
MEETING

of

ASSEMBLY ADVISORY COUNCIL ON WOMEN

ASSEMBLY BILL NOS. 284, 290, & 538

(Legislation dealing with the crime of sexual assault.)

ASSEMBLY BILL NOS. 286, 287, & 289

(Legislation dealing with domestic violence.)

ASSEMBLY CONCURRENT RESOLUTION NO. 28

(Requests the New Jersey Supreme Court to develop a one year pilot program in Bergen County creating a model uniform system of handling domestic violence matters.)

LOCATION: Room 319
State House, Trenton, NJ

DATE: March 10, 1994
10:00 a.m.

MEMBERS OF COMMISSION PRESENT:

Assemblywoman Rose M. Heck, Chairperson
Assemblywoman Joanna M. Gregory-Scocchi, Vice-Chair
Assemblyman E. Scott Garrett
Assemblyman Christopher "Kip" Bateman
Assemblywoman Shirley K. Turner
Assemblywoman Loretta Weinberg

ALSO PRESENT:

New Jersey State Library

Norma Svedosh
Office of Legislative Services
Aide, Assembly Advisory Council on Women

Hearing Recorded and Transcribed by

The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, CN 000, Trenton, New Jersey 08625



ROSE M. HECK
Chairperson
JOANNA M. GREGORY-SCOCCHI
Vice-Chair
MARION CRECCO
E. SCOTT GARRETT
CHRISTOPHER "KIP" BATEMAN
SHIRLEY K. TURNER
LORETTA WEINBERG

New Jersey State Legislature
ASSEMBLY ADVISORY COUNCIL ON WOMEN
LEGISLATIVE OFFICE BUILDING
CN-068
TRENTON, NEW JERSEY 08625-0068
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A D V I S O R Y C O U N C I L N O T I C E

TO: MEMBERS OF THE ASSEMBLY ADVISORY COUNCIL
ON WOMEN

FROM: ASSEMBLYWOMAN ROSE M. HECK, CHAIRPERSON

SUBJECT: ADVISORY COUNCIL MEETING - March 10, 1994

The public may address comments and questions to Norma Svedosh, Aide to the Advisory Council, or make scheduling inquiries to Pamela Chisolm, secretary, at (609) 292-1646. Those persons presenting written testimony should provide 10 copies to the Advisory Council on the day of the hearing.

The Assembly Advisory Council on Women will meet on Thursday, March 10, 1994 from 10:00 AM to 11:30 AM in Room 319, State House, Trenton, New Jersey.

This first meeting is dedicated to review the 7-bill Domestic Violence Package.

The following bills will be discussed:

- | | |
|----------------------------|--|
| A-284
Heck/
V.Haines | Provides for a mandatory minimum term without eligibility of parole for sexual assault. |
| A-286
Heck/
Weinberg | Revises the statute concerning domestic violence. |
| A-287
Heck/
Weinberg | Establishes the "Domestic Violence Resource Center Demonstration program;" appropriates \$750,000. |
| A-289
Heck/
Haytaian | Clarifies and broadens several provisions of the "Prevention of Domestic Violence Act of 1990." |

-over-

Issued 3/4/94

Assistive listening devices available upon 24 hours prior notice
to the committee aide(s) listed above

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|-----------------------------|---|
| A-290
Heck/
Garrett | Creates crime of attempting to lure or entice a child into a motor vehicle, structure or isolated area. |
| A-538
Weinberg/
Heck | Denies custody and visitation to a person who fathers a child through rape. |
| ACR-28
Heck/
Weinberg | Requests the New Jersey Supreme Court to develop a one year pilot program in Bergen County creating a model uniform system of handling domestic violence matters. |

ASSEMBLY, No. 284
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblywomen HECK and HAINES

- 1 AN ACT concerning penalties for sexual assault amending
2 N.J.S.2C:14-2 and N.J.S.2C:14-6.
3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:
6 1. N.J.S.2C:14-2 is amended to read as follows:
7 2C:14-2. Sexual assault. a. An actor is guilty of aggravated
8 sexual assault if he commits an act of sexual penetration with
9 another person under any one of the following circumstances:
10 (1) The victim is less than 13 years old;
11 (2) The victim is at least 13 but less than 16 years old; and
12 (a) The actor is related to the victim by blood or affinity to
13 the third degree, or
14 (b) The actor has supervisory or disciplinary power over the
15 victim by virtue of the actor's legal, professional, or
16 occupational status, or
17 (c) The actor is a foster parent, a guardian, or stands in loco
18 parentis within the household;
19 (3) The act is committed during the commission, or attempted
20 commission, whether alone or with one or more other persons, of
21 robbery, kidnapping, homicide, aggravated assault on another,
22 burglary, arson or criminal escape;
23 (4) The actor is armed with a weapon or any object fashioned
24 in such a manner as to lead the victim to reasonably believe it to
25 be a weapon and threatens by word or gesture to use the weapon
26 or object;
27 (5) The actor is aided or abetted by one or more other persons
28 and either of the following circumstances exists:
29 (a) The actor uses physical force or coercion, or
30 (b) The victim is one whom the actor knew or should have
31 known was physically helpless, mentally defective or mentally
32 incapacitated;
33 (6) The actor uses physical force or coercion and severe
34 personal injury is sustained by the victim.
35 Aggravated sexual assault is a crime of the first degree. A
36 person convicted under paragraphs (1) and (2) of this subsection
37 shall be sentenced to a term of imprisonment. Notwithstanding
38 the provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6,
39 the term of imprisonment shall include a mandatory minimum
40 term of 10 years, during which time the defendant shall not be
41 eligible for parole.
42 b. An actor is guilty of sexual assault if he commits an act of
43 sexual contact with a victim who is less than 13 years old and the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 actor is at least four years older than the victim.

2 c. An actor is guilty of sexual assault if he commits an act of
3 sexual penetration with another person under any one of the
4 following circumstances:

5 (1) The actor uses physical force or coercion, but the victim
6 does not sustain severe personal injury:

7 (2) The victim is one whom the actor knew or should have
8 known was physically helpless, mentally defective or mentally
9 incapacitated;

10 (3) The victim is on probation or parole, or is detained in a
11 hospital, prison or other institution and the actor has supervisory
12 or disciplinary power over the victim by virtue of the actor's
13 legal, professional or occupational status;

14 (4) The victim is at least 16 but less than 18 years old and:

15 (a) The actor is related to the victim by blood or affinity to
16 the third degree; or

17 (b) The actor has supervisory or disciplinary power over the
18 victim; or

19 (c) The actor is a foster parent, a guardian, or stands in loco
20 parentis within the household;

21 (5) The victim is at least 13 but less than 16 years old and the
22 actor is at least four years older than the victim.

23 Sexual assault is a crime of the second degree. A person
24 convicted under subsection b. and paragraphs (4) and (5) of
25 subsection c. shall be sentenced to a term of imprisonment.
26 Notwithstanding the provisions of paragraph (2) of subsection a.
27 of N.J.S. 2C:43-6, the term of imprisonment shall include a
28 mandatory minimum term of five years, during which time the
29 defendant shall not be eligible for parole.

30 (cf: P.L.1989, c.228, s.3)

31 2. N.J.S.2C:14-6 is amended to read as follows:

32 2C:14-6. Sentencing. a. If a person is convicted of a second or
33 subsequent offense under [sections 2C:14-2 or] section 2C:14-3a.,
34 the sentence imposed under [those sections] that section for the
35 second or subsequent offense shall, unless the person is sentenced
36 pursuant to the provisions of 2C:43-7, include a [fixed] mandatory
37 minimum [sentence] term of imprisonment of [not less than]
38 5 years, during which the defendant shall not be eligible for
39 parole.

40 b. If a person is convicted of a second or subsequent offense
41 under subsection a. of N.J.S.2C:14-2, the sentence imposed under
42 that section for the second or subsequent offense shall, unless the
43 person is sentenced pursuant to the provisions of 2C:43-7, include
44 a mandatory minimum term of imprisonment of 15 years, during
45 which the defendant shall not be eligible for parole.

46 c. If a person is convicted of a second or subsequent offense
47 under subsection b. of N.J.S.2C:14-2, the sentence imposed under
48 that section for the second or subsequent offense shall, unless the
49 person is sentenced pursuant to the provisions of 2C:43-7, include
50 a mandatory minimum term of imprisonment of 7 years, during
51 which the defendant shall not be eligible for parole.

52 The court may not suspend or make any other non-custodial
53 disposition of any person sentenced as a second or subsequent
54 offender pursuant to this section. For the purpose of this section

1 an offense is considered a second or subsequent offense, if the
2 actor has at any time been convicted under sections 2C:14-2 or
3 2C:14-3a. or under any similar statute of the United States, this
4 state, or any other state for an offense that is substantially
5 equivalent to sections 2C:14-2 or 2C:14-3a.
6 (cf: P.L.1978, c.95, s.2C:14-6)

7 3. This act shall take effect immediately.

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10 STATEMENT
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12 This bill would impose mandatory terms of imprisonment,
13 without eligibility for parole, on any persons convicted of
14 aggravated sexual assault and sexual assault where the victim is
15 less than 16.

16 Specifically, the bill provides that a person convicted of
17 aggravated sexual assault under these circumstances would be
18 sentenced to a mandatory minimum term of 10 years, during
19 which time the defendant shall not be eligible for parole. A
20 person convicted of sexual assault under these circumstances
21 would be sentenced to a mandatory minimum term of five years,
22 during which time the defendant would be ineligible for parole.

23 In addition, the bill amends N.J.S.2C:14-6 to increase the
24 mandatory minimum term of imprisonment for a person who has
25 been convicted of a second or subsequent offense of aggravated
26 sexual assault from five to 15 years and for a person who has
27 been convicted of a second or subsequent offense of sexual
28 assault from five years to 7 years..
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33 _____
34 Provides for a mandatory minimum term without eligibility of
parole for sexual assault.

ASSEMBLY, No. 286

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblywomen HECK and WEINBERG

1 AN ACT concerning domestic violence and amending P.L.1991.
2 c.261.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to
7 read as follows:

8 3. As used in this act:

9 a. "Domestic violence" means the occurrence of one or more
10 of the following acts inflicted upon a person protected under this
11 act by an adult or an emancipated minor:

12 (1) Homicide N.J.S.2C:11-1 et seq.

13 (2) Assault N.J.S.2C:12-1

14 (3) Terroristic threats N.J.S.2C:12-3

15 (4) Kidnapping N.J.S.2C:13-1

16 (5) Criminal restraint N.J.S.2C:13-2

17 (6) False imprisonment N.J.S.2C:13-3

18 (7) Sexual assault N.J.S.2C:14-2

19 (8) Criminal sexual contact N.J.S.2C:14-3

20 (9) Lewdness N.J.S.2C:14-4

21 (10) Criminal mischief N.J.S.2C:17-3

22 (11) Burglary N.J.S.2C:18-2

23 (12) Criminal trespass N.J.S.2C:18-3

24 (13) Harassment N.J.S.2C:33-4

25 When one or more of these acts is inflicted by an
26 unemancipated minor upon a person protected under this act, the
27 occurrence shall not constitute "domestic violence," but may be
28 the basis for the filing of a petition or complaint pursuant to the
29 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

30 b. "Law enforcement agency" means a department, division,
31 bureau, commission, board or other authority of the State or of
32 any political subdivision thereof which employs law enforcement
33 officers.

34 c. "Law enforcement officer" means a person whose public
35 duties include the power to act as an officer for the detection,
36 apprehension, arrest and conviction of offenders against the laws
37 of this State.

38 d. "Victim of domestic violence" means a person protected
39 under this act and shall include any person who is 18 years of age
40 or older or who is an emancipated minor and who has been
41 subjected to domestic violence by a spouse, former spouse, or any
42 other person who is a present or former household member, or a

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 person with whom the victim has a child in common. Victim of
2 domestic violence also includes any person who is under 18 years
3 of age and who has been subjected to domestic violence by a
4 person whom the victim dated.

5 (cf: P.L.1991, c.261, s.3)

6 2. Section 4 of P.L.1991, c.261 (C.2C:25-20) is amended to
7 read as follows:

8 4. The Division of Criminal Justice shall develop and approve a
9 training course and curriculum on the handling, investigation and
10 response procedures concerning reports of domestic violence and
11 abuse and neglect of the elderly and disabled. This training
12 course and curriculum shall be reviewed at least every two years
13 and modified by the Division of Criminal Justice from time to
14 time as need may require, and shall be made available to all law
15 enforcement personnel who are likely to encounter situations of
16 domestic violence. The Division of Criminal Justice shall
17 distribute the curriculum to all local police agencies. The
18 Attorney General shall be responsible for ensuring that law
19 enforcement officers throughout the State receive training
20 concerning domestic violence.

21 The Administrative Office of the Courts shall develop and
22 approve a training course and a curriculum on the handling,
23 investigation and response procedures concerning allegations of
24 domestic violence. This training course shall consist of a 40 hour
25 training program similar to the training required for a victim
26 counselor pursuant to section 3 of P.L.1987, c.169
27 (C.2A:84A-22.14) and shall be reviewed at least every two years
28 and modified by the Administrative Office of the Courts from
29 time to time as need may require, and shall be [made available
30 to] mandatory training for all judges and judicial personnel of the
31 Family Part of the Chancery Division of the Superior Court and
32 for all other judges and judicial personnel who are likely to
33 encounter situations of domestic violence. The Administrative
34 Director of the Courts shall be responsible for ensuring that
35 judges and judicial personnel throughout the State receive
36 training concerning domestic violence.

37 The Division of Criminal Justice and the Administrative Office
38 of the Courts shall provide that all training on the handling of
39 domestic violence complaints shall stress the enforcement of
40 criminal laws in domestic situations, the protection of the victim,
41 and the use of available community resources. Law enforcement
42 agencies may establish domestic crisis teams or individual
43 officers may be trained in methods of dealing with domestic
44 violence and neglect and abuse of the elderly and disabled. The
45 teams may include social workers, clergy or other persons trained
46 in counseling, crisis intervention or in the treatment of domestic
47 violence and neglect and abuse of the elderly and disabled victims.
48 (cf: P.L.1991, c.261, s.4)

49 3. Section 14 of P.L. 1991, c.261 (C.2C:25-30) is amended to
50 read as follows:

51 14. Except as provided below, a violation by the defendant of
52 an order issued pursuant to this act shall constitute an offense
53 under subsection b. of N.J.S.2C:29-9 and each order shall so
54 state. All contempt proceedings conducted pursuant to

1 N.J.S.2C:29-9 involving domestic violence orders, other than
2 those constituting indictable offenses, shall be heard by the
3 Family Part of the Chancery Division of the Superior Court
4 within 90 days. Additionally, and notwithstanding the term of
5 imprisonment provided in N.J.S.2C:43-8, any person convicted of
6 a second or subsequent nonindictable domestic violence contempt
7 offense shall serve a minimum term of not less than 30 days.
8 Orders entered pursuant to paragraphs (3), (4), (8) and (9) of
9 subsection b. of section 13 of this act shall be excluded from
10 enforcement under subsection b. of N.J.S.2C:29-9; however,
11 violations of these orders may be enforced in a civil or criminal
12 action initiated by the plaintiff or by the court, on its own
13 motion, pursuant to applicable court rules.

14 (cf: P.L.1991, c.261, s.14)

15 4. This act shall take effect immediately.

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STATEMENT

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20 This bill makes three changes to provisions of the "Prevention
21 of Domestic Violence Act," P.L.1991, c.261. The bill would
22 broaden the definition of persons protected by the act to include
23 persons 18 years of age and under who are involved in teen date
24 abuse situations, in order to extend the provisions for the
25 imposition of court sanctions and professional interventions to
26 this population. In addition, the bill would expand the current
27 training for judges hearing domestic violence cases to mandate a
28 40 hour training program for judges and judicial personnel.
29 Finally, the bill would require that contempt proceeding be
30 conducted within 90 days.

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35 Revises the statute concerning domestic violence.

ASSEMBLY, No. 287
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblywomen HECK and WEINBERG

1 AN ACT establishing a "Domestic Violence Resource Center
2 Demonstration Program" and making an appropriation.

3

4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. The Legislature hereby finds and declares that the solution
7 to the complex problem of domestic violence requires a variety
8 of legal and social interventions and that insufficient State
9 resources have been allocated for the evaluation and
10 rehabilitation of batterers. The Legislature finds that a program
11 specifically designed to assist perpetrators of domestic violence
12 can be effective if the program has a clear goal of ending violent
13 behavior, and if the rehabilitation includes alcoholism, drug abuse
14 and mental health treatment.

15 The Legislature further finds that persons who batter rarely
16 cease their abusive behavior or voluntarily seek professional help
17 without the imposition of court sanctions and professional
18 intervention, and that relatively few courts impose sanctions on
19 such offenders.

20 2. As used in this act:

21 "Department" means the Department of Human Services.

22 "Designated domestic violence agency" means a county-wide
23 organization with a primary purpose to provide services to
24 victims of domestic violence, and which provides services that
25 conform to the core domestic violence services profile as defined
26 by the division and which is under contract with the division on
27 the effective date of this act for the express purpose of providing
28 such services.

29 "Division" means the Division of Youth and Family Services in
30 the Department of Human Services.

31 "Domestic Violence Resource Center" or "center" means a
32 county-based program responsible for: the assessment, screening,
33 evaluation, education and referral of persons who have
34 committed acts of domestic violence and who have been ordered
35 by the Family Part of the Chancery Division of the Superior
36 Court to receive professional domestic violence counseling; the
37 monitoring of attendance of those persons ordered to participate
38 in a recommended intervention plan; and participation in the
39 coordination of victim outreach services.

40 "Domestic violence specialist" means a person who has
41 fulfilled the requirements of certification established by the New
42 Jersey Association of Domestic Violence Professionals.

43 "Intervention plan" means an individualized program of
44 educational, counseling and treatment services recommended by

1 a Domestic Violence Resource Center for the purpose of ending
2 violent behavior and addressing other problems which exacerbate
3 such behavior.

4 "Referral agency" means a person or agency which has entered
5 into an agreement with a Domestic Violence Resource Center to
6 provide domestic violence services, alcohol or drug abuse services
7 or other appropriate services to persons who, pursuant to an
8 evaluation by a Domestic Violence Resource Center, have been
9 found to require such services and have been referred to the
10 agency to obtain them, pursuant to section 6 of this act.

11 "Violence intervention program" means services specially
12 designed to assist persons in ending violent and other abusive
13 behaviors.

14 3. In addition to any other temporary or final order which the
15 court may enter pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.),
16 the court may order a defendant restrained pursuant to that act
17 to receive an evaluation and services from a Domestic Violence
18 Resource Center.

19 4. a. The division shall, within six months of the effective
20 date of this act, select and provide grants to three county
21 Domestic Violence Resource Centers to participate in the
22 21-month demonstration program.

23 b. A nonprofit agency or county based agency may apply to the
24 division for participation as a Domestic Violence Resource
25 Center in the demonstration program. The applicant shall submit
26 documentation that: (1) the agency will maintain a cooperative
27 working relationship with existing domestic violence service
28 providers in the community; (2) the county's designated domestic
29 violence agencies have endorsed the agency's proposal in writing;
30 (3) the establishment and activities of the center has the support
31 and cooperation of the judiciary and governing body of that
32 county; and (4) other assurances which may be deemed necessary
33 or appropriate by the division.

34 Nothing herein shall bar a designated domestic violence agency
35 from applying for designation as a Domestic Violence Resource
36 Center.

37 c. The staff of each center shall include, but not be limited to,
38 a staff person who is a domestic violence specialist and a staff
39 person who is a certified alcohol and drug counselor. The staff
40 positions may be full or part time depending on available
41 resources and the projected program demands in the county. The
42 centers may contract with outside professionals if mental health
43 or other assessment is required.

44 d. The division shall approve an application for establishment
45 of a center only in a county that can demonstrate the following:
46 (1) that a residential shelter for victims of domestic violence and
47 their children has been established or that plans to establish a
48 shelter are in progress; (2) that a Domestic Violence Standard
49 Operating Procedure for law enforcement has been promulgated;
50 and (3) that there exists an active county domestic violence
51 coordinating committee with representatives who are responsible
52 for the law enforcement, court and social service response to
53 domestic violence including the prosecutor's office and the
54 designated domestic violence agencies.

1 e. The division shall be responsible for the following: (1) the
2 promulgation of rules and regulations to govern the activities of
3 each Domestic Violence Resource Center; (2) developing and
4 disseminating a request for proposals and exercising final
5 approval of grant recipients; (3) the provision of technical
6 assistance to Domestic Violence Resource Centers; (4)
7 monitoring the activities of Domestic Violence Resource Centers
8 to ensure the quality of services and to ensure conformity to the
9 purposes of this act; (5) developing standards for violence
10 intervention programs which include: (a) a clear intervention goal
11 to eliminate violent behavior, (b) a close cooperative relationship
12 with victim services and victims, (c) a required program duration
13 of not less than six months or 26 sessions, (d) an emphasis on
14 transforming basic control and domination behavior, (e) the
15 provision of a sliding-scale fee, and (f) service staff who have
16 undergone specific training in the field of domestic violence; (6)
17 the design, collection and the compilation of monthly statistical
18 reports submitted by each center; (7) the issuance of a fiscal and
19 statistical Domestic Violence Resource Center report at the end
20 of the first year; and (8) contracting for the provision of an
21 independent evaluation of the centers pursuant to section 8 of
22 this act. The division shall hire at least one full time staff person
23 to fulfill the responsibilities of the division. The division shall
24 make every effort to hire a domestic violence specialist.

25 5. The division shall establish a Domestic Violence Resource
26 Center Advisory Committee. The committee shall consist of 11
27 members including one representative each from the Division of
28 Alcoholism, Drug Abuse and Addiction Services in the
29 Department of Health, the Division on Women in the Department
30 of Community Affairs, the New Jersey Advisory Council on
31 Domestic Violence, the New Jersey Coalition for Battered
32 Women, the New Jersey Network for the Treatment of Spouse
33 Abusers, the Commission on Sex Discrimination in the Statutes
34 and five service providers who are domestic violence specialists.
35 The advisory committee shall: advise the division of any
36 regulations or standards necessary to carry out the purposes of
37 this act; review any regulations or standards before their
38 effective date; review grant applications and advise the division
39 on the selection of grant recipients; and monitor, evaluate and
40 set standards for the quality of services funded by this act.

41 The advisory committee shall organize within two months of
42 the effective date of this act, and shall elect from its members a
43 chair and a deputy chair, who shall serve for the duration of the
44 demonstration program. The committee shall at its
45 organizational meeting, with the approval of the director of the
46 division, establish rules for any matter which may be necessary
47 for efficient operation. The committee shall, thereafter, meet at
48 least once per month for the duration of the demonstration
49 program, and shall invite at least one representative of the
50 division to attend the meeting.

51 6. a. A center shall provide a program of services which shall
52 include: (1) an assessment of the offender's past domestic
53 violence behavior; (2) screening for alcohol and substance abuse,
54 mental illness and other related problems; (3) a written

1 evaluation which shall include recommendations for an
2 intervention plan with a primary focus of ending violent behavior
3 and referral to appropriate agencies; and (4) an educational
4 component stressing the criminal nature of domestic violence and
5 the legal, social and personal consequences of violent behavior.
6 When an offender is referred by the court, a center shall submit
7 to the court a written evaluation within 10 working days of the
8 date of the initial appointment with the offender. In addition,
9 each center may provide violence intervention programs and
10 treatment pursuant to standards promulgated by the division for
11 persons found by the court to have committed an act of domestic
12 violence and ordered to undergo intervention and treatment.

13 Nothing in this subsection shall bar a center from providing
14 services to a person who voluntarily requests evaluation and
15 referral.

16 b. An evaluation fee of \$200 shall be payable to the Domestic
17 Violence Resource Center by each person ordered by the court to
18 receive treatment and services from the center or by any person
19 who receives such treatment or services. These funds shall be
20 used to support the functions of the center, provided however,
21 that no person shall be excluded from the program due to
22 inability to pay. The center may waive all or part of the fee
23 based on the person's ability to pay. The center shall waive the
24 entire fee for any person found by the court to be indigent.

25 c. A center shall establish agreements with community
26 educational, counseling, treatment and rehabilitation resources
27 qualified to serve as referral agencies, and shall, where indicated,
28 refer clients to the referral agencies for additional services. The
29 center shall monitor the services that each referral agency
30 provides and make whatever additional proposals are necessary to
31 provide appropriate services.

32 d. In conjunction with the designated domestic violence agency
33 of the county in which a center is located, a center shall ensure
34 that outreach is attempted with any victim who signs a civil
35 domestic violence complaint. Outreach includes the provision of
36 the following to the victim: (1) information regarding the legal
37 rights of victims of domestic violence; (2) information regarding
38 available community social and legal services for the victim and
39 victim's children, if any; (3) information regarding the center's
40 program and how the program interfaces with court action; (4) an
41 assessment of victim safety; and (5) encouragement for the
42 victim to utilize available services. Whenever possible, outreach
43 services should be offered at the time a domestic violence
44 complaint is signed. Outreach services shall be provided by the
45 designated domestic violence agency of the county or the
46 agency's designee.

47 e. A center shall be responsible for providing informational
48 training sessions on the center's program to county and municipal
49 personnel, including judges, law enforcement personnel,
50 community social services providers, and other involved
51 agencies. In conjunction with the New Jersey Advisory Council
52 on Domestic Violence and the county's designated domestic
53 violence agency, the center may also assess the county's
54 comprehensive domestic violence training needs and may

1 participate in the provision and coordination of such training.

2 f. A center shall compile statistics regarding persons admitted
3 to the center's program, including persons ordered by the court
4 to participate in the center's recommended intervention plan,
5 the rate of successful completion of the plan, the recidivism of
6 domestic violence incidents and any other pertinent statistics
7 required by the division. A center shall submit a monthly
8 statistical report to the division.

9 7. a. If a person fails to report to a domestic violence resource
10 center for evaluation pursuant to a court order, the center shall
11 notify the defendant by certified mail of a new appointment date
12 and time and provide a warning that failure to appear will
13 constitute noncompliance with a court order which can result in
14 incarceration and monetary penalty. Upon further
15 noncompliance, the center shall notify the court and request that
16 the court initiate contempt proceedings pursuant to section 14 of
17 P.L.1991, c.261 (C.2C:25-30).

18 b. In cooperation with the referral agencies, a center shall be
19 responsible for monitoring attendance of all persons ordered to
20 participate in the center's recommended intervention plan. The
21 center shall document attendance of all such persons and provide
22 attendance records upon request of the court with jurisdiction
23 over the matter being monitored by the center. Upon two
24 consecutive unexcused absences or upon the development of a
25 pattern of absences, the center shall notify the offender and the
26 court of noncompliance and request that the court initiate
27 contempt proceedings pursuant to section 14 of P.L.1991, c.261
28 (C.2C:25-30). The center shall also provide to the court a
29 written progress report at six month intervals on each person who
30 is under an order to attend an intervention program. The
31 progress report shall include, but not be limited to, notification
32 of successful completion of the intervention plan,
33 recommendations for continued intervention or other relevant
34 recommendations.

35 8.a. The division shall contract with an independent,
36 professional agent to evaluate the demonstration program. The
37 selected agent will design, conduct and document the results of
38 the study. The study will include, but not be limited to, an
39 evaluation of the following: (1) the extent of judicial cooperation
40 with the demonstration program including willingness to issue and
41 enforce orders for mandatory participation in an intervention
42 program; (2) the rate of successful completion of a prescribed
43 intervention plan; (3) the impact of the project on victims; and (4)
44 the rate of recidivism of persons charged with committing acts of
45 domestic violence. The study shall also include an analysis of
46 actual costs of operating the centers.

47 b. No later than two months prior to the expiration of this act,
48 the division shall report to the Governor, the Legislature, and the
49 Chief Justice of the Supreme Court the results of the study.

50 9. There is appropriated \$750,000 to the department from the
51 General Fund to effectuate the purposes of this act. Of this sum,
52 \$515,000 is designated for the establishment of the three
53 Domestic Violence Resource Centers; \$75,000 for victim
54 outreach services through the designated domestic violence

1 agencies or their designees: \$60,000 for the costs of an
2 independent evaluation, and \$100,000 for the division to perform
3 the administrative duties prescribed by this act.

4 10. This act shall take effect immediately and shall expire 21
5 months thereafter.

6
7
8 STATEMENT

9
10 This bill establishes a 21-month "Domestic Violence Resource
11 Center Demonstration Program." The Division of Youth and
12 Family Services in the Department of Human Services is
13 authorized to establish three domestic violence resource centers
14 in three different counties, which would provide evaluation and
15 treatment services for persons who have been found guilty of
16 committing an act of domestic violence and ordered by the court
17 to receive domestic violence counseling and services.

18 Services offered by the centers would focus on intervention
19 with the goal of ending the offenders' violent behavior. Upon
20 court order, an offender would receive an initial assessment and
21 evaluation by the center with a recommendation to the court for
22 an intervention plan. In addition to assessing the person's history
23 of domestic violence, the centers would conduct screenings for
24 alcohol and drug abuse, mental illness and other related problems,
25 and where indicated, would refer the person to other agencies
26 specializing in such problems. Treatment and services provided
27 by the center would include educational sessions concerning
28 domestic violence, including criminal, legal, social and personal
29 consequences of violent behavior. Programs provided by the
30 centers and any referral agency would be enforceable by court
31 order, and a willful failure to attend the programs could result in
32 a finding of contempt.

33 The bill requires the centers to work in conjunction with the
34 domestic violence service agency of the county to provide
35 outreach services to domestic violence victims. Outreach
36 services would include information for victims concerning their
37 legal rights and remedies, community resources and other
38 available services.

39 The bill further establishes an 11-member Domestic Violence
40 Resource Center Advisory Committee. It also directs the
41 division to contract with an independent, professional agent to
42 evaluate the demonstration program. No later than three months
43 prior to the expiration of this substitute, the division shall report
44 the results of the study to the Governor, the Legislature and the
45 Chief Justice of the Supreme Court.

46 Lastly the bill appropriates \$750,000 to the Department of
47 Human Services and provides that \$515,000 of that amount is
48 designated for the establishment of the Domestic Violence
49 Resource Centers; \$75,000 for victim outreach services through
50 the designated domestic violence agencies or their designees;
51 \$60,000 for the costs of an independent evaluation, and \$100,000
52 for the division to perform the administrative duties.

1

2

3 Establishes the "Domestic Violence Resource Center

4 Demonstration Program;" appropriates \$750,000.

ASSEMBLY, No. 289
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblywoman HECK

1 AN ACT concerning domestic violence and amending P.L.1991,
2 c.261.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to
7 read as follows:

8 3. As used in this act:

9 a. "Domestic violence" means the occurrence of one or more
10 of the following acts inflicted upon a person protected under this
11 act by an adult or an emancipated minor:

- 12 (1) Homicide N.J.S.2C:11-1 et seq.
- 13 (2) Assault N.J.S.2C:12-1
- 14 (3) Terroristic threats N.J.S.2C:12-3
- 15 (4) Kidnapping N.J.S.2C:13-1
- 16 (5) Criminal restraint N.J.S.2C:13-2
- 17 (6) False imprisonment N.J.S.2C:13-3
- 18 (7) Sexual assault N.J.S.2C:14-2
- 19 (8) Criminal sexual contact N.J.S.2C:14-3
- 20 (9) Lewdness N.J.S.2C:14-4
- 21 (10) Criminal mischief N.J.S.2C:17-3
- 22 (11) Burglary N.J.S.2C:18-2
- 23 (12) Criminal trespass N.J.S.2C:18-3
- 24 (13) Harassment N.J.S.2C:33-4
- 25 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

26 When one or more of these acts is inflicted by an
27 unemancipated minor upon a person protected under this act, the
28 occurrence shall not constitute "domestic violence," but may be
29 the basis for the filing of a petition or complaint pursuant to the
30 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

31 b. "Law enforcement agency" means a department, division,
32 bureau, commission, board or other authority of the State or of
33 any political subdivision thereof which employs law enforcement
34 officers.

35 c. "Law enforcement officer" means a person whose public
36 duties include the power to act as an officer for the detection,
37 apprehension, arrest and conviction of offenders against the laws
38 of this State.

39 d. "Victim of domestic violence" means a person protected
40 under this act and shall include any person who is 18 years of age
41 or older or who is an emancipated minor and who has been
42 subjected to domestic violence by a spouse, former spouse, or any

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 other person who is a present or former household member,
2 "Victim of domestic violence" also includes any person,
3 regardless of age, who has been subjected to domestic violence by
4 [or] a person with whom the victim has a child in common, or, if
5 the victim is pregnant, by a person who the victim alleges is the
6 father of the child.

7 (cf: P.L.1991, c.261, s.3)

8 2. Section 6 of P.L.1991, c.261 (C.2C:25-22) is amended to
9 read as follows:

10 6. A law enforcement officer or a member of a domestic crisis
11 team or any person who, in good faith, reports a possible incident
12 of domestic violence to the police shall not be held liable in any
13 civil action brought by any party for an arrest based on probable
14 cause, enforcement in good faith of a court order, or any other
15 act or omission in good faith under this act.

16 (cf: P.L.1991, c.261, s.6)

17 3. Section 10 of P.L.1991, c.261 (C.2C:25-26) is amended to
18 read as follows:

19 10. a. When a defendant charged with a crime or offense
20 involving domestic violence is released from custody before trial
21 on bail or personal recognizance, the court authorizing the
22 release may as a condition of release issue an order prohibiting
23 the defendant from having any contact with the victim including,
24 but not limited to, restraining the defendant from entering the
25 victim's residence, place of employment or business, or school,
26 and from harassing or stalking the victim or victim's relatives in
27 any way. The court may enter an order prohibiting the defendant
28 from possessing any firearm or other weapon enumerated in
29 subsection r. of N.J.S.2C:39-1.

30 b. The written court order releasing the defendant shall
31 contain the court's directives restricting the defendant's ability
32 to have contact with the victim or the victim's relatives. The
33 clerk of the court or other person designated by the court shall
34 provide a copy of this order to the victim forthwith.

35 c. The victim's location shall remain confidential and shall not
36 appear on any documents or records to which the defendant has
37 access.

38 d. Before bail is set, the defendant's prior record shall be
39 considered by the court. Bail shall be set as soon as is feasible,
40 but in all cases within 24 hours of arrest.

41 e. Once bail is set it shall not be reduced without prior notice
42 to the county prosecutor and the victim. Bail shall not be
43 reduced by a judge other than the judge who originally ordered
44 bail, unless the reasons for the amount of the original bail are
45 available to the judge who reduces the bail and are set forth in
46 the record.

47 f. A victim shall not be prohibited from applying for, and a
48 court shall not be prohibited from issuing, temporary restraints
49 pursuant to this act because the victim has charged any person
50 with commission of a criminal act.

51 (cf: P.L.1991, c.261, s.10)

52 4. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to
53 read as follows:

54 12. a. A victim may file a complaint alleging the commission

1 of an act of domestic violence with the Family Part of the
2 Chancery Division of the Superior Court in conformity with the
3 rules of court. The court shall not dismiss any complaint or delay
4 disposition of a case because the victim has left the residence to
5 avoid further incidents of domestic violence. Filing a complaint
6 pursuant to this section shall not prevent the filing of a criminal
7 complaint for the same act.

8 On weekends, holidays and other times when the court is
9 closed, a victim may file a complaint before a judge of the
10 Family Part of the Chancery Division of the Superior Court or a
11 municipal court judge who shall be assigned to accept complaints
12 and issue emergency, ex parte relief in the form of temporary
13 restraining orders pursuant to this act.

14 A plaintiff may apply for relief under this section in a court
15 having jurisdiction over the place where the alleged act of
16 domestic violence occurred, where the defendant resides, or
17 where the plaintiff resides or is sheltered, and the court shall
18 follow the same procedures applicable to other [emergent]
19 emergency applications. Criminal complaints filed pursuant to
20 this act shall be investigated and prosecuted in the jurisdiction
21 where the offense is alleged to have occurred. Contempt
22 complaints filed pursuant to N.J.S.2C:29-9 shall be prosecuted in
23 the county where the contempt is alleged to have been
24 committed and a copy of the contempt complaint shall be
25 forwarded to the court that issued the order alleged to have been
26 violated.

27 b. The court shall waive any requirement that the petitioner's
28 place of residence appear on the complaint.

29 c. The clerk of the court, or other person designated by the
30 court, shall assist the parties in completing any forms necessary
31 for the filing of a summons, complaint, answer or other pleading.

32 d. Summons and complaint forms shall be readily available at
33 the clerk's office, at the municipal courts and at municipal and
34 State police stations.

35 e. As soon as the domestic violence complaint is filed, both
36 the victim and the abuser shall be advised of any programs or
37 services available for advice and counseling.

38 f. A plaintiff may seek emergency, ex parte relief in the
39 nature of a temporary restraining order. The judge [of the
40 Family Part of the Chancery Division of the Superior Court] may
41 enter ex parte orders when necessary to protect the life, health
42 or well-being of a victim on whose behalf the relief is sought.

43 g. If it appears that the plaintiff is in danger of domestic
44 violence, the judge shall, upon consideration of the plaintiff's
45 domestic violence complaint, order emergency [relief, including]
46 ex parte relief, in the nature of a temporary restraining order. A
47 decision shall be made by the judge regarding the emergency
48 relief forthwith. An order granting emergency relief, together
49 with all pleadings, process and other orders, shall immediately be
50 forwarded to the sheriff [for immediate service of the order for
51 emergency relief upon the defendant] and the police of the
52 municipality in which the plaintiff resides or is sheltered.

53 h. A judge may issue a temporary restraining order upon sworn
54 testimony or complaint of an applicant who is not physically

1 present, pursuant to court rules, or by a person who represents a
2 person who is physically or mentally incapable of filing
3 personally. A temporary restraining order may be issued if the
4 judge is satisfied that exigent circumstances exist sufficient to
5 excuse the failure of the applicant to appear personally and that
6 sufficient grounds for granting the application have been shown.

7 i. An order for emergency, ex parte relief shall be granted
8 upon good cause shown and shall remain in effect until a judge of
9 the Family Part issues a further order. [The Family Part of the
10 Chancery Division of the Superior Court shall hold a hearing on
11 an emergency order within 10 days.] Any temporary order
12 hereunder [may be dissolved or modified on 24 hours' notice or] is
13 immediately appealable for a plenary hearing de novo not on the
14 record [before the judge who issued the temporary order, or]
15 before any judge of the Family Part of the county in which the
16 plaintiff resides or is sheltered if that judge issued the temporary
17 order or has access to the reasons for the issuance of the
18 temporary order and sets forth in the record the reasons for the
19 modification or dissolution. The denial of a temporary
20 restraining order by a municipal court judge and subsequent
21 administrative dismissal of the complaint shall not bar the victim
22 from refiling a complaint in the Family Part based on the same
23 incident and receiving an emergency, ex parte hearing de novo
24 not on the record before a Family Part judge, and every denial of
25 relief by a municipal court judge shall so state.

26 j. Emergency relief may include forbidding the defendant from
27 returning to the scene of the domestic violence, forbidding the
28 defendant to possess any firearm or other weapon enumerated in
29 subsection r. of N.J.S.2C:39-1 and any other appropriate relief.

30 k. The judge may permit the defendant to return to the scene
31 of the domestic violence to pick up personal belongings and
32 effects but shall by order restrict the time and duration and
33 provide for police supervision of such visit.

34 l. An order granting emergency relief shall immediately be
35 served upon the defendant by the police, except that an order
36 issued during regular court hours may be forwarded to the sheriff
37 for immediate service upon the defendant in accordance with the
38 rules of court. At no time shall the plaintiff be asked or required
39 to serve any order on the defendant.

40 m. [A temporary restraining order shall remain in effect until
41 further action by the court] The Family Part of the Chancery
42 Division of the Superior Court shall hold a hearing on an
43 emergency order within 10 days, and the hearing shall be held in
44 the county where the ex parte restraints were ordered unless
45 good cause is shown for the hearing to be held elsewhere.

46 n. Notice of temporary restraining orders issued pursuant to
47 this section shall be sent by the clerk of the court or other person
48 designated by the court to the appropriate chiefs of police,
49 members of the State Police and any other appropriate law
50 enforcement agency or court.

51 o. [All pleadings, process, and other orders filed pursuant to
52 this act shall be served upon the defendant in accordance with
53 the rules of court. If personal service cannot be effected upon
54 the defendant, the court may order other appropriate substituted

1 service. At no time shall the plaintiff be asked or required to
 2 serve any order on the defendant.] (Deleted by amendment,
 3 P.L. , c.)(now pending before the Legislature as this bill)

4 p. Any temporary or permanent restraining order issued
 5 pursuant to this act shall be in effect throughout the State, and
 6 shall be enforced by all law enforcement officers.
 7 (cf: P.L.1991, c.261, s.12)

8 5. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to
 9 read as follows:

10 13. a. A hearing shall be held in the Family Part of the
 11 Chancery Division of the Superior Court within 10 days of the
 12 filing of a complaint pursuant to section 12 of this act. A copy of
 13 the complaint shall be served on the defendant in conformity with
 14 the rules of court. If a criminal complaint arising out of the same
 15 incident which is the subject matter of a complaint brought under
 16 P.L.1981, c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 has been
 17 filed, testimony given by the plaintiff or defendant in the
 18 domestic violence matter shall not be used in the simultaneous or
 19 subsequent criminal proceeding against the defendant, other than
 20 domestic violence contempt matters and where it would
 21 otherwise be admissible hearsay under the rules of evidence that
 22 govern where a party is unavailable. At the hearing the standard
 23 for proving the allegations in the complaint shall be by a
 24 preponderance of the evidence. The court shall consider but not
 25 be limited to the following factors:

26 (1) The previous history of domestic violence between the
 27 plaintiff and defendant, including threats, harassment and
 28 physical abuse;

29 (2) The existence of immediate danger to person or property;

30 (3) The financial circumstances of the plaintiff and defendant;

31 (4) The best interests of the victim and any child;

32 (5) In determining custody and visitation the protection of the
 33 victim's safety; and

34 (6) The existence of a verifiable order of protection from
 35 another jurisdiction.

36 An order issued under this act shall only restrain or provide for
 37 damages payable from a person against whom a complaint has
 38 been filed by this act, and only after a finding or an admission
 39 that an act of domestic violence was committed by that person.
 40 The issue of whether or not a violation of this act occurred,
 41 including an act of contempt under this act, shall not be subject
 42 to mediation or negotiation in any form. In addition, where a
 43 temporary or final order has been issued pursuant to this act, no
 44 party shall be ordered to participate in mediation on the issue of
 45 custody or visitation.

46 b. In proceedings in which complaints for restraining orders
 47 have been filed, the court shall grant any relief necessary to
 48 prevent further abuse. At the hearing the judge of the Family
 49 Part of the Chancery Division of the Superior Court may issue an
 50 order granting any or all of the following relief:

51 (1) An order restraining the defendant from subjecting the
 52 victim to domestic violence, as defined in this act.

53 (2) An order granting exclusive possession to the plaintiff of
 54 the residence or household regardless of whether the residence or

1 household is jointly or solely owned by the parties or jointly or
2 solely leased by the parties. This order shall not in any manner
3 affect title or interest to any real property held by either party
4 or both jointly. If it is not possible for the victim to remain in
5 the residence, the court may order the defendant to pay the
6 victim's rent at a residence other than the one previously shared
7 by the parties if the defendant is found to have a duty to support
8 the victim and the victim requires alternative housing.

9 (3) An order providing for visitation. The order shall protect
10 the safety and well-being of the plaintiff and minor children and
11 shall specify the place and frequency of visitation. Visitation
12 arrangements shall not compromise any other remedy provided by
13 the court by requiring or encouraging contact between the
14 plaintiff and defendant. Orders for visitation may include a
15 designation of a place of visitation away from the plaintiff, the
16 participation of a third party, or supervised visitation.

17 (a) The court shall consider a request by the plaintiff for an
18 investigation or evaluation by the appropriate agency to assess
19 the risk of harm to the child prior to the entry of a visitation
20 order. Any denial of such a request must be on the record and
21 shall only be made if the judge finds the request to be arbitrary
22 or capricious.

23 (b) The court shall consider suspension of the visitation order
24 and hold an [emergent] emergency hearing upon an application
25 made by the plaintiff certifying under oath that the defendant's
26 access to the child pursuant to the visitation order has threatened
27 the safety and well-being of the child.

28 (4) An order requiring the defendant to pay to the victim
29 monetary compensation for losses suffered as a direct result of
30 the act of domestic violence. The order may require the
31 defendant to pay the victim directly, to reimburse the Violent
32 Crimes Compensation Board for any and all compensation paid by
33 the Violent Crimes Compensation Board directly to or on behalf
34 of the victim, and may require that the defendant reimburse any
35 parties that may have compensated the victim, as the court may
36 determine. Compensatory losses shall include, but not be limited
37 to, loss of earnings or other support, including child or spousal
38 support, out-of-pocket losses for injuries sustained, cost of repair
39 or replacement of real or personal property damaged or destroyed
40 or taken, cost of counseling for the victim, moving or other
41 travel expenses, reasonable attorney's fees, court costs, and
42 compensation for pain and suffering. Where appropriate, punitive
43 damages may be awarded in addition to compensatory damages.

44 (5) An order requiring the defendant to receive professional
45 domestic violence counseling from either a private source or a
46 source appointed by the court and, in that event, at the court's
47 discretion requiring the defendant to provide the court at
48 specified intervals with documentation of attendance at the
49 professional counseling. The court may order the defendant to
50 pay for the professional counseling.

51 (6) An order restraining the defendant from entering the
52 residence, property, school, or place of employment of the victim
53 or of other family or household members of the victim and
54 requiring the defendant to stay away from any specified place

1 that is named in the order and is frequented regularly by the
2 victim or other family or household members.

3 (7) An order restraining the defendant from making contact
4 with the plaintiff or others, including an order forbidding the
5 defendant from making any communication likely to cause
6 annoyance or alarm including, but not limited to, personal,
7 written, or telephone contact with the victim or other family
8 members, or their employers, employees, or fellow workers, or
9 others with whom communication would be likely to cause
10 annoyance or alarm to the victim.

11 (8) An order requiring that the defendant make or continue to
12 make rent or mortgage payments on the residence occupied by
13 the victim if the defendant is found to have a duty to support the
14 victim or other dependent household members; provided that this
15 issue has not been resolved or is not being litigated between the
16 parties in another action.

17 (9) An order granting either party temporary possession of
18 specified personal property, such as an automobile, checkbook,
19 documentation of health insurance, an identification document, a
20 key, and other personal effects.

21 (10) An order awarding [emergent] emergency monetary relief,
22 including emergency support for minor children, to the victim and
23 other dependents, if any. An ongoing obligation of support shall
24 be determined at a later date pursuant to applicable law.

25 (11) An order awarding temporary custody of a minor child.
26 The court shall presume that the best interests of the child are
27 served by an award of custody to the non-abusive parent.

28 (12) An order requiring that a law enforcement officer
29 accompany either party to the residence or any shared business
30 premises to supervise the removal of personal belongings in order
31 to ensure the personal safety of the plaintiff when a restraining
32 order has been issued. This order shall be restricted in duration.

33 (13) An order which permits the victim and the defendant to
34 occupy the same premises but limits the defendant's use of that
35 premises, but only if it is documented by the judge granting the
36 order that:

37 (a) The plaintiff specifically and voluntarily requests such an
38 order; and

39 (b) The judge determines that the request is made voluntarily
40 and with the plaintiff's knowledge that the order may not provide
41 the same protection as an order excluding the defendant from the
42 premises and with the plaintiff's knowledge that the order may
43 be difficult to enforce; and

44 (c) Any conditions placed upon the defendant in connection
45 with the continued access to the premises and any penalties for
46 noncompliance with those conditions shall be explicitly set out in
47 the order and shall be in addition to any other remedies for
48 noncompliance available to the victim.

49 (14) An order granting any other appropriate relief for the
50 plaintiff and dependent children, provided that the plaintiff
51 consents to such relief, including relief requested by the plaintiff
52 at the final hearing, whether or not the plaintiff requested such
53 relief at the time of the granting of the initial emergency order.

54 (15) An order that requires that the defendant report to the

1 intake unit of the Family Part of the Chancery Division of the
2 Superior Court for monitoring of any other provision of the order.

3 (16) An order prohibiting the defendant from possessing any
4 firearm or other weapon enumerated in subsection r. of
5 N.J.S.2C:39-1 and ordering the seizure of any such weapon at any
6 location where the judge has reasonable cause to believe the
7 weapon is located. The judge shall state with specificity the
8 reasons for and scope of the seizure authorized by the order.

9 (17) An order prohibiting the defendant from stalking or
10 following, or threatening to harm, to stalk or to follow, the
11 complainant or any other person named in the order in a manner
12 that, taken in the context of past actions of the defendant, would
13 put the complainant in reasonable fear that the defendant would
14 cause the death or injury of the complainant or any other person.
15 Behavior prohibited under this act includes, but is not limited to,
16 behavior prohibited under the provisions of P.L.1992, c.209
17 (C.2C:12-10).

18 c. Notice of orders issued pursuant to this section shall be sent
19 by the clerk of the Family Part of the Chancery Division of the
20 Superior Court or other person designated by the court to the
21 appropriate chiefs of police, members of the State Police and any
22 other appropriate law enforcement agency.

23 d. Upon good cause shown, any final order may be dissolved or
24 modified upon application to the Family Part of the Chancery
25 Division of the Superior Court, but only if the judge who dissolves
26 or modifies the order is the same judge who entered the order, or
27 has available a complete record of the hearing or hearings on
28 which the order was based.

29 (cf: P.L.1991, c.261, s.13)

30 6. Section 14 of P.L.1991, c.261 (C.2C:25-30) is amended to
31 read as follows:

32 14. Except as provided below, a violation by the defendant of
33 an order issued pursuant to this act shall constitute an offense
34 under subsection b. of N.J.S.2C:29-9 and each order shall so
35 state. All contempt proceedings conducted pursuant to
36 N.J.S.2C:29-9 involving domestic violence orders, other than
37 those constituting indictable offenses, shall be heard by the
38 Family Part of the Chancery Division of the Superior Court.
39 Additionally, and notwithstanding the term of imprisonment
40 provided in N.J.S.2C:43-8, any person convicted of a second or
41 subsequent nonindictable domestic violence contempt offense
42 shall serve a minimum term of not less than 30 days. Orders
43 entered pursuant to paragraphs (3), (4), (5), (8) and (9) of
44 subsection b. of section 13 of this act shall be excluded from
45 enforcement under subsection b. of N.J.S.2C:29-9; however,
46 violations of these orders may be enforced in a civil or criminal
47 action initiated by the plaintiff or by the court, on its own
48 motion, pursuant to applicable court rules.

49 (cf: P.L.1991, c.261, s.14)

50 7. Section 15 of P.L.1991, c.261 (C.2C:25-31) is amended to
51 read as follows:

52 15. Where a law enforcement officer finds that there is
53 probable cause that a defendant has committed contempt of an
54 order entered pursuant to the provisions of P.L.1981, c.426

(C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.), the defendant shall be arrested and taken into custody by a law enforcement officer. The law enforcement officer shall follow these procedures:

[a. On weekends, holidays and other times when the court is closed, the] The law enforcement officer shall transport the defendant to [either] the police station [or the municipal court] or such other place as the law enforcement officer shall determine is proper. The law enforcement officer shall:

[(1)]a. Sign a complaint concerning the incident which gave rise to the contempt charge;

[(2)]b. Telephone or communicate in person or by facsimile with the appropriate judge assigned pursuant to this act and request bail be set on the contempt charge;

[(3)]c. If the defendant is unable to meet the bail set, take the necessary steps to insure that the defendant shall be incarcerated at police headquarters or at the county jail; and

[(4)]d. [On the next working day notify] During regular court hours, the defendant shall have bail set by a Superior Court judge that day. On weekends, holidays and other times when the court is closed, the officer shall arrange to have the clerk of the Family Part notified on the next working day of the new complaint, the amount of bail, the defendant's whereabouts and all other necessary details. In addition, if a municipal court judge set the bail, the officer shall notify the clerk of that municipal court of this information.

[b. During regular court hours, the law enforcement officer shall transport the defendant to the Family Part of the Chancery Division of the Superior Court or to such other place as the law enforcement officer shall determine is proper. The law enforcement officer shall complete and sign a complaint concerning the incident which gave rise to the contempt charge, and the defendant shall have bail set by a judge that day.]

(cf: P.L.1991,c.261,s.15)

8. This act shall take effect immediately.

STATEMENT

This bill amends, amplifies, and corrects some minor points in the "Prevention of Domestic Violence Act of 1990," P.L.1991, c.261.

Section 1 amends the definition of "domestic violence" to include the new crime of stalking, recently enacted as P.L.1992, c.209. The section also broadens the definition of "victim of domestic violence" to include persons not over 18 or emancipated who allege abuse by the father of their child, and persons who are pregnant and allege abuse by the putative father of the fetus.

Section 2 would grant immunity from liability to anyone who, in good faith, reports domestic violence to the police. The bill would not provide immunity to untrained persons who intervene in domestic violence situations without police assistance, a course that could be dangerous to both the intervenor and the victim.

Section 3 allows the court to prohibit the defendant from

1 stalking the victim or the victim's relatives as a condition of
2 release on bail or personal recognizance.

3 Section 4 resolves discrepancies in current law concerning the
4 requirements for service on the defendant. The amendments
5 allow the plaintiff, as well as the defendant, to appeal the
6 outcome of an application for temporary restraints. Other
7 amendments clarify that "emergency, ex parte relief" is
8 available for victims -- this term is used inconsistently in several
9 portions of the current law. In addition, other amendments
10 clarify that a victim whose application for relief was denied by a
11 municipal court and subsequently dismissed administratively may
12 refile the application in the Superior Court.

13 Section 5 amends 2C:25-29 to require a finding or admission of
14 domestic violence before relief can be granted, and to require
15 that anyone restrained under the act be the subject defendant of
16 a complaint filed under the act. The amendments also
17 specifically add child support to the list of the types of
18 emergency monetary relief which can be ordered by the court.
19 This addition is intended to clarify that the support is temporary,
20 and not in lieu of a formal support hearing at a later time, where
21 the court will have full access to the records and financial
22 information of both parties. Several types of relief which may be
23 ordered by the court are added by the amendments: restraints
24 against contact with the plaintiff or others; the seizure of
25 weapons in the possession of a defendant; restraints against
26 stalking; and adding shared business premises as a place where
27 the police can be required to escort a defendant for the purpose
28 of removing personal belongings. The final amendment to this
29 section clarifies that if the judge dissolving or modifying an order
30 is the judge who entered the original order, there is no
31 requirement that the judge have access to the entire record on
32 which the order was based.

33 Section 6 conforms the exemptions to criminal contempt
34 enforcement with the list in N.J.S.2C:29-9.

35 Section 7 clarifies the responsibility of a police officer who
36 arrests a defendant for contempt to transport the defendant,
37 provides that the police station is the usual situs for the
38 completion of the criminal complaint, and allows the use of
39 facsimile transmissions for communication with the judge who is
40 responsible to set bail.

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45 Clarifies and broadens several provisions of the "Prevention of
46 Domestic Violence Act of 1990."

ASSEMBLY, No. 290

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblywoman HECK and Assemblyman GARRETT

1 AN ACT concerning the offense of attempting to lure a child
2 under certain circumstances and supplementing chapter 13 of
3 Title 2C of the New Jersey Statutes.
4

5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

7 1. A person commits a crime of the third degree if he
8 attempts to lure or entice a child into a motor vehicle, structure
9 or isolated area with a purpose to commit a criminal offense with
10 or against the child.

11 "Child" as used in this act means a person less than 18 years
12 old.

13 "Structure" as used in this act means any building, room, ship,
14 vessel, or airplane and also means any place adapted for
15 overnight accommodation of persons, or for carrying on business
16 therein, whether or not a person is actually present.

17 There shall be a rebuttable presumption that a person had a
18 purpose to commit a criminal offense with or against the child
19 unless the person is the parent or guardian of the child or has
20 legal authority or responsibility for the child, except in cases of
21 emergency.

22 Nothing herein shall be deemed to preclude, if the evidence so
23 warrants, an indictment and conviction for attempted kidnapping
24 under the provisions of N.J.S.2C:13-1.

25 2. This act shall take effect immediately.
26
27

28 STATEMENT
29

30 This bill would make it a crime of the third degree for any
31 person to attempt to lure or entice a child into a motor vehicle,
32 structure or isolated area with a purpose to commit a criminal
33 offense with or against the child. A crime of third degree is
34 punishable by a term of imprisonment of three to five years, a
35 fine of up to \$7,500 or both.

36 The bill also creates a rebuttable presumption that a person
37 who is not the parent or guardian or who does not have legal
38 authority with respect to the child had a criminal purpose, except
39 in cases of emergency.
40
41

42
43
44 Creates crime of attempting to lure or entice a child into a
45 motor vehicle, structure or isolated area.

ASSEMBLY, No. 538

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblywomen WEINBERG and HECK

1 AN ACT denying certain parental rights in cases involving rape
2 and supplementing Title 9 of the New Jersey Statutes.

3

4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. Notwithstanding any provision of law to the contrary, a
7 person convicted of sexual assault under N.J.S.2C:14-2, shall not
8 be awarded the custody of or visitation rights to a minor child
9 born as a result of the sexual assault, except upon a showing by
10 clear and convincing evidence that it is in the best interest of the
11 child for custody or visitation rights to be awarded.

12 2. This act shall take effect immediately.

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STATEMENT

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17 This bill would prohibit the award of custody of a minor child
18 or parental visitation rights to a person who has fathered a child
19 through rape, where the person has been convicted of sexual
20 assault, except upon a showing by clear and convincing evidence
21 that an award of custody or visitation is in the best interest of
22 the child.

23

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27 Denies custody and visitation to a person who fathers a child
28 through rape.

ASSEMBLY CONCURRENT RESOLUTION No. 28

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblywomen HECK and WEINBERG

1 A CONCURRENT RESOLUTION requesting that the Supreme
2 Court of the State of New Jersey develop a one year pilot
3 program in Bergen County creating a model Domestic Violence
4 Court in the Superior Court, Chancery Division, Family Part.

5
6 WHEREAS, The Superior Court, Chancery Division, Family Part
7 has jurisdiction to hear a broad range of matters including
8 matters involving juveniles, matrimonial cases as well as
9 domestic violence matters; and

10 WHEREAS, Both the municipal court and the Family Part can be
11 involved in different aspects of the same domestic violence
12 incident; and

13 WHEREAS, Cases involving domestic violence require specialized
14 knowledge and expertise on the part of judges and court
15 personnel; and

16 WHEREAS, The uniform handling of matters arising from
17 incidents of domestic violence is a desired outcome to
18 strengthen the enforcement of the Prevention of Domestic
19 Violence Act of 1991; now therefore

20
21 BE IT RESOLVED by the General Assembly of the State of
22 New Jersey (the Senate concurring):

23 1. That the Supreme Court of the State of New Jersey is
24 respectfully requested to develop a one year pilot program in
25 Bergen County creating a model uniform system of handling
26 domestic violence matters which includes designating at least one
27 judge currently assigned to the Superior Court, Chancery
28 Division, Family Part, to hear only domestic violence matters
29 including domestic violence complaints, domestic violence final
30 hearings, contempt of domestic violence orders proceedings,
31 criminal complaints, and seizure of weapons hearings.

32 2. That the Administrative Office of the Courts submit a
33 written report to the Legislature describing and assessing the
34 implementation, operation and results of the pilot program within
35 6 months after the completion of the pilot program.

36 3. Duly authenticated copies of this concurrent resolution
37 signed by the President of the Senate and the Speaker of the
38 General Assembly, be transmitted to the Chief Justice and the
39 Associate Justices of the Supreme Court of the State of New
40 Jersey.

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STATEMENT

45 This concurrent resolution would request that the New Jersey
46 Supreme Court develop a one year pilot program in Bergen
47 County creating a model uniform system of handling domestic

1 violence matters. At present, cases involving domestic violence
2 are cognizable in the Family Part of the Superior Court,
3 Chancery Division, as well as in other courts. This concurrent
4 resolution would designate at least one judge currently assigned
5 to the Superior Court, Chancery Division, Family Part, to hear
6 only domestic violence matters including domestic violence
7 complaints, domestic violence final hearings, contempt of
8 domestic violence orders proceedings, criminal complaints,
9 seizure of weapons hearings.

10
11
12
13
14 Requests the New Jersey Supreme Court to develop a one year
15 pilot program in Bergen County creating a model uniform system
16 of handling domestic violence matters.

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New Jersey State Library

ASSEMBLYWOMAN ROSE M. HECK (Chairperson): May I ask everyone in the room to please sit down, so that we can begin.

I've heard that many of you are here to support the package of bills and others are here to speak for a few moments. We are absolutely, joyously overwhelmed by your presence, because it is such a very important topic.

We have been working diligently on this subject for quite some time, and I know many of you sitting in the audience have been working on it for many, many years. So my respect to you and thank you for showing us respect by being here today, because, you know, that we are in earnest to improve the state of victims of domestic violence. And as we learned through the hearings, the victims of domestic violence are many, including women, men, children, and the elderly.

It was an eye-opening group of hearings that we held throughout the State, and at each hearing we learned something new. And we want to thank particularly the law enforcement community, the prosecutors, the attorneys, who gave us valuable information and who closed up some loopholes -- who are continuing to close up the loopholes -- in the law. And we also have, I know, coming again from Bergen -- because this started in Bergen -- Gina Plotino, who was the head of the battered women a number of years ago, had spoken with us. Loretta and I met with groups of attorneys and groups of representatives, and I have spoken with Speaker Haytaian about formulating the Advisory Council on Women, and with his support, was able to draft it. And he said, "Put it in writing, what is it that you want." And we had a number of issues that we felt were very, very important--

ASSEMBLYWOMAN WEINBERG: About 730 pages long.

ASSEMBLYWOMAN HECK: Yes.

ASSEMBLYWOMAN WEINBERG: The want list. (laughter)

ASSEMBLYWOMAN HECK: So we put it together and he absolutely gave us 100 percent support, and we had many

hearings and Robby was one of our first workers on it. Suzie Chichester, I think, is working on my ceremonials. Suzie worked with myself and Greg Edwards and Sue Kozel. I don't know where you are, Sue? Are you here? (no response) Sue Kozel.

There are so many people involved in this. I know that one of our former Assemblywoman who was so helpful to us, Ginny Weber, you're here somewhere? There you are in the back. A teacher always likes to sit in the back. Did you notice that? So, Ginny, I am so pleased that you could be here today, and I know Quilla Talmadge, another former member of our Committee, expressed her desire to be here today, as did Priscilla Anderson, who could not make this particular meeting, but gave, again, her wholehearted support.

And I would like to introduce to you two new members of the Advisory Council, the Chair, Joanna Gregory-Scocchi and of course, Kip Bateman. We want to welcome you aboard. And my colleague from Bergen County, Loretta Weinberg, and I, who go back a long, long way, when we were gofers for our respective parties and young girls, so we are very pleased that we are working together on these issues. And, as you noticed, we said we are finishing unfinished business, domestic violence reform.

Again, I am going to forego reading all of this at this particular time. It is my opening statement, but what I would like to do, more importantly, is give everyone here an opportunity to either voice their support or their concerns in an orderly fashion.

Speaker Haytaian -- I invited him to open this particular hearing -- he will be on his way up, and I will interrupt whoever is speaking at the moment when he does arrive, with your permission.

I would also like to recognize a woman I have learned to admire, and she is a new friend, the New Jersey Secretary of

State, Lonna Hooks. Lonna-- Oh, there you are. (applause)
Thank you very much.

And I know that the Director of the Division of Youth and Family Services, Nick Scalera, sent a representative and Maria Vankowski is here, I believe. She's in towards the back.

You must be a teacher also in a previous life.
(laughter)

I also want--

Ginny did you want to say anything? Would you like to address us?

M A R Y V I R G I N I A W E B E R: (speaking from audience) The reason I look so high is because I'm on a couple of chairs, thank you. (laughter)

I was a member of this Committee for two years. It was an honor for me, because it was a revelation to travel all around the State of New Jersey and hear the fighting and the concern of women for, particularly, the sexual assaults, and I was just delighted to be a part of it. I certainly encourage you to forge on because we need it and we need, also, I think, to point out that we were told that the importance of-- The bills passed, and that's fine, but the enforcement of the bills has to get down to the local communities, and that's where we're having the problem.

I know that even to this day some of the things are not coming to fruition that we wanted, and I certainly will do all I can to help, from this end of the room now, to ensure that we get that done and that's what we really need. But get it down to the home front.

ASSEMBLYWOMAN HECK: Thank you very much, Ginny. I appreciate all your help and support, and, certainly, we'll be seeing you at a lot more of our meetings. I know you travel with Sheriff Hoogan from -- did you -- from Glassboro.

MS. WEBER: He's out of the room right now.

ASSEMBLYWOMAN HECK: All right. Well, we wanted to

recognize the fact that he, of course, came with you, and we have the Executive Director of the New Jersey Commission on Sex Discrimination in the State Statutes, Melanie Griffin, who, of course, has been one of the initiators of this movement. Melanie, you are here some-- Would you like to come-- Would you like to come forward just for a minute? Yes, please.

M E L A N I E G R I F F I N : Just to say that we are extremely pleased that you're holding these hearings and that you have focused on the issue of domestic violence. The State is a leader in this field, and it's a leader because of what the Legislature has done. I am very glad to see the refinements and the funding initiatives and the wonderful attention that is being paid by this Committee. Thank you very much, and I welcome all the new members.

ASSEMBLYWOMAN HECK: Yes, thank you.

MS. GRIFFIN: I'm glad to see everyone here.

ASSEMBLYWOMAN HECK: Thank you very much, Melanie. I hope all of you have availed yourselves of the packets with all the information in it. It also lists all the members' names and gives you pertinent data, and, of course, you'll see that we brought along-- We had purchased a number of these newspapers. They were a series of articles in The Record on battered lives, "The Domestic Violence Crisis," which appeared in The Record, and it really is an important piece as far as we are concerned in explaining many of the problems. And we thank Glenn Ritt for his editorials of support and helping us to get media attention. Go ahead Loretta.

ASSEMBLYWOMAN WEINBERG: First of all, I would like to thank Assemblywoman Rose Heck for her leadership in this area and for her sponsorship of the -- some of the legislation that we will be considering here this morning.

But while you are introducing people in the audience, I wanted to take an opportunity to introduce two students who are here, who are also sitting in the back row with the two

teachers. Well, you know, the Legislature is going to be celebrating Women's History Month, and we have many women who will be honored this morning by the State Assembly. I invited two high school students, who are going to be future -- will be making history in the future for women. And I would just like to introduce Natalie Collins from Dwight Morrow High School in Englewood. If you'd stand Natalie. And Kellyann Kosciuszka from Teaneck High School in Teaneck. (applause)

I always thought it was the students who moved to the background and they did. So I'm sure this is going to be a learning experience for them too. We're going to be doing some important work, and we are going to need your support, all of you who are in this audience, to help move this package of bills through in a very timely manner. So I thank you for coming.

ASSEMBLYWOMAN HECK: We are taking your names and addresses, as you can see. I know we have most of your names and addresses, but the reason for that is, we are going to advise you when these bills appear before the Judiciary Committee and ask you to show your support, not just by writing but by, again, attending the hearing, so that we have a visible strength for the Committee members to see. Hopefully, that will help move those bills out of Committee and onto the floor of the Assembly where they really belong.

I also want to mention, since Loretta brought that up, if you're invited to attend the ceremonials -- which will begin at noon -- and -- along with all of the female legislators who will be honoring women within their own districts, I am very pleased to tell you that the Governor has accepted my invitation and will be receiving a ceremonial resolution from us today, at noon. So we will be very happy to have you attend that particular ceremony.

We can say that we have the woman who broke the glass ceiling here at the State House, so we'll all enjoy that during

Women's History Month. Joanna, would you like to say something now? I'm going -- or later, would you like to do it later?

ASSEMBLYWOMAN GREGORY-SCOCCHI: Sure, I'd just like to say, as a new member of the Assembly, I'm delighted to be here because this is an issue that is so important to me personally, but not only to me personally but to the entire population of women throughout the State of New Jersey. I look forward to serving on this Committee in a very meaningful way.

Thank you, Rose.

ASSEMBLYWOMAN HECK: Thank you, Joanna. Kip would you like to?

ASSEMBLYMAN BATEMAN: Yes, thank you, Rose.

I am also delighted to be on this Committee. One of the other hats that I wear-- I am a Municipal Prosecutor in a number of towns, so I see first hand the problem with domestic violence. There is no question there has been an improvement with the passage of the new law. However, there are still some problems that we have to address. I prosecute on a weekly basis, so I see the effect that it has on women and families. So I am delighted to be part of this and I hope we can make a difference.

ASSEMBLYWOMAN HECK: Thank you very much. I think we have a very good team here and, of course, Kathy Glynn, who helped us last year, and Norma Svedosh, back again to continue the struggle to get these bills where they belong and signed into law. I also want to mention that Linda Bowker, the newly appointed Director of the New Jersey Department on Women in the Department of Community Affairs, is with us today.

Will you please rise. (applause) Welcome.

L I N D A B O W K E R: Well, I just wanted to say how happy I am that, in my first week, I have the opportunity to address this Advisory Council on Women. I think you're doing great work. I'm sure you know a large amount of our work in the Division on Women is done by the Office of Prevention of

Violence Against Women. If there is any way we can help you any further, we are right there in the corner with you. Thank you very much.

ASSEMBLYWOMAN HECK: Thank you so very much. We appreciate that.

I'm not sure if Paula Rothenberg has arrived yet. Oh, you have, Paula. Paula is really one of the alumni of this particular group, having sponsored the first meeting we ever held at William Paterson College, and we're so pleased you could be here, Paula. Would you like to say a few words for us? **PAULA ROTHENBERG:** Well, it's always a pleasure to be here with this Committee, and I think we have a new feeling of excitement and commitment to women's causes in the State of New Jersey, and I know that this Committee has been really leading that movement in the State of New Jersey, and, now, from the very highest levels, I know that we are going to see tremendous activity on behalf of women's lives. So it's an honor and a privilege for me to be here with you. I want to thank you, Rose, for your leadership in this area. I'm looking forward to a very wonderful year for women in New Jersey, and I stand ready to help you and the administration with whatever women's project.

ASSEMBLYWOMAN HECK: Thank you very much.

I'm sure most of you realize that Dr. Rothenberg is the Director of the New Jersey Project which is based at William Paterson College, and we're very proud of her and the work she's done throughout the years.

Would you-- Is Suzie still here or did she move back downstairs? Would someone notify me when Gina Plotino arrives, please, because it's -- because so many people are here, it's difficult to see who is here.

I have Evelyn, is it Ginter, the Vice-President of People Against Spouse Abuse. Is she present? (no response)

I am going to read out the names. If you wish to speak come forward. If you just wish to voice your support, maybe you just want to rise at your place. Some of these people will be here and some won't, and others have signed papers to speak.

The weather has been horrendous, as you know, but this is a marvelous -- a marvelous gathering.

Nancy Kessler, Administrative Office of the Courts.

Nancy, would you like to say anything at all?

N A N C Y K E S S L E R : I am here to listen.

ASSEMBLYWOMAN HECK: Oh, all right, good. Thank you.

Sue Fleish, I believe it is, Passaic City Women's Center.

Jeanette D'Italia, YWCA, Hudson County.

Renee Lane--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Jeanette is here.

ASSEMBLYWOMAN HECK: Oh is Jeanette, here? Oh, good.

J E A N E T T E D ' I T A L I A : I'm really happy to be here, but would you like me to come to the microphone?

ASSEMBLYWOMAN HECK: You want them to come to the microphone? Oh, they are recording Renee, if you would come forward if you might, please.

MS. D'ITALIA: I only have a few words here.

ASSEMBLYWOMAN HECK: Fine.

MS. D'ITALIA: I guess what pleased me most was the title that it was unfinished business and the commitment of this group in focusing on women's issues and, especially, domestic violence as a women's issue. So I'm very grateful to all of you. Thank you.

ASSEMBLYWOMAN HECK: Thank you very much.

Jeanette D'Italia the YWCA, Hudson County.

MS. D'ITALIA: That was me.

ASSEMBLYWOMAN HECK: That was you? Oh, I'm sorry, I thought you were Sue Fleish. I checked you off as Passaic. Thank you, Jeanette.

Renee Lane, Violent Crimes Compensation Board.

R E N E E L A N E: Good morning. I really appreciate the opportunity to be here, and I laud all of the efforts of this Committee. From the Violent Crimes Compensation Board, we have just a couple of comments. Obviously this bill would not adversely affect the Violent Crimes Compensation Board, but we are really concerned about the number of monetary penalties that are being invoked in the State. And, at some point, it becomes so burdensome for offenders that what they do is, they don't pay anything. They have-- The Safe Communities Act, now has a \$75 fine. This is going to cost \$200 if they are put into a resource center. Where is this going to take us? What's happening is that instead of paying all of them, they're paying none of them.

ASSEMBLYWOMAN HECK: Renee, I'm--

MS. LANE: I'm talking about the domestic--

ASSEMBLYWOMAN HECK: Oh, I know.

MS. LANE: Okay.

ASSEMBLYWOMAN HECK: May I add to that something? I'm not sure if you've read or have known that, in the past month, I've been in touch with the agencies and the correction department.

MS. LANE: Oh, I certainly do know.

ASSEMBLYWOMAN HECK: Oh, you know that.

MS. LANE: Yes. We have followed that very closely.

ASSEMBLYWOMAN HECK: And that's one of my-- That will be a focus on why we are not collecting the fines, because, certainly, that is part of the punishment that was meted out by the courts. We will address those problems, and we will make certain that those moneys that are due the crime victims and are due the State will be collected.

MS. LANE: Okay, well, of course, the new court that they are going to establish will also help in that regard.

ASSEMBLYWOMAN HECK: Yes, it will.

MS. LANE: I have just one other suggestion for you with regard to the bill itself on line 24.

ASSEMBLYWOMAN HECK: All right. Which bill are we addressing?

MS. LANE: I'm still talking about the Domestic Violence Resource Center Demonstration Program. On line 24, you are still referring to victims of domestic violence, and, really, this is not targeted at the victims. It's really targeted at the perpetrators, and I think if you read it, "a service to victims of domestic violence, which provide services to etc."-- It's just a suggestion. I think that-- I know you took them out.

ASSEMBLYWOMAN HECK: Yes, Yes.

MS. LANE: I know the original bill had other language, and we appreciate that mention of that was taken out so that this is--

ASSEMBLYWOMAN HECK: Melanie, remind us about that.

MS. LANE: And thank you again and we wish you very good success in all of these bills.

ASSEMBLYWOMAN HECK: Thank you very much.

I would like to recognize the fact that the speaker of the House, Garabed "Chuck" Haytaian, has arrived and we would like to welcome him here.

Would you like to sit here?

S P E A K E R G A R A B E D " C H U C K " H A Y T A I A N :
I'll sit here.

ASSEMBLYWOMAN HECK: All right, fine.

ASSEMBLYWOMAN WEINBERG: Rose, you know on this one you're in charge. Don't give up this seat so easily.

ASSEMBLYWOMAN HECK: Well, I wanted him to be able to address all of us.

ASSEMBLYMAN HAYTAIAN: Madam Chairman, thank you very much. I noticed that former Assemblywoman Ginny Weber is in the audience. I hope she's been welcomed here as a former colleague and a guest.

ASSEMBLYWOMAN HECK: Yes, she has.

ASSEMBLYMAN HAYTAIAN: I want to thank all of you very much for allowing me to testify.

Madam Chair and members of the Council: thank you for affording me the opportunity to address you this morning. I see that several new members have joined the Council recently. Let me say that this group has spent the last year and a half tackling some of the most difficult issues facing us today, and they have never shied away from their responsibilities.

Much of what this Council has had to hear and has had to address are things people have not wanted to hear or face up to. They have been, until just recently, the ugly taboos most wanted just swept under the rug. Out of sight, out of mind was the prevailing attitude.

While I hope we all know that the urge to sweep domestic violence matters under the rug, to turn a blind ignorant eye to sexual assault issues is largely responsible for creating the environment that allows such things to happen in the first place.

I say this to commend those of you on this panel who have worked so hard and have been willing to confront these matters head on and, as a result, present us with the legislation you have helped craft. And I say, to let the new Council members know, that your work in the future here will be tough and often emotionally difficult.

I have heard the testimony of many who appeared before this panel, and I can tell you much of it was often shocking and heart wrenching. I know you're all up to the task that lies ahead.

Our friends, domestic violence is a cancer eating away at the very fiber of what we call the American Family. It can rear its ugly head in what may seem the most unexpected of places. It knows no bounds of class, or race, or religion. It happens in the best and the worst of homes.

If there is any group I don't have to give statistics to to prove the seriousness of this problem, it's to all of you. You know how serious the problem truly is. You have listened to the testimony of dozens of experts who have studied issues of domestic violence and sexual assault.

You have heard the difficult testimony of dozens of victims who came before this panel, because they had the strength to see that it takes someone to stand up and say no more in order to keep someone else from becoming a victim. And you listened to our police and women's advocate groups, two communities that often see the fallout of these issues dumped on them with no recourse, because we haven't had the answers. Well, now is the time to have some of those answers.

Madam Chair and members of the Council, thanks to your extensive work, your time, and your caring, you sit before me today with a package of bills that will address the concerns of all of those who testified before you and, in fact, of all New Jerseyans.

This legislation clearly shows the level of concern and compassion that went into your efforts. Rather than take a singular approach to these issues, you have shown your wisdom by attacking the causes and including education for those directly involved in domestic violence issues, such as, judges. You have shown concern for people of all ages and, yet, still made it clear to those who would perpetrate these crimes that New Jersey has no tolerance for them and has no qualms about imposing harsh penalties.

Madam Chair, I am proud of you and your work -- and Rose, that I say from the heart, because you have put a lot of work into this -- and I am proud to be a part of the package through my sponsorship with you of A-289, which will add much needed changes to the prevention of domestic violence acts.

I thank you and I applaud you for your efforts, and I hope you and your colleagues will continue this important work well into the future.

Madam Chair, thank you for giving me this opportunity. You truly have done a great job in this area and we will, I'm sure, see those bills moving quickly. I guess, I have the prerogative to try to effectuate that, and I will do what I can in that area. Thank you.

ASSEMBLYWOMAN HECK: We appreciate you taking time out of your busy schedule, because I know your feeling on these matters and you're simpatico to the problem. Thank you very much, Mr. Speaker.

ASSEMBLYMAN HAYTAIAN: Thank you, Madam Chairman. Thank you all, Councilmembers, thank you. (applause)

ASSEMBLYWOMAN HECK: I'd like to recognize a new member.

ASSEMBLYWOMAN WEINBERG: Rose, excuse me.

ASSEMBLYWOMAN HECK: I'm sorry.

ASSEMBLYWOMAN WEINBERG: Rose, excuse me. Speaker Haytaian mentioned statistics and said that he certainly doesn't have to point that out to us. We have heard the statistics, as they have translated into personal stories, become much more meaningful, but there was a report in this morning's newspaper which said that police reported more than 52,000 domestic violence offenses statewide in 1992, including 60 slayings. In Bergen County in 1992, police reported 3567 offenses including 1903 cases of assault and 7 slayings.

I just want to put those statistics out to add to the personal stories that we have all heard to give the big picture. This is a tremendous problem in the State of New Jersey, and, with Rose's leadership and the Speaker's willingness to move these along, we're going to take another step forward to offering some solutions.

ASSEMBLYWOMAN HECK: I just wanted to welcome another new member of our Council -- Advisory Council. We had the opportunity and pleasure of speaking at Rider College before a women's group, and Shirley is going to be a tremendous asset to

us here. Assemblywoman Shirley Turner, if you would welcome her please.

Shirley would you like to say a few words.

ASSEMBLYWOMAN TURNER: I'd just like to say that I'm indeed pleased to be a part of this Council, and I am looking forward to working with Assemblywoman Heck and the rest of the Advisory Council, as well as the Speaker, in terms of moving these bills, moving them ahead, and, in fact, having them reach fruition during this next session. So I'm very, very pleased to be here.

ASSEMBLYWOMAN HECK: Thank you, Shirley. I appreciate that.

Pam Kerr, New Jersey Coalition for Battered Women.

P A M E L A M. K E R R: I'd like to say that I am not here representing the entire Coalition, I am here (indiscernible)

ASSEMBLYWOMAN HECK: All right.

MS. KERR: I am a counselor in private practice and a domestic violence specialist. I am here in support of the package, the domestic violence package, and particularly A-286.

I started my domestic violence work in Pennsylvania and was thrilled when I started working in New Jersey -- the laws extended so many more remedies to victims of domestic violence -- and that was my first reaction. Then after about a year, I was furious all the time at what couldn't be accomplished. This package goes a long way to remedying some of the things that still need remedies in the State, and particularly, helping the judges to understand the point of view of the victims, but that was one of the biggest frustrations I often had. And I wanted to add to the statistics in a nonstatistical way that many of the women I see have never gone through any court system, have never been to the police, and I'm seeing them all the time, and they're not part of anybody's statistics. So that adds to the impact.

ASSEMBLYWOMAN HECK: There are so many.

MS. KERR: And they, in particular, coming to me maybe during a divorce, never get any of the remedies from domestic violence laws because the judges say, "It's not time now. This is divorce. This isn't domestic violence." And when you look at the statistics, they kind of match, in terms of how many women are being battered and how many divorces are happening, so maybe there is an overlap there. And I just think, this is a great, great opportunity for progress in the State.

ASSEMBLYWOMAN HECK: And of course, Pam, the same is true that we've learned that many more men have been the victims of domestic violence, again, for the same reason that women who are married for a period of over 25 years, have refrained from coming forward, because there is a certain amount of shame attached -- "I am ashamed that this happened, I don't want anyone to know." -- and they stay behind closed doors and just suffer a horrendous violence. So I am very pleased that we are bringing this out in the open and asking and inviting those victims who have not come forward for help, come forward. There are many out here who know that there is nothing to be ashamed of.

MS. KERR: I thank you for your support.

ASSEMBLYWOMAN HECK: Thank you, Pam.

Jane Winters from Rutherford. (no response)

We have a group led by Lourdes Kontos from the New Jersey Council for Children's Rights.

L O U R D E S K O N T O S: Thank you for this opportunity, and I did want to touch base now on something that you just mentioned as far as men also being abused by women. It's not a gender issue.

Just on that note, women don't come out. I was a victim of domestic violence, and you just don't talk about it. And men don't come out either. The one problem I have with it is now that we're encouraging everybody to come out, there are shelters for battered women, but there is no shelter for

battered men, and, maybe, it's time that we have just shelters for battered spouses or battered adults and then shelters for children.

There is an issue that I want to also discuss and that is the false domestic violence allegations. I have not had a chance to review all the bills, because I only found out about it yesterday, and I picked up the bills this morning. But right now with the divorce rate that's going up, false domestic violence is an upper hand as to custody issue and settlement of divorce.

ASSEMBLYWOMAN HECK: I believe that you testified before us, once before. Didn't you, a long time ago.

MS. KONTOS: Yes.

ASSEMBLYWOMAN HECK: And on the false issues, I think that would have to be a bill in and of itself that -- you want penalties so that the --

MS. KONTOS: And not only penalties. Yes, there should be penalties for anybody that alleges domestic violence--

ASSEMBLYWOMAN HECK: And cannot prove it.

MS. KONTOS: --and cannot prove it. But what I am seeing, as a member of the New Jersey Council for Children's Rights, because I am speaking on behalf of the children, is that the parent who makes that allegation has the upper hand.

I have seen many cases where a person will allege that the spouse sexually abused the child. The prosecutor will close the case -- Division of Youth and Family Service will close the case -- but Family Part Judges have different standards and will continue to go through the trial. And it's not even a trial; it's construed a hearing.

In the interim, a year and a half, two years, even three years pass, and that poor child or children are deprived of the love, the care, and companionship of the person that has been accused without any clear, concise evidence.

ASSEMBLYWOMAN HECK: Yes, we recognize the importance of what you are saying, Lourdes. But you also-- One of the things that we did with these seven bills was to entitle it, "A Finishing Unfinished Business." These bills were put up last year, put together to address something that has not been put together. This is not the place for it.

We'll be having subsequent hearings on the other business, which will be new business. We have two new bills that Loretta put together beautifully that you might want to avail yourself of. We have the rape shield law proposal that Joanna has brought forth, and, perhaps, you might wish to make some notes as to what you might believe would be a way to address this problem.

This is not a minor issue, Lourdes, because to me, it has to be approached very carefully, very delicately, so as not to negate -- or a kind of sabotage -- the entire domestic violence movement at this particular point. So we will address it, no doubt about it. But at this particular juncture in time, we are only going to address these seven bills.

MS. KONTOS: Well, like I said, I didn't have a chance to review them.

ASSEMBLYWOMAN HECK: Oh, okay. Oh, all right.

MS. KONTOS: I only reviewed three of them, so I only came because I understood that we were, you know, discussing domestic violence.

ASSEMBLYWOMAN HECK: No, I appreciate that. I appreciate that.

MS. KONTOS: And again, I will put down everything in writing.

ASSEMBLYWOMAN HECK: Put it in writing.

MS. KONTOS: I want to protect the children's rights. As far as--

ASSEMBLYWOMAN HECK: Children's rights will be another issue, and that's even a larger issue. And we will have some dramatic happenings within the year on children's rights.

I would prefer not to address it now, Lourdes, because it is a very big issue, and I am a proponent of children's rights and an advocate. So if you would--

MS. KONTOS: Now, okay there is one, because, in defining domestic violence, harassment falls into domestic violence. And brainwashing and programming a child constitutes harassment, as far as I am concerned.

ASSEMBLYWOMAN HECK: Agreed.

MS. KONTOS: That should be domestic violence. There is proof of parents that are constantly programming and brainwashing children, especially, in divorce situations, and there are no criminal penalties. Nobody wants to look at that. You know, again, I'm looking out for the child, the child that is being hurt, the child that falls through the cracks, and the issue of domestic violence is important, but it entails anybody that's a victim.

ASSEMBLYWOMAN HECK: Yes, absolutely.

MS. KONTOS: Whether, you know, the mother or the father or the child--

ASSEMBLYWOMAN HECK: Absolutely, I'd be happy to address it under another bill, because it would not be incorporated in what's before us now.

MS. KONTOS: Okay, so if I was able to prepare something maybe--

ASSEMBLYWOMAN HECK: Oh, sure, absolutely.

MS. KONTOS: You would be able to sponsor the bill.

ASSEMBLYWOMAN HECK: Plus the fact that we would probably have you back at the next hearing with a draft, so that we could review it and get other people to look at what you are proposing and see the dangers, or the negatives, and the positives. But also, give us an opportunity to review it. We don't have the time to do that.

MS. KONTOS: No, I understand.

ASSEMBLYWOMAN HECK: This is only a brief hearing on the seven bills, as it were, that are before us.

MS. KONTOS: Is there any way of getting more notification, because I only found out about it yesterday on the OLS calendar. I received it yesterday afternoon.

ASSEMBLYWOMAN HECK: Yes, if you sign that paper and put your address on.

MS. KONTOS: I did.

ASSEMBLYWOMAN HECK: We sent notices out two weeks ago -- the whole packet.

MS. KONTOS: That's why I wasn't prepared.

ASSEMBLYWOMAN HECK: Yes. So make sure your name -- everyone please -- make sure your names, addresses and organizations are listed on that pad, so that we can ensure that you get a timely notice of these meetings. We will be having another one within the month, I think. Joanna is sponsoring this next one, and we will have rotations, and I am sure Loretta will be sponsoring, and Kip etc. So we will give you an agenda as it develops. But I do know that Joanna will be hosting.

ASSEMBLYWOMEN GREGORY-SCOCCHI: And I would just like to mention, if there are issues, this Council, I know in the past, has been open to that, and we certainly are open to looking at the issues in the future. Just contact us and we will work very hard for the children's rights. We all believe in children's rights, of course. We will work very hard with you, but due to the time structure that we have today, we have to move on.

ASSEMBLYWOMAN HECK: We appreciate that.

Thank you, Lourdes

ASSEMBLYWOMEN GREGORY-SCOCCHI: Just contact us anytime.

B R U C E E. E D E N: Chairperson, I am the Chairman of the New Jersey Council for Children's Rights also. I got one question and two points quickly to make.

ASSEMBLYWOMAN HECK: Oh, all right. Okay.

MR. EDEN: In some of the bills I went over this morning, I've got a problem with a couple of issues. The domestic violence forms are gender oriented to one gender. I had a problem in my own situation where I had to bring a domestic violence action against a spouse. The judges didn't know how to handle it. I brought the charge and they said I was a defendant. So the judges have to be educated to that fact; the forms have to be changed.

ASSEMBLYWOMAN HECK: But we do have a--

MR. EDEN: But the forms have to be changed. That has to be clearly spelled out for these people, because the judges either don't want to hear it or they're overloaded.

And the other thing is on the Bergen County Pilot Project. I didn't notice a place to go for women who are out of control in situations of domestic violence. I mean, there are places for women who are battered to go, but a woman who is out of control battering the other spouse, be it a man or another woman, has no place to go. That hasn't been addressed, and I was wondering--

ASSEMBLYWOMAN HECK: Any area of domestic violence where there is-- One of the things that we are talking about will encompass all of those things, when we do pilot programs. When we have the people involved with alternatives to domestic violence, the scope of that is reviewed within the confines of that particular organization.

MR. EDEN: But will that be statewide?

ASSEMBLYWOMAN HECK: It doesn't mean a man or a woman; it's gender inclusive.

MR. EDEN: Will that be statewide though, because I've noticed it's only in one or two counties up here -- in Northern New Jersey.

ASSEMBLYWOMAN HECK: We'll review that too, if you think that it is only being addressed in one or two counties.

One of the things that -- a couple of the things we are addressing in these bills happen to be the fact that we want the judges educated, and we're also addressing the court system and the movement of a case through the court system. So that's important as well. But I think what you're talking about is something entirely different. Write down your concerns; we'll address them.

MR. EDEN: Will there be any amendments to these bills at the time of the Judiciary hearings?

ASSEMBLYWOMAN HECK: There will be amendments to these bills -- pertinent to these bills -- yes. But not something that changes the whole scope of the bill.

MR. EDEN: I was wondering, in that case, then, if there is no battered men shelter in New Jersey, and I noticed that there was going to be funding in a pilot project in Bergen County-- I wonder if they are going to set up something to that effect in Bergen County.

ASSEMBLYWOMAN HECK: It's not for their battered shelter.

MR. EDEN: I understand that, but I know there is no place for battered men.

ASSEMBLYWOMAN HECK: But that has nothing to do with the battered shelter, that bill.

MR. EDEN: I understand that. But the thing is, as a pilot program--

ASSEMBLYWOMAN HECK: It won't change the intent of the bill. We will create new bills, but the bills, as they exist now, will remain in the manner in which they have been put together -- refinements, or making the bills stronger, will be reviewed -- but not changing the intent of the bill, because then we are going to delay action. We will create new bills as we take them and dissect them, but we're certainly not going to do that at this particular juncture in time. We're going to do

it at the next hearing, and, whatever it is that you're addressing, put it in writing, and we will be happy to look at it and create--

MR. EDEN: Well, you have my position there.

ASSEMBLYWOMAN HECK: Pardon me.

MR. EDEN: You have my position paper all ready on that so--

ASSEMBLYWOMAN HECK: Oh, good. All right. Okay. Can we have your name again, because I didn't--

MR. EDEN: Yes, Bruce Eden. I'm the Chairman for New Jersey--

ASSEMBLYWOMAN HECK: Would you spell your last name?

MR. EDEN: E-D-E-N (spells name)

ASSEMBLYWOMAN HECK: E-D-E-N (spells name) Thank you. And you signed in over there?

MR. EDEN: Not yet.

ASSEMBLYWOMAN HECK: Okay. Also you'll notice that we have asked you to please write to Chairman Gary Stuhltrager, who is the Chair of the Judiciary Committee. If you are in support of these bills, we would appreciate it, and certainly leave your name for Norma Svedosh or -- so that we can put it on the OLS list, the Legislative Services list.

ASSEMBLYWOMAN WEINBERG: Rose?

ASSEMBLYWOMAN HECK: Yes.

ASSEMBLYWOMAN WEINBERG: Yes, I would just like to point out to the gentleman that the domestic violence shelters, which, as the Chairwoman said, this bill does not address-- For instance, the one in Bergen County was started by groups of women who got together and did it through private nonprofits. It wasn't started by the government. So I would suggest that, if this is a problem, a place for the battered -- the male spouse -- to go, that is one road to start taking: A group should get together and see what can be done about forming a nonprofit organization to seek funding and get one started. The women actually--

MS. KONTOS: But the government funds women's issues. They don't fund anything for men.

ASSEMBLYWOMAN HECK: Well, that was not the case when Shelter Our Sisters first started.

MS. KONTOS: No, I know, but the case--

ASSEMBLYWOMAN HECK: Well, that's what we are talking about. These women have worked for years to put these things together. This is not an overnight happening.

These groups started as volunteer, nonprofit groups, and then they offered a service that they believed was necessary, because most of those people were battered and they felt the need. So, what the Assemblywoman is saying to you is, that this might be something for you to address through a nonprofit organization where you can access funds through community development grants, which the moneys come via HUD, and that's how Shelter Our Sisters used to be funded years ago, through community development, either on regional or a county level. So, if you had a nonprofit, you could seek funding for those shelters. Okay. I mean, it's an avenue to pursue while you're waiting for other things to happen. Okay.

Thank you.

I'm going to ask Gina Plotino to come forward, as I said to you before, and I commended Gina's work over the years in this area, having inspired many of us in this field and in our endeavors.

G I N A M. P L O T I N O: Good morning, Rose. Sorry for our tardiness.

ASSEMBLYWOMAN HECK: Gina is the Director of Human Services in Bergen County and was the President of the Battered Women's Group.

MS. PLOTINO: The New Jersey Coalition, yes, for two years.

ASSEMBLYWOMAN HECK: New Jersey Coalition for Battered Women.

MS. PLOTINO: Good morning to you Rose. Good morning Assemblywoman Weinberg and your distinguished colleagues around the table. As Rose has just introduced me, my name is Gina Plotino, and I am currently the Director of Bergen County's Department of Human Services. And, I guess, a good question might be, what would a Human Services Director care about seven domestic violence and related bills. Well, quite frankly, I care a great deal, and one of the reasons why I care about this package is that, prior to this most recent career challenge, I had spent 10 years as Director of Alternatives to Domestic Violence, the Bergen County based counselling center that is also the State's first and largest batterer's treatment program.

As Rose also mentioned, I served for two years as President of the New Jersey Coalition for Battered Women, and it was during that time that the Prevention of Domestic Violence Act of 1990 became law.

I am proud of that statute. Many of us worked very hard to develop the statute, to advocate for its passage, and to prepare for its enactment. The enactment of that legislation put New Jersey in a position of being -- on having one of the most progressive domestic violence laws in the country. That's not a bad place for New Jersey to be, and it is a good law. The problem is that it's just not good enough.

A-286, which would mandate training of the judiciary in domestic violence; 287, which would establish Pilot Domestic Violence Resource Centers for the treatment of batterers; and A-289, which would broaden provisions of the Domestic Violence Act, will go a long way to further strengthening protection for all victims of domestic violence.

Here, I think, I need to just define a term. When I talk about all victims of domestic violence, I am, of course, most certainly talking about the person who has been battered and abused. But I'm also talking about the abuser and their children, who suffer serious and long lasting effects because

of what they witness and experience at home, and I'm also talking about the community.

Yes, I'm now in a position as a Human Services Director of experiencing every day the impact that domestic violence has on community life, and I'm able to see how the community is victimized and held hostage by the perpetration of abuse. Whether it's our work with senior citizens -- because elder abuse is rampant -- or work with juvenile offenders, I experience it everyday, and so I have to say to you, Rose, and to your colleagues that I support your attempts unconditionally to strengthen judicial intervention and protection of victims by mandating 40 hours of training for judges, covering the unique aspects of domestic violence, updated strategies for intervention, and encouraging the utilization of community resources to ensure a comprehensive approach to intervention.

The tragic loss of lives both physically and psychologically to domestic violence is too serious a consequence to accept anything less than studied excellence from the judiciary.

I also hope, Rose, that you appreciate what a critical role the domestic violence resource centers can play in stopping abuse -- not preventing it -- stopping abuse.

Domestic violence is learned behavior, and while we have accepted it, tolerated it, and in some cases even sanctioned it, it is learned. It's not caused by alcoholism; it is not caused by unemployment, and it's not caused by my nagging.

Strengthening judicial disposition by forming a partnership with domestic violence experts and treatment professionals, will not only communicate an unequivocal message that domestic violence will not be tolerated, but it also reinforces the concept that the batterer is responsible for his or her behavior, and it is the batterer who must learn healthier, more productive ways of resolving conflict.

That continuing violence, or the abusive behavior, is not a problem that is exclusive to that relationship, but left unattended, it will be repeated in the new relationship and on, and on, and on.

So the return on your investment that I see, in piloting domestic violence resource centers, will be savings in all areas of the criminal justice system and, most definitely, will be a reduction in crime statistics. I'd say that that's a pretty smart investment.

The provisions of the prevention of Domestic Violence Act of 1990, that are broadened by A-289, are also areas of strength in legislative intervention that I can support. In particular, you have shown that same studied excellence that I talked about in the Judiciary -- when I referred, you know, to that -- and including language in 289 that would prohibit compromising protection of victims by insisting that there be a finding of domestic violence when issuing a restraining order.

Legal maneuvering that have resulted in mutual restraints, and mediation, and the whole concept of nolo contendere -- or whatever it's called -- they're abused, okay. Either you did it, or you didn't. If you did it, you deserve sanctions. If you didn't, then sanctions are not an appropriate remedy. To me, it's very crystal clear, but I do thank you for carving it in stone.

And finally, probably what is most important to me about all seven of the bills in the package, is that for a long time, we in the domestic violence field sometimes felt like we were working alone. When you work with a victim of domestic violence, for example, it's very important, as almost a first step in intervention, to help them to feel reassured that they're not alone. That there is, you know, someone there for them. And that, in fact, the reason that domestic violence programs exist is because this is a problem experienced by many people. And, while right now they may feel isolated from

family and friends and other social support systems, that we're there for them. But for a long time, while we offered the solace to the victim of domestic violence, those of us who are working in the field didn't quite feel all that support from society, from government, and from community-based support systems.

For a long time, society has ignored the issue of domestic violence, you know, hoping, I think, that it would go away and trying to believe that what happened behind closed doors was nobody's business, but now we know better. And in government, while there has been offered some semblance of support -- we've had protective legislation; we've had amendments; we've had the reenactment of the statute -- there has been a failure to support legislative initiatives with adequate financial resources to deliver on them. And I think that that has to be part of the message today. And I congratulate you for including appropriations in your bills.

And, also, community-base support systems found it easier to judge those who reached out for help, looking to assign labels rather than to find solutions. And you know -- I know for me -- that my feelings of isolation were further compounded by the fact that even when I did try to challenge society, or government, or the community-based systems with increased awareness and education, I had to do it alone, because our client population is not particularly visible.

It's very hard to come forward and say you're a victim of domestic violence; you fear judgement, or you may even fear retaliation. So I have to say to all of you, "I don't feel alone anymore." And I have to thank you for that, because it really does feel very, very, good. And so I thank you and congratulate you all on a job well done. Thank you.

ASSEMBLYWOMAN HECK: Thank you, Gina.

I do want to make mention of the fact that Gina Plotino has been a marvelous resource person for us and has

given us a tremendous amount of her time and expertise. And I want to publicly thank you for sharing that with us, Gina.

MS. PLOTINO: Thanks, Rose. It's nice to be appreciated.

ASSEMBLYWOMAN HECK: Thank you.

I want to mention the fact that one of our initial Assembly supporters is with us now, Scott Garrett -- Assemblyman Scott Garrett. Would you like to say a few words? You sponsored that wonderful outpouring in the Sussex/Morris County areas. I'd like you to say something.

ASSEMBLYMAN GARRETT: Just a couple of minutes, because I do want to hear the rest of the people. First of all, thank you, again, for leading the fight, leading the cause. And thank you, again, for allowing me to be on the Committee.

And to everyone here, I apologize for being late. I come from the north part of the State, where we are abused by the weather on a daily basis. And we were hit by another ice storm up there, and I was stuck up there for a long time.

Rose was the one, actually, that got me involved in this in the last session -- Assemblywoman Heck, excuse me -- and one of the things that we are going to do, and that we did do, was to hold a session, such as this, up in my home county, in Sussex County. I didn't think it was going to be that much of a turn out. Matter of fact, I was a little bit afraid that we were going to have this hearing, and that there wasn't much of a problem there, and that I would be sitting there twiddling my thumbs saying, "This is not a problem here in my home county, Sussex County, a nice rural place." And it turned out that we had over 100 people fill in the -- attend our meeting. We had to change rooms, actually. We had so many people turn out to give testimony.

The testimony that I heard -- I was very much awakened to the problem and moved by some of the testimony that we

heard, and that's why, again, I applaud you for leading the fight and, again, allowing me to continue on with these efforts, and I support the legislation here.

My only concern, after reading some of these bills over the last period of time, is that I hope that these all go far enough. On some of these bills, especially at the top of the list, 284, I'd like to see things go a little bit tougher, but that is just my lead.

Thank you, again.

ASSEMBLYWOMAN HECK: But we'll be adding to that.

ASSEMBLYMAN GARRETT: Okay, thank you.

ASSEMBLYWOMAN HECK: Thank you, Scott.

We have Chris here, Battered Lesbian Task Force. Is Chris here? Oh, isn't that funny Chris Heer, H-E-E-R (spells name) and I said, "Is Chris here?" (laughter)

Representative of the Womyn of Color Task Force. (no response)

New Jersey Department of Commerce. (no response)

Diane DeMarco from Providence House. (no response)

Okay, Evelyn Otrner. (no response)

Peter Schwimer.

MS. SVEDOSH (Committee Aide): Three of these people sent faxes.

ASSEMBLYWOMAN HECK: They were together? Oh, they faxed, is Peter--

UNIDENTIFIED SPEAKER: No, but three of these people sent us testimony.

ASSEMBLYWOMAN HECK: Okay.

Testimony has arrived by fax from those individuals. Peter Schwimer from the Family Life Center, Hackensack Medical. (no response)

Steven Pizzuto, Victims No More.

S T E V E N P I Z Z U T O: I'm over here.

ASSEMBLYWOMAN HECK: Where are you? Oh, okay.

MR. PIZZUTO: I'd like to thank you for just convening this conference again. And just to say, I'd be more than happy to help you in any way I can.

ASSEMBLYWOMAN HECK: Oh, thank you.

Letter writing, Peter?

MR. PIZZUTO: Right.

ASSEMBLYWOMAN HECK: And being at the Judiciary Committee when it's heard before Chairman Stuhltrager and his Committee? Thank you very much.

MR. PIZZUTO: Okay, all right, thank you and keep up the good work.

ASSEMBLYWOMAN HECK: Thank you.

MR. PIZZUTO: You're welcome.

ASSEMBLYWOMAN HECK: Silvia Dalco from the Bergen County Prosecutor's Office, did she arrive? (no response)

Susan Reisner, the New Jersey Public Advocate. (no response)

Debbie Donnelly. Did Debbie Donnelly come with you, Gina? Oh, there you are Debbie.

Debbie Donnelly is another very dedicated worker -- Alternatives to Domestic Violence, Bergen County, celebrating its 15th Anniversary recently.

D E B R A D O N N E L L Y: Yes, thank you everyone. My name is Debra Donnelly, and I'm the Director of Alternatives to Domestic Violence. I succeeded Gina in that position, and I've been in the job for about a year now.

I want to first thank Rose and Assemblywoman Weinberg and everyone else who's been involved with this legislation for having put it together. It's a massive effort but a very necessary one and a very important one.

It's very hard to follow Gina, in any discussion, because she usually covers everything very fully. I want to echo my support of the four domestic violence bills and, specifically, 289, 286, and 287, as well as, the Assembly Resolution.

There are some very important points being covered in 289, particularly, the issues of no mutual restraints, and the fact that whether an incident of domestic violence occurs or did not occur, or whether an act of contempt occurs or did not occur, is not a mediateable issue. We need to impose that in the law, as Gina said, "Cast that in concrete."

I'd also like to say, my support of the domestic violence resource center legislation -- the concept of a domestic violence resource center -- is an idea whose time has come. Those of us who have managed to get funding for our batterers' programs with small pots of funding well know the value of these programs; that we can help domestic violence offenders who are willing to be helped; that we can educate offenders, who may have been themselves abused or witnessed the abuse of a parent; that there is another way. No, we cannot change them all, but it is time to dedicate real dollars to programs devoted to ending violent behavior.

In this climate of violence escalating all around us, the Legislature has a golden opportunity to commit to a pilot program that will offer solutions and hope for many victims of domestic violence. It is the time to offer an alternative to the band-aid, patchwork, partial, or nonfunding of batterers' programs around the State and make resource centers a reality. They are not a luxury item, but a necessity that we can no longer afford to ignore.

I want to echo that I will do whatever I can to support you in passage of these bills and make them into law as soon as possible.

ASSEMBLYWOMAN HECK: Thank you, Debbie, and if you will, I'll call upon you to help us with that -- when we have the Judiciary Committee hearing.

MS. DONNELLY: Thank you.

ASSEMBLYWOMAN HECK: Thank you so much. We have hopefully -- did the Sussex Group led by Jamie Wetmore, Mary

Houstsma, and Linda Meek arrive yet? I bet they're having a terrible time coming.

UNIDENTIFIED SPEAKER FROM AUDIENCE: No, they called, and they are not going to be able to come.

ASSEMBLYWOMAN HECK: Oh, all right.

We did, as Assemblyman Scott Garrett mentioned, have a hearing up there, and they are finding it difficult to reach us today. But they, again -- we're very pleased they are supportive of the bills.

We have Jamie Wetmore, Domestic Abuse Services. Jaime is not coming either? Sussex, okay.

Joan Sulzmann, Somerset Resource Center.

J O A N S U L Z M A N N (speaking from audience): I'm here to listen today, but, after listening to everyone, I want to add strong support for the mandatory training for the judges.

ASSEMBLYWOMAN HECK: Oh, good.

MS. SULZMANN: Thank you very much for your hard work.

ASSEMBLYWOMAN HECK: Thank you.

Irene Von Seydewitz from A.W.A.R.E..

Irene, you've been here before?

I R E N E V O N S E Y D E W I T Z: I don't believe before this Committee -- before the Women Summit, that's where we had an opportunity to meet.

ASSEMBLYWOMAN HECK: A while back, is it? Oh, all right.

MS. VON SEYDEWITZ: I just want to say that I'm extremely grateful for this particular Council, and I know that the work that you are going to do is much needed and what has already been done is so appreciated by the people that I represent.

I just want to emphasize that A-286, we need it yesterday. I cannot begin to tell you the lack of knowledge within the judiciary and those that work within the court system. Even with all the training that has gone on, they

absolutely ignore what our domestic violence laws have to say about protecting the victims and their children. They fail to understand the laws, and they fail to implement them.

In traveling around the State with various members that have asked me to accompany them to court, I can't believe the great disparity in the judges' ruling and the varying degrees of protection that the victims and their children don't receive.

The refusal to take testimony from victims in divorce trials to determine -- make a determination to continue the protection is also another issue that needs to be emphasized, because as a result of their lack of taking this testimony, very often, I'm finding, that the victim is losing custody of these children to the abuser, thus perpetuating the opportunity to raise another generation of abusers. I really hope that somewhere along the line -- I don't know whether 286 emphasizes it, I don't see it in there -- that there are court appointed evaluators in all -- most custody cases -- appointed either by the judge or presented to the judge by name for the selection process and doing custody evaluations. I would like to see A-286 amended to include that there will be mandatory domestic violence training for anyone who is appointed by the court to do an evaluation, because, I can not believe, the lack of training that these individuals have and how much power they have in making recommendations for custody, during a divorce trial.

ASSEMBLYWOMAN HECK: I'm going to ask staff to make a notation as to whether or not that would be doable. They're shaking their heads, yes. They think they can include that. But again, if we cannot include it in this particular -- in these bills, in the bill that you are addressing, we will address it at the next hearing, as we discuss the other things that we're learning today.

MS. VON SEYDEWITZ: Yes, I think it's just so essential that -- I just reviewed a set of -- a resume from somebody that was used in a custody evaluation, and his biggest claim to fame was assertiveness training.

ASSEMBLYWOMAN HECK: Oh.

MS. VON SEYDEWITZ: Yes. So, obviously, the report that was issued by him certainly did not favor the victim. He had very little understanding. I also think that we really need to continue to educate the Judiciary, that when the batterer can no longer physically or emotionally abuse the victim, they are going to do it with their wallet. The biggest calls that I get, the ones where there is the greatest amount of uncollected moneys of support, there are two things involved: There was a history of violence, and, miraculously, they are able to get away with it, because they come from the land of the self-employed, and something has got to be done about it. And I hope that that is addressed at a later date, and I thank you.

ASSEMBLYWOMAN HECK: Thank you.

We'll have a copy of the hearing, it's being recorded now. So we'll get everything that we need.

We have Vera Roche from the New Jersey Eagle Forum, Vera?

I know that the President of the New Jersey Federation of Women's Clubs was here. I looked up and I saw Joan Hunt.

You're still here, Joan, good.

Joan has been very active in many, many areas, and I'm very pleased that you took the time to come here. I know how busy you are, Joan.

J O A N H U N T: It took four hours to get here, Rose, but it was worth it. If I recall correctly, the very first meeting we had of this group was during a snow storm.

ASSEMBLYWOMAN HECK: That's right. In fact, we went to Paterson.

MS. HUNT: But we are determined, no matter what the weather, to get the job done.

ASSEMBLYWOMAN HECK: Pardon me.

ASSEMBLYWOMAN WEINBERG: That was also the day of the World Trade Center bombing.

ASSEMBLYWOMAN HECK: Yes, it was also the day of the World Trade Center bombing.

MS. HUNT: Yes. I thank you for asking me to be on the Committee again, and I can assure you the 20,000 women that I represent to the New Jersey State Federation--

ASSEMBLYWOMAN HECK: I don't want anyone to miss that. Joan is going to enlist the aid of her 20,000 members--

MS. HUNT: --of the New Jersey State Federation of Women.

ASSEMBLYWOMAN HECK: --of the New Jersey State Federation. No small number.

MS. HUNT: No, no small number.

ASSEMBLYWOMAN HECK: We can use everyone we can get.

MS. HUNT: Yes. And I've already spoken to them about it and many of the issues we've already been discussing and you can be sure that we will get into a letter writing campaign.

ASSEMBLYWOMAN HECK: If there is any data that you need, Joan, that we can help you distribute, at any function, so that we can get a letter writing campaign.

MS. HUNT: Oh, most definitely.

ASSEMBLYWOMAN HECK: Can you do that for us? We'd appreciate it.

MS. HUNT: Yes, I am going back with that intent.

ASSEMBLYWOMAN HECK: I'll get the information to you. And we'll be happy to do whatever we have to to move on that.

MS. HUNT: I am delighted to see the numbers today.

ASSEMBLYWOMAN HECK: Yes, it was wonderful.

MS. HUNT: Can you imagine if it was a sunny day the numbers that there would be?

ASSEMBLYWOMAN HECK: Absolutely wonderful.

MS. HUNT: Thank you again, Rose.

ASSEMBLYWOMAN HECK: Thank you, Joan

MS. HUNT: Congratulations to you.

ASSEMBLYWOMAN HECK: Thank you.

I know that you just gave me someone -- their name? Oh, Peter Schwimer, from the Family Life Center at Hackensack Medical Center, also arrived.

P E T E R E. S C H W I M E R: I'm sorry that I am late. The weather is quite phenomenal on the way down from Hackensack.

ASSEMBLYWOMAN HECK: It's understandable.

MR. SCHWIMER: I also apologize for some mix up. I was not really prepared to speak this morning, but I do want to support the work of this Committee, in providing services and legislation for women and children.

The Family Life Center is primarily a treatment clinic for abused children in Bergen County and, more and more frequently, what we find is that the abuse of children and domestic violence, in general -- the abuse of women goes hand in hand, so, whatever this Assembly is prepared to do, really, we would support. And I thank you for your time and effort. Thanks very much.

ASSEMBLYWOMAN HECK: Thank you, Peter, I appreciate the fact that you could get here.

Sheriff Hoogan from Glassboro. We'd just like to recognize that you're in the room as well. Sheriff? I guess he is here someplace.

Belinda Hepp from Somerset Rape Crisis Center. (no response)

Mildred Banks, New Jersey Law. Is it Mildred?

UNIDENTIFIED SPEAKER: Yes.

M I L D R E D B A N K S: I just want to say on behalf of the 100,000 people that we represent--

ASSEMBLYWOMAN HECK: 100,000 people. (laughter)

MS. BANKS: That we thank this Council for the work that you are doing. We very much appreciate the focus on women's and children's problems in this State that you have given. And we want to work with you, too.

ASSEMBLYWOMAN HECK: Oh, we appreciate that.

MS. BANKS: So we are here in support of what you're doing.

ASSEMBLYWOMAN HECK: Thank you so very much.

Pat Clark, the League of Women's Voters. Did Pat get here? (no response)

Joan Sulzmann, the Resource Center for Women and their Families, Somerset

MS. SULZMANN: Do I get a second chance?

ASSEMBLYWOMAN HECK: Oh, you did. They put you down again, all right. I'm calling you again, but that's -- very good.

Tina D'oria. Tina, hi.

T I N A D ' O R I A: I really wasn't expecting to speak. I really wanted to see you after the meeting to give you a piece of legislation I'd like to see you present, on behalf of the Breast Cancer Connection of New Jersey.

ASSEMBLYWOMAN HECK: Oh, good.

MS. D'ORIA: But while I am here, I don't know, maybe I'm remiss and I don't know. I think all of this has to start in the schools. We have to educate the girls. We cannot leave it on the laws or the judges or whatever. We have to educate the young girls. They have to know what domestic violence is before they know what to do about it. In my generation, there was nowhere to go, but someone just said to me, "Well, the girls don't know". Well, it's our place to teach them. And I think it has to start probably in high school, in their curriculum. Thank you.

ASSEMBLYWOMAN HECK: Thank you, Tina.

Elaine Meyerson, Shelter Our Sisters.

Did Elaine get here?

UNIDENTIFIED SPEAKER: No, Rose, she is sick.

ASSEMBLYWOMAN HECK: Oh, all right. Thank you.

Cheryl Spotter and Peggy Callahan from Holy Name Hospital in Teaneck.

UNIDENTIFIED SPEAKER FROM AUDIENCE: I'm just here to represent them, but I'd like to offer the support of Holy Name Hospital.

ASSEMBLYWOMAN HECK: Oh, thank you so much. We appreciate that. Letter writing?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Absolutely.

ASSEMBLYWOMAN HECK: And presence at the hearing would be important.

Lisa Memoli, the New Jersey Women's Rights.

L I S A M E M O L I: (speaking from audience) Just here to listen, and we lend our support from Rutgers, Newark and 18,000.

ASSEMBLYWOMAN HECK: Oh, thank you very much.

We have three members of FACE New Jersey.

Barbara LaMarra, Angela D'eliso, and George LaMarra

Do we have another name? Mark, are you with that group?

Mark, are you part of that?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Yes.

ASSEMBLYWOMAN HECK: Well, why don't you come up?

Oh, it's a different Mark. This is a different person? No, I think that's it.

I know you have come before us before.

B A R B A R A L a M A R R A: Yes, my name is Barbara LaMarra, and I am Vice President and Director of a group called FACE and that is Fathers' And Children's Equality. I just have a little problem with one of the bills here, number 538, where some--

ASSEMBLYWOMAN HECK: I'm going to have to interrupt you one second--

MS. LaMARRA: Sure.

ASSEMBLYWOMAN HECK: --because I don't want to miss this opportunity. Shirley and Loretta have to leave to go to a caucus, and I wanted to just, as a matter of course, ask that this Council take a vote on supporting all of the bills and invite all of the new members to join in cosponsoring the bills. May I have a motion

ASSEMBLYWOMAN WEINBERG: So moved.

ASSEMBLYWOMAN HECK: A second?

ASSEMBLYMAN BATEMAN: Second.

ASSEMBLYWOMAN HECK: All those in favor? (affirmative response) Opposed? (no response)

Thank you very much.

ASSEMBLYWOMAN WEINBERG: Okay, we can stay just a couple more minutes. I just wanted to let you know--

ASSEMBLYWOMAN HECK: All right. But when they leave you know it's not because of any other reason except time constraints. All right.

ASSEMBLYWOMAN WEINBERG: Nothing personal. (laughter)

MS. LaMARRA: Okay, on the bill number 538 that allows -- it says someone that commits a rape not be allowed to see the child, if a child comes from this rape. Most rapists really don't stick around to see if they father a child. And I can't see-- This is going to give free season to all girls, when things don't go their way, to cry rape. Those of us who have sons and daughters certainly don't want to see this.

I really haven't had a chance to go over many of the other bills, because I just found out about this a few days ago, and believe me, I don't want to see any kind of domestic violence against women or men. I have a daughter; I have sons, I don't want to see this. I don't want to see -- this woman before me that said, "The schools," she was right. We give the boys condoms in the schools, "It's okay to go have sex with a girl."

The girls today, in school, need to be educated that they don't have to be beat to keep a boyfriend. They don't have to put out to keep a boyfriend. The boys think it's okay. Why? We give them condoms. "It's okay."

What happened to the three R's in school: reading, writing, arithmetic? Let's get back to basics. We have sports. You have the jocks. They go around the school; they think they can do anything they want, because they are the main people. Everybody looks up to them.

What about the scholar? What about the kid that gets A's in Math, and the kid that gets "A's" in all the subjects. They don't even count; they're nerds.

This has to start somewhere. It should start in the home, first of all, but the schools have to take a stand, too. The schools don't -- our schools are not up to standards. Where do we rank, 13 now?

ASSEMBLYWOMAN HECK: Let's not get into education problems when we are discussing -- I mean we'll be here for 4 years. (laughter)

MS. LaMARRA: I know, I understand that. I understand that. We--

ASSEMBLYWOMAN WEINBERG: Rose, yes, if I may just answer the first point that you raised. You can't just cry rape, this bill called -- talks about somebody who is convicted of a sexual assault. So isn't it because somebody--

ASSEMBLYWOMAN HECK: Come out of the blue, when they are out of prison, and say, "That is my child and I want to make sure." Or they come when they are 7 or 8, or 16, you know, it's not something-- I think you are thinking of something else.

MS. LaMARRA: I probably am, because I can see every teenager that has to tell her parents that she is pregnant -- is going to say, "I was raped," and then there's going to be a stigma put on the boy.

ASSEMBLYWOMAN HECK: Oh, no. This has nothing to do with that -- nothing to do with that. No.

MS. LaMARRA: And then, it's going to take thousands of dollars of litigation to get rid of it. And that's what I saw with this.

ASSEMBLYWOMAN HECK: But if you could, because we're going to be leaving soon, you know, we have to close soon. So if you would--

MS. LaMARRA: That's all I have to say. That bothered me.

ASSEMBLYWOMAN HECK: Why don't you just wait a few minutes and speak to staff and register specific concerns on that bill, and we'll be happy to address it. No problem.

MS. LaMARRA: Okay, okay.

ASSEMBLYWOMAN HECK: And, as far as the other educational points, we're working on those things as well, but under different headings, and we'd be happy to alert you to any of those meetings so you can come back.

MS. LaMARRA: Okay, I will.

ASSEMBLYWOMAN HECK: Because you've been helpful, you really have.

MS. LaMARRA: Thank you.

ASSEMBLYWOMAN HECK: Did you want to speak?

J E F F R E Y G O L D E N: Yes.

ASSEMBLYWOMAN HECK: Okay, just mention your name for the record.

MR. GOLDEN: My name is Jeff Golden from Fathers' And Children's Equality. I am also a Director of Fathers' And Children's Equality.

I had a chance to only very briefly review these bills this morning. I'd like to just make a few comments. First of all, on A-290, excellent. I agree wholeheartedly with that. It should be a crime to attempt to lure a child for the purpose of committing a crime. The only exception that I would put on

that is that it should be an unrelated child, or a child that the alleged perpetrator is not restrained by a court order from seeing.

There are cases that we've had, within our organization, of children who want to get away from their custodial parent, who may be abusive to them. Rather than just running away, they ask their noncustodial parent to come pick them up. This would make that noncustodial parent guilty of a crime, for having helped this child escape an abusive situation.

ASSEMBLYWOMAN HECK: I think the law is tight enough to ensure. We'll look at it.

MR. GOLDEN: I wouldn't-- Okay.

ASSEMBLYWOMAN HECK: We'll look at it. I'm not saying we're not going to look at it, but your concerns will be registered, and we'll look at it from a legal stand point to--

Kip you're the only attorney here, now.

ASSEMBLYMAN BATEMAN: Yes.

ASSEMBLYWOMAN HECK: So you look at that loophole.

ASSEMBLYMAN BATEMAN: I will.

ASSEMBLYWOMAN HECK: Thank you.

MR. GOLDEN: Also, with regard to the training that judges and judicial personnel should get -- I think it has been mentioned before -- I do feel that it should include the fact that men are also victims of domestic abuse, and that complaints of domestic abuse are often false and are used to gain the upper hand in custody battles.

With regard to A-287, the establishment of an advisory panel, that panel should also include not only the people who are mentioned in the bill, now, but also others who are sensitive to the consequences of false allegations of domestic abuse. Right now, it appears that the panel is going to be very one sided.

With regard to A-289, it prohibits mediation or negotiation between the parties. One of the things that upsets

me about the whole family court system, now, is, once you get involved in the system, the ultimate goal of the system is to separate parties. Sometimes marriages or other relationships can be saved. Why should everything that people are involved in be working toward the goal of separating two people, when maybe they are having a temporary problem, and their relationship can be saved? It should be the State's position-- It should not be the State's position to encourage the breakup of families.

Also, on ACR-28, I believe that a Domestic Violence Court is an excellent idea. From our experience, we don't necessarily trust Family Court judges; however, what we'd like to see even more, would be a panel of laymen who are trained in the issues, who can resolve these things. Family Court judges appear to--

ASSEMBLYWOMAN HECK: I know. We have data on the court's process, right now, that has added three possibilities. It's so in-depth that it's taking a long time for us to put into place and make a decision on. We will probably have it in hand by the end of the month. We'll be addressing that at a subsequent hearing that we're going to hold, because a lot of good ideas came out of the meetings that we held.

And one of the good ideas also came from Sheriff Tahoon, when we met in Bergen County, who felt that the accessibility of a trained municipal court judge on a rotating basis might be the way to go to expedite the cases and to have more focus from a community or grass roots level, rather than going elsewhere. But these are all things that are being dissected and looked at now. Okay.

MR. GOLDEN: That's about all I have to say. Thank you very much for giving me the opportunity to speak.

MS. LaMARRA: Thank you.

ASSEMBLYWOMAN HECK: Thank you.

G E O R G E L a M A R R A: I want to ask you something.

ASSEMBLYWOMAN HECK: Yes.

MR. LaMARRA: What's this here bill, 276, establishing low- and moderate-income families obtaining ownership in supplementing-- What is the definition of a modern--

ASSEMBLYWOMAN HECK: Oh, you know, I think you have a 287 -- got into your package by mistake.

MR. LaMARRA: A-276.

ASSEMBLYWOMAN HECK: A-276 is my bill before the Housing Committee, which was passed out of Committee.

MS. LaMARRA: How did it get in this here--

ASSEMBLYWOMAN HECK: No, it probably got copied at my office, because that bill came out of Committee the other day. If you would like to know about it, it's called Sweat Equity Bill.

MR. LaMARRA: Would you want to answer it anyway? I'm very curious about it.

ASSEMBLYWOMAN HECK: Sweat Equity Bill? You cannot discuss it here. It's not domestic violence, but we'll be happy to look at it later.

MR. LaMARRA: Okay, now I want to make-- Your bill on when a man, if he rapes a woman and he has a child, he can't get visitation or custody. Does that deter a man from committing rape because, maybe, if he has a baby, he won't see his baby?

ASSEMBLYWOMAN HECK: No, it deters a perpetrator of a crime access to a child because of what had occurred.

MR. LaMARRA: I can't visualize a person would commit a crime--

ASSEMBLYWOMAN HECK: A child-- I don't think I want to argue the point, but a child-- I commend any mother who maintains the birth of a child and wants to protect that child against the knowledge of a criminal act that can hurt a human being, but I don't want to go into it now--

MR. LaMARRA: What's the purpose of the bill? I mean does it deter rape? What's it for?

ASSEMBLYWOMAN HECK: --because I am leaving. We're late -- 10 minutes.

No, absolutely not, protect the child -- children's rights.

MS. LaMARRA: I think I've misunderstood the bill, too. You know, it means if somebody is in jail--

ASSEMBLYWOMAN HECK: Can I-- Yes. Can we discuss -- I'm going to close the meeting, and I have one more speaker.

MR. LaMARRA: If this is a workshop, there are so many questions, I have. I only ask questions; I don't make speeches.

ASSEMBLYWOMAN HECK: You have to understand, you were at -- you've been at a workshop before.

You were at a workshop.

We have a violent crime victim who has arrived, who wishes to testify before we close.

MR. LaMARRA: I have so many questions. I'm going to ask the prosecutor some questions.

ASSEMBLYWOMAN HECK: All right, would you just wait one second please.

M A R T I N R O D E T S K Y: I'm a violent crime victim, I wish to testify.

ASSEMBLYWOMAN HECK: Can I hear this-- Can I ask you-- All right, you've got three minutes, and I'm going to wait for the other person as well.

I just want everyone to know that these people who've just come up, have testified at length with us in other areas. It's not as if they haven't been here before.

But go ahead. Let me tell people who you are.

MR. RODETSKY: When does my three minutes start?

ASSEMBLYWOMAN HECK: Martin Rodetsky. Now it starts.
(applause) Don't waste his time. We have to go to a hearing.

MR. RODETSKY: I'm a victim of domestic violence. I have been abused by policemen, judges, lawyers, and other court officers under cover of law, in violation of my rights, as part of an ongoing chain of events that shocks the conscience of anybody who would listen.

Basically what I found, listening to this conversation here this morning, is that we have an Advisory Council on Women. When I called your office, and I asked about the equivalent Advisory Council on Men, there was dead silence on the other end of the phone.

My position with regard to this kind of an action is, in anything that is part of the law that specifically identifies a black person, a homosexual, a man, a woman, is gender bias, and that's a crime here in this State. And the action is that anybody who participates in any conspiracy to pass a law specifically to segregate and identify and abuse an oppressed--

ASSEMBLYWOMAN HECK: As a point of clarification for you, Martin--

MR. RODETSKY: Is that part of my three minutes?

ASSEMBLYWOMAN HECK: As a point of clarification, this is not a debate. As a point of clarification, all of these bills are gender inclusive. Keep that in mind.

MR. RODETSKY: One of the problems that I've had was regard--

ASSEMBLYWOMAN HECK: Except that I don't think you can have a baby.

MR. RODETSKY: Dave said, "I can walk on water."

ASSEMBLYWOMAN HECK: To deliver, I mean.

MR. RODETSKY: I have delivered a baby, by the way. I specifically did deliver a baby, so I do understand how to do it.

ASSEMBLYWOMAN HECK: Okay.

MR. RODETSKY: My problem with regard to the actions here is that from the standpoint of your Legislature, you are practicing gender bias through advisory councils for one pair -- one sex to passing laws that exacerbate gender wars, to enrich the legal enforcement growth industry -- lawyers, judges, police and social service agencies -- who operate outside your jurisdictional sphere of influence and lose even the illusion of a claim to immunity from civil suit and criminal responsibility.

Government is out of control. I watched the sneaky, underhanded reappointment of Martin Herman to the bench, after Senator Gormley refused to have over 90 people testify against him. This is a black mark against the Senate. We hope we are not going to have those kinds of things with the Legislature.

When government believes that it is not accountable, when people fear their government, that is called tyranny. When government fears people, that's called liberty.

All too often, I have seen government officers forget their place. Public servants, in positions of public trust, want to change their name to master. The "New Jersey Monthly" talks about reappointing Saint Maryann to the bench in Morris County, after she confessed to not being qualified or trained for her job. You, in the Legislature, must grasp your responsibilities to your oath to uphold the Constitutions to the United States and New Jersey to recognize all rights, not those just accused of drug dealing.

My rights were personally violated when my ex-wife filed a complaint against me for serving legal papers. There were only two problems: I didn't serve the papers, and the papers were not mine. The judge insisted on hearing it; they insisted on going to trial. As I informed you, after the trial, the judge said to me, "That one person like you in the life of a judge, one time is enough."

My position with regard to the courts -- with regard to laws that you pass that directly affect and abuse people under color of law, has to stop, and it has to stop today. All I know is that I have filed criminal complaints against 11 policemen, almost a year ago. That has not even come to arraignment.

I have been arrested, brought into court without a probable cause hearing, without an arraignment, without bail, without the probability of having due counsel, without having any due process rights, all in the name of protecting domestic violence. We have assault and battery charges on the books. Anything that you and the Legislature do to come up with a new class of crime, specifically, to avoid dealing with the constitutional responsibilities of due process rights, is under your own responsibility. My problem, with dealing with your kind of law, is that it does not follow the clearly established law of Constitution, and for that you will be held accountable. Thank you. (applause)

ASSEMBLYWOMAN HECK: Thank you, Martin.

I'm calling on Anne Wolfe, Legal Issues Task Force, Bergen County Commission on the Status of Women.

Anne.

D. A N N E W O L F E: Just very quickly.

ASSEMBLYWOMAN HECK: Yes, please.

MS. WOLFE: I will be very brief, because I will be able to give you written testimony--

ASSEMBLYWOMAN HECK: Oh, good.

MS. WOLFE: --on some examples, some concerns that--

ASSEMBLYWOMAN HECK: I'm sorry that you had trouble getting here, Anne.

MS. WOLFE: Oh, well, it's the day.

ASSEMBLYWOMAN HECK: It's nature.

MS. WOLFE: It's nature. But, I'm very, very glad to be here to represent the Legal Issues Task Force, which is the

arm of the Court Watch Program, which is part of the Commission on the Status of Women for Bergen County.

ASSEMBLYWOMAN HECK: And may I commend, again, the work of the Court Watch.

MS. WOLFE: Thank you. And I have brought five copies, in case people do not have a copy of the Court Watch Project, today. And to also inform you that Court Watch has gone on to its second phase, and that we are back in monitoring the Family Court system.

ASSEMBLYWOMAN HECK: Marvelous. That's marvelous.

MS. WOLFE: The recommendations that I bring before you today, their purpose is not -- not to take away from the excellent work that has occurred so far on the four pieces of legislation that are directly related to the Domestic Violence Act -- the Concurrent Resolution No. 28, and Assembly No's. 286, 287 and 289. We are -- with respect to 287 and 289, we are absolutely in congratulations and commend the work and would -- do not have any changes to those two pieces of legislation. The changes that we would recommend are based upon Assembly No. 286.

ASSEMBLYWOMAN HECK: Did you put them in writing for us?

MS. WOLFE: They are in writing, and they deal with the issues of--

ASSEMBLYWOMAN HECK: Okay. And may I ask you, since we have new members, and I don't know if you have a copy of Court Watch. I think if you could -- Kip, yes. I think-- And Scott I don't know if you received a copy of the Court Watch.

ASSEMBLYMAN GARRETT: No.

ASSEMBLYWOMAN HECK: I think you should access it.

MS. WOLFE: I've got five of them here, so that's sounds like a good lead number.

ASSEMBLYWOMAN HECK: I think that's enough.

Yes, Joanna and Kip and Scott.

MS. WOLFE: If you need any more, you can certainly contact me for more copies of it.

The concerns that we have with respect to these pieces of legislation are based upon the recommendations within that report. So you'll be able to see the dovetailing of those particular pieces of information. One of the pieces that we are very concerned about is making sure that the training for the judges is mandatory.

ASSEMBLYWOMAN HECK: The reasons why we need it.

MS. WOLFE: And I think you'll see reasons why in reading the Court Watch Project. And the rest of them, you can take at your leisure and we'll be glad-- We will continue to monitor the issue of the pilot program, which we hope, will be in Bergen County. The other issue of the domestic violence resource centers we're absolutely in support of, and, if there is anything that we can continue to do to help you research, we will be glad to do that.

ASSEMBLYWOMAN HECK: We appreciate that very much, and, hopefully, it will have a better day when this goes before the Judiciary Committee, so we can all be here early on.

I know we have a victim of domestic violence, and I know we have to be downstairs in about five minutes. So I don't like to rush, but I would like to have this testimony.

UNIDENTIFIED SPEAKER FROM AUDIENCE: This is Lynn Erdos.

LYNN ERDOS: Hi.

UNIDENTIFIED SPEAKER FROM AUDIENCE: And this is Irene Von Seydewitz from A.W.A.R.E., the Executive Director.

MS. ERDOS: Hi.

ASSEMBLYWOMAN HECK: Hi, Lynn. How are you?

MS. ERDOS: Fine, thank you.

ASSEMBLYWOMAN HECK: Good.

MS. ERDOS: And I had the opportunity to speak to you up in Elmwood Park last September.

ASSEMBLYWOMAN HECK: Yes.

MS. ERDOS: I can't tell you how much need there is for the packages you presented today, and a big thing is the judicial training here in the State. It's going to go a long way and it has to go further -- along with that.

I have been out 4 years, and I am still fighting the system to try and get protection of my children. I have one who doesn't see, and, due to the judicial system not addressing the domestic violence, I have had a change of custody, because the judge has not listened to it. So it's so important, and the experts being involved need to have the training in domestic violence, because they just do not understand the issues. They are lame, and a lot of times these judges put on--

ASSEMBLYWOMAN HECK: Lynn, you break my heart everytime you come before us, because your problems are so enormous and so horrible. I know your pain, and you've used every way possible to help your children, because I know that is your main concern that your children's safety is of concern to you.

MS. ERDOS: It's not just mine.

ASSEMBLYWOMAN HECK: I will say this though, Lynn, that I saw you on television when I was down in South Jersey and I said, "Oh, my God, that's the woman who spoke before us." And you come out of hiding every so often and take the risk of being found by that individual again, in order to support these bills, and I want to thank you so much.

MS. ERDOS: Thank you. (applause)

ASSEMBLYWOMAN HECK: Just one person, real quick. Ann Diese from Rancocas Hospital.

A N N . . . D I E S E: Hello, I'll be very brief.

ASSEMBLYWOMAN HECK: Thank you, Ann.

MS. DIESE: I just wanted to let you know that I'm here as a health care provider. We play a very important role where a battered women is concerned.

Many battered women say, "I wish I told that nurse I was abused." And to have them tell us that, to be in contact with a battered woman, is a measure of success for us. We can assess them; we can refer them to appropriate community places for help; we can empower them; we can educate them. So I think we play a very important role with the battered women and for pregnant women.

I am the Director for the Labor and Delivery, Postpartum and the Women's Center. I don't know how many times I've seen pregnant women come in with small babies, miscarriages, bleeding, bruises on their skin. We play a very important role, and I am so glad to support you with this bill. Thank you for inviting me.

ASSEMBLYWOMAN HECK: Thank you so much. Ann, I appreciate that, and you did sign in, didn't you, so we can reach you?

MS. DIESE: I did. Thank you.

ASSEMBLYWOMAN HECK: Very good.

I want to thank everyone here today, and, again, impose upon you a little bit when we ask you to come before the Judiciary Committee. I hope you'll be able to come, not alone but with others, so that the numbers are even more measurable.

Thank you very much.

(HEARING CONCLUDED)

APPENDIX

Bruce Eden
Chairman, Board of Directors
P.O.Box 615
Wayne, N.J. 07474
1 201 696-5448



TO: Assembly Advisory Council on Women
Assemblywoman Rose Marie Heck, Chairperson

SUBJECT: Domestic Violence Legislation--A-284, A-286,
A-287, A-289, ACR-28

DATE OF HEARING: March 10, 1994

While violence against women clearly is a problem of national importance, the OTHER victims of spousal violence appear to remain practically ignored. The idea of men being beaten by their wives runs contrary to many of our deeply ingrained beliefs even though the physical abuse of men by women is well-documented. The average man's size and strength are neutralized by guns, knives, baseball bats, fireplace pokers, bricks, boiling water and in some cases hard frozen food packages. Even though many radical women's rights groups suggest that female violence against men is purely self-defense, numerous major studies, show that women initiate about one quarter of all domestic violence, men initiate another quarter, and the rest of the time the violence is 'mutual'. In fact a large study done by Murray A. Straus and Richard Gelles of the University of Rhode Island show that about as many women as men attack a spouse during a one-year period. Because men are not trained to ask for help and the fact that if a man can't solve his own problems he is weak, the reports of spousal abuse against men are not as widely reported.

Moreover, the legal and mental health communities are in deep denial when it comes to acknowledging men's victimization. Many therapists rarely see battered men so they ignore clues that their male patients may be abused. Men, even when severely injured by the other spouse, go to great lengths to avoid telling anyone what they've been through. Those that call the police or attempt to use the courts are routinely laughed at and told not to take the abuse so seriously. Even when men strike back in self-

defense, the other spouse calls the police and the man is the only one arrested.

It is appalling to see that the Morris County Bar Association is committing blatant gender bias and gender intimidation as it serves the public interest in this matter. Since they have launched a volunteer program, called the Battered Women's Legal Advocacy Program headed by Morristown lawyer Kevin O'Donnell, to provide legal assistance to battered women, over 80 lawyers have signed up for the program. But not one of these lawyers is representing a battered man and his children.

A study of 6,200 cases of domestic violence conducted by R.L. McNeely, a professor at the School of Social Welfare, University of Wisconsin and Coramae Mann showed that 86 percent of female-on-male violence involved weapons, whereas 25 percent of male-on-female violence involved weapons.

Yet, when it comes to domestic violence, society seems to have one set of rules for men and another for women. This double standard also extends to murder. A recent Justice Department survey of 60,000 people over the age of 18 found that people rated a husband's stabbing his wife to death as 40 percent worse than a wife's stabbing her husband to death.

Violence by women against men is a fact. So why don't they protect themselves more? Because as little boys, their parents, especially the mother, tell them "never to hit a girl" and when these boys grow up they are told if a woman hits you "take it like a man". According to Suzanne Steinmetz, director of the Family Research Institute at Indiana-Purdue University in Indianapolis, men recognize the severe damage they are capable of doing and consciously try and limit it. Consequently, these men offer little or no resistance to their partner's physical violence. On the other hand, many women take advantage of this and continue the abuse because they know they can get away with it.

Many say that abused men should leave the relationship if they can't deal with it. But men stay in an abusive relationship for the same reasons women stay in an abusive relationship: Money issues and the fear that the violence that the man experienced would be directed against their children.

Contrary to the stereotypes, abused men are just as concerned for their children as women. Furthermore, since women still get physical custody in over 90 percent of all divorce cases, many men are hesitant to leave, realizing that if they do, the courts are likely to severely limit their access to their children.

Our organization, which is a children's rights and divorce reform organization, is in the middle of a study and has extracted information from over 200 people so far. Seventy-five percent of them claim they were falsely charged with domestic violence. This is from men and women alike.

In the latest Administrative Office of the Courts Report on the Prevention of Domestic Violence Act, July 1990-November 1991, over forty percent of domestic violence cases were found to be denied, withdrawn, dismissed or false. Given

the number of cases relitigated, the figure of unsubstantiated domestic violence cases is probably in the neighborhood of 60-70 percent. Yet, the courts and police departments do not investigate whether the accusations brought could be false and test these cases beyond a reasonable doubt as they properly should be.

The legislative intent of the Domestic Violence Act "finds and declares that domestic violence is a serious crime against society..." But the standard of proving a domestic violence case is an unconstitutional one--preponderance of the evidence. Domestic violence incorporates thirteen different statutory crimes ranging from harassment which is such a vague term that it cannot really be defined to murder. If domestic violence is a crime as defined, why isn't the standard of proving these cases beyond reasonable doubt? Because this law is in violation of Due Process and Equal Protection Rights of citizens, who in most cases happen to be male citizens in domestic/marital disputes. In fact, the January and May/June issues of the New Jersey Family Lawyer legal publication have unequivocally stated that domestic violence laws are being used as a "first strike" weapon to effectively "blindsides" a recalcitrant husband into being removed from the home in a divorce action. Add to this the fact a husband's property and custody of the children is automatically forfeited to the wife upon the issuance of a domestic violence restraining order--whether true or false--and you see a disturbing pattern for abuse of the law.

Domestic violence is being used as an insidious divorce tactic to remove usually the man from the marital premises, automatically confiscate his property and cut him off from his children. Once the man is removed from the house he has essentially lost all of his rights even though he was never charged with a crime. Domestic violence is being used as an illegal civil forfeiture law to give women the advantage in divorce cases. It is being espoused by attorneys out to illegally redistribute wealth by ripping off the husband-father and it is being espoused by women's magazines such as the February 1994 issue of "American Woman" to be used by women to get everything they can from the man in a divorce.

Even if a man decides to leave an abusive relationship where does he go? There are numerous Battered Women's shelters and Battered Women's programs, but there isn't one Battered Men's Shelter or program in New Jersey. Make a call to a battered women's shelter or a parental stress hotline and one will find no resource or shelter for men. In fact one of the responses to a call made by this writer was: "Men's victimization is irrelevant and any violence women are doing is the result of living in a violent male run society".

The first battered men's shelter in the nation opened up in December of 1993, in St. Paul, Minnesota, by George Gilliland, director of the Minnesota Domestic Rights Coalition, who said his wife hit him in the face with a board that had a nail in it, missing his eye by a fraction of an inch. Gilliland said it took this long to get a battered men's

shelter because of efforts by battered women's groups and other radical feminist organizations to block the project.

While battered men find few facilities or support, there are no treatment programs for violent, abusive women. Abusive women and women who feel out of control have no place to turn. This is another of society's unwillingness or inability to acknowledge and deal with female violence.

Everyone must call their respective state legislators and urge them to begin this program. It not only will help alleviate many of society's problems but will also show that the Legislature is not gender biased towards women.

Despite all of this evidence of female-on-male violence and gender discrimination against men when it comes to domestic violence issues, many radical feminist groups actively try to suppress coverage of the issue. Suzanne Steinmetz received verbal threats and threatening phone calls (in violation of Federal laws) from radical women's groups threatening to harm her and her children after she published "The Battered Husband Syndrome". Steinmetz says she finds it ironic that the same people who claim that women-initiated violence is purely self-defense are so quick to threaten violence against people who do nothing more than publish a scientific study.

Also, R.L. McNeely, researcher and professor from University of Wisconsin, and Gloria Robinson-Simons published "The Truth About Domestic Violence: A Falsely Framed Issue". This study concluded that society must also recognize that men are victims of domestic violence also or we will be addressing only part of the problem. Shortly after the study came out, McNeely received letters from a Pennsylvania radical women's organization threatening to use its influence in Washington, D.C. to pull his research funding.

Lorena Bobbit, who recently severed her husband's penis after suffering what she says was long time physical and sexual spousal abuse is being hailed by feminist groups as a heroine. This misconception could result in a backlash from men who claim that they killed their spouses in self-defense because they feared having their genitals cut off.

Men's victimization no way denies women's victimization. But continually portraying spousal violence as only a women's issue is not only wrong and counter-productive, but downright dangerous. Federal legislation, known as The Violence Against Women Act, which passed in the Senate but not yet in the House proposes to make streets safe for women, to provide funds for female victimization programs and establish a federal Commission on Violence Against Women. No mention is made of battered men. Under the Act, women would become a protected class and the legitimate concerns of millions of American men would be ignored. It's time for everyone to contact their respective U.S. Congressman and give them this important information before they vote for this biased legislation.

Domestic violence is neither a male or female issue-- it's a human issue.

It is imperative that the New Jersey legislature deal with this problem and pass legislation to begin funding for Battered Men's Shelters and programs to help abusive and out of control women. Otherwise we will ask that any State or Federal funding be withheld on the basis that the law blatantly discriminates against one gender and is therefore unconstitutional.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Eden". The signature is fluid and stylized, with the first and last names being clearly legible.

Bruce Eden

FACTS ABOUT VIOLENCE AGAINST MEN AND WOMEN

- * For every 100 women who are murdered, 311 men will be murdered.
- * For every 100 women who are victims of violent crime, 184 men will be victims of violent crime.
- * For every 100 women who are seriously injured during a violent crime, 181 men will be seriously injured during a violent crime.
- * At some time during their lifetime:
 - 89 of every 100 men will be victims of violent crime.
 - 73 of every 100 women will be victims of violent crime.
- * Of every 100 rape victims:
 - 91.7 will be female.
 - 9.3 will be male.
- * During violent crimes, males are victimized by strangers 70% of the time; females are victimized by strangers 30% of the time.
- * In the National Survey of Crime Severity (a ranking of the public's perception of the severity of crimes), a wife stabbing her husband to death was rated 41% less severe than a husband stabbing his wife to death.
- * In the National Family Violence Surveys, **female respondents** (thus no male bias) reported that for every 100 husbands who assaulted their wives, 103 wives assaulted their husbands.

Sources:

Criminal Victimization in the United States, 1973-1988
FBI Uniform Crime Reports 1975-1987
Report to the Nation on Crime and Justice, Second Edition
Family Violence Surveys, 1985
National Survey of Crime Severity, 1977

Statistics compiled by the National Coalition of Free Men (NCFM), Committee on Gender Bias in the Courts, P.O. Box 1993, Baltimore MD 21203; (301)243-3986, September 1990

Ms. Rose Marie Heck
ASSEMBLYWOMAN
New Jersey State Assembly
Courtyard Mall, 2 Mercer Street, Suite 5
Lodi, N.J. 07644-1623

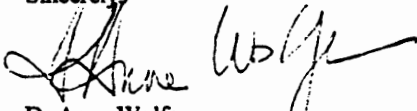
March 10, 1994

Dear Assemblywoman:

It is both an honor and a pleasure to have delivered testimony to the Assembly Advisory Council On Women. I was pleased to represent the Legal Issues Task force of the Court Watch Project of Bergen County Commission on the Status of Women. We wanted to make sure that your Commission was in receipt of our written testimony to be included in your report as well as for your efforts in passing these important pieces of legislation.

Should you or anyone on the Council need anything further please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in dark ink, appearing to read "Anne Wolfe", with a stylized flourish extending to the right.

D. Anne Wolfe
Chair, Legal Issues Task Force

attachment: Testimony for March 10, 1994 Hearing

TO : ASSEMBLY ADVISORY COUNCIL ON WOMEN
CHAIRWOMAN, ROSE HECK, ASSEMBLYWOMAN

FROM: D. ANNE WOLFE REPRESENTING THE LEGAL ISSUES TASK FORCE
OF THE COURT WATCH PROJECT OF THE BERGEN COUNTY
COMMISSION ON THE STATUS OF WOMEN

RE: TESTIMONY BEFORE THIS ADVISORY COUNCIL WITH RESPECT TO
CONCURRENT RESOLUTION NO. 28, ASSEMBLY NO. 286, ASSEMBLY NO. 287,
ASSEMBLY NO. 289

FIRST, LET ME JUST TAKE A MOMENT TO THANK YOU FOR INVITING ALL OF OUR MEMBERS TO ATTEND YOUR FIRST MEETING AND RECEPTION THIS MORNING. TO FORMALLY DISCUSS THE SEVEN BILL PACKAGE FOCUSING ON "FINISHING UNFINISHED BUSINESS... DOMESTIC VIOLENCE." WE COMMEND THE BIPARTISAN EFFORTS OF ALL OF THE MEMBERS OF THE ASSEMBLY AND SENATE THAT HAVE AND WILL CONTINUE TO SUPPORT THE INTERESTS OF ALL PERSONS THAT HAVE BEEN EFFECTED BY DOMESTIC VIOLENCE. WE APPRECIATE YOUR COMMITMENT AND APPLAUD ALL OF YOUR EFFORTS TO ENSURE THAT THE PREVENTION OF DOMESTIC VIOLENCE ACT OF 1991 WILL NOT BE COMPROMISED, THAT THE RIGHTS OF THE VICTIM WILL BE PROTECTED, THAT THE JUDICIARY WILL BE PROPERLY EDUCATED WITH RESPECT TO DOMESTIC VIOLENCE ISSUES, AND THAT THE STATE OF NEW JERSEY RECOGNIZES THAT DOMESTIC VIOLENCE CASES ARE NOT JUST SIMPLY OVER WHEN A JUDGMENT IS MADE. YOU HAVE TAKEN BOLD STEPS TO ENSURE THAT THE FAMILIES AFFECTED BY VIOLENCE WILL HAVE RESOURCE CENTERS TO USE ALL OF YOUR EFFORTS GIVE HOPE TO THOSE THAT WANT TO BREAK THE CYCLE OF VIOLENCE, DECREASE THE NUMBER OF REPEAT CASES IN THE COURTS, DECREASE THE NUMBER EMERGENCY ROOMS VISITS IN OUR HOSPITALS AND DECREASE THE NUMBER OF FAMILIES THAT ARE BEING TORN APART BY VIOLENCE IN THEIR HOME.

YOU ARE TO BE COMMENDED FOR YOUR DILIGENT AND UNRELENTING ATTENTION TO THE ISSUES SPECIFICALLY PERTAINING TO DOMESTIC VIOLENCE. THIS GATHERING IS ANOTHER EXAMPLE OF YOUR COMMITMENT TO AN ISSUE THAT WILL CONTINUE TO BE A SERIOUS PROBLEM FACING THE STATE OF NEW JERSEY.

WE ARE IN SUPPORT OF THE FOUR PIECES OF LEGISLATION THAT PERTAIN DIRECTLY TO THE PREVENTION OF DOMESTIC VIOLENCE ACT. WE CANNOT SPEAK TO THE OTHER THREE PIECES AS OUR TASK FORCE IS ONLY CONCERNED WITH LEGISLATION THAT HAS A DIRECT IMPACT UPON THE ACT ITSELF.

AS YOU REQUESTED WE HAVE EXAMINED THE LEGISLATION AND HAVE SOME RECOMMENDATIONS. OUR CONCERNS ARE TO ENSURE THAT THE LEGISLATION WOULD ENHANCE AND STRENGTHEN "THE ACT" AND THAT THE RIGHTS OF THE VICTIM WOULD BE PROTECTED.

WITH THOSE OBJECTIVES IN MIND WE HAVE A FEW SUGGESTIONS. WITH RESPECT TO CONCURRENT RESOLUTION NO. 28 WE URGE YOU TO CONSIDER A MODEL THAT ALLOWS ENOUGH TIME FOR ALL JUDGES OF THE FAMILY COURT TO PARTICIPATE IN THE PILOT PROGRAM. WE FEEL STRONGLY THAT BY PLACING ONE JUDGE IN THIS PROGRAM THAT IT WOULD PLACE AN UNDO BURDEN BOTH EMOTIONALLY AND PHYSICALLY ON ONE JUDGE. WE HAVE BEEN TOLD BY THE OFFICE OF THE SHERIFF OF BERGEN COUNTY THAT OVER 3,000 COMPLAINTS HAD

COME INTO HIS OFFICE ALONE. WE THEREFORE RECOMMEND THAT THE PILOT PROGRAM BE EXTENDED TO COVER EVERY SITTING JUDGE ON THE FAMILY COURT SO THAT ALL JUDGES MAY EXPERIENCE THE DOMESTIC VIOLENCE COURT FIRST HAND AND ENSURE THAT THEIR RECOMMENDATIONS BE INCLUDED AS PART OF THE PILOT PROGRAM PROCESS.

MS. PLOTINO, DIRECTOR OF HUMAN SERVICES WILL TESTIFY TO THE THREE MODELS THAT HAVE BEEN FORMULATED FOR THIS PILOT PROGRAM. WE WILL CONTINUE TO MONITOR THE PROGRESS OF THE PROGRAM AS IT UNFOLDS . WE FULLY SUPPORT THE NEED FOR SUCH A PROGRAM AND URGE ITS ENACTMENT.

WITH RESPECT TO ASSEMBLY NO. 286, AN ACT CONCERNING DOMESTIC VIOLENCE AND AMENDING, WE ARE CONCERNED ABOUT THE DEFINITION OF A VICTIM WHO IS UNDER THE AGE OF 18 AND HAS BEEN SUBJECTED TO DOMESTIC VIOLENCE BY A PERSON WHOM THE VICTIM DATED. WHAT CONSTITUTES VIOLENCE? CAN THE VICTIM ISSUE THE COMPLAINT BY THEMSELVES OR DO GUARDIANS HAVE TO BE INVOLVED? WE RECOMMEND THAT THE LEGISLATION INCLUDE A DEFINITION OF TEEN DATING ABUSE.

WITH RESPECT TO SECTION 4 OF P.L. 1991, C.261 (C.2C:25-10) WE SUGGEST THAT THE WORDING BE CHANGED TO "THIS TRAINING COURSE SHALL CONSIST OF A CURRICULUM THAT MUST INCLUDE 1. IMPACT OF DOMESTIC VIOLENCE ON SOCIETY, 2. THE DYNAMICS OF DOMESTIC VIOLENCE, 3. THE PREVENTION OF DOMESTIC VIOLENCE ACT OF 1991 (AS A REMEDY FOR FAMILY VIOLENCE-THE ELEMENTS OF A GOOD PROTECTION ORDER), 4. POLICY AND PROCEDURE AS MANDATED BY THE NEW JERSEY SUPREME COURT, 5. UTILIZING COMMUNITY RESOURCES (SUPPORT SERVICES, AVAILABLE SANCTIONS AND TREATMENT STANDARDS, 6. RELEVANT CASE LAW.. "

WE FEEL THAT IT IS FAR MORE IMPORTANT TO CONCENTRATE ON THE CONTENT OF THEIR EDUCATION. AND TRAINING THAN THE NUMBER OF HOURS NECESSARY TO COMPLETE THE EDUCATIONAL PROCESS. WE CONTINUE TO URGE THAT THIS TRAINING BE MANDATORY.

WITH RESPECT TO SECTION 14 OF P.L. 1991, c.261 (2.2C:25-30) , IN RESEARCHING THE 90 DAY ISSUE WITH RESPECT TO TEMPORARY RESTRAINING ORDERS WE DISCOVERED THAT THIS POLICY COULD POTENTIALLY NEGATIVELY EFFECT THE VICTIM IF, THROUGH NO FAULT OF THE PROCESS THE CASE MIGHT NOT COME TO COURT. IN FACT, THIS PIECE OF THE LEGISLATION WAS MEANT TO REINFORCE THE STRONG MESSAGE THAT THE VIOLATION OF A RESTRAINING ORDER WOULD BE TREATED AS SERIOUSLY AS THE INITIAL COMPLAINT. THEREFORE WE RECOMMEND A CHANGE TO THE WORDING TO REFLECT THE FOLLOWING IN ITS INTENT.

"THAT THE PERSONS CONTEMPT COMPLAINT BE DOCKETED BY THE APPROPRIATE FAMILY COURT AUTHORITY WITHIN 24 HOURS OF THE ISSUANCE OF A COMPLAINT WARRANT AND THAT WITHIN THE NEXT 24 HOURS THE CASE BE REFERRED TO THE DOMESTIC VIOLENCE UNIT OF THE COUNTY PROSECUTORS' OFFICE."

WITH RESPECT TO ASSEMBLY NO. 287 WE ENTHUSIASTICALLY ENDORSE IT IN ITS PRESENT FORM.

WITH RESPECT TO ASSEMBLY NO.289 WE SUPPORT IT IN ITS PRESENT FORM.

THANK YOU FOR ALLOWING ME TO PRESENT OUR SUGGESTIONS AND RECOMMENDATIONS TO YOUR COUNCIL. WE LOOK FORWARD TO CONTINUING TO

WORK WITH YOU AS THESE LEGISLATIVE PIECES MOVE THROUGH THE LEGISLATIVE PROCESS

WE URGE YOU TO CONTINUE THE MOMENTUM AND SUPPORT THAT THESE IMPORTANT PIECES OF LEGISLATION SO JUSTLY DESERVE. THE CONTINUING COMMITMENT TO THE PREVENTION OF DOMESTIC VIOLENCE CAN ONLY ENHANCE THE QUALITY OF OUR LIVES IN THE STATE OF NEW JERSEY AND SEND A CLEAR MESSAGE THAT BEATING ANOTHER HUMAN BEING EITHER BY FORCE OR BY TONGUE WILL NOT BE TOLERATED IN AND BY THE STATE OF NEW JERSEY.

THANK YOU FOR ALLOWING ME TO PRESENT THIS TESTIMONY TODAY.

D. ANNE WOLFE, SPOKESPERSON
LEGAL ISSUES TASK FORCE
63 HILLSIDE AVENUE
GLEN ROCK, NEW JERSEY 07452

D. Anne Wolfe 3/10/94

