

# NOTICE

THE NEWSLETTER OF THE NATIONAL CENTER ON DOMESTIC AND SEXUAL VIOLENCE

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## Supreme Court to Decide if Police Must Safeguard Due Process in the Enforcement of Protective Orders

On March 22, 2005, the U.S. Supreme Court heard oral arguments in *Gonzales v. Town of Castle Rock, Colorado*, to determine if law enforcement officials violated the constitutional rights of a victim of domestic violence when her protective order was not enforced and procedures were not in place to ensure the safety of her family.

The case was brought by Jessica Gonzales, whose three daughters were murdered by

their father after Castle Rock police refused to enforce the court-issued protective order against him.

The National Network to End Domestic Violence (NNEDV) and its member state domestic violence coalitions, including the National Center, submitted an amicus brief asking the Court to recognize the constitutional rights of Ms. Gonzales and affirm the Court of Appeal's ruling in her favor.

"The loss of Ms. Gonzales's

children at the hands of their father is senseless and could have been prevented," said Lynn Rosenthal, Executive Director of NNEDV. "Police officers are responsible for protecting our communities. The police need to have some procedural safeguards in place when they deny a request to enforce an order."

Twenty-five to 31 percent of American women report being physically or sexually abused by a husband or boy-

friend at some point in their lives,<sup>1,2</sup> and from 3 million to 10 million children witness that abuse each year.<sup>3</sup> Because domestic violence tends to increase when a victim makes attempts to separate from an abuser, protective orders — commonly referred to as restraining orders — offer abused women a chance to live a life without abuse. Studies show that the majority of victims who seek protective orders complain of serious abuse: physical assaults,

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## Fort Campbell Community Collaboration Project Starts Strong



Greg Williamson/photo courtesy of The Leaf-Chronicle, Clarksville, TN.

Debby Tucker, left, visits with Staff Judge Advocate Col. Richard Whitaker and Clarksville Mayor Don Trotter during the CCR Demonstration Project Kickoff Luncheon at Fort Campbell on January 25.

Leaders from the military, law enforcement, the justice system and victim advocacy groups gathered in January to launch the groundbreaking Military/Civilian

Coordinated Community Response Demonstration Project. The Army's Fort Campbell and surrounding communities of Clarksville, TN, and Hopkinsville, KY, are collaborating to create guidelines to coordinate the response of civilian and military agencies in domestic violence cases involving military personnel.

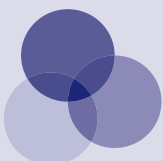
The National Center's Executive Director, Debby Tucker, is working closely with local project leaders: Helen Kinton, Director, Sanctuary; Patricia Mock, Managing Attorney, Legal Aid Society of Middle Tennessee and the Cumberland; and Louie Sumner, Fort Campbell Family Advocacy Program Director.

Fort Campbell Installation Commander Major General Thomas R. Turner

hosted the kickoff luncheon, which included welcoming remarks from Colonel Dave Martino, Chief of Staff for the 101st Airborne Division (Air Assault) and Fort Campbell.

Since 70 percent of Fort Campbell's soldiers live off post, surrounding community agencies such as law enforcement, county courts and victim advocacy agencies need to work with the military to increase access to services and enhance safety for victims and to hold offenders accountable.

The Battered Women's Justice Project of Minneapolis, MN, is subcontracting with the National Center to assist in implementing this project, which is funded by the Office on Violence Against Women and the U.S. Department of Defense.



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The National Center on Domestic and Sexual Violence designs, provides, and customizes training and consultation; influences policy; promotes collaboration; and enhances diversity with the goal of ending domestic and sexual violence.

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## 911 Dispatcher Training: Domestic Violence Calls

The National Sheriffs' Association (NSA) and the National Center on Domestic and Sexual Violence are conducting an innovative domestic violence training for emergency dispatchers and call takers. The next class is scheduled for **May 11-12, in Arcadia, WI**. The goal is to train rural dispatchers to respond properly to domestic violence calls. More information is available at: [www.ncdsv.org/ncd\\_ongoingtrain\\_dvtep.html](http://www.ncdsv.org/ncd_ongoingtrain_dvtep.html).

NSA's Christine Galbraith commented recently, "NSA, the Office on Violence Against Women, and the National Center recognized that call takers often don't receive training opportunities even though they're frequently the first responders to domestic violence incidents. We developed the tuition-free *Domestic Violence Training for Rural Communications Professionals (Dispatchers/Call Takers)*," Galbraith continued, "to provide call takers with information and tips to better assist domestic violence victims and responding law enforcement. This program has been well-received, and many agencies continue to request the delivery of the training in their regions."

Indeed, recent participants raved about the training, commenting, "This class was phenomenal. All information discussed and explained was informative and very much needed. ... The materials given in class will be copied and given to all ... dispatchers for their benefit and immediate use. [We] immediately came back to work wanting to apply our new knowledge."

This curriculum was originally developed in 2003, and four pilot trainings were conducted. Based on pilot evaluations, the curriculum was revised and revamped earlier this year. This project is funded by the Office on Violence Against Women, U.S. Department of Justice.

### Additional Law Enforcement Trainings

With our partners, the National Center offers three other law enforcement trainings: *Rural Law Enforcement Training - Domestic Violence: Intervention and Investigation* with NSA; and the *Rural Sexual Assault Management Conference and Rural Sexual Assault Investigators Conference* with the National Center for Rural Law Enforcement. All are funded by the Office on Violence Against Women, U.S. Department of Justice. For full information and a schedule, visit: [www.ncdsv.org/ncd\\_ongoingtrain.html](http://www.ncdsv.org/ncd_ongoingtrain.html).



# Altria

**Altria Group, Inc., recently made a generous contribution to support the National Center's website, [www.ncdsv.org](http://www.ncdsv.org). Thank you, Altria!**

The city of New York settled the class action lawsuit, *Nicholson v. Scoppetta*, in December 2004, ending years of litigation that challenged the alleged practice of the City's Administration for Children's Services (ACS) of removing children from victims of domestic violence on the sole basis that the children were exposed to such violence.<sup>1</sup> This settlement follows closely on the heels of the recent ruling by the United States Court of Appeals for the Second Circuit (Court of Appeals) in which the Court of Appeals stated that the sole allegation that a child witnessed domestic violence against his or her parent is not sufficient to support a finding of neglect requiring removal, except in rare circumstances.<sup>2</sup>

The case came before the Court of Appeals as a result of a federal civil rights class action lawsuit filed on behalf of battered women and their children against ACS, the City and State of New York (city and state), and various city departments.<sup>3</sup> The lawsuit alleged that the ACS's practice and policy of removing children from battered mothers "because, as victims, they engaged in domestic violence"<sup>4</sup> violated the constitutional rights of both mothers and children to: preserve their family integrity; retain care, custody, and control of their children; and not be forcibly separated from their children unless found unfit. The suit alleged that ACS was holding battered women responsible for abuse committed by other individuals because it was "administratively easier to punish the mother by separating her from her children."<sup>5</sup> On March 18, 2002, an injunction against ACS was granted ordering that all such policies and practices cease immediately.<sup>6</sup>

Because the lower court believed that some of the constitutional questions raised in the class action lawsuit could not be decided without guidance as to certain

**"While this case is specific to New York law, it is the first class action lawsuit in the country to challenge a state agency's policy of treating children's exposure, without more, as a form of neglect warranting removal. This case will provide guidance and instruction for states across the country experiencing similar issues."**

unresolved issues in New York's child protection laws, it requested that the Court of Appeals respond to three certified questions. Specifically, the Court of Appeals was asked to determine:

- whether the sole allegation that a child witnessed domestic violence against his or her parent is a form of neglect;
- whether emotional injury from witnessing domestic violence can rise to a level of "imminent danger" or "risk" to a child's life or health requiring removal; and
- whether a child's witnessing domestic violence is sufficient to demonstrate that removal is necessary or is in the child's best interest, or whether the child protection agency must offer additional, particularized evidence to justify removal.<sup>7</sup>

In answering these questions, the Court of Appeals found that "there can be no blanket presumption favoring removal when a child witnesses domestic violence."<sup>8</sup> The Court placed the burden back on the trial court requiring judges to do more than find that a risk of serious harm to a child exists from exposure to domestic violence. It directed courts to pay particular attention to whether risks can be eradicated through means other than removal, such as by issuing a temporary protection order or providing services to the victim, and to balance the risk of harm to the child against the harm removal may cause.<sup>9</sup>

However, the Court clarified that in rare circumstances a child witnessing domestic violence against his or her parent, without more, may be a form of neglect. In discussing removal in these rare circumstances, the Court stated that a battered mother can be charged with neglect not because she is a victim or because her children witnessed abuse against her, but rather because the evidence establishes that the children were actually or imminently harmed because she failed to exercise even minimal care in overseeing her children.<sup>10</sup>

The Court of Appeals articulated a "minimum degree of care" standard that looks at how a reasonable and prudent mother who is a victim of domestic violence would act, or not act, under similar circumstances.<sup>11</sup> The

## CLASS ACTION LAWSUIT SUCCESSFULLY CHALLENGES STATE AGENCY POLICIES

significance of this lies in the fact that it instructs courts to take into account and to examine the victim's action in light of the domestic violence she is experiencing or has experienced.

Courts must consider risks to the victim and her children associated with:

- separating from her batterer;
- staying and suffering continued abuse;
- seeking assistance through the criminal, civil and social systems; and
- relocating.<sup>12</sup>

In addition, to examining the above risks, the Court of Appeals specifically instructed judges to consider the severity and frequency of the violence and the resources and options available to the victim and her children.<sup>13</sup> In determining that only in rare circumstances is exposure to domestic violence neglect, the Court consistently emphasized throughout its opinion that removal determinations must be fact-specific and made on a case-by-case basis.<sup>14</sup> Importantly, the Court recognized a "reasonable, prudent mother who is a victim of domestic violence" standard.

To ensure that ACS complies with the *Nicholson* decision, ACS, as part of the settlement agreement, is required to establish a dispute resolution procedure for disputes concerning the application of the principles of the law set forth in the Stipulation & Order of Settlement.<sup>15</sup> Pending ACS' compliance with the decision, the plaintiffs' request for permanent injunction was suspended until September 1, 2005.

While this case is specific to New York law, it is the first class action lawsuit in the country to challenge a state agency's policy of treating children's exposure, without more, as a form of neglect warranting removal. This case will provide guidance and instruction for states across the country experiencing similar issues.

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**Sources referenced are on page 7.**

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The Violence Against Women Act (VAWA) is up for reauthorization this year. As reported in the Fall 2004 issue of this newsletter, VAWA's passage in 1994 and its reauthorization in 2000 dramatically changed the landscape for victims who previously suffered in silence with limited assistance. Under the leadership of Senator Joseph Biden (D-DE), VAWA has been remarkably effective in moving society in the direction needed to end domestic violence, sexual assault, dating violence and stalking. Reauthorization and expansion of VAWA are the next vital legal steps. Like its predecessors, the 2005 reauthorization has the potential to vastly improve the services and funds available to help victims.

Service providers, advocates and law enforcement officials are mobilizing to make improvements to VAWA a Congressional

priority. The 2005 reauthorization has the chance to improve upon its predecessors by taking a more holistic approach. In addition to continuing VAWA's focus on legal and criminal justice system remedies, proposals from advocates seek to build upon that core by implementing ten years' worth of lessons learned. Specifically, advocates are recommending to



Congress that the proposed legislation take the approach that a survivor's problems are not just legal or criminal in nature — and a complete solution must not be confined to those areas either. Rather, it must include measures designed to help survivors become self-sufficient in other areas of life, including housing, health care and the workplace.

"Past legislation has effectively concentrated on funding shelters, hotlines, rape crisis centers and legal initiatives, but it is now time to reposition and become more big-picture oriented," says Roberta Valente, Policy Consultant, National Network to End Domestic Violence. "By becoming socially and culturally

# VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION 2005

responsive, we can work on prevention and eradication in a way we didn't think we could ten years ago."

In recognition of this larger need, advocates are urging a comprehensive approach to solving the problems of domestic violence, dating violence, sexual assault and stalking. "We must ensure that the laws and programs are developed to meet the multiple needs of survivors, paying particular attention to the specialized needs of Native women, as well as disabled women and girls and ethnic, racial and immigrant communities," says Valente.

BY LYNN ROSENTHAL AND LISALYN JACOBS

Recommendations for VAWA 2005 also focus on prevention, with new programs to assist children and teens who have experienced domestic violence and sexual assault. These programs will draw in new partners, including the health care system, schools and community-based programs.

Some of the key proposals for VAWA 2005 include enhancements to Services, Training, Officers, Prosecutors (STOP) Grants, full faith and credit provisions, enhanced services for military victims of domestic and sexual violence and sexual assault services. [See listing on page 8 of the proposed recommendations for the 2005 reauthorization.]

## STOP GRANTS

STOP Grants, initially enacted in the 1994 legislation, were designed to improve interactions among victims' services, victims, law enforcement, prosecutors and the courts. Recognizing that victims often find themselves trapped in a system with no clear route between the separate components, Congress provided a means to make victims safer and supported more cooperatively by their communities. One service provider explained, "STOP Grants are the best place to start helping victims. By providing simpler, smoother transitions between service providers, the system ensures we're making things easier, not harder for victims."

While STOP Grants have been enormously successful, advocates, service providers, and law enforcement officials believe there are several areas where improvement is necessary:

1. Expanding authorization to \$225 million per year to support the grants;
2. Emergency and long-term victims' services programs;
3. Adding new definitions for key crimes and practices for VAWA grant programs to ensure that services are delivered consistently and comprehensively address the wide range of problems that victims of domestic violence and their children face; and
4. Requiring the U.S. Department of Justice and its grantees to develop improved mechanisms for providing linguistically accessible and culturally specific services.

Advocates, service providers and law enforcement officials also agree that a key component to greater success is a requirement that racial, ethnic, immigrant and other underserved communities have a stronger role in the development of programs affecting them and that states must ensure

these groups are receiving equitable distributions of funding.

## FULL FAITH AND CREDIT

Protection orders, often a necessary initial component in the rebuilding of a survivor's life, were of limited use before VAWA. A victim was often protected only within the jurisdiction where the order was originally issued, turning any travel outside that jurisdiction into a dangerous act. As a result, victims were effectively limited in their travel, whether it was a visit to parents or even working in an adjoining state.

VAWA's full faith and credit provision remedies this problem. It granted any protection order issued by a state, territory or Indian tribe, and meeting the conditions set forth in the code, full faith and credit by the court of another state, territory or Indian tribe. Survivors can now cross jurisdictional lines for work, travel or relocation and know they are protected by law enforcement officials in the new jurisdiction.

VAWA 2005 recommendations offer several significant improvements to the full faith and credit provision:

1. New language clarifying enforcement responsibilities for courts and law enforcement, ensuring that custody and visitation provisions within protection orders will be enforced along with antiviolence and stay-away provisions of protection orders.
2. Electronic and facsimile versions of protection orders enforceable across state lines.
3. The definition of protection orders would expand to include any injunction issued for the purpose of protecting a person from domestic violence, dating violence, sexual assault or stalking.

## ENHANCED SERVICES FOR MILITARY VICTIMS

The 2005 recommendations for VAWA reauthorization include provisions relating to the military (victims serving in the military as well as those victimized by military service members). In this proposal, Congress would establish a commission of military leaders and civilian experts to oversee implementation of recommendations from past and present U.S. Department of Defense (DOD) task forces on domestic

violence and sexual assault, specifically those recommendations addressing the availability of confidential services for victims. The commission would facilitate collaboration between civilian authorities and military installations, as well as between DOD and other federal agencies.

Advocates believe that Congress should build on its past efforts by providing for research and the publication of information relating to the accessibility and efficacy of batterer intervention programs targeting military offenders. Along these lines, included in the 2005 reauthorization proposal are provisions for public education and prevention campaigns, development of contractual relationships with various support hotlines, availability of sexual assault nurse examiners and implementation of the Victim Advocacy Program.

## SEXUAL ASSAULT SERVICES ACT

The Sexual Assault Services Act (SASA) was developed in recognition of the vital role of rape crisis centers. Many factors influence an individual's response to and recovery from sexual assault, including the social support network available. VAWA advocates and service providers believe that despite the tremendous progress these centers have made in meeting victims' needs, their ability to help has historically been hampered by a significant lack of resources. There has never been a federal funding stream dedicated entirely to the provision of direct services for victims of sexual violence, and shortage of state-level funding caused by budget cuts in the recent years has exacerbated the problem.

Many centers have been forced to reduce staff size, have administrative staff assume direct-service duties, have staff work longer hours and cut both the frequency of counseling sessions and hours of hotline operation — among the most crucial services the centers provide. This lack of resources has been particularly damaging to underserved populations, in which victims experience sexual assault at very high rates.

Even more troublesome is that many communities still have no accessible rape crisis services at all. The lack of accessible rape crisis centers is a particular problem given that one in six women and one in 33 men in the U.S. have experienced an attempted or completed rape as either a child or an adult.

The proposed SASA will create desperately needed funding for direct services to sexual assault victims, as well as provide resources for state sexual assault coalitions. SASA would also award grants to assist tribes and states in their effort to provide services to adult and minor sexual assault victims and

their family and household members. The grants could be used for general intervention and advocacy and could provide training and technical assistance relating to sexual assault. In line with other initiatives, SASA would authorize grants for nonprofit organizations that

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provide culturally specific intervention and assistance for victims of sexual assault.

Marybeth Carter, President, National Alliance to End Sexual Violence, comments, "Passage of the proposed SASA portion is critically important to all sexual assault victims and their families. Without this dedicated federal funding stream, victims and their families — including tribal communities, communities of color and other underserved populations — will have little or no access to the help that they desperately need and deserve."

— continued on page 6

In the coming weeks, the VAWA 2005 reauthorization is expected to be introduced in Congress. The National Task Force to End Sexual and Domestic Violence Against Women is a diverse, national coalition of more than 70 agencies committed to passing the reauthorization.

Washington, D.C.'s Legal Momentum is coordinating the Task Force, which plans to work diligently in support of VAWA 2005. The National Center on Domestic and Sexual Violence is proud to be a Task Force member.

LYNN ROSENTHAL is the Executive Director of the National Network to End Domestic Violence (NNEDV), in Washington, D.C. LISALYN JACOBS is the Vice President of Government Relations for Legal Momentum (formerly NOW Legal Defense and Education Fund), in Washington, D.C. Both NNEDV and Legal Momentum were instrumental in the writing and passage of VAWA 1994 and 2000 and in writing the proposals for the VAWA 2005 reauthorization.

## Employer Fails to Heed Protective Order, Resulting in Kidnapping, Rape and \$2.25 Million in Favor of Domestic Violence Victim

In February, a federal jury awarded a \$2.25 million verdict to a Maryland security guard. The security guard was terrorized at her workplace by her shotgun-wielding former boyfriend after her supervisor violated a court-issued protective order and intentionally assigned her to a location where the assailant would have access to her. The National Crime Victim Bar Association (NCVBA) says this case underscores the need for employers to develop and strictly adhere to policies related to employees who obtain domestic violence protective orders.

The verdict, posted in federal district court in Greenbelt, MD, awarded \$2 million in compensatory damages and \$250,000 in punitive damages to Dominique Gantt against her former employer, Security USA, Inc. Legal issues of liability in this case were argued before the U.S. Court of Appeals for the Fourth Circuit and the Supreme Court of the United States before presentation to a jury.

Gantt's attorney, Dawn V. Martin, sees the verdict as a victory not only for her client, but for all victims of domestic violence. According to Martin, "Every battered woman trying to escape domestic violence must protect herself, not just at home, but also in her workplace. If employers ignore protective orders and batterers have access to these women at their place of employment, they will be unable to protect themselves from injury or even death."

Jeff Dion, Deputy Director of the NCVBA, says it is common for stalkers and batterers to show up at the workplaces of their victims and commit acts of violence. "Employers have been held liable in tort for failing to protect employees from acts of domestic violence that occur on their premises; particularly when they're on notice of the threat," said Dion.

"The increased liability exposure represented by this case is just one more expense that employers will bear if they fail to acknowledge the impact that domestic violence can have on their bottom line," said Dion.

A case summary and news accounts are available at [www.ncdsv.org/publications\\_protectorders.html](http://www.ncdsv.org/publications_protectorders.html).

## "Supreme Court to Decide," continued from page 1

threats to kill or harm her or attempts or threats to take the children.<sup>4</sup> Protective orders can be a valuable tool for safeguarding victims from further violence as they make attempts to flee. However, one study in Massachusetts showed that only six percent of protective-order defendants were convicted of violating the order.<sup>5</sup>

"Protective orders are not merely a piece of paper," said Fernando Laguarda, a member of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo and chairman of NNEDV. "They are life-saving tools. Law enforcement officials should have policies in place for dealing with victims when protective orders are violated to ensure battered women who are in danger receive due process."

The Court ruling is expected this summer.

The case, the amicus brief and several news accounts are available at [www.ncdsv.org/publications\\_protectorders.html](http://www.ncdsv.org/publications_protectorders.html).

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3. Carlson, Bonnie E. (1984), "Children's observations of interpersonal violence," pp. 147-167 in A.R. Roberts (Ed.), "Battered women and their families." NY: Springer. Straus, M.A. (1992), "Children as witnesses to marital violence: A risk factor for lifelong problems among a nationally representative sample of American men and women," Report of the Twenty-Third Ross Roundtable, Columbus, OH: Ross Laboratories.
4. Buzawa & Buzawa (1996), "Domestic Violence: The Criminal Justice Response," 2nd ed., p. 201.
5. Adams & Powell, "Tragedies of Domestic Violence: A Qualitative Analysis of Civil Restraining Orders in Massachusetts," Office of the Commissioner of Probation, Massachusetts Trial Court, p. 17 (1995).

## "VAWA 2005 Reauthorization," continued from previous page

### OTHER AREAS OF INTEREST

Proposals for VAWA 2005 also aim to enhance victim services through public information campaigns designed to reach immigrant, racial and ethnic communities. Such campaigns would require the active participation of members of the targeted communities in the campaign development.

These recommendations, championed by Representative Hilda Solis (D-32-CA), seek to increase awareness about services available to victims and to bring information to communities in a culturally appropriate manner.

Enhancement is also critical for the provisions aimed at victims with disabilities. Victims with disabilities typically seek assistance through disability service providers. The proposed change would strengthen collaboration between disability service providers and domestic violence and sexual assault programs. The model would provide funding for domestic violence and sexual assault advocates within disability programs, so that victims with disabilities would have more immediate access to the services they need. In addition, these groups would be able to work together to improve domestic violence and sexual assault programs' compliance with the Americans with Disabilities Act.

Finally, Native women's groups have done a tremendous job at educating

the movement to end violence against women about the unique barriers facing service development and intervention for crimes against Indian women.

Improvements to the existing tribal programs would bring additional resources and increased authority to Indian nations to help reduce the inordinately high rates of domestic violence and sexual assault perpetrated upon Indian women.

### IN CONCLUSION

The effectiveness of VAWA is evident in the progress that continues to be made. We increasingly see local, state and national laws changing and responding to victims' needs, and victims coming forward in ever-increasing numbers. The VAWA 2005 reauthorization is critical if we are to progress toward a society in which domestic violence, sexual assault, dating violence and stalking are eradicated. We have come far, but we still have a long way to go.

For more information about the VAWA 2005 reauthorization, visit [www.vawa2005.org](http://www.vawa2005.org).

Please note that the programs described in this article are proposals under consideration for inclusion in the VAWA 2005 reauthorization bill. As the bill has not been finalized, we cannot be certain that the proposals will be included as described.

## Gail Parr

### Twenty-year veteran of family law

Gail Parr is the founding treasurer of the National Center's Board and a family law attorney in private practice in Austin, TX. After law school, the Texas native's first job was at the Texas Department of Corrections (now the Texas Department of Criminal Justice), representing inmates. The work cemented Parr's feminist identity; she remembers it as an "anti-female, anti-feminist environment." Parr was even a plaintiff in a sex-discrimination suit against the Department.



In 1985, Parr took a job as Staff Attorney for the Family Violence Project, a joint project of the Austin Center for Battered Women (now SafePlace) and Legal Aid Society of Central Texas. She recalls, "I knew this was the perfect job for me and I convinced the interviewers of it, too! I put everything together — criminal law, civil law and my degree in social work." Parr worked at the Family Violence Project for over six years to resolve communication issues between advocates and lawyers, and, she remembers, "I was hooked!"

Parr went on to be the Assistant Director for Public Policy for the Texas Council

on Family Violence from 1991–1993, and she served as their Board treasurer for many years as well. In 1995, she began her private-sector legal work.

Twenty years after getting her start in anti-violence work, what keeps her going? It's still a perfect combination of my interests; it is the perfect merging. [Later], I realized I didn't need to use my social work skills, because I didn't have any because I was a lawyer! But being aware of those issues helped. I was also a growing feminist, and this work fit into empowerment of women, too — helping women through the legal system and helping families — I couldn't imagine anything better."

In her practice, Parr handles family law cases and some of her clients are victims of family violence, but not all. She is continually intrigued by the way in which lawyers can have a positive impact on family dynamics. "Lawyers can influence the judge," Parr notes, "but we can also affect how a family comes through the process. We have to be conscious of our obligation to not make things worse! These are not corporations, but [rather], people whose lives are entwined with children, usually forever. Do no more harm than is necessary to represent your client's interests, and that is a fine line."

For more information on Parr, visit [www.ncdsv.org](http://www.ncdsv.org). Click on About NCDSV, and then on Board of Directors.

## "Class Action Lawsuit," continued from page 3

1. Leslie Kaufman, "City Settles Suit over Separating Abused Mothers from Children," *New York Times*, Dec. 18, 2004, at 1B.
2. *Nicholson v. Scoppetta*, No. 113 slip op. 07617 (2nd Cir. Oct. 26, 2004).
3. *Nicholson v. Williams*, 2003 F. Supp.2d 153, (E.D.N.Y. 2002).
4. *Nicholson*, note 2.
5. *Nicholson*, note 3, at 209.
6. *Id.*
7. *Nicholson*, note 2.
8. *Id.* At 23, 29 (In reaching this determination, the Court of Appeals reviewed the legislative intent of the New York statute that ACS relied upon to re-

- move children from battered mothers and concluded it was never intended to create a presumption of removal based upon exposure to domestic violence.)
9. *Nicholson v. Scoppetta*, No. 113 slip op. 07617 (2nd Cir. Oct. 26, 2004).
10. *Nicholson v. Williams*, 2003 F. Supp.2d 153, (E. D. N. Y. 2002).
11. *Nicholson*, note 2.
12. *Nicholson*, note 3, at 209.
13. *Id.*
14. *Nicholson*, note 2.
15. *Nicholson v. Williams*, 00 CV 2229 (JBW) (CLP) (Dec. 17, 2004).

## LIBRARY CORNER

By Nancy Flanakin,  
National Center Librarian

### Upholding Battered Mothers' Rights in Child Protection Actions

*Nicholson v. Williams* (federal district court decision): <http://news.findlaw.com/hdocs/docs/nyc/nchlsnwillms030102drft.pdf>

*Nicholson v. Scoppetta* (state court decision): [www.nycourts.gov/courts/appeals/decisions/oct04/113opn04.pdf](http://www.nycourts.gov/courts/appeals/decisions/oct04/113opn04.pdf)

### Communities Addressing Child Protection Issues in Domestic Violence Situations

"Accountability and Connection with Abusive Men: A New Child Protection Response to Increasing Family Safety," by Fernando Mederos with the Massachusetts Department of Social Services Domestic Violence Unit <http://endabuse.org/programs/children/files/AccountabilityConnection.pdf>

"Family Team Conferences in Domestic Violence Cases: Guidelines for Practice," by Lucy Salcido Carter and Family Violence Prevention Fund, et al. [http://endabuse.org/programs/children/files/ftm\\_rev02.pdf](http://endabuse.org/programs/children/files/ftm_rev02.pdf)

Greenbook Initiative  
[www.thegreenbook.info](http://www.thegreenbook.info)

### Jury Verdict for Damages Against Employer

*Gantt v. Security USA* (4th U.S. Circuit Court Decision) <http://pacer.ca4.uscourts.gov/opinion.pdf/031033.P.pdf>

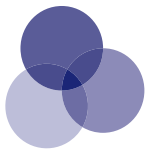
"Workplace Violence: Supreme Court Lets Stand Ruling Finding No Constitutional Breach in Assault of Guard," BNA Daily Labor Report, October 5, 2004 [www.ncdsv.org/images/WorkplaceViolenceSupremeCourtLetsStand.pdf](http://www.ncdsv.org/images/WorkplaceViolenceSupremeCourtLetsStand.pdf)

### What Employers Can Do to Prevent Violence in the Workplace

"Combating Workplace Violence," International Association of Chiefs of Police [www.theiacp.org/documents/pdfs/Publications/combatingworkplaceviolence%2Epdf](http://www.theiacp.org/documents/pdfs/Publications/combatingworkplaceviolence%2Epdf)

Workplace Policies and Programs, Family Violence Prevention Fund <http://endabuse.org/programs/display.php3?DocID=75>

For more resources, visit [www.ncdsv.org](http://www.ncdsv.org). Click on Resources, then on Publications and then on Child Protection/Welfare and Workplace Issues.



# NATIONAL CENTER

## on Domestic and Sexual Violence

training • consulting • advocacy

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### IF YOU ARE IN DANGER

#### National Domestic Violence Hotline

800.799.SAFE | [www.ndvh.org](http://www.ndvh.org)

#### National Sexual Assault Hotline

800.656.HOPE | [www.rainn.org](http://www.rainn.org)

## Register Now for Expert Witness Training!

The National Center is presenting a training for expert witnesses in domestic violence cases, **October 6-7, 2005**, in Austin, TX. This 1½-day training is for domestic violence service providers and professionals with advanced degrees who are interested in being considered as expert witnesses in court cases involving domestic violence.

Registration is \$75 and is limited to 50 participants. Cosponsors include the University of Texas at Austin School of Social Work, Institute on Domestic Violence and Sexual Assault; the University of Texas School of Law; SafePlace of Austin; and the Travis County Task Force on Domestic and Sexual Violence. For more information, visit [www.ncdsv.org](http://www.ncdsv.org) or e-mail Vickie Smith at [vsmith@ncdsv.org](mailto:vsmith@ncdsv.org).

This training has been coordinated with the *Fifth Biennial Trapped by Poverty/Trapped by Abuse National Research Conference* (see blurb, far right).

### PROPOSED RECOMMENDATIONS FOR VAWA 2005 REAUTHORIZATION

- Children and Youth
- Crimes and Courts
- Economic Security
- Health Care Response
- Housing
- Immigrant Issues
- Prevention
- Responding to
- Communities of Color
- Services and Outreach
- Services for Military Victims
- Sexual Assault Services
- Tribal Programs



For information about Sexual Assault Awareness Month, visit the National Sexual Violence Resource Center at [www.nsvrc.org](http://www.nsvrc.org).

## Fifth Biennial Trapped by Poverty/Trapped by Abuse National Research Conference

The University of Texas at Austin School of Social Work, Institute on Domestic Violence and Sexual Assault; the University of Michigan School of Social Work; and the DePaul College of Law, Schiller, DuCanto & Fleck Family Law Center will sponsor the *Fifth Biennial Trapped by Poverty/Trapped by Abuse National Research Conference*, **October 7-9, 2005**, in Austin, TX. The conference is for researchers, service providers, advocates, and policy makers to explore the intersection between intimate partner violence and poverty. The National Center is proud to be a cosponsor. For more information, visit [www.utexas.edu/ssw/ceu/trapped](http://www.utexas.edu/ssw/ceu/trapped).