

## FY 2021- Request to Enter MOU with Utah Domestic Violence Coalition – Future Potential Subrecipient

The Utah Domestic Violence Coalition (“UDVC”) is seeking to partner with the Administrative Office of the Courts’ Domestic Violence Program on a project involving protective orders in rural districts. UDVC is planning to apply for a grant to facilitate this project and would like to include a formal non-binding Memorandum of Understanding (“MOU”)<sup>1</sup> detailing the project and our potential partnership with UDVC who will submit the grant application (see attached draft MOU). The final grant application which will include the completed MOU is due Friday March 12th at 11:59 pm) to the federal Office of Violence Against Women (“OVW”). The MOU provides for future funding of the Protective Order Program Coordinator contract position (Dr. Daniel Levin) in the Domestic Violence Program.

**Requested by:** Amy Hernandez (Domestic Violence Program Coordinator)

**Date:** March 10, 2021

**Grantee:** Administrative Office of the Courts’ Domestic Violence Program

**Grantor:** The Utah Domestic Violence Coalition (UDVC)

**MOU Potential Award Amount:** \$253,000

**Total Amount of Grant Issued to UDVC:** \$750,000

**Courts matching:** None

**Employees to be Hired:** None

**Grant reporting:** Handled by Court’s Domestic Violence Program Coordinator and Grants Coordinator

**Grant dates:** 10/1/2021 – 9/30/2024

**Moratorium Exemption Category:** Existing Grant Program – New Funding Source

**Impact to AOC Groups:** See separate analysis

**Request title: MOU with the Utah Domestic Violence Coalition**–Seeking approval to enter into an MOU with UDVC which includes a budget for the Court’s Domestic Violence Program of \$253,000 for three years (see below). The source of UDVC’s funding is the Office of Violence Against Women (“OVW”) Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program grant (due March 12 at 11:59 pm).

**Background:** The Court’s Domestic Violence Program is an ongoing grant-funded project. The current grant provider is the Utah Office for Victims of Crime (“UOVC”) and this grantor has funded this initiative, which included the salary and benefits of Dr. Daniel Levin, in the amount of \$51,895 from 06/01/2020 to 12/31/2020. The grantor has continued to fund the Domestic Violence Program, but did not have enough funding for both the Domestic Violence Program Coordinator Amy Hernandez and Dr. Levin.

To support the Domestic Violence Program in the interim between grants, the Judicial Council approved in September 2020 the use of \$50,000 in carryforward funding for Dr. Levin’s work from 1/1/2021 to 6/30/2021. This money is also used as a source of cash-match for the Domestic Violence Program (UOVC

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<sup>1</sup> The MOU is not considered a binding document. The funding from UDVC is contingent upon their receipt of grant funds from OVW. If approved by OVW, UDVC will submit a sub-recipient award agreement to the Courts. The sub-recipient award agreement (“SRA”) would then be the binding agreement between UDVC and the Courts. The SRA will be reviewed by Courts Legal and then circulated to the Judicial Council for final approval before accepting award funds.

**FY 2021- Request to Enter MOU with Utah Domestic Violence Coalition – Future Potential Subrecipient**

grant). If the MOU is approved to support the Domestic Violence Program and the grant is funded, UDVC will fund Dr. Levin's position from 10/1/2021 to 9/31/2024 (total: \$253,000).

Nancy Sylvester has reviewed the MOU to ensure it does not contain any requirements inconsistent with the above. We will send the final draft of the MOU to BFMC for approval and then to Judicial Council for final approval before turning the MOU over to the State Court Administrator and UDVC for signing and grant application submission.

**Proposed Utilization of Grant Funds:**

**1. Salary and benefit costs for the Protective Order Program Coordinator position for 36 months: \$249,000**

**Purpose:** This request is to fund the Protective Order Program Coordinator position (Dr. Daniel Levin) for up to three years (\$211,000 for salary costs and \$38,000 for benefit costs). Under the MOU, Dr. Levin would have responsibilities that include:

- working with prosecutors and victim advocates to alert them to criminal protective order data requirements determined by state and federal statute,
- working with community partners to address policy gaps regarding protective orders in the justice system,
- developing and conducting protective order trainings for court staff and judicial officers in rural districts about policies and rules surrounding protective orders,
- developing training materials (e.g. protective order training manual) in cooperation with the Judicial Institute Team which:
  - details court policies and rules for protective order case management,
  - clarifies protective order case processes (with Clerks of Court), and
  - researches and shares best practices for court staff interacting with court patrons filing protective order case filings, and
- working with Utah's Native American Nations to register foreign protective orders and to correctly submit data to the National Crime Information Center.

**2. Travel costs for training conducted by the Protective Order Program Coordinator for 36 months: \$4,000**

**Purpose:** This request will fund protective order training travel costs to courts in the 5th, 6th, 7th, and 8th judicial districts. The Protective Order Program Coordinator will be training court staff and judicial officers in the juvenile, district, and justice courts across rural areas. To facilitate these trainings, the travel costs will include mileage costs.

**If this grant is not funded at this time, what are the consequences or is there an alternative strategy?**

Dr. Levin has been instrumental in fixing policy gaps surrounding protective orders. He has conducted time-intensive and critical research inside the courts and with community partners to inform policy decisions about protective orders, firearm restrictions, expungement requirements, and more. As a result of this research, Dr. Levin has been tasked by the Forms Committee to develop criminal protective order forms in the justice, district, and juvenile courts. Dr. Levin has also completed frequent audits on the protective order network to ascertain where data entry problems were occurring. He then has

**FY 2021- Request to Enter MOU with Utah Domestic Violence Coalition – Future Potential Subrecipient**

worked with these locations to train staff to fix procedures that ended in a protective order data entry error. Finally, he has been working on the reforms to the Courts' Protective Order Network as tasked by the Judicial Council in the carry-forward funding request. Through his work, Dr. Levin has fixed thousands of protective order data entry issues that UCJIS had kicked back to the courts to fix. By fixing these errors, Dr. Levin improved the efficiency of the justice system and increased safety for Utah's residents.

If this grant is not funded at this time, the Domestic Violence Program will continue to work on these issues. However, the workload required to complete the protective order forms, audit the protective order data entries, and Dr. Levin's other duties will be onerous in addition to my other duties as the Domestic Violence Program Coordinator. I am only funded for twenty hours a week for the Domestic Violence Program. Dr. Levin's duties could only be completed in a piecemeal fashion which would reduce the efficiency of the system and how quickly the AOC responds to court concerns and community partner concerns about protective orders. This slower response could impact trust and confidence in the Courts as a whole.

## FY 2021- Request to Enter MOU with Utah Domestic Violence Coalition – Future Potential

### AOC RESOURCE IMPACT ASSESSMENT

Re: Memorandum of Understanding (MOU) with the Utah Domestic Violence Coalition (UDVC)

Date: 3/11/2021

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#### Participating Parties

Heidi Anderson (Chief Information Officer)  
Lauren Andersen (Judicial Institute Director)  
Amy Hernandez (Domestic Violence Program Coordinator)  
Brent Johnson (General Counsel)  
Jordan Murray (Grants Coordinator)  
Clayson Quigley (Court Services Director)  
Karl Sweeney (Finance Director)

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**RECOMMENDATION:** With input from key AOC stakeholders, this assessment anticipates and concludes there will be **ordinary course-of-business impacts** to AOC resources should this funding be awarded. We believe AOC resources are adequate to approve this request.

**SUMMARY:** All parties listed in this AOC Resource Impact Assessment have reviewed the anticipated scope of work for their respective departments. The Judicial Institute will continue to provide support with scheduling classes, advertising training opportunities, hosting webinars, and conference support. The Information Technology (IT) Help Desk will respond to questions for the Protective Order System (POS) through the standard Help Desk ticket process; additional conditions for IT involvement are described in Section 1b below. General Counsel will provide ongoing legal review of program materials and documents, as well as administer trainings. Court Services will assist with facilitating the Protective Order network, continue to complete quarterly data reports, and will reasonably accommodate ad-hoc reports as requested by the Protective Order Program.

The work to be completed by the Protective Order Program Coordinator does not represent a significant departure from efforts that are already underway. Continuing these efforts with additional funding should not introduce resource constraints to affected departments.

Under the MOU, Dr. Levin's responsibilities would include:

- working with prosecutors and victim advocates to alert them to criminal protective order data requirements determined by state and federal statute,
- working with community partners to address protective order policy gaps in the justice system,
- developing and conducting protective order trainings for court staff and judicial officers in rural districts about policies and rules surrounding protective orders,
- developing training materials (e.g. protective order training manual) in cooperation with the Judicial Institute Team which:
  - details court policies and rules for protective order case management,
  - clarifies protective order case processes (with Clerks of Court), and
  - researches and shares best practices for court staff interacting with court patrons filing protective order case filings, and
- working with Utah's Native American Nations to register foreign protective orders and to correctly submit data to the National Crime Information Center.

**1. AFFECTED DEPARTMENTS & ANTICIPATED SCOPE OF WORK**

***a. Judicial Institute***

- i. Schedules classes and advertises trainings
- ii. Conference support
- iii. Hosting webinars

***b. Information Technology***

- i. Any questions to the Protective Order System that require attention will be submitted as a ticket to the IT help desk
- ii. Except for changes that impact the Juvenile Courts, new features or changes to the POS application that did not receive legislative funding will need to be agreed upon by the other agencies that share the POS and prioritized before work starts. Further, funding for the work will need to be arranged through a grant or other 1x funding sources
- iii. For Juvenile Court changes, Neira and her core team will prioritize and pay for the work through CIP funds
- iv. Court Services owns the data, requests for data are directed to Court Services (see Section d below)
- v. Other than as noted above, IT does not assign personnel to the priorities funded by the Court Protective Services grant

***c. General Counsel***

- i. Counsel attends and presents at trainings
- ii. Reviews legal aspects of program materials and documents
- iii. Provides ongoing general legal counsel for the program

***d. Court Services***

- i. Quarterly data reports
- ii. Ad-hoc data reports (see Section 1b-iv above)
- iii. Facilitate Protective Order network duties

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## Memorandum of Understanding

WHEREAS, the Utah Domestic Violence Coalition and the Administrative Office of the Courts have come together to collaborate and to make an application for the OVW Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program grant; and

WHEREAS, the partners listed below have agreed to enter into a collaborative agreement in which the Utah Domestic Violence Coalition will be the lead agency and named applicant and the other agency will be a partner in this application; and

WHEREAS, the partners herein desire to enter into a Memorandum of Understanding setting forth the services to be provided by the collaborative; and

WHEREAS, the application prepared and approved by the collaborative through its partners is to be submitted to the Office on Violence Against Women on or before March 12, 2021;

### **I) Description of Partner Agencies**

The Utah Domestic Violence Coalition (UDVC): UDVC was founded in 1978 by the Utah Division of Child and Family Services (DCFS). It was initially formed as a community forum to start the necessary dialogue about domestic violence in the state of Utah. UDVC incorporated in 1993 and, in 1994, UDVC became independent of DCFS. UDVC was designated as a 501(c) 3 not-for-profit organization in 1998. In 2013, UDVC adopted a new set of bylaws and transitioned from a council to a coalition. UDVC is recognized nationally as the State domestic violence coalition in Utah.

**The Administrative Office of the Utah Courts (AOC):** For the past ten years, the AOC has implemented a Domestic Violence Program which oversees training, policy, and the Courts' coordinated community response to domestic violence, sexual violence, dating violence, and stalking. The Domestic Violence Program works on a state and national level to improve court services for individuals experiencing domestic violence, sexual violence, dating violence, or stalking.

### **II) History of Relationship**

- The collaborative relationship between UDVC and the AOC began in 2011 with the creation of the Domestic Violence Program within the AOC. UDVC provided training and expertise to assist the Domestic Violence Program in building training, policy, and domestic violence response models for the Utah State Courts. Once the Domestic Violence Program in the AOC was firmly established, the AOC and UDVC began to partner on developing trauma-informed court services, education about court processes for victim advocates, evidence-based offender treatment considerations for judicial officers, and best practices for child custody cases/divorce proceedings involving domestic violence. The AOC and UDVC met on a quarterly basis to discuss and implement these ideas over the past ten years.
- Within the past ten years, additional partners have been added to collaborative projects. Many collaborative projects have featured the Utah Department of Public Safety (law enforcement), the Utah Prosecution Council (UPC; trains law enforcement and prosecutors about the best practices in domestic violence and sexual violence), the Utah Coalition Against Sexual Assault (provides sexual violence training to victim advocates and court personnel), and the Utah Association for Domestic Violence Treatment (UADVT; establishes evidence-based offender treatment models and trains treatment providers).

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- The critical and long-range goals of the collaboration between UDVC and the AOC are as follows:
  - increase access to justice for victims of domestic violence, sexual violence, dating violence, and stalking;
  - increase trauma-informed court and victim advocate services for victims of domestic violence, sexual violence, dating violence, and stalking; and
  - increase offender accountability through the use of evidence-based treatment models.

### **III) Development of Application**

- UDVC and the AOC formed a long-term collaboration to address issues related to protective orders. In 2018, UDVC and the AOC learned that information in some criminal protective orders was not being transmitted to the National Crime Information Center (NCIC). With assistance from UDVC and other partners, the AOC has begun to fix this error and transmit data successfully to NCIC. The Domestic Violence Program in the AOC gathered data which demonstrated that rural justice system locations (i.e. courts, prosecutors, and victim advocates) needed more training to correctly submit protective orders as required by NCIC. As the Domestic Violence Program continued to gather and share data, UDVC highlighted some concerns about protective orders for Utah's Native American Nations. This recent collaboration regarding rural and Native American needs aided in the development of this application.
- UDVC is the applicant for the grant and is undertaking the work of submitting the grant to OVW. They have developed the bulk of the narrative, goals, and budget while working to integrate the goals, narrative, and budget developed by the AOC into the overall grant application. The Domestic Violence Program in the AOC gathered and shared data regarding criminal and civil protective orders in rural areas and Utah's Native American Nations. From that data, the AOC developed a narrative, goals, and budget to specifically address protective orders. The AOC also solicited information from other collaborative partners to strengthen the grant application.

### **IV) Roles and Responsibilities**

NOW, THEREFORE, it is hereby agreed by and between the partners as follows:

- UDVC will complete the following roles and responsibilities:
  - in collaboration with the AOC, develop a community needs assessment for Utah's Native American Nations to determine what barriers exist for the Nations to submit protective orders to NCIC and/or register protective orders with the Utah Domestic Violence Network (statewide system);
  - use their contacts with Utah's Native American Nations to administer the community needs assessment (with help from the AOC if the Nations permit);
  - in collaboration with the AOC, compile and analyze the data from the community needs assessment;
  - in collaboration with the AOC, develop a plan of action to address these barriers within the Native American Nations;
  - in collaboration with the AOC, develop and administer trainings about criminal and civil protective order information requirements to prosecutors and victim advocates in rural counties;
  - participate in training events hosted by the AOC which train court staff and judicial officers in rural districts about domestic violence, sexual violence, dating violence, stalking, and protective orders;
  - encourage the use of informed practices regarding criminal protective orders among prosecutors;

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- in collaboration with the AOC, train prosecutors to utilize the criminal protective order templates in the prosecutors' case management software to ensure proper data collection for NCIC; and
- provide resources and safety-planning resources to rural victims of domestic violence, sexual violence, dating violence, and stalking through UDVC's LINKline.
- The Domestic Violence Program in the AOC will complete the following roles and responsibilities:
  - in collaboration with UDVC, develop a community needs assessment for Utah's Native American Nations to determine what barriers exist for the Nations to submit protective orders to NCIC and/or register protective orders with the Utah Domestic Violence Network (statewide system);
  - in collaboration with UDVC, compile and analyze the data from the community needs assessment;
  - in collaboration with UDVC, develop a plan of action to address these barriers within the Native American Nations;
  - provide information about protective orders and NCIC data requirements to UDVC;
  - in collaboration with UDVC, develop and administer trainings about criminal and civil protective order information requirements to prosecutors and victim advocates in rural counties;
  - in collaboration with UDVC, train prosecutors to utilize the criminal protective order templates in case management software to ensure proper data collection for NCIC;
  - complete an initial assessment of the protective order submission error rate in the targeted rural counties (i.e. incorrect or incomplete data submitted to NCIC causing the protective order to be sent back to the courts for more information) and share the initial error rate data with UDVC;
  - conduct monthly protective order data audits to identify problems and improvements in rural locations;
  - provide monthly updates to UDVC about the protective order data audits and what problems and improvements were identified;
  - complete a final assessment of the protective order submission error rate in the targeted rural counties at the end of the project and share the results with UDVC;
  - train court staff and judicial officers in the targeted rural counties about protective order requirements and best practices;
  - train court staff and judicial officers in the targeted rural counties about domestic violence, sexual violence, dating violence, and stalking; and
  - recommend policy and rule changes for the Utah Courts to support the correct collection of information from protective orders for NCIC.
- UDVC will contribute the following resources to the project:
  - general staff-time and support from their Education Team and supervisory staff and
  - office space, a phone, laptop, and office supplies for grant-funded staff.
- The AOC will contribute the following resources to the project:
  - general staff-time and support from the Judicial Institute Team, the General Counsel Team, the Court Data Services Team, and Information Technologies Team and
  - office space, a phone, laptop, and office supplies for the Protective Order Program Coordinator position.
- Selina Gorst (UDVC), Amy Hernandez (AOC), and Daniel Levin (AOC) are the representatives of



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the planning and development team who will be responsible for planning, developing, and implementing project activities. The representatives will have quarterly meetings to review project outcomes together and share data. During these quarterly meetings, they will also complete the grant responsibilities which require collaboration.

- 1) This project should fix many of the issues in rural locations regarding transmitting protective order information to the NCIC. This grant funding will set up the framework for fixing protective order issues. Once the framework is completed, it will require very little work on the part of both agencies to sustain this project. The AOC and UDVC are deeply committed to achieving the project goals and sustaining the correct transmission of protective order information to NCIC. Once formal training materials are completed from this project, the Domestic Violence Program will recommend policy and rule changes to sustain a low error rate for protective order information. The Domestic Violence Program will also continue to work with UDVC to assist Utah's Native American Nations with their protective order work. The Utah Domestic Violence Coalition will provide improved access to protective orders and will increase education for community-based victim services on protective orders to victims of domestic violence, dating violence, sexual assault, and stalking by:
  - participating in training events hosted by the AOC which train court staff and judicial officers in rural districts about domestic violence, sexual violence, dating violence, stalking, and protective orders;
  - encouraging the use of informed practices regarding criminal protective orders among prosecutors; and
  - providing resources and safety-planning resources to rural victims of domestic violence, sexual violence, dating violence, and stalking through UDVC's LINKline.
  
- 2) The Administrative Office of the Courts will provide improved access to protective orders for victims of domestic violence, dating violence, sexual assault, and stalking by:
  - providing information about protective orders and NCIC data requirements to UDVC;
  - completing an initial assessment of the protective order submission error rate in the targeted rural counties (i.e. incorrect or incomplete data submitted to NCIC causing the protective order to be sent back to the courts for more information) and sharing the initial error rate data with UDVC;
  - conducting monthly protective order data audits to identify problems and improvements in rural locations;
  - providing monthly updates to UDVC about the protective order data audits and what problems and improvements were identified;
  - completing a final assessment of the protective order submission error rate in the targeted rural counties at the end of the project and sharing the results with UDVC;
  - training court staff and judicial officers in the targeted rural counties about protective order requirements and best practices;
  - training court staff and judicial officers in the targeted rural counties about domestic violence, sexual violence, dating violence, and stalking; and
  - recommending policy and rule changes for the Utah Courts to support the correct collection of information from protective orders for NCIC.
  
- 3) The Utah Domestic Violence Coalition and the Administrative Office of the Courts will collaborate in the following manner by:

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- developing a community needs assessment for Utah’s Native American Nations to determine what barriers exist for the Nations to submit protective orders to NCIC and/or register protective orders with the Utah Domestic Violence Network (statewide system);
- compiling and analyzing the data from the community needs assessment;
- developing a plan of action to address these barriers within the Native American Nations;
- developing and administering trainings about criminal and civil protective order information requirements to prosecutors, victim advocates, court staff and judicial officers in rural counties; and
- training prosecutors to utilize the criminal protective order templates in case management software to ensure proper data collection for NCIC.

## V) *Timeline*

The roles and responsibilities described above are contingent on the Utah Domestic Violence Coalition receiving funds requested for the project described in the OVW grant application. Responsibilities under this Memorandum of Understanding would coincide with the grant period, anticipated to be 10/01/2021 through 09/30/2024.

## VI) *Commitment to Partnership*

- 1) The collaboration service area includes Uintah County, Duchesne County, Daggett County, Emery County, Carbon County, Grand County, San Juan County, Washington County, Sevier County, Wayne County, and Piute County in the state of Utah.
- 2) The partners agree to collaborate and provide improved access to protective orders to victims of domestic violence, dating violence, sexual violence, and stalking pursuant to the program narrative of the grant application attached to this agreement.
- 3) Compensation for [non-lead] partners' contribution to this project will be provided as outlined in the attached OVW budget detail worksheet. Each project partner has reviewed the budget, is aware of the total amount being requested, and is being fully compensated for their work under the grant.
- 4) This MOU is not considered a binding document. The funding from UDVC is contingent upon their receipt of grant funds from OVW. If approved by OVW, UDVC will submit a sub-recipient award agreement to the AOC. The sub-recipient award agreement would then be the binding agreement between UDVC and the AOC and it will be circulated to the Judicial Council for final approval before accepting award funds.
- 5) We, the undersigned have read and agree with this MOU. Further, we have reviewed the proposed project and approve it.

By \_\_\_\_\_  
Director, Utah Domestic  
Violence Coalition  
Date \_\_\_\_\_

By: \_\_\_\_\_  
Director, Administrative Office of  
the Utah Courts  
Date \_\_\_\_\_