

## FAMILY COURT ENHANCEMENT PROJECT SUMMARY

More than 15 million children in the United States have been exposed to domestic violence in their households at least once in the past year. For roughly half of these children, severe violence took place.\* Many of these families appear in family court, in which custody, parenting time and other decisions are made that have a significant, long-term effect on survivors of domestic violence and their children.

Through a competitive solicitation and grant application process, the Department of Justice – Office on Violence Against Women, selected Minnesota's 4<sup>th</sup> Judicial District as one of four courts in the country to receive a Family Court Enhancement Project (FCEP) grant, a multi-year demonstration initiative designed to address family court procedures, practices and systems to improve courts' and partner stakeholders' response to domestic violence in custody and parenting time cases. The three other sites are Cook County in Chicago, IL; the State of Delaware; and Multnomah County in Portland, OR.

After assessment and identification of key barriers and gaps faced by domestic violence victims and their children participating in court proceedings, the 4<sup>th</sup> Judicial District ("District") identified four challenge areas to address as part of the FCEP.

1. Inconsistencies in the identification of domestic violence; assessment of its nature and context; its implications regarding custody and parenting time; and accounting for the abuse in custody and parenting time decisions.
2. The implications of domestic violence as it relates to Alternative Dispute Resolution processes in Family Court proceedings.
3. Survivors of domestic violence do not have adequate representation, advocacy, or information necessary to access relief in family court.
4. Native American survivors of domestic violence do not access family court for protection.

The FCEP has enabled the District to assess, explore and implement innovative court and non-court procedures and practices to improve custody and parenting time decision-making in family court cases involving domestic violence. The District has developed strategic approaches to implement short and long-term changes in family, as have our business partners and family law practitioners. As a demonstration initiative, the District has shared lessons learned, experiences and outcomes with other communities, and learned from those communities in return so each can benefit from the work at each project site.

\*Centers for Disease Control and Prevention (2008). Adverse health conditions and health risk behaviors associated with intimate partner violence--United States, 2005. *Morbidity and Mortality Weekly Report*, 57(5); 113-117. Retrieved at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5705a1.htm>.)

## FAMILY COURT: DOMESTIC VIOLENCE REVISITED

*Where we've been, what we've learned, and how we move forward.*

7:00 – 8:00a	<b>Registration</b>
8:00 – 8:30a	<b>Welcome &amp; Introductions</b> <i>Chief Justice Lorie Skjerven Gildea, Minnesota Supreme Court</i> <i>Chief Judge Ivy Bernhardson, 4<sup>th</sup> Judicial District</i> <i>Presiding Family Court Judge Patrick Robben, 4<sup>th</sup> Judicial District</i>
8:30 – 10:30a	<b>Keynote: The Impact of Domestic Violence on Children &amp; Their Parents</b> <i>Dr. Peter Jaffe</i>
10:30 – 10:45a	<b>Break</b>
10:45 – 11:15a	<b>Child Custody &amp; Domestic Violence: New Practice Guides &amp; Worksheets</b> <i>Dr. Peter Jaffe</i> <i>Loretta Frederick, Esq., Battered Women's Justice Project</i>
11:15 – 12:00p	<b>The State of the Law</b> <i>Loretta Frederick, Esq., Battered Women's Justice Project</i> <i>Mike Dittberner, Esq., Linder, Dittberner, Bryant &amp; Winter, Ltd.</i>
12:00 – 1:15p	<b>Lunch (on your own)</b>
1:15 – 2:30p	<b>Comings &amp; Goings Exercise</b> <i>Loretta Frederick, Esq., Battered Women's Justice Project</i>
2:30 – 3:45p	<b>Breakout discussions</b> Judicial officers & law clerks – <i>Associate Justice Anne McKeig &amp; Referee Mary Madden</i> Court Staff – <i>Kate Wilson &amp; Mary Dilla, Esq.</i> Attorneys – <i>Tom Tuft, Esq. &amp; Kari Kanne Esq.; Christy Snow-Kaster, Esq. &amp; Rachel Sibley, Esq.</i> Guardians ad Litem – <i>Laurie Kusek &amp; Jennifer Taylor</i> Advocates – <i>Vernona Boswell &amp; DeAna Smith; Sarah Clyne &amp; Siri Lokensgard</i> Mental Health Providers & Custody Evaluators – <i>Michael Borowiak &amp; Dr. Karen Irvin</i> ADR Providers – <i>Judge Tanja Manrique (ret.) &amp; Renee Meerkins</i> Child Protection – <i>Referee Patricia Moses &amp; Maggie Vickerman, Esq.</i>
3:45 – 4:00p	<b>Break</b>
4:00 – 5:00p	<b>Discussion &amp; Wrap Up</b>

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*The Family Law League*

*The Minnesota State Bar Association Family Law Section*



*Family Court: Domestic Violence Revisited*

*Where we've been, what we've learned and how we move forward*

*Mitchell Hamline School of Law*

*875 Summit Avenue*

*St. Paul, MN 55105*

*April 14, 2017*

*8:00 a.m. – 5:00 p.*

## BIOGRAPHIES

**Dr. Peter Jaffe** is a psychologist and Professor in the Faculty of Education at Western University and the Academic Director of the Centre for Research and Education on Violence Against Women & Children. He is also the Director Emeritus for the Centre for Children and Families in the Justice System, which is a children's mental health centre specializing in issues that bring children and families into the justice system in London, Ontario. He has co-authored ten books, 24 chapters and over 75 articles related to violence and abuse involving children, adults, families and the justice system. Many of his publications and professional presentations deal with domestic violence, the impact of domestic violence on children, and child custody and access disputes. He has presented workshops across the United States and Canada, as well as Australia, New Zealand, Costa Rica and Europe to various groups including judges, lawyers, health, mental health professionals and educators. Since 1999, he has been on faculty for the National Council of Juvenile & Family Court Judges in the US for judicial education programs entitled "Enhancing Judicial Skills in Domestic Violence Cases". He was a founding member of Ontario's Chief Coroner's Domestic Violence Death Review Committee. In 2009, he was named an Officer in the Order of Canada by the Governor General for his work preventing domestic violence in the community.

**Chief Justice Lorie Skjerven Gildea** was appointed Minnesota's 22nd Chief Justice by Governor Tim Pawlenty, taking office on July 1, 2010. Prior to her appointment, she had served as a Supreme Court associate justice since January 11, 2006. Before her appointment to the Supreme Court, she served as a judge in the Fourth Judicial District, Hennepin County, and a prosecutor in the Hennepin County Attorney's Office. The Chief Justice also served as Associate General Counsel at the University of Minnesota and worked as an attorney in a private litigation practice in Washington, D.C. During her term on the Supreme Court, she chaired the Supreme Court Gender Fairness Implementation Committee and served as the court's liaison to the Board of Legal Certification, the Advisory Committee on Juvenile Protection Rules, and the Committee on General Rules of Practice of District Courts. Chief Justice Gildea earned her B.A. Degree with distinction from the University of Minnesota Morris, and her J.D. Degree *magna cum laude* from Georgetown University Law Center. In addition to her duties on the court, she has been a member of the Minnesota Sentencing Guidelines Commission; the Board of Directors, YWCA of Minneapolis; and the Advisory Board, MINNCORR Industries.

**Chief Judge Ivy Bernhardson:** Chief Judge Bernhardson was appointed to the Fourth Judicial District bench in May 2007 and was elected Chief Judge in July 2016. She previously served as general counsel for the Hazelden Foundation and Medica Health Plans. She was a corporate lawyer at General Mills for 22 years, ending as Vice President, Associate General Counsel, and has served on the boards of many nonprofit organizations including the Bush Foundation and Fairview Health Services. She also practiced law at Leonard, Street and Deinard. She has served in Family Court, and the Civil and Criminal divisions as well as serving as Assistant Chief Judge for four years. She graduated from the University of Minnesota Law School and from Gustavus Adolphus College.

**Judge Patrick Robben:** Judge Robben was appointed to the Fourth Judicial bench by former Governor Tim Pawlenty on December 21, 2010 and is currently the Presiding Judge of the District's Family Court Division. Before his appointment, Judge Robben was General Counsel for the Office of Governor Tim Pawlenty. He practiced as an attorney for Morrison Fenske & Sund, P.A., and Rider Bennet, LLP, focusing on commercial and employment litigation. After graduating *magna cum laude* from the University of Minnesota Law School in 1998, he clerked for the Honorable Joan Ericksen at the Minnesota Supreme Court. Judge Robben received his Bachelor of Art in Political Science from Kansas State University. He is on the Management Team of the Family Court Enhancement Project and is a part of the Child-Focused Parenting Time Guide Workgroup. He is a board member of the ADR Ethics Board and is on the Board of Trustees for the Hennepin County Law Library.

**Michael Dittberner:** Michael Dittberner has practiced family law from 1989 to present, as an associate and then a shareholder in the firm of Kissoon, Clugg, Linder & Dittberner, Ltd., and as a shareholder in its successor of Linder, Dittberner, Bryant & Winter, Ltd., in Edina, Minnesota. Mr. Dittberner initially practiced law from 1984 to 1989 with the law office of Sieloff & Bierman in St. Paul, Minnesota. He received his bachelor's degree, cum laude, from Gustavus Adolphus College, in 1981, and received his JD decree, cum laude, from William Mitchell College of Law in 1984. He was admitted to the Minnesota bar in 1984. Mr. Dittberner is a Fellow of the American Academy of Matrimonial Lawyers (AAML), and has served the Minnesota Chapter as its Chair of Legislative Committee since 2002, and currently sits on its Board of Managers. He is also a member and past board member of the Minnesota Chapter of the Association of Family and Conciliation Court (AFCC). He has been a member of the Minnesota State Bar Association's Family Law Section since 1987, and served as Chair of the Family Law Section in 1995 and 1996. In addition, he has served the Minnesota State Bar Association's Family Law Section as a member and co-chair of its Amicus Committee. He is a regular lecturer and author of continuing legal education programs. He supervises and helps present the Case Law Update at Minnesota CLE's Annual Family Law Institute. For many years, Mr. Dittberner has been recognized in the Super Lawyers list, and has been recognized as one of the top 100 lawyers in Minnesota. Mr. Dittberner has been certified as a family law trial advocate by the National Board of Trial Advocacy.

**Loretta Frederick:** Loretta has served as Senior Legal and Policy Advisor of the Battered Women's Justice Project since 1996. The focus of her current work is improving the capacity of family courts to identify and account for domestic violence in child custody cases. Loretta began her career practicing family law with Southern Minnesota Regional Legal Services and founded the statewide Battered Women's Legal Advocacy Project (now Standpoint). Since then she has done training and consultation on domestic violence law and policy with and for judges, advocates, attorneys, prosecutors and law enforcement officers in the U.S and around the world. Her work with the Minnesota State Bar Association has included serving as Chair of the Family Law Section and of the Domestic Abuse Committee.