
Public Hearing

before

ASSEMBLY TASK FORCE ON DOMESTIC VIOLENCE

“Information from state and local agencies, public and private sector entities, courts, law enforcement, and others identifying needed revisions to the domestic violence laws”

LOCATION: Committee Room 11
State House Annex
Trenton, New Jersey

DATE: December 5, 1997
10:00 a.m.

MEMBERS OF TASK FORCE PRESENT:

Assemblywoman Rose Marie Heck, Chairperson
Richard D. Pompelio, Esq., Vice-Chairperson
Assemblyman Neil M. Cohen
Assemblywoman Arline M. Friscia
Lori L. Schaffer
Debra K. Donnelly, Esq.
Jacquelyn E. Marich
Mary K. White, Esq.
Ellen Crowley

ALSO PRESENT:

Miriam Bavati	Jeremy Hirsch
<i>Office of Legislative Services</i>	<i>Assembly Majority</i>
<i>Task Force Aide</i>	<i>Task Force Aide</i>



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New Jersey State Legislature
ASSEMBLY TASK FORCE ON DOMESTIC VIOLENCE
STATE HOUSE ANNEX
P O Box 068
TRENTON, NJ 08625-0068

Miriam Bavati
Office of Legislative Services
Task Force Aide
(609) 292-5526
(609) 292-6510 fax

PUBLIC HEARING NOTICE

The Assembly Task Force on Domestic Violence will hold a public hearing on Friday, December 5, 1997 at 10:00 AM in Committee Room 11 (4th Flr.), State House Annex, Trenton, NJ.

The Task Force will gather information from state and local agencies, public and private sector entities, courts, law enforcement and other interested parties. Input will focus on identifying domestic violence laws that need further refinement. Recommendations relating to the implementation of laws which will further expedite and successfully manage the problem of domestic violence will also be considered.

This meeting will continue the discussion of topics raised at the May 16, 1996 Assembly Policy and Regulatory Oversight Committee, at which time members of the public testified on issues surrounding the "Prevention of Domestic Violence Act of 1991."

The public may address comments and questions to Miriam Bavati, Task Force Aide, or make scheduling inquiries to Karen M. DeMarco, secretary, at (609)292-5526.

Issued 11/26/97

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ASSEMBLYWOMAN ROSE MARIE HECK (Chairperson):

Good morning, everyone. Of course, I'm welcoming everyone here to our first meeting of this Task Force, which I believe is a very important one, and I'm very pleased at the caliber of the membership. Some of us are meeting for the first time today even though we know and have heard of one another. I mention that we did have a hearing and the panel -- the Task Force -- has copies of the Assembly Policy and Regulatory Oversight Committee hearing that was held in May of 1996, and we determined that we had to focus on some of the unresolved questions that have arisen since 1994 when we had made some dramatic changes in the domestic violence laws. And we're also going to determine whether or not the intent of the laws have made an impact -- if everything is being done that we want to see done. We will also be addressing some of the problems that have come to our attention in certain areas of the State where training is not being given to a large degree, not only in the law enforcement community, but in the courts. I'm very concerned about that.

Again, in some areas of the State, everything is going beautifully. In other areas of the State, it is not. In some areas of the State, we have working groups on domestic violence. In other areas, we do not have working groups put together. We're going to look at that dramatically and determine in part whether we have to do things by State statute to make sure that there is a continuity throughout the State; and that the necessary focus be given to the importance of this very serious matter of domestic violence -- which we all know affects not just women, but 5 percent of the cases do affect men, but also, children are victims -- that there is a spillover effect in domestic violence

cases from adults to children; and that there is not a decrease in the violent crimes in certain areas including domestic violence; and that more awareness needs to be given to this very serious crime. And rehabilitation should also be addressed and the progress we've made in those areas. As many of us know, we do have that pilot program going into its--

It's the third year now, Debbie?

MS. DONNELLY: Yes.

ASSEMBLYWOMAN HECK: The pilot program at Bergen-- Debbie Donnelly -- we're very fortunate -- was able to agree to be part of the Task Force, and she is the Director of Alternatives to Domestic Violence in Bergen which has received the pilot dollars for the money to enhance her program, which deals with victims and counseling and also behavioral therapy for perpetrators, and maybe you can tell us a little bit about that later.

But each one of us has questions, and I'm very pleased to tell you that the Assembly members who were chosen by the Speaker are very, very dedicated to the purpose of this meeting. And Arline Friscia who's had experience in Human Services over the years, and Neil Cohen who's been an advocate and is also an attorney who deals with domestic violence cases.

I'm going to ask that each one introduce themselves, and I'm going to go from the right and go all the way around. As I said before, I know your names, but some of the faces are not as familiar to me.

MS. WHITE: Good morning. My name is Mary White. I'm an Assistant Prosecutor in Gloucester County, and I'm very happy to be here today and part of this Task Force. Thank you.

ASSEMBLYWOMAN HECK: Thank you, Mary.

ASSEMBLYWOMAN FRISCIA: Good morning. I'm Arline Friscia, Assemblywoman in the 19th District. I've been very involved with the domestic violence teams in my own hometown of Woodbridge and throughout the county. I have worked with Jackie Marich from Women Aware and am very interested in this whole issue. I'm very happy to serve on this Task Force.

ASSEMBLYMAN COHEN: I'm Neil Cohen. I'm a member of the Legislature. I represent the 20th District. I'm an attorney. I do a lot of family work including domestic violence matters. It's an honor to be here, and I was also one of the sponsors of the 1991 law with, then, Marlene Lynch Ford, who is now a judge, and the late Assemblywoman Mullen. It's an honor to be here. Thank you.

ASSEMBLYWOMAN HECK: One of our staff is Miriam Bavati from the Office of Legislative Services, who has helped us over the years on domestic violence issues and laws that we've put together, and I'm very pleased that she was assigned to us because I know we'll see great things happening again. And Jeremy is from the Assembly Majority Office. He will be working with us.

To my left is a good friend to victims and people in the State of New Jersey, Richard Pompelio. Please.

MR. POMPELIO: Rich Pompelio. I'm the Director of the New Jersey Crime Victims Law Center. We represent victims of crime on a pro bono basis. We're a victim's advocate group. It's my distinct pleasure to be here.

ASSEMBLYWOMAN HECK: Rich is Vice-Chair of this Task Force.

MS. CROWLEY: Good morning. My name is Ellen Crowley. I'm a public member of this Task Force. I work at the University of Medicine and Dentistry in Newark, New Jersey. I run a comprehensive victim service there. I'm also a member of the Violence Institute.

MS. DONNELLY: Good morning. I'm Debra Donnelly, and I'm the Director of Alternatives to Domestic Violence in Bergen County, which is a division of county government, and we exclusively address domestic violence issues for families, abusers, and victims. I'm very thrilled that I'm part of this action group, which is an outgrowth of last year's testimony, and looking forward to getting some things accomplished.

MS. MARICH: I'm Jackie Marich from Women Aware in Middlesex County, New Jersey. I'm very happy to see this Task Force brought together, because I've been in this field for more than 15 years, and although I've seen the law initiated and made stronger year after year, we still have horrendous problems in Middlesex County. They center in our courts, but they're very, very detrimental to victims. I'm hoping that we see a change in that pattern.

MS. SCHAFFER: Good morning. My name is Lori Schaffer. I am the Director of Salem County Women's Services, which is the domestic violence and sexual assault provider agency in Salem County. We serve adults and kids and perpetrators of violence, and I'm very pleased to be a part of this effort. I think it is very important.

ASSEMBLYWOMAN HECK: Thank you.

We have a number of very important matters that we will be addressing over the next 180 days which is our assigned time to exist, and I'm glad we were given that short window of time because the needs that we must address are so important that we just shouldn't take this lightly. We want to see some positive moves made and the-- I think we'll move into the area of testimony very quickly.

Our first order of business is from Debbie Stone and Janice Mintz from the Attorney General's Office. Debbie is also after today -- or she is now an advisor to the Task Force as well, but they are giving testimony today.

FIRST ASST. ATTY. GEN. JANICE MITCHELL MINTZ: Good morning, Assemblywoman Heck, and members of the Task Force. My name is Janice Mitchell Mintz, and I'm the First Assistant Attorney General at the Department of Law and Public Safety. With me is Acting Burlington County Prosecutor and Assistant Attorney General, Debra Stone. We're delighted to be here this morning, and congratulate you, Assemblywoman Heck, on successfully forming this Task Force. I know that these issues are for many, many years very, very important to you, and I congratulate you on your success in getting the Task Force together.

ASSEMBLYWOMAN HECK: Thank you, Janice.

MS. MINTZ: On behalf of Attorney General Peter Verniero, I thank you for the opportunity to participate this morning. I want to assure you that the Attorney General has recognized the prevention of domestic violence, the prosecution of domestic violence offenders, and the continued improvement of victims' services as among the very highest priorities in the Department of Law and Public Safety.

Recognizing, as you have said, Assemblywoman Heck, that the hearing is designed to continue the discussion of the topics addressed before the Assembly Policy and Regulatory Oversight Committee last year, I'm not going to review at length the prior testimony that was presented at that time on behalf of the Attorney General.

I would like to mention, however, that at that hearing extensive comment was provided on behalf of the Attorney General and accompanying written materials detailing the comprehensive efforts that have been undertaken by the Department of Law and Public Safety and the law enforcement community were distributed at that time. I have extra copies of the testimony and the materials, if need be, for the members of this Task Force.

As you all know, New Jersey has indeed taken dramatic and significant steps to help end the tragedy of violence in the home. I'd like to take a moment to provide a brief overview of some of those provisions.

First, New Jersey's domestic violence law provides a dual track for the protection of the victim. That means, as many of you know, that the victim may pursue civil remedies against the batterer, such as obtaining a restraining order, or may further the matter in criminal court.

Currently, all law enforcement and judicial personnel must undergo a comprehensive training program for the investigation and prosecution of domestic violence cases. This year, for the first time, the Department of Law and Public Safety has offered an advanced domestic violence training course, which provided state-of-the-art training in the handling of such offenses. In fact, I believe we are to start the second round

of that training course next week, and I believe -- Debbie, correct me if I'm wrong -- it's a one-week intensive training course, which we either give at our Sea Girt Training Academy or in several of the other police training academies around the State.

D E B R A L. S T O N E: That's correct.

MS. MINTZ: To compliment the training efforts, the Department has also provided to law enforcement agencies comprehensive materials detailing standard operating procedures, while also trying to provide on a very expedited basis updated information on all domestic violence case law.

New Jersey also has an expansive mandatory arrest provision which allows police to arrest the batterer in many situations, thus affording the ultimate protection, at least for that moment, to the victim. Additionally, if the police officer believes that the presence of a weapon would expose the victim to a risk of serious bodily injury, the weapon must be seized from the premises.

Finally, New Jersey was one of the first states to legislatively mandate the creation of crisis teams or to ensure that individual officers are trained specifically to deal with domestic violence issues. As a result of these efforts, our State has some of the toughest -- perhaps the toughest -- domestic violence laws in the nation. All of you on the Task Force are to be commended for your tireless efforts to continue the vital work being done in this area.

During the past four years, the Department of Law and Public Safety has worked cooperatively with our sister agencies, the Departments of Human Services and Community Affairs, to put teeth into our domestic violence laws. Together, we have worked to ensure myriad services are

provided to those who need them most, the victims including both women and children.

This collaboration among State agencies is occurring at the very highest levels with the Commissioners of each of our Departments meeting regularly to discuss policy and programs. We pledge to this Task Force our continued dedicated efforts in this regard. I can personally attest to that. I have been very involved, as has Attorney General Verniero, with Commissioners Kenny and Waldman to discuss many of the programs and policies relating to these issues.

We cannot, and, obviously, we will not, rest on our laurels. Developing strong, effective ways to combat domestic violence is a continuing challenge for all of us in this room. Accordingly, I know that you have asked for, as part of this Task Force's mission, specific recommendations on how we believe our current domestic laws can be enhanced. I'd like to share a few suggestions with you; although as you will see, this list is not exhaustive or exclusive. And we certainly look forward to continuing a dialogue with our sister agencies, with representatives of this community, and, of course, with the Legislature on evolving domestic violence policy.

First, we believe that the domestic violence law should be amended to state more clearly the frequency of mandated judicial and law enforcement domestic violence training programs. Currently, the law states that there should be biannual in-service training. It appears that it was the Legislature's intention that such programs be offered once every two years rather than twice a year. However, it would be helpful to clear this ambiguity up to ensure that there is consistency in the administration of these programs. By amending the

law to clearly state how often domestic violence training programs are provided, we will be able to ensure that both court personnel and police have both received the most current information available on dealing with domestic violence cases.

Secondly, we would suggest that the domestic violence law be revised to permit a local police department to act as an agent for a county prosecutor's office regarding the storage of weapons seized in domestic violence matters. As the law now stands, all weapons seized by police during a domestic violence incident must be delivered to the county prosecutor's office. Candidly, most of the prosecutors' offices have limited space available for this storage. I'm sorry to report we've have seized many, many weapons in these instances, and we simply do not have sufficient room. So that amendment would give us some flexibility in dealing with the storage of many of these seized weapons.

Finally, we are currently evaluating a proposal in our Department that would require law enforcement agencies to fingerprint people who are arrested for domestic violence disorderly persons offenses. The Federal gun control law prohibits the possession of firearms by persons convicted of these offenses. Therefore, the compilation of fingerprints of domestic violence offenders will help to ensure that a thorough criminal background check can be conducted on domestic violence offenders and that they are ultimately denied the right to possess firearms.

Our request for these rather technical changes demonstrates our belief that our domestic violence law is strong indeed. We see these

suggestions as fine-tuning an already solid law that will ensure the safety of all who could fall victim to domestic abuse.

In closing, Madame Chairwoman, and members of the Task Force, I'd like to thank you for all that the Legislature has done to address the problem of domestic violence and, as I said, Assemblywoman Heck, your efforts in particular, which I know have been tireless and vigilant.

We continue to offer the services and assistance of the Department of Law and Public Safety in your future efforts, and working together, it is my continued hope that we will make a difference in this area.

With that, I will open the floor up for any questions you may have of me or of Assistant Attorney General Stone.

ASSEMBLYWOMAN HECK: Debbie, you're not making a separate statement?

MS. STONE: No. No.

ASSEMBLYWOMAN HECK: Fine.

I'm very happy that you're having a problem storing the weapons, which means to a large degree you're keeping them. You're not giving them back to anyone. The point is, do we have a kind of a number of how many are being confiscated in these cases?

MS. STONE: I could probably get that from the different prosecutors' offices.

ASSEMBLYWOMAN HECK: I think it would be enlightening to me personally to find out how many of these people, these perpetrators, had access to weapons and what kind of weapons. I think that would be of interest to all of us.

Neil, don't you think that would be interesting to find out?

ASSEMBLYMAN COHEN: Oh, sure. Yes.

ASSEMBLYWOMAN HECK: I know we have questions coming, and I would like to-- Who would like to ask a question?

Arline.

ASSEMBLYWOMAN FRISCIA: More in the form of a comment. There is a bill sitting in committee right now to form a registry so that when people do apply for guns, there is some way of tracking whether or not they have a history of domestic violence, and perhaps this would stem the tide of weapons that we have to store -- wherever they're being stored. And I'd like to see that bill come out of committee very soon.

MS. STONE: We're also-- We're already working on that actually. In conjunction with the AOC, State Police, departmental people, and Department of Law and Public Safety, we're working on a system now which will enable all the computer systems-- All of us have different computer systems which has been part of the problem. They were all done independently. The goal of this central registry is to get all of this information into a format where all of us can access it.

So if a police officer going -- getting a call to go to 128 West State Street on a domestic violence call, he will be able to put into his computer and be able to read out whether the person at that address has a firearms ID card or any handgun permits outstanding. That way, he'll know what he's walking into.

ASSEMBLYWOMAN FRISCIA: Excellent. That will be a major improvement.

MS. STONE: As I said, that is-- We anticipate that within the next couple of years that will be completely done.

ASSEMBLYWOMAN FRISCIA: I'm very glad to hear that.

ASSEMBLYWOMAN HECK: Neil. (no response)

MS. MARICH: I have a question about the specialized weeklong training.

ASSEMBLYWOMAN HECK: Would you go through the Chair, Jackie, please, so I can -- just be recognized, because several people started to move in that.

MS. MARICH: I'm sorry.

ASSEMBLYWOMAN HECK: That's okay. Go right ahead.

MS. MARICH: Of the specialized weeklong training, how many officers have been through that, and what is the plan for the future?

MS. STONE: We had the pilot program last spring. I think we had about 30 officers at the time. It's a combination of assistant prosecutors and police officers and prosecutors' investigators who go through the course. It runs much the way our-- It's called our Top Gun Course, in Narcotics Enforcement Runs, which is also another one weeklong course.

You actually work a case from beginning to end. You go out on calls. It gives-- And you actually will try the case at the end of the week. It gives the assistant prosecutors a feel for what the cops face every day out on the street going on these calls. It also enlightens the police officers as to what they need to do to gather the evidence that we need when we go into court to be able to prosecute these cases to their fullest. And we intend to offer this

twice a year. The pilot was very successful. We're hoping to do a fall and spring every year.

MS. MINTZ: I think to elaborate on that -- I believe that in this next week coming up, we have 45 attendees scheduled for next week's training course. And I would comment, although we don't have a track record on this particular training course, our Top Gun Course has been immensely successful and has been copied nationally. We have had members of our Division of Criminal Justice sort of training the trainers, if you will, on the Narcotics Top Gun Course.

We've dedicated a lot of time and effort in developing the curriculum for the DV advanced training course. We're hoping to have the same success with that as well.

ASSEMBLYWOMAN HECK: Well, that's good, because we know that in domestic violence and child abuse, drugs play a very large role in the abuses.

Jackie, any other question?

MS. MARICH: No.

ASSEMBLYWOMAN HECK: Deb Donnelly.

MS. DONNELLY: I just had one clarification. Who is the target audience for this course? Is it police and--

MS. STONE: Police and prosecutors and prosecutors' investigators, those people who are involved and actually investigating and prosecuting domestic violence offenses. We've also had some people from our Victim-Witness Units involved as well so that they have a feel for how they get involved in domestic violence cases.

MS. DONNELLY: And is it about half-and-half or-- Because I'd like to see a lot of police take it.

MS. STONE: It's primarily police. It's primarily police simply because they outnumber prosecutors anyway in the State, numerically speaking. So, yes, it is primarily police, but it's also prosecutors. In order to really understand how to prosecute these cases properly, it's helpful for an assistant prosecutor -- Mary could probably tell you, she's been an instructor in the course -- to go through this from beginning to end to see what the police officer faces when they go into these situations, to see what kinds of situations cause these incidents to occur, to be able to know what kind of evidence and how to gather that evidence that they will need to prosecute the case even without the victim--

MS. DONNELLY: Right.

MS. STONE: --if necessary.

MS. DONNELLY: Well, I can tell you that our AP, Lucia VanWetering, was at the last one, so it was really very good.

MS. STONE: I'm glad to hear that.

MS. DONNELLY: I'd like to see a lot more police get there, too.

MS. CROWLEY: Are you reaching out to judges at all with your training?

MS. STONE: We've had municipal court judges volunteer to sit as judges on the final trials, and they have been involved in lecturing. The judiciary is trained separately from law enforcement. They're separate responsibilities.

MS. CROWLEY: I have a second question.

ASSEMBLYWOMAN HECK: Certainly.

MS. CROWLEY: In terms of the fingerprinting, very often when a police officer arrives, he has to arbitrate the domestic dispute. Very often the perpetrator will also sign a restraining order against the victim. So there are two restraining orders? I think it needs clarification in terms of fingerprinting.

MS. STONE: It's not fingerprinting for restraining orders. It's fingerprinting for committing a DP, a disorderly persons offense, of assault or harassment.

MS. CROWLEY: Okay.

MS. STONE: That's what it's for, not restraining orders. That's separate.

MS. CROWLEY: Okay. So that it's very possible that the victim-- Let's say a woman is not as strong as a man, and if she uses a weapon such as a bat or something to equalize the force and she does some damage to him and the police arrive, she could get fingerprinted?

MS. STONE: She would probably be arrested, as he might be as well, depending upon the circumstances, until it's sorted out.

MS. CROWLEY: So both of them would be fingerprinted at that point?

MS. STONE: Yes.

ASSEMBLYWOMAN HECK: Neil Cohen.

ASSEMBLYMAN COHEN: Going back to the fingerprinting, I missed part of it. We're talking about the fingerprinting not on restraining orders. We're talking about the fingerprinting on--

MS. STONE: Disorderly persons offenses. Those are offenses that are normally tried in municipal court, and they are not normally fingerprinted because there is no law which allows it at the present time.

ASSEMBLYMAN COHEN: Didn't we change that law last -- two years ago, whether--

ASSEMBLYWOMAN HECK: No, I don't think so.

ASSEMBLYMAN COHEN: --they should be fingerprinting on disorderly persons? Maybe staff could check at some point. So we're making a distinction between the normal civil restraining orders--

MS. STONE: Correct.

ASSEMBLYMAN COHEN: --which may be more serious than-- Because a lot of people -- a lot of people will seek the restraining order and not necessarily pursue a criminal case whether it's a municipal court or whether it's an indictable offense.

MS. STONE: Right. Traditionally, we've never fingerprinted for anything but criminal offenses.

ASSEMBLYMAN COHEN: Right. I just wanted to make sure we were--

MS. STONE: We're not talking about restraining orders. I mean, those are-- In fact, TROs are done ex parte.

ASSEMBLYMAN COHEN: Right. We're trying to look at the fingerprint after it is -- after there's a temporary issue, pending a file.

MS. STONE: No.

ASSEMBLYMAN COHEN: Okay. What exactly-- How does this work with the computer in terms of weapons or what you're envisioning?

MS. STONE: We're envisioning all the computers being able to talk to each other about State Police's computer which houses all the firearms information. If you go for a gun permit in this State, you are fingerprinted, and whether you're getting a long gun or a handgun, if you're getting a handgun, you have to fill out additional forms.

ASSEMBLYMAN COHEN: You're fingerprinted every time you go?

MS. STONE: Correct. Well, generally speaking. It's not required by statute, but generally that's what the police officers do.

ASSEMBLYMAN COHEN: Right.

MS. STONE: And then they send them off, and they're checked both by our computers here and also by the FBI in Washington -- that information is stored in State Police's computer. Right now the AOC wouldn't have access to that and nor necessarily would the police officers know that going into a domestic violence situation. Likewise, the people who run the firearms computer do not have access to domestic violence, either restraining orders that are out there or DP offenses that may be committed in municipal court. That information is not funneled to them.

The idea is to get all of these computerized systems to talk to each other so that that information would be going into a central repository. So there is a central registry for DV offenders so that you can see if somebody's name is up there when you're doing a check for weapons. You know, that person doesn't get a firearms ID card, and if they have a firearms ID card, you know to pull it.

ASSEMBLYMAN COHEN: Are you seeking to -- because there's been some problems pro and con on the issue of weapon seizure, for instance, where there's harassment -- and I represent a lot of women on domestic violence cases. Or let's say the harassment is pulling out a telephone, you know, those kind of issues, or yelling or screaming or constant pattern of argument, which technically is harassment under the disorderly persons offense. Are you abdicating that any weapons in there, whether they're collectible antiques or whatever, if they're not used that they should be--

MS. STONE: No. We're abdicating that they follow the law, and the law says that if the weapons present a danger, in the officer's mind, to the victim that the weapons are seized for safekeeping until the resolution of these matters.

ASSEMBLYMAN COHEN: Are you abdicating the open forfeiture on those kinds of situations?

MS. STONE: It depends on the individual case. If it's a case where we think that forfeiture is required to protect the victim, then we would go for it.

ASSEMBLYMAN COHEN: Okay. Thank you.

ASSEMBLYWOMAN HECK: Any other questions?

MS. WHITE: I just had a few questions.

ASSEMBLYWOMAN HECK: Yes.

MS. WHITE: Just small points.

On the fingerprint issue -- just for clarification -- I'm not sure if it was clear if the fingerprinting method that you are talking would deal with fingerprinting at the time of an arrest. Is that correct, not at the time of a

conviction? I thought that was important information for the Task Force to have. I thought that perhaps the recent amendment Assemblyman Cohen was talking about had to do with fingerprinting folks who were charged with shoplifting.

MS. STONE: Yes.

MS. WHITE: I think it had something to do with being able to enforce--

MS. STONE: It's a different disorderly persons offense, right.

MS. WHITE: --the enhanced penalties. So there's kind of a precedent for looking at a particular disorderly persons arrest differently so that we can do some different public policy goals with that.

I think that the members of the Task Force might be interested in knowing about plans for the advanced training for municipal prosecutors. I know that's a longer-term plan. I don't know that many municipal prosecutors are enrolled for the next class. But I think that would be helpful for members of the Task Force to know.

MS. STONE: Yes. We did a pilot project that was funded in part by the VAWA -- I believe from '95 -- last year in conjunction with Union County to train municipal prosecutors in how to prosecute domestic violence complaints, particularly how to prosecute them where you have a reluctant victim or a victim who will not come forward. That is a continuing and ongoing project, and we intend to do that again -- I don't know the exact schedule, but I think it's coming up in the next few months. February or March sticks in my mind for some reason for the municipal prosecutors' training, and we intend to continue that.

ASSEMBLYWOMAN HECK: Neil.

ASSEMBLYMAN COHEN: There's an immunity from civil liability if a law enforcement officer or member of domestic violence team reports a domestic violence incident. Should there be a consideration where a woman who has alleged domestic violence and withdraws the complaint because she wants to work it out, don't you think we should have some provision to protect the woman there from any civil liability?

MS. STONE: That's really a civil liability question, a little outside of my realm of expertise. I can--

ASSEMBLYMAN COHEN: Well--

MS. STONE: --tell you whether we arrest them or not--

ASSEMBLYMAN COHEN: Yes, but the State statute already deals with the immunity from civil liability for--

MS. STONE: --for law enforcement, yes, that's pretty standard for most criminal statutes. Any law enforcement officer acting in good faith in enforcing the law has would have--

ASSEMBLYMAN COHEN: Do you think likewise there should be protection from one who complains of domestic violence and where it is withdrawn or dismissed? Whether there should be any type of immunity considered, whether it's a good faith immunity or something else, to avoid a defamation action.

MS. STONE: I haven't actually seen any of those.

ASSEMBLYMAN COHEN: Oh, I've seen some.

MS. STONE: You would see them on the civil side. I would not.

MS. MINTZ: I think, Assemblyman, the answer to that is we really haven't given that much thought, but we certainly can--

ASSEMBLYMAN COHEN: Well, that's what I'd like to do, through the Chair, is to take a look at the issue.

MS. MINTZ: Because it is, as Deb said, a little bit outside of what would be our normal -- and a law enforcement context, our normal sphere of considerations.

ASSEMBLYMAN COHEN: But if--

MS MINTZ: It's really a civil law--

ASSEMBLYMAN COHEN: But if--

MS MINTZ: --issue.

ASSEMBLYMAN COHEN: But if we propose-- I mean, obviously, what's going to come out of this Task Force is going to be a package of legislation that's ultimately going to be reviewed by the Attorney General's Office with recommendations. What I would like to see, through the Chair, other than -- I've had discussions with OLS to see whether some things that we looked at-- Is to ask it, and your staff, that if you have any ideas or situations that have occurred.

All of us who've been part of the process in representing clients know where there are glitches in the system, where judges are hamstrung one way or the other, whether they're trying to find their way out to avoid inequitable resolution or whether there's something where the victim can't get the type of relief that they want because of a twist in the statute or court case.

I've already ordered every case to be reprinted that has dealt with domestic violence issues since the beginning of the statute. And some of the

attorneys understand what happens when they go before a court. There are some problems periodically that courts want to try to resolve. And we're also going to seek input from all the family court judges, since they have thousands of these cases and are more intimately familiar on a daily basis with the problems.

I would ask the Attorney General's Office that if they have any ideas of how statutes might be changed, what might be added to statutes, aside from any training components, that I would look forward to that and welcome that information.

MS. MINTZ: Sure. We'll be happy to do that, Assemblyman.

ASSEMBLYMAN COHEN: Thank you.

Thank you, Chair.

ASSEMBLYWOMAN HECK: Thank you, Neil.

It's important to note that the AG's Office has been very cooperative in looking at some of the points that have been raised to us as individuals, and that's why the importance of the Task Force, because then we can share our individual knowledge and come to a conclusion, if this is an isolated incident or if this is now a growing problem that we have yet to address.

And one of the things that I direct the AG's Office to look at is the item that was in the October *New Jersey Law Journal*, Page 150, NJLJ 130, and it's "Twice a Victim." We've sent copies.

We've had this passed around, did we not?

So each of you has this. It's the fact that apparently we have, when we did the constitutional amendment, not protected the victim

specifically, that there might be a sentence missing in the statute that we're not protecting the victim, as we are the defendant in a case, to close that hearing, in juvenile cases in particular.

Go ahead, Neil.

ASSEMBLYMAN COHEN: Let me give you an hypothetical.

MS. STONE: Sure.

ASSEMBLYMAN COHEN: A woman is a victim of domestic violence, seeks a restraining order, gets a temporary restraining order, parallel files criminal charges in municipal court, at someone's urging withdraws that, keeps the restraining order, gets the permanent restraining order, withdraws the criminal charge in municipal court. Municipal court judge doesn't determine that there's probable cause. The matter is just dismissed, but not dismissed because anyone ruled, dismissed because it was withdrawn. Judge makes no determination on probable cause before he dismisses it. Action is filed for defamation.

The person now has to see if their insurance carrier will defend, and that is now an issue. If the insurance company doesn't defend-- There's been cases that say your home owner's policy has to kick in to cover a defamation action, particularly if it's happened in the house or it rises out of the house. If the insurance company doesn't defend, she's now withdrawn the case and she's subject to now coming up with money to defend. That's why I raised the issue concerning good faith and whether or not I would ask you to look at that situation. Because in this whole arena of domestic violence, there are hundreds of bizarre little pieces that hopefully in one fell reform sweep we

can resolve. But I'd like to take a look at that in the context of good faith defenses--

MS. STONE: Okay.

ASSEMBLYMAN COHEN: --or whether judges have to make a probable cause determination even though there's been a dismissal or withdrawal by request.

Thank you.

ASSEMBLYWOMAN HECK: That's a major purpose of the Task Force, is to not reinvent the wheel, because we've done some great work over the years on domestic violence, but to look at the little twists and turns -- the glitches -- in the law as it exists and to tighten that up, again, mainly to protect victims and their rights. And I think Neil has made a very important point that should be addressed.

Any other questions?

Our Vice-Chair, Rich Pompelio.

MR. POMPELIO: Just in furtherance of that comment, perhaps in the training of the municipal prosecutors, if they could be instructed to make sure that if a case arises where the victim wants to withdraw the disorderly persons complaint that the municipal prosecutor knows that he or she has to have stipulation and probable cause on the record and the judge make that finding on the record before the matter is dismissed. It may work towards addressing an issue.

ASSEMBLYMAN COHEN: You could do it in several ways. You could either do it that way -- because in most cases, in particular in the large cities, you're lucky if the municipal prosecutor is there. So it's basically the

judge and the two citizens. You can either do it that way, or you can say that any withdrawal that is nondetermination by the court, let's say an assault or whatever, but that if it's been withdrawn or it's dismissed with no finding that either you have some type of immunity or it cannot be evidential in some other court, which might be maybe a better view than having to go through proving your good faith immunity. I mean, as you would in a careless driving case in a municipal court where you can ask the court that this shall not be used in any other -- maybe something along that.

MS. STONE: You can do that in any criminal case--

ASSEMBLYMAN COHEN: Yes.

MS. STONE: --ask that it not be evidential--

ASSEMBLYMAN COHEN: Yes.

MS. STONE: --in a civil matter.

ASSEMBLYMAN COHEN: Usually in these cases-- In most cases, attorneys aren't present because most of the time the litigants can't afford it.

Thank you.

MS. WHITE: I have an additional question.

ASSEMBLYWOMAN HECK: Yes.

MS. WHITE: Thank you.

I'm wondering what your thoughts might be on the possibility of this Task Force using some kind of a working number -- percentage of the number of criminal cases that are heard in municipal court as compared to criminal court. I know we won't have that number, a real number, as I understand it at the present time, and part of that is the computer is not

talking to each other. But I'm wondering-- I think it might be important to this work of this Task Force if we had a reasonable working number as we talk about the various issues that arise, because when matters are prosecuted in municipal court, as compared to in the superior court, criminal court.

MS. STONE: Mary, are you asking like how many harassment and assault-- I mean, everything is prosecuted in municipal court from traffic offenses on.

MS. WHITE: But let me--

MS. STONE: I assume you want to focus on the DV offenses.

MS. WHITE: The body of-- Right. The body of domestic violence complaints, the body of matters covered by the Act, people covered by the Act, types of offenses covered by the Act, and what percentage are disposed of at the superior court level, as compared to what percentage are disposed of at the municipal court level. Most of the members of the Task Force probably-- I'm kind of excluding the number disposed of in family court. Restraining order violations, that's another issue, and that might even be more helpful if we had just a working number--

ASSEMBLYWOMAN HECK: Yes.

MS. WHITE: --as we talk about issues and where resources are and what we're doing with the numbers of cases. I would suspect that there would be a consensus that we're not going to have a real number at this point, because of the computers not talking to each other, as you discussed.

MS. STONE: I can--

ASSEMBLYWOMAN HECK: It is possible though, I believe, Deb--

MS. STONE: Yes.

ASSEMBLYWOMAN HECK: --to track that to some approximate manner. I think the increase in municipal court would be kind of an eye-opener to see how much they're doing.

MS. STONE: Yes. That's not difficult.

ASSEMBLYWOMAN HECK: Good.

Any other questions? (no response)

Thank you very much.

MS. STONE: Thank you.

MS. MINTZ: Thank you. You're welcome.

ASSEMBLYWOMAN HECK: I appreciate all of your assistance, and I'll see you again I'm sure.

MS. MINTZ: We look forward to it.

ASSEMBLYWOMAN HECK: And thank the Attorney General for us for his cooperation.

MS. STONE: Thank you.

ASSEMBLYWOMAN HECK: Jeffrey Kuhn, Director of Family Practice Division, from the Administrative Office of the Courts.

J E F F R E Y A. K U H N: Thank you, Chairperson Heck, and members of the Task Force. On behalf of Chief Justice Deborah Poritz and Acting Administrative Director James Ciancia, it's our pleasure to have the opportunity to spend some time with you this morning to discuss some of the things and activities that the judiciary has been involved in during the last 20 months since we last met with you at the Policy and Regulatory Oversight Committee Meeting.

I'd like to share with you some comments in three particular areas this morning: one, with respect to the filings and volume of domestic violence matters that we're now encountering in our court system; second, the training efforts that we are involved in; and thirdly, the collaborative efforts that continue with different agencies around the State that the judiciary is involved in.

First, when the Administrative Office of the Courts provided testimony in May of last year to the Assembly Policy and Regulatory Oversight Committee, it represented that following the 1991 amendments to the Prevention of Domestic Violence Act, court filings in the domestic violence area jumped by 34 percent and the filings have continued to increase at a rate of 10 percent in successive years. However, in court year 1997, and in the first one-third of court year 1998, the courts have seen a leveling off of those filings. Basically, we're at 3 percent below where we were in 1996.

This leveling off may be attributable to the tremendous increase experienced in filings in 1995 due to the 1994 amendments to the Prevention of Domestic Violence Act and the national notoriety of domestic violence brought to the forefront by the *Simpson* case. An informed group of victims who are seeking criminal relief in domestic violence matters more frequently may also be a contributing factor.

While the volume of domestic violence cases appear to have leveled off, the judiciary continues to require additional resources to absorb the general growth in domestic violence cases that has occurred since 1991. In May 1996, the AOC shared with you the progress of an innovative program to utilize domestic violence hearings officers for the purpose of handling

emergency or temporary restraining order hearings in the Family Practice Division. You may recall that following successful pilot tests of the concept in Hudson and Ocean vicinages, the Supreme Court approved statewide expansion of the program. During the last 20 months, the AOC has implemented the program successfully in the Atlantic-Cape May vicinage, and efforts are now underway to begin implementation in Burlington, Camden, Morris, Somerset, and Monmouth counties. Implementation has been slow due to the limitation of resources that would otherwise fund domestic violence hearing officers positions and the accompanying support staff necessary to support the function.

The judiciary believes the application of technology to the domestic violence area will further serve to protect victims and increase family court efficiency, notwithstanding our volume. Therefore, the Family Practice Division has applied for Violence Against Women Act funds that will enable the courts to begin implementation of courtroom data entry technology for the issuance of temporary and final restraining orders. In essence, the simultaneous entry of data into the family court information system as a hearing is proceeding will enable the victim to leave the courtroom with a restraining order in hand. It will also enable the almost simultaneous transmission of the restraining order to the appropriate law enforcement agency.

In the area of training, last year the Administrative Office of the Courts explained that following the 1991 and 1994 amendments to the Prevention of Domestic Violence Act, the judiciary and the Department of Law and Public Safety coordinated and conducted statewide and regionally based

training sessions for judges, judiciary staff, law enforcement personnel, prosecutors, and an array of service providers and advocates.

The judiciary continues to expand the domestic violence components of our existing training mechanisms to cover topics specified in the Prevention of Domestic Violence Act. During the last 20 months, the judiciary has conducted two separate workshops for municipal court judges on this subject matter. Additionally, it has conducted a one half-day seminar for new municipal court judges and a domestic violence orientation training program--

ASSEMBLYWOMAN HECK: Would you just slow up, Jeff, because you're reading rather quickly, and there are some things that you are alluding to that I have some knowledge of and I'm going to ask you questions about later.

MR. KUHN: All right. Fine.

Let me go back then, Assemblywoman, and repeat that.

ASSEMBLYWOMAN HECK: When you said about the municipal court judges, how much time did you say they were getting?

MR. KUHN: Okay. Let me reread that portion for you.

ASSEMBLYWOMAN HECK: Please.

MR. KUHN: During the last 20 months, the judiciary has conducted two separate workshops for municipal court judges on this subject matter. Additionally, it has conducted a one half-day seminar for new municipal court judges and domestic violence orientation training program for judges newly assigned to the Family Practice Division. It has also conducted a new, one-day professional training program for family court staff and is

continuing to develop a more sophisticated curriculum for its family court staff that will be delivered on an annual basis.

The AOC has also conducted a training session for municipal court administrators and on a regular basis conducts in-service training for Family Practice Division staff at the individual vicinage levels. We have concentrated heavily on the training of domestic violence hearing officers and appropriate support staff as we began implementation of the project in regard to in-service training as well.

The judiciary is presently waiting to learn the outcome of a grant application it has submitted for VAWA funding to enable it to conduct comprehensive training for superior court judges assigned to the Family Practice Division. It has been limited in its ability to conduct this training utilizing its present financial resources.

In terms of collaboration, the judiciary continues to participate in broad interagency efforts to assure compliance with the Prevention of Domestic Violence Act through the Supreme Court State Domestic Violence Working Group. Presently, the courts are working closely with the Department of Law and Public Safety, the Advisory Council on Domestic Violence, and a host of others to help develop a central registry for domestic violence protective orders that will become an integral part of the national registry for domestic violence protective orders, a requirement of the Full Faith and Credit Provision of the Violence Against Women Act.

That concludes my formal remarks, and I am prepared to entertain your questions now.

ASSEMBLYWOMAN HECK: Neil.

ASSEMBLYMAN COHEN: When we did the change in the domestic violence law, I think, in 1990 or 1991, there's been one issue in many cases -- which is why Assemblyman Bateman and I are trying to do this irreconcilable differences law, so people don't have to divulge their entire pain in their life-- The courts and the litigants both from the victim's standpoint used to be able to go into court on a return date of a temporary restraining order, work it out where the spouse who had committed the alleged act consented to leave the house. Now a final order was entered and the parties left. No one had to place on the record their entire marital history. No one had to reveal the most personal issues of being victimized, which many women do not want to place on the record if it's unnecessary. And by consenting to the removal, you also allowed the parties a cooling-off period, because every domestic violence matter doesn't result in a divorce. Trust me.

However, AOC in May of 1992, I believe, the way that the judges-- Although it wasn't in the statute to now require a factual basis, that is, you just couldn't consent to leave the house and get the order and go home, which was the easy way to resolve a very unpleasant situation, now there had to be, and it wasn't in the statute-- There had to be now a factual basis, which means either the victim then had to state what happened or the defendant had to "miss civil restraint plead," and say what happened. Both of which then became an embarrassment for both in divulging in open court these type of things to people they don't want to know. It'll also heightened the animosity because one party was saying, "Look, I'll get out of the house." Now they have to go through this factual basis situation and kicked up the animosity once they left the courtroom. I just don't state that from my experience with doing

a thousand of these cases from both sides of the fence, but with other members of the family law bar and the judges. The judges were not happy that they were directed to now they had to do a factual basis.

So I would ask staff and also ask in this consideration that we also look at that potential issue. The key is to get someone out of the house, allow the cooling-off period in the least embarrassing, least invasion of privacy, the least humiliation, and still get the goal of leaving the house and getting the final restraining order.

A lot of folks were not thrilled when they saw that factual basis. And the courts had to do it, because they didn't want to be accused of-- You know, "Judge, we have a case, they want to leave, no problem, do the restraining order, they'll leave, pay their child support, and go home." Judge will say, "Well, I need to take a factual basis, so you have to tell me exactly all the pain you endured during this incident." So if we can look at that and perhaps look at a statutory change because I don't want to be in a position, when we go through this, then there's a reg issued or a directive, and we're back in the same kind of position.

Thank you, I appreciate it.

MR. KUHN: I would just remark that I would encourage that review. I think that it also encourages the issue of the judges' sensitivity and training in terms of the ability to handle that sort of a hearing appropriately and make the appropriate inquiry given the nature of the parties that are before them.

ASSEMBLYMAN COHEN: Exactly. Thank you.

ASSEMBLYWOMAN HECK: Other questions?

MS. MARICH: Yes, I have a--

ASSEMBLYWOMAN HECK: Jackie.

MS. MARICH: I have a particular question about the not so recent anymore case law of *Peranio vs. Peranio*, *Parenti vs. Parenti*. We have a particular problem with that in Middlesex County and establishing that history of domestic violence. Is there any training given to judges on exactly what that means?

MR. KUHN: When we conduct the training, our staff that conducts the training both-- We have judges who do the training and, also, Nancy Kessler of my office conducts the training, and we do review both cases fairly extensively during the training program.

MS. MARICH: We've had a repeated problem with that that we can't seem to solve. Case in point, yesterday we had a woman who was knocked to the ground by her perpetrator and was told that unless it happens again, she has no recourse in the court. And it's being viewed that physical violence has to happen twice, which really flies in the face of the Prevention of Domestic Violence Act.

MR. KUHN: I think that practically every question that will be directed to the judiciary has -- training can come into the issue. And for that reason, particularly in the Family Division, we recognize how important it is. The example you illustrate is certainly one that goes to our ability to conduct adequate and quality training for judges on a regular basis. I would not pretend to sit here and tell you that we do enough training, and I invite again the Task Force to review just how much training is appropriate. I think Assistant Attorney General Stone's comment about the statutory language in

terms of the training requirement would be helpful to us as well. We look at it as an every other year requirement. But I do believe personally that we need to be doing the training more frequently. The issue permeates virtually everything that we do in the courts respecting domestic violence.

ASSEMBLYWOMAN HECK: Neil.

ASSEMBLYMAN COHEN: Let me just ask a question across the isle. Was that from a municipal court judge or a police officer?

MS. MARICH: Superior court judge.

ASSEMBLYMAN COHEN: Superior court judge?

MS. MARICH: Yes, sir.

ASSEMBLYWOMAN HECK: He'll be surprised.

MS. MARICH: The first one he's done. The first time he did it, we wrote a letter to the presiding judge, but--

ASSEMBLYMAN COHEN: Yes. Can I talk to you after--

MS. MARICH: Sure.

ASSEMBLYWOMAN HECK: Jeff, just give me an overview of the VAWA funds, and what you've requested, and what you're doing in that regard.

MR. KUHN: All right. We have requested several through grant applications to the Department of Law and Public Safety, which is the designated agency that receives the VAWA funds from the Federal government. We requested funds for several projects. The courtroom data entry project I mentioned in my remarks is one that we have requested funding--

ASSEMBLYWOMAN HECK: Was that computer?

MR. KUHN: Yes. Yes, it is.

ASSEMBLYWOMAN HECK: It's my understanding that that was not the intent of the VAWA funds.

MR. KUHN: It's not--

ASSEMBLYWOMAN HECK: I thought it was--

MR. KUHN: I don't know what you mean exactly by "was that computer."

ASSEMBLYWOMAN HECK: --from the Federal level. That was my understanding that computer was not. I mean, clarify if I'm wrong, and I--

MR. KUHN: Well, let me explain the basis for the application. The application is to-- The purpose is to improve the court's response to victims of domestic violence by providing necessary documentation to both victims and batterers and also to agencies that enforce restraining orders in a more efficient basis. What we do not have now is an efficient manner in which to generate documents that need to back up the court's order.

ASSEMBLYWOMAN HECK: I don't disagree with that. I'm just talking about the purpose of the funding, and I thought the training component was of a major importance there. Because I remember that one statement you made about sending -- maybe it was a misstatement of sending back funds because they weren't needed for training. This was at the working group and I asked you to clarify that, but you--

MR. KUHN: That was--

ASSEMBLYWOMAN HECK: --kind of said you'd find the funds when we need them. What I'd like to know is, again, that's the first -- that's part of the application, is the computer?

MR. KUHN: They are separate applications. Each project that we apply for funding constitutes a separate application.

ASSEMBLYWOMAN HECK: How is the VAWA fund broken down? It's like 25 percent for victims, 25 percent for-- You tell me.

MR. KUHN: I don't serve as a member of the VAWA Advisory Board, so I-- The courts are not the agency that administrate the projects, so I don't know specifically how--

ASSEMBLYWOMAN HECK: But if you're doing the application, then you should know the breakdown of percentages. It's 25, 25, 25, 25, and how are you addressing that in the application format? That's all I'm asking you. I won't stop you, just continue to tell me, since you just said you don't really know. That's not your expertise. But again, just tell me the applications now.

MR. KUHN: The application was-- One was for that project. One was for judicial training to train superior court judges, and there were a number of other applications submitted by the technology division of the Administrative Office of the Courts for funding to perfect other projects such as our domestic violence summary screens available to law enforcement agencies. We're also requesting--

ASSEMBLYWOMAN HECK: And what exactly is that? Because I really don't know about that.

MR. KUHN: That essentially would give law enforcement, to the police officers on the street, information on the existence of domestic violence histories that we feel will help them with both their own personal safety and the safety of the victim when they arrive at a domestic violence call.

ASSEMBLYWOMAN HECK: Is that a training course?

MR. KUHN: Well, that will require training. Training is built into that request, yes. We've also--

ASSEMBLYWOMAN HECK: Could we access some of that information so we know what you are already covering, you know, in your applications? What it is that you're looking for?

MR. KUHN: You're asking for a list of our applications?

ASSEMBLYWOMAN HECK: Yes, because I'd like to know where you're going with it. Because we're going to be reviewing the needs, and I think that might enlighten us to the way you perceive the needs to be. Your group is the closest to the courts, so I'd like to know how you're accessing that need.

MR. KUHN: Well, I will communicate that to the Director, and I would assume he'll make it available.

ASSEMBLYWOMAN HECK: Thank you.

And now, the training that exists for superior court judges, Jeff, what has been happening in the past two years?

MR. KUHN: What has happened in the past-- In the last comprehensive training we did for all superior court judges was two years ago. What we have continued to do on an annual basis is train--

ASSEMBLYWOMAN HECK: Everyone of them was trained?

MR. KUHN: That's correct.

ASSEMBLYWOMAN HECK: And how many hours of training, specifically, on domestic violence?

MR. KUHN: That training program for all of them was approximately four hours then. But when we do comprehensive training, our goal is to do -- is to conduct a weeklong training session.

ASSEMBLYWOMAN HECK: Have we done comprehensive training?

MR. KUHN: No, we have not in the last two years. The last-- The most recent training we did for superior court judges was in September of this year when we trained the new judges that came into the family court in the area of domestic violence. And what we call-- It's affectionately referred to baby judges school in the judiciary -- are the judges that come into the Division, sit through a two-week course, and are provided substantive training in all the case type areas that fall within the jurisdiction of the family court.

ASSEMBLYWOMAN HECK: But just that we're focusing on domestic violence, how much of that is given to domestic violence?

MR. KUHN: One day.

ASSEMBLYWOMAN HECK: One day. A whole day?

MR. KUHN: Yes. There are 11 different case types in the Family Division.

ASSEMBLYWOMAN HECK: How many new judges have been appointed and working? How many judges do we have in family court now, do you know?

MR. KUHN: Presently, there are 114 judges in the Family Division.

ASSEMBLYWOMAN HECK: And do you believe that's sufficient to carry the load?

MR. KUHN: No.

ASSEMBLYWOMAN HECK: No. How many openings do we have in superior court judges?

MR. KUHN: Twenty-five.

ASSEMBLYWOMAN HECK: We have 25. Last year we had well over 30--

MR. KUHN: Yes.

ASSEMBLYWOMAN HECK: --was my understanding. And recommendations or applications are available by what? The law?

Richard, what do you call that? The Bar Association?

MR. KUHN: Oh, for superior court judgeships?

ASSEMBLYWOMAN HECK: Yes.

MR. KUHN: Yes.

ASSEMBLYWOMAN HECK: So they are available. Do we have a request in to the Bar Association to encourage people who have an empathy for family court, who have an interest-- I don't mean to be specifically family court judges, but we have a desire to be in family court and just don't want to get in there and then get out.

MR. KUHN: Yes. This is obviously a major issue for us, and I communicate regularly with the Chair in the Family Law Division of the State Bar, and we talk regularly about these issues. We most recently talked together to the Conference of Family Division Presiding Judges about the issue of encouraging recruitment of persons who not only have the character and the desire to serve as judges, but specifically the character and desire to serve as judges in the Family Division.

ASSEMBLYWOMAN HECK: Who is the president of the State Bar? I don't know.

MR. KUHN: President of the State Bar, Cynthia Jacob.

ASSEMBLYWOMAN HECK: Pardon me. Pardon me.

MR. KUHN: Cynthia Jacob.

ASSEMBLYWOMAN HECK: Oh. I didn't think she was still.
Is she still?

ASSEMBLYMAN COHEN: I'm not sure. I have enough problems.

ASSEMBLYWOMAN HECK: Go ahead, Neil.

ASSEMBLYMAN COHEN: In terms of the family court -- and this deals with those judges who handle matrimonial matters exclusively and those who rotate within the family court as they're assigned by the presiding judge within family court where there's a rotation on those who will assist in any backlog for excessive numbers of DV cases. The problem has come -- and I think everybody has a chance to disagree with people they respect.

Justice Wilentz had suggested rotating judges. The family court attorneys were upset, because there has always been a core of four or five or six family court judges who are always there so that you know, in a certain given number of facts, this judge says, "Wait till the kid is 12 years old before you list the house for sale," or, "This is what the child support area is going to be." You knew each judge's state of mind in an area. So you could tell your client to cut down on the expense. Look, you can say, I want to wait until the kid is 18, but his case is assigned to this judge, and this judge always says at a certain age list the house for sale. By rotating family court judges, you lose that

knowledge, and it increases court time and extends the litigation and, of course, increases bitterness. And the expense is drawn out enormously, because you can't counsel your client on how a new judge is going to be dealing within a particular area.

We never wanted family court judges to rotate to criminal or to civil, and those family court judges who did not want to leave family court had no choice. So you put somebody new in family court who either has no background in family matters, which is okay because most of the judges are bright and can pick up the information, but what it did was on all family court-related matters is fouled up the entire process. Court cases got extended longer, the expense to the litigants got extended to be much more than it should be, the animosity in the process of negotiations became more embattled because no one could say, "Well, I have a background and I know where that judge fits, and if there's two kids or if there's a kid in college or" -- and you had that knowledge.

When they started rotating family court judges, it was a detriment -- a major detriment. I don't know if you got feedback on that, but--

MR. KUHN: I can tell you, Chief Justice Poritz believes the judges who choose to stay in the Family Division should be permitted to stay in the Family Division, and that the judges, once they are in the Division, are encouraged to stay.

Speaking strictly for myself, as Director of the Family Division, I believe that we need to take a very strong look at our ability to maintain judges in the Division by providing some sort of incentive for them to stay. This has been discussed in a number of different states that have considered

implementation of a family court system similar to New Jersey's. And there are certainly-- In the newer systems, there are certain incentives for judges to remain in the Family Division. At the outset, of course, we would prefer to have, as Assemblywoman Heck inferred, judges come to the Division who want to come there to begin with. We feel that once they're there and they have some training and experience there, we'd like to keep them. Obviously, it is-- No one debates that it's the most difficult division of the courts. It seems--

ASSEMBLYWOMAN HECK: Just as a point of clarification, some judges absolutely believe it's their purview to be there.

MR. KUHN: Yes.

ASSEMBLYWOMAN HECK: Again, they are eligible to be in any of the courts as superior court judges, but they absolutely are dedicated to the work that they do. So I think encouragement in that area--

And I met with the Chief Justice, Neil, within the past several weeks and have ascertained that she is of that opinion that rotation in this area is not the best. But rotation in a sense is necessary because some of the judges feel that they have to be-- But again--

ASSEMBLYMAN COHEN: Yes. I mean, come up with--

ASSEMBLYWOMAN HECK: --if we have--

ASSEMBLYMAN COHEN: That's the catch.

ASSEMBLYWOMAN HECK: If we move towards getting more judges who are inclined to appreciate the importance of family court, I think we'll be in better shape.

ASSEMBLYMAN COHEN: Yes. There's a-- Obviously anyone who wants to be a judge that doesn't-- Some would like to stay in the area

either -- where they were litigators -- those that came out of doing matrimonial law. There's also a burn-out process where you're hearing-- I've been there. I've seen 30, 40 people backed up in the hallway whether it's on child support hearing matters, whether it's on domestic violence, or on temporary restraining orders or final orders. There's also a burnout where you are-- In terms of the practice of law, at some point in time you are eating everybody's problems, and you're living with everybody's problems and your clients' problems.

Judges, who hear a lot more than attorneys, have as clients -- that could become a problem just from the judges' ability to continue the sensitivity that they had and to try to keep it on a prolonged basis. And there are judges that want to rotate off and try criminal for a while and come back. They should have that option in the context of how the family law court in the counties is structured, but thank you.

MR. KUHN: I don't disagree with anything that you've said.

ASSEMBLYWOMAN HECK: Any questions?

MS. DONNELLY: I have one.

ASSEMBLYWOMAN HECK: Deb.

MS. DONNELLY: I don't want to belabor this training issue, but the four-hour training, which is the one that we were talking about, was that the one that was done regionally for all the judges and other people?

MR. KUHN: No. No.

MS. DONNELLY: In '94 there was something beyond that?

MR. KUHN: There was a session at the Judicial College in 1995 -- I believe it was '95 -- where all the judges-- Chief Justice Wilentz mandated the attendance of all superior court judges.

MS. DONNELLY: Okay. And how much -- just for a quick answer, if you know -- has been applied for just for the training piece for superior court judges?

MR. KUHN: It occurred to me as I was sitting here that you were going to ask me that, and I don't recall how much it was. I believe it's less than \$100,000. I can get the more precise figure for you.

MS. DONNELLY: Okay. And can you just tell us a little bit about the hearing officer programs throughout the State? What are they doing?

MR. KUHN: Okay. Hearing officers are persons who are highly trained in their ability to conduct temporary restraining order hearings. Essentially the design is that they handle what would ordinarily be the emergent walk-in kind of situation that has -- that really since 1991 has put the Family Division of the courts into a great state of disorganization because of the volume. What we are attempting to do-- We did this on a pilot basis for a couple of years in Hudson and Ocean County, and we had the Center for -- I believe it's -- Violence Research at Columbia University do the evaluation of the program to determine whether it was in fact servicing victims at the level that the superior court judge would.

And what we found was that litigants-victims were in fact more satisfied with their treatment by a hearing officer, because the hearing officers had more time to spend with the victims. And they could actually work with them more specifically. They could flush out the situation a bit better. They could provide more comprehensive kinds of recommendations to the court, and that's exactly what the hearing officers are doing. They're recommending to

the Family Division judge what the order should be, what the contents of the order should be. This is not done separate and apart from the authority of a judge. They are limited to their hearing-- They just do temporary restraining orders. They do not do final restraining orders. Those are still done by the judge.

MS. DONNELLY: And they do them during the daytime hours?

MR. KUHN: Yes. Yes. Normal court hours.

MS. DONNELLY: And then a judge signs off essentially?

MR. KUHN: That's correct. Right. This program has proven very effective for us. It's allowed us more bench time for final restraining order hearings. It's relieved the courts in terms of our depletion of resources considerably. We have-- Virtually every vicinage has requested permission from our office to implement the program. We have essentially said that any vicinage who was interested should work with our office to implement the program. We have very tight quality control standards in place in terms of its implementation. We have put together a subcommittee of our State Domestic Violence Working Groups specifically devoted to implementation of the hearing officer project. It is chaired by presiding Judge Robert Fall from Ocean County, and they basically make certain that the vicinages are up to all the criteria and the standard set for the program including interviewing of a potential hearing officer candidate and those kinds of activities.

ASSEMBLYWOMAN HECK: And might I add that he's doing an excellent job in that area.

MR. KUHN: Thank you. I'll pass that along.

ASSEMBLYWOMAN HECK: Please.

MS. DONNELLY: So it would seem to me it's a target to get the superior court judges basically out of the business of doing the TROs?

MR. KUHN: No. No. The objective is-- There's two things. The objective is to provide a better level of service to the victim, in terms of a more timely and more and better informed issuance of an order, and to also relieve the workload of the judges to some extent.

MS. DONNELLY: Have you considered or-- I know there were a number of proposals that were talked about involving a domestic violence court. Have you heard of any of those, or are you involved in any of that at all?

MR. KUHN: We've talked about that off and on because of the -- I think the discussions have centered around more sheer volume than they have anything else. The family court-- It's important to understand that there is a good reason to have domestic violence jurisdiction that's situated within the family court. The design-- The intention of creating the family court to begin with was a coordination of all those case matters that necessarily arise within a family so that theoretically the court can deal better with all those problems that arise within the family in one court environment rather than have them bifurcated into different divisions. The level of efficiency with which that happens is not always what we would like it to be, but that is the operation principle behind bringing all the subject matters together into one court. So the idea of establishing a separate court for domestic violence is somewhat contrary, first of all, to the constitutional amendment for the family court and the legislation that created it and the philosophy and intention behind it -- a unified family court.

MS. DONNELLY: I guess the ones that I've heard of have been sort of a subset of that and obviously would require a legislative change--

MR. KUHN: Yes.

MS. DONNELLY: --to implement.

ASSEMBLYWOMAN HECK: Neil, did you have a question?

ASSEMBLYMAN COHEN: Yes.

Have you had any comments back from the family law section of the State Bar concerning the usage of hearing officers on TROs?

MR. KUHN: We have. Initially when the program started to expand, the Monmouth County Bar Association forwarded a resolution to the Supreme Court opposing the use of hearing officers.

ASSEMBLYMAN COHEN: That was my dud, which was my gut feeling, too.

MR. KUHN: Okay. The problem-- The issue really was a lack of understanding about what we were intending by the use of the hearing officer. The understanding was that -- inaccurately -- that we intended to use the hearing officer for the issuance of not only temporary restraining, but final restraining orders, and we were intending to broaden the scope of the use of the hearing officer to other jurisdictional matters beyond those. As you know, probably, we use hearing officers in child support cases.

ASSEMBLYMAN COHEN: Right.

MR. KUHN: It's not our intention to broaden the scope of the use of the hearing officer beyond child support matters on domestic violence temporary restraining order matters, and then we will, in some cases, in smaller counties make use of hearing officers, when they are qualified to do so, as

juvenile referees for nonmandatory-counseled juvenile offenses. We will not move beyond that. In other words, we will not use the hearing officers in matrimonial matters as a standard practice.

ASSEMBLYMAN COHEN: On behalf of the Bar, we thank you.

In the child support hearing officer situation, the hearing officer will make a recommendation. If you object to the recommendation, you can go right up to -- at least in Essex and some other counties -- you can go right up to the family law judge who's hearing these matters and say, "I want a hearing."

MR. KUHN: De novo.

ASSEMBLYMAN COHEN: Right. Now they either do it that day or continue the TRO, and they set that hearing date. Is that how this works?

MR. KUHN: Not exactly, because with the issuance of a temporary restraining order in domestic violence what -- most of the time what will happen is the batterer will not be present for that.

ASSEMBLYMAN COHEN: It will be an ex parte.

MR. KUHN: Right. It will be ex parte. The training that hearing officers receive is that -- and I have to chose my words cautiously here -- but it is important to error on the side of the victim based on the temporariness of the order.

ASSEMBLYMAN COHEN: Right.

MR. KUHN: The order is in effect for only 10 days. And if there is any reasonable information available, the hearing officer -- that indicates an incidence of domestic violence occurred, they are in fact encouraged to issue

the restraining order and error on the side of caution and protection for the victim.

ASSEMBLYMAN COHEN: And most judges would issue on a TRO application. Most judges issue the TRO anyway, because they always have the right on the final.

Thank you.

ASSEMBLYWOMAN HECK: Arline.

ASSEMBLYWOMAN FRISCIA: I think you just answered this, Jeff. You did say that the hearing officers receive training?

MR. KUHN: Yes, they do -- very intensive training.

ASSEMBLYWOMAN FRISCIA: Thank you.

ASSEMBLYWOMAN HECK: Any other questions?

Jeff, again I would like the information on the applications that you have and the training, and I might have some questions that I'll put in writing to you.

MR. KUHN: Very good. I'll pass it on.

ASSEMBLYWOMAN HECK: I also wondered is there any -- because I'm not that familiar with the courts -- is there any oversight in the courts? Neil mentioned burnout. How would you know that's occurring in any given court or if the functioning of a superior court judge was one that was acceptable? Is there a check system? Does someone go in every so often to evaluate? Remember we had the court watch for domestic violence and found a lot of problems in Bergen County. And I know through other sources that Middlesex County has some major problems. Do you have a way of checking your own judges?

MR. KUHN: We do not have a formal evaluation program in place for judicial performance. We do have an Advisory Committee on Judicial Conduct that formally reviews complaints of judicial conduct. The presiding judges and the assignment judges at the vicinage level are encouraged to review judicial performance in terms of not so much the appropriateness of legal decisions, but their demeanor on the bench, their character, particularly in the Family Division that's very, very important.

While we are not inclined to grant a disobeyed child their every wish, if we have a judge in the Family Division who is just simply failing or refusing to perform to the level of quality that we require in the Family Division, we will make an effort to move that judge from the Division and look to fill that vacancy with a judge whose character and demeanor is more appropriate for the family bench. That is -- essentially what I'm telling you is we have internal controls on an informal basis in place in the vicinage level. If the complaints about a particular judge's performance becomes serious, they are reviewed by the Advisory Committee on Judicial Conduct, and that committee makes recommendations for review by the Supreme Court.

ASSEMBLYMAN COHEN: There's also-- I mean, the family -- overall statewide-- We have an excellent family law bench.

MR. KUHN: Yes.

ASSEMBLYMAN COHEN: And in many cases, it's been those judges who have had a previous matrimonial law background who understand people, backgrounds, and attitude, and trying to negotiate equitable resolutions. Things are also taken care of in-house. I mean the judge is, you know, if he's had his 3000th domestic violence case-- I mean judges, he or she,

will go to the assignment judge and try to have them do something else within family. There's matters that are handled in-house between professionals. And there's also-- Attorneys get-- It's unnumbered, it's unnamed, but we get sheets on a particular case, and we're told to evaluate the judge. The judges don't know which attorneys are doing which evaluation, so it's pretty anonymous and pretty candid, too.

ASSEMBLYWOMAN HECK: But we've seen examples of problems that were not rectified, Neil.

My feeling is-- I myself had the occasion in one instance to seek some-- Someone sought some help from Hudson County and went into that superior court. And not that something terrible was happening, but it was shocking to me because I don't have occasion to be in the courts. I'm not an attorney. And we sat there from before 9:00 until noontime with no explanations as to what was going on but the judge had some paperwork to do. And there were people in that courtroom that you could see were there who were emotionally involved in whatever cases they were going through whether victims and/or witnesses, and people who had taken off from their jobs that you knew they weren't getting paid for -- that they were losing pay. And then the judge or someone representing the judge would come out about noon and say, "Oh, by the way, I forgot to tell you, we were notified this morning that this case has been postponed," and then they all leave.

I find that offensive and kind of difficult to accept that we don't take into consideration people who are involved in the court system. The people involved -- you know, the little person, who is unaware, who feels totally abandoned in the courts-- We were asked to come into Bergen County

to act as victims' advocates because there were none available in that particular area. And I watched as great respect was given to a defense attorney who breezed in, and as soon as he came, the judge came out, and then they said, "Oh, we'll postpone this again," and we all left. I find that offensive to people, and I think-- That's what I'm talking about, not the seriousness of the individual case, but the common courtesy that's lacking in the court itself to the individuals there. Do you realize what suffering people-- I mean, that's how I felt. I looked around and I was embarrassed. I was embarrassed because I said, "Is this what's going on?" I was told that this was an ordinary thing by attorneys, that they come in and they wait until they're told. I feel that there has to be some check made of how efficiently, and with what courtesy, the courts are being handled.

ASSEMBLYMAN COHEN: Well, I don't know if you could-- We've all experienced, as attorneys and as litigants, problems with the system. Whether it's-- I can't say that it is on a regular and consistent basis. For instance, a judge who's doing -- let's say, the judge is assigned to do domestic violence that day, and the calendar is 35 people. Well, that same judge also has a matrimonial case. That's not the only thing they're doing. So they're dealing with case conferences that they've set up two months ago on divorce cases to do case management conferences by telephone with the attorneys instead of bringing in all the parties, or they're dealing with an emergency or as to show cause by telephone instead of bringing in the parties.

So the fact that the judge isn't on the bench doesn't mean that all that judge does is domestic violence, that judge has also--

ASSEMBLYWOMAN HECK: I'm not saying that.

ASSEMBLYMAN COHEN: --scheduled.

ASSEMBLYWOMAN HECK: Neil, I just feel that there should be--

ASSEMBLYMAN COHEN: And I've waited, too, and I've waited--

ASSEMBLYWOMAN HECK: Yes, I know.

ASSEMBLYMAN COHEN: --with clients also.

ASSEMBLYWOMAN HECK: Well, you see, when we go to a doctor's office and we have to spend hours because he overbooked on purpose--

ASSEMBLYMAN COHEN: Right.

ASSEMBLYWOMAN HECK: --we can get up and walk out and go to another doctor.

ASSEMBLYMAN COHEN: Sure.

ASSEMBLYWOMAN HECK: But when you're a victim and you are controlled by the court, you just have to sit there and wait.

ASSEMBLYMAN COHEN: As well as--

ASSEMBLYWOMAN HECK: They don't even explain to you.

ASSEMBLYMAN COHEN: --the attorneys who have to sit there, too.

ASSEMBLYWOMAN HECK: Agreed, but you're getting paid. They're not, the victims.

ASSEMBLYMAN COHEN: Well, the thing is you also--

ASSEMBLYWOMAN HECK: I'm not being mean.

ASSEMBLYMAN COHEN: --make the distinction.

ASSEMBLYWOMAN HECK: I'm not being mean--

ASSEMBLYMAN COHEN: That's okay.

ASSEMBLYWOMAN HECK: --but I am not an attorney. So sitting in that court, I could empathize with the individuals as I looked around that court, and I saw the suffering of individuals who were in a venue that was completely alien to them. And there was no way that when they asked a question, they were being responded to with courtesy. It was like, when he comes out, he comes out.

ASSEMBLYMAN COHEN: I don't--

ASSEMBLYWOMAN HECK: I don't like that, and I want to know--

ASSEMBLYMAN COHEN: I don't know how you-- I never thought that you were able to legislate manners.

ASSEMBLYWOMAN HECK: I didn't say that. I said--

ASSEMBLYMAN COHEN: But that is-- But that is--

ASSEMBLYWOMAN HECK: Excuse me. Excuse me.

I'm just asking what oversight is there in AOC to the proper conducting of business in the court. I don't think that we're here just to legislate, Neil. I'm just trying to investigate.

ASSEMBLYMAN COHEN: Oh, no. I have no--

ASSEMBLYWOMAN HECK: And you mentioned that you have paperwork that you can write things, and no one knows. Do you ever write down that you don't like this way it's going?

ASSEMBLYMAN COHEN: The information, as you know as I am, I'm pretty candid.

ASSEMBLYWOMAN HECK: You are.

ASSEMBLYMAN COHEN: So if--

ASSEMBLYWOMAN HECK: That's why I'm surprised.

ASSEMBLYMAN COHEN: --I'm doing a review, I'm going to have a review that's based upon how I felt the matter was being handled.

ASSEMBLYWOMAN HECK: As an attorney. I'm talking about as a little person.

ASSEMBLYMAN COHEN: And what you can do is you can get a copy if you want to provide to the Chair of all the questions that are listed in the evaluation of the judge on a particular case. And it is a very open, broad as to how demeanor, how temperament, how knowledge of the law--

ASSEMBLYWOMAN HECK: I don't think-- I think-- I'm not-- I'm talking about the individual judge's demeanor. I'm talking about the practice of how the court is conducting business. Sometimes you fall into a situation where it isn't the most productive.

ASSEMBLYMAN COHEN: Oh, and I've been there.

ASSEMBLYWOMAN HECK: Yeah, right.

ASSEMBLYMAN COHEN: I've been in the hallway.

ASSEMBLYWOMAN HECK: So my feeling is--

ASSEMBLYMAN COHEN: I understand.

ASSEMBLYWOMAN HECK: --is there someone to come in and say, you know, "We can straighten this out, we can have them do their paperwork on one day, and then have court hearings on another, or the court conferences on the telephone should be done between 9:00 and 12:00, have the people come in at noon."

ASSEMBLYMAN COHEN: Let me just say--

ASSEMBLYWOMAN HECK: I just-- Like efficiencies.

ASSEMBLYMAN COHEN: --as a person who practices in this area, it's not that easy. Because when you have return orders for the final restraining order, you could set up 50, and you could resolve them in three hours, of course, unless you have to take a factual basis, but that's another issue. You may have to try all the cases that day, because on that day everything is going to be tried for some reason because none of the parties agree to admit to anything, and they're going to have their day in court. And on that day, everything gets tried. On another day, you can get rid of all the final restraining orders, because they'll all admit to what the problem was, and you can get rid of it in three hours.

ASSEMBLYWOMAN HECK: I understand that but, Neil--

ASSEMBLYMAN COHEN: You just never know what's going to happen on a particular day in court.

ASSEMBLYWOMAN HECK: --Neil-- Neil, I've spoken-- You know, I've prepared for this. I've spoken to attorneys. I've spoken to former judges, and I know that there are -- that, you know, you're accepting of these things because it's your business.

ASSEMBLYMAN COHEN: I'm not accepting it.

ASSEMBLYWOMAN HECK: No. No, wait, Neil. Neil, but you're saying this is the way it is.

ASSEMBLYMAN COHEN: Yeah, well, we've got the record read back, but--

ASSEMBLYWOMAN HECK: I'm looking at certain things from a change-- You know, I know that there are days like that, but I'm sure there's

work that the judge can do if he has a short day. But I have also been told of judges when there's a busy, busy day and that they have -- it's 4:00 or 4:30 and they're gone, and everybody just comes back another day. But there are judges who stay and complete their day's calendar.

ASSEMBLYMAN COHEN: And that's correct, and the court time--

ASSEMBLYWOMAN HECK: Yes.

ASSEMBLYMAN COHEN: --is from 9:00 until 4:00. If there is a judge who-- There are judges, and I've had those judges, where if we're in the middle of the case and it can be resolved, the court will keep the court staff, and we'll stay until 4:30, quarter to 5:00, 5:00. Absolutely. And that's happened on many occasions.

ASSEMBLYWOMAN HECK: I'm just giving you a--

ASSEMBLYMAN COHEN: Because there are many occasions--

ASSEMBLYWOMAN HECK: --layperson's point of view.

ASSEMBLYMAN COHEN: --it hasn't happened.

ASSEMBLYWOMAN HECK: A layperson's point of view.

MS. DONNELLY: Assemblywoman Heck?

ASSEMBLYWOMAN HECK: Who's talking to me?

MS. DONNELLY: Could you recognize me?

ASSEMBLYWOMAN HECK: Oh, Deb, okay.

MS. DONNELLY: I just wanted to interject here that, you know, if it's a matter of resources-- Because you said 35 cases, and I can agree with the Assemblywoman that you shouldn't have to sit there through 35 cases. And if it's a matter of resources and filling some of these vacancies, then maybe

that should happen. But I know that in Bergen our family court presiding judge did earmark two days a week where the judges just hear in domestic violence, not waiting for the next matrimonial motion. So there may be ways of, you know, scheduling and making some changes in how business operates, because I used to be an attorney in court, and I know what it's like to sit and wait there, but maybe if certain practices can be reviewed--

But is that a legislative thing? Or is that a-- I'll ask our witness.

ASSEMBLYWOMAN HECK: Was that an AOC thing?

ASSEMBLYMAN COHEN: No. It's probably not a legislative thing, but it's a thing that we can ask AOC in terms of trying to resolve things.

MR. KUHN: I would suggest that -- although you seem to be concentrating on the judges here -- there is another component to this, and that is, we have nearly -- almost 1500 staff in the Family Practice Division statewide. Those staff are as responsible oftentimes, as the judges are, for providing customer service to litigants in the courthouse.

What we have discovered in the last three years is that these people are hiring into our system oftentimes, just like judges are brought into the family court, with little or no background or experience in dealing with folks who are at their emotional worst at the time. We are now developing a curriculum for our Family Division staff that includes customer service, that includes a bill of rights for litigants, essentially, when they show up in the courthouse that they are entitled to be treated fairly, humanely; they are entitled to be shown where the bathroom is when they ask where the bathroom is; they are entitled to be scheduled in an appropriate manner so that they do not sit with an infant from 8:30 in the morning until 5:30 at night, and then

they're told to go home and come back the next day. Those things are clearly inappropriate and they are unacceptable. The best thing that we can do is to start with our staff and train our staff in basic customer service in terms of how we deal with litigants. These people are our customers, and we need to treat them as such.

With respect to the judges, we provide training in terms of the sensitivity and the empathy that's necessary in the Family Division, but that's all it is. What we have to look at is the ability to change attitudes, and I think what's key here is the ability to discover at the outset those persons who have the character and desire to serve in family court to begin with. And I think in that combination with training for staff, you will begin to see--

ASSEMBLYWOMAN HECK: And I believe that disseminating of efficiency that are working in one area should be shared with another area. I'm not saying to force anyone to do that, but maybe that should be looked at that there can be improvements made in simple ways that can ease the process.

MR. KUHN: I completely agree that there can be improvements made.

ASSEMBLYWOMAN HECK: I appreciate that.

But thank you very much.

Any other questions?

ASSEMBLYMAN COHEN: No. You can come out from behind the glass-- (laughter)

MR. KUHN: If I could make one additional comment based on Assemblyman Cohen's remarks concerning the immunity issue for domestic violence victims in terms of the withdrawal of a complaint at a later time, I

would very much encourage the Task Force to look at that issue for the reason that pursuant to the entire controversy doctrine, which I think you're familiar with, we are now obligated to try domestic violence battery, basically torts -- marital torts -- in the family court at the same time or concurrently with matrimonial dissolution matters. And we are struggling with those kinds of issues. So anything that can clarify the law surrounding liability in those cases with specific criteria or something of that nature would be very helpful.

ASSEMBLYWOMAN HECK: May I say that Nancy Kessler was very much missed today. She has been a part of our domestic violence team for years and has been an asset to us. I know you mentioned that I should check with them, but she was appointed, and if there is a problem with that, I would like to be advised in a more timely manner than the day of the hearing.

MR. KUHN: I'll take that back to the Director.

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

MR. KUHN: You're welcome.

ASSEMBLYWOMAN HECK: Thank you for testifying.

And we have a gentleman who has received a call, Alan J. Rosenthal. Is he here, Neil?

ASSEMBLYMAN COHEN: I think he may have--

ASSEMBLYWOMAN HECK: Did he have to leave?

ASSEMBLYMAN COHEN: He had to run to Delaware.

ASSEMBLYWOMAN HECK: Oh, okay.

ASSEMBLYMAN COHEN: I guess.

Thank you, anyway.

ASSEMBLYWOMAN HECK: Thank you.

Eda Saperstein, the Program Coordinator, Adult Protective Services Training Program, Rutgers University, School of Social Work.

E D A S A P E R S T E I N: Good morning, even though--

ASSEMBLYWOMAN HECK: Press the little button until it turns red, please. (referring to PA microphone)

MS. SAPERSTEIN: Good morning, Madam Chairperson, and members of this Task Force. I am Eda Saperstein, and I represent the School of Social Work, the Continuing Education Program, and I thank you on behalf of the Dean of the School of Social Work, Dr. Mary Davidson, for inviting us to speak to you today.

Since 1991, I have worked very closely with Adult Protective Services workers in the State of New Jersey who investigate elder abuse and who plan to implement services to help the abused victim and perpetrator. The Adult Protective Services Program contracted with Rutgers University School of Social Work in 1991 for training of all their APS workers and supported that by the APS law in which now the training of APS workers is required for 90 hours.

During the past six years, I have studied and learned from the people in Adult Protective Services about elder abuse. I feel very honored to be here and to share my perspective with you.

To begin with, I think I would like to commend this Task Force that they are actually including the problem of elder abuse in their study and research. The field of elder abuse is approximately 20 years behind the field of child abuse. So we have a lot of catch up to do, and I'm very impressed with the issues and discussions that I have witnessed this morning.

I think maybe for some of you who are not that familiar with the field of elder abuse, I would like to give a very brief overview of what the problems may be. Since the mid-'80s, the problem of elder abuse has become more and more prominent. It is estimated that approximately 1 million elderly are being abused, and this figure only reflects the abuse that is reported to the agencies. National surveys indicate that victims are often suffering from neglect, 45 percent, but this is also including self-neglect; physical abuse, 19 percent; emotional-psychological abuse, 13 percent; sexual abuse, 1 percent; and along with that in many cases, also, financial abuse, 17 percent. About 66 percent of the victims are women over 65, and 83 percent of the abusers are sons, daughters, spouses, and other relatives. Since public awareness efforts have increased in the last 10 years, many more reports are made by health care providers, social service agencies, and nonrelatives, friends and neighbors. About 55 percent of the reports are substantiated. In the past 10 years, however, elder abuse has increased by 150 percent.

This problem is not going to go away. It is only going to get worse. The estimates are that one in fourteen elderly persons is going to be abused in their lifetime. This is a frightening statistic. This means, if I look around at you and include myself, one of us is certain to be abused in the next years. But we have an Adult Protective Services Program, and we do have it in New Jersey.

In the late '80s, Adult Protective Services Programs began to get established in various states around the country. Reports about abuse are received here, and APS workers, depending on the risk involved, make an immediate visit to the victim to determine if abuse is occurring and, if so, to

make plans for keeping the victim safe and at home if at all possible. If the abuser is an overwhelmed caregiver, sometimes respite services can be put into place. Sometimes the client is gradually losing mental competency and conservatorship power of attorney arrangements may need to be made. For perpetrators, counseling services along with jail terms are often sought but not always available.

One of the key issues that makes adult protective services different from child protective services is that in trying to meet the situation, workers try to find the least-restrictive alternative for a client. This often presents a dilemma for the worker who may want to protect the client, but since the client is an adult, he or she has a right to self-determination. Another complicating factor in addressing elder abuse is the fact that many victims are dependent on their caregivers, spouse, children, or other relatives for care, housing, food, etc. Many perpetrators at the same time are also dependent on the victim for some of the same needs. Often perpetrators have a history of unemployment, alcoholism, and/or mental illness.

In 1993, the Adult Protective Services law was formulated, and in February of 1994, it began to be implemented in New Jersey. This law has provided the APS worker with a lot more legal support in investigating cases of abuse and neglect. It is now possible among other things to use emergency court orders to investigate an abusive situation and to put services in place without interference of the caregiver. Reporters of elder abuse and APS workers now have immunity, and it is easier for APS workers to access client's records in medical and social agencies. The law, as I mentioned before, also requires intensive training for all APS workers -- 90 hours of competency-based

training offered by the School of Social Work, Continuing Education and Professional Development Program, Rutgers University.

The training is very intensive. It begins with the training in the APS law and is then followed by very practical training in how to deal with situations of neglect and abuse. Minor skills such as gaining access to the abusive situation is trained extensively because it is a skill that all these APS workers must have. They must know how to gain access to the situation. Investigation and assessment skills, case management skills, also preparation of affidavits for court, and preparation for court appearance is part of the training. And one of the most intensive parts of the training includes videotaped practice in interviewing victims and perpetrators. This training is only possible because we use actors as victims and perpetrators. So, in this way, the situation becomes much more real for the trainees. The training is followed by more advanced training for APS workers and supervisors. On the average, they receive four days a year in advanced training. The Rutgers APS Training Program won a national award in 1993, and the curriculum has been requested by 26 states around the country. It is a very well-respected program.

One area that we are now moving into is cross training, doing training for agencies that work very closely with the adult protective services programs such as the Offices on Aging, the Division of Developmental Disabilities, and the Division of Mental Health. Rutgers also in their Gerontology Certificate Program offers regular training in elder abuse and neglect.

I would like to share with you, from where I sit and from what I've heard from the many workers that I have been in contact with over the years,

three concerns in addressing the problems in elder abuse. For victims there are not enough alternatives or services to keep them safe. Temporary placements in domestic violence shelters or hospitals or nursing homes is frequently unproductive and ineffective. Victims do not want to leave their homes. Would you want to leave your home? You would not. You would like to stay there as long as you could. So we need to develop more creative ways to keep them safe, and we may want to think more about support groups and assertiveness training programs for elderly women that have been tried in several states and also in other countries such as England.

Secondly, there are not enough services and supports for the overwhelmed caregivers who are likely to become abusers. More respite care and possibly financial compensation programs for relatives who assist elderly who need a lot of care are needed. One of those initiatives is the current demonstration project in the State of New Jersey -- the so-called cash and counseling program -- in which elderly persons might be able to receive some cash that they can use to pay their caregivers. Also, for perpetrators who do not understand that abuse is unacceptable behavior and/or have mental problems or abuse alcohol, we need more counseling services in each county.

Thirdly, the police response to an elder abuse situation is improving, but more needs to be done. I want to refer to Grace Egan, who is here also today, who has started and done a lot of training of police. The police need to be made aware of their role in a network of service providers. Arresting the perpetrator can lead to the victim being placed in a nursing home against his or her will. And more training of police is needed in legal, ethical,

and practice principles, such as informed consent, least-restrictive alternatives, and understanding the victims' needs and their reluctance to report abuse.

This concludes my comments to the Task Force, and I would be happy to entertain any questions you have.

ASSEMBLYWOMAN HECK: Thank you.

Any questions for this witness?

MS. CROWLEY: I have a question.

ASSEMBLYWOMAN HECK: Yes, Ellen.

MS. CROWLEY: Ultimately, would you see yourself kind of mimicking a Division of Youth and Family Service type of model for the elderly who are abused, or no?

MS. SAPERSTEIN: I'm not sure what you are thinking of concretely in that model. Could you be more specific?

MS. CROWLEY: Well--

ASSEMBLYWOMAN HECK: Did you use it as a base from which to work?

Is that what you meant, Ellen?

MS. CROWLEY: Yes.

MS. SAPERSTEIN: I think originally when Adult Protective Services started in 1987 in New Jersey, I think there was a lot of discussion and cooperation with DYFS. I think because of the history now the APS Program has moved around a little bit. It has moved from the Department of Human Services to the Department of Health and Senior Services. I think that's a different environment, and that can be a good environment, too, but

I think the initial connection was certainly there. I think a lot of the training ideas actually came from that program also.

MS. CROWLEY: At the University we have gero-psych program--

MS. SAPERSTEIN: Right.

MS. CROWLEY: --and I also have a parent who attends an adult day care, and in both settings I've had complaints that various members were being abused, and really they were unable to ensure the safety of these people.

MS. SAPERSTEIN: In the adult day care centers they were abused?

MS. CROWLEY: No. No. No. No, by caregivers at home.

MS. SAPERSTEIN: Oh, yeah.

MS. CROWLEY: They were saying that Adult Protective Services is who you go to, but they seem to feel that that was kind of a dead end.

ASSEMBLYWOMAN HECK: Maybe we should ask Grace Egan to come up as well.

MS. SAPERSTEIN: Yes.

ASSEMBLYWOMAN HECK: Grace, would you come forward, please.

Why don't you stay there, you might have questions from others.

MS. SAPERSTEIN: Okay.

ASSEMBLYWOMAN HECK: Maybe Grace can address that particular situation.

Do you want her to clarify it?

GRACE EGAN: Sure, why not do that.

ASSEMBLYWOMAN HECK: Ellen, just let her know a little bit more, but raise your microphone a little bit.

MS. CROWLEY: In a DYFS model, a social worker would go in, access the situation, and then take the child out or remove the perpetrator or there would be some sort of criminal investigation in terms of the safety of the child. From what feedback I've gotten with the elderly, it kind of goes to a dead end. There is not prosecution. The police are not involved. Counseling may or may not occur.

MS. EGAN: Well, I'd like to think that over the past few years things have changed with the new Adult Protective Service Act. It really does require them to make a referral to the prosecutor if there is criminal intent. Through Eda's Program, a lot of the staff have been given the skills to be more persuasive to the older victim asking them to say these are the service options available to them, would they like to avail themselves of the services. They still do have clients decline the service, but I think they are having a little more success. So hopefully, that will be the experience of your service provider also.

MS. CROWLEY: Would Adult Protective Services be able to mandate counseling for perpetrators, and what about the financial abuse of the elderly?

MS. EGAN: I do not believe the law allows them to mandate services for perpetrators. What it does allow them to do is to have an emergency protective order or a temporary protective order which would allow them to do a medical evaluation and service delivery for that victim.

MS. CROWLEY: But--

MS. EGAN: But not on the perpetrator.

MS. CROWLEY: Not the perpetrator?

MS. EGAN: No.

MS. CROWLEY: So the victim could potentially go back into the same situation once they've been medically cleared.

MS. EGAN: Hopefully the victim with options offered to them would make another choice. The other thing is that -- and we'll get into it perhaps a little bit later -- when we cover the law and the laws that protect vulnerable adults, we not only talk about the APS law, but we also talk about domestic violence statute, because it is really probably the strongest protection out there for any vulnerable adult in New Jersey. And so the fact that 85 percent of the cases involving perpetrators -- as Eda said, 85 percent of them involve family members, you see a crossover of the issues, which is really what my testimony will touch on.

MS. CROWLEY: Do the Adult Protective Service providers become the advocates for this particular elderly patient? Do they have a caseload of elderly patients who are abused?

MS. EGAN: Actually they do. Their caseload-- Across the State, 85 percent of their cases are really individuals over age 60, and so they do case manage it in a crisis way, and then hopefully it is closed and passed on to another service provider. Usually, there is more than one agency involved.

MS. CROWLEY: Would they make periodic home visits to assess the situation?

MS. EGAN: Certainly. As a matter of fact, when they get a referral, they have 72 hours to go out and respond. But frequently, it takes many approaches to that individual to get into a thorough evaluation. They

may start within three days, and they may take three weeks, three months to determine what exactly that person may need. It may take them that long to gain the cooperation of the older victim because they're fearful.

MS. CROWLEY: Could you just walk me through this?

MS. EGAN: Sure.

MS. CROWLEY: Let's say they've made a few home visits and the service provider decided this person is chronically abused. What would their next option be?

MS. EGAN: All right. Well, I feel a little disadvantaged here because I'm not an adult protective service provider, but the norm is -- and so I've worked with a lot of them and they tell me -- that they make the initial approach, they go out, and they try to determine if the person is being abused. If they determine that's the case, the situation, they accept the client within their caseload, and they continually approach them trying to offer them services. If they're continually turned down and services are declined, they note that and they do continue to approach the person. And after a significant period of time, they will close the case, but not after they have made many attempts to reach out to that individual. Who knows, the individual situation is--

ASSEMBLYWOMAN HECK: Perhaps we can invite one of the workers to come to our next hearing, Jeremy.

Any questions for Eda or-- Go ahead.

MS. MARICH: Not actually a question, more of a comment, but the issue of support groups for the elderly who are abused, we've attempted that in Middlesex County. We've worked in Woodbridge and in New

Brunswick at the senior centers. I think you're absolutely right when you said the issue really boils down to not enough places where victims can find safety, because they're very good participants in support groups. They know what they want to do, but they do not want to leave their home. And we need to find another venue for them to be safe in their home, a safety plan removing the batterer for periods of time, because they won't leave.

ASSEMBLYWOMAN HECK: Any questions? (no response)

Thank you, Eda.

And, Grace, do you want to give us a brief-- Do you have testimony to give out?

MS. EGAN: I do have testimony if you don't mind.

ASSEMBLYWOMAN HECK: For me?

MS. EGAN: I do have testimony.

ASSEMBLYWOMAN HECK: Good, thank you.

Thank you very much.

MS. EGAN: My name is Grace Egan, and I'm the Project Director for the New Jersey Association of Area Agencies on Aging. And I'd just like to take a few minutes to talk about the Association and then to talk about the services for older domestic violence victims.

The Association is made up of all of the county executive directors of the county offices on aging. For five years, they have cosponsored an elder abuse and neglect project. There are two primary goals of the project -- they have been to foster public awareness and to conduct professional education on the problem of elder abuse. To that extent we have produced several PSAs. We have created billboards, newspaper ads, and a variety of other things. At

the same time, we have also done professional awareness training programs and developed education materials. These have been aimed at medical professionals, home health care staff, community services, clergy, judges, police, and bankers.

As an example, we've worked with over half of the county prosecutors in conducting training in over 16 counties for police on improving the police response to elder abuse. We are currently conducting a pilot program in elementary and middle schools across the State to give children positive images of older adults as a primary prevention effort to stop elder abuse.

In the past five years, we have formed many working alliances including work with the New Jersey Coalition for Battered Women. Today, I'd like to talk about the domestic violence services for older women and vulnerable adults in New Jersey. Over 11 percent of New Jersey's population is female and over age 60. Older women comprise 20 percent of New Jersey's total female population.

In 1995, over 2600 domestic violence offenses were reported against the elderly -- 66 percent of these victims were women over the age of 60, which means the balance, or 34 percent, were men over the age of 60. The gender here is a little different than the younger population. During the same time, 2125 women of all ages were sheltered throughout New Jersey; however, less than 1 percent of those women were over age 55. Only 18 women over the age of 55 used shelter services in 1995, and only 2 women were over the age of 65.

Domestic violence, like other forms of family violence, is vastly underreported. Researchers typically find that as little as 2 percent of incidents of domestic elder abuse are reported. And the abuses against older women, when they are reported, the victims do not avail themselves of the services available.

New Jersey's extensive domestic violence network is underutilized by older adults. Older women historically have not been served nor have they sought shelter services for numerous reasons including the level of noise in the shelter, too many children in the shelter, a lack of handicap access in the shelter, a lack of privacy in the shelter, a lack of personnel with an understanding and a sensitivity to the needs of older adults, a lack of licensed staff available to administer medications, and even that there are too few older women on staff.

When a complaint is brought to court by an older victim, the experience of the domestic violence staff is that the judiciary and law enforcement officers are often reluctant to remove the older abuser from their home. This may be due to their belief that the older couple will work out their differences and that their belief that there is a lack of services in the community, like housing, for the batterer. This limits the options to the victim. It further victimizes them. In order to escape their abuser, the victim's only option is to enter a domestic violence shelter, which has been documented as not appropriate to serve their needs. More often, they choose no services or get no relief from their abuser.

Clearly we have categorized our problems and our service delivery systems. Namely, we have domestic violence programs for victims and abusers,

we have Adult Protective Service Programs for neglected or abused vulnerable adults, and we have aging services for every one over age 60. But the reality is that these victims don't quite fit these categories. They are older, they are vulnerable, and they are abused by their spouse.

New Jersey Adult Protective Service statistics show us that in APS cases in 1995 involving a perpetrator, 85 percent of the abusers were related to their victims. These offenses, physical and psychological abuse, were committed by family members. Domestic elder abuse may have the same factors presented that constitute an offense under the Domestic Violence Act. That's why when we do our training, we talk about the laws. We don't just talk about the APS statute, we talk about the domestic violence statute. We talk about assault. We talk about the criminal statutes as well.

A national survey conducted by the Women's Initiative of AARP asked domestic violence programs, state units on aging, attorney general offices, and others what services were needed for older battered women. The three highest responses were housing, supportive services, and legal services. It is a priority that we open the access to the statewide domestic violence services to older and vulnerable adults and that we make these services user friendly to a minority population who have been unable to access these services in the past.

Through collaborative efforts with the New Jersey Association of Area Agencies on Aging and the New Jersey Coalition for Battered Women, we have identified specific target points that we would like to focus on that might reduce the barriers to services experienced by older women. These points build on the strong services that are currently in place. They include regional cross

training for domestic violence, adult protective service and senior services staff-- They include county-based coalition building among the service network, including more representation on the county working groups, and a recognition that services for older domestic violence victims need to be delivered in a different way. They need to be reframed and repackaged by offering a multidisciplinary case management to address the older victims' needs in their home while the abuser is relocated with court order counseling services.

APS programs and programs for older adults traditionally deliver services in the client's home including meals, money management, home health, homemaker, and chore services. The option of wraparound services in the victim's home may better serve the older domestic violence victim. This may present a challenge to the shelter staff, who I have to say are committed to serving this population but just can't. As Jackie said, they have self-help groups and support groups, but it's just very hard to recruit them in because they need to see more of themselves in the mix of the shelter. But serving them in their homes may certainly offer our most isolated victims in their own shelter the services to make a difference in their lives.

That concludes my remarks. I'm happy to have questions.

MR. POMPELIO: Very enlightening, Grace. Thank you.

Anyone have any questions?

MS. MARICH: I would like to--

MR. POMPELIO: Yes.

MS. MARICH: In addition to the issues that women talk about when they come to shelters of not having other people like themselves visible

or, you know, not feeling as if staff can understand their issues, there's a safety factor. We have a woman in a shelter today who's walking with a walker and doing that very fragily. We have 11 children under the age of four. There's a safety factor there because those kids are all over, and no matter how many mothers are in the building, you know, they become a pack of four-year-olds instead of individual children. It's very dangerous for them.

MS. EGAN: Yes. I know we've talked about this in the past, and the idea that an older woman is also a challenge in terms of incorporating them into the shelter even if they are healthy and fully ambulatory. There's no doubt about it, it's just not the best setting for them. And it would probably be a unique situation if it worked. And so that's why the idea of support groups is helpful to get the word out there to let them recognize their options, but at the same time, some batterers need to be removed from the home. The victim needs to be served in that setting.

MS. MARICH: Right, and home visits are not outside of our realm. They are occasionally done with women who have relocated by themselves.

MS. EGAN: And at the same time, I understand that there's also the protection issues of the staff in going outside the shelter. And so I think it's got to be a combination. There are services from the Offices on Aging. There are services from Adult Protective Services. And I think the combo of that network, working together, would certainly serve the older victim much better.

MS. CROWLEY: Thank you.

MS. EGAN: I have these written--

MR. POMPELIO: Thank you.

MS. EGAN: --testimonies as well.

Thank you.

MR. POMPELIO: Anyone else have any questions? (no response)

Thank you.

MS. EGAN: Thank you for hearing me today.

MR. POMPELIO: Mr. Alan Rosenthal.

A L A N J. R O S E N T H A L: Thank you.

Sorry I was out in the hall earlier when you called me earlier. I appreciate your letting me come back and present what I need to present.

My name is Alan Rosenthal. I'm a victim of domestic violence. After I became a victim and went through the court and began my journey through the court system, I took it very seriously, because I found out that my attorney didn't really know too much about it. When I was frantically explaining to him what happened in my home and in my office, he didn't really seem to have a take on it. And so what I decided to do at that time is educate him, and I became, in the last two years, a self-proclaimed expert.

I don't think anybody can do as much research as I've done, and I do my research very well and unbiased looking into the situation, and what I found out was rather appalling. I found out one thing as I've been speaking in going around the State -- actually a couple of different states -- and speaking to various groups. I hear a lot of men who are victims. I hear a lot of men who are also perpetrators.

As a man who is looking into domestic violence against men, it's amazing how many women come up to me and tell me that they are not

getting the services that they need. That they are outgunned by the husband having a lot more money than they have and how their needs are not being met. And that's really tempered my look at things, and it's really made me very even in my research. What I'm going to present to you is not as one-sided as it may seem. I might offend some people in the room because of the -- just the way things are perceived in the field of domestic violence. But, please, hear me out, and I'll cite the sources that I speak from, and I'll entertain any questions that you have. I really do appreciate the opportunity to speak.

With all due respect to you, Chairperson Heck, you made a comment in the beginning or earlier in the session that 5 percent of cases are men in domestic violence.

ASSEMBLYWOMAN HECK: Victims.

MR. ROSENTHAL: Victims, that's correct.

We just came from October, which is Domestic Violence Awareness Month, and I had the displeasure of watching almost every cable show that there was. There are a lot of cable shows. There are a lot of things being done, and I think that's great, because the awareness against domestic violence -- and it has to be out there. The only thing as I saw a threat-- I taped some of them. I had a couple centimeter tapes. That statement, not necessarily the percentage-wise, although that does come up in every one-- Throughout a half an hour show or maybe a 25 minute show, there's usually one sentence that recognizes that men are victims. It goes something like this, "And, of course, we know men are victims, too," and then we get on to the rest of the agenda.

I have searched for the last two years for that 95 percent female victim, and if someone would send me that cite, I'd certainly appreciate it. I can't find it anywhere. I can't find it in the women's literature. I can't find it in any of the--

ASSEMBLYWOMAN HECK: We'll send it to you.

MR. ROSENTHAL: Would you, please?

ASSEMBLYWOMAN HECK: Jeremy has researched that--

MR. ROSENTHAL: If you have where that figure comes from--

ASSEMBLYWOMAN HECK: He's a very good researcher.

MR. HIRSCH (Majority Aide): Sure. I don't have it with me now, but I do have--

ASSEMBLYWOMAN HECK: But he'll give it to you. He'll get it to you.

MR. ROSENTHAL: I'll give you my address, and thank you.

I think that might be an old statistic though, and back when these statistics were brought up, I don't think research was as good as it was, and a lot of it came from women's shelters and a lot from battered women's groups.

I want to tell you something about New Jersey. I've begun a nationwide study state by state, and it's kind of interesting. But I want to focus on New Jersey because that's what we're dealing with. And New Jersey is also a forerunner-- Actually, I think that you could have a fight between who wants to be the forerunner, New Jersey or Pennsylvania.

ASSEMBLYWOMAN HECK: Alan, I'm not going to cut you short, but what I would like you to focus on -- because again -- what is needed from the male perception--

MR. ROSENTHAL: Okay.

ASSEMBLYWOMAN HECK: --of victims. Because the percentage is not the most important thing, because even if it was 1 percent that 1 percent is important to us. The percentage number is not of importance. The victim and the needs are important. And there have been some thoughts placed in that area that more attention should be given to male victims and that there is a certain embarrassment sometimes on the part of males coming forward to present their problems and that there is a need for a shelter, so to speak, for male victims. But again, I want to assure you that we're not making the pain of a male victim any less than a female victim. That is a given because this group will not say that or feel that. But I do want you to focus on what you think the needs are. We will not argue the percentages, because, again, they're secondary to the needs of the male victim.

MR. ROSENTHAL: Okay.

ASSEMBLYWOMAN HECK: Thank you.

MR. ROSENTHAL: All right. Thank you.

I will do that. I need to--

ASSEMBLYWOMAN HECK: That's okay. That's fine.

MR. ROSENTHAL: --make one statement of fact and--

ASSEMBLYWOMAN HECK: Sure.

MR. ROSENTHAL: --then I'll present that. Just how great the problem is, in 1996 -- I know you don't want statistics, but I just have to give you this little bit -- there were 85,000 reported cases of domestic violence in the State of New Jersey. That's from the New Jersey State Police reports, okay. Twenty percent of the victims were male. That's 17,000 victims. From 1983

to 1996, the figure starts at 85 percent, back to 1983, as female victims and 15 percent is male victims and has been a rising number of male victims percentage-wise and a decreasing number as female victims.

Right now there is \$3.5 million to \$4 million in VAWA funding coming into the State of New Jersey. There is not one dime spent for male victims in that area except for in very limited cases in the gay community. Really, that's near New York City mostly. It's in the northeast New Jersey counties, I think there's something or another. But as far the mainstream for men, there is not one. In the New Jersey budget, there is \$8.5 million -- I went line by line -- there's \$8.5 million dedicated towards women's programs. There's not one dime outside of something in a prison program for men.

Yes, there needs to be shelters. The 20 percent that we talked about, you alluded to it, it's a highly stigmatized thing. It's much higher than that. More than shelters though-- Men seem to be pretty resilient. I see them going broke left and right after being accused of domestic violence. The courts-- I guess maybe-- I can just really-- From today's testimony, it was kind of obvious-- Janice Mitchell Mintz in the Attorney General's Office -- this is a quote from her today, that their program addressed "victims including both women and children." That's prevalent. That's prevalent from the Attorney General's Office. That's prevalent from the AOC. That's prevalent in the law enforcement community where I do a lot of my work with law enforcement. I speak with officers every day. It's get the man out when you go out to a DV. It's an unwritten rule. They can't put it in there. It's get the man out. That's the way they're trained.

We all know about the horrors back a couple of years ago with the AOC -- presented-- And I have those articles from *New Jersey Law Journal*. It's get the man out. A man cannot go into a domestic--

ASSEMBLYWOMAN HECK: Let's get-- Let's get--
Please, go ahead, Neil.

ASSEMBLYMAN COHEN: Maybe I can-- I'd like to talk to the assembly.

MR. ROSENTHAL: Sure.

ASSEMBLYMAN COHEN: In terms of the male perspective, are you speaking about men who are defendants in domestic violence, or are you speaking about men who are not alleging domestic violence because the system is not going to work for a man who does come-- Many men will not go to court alleging they've been the victim of domestic violence. They won't.

MR. ROSENTHAL: That's correct.

ASSEMBLYMAN COHEN: I haven't had a male domestic violence proceed to court, but I've had discussions with clients. Generally, men won't seek alimony in a matrimonial case even though, if the facts were reversed, the other spouse would be seeking the alimony, because the male mentality is that's not -- "I don't want to do that even though I maybe entitled to it." Now, are you speaking about men who have been victims of domestic violence in the house to the same extent that a woman may be? A spouse who cuts up the man's clothes or takes the phone out or changes the phone number without telling anybody or, you know, disperses -- goes out and charges \$3000 on a credit card just out of, "I'm going to get you back," and then says, "I'm going to go out and buy \$3000 worth of jewelry," which is essentially financial

harassment-- Are you speaking about that, or are you speaking about men who are defendants? Because I can't tell right now where you're going.

MR. ROSENTHAL: Okay.

ASSEMBLYMAN COHEN: I think the Task Force and I know I would like to know which side of the coin we're on. I know that men that would want to allege domestic violence and get a restraining order from their wife face more unique situations than a woman will. You have a woman at home who, let's say, doesn't have a job but is raising two infants. Is the court going to say, "Throw her out of the house"? What happens with the two infants? So you almost get a situation where a man could not get a restraining order or does not want to proceed with one because he's already spoken to an attorney who says, "You're right, but I don't think the judge is going to toss your wife out who doesn't have a job, and a two- and three-year-old that doesn't have any pre-K or child care or school." So men don't pursue it. Are you talking about both? One, because I'd like to know where you're going.

MR. ROSENTHAL: All right. I appreciate that. I am talking about both. There's a lot of false allegations which is not what I'm here to discuss today. That does need to be addressed at some point.

ASSEMBLYMAN COHEN: Then what would you like to refine for this Task Force?

MR. ROSENTHAL: But there are victims and the problem-- As I talk to more and more men, they don't know that they can do something. I mean, if you look at it, you got billboards, you got brochures, you got everything and women-- I mean, you've done a great job. Okay, women know that they can get the services out. That still needs to be done. More people

need to know about it. Men don't know that anything-- As a matter of fact, most men that I speak to, they're aware of these pamphlets that are put out, Division of Women, and everything else, and they feel that they don't have access.

When the police do come out, if you have a mutual -- an argument, something that's gone or somebody has called 911 or something, the man could very well be the victim. There will probably be a cross complaint. He'll end up being a defendant as well.

ASSEMBLYWOMAN HECK: I think-- And I'm going to stop you there. The man may very well be a victim. The man is possibly a victim, but let's know that historically that has not been the case. The reason why women banded together to move in the direction of saving victims is because very dramatic things occurred, and women were pushed aside by law enforcement for years, for decades.

MR. ROSENTHAL: I'm not arguing that.

ASSEMBLYWOMAN HECK: I have not been approached -- and I've been working with this and I don't know about Neil, maybe Neil has -- by men who've come in and had their lives disrupted to say, "I need help." Now if a man came and said, "I need help," he would get it. I have not had one case, one instance in my entire -- which is short, seven years -- come into the Assembly Office and say, "Please, Assemblywoman, know that there is a need out there for men, because we are being, you know, not looked at in a positive way." I have seen through testimony where law enforcement officers in some rural districts have put aside and set aside women who have been shot at, beaten, abused, and saying, "We know how you feel about this, guy, because

she really deserved it.” I know that. I know that. So it’s been-- The percentage has been more in that area dealing with man-taking-care-of-man situation than the other way around. That’s why women became involved to say we should be treated equally and gender inclusive, and that’s our feeling.

But, again, what we’re asking you to do is, if there is a need for male protection for a male perspective, point it out and we’ll address it.

MR. ROSENTHAL: Okay, that--

ASSEMBLYWOMAN HECK: That’s what we’re here for. But don’t say “most times, many times when they go in,” because then you’re already putting me on the side that I’m saying, have you really been around that long and seen the percentage of cases, have you really seen these victims, because it is percentage-wise, the female of the species and the children who have problems. But if there is a male view, please present it now without putting a kind of a spin on it that kind of brings down the female side. Thanks.

MR. ROSENTHAL: All right. Well, I’m sorry. Yes, I appreciate that, and I’m sorry that you were offended. I didn’t--

ASSEMBLYWOMAN HECK: Well, I am.

MR. ROSENTHAL: I didn’t mean to minimize--

ASSEMBLYWOMAN HECK: Please don’t.

MR. ROSENTHAL: --the plight of women.

ASSEMBLYWOMAN HECK: Okay, because you’re saying, well, you know, they never did this, they never did that. That’s not what we’re here for today. We’re here, from today on, what would you like to have happen?

MR. ROSENTHAL: Right. Well, that's what-- Thank you.

ASSEMBLYWOMAN HECK: That's what I'd like you to address.

Please do.

MR. ROSENTHAL: Okay. For the 17,000 male victims of last year--

ASSEMBLYWOMAN HECK: Fine.

MR. ROSENTHAL: --I would say it would be great if we had those brochures out there, if there was a division of men and women, if there was a coalition of battered women and men, if we started working together to stop domestic violence in the home against both women and men.

ASSEMBLYWOMAN HECK: Did you know that generally speaking those groups were put together by victims? So I would suggest to you that you begin to put a group together.

MR. ROSENTHAL: Well, we have no funding, and that's what I'm coming here for. I'm coming here to tell you that there's no funding and there's nothing being done, and it's given short shrift. In other words, we have 5 percent of cases are male victims; that's not a fact in New Jersey. We're given a short shrift on it. So I'm coming to the Assembly. I don't have a plan. I don't have a business plan and operations plan. I'm telling you that we-- There's nothing there for men. I think that what women do is great, and I said that, and I said it's necessary. There's nothing that I've said today that minimizes the plight of female victims.

ASSEMBLYMAN COHEN: Let me just say something. I mean, the law deals with a battered spouse. The law doesn't refer to battered-- It's not battered women--

MR. ROSENTHAL: But the legislative intent is not like that.

ASSEMBLYMAN COHEN: But listen to me. As the Chair indicated, the way a lot of these groups developed was not because there was any funding. I mean, maybe you're assuming-- I have a proposal-- There's a-- Some of us have bills in, that are now in the Senate, which provide for a checkoff. Assemblywoman Gill and myself have a checkoff concerning funding from refunds, the State allowing you to give \$1, \$2, \$5, \$10 to help fund battered women shelters.

But before that occurred, women got together without any money to develop groups to try to resolve it. They didn't walk in and all of a sudden they got \$5 million. There was a long process where women had no money, no access, no political clout, and put together shelters and hot lines and advocacy groups without a dollar. So I don't want you to have the impression that because there's a Division of Women or there's money for battered women shelters, battered shelters that this disparate view has been intentional. They started out with nothing. If you're going to be an advocacy group -- which you should be -- you may have to go through the same process as women did historically without any money. But going to women's groups and speaking, going to the libraries and speaking, going to certain places and having women be aware, using other women organizational structures that were nonbattered related to put things together-- But they didn't just walk in on one day when battered women was an issue and everybody said, fine, we have \$25 million available for shelters, for pamphlets, for hot lines, for 1-800 numbers.

MR. ROSENTHAL: I appreciate that.

ASSEMBLYMAN COHEN: So, you know--

MR. ROSENTHAL: I appreciate that advice.

ASSEMBLYWOMAN HECK: And perhaps--

MR. ROSENTHAL: I guess I'd like to close my comments--

ASSEMBLYWOMAN HECK: And just to add, perhaps to add to that. If you seek the advice of the groups, they might give you some of their expertise in seeking a grant or expanding or accessing their own programs, such as ADV. Because that is not just female oriented.

And, Deb, when he's finished, maybe you can explain that to him a little bit.

Okay, go ahead.

MR. ROSENTHAL: Okay. Basically, I'm just going to close out with-- I mean, I've taken what you've said very seriously. The comments from the AG, where it says including women and victim -- I guess the only thing I wanted to leave you with, without taking up any more of your time, is that that type of comment has to stop. There has to be a recognition through law enforcement, through the judiciary, through the Legislature -- women, men, and children.

ASSEMBLYWOMAN HECK: And just again, as a point of information--

MR. ROSENTHAL: And that's what I'm ending on.

Thank you.

ASSEMBLYWOMAN HECK: --we had a day of remembrance sponsored by the Federation of Women's Clubs, the Battered Women's Coalition--

MR. ROSENTHAL: Silent witness?

ASSEMBLYWOMAN HECK: --and conglomerate-- And were you there?

MR. ROSENTHAL: Was that silent witness?

ASSEMBLYWOMAN HECK: No. The day of remembrance that was publicized for the State of New Jersey, October 15. And had you been there, there was a cutout of a man, a woman, and two children, and it said, "Every man, every woman, every child."

MR. ROSENTHAL: That's good. Thank you. No, I wasn't there.

ASSEMBLYWOMAN HECK: So I mean-- So don't think that we're not addressing the entire spectrum, because we are. But, again, know that there are positives and that you have to also become a participant in the positive. And if you leave your address, I'll send you a copy of the newspaper that was put out that day.

MR. ROSENTHAL: Thank you very much.

ASSEMBLYWOMAN HECK: You're welcome. And I'm glad you came forward.

MR. ROSENTHAL: Thank you very much.

ASSEMBLYWOMAN HECK: You're welcome.

MR. ROSENTHAL: Is there any questions?

ASSEMBLYWOMAN HECK: Any questions? (no response)

Debbie, would you like to just-- A little bit--

MS. DONNELLY: I just wanted to tell you that there are many services and programs statewide, and I believe we could get you a list of those resources where there are services available to men, not just men who might be perpetrators--

MR. ROSENTHAL: Sure.

MS. DONNELLY: --or seeking counseling services for that problem, but also as victims of domestic violence. When I go out and train on the topic, while I do give them statistics, I do talk about looking at particularly police training -- looking at other things other than injuries and the nature of injuries. We have police talk about that. We talk about trying to investigate a case and see who -- look at how we're in control and who might have the power and the control in that relationship, because we understand that battering is just one of many coercive tactics that are used by someone against another person. So we try not to be gender specific and tell them to rather look at dynamics, which could apply either way but most often and historically have been where females are victims, but not to discount the possibility that the victim in the particular situation might be a male.

But we do-- We haven't had any in recent history -- battered men's groups. While we have eight men's groups at our agency, we haven't had the staff, and we haven't had the need to create a group, but we do work with males who are victims, certainly on an individual basis. And if there were a number and we had the ability to create a group for that, we would do that. So that's kind of how it is. There are services out there, you just need to access them.

And I have to agree with you that there's also an additional stigma in a man coming forward to say that he's a victim. We recognize that as well. It's hard for anyone to do that, but it's, you know, perhaps-- I don't want to say doubly difficult, because it's very difficult for a female victim. But it is

difficult to admit that you are the weaker party in a particular situation. So I employ your courage in coming forward today--

MR. ROSENTHAL: Thank you.

MS. DONNELLY: --and thank you for your input.

MR. ROSENTHAL: Thanks. See, I just went to work the next day. I didn't call the police. You know, bruised shins, kicked shins. I just went to work and thought that it would work out, you know, but it didn't. It never stopped.

All right. Is that it?

ASSEMBLYWOMAN HECK: Leave your name and address. We'll make sure you get more information--

MR. ROSENTHAL: I certainly will.

ASSEMBLYWOMAN HECK: --and this way we could have a dialogue outside of this Task Force.

MR. ROSENTHAL: Great. Thank you very much.

ASSEMBLYWOMAN HECK: You're welcome.

MR. ROSENTHAL: Okay.

ASSEMBLYWOMAN HECK: Take care.

MR. ROSENTHAL: And I'd like to say that I have to go, so thank you.

ASSEMBLYWOMAN HECK: Okay. Thank you.

MR. ROSENTHAL: Thank you, everybody.

ASSEMBLYWOMAN HECK: Barbara Price, the New Jersey Coalition for Battered Women.

B A R B A R A M. P R I C E: Thank you. I'm happy to have this opportunity to address the Task Force on issues that we're concerned about that are affecting victims of domestic violence. I'd like to begin with several areas that I believe can be addressed through legislation.

The first is Assembly Bill No. 1347, which creates the Address Confidentiality Program. This Program would go a long way towards helping victims of domestic violence remain safe from batterers. Although no one can guarantee that a batterer will not locate a victim, use of an alias address for public documents and first-class mail will provide a strong measure of protection to victims who have relocated in an attempt to end the violence in their lives. As you are probably aware, it is upon separation from the batterer that victims are at their highest risk of death or serious injury. Up to 75 percent of all domestic assaults reported to law enforcement agencies were inflicted after the separation of couples. In one study of spousal homicide, over half of the male defendants were separated from their victims, and 73 percent of battered women seeking emergency medical services do so after separation.

Moreover, passage of this legislation would protect victims who would gladly seek child support from their batterers if they were assured that their location would not be divulged through the process, thereby placing them at increased risk. With the possible exception of victims who flee to another state for safety, the Address Confidentiality Program would allow battered women who are in serious danger to still seek child support. This will also assist the State in meeting its Federal child support mandate to identify 90 percent of noncustodial parents.

The primary sponsors of A-1347, Assemblyman Stuhltrager, Assemblywoman Crecco, and Assemblywoman Allen have requested that Assemblyman Collins post the bill in the Assembly for a vote without additional committee hearings. The Coalition asks that this Task Force make the same request as soon as possible.

The second area of concern also impacts victims of domestic violence after they have been separated from the abuser. The New Jersey Legislature attempted to address the tension between dissolution and nondissolution laws and the particular needs of victims of domestic violence by separating domestic violence situations from those parent-family matters in which domestic violence is not a factor. The PDVA provides access to short- and longer-term economic relief, sets up a presumption of custody to the nonabusive parent, and limits the relevance of a victim's departure from her previous residence. Unfortunately, once the parties leave the arena of the Prevention of Domestic Violence Act, there may be a lack of recognition given to the individual's status as a victim of domestic violence in subsequent family court proceedings which happen outside the domestic violence docket.

The presumption of custody applicable at the final domestic violence hearing is not currently incorporated in New Jersey's dissolution and nondissolution laws and procedures. As a result, the legislative presumption of custody based on the recognized correlation between domestic violence and child abuse may not be preserved in subsequent dissolution or nondissolution proceedings. Moreover, even when victims are granted custody, if they wish to relocate out of the State for safety reasons, they are not afforded special considerations. Rather, they are subject to the same standards for removal as

are parties in cases where domestic violence is not a factor and, in fact, may become the target of parental kidnaping charges when they flee the State for safety reasons.

The Coalition recommends that statutes concerning custody, visitation, and wrongful interference therewith include domestic violence as an aggravating factor that would receive presumptive weight by the courts and other individuals and agencies involved in the decision-making process. At a minimum, the presumption of custody to the nonabusive parent that exists in the Prevention Domestic Violence Act should be recognized in laws governing dissolution and nondissolution.

Similarly, New Jersey's newly adopted revised Child Support Guidelines do not currently distinguish between victims of domestic violence and other potential child support recipients with regard to the determination of appropriate awards or more specifically with regard to application of the new shared parenting and visitation adjustments. The allowance of such an adjustment to a support award for a victim of domestic violence and her children could prove to be another means for abusive partners to use the courts to harass her by filing motions to reduce child support based on claims of increased visitation. Conversely, battered women will be less likely than other custodial parents to file for increased support in the event of chronic missed visitation due to their fear of the batterer.

Because partner abusers are often child abusers as well, battered women who try to protect children through infrequent or supervised visitation will have an additional obstacle to overcome because the new guidelines provide monetary incentives for frequent visitation. This incentive applies

regardless of the quality of visitation or whether a genuine interest in visitation exists. Also, to the extent that the new guidelines result in an overall decrease in child support for families with more than one child, battered women may be pushed towards returning to the abuser for financial survival, a major reason why women do not successfully escape abuse.

The Coalition asks that the newly adopted New Jersey Child Support Guidelines exempt victims of domestic violence and their families from shared parenting-visitation adjustment provisions that could reduce their support and might place them at greater risk of harm.

The last area to be affected by legislation that I'd like to talk about is child support enforcement under Work First New Jersey. I understand that legislation must be introduced and passed by December 31 of this year to bring New Jersey law into compliance with new Federal child support requirements. How it will affect the current Work First regulations governing child support enforcement remains a question. We will need to carefully review this legislation when it is introduced to assess its impact on victims of domestic violence. The current regulations, which are still being revised I understand, are very ambiguous concerning good cause exceptions for not identifying the father when the Work First applicant is a victim of domestic violence, rape, or incest. While these good cause exceptions are allowed and have been part of Federal law for some time, the New Jersey regulations are not clear on how to establish or corroborate good cause. In fact, the regulations say that even if good cause is determined, the welfare agency may pursue child support anyway if they decide there will be no harm to the parent or child. This rather defeats the purpose of good cause.

ASSEMBLYWOMAN HECK: Barbara, may I interrupt. Because that is such an important point that you've raised. You're talking about legislation, or you're talking about regulation? Are they doing this--

MS. PRICE: Both.

ASSEMBLYWOMAN HECK: --through regulation and now--

MS. PRICE: Right now, it's being done through regulation, but there's supposed to be legislation that has to be passed by December 31 in order to bring the State into compliance. I've gotten different answers from various people in the administration on whether that will affect the regulations or not. Some say it won't, some say it will. Some say the regulations will have to be redone once the legislation is passed.

ASSEMBLYWOMAN HECK: Have those regulations appeared in the *Register*?

MS. PRICE: Yes. September 15.

ASSEMBLYWOMAN HECK: And it's already been done? And when is the time--

MS. PRICE: You had your time to come in up until October 15.

ASSEMBLYWOMAN HECK: Okay.

MS. PRICE: But--

ASSEMBLYWOMAN HECK: And you did comment?

MS. PRICE: Yes. Endlessly.

ASSEMBLYWOMAN HECK: Okay. So the point--

MS. PRICE: And I've even had meetings with Karen Highsmith about it, and I've talked to Bill Waldman, as recently as last Wednesday, about it again, and I understand they are being revised. I've heard from somebody

yesterday that there is a printing of the new proposed ideas, but this is an attorney that works on this all the time, and she told me she still thinks it's unclear. They go into effect January 1. I don't know where they stand because I haven't had the opportunity to review the latest changes.

ASSEMBLYWOMAN HECK: I think it's important for us to get a copy of those as quickly as possible so that we can look at it.

Neil, we'll have those copies--

ASSEMBLYMAN COHEN: Sure.

ASSEMBLYWOMAN HECK: --distributed. And from an Assembly standpoint, let's look at it quickly and make our recommendations -- even if we just have to discuss it over the phone in a conference call -- because this is just too important a matter to just let slip by.

MS. PRICE: One of the major pieces in it is that New Jersey is one of only two states in the entire country that at this point requires an absolute naming of the father. If you don't know both the first name and the last name and that can't be corroborated, you're not going to get welfare.

ASSEMBLYWOMAN HECK: And we're talking about even in battered situations where the woman--

MS. PRICE: Doesn't matter.

ASSEMBLYWOMAN HECK: --is afraid?

MS. PRICE: It doesn't matter--

ASSEMBLYWOMAN HECK: Doesn't matter. You consider it all.

MS. PRICE: --who it is. If you can't name the father, both first and last name, and that can't be corroborated, you're not going to get welfare. And, you know, we all know there are situations like that.

ASSEMBLYWOMAN HECK: But that was again in the regulation?

MS. PRICE: That's in the regulations, right.

ASSEMBLYWOMAN HECK: Okay. Then maybe it's--

MS. PRICE: Massachusetts has already been sued over this.

ASSEMBLYWOMAN HECK: Well, maybe as Assemblypeople we should address that as well.

MS. PRICE: Now I understand that that has been changed--

ASSEMBLYMAN COHEN: Was that part--

MS. PRICE: --in the latest revision of the regulations, which I haven't seen, but it is still not real clear that this absolute naming has been lifted.

ASSEMBLYMAN COHEN: Was that part of the 1991 law in the regulations that ensued on welfare?

MS. PRICE: It's part of the regulations that are currently being done as a result of the welfare legislation that was passed earlier this year.

ASSEMBLYWOMAN HECK: Perhaps we should also ask that the Division on Women get a copy of that and review it from their standpoint. I think it is important that we approach this from several levels including the organizations and the attorneys, as well as the Assemblypeople, because it's too important a matter to just slip by.

MS. PRICE: So, at this moment, we don't really have any recommendations on legislation in this area. I would like to reserve judgement until we see the law or the legislation that's supposed to be introduced. And we'll also be monitoring Work First as it is implemented to see that, in fact, all of the pieces that are available to victims of domestic violence under the family option are actually being implemented and victims are allowed to avail themselves of those pieces.

I don't think that our remaining issues that I would like to address could be fixed through legislation. However, the Coalition is concerned about policies and practices of State government that we believe ultimately affect domestic violence victims. National experts agree that the best way to eliminate domestic violence is through a coordinated community response. This means that everyone who encounters a victim and/or perpetrator from hot line workers to police, prosecutors, judges, counselors, health care workers, and others need to work together and have the same primary goal. And that primary goal must be safety for the victim and accountability for the batterer.

A recent Trenton *Times* article by Irwin S. Stoolmacher states, "There is clearly a growing consensus among policy wonks and practitioners that our nation's most intractable problems require solutions that transcend sectors. 'Alone, no one sector -- government, business, or social -- can meet the needs of family, children, and community,'" which was said by Frances Hesselbein of the Peter Drucker Foundation on Nonprofit Management. "Nevertheless, you can count the number of successful cross-sector partnerships on the fingers of one hand. Peter Drucker points out that in collaborative relationships, 'No one controls and no one commands. These

relationships have to be based on a common understanding of objectives, policies, and strategies on teamwork, on persuasion, or they do not work at all.” This kind of cross-sector collaboration has been a hallmark for New Jersey in the past. Now let me give you an example.

ASSEMBLYWOMAN HECK: Barbara, you have an in-depth written piece of testimony. Could you kind of condense, and then we will, in turn, look at it, no doubt.

MS. PRICE: Okay.

ASSEMBLYWOMAN HECK: But focus on what you consider the most imminent and important needs that we can address, because we will be meeting-- And I hope that we can meet twice in January and look for an early January meeting. So if you would--

MS. PRICE: Okay.

ASSEMBLYWOMAN HECK: --concentrate on that area, and then we'll-- Because since you are an advisor to this group--

MS. PRICE: Right.

ASSEMBLYWOMAN HECK: --we can prioritize what you have placed in here, and we can meet outside of this Task Force and look at some solutions for when we come back in January and some of them before January, as we meet legislatively and as chairs.

MS. PRICE: Okay.

ASSEMBLYWOMAN HECK: Thank you. Go ahead.

MS. PRICE: Well, I just--

ASSEMBLYWOMAN HECK: The priority is the Work First.

MS. PRICE: Work First. But also another priority is funding and how that funding is administered. We've heard a lot of talk this morning about the VAWA legislation. I'm also concerned about VOCA and the Victims of Crime Act funding, all of which are administered by the Division of Criminal Justice. Most of the money basically that comes from VAWA, even though it has specific percentages on it, is really staying at the State level. And the VAWA funding was intended to get out there into the community to assist police, to assist prosecutors, to assist victim services.

The competitive grant process that has been set up for the VAWA funding really hinders any kind of ongoing projects. And that goes across the board for all of these grants. For instance, one grant program has received an announcement about -- in April of this year. The funding came from Victim-Witness Advocacy funds and from VOCA. The Victim-Witness Advocacy Fund grant period was from July of last year through June of this year. Remember, we got the grant application in April.

ASSEMBLYWOMAN HECK: Yes.

MS. PRICE: The VOCA funding was from October of last year through September of this year. The grant was due in May. By the time the funding was awarded, it was either past the grant period or with only two months remaining in the grant period. It's almost impossible to plan for victim services when you're working with backloaded funding like that.

ASSEMBLYWOMAN HECK: Is that included in your report, here?

MS. PRICE: Yes.

ASSEMBLYWOMAN HECK: So we can have staff begin to question--

MS. PRICE: Right.

ASSEMBLYWOMAN HECK: --the procedures and why it's happening that way and the difficulties involved.

MS. PRICE: We also don't get information on these grants--

ASSEMBLYWOMAN HECK: Say that again, Barbara.

MS. PRICE: We also don't get information on the grants. When there was a loss in funding from the Witness-Advocacy fund in 1994, the Governor appointed a special cabinet-level Task Force to investigate. There was supposed to be a report by January of '95. To date, we've had no report.

ASSEMBLYWOMAN HECK: Would you make a request that we would like a copy of that report -- that overdue report.

MS. PRICE: In addition, we really don't know what is planned for the 1997 VAWA funding. There's an advisory committee. Part of the legislation is that the State must work collaboratively with victim service providers on the committee. The decision is going to be made by the Attorney General, and the committee doesn't even know what we advised. I was very interested to hear--

ASSEMBLYWOMAN HECK: How can you make that statement, the committee doesn't know what the committee advised?

MS. PRICE: We don't know what was sent to the Attorney General or what was recommended to--

ASSEMBLYWOMAN HECK: Oh, you mean you don't have copy of it?

MS. PRICE: No.

ASSEMBLYWOMAN HECK: Oh, but you had the input?

MS. PRICE: We don't know what the committee supposedly recommended to him.

ASSEMBLYWOMAN HECK: Did you have input into whatever was going to be determined? Was it the Chair who was making the advisory?

MS. PRICE: We don't know. There were meetings held. Various groups came and made presentations. We voiced our opinions, and then something went to the Attorney General, but we don't know what.

ASSEMBLYWOMAN HECK: Why don't we request a copy of that from the group.

MS. PRICE: I was interested to hear Jeff Kuhn earlier that they had submitted an application for training for judges. We had supported that application, but I understood that that had been withdrawn and--

ASSEMBLYWOMAN HECK: That's what I understood, too.

MS. PRICE: --that they had submitted, you know, substituted these two computer ones. The State has already spent \$8 million of Federal money last year -- it's in the budget -- on examining the possibility of having all of these computers talk to each other. Another \$1 million was appropriated out of the VAWA funding for '96 to do the same thing. Another grant was submitted for other funding out of the Violence Against Women Act, which the State didn't get, for \$2 million additional for these computers.

Our Coalition just attended a nine state -- nine-northeastern-state training workshop in Albany, New York, specifically on central registry. Of the nine states that were present, seven of them already have central registries up

and running. I don't need to tell you that of the two that don't, New Jersey is one of them.

ASSEMBLYWOMAN HECK: What's the other state?

MS. PRICE: I don't know what the other state is.

ASSEMBLYWOMAN HECK: Oh, okay. Just curious.

MS. PRICE: I'm sorry. I wasn't at the meeting.

ASSEMBLYWOMAN HECK: Okay.

MS. PRICE: This is information from my staffperson.

Vermont did their central registry. It cost them \$10,000. Now I realize it's a smaller state, but--

ASSEMBLYWOMAN HECK: You talk about \$11 million.

MS. PRICE: --you don't usually buy computers by the amount of data you're going to put in it other than the size or capacity of the memory. So I'm not sure what all this money is going to, and we certainly oppose any kind of additional spending on computers.

Bonnie Campbell who is head of the VAWA office in Washington has said that they discourage states from using it on computer stuff just totally.

ASSEMBLYWOMAN HECK: Neil wants to ask you a question.

ASSEMBLYMAN COHEN: Yes, I have a question. Because the statement is clear, and I think they want some issues to go by the board. You raise one issue that has enormous ramifications. New Jersey is a no-fault State. So we don't decide who gets the couch and who gets how much of the 401K, whether or not the party has been good in a marriage or bad in the marriage. So who's been good and who's been bad doesn't decide that. On the issue of child support, we're also a no-fault State. You don't decide who's the good

parent and who's the bad parent, because that is also endless litigation. You decide what are the child's needs and various other financial factors. You seem to be advocating, or it seems to appear here, that there should be some kind of punitive component of child support. And that is, if there is a battering or there is a domestic violence, that that should be some kind of factor and given special consideration on child support?

MS. PRICE: I didn't say that. I was talking about a presumption of custody.

ASSEMBLYMAN COHEN: I thought there was a special consideration in terms of -- if I read it incorrectly, I apologize-- But you're not seeking to have domestic abuse as any component in terms of the issuance of child support.

MS. PRICE: No. No. We're talking about presumption of custody to the nonabusive parent to protect the children who are in many cases often abused themselves.

ASSEMBLYMAN COHEN: Well, you reference to the extent that the new guideline results in overall decrease in child support for families of more than one child, that battered women may be pushed toward returning to the abuser for financial survival.

MS. PRICE: The way the guidelines are set up now, it is incumbent on the woman or the person-- It is incumbent on the custodial parent to go back to court to get the child support changed. Right now you get credit for visitation under the guidelines. So if you visit your children for so many hours, you don't have to pay as much child support.

ASSEMBLYMAN COHEN: It's not--

MS. PRICE: The presumption being you're paying for--

ASSEMBLYMAN COHEN: It's not the number of hours. But in other words, if you have three days-- If you have three days where you have the responsibility for taking care of the child--

MS. PRICE: Right.

ASSEMBLYMAN COHEN: --which is done to encourage the noncustodial parent to be a participant in their child's life--

MS. PRICE: Right.

ASSEMBLYMAN COHEN: --or to continue that which has been a participation throughout their entire life.

MS. PRICE: Right.

ASSEMBLYMAN COHEN: So if you-- There never had been basic consideration being given to the noncustodial parent who has to feed, clothe, provide other things for the child during that two- or three-day or four-day visitation period.

MS. PRICE: What we're saying is that if that visitation doesn't occur, nothing happens to change the child support unless the custodial parent goes back--

ASSEMBLYMAN COHEN: Goes back to court.

MS. PRICE: --to court and petitions for it.

ASSEMBLYMAN COHEN: Correct. Because we try to resolve our battles in a courtroom as opposed to on the telephone.

MS. PRICE: Right. And for a victim of domestic violence that can be a very daunting situation, because he is probably still threatening her postdivorce.

ASSEMBLYMAN COHEN: You make some assumptions. It says partner abusers are often child abusers.

MS. PRICE: Yes, they are. Fifty percent of the cases where children are abused, the women are also being abused. There is enough statistics out there that shows there's a huge connection.

ASSEMBLYMAN COHEN: Yes, I'd like to see that.

MS. PRICE: In fact, in the DYFS Child Death Review Committee Report, which reviewed 33 deaths of children in New Jersey -- found that the two largest aggravating factors of child death in New Jersey were substance abuse and domestic violence. Twelve of those thirty-three cases were in the context of domestic violence.

ASSEMBLYMAN COHEN: You know, I'd like--

MS. PRICE: There's a major connection.

ASSEMBLYMAN COHEN: --to see that because that's a rather dramatic statement.

MS. PRICE: There's plenty of statistics out there on that.

ASSEMBLYMAN COHEN: I'd like to see it.

MS. PRICE: Tons of it.

ASSEMBLYWOMAN HECK: Could you make that available to the Task Force?

MS. PRICE: Sure.

ASSEMBLYWOMAN HECK: Thank you.

Again, when we review this -- and we'll meet after this meeting if you have a few minutes--

MS. PRICE: Right.

ASSEMBLYWOMAN HECK: --and we'll meet in my office.

MS. PRICE: Right. Okay.

ASSEMBLYWOMAN HECK: Thank you.

MS. PRICE: Thank you.

ASSEMBLYWOMAN HECK: Any other questions for Barbara?
Ellen.

MS. CROWLEY: I have a comment to make on the paragraph
that you placed at the back of the page about UMDNJ and the training.

MS. PRICE: Right.

MS. CROWLEY: Would you like me to address it later?

ASSEMBLYWOMAN HECK: No. No. If you want--

MS. CROWLEY: The Violence Institute put on a conference for
violence against women in October which gave domestic violence specialists
credit. Out of that conference, one of the State Troopers approached the
Violence Institute for a training -- a trooper training -- for rural New Jersey
State Troopers who act as municipal police. He wanted it before the holidays,
because he felt that his troopers were going to be responding to domestic
violence disputes.

We put together a two-day intensive package. Marcia Seal
(phonetic spelling) is going to be a participant. She's one of the--

MS. PRICE: Right, which she just found out yesterday -- last week
that she was-- Her name had been on the list, but we didn't know that.

MS. CROWLEY: Okay. Wendy Skiba-King, who is the
Chairperson for Violence Against Women-- How long have you been talking
with Marcia?

UNIDENTIFIED SPEAKER FROM AUDIENCE: She certainly knew before yesterday. We had the problem of whether it was going to be canceled or not, so in fact it wasn't finalized.

MS. PRICE: It was about a week ago, I guess, that she heard about it.

MS. CROWLEY: Okay. We have a specialist who is a Ph.D.-- He's a social psychologist in nonverbal communication who does trainings for the FBI, Scotland Yard, and the AFT on deception and reading nonverbal cues. He's an expert in the field. We have a police officer and master's level psychologist, Barry Johnson, from Englewood Police Department who is going to talk on batterers. We have an ex-policeman who is an expert and a Ph.D.--

MS. PRICE: I've seen the list just yesterday of who is going to be present. Our concern is that this might be the training the State Police is supposed to be doing under the VAWA grant that they have. They are also supposed to be coordinating any training that they do with Criminal Justice. When we checked with Criminal Justice, they weren't even aware of it. They hadn't heard of the training, didn't know anything about it. It also was billed to us as an advance training for police. You've already heard Debbie Stone earlier and Janice Mintz testify about the advanced police training that they have developed which is an entire week. This particular program doesn't match that in any way. So that was our concern, that again the State Police aren't coordinating with the people they're supposed to be coordinating with. It wasn't meant to point any fingers. As I said later in the testimony, to anyone other than that we cannot continue to do these things in an uncoordinated, uncollaborative way.

MS. CROWLEY: Certainly. Certainly.

MS. PRICE: And when the State Police-- The Division of Criminal Justice is charged with training police. Now, I don't know if that doesn't include State Police. I've been told off and on that it doesn't, but they do serve a major portion of the State. Especially in rural areas, there are no other local municipal police. So it's incumbent on them to be getting the same kind of training that the regular police are getting. And when they are not coordinating with the Division of Criminal Justice, which is charged with training police and seeking their own training, which doesn't match what everybody else is getting, it becomes a problem.

MS. CROWLEY: It's my understanding that they are going to avail themselves of the weeklong training. The problem was that they limit that training to five or seven police officers at a time, when we're going to be instructing fifty. So they wanted an intensive training, but they also are going to do the biannual weeklong training.

MS. PRICE: Right. But this-- The training that they are going to get at UMDNJ is not police based in the sense that it goes over these intensive police techniques and, you know, requirements. I've seen the outline for the weeklong training. I've participated in the pilot program, and it's very much oriented toward police procedure, laws, regulations, and that kind of thing. The training that's going to happen at UMDNJ was not in that vein. It's more of a social work kind of approach.

MS. CROWLEY: We're having judges' panels, and we're having prosecuting attorneys talk. We're also having the State Trooper who does trooper safety and speak on--

ASSEMBLYWOMAN HECK: I don't think we should--

MS. PRICE: That isn't the debate.

ASSEMBLYWOMAN HECK: --evaluate. No, please.

MS. PRICE: The debate is whether they have coordinated it--

ASSEMBLYWOMAN HECK: The point is--

MS. PRICE: --and whether the appropriate people are--

ASSEMBLYWOMAN HECK: The coordination of it--

MS. PRICE: Yes.

ASSEMBLYWOMAN HECK: --doesn't mean that it's not valuable. I consider every--

MS. PRICE: Right.

ASSEMBLYWOMAN HECK: --piece of training valuable.

MS. PRICE: Right.

ASSEMBLYWOMAN HECK: And I don't think Barbara intended for that to be a critique of the training.

MS. PRICE: No, it was meant to say that I--

ASSEMBLYWOMAN HECK: But just that it was different and they should coordinate--

MS. PRICE: Right.

ASSEMBLYWOMAN HECK: --and follow the guidelines.

MS. PRICE: If they are assuming that this substitutes for the advanced training that they're supposed to be having elsewhere, then that's a problem.

MS. CROWLEY: No, not at all.

ASSEMBLYWOMAN HECK: Okay. Well, apparently it isn't.

MS. PRICE: And again, since we couldn't get any information about it and Criminal Justice didn't know about it, we were concerned.

ASSEMBLYWOMAN HECK: There's a lack of communication--

MS. PRICE: Yes.

ASSEMBLYWOMAN HECK: --and certainly it should be followed up.

Thank you very much, Barbara. I appreciate it.

MS. CROWLEY: May I make one more statement?

The Violence Institute wishes to network with all the community agencies.

And, Gwen, did you want to say something about the meeting that we're having?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Yes, we're hoping to have a meeting on February 6 to encourage networking throughout the State, and surveys have already been prepared to be distributed to foster that networking.

ASSEMBLYWOMAN HECK: Would you put us on the mailing list, please.

You'll see, Ellen, in your packet that we're all listed with addresses, names and addresses.

MS. CROWLEY: Yes. Thank you.

ASSEMBLYWOMAN HECK: Thank you very much.

Thank you, Barbara.

Carol Vasile, is it-- Is the last name? Is that how you pronounce your name, Carol? I always forget.

C A R O L V A S I L E: Yes, Vasile. (indicating pronunciation)

ASSEMBLYWOMAN HECK: Because I know I mispronounced it once, and now it's like I have a block.

Carol and Barbara are from-- Wait a minute now. You're a Supervisor of the Office of the Prevention of Violence Against Women.

And who are you Barbara?

B A R B A R A H O R L: I am--

ASSEMBLYWOMAN HECK: Are you the Division on Women?

MS. HORL: I am. I am the Division on Women for this moment.

(laughter)

ASSEMBLYWOMAN HECK: Okay.

MS. HORL: I am, as a matter of fact. (laughter)

ASSEMBLYWOMAN HECK: Okay, thanks.

MS. HORL: And I know that you didn't call me, but it never stops--

ASSEMBLYWOMAN HECK: Thanks.

MS. HORL: --me coming.

ASSEMBLYWOMAN HECK: I know.

MS. HORL: Good afternoon, Assemblywoman Heck, and all the members of the Task Force here assembled. I am very happy to appear before you in behalf of Linda Bowker, who is the Director of the Division on Women. I bring her regrets that she cannot be present.

Carol Vasile, as you know, is right here beside me, and we just came to give some general testimony and to tell you that the Division on Women exists to help women realize their potential and abilities so that they

may fully participate in their own lives, the lives of their families, and the lives of their communities no matter what the adversarial forces are against them.

We do this in a variety of ways through the New Jersey State Advisory Commission on the Status of Women, through employment and training programs for women, outreach to many women's constituencies throughout the State, and through the Office of the Prevention of Violence Against Women, which is our policy development arm and which implements strategies to prevent violence against women and to explore violence prevention initiatives.

Many of you have been -- I know, are extremely sensitive to the issue of violence in the careers that you have chosen. We acknowledge the importance of your work and recognize the work of past Legislatures in helping craft laws which make New Jersey one of the toughest states in the union on domestic violence. We remain hopeful, though, that collectively we can no doubt do better. This is why hearings like this are so important. The journey to safety for all domestic violence victims will be accomplished through the vigilance of those who find any domestic violence, which I might add is often violence against women, when they find it intolerable.

MS. VASILE: Just a few words about the Office of the Prevention of Violence Against Women. Part of our mission is to focus on education initiatives, public education awareness, and training to develop and implement those types of programs. We do that through a variety of ways, through doing our own training, distributing literature that you've heard of from prior speakers today, we focus on a number of areas of violence -- domestic violence being one of our major focuses -- and we also do public speaking engagements.

One of the things that we believe is very important is not only doing the work in our own office, but working very collaboratively with other government and nongovernment agencies. A recent example of that is, we received a phone call from the State Parole Board who is looking for training for the State Parole Board members and hearing officers. And when we talked about it at the Division, we thought that the best way to produce that product would be to call the Coalition for Battered Women and to see if we could partner on this type of training so that when we go forward, and we had this opportunity to speak before the Parole Board, that we really were delivering the best product with areas of expertise that were gathered through having other people participate with us, from the Coalition for Battered Women and some other people who had joined us for that effort.

So I think what we would like to do is hand out our written testimony, but really stay focused-- Our point today was to really stay focused on the idea of public education awareness and training and that we do that in a very collaborative way. We think that that-- It's not the only step in terms of ending violence, but we think it's a critical step and an important step. And we recognize that there are many other areas that you've heard from, from other experts who were testifying today, and I am sure that that will lead you in directions to pursue a lot of those areas that we've heard. So we wanted to be sure to bring out the area of education, because that is indeed what we think is very critical.

ASSEMBLYWOMAN HECK: I think a number of people on the Task Force are actively involved in that, and perhaps you might want to access them at some point. I know that Bergen County -- Debbie -- is doing school

education for the kids. Jackie, you do and have done that over the years and, Lori, you, too.

So I think again communication is very important because you don't want to reinvent the wheel, but you want to expand, make the wheel stronger and better, and then use whatever ability you have to bring it all together. And maybe you can improve upon what you have, and also spread the dollars -- the efficiency of the dollars--

MS. VASILE: Absolutely.

ASSEMBLYWOMAN HECK: --in that manner.

But thank you very much for coming.

MS. HORL: Thank you.

ASSEMBLYWOMAN HECK: I appreciate it.

ASSEMBLYMAN COHEN: Madam Chair?

ASSEMBLYWOMAN HECK: Oh, I'm sorry.

ASSEMBLYMAN COHEN: I have to go to another matter.

What I would ask is perhaps, in the drug area there is certain--

ASSEMBLYWOMAN HECK: In the what area?

ASSEMBLYMAN COHEN: In the drug area.

ASSEMBLYWOMAN HECK: Oh.

ASSEMBLYMAN COHEN: There are certain mandatory fines that are imposed -- deter penalties and a number of penalties that go to a clean and safe neighborhoods. What we may want to consider is perhaps imposing or allowing the courts to have the authority on civil domestic violence matters. The imposition of either a fine or cost -- not large because most people can't afford it, but some kind of gradation of fines and costs that may be available

for the court to impose, similar as they do in municipal court, and have that money either be used for funding for battered shelters or funding for more in the court systems. But right now, there is nothing coming back to help alleviate the governmental financial burden, and something looking at the drug penalty gradation of costs and fines--

ASSEMBLYWOMAN HECK: I think that is an excellent idea.

ASSEMBLYMAN COHEN: --and perhaps use that money so that it's dedicated, not just pulled off by any administration for other things, to use it for funding battered shelters or for additional judges or for addition staff or computers or whatever. But that might be an immediate source that is not large that we can look at.

ASSEMBLYWOMAN HECK: Good.

ASSEMBLYMAN COHEN: Thank you.

ASSEMBLYWOMAN HECK: Thank you.

Lisa Corbin and then John Henderson.

Lisa is from the Essex County Family Violence. Are you here, Lisa? (no response) Maybe she didn't come today. This was a prewritten list.

John Henderson, please.

JOHN HENDERSON: Good morning. Thank you for allowing me here. My name is John Henderson. I'm a-- I'd like to classify myself as a victim of the domestic violence law, and I would like to address four issues. I won't be too awful long because I'm getting so hungry. I don't know how you do it. (laughter)

Basically I would like the Task Force to consider protections for those who are falsely accused of domestic violence. I'd like some protection

against the women's literature using false statistics and presenting these as fact. I'd like a study done on the numbers of male suicides pertaining to domestic violence and specifically false domestic violence complaints. We're coming up against Christmas now-- Several years ago I looked into Valentine's Day, and several men, who could not have custody or see their children, chose to become heartless physically with gunshots. I would like some study done on that.

Excuse me, I'm a little hoarse -- as some people think I'm the other end-- But I teach school. I kind of shot my throat last night.

Also, I would like some consideration on who can run domestic violence assessment centers. And finally, I have some recommendations. So if I may proceed, I should give you just a little history.

I'm a convicted batterer. I have the transcripts of my case here. I talked to -- I believe I have seven lawyers here. I teach flying. I talked to one of my students. He says, "You can't win." I went to another attorney down the street from the courthouse in Newton-- I'm from Sussex County -- says you can't win these things. I went to my lawyer who I have now and says you basically have no rights in a domestic violence case.

My father is 81 years old. He was so upset because he's been part of this. He called me down. He had made the appointment with his attorney. And basically he said his attorneys gave the most -- the best statement so far. He said, "I'm ashamed to be an officer of the court in these matters, because men don't stand a chance." Subsequently, I filed an appeal, and the appeal court said, "You're kind of up a creek in New Jersey."

Now let me make it plain I have two daughters and a stepdaughter. Nobody has a right to hit them or hurt them in any way, shape, or form. I'm

here because I'm 57 years old two days ago. There's nobody who has heard me raise my voice, and, in fact, that's part of the testimony. Nobody uses -- hears me use foul language. I wouldn't be here if I ever hit anybody in my life. However, it's the Christmas season, and I'm here because I represent the person who was born on Christmas day. And as such, I will not sign complaints against my wife or my stepdaughter, and I have been assaulted by both. It's a good day. It's dry weather. The skin is dry. Here is a little blood on my nose. This hasn't healed properly in seven years.

Let me start back. I'll give this all to you. (indicating papers) Here is something I got the other day, and I'm just going to make this very brief and I'm going to give this to you. I've highlighted potential serious penal consequences. Result: to circumvent when the victim signs a complaint. We're talking domestic violence. This is an appellate decision. The result is to circumvent the protections normally accorded an accused in a criminal case. In a closer exam of the Act -- the Domestic Violence Act -- can't make what would be a criminal act for some, an act not criminal for others. In civil case, I understand -- I'm not an attorney -- that we kind of lose some rights of appeal. What we can appeal is only what's in the transcript.

It says also such acrimony as used in marriages should not be used as a weapon to gain strategic advantage, thus trivializing and distorting the beneficial purpose of the Domestic Violence Act. And again I state, I have two daughters and a stepdaughter, and I love them all. I love my wife. Now, if I make that statement, that's, in domestic violence literature, the fact that batterers love their wives is supposed to be some indication of something.

Here is an article also, "Has Equal Justice Been Sacrificed to the Feminists?" And there are statistics quoted in here which I cannot prove or disprove, but this article is written by a professor of government from Cornell University.

I'm here today because I think my wife has a drinking problem or a serious mental illness, and I've included copies of my health receipts and copies of her psychiatric stuff which I will give you. I'm not making this up. Here's a-- In February of this year, I had kind of had it with alcoholic behavior, and I called the Council on Alcoholism. They unfortunately sent the mail with their return address on it. My wife intercepted this and became, unbeknownst to me until I went to court and talked to her attorney-- She wanted to start divorce proceedings. This is for intervention -- alcohol intervention -- and my counselors-- My wife and I have been in counseling almost consistently. My counselors know her well. She says she's not emotionally stable enough to do an alcohol intervention. Okay, so I didn't do that, but my wife intercepted this, and again, she went to an attorney, and she started talking about divorce.

She also started going to an outfit in Newton called Domestic Violence Services, Inc. Now I go to AlAnon, which preaches basically that nobody can cause anybody to drink. The domestic violence literature says thousands of abused women escape from the fear and pain by numbing on alcohol, drugs, tranquilizers. Now, you support alcohol programs, you support domestic violence programs; they're contrary if I'm reading this correctly. Okay. I cannot cause anyone to drink.

Now, on the night of June 3-- Here is a domestic violence complaint. On June 30 at approximately -- actually it was July 1 -- 3:00 in the morning. My stepdaughter came in -- she's 18 years old. She had been drinking. My wife has a history. Her family has a history of alcohol abuse. My wife was abused as a child, physically. My stepdaughter has seen physical abuse. My wife has assaulted her ex-husband. She has assaulted one of my neighbors in the presence of the children. She's assaulted me. Here's one of them.

Three o'clock in the morning my stepdaughter came in. She had been drinking. We had some words. I was in my bedroom. I never left my bedroom. My stepdaughter came in, and I told her to leave. She came in a second time and came around my bed, and she punched me in the mouth. And I said, "That's it. You are going to have to go live with your father." We had a whole year of situations here with my stepdaughter -- I believe partially alcohol related, partially just normal teenage stuff. My wife said, "If she can't live here, I can't live here." So they both left. My wife, on this statement, said, I told her she could never use the phone again and made the complaint on that. Now, my telephone bill came several weeks later. My wife was on the phone all night. I never knew any of this. My wife was on the phone all night. I had problems with my stepdaughter, and I did tell my stepdaughter not to use my phone again. I run a business from my house, or I did. I've been removed from my house. I've been removed from my business as a result. I have no income.

Three-thirty in the morning I recognize that my stepdaughter had become my wife. She felt that she now had the right to come in anytime she

wanted to and, under the influence of alcohol, hit me. Again, she has seen violence with impunity. This is the second restraining order I've had. This was the first. I refuse to sign complaints on advice from my pastor. And the first time it happened, I was advised, if I brought my neighbor in to testify that he, too, had been assaulted by my wife, the courts would remove custody of my wife's children. At that time, I had a stepson and a stepdaughter at home. I refused to sign complaints -- countercomplaints if you will. Okay.

So my wife left. She went to live with her brother who has also had, because of his upbringing, his second DWI, I believe. He's had alcohol problems, and so on. Several weeks later I pulled into my driveway -- it's a single-car driveway -- find my wife there, and I walked in the house to find her waiting for me. She said, "I want to leave." I said, "Okay, fine. I'm going to get a drink of water." I came outside and moved my car. It took me longer to tell you than what actually happened. That became -- I forget what the term is -- but-- It says here, the defendant locked her car -- me, I'm the defendant -- locked her car and refused to move it. The whole thing lasted two minutes. I didn't block her car. We have a single-car driveway.

I went to court. Subsequently, I could not afford the lawyer fees, so I had umpteen people -- including one of my counselors -- testify on my behalf. My neighbors testified to my wife's behavior, to my stepdaughter's behavior. My pastor testified to our counseling and the effects of our counseling. My stepdaughter testified, and my attorney who has reviewed these says there is sufficient evidence in the transcripts to prevail in a domestic violence charge against my stepdaughter. But he also says there are no programs for women. He said no matter what happens, all you do is you get

a restraining order. They've got one against you, you've have one against them. Okay. So we've really resolved nothing here.

Now-- So I think that's an issue that needs to be addressed. The issue of, first of all, I can prove of what's in here in terms of accusations against me didn't happen except for blocking in the driveway, and I've admitted that. But most of the things I was accused of-- Even the money issue. I was accused of everything but the Holocaust. And this gentleman here, Mr. Kuhn, alluded to harassment, or whatever, for what's taken place with me. I will not do that.

Shortly after the trial, a young lady named Julie Andressen (phonetic spelling) came up to me in the post office and said to me, "I'm sorry, John, I tried to talk your wife out of it." And I said, "What are you talking about?" And she said, "I tried to stop her from setting you up to get you kicked out of the house." I can't take that to court. It's not in the transcript because it happened after the fact.

My telephone bills, my credit card bills, my health insurance bills -- none of that are in the transcript because it happened after the fact and I couldn't prove. To you, I can show you. But I can't remove the restraining order for me. My wife is in no danger. I have-- Some of the statements I have in here are from my wife made to other people, they've signed them. I've put the phone numbers on there. You may check it. My wife tells people, "John would never hit me. John would never hurt me." But yet, she alludes to be afraid of me.

MR. POMPELIO: Sir. Sir. Excuse me. Is there a permanent restraining order against you now?

MR. HENDERSON: Yes, there is. Yes, there is.

MR. POMPELIO: And the judge heard the testimony?

MR. HENDERSON: Yes, he did.

MR. POMPELIO: Okay. Just so you know, there is a provision in the courtroom that allows you to modify an existing judgment or order if you have additional evidence or evidence that wasn't available at the time of the hearing. Now, if this person, Ms. Andressen, confronted you and told you something that would indicate perhaps that your wife was not telling the truth, you can file an application back -- I guess it was before Judge Conforti--

MR. HENDERSON: No. It was a former mayor in Sussex, and the judge worked for me, so I can't-- It's Judge Harper.

MR. POMPELIO: Judge Harper?

MR. HENDERSON: Yes. And now I've got a motion to Judge Graves because I've lived in my house for 30 years and most of my income was derived from the shop I have on my property. So being removed from my shop is also being removed from my house and being removed from my source of income.

MR. POMPELIO: Well, what I was getting at was, if you find additional evidence, you should consult with an attorney.

MR. HENDERSON: I have, and I've told him that.

MR. POMPELIO: Make an application to modify that order or have the order dissolved on the basis of this additional evidence.

MR. HENDERSON: Oh, okay. Very good.

MR. POMPELIO: It's worth a try.

MR. HENDERSON: That's the key word, try. Okay, thank you.

Secondly, on this issue on the statistics. I have a whole bunch of things in here that -- newspaper articles that would tend to deny some of the statistics that are in the domestic abuse things, like 35 percent of the women going into the hospitals, and so on. In terms of suicide, I had a friend kill himself after a domestic violence situation. And he wrote a note to his wife, and he said, "Greater love has no man than he give his life for those he loves." And he put the gas hose to the truck and he turned on the key.

I started looking in the newspapers, and there's an euphemism that the newspapers use for suicide. It's, Died suddenly at home, died at home, etc. I started looking at these, and many of these were domestic situations where a father lost his rights to see his son. And again, if there is violence -- and I don't care if it's a little finger -- if there is violence involved, that's it. So don't ever, ever let me hear anybody say I came here to stop the domestic violence law. I'm here because it is a necessary thing, but we need to address violence and not false accusations. And also we need to address, are men really killing themselves to this extent? There were five people in one month in February 1992, and the one was on Valentine's Day. The one was a friend of mine and I knew him. Okay. He did have a problem -- no ifs, ands, or buts -- but so did his wife, in the drinking and drug area.

Another issue-- Domestic violence. I've been assessed by the Domestic Violence Assessment Center in Newton, and I have to go to a 26-week -- it will probably seem like years -- batterer program, which I've been accused of harassment. I believe the fine for harassment is \$500. It's cost me \$8000 so far for the time I've been out of my shop and out of my house. This is going to cost another approximately \$800, and when I count in the time off

of my occupation, which is teaching people to fly and restore antique cars, which is in my shop-- This funding was given by the State. Bob Littell whose office I called, who was instrumental in getting me here, is run by a Mary Helsma (phonetic spelling), who used to be one of my neighbors, who became involved with battered women program when her husband left her for another woman.

I went to a meeting, and I'm asking you to do what I do. I went to a DASI meeting, Domestic Abuse Services, Inc., that was held in a public library. I knew they couldn't bar me, so I went, and I listened to Mrs. Helsma, who is now assessing me, talk to women. And instead of saying basically, "Honey, tonight I've got a headache, no," file attempted rape charges, keep a journal on anything he says or might do. Says that women are the majority of the voters, and she described in detail how the domestic violence law was written with civil penalties instead of criminal penalties.

ASSEMBLYWOMAN HECK: Mr. Henderson? What's the point of this? Because I mean--

MR. HENDERSON: Okay. The point is--

ASSEMBLYWOMAN HECK: --this is an open meeting and reflects that particular group's ideas--

MR. HENDERSON: Okay. All right.

ASSEMBLYWOMAN HECK: --of why--

MR. HENDERSON: Okay. This woman is advising women to set up their men on domestic violence charges. And the point is, she is now-- She is a -- it's an open meeting. She is known as a man hater.

ASSEMBLYWOMAN HECK: I think you're going a little far afield right now.

MR. HENDERSON: Okay, but--

ASSEMBLYWOMAN HECK: The point being that--

MR. HENDERSON: My point is--

ASSEMBLYWOMAN HECK: --we're not here to listen to gossip--

MR. HENDERSON: Okay, well, again--

ASSEMBLYWOMAN HECK: --or rumors.

MR. HENDERSON: --she--

ASSEMBLYWOMAN HECK: No, hear me out. This is a Task Force that deals with what is needed. You're just reiterating a personal problem, a personal situation. Rich just gave you some advice. Some free legal advice, as a matter of fact. But the point is, where is your constructive--

MR. HENDERSON: Okay. My constructive point in this--

ASSEMBLYWOMAN HECK: Yes.

MR. HENDERSON: --is people that are assessing people should not have a bias. I would have no problem with anybody in this room that has no bias -- no bias means neither pro nor con -- assessing me. For somebody who I know has an agenda assessing me, I have a problem with that and a real problem.

MR. POMPELIO: Could I make a suggestion--

MR. HENDERSON: Sure.

MR. POMPELIO: --to you, sir.

Did you write to the Board of DASI? I happen to be an advisor for DASI--

MR. HENDERSON: Okay. Okay.

MR. POMPELIO: --so-- And I know Mary Helsma--

MR. HENDERSON: Okay.

MR. POMPELIO: --but if you have these concerns, why don't you write to the DASI Board of Directors. And she's an employee like others, and they'll have to address it.

MR. HENDERSON: Okay.

MR. POMPELIO: Because I see the focus of your issue is that a member of DASI is not being fair or equal in the way she's doing her job.

ASSEMBLYWOMAN HECK: His opinion.

MR. HENDERSON: Exactly.

MR. POMPELIO: Yes. In your-- In his opinion, obviously.

MR. HENDERSON: Yes. Yes.

MR. POMPELIO: So why don't you write to that particular Board, and those are the people who have the authority to address it.

MR. HENDERSON: Okay, but you're the people who are funding the programs, so you should have some oversight. That's why I'm here.

MR. POMPELIO: Well, I think if you're looking at a direct problem in that small organization in Newton, New Jersey, I think you--

MR. HENDERSON: Okay. Okay.

MR. POMPELIO: --should address that group there.

MR. HENDERSON: Okay. Fine. But it may be a situation-- I can only address what I see personally and how I'm affected personally. And again, I don't see this as an objective assessment. Nor do I see the whole thing as objective when lawyers tell me you can't win. Also, I have enclosed -- my

lawyer told me I was nuts-- But I went to the man who wrote the batterer program for court-ordered psychological assessment, and I will include that here.

MR. POMPELIO: I'm sorry. This is a court-ordered psychological--

MR. HENDERSON: Assessment.

MR. POMPELIO: Of you, yourself?

MR. HENDERSON: Of me, yes. Yes. I'm a convicted batterer, so I have to have a court-ordered psychological evaluation, which I have and which I will get to you minus my Social Security number.

In here I have another pamphlet from Domestic Abuse, and all these little check marks are my wife's. She just-- Again-- My wife's mental history is in here as is some allusions to alcohol problems. And I mean-- I really should not do all these things, but this is what-- Now, there is-- In one of these things I--

For years and years I bought my wife a rose which I keep--

MR. POMPELIO: Excuse me, again. I don't mean to constantly interrupt you. You're going to give us copies of all of this?

MR. HENDERSON: Yes.

MR. POMPELIO: Okay.

MR. HENDERSON: Yes.

MR. POMPELIO: So I think we have a good understanding of what your concerns are.

MR. HENDERSON: Okay.

MR. POMPELIO: Have you met Mr. Rosenthal who testified before?

MR. HENDERSON: Yes.

MR. POMPELIO: Maybe-- Have you every worked together or perhaps--

MR. HENDERSON: No.

MR. POMPELIO: --talked about forming a coalition?

MR. HENDERSON: No. As a matter of fact, I asked two other people that had exactly the same thing happen as me. Their wives assaulted them, they refused to sign complaints, and they were removed from their house, but they're working. They can't take the time off. One's a postman and one's self-employed. I'm here simply because the weather is bad. I can't fly. I'm bored from my other occupation.

But let me get to my recommendations, because obviously--

MR. POMPELIO: Were those the recommendations you--

MR. HENDERSON: No. My recommendations are, because of my own personal situation, that it should be mandatory for judges to be trained to evaluate a plaintiff's psychological or psychiatric behavior. My wife actually in testimony had a fit on the stand, what I've been told is called a psychotic episode. Alcohol and the motivation for signing the complaint-- In my wife's case, I suspect because her attorney told me that it was to file for divorce this is just to get a step up on divorce action.

Secondly, I don't believe restraining orders should be issued unless there is actual violence or possible violence. And if there is no violence, mutual counseling should be required because, obviously, I have a communication

problem. My pastor testified, which I will tell you-- I can come to a Task Force like this and testify. And although it's rather uncomfortable bearing things that have happened to me, by the same token, my wife couldn't because she just doesn't have the same personality that I do because of her background.

Third, that we discussed, this mandate that domestic violence assessments be objective and not self-serving. I was assessed to go to a battery program run by the man who assessed me. That's somewhat similar to having a judge tell you to go the Ford dealership and tell you what kind of car you should buy. And that's the way I view it, and that's just for you to consider, please.

And fourth, because the domestic violence laws quasi criminal, I would suggest modifying the rules of evidence in domestic violence cases so we get off of the preponderance of evidence to a reasonable -- guilty beyond a reasonable doubt. Because I'm told that judges weigh the scales -- and probably rightly so, if there is possible violence -- in the favor of women. And I would just like the scales adjust this equal.

And again, I've already mentioned, require accurate statistics in any State-funded domestic literature put out. Everything I say-- Everything I see here says 2 percent to 3 percent of hospital admissions are domestic violence related, and their information says 35 percent or something like that.

And another thing, I lived in a house for 30 years. I was given about one hour to remove my stuff. There's probably 50 people been affected -- my family, myself, my students, the man who owns the car I'm restoring has been affected by this order. In one hour, I can't remove 30 years of

accumulations. Most of my business property is still on my property, and I can't get to it.

The final thing is I have a stepdaughter who is emulating her mother's behavior. I called for an entire month of July, while my wife was out doing whatever she was doing, seeking counsel for my stepdaughter lest she hit somebody who would hit her back. I would never hit her back. She's seen my wife hit people with no response from the people that she hit. Now, someday my stepdaughter is going to hit somebody, and they are going to hit her back, and they're going to hurt her. That was my concern in July when I called DASI. DASI said sign a criminal complaint. That's no help. I talked to my attorney. He says sign a domestic violence complaint, nothing is going to happen. So I have an alcohol abusing 18-year-old who hits people who some day will get hit back.

Thank you for your time.

ASSEMBLYWOMAN HECK: Thank you very much.

Wendy Skiba-King, Chair of the Violence Against Women Working Group of the Violence Institute of New Jersey of UMDNJ.

W E N D Y S K I B A - K I N G, Ph.D.: Assemblywoman Heck, Task Force members, thank you for the opportunity to speak today. The Violence Against Women Working Group of the Violence Institute of New Jersey at UMDNJ is very much the new kid on the block. And as we are feeling our way in determining how we can use the University's resources to contribute to this important work, we very much appreciate the opportunity to learn from the pioneers -- the people who have been out there doing the work for decades. So we are grateful for the opportunity to be here today, and we'd like to

contribute just three brief points for you to consider as you carry out your work over the next several months.

First, the welfare reform which is requiring, upon entering a shelter, a welfare recipient must return 60 percent of the monthly check seems to be counterproductive to the goal of domestic violence prevention. We would like to urge that this requirement be reconsidered.

Second, we would like to see an expansion of the pendant program. The pendant program, which demonstrates effective use of current available technology, is a needed practical response for the problem for restraining order enforcement.

And, third, any discussion that ensues over the next several months concerning counseling for the batterer should in no way deemphasize that the batterer's behavior is a criminal act.

Thank you very much.

ASSEMBLYWOMAN HECK: Thank you. That's to the point.

Any questions or comments? (no response)

Thank you very much, Wendy.

DR. SKIBA-KING: Thank you.

MS. DONNELLY: Excuse me.

ASSEMBLYWOMAN HECK: Sorry, Deb.

MS. DONNELLY: If I could just--

Is this on? (referring to PA microphone) I guess so.

If I could just address the pendant program, as I understand it, is a program that the ADT Alarm Company has offered basically free of charge to various agencies, probably mostly are going through the prosecutors' offices.

So if there's any lobbying to go to expanding that, we need to talk to the corporate sponsor of that program, unless there's some other way to implement it. I would--

MS. MARICH: To just interrupt you, we've had the Aware Program from the beginning, and certainly they have never put a limit on how many pendants can be given out.

MS. DONNELLY: Right. Well, actually, we're having an issue right now with AT&T Wireless only because we've really run out of phones in Bergen County. So if you could also advocate for them to continue that program, it's been very valuable, and it maybe wants to expand. Because the cell phones are even better than the pendants in many ways.

DR. SKIBA-KING: Thank you.

MS. DONNELLY: Thanks for your comments.

ASSEMBLYWOMAN HECK: Jeff Golden. Is there a Jeff-- I don't see any men. I don't think Jeff Golden is here.

Well, it's either Andrew or Jeff.

Are you Jeff Golden? Are you Andrew or Jeff?

ANDREW STANHOPE: I'm Andrew, thank you.

ASSEMBLYWOMAN HECK: All right, Andrew. Andrew Stanhope, Fathers United for Equal Rights and Womens Coalition.

MR. STANHOPE: Thank you for giving me the opportunity to say a few words. And, first of all, I'd like to give you a little background on Fathers United for Equal Rights and Womens Coalition. We're the oldest noncustodial parenting group in New Jersey. We've been in existence for about 20 years. And our principles are that we stress responsibility of noncustodial

parents. That's first and foremost. Those areas of responsibility basically focus in two areas.

No. 1, parenting time. Get involved with your children's lives. It's critical that children have two parents involved in their lives and play an active role. So we keep telling our members, see your children. If you're not seeing them or for various reasons -- take appropriate action. We'll work with you, but get involved in your children's lives. It's to their well-being that you're also there in addition to the custodial parent to nurture them.

And No. 2 is, fulfill your monetary obligations. Whatever the child support is, you have to pay that obligation. We've told people that have said, "How do I get out of paying my child support?" -- we've told them to leave our meetings. If you fall on hard times, if you get downsized, if you lose your job for whatever reason and you can't pay, then file the appropriate paperwork, file the motions to get it reduced. But the law is the law, and if your situation changes, then there are remedies in courts to have it changed.

So our group focuses on those two areas. We work within the system.

I'd like to address bill SN-3156, the domestic violence bill. I have a couple of concerns about the bill, and these are also the concerns of Fathers United for Equal Rights and Womens Coalition. No. 1, our fear with the bill is that it would lower the burden of proof threshold to that of a civil court rather than a criminal court. And as discussed previously by that other gentleman, the burden of proof, in my understanding, in civil court is preponderance of evidence as opposed to beyond a reasonable doubt.

I have had false charges of domestic violence filed against me personally. So I have been victimized. It's important that the burden of proof beyond a reasonable doubt be instituted, because that's one of the critical facets or tenets of American constitutional law, is the rights of the accused. And we can't abdicate our responsibilities of the rights of the accused. Now, I should say, it's the opinion of Fathers United for Equal Rights that domestic violence is not to be condoned in any way, shape, or manner. And those abusers, who are truly abusers and not just alleged abusers, should be rightfully punished. We don't advocate by any means that abusers go free. They should be punished, but we want the rights of the accused who frequently are merely alleged abusers and not factual abusers to be protected.

No. 2, it's my understanding that in the proposed legislation that the punishment to abusers who are convicted would be extremely severe, potentially three to five years of prison for a second offense. I think when considering the length of time of imprisonment, it's important to take into consideration the role that that particular person has in the lives of the children. Since it's so critical that the children have both parents in their lives, I ask that you all consider appropriate sentencing terms that would not unduly punish the accused so they would be away from their children for extended periods of time. The punishment obviously has to be fair. But also, we'd just ask that you'd bear in mind the importance of the other party in the children's lives.

No. 3, one of the items that -- or another item that has concerned Fathers United for Equal Rights is that the accused get a fair hearing. And the first point we already talked about with the burden of proof. What has

worried us in many instances is that we heard of many instances where abuse has been alleged to deny our members parenting time as they are about to begin extended periods of parenting time, say, on a summer vacation.

In my own particular instance, abuse was alleged just as I was beginning the first of three weeks extended parenting time in 1995. And the result was that extended parenting time got interrupted in the first week. Needless to say, didn't get the parenting time for the next two weeks. No extended parenting time in 1996, and the first week of vacation I had with my 11-year-old daughter since that incident was 1997 last year. It was a great time and it was wonderful, but to have that to prevent our daughter and myself from having that extended time due to false allocations of abuse is really tough medicine to take. And it's unfair and unjust.

Now, there have been-- I think I would also like to address the fact that-- Well, I should say, that what happened to me is just one example of-- My own personal example of charges of domestic violence are utilized to achieve ulterior motives such as denying parenting time. And especially with the new Child Support Guidelines, we have the potential for further abuse in that-- The Child Support Guidelines-- The calculation of the amount to be paid under the Child Support Guidelines gives weight to the amount of parenting time spent with the children by--

ASSEMBLYWOMAN HECK: Excuse me, Andrew. We tried to find a copy of--

Look at me, right here.

We tried to find a copy of the bill to which you alluded. What year is that bill?

MS. BAVATI (Committee Aide): S-3156?

ASSEMBLYWOMAN HECK: What did you say? The number of the bill that to which you referred?

MR. STANHOPE: I said SN-315--

ASSEMBLYWOMAN HECK: It is what?

MR. STANHOPE: SN or is it just S-3156? It was the domestic violence bill.

ASSEMBLYWOMAN HECK: Is it this year's bill? I mean, is it a '96-'97 bill?

MR. STANHOPE: Yes. The domestic violence bill that we're all--

ASSEMBLYWOMAN HECK: There's no one particular bill we're talking about. These-- What we were talking about were domestic violence laws that have already been established. But when you're making reference to a bill, is it an old one that you're talking about, or is it a proposal?

MR. STANHOPE: It's a proposal.

ASSEMBLYWOMAN HECK: Oh. And do you know who the sponsors are of that particular bill to which you're referring? It's S-1136?

MR. STANHOPE: No, excuse me. SN-3156.

MS. BAVATI: There's nothing--

ASSEMBLYWOMAN HECK: There's nothing SN, right?

MS. BAVATI: No.

ASSEMBLYWOMAN HECK: Three, one--

MR. STANHOPE: Three, one, five, six.

MS. BAVATI: Not for '96-'97. We checked.

ASSEMBLYWOMAN HECK: We're trying to get a copy so we can reference what you're addressing. And there isn't, you know-- The OLS person cannot find the bill. Maybe you can show us the copy afterwards and we'll-- Do you have a copy with you?

MR. STANHOPE: No, I don't.

ASSEMBLYWOMAN HECK: Oh, because you're holding something when you're talking so--

MR. STANHOPE: Oh, yes, these are just my notes.

ASSEMBLYWOMAN HECK: Oh, okay.

MR. STANHOPE: My comments reflect the opinion of Fathers United for Equal Rights and Womens Coalition with regard to domestic violence legislation in general, as well as to that particular piece of legislation.

ASSEMBLYWOMAN HECK: Okay.

MR. STANHOPE: And those are my major points. If anyone would care to ask any questions, I'd be happy to answer them to the best of my ability.

ASSEMBLYWOMAN HECK: Any questions for this gentlemen?
(no response)

Just know that everything that's being said today is being made part of the record. So it will be part of everything we review.

MR. STANHOPE: All right.

ASSEMBLYWOMAN HECK: So if you have, when you get home, that number of the bill that Fathers United is concerned about, just drop us a note, so that we can get a copy and review it.

MR. STANHOPE: All right.

ASSEMBLYWOMAN HECK: All right.

MR. STANHOPE: I will do that.

ASSEMBLYWOMAN HECK: And you can make written comments, as well, that will become part of our deliberations.

MR. STANHOPE: All right. I appreciate that. There's an address to -- that I can write to?

ASSEMBLYWOMAN HECK: To the State House, here. We'll give it to you afterwards.

MR. STANHOPE: Thank you.

ASSEMBLYWOMAN HECK: You're welcome. Thank you for coming.

MR. STANHOPE: Thank you for having me.

ASSEMBLYWOMAN HECK: There are no other people to appear before us.

And the reason I'm not establishing another meeting, because it's December, and it's kind of hectic. But I'd like-- Is Friday a good day for everybody, or is that difficult? I'd like to establish-- I'm probably going to look at the calendar and get the permission from the Speaker to establish a number of dates so that we can set it ahead and just know where we're going. I'd like to do one the first week in January, hopefully, with permission from the Speaker and with the calendars, and one probably the third week in January, but none in December. This would be our initial meeting.

And if there are any suggestions that you would like to convey to the Chair and Vice-Chair, let us know, and we'll accommodate what we can in those areas. And may I respectfully suggest that we've gotten some great

testimony that when we -- that we request when we advise of the meetings that the written testimony be distributed prior to the meeting. That we ask for them to send it ahead, so we can kind of digest it, and when the person comes to testify, we can then kind of have our questions prepared so that-- I think that will expedite matters.

Again, I'm very pleased at what we've gotten so far, but if we have more than 10 people coming up, we'll never be finished in one day. And I do want to have that material digested and looked at seriously, because we've gotten a lot of good testimony today. And then we have a give-and-take in the questions and answers.

Thank you very much to the Task Force and hope you get some lunch soon. There's still coffee, tea, and Danish in the back.

(HEARING CONCLUDED)

APPENDIX



Twice a Victim

Imagine the following office scenario:

- Counsellor: You say your OB-GYN manipulated your genitals and breasts?
- Victim: Yes.
- Counsellor: Hmmn. Will he have any patients or practice if he loses his license?
- Victim: No.
- Counsellor: Well, if you're going to sue him for malpractice you'd better not bring criminal charges.
- Victim: Why?
- Counsellor: The New Jersey Supreme Court says he won't have insurance coverage if there's a successful criminal case.

That's the dilemma contemplated by the dissent in *Princeton Ins. Co. v. Prasert Chunmuang, M.D.*, 151 N.J. 80 (1997). Justice Handler, joined by Justice Coleman, seemed to us to get the proper policy approach. For years, women have been counselled to bring sexual attacks to the attention of authorities. Consciousness-raising sessions have been conducted in the courts, police departments, medical services and social service

agencies to assure that victims get a fair hearing without recriminations and adversary comments.

In the context of help for sex abuse victims, the Court's majority opinion may have taken a step backward in this case. It would be different if a lawyer for the victim threatened to use criminal charges to "obtain an improper advantage in a civil matter," which is prohibited by RPC 3.4(g).

On remand, the trial court in *Chunmuang* will now have to examine proofs to find just where negligent medical conduct stopped and sexual abuse began.

The insurance industry was, in past, successful in raising specters before state regulators of people buying insurance so that they can go out and commit crimes and then be held harmless in tort. But, that is only part of the problem that should be addressed. We doubt that this supposed danger should now matter as much as the overarching policy in favor of compensating innocent victims. The case for giving relief to the victim as the third-party beneficiary of the policy is now clearer than it once may have been.

Carriers now insure a society very different from the one in which standard policy exclusions were drafted. The industry should now be preparing policies to protect victims from injury, not carriers from scoundrels. Wrongdoers would pay the premiums, not get the proceeds. Punitives would be obtainable from the wrongdoers' separate assets, not from carriers. In appropriate circumstances, the prosecutor could then bring a criminal case without fearing that the victim will be victimized twice.

NJ Law Journal

NJ Association of
Area
Agencies on
Aging

ELDERLY ABUSE & NEGLECT PROJECT
GRACE EGAN, M.S., PROJECT DIRECTOR
176 West State Street, Trenton, NJ 08608
Phone: 609-421-0903

December 5, 1997

Testimony for the Assembly Task Force on Domestic Violence

The New Association of Area Agencies on Aging (NJ4A) is the Executive Directors' Association for all the County Offices on Aging and the Assoc. has sponsored the Elder Abuse and Neglect Project since 1992. Two primary goals of the project have been to foster public awareness and to conduct professional education on the problem of abuse, neglect and exploitation of New Jersey's elderly and vulnerable adults. Over the past 5 years we have developed PSA announcements that have been aired on commercial and cable television in New Jersey, NY and the Philadelphia metropolitan areas, as well as billboards, posters, newspaper advertisements, and the like to alert the public about this hidden problem. We have also conducted professional training programs and developed educational materials for medical personnel, home health staff, community services, clergy, judges, police, and bankers. For example we have worked with over half of the county prosecutors in conducting training in over 16 counties for police, on improving the police response to elder abuse. Currently we are also piloting a school program for Elementary and Middle School children about positive images of older adults as a primary prevention to elder abuse.

In the past five years we have formed many working alliances including working with the NJ Coalition for Battered Women. Today I would like to discuss the domestic violence services for older and vulnerable adults in New Jersey.

Over 11 % of New Jersey population is female and over age sixty. Older women comprise 20 % of New Jersey total female population.

In 1995 2,607 domestic violence offenses were reported against the elderly, 66% of these victims were women over age 60. During this same time period 2,125 women of all ages were sheltered throughout NJ however less than 1% of those women were over age 55. Only 18 women over age 55 used shelter services and only two women

were over age 65.

Domestic elder abuse, like other forms of family violence is vastly under reported. Researchers typically find that only two to five percent of incidents of domestic elder abuse are reported. And when abuses against older women are reported, the victims do not avail themselves of the services available.

New Jersey's extensive community domestic violence network is under utilized by older adults. Older women historically have not been served nor have they sought shelter services for numerous reasons including the level of noise, too many young children in the shelter, lack of handicap access, lack of privacy, lack of personnel with an understanding and sensitivity to the needs of older adults, lack of licensed staff available to administer medications, or even that there are too few older women on shelter staff.

When a complaint is brought to court by an older victim, the experience of domestic violence staff is that the judiciary and law enforcement officers are often reluctant to remove the older abuser from their home. This may be due to the belief that the older couple will work out their differences, or their belief that there is a lack of services, i.e. housing for the batterer. This limits the options available to the victim. In order to escape their abuser the victim's only option is to enter a domestic violence shelter which has been documented as not appropriate to serve their needs. More often they choose no services or relief from their abuser.

Clearly we have categorized our problems and service delivery systems. Namely, we have domestic violence programs for victims and abusers, and we have adult protective services for neglected or abused vulnerable adults, and we have aging services for every one over age 60. But the reality is that these victims don't quite fit our categories. They are older, vulnerable and abused by their spouse.

New Jersey adult protective services statistics show us that in APS cases in 1995 involving a perpetrator, 85 % of the abusers were related to their victims. These offenses, physical and psychological abuse, were committed by family members. Domestic elder abuse may have the same factors that constitute an offense covered by the Domestic Violence Prevention Act.

A national survey conducted by the Women's Initiative of AARP asked domestic violence programs, state units on aging, attorney general offices and others what services are needed for older battered women. The three highest responses were housing, supportive social services and legal services.

It is a priority that we open the access to the state-wide domestic violence services to older and vulnerable adults and that we make these services 'user friendly' to a minority population who has been able to access these services in the past. Through collaborative efforts the New Jersey Assoc. of Area Agencies on Aging and the New Jersey Coalition for Battered Women have identified specific points to target to reduce

Jersey Coalition for Battered Women have identified specific points to target to reduce the barriers to services experienced by older women. These points build on the services currently in place. They include regional cross training for domestic violence, adult protective service and senior services staff; county based coalition building among the local service network (like inclusion on county work groups), and a recognition that services delivered to older victims must be reframed and repackaged by offering multi-disciplinary case management to address the older victims' needs in their home while the abuser is relocated with court order counseling services.

APS programs, and programs for older adults traditionally deliver services in the client's home including meals, money management, home health, homemaker, and chore services. The option of wrap around services in the victim's home may better serve the older domestic violence victim. This may present a challenge to 'shelter staff' but it may finally bring services to our most isolated victims in their own 'shelter' setting , their homes.

Submitted by Grace Egan, Project Director
New Jersey Association of Area Agencies on Aging
176 West State Street
Trenton, NJ 08608

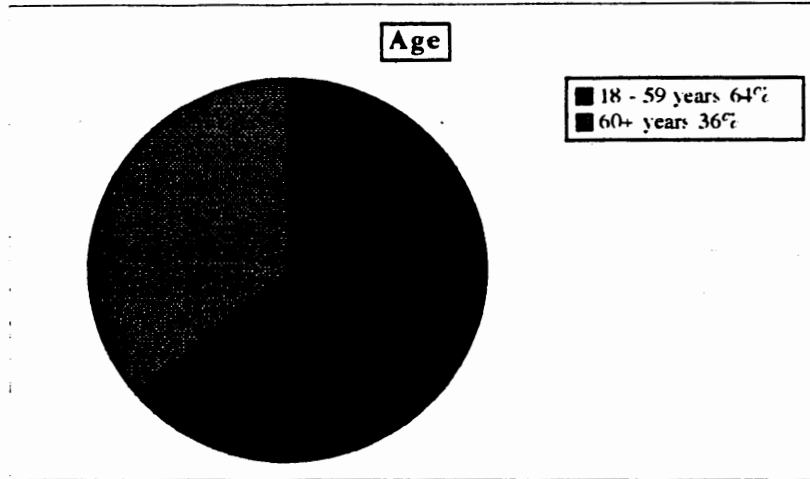
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Attachments *

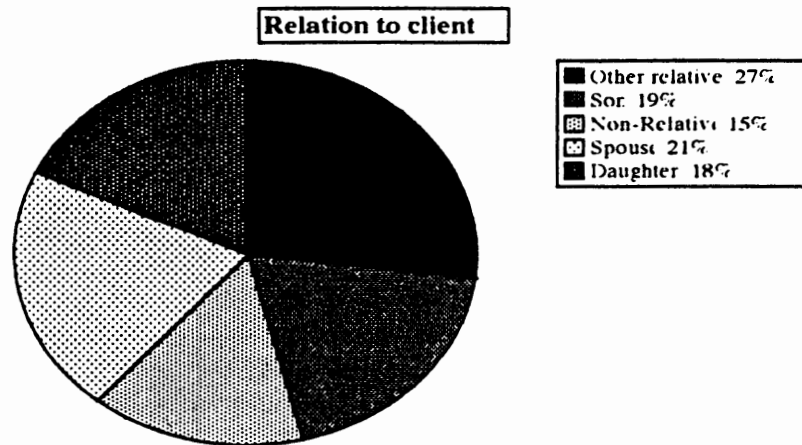
Abuser Profile - NJ APS Statistics 1995
Offenses Against Elderly Victims-1995 Domestic Violence Report
Women Shelter Residents By Age-1995 NJ Coalition for Battered Women Report
NJ4A's Recommendations to Governors Advisory Council on Domestic Violence-1996

C. Abuser Profile

226 cases in 1994 involved a perpetrator or an abuser. Over 56% of the abusers were male and 64% of the abusers were under 60 years of age. It is interesting to note, however, that 36% of the abusers were over 60 years of age themselves.



When we look at the relationship of the abuser in these 220 cases, 85% involved a family member abusing another family member. Over 21% were spouses, 37% were adult children. Another 27% involved other relatives. National statistics indicate that siblings are the least likely to abuse each other. "Other relatives" include nieces, nephews and grandchildren.



Family dynamics, relationships, plus external stresses including financial, substance abuse, etc. color and cloud the picture of elder abuse or abuse of the vulnerable adult. It is a family problem requiring strong family interventions and occasionally needed the strength of law to safeguard the vulnerable adult.

EV

OFFENSES AGAINST ELDERLY VICTIMS (60 Years of age or over) 1995

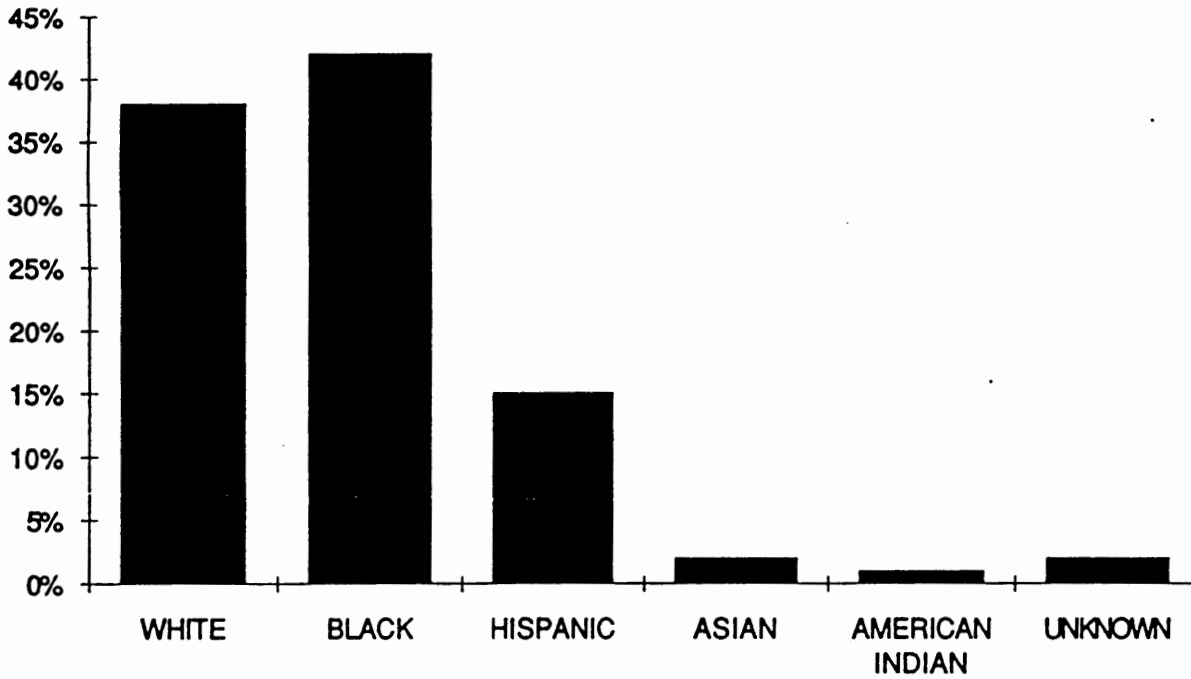
Domestic Violence Offense	Total Number of Offenses	Relationship of Victim to Offender											
		Spouse		Ex-spouse		Co-parent		Relative		Friend		Ex-friend	
		M	F	M	F	M	F	M	F	M	F	M	F
Murder	13	1	4	-	-	-	-	2	5	-	1	-	-
Assault	995	96	211	3	5	4	25	194	327	57	61	9	3
Terroristic Threats	211	6	34	3	1	3	13	51	83	3	9	1	4
Kidnapping	-	-	-	-	-	-	-	-	-	-	-	-	-
Unlawful Restraint	3	-	1	-	-	-	-	-	2	-	-	-	-
False Imprisonment	-	-	-	-	-	-	-	-	-	-	-	-	-
Sexual Assault	1	-	-	-	-	-	-	-	-	-	1	-	-
Unlawful Sexual Contact	1	-	-	-	-	-	-	-	1	-	-	-	-
Stalking	-	-	-	-	-	-	-	-	-	-	-	-	-
Unlawful Mischief	178	10	11	1	-	7	13	37	83	4	4	8	-
Armed Robbery	26	1	-	-	1	-	1	6	13	2	1	1	-
Unlawful Trespass	63	1	3	-	1	1	1	20	30	3	1	1	1
Harassment	1,115	84	216	5	9	13	33	192	458	34	42	22	7
Stalking	1	-	1	-	-	-	-	-	-	-	-	-	-
TOTAL	2,607	199	481	12	17	28	86	502	1,002	103	120	42	15

Assaults accounted for 38% (995) of all domestic violence offenses for victims 60 years old or over.

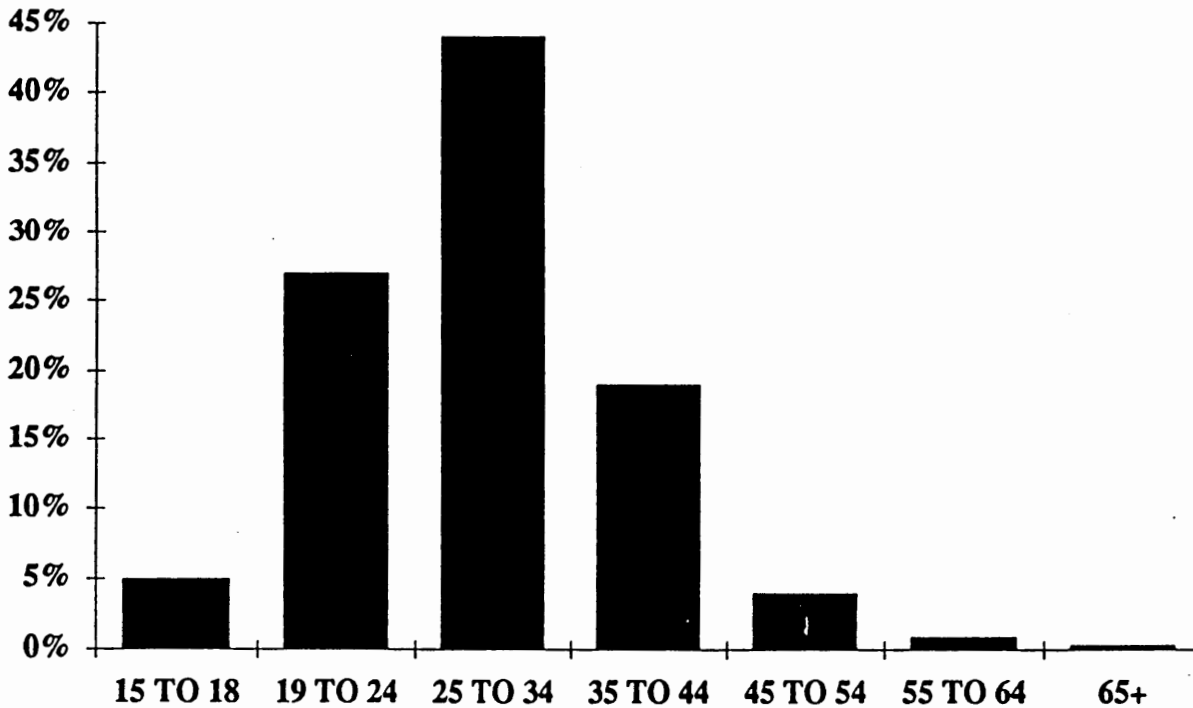
Females, age 60 or over were the victims in 66% (1,721) of the 2,607 elderly abuse offenses.

Persons age 60 or over were the victims in 3% (2,607) of all the reported domestic violence offenses during this period.

RACE AND ETHNICITY OF WOMEN SHELTERED



WOMEN SHELTER RESIDENTS BY AGE



7x

Remarks prepared for the Governor's Advisory Council on Domestic Violence
Services for Older Victims of Domestic Violence

Recommendations

Strengthen the service networks to identify the issues in common of older victims:

- A. Institute cross training between the network serving older adults (i.e. AAA, senior centers, legal services), adult protective services and domestic violence services, to increase staff sensitivity about aging, the special needs of older victims, the effects of the cycle of violence and of long-term victimization, and the resources available to the victim and the abuser.
- B. Foster coordination, and coalition-building among the domestic violence services, adult protective services and the aging network to better address the victim's and the abuser's needs.
- C. Increase outreach to older adults regarding the services available to domestic violence victims and abusers.

Increase service options to victims/abusers, the courts, law enforcement, and the community response network including domestic violence services, adult protective services and aging services.

- A. To offer wrap-around services to the victim in their home [when the abuser has been removed] and multi-disciplinary case-management as a team approach to addressing the needs of the older victim.
- B. To offer housing services to the abuser, coupled with court ordered counseling.
- C. To provide technical assistance to establish community support groups focusing on mentoring, volunteer, employment and empowering options for older victims

Testimony
12/5/97

Barbara M. Price, Executive Director
NJ Coalition for Battered Women

I would like to thank the committee for this opportunity to address issues affecting victims of domestic violence that are of concern to the NJ Coalition for Battered Women. I would like to begin with several areas that I believe can be addressed through legislation.

The first is Assembly Bill 1347 which creates the Address Confidentiality Program. This program would go a long way towards helping victims of domestic violence remain safe from batterers. Although no one can guarantee that a batterer will not locate a victim, use of an alias address for public documents and first class mail will provide a strong measure of protection to victims who have relocated in an attempt to end the violence in their lives. As you are probably aware, it is upon separation from the batterer that victims are at their highest risk of death or serious injury. Up to 75% of all domestic assaults reported to law enforcement agencies were inflicted after the separation of the couples. In one study of spousal homicide, over half of the male defendants were separated from their victims, and 73% of battered women seeking emergency medical services do so after separation.¹

Moreover, passage of this legislation would protect victims who would gladly seek child support from their batterers if they were assured that their location would not be divulged through the process thereby placing them at increased risk. With the possible exception of victims who flee to another state for safety, the address confidentiality program would allow battered women who are in serious danger to still seek child support. This of course will also assist the state in meeting its federal mandate to identify 90% of non-custodial parents.

The primary sponsors of A1347, Assemblyman Stuhltrager, Assemblywoman Crecco, and Assemblywoman Allen have requested that Assemblyman Collins post the bill in the Assembly for a vote without additional committee hearings. The Coalition asks that this Task Force make the same request as soon as possible.

The second area of concern also impacts victims of domestic violence after they have separated from the abuser. The NJ Legislature attempted to address the tension between dissolution and non-dissolution laws and the particular needs of victims of domestic violence by separating domestic violence situations from those parent/family matters in which domestic violence is not a factor. The PDVA provides access to short and longer term economic relief, sets up a presumption of custody to the non-abusive parent, and limits the relevance of a victim's departure from her previous residence. Unfortunately, once the parties leave the arena of the PDVA, there may be a lack of recognition given to an individual's status as a victim of domestic violence in

¹ U.S. Code Congressional & Administrative News 1801, 1843 (1944); Legislative History of Violent Crime Control Act, House Conf. Rep. No. 103-322,p. 1843.

subsequent family court proceedings which happen outside the domestic violence docket. The presumption of custody applicable at the final domestic violence hearing is not currently incorporated in New Jersey's dissolution and non-dissolution laws and procedures. As a result, the legislative presumption of custody, based on the recognized correlation between domestic violence and child abuse, may not be preserved in subsequent dissolution or non-dissolution proceedings. Moreover, even when victims are granted custody, if they wish to relocate outside of the state for safety reasons they are not afforded special considerations. Rather, they are subject to the same standards for removal² as are parties in cases where domestic violence is not a factor and may become the target of parental kidnapping charges when they flee the state for safety reasons.

The Coalition recommends that statutes concerning custody, visitation, and "wrongful" interference therewith include domestic violence as an aggravating factor that would receive presumptive weight by the courts and other individuals and agencies involved in the decision making process. At a minimum, the presumption of custody to the non-abusive parent that exists in the PDVA should be recognized in laws governing dissolution and non-dissolution.

Similarly, New Jersey's newly adopted Revised Child Support Guidelines do not currently distinguish between victims of domestic violence and other potential child support recipients with regard to the determination of appropriate awards, or, more specifically, with regard to application of the new shared parenting and visitation adjustments. The allowance of such an adjustment to a support award for a victim of domestic violence and her children could prove to be another means for abusive partners to use the courts to harass her by filing motions to reduce child support based on claims of increased visitation. Conversely, battered women will be less likely than other custodial parents to file for increased support in the event of chronic missed visitation due to their fear of the abuser.

Because partner abusers are often child abusers as well, battered women who try to protect children through infrequent or supervised visitation will have an additional obstacle to overcome because the new guidelines provide monetary incentives for frequent visitation. This incentive applies regardless of the quality of visitation or whether a genuine interest in visitation exists. Also, to the extent that the new guidelines result in an overall decrease in child support for families with more than one child, battered women may be pushed towards returning to the abuser for financial survival, a major reason why women do not successfully escape abuse.

The Coalition asks that the newly adopted NJ Child Support Guidelines exempt victims of domestic violence and their families from shared parenting/visitation adjustment provisions that could reduce their support and might place them at greater risk of harm.

The last area to be affected by legislation is child support enforcement under

² Holder v. Polanski, 111 N.J. 344 (1988).

Work First NJ. I understand that legislation must be introduced and passed by December 31 to bring NJ law into compliance with new federal child support requirements. How it will affect the current Work First Regulations governing child support enforcement remains a question. We will need to carefully review this legislation when it is introduced to assess its impact on victims of domestic violence. The current regulations, which are still being revised, are very ambiguous concerning good cause exceptions for not identifying the father when the Work First applicant is a victim of domestic violence, rape or incest. While these good cause exceptions are allowed and have been part of federal law for some time, the NJ regulations are not clear on how to establish or corroborate good cause. In fact the regulations say that even if good cause is determined, the welfare agency may pursue child support anyway if they decide there will be no harm to the parent or child. This rather defeats the purpose of good cause.

While the Coalition has no specific recommendations for legislation in this area, we will monitor the implementation of Work First NJ to insure that domestic violence victims and their families receive all necessary exemptions as well as the maximum relief and benefits that their individual safety and other needs require as permitted under the federal Family Violence Option in the Personal Responsibility and Work Opportunity Act and adopted in New Jersey's Work First Legislation. We will also reserve comment on the Child Support Legislation until it is introduced.

I do not believe our remaining issues can be addressed through legislation. However, the Coalition is concerned about policies and practices of state government that we believe ultimately affect domestic violence victims. National experts agree that the best way to eliminate domestic violence is through a coordinated community response. This means that everyone who encounters a victim/and or perpetrator, from the hot line worker to police, prosecutors, judges, counselors, health care workers and others, needs to work together and have the same primary goal - **safety for the victim and accountability for the batterer.**

A recent Trenton Times article by Irwin S. Stoolmacher states, "There is clearly a growing consensus among both policy wonks and practitioners that our nation's most intractable problems require solutions that transcend sectors. 'Alone, no one sector -- government, business, or social -- can meet the needs of family, children, and community,' indicates Frances Hesselbein, president and CEO of the Peter F. Drucker Foundation for Nonprofit Management. Nevertheless, you can count the number of successful cross-sector partnerships on the fingers of one hand. Peter Drucker points out that in collaborative relationships 'no one controls and no one commands. These relationships have to be based on a common understanding of objectives, policies and strategies; on teamwork; on persuasion -- or they do not work at all.'" This kind of cross sector collaboration has been a hallmark for New Jersey in the past. Let me give you an example.

The Division of Youth and Family Services began supporting domestic violence services in 1977 when limited funding was provided to several existing grass roots

programs. In 1979, the Shelters for Victims of Domestic Violence Act , N.J.S.A. 30:14-1 to 30:14-14, established legal responsibility for program development. The act required the commissioner of Human Services to establish shelter standards, periodically appraise program performance, provide technical assistance to shelters, and obtain federal and state funds to support operations. DYFS was made the administrative agency for these functions by the commissioner.

In 1983, the DYFS Director met with representatives of the NJ Coalition for Battered Women and made a commitment to joint planning as a new approach to service delivery and resource allocation. This commitment reflected DYFS objectives of strengthening the capacity of local communities to respond to social problems. It also led to the first statewide forum between service providers and state agencies. The results of the forum, became the basis of Domestic Violence: Protection, Support, Prevention - A Plan for Policy and Program Development. Commonly referred to as Domestic Violence Core Services, the plan has been used for long term planning and as the basis for allocation of new resources ever since. Unfortunately, current practice in other departments seems to make this approach more the exception than the rule.

In recent years new federal and state funds have become available for domestic violence initiatives and services for victims of crime. While these funds are not exclusively for domestic violence, governing legislation and regulations mandate certain percentages for domestic violence and/or sexual assault services. The funds are from the NJ Victim Witness Advocacy Fund, the federal Victims of Crime Act (VOCA), and the federal Violence Against Women Act (VAWA). They are administered by the Division of Criminal Justice, which has neither the legal responsibility nor the history of joint planning with service providers. The competitive grant process established for these funds hinders the development of ongoing services. New, one time projects are also difficult because of the timing of grant announcements and awards. For instance, programs received a grant announcement in April. The funding came from the Victim Witness Advocacy Fund (grant period 7/96 to 6/97) and VOCA (grant period 10/96 to 10/97). The grant application was due in 5/97, one month or four months before the end of the grant period. The funding was received after the end of the grant period, or two months prior to the end of the grant period. It is impossible to plan victim services with such back loaded funding.

In addition, information about the use of funds is not always available. When a significant drop in Victim Witness Advocacy funds for domestic violence and sexual assault programs occurred in 1994, the Governor appointed a cabinet level task force to investigate. A report was expected by January 1995. To date, no report has been issued. The 1995 VAWA Plan for NJ called for a sexual assault project which has yet to begin. The state is now asking the federal government for a second extension of the grant. No plan for the 1997 VAWA funds has been announced, and the first quarter of the grant year is almost over. The VAWA funding requires the state to collaborate with victim service providers in developing the state plan. While an advisory committee was appointed and met several times to discuss the '97 plan, the final decision will be made by the Attorney General. The advisory committee does not even know what we advised. The VAWA funding is intended to expand the community response to victims of domestic violence and sexual assault from police, prosecutors, and victim service agencies. It may not be used to supplant state funding. The majority of '95 and '96

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funds have remained with the state. These funding problems could jeopardize future federal grants. The VAWA grants have been increased again for 1998.

The NJ Prevention of Domestic Violence Act (PDVA) mandates the Division of Criminal Justice to develop police training on domestic violence. I do not believe this includes the state police. They presented a proposal to the VAWA Advisory Committee requesting over 8 million dollars for projects that they say are related to domestic violence and sexual assault. The available funding is only about 3 million. They received a '96 VAWA grant for training specialized domestic violence officers. They were to coordinate this with the Division of Criminal Justice. We recently learned that they will be receiving advanced training on domestic violence from UMDNJ. It is to cover why the victim does not leave. This in no way coincides with the advanced training developed for police by the Division of Criminal Justice, nor did they know about it. It appears that the trainer from the Coalition was listed among the presenters, but only found out about it two days ago. Yesterday was the first time she had any discussions with UMDNJ about the program. The training begins next week. None of this represents a coordinated community response or collaboration.

Our other area of concern is judicial training and implementation of the excellent court procedures manual on domestic violence. Again the PDVA mandates judicial training, and I believe that new judge training includes two hours on domestic violence. However, what a judge learns or absorbs can't be legislated nor can they be forced to read the law or the Procedures Manual. We recently heard about a new judge, on the bench for two months, who refused to grant a final restraining order because the victim did not tell her mother about the abuse. He reasoned that since she talked to her mother every day on the phone, they were very close. If she did not tell her about the abuse, it did not happen. There is nothing in the PDVA that requires victims to tell their mothers they are being abused.

I am taking a great risk in bringing these issues to this committee. Our experience has been that asking questions about policies and procedures can bring a backlash against clients in court or loss of funding for programs. My purpose is not to point fingers or make accusations. The Coalition is always willing to work together to find solutions. I believe that is no where more evident than in the work we have done over the past year with the Department of Human Services and the Division of Family Development on Work First NJ. Have we always agreed? No. Have we left every meeting happy with the outcomes? No. Have we been able to compromise and find solutions? Absolutely. Getting back to Peter Drucker, this is because true collaboration is based on a common understanding of objectives, policies and strategies; on teamwork. None of us working alone will eliminate domestic violence. Together we will only succeed when we all agree that **our objective for every policy and procedure is first and foremost safety for the victim and accountability for batterers.**

December 5, 1997
TESTIMONY OF THE DIVISION ON WOMEN
Assembly Task Force on Domestic Violence

Thank you, Assemblywoman Heck, for the opportunity to appear before you and the other members of the Assembly Task Force on Domestic Violence. I am Barbara Horl, Deputy Director of the Division, and I bring greetings from Linda Bowker, who is attending a meeting on workplace efficiency, and regretfully cannot be present this morning. Carol Vasile, Supervisor of the Office of the Prevention of Violence Against Women(OPVAW) is here with me. The Division on Women exists to help women realize their potential and abilities so that they may fully participate in their own lives, the lives of their families and their communities. We do this in a variety of ways through the New Jersey State Advisory Commission on the Status of Women, through employment and training programs for women, outreach to many women's constituencies around the state and through the Office of the Prevention of Violence Against Women, our policy development arm, which implements strategies to prevent violence against women and to explore violence prevention initiatives. Many of you have been extremely sensitive to the issues of violence in your careers. We acknowledge the importance of your work and recognize the work of past legislatures in helping craft laws which make New Jersey one of the toughest states in the Union on domestic violence. We remain hopeful, though, that collectively, we can no doubt do better. This is why hearings like this are so important. The journey to safety for all domestic violence victims will be accomplished through the vigilance of those who find any domestic violence, which often is violence against women, intolerable.

OPVAW recognizes its mission and seeks to carry it out through a variety of initiatives. Education is one of OPVAW's chief activities. We publish a wide variety of educational literature and distribute around 20,000 pieces per month to the general public. We are working hard to get the message out, because we believe strongly that education is critical in the struggle to end domestic violence. During the month of October we facilitated the distribution of an educational piece to 85,000 state employees on what to say to colleagues, friends or family members who might be experiencing domestic violence. In addition to distributing literature, the Office educates through public speaking and training in collaboration with governmental and non-governmental agencies. For example, the Office collaborated with the

Coalition for Battered Women and others to provide an initial training on domestic violence for State Parole Board members and hearing officers. This type of collaboration offers the best product because it brings important perspectives together in an educational initiative. We know that the many experts here will discuss specific ideas and priorities regarding domestic violence, and know that their common wisdom will produce paths for this committee to explore. For this reason, we chose to focus our recommendation to another important area - education. We recognize that it is only part of the answer to ending domestic violence, yet we believe that education is critical. We recommend that appropriate resources be identified and aimed at public education, awareness and training at all levels and in every community.

