

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD
MEETING MINUTES
October 11, 2024**

***** Approved *****

Members Present:

Hon. Elizabeth Pollard Hines (Ret.) - Chairperson
Hon. Melissa Pope - conference line (AG Opinion No. 7318). Will be counted as quorum.
Rebecca Shiemke
Megan Widman
Hon. Matt Wiese
Dr. Kyla Williams

Members Absent with Notice:

Dr. NiCole Buchanan

Staff Present:

Jess Averill
Tonya Avery
Michael Bobbitt, Board Secretary
Angelita Gunn via Teams
Gail Krieger
Tiffany Martinez
Lynelle Morgan
Beth Nagel
Angie Povilaitis

Guests:

Stacey Ettawageshik - Uniting Three Fires Against Violence - Via Teams
Ashley Forward
Sheryl Forward
Jill Hicks - YWCA Flint
Heath Lowry - Michigan Coalition to End Domestic and Sexual Violence
Maya Lowry
Alexi Lowry
Jeanine Jacopec - HAVEN
Megan Reynolds - Michigan Poverty Law Program
Brenne Wade - Forensic Nurse
Kathleen Walker - University of Michigan Flint
Merkeb Yohannes - Michigan Coalition to End Domestic and Sexual Violence

WELCOME AND INTRODUCTIONS

E. Hines convened the October 11, 2024, Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting at the Grand Tower Building, Dempsey Room in Lansing, Michigan at 1:07 p.m.

BOARD CONSENT

Review of October 11, 2024, agenda and approval of September 13, 2024, meeting minutes.

MOTION: Moved by M. Wiese to approve the October 11, 2024 agenda. Motion seconded by R. Shiemke. Motion carried.

MOTION: Moved by M. Widman to approve the September 13, 2024 meeting minutes. Motion seconded by R. Shiemke. Motion carried.

CHAIR REPORT

E. Hines reminded everyone that October is Domestic Violence Awareness Month, and a copy of the Governor's proclamation was provided to Board members. She said the Board will continue to center the needs of domestic violence survivors in all its work. Domestic violence perpetrators intentionally use a pattern of physical, emotional, sexual, psychological, and/or economic coercion and abuse to control their intimate partners, violating their dignity, security, and both psychological and physical well-being. Domestic violence perpetrators cause significant and long-lasting trauma to countless individuals and families. E. Hines said the Board is committed to continuing its work to embrace the many cultural ways we can heal from violence and oppression, hold space for survivors, and center those most marginalized in all our efforts to end domestic violence in the month of October and always. She encouraged people to seek out and participate in events in their communities this month that bring awareness to Domestic Violence. She said it is an opportunity to recognize the strength and courage of those currently surviving abuse as well as to honor those who were murdered or harmed at the hands of their current or former partners.

E. Hines acknowledged A. Povilaitis' Washington, D.C. invitation to the White House to celebrate the 30th Anniversary of the Violence Against Women Act (VAWA). A. Povilaitis said it was an honor to attend and be in a group of champions working to eliminate intimate partner violence, and to celebrate where the movement started and where it needs to go. The event was attended by about 400 people including Dr. B. Cambell from Michigan State University and U. Hankins from the Division of Victim Services (DVS).

STAFF REPORT

G. Krieger said several staff members will be visiting the annual Tribal Leadership Summit held by Uniting Three Fires Against Violence. A listening session will be held directly with tribes to determine service gaps and needs. She said the Statewide Victim Liaison Project is a grant that was recently finished to better identify barriers to civil legal assistance for rural indigenous survivors of domestic violence, sexual assault and stalking.

T. Martinez staffs the Human Trafficking Health Advisory Board and is a member on the Attorney General's Human Trafficking Commission. She provided an overview of human trafficking dynamics. She said there are ways in which human trafficking and domestic violence are similar such as power and control, and the exploitation of vulnerabilities. Similar tactics are used by perpetrators such as physical and sexual violence, economic abuse, use of children, and threats against family members. The needs of survivors of human trafficking are similar to the needs of domestic violence survivors such as the need for economic stability, housing, civil legal advocacy, mental health and counseling services.

However, there are many ways that human trafficking and domestic violence differ. Human trafficking is a relatively new formalized movement with little to no collaboration across the state. Also, though we know that these actions have taken place for a long time, the phrase "human trafficking" to encompass such actions has been recently identified in the last few decades. Human trafficking is often a sensationalized issue and some of the work being done is rooted in myths and misconceptions. The complex trauma human trafficking victims experience requires a greater need for a variety of services and survivors need help throughout their lifetime. Unlike domestic violence and sexual assault, decades of research do not exist. Currently the Division of Victim Services (DVS) funds thirteen programs across the state to serve

labor and sex trafficking survivors. DVS will continue to do anti-trafficking work that will be survivor informed and survivor led.

DVS received an award from the Office of Victims of Crimes (OVC) to improve the systemic response to child and youth victims of labor and sex trafficking with a particular focus on better understanding of labor trafficking and trafficking within the tribal communities of Michigan. The first year of the grant has focused on developing a needs assessment to reach providers and survivors. The second year of the grant will involve reviewing data and strategizing about how to address identified gaps.

L. Morgan drafted a memo outlining the overlap of domestic violence, sexual assault, and human trafficking. Included in the memo was a proposed General Principle on Human Trafficking.

“The Board renounces exploitation and violence in all its forms and acknowledges the disparate impact that human trafficking, especially sex trafficking, has on women and girls. Consistent with the duties outlined in the Board’s enabling legislation, the Board will consider and make recommendations on proposed changes to civil and criminal law aimed at serving the needs of human trafficking survivors when those proposals intersect with the needs of domestic and sexual violence survivors. Furthermore, positions taken by the Board will be centered around how that position impacts domestic violence and sexual assault survivors. Staff will consult with other partners whose work focuses on human trafficking, and positions will be informed by guidance from the Human Trafficking Health Advisory Board and other statewide experts when available.”

MOTION: Moved by M. Pope to adopt the General Principle on Human Trafficking. Motion seconded by K. Williams. Motion carried.

LEGISLATIVE REVIEW

L. Morgan provided an overview of HB 6006-6009. This package is in reference to the “Keeping Children Safe from Family Violence Act” or “Kayden’s Law,” which was included as Title XV of the 2022 Violence Against Women Act Reauthorization. Kayden’s Law was named after Kayden Mancuso, who was a seven-year-old Pennsylvanian child who was murdered by her father during court-ordered, unsupervised visitation. For states that pass Kayden’s Law there is a one-time 10% increase in STOP grant funding for state, local, tribal, and territorial governments. In Michigan that would amount to about \$350,000-\$400,000 that could be eligible to receive one time. The legislation would require courts who make custody and parenting time decisions to consider evidence of past abusive behavior; provide ongoing training to judges and court personnel on family violence; restrict expert testimony to only those who are appropriately qualified to provide it; and limit the use of non-evidence based reunification camps and therapies. Sponsors of this packaged attempted to model what was in VAWA within HBs 6006-6009.

HB 6006 is the most substantive bill which amends the Child Custody Act by adding provisions for cases in which one parent has been abusive, which is referred to in the legislation as having committed a “qualified act.” Amending the Child Custody Act is a significant change in Michigan law so, however well intended, it needs to be done with a lot of care. This legislation amends the Child Custody Act quite dramatically and defines what a qualified act is. A qualified act is defined as child abuse, child sexual abuse, domestic violence, physical abuse, sexual abuse or sexual violence, or a pattern of coercive behavior committed to gain or maintain power and control over a victim, including but not limited to verbal, psychological, economic, or technological abuse.

It is not clear what a determination of a qualified act would result in. The bill also does not give a definition for what an abusive parent is however the consequences for someone who is considered an abusive parent

are significant. That person would be prohibited from being awarded any custodial rights including joint legal custody and they would only be allowed visitation if it is supervised.

The impact on domestic violence survivors could be positive but there is concern about potential unintended consequences for survivors if batterers are able to successfully leverage this proposed legislation against them. Disallowing any custodial rights and requiring all visitation to be supervised once someone is considered an abusive parent could be very difficult for survivors who may have committed one of these qualified acts. Without the time limit and some framework for how those things could be modified going forward it is difficult to determine if they could ever have custodial rights back or ever have unsupervised visits. There are large constitutional concerns with this bill. The non-custody and supervised visitation requirements for an abusive parent preclude the parties from reaching an agreement about these things, even if both parents agree. This takes away a survivor's agency to determine what is best for the survivor and the child, and to successfully resolve a case in an efficient, cost-effective manner if that is what the survivor wants.

HB 6007 amends the Code of Criminal Procedure to allow otherwise non-public records of certain assaultive crimes to be released to courts for purposes of determining the best interest of the child for custody and parent time. HB 6008 amends the Revised Judicature Act by requiring the State Court Administrative Office to provide training to relevant court personnel, including judges, magistrates, guardian's ad litem, custody evaluators, friend of the court facilitators and investigators, and referees. The training must be designed to improve the relevant court personnel's ability to recognize domestic violence and child abuse in custody proceedings and make appropriate custody decisions that prioritize the child's safety and wellbeing. HB 6009 amends multiple sections of the Michigan Penal Code by making expert testimony inadmissible unless the proposed expert possesses demonstrated expertise and experience in working with victims of the corresponding crime that is being prosecuted.

Although staff had seen a version of these bills previously, they were assured the language in the bills was nowhere near what the sponsors wanted before it would be introduced. However, the introduced legislation was not significantly different than previous drafts.

The Board is also concerned because federal contacts indicate 1) this funding has yet to be appropriated, 2) OVW has not yet determined whether this funding will be specifically earmarked to fulfill the bills' intent; and 3) the funding is only a one-time bonus that is insufficient to cover the scope of the work the legislation would mandate. States that have already enacted state legislation to meet Kayden's Law qualifications have not received funding.

The Board proposed the following to be relayed to bill sponsors:

The Board acknowledges the need to prioritize keeping children safe from family violence and supports the intent of including those efforts in the 2022 reauthorization of VAWA. The Board also appreciates your legislative effort to address this need through introduction of Kayden's Law in Michigan. However, HBs 6006-6009 as introduced would present many challenges for courts, including Constitutional concerns, and could have unintentional, even dangerous, negative consequences for survivor children and their protective parents.

The Board notes the following concerns as critical to address as this proposal moves forward:

1. The process and burden of proof for determining whether a parent has committed a "qualified act" must be clear.

2. "Abusive parent" must be defined and the process and burden of proof for determining that a party is an abusive parent must be clear.
3. A parent who has been found to have committed a qualified act/defined as an abusive parent must have a process to later modify the prohibition on custody and requirement of supervised visitation.
4. Parties should be permitted to agree to alternative custody and parenting time arrangements to successfully resolve a case in an efficient, cost-effective manner.
5. Specify whether required supervised visitation must be by a third-party agency and address the payment barrier for low-income families.
6. Eliminate outdated language "cycle of abuse" in the training bill and provide more specifics about the type of professional that would be qualified to provide the training. Include SCAO consultation with the Board in the creation of this training.

The Board has long expressed the need for continuing judicial education about the dynamics of domestic and sexual violence and the challenges survivors face in family court proceedings. As the fiduciary of VAWA funding, the Board understands the importance of seeking funding intended to assist survivors of domestic violence and of the need to comply with federal statutes, especially when the funding is directed toward a need prioritized by the Board, judicial training.

MOTION: Moved by R. Shiemke to oppose HB 6006-6009 as written. Motion seconded by M. Widman. Motion carried.

A. Povilaitis discussed HB 6012-6015 regarding domestic violence and sheltering pets. The American Humane Society has noted "when domestic violence victims with pets consider fleeing abusive homes and there is no safe place to house their pets, they have little choice but: (1) to remain in their homes and subject themselves, their children and their pets to continued violence, or (2) to flee and leave their pets behind. Because victims understand the extent of the harm that their abusers will likely inflict upon their pets, if left behind, many victims remain in violent relationships."

HB 6012 amends the insurance code to prohibit the denial of coverage or increase in premiums for residential property liability insurance based upon the breed or mixture of breeds of dog.

The Board is concerned that this bill may produce unintended consequences for DV programs that choose to shelter victim's dogs. The Board wants to ensure there would not be negative impacts on these programs with passage of this bill (especially nothing that would deter programs from accepting shelter pets).

The Board's concerns relate to the definition of property covered, which can include a house, a room, an apartment, or a commercial multiple-unit dwelling. All of these property types could arguably include a domestic violence shelter. While the bill would appear to prohibit insurance companies from determining policy qualification or costs based upon dog breed or mixed breed, it is unclear if that prohibition might impact a domestic violence shelter's residential property liability insurance if that shelter also shelters domestic violence victims' dogs. The bill could be helpful for DV shelters to ensure these protections are in place if they are sheltering a victim's dog that may be one of the types of breeds in question.

The Board has asked staff to continue researching to attempt to determine how property liability insurance with shelter programs that shelter pets currently works.

HB 6013 amends the Crime Victim Compensation act to authorize pet deposit and temporary pet boarding costs as allowable compensation reimbursement expenses for crime victims.

The Board chose not to discuss this bill at this time in order to allow the Crime Victim Services Commission to first review and comment on the bill, as the Commission is the state agency charged with overseeing Victim Compensation.

HB 6014 amends this Board's enabling legislation to add 'common household pets' to the section which already includes dependent children under which domestic violence shelter programs may receive funds and defines common household pets.

There are four main methods of providing support to victims who leave their homes and accommodate their pets. Currently, there are roughly 7 shelter programs around the state that allow survivors to bring their pet with them into a shelter. Most of these programs are in newly built or renovated locations and have the capacity to address the many needs that come with housing pets with their owners, such as improved ventilation, space issues, and other unique needs for both the animals and other residents at the facility. A second way that existing shelter programs are assisting survivors is by providing kenneling of pets with local animal shelters. The third way that this need is currently being addressed is to allow for the use of funds to support fostering of the pet with friends, family, or other fostering arrangement while the survivor is at the shelter, including pet food and supplies. Hotelling is also an option and allows pets to be with the survivor in a hotel if space is not available at a shelter.

By adding the "and common household pets" to Section 7(1) as the bill is currently written, the Board is concerned that the bill could be read to mandate existing domestic violence shelters to become pet shelters or create the impression that sheltering pets is an essential component of a domestic violence shelter. Instead, the Board recommends moving any reference to common household pets to one of the allowable services a shelter program may provide, specifically adding a subsection (h) that reads: "supportive services for common household pets". This language also more broadly captures the range of ways that programs accommodate pets, rather than just focusing on sheltering.

The Board appreciates representatives from the ASPCA meeting with Board staff on this bill. The ASPCA representatives were clear that their intention was not to mandate that all shelters provide this service, and they are aware of the funding, space, and other limitations that exist. While the Board currently supports the use of funding to care for pets, even without that issue being included in its enabling legislation, the Board recognizes the significance of codifying this practice into the current statute to demonstrate its importance.

The Board opposes this bill but would move to support with the following amendments:

- Delete "and common household pets" from Section (7)(1)
- Add a new subsection, Section 7(1)(h): "supportive services for common household pets"

HB 6015 amends the penal code criminalizing animal cruelty to expand the definition of "shelter."

The Board is cautious about the impact the bill may have on domestic violence shelters that allow for the sheltering of pets on site. Under MCL 750.50(2), it is unclear if a DV shelter would be considered a

possessor or person having the charge or custody of an animal, and in turn face the risk of being criminally charged for animal abuse if the conditions defined in the bill addressing shelter and care of an animal are not met while the pet is housed at the DV shelter.

It does not appear that the intention is to involve DV shelter programs. However, the Board respectfully requests an explanation and clarification to ensure that there would be no unintended consequences for DV programs that choose to shelter victims' pets.

MOTION: Moved by M. Wiese to have no position at this time on HB 6012, 6013 and 6015 and oppose HB 6014 as introduced but move to support if recommended changes are made. Motion seconded by R. Shiemke. Motion carried.

J. Averill provided a legislative update on SB 813, a child forensic interviewing bill. She said staff submitted a card of support and memo of recommendations for SB 813.

MOTION: Moved by R. Shiemke that Board members acknowledged they had an opportunity to review the House and Senate bills of interest to the Board's constituency that had been introduced since the previous Board meeting and had the opportunity to request a closer look if requested. Motion seconded by M. Widman. Motion carried.

BOARD ANNOUNCEMENTS

E. Hines said she attended the American Judges Association Conference. A major focus of the conference was on artificial intelligence. One emerging issue she heard was a phone number can be spoofed so it appears to come from the correct person, but the voice on the line has been cloned from a previous conversation. It is virtually impossible to tell if it is someone else calling. It was recommended that every family should have a code word to use to overcome this new sophisticated technology. She also heard that if survivors find an air tag on their car, they should not go to the police station because the perpetrator will know the police have it. It is advised to call the police and meet them somewhere else to remove it such as McDonalds, so it appears like the battery died.

PUBLIC COMMENT

S. Forward is a survivor who addressed pet sheltering. She said guidance might be found in the current parameters used for hurricane evacuations advising people not to forgo leaving their home due to a pet because there are pet shelters available for everyone. She feels that pets are a deterrent for victims to leave because not only is there no place to take the pet, but the pet can become a protector. There are many ways an abuser will leverage a pet against a victim. She said pets are a critical component for victims looking for a path to escape.

A. Forward mentioned that if someone receives a call from a spoof number you can tell them you will call them back to their actual phone number to verify. She also asked if the issue of deep fakes being submitted as evidence was discussed at the American Judges Association Conference.

M. Yohannes said she appreciated the discussion about survivors of trafficking and how systems are responding. Trafficking was included in the mission statement of the Michigan Coalition to End Domestic and Sexual Violence. She encourages the de-siloing of how victims of violence are supported, and she also wants to support giving credit to organizations that have been working with domestic violence and sexual assault survivors because they have been doing trafficking work. She said trafficking work has been taking

place, but it just has not been formally called trafficking work.. She is excited about being able to do more work with youth in Michigan particularly with the intersection of victimization of trafficking

S. Ettawageshik from Uniting Three Fires Against Violence said there will be a tribal leadership summit next week. Tribal leaders, advocates and other stakeholders come together from across the state to network and expand their knowledge about issues such as human trafficking, sextortion, the Missing and Murdered Indigenous People Task Force and the DVS talking circle.

She said that tribal communities are having some challenges with obtaining and enforcing Extreme Risk Protective Orders. Some advocates expressed concerns about the length of the application. Another challenge is tribal communities may not have the resources to allow police to confiscate weapons.

Gun violence prevention in Michigan is important and so is having a tribal voice on the Gun Violence Task Force. S. Pilgrim Lewis attended the Futures Against Violence gathering at the Legacy Museum in Montgomery, Alabama over Labor Day weekend. She performed a traditional opening and closing ceremony for them and highlighted the importance of culturally honoring services.

S. Ettawageshik highlighted a recent Supreme Court decision that was made in US v. Harper. Although this happened in Oklahoma this sets a precedent for proceedings in Michigan and across the nation in tribal communities and raises a question of how to hold defendants accountable and keep survivors safe.

S. Ettawageshik said she was grateful for the collaboration and partnership with DVS and MiVAN regarding the surveys with trafficking survivors across Michigan. There are conversations within tribal communities about how to conduct surveys in the most respectful and honoring way which depends on each community.

She said she is grateful for the funds from the state and for the assistance from the Michigan Coalition to End Domestic and Sexual Violence. Preparation is being made for how to utilize those funds to support tribal communities in Michigan.

ADJOURNMENT

MOTION: Moved by M. Widman to adjourn the meeting. Motion seconded by M. Wiese. Motion carried. The meeting ended at 3:42 p.m.

Respectfully submitted by
Michael Bobbitt
Board Secretary