

MINUTES OF JANUARY 18, 2022
VIRTUAL DOMESTIC VIOLENCE TASK FORCE

The Domestic Violence Task Force met virtually on Tuesday, January 18, 2022, with the meeting called to order by Justice Hantz Marconi at 4:00 p.m.

The following members participated:

Justice Anna Barbara Hantz Marconi	Patricia LaFrance
Mary Barton	Hon. Diane Nicolosi
Merrill Beauchamp	Betsy Paine
Kathy Beebe	Lynda Ruel
Kristyn Bernier	Lyn Schollett
Hon. Susan Carbon	Amanda Grady Sexton
Pam Dodge	Jon Strasburger
Steven Endres	Michael Strauss
Sarah Freeman	Jon Strasburger
Chief David Hobbs	David Vicinanza
Marcia Hornick	Susan Warner
Jean Kilham	
Mary Krueger	Lisa Merrill, Recording Secretary

Justice Hantz Marconi called the meeting to order and welcomed members to the fourth meeting of the Domestic Violence Task Force. She noted that the meeting is being recorded and the proceedings are being livestreamed. She outlined the focus of the meeting under Charge 3: Identify criteria for making appellate decisions related to domestic violence and stalking orders of protection publicly available on the judicial branch’s website.

Justice Hantz Marconi provided an overview of the documents and materials recently uploaded to the drop box and reminded members that they can access these materials at any time.

Justice Hantz Marconi referred to conversation during the January 12 meeting in which an exchange might have caused Task Force members to believe that the court was uninterested in hearing anecdotal information. Both anecdotal and statistical information are important to the court and to inform the work of the Task Force. Justice Hantz Marconi hopes that the Task Force will identify where more work needs to be done and Task Force’s work will guide and direct those future efforts.

The Task Force discussed and considered the following under charge 3:

- Although DV cases are not confidential by statute, and therefore, are public. From 2018 to the present, they have not been published on the court’s website because of VAWA. This is a problem for self-represented victims and for DV attorneys, who do not know when a non-precedential order has been issued (unless they are involved in the case). Trial judges, on the other hand, receive the non-precedential orders via a listserve or otherwise. Although non-precedential orders are not binding on trial courts, they provide guidance on how to apply the law to particular facts.

- Should non-precedential DV orders be posted on the court’s website?
 - Discussion about “scrubbing” information that would identify and/or allow someone to locate a victim.
 - VAWA prevents posting DV orders with such information.
 - What constitutes identifying information?
 - What information allows someone to locate a victim?
 - Should the court location and judge name be published?
 - What does VAWA’s language set out?
 - Identifying the judge makes judges accountable.
 - How should the court inform stakeholders about decisions not published but relevant in their work.
 - How do other States handle posting opinions and orders?
 - Individuals can come to the court and look up cases via the kiosk.
 - Not user friendly for most.
 - At the trial court level, a DV case can be sealed in the early stages to prevent identification.

Members agreed about the need for stakeholders and the public to have access to non-precedential DV orders. Is there a way to notify stakeholders about the issuance of an order that is not published?

Suggestions:

- Appoint a workgroup to address publishing D.V. cases.
- Preparation of materials to guide advocates and self-represented parties.
 - Card similar to the “Know the Five Signs” card distributed by changedirection.org about mental health that educates victims/advocates/lawyers about what’s required to show “abuse” under RSA chapter 173-B?
 - Align materials with judge training/understanding
- There is a gap in the public understanding what it takes to get a restraining order.
 - Training materials kept up-to-date.
 - Guided interview could provide structure.
 - Update publications directed at self-represented litigants

Justice Hantz Marconi reminded members to continue to send in materials and information to Anne or Lisa, which will be posted in the drop box. She asked members to volunteer to work in a small working group to identify and draft recommendations for each charge.

The question discussed during the last meeting about the continuation of no contact bail orders after someone is convicted of a crime was raised. The statutory authorization is in the bail statute. A statutory change by the legislature may need to occur.

Next Meeting

The next meeting of the Domestic Violence Task Force will occur on Wednesday, January 19, 2022 at 4:00 p.m. via WebEx and will be live-streamed for the public.

With no further business to come before the Task Force, the meeting adjourned at 4:59 p.m.

Respectfully submitted,

Lisa Merrill, Recording Secretary