

FAMILY VIOLENCE

LEGISLATIVE UPDATE

A CONRAD N. HILTON FOUNDATION PROJECT

The *Model Code on Domestic and Family Violence* is the result of a three-year project, funded by the Conrad N. Hilton Foundation, which analyzed state legislation on family violence and developed a comprehensive model code to address family violence issues facing communities across the country. Since the *Model Code* was published in 1994, it has been distributed to and used by many organizations and individuals in the public arena who are seeking legislative and policy solutions to the problem of family violence.

The Hilton Foundation's interest and involvement in reducing and preventing family violence has not

ended with the development of the *Model Code*. The Foundation continues to provide funding to ensure that professionals working in the area of family violence in every state are aware of the *Model Code*, to assist with implementation of the *Model Code*, to document legislative changes in states, and to provide annual updates of new state family violence legislation for those working in the fields of family violence and legislation.

This publication is the sixth annual update and addresses the year 2000 legislative changes made by the states in the area of family violence.

National Council of Juvenile & Family Court Judges

Hon. Stephen B. Herrell, Acting Executive Director



FAMILY VIOLENCE

LEGISLATIVE UPDATE

Family Violence Database Available

Thanks to continued financial support from the Conrad N. Hilton Foundation, the Family Violence Department of the National Council of Juvenile and Family Court Judges has been able to maintain and update its family violence statutes database. This database contains all domestic violence-related statutes from the 50 states, District of Columbia, and many U.S. Territories. The database is updated as legislation is added, deleted, or amended in each jurisdiction's legislative sessions.

This database has been developed in

conjunction with the *Model Code on Domestic and Family Violence*, and will be helpful to persons interested in researching a particular area of the law which addresses family violence. The Family Violence Department staff will be able to provide information on any existing state statute that deals with the specific topic in question. Information contained in the statutes database is available upon request and now is available on the department's web site, www.nationalcouncilfvd.org.

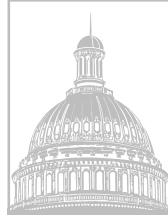
National Council of Juvenile & Family Court Judges



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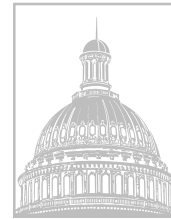
FAMILY VIOLENCE

LEGISLATIVE UPDATE

INTRODUCTION AND OVERVIEW

by Meredith Hofford

During the year 2000 legislative sessions, the states once again enacted significant domestic violence legislation. States were especially active in the criminal law arena, addressing the safety of victims and children and the accountability of perpetrators through a variety of provisions. For example, several states expanded the conditions under which a warrantless arrest can be issued; and a number of others broadened the pool of officers empowered to effect such arrests. Alabama, Missouri, and Tennessee created a separate crime of domestic violence; Michigan lengthened the statute of limitations for domestic violence assault; and seven states—Alabama, Alaska, Connecticut, Florida, Illinois, Minnesota, and South Dakota—imposed statutory pre-trial release restrictions. Also popular this year were measures to enhance penalties for repeat offenders, to shield the identifying information of victims and children, and to expand the definition of those protected by domestic violence legislation to include parties in or formerly in a dating relationship. Finally, the states enacted a considerable number of measures aimed at prevention and intervention. Several states required extensive education for a wide variety of system players; and four states—California, Colorado, Idaho, and Kentucky—enacted legislation concerning certification of or standards for batterers intervention programs.



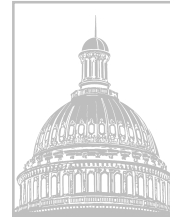
Congratulations to all of the states for their efforts to enact laws designed to protect victims of domestic or family violence and their children and to offer appropriate services to all family members, as well as to hold batterers accountable. Several *Model Code* states were especially active in their year 2000 sessions. Alabama added a number of new criminal statutes to its arsenal and enacted legislation to protect victims from insurance discrimination on the basis of their status as victims. Arizona expanded its classifications of individuals eligible for protection order coverage, allowed an employer to secure protection order coverage for employees, enacted a rebuttable presumption against awarding custody to a parent who committed domestic violence, and put in place other measures to protect children in visitation decisions involving domestic violence. Colorado created a domestic violence offender management board empowered to engage in measures to ensure effective batterer intervention and protection of victims and adopted a measure to recognize, honor, and memorialize victims of domestic violence in the state. Wyoming enacted several custody and visitation provisions and broadened the relief available in an order of protection.

INTRODUCTION AND OVERVIEW

The general trends of the 2000 legislation appear in the summaries below. States showed a remarkable amount of creativity this year, making it more difficult than usual to reduce to categories the legislation they enacted. Details of trends and individual state accomplishments appear in the charts and state summaries following the introduction.

CONFIDENTIALITY OF IDENTIFYING INFORMATION

Twelve states enacted laws to prohibit the disclosure of identifying information in cases where such disclosure might endanger the safety of domestic violence victims or their children. Some of these states include California, which acted to protect victims' e-mail addresses; Georgia to prevent disclosure by insurance companies; Iowa to allow for address protection; Kentucky and Louisiana to provide for confidentiality of rape crisis center records or certain information related to victims of sex offenses; Michigan to afford confidentiality in name change petitions; Rhode Island to shield information disclosed in child support actions; and Wisconsin to protect voting registers. Missouri created a privilege between victims and domestic violence advocates, and Pennsylvania between victims of sexual assault and their counselors.



ENHANCED CRIMINAL PENALTIES

Eight states enacted statutes to heighten offender accountability by enhancing criminal penalties for second or subsequent convictions for domestic violence-related crimes. Among them, Colorado provided that three convictions for individual acts of domestic violence constitute the designation habitual offender; Minnesota required that a conviction for a crime of domestic violence committed as a juvenile be included in triggering an enhanced penalty; and Mississippi enacted enhanced penalties for subsequent stalking crimes.

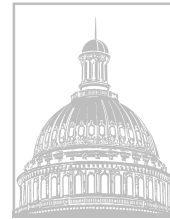
UCCJEA

Six states this year enacted the Uniform Child Custody Jurisdiction and Enforcement Act, to protect victims of domestic violence and their children better, while at the same time safeguarding the due process rights of all parties to a custody action involving multiple jurisdictions. These states are Arizona, Colorado, Idaho, Kansas, Utah, and West Virginia.

INTRODUCTION AND OVERVIEW

CUSTODY/VISITATION

Several states enacted far-reaching custody and visitation legislation designed to safeguard children in violent families. Arizona made the safety of the victim and child the primary factor for courts to consider, enacted a rebuttable presumption against custody for a perpetrator of domestic violence, allowed the court to consider whether a parent's absence or relocation is owing to domestic violence, prohibited an order of joint counseling between a victim and a perpetrator, and required the court to place such restrictions on visitation as best protect the child and the victim. Michigan enacted legislation designed to protect the safety of newborns in custody decisions. Ohio enacted legislation to restrict or terminate parental rights and access to a child by one parent convicted for the death of the other. Oklahoma took steps to protect children in a protection order setting by authorizing courts to suspend existing visitation rights or to require supervised visitation. Wyoming restricted the court's authority to award visitation where protection orders exist and put in place a number of protective measures courts can order if visitation is granted; and it included spousal abuse as a factor for courts to consider in weighing the best interest of the child.



INSURANCE

Seven states—Alabama, Arizona, Georgia, Kentucky, Maryland, Missouri, and Wisconsin—enacted legislation preventing insurance companies from discriminating in practice or procedure against victims of domestic violence.

FATALITY REVIEWS

Five states—Florida, Iowa, Minnesota, Tennessee, and Washington—legislated measures to create or institutionalize teams to perform reviews of domestic violence-related deaths. Kentucky authorized local domestic violence coordinating councils, which can create domestic violence fatality review teams.

FULL FAITH AND CREDIT

Four states—Hawaii, Illinois, Iowa, and Wyoming—provided that protection orders issued by other jurisdictions must be enforced within their borders.

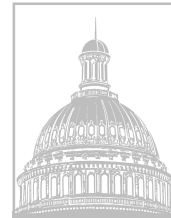
OTHER LEGISLATION OF NOTE

- Arizona, Kentucky, Minnesota, Missouri, and South Carolina enacted provisions to establish state or local commissions, task forces, or coordinating councils on domestic violence.
- Arizona and Georgia authorized employers to obtain on behalf of an employee a protective order that prohibits violence at the workplace or while the employee is

INTRODUCTION AND OVERVIEW

acting within the scope of employment. California also enacted a number of measures to protect victims of domestic violence in their employment. Provisions include requiring personnel leave and benefits policies to be sensitive to the needs of victims; disciplining employees who perpetrate domestic violence; shielding the confidentiality of victim employees; and protecting victims from being discharged for missing time from work on account of domestic violence.

- Connecticut enacted provisions to protect immigrant victims of domestic violence.
- Indiana authorized county sheriffs to disburse funds for prevention measures.
- Kentucky enacted requirements for domestic violence training for a wide range of medical and mental health personnel and for law enforcement officers.
- Michigan protected domestic violence advocates and court clerks from being charged with the unauthorized practice of law in lending certain assistance to victims; and it mandated the availability of independent advocacy for victims.
- Minnesota enacted far-reaching measures aimed at protecting children and their non-abusive parents in welfare agency caseloads and removed from its statutory definition of neglect the exposure of children to domestic violence.
- Missouri enacted a broad range of criminal provisions aimed at protecting victims of stalking and at punishing offenders.
- South Carolina enacted mandatory training for law enforcement officers on a comprehensive list of procedures to use in handling domestic violence cases.
- Many states authorized funding provisions for domestic violence programs or services. These provisions are not included in this update.



OUR DEEPEST APPRECIATION

Once again we extend our deepest appreciation to the advocates and legislative councils in every state who assisted us in gathering this information. Although we have made every effort to ensure the accuracy of this document, we receive new information almost daily. Please accept our sincere apology for any errors or omissions. We would appreciate having these brought to our attention, together with any suggestions you may have for making the document more valuable to you.

The National Council's Family Violence Department would like to thank everyone who is working so hard to end domestic and family violence in all families.

2000 STATE LEGISLATION *

STATE	Definitions	Criminal Penalties & Procedures	Civil Orders For Protection	Family & Children	Prevention & Treatment	Miscellaneous
Alabama	X	X				X
Alaska		X				
Arizona	X	X	X	X	X	X
Arkansas						
California	X	X			X	X
Colorado		X	X		X	X
Connecticut		X		X		X
Delaware						X
Dist. of Columbia						X
Florida		X				X
Georgia	X	X	X		X	X
Hawaii	X		X			
Idaho	X	X	X		X	X
Illinois	X	X	X			X
Indiana		X			X	
Iowa	X		X		X	X
Kansas	X			X		X
Kentucky	X	X			X	X
Louisiana		X		X		
Maine		X				X
Maryland	X		X			X
Massachusetts		X				
Michigan	X	X				X
Minnesota	X	X	X	X	X	X
Mississippi	X	X				X
Missouri	X	X	X		X	X

STATE	Definitions	Criminal Penalties & Procedures	Civil Orders For Protection	Family & Children	Prevention & Treatment	Miscellaneous
Montana						
Nebraska						X
Nevada						
New Hampshire	X	X	X	X		X
New Jersey						X
New Mexico						
New York		X				X
North Carolina		X		X		
North Dakota						
Ohio	X	X		X		
Oklahoma	X	X	X			
Oregon						
Pennsylvania	X	X	X			X
Rhode Island	X	X	X			X
South Carolina					X	
South Dakota		X	X			
Tennessee	X	X	X	X	X	X
Texas						
Utah	X	X				X
Vermont	X	X				X
Virginia		X	X	X		
Washington		X	X	X	X	
West Virginia	X	X				X
Wisconsin						X
Wyoming	X	X	X	X		

* This chart represents legislation which was passed during the 2000 legislative sessions only and includes some states' continuing efforts in these subject areas. It is not a cumulative chart and does not include laws enacted in prior legislative sessions.

2000 LEGISLATIVE TRENDS *

	Considerations for Confidentiality of Information	Batterer Intervention Program Standards or Certification	Domestic Violence Fatality Review Teams	UCCJEA
Alabama				X
Alaska				
Arizona				X
Arkansas				
California	X	X		
Colorado		X		X
Connecticut				
Delaware				
Dist. of Columbia	X			
Florida	X		X	
Georgia	X			
Hawaii				
Idaho	X	X		X
Illinois				
Indiana				
Iowa	X		X	
Kansas				X
Kentucky	X	X	X	
Louisiana	X			
Maine				
Maryland				
Massachusetts				
Michigan	X			
Minnesota			X	
Mississippi				
Missouri	X			

Full Faith and Credit	Prohibition Against Discriminatory Insurance Practices or Procedures	Restrictions on Pre-trial Release	Enhanced Criminal Penalties	Expanded Definition of Domestic Violence
	X	X		X
		X	X	
	X		X	X
			X	X
			X	
		X		
	X			
		X		
X	X			
				X
X		X		
X				
	X		X	
	X			
			X	
				X
		X	X	X
			X	X
	X		X	X

*This chart represents legislation which was passed during the 2000 legislative sessions only and includes some states' continuing efforts in these subject areas. It is not a cumulative chart and does not include laws enacted in prior legislative sessions.

2000 LEGISLATIVE TRENDS *

	Considerations for Confidentiality of Information	Batterer Intervention Program Standards or Certification	Domestic Violence Fatality Review Teams	UCCJEA
Montana				
Nebraska				
Nevada				
New Hampshire	X			
New Jersey				
New Mexico				
New York				
North Carolina				
North Dakota				
Ohio				
Oklahoma				
Oregon				
Pennsylvania	X			
Rhode Island	X			
South Carolina				
South Dakota				
Tennessee			X	
Texas				
Utah				X
Vermont	X			
Virginia				
Washington	X		X	
West Virginia				X
Wisconsin	X			
Wyoming				

Full Faith and Credit	Prohibition Against Discriminatory Insurance Practices or Procedures	Restrictions on Pre-trial Release	Enhanced Criminal Penalties	Expanded Definition of Domestic Violence
X			X	
X			X	X
				X
		X		
			X	X
				X
				X
	X			
X			X	X

*This chart represents legislation which was passed during the 2000 legislative sessions only and includes some states' continuing efforts in these subject areas. It is not a cumulative chart and does not include laws enacted in prior legislative sessions.

ALABAMA



LEGISLATURE MEETS:

Annually, with different starting times depending on the year. The Alabama constitution limits sessions to 30 legislative days within 105 calendar days.

DEFINITIONS:

In § 15-10-3, providing for warrantless arrest for an offense involving domestic violence, the definition of “family, household, or dating or engagement relationship members” is amended no longer to include persons related by blood.

§ 30-3-130, regarding child custody and domestic or family abuse, is amended to include an incident of domestic violence in the first, second, or third degree in the definition of “domestic or family abuse.”

CRIMINAL PENALTIES AND PROCEDURES:

§§ 13A-6-130—13A-6-132 are added to create the crimes of domestic violence in the first, second, and third degrees and to provide penalties where a person commits the crime of assault, or other designated crime, and the victim is a:

- current or former spouse,
- parent,
- child,
- any person with whom the defendant has a child in common,
- present or former household member, or
- person who has or had a dating or engagement relationship with the defendant.

§ 13A-6-133 is added to make the crimes of domestic violence in the first, second, and third degrees subject to warrantless arrest and to require that upon such arrest the accused be charged with a crime of domestic violence.

§ 13A-6-134 is added to require law enforcement to determine who was the primary aggressor when the officer receives a



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complaint of domestic violence from two or more persons. In making such determination, the officer is required to consider the following:

- prior complaints of domestic violence,
- the relative severity of the injuries inflicted on each person,
- the likelihood of future injury to each person, and
- whether one of the persons acted in self-defense.

The law further prohibits the officer from threatening, suggesting, or otherwise indicating the possibility of arrest of all parties as an attempt to discourage the request for police intervention. Nor shall the officer base the decision to arrest on the consent or request of the victim or on the officer's perception of the willingness of the victim or witness to the domestic violence to testify or otherwise participate in a judicial proceeding.

§ 13A-10-15 is enacted to create the crime of making a terrorist threat. An act that constitutes a terrorist threat means threatening by any means to commit any crime of violence or to damage any property and includes intentionally or recklessly terrorizing another person, or doing so with the intent to retaliate against any person who provides to a law enforcement officer, probation officer, prosecuting attorney, or judge any information relating to a violation of conditions of bail, pretrial release, probation, or parole. The crime of making a terrorist threat is a class C felony.

§ 15-13-190 is created to provide that a person arrested for an offense involving domestic violence who strikes, shoves, kicks, or otherwise touches another person or subjects that other person to physical contact, or is charged with a violation of a protection order, may not be released on bail until after an appearance before a judge or magistrate within 12 hours of the arrest. The law authorizes the court to impose conditions of release or bail to protect the alleged victim of domestic violence or the person protected by a protection order, and to ensure the appearance of the defendant at a subsequent court proceeding.

ALABAMA



Such conditions may include, but are not limited to, the following:

- enjoining the defendant from threatening to commit or committing acts of domestic violence against the alleged victim;
- prohibiting the defendant from telephoning, contacting, or otherwise communicating with the alleged victim with the intent to harass, either directly or indirectly;
- ordering the defendant to stay away from the home of the alleged victim, when the defendant and alleged victim are not residents of the same home, and ordering the defendant to stay away from any other location where the alleged victim is likely to be;
- prohibiting the defendant from possessing a firearm or other weapon specified by the court, except when such weapon is necessary for employment as a peace officer or military personnel; and
- issuing any other order or modification of orders required to protect the safety of the alleged victim or to ensure the appearance of the defendant in court.

MISCELLANEOUS:

The Domestic Abuse Insurance Protection Act, §§ 27-55-1—27-55-9, is enacted to prohibit insurance companies from engaging in unfair discriminatory acts or practices on the basis of an applicant's or insured's abuse status or on the basis of any association, relationship, or assistance to the "subject of abuse," defined as a person, including a minor child, against whom an act of abuse has been committed and who:

- has current or prior injuries, illnesses, or disorders that resulted from an act of abuse, or
- has sought (1) medical or psychological treatment for abuse or (2) court-ordered protection or shelter from abuse at a domestic violence center.

The Act also provides for a private cause of action and recovery of damages and other remedies.



ALASKA

LEGISLATURE MEETS:

Annually starting in January and normally ending in May.

CRIMINAL PENALTIES AND PROCEDURES:

§ 12.55.155 is amended to create an aggravating factor for the commission of domestic violence in the physical presence or hearing of a child under 16 years of age who was, at the time of the offense, living within the residence of the victim, the residence of the perpetrator, or the residence where the crime involving domestic violence occurred.*

§ 12.30.029 is added to require the court to consider the safety of the alleged victim prior to ordering release before trial of a person charged with sexual abuse or sexual assault. The law also empowers the court to impose any conditions authorized under AS 12.30.020 and other conditions necessary to protect the alleged victim and the public and to assure the appearance of the defendant in court, including ordering the defendant to:

- have no contact with the alleged victim, except as specifically allowed by court;
- reside in a place where the defendant is not likely to come into contact with the alleged victim; and
- take any prescribed medication.

*Some domestic violence experts recommend working within the parameters of existing laws rather than enacting new legislation that may be more beneficial to prosecutors and law enforcement than the child witnesses they are seeking to protect. Further, the ramifications of such legislation for victims and their children remain uncertain.

ARIZONA



LEGISLATURE MEETS:

Annually starting in January and normally ending in April.

DEFINITIONS:

§§ 13-3601 and 20-448 are amended to remove the requirement for the purpose of protection orders that the parties be of the opposite sex and to extend the protections under the statutes to:

- a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant;
- step-parents and step-grandparents; and
- persons whose relationship is established by court order.

CRIMINAL PENALTIES AND PROCEDURES:

§ 13-702 is amended to provide enhanced penalties for committing a crime of domestic violence in the presence of a child.*

§§ 12-1809 and 13-3602 are amended to allow a correctional officer who is acting in the officer's official capacity to serve an injunction.

§ 13-3601 is amended to provide for enhanced penalties for committing a crime of domestic violence against a pregnant victim, knowing that the victim is pregnant.

§ 13-3602 is amended to allow a municipal or justice court to hear all matters relating to its ex parte order of protection, so long as the court has no notice of another related action pending in superior court.

§ 31-403 is enacted to allow an inmate who is convicted of a prepatory or homicide offense before September 30, 1992 to petition the Board of Executive Clemency for a sentence review if the inmate suffers from "battered woman syndrome" as a result of the victim's acts and if additional criteria are met.



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§ 13-3101 is amended to prohibit a person on probation for a domestic violence offense or a felony offense from possessing a firearm.

CIVIL ORDERS FOR PROTECTION:

§12-1810 is enacted to allow an employer or an authorized agent of an employer to file for an injunction against workplace harassment to protect the employer, the workplace, the employer's employees, or any other person who is on or at the employer's property or place of business or who is performing official work duties.

FAMILY AND CHILDREN:

§ 25-403, a child custody statute, is amended to:

- require the court to consider as primary the safety and well-being of the child and of the victim of the act of domestic violence;
- create a rebuttable presumption against awarding custody to the parent who committed the act of domestic violence;
- require the court to place conditions on visitation that best protect the child and the other parent from further harm;
- allow the court to consider whether one parent's absence or relocation was caused by an act of domestic violence by the other;
- prohibit the court from ordering joint counseling between the victim and the perpetrator of domestic violence.

§ 25-315, relating to temporary orders or preliminary injunctions, is amended to permit a party to request an order for equal possession of the liquid assets of the marital property and allows the court to order such possession of the liquid assets that existed on the date the petition for dissolution, legal separation, or annulment was served, unless the court finds that good cause exists not to divide those assets.

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PREVENTION AND TREATMENT:

S.B. 1303 is enacted to create a domestic violence and sexual assault state plan task force whose purpose is to develop a consolidated state plan to ensure coordinated and efficient use of resources to address domestic violence and sexual assault prevention, prosecution, and supportive services to victims.

MISCELLANEOUS:

§§ 25-1001 - 25-1067, relating to the Uniform Child Custody Jurisdiction and Enforcement Act, are enacted and combine rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

§ 20-448 is amended to expand the protections against the use of domestic violence as a basis to deny, refuse, refuse to renew, restrict, cancel, exclude, or limit insurance coverage or charge a different rate for the same coverage.

S.B. 2199 is enacted and eliminates the requirement of post-shelter status in order for the Department of Economic Security to provide vouchers to victims of domestic violence who are eligible for or who are receiving temporary assistance to needy families or Arizona works assistance.

§ 32-2622 is amended to include a conviction for any crime involving domestic violence among the restrictions barring an applicant from obtaining an armed security guard registration certificate.

§ 36-897.03 is amended to prevent a person who:

- is awaiting trial for,
- has been convicted of, or
- has admitted in open court or pursuant to a plea agreement to committing one of the enumerated crimes, including an



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offense involving domestic violence, from working in a child care group home unless the person has applied for and received the required fingerprint clearance card.

§ 36-3008 is amended to require the Department of Health Services (DHS) to notify the Department of Public Safety if the DHS receives credible evidence that a person who possesses a valid class one or class two fingerprint clearance card and is employed or volunteers for a shelter for victims of domestic violence has been arrested for or charged with a stated crime or has falsified information on a required form.

§ 36-883.02 is amended to prevent a person who:

- is awaiting trial for,
- has been convicted of, or
- has admitted in open court or pursuant to a plea agreement to committing one of the enumerated crimes, including an offense involving domestic violence, from working in a child care facility without direct visual supervision unless the person has applied for and received the required fingerprint clearance card. No person who is denied the fingerprint clearance card shall work in a child care facility.

*Some domestic violence experts recommend working within the parameters of existing laws rather than enacting new legislation that may be more beneficial to prosecutors and law enforcement than the child witnesses they are seeking to protect. Further, the ramifications of such legislation for victims and their children remain uncertain.

CALIFORNIA



LEGISLATURE MEETS:

Annually. Technically, the biennial session starts the first Monday in December of even-numbered years and adjourns *sine die* on midnight, November 30 of the next even-numbered year.

DEFINITIONS:

§ 836 of the Penal Code is amended to include, for purposes of arrest without a warrant, those acts of assault or battery upon a person with whom the suspect is having or previously has had a dating relationship.

CRIMINAL PENALTIES AND PROCEDURES:

§ 1107 of the Evidence Code is amended to provide that evidence regarding the nature and effect of physical, emotional, or mental abuse on the beliefs, perceptions, or behavior of victims of domestic violence is admissible. The definition of “abuse” is amended to include the crimes of:

- battery,
- rape of a spouse,
- infliction of corporal punishment on a person with whom he or she has a domestic relationship or a child,
- intentional violation of a protective order,
- issuance of terrorist threats, as defined, and
- annoying a person by means of a telephone or electronic communications.

The section is to be known as the Expert Witness Testimony on Battered Women’s Experiences.

§ 13701 of the Penal Code is amended to add “dominant” to the aggressor determination required of a law enforcement officer when responding to a domestic violence incident.

§ 602.5 of the Penal Code is amended to provide that anyone, other than an authorized public officer or employee, who enters a private residence without permission of the owner while the



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owner or another authorized person is present is guilty of aggravated trespass punishable by imprisonment in a county jail for not more than one year or by a fine of not more than one thousand dollars, or by both. If the person is convicted of misdemeanor aggravated trespass, the court shall consider issuing an order restraining the defendant from any contact with the victim, which may be valid for up to three years. In determining the length of the restraining order, the court shall consider:

- the seriousness of the facts before the court,
- the probability of future violations, and
- the safety of the victim and his or her immediate family.

§ 646.92 of the Penal Code is amended to require notice of changes in parole status or location be given to a victim of stalking or felony offense involving domestic violence. The statute requires additional attempts to locate victims whose address or telephone number is incorrect or who originally had not requested notification.

§ 3003 of the Penal Code is amended to prohibit an inmate who is released on parole for an offense involving stalking from being returned to a location within 35 miles of the victim's actual residence or place of employment if requested by the victim and if there is a need to protect the life, safety, or well-being of the victim.

§ 3058.61 of the Penal Code is created to require additional victim notification requirements when a person convicted of stalking is to be released.

§ 646.9 of the Penal Code is amended to provide for enhanced penalties for subsequent stalking violations.

§ 646.94 is added to the Penal Code to ensure that any parolee convicted of a stalking violation and who is considered a high

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risk for committing a repeat stalking offense be placed on an intensive and specialized parole supervision program.

§ 1109 of the Evidence Code is amended to allow evidence of prior acts of abuse of an elder or a dependent adult to be admitted to prove the defendant's conduct when the defendant is accused of domestic violence or abuse of an elder or a dependent adult.

§ 1191.21 is added to the Penal Code to require the Office of Criminal Justice Planning to develop and make available a "notification of eligibility" card for victims and derivative victims of specified crimes. Such notice includes information relating to the victim's eligibility to receive payment from the California State Restitution Fund for losses directly resulting from the crime.

PREVENTION AND TREATMENT:

§ 1203.098 of the Penal Code is created to mandate minimum training requirements and continuing education requirements for facilitators in batterers' intervention programs.

§ 3071 is added to the Penal Code to require the Department of Corrections to implement a course of instruction for the training of parole officers in the management of parolees who were convicted of stalking. The court must include instruction on notifying and interacting with stalking victims.

§ 13519.05 is added to the Penal Code to require the Commission on Peace Officer Standards and Training to implement a course or courses for the training of officers in the handling of stalking complaints and to develop guidelines for law enforcement response to stalking.



CALIFORNIA

MISCELLANEOUS

The Victims of Domestic Violence Employment Leave Act (L.2000, § 1, c. 487 (AB 2357)) is created and sets forth several legislative declarations, which include:

- Domestic violence is a crime that has a devastating effect on families, communities, and the workplace.
- Victims of domestic violence may be vulnerable at work when trying to end an abusive relationship because the workplace may be the only place where the batterer knows to contact the victim.
- Employers must be sensitive to the needs of employees who are experiencing domestic violence and be responsive to those needs through personnel leave and benefits policies.
- Employees who commit acts of domestic violence at or away from the workplace should be disciplined in the same manner as employees who commit other acts of violence or harassment at or away from the workplace.

§§ 230 and 230.1 of the Labor Code now require an employer to maintain the confidentiality of any employee who is a victim of domestic violence and who requests leave under these provisions. These laws also require the employer who is a victim of domestic violence to give the employer reasonable advance notice of the employee's intention to take time off, as a condition for missing work for one of the stated purposes, unless such notice is not feasible.

§ 230.1 is enacted to provide that in addition to the requirements and prohibitions imposed under § 230, an employer with 25 or more employees is prohibited from discharging, discriminating, or retaliating against an employee who is a victim of domestic violence and who takes time off to:

- seek medical attention for injuries caused by domestic violence;
- obtain services from a domestic violence shelter, program, or

CALIFORNIA



- rape crisis center as a result of domestic violence;
- obtain psychological counseling related to the experience of domestic violence; or
- participate in safety planning and take other actions to increase safety from future domestic violence, including temporary and permanent relocation.

§ 1277 of the Code of Civil Procedure is amended to provide that when a participant in the domestic violence confidentiality program petitions for a change of name, the petition, the order of the court, and the copy of the order to be published shall indicate, in lieu of the proposed name, that the name is confidential and on file with the Secretary of State.

§ 1278 of the Code of Civil Procedure is amended to prohibit the court from disclosing the proposed name of a participant in the domestic violence confidentiality program who petitions for a change of name, unless the court finds by clear and convincing evidence that the allegations of domestic violence or stalking in the petition are false.

Chapter 3.1, commencing with § 6205, of the Government Code is amended to add victims of stalking to the provisions relating to the program for Address Confidentiality for Victims of Domestic Violence and Stalking.

§ 6206.4 of the Government Code is created to prohibit the Secretary of State from disclosing the name changes of participants in the confidentiality program.

§ 6206.7 of the Government Code is amended to remove from the reasons to terminate certification under the confidentiality program the fact that the participant obtained a legal name change. The statute also is amended to eliminate the provision that allows the Secretary of State to disclose information about a participant in the confidentiality program when the person is



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terminated from the program.

§ 6208 of the Government Code is amended to prohibit the Secretary of State from making a program participant's name change available for inspection or copying, except under certain enumerated circumstances.

§ 2166.5 of the Elections Code is amended to include a person's e-mail address among the information to be kept confidential, provided the person is a participant in the confidentiality program.

§ 1808.21 of the Vehicle Code is amended to allow the suppression of registration or driver's license records to be continued for two additional periods of one year each if a letter is submitted to the Department of Motor Vehicles stating that the protected person continues to have a reasonable cause to believe that:

- he or she is the subject of a stalking, or
- there exists a threat of death or great bodily injury.

COLORADO



LEGISLATURE MEETS:

Annually starting in January. The sessions are limited to 120 calendar days.

CRIMINAL PENALTIES AND PROCEDURES:

§ 18-6-801 is amended to provide that the prosecuting attorney may petition the court to adjudge a person an habitual domestic violence offender who has been convicted three separate times for distinct and separate crimes involving domestic violence.

§ 18-9-111 is amended to include certain communications by computer, computer network, or computer system as harassment and to include electronic mail or other electronic communication as a means of establishing that the prohibited act was made or received.

CIVIL ORDERS FOR PROTECTION:

§ 13-14-102 is amended to give any authorized municipal court of record, any county court, and any district court original concurrent jurisdiction to issue a temporary or permanent civil restraining order against an adult or against a juvenile who is ten years of age or older.

§ 13-14-102(2.5), regarding civil restraining orders, is created to provide that venue for filing a motion or complaint is proper in:

- any county where the acts that are the subject of the motion or complaint occur,
- any county where one of the parties resides, or
- any county where one of the parties is employed.

§ 13-14-102 is amended to provide that it is not necessary to reserve the defendant in order to make the restraining order permanent if:

- the defendant fails to appear before the court for the show cause hearing, and
- the court finds that the defendant was properly served with



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the temporary restraining order and such citation.

PREVENTION AND TREATMENT:

Article 11.8 is added to Title 16, regarding criminal proceedings, to provide for the management of domestic violence offenders on the premise that consistent and comprehensive evaluation, treatment, and continued monitoring of domestic violence offenders is necessary in order to work toward the elimination of recidivism by such offenders. The new article calls for the creation of a domestic violence offender management board whose membership will include two appointed representatives of domestic violence victims and victim organizations. The duties of the board shall include:

- adopting and implementing a standardized procedure for the treatment evaluation of domestic violence offenders, with the priority being the physical and psychological safety of victims and potential victims;
- adopting and implementing guidelines and standards for a system of programs for the treatment of domestic violence offenders;
- developing an application and review process for treatment providers and evaluators who provide services to domestic violence offenders;
- researching and analyzing the effectiveness of the treatment evaluation and treatment procedures and programs developed pursuant to this article, including developing and prescribing a system to track offenders who have been evaluated and treated and a system to monitor offender behaviors and offender adherence to prescribed behavioral changes.

§§ 18-6-801, 17-27.1-101, 17-2-201, and 16-11-204 are amended to require treatment or counseling for a domestic violence offender to be at a facility or with a person certified or approved by the domestic violence treatment board.

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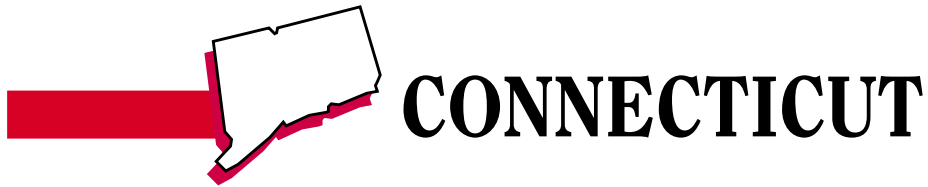


MISCELLANEOUS:

SJR 16 is adopted to:

- honor all of the mothers of Colorado;
- honor and recognize those mothers in Colorado who persevere in the face of the daunting and often unrecognized challenge of raising children in an environment of domestic violence;
- thank those individuals and groups throughout the state working toward the identification and amelioration of domestic violence in communities in the state for the purpose of promoting the health and well-being of all mothers, children, and families of Colorado; and
- remember the mothers of Colorado whose lives were cut short by domestic violence.

§§ 14-13-101—14-13-112, relating to the Uniform Child Custody Jurisdiction and Enforcement Act, are enacted and combine rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.



CONNECTICUT

LEGISLATURE MEETS:

Annually. In odd-numbered years, sessions start in January and normally end in June. In even-numbered years, sessions start in February and normally end in May.

CRIMINAL PENALTIES AND PROCEDURES:

§ 54-63f is amended to prohibit a person who has been convicted of any offense involving the use, attempted use, or threatened use of physical force against another person from being released on bail pending final disposition of the case.

MISCELLANEOUS:

Title 17b, regarding state-funded assistance to legal immigrants, is amended to include among those eligible for assistance an alien who formerly held the status of “permanently residing under color of law” and who is a victim of domestic violence or who has mental retardation.

DELAWARE



LEGISLATURE MEETS:

Annually starting in January and ending in June.

MISCELLANEOUS:

§ 3315 of Title 19 is amended to provide that a person who leaves work because of circumstances directly resulting from domestic violence shall not be disqualified from receiving unemployment insurance benefits based on such reason for separation from work.

§ 9002 of Title 11 is amended to expand the list of those who are eligible for compensation to crime victims to include:

- foster children, in the definition of “child;”
- stepparents, grandparents, half-siblings, fiances, caretakers of the victim, parents of the victim’s spouse, or any other person who resided in the victim’s household at the time of the crime or at the time of the discovery of the crime, in the definition of “secondary victims;”
- stalking or endangering the welfare of a child, in the definition of “crime.”

§ 9002 of Title 11 is amended to expand the list of expenses eligible for compensation to crime victims, including, but not limited to:

- temporary housing not to exceed \$1500;
- essential personal safety property not to exceed \$1500;
- childcare, security deposit, and first month’s rent, and used furniture costs not to exceed \$1200 for victims of domestic violence who are leaving transitional housing;
- loss of support for victims of domestic violence, not to exceed \$3000, when it is established that (1) the offender is incarcerated as a result of a crime, (2) the offender was gainfully employed at the time of such crime, and (3) the victim is fully or partially dependent on the income of the incarcerated offender; and
- the cost to change locks and replace items seized as evidence.

■ DISTRICT OF COLUMBIA*

LEGISLATURE MEETS:

Annually. Technically, the biennial session starts at the beginning of January of odd-numbered years and lasts through the beginning of January of the following odd-numbered year.

MISCELLANEOUS:

§ 16-925 is enacted to provide privacy protections for victims of domestic violence, applicable to the IV-D agency, executive branch agencies, and the Superior Court.

§ 3-421, regarding crime victim compensation, is amended to expand “economic loss” to include:

- reasonable cost of replacing doors, windows, locks, or other items to secure the victim’s home or other place of residence;
- reasonable costs of a rental car for the period of time that an automobile is being held by the police as evidence or to collect evidence;
- reasonable moving expenses where necessary for health or safety; and
- reasonable transportation expenses incurred by the victim or secondary victim to participate in court proceedings, to participate in the investigation or prosecution of the case, to obtain medical or mental health services, or to obtain any other services required as a direct result of the crime.

The provision also qualifies “economic loss” to exclude pain and suffering, the value of any property damaged or taken during the crime, and any services not designated.

§ 3-421, regarding crime victim compensation, is amended to include the following persons as “secondary victims:”

- person with close ties to the victim, or
- person who witnessed the crime.

* The year 2000 legislative changes included herein for the District of Columbia were enacted on an emergency basis. For the status of these changes, please contact the District of Columbia Office of the Secretary, Council of the District of Columbia.

FLORIDA



LEGISLATURE MEETS:

Annually starting in March. Sessions normally last for 60 calendar days.

CRIMINAL PENALTIES AND PROCEDURES:

§ 787.03, regarding interference with custody, is amended to:

- require a person who takes a minor child when fleeing domestic violence to comply with certain duties, including making a report to the sheriff's office or state attorney's office within 10 days, commencing a child custody proceeding within a reasonable time after taking the child, and informing the appropriate authorities of any change of address or telephone number of the person and child;
- provide that information given to sheriffs or state attorneys by persons who take minor children when fleeing from domestic violence or threats of domestic violence is confidential and exempt from public records requirements;
- create as an additional defense to the offense of interference with custody that the defendant was the victim of an act of domestic violence or had reasonable cause to believe that such interference was necessary to protect himself or herself from an act of domestic violence.

§ 907.041 is amended to prohibit a person charged with a dangerous crime, including an act of domestic violence, from being granted nonmonetary pretrial release at a first appearance hearing. However, the court retains discretion to release an accused on electronic monitoring or on a recognizance bond if the findings on the record of facts and circumstances warrant such a release.

MISCELLANEOUS:

§ 741.316 is enacted to provide for the establishment of domestic violence fatality review teams to review fatal and near-fatal incidents of domestic abuse.



FLORIDA

§ 741.3165 is enacted to provide that certain information obtained by, provided to, or produced by a domestic violence fatality review team is confidential and exempt from disclosure. The proceedings and meetings in which the identity of the victim or the victim's children is discussed are exempt from public meeting requirements.

§ 39.521, formerly 39.500, is amended to require the predispositional study in regard to a child dependency proceeding to provide the court with documented evidence of domestic violence or child abuse.

§ 960.07 is amended to provide that, regardless of when the crime occurred, a victim of a sexually violent crime may, within one year after the filing of a petition to institutionalize the person who committed the offense, file a claim for compensation for counseling or other mental health services. This provision applies only to petitions for involuntary civil commitments.

GEORGIA



LEGISLATURE MEETS:

Annually starting in January and lasts 40 legislative days, usually adjourning in mid-March.

DEFINITIONS:

§ 16-5-90, regarding stalking, is amended to expand the definition of “contact” to include communication by telephone, mail, broadcast, computer or computer network, or other electronic device. The definition of stalking is amended to include violating a bond to keep the peace, standing order, restraining order, protective order, or injunction or condition of pretrial release, condition of probation, or condition of parole prohibiting the harassment or intimidation of another person.

CRIMINAL PENALTIES AND PROCEDURES:

§ 17-4-40 is amended to require a warrant application hearing before a warrant for arrest can be issued for citizen warrants, unless:

- an immediate or continuing threat exists to the safety or well-being of the affiant or a third party, or
- the offense for which application for the warrant is made consists of an act of family violence.

CIVIL ORDERS FOR PROTECTION:

§ 19-13-4 is amended to prohibit the issuance or approval of mutual orders of protection, unless due process requirements have been met.

PREVENTION AND TREATMENT:

§ 20-2-314 is enacted to require the State Board of Education to develop a rape prevention and personal safety education program for grades eight through 12.

MISCELLANEOUS:

§ 33-6-4 is amended to prohibit discrimination by insurance companies against victims of family violence or those who



GEORGIA

provide shelter, counseling, or protection to such victims, and to prohibit the disclosure of confidential family violence information.

§ 34-1-7 is enacted to allow an employer, including a government employer, whose employee has suffered unlawful violence or a credible threat of violence at the employee's workplace, to seek a temporary restraining order and an injunction to prohibit further violence or threats of violence at the workplace or while the employee is acting within the course and scope of employment.

HAWAII



LEGISLATURE MEETS:

Annually starting in January and normally ending in April.

DEFINITIONS:

§ 586-1 is amended to include “dating relationship” in the definition of family or household member. “Dating relationship” is defined as a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature, but not including a casual acquaintanceship or ordinary fraternization between persons in a business or social context.

CIVIL ORDERS FOR PROTECTION:

§ 586-4, regarding temporary restraining orders, is amended to provide the following factors the court may consider in determining whether a dating relationship exists:

- length of the relationship,
- nature of the relationship, and
- frequency of the interaction between the parties.

§ 586-(A) through § 586-(F) are created to accord full faith and credit to any valid protective order issued by a court or tribunal of another state, tribe, or territory of the United States; to require enforcement of such orders; and to provide penalties for any violation of a foreign protective order entitled to full faith and credit.



IDAHO

LEGISLATURE MEETS:

Annually starting in January and normally ending in March.

DEFINITIONS:

§ 39-6303 is amended to include in the definition of domestic violence physical injury, sexual abuse, or forced imprisonment or threat thereof of a minor child by a person with whom the minor child has had or is having a dating relationship, defined as a social relationship of a romantic nature. Factors for the court to consider in making this determination include:

- nature of the relationship,
- length of time the relationship existed,
- frequency of interaction between the parties, and
- time since termination of the relationship, if applicable.

CRIMINAL PENALTIES AND PROCEDURES:

§ 18-920 is amended to provide that no-contact orders may be entered against persons convicted of certain crimes, including the crime of domestic violence.

§ 18-918 is amended to clarify that any household member who commits a battery and willfully and unlawfully inflicts a traumatic injury upon another household member is guilty of a felony.

§ 18-7008 is amended to provide that a person commits the crime of trespass if the person, without permission or invitation, returns and enters upon real property within one year after being notified to depart from the property.

CIVIL ORDERS FOR PROTECTION:

§ 39-6304 is amended to specify that a custodial or noncustodial parent or guardian may file a petition for a protection order on behalf of a minor child who is the victim of domestic violence.

IDAHO



§ 39-6310 is amended to provide that domestic violence protection orders may be served by certified mail if the defendant has appeared in person before the court and has waived personal service.

PREVENTION AND TREATMENT:

§ 18-918 is amended to require counseling or treatment of offenders of domestic violence to be conducted according to the standards established or approved by the Idaho Council on Domestic Violence and Victim Assistance.

MISCELLANEOUS:

§§ 32-11-101 - 32-11-405, relating to the Uniform Child Custody Jurisdiction and Enforcement Act, are enacted and combine rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

§ 9-340C is amended to exempt from disclosure, except in response to a court order, the records of the Department of Health and Welfare related to child support services in cases where reasonable evidence of domestic violence can be used to locate any individual in the child support case.

§ 5-247 is enacted to toll the statute of limitations on any civil action or proceeding brought by a victim of crime against the offender until one year after the offender has been released from any sentence of incarceration served for that crime and in full satisfaction of the sentence imposed.



ILLINOIS

LEGISLATURE MEETS:

Annually in January and normally ending in May.

DEFINITIONS:

720 § 135/1-1 and 1-2 are amended to include in the definition of the crime of harassment by telephone or electronic communication the making of a telephone call or electronic communication, or knowingly inducing another person to do such for the purpose of harassing a minor under 13 years of age, regardless of whether that minor consents to the harassment. This provision applies only if the defendant is at least 16 years of age at the time of the commission of the offense.

CRIMINAL PENALTIES AND PROCEDURES:

725 § 207/40 is amended to establish the following conditions of release for a sexually violent person:

- refrain from possession of a firearm or other dangerous weapon;
- comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986—a copy of which must be transmitted to the Department of Human Services by the clerk of the court; and
- refrain from having any contact, including written or oral communications, directly or indirectly, with certain specified persons, including the victim or the victim's family, and report any incidental contact within 72 hours.

Chapters 725 (Code of Criminal Procedure) and 730 (Unified Code of Corrections) are amended to authorize the court to order compliance with an order of protection issued by the court of another state, tribe, or US territory as a condition of bail, parole, probation or conditional discharge, mandatory supervised release, or supervision.

ILLINOIS



750 § 60/223 is amended to provide that the respondent commits the crime of violation of an order of protection or the crime of child abduction by knowingly violating the remedies in a valid order of protection issued by another state, tribe, or US territory.

720 § 5/19-4 is amended to make it a felony for a person to commit the offense of criminal trespass of a residence when, without authority, such person knowingly enters the residence of another when one or more persons is present.

CIVIL ORDERS FOR PROTECTION:

735 § 5/12-652 is amended to provide that a foreign order of protection issued by the court of another state, tribe, or US territory:

- is entitled to full faith and credit,
- is enforceable in the same manner as any order of protection issued by a circuit court of the state, and
- does not have to be filed in order to be enforced.

750 § 60/222.5 is enacted to provide for the filing of a foreign order of protection and to provide that neither residence nor filing of the foreign order are required for enforcement of the order within the state.

750 § 60/302 is amended to require the sheriff to furnish to the Department of State Police copies of any foreign orders of protection filed by the clerk of the court.

MISCELLANEOUS:

305 § 5/4-22 is amended to require the Illinois Department of Public Aid to develop and implement a domestic violence training curriculum for department employees who serve applicants for and recipients of aid. The curriculum must be designed to equip those employees better to identify and serve



ILLINOIS

domestic violence victims and may be developed with the input of domestic violence services organizations.

410 § 70/6.4 is amended to provide that a hospital may not release a sexual assault evidence collection kit without written consent of the sexual assault survivor. The law also provides that a minor 13 years of age or older who is a sexual assault survivor may authorize such release.

INDIANA



LEGISLATURE MEETS:

Annually for one day in November, then convenes in January. Sessions normally end by April 29 in odd-numbered years and by March 14 in even-numbered years.

CRIMINAL PENALTIES AND PROCEDURES:

§ 33-19-6-13 is amended to include the crime of domestic battery among the list of offenses for which the court is required to order the perpetrator to pay a domestic violence prevention and treatment fee. The provision includes those cases in which the victim is or was living as if a spouse, or has a child in common, with the offender.

PREVENTION AND TREATMENT:

§ 36-8-10-21 is amended to provide that the sheriff, or his or her designee, at his discretion and without appropriation by the county fiscal body, may disburse money from the jail commissary fund for an activity or program of the sheriff's department intended to reduce or prevent occurrences of criminal activity, including:

- substance abuse,
- child abuse,
- domestic violence,
- drinking and driving, and
- juvenile delinquency.



IOWA

LEGISLATURE MEETS:

Annually starting in January and ending in April or May.

DEFINITIONS:

§ 708.7 is amended to include in the definition of the crime of harassment electronic communication with another person without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

CIVIL ORDERS FOR PROTECTION:

§ 236.19 is amended to:

- provide full faith and credit to protective orders issued by a court of an Indian tribe or US territory, in addition to those orders issued by another state;
- prohibit the clerk, when filing a foreign protective order, from giving notice to the respondent without the express written direction of the person in whose favor the order was entered;
- define what is a valid foreign protective order and create an affirmative defense; and
- require enforcement of such orders.

PREVENTION AND TREATMENT:

§§ 135.108—135.112 are enacted to establish a domestic abuse fatality review team.

MISCELLANEOUS:

§ 236.10 is amended to provide that a person seeking relief from domestic abuse may use any of the following addresses as a mailing address for purposes of filing a petition or obtaining any utility or other service:

- mailing address of a shelter or other agency;
- public or private post office box; or
- any other mailing address, with the permission of the resident of the address.

IOWA



This section requires the person to report any change of address to the clerk of the court no more than five days after the previous address on record becomes invalid. The law further provides that address and location information on court orders and support payment orders may be redacted from the public records.



KANSAS

LEGISLATURE MEETS:

Annually. Sessions start in January and normally last for 125 to 145 calendar days.

DEFINITIONS:

§ 21-3438, in regard to the crime of stalking, is amended to include in the definition of “credible threat” any communication made via electronic means, including telephones, cellular phones, computers, video recorders, fax machines, pagers, and computer networks.

FAMILY AND CHILDREN:

§ 60-1615 is amended to prohibit giving a copy of an investigative report made pursuant to a domestic relations proceeding to a party represented by counsel, upon motion of either party, if to do so would be harmful to either party, the child, or other witnesses.

§ 60-1628 is enacted to provide that a court asked to issue an ex parte order modifying a final child custody or residential placement order based on alleged emergency circumstances must:

- attempt to have the nonmoving party’s counsel, if any, present before taking up the matter;
- set the matter for a review hearing at the earliest possible court setting after issuance of the ex parte order, but in no case later than 15 days; and
- require personal service of the order and notice of review hearing on the nonmoving party.

The party filing a motion to modify the final order must include with specificity all known allegations that constitute the basis for the change of custody or residential placement.

MISCELLANEOUS:

§§ 38-1336—38-1377, relating to the Uniform Child Custody Jurisdiction and Enforcement Act, are enacted and combine

KANSAS



rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

§ 59-2128 is amended to require a petition for adoption to include certain information, if reasonably ascertainable, including whether the party knows of any other proceeding that could affect the current one, such as those for enforcement and those relating to:

- domestic violence,
- protective orders,
- termination of parental rights, and
- adoptions,

and, if so, to identify the court, the case number, and the nature of the proceeding.



KENTUCKY

LEGISLATURE MEETS:

Biennially starting the Tuesday after the first Monday in January of even-numbered years and normally lasting until mid-April. Also, the session meets for up to 10 days in an organizational session starting the Tuesday after the first Monday in January of odd-numbered years.

DEFINITIONS:

§ 508.130, regarding the crime of stalking, is amended to define “protective order” to include:

- an emergency protective order or domestic violence order;
- a foreign protective order;
- an order issued as a condition of pretrial release; and
- any condition of a bond, conditional release, probation, parole, or pretrial diversion order designed to protect the victim from the offender.

CRIMINAL PENALTIES AND PROCEDURES:

§ 508.140 is amended to include a violation of a protective order as defined in § 508.130 or a subsequent class A misdemeanor stalking violation within the previous five years against the same victim or victims among the criteria for an enhanced penalty for stalking.

§ 237.095 is created to provide that if a person who is barred because of domestic violence from ownership or possession of a firearm purchases or attempts to purchase a firearm, notice must be given to:

- the court in the jurisdiction where the domestic violence order was issued, and
- the law enforcement agencies that have jurisdiction in the county where the domestic violence order was issued and in the county of the victim’s residence, if different from the county where the order was issued.

This provision also requires that the designated law

KENTUCKY



enforcement agency make reasonable efforts to ensure that the petitioner who obtained the domestic violence order is notified of the respondent's purchase or attempted purchase of a firearm.

Chapters 439 and 532 are amended to prohibit a defendant who is designated a violent offender from being released on probation, granted conditional discharge, or granted a suspended sentence. A violent offender includes any person who is convicted of or pled guilty to the commission of a:

- capital offense,
- class A felony,
- class B felony involving the death of or serious physical injury to a victim,
- rape in the first degree, or
- sodomy in the first degree.

§ 500.050 is amended to delete the one-year reporting requirement for marital rape.

§ 510.015 is enacted to provide that a person who commits a third or subsequent misdemeanor sexual offense may be convicted of a class D felony.

§ 431.064 is amended to provide for the registration of orders of protection that are issued as a condition of pretrial release.

PREVENTION AND TREATMENT:

§ 194A.540 is amended to require the Secretary for Health Services to develop domestic violence-related training courses appropriate for:

- alcohol and drug counselors,
- psychiatrists,
- paramedics,
- certified emergency medical technicians, and
- coroners and medical examiners.



KENTUCKY

§ 403.700 is enacted to establish the Governor's Council on Domestic Violence and Sexual Assault for the purpose of planning and direction of legal, protection, and support services related to domestic violence and sexual assault, and to increase the awareness of all Kentuckians regarding the prevalence and impact of these crimes.

§ 403.705 is enacted to provide for the establishment of local domestic violence coordinating councils whose purpose shall include, but not be limited to, the promotion of public awareness about domestic violence, the facilitation of interagency coordination, and the assessment of service delivery related to domestic violence. Local domestic violence coordinating councils may, if authorized by the local coroner or medical examiner, create a domestic violence fatality review team, the purpose of which shall be to prevent future deaths and injuries related to domestic violence.

§ 403.7505 is amended to require any program that provides court-ordered treatment services for domestic violence offenders to obtain or maintain valid certification according to the certification standards developed by the Cabinet for Health Services.

§ 403.784 is amended to require the Justice Cabinet to include in its initial training courses and continuing education courses for law enforcement officers the following issues, in addition to the dynamics of domestic violence:

- child physical and sexual abuse,
- rape,
- effects of crime on adult and child victims,
- profiles of offenders, and
- model protocols addressing child abuse and rape.

The law is amended further to require that police dispatchers and probation and parole officers be provided these training and education courses.

KENTUCKY



MISCELLANEOUS:

§ 304.12-211 is enacted to prohibit property and casualty insurance providers from using the fact of bodily injury as a result of domestic violence or abuse as the sole reason for:

- rating and underwriting decisions,
- refusing to insure or continue to insure, or
- limiting the amount or kind of coverage.

The statute further provides that, if a property or casualty insurance policy excludes intentional acts, an innocent co-insured shall not be denied payment if the loss arose out of domestic violence or abuse and the perpetrator of the loss is criminally prosecuted for the act causing the loss.

§§ 600-608 of Chapter 211 are enacted to establish rape crisis centers and provide for confidentiality of center records that identify the client.

§ 411.220 is enacted to create a civil action for the crime of stalking; includes actual damages caused by the violation; and may include punitive damages, court costs, and reasonable attorney's fees.



LEGISLATURE MEETS:

Annually. The annual session, for odd-numbered years, starts the last Monday in March and usually lasts until June. In even-numbered years, the session begins the last Monday in April and is limited to specific fiscal topics.

CRIMINAL PENALTIES AND PROCEDURES:

§ 46:1844 is amended to provide for confidentiality of certain information related to victims of sex offenses and to allow the victim to waive confidentiality of his or her identity. The provision defines “sex offenses.”

FAMILY AND CHILDREN:

SCR 10 is adopted to request a study of the feasibility of establishing child visitation centers in the state to provide safe, supervised settings for noncustodial parents to visit with their children.

MAINE



LEGISLATURE MEETS:

Annually. The annual session starts in December following the November election in an even-numbered year and normally ends in June of the odd-numbered year. The next session starts in January of the even-numbered year and ends in April of that year.

CRIMINAL PENALTIES AND PROCEDURES:

17-A § 15 is amended to allow warrantless arrest for the crimes of criminal threatening, terrorizing, stalking, criminal mischief, and obstructing the report of a crime or injury.

17-A § 758 is enacted to create the crime of obstructing the report of a crime or injury if a person intentionally, knowingly, or recklessly disconnects, damages, disables, removes, or uses physical force or intimidation to block access to a telephone, radio, or other electronic communication device with the intent to obstruct, prevent, or interfere with another person's:

- report to a law enforcement agency, or
- request for an ambulance or emergency medical assistance to a governmental agency, hospital, physician, or other medical service provider.

The law also creates an affirmative defense for an actor who reasonably believed that his or her conduct was necessary to prevent a false public alarm or report.

MISCELLANEOUS:

22 § 1656 is enacted to establish the Office of Women's Health. The office is required to develop and continually reevaluate mechanisms to address women's health issues, including, but not limited to, osteoporosis, arthritis, domestic violence, exposure to diethylstilbestrol, eating disorders, and elder women's health, and is required to respond to public requests for information on women's health issues.



MAINE

26 § 850 is amended to clarify that the employment leave law for victims of violence applies to all public and private employers, including the State and its political subdivisions.

LD 2651 is approved to establish the Commission to Study Domestic Violence. The commission is required to invite the participation of experts and interested parties, gather information and request necessary data from public and private entities in order to study the problem of domestic violence, and determine methods of alleviating the problem, including, but not limited to:

- strengthening the protection from abuse order by improving communication among the courts, law enforcement, and other appropriate government agencies regarding notice and verification of such orders;
- increasing enforcement of probation and bail conditions;
- increasing education in elementary and secondary schools to heighten awareness of domestic violence;
- examining the handling of all aspects of domestic violence cases from investigation to prosecution to movement through the court system; and
- examining sentencing practices.

LD 2405 is enacted to provide funding for nine additional prosecutors to be used for prosecuting domestic violence cases.

MARYLAND



LEGISLATURE MEETS:

Annually starting in January and normally lasting 90 calendar days.

DEFINITIONS:

Art. 27 § 594B is amended to include in the definition of “police officer” a member of the State Forest and Park Service Police Force for purposes of warrantless arrest for certain crimes, including domestic violence.

CIVIL ORDERS FOR PROTECTION:

§ 3-805 is amended to provide that the age of the child at the time an alleged act was committed controls the determination of juvenile court jurisdiction over peace order proceedings. The provision refers to those “acts” listed under § 3-820.1, below, that are committed by the respondent.

§ 3-820.1 is enacted to provide that an intake officer may file with the juvenile court a peace order request alleging the commission of the following acts against a victim, if the act occurred within 30 days before the filing of the complaint:

- an act that causes serious bodily harm;
- an act that places the victim in fear of imminent serious bodily harm;
- assault in any degree;
- rape or sexual offense or attempted rape or sexual offense of any degree;
- false imprisonment;
- harassment;
- stalking;
- trespass; or
- malicious destruction of property.

§ 3-820.2 is enacted to provide that if the court finds by clear and convincing evidence that the respondent has committed,



MARYLAND

and is likely to commit in the future, a specified act against the victim, the court may issue a peace order to protect the victim, which may include any of the following relief:

- ordering the respondent to refrain from committing or threatening to commit one of the described acts against the victim;
- ordering the respondent to refrain from contacting, attempting to contact, or harassing the victim;
- ordering the respondent to refrain from entering the residence of the victim;
- ordering the respondent to remain away from the place of employment, school, or temporary residence of the victim; and
- directing the respondent or the victim to participate in professionally supervised counseling.

§§ 3-820.3—3-820.5 are enacted and provide for serving, modifying or rescinding, and violating a peace order issued by a juvenile court.

MISCELLANEOUS:

§ 15-1212 is amended to require an insurance carrier, when electing not to renew a particular benefit plan for all small employers in the state, to act uniformly without regard to the claims experience of any affected small employer or any health status-related factor of any affected individual, including conditions arising out of acts of domestic violence.

Art. 27, § 804 is enacted to establish the Domestic Violence Unit Pilot Program Fund to be used to create within the sheriff's office or police department separate domestic violence units dedicated to the service and data entry of ex parte orders and protective orders.

MASSACHUSETTS



LEGISLATURE MEETS:

Annually. Technically, biennial session starts the first Wednesday in January of odd-numbered years and ends December 31 of the following even-numbered year.

CRIMINAL PENALTIES AND PROCEDURES:

265 § 43A is enacted to create the crime of criminal harassment. An offender is guilty of the crime of criminal harassment if he or she willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress. Such conduct or acts include conduct or acts effected by mail or by use of a telephonic or telecommunication device, including:

- electronic mail
- internet communications, or
- facsimile communications.

The law provides for enhanced penalties.



MICHIGAN

LEGISLATURE MEETS:

Annually starting in January and lasting all year.

DEFINITIONS:

§ 400.1501 is amended to include in the definition of family or household member an individual with whom the person is or has engaged in a dating relationship. “Dating relationship” is defined as frequent, intimate associations primarily characterized by the expectation of affectional involvement but does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

§ 400.1501 is amended to redefine domestic violence to mean the occurrence of any of the following acts by a person, excluding acts of self-defense:

- causing or attempting to cause physical or mental harm to a family or household member;
- placing a family or household member in fear of physical or mental harm;
- causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress;
- engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

§ 400.1501 is amended to expand the definition of family or household member by adding dating relationships, minor children, and persons related by marriage and by removing the opposite sex requirement for persons who cohabit or formerly cohabited. Under the new definition, “family or household member” includes any of the following:

- a spouse or former spouse,
- an individual with whom the person resides or has resided,
- an individual with whom the person has or has had a dating relationship,

MICHIGAN



- an individual with whom the person is or has engaged in a sexual relationship,
- an individual to whom the person is related or was formerly related by marriage,
- an individual with whom the person has a child in common, or
- the minor child of an individual described above.

CRIMINAL PENALTIES AND PROCEDURES:

§ 600.5805 is amended to extend the statute of limitations to five years for an action charging assault or battery brought by a person who has been assaulted or battered by:

- his or her spouse or former spouse,
- an individual with whom he or she has a child in common, or
- a person with whom he or she resides or formerly resided.

MISCELLANEOUS:

§ 711.3 is enacted to provide that the court may order for good cause that publication of a proceeding to change the name of an adult or minor not take place and that the record be confidential. “Good cause” includes, but is not limited to, evidence that publication or availability of a record of the proceeding could place the petitioner or another individual in physical danger, such as evidence that the petitioner or another individual has been the victim of stalking or an assaultive crime. If evidence is offered of stalking or an assaultive crime, the court shall not require proof of an arrest or prosecution for that crime in order to reach a finding of good cause.

§ 600.916 is amended to provide that a domestic violence advocate who assists a victim of domestic violence to obtain a personal protection order in accordance with § 2950c does not violate the law prohibiting the unauthorized practice of law.



MICHIGAN

§ 2950b is amended to provide that an individual other than a court employee who provides assistance to a victim of domestic violence to obtain a personal protection order under § 2950c is presumed to be acting in good faith and is not liable in a civil action for damages for acts or omissions in providing the assistance, unless such acts or omissions constitute gross negligence or willful and wanton misconduct.

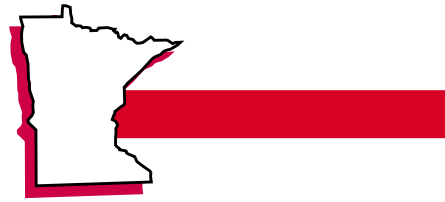
§ 2950c is enacted to authorize the circuit court in each county to provide a domestic violence victim advocate to assist victims of domestic violence in obtaining a personal protection order. A domestic violence victim advocate may provide, but is not limited to providing, all of the following assistance:

- informing a victim of the availability of, and assisting the victim in obtaining, serving, modifying, or rescinding, a personal protection order;
- providing an interpreter for a case involving domestic violence including a request for a personal protection order; and
- informing a victim of the availability of shelter, safety plans, counseling, other social services, and generic written materials about Michigan law.

The domestic violence victim advocate is prohibited from representing or advocating for a domestic violence victim in court.

§ 712.14 is enacted to provide that in a custody action, regarding the safe delivery of a child, the court must determine custody of the newborn based on the newborn's best interest. A newborn's best interest in a custody action is measured by certain factors, including whether the parent has a history of domestic violence.

MINNESOTA



LEGISLATURE MEETS:

Annually. In odd-numbered years, the session starts in January and normally ends in May. In even-numbered years, the session starts in January or February and ends in March or April.

DEFINITIONS:

§ 609.748 is amended to include in the definition of harassment a single incident of physical or sexual assault and to limit the application of the harassment law to incidents in which there is a substantial adverse effect or an intended substantial adverse effect on the victim.

§ 609.185 is amended to broaden the definition of murder in the first degree to include the death of a family or household member against whom the perpetrator has engaged in a past pattern of domestic abuse and whose death results from the perpetrator's act of domestic abuse.

§ 626.556 is amended to remove from the definition of neglect acts of domestic violence within the sight or sound of the child or likely to result in serious physical, mental, or threatened injury to the child, emotional damage to the child, or detriment to the well-being of the child.

§ 626.5552 is enacted to create the definition of a "child exposed to domestic violence" such that a child is considered to have been exposed to domestic violence when a parent or other person responsible for the care of the child:

- engages in violent behavior that imminently or seriously endangers the child's physical or mental health;
- engages in repeated domestic assault that would constitute a gross misdemeanor or felony;
- commits repeated incidents of domestic violence witnessed by the child;
- engages in chronic and severe use of alcohol or a controlled substance that adversely affects the child's basic needs and safety.*



MINNESOTA

CRIMINAL PENALTIES AND PROCEDURES:

§ 518B.01 is amended to authorize warrantless arrest and holding the offender in custody for at least 36 hours for violating a criminal domestic abuse no-contact order. Domestic abuse no-contact orders include pretrial orders before final disposition and probationary orders after sentencing.

§ 609.2242 is amended to provide that a prior act of domestic abuse as a juvenile constitutes a prior offense for purposes of imposing an enhanced penalty for repeat domestic abuse.

CIVIL ORDERS FOR PROTECTION:

§ 609.748 is amended to require a petition alleging harassment also to allege an immediate and present danger of harassment in order for the court to issue a temporary restraining order.

§ 518B.01 is amended include the following changes:

- shorten the amount of time required for personal service of an ex parte order from five days to 12 hours, provided that the respondent may request a continuance at the hearing for up to five days if served fewer than five days prior to the hearing, which continuance will be granted unless there are compelling reasons not to;
- allow a law enforcement officer to serve a respondent with a short form notification in lieu of personal service of an order of protection; and
- define what constitutes “short form notification,” including advising the respondent of the penalty for violating the order of protection.

FAMILY AND CHILDREN:

§ 518.1705 is enacted to provide for parenting plans and includes the following provisions if the court finds that a parent has committed domestic abuse against a parent or child who is

MINNESOTA



a party to, or the subject of, the matter before the court:

- prohibits the court from creating a parenting plan where both parents cannot agree to such a plan; and
- prohibits using dispute resolution processes other than the judicial process in the preparation of a parenting plan, requiring instead that the court consider the appointment of a guardian *ad litem* and a parenting plan evaluator; and
- prohibits the court from including joint legal custody or the use of dispute resolution processes, other than the judicial process, in the parenting plan.

§ 518.175, regarding modification of parenting plans or orders for parenting plans, is amended to require the court to consider the use of an independent, neutral exchange location for parenting time if there is an existing order for protection governing the parties.

PREVENTION AND TREATMENT:

§ 611A.201 is enacted to create the position of Director of Domestic Violence and Sexual Assault for the Center for Crime Victim Services. The Director's duties include:

- advocating for the rights of victims of domestic violence and sexual assault;
- encouraging accountability regarding domestic violence and sexual assault at all levels of the system, and developing recommendations to improve accountability when the system fails;
- building partnerships among law enforcement, prosecutors, defenders, advocates, and courts to reduce the occurrence of domestic violence and sexual assault;
- initiating policy changes regarding domestic violence and sexual assault at all levels of government.



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§ 611A.202 is enacted to create the Interagency Task Force on Domestic Violence and Sexual Assault Prevention. The task force will promote the objectives of § 611A.201 and develop a strategic plan on domestic violence and sexual assault for the governor and legislature that will address how to reduce the incidents of domestic violence and sexual assault.

MISCELLANEOUS:

§ 626.5552 is amended to provide that in determining the protective action to take and the services to be offered to the child and family when a child has been exposed to domestic violence, the local welfare agency is required to consider the safety and well-being of the child and the safety of the parent who is a victim of domestic violence. In determining whether there is a need for child protective services, the local welfare agency is required to take into account the presence of protective factors in the child's environment, including, but not limited to:

- whether the child is or has been the victim of physical abuse, sexual abuse, or neglect;
- the age of the child;
- the length of time since an incident of being exposed to domestic violence;
- the child's relationship to the parent and the perpetrator of domestic violence; and
- whether steps are being or have been taken to exclude the abuser from the home of the child, or the adult victim sought protective services such as shelter, counseling, or advocacy services, legal recourse, or other remedies.

§ 541.05 is amended to provide for a six-year statute of limitations for assault, battery, false imprisonment, or other tort, resulting in personal injury, if the conduct that gives rise to the cause of action also constitutes domestic abuse.

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L. 2000, chs. 471 and 488 are enacted to create the joint domestic abuse prosecution unit pilot project to be administered by two different counties in the state, which unit must coordinate efforts with child protection attorneys. The stated goals of this pilot project include:

- recognize children as both victims and witnesses in domestic abuse situations,
- recognize and respect the interests of children in prosecution of domestic abuse, and
- reduce the exposure to domestic violence for both adult and child victims.

L. 2000, ch. 488, Art. 6, § 11 is enacted to require a study to be completed and recommendations to be made to designated legislative committees having jurisdiction over criminal justice funding on issues related to providing shelter for victims of domestic violence. The study must estimate the relative impact of the following, as it relates to providing shelter for domestic violence victims:

- the incidence of domestic violence;
- law enforcement practices in response to domestic violence;
- the number of victims seeking shelter and whether adequate shelter space exists, and trends regarding this;
- the financial status of domestic violence victims;
- the necessary length of stay in shelters; and
- opportunities for victims to leave shelters.

Ch. 518B.01 (protection order forms), Ch. 611A (crime victim rights, programs, agencies), Ch. 15 (state agencies in general), Ch. 120B (curriculum and assessment), Ch. 257 (children, custody, legitimacy), Ch. 119A (children, families, and learning; programs), and Ch. 13 (government data practices) are amended to incorporate gender neutral language regarding victims of domestic abuse.



MINNESOTA

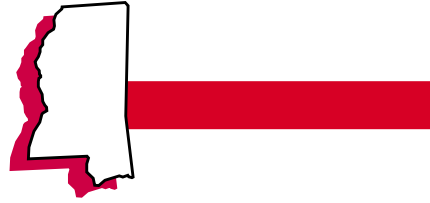
L. 2000, ch. 468, §§ 30-32 amend the laws of 1999 (Chapter 216, art. 2, § 27) to require the domestic fatality review team to collect, review, and analyze death certificates and death data, including:

- investigative reports,
- medical and counseling records,
- victim service records,
- employment records,
- child abuse reports,
- other information concerning domestic violence deaths,
- survivor interviews and surveys, and
- other information deemed by the team as necessary and appropriate concerning the causes and manner of domestic violence deaths.

The law provides for the confidentiality of the domestic fatality review team meetings, with certain exceptions, and provides for immunity for any person who acted in good faith and without malice in carrying out his or her duties.

* Some domestic violence experts recommend working within the parameters of existing laws rather than enacting new legislation that may be more beneficial to prosecutors and law enforcement than the child witnesses they are seeking to protect. Further, the ramifications of such legislation for victims and their children remain uncertain.

MISSISSIPPI



LEGISLATURE MEETS:

Annually starting in January and normally ending in April.

DEFINITIONS:

§§ 97-3-107 and 99-3-7 are amended to include in the definition of domestic violence current or former spouses or persons who have a biological or legally adopted child together.

CRIMINAL PENALTIES AND PROCEDURES:

§ 99-3-7 is amended to expand the grounds for mandatory arrest to include violation of an ex parte protective order or foreign restraining or protective order.

§ 99-3-7 is amended to authorize certain persons who supervise or monitor convicted offenders who are under an intensive supervision program to make a warrantless arrest of an offender when the offender violates the terms or conditions of the program.

§ 97-3-107, regarding stalking, is amended to enhance the penalties for violations of ex parte protective orders, court approved consent agreements, protective orders issued after a hearing, and foreign orders of protection.

MISCELLANEOUS:

§ 99-41-31, regarding crime victim compensation, is enacted to prohibit disclosure of certain records without the written consent of the claimant or recipient.



MISSOURI

LEGISLATURE MEETS:

Annually starting in January and ending in May.

DEFINITIONS:

§ 375.1312, regarding domestic violence and insurance companies, is amended to include stalking in the definition of domestic violence and to remove dependents from the definition of family or household member. The following terms also are defined:

- innocent co-insured means an insured who did not cooperate in or contribute to the creation of a property loss in cases where the loss arose out of a pattern of domestic violence;
- sole means a single act or a pattern of domestic violence which may include multiple acts; and
- stalking means purposely and repeatedly harassing or following another adult with the intent to harass such adult.

§ 455.010 is amended to include in the definition of family or household member an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim.

§ 565.063 is amended to include in the definition of domestic assault offense the commission of the crime of domestic assault in the first or second degree.

CRIMINAL PENALTIES AND PROCEDURES:

§ 565.072 is enacted to create the crime of domestic assault in the first degree where a person attempts to kill or knowingly causes or attempts to cause serious physical injury to a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor. Domestic assault in the first degree is a class B felony, unless in the course of the crime the actor inflicts serious physical injury on the victim, in which case it is a class A felony.

MISSOURI



§ 565.073 is enacted to create the crime of domestic assault in the second degree where the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, and he or she:

- attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or choking or strangulation; or
- recklessly causes serious physical injury to such family or household member; or
- recklessly causes physical injury to such family or household member by means of any deadly weapon.

§ 565.074 is enacted to create the crime of domestic assault in the third degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor and:

- the offender attempts to cause or recklessly causes physical injury to such family or household member; or
- with criminal negligence, the offender causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or
- the offender purposely places such family or household member in apprehension of immediate physical injury by any means; or
- the offender recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or
- the offender knowingly causes physical contact with such family or household member, knowing the other person will regard the contact as offensive; or
- the offender knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such



MISSOURI

family or household member's access to other persons, telecommunication devices, or transportation for the purpose of isolation.

The law also provides for enhanced penalties for third or subsequent acts.

§ 455.085 is amended to include communication initiated by the respondent as a criminal violation of an order of protection.

§ 565.063 is amended to enhance the penalties for the crimes of assault or domestic assault if any person who has pleaded guilty to or been found guilty of such crime is a prior domestic violence offender.

CIVIL ORDERS FOR PROTECTION:

§§ 455.045 and 455.050 are amended to include in the provisions of an ex parte order of protection an order restraining the respondent from communicating with the petitioner in any manner or through any medium.

§ 455.050 is amended to include in an ex parte order of protection an order temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is occupied by the petitioner individually or by the petitioner and a person other than respondent. The law is amended further to authorize the court, after a hearing, to order the respondent to pay the costs of medical treatment and services provided or being provided to the petitioner as a result of injuries the petitioner sustains from an act of domestic violence committed by the respondent.

§ 455.550 is amended to require full orders of protection to include the social security number of the respondent, if known.

MISSOURI



PREVENTION AND TREATMENT:

§ 455.300 is enacted to establish the Missouri Domestic Violence Commission within the Department of Public Safety to study solutions for domestic violence.

§ 455.305 is enacted to authorize the Department of Social Services and the Missouri Domestic Violence Commission to establish and administer up to 20 domestic violence intervention/rehabilitation pilot projects for the following purposes:

- to implement, expand, and establish cooperative efforts among law enforcement officers, prosecutors, victim advocacy programs, and other related parties to investigate and prosecute incidents of domestic violence;
- to prevent domestic violence and provide immediate shelter for victims of domestic violence;
- to provide treatment and counseling to victims of domestic violence; and
- to work in cooperation with the community to develop education and prevention strategies regarding domestic violence.

§ 455.545 is amended to require the highway patrol to include in its annual report suicides related to domestic violence.

MISCELLANEOUS:

§ 375.1312 is amended to prohibit an insurer from denying payment to an innocent co-insured on a property loss claim because of any policy provision that excludes coverage for intentional acts, if an innocent co-insured:

- files a police report and
- completes a sworn affidavit for the insurer that indicates both the cause of the loss and a pledge to cooperate in any criminal prosecution of the person who committed the act which caused the loss.



MISSOURI

§ 455.220 is amended to provide that any person employed by, or volunteering services to, a shelter for victims of domestic violence is incompetent to testify concerning any confidential information, unless the individual served by the shelter waives the confidentiality requirements in writing. Shelters must inform the individuals they serve about the nature and scope of the confidentiality requirements.

§ 455.230 is amended to establish within the Department of Social Services a child assessment center to serve the needs of children from families experiencing conflict or domestic violence; such center is to be located in any county meeting certain requirements.

NEBRASKA



LEGISLATURE MEETS:

Annually starting in January. The session lasts for 90 legislative days in odd-numbered years, ending in May, and for 60 legislative days in even-numbered years, ending in April.

MISCELLANEOUS:

§§ 71-701—71-707 are enacted to create the Women’s Health Initiative of Nebraska and to provide for its duties, including to serve as a clearinghouse for information regarding issues that impact women’s health, such as domestic violence and sexual assault.



LEGISLATURE MEETS:

Annually starting in January and lasting for 45 legislative days or until July 1, whichever comes first.

DEFINITIONS:

§ 633:3-a is amended to clarify and expand the definition of stalking and to provide civil relief for victims.

CRIMINAL PENALTIES AND PROCEDURES:

§189:1 is enacted to create the crime of violation of a protective order issued or enforced under the child protection act, to mandate arrest for such violations, to authorize seizure of weapons, and to provide for enhanced penalties.

§ 159-D:3 is enacted to establish the penalty for attempting to purchase a firearm illegally, such that a person who completes and signs an application for purchase of a firearm, knowing that such purchase is illegal because he or she is subject to a protective order, is guilty of a class A misdemeanor for a first offense and a class B felony for a second or subsequent offense.

CIVIL ORDERS FOR PROTECTION:

§ 173-B:5 is amended to require the court, upon issuing a no-contact order against the defendant, to advise the petitioner that it would be unwise and possibly unsafe to contact the defendant and that, if the petitioner wishes to contact the defendant, he or she should petition the court to modify the order.

FAMILY AND CHILDREN:

§ 458:17 is amended to expand the circumstances under which a court may modify a permanent custody order to include the following circumstances:

- the parties agree to a modification;

NEW HAMPSHIRE



- the circumstances affecting the welfare of the child have been so greatly altered that there is a strong possibility of harm to a child who continues to live under the present arrangement; or
- the minor child is of sufficient maturity to make a sound judgment about his or her proper custody, unless the child's preference was based on other factors, including, but not limited to, undesirable or improper influences.

MISCELLANEOUS:

§§ 7:41—7:48 are enacted to create the Address Confidentiality Program for Victims of Domestic Violence, Stalking, and Sexual Assault, which allows victims to establish the Office of Attorney General as their mailing address for purposes of:

- state and local agency requests for public records,
- receiving service of process and regular mail, and
- absentee voting.



NEW JERSEY

LEGISLATURE MEETS:

Annually starting in January and normally lasting the entire year.

MISCELLANEOUS:

§§ 30:5B-6.10—30:5B-6.16 are enacted to require criminal history background checks for child care center staff and to disqualify permanently individuals seeking employment at, or ownership or sponsorship of, a child care center if the criminal history background check reveals a record of conviction for certain identified crimes and offenses, including:

- a crime against a child;
- abuse, abandonment, or neglect of a child;
- stalking;
- murder;
- sexual assault;
- kidnapping and related offenses, including interference with custody; and
- terroristic threats.

The law also provides consequences for failure to comply with the stated requirements.

NEW YORK



LEGISLATURE MEETS:

Annually starting in January. Sessions last all year but the majority of work is done by July.

CRIMINAL PENALTIES AND PROCEDURES:

§ 120.60 of the penal law is amended to include in the crime of stalking in the first degree the committing of the crime of stalking in the second degree which, in the course and furtherance thereof, results in physical injury to the victim or commission of another specified offense.

§ 130.52 of the penal law is enacted to create the crime of forcible touching where a person intentionally, and with no legitimate purpose, forcibly touches the sexual or other intimate parts of another person:

- for the purpose of degrading or abusing such person; or
- for the purpose of gratifying the actor's sexual desire.

MISCELLANEOUS:

Article 6-A of the public health law is enacted to establish the rape crisis intervention and prevention program.



NORTH CAROLINA

LEGISLATURE MEETS:

Annually starting in January and normally ending in July.

CRIMINAL PENALTIES AND PROCEDURES:

§ 14-196.3 is enacted to create the crime of cyberstalking and to provide penalties.

§ 15A-1343 is amended to authorize the court to require as a special condition of probation that the defendant attend and complete an abuser treatment program if:

- the court finds the defendant is responsible for acts of domestic violence, and
- the program is approved by the Department of Administration.

FAMILY AND CHILDREN:

§ 50-44, relating to the Family Law Arbitration Act, is enacted to provide that in connection with an agreement to arbitrate or a pending arbitration, the court may grant interim relief, including a temporary restraining order or preliminary injunction.

OHIO



LEGISLATURE MEETS:

Annually starting in January. Sessions generally end in July in odd-numbered years and in June in even-numbered years.

DEFINITIONS:

§ 2743.51 is amended to include in the definition of “allowable expenses” psychiatric care or counseling for an immediate family member of a victim of criminally injurious conduct, which includes domestic violence. The cumulative allowable expense for each family member under this section may be reimbursed in an amount not to exceed two thousand five hundred dollars.

CRIMINAL PENALTIES AND PROCEDURES:

§ 2903.211 is amended to clarify that menacing by stalking is a felony in the fourth degree when, prior to committing the offense, the offender had been determined to represent substantial risk of physical harm to others as manifested by:

- evidence of then-recent homicidal or other violent behavior,
- evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious physical harm, or
- other evidence of then-present dangerousness.



OKLAHOMA

LEGISLATURE MEETS:

Annually starting in February and adjourning no later than May.

DEFINITIONS:

§§ 40 and 60.1 of Title 22 are amended to expand the definition of “family or household members” to include grandparents, stepparents, adopted parents, foster parents, grandchildren, stepchildren, adopted children, and foster children.

§ 1173 of Title 21 is amended to clarify that “harasses” under the stalking law means a pattern or course of conduct and includes harassing or obscene phone calls.

CRIMINAL PENALTIES AND PROCEDURES:

§ 60.4 of Title 22 is amended to make it a misdemeanor for a person knowingly and willfully to seek a protective order against a spouse or ex-spouse for purposes of harassment, undue advantage, intimidation, or limitation of child visitation rights in any divorce proceeding or separation action without justifiable cause. The provision also provides penalties.

§ 60.9 of Title 22, regarding warrantless arrest, is amended to provide that a copy of a protective order is *prima facie* evidence that such order is valid when documentation is presented to a law enforcement officer by the plaintiff, defendant, or another person on behalf of the person named in the order. Knowingly and willfully presenting any false or materially altered protective order is a felony.

§ 1173 of Title 21 is amended to enhance the penalties for stalking when there is a permanent restraining order in effect.

§ 196 of Title 22 is amended to extend the period of time from four to 72 hours after an incident of domestic abuse, during which a peace officer may make a warrantless arrest based on

OKLAHOMA



probable cause even though the assault did not occur in the presence of the officer.

CIVIL ORDERS FOR PROTECTION:

§§ 60.3 and 60.4 of Title 22 are amended to expand the relief that the court may grant in an emergency ex parte order or a final protective order to include an order:

- prohibiting the defendant from telephoning or stalking the victim;
- suspending child visitation because of physical violence or the defendant's threat of abuse or threat to violate a custody order;
- requiring supervised visitation with the child in a neutral setting.

After the hearing, the court may order counseling or treatment at the defendant's expense in a program certified by the Department of Mental Health and Substance Abuse Services.

§ 60.2 of Title 22 is amended to allow a person seeking relief to file a petition for a protective order in the county in which the domestic violence occurred. Filing the petition does not require jurisdiction or venue of the criminal offense if either the plaintiff or the defendant resides in the county. Priority for service shall be given to petitions filed by a victim who is a family or household member of the defendant. The form for a petition for protective order is amended to allow the petitioner to:

- identify the relationship of the parties to be a dating or formerly dating relationship;
- request an order suspending child visitation or requiring it to be supervised;
- order the defendant not to telephone or stalk the victim;
- order the defendant to pay the law enforcement agency a \$10 photo evidence fee for photographs taken of the victim's injury or crime scene.



OKLAHOMA

Peace officers cannot require payment of the service of process fee in advance or deny service of a petition for nonpayment of a service of process fee in advance.

§ 60.4 of Title 22 is amended to include the following changes:

- allow the court to schedule a full hearing on a petition for a protective order within 72 hours from when the court issues an emergency ex parte order suspending child visitation rights, which hearing may be continued if service has not been made on the defendant;
- automatically renew the petition for protective order every 15 days until the defendant is served;
- require the petition to be dismissed by the court, rather than to expire;
- provide that failure to serve the defendant is not grounds for dismissal of a petition or an ex parte order, unless the victim so requests;
- impose terms and conditions in the protective order at the hearing that include counseling or treatment in a certified program at the defendant's expense.

§ 60.5 of Title 22 is amended to clarify that the clerk of the issuing court must within 24 hours send a certified copy of any extension, modification, vacation, cancellation, or consent agreement concerning a final protective order to the appropriate law enforcement agencies.

§§ 60.1—60.12 are amended to provide full faith and credit to valid foreign orders of protection issued by another state or tribal court and to authorize warrantless arrest for violations of such orders under certain circumstances.

PENNSYLVANIA



LEGISLATURE MEETS:

Annually starting in January and normally meeting all year. Technically, the General Assembly meets for a two-year session starting in January of odd-numbered years and ending in November of even-numbered years.

DEFINITIONS:

§ 11.103 of Title 18, regarding the Crime Victims Act, is amended to include in the definition of “victim” a minor child who is a material witness to any of the following crimes and offenses committed or attempted against a member of the child’s family:

- criminal homicide,
- aggravated assault,
- rape.

CRIMINAL PENALTIES AND PROCEDURES:

§ 2711 of Title 18 is amended to expand probable cause arrest in domestic violence cases to include terroristic threats or harassment and stalking violations.

§ 11.213 of Title 18, regarding the Crime Victims Act, is amended to require the prosecutor to provide to the victim notification of certain actions taken in the case.

CIVIL ORDERS FOR PROTECTION:

§ 6108 of Title 23 is amended to extend the duration of a protection order from one year to 18 months.

MISCELLANEOUS:

§ 11.322 of Title 18, regarding the Crime Victims Act, is amended to include among the duties of the Victims’ Services Advisory Committee advising the Pennsylvania Commission on

PENNSYLVANIA

Crime and Delinquency on the development of direct services for minor children who are material witnesses to any of the following crimes and offenses committed or attempted against a member of the child's family:

- criminal homicide,
- aggravated assault,
- rape.

§ 5945.1 of Title 42 is amended to include as confidential communication matters transmitted between a sexual assault counselor and a victim through the use of an interpreter.

RHODE ISLAND



LEGISLATURE MEETS:

Annually starting in January and meeting until late summer or early fall.

DEFINITIONS:

§ 15-15-1 is amended to include in the definition of domestic abuse stepparents and stepchildren.

Chapters 18.5, 18.6, and 50 of Title 27 are enacted relating to health care reform and include in the definition of “health status-related factor” evidence of insurability, including conditions arising out of acts of domestic violence, for the purpose of prohibiting discriminatory practice and procedures by insurance providers.

CRIMINAL PENALTIES AND PROCEDURES:

§ 12-29-4 is amended to require the defendant to keep the peace and be of good behavior for a period of three years as a condition of eligibility for deferred disposition or sentencing for a crime involving domestic violence.

CIVIL ORDERS FOR PROTECTION:

§ 8-8.1-4 is amended to authorize the family court judge to grant relief from abuse to the plaintiff upon cause shown in an ex parte proceeding when the district court is not in session.

MISCELLANEOUS:

§ 15-22-4, regarding child support collection, is enacted to require the IV-D agency to safeguard personal data when the agency is provided with reasonable evidence of a history of domestic violence, which includes whether an individual has been subjected to:

- physical acts that resulted in, or threatened to result in, physical injury;
- sexual abuse;

RHODE ISLAND

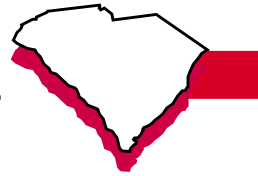
- sexual activity involving a dependent child;
- being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
- threats of, or attempts at, physical or sexual abuse;
- mental abuse; or
- neglect or deprivation of medical care.

This section also requires reasonable evidence of a history of domestic violence to be indicated to the federal registry; provides exceptions to disclosure of personal data about the location of a parent or child; and requires the IV-D agency to notify the Federal Parent Locator Service that a risk of harm exists.

§ 15-22-5 is enacted to allow a person or an agency, including a IV-D agency, seeking personal data prohibited from disclosure because of a history of domestic violence to petition the family court to request disclosure of such personal data. This section prohibits the court from drawing an adverse inference from the failure of the parent to appear in person to contest the disclosure of information.

§ 42-56-20.5 is enacted to establish a women's transitional housing facility, whose re-entry program must offer alcoholism/addictive treatment, health education, group and family counseling, parenting education, counseling for sexual abuse, and domestic violence and mental health care.

SOUTH CAROLINA



LEGISLATURE MEETS:

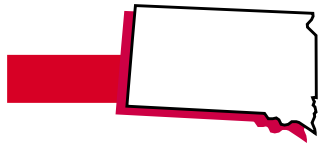
Annually starting in January and generally ending in June.

PREVENTION AND TREATMENT:

§ 26-6-435 is enacted to require certain law enforcement officers to complete continuing law enforcement education credits in domestic violence each year of a three-year re-certification period. The training must include, but is not limited to, the following:

- crime scene response,
- Fourth Amendment issues,
- incident report writing,
- mutual restraining orders,
- orders of protection,
- primary aggressor determinations,
- dual arrests,
- victim and offender dynamics,
- resources,
- victims' rights issues,
- interviewing techniques,
- criminal domestic violence courts,
- victimless prosecution,
- offender treatment programs, and
- recognition of special needs populations.

Executive Order 2000-21 establishes the Governor's Task Force on Domestic Violence and outlines its responsibilities.



SOUTH DAKOTA

LEGISLATURE MEETS:

Annually starting in January and meeting until mid-March in odd-numbered years and the end of February in even-numbered years.

CRIMINAL PENALTIES AND PROCEDURES:

§ 22-19A-17 is enacted to restrict contact or communication between the defendant and the victim or the family or household member of the victim, while the defendant is in custody for assault or stalking, until the defendant's initial court appearance or until such contact or communication is authorized by the court.

§ 23A-3-21 is amended to require law enforcement officers to indicate on the arrest report and the fingerprint document whether the arrest is for a crime against a family or household member.

§ 23A-2-13 is enacted to require that any summons, complaint, indictment, or arrest warrant indicate any charge that involves domestic abuse.

CIVIL ORDERS FOR PROTECTION:

§ 25-10-7.1 is enacted to provide that an ex parte temporary protection order remains effective until an order of protection issued pursuant to notice and a hearing is served on the defendant and, therefore, may extend beyond 30 days.

§ 22-6-9 is enacted to allow a person who has suffered physical injury as a result of an assault or a crime of violence to petition the court for a protection order.

Chapter 19A of Title 22 is amended to include physical injury as a result of an assault or a crime of violence as a basis for or conduct prohibited in a protection order.

TENNESSEE



LEGISLATURE MEETS:

Annually starting in January for approximately 45 legislative days and ending in May.

DEFINITIONS:

§ 40-38-111 is enacted to provide for notifying victims of their rights and defines “violent crime” to include, among the listed crimes:

- aggravated spousal rape, spousal rape, and spousal sexual battery;
- aggravated assault that results in serious bodily injury;
- stalking.

CRIMINAL PENALTIES AND PROCEDURES:

§ 39-13-111 is enacted to create the misdemeanor crime of domestic assault when a perpetrator commits an assault against a family or household member. Family or household member means:

- a spouse,
- a former spouse,
- a person related by blood or marriage,
- a person who currently resides or in the past has resided with the perpetrator as if a family, or
- a person who has a child or children in common with the perpetrator regardless of whether they have been married or resided together at any time.

§ 40-15-105 is amended to disqualify from suspended prosecution an offense that constitutes aggravated assault resulting in serious bodily injury.

§ 40-38-113 is enacted to require law enforcement to provide to any victim of crime the following information:

- the victim’s rights to be free from intimidation, harassment, and abuse throughout the criminal justice system;
- the availability, if any, of crisis intervention services and



TENNESSEE

emergency and medical services;

- the name and telephone number of the law enforcement agency;
- in cases of domestic violence, the procedure and resources available for protection of the victim;
- the names and telephone numbers of public and private victim assistance programs, including the state criminal injuries compensation program and programs that provide counseling, treatment, and other support services; and
- the procedural steps involved in a criminal prosecution.

§ 40-38-115 is enacted to allow any victim of crime to have a crime victim advocate from a crime assistance program or a victim-witness coordinator present at any defense interviews with the victim. The role of the crime victim advocate or victim-witness coordinator is to provide emotional support to the victim.

CIVIL ORDERS FOR PROTECTION:

§ 36-3-604 is amended to provide for service by mail of an order of protection on a respondent who is not a resident of the state.

FAMILY AND CHILDREN:

§ 36-1-113 is amended to include among the grounds for termination of parental rights whether the parent has been convicted of, or found civilly liable for, the intentional and wrongful death of the child's other parent or legal guardian.

Part 5 of Title 26, Chapter 6, is enacted to provide that an order of visitation may be enforced by using the license revocation, denial, or suspension procedures provided in this part and any other sanctions deemed appropriate by the court.

TENNESSEE



PREVENTION AND TREATMENT:

§ 36-3-624 is enacted to authorize a county to establish an interagency domestic abuse death review team to assist local agencies in identifying and reviewing domestic abuse deaths, including homicides and suicides, and facilitating communication among the various agencies involved in domestic abuse cases.

MISCELLANEOUS:

§§ 68-1-1801—68-1-1804 are enacted to establish the Office of Women’s Health, with one of its designated purposes being to serve as a clearinghouse and resource for information on women’s health, including information about sexual assault and domestic violence.

§§ 3-15-901—3-15-909 are enacted to establish the Commission on Responsible Fatherhood, which has the duty to study the many problems that jeopardize the father-child bond, including, but not limited to, the “harmful effects on children of physical, verbal abuse and disrespect of a parent to another and/or to the children.” The statutes require the commission to be guided by some key principles, which include the principle that family violence, including verbal and emotional abuse, neglect, and other harmful behavior, must not be tolerated.

§ 62-35-119 is amended to authorize the State of Tennessee orders of protection files to be accessed for criminal history background checks for issuance of unarmed security guard/officer registrations or conditional armed security guard/officer registrations, if requested.



UTAH

LEGISLATURE MEETS:

Annually starting in January and ending in February. Sessions are limited to 45 calendar days.

DEFINITIONS:

§ 30-6-1 is amended to include in the definition of “cohabitant” the biological parent of the other party’s unborn child.

CRIMINAL PENALTIES AND PROCEDURES:

§ 76-5-102 is amended to enhance the penalties for assault if the victim is pregnant and the offender has knowledge of the pregnancy.

MISCELLANEOUS:

Chapter 45c of Title 78, relating to the Uniform Child Custody Jurisdiction and Enforcement Act, is enacted and combines rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

§ 62A-4a-202.7 is enacted to establish a pilot program for differentiated responses to child abuse and neglect. Among the criteria to determine when a report of child abuse and neglect must be accepted for a family assessment is whether there is a reasonable basis to suspect that domestic violence occurred outside of a child’s presence.* The purpose of the family assessment is to:

- ensure that the child is safe;
- seek the cooperation of the family in learning about and participating in state and community services;
- determine with the family whether the family could benefit from division or community services in view of the specific strengths, challenges, available resources, and needs of the family.

UTAH



*Utah classifies as “child abuse” domestic violence committed in the presence of a child. Some domestic violence experts recommend working within the parameters of existing laws rather than enacting new legislation that may be more beneficial to prosecutors and law enforcement than the child witnesses they are seeking to protect. Further, the ramifications of such legislation for victims and their children remain uncertain.



VERMONT

LEGISLATURE MEETS:

Biennially. However, the state Constitution permits sessions to be divided, which the General Assembly does regularly, resulting in annual sessions that start on a date set by the General Assembly and normally meet until the end of May.

DEFINITIONS:

§ 1101 of Title 15 is amended to include in the definition of “household member” adults who are dating or who have dated. “Dating” is defined as a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include:

- the nature of the relationship;
- the length of time the relationship has existed;
- the frequency of interaction between the parties;
- the length of time since the relationship was terminated, if applicable.

§ 1061 of Title 13, relating to stalking, is amended to include in the definition of “harassing” telephonic or other electronically communicated threats.

CRIMINAL PENALTIES AND PROCEDURES:

§ 2 of Title 13 is amended to clarify that jurisdiction for a crime committed by means of an electronic communication, including a telephonic communication, includes the place where the communication originated or the place where it was received.

§ 1027 of Title 13 is amended to include in the crime of disturbing the peace by use of telephone other electronic communications made with the intent to terrify, intimidate, threaten, harass, or annoy, when such communications meet certain other criteria.

VERMONT



MISCELLANEOUS:

H.B. 709 was enacted to establish the Commission on Psychological Trauma Victims to evaluate and propose a manner to ensure the provision of individualized, high quality mental health and support services to individuals who have experienced psychological trauma. The membership of the commission must include an individual who has experienced psychological trauma, selected after consultation with the Vermont Network Against Domestic Violence and Sexual Assault, and another member selected after consultation with the Vermont Network Against Domestic Violence and Sexual Assault.

§§ 1150—1160 of Title 15 are enacted relating to address confidentiality for victims of domestic violence, sexual assault, or stalking.



VIRGINIA

LEGISLATURE MEETS:

Annually starting in January. Sessions run for 60 days in even-numbered years and for 45 days in odd-numbered years.

CRIMINAL PENALTIES AND PROCEDURES:

§ 18.2-67.5:2 is amended to expand the list of those sexual offenses for which a second or subsequent offense is punishable by the maximum term authorized for such offense, including sexual offenses committed against a spouse if at the time of the alleged offense the spouses were living separate and apart, or if the defendant caused bodily injury to the spouse by the use of force or violence.

§ 18.2-152.7:1 is enacted to create the misdemeanor crime of harassment by computer in those cases where a person, with the intent to coerce, intimidate, or harass another person, uses a computer or computer network to:

- communicate obscene, vulgar, profane, lewd, lascivious, or indecent language;
- make any suggestion or proposal of an obscene nature; or
- threaten any illegal or immoral act.

CIVIL ORDERS FOR PROTECTION:

§ 16.1-253.1 is amended to provide that a protective order may grant the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone, in effect directing that a petitioner's own car be returned.

WASHINGTON



LEGISLATURE MEETS:

Annually starting in January and normally ending in late April in odd-numbered years and in mid-March in even-numbered years.

CRIMINAL PENALTIES AND PROCEDURES:

§ 9.94A.220 is amended to provide that a certificate of discharge does not terminate an offender's obligation to comply with a domestic violence order that excludes or prohibits the offender from having contact with a specified person or from coming within a set distance of any specified location contained in the judgment and sentence.

CIVIL ORDERS FOR PROTECTION:

Title 10, relating to criminal procedure, and Title 26, relating to domestic relations, are amended to include in the scope of prohibitions contained in criminal and civil protective orders the prohibition against knowingly coming or remaining within a specified distance of a location. The statutes also incorporate the following changes:

- violations of civil restraining orders are subject to the same penalties applied to domestic violence protection orders;
- if a restraining order is modified or terminated, the clerk of the court must notify the law enforcement agency specified in the order on or before the next judicial day and, upon receipt of notice that an order has been terminated, the law enforcement agency must remove the order from any computer-based criminal intelligence system.

FAMILY AND CHILDREN:

Title 26, Chapter 9, is amended to provide for notice requirements and standards for parental relocation. Specifically, § 26.09.460 is enacted to limit the notice



WASHINGTON

requirements relating to relocation of a child under the following circumstances:

- if a person intending to relocate the child is entering a domestic violence shelter because of the danger imposed by another person or is relocating to avoid a clear, immediate, and unreasonable risk to the health or safety of that person or the child, the notice of relocation may be delayed 21 days;
- if a person intending to relocate the child is a participant in the address confidentiality program or has a court order which permits the party to withhold some or all of the information required to relocate the child, the confidential or protected information is not required to be given with the notice;
- if a person who intends to relocate the child believes that his or her health or safety or the health or safety of the child would be put at unreasonable risk by notice or disclosure of certain information in the notice, he or she may request an ex parte hearing to have all or part of the notice requirements waived.

This section does not deprive a person entitled to residential time or visitation with a child under a court order the opportunity to object to the intended relocation of the child or the proposed revised residential schedule before the relocation occurs.

PREVENTION AND TREATMENT:

§§ 43.235.010—43.235.900 are enacted to establish a statewide domestic violence fatality review program to coordinate multi-disciplinary local reviews of deaths involving domestic violence.

WEST VIRGINIA

LEGISLATURE MEETS:

Annually, starting in January and normally ending in March. In the first year of a governor's four-year term, the session normally ends in April.

DEFINITIONS:

§ 61-8B-1, relating to sexual offenses, is amended to remove from the definition of "sexual intercourse" and "sexual intrusion" the requirement that the parties not be married to each other.

§§ 61-8B-3 and 61-8B-5, relating to sexual assault, are amended to qualify the definition of sex with a minor to apply only to unmarried parties.

§ 48-2A-2 is amended to include in the definition of "family or household member" the following:

- persons related by marriage or by consanguinity within the second degree;
- stepparents, brothers, or sisters of a family or household member.

The law qualifies "dating" to exclude a casual acquaintance or ordinary fraternization between persons in a business or social context.

CRIMINAL PENALTIES AND PROCEDURES:

§ 61-7-7 is amended to include among the persons prohibited from possessing firearms those persons who:

- are subject to a domestic violence protection order, or
- have been convicted in any court of a misdemeanor crime of domestic violence.



WEST VIRGINIA

MISCELLANEOUS:

Chapter 48C, relating to the Uniform Child Custody Jurisdiction and Enforcement Act, is enacted and combines rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

WISCONSIN



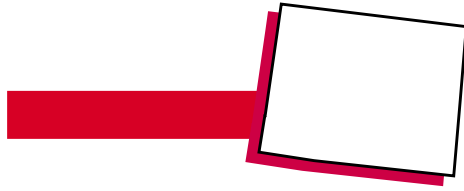
LEGISLATURE MEETS:

Annually during biennial session according to the schedule adopted by joint resolution. The session begins on the first Tuesday after January 8 in the odd-numbered year.

MISCELLANEOUS:

§ 6.47 is enacted to allow victims of domestic abuse to be listed confidentially on poll and registration lists.

§ 631.95 is enacted to prohibit certain insurance practices from discriminating on the basis of domestic abuse. Section 631.17 also is enacted to require written reasons for coverage denial.



WYOMING

LEGISLATURE MEETS:

Annually. Sessions begin in February and run for 20 calendar days in even-numbered years. In odd-numbered years, sessions start in January and run for 40 calendar days.

DEFINITIONS:

§ 35-21-102 is amended to include in the definition of “household member” persons who are in, or have been in, a dating relationship.

CRIMINAL PENALTIES AND PROCEDURES:

§ 6-4-404 is amended to increase the penalty for willfully violating an order of protection or a valid foreign protection order from 90 days to six months and from \$500 to \$750, or both, and clarifies what constitutes a “protection order” for such violation.

§ 7-13-301 is amended to prohibit the court from granting probation to repeat offenders of assault or battery committed against a household member.

CIVIL ORDERS FOR PROTECTION:

§§ 35-21-109—35-21-111 are enacted to provide full faith and credit to valid injunctions or orders for protection against domestic violence issued by a court of another state, tribe, or territory.

§ 35-21-103 is amended to include the following changes:

- the respondent may be ordered to pay the petitioner’s attorney fees;
- the petitioner cannot be denied the relief requested solely because of a lapse of time between an act of domestic violence and the filing of the petition;

WYOMING



- certain factors cannot bar the filing of a petition or receiving an order of protection, including some evidence of domestic abuse on the part of the petitioner.

§ 35-21-105 is amended to limit the court's authority to order child visitation to those situations in which adequate provision can be made for the safety of the children and the petitioner. This section authorizes the court to impose restrictions upon child visitation as part of an order of protection, including:

- ordering an exchange of the children to occur in a protected setting;
- ordering that visitation be arranged and supervised by another person or agency, and if the other person is a family or household member, establishing conditions to be followed during the visitation;
- ordering the respondent to attend and complete to the court's satisfaction a program of intervention or other designated counseling as a condition of visitation;
- ordering the respondent to abstain from the consumption of alcohol or controlled substances for up to 24 hours before and during the visitation;
- ordering the respondent to pay a fee through the court to defray the costs of supervised visitation;
- prohibiting overnight visitation;
- requiring the respondent to post a bond to secure the return and safety of any children; or
- imposing any other condition the court deems necessary for the safety of the petitioner, the children, or other family or household member.

In addition to these and other amendments, this section prohibits the court from issuing mutual orders of protection.



WYOMING

FAMILY AND CHILDREN:

§ 20-2-201, relating to child custody and visitation, is enacted and requires the court to consider certain factors in determining the best interest of the children. The provision requires the court to consider evidence of spousal abuse or child abuse as being contrary to the best interest of the children. If the court finds that family violence has occurred, it must make arrangements for visitation that best protect the children and the abused spouse from further harm.

STATE DOMESTIC VIOLENCE COALITIONS

**Alabama Coalition Against
Domestic Violence**
(334) 832-4842

**Alaska Network on Domestic
Violence and Sexual Assault**
(907) 586-3650

**Arizona Coalition Against
Domestic Violence**
(602) 279-2900 / (800) 782-6400

**Arkansas Coalition Against
Domestic Violence**
(501) 812-0571 / (800) 269-4668

**California Alliance Against
Domestic Violence**
(916) 444-7163 / (800) 524-4765

**Colorado Coalition Against
Domestic Violence**
(303) 831-9632

**Connecticut Coalition Against
Domestic Violence**
(860) 282-7899

**Delaware Coalition Against
Domestic Violence**
(302) 658-2958

**District of Columbia Coalition
Against Domestic Violence**
(202) 783-5332

**Florida Coalition Against
Domestic Violence**
(850) 425-2749

**Georgia Coalition on Family
Violence, Inc.**
(770) 984-0085

**Georgia Advocates for Battered
Women And Children**
(404) 584-3847

**Hawaii State Coalition Against
Domestic Violence**
(808) 486-5072

**Idaho Coalition Against
Sexual and Domestic Violence**
(208) 384-0419 / (888) 293-6118

**Illinois Coalition Against
Domestic Violence**
(217) 789-2830

**Indiana Coalition Against
Domestic Violence**
(317) 543-3908

**Iowa Coalition Against
Domestic Violence**
(515) 244-8028

**Kansas Coalition Against
Sexual and Domestic Violence**
(785) 232-9784

**Kentucky Domestic Violence
Association**
(502) 875-4132

**Louisiana Coalition Against
Domestic Violence**
(504) 752-1296

STATE DOMESTIC VIOLENCE COALITIONS

**Maine Coalition for Family
Crisis Services**
(207) 941-1194

**Maryland Network Against
Domestic Violence**
(301) 352-4574 / (800) 634-3577

**Massachusetts Coalition of
Battered Women Service Groups**
(617) 248-0922 x205

**Michigan Coalition Against
Domestic Violence**
(517) 347-7000

**Minnesota Coalition for
Battered Women**
(612) 646-6177

**Mississippi Coalition Against
Domestic Violence**
(601) 981-9196

**Missouri Coalition Against
Domestic Violence**
(573) 634-4161

**Montana Coalition Against
Domestic Violence**
(406) 443-7794 / (888) 404-7794

**Nebraska Domestic Violence and
Sexual Assault Coalition**
(402) 476-6256

**Nevada Network Against
Domestic Violence**
(775) 828-1115

**New Hampshire Coalition Against
Domestic and Sexual Violence**
(603) 224-8893

**New Jersey Coalition For
Battered Women**
(609) 584-8107

**New Mexico Coalition Against
Domestic Violence**
(505) 246-9240

**New York State Coalition Against
Domestic Violence**
(518) 432-4864

**North Carolina Coalition Against
Domestic Violence**
(919) 956-9124 / (888) 232-9124

**North Dakota Council on
Abused Women's Services**
(701) 255-6240 / (888) 255-6240

Ohio Domestic Violence Network
(614) 784-0023 / (888) 934-9840

**Action Ohio Coalition for
Battered Women**
(614) 221-1255

**Oklahoma Coalition on Domestic
Violence and Sexual Assault**
(405) 848-1815

**Oregon Coalition Against
Domestic and Sexual Violence**
(503) 365-9644

STATE DOMESTIC VIOLENCE COALITIONS

Pennsylvania Coalition Against Domestic Violence

(717) 545-6400 / (800) 932-4632

Comision Para Los Asuntos De La Mujer

Puerto Rico
(787)722-2907

Rhode Island Council Against Domestic Violence

(401) 467-9940

South Carolina Coalition Against Domestic Violence and Sexual Assault

(803) 256-2900 / (800) 260-9293

South Dakota Coalition Against Domestic Violence and Sexual Assault

(605) 945-0869 / (800) 572-9196

Tennessee Task Force Against Domestic Violence

(615) 386-9406 / (800) 356-6767

Texas Council on Family Violence

(512) 794-1133 / (800) 525-1978

Utah Domestic Violence Advisory Council

(801) 538-9886

Vermont Network Against Domestic Violence and Sexual Assault

(802) 223-1302

Virginians Against Domestic Violence

(757) 221-0990 / (800) 838-8238

Washington State Coalition Against Domestic Violence

(360) 407-0756

West Virginia Coalition Against Domestic Violence

(304) 965-3552

Wisconsin Coalition Against Domestic Violence

(608) 255-0539

Wyoming Coalition Against Domestic Violence and Sexual Assault

(307) 755-5481 / (800) 990-3877

Women's Resource Center, Virgin Islands

(809) 776-3966

Women's Coalition of St. Croix, Virgin Islands

(340) 773-9272

STATE LEGISLATIVE CONTACTS

Alabama Legislative Reference Service

State House, Room 613
Montgomery, Alabama 36130
(334) 242-7560 Fax (334) 242-4358
www.legislature.state.al.us

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Legislative Affairs Agency
129 Sixth Street
Juneau, Alaska 99801
(907) 465-4648 Fax (907) 465-4648
www.legis.state.ak.us

Arizona House Information Desk

First Floor, House Wing, State Capitol
Phoenix, Arizona 85007
(602) 542-4221
www.azleg.state.az.us

Arizona Senate Information Desk

First Floor, Senate Wing, State Capitol
Phoenix, Arizona 85007
(602) 542-3559

Arkansas Bureau of Legislative Research

Legislative Council
State Capitol, Room 315
Little Rock, Arkansas 72201
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www.arkleg.state.ar.us

California Office of the Chief Clerk of the Assembly

State Capitol, Room 3196
Sacramento, California 95814
(916) 445-3614 Fax
www.leginfo.ca.gov

California Office of the Secretary of the Senate

State Capitol, Room 3044
Sacramento, California 95814
(916) 445-4251

Colorado Legislative Council

State Capitol, Room 029
Denver, Colorado 80203
(303) 866-3521 Fax (303) 866-3855
www.state.co.us/gov_dir/stateleg.html

Connecticut Law and Legislative Reference Section, State Library

Room L212, 231 Capitol Avenue
Hartford, Connecticut 06106
(860) 566-4601 Fax (860) 566-3322
www.cga.state.ct.us

Delaware Division of Research, Legislative Council

Legislative Hall, Ground Floor
P.O. Box 1401
Dover, Delaware 19903
(302) 739-4114 Fax (302) 739-3895
[www.state.de.us/research/
assembly.htm](http://www.state.de.us/research/assembly.htm)

District of Columbia Office of the Secretary, Council of the District of Columbia

441 Fourth Street, N.W. Room 716
Washington, D.C. 20001
(202) 724-8080 Fax (202) 347-3070
www.dccouncil.washington.dc.us

STATE LEGISLATIVE CONTACTS

Florida Division of Library and Information Services, Legislative Library Services

State Capital, Room 701
Tallahassee, Florida 32399-1400
(850) 488-2812 Fax (850) 488-9879
www.leg.state.fl.us

Georgia Office of the Clerk of the House of Representatives

State Capitol, Room 309
Atlanta, Georgia 30334
(404) 656-5015
www.state.ga.us/legis

Georgia Office of the Secretary of the Senate

State Capitol, Room 353
Atlanta, Georgia 30334
(404) 656-5040

Hawaii Legislative Reference Bureau

State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813
(808) 587-0681 Fax (808) 587-0681
www.capitol.hawaii.gov

Idaho Legislative Library

Legislative Service Office
State Capitol, Lower Level
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Boise, Idaho 83720-0054
(208) 334-2475 Fax (208) 334-2125
www.state.id.us/legislat/legislat.html

Illinois Legislative Research Unit

222 S. College Suite 301
Springfield, Illinois 62704
(217) 782-6851 Fax (217) 785-7572
www.legis.state.il.us

Indiana Office of Legislative Information

State House Room 320
200 West Washington
Indianapolis, Indiana 46204-2789
(Mailing address use Room 301)
(317) 232-9856
www.state.in.us.legislative

Iowa Legislative Information Office

State Capitol, Room 16
Des Moines, Iowa 50319
(515) 281-5129
www.legis.state.ia.us

Kansas Division of Legislative Administrative Services

State House, Room 511-S
Topeka, Kansas 66612
(785) 296-2391 Fax (785) 296-1153
www.state.ks.us/government.html

Kentucky Legislative Research Commission

State Capitol, Room 300
Frankfort, Kentucky 40601
(502) 564-8100 Fax (502) 223-5094
www.lrc.state.ky.us

Louisiana State Library

701 North Fourth Street, Room 701
P.O. Box 131
Baton Rouge, Louisiana 70821
(225) 342-2456
www.legis.state.la.us

STATE LEGISLATIVE CONTACTS

Maine Law and Legislative Reference Library

State House, Room 202
43 State House Station
Augusta, Maine 04333
(207) 287-1600 Fax (207) 287-6467
www.state.me.us/legis

Maryland Department of Legislative Services

Legislative Services Building,
Basement
90 State Circle
Annapolis, Maryland 21401
(410) 946-5400 Fax (410) 946-5080
<http://mlis.state.md.us>

Massachusetts Office of the Clerk of the House of Representatives

State House, Room 145
Boston, Massachusetts 02133
(617) 722-2356
www.state.ma.us/legis/legis.htm

Massachusetts Office of the Clerk of the Senate

State House, Room 335
Boston, Massachusetts 02133
(617) 722-1276

Michigan Clerk of the House

3 South, House Office Building
P.O. Box 30014
Lansing, Michigan 48909
(517) 373-0135 Fax (517) 373-5930
www.michiganlegislature.org

Michigan Secretary of the Senate

State Capitol, Room S5
P.O. Box 30036
Lansing, Michigan 48909
(517) 373-2400 Fax (517) 373-9635

Minnesota House Public Information Office

State Office Building, Room 175
St. Paul, Minnesota 55155
(651) 296-2146 Fax (651) 297-8135
www.leg.state.mn.us

Minnesota Senate Information Office

State Capitol, Room 231
St. Paul, Minnesota 55155
(651) 296-0504 Fax (651) 296-6511

Mississippi Clerk of the House of Representatives

New Capitol, Room 305
Jackson, Mississippi 39201
(601) 359-3360 Fax (601) 359-3728
www.ls.state.ms.us

Mississippi Secretary of the Senate

New Capitol, Room 312
Jackson, Mississippi 39201
(601) 359-3202 Fax (601) 359-2129

Missouri Legislative Library, Committee on Legislative Research

State Capitol, Third Floor
Jefferson City, Missouri 65101
(573) 751-4633
www.moga.state.mo.us

STATE LEGISLATIVE CONTACTS

Montana Legislative Services Division

Federal Building, Room 410
301 S. Park Avenue
P.O. Box 201706
Helena, Montana 59620-1706
(406) 444-3064 Fax (406) 444-3036
<http://leg.state.mt.us>

Nebraska Clerk of the Legislature

State Capitol, Room 2018
P.O. Box 94604
Lincoln, Nebraska 68509-4604
(402) 471-2271 Fax (402) 471-2126
www.unicam.state.ne.us

Nevada Legislative Council Bureau

Sedway Office Building, First Floor
333 East Fifth Street
(Mailing address: Legislative Bldg.
401 S. Carson Street)
Carson City, Nevada 89701-4747
(775) 684-6827 Fax (775) 384-5542
www.leg.state.nv.us

New Hampshire Reference and Information Services

New Hampshire State Library
20 Park Street
Concord, New Hampshire 03301
(603) 271-2239 Fax (603) 271-2205
www.state.nh.us/gencourt/gencourt.htm

New Jersey Legislative Information and Bill Room

State House Annex, Room B01
P.O. Box 068
Trenton, New Jersey 08625
(609) 292-4840 Fax (609) 777-2440
www.njleg.state.nj.us

New Mexico Legislative Council Service

State Capitol, Room 411
Santa Fe, New Mexico 87501
(505) 986-4600 Fax (505) 986-4610
www.legis.state.nm.us

New York Assembly Public Information Office

Legislative Office Building, Room 202
Albany, New York 12248
(518) 455-4218 Fax (518) 455-5175
<http://assembly.state.ny.us>

New York Office of the Secretary of the Senate

State Capitol, Room 321
Albany, New York 12247
(518) 455-2051 Fax (518) 455-3332

North Carolina Legislative Services Office

State Legislative Building
Raleigh, North Carolina 27603-5925
(919) 733-7044 Fax (919) 715-2739
www.ncga.state.nc.us

North Dakota Legislative Council

State Capitol, Second Floor
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0360
(701) 328-2916 Fax (701) 328-3615
www.state.nd.us/lr

Ohio Legislative Service Commission

77 S. High Street, Ninth Floor
Columbus, Ohio 43266-0342
(614) 644-1721 Fax (614) 644-1721
www.legislature.state.oh.us

STATE LEGISLATIVE CONTACTS

**Oklahoma Legislative Reference Division,
Oklahoma Department of Libraries**
State Capitol, Room B-8
(Mailing address: 200 N.E. 18th Street)
Oklahoma City, Oklahoma 73105
(405) 521-2502 Fax (405) 521-2753
www.lsb.state.ok.us

**Oregon Administrator's Office,
Legislative Administration Committee**
State Capitol, Room 140-A
Salem, Oregon 97310
(503) 986-1848 Fax (503) 986-1684
www.leg.state.or.us

**Pennsylvania Library, Legislative
Reference Bureau**
Main Capitol Bldg., Room 641
Harrisburg, Pennsylvania 17120
(717) 787-4816 Fax (717) 783-2396
www.legis.state.pa.us

Puerto Rico Secretary of the House
The Capitol, Second Floor
P.O. Box 902228
San Juan, Puerto Rico 00902-2228
(787) 722-2312
(Spanish)

Puerto Rico Secretary of the Senate
The Capitol, Second Floor
P.O. Box 9023431
San Juan, Puerto Rico 00902-3431
(787) 722-4012 (Spanish)

Puerto Rico
MicroJuris
P.O. Box 9024096
San Juan, Puerto Rico 00902-4096
(787) 724-3889 Fax (787) 723-0672
www.microjuris.com (English)

**Rhode Island Legislative Reference,
State Library**
State House, Room 208
Providence, Rhode Island 02903
(401) 222-2473
www.rilin.state.ri.us

South Carolina Legislative Council
1000 Assembly Street, Room 434
P.O. Box 11489
Columbia, South Carolina 29211
(803) 734-2145 Fax (803) 734-2425
www.leginfo.state.sc.us

**South Dakota Legislative Research
Council**
State Capitol, Third Floor
Pierre, South Dakota 57501-5070
(605) 773-3251 (605) 773-4576
www.state.sd.us/state/legis/lrc.htm

**Tennessee Office of Legislative
Information Services**
Rachel Jackson Bldg., First Floor
320 Sixth Avenue North
Nashville, Tennessee 37243
(615) 741-3511
www.legislature.state.tn.us

Texas Legislative Reference Library
State Capitol, Room 2N.3
(Mailing address: P.O. Box 12488
Austin, Texas 78711-2488)
Austin, Texas 78701
(512) 463-1252 Fax (512) 475-4626
www.capitol.state.tx.us

STATE LEGISLATIVE CONTACTS

Utah Office of Legislative Research and General Counsel

State Capitol, Room 436
Salt Lake City, Utah 84114
(801) 538-1032 Fax (801)538-1712
www.le.state.ut.us

Vermont Legislative Council

State House, First Floor Annex
115 State Street, Drawer 33
Montpelier, Vermont 05633-5301
(802) 828-2231 Fax (802) 828-2424
www.leg.state.vt.us

Virginia Legislative Information Office

State Capitol, First Floor
Richmond, Virginia 23219
(804) 698-1500 Fax (804) 786-3215
<http://legis.state.va.us>

Washington Office of the Clerk of the House

Legislative Building, Third Floor
Olympia, Washington 98504
(360) 786-7750 Fax (360) 786-7021
www.leg.wa.gov

Washington Office of the Secretary of the Senate

Legislative Building, Room 306
Olympia, Washington 98504
(360) 786-7550 Fax (360) 786-7520

West Virginia Office of Legislative Services

State Capitol, Room 132-E
Charleston, West Virginia 25305
(304) 347-4800 Fax (304) 347-4819
www.legis.state.wv.us

Wisconsin Legislative Reference Bureau

100 N. Hamilton Street
P.O. Box 2037
Madison, Wisconsin 53701-2037
(608) 266-0341 Fax (608)266-5468
www.legis.state.wi.us

Wyoming Legislative Service Office

State Capitol, Room 213
Cheyenne, Wyoming 82002
(307) 777-7881 Fax (307) 777-5466
<http://legisweb.state.wy.us>

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