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In re: Report of the Family Law Steering Committee

MR. CHIEF JUSTICE: GOOD MORNING. WELCOME TO THE ORAL ARGUMENT CALENDAR OF THE FLORIDA SUPREME COURT. THE FIRST MATTER THAT WE WILL HEAR, THIS MORNING, IS THE REPORT OF THE FAMILY COURT STEERING COMMITTEE. I NOTICE THAT THERE IS A DIVISION OF TIME. WE APPRECIATE COUNSEL OBSERVING THAT, SO THAT ALL PARTIES WHO WISH TO ADDRESS THE COURT HAVE THAT OPPORTUNITY WITHIN OUR TIME PERIOD. MR. McNEAL, I UNDERSTAND YOU ARE GOING TO GO FIRST.

MAY IT PLEASE THE COURT. AS YOU NOTICED, WE RESERVED FIVE MINUTES OF OUR TIME FOR REBUTTAL, AND MR. NUSHIN SAYFIE WILL BE USING TWO MINUTES OF ON OUR TIME. I AM RAY McNEAL, CHAIRMAN OF THE FLORIDA BAR STEERING COURT COMMITTEE. I AM HONORED TO BE APPEARING BEFORE YOU, THIS MORNING, REGARDING THE MODEL FOR THE FAMILY COURT FROM THE STEERING COMMITTEE. TWO THINGS THIS MORNING, FIRST TO AFFIRM THE FAMILY COURT DECISIONS CITED IN THE MODEL IN 1991. THEY ARE CITED IN THE MODEL, AND WE REFER TO THEM AS FAMILY COURTS ONE, TWO AND THREE.

LET ME ASK YOU, HAVE YOU SEEN THE COMMENTS MADE BY THE FLORIDA PUBLIC DEFENDERS ASSOCIATION?

THE ONES THAT WERE SENT IN LATE LAST WEEK?

YES.

YES, MA'AM. I HAVE SEEN THOSE. YES, MA'AM. I HAVE LOOKED AT THOSE AND READ THEM. SECONDLY, WE WOULD LIKE YOU TO ENDORSE OUR RECOMMENDATIONS, SO THAT JUDGES, LAWYERS CAN USE THEM AS A FRAMEWORK OF THE FAMILY COURT INITIATIVE THAT WAS THAT WAS STARTED IN 1991, AND, THIRD, WE WANT YOU TO USE OUR RECOMMENDATIONS TO BE ACKNOWLEDGE AND STAFF OUR NEEDS TO THE FAMILY NEEDS, AND SEE WHY THESE NEEDS ARE REASONABLE TO THE OPERATION. WE ASK YOU TO DO THESE THINGS, SO THAT OUR FAMILY COURTS CAN HAVE A FAIR PROCESS.

CAN YOU GIVE US A PICTURE OF WHAT YOU WOULD LIKE THIS TO LOOK LIKE? CAN YOU VISUALIZE THIS FOR US, IN TERMS OF THE UMBRELLA OF THE FAMILY COURT DIVISION.

IF I WERE TO GIVE YOU A WORD PICTURE, I WOULD ENVISION A SYSTEM, AND LET ME JUST SAY,, TO BEGIN WITH, THAT WE ARE LUCKY IN FLORIDA, BECAUSE WE, ALREADY, HAVE WHAT A LOT OF STATES DON'T HAVE. WE HAVE A UNIFIED SYSTEM OF JURISDICTION, SO WE DON'T HAVE A LOT OF PROBLEMS WITH JURISDICTION. I WOULD LOOK AT A SYSTEM THAT INCLUDED DOMESTIC VIOLENCE, DOMESTIC RELATIONS, JUVENILE DEPENDENCY, JUVENILE DELINQUENCY. DOMESTIC RELATIONS CASES, ALL UNDER AN UMBRELLA OF A FAMILY COURT OPERATION. ALL OF THESE CASES WOULD BE COORDINATED AND MANAGED FOR THE PEOPLE, FOR OUR CUSTOMERS AND FOR THE PEOPLE INVOLVED, SO THAT WE WOULD PREVENT MULTIPLE COURT APPEARANCES BY THE SAME PARTIES ON THE SAME ISSUES, ELIMINATING CONSISTENT COURT ORDERS AND CONSERVE JUDICIAL RESOURCES.

ONE OF THE GREAT PROBLEMS THAT WE HAVE HAD, IN THE LAST SEVERAL YEARS, IN EVALUATING THE NEED FOR NEW JUDGES, IS OUR OBSERVATION THAT THE CASELOADS, IN THE JUVENILE DEPENDENCY AND DELINQUENCY DIVISIONS, HAVE BEEN WAY OUT OF KILTER TO THE

CASELOADS IN THE OTHER DIVISIONS. THE JUDGES, THERE, HAVE BEEN CARRYING TWO AND THREE TIMES THE CASELOADS OF THOSE, AND SO WE FOCUSED ON THAT. TELL ME YOUR VIEW OF OF HOW THIS WILL HELP THAT PROBLEM.

OKAY. WELL, I SEE SEVERAL THINGS, AND LET ME SAY THAT, NOT ONLY ARE THE CASELOADS HIGH IN OUR JUVENILE DIVISIONS. THEY ARE EYE IN -- THEY ARE HIGH IN OUR DOMESTIC RELATIONS DIVISIONS, AND I DON'T THINK THAT WE ARE EVER GOING TO SOLVE THAT PROBLEM BY CREATING NEW JUDICIAL POSITIONS. I THINK WE WILL ONLY SOLVE IT, WHEN WE ARE ABLE TO WORK SMARTER AND MORE EFFICIENT. I THINK THAT THE USE OF CASE MANAGERS, PEOPLE TO TRACK AND COORDINATE CASES, TO MAKE SURE THAT WE ARE NOT DUPLICATING RESOURCES, IS THE WAY TO GO, AND I THINK THAT WE HAVE A COUPLE OF DEPENDENCY, THREE DEPENDENCY PILE UP PROGRAMS IN THE STATE OF FLORIDA RIGHT NOW THAT ARE USING CASE MANAGERS AND GENERAL MASTERS, TO TRY TO REDUCE SOME OF THE JUDICIAL WORK AND RELIEVE SOME OF THE CONGESTION IN THOSE COURTS, AND I CAN TELL YOU, IN THE FIFTH CIRCUIT IT HAS BEEN A PHENOMENAL SUCCESS IN ONLY THREE MONTHS. THEY HAVE BEEN ABLE TO ACTUALLY GET AHOLD OF WHAT IS GOING ON IN DEPENDENCY COURTS.

HOW ABOUT DELINQUENCY?

I CAN'T ANSWER THAT ABOUT DELINQUENCY. WE HAVEN'T GIVEN THAT A LOT OF OF STUDY, BECAUSE THE GOALS IN DELINQUENCY ARE DIFFERENT. WHAT WE DO KNOW IS THAT 40% OF THE CHILDREN THAT GO THROUGH OUR DEPENDENCY COURT END UP IN DELINQUENCY COURT. WE KNOW THAT THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE DEPARTMENT OF JUSTICE ARE SERVING THE SAME GROUPS OF FAMILIES AND CHILDREN, AND ONE OF THE GROUPS, AT THE FAMILY SUMMIT, IN THESE ORGANIZATIONS, SAID WE ARE SERVING THE SAME CHILDREN AND THE SAME PEOPLE. LET'S WORK TOGETHER.

JUDGE SHAW HAD A QUESTION.

I AM SORRY.

IS THE COMMITTEE STILL IN FAVOR OF THE ONE FAMILY, ONE COURT, OR DO THE PRACTICAL PROBLEMS OUTWEIGH THAT CONCEPT? DO YOU THINK IT IS WORKABLE AS SUCH?

YES, SIR. I THINK THAT, IN A LOT OF CASES, IT IS VERY WORKABLE. IT IS, STILL, THE MOST PRACTICAL AND EASIEST WAY TO COORDINATE A FAMILY'S LITIGATION, BUT AS YOUR JURISDICTION INCREASES IN SIZE, AND YOU HAVE MORE JUDGES AND MORE COURT HOUSES, A LOT OF TIMES FAMILIES ARE NOT APPEARING IN ONE COURTHOUSE OR IN ONE COUNTY, AND SO IT BECOMES A PROBLEM, AND THAT IS WHY WE HAVE RECOMMENDED THE COORDINATED MANAGEMENT MODEL. WE BELIEVE THAT A STAFF CAN PROVIDE THE CONNED ANNUITY AND CONSISTENCY THAT IS -- CONTINUITY AND CONSISTENCY THAT IS NEEDED IN THE FAMILY COURTS SYSTEM. WE ARE BROADENING IT TO FAMILY CASES.

ONE PART OF THIS WHOLE RECOMMENDATION IS THAT THERE IS THE TECHNOLOGY NECESSARY, IN ORDER TO MAKE IT FUNCTION. THAT'S CORRECT.

YES, SIR. WE -- IF WE COULD DESIGN OUR PERFECT FAMILY COURT, WE WOULD HAVE ADEQUATE STAFF AND ADEQUATE TECHNOLOGY, AND WE DO NOT HAVE EITHER ONE RIGHT NOW.

AND SO WE HAVE GOT TO DO THIS IN COORDINATION WITH THE LEGISLATURE MAKING A REAL EMPHASIS ON GIVING THE SIRTION THE TECHNOLOGY THAT IS -- THE CIRCUITS THE TECHNOLOGY THAT IS NECESSARY. IS THAT --

YES, SIR. THAT IS DEFINITELY THE CASE. WE BELIEVE THAT WE NEED A PLAN, TO GO TO THEM WITH, AND THIS MODEL FAMILY COURT PROVIDES A BROAD FRAMEWORK FOR IMPROVING THE

SYSTEM.

CAN YOU EXPLAIN HOW THIS MODEL WOULD, IF IT IS ADEQUATELY STAFFED AND FUNDED, WILL WORK DIFFERENTLY THAN THE CURRENT FAMILY SYSTEM, AS FAR AS MAXIMIZING THE JUDICIAL RESOURCES?

YES, MA'AM. RIGHT NOW, WE HAVE PEOPLE APPEARING IN DIFFERENT COURTS FOR THE SAME REASONS. WE HAVE PEOPLE GOING TO DEPENDENCY COURT, TO RESOLVE ISSUES ON CUSTODY AND PARENTING TIME. WE HAVE THEM GOING TO DOMESTIC RELATIONS COURT TO DO THAT, AND ESPECIALLY IN THE DOMESTIC VIOLENCE AREA, WE HAVE PEOPLE APPEARING IN ALL OF THOSE COURTS SAME TIME, AND WHAT HAPPENS IS WE END UP WITH INCONSISTENT COURT RULINGS. A VERY SIMPLE EXAMPLE OF THAT IS, IN A DOMESTIC VIOLENCE INJUNCTION CASE, I MAY SAY YOU CAN HAVE PEACEABLE CONTACT, AT THE REQUEST OF THE PETITIONER. IN THE CRIMINAL CASE, THERE MAY BE A BOND CONDITION THAT SAYS NO CONTACT, SO WHAT IS HAPPENING IS PEOPLE ARE BEING SENT FROM ONE PLACE TO ANOTHER AND GETTING INCONSISTENT COURT RULINGS.

IN FAMILY COURTS ONE AND TWO, THE IDEA OF COORDINATED CASES WAS ENDORSED AND REENDORSED. IS THERE SOMETHING DIFFERENT ABOUT WHAT YOU ARE ASKING THIS COURT TO DO, THIS TIME AROUND, THAT WOULD ACTUALLY ALLOW THIS TO HAM EN-- HAPPEN? I CERTAINLY DON'T THINK THAT ANYONE WOULD DISAGREE THAT YOU SHOULD TRY TO COORDINATE THESE CASES. WHAT CAN WE DO IN THIS SITUATION, SHORT OF WHAT JUSTICE WELLS IS TALKING ABOUT THAT WE NEED THE TECHNOLOGY IN ORDER TO BE ABLE TO TRACK THE CASES THAT WOULD ASSIST THE JOB OF THE FAMILY COURT JUDGE?

I THINK YOU CAN DO AT LEAST TWO THINGS. THE FIRST ONE, AND I AGREE WITH YOU. AS I READ FAMILY COURTS ONE, TWO AND THREE, AGAIN, TO PREPARE FOR ORAL ARGUMENT, I WAS ASKING MYSELF WHY ARE WE STILL TALKING ABOUT THIS? THE COURT TOLD US TO DO THESE THINGS IN 1991. AND SO THAT IS WHY I SAID THE FIRST THING WE WANT YOU TO DO IS TO REAFFIRM THOSE DECISIONS. BY REAFFIRMING THOSE DECISIONS, TODAY, YOU WILL GIVE THE CIRCUITS, THE JUDGES AND THE LAWYERS, SOME GUIDANCE IN HOW TO CONTINUE THE FAMILY INITIATIVE THAT WAS STARTED BACK THEN. WHAT HAS HAPPENED IS THERE IS A LOT OF PEOPLE -- WELL, LET ME JUST BACK UP AND SAY THE CIRCUITS HAVE NOT HAD ANY DIRECTION, SINCE 1994, AS TO WHAT THIS COURT EXPECTED OF THEM, AND THEY TAKE THEIR -- THEY LOOK TO YOU FOR GUIDANCE, IN THAT RESPECT, AND SO WE FEEL LIKE THAT, BY REAFFIRMING THESE, BY CONTINUING THE FAMILY SUMMIT, LIKE WE HAD IN SEPTEMBER, I THINK THAT WAS, REALLY, A PHENOMENAL SUCCESS, AND IT BROUGHT PEOPLE TOGETHER, AND IT ACTUALLY GOT THIS FAMILY INITIATIVE BACK ON TRACK.

HOW ABOUT THE ROLE OF THE CHIEF JUDGES? IN OTHER WORDS HOW COOPERATIVE AND WHAT LEADERSHIP HAVE THE CHIEF JUDGES PROVIDED, IN THE VARIOUS CIRCUITS, IN GOING TO THIS KIND OF MODEL?

I DON'T WANT TO BE DISRESPECTFUL, BUT THERE ARE SOME CHIEF JUDGES THAT FELT THAT THE FAMILY INITIATIVE DIED, WHEN JUSTICE BARKETT AND JUSTICE OVERTON LEFT THIS COURT, AND THEY ARE NOT SURE THAT THERE IS SUPPORT -- IN FACT SOME OF THEM HAVE SAID THAT WE ARE NOT SURE THAT THIS COURT EVEN SUPPORTS THESE IDEAS, AND WHAT THAT HAS CAUSED IS THAT THE IMPLEMENTATION OF THIS FAMILY INITIATIVE HAS BEEN INCONSISTENT AND NOT UNIFORM, AROUND THE STATE, AND IN A LOT OF PLACES AND A LOT OF CIRCUITS, YOUR FAMILY DIVISION EXIST IN HIS NAME ONLY. THERE IS NO REAL COORDINATION OF CASES. THERE IS NO SHARED VISION AS TO WHAT FAMILY COURT OUGHT TO ACCOMPLISH.

WITH REGARD TO THE ADMINISTRATIVE STRUCTURE, THERE HAVE BEEN SOME COMMENTS THAT IT DOESN'T FIT, IDEALLY, IN ALL CIRCUITS, BECAUSE YOU ARE, ALMOST, CREATING A SEPARATE STRUCTURE FOR THE ADMINISTRATION, SEPARATE AND APART FROM THE CHIEF IN A PARTICULAR

CIRCUIT. IT SEEMS THAT WE MAY HAVE SOME PRACTICAL PROBLEMS WITH IMPLEMENTATION OF THAT PARTICULAR, IN SOME AREAS, WHERE YOU HAVE DISTANT COURT LOCATIONS AND WE DON'T HAVE EVERYTHING ALL IN THE SAME PLACE. HOW IS THAT -- IS THAT, REALLY, GOING TO BE IMPLEMENTED ON THE GROUND? YOU HAVE GOT ALMOST TWO SEPARATE DOMAINS, AND SOMEHOW WE HAVE TO LOOK AT THE RESOURCES THAT WE HAVE AND THE CHIEF IS ABLE TO UTILIZE THE RESOURCES.

OKAY. LET ME SEE IF I CAN THINK OF THE BEST WAY TO APPROACH YOUR CONCERN. THE CONCERN, I THINK, THERE ARE SEVERAL CONCERNS THERE. ONE IS WHETHER OR NOT THIS WILL WORK, WHEN YOU HAVE DIFFERENT COURT HOUSES IN DIFFERENT AREAS. I BELIEVE THAT IT WILL. I BELIEVE THAT IT CAN WORK STATEWIDE. ONCE WE GET A STATEWIDE SYSTEM FOR SHARING INFORMATION, IT WON'T MAKE ANY DIFFERENCE WHETHER A FAMILY IS INVOLVED IN A CASE IN DADE COUNTY OR MARION COUNTY, FLORIDA. WE WILL BE ABLE TO KNOW WHAT IS GOING ON WITH THAT AND EXCHANGE INFORMATION. I DON'T MEAN INFORMATION ABOUT THE FACTS OF THE CASE. I MEAN INFORMATION ABOUT THE COURT ORDERS THAT ARE BEING ENTERED, SO THAT THEY CAN -- WE CAN TAKE STEPS TO MAKE SURE THAT THEY ARE CONSISTENT.

I AM DIRECTED MORE TOWARDS THE ADMINISTRATIVE.

THE CONCERN HAS BEEN WHAT DOES THIS DO TO THE AUTHORITIES OF THE CHIEF JUDGE, AND I DON'T THINK IT CHANGES THE AUTHORITY OF THE CHIEF JUDGE AT ALL. THE CHIEF JUDGES HAVE A VERY TIME-CONSUMING AND COMPLICATED JOB, AND AS A RESULT OF THAT, THEY ARE AUTHORIZED, BY THE RULES OF JUDICIAL ADMINISTRATION, TO APPOINT ADMINISTRATIVE JUDGE TO SAY ASSIST THEM. THE FAMILY LAW ADMINISTRATIVE JUDGE THAT WAS REFERRED TO IN FAMILY COURTS ONE, ORDERED IN FAMILY COURTS TWO, AND THAT WE HAVE PROPOSED IN OUR MODEL, IS JUST AN EXTENSION OF THAT AUTHORITY. THAT JUDGE WOULD STILL ANSWER TO THE CHIEF JUDGE AND BE RESPONSIBLE TO THE CHIEF JUDGE AND SERVE AT THE PLEASURE OF THE CHIEF JUDGE. IF THE CHIEF JUDGE DIDN'T LIKE WHAT WAS HAPPENING, TAKE THEM OUT OF THE GAME.

WOULD YOU ADDRESS THE PUBLIC DEFENDERS' CONCERN ABOUT NOT INCLUDING CRIMINAL DOMESTIC VIOLENCE AS A PART OF THIS MODEL FOUR.

YES, MA'AM. I AM GOING INTO MS. SAYFIE'S TIME HERE, SO I DON'T KNOW WHAT THE PROCEDURE IS HERE, BUT I WOULD LIKE TO ANSWER. THAT WE HAVE A SUBCOMMITTEE THAT IS ASSIGNED THE TASK OF LOOKING AT THAT SYSTEM AND TRYING TO DECIDE THE BEST WAY TO COORDINATE ALL OF THOSE CASES. WE, REALLY, DO NOT KNOW WHAT THE ANSWER TO THAT QUESTION IS RIGHT NOW, BUT THERE HAS TO BE SOME MEANS TO COORDINATE THOSE CASES, WHETHER THEY ARE IN THE FAMILY DIVISION OR WHETHER THEY ARE IN ANOTHER DIVISION. I WOULD POINT OUT THAT, IN FLORIDA, BECAUSE WE HAVE BROAD JURISDICTION OVER ALL OF THESE CASES IN THE CIRCUIT COURT, WE HAVE THE ABILITY TO COORDINATE THOSE CASES, NO MATTER WHAT DIVISION THEY ARE IN. IT DOESN'T, REALLY, MAKE ANY DIFFERENCE WHERE THEY ARE. WE HAVE THE ABILITY TO REACH OUT AND SAY LET'S GIVE THIS FAMILY SOME CONSISTENT RESULTS.

WAS THERE A POLICY DECISION MADE, BY THE FAMILY COURTS STEERING COMMITTEE AT THIS TIME, TO EXCLUDE, FROM THE ACTUAL UMBRELLA OF THE FAMILY COURT, THE CRIMINAL DOMESTIC VIOLENCE? AND SECOND OF ALL, IS THERE AN OBJECTION TO SAYING THAT IT, REALLY, IS SOMETHING THAT ANY CIRCUIT CAN OPT IN --

NO, MA'AM.

-- WHICH IS THE ELEVENTH CIRCUIT?

NO. THAT IS WHERE THE MODEL IS SET IN. THEY READ IT AS SAYING EXCLUDED OR NOT

INCLUDED. WE HAVEN'T SAID WHETHER THEY SHOULD BE EXCLUDED OR INCLUDED. WE HAVEN'T SAID, ONE WAY OR ANOTHER. WE HAVE SOME CONCERNS ABOUT HOW TO -- HOW TO COORDINATE THE DOMESTIC SERVICES CASES. THOSE CASES CAN BE INVOLVED IN DEPENDENCY COURT, DOMESTIC RELATIONS COURT AND, EVEN, CRIMINAL COURT, ALL AT THE SAME TIME. THEY PRESENT A SPECIAL PROBLEM FOR COORDINATION.

I THINK WE OUGHT TO TURN IT OVER TO MS. SAYFIE. THANK YOU.

MAY IT PLEASE THE COURT. MY NAME IS NUSHIN SAYFIE, ASSISTANT PUBLIC DEFENDER HERE, IN LEON COUNTY, ON BEHALF OF THE DOMESTIC VIOLENCE, AND WE ARE HAPPY THAT THE COURT HAS GIVEN US THE OPPORTUNITY TO BE HEARD ON THE ISSUE OF THE MODEL COURT IN FLORIDA. THE TASK FORCE ENDORSES THE STEERING COMMITTEE'S PLAN. WE BELIEVE IT WILL ADDRESS THE MANY OBSTACLES FACING THE FAMILIES AND JUSTICE SYSTEM TODAY. WE ENCOURAGE THE COURT TO ADOPT THIS PLAN. WITH THE EMPHASIS ON TWO MAIN PRIORITIES, OUR PRIORITIES ARE, NUMBER ONE, THE PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE, AND, NUMBER TWO, ACCOUNTABILITY OF PROVEN PERPETRATORS OF DOMESTIC VIOLENCE. THE TASK FORCE, ALSO, RECOGNIZES THAT, FOR BETTER OR FOR WORSE, THE COURTROOM IS THE SETTING WHERE DOMESTIC VIOLENCE IS EXPOSED AND DEALT WITH, AND THE MODEL OF THE FAMILY COURT IS BASED ON THIS REALITY. WE APPLAUD THE PLAN SET FORTH BY THE STEERING COMMITTEE, PARTICULARLY RECOMMENDATION NUMBER FOUR, REGARDING THE COORDINATED MANAGEMENT MODEL AND RECOMMENDATION NUMBER 6-C, ADVOCATING THE RECOMMENDATION OF JUDGES, AND WE BELIEVE THAT THESE RECOMMENDATIONS WILL GO FAR IN ADDRESSING THE PRIORITIES THAT WE HOLD. THE TASK FORCE HASN'T TAKEN A POSITION ON THE STEERING COMMITTEE'S DOMESTIC VIOLENCE SECTION, IT IS UNCLEAR HOW ALL OF THE COURTS ARE TO BE MEASURED WITH THIS DIVISION.

IT INCLUDED INJUNCTIONS CIVIL.

INJUNCTIONS.

THE ONLY THING AT THIS POINT IS -- THAT WAS NOT SPECIFICALLY INCLUDED, IS A CRIMINAL MISDEMEANOR, WHICH -- MISDEMEANOR, WHICH MANY TIMES WOULD END UP IN COUNTY COURT, AND THAT WOULD BE OMITTED. DO YOU SEE, ON THE DOMESTIC VIOLENCE TASK FORCE, THAT CRIMINAL CASES SHOULD BE WITHIN THE UMBRELLA OF THE FAMILY COURT, AS A MATTER OF PUBLIC PERCEPTION? THAT IS THAT, YOU KNOW, THE PERPETRATOR BEING SORT OF -- ALLOWED TO BE WITHIN THE FAMILY COURT SYSTEM?

UNFORTUNATELY, WE HAVEN'T TAKEN AN OFFICIAL POSITION ON THAT, BUT OUR PRIORITIES BEING ACCOUNTABILITY OF THE PERPETRATOR AND SAFETY OF THE VICTIM, IT WOULD MAKE SENSE TO INCLUDE THEM. I MEAN, I THINK THE GOAL OF THE MODEL FAMILY COURT IS TO INCLUDE EVERYTHING, AND I THINK ALL OF THE PROBLEMS THAT JUDGE McNEAL ADDRESSED, I SEE THOSE PROBLEMS EVERYDAY. I THINK THAT IT WOULD MAKE SENSE FOR THE JUDGE TO AT LEAST KNOW ABOUT THOSE THINGS. I THINK, CURRENTLY, WE ARE OPERATING IN A SITUATION WHERE JUDGES DON'T EVEN KNOW WHAT IS HAPPENING IN THE OTHER COURTROOMS, AND I THINK THAT THE MODEL FAMILY COURT CLEARLY ADDRESSES THAT PROBLEM, AND THAT IS SOMETHING THAT THE TASK FORCE IS VERY HAPPY ABOUT. AS YOU NOTED, CRIMINAL DOMESTIC VIOLENCE CASES, TYPICALLY, INVOLVE ALL OF THE ISSUES THAT ARE CURRENTLY GOING TO BE TAKEN UP IN THE MODEL FAMILY COURT, AND --

YOU MENTIONED, EARLIER, THE EDUCATIONAL COMPONENT FOR THE JUDGES AND LAW CLERKS, ET CETERA. AS I UNDERSTAND A COMMENT THAT WAS MADE, THERE IS SOME CONCERN THAT THIS EDUCATIONAL COMPONENT WILL BE KIND OF ONE SIDED AND SORT OF TAKING THE VICTIM'S VIEW OF DOMESTIC VIOLENCE. DO YOU HAVE ANY SUGGESTIONS ON WHAT COULD BE DONE TO ALLEVIATE THAT KIND OF CONCERN?

I THINK THAT, AS I READ MR. TRETTIS'S -- THE ARGUMENT THAT HE PUT TOGETHER, WHICH IS VERY WELL THOUGHT OUT AND VERY WELL RESEARCHED. I, ALSO, DISCUSSED IT WITH JUDGE McNEAL, AND I THINK THAT, IF THE CURRICULUM IS PUT TOGETHER PROPERLY, JUDGES NEED TO BE EDUCATED ON A VAST VARIETY OF DIFFERENT MODELS OF DOMESTIC VIOLENCE AND, ALSO, UNDERSTAND ALL OF THE INTRICACIES OF WHAT CAN HAPPEN BEHIND THE SCENES. AS AN ATTORNEY, MY CONCERN IS THAT A JUDGE SHOULD NOT LOOK BEYOND, NECESSARILY, WHAT IS THERE, BUT I DO UNDERSTAND THAT A JUDGE NEEDS TO UNDERSTAND THAT, IF SOMETHING IS GOING ON IN ANOTHER COURTROOM, REGARDING DELINQUENCY OR DEPENDENCY OR CUSTODY, THAT JUDGE NEEDS TO BE WELL-VERSED ON THOSE ASPECTS OF THE LAW, AND ADDITIONALLY, WITH THE TASK FORCE THAT WOULD APPLAUD JUDGES BEING EDUCATED ON ALL MODELS OF DOMESTIC VIOLENCE, BECAUSE THE TASK FORCE WANTS THE JUDGE TO BE ABLE TO HELP THE FAMILY.

MS. SAYFIE, I THINK YOU SHOULD RESERVE SOME REBUTTAL TIME.

I WILL LEAVE THAT TO JUDGE McNEAL, AND IN CLOSING, IN CONSIDERING WHETHER OR NOT TO INCLUDE THE CRIMINAL CASES, WE URGE THE COURT TO CONSIDER OUR PRIORITIES. WE FEEL VERY STRONGLY THAT THE CREATION OF THE FAMILY COURT MODEL WILL SERVE TO MORE EFFECTIVELY REACH THE ULTIMATE GOAL OF HELPING FLORIDA'S VICTIMS, CHILDREN AND FAMILIES. THANK YOU.

BEFORE YOU SIT DOWN, I WANT TO BE CLEAR THAT I UNDERSTAND THE POSITION 6 OF YOUR GROUP, AND THAT -- THE POSITION OF YOUR GROUP, AND THAT IS YOU HAVE NO OBJECTION TO THE MODEL OF THE TASK FORCE AND THE RECOMMENDATIONS, IS THAT CORRECT?

AS FAR AS WHETHER OR NOT CRIMINAL DOMESTIC VIOLENCE CASES SHOULD BE INCLUDED, WE ARE GOING TO LEAVE THAT UP TO THE PEOPLE THAT HAVE RESEARCHED IT, AND WE ARE GOING TO TAKE IT UP, AS TASK FORCE, IN THE FUTURE, AND IF WE DO HAVE A SPECIFIC POSITION, WE WILL LET THE COURT KNOW. WE JUST KNOW THAT THE PRIORITIES THAT WE HAVE AND THOSE TWELVE PRINCIPLES BE CONSIDERED, IN DETERMINING WHETHER OR NOT DOMESTIC VIOLENCE CASES SHOULD BE INCLUDED OR NOT.

MR. TRETTIS.

GOOD MORNING, YOUR HONORS. MY NAME IS BLAZE TRETTIS. I AM THE EXECUTIVE ASSISTANT PUBLIC DEFENDER FOR THE EIGHTEENTH JUDICIAL CIRCUIT, BREVARD AND SEMINOLE COUNTIES. MY RECOMMENDATION IS THAT THE JUDGES RECEIVE MANDATORY TRAINING IN THE FUNDAMENTALS OF DOMESTIC VIOLENCE, BEHAVIOR SCIENCES AND FAMILY SYSTEMS AND ATTACHMENT THEORY. IN PARTICULAR, MY OPPOSITION IS IN THE COMMENTARY TO RECOMMENDATION 6-D, THAT JUDGES NEED EDUCATION IN THE POWER AND CONTROL THEORY, TO MAKE THE BEST DECISION IN A DOMESTIC VIOLENCE CASE. MY OBJECTION TO THIS INSTRUCTION ON POWER AND CONTROL THEORY IS THAT THE POWER AND CONTROL THEORY, AS USED IN THIS RECOMMENDATION, IS SYNONYMOUS WITH THE FEMINIST THEORY EXPLANATION OF DOMESTIC VIOLENCE, AND IT IS BASED ON EYEDODOGY -- IDEOLOGY, AN UNBIASED VIEW OF THE SITUATION. IT EMANATES FROM THE 1970s, FROM PROGRAMS AND PEOPLE WHO WORKED WITH VICTIMS OF DOMESTIC VIOLENCE. THIS THEORY HOLDS AND THIS IDEOLOGY HOLDS THAT MEN ARE ABUSIVE TOWARDS WOMEN BECAUSE THEY GROW UP IN A SOCIETY, IN A CULTURE THAT ENDORSES VIOLENCE AGAINST WOMEN, SO THAT THIS MALE PRIVILEGE THAT EXIST IN HIS SOCIETY WILL REPEAT IT SELF, AND THAT THERE ARE CULTURAL AND SOCIAL NORMS THAT TEACH MEN TO BE ABUSIVE TOWARDS WOMEN, TO SORT OF SUBGAIIT THEM IN THIS MANNER.

YOUR OBJECTION IS TO THERE NOT BEING A VERY BROAD EDUCATION FOR JUDGES, WITH REFERENCE TO ALL ISSUES THAT MAY BE INVOLVED IN FAMILY DIVISION CASES. AS I UNDERSTAND IT, YOUR OBJECTION IS, TO BE VERY CAREFUL THAT ANY EDUCATION IS NOT

ALONG ANY IDEOLOGICAL LINES OR VERY BROAD IN SCOPE AND TO ENCOMPASS ALL ISSUES. AM I UNDERSTANDING THAT CORRECT? YOUR CONCERN THAT THERE MAY BE BY ASSIST DEVELOPED BY AN EDUCATION SYSTEM THAT IS NARROWLY FOCUSED, TREATING ANY OF THESE ISSUES. IS THAT --

I AGREE WITH THAT, BUT, YOUR HONOR, IN MY COMMENTS, I SAY THAT THERE SHOULD NOT BE ANY MANDATORY EDUCATION AND BEHAVIORAL -- IN BEHAVIORAL SCIENCES, ATTACHMENT THEORY, FAMILY SMZ OR WHATEVER THAT IS AND DOMESTIC VIOLENCE. EVEN IF IT WERE BROAD BASED AND INCLUDED DIFFERENT THEORIES OF DOMESTIC VIOLENCE AND FAMILY SYSTEMS, WHATEVER THAT IS.

LET'S TALK ABOUT BEHAVIORAL SCIENCES, FIRST OF ALL. THAT IS A VERY BROAD HEADING, AND WHAT WOULD BE THE OBJECTION TO JUDGES BEING EDUCATED IN THE BEHAVIORAL SCIENCES?

I GUESS THE OBJECTION, YOUR HONOR, IS IT IS SO BROAD, WE DON'T KNOW WHAT IT IS. WHAT IS THE LATEST --

I GUESS WHAT I AM SAYING, TODAY WE ARE IN AN ERA, FOR INSTANCE, OF MUCH EXPERTISE AN EXPERT WITNESSES, YOU KNOW, THAT APPEAR IN THE COURTROOM, AND THE MORE WELL READ A JUDGE IS, IT SEEMS TO ME, THAT THE GREATERABILITY A JUDGE WOULD HAVE TO DEAL WITH ALL OF THE KINDS OF ISSUES THAT COME UP IN ALL OF THIS TESTIMONY, YOU KNOW, THAT IS PRESENTED IN COURT. CERTAINLY, IN THE AREAS OF JUVENILE DEPENDENCY AND JUVENILE DELINQUENCY, THAT HAS LOCK BEEN THE STANDING -- LONG BEEN THE STANDING POLICY OF THIS COURT AND, NOW, THE FOUNDING FOR THE JUVENILE COURTS, IS FOR THE COURTS TO BE PROACTIVE IN FAVOR OF CHILDREN, AND SO THERE IS A GREAT NEED THERE, YOU KNOW, TO HAVE A BROAD EDUCATION IN THAT RESPECT, IN ORDER TO DEAL WITH THE ISSUES THAT COME UP. I AM HAVING A LITTLE DIFFICULTY. I CAN UNDERSTAND YOUR CONCERN THAT WE BE VERY CAREFUL THAT, THROUGH AN EDUCATION PROGRAM THAT YOU DON'T BUILD IN BY ASSIST, BECAUSE BUILDING IN BY ASSIST IS THE VERYANTIETH I SEE OF THE OPEN-MINDED -- ANTITHESIS OF THE OPEN-MINDED JUDGE AND LEVEL PLAYING FIELD, BUT I AM NOT QUITE SURE I UNDERSTAND YOUR OBJECTION TO BROADER-BASED EDUCATION THAT WOULD BETTER EQUIP A JUDGE TO DEAL WITH THESE ISSUES.

MY OBJECTION, YOUR HONOR, IS THAT, IN AN INDIVIDUAL CASE, A COURT OF LAW, IF THE ATTORNEYS WANT TO ADVANCE BEHAVIORAL FINDINGS OR RESEARCH, THEY HAVE TO INTRODUCE EXPERT WITNESSES AND RESEARCH FINDINGS AND IT IS SUBJECT TO A FRYE ANALYSIS, IN MOST CASES, WHETHER THAT IS ALLOWABLE, IF AND WHETHER THE SCIENTIFIC COMMUNITY ACCEPTS THAT AS RELIABLE. THIS SCIENTIFIC RESEARCH HAS TO GO THROUGH TESTING IN A COURT, IN ADVERSE EARL SITUATIONS BEFORE A JUDGE CAN ACCEPT IT. WHAT I AM CONCERNED WITH IS PEOPLE WITH IDEOLOGICAL THEORIES ON LIFE AND HOW PEOPLE SHOULD BEHAVE WOULD, STILL, BYPASS THE SYSTEM WHERE THE RELIABILITY OF THEORIES IS TESTED AND, INSTEAD, GO THROUGH THIS COURTS, THERE THROUGH THE -- THROUGH THE FLORIDA EDUCATION COUNSEL, THROUGH THE BACK DOOR AND EDUCATE ON IDEOLOGY, RATHER THAN SCIENCE.

ARE YOU FAMILIAR WITH WHAT PROCESSES ARE IN PLACE FOR EDUCATING JUDGE IN HIS THE SYSTEM?

NO, I AM NOT, YOUR HONOR.

YOU DON'T KNOW WHETHER THEY ARE OBJECTIONABLE TO THIS STANDARD OR NOT?

YOUR HONOR, I HAVE NO IDEA WHAT EDUCATION IS BEING PROVIDED TO JUDGES, THROUGH THE FLORIDA COURTS EDUCATION COUNSEL, IN BEHAVIORAL SCIENCE OR DOMESTIC VIOLENCE. SO I DON'T KNOW.

BUT IS IT YOUR RECOMMENDATION THAT THEY NOT -- THAT THEY NO LONGER EXIST? I MEAN THE PROGRAMS THAT HAVE BEEN DEVELOPED AND THE NEW JUDGES COLLEGES AND TO DEAL WITH THIS AREA OF JURIES PRUDENCE -- JURISPRUDENCE OF THE COURT?

I DON'T KNOW WHAT THEY ARE. BECAUSE IF THEY WERE PSYCHOLOGICAL TESTING, LIKE THE FAMILY COURTS ONE SUGGESTION WAS, THERE IS MANY PSYCHOLOGICAL TESTING THAT IS ACCEPTED IN THE COURTS AND HAS PASSED THE FRYE TEST AND AT THE VERY LEAST EDUCATION -- IN EDUCATION, AND AT THE VERY LEAST I WOULD HOPE THAT THIS COURT MAKE SURE THAT IT PASS THE FRYE TEST AND THAT IS NOT IDEOLOGICAL AND NOT BASED IN THE AREAS THAT JUDGES ARE NOT ON.

IN THE JURISPRUDENCE, THEY PUT ON JUDICIAL CONFERENCES AND JUDGES COLLEGES, DEALING WITH THAT AREA AND, OF COURSE, IN DEALING WITH JUVENILE DELINQUENCY, YOU HAVE SIMILAR SITUATIONS WITH HOW TO EFFECTIVELY REACH A KID OR WHAT PROGRAM WOULD BE BEST AVAILABLE. I AM NOT SURE THAT I CAN DRAW THE LINE. WOULD YOU RECOMMEND THAT THAT NOT HAPPEN, EITHER?

I THINK YOU WOULD HAVE TO LOOK AT IT ON A CASE-BY-CASE BASIS AND SEE WHAT IS THE BASIS OF THE EDUCATION. WHAT PROGRAMS ARE THEY RECOMMENDING? IS IT IDEOLOGY-BASED, OR IS IT SIMPLY TRYING TO HAVE PARENTS MORE INVOLVED WITH THEIR CHILDREN? I THINK YOU WOULD HAVE TO LOOK AT IT ON A CASE-BY-CASE BASIS, BUT THE SPECIFIC PROBLEM WITH THIS RECOMMENDATION IS THAT THE POWER AND CONTROL THEORY IS IDEOLOGY, AND AS THE DEPARTMENT OF JUSTICE STUDY ATTACHED TO MY COMMENTS SAYS, THAT THE STUDIES THAT HAVE BEEN DONE ON THE FEMINIST POWER AND CONTROL THEORY SHOW, THAT MEN WHO COMPLETE THIS BATTERER'S INTERVENTION PROGRAM ACTUALLY HAVE A HIGHER RATE OF RECIDIVISM THAN THE MEN WHO DID NOT COMPLETE IT, SO I DON'T KNOW HOW THIS COURT CAN ENDORSE A PROGRAM THAT IS SHOWN TO INCREASE THE RISK OF VIOLENCE AGAINST WOMEN.

AS YOU SEE IN OUR EDUCATIONAL PERHAPS, WE HAVE MANY POINTS OF VIEW PRESENTED, AND AS MANY AS ARE OUT THERE, HOPEFULLY, ON A PARTICULAR ISSUE, AND PART OF THAT EDUCATION ARE THE VERY KINDS OF COMMENTS, YOU KNOW, CRITICAL ANALYSIS THAT YOU ARE DOING RIGHT NOW, AND YOU KNOW, WE HAVE BEEN DOING THAT FOR YEARS AND YEARS AND YEARS, AND THIS IS SOMETHING THAT WE ARE VERY PROUD OF, IN FLORIDA, IS THAT WE HAVE WHAT WE CONSIDER TO BE AS FINE A JUDICIAL EDUCATION PROGRAM, AND IT, ALL, INVOLVES ISSUES LIKE THIS. THERE IS, ALWAYS, DEBATES OVER RECENT, YOU KNOW, THE LAST TEN YEARS WE HAVE HAD GREAT DEBATES OVER EDUCATION PROGRAMS, ABOUT ECONOMICS AND THE LAW, YOU KNOW, THAT SOME PARTICULAR THEORY IS BEING TAUGHT TO JUDGES, SO THAT THEY ARE GOING TO END UP MAKING DECISIONS IN A CERTAIN WAY, AND, OF COURSE, THE WAY TO COUNTERMOST OF THESE THINGS IS TO BRING IN LOTS OF DIFFERENT, YOU KNOW, POINTS OF VIEW. BUT A LOT OF THIS IS JUST TRUST. THAT IS WE HAVE A VERY PROFESSIONAL STAFF. WE HAVE JUDGES FROM THROUGHOUT THE STATE, WHO HAVE TAKEN LEADERSHIP ROLES, WITH REFERENCE TO THIS, TO BE SURE AND TO GUARD AGAINST THE VERY KINDS OF THINGS THAT YOU ARE TALKING ABOUT NOW, SO A LOT OF THIS IS JUST GOING TO BE A MATTER OF TRUST, THAT IS THAT WE ARE, ALWAYS, CAUTIOUS AND CAREFUL, YOU KNOW, ABOUT CHECKING THAT, THAT SOME SINGLE POINT OF VIEW OR THAT THERE IS SOME SERIOUS FLAW OR PROBLEM WITH THE POINT OF VIEW, SO I AM JUST NOT SURE YOU ARE FAMILIAR WITH HOW AN EXTENSIVE PROGRAM OF JUDICIAL EDUCATION THAT THE COURT ADMINISTERS AND THAT THE JUDGES, THEMSELVES, ADMINISTER.

YES, YOUR HONOR. THANK YOU FOR INFORMING ME AND EDUCATING ME. NOW I UNDERSTAND. THE OBJECTION TO THIS RECOMMENDATION, OF COURSE, IS THAT IT ONLY RECOMMENDS EDUCATION IN ONE THEORY, AND THAT IS, I THINK, INCORRECT AND SHOULD NOT BE THE RECOMMENDATIONS.

YOU MENTIONED BATTERER'S INTERVENTION PROGRAMS AND ACTUALLY THERE IS NOTHING IN THESE RECOMMENDATION THAT IS DEAL WITH THAT, BUT THROUGH THE DOMESTIC VIOLENCE INJUNCTION, I THINK ALL CIRCUITS REFER PERPETRATORS TO THE BATTERERS INTERVENTION PROGRAMS. ARE YOU FAMILIAR WITH HOW THOSE PROGRAMS ARE SET UP IN THE VARIOUS CIRCUITS? IS THAT WHERE YOUR OBJECTION IS, REALLY, GEARED TO, AND THAT IS SORT OF BEYOND WHAT WE ARE DEALING WITH TODAY, BUT BECAUSE YOU MENTION IT, DO YOU --

I THINK IT IS A DIFFERENT ISSUE.

IS IT YOUR UNDERSTANDING THAT WE HAVE PROGRAMS, IN FLORIDA, THAT ARE INEFFECTIVE, IN DEALING WITH REPEAT OFFENDERS OF DOMESTIC VIOLENCE?

I THINK IT IS A DIFFERENT ISSUE, YOUR HONOR. THE PROGRAMS THAT YOU ARE REFERRING TO, I BELIEVE, ARE STATE CERTIFIED BY THE DEPARTMENT OF CORRECTIONS. AND THE INJUNCTION LAW, I THINK IT IS 741.31, PROVIDES THAT, IF A JUDGE IS GOING TO ORDER THE BATTERERS INTERVENTION PROGRAM IN THE INJUNCTION PROCESS, IT HAS TO BE A STATE CERTIFIED PROGRAM.

SO YOU HAVE NO OBJECTIONS TO THOSE.

JUDGE, I HAVE MANY OBJECTIONS WHY A JUDGE SHOULDN'T ISSUE OR ORDER SOMEONE A RESPONDENT TO ATTEND A BATTERERS INTERVENTION PROGRAM, IN RESPONSE TO A SUMMONS, YES.

SUBJECT TO THE PROGRAMS.

SUBJECT TO THE PROGRAMS ARE THE POWER AND CONTROL FEMINIST THEORY. THAT IS WHAT THEY CERTIFY. THERE IS NO PSYCHOTHERAPY YOUTH I CAN THEORY AND NO SYSTEMS ANALYSIS.

THAT IS BEYOND WHAT WE ARE TALKING ABOUT.

YES.

SO WE WOULD WANT JUDGES TO BE EDUCATED, THOUGH, IN WHAT THEY ARE REFERRING THEIR -- THE LITIGANTS TO. CERTAINLY WE WANT JUDGES TO KNOW WHAT THE -- WHAT THESE PROGRAMS ARE ABOUT AND UNDERSTAND WHAT THE THEORY UNDERLYING THE PROGRAMS ARE.

IF THEY ARE GOING TO ORDER THEM TO AT END -- ATTEND, THERE ARE CERTAIN CIRCUMSTANCES THAT, WITH THE STATUTE, THAT SAYS IF A JUDGE RUNS INTO THIS CIRCUMSTANCE, THE JUDGE HAS TO. IT IS LIKE A MINIMUM MANDATORY SENTENCE IN A CRIMINAL CASE.

WHAT I UNDERSTAND HERE, TODAY, IS THAT YOUR POSITION IS THAT THESE MATTERS SHOULD NOT BE SPECIFIED IN EITHER A RULE OR A COMMENTARY. IS THAT BASICALLY YOUR POSITION?

YES, YOUR HONOR. IT SHOULD BE EXCLUDED. IT SHOULD NOT BE A PART OF THE MODEL FAMILY COURT PLAN, IS MY COMMENTS, AND, ALSO, I WOULD LIKE TO MAKE ONE FINAL COMMENT ABOUT THE POWER AND CONTROL THEORY, AND THE RECOMMENDATION SAYS THAT THE JUDGE SHOULD BE INSTRUCTED ON THIS, TO MAKE THE BEST DECISION IN A DOMESTIC VIOLENCE CASE. THE POWER AND CONTROL THEORY ONLY CONTEMPLATES VIOLENCE BY MEN AGAINST WOMEN, SO HOW IN THE WORLD WOULD THIS THEORY HELP A JUDGE MAKE THE BEST DECISION IN THOSE 25 PERCENT OF THE CASES, WHERE IT IS THE WOMEN WHO COMMITS DOMESTIC VIOLENCE AGAINST THE MAN? IT CERTAINLY HAS NO APPLICATION TO IT, AND RELYING ON STATISTICS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT WHEN I SAY THAT, WHICH ARE ATTACHED TO MY COMMENTS, AND SO IT SIMPLY HAS NO APPLICATION. AND ANOTHER THING, TO ME, THAT DOESN'T MAKE ANY SENSE IN THIS RECOMMENDATION, IS THAT IT SAYS THAT A JUDGE

NEEDS TO BE INSTRUCTED ON THIS, TO MAKE THE BEST DECISION IN A DOMESTIC VIOLENCE CASE, YET THIS MODEL FAMILY COURT EXCLUDES DOMESTIC VIOLENCE CASES FROM THE MODEL FAMILY COURT. AT LEAST ASTRODOMESTIC VIOLENCE IS DEFINED BY FLORIDA STATUTES. I DON'T BELIEVE THESE RULES DEFINE WHAT A DOMESTIC VIOLENCE CASE IS. BUT BY FLORIDA STATUTE 741.28, DOMESTIC VIOLENCE IS DEFINED AS CRIMINAL ACTS. ASSAULTS, BATTERIES, AGGRAVATED BATTERIES, AGGRAVATED ASSAULTS BY PEOPLE WHO ARE RELATED BY BLOOD OR MARRIAGE. SO AND DESPITE WHAT WAS SAID EARLIER, I SUBMIT THAT I WILL QUOTE FROM COMMENTARY TO 2-A, QUOTE, THE COMMITTEE DOES NOT RECOMMEND INCLUDING CRIMINAL CASES AND FOLLOWING FAMILY MEMBERS, IN THE FAMILY DIVISION AT THIS TIME, END QUOTE, SO THEIR RECOMMENDATION IS THAT CRIMINAL CASES BE EXCLUDED, YET THEIR PROPOSAL SAYS THAT, IN A DOMESTIC VIOLENCE CASE, A CRIMINAL CASE, THEY SHOULD RECEIVE THIS MANDATORY TRAINING, SO THERE IS AN INCONSISTENCY WHICH DOESN'T REALLY MAKE ANY SENSE, I SUBMIT. MY FINAL COMMENT IS THAT I OPPOSE THESE RECOMMENDATIONS, BECAUSE IT SEEMS TO ME THAT IT IS AN ATTEMPT, BY CERTAIN SPECIAL-INTEREST GROUPS, TO GET TACIT OR IMPLIED APPROVAL OF THE CONCEPT OF DOMESTIC VIOLENCE COURTS IN FLORIDA. I DO NOT KNOW OF ANY CASE WHERE THIS COURT HAS GONE ON RECORD AS SUPPORTING THE CONCEPT OF A DOMESTIC VIOLENCE COURT. I AM SURE THERE IS A COUPLE, A FEW PLACES ACROSS FLORIDA, WHERE THIS COURT HAS APPROVED LOCAL ORDERS THAT HAVE CREATED DOMESTIC VIOLENCE COURTS, AND I SUBMIT THAT THAT MUST BE ON AN EXPERIMENTAL BASIS, TO SEE HOW THIS CONCEPT PLAYS OUT, OVER TIME, BUT THIS RECOMMENDATION, AS IT IS WRITTEN, I WOULD SUBMIT, PUTS AN IMPLIED OR TACIT APPROVAL ON THIS CONCEPT THAT IS, NOW, IN ITS INFANCY, AND FOR THAT REASON I OBJECT.

ARE YOU SAYING THAT, IF WE REQUIRE THAT DOMESTIC VIOLENCE, CRIMINAL DOMESTIC VIOLENCE BECOME A PART OF THIS MODEL COURT, YOU WOULD HAVE NO OBJECTION TO THAT?

I WOULD THINK, IF THE COURT WERE TO DO THAT, THE COURT WOULD BASICALLY, THEN, AT THAT POINT, GO ON RECORD AS ENDORSING THE CONCEPT OF CREATING SEPARATE DOMESTIC VIOLENCE COURTS. I GUESS IT IS A CONFUSION WITH THE TERMINOLOGY, TOO. SOME PEOPLE DEEM DOMESTIC VIOLENCE COURTS TO BE CASES, INJUNCTION CASES. THEY CALL THAT DOMESTIC VIOLENCE COURT.

I AM TALKING ABOUT AS A PART OF THE WHOLE MODEL FAMILY COURT, THAT THESE CASES WOULD BE DEALT WITH IN THE SAME MANNER AS ANY OTHER CASE INVOLVING THE FAMILY.

I WOULD AGREE WITH THE COMMENTS THAT WERE SUBMITTED, I THINK, LAST WEEK, WHICH IS THAT THERE IS NO REASON WHATSOEVER FOR CRIMINAL DOMESTIC VIOLENCE CASES TO BE EXCLUDED FROM THE MODEL FAMILY COURT. 19 OTHER DIFFERENT TYPES OF CASES ARE INCLUDED, YET CRIMINAL DOMESTIC VIOLENCE CASES THAT ARE NOT, EVEN THOUGH IN FAMILY COURTS TWO, THIS COURT HELD THAT DOMESTIC VIOLENCE CASES ARE FAMILIAR LAW ISSUES, SO I DO NOT UNDERSTAND WHY IN THE WORLD THEY WERE OMITTED FROM THIS MODEL FAMILY COURT. UNLESS THERE ARE ANY OTHER QUESTIONS, I WOULD RESPECTFULLY CONCLUDE.

THANK YOU, MR. TRETTIS. JUDGE McNEAL, WE WILL GIVE YOU THREE MINUTES ON REBUTTAL, IF YOU CARE TO USE THEM.

THANK YOU, YOUR HONOR. I WILL BE VERY BRIEF. I GUESS, FIRST, I WOULD LIKE TO ASSURE THAT THE FAMILY COURTS STEERING COMMITTEE DOES NOT BELIEVE THAT JUDGES SHOULD RECEIVE EDUCATION IN JUST POWER AND CONTROL THEORY OF DOMESTIC VIOLENCE AND IGNORE ALL OF THE OTHER THEORIES THAT ARE OUT THERE. WE DID NOT INTEND THE COMMENTARY TO BE AN EXHAUSTIVE LIST OF WHAT JUDGES SHOULD RECEIVE TRAINING IN. WE JUST WANTED TO ILLUSTRATE THAT THERE ARE SOME THING THAT IS JUDGES DEAL WITH EVERYDAY, IN FAMILY COURT, THAT WE ARE NOT PROVIDED WITH SUFFICIENT TRAINING O WE REFER TO THE POWER AND CONTROL THEORY SPECIFICALLY, BECAUSE THE LEGISLATURE HAS SELECTED THE DULUTH

MODEL AS THE APPROPRIATE WAY TO INTERVENE IN DOMESTIC VIOLENCE CASES. AS MR. TRETTIS POINTED OUT, THERE ARE SOME SITUATIONS WHERE JUDGES ARE REQUIRED TO SEND PEOPLE TO DOMESTIC VIOLENCE -- EXCUSE ME -- TO BATTERERS' INTERVENTION FORCES, UNLESS THE JUDGE ISSUES A WRITTEN ORDER THAT SAYS WHY THEY ARE NOT SENDING THEM. UNDER THE LEGISLATIVE DEFINITION OF DOMESTIC VIOLENCE, THERE IS A LOT OF CONDUCT THAT IS INCLUDED THAT IS NOT POWER AND CONTROL, AND WE RECOGNIZE THAT, SO A JUDGE NEEDS TO UNDERSTAND THE POWER AND CONTROL THEORY, SO THAT THEY WILL KNOW THAT THIS CASE IS DOMESTIC VIOLENCE, BUT IS NOT POWER AND CONTROL. IT DOESN'T MAKE ANY SENSE TO SEND THIS PERSON TO THE BATTERERS INTERVENTION PROGRAM. SOME OTHER INTERVENTION MAY BE MORE APPROPRIATE. THOSE ARE VERY DIFFICULT DECISIONS, BUT YOU HAVE GOT TO HAVE SOME BROAD-BASED EDUCATION, TO UNDERSTAND THAT. LIMITING JUDGES TO ANY THEORY ABOUT ANY SUBJECT WOULD NOT BE A GOOD EDUCATIONAL PRACTICE. WE HAVE THE BEST JUDICIAL EDUCATION OF ANY STATE IN THE UNITED STATES. NOT ONLY THAT, IT WOULD BE CONTRARY TO OUR VERY NATURES. WHAT ARE LAWYERS AND JUDGES ALWAYS DOING, WHEN SOMEBODY IS PRESENTING SOMETHING TO US? WE ARE SITTING THERE, ASKING QUESTIONS. WE ARE LOOKING FOR THE --

SO THE INTENT OF THE COMMITTEE IS TO NOT LIMIT JUDICIAL EDUCATION TO ANY SPECIFIC ITEM BUT, RATHER, TO LET THE PEOPLE THAT ARE RUNNING THOSE PROGRAMS MAKE DECISIONS. IS THAT CORRECT?

ABSOLUTELY. ABSOLUTELY. THE FLORIDA COURTS EDUCATIONAL COUNCIL IS IN CHARGE OF THIS. ALL OF THE EDUCATION HAS TO BE APPROVED BY THEM. WE HAVE A SUBCOMMITTEE OF THAT BODY THAT IS WORKING ON THE APPROPRIATE DOMESTIC VIOLENCE EDUCATION FOR JUDGES, AND I AM SURE THAT IT IS GOING TO BE BROAD-BASED AND INCLUDE ALL THEORIES. WE ARE NOT TRYING TO SAY, YOU KNOW, THAT ONE SIDE OF A PARTICULAR ISSUE SHOULD BE THE WAY THAT JUDGES ARE EDUCATED. OUR JUDGES ARE JUST TOO INTELLIGENT TO BUY THAT. IT WOULD BE -- IT WOULDN'T WORK. I THINK I WILL JUST STOP WITH THAT.

OKAY. THANK YOU, JUDGE McNEAL, MS. SAYFIE, THE TASK FORCE, MR. TRETTIS. WE, AS A COURT, VERY MUCH APPRECIATE ALL OF YOUR HARD WORK AND DILIGENCE ON THESE VERY IMPORTANT ISSUES.