

**MICHIGAN DOMESTIC VIOLENCE PREVENTION
AND TREATMENT BOARD**

**MEETING MINUTES
March 27, 2009**

***** APPROVED *****

Members Present:

Candace Cowling
Jerry Dorsey, IV
Princella Graham
Honorable Amy Krause, Chair
Mary Beth Kur
Honorable Edward Sosnick

Staff Present:

Debi Cain	Mary Lovik
Sarah Heuser	Karen Porter
Josie Jubb, Board Secretary	Lore Rogers
Gail Krieger	

Guests:

Alice Benbow
Jennifer Hightower, 54-A District Court
Linda Willis, Serenity Services-Detroit
Beth Morrison, HAVEN-Pontiac
Shannon Nobles, MCADSV, Resource Center
Angela Clemmons, Wayne County Clerks Office

Welcome and Introductions

Chair A. Krause convened the March 27, 2009 Michigan Domestic Violence Prevention and Treatment Board (MDVPTB) meeting at the Oakland County Circuit Court in Pontiac, MI, at 10:05 a.m. Introductions were made and a welcome extended to guests.

BOARD CONSENT

Review of agenda; approval of November 21, 2008 Board meeting minutes.

MOTION: Moved by M. Beth Kur to strike HAVEN's presentation (presenter is ill) on the agenda. Seconded by E. Sosnick. Motion carried.

MOTION: Moved by E. Sosnick to approve the March 27, 2009 agenda and strike HAVEN's presentation on the agenda and to approve the November 21, 2008 meeting minutes. Seconded by M. Beth Kur. Motion carried.

CHAIR'S REPORT

A. Krause reminded everyone of the Sexual Assault Awareness reception being held on April 1, 2009 in Lansing.

A. Krause noted that the Fatherhood Coalition reception on February 24, 2009 went really well. D. Cain and Chief Deputy Director Stanley Stewart both received awards – congrats!

A. Krause was asked to come back to National Council of Juvenile and Family Court Judges (NCJFCJ) at Santa Fe in December for their "Enhancing Judicial Skills in Domestic Violence Cases" Workshop. MDVPTB has set-aside federal dollars that can be used to send judges to this training.

A. Krause stated as a potential conflict of interest that her spouse is now the Chief Deputy Director of the Department of Community Health (DCH).

Nancy Diehl (who has been involved in prosecution, child sexual abuse, served on MDVPTB's Board, etc.) has retired. The Board would like to recognize Nancy and all that she has done for victims of abuse.

A. Krause would like to clarify the Executive Director's reports and that they can be done once a year or as things change. They are status quo things and not an essential requirement for policy governance. The Board would like status updates in between Board meetings.

A copy of an article from the Detroit Free Press, "*Rihanna at greater risk? Partners who choke might kill*" was distributed to the Board. Discussion of how strangulation can tie into domestic and dating violence suggestion to post information or articles on the Dating Violence website. The Board asked staff to pursue legislation on strangulation.

MONITORING TO ASSURE ORGANIZATIONAL PERFORMANCE

The Governance Process and Policy Review

Executive Limitations:

General Executive Director Constraints; Budgeting; State Policy Leadership, Treatment of Staff; Compensation and Benefits; Financial Condition; Assurance of Quality; Contracting Process; Communication and Counsel to the Board

The Board reviewed and approved D. Cain's General Executive Director Constraints; Budgeting; State Policy Leadership, Treatment of Staff; Compensation and Benefits; Financial Condition; Assurance of Quality; Contracting Process; Communication and Counsel to the Board reports.

MOTION: Moved by M. Beth Kur to accept the General Executive Director Constraints; Budgeting; State Policy Leadership, Treatment of Staff; Compensation and Benefits; Financial Condition; Assurance of Quality; Contracting Process; Communication and Counsel to the Board reports. Seconded by P. Graham. Motion carried.

Governance Process:

Committee Principles; Committee Structure

The Board reviewed the policies. No motion required.

J. Dorsey stated as a potential conflict of interest, he's the Chair of the Wayne County Child Advocacy Task Force.

EXECUTIVE DIRECTOR'S REPORT – GENERAL OVERVIEW OF WORK TO DATE

A Fatherhood Healthy Co-Parenting packet was distributed to the Board. These dollars were earmarked to be cut out of the budget; Senator Hardiman who chairs the DHS Appropriations Committee put it back in the Senate version.

Updates from D. Cain in regard to the funding formula for the Domestic Violence Comprehensive and the STOP grants. The formula amounts for the awards has continued to utilize the 1990 census. While this is not an ideal situation, to update census figures will significantly change grant award amounts in some of the most impoverished communities. If we used 2005 census figures, most impoverished areas would be decimated, especially for cities that have lost population. Staff would like to elicit community response in several formats such as public sessions and various electronic mechanisms such as survey monkey and posting a link and information on our website. Staff could then sort out and come back to the Board with feedback and several options. A Board approved formula(s) needs to be in place by the end of 2009.

MOTION: Moved by E. Sosnick to authorize staff to utilize process of polling the community and presenting at least 3 recommendations to the Board. Seconded by J. Dorsey. Motion carried.

Committee of 3 Board members, A. Krause, C. Cowling, and E. Sosnick was convened to help D. Cain with information submitted and look over the formula recommendation.

A. Krause wanted to point out and thank staff M. Lovik for 2 articles that were in the Board packet and thank you to S. Heuser for the comments/speeches she prepares for Judge Krause.

Legislative Review

M. Lovik and L. Rogers reported on HB 4221 (purchase, licensing and carrying of pistols, effect of PPO), HB 4222 (include protections for victims of sexual assault and cyber stalking in PPOs)

At its June, 2008 meeting, the Board authorized staff to convene a workgroup to develop a proposal for a PPO to protect individuals against sexual assault. HB 4222 incorporates suggestions of this workgroup.

MOTION: Moved by M. Beth Kur to support HB 4221 with the following changes:

- **Strike the amendments that appear on page 13, lines 18-21 that would permit issuance of a sexual assault PPO to protect a minor child from a parent.**
- **Strike the amendments that appear on page 14, lines 7-16 that would permit issuance of a sexual assault PPO to protect prisoners.**

Board members are willing to reconsider the foregoing suggestions by way of a motion at a subsequent meeting based on information gathered from other interested parties, such as the Department of Corrections. Seconded by E. Sosnick. Motion carried.

M. Lovik reviewed SB185, which would allow early termination of a lease on presentation of written evidence of domestic violence, sexual assault, or stalking.

MOTION: Moved by M. Beth Kur to support and authorize staff to discuss with sponsor. Seconded by J. Dorsey. Motion carried.

G. Krieger reviewed SB 44, establishing an Adult Entertainment Tax, and SB 43, authorizing municipalities to enact ordinances requiring employees at adult entertainment businesses to obtain work permits. The Board noted that the Michigan Coalition Against Domestic & Sexual Violence opposes SB 44.

MOTION: Moved by M. Beth Kur to support both bills. Seconded by C. Cowling. Motion carried. J. Dorsey dissented, opposing SB 43.

The Board authorized that a letter of support from A. Krause be sent to the bill sponsor.

M. Lovik reviewed HB 4405 (expand opportunities to set aside criminal convictions). No motion required as this bill is consistent with a Board General Principle dated 12/3/04 as amended 6/20/08.

M. Lovik reviewed SB 211(prohibit court from setting aside convictions for solicitation or conspiracy to commit CSC 2-3 or assault with intent to commit CSC 1-3).

MOTION: Moved by E. Sosnick to support. Seconded by M. Beth Kur. Motion carried.

M. Lovik reviewed SB 281 (add trafficking and torture crimes to the list of violent felonies requiring revocation of parole of prisoners convicted of certain controlled substance offenses).

MOTION: Moved by J. Dorsey to support. Seconded by M.Beth Kur. Motion carried.

EXECUTIVE DIRECTOR'S REPORT (Cont'd)

A letter from the Michigan Auditor General was sent to A. Krause and D. Cain regarding new audit report procedures. A copy of the letter was disseminated to the Board members.

D. Cain reported on Stimulus dollars and a binder with ARRA details was distributed to the Board. MDVPTB is receiving just over 4 Million dollars for ARRA-STOP covering a 24 month time frame. State partners (PAAM, MCOLES, MJI, AG, MSP) will be getting a set aside to help in creating new jobs, saving jobs, hiring part-time to full-time. The ARRA (American Recovery & Reinvestment Act) binder distributed to the Board contains the full description of how the ARRA-STOP funds will be distributed. A request to waive the 25% STOP match requirement has been submitted to DOJ/OVW. Also contained in the ARRA binder is information about the availability of Transitional Supportive Housing (TSH) grants. MDVPTB will apply for the TA grant on behalf of 17 of the 19 TSH programs we currently fund. Two TSH programs will apply on their own and we will provide them a letter of support. Michigan is 1 of 16 states selected to have their ARRA grants monitored by General Account Office (GAO).

D. Cain reported that Penny Hackett Evans has retired, Phiang Aldrich is moving out of state and Pat Hillmann is retiring at the end of this month to work in her husband's dental practice. No replacements have been hired yet but we are in the process of recruiting new people.

D. Cain has asked the Board to look at our enabling legislation to reflect the Board's activities related to sexual assault. A subcommittee of members M. Beth Kur, J. Dorsey, and P. Graham was formed to assist D. Cain with this.

D. Cain reported on legislation affecting Michigan Child Advocacy Centers, and a binder with information about these Centers was distributed to the board. She reported that 2008 PA 544 assigns to the Board responsibility for expending money from the newly-created children's advocacy center fund. This responsibility begins April 1, 2011. Debi explained that when the bill creating this fund was introduced, the board of directors of the Michigan chapter of the national children's alliance was designated to expend funds and serve as the administrator of the fund for auditing purposes. Legislative policy staff found this arrangement problematic because it assigned a private, non-profit agency the responsibility for administering and expending state funding. To remedy the situation, the Board was given these responsibilities. Debi further noted that the bill creating the children's advocacy center fund was tie-barred to a bill creating the sexual assault victims' medical forensic intervention and treatment fund, which the MDVPTB supported. (See 2008 PA 546). Had the bill creating the children's advocacy center fund failed to pass, the bill creating the sexual assault victims' fund would also have been defeated.

Staff G. Krieger, S. Heuser and L. Rogers presented a PowerPoint Presentation to the Board about recent legislation providing funding for medical forensic examinations and other services to victims of sexual assault (2008 PA 391 and 546). and about the federal Sexual Assault Services Program formula grant. They noted that the SAFE Response Program in the Department of Community Health has recently received two claims for payment for sexual assault medical forensic examinations of children, even though this program is only intended to fund examinations of adults and minors who have reached puberty. Concerns were noted that large-scale funding of forensic examinations of children will exhaust the fund. Staff also noted that an examination is not eligible for payment under 2008 PA 391 unless it meets the criteria of the act, which includes administration of a sexual assault evidence kit described in MCL 333.21527, and that administration of such a kit is not considered a best practice in cases involving pre-pubescent minor children. MDVPTB staff would like to discuss with staff at DCH the possibility of amending MCL 333.21527 to clarify this best practice.

MOTION: Moved by M. Beth Kur Board to authorize MDVPTB staff to work with Crime Victim Services staff, Department of Community Health staff and other community partners to learn more about the issues involved in medical forensic examinations of children and to address issues of payment for these examinations. Seconded by E. Sosnick. Motion carried.

E. Sosnick asked that in between the Board's quarterly meetings, Executive Director D. Cain email a summary of updates and projects to keep the Board up to date on office activities.

Legislative Review (Cont'd)

M. Lovik reported on proposals for legislative initiatives (see legislative binder) that MDVPTB might wish to support during the 2009-2010 session.

MOTION: Moved by J. Dorsey to authorize staff to pursue the following initiatives:

- **Amend MCL 500.2246, 500.3406j, and 550.1401 to prohibit insurance discrimination against sexual assault survivors.**
- **Increase penalties for domestic assault as proposed in HB 6522'08.**

- **Treat past dismissal of domestic assault charges under MCL 769.4a as a conviction for purposes of sentencing repeat offenders, as proposed in HB 6516'08 and HB 6517'08.**
- **Amend MCL 600.2950 to require LEIN entry of the fact that a hearing has occurred on a motion to terminate or modify a PPO.**
- **Increase penalties for assaults involving strangulation.**

Seconded by M. Beth Kur. Motion carried.

MDVPTB staff were requested to investigate options for addressing domestic violence and sexual assault perpetrated by law enforcement officers and bring proposals for doing so back to the Board.

PUBLIC COMMENT:

Angela Clemmons wished to thank the Board for their service and allowing her to attend a meeting. Shannon Nobles apologized for being late. Linda Willis was sitting in for Larmender Davis.

PROCESS EVALUATION: None.

ADJOURNMENT

The meeting ended at 2:05 p.m.

MOTION: Moved by E. Sosnick to adjourn the meeting. Seconded by J. Dorsey. Motion carried.

Respectfully submitted,
Josie Jubb