

MINUTES OF THE DOMESTIC VIOLENCE COMMITTEE
2009 FAMILY LAW SECTION
ORLANDO WORLD CENTER MARRIOTT
June 24, 2009
10:00 a.m.-11:30 a.m.

ATTENDEES: (list to be provided)

SPECIAL GUESTS: Law Enforcement from Florida counties

CALL TO ORDER AND WELCOME BY CO-CHAIRS: Meeting began with an introduction of all in attendance as prompted by co-chair Amy Cosentino. An agenda with attached articles/materials were disseminated.

OLD BUSINESS:

- A. Subcommittee on Adjudication of Paternity—Sarah Sullivan explained the background of the subcommittee. Discussion on proposed statutory changes.
 - a. Motion to rework statute, have a telephonic meeting and present in September for bar meetings. Motion seconded.

12 in favor. None opposed. No abstentions.

- B. DV Violations and Firearms—Jodi Seitlin, Co-Chair, and chair of subcommittee explained background of subcommittee and what subcommittee had accomplished since the last meeting in January. Members of law enforcement were in attendance and weighed in on issues of firearms and dv injunctions:
 - a. Discussion: Process: if checked off in box on temporary, ask the respondent if any firearms/ammo and if so, ask them to relinquish and that they can't possess firearm or ammo as part of IFP. Invite Respondent to bring in weapons.
 - b. Problems: can't search home if refused. If firearms relinquished, where to warehouse. What happens with inventory and giving weapons back. Need court order to release? If IFP is dropped, do you relinquish weapon? Sheriff's responsibility? Receipts for taking firearm. Complicated system for determining whether IFP is current, valid, dismissed, dropped.
 - c. Solutions: giving police authority to search. Background check for authority for firearm. Ordering the return of firearm as only way to get firearm back. Notification system for status of IFP. How long do we store firearm? How long do you give them to pick them up? Don't

release weapons and ammunition at the same time. Once a person found guilty of DV in criminal dv, federal law says have to be violence but if underlying statute contains prohibition. Judiciary does front end and doesn't think through the result of firearm retention and return.

- d. What to do with abandoned firearms. Orders are too vague (use best efforts to obtain the firearm).

Motion by Matt Capstraw: To create subcommittee to investigate and come up with priorities and goals of creating statute/rules regarding confiscation of firearms.

Discussion: Sarah Sullivan mentioned that subcommittee already established.

Friendly Amendment by Amy Cosentino:

Friendly Amendment by Jodi Seitlin:

Issues:

Release

Storage

Rule change

Statutory Change

Motion as amended was voted upon and passed unanimously.

Matt Capstraw is the chair of subcommittee:

Jodi has list of tasks and is giving to Matt to assign to members of subcommittee. Sign in sheet was sent around.

Issues raised:

Affidavit/Acknowledgment

Destruction of Abandoned Firearms

Constitutional Issues

- C. Commentator issue on DV. Co-Chair, Amy Consentino mentioned that she and past Chair, Judge Amy Karan authored article for new Commentator issue and Sarah Sullivan authored article as well. Robin Scher announced a CLE In 2011 for Immigration and family law and possibility of DV and solicited ideas for presenters.

a.)New officers announced

b.)Child focused platform by Peter Gladstone—Florida Children's First

c.)Goals: Firearm legislation/Paternity Adjudication legislation

d.)Upcoming Meeting: September 9, 10, 11 in Tampa

e.) Internet Safety article

NEW BUSINESS:

- A. New officers announced
- B. Child focused platform by Peter Gladstone—Based on Sandcastles children coping with divorce course.
- C. Goals: Firearm legislation/Paternity Adjudication legislation
- D. Upcoming Meeting: September 9, 10, 11 in Tampa
- E. Internet Safety article

ADJOURNMENT: Meeting adjourned next meeting at September 9th 2009 at Tampa Airport Marriott.