

## **Supreme Court seeks public comment on proposed rule amendments for domestic violence protection actions**

November 20, 2009

The Mississippi Supreme Court is seeking public comment on proposed rule amendments which address court proceedings related to protection from domestic violence. The proposed amendments would provide standardized procedures in domestic abuse protection actions.

Dec. 7 is the deadline for submitting comments to the proposed rule amendments. Comments should be filed with the Clerk of the Supreme Court, Gartin Justice Building, P.O. Box 249, Jackson, Mississippi 39205.

The office of the Mississippi Attorney General sought the rule changes in a petition filed Oct. 6, 2009.

A copy of the petition and proposed rules is available on the web site of the State of Mississippi Judiciary at

[http://www.mssc.state.ms.us/rules/rulesforcomment/2009/petition\\_to\\_amend.pdf](http://www.mssc.state.ms.us/rules/rulesforcomment/2009/petition_to_amend.pdf).

Special Assistant Attorney General Heather Wagner in the petition to amend court rules said, "The amendments will provide litigants, attorneys and the courts with a roadmap for guiding actions for protection against domestic abuse through the courts."

Wagner, director of the Attorney General's Domestic Violence Division, stated in the petition that some existing court rules are inconsistent with statutory requirements. "The conflict between the Rules and the statutes leads to uncertainty and confusion on the part of litigants, attorneys and the courts as to the proper procedures to be utilized in Domestic Abuse Protection actions. Changes to the rules which govern practice in the Chancery, County and Justice courts are necessary to ensure consistency," Wagner wrote.

"As a result of the uncertainty, lack of procedures and uniformity between the courts, and inconsistencies between the statutes governing domestic abuse protection orders and the court rules, many victims of domestic violence are not able to access the courts to obtain the protections afforded by law in a timely and meaningful manner," Wagner wrote.

The Mississippi Supreme Court last year created a commission to study laws and rules related to domestic abuse. The Commission for Study of Domestic Abuse Proceedings made 10 recommendations in a report finalized in December 2008. The Study Commission report identified three areas of concern: lack of adequate access of victims to the courts, lack of uniformity in proceedings and pleadings, and confusion in the interaction between the courts having jurisdiction in domestic abuse proceedings.

Wagner said in the petition, "Many of the changes recommended in this petition are a result of the discussions and suggestions of this Commission to achieve balance in the competing interests of victim access and safety, and maintenance of the integrity of the judicial system."

The Mississippi Supreme Court has rule-making authority over all state courts. The Supreme Court Rules Committee on Practice and Procedure will take into account the public comments before it makes recommendations to the full court for rule changes.

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