

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 fifth annual update and addresses the 1999 legislative changes made across the country in the area of family violence.

National Council of Juvenile & Family Court Judges

David A. Funk, Executive Director/CEO



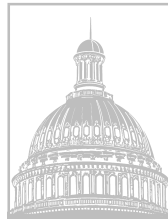
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Family Violence Database Available

Thanks to continued financial support from the Conrad N. Hilton Foundation, the Family Violence Department at the National Council of Juvenile and Family Court Judges has been able to maintain and update its family violence statute database. This database contains all domestic violence-related statutes from the 50 states and the District of Columbia. The statutes are updated as legislation is added, deleted, or amended in each state'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 statute database is available upon request.

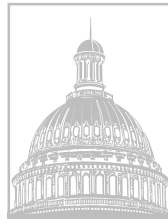
National Council of Juvenile & Family Court Judges



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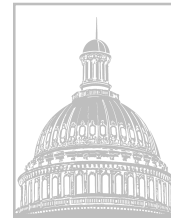
FAMILY VIOLENCE

LEGISLATIVE UPDATE

INTRODUCTION AND OVERVIEW

by Meredith Hofford

The 1999 state legislatures passed an abundance of domestic violence legislation. Many states provided for accountability for batterers through enhanced penalties, weapons restrictions, mandatory arrest, and minimum terms of imprisonment. Several states concerned about the safety of victims and their children passed legislation prohibiting the disclosure of identifying information required for court documents and protective orders. Other states addressed child custody and visitation issues by passing legislation making domestic violence a factor to be considered in determining custody arrangements. And two states, California and Oregon, passed a custody rebuttable presumption based on principles set forth in the *Model Code*. Other states expanded the definition of domestic violence to include stalking and any act involving violence, force, or threats. Yet other states expanded the definition of family or household member to include parties who are not married or not living together and to cohabitants.



Congratulations to California and Texas for enacting numerous statutes based on the *Model Code* and designed to hold batterers accountable, to protect victims and their children, and to enhance prevention and treatment. Other states enacting *Model Code*-based legislation include Arkansas, Colorado, Hawaii, Louisiana, New Mexico, North Carolina, Oregon, and Virginia.

The general trends of the 1999 legislative session are outlined briefly below. New trends emerged this session replacing some of the trends from last year. Details of accomplishments and trends appear in the charts and state summaries that follow the introduction.

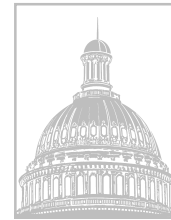
CONFIDENTIALITY OF IDENTIFYING INFORMATION

Thirteen states focused on protecting the safety of victims and children by enacting laws to prohibit the disclosure of identifying information in cases where there is reason to believe that such disclosure would endanger their safety. Two states, Alabama and Tennessee, created a privilege between domestic violence advocates or shelter workers and victims such that written records and oral communications may not be disclosed without the victim's authorization.

INTRODUCTION AND OVERVIEW

ENHANCED CRIMINAL PENALTIES

A number of states enacted laws to enhance penalties for repeat offenders by increasing the criminal penalties for a second or subsequent conviction of domestic violence or subsequent violation of a protection order. Delaware and Ohio require the court to order the batterer to complete either a psychological assessment or counseling for a second domestic violence conviction. Mississippi gave the court discretion in ordering the batterer to counseling.



UCCJEA

Twelve states enacted the Uniform Child Custody Jurisdiction and Enforcement Act which better protects victims of domestic violence and their children, while at the same time safeguarding the due process rights of all parties to a custody action involving multiple jurisdictions.

CUSTODY/VISITATION

Thirteen states made domestic violence a factor to be considered in determining custody and visitation arrangements. Arkansas made relocation because of domestic violence a factor that will not weigh against a parent in determining custody or visitation. North Dakota enacted legislation requiring a court to consider any domestic violence protection order relating to the parties in determining custody and visitation requirements. California and Oregon created a rebuttable presumption that it is not in the best interest of the child to award sole or joint custody of the child to a person who perpetrated domestic violence. Nevada strengthened its custody presumption to include a presumption against awarding custody or visitation rights to one parent of a child who is convicted of murder in the first degree of the other.

LEGAL SERVICES

Colorado, Montana, Texas, and West Virginia made funds available to support legal aid services and attorneys who represent victims of domestic violence. Montana established a civil legal assistance account to provide legal representation for indigent victims of domestic violence. West Virginia

INTRODUCTION AND OVERVIEW

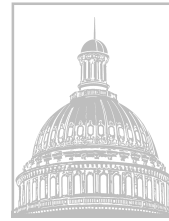
established the Domestic Violence Legal Services Fund to pay the fees of attorneys employed by domestic violence shelters.

FULL FAITH AND CREDIT

Eight states enacted laws to provide full faith and credit for valid foreign protection orders. Oregon continued its efforts to provide rigorous enforcement of foreign orders of protection by allowing an officer to make a warrantless arrest if the person protected by the foreign restraining order presents a copy to the officer and represents that the order is the most recent, the person restrained was personally served and had actual notice of the order, or the person protected filed a copy of the foreign restraining order with a court.

WEAPONS RESTRICTION

Seven states restricted batterers' access to weapons and firearms. Connecticut enacted a law to allow a police officer, who makes an arrest for a family violence crime, to seize at the location where the crime is alleged to have been committed any firearm that is in the possession of any such person or is in plain view.

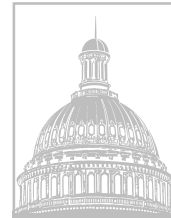


OTHER TRENDS AND ISSUES

- Washington required treatment programs for perpetrators of domestic violence to include education regarding the effects of domestic violence on children if the perpetrator or victim has a minor child.
- Three states enacted legislation providing funds to victims of domestic violence to assist them in relocating. Texas allows a victim to access the Crime Victims Compensation Fund for a one-time payment for relocation.
- Six states enacted legislation to protect employees who are victims of domestic violence. California prohibited retaliation against a victim of domestic violence for taking time off to obtain relief. Maine required an employer to grant reasonable and necessary leave from work for an employee to remedy a crisis caused by domestic violence, sexual assault, or stalking. Louisiana permitted the court to send notice to any employer of a person convicted of stalking. And Connecticut, New Jersey, and New York provided benefits for individuals who leave work in order to protect themselves or a child from becoming or remaining the victims of domestic violence.

INTRODUCTION AND OVERVIEW

- Six states enacted minimum sentencing requirements for a conviction or second or subsequent conviction of domestic violence.
- Four states mandated arrest for violations of protection orders.
- California enacted a law to allow a victim to record a confidential communication for the purpose of obtaining evidence for the crime of violating a restraining order by means of harassing communications.
- Arizona enacted a law to require applicants for a teaching certification to verify whether they are awaiting trial on or have ever been convicted of an offense involving domestic violence or a similar offense in another state.
- Colorado and New York mandated criminal domestic violence background checks for people applying to become adoptive or foster parents.
- California created a mandate for courts to consider emotional distress resulting from domestic violence in determining spousal support.
- Texas enacted a law authorizing a judge to order a person convicted of an assault involving family violence to pay a fine of up to \$100.00 to the local family violence shelter.
- New York and California passed legislation allowing for victim compensation for counseling and mental health expenses.



OUR DEEPEST APPRECIATION

Our deepest gratitude is extended to the advocates and legislative councils in every state who assisted us in gathering this information. Although every effort has been made 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 be grateful to have these brought to our attention. Also, we would appreciate any suggestions for making the document more useful 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.

1999 STATE LEGISLATION*

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

Family & Children	Prevention & Treatment	Miscellaneous
		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 1999 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.

1999 STATE LEGISLATION*

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

Family & Children	Prevention & Treatment	Miscellaneous
		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 1999 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.

1999 LEGISLATIVE TRENDS*

STATE	Prohibition of Disclosure of Information	Enhanced Criminal Penalties	Minimum Term of Imprisonment	UCCJEA	Legal Services for Victims of Domestic Violence
Alabama	X	X	X	X	
Alaska					
Arizona					
Arkansas	X	X		X	
California		X	X	X	
Colorado	X				X
Connecticut				X	
Delaware		X	X		
Dist. of Columbia					
Florida					
Georgia		X	X		
Hawaii					
Idaho					
Illinois	X	X			
Indiana					
Iowa					
Kansas					
Kentucky					
Louisiana	X				
Maine		X		X	
Maryland					
Massachusetts					
Michigan					
Minnesota				X	
Mississippi	X	X			

D.V. as a Factor in Custody and Visitation	Full Faith & Credit	Relocation Assistance for Victims of D.V.	Protection for Employee Victims of D.V.	Weapons Restriction	Expanded Definition of D.V.
					X
X					
X		X	X	X	X
					X
			X	X	X
		X			
X				X	
	X				

*This chart represents legislation which was passed during the 1999 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 over a four-year term beginning with the first Tuesday in March for the first year, the first Tuesday in February for the second and third years, and the second Tuesday in January for the fourth year.

DEFINITIONS:

§30-6-1 is amended to expand the definition of abuse to include instances where the parties are not married. The definition of domestic violence shelter or facility is expanded to include a facility which provides services or shelter to adult victims and their accompanying children.

CRIMINAL PENALTIES AND PROCEDURES:

§30-5-9 is amended to increase the criminal penalties for a second or subsequent conviction of a violation of the Protection From Abuse Act by requiring a minimum of 30 days of imprisonment instead of 48 hours of continuous imprisonment. On a third conviction, the penalty is increased to a minimum of 120 days of imprisonment instead of 30 days. The defendant is required to pay one-third the cost of incarceration for each day imprisoned in county jail.

§30-6-8 is amended to provide that oral communications between a domestic violence victim and an advocate, along with written reports and records concerning the victim, may not be disclosed without the written consent of the victim. A victim or advocate may not claim this privilege when providing evidence in proceedings concerning child abuse, but may in all other proceedings, both criminal and civil.



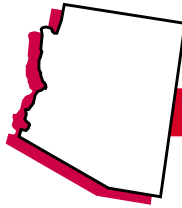
ALABAMA

MISCELLANEOUS:

The Uniform Child Custody and Jurisdiction Enforcement Act is enacted, combining rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

§30-6-9 is amended to require any law enforcement officer to advise victims that there are domestic violence services.

ARIZONA



LEGISLATURE MEETS:

Annually starting in January and normally ending in April.

MISCELLANEOUS:

§15-534 is amended to require applicants for teaching certification to verify whether they are awaiting trial on or have ever been convicted of an offense involving domestic violence in this state or a similar offense in another state or jurisdiction.



LEGISLATURE MEETS:

Biennially starting the second Monday in January of odd-numbered years and normally lasting until mid-March of that year. The constitution limits the session to 60 calendar days.

CRIMINAL PENALTIES AND PROCEDURES:

§§5-26-303 and 5-26-304 are amended to increase the penalties for domestic battering if the person has, within the past five years:

- committed a prior offense of domestic battering in the first, second, or third degree; or
- violated an equivalent penal law of this state or of another state or foreign jurisdiction.

Domestic battering in the first degree is Class A felony, and domestic battering in the second degree is Class B felony.

§5-26-305 is amended to make domestic battering in the third degree a Class D felony if the person has, within the past five years:

- committed a prior offense of domestic battering in the first, second, or third degree; or
- violated an equivalent penal law of this state or foreign jurisdiction.

§9-15-203 is amended to allow a petitioner who is unrepresented by counsel to indicate in an order of protection that the respondent is scheduled to be released from incarceration within 30 days and that upon the respondent's release the petitioner will be in immediate and present danger of domestic abuse. The petitioner may request the court to issue an ex parte order of protection with a provision prohibiting the respondent, directly or through an agent, from contacting the petitioner or victim, except under circumstances that the petitioner sets forth.

ARKANSAS

§9-15-206 is amended to allow the omission of the petitioner's home or business address from all documents filed with the court, so long as the petitioner's mailing address is provided to the court. Where disclosure of the address is necessary, the court may order disclosure:

- after receiving the party's consent;
- orally in chambers, out of the presence of the respondent and with a sealed record; or
- after a hearing, if the court takes into consideration the safety of the petitioner and finds such disclosure is in the best interests of justice.

§9-15-207 is amended to provide that in a final order of protection, the petitioner's home or business address may specifically be excluded from notice to the respondent. A law enforcement officer who has probable cause to believe the respondent has violated an order or protection and has been presented verification of the existence of the order may arrest the apparent violator without a warrant, whether the violation was in or outside of the officer's presence.

Title 5, Chapter 26, Subchapter 3 is amended to provide that in cases involving domestic or family violence, a court shall not order residential confinement as a condition of bond or probation for a defendant in any household shared by the defendant and the alleged victim.

CIVIL ORDERS FOR PROTECTION:

§9-15-205 is amended to expand the relief for protection the court can grant to include enjoining and restraining the abusing party from doing, attempting to do, or threatening to do an act injuring, mistreating, molesting, or harassing the petitioner. The length of time the court can grant relief for protection is increased from one to two years. The court also can prohibit the abusing party, directly or through an agent,

ARKANSAS

from contacting the petitioner or victim except under specific conditions described in the order.

§9-15-206 is amended to provide that an order of protection can be entered even if the abusing party is incarcerated. The court shall grant a temporary order of protection pending a full hearing in cases where the respondent is scheduled to be released from incarceration within 30 days and there will be an immediate and present danger of domestic abuse upon the respondent's release.

FAMILY AND CHILDREN:

Title 9, Chapter 15, Subchapter 2 is amended to provide that in determining custody and visitation where the court makes a finding of domestic or family violence, the court shall consider as primary:

- the safety and well-being of the child and of the parent who is the victim of domestic or family violence; and
- the defendant's history of causing physical harm, bodily injury, assault, or reasonable fear of any of these.

If a parent is absent or relocates because of an act of domestic or family violence by the other parent, the absence or relocation is not a factor that weighs against a parent in determining custody or visitation.

MISCELLANEOUS:

The Uniform Child Custody and Jurisdiction Enforcement Act is enacted, combining rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

CALIFORNIA



LEGISLATURE MEETS:

Annually beginning in January of even-numbered years and ending in November of the following odd-numbered years.

DEFINITIONS:

§12028.5 of the Penal Code is amended to replace the former definitions of “family violence” and “family or household member” with a definition for “domestic violence,” which is defined as abuse against any of the following:

- a spouse or former spouse;
- a cohabitant or former cohabitant;
- a person with whom the respondent has had or is engaged in a dating relationship;
- a person with whom the respondent has a child;
- a child of any party or a child who is the subject of an action under the Uniform Parentage Act; or
- any other person related by consanguinity or affinity within the second degree.

The discretionary removal of firearms is changed to mandatory removal.

CRIMINAL PENALTIES AND PROCEDURES:

§166 of the Penal Code is amended to include under the types of contempt of court which constitute a misdemeanor any willful disobedience of any court order or out-of-state court order, lawfully issued by any court, including orders pending trial, made at the request of a party alleging domestic violence.

§243 of the Penal Code is amended to increase the punishment for battery of a spouse, a domestic partner, or a person who is a mother or father of a perpetrator’s child.

§273.5 of the Penal Code is amended to require a defendant previously convicted of corporal injury to a spouse, domestic partner, or a mother or father of a perpetrator’s child to serve a mandatory sentence of 25 days. A defendant is required to serve

CALIFORNIA

a mandatory sentence of 60 days for the conviction of two or more offenses occurring within seven years of the violation.

§633.5 of the Penal Code is amended to provide that one party to a confidential communication can record the communication for the purpose of obtaining evidence reasonably believed to relate to the commission by the other party of the crime of violating a restraining order by means of harassing communication. This evidence is admissible in a prosecution.

§273.6 of the Penal Code is amended to make it a felony or misdemeanor if a person owns, possesses, or receives a firearm knowing he or she is prohibited from doing so by the provisions of a protective order.

§836 of the Penal Code is amended to require an officer to make a lawful arrest where there is probable cause to believe the respondent violated a protective order.

§646.93 of the Penal Code is amended to require the county sheriff to give notice of the release on bail of any person arrested for stalking to the domestic violence unit of the prosecuting county or city where the victim resides. Any request to lower bail must be heard in open court. The judge is required to impose the following as additional conditions of release unless good cause is shown:

- the defendant shall not initiate in person, by telephone, or any other means, contact with the alleged victim;
- the defendant shall not knowingly go within 100 yards of the alleged victim, the residence, or place of employment;
- the defendant shall not possess any firearms or other deadly weapons;
- the defendant shall obey all laws; and
- the defendant, upon request at the time of his or her

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appearance in court, shall provide the court with an address where he or she is residing or will reside, a business or telephone number if employed, and a residence telephone number if the defendant's residence has a telephone number. A violation of these conditions results in an issuance of a no-bail warrant.

CIVIL ORDERS FOR PROTECTION:

§6304 of the Family Code is amended to require the court, when both parties are present at a protective order hearing, to inform the respondent that he or she is prohibited from owning, possessing, or attempting to own a firearm.

§6389 of the Family Code is amended to prohibit a person subject to a protective order from owning, possessing, purchasing, or receiving a firearm while the order is in effect and requires the order to state this prohibition on its face. The court is required to order the restrained person to relinquish any firearm in the person's immediate possession or control.

§6252 of the Family Code is amended to allow an emergency protective order to include provisions determining the temporary care and control of any minor child who is in danger of being abducted.

§185 of the Code of Civil Procedure is amended to require the Judicial Council to translate the domestic violence protective order forms into languages other than English and make them available to all courts by July 1, 2001.

§6228 of the Family Code is amended to require each state and local law enforcement agency to provide a free copy of a report relating to an incident of domestic violence to any victim of domestic violence who so requests. However, the address and telephone number of the victim and the names, addresses, and



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telephone numbers of all witnesses shall be deleted from any report provided.

FAMILY AND CHILDREN:

§3044 is added to the Family Code creating a rebuttable presumption that an award of sole physical or legal custody to a person who has perpetrated domestic violence within the past ten years is detrimental to the best interest of the child.

§3203 of the Family Code is amended to provide that the office of the friend of the court or family law division, where applicable, may establish and administer a supervised visitation and exchange program, allowing a child to participate in the program between a custodial and non-custodial party, regardless of whether the parties are married or cohabiting.

§3110.5 of the Family Code is amended to provide that no person shall be a court-connected or private child custody evaluator unless the person has completed the required domestic violence training program. A child custody evaluator is required to declare under penalty of perjury that he or she meets all of the education, experience, and training requirements established by the Judicial Council. In addition to meeting the Judicial Council's requirements, no person shall be a child custody evaluator unless the person is:

- a licensed physician and is either a board certified psychiatrist or has completed a residency in psychiatry;
- a licensed psychologist;
- a licensed marriage and family therapist;
- a licensed clinical social worker; or
- a court-connected evaluator certified by the court.

§3111 of the Family Code is amended to allow a court to appoint a child custody evaluator to conduct a child custody evaluation in any contested proceeding involving child custody

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or visitation rights where the court determines an evaluation is in the best interest of the child.

§4320 of the Family Code is amended to require the court, when determining spousal support, to consider emotional distress resulting from domestic violence against the supported party where the court finds documented evidence of the history of domestic violence.

PREVENTION AND TREATMENT:

§6343 of the Family Code is amended to replace the language “batterer’s treatment counseling” with “a batterer’s treatment program approved by the probation department as provided in §1203.097 of the Penal Code.”

MISCELLANEOUS:

The Uniform Child Custody and Jurisdiction Enforcement Act is enacted, combining rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

§11163.3 of the Penal Code is amended to provide that each organization represented on a domestic violence death review team may disclose to the other members any pertinent information irrespective of the fact that the information is deemed confidential, privileged, or prohibited from disclosure by statute. However, no individual or agency is required to disclose such information.

§11163.6 is amended to ensure that the domestic violence death review team collects and summarizes the data to show the statistical occurrence of all domestic violence-related deaths in the team’s county.



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§§13961.1, 13965, and 13968.5 of the Government Code are amended to authorize a cash payment or reimbursement to an adult victim of domestic violence for specified expenses incurred in relocating, not to exceed \$2,000.00. If the crime occurred in the victim's residence, a cash payment in an amount not to exceed \$1,000.00 can be authorized for the expense of installing or increasing residential security.

§230 of the Labor Code is amended to provide that an employer may not discharge, discriminate, or retaliate against an employee who is a domestic violence victim and who takes time off from work to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the victim or his or her child. Any victim who is discriminated or retaliated against is allowed one year from the date of the occurrence of the violation to file a complaint, notwithstanding any enumerated time limitations.

§6240 of the Family Code and §§13519 and 13700 of the Penal Code are amended to authorize any member of the California Community College police department or any person employed as a member of a police department of a school district to respond to domestic violence calls and handle domestic violence cases.

§1202.4 of the Penal Code is amended to include mental health therapy expenses in the specified expenses considered when determining the amount of economic loss suffered by the victim for imposing an order of restitution.

COLORADO



LEGISLATURE MEETS:

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

DEFINITIONS:

§13-14-101 is added to expand the definition of domestic abuse to include any act or threatened act of violence against the minor children of either of the parties.

CRIMINAL PENALTIES AND PROCEDURES:

§13-15-102 is amended to provide that public notice of a name change through publication shall not be required if the petitioner has been a victim of a crime where the underlying factual basis was found by the court on record to include:

- an act of domestic violence; or
- an act of child abuse.

CIVIL ORDERS FOR PROTECTION:

§13-14-102 is added to authorize municipal courts of record having concurrent jurisdiction with district courts to issue temporary or permanent civil restraining orders. A temporary order may be issued if imminent danger exists. The court shall not deny a petitioner the relief requested solely because of a lapse of time between an act of abuse or threat of harm and the filing of the petition for a restraining order. A municipal court of record authorized to issue restraining orders and any county court, in connection with issuing a civil restraining order, shall have original jurisdiction with the district court to issue such additional orders as the municipal or county court deems necessary for the protection of persons. The court can grant a mutual restraining order only when each party has met the burden of proof and the court makes separate and sufficient findings of fact to support its issuance. However, this section does not apply to any claim of domestic abuse against a juvenile.



COLORADO

MISCELLANEOUS:

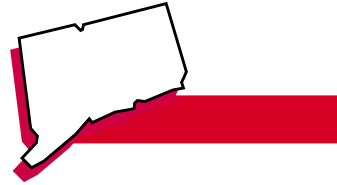
§14-4-407 is amended to establish the state treasury family violence justice fund. Grants from the fund shall be used to fund qualifying organizations to provide legal advice, representation, and advocacy for and on behalf of indigent clients who are victims of family violence.

§19-5-207 is amended to expand the crimes that are checked in a criminal records screen for all adoptions to include:

- the conviction of a misdemeanor;
- any crime where the underlying factual basis was found by the court on record to include an act of domestic violence; and
- a violation of a restraining order.

§26-6-104 is amended to include as grounds to deny a license or certificate to operate a child-care facility the applicant's conviction of a felony based on an act of domestic violence.

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.

DEFINITIONS:

§46b-38a is amended to provide an expanded definition of “family or household member” to include persons in, or having recently been in, a dating relationship.

CRIMINAL PENALTIES AND PROCEDURES:

§46b-38b is amended to allow a police officer who makes an arrest for a family violence crime to seize any firearm in the possession of any suspect or in plain view at the location where the crime is alleged to have been committed. The officer must return the firearm within 48 hours unless the suspect is ineligible to possess such firearm or the court orders otherwise.

§§53a-59a, 53a-60b, 53a-60c, and 53a-61a are amended to provide that a person is guilty of assault in the first degree, assault in the second degree, assault in the second degree with a firearm, or assault in the third degree for an assault against a pregnant victim. However, it is an affirmative defense that the actor did not know the victim was pregnant.

§54-63c is amended to provide that a person charged with the commission of a family violence crime who, in the commission of such crime, uses or threatens to use a firearm is ineligible to be released upon the execution of a written promise to appear or the posting of a bond without surety.

CONNECTICUT

§54-64a is amended to provide that a suspect charged with a bailable family violence crime can be released only if the release will not compromise the victim's safety. The court must set such conditions as to ensure the suspect's further appearance.

Conditions of release include:

- the execution of a written promise to appear without non-financial conditions;
- the execution of a written promise to appear without special conditions;
- the execution of a bond without surety in no greater amount than necessary; or
- the execution of a bond with surety in no greater amount than necessary.

MISCELLANEOUS:

The Uniform Child Custody and Jurisdiction Enforcement Act is enacted, combining rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

§31-236 is amended to provide that an individual who leaves suitable employment in order to protect himself or herself or a child from becoming or remaining a victim of domestic violence, and who makes reasonable efforts to preserve employment, is eligible to receive unemployment benefits.

DELAWARE



LEGISLATURE MEETS:

Annually starting in January and ending in June.

CRIMINAL PENALTIES AND PROCEDURES:

§3906 of Title 11 is amended to require completion of a psychological assessment in a sentence for a second domestic violence conviction.

§1271A of Title 11 is amended to make criminal contempt of a domestic violence protective order a Class A misdemeanor which requires a 15-day incarceration if:

- the contempt resulted in physical injury;
- the contempt involved the use of a deadly weapon; or
- the defendant was convicted of criminal contempt of a domestic violence protective order on two or more occasions.

§§605 and 606 of Title 11 are enacted to make it a felony in the first and second degree to abuse a pregnant female. These statutes are applicable when, during the course of or in the furtherance of the commission of a third degree assault or violent felony, a defendant intentionally or recklessly causes the unlawful and unconsented termination of the victim's pregnancy.



FLORIDA

LEGISLATURE MEETS:

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

DEFINITIONS:

§39.01 is amended to provide that where a citizen is fleeing domestic violence, thereby making a child unavailable for a protective investigation, that unavailability does not fall within the definition of “harm” to a child’s health or welfare.

CIVIL ORDERS FOR PROTECTION:

§784.046 is amended to give a parent or legal guardian standing to file a petition for an injunction for protection against repeat violence on behalf of any minor child living at home, provided the parent or legal guardian:

- is an eyewitness to;
- has direct physical evidence of; or
- has affidavits from eyewitnesses concerning the specific facts and circumstances forming the basis upon which relief is sought.

MISCELLANEOUS:

§39.205 is amended to provide that a victim of domestic violence is not a mandatory reporter of child abuse when the batterer is the child abuser.

§777.03 is amended to provide that a victim of domestic violence who does not take action against the child abuser is not an accessory after the fact.

§960.198 is created to provide relocation assistance to victims of domestic violence. The Crime Victims’ Services Office in the Legal Affairs Department is allowed to award a one-time payment of up to \$1,500.00 on any one claim and a lifetime maximum of \$3,000.00 to victims of domestic violence who

FLORIDA



need immediate assistance to escape from a domestic violence environment. In order for a victim to receive relocation assistance, there must be proof that:

- a domestic violence offense was committed;
- the domestic violence offense was reported to the proper authorities;
- the victim's need for assistance exists as verified by a certified domestic violence center in this state; and
- the victim is cooperating with law enforcement officials, if applicable, and has developed a safety plan, as asserted and documented in the center's certification.

§39.301 is amended to require a petition for dependency to be filed in all cases classified as high risk cases, including, but not limited to, cases involving:

- parents or legal custodians of a young age;
- the use of illegal drugs; or
- domestic violence.

§61.1825 is amended to require placement of a family violence indicator on records in the State Case Registry where a party executes a sworn statement that there is reason to believe that the release of information to the Federal Case Registry may result in physical or emotional harm to the party or the child. Before the family violence indicator can be removed from a record, the protected person must be afforded notice and an opportunity to appear before the court on the issue of whether disclosure will result in harm.



GEORGIA

LEGISLATURE MEETS:

Annually starting in January and normally ending in March.

CRIMINAL PENALTIES AND PROCEDURES:

§§16-5-20 and 16-5-23 are amended to make simple assault and simple battery a misdemeanor of high and aggravated nature between:

- past or present spouses;
- persons who are parents of the same child;
- parents and children;
- stepparents and stepchildren;
- foster parents and foster children; or
- other persons living or formerly living in the same household.

§§16-5-21 and 16-5-24 are amended to increase the term of imprisonment to “not less than three years nor more than 20 years” for a defendant convicted of an offense of aggravated assault or aggravated battery committed between:

- past or present spouses;
- persons who are parents of the same child;
- parents and children;
- stepparents and stepchildren;
- foster parents and foster children; or
- other persons excluding siblings living or formerly living in the same household.

FAMILY AND CHILDREN:

§16-5-70 is amended to make it a crime of cruelty to children in the second degree if the perpetrator intentionally allows a minor child to witness an act of family violence battery or if the perpetrator, having knowledge that a minor child is present and hears or sees the act, commits an act of family violence battery.*

GEORGIA



§§19-9-1 and 19-9-3 are amended to require the court to consider relevant evidence of family violence even if there has been no such previous finding. The court may take such necessary actions as ordering supervised visitation or other appropriate steps.

**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 children remain uncertain.*



HAWAII

LEGISLATURE MEETS:

Annually starting in January and normally ending in April.

DEFINITIONS:

Chapter 706 is amended to include abuse of a family or household member in its definition of offense for purposes of sentencing. “In the presence of a minor” is defined as “in the actual presence of a child or knowing that the child is present and may hear or see the offense.”*

CRIMINAL PENALTIES AND PROCEDURES:

Chapter 706 is amended to require the court to consider the following aggravating factors in sentencing:

- whether the defendant has been convicted of committing or attempting to commit an offense involving abuse of a family or household member;
- whether the defendant is or has been a family or household member of either a minor or the victim of the offense; and
- whether the offense contemporaneously occurred in the presence of a minor.*

§134-11 is amended to provide that prohibitions and restrictions on carrying firearms shall apply only to state and local law enforcement officers convicted of an offense involving abuse of a family or household member.

FAMILY AND CHILDREN:

§571-46 is amended to prohibit the court from awarding visitation to a parent who committed family violence unless the court finds that adequate provision can be made for the physical safety and psychological well-being of the child and for the safety of the parent who is the victim of family violence.

**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 children remain uncertain.*

IDAHO



LEGISLATURE MEETS:

Annually starting in January and normally ending in March.

DEFINITIONS:

§39-6303 is amended to include in the definition of a protection order any order issued in another jurisdiction to prevent violent or threatening acts.

CIVIL ORDERS FOR PROTECTION:

§39-3609 is amended to allow the court to order a peace officer to assist and accompany the petitioner in obtaining possession of the residence under an order afforded full faith and credit or in the execution of such order.

§39-6303A is enacted to create a presumption that an out-of-state protection order is valid if the issuing court had jurisdiction over the parties under the law. A valid out-of-state protection order may be registered with a court of Idaho, but registration is not necessary for enforcement. A valid protection order shall be afforded full faith and credit.

§39-6310 is amended to provide that registration of an out-of-state protection order with the court, eliminates the need for further service and proof of service.

§39-6312 is amended to create a presumption that when a victim presents an officer with proof of service of an out-of-state protection order, the person against whom it was issued has notice of the order.



ILLINOIS

LEGISLATURE MEETS:

Annually in January and normally ends in May or June.

CRIMINAL PENALTIES AND PROCEDURES:

§§12-3.2 and 12-30 are amended to provide that a person who is convicted of domestic battery and who has a prior conviction for aggravated battery, stalking, aggravated stalking, unlawful restraint, or aggravated unlawful restraint committed against a family or household member is guilty of a Class 4 felony, instead of a Class A misdemeanor.

Public Act 99-0494 is enacted and designated the Address Confidentiality for Victims of Domestic Violence Act, allowing victims of domestic violence to designate the Attorney General as an agent for the purposes of service of process and the receipt of mail.

PREVENTION AND TREATMENT:

§§12-3.2 and 5-5-6 are amended to make the defendant liable, in any conviction for domestic battery and at the discretion of the court, for the cost of any counseling required for the child of the offender or of the victim, if the child was present and witnessed the domestic battery of the victim.

MISCELLANEOUS:

§3-3013 is amended to require that death certificates list the cause of death as domestic violence if such finding is medically justified and to require the coroner to report the domestic violence-related death to the Department of State Police.

INDIANA



LEGISLATURE MEETS:

Annually for one day in November, then convenes in January. Sessions normally end by April 30 in odd-numbered years and by March 15 in even-numbered years.

CRIMINAL PENALTIES AND PROCEDURES:

§34-26-2-12 is amended to allow the court to order the respondent to refrain from possessing a firearm for the duration of the protective order where the court finds by clear and convincing evidence that the respondent poses a significant threat of inflicting serious bodily injury to the petitioner or a member of the petitioner's household or family.

FAMILY AND CHILDREN:

§31-14-14-5 is amended to require the court, where it finds that a noncustodial parent has been convicted of domestic battery witnessed or heard by his or her child, to order supervised visitation for at least one year and not more than two years immediately following the domestic battery conviction or until the child becomes emancipated, whichever occurs first.



IOWA

LEGISLATURE MEETS:

Annually starting in January and ending in April or May.

CRIMINAL PENALTIES AND PROCEDURES:

§811.1 is amended to restrict the posting of bond for the offense of felony stalking.

CIVIL ORDERS FOR PROTECTION:

§236.5 is amended to allow the court to make unlimited extensions of a counseling order, a protective order, or a consent agreement if, after a hearing, the court finds that the defendant continues to pose a threat to the victim, persons residing with the victim, or members of the victim's immediate family. The parties need not meet the requirement of having lived together during the last year in order for the extension to be granted, as long as the parties met this requirement at the time the original order was granted.

LOUISIANA



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:

§46:236.10 is amended to require the Department of Social Services to implement procedures concerning confidential information contained in the state registry, including the following:

- safeguards against the unauthorized use or disclosure of information relating to paternity, child support, or child custody;
- prohibitions against disclosure of the whereabouts of a party or child to a party against whom a protective order was entered with respect to that party or child;
- prohibitions against the release of information about the whereabouts of a party or child if the department has reason to believe that such disclosure may result in physical or emotional harm to that party or child;
- requirements that when the department discloses information to the court, the department shall advise the court if there is reasonable evidence of domestic violence or child abuse perpetrated against a person or child who is the subject of the inquiry; and
- requirements that the court shall determine whether disclosure to the requesting party would likely result in physical or emotional harm to the person or child who is the subject of the inquiry and shall not disclose in cases where it finds that disclosure would likely result in such harm.

§46:2135 is amended to allow a showing of immediate and present danger by any person to constitute good cause for a



LOUISIANA

court to enter a temporary restraining order without notice. The amendment increases from 10 to 20 days the length of time to show cause why a protection order should not be issued.

§15:571.13 is amended to allow the trial court, in its discretion, to prohibit any person convicted of stalking from earning a diminution of sentence.

§335.1 of the Code of Criminal Procedure is amended to provide that, in determining the conditions of release of a defendant charged with stalking, the court shall consider whether the defendant poses a threat or danger to the victim.

MISCELLANEOUS:

§14:40.2 is amended to provide that whenever it is deemed appropriate for the protection of the victim, the court may send to any employer of a person convicted of stalking written notice describing the conduct on which the conviction is based.

§22:250.20 is created to:

- prohibit health insurance issuers or nonfederal governmental plans from discriminating on the basis of the abuse status of an applicant or insured;
- give the victim spouse who is covered under the policy the right to convert his or her dependent coverage to an individual policy upon divorce or separation from the abuser, without requiring medical underwriting; and
- prohibit the disclosure or transfer of information regarding the abuse status or abuse-related medical treatment of an applicant or insured.

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.

DEFINITIONS:

§3360 of Title 5 is amended to expand personal injury compensable under the victims' compensation fund to include both bodily injury and psychological injury incurred by a victim who has sustained a threat of bodily injury.

CRIMINAL PENALTIES AND PROCEDURES:

§1202 of Title 17-A is amended to increase to a mandatory two years the length of probation for a person convicted of a Class D or Class E crime involving domestic violence. However, the probation must be terminated at the time the probationer completes a certified batterer's intervention program.

MISCELLANEOUS:

§1657 of Title 19-A is amended by the enactment of the Uniform Child Custody and Jurisdiction Enforcement Act, combining rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

§850 of Title 26 is created to require employers to grant reasonable and necessary leave from work, with or without pay, for employees to obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking. The leave applies only to employees who are victims of acts that would support an order for protection. Employers may not sanction



MAINE

employees or deprive employees of pay or benefits for exercising a right granted by this section.

§850 of Title 26 is created to provide funds to contract for the development of a training curriculum related to workplace violence and domestic violence issues and to provide training to employers.

MICHIGAN



LEGISLATURE MEETS:

Biennially, starting in January in odd-numbered years and ending in December of the following even-numbered year.

DEFINITIONS:

§750.110a is amended to expand the crime of home invasion to include the breaking and entering of a dwelling with the intent to commit assault or a misdemeanor. Third degree home invasion is expanded to include the violation of a condition of a personal protection order, probation, parole, or bond or pre-trial release where the condition protects a named individual harmed in the dwelling.



LEGISLATURE MEETS:

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

DEFINITIONS:

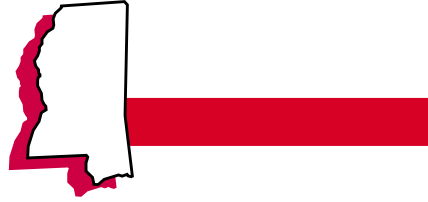
§626.556 is amended expanding the definition of child neglect to include subjecting a child, to his or her detriment, to ongoing domestic violence in the home environment.*

MISCELLANEOUS:

The Uniform Child Custody and Jurisdiction Enforcement Act is enacted, combining rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

**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 children remain uncertain.*

MISSISSIPPI



LEGISLATURE MEETS:

Annually, beginning in January and normally ending in April.

DEFINITIONS:

§97-3-7 is amended to provide that an act of simple or aggravated assault, as defined in the statute, when committed against a family or household member who resides with or formerly resided with the defendant or against a person with whom the defendant has had a child, constitutes an act of simple or aggravated domestic violence.

§99-3-7 is amended to expand the definition of “misdemeanor which is an act of domestic violence” to include simple assault and stalking.

CRIMINAL PENALTIES AND PROCEDURES:

§97-3-7 is amended to require the sentencing order to include the designation of domestic violence for any conviction of assault which arises from an incident of domestic violence.

§43-19-44 is amended to direct the Department of Health Services to safeguard personal data if there is reasonable evidence of risk of harm. Reasonable evidence of risk of harm is defined as reasonable evidence that:

- the release of information may result in physical harm to the parent or child;
- the release of information may result in emotional harm which would significantly reduce the parent’s or child’s ability to function adequately; or
- a protective or restraining order has been issued on behalf of the parent or child.



MISSISSIPPI

§99-3-7 is amended to expand the courts having jurisdiction to enter a protective order or court-approved consent agreement to include municipal courts. Mandatory arrest applies to a violation of an order issued by a municipal court. When any mandatory arrest is made for violating a protective order or court-approved consent agreement, it shall be designated as domestic assault or domestic violence on both the arrest docket and the incident report.

CIVIL ORDERS FOR PROTECTION:

HB 1086 is enacted to provide full faith and credit for protective orders from other jurisdictions. A presumption of validity applies to orders authentic on their face; and where no expiration date appears, the order is deemed to expire one year from the date of issuance.

PREVENTION AND TREATMENT:

§97-3-7 is amended to give the court discretion to require, as a condition of any suspended sentence, that the defendant participate in counseling or treatment to bring about the cessation of domestic abuse.

MONTANA



LEGISLATURE MEETS:

Biennially starting the first Monday of January in odd-numbered years unless the first Monday falls on January 1st in which case the session begins on the first Wednesday. The session usually lasts until the end of April. The state constitution limits the session to 90 legislative days.

CRIMINAL PENALTIES AND PROCEDURES:

§40-15-202 is amended to provide that the hearing date for a temporary order of protection may be continued at the request of either party for good cause or by the court. However, if the hearing date is continued, the temporary order of protection must remain in effect until the court conducts the hearing.

MISCELLANEOUS:

§§40-1-105 to 40-7-125 are amended by the enactment of the Uniform Child Custody and Jurisdiction Enforcement Act, combining rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

§25-1-201 is amended by establishing an account for civil legal assistance for indigent victims of domestic violence. The money in the account must be used solely for the purpose of providing legal representation for indigent victims in civil matters in domestic violence cases and for alternative dispute resolution initiatives in family law cases.



NEBRASKA

LEGISLATURE MEETS:

Annually beginning 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.

CRIMINAL PENALTIES AND PROCEDURES:

§28-1229 is amended to prohibit the Nebraska State Patrol from issuing a permit to store or use explosive materials to any person who has been convicted in any court of a misdemeanor crime of domestic violence. Persons subject to the prohibition include:

- those convicted of a misdemeanor involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship; or
- those subject to a court-ordered restraint from harassing, stalking, or threatening an intimate partner or child of such partner.

NEVADA



LEGISLATURE MEETS:

Biennially starting the third Monday in January of odd-numbered years and lasting until the last part of June of that year.

CRIMINAL PENALTIES AND PROCEDURES:

§200.575 is amended to increase the punishment for aggravated stalking from a minimum of one year to a minimum of two years and from a maximum of six years to a maximum of fifteen years.

§178.484 is amended to provide that a person who commits a battery upon a person to whom he or she is related by marriage or with whom he or she has had a dating relationship may not be admitted to bail sooner than 12 hours after arrest. If bail is granted, it must be set at:

- \$3,000.00 if there are no previous convictions constituting domestic violence and no reason to believe the battery for which the person was arrested resulted in substantial bodily harm;
- \$5,000.00 if there are no previous convictions or one previous conviction of battery constituting domestic violence, but there is reason to believe that the battery for which the person was arrested resulted in substantial bodily harm; or
- \$15,000.00 if there is one previous conviction that constitutes domestic violence and reason to believe that the battery for which such person was arrested resulted in substantial bodily harm or there are two or more previous convictions of battery constituting domestic violence.

CIVIL ORDERS FOR PROTECTION:

Chapter 33, § 1, is amended to authorize the court to appoint a master to take testimony and make recommendations in cases concerning orders for protection against domestic violence.



NEVADA

§33.090 is amended to accord full faith and credit to valid orders of protection against domestic violence issued by courts from another state.

FAMILY AND CHILDREN:

Chapter 432B is amended to create a rebuttable presumption that it is not in the best interest of the child to be released to the custody of one parent convicted of murder in the first degree of the other where the child is placed in protective custody. The statute further prohibits the court from placing a child in the custody of a parent who has engaged in one or more acts of domestic violence, unless the court determines that:

- it is in the best interest of the child for the perpetrator of domestic violence to have custody; or
- the rebuttable presumption does not apply to the person to whom the court releases the child.

Chapter 125A is amended to prohibit the court from awarding custody or visitation rights to one parent of a child who is convicted of murder in the first degree of the other unless:

- the court determines it is in the best interest of the child to do so; or
- the child is of suitable age to signify his assent and assents to the order.

§159.061 is amended to make a conviction of a crime involving domestic violence a factor the court must consider in determining whether the convicted parent is qualified and suitable to be appointed guardian for the minor.

§432B.330 is amended to add to the instances when a child may be in need of protection the death of one parent resulting from an act of domestic violence by the other.

NEVADA



§432B.390 is amended to require an officer of a law enforcement agency, the local juvenile probation department, or the local department of juvenile services to place a child in protective custody upon the death of a parent of the child where a reasonable belief exists that the death resulted from domestic violence. A protective custody hearing is required, whether the child is placed in protective custody or with a relative.

PREVENTION AND TREATMENT:

Chapter 481 is amended to require peace officers to be trained in dealing with crimes of stalking and aggravated stalking.

MISCELLANEOUS:

§6.020 is amended to allow an exemption as a grand or trial juror to any person who has a fictitious address.



NEW HAMPSHIRE

LEGISLATURE MEETS:

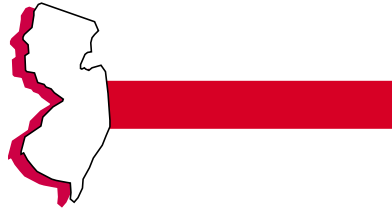
Annually starting in January and lasts for 45 legislative days or until July 1, whichever comes first.

CRIMINAL PENALTIES AND PROCEDURES:

§597:2 is amended to allow the court to place conditions on a defendant charged with domestic violence, stalking, or violation of a protective order, who is released pending trial, if there is clear and convincing evidence that the defendant poses a danger to another. Such conditions include:

- ordering preventative detention without bail; or
- restrictive conditions, including, but not limited to, electronic monitoring and supervision.

NEW JERSEY



LEGISLATURE MEETS:

Annually from January through June and from September through December.

CRIMINAL PENALTIES AND PROCEDURES:

Public Law 1991, chapter 26, is enacted to require the Administrative Office of the Courts to establish and maintain a central registry for domestic violence cases. The information in the registry is to be made available to a police or other law enforcement agency conducting an investigation involving an application for a firearm permit.

§2C:25-28 is amended to require a judge to conduct a search of the central registry prior to issuing any order in a domestic violence case.

§2C:25-31 is amended to require the arresting officer to conduct a search of the registry when the court is closed and a person is arrested for contempt of a domestic violence order.

§53:1-15 is amended to require any person arrested for or convicted of assault or harassment constituting domestic violence or subject to a final order in a domestic violence matter to submit to fingerprinting.

PREVENTION AND TREATMENT:

§§2C:25-27 and 2C:25-29 are amended to mandate the court, whenever it requires the defendant to receive professional counseling, to require documentation of compliance as a necessary condition of dissolving any restraining order against the defendant.

§2C:25-20 is amended to require that judges receive annual, rather than biannual, training on domestic violence issues.



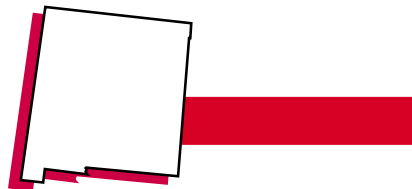
NEW JERSEY

MISCELLANEOUS:

§43:21-5 is amended to provide unemployment insurance benefits for individuals who leave work or are discharged because of circumstances resulting from being a victim of domestic violence.

§2C:3-4 is amended to provide an exception to the general rule that the use of deadly force is not justifiable if the actor can avoid using such force with complete safety by retreating. Now, the actor who becomes the target of a unilateral unprovoked attack by a cohabitant spouse or cohabitant household member with whom the actor has a history of domestic violence is not obliged to retreat in the shared dwelling.

NEW MEXICO



LEGISLATURE MEETS:

Annually starting in January. In odd-numbered years, sessions are limited to 60 calendar days, normally ending in March. In even-numbered years, sessions are limited to 30 calendar days, normally ending in February.

DEFINITIONS:

§40-4-9.1 is amended to define domestic abuse as any incident by a household member against another household member resulting in:

- physical harm or severe emotional distress;
- imminent fear of physical harm caused by a threat;
- criminal trespass;
- criminal damage to property;
- stalking or aggravated stalking; or
- harassment.

CRIMINAL PENALTIES AND PROCEDURES:

The Family Violence Protection Act is amended to authorize the district court to issue ex parte written emergency orders of protection when a law enforcement officer states to the court the need for such an order and the court finds reasonable grounds to believe that the petitioner or the petitioner's child is in immediate danger of domestic abuse following an incident of domestic abuse by a household member. Upon proper petition, the district court may issue a temporary protective order based upon the same incident of domestic abuse alleged in the emergency protection order.



NEW MEXICO

CIVIL ORDERS FOR PROTECTION:

§40-13-6 is amended to require that full faith and credit be given to orders of protection issued by courts of other states. Mutual restraining orders are not entitled to full faith and credit if:

- no cross or counter petition, complaint, or other written pleading was filed seeking such a protective order; or
- a cross or counter petition has been filed, but the court did not make specific findings that each party was entitled to such an order.

FAMILY AND CHILDREN:

§40-4-9.1 is amended to make one or more acts of domestic abuse a factor for the court to consider in determining whether joint custody is in the best interest of the child.

NEW YORK



LEGISLATURE MEETS:

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

DEFINITIONS:

The Criminal Procedure Law, Executive Law, Family Court Act, and Penal Law are amended to create the separate crime of stalking in the first, second, third, and fourth degrees. Increased penalties are provided for:

- repeat offenders;
- offenders who stalk children;
- offenders who possess weapons when stalking; and
- offenders who commit stalking in the violation of an order of protection.

CRIMINAL PENALTIES AND PROCEDURES:

§240 of the Domestic Relations Law is amended to allow the court, upon issuance of an order of protection or upon a violation of such order, to do one or more of the following:

- direct a party to surrender his or her firearms;
- revoke or suspend a party's firearms license; or
- direct that such party be ineligible to receive a firearms license.

FAMILY AND CHILDREN:

§1052 of the Family Court Act is amended to require the family court to consider whether domestic violence has occurred in a child's home in making a dispositional order.

MISCELLANEOUS:

§378-a of the Social Services Law is amended to establish a procedure for conducting criminal records checks of applicants to become foster or adoptive parents through an agency. A felony spousal conviction or charge or a felony conviction



NEW YORK

for physical assault or battery within the last five years bars certification or licensure as foster parents, prospective adoptive parents, or obtaining final approval as kinship foster parents. However, the prohibitions do not limit the authority of the courts to place children directly or to approve adoptions.

The following provisions for domestic violence cases were enacted to bring the state into compliance with the federal Adoption and Safe Families Act of 1997:

- courts must consider the presence of domestic violence in the home when determining whether an order of protection removing a person from the home would eliminate the need to place the child; and
- the Office of Children and Family Services must study the extent to which domestic violence victims have their children removed as a result of the abuser's conduct.

§115-d of the Domestic Relations Law is amended to require courts to make a criminal records checks before approving persons as qualified adoptive parents. The statute bars certification of persons who have a conviction of felony spousal abuse or felony physical assault or battery within the past five years.

§593 of the Labor Code is amended to provide that a victim of domestic violence, who voluntarily resigns from employment as a result of such abuse, may be deemed to be resigning for good cause for purposes of unemployment insurance.

§259-i of the Executive Law is amended to require the State Board of Parole to provide toll free telephone access for crime victims to inquire about the release of an inmate.

NEW YORK



The Criminal Procedure Law and Family Court Act are amended to provide that a victim's choice to proceed in the family court does not divest the criminal court of jurisdiction over the family offense.

§624 of the Executive Law is amended to provide crime victim compensation for counseling to the spouses and children of crime victims who were physically injured. A sex offense victim is presumed to have suffered physical injury.



NORTH CAROLINA

LEGISLATURE MEETS:

Annually. In odd-numbered years, sessions start in January and have no statutory ending date. In even-numbered years, sessions usually start in May and last for four to six weeks.

DEFINITIONS:

§14-196 is amended to make it a Class 2 misdemeanor to use any words or language threatening a person's child, dependent, sibling, or spouse in telephonic or electronic mail communication with that person.

§14-277.1 is amended to make it a Class 1 misdemeanor to threaten willfully physical injury to the child, dependent, sibling, or spouse of another.

§1C-1702 is amended to expand the definition of foreign judgment to include a domestic violence protection order.

CRIMINAL PENALTIES AND PROCEDURES:

§15A-401 is amended to expand the instances where an officer may arrest a person without a warrant to include offenses where:

- the officer has probable cause to believe the person has committed a misdemeanor; and
- the offense was committed by a person with whom the alleged victim has a personal relationship.

§50B-4.1 is amended to require mandatory arrest without a warrant where the officer has probable cause to believe that a person knowingly violated a valid protective order.

CIVIL ORDERS FOR PROTECTION:

§50B-4 is amended to require the court to accord full faith and credit to valid foreign orders, regardless of whether such orders have been registered. Upon application or motion by a party, the court must determine whether any such order remains in full force and effect.

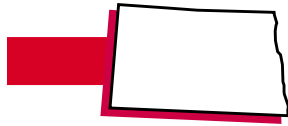
NORTH CAROLINA

MISCELLANEOUS:

Chapter 50A of the General Statutes is amended by the enactment of the Uniform Child Custody and Jurisdiction Enforcement Act, combining rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another jurisdiction.

§50B-3 is amended to require police departments to issue promptly a copy of a domestic violence order and to retain such copies in the department, as well as to enter modifications, terminations, and dismissals of such orders promptly into the National Crime Information Center registry.

§50B-5 is amended to require the law enforcement agency to respond to a request for assistance as soon as practicable. This amendment effectively deletes the former provision allowing a local law enforcement agency to forgo responding to instances of multiple complaints from the same complainant, if such complaints were made within a 48-hour period and the agency had reasonable cause to believe that immediate assistance was not needed.



NORTH DAKOTA

LEGISLATURE MEETS:

Biennially starting the first Tuesday after January 3rd and not later than January 11th of odd-numbered years and meeting until the first part of April.

CRIMINAL PENALTIES AND PROCEDURES:

§14-07.1-06 is amended to make the violation of an order entitled to full faith and credit a Class A misdemeanor and a second or subsequent violation a Class C felony.

§14-07.1-11 is amended to allow a law enforcement officer to make a warrantless arrest up to 12 hours from the time the officer determines there is probable cause to arrest for an assault on a family or household member. After 12 hours, the officer must obtain a warrant.

CIVIL ORDERS FOR PROTECTION:

§14-07.1 is amended to require that full faith and credit be given to foreign domestic violence protection orders. A foreign order is enforceable if:

- notice was given to the respondent in compliance with the issuing jurisdiction;
- the order is in effect in the issuing jurisdiction;
- the issuing court had both personal and subject-matter jurisdiction;
- the respondent was afforded reasonable notice and an opportunity to be heard; and
- the order was entered to afford protection to the respondent upon written pleadings and specific findings that the respondent was entitled to the order.

FAMILY AND CHILDREN:

§14-09 is amended to require a court to consider any domestic violence protection orders relating to the parties when determining whether to restrict or exclude any parental custody or visitation right or duty.

NORTH DAKOTA

PREVENTION AND TREATMENT:

§97-3-7 is amended to give the court discretion whether to require, as a condition of any suspended sentence, that the defendant participate in counseling or treatment to bring about the cessation of domestic abuse.

MISCELLANEOUS:

The Uniform Child Custody and Jurisdiction Enforcement Act is enacted, combining rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

Chapter 26.1-39 is amended to prohibit an insurer, when issuing or renewing a policy of property and casualty insurance, from basing any claim-handling decision solely upon whether an applicant or insured suffers from domestic violence. If the policy excludes coverage for intentional acts, then the insurer may not deny payment to an innocent co-insured who did not cooperate in or contribute to the loss, if the loss arose out of an act of domestic violence and the perpetrator was criminally prosecuted for the act.



OHIO

LEGISLATURE MEETS:

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

DEFINITIONS:

§2929.01 is amended to define “committed in the vicinity of a child” to include offenses committed within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the child actually views the commission of the offense.*

CRIMINAL PENALTIES AND PROCEDURES:

§§2929.12 and 2929.22 are amended to add as aggravating factors for the court to consider in sentencing offenders:

- whether the offense involves a person who was a family or household member at the time of the violation;
- whether the offender committed the offense in the vicinity of one or more children who are not victims of the offense; and
- whether the offender or the victim of the offense is a parent, guardian, custodian, or person *in loco parentis* of one or more of those children.*

§2951.02 is amended to allow the court to place additional requirements on an offender who has been convicted of or pleaded guilty to a misdemeanor and is placed on probation or other suspension, including the requirements that the offender obtain counseling when:

- the offense involved a person who was a family or household member at the time of the violation;
- the offender committed the offense in the vicinity of one or more children who are not victims of the offense; and
- the offender or the victim of the offense is a parent, guardian, custodian, or person *in loco parentis* of one or more of those children.*

OHIO



PREVENTION AND TREATMENT:

§2929.17 is amended to add a requirement that the offender obtain counseling if:

- the offense involved a person who was a family or household member at the time of the violation;
- the offender committed the offense in the vicinity of one or more children who are not victims of the offense; and
- the offender or the victim of the offense is a parent, guardian, custodian, or a person *in loco parentis* of one or more of those children.*

*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 children remain uncertain.



OKLAHOMA

LEGISLATURE MEETS:

Annually beginning with a one-day organization session in January. The legislative session begins in February and ends in May.

DEFINITIONS:

§644 of Title 21 is amended to define “in the presence of a child” as being in the physical presence of a child or having knowledge that a child is present and may see or hear an act of domestic violence.*

CRIMINAL PENALTIES AND PROCEDURES:

§644 of Title 21 is amended to enhance the sentence for domestic abuse committed in the presence of a child to not less than six months for a first conviction and to not less than one year for a second or subsequent conviction.*

§3-313 of Title 43A is amended to prohibit district courts from disclosing the location of any person seeking or receiving services from domestic violence or sexual assault programs.

**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 children remain uncertain.*

OREGON



LEGISLATURE MEETS:

Biennially, starting the second Monday in January of odd-numbered years and meeting until June or July of that year.

DEFINITIONS:

§133.055 is amended to expand the circumstances requiring mandatory arrest by deleting the language “between spouses, former spouses, adult persons related by blood or marriage, or persons of the opposite sex residing together or who formerly resided together” and adding the language “between family or household members.” “Family or household members” includes:

- spouses;
- former spouses;
- adult persons related by blood, marriage, or adoption;
- persons who are cohabiting;
- persons who have been involved in a sexually intimate relationship within two years immediately preceding the filing by one of them of a petition for relief; and
- unmarried parents of a child.

CRIMINAL PENALTIES AND PROCEDURES:

§163.160 is amended to add that assault in the fourth degree is a Class C felony if a person commits assault in the fourth degree and has been convicted previously at least three times under this section or under equivalent laws of another jurisdiction and all of the assaults involved domestic violence. It is an enhancing factor for making assault in the fourth degree a Class C felony if the assault is seen or directly perceived in any other manner by a child.*

§135.815 is amended to provide that neither the district attorney, a lawyer representing the defendant, nor a representative of the lawyer can disclose to the defendant the addresses and telephone numbers of the victim or any witnesses.



OREGON

§135.250 is amended to add conditions with which a defendant charged with an offense constituting domestic violence must comply in order to be released. The additional conditions include:

- restricting the defendant's ability to possess firearms and ammunition or engage in any activities involving firearms, if the defendant was provided notice and an opportunity to be heard; and
- requiring release agreements executed by the defendant charged with domestic violence to be entered into the Law Enforcement Data System.

Proof of service of the release agreement is not required, and the release agreement may be terminated at the request of the victim only after a hearing.

CIVIL ORDERS FOR PROTECTION:

§133.310 is amended to allow an officer to arrest a person without a warrant if:

- the person protected by a foreign restraining order presents a copy of the order to the officer and represents that the order is current and that the person restrained was personally served and has actual notice of the order;
- the person protected has filed a copy of the foreign restraining order with a court; or
- the order was entered into the Law Enforcement Data System or the National Crime Information Center of the United States Department of Justice databases.

Chapter 133 is amended to include temporary and final orders issued in civil and criminal court in its definition of restraining order and foreign restraining order. Registration is not required to enforce a foreign restraining order. However, the court entering a foreign restraining order must:

- have personal or subject matter jurisdiction;
- give the respondent reasonable notice or an opportunity to be heard;

OREGON



- determine whether the order was issued against the person who petitioned for it, unless the person protected by the foreign restraining order filed a separate petition; and
- make specific findings that the person to be protected was entitled to the order.

A person may enter a foreign restraining order into the Law Enforcement Data System by presenting a true copy of the order to a county sheriff. A \$5,000.00 security is required for the release of a person who is arrested for violating a foreign restraining order, unless otherwise specified.

FAMILY AND CHILDREN:

§107.137 is amended to create a rebuttable presumption that it is not in the best interest and welfare of the child to be in the sole or joint custody of a parent who committed abuse.

§107.105 is amended to require the court to make adequate provisions for the safety of the child and the other parent if the court awards parenting time to a non-custodial parent who has committed abuse.

MISCELLANEOUS:

The Uniform Child Custody and Jurisdiction Enforcement Act is enacted, combining rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

HB 3084 is enacted prohibiting courts from deferring further proceedings and placing the person on probation where such person pleads guilty to or is found guilty of a misdemeanor crime involving domestic violence.

**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 children remain uncertain.*



LEGISLATURE MEETS:

Annually starting in January and generally ending in June.

DEFINITIONS:

§23-3-430 is amended to expand the definition of “sex offender” to include a person convicted of criminal sexual conduct or sexual battery when the victim is the offender’s spouse.

PREVENTION AND TREATMENT:

§43-1-205 is amended to require agencies receiving funds from the Department of Social Services for the treatment of perpetrators of domestic violence to comply with program standards contained in the department’s annual battered spouse state plan. Compliance with standards includes requiring treatment services and supervision to be provided by a person with a master’s degree in social work, counseling, or other related field.

MISCELLANEOUS:

§20-7-1572 is amended to include as grounds for terminating parental rights a conviction for certain crimes against the person, including criminal domestic violence.

SOUTH DAKOTA



LEGISLATURE MEETS:

Annually starting in January. In odd-numbered years, sessions are limited to 40 legislative days and end in March. In even-numbered years, sessions are limited to 35 legislative days and end in February.

DEFINITIONS:

§23A-28C-4 is amended to expand the definition of “victim” to include any person who is the subject of stalking.



TENNESSEE

LEGISLATURE MEETS:

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

CRIMINAL PENALTIES AND PROCEDURES:

§10-7-504 is amended to require that the following identifying information regarding orders of protection, restraining orders, shelters, and victims and witnesses in criminal cases be treated as confidential:

- the address;
- the telephone number;
- the social security number; and
- any other information which could be used to locate victims, domestic violence shelters, or rape crisis centers.

§36-3-6 is amended to specify that the records of domestic violence shelters and rape crisis centers be treated as privileged and not subject to subpoena. However, the individual to whom the privilege attaches can authorize the release of the records or the court can approve a subpoena for them, subject to such restriction as the court may impose, including *in camera* review.

§40-7-103 is amended to mandate warrantless arrest if a law enforcement officer:

- has probable cause to believe that a person violated one or more of the conditions of release; and
- verifies that the alleged violator received notice of such conditions

regardless of whether the violation was committed in or outside the presence of the officer.

§40-11-150 is amended to provide that a person violating conditions of release shall be held in contempt of court and may have his or her bail revoked. A person arrested for charges relating to domestic violence must be held in confinement for 12 hours following the arrest, unless an official authorized to

TENNESSEE

release such offender makes the following written findings:

- the offender is not a threat to the alleged victim or family or household member;
- the offender does not threaten public safety; and
- the offender is reasonably likely to appear in court.

The law enforcement agency having custody of the offender is required to provide the victim with the address and telephone number of the nearest source of assistance to victims of domestic violence.

§40-11-150 is amended to provide that, concurrent with the imposition of one or more conditions of release, the magistrate shall:

- issue a written order for conditional release on a form prepared by the administrative office of the courts in consultation with the Tennessee Task Force Against Domestic Violence and distributed to judges and magistrates;
- immediately distribute a copy of the order to the law enforcement agency having custody of the defendant, which agency shall file and maintain such order in the same manner as is done for orders of protection; and
- provide such law enforcement agency any available information concerning the location of the victim, in a manner that protects his or her safety.

CIVIL ORDERS FOR PROTECTION:

§36-3-612 is amended to provide that, where there is an alleged violation of an order of protection, either the court having jurisdiction over the order or the court originally issuing the order can hear and punish such violations as contempt.

MISCELLANEOUS:

Titles 26, 27 and 39 and Chapter 9 are amended by the enactment of the Uniform Child Custody and Jurisdiction Enforcement Act, combining rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.



TEXAS

LEGISLATURE MEETS:

Biennially, starting the second Tuesday in January in odd-numbered years and meeting until the end of May. Regular sessions are limited to 140 calendar days.

DEFINITIONS:

§56.32 is amended to define “pecuniary loss” to include the reasonable and necessary costs incurred by a victim of domestic violence for relocation and housing rental assistance payments.

CRIMINAL PENALTIES AND PROCEDURES:

§22.01 of the Penal Code is amended to elevate a second family violence conviction to a third degree felony. A sentence of deferred adjudication constitutes a first offense.

§§85.026, 105.006, 102.0085, and 153.0071 are amended to require that a statement be placed on a protective order or temporary ex parte order which prominently states in boldfaced type or capital or underlined letters that it is unlawful for any person who is subject to a protective order to possess a firearm or ammunition.

§17.291 of the Code of Criminal Procedure is amended to provide that the detention period may be extended for an additional period not to exceed 48 hours for a person arrested or held without a warrant in the prevention of family violence. Factors triggering the extension are:

- the use or exhibition of a deadly weapon during the commission of the offense or during the immediate flight after the commission of the offense; and
- a finding of probable cause by a magistrate judge that the person detained committed the instant offense and that during a 10-year period preceding the date of the instant offense, the person was arrested on more than one occasion for an offense involving family violence or any other offense.

TEXAS

§17.292 of the Code of Criminal Procedure is amended to require a magistrate to issue an order of emergency protection when a defendant is arrested for a family violence offense involving serious bodily injury to the victim or the use or exhibition of a deadly weapon during the commission of an assault. The order for emergency protection may suspend a defendant's license to carry a concealed handgun. The provision increases the duration of an order for emergency protection from up to 31 days to up to 61 days, but not less than 31 days after the date of issuance.

§411.187 of the Government Code is amended to provide that a license to carry a concealed handgun may be suspended if the license holder:

- commits an act of family violence and is the subject of an active protective order; or
- is arrested for an offense involving family violence and is the subject of an emergency protection order.

The license may be suspended for the duration of or the period specified by the protective order or the order of emergency protection.

§157.166(b) is amended to provide that when an enforcement order imposes incarceration or a fine for criminal contempt, the order must contain findings identifying:

- the provisions of the order;
- the date of each occasion when the respondent's failure to comply with the order was found to constitute criminal contempt; and
- the specific conditions of release in cases where incarceration is imposed for civil contempt.

§17.293 of the Code of Criminal Procedure and §85.042 of the Family Code are amended to require a magistrate who issues an order for emergency protection which suspends a license to



TEXAS

carry a concealed handgun to send a copy of the order to the appropriate division of the Department of Public Safety.

§5.08 of the Code of Criminal Procedure is amended to prohibit judges from referring family violence criminal cases to mediation or to any other kind of alternative dispute resolution.

CIVIL ORDERS FOR PROTECTION:

§85.022 of the Family Code is amended to provide that a court, in ordering a protective order, may suspend a license to carry a concealed handgun held by a person found to have committed family violence.

§82.008 of the Family Code is amended to provide additional requirements for a protective order filed after a previously rendered protective order has expired. The application must include a description of either:

- the violation of the expired protective order, if the application alleges that the respondent violated the expired protective order by committing an act prohibited by that order before its expiration; or
- the threat that reasonably places the applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.

§85.025 of the Family Code is amended to authorize a judge to grant a protective order for up to two years and to renew a protective order based upon the victim's fear of imminent physical harm. If the respondent is incarcerated on the date of the protective order's expiration, the order will remain in effect for one year after the date of release.

FAMILY AND CHILDREN:

§153.004 of the Family Code is amended to prohibit the court from allowing a parent to have access to a child where a prepon-

TEXAS

derance of the evidence shows the parent has a history or pattern of committing family violence during the two years preceding the date of the filing or pendency of the suit. The court may allow access only if it finds such access would not endanger the child's physical health or emotional welfare and would be in the child's best interest and if it renders a possession order designed to protect the safety and well-being of the child and any other person who has been a victim of family violence committed by the abusive parent. The possession order may include any of the following requirements:

- that visitation be continuously supervised;
- that the exchange of the child occur in a protective setting;
- that the parent abstain from the consumption of alcohol or a controlled substance within 24 hours prior to or during the period of access to the child; or
- that the parent attend and complete a battering intervention program.

§153.004 is amended to require the court to consider evidence of a party's intentional use of abusive physical force against a parent of a child in determining whether to appoint that party as sole or joint managing conservator.

§§6.602 and 153.0071 of the Family Code are amended to allow a party, at any time prior to the final mediation order, to file a written objection to mediation in a family law case on the basis that he or she was the victim of family violence perpetrated by another party. Once a party files an objection, the suit may be referred to mediation only if the other party requests a hearing on the issue and the court overrules the objection to mediation. If the court refers the case to mediation, it shall order appropriate measures to ensure the physical and emotional safety of the objecting party. The order shall provide that the parties are not to have face-to-face contact and are to be placed in separate rooms during mediation.



TEXAS

PREVENTION AND TREATMENT:

§42.12 of the Code of Criminal Procedure is amended to ensure that all battering and intervention programs which batterers are ordered to attend comply with the guidelines adopted by the Community Justice Assistance Division of the Department of Criminal Justice.

§22.110 of the Government Code is amended to require district court judges, county court judges, masters, magistrates, and associate judges to complete at least eight hours of judicial instruction related to family violence, sexual assault, and child abuse within their first term of office and an additional three hours for each term thereafter.

MISCELLANEOUS:

Chapter 152 of the Family Code is amended by the enactment of the Uniform Child Custody and Jurisdiction Enforcement Act, combining rules for taking jurisdiction over child custody disputes with rules for enforcing child custody and visitation orders issued by courts of another state.

§56.541 of the Code of Criminal Procedure is amended to allow the Office of the Attorney General to use the Crime Victims Compensation Fund to support private non-profit organizations that provide victim-related services directly to victims, such as legal aid offices.

§56.42 of the Code of Criminal Procedure is amended to allow victims of family violence to access the Crime Victims Compensation Fund for a one-time payment for relocation and rental cash assistance, not to exceed \$3,800.00.

§42.12 of the Code of Criminal Procedure is amended to authorize a judge to order a person convicted of an assault involving family violence to pay a fine of up to \$100.00 to the local family violence shelter.

TEXAS



§521.275 of the Transportation Code is created to require the department to issue a new driver's license number or personal identification certificate number to a person who produces a court order evidencing his or her status as a domestic violence victim. Except under certain circumstances, the department may not disclose the changed license number or certificate number or the person's name or former name.



UTAH

LEGISLATURE MEETS:

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

CRIMINAL PENALTIES AND PROCEDURES:

§76-5-106.5 is amended to provide that a permanent criminal stalking injunction be issued from a stalking conviction, at the request of and at no cost to, the victim. All penalties for stalking are increased one degree.

§77-36-1.1 is amended to provide that a subsequent domestic violence charge is enhanced one degree.

§77-36-1 is amended to classify a disorderly conduct charge as a domestic violence offense if the defendant was originally charged with a domestic violence offense that was subsequently plea-bargained down to the charge of disorderly conduct. However, such classification does not qualify as a domestic violence offense for the purpose of federal gun restriction requirements.

VIRGINIA



LEGISLATURE MEETS:

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

DEFINITIONS:

§16.1-228 is amended to expand “family abuse” to include any act involving violence, force, or threat of force, as well as any act of violence. The definition of “family or household member” is revised to include parents, stepparents, stepchildren, brothers, sisters, grandparents, and grandchildren, regardless of whether such persons reside in the same home.

§18.2-61 is amended by removing the phrase “serious physical injury” from the language relating to sexual crimes involving spouses and replacing it with “bodily injury.”

§18.2-67.2:1 is amended to make the marital sexual assault language mirror the “force, threat, or intimidation” language of the crime of rape.

PREVENTION AND TREATMENT:

Senate Joint Resolution 396 was enacted to guide the Commission on Family Violence Prevention to:

- develop recommendations related to custody and visitation matters when family violence is present;
- develop and provide training to judicial personnel related to family violence;
- develop recommendations for a mechanism to assure coordination across state agencies related to training and community services that address, prevent, and treat family violence; and
- assist state agencies in implementing the 1999 recommendations of the Commission.



VIRGINIA

MISCELLANEOUS:

§32.1-283.2 is amended to authorize localities to establish a team to examine fatal family violence incidents and to create a body to prevent future family violence fatalities. The statute requires the chief medical examiner to:

- serve as a clearinghouse of information;
- provide technical assistance; and
- develop a model protocol for the development and implementation of the team.

“Fatal family violence incident” is defined as any fatality, whether a homicide or suicide, occurring as a result of abuse between family members or intimate partners. All information and records obtained or created regarding fatality review must be kept confidential and are not subject to subpoena.

WASHINGTON

LEGISLATURE MEETS:

Annually starting in January. Sessions run for 60 calendar days in even-numbered years and for 105 days in odd-numbered years.

DEFINITIONS:

§9.94A.440 is amended to expand the definition of “crimes against persons” for prosecutorial standards to include:

- stalking;
- custodial assault;
- violation of pre-trial no contact orders for domestic violence;
- violation of sentencing no contact orders for domestic violence; and
- violation of civil domestic violence protection orders.

CRIMINAL PENALTIES AND PROCEDURES:

§10.31.100 is amended to provide that when a person who is subject to and has knowledge of a protection order violates any of its provisions, then a police officer can arrest the restrained person without a warrant, whether or not the offense was committed in the officer’s presence.

CIVIL ORDERS FOR PROTECTION:

Chapter 26 is created to require that full faith and credit be given to valid foreign protection orders relating to domestic or family abuse, harassment, sexual abuse, or stalking. There is a presumption of validity when the order appears authentic on its face.

PREVENTION AND TREATMENT:

§26.50.150 is amended to require treatment programs for perpetrators of domestic violence who have minor children to include education regarding the effects of domestic violence on children. Such education must include both the emotional impact and the long-term consequences that exposure to domestic violence may have on children.



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.

FAMILY AND CHILDREN:

§48-11-207 is enacted to create a presumption that joint decision-making responsibility is in the best interest of the child if each of the parents previously exercised reasonable care in parenting. This presumption is overcome by showing a history of domestic abuse or that joint decision-making responsibility is not in the best interest of the child. Where a parent is not awarded decision-making responsibility, he or she can access school and healthcare records concerning the child unless the access is not in the child's best interest or may endanger a parent who is the victim of domestic abuse.

§48-11-401 is amended to provide that the occurrence or worsening of a limiting factor, after a parenting plan has been ordered by the court, constitutes a substantial change in circumstances triggering measures ordered by the court to protect the child or the child's parent. Limiting factors include any restraining order against either parent to prevent domestic or family violence.

MISCELLANEOUS:

§48-2C-4c is created to establish a special revenue account designated as the Domestic Violence Legal Services Fund. This is an appropriate fund for receipt of grants, gifts, fees, or federal or state funds designated for legal services for domestic violence victims. Expenditures from the fund are limited to:

- fees for attorneys employed by domestic violence shelters; or
- fees for attorneys employed by non-profit agencies which establish a collaborative relationship with a domestic violence shelter to provide civil legal services to victims of domestic violence.

WISCONSIN



LEGISLATURE MEETS:

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

CRIMINAL PENALTIES AND PROCEDURES:

§767.24 is amended to prohibit disclosure of certain information in parenting plans when there is evidence of interspousal battery or domestic abuse. Information to be kept confidential includes:

- the specific address of the victim's current residence; and
- the specific address of the victim's work.

However, the victim is required to provide a general description of the above in the parenting plan.

FAMILY AND CHILDREN:

§767.24 is amended to create a presumption that joint custody is in the child's best interest. The court may grant sole legal custody to one party where the parties agree or where one party so requests, if the court specifically finds any of the following:

- one party is not capable of performing parental duties and responsibilities or does not wish to have an active role in raising a child;
- one or more conditions exist that would substantially interfere with the exercise of joint custody; or
- the parties will not be able to cooperate in future decision-making requirements for joint legal custody.

If there is evidence that either parent engaged in interspousal battery or domestic abuse with respect to the other parent, then the parenting plan must provide information as to how the child will be transferred between the parents for the exercise of physical placement in a manner which ensures the safety of the child and the parents.



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.

CRIMINAL PENALTIES AND PROCEDURES:

§1-40-107 of the Crime Victims Compensation Act is amended to provide that information contained in the claim files and records of victims which are subject to any privilege of confidentiality must remain confidential and must not be open to public inspection. The protected information is immune from the legal process and, without the consent of the person furnishing the information, is not admissible as evidence or for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

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 / (888) 778-7091

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

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) 695-2444

Louisiana Coalition Against Domestic Violence
(225) 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 and Sexual Violence
(517) 347-7000

Minnesota Coalition for Battered Women
(651) 646-6177

Mississippi Coalition Against Domestic Violence
(601) 981-9196

Missouri Coalition Against Domestic Violence
(573) 634-4161

Montana Coalition Against Domestic and Sexual 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

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

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

Pennsylvania Coalition Against Domestic Violence
(717) 545-6400 / (800) 932-4632

STATE DOMESTIC VIOLENCE COALITIONS

**Rhode Island Coalition 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
(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

STATE LEGISLATIVE CONTACTS

Alabama Legislative Reference Service

(334) 242-7560
www.legislature.state.al.us

Alaska Legislative Affairs Agency

(907) 465-4648
www.legis.state.ak.us

Arizona House Information Desk

(602) 542-4221
www.azleg.state.az.us

Arizona Senate Information Desk

(602) 542-3559

Arkansas Bureau of Legislative Research

(501) 682-1937
www.arkleg.state.ar.us

California Office of the Chief Clerk of the Assembly

(916) 445-3614
www.leginfo.ca.gov

California Office of the Chief Clerk of the Senate

(916) 445-4251

Colorado Legislative Council

(303) 866-3521
www.state.co.us/gov_dir/stateleg.html

Connecticut Law and Legislative Reference Section, State Library

(860) 566-4601
www.cga.state.ct.us

Delaware Division of Research, Legislative Council

(302) 739-4114
www.state.de.us/research/assembly.htm

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

(202) 724-8080
www.dccouncil.washington.dc.us

Florida Division of Library and Information Services, Legislative Library Services

(850) 488-2812
www.leg.state.fl.us

Georgia Office of the Clerk of the House of Representatives

(404) 656-5015
www.state.ga.us/legis

Georgia Office of the Secretary of the Senate

(404) 656-5040

Hawaii Legislative Reference Bureau

(808) 587-0681
www.capitol.hawaii.gov

Idaho Legislative Library

(208) 334-2475
www.state.id.us/legislat/legislat.html

STATE LEGISLATIVE CONTACTS

Illinois Legislative Research Unit
(217) 782-6851
www.legis.state.il.us

Indiana Office of Legislative Information
(317) 232-9856
www.state.in.us/legislative

Iowa Legislative Information Office
(515) 281-5129
www.legis.state.ia.us

Kansas Division of Legislative Administrative Services
(785) 296-2391
www.state.ks.us/government.html

Kentucky Legislative Research Commission
(502) 564-8100
www.lrc.state.ky.us

Louisiana Legislative Research Library
(225) 342-2456
www.legis.state.la.us

Maine Law and Legislative Reference Library
(207) 287-1600
www.state.me.us/legis

Maryland Department of Legislative Services
(410) 946-5400
<http://mlis.state.md.us>

Massachusetts Office of the Clerk of the House of Representatives
(617) 722-2356
www.state.ma.us/legis/legis.htm

Massachusetts Office of the Clerk of the Senate
(617) 722-1276

Michigan Clerk of the House
(517) 373-0135
www.michiganlegislature.org

Michigan Secretary of the Senate
(517) 373-2400

Minnesota House Public Information Office
(651) 296-2146
www.leg.state.mn.us/leg/legis.htm

Minnesota Senate Information Office
(651) 296-0504

Mississippi Clerk of the House of Representatives
(601) 359-3358
www.ls.state.ms.us

Mississippi Secretary of the Senate
(601) 359-3202

STATE LEGISLATIVE CONTACTS

**Missouri Legislative Library,
Committee on Legislative
Research**

(573) 751-4633

www.moga.state.mo.us

**Montana Legislative Services
Division**

(406) 444-3064

<http://leg.state.mt.us>

Nebraska Clerk of the Legislature

(402) 471-2271

www.unicam.state.ne.us

Nevada Legislative Council Bureau

(775) 684-6827

www.leg.state.nv.us

**New Hampshire Reference and
Information Services**

(603) 271-2239

[www.state.nh.us/gencourt/
gencourt.htm](http://www.state.nh.us/gencourt/gencourt.htm)

**New Jersey Legislative
Information and Bill Room**

(609) 292-4840

www.njleg.state.nj.us

**New Mexico Legislative Council
Service**

(505) 986-4600

www.legis.state.nm.us

**New York Assembly Public
Information Office**

(518) 455-4218

<http://assembly.state.ny.us>

**New York Office of the Secretary
of the Senate**

(518) 455-2051

North Carolina Legislative Library

(919) 733-7779

www.ncga.state.nc.us

North Dakota Legislative Council

(701) 328-2916

www.state.nd.us/lr

**Ohio Legislative Service
Commission**

(614) 644-1721

www.legislature.state.oh.us

**Oklahoma Legislative Reference
Division, Oklahoma Department
of Libraries**

(405) 521-2502 (ext. 274)

www.lsb.state.ok.us

**Oregon Administrator's Office,
Legislative Administration
Committee**

(503) 986-1848

www.leg.state.or.us

**Pennsylvania Library, Legislative
Reference Bureau**

(717) 787-4816

www.legis.state.pa.us

STATE LEGISLATIVE CONTACTS

Rhode Island Legislative Reference, State Library
(401) 222-2473
www.ri/in.state.ri.us/gen_assembly/genmenu.html

South Carolina Legislative Council
(803) 734-2145
www.leginfo.state.sc.us

South Dakota Legislative Research Council
(605) 773-3251
www.state.sd.us/state/legis/lrc.htm

Tennessee Office of Legislative Information Services
(615) 741-3511
www.legislature.state.tn.us

Texas Legislative Reference Library
(512) 463-1252
www.capitol.state.tx.us

Utah Office of Legislative Research and General Counsel
(801) 538-1032
www.le.state.ut.us

Vermont Legislative Council
(802) 828-2231
www.leg.state.vt.us

Virginia Legislative Information Office
(804) 698-1500
<http://legis.state.va.us>

Washington Office of the Clerk of the House
(360) 786-7750
www.leg.wa.gov

Washington Office of the Secretary of the Senate
(360) 786-7550

West Virginia Office of Legislative Services
(304) 347-4800
www.legis.state.wv.us

Wisconsin Legislative Reference Bureau
(608) 266-0341
www.legis.state.wi.us

Wyoming Legislative Service Office
(307) 777-7881
<http://legisweb.state.wy>

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Lynchburg, Virginia

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Superior Court of D.C.
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