suggested revisions and updates to the PPO Handbook. The ICLE update was provided to the committee members.
- B. Wayne County PPO LEIN Backlog Project – Members suggested that an intern program be developed to address this issue. After investigation, it was determined that training and certification requirements were a barrier to this being an appropriate committee project.
- C. Regulation of Batterers Intervention Programs – the group was concerned about the consistency of services provided in these programs. On investigation, they learned that BISC-MI is a member organization of batterers’ intervention service providers and works to ensure that BIP providers follow the State of Michigan standards.
- D. Failure to Protect Issues in Domestic Violence Cases where Children are Present in the Home – DHS recently adopted new policy in this area to address a concern that workers routinely hold the non-offending parent responsible for the violence in the home. The new policy states that unless a child is directly involved in an assault, or there is a pattern of violence, or a serious incident, CPS will not investigate.
- E. Increased sentencing for domestic violence third offense – This was determined to be impermissible under *Keller*.

Resources Provided by the State Bar of Michigan in Support of Committee Work:

Liaison assistance in scheduling and noticing meetings, providing materials

Government Relations staff assistance in reviewing the Keller rule and legislation

Future Goals and Activities:

Drafting of a position paper on mediation – Currently there is an opt-out provision in family law mediation if there is a history of domestic violence. However, in some areas of the state litigants feel pressured into participating in mediation for fear of being labeled by the court as “difficult.” The committee would like to work with the ADR Section, and others, on this matter.

Parental Alienation Syndrome (PAS) –The committee would like to look at training materials and information that can be used by advocates to refute an allegation of PAS.

Review of Judicial Training – the committee would like to look at any upcoming mandatory judicial training, and suggest areas for additional training.

Chair/Co-Chair Contact Information:

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