Domestic Violence Coordinating Council
Legislative Subcommittee
Summary Minutes
May 1, 2017
2:00 p.m.
Carvel State Office Building
4th Floor
Department of State- Arts Conference Room
Wilmington, DE

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Committee Members Present: Representative Debora Hudson (Chair); DAG Abigail Layton (DOJ), Addy Asay (Family Court), Jon Offredo (ODS)
Participating via phone: Kelly Knutkowski (DELJIS), Ellie Torres (Family Court), Mariann Kennville-Moore (DCADV)
DVCC Staff: Maureen Monagle

Representative Hudson called the meeting to order. The Legislative Committee has been re-organized with the designation of a new Chair and new, or transitioning, Committee members. Introductions were made with those in attendance and participating via phone.

Review of Current Bills:

The first bill discussed was HB20 with HA1. This Act authorizes the Family Court to interview children who are involved in PFA Proceedings. This Bill was passed by the House and is now assigned to the Judicial & Community Affairs Committee in Senate. Family Court does not take a position on the bill. DOJ does not have a position, ODS does not have a position. This Bill has not been officially tabled yet.
Ms. Kennville-Moore stated the DCADV raised concerns with Representative Lynn that this was in the custody statute when it should be in the PFA statute. There is discussion that it may be stricken due to the proposed replacement bill, HB141.

HB141 was introduced on April 13, 2017. This is the replacement bill for HB20. The Family Law section worked on drafting this rewrite. This would amend Title 10 by authorizing Family Court to interview a child outside the presence of the parties for the purpose of obtaining the child's testimony and ascertaining the truth of a matter asserted by a party to a PFA proceeding. The Chair asked if this is an issue in one county versus others. The advocacy community has not had difficulty with Family Court. There has been discussion on some wanting it to be in legislation to allow for it without question. The Family Court has no position. DOJ has no position. ODS does not have a position. The DCADV Policy Committee did recently vote to support this bill.
This Committee will not take a position for or against HB141.

The next bill discussed was HB46 relating to DNA Analysis and Data Bank. This bill will provide that any person arrested [vs convicted] for identified sexual offenses, or

offenses relating to children will now be subject to DNA testing. This bill will also require testing of any individual who is currently incarcerated and convicted of a violent felony under Title 11. This bill was introduced on 1/19/17. As of 3/22/17, it has been tabled in the Public Safety & Homeland Security Committee of the House. ODS has spoken out against this bill as there are concerns this is a constitutional issue with testing individuals that are arrested of a particular offense versus those convicted. The bill has been tabled, no action is necessary of this Committee.

Possible Legislation to Consider:

Maureen reported that following recommendation was made in the Fatal Incident Review Team's 2016 report: *"The DVCC Legislative Committee should explore legislation to facilitate the temporary removal of firearms in alleged psychiatric emergencies."* The DVCC's response was that the DVCC Legislative Committee will discuss the recommendation and possible legislation.

This recommendation was made independently and directly related to a particular case, but issued around the time there was a draft lethality protection bill. That bill, drafted by the Coalition Against Gun Violence, would allow the Family Court to issue a lethal violence protection order where a family member or a law enforcement officer can show that the respondent poses a danger to self or others by having in that person's custody or control, owning, purchasing, possessing, or receiving a firearm. Last year there were jurisdictional issues raised by Family Court. There was some discussion about the Coalition Against Gun Violence possibly introducing the bill this session. As of the date of this meeting, nothing was submitted. The Committee will continue to watch for any movement or further discussion on this draft.

The Chair asked for the Committee to review a draft bill related to child support. This bill would suspend child support orders when a defendant is incarcerated of involuntarily committed over 180 days unless the defendant has the means to pay is incarcerated for a crime of DV against the custodial relative or supported child, or is incarcerated for failure to comply with an order to pay child support. While this bill is still in draft form, and not submitted, there was some discussion this could impact other survivors of DV who may be collecting support if the defendant is incarcerated for crime other than DV. This bill has not been submitted. The Committee will continue to watch for any movement.

Ms. Kennville-Moore asked the Committee to please be aware of SB58. This act would amend Title 11 related to the Victims Bill of Rights. The intent of this act would be to ensure victims of crime are provided as much information as is available to assist them through the trial, sentencing, and post-conviction phases of a criminal case. The language in this bill refers to the apology letter bank and victim-initiated victim offender dialogue; both are programs of Victims Voices Heard, Inc. The DCADV, DOC, DOJ and police-based victims' services have communicated concerns to the sponsor and Victims Voices Hear, Inc that the language is too limited. There is a group of victims' advocates working on a possible amendment.

New Business:

No other business was raised at this time. There were no public members present for comment.

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The next meeting was scheduled for Monday, June 5th at 2:00PM. The location will be shared once confirmed.

With nothing further to discuss, this meeting was adjourned.

Respectfully submitted,
Maureen Monagle

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